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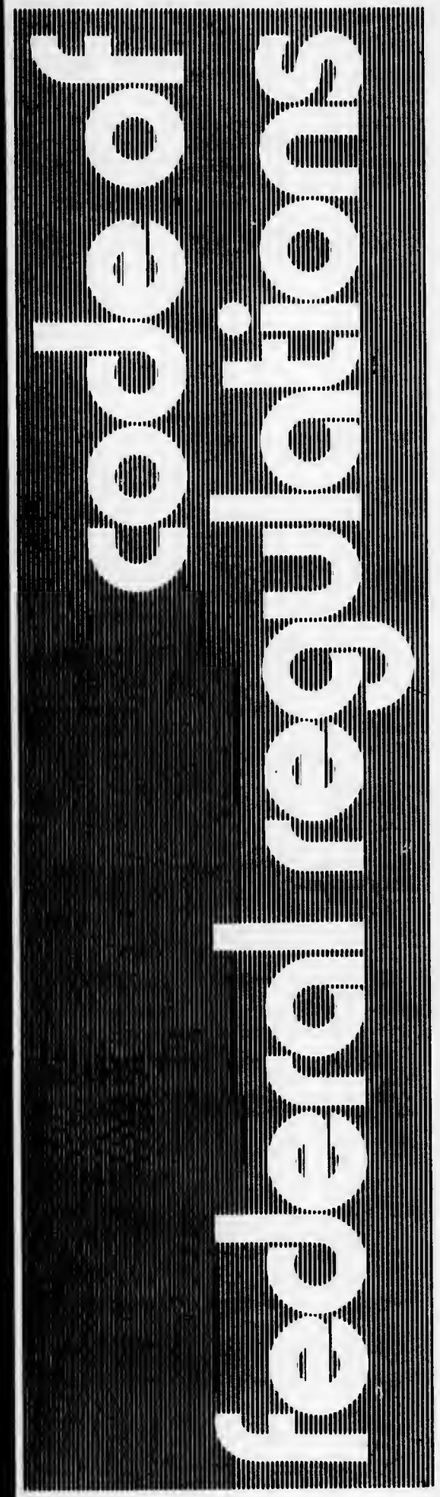

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## WHAT IT IS

The Cumulative List of CFR Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles, except for Title 41, where proposed rules follow each chapter.

## HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this Cumulative List of CFR Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
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3. If you do not have the *latest edition* of the Code of Federal Regulations, use the previous edition, and bring it up to date as follows:

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For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

## GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspended—The entire CFR unit was not in effect for the period of time indicated.
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**Chapter I—Comptroller of the Currency, Department of the Treasury**


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| 4.16 Revised | 7337 |
| 4.17 Revised | 7337 |
| 4.17a Added | 7338 |
| 9.18 (c)(2) revised and redesignated as (c)(2)(i); (c)(2)(ii) added | 18771 |
| 22.3 Revised | 12068 |
| 23 Effective date | 7897 |
| 23.1 (a) revised | 7897, 17135 |
| 23.2 (b), (e)(2), and (h)(2) revised | 6201 |
| (a), (b), and (h)(2) revised | 17135 |
| (e) and (f) redesignated as (f) and (e) and revised | 17135 |
| (k) redesignated as (l); new (k) added | 17135 |
| 23.3 Revised | 6201, 17136 |
| Amended | 7897 |
| 23.4 Removed; new § 23.4 redesignated from 23.5 | 17136 |
| 23.5 Redesignated as 23.4; new § 23.5 redesignated from 23.6 | 17136 |
| 23.6 Redesignated as 23.5 | 17136 |


**Chapter II—Federal Reserve System**


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| 201.51 Revised | 4904, 6769, 12988 |
| 201.52 Revised | 4904, 6769, 12988 |
| 201.53 Revised | 4904, 6769, 12988 |
| 204.5 (a)(1)(iii) and (2)(iii) revised | 3973 |
| (c) revised | 17136 |
| 213.7 Revised | 17136 |
| 213.105 Added | 18412 |
| 217.1 (e)(3) revised | 17832 |
| 217.152 Added | 16831 |
| 217.4 (d) suspended until 4–18–75 | 12251 |
| 225.4 (a) technical correction | 13304 |
| 225.123 (g) revised | 11710 |
| (a) through (g) redesignated as (a), (b), (c), (d), and (e) | 13477 |
| 226.703 Revised | 1681 |
| 250.143 Added | 12252 |
| 261.3 (b) and (d) revised; (f) added | 7620 |
| 261.4 (d) revised; (e), (f) and (g) added | 7621 |
| 261.6 (a) (1) and (4) revised; (d) removed | 7621 |
| 265.1 (b) added | 13477 |
| 265.1a Revised | 1506 |
| 265.2 (a) redesignated as (a)(1); (a)(2)—(12) added | 1506 |
| 270.4 (d) revised | 10661 |
| 271.4 (c) revised; (d), (e), and (f) added | 7897 |
| 271.5 (a) revised | 13204 |
| 271.6 Amended | 7898 |
| (a) revised | 7898 |
| 272.3 (d) and (e) revised | 10661 |


**Chapter III—Federal Deposit Insurance Corporation**


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| 309.1 (a) (3) and (4), (b), and (c)(1) introductory text and (i) revised; (e) amended | 11548 |
| Corrected | 13204 |
| (c)(1)(iv) and (vi) revised | 17004 |
| 329.1 (e)(2) revised | 17137 |
| 329.4 (e) (1) and (2) suspended until 4–18–75 | 11711 |
| 329.7 (b)(1) revised | 17137 |


**Chapter IV—Export-Import Bank of the United States**


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| 404 Revised | 7238 |


**Chapter V—Federal Home Loan Bank Board**


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| 500.3 Revised | 12989 |
| 500.19 Revised | 12989 |
| 500.31 (a) (1) and (3) amended | 12989 |
| 500.32 (b)(9) revised | 12989 |
| 505 Revised | 8066 |
| 522.20 (a) revised | 5532 |
| 522.26 Removed | 5532 |
| 523.10 (g) and (h) amended; (i) added | 8324 |
| (a) and (g)(6) revised | 17245 |


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523.11 (a) revised 8323
524.1 Removed 3973
524.14 Added 17245
525.7 Added 17245
526.6 (i) added 17246
526.7 Revised 18771
526.9 Added 17246
532 Added 17246
541.12 (c) added 15865
543.1 Revised 4118
544.8 (e) added 17984
545.1–1 (h) added 3974
545.1–4 (f)(4) revised 18772
545.3–1 (c)(3) and (6) revised 18772
545.4–1 (a)(2) revised 17004
545.6–1 (a)(5)(i) revised 4417
(a)(2) and (c) revised 15866
545.9–1 (a)(4)(iii) revised 8795
(a)(4) (xi), (xii), and (xiii) revised 11711
(b)(3)(i)(*a*), (*b*) and (*c*), and (c)(2) revised; (b)(3)(i)(*e*) and (c)(4) added 15383
(a)(4)(i)(*c*) and (*d*), and (b)(3)(i)(*d*) revised; (a)(4)(i)(*e*) and (k)(7) added 17005
545.11–1 Added 17246
545.14–4 (c)(2) revised 11548
545.24 Revised 17984
555.8 (e) removed 3974
556.5 (a)(7)(ii)(*a*)(*1*) and (2), and (iii) revised 12483
556.7 Added 17247
561.2 Revised 17984
561.3 Revised 17984
561.24a Added 17984
563.3–1 (d)(4) revised 18773
563.3–2 (d)(3) revised 18773
563.8 Revised 17984
563.8–1 (d) introductory text added 12483
563.8–2 Added 17984
563.9 (f) revised 14738
563.9–1 (b)(2)(iii) added 14739
563.9–3 (c) revised 18411
563.11 (b) revised 14739
563.13 (b)(1) revised; (b)(4) added 17985
563.31 (a) revised 17985
564 Appendix corrected 4646
Appendix amended 10449
571.10 Added 17247
584.2–1 (b)(10) added 11712
(b)(1)(iii) and (iv) revised; (b)(1)(v) added 17005
588 Added 17247

### Chapter VI—Farm Credit Administration

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602.250—602.265 (Subpart B) Revised 7339
602.250 Revised 7339
(a)(8) added 14572
602.265 (d)(1) and (d)(2) corrected 10450
611.1020 Revised 17744
611.1055 Added 17744
611.1150 Added 17744
613.3040 Revised 17744
614.4180 (a) and (b) revised 17745
614.4230 (a) revised 17745
614.4250 Revised 17745
614.4370—614.4430 (Subpart L) Removed 17745
614.4510 (d)(1) revised 17745
615.5120 (a) revised 17745
615.5500 Revised 17746
615.5510 Removed 17746
616.6030 Revised 17746

### Chapter VII—National Credit Union Administration

701.12 Revised 8938
702.3 Revised 8069
708 Revised 10168
720 Added 8538
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745.2—745.9 Amended 3287

### Chapter VIII—Federal Financing Bank

811 Added 5532

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9 4151
11 10602
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206 10322, 11739, 15909
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### Chapter I—Small Business Administration

101.3–1 (e)(2) amended 2419
102 Technical correction 8541
102.3 (k) and (l) added 7898
102.4 (f) added 7898
102.5 (a) and (e) revised 7899
102.6 Revised 7899
104.1 Removed; new 104.1 added 5139
107.3 Revised 1231
107.301 (e)(2) revised 1231
107.504 (b)(3) revised 1231
107.601 (a) and (b) revised 1231
114 Technical correction 10661
114.100 (b) revised 6640
120.1 (c) revised; (d) added 7622
120.2 (b)(3) revised 1682
120.3 (b)(3) revised; (b) (5) and (6) added; (c) removed 7622
120.4 Added 7623
120.5 Added 7624
120.6 Added 7625
120.7 Added 7625
121.3–8 (a)(1) revised 17138
121.3–10 (k) added 8325
121.3–11 Revised 4119
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122.2 (f)(2) amended 7626
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301.34 (b) revised 1029
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301.42 (b)(4) revised 1029
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301.50—301.60 (Subpart D) Revised 12769
302.9 Revised 18544
303.10 (h) removed 6640
304.9 (e) added 2796
305.59 Redesignated as 305.60; new 305.59 added 12483
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308.23 (b) removed; (c) redesignated as (b) 8325
309.7 (a) revised 6476
309.9 (a) revised 13204
311.47 (b) amended 13205
314 Added 6770
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### Chapter IV—Emergency Loan Guarantee Board

402.2 Amended 6201
402.4 (c) revised 6201
402.6 (b) revised 6201

### Chapter V—Regional Action Planning Commissions

570.8 (b) revised; (c) redesignated as (d); new (c) added 8326

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107 11740, 14606
120 15098
121 10486, 12125
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### Chapter I—Federal Aviation Administration, Department of Transportation

1.1 Introductory text revised 11714
21 Special FAA Reg. 26 amended 2576
Special FAA Reg. 29 added 2420
21.17 (a) amended 1033
21.25 (a) amended 1033
21.93 (b) revised 1033
21.101 (a) amended 1033
21.115 Heading and (a) revised 1033
21.183 (e) revised 1033
21.185 (d) added 1034

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21.251 (b)(4)(iii) and (iv) amended 2576
21.257 Revised 1034
21.271 (a) amended 2577
21.325 (a)(1) and (2) amended 2577
21.339 (a) and (b) amended 2577
21.451 (d) added 1034
23.335 (c)(1) amended 2577
23 Appendix A amended 2577
25.1459 (a)(1) revised 2577
29 Special FAA Reg. 29 added 2420
36 Technical correction 2174, 2452
36.1 Revised 1034
36.7 Added 1034
(b)(3) corrected 2797
(a)(2)(ii) amended 6347
36.101—36.103 (Subpart B) Heading revised 1034
36.501 (Subpart F) Added 1034
36.1501—36.1581 (Subpart G) Revised 1035
36 Appendix F added 1035
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39 Technical correction 2797
39.13 1, 2, 1036, 1037, 1232, 1682, 2978, 2979, 3287, 3288, 3408, 3574, 3575, 3759, 4119, 4647, 5348, 5755, 5756, 6202, 6347, 6640, 6641, 6770, 6771, 6772, 7626, 7627, 7899, 7900, 8070, 8168, 8326, 8541–8544, 8795, 8796, 8939, 10450, 10661, 10662, 10951, 11549, 11550, 11861, 11862, 12068, 12252, 12484, 12771–12773, 12996, 13203, 13477, 14055, 14056, 14297, 14298, 14739, 14740, 14892, 14893, 15085, 15086, 15384, 15385, 15866, 16189, 16190, 16191, 16297, 16298, 16299, 16832, 17006, 17138, 17139, 17248, 17548, 17832–17835, 18163, 18413, 18545
71 Republished 299
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73 Republished 652
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75 Republished 704
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91 Special FAA Reg. 29 added 2420
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91.75 (a) amended 10451
91.90 (b)(1)(i) revised; (b)(2)(iii) amended 16652
91.116 (f) amended 10451
95 2577, 2578, 3576, 8072, 12485
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103.1 (c)(4) revised; (c)(7) and (d) added 17142
103.3 (a) revised, (d) added 5141
(e) added 17142
103.4 Added 5141
103.7 (b)(6) revised 17142
103.23 (c) and (d) added 5141
103.25 Revised 5141
121.288 Time extended 7436
121.538 (c)(2) and (3) amended; (c)(4) added 17552
121.538a Added 10173
121.575 (b) revised 17552





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121.584 Added 17552
121.585 Revised 17552
121 Appendix A amended 1039
139.1 (b) (4) and (5) added 11714

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223 Recodified to include the provisions of Parts 223, 224, and 233 as Subparts A, B, and C, respectively, and revised 18415
223.9 Redesignated from § 399.34 and revised 18419
224 Removed; provisions recodified as Subpart B of Part 223 18415
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239.6 (j) revised 1040
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241 Sec. 22(a) tables amended 16652
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250 Technical correction 6347
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288.10 (b) revised 3584
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302.1109 (a) and (b) revised; (c) added 10968
310.5 Revised 7241
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310.10 Added 10664
311.43 (b) through (h) revised 10664
372a.5 Removed 13205
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389.11 (a) revised 7242
389.14 Revised 7242
399.2 Introductory text amended 6643
399.16 (b) revised 3409
399.31 Revised 6643
399.32 Revised 6643
399.33 Revised 6643
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399.45 Removed 6773
399.84 Added 4907

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400 Revised 14572
401 Appendix A added 7250
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36 1061, 2823, 4152, 14093
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| 301 Redesignated from Part 701 | 12253 |
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| 350 Added (Recodified from subparts A and B of Part 500) | 14921 |
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| 373.3 (d)(3)(ii)(e) removed; (d)(3)(ii)(g), (h)(1) and (k) revised | 8199 |
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| 377.6 (c), (d)(2), and (e)(2) amended | 2174, 2452 |
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| 377 Supplement No. 1 removed | 1041 |
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| 1.4 (b) revised | 15233 |
| 1.7—1.10 Added (together with new 1.11—1.16, to form new Subpart B) | 15232 |
| 1.11—1.16 (Subpart B) Redesignated as 1.21—1.26 (Subpart C); new 1.11—1.16 added (together with new 1.7—1.10 forming new Subpart B) | 15232 |
| 1.21 (Subpart C) Redesignated as 1.91 (Subpart J); new 1.21—1.26 (Subpart C) redesignated from 1.11—1.16 (Subpart B) | 15232 |
| 1.21 Redesignated from 1.11 and revised | 15232 |
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| 1.83 (a) and (b) revised; (c) and (d) added | 15233 |
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| 4.9 (a) and (b) (1) and (4) revised; (c) (1) through (7) redesignated as (b) (17) through (23); (c) removed; (d) and (e) redesignated as (c) and (d) | 7628 |
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| 4.10 (a) introductory text, (1), (4), and (5) revised | 7629 |
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| 113.533—13.533-70 (Subpart) Added | 761 |
| 142.6-1—142.6-3 Revised | 11714 |
| 302.19 Heading revised; (d) redesignated as (g); new (b)(8), (d), (e), and (f) added | 16660 |
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## TITLE 30—MINERAL RESOURCES

### Chapter I—Mining Enforcement and Safety Administration, Department of the Interior

11.1 Amended ---------- 39039
11.2 Revised ---------- 40950
11.2-1 Added ---------- 40950
11.3 (jj) added; (c) amended --- 39039
11.4 Amended ---------- 39039
11.10 (e) amended ---------- 39040
11.22 (a) amended ---------- 39039
11.30 (a), (b), and (c) amended- 39039
11.31 (e) amended ---------- 39039
11.32 (a) and (c) amended ----- 39039
11.33 (a) through (c) and (e) through (g) amended ------- 39040
11.34 Amended ---------- 39039
11.35 (a) amended ---------- 39039
11.40 Amended ---------- 39039
11.41 (i) amended ---------- 39039
11.42 Heading revised; (a) through (c) amended ------- 39039
11.43 Heading revised; (b) and (c) amended ---------- 39039
11.60 (a) and (b) amended ----- 39039
11.61 (e) amended ---------- 39040
11.63 (c) amended ---------- 39039
11.65 Heading revised; (a) through (e) amended ------- 39039

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11.66 (a) amended 39039
11.79–1 Amended 39039
11.85–3 (c) footnote 1 amended 39039
11.90 (c) amended 39039
11.124–7 Amended 39040
11.150 Note amended 39039
11.200—11.208 (Subpart N) Added 45013
55.5 Amended 24316
Heading revised; text amended 28433
55.6 Amended 24317
55.8 Amended 24317
55.12 Amended 24317
55.15 Amended 24317
55.19 Amended 24317
56.5 Amended 24318
Heading revised; text amended 28433
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56.8 Amended 24318
56.12 Amended 24318
56.15 Amended 24318
56.19 Amended 24318, 24319
57.2 Amended 24319
57.3 Amended 24319
57.5 Amended 24319, 24320
Heading revised; text amended 28434
57.5–50 (b) corrected 35999
57.6 Amended 24320
57.8 Amended 24320
57.12 Amended 24320
57.15 Amended 24320
57.19 Amended 24320
75.523–1 (a)(1) and (2) amended 27557, 27558
75.523–3 (a)(1) and (2) suspended in part 27558
100 Revised 27559
100.3 Corrected 29354
(c)(2) table corrected 31631
100.8 (a) corrected 31631

### Chapter II—Geological Survey, Department of the Interior

250.19 (a) revised 45015

### Chapter V—Interim Compliance Panel (Coal Mine Health and Safety)

506 Added † 7292

### Chapter VI—Bureau of Mines, Department of the Interior

601 Table of contents and Appendix revised † 11721

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216 † 4428, 10481
250 † 17758
251 † 17758
601 42918

## TITLE 31—MONEY AND FINANCE: TREASURY

1.1—1.6 Revised and designated as Subpart A; Appendices A through M added † 7440
1.7—1.11 Designated as Subpart B † 7440
1.7 Revised † 7440

### Chapter I—Monetary Offices, Department of the Treasury

51.20 (e) added 40248
54 Removed † 16844
90.6 Revised † 16844
93.1—93.3 Removed † 16844
93.10 Removed † 16844
93.41—93.62 Removed † 16844
100.4 Revised † 16844
121.25 Removed † 16844
128.2 Revised 36962
128.3 Redesignated as 128.5; new 128.3 added 36962
128.4 Added 36962
128.5 Redesignated from 128.3 36962
128.10—128.23 (Subpart B) Heading revised 36963
128.11a Added 31527
128.13a Added 31527
128.14a Added 31527
128.17a Added 31527
128.30—128.37 (Subpart C) Added 36963, 37362
129 Added 44120

### Chapter II—Fiscal Service, Department of the Treasury

202.4 Corrected 41174
202.6 (c) and (d) revised 30832
203.4 Corrected 41174
215 Added † 12260
223 Technical correction † 8335
223.1 Amended † 6499
Corrected † 8335
223.2 Amended † 6499
223.3 (a) designated and amended; (b) added † 6499
Corrected † 8335





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223.5 Revised † 6499
223.11 (b)(2)(iii) amended; (b)(2)(iv) added † 6499
223.12 (a) (b) and (c) amended † 6499
223.16 Amended † 6499
223.22 Introductory text amended; (a) and (c) revised † 6498
225.8 Amended 32911
235 Revised † 6785
240 Appendix amended 41175
240.12 (c), (f), and (g) revised 41174
(c) corrected 41709
316.14 Amended † 754
341.5 Revised 36114
342.2 (c)(1) revised 26248
342.2a Revised 26248
342 Appendix tables revised 26248
346 Added † 4240

### Chapter V—Office of Foreign Assets Control, Department of the Treasury

500.201 (d) revised † 17262
500.204 (a) introductory text and (1) revised † 7648
Appendix removed † 7649
500.322 (a)(5) revised † 17262
500.410—500.414 Added † 7649
500.508 Revised † 7649
500.536 (a) and (b) revised † 7649
500.538 Revised † 7649
500.541 Revised † 7649
500.545 Removed † 7650
500.549—500.562 Added † 7650
500.808 Revised † 7651
515.410 Added 25317
515.411 Added 25317
515.412 Added 25317
515.413 Added 25317
515.414 Added 25317
515.501—515.558 (Subpart E) Heading revised 25317
515.543 Added 25317
515.544 Added 25317
Correctly designated 28434
515.545 Added 25318
(b)(6) corrected 29182
515.546 Added 25318
515.547 Added 25318
515.548 Added 25318
515.549 Added 25318
515.550 Added 25318
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515.552 Added 25319
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515.553 Added 25319
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515.556 Added 25319
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515.557 Added 25319
515.558 Added 25319

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## TITLE 32—NATIONAL DEFENSE

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40 Revised † 16194
155 Revised 28521
166.11 (d) added 32985
174 Revised 31899
286 Revised † 8191
286.5 Removed † 4911
286a Removed; provisions incorporated in Part 297 † 7300
287 Revised † 16203
290 Revised † 7301
292 Revised † 7292
295 Revised † 6336
296 Added † 4911
297 Added; provisions incorporated from Part 286a † 7242
298 Added † 7289
299 Added † 7300

### Chapter V—Department of the Army

518 Revised † 8335

### Chapter VI—Department of the Navy

701 Revised † 12777
724 Revised † 4274
737 Added † 1402
765.1 Removed † 16314
765.14 Removed † 16314
765.15 Removed † 16314

### Chapter VII—Department of the Air Force

806 Revised † 7901
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806.29 Corrected † 17841
806.33 (a)(3) corrected † 17841
806.57 (d)(2) corrected † 17841



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| 807.1 | (c) revised | 33797 |
| 807.3 | Added | 33798 |
| 812.3 | (b)(1) revised; (b) (10) and (11) added | † 7407 |
| 812.4 | Revised | † 7408 |
| 835 | Removed | 32986 |
| 851 | Revised | † 7908 |
| 856 | Revised | † 14758 |
| 870 | Revised | † 3555 |
| 872.8 | (a) and (b) amended | 36010 |
| 872.9 | (b) revised | 36010 |
| 872.10 | Revised | 36010 |
| 872.11 | (b) revised | 36010 |
| 872.12 | (g) revised | 36010 |
| 872.14 | (c) revised | 36010 |
| 880.0 | (b) and (c) amended | † 6499 |
| 880.2 | (f), (g), and (k) amended; (i) revised; (m), (n), (o), and (p) added | † 6499 |
| 880.4 | (b), (c), (e), (f) amended; (d) revised | † 6499 |
| 880.6 | (c) amended; (d) added | † 6500 |
| 880.8 | (a) revised; (f) added | † 6500 |
| 880.10 | Revised | † 6500 |
| 880.12 | Revised | † 6500 |
| 880.14 | Revised | † 6500 |
| 880.16 | (a) amended | † 6500 |
| 880.18 | (c)(2) amended | † 6500 |
| 881.11 | (h) revised | † 5362 |
| 881.16 | Revised | † 5362 |
| 881.22 | (b) revised | † 5362 |
| 881.23 | (a) amended | † 5362 |
| 881.34 | Revised | † 5362 |
| 881.53 | (c)(1) amended | † 5363 |
| 881.61 | Removed | † 5363 |
| 881.67 | (a)(1)(iii) revised | † 5363 |
| 881.72 | (b) revised | † 5363 |
| 888 | Heading amended | 33523 |
| 888.1 | (h) revised | 33523 |
| 888.6 | (b)(14) and (15) and Note 4 added; Note 2 revised | 33523 |
| 888.7 | (c) and (d) redesignated as (e) and (f); (b)(4) and (5) and new (f) revised; (d) added | 33523 |
| 888.12 | (b) revised | 33523 |
| 888.15 | (g) revised | 33523 |
| 888.21 | Revised | 33523 |
| 888.23 | (a) and (b)(1) revised | 33524 |
| 888.50—888.67 | (Subpart B) Added | 33524 |
| 888b | Removed | 33526 |
| 888c.8 | (a) and (b) amended | † 10984 |
| 888c.10 | (c) (1) and (2) amended | † 10984 |
| 888c.12 | Introductory text of (a), (a)(3), and (d) amended | † 10984 |
| 888c.14 | (a) amended | † 10984 |
| 888c.20 | Amended | † 10984 |
| 888c.22 | Amended | † 10984 |
| 888c.28 | Amended | † 10984 |
| 888e | Technical correction | † 8556 |
| 888e.2 | Amended | † 7912 |
| 888e.12 | Revised | † 7912 |
| 888e.14 | (b) amended; note revised | † 7913 |
| 888e.20 | Revised | † 7913 |
| 888e.22 | Introductory text note, and (a) revised | † 7913 |
| 888e.24 | (f) amended | † 7913 |
| 888e.26 | Revised | † 7913 |
| 888e.32 | Amended | † 7913 |
| 888e.34 | Amended | † 7913 |
| 888e.38 | Amended | † 7913 |
| 888e.42 | Revised | † 7913 |
| 888e.44 | Amended | † 7914 |
| 888e.50 | Amended | † 7914 |
| 888e.60—888e.72 | (Subpart F) Removed | † 7914 |
| 889.3a | Added | † 8346 |
| 889.6 | (d) added | † 8346 |
| 889.7 | (a)(2)(ii) and (c)(ii) notes added; (b) revised; (d) and (e) added | † 8346 |
| 889.8 | (b) revised | † 8346 |
| 889.9 | (g) removed | † 8347 |
| 920.21 | Correctly designated from § 920.22 | 24361 |
| 920.22 | Correctly designated as § 920.21 | 24361 |
| 930 | Revised | † 10984 |
| Subchapter O | (Parts 950—955) Established | 34410 |
| 950—955 | Added | 34410 |


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| 1285 | Revised | † 7282 |


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|---|---|---|
| 1453.3 | (d)(3) amended | 35165 |
| 1459.1 | (b)(1) through (7) removed; (b)(8) redesignated as (b)(9); new (b)(1) through (8) added | 44450 |
| | (b) corrected | † 1240 |
| 1466.1 | (c)(1) amended | 38376 |
| 1466.2 | Amended | 38376 |
| 1470.3 | (c)(2) added | 44452 |
| 1480.2 | (a) and (d) revised | † 14311 |
| 1480.3 | Revised | † 14311 |
| 1480.5 | (b) added; (d) amended | † 14311 |
| 1480.6 | Revised | † 14311 |
| 1480.7 | Revised | † 14312 |
| 1480.9 | (a) (1) and (7) revised | † 14312 |
| 1480.12 | Revised | † 14312 |


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| 1602.1 | Revised | 44015 |
| 1602.4 | Removed | 44015 |
| 1602.6 | Removed | 44015 |
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| 1604.56 | Revised | 44019 |
| 1608 | Revised | † 7298 |
| 1608.6 | Removed | 44019 |
| 1608.12 | (d) and (f)(1) revised | 44019 |
| 1608.13 | (b) revised | 44019 |
| 1608.17 | Revised | 44019 |
| 1613.4 | Revised | 44019 |
| 1622.2 | Introductory text revised | 44015 |
| 1622.11 | Revised | 44015 |
| 1622.14 | Revised | 44015 |
| 1622.15 | (a) revised | 44015 |
| 1622.17 | Added | 44015 |
| 1622.19 | Added | 44015 |
| 1622.26 | (a) revised | 44015 |
| 1622.40 | (a) revised | 44015 |
| 1622.42 | Heading, (a) and (c) revised | 44016 |
| 1622.44 | Revised | 44016 |
| 1622.46 | Revised | 44016 |
| 1622.47 | Added | 44016 |
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| 1624.1 | (b) revised | 44016 |
| 1625.14 | Revised | 44017 |
| 1631.6 | (b) revised | 44017 |
| 1632.1 | (e) added | 44017 |
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| 1632.31 | Removed | 44017 |
| 1641.1 | Revised | 44017 |
| 1641.6 | Revised | 44017 |
| 1641.7 | Removed | 44017 |
| 1643 | Removed | 44017 |
| 1660.9 | (b) through (f) revised | 44019 |
| 1660.10 | Revised | 44020 |
| 1660.11 | Revised | 44020 |
| 1661.1 | (a) and (b)(4) revised | 44017 |
| 1661.2 | Revised | 44017 |
| 1661.3 | Heading revised | 44017 |
| 1661.4 | Heading revised | 44017 |
| 1661.5 | Heading revised | 44017 |
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| 1661.9 | (i) revised | 44017 |
| 1661.10 | Revised | 44018 |
| 1680.5 | (b) amended: (c) added | 44018 |
| 1680.9 | Revised | 44018 |
| 1680.11 | Revised | 44018 |
| 1690.2 | (b), (c), and (d) removed | 43721 |
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| 1803 | Revised | † 16314 |
| 1805 | Removed | 41709 |
| 1811 | Revised | † 3212 |
| 1811.2 | (a) revised | † 6205 |
| 1813 | Revised | † 10457 |


## Chapter XIX—Central Intelligence Agency


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| 1900 | Revised | † 7294 |


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| | Chapter added | † 7316 |
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| | Chapter added | † 7303 |
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### Chapter VI—Domestic and International Business Administration, Department of Commerce

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### Chapter XI—Oil Import Appeals Board

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### Chapter XII—Oil Policy Committee

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3.05-15 Revised ---------- 32558
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62.25-55(c) Redesignated as 62.25-60 ---------- 41362
62.25-60 Redesignated from 62.25-55(c) ---------- 41362
62.40-5 (a) amended; (b) added ---------- † 6339
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74.20 (Subpart 74.20) Revised ---------- 34036
82.120 Revised ---------- † 17023
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117.75 (g) heading amended ---------- 33798
117.115 (c)(1) revised ---------- 43300
117.130 Heading, (a) and (c)(2) and (4) amended ---------- † 7095
117.131 Heading amended ---------- † 7095
117.180 Revised ---------- 39721
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117.190 (f)(15) removed ---------- 28435
117.210 (g) added ---------- 31527
117.225 (f)(6) and (6-a) added ---------- 32987
117.241 Added ---------- 44452
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117.245 (h)(8) revised ---------- 28434
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117.446 (a) and (b) revised; (c) removed ---------- 36335
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117.536 Added ---------- 40156
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117.641 (f)(3) and (4) revised ---------- 33671
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117.700 (k) added ---------- † 4308
117.707 Heading and (a) and (b) revised ---------- 32986
117.707b Added ---------- † 4308
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117.714 Revised ---------- † 14594
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117.755 (a)(2) amended ---------- 34529
117.759b (f)(4) removed; (f)(10)—(15) added ---------- 32986
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117.775 (b)(2) removed ---------- 26154
117.790 (b)(2)(i)(a), (ii), and (iv) amended ---------- 33798
117.795 (b)(1)(i), (ii), (iii), (iv), (v), and (vi) amended ---------- 33798
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127.1401 (a)(3), (4), (5), and (6) removed; (b)(1) revised; (b)(4) added ---------- † 1017
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128 Authority citation revised ---------- 32133
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| 52.375 Correctly designated as 52.381 | 29177 |
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| 52.487 (e) (2) and (3) amended | 41253 |
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| 52.493 Suspended | † 2586 |
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| 52.577—52.579 Added | 34536 |
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| 52.679 Removed | † 4421 |
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| 52.1070 (c) revised | † 5523 |
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| 52.1085 Removed | † 16846 |
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| 52.1101 (e) (2) and (3) amended | 41253 |
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| 52.1479 (b) revised | † 5523 |
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| 52.1482 (b) table amended; (c) table revised | † 3995 |
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| 52.1587 (e) revised | † 2802 |
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| 52.1598 (e) (2) and (3) amended | 41253 |
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| 408.60 | Revised | † 4593 |
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| 408.70 | Revised | † 4593 |
| 408.74 | Added | † 6438 |
| 408.80 | Revised | † 4593 |
| 408.84 | Added | † 6438 |
| 408.90 | Revised | † 4593 |
| 408.94 | Added | † 6438 |
| 408.100 | Revised | † 4593 |
| 408.104 | Added | † 6439 |
| 408.110 | Revised | † 4593 |
| 408.114 | Added | † 6439 |
| 408.120 | Revised | † 4593 |
| 408.124 | Added | † 6439 |
| 408.130 | Revised | † 4593 |
| 408.134 | Added | † 6439 |
| 408.140 | Revised | † 4594 |
| 408.144 | Added | † 6439 |
| 408.150—408.153 | (Subpart O) Added | † 4595 |
| 408.160—408.163 | (Subpart P) Added | † 4596 |
| | Heading corrected | † 16204 |
| 408.170—408.173 | (Subpart Q) Revised | † 4596 |
| 408.180—408.183 | (Subpart R) Added | † 4597 |
| 408.190—408.193 | (Subpart S) Added | † 4598 |
| 408.200—408.203 | (Subpart T) Added | † 4598 |
| 408.210—408.213 | (Subpart U) Added | † 4599 |
| 408.213 | Added | † 4599 |
| | Table revised | † 16204 |
| 408.220—408.223 | (Subpart V) Added | † 4600 |
| 408.230—408.233 | (Subpart W) Added | † 4600 |
| 408.240—408.243 | (Subpart X) Added | † 4601 |
| 408.250—408.253 | (Subpart Y) Added | † 4602 |
| 408.260—408.263 | (Subpart Z) Added | † 4602 |
| 408.270—408.273 | (Subpart AA) Added | † 4603 |
| 408.280—408.283 | (Subpart AB) Added | † 4603 |
| 408.290—408.293 | (Subpart AC) Added | † 4604 |
| 408.300—408.303 | (Subpart AD) Added | † 4605 |
| 408.310—408.313 | (Subpart AE) Added | † 4605 |
| 408.320—408.323 | (Subpart AF) Added | † 4606 |
| 408.330—408.333 | (Subpart AG) Added | † 4607 |
| 409.14 | Added | † 6439 |
| 409.24 | Added | † 6440 |
| 409.34 | Added | † 6440 |
| 409.40—409.42 | (Subpart D) Added | † 8503 |
| 409.50—409.52 | (Subpart E) Added | † 8503 |
| 409.60—409.62 | (Subpart F) Added | † 8504 |
| 409.70—409.72 | (Subpart G) Added | † 8504 |
| 409.80—409.82 | (Subpart H) Added | † 8505 |
| 410 | Added | 24739 |
| 410.11 | (d) corrected | 30135 |
| 410.12 | Corrected | 30134 |
| 410.13 | Corrected | 30134, 30135 |
| 410.15 | Corrected | 30134 |
| 410.21 | (c) corrected | 30135 |
| 410.22 | Corrected | 30135 |
| 410.23 | Corrected | 30135 |
| 410.25 | Corrected | 30135 |
| 410.41 | (c) corrected | 30135 |
| 410.43 | Corrected | 30135 |
| 410.51 | (c) corrected | 30135 |
| 410.53 | Corrected | 30135 |
| 410.61 | (c) corrected | 30135 |
| 410.63 | Corrected | 30135 |
| 410.71 | (c) and (d) corrected | 30135 |
| | (d) correctly removed | 30135 |
| 410.72 | (b) correctly removed | 30135 |
| 410.73 | (b) correctly removed | 30135 |
| 410.75 | (b) correctly removed | 30135 |
| 411.14 | Added | † 6440 |
| 411.24 | Added | † 6440 |
| 411.34 | Added | † 6440 |
| 412 | Interpretation | † 12513 |
| 412.14 | Added | † 6440 |
| 412.24 | Added | † 6440 |
| 413 | Revised | † 18135 |
| 413.11 | (d) corrected | 26642 |
| 413.12 | (c) corrected | 26642 |
| 413.15 | (a) table corrected | 26642 |
| 414.14 | Added | † 6441 |
| 414.20 | Amended | 43629 |
| 414.24 | Added | † 6441 |
| 414.34 | Added | † 6441 |
| 415.210 | Revised | † 5523 |
| 415.220 | Revised | † 5523 |
| 416.32 | (a) corrected | 24893 |
| 416.33 | (a) corrected | 24893 |
| 416.53 | (c) corrected | 24893 |
| 416.62 | Table corrected | 24893 |
| 416.63 | Table revised | 24894 |
| 416.65 | Table revised | 24896 |
| 416.73 | Table revised | 24894 |
| 416.75 | Table revised | 24896 |
| 416.83 | Table revised | 24894 |


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| 416.85 | Table revised | 24896 |
| 416.93 | (a) table, (b) table, (c) table and (d) table revised | 24894 |
| 416.95 | (a) table, (b) table, (c) table and (d) table revised | 24896 |
| 416.103 | (a) table, (b) table and (c) table revised | 24894 |
| 416.105 | (a) table, (b) table, and (c) table revised | 24896 |
| 416.113 | (a) table, (b) table and (c) table revised | 24895 |
| 416.115 | (a) table, (b) table, and (c) table revised | 24897 |
| 416.123 | (a) table, (b) table, and (c) table revised | 24895 |
| 416.125 | (a) table, (b) table, and (c) table revised | 24897 |
| 416.133 | Table revised | 24895 |
| 416.135 | Table revised | 24897 |
| 416.140—416.216 | (Subparts N, O, P, Q, R, S, T, and U) Added | † 3720 |
| 417.14 | Added | † 6441 |
| 417.24 | Added | † 6442 |
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| 417.64 | Added | † 6442 |
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| 417.84 | Added | † 6442 |
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| 417.104 | Added | † 6443 |
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| 417.124 | Added | † 6443 |
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| 417.144 | Added | † 6443 |
| 417.194 | Added | † 6443 |
| 418.60—418.66 | (Subpart F) Added | † 2652 |
| 418.70—418.76 | (Subpart G) Added | † 2652 |
| 419 | Preamble corrected | 32614 |
| 419.12 | (c)(1) corrected | 32614 |
| 419.13 | (b)(2) and (c)(2) corrected | 32614 |
| 419.15 | (c)(2) corrected | 32614 |
| 419.22 | (a) corrected | 32614 |
| 419.23 | (a), (b)(1) and (2) corrected | 32614 |
| 419.25 | Corrected | 32614 |
| 419.32 | (a) corrected | 32614 |
| 419.33 | (a) and (b)(1) corrected | 32614 |
| 419.35 | (a) corrected | 32614 |
| 419.42 | (a), (b)(2) and (3) corrected | 32614 |
| 419.43 | (a) corrected | 32614 |
| 419.45 | (a) corrected | 32614 |
| 419.52 | (a) corrected | 32614 |
| 419.53 | (a) corrected | 32614 |
| 419.55 | (a) corrected | 32614 |
| 420 | Effective date corrected | 25488 |
| 421.40—421.43 | (Subpart D) Added | † 8523 |
| 421.50—421.53 | (Subpart E) Added | † 8524 |
| 421.60—421.63 | (Subpart F) Added | † 8526 |
| 421.70—421.73 | (Subpart G) Added | † 8527 |
| 421.80—421.83 | (Subpart H) Added | † 8528 |
| 422.40—422.43 | (Subpart D) Added | † 4106 |
| 422.50—422.53 | (Subpart E) Added | † 4106 |
| 422.60—422.63 | (Subpart F) Added | † 4106 |
| 423 | Added | 36198 |
| | Technical correction | † 7095 |
| 423.11 | (e), (h), and (l) revised | † 7095 |
| 423.12 | (b)(2) and (4) amended; (b)(10) revised | † 7095 |
| 423.13 | (b), (e), and (h) amended; (1)(3) revised | † 7095 |
| 423.15 | (b) amended | † 7096 |
| 423.16 | Amended | † 7096 |
| 423.21 | (d), (f), and (j) revised | † 7096 |
| 423.22 | (b)(2) amended; (b)(10) revised | † 7096 |
| 423.23 | (b) and (i) amended | † 7096 |
| 423.25 | (b) amended | † 7096 |
| 423.26 | Amended | † 7096 |
| 423.30 | Amended | † 7096 |
| 423.31 | (c), (e), and (i) revised; (h) amended | † 7096 |
| 423.32 | (b)(2) amended; (b)(10) revised | † 7096 |
| 423.33 | Introductory text, (b) (h), and (i) amended | † 7096 |
| 423.40 | Amended | † 7096 |
| 423.41 | (c) amended | † 7096 |
| 424.40—424.43 | (Subpart D) Added | † 8035 |
| 424.50—424.53 | (Subpart E) Added | † 8035 |
| 424.60—424.63 | (Subpart F) Added | † 8036 |
| 424.70—424.73 | (Subpart G) Added | † 8037 |
| 426.24 | Added | † 6444 |
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| 426.44 | Added | † 6444 |
| 426.64 | Added | † 6444 |
| 426.80—426.136 | (Subparts H, I, J, K, L, and M) Added | † 2955 |
| 427.14 | Added | † 6444 |
| 427.24 | Added | † 6444 |


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| 427.34 Added | † 6445 |
| 427.44 Added | † 6445 |
| 427.54 Added | † 6445 |
| 427.64 Added | † 6445 |
| 427.74 Added | † 6445 |
| 427.80—427.86 (Subpart H) Added | † 1875 |
| 427.82 (b) corrected | † 18172 |
| 427.83 Corrected | † 18172 |
| 427.85 Corrected | † 18172 |
| 427.90—427.96 (Subpart I) Added | † 1876 |
| 427.100—427.106 (Subpart J) Added | † 1877 |
| 427.102 (b) corrected | † 18172 |
| 427.103 Corrected | † 18172 |
| 427.106 Corrected | † 18172 |
| 427.110 (Subpart K) Added | † 1877 |
| 427.112 (b) table corrected | † 18172 |
| 427.115 Corrected | † 18172 |
| 428.10 Revised | † 18173 |
| 428.11 (c) revised; (d) and (e) added | † 18173 |
| 428.12 Table corrected | 26423 |
| Second paragraph designated as (a); (b) added | † 18173 |
| 428.13 Table corrected | 26423 |
| Second paragraph designated as (a); (b) added | † 18173 |
| 428.15 Table corrected | 26423 |
| 428.20 Revised | † 18173 |
| 428.21 (b) removed | † 18173 |
| 428.31 (b) removed | † 18173 |
| 428.41 (b) removed | † 18173 |
| 428.50—428.56 (Subpart E) Added | † 2336 |
| 428.60—428.66 (Subpart F) Added | † 2338 |
| 428.70—428.76 (Subpart G) Added | † 2340 |
| 428.80—428.86 (Subpart H) Added | † 2341 |
| 428.90—428.96 (Subpart I) Added | † 2343 |
| 428.100—428.106 (Subpart J) Added | † 2344 |
| 428.110—428.116 (Subpart K) Added | † 2345 |
| 429.90—429.136 (Subparts I, J, K, L, and M) Added | † 2806 |
| 430.14 Added | † 6445 |
| 430.24 Added | † 6446 |
| 430.34 Added | † 6446 |
| 430.44 Added | † 6446 |
| 430.54 Added | † 6446 |
| 431.14 Added | † 6446 |
| 432.13 (b) corrected | 26423 |
| 432.14 Added | † 6446 |
| 432.15 (a), (b), (c), and (d) corrected | 26423 |
| 432.22 (c) corrected | 26423 |
| 432.24 Added | † 6446 |
| 432.25 (a), (b), (c), and (d) corrected | 26423 |
| 432.34 Added | † 6447 |
| 432.35 (a), (b), (c), and (d) corrected | 26423 |
| 432.44 Added | † 6447 |
| 432.45 (a), (b), (c), and (d) corrected | 26423 |
| 432.50—432.106 (Subpart E through J) Added | † 904 |
| 432.63 Added | † 904 |
| Corrected | † 11874 |
| 432.102 Added | † 904 |
| (a) corrected | † 11874 |

Chapter V—Council on Environmental Quality

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| 1510 Revised | † 6282 |

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## TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

| | |
|---|---|
| 1-1.003 Revised | † 12076 |
| 1-1.004 Revised | † 12076 |
| 1-1.011 Heading added | † 12077 |
| 1-1.011-1 Added | † 12077 |
| 1-1.011-2 Added | † 12077 |
| 1-1.307-1 (b) revised | † 2810 |
| 1-1.307-2 Revised | † 2810 |
| 1-1.307-3 Revised | † 2810 |
| 1-1.307-4 (a) revised | † 2810 |
| 1-1.319 (c)(1)(v) revised; effective 8-4-75 | † 18785 |
| 1-1.323—1-1.323-2 Added | 34664 |
| 1-1.323-2 Amended | 41850 |
| 1-1.406 Revised | 43058 |
| 1-1.507-3 (b) revised | 28437 |
| 1-1.701-1 (b)(1) revised | 35657 |
| 1-1.703-2 Amended | 35658 |
| 1-1.1002-1 Added | † 2811 |
| 1-1.1003-6 Revised | † 2811 |
| 1-1.1003-7 (a) revised | † 2811 |
| 1-2.106 Added | † 2811 |
| 1-2.201 (a)(32) added | 34664 |
| 1-2.202-1 (c) revised | † 2811 |
| 1-2.202-6 Added | † 2811 |
| 1-2.203-4 Revised | † 2811 |
| 1-2.204 Revised | † 2811 |
| 1-2.205-1 (a) revised | † 2811 |
| 1-2.205-2 (a) revised | † 2811 |
| 1-2.205-3 Revised | † 2811 |
| 1-2.407-1 Revised | † 2811 |
| 1-2.407-7 (a) revised | † 2812 |
| 1-3.203 Revised | 28437 |
| 1-3.600 Revised | 28437 |
| 1-3.602 (d) revised | 28437 |
| 1-3.603-1 (d) revised | 28437 |
| 1-3.605-2 (a)(3)(i) revised; (b)(3) and (4) added | 28437 |
| 1-3.605-5 (f) revised | 28438 |
| 1-3.606-5 (i) added | 28438 |
| 1-3.805-1 (a)(1) revised | 28438 |
| 1-3.807-3 (b) revised | 44453 |
| 1-3.809 (c)(4) revised | 43058 |
| 1-3.1200—1-3.1220-7 (Subpart 1-3.12) Revised | 43058 |
| 1-3.1203 Heading revised; (a)(1)(vi) and (h) added | † 18786 |
| 1-3.1204 Introductory text and (d)(2) revised | † 18786 |



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| 1-3.1210 Added | 43058 |
| (b) and (c) (2) through (9) revised | † 15880 |
| 1-4.410-5 (d) added | 43074 |
| (d) revised | † 18786 |
| 1-5.4 (Subpart) Added | 41710 |
| 1-5.8 (Subpart) Added | 24898 |
| 1-5.900 Revised | 44453 |
| 1-5.902 (f) revised | 44453 |
| 1-5.10 (Subpart) Removed | 35165 |
| 1-7.102 Revised | † 2812 |
| 1-7.102-21 Added | 26643 |
| 1-7.102-22 Added | † 11580 |
| 1-7.103-15 Removed | 35165 |
| 1-7.103-26 Added | 34665 |
| 1-7.103-27 Added | 43074 |
| Added (text differs from that of p. 43074) | † 11580 |
| (a) revised | † 18786 |
| 1-7.202-4 Amended | † 14913 |
| 1-7.202-8 Amended | † 11581 |
| 1-7.202-37 Added | 26643 |
| 1-7.203-16 Removed | 35165 |
| 1-7.203-22 Added | 34665 |
| 1-7.203-23 Added | 43074 |
| (a) revised | † 18786 |
| 1-7.300—1-7.304-9 (Subpart 1-7.3) Added | † 17559 |
| 1-7.400—1-7.404-8 (Subpart 1-7.4) Added | † 17566 |
| 1-7.602-14 Added | 26643 |
| 1-7.602-15 Added | 34665 |
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| 1-7.702 (c)(3) added | 43074 |
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| 1-7.703-21 Added | 26643 |
| 1-7.703-22 Added | 43074 |
| 1-12.13 (Subpart) Added | 26643 |
| 1-12.104 Removed | † 14913 |
| 1-12.105 Removed | † 14913 |
| 1-12.105-1 Removed | † 14913 |
| 1-12.105-2 Removed | † 14913 |
| 1-12.105-3 Removed | † 14913 |
| 1-15.107 Revised | † 14913 |
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| 1-15.201-2 Revised | 43074 |
| 1-15.201-4 Introductory text revised | 43074 |
| 1-15.201-5 Revised | † 14914 |
| 1-15.202 Revised | 43074 |
| 1-15.203 (a) and (d) introductory text revised | 43075 |
| 1-15.204 (b) revised | † 14914 |
| 1-15.205-6 (a)(1), (f)(2), and (j) revised | † 14914 |
| 1-15.205-16 (a)(2)(iv) revised | † 14915 |
| 1-15.205-22 (e)(2) revised; (e)(3) added | † 14915 |
| 1-15.205-26 (b) revised | † 14915 |
| 1-15.205-33 (d) revised | † 14915 |
| 1-15.205-40 (a) (1), (2), and (3), and (b) revised | † 14915 |
| 1-15.205-44 (b) amended; (c), (d), and (e) revised; (f) and (g) added | † 14916 |
| 1-15.205-50 (b)(2) (i) and (ii) revised | † 14916 |
| 1-15.301—1-15.310 (Subpart) Heading revised | † 14916 |
| 1-15.402-2 Amended | 43075 |
| 1-15.502-2 Amended | 43075 |
| 1-15.701—1-15.713-9 (Subpart) Heading revised | † 14916 |
| 1-15.702 Revised | † 14916 |
| 1-15.709-3 Revised | † 14916 |
| 1-15.709-4 Added | † 14916 |
| 1-15.709-5 Added | † 14917 |
| 1-15.709-6 Added | † 14917 |
| 1-15.800—1-15.809-5 (Subpart) Heading revised | † 14917 |
| 1-16.101 (c) revised | 26648 |
| 1-16.401 (a) and (h) revised | 26648 |
| 1-16.701 (b) revised | 26648 |
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| 1-18.310—1-18.310-5 Removed | 25230 |
| 1-30.510-1 (a) and (b) amended | † 14917 |
| 1-30.524-4 Revised | † 14917 |


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| 3-1.318-51 Revised | † 16319 |
| 3-1.318-52 Added | † 16319 |
| 3-3.410 Added | 43545 |
| 3-3.410-1 Added | 43545 |
| 3-4.57 (Subpart) Added | † 4913 |
| 3-7.51 (Subpart) Added | 43546 |
| 3-8 Added | † 16320 |
| 3-12 Added | 37987 |
| 3-16.5001 Amended | 43545 |
| Appendix B to chapter revised | † 4144 |


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| 4-1.008 Revised | † 6973 |
| 4-1.009-2 (a) and (b) revised | † 6973 |
| 4-1.051 (b) revised | † 6973 |
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| 4-1.302-3 Revised | † 6973 |
| 4-1.305-3 Revised | † 6973 |
| 4-1.305-50 Revised | † 6973 |
| 4-1.305-52 Revised | † 6973 |
| 4-1.306-1 Revised | † 6974 |
| 4-1.307-2 (l) revised | † 6974 |
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| 4-1.401 Revised | † 6974 |
| 4-1.403 Revised | † 6974 |
| 4-1.404-1 (a) revised | † 6974 |
| 4-1.404-2 (a) revised | † 6974 |
| 4-1.451 Revised | † 6974 |
| 4-1.453 (a) introductory text, (a)(1)(iii) and (iv), (b), and introductory text of (c) revised | † 6975 |
| 4-1.601 Revised | † 6975 |
| 4-1.602 Revised | † 6975 |
| 4-1.650-6 Revised | † 6975 |
| 4-1.706-2 (a)(1) and (b)(3) revised | † 6975 |
| 4-1.708 Removed | † 6976 |
| 4-1.708-2 Removed | † 6976 |
| 4-1.801-2 Revised | † 6976 |
| 4-1.901 (Subpart 4-1.9) Revised | † 6976 |
| 4-1.1101 (Subpart 4-1.11) Revised | † 6976 |
| 4-1.1601—4-1.1603-2 (Subpart 4-1.16) Revised | † 6976 |
| 4-3.605-1 Heading and text revised | † 3997 |
| 4-5.408 (Subpart 4-5.4) Added | † 3998 |
| 4-5.5101—4-5.5106 (Subpart 4-5.51) Removed | † 3998 |
| 4-5.5601—4-5.5608 (Subpart 4-5.56) Removed | † 3998 |
| 4-5.5701—4-5.5703-5 (Subpart 4-5.57) Revised | † 6976 |
| 4-16.852 Removed | † 6977 |
| 4-50.203 Revised | 44203 |
| Effective date amended | 44980 |
| 4-50.204 Revised | 44203 |
| Effective date amended | 44980 |


### Chapter 5—General Services Administration


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| Chapter removed | † 3291 |
| Chapter correctly added | † 3998 |
| 5-60 Removed | † 3291, 3998 |


### Chapter 5A—Federal Supply Service, General Services Administration


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| Chapter interpretation | † 18445 |
| 5A-1.305 Text removed | † 3998 |
| 5A-1.305-2 Added | † 3998 |
| 5A-1.305-3 Added | † 3998 |
| 5A-1.305-6 Added | † 3998 |
| 5A-1.305-50 Revised | † 3998 |
| 5A-1.305.70 Revised | † 3999 |
| 5A-1.306 Revised | † 3999 |
| 5A-1.307-1 Revised | † 3999 |
| 5A-1.307-4 (a) revised | † 3999 |
| 5A-1.307-5 (b) revised | † 3999 |
| 5A-1.307-6 Added | † 4000 |
| 5A-1.316-2 (a), (d), (e) and (f) revised | 35796 |
| 5A-1.316-5 (d) revised | 35796 |
| 5A-1.350 Revised | 33516 |
| 5A-1.352 Added | 33516 |
| 5A-1.352-1 Revised | 33516 |
| 5A-1.352-2 Added | 33516 |
| 5A-1.352-3 Added | 33516 |
| 5A-1.352-4 Added | 33516 |
| 5A-1.375 Revised | 27665 |
| 5A-1.402 Revised | 24362 |
| 5A-1.402-70—5A-1.402-72 Added | 24362 |
| 5A-1.402-71 (c) revised; (d) added | 36011 |
| 5A-1.404-2 Revised | 24362 |
| 5A-1.404-3 Revised | 24363 |
| 5A-1.404-70 Revised | 24363 |
| 5A-1.700 Added | 42361 |
| 5A-1.701-8 (a), (c), (d), and (e) revised | 42361 |
| 5A-1.703-2 (c) and (e) amended | 42361 |
| 5A-1.704 Added | 42362 |
| 5A-1.704-1 Added | 42362 |
| 5A-1.704-2 Added | 42362 |
| 5A-1.706-1 Added | 42362 |
| 5A-1.706-5 Revised | 42362 |
| 5A-1.706-6 (c)(1) and (4), (d)(3), (f) and (g) revised | 42362 |
| 5A-1.706-50 Revised | 42362 |
| 5A-1.706-51 Added | 42363 |
| 5A-1.708 (c) and (d) revised | 42364 |
| 5A-1.710 Added | 42364 |
| 5A-1.1003-1 Revised | 26893 |
| 5A-1.1003-7 Revised | 26893 |
| 5A-1.1007 Revised | 26893 |
| 5A-1.1205 revised | 34539 |
| 5A-1.1205-2 Added | 34539 |
| 5A-1.1205-3 Removed | 34539 |
| 5A-1.1205-4 Added | 34539 |
| 5A-1.1205-50 Added | 34540 |
| 5A-1.1206 Revised | 34541 |
| 5A-1.5303—5A-1.5307-70 (Subpart 5A-1.53) Removed | 24362 |


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| 5A-1.7301-1 Revised | † 5781 |
| 5A-2.201 (a) and (b)(1) and (2)(i) revised | 40287 |
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| 5A-2.201-53 Revised | 40288 |
| 5A-2.201-54 Revised | 40288 |
| 5A-2.201-55 Added | 40288 |
| 5A-2.201-56 Added | 40288 |
| 5A-2.201-70 (e)(1) revised | † 8950 |
| 5A-2.201-71 Revised | 40288 |
| 5A-2.201-73 Revised | † 16847 |
| 5A-2.201.78 (c) amended | † 8950 |
| 5A-2.201-79 (c) revised | 40288 |
| 5A-2.201-82 Revised | 40289 |
| 5A-2.202-50 Added | 40289 |
| 5A-2.202-70 Revised | 40289 |
| 5A-2.203-1 Revised | 40289 |
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| 5A-2.203-4 Revised | 40289 |
| 5A-2.203-71 Removed | 40290 |
| 5A-2.205-2 Revised | 40290 |
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| 5A-2.302 Added | 40290 |
| 5A-2.303 Added | 40290 |
| 5A-2.303-1 Added | 40290 |
| 5A-2.303-7 Added | 40290 |
| 5A-2.304 Added | 40290 |
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| 5A-2.401 Added | 40290 |
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| 5A-2.404-2 Amended | 27666 |
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| 5A-2.406-3 Revised | 40291 |
| 5A-2.406-4 Added | 40292 |
| 5A-2.406-50 Added | 40292 |
| 5A-2.407-1 (b) and (c) revised | 40292 |
| 5A-2.407-6 Revised | 40292 |
| 5A-2.407-8 Revised | 40293 |
| 5A-2.407-50 Added | 40293 |
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| 5A-2.407-52 Added | 40293 |
| 5A-2.407-53 Revised | 40293 |
| 5A-2.407-72 (c) revised | 40293 |
| 5A-2.407-78 Revised | 40293 |
| 5A-2.407-79 Revised | 40294 |
| 5A-2.407-80 Revised | 40294 |
| 5A-2.407-82 (c) revised | 40294 |
| 5A-2.407-87 Revised | 25324 |
| 5A-2.408 Revised | 40294 |
| 5A-3.670 (b) revised | 35797 |
| 5A-3.802 Added | 33517 |
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| 5A-3.802-1 Added | 33517 |
| 5A-3.807-3 (b) and (c) revised | 33517 |
| 5A-3.807-6 Added | 33517 |
| 5A-3.850 Removed | 33517 |
| 5A-5.805 Added | † 6655 |
| 5A-5.805-2 Added | † 6655 |
| 5A-5.805-3 Added | † 6655 |
| 5A-5.902—5A-5.970 (Subpart 5A-5.9) Removed | 36589 |
| 5A-5.5004 Removed | † 6655 |
| 5A-6.100 Removed | 34278 |
| 5A-6.104 Removed | 34278 |
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| 5A-6.104-50 Added | 34278 |
| 5A-6.105 Added | 34279 |
| 5A-7.000 Removed | 36335 |
| 5A-7.102-5 (b), (d), and (g) revised | † 8950 |
| 5A-7.102-50 Added | † 8950 |
| 5A-7.102-74 Revised | 36335 |
| 5A-7.102-75 (a) and (b) revised | † 8950 |
| 5A-7.102-76 Revised | † 8950 |
| 5A-7.102-80 Added | 36335 |
| 5A-7.103-3 Revised | 36335 |
| 5A-7.103-51 Added | 36335 |
| 5A-7.103-76 Revised | 36335 |
| 5A-7.103-82 (a) amended; (b) revised | 36012 |
| 5A-7.103-84 Revised | † 8950 |
| 5A-7.103-93 Added | 36335 |
| 5A-7.103-94 Added | † 13501 |
| 5A-7.703 Added | † 16847 |
| 5A-8.602-2 (b)(2) revised | 28880 |
| 5A-8.602-3 Revised | 28880 |
| 5A-8.602-4 (f) added | 28880 |
| 5A-8.602-6 (a) amended | 28881 |
| 5A-10.103 Revised | 34541 |
| 5A-10.301 Revised | 34541 |
| 5A-14.105-1 Introductory text, (a), (b) and (c) revised | 35797 |
| 5A-16.901-1094 Heading revised | 32029 |
| 5A-16.901-1165 Added | 32029 |
| 5A-16.950-894 Heading added | 34541 |
| 5A-16.950-1056 Revised | † 8951 |
| 5A-16.950-1353 Heading added | 34541 |
| 5A-16.950-1424 Revised | † 8951 |
| 5A-16.950-1447 Heading revised | 27666 |
| 5A-16.950-1535 Heading revised | 27666 |
| 5A-16.950-1535-1 Added | 27666 |
| 5A-16.950-1535A Heading revised | 27666 |
| 5A-16.950-1584-1 Revised | 36589 |
| 5A-16.950-1720 Added | 32029 |
| 5A-16.950-2112 Removed | 27666 |
| 5A-16.950-2952 Added | † 16847 |
| 5A-16.950-2967 Added | † 4000 |
| 5A-16.954-1313 Revised | † 8951 |
| 5A-53.102 Revised | 36336 |
| 5A-53.103 (a) and (c) revised | 36336 |
| 5A-53.201—5A-53.209 (Subpart 5A-53.2) Added | 36336 |
| 5A-53.301—5A-53.307 (Subpart 5A-53.3) Added | 36339 |
| 5A-53.401 Revised | 36340 |
| 5A-53.402 Added | 36341 |
| 5A-53.403 Added | 36341 |
| 5A-53.404 Added | 36341 |
| 5A-53.601—5A-53.602 (Subpart 5A-53.6 Added | 36341 |
| 5A-53.801—5A-53.806 (Subpart 5A-53.8) Added | 36341 |
| 5A-60.000 Added | † 3291 |
| 5A-60.1 (Subpart) Added | † 3291 |
| 5A-72.101 Revised | † 4000 |
| 5A-72.102 Revised | † 4000 |
| 5A-72.103 Revised | † 4000 |
| 5A-72.104 Introductory text and (a) revised | † 4000 |
| 5A-72.105-5 Revised | 37058 |
| 5A-72.105-23 (a)(3), (4), (5), (6), and (b)(5) revised | 36589 |
| 5A-72.105-24 (g) added | 28287 |
| 5A-74.407-2 (f)(1) and (3) revised | 36012 |
| 5A-76.201 Revised | 36589 |
| 5A-76.307 Amended | 43724 |
| 5A-76.321 Amended | 43724 |


## Chapter 5B—Public Building Service, General Services Administration


| | |
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| Chapter interpretation | † 18445 |


## Chapter 5C—Property Management and Disposal Service, General Services Administration


| | |
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| Chapter removed | 26288 |


## Chapter 7—Agency for International Development, Department of State


| | |
|---|---|
| 7-1.105-2 Added | 36965 |
| 7-1.313 Added | † 16205 |
| 7-1.323 Added | † 3449 |
| 7-1.323-2 Added | † 3449 |
| 7-1.605-3 Redesignated as § 7-1.605-5 and amended; and redesignated from § 7-1.605-4 | † 3449 |
| 7-1.605-4 Redesignated as § 7-1.605-3 | † 3449 |
| 7-1.605-5 Redesignated from § 7-1.605-3 and amended | † 3449 |
| 7-1 Appendices A and B added | 36965 |
| 7-4.5301 (d)(4) (i) and (iv) amended | † 3449 |
| 7-6.5204 Amended | † 16205 |
| 7-7.5001-18 Undesignated heading amended; (b) revised | † 3449 |
| 7-7.5001-33 Amended | † 3449 |
| 7-7.5001-43 Added | † 3449 |
| 7-7.5002-2 Heading and (a) revised | 33517 |
| 7-7.5002-3 (a) amended | 38646 |
| Undesignated heading and (k) amended | † 3449 |
| 7-7.5002-7 Undesignated heading and (a) amended | † 3449 |
| 7-7.5003-3 Added | † 16205 |
| 7-7.5201-5 Removed | † 16205 |
| 7-7.5201-17 Amended | † 3449 |
| 7-7.5201-27 Added | † 3449 |
| 7-7.5202-2 Added | † 16205 |
| 7-7.5301-5 Removed | † 16205 |
| 7-7.5301-16 Amended | † 3449 |
| 7-7.5301-26 Added | † 3449 |
| 7-7.5302-2 Added | † 16206 |
| 7-7.5401-13 Amended | † 3449 |
| 7-7.5401-34 Added | † 3449 |
| 7-7.5402-9 Added | 38646 |
| 7-7.5403-4 Added | † 16206 |
| 7-7.5501-1 Undesignated heading amended; (k) removed | † 3449 |
| 7-7.5501-5 Revised | 25488 |
| 7-7.5501-31 Amended | † 3449 |
| 7-7.5501-39 Added | † 3449 |
| 7-7.5502-4 Center heading and (a) revised | 25489 |
| 7-7.5502-6 Center heading and (a) revised | 25489 |
| 7-7.5503-10 Added | † 16206 |
| 7-15.205-6 Revised | 33517 |
| 7-15.205-46.53 Added | 38646 |
| 7-15.309-7 Added | 33518 |
| 7-16.852 Added | † 16206 |
| 7-16.583 Added | † 16206 |
| 7-16.963 Added | † 16206 |
| 7-16.964 Added | † 16206 |
| 7-30.4500—7-30.4502 (Subpart 7-30.45) Revised | † 16206 |
| 7-30.4501-2 (a) corrected | 24363 |


## Chapter 8—Veterans Administration


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|---|---|
| 8-1.302-1 (d) revised | 26723 |
| 8-1.403-51 Added | 38376 |
| 8-1.403-52 Added | 38377 |
| 8-1.403-53 Added | 38377 |
| 8-1.403-54 Added | 38377 |
| 8-1.403-55 Added | 38377 |
| 8-1.700 Revised | 32995 |
| 8-1.704-1 (d) revised | 32995 |
| 8-1.704-2 (a) and (b) revised; (f) removed | 32995 |
| 8-1.704-3 Revised | 32996 |


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8-1.704-4 (b) revised; (d) and (e) removed 32996
8-1.705 Removed 32996
8-1.706-1 Revised 32996
8-1.706-2 Revised 32996
8-1.706-5 (b) revised 32996
8-1.708-2 (c) revised 32996
8-1.708-3 Revised 32996
8-1.710-2 Removed 32997
8-1.710-4 Revised 32997
8-1.713 Heading added 32997
8-1.713-1 Added 32997
8-1.713-2 Added 32997
8-1.713-3 Added 32997
8-1.713-4 Added 32997
8-1.1350 (Subpart 8-1.13) Added 32997
8-2.201 (h) and (i) removed 38377
8-2.402 (a) revised 38378
8-2.402-2 (b) revised 38378
8-2.406-3 (b) and (c) revised 38378
8-2.407-1 (a), (b), and (c) introductory text revised 38378
8-3.101 (c) removed 38378
8-3.605-3 (b)(4) added 26723
8-7.101 Revised 38378
8-7.101-5 Redesignated as 8-7.102-5 38378
8-7.102-5 Redesignated from 8-7.101-5; (a) revised 38378
8-7.150-2 Revised 38378
8-7.150-4 (b) revised 38378
8-7.150-5 (a) revised 38379
8-19.302 Revised 26723
8-26 Added 38379
8-26.404 (Subpart 8-26.4) Added 38379
8-52.101 Revised 38379
8-52.105 (a) revised 38379
8-52.106 (a) amended; (c) and (e) revised 38379
8-52.109 (a) revised 38379
8-52.200—8-52.203 (Subpart 8-52-2) Removed 38379

**Chapter 9—Energy Research and Development Administration**

Chapter heading revised †5364
Chapter text: nomenclature changes †5364
9-1.17-50 (Subpart) Added 24646
9-3.301 Revised 43548
9-5.10 Removed 39439
9-5.52 (Subpart) Revised 40584
9-5.5205-5 (a) and (c) revised; (d) added 39439
9-5.5206-3 (b) removed; (c) redesignated as (b) †3294
9-5.5206-5 (a) and (b) revised 44453
9-7.5004-1 Revised 38102
9-7.5004-12 Revised †4146, 5781, 10466
9-7.5006-47 Removed †4146, 5782, 10467
9-7.5006-52 Revised 39439
9-7.5006-57 (d) revised †2587
9-9 Appendix A added †16848
Appendix A corrected †17573
9-12.102-4 (a) (1) and (2) revised; (3) removed 39439
9-12.805-1 (a) revised †2587
9-12.805-51 (b)(2) revised †2587
9-14.105 Added 39439
9-16.404-50 (b)(1) revised †4146, 5782, 10467
9-16.404-52 (a) amended †4146, 10467
(a)(23) revised †5782
9-16.703-50 Amended †4147, 5782, 10467
9-16.951-2 Amended 38102, 44453
9-16.5002-2 Amended 38102
9-16.5002-4 Amended 38102
Amended †4147, 5782, 10467
9-16.5002-5 Amended 38102
Amended †4147, 5782, 10467
9-16.5002-8 Amended 38102
Amended †2587
9-16.5002-9 Amended 38102
Amended †2587, 4147, 5782, 10467
9-51.403-1 (c) revised 29594
9-53.101 (d) revised 36966
9-53.202 Revised 44453
9-56.001 Revised 39558
9-56.002 Revised 39558
9-56.101 Revised 39558
9-56.405 (b) revised 39558

*Chapter 9—Proposed Rules:*

Ch. 9 †16677

**Chapter 14—Department of the Interior**

14-1.4 (Subpart) Revised 43630
14-1.402 Revised 43630
(a), (b), and (c) corrected †2812
14-1.450-1 Revised 43630
(d) corrected †2812
14-3.1 (Subpart) Revised 43630
14-3.2 (Subpart) Revised 43631
14-3.303 (Subpart 14-3.3) Revised 43631
14-3.305 Added 44980
14-3.305-50 Added 44980

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14-3.305-51 Added 44981
(l) corrected †5782
(i) and (m)(1) revised †15091
Appendices A, B, and C added 44982
Appendix D added 44983
14-3.4 (Subpart) Revised 43631
14-3.809 (Subpart 14-3.8) Added †10468
14-18.6 (Subpart) Revised 24901
14-30.406 Revised †10468
14-30.406-50 (c) added †10468
14-30.410 (a) amended; (b) revised †10468
14-55.101 (b)(14) revised †10468
14-55.102 (a) revised †10468
14-55.104 (a) introductory text and (7) revised †10468
14-63.101 Amended †10468
14-63.103 (a) revised; (f) and (g) removed †10468
14-63.105-2 Amended †10468
14-63.106 Removed †10468

*Chapter 14—Proposed Rules:*

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**Chapter 14H—Bureau of Indian Affairs, Department of the Interior**

14H-1.270—14H-1.270-4 Added †12502
14H-1.451-2 Revised 38102
14H-3 Added †12502
14H-30 Added †12503

*Chapter 14H—Proposed Rules:*

14H-1 39560
14H-3 39560
14H-30 39560

**Chapter 15—Environmental Protection Agency**

15-1.602-1(b) Removed 33799
15-1.603 Revised 33799
15-1.57 (Subpart) Added 30836
15-3.408 Added 36343
15-7 Added †3595
15-7.202-22 Added †3595
15-12 Added †3595
15-12.604-50 Added †3595
15-16.552-1 Added 36344

*Chapter 15—Proposed Rules:*

15-3 27919
15-7 39584
15-16 27919
15-50 26169

**Chapter 24—Department of Housing and Urban Development**

*Chapter 24—Proposed Rules:*

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**Chapter 25—National Science Foundation**

25-9 Added 41977

**Chapter 50—Public Contracts, Department of Labor**

*Chapter 50—Proposed Rules:*

50-204 43638
50-250 †6982

**Chapter 51—Committee for Purchase From the Blind and Other Severely Handicapped**

Chapter heading revised 35365
Chapter revised †2980
51-1.1 (a) amended 35365
51-1.2 (a) and (b) revised 35365
51-2.1 Revised 35365
51-3.1 Revised 35365
51-5.1-2 (b) revised 35365
51-6 Added †2980

*Chapter 51—Proposed Rules:*

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**Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor**

60-1.4 (b)(2) removed †14083
60-1.5 (a)(5) added †13218
60-2.11 (a) revised; (b) amended 25654
60-2.13 (d) and (e) revised 25654
60-2.20 (a)(1) revised 25654
60-2.23 (b)(1) revised 25654
60-2.24 (b) revised 25654
60-5 Time extended 24649, 28438, 32615, 43075
Time extended †4309
60-50.1 (e) added †13218
60-60.3 (a) amended 25654
60-60.7 Revised 25654
60-60.8 Added 25655
60-60.9 Added 25655

*Chapter 60—Proposed Rules:*

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60-1 †14091
60-20 27709
60-60 †13311

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| 101–1.109 (b) redesignated as (d); new (b) and (c) added | 40952 |
| 101–1.111 Added | 40952 |
| 101–1.112 Added | 40952 |
| 101–4.1 Heading corrected | 31322 |
| 101–4.103–5 (b) revised | 28288 |
| 101–4.105 Revised | 28288 |
| 101–18.104–1 (1)(2) revised | † 2587 |
| 101–20.116—101–20.116–6 Added | 39266 |
| 101–25.111 Added | 24505 |
| 101.25–112 Added | 37379 |
| 101.25–113 Added | 37379 |
| 101–25.302–4 Heading, introductory text and (a)(3) revised | 26648 |
| 101–25.302–6 Added | 26648 |
| 101–25.303 Revised | 44454 |
| 101–25.403 Introductory text, introductory text of (a), and (b) revised; (c) added | 26649 |
| 101–25.4801 Revised | 30117 |
| (b)(3) corrected | 30932 |
| 101–25.4902 Revised | 30117 |
| 101–25.4902–1473 Revised | 30117 |
| 101–25.4902–1473–1 Added | 30117 |
| 101–26.203–1 (b)(3) revised | 37059 |
| 101–26.203–2 (b) revised | 37059 |
| 101–26.401 (a) revised | 35166 |
| 101–26.401–2 Revised | 35166 |
| 101–26.401–3 Revised | 35166 |
| 101–26.501 Revised | 37379 |
| 101–26.501–4 (d) revised | 37197 |
| 101–26.503 Revised | 37197 |
| 101–26.602–1 (a) revised; (b) amended | 33315 |
| 101–26.602–3 (a) and (b) revised | 33316 |
| 101–26.602–4 (d) revised | 33316 |
| 101–26.701 (c) revised | 37059 |
| (c) revised | † 7619 |
| 101–26.702 (c) revised | 37059 |
| (c) revised | † 7619 |
| 101–26.4801 Revised | 37197 |
| 101–26.4901–344 Removed | 37059 |
| 101–26.4902–952 Removed | 37059 |
| 101–26.4902–1348 Removed | 37059 |
| 101–26.4902–1348m Removed | 37059 |
| 101–26.4902–1348–1 Removed | 37059 |
| 101–26.4902–1348–6 Removed | 37059 |
| 101–26.4902–3127 Removed | 37059 |
| 101–26.4902–3128 Removed | 37059 |
| 101–27.102–2 Revised | 37059 |
| 101–27.303–2 (b) revised | 37059 |
| 101–27.304–1 Revised | 27902 |
| 101–30.101–6 Revised | 37059 |
| 101–30.101–10 Added | 37060 |
| 101–30.201 (b)(4) revised | 37060 |
| 101–30.202 (c) revised | 37060 |
| 101–30.304 Revised | 37060 |
| 101–30.401–2 Revised | 37060 |
| 101–30.401–3 Revised | 37060 |
| 101–30.403–1 Revised | 37060 |
| 101–30.403–2 Revised | 37060 |
| 101–30.404 (b) revised | 37060 |
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| 249.10 | (b)(6) revised | 37637 |
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| 87.463 Amended | † 8951 |
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| 89.525 (e) table amended; (f)(2), (5), (14), and (19) revised; (f)(4) removed; (f)(22) added | 38904 |
| (e) table amended; (f)(15) removed; (f)(16) revised | 45265 |
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| 89.751 (b) revised; (e), (f), and (g) redesignated as (f), (g), and (h); (e) added | † 14471 |
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| 91.101 Text redesignated as (a); (b) added | 44985 |
| 91.102 (a) table amended | † 14472 |
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| 91.104 (b)(2) amended | † 8952 |
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| 91.754 (a) table amended; (b)(11) revised; (b)(19) added | 45267 |
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| 173.394 (a) and (b)(1) and (2) revised; (c)(4) and (b)(5) and (6) added | 45241 |
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| 173.395 (a) introductory text and (1) through (4) revised; (a)(5) through (8) removed; (b)(4) added | 45242 |
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| 173.396 (b)(1) and (c)(1) and (2)(ii) revised; (b)(6), (7), and (8), (c)(5), and (f)(1) and (2) added | 45242 |
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| 174.541 Effective date amended | 37488 |
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| 174.586 (h)(1) revised; (h)(2) amended | 45244 |
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| 175.652a (c) revised | 45244 |
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| 177.817 (a) introductory text revised | 45245 |
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| 177.824 (d) revised | 41742 |
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| 177.837 (e) added | 41743 |
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| 570.57 (a)(1) and Table 1 revised; Table 2 added | † 5160 |
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| 571.103 Std. No. 103 amended; eff. 9-1-75 | † 12992 |
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| 571.106 Std. No. 106-74 amended; eff. 3-1-75 | 39725 |
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# reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 9—Animals and Animal Products

## CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, ORGANISMS AND VECTORS

## PART 113—STANDARD REQUIREMENTS

### Miscellaneous Amendments

On October 22, 1974, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 39 FR 37503.

On December 27, 1974, a notice of extension of time to submit written data, views, or arguments with respect to the proposed amendments to Part 113 was published in the FEDERAL REGISTER at 39 FR 44764.

These amendments codify in Part 113 test methods, procedures and criteria established by Veterinary Services for evaluating biological products containing *Leptospira grippotyphosa*, *Leptospira hardjo*, *Salmonella typhimurium*, and *Pasteurella multocida* fractions to be pure, safe, potent, and efficacious and not to be worthless, contaminated, dangerous, or harmful. All such products shall meet the applicable requirements before marketing release is authorized.

These requirements have been developed in cooperation with interested members of the scientific society and, to a limited extent, have been utilized by industry.

Comments were received from nine persons. Objections were made to the production requirement that only triple bacterins be made with Leptospira Grippotyphosa Bacterin, Leptospira Hardjo Bacterin, and Leptospira Pomona Bacterin. They also objected to certain features of the potency tests proposed for Salmonella Typhimurium Bacterin and Pasteurella Multocida Bacterin.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notices of rulemaking and the comments and views submitted by such persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notices are hereby adopted and are set forth herein subject to the following noted modifications:

The introductory paragraphs in the proposed § 113.89 and § 113.90 have been revised by deleting the requirement that a triple bacterin be prepared as being unnecessarily restrictive. A printing error in § 113.89(c)(4) has been corrected and the table rewritten so it can be printed in one column.

The proposed potency tests in § 113.105 (c) and § 113.106(c) have been deleted and an Outline of Production requirement has been substituted until inconsistencies in conducting the proposed potency tests can be resolved.

Part 113—Standard Requirements—is amended by adding four new §§ 113.89, 113.90, 113.105 and 113.106 to read as follows.

### § 113.89 Leptospira grippotyphosa bacterin.

Leptospira Grippotyphosa Bacterin shall be produced from a culture of *Leptospira grippotyphosa* which has been inactivated and is nontoxic. Each serial of biological product containing *Leptospira grippotyphosa* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product shall be diluted with physiological saline so that each 0.25 ml contains not more than 1/800th of the dose recommended on the label and shall be tested for potency, using the two-stage test provided in this paragraph.

(1) *Vaccinates.* Inject each of 10 young adult hamsters, each weighing 50–90 grams, with 0.25 ml of the diluted bacterin either subcutaneously or intramuscularly in accordance with the label recommendations for use.

(2) *Controls.* Retain 10 additional hamsters from the same group as unvaccinated controls.

(3) *Challenge.* From 14–18 days postvaccination, challenge each vaccinate and each control intraperitoneally with a suspension of virulent *Leptospira grippotyphosa* organisms, using a dose of 10–1,000 hamster $LD_{50}$ as determined by titration.

(4) *Post-challenge period.* Observe the vaccinates and controls for 14 days postchallenge and record all deaths. If eight or more controls die of leptospirosis, the test is valid and the results shall be evaluated according to the following table:

CUMULATIVE TOTALS

| Stage | Number of vaccinates | Dead hamsters for acceptance | Dead hamsters for rejection |
|---|---|---|---|
| 1 | 10 | 2 or less | 5 or more. |
| 2 | 20 | 5 or less | 6 or more. |

(5) If three or four vaccinates die in the first stage, the second stage shall be conducted in a manner identical to the first stage.

(6) If the second stage is used, each serial shall be evaluated according to the second part of the table. On the basis of cumulative results, each serial shall either pass or fail.

### § 113.90 Leptospira hardjo bacterin.

Leptospira Hardjo Bacterin shall be produced from a culture of *Leptospira hardjo* which has been inactivated and is nontoxic. Each serial of biological product containing *Leptospira hardjo* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the test written into the filed Outline of Production.

### § 113.105 Salmonella Typhimurium Bacterin.

Salmonella Typhimurium Bacterin shall be prepared from a culture of *Salmonella typhimurium* which has been inactivated and is nontoxic. Each serial of biological product containing *Salmonella typhimurium* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.



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(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the test written into the filed Outline of Production.

**§ 113.106 Pasteurella Multocida Bacterin.**

Pasteurella Multocida Bacterin shall be prepared from a culture of *Pasteurella multocida* strains other than avian which have been inactivated and are nontoxic. Each serial of biological product containing *Pasteurella multocida* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the test written into the filed Outline of Production.

**§§ 113.107–113.119 [Reserved]**

Sections 113.107–113.119 are reserved.

(37 Stat. 9 CFR 151–158 U.S.C.)

*Effective date.* These amendments take effect May 15. 1975.

Done at Washington, D.C., this 10th day of April 1975.

J. M. HEJL,
*Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.75-9842 Filed 4-15-75;8:45 am]

## Title 12—Banks and Banking

### CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

### SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

### PART 309—PUBLISHED AND UNPUBLISHED RECORDS AND INFORMATION

#### Authority Delegations

1. The Board of Directors of the Federal Deposit Insurance Corporation has decided to delegate authority to the Director of the Corporation's Division of Bank Supervision, or his designee, to disclose confidential information to proper Federal or State prosecuting or investigatory authorities when such information pertains to irregularities in open or closed insured banks which may constitute violations of Federal or State law. The Board of Directors has also decided to delegate similar authority to the General Counsel of the Corporation or his designee. In both cases the authority so delegated merely expands upon current delegations of authority (see 12 CFR 309.1(c)(1) (iv) and (vi)).

2. Section 309.1(c)(1) (iv) and (vi) of Title 12 of the Code of Federal Regulations are revised to read as follows:

**§ 309.1 Published and unpublished information.**

* * * * *

(c) * * *

(1) * * *

(iv) The Director of the Division of Bank Supervision or his designee may furnish to the proper Federal or State prosecuting or investigatory authorities any and all records and information relating to irregularities discovered in open and closed insured banks believed to constitute violations of any Federal or State statute.

* * * * *

(vi) The General Counsel of the Corporation or his designee may disclose to the proper Federal or State prosecuting or investigatory authorities any and all records and information relating to irregularities discovered in open and closed insured banks believed to constitute violations of any Federal or State statute.

(Sec. 9, 64 Stat. 881, 12 U.S.C. 1819)

4. The requirements of sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2 and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 302.1, 302.2 and 302.5) with respect to notice, public participation and deferred effective date, were not followed in connection with these amendments because the amendments relate solely to matters of internal agency procedure and because the Board of Directors found that notice and opportunity for public comment thereon as well as any delay in the effective date thereof would be unnecessary and would not serve any useful public purpose.

5. *Effective date.* This regulation is effective April 16, 1975.

By order of the Board of Directors, April 11, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
*Executive Secretary.*

[FR Doc.75-9926 Filed 4-15-75;8:45 am]

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 75-334]

### PART 545—OPERATIONS

#### Payments to Third Parties

APRIL 10, 1975.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulation.

I. *Existing regulation.* Limits the authority of Federal associations to offer bill payment services primarily to the payment of "housing-related items".

II. *Amendment.* Removes the "housing-related items" restriction.

III. *Effect of amendment.* Enables Federal associations to offer a full range of bill payment services.

By Resolution No. 74–1051, dated October 9, 1974, the Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by deleting the second sentence of § 545.4–1(a)(2) in order to expand the authority of Federal associations to offer "giro-type" funds transfer services as described below. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on October 17, 1974 (39 FR 37073), with an invitation for interested persons to submit written comments by November 20, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends § 545.4–1(a)(2) to read as set forth below, effective April 16, 1975.

Section 545.4–1(a)(1) authorizes Federal associations to honor withdrawal requests "in the form of nontransferable orders or authorizations to the association for the payment of amounts in savings accounts to third parties periodically or otherwise * * *" The second sentence of § 545.4–1(a)(2) restricts this authority as follows:

> A Federal association may accept orders or authorizations for payment by the association to third parties only for the purchase of obligations of the United States, payment of premiums on mortgagor or savings member insurance plans, systematic payment of withdrawals to a relative of the accountholder, and payment on behalf of accountholders for housing-related items and loans for such items, including residential real estate mortgages, taxes, and insurance, rent, utilities, home improvements, mobile homes, fixtures, major home furnishings, major home appliances, and similar items.

The Board's amendment removes the above-quoted restriction. The principal effect of the amendment is to enable Federal associations to offer bill payment services to their customers without restriction as to the type of transactions out of which payments arise. For example, a Federal association could honor withdrawal requests in the form of nontransferable orders or authorizations to the association for the payment of any of the customer's bills. Such bill payment services are referred to as "giro-type" bill payment services after a similar service offered in England and in some European countries, in which payment orders are given by the accountholder directly to the financial institution in question.

Section 545.4–1(a)(2) is revised to read as follows:

**§ 545.4–1 Payments to third parties by withdrawals or transfer of savings accounts; checks and money orders.**

(a) *Withdrawals and transfers.* * * *

(2) *Restrictions.* An accountholder shall not have a right to transmit or deliver any such order or authorization to a third party to whom a withdrawal is to be paid or transferred, and a Federal association shall not accept any such order or authorization which is received by it from or through such a third party.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board,

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-9917 Filed 4-15-75;8:45 am]

[No. 75-332]

### PART 545—OPERATIONS

#### Consumer Loans by Service Corporations

APRIL 10, 1975.

The Federal Home Loan Bank Board, by Resolution No. 74–776, dated August 7, 1974, proposed to amend § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1) for the purpose of permitting service corporations in which Federal associations may invest under § 545.9–1 to invest in consumer loans. By a companion Resolution (Resolution No. 74–777; August 7, 1974) the Board proposed amendments to § 584.2–1 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.2–1) to permit multiple savings and loan holding companies to invest in consumer loans. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on August 14, 1974 (39 FR 29203) with an invitation for interested persons to submit written comments by September 16, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board amends § 545.9–1, with two changes from the proposal, as described below.

By a companion Resolution (Resolution No. 75–333; April 10, 1975) the Board also adopts a similar amendment to § 584.2–1 for multiple savings and loan holding companies.

Under this amendment Federal association service corporations are permitted to originate, purchase, sell, and service consumer loans. The term "consumer loan" is defined to mean "a loan to one or more individuals which is either unsecured or which is secured by consumer goods". As indicated in the preamble to the proposal, the term "consumer goods" is defined in the regulation to include "all goods used or bought primarily for personal, family or household purposes".

The preamble to the proposal stated that if consumer loans were sold with recourse, the amount of the recourse obligation would be included as secured debt in determining compliance with the debt limitation of § 545.9–1(b)(3)(i)(b). This rule is incorporated by this amendment in § 545.9–1(b)(3)(i)(*d*).

Accordingly, the Board hereby amends § 545.9–1 by revising paragraphs (a)(4)(i)(c), (a)(4)(i)(*d*), and (b)(3)(i)(*d*) thereof and adding new paragraphs (a)(4)(i)(*e*) and (k)(7) thereto, to read as set forth below, effective April 16, 1975.

**§ 545.9–1 Service corporations.**

(a) *General service corporations.*

* * * * *

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the following:

(i) Originating, purchasing, selling, and servicing any of the following:

* * * * *

(c) Loans, with or without security, for the altering, repairing, improving, equipping or furnishing any residential real estate;

(*d*) Educational loans; and

(*e*) Consumer loans.

* * * * *

(b) *Other service corporations.* In addition to investment in a service corporation which meets the requirements of paragraph (a) of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located if:

* * * * *

(3) The following limitations are complied with:

* * * * *

(i) If less than 5 savings and loan associations (including any Federal association) hold capital stock in such corporation or one such association holds more than 40 percent of such stock, such corporation, including any subsidiary, does not incur or have outstanding at any time debt in excess of the following limitations:

* * * * *

(*d*) Secured debt will be deemed to be unsecured for the purposes of this paragraph (b)(3)(i) to the extent that such debt exceeds the market value of any security therefor at the time the loan is made. In addition, the term secured debt as used in this paragraph (b)(3)(i) shall include the entire amount of any obligation of the service corporation arising out of the sale of consumer loans with recourse.

* * * * *

(k) *Definitions.* As used in this section—

* * * * *

(7) The term "consumer loan" means a loan to one or more individuals which is either unsecured or which is secured by consumer goods. The term "consumer goods" includes all goods used or bought primarily for personal, family or household purposes.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-9915 Filed 4-15-75;8:45 am]

### SUBCHAPTER F—SAVINGS AND LOAN HOLDING COMPANIES

[No. 75-333]

### PART 584—REGULATED ACTIVITIES

#### Consumer Loans by Multiple Holding Companies

APRIL 10, 1975.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 74–777, dated August 7, 1974, proposed to amend § 584.2–1 of the regulations for Savings and Loan Holding Companies (12 CFR 584.2–1) for the purpose of authorizing consumer loans as one of the "preapproved" services and activities for multiple savings and loan holding companies and their non-insured subsidiaries other than service corporations. By a companion Resolution (Resolution No. 74–776; August 7, 1974) the Board proposed amendments to § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1) to permit service corporations in which Federal associations may invest to invest in consumer loans. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on August 14, 1974 (39 FR 29204) with an invitation for interested persons to submit written comments by September 16, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends § 584.2–1, as proposed, by revising paragraphs (b)(1)(iii) and (b)(1)(iv) thereof and by adding new paragraph (b)(1)(v) thereto to read as set forth below, effective April 16, 1975.

By a companion Resolution (Resolution No. 75–332; April 10, 1975) the Board also adopts similar amendments to § 545.9–1 for service corporations of Feedral associations. Under § 584.2(c) service corporation subsidiaries of multiple (as well as unitary) holding company subsidiary insured institutions may invest in consumer loans to the extent that activity is now preapproved for service corporations of Federal associations under § 545.9–1.

Paragraphs (b)(1)(iii) and (iv) are revised and paragraph (b)(1)(v) is added to read as follows:

**§ 584.2–1 Services and activities of multiple savings and loan holding companies.**

* * * * *

(b) *Prescribed services and activities.* Subject to the provisions of paragraph (c), a multiple savings and loan holding company or a subsidiary thereof which is neither an insured institution nor a service corporation of a subsidiary insured institution may furnish or perform the followng services and engage







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in the following activities to the extent that it has legal power to do so:

(1) Originating, purchasing, selling and servicing any of the following:

• • • • •

(iii) Loans, with or without security, for the altering, repairing, improving, equipping or furnishing of any residential real estate;

(iv) Educational loans; and

(v) Consumer loans, as defined in § 545.9–1(k)(7) of this chapter, *Provided*, that, no subsidiary insured institution of such holding company or service corporation, of such insured institution shall engage, directly or indirectly, in any transaction with any affiliate involving the purchase or sale, in whole or in part, of any consumer loan.

• • • • •

(Sec. 408, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-9916 Filed 4-15-75;8:45 am]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–NW–10–AD; Amdt. 39–2150]

## PART 39—AIRWORTHINESS DIRECTIVE

### Boeing Model 737–100 and –200 Series Airplanes

*Correction*

In FR Doc. 75–8778, appearing in the issue of Friday, April 4, 1975, the bulletin number in the tenth line of the second full paragraph of the airworthiness directive should read "737–29–1027".

[Docket No. 75–NW–13–AD; Amdt. 39–2175]

## PART 39—AIRWORTHINESS DIRECTIVES

### Boeing Model 707–100 and 720 Series Airplanes

A crack in the lower wing skin center section has been found on a Boeing Model 720B airplane. The structural integrity of the wing has been impaired, and further cracking, if not repaired, could lead to structural failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a close visual inspection of the wing center section lower skin for cracks on Boeing Model 707–100 and 720 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), Section 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Boeing Model 707–100 and 720 series airplanes noted in Boeing Alert Service Bulletin 3220 certificated in all categories.

Compliance required as indicated.

A. To detect wing center section lower skin cracks, within the next 100 flights after the effective date of this AD, for airplanes with 20,000 or more flights, visually inspect the wing center section lower skin for cracks at the air conditioning duct anchor channel just outboard of RBL 12.78 beam on stringer 17 and at the air cycle machine support clip just outboard of LBL 12.78 beam on stringer 18. Particular attention should be given to the wing skin at the forward and aft edges of the two support fittings.

B. Skins found cracking are to be repaired in accordance with the Boeing structural repair manual or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. This directive will be amended to require repetitive inspections when such have been determined.

D. For the purpose of complying with the Airworthiness Directive, subject to acceptance by the assigned FAA maintenance inspector, the number of flights may be determined by dividing each airplane's hours' time in-service by the operator's fleet average time from takeoff to landing for the airplane type. One flight is defined as one takeoff and landing.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 16, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. WALK, JR.,
*Director,*
*Northwest Region.*

Issued in Seattle, Washington, on April 9, 1975.

[FR Doc.75–10018 Filed 4–15–75;8:45 am]

[Airspace Docket No. 75–RM–4]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

### Transition Area; Alteration

On February 21, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 7677) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Sidney, Montana.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received in response to the notice.

Subsequent to the circularization of the notice, the geographical position of the Sidney NDB was redescribed. Since the the change is editorial in nature and imposes no additional burden on any person, further notice and public procedure are unnecessary.

Therefore, the proposed amendment is adopted with the following change:

The geographical position of the Sidney, Mont. NDB is corrected to read:

Lat. 47°42'41" N., Long. 104°10'52" W.

*Effective date.* This amendment shall be effective 0901 G.m.t., June 19, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on April 17, 1975.

M. M. MARTIN,
*Director, Rocky Mountain Region.*

### § 71.181 [Amended]

In § 71.181 (40 FR 441) the description of the Sidney, Mont., transition area is amended to read:

SIDNEY, MONTANA

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sidney-Richland Municipal Airport (latitude 47°42'35" N., longitude 104°11'10" W.); within 9.5 miles east and 4.5 miles west of the 356° bearing from the Sidney NDB (latitude 47°42'41" N., longitude 104°10'52" W.) extending from the 9-mile radius area to 18.5 miles north of the NDB; and within 9.5 miles southeast and 4.5 miles northwest of the 215° bearing from the Sidney NDB extending from the 9-mile radius area to 18.5 miles southwest of the NDB.

[FR Doc.75–9828 Filed 4–15–75;8:45 am]

[Airspace Docket No. 75–EA–1]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

### Transition Area; Designation and Alteration

On page 8217 of the FEDERAL REGISTER for February 26, 1975, the Federal Aviation Administration published a proposed rule so as to designate a Cranberry Lake, N.Y., Transition Area and alter the Oswego, N.Y., Transition Area (40 FR 561).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. May 22, 1975.





(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on April 7, 1975.

JAMES BISPO,
*Acting Director, Eastern Region.*

1. Amend Part 71, Federal Aviation Regulations so as to designate the Cranberry Lake, N.Y., 1200-foot floor Transition Area as follows:

CRANBERRY LAKE, NEW YORK

That airspace extending upward from 1200 feet above the surface beginning at the Saranac Lake, N.Y. VOR, thence southeast via the Saranac Lake VOR 134° radial to its point of intersection with the Burlington, Vermont VORTAC 215° radial; thence southwest along the Burlington, Vermont VORTAC 215° radial to its point of intersection with the Watertown, N.Y. VORTAC 123° radial; thence northwest along the Watertown VORTAC 123° radial to the Watertown VORTAC; thence northeast along the Watertown VOR TAC 033° radial to its point of intersection with the Saranac Lake VOR 311° radial; thence southeast along the Saranac Lake VOR 311° radial to Saranac Lake VOR excluding the airspace in Canada.

2. Amend Part 71, Federal Aviation Regulations by deleting the description of the Oswego, N.Y., 1200-foot floor Transition Area and by substituting the following in lieu thereof:

OSWEGO, NEW YORK

That airspace extending upward from 1200 feet above the surface beginning at latitude 43°24'00" N.; longitude 76°45'00" W., to latitude 43°24'00" N., longitude 77°50'00" W.; to latitude 43°20'00" N., longitude 77°50'00" W.; to latitude 43°20'00" N., longitude 78°00'00" W.; thence north along longitude 78°00'00" W. to the U.S./Canadian border, thence east along the U.S./Canadian border to longitude 75°00'00" W.; thence to latitude 43°32'00" N., longitude 76°23'00" W.; to latitude 43°24'00" N., longitude 76°40'00" W.; to point of beginning.

[FR Doc.75–9827 Filed 4–15–75;8:45 am]

[Airspace Docket No. 74–NW–25]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

### Transition Area; Redesignation

On March 5, 1975, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 10193) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Newport, Oreg., Transition Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441) the Newport, Oreg., Transition Area is amended to read as follows:

NEWPORT, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newport Municipal Airport (Lat. 44° 34'45" N., Long. 124°03'24" W.); within 2 miles each side of the Newport VORTAC 005° radial, extending from the 5-mile radius area to 10 miles N of the VORTAC; within 2 miles each side of the Newport VORTAC 044° radial, extending from the 5-mile radius area to 13 miles NE of the VORTAC; and within 3 miles each side of the Newport VORTAC 341° radial, extending from the 5-mile radius area to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within lines 5 miles each side of the Newport VORTAC 237° radial including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to a line extending through Lat. 44°35'00" N., Long. 124°17'30" W., and Lat. 44°22'00" N., Long. 124°13'25" W., and that airspace within 5 miles E and 10 miles W of the Newport VORTAC 341° radial, extending from the VORTAC to 19 miles N.

(Sec. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 10, 1975.

EDWARD J. MALO,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75–9829 Filed 4–15–75;8:45 am]

[Airspace Docket No. 75–AL–5]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

## PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

### Designation/Redesignation of Airways, Jet Routes and Reporting Points

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to: 1. renumber segments of airways and jet routes; 2. rename air navigation aids and reporting points; 3. add reporting points.

Renumbering of routes in Alaska is required because of the limited capacity of the computer system, recently installed in the Anchorage ATC Center to process flight plan data. Renaming air navigation aids and reporting points is done to conform to the established policy of not having the same name for those aids that are not collocated. The addition of reporting points, at Barter Island NDB and Big Delta VORTAC, is required because radar coverage is not always available.

Because these actions merely renumber routes, and rename and add reporting points without changing any airspace or air routes, they are minor matters on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate charts, this amendment will be made effective on Oct. 9, 1975.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., Oct. 9, 1975, as hereinafter set forth.

1. In § 71.103 (40 FR 305), G–7 is amended by deleting "Galena, Alaska, RBN; INT Galena RBN 089°" and substituting "Bishop, Alaska, NDB; INT Bishop NDB 089°" therefor.

2. In § 71.105 (40 FR 305).

a. A–2 is amended by deleting "Bettles, Alaska, RBN;" and substituting "Evansville, Alaska, NDB;" therefor.

b. A–3 is amended by deleting "Bettles, Alaska, RBN," and substituting "Evansville, Alaska, NDB," therefor.

3. In § 71.107 (40 FR 306).

a. R–50 is amended to read as follows: "R–50 From Bishop, Alaska, NDB, via Bear Creek, Alaska, NDB; to Chena, Alaska, NDB."

b. R–103 is amended to read as follows: "R–103 From Wildwood, Alaska, NDB, via INT Wildwood, NDB 112° and Campbell Lake, Alaska, NDB 208° bearings; 49 miles 12 AGL, 58 miles 85 MSL, 39 miles 12 AGL, Wessels, Alaska, NDB."

4. In § 71.109 (40 FR 306, 39 FR 44196).

a. B–12 is amended to read as follows: "B–12 From Takotna River, Alaska, NDB, 24 miles 12 AGL, 54 miles 55 MSL, 35 miles 12 AGL, via Bishop, Alaska, NDB; 68 miles 12 AGL, 88 miles 55 MSL, 37 miles 12 AGL, to Hotham, Alaska, NDB."

b. B–26 is amended to read as follows: "B–26 From Campbell Lake, Alaska, NDB, via Peters Creek, Alaska, NDB; Summit, Alaska, NDB; INT Summit NDB 007° and Chena, Alaska, NDB 218° bearings; Chena NDB; Yukon River, Alaska, NDB; 86 miles 12 AGL, 75 miles 115 MSL, 56 miles 12 AGL, to Barter Island, Alaska, NDB."

c. B–27 is amended by deleting "Kotzebue, Alaska, RBN." and substituting "Hotham, Alaska, NDB." therefor.

d. B–28 is added to read as follows: "B–28 From Prince Rupert, B.C., Canada, NDB, via Nichols, Alaska, NDB; 42 miles 12 AGL, 99 miles 55 MSL, 29 miles 12 AGL to Sitka, Alaska, NDB. The airspace within Canada is excluded."

e. B–37 is added to read as follows: "B–37 From Petersburg, Alaska, NDB, via Elephant, Alaska, NDB; Cape Spencer, Alaska, NDB, to INT Cape Spencer, NDB 273° and Ocean Cape, Alaska, NDB 139° bearings."

f. B–38 is amended to read as follows: "B–38 From Sitka, Alaska, NDB, via Elephant, Alaska, NDB; Haines, Alaska, NDB, to Whitehorse, Y.T., Canada, RR. The airspace within Canada is excluded."

g. B–79 is amended to read as follows: "B–79 From Sandspit, B.C., Canada, NDB, to Nichols, Alaska, NDB. The airspace within Canada is excluded."

5. In § 71.125 (40 FR 339, 39 FR 36111).

a. V–307 is amended to read as follows: "V–307 From Sandspit, B.C., Canada, to Annette Island, Alaska. The airspace within Canada is excluded."



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b. V–311 is added to read as follows: "V–311 From Annette Island, Alaska, 42 miles 12 AGL, 99 miles 55 MSL, 31 miles 12 AGL, to Biorka Island, Alaska."

c. V–317 is amended by deleting all after "Sisters Island, Alaska;" and substituting "to INT Sisters Island 272° and Yakutat, Alaska, 139° radials. The airspace within Canada is excluded." therefor.

d. V–319 is added to read as follows: "V–319 From INT Sisters Island, Alaska, 272° and Yakutat, Alaska, 139° radials; 86 miles 20 MSL, 20 miles 12 AGL via Yakutat; Johnstone Point, Alaska; INT Johnstone Point 286° and Anchorage, Alaska, 117° radials; Anchorage; including a south alternate from Johnstone Point to Anchorage via INT Johnstone Point 271° and Anchorage 130° radials."

e. V–321 is added to read as follows: "V–321 From King Salmon, Alaska, to Homer, Alaska."

f. V–427 is amended to read as follows: "V–427 From King Salmon, Alaska, 103 miles 12 AGL, 29 miles 135 MSL, to INT King Salmon 042° and Anchorage, Alaska, 246° radials."

g. V–435 is added to read as follows: "V–435 From Homer, Alaska, to Kenai, Alaska."

h. V–436 is amended by deleting all before "Anchorage, Alaska;" and substituting "From INT King Salmon, Alaska, 068° and Kenai, Alaska, 247° radials; via Kenai;" therefor.

i. V–504 is amended by deleting "via Bettles, Alaska, NDB;" and substituting "via Evansville, Alaska, NDB;" therefor.

6. In § 71.211 (40 FR 634).

a. The following reporting points are deleted:

(1) Galena, Alaska, RBN.
(2) Bettles, Alaska, RBN.
(3) Talkeetna, Alaska, RBN.
(4) Kotzebue, Alaska, RBN.
(5) Fort Yukon, Alaska, RBN.
(6) Sisters Island, Alaska, RBN.

b. The following reporting points are added:

(1) Barter Island, NDB.
(2) Bishop, NDB.
(3) Evansville, NDB.
(4) Peters Creek, NDB.
(5) Hotham, NDB.
(6) Yukon River, NDB.
(7) Elephant, NDB.

7. In § 71.213 (40 FR 637) the following reporting points are added:

a. Barter Island, NDB.
b. Big Delta.

8. § 75.100 (40 FR 705) is amended as follows:

a. J–127 is amended to read as follows: "J–127 From King Salmon, Alaska, to INT King Salmon 042° and Anchorage, Alaska, 246° radials."

b. J–133 is amended to read as follows: "J–133 From Biorka Island, Alaska, via Hinchinbrook, Alaska, NDB; to Johnstone Point, Alaska."

c. J–195 is added to read as follows: "J–195 From Annette Island, Alaska, to Biorka Island, Alaska."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 10, 1975.

EDWARD J. MALO,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75–9830 Filed 4–15–75;8:45 am]

## Title 16—Commercial Practices

### CHAPTER I—FEDERAL TRADE COMMISSION

### SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

### PART 1—GENERAL PROCEDURES

#### Miscellaneous Amendments

*Correction*

In FR Doc. 75–8488, appearing at page 15233 in the issue of Friday, April 4, 1975, under Subpart I, in the first full paragraph, line 16 should read: "'emergency action is necessary • • •' for 'ex-'".

## Title 17—Commodity and Securities Exchanges

### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

#### Delegation of Authority; Correction

In FR Doc. 75–8511 appearing at page 14748 in the FEDERAL REGISTER of April 2, 1975, the citations before and after the amendment are hereby corrected to read as follows:

Pursuant to the authority set forth in 76 Stat. 394, 395, 15 U.S.C. 78d–1, 78d–2, the Securities and Exchange Commission hereby amends 17 CFR Part 200 as follows:

• • • • •

(76 Stat. 394, 395, 15 U.S.C. 78d–1, 78d–2)

Dated: April 8, 1975.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–9887 Filed 4–15–75;8:45 am]

## Title 24—Housing and Urban Development

### CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–75–325]

### PART 890—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

#### Subpart A—Performance Funding System

INTERIM RULE

On August 22, 1974, the President of the United States signed the Housing and Community Development Act of 1974, section 201 of which amended the United States Housing Act of 1937. Among these amendments was a new section 9, which provides that for the purpose of making annual contributions to Public Housing Agencies (PHAs) for the operation of low-income public housing projects, the Secretary of Housing and Urban Development (HUD) is directed to "establish standards for costs of operation and reasonable projections of income, taking into account the character and location of the project and characteristics of the families served, or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed project."

Notice is hereby given that the Secretary hereby amends 24 CFR Chapter VIII, by adding a new Part 890, Annual Contributions for Operating Subsidy, consisting of Subpart A, Performance Funding System, in order to make effective and to implement the provisions of section 9. These regulations set forth the essential elements of the Performance Funding System and explain the respective roles and responsibilities of HUD and the PHAs.

These regulations are the result of an extensive study and effort by HUD. Following the organization of a task force in 1973 consisting of HUD staff, outside organizations and the Urban Institute, a survey of 120 PHAs was performed by the Urban Institute (40 small, 40 medium, and 40 large PHAs). The purpose of the study was to determine which PHAs were high performance (well-manager), and then to establish a funding system for all PHAs which would be based on the actual costs of high performance PHAs and would take into account particular conditions of each PHA.

In the PHAs surveyed, approximately 9,000 interviews with management staff and tenants were conducted to determine levels of satisfaction with the authority operations. At the same time, PHA and HUD records were reviewed in order to identify relevant objective characteristics for determining effectiveness of performance, such as vacancy rates and turnover rates. Effectiveness of performance was determined by examining several basic factors: (1) appraisals by the management staff of the condition of the buildings and units and the effectiveness of the PHAs; (2) satisfaction of the tenants; (3) empirical data such as vacancy rates, vandalism costs and rent delinquencies; and (4) ratings by the HUD Field Office of how well the PHA was meeting its objectives. Operating expenditures were not used in determining whether a PHA was in the high or low performance group.

Before distinguishing between the high and low performance PHAs, the study attempted to "wash out" as many other factors as possible that were beyond the control of the PHA and would affect management performance and thus operating costs. The Urban Institute related 34 "control variables" to the performance scores of the PHAs. They included such factors as average household income, age of project buildings, ratio of children to adults, number of bedrooms per unit, central city v. suburban location, and neighborhood conditions and services.

A principal finding of the Urban Institute study was that even though the division of PHAs into high and low performance groups took into account differences attributable to location, project and tenant characteristics, high performance PHAs cost less to manage than low-performance PHAs.

*Average per unit per month total operating costs (less utilities) 1970–71–72*

| | High performing | Low performing | Average difference |
|---|---|---|---|
| Large PHA's | $43.50 | $55.25 | $11.75 |
| Medium PHA's | 33.44 | 40.31 | 6.87 |
| Small PHA's | 27.56 | 32.64 | 5.03 |

The Performance Funding System includes a formula which has been developed to compute the expenses (excluding utilities and cost of biennial Independent Public Accountant audits) of high performance PHAs having widely different location, project and tenant characteristics. The formula provided for in the regulations uses five variables, which were selected primarily on the basis of providing the closest approximation to actual operating expenses (excluding utilities and audits) of high performance PHAs. These five variables are: (1) Population of area served by the PHA; (2) average number of bedrooms; (3) average age of project buildings (weighted by number of units); (4) average number of stories of project buildings (weighted by number of units); and (5) relative average operating costs, other than utilities and audits, of a sample of PHAs in each of HUD's 10 Regions. These five variables were selected primarily because they produce the closest approximation to operating expenses (excluding utilities and audits) of high performance PHAs. Numerous other variables were not used because they did not substantially improve the accuracy of the formula, presented difficulties in data collection, or were to some extent within the management control of the PHA.

HUD anticipates that the weights to be applied to these variables under the formula will be updated each year to reflect actual cost experience of high performance PHAs. The formula itself may be revised from year to year.

It is important to note that the formula dollar amount of expenses (excluding utilities) is not the amount allowed to the PHA for those expenses in determining its level of operating subsidy. Instead, the amount of expenses used to compute level of operating subsidy under the Performance Funding System is based upon the actual amount of the budget expenses (excluding utilities) approved or approvable for HUD by the previous year.

The formula amount is, however, important in three respects. First, the amounts of a PHA's allowable expenses (excluding utilities and audits) is increased (or decreased) each year by the dollar amount of the difference between that year's formula expense level and the formula expense level for the previous year. The purpose is to adjust allowable expenses in line with actual expenses being incurred by high performance PHAs. Second, the formula is used to determine which PHAs have "base year" expenses (excluding utilities and audits) which are so high (more than $10.31 above the formula level) that the PHAs qualify for "transition funding," as provided in the regulations. In such cases, the PHA's allowable expenses in future years are calculated in relation to the formula expense level for the first year plus $10.31. Third, the formula level of expenses, and the "range" based thereon, are of importance with respect to provisions regarding requests for adjustments under the Performance Funding System.

In recognition of rapid rises in utility costs, the wide diversity among PHAs as to allocation of utility costs between PHAs and tenants, the types of utilities used, and similar considerations, utility expenses are treated separately under the Performance Funding System. The level of utility expense for a PHA used in computing operating subsidy is based upon the PHA's actual past level of consumption and current utility rates. Provision is made for subsequent adjustments caused by certain changes in level of consumption or by changes in rates during the year.

Total expenses are compared to projected operating income in order to compute the level of operating subsidy. The projection of dwelling rental income is based upon the rental charges shown in PHA rent rolls, increased by a trend factor (subject to updating) of three percent (3%) to obtain a figure for the ensuing year. The PHA estimates its percentage of occupancy, but normally may not estimate a percentage below 97 percent. Provision is made for requests for adjustments during the budget year where dwelling rental income falls below the projected level due to causes beyond the control of the PHA.

The Department has participated in numerous public discussions of the Performance Funding System and has considered extensive comments and views received during the course of the study and the development of the Performance Funding System.

The following publications describing the Urban Institute's study are available for inspection with the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410: (1) "Management Performance in Public Housing," January 1974, and (2) Working Paper 209–43–1 entitled, "The Development of a Prototype Equation for Public Housing Operating Expenses."

These regulations are published as an interim rule because of the character of operating subsidies, the ability to make adjustments (increases or decreases) in operating subsidy payments with respect to all PHAs to reflect changes in the final regulations, and the reduction of operating subsidy funds to some PHAs which would result from delayed implementation. Upon publication, these regulations are effective as to all PHAs upon commencement of their fiscal years on or after April 1, 1975. However, interested parties and government agencies are encouraged to submit written comments, suggestions, objections, views, or data regarding the Interim Rule to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All such submissions received on or before May 16, 1975, will be considered prior to the promulgation of the final rule. A copy of each written communication received by the Secretary will be available for public inspection during regular business hours at the above address.

Although these regulations are effective upon publication as to PHA fiscal years commencing on or after April 11, 1975, recipients of operating subsidies pursuant to this Interim Rule will be entitled to payments in accordance with the final rule, and any increases or decreases in the amount of operating subsidies to be paid to a PHA as a result of changes in the final regulations shall be reflected in subsequent payments during the PHA's fiscal year, as provided in these regulations.

The Department of Housing and Urban Development has determined that an Environmental Impact Statement is not required with respect to this Interim Rule. The Finding of Inapplicability is available for inspection with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, Title 24 is amended as follows:

A new Part 890, Annual Contributions for Operating Subsidy, consisting of Subpart A, Performance Funding System is added to Chapter IV to read as set forth hereinafter:

#### Subpart A—Performance Funding System

Sec.
890.101 Purpose—General policy of Performance Funding System.
890.102 Definitions.
890.103 Applicability of Performance Funding System.
890.104 Determination of amount of Operating Subsidy under PFS.
890.105 Computation of Allowable Expense Level.
890.106 Transition Funding for excessively high-cost PHAs.
890.107 Computation of Utilities Expense Level.
890.108 Other costs.
890.109 Projected Operating Income Level.
890.110 Requests for adjustments.
890.111 Utilization of Operating Resreves.
890.112 Operating Budget submission and approval.
890.113 Payments procedure for Operating Subsidy under PFS.

AUTHORITY: Section 9 of the United States Housing Act of 1937, (42 U.S.C. 1437g); section 201(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 1437 note); section 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d)







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## Subpart A—Performance Funding System

### § 890.101 Purpose—General policy of Performance Funding System.

(a) *Implementation of section 9(a).* The purpose of this Subpart is to establish standards and policies for the distribution of operating subsidy in accordance with section 9(a) of the United States Housing Act of 1937, 42 U.S.C. 1437g. Section 9(a) authorizes the Secretary of Housing and Urban Development (HUD) to make annual contributions for the operation of low-income housing projects (operating subsidy). Section 9(a) further provides:

> For purposes of making payments under this section, the Secretary shall establish standards for costs of operation and reasonable projections of income, taking into account the character and location of the project and characteristics of the families served, or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed project.

Pursuant to section 9(a), this subpart establishes standards for costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed project. These standards, policies and procedures are called the Performance Funding System (PFS). The provisions of PFS are intended to recognize and give an incentive for good management and to avoid the expenditure of public funds to compensate for excessive costs attributable to poor or inefficient management. PFS is intended to provide the incentive and financial discipline for excessively high-cost PHAs to improve their management efficiency. PFS includes provision for transition funding of additional operating subsidy for such PHAs to assist them in the transition to improved performance.

(b) *Background.* The HUD Act of 1969 initially authorized the payment of operating subsidy. The Conference Report (No. 91-740) submitted with the HUD Act of 1969 made it clear that Congress was "• • • deeply concerned over cases of lax management in many public housing projects which have led to high operating costs, deterioration of property and an intolerable environment for families who live there." The Senate Report on the Appropriations Bill for 1972 expressed Congress' concern over "spiraling contributions payments." On November 22, 1972, the Department issued Circular HM 7475.12, subject: Subsidies for Operations: Low-Rent Public Housing Program. That Circular set forth the Interim Formula system for determination of the amount of operating subsidy payments. PFS will replace the Interim Formula system. PFS is the result of an extensive study and effort by HUD to develop a long-range system for the distribution of operating subsidy in accordance with section 9(a) of the United States Housing Act of 1937, as amended.

(c) *Overview of PFS.* (1) The Performance Funding System for distribution of operating subsidy is designed to provide the amount of operating subsidy which would be needed for well-managed projects. That amount is determined by the difference between the projected expenses and projected operating income of the PHA, both computed in accordance with this Subpart A.

(2) Projected expenses, other than utilities and the expenses allowed under § 890.108 are determined in accordance with § 890.105 which provides for computation of the PHA's "Allowable Expense Level." The Allowable Expense Level is based upon the PHA's approved budget expense level during the previous year. A PHA whose "Base Year PHA Expense Level" is above the Allowable Expense Level will qualify for Transition Funding as provided in § 890.106.

(3) The projected utility expense level is computed separately, as provided in § 890.107, based upon the PHA's actual past level of consumption of utilities and based upon current rates.

(4) Projected operating income (primarily dwelling rental income) is computed in accordance with § 890.109. Dwelling rental income is projected based upon the rental charges shown in the PHA's rent rolls, increased by a trend factor (subject to updating) of three percent (3%), and multiplied by the PHA's estimated percentage of occupancy. Other operating income is estimated by the PHA subject to adjustment by HUD.

(5) Operating subsidy is then computed by subtracting projected income from projected expenses, and may be increased to include Transition Funding for qualifying PHAs.

### § 890.102 Definitions.

(a) *Allowable expense level.* The per unit per month dollar amount of expenses (excluding Utilities and expenses allowed under § 890.108) computed in accordance with § 890.105, which is used to compute the amount of operating subsidy.

(b) *Base year.* The PHA's budget year immediately preceding its first budget year under PFS.

(c) *Base year PHA Expense Level.* The expense level (excluding Utilities, biennial audits and certain other items) for the Base Year, computed as provided in § 890.105(a).

(d) *Budget year.* The fiscal year of the PHA.

(e) *Formula.* The formula derived from the actual expenses of high-performance PHAs which is used in PFS, as provided for in § 890.105, to determine the Formula Expense Level and the range of each PHA. HUD plans to update the Formula each year to reflect actual costs experienced by high-performance PHAs.

(f) *Formula Expense Level.* The per unit per month dollar amount of expenses (excluding utilities and audits) computed under the Formula, in accordance with § 890.105(b).

(g) *Interim formula.* The HUD system, being replaced by PFS, for determining the amount of operating subsidy which applied to PHA budget years which commenced on or after October 1, 1972 and prior to April 1, 1975.

(h) *HUD Field Office.* The HUD Regional, Area or Insuring Office which has been delegated authority under the United States Housing Act of 1937 to perform functions pertaining to this subpart for the area in which the PHA is located.

(i) *Range.* $10.31 below to $10.31 above *factor.* The percentage increase in local government wages and salaries for the area in which the PHA is located. This percentage will be supplied by HUD. HUD will compute the percentage amount on the basis of information furnished by the Department of Commerce. HUD anticipates that it will update the figures for the Local Government Wages Inflation Factor each year.

(j) *Operating budget.* The PHA's operating budget and all related documents as required by HUD to be submitted pursuant to the Annual Contributions Contract.

(k) *Project.* Each project under an Annual Contributions Contract to which PFS is applicable as provided in § 890.103(b).

(l) *Project units.* All dwelling units of a PHA's Projects.

(m) *Projected Operating Income Level.* The per unit per month dollar amount of dwelling rental income plus no-dwelling income, computed as provided in § 890.109.

(n) *Range.* $10.31 below to $10.31 above the PHA's Formula Expense Level for the Base Year. The dollar amount is subject to change from time to time by HUD in connection with updating of the Formula. The Range is used in connection with determination of Allowable Expense Level, as provided in § 890.105, qualification for transition funding, as provided in § 890.106 and requests for adjustments under § 890.110.

(o) *Requested budget year.* The budget year (fiscal year) of a PHA as to which application for operating subsidy is made.

(p) *Transition funding.* Funding for excesively high-cost PHAs as provided in § 890.106.

(q) *Unit months available.* Project Units multiplied by the number of months the Project Units are expected to be available for occupancy during a given PHA budget year. A unit is considered available for occupancy from the time the Project reaches the End of the Initial Operating Period (EIOP) until the time it is approved by HUD for non-dwelling use or deprogrammed with HUD approval.

(r) *Utilities.* Electricity, gas, heating fuel, water, and sewerage service.

(s) *Utilities Expense Level.* The per unit per month dollar amount of Utilities expense, computed as provided in § 890.107.

### § 890.103 Applicability of PFS.

(a) *Commencement of PFS.* PFS shall be utilized to determine the amounts of operating subsidy payable to PHAs starting with budget years commencing on or after April 1, 1975. Such PHAs will





receive operating subsidy payments as provided in § 890.113(b) until such time as an Operating budget for the PHA is submitted to and approved by HUD under PFS.

(b) *Projects covered.* PFS is applicable to all PHA-owned rental units under Annual Contributions Contracts. PFS applies to PHAs which have not received operating subsidy payments previously, but are eligible for such payments under PFS. PFS is not applicable to the section 23 Leased Housing Program, the section 23 Housing Assistance Payments Program, the section 8 Housing Assistance Payments Program, the Mutual-Help Program, or the Turnkey III or Turnkey IV Homeownership Opportunity Programs. PFS is not applicable to housing owned by the PHAs of the Virgin Islands, Puerto Rico, and Alaska; operating subsidy payments to such PHAs will be based upon Operating Budgets approved by HUD on a case-by-case basis.

### § 890.104 Determination of amount of Operating Subsidy under PFS.

The amount of operating subsidy for which each PHA qualifies shall be determined as follows: The Projected Operating Income Level is substracted from the total expense level (Allowable Expense Level plus Utilities Expense Level). These amounts are per unit per month dollar amounts, and must be multiplied by the Unit Months Available. Transition Funding, if applicable, and the costs of biennial Independent Public Accountant (IPA) audits and costs attributable to non-dwelling units are then added to this total in order to determine the total amount of operating subsidy for the Requested Budget Year. See § 890.110 regarding adjustments.

*Example 1:* Assume a PHA has 5000 Project Units throughout the Requested Budget Year, an Allowable Expense Level of $45.00, a Utilities Expense Level of $30.00, and a Projected Operating Income of $50.00 for the Requested Budget Year. Assume the PHA does not qualify for Transition Funding, and has no cost of IPA audit or costs attributable to non-dwelling units for the Requested Budget Year. Its per unit per month operating subsidy would be $25.00, computed as follows: $45.00 (Allowable Expense Level) plus $30.00 (Utilities Expense Level) less $50.00 (Projected Operating Income). The $25.00 per unit per month amount is multiplied by the number of Unit Months Available (12×5000=60,000) to obtain the total amount of operating subsidy: $25 ×60,000=$1,500,000.

### § 890.105 Computation of Allowable Expense Level.

The PHA shall compute its Allowable Expense Level using forms prescribed by HUD, as follows:

(a) *Computation of Base Year PHA Expense Level.* The Base Year PHA Expense Level includes Payments in Lieu of Taxes (PILOT) required by a Cooperation Agreement even if PILOT is not included in the approved Operating Budget for the Base Year due to waiver by the local taxing jurisdiction(s). The Base Year PHA Expense Level includes all other operating expenditures as reflected in its Operating Budget for the Base Year approved by HUD except the following: (1) Utilities expense; (2) cost of biennial IPA audits; (3) adjustments applicable to budget years prior to the Base Year; and (4) expenditures supported by supplemental subsidy payments applicable to budget years prior to the Base Year. If there is no approved Operating Budget for the Base Year, the expense level (excluding paragraphs (a) (1) to (4) of this section) calculated by HUD under the Interim Formula for the Base Year shall be used. (See § 890.110(b) regarding Base Year PHA Expense Level of new Projects.)

(b) *Computation of Formula Expense Level.* The PHA shall compute its Formula Expense Level in accordance with this subsection. The weights of the Formula and the Formula itself are subject to updating by HUD annually or at any other time. The Formula applicable to PHA budget years commencing April 1, 1975, July 1, 1975, October 1, 1975, and subsequent budget years, subject to updating at any time, is as follows: (i) the square root of the population (in thousands) of the area served by the PHA, multiplied by the weight .4296; (ii) the average number of bedrooms per Project Unit, multiplied by the weight 7.7058; (iii) the square root of the average age of the oldest building of each Project (weighted by relative proportion of Project Units), multiplied by the weight 1.9530; (iv) the average height of the tallest building of each Project (weighted by relative proportion of Project Units in each Project) in stories, including only stories containing dwelling units or community facilities not in a basement, multiplied by the weight 1.2149; (v) the HUD-supplied index figure for the relative operation costs of a sample of PHAs in the HUD Region, multiplied by the weight .3727. The Formula constant of $25.2018 is subtracted from the sum of (i) through (v). The resulting amount is increased by the Local Government Wages Inflation Factor supplied by HUD. (Such increase is required under the current Formula to adjust for inflation between the Base Year and the previous year.)

*Example 2:* Assume that a PHA during the Base Year (i) served an area having a population of 43,034 people; (ii) had Project Units with an average of 3 bedrooms; (iii) had Project buildings whose age, weighted by relative numbers of units, was 4.45 years old; (iv) had Project buildings whose average height, weighted by relative proportion of units, was 2 stories; and (v) is in a HUD Region having a relative regional operating cost figure (supplied by HUD) of 97.00. Assume the Local Government Wages Inflation Factor supplied by HUD is 6 percent. Assume the PHA's Requested Budget Year commences April 1, 1975. The PHA's Formula Expense Level for its Base Year (April 1, 1974, to March 31, 1975) is $46.04, and is computed as follows:

| Operating factor | Weights | Hypothetical PHA data | Product |
|---|---|---|---|
| Square root of population served | 0.4296 × | 6.56 = | 2.8181 |
| Average number of bedrooms | 7.7058 × | 3.00 = | 23.1174 |
| Square root of average age of project buildings | 1.9530 × | 2.11 = | 4.1203 |
| Average height of project buildings | 1.2149 × | 2.00 = | 2.4298 |
| Relative regional operating cost | 0.3727 × | 97.00 = | 36.1519 |
| Total | | | 68.6880 |
| Subtraction of formula constant | | | −25.2018 |
| Formula expense level | | | 43.4862 |
| Increase by local government | | | ×1.06 |
| Wages inflation factor | | | 46.0423 |

(c) *Range.* The PHA's Range is the spread from $10.31 below to $10.31 above its Formula Expense Level for its Base Year. The figure $10.31 applies to PHAs until revised by HUD. The PHA in Example 2 has a Formula Expense Level for the Base Year of $46.04, and therefore would have a Range of $35.73 to $56.35.

(d) *Computation of Allowable Expense Level.* The PHA shall compute its Allowable Expense Level as follows:

(1) *Allowable Expense Level: First Budget Year under PFS where Base Year PHA Expense Level does not exceed top limit of Range.* Every PHA whose Base Year PHA Expense Level is below the top limit of the Range shall compute its Allowable Expense Level for the first Budget Year under PFS by adding the following to its Base Year PHA Expense Level (prior to adustment under § 890.110 (a) and (b)):

(i) any increase approved by HUD in accordance with § 890.110 (a) and (b);

(ii) the increase (decrease) between the Formula Expense Level for the Base Year and the Formula Expense Level for the first budget year under PFS; and

(iii) the sum of the Base Year PHA Expense Level, and (i) and (ii) above, multiplied by the Local Government Wages Inflation Factor supplied by HUD.

*Example 3:* Assume that a PHA has a Base Year PHA Expense Level of $38.00 per unit per month, and a Formula Expense Level of $45.00 for the Base Year and $47.00 for the first budget year under PFS (the $2.00 difference being due to changes in its data for the Formula variables). (Note that HUD forms will require figures to four decimal places.) Assume that the applicable Local Government Wages Inflation Factor is 8%. Because the PHA's Formula Expense Level for its Base Year under PFS is $45.00, the Range is $34.69 to $55.31, and the Base Year PHA Expense Level of $38.00 is below the $55.31 top limit of that Range. The Allowable Expense Level for the first fiscal year under PFS is $43.20, as follows: $38.00 (Base Year PHA Expense Level) plus $2.00 (increase in Formula Expense Level) plus $3.20 (8% Local Government Wages Inflation Factor, times $40.00).



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(2) *Allowable Expense Level: First budget year under PFS where Base Year PHA Expense Level is above top of the Range.* Every PHA whose Base Year PHA Expense Level is above the top of the Range shall compute its Allowable Expense Level for the first budget year under PFS by adding the following to its top limit of the Range (not to its Base Year PHA Expense Level, as in (1), above):

(i) the increase (decrease) between the Formula Expense Level for the Base Year and the Formula Expense Level for the first budget year under PFS.

(ii) the sum of the figure equal to the top limit of its Range and (i) above, multiplied by the Local Government Wages Inflation Factor supplied by HUD. (If the Base Year PHA Expense Level is above the Allowable Expense Level, computed as provided above, the PHA is eligible for Transition Funding under § 890.106.)

*Example 4:* Same assumptions as Example 3, except that the Base Year PHA Expense Level of the PHA is assumed to be $58.00 (above the top limit of the Range which is $55.31). The Allowable Expense Level for the first budget year under PFS is $61.89, computed as follows: $55.31 (top limit of the Range) plus $2.00 (increase in Formula Expense Level for first fiscal year under PFS from Base Year) plus $4.58 (8% Local Government Wages Inflation Factor, times $57.31).

(3) *Allowable Expense Level: computation for budget years subsequent to first budget year under PFS.* For each budget year subsequent to the first budget year under PFS, the Allowable Expense Level will be equal to the Allowable Expense Level for the previous budget year increased (or decreased) by the following:

(i) the increase (decrease) between the Formula Expense Level for the previous budget year and the Formula Expense Level for the Requested Budget Year.

(ii) the sum of the Allowable Expense Level for the previous budget year plus (i) above, multiplied by the Local Government Wages Inflation Factor supplied by HUD.

*Example 5:* Same assumptions as Example 3. *Year 1:* The Allowable Expense Level for the first budget year under PFS (Year 1) is $43.20 as computed in Example 3.

*Year 2:* Assume that the Formula Expense Level of the PHA for the second budget year under PFS (Year 2) is $1.50 higher than the Formula Expense Level for Year 1. (Note that the weights or other aspects of the Formula may have been revised, in which case the revised Formula would be applied to both the Year 1 data and the Year 2 data to obtain difference; the $1.50 assumed difference would be due to changes in PHA data as to the Formula variables between Year 1 and Year 2.) Assume that the applicable Local Government Wages Inflation Factor is 9 percent. The Allowable Expense Level for Year 2 is $48.72, computed as follows: $43.20 (Allowable Expense Level for Year 1, which is not changed regardless of any changes by HUD to the Formula used for the Year 2 computation) *plus* $1.50 (increase in Formula Expense Level between Year 1 and Year 2) *plus* $4.02 (9% Local Government Wages Inflation Factor times $44.70).

*Year 3:* Assume that the Formula Expense Level for Year 3 decreases $1.00 from that for Year 2 (due to changes in the PHA's data as to the Formula variables) and the applicable Local Government Wages Inflation Factor is 8%. The Allowable Expense Level for Year 3 is $51.54, computed as follows: $48.72 (Allowable Expense Level for Year 2) *minus* $1.00 (decrease in Formula Expense Level) *plus* $3.82 (8% x 47.72).

*Year 4:* Assume that the Formula Expense Level for Year 4 is $.50 above the Formula Expense Level for Year 3. Assume the applicable Local Government Wages Inflation Factor is 7%. The Allowable Expense Level for Year 4 is $55.08, computed as follows: $51.54 (Allowable Expense Level for Year 3) *plus* $.50 (increase in Formula Expense Level) *plus* $3.64 (7% x $55.54).

### § 890.106 Transition Funding for Excessively High-cost PHAs.

If a PHA's Base Year PHA Expense Level exceeds its Allowable Expense Level, computed as provided in § 890.105, for any budget year under PFS, the PHA will be eligible for Transition Funding. Transition Funding shall be an amount not to exceed the difference between the Base Year PHA Expense Level and the Allowable Expense Level for the Requested Budget Year, multiplied by the number of Unit Months Available. HUD shall have the right to discontinue payment of all or part of the Transition Funding in the event HUD at any time determines that the PHA has not achieved a satisfactory level of management efficiency, or is not making efforts satisfactory to HUD to improve its management performance.

*Example 6: Year 1.* Assume that a PHA has a Base Year PHA Expense Level of $75.00 and a Formula Expense Level of $50.00 for the Base Year and $51.00 for the first budget year under PFS (the $1.00 difference being due to changes in its data for the Formula variables). The top limit of the Range is $60.31 ($50.00 plus $10.31). Assume that the applicable Local Government Wages Inflation Factor is 6%. The PHA's Allowable Expense Level, computed as provided in § 890.105 (d) (2), is $64.99, computed as follows: $60.31 (top limit of the Range) plus $1.00 (change in Formula Expense Level) plus $3.68 (6% Local Government Wages Inflation Factor, times $61.31). Since the Allowable Expense Level for the first budget year under PFS is less than the Base Year PHA Expense Level, the PHA is eligible for Transition Funding. Such Transition Funding would be $10.01 per unit per month ($75.00 Base Year PHA Expense Level less $64.99 Allowable Expense Level), multiplied by the number of Unit Months Available.

*Year 2:* Assume that the Formula Expense Level of the PHA for Year 2 is $.50 higher than for Year 1, and that the Local Government Wages Inflation Factor is 8%. The Allowable Expense Level for Year 2 is $70.73, computed as follows: $64.99 (Allowable Expense Level for Year 1) plus $.50 (change in Formula Expense Level) plus $5.24 (8% of $65.49). Since the Allowable Expense Level for Year 2 is still less than the Base Year PHA Expense Level of $75.00, the PHA is eligible for Transition Funding. Such Transition Funding would be $4.27 per unit per month ($75.00 less $70.73), multiplied by the number of Unit Months Available.

*Year 3:* Assume that the Formula Expense Level of the PHA for Year 3 is $1.50 higher than for Year 2 and that the Local Government Wages Inflation Factor is 6 percent. The Allowable Expense Level for Year 3 is $76.56, computed as follows: $70.73 (Allowable Expense Level for Year 2) plus $1.50 (change in Formula Expense Level) plus $4.33 (6% of $72.23). Since the Allowable Expense Level for Year 3 is higher than the Base Year PHA Expense Level, the PHA is not eligible for Transition Funding in Year 3. Its operating subsidy will be computed based upon its Allowable Expense Level of $76.56.

### § 890.107 Computation of Utilities Expense Level.

(a) *Policy.* In recognition of the rapid rises which occur in Utilities costs and the wide diversity among PHAs as to types of Utilities services used as well as allocation of Utilities costs between PHAs and tenants, and the fact that Utilities rates charged by suppliers are beyond the control of the PHA, PFS treats Utilities expenses separately. Utilities expenses are excluded from the PHA's Allowable Expense Level. PFS computes the amount of operating subsidy based upon a calculated Utilities expense of each PHA. The allowable expense of Utilities is computed by multiplying the rates for Utilities in the Requested Budget Year equal to current and approved future utilities rates, by the amounts of consumption (gallons of oil, kilowatts, and so on) of the projects during a previous period. This method is intended to provide an incentive to curb wasteful consumption of Utilities, thereby conserving energy.

(b) *Utilities rates.* The current applicable rates in effect at the time the Operating Budget is submitted to HUD will be used as the Utilities rates for the Requested Budget Year, except that where the appropriate utility commission has, as of the date of submission of the Operating Budget to HUD, finally approved rate increases for future implementation, rates will be pro-rated between the current rate and the approved future rate based on the effective day of the approved rate increase.

(c) *Computation of level of utilities consumption.* The amount of Utilities expected to be consumed per unit per month by the PHA during the Requested Budget Year shall be equal to the average amount consumed per unit per month during a past period, computed as follows:

(1) *Base Utilities Expense Period method.* The PHA shall determine the average amount of each of the Utilities consumed by it per unit per month during the 36-month period which ended on the first day of the month 6 months prior to the first day of the Requested Budget Year (Base Utilities Expense Period).

(2) *Temporary alternative method where data not available for Base Utilities Expense Period.* If PHA has not maintained or cannot recapture consumption data regarding a particular Utility or Utilities from its records for the 36-month Base Utilities Expense Period, it shall submit to the HUD Field Office for approval, consumption data for the twenty-four month period ending six months prior to the beginning of the Requested Budget Year, or if not possible, the twelve-month period ending six months prior to the beginning of the Requested Budget Year. The PHA shall also submit a written explanation of the reasons why data for the Base Utilities Expense Period is unavailable. If a PHA has not maintained or cannot recapture consumption data for the said twelve-month period, the dollar amount stated in subsection (f) shall be used. Appropriate utility consumption records shall be created and maintained by all PHAs so that a three-year moving average of utility consumption per unit per month under paragraph (1) above can be determined.

(3) *Computation of utilities consumption levels for new Projects.* A "new Project" is a Project which had not been in operation during the entire twelve-month period which began eighteen months before the first PHA budget year in which the Project will be funded under PFS. The consumption level of such a new Project shall be determined as follows:

(i) New Project(s) of an existing PHA shall use the Base Utilities Expense Period average consumption amount per dwelling unit for the Projects of the PHA which use comparable types of utilities and which are likely to have comparable levels of consumption based on the physical characteristics of the buildings.

(ii) New Project(s) of a new PHA, or new Project(s) of an existing PHA which does not have any Project of comparable types of Utilities and consumption, shall use the Base Utilities Expense Period average consumption amount per dwelling unit of Projects of other PHAs in the area which use comparable types of utilities and which are likely to have comparable levels of consumption based on the physical characteristics of the buildings. (The PHA shall identify such Projects and the HUD Field Office will provide these figures.)

(d) *Conversion and interruptible service.* If the PHA has converted from one energy source to another during the Base Utilities Expense Period (e.g. from oil to coal), only consumption data applicable to the new energy source may be used. If such data is not available for at least a 12-month period as of submission of the Operating Budget to HUD, the method regarding new Projects in subsection (c) (3) above, shall be used. If the PHA has a Utilities combination which provides for interruptible service from one energy source to another under certain specified circumstances (e.g. gas to oil when the available supply of gas drops below a certain level) the HUD Field Office shall determine a reasonable estimate of consumption to be used in computing the Utilities Expense Level for the Requested Budget Year.

(e) *Computation of utilities expense level.* The PHA's Utilities Expense Level for the Requested Budget Year shall be computed by multiplying the average utility consumption per unit per month for each Utility, determined as provided in paragraph (c) or (d) of this section, by the projected Utility rate determined as provided in paragraph (b) of this section unavailable. If a PHA has not maintained or cannot recapture data for the twelve-month period provided in paragraph (c) (2) of this section, it shall request HUD Field Office approval to use the dollar amounts, per unit per month, excluding utility labor, shown on the latest year-end Statement of Operating Receipts and Expenditures, Form HUD 52599, but no subsequent adjustments regarding such Utility or Utilities will be approved during a budget year for which consumption is established based upon the said form.

(f) *Utility Expense Level where consumption data unavailable.* If a PHA has not maintained or cannot recapture data for the twelve-month period provided in subsection (c) (2) above, it shall request HUD Field Office approval to use the dollar amounts per unit per month, excluding utility labor, shown on the latest year-end Statement of Operating Receipts and Expenditures, Form HUD 52599, but no subsequent adjustments regarding such Utility or Utilities will be approved during a budget year for which consumption is established based upon the said form.

(g) *Adjustments.* PHAs may request adjustments in accordance with § 890.110.

### § 890.108 Other costs.

(a) *Costs of independent public accountant audits.* HUD requirements provide that the cost of the required biennial IPA audit shall be budgeted in either the PHA's Development Cost Budget or its annual Operating Budget, as appropriate. The Allowable Expense Level excludes the cost of IPA audits. However, the estimated cost of such audits is allowed in full in computing the amount of operating subsidy under § 890.104, above. The PHA's estimate of cost of the IPA audit is subject to adjustment by HUD. If the PHA requires assistance in determining the amount of cost to be estimated, the HUD Field Office should be contacted.

(b) *Costs attributable to operation of non-dwelling units.* Costs attributable to operation of non-dwelling units are excluded from the Allowable Expense Level. Non-dwelling units for this purpose are units approved by HUD for non-dwelling purposes or units deprogrammed pursuant to HUD approval. Costs attributable to these units will be allowed in full to determine the amount of operating subsidy under § 890.104. In the case of units approved by HUD for non-dwelling purposes, such costs shall be limited to the expense items that are the responsibility of the PHA. In the case of units deprogrammed pursuant to HUD approval, such costs shall be limited to the minimum amount necessary to provide the minimum services necessary to preserve and secure the units until such time as the appropriate further action is taken. Non-dwelling units shall be listed and supporting documentation on costs attributable to such units shall be submitted to HUD. If the PHA requires assistance in this matter, the HUD Field Office shall be contacted.

(c) *Costs attributable to changes in Federal law or regulation.* In the event that HUD determines that enactment of a Federal law or revision in HUD or other Federal regulation has caused or will cause a significant increase in expenditures of a continuing nature above the Allowable Expenses Level and Utilities Expense Level, and upon a determination that sufficient other funds are not available to cover the required expenditures, HUD may in HUD's sole discretion decide to prescribe a procedure under which PHA may apply for or may receive an increase in operating subsidy.

### § 890.109 Projected operating income level.

(a) *Policy.* PFS determines the amount of operating subsidy for a particular PHA based in part upon a projection of the actual dwelling rental income and other income for the particular PHA. The projection of dwelling rental income is obtained by computing the average monthly dwelling rental charge per unit for the PHA, projecting the average monthly dwelling rental charge per unit for the Requested Budget Year by applying a trend factor (subject to updating) of 3 percent, and multiplying this amount by the average number of Project Units expected to be occupied during the Requested Budget Year. Non-dwelling income is projected by the PHA subject to adjustment by HUD. There are special provisions for projection of dwelling rental income for new projects.

(b) *Computation of projected average monthly dwelling rental income.* The projected average monthly dwelling rental income per unit for the PHA is computed as follows:

(1) *Average monthly dwelling rental charge per unit.* The dollar amount of the average monthly dwelling rental charge per unit shall be computed on the basis of the total dwelling rental charges (total of the adjusted rent roll amounts) for all Project Units, as shown on the most recent Rent Roll Control and Analysis of Dwelling Rent Charges, which the PHA is required to maintain, for the first day of the month six months prior to the first day of the Requested Budget Year. This aggregate dollar amount shall be divided by the number of occupied dwelling units as of the same date.

(2) *3 percent increase.* The average monthly dwelling rental charge per unit, computed under paragraph (1) above, is increased by 3 percent to obtain the projected average monthly dwelling rental charge per unit of the PHA for the Requested Budget Year.

(3) *Average percentage of occupancy.* The PHA shall estimate, based upon prior occupancy experience and the current physical condition of the dwelling units, the projected percentage occupancy for all Project Units for the Requested Budget Year. Such estimate shall not be less than ninety-seven percent (97%) of the Project Units unless the PHA establishes to HUD's satisfaction that a lower projected occupancy percentage is justified based upon the number of units which cannot reasonably be expected to be occupied due to lack of rehabilitation for which funds are not available, or which are unmarketable due to lack of demand.

(4) *Projected average monthly dwelling rental income.* The estimated average percentage of occupancy under paragraph (3) shall be multiplied by the projected average monthly dwelling rental charge under paragraph (2) to







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obtain the projected monthly dwelling rental income per unit.

*Example 7:* Assume that the applicable Rent Roll Control and Analysis of Dwelling Rental Charges form shows that the PHA had total dwelling rental charges of $7,500 and has 150 occupied dwelling units as of the first day of the month which is six months prior to the first day of the Requested Budget Year. The average monthly dwelling rental charge would be $50. This amount would be increased by 3 percent, resulting in a projected average monthly dwelling rental charge per unit of $51.50 for the Requested Budget Year. If the PHA's projected average occupancy percentage for the Requested Budget Year is 98%, the estimated dwelling rental income per unit per month is $50.47 (98% of $51.50).

(c) *Projected average monthly dwelling rental charge per unit for new Projects.* The projected average monthly dwelling rental charge for new Projects which were not available for occupancy during the budget year prior to the Requested Budget Year and which will reach the End of the Initial Operating Period (EIOP) within the first nine months of the Requested Budget Year, will be calculated as follows:

(1) If the PHA has another Project or Projects under management which are comparable in terms of elderly and nonelderly tenant composition, the PHA shall use the projected average monthly dwelling rental income for such Project or Projects.

(2) If the PHA has no other Projects which are comparable in terms of elderly and non-elderly tenant composition, the HUD Field Office will provide the projected average monthly dwelling rental income for such Project or Projects, based on comparable Projects located in the area.

(d) *Estimate of additional dwelling rental income.* After implementation of the provisions of the Housing and Community Development Act of 1974 regarding rents paid by tenants of Projects, each PHA shall submit with its regular annual budget submission an estimate of any change in rental income which it anticipates as the result of the implementation of said provisions. HUD shall have complete discretion to adjust the projected average monthly dwelling rental charge per unit to reflect such change.

(e) *PHA's estimate of income other than dwelling rental income.* The PHA shall estimate anticipated interest on general fund investments and all other anticipated non-dwelling income. These estimates shall be based on the judgment of the PHA which will reflect past experience and a future projection for the Requested Budget Year, and shall be subject to HUD approval. The estimated amount, as adjusted, shall be divided by the number of Unit Months Available to obtain a per unit per month amount. Such amount shall be added to the projected average dwelling rental income per unit to obtain the Projected Operating Income Level.

**§ 890.110 Requests for adjustments.**

Requests by PHAs for adjustments under PFS may only be submitted to HUD as provided in this section

(a) *Request for increase of Base Year PHA Expense Level.* During the first budget year under PFS, a PHA may request HUD to increase its Base Year PHA Expense Level, not to exceed the top limit of the Range, as follows:

(1) *Criteria for granting an increase to bottom limit of range.* A request for an increase of the Base Year PHA Expense Level to an amount equal to or less than the bottom limit of the PHA's Range may be granted in whole or in part by HUD, in its discretion, only where the PHA establishes to HUD's satisfaction that the Base Year PHA Expense Level of the PHA is unduly depressed, considering the amount of operating subsidy (or lack of any operating subsidy) made available to the PHA under the Interim Formula.

(2) *Criteria for granting increase above bottom limit of range (not to exceed top limit).* A request for an increase of the Base Year PHA Expense Level to an amount above the bottom limit (but not to exceed the top limit) of the PHA's Range may be granted in whole or in part by HUD, in its discretion, only where the PHA establishes to HUD's satisfaction.

(i) That the Base Year PHA Expense Level of the PHA is unduly depressed because of the elimination or curtailment of essential services in light of the amount of operating subsidy (or lack of any operating subsidy) made available to the PHA under the Interim Formula; and

(ii) That the PHA without such increase would be unable to restore such curtailed or eliminated services, considering the amount of operating subsidy that would be paid under PFS in light of such unduly depressed Base Year PHA Expense Level, but also considering the method of separately determining Utilities Expense Level under § 890.107 and the method of determining Projected Operating Income under § 890.109. Anticipated costs of work items deferred from previous years or of a one-time nature may not be used to establish the above. Work items of a cyclical and continuing nature, not eligible for Modernization funds, shall be considered on an annualized basis.

(3) *Procedure.* A request under this subsection (a) may only be made once by a PHA. Such request shall be submitted to the HUD Field Office. PHAs are required to submit a request under subsection (a) not earlier than August 1, nor later than October 1, 1975. HUD will not act upon such requests until after October 1, 1975. A request under this subsection must include a calculation of the amount per unit per month of requested increase in the Base Year PHA Expense Level, and must show the requested increase as a percentage of the Base Year PHA Expense Level.

(b) *Requests for adjustments of Base Year PHA Expense Level—new PHAs, new Projects.* A new PHA which did not have a substantial number of units available for occupancy throughout the Base Year, or an existing PHA having a new Project under a separate Annual Contributions Contract which did not have units available for occupancy throughout the Base Year, is required to use its Formula Expense Level as its Base Year PHA Expense Level in order to determine its Allowable Expense Level for the first budget year under PFS. Such PHA may request an increase in its Base Year PHA Expense Level (not to exceed the top limit of its Range). A request under this subsection may be granted by HUD, in its discretion, only where the PHA establishes to HUD's satisfaction that the Base Year PHA Expense Level computed as provided above, without adjustments, will result in operating subsidy at a level insufficient to support a reasonable level of essential services. Such a request shall be submitted at the time of submission of the Operating Budget for the first budget year under PFS.

(c) *Request for adjustment of Utilities Expense Level.* A PHA may request an adjustment to the Utilities Expense Level for any budget year under PFS where the PHA is able to establish to HUD's satisfaction that on the basis of changed rates or excess Utilities consumption due to unusually adverse weather conditions, an adjustment is justified. Any adjustments under this subsection shall be made as follows:

(1) A decrease in Utilities Expense Level due to decreased utility rates will be deducted by HUD against future operating subsidy payments (normally during the ensuing budget year).

(2) An increase in Utilities Expense Level due to increased utility rates will be fully funded by residual receipts, if available, or by increased operating subsidy, subject to availability of funds.

(3) Twenty-five percent of any decrease in Utilities Expense Level due to decreased consumption will be retained for use by the PHA; seventy-five percent will be offset by HUD against subsequent payments of operating subsidy.

(4) An increase in Utilities Expense Level due to increased consumption will be fully funded by residual receipts if available; if not available, and if the increase would result in a reduction of the operating reserve below the authorized maximum, seventy-five percent of the amount of the reduction below such maximum will be funded by increased operating subsidy payments, subject to the availability of funds. A request for an adjustment under this subsection must be submitted at the time of submission of the Operating Budget for the next Requested Budget Year. In emergency cases, however, where a PHA establishes to HUD's satisfaction that a requested adjustment is necessary immediately to avoid a severe financial crisis which would be caused by a rate increase, a request covering only the rate increase will be accepted by HUD for review at any time during the budget year.

(d) *Requests for adjustments to projected average monthly dwelling rental income.* Requests for adjustments to projected average monthly dwelling rental income may be made as follows:

(1) *Criteria for granting request.* A PHA may request an adjustment to projected average monthly dwelling rental income during any budget year under





PFS if the PHA can establish to HUD's satisfaction that the projected amount computed pursuant to § 890.109 will not be attained during the budget year because of circumstances beyond the control of the PHA such as a substantial increase in general unemployment in the locality, or because of a revision of the PHA's rent schedule which has been approved by HUD. The PHA must also demonstrate to HUD's satisfaction that it has established and is effectively implementing tenant selection criteria in compliance with HUD requirements. HUD shall have complete discretion to approve, approve in part or deny any requested adjustment to projected average monthly dwelling rental income.

(2) *Procedure.* A request for an adjustment under this subsection must be submitted at the time of submission of the Operating Budget for the next budget year. In emergency cases, however, where a PHA establishes to HUD's satisfaction that a requested adjustment is necessary immediately to avoid a severe financial crisis which would be caused by decreased rental income, a request will be accepted by HUD for review at any time during the budget year.

(e) *HUD-initiated adjustments.* Notwithstanding any other provisions of this Subpart, HUD may at any time make adjustments, based upon data available to HUD, to any of the components, data and projections involved in determining the amount of a PHA's operating subsidy, and make corresponding corrections in the amount, with respect to any budget year of the PHA.

**§ 890.111 Utilization of operating reserves.**

A PHA must must obtain the approval of the HUD Field Office prior to utilization of operating reserve funds that would decrease the reserve balance below 20 percent of the maximum routine expenses (which is 40 percent of maximum reserves). A request for such approval shall be accompanied by the PHA's calculation of its working capital needs fully documented and submitted with the Operating Budget. Such utilization of reserves will only be approved if the remaining operating reserve balance is sufficient to meet the working capital needs of the PHA. If operating reserves are utilized to offset deficits that exceed operating subsidy, HUD will not provide additional operating subsidy to restore such funds.

**§ 890.112 Operating budget submission and approval.**

(a) *Required board resolution.* In addition to other budget documentation required by HUD, each Operating Budget or Operating Budget revision submitted to HUD pursuant to the provisions of PFS shall include a certified copy of a Resolution of the Board of Commissioners stating that the Board has reviewed and approved the Operating Budget or Operating Budget revision and has found:

(1) That the proposed expenditures are necessary in the efficient and economical operation of the housing for the purpose of serving low-income families.

(2) That the financial plan is reasonable in that:

(i) It indicates a source of funding adequate to cover all proposed expenditures.

(ii) It does not provide for use of Federal funding in excess of that payable under the provisions of these regulations.

(3) That all proposed rental charges and expenditures will be consistent with provisions of law and the Annual Contributions Contract.

(b) *HUD limited Operating Budget review.* HUD review of the Operating Budgets or Operating Budget revisions normally will be limited to review of the prescribed PFS forms. Under this procedure, although the Operating Budget normally will not be reviewed in depth, the operating reserve calculation in all cases will be examined and budget modifications will be made where the operating reserve provisions are not in accordance with HUD requirements. In addition, if the HUD Field Office finds that an Operating Budget includes illegal or ineligible expenditures, mathematical errors or errors in the application of accounting procedures, or is otherwise unacceptable, the HUD Field Office shall modify or disapprove the Operating Budget. The HUD Field Office may at any time require the submissio nby the PHA of further information regarding an Operating Budget or Operating Budget revision.

(c) *Withdrawal by HUD of limited Operating Budget review.* HUD reserves the right at any time to deviate from the limited Operating Budget review provided in paragraph (b) of this section if HUD finds that the PHA is operating its program in a manner which threatens the future serviceability, efficiency, economy, or stability of the housing which it operates. If such action is deemed necessary, the HUD Field Office will normally notify the PHA prior to its submission of the Operating Budget that HUD will not utilize the limited Operating Budget review provided in paragraph (b) of this section.

**§ 890.113 Payments procedure for Operating Subsidy under PFS.**

(a) *General.* Payments of operating subsidy to each PHA under PFS shall be made in advance pro rata (in accordance with approved payments schedules) at the beginning of each month or quarter, as determined by HUD, subject to the availability of funds.

(b) *Payments at commencement of PFS implementation.* PFS applies to all PHA budget years commencing on or after April 1, 1975. In the event that the amount of operating subsidy has not been determined by HUD as of the beginning of a PHA's first budget year under PFS, monthly or quarterly payments of operating subsidy shall be made, as provided in subsection (a) above, based upon the amount of the PHA's operating subsidy for the previous budget year under the Interim Formula or such other amount as HUD may determine to be appropriate.

(c) *Availability of funds.* In the event that insufficient funds are available to make payments approvable under PFS for operating subsidy payable by HUD, HUD shall have complete discretion to revise, on a pro rata basis or other basis established by HUD, the amounts of operating subsidy to be paid to PHAs.

*Effective date.* This Part 890, Subpart A, is effective April 16, 1975.

H. R. CRAWFORD,
*Assistant Secretary for Housing Mangement.*

[FR Doc.75-9953 Filed 4-15-75;8:45 am]

## CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 539]

### PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

#### Notice of Administrative Withdrawal of Special Flood Hazard Maps

The purpose of this notice is to indicate periods in which the insurance purchase requirement under the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968, as amended and the Flood Disaster Protection Act of 1973 (Pub. L. 92–234, December 31, 1973) (42 U.S.C. 4001–4128) was suspended.

The Flood Disaster Protection Act requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally-related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazard areas have been identified. However, after July 1, 1975, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

Prior to July 1, 1975, no insurance purchase requirement exists under the Act unless two requirements are met: (1) The property is located in a formally identified special flood hazard area (See 24 CFR Part 1915) and (2) flood insurance is available (See 24 CFR Part 1914). Thus, if a community's eligibility has been suspended, and insurance is not currently available, then flood insurance is not required by the Act on any closing during the period of suspension. Where a map has not yet been published for a community otherwise eligible to participate in the program, insurance is not required.



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Similarly, the insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is designated by the letter "H" preceding the map number and a FIRM by the letter "I" preceding the map number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is completely suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et seq.)

Accordingly, to provide notice with respect to those persons concerned as to the period of withdrawal, § 1915.6 is added to read as follows:

**§ 1915.6 Notice of administrative withdrawal of special flood hazard maps.**

| State | County | Location | Map No. and Federal Register citation | Effective date of withdrawal | Effective date of republication |
|---|---|---|---|---|---|
| Alabama | Geneva | Bellwood, town of | H 010050 01 through 04; vol. 40, No. 2, p. 776 | Mar. 21, 1975 | |
| Arizona | Yuma | Somerton, town of | H 04 027 0440 01; vol. 39, No. 74, p. 13639 | Apr. 11, 1975 | |
| California | Stanislaus | Ceres, city of | H 060385 01 through 02; vol. 39, No. 156, p. 28887 | do | |
| Do | Madera | Chowchilla, city of | H 06 039 0690 01 through 02; vol. 39, No. 31, p. 8496 | Jan. 3, 1975 | |
| Do | San Diego | Chula Vista, city of | H 065021 01 through 09; vol. 39, No. 152, p. 28241 | Jan. 24, 1975 | |
| Do | Trinity | Unincorporated areas | H 050401 01 through 22; vol. 40, No. 2, p. 776 | Mar. 14, 1975 | |
| Do | Los Angeles | Hawaiian Gardens, city of | H & I 06 037 1552 02; vol. 36, No. 84, pp. 8877, 8878 | do | |
| Colorado | Delta | Cedaredge, town of | H 08 079 0340 01; vol. 39, No. 97, p. 17516 | Dec. 13, 1974 | |
| Do | Fremont | East Canon, city of | H 08 043 0680 01; vol. 39, No. 81, p. 14601 | Feb. 28, 1975 | |
| Florida | Lee County | Unincorporated areas | I 12 071 0000 03 through 60; vol. 36, No. 172, p. 17647 | Dec. 1, 1974 | |
| Do | do | Cape Coral, city of | I 12 071 0457 01 through 03; vol. 38, No. 56, p. 7350 | do | |
| Do | do | Fort Myers, city of | I 12 071 1070 05 through 08; vol. 36, No. 68, p. 6746 | do | |
| Georgia | McDuffie | Thomson, city of | H 130230 01; vol. 39, No. 192, p. 28252 | Mar. 5, 1975 | |
| Illinois | Rock Island | East Moline, city of | H 17 161 2360 01 through 04; vol. 39, No. 81, p. 14602 | Jan. 24, 1975 | |
| Do | Saline | Harrisburg, city of | H 17 165 3750 01; vol. 39, No. 60, p. 11262 | do | |
| Do | La Salle | Marseilles, city of | H 17 099 5300 01; vol. 39, No. 59, p. 11185 | do | |
| Do | Cook | Lemont, village of | H 17 031 4750 01; vol. 39, No. 63, p. 11890 | Mar. 24, 1975 | |
| Do | McDonough | Macomb, city of | H 17 109 5400 01 through 02; vol. 39, No. 97, p. 17518 | do | |
| Indiana | Greene | Linton, town of | H 180078 01; vol. 39, No. 115, p. 26083 | Mar. 21, 1975 | |
| Do | Madison | Edgewood, town of | H 180153 01; vol. 39, No. 190, p. 35161 | Mar. 25, 1975 | |
| Kansas | Allen | Gas City, city of | H 200001 01; vol. 40, No. 2, p. 777 | Apr. 18, 1975 | |
| Do | Jefferson | Valley Falls, city of | H 20 087 5530 01; vol. 39, No. 34, p. 9051 | Mar. 28, 1975 | |
| Kentucky | McCracken | Paducah, city of | H 210152 01 through 07; vol. 39, No. 169, p. 31522 | Jan. 24, 1975 | |
| Michigan | Houghton | Hancock, city of | H 260087 01; vol. 39, No. 120, p. 22122 | Mar. 21, 1975 | |
| Do | Oakland | Walled Lake, city of | H 260181 01; vol. 39, No. 115, p. 20690 | Mar. 5, 1975 | |
| Minnesota | Clay | Comstock, city of | H 270079 01; vol. 39, No. 178, p. 32805 | Mar. 21, 1975 | |
| Do | Wilkin | Doran, city of | H 270522 01; vol. 39, No. 156, p. 28890 | Apr. 18, 1975 | |
| Do | Carlton | Kettle River, city of | H 260044 01; vol. 39, No. 156, p. 28890 | Mar. 21, 1975 | |
| Do | Kandiyohi | Lake Lillian, city of | H 270219 01; vol. 39, No. 169, p. 31523 | Apr. 18, 1975 | |
| Do | Kittson | Lake Bronson, city of | H 270230 01; vol. 39, No. 156, p. 28890 | do | |
| Do | Aitkin | McGrath, city of | H 270043 01; vol. 39, No. 186, p. 34271 | do | |
| Do | Stevens | Morris, city of | H 27 149 4930 01 through 02; vol. 39, No. 85, p. 15105 | Jan. 3, 1975 | |
| Do | Ramsey | North Oaks, city of | H 27 123 5284 01 through 04; vol. 39, No. 119, p. 21142 | Mar. 21, 1975 | |
| Do | Brown | Sleepy Eye, city of | H 270037 01; vol. 39, No. 119, p. 21142 | Jan. 24, 1975 | |
| Do | Washington | Woodbury, city of | H 270516 01 through 09; vol. 39, No. 115, p. 20691 | Mar. 14, 1975 | |
| Do | Chisago | Wyoming, city of | H 27 0076 01 through 02; vol. 39, No. 107, p. 19460 | Mar. 27, 1975 | |
| Do | Stearns | Kimball, city of | H 27 145 3820 01; vol. 39, No. 97, p. 17521 | Apr. 18, 1975 | |
| Do | Todd | Burtrum, city of | H 270558 01; vol. 39, No. 212, p. 38627 | Mar. 25, 1975 | |
| Do | Morrison | Harding, city of | H 270297 01 through 03; vol. 39, No. 169, p. 31523 | Mar. 20, 1975 | |
| Do | do | Swanville, city of | H 270365 01; vol. 39, No. 168, p. 31314 | do | |
| Do | Renville | Renville, city of | H 27 129 5880 01; vol. 39, No. 74, p. 13642 | do | |
| Nebraska | Sheridan | Gordan, city of | H 31 161 2050 01; vol. 39, No. 71, p. 13149 | Jan. 10, 1975 | |
| Do | Howard | St. Paul, city of | H 31 093 4280 02; vol. 39, No. 107, p. 19461 | Feb. 7, 1975 | |
| Nevada | Clark | Las Vegas, city of | H 325276 01; vol. 39, No. 169, p. 31523 | Nov. 21, 1974 | |
| Do | Humboldt | Winnemucca, city of | H 320012 01 through 02; vol. 39, No. 152, p. 28260 | Feb. 20, 1975 | |
| New Jersey | Salem | Woodstown, borough of | H 340426 01; vol. 39, No. 130, p. 24642 | Apr. 25, 1975 | |
| New Mexico | Bernalillo | Albuquerque, city of | H 350002 01 through 36; vol. 39, No. 156, p. 28891 | Dec. 6, 1974 | |
| New York | Nassau | Cedarhurst, village of | H 360450 01 through 02; vol. 39, No. 152, p. 28264 | Feb. 14, 1975 | |
| Do | Sullivan | Cochecton, town of | H 360817 01 through 03; vol. 39, No. 115, p. 20694 | Jan. 31, 1975 | |
| Do | Erie | North Collins, town of | H 36 029 4251 01 through 09; vol. 39, No. 107, p. 19462 | Mar. 28, 1975 | |
| Do | do | North Collins, village of | H 36 029 4250 01; vol. 39, No. 107, p. 19462 | do | |
| Do | Yates | Barrington, town of | H 36 123 0048 01 through 10; vol. 39, No. 81, p. 14607 | Apr. 25, 1975 | |
| North Carolina | Henderson | Balsam, town of | H 370129 01 through 02; vol. 39, No. 152, p. 28265 | do | |
| Do | do | Barker Heights, town of | H 370 127 01; vol. 39, No. 152, p. 28265 | do | |
| Do | do | West Henderson, town of | H 370129 01; vol. 39, No. 152, p. 28265 | do | |
| Do | Washington | Creswell, town of | H 370248 01; vol. 39, No. 129, p. 22122 | Mar. 21, 1975 | |
| Do | do | Roper, town of | H 370250 01; vol. 39, No. 156, p. 28643 | do | |
| Do | Johnston | West Smithfield, town of | H 37 101 4950 01 through 02; vol. 39, No. 42, p. 7937 | do | |
| North Dakota | Cass | Unincorporated areas | H 38 017 0000 01 through 10; vol. 38, No. 4, p. 1011 | Oct. 2, 1974 | |
| Do | Pembina | Hamilton, city of | H 380084 01; vol. 4, No. 2, p. 781 | Apr. 18, 1975 | |
| Ohio | Cuyahoga | Cleveland, city of | H 39 035 3340 01; vol. 39, No. 60, p. 11265 | do | |
| Do | Montgomery | Englewood, city of | H 390410 01 through 02; vol. 39, No. 107, p. 19286 | do | |
| Do | Hamilton | Deer Park, city of | H 390212 01; vol. 39, No. 119, p. 21146 | do | |
| Do | Gallia | Gibsonburg, village of | H 39 143 2930 01; vol. 39, No. 42, p. 7938 | Jan. 3, 1975 | |
| Tennessee | Fentress | Jamestown, town of | H 470052 01 through 04; vol. 39, No. 152, p. 28239 | Apr. 25, 1975 | |
| Texas | Brazoria | Lake Barbara, city of | H 48 039 3796 01; vol. 39, No. 6, p. 1436 | Mar. 21, 1975 | |
| Do | Fort Bend | Stafford, city of | H 48 0233 01 through 04; vol. 39, No. 152, p. 28270 | Jan. 24, 1975 | |
| Washington | King | Enumclaw, city of | H 530078 01 through 04; vol. 39, No. 115, p. 20700 | do | |
| Do | Adams | Othello, city of | H 53 001 1630 01 through 02; vol. 39, No. 59, p. 11190 | Jan. 10, 1975 | |
| West Virginia | Kanawha | South Charleston, city of | H 540223 01 through 09; vol. 39, No. 216, p. 39450 | Dec. 1, 1974 | |
| Wisconsin | Brown | Allouez, town of | H 55 009 0060 01 through 02; vol. 39, No. 6, p. 1436 | Mar. 21, 1975 | |
| Do | La Crosse | Rockland, village of | H 550222 01; vol. 39, No. 152, p. 28246 | do | |
| Do | Manitowoc | Valders, village of | H 550244 01; vol. 39, No. 107, p. 19468 | Apr. 18, 1975 | |
| Do | Burnett | Webster, village of | H 55 013 5150 01; vol. 39, No. 74, p. 13648 | Mar. 18, 1975 | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: April 3, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75-9543 Filed 4-15-75;8:45 am]





[Docket No. FI 552]

## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

### List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Where two dates appear in the column marked effective date of identification, the first listing refers to the initial identification of areas having special flood hazards, and the second date refers to additional areas identified. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

**§ 1915.3 List of communities with special hazard areas.**

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazard |
|---|---|---|---|---|---|---|
| Alabama | Clarke | Grove Hill, town of | H 010039 01 through H 010039 02 | Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104. | Mayor, Town Hall, Grove Hill, Ala. 36451. | Apr. 25, 1975. |
| Arkansas | Mississippi | Wilson, city of | H 050153A 01 | Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204. | Mayor, City of Wilson, City Hall, Wilson, Ark. 72395. | Do. |
| Do | Washington | Johnson, town of | H 050218 01 | do | Mayor, Town of Johnson, Johnson, Ark. 72741. | Do. |
| Do | Pope | Hector, town of | H 050254 01 | do | Mayor, Town Hall, Hector, Ark. 72843. | Do. |
| Do | Conway | Menifee, town of | H 050266 01 through H 050266 02 | do | Mayor, Town of Menifee, Menifee, Ark. 72107. | Do. |
| Do | Izard | Oxford, town of | H 050273 01 | do | Mayor, Town of Oxford, Oxford, Ark. 72565. | Do. |
| Do | Pope | Pottsville, town of | H 050277 01 | do | Mayor, Town of Pottsville, Pottsville, Ark. 72858. | Do. |
| Do | Grant | Prattsville, town of | H 050279 01 | do | Mayor, Town of Prattsville, Prattsville, Ark. 72129. | Do. |
| Do | Logan | Subiaco, town of | H 050288 01 | do | Mayor, Town of Subiaco, Subiaco, Ark. 72865. | Do. |
| Do | Independence | Sulpher Rock, town of | H 050290 01 through H 050290 02 | do | Mayor, Town of Sulpher Rock, Sulpher Rock, Ark. 72579. | Do. |
| Do | Carroll | Green Forest, city of | H 050329 01 | do | Mayor, City of Green Forest, Green Forest, Ark. 72638. | Do. |
| Do | Sharp | Hardy, city of | H 050330 01 | do | Mayor, City of Hardy, City Hall, Hardy, Ark. 72542. | Do. |
| Do | Prairie | Hazen, city of | H 050331 01 | do | Mayor, City of Hazen, Hazen, Ark. 72064. | Do. |
| Do | Searcy | Marshall, city of | H 050347 01 | do | Mayor, City of Marshall, City Hall, Marshall, Ark. 72650. | Do. |
| Do | St. Francis | Palestine, city of | H 050359 01 | do | Mayor, City of Palestine, Palestine, Ark. 72372. | Do. |
| Do | Grant | Sheridan, city of | H 050367 01 | do | Mayor, City of Sheridan, Sheridan, Ark. 72150. | Do. |
| Do | Benton | Bethel Heights, town of | H 050386 01 | do | Mayor, Town of Bethel Heights, Bethel Heights, Ark. (no ZIP). | Do. |
| Do | Marion | Bull Shoals, city of | H 050394 01 through H 050394 03 | do | Mayor, City of Bull Shoals, Bull Bull Shoals, Ark. 72619. | Do. |
| Do | Columbia | Emerson, city of | H 050410 01 through H 050410 02 | do | Mayor, Town of Emerson, Emerson, Ark. 71740. | Do. |
| Colorado | Morgan | Brush, city of | H 080130A 01 through H 080130A 03 | Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203. | Mayor, City of Brush, Brush, Colo. 80723. | Nov. 23, 1973. |
| Do | Arapahoe | Englewood, city of | H 085074B 05 through H 085074B 08 | do | Planning Division, Department of Community Development, Englewood, Colo. 80110. | Feb. 9, 1972, Apr. 11, 1975. |
| Georgia | Newton | Covington, city of | H 130144A 01 through H 130144A 06 | Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334. | Mayor and City Council, City Hall, Covington, Ga. 30209. | June 28, 1974, Apr. 25, 1975. |
| Do | Douglas | Douglasville, city of | H 130305 01 through H 130306 04 | do | Mayor, City of Douglasville, Douglasville, Ga. 30134. | Apr. 25, 1975. |
| Do | Haralson | Tallapoosa, city of | H 130337 01 through H 130337 04 | do | Mayor, City Hall, Tallapoosa, Ga. 30176. | Do. |
| Do | Lowndes | Naylor, town of | H 130353 01 | do | Mayor, Town of Naylor, Naylor, Ga. 31641. | Do. |
| Do | Montgomery | Uvalda, town of | H 130361 01 through H 130361 02 | do | Mayor, Town of Uvalda, Town Hall, Uvalda, Ga. 30473. | Do. |



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| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Do | Habersham and Rabun. | Tallulah Falls, city of. | H 130380 01 through H 130380 06 | do | Mayor, City of Tallulah Falls, City Hall, Tallulah Falls, Ga. 30573. | Do. |
| Do | Fayette | Fayetteville, city of. | H 130431 01 through H 130431 02 | do | Mayor, City Hall, Fayetteville, Ga. 30214. | Do. |
| Do | Wilkinson | Irwinton, town of. | H 130440 01 through H 130440 02 | do | Mayor, Town of Irwinton, Irwinton, Ga. 31042. | Do. |
| Idaho | Twin Falls | Kimberly, city of. | H 160173 01 | Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, State House, Boise, Idaho 83707. | Mayor, City of Kimberly, Kimberly, Idaho 83341. | Do. |
| Illinois | Cook | Olympia Fields, village of. | H 170139A 01 | Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702. | Village Consulting Engineer, Village Hall, Village of Olympia Fields, Route 54, 207th St., Olympia Fields, Ill. 60461. | May 3, 1974. Apr. 25, 1975. |
| Do | Lake | Lake Zurich, village of. | H 170376A 01 through H 170376A 08 | do | Building Commission, Village Hall, 61 West Main St., Lake Zurich, Ill. 60047. | Mar. 29, 1974. Apr. 25, 1975. |
| Do | Adams | La Prairie, town of. | H 170760 01 | do | Mayor, Town of La Prairie, La Prairie, Ill. 62346. | Apr. 25, 1975. |
| Indiana | Lawrence | Mitchell, town of. | H 180383 01 | Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department 509 State Office Bldg., Indianapolis, Ind. 46204. | Mayor, Town of Mitchell, Mitchell, Ind. 47446. | Do. |
| Louisiana | St. Landry Parish. | Cankton, village of. | H 220167 01 | State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804. | Mayor, Village Hall, Cankton, La. 70584. | Do. |
| Do | Winn Parish | Sikes, village of. | H 220310 01 | do | Village President, Village of Sikes, Sikes, La. 71473. | Do. |
| Do | Jefferson Parish | Grand Isle, town of. | H 225197B 01 through H 225197B 09 | do | Mayor, Grand Isle, Town of Grand Isle, La. 70358. | Oct. 20, 1970. |
| Do | do | Gretna, city of. | H 225198B 01 through H 225198B 02 | do | Mayor, City of Gretna, P.O. Box 404, Gretna, La. 70056. | June 18, 1971. |
| Maryland | Kent | Unincorporated areas. | H 240045 01 through H 240045 29 | Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201. | Planning and Plumbing Office, Court House, County of Kent, Chestertown, Md. 21620. | Apr. 25, 1975. |
| Do | Somerset | Unincorporated areas. | H 240061 01 through H 240061 37 | do | County Commissioner, County of Somerset, County Courthouse, Princess Anne, Md. 21853. | Do. |
| Do | Talbot | do | H 240066 01 through H 240066 30 | do | Commissioners of Talbot County, County Bldg., Easton, Md. 21601. | Do. |
| Michigan | Eaton | Windsor, township of. | H 260071A 01 through H 260071A 11 | Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913. | Township President, Township of Windsor, Windsor, Mich. (no ZIP). | Aug. 2, 1974. Apr. 25, 1975. |
| Do | Monroe | Ash, township of. | H 260141A 01 through H 260141A 11 | do | Township of Ash, Township Board of Directors, Ash, Mich. (no ZIP). | June 14, 1974. Apr. 25, 1975. |
| Do | Oakland | Bingman Farms, village of. | H 260323 01 through H 260323 02 | do | Village Manager, Village of Bingman Farms, Bingman Farms, Mich. (no ZIP). | Apr. 25, 1975. |
| Do | Osceola | Evart, city of. | H 260327 01 through H 260327 02 | do | Mayor, City of Evart, Evart, Mich. 49631. | Do. |
| Do | do | Marion, village of. | H 260328 01 through H 260328 02 | do | Village President, Village of Marion, Marion, Mich. 49665. | Do. |
| Do | Alger | Chatham, village of. | H 260343 01 | do | Village President, Village of Chatham, Chatham, Mich. 49816. | Do. |
| Do | Clinton | Maple Rapids, village of. | H 260384 01 | do | Village President, Village of Maple Rapids, Maple Rapids, Mich. 48853. | Do. |
| Do | Oakland | Avon, township of. | H 260471 01 through H 260471 11 | do | Township Manager, Township of Avon, Avon, Mich. No ZIP. | Do. |
| Do | do | Clarkston, village of. | H 260472 01 through H 260472 02 | do | Village of Clarkston, Clarkston, Mich. 48016. | Do. |
| Minnesota | Blue Earth | Mapleton, city of. | H 270432 01 | Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, Room 210 State Office Bldg., St. Paul, Minn. 55101. | Mayor, City Hall, Mapleton, Minn. 56065. | Do. |
| Do | Nobles | Brewster, city of. | H 270319 01 | do | Mayor, City of Brewster, Brewster, Minn. 56119. | Do. |
| Do | St. Louis | Franklin, city of. | H 270569 01 | do | Mayor, City of Franklin, Franklin, Minn. 55333. | Do. |





| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Mississippi | Prentiss | Booneville, city of. | H 280135 01 through H 280135 02 | Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205. | Mayor, City of Booneville, City Hall, Booneville, Miss. 38829. | Do. |
| Missouri | Cooper | Blackwater, city of. | H 290109 01 | Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101. | Mayor, City of Blackwater, Blackwater, Mo. 65322. | Do. |
| Do | do | Bunceton, city of. | H 290111 01 through H 290111 02 | do | Mayor, City of Bunceton, City Hall, Bunceton, Mo. 65237. | Do. |
| Do | do | Wooldridge, village of. | H 290112 01 | do | Village President, Village of Wooldridge, Wooldridge, Mo. 65287. | Do. |
| Do | Stoddard | Dexter, city of. | H 290424A 01 through H 290424A 04 | do | Mayor, City of Dexter, City Hall, Dexter, Mo. 63941. | May 10, 1974. Apr. 25, 1975. |
| Do | Scott | Vanduser, village of. | H 290516 01 | do | Village President, Village of Vanduser, Vanduser, Mo. 63784. | Apr. 25, 1975. |
| Do | Barry | Seligman, city of. | H 290521 01 | do | Mayor, City of Seligman, Seligman, Mo. 65745. | Do. |
| Do | Pettis | Smithton, city of. | H 290536 01 | do | Mayor, City Hall, City of Smithton, Smithton, Mo. 65350. | Do. |
| Do | Cooper | Otterville, city of. | H 290556 01 | do | Mayor, City of Otterville, Otterville, Mo. 65348. | Do. |
| Do | Linn | Meadville, city of. | H 290566 01 | do | Mayor, City Hall, Meadville, Mo. 64659. | Do. |
| Do | Hickory | Hermitage, city of. | H 290572 01 | do | Mayor, City Hall, Hermitage, Mo. 65668. | Do. |
| Do | Nodaway | Conception Junction, city of. | H 290602 01 | do | Mayor, City Hall, Conception Junction, Mo. 64434. | Do. |
| Do | Harrison | Cainsville, city of. | H 290620 01 | do | Mayor, City of Cainsville, City Hall, Cainsville, Mo. 64632. | Do. |
| Do | Johnson | Centerview, city of. | H 290626 01 | do | Mayor, City Hall, Centerview, Mo. 64019. | Do. |
| Do | do | Chilhowee, city of. | H 290627 01 | do | Mayor, City Hall, Chilhowee, Mo. 64733. | Do. |
| Do | Shelby | Shelbina, city of. | H 290665 01 | do | Mayor, City of Shelbina, Shelbina, Mo. 63468. | Do. |
| Do | Dade | Greenfield, city of. | H 290710 01 | do | Mayor, City Hall, Greenfield, Mo. 65661. | Do. |
| Do | Greene | Ash Grove, city of. | H 290751 01 | do | Mayor, City of Ash Grove, City Hall, Ash Grove, Mo. 65604. | Do. |
| Do | Caldwell | Braymer, city of. | H 290759 01 | do | Mayor, City of Braymer, Braymer, Mo. 64624. | Do. |
| Do | Howard | Armstrong, city of. | H 290761 01 | do | Mayor, City of Armstrong, Armstrong, Mo. 65230. | Do. |
| Do | Ozark | Bakersfield, village of. | H 290767 01 through H 290767 04 | do | Village President, Village of Bakersfield, Bakersfield, Mo. 65609. | Do. |
| Do | Scott | Blodgett, village of. | H 290771 01 | do | Village President, Village of Blodgett, Blodgett, Mo. 63824. | Do. |
| Montana | Teton | Dutton, town of. | H 300092 01 | Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601. | Mayor, Town of Dutton, Dutton, Mont. 59433. | Do. |
| Do | Lake | Ronan, city of. | H 300122 01 through H 300122 02 | do | Mayor, City of Ronan, Ronan, Mont. 59864. | Do. |
| Nebraska | Otoe | Otoe, village of. | H 310164 01 | Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509. | Mayor, Village of Otoe, Otoe, Nebr. 68417. | Do. |
| Do | Hamilton | Giltner, village of. | H 310278 01 | do | Village Manager, Village of Giltner, Giltner, Nebr. 68841. | Do. |
| Do | Thurston | Rosalie, village of. | H 310313 01 | do | Village Manager, Village of Rosalie, Rosalie, Nebr. 68055. | Do. |
| Do | Cedar | Wynot, village of. | H 310337 01 | do | Village Manager, Village of Wynot, Wynot, Nebr. 68792. | Do. |
| Do | Dodge | Hooper, city of. | H 310379 01 | do | Mayor, City of Hooper, City Hall, Hooper, Nebr. 68031. | Do. |
| Do | Colfax | Leigh, village of. | H 310386 01 | do | Village Manager, Village of Leigh, Leigh, Nebr. 68643. | Do. |
| Do | Scotts Bluff | Lyman, village of. | H 310387 01 | do | Village Manager, Village of Lyman, Lyman, Nebr. 69352. | Do. |
| Do | Cedar | Randolph, city of. | H 310397 01 | do | Mayor, City of Randolph, City Hall, Randolph, Nebr. 68771. | Do. |
| New Jersey | Burlington | Woodland, township of. | H 340551 01 through H 340551 11 | Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625. | Township Manager, Township of Woodland, Woodland, N.J. (No ZIP). | Do. |



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| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Do | Ocean | Bay Head, borough of. | H 345281B 01 through H 345281B 02 | do | Office of Borough Clerk, Borough of Bay Head, Borough Hall, Bay Head, N.J. 08742. | Aug. 17, 1971. |
| New York | Broome | Port Dickinson, village of. | H 360063A 01 | New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038. | Mayor, Port Dickinson, N.Y. 13905 | Feb. 1, 1974. |
| Do | Cattaraugus | Randolph, town of. | H 360095 01 through H 360095 09 | do | Mayor, Town of Randolph, Randolph, N.Y. 14772. | Apr. 25, 1975. |
| Do | Cayuga | Aurora, village of. | H 360101 01 | do | Village Clerk's Office, Aurora, N.Y. 13026. | Do. |
| Do | Nassau | Hempstead, town of. | H 360467 01 through H 360467 37 | do | Commissioner, Department of Planning and Economic Development, Town of Hempstead, Town Hall, Hempstead, N.Y. 11550. | Do. |
| Do | Oneida | Utica, city of. | H 360558 01 through H 360558 10 | do | City Engineer, City Hall, 1 Kennedy Plaza, Utica, N.Y. 13502. | Do. |
| Do | Steuben | Hornell, city of. | H 360776A 01 through H 360776A 02 | do | City Hall, City of Hornell, 108 Broadway, Hornell, N.Y. 14843. | May 25, 1973. Apr. 25, 1975. |
| Do | Suffolk | Amityville, village of. | H 360788 01 through H 360788 02 | do | Village Attorney, Village of Amityville, Amityville, L.I., N.Y. 11701. | Apr. 25, 1975. |
| North Carolina | Iredell | Mooresville, town of. | H 370314 01 through H 370314 02 | Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611. | Mayor, Town of Mooresville, Mooresville, N.C. 28115. | Do. |
| Do | Moore | Southern Pines, town of. | H 370338 01 through H 370338 02 | do | Mayor, Town of Southern Pines, Southern Pines, N.C. 28387. | Do. |
| Do | Robeson | Orrum, town of. | H 370349 01 | do | Mayor, Town of Orrum, Orrum, N.C. 28369. | Do. |
| Do | Vance | Henderson, city of. | H 370367 01 through H 370367 03 | do | Mayor, City of Henderson, Henderson, N.C. 27536. | Do. |
| North Dakota | Dunn | Dodge, city of. | H 380077 01 | State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501. | Mayor, Dodge, N. Dak. 58625. | Do. |
| Do | Pembina | Pembina, city of. | H 380368B 02 through H 380368B 03 | do | Auditor, City Hall, Pembina, N. Dak. 58271. | June 20, 1970. |
| Oklahoma | Kingfisher | Loyal, town of. | H 400383 01 | Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105. | Mayor, Loyal, Okla. 73756. | Apr. 25, 1975. |
| Do | Garfield | Covington, town of. | H 400362 01 | do | Mayor, Town of Covington, Covington, Okla. 73730. | Do. |
| Do | do | Garber, city of. | H 400380 01 | do | Mayor, City of Garber, Garber, Okla. 73738. | Do. |
| Pennsylvania | Allegheny | Wall, borough of. | H 420082 01 through H 420082 02 | Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120. | Mayor, Borough of Wall, 371 Shady Ave., Wilmerding, Pa. 15148. | Do. |
| Do | Bradford | Towanda, borough of | H 420178 01 through H 420178 02 | do | Mayor, Office of Mayor, 10 Park St., Towanda, Pa. 18848. | Do. |
| Do | Montgomery | Plymouth, township of | H 420955A 01 through H 420955A 03 | do | Township of Plymouth, Tilbury Fire Hall, West Nantmeal, Pa. 19343. | June 28, 1971. Apr. 25, 1975. |
| Do | Bedford | Londonderry, township of | H 421345 01 through H 421345 15 | do | Chairman Board of Supervisors, Route 1, Township of Londonderry, Buffalo Mills, Pa. 15534. | Apr. 25, 1975. |
| South Dakota | Brown | Claremont, town of | H 460105 01 | State Planning Bureau, Office of Executive Management, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501. | Mayor, Town of Claremont, Claremont, S. Dak. 57432. | Do. |
| Do | Gregory | Dallas, town of. | H 460168 01 | do | Town Manager, Town of Dallas, Dallas, S. Dak. 57529. | Do. |
| Do | Day | Roslyn, town of. | H 460137 01 | do | Mayor, Town of Roslyn, Roslyn, S. Dak. 57261. | Do. |
| Do | Marshall | Veblen, town of. | H 460146 01 | do | Mayor, Town of Veblen, Veblen, S. Dak. 57270. | Do. |
| Do | Ziebach | Dupree, city of. | H 460169 01 | do | Mayor, City of Dupree, Dupree, S. Dak. 57623. | Do. |
| Do | Hand | Miller, city of. | H 460201 01 | do | Mayor, City of Miller, Miller, S. Dak. 57362. | Do. |
| Texas | Cameron | Bayview, town of. | H 480102 01 through H 480102 02 | Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701. | Mayor, Town of Bayview, Route 3, Box 16A, Los Fresnos, Tex. 78566. | Do. |
| Do | Collingsworth | Dodson, town of. | H 480761 01 | do | Town Manager, Town of Dodson, Dodson, Tex. 79230. | Do. |
| Do | Lamb | Sudan, city of. | H 480808 01 | do | Mayor, City of Sudan, City Hall, Sudan, Tex. 79371. | Do. |
| Do | Shackelford | Moran, city of. | H 481003 01 | do | Mayor, City of Moran, City Hall, Moran, Tex. 76464. | Do. |
| Do | Karnes | Runge, town of. | H 481120 01 | do | Town Manager, Town of Runge, Runge, Tex. 78151. | Do. |





| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Do | Bexar | China Grove, city of. | H 481141 01 through H 481141 02 | do | Mayor, City of China Grove, City Hall, China Grove, Tex. (No ZIP). | Do. |
| Do | Jackson | Edna, city of. | H 485465B 06 through H 485465B 07 | do | City Manager, City of Edna, City Hall, 105 North Allen, Edna, Tex. 77957. | Nov. 11, 1971. |
| Do | Hunt | Greenville, city of. | H 485473B 17 through H 485473B 23 | do | Director, Office of Department of Community Development, City of Greenville, Greenville, Tex. 75401. | Aug. 17, 1971. |
| Virginia | Bedford | Unincorporated areas. | H 510016 01 through H 510016 47 | Bureau of Water Control Management, State Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209. | Administrative Assistant, Bedford County Board of Supervisors, Bedford County Courthouse, Bedford, Va. 24523. | Apr. 25, 1975. |
| Do | Franklin | do | H 510061 01 through H 510061 49 | do | Board of Supervisors, Franklin County, Room 302, County Office Bldg., Rocky Mount, Va. 24151. | Do. |
| Do | Loudoun | do | H 510090 01 through H 510090 34 | do | County Building Inspector, County of Loudoun, Department of Planning and Zoning, 18 East Market St., Leesburg, Va. 22075. | Do. |
| Do | Montgomery | do | H 510101A 01 through H 510101A 02 | do | Town Manager, Town Hall, Town of Christiansburg, 100 East Main St., Christiansburg, Va. 24073. | Do. |
| Do | Carroll | Unincorporated areas. | H 510197 01 through H 510197 32 | do | County Commissioners, County Courthouse, County of Carroll, Hillsville, Va. 24343. | Do. |
| Do | Floyd | do | H 510199 01 through H 510199 27 | do | Floyd County Administrative Office, Floyd County Courthouse, Floyd, Va. 24091. | Do. |
| Do | Caroline | do | H 510249 01 through H 510249 34 | do | Emergency Preparedness Center, (lower level of the jail), Box 424, County of Caroline, Bowling Green, Va. 22427. | Do. |
| Do | Middlesex | Urbanna, town of. | H 510292 01 | do | Town Manager, Town of Urbanna, Urbanna, Va. 23175. | Do. |
| West Virginia | Brooke | Wellsburg, city of. | H 540015A 01 | Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, 1800 Washington St., Bldg. No. 3, Room 643, Charleston, W. Va. 25305. | Mayor, City of Wellsburg, City Bldg., Wellsburg, W. Va. 26062. | May 17, 1974. |
| Do | Cabell | Unincorporated areas. | H 540016 01 through H 540016 22 | do | County Commissioners, County Courthouse, County of Cabell, Huntington, W. Va. | Apr. 25, 1975. |
| Do | Hardy | do | H 540051 01 through H 540051 30 | do | County Commissioners, County of Hardy, County Courthouse, Moorefield, W. Va. 26836. | Do. |
| Do | Jefferson | Ranson, town of. | H 540068A 01 through H 540068A 02 | do | Mayor, Town of Ranson, Town Hall, Ranson, W. Va. 25438. | Do. |
| Do | Kanawha | Unincorporated areas. | H 540070 01 through H 540070 59 | do | County Commissioner, County of Kanawha, County Courthouse, Charleston, W. Va. (no ZIP). | Do. |
| Do | do | Belle, town of. | H 540071A 01 | do | Mayor, City Hall, Town of Belle, Belle, W. Va. 25015. | Mar. 1, 1974, Apr. 25, 1975. |
| Do | Mason | Unincorporated areas. | H 540112 01 through H 540112 33 | do | County Commissioner, County Courthouse, County of Mason, Point Pleasant, W. Va. 25550. | Apr. 25, 1975. |
| Do | Pendleton | do | H 540153 01 through H 540153 43 | do | County Commissioners, County of Pendleton, County Courthouse, Franklin, W. Va. 26807. | Do. |
| Do | Raleigh | do | H 540169 01 through H 540169 43 | do | County Commissioner, County of Raleigh, County Courthouse, Beckley, W. Va. 25801 | Do. |
| Do | Roane | do | H 540183 01 through H 540183 32 | do | County Commissioner, County of Roane, County Courthouse, Spencer, W. Va. 25276. | Do. |
| Do | Ritchie | do | H 540224 01 through H 540224 31 | do | County Commissioner, County of Ritchie, County Courthouse, Harrisville, W. Va. 26362. | Do. |
| Wisconsin | Dunn | do | H 550118 01 through H 550118 02 | Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington St., Madison, Wis. 53703. | County Board of Commissioners, County of Dunn, County Courthouse, Menomonie, Wis. 54751. | Jan. 3, 1975. |
| Do | Sheboygan | Sheboygan, city of. | H 550430A 01 through H 550430A 04 | do | Senior City Planner, Sheboygan Department of City Development, City Hall, City of Sheboygan, 828 Center Ave., Sheboygan, Wis. 53081. | June 7, 1974. |
| Do | Vernon | Unincorporated areas. | H 550450 01 through H 550450 05 | do | Vernon County Zoning Administrator, County Courthouse, Viroqua, Wis. 54665. | Jan. 3, 1975. |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: April 1, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75-9542 Filed 4-15-75;8:45 am]



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Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and Deadline for Filing Applications—Northern Paiute Indians

APRIL 7, 1975.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 3309 of the FEDERAL REGISTER of January 21, 1975 (40 FR 3309), there was published a notice of proposed rulemaking to amend § 41.3, Part 41, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations by the addition of a new paragraph (t). The regulations were proposed pursuant to the authority contained in the Northern Paiute plan for the use and distribution of judgment funds which was prepared pursuant to the Act of October 19, 1973 (87 Stat. 466), and which became effective on October 10, 1974. The regulations govern the preparation of a roll of Northern Paiute Indians to be used for the per capita distribution of the award of the Indian Claims Commission in Docket 87.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections, regarding the proposed amendment. During this period comments, suggestions and objections were received from interested persons. Although careful consideration was given to all the view and arguments received, no revisions were made as a result of them.

The only change made in the text of the regulations is the insertion of the deadline date for filing applications. Accordingly, with that change, the proposed amendment is hereby adopted and is set forth below.

Since the plan and regulations establish a deadline for applying for enrollment for the purpose of sharing in the distribution of the funds, which is only 180 days from the date of publication of the regulations in the FEDERAL REGISTER, the 30-day deferred effective date would delay the completion of the roll and the issuance of per capita shares to the eligible enrollees. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective April 16, 1975.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

**§ 41.3 Qualifications for enrollment and the deadline for filing applications.**

* * * * *

(t) *Northern Paiute Indians.* (1) All persons who meet the following requirements shall be entitled to be enrolled to share in the distribution of judgment funds awarded the Northern Paiute Indians in Indian Claims Commission Docket 87:

(i) Persons who were born on or prior to and living on October 10, 1974, and

(ii) who are lineal descendants of Northern Paiute Indians and

(iii) whose name or whose lineal ancestor's name appears on any available census roll or other record or evidence acceptable to the Secretary, and who is identified as being of Northern Paiute ancestry.

(2) Any person who has shared in the awards granted by the Indian Claims Commission in Dockets 88, 330 and 330–A, to the Southern Paiute Indian Nation; or in Dockets 31, 37, 80, 80–D, 176, 215, 333, and 347, to "Certain Indians of California"; or in Dockets 351 and 351–A to the Chemehuevis; or in Docket 17, to the Malheur Paiutes; or whose Indian ancestry is derived solely from the Walpapi Paiutes, Yahooskin Snakes, Bannocks, or Western Monos; or who is a member, of the Quechan Tribe or of the Washoe Tribe of Nevada and California shall not be eligible to be enrolled to share in the Northern Paiute judgment funds.

(3) Applications for enrollment must be filed with the Superintendent, Bureau of Indian Affairs, Western Nevada Agency, Stewart, Nevada 89437, on the form provided for that purpose, and must be received by the Superintendent by close of business not later than October 13, 1975.

[FR Doc.75-9831 Filed 4-15-75;8:45 am]

Title 29—Labor

CHAPTER X—NATIONAL MEDIATION BOARD

PART 1208—AVAILABILITY OF INFORMATION

Freedom of Information; Nomenclature Correction

The above-captioned notice published in the FEDERAL REGISTER on February 19, 1975, at pages 7281–7282 references to "Chairman" and "Chairman of the Board" should be changed to read "Board".

ROWLAND K. QUINN, Jr.,
*Executive Secretary.*

[FR Doc.75-9048 Filed 4-15-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-241]

PART 82—BOUNDARY LINES OF INLAND WATERS

Strait of Juan de Fuca, Haro and Strait, and Strait of Georgia

The purpose of this amendment is to change the boundary lines of inland waters in the Strait of Juan de Fuca, Haro Strait, and Strait of Georgia, Washington. This amendment is based on a notice of proposed rulemaking published in the Monday, April 8, 1974 issue of the FEDERAL REGISTER (39 FR 12767).

Two comments were received which opposed the proposed change. On June 27, 1974, a meeting was held among representatives of the Puget Sound Pilots Association, the Washington State Board of Pilotage Commissioners, the office of Congressman Joel Pritchard and the Coast Guard to discuss the proposal. At this meeting three basic objections were raised.

The first objection to the proposal was that a relocation of the demarcation line could result in lost revenue to Puget Sound pilots. The objection is based on an interpretation of the Washington State Code which describes the waters affected. The Code describes the international boundary line between the State of Washington and British Columbia and this line is unrelated to the line separating waters where International and Inland Rules of the Road apply. The changing of the demarcation line would not affect the international boundary and thus Canadian pilots would not be operating in U.S. waters and there would be no loss of revenue to U.S. pilots.

The second objection was that a relocation of the line would require the Puget Sound Pilots to purchase additional radio equipment in order to accommodate the Canadian VTS frequency. This objection is not valid since the proposal would not require additional equipment but would only change the location when radiotelephone frequencies are shifted. For vessels bound northwest from Rosario Strait through the Strait of Georgia, the northern segment of the proposed line would allow the vessels to shift from the bridge-to-bridge radiotelephone frequency to the frequency used in Boundary Pass at an earlier time and thus permit common communications between approaching vessels.

The third objection to the proposal was that a relocation of the line would require pilots navigating in U.S. waters to obtain information from a foreign vessel traffic center. This objection has no basis in fact. Vessels in waters on which the inland rules of the road apply are required to monitor channel 13. U.S. vessels must also maintain a watch on channel 16. There is no requirement for a vessel to monitor any other frequency. The proposed change in location of the line would only reduce the area in which pilots are required to listen to channel 13.

The Puget Sound Pilots association requested an extension on the comment period until 1 January 1975 to present additional material to support their objections. The Puget Sound Pilots continued to object on the basis that this proposed action would permit domestic or foreign vessels to transit the navigable waters of the U.S. in the Puget Sound area without the presence of a Washington State licensed Puget Sound Pilot with an endorsement on his Federal license for Puget Sound and Adjacent Inland Waters. In a letter dated 17 September 1974 to the Commandant U.S. Coast Guard, the Washington State Board of Pilotage Commissioners stated "In evaluating the concern expressed by the Puget Sound Pilots, the Washington State Board of Pilotage Commissioners takes the position that there is no change in the jurisdiction of the Board provided by Washington State law over these waters as far as compulsory pilotage requirements are concerned." The Coast Guard agrees with this evaluation and reiterates the fact that the change in the demarcation line in no way affects the jurisdiction of the State of Washington as to mandatory pilotage.

In consideration of the foregoing, the proposed regulation is hereby adopted without change and is set forth below.

Effective date: May 16, 1975.

Dated: April 10, 1975.

O. W. SILER,
*Admiral, U.S. Coast Guard Commandant.*

Chapter I of Title 33 of the Code of Federal Regulations is amended by revising § 82.120 to read as follows:

**§ 82.120 Strait of Juan de Fuca, Haro Strait, and Strait of Georgia.**

(a) A line drawn from the northernmost point of Angeles Point to Hein Bank Lighted Bell Buoy; thence to Salmon Bank Lighted Gong Buoy 3; thence to Cattle Point Light on San Juan Island.

(b) A line drawn from Lime Kiln Light to Kellett Bluff Light on Henry Island; thence to Turn Point Light on Stuart Island; thence to Skipjack Island Light; thence to Clements Reef Buoy 2; thence to Alden Bank Lighted Gong Buoy A; thence due north to a point on the United States-Canada boundary at latitude 49°00'08" N., longitude 122°52'-22" W.

(Sec. 2, 28 Stat. 672, as amended (33 U.S.C. 151); Sec. 6(b)(1), Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[FR Doc.75-9923 Filed 4-15-75;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 209—ADMINISTRATIVE PROCEDURE

Authority Delegation

Section 4(e) of the Federal Power Act (16 U.S.C. 791–823) provides "That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of the Army." In order to achieve considerable savings in time and effort in procedures regarding approval of plans of dam or other structures affecting navigation, § 209.140 is hereby amended by adding the following new paragraph (f) concerning delegation of authority, this amendment relates only to agency organizational procedure and therefore the provisions of 5 U.S.C. 553 relating to notice and procedures are not applicable.

Effective date: March 11, 1975.

As added 33 CFR 209.140(f) reads as follows:

**§ 209.140 Operations of the Corps of Engineers under the Federal Power Act.**

* * * * *

(f) *Delegation of authority for approval of structural plans for non-Federal hydroelectric projects affecting navigation.* The authority vested in the Secretary of the Army by section 4(e) of the Federal Power Act is hereby delegated to the Chief of the Engineers for promulgation with regard to approval of plans of structures filed with the Federal Power Commission in connection with licensing of non-Federal hydroelectric projects.

(Sec. 4(e), 49 Stat. 840; 16 U.S.C. 797(e); Secretary of the Army memorandum for the Chief of Engineers, dated March 11, 1975.)

By Authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
*Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.*

[FR Doc.75-9824 Filed 4-15-75;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1201—STANDARDS OF CONDUCT

Submission of Employment and Financial Statements by Employees

This amendment to Title 45 of the Code of Federal Regulations consists of a current list of employees required to submit Statements of Employment and Financial Interests.

Section 1201.735–501 of Title 45 of the Code of Federal Regulations is amended by revising paragraph (b) to read as follows:

**§ 1201.735–501 Submission of statements.**

* * * * *

(b) Statements shall be submitted by the following employees who are in grades FSR–5, GS–13 or above:

(1) Office of the Director:
(i) Deputy Director
(ii) Administrative Assistant to the Director
(iii) Internal Audit Staff
(iv) Special Assistants to the Director and Deputy
(2) Office of Domestic and Anti-Poverty Operations:
(i) Director
(ii) Deputy Director
(iii) Special Assistant to the Director
(iv) Deputy Associate Directors
(v) Regional Directors
(vi) Deputy Regional Directors
(vii) Regional Training Chiefs
(viii) Regional Staff Members with Contracting and Disbursing Authority
(ix) Headquarters Training Officer
(x) State Program Directors
(3) Office of Administration and Finance:
(i) Director
(ii) Deputy Director
(iii) Director, Office of Administrative Services
(iv) Chief, Travel Division
(v) Director, Office of Accounting and Computer Services
(vi) Director, Office of Health Services
(vii) Chief, Paperwork Management Division
(viii) Chief, Facilities and Property Division
(ix) Chief, Telecommunications Division
(x) Distribution Officer
(xi) Chief, Voucher Review Branch
(xii) Cashier
(xiii) Director, Office of Contracts and Grants Management
(xiv) Chief, Procurement Division
(xv) Chief, Grants Division
(xvi) Chief, Small Purchase Branch
(xvii) Procurement Agents
(xviii) Contracts Specialists, Negotiators and Administrators
(xix) Director and Deputy Director of Personnel Management
(4) Office of Recruitment and Communications:
(i) Director
(ii) Deputy Assistant Directors
(iii) Executive Officer
(iv) Regional Service Center Managers
(v) Director, Public Affairs
(vi) Director, News Bureau
(vii) Director of Advertising
(viii) Director, Public Information
(ix) Director, Intern Office
(5) Office of the General Counsel:
(i) General Counsel
(ii) Deputy General Counsel
(iii) Assistant General Counsels
(iv) Regional Attorneys
(6) Office of Policy and Planning:
(i) Director
(ii) Director, Policy Development Division
(iii) Director, Planning Division
(iv) Director, Budget Division
(v) Director, Evaluation Division
(7) Congressional Affairs:
(i) Director
(8) Office of Minority Affairs:
(i) Director
(ii) Contract Compliance Officer
(9) Office of International Operations:
(i) Director
(ii) Deputy Director
(iii) Regional Directors
(iv) Director, Multilateral and Special Programs
(v) Director, Medical Affairs
(vi) Director, Special Services
(vii) Country Directors and those overseas staff members to whom contracting or procurement authority has been duly delegated by the Country Director.
(viii) Director, School Partnership Program

(E.O. 11222, May 8, 1965, 30 FR 6469, 3 CFR, 1964–1965 Supp., p. 306; 5 CFR 735.104)

*Effective date.* The revision of this amendment was approved by the Civil Service Commission on March 18, 1975 and is effective April 16, 1975.

JOHN L. GANLEY,
*Deputy Director.*

[FR Doc.75-9905 Filed 4-15-75;8:45 am]







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Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-167R]

## PART 40—SPECIAL CONSTRUCTION, ARRANGEMENT AND OTHER PROVISIONS FOR CARRYING CERTAIN FLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES IN BULK

## PART 151—UNMANNED BARGES

### Vinyl Chloride Carriage Requirements

On July 23, 1974, there was published in the FEDERAL REGISTER (39 FR 26752) a notice of proposed rulemaking (CGD 74-167) to amend the vinyl chloride carriage requirements for all tank vessels by requiring venting, gauging and cargo transfer systems which provide greater protection to personnel than those presently required. The supplemental notice (CGD 74-200) in the FEDERAL REGISTER (39 FR 33711) of September 19, 1974 corrected printing errors and proposed to include existing barges in the proposed requirements of CGD 74-167.

On October 4, 1974, the Occupational Safety and Health Administration announced in 39 FR 35890 the final standard for exposure of employees to vinyl chloride. The OSHA final standard limits employee exposure to vinyl chloride to 5 ppm averaged over any period not exceeding 15 minutes and 1 ppm averaged over any 8-hour period. The exposure of employees to vinyl chloride liquid by direct contact was prohibited.

The Coast Guard has considered all comments received concerning the regulations proposed in CGD 74-167 and CGD 74-200 in conjunction with the OSHA's final vinyl chloride standard.

In reference to the proposed §§ 40.15-1 (a) and 151.50-34(g) which stated that "A tank containing vinyl chloride may not have any liquid level gauges, other than closed gauges", the following comments were received:

(a) A slip tube gauge rod could be equipped with a bull's eye sight glass which discharges into a vent line, thus converting a restricted gauging device into a closed system.

(b) Restricted gauges may be fitted but such gauges would not be used while a tank contains vinyl chloride in liquid or vapor form. This arrangement was suggested because the majority of vessels engaged in the carriage of vinyl chloride are multipurpose vessels also engaged in the carriage of other products, mostly LPG. Tanks on such vessels are normally fitted with closed gauges but are usually also fitted with fixed tube or slip tube gauges (restricted gauges) as a back up device for periodically checking the accuracy of the closed gauges. The prohibition against restricted gauges being present, even if not in use on a tank in vinyl chloride service, would require that tanks in occasional vinyl chloride service would have to be modified by removing such gauges. This situation was seen as a serious hardship to vinyl chloride carriers because of the necessity of removing most multipurpose vessels from vinyl chloride trade until the restricted gauges were removed from the tanks, and effectively eliminating the use of restricted gauges on tanks occasionally used for vinyl chloride, even when the tanks contain other products where the use of restricted gauges is permitted. The prohibition against gauging devices was not seen as eliminating the risk of vinyl chloride release, since tanks usually have a number of other small diameter openings, such as product sampling lines and purge connections, through which product may be released if they are opened.

(c) Most, if not all, tank vessels employ a sampling device which also may be utilized as a restricted gauge. For safety purposes, such as testing for the presence of oxygen, such a device was felt to be necessary. Consistent with the intent that such sampling devices not be employed for gauging purposes, it was recommended that such devices be permitted. Both the implementation of appropriate procedures and the requirement of monitoring for VCM vapors was seen as serving to assure that the sampling device/restricted gauge is utilized for gauging purposes only when necessary (in the event of failure of the primary closed gauging device).

(d) Present slip tube type restricted gauges were recommended to be retained as sampling points with the provision that OSHA approved respiratory protection, such as pressure demand air masks, be used for this operation. This arrangement was seen as assuring adequate protection for personnel while providing sampling points for the tank contents.

(e) Restricted gauges could be continued to be used on tanks containing vinyl chloride if fresh air apparatus was worn by gauging personnel. Thus, although small quantities of vinyl chloride are emitted during the gauging process, the persons gauging are not being exposed to concentrations in excess of the OSHA standard.

After evaluating the above comments, it is felt that restricted gauges may be retained on tanks carrying vinyl chloride if sufficient precautions are taken to preclude their use in lieu of the required closed gauge. If any gauge other than a closed gauge is fitted, the person in charge of cargo transfer shall ensure that the restricted gauge is effectively out of service by locking or sealing the device such that it cannot be used. A restricted gauge is not to be used as a "check" on the closed gauge, nor as a means of sampling.

In reference to the proposed §§ 40.15-1(b) and 151.50-34(h) which stated that "The person in charge of cargo transfer shall ensure • • •," comments were received suggesting that the word "person" be changed to "persons" as both the loading and unloading operations are a closely coordinated effort between both shore and barge personnel.

The "person in charge" is defined in 46 CFR 35.35-1(b) and is usually a certificated tankerman in barge operations. Since the Coast Guard regulations being amended do not apply to shoreside operations, the term "person in charge" is being retained.

In reference to the proposed §§ 40.15-1 (b)(1) and 151.50-34(h)(1) which stated that "The person in charge of cargo transfer shall ensure that cargo vapors are returned to a shore process stream during cargo transfer operations," the following comments were received:

(a) The requirement that vapor is returned to a "shore process stream" was thought to denote a specific manner of disposition to the preclusion of other dispositions which may be preferable to the involved producer and permissible under OSHA and other Federal regulations. It was, therefore, recommended that the term "shore disposition" be used rather than "shore process stream."

(b) The return of vapors to the vessel's cargo tank should be permitted.

The intent of the proposed §§ 40.15-1 (b)(1) and 151.50-34(h)(1) was to prevent vinyl chloride vapors from being discharged to the atmosphere through the cargo tank's vent. Accordingly, the wording of §§ 40.15§1(b)(1) and 151.-50-34(h)(1) is changed to "• • • cargo vapors are returned to the cargo tank or shore disposition for reclamation or destruction during cargo transfer operations."

In reference to the proposed §§ 40.15-1 (b)(2) and 151.50-34(h)(2) which stated that the person in charge of cargo transfer shall ensure that continuous detection for vinyl chloride vapor leaks is conducted aboard a tank vessel undergoing vinyl chloride transfer operations, with detection capability of 1 ppm±0.5 ppm, the following comments were received:

(a) Change wording from "continuous detection" to "continuous monitoring."

(b) Equipment does not exist with the continuous portable detection capability of 1 ppm±0.5 ppm for vinyl chloride vapors.

(c) Change wording from "continuous detection" to "continuous detection monitoring" since monitoring for vinyl chloride, while a continuous function, involves a periodic sampling and analysis process which makes continuous "detection" infeasible.

(d) Delete proposed reliability and sensitivity of 1 ppm±0.5 ppm to correspond with the state of the art of the development of portable monitoring equipment and in consideration of the effect an open air work place environment has on exposure to VCM from cargo transfer operations as opposed to manufacturing operations.

(e) Change wording to require that continuous detection for vinyl chloride is conducted on the weatherdeck of a tank vessel undergoing vinyl chloride transfer operations by fixed or portable instrumentation.

The proposed reliability and sensitivity of 1 ppm±0.5 ppm has been amended by establishing accuracy range requirements for various measurement levels in accordance with 29 CFR 1910.93q (d)(4). The requirement for continuous detection has been amended to continuous monitoring to ensure that personnel are not exposed to vinyl chloride concentrations greater than the permissible limit.

In reference to the proposed §§ 40.15-1 (b)(3) and 151.50-34(h)(3) which stated that the person in charge of cargo transfer shall ensure that cargo transfer operation is discontinued whenever a vinyl chloride vapor concentration in excess of 50 ppm is detected, the following comments were received:

(a) The proposed regulation may not allow for detection of the vapor source.

(b) The starting and stopping of operations may pose a greater risk of exposure to vinyl chloride vapor, in a particular circumstance, than the continuation of transfer operations subject to appropriate protection of personnel.

(c) Amend the proposed regulation to require personnel protection as an alternative to discontinuing transfer operations. Allowing the use of OSHA approved respiratory protection, it would then be possible to complete the unloading of the cargo in order to repair leaks, such as relief valves, flanges, valve packing, etc. It was pointed out that it may be necessary to continue transfer operations to search for the source of the leak.

(d) Was it the intent of the proposed regulation to prevent the transfer of cargo to reduce leakage?

The intent of the proposed §§ 40.15-1 (b)(3) and 151.50-34(h)(3) was to require positive action to minimize the vapor hazard when vinyl chloride vapor concentrations in excess of the permitted level are detected. It is understood that, in some circumstances, the most prudent step in the event of a leak would be to continue transfer for the purpose of emptying a cargo tank to stop a leak which could not be fixed while the cargo tank remains in a loaded condition. The wording of the proposed §§ 40.15-1(b)(3) and 151.50-34(h)(3) is, therefore, changed to permit the initiation of corrective action by the person in charge to minimize exposure to personnel whenever a vinyl chloride vapor concentration in excess of 1 ppm is detected.

In reference to the proposed §§ 40.15-1(b)(4) and 151.50-34(h)(4) which stated that "The person in charge of cargo transfer shall ensure that upon completion of cargo transfer, before disconnecting cargo piping, all cargo lines are purged to a shore process stream to reduce vinyl chloride vapor concentrations to 50 ppm or less", the following comments were received:

(a) Revise the wording to require that the portions of cargo lines that will be open to the atmosphere are purged to a shore or tank vessel disposition to reduce exposure of personnel to 50 ppm or less of vinyl chloride vapor concentration. It was suggested that since cargo lines may extend several miles from plant site to dock area, only such portions of cargo lines which will be open to the atmosphere need be purged to either shore or tank vessel disposition.

(b) Permit personnel protection (OSHA approved fresh air apparatus) as an alternative to purging of lines to 50 ppm or less of vinyl chloride.

(c) Experience has shown that purging of cargo lines with inert gas at the end of transfer operations will not reduce the concentration of VCM to 50 ppm or less and that OSHA approved fresh air apparatus is worn during disconnect.

(d) Purging all cargo piping can cause VCM to go off specifications.

The intent of the proposed §§ 40.15-1(b)(4) and 151.50-34(h)(4) was to require only those portions of disconnected cargo lines that are open to the atmosphere to be free of vinyl chloride liquid and that the vinyl chloride vapor concentration in the area of the cargo piping disconnect points be not greater than the permissible limit. The Commandant feels that reliance on breathing apparatus to protect all personnel who may be in the cargo handling area is not in the best interest of safety. Accordingly, §§ 40.15-1(b)(4) and 151.50-34(h)(4) are reworded to read, "• • • those portions of cargo lines which will be open to the atmosphere after piping is disconnected are free of vinyl chloride liquid and that the vinyl chloride vapor concentration in the area of the cargo piping disconnect points is not greater than 5 ppm."

Because of the insidious nature of vinyl chloride and in order to insure that personnel are no longer needlessly exposed to the risk of developing cancer, either knowingly or unknowingly, certain other provisions not discussed in the public hearing have been added to the amended regulations. These provisions have been incorporated to limit the number of personnel in the area of transfer operations, to warn them of the possible hazard, and to provide them with the equipment necessary to insure their safety. Due to the urgent need to prevent further exposure of personnel and in view of the fact that similar regulations have been promulgated for other employees engaged in the vinyl chloride trade, the following amendments are included in the final rulemaking under the emergency rulemaking provisions of 46 USC 170(9):

(a) The establishment of the tank vessel undergoing transfer operations as a "regulated area" having access limited to authorized persons and the requirement for a daily roster of authorized personnel who may board the tank vessel.

(b) Employees engaged in hazardous operations, such as tank cleaning operations, shall be provided and be required to wear and use respiratory protection in accordance with the provisions of 29 CFR 1910.93q(g) and protective garments, provided clean and dry for each use, to prevent skin contact with liquid vinyl chloride.

(c) The addition of the words "Cancer-Suspect Agent" to the warning signs for vinyl chloride required by 46 CFR 151.45-2(e) and 35.30-1(b).

(d) The posting of signs bearing the following legend whenever hazardous operations, such as tank cleaning, are in progress:

CANCER—SUSPECT AGENT IN THIS AREA
PROTECTIVE EQUIPMENT REQUIRED
AUTHORIZED PERSONNEL ONLY

The Coast Guard is drafting a proposed rulemaking that will require that a training program be established for employees engaged in vinyl chloride transfer operations. This program includes—

(1) The nature of the health hazard for chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(2) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit, and necessary protective steps;

(3) The purpose for, and the proper use and limitations of, respiratory protective devices;

(4) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;

(5) The purpose for and description of the monitoring for vinyl chloride vapor leaks;

(6) Emergency procedures; and

(7) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride.

The Coast Guard is also preparing a pamphlet to serve as an illustrated, easy to use guide for the purpose of ascertaining appropriate vinyl chloride carriage regulations. This pamphlet will contain details of the above training program and should be an aid in indoctrinating personnel on the hazards of vinyl chloride transfer operations.

In consideration of the foregoing, Parts 40 and 151 of Chapter I of Title 46 of the Code of Federal Regulations are amended, effective July 16, 1975 as follows:

1. By adding a new Subpart 40.15 consisting of § 40.15-1 as follows:

### Subpart 40.15—Vinyl Chloride (Vinyl Chloride Monomer)

§ 40.15-1 General—T/ALL.

(a) The person in charge of cargo transfer shall ensure that—

(1) Cargo vapors are returned to the cargo tank or shore disposition for reclamation or destruction during cargo transfer operations;

(2) Continuous monitoring for vinyl chloride vapor leaks is conducted aboard a tank ship undergoing vinyl chloride transfer operations. Fixed or portable instrumentation may be utilized to ensure that personnel are not exposed to vinyl chloride vapor concentrations in excess of 1 ppm averaged over any eight hour period or 5 ppm averaged over any period not exceeding 15 minutes. The method of monitoring and measurement must have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, and plus or minus 25 percent over 1.0 ppm;







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(3) Cargo transfer operation is discontinued or corrective action is initiated by the person in charge to minimize exposure to personnel whenever a vinyl chloride vapor concentration in excess of 1 ppm is detected. If the vinyl chloride vapor concentration exceeds 5 ppm for over 15 minutes, action to reduce the leak can be continued only if the respiratory protection requirements of 29 CFR 1910.93q(g) are met by all personnel in the area of the leak;

(4) Those portions of cargo lines which will be open to the atmosphere after piping is disconnected are free of vinyl chloride liquid and that the vinyl chloride vapor concentration in the area of the cargo piping disconnect points is not greater than 5 ppm;

(5) Any restricted gauge fitted on a tank containing vinyl chloride is effectively out of service by locking or sealing that device so that it cannot be used; and

(6) A restricted gauge is not to be used as a "check" on the required closed gauge, nor as a means of sampling.

(b) The words "Cancer-Suspect Agent" must be added to the warning sign required by 46 CFR 35.30–1(b).

(c) Signs bearing the legend:

CANCER—SUSPECT AGENT IN THIS AREA
PROTECTIVE EQUIPMENT REQUIRED
AUTHORIZED PERSONNEL ONLY

must be posted whenever hazardous operations, such as tank cleaning, are in progress.

(d) A tank ship undergoing cargo transfer operations must be designated a "regulated area" having access limited to authorized persons and requiring a daily roster of authorized persons who may board the ship.

(e) Employees engaged in hazardous operations, such as tank cleaning, must be provided and required to wear and use respiratory protection in accordance with the provisions of 29 CFR 1910.93q (g) and protective garments, provided clean and dry for each use, to prevent skin contact with liquid vinyl chloride.

2. By amending part of the first sentence of § 151.01–35(c) as follows:

**§ 151.01–25 Existing barges.**

* * * * *

(c) Except for operating and vinyl chloride carriage requirements, * * *

**Subpart 151.05 [Amended]**

3. By changing the requirement for gauging in Table 151.05—Summary of Minimum Requirements for vinyl chloride from restricted to closed.

4. By adding paragraphs (g) through (k) to § 151.50–34 containing special requirements for the carriage of vinyl chloride:

**§ 151.50–34 Vinyl chloride (vinyl chloride monomer).**

* * * * *

(g) The person in charge of cargo transfer shall ensure that—

(1) Cargo vapors are returned to the cargo tank or shore disposition for reclamation or destruction during cargo transfer operations;

(2) Continuous monitoring for vinyl chloride vapor leaks is conducted aboard a tank barge undergoing vinyl chloride transfer operations. Fixed or portable instrumentation may be utilized to ensure that personnel are not exposed to vinyl chloride vapor concentrations in excess of 1 ppm averaged over any eight hour period or 5 ppm averaged over any period not exceeding 15 minutes. The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, and plus or minus 25 percent over 1.0 ppm;

(3) Cargo transfer operation is discontinued or corrective action is initiated by the person in charge to minimize exposure to personnel whenever a vinyl chloride vapor concentration in excess of 1 ppm is detected. If the vinyl chloride vapor concentration exceeds 5 ppm for over 15 minutes, action to reduce the leak can be continued only if the respiratory protection requirements of 29 CFR 1910.93q(g) are met by all personnel in the area of the leak;

(4) Those portions of cargo lines which will be open to the atmosphere after piping is disconnected are free of vinyl chloride liquid and that the vinyl chloride vapor concentration in the area of the cargo piping disconnect points is not greater than 5 ppm;

(5) Any restricted gauge fitted on a tank containing vinyl chloride is effectively out of service by locking or sealing the device so that it cannot be used; and

(6) A restricted gauge is not to be used as a "check" on the required closed gauge, nor as a means or sampling.

(h) The words "CANCER—SUSPECT AGENT" must be added to the warning signs required by 46 CFR 151.45–2(e).

(i) Signs bearing the legend:

CANCER—SUSPECT AGENT IN THIS AREA
PROTECTIVE EQUIPMENT REQUIRED
AUTHORIZED PERSONNEL ONLY

must be posted whenever hazardous operations, such as tank cleaning, are in progress.

(j) A tank barge undergoing cargo transfer operations must be designated a "regulated area" having access limited to authorized persons and requiring a daily roster of authorized persons who may board the barge.

(k) Employees engaged in hazardous operations, such as tank cleaning, must be provided and be required to wear and use respiratory protection in accordance with the provisions of 29 CFR 1910.93q (g) and protective garments, provided clean and dry for each use, to prevent skin contact with liquid vinyl chloride.

(80 Stat. 937; 46 U.S.C. 170, 391a, 375, 416; 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b) and (0)(4))

Dated: April 7, 1975.

O. W. SILER,
*Admiral, U.S. Coast Guard*
*Commandant.*

[FR Doc.75-9922 Filed 4-15-75;8:45 am]

Title 47—Telecommunication

**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

**PART 73—RADIO BROADCAST SERVICES**

[Docket No. 19984; RM-2124; FCC 75-396]

**FM Broadcast Stations; Table of Assignments; Cabool, Missouri**

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Cabool, Missouri).

1. The Commission has before it for consideration the notice of proposed rule making adopted March 25, 1974 (39 FR 12035) proposing that the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) be amended by assigning either Channel 283 or Channel 292A to Cabool, Missouri. The commenting parties in this proceeding are Cabool Broadcasting Corporation (Cabool) and Kickapoo Prairie Broadcasting Co., Inc. (Kickapoo). Both parties had filed mutually exclusive applications for a construction permit for a station operating on Channel 224A assigned at Mountain Grove, Missouri (BPH–7806, Docket 19620 and BPH–7903, Docket No. 19621).[1] The applications had been set for a comparative hearing[2] which was deferred by an Order released February 2, 1973, after a joint petition was filed by Cabool and Kickapoo for the assignment of Channel 283 to Cabool, Missouri. Subsequently, Kickapoo filed a comment counterproposing the assignment of Channel 292A at Cabool, Missouri.

2. Cabool, population 1,848,[3] is located in Texas County, population 18,320, in the south-central portion of Missouri. Cabool has no broadcast facilities. However, the Texas County area is served by one AM and one FM station operating at Houston, Missouri (pop. 2,178), the county seat: daytime-only AM Station KBTC and KSCM-FM, Channel 257A. Additional service to the area is provided by daytime-only AM Station KLRS, Mountain Grove; daytime-only AM Station KUKU, Willow Springs, Missouri; and unlimited-time AM Station KWTO, Springfield, Missouri.

3. Petitioner Cabool, in its comments, favors the assignment of Channel 283 over Channel 292A at Cabool since it would serve a much larger rural area than could otherwise be served by a Class A assignment. It also mentions that Channel 283 could not be assigned elsewhere in southern Missouri, except in an area of 200 square miles in which Cabool is the only city with a population over 500 persons, in order to satisfy the mileage separation requirements of § 73.207 of the Commission's rules. Cabool reaffirmed its intention to apply for and construct a station if either proposed channel is assigned and authorized.

4. Petitioner Kickapoo has expressed support for the assignment of Channel 292A at Cabool, Missouri, on the basis that it would be in accord with the Commission's general policy of assigning Class A channels to smaller communities. See Revision of FM Broadcast Rules, Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963). It points out that assignment of Channel 292A at Cabool could be made consistent with all the mileage separation requirements of the Commission's Rules and that preclusion would occur only on co-channel 292A affecting Texas, Dent, Shannon and Howell counties. All cities in this area that are larger than Cabool already have local aural service.

5. The Notice requested that the comments include a Roanoke Rapids, 9 F.C.C. 672 (1967), showing for Channel 283, preclusion studies for both proposed channels, and address themselves to the issue of whether a Class A or Class C channel should be assigned to Cabool, Missouri. Regarding the assignment of a Class A channel, petitioner Kickapoo made reference to several cases in which cities much larger than Cabool were denied Class C assignments.[4] It cites the case of Bolivar, Missouri, 2 F.C.C. 2d 671, 674 (1966), where a request for a Class C assignment was denied

[1] Petitioner Cabool proposed to serve Cabool, Missouri, under the 10-mile provision of § 73.203(b) of the Commission's rules, and petitioner Kickapoo proposed to serve Mountain Grove by its application. Cabool is 8 miles from Mountain Grove.

[2] By Order issued October 26, 1972 (37 F.C.C. 2d 1122).

[3] Population figures are taken from the 1970 U.S. Census.

[4] Despite the Commission's policy of assigning Class A stations to smaller communities, it is noted that exceptions have been made where a large rural area was to be served by a Class C assignment at a small city. See Revision of FM Broadcast Rules, Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963); Clinton, Oklahoma, 7 F.C.C. 2d 836, 839 (1967); Gregory, S.D., 45 F.C.C. 2d 471 (1973).





Because we believe that Bolivar is too small (3,512 persons) [1960 U.S. Census] to warrant a departure from our general policy of assigning Class B or Class C channels to the large cities and metropolitan areas and Class A channels to the small communities, and that a large part, if not all, of the claimed white area will be covered by the Class C assignments at Springfield (only 27 miles distant) and other assignments in the general area.

See also Refugio, Texas, 12 F.C.C. 2d 664, 667 (1968). In the present case we believe that Cabool, Missouri, is not the center of a large rural area nor is it far removed from large population centers. More significantly, the proposed assignment of a Class C channel would serve only a very small presently unserved area[5] and Class C channels already serve West Plains, Missouri (32 miles south), Lebanon, Missouri (50 miles northwest) and Springfield, Missouri (63 miles west). On the other hand, adoption of Channel 292A at Cabool, Missouri would make efficient utilization of the FM spectrum possible since preclusion occurs only on co-channel 292A, as mentioned in paragraph 4, to an area in which all cities larger than Cabool already have local aural service.

6. In view of the foregoing, *it is ordered*, That effective May 19, 1975, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended to read as follows:

| City: | *Channel No.* |
|---|---|
| Cabool, Mo | 292A |

7. Authority for the adoption of the amendment contained herein appears in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: April 1, 1975.

Released: April 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-9854 Filed 4-15-75;8:45 am]

[5] Petitioner Cabool, in the joint petition, attempted a Roanoke Rapids (9 F.C.C. 2d 672, 673 (1967)) showing. It claimed that a Class C assignment operating at 100 kW and at an antenna height of 285 feet would provide service to 56,126 persons in a 4,417.9 square mile area, 21.3 percent of which it was claimed had no 1 mV/m or better nighttime radio service. The Notice requested that Cabool submit another study setting forth not only actual service but potential service, assuming all channels presently assigned were operating. Cabool did attempt to show which areas would receive a first or second FM service. However its information was found to contain numerous errors. Thus it could not be determined whether or not reasonable facilities values were employed, and assignments of Class C channels at Lebanon, Mammoth Springs, and Rolla, Missouri were overlooked in determining coverages of unserved and underserved areas. The Commission's engineering staff has determined that had Cabool properly identified its areas and contours taking into account the power and antenna height above average terrain of stations and included all applicable assignments in the surrounding area, the showing would have revealed that the area of first FM service would be very small and would lack significant population. Petitioner Cabool also failed to supply the Commission with a preclusion study as requested in the Notice for Channel 283 covering the six adjacent channels.



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# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

Internal Revenue Service

[ 26 CFR Part 31 ]

## EMPLOYMENT TAX REGULATIONS

### Payments of Moving Expenses; Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 19, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 19, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

This document contains proposed amendment to conform the Employment Tax Regulations (26 CFR Part 31) under sections 3121(a) and 3306(b) of the Internal Revenue Code of 1954 to section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88–650, 78 Stat. 1077).

Section 4(b) of the Act of October 13, 1964 added new paragraph (11) to section 3121(a) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Insurance Contributions Act. Thus, such payments are not subject to the social security taxes and the employer need not withhold the tax on employees or pay the tax on employers.

Section 4(c) amended section 3306(b) to add new paragraph (9) to section 3306(b) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Unemployment Tax Act. Thus, such payments are not subject to the Federal unemployment tax.

Both of these provisions are applicable only if at the time of payment the employer has reason to believe that the employee is or will be entitled to a deduction for such amount under section 217 (relating to moving expenses). These changes are effective with respect to remuneration paid on or after November 1, 1964.

In order to conform the Employment Tax Regulations (26 CFR Part 31) under sections 3121(a) and 3306(b) of the Internal Revenue Code of 1954 to section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88–650, 78 Stat. 1077), amendments to 26 CFR Part 31 are proposed as follows:

PARAGRAPH 1. Section 31.3121(a)(11) is revised to read as follows:

**§ 31.3121(a)(11) Statutory provisions; definitions; wages; moving expenses.**

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

. . . . . .

(11) Remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217;

[Sec. 3121(a)(11) as added by sec. 4(b), Pub. Law 88–650 (78 Stat. 1077); as amended by sec. 313(c)(3), Social Security Amendments 1965 (79 Stat. 383); sec. 504(a), Social Security Amendments 1967 (81 Stat. 934)]

PAR. 2. Section 31.3121(a)(11)–1 which was previously reserved is added to read as follows:

**§ 31.3121(a)(11)–1 Moving expenses.**

(a) The term "wages" does not include remuneration paid on or after November 1, 1964, to or on behalf of an employee, either as an advance or a reimbursement, specifically for moving expenses incurred or expected to be incurred, if (and to the extent that) at the time of payment it is reasonable to believe that a corresponding deduction is or will be allowable to the employee under section 217. The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that a deduction is allowable under section 217. The reasonable belief shall be based upon the application of section 217 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). When used in this section, the term "moving expenses" has the same meaning as when used in section 217 and the regulations thereunder.

(b) Except as otherwise provided in paragraph (a) of this section, or in a numbered paragraph of section 3121(a), amounts paid to or on behalf of an employee for moving expenses are wages for purposes of section 3121(a).

PAR. 3. Section 31.3306(b)–1 is amended by revising subparagraph (1) of paragraph (a), paragraph (b), and the introductory portion of paragraph (j). These revised provisions read as follows:

**§ 31.3306(b)–1 Wages.**

(a) *Applicable law and regulations*—(1) *Remuneration paid after 1954.* Whether remuneration paid after 1954 for employment performed after 1938 constitutes wages is determined under section 3306(b). Accordingly, only remuneration paid after 1954 for employment performed after 1938 is covered by this section of the regulations and by the sections relating to the statutory exclusions from wages (§§ 31.3306(b)(1)–1 to 31.3306(b)(10)–1).

. . . . . .

(b) The term "wages" means all remuneration for employment unless specifically excepted under section 3306(b) (see §§ 31.3306(b)(1)–1 to 31.3306(b)(10)–1, inclusive) or paragraph (j) of this section.

. . . . . .

(j) In addition to the exclusions specified in §§ 31.3306(b)(1)–1 to 31.3306(b)(10)–1, inclusive, the following types of payments are excluded from wages:

. . . . . .

PAR. 4. Section 31.3306(b)(8) is amended by revising the statutory material and by adding a historical note.





These added and revised provisions read as follows:

**§ 31.3306(b)(8) Statutory provisions; definitions, wages; payments to employees for non-work periods.**

SEC. 3306. *Definitions.* • • •
(b) • • •
(8) • • •

[Sec. 3306(b)(8) as amended by sec. 4(c), Act of Oct. 13, 1964 (Pub. L. 88–650, 78 Stat. 1077); sec. 504(b), Social Security Amendments 1967 (Pub. L. 90–248, 81 Stat. 935)]

PAR. 5. The following new sections are added immediately following § 31.3306(b)(8)–1:

. .

**§ 31.3306(b)(9) Statutory provisions; definitions; wages; moving expenses.**

SEC. 3306. *Definitions*—(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

. . . . . .

(9) Remuneration paid to or on behalf of any employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under § 217; or

[Sec. 3306(b)(9) as added by section (4)(b), Act of Oct. 13, 1964 (Pub. L. 88–650, 78 Stat. 1077); as amended by sec. 504(b), Social Security Amendments 1967 (Pub. L. 90–248, 81 Stat. 935)]

**§ 31.3306(b)(9)–1 Moving expenses.**

(a) The term "wages" does not include remuneration paid on or after November 1, 1964, to or on behalf of an employee, either as an advance or a reimbursement, specifically for moving expenses incurred or expected to be incurred, if (and to the extent that) at the time of payment it is reasonable to believe that a corresponding deduction is or will be allowable to the employee under section 217. The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that a deduction is allowable under section 217. The reasonable belief shall be based upon the application of section 217 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). When used in this section, the term "moving expenses" has the same meaning as when used in section 217 and the regulations thereunder.

(b) Except as otherwise provided in paragraph (a) of this section, or in a numbered paragraph of section 3306(b), amounts paid to or on behalf of an employee for moving expenses are wages for purposes of section 3306(b).

[FR Doc.75–9947 Filed 4–15–75;8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Part 221 ]

### SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZ.

### Proposed Revision of Operation and Maintenance Rates

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, notice is hereby given that it is proposed to modify § 221.63, *Assessment, Joint Works,* of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Arizona, by increasing the total basic assessment from $300,000 to $600,000 per annum and the per acre assessment rate from $3 to $6 for each acre of land.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to John H. Artichoker, Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, Arizona, 85011, on or before May 16, 1975.

Section 221.63 would be revised to read as follows:

**§ 221.63 Assessment, joint works.**

(a) Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, the repayment contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§§ 221.69a–221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1977 is estimated to be $600,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at $6 for each acre of land.

JOHN ARTICHOKER, JR.,
*Area Director.*

[FR Doc.75–9825 Filed 4–15–75;8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 1033 ]

[Docket No. AO–166–A46]

### MILK IN THE OHIO VALLEY MARKETING AREA

### Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Ohio Valley marketing area which was issued March 27, 1975, (40 FR 14769) is hereby extended to May 1, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on April 11, 1975.

JOHN C. BLUM,
*Associate Administrator*

[FR Doc.75–9841 Filed 4–15–75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[ 42 CFR Part 82 ]

### OCCUPATIONAL SAFETY AND HEALTH

### Industrial Sound Level Meter Sets

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 42, Code of Federal Regulations, by adding a new Part 82 which sets forth the requirements for the certification of industrial sound level meter sets to be used for measuring noise levels in employee working environments. Such instrumentation is necessary to assure compliance with certain occupational safety and health standards promulgated under the Occupational Safety and Health Act of 1970, as well as to establish a basis for implementing the Secretary's functions under section 20(a)(5) of the Act.

That section authorizes the Secretary of Health, Education, and Welfare to prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which may endanger their health or safety. Such regulations



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will necessarily require that only certified instruments be used for such measurements.

The proposed rules would provide for the testing of sound level meter sets, when new, to ensure their accuracy and reliability. The criteria proposed to be used for testing purposes are basically those contained in the American National Standards Institute "Specification for Sound Level Meters", ANSI S1.4–1971. The testing of such instruments by NIOSH would be conducted at the Institute's Testing and Certification Laboratory in Morgantown, West Virginia. Applicants for certification would also be required to test their instruments prior to the filing of any application for certification and to include the results of such tests in the application. (§ 82.11 (c)).

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views, and arguments relating to the proposed regulations may be submitted in writing, in triplicate, to the Regulations Officer, National Institute for Occupational Safety and Health, Parklawn Building, Room 3–32, 5600 Fishers Lane, Rockville, MD. 20852. All material received on or before May 16, 1975, will be considered before further action is taken on the proposal. All comments received in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to establish a new Part 82 and adopt the following regulations to be effective on the date of their republication in the FEDERAL REGISTER.

Dated: March 19, 1975.

THEODORE COOPER,
*Acting Assistant Secretary for Health.*

Approved: April 9, 1975.

CASPAR W. WEINBERGER,
*Secretary.*

## PART 82—CERTIFICATION OF INDUSTRIAL SOUND LEVEL METER SETS

Subpart A—General Provisions

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82.62 Requirements for industrial sound level meter set instruction manuals.
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82.64 Requirements and tests for industrial sound level meters.

AUTHORITY: Sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

### Subpart A—General Provisions

**§ 82.1 Purpose.**

The regulations in this part set forth the requirements and fees for the certification of industrial sound level meter sets which are used to measure the noise levels in employee working environments.

**§ 82.2 Lists of certified industrial sound level meter sets.**

The Institute will publish and otherwise make available lists of industrial sound level meter sets that have been tested and certified as meeting the minimum requirements of this part.

**§ 82.3 Definitions.**

Any term defined in the Occupational Safety and Health Act of 1970 and not defined below shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(b) "Institute" means the National Institute for Occupational Safety and Health, established under the Act.

(c) "Testing and Certification Laboratory" means the Testing and Certification Laboratory of the National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

(d) An "Industrial Sound Level Meter" is a device designed to measure the noise levels to which employees are exposed in the working environment.

(e) An "Acoustical Calibrator" is a device compatible with the microphone of an industrial sound level meter which emits one or more pure tones at one or more sound pressure levels thus providing a check on the general operation and the means for maintaining the calibration of an industrial sound level meter.

(f) An "Industrial Sound Level Meter Set" consists of an industrial sound level meter, compatible acoustical calibrator(s), and instruction manual(s).

(g) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or markets an industrial sound level meter set and which seeks a certificate therefor.

(h) A "Certificate" is a formal document, issued by the Institute, stating that an individual industrial sound level meter set has met the minimum requirements of this part, and that the applicant is authorized to use and attach a seal to any device manufactured or assembled in conformance with the plans and specifications upon which certification was based as evidence of such certification.

(i) "Incoming Inspection" means the manufacturer's activity of receiving, examining, and accepting only those components and materials whose quality conforms to specification requirements.

(j) "In Process Inspection" means the control of products at the source of production and at each step of the manufacturing process, so that departures from specifications can be corrected before defective components or materials are assembled into the finished product.

(k) "Final Inspection" means an inspection of a product after all manufacturing and assembly operations are completed to insure completeness and adherence to performance and other specifications, including satisfactory appearance.

(l) "Fully Graduated Scale" means that portion of the scale of the indicating instrument of an industrial sound level meter which is graduated in steps of one decibel.

(m) "Full Scale Deflection" means a setting of the indicating instrument pointer at the upper limit of the fully graduated scale.

(n) "Microphone Configuration" means the physical attachment and support for the microphone, as well as any environmental shield or screen used to cover the microphone during operation, and also includes the selection of a particular microphone if the sound level meter is designed to be used with an assortment of microphones.

(o) "Normal Microphone Configuration" means that the microphone is physically located on the industrial sound level meter body and is not covered by a windscreen or other environmental shield.

(p) "MIL–STD" means a specific military standards document approved by the U.S. Department of Defense.

**§ 82.4 Incorporation by reference.**

In accordance with 5 U.S.C. 552(a)(1) the technical publications to which reference is made in this part are hereby incorporated by reference and made a part hereof. The incorporated technical publications are available for examination at the Testing and Certification Laboratory.





### Subpart B—Application for Certification

**§ 82.10 Application procedures.**

(a) Inspection, examination, and testing leading to certification of industrial sound level meter sets shall be undertaken by the Institute only pursuant to a written application filed in accordance with the requirements of this subpart. Such application shall be in the English language except as provided in § 82.11 (a).

(b) The application and all related materials and correspondence concerning it shall be sent to the Testing and Certification Laboratory and shall be accompanied by a check, bankdraft, or money order in the amount specified in Subpart C of this part, payable to the National Institute for Occupational Safety and Health.

(c) Except as provided in § 82.52, the examination, inspection, and testing of all industrial sound level meter sets shall be under the sole direction and control of the Institute.

(d) Applicants, manufacturers, or their representatives may visit or communicate with the Testing and Certification Laboratory in order to discuss the requirements for certification of any industrial sound level meter set or the proposed designs thereof. No charge shall be made for such consultation and no written report shall be issued to applicants, manufacturers, or their representatives by the Institute as a result of such consultation.

**§ 82.11 Contents of application.**

Each application for certification shall contain:

(a) A complete written description of the industrial sound level meter set for which certification is requested, together with classification of defects (as prescribed in § 82.41(d)), drawings, schematics (diagrams of electrical circuitry), and specifications (and indices of such drawings, schematics, and specifications) showing full details of construction and of the materials used. Classification of defects, drawings, schematics, and specifications (and indices thereof) shall be submitted in triplicate.

(1) Drawings and schematics shall be titled, numbered, and dated; any revision shall be shown on the drawings and schematics. The purpose of each revision shall be shown on the drawing or schematic or attachments thereto.

(2) Drawings may be dimensioned either in metric or English units. However, where non-English words are used on such drawings, the foreign language call-outs on drawings must be translated either directly on the drawings or on overlays. Drafting symbols not specified by American National Standards Institute standard drafting practices ANSI Y14.5–1973, "Dimensioning and Tolerancing of Engineering Drawings", must be interpreted in the English language.

(b) A plan for quality control which meets the minimum requirements set forth in Subpart E of this part. The quality control plan shall be submitted in triplicate.

(c) A statement that the industrial sound level meter set has been pretested by the applicant as prescribed in § 82.52, a description of the test methods employed, and the results of such tests together with a statement that, based on the test results, the industrial sound level meter set meets the applicable requirements of this part.

(d) A statement that the industrial sound level meter set submitted is either (1) a prototype, or (2) made on regular production tooling, with no operation, test, inspection, or calibration included which will not be incorporated in regular production processing.

(e) A sketch or description of the proposed location of the certification seal required by the Institute.

(f) A plot of the nominal free field relative response level of the industrial sound level meter, at an angle specified by the applicant, versus frequency. The frequency range shall be at least from 31.5 Hz to 8000 Hz and the specified angle shall be no greater than 90° relative to the forward axis of the microphone. This angle shall be chosen so that the response approximates random-incidence response. The applicant shall also indicate on this plot the manufacturer's tolerances which must be satisfied to ensure that the industrial sound level meter set complies with the requirements of paragraphs (a) and (b) of § 82.64. If the industrial sound level meter set for which certification is sought is provided with several optional microphone configurations, then similar plots shall be provided for each optional microphone configuration.

**§ 82.12 Delivery of test material by applicant.**

(a) Each applicant shall, when an application is filed pursuant to § 82.10, be advised in writing by the Institute of the total number of industrial sound level meters, acoustical calibrators, instruction manuals, and accessories required for testing.

(b) The applicant shall deliver, at his own expense, the test material specified in paragraph (a) of this section to the Testing and Certification Laboratory within 90 days after being advised of the required test material.

(c) Industrial sound level meter sets submitted for certification must be made from materials specified in the application.

**§ 82.13 Withdrawal of application.**

Any applicant may, upon written request submitted to the Institute, withdraw any application for certification or modification of certificate for an industrial sound level meter set. Fees shall be in accordance with § 82.23.

**§ 82.14 Public record.**

After the testing of an industrial sound level meter set pursuant to application filed under this part, the application and matters relating to the industrial sound level meter set, including all test results, shall be public records and available for public inspection. However, any such information which is designated by the applicant as a trade secret will be held confidential, provided that the applicant demonstrates to the Institute, upon request, that the information is a trade secret.

**§ 82.15 Material required for record.**

(a) One completely assembled industrial sound level meter set certified under the provisions of this part will be retained without cost by the Institute as a record of the performance investigation; material not required for the record will be returned to the applicant at his own expense, upon written request within 30 days after certification. If no such request is made, the test material will be disposed of by the Institute in such manner as it deems appropriate.

(b) When an industrial sound level meter set fails to meet the requirements for certification set forth in this part, or an application for certification or for modification of certificate is withdrawn, all test material delivered by the applicant in accordance with § 82.12 will be returned to the applicant at his own expense, upon written request to the Institute within 30 days after notice of denial of certification or withdrawal of application. If no such request is made, the test material will be disposed of by the Institute in such manner as it deems appropriate.

### Subpart C—Fees

**§ 82.20 Fixed fees.**

The Institute shall charge a fixed fee of $600.00 for the examination, inspection, and testing for certification of an industrial sound level meter set with the normal microphone configuration. A charge of $200.00 shall be made for each alternate acoustical calibrator submitted as part of an industrial sound level meter set. The fixed fee shall be submitted as part of an application for certification as prescribed in § 82.10(b).

**§ 82.21 Deposits.**

(a) An applicant shall submit a deposit of $600.00 to the Institute under the following circumstances:

(1) Upon applying for the certification of industrial sound level meter sets with microphone configurations other than the normal microphone configuration, or with several optional microphone configurations.

(2) Upon applying for examination, inspection, and testing of a prototype.

(3) Upon submitting an industrial sound level meter set made on regular production tooling subsequent to testing as a prototype.

(4) Upon applying for retesting of an industrial sound level meter set subsequent to denial of certification.

(b) The following deposits shall be submitted to the Institute for examination, inspection, and testing of component parts leading to a modification of certificate:

| | |
|---|---|
| (1) Industrial sound level meter | $350 |
| (2) Acoustical calibrator (each) | 200 |
| (3) Instruction manual | 50 |



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**§ 82.22 Computation of fees.**

Upon completion of all examinations, inspections, and tests of industrial sound level meter sets or component parts, submitted under § 82.21 the Institute shall compute the total fee at the rate of $50.00 per man-day expended by the Institute staff. The Institute shall then advise the applicant in writing of the total cost assessed and the additional amount, if any, which shall be paid to the Institute prior to the issuance of the certificate or other action by the Institute. If the total cost is less than the deposit, the Institute shall refund the overpayment upon issuance of the certificate, modification of certificate, prototype testing results, or notice that the set or component fails to comply with the applicable requirements of this part.

**§ 82.23 Settlement of fees upon withdrawal of application.**

Upon receipt of a written request for the withdrawal of an application, the Institute shall determine the total man-days expended and the amount due for services already performed during the course of any examinations, inspections, or tests conducted pursuant to such application. The total amount due shall be computed at a rate of $50 per man-day expended by the Institute staff and assessed against the deposits or fees submitted by the applicant. The Institute shall then refund or request payment as appropriate.

**Subpart D—Certification and Denial of Certification**

**§ 82.30 Issuance of certificates.**

(a) The Institute will issue certificates pursuant to the provisions of this subpart only for individual, completely assembled industrial sound level meter sets which have been examined, inspected, and tested and which meet the requirements set forth in this part.

(b) The Institute will not issue certificates for any component part.

(c) The Institute will not issue informal certificates. However, if the application submitted in accordance with § 82.11 states that the submitted industrial sound level meter set is a prototype, the Institute will examine, inspect, and test the prototype in accordance with the provisions of this part. Upon completion of such examinations, inspections, and tests, the Institute will inform the applicant, in writing, of the results of the examinations, inspections, and tests. If it is found that the prototype meets the minimum requirements set forth in this part, the Institute will then require the applicant to submit industrial sound level meter sets made on regular production tooling, with no operations, tests, inspections, or calibrations included which will not be incorporated in regular production processing, for further examination, inspection and testing, prior to issuance of a certificate.

(d) Applicants required to submit industrial sound level meter sets made on regular production tooling, subsequent to testing as a prototype, shall be charged additional fees in accordance with § 82.21 (a) and § 82.22.

**§ 82.31 Certificate contents.**

Every certificate issued under this part will:

(a) Contain a description of the industrial sound level meter set for which it is issued.

(b) Specifically set forth any restrictions or limitations on the industrial sound level meter set's use in work places.

(c) Be accompanied by indices of drawings, schematics, and specifications submitted by the applicant in accordance with § 82.11. These listed drawings, schematics, and specifications shall be incorporated by reference in the certificate and shall be maintained by the applicant. The drawings, schematics, and specifications listed in each certificate shall set forth in detail the design and construction requirements which shall be met by the applicant in producing the industrial sound level meter set commercially.

(d) Be accompanied by a fullscale reproduction of the certification seal design as provided in § 82.33.

(e) Incorporate by reference the approved quality control plan as specified in Subpart E.

**§ 82.32 Notice of denial of certification.**

(a) If, upon completion of examinations, inspections, and tests required to be conducted in accordance with the provisions of this part, it is found that the industrial sound level meter set does not meet the minimum requirements set forth in this part, the Institute shall issue a written notice so advising the applicant.

(b) Each such notice will be accompanied by all pertinent data or findings with respect to the deficiencies in performance of the industrial sound level meter set for which certification was sought with a view to possible correction of such deficiencies.

(c) If, after receiving a notice of denial of certification, the applicant corrects the deficiencies, the applicant may submit the industrial sound level meter set for retesting. Application may be made for a certificate as specified by Subpart B of this part. Fees and deposits shall be in accordance with § 82.21(a) and § 82.22.

**§ 82.33 Certification seals.**

(a) Each certified industrial sound level meter set shall be marked with a certification seal designed by the Institute. The seal shall appear on the industrial sound level meter, accoustical calibrator(s), and instruction manual(s) which comprise the set and shall bear the applicant's name, the Institute's name, the seal of the Department of Health, Education, and Welfare, and a certification number consisting of the letters TC, followed by the numeral 51, and a certificate number (e.g. TC–51–197).

(b) The seal required in paragraph (a) of this section shall be applied in a permanent manner such that it cannot be readily defaced or removed without leaving evidence of its presence. The seal shall not in any way interfere with the operation of the industrial sound level meter set.

(c) The Institute shall, where necessary, notify the applicant when modification or addition of seals, labels, markings, or instructions is required.

(d) Certification seals shall only be used by the applicant to whom they were issued.

(e) Use of the Institute's certification seals obligates the applicant to whom they are issued to maintain or cause to be maintained the approved quality control sampling schedule and the acceptable quality level for each characteristic tested, and to assure that the certified industrial sound level meter set is manufactured according to the drawings and specifications upon which the certificate is based.

(f) Each certified industrial sound level meter and acoustical calibrator(s) shall also be labeled to show the lot number, serial number, or approximate date of manufacture.

**§ 82.34 Withdrawal of certification.**

(a) The Institute may, after affording the certificate holder reasonable notice in writing and an opportunity to present his views or evidence, withdraw, for cause, any certificate which the Institute has issued under the provisions of this part. Such causes for withdrawal include, but are not limited to, misuse of certification markings, misleading advertising, and failure to maintain or cause to be maintained the quality control requirements of the certificate.

(1) The views and evidence of the holder of the certificate shall be presented in writing unless the Institute determines that an oral presentation is desirable.

(2) Such views and evidence shall be confined to matters relevant to whether cause exists for the withdrawal of the certificate.

(b) Effective upon receipt by the applicant of the Institute's written notice of intent to withdraw certification, the applicant shall cease to manufacture, market, or distribute for sale industrial sound level meter sets bearing the certification seal for those industrial sound level meter sets for which notice of intent to withdraw certification has been given.

**§ 82.35 Changes after certification.**

Prior to changing any feature of a certified industrial sound level meter set or of a component thereof, the applicant shall obtain the certification of the Institute pursuant to the following procedures:

(a) Application may be made at any time as for an original certificate as specified by Subpart B of this part. The application shall request that the existing certificate be extended to encompass the proposed change.

(b) The application and accompanying material will be examined by the Institute to determine whether testing of the modified industrial sound level meter set will be required. The Institute will inform the applicant whether such testing is required and, if so, when the modified device may be submitted for testing.

(c) The fees charged by the Institute for examination, inspection, and testing leading to a modification of the certificate shall be as specified by § 82.21(b) and § 82.22.

(d) If the proposed modification meets the requirements of this part, a modified certificate will be issued, accompanied, where necessary, by a list of new and revised drawings, schematics, and specifications covering the change(s) and any revised certification markings.





**Subpart E—Quality Control**

**§ 82.40 Filing requirement for quality control plans.**

A quality control plan, written in the English language, shall be filed by the applicant as a part of each application submitted pursuant to § 82.10. The plan shall be designed to assure the accuracy of sound level measurement provided by the industrial sound level meter set for which certification is sought.

**§ 82.41 Contents of quality control plans.**

(a) Each quality control plan shall contain provisions for the management of quality, including: (1) Requirements for the production of quality data and the use of quality control records; (2) control of engineering drawings, documentations, and changes; (3) control and calibration of measuring and test equipment; (4) control of purchased material to include incoming inspection; (5) lot identification, control of processes, manufacturing, fabrication and assembly work conducted in the applicant's plant; (6) audit of final inspection of the completed product; and, (7) the organizational structure necessary to carry out these provisions.

(b) Each provision for incoming and final inspection in the quality control plan shall include a procedure for the selection of a sample of industrial sound level meters, acoustical calibrators, and the components thereof for testing and/or inspection, in accordance with procedures set forth in MIL–STD–105D, "Sampling Procedures and Tables for Inspection by Attributes", or MIL–STD–414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective", or an approved equivalent sampling procedure, or an approved combination of sampling procedure. These documents are available for inspection at the National Institute for Occupational Safety and Health, Room 3–32, Parklawn Building, 5600 Fishers Lane, Rockville, MD, and at the Public Health Service Information Centers as listed in 45 CFR 5.31. Copies of either document may be purchased from the Government Printing Office.

(c) The sampling procedure shall include a list of the characteristics to be tested and/or inspected by the applicant or his agent.

(d) The characteristics listed in accordance with paragraph (c) of this section shall be classified according to the potential effect of such defect and grouped into the following classes:

(1) *Major*. A defect that is likely to result in reduced performance; and

(2) *Minor*. A defect that (i) is not likely to reduce the usability of the industrial sound level meter set for its intended purpose, or (ii) is a departure from established manufacturer's specifications and has little bearing on the effective use of the industrial sound level meter set.

(e) The quality control inspection test method to be used by the applicant or his agent for each characteristic required to be tested and/or inspected shall be described in detail.

(f) Each complete industrial sound level meter set manufactured shall be 100 percent inspected for specific major defects to be selected by the manufacturer and all defective items shall be rejected.

(g) The Acceptable Quality Level (AQL) for each major or minor defect so classified by the applicant shall be:

(1) Major, 0.65 percent; and (2) Minor, 2.5 percent.

(h) Inspection level II as described in MIL–STD–105D, or inspection level IV as described in MIL–STD–414, shall be used for major and minor characteristics except that 100 percent inspection shall be used for specific major characteristics selected by the manufacturer.

**§ 82.42 Approval of quality control plans.**

(a) Each quality control plan submitted in accordance with this subpart shall be reviewed by the Institute to determine its effectiveness in insuring the quality of performance of the industrial sound level meter set for which a certificate is sought.

(b) If the Institute determines that the quality control plan submitted by the applicant will not insure adequate quality control, the Institute shall require the applicant to modify the procedures and testing requirements of the plan prior to approval of the plan and issuance of any certificate.

(c) Approved quality control plans shall constitute a part of and be considered incorporated into any certificate issued by the Institute, and compliance with such plans by the applicant shall be a condition of certification.

**§ 82.43 Review of quality control records.**

(a) The applicant shall maintain quality control inspection records sufficient to carry out the procedures required in MIL–STD–105D or MIL–STD–414, or an approved equivalent sampling procedure, for each batch or lot, for not less than 4 years following acceptance or rejection of the batch or lot.

(b) The Institute shall have the right, at reasonable times, to have its representatives enter the applicant's facilities to inspect the applicant's quality control system, inspection and test methods, equipment, and records. The representatives may interview any of the applicant's employees or agents in regard to the quality control system and equipment.

**Subpart F—General Construction and Test Requirements**

**§ 82.50 General construction requirements.**

(a) Industrial sound level meter sets will not be accepted by the Institute for examination, inspection, and testing unless they are designed on sound engineering and scientific principles, constructed of suitable materials, and evidence good workmanship.

(b) Any industrial sound level meter set certified by the Institute for use in mines where "permissibility" is required shall meet the requirements for electric permissibility and intrinsic safety set forth in Part 18 of Title 30 CFR (Bureau of Mines Schedule 2G)—as tested and approved by the Mining Enforcement and Safety Administration.

**§ 82.51 Minimum construction requirements for component parts.**

The component parts of each industrial sound level meter set shall be:

(a) Designed and constructed to insure against creation of any hazard to the user.

(b) Assembled in a manner which permits access for inspection and repair of functional parts.

(c) Assembled in a manner which permits easy access to parts which require periodic maintenance.

**§ 82.52 Pretesting by applicant.**

(a) Prior to filing any application for certification or modification of a certificate, the applicant shall conduct, or cause to be conducted examinations, inspections, and tests of performance which are equal to or exceed the severity of those prescribed in this part.

(b) The Institute may, upon written request by the applicant, provide drawings and descriptions of its test equipment and otherwise render technical assistance to the applicant in establishing a test laboratory or securing the services of a testing agency.

(c) The Institute will not issue a certificate to the applicant until it has validated the applicant's test results.

**§ 82.53 Assistance by applicant; observers; public demonstrations.**

(a) The Institute may, as a condition of certification, require the assistance of the applicant or agents of the applicant during the assembly, disassembly, preparation or operation of any industrial sound level meter set prior to or during testing.

(b) Only Institute personnel, persons assisting the Institute pursuant to paragraph (a) of this section and such other persons as are requested by the Institute or the applicant to be observers, shall be present during any examination, inspection, or test conducted prior to the issuance of a certificate by the Institute for the equipment under consideration.



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(c) Following the issuance of a certificate for an industrial sound level meter set, the Institute shall have the right to conduct such public tests and demonstrations of the certified device as are deemed appropriate.

**Subpart G—Detailed Certification Requirements and Tests for Industrial Sound Level Meter Sets**

**§ 82.60 Compliance with ANSI S1.4–1971.**

Except as otherwise required by this subpart, the requirements and tests set forth in § 82.61–§ 82.64 shall be in accordance with the indicated sections of American National Standards Specification for Sound Level Meters, S1.4–1971 (available from ANSI, 1430 Broadway, New York, N.Y., 10018).

**§ 82.61 Requirements for industrial sound level meter sets.**

Each industrial sound level meter set shall, at a minimum, have the following features:

(a) An A-weighting network.

(b) A "SLOW" response meter characteristic.

(c) The capability of measuring, on the fully graduated scale, a sound level from at least 80 dBA to 115 dBA.

(d) An indicating instrument graduated in steps of one decibel over a range of at least 15 decibels.

(e) A means of checking battery voltage for both the industrial sound level meter and its associated acoustical calibrator(s).

(f) An instruction manual(s) detailing the operation, intended use, and limitations of the industrial sound level meter set.

(g) A compatible acoustical calibrator of the coupler type.

**§ 82.62 Requirements for industrial sound level meter set instruction manuals.**

(a) An industrial sound level meter set submitted to the Institute for certification shall contain an instruction manual which meets the requirements of this section. If the instruction manuals for the sound level meter and acoustical calibrator are separate, they will be considered as one for certification inspection.

(b) The instruction manual submitted for certification as part of an industrial sound level meter set shall at a minimum contain the following information:

(1) A general description of the industrial sound level meter, including its construction, principles of operation, and intended use.

(2) An explanation of the calibration procedure necessary to maintain the industrial sound level meter accuracy specified in § 82.64 of this subpart and the information required in section 9.2 (3) and 9.2(7) of ANSI S1.4–1971 to the extent that such information relates to acoustical calibrators of the coupler type. The sound pressure level(s) generated by the acoustical calibrator shall be stated.

(3) The reference sound pressure required by section 9.2(1) of ANSI S1.4–1971.

(4) A description of the A-weighting curve and its effect on sound pressure level measurements.

(5) The information relating to thermal sensitivity required by section 9.2(8) of ANSI S1.4–1971. Also included shall be the effect of temperature on the acoustical calibrator.

(6) The information required in section 9.2(9) of ANSI S1.4–1971 relating to battery life.

(7) The information required in section 9.2(10) of ANSI S1.4–1971. As used in ANSI S1.4–1971, the word "instrument" means both the industrial sound level meter and the acoustical calibrator.

(8) The information required in section 9.2(11) of ANSI S1.4–1971 relating to relative humidity range including the range of relative humidity over which there is less than 0.5 decibel variation in sensitivity.

(9) The information required in section 9.2(12) of ANSI S1.4–1971. As used in ANSI S1.4–1971 the phrase "complete apparatus" shall mean the industrial sound level meter.

(10) The effect of variations in the atmospheric pressure on the acoustical calibrator and the industrial sound level meter and corrections, if any, necessary to compensate for these variations.

(11) The information required in section 9.2(20) and section 3.3.4 of ANSI S1.4–1971 as applies to A-weighting.

(12) The information required in section 9.2(4) of ANSI S1.4–1971 including a discussion of the effects of background noise on measurements.

(13) A listing of the microphone configurations of the industrial sound level meter which have been certified under this part (e.g. (1) industrial sound level meter with normal microphone configuration, (2) industrial sound level meter with microphone extension cable, (3) industrial sound level meter with windscreen, (4) industrial sound level meter with windscreen and extension cable, etc.). The manual shall also state if some alternate microphone configurations have not been certified.

(14) The information relating to the microphone extension cable required in section 9.2(18) of ANSI S1.4–1971, if applicable.

(15) The information relating to directional response required in section 9.2 (19) of ANSI S1.4–1971.

(16) A description of any periodic maintenance that is expected to be performed by the user to maintain the effectiveness of the industrial sound level meter set.

(17) The information relating to stability precautions required in section 6.1 of ANSI S1.4–1971.

(18) The information required in section 9.2(6) of ANSI S1.4–1971 as applies to "SLOW" response, including the nominal undershoot and overshoot in decibels when tested as described in § 82.64 (1) of this part.

(19) The information relating to output connections required in section 8.2 of ANSI S1.4–1971, if applicable.

(20) The information relating to the microphone required in section 9.2(17) of ANSI S1.4–1971.

(21) The information relating to internal noise required in section 3.3.1 of ANSI S1.4–1971.

(22) The date of the most recent revision of the instruction manual.

**§ 82.63 Requirements and tests for acoustical calibrators.**

(a) Each acoustical calibrator intended for use as part of an industrial sound level meter set shall meet the requirements of section 6.2.5 of ANSI S1.4–1971. The acoustical calibrator shall be of the pure-tone, coupler type and be compatible with the industrial sound level meter with which it is to be certified as a set.

(b) If the acoustical calibrator operates at more than one frequency, means shall be provided to indicate which frequency is in use. The accuracy of the calibration frequency of the acoustical calibrator shall be within ±5 percent of the frequency stated by the applicant.

(c) If the acoustical calibrator operates at more than one sound pressure level, means shall be provided to indicate which sound pressure level is in use. The accuracy of the calibration sound pressure level of the acoustical calibrator shall be accurate to within ±1 dB, utilizing any corrections for atmospheric pressure specified by the instruction manual.

(d) If the acoustical calibrator is battery operated, means shall be provided to indicate whether battery voltage is adequate to maintain the performance specified for the acoustical calibrator. The requirements described in paragraph (b) and (c) of this section shall be tested under minimally adequate battery voltage (i.e., the minimum battery voltage necessary to ensure adequate operation).

(e) The tests of frequency and sound pressure level shall be made with a compatible microphone, calibrated by the reciprocity technique described in ANSI S1.10–1966, "Method for the Calibration of Microphones".

(f) If the acoustical calibrator operates at multiple sound pressure levels or frequencies, then the preferred frequency and sound pressure level, if any, shall be specified by the applicant for use in calibrating the industrial sound level meter for testing for compliance with the requirements of § 82.64.

**§ 82.64 Requirements and tests for industrial sound level meters.**

Each industrial sound level meter shall meet the following requirements and tests. All tests shall be performed with the industrial sound level meter set to A-weighted, "SLOW" response unless otherwise specified.

(a) The industrial sound level meter shall have an A-weighting network with the frequency characteristics and design specified for Type 2 sound level meters in sections 3.1, 3.1.1, and 3.1.3 of ANSI S1.4–1971. The characteristics of the A-weighting network shall be verified by the tests described in paragraph (b) of this section.

(b) The total tolerance limits of the industrial sound level meter for sound at random incidence shall be as specified for Type S2A sound level meters in section 3.2.1 of ANSI S1.4–1971. Testing shall be performed in an anechoic chamber to determine if the industrial sound level meter meets the required frequency response characteristics and total tolerance limits. The method of test shall be as described in sections 4.1 and 4.2.1 of ANSI S1.4–1971. Tests to determine that the industrial sound level meter meets acoustic low frequency response tolerances will be performed using a low frequency calibration chamber at the Testing and Certification Laboratory. Supplementary diffuse field or free-field tests will be performed by the Testing and Certification Laboratory as required to verify overall random incidence response tolerance limits.

(c) The maximum deviation of the free-field relative response level as a function of angle of incidence with respect to the random-incidence relative response level shall be as specified for Type S2A sound level meters in section 4.2.2 of ANSI S1.4–1971. Testing shall be performed in an anechoic chamber with no observer present in the chamber.

(d) The sensitivity range attenuator of the industrial sound level meter, if provided, shall meet the requirements specified for Type 2 sound level meters in section 3.2.2 of ANSI S1.4–1971. The accuracy of the settings of the sensitivity range attenuator shall be determined by inserting a sinusoidal voltage of adjustable amplitude in series with the microphone of the industrial sound level meter. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The test shall be performed at least at the frequencies 63 Hz, 1000 Hz, and 8000 Hz.

(e) The internal noise of those industrial sound level meters supplied with amplifier output connections shall meet the Type 2 sound level meter requirements specified in section 3.3.1 of ANSI S1.4–1971. As used in ANSI S1.4–1971 the phrase "equivalent sound level" means the sound pressure level in octave bands.

(f) In an acoustic environment in which the sound level is less than 30 dBA, the industrial sound level meter reading shall not exceed 55 dBA if the industrial sound level meter has a sensitivity range attenuator setting to allow such a measurement within the fully graduated scale. If such a sensitivity range attenuator setting is not provided, the industrial sound level meter, when placed on its most sensitive range attenuator setting, shall indicate a reading less than 1 dBA above the lower limit of the fully graduated scale.

(g) The amplifier distortion of the industrial sound level meter shall meet the requirements for Type 2 sound level meters specified in section 3.3.3 of ANSI S1.4–1971. The response to electrical sine waves shall be determined by inserting a sinusoidal voltage in series with the microphone of the industrial sound level meter to produce a full scale deflection reading. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The signal shall then be increased until the electrical signal is 10 dBA above the voltage equivalent of full scale deflection. Any deviation from linearity in the response of the industrial sound level meter shall be noted. The test shall be performed at least at the frequencies 63 Hz, 1000 Hz, and 8000 Hz.

(h) The amplifier overload distortion of the industrial sound level meter shall meet the requirements of section 3.3.4 of ANSI S1.4–1971 except that the specified data shall be required only for the A-weighting mode.

(i) The industrial sound level meter scale marking and accuracy shall meet the requirements specified for Type 2 sound level meters in Section 5.1 of ANSI S1.4–1971. In section 5.1.3 of ANSI S1.4–1971 the phrase "full scale" shall mean the upper limit of the fully graduated scale. Table I below provides the permitted error for scales graduated from −5 decibels to +10 decibels as required by section 5.1.3 of ANSI S1.4–1971. If the scale is graduated otherwise, the formula specified for Type 2 sound level meters in section 5.1.3 of ANSI S1.4–1971 is to be applied to obtain a similar table. The accuracy of the indicating instrument scale shall be determined by inserting a sinusoidal voltage in series with the microphone of the industrial sound level meter. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The amplitude of the inserted signal shall be adjusted so that the indicating instrument reads full scale deflection. Then the signal shall be attenuated so as to reduce the indicated sound level in one decibel steps. The required attenuation shall be precisely measured and used to determine the accuracy of the indicating instrument. The test shall be performed at least at the frequency of 1000 Hz.

TABLE I.—*Permitted scale error*

| Scale marking: | *Permitted error (decibel absolute)* |
|---|---|
| +10 | Reference |
| +9 | ±0.23 |
| +8 | ±0.26 |
| +7 | ±0.29 |
| +6 | ±0.32 |
| +5 | ±0.35 |
| +4 | ±0.38 |
| +3 | ±0.41 |
| +2 | ±0.44 |
| +1 | ±0.47 |
| 0 | ±0.50 |
| −1 | ±0.53 |
| −2 | ±0.56 |
| −3 | ±0.59 |
| −4 | ±0.62 |
| −5 | ±0.65 |

(j) The indicating instrument of the industrial sound level meter shall meet the requirements for Type 2 sound level meters specified in Section 5.2 of ANSI S1.4–1971. The requirement of section 5.2 shall be verified by the Rule of Combination Measurement Procedure described in Appendix B of ANSI S1.4–1971 but with the following modifications:

(1) One-third octave bands of noise shall be used. Octave bands of noise shall not be used.

(2) The voltage developed across the resistor shall be applied as an electrical input to the industrial sound level meter in series with the microphone, with the acoustic pickup made negligible.

(3) Only A-weighting shall be used in the measurement procedure.

(4) Only the "SLOW" meter characteristic of the industrial sound level meter shall be used in the measurement procedure.

(k) The industrial sound level meter shall employ an indicating system equally responsive to instantaneous sound pressures both above and below ambient static pressure as specified in section 4.2.3 of ANSI S1.4–1961 (i.e., full-wave or true square law rectification shall be employed).

(l) The industrial sound level meter shall have the slow dynamic characteristic specified for Type 2 sound level meters in Section 5.4 of ANSI S1.4–1971, with the exception of section 5.4.4 which shall not apply. The phrase "full-scale reading" in section 5.4.3 of ANSI S1.4–1971 means the upper limit of the fully graduated scale. If the scale of the meter is not graduated from −5 decibels to +10 decibels, suitable testing levels other than that specified in section 5.4.3 of ANSI S1.4–1971 may be chosen by the Institute. The test described in section 5.4.2 of ANSI S1.4–1971 shall be performed at least at the frequencies 63 Hz, 1000 Hz, and 8000 Hz.

(m) The industrial sound level meter shall have a battery indicator, if battery operated, as specified in section 5.5 of ANSI S1.4–1971. The accuracy of the industrial sound level meter with minimally adequate battery voltage shall be checked by first inserting a sinusoidal signal in series with the microphone with normal battery voltage and then with the minimally adequate voltage. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The variation in the meter reading shall not exceed ±.5 dBA. If the industrial sound level meter has more than one battery, the various combinations of minimally adequate battery voltages will be used to perform the above test.

(n) Each industrial sound level meter shall meet the requirements specified in section 6.2.2 of ANSI S1.4–1971 except that the industrial sound level meter, as part of a set, shall be designed so that its sensitivity can be checked with an acoustical calibrator of the coupler type.

(o) The industrial sound level meter shall meet the temperature requirements specified in section 7.1 of ANSI S1.4–1971. The effect of temperature on the electronic circuitry of the industrial sound level meter shall be determined by placing the industrial sound level meter in a temperature controlled chamber and then inserting a sinusoidal voltage in







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series with the microphone to produce a steady meter reading 6 decibels down from full scale deflection. If the scale of the indicating instrument is not graduated from −5 decibels to +10 decibels, other suitable testing levels may be chosen by the Institute. The microphone shall be acoustically shielded to make the acoustic pickup negligible. The temperature shall then be varied and the deviation in reading noted. The test shall be performed at least at the temperatures −10° C, 10° C, 30° C, and 50° C. The effect of temperature upon the entire instrument including the microphone shall also be determined. The test just described shall be repeated, utilizing an acoustical tone in place of electrical insertion. If the industrial sound level meter is battery operated, the tests shall be performed under battery power.

(p) The industrial sound level meter shall meet the humidity requirements for Type 1 sound level meters specified in section 7.2 of ANSI S1.4–1971 except that the range of relative humidity over which there is less than 0.5 decibel variation in sensitivity shall be that stated by the applicant. The effect of humidity on the industrial sound level meter operation shall be determined by using an acoustical tone to produce an indicated sound level 6 decibels down from full scale deflection. If the scale of the indicating instrument is not graduated from −5 decibels to +10 decibels, other suitable testing levels may be chosen by the Institute. The relative humidity shall then be varied and the deviation in reading noted.

(q) The industrial sound level meter shall meet the vibration requirements for Type 1 sound level meters specified in section 7.3 of ANSI S1.4–1971 except that the tests shall be performed and the manufacturer shall be required to state readings for the A-weighting network only. The symbol "0.1g," in ANSI S1.4–1971 means that the root-mean-square acceleration shall be 0.1g where g=9.80 m/sec². The tests shall be performed by placing the industrial sound level meter in contact with a vibrating surface. The surface shall be vibrated at least at the frequencies 63 Hz, 250 Hz, and 1000 Hz.

(r) The industrial sound level meter shall meet the requirements for magnetic fields specified in section 7.5 of ANSI S1.4–1971 except that:

(1) Tests shall be performed and the manufacturer shall be required to state the magnetic field sensitivity for the A-weighting network only.

(2) Testing shall be performed using 60 Hz and 400 Hz magnetic fields.

(3) The A-weighted decibel readings for 1 oersted, 60 Hz and 400 Hz magnetic fields shall be stated for each sensitivity range attenuator setting, if provided. If no sensitivity range attenuator is provided, the indicated reading under these test conditions shall be stated.

(s) The industrial sound level meter shall, if provided with output connections, meet the requirements for output connections specified in Section 8.2 of ANSI S1.4–1971. The test shall be performed at least at the frequencies 63 Hz, 1000 Hz, and 8000 Hz.

[FR Doc.75-9764 Filed 4-15-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### [ 49 CFR Part 571 ]

[Docket No. 73–20; Notice 4]

### MOTOR VEHICLE SAFETY STANDARDS

### Fuel System Integrity

The purpose of this notice is to propose an amendment to Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*, (49 CFR 571.301) that would extend the standard's applicability to schoolbuses with a GVWR in excess of 10,000 pounds, specify new loading conditions, and establish a 30-minute total fuel spillage measurement period.

On October 27, 1974, the Motor Vehicle and Schoolbus Safety Amendments of 1974, amending the National Traffic and Motor Vehicle Safety Act, were signed into law (Pub. L. 93–492, 88 Stat. 1470). Section 103(f) (1) (A) (viii) of the Act, as amended, orders the promulgation of a safety standard establishing minimum requirements for the fuel system integrity of schoolbuses. Standard No. 301 currently contains requirements for schoolbuses with a GVWR of 10,000 pounds or less which will become effective beginning September 1, 1976. It is proposed that Standard 301 be amended to include larger schoolbuses, which comprise approximately 90 percent of the schoolbus population.

Although available data indicate that schoolbus fires have occurred very infrequently, the potential for such fires exists. It is known that fuel allowed to escape during a crash can ignite if contacted by sparks. The danger to which children would be exposed in the event of a crash-caused schoolbus fire is great and poses a threat to large groups of individuals who normally travel in such vehicles. For these reasons Congress has directed the promulgation of a safety standard that will protect children by enforcing a safe level of schoolbus fuel system performance.

The NHTSA has determined that the spillage rate specified in the current Standard 301 constitutes a reasonable maximum level of fuel escape during a crash. Therefore, it is proposed that schoolbuses with a GVWR over 10,000 pounds be limited to the same fuel spillage of 1 ounce per minute during and after a 30 mile per hour crash. It has been tentatively concluded that the most realistic means of performing the crash test is a moving contoured barrier, with which the vehicle must withstand an impact at any part of its exterior surface. The contoured barrier would incorporate the moving barrier specifications of SAE Recommended Practice J972a (March 1973). However, the impact surface of the barrier would be at a height 30 inches above the ground level, rather than 37 inches as specified in the SAE provision. Studies have shown that a 30-inch test height is more representative of actual collisions. This would be a typical engine height of vehicles that might impact a schoolbus. A single schoolbus would be subjected to only one impact. Such a crash test is considered by the NHTSA as representative of the crash situations a schoolbus might encounter, thus assuring that fuel systems which comply with the test requirements will be capable of withstanding actual on-the-road crashes.

It is proposed that fuel spillage be measured for a period of 30 minutes from the moment of impact of any vehicle into a barrier: 5 minutes during which no more than 5 ounces may be released, plus a further 25-minute period when spillage must not exceed 1 ounce per minute. Currently, a 15-minute measurement period is specified. However, there are inherent difficulties involved in monitoring the escape of fluid from various parts of a vehicle, which appear to make a 30-minute period necessary. Fuel has been known to gather in areas of the vehicle where it is not detected during the 15-minute period after a barrier impact. More time appears necessary for leaks to be located and rates of flow to be established.

In a notice published November 21, 1974 (Docket No. 73–20, Notice 3; 39 FR 40857), loading conditions were specified for the Standard 301 frontal and lateral barrier crash tests that required securing ballast weight in the named designated seating positions where vehicles were not equipped with passive restraint systems. Where passive restraints were present, 50th-percentile test dummies were to be placed in the seating positions during testing.

Five motor vehicle manufacturers petitioned for reconsideration of the loading provisions arguing that the ballast weight condition was unrealistic. Ford, American Motors, General Motors, Chrysler, and Volkswagen stated that the attachment of ballast weight to the vehicle floor pans during the barrier crashes would exert stresses on the vehicle structure which would not exist in an actual crash. According to Ford, the results of research they conducted on the test condition indicate that a vehicle subjected to a 30-mph frontal barrier crash with secured ballast weight would sustain 3 inches more crush than if it were loaded with 50th-percentile test dummies restrained by 3-point seat belts. The petitioners urged that the loading conditions be revised to require dummies at each of the specified seating positions, restrained by whatever means are employed at that seating location.

The NHTSA finds merit in the petitioners' requests. It therefore proposes that 50th-percentile test dummies be placed in the seating positions specified for the frontal and lateral barrier crash tests, and that they be restrained by





means installed in the vehicle for protection at the particular seating position. It appears that the crash tests will be more representative of real situations when loaded in this manner. In addition, vehicles meeting Standard 208, *Occupant Crash Protection*, by use of passive restraint systems will be able to be tested for compliance with Standards 208 and 301 simultaneously.

In consideration of the foregoing, it is proposed that 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, be amended as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: May 15, 1975.

*Proposed effective date.* The extension of the applicability of the standard to cover schoolbuses would be effective April 1, 1976, in conformity with the schedule mandated by the amendments to the Traffic Safety Act. The proposed amendment to the loading conditions and the increase in the fuel spillage measurement period would be effective September 1, 1975, in order to coincide with the effective date of Standard 301–75.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); § 202, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 8, 1975.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

**§ 571.301 Standard No. 301; fuel system integrity.**

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less and use fuel with a boiling point above 32° F., and to schoolbuses with a GVWR greater than 10,000 pounds.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements.*

S5.1 *Passenger cars.* Each passenger car manufactured from September 1, 1975, to August 31, 1976, shall meet the requirements of S6.1 in a perpendicular impact only, and S6.4. Each passenger car manufactured on or after September 1, 1976, shall meet all the requirements of S6, except S6.5.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured from September 1, 1976, to August 31, 1977, shall meet all the requirements of S6.1 in a perpendicular impact only, S6.2, and S6.4. Each of these types of vehicles manufactured on or after September 1, 1977, shall meet all the requirements of S6, except S6.5.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 6,000 pounds but not more than 10,000 pounds manufactured from September 1, 1976, to August 31, 1977, shall meet the requirements of S6.1 in a perpendicular impact only. Each vehicle manufactured on or after September 1, 1977, shall meet all the requirements of S6, except S6.5.

S5.4 *Schoolbuses with a GVWR greater than 10,000 pounds.* Each schoolbus with a GVWR greater than 10,000 pounds manufactured on or after March 1, 1976, shall meet the requirements of S6.5.

S5.5 *Fuel spillage: Barrier crash.* Fuel spillage in any fixed or moving barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 25-minute period fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S5.6 *Fuel spillage: Rollover.* Fuel spillage in any rollover test, from the onset of rotational motion, shall not exceed a total of 5 ounces by weight for the first 5 minutes of testing at each successive 90° increment. For the remaining testing period, at each increment of 90° fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S6. *Test requirements.* Each vehicle with a GVWR of 10,000 pounds or less shall be capable of meeting the requirements of any applicable barrier crash test followed by a static rollover, without alteration of the vehicle during the test sequence. A particular vehicle need not meet further requirements after having been subjected to a single barrier crash test and a static rollover test.

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, with 50th-percentile test dummies as specified in Part 572 of this chapter at each front outboard designated seating position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.2 *Rear moving barrier crash.* When the vehicle is impacted from the rear by a barrier moving at 30 mph, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.3 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph with 50th-percentile test dummies as specified in Part 572 of this chapter at positions required for testing to Standard No. 208, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.4 *Static rollover.* When the vehicle is rotated on its longitudinal axis to each successive increment of 90°, following an impact crash of S6.1, S6.2, or S6.3, fuel spillage shall not exceed the limits of S5.6.

S6.5 *Moving contoured barrier crash.* When the moving contoured barrier assembly traveling longitudinally forward at any speed up to and including 30 mph impacts the test vehicle (schoolbus with a GVWR exceeding 10,000 pounds) at any point and angle, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S7. *Test conditions.* The requirements of S5 and S6 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *General test conditions.* The following conditions apply to all tests.

S7.1.1 The fuel tank is filled to any level from 90 to 95 percent of capacity with Stoddard solvent, having the physical and chemical properties of type 1 solvent, Table I ASTM Standard D484–71, "Standard Specifications for Hydrocarbon Dry Cleaning Solvents."

S7.1.2 The fuel system other than the fuel tank is filled with Stoddard solvent to its normal operating level.

S7.1.3 In meeting the requirements of S6.1 through S6.3, if the vehicle has an electrically driven fuel pump that normally runs when the vehicle's electrical system is activated, it is operating at the time of the barrier crash.

S7.1.4 The parking brake is disengaged and the transmission is in neutral,



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except that in meeting the requirements of S6.5 the parking brake is set.

S7.1.5 Tires are inflated to manufacturer's specifications.

S7.1.6 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) Except as specified in S7.1.1, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the necessary test dummies as specified in S6, restrained only by means that are installed in the vehicle for protection at its seating position.

(b) Except as specified in S7.1.1, a multipurpose passenger vehicle, truck, or bus with a GVWR of 10,000 pounds or less is loaded to its unloaded vehicle weight, plus the necessary test dummies, as specified in S6, plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured to the vehicle and distributed so that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR. If the weight on any axle, when the vehicle is loaded to unloaded vehicle weight plus dummy weight, exceeds the axle's proportional share of the test weight, the remaining weight shall be placed so that the weight on that axle remains the same. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position.

(c) Except as specified in S7.1.1, a schoolbus with a GVWR greater than 10,000 pounds is loaded to its unloaded vehicle weight, plus 120 pounds of unsecured weight at each designated seating position.

S7.2 *Lateral moving barrier crash test conditions.* The lateral moving barrier crash test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208.

S7.3 *Rear moving barrier test conditions.* The rear moving barrier test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208, except for the positioning of the barrier and the vehicle. The barrier and test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude;

(b) The barrier is traveling at 30 mph with its face perpendicular to the longitudinal centerline of the vehicle; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface coincides with the longitudinal centerline of the vehicle.

S7.4 *Static rollover test conditions.* The vehicle is rotated about its longitudinal axis, with the axis kept horizontal, to each successive increment of 90°, 180°, and 270° at a uniform rate, with 90° of rotation taking place in any time interval from 1 to 3 minutes. After reaching each 90° increment the vehicle is held in that position for 5 minutes.

S7.5 *Moving contoured barrier test conditions.* The following conditions apply to the moving contoured barrier crash test.

S7.5.1 The moving barrier, which is mounted on a carriage as specified in figure 1, is of rigid construction, symmetrical about a vertical longitudinal plane. The contoured impact surface, which is 24.75 inches high and 78 inches wide, conforms to the dimensions shown in figure 2, and is attached to the carriage as shown in that figure. The ground clearance to the lower edge of the impact surface is 5.25 ± 0.5 inches. The wheelbase is 120 ± 2 inches.

S7.5.2 The moving contoured barrier, including the impact surface, supporting structure, and carriage, weighs 4,000 ± 50 pounds with the weight distributed so that 900 ± 25 pounds is at each rear wheel and 1100 ± 25 pounds is at each front wheel. The center of gravity is located 54.0 ± 1.5 inches rearward of the front wheel axis, in the vertical longitudinal plane of symmetry, 15.8 inches above the ground. The moment of inertia about the center of gravity is:

$I_x = 27 \pm 13.6$ slug ft²
$I_y = 3475 \pm 174$ slug ft²

S7.5.3 The moving contoured barrier has a solid nonsteerable front axle and fixed rear axle attached directly to the frame rails with no spring or other type of suspension system on any wheel. (The moving barrier assembly is equipped with a braking device capable of stopping its motion.)

S7.5.4 The moving barrier assembly is equipped with G78–15 pneumatic tires with a tread width of 60 ± 1 inch, inflated to 24 psi.

S7.5.5 The concrete surface upon which the vehicle is tested is level, rigid, and of uniform construction, with a skid number of 75 when measured in accordance with American Society of Testing and Materials Method E–274–65T at 40 mph, omitting water delivery as specified in paragraph 7.1 of that method.

S7.5.6 The barrier assembly is released from the guidance mechanism immediately prior to impact with the vehicle.

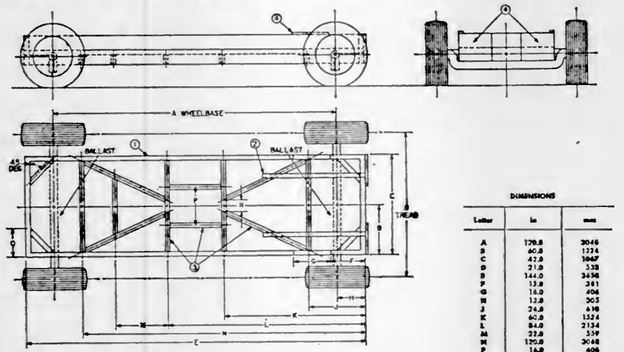


FIG. 1—COMMON CARRIAGE FOR MOVING BARRIERS





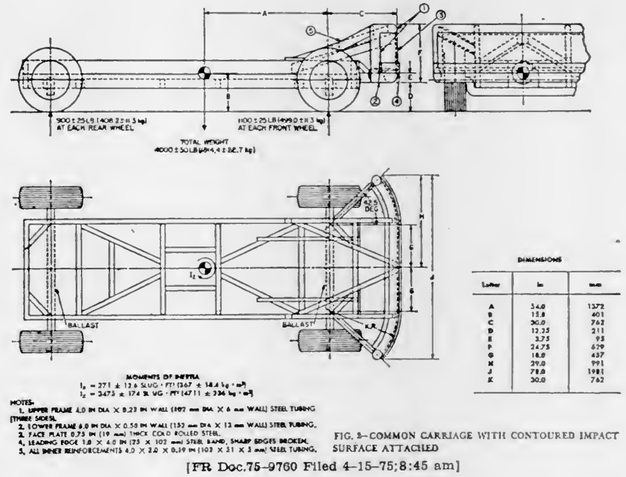


FIG. 2—COMMON CARRIAGE WITH CONTOURED IMPACT SURFACE ATTACHED

[FR Doc.75–9760 Filed 4–15–75;8:45 am]

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## [49 CFR Part 575]

[Docket No. 25; Notice 16]

## UNIFORM TIRE QUALITY GRADING

### Submission of Additional Information

This notice establishes a short period for submitting additional information on uniform tire quality grading.

The latest complete proposal for a uniform tire quality grading system was published on June 14, 1974 (39 FR 20808). Modifications of the proposal were issued on August 9, 1974 (39 FR 28644) and January 7, 1975 (40 FR 1273). Several manufacturers have indicated an interest in submitting further information to the NHTSA on this subject, for consideration before this agency issues a rule.

In the interest of fairness to all persons concerned, the NHTSA has decided to establish by this notice a brief period during which any interested person may submit information or arguments relevant to the outstanding proposals for a uniform tire quality grading system. Information submitted at any time to NHTSA dockets, of course, is considered. The significance of this period is that the final rule on this subject will not be issued until any material submitted during the period is considered.

Accordingly, the NHTSA will give full consideration, before issuance of a final rule, to any material submitted to Docket No. 25 that is relevant to the proposed uniform tire quality grading system and received before the close of business on April 23, 1975.

(Sec. 103, 203, Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1423; delegation of authority at 49 CFR 1.51.)

Issued on April 14, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75–10005 Filed 4–14–75;11:50 am]

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## CIVIL AERONAUTICS BOARD

[EDR–281B, SPDR–38B, ODR–9B; Docket No. 27135.]

## [14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 372a, 378, 378a, 389]

## ONE-STOP-INCLUSIVE TOUR CHARTERS

### Supplemental Notice of Proposed Rule Making

APRIL 10, 1975.

The Board, by circulation of notice of proposed rule making, EDR–281/SPDR–38/ODR–9[1] (referred to herein as SPDR–38), gave notice that it had under consideration the adoption of a new Part 378a of its special Regulations, together with implementing amendments to its Economic and Organization Regulations, by which a new class of charters would be established, to be designated "One-stop Inclusive Tour Charters" (OTCs). Parallel amendments to Parts 372a and 378 of the Board's Special Regulations (relating to travel group charters and inclusive tour charters, respectively) were also proposed.

For the reasons set forth in the appended explanatory statement, the Board is now considering the adoption of an OTC rule that would differ in a number of significant respects from the rule as proposed in SPDR–38.

The proposed changes are described in the explanatory statement. The amendments to the Board's regulations, as proposed to be revised, are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, 416(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.

[1] 39 FR 39572, November 8, 1974.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in initial comments received on or before May 16, 1975, and reply comments received on or before June 2, 1975, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof. Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by April 28, 1975, a request to be placed on the Service List in Docket 27135. The Service List will be prepared by the Docket Section and sent to the persons named thereon. The persons named on the Service List are to serve each other with comments or responsive comments at the time of filing. Persons whose names have previously been placed on the Service List in this rule making proceeding will remain on the list unless they otherwise request.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the above indicated address, without the necessity of filing additional copies thereof.

The Board intends to expedite final decision in this proceeding to the maximum extent practicable, and accordingly does not contemplate that the time periods specified above will be extended.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

### EXPLANATORY STATEMENT

As stated in SPDR–38, the principal purpose of this proceeding is to consider the adoption of a charter rule designed primarily for persons interested in a vacation package at a single destination. Upon consideration of the numerous comments that have been filed, and upon further consideration of available traffic data and the public's air transportation needs, the Board has tentatively concluded that the set of OTC restrictions proposed in SPDR–38 should be substantially revised. We are now inclined to believe that, for the reasons discussed below, these proposed restrictions would go beyond their intended aim of preventing undue diversion from scheduled services, and could result, instead, in the creation of a charter type so severely circumscribed that it would be likely to fail entirely to achieve its ultimate purpose, which is to provide low-cost air transportation to the public.



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*Maximum number of interstate charters.* As noted above, SPDR–38 contains a limitation on the number of OTC seats each carrier would be authorized to operate in city pairs receiving specified levels of scheduled single-plane service.[4] We stated in SPDR–38 that we were then tentatively of the view that imposing such maximum limitation would be necessary to avoid undue diversion from scheduled services.

However, the comments have shown that the imposition of the particular type of maximum limitation proposed in SPDR–38 would have various undesirable effects. In a number of markets, including some that could be expected to be attractive destinations for potential OTC passengers, the restriction would have permitted few if any OTCs to be operated. Moreover, inequitable results could stem from the proposal to the extent that under it a city pair would be determined to have single-plane service if it were located within 100 miles of an airport receiving such service. The Department of Transportation, for example, notes in its comments that while the scheduled services between Chicago and such vacation points as Honolulu, Orlando, and Reno are sufficient to trigger the proposed quota provision, there is no direct service to those points from Milwaukee. Yet Milwaukee's OTCs would be limited by Chicago's quota provision since Milwaukee is within 100 miles of Chicago.

We accordingly have tentatively concluded that proposed § 378a.43, in its present form, should not be adopted. The Board nonetheless remains concerned that OTCs may divert undue amounts of scheduled traffic in some domestic markets. We thus invite comments on specific means of meeting this concern.[5]

*Total minimum cost of the tour to each participant.* The original notice of proposed rule making set forth a two-tiered formula for determining the minimum OTC price.[6] For North American charters[7] we proposed a minimum equal to the charter price of the participant's seat, plus $25 for each day of the tour. For all other OTC's, the proposed minimum was 110 percent of any available fare on a scheduled route carrier. (If a discount or promotional fare were used as the base, then the OTC would be subject to the terms and conditions which were applicable to such fare.)

The notice specifically invited comment on our pricing formula, and numerous comments dealing with the issue have been received. Based on these comments, and in keeping with the Board's overall view that restrictions of the severity proposed in SPDR–38 do not appear to be necessary to prevent undue diversion from scheduled services, it is now the Board's provisional opinion that the minimum OTC price for both domestic and international operations should be set along lines more closely related to likely minimum OTC costs. We are therefore proposing to eliminate the 110 percent rule entirely.

Our reading of the comments has led us to the tentative conclusion that a minimum price equal to the charter price of the participant's seat plus $15 for each night of the tour would, on the average, be in line with the likely minimum costs of a bona fide vacation package. Our concern with a minimum price provision of this nature, however, is that in light of the nature of the costs that would be associated with operating an OTC program,[8] it would appear to overprice those OTCs in which the air transportation costs are a smaller percentage of the OTC operator's total costs, and underprice those OTCs in which the air transportation costs are a larger percentage of the total costs. Accordingly we specifically request comments to focus on whether a preferable formula would be one that provided for a minimum price equal to the total of (a) the charter price of the participant's seat, plus (b) some percentage of that seat price, plus (c) a set dollar amount per day or per night, possibly subject to a proviso that the minimum OTC price would not in any case be more than 110 percent of any available scheduled fare. For example, an appropriate formula might provide for a minimum price equal to the aggregate of 125 percent of the charter price of the participant's seat plus $10 for each night of the tour, subject to the foregoing proviso.

*Requisite ground accommodations and services.* We are also considering certain alterations in the structure of the package of ground services that SPDR–38 proposed. Section 378a.2 of SPDR–38 required that an OTC include sleeping accommodations for each night of the tour, breakfast plus one additional meal per day, baggage handling, and transfers from and to destination transportation terminals.

We are now of the tentative view that this requirement relating to OTC ground accommodations and services should be eased, thereby providing tour organizers and the traveling public greater flexibility and eliminating a matter that could raise enforcement difficulties. We are therefore proposing a modified requirement for such ground accommodations and services, but in a manner that, we believe, would not alter the essence of the OTC (i.e., that it is a tour) and would not increase the risk of undue diversion from scheduled services. More specifically, we are now of the view that we should not require that any meals be furnished. The provision of meals would then become optional with the tour organizer. The cost of the meals provided could still be counted toward the total minimum price of the package, but we propose not to specify in the rule which (or how many) meals must be furnished.

We are tentatively of the view that the inclusion of rail passes and rental cars should be permitted as optional features in OTC packages. A difficulty that arises in this respect, however, is that in view of the low overall price of OTCs, as proposed above, the inclusion of rail passes or rental cars in OTC packages could perhaps lead too easily to "throwaway" sleeping accommodations. We look forward to comments on this matter. In addition, since we continue to believe that an OTC tour is not compatible with individual transportation between points on the tour, we propose to expressly prohibit prepaid individual transportation from being used to circumvent the requirements of group travel. (For example, rental cars could not be used for transfers between group terminals and hotels.)

*Minimum duration.* Although the minimum duration of OTCs was proposed to be, as a general matter, ten days, SPDR–38 also proposed several different, shorter, minimum durations, varying with the market and season. For North American charters, the proposed minimum duration was seven days, except that no minimum would apply to OTCs in which the return date was a Sunday or Monday. (This latter provision was designed to make OTCs available to those desiring so-called "long weekend" vacation trips in North American markets.) For transatlantic OTCs operated between November and March, the proposed minimum duration was seven days.

Upon consideration of the comments herein, it appears that our original proposal would have presented a number of difficulties for tour organizers and direct air carriers, and for the public that will be using their services. Chief among these is that the proposal would appear to make the scheduling of back-to-back charters difficult in some cases, and in others virtually impossible. The comments on this point present a general consensus that marketing and other considerations make back-to-back operations more feasible if they can be regularized on a per-week basis. Neither the ten-day minimum proposed for certain transatlantic OTCs nor the long weekend proposed for North American OTCs could be accommodated on this basis. The inability to plan back-to-back OTCs would, in turn, add to the ferry mileage costs that would be reflected in OTC prices, so that, at best, this form of charter would be more expensive for participants than need be; at worst, it would be impossible to establish OTC programs in at least some markets in which OTCs would otherwise fill a significant need. In addition, the proposed long weekend OTCs would tend to exacerbate weekend peaking problems that exist in many North American vacation markets.

Accordingly, upon further consideration we are now inclined to believe that the benefits to be derived from proposing minimum-stay restrictions that are compatible with effective marketing and charter economics outweigh the need to propose minimum periods of the kind least likely to have an undue impact on scheduled services. We are therefore now proposing a uniform four-day minimum for all North American OTCs, and a uniform seven-day minimum for all other OTCs.[9]

*Filing of passenger lists.* In SPDR–38, we proposed to require filing of a list of OTC participants at least 30 days in advance of the flight.[10] We noted that there were two main reasons for proposing a requirement which would limit OTC participants to persons whose names have been filed with the Board prior to the flight departure: preventing undue diversion from scheduled service, and facilitating enforcement of the Board's rules. Upon further consideration and review of the comments, we have tentatively been persuaded it is neither necessary nor desirable to require that the list of OTC participants be filed so far in advance for North American OTCs. Rather, we now are inclined to believe that for North American OTCs a 15-day advance-filing requirement should suffice to achieve the purposes of a predeparture filing requirement.

Our proposal that advance-filing requirements be different for North American OTCs than for other OTCs is founded on two grounds. The first is that the availability to the public of charter transportation in domestic U.S. markets appears to be unduly low. We are determined to remedy this circumstance. We are of the tentative view that a shorter advance-filing period will be of use in this regard since it may tend to reduce domestic OTC costs, increase the number of domestic OTCs that are organized and actually operated, and, in addition, permit the use of OTCs by persons who could not have otherwise made their plans sufficiently in advance. (We are proposing that the shorter pre-departure filing period should be applicable to North American OTCs, rather than just domestic OTCs, because of the anomalous results that might otherwise occur due to the proximity of some domestic vacation destination points to foreign North American vacation destinations.) Second, the difference in passenger list filing dates we are here proposing reflects our concern that, because of the nature of international travel, decreasing the length of time in advance of the departure date that passenger lists have to be filed might pose risks of undue diversion from international scheduled services that would outweigh the benefits the public would derive from a shorter period.

*Limitation on duration of OTC programs.* In keeping with our intent to monitor OTC operations closely, and to remain in a position to act promptly to amend or terminate any OTC rule that may be adopted, if such action is required by the public interest, we propose to preclude any OTC prospectus from covering any series of OTCs in which the elapsed time between the commencement of the first tour and the departure of the last tour exceeds 180 days.[11]

*Inclusive tour charters and travel group charters.* We are provisionally of the opinion that the minimum-duration provision proposed herein for OTCs should also be made applicable to the Board's inclusive tour charter and travel group charter rules (see 14 CFR Parts 378 and 372a, respectively). Similarly, we are of the tentative view that a minimum-price provision of the type discussed above should be made applicable to the inclusive tour charter rule.

Members Minetti and West, issued an additional statement, filed as part of the original document.

APPENDIX A

*Procedures for imposition of limitations and restrictions on OTC operations.* (a) Whenever in the opinion of the Board there are reasonable grounds to believe that the operation of OTCs to or from any point or points or in any city pair or pairs may have a detrimental effect on the public interest, the Board may, on its own initiative or in response to a petition therefor, issue an order directing all interested persons to show cause why the Board should not impose a limitation on the number of OTCs that may be operated to or from the point or points, or in the city pair or pairs, or should not impose other or additional restrictions on OTC operations in respect to the point or points or city pair or pairs.

(b) Petitions seeking the issuance of such an order to show cause may be filed by any person. Answers to such petitions are permitted, but a failure to file an answer shall not prejudice anyone. Each such petition and any answer thereto shall conform to the requirements of § 302.3 of the Board's procedural rules. Copies of such petitions and answers shall be served on such persons as the Director, Bureau of Operating Rights, or his designee, shall direct.

(c) Comments in opposition to or in support of the issuance of an order as proposed in the order to show cause, and reply comments if authorized by the order to show cause, shall be filed with the Board by the date and served upon the persons specified in the order to show cause.

(d) A final order of the Board imposing such limitations or restrictions on the operations of OTCs as the public interest may require, or, if it would not be in the public interest to impose any limitation or restriction, terminating the proceeding, shall thereafter be issued; provided, however, that the Board may from time to time conclude, in its discretion, that a hearing is warranted in order to best determine whether limitations or restrictions should be imposed on the operation of OTCs to or from any point or points or in any city pair or pairs; and further provided that in the event a hearing is ordered, the Board may impose interim limitations or restrictions, pendente lite.

(e) Notwithstanding the foregoing, when in the judgment of the Board the public interest so requires, the Board shall by order forthwith impose a limitation on the number of OTCs that may be operated to or from a point or points, or in a city pair or pairs, or impose other or additional limitations and restrictions on OTC operations in respect to the point or points or city pair or pairs.

[FR Doc.75–9911 Filed 4–15–75;8:45 am]

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[4] Proposed § 378a.43.

[5] We have not found the comments received to date sufficiently specific in their suggestions on this point. One possibility, as an alternative to numerical limitations imposed in advance, would be a post hoc procedure for imposing restraints such as that set forth in Appendix A.

[6] Proposed § 378a.10(g).

[7] Proposed § 378a.2 defines "North American charter" to mean an OTC between a point or points in any State of the United States, the District of Columbia, Puerto Rico, or the U.S. Virgin Islands, on the one hand, and a point or points in any other State of the United States or in Canada, Mexico, or the "Islands of the Caribbean" (as defined in 14 CFR 207.1), on the other hand.

[8] We have in mind, in particular, the fact that OTC operators are likely to have to take into account the probability that on at least some of the flights the operator will not have sold enough tours to fill all the seats for which the OTC operator contracted.

[9] We believe that it would be useful at this point to clarify the method of computing days for the purposes of these durational limits. As we proposed in § 378a.10(d) of SPDR–38, we intend to count the day the originating flight takes off as the first day, and the day the returning flight lands as the last day. Thus, if we finalize these rules as proposed here, a back-to-back North American charter program might be run on a Sunday-Thursday/Thursday-Sunday basis. Sunday to Thursday would be five days for purposes of this provision. Thursday to Sunday would be four days.

[10] Proposed §§ 378a.10 and 378a.25(b).

[11] For a comparable provision, see 14 CFR § 378.10(a).

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL 358–7]

[ 40 CFR Part 414 ]

### ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

#### Proposed Reconsideration

On Thursday, April 25, 1974, notice was published in the FEDERAL REGISTER of the adoption by the Environmental Protection Agency of effluent limitation guidelines for existing sources and standards of performance and pretreatment standards for new sources within the major organic products segment of the organic chemicals manufacturing point source category (40 CFR 414). This notice was published pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500 (the Act).

On June 12, 1974, a notice was published in the FEDERAL REGISTER (39 FR 20597–20598) of corrections to Part 414 (39 FR 14676–14683) of April 25, 1974. Among these corrections were modifications to §§ 414.20, 414.22, 414.23 and 414.25, dealing with the B2 process description for the production of butadiene by dehydrogenation of n-butane and oxidative-dehydrogenation of n-butene or butylene.

The purpose of this notice is to announce that the Environmental Protection Agency intends to reconsider that portion of the guidelines and standards §§ 414.20, 414.21, 414.22, 414.23, and 414.25, as these apply to the production of butadiene by the dehydrogenation of n-butane and by the process which involves the dehydrogenation of n-butane and subsequent oxidative-dehydrogenation of n-butene or butylene.

Comments and verifiable data are particularly solicited in the following areas:

(1) If any commenter believes that the applicable standards promulgated on April 25, 1974 cannot be achieved,







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detailed data in support of such belief should be provided. Such data should be adequate to support modifications in the standards as promulgated.

(2) What are the levels of waste reduction attainable by improved in-plant controls and operating procedures, product and by-product segregation and recovery, and by the segregation of streams and treatment of organic component of waste streams? What additional costs may be anticipated in a wastewater treatment system treating the organic components of a waste stream from the dehydrogenation of n-butane and subsequent oxidative-dehydrogenation of n-butene or butylene?

(3) Whether the process description should be amended to make clear that the standards apply to all process steps leading to the production of butadiene.

The additional data and material heretofore reviewed by the Agency appear to confirm the assessments made at the time the rules were promulgated. Accordingly, although EPA intends to reconsider the rules, we find that there is no basis for suspending the applicability of the rules during the reconsideration period.

Interested persons may participate in this reconsideration by submitting written comments in triplicate to the EPA Freedom of Information Center, 327 West Tower, Environmental Protection Agency, Washington, DC 20460. Attention: Ms. Ruth Brown. All comments received on or before May 15, 1975, will be considered. Steps previously taken by the Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: April 10, 1975.

JOHN QUARLES,
*Acting Administrator.*

[FR Doc.75-9944 Filed 4-15-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 73 ]

[Docket No. 20339; RM-2228; RM-2323]

### FM BROADCAST STATIONS IN OHIO, TENNESSEE, AND ALABAMA; TABLE OF ASSIGNMENTS

#### Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Cleveland, Athens, Etowah, and South Pittsburg, Tennessee; and Stevenson, Alabama).

1. On January 17, 1975, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER February 3, 1975, (40 FR 4940). The time for filing comments has expired and the date for filing reply comments is presently April 7, 1975.

2. On April 1, 1975, Marion County Broadcasting Service, Inc. (Marion County) requested that the time for filing reply comments be extended to and including April 28, 1975. Marion County states the additional time is necessary in order to obtain information on a counterproposal which has been filed requesting the assignment of Channel 269A to Stevenson, Alabama.

3. Counsel for the other parties in this proceeding have authorized counsel for Marion County to state that they have no objection to the requested extension of time.

4. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the date for filing reply comments is extended to and including April 28, 1975.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's rules.

Adopted: April 2, 1975.

Released: April 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc.75-9855 Filed 4-15-75;8:45 am]

### [ 47 CFR PART 73 ]

[Docket No. 20421; RM-2348]

### FM BROADCAST STATIONS IN SOUTH DAKOTA

#### Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Mitchell, South Dakota).

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed March 11, 1974, by Mitchell Broadcasting Association, Inc., licensee of AM Station KORN, Mitchell, South Dakota, proposes to assign Class C Channel 290 to Mitchell. An amendment filed July 15, 1974, proposes the additional assignment of Class C Channel 297 to Mitchell.

(b) The assignments would result in a second and third FM assignment to Mitchell.

2. *Demographic data.* (a) Location—Mitchell is the largest city in and the seat of Davison County. It is located approximately 65 miles west of Sioux Falls, 80 miles west of the South Dakota-Minnesota border and 65 miles north of the South Dakota-Nebraska border.

(b) Population (1970 Census)—Mitchell, 13,425; Davison County, 17,319.

(c) Present aural services—Petitioner's AM Station KORN (Class IV, unlimited-time) and FM Channel 272A (for which a construction permit has been granted to BMA Broadcasting, Inc., Station KMIT (File No. BPH-9039)).

(d) Agriculture—Mitchell is the center of the agriculture industry for many surrounding counties.

(e) Government — Mayor - council form of government with the mayor elected every 2 years and the council members elected each year.

(f) Education—5 elementary schools of 1,542 pupils; 1 junior high school of 960 pupils; 1 senior high school of 898 pupils; the Mitchell Area Vocational-Technical School with an enrollment of 700 students and Dakota Wesleyan University with 415 students.

(g) Trade—distribution center for approximately 127,000 persons in surrounding towns; rail center; airline flights into and out of Mitchell.

(h) Finance—3 banks with $92,522,622 total assets.

(i) Medical—2 hospitals, 7 nursing homes.

(j) Legal—16 attorneys; 4th judicial circuit seat of South Dakota.

(k) Cultural—Oscar Howe Cultural Center; "World's Only Corn Palace" Auditorium; Pioneer Museum; and Public Library.

(l) Other media—one newspaper; TV Station KXON-TV, Channel 5,

3. *Proposed service.* A *Roanoke Rapids-Goldsboro* showing (9 F.C.C. 2d 672 (1967)) submitted by petitioner indicates that a station in Mitchell operating at 75 kW power with the antenna located 500 feet AAT (or at equivalent power and antenna height) would furnish: a *first* FM service to 15,488 persons in a 1,921 square-mile area; a *second* FM service to 20,711 persons in a 951 square-mile area.

4. *Mileage separations.* Channels 290 and 297 may be assigned without affecting any existing assignments.

5. *Preclusions.* The assignment of Channel 290 to Mitchell will cause significant preclusion on all 7 channels. The assignment of Channel 297 similarly affects all 7 channels.

*Channel 290* causes preclusion in the following cities with population of 2,000 or more having no FM assignments:

CHANNELS 289, 291

Chamberlain, S.D. No AM (pop. 2,626)
Miller, S.D. No AM (pop. 2,148)
Redfield, S.D. KFCB (Class III, daytime-only) (pop. 2,943)
Ainsworth, Nebr. KBRB (Class IV, unlimited-time) (pop. 2,073)

CHANNEL 290

The four communities listed above *plus*:
Albion, Nebr. No AM (pop. 2,074)
St. Paul, Nebr. No AM (pop. 2,026)

*Channel 297* causes preclusion in the following cities with population of 2,000 or more having no FM assignments:

CHANNEL 296A

Canton, S. D. No AM (pop. 2,665)
Chamberlain, S.D. No AM (pop. 2,626)
Flandreau, S.D. No AM (pop. 2,027)
Miller, S.D. No AM (pop. 2,148)
Redfield, S.D. KFCB (Class III, daytime-only) (pop. 2,943)

CHANNEL 297

Chamberlain, S.D. No AM (pop. 2,626)
Miller, S.D. No AM (pop. 2,148)
Ainsworth, Nebr. KBRB (Class IV, unlimited-time) (pop. 2,073)

CHANNEL 298

Chamberlain, S.D. No AM (pop. 2,626)
Ainsworth, Nebr. KBRB (Class IV, unlimited-time) (pop. 2,073)





CHANNELS 299 AND 300

Chamberlain, S.D. No AM (pop. 2,626)

Petitioner does not state whether alternate channels are available for these precluded communities. It should provide this information in its comments.

6. *Need and feasibility of proposed channels.* Petitioner demonstrates the comparative need for Class C FM facilities in Mitchell by noting that Mitchell (13,425) ranks 6th in population in South Dakota but has no Class C facilities while the cities of Watertown C facilities while the cities of Watertown (13,388), Yankton (11,919) and Deadwood (2,409) have two Class C facilities and Mobridge (4,545), Winner (3,781) and Gregory (1,756) each have one Class C facility. Also the closest city to Mitchell in South Dakota with a Class C facility is Sioux Falls, 65 miles away.

Petitioner states that the thinly populated area of central South Dakota is dependent upon Mitchell for its commerce and essential services. Vital and immediate information such as weather conditions are not easily obtainable. It is commonplace to travel 60 or 70 miles for a doctor or lawyer. The next closest radio station outside Mitchell is located 50 miles to the north in Huron, South Dakota.

We believe that a threshold showing of the need for a wide coverage Class C channel assignment to Mitchell has been made. However, petitioner has suggested the unusual proposal that we assign two Class C channels to that community without deleting the existing Class A assignment. He represents that he will apply for the use of one of the Class C channels and states that if the present permittee on the Class A channel should apply for the use of the second Class C channel the Commission could then delete the unused Class A assignment. We are of the view that such a procedure would be inefficient. Therefore, we are making three alternative proposals that will allow us in this proceeding to consummate the matter of assignments to Mitchell.

7. *Alternative proposals.* Our first alternative would retain Channel 272A and add the assignment of Channel 296A. Our second alternative would retain Channel 272A and add either Class C Channel 290 or 297. This alternative would involve the disadvantage of intermixture. A third alternative would delete the existing Channel 272A and assign both Class C Channels 290 and 297. This alternative would involve modification of the construction permit of BMA Broadcasting, Inc., Station KMIT, to specify operation on one of the Class C channels. We are accordingly directing an appropriate order to show cause to the permittee of Station KMIT in the event Alternative III below is adopted. In so doing we are aware of the not insubstantial expense of converting from a Class A to a Class C operation depending upon how far advanced construction of the Class A station has progressed. We therefore stress that if the permittee opposes such modification, its views will weigh heavily in our considerations.

8. Petitioner states that as soon as Channel 290 is assigned to Mitchell, it will file an application therefor and upon grant, will construct an FM stsation promptly.

9. In light of the above, the Commission proposes to amend the FM Table of Assignments as follows:

§ 73.202 Table of assignments.

* * * * * * *

(b) * * *

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Mitchell, S. Dak. | 272A | |
| Proposed alternative I | 272A | 272A, 296A |
| Proposed alternative II | 272A | 272A, 290 (or 297) |
| Proposed alternative III | 272A | 290, 297 |

10. IT IS ORDERED, that, pursuant to section 316 of the Communications Act of 1934, as amended, BMA Broadcasting, Inc., SHALL SHOW CAUSE why its permit for Station KMIT should not be modified to specify operation on Channel 290 or 297 in lieu of Channel 272A if Alternative III is adopted.

11. Pursuant to § 1.87 of the Commission's rules and regulations, the permittee of Station KMIT–FM may, not later than May 27, 1975, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, BMA Broadcasting, Inc. may, not later than June 16, 1975, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on BMA Broadcasting, Inc. to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, BMA Broadcasting, Inc., is deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission if the channel changes referred to in paragraph 9 above are found to be in the public interest.

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are set forth below, and are incorporated herein.

13. Interested parties may file comments on or before May 27, 1975, and reply comments on or before June 16, 1975.

14. *It is ordered*, that the Secretary of the Commission SHALL SEND a copy of this Order by certified mail, return receipt requested, to Radio Station KMIT, BMA Broadcasting, Inc., Mitchell, South Dakota, the party to whom the Order to Show Cause is directed.

Adopted: April 2, 1975.

Released: April 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth above.

2. *Showings required.* Comments are invited on the proposal(s) discussed above. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth above. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comment, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-9856 Filed 4-16-75;8:45 am]



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## FEDERAL HOME LOAN BANK BOARD

**[ 12 CFR Part 584 ]**

[No. 75-261]

### SAVINGS AND LOAN HOLDING COMPANIES

**Holding Company Indebtedness; Notice of Proposed Rulemaking**

MARCH 19, 1975.

The following outline regarding the amendments proposed by this Resolution is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the proposed regulation.

I. *Present regulation.* Debt of mortgage-banking subsidiary of nondiversified savings and loan holding company is preapproved only if the debt is secured by a federally-insured or guaranteed mortgage.

II. *Proposed regulatory changes.* A. Preapproval of 20:1 ratio of secured debt (including federally insured or guaranteed mortgages) to equity of subsidiaries of non-diversified savings and loan holding companies which engage solely in mortgage banking activities.

B. Clarification of introductory language of preapproval provision (§ 585.6 (b)).

III. *Reason for changes.* To provide a less restrictive and more flexible basis for calculating mortgage banking preapproved debt.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to propose amendments to § 584.6(b) of the regulations for Savings and Loan Holding Companies (12 CFR 584.6(b)) for the purpose of revising the preapproval of secured debt for mortgage banking subsidiaries of non-diversified savings and loan holding companies.

Presently, § 584.6(b)(3) preapproves debt incurred by a mortgage banking subsidiary of a non-diversified savings and loan holding company if such debt is fully secured by first mortgages insured or guaranteed by any Federal Agency. The Board proposes to revise this preapproval so that secured debt of a mortgage banking subsidiary would be preapproved up to 20 times the total of its consolidated net worth and unsecured debt owed to its holding company parent or subsidiary thereof (other than a debt owed to a subsidiary insured institution or any subsidiary thereof). Under the proposal, the mortgage banking subsidiary and all of its subsidiaries would have to be engaged solely in mortgage banking activities in order to qualify for the debt preapproval.

The purpose of this proposal is to revise the preapproved debt for mortgage banking subsidiaries so that it more nearly conforms to the operations of such companies. The Board believes that it may be unduly restrictive and inflexible to base the mortgage banking debt preapproval exclusively on debt secured by federally insured or guaranteed mortgages. Mortgage banking lines of credit and other financing techniques are often secured by non-federally insured or guaranteed mortgages.

It should be noted, however, that this proposal has restrictive aspects when compared to the present regulation. First, the proposal would eliminate the present complete preapproval for debt secured by federally insured or guaranteed first mortgages; such debt would be included within the proposed limitation on total secured debt. Second, the proposal would require that the subsidiary and each of its subsidiaries must be engaged exclusively in mortgage banking activities. Notwithstanding these restrictive aspects of the proposal, the Board believes that the revision in overall practical effect would be liberalizing and more flexible for most mortgage banking subsidiaries.

The proposal does not include unsecured debt within the preapproval because mortgage banking debt is ordinarily secured by its mortgage portfolio. If a mortgage banking subsidiary has incidental unsecured debt, it would be approved within the 15 percent of consolidated net worth category of § 584.6 (a) to the extent that category may be available to the particular holding company.

The Board does not propose to place mortgage banking preapproved debt in § 584.6(c) which would have the effect of exempting such debt from the 15 percent category of § 584.6(a). Mortgage banking debt would continue to be included in § 584.6(b) and included in computing the 15 percent category.

The proposal would also amend the introductory language to § 584.6(b), for purposes of clarification, to change the heading "Interim Approval" to "Preapproval," and to delete the phrase "Until further notice by order or regulation" and substitute therefor the phrase "Except as otherwise directed in a given case." The proposed substitutions would make clear that the preapprovals are conditioned on the reserved right of the Corporation to withdraw them prospectively from specific holding companies.

Accordingly, the Board hereby proposes to amend § 584.6(b) as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW, Washington, D.C. 20552, by May 19, 1975, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

**§ 584.6 Holding company indebtedness.**

* * * * *

(b) *Preapproval by the Corporation.* Except as otherwise directed in a given case, the Corporation hereby approves without application the issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, incurred:

* * * * *

(3) By a savings and loan holding company's subsidiary (except as provided in paragraph (c)(1) of this section), including any subsidiary thereof, engaged solely in mortgage banking activities, in an amount of secured debt equal to 20 times the total of its consolidated net worth and unsecured debt owed to such holding company or subsidiary thereof (excluding any subsidiary insured institution or any subsidiary thereof);

* * * * *

(Sec. 408, 48 Stat. 1256, as amended; Sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-9018 Filed 4-15-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

**[ 49 CFR Part 1056 ]**

[Ex Parte No. MC 19; Sub-No. 20]

### PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

**Limitations of Liability; Notice of Proposed Rulemaking**

The Interstate Commerce Commission is proposing to amend Part 1056 of Title 49 of the Code of Federal Regulations by adding the regulation appearing at the close of this notice. This section would preclude household goods carriers from limiting their liability except in certain specified instances.

The proposed regulation would affect several tariff rules, as currently set forth in the bills of lading of numerous household goods carriers, which purport to limit or disclaim liability by, among other things, requiring notice from the shipper of the nature of the goods being shipped.

In addition, the Commission is proposing uniform shipping documents for household goods carriers. The prescribed documents are a composite of existing forms, but would eliminate those provisions which violate the above noted proposed rule.

This rule and the uniform shipping documents are being proposed for the following reasons:

Many complaints filed with the Commission as to the transportation of household goods, and the handling of freight claims following such transportation, have revealed a serious problem with respect to the efforts of many carriers to limit their liability by methods which appear to be in violation of sections 20(11) and 219 of the Interstate Commerce Act. Most household goods carriers maintain tariff provisions which state that they will not be liable at all for





physical loss of or damage to so-called articles of extraordinary or unusual value, when those items are not specifically listed on the bill of lading. A practice by several large household goods carriers, is to take the position, under the tariff provision noted above, that items of high value which are lost or damaged are items of extraordinary value and were not declared as such by the shipper at the time the bill of lading was executed. The end result often is that the carrier escapes all or a portion of its liability and the shipper either accepts the limited settlement offered or must resort to extended, often expensive legal procedures.

This practice of declining claims is contrary to applicable provisions of the Interstate Commerce Act which state that a common carrier shall be liable for loss or damage to any property transported by it and that no contract or other limitation shall exempt the carrier from such liability. Released rates authorized by a specific order of the Commission are the only exception to this general rule. Nowhere in any current released rates order is there even the implied authority to exempt any household goods article from all liability whether or not such article is expressly identified by the shipper.

Accordingly, the Commission proposed to eliminate certain unlawful and/or troublesome tariff provisions and prescribed uniform shipping documents in conjunction with the proposed rule.

No hearings will be scheduled for the receiving of oral testimony unless a need therefor should later appear, but anyone interested in making representations in favor of, or against, the proposed modifications in the regulations is hereby invited to do so by the submission of written data, views, or arguments. An original (and 8 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before June 2, 1975; and that all such statements will be considered as evidence and as part of the record in this proceeding.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th St., and Constitution Ave., NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of Parts I and II of the Interstate Commerce Act (49 U.S.C. 1 and 301 et seq., and sections 553, and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559)).

Issued in Washington, D.C., March 28, 1975.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

Accordingly, it is proposed to amend 49 CFR Part 1056 by adding paragraphs (c) and (d) to § 1056.16 as follows:

**§ 1056.16 Liability of carriers.**

* * * * *

(c) *Limitations of liability.* A common carrier by motor vehicle of household goods shall be liable for loss of or damage to any articles caused by it while being transported, including incidental pickup and delivery, or while being held in storage in transit, except that the carrier may exempt its liability in the following instances:

(1) No liability need be assumed for perishable articles (except frozen foods and other articles requiring refrigeration) included in the shipment without knowledge of the carriers; and a carrier accepting for shipment frozen food or other articles requiring refrigeration may impose reasonable conditions necessary to insure the safe transportation of such commodities.

(2) No liability need be assumed for loss or damage caused by or resulting from the following:

(i) An act, omission or order of the shipper;

(ii) Hostile or warlike action in time of peace or war, including action in hindering, combating or defending against an actual impending or expected attack by any government or sovereign power, or by any authority maintaining or using military, naval or air forces; or by an agent of any such government, power, authority or forces;

(iii) Any weapon of war employing atomic fission or radioactive force whether in time of peace or war;

(iv) Insurrection, rebellion, revolution, civil war, usurped power; or action taken by governmental authority in hindering, combating, or defending against such an occurrence, seizure or destruction under quarantine or customs regulations, confiscation by order of a governmental or public authority, or risks of contraband or illegal transportation or trade;

(v) Acts of God, in those instances when the shipper releases the goods at 60 cents per pound per article.

(d) *Storage-in-transit.* A common carrier by motor vehicle of household goods holding goods for storage-in-transit (S.I.T.) shall, no less than 10 days prior to the expiration of either the specified period of time during which the goods are to be held in such storage or the maximum period of time provided in the carrier's tariff for storage-in-transit, notify the shipper in writing (1) of the date of conversion, (2) of the existence of a 9-month period subsequent to the date of conversion to permanent storage during which shipper may file claims against the carrier for loss and/or damage which occurred to the goods during the S.I.T. period and, (3) of the fact that on the date of conversion, the liability of the carrier shall terminate and the property shall be subject to the rules, regulations, and charges of the warehouseman. Failure or refusal of a carrier to notify the shipper in writing in accordance with the foregoing shall automatically effect a continuance of carrier liability pursuant to the applicable tariff provision with respect to S.I.T., until the end of the day following the date upon which notice is given.

NOTE: The proposed uniform shipping documents are available in the public docket in this proceeding which may be inspected in Room 1221, Interstate Commerce Commission, 12th St. and Constitution Ave., NW., Washington, D.C.

[FR Doc.75-9039 Filed 4-15-75;8:45 am]



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# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[Public Notice 447]

### UNITED STATES INTERNATIONAL AVIATION POLICY

#### Conference

The Department of State will hold a conference on international aviation policy in the Main Conference Room (Room 1309) of the Department of State, 2201 C Street NW., Washington, D.C. 20520, at 9 a.m. on Tuesday and Wednesday, April 29 and 30, 1975.

The Conference is designed to stimulate public discussion and comment on the policy alternatives facing the United States over the next 5 to 10 years. The Conference will also provide the opportunity for comment on the study prepared for Government agencies by a private contractor, Harbridge House, entitled "U.S. International Aviation Policy at the Crossroads: A Study of Alternative Policies and Their Consequences." Copies may be obtained from Harbridge House, 11 Arlington Street, Boston, Massachusetts, 02116.

The format for the conference calls for the division of the material into several topics as indicated in the Agenda. After presentation of opening papers there will be a period of discussion by a select panel. The audience will then have the opportunity to put written questions to the panel.

The Conference is being held under the auspices of the Department's external research program. There will be no charge for participation in the conference. Cafeteria facilities are available in the first floor dining area of the Department.

Members of the public who desire to attend the meeting should come to the 22nd and C Street entrance for admission where a representative will meet them.

Any questions concerning this conference and requests for invitations should be directed to Mr. Warren Reynolds, Room 6747, Department of State, Washington, D.C. (202-632-3970).

Dated: April 10, 1975.

MICHAEL H. STYLES,
*Director, Office of Aviation.*

[FR Doc.75-9894 Filed 4-15-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### AREA DIRECTORS AND PROJECT OFFICER, JOINT USE ADMINISTRATIVE OFFICE

#### Redelegation of Authority

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Commissioner of Indian Affairs has revised the redelegation of program authority for Indian affairs to the Area Directors and the Project Officer of the Joint Use Administrative Office. The revised redelegation (10 BIAM 3) was issued by Bureau of Indian Affairs Manual Release 10-33, dated January 20, 1975.

The revised redelegation supersedes the redelegation in 10 BIAM 3 which was published beginning at page 637 of the January 16, 1969, FEDERAL REGISTER (34 FR 637) and subsequently amended. Further information about the redelegation may be obtained from the Chief, Division of Management Research and Evaluation, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, D.C. 20245, telephone 202-343-4144.

The revised redelegation in 10 BIAM 3 reads as follows:

3.1 *Authorities from the Commissioner.* The authorities of the Secretary of the Interior delegated to the Commissioner in 230 DM 1, 230 DM 2, 25 CFR, 43 CFR 2.7, and 43 CFR 417.5 are hereby redelegated to the Area Directors and the Project Officer, Joint Use Administrative Office. This redelegation also includes future authorities of the Secretary of the Interior to the Commissioner which:

A. Do not by their own terms disallow exercise by officials below the Commissioner;

B. Are not within the generally applicable exceptions in section 3.3 below; or

C. Are not expressly excluded, by additional provisions to this Chapter, from being exercised by officials below the Commissioner.

3.2 *Secretarial limitations.* The limitations carried in 230 DM 1.2 and 230 DM 2.2 also apply here.

3.3 *Exceptions.* The authorities redelegated in 3.1 above do not include the following:

A. *Funds and fiscal matters.* (1) Approve and transmit to the General Accounting Office accounts between the United States and Indian tribes under reimbursable appropriations, as required by the acts of April 4, 1910, and June 10, 1921 (25 U.S.C. 145).

(2) Authorize restoration to ownership or deposit in the general fund of the Treasury of unclaimed per capita and other individual payments of Indian tribal trust funds under the act of September 22, 1961 (75 Stat. 584, 25 U.S.C. 164-165) or in accordance with plans effective pursuant to the Act of October 19, 1973 (87 Stat. 466).

(3) Approve plans or changes in plans for the use or distribution of judgment funds under acts prior to the act of October 19, 1973 (87 Stat. 466), when the plans or changes are required to be submitted to Congress before approval.

B. *Law and order.* (1) Accept retrocession by a State of criminal and civil jurisdiction over an Indian reservation under Executive Order 11435.

(2) Certify liquor ordinances passed by the tribe under the act of August 15, 1953 (67 Stat. 586).

C. *Tribal government.* (1) Call and conduct elections or referendums for the initial adoption of constitutions or the complete revision of existing constitutions, and authorize Indian Reorganization Act, Oklahoma Indian Welfare Act and Alaska Act of May 1, 1936 elections for the initial adoption of constitutions or charters, and approve the results of such elections or referendums.

(2) Dispose of enrollment appeals.

D. *Forestry.* (1) Designate any basis of volume determination pursuant to 25 CFR 141.15 other than Scribner Decimal C Log Rule, cubic volume, piece count, lineal foot, or weight.

(2) Issue special instructions as to deductions from timber sale receipts pursuant to 25 CFR 141.18.

(3) Accept payment of damages in full in settlement of civil trespass cases pursuant to 25 CFR 141.22, when such settlement is in excess of $5,000. "Payment of damages in full" means payment of the maximum amount due under applicable law.

E. *Real property management.* (1) Approve mineral leases of ceded or surplus lands unless title to the lands has been restored to the tribe or the mineral leasing of such lands is authorized by a specific statute.

(2) Approve royalty rates less than as authorized in 25 CFR regarding mineral leases and permits for oil, gas, and other minerals except sand, gravel, pumice, and building stone.

(3) Approve nationwide oil and gas lease bonds required in connection with mining on Indian lands.

(4) Restore ceded surplus lands to tribal ownership pursuant to section 3 of the Indian Reorganization Act (48 Stat. 984).

(5) Proclaim new Indian reservations on lands acquired pursuant to authority conferred by the Indian Reorganization Act (48 Stat. 984) or add such lands to existing reservations pursuant to section 7 of the Indian Reorganization Act.

F. *Credit.* (1) Approve loans to tribes, bands, and other identifiable groups of Indians pursuant to 25 CFR 91 for use by them in obtaining expert assistance, other than the assistance of counsel, for the preparation and trial of claims pending before the Indian Claims Commission.

(2) Approve loans and modifications of loans made to corporations, tribes, bands, credit associations, and cooperatives pursuant to 25 CFR 91 where the indebtedness to the lender exceeds $250,000 and any modifications of such loans extending repayment terms regardless of amount, and approve loans made to individual Indians where the indebtedness to the lender exceeds $100,000.

(3) Prescribe interest rates on loans from the United States pursuant to 25 CFR 91, approve articles of association and bylaws of cooperatives and credit associations and amendments or revocations of such articles and bylaws, and approve the form of organization of groups of Indians applying for loans to encourage industry.

(4) Approve guaranteed and insured loans to Indian tribes, organizations, and individuals under 25 CFR Part 93.

G. *Irrigation.* Approve power rates on the Colorado River, Flathead and San Carlos Irrigation Projects under 25 CFR 231, 232, and 233, respectively.

H. *Proposed and final regulations and notices.* Issue proposed and final regulations relating to Indian affairs (Chapter I, Title 25, Code of Federal Regulations) and public notices relating to Indian affairs.

*Except:* (1) Area Directors may issue notices of delegations of authority to their subordinate officials subject to approval by the Commissioner before publication.

(2) Area Directors may issue proposed and final regulations which fix operation and maintenance charges at irrigation projects.

I. *Waivers and exceptions.* Waive or make exceptions to the regulations in 25 CFR, Except: (1) Area Directors may waive the requirement of sole beneficial interest in an allotment in issuing Special Allotment Timber Cutting Permits, pursuant to 25 CFR 141.19(c).

J. *Forms.* Approve or revise forms prescribed by 25 CFR.

3.4 *Restrictions on Redelegation.* The Area Directors may not redelegate the following authorities below the Area level:

A. *Tribal Government.* Approve or disapprove tribal ordinances, resolutions, and contracts.

B. *Forestry.*

(1) Approve Special Allotment Cutting Permits in excess of 250,000 feet, board measure, pursuant to 25 CFR 141.19(c).

(2) Waive the requirement of sole beneficial interest in an allotment in issuing Special Allotment Timber Cutting Permits, pursuant to 25 CFR 141.19 (c).

C. *Real Property Management. Approve* tribal deeds for the Five Civilized Tribes under the act of March 3, 1911 (36 Stat. 1058, 1069).

D. *Credit.*

(1) Approve mortgages or deeds of trust of individually-owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure loans. The Billings and Portland Area Directors are excluded from this restriction.

(2) Approve assignments of income from trust or restricted land as security for a loan by a non-Bureau lender if the borrower is indebted for a loan made pursuant to 25 CFR 91 that is securied by such an assignment. The Phoenix Area Director is excluded from this restriction only as follows: The Phoenix Area Director may redelegate to the Superintendent of the Colorado River Indian Agency approval authority regarding assignments of income held as security for tribal loans with the prior consent of the tribe.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-9832 Filed 4-15-75;8:45 am]





### KIOWA, COMANCHE AND APACHE TRIBES OF OKLAHOMA

#### Transfer of Federally Owned Lands

APRIL 10, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

On March 17, 1975, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Administrator of General Services to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Kiowa, Comanche and Apache Tribes of Oklahoma:

| Tract and legal description: | Containing (acres) |
|---|---|
| 1 NE¼ of sec. 21, T. 2 N., R. 11 W., I.M. | 160.00 |
| 2 N½NE¼ of sec. 28; W½, W½ SW¼ SE¼, SW¼NW¼SE¼ of sec. 21, T. 2 N., R. 11 W., I.M., except a tract described as beginning at the northwest corner of sec. 21, township 2 north, range 11 west, thence 250 ft east on the north line of said section, right bank of Cache Creek, thence 520 ft in a southwesterly direction intersecting the west line of said section, thence 450 ft due north on said section line to northwest corner of northwest quarter of said section which is place of beginning, containing 1.29 acres, more or less. Also except a tract described as a strip of land 33 ft wide between the left bank of Cache Creek and a line running as follows: Beginning at a point 117 ft west of the northeast corner of the northwest quarter of sec. 21, township 2 north, range 11 west, running, thence south 37 ft 31°45' W., thence 201 ft south 31°45' W., thence 129 ft south 13°25' W., thence 44 ft south 70°30' W., thence 93 ft south 70°30' W., thence 180 ft south 70°30' W., thence 134 ft north 64°25' W., thence 175 ft north 15°10' W., thence 175 ft north 6°30' W., to the point 33 ft south of the north line of said sec. 21, containing 0.88 acre | 427.83 |
| 3 NW¼ of sec. 28, T. 2 N., R. 11 W., I.M. | 160.00 |
| 4 A parcel of land rectangular in form comprising 36.35 acres off the south end of lot 12, and a parcel of land rectangular in form comprising 7.62 acres off the north end of lot 14, sec. 29, T. 2 N., R. 11 W., I.M., except an undivided 1/16 interest in all oil, gas, and minerals lying or under the above-described land | 43.97 |
| Total | 791.80 |

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Kiowa, Comanche and Apache Tribes of Oklahoma. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-9833 Filed 4-15-75;8:45 am]

### Bureau of Land Management

### SHOSHONE DISTRICT MULTIPLE USE ADVISORY BOARD

#### Notice of Meeting

APRIL 8, 1975.

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Shoshone District Multiple Use Advisory Board will be held on May 8, 1975, at 9:30 a.m. at the District Office, 112 South Cherry Street, Shoshone, Idaho.

The advisory board was established to advise the District Manager on matters relating to the use, management, protection and disposition of lands and resources administered within the Shoshone District.

The purpose of the meeting is to review organization of the board, hold election of board officers, briefing of the goals and objectives of the Bureau of Land Management in Idaho, review current land use planning efforts for the Magic Planning Unit, and provide a general BLM program orientation for the advisory board.

The meeting will be open to the public. Any interested person wishing to make a presentation to the board, or submit a written statement should contact the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Shoshone, Idaho (886-2208). Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the district office in Shoshone, Idaho.

CHARLES J. HASZIER,
*District Manager.*

[FR Doc.75-9826 Filed 4-15-75;8:45 am]



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### Office of the Secretary

[INT DES 75-18]

## FIRE ISLAND NATIONAL SEASHORE MASTER PLAN

### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed Master Plan for Fire Island National Seashore, New York.

The environmental statement considers the extent of land use changes needed to accommodate the types and levels of public use that can be provided without destroying resource values of the seashore. The statement discusses the evaluation of the impacts of various development alternatives, their unavoidable effects and mitigating measures and other environmental aspects. Proposed master plan concepts include boundary adjustments, visitor access and circulation, types and modes of visitor activities and the protection of natural and cultural as well as recreational resources.

Written comments on the environmental statement are invited and will be accepted on or before June 2, 1975. Comments should be addressed to the Superintendent, Fire Island National Seashore at the address indicated below:

Copies of the draft environmental statement are available from or for inspection at the following locations:

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 01771

New York City Group
National Park Service
26 Wall Street
New York, New York 10005

Superintendent
Fire Island National Seashore
P.O. Box 229
Patchogue, New York 11772

Dated: April 1, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-9815 Filed 4-15-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

### Specific Approval

The regulations in 9 CFR Part 78, as amended, contain restrictions on the interstate movement of cattle, other domestic animals, and bison to prevent the spread of brucellosis. This document adds certain stockyards and slaughtering establishments to the list of those specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 78.16(b) of the regulations and removes from the list certain other stockyards and slaughtering establishments which have been found no longer to qualify for such approval. Name changes are also made with respect to certain stockyards and slaughtering establishments.

Pursuant to § 78.16(b) of the regulations (9 CFR 78.16(b)) under provisions of the Act of May 29, 1884, the Act of February 2, 1903, and the Act of March 3, 1905, and amendments thereof, and the Act of July 2, 1962 (secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 31 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f) and delegations of authority thereunder (37 F.R. 28464 28477; 38 F.R. 19141), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of 9 CFR 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of 9 CFR 78.12, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only:

ALABAMA

| | |
|---|---|
| *Cullman Stock Yard | Cullman. |
| *Dothan Livestock Auction, Inc. | Dothan. |
| *Gray & Sons Stockyard | Clanton. |

ARKANSAS

| | |
|---|---|
| *Fulton County Livestock Auction. | Salem. |
| *Saline and Ouachita Valley Livestock Commission Co. | Warren. |

CONNECTICUT

| | |
|---|---|
| Hebron Horse Auction Stockyards. | Hebron. |

FLORIDA

| | |
|---|---|
| *Neel & Edwards Livestock Company. | Quincy. |

IOWA

| | |
|---|---|
| Algona Livestock Auction & Exchange. | Algona. |
| Anamosa Livestock | Anamosa. |
| DeVries Auction | Buffalo Center. |
| Grinnell Livestock Exchange. | Grinnell. |
| Humeston Sales Company | Humeston. |
| Interstate Producers Livestock Association. | Wadena. |
| *Keosauqua Sale Company, Inc. | Keosauqua. |
| Kimballton Auction Company. | Kimballton. |
| Lynch Enterprize Livestock Auction. | Sumner. |
| Mahaska Sale Company | Oskaloosa. |
| Manning Livestock Auction | Manning. |
| Tri-County Livestock Auction. | Sumner. |
| *Wapello Livestock Sales, Inc. | Wapello. |

KANSAS

| | |
|---|---|
| *G and V Cattle Company | Elkhart. |
| *Rush County Sale | LaCrosse. |

KENTUCKY

| | |
|---|---|
| *Farmers Livestock Market | Mayfield. |
| Do | Morganfield. |
| *Farmers Livestock Market of Glasgow. | Glasgow. |
| *Graves County Livestock Company, Inc. | Mayfield. |
| *Grayson County Stockyard Market, Inc. | Leitchfield. |
| *Washington County Livestock Center, Inc. | Springfield. |

LOUISIANA

| | |
|---|---|
| *Bill Lyles Auction | Grand Cane. |

MICHIGAN

| | |
|---|---|
| *Croswell Stockyards | Croswell. |
| *Equity Cooperative Livestock Sales Association. | Menominee. |
| *Ridley Commission, Inc. | Detroit. |

MINNESOTA

| | |
|---|---|
| *Canby Livestock Sales Company. | Canby. |
| *Jim Erickson Livestock Barn. | Mabel. |
| *Lanesboro Sales Commission, Inc. | Lanesboro. |
| *Lewiston Livestock Market | Lewiston. |
| *Truman Sales Company | Truman. |

MISSISSIPPI

| | |
|---|---|
| *C & R Farms, Inc | Meridian. |
| *Mid-Mississippi Livestock | Canton. |
| *Starkville Livestock Auction. | Starkville. |

MISSOURI

| | |
|---|---|
| *Boonville Livestock Auction. | Boonville. |
| *W. R. Cantrell & Son | Archie. |
| *Central Missouri Livestock Auction, Inc. | Mexico. |
| *Central Missouri Sales Company, Inc. | Sedalia. |
| Four Rivers Collection Point. | Labodie. |
| *Fredericktown Auction Company, Inc. | Fredericktown. |
| Howard County NFO Collection Point. | Armstrong. |
| Johnson County Livestock Market. | Warrensburg. |
| *Kirksville Community Sale, Inc. | Kirksville. |
| LaMonte NFO Collection Point. | LaMonte. |
| *Leroux Brothers Livestock Market. | Harviell. |
| *Lewis County Auction Market. | Lewistown. |
| Maysville NFO Collection Point. | Amity. |
| Meta Collection Point, Inc. | Meta. |
| *Milan Livestock Auction, Inc. | Milan. |
| NFO Collection Point | Bethany. |
| *Schuyler County Sale Co., Inc. | Lancaster. |
| *Seaton Livestock Auction, Inc. | Nixa. |
| *South Central Livestock Market, Inc. | Vienna. |
| Tipton NFO Collection Point. | Tipton. |
| *Unionville Sale Company | Unionville. |
| *Windsor Auction Company. | Windsor. |
| W. W. Auction | Grubville. |

NORTH CAROLINA

| | |
|---|---|
| Reaves Livestock, Inc | Rowland. |

OKLAHOMA

| | |
|---|---|
| *Donald Leslie Commission Company. | Hugo. |
| *Northeast Oklahoma Feeder Pig and Livestock Market. | Leach. |





PENNSYLVANIA

| | |
|---|---|
| Cattle Sales, Inc. d/b/a Scenery Hill Stockyards. | Scenery Hill. |
| Danville Cattle Company, Inc. | Danville. |
| New Holland Sales Stables, Inc. | New Holland. |

TEXAS

| | |
|---|---|
| Bode's Livestock Commission Company. | Milano. |
| Collin County Livestock Commission Company. | McKinney. |
| Cow Palace Commission Co., Inc. | Cleburne. |

VIRGINIA

| | |
|---|---|
| *Southampton Livestock Sales, Inc. | Courtland. |

WISCONSIN

| | |
|---|---|
| *Iowa County L/S Marketing Co-op. | Dodgeville. |
| *Midwest Livestock Producer Co-op. | Peshtigo. |

The following livestock markets are deleted from the list specifically approved to handle interstate shipments of cattle.

ALABAMA

| | |
|---|---|
| *Arab Stockyards | Arab. |
| *Tri-County Livestock Auction, Inc. | Hurtsboro. |

ARKANSAS

| | |
|---|---|
| *Saline & Ouachita Commission Company. | Warren. |
| *Salem Livestock Auction | Salem. |
| *Malvern Meat Company | Malvern. |

IOWA

| | |
|---|---|
| Algona Livestock Auction | Algona. |
| Audubon Auction Market | Audubon. |
| Carroll Huffman Livestock Market. | Eldon. |
| DeVries Auction Company | Buffalo Center. |
| Farmers Livestock Auction Company, Inc. | Oelwein. |
| Humeston Sale Barn | Humeston. |
| *Lewis County Auction Market. | Lewiston. |
| Mid-States Livestock, Inc | Eldora. |

KANSAS

| | |
|---|---|
| *Effingham Auction Company. | Effingham. |
| *Harper Livestock Sale Company. | Harper. |

KENTUCKY

| | |
|---|---|
| *Adair County Stockyards | Columbia. |
| *Farmers Livestock Market | Glasgow. |
| *Farmers Stockyard | Mt. Sterling. |
| *Grayson County Stockyards. | Leitchfield. |
| *Mayfield Livestock Sales Company. | Mayfield. |
| *Olive Hill Livestock Company. | Olive Hill. |

MICHIGAN

| | |
|---|---|
| Linsmeier Livestock Auction. | Menominee. |

MISSOURI

| | |
|---|---|
| Bull Shippers, Inc | Nevada. |
| W. R. Cantrell & Son | Archie. |
| Fredericktown Auction Co., Inc. | Fredericktown. |
| Hannibal Sales Company, Inc. | Hannibal. |
| Interstate Producers Livestock Association. | Deepwater. |
| *Interstate Producers Livestock Association. | Fredericktown. |
| Kirksville Community Sale, Inc. | Kirksville. |
| Milan Livestock Auction, Inc. | Milan. |
| Monet Sale Company | Monet. |
| Ross Hog Market | Milan. |
| Schuyler County Sales Company. | Lancaster. |
| Seneca Community Sale | Seneca. |
| Stockman Sales Barn | Meta. |

NEW JERSEY

| | |
|---|---|
| Flemington Agricultural Marketing Cooperative Assn., Inc. | Flemington. |

NEW YORK

| | |
|---|---|
| Empire Livestock Marketing Cooperative, Inc. | Whitney Point. |
| Milford Commission Sales Stable, Inc. | Milford. |

PENNSYLVANIA

| | |
|---|---|
| Farmer's Tri-County Livestock Auction, Inc. | Scenery Hill. |
| Montour Farmers Livestock Market, Inc. | Danville. |
| Silver Springs Livestock Market. | Mechanicsburg. |

SOUTH CAROLINA

| | |
|---|---|
| Johnson Livestock Market | Honea Path. |

TENNESSEE

| | |
|---|---|
| *Nashville Union Stockyards. | Nashville. |
| *Ward, William Livestock | South Fulton. |

TEXAS

| | |
|---|---|
| *Bridgeport Auction Sale | Bridgeport. |
| *Bay City L/S Commission Company. | Bay City. |
| *Childress Livestock Auction. | Childress. |
| Cow Palace Commission Co., Inc. | Cleburne. |
| *McKinney Livestock Commission Company. | McKinney. |
| *Weatherford Livestock Commission Company. | Weatherford. |

WISCONSIN

| | |
|---|---|
| *Drees Livestock Company | Peshtigo. |

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors, and of § 78.12(b) of said Title 9, concerning cattle not known to be affected with brucellosis; and those not preceded by an asterisk are specifically approved for the purposes of § 78.12(b) only:

WISCONSIN

| | |
|---|---|
| Bob's Country Market | Woodville. |
| Fennie Meat Plant | Colfax. |

The following slaughtering establishments are *deleted* from the list pecifically approved to handle interstate shipments of cattle.

INDIANA

| | |
|---|---|
| Hanford Packing Company | Thayer. |
| Mark Cole Packing Company. | Sharpsville. |

NEW YORK

| | |
|---|---|
| Virgil Nadler | Moravia. |

*Effective date.* The foregoing notice shall become effective on April 16, 1975.

This action imposes certain restrictions necessary to prevent the spread of brucellosis, relieves certain restrictions presently imposed, and makes certain changes which do not affect the substance of the restrictions set forth in 9 CFR Part 78. The action should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary and contrary to the public interest, and good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of April, 1975.

J. M. HEJL,
*Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.75-9919 Filed 4-15-75;8:45 am]

### Forest Service

### ROCK CREEK ADVISORY COMMITTEE

### Notice of Meeting

The Rock Creek Advisory Committee will meet at 7:00 p.m. on May 20, 1975. Meeting place will be in Drummond, Montana, in the basement of St. Michael's Catholic Church.

The purpose of this meeting is to review land use management options and to establish criteria for development of land use management alternatives.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: April 7, 1974.

ROBERT W. DAMON,
*Forest Supervisor, Deerlodge National Forest.*

[FR Doc.75-9823 Filed 4-15-75;8:45 am]

### Office of the Secretary

### NATIONAL COTTON ADVISORY COMMITTEE

### Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the National Cotton Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for cotton; production adjustment and stabilization programs, and other matters relating to this commodity. The Secretary has determined that renewal of this Committee is in the public interest in connection with the duties imposed on the Department by law.

The chairman of this committee is the Assistant Secretary for International



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Affairs and Commodity Programs, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Public Law 92-463.

Signed at Washington, D.C. on April 11, 1975.

JOSEPH R. WRIGHT, Jr.,
*Assistant Secretary for Administration.*

[FR Doc.75-9843 Filed 4-15-75;8:45 am]

## MEAT IMPORT LIMITATIONS

### Second Quarterly Estimate

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following second quarterly estimates for 1975 are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1975 is 1,180 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year is 1,074.3 million pounds.

This estimate takes into account information furnished by the Department of State, which is negotiating voluntary export restraint agreements with supplying countries. These agreements are expected to be completed shortly. Without the information from the State Department, the estimate would have exceeded 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Done at Washington, D.C. this 11th day of April 1975.

EARL L. BUTZ,
*Secretary.*

[FR Doc.75-9921 Filed 4-15-75;8:45 am]

### Soil Conservation Service

## SEBASTIAN MARTIN-BLACK MESA WATERSHED PROJECT

### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550), August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for that independent portion of Sebastian Martin-Black Mesa Watershed project located west of the Rio Grande River in Rio Arriba County, New Mexico.

The environmental assessment of this federal action indicates that the project will not create significant or adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Marion E. Strong, State Conservationist, Soil Conversation Service, USDA, Box 2007, Federal Building, 517 Gold Avenue, SW, Albuquerque, New Mexico 87103, has determined that the preparation of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and sediment and flood damage reduction. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by five single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Federal Building
517 Gold Avenue, SW
Albuquerque, New Mexico 87103

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before May 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 8, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-9891 Filed 4-15-75;8:45 am]

## STILLWATER CREEK WATERSHED

### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for that portion of the Stillwater Creek Watershed Project described below in Logan, Noble, and Payne Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The action concerns a plan for watershed protection, flood prevention, and irrigation water supply. The planned works of improvement covered by this negative declaration include conservation land treatment, 5 multipurpose structures, and 22 single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

Requests for single copies of the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before May 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 8, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources Soil Conservation Service.*

[FR Doc.75-9892 Filed 4-15-75;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

## GOOD SAMARITAN HOSPITAL AND MEDICAL CENTER, ET AL.

### Applications for Duty Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to Section 6(c) of the Educational, Scienand the regulations issued thereunder as Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00309-33-90000. Applicant: Good Samaritan Hospital and Medical Center, 1015 NW. 22nd Avenue, Portland, Oregon 97210. Aritcle: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for research experiments to be conducted for the study of patients both with and without the use of adjunctive intravenous contrast agents, to localize epilepigenic foci and record postictal changes in the central nervous system of epilepsy patients. The article will also be used as an educational tool for the resident doctor staff which includes Neuroscience Institute, neurosurgery, neurology and neuroradiology residents. Application received by Commissioner of Customs: January 8, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 25, 1975. Article ordered: February 21, 1974.

Docket number: 75-00310-33-90000. Applicant: Mercy Hospital and Medical Center, 4077 Fifth Avenue, San Diego, California 92103. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for clinical research into brain tumors, brain damage, brain infection, and other intracranial disease. The article will also be used for postgraduate instruction in all fields with emphasis in Radiology, Neurosurgery, and Neurology, Pediatrics and Internal Medicine. Application received by Commissioner of Customs: January 8, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 25, 1975. Article ordered: August 28, 1974.

Docket Number: 75-00317-33-90000. Applicant: North Carolina Baptist Hospitals, Inc., 300 South Hawthorne Road, Winston-Salem, North Carolina 27103. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for detecting lesions and/or other abnormalities in the brain of patients who are suspected of having lesions and/or abnormalities. A cooperative study is being drawn up to compare the results of brain scans, plan skull films, electroencephalograms, and ultrasound scans to the results of the EMI scans in patients with central nervous system disorders. In addition, the article will be made an integral part of the training program of residents in Radiology, Neurology, and Neurosurgery. Application received by Commissioner of Customs: November 22, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 25, 1975. Article Ordered: February 20, 1974.

Docket Number: 75-00320-33-90000. Applicant: University of Texas Medical Branch, 915 Strand, Galveston, Texas 77550. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to examine the various structures contained within the skull and face, in determining the effectiveness of the use of this machine on human patients with a variety of neurological and brain disease. Application received by Commissioner of Customs: January 15, 1975. Advice submitted by the Department of Health, Education, and Welfare on: March 25, 1975. Article ordered: December 5, 1974.





Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the noninvasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
*Director,*
*Special Import Programs Division.*

[FR Doc.75-9875 Filed 4-15-75;8:45 am]

## NATIONAL INSTITUTES OF HEALTH, NATIONAL CANCER INSTITUTE

### Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00195-33-46040. Applicant: National Institutes of Health, National Cancer Institutes, Laboratory of Biology, DCBD, 9000 Rockville Pike, Bethesda, MD 20014. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for multidisciplinary investigation of mammary neoplasia and its etiologic agents in mice and other species.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 27, 1974). Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C has a specified resolving capability of 5Å. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 20, 1975 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation Duty-Free Educational and Scientific Materials.)

A. H. STUART,
*Director,*
*Special Import Programs Division.*

[FR Doc.75-9876 Filed 4-15-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

## ADVISORY COMMITTEES

### Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 1. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products. | Apr. 27 and 28, 9:30 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Closed Apr. 27, open Apr. 28, 9 to 10 a.m., closed Apr. 28 after 10 a.m., Thomas D. DeCillis (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960. |

*Purpose.* Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed



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nonprescription drug products containing vitamin, mineral, and hematinic drug products.

*Agenda.* Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter vitamin, mineral, and hematinic drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 2. Panel on Review of Hemorrhoidal Drugs. | May 1, 2, and 3, 9 a.m., Federal Bldg., Room 550, 50 Fulton St., San Francisco, Calif. | Open May 1, 9 a.m. to 12 p.m., closed May 1 after 12 p.m., closed May 2, open May 3, 9 to 10 a.m., closed May 3 after 10 a.m. (HFD-510), Thomas D. DeCillis, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960. |

*Purpose.* Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing hemorrhoidal drug products.

*Agenda.* Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter hemorrhoidal drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 3. Panel on Review of Bacterial Vaccines and Bacterial Antigens. | May 2 and 3, 9 a.m., Room 121, Building 29, National Institutes of Health, 8900 Rockville Pike, Bethesda, Md. | Open May 2, 9 to 10 a.m., closed May 2 after 10 a.m., closed May 3, Jack Gerlach (HFB-5), 8900 Rockville Pike, Bethesda, Md. 20014, 301-496-1676. |

*Purpose.* Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens with no U.S. standards of potency.

*Agenda.* Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of bacterial vaccines and bacterial antigens under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 4. Panel on Review of Ear, Nose, and Throat Devices. | May 5 and 6, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C. | Open May 5, 9:30 to 10:30 a.m., closed May 5 after 10:30 a.m., closed May 6, Richard A. Hawkins, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550. |

*Purpose.* Reviews and evaluates available data concerning safety, effectiveness, and reliability of ear, nose, and throat devices currently in use.

*Agenda.* Open session: Interested parties are encouraged to present information pertinent to the classification of ear, nose, and throat devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from Dr. Richard Hawkins, Executive Secretary. The panel would especially welcome information concerning the safety and effectiveness of pneumatic drills and accessories. Those desiring to make formal presentations should notify Dr. Hawkins in writing by May 2, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: Pneumatic drills and accessories; acoustic chambers; air conduction transducers; audiometer calibration sets; auditory evoked response systems; auditory impedance testers; automated audiometers with earphones; bone conduction transducers; diagnostic audiometers with earphones; electrical noise generators; hearing aid/earphone calibrators; hearing test earphones; hearing test microphones; hearing trumpets; mechanical noise generators; otoadmittance meters; otophones; pure tone audio generators; respiration audiometers; screening audiometers with earphones; sisi adapters; speech audiometers with earphones; tuning forks; caloric irrigation baths; group hearing systems; stereo auditory trainers; therapeutic electrical stimulation devices; visible speech apparatus; atomizers/tips; ear wicks; ENT applicators; ENT droppers; ENT syringes; esophageal coolers; hearing protectors; medicinal nebulizers; nasal inhalers; nasal splints; nebulizer pumps; powder blowers; ultrasonic nebulizers; electronystagmographs with electrodes; facial nerve stimulators with electrodes; gustometers with electrodes; nasomanometers; olfactometers with electrodes; photoelectric nystagmographs; rhinoanemometer; Toynbee diagnostic tubes transilluminators; cuspidors; ENT examining/treatment chairs; ENT examining/treatment tables; ENT treatment units; oral lavage units. Closed sessions: Classifications of devices listed above.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 5. Panel on Review of Physical Medicine (Physiatry) Devices. | May 6, 8 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C. | Open May 6, 8 to 9 a.m., closed after 9 a.m., Robert C. Livingston, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376. |

*Purpose.* Reviews and evaluates available data concerning safety, effectiveness, and reliability of physical medicine devices currently in use.

*Agenda.* Open session: Mr. George Smith, Manager of Medical Devices, Pharmaceutical Manufacturers Association, will speak on performance standards and their





content. Mr. James McCue, Division of Medical Device Standards and Research, Bureau of Medical Devices and Diagnostic Products, FDA, will speak on the interpanel priority system for devices classified as requiring standards. Closed session: Representatives of the Bureau of Radiological Health will discuss their work on diathermy and ultrasound standards. Discussion will involve pending regulations related to these standards. The panel will review an unsolicited preproposal for microwave diathermy standards.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 6. Panel on Review of Radiology Devices. | May 7 and 8, 8:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C. | Open May 7, 8:30 to 9:30 a.m., closed May 7 after 9:30 a.m., closed May 8, Leroy L. Hamilton, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550. |

*Purpose.* Reviews and evaluates available data concerning safety, effectiveness, and reliability of radiological devices currently in use.

*Agenda.* Open session: Interested parties are encouraged to present information pertinent to the classification of radiological devices. Those desiring to make formal presentations should notify Leroy L. Hamilton, Ph.D., Executive Secretary, in writing by April 23, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: Callimator, camera; collimator, scanner; positron camera; scintillation counter; uptake probe; optical transmission densitometer; tomographic equipment; liquid radiochromatograph; liquid scintillation counter; well counter; scanning bed; amplifier; ECG synchronizer; multichannel pulse height analyzer; oscilloscopes; rateмeter; scaler; single channel pulse height analyzer; timer; gamma camera; rectilinear scanner; XE-133 rebreathing system; barium preparation & dispensing apparatus; barium sulphate; catheter, opaque; cephalometer; collapsible enema container; enema bucket w/tube; enema tips, adult; enema tips, infant; minifier; photographic chemicals; projecter, cine film & other; radiographic film; radiographic film cassette w/screen; radiographic film cassette w/o screen; rectal bag; self-processing film; x-ray copier; x-ray film illuminator, movable; x-ray film illuminator, stationary; x-ray film illuminator, stereo; color monitor; front surface mirrior; temperature profile adaptor; temperature reference source; thermographic calibrator; thermographic image processor; thermographic scanner; lamінographic stand; high voltage pulser; amplifier, electronic image processor; Gray scale display; oscilloscope; oscilloscope camera; scan converter; strip chart recorder; B-scanner; echocardiographic system; echoencephalographic system; coupling apparatus; coupling media; multiple probe; single probe; aperture; collimator, automatic; collimator, manual; cone; capacitor discharge; injector, automatic; programmer, changer; remote control; single phase generator; synochronizers (ECG, respiratory); three phase generator; Bucky pedestal; ceiling tube mount; floor-to-ceiling tube mount; mobile tube support; wall mounted Bucky support; wall mounted cassette holder; wall mounted tube support; auto loader; cine film processor; film transport; gel processor; photographic film processor; radiographic film processor, automatic; cassette changer w/phototimer; cassette changer w/o phototimer; direct viewing fluoro image assembly; electron avalanche imaging system; film changer; image intensified fluoro image assembly; mobile Bucky; radiographic subtraction unit; rare earth intensifying screen; spotfilm device; standard intensifying screen; xeroradiographic imaging system; battery operated mobile unit; capacitor discharge mobile unit; line operated mobile unit; angiographic table; fluoroscopic table; horizontal table; patient restraint; pediatric table; pneumoencephalographic chair; pneumoencephalographic table; radiolucent bed; tilting table; tomographic table; urological table; x-ray chair; x-ray cradle; cine-fluorographic camera; disc recorder; fluorographic camera (spotfilm camera); self-processing camera; video tape recorder; angiographic system, single- or bi-plane; mammographic system; photofluorographic system; tomographic system; cathode ray tubes; grid bias x-ray tube; image amplifier; mammographic tube; orthicon tube; plumbicon tube; rotating anode x-ray tube; stationary anode x-ray tube; vidicon tube. Closed session: Preliminary classification of diagnostic devices listed above.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 7. Panel on Review of Ophthalmic Drugs. | May 9 and 10, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open May 9, 9 to 10 a.m., closed May 9 after 10 a.m., closed May 10 (HFD-510), John T. McElroy, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960. |

*Purpose.* Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing ophthalmic drug products.

*Agenda.* Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter ophthalmic drug products under investigation.



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| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 8. Geriatric Subcommittee of Psychopharmacological Agents Advisory Committee. | May 12, 9 a.m., Room 4173, HEW-N, 330 Independence Ave. SE., Washington, D.C. | Open—Jay Cinque (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3600. |

*Purpose.* Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of psychiatry and related fields.

*Agenda.* Discussion of work assignments on geriatric guidelines. Comments and presentations by interested persons.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 9. Monitors Subcommittee of the Panel on Review of Cardiovascular Devices. | May 12, 9:30 a.m., Room 4131, HEW-N, 330 Independence Ave. SW., Washington, D.C. | Open May 12, 9:30 .m. to 2 p.m., closed after, 2 p.m., Glenn A. Rahmoeller (HFK-400) 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376. |

*Purpose.* Reviews and evaluates available data concerning safety, effectiveness, and reliability of monitor devices currently in use.

*Agenda.* Open session: The purpose of this meeting is to allow an open discussion of proposed standards (including the American Heart Association Standard) for electrocardiographs and vectorcardiographs. The public, professional groups, and industry are encouraged to present their suggestions and comments. Closed session: During the closed session the subcommittee members will review the comments made during the open session and then prepare specific recommendations.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 10. Diagnostic Products Advisory Committee. | May 12 and 13, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C. | Closed May 12, 9 a.m. to 5 p.m., open May 13, 9 a.m., closed after 1 p.m., Eloise Eavenson, Ph. D. (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590. |

*Purpose.* Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

*Agenda.* Open session: Interested parties are encouraged to present information pertinent to the classification and the development of product class standards for in vitro diagnostic products. Those desiring to make formal presentations should notify Dr. Eloise Eavenson in writing by May 1, 1975, and submit a brief statement on the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references and any data to be relied on, and also an indication of the approximate time required to make their comments. The status of the proposed glucose product class standard and the proposals for drafts of the calibrator and hemoglobin product class standards will be presented. Interim reports on subcommittees' activities will be presented. Closed session: Discussion of proposed product class standards for calibrators, hemoglobin, and glucose.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 11. Panel on Review of Viral Vaccines and Rickettsial Vaccines. | May 12 and 13, 9 a.m., Room 121, Building 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md. | Open May 12, 9 to 10 a.m., closed May 12 after 10 a.m., closed May 13, Jack Gerizog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-1676. |

*Purpose.* Advises the Commissioner of Food and Drugs on the safety and effectiveness of viral vaccines and rickettsial vaccines and combinations thereof; reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of live, attentuated virus, inactivated rickettsial microorganisms, used either singly or in combinations, to prevent a variety of specific infectious diseases in man caused by viral rickettsial microorganisms.

*Agenda.* Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continued review of products in this category.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 12. Toxicology Subcommittee of the Diagnostic Products Advisory Committee | May 14, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C. | Open May 14, 9 to 10 a.m., closed after 10 a.m., Eloise Eavenson, Ph. D. (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590. |





*Purpose.* Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

*Agenda.* Open session: Interested parties are encouraged to present information pertinent to the classification of in-vitro diagnostic products used in the clinical toxicology laboratory. Those desiring to make formal presentations should notify Dr. Eloise Eavenson in writing by May 1, 1975, and submit a brief statement on the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references and any data to be relied on, and also an indication of the approximate time required to make their comments. Closed session: Review product inventory for the tentative classification of in-vitro diagnostic products used for clinical toxicology determinations; discussion of priorities and criteria for developing standards for clinical toxicology products.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 13. Subcommittee on MAO Inhibitors of the Psychopharmacological Agents Advisory Committee. | May 15, 10 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C. | Open 10 to 11 a.m., closed after 11 a.m., Stephen Groft (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3800. |

*Purpose.* Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of psychiatry and related fields.

*Agenda.* Open session: Review of available data relating to the efficacy of NDA 11-909 (Warner-Lambert), NDA 12-342 (Smith, Kline & French), and NDA 11-961 (Hoffman-LaRoche). Comments and presentations by interested persons. Closed session: Discussion of the above NDAs.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 14. Arthritis Advisory Committee. | May 15 and 16, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open May 15, 9 a.m. to 12 p.m., closed May 15 after 12 p.m., closed May 16, Cyrus H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4250. |

*Purpose.* Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for treatment of arthritic conditions.

*Agenda.* Open session: Discussion of clinical testing of non-steroidal anti-inflammatory agents in pediatric patients; monitoring gastrointestinal symptoms; criteria for determining significant clinical improvement; and NDA 17-463 (Motrin—gastrointestinal adverse effects). Comments and presentations by interested persons. Closed session: Discussion of NDA 50-491 (Penicillamine); IND 7272, IND 7252, IND 1821; and discussion of summary of INDs and NDAs under review.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 15. Panel on Review of Bacterial Vaccines and Toxoids. | May 15 and 16, 9 a.m., Room 121, Building 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md. | Open May 15, 9 to 10 a.m., closed May 15 after 10 a.m., closed May 16, Jack Gertzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-1676. |

*Purpose.* Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

*Agenda.* Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of bacterial vaccines and toxoids under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 16. Ad Hoc Committee on Reserpine and Breast Cancer. | May 16, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open—John Jennings, M.D. (HFM-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4124. |

*Purpose.* Reviews and evaluates available information on reserpine and advises the Secretary, Assistant Secretary for Health, and the Commissioner of Food and Drugs regarding possible carcinogenic properties, the risk of cancer of the breast and other cancer associated with the use of reserpine, considering such factors as dose, duration of treatment, age, predisposition, other drug treatment, and other diseases; further studies required to determine the possible association between reserpine and cancer.

*Agenda.* Continuing review of reports and studies concerning reserpine and its possible relationship to breast cancer; discussion of further research needs; and comments and presentations by interested persons.



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| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 17. Panel on Review of Antimicrobial Agents. | May 16, 17, and 18, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open May 16, 9 to 10 a.m., closed May 16 after 10 a.m., closed May 17 and 18, Armond Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960. |

*Purpose.* Reviews and evaluates all available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

*Agenda.* Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antimicrobial agents under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 18. Respiratory and Anesthetic Drugs Advisory Committee. | May 19, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open 9 a.m. to 12 noon, closed after 12 noon (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500. |

*Purpose.* Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of anesthesiology.

*Agenda.* Open session: Discussion of proposed labeling revision and "Dear Doctor" letters concerning Methyl Methacrylate; safety considerations of inhalation anesthetics; and comments and presentations by interested persons. Closed session: Discussion of NDA 17-624 (Ohio Medical Products).

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 19. Panel on Review of Topical Analgesics. | May 21 and 22, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open May 21, 9 to 10 a.m., closed May 21 after 10 a.m., closed May 22 (HFD-510), Lee Geismar, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960. |

*Purpose.* Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesics.

*Agenda.* Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter topical analgesic drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 20. Panel on Review of Antiperspirant Drug Products. | May 22 and 23, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open May 22, 9 to 10 a.m., closed May 22 after 10 a.m., closed May 23, Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960. |

*Purpose.* Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing antiperspirant drugs.

*Agenda.* Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antiperspirant drug products under investigation.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 21. Panel on Review of General and Plastic Surgery Devices. | May 22 and 23, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C. | Open May 22, 9:30 to 11:30 a.m., closed May 22 after 11:30 a.m., open May 23, 9:30 to 10:30 a.m., closed May 23 after 10:30 a.m., Mark F. Parrish, Ph.D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550. |

*Purpose.* Reviews and evaluates available data concerning safety, effectiveness, and reliability of general and plastic surgery devices currently in use.

*Agenda.* Open session (May 22): Interested parties are encouraged to present information pertinent to the classification of general and plastic surgery devices listed below. Submission of data is also invited on the tentative classification findings which may be obtained from Mark F. Parrish, Ph. D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Parrish in writing by May 21, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. Physiologic monitors will be discussed by the panel in the open session prior to their classification in the closed session. Howard M. Hochberg, M.D. of Roche Medical Electronics will attend the open session as a guest speaker. Physiologic monitors to be classified consist of all the devices listed (below) under "Diagnostic Devices." Also during the open session Mr. Robert J. Cangelosi, Acting Director of the Division of Medical Device Standards and Research and Mr. Larry R. Pilot, Acting Director, Division of Compliance, will discuss standards and general controls, respectively. Closed session: (May 22) The panel will classify the following diagnostic and prosthetic devices: Diagnostic devices: manometers—aneroid, arterial (fluid column, transducer type), hydraulic, mercury sphygmomanometer, spinal fluid, ultrasonic, venous (fluid column, transducer type); monitors/analyzers and accessories—display devices (audible alarms, cathode-ray tube, computer printout, dial indicators, digital, microfilm, photograph, signal lights, strip chart recorder, x-y recorder), logic modules (active/direct feedback loop, digital computer, passive/human intervention), sensors (chemical, electromagnetic, pH electrode, pressure transducer, surface contact, ultrasonic), signal conditioners (amplifiers, detectors, filters, signal transformation circuits); sphygmomanometers. Prosthetic devices: materials—biological, fabrics, metallic, polymeric; mesh-metallic, polymeric, surgical; prostheses kit and accessories; prostheses/external—adhesives, aesthetic restoration materials, biological prostheses, braces (back, lower extremity, neck, upper extremity), canes, crutches, facial fracture appliances, splints (extremities, nasal, postoperative/extremities, postoperative/hand); prostheses/internal—arterial graft, chin, eye, larynx, mammary, maxillofacial, otoplasty, penile, rhinoplasty, tendon, testicular. Open session (May 23): Interested parties are encouraged to present information pertinent to the classification of surgical devices (exclusive of instruments) listed below. Submission of data is also invited on the tentative classification findings which may be obtained from Mark F. Parrish, Ph. D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Parrish in writing by May 21, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. Closed session (May 23): The panel will classify the following surgical devices (exclusive of instruments): air handling apparatus—bench type and accessories, enclosures and accessories, room controls (central, remote), room (cooling apparatus, distributors, ducts, filters, humidity control apparatus); apparel—aprons, caps, drapes and drape sets, dresses, exhaust apparatus; gown (isolation, patient, surgical), helmets, hoods, masks, materials (conductive, nonconductive, woven, nonwoven), shoes, shoe covers, suits; applicators; bags—hemostatic, rectal, stomal; brushes—derm abrasion, biopsy, scrub, buckets; bucket frame with casters ("kick") catheters—accessories (adaptors, dilators, connectors, needles), gastrointestinal and general (biliary, cholangiography, eustachian, irrigation, peritoneal, rectal, ventricular), urinary (balloon types, continuous irrigation, multiple lumen, nephrostomy, pediatric urethral, ureteral), vascular (balloon types, cardiovascular); chairs; cryosurgical apparatus—accessories, applicators, cryophthalmic units, cryosurgical probes, cryosurgical units, refrigerants, spray containers; electrical safety apparatus—conductivity tester, connectors and outlets (explosion proof, nonexplosion proof), flooring/conductive, ground fault indicators, isolation transformer; electrosurgical cutting and coagulation devices—accessories (cables, clamps, clips, cord testers, electrodes, electrode gels and creams, epilation needles, foot switches), generators (electron tube, solid state), patient indifferent cords, patient indifferent plates and ground plates, replacement spark gap assembly, stands and brackets; footstools; gauze—absorbable, nonabsorbable/medicated, nonabsorbable/nonmedicated; jars; lights/illuminators and accessories—lamps (fluorescent, incandescent, ultraviolet, xenon), lights (accessories, carriers, ceiling mounted, connectors, endoscopic, fiberoptic, floor standing, headband, instrument, retractor); monitors — cardiovascular, encephalogram, metabolic, temperature; optical equipment—cameras, loupes, surgical microscopes, television, viewers; photocoagulation devices (laser); powered surgical instrument accessories—bits, burrs, dermatomes, drills, hammer heads, pin drivers, planing brushes, saw blades, trephines; powered surgical instruments—electrical, laser, nitrogen, pneumatic, ultrasound; racks—glove, sponge, surgical instrument; sponges—natural, radiopaque, rubber, synthetic; stands; sterilizers—autoclave, ethylene oxide, radiation, steam; stools; suction and drainage apparatus accessories—adaptors, aspirators, connectors, filters, regulators/vacuum, traps, tubing; suction and drainage apparatus—motors, pumps/aspirator; supply carts; stretchers; tables—instrument, operating; tapes / measuring; trays / instrument; trucks.





| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 22. Panel on Review of Orthopaedic Devices. | May 23, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C. | Open May 23, 9 to 10 a.m., closed May 23 after 10 a.m., David M. Link (HFK-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1743. |

*Purpose.* Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopedic devices currently in use.

*Agenda.* Open session: Interested parties are encouraged to present information pertinent to the classification of orthopedic devices listed in this announcement. Submission of data is also invited on the tentative classification findings, which may be obtained from David M. Link, Acting Director, Bureau of Medical Devices and Diagnostic Products. Those desiring to make formal presentations should notify Mr. Link in writing by May 16, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: Arthroscopes; dynamometers; artifical arms; artificial arms-standard components; artificial hands; artificial legs; artificial legs-standard components; cosmetic gloves; hooks; arch supports; braces; cervical collars; elastic, supports; splints; supporting belts; trusses; air pressure tourniquets; pneumatic hand instruments; calipers; depth gages; goniometers; protractors; air filters; isolation chambers; isolation hoods (laminar flow); laminar flow units; clamps; curettes, cutting instruments; drills, burrs and accessories; elevators; extractors and impactors; forceps, pliers and wrenches; guides; mallets; rasps; broaches and files; reamers; retractors; rongeurs; saws; strippers; electrical stimulators; canes; commode chairs; commodes; crutches; walkers; wheelchairs; diaphragm stimulators; extremity stimulators; rehabilitation equipment, powered (energy emitting); rehabilitation equipment, powered (nonenergy emitting); rehabilitation equipment, not powered; ankle traction units; head halters; hip traction units; pelvic traction belts; traction splints. Closed session: Classification of devices listed above.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the



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Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: April 10, 1975.

A. M. SCHMIDT,
*Commissioner of Food and Drugs.*

[FR Doc.75-9839 Filed 4-15-75;8:45 am]

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[FDA-225-75-4028]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Pennsylvania Department of Agriculture

Pursuant to a notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Pennsylvania Department of Agriculture on February 21, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Room 112, Bureau of Foods & Chemistry, Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17120.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.
2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.
3. To identify for you those units in your state on which terminal-sharing must be accomplished.
4. To require that the terminal location agency (your agency) submit to the FDA a terminal-sharing plan to be developed by you and other sharing units in your state.
5. To arrange through Western Union for training of terminal operators.
6. To provide operation instruction manual.
7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.
2. To provide and pay for electric power source to operate the terminal. (110 volts)
3. To provide for paper, tape and other material necessary for the operation of the equipment.
4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.
5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)
6. To submit promptly all messages received for addresses other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.
7. Maintain operator coverage for the terminal between normal working hours of your agency.
8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.
9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.
10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Pennsylvania Department of Agriculture, 2301 N. Cameron Street, Harrisburg, Pennsylvania 17120.

V. *Liaison Officers.* For Pennsylvania: Dept. of Agriculture: Whitney E. Wise, FDA Coordinator. Address: Pennsylvania Department of Agriculture, 2301 N. Cameron Street, Harrisburg, Pennsylvania 17120. Telephone No.: (717) 787-4315.

For FDA: Loren G. Petersen, Supervisory Investigator. Address: Philadelphia District FDA, Room 900, U.S. Customhouse, 2nd & Chestnut, Phila., Pa. 19106. Telephone No.: (215) 597-4372.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Pennsylvania Department of Agriculture:

JAMES MCHALE,
*Secretary.*

FEBRUARY 19, 1975.

Approved and accepted for the Food and Drug Administration:

T. C. MARAVIGLIA,
*Regional Food and Drug Director, Region III.*

FEBRUARY 21, 1975.

*Effective date.* This Memorandum of Understanding became effective February 21, 1975.

Dated: April 10, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.75-9838 Filed 4-15-75;8:45 am]

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## IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

### Request for Data and Information To Establish a Standard for Products for Use in Nontreponemal Tests for Syphilis

The Commissioner of Food and Drugs issued a regulation, published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7096), setting out procedures for establishing product class standards for in vitro diagnostic products for human use under Part 328 (21 CFR Part 328).

In accordance with such procedures (21 CFR 328.30) this notice sets out the Commissioner's request for information and comment from interested persons in order to develop a standard for those in vitro diagnostic products intended for use in the detection of syphilis by a nontreponemal test. Submissions must be mailed on or before July 15, 1975.

After consultation with the Diagnostic Products Advisory Committee, the Commissioner has concluded that the establishment of a product class standard for those in vitro diagnostic products used in nontreponemal tests for syphilis appears to be necessary to reduce or eliminate unreasonable risk of illness or injury associated with the use of such products; there appears to be no other more practicable means to protect the public from such risks. No such standard currently exists or is being developed.

These products are used to detect the presence of and measure nonspecific antibodies (reagin) which are directed against lipoidal antigens of *Treponema pallidum*, or against a lipoidal antigen that results from the interaction of host and parasite.

At the present time the Center for Disease Control (CDC), Atlanta, GA, provides a voluntary service to evaluate the performance of individual lots of reagents used in this class. Between July 1973 and July 1974 CDC tested some 337 lots of nontreponemal reagents from 12 different manufacturers, of which 285 (84.5 percent) met appropriate specifications. Due to incorrect sensitivity levels, 15.5 percent of the lots evaluated produced false positive or false negative results. These lots did not meet CDC specifications and were therefore not marketed.

On the basis of all available data and relevant information, including the findings by CDC, and recent and anticipated product development in this field, and pursuant to the provisions of § 328.30 (a), the Commissioner finds:

**In the 1970's there has been a steady rise in the number of reported cases of syphilis. In a 1-year period (May 1973 to May 1974) the number of reported cases of primary and secondary syphilis increased by 6.8 percent. Recent studies indicate that private physicians treat 80 percent of infectious syphilis cases in this country, but report only 12 percent of these cases to public health authorities.**

**As a result of poor performance by a product, a false positive finding will result in subjecting the patient to unnecessary therapy. A false negative finding will result in the failure to treat a patient suffering from this disease.**

The nontreponemal tests for syphilis represent multiple problems. They are, by their nature, nonspecific, and are used in facilities which may not be properly staffed and under circumstances which are not optimally controlled.

All but two states require premarital or prenatal blood tests for syphilis. It is estimated that 38 to 40 million of these tests are performed annually in the United States.

The purpose of many of these tests is to detect latent syphilis, since many patients ignore the self-limiting primary lesions. Serological tests are also used extensively when dealing with the active phase of the disease. Since the symptoms of syphilis may go unrecognized, the availability of serologic tests is of critical importance.

The criteria for reliability of these products must be judged at the individual patient level. The sequelae of an erroneous diagnosis of syphilis are unacceptable on both social and medical bases. Primary and secondary stages of syphilis are not life threatening, but are contagious. However, untreated patients progress into chronic stages in which approximately one-third will develop cardiovascular or central nervous system lesions. Up to 23 percent of these can be expected to die primarily as a result of complications of the disease. For the most part, these latter effects of the disease are irreversible. In view of the seriousness of the disease, nothing less than the highest achievable reliability is acceptable from nontreponemal syphilis tests.

The classic methods and reagents for nontreponemal syphilis tests have been carefully specified in state health regulations and incorporated into requirements for licensing of laboratories and certification of reagents. In recent years, however, new techniques have been developed and marketed for nontreponemal syphilis testing. Some are designated as screening tests only, while others compete with established methods for giving a definitive diagnosis. There is also considerable interest in automated methods, and additional new methods may be expected to be introduced in the near future. Several products represented as "Rapid Reagin Tests" are already in widespread use, and while these are monitored by CDC it may reasonably be concluded that the increasing variety of available tests may lead to diagnostic confusion.

REFERENCES


1. *Morbidity and Mortality Weekly Report* (Center for Disease Control), 23(30):267, July 27, 1974.
2. Sparling, P.F. "Medical Progress: Diagnosis and Treatment of Syphilis," *New England Journal of Medicine*, 284(12):642-651, March 25, 1971.
3. "Syphilis: a Synopsis," U.S. Department of Health, Education, and Welfare, Public Health Service, 1968, p. 25.
4. Olansky, S. "Serodiagnosis of Syphilis," *Medical Clinics of North America*, 56(5):1145-1150, Sept. 1972.
5. Schroeter, A. L., J. B. Lucas, E. V. Price, and V. H. Falcone, "Treatment for Early Syphilis and Reactivity of Serological Tests," *Journal of the American Medical Association*, 221(5):471-476, July 31, 1972.
6. "The Laboratory Aspects of Syphilis," U.S. Department of Health, Education, and Welfare, Public Health Service, 1967.
7. Norins, L. C. and S. Olansky, "Syphilis," *Current Diagnosis*, 3:223-229, 1971.
8. Wallace, A. L., and L. C. Norins, "Syphilis Serology Today," *Progress in Clinical Pathology*, 2:198-215, 1969.
9. "Manual of Tests of Syphilis 1969," U.S. Department of Health, Education, and Welfare, Public Health Service, 1969.


There is no reason to suspect that a standard for in vitro diagnostic products for nontreponemal syphilis tests would have an unreasonable effect on the utility, cost, or availability of the products. The Commissioner believes that a reasonable standard can be adopted with a minimal disruption of supply and of manufacture and other commercial practices. Prior to publishing a proposed standard for such product, the Commissioner will give careful consideration to any relevant information received in response to this request regarding the need for a standard, the probable effect of a standard upon the utility, cost, or availability of the product, and the available means of achieving the objectives of a standard with a minimal disruption of supply and of reasonable manufacturing and other commercial practices, as well as the need for a requirement for individual lot certification of each reagent.

Therefore, the Commissioner proposes to develop a product class standard for in vitro diagnostic products for nontreponemal syphilis testing. Products to be reviewed for the development of this product class standard include reagents, instruments, or systems for nontreponemal tests for syphilis, particularly Venneral Disease Research Laboratory (VDRL) antigen and buffered saline, Unheated Serum Reagin (USR) antigen suspension, Rapid Plasma Reagin (RPR) card antigen suspension, Automated Reagin (ART) antigen suspension, control serums for any type of nontreponemal syphilis test, or any reagent, instrument, or system intended to aid in the diagnosis of syphilis by means other than treponemal studies.

In order to provide all interested persons an opportunity to comment on the need for such a standard, including the factors required by § 328.30(a), and to present relevant data and information to assist in the development of a product standard, if one is needed, the Commissioner invites submission of published and unpublished data concerning the composition, performance and labeling of these products. Any product performance information submitted shall relate to the performance of that product as marketed or as intended for marketing. Information submitted by the manufacturer of a product which will be affected by the standard shall be in the format described below. Four indexed and bound copies shall be submitted.

1. Name of product class (Nontreponemal Tests for Syphilis) and date of FEDERAL REGISTER statement.
2. Proprietary name of product.
3. Name of person responsible for submission.
4. Intended use or uses of the product.
5. A statement categorizing the procedure, e.g., qualitative or quantitative.
6. Copies of label and all other labeling under which product is currently marketed or, for a proposed product, the label and all other labeling under which marketing is intended.
7. Description of the product, as appropriate: For example, if the product is or includes a reagent, state the proprietary name and established name (common or usual name), if any, the chemical name, if applicable, and quantity, proportion, or concentration of each reactive, catalytic, or inactive ingredient. If the product is a biological material, list the source and a measure of its activity. Include a statement of any purification or treatment required for use. If the product is or includes an instrument or equipment, describe as appropriate its use or functions, installation procedures and any special requirements, principle of operating instructions, calibration procedures including materials and/or equipment to be used, operation precautions and limitations, hazards, and service and maintenance instructions.
8. Stability information: A description of, and data derived from, studies of the stability of the product. For any product that requires manipulation, e.g., reconstitution or mixing, stability data shall be described for







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the reconstituted or mixed product. Describe the means by which the information was developed. The data shall be for the product in the container in which it is marketed to assure, among other things, that the container is not reactive, additive, or absorptive to an extent that alters the product or its performance. Include any expiration period data which supports any expiration date which appears in the labeling of the product. Describe the storage conditions necessary for the product, such as temperature, light, and humidity.

9. Hazards to user: A statement of the principal hazards associated with the product. Include the result of tests conducted to determine the applicability of hazard warnings or cautions, including those established in the regulations contained in 16 CFR Part 1500.

10. History of methodology: A brief history of the methodology, with pertinent references. All references to reports of adverse or unfavorable experience with the product or the procedure on which it is based shall be included. If the product procedure is the same as one which has been published, cite the reference. If the product is based on a modification of a published procedure, cite the reference, state the reason for and the nature of the modification and the effect such modification may have on the results of the procedure as compared to the original. Include data illustrating the comparison of the modified procedure to the original procedure.

11. Principle of test: An explanation of the test procedure including the chemical, physical, physiological, or biological principle of the procedure with chemical reactions and techniques involved, if applicable.

12. Specimen collection and preparation: A description of the specimen to be subjected to analysis:

(i) Special precautions regarding specimen collections, including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances and their effect on the procedure and results.

(iv) Appropriate storage, handling or shipping instructions.

13. Procedure: A detailed step-by-step description of the test procedure from reception of the specimen to obtaining of results, including any points that may be useful in improving precision and accuracy. Identify reference materials including those used as controls.

14. Results: Explain the criteria for interpreting results. If subjective observation is involved, provide adequate guidance in the form of photographs, controls, etc., for accurate interpretation. If quantitative data is obtained, explain procedures for calculating the value or titer. Include a sample calculation, step-by-step, explaining the answer. Values should be expressed to the appropriate number of significant figures. Provide the basis for evaluation of test results.

15. Limitation of the procedure: Include a statement of the limitations of the procedure and an explanation of extrinsic factors, if any, that may affect the results. Include statements regarding minimum training needed by the user, special precautions and interfering substances. If a more sensitive laboratory test is indicated in certain instances, the indication for the additional test shall be stated and data submitted to support its value.

16. Support of claims: Include all available data, published or unpublished, which supports or is critical of the product or its procedure. Include data for both normal and abnormal subjects and a description of the population or population studies. State, for each claim:

(i) Labeling claim.

(ii) Background documentation: Provide a bibliography and reprints of all pertinent references.

(iii) Procedure used for collecting evidence for claim.

(iv) Description of statistical protocol.

(v) Description of sampling procedure.

(vi) Summary of raw results in tabular form.

(vii) Analysis of results.

(viii) Statement of interpretation of results.

17. Summary of scientific basis of procedure: A summary of the data and views setting forth the scientific rationale and purpose of the product, and the scientific basis for the conclusion that the product has or has not been proven accurate and reliable for its intended uses. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary shall be included.

18. If the submission is by a manufacturer, a statement signed by the person responsible for such submission that, to the best of his knowledge, it includes unfavorable information as well as any favorable information known to him pertinent to an evaluation of the performance of the product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

Any such submission shall be mailed on or before July 15, 1975, to:

Food and Drug Administration
Bureau of Medical Devices & Diagnostic Products
Division of Diagnostic Product Standards and Research
(HFK-200)
5600 Fishers Lane
Rockville, MD 20852

The confidentiality of all information and data submitted in response to this request will be treated in accordance with the provisions of § 328.4 (21 CFR 328.4).

Copies of the nine references listed in this notice have been placed on file for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852 and may be seen in that office during working hours, Monday through Friday.

Dated: April 10, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.75–9837 Filed 4–15–75;8:45 am]

## National Institutes of Health

### BOARD OF SCIENTIFIC COUNSELORS, NATIONAL EYE INSTITUTE

#### Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute on June 5–6, 1975, in Building 31, Room 6A21, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on June 5, 1975, for a discussion of the National Eye Institute intramural research programs with particular emphasis on the Laboratory of Vision Research, and a general review of the fiscal year 1976 budget. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. to 5 p.m. on June 5, 1975, and from 9 a.m. to adjournment on June 6, 1975, for review, discussion and evaluation of the individual projects conducted by the National Eye Institute in the Experimental Embryology Section and the Experimental Pathology Section of the Laboratory of Vision Research. This evaluation will include consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Julian Morris, Program Planning Officer, National Eye Institute, Building 31, Room 6A27, telephone (301) 496–5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Carl Kupfer, Director, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496–2234.

Date: April 10, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75–9851 Filed 4–15–75;8:45 am]

### BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

#### Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, June 5–6, 1975, Building 18, Conference Room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., June 6, 1975, for the purpose of discussing recent legislative developments, congressional hearings, and specifically, the Institute's program on health effects of the energy program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:30 a.m. to 5 p.m., June 5, 1975, and from 11 a.m. to adjournment on June 6, 1975, for the review, discussion, and evaluation of individual intramural programs and projects, with specific emphasis on the Environmental Mutagenesis Branch, conducted by the National Institute of Environmental Health Sciences, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. David P. Rall, Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 549–8411, extension 3201, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Date: April 10, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75–9853 Filed 4–15–75;8:45 am]

### BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF DENTAL RESEARCH

#### Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research, on June 23–24, 1975, in Building 30, Room 117. This meeting will be open to the public on June 23 from 9 a.m. to 10 a.m. to discuss the research direction and activities of the laboratories of the National Institute of Dental Research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b) (6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 23 from 10 a.m. to 5 p.m., and on June 24 from 9 a.m. to adjournment, for the review, discussion and evaluation of individual programs and projects conducted by the National Institute of Dental Research, National Institutes of Health, including consideration of individual intramural programs, personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Wallace D. Armstrong, Acting Director of Intramural Research, National Institute of Dental Research, National Institutes of Health, Building 30, Room 132, Bethesda, Maryland 20014, (telephone 301–496–1483) will provide summaries of meetings, rosters of committee members, and substantive program information.

Date: April 10, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75–9852 Filed 4–15–75;8:45 am]





### COMMITTEE ON CANCER IMMUNOTHERAPY

#### Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, May 29 and 30, 1975, Landow Building, Room 418–C, National Institutes of Health.

This meeting will be open to the public on May 29, 1975, from 8:30 a.m. to 2:30 p.m. and on May 30, 1975, from 8:30 a.m. to adjournment for the discussion of program planning for fiscal year 1976. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 29, 1975 from 2:30 p.m. to adjournment for the review, discussion and evaluation of three (3) contract proposals in the field of tumor immunology. The proposals contain information of a proprietary nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dr. Dorothy Windhorst, Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: April 7, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75–9850 Filed 4–15–75;8:45 am]

### DENTAL CARIES PROGRAM ADVISORY COMMITTEE

#### Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, June 16–17, 1975, National Institutes of Health, Building 31–C, Conference Room 7, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on June 16, and from 9 a.m. to adjournment on June 17, to discuss research progress and plans of the National Caries Program for FY 1975. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014 (phone number 301–496–7239) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

Date: April 10, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

(Catalog of Federal Domestic Assistance Program No. 13.325 and 13.827, National Institutes of Health.)

[FR Doc.75–9847 Filed 4–15–75;8:45 am]

### NATIONAL COMMISSION ON DIABETES

#### Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Commission on Diabetes, May 7 and 8, 1975, (times below), at the Sheraton Inn, 9780 Airport Boulevard, Los Angeles, California 90045.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on May 7, and 9 a.m. to 3:30 p.m. on May 8, in Dickens B and C Rooms. On May 7 the Committee of the Commission on Education and Treatment will report. From 9 a.m. to 12:30 p.m. on May 8 the Commission will hear public testimony; from 1:30 p.m. to 3:30 p.m. on May 8 the Commission will meet in a planning session.

Any member of the public who wishes to appear before the Commission between 9 a.m. and 12:30 p.m. on May 8 shall file a written statement or detailed summary of his remarks with the Commission before 5 p.m. on May 1. Statements or summaries shall be sent or delivered to Mr. Victor Wartofsky, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

Dated: April 10, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75–9848 Filed 4–15–75;8:45 am]

### NATIONAL COMMISSION ON DIABETES

#### Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Commission on Diabetes, May 9 and 10, 1975, (times below), at the Veterans Administration Hospital, 4435 Beacon Avenue South, Seattle, Washington 98108.



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The entire meeting will be open to the public from 9 a.m. to 5 p.m. on May 9 and 9 a.m. to 3:30 p.m. on May 10 in Room 132 of the Modular Building. Guests should enter by the main lobby of the hospital. On May 9 the Committee of the Commission on Education and Treatment will report. From 9 a.m. to 12:30 p.m. on May 10 the Commission will hear public testimony; from 12:30 p.m. to 3:30 p.m. on May 10 the Commission will meet in a planning session.

Any member of the public who wishes to appear before the Commission between 9 a.m. and 12:30 p.m. on May 10 shall file a written statement or detailed summary of his remarks with the Commission before 5 p.m. on May 1. Statements or summaries shall be sent or delivered to Mr. Victor Wartofsky, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health)

Dated: April 10, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-9849 Filed 4-15-75;8:45 am]

### Office of the Secretary

### REVIEW PANEL ON NEW DRUG REGULATION

#### Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to Pub. L. 92-463 by the Secretary, Department of Health, Education, and Welfare, on February 21, 1975, will meet on Tuesday, May 6, 1975, at 12:30 p.m. and Wednesday, May 7, 1975, at 8:30 a.m. in Room 5542 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW., Washington, D.C. The Review Panel on New Drug Regulation invites interested parties to submit brief written comments on what they consider to be the principal problems of existing policies and procedures for regulation of new drugs by the Food and Drug Administration. After review of submitted comments, invitations to present views orally and to respond to questions by the Panel will be extended. Depending on the number of submissions, selection may be necessary to meet constraints of meeting time. If so, selection will be based on the written comments submitted to obtain a cross-section of views from a variety of interested constituencies. Material should be submitted in writing to the Executive Secretary, Review Panel on New Drug Regulation by close of business Wednesday, April 23.

The Panel also may extend invitations to selected parties that may not have submitted written material. Presentations will be made to the Panel on the afternoon of May 6 or the morning of May 7. There will be additional future opportunities for public participation and contribution to the efforts of the Panel.

The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617 HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245-7510.

Dated: April 9, 1975.

LIONEL M. BERNSTEIN,
*Executive Secretary, Review Panel on New Drug Regulation.*

[FR Doc.75-9897 Filed 4-15-75;8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### USAF SCIENTIFIC ADVISORY BOARD

#### Meeting

APRIL 9, 1975.

The USAF Scientific Advisory Board Study Group on Management and Support of Air Force Command, Control, and Communications will hold a meeting on May 3, 1975, from 8:30 a.m. to 5 p.m. at Andrews Air Force Base, Maryland.

The meeting will be closed to the public. The Study Group will hear classified briefings, review proprietary information, and conduct internal planning for further activity of the group on matters listed in 5 U.S.C. 552(b) (1), (4) and (5).

For further information, contact the Scientific Advisory Board Secretariat on 202-697-4648.

JAMES E. DAGWELL,
*Chief, Documentation Management Branch, Directorate of Administration.*

[FR Doc.75-9894 Filed 4-15-75;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Disaster Assistance Administration

[FDAA-3010-EM]

[Docket No. N.F.D. 266]

### MISSISSIPPI

#### Amendment to Notice of Emergency Declaration

Notice of Emergency Declaration for the State of Mississippi, dated April 4, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of April 4, 1975:

The County of:
Humphreys

Dated: April 10, 1975.

THOMAS P. DUNNE,
*Administrator, Federal Disaster Assistance Administration.*

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc.75-9844 Filed 4-15-75;8:45 am]

### Office of Interstate Land Sales Registration

[Docket No. N-75-282]

### FARRAGUT VILLAGE

#### Notice of Hearing

In the matter of Farragut Village, OILSR No. 0-1602-12-12, Docket No. Y-886. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Pack River Properties, Inc., L. V. Brown, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Farragut Village located in Kootenai County, Idaho, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 17, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on May 22, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 15, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of





Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-9845 Filed 4-15-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 75-092]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

#### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from February 27, 1975 to March 5, 1975 (List No. 7-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

MARINE BUOYANT DEVICE

Approval No. 160.064/219/1, adult medium, Model No. 101V, cloth covered unicellular plastic foam "Yachting Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/219/1 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/220/1, adult large/X-large, Model No. 101V, cloth covered unicellular plastic foam "Yachting Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/220/1 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/221/0, adult small, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/221/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/222/0, adult medium, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/222/0 dated August 1, 1974 to shown change of address of manufacturer.)

Approval No. 160.064/223/0, adult large, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/223/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/224/0, adult X-large, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/224/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/400/0, child small, Model No. 101V, cloth covered unicellular plastic foam "Yachting Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/400/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/401/0, youth medium, Model No. 101V, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/401/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/402/0, adult small, Model No. 101V, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/402/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/403/0, adult XX-large, Model No. 101V, cloth covered unicelluar plastic foam "Yachting Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/403/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/461/0, child small, Model No. 86, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, Division of Ajay Enterprises Corporation, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, formerly Western Wood Manufacturing Company, effective March 5, 1975. (It supersedes Approval No. 160.064/461/0 dated February 23, 1973 to show change of name of manufacturer.)

Approval No. 160.064/462/0, child large, Model No. 87, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, Division of Ajay Enterprises Corporation, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, formerly Western Wood Manufacturing Company, effective March 5, 1975. (It supersedes Approval No. 160.064/462/0 dated February 23, 1973 to show change of name of manufacturer.)

Approval No. 160.064/463/0, adult small, Model No. 88, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, Division of Ajay Enterprises Corporation, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, formerly Western Wood Manufacturing Company, effective March 5, 1975. (It supersedes Approval



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No. 160.064/463/0 dated February 23, 1973 to show change of name of manufacturer.)

Approval No. 160.064/464/0, adult medium, Model No. 89, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, Division of Ajay Enterprises Corporation, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, formerly Western Wood Manufacturing Company, effective March 5, 1975. (It supersedes Approval No. 160.064/464/0 dated February 23, 1973 to show change of name of manufacturer.)

Approval No. 160.064/465/0, adult large, Model No. 90, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, Division of Ajay Enterprises Corporation, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, formerly Western Wood Manufacturing Company, effective March 5, 1975. (It supersedes Approval No. 160.064/465/0 dated February 23, 1973 to show change of name of manufacturer.)

Approval No. 160.064/466/0, adult X-large, Model No. 91, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, Division of Ajay Enterprises Corporation, 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, formerly Western Wood Manufacturing Company, effective March 5, 1975. (It supersedes Approval No. 160.064/466/0 dated February 23, 1973 to show change of name of manufacturer.)

Approval No. 160.064/467/0, adult ladies, Model No. 92, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, Division of Ajay Enterprises Corporation 6077 S.W. Lakeview Boulevard, Lake Oswego, Oregon 97034, formerly Western Wood Manufacturing Company, effective March 5, 1975. (It supersedes Approval No. 160.064/467/0 dated February 23, 1973 to show change of name of manufacturer.)

Approval No. 160.064/468/0, adult ladies, Model No. 93, vinyl dipped unicellular plastic foam "Water Ski Test", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 63, Type III PFD, manufactured by Western Wood, Division of Ajay Enterprises Corporation, 6077 S. W. Lakeview Boulevard, Lake Oswego, Oregon 97034, formerly Western Wood Manufacturing Company, effective March 5, 1975. (It supersedes Approval No. 160.064/468/0 dated February 23, 1973 to show change of name of manufacturer.)

Approval No. 160.064/539/0, adult small, Model No. 1100 or 404, cloth covered unicellular plastic foam, "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Mone, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/539/ dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/602/1, adult X-large, Model No. FLV-70, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective March 3, 1975. (It supersedes Approval No. 160.064/602/0 dated April 25, 1974 to show modification in construction.)

Approval No. 160.064/603/1, adult large, Model No. FLV-60, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective March 3, 1975. (It supersedes Approval No. 160.064/603/0 dated April 25, 1974 to show modification in construction.)

Approval No. 160.064/604/1, adult medium, Model No. FLV-50, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective March 3, 1975. (It supersedes Approval No. 160.064/604/0 dated April 25, 1974 to show modification in construction.)

Approval No. 160.064/633/0, adult small, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/633/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/634/0, adult medium, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/634/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/635/0, adult large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/635/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/640/0, adult XX-large, Model No. 1100 or 404, cloth covered unicellular plastic foam, "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/640/0 dated August 1, 1974 to show change of address of manufacturer.)

Approval No. 160.064/750/0, adult X-large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733, effective March 3, 1975. (It supersedes Approval No. 160.064/750/0 dated October 3, 1974 to show change of address of manufacturer.)

Approval No. 160.064/838/0, adult, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 224, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733 for Maherajah Water Skis, A California Corporation, Healdsburg, California 95448, effective March 4, 1975.

Approval No. 160.064/839/0, adult, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 224, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733 for Maherajah Water Skis, A California Corporation, Healdsburg, California 95448, effective March 4, 1975.

Approval No. 160.064/840/0, adult Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 224, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733 for Maherajah Water Skis, A California Corporation, Healdsburg, California 95448, effective March 4, 1975.

Approval No. 160.064/841/0, adult, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 224, Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, So. El Monte, California 91733 for Maherajah Water Skis, A California Corporation, Healdsburg, California 95448, effective March 4, 1975.





FLOATING ELECTRIC WATER LIGHT

Approval No. 161.010/1/1, Chromalloy Model SM-1 Illumination Marker with mounting bracket; Illumination Marker Assembly dwg. P1-02-0033 Rev. A; Bracket Assembly dwg. A3-01-0073, manufactured by Chromalloy, Electronics Division, 3901 North 29th Avenue, Hollywood, Florida 33020, effective February 27, 1975. (It supersedes Approval No. 161.010/1/0 dated March 3, 1970.)

PRESSURE VACUUM RELIEF VALVES FOR TANK VESSELS

Approval No. 162.017/116/0, Waukesha 8 inch weight loaded pressure vacuum relief valve, manufactured by Waukesha Bearings Corporation, P.O. Box 798, Waukesha, Wisconsin 53186, effective February 28, 1975.

Dated: April 9, 1975.

J. V. CAFFREY,
*Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.*

[FR Doc.75-9925 Filed 4-15-75;8:45 am]

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### PRIVATE ENFORCEMENT OF PUBLIC REGULATORY PROVISIONS

#### Availability of Report and Request for Comments

The Administrative Conference of the United States, through its Committee on Compliance and Enforcement Proceedings, is considering a report and proposed recommendation concerning private enforcement of public regulatory provisions (the "Citizen Suit"). In response to public interest and requests for further time to comment, the Committee has extended the time for interested persons to secure a copy of the report and to submit data or views to the Committee.

An earlier Notice was published in Volume 40 of the FEDERAL REGISTER, at pages 11379 and 11380, (March 11, 1975) quoting in full the Summary of the report and proposed recommendations. Single copies of the full report and minutes of the meetings of February 7, 1975 and April 7, 1975, at which the report was discussed, are available upon request from the Conference at 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

Interested persons may submit written data or views to the Chairman of the Committee on Compliance and Enforcement Proceedings, % William R. Shaw, Staff Liaison, Administrative Conference, Suite 500, 2120 L Street NW., Washington, D.C. 20037. All comments received by June 15, 1975 will be reviewed by the Committee.

This notice is issued under the authority of the Administrative Conference Act (5 U.S.C. 571-576).

RICHARD K. BERG,
*Executive Secretary.*

[FR Doc.75-9893 Filed 4-15-75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-514, 50-515]

### PORTLAND GENERAL ELECTRIC CO.

#### Availability of Final Environmental Statement (Pebble Springs Nuclear Plant, Units 1 and 2)

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed Pebble Springs Nuclear Plant Units 1 and 2 to be constructed by Portland General Electric Company in Gilliam County, Oregon, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Arlington Public School, District 3, P.O. Box 10, Arlington, Oregon. The final Environmental Statement is also being made available at the Federal Aid Coordination Section, Local Government Relations Division, Executive Department, 301 Public Service Building, Salem, Oregon, 97310, and at the East Central Association of Counties, P.O. Box 1427, Umatilla County Court House, Pendleton, Oregon, 97801.

The notice of availability of the Draft Environmental Statement for the Pebble Springs Nuclear Plant Units 1 and 2 and requests for comments from interested persons was published in the FEDERAL REGISTER on January 3, 1975 (40 FR 823). The comments received from Federal, State, and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG 75/025) may be purchased from the National Technical Information Service, Springfield, Virginia, 22161, at a cost of $7.50 for printed copies and $2.25 for microfiche.

Dated at Rockville, Maryland, this 11th day of April, 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
*Chief, Environmental Projects Branch 2, Division of Reactor Licensing.*

[FR Doc.75-9966 Filed 4-15-75;8:45 am]

[Docket Nos. 50-324, 50-325]

### CAROLINA POWER & LIGHT CO.

#### Order To Show Cause

I. Carolina Power and Light Co., 336 Fayetteville Street, Raleigh, North Carolina 27602, ("the licensee"), is the holder of operating license No. DPR-62 and Construction Permit No. CPPR-68, which authorize the operation of nuclear power reactor Unit 2 and construction of Unit 1 at the Brunswick Steam Electric Plant near Southport, North Carolina, under certain conditions specified therein.

II. On January 29, 1975 a request for issuance of show cause order was filed before the Nuclear Regulatory Commission (NRC) pursuant to 10 CFR § 2.206 on ebhalf of David M. Stewart, et al. (petitioners). This request to amend the Brunswick licenses to require a reevaluation of the plant's seismic safety was based on a paper submitted to NRC entitled "Possible Earthquake Precursory Phenomena Centered Near Wilmington-Southport, N.C., with Recommendations for Appropriate Scientific Action." Notice of the request was mailed to the licensee and published in the FEDERAL REGISTER on February 19, 1975.[1] NRC Staff requested a meeting with representatives of the licensee and the petitioners which was held on March 19, 1975 at Bethesda, Maryland. The licensee has not commented on the request or the supporting considerations cited by petitioners.

III. The bases for the present action include the following:

1. Recently published absolute leveling data obtained by the National Geodetic Survey (Balazs, 1974) indicate possible anomalous elevation changes in land centered near Southport, North Carolina.

2. Groundwater anomalies, such as higher than normal piezometric pressure in deep wells coupled with warmer than normal water in such wells and water salinity, have been noted in the Wilmington-Southport areas. (Register and Peek 1975).

3. The safety reports (Final Safety Analysis Report dated June 1, 1972 and Staff Safety Evaluation Report dated November 1973) for the Brunswick facilities did not consider the dilatancy phenomena nor has any monitoring been done in the site area to determine the existence of conditions which might be a prelude to increased seismic activity, since information on this possibility has only recently been developed.

While the Staff does not consider the new information to be conclusive with respect to the existence of earthquake precursory phenomena in the Wilmington-Southport area, it does believe, based on presently available information, that additional and timely investigations are warranted to resolve the question that has been raised about possible dilatancy in the site area. Notwithstanding our belief that such action is prudent and necessary, we do not consider the new information to be a sufficient or suitable basis for changing our previous conclusion regarding the adequacy of the seismic design basis for Brunswick Units 1 and 2.

IV. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 50 and 100, *It is hereby ordered*, That:

The licensee show cause, in the manner hereinafter provided, why its license Nos. DPR-62 and CPPR-68 should not be amended to require initiation within six

[1] 40 FR, p. 7142.



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months of the following: (1) Installation of a microearthquake seismograph network to remain in place for two years or until it can be determined with reasonable certainity that no significant seismic hazard bearing on the public health and safety exists. This network shall have the capability to detect dilatancy within a 100 mile radius of the site and would include changes in P-wave velocity, S-wave velocity, ratio of P-wave velocity to S-wave velocity, and differences in the velocities of horizontally and vertically polarized shear waves. (2) Conduct of an appropriate releveling program to determine the rate at which the area is being uplifted to corroborate the monitoring results.

The licensee may, within thirty days of the date of this order, file a written answer to this order under oath or affirmation. Within the same time, the licensee or any person whose interest may be affected by this order may request a hearing. If a hearing is requested, the Commission will issue an order designating the time and place for hearing. Upon failure of the licensee to file an answer within the time specified, the Director of Nuclear Reactor Regulation will, without further notice, issue an order modifying license Nos. DPR–62 and CPPR–68 to require the monitoring program specified above to be initiated within six months of the date of such order.

In the event that a hearing is requested, the issue to be considered at such hearing shall be: Whether the licensee should be required to establish the above specified releveling program and the microearthquake seismograph network to monitor seismicity and changes in seismic wave velocities in the vicinity of the Brunswick site as a condition of licenses DPR–62 and CPPR–68.

Dated at Bethesda, Maryland this 10th day of April, 1975.

EDSON G. CASE,
*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc.75–9900 Filed 4–15–75;8:45 am]

[Docket Nos. 50–458, 50–459]

## GULF STATES UTILITIES CO. (RIVER BEND STATION, UNITS 1 & 2)

### Postponement of Hearing and New Location

On March 31, 1975, this Atomic Safety and Licensing Board ("the Board") issued a notice of additional hearing session, which scheduled a hearing session for April 17, 1975 in Bethesda, Maryland. In response to the request of the NRC Regulatory Staff, joined by counsel for the State of Louisiana, and over the objection of counsel for the Applicant, the Board has decided to postpone this additional public hearing session to May 6, 1975, and has chosen a new location for the hearing:

Holiday Inn
U.S. 61 & State Route 10
St. Francisville, Louisiana 70775.

The hearing will start at 9 a.m. local time.

The above change was made after a prearranged telephone conference call with counsel for all parties (except Mr. Kennon, who advised that he would be unavailable), and the conference was in lieu of written responses to the Board's letter of March 31, 1975.

Except for good cause shown, no further (new) subject areas will be admitted to the evidentiary portion of this hearing beyond the areas already addressed, or expressly left open for later testimony, at the March 24–27 sessions, except for the two additional Board questions set forth in the Board's March 31 letter.

As set forth in this Board's February 28 Notice of Hearing, the issues being considered are those environmental and site suitability issues prescribed in the Commission's regulations concerning construction permits and pre-construction permit activities (10 CFR § 50.10 (e)(1), (e)(2)(ii)). The radiological health and safety issues will be considered at a separate public hearing session to be scheduled later.

It is so ordered.

For the Atomic Safety and Licensing Board.

Issued at Bethesda, Maryland, this 11th day of April, 1975.

THOMAS W. REILLY,
*Chairman.*

[FR Doc.75–9901 Filed 4–15–75;8:45 am]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' WORKING GROUP ON HYPOTHETICAL CORE DISRUPTIVE ACCIDENT (HCDA)

### Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Working Group on HCDA will hold a meeting on May 2, 1975 in rooms Arena No. 1 and No. 2 of the Sheraton Inn-Denver Airport, 3535 Quebec Street, Denver, Colorado. The purpose of this meeting will be to discuss information concerning the hypothetical core disruptive accident in a liquid metal fast breeder reactor.

The agenda for the subject meeting shall be as follows:

*Friday, May 2, 1975, 8:30 a.m., until conclusion of business.* The Subcommittee will hear presentations by representatives of the NRC Staff, the Energy Research and Development Administration (ERDA), the Argonne National Laboratory (ANL), and the Hanford Engineering Development Laboratory (HEDL) and will discuss with these groups information concerning the hypothetical core disruptive accident in a liquid metal fast breeder reactor including a discussion of the MELT computer code and of transition analyses.

In connecting with the above agenda item, the Working Group will hold Executive Sessions, not open to the public, at 8 a.m. and at the end of the day to consider related matters. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Working Group members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Working Group may hold closed sessions with representatives of the NRC Staff, ERDA, ANL, and HEDL for the purpose of discussing privileged information, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Working Group operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statement regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than April 25, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C., 20555. Such comments shall be based upon related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group between the hours of 2:00 p.m. and 3:00 p.m.





(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Working Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time alloted, can be obtained by a prepaid telephone call on May 1 to the Office of the Executive Secretary of the Committee (Attention, Mr. T. G. McCreless) telephone 202–634–1374, between 8:15 a.m. and 5:00 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Wash., D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 6, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Wash., D.C. 20555 after August 2, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 11, 1975.

JOHN C. HOYLE,
*Acting Advisory Committee Management Officer.*

[FR Doc.75–9818 Filed 4–15–75;8:45 am]

## DAVID D. COMEY

### Petition for Show Cause Order

Notice is hereby given that on March 24, 1975, David Dinsmore Comey made a request pursuant to 10 CFR 2.206 of the Commission's rules of practice for the issuance of an Order to Show Cause why operation of nuclear power plants should not be suspended pending full compliance with IEEE–279 criteria for nuclear power plant protection systems. In accordance with the procedures specified in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the Petition for the Order to Show Cause is available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 8th day of April 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc.75–9819 Filed 4–15–75;8:45 am]

[Docket Nos. 50–448, 50–449]

## POTOMAC ELECTRIC POWER CO. (DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

### Oral Argument on Referral Order

APRIL 8, 1975.

Oral argument on the question posed by the Licensing Board's March 10, 1975 referral order (LBP–75–7) is hereby calendared for 10:00 a.m. on Thursday, May 1, 1975, in the Appeal Panel Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

The six parties filing briefs pursuant to our March 12, 1975 order are invited to participate in the argument.[1] Any such party desiring to do so shall notify the Secretary to this Board by letter or telephone no later than April 15, 1975. At least 20 minutes will be allotted for the argument of each party giving notice that it will participate.

This order does not affect the provision in the March 12 order allowing the filing of reply briefs on or before April 21, 1975.

*It is so ordered.*

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
*Secretary to the Appeal Board.*

[FR Doc.75–9820 Filed 4–15–75;8:45 am]

## REGULATORY GUIDES

### Issuance and Availability

The Nuclear Regulatory Commission has issued two new guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 1, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 1, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. The revisions of these two guides update the listings of Code Cases and reflect comments received from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.

Protection Against Postulated Events and Accidents Outside of Containment.

Fracture Toughness Requirements for Materials for Class 2 and 3 Components.

Maintenance of Water Purity in PWR Secondary Systems.

Criteria for Heatup and Cooldown Procedures.

Effects of Residual Elements on Predicted Radiation Damage.

Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.

Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.

Design Load Combinations for Component Supports.

Interim Guide on Tornado Missiles.

Criteria for Plugging Steam Generator Tubes.

Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.

Overhead Crane Handling Systems for Nuclear Power Plants.

Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.

Tornado Design Classification.

Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.

Investigation of Material Underneath Nuclear Power Plant Foundations.

Protective Coatings for Light-Water Nuclear Reactor Containment Facilities.

[1] The NRC staff will be expected to participate.



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Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.

Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.

Fire Protection Criteria for Nuclear Power Plants.

Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.

Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.

Quality Assurance Requirements for Lifting Equipment.

Maintenance and Testing of Batteries.

Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.

Seismic Qualification of Class I Electric Equipment.

Fuel Oil Systems for Standby Diesel Generators.

Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.

Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.

Containment Isolation Provisions.

Instrument Spans and Setpoints.

Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.

Periodic Testing of Diesel Generators.

Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.

Quality Assurance Program Requirements for Nuclear Power Plant Fuels.

Testing of Nuclear Air Cleaning Systems.

Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.

Design Criteria for Overload Protection of Motor-Operated Valves.

Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.

Protection of Nuclear Power Plants Against Industrial Sabotage.

Emergency Planning for Nuclear Power Plants.

Control Room Manning.

Flood Protection for Nuclear Power Plants.

Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.

Spill Analysis—Dispersion and Dilution in Surface and Ground Water.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 7th day of April 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Acting Director,*
*Office of Standards Development.*

[FR Doc.75-9821 Filed 4-15-75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 27564; Docket 27416; Order 75-4-60]

### ALLEGHENY AIRLINES, INC. ET AL.

**Discount and Excursion Fares**

APRIL 11, 1975.

Allegheny Airlines, Inc. (Allegheny) has filed a petition seeking reconsideration of Order 75-2-128, dated February 28, 1975, which suspended, in part, its proposal to establish round-trip fares for groups of four to nine persons in 328 markets at a 20 percent discount.[1] The Board permitted the carrier to establish these fares in 221 markets where its share of total traffic was 90 percent or more, and suspended the remainder. Allegheny requests that the Board vacate the suspension of the group 4–9 fares in 30 markets which fall into the following three categories:

1. Eight markets in which Allegheny's share of total traffic was 90 percent or more in the second quarter of 1974;

2. Fourteen markets in which Allegheny's market share is 50 percent or more, and no other carrier currently provides single-plane service and;

3. Eight markets in which Allegheny's market share is 70 percent or more, and in which single-plane service provided by other carriers is "minimal."

In support of its petition, Allegheny alleges that the market-share standard adopted by the Board is unduly stringent and exceeds the bounds of that reasonably required to afford other carriers a realistic degree of protection from regular-fare diversion. The carrier alleges, inter alia, that other carriers are evidencing little, if any, interest in 14 of the markets in question as indicated by their total lack of single-plane service, and points to the fact that it is carrying the dominant share of traffic in these 14 markets—from 70 to 90 percent in all but three. In those markets where competitors are providing single-plane service, Allegheny's share of total traffic exceeds 73 percent. It further contends that the maximum revenue dilution which could flow from its group 4–9 fares would be miniscule for other carriers providing single-plane services, amounting to only $57,000 annually for all carriers under very liberal assumptions as to full-fare traffic diversion.

No answers have been filed in opposition to Allegheny's petition.

Upon consideration of the facts set forth in Allegheny's petition, and all other relevant matters, the Board has decided to vacate its suspension in Order 75–2–128 with respect to the 30 markets which are the subject of Allegheny's request.

In evaluating the relative competitive posture in the markets where Allegheny proposed to establish its group 4–9 fares, the Board relied on origin and destination (O&D) statistics for the 12 months ended June 30, 1974. In its request for reconsideration, Allegheny uses O & D data for the second quarter of 1974 in determining market participation. We do not believe that use of the latest quarterly O & D data is inappropriate since such data is more representative of the carriers' current scheduling patterns and relative market position. On this basis, eight markets clearly qualify as Allegheny monopoly markets.

In 19 of the remaining 22 markets, Allegheny carries over 73 percent of the total traffic, and in 14 of these markets no other carrier provides single-plane service. More importantly, it is evident that the total potential revenue dilution to which Allegheny's competitors would be exposed is quite small.[2] In this circumstance, strict adherence to the 90 percent traffic participation standard initially applied does not seem warranted. Accordingly, we will vacate our suspension of the group 4–9 fares in the 30 markets requested by Allegheny.

*Accordingly, It Is Ordered That:*

1. That part of Order 75–2–128 which directed the suspension of fares applicable between the points listed in Appendix A hereto is hereby vacated;

2. The petition of Allegheny Airlines, Inc. requesting reconsideration of Order 75–1–72 is hereby dismissed as moot; and

3. Copies of this order be served upon

This order will be published in the all parties in Dockets 27564 and 27416.

FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

Markets where the Board is vacating the suspension of Allegheny's group travel 4–9 fares:

1. Albany-St. Louis
2. Baltimore-Burlington
3. Baltimore-St. Louis
4. Boston-Charleston
5. Boston-Evasville
6. Boston-Lexington
7. Boston-Louisville
8. Boston-Nashville
9. Buffalo-Cleveland
10. Buffalo-St. Louis
11. Burlington-Indianapolis
12. Burlington-St. Louis
13. Cleveland-Indianapolis
14. Detroit-Hartford
15. Detroit-Rochester
16. Hartford-Minneapolis
17. Hartford-St. Louis
18. Hartford-Washington
19. Louisville-Rochester
20. Louisville-Syracuse
21. Minneapolis-Providence
22. Minneapolis-Rochester
23. Nashville-Providence
24. Nashville-Rochester

[1] Allegheny indicates in its petition that it has decided to concentrate its promotional efforts on the group 4–9 fares, and that its participation in the Bicentennial excursion-fare program will be limited to markets over 750 miles. It states that this action will moot the issues it raised in a petition for reconsideration of the first Bicentennial excursion-fare order (75–1–72), Docket 27416, (which was limited to markets over 1500 miles). Accordingly, we will dismiss as moot Allegheny's petition for reconsideration filed in Docket 27416.

[2] We do not find unreasonable Allegheny's calculations regarding competing carrier revenue dilution in those eight markets where competitive single-plane service is provided, which indicates a potential loss of $57,000 annually by all carriers combined. This computation assumes that 10 percent of full coach fare traffic will divert to the group 4–9 fare and that there will be no traffic generation. Carrying the same assumptions over to the 14 markets where no competitive single-plane service is provided, we calculate the potential revenue loss to be less than $70,000 annually.





25. New Haven-Washington
26. Norfolk-Philadelphia
27. Pittsburgh-Rochester
28. S. Louis-Rochester
29. St. Louis-Syracuse
30. Syracuse-Washington

[FR Doc.75-9910 Filed 4-15-75;8:45 am]

[Docket 22859; Order 75-4-58]

### PROPOSED INCREASED JOINT FREIGHT RATES

**Domestic Air Freight Rate Investigation; Order of Suspension**

APRIL 11, 1975.

Increased joint freight rates proposed within the Mainland and between the Mainland and Alaskan/Hawaiian gateways.

By tariff revisions filed January 30[1] and March 1[2] and variously scheduled for effectiveness April 12, 15, and 17, 1975, participating carriers propose, inter alia, to increase joint general and specific commodity rates between the United States points within the Mainland and between the Mainland and major Alaskan/Hawaiian gateways. The rates are proposed to be set equal to the lowest local rate in the same market, or where no local rates exist, increased by 10 percent over current joint rates in effect.

In support of the proposal, the carriers assert, inter alia, that the increases reflect increased local rates recently granted the carriers by the Board, that the costs of interline movements are equal to or greater than those for online movements, and that the proposed rates are, therefore, cost-justified.

The increased rates and charges come within the scope of the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to permit them to become effective or to suspend them pending investigation.

Upon examination of the proposed rates, the Board finds that many of them exceed the sums of the local rates charged for the individual segments of the interline hauls or industry-average costs[3] for transporting freight. In a number of instances furthermore proposed joint specific commodity rates would exceed joint general commodity rates. The carriers have provided no justification for a structure which would result in joint rates exceeding the sums of the local segments, nor for the premiums which would be effected for joint specific commodity rates. In these circumstances the Board finds there is sufficient question of lawfulness presented to require suspension of such rates.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

*It is ordered that:*

1. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A hereto[5] are suspended, and their use deferred to and including July 13, 1975, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-9912 Filed 4-15-75;8:45 am]

[Docket 27727; Order 75-4-57]

### PROPOSED INCREASED JOINT FREIGHT RATES

**Order of Suspension and Investigation**

APRIL 11, 1975.

Increased joint freight rates proposed between the Mainland and nongateway Alaskan points.

By tariff revisions[1] filed January 30 and scheduled to become effective April 15, 1975, various U.S. carriers propose, inter alia, to increase joint general and specific commodity rates between the Mainland and nongateway Alaskan points, as well as between Alaskan points. The rates are generally proposed to be increased by 10 percent.

In support of the proposal, the carriers assert, inter alia, that the increases reflect increased local rates recently granted the carriers by the Board, that the cost of interline movements are equal to or greater than those for online movements, and that the proposed rates are therefore cost-justified.

Upon examination of the proposed rates, the Board finds numerous rates that exceed the sums of the local rates charged for the individual segments of the interline hauls.[2] No justification has been submitted for such a rate structure.

In view of the foregoing, the Board concludes that the above rates and charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.[3] The Board further concludes that these rates should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It Is Ordered That:

1. An investigation be instituted to determine whether the rates, charges, and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such rates, charges, and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudical, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A attached hereto are suspended, and their use deferred to and including July 12, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 27727 be assigned for hearing before an Administrative Law Judge at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon the carriers listed in Appendix A, attached hereto,[4] which are hereby made parties to Docket 27727.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-9913 Filed 4-15-75;8:45 am]

[Docket 27499]

### AIR NAURU

**Nauru/Trust Territory/Guam/Okinawa/Japan; Postponement of Prehearing Conference and Hearing**

Notice is hereby given that at the request of counsel for the applicant the prehearing conference and hearing previously scheduled in this case for April 15, 1975, (40 FR 11933, March 14, 1975), has been postponed to May 15, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

The hearing will be held immediately following conclusion of the prehearing conference unless a person has objected

[1] Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 243.

[2] Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 234.

[3] These include average online and interline noncapacity and online capacity costs, including full return on investment, adjusted for fuel and nonfuel price increases for calendar year 1974. Costs in each market were determined by adding the shortest authorized distance for each carrier for its leg of the joint movement and computing.

[4] See our findings in Orders 72-4-42, 74-3-80, and 74-12-108, *Domestic Passenger-Fare Investigation—Phase 4 (Joint Fares)*, Docket 21866-4, and in Orders 74-2-128, 74-9-26, 74-9-59, and 75-2-86.

[5] Appendix A filed as part of the original document.

[1] Airline Tariff Publishing Company, Agent, C.A.B. No. 243.

[2] Airline Tariff Publishing Company, Agent, C.A.B. No. 169.

[3] See our findings in Orders 72-4-42, 74-3-80, and 74-12-108, *Domestic Passenger-Fare Investigation—Phase 4 (Joint Fares)*, Docket 21866-4.

[4] Appendix A filed as part of the original document.



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or shown reason for postponement pursuant to notice previously given.

Dated at Washington, D.C., April 10, 1975.

[SEAL] WILLIAM A. KANE, JR.,
*Administrative Law Judge.*

[FR Doc.75-9907 Filed 4-15-75;8:45 am]

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[Docket 27436; Order 75-3-82] [1]

## AIR NEW ENGLAND, INC.

### Order To Show Cause; Erratum

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of March 1975.

Petition of Air New England, Inc. For establishment of subsidy mail rates pursuant to section 406 of the Federal Aviation Act of 1958, as amended.

In FR Doc. 75-8022, published at 40 FR 14111, in the table on page 14113, the fourth item under the heading, Period of Operations, should be corrected to read:

September 1, 1975, through October 31, 1975 [2]

Dated: April 10, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-9908 Filed 4-15-75;8:45 am]

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[Docket 27671]

## NATIONAL AIRLINES, INC.

### "No Frill" Fares; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 7, 1975, at 10:00 a.m. (local time), in Room 1031, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before April 21, 1975, and the other parties on or before April 28, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 10, 1975.

[SEAL] ROBERT L. PARK,
*Chief Administrative Law Judge.*

[FR Doc.75-9909 Filed 4-15-75;8:45 am]

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[1] Published at 40 FR (14111) 3-28-75.

## CIVIL SERVICE COMMISSION

### FEDERAL EMPLOYEES PAY COUNCIL

### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, May 14, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
*Advisory Committee Management Officer for the President's Agent.*

[FR Doc.75-9914 Filed 4-15-75;8:45 am]

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## DEPARTMENT OF COMMERCE

### Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-9906 Filed 4-15-75;8:45 am]

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## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### URANIUM HEXAFLUORIDE

### Charges, Enriching Services, Specifications, and Packaging: Revisions

The U.S. Energy Research and Development Administration hereby announces a revision to a previous U.S. Atomic Energy Commission notice entitled "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging," as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289), and as amended in 34 FR 14039, September 4, 1969; 35 FR 13547, August 25, 1970; 36 FR 4563, March 9, 1971; 36 FR 11877, June 22, 1971; 38 FR 4432, February 14, 1973; 38 FR 13593, May 23, 1973; 38 FR 21518, August 9, 1973; 38 FR 22908, August 27, 1973; 38 FR 27962, October 10, 1973; 39 FR 22182, June 20, 1974; and 40 FR 1117, January 6, 1975 (referred to herein as the notice).

Table 6, entitled "$UF_6$ Packaging and Handling Charges," is deleted in its entirety and the following new Table 6 is substituted in lieu thereof:

TABLE 6.—*$UF_6$ packaging and handling charges*

| Container model No. | Assay range (weight percent U-235) | Maximum lot size per composite (number cylinder) [1] | Charges (dollars) [2] | | | |
|---|---|---|---|---|---|---|
| | | | Routine variation | | Special variation | |
| | | | 1st cylinder | Each additional cylinder | 1st cylinder | Each additional cylinder |
| 48F | 1 and less | 1 | 1,415 | (3) | 1,740 | (3) |
| 48A | 4.5 and less | 1 | 1,415 | (3) | 1,740 | (3) |
| 30A, 30B | 4.5 and less | 4 | 1,285 | 905 | 1,595 | 905 |
| 30A, 30B | Above 4.5 to 5 | 1 | 1,285 | (3) | 1,595 | (3) |
| 12A | 5 and less | 10 | 1,190 | 750 | 1,565 | (3) |
| 8A | 12.5 and less | 6 | 1,140 | 700 | 1,515 | (3) |
| 5A | All enrichments | 6 | 1,030 | 680 | 1,295 | (3) |

[1] Samples representing a number of containers up to the maximum listed are combined in a composite sample for analysis. Unless specifically requested otherwise, the ERDA will composite to the maximum extent possible.

[2] Charges shown for routine variation from requested assay are based on compositing of containers for analytical measurement where applicable. This is indicated by a cost in the column "Each additional cylinder." Charges shown for special variation from requested assay are based on single container measurements, except withdrawals into 48A containers not exceeding 4.5 percent may be transferred into 12A and 30A or 30B containers for shipment, and withdrawals into 30A or 30B containers, not exceeding 5 percent, may be transferred into 12A containers for shipment. If certification of minor isotopes (U-234 and U-236) is required, an additional charge will be imposed for each composite group or individual container depending upon which is applicable.

Charges for depleted $UF_6$ of unspecified assay are: 48A and 48F containers, $720 each; and 30A or 30B containers, $410 each. These charges also apply to other cylinders of similar capacity. These charges apply only to routine measurement precision and do not include cleaning or pressure testing the containers. If special analytical precision is requested, the charge will be the same as for enriched material.

Charges for minor quantities of material which are shipped in containers model Nos. 2S, 1S, and HT, as shown in table No. 4, will be at full cost recovery. Inquiries concerning these charges should be addressed to the Chief, Toll Enriching Branch, ERDA, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37830.

Cleaning and pressure testing of customer-furnished cylinders are the customer's responsibilities. In the event the ERDA determines that customer-furnished cylinders received for filling require cleaning and pressure testing and the ERDA agrees to perform such services, additional charges will be imposed.

Packaging and handling charges do not include costs for any necessary palletizing, shoring, or securing of containers on the transporting vehicle, replacement of valves, or container modifications. When these services are provided as an ERDA installation, additional costs will be imposed.

[3] Not applicable.





This notice is effective April 16, 1975.

Dated at Washington, D.C., this 10th day of April, 1975.

For the Administration.

R. G. ROMATOWSKI,
*Assistant Administrator for Administration.*

[FR Doc.75-9902 Filed 4-15-75;8:45 am]

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### COMMERCIAL HIGH LEVEL AND TRANSURANIUM CONTAMINATED RADIOACTIVE WASTES

### Closing of Public Hearing Record

Notice is hereby given that the record of the public hearings held by the U.S. Atomic Energy Commission on the Draft Environmental Statement, Management of Commercial High-Level and Transuranium-Contaminated Radioactive Wastes (WASH-1539) was closed March 14, 1975. Hearings were held November 12, 1974, in Germantown, Maryland, and December 12, 1974, in Salt Lake City, Utah (39 FR 14747, 32929, 39763, and 41292). The Presiding Board transmitted its report on the hearings to the Administrator of the Energy Research and Development Administration (ERDA), March 14, 1975. ERDA assumed responsibility for this activity from the Atomic Energy Commission January 19, 1975, as a result of the implementation of the Energy Reorganization Act of 1974, P.L. 93-438 (40 FR 2971, January 17, 1975).

Copies of the Draft Environmental Statement, comments received, and the Hearing Record are available for inspection at the ERDA Public Document Rooms at the following locations: 1717 H Street NW, Washington, D.C.; the Richland Operations Office, Federal Building, Richland, Washington; the Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; the Nevada Operations Office, Las Vegas, Nevada; the Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina; the San Francisco Operations Office, 1333 Broadway, Oakland, California; the Public Documents Room, Federal Building, Salt Lake City, Utah; and the Cook County Law Library, 2900 Civic Center, Chicago, Illinois.

Dated at Washington, D.C., this 7th day of April 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
*Assistant Administrator for Environment and Safety.*

[FR Doc.75-9822 Filed 4-15-75;8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20192; File No. BPH-8690 and Docket No. 20193, File No. BPH-8830; FCC 75R-151]

### THOMS BROADCASTING COMPANIES, INC., AND BRUNSWICK BROADCASTING CO.

### Construction Permit Applications

In re applications of The Thoms Broadcasting Companies, Inc., Southport, North Carolina, and Clarence S. Mowery, Jr., and Willard S. Taylor, d/b/a Brunswick Broadcasting Co., Southport, North Carolina, for construction permits.

1. By order, 39 FR 36141, published October 8, 1974, the Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated for hearing the above-captioned mutually exclusive applications. Now before the Review Board for consideration are: (1) a motion to enlarge issues, filed December 30, 1974, by the Thoms Broadcasting Companies, Inc. (Thoms),[1] seeking the addition of an issue to determine the efforts made by Brunswick Broadcasting Company (Brunswick) to ascertain the community problems of the area to be served and whether Brunswick has made misrepresentations to the Commission in connection therewith; (2) a petition for enlargement of issues, filed January 14, 1975, by Brunswick,[2] requesting the addition of two issues, one to determine whether Thoms and/or its agents made misrepresentations, abused Commission processes or was lacking in candor in connection with documents submitted to the Commission purporting to be affidavits, and the other to determine, in light thereof, whether Thoms possesses the requisite qualifications to be a Commission licensee; and (3) a request for acceptance of statement, filed January 27, 1975, by Darryl Thompson Langley (Langley).[3][4]

2. By way of background, Thoms' motion to enlarge issues, filed December 30, 1974, is predicated upon alleged irregularities in Brunswick's efforts to ascertain the community needs of Southport, North Carolina. As attachments to its motion, Thoms submits the affidavits of six community leaders who "deny in effect" that they were personally interviewed by either partner of Brunswick, contrary to the representation made by Brunswick in an amendment to its application, filed August 16, 1974, that "[a]ll of the community leader contacts listed in the application and the amendment [of April 17, 1974] were made by a partner of the applicant." Brunswick, in turn, bases its petition for enlargement of issues on the purported affidavits filed by Thoms. In support of its petition, Brunswick attaches affidavits of three of the six community leaders contacted by Thoms who state that at the time they filed the earlier statements they were not informed or did not realize that the statements would be notarized. The request for acceptance of statement, filed January 27, 1975, by Langley relates specifically to Brunswick's petition to enlarge, since Langley states that he was the notary public involved in obtaining the statements of the six community leaders named in Thoms' motion to enlarge. As a preliminary matter, the Board will discuss Langley's request; then we will consider Brunswick's petition and Thoms' petition, respectively.

3. In his request for acceptance of statement, namely, an affidavit dated January 21, 1975, Langley acknowledges that he is not a party to the proceeding but states that he wishes to answer the allegations made in Brunswick's petition to enlarge issues. The Broadcast Bureau characterizes Langley's request as an "unauthorized pleading" because Langley is not a party to this proceeding as required by rule 1.229. Furthermore, the Bureau notes that "should the Board elect to add the requested issue, Mr. Langley will undoubtedly get his day in court . . ." In reply, Langley contends that rule 1.229 does not apply to his request because he is not seeking "to enlarge, change or delete the issues." Rather, Langley argues that he is relying on § 1.45(c) of the rules to ask the Review Board to accept his statement. According to Langley, rule 1.223, pertaining to intervention, is not applicable to his request, and rules 1.225 (a) and (b), although not entirely in point, do recognize the important contribution that can be made by non-parties.[5]

4. The situation confronting the Review Board is unusual. Langley's affidavit should more appropriately have been attached to Thoms' opposition to Brunswick's petition to enlarge because Langley is one of Thoms' management level employees,[6] as well as a notary public. Thoms, however, declined to include Langley's affidavit with its opposition, arguing that Langley's acts as a notary

[1] Other related pleadings before the Board are: (a) opposition, filed January 20, 1975, by the Broadcast Bureau; (b) opposition, filed January 20, 1975, by Brunswick; and (c) reply to oppositions, filed January 29, 1975, by Thoms.

[2] Other related pleadings before the Board are: (a) Broadcast Bureau's comments, filed January 29, 1975; (b) opposition, filed January 29, 1975, by Thoms; and (c) reply filed February 11, 1975, by Brunswick.

[3] Also before the Review Board are the following related pleadings: (a) opposition, filed January 29, 1975, by the Broadcast Bureau; (b) statement in support of Langley's request for acceptance of statement, filed January 30, 1975, by Thoms; (c) reply to Broadcast Bureau's opposition, filed February 7, 1975, by Langley; and (d) reply, filed February 11, 1975, by Brunswick.

[4] Both Brunswick and Thoms have requested dismissal of their respective petitions to enlarge issues in pleadings, filed March 4, 1975, because they have entered into an agreement contemplating the dismissal of the Thoms application in return for a partial reimbursement of expenses by Brunswick and a grant of the Brunswick application. The Broadcast Bureau opposes the requests for dismissal. The Board has previously stated that "an applicant cannot avoid the effects of an adverse resolution of a character issue by agreeing to dismissal of its application between the times a petition to add a character issue is filed and action on that petition," St. Cross Broadcasting, Inc., 39 FCC 2d 512, 26 RR 2d 939, 940 (1973), and, accordingly, will deny the requests for dismissal.

[5] Thomas supports the acceptance of Langley's statement; Brunswick, on the other hand, claims that Langley's pleading is unauthorized by the Commission's Rules and should be dismissed on that basis.

[6] Thoms so characterized Langley in an amendment to its application, filed August 5, 1974, in which it stated that Langley was one of a group of employees conducting community leader interviews. Langley is also Assistant Manager and Program Director of WKLM(AM) of which Thoms is the parent company.



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cannot be charged against Thoms. Yet Thoms does not oppose acceptance of the affidavit of Langley in his non-party status. The Board agrees with the Bureau that under rule 1.229 (and also by its terms, rule 1.294) Langley's affidavit constitutes an unauthorized pleading since Langley is not a party to this proceeding. Similarly, rule 1.45, which provides that additional pleadings may be filed only if specifically requested or authorized by the Commission, is also unavailable to Langley. Nevertheless, the petition contains serious charges of misconduct against Langley, and the Board believes that Langley's affidavit would be of assistance to the Board in its determination of whether the issues requested by Brunswick are warranted. For these reasons and despite the fact that Langley has not formally sought to intervene in this proceeding, it is the Board's view that it is appropriate to permit Langley to intervene as a party for the limited purpose of accepting his affidavit in response to Brunswick's petition for enlargement of issues. Cf. Sumiton Broadcasting Co., Inc., 14 FCC 2d 256, 13 RR 2d 1143 (1968).

MISREPRESENTATION ISSUES REQUESTED AGAINST THOMS

5. Brunswick asserts that good cause exists for consideration of its petition, filed January 14, 1975, because the underlying facts stem from the motion to enlarge issues filed by Thoms on December 30, six separate handwritten affidavits attached to Thoms' motion,[1] Brunswick submits affidavits, each dated January 6, 1975, from three of the six persons previously contacted by Thoms-Ephraim Swain, Emily McKeithan and Ivory S. Parker. In his affidavit, Mr. Swain states that, to his knowledge, he made no sworn statement before a notary public and that the statement was not notarized in his presence. Emily McKeithan avers that she did not swear to her handwritten statement and "[t]he men who asked me to sign the statement did not tell me it was to be notarized." Ivory Parker states: "To the best of my knowledge I did not make the statement before a notary and the statement was not notarized in my presence." Citing Rosemor Broadcasting Co., Inc., 46 FCC 2d 1182, 30 RR 2d 360 (1974) and 3 J's Broadcasting Company, 41 FCC 2d 664, 27 RR 2d 1396 (1973)), review denied FCC 74–86, released January 30, 1974, Brunswick argues that there is justification for adding the requested issues because Langley, the notary public, is himself an official of the applicant, having been described as a "top-level and decision-making" employee in an amendment to Thoms' application, filed December 24, 1974 (see also n. 6, supra). Moreover, Brunswick points out that the amendment, also indicates that Langley participated in interviewing Southport community leaders for Thoms. In its comments, the Broadcast Bureau supports an inquiry into all the facts and circumstances surrounding the procurement and submission of the subject affidavits, particularly since a top-level employee of the applicant is apparently involved.

6. Thoms contends, in opposition, that while Langley is Assistant Manager of one of the Thoms stations and is considered a management-level employee by the Commission for purposes of taking community leader surveys, he is not an owner, officer or member of the Board of Directors of Thoms and, therefore, is not an official of the company. Although conceding that Langley was asked by Thoms to investigate the alleged misstatements in the Brunswick application,[2] Thoms argues that Langley had complete responsibility in this matter. Moreover, at the time Langley obtained the affidavits, asserts Thoms, he was not acting in his capacity as Assistant Manager but, instead, as a notary public. According to Thoms, an applicant should not be responsible for policing an employee when he is acting in his notarial capacity. In reply, Brunswick points out that the affidavits were attached in support of Thoms' motion, filed December 30, 1974, and that when Langley placed the alleged false jurats on the affidavits, "he was not only acting within the scope of his employment but at the specific direction of his superior." Referring to Continental Broadcasting Inc., 15 FCC 2d 120, 14 RR 2d 813 (1968), reconsideration denied, 17 FCC 2d 485, 16 RR 2d 30 (1969), aff'd, 142 U.S. App. D.C. 70, 439 F. 2d 580, 20 RR 2d 2126 (1971), cert. denied, 403 U.S. 905 (1971), and cases cited therein, Brunswick urges that Thoms be held accountable for Langley's actions.

7. In his affidavit of January 21, 1975, Darryl T. Langley avers that he was instructed by James Poston to get notarized statements from any Southport community leader who had not been interviewed personally by either of Brunswick's partners, Clarence S. Mowery, Jr. or Willard S. Taylor, or by anyone on behalf of Brunswick. Since becoming a notary public in August, 1974, Langley states that he has notarized only a few documents, but never an affidavit or statement. He indicates that he identified himself and a Mr. Boylan, whom he had brought along as a witness, to each community leader, explained the purpose of his visit, and was present when each leader wrote and signed their statement. Langley adds, however, that he did not take his notary seal with him at the time the statements were obtained because he "did not think it was necessary." Langley also notes that the statement of Josie M. Greene was obtained at an earlier date than the others (the statement is not dated) and that she was interviewed by Mr. Inman, then the station Manager,[3] while Langley served as witness. Langley states that he did not include the reference to "sworn and subscribed" on Josie Green's statement."[4]

8. The Board will add the requested issues. Thoms' assertion that it is not responsible for Langley's conduct because he is not an owner, officer or director of Thoms is without merit since the Commission has held that "the fact that a station manager is not an officer or director of a licensee is irrelevant in determining the licensee's responsibility for his conduct." Continental Broadcasting, Inc., supra, 15 FCC 2d at 129, 14 RR 2d at 823, citing Eastern Broadcasting Corp., 8 FCC 2d 611, 10 RR 2d 393 (1967). Commission precedent clearly holds licensees responsible for misconduct on the part of managerial level personnel because retention of effective control over a station's management is a fundamental obligation of a licensee. See KWK Radio, Inc., 34 FCC 1039 (1963), aff'd, 119 U.S. App. D.C. 144, 337 F. 2d 540 (1964), cert. denied, 380 U.S. 910 (1965) and Eleven Ten Broadcasting Corp., 32 FCC 706, 22 RR 699 (1962), reconsideration denied, 33 FCC 92, 22 RR 702 n (1962), aff'd sub nom., Immaculate Conception Church of Los Angeles, et al. v. FCC, 116 U.S. App. D.C. 73, 320 F.2d 795, 25 RR 2128(a) (1963), cert. denied, 375 U.S. 904 (1963). The same rationale is equally applicable to a corporation seeking to obtain a broadcast license. For purposes of determining whether an issue is warranted, the conceded conduct of Langley, who is one of Thoms' management-level employees, must be considered to be that of the applicant corporation.[5] Cf. Sumiton Broadcasting Company, Inc., 20 FCC 2d 569, 17 RR 2d 1038 (1969). While there may be mitigating factors, such as Langley's assertions of unfamiliarity with some of the notarial procedures, the Board believes that the matters involved require exploration at hearing. Moreover, we note that Langley was acting at the direction of the applicant,[6] and that on at least one occasion, when Josie Greene's

[1] The persons submitting affidavits are: Emily McKeithan, Ivory S. Parker, J. A. Francis, Mary S. Gore, Ephraim E. Swain, and Josie M. Greene.

[2] Attached to Thoms' opposition are the affidavits of Harold H. Thoms and James P. Poston, both dated January 22, 1975. Mr. Thoms states that he charged Poston with the "responsibility for executing the details" involved in contacting the interviewees named by Brunswick. Poston, Manager of Station WOOG, Greensboro, North Carolina, and a management-level employee of Thoms, states that he instructed Langley to make inquiries of each Brunswick interviewee, to secure a statement of the truth of the matter from them, and to mail any such statements directly to Thoms' Washington counsel.

[3] According to Thoms' amendment, filed December 24, 1974, Jack Inman was General Manager of Station WKLM, of which Thoms is the parent company. He also participated in the community leader interview process and was named as one of the applicant's "top-level and decision-making personnel." Significantly, the amendment adds that Mr. Inman has resigned and is no longer employed by Thoms and that he has been replaced by Langley, although Thoms continues to refer to Langley as an Assistant Manager in its pleadings.

[4] In the request for acceptance of Langley's statement, filed January 27, 1975, Langley's counsel states that "Langley felt that he could notarize all of the handwritten statements and include jurats on five upon returning to Wilmington, North Carolina."





statement was taken, Langley was accompanied by another of Thoms' "top-level and decision-making" employees. With respect to the jurats themselves, the affidavits of Ephriam Swain, Emily McKeithan and Ivory S. Parker, dated January 6, 1975, to the effect that they did not know that their statements were to be notarized have not been specifically rebutted. In addition, Langley's counsel admits that Langley notarized the affidavits of the community leaders and included jurats thereon sometime after the interviews. Consequently, the Board concludes that inquiry is warranted into the circumstances surrounding the procurement and submission of the six affidavits in question.

SUBURBAN AND MISREPRESENTATION ISSUE REQUESTED AGAINST BRUNSWICK

9. Petitioner concedes that its motion is late-filed but contends that its time-consuming investigation, resulting in affidavits secured as recently as December 19, 1974, constitutes good cause for consideration of the motion. As noted in paragraph 2, supra, Thoms attaches affidavits of six Southport community leaders who, according to Thoms, deny therein that they were personally contacted by either of Brunswick's partners, as represented in an amendment to Brunswick's application, filed August 14, 1974. Affiant J. A. Francis recalls having received a questionnaire through the mail from an unknown source, and affiant Ephraim E. Swain states that he gave Josie M. Greene and Edward Clemmons forms concerning a radio station to be established in the Southport area. The Broadcast Bureau opposes addition of the requested issue on the grounds that petitioner has failed to satisfy Rules 1.229(b) and (c) and the affidavits submitted in support of its motion are ambiguous.

10. In opposition, Brunswick argues that Thoms totally disregarded the Commission's Rules in waiting until December 30, 1974, to file its motion when the fifteen day period provided by Rule 1.229 for the filing of petitions to enlarge in the instant case expired on October 23, 1974. Moreover, Brunswick asserts that the Thoms' motion relies on unsworn statements to which alleged false jurats were attached. Referring to its petition for enlargement of issues, filed January 14, 1975 (see paras. 5–8, *supra*), Brunswick contends that three of the affidavits were not sworn to by the community leaders named therein and a fourth was signed by one Mary S. Gore who has never been listed as a community leader by Brunswick. Brunswick claims that the two remaining affidavits (those of J. A. Francis and Josie M. Greene) are suspect because notarized by the same individual (Langley) as the first three and because Ms. Greene's statement does not contain a jurat. Therefore, declares Brunswick, Thoms' motion fails to confirm Francis and Josie M. Greene) are susquired by Rule 1.229(c).

11. On the merits, Brunswick submits the affidavit of its partner, Willard S. Taylor, dated January 9, 1974 (sic), who states that after receiving Thoms' motion, he reviewed the files and concluded that although all of the community leaders listed in the application, as amended, were "contacted",[7] a number of these contacts (twelve) were not made in person by a partner of the applicant. Brunswick reveals that it "mistakenly made a number of contacts through other community leaders who voluntarily acted as intermediaries." Admitting that its partner was careless in stating in the August 14, 1974 amendment to the application (Mr. Taylor signed the amendment) that all of the community leader contacts were made by a partner of the applicant, Brunswick argues that, even discounting the twelve admittedly impaired contacts, its ascertainment efforts are more than adequate to meet the requirements of the Primer.[8] In any event, Brunswick contends that there was no intent on its part to make any misrepresentations to the Commission and that the admitted careless act, which it has acknowledged, does not warrant addition of a misrepresentation issue.

12. In reply, Thoms urges the Review Board to consider its petition under the case of The Edgefield-Saluda Radio Co., (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966). Addition of a misrepresentation issue is justified, according to Thoms, because Mr. Taylor has admitted, in his sworn affidavit, that his statement in the Brunswick application was not true. Thoms asserts that a motive for misrepresentation exists since the Commission has explicitly stated that questionnaires cannot be used in lieu of community leader surveys, citing Western Television Co. 49 FCC 2d 528, 31 RR 2d 1039 (1974). Thoms also requests the addition of a limited suburban issue, in the event that the Board believes a general Suburban issue is not appropriate, to determine the extent to which Brunswick used questionnaires in its community leader surveys.[9]

13. Although the Board finds that Thoms has not shown good cause for its late-filed motion, we believe that the allegations raise serious public interest questions which warrant consideration of the motion on its merits. See The Edgefield-Saluda Radio Co., supra. With respect to Brunswick's argument that Thoms' motion is deficient under Rule 1.229(c), we note that the defects have been cured by Brunswick's acknowledgment in its opposition pleading that twelve community leaders were not personally contacted by a partner of Brunswick as represented, but were contacted by means of questionnaires distributed through other community leaders.[10] Turning to the merits of Thoms' request for a Suburban issue, the Board notes that although Question and Answer 17 of the primer state that a questionnaire cannot be used in lieu of personal consultations, Brunswick's admission that it used questionnaires in twelve instances leaves it with 28 of its original 40 community leader interviews.[11] And,

[11] In this connection, we disagree with Thoms' argument that Rosemor Broadcasting Co., Inc., supra, and 3 J's Broadcasting Company, supra, where misrepresentation issues were added, are distinguishable because in the former case a principal in the application was involved in obtaining false jurats, and in the latter case, the applicant himself added a jurat to a letter to the Commission and then had the letter signed by a notary. In the Board's view, the conduct of a managerial level employee of an applicant who is acting under the instructions of the applicant is clearly of concern to the Commission in determining whether misrepresentations have occurred.

[12] Contrary to Thoms' assertion, Langley's role as a notary during the course of the interviews in question has not been shown to be clearly separable from his role as participant or interviewer.

[13] Brunswick refers to the affidavits of Emily McKeithan and Ivory S. Parker, submitted with its petition for enlargement of issues, filed January 14, 1975, in which Emily McKeithan states that she now recalls speaking with Mr. Taylor and completing a questionnaire, and Ivory Parker recalls having completed a questionnaire in January, 1974.

[14] *See Primer on Ascertainment of Community Problems by Broadcast applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[15] Attached to Thoms' reply pleading are six affidavits, dated January 2, 1975, from the following persons: Mary S. Gore, Josie M. Greene, Ivory S. Parker, Mary Gall, Theodora Whitney and June Stokoe. As discussed, supra, Mary S. Gore is not one of Brunswick's interviewees and, therefore, her affidavit will not be considered. The other five affiants state that they were not interviewed by anyone on behalf of Brunswick. We note that Brunswick includes these five names on its list of the twelve leaders not personally contacted. While we will review the affidavits insofar as they constitute a response to Brunswick's opposition, we will not consider them as supporting Thoms' motion to enlarge in view of our policy that an applicant may not cure an otherwise defective motion to enlarge issues with buttressing material submitted in its reply pleading where the information contained therein was readily available and could have been included in the original motion. See Belo Broadcasting Corporation, 49 FCC 2d 181, 31 RR 2d 961 (1974); Industrial Business Corporation, 40 FCC 2d 69, 26 RR 2d 1447 (1973).

[16] It is a well established ruling that "a defect in a pleading, even as to matter of substance, may be aided or cured by the pleading of the adverse party • • •" Albertson v. FCC, 87 U.S. App. D.C. 39, 43, 182 F.2d 397, 401 (1950) citing 41 Am. Jur., Pleading, § 402.

[17] Thoms has not alleged that, disregarding the interviews conducted by questionnaire, Brunswick failed to consult with any particular significant group in Southport. The Board observes that even though six of the eight black leaders listed by Brunswick were among those not personally contacted, there are two black contacts among the 28 remaining interviewees. Given the fact that the two remaining black interviewees, Mr. Orie Gore and Mr. Ephraim Swain, appear to be competent spokesmen for the black community in Southport and considering the small population of Southport (1970 pop. 2,220 of which about 30 percent are black), there is no apparent basis for concluding that Brunswick has not adequately surveyed the black community. See Robert M. Zitter, FCC 75R–25, —— FCC 2d ——, released January 23, 1975.



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there is no indication that any additional interviews are suspect. Consequently, we see no need for inquiry into Brunswick's methodology in conducting the interviews of community leaders.

14. However, it is the Board's view that addition of a misrepresentation issue is warranted. We cannot accept Brunswick's argument that it was not familiar with the Commission's requirements concerning the manner in which community leader interviews are to be conducted when the Primer was adopted in 1971 and Brunswick's application was filed February 18, 1974, at which time it was represented by counsel. Moreover, Willard S. Taylor, Brunswick's partner, states in his affidavit attached to Brunswick's opposition, that he has broadcasting experience. Under the circumstances, we feel that an inquiry is necessary to determine whether Brunswick made misrepresentations concerning its community leader interviews.

15. Accordingly, *it is ordered*, That Darryl Thompson Langley IS MADE A PARTY to this proceeding for the limited purpose of filing a pleading in response to the petition for enlargement of issues, filed January 14, 1975, by Brunswick Broadcasting Company; and that the request for acceptance of statement, filed January 27, 1975, by Darryl Thompson Langley, is granted, and the affidavit of Darryl Thompson Langley, filed January 27, 1975, is accepted.

16. *It is further ordered*, That the petition for enlargement of issues, filed January 14, 1975, by Brunswick Broadcasting Company, IS GRANTED; and that the issues in this proceeding are enlarged as follows:

(a) To determine whether The Thoms Broadcasting Companies, Inc., and/or its agents, has made misrepresentations or abused Commission processes or been lacking in candor with respect to documents submitted to the Commission purporting to be affidavits.

(b) To determine, in light of the evidence adduced pursuant to the above issue, whether The Thoms Broadcasting Companies, Inc., possesses the basic or comparative qualifications to be a Commission licensee; and

17. *It is further ordered*, That the burden of proceeding with the introduction of evidence under issues (a) and (b) added herein SHALL BE on Brunswick Broadcasting Company and the burden of proof under these issues SHALL BE on The Thoms Broadcasting Companies, Inc.

18. *It is further ordered*, That the motion to enlarge issues, filed December 30, 1974, by The Thoms Broadcasting Companies, Inc., IS GRANTED to the extent indicated herein, and is denied in all other respects, and that the issues in this proceeding are enlarged as follows:

(c) To determine whether Brunswick Broadcasting Company misrepresented facts to the Commission in connection with its survey of community leaders and, if so, to determine the effect of this conduct on the basic and/or comparative qualifications of Brunswick Broadcasting Company to be a Commission licensee; and

19. *It is further ordered*, That the burden of proceeding with the introduction of evidence under issue (c) added herein shall be on The Thoms Broadcasting Companies, Inc. and the burden of proof under this issue shall be on Brunswick Broadcasting Company.

20. *It is further ordered*, That the request for dismissal of petition for enlargement of issues, filed March 4, 1975, by Brunswick Broadcasting Company, and the request for dismissal of motion to enlarge issues, filed March 4, 1975, by Thoms Broadcasting Companies, Inc. are denied.

Adopted: April 3, 1975.

Released: April 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-9857 Filed 4-15-75;8:45 am]

## FCC PBX TECHNICAL STANDARDS SUBCOMMITTEE INTERFACE CRITERIA TASK GROUP

### Meeting

APRIL 11, 1975.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Interface Criteria Task Group of the FCC PBX Technical Standards Subcommittee to be held May 7-8, 1975 at 1919 M Street NW, Room 752, Washington, D.C. The meeting will commence at 10 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the May 7-8 Interface Criteria Task Group will be as follows:

(1) Review homework assignments pertaining to the revision of the T89 technical data.
(2) Review the proposed Scope statement and introductory material for the revised T89 document.
(3) Prepare proposed cover letter for the submission of the revised Interface Criteria to the PBX Technical Standards Subcommittee.
(4) Continue work on document T92.
(5) Task assignments and scheduling.

4. *Public Participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Common Carrier Bureau Interconnection Branch on (202) 632-6917.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-9858 Filed 4-15-75;8:45 am]

## FEDERAL MARITIME COMMISSION

[No. 75-10]

### ALLIANCE RUBBER CO. ET AL.

### Filing of Complaint

APRIL 10, 1975.

Notice is hereby given that a complaint filed by Alliance Rubber Company against United States/South & East Africa Conference and its member lines was served April 8, 1975. The complaint alleges violations of sections 16 First, 17, and 18 of the Shipping Act, 1916 in connection with respondents' refusal to lower its freight rates applicable to rubber products.

Hearing in this matter shall commence on or before October 15, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-9903 Filed 4-15-75;8:45 am]

### PACIFIC STEAMSHIP AGENCY, INC. ET AL.

### Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Pacific Steamship Agency, Inc. d/b/a R. B. Abbott & Co., Inc., 260 California Street, Suite 901, San Francisco, California 94111. Officers: Richard B. Abbott, President/Treasurer, James McPherson, Vice President, Sandra Abbott, Secretary.

Trans-Global Enterprise, Ltd., 9536 W. Foster Avenue, Chicago, Illinois 60666. Officers: Shozo Saito, President/Treasurer, David M. Wick, Vice President/Secretary.

Intercontinental Bridge Services, Laurie B. Pazmino d/b/a 125 West 4th Street, Los Angeles, California 90013.

Axion Air Freight, Inc., 161-15 Rockaway Blvd., Jamaica, New York 11434. Officers: Spiro Efstathiadis, President, Helen Efstathiadis, Treasurer, Stratis Efstathiadis, Vice President.

By the Federal Maritime Commission.

Dated: April 11, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-9904 Filed 4-15-75;8:45 am]





## FEDERAL POWER COMMISSION

[Docket No. CI61-1024, etc.]

### MOBIL OIL CORP., ET AL.

### Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 8, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

| Docket No. and date filed | Applicant | Purchaser and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI61-1024..... D 3-26-75 | Mobil Oil Corp. (Operator) et al., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046. | Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla. | Acreage assigned to The Headington Co. [2] 54.590881 | 14.65 |
| C162-464..... 3-26-75 [3] | Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001. | Lone Star Gas Co., Katie Field, Garvin County, Okla. | | |
| CI64-821..... D 3-24-75 | do | Arkansas Louisiana Gas Co., Cleary-Wilson No. 1 Well, Kingfisher County, Okla. | Low pressure | |
| CI66-919..... E 3-20-75 [3] | General Crude Oil Co., P.O. Box 2252, Houston, Tex. 77001. | Texas Eastern Transmission Corp., Rayne Field, Acadia Parish, La. | | |
| CI68-1038..... C 3-6-75 | Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001. | El Paso Natural Gas Co., acreage in San Juan County, N. Mex. | [4] 51.0 | 14.73 |
| CI69-244..... E 3-17-75 | Robinson Engineering (successor to Noble Oil Producers, Inc.), 4920 Bellemeade Ave., Evansville, Ind. 47715. | Texas Gas Transmission Corp., Mackey Field, Gibson County, Ind. | [4] 60.0 | 15.025 |
| CI70-863..... D 3-18-75 | Eason Oil Co., 5225 North Shartel, Oklahoma City, Okla. 73118. | Columbia Gas Transmission Corp., North Ripley Field, Ravenswood and Ripley Districts, Jackson County, W. Va. | Depleted | |
| CI71-715..... D 3-18-75 | do | Columbia Gas Transmission Corp., North Ripley Field, Ravenswood District, Jackson County, W. Va. | Depleted | |
| CI75-502..... (G-5891) B 2-20-75 | Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001. | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Cold Springs Field, San Jacinto County, Tex. | Depleted | |
| CI75-560..... A 3-24-75 | Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202. | Northwest Pipeline Corp., acreage in Sublette County, Wyo. | [4] 56.1224 | 14.73 |
| CI75-561..... (G-4579) B 3-24-75 | Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102. | Lone Star Gas Co., Hensley Lease, Fourth Deese Zone, Garvin County, Okla. | Contract expired. | |
| CI75-562..... (CI62-119) B 3-21-75 | Artex Oil Co., 8300 Santa Monica Blvd., Los Angeles, Calif. 90069. | Equitable Gas Co., B.H. Hickman No. 1, Clay District, Ritchie County, W. Va. | Uneconomic | |
| CI75-563..... (CI69-379) B 3-21-75 | do | Equitable Gas Co., H. C. Taylor No. 1, Clay District, Ritchie County, W. Va. | Uneconomic | |
| CI75-564..... (CI69-688) B 3-21-75 | do | Consolidated Gas Supply Corp., O. L. Hardman No. 1, Murphy District, Ritchie County, W. Va. | Uneconomic | |
| CI75-565..... (CI70-395) B 3-21-75 | do | Carnegie Natural Gas Co., Flora-Weaver No. 1, Union District, Ritchie County, W. Va. | Uneconomic | |
| CI75-566..... (CI63-507) 3-21-75 | do | Consolidated Gas Supply Corp., F. P. Broadwater No. 1, No. 2, No. 3, Union District, Ritchie County, W. Va. | Uneconomic | |



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| | | | | |
|---|---|---|---|---|
| C175-567..... B 3-24-75 | Trident Corp. (Operator), Drawer G, Woodsboro, Tex. 78393. | Coastal States Gas Producing Co., Maguellos Field Webb County, Tex. | Low pressure..... | |
| C175-568..... (G-4579) P 3-24-75 | Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102. | Lone Star Gas Co.; Walters-Hoffman Lease, Fourth Deese Zone, Garvin County, Okla. | Contract expired | |
| C175-572..... A 3-27-75 | Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101. | Kansas-Nebraska Natural Gas Co., Inc., acreage in Texas County, Okla. | [4] 71.74 | 14.65 |
| C175-573..... (G-3715) F 3-24-75 | Vernon E. Faulconer (Operator) (successor to Cabot Corp.), P.O. Box 1021, Kilgore, Tex. 75662. | Panhandle Eastern Pipe Line Co., Panhandle Field, Hutchinson County, Tex. | 13.0325 | 14.65 |
| C175-574..... (G-5349) (G-5350) F 3-24-75 | Vernon E. Faulconer (Operator) (successor to Firelly Oil Co.). | Panhandle Eastern Pipe Line Co., Panhandle Field, Hutchinson and Moore Counties, Tex. | [7] 13.25 | 14.65 |
| C175-575..... A 3-25-75 | Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001. | Northern Natural Gas Co., Louise Field, Gaines County, Tex. | [8] 14.9054 | 14.73 |

[1] Application for authorization to sell gas under a renegotiated replacement of the contract comprising Applicant's FPC Gas Rate Schedule No. 210 which has expired.
[2] Includes 3.867862 cents per Mcf tax and is subject to Btu adjustment.
[3] The application states that on Feb. 11, 1975, General Crude Oil Co., the predecessor in interest to applicant, was merged by IP Petroleum, Inc., a wholly owned subsidiary of International Paper Co., and IP Petroleum, Inc., as the surviving corporation in the merger, changed its name to General Crude Oil Co. (applicant herein). As a result of the merger, Applicant states, it has succeeded to all of the rights, privileges, and interests in and to all of the properties and other interests of the former General Crude Oil Co.
[4] Subject to upward and downward Btu adjustment.
[5] Subject to downward Btu adjustment; price includes 9 cents per Mcf for desulphuring, gathering and compression.
[6] Includes 0.0204 cents per Mcf tax and 5.1020 cents per Mcf upward Btu adjustment.
[7] Subject to downward Btu adjustment.
[8] Includes 8.2703 cents per Mcf upward Btu adjustment and 1.5 cents per Mcf for gathering.

[FR Doc.75-9708 Filed 4-15-75;8:45 am]

[Docket No. E-9353]

## CONNECTICUT LIGHT AND POWER CO.

### Notice of Purchase Agreement

APRIL 9, 1975.

Take notice that on April 2, 1975, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with respect to various Gas Turbine Units, dated February 21, 1975 between (1) CL&P and Western Massachusetts Electric Company (WMECO), and (2) Central Maine Power Company (CMP).

CL&P states that the Purchase Agreement provides for a sale to CMP of a specified percentage of capacity and energy from six gas turbine generating units (Cos Cob Unit Nos. 10, 11 and 12, Enfield Unit No. 10, East Springfield Unit No. 10, Woodland Road Unit No. 10) during the period from March 1, 1975 to April 30, 1975, together with related transmission service.

CL&P states that questions as to CMP's Capability Responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by CMP and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date. CL&P therefore requests that, in order to permit CMP to receive urgently needed capacity, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on March 1, 1975.

CL&P states that the capacity charge rate for the proposed service is the same rate as that used for other gas turbine capacity sold during this capability period; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities Companies multiplied by the number of kilowatts of winter capability which CMP is entitled to receive, reduced to give due recognition of the payments made by CMP for transmission services on intervening systems. The variable maintenance charge was arrived at through negotiations.

WMECO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and CMP, Augusta, Maine.

CL&P further states that the filing is in accordance with Part 35 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9859 Filed 4-15-75;8:45 am]

[Docket No. CP73-206]

## CONSOLIDATED GAS SUPPLY CORP. ET AL.

### Notice of Petition To Amend

APRIL 9, 1975.

Take notice that, on April 7, 1975, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301; Texas Eastern Transmission Corporation (Texas Eastern), Southern National Bank Building, Houston, Texas 77001; Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001; and the following (referred to as the Original East Coast Companies): Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135; The Brooklyn Union Gas Company (Brooklyn Union), 195 Montague Street, Brooklyn, New York 11201; Elizabethtown Gas Company (Elizabethtown), One Elizabethtown Plaza, Elizabeth, New Jersey 07207; Long Island Lighting Company (LILCo), 250 Old Country Road, Mineola, New York 11501; New Jersey Natural Gas Company (New Jersey Natural), 601 Bangs Avenue, Asbury Park, New Jersey 07712; Philadelphia Electric Company (PEC), 2301 Market Street, Philadelphia, Pennsylvania 19102; Philadelphia Gas Works (PGW), 1518 Walnut Street, Philadelphia, Pennsylvania 19102; and Public Service Electric and Gas Company (Public Service), 80 Park Place, Newark, New Jersey 07101; and the following (referred to as Additional East Coast Companies): Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 615, Dover, Delaware 19901; and South Jersey Gas Company (South Jersey), Number One South Jersey Plaza, Route 54, Folsom, New Jersey 08037 (the "Original" and the "Additional" East Coast Companies hereinafter referred to collectively as the "East Coast Companies"), jointly filed in Docket No. CP73-206 a petition to amend the order issuing a cetrificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act on December 27, 1973, as amended March 22, 1974 and September 10, 1974, to authorize the rendition of expanded storage services in 1975, 1976, and 1977, and the related operations involved in carrying out said storage arrangements, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The petition refers to the three-year agreements which, in 1974, Consolidated and the Original East Coast Companies entered into covering arrangements that contemplated deliveries of gas during the summers of 1974, 1975, and 1976 by the East Coast Companies to Consolidated for injection into its storages, up to two-thirds of which would be purchased by Consolidated ordinarily and not less than one-third would be returned to the East Coast Companies each succeeding winter of 1974-1975, 1975-1976 and 1976-1977. The petition recalls that, due to the warmer-than-normal weather experienced during the 1973-1974 winter, and its resulting higher storage inventory than earlier anticipated would exist, Consolidated in 1974 did not call upon the East Coast Companies for any purchases, and that, accordingly, the 1974-1975 storage program proposed and later authorized by the Order of September 10, 1974, in the instant docket was limited to storage service volumes aggregating 6,579,000 Mcf at 14.73 psia.

The petition states that Consolidated was recently advised that, due to increased curtailments in deliveries by natural gas pipeline suppliers to the eight Original East Coast Companies, such companies are unable to make available any volumes of gas for sale to Consolidated, but that they desire that Consolidated continue to provide storage service at least for the years 1975-1976 and 1976-1977, exceeding, if possible, the level of the 1974-1975 storage service program. Also, recently, the Additional East Coast Companies have asked for storage service. The petition states that as a result of the increased curtailments imposed by its suppliers, Consolidated, upon analysis of its market and supply situation, has concluded and, accordingly, recently advised that it will have available 6,579,000 Mcf of storage capacity for use during each of the next two summer and winter seasons by the Original East Coast Companies, upon the same basis as the service was provided under the 1974-1975 program, and that, in addition, Consolidated will have available at its storage fields during the next two years approximately 15,000,000 Mcf of storage capacity for rendering supplemental storage service. Petitioners state that Consolidated and the East Coast Companies have entered into two-year storage service agreements summarized in the tabulation below (volumes in Mcf at 14.73 psia):



| Name of company | Total gas to be received by Consolidated | Basic storage service by Consolidated [1] | | Supplemental storage service by Consolidated [1] | |
|---|---|---|---|---|---|
| | | Volume | Daily demand | Volume | Daily demand |
| Algonquin | 4,322,000 | 1,122,000 | 18,360 | 3,200,000 | 21,200 |
| Brooklyn Union | 1,959,000 | 459,000 | 3,060 | 1,500,000 | 9,900 |
| Eastern Shore | 250,000 | | | 250,000 | 1,700 |
| Elizabethtown | 1,459,000 | 459,000 | 6,120 | 1,000,000 | 6,600 |
| LILCO | 4,122,000 | 1,122,000 | 9,180 | 3,000,000 | 19,900 |
| New Jersey Natural | 459,000 | 459,000 | 6,120 | | |
| PEC | 1,459,000 | 459,000 | 3,060 | 1,000,000 | 6,600 |
| PGW | 459,000 | 459,000 | 3,060 | | |
| Public Service | 5,040,000 | 2,040,000 | 17,340 | 3,000,000 | 19,900 |
| South Jersey | 2,000,000 | | | 2,000,000 | 13,200 |
| Total | 21,529,000 | 6,579,000 | 66,300 | 14,950,000 | 99,000 |

[1] Service would be at rates contained in Consolidated's GSS Rate Schedule, for supplemental service redeliveries from storage would be at reasonably constant daily rates as operating conditions permit and as mutually agreed to by dispatchers of Consolidated, Texas Eastern, Transco, and the respective storage customers. It is contemplated by petitioners that such redeliveries would occur ordinarily during the winter season next following summer injection; however, a customer might defer its withdrawals; and, in such event, the carried-over inventory and the succeeding summer injection could exceed the contracted storage volume, irrespective of whether or not it is supplemental.

The petition recites that no additional facilities will be required to handle the gas under the future program covered by the new agreements. As in the earlier programs, the natural gas contributed by the various East Coast Companies for storage would be delivered to Consolidated through the facilities of Texas Eastern and returned to the respective companies also through Texas Eastern Facilities. Some of the gas injected into storage under the program would be delivered by Transco in part to Texas Eastern for further transportation into storage. The gas stored for Eastern Shore and South Jersey, net of required fuel, would be delivered by Transco directly to Consolidated and returned to them also through Transco facilities. These deliveries by Texas Eastern and Transco would be performed at existing points of interconnection during those periods of time when each could do so without impairing its ability to meet its other system requirements and operating program.

Applicants assert that the proposed arrangements covered by the new 1975 agreements are urgently needed to ameliorate the short-supply situation confronting Applicants which are served by Texas Eastern and Transco.

Petitioners state that they have not been able to obtain any additional long-term supplies from their traditional suppliers, that since 1971 certain of their pipeline suppliers have been curtailing their deliveries and that additional supplemental supplies arranged for are being delayed. By the husbanding procedure covered by the new agreements, Petitioners state they will be able, as under the earlier programs, to reduce large volume summer consumption of natural gas, which would otherwise be used for low-priority industrial uses, in order to gain additional winter deliverability for serving essential high priority consumer requirements.

Any person desiring to be heard or to make any protest with reference to said petition to amend, should on or before May 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9871 Filed 4-15-75;8:45 am]

[Docket No. RP 72-6 etc.]

## EL PASO NATURAL GAS CO. ET AL.

### Order Consolidating Proceedings

APRIL 10, 1975.

In the matter of: El Paso Natural Gas Company, Docket No. RP72-6; El Paso Natural Gas Company [Pioneer Natural Gas Company], Docket No. RP75-42-3; El Paso Natural Gas Company [City of Las Cruces, New Mexico, and Rio Grande Natural Gas Association], Docket No. RP75-42-4; El Paso Natural Gas Company [Central Arizona Irrigation Gas Users], Docket No. RP75-42-5; El Paso Natural Gas Company [Southern Union Gas Company], Docket No. RP75-42-6; El Paso Natural Gas Company [Arizona Public Service Company], Docket No. RP75-42-7; El Paso Natural Gas Company [West Texas Natural Gas Co.], Docket No. RP75-42-8; El Paso Natural Gas Company [City of Whiteface Gas Co.], Docket No. RP75-42-9; El Paso Natural Gas Company [Magma Natural Gas Company], Docket No. RP75-42-10; El Paso Natural Gas Company [General Utilities, Inc.], Docket No. RP75-42-11; El Paso Natural Gas Company [City of Morton Gas Company], Docket No. RP75-42-12; El Paso Natural Gas Company [Great Plains Natural Gas Company], Docket No. RP75-42-13; El Paso Natural Gas Company [EMW Gas Association], Docket No. RP75-42-14.

Pursuant to ordering paragraph (F) of our order issued March 21, 1975, in El Paso Natural Gas Company, Docket No. RP72-6, the above-docketed petitions for extraordinary relief are hereby consolidated with the proceedings in Docket No. RP72-6.

*The Commission orders:* The petitions for extraordinary relief in Dockets Nos. RP75-42-3, RP75-42-4, RP75-42-5, RP75-42-6, RP75-42-7, RP75-42-8, RP75-42-9, RP75-42-10, RP75-42-11, RP75-42-12, RP75-42-13 and RP75-42-14 are hereby consolidated with the proceedings in Docket No. RP72-6 for purposes of hearing and decision. The Administrative Law Judge shall set procedures regarding these petitions with a view towards their expeditious disposition.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9860 Filed 4-15-75;8:45 am]

[Docket No. CP75-192]

## MID LOUISIANA GAS CO.

### Notice of Petition To Amend

APRIL 9, 1975.

Take notice that on March 21, 1975, Mid Louisiana Gas Company (Peti-





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tioner), Twenty-first Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP 75–192 a petition to amend the order of the Commission issued in the subject docket on March 4, 1975 (53 FPC ——), pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7 (b)), to include the amended definition of "gas-purchase facilities" as set forth in Order No. 522 issued January 16, 1975 (53 FPC ——), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

On March 4, 1975, Petitioner was authorized to construct and operate natural gas-purchase facilities necessary to connect to its system supplies of natural gas in various producing areas generally coextensive with its system. Petitioner requests the Commission to amend the definition of Petitioner's authorized gas-purchase facilities to include also those facilities necessary to connect Petitioner's system to the facilities of other natural gas companies authorized to transport such gas for the account of, or for the exchange of such gas purchased by, Petitioner. Petitioner states that the proposed facilities are to be utilized for the attachment of new or expanded supplies of natural gas with its pipeline system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–9861 Filed 4–15–75;8:45 am]

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[Dockets Nos. E–7386 and E–7387]

## NORTHERN LIGHTS, INC.

### Notice of Application

APRIL 9, 1975.

Take notice that Northern Lights, Inc. (Northern Lights), incorporated under the laws of the State of Idaho and qualified to do business as a foreign corporation in the States of Montana and Washington, with its principal place of business at Sandpoint, Idaho, filed a letter with the Federal Power Commission on January 31, 1975 in Docket No. E–7386 enclosing a report of electric energy sold by Northern Lights to British Columbia Hydro and Power Authority (B.C. Hydro) for calendar year 1974 and stating, in substance, that Northern Lights' electric service to B.C. Hydro was discontinued on December 19, 1974 and that henceforth no electric energy will be sold to B.C. Hydro by Northern Lights.

By Commission order issued July 24, 1968 in Docket No. E–7386 (40 FPC 147), Northern Lights was authorized, pursuant to Section 202(e) of the Federal Power Act to transmit electric energy from the United States to Canada in an amount not to exceed 1,000,000 kwh per year at a rate of transmission not to exceed 250 kw for sale and delivery to B.C. Hydro over Northern Lights' single circuit, single phase, 60 cycle, 7,200 volt transmission line connecting with B.C. Hydro's facilities at a point on the International border between the United States and Canada located 505 feet east of Boundary Marker 216 near Eastport, Idaho. The permit signed by the Chairman of the Commission on July 24, 1968, Docket No. E–7387, authorized Northern Lights, pursuant to Executive Order No. 10485, dated September 3, 1953, to operate, maintain and connect its 7,200 volt facilities at the United States-Canadian border for the transmission of electric energy between the United States and Canada.

The letter filed by Northern Lights, as described above, is being treated as an application for (1) termination of Northern Lights' authorization in Docket No. E–7386 to export electric energy to B.C. Hydro and (2) revocation of Northern Lights' permit in Docket No. E–7387 covering the 7,200 volt transmission facilities utilized for such exportation.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–9862 Filed 4–15–75;8:45 am]

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[Docket No. RP74–88]

## NORTH PENN GAS CO.

### Notice of Further Extension of Procedural Dates

APRIL 9, 1975.

On April 7, 1975, North Penn Gas Company filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by notice issued February 26, 1975, in the above-designated matter, pending commission action on the settlement agreement filed April 7, 1975.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, May 19, 1975.

Service of company rebuttal, June 2, 1975. Hearing, June 24, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–9863 Filed 4–15–75;8:45 am]

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[Dockets Nos. CI75–125 and CI75–126]

## ROOSTH AND GENECOV PRODUCTION CO. ET AL.

### Notice of Withdrawal and Cancellation of Hearing

APRIL 4, 1975.

On March 27, 1975, Roosth and Genecov Production Company filed a withdrawal of its application for abandonment, filed August 12, 1974 in the above-designated matter which was set for hearing by order issued February 24, 1975.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure the withdrawal of the above application shall become effective April 28, 1975. The hearing scheduled for April 30, 1975 is cancelled.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–9864 Filed 4–15–75;8:45 am]

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[Project No. 516; Docket No. E–7791]

## SOUTH CAROLINA ELECTRIC & GAS CO.

### Order Granting Motion To Sever and Expedite Application and Permitting Withdrawal of Application Without Prejudice

APRIL 9, 1975.

South Carolina Electric & Gas Company (SCE&G) filed on Marchc 18, 1975, a request pursuant to § 1.11(d) of the Commission's rules, 18 C.F.R. 1.11(d) (1974), to withdraw without prejudice its application, filed with the Commission on March 9, 1973, for authority to grant easements to Edgewater Shores Development.

South Carolina Department of Parks, Recreation and Tourism (PRT) filed a motion on March 10, 1975, requesting us to sever and expedite consideration of an application filed on May 16, 1973 by SCE&G, licensee for Project No. 516, for Commission approval of the leasing of certain project lands, known as Billy Dreher Island, and easements located within project boundaries to PRT for development as a state park.

On September 10, 1973, this Commission issued an order, 50 F.P.C. 700, providing for a hearing in these proceedings to consider, inter alia, certain applications for permission to utilize project lands and waters. In that order, this Commission stated:

> We are concerned with the practice of allowing increased use of project lands and related waters on a piecemeal basis rather than being related to a comprehensive consideration of the capacity of the proposed project lands and waters to serve known and forseeable proposed public uses which might be imposed upon them. (Id. at 703).

Edgewater Shores is a proposed residential subdivision on the shores of Lake Murray, Project No. 516's reservoir. The easements applied for in connection with this development were for the purpose of constructing an effluent discharge line into the lake and for boat ramps. This application was included in the comprehensive investigation of the use of project lands and waters mandated by the above-noted order of September 10, 1973.

In support of its motion to withdraw the Edgewater Shores application, SCE&G states that present economic conditions have led the developers to the conclusion that active construction of the development will not be financially feasible within the forseeable future. The developers have therefore requested that SCE&G withdraw this application, without prejudice to its resubmission if and when economic factors permit the resumption of active development.

No replies in opposition to this request from any of the parties to the current proceedings have been filed with the Commission. It appears that it would be in the public interest to grant this request; and our action apparently will not result in any adverse effects on project lands and waters nor interfere with the current proceedings.

As originally planned by PRT, the state park on Dreher Island would have been constructed in three phases. Phases I and II, as described by PRT in its motion, would consist of the development and construction of campground areas, sports and play fields, a beach area with bath house, a boating area, arboretum, utilities, comfort station, concession building, maintenance buildings and equipment, trails and overlook, public conveyances, visitors information center, signs, roads and parking. In addition, there would be expenses for design, engineering, construction supervision, and state administrative costs. Phase III would have included the construction of an 18-hole golf course, a 60 unit lodge, and 30 park cabins. PRT now indicates in its motion that plans for Phase III have been eliminated, due to the feeling that the items mentioned for construction during that phase would be inappropriate for the Dreher Island park.

PRT urges the necessity of accelerating consideration of the Dreher Island development. It states that it has an agreement with the Uinted States Department of the Interior, Bureau of Outdoor Recreation (BOR) wherein PRT bound itself to develop Dreher Island park in accordance with the terms of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897 (1964)), and BOR in turn made available a grant totalling $997,000 to be allocated during Phases I and II of construction. The allocation for Phase I was approved through June 30, 1973, while the one for Phase II was approved through June 30, 1975.

PRT states that BOR has held the funds for the park's development past the Phase I date, but alleges that BOR may withdraw its funds, perhaps prior to the Phase II deadline, if there is no indication of progress in proceeding with the plans for the park. PRT states that due to the insufficiency of state funds to complete the park development (which consist of a PRT bond issue in the amount of $1,250,000), plans for the Dreher Island park will collapse if BOR funds are withdrawn. PRT thus urges now the severance of the Dreher Island application, so that consideration of it may be expedited.

Replies to PRT's motion have been received by the Commission from SCE&G, the South Carolina Department of Health and Environmental Control (DHEC), Commission Staff, and Mr. James E. Smith. All replies save Mr. Smith's support PRT's motion.

SCE&G states its belief that the development of Billy Dreher Island would be consistent with the purposes of Section 10(a) of the Federal Power Act and the Commission's policy as expressed in Order No. 313 (34 F.P.C. 1546 (1965)).

DHEC states in its reply that it was the state agency responsible for providing for and maintaining suitable water quality for various uses in the state, and that it was continuing to work with PRT to insure that water quality standards in the vicinity of Billy Dreher Island would be maintained at a high level. It also notes a clear need, as cited by PRT, for public recreational facilities such as this proposed state park.

Staff's reply analyzes the combined effects of the elimination of Phase III development at Dreher Island and the withdrawal of the Edgewater Shores application. Because of the geographic proximity within the project of Dreher Island and the Edgewater Shores Development, Staff believes that the common and additive environmental impacts that would result from these two proposed developments would make their approval by the Commission a "major Federal action significantly affecting the quality of the human environment", and thus would require that a single Environmental Impact Statement be prepared covering both proposals.

Staff states however, that elimination of the applications for Phase III of the State park and for Edgewater Shores would reduce the cumulative environmental impacts of all pending matters relating to the use of Project No. 516 lands and waters below the level of significance requiring a Staff Environmental Impact Statement. On this basis, Staff notes its belief that a severance of the Billy Dreher application would allow its expedition. Under the changed circumstances caused by the elimination of these proposed developments, Staff feels that the severance would be desirable, in light of the potential loss of BOR funds and the collapse of the state park development plans that might result from this loss. Staff also states that the question of the need for an Environmental Impact Statement is pending before the Presiding Administrative Law Judge.

Mr. Smith states his general support of the present plans of PRT for the development of Dreher Island state park, although he questions certain of the particulars of these plans.[1]

Mr. Smith perceives the "major issue" raised by this motion to sever and expedite to be "whether or not the Federal Power Commission can condone piecemeal, case by case, decisions" with regard to applications which would involve discharges of effluent into the project reservoir. He would apparently regard an expedited decision on a severed application for the development of the state park to be such a "piecemeal" decision ,and contends that such a severance "clearly flies in the fact of the Order of September 10th, 1973."

In that order, we expressed our concern with the practice of making "piecemeal" evaluations of various proposals for the use of project lands and waters, as contrasted with "comprehensive consideration of the capacity of the project lands and waters." The "piecemeal" evaluation process we found inappropriate in that order consisted of examining each application for the use of project lands or waters one by one, as an individual entity. The deficiency in this type of procedure was that it tended to ignore the fact that, if a number of project use applications were to be approved, the cumulative effect on the environment of the project might be seriously detrimental, even though the effects of each individual application, as examined by the "piecemeal" method, might be inconsequential in and of itself. Our concern with the "piecemeal" approach, as we characterized it, was the risk that the cumulative, interrelated effects of a number of individual developments on the environment of a project would not be considered.

There would appear to be little such risk here, however, with regard to the motion to sever the Dreher Island application. Possibly, confusion exists because it has been assumed by some that our demand for "comprehensive consideration of the proposed project lands and waters to serve known and forseeable proposed public uses which might be imposed upon them"[2] means that a final determination of every application for

[1] Mr. Smith's reply contends that plans for the waste treatment facility at the park are presently indefinite. Concerns of this nature go to the merits of the proposed development, not to the motion for severance. As is made clear later in this order, a severance of this application does not in any way preclude an examination of its merits. Indeed, the point of a severance would be to proceed to an examination of the merits as expeditiously as possible.





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development at the project must be reached simultaneously. Rather, our concern with allowing increased use of project lands and waters on an incremental basis was that we did not have an opportunity for a simultaneous review of all identifiable uses.

In the instant proceeding, however, the pleadings before us point out that there has been comprehensive consideration of the cumulative effect of all identifiable uses of project lands and waters. The pleadings also indicate that the effects resulting from the Billy Dreher Island State Park development would not interrelate significantly with those from other proposed developments. Accordingly, we believe it reasonable to allow PRT the opportunity to prove the merits of the Dreher Island application in an expedited proceeding.

It is to be emphasized that, in allowing the severance and expedition of the Dreher Island application, we make no judgment as to the merits of this application. The Presiding Administrative Law Judge must still proceed to a decision on that matter, though in an expeditious fashion, which we will review before rendering our opinion. What we do here today is merely recognize that a sufficient showing has been made to justify an accelerated procedure with regard to Dreher Island, and that such a procedure would not be contrary to our previously announced decisions of policy in this matter.

*The Commission finds:* (1) That the withdrawal without prejudice of SCE&G's application for authority to grant easements to the Edgewater Shores Development would be in the public interest.

(2) That the elimination of the Edgewater Shores and Dreher Island Phase III developments would result in a significant reduction in the cumulative impact of development in the vicinity of Dreher Island.

(3) That further delay in the consideration of the Dreher Island application may seriously jeopardize the development of the proposed state park because of the potential loss of Federal funds for this development.

*The Commission orders:* (A) SCE&G's request of March 18, 1975 to withdraw without prejudice its application for authority to grant easements to the Edgewater Shores Development is hereby granted.

(B) PRT's motion of March 10, 1975 for severance and expedition of SCE&G's application for the leasing of Dreher Island for Phase I and Phase II developments is hereby granted.

(C) The Presiding Administrative Law Judge is hereby directed to proceed as expeditiously as possible to a decision on the Dreher Island State Park application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9865 Filed 4-15-75;8:45 am]

[1] 50 P.F.C. 700, 703.

[Project No. 882]

## SOUTHERN CALIFORNIA EDISON CO.

### Notice of Application To Surrender License for Transmission Line

APRIL 9, 1975.

Public notice is hereby given that application was filed on September 27, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Southern California Edison Company, Licensee (correspondence to: Mr. R. E. Woodbury, Vice President and General Counsel, Southern California Edison Company, P.O. Box 800, 2244 Walnut Grove Avenue, Rosemead, California 91770), requesting approval to surrender its minor-part transmission line license for the Barstow-Daggett Electric Distribution Line Project No. 882. The project is located in San Bernardino County, California, upon lands of the United States.

The project consists of a 33,000 volt wood pole transmission line extending approximately 13 miles easterly from the town limits of Barstow, California through Daggett to Yermo. The aggregate length across vacant public lands is 2.5 miles.

In compliance with the Commission's Order issued October 1, 1963, Licensee obtained from the appropriate Government Agencies authority for the continued occupancy by the line of the Government lands involved and then applied for surrender of the license. The power line is now covered by two easements, one issued by the Bureau of Land Management and the other by the Department of the Navy.

Any person desiring to be heard or to make protest with reference to said application should on or before May 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9866 Filed 4-15-75;8:45 am]

[Docket No. CP70-7]

## SOUTHERN NATURAL GAS CO.

### Notice of Petition To Amend

APRIL 9, 1975.

Take notice that on March 28, 1975, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7 a petition to amend the order issued in said docket pursuant to section 7(c) of the Natural Gas Act by modifying Applicant's delivery obligation to the City of Grantville, Georgia (Grantville), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that at the request of Grantville it is requesting the Commission to approve a change in the rate schedule applicable to Grantville from Petitioner's Rate Schedule OCD–3 to Petitioner's Rate Schedule G–3.

Petitioner states that it will still be obligated to deliver 435 Mcf of gas per day to Grantville but such volume will be a maximum delivery obligation rather than a contract demand obligation. Petitioner further states that the requested change will allow Grantville to purchase gas without having to pay a separate demand charge, as it currently does.

According to the mayor of Grantville, Grantville's load factor has been adversely affected as a result of reduction of purchases from it by West Point-Pepperell, Inc. Grantville, therefore, requires less gas from Petitioner than it has required in the past, although the maximum delivery obligation will remain the same.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9867 Filed 4-15-75;8:45 am]

[Docket No. CP73-297]

## TEXAS EASTERN TRANSMISSION CORP.

### Notice of Petition To Amend

APRIL 9, 1975.

Take notice that on March 25, 1975, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP73-297 a petition to amend the order of the Commission issued in the subject docket on December 10, 1973 (50 FPC 1850), as amended on August 23, 1974 (52 FPC ——), pursuant to Section 7(c) of the Natural Gas Act by authorizing the construction and operation of an additional point of delivery for the exchange of natural gas with Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the order issued December 10, 1973, as amended, the Commission authorized





the exchange of natural gas between Petitioner and Natural whereby Natural delivers to Petitioner up to 15,000 Mcf of gas per day at points in Lavaca and Harris Counties, Texas, and Petitioner redelivers equivalent volumes at the intersection of Natural's 12-inch Chocolate Bayou Lateral and Petitioner's 20-inch McAllen line in Brazoria County, Texas. Petitioner requests authorization to construct and operate as an additional point of exchange a tap and valve at a point on its 24-inch lateral in Polk County, Texas. Petitioner states that the additional exchange point will enable it to receive for the account of Natural up to 15,000 Mcf per day of natural gas from reserves owned by NAPECO, Inc., a subsidiary of Natural, in the Big Mama Field area, Trinity County, Texas, while equivalent volumes of gas will be redelivered to Natural at the existing exchange point in Brazoria County, Texas. Petitioner states that by obviating the necessity for Natural to construct pipeline facilities, the instant proposal is a more rapid and less costly method of connecting said gas supply to Natural's mainline.

Petitioner states that it will construct the proposed facilities at an estimated cost of $17,500, which cost will be financed initially from funds on hand. Petitioner further states that it will be reimbursed by Natural for the actual cost of the proposed facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9868 Filed 4-15-75;8:45 am]

[Project No. 2750]

## TOWN OF SPRINGFIELD, VERMONT

### Notice of Application for Preliminary Permit

APRIL 9, 1975.

The Town of Springfield, Vermont, filed on January 24, 1975, an application for the issuance of a Preliminary Permit pursuant to Section 4(f) of the Federal Power Act (16 U.S.C. 797) in order to gather data for the proposed Black River Hydroelectric Project No. 2750 located on the Black River in Windsor County, Vermont. Correspondence should be addressed to Mr. Paul T. McCarthy, Town Manager, 96 Main Street, Springfield, Vermont 05156, and to R. W. Beck and Associates, 200 Tower Building, Seattle, Washington 98101.

The proposed Black River project would consist of: (1) The construction of a compacted earth and gravel regulating dam at Hawks Mountain, approximately 7 miles northwest of Springfield, having a maximum height of approximately 185 feet, a reservoir extending approximately 5 miles upstream from the dam, and a powerhouse containing two generating units with a total installed capacity of 8,000 kW;

(2) The construction of a small concrete gravity dam at Covered Bridge, approximately 1 mile downstream of Hawks Mountain Dam, having a maximum height of approximately 45 feet and a powerplant with an installed capacity of 2,500 kW;

(3) The rehabilitation of an existing dam near Perkinsville, approximately 2 miles downstream of Covered Bridge Dam, to increase the head to approximately 25 feet, and the construction of a power plant having an installed capacity of 1,500 kW;

(4) The rehabilitation of an existing dam at Tolles Hill, approximately 0.7 mile downstream of the Perkinsville site, to increase the head and the construction of a power plant having an installed capacity of 1,500 kW;

(5) The rehabilitation of four of the five dams within the Town of Springfield and the construction of three power plants totaling 6,500 kW;

(6) The construction of a concrete gravity dam at the Iron Bridge site, approximately 1.2 miles downstream of the town, and a power plant having an installed capacity of 2,500 kW.

Applicant states that energy developed by the project would be utilized to meet its present and future load requirements. Any surplus energy would be sold to or exchanged with other electric utilities in the area.

Any person desiring to be heard or to make protest with reference to this application should, on or before June 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate actions to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9870 Filed 4-15-75;8:45 am]

[Docket No. E-9145]

## UTAH POWER & LIGHT CO.

### Notice of Filing of Supplemental Data and Petition for Waiver of Notice Requirements

APRIL 9, 1975.

Take notice that on April 4, 1975, the Utah Power & Light Company (Utah) tendered supplemental data intended to make complete its original filing of November 29, 1974, in the above referenced docket. This action is in response to a deficiency letter issued December 24, 1974 by the Secretary of the Federal Power Commission.

Utah states that this latest data includes Statements M, N, and O, incorporating the allocation of unadjusted statement L data for the twelve month period ending June 30, 1974 (Period I). Also included, Utah states, is a set of sheets showing (customer by customer and month by month) sales and revenues under the old (present) rates for the 12-month period coinciding with this actual cost study. Although Utah has not specifically requested a waiver of the thirty day notice requirement of the Commission's regulations, Utah implies that the requested effective date remains January 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9869 Filed 4-15-75; 8:45 am]

## FEDERAL TRADE COMMISSION

### CIGARETTE TESTING RESULTS

#### Tar and Nicotine Content

*Correction*

In FR Doc. 75–9075 appearing at page 16247 in the issue for Thursday, April 10, 1975, in the table on page 16247 the nicotine listing for "Eve, 100 mm, filter" now reading "2.3" should read "1.3".

### LINE OF BUSINESS REPORTING PROGRAM

#### Proposed LB Reporting Form; Hearing

Notice was published in the FEDERAL REGISTER on August 22, 1974 (39 FR 30377), of the Federal Trade Commission's approval, adoption, and entry of record of a resolution requiring annual



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line of business reports from corporations.

The Federal Trade Commission announces the availability, for public inspection and comment, of the proposed FTC Form LB and related information to be used for the collection of line of business data for the 1974 reporting year.

These materials are available upon request from the Office of the Line of Business Program, Division of Financial Statistics, Federal Trade Commission, Washington, D.C. 20580. Letter or telegram requests are preferred; for telephone requests, the number is (202) 963–3521.

The Commission invites written comments on the proposed form and related materials. In order to be considered, they must be received by the Office of the Line of Business Program at the address given above, no later than Friday, May 16, 1975. Twenty copies of the comments should be filed.

On Tuesday, May 20, 1975, the Commission will hold an open hearing for the purpose of receiving oral comments on the proposed form. Details concerning time, place and procedures will be announced at a later date.

(Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated April 15, 1975.

CHARLES A. TOBIN,
*Secretary.*

[FR Doc.75–10110 Filed 4–15–75;10:29 am]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

**Receipt of Report Proposals; Federal Communications Commission and Federal Energy Administration**

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 3, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before April 30, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of a revision of FCC Form 303, Application for Renewal of Broadcast Station License required to be filed by broadcast station licensees for renewal of license. The revision changes one existing question to obtain information on programs "designed for children" rather than programs which are "directed to" them, and to add two new questions concerning past and proposed commercial practices in programs designed for children. It is estimated that a maximum of 75 hours is needed to complete the form. The FCC receives about 3500 applications a year.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of FEA Questionnaire for New Car Buyers. This voluntary sample of new car buyers gathers data concerning fuel economy labels and the Gas Mileage Guide for New Car Buyers. The information will be used by the Office of Conservation and Environment for evaluating the fuel economy labeling program and the Gas Mileage Guide. The estimated number of respondents is 3,000. The estimated burden is approximately 15 minutes per respondent.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

[FR Doc.75–9951 Filed 4–15–75;8:45 am]

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Humanities

### ADVISORY COMMITTEE EDUCATION PANEL

**Notice of Meeting**

APRIL 11, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on May 19 and 20.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
*Advisory Committee Management Officer.*

[FR Doc.75–9949 Filed 4–15–75;8:45 am]

### ADVISORY COMMITTEE EDUCATION PANEL

**Meeting**

APRIL 11, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–46) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on May 22.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
*Advisory Committee Management Officer.*

[FR Doc.75–9950 Filed 4–15–75;8:45 am]

### NATIONAL COUNCIL ON THE ARTS

**Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held on May 1 at the Washington Plaza Hotel, Seattle, Washington from 3 p.m.–6:30 p.m.; May 2 at the Seattle Center from 8:45 a.m.–5:45 p.m.; May 3 at the Seattle Center from 8:45 a.m.–5 p.m.; May 4 at the Washington Plaza Hotel from 8:30 a.m.–12 p.m.

A portion of this meeting will be open to the public on May 2 from 1:30 p.m.–5:45 p.m. at the Eames Theatre, Seattle Center—Pacific Science Center. Accommodations are limited. During the open session, the following topics will be discussed: New Publications; Report on Public Service Jobs; Report on Effects of Inflation on Cultural Groups; Treasury Fund Changes.





The remaining sessions of this meeting, May 1 from 3 p.m.–6:30 p.m., May 2 from 8:45 a.m.–11:45 a.m., May 3 from 8:45 a.m.–5 p.m. and May 4 from 8:30 a.m.–12 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–7144.

EDWARD M. WOLFE,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc 75–10011 Filed 4–15–75;8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice No. 75–28]

### NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

**Meeting**

The NASA Research and Technology Advisory Council will meet on May 8–9, 1975, in Room 625 of Federal Office Building 10B at NASA Headquarters, 600 Independence Avenue SW., Washington, D.C. 20546. The meeting will be open to the public on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Research and Technology Advisory Council was established to advise NASA's senior management in the area of aeronautics and space research and technology. The Council studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation. The Chairman is Dr. Ronald Smelt. There are 17 members on the Council itself and additional members on five committees and four panels which report to the Council.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact the Executive Secretary, Mr. C. Robert Nysmith, Area Code 202, 755–3150.

MAY 8, 1975

| Time | Topic |
|---|---|
| 8:30 a.m. | NASA Budget Overview (Purpose: To inform the Council of the status of the total NASA budget and related Congressional actions.) |
| 9 a.m. | Office of Aeronautics and Space Technology (OAST) Budget (Purpose: To report to the Council on the status of the OAST FY 1976 budget and to inform the Council of potential new initiatives for FY 1977.) |
| 10 a.m. | Outlook for Space (Purpose: To allow the Council an opportunity to discuss the preliminary results of this study.) |
| 10:30 a.m. | Outlook for Aeronautics (Purpose: To bring the Council up to date on the status of this study.) |
| 11 a.m. | Aircraft Fuel Conservation Technology (Purpose: To report to the Council on the preliminary results of the Task Force effort in this area.) |
| 11:30 a.m. | Discussion of NASA Issues (Purpose: To allow an opportunity for the Council to discuss issues previously raised by NASA with regard to early distribution of NASA results to manufacturers, workshops or seminars which would be useful to the members and appropriate for NASA/Department of Transportation sponsorship, emphasis on appropriate technology problems, and the most fruitful potential areas of research to reduce aircraft fuel consumption.) |
| 1:15 p.m. | Status of Research and Technology Advisory Council (RTAC) Issues and Recommendations (Purpose: To inform the Council of the continuing NASA action as a result of recommendations and issues from the last Council meeting.) |
| | Committee and Panel Reports (Purpose: To permit the chairman of each Committee and Panel to identify issues and recommendations from the last meeting of his Committee/Panel, including background briefings where necessary to familiarize the Council with selected issues, and to allow time for the Council to discuss the Committee/Panel issues and recommendations. Background briefings planned are identified under the appropriate Committee or Panel name.) |
| 2:15 p.m. | Committee on Aerodynamics and Configurations—Airframe/Propulsion System Integration. |
| 3:15 p.m. | Panel on General Aviation Technology. |
| 4 p.m. | Committee on Aeronautical Propulsion—NASA's Role in Aeronautical Propulsion Research. |
| 4:45 p.m. | Committee on Guidance Control and Information Systems; Data Transfer and Handling; Reliable Avionics Systems. |

MAY 9, 1975

| Time | Topic |
|---|---|
| | Committee and Panel Reports (Continued) |
| 8 a.m. | Panel on Aeronautical Operating Systems. |
| 8:45 a.m. | Committee on Materials and Structures. |
| 9:30 a.m. | Panel on Research. |
| 10:15 a.m. | Panel on Space Vehicles. |
| 11 a.m. | Committee on Energy Technology and Space Propulsion. |
| 1 p.m. | Preparation of Council Report (Purpose: The Council will document recommendations and observations to be reported to NASA's senior management.) |
| 2 p.m. | Informal Council Report to NASA (Purpose: The Council will report recommendations to senior NASA officials, and other highlights of the meeting will be discussed.) |
| 3:30 p.m. | Adjournment. |

Dated: April 11, 1975.

DUWARD L. CROW,
*Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.*

[FR Doc.75–9889 Filed 4–15–75;8:45 am]

## NATIONAL SCIENCE FOUNDATION

### AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS (AGOSP)

**Amended Notice of Meeting**

This announcement concerns the notice of meeting that was published in the FEDERAL REGISTER on April 9, 1975, Vol. 40, No. 69 (FR Doc. 75–9280) page 16153.

On April 25, the Ad Hoc Advisory Group on Science Programs will meet in Building 26, Room 200 at the NASA Goddard Space Flight Center in Greenbelt, Maryland, in lieu of Building 8, Management Conference Center, NASA Goddard Space Flight Center in Greenbelt. The April 26 session will still be held in Room 540 at the National Science Foundation. There are no other changes in the meeting times or agenda.

Any questions concerning this meeting may be directed to Mr. William Bartley, Executive Director, AGOSP, telephone 202/632–6871.

FRED K. MURAKAMI,
*Committee Management Officer.*

APRIL 11, 1975.

[FR Doc.75–9952 Filed 4–15–75;8:45 am]



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## OFFICE OF MANAGEMENT AND BUDGET

### LIST OF REQUESTS

#### Clearance of Reports

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 10, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Request for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the Reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Supplementary Questionnaire—Card Punch Operator, DH-605, single-time, job applicant, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Economic Research Service, U.S. Plant Capacity for Refining Edible Fats & Oils, single-time, edible fats and oils refineries, Hulett, D. T., 395-4730.

Statistical Reporting Service, Special Alfalfa Survey (Wisconsin), single-time, alfalfa producers, Hulett, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Bureau of the Census, National Longitudinal Study Residual Sample Address Maintenance Survey, address correction forms, PMS-20 and PMS-21, single-time, national sample of persons with 4 or more years of college, Dennis Johnston, 395-3840.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, A Survey of Levels of Care in General Intermediate Care Facilities, HSABQA 0225, single-time, staff of intermediate care facilities, Collins, L., 395-3756.

National Center for Education Statistics, Study of Factors Influencing the Learning Process, NIE 111, on occasion, high school students, Planchon, P., 395-3898.

Health Resources Administration, Major Medical Library Journal Survey (Central San Joaquin Valley AHEC), annually, hospitals, health agencies, Collins, L., 395-3756.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Computer Assisted Valuation Systems Survey 2, single-time, assessment jurisdictions, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation, Cross Florida Barge Canal—Recreation Use Survey, BOR 8-202, single-time, participants using Cross Florida Barge Canal resources, Planchon, P., 395-3898.

REVISIONS

DEPARTMENT OF DEFENSE

Defense Supply Agency, Request for Verification of Manufacturers' Part Number, DD 1982, on occasion, contractors, Caywood, D.P., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Civil Rights Status Report, FNS 77, semi-annually, State distribution agency, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, State and Areawide Comprehensive Health Planning Agency Program Reporting Forms, annually, Caywood, D.P., 395-3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Application for Insurance of Advance of Mortgage Proceeds, FHA-2403, on occasion, mortgagor entities, community and veterans affairs division, 395-3532.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75-9968 Filed 4-15-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 8751; 812-3790]

### AMERICAN EXPRESS INTERNATIONAL BANKING CORP.

#### Application for an Order of Exemption

APRIL 9, 1975.

Notice is hereby given that American Express International Banking Corp., 65 Broadway, New York, New York 10006, ("AEIBC") has filed an application pursuant to section 9(c) of the Investment Company Act of 1940 ("the Act") for an order permanently exempting AEIBC and Donaldson Lufkin & Jenrette, Inc. ("DLJ") and any companies of which they presently are affiliated persons from the provisions of section 9(a) of the Act and, without prejudice to the Commission's consideration of such application, for an order of temporary exemption from the provisions of section 9(a) for American Express Investment Management Co. ("AEIMCO"), American Express Asset Management Co. ("AESETCO"), DLJ, Alliance Capital Management Corporation ("ACMC") and Donaldson Lufkin & Jenrette Securities Corp. pending the Commission's determination of the application for permanent exemption. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

AEIBC states that: AEIBC is a wholly-owned subsidiary of American Express Company, and that AEIBC and its subsidiaries provide banking and related services in the major countries of Western Europe and Asia. AEIBC's New York Agency at 65 Broadway, New York City, renders limited banking services in New York incidental to its overseas banking operations. A division of AEIBC, sometimes referred to as the International Trust and Investment Division, located solely in Switzerland, currently offers securities custody, brokerage and investment management services to individuals who are not citizens or residents of the United States.

AEIBC and its subsidiaries do not serve or act in the capacity of investment adviser, or depositor of any U.S. registered investment company, or as principal underwriter for any U.S. registered open-end company, unit investment trust, or face-amount certificate company.

American Express Investment Management Company ("AEIMCO"), a wholly-owned subsidiary of American Express Company, serves as investment adviser to and principal underwriter of the following U.S. registered investment companies:

American Express Capital Fund, Inc.
American Express Stock Fund, Inc.
American Express Income Fund, Inc.
American Express Investment Fund, Inc.
American Express Special Fund, Inc.
American Express Money Reserves, Inc.
American Express Government Securities Fund, Inc.

American Express Asset Management Company ("AESETCO"), a wholly-owned subsidiary of AEIMCO, serves as investment adviser to the following U.S. registered investment companies:

Endowments, Inc.
Bond Portfolio for Endowments, Inc.
The Index Fund of America, Inc.

There are no operational relationships between AEIBC on the one hand and the San Francisco-based AEIMCO and AESETCO on the other hand with respect to any of the funds referred to above.

AEIBC's parent, American Express Company, owns 25.47% of the stock of DLJ, a publicly held company whose stock is listed on the New York Exchange, which is operated wholly independently of the American Express Company. There are no inter-locking directors or officers.

The relief sought herein on behalf of the applicants is also sought on behalf of DLJ and its subsidiaries including ACMC, which performs the firm's investment management and investment advisory activities and Donaldson Lufkin & Jenrette Securities Corp.

On September 13, 1973, the Securities and Exchange Commission commenced an action pursuant to section 21(e) of the Exchange Act against 29 individual and corporate defendants, including AEIBC, to enjoin violations of section 10 (b) of the Exchange Act and Rule 10b-5 thereunder in connection with the purchases of the common stock of Bio-Medical Sciences, Inc. On April 9, 1975, a Stipulation of Settlement was entered into between the plaintiff, Securities and Exchange Commission and AEIBC, and thereafter a Consent Judgment of Permanent Injunction and Other Relief (the "Judgment") was entered in the action permanently enjoining AEIBC from using material non-public corporate information in connection with the purchase or sale of any securities of Bio-Medical Sciences, Inc. in violation of section 10(b) and Rule 10b-5 and ordering the payment of the sum of $40,000 representing the difference between the several purchase prices and the price after publication of certain information plus all fees and charges collected in connection with the purchase or sale of securities of Bio-Medical Sciences, Inc., plus an amount for interest.

Section 9(a)(2) of the Act, as here pertinent, makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security to serve or act in the capacity of employee, officer, director, member of advisory board, investment adviser or depository of any registered investment company or principal-underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company. Section 9(a)(3) makes it unlawful for a company, any affiliated person of which is ineligible by reason of section 9(a)(2), to serve or act in the enumerated capacities.

Section 9(c) provides that upon application, the Commission by order shall grant an exemption from the provisions of section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to AEIBC are unduly or disproportionately severe or that the conduct of such person has been such as not to make if against the public interest or protection of investors to grant such application.

AEIBC submits pursuant to section 9(c) that the prohibitions of section 9(a) of the Act, to the extent applicable by virtue of the entry of the Consent Judgment of Permanent Injunction and Other Relief, would be unduly and disproportionately severe as applied to AEIBC and the other applicants and that the conduct of AEIBC and the other applicants have been such as not to make it against the public interest or the protection of investors for the Commission to grant a permanent exemption from the provisions of section 9(a) of the Act. In support thereof AEIBC states:

(1) The prohibition of section 9(a) would deprive each of the several funds referred to above and their approximately 115,000 shareholders of the services of their respective investment advisors.

(2) The activities of AEIBC with regard to the sale of Bio-Medical Sciences, Inc. were solely those of a broker. AEIBC did not beneficially own any securities of Bio-Medical Sciences, Inc. during the period in which any of the alleged acts or practices occurred, and there was no intent to violate the law.

(3) In compliance with the terms of the Judgment entered against AEIBC in this action, AEIBC has distributed to its personnel involved with trading and investment recommendations a formal written statement of policy with respect to the receipt and use of material non-public information and has undertaken to implement and supervise its employees' compliance with this policy.

(4) AEIBC has compliance programs, designed to assure compliance by AEIBC personnel with applicable federal and state securities laws.

(5) AEIBC has never before been required to apply for an exemption from the provisions of section 9(a) of the Act.

(6) The application of the law regarding the nature and prescribed uses of material inside information is complex and uncertain.

The Commission has considered the matter and finds that:

1. the prohibitions of section 9(a) might be unduly or disproportionately severe as applied to AEIBC and the other applicants in that the conduct of AEIBC and the other applicants have been such as not to make it against the public interest or protection of investors to grant the application for a temporary exemption from section 9(a) pending determination of the application, and

2. in order to maintain the uninterrupted management of investment companies under the management of AEIMCO, AESETCO, DLJ, ACMC, and Donaldson Lufkin & Jenrette Securities Corp. it is necessary and appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order be issued forthwith.

Accordingly, *it is ordered*, pursuant to section 9(c) of the Act, That AEIMCO, AESETCO, DLJ, ACMC, and Donaldson Lufkin & Jenrette Securities Corp. be and they are hereby temporarily exempted from the provisions of section 9(a) of the Act, operative as a result of the entry of the injunction against AEIBC in Securities and Exchange Commission v. F. L. Salomon & Co., et al., pending determination by the Commission of AEIBC's application for an order unconditionally exempting AEIBC and DLJ and any companies of which they presently are affiliated persons from the provisions of section 9(a) operative as a result of the entry of such injunction.

Notice is further given that any interested person may, not later than May 19, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon AEIBC care of Messrs. Winthrop, Stimson, Putnam & Roberts, Peter H. Kaminer, Esq., 40 Wall Street, New York, New York 10005. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall he issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-9877 Filed 4-15-75;8:45 am]

[File No. 500-1]

### BARNHART-MORROW CONSOLIDATED

#### Suspension of Trading

APRIL 9, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Barnhart-Morrow Consolidated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:30 p.m. (e.d.t.) on April 9, 1975 through midnight (e.d.t.) on April 18, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-9878 Filed 4-15-75;8:45 am]

[File No. 500-1]

### CONTINENTAL MANAGEMENT, INC.

#### Suspension of Trading

APRIL 9, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Management, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise







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than on a national securities exchange is suspended, for the period from 1:30 p.m. (e.d.t.) on April 9, 1975 through midnight (e.d.t.) on April 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9879 Filed 4-15-75;8:45 am]

[File No. 500-1]

## CONTINENTAL VENDING MACHINE CORP.

### Suspension of Trading

APRIL 9, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 10, 1975 through April 19, 1975.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9880 Filed 4-15-75;8:45 am]

[File Nos. 81-179 and 3-4641]

## KAWECKI BERYLCO INDUSTRIES, INC.

### Application and Opportunity for Hearing

APRIL 8, 1975.

Notice is hereby given that Kawecki Berylco Industries, Inc. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file a Form 10-K report for Zirconium Technology Corporation ("Zirtech") for the year ended December 31, 1974 pursuant to section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 12(g) of the Exchange Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record initially by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the registration or periodic reporting provisions under section 12 and 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

(1) The common stock of Applicant, a Pennsylvania corporation, is registered pursuant to section 12(b) of the Act and is listed on the New York Stock Exchange.

(2) Prior to December 31, 1974, Applicant owned 1,837,755 or 83.9 percent of the 2,190,555 issued and outstanding shares of Zirtech stock, which class of stock was registered pursuant to Section 12(g) of the Act.

(3) A plan for merging Zirtech into the Applicant was submitted to the shareholders of Zirtech on December 4, 1974 and proxy soliciting materials containing detailed information concerning Zirtech, including financial statements covering the period from 1970 through September 30, 1974, were filed with the Commission and distributed to shareholders.

(4) The plan was approved by the holders of approximately 91.8 percent of the number of shares of Zirtech stock (other than those owned by Applicant) and the merger of Zirtech into Applicant became effective on December 31, 1974, the last day of Zirtech's fiscal year.

(5) The merger plan provided that each outstanding share of Zirtech stock would be converted solely into the right to receive $1.50 in cash from Applicant, except for 1,950 such shares owned by nine former shareholders which shares are the subject of pending appraisal proceedings for a judicial determination of the value thereof.

In the absence of an exemption, there is required to be filed pursuant to section 13 of the 1934 Act a Form 10-K report for Zirtech for the year ended December 31, 1974, because the stock of Zirtech was registered with the Commission at such time.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that Zirtech no longer exists as a separate corporation and there is no longer any trading in Zirtech stock; and, thorough disclosure of Zirtech's business and financial position was made in the proxy materials distributed in connection with the merger of Zirtech into Applicant, and the operations of Zirtech, which are being continued as a division of Applicant, will be reflected in the annual, quarterly, and current reports filed by Applicant under the Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than May 5, 1975, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9881 Filed 4-15-75;8:45 am]

[File No. 500-1]

## PURIFICATION SYSTEMS, INC.

### Suspension of Trading

APRIL 9, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and 7 percent capital debenture due 1980 of Purification Systems, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:30 p.m. (e.d.t.) on April 9, 1975 through midnight (e.d.t.) on April 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9882 Filed 4-15-75;8:45 am]

[70-5648; Rel. No. 18927]

## TRANSOK PIPE LINE CO. AND PUBLIC SERVICE COMPANY OF OKLAHOMA

### Notice of Proposed (1) Charter Amendment To Increase Subsidiary's Authorized Common Stock (2) Sale of Common Stock by One Subsidiary to a Second Subsidiary (3) Issuance of Notes by One Subsidiary to Second Subsidiary

APRIL 10, 1975.

In the matter of Transok Pipe Line Company, P.O. Box 3008, Tulsa, Oklahoma 74101 and Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102.

Notice is hereby given that Public Service Company of Oklahoma ("PSO"), an electric utility subsidiary company of Central and South West Corporation, a registered holding company, and Transok Pipe Line Company, a subsidiary pipeline company of Transok, have filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Transok proposes to amend its amended Articles of Incorporation to increase its authorized common stock, par value $100 per share, from 65,000 to 95,000 shares and to issue and sell 40,000 additional shares ("stock") at par to PSO for cash. Transok presently has 52,186 shares of its stock outstanding, all of which is held by PSO.

Transok also proposes to issue and sell from time to time, and PSO proposes to acquire, promissory notes in an amount not to exceed $25,000,000 at any one time outstanding ("notes"). Each note will be dated the date of the borrowing and will mature not later than 2½ years from the date of the first such borrowing. None of the notes will mature later than December 31, 1977.

The notes will bear interest at a rate equal to the daily average interest rate then being paid by PSO for short-term borrowings. If PSO at any relevant time has no short-term borrowings outstanding, then the notes will bear interest at the prime rate of interest in effect at The First National Bank and Trust Company of Tulsa, which rate would not exceed the rate at which PSO could make short-term borrowings. The notes may be prepaid by Transok in whole or in part at any time without premium or penalty.

Net proceeds from the sale of the stock and notes will be used by Transok to repay short-term borrowings of Transok from CSW, for future construction and for gas and oil exploration and development costs of Transok within the state of Oklahoma. It is stated that Transok's borrowings from CSW are estimated to be $24,500,000 by May 1, 1975. Part of these borrowings by Transok from CSW may be repaid from the proceeds of a sale of bonds by Transok and the balance repaid from the proceeds of the sale of the notes and stock.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $3,100, including legal fees of $1,000.

Notice is further given that any interested person may, not later than May 5, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9883 Filed 4-15-75;8:45 am]

[File No. 500-1]

## UNITED BRANDS CO.

### Notice of Suspension of Trading

APRIL 8, 1975.

The common stock of United Brands Company being traded on the New York, Boston, Midwest, Pacific and Philadelphia-Baltimore-Washington Stock Exchanges, the warrants to 1979 of United Brands Company being traded on the American, Midwest and Boston Stock Exchanges, the convertible preferred A $1.20 cumulative shares of United Brands Company being traded on the New York and Philadelphia-Baltimore-Washington Stock Exchanges, the convertible preferred series B $3.20 cumulative shares, the 5½ percent convertible subordinated debentures due 1994, the 6¾ percent subordinated debentures due 1988 and the 9⅛ percent subordinated debentures due 1998 of United Brands Company being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of United Brands Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on national securities exchanges is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on national securities exchanges is suspended, for the period from 8:45 p.m. (e.d.t.) on April 8, 1975 through 10 a.m. (e.d.t.) on April 14, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9884 Filed 4-15-75;8:45 am]

[File No. 500-1]

## UNITED COMMUNITIES CORP.

### Notice of Suspension of Trading

APRIL 8, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Communities Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:30 a.m. (e.d.t.) on April 8, 1975 through midnight (e.d.t.) on April 17, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9885 Filed 4-15-75;8:45 am]

[70-5649; Rel. No. 18922]

## UTAH POWER & LIGHT CO.

### Notice of Proposed Issue and Sale of Preferred Stock; Request for Exception From Competitive Bidding

APRIL 9, 1975.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed an application-declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes, if feasible, to issue and sell not more than 1,600,000 shares of its Cumulative Preferred Stock, Series G, par value $25 per share ("stock") through negotiation. Utah requests an exception from the competitive bidding requirements of rule 50 pursuant to subsection (a)(5) thereof in order that it may sell the stock through negotiation with underwriters. If the sale by negotiation is not feasible, Utah proposes to sell







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the stock pursuant to the competitive bidding requirements of rule 50.

As reasons for the requested exception from competitive bidding for the stock, Utah states, among other things, that because the stock has a $25 par value, it is more attractive to individual purchasers than preferred stocks having $100 par values. A negotiated public offering, Utah states, aimed at the individual market offers Utah the best opportunity to sell the stock without either a sinking fund or 10-year refunding protection and at a favorable dividend rate.

Utah also proposes to issue and sell common stock by negotiation. Notice of this proposal has previously been issued in this proceeding (Holding Company Act Release No. 18887).

Terms of the stock may include a sinking fund or similar provision to retire a certain number of shares annually. Terms of the stock may also provide that Utah shall not refund the stock by the issuance of debt securities at a lower interest cost or other preferred stock at a lower dividend cost wtihin five years of the issuance of the stock.

The negotiation or bidding procedure will require that (1) the price per share to Utah shall be not less than $25 per share nor more than $25.70 per share, (2) the dividend rate be determined by negotiation or specified by the bids and be a multiple of $.01 per share and (3) the underwriting commission per share to be paid by Utah or the spread between the initial public offering price per share and the price to be paid to Utah be negotiated or be specified in the bids.

Proceeds of the sale of the stock will be used by Utah to repay commercial paper and short-term borrowings incurred for construction purposes. It is estimated that Utah will have $61,000,000 in short-term debt outstanding at April 30, 1975.

It is stated that the Idaho Public Utilities Commission and the Public Service Commission of Wyoming have jurisdiction over the proposed issue and sale of the stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than May 2, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-9886 Filed 4-15-75;8:45 am]

## DEPARTMENT OF LABOR

### Manpower Administration

### FEDERAL COMMITTEE ON APPRENTICESHIP

### Meeting

Pursuant to section 10(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct an open meeting on Monday, May 5, from 9 a.m.-4:30 p.m.; Tuesday, May 6, 1975, from 9 a.m.-12 noon in Room S-4215 (Fourth Floor), New Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Agenda for the meeting on the 5th will include:

1. Economic Change, Apprenticeship and Public Policy
2. Report on 29 CFR Parts 5 & 5a—*Trainee and Apprenticeship*
3. Report on 29 CFR Part 30—*Equal Employment Opportunity in Apprenticeship and Training*
4. VOCATIONAL INDUSTRIAL CLUBS OF AMERICA (VICA)
5. Discussion of comments on: 29 CFR Part 29—*Apprenticeship Programs* (Proposed Registration Standards) March 10, 1975

The Agenda for the meeting on the 6th will include:

1. Report of the Goals of the Federal Committee on Apprenticeship
2. Overview of Bureau of Apprenticeship, and Training Programs, Progress and Problems

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary before May 2, 1975. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters
Bureau of Apprenticeship and Training, MA
U.S. Dept. of Labor
601 D St., NW (Rm. 5434)
Washington, D.C. 20213

Signed at Washington, D.C. this 11th day of April 1975.

WILLIAM H. KOLBERG,
*Assistant Secretary for Manpower.*

[FR Doc.75-9836 Filed 4-15-75;8:45 am]

### Occupational Safety and Health Administration

[V-75-3]

### STAUFFER CHEMICAL CO.

### Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Stauffer Chemical Company, Westport, Connecticut 06880 has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.93q(g)(6)(ii) concerning the requirements for a continuous monitoring and alarm system, and in § 1910.-93q(m)(2) and (n)(3) insofar as they relate to continuous monitoring records.

The address of the place of employment that will be affected by the application is as follows:

Stauffer Chemical Company
Plastics Division
Schoolhouse Road
P.O. Box 320
Delaware City, Delaware 19706

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the requirements of the standard until June 30, 1975 and that it is taking all available steps to safeguard its employees in the interim.

The applicant states that it began engineering studies in April of 1974 to determine its need for continuous monitoring and to select, purchase, and install the appropriate system. Although work has continued, the entire system will not be in operation until June 30, 1975. In the interim the applicant will provide all employees in regulated areas where exposure is likely to exceed permissible exposure levels with Type C respirators approved under § 1910.93q(g)(4)(iii) for exposures to 1000 ppm or the open-circuit self-contained breathing apparatus approved under § 1910.93q(g)(4)(i) for exposures above 3,600 ppm. In addition, the applicant has verbally stated that it would monitor all regulated areas of the plant using hand-held equipment on a 9 day cycle.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices.

U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building—Suite 15220
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110A
Charles Center—31 Hopkins Plaza
Baltimore, Maryland 21201

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than May 16, 1975. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than May 16, 1975, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, and from a copy of a telegram from the applicant's supplier, that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.10(c) that Stauffer Chemical Company be, and it is hereby, authorized to operate its named plant without the continuous monitoring and alarm systems required by 29 CFR 1910.93q(g)(6)(ii) with the following provisions:

1. All employees working in regulated areas where exposure may exceed the permissible limits shall be provided with respirators meeting the requirements of § 1910.93q(g)(4)(i) or (iii);

2. Monitoring of the work environment shall be performed on a 9 day cycle using portable equipment;

3. The reporting and recordkeeping requirements of § 1910.93q(m)(2) and (n)(3) shall be complied with to the extent possible under this portable monitoring system.

4. An evacuation plan shall be available for the removal of employees in the event of an inadvertent leak which may produce exposure levels above the permissible limits for the respirators in use. Employees shall not return to the area until they are properly protected from such concentrations or until monitoring shows that the levels are reduced to permissible limits for the devices in use.

Stauffer Chemical Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

*Effective date.* This interim order shall be effective as of April 16, 1975, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 10th day of April, 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-9873 Filed 4-15-75;8:45 am]

### Office of the Secretary

[TA-W-4]

### ALLEN QUIMBY VENEER CO., BINGHAM, ME.

### Adjustment Assistance; Notice of Investigation

On April 8, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of former workers of the Allen Quimby Veneer Co., Bingham, Maine, Division of Columbia Plywood Corporation, a wholly owned subsidiary of Columbia, Corporation, Portland, Oregon. Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with birch plywood door skins produced by the Allen Quimby Veneer Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of April 1975.

DOMINIC SORRENTINO,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-9874 Filed 4-15-75;8:45 am]

### Wage and Hour Division

### FULL-TIME STUDENTS

### Certificates Authorizing Institutions of Higher Education To Employ at Subminimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the regulation on employment of full-time students at subminimum wages (29 CFR 519), and Administrative Order No. 621 (36 FR 12819), the institutions of higher education listed in this notice have been granted authority to employ their full-time students outside of the individual student's regularly scheduled hours of instruction at hourly rates not less than 85 percent of the applicable statutory minimum rate specified under section 6 of the Act.

The terms and conditions of the regulation further limit the authority to employ full-time students at subminimum wages to not more than 20 hours per week when school is in session, prohibit subminimum wage employment in unrelated trades or businesses such as apartment houses, stores, or other businesses not primarily catering to the students of the institution, and prohibit the hiring of full-time students at subminimum wages for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout exist. The authority does not excuse noncompliance with higher standards applicable to full-time students under any other Federal law, State law, local ordinance, or union or other agreement.

Abilene Christian College: Abilene, TX; Garland, TX.
Adirondack Community College, Glens Falls, NY.
Albany, Junior College of, Albany, NY.
Albright College, Reading, PA.
Albuquerque, University of, Albuquerque, NM.
Alderson-Broaddus College, Inc., Philippi, WV.
Alfred University, Alfred, NY.
Allan Hancock College, Santa Maria, CA.
Allegheny College, Meadville, PA.
Allentown College of St. Francis de Sales, Center Valley, PA.
American River College, Sacramento, CA.
Anderson Center, Palestine, TX.
Angelo State University, San Angelo, TX.
Anne Arundel Community College, Arnold, MD.





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Arkansas College, Batesville, AR.
Arkansas Polytechnic College, Russellville, AR.
Arkansas, State College of, Conway, AR.
Arkansas State University: Beebe, AR; State University, AR.
Arkansas, University of: Fayetteville, AR; Monticello, AR.
Austin College, Sherman, TX.
Averett College, Danville, VA.
Azusa Pacific College, Azusa, CA.
Bacone College, Bacone, OK.
Bard College, Annandale-on-Hudson, NY.
Bartlesville Wesleyan College, Bartlesville, OK.
Baylor University, Waco, TX.
Bee County College, Beeville, TX.
Bethany Bible College, Santa Cruz, CA.
Bethany College, Bethany, WV.
Bethany Nazarene College, Bethany, OK.
Biola College, Inc., La Mirada, CA.
Bluefield College, Bluefield, VA.
Bluefield State College, Bluefield, WV.
Brazosport College, Lake Jackson, TX.
Bridgewater College, Bridgewater, VA.
Brigham Young University, Provo, UT.
Broome Community College, Binghamton, NY.
Bucknell University, Lewisburg, PA.
Butte Community College, Oroville, CA.
Cabrini College, Radnor, PA.
Caldwell College, Caldwell, NJ.
California Institute of the Arts, Valencia, CA.
California Lutheran College, Thousand Oaks, CA.
Cameron College, Lawton, OK.
Carnegie-Mellon University, Pittsburgh, PA.
Carroll College, Helena, MT.
Cazenovia College, Cazenovia, NY.
Cedar Crest College, Allentown, PA.
Cecil Community College, North East, MD.
Centenary College of Louisiana, Shreveport, LA.
Central Oregon Community College, Bend, OR.
Central State University, Edmond, OK.
Chabot College, Hayward, CA.
Chaminade College of Honolulu, Honolulu, HI.
Chesapeake College, Wye Mills, MD.
Chestnut Hill College, Philadelphia, PA.
Cisco Junior College, Cisco, TX.
Claremont Graduate School, Claremont, CA.
Claremont Men's College, Claremont, CA.
Claremore Junior College, Claremore, OK.
Clarion State College, Clarion, PA.
Clark College, Vancouver, WA.
Clarkson College of Technology, Potsdam, NY.
Colgate University, Hamilton, NY.
Concord College, Athens, WV.
Concordia College, Bronxville, NY.
Concordia Lutheran College, Austin, TX.
Cosumnes River College, Sacramento, CA.
Dallas Baptist College, Dallas, TX.
Davis and Elkins College, Elkins, WV.
Dillard University, New Orleans, LA.
Drexel University, Philadelphia, PA.
Dutchess Community College, Poughkeepsie, NY.
D'Youville College, Buffalo, NY.
East Central State College, Ada, OK.
Eastern Mennonite College, Harrisonburg, VA.
Eastern Oklahoma State College, Wilburton, OK.
Eastern Oregon State College, La Grande, OR.
Eisenhower College, Seneca Falls, NY.
Elizabethtown College, Elizabethtown, PA.
Elmira College, Elmira, NY.
Emory & Henry College, Emory, VA.
Erie Community College—North Campus, Buffalo, NY.
Fairmont State College, Fairmont, WV.
Ferrum College, Ferrum, VA.
Fort Wright College of the Holy Names, Spokane, WA.
Franklin and Marshall College, Lancaster, PA.
Fulton-Montgomery Community College, Johnstown, NY.
Gannon College, Erie, PA.
Geneva College, Beaver Falls, PA.
Georgian Court College, Lakewood, NJ.
Gettysburg College, Gettysburg, PA.
Glenville State College, Glenville, WV.
Goldey Beacom College, Inc., Wilmington, DE.
Gonzaga University, Corporation of, Spokane, WA.
Grayson County Junior College, Denison, TX.
Grove City College, Grove City, PA.
Goucher College, Towson, MD.
Gwynedd-Mercy College, Gwynedd Valley, PA.
Hagerstown Junior College, Hagerstown, MD.
Harding College, Inc., Searcy, AR.
Hardin-Simmons University, Abilene, TX.
Harvey Mudd College, Claremont, CA.
Henderson County Junior College, Athens, TX.
Hendrix College, Conway, AR.
Hilbert College, Hamburg, NY.
Hobart and William Smith Colleges, Geneva, NY.
Hollins College Corporation, Hollins College, VA.
Holy Family College, Philadelphia, PA.
Hood College, Frederick, MD.
Houghton College, Houghton, NY.
Howard Payne College, Brownwood, TX.
Humphreys College, Stockton, CA.
Houston-Tillotson College, Austin, TX.
Idaho, The College of, Caldwell, ID.
Immaculata College, Immaculata, PA.
Incarnate Word College, San Antonio, TX.
Indiana University of Pennsylvania: Indiana, PA; Kittanning, PA; Punxsutawney, PA.
Ithaca College, Ithaca, NY.
Jamestown Community College, Jamestown, NY.
John Brown University, Siloam Springs, AR.
Judson Baptist College, Portland, OR.
Juniata College, Huntingdon, PA.
Keuka College, Keuka Park, NY.
Keystone Junior College, La Plume, PA.
King's College, Wilkes-Barre, PA.
Kutztown State College, Kutztown, PA.
La Verne College, La Verne, CA.
Lee College District, Baytown, TX.
Le Moyne College, Syracuse, NY.
Lewis and Clark College, Portland, OR.
Linfield College, McMinnville, OR.
Loma Linda University, Riverside, CA.
Lon Morris College, Jacksonville, TX.
Longwood College, Farmville, VA.
Los Angeles Baptist College, Newhall, CA.
Louisiana College, Pineville, LA.
Louisiana State University at Alexandria, Alexandria, LA.
Louisana Tech University, Ruston, LA.
Lubbock Christian College, Lubbock, TX.
Madison College, Harrisonburg, VA.
Manhattan College, Bronx, NY.
Mary Baldwin College, Staunton, VA.
Mary Hardin-Baylor College, Belton, TX.
Mary Washington College, Fredericksburg, VA.
McLennan Community College, Waco, TX.
McMurry College, Abilene, TX.
Midwestern University, Wichita Falls, TX.
Mills College, Oakland, CA.
Montana College of Mineral Science and Technology, Butte, MT.
Montana State University, Bozeman, MT.
Montana, University of, Missoula, MT.
Moore College of Art, Philadelphia, PA.
Morris Harvey College, Charleston, WV.
Mount Saint Mary College, Newburgh, NY.
Mount St. Mary's College: Los Angeles, CA; Emmitsburg, MD.
Mount San Jacinto College, San Jacinto, CA.
Muhlenberg College, Allentown, PA.
Multnomah School of the Bible, Portland, OR.
Murray State College, Tishomingo, OK.
Nazareth College of Rochester, Rochester, NY.
New Mexico Highlands University, Las Vegas, NM.
New Mexico Institute of Mining and Technology, Socorro, NM.
New Mexico Junior College, Hobbs, NM.
New Mexico State University: Alamogordo Branch, Alamogordo, NM; Carlsbad Branch, Carlsbad, NM; Grants Branch, Grants, NM; Main Campus, Las Cruces, NM; Farmington Branch, San Juan, NM.
New Orleans, University of, New Orleans, LA.
New Rochelle, College of, New Rochelle, NY.
New York, State University of: Brockport, NY; Oneonta, NY; Potsdam, NY.
New York, The City University of, New York, NY.
Norfolk State College, Norfolk, VA.
North Country Community College: Elizabethtown, NY; Malone, NY; Saranac Lake, NY.
North Idaho College, Coeur d'Alene, ID.
Northeast Bible Institute, Green Lane, PA.
Northeast Louisiana University, Monroe, LA.
Northeastern Oklahoma A&M College, Miami, OK.
Northern Arizona University, Flagstaff, AZ.
Northern Oklahoma College, Tonkawa, OK.
Northwest Community College, Powell, WY.
Northwestern State College, Alva, OK.
Northwestern State University: Natchitoches, LA; Shreveport, LA.
Northwest Nazarene College, Nampa, ID.
Nyack College, Nyack, NY.
Ohio Valley College, Parkersburg, WV.
Oklahoma Baptist University, Shawnee, OK.
Oklahoma Christian College, Oklahoma City, OK.
Oklahoma City University, Oklahoma City, OK.
Oklahoma College of Liberal Arts, Chickasha, OK.
Oklahoma Panhandle State University, Goodwell, OK.
Oklahoma State University, Stillwater, OK.
Oklahoma, University of, Norman, OK.
Olympic College, Bremerton, WA.
Ouachita Baptist University, Arkadelphia, AR.
Our Lady of Angels College, Aston, PA.
Our Lady of the Lake College, San Antonio, TX.
Ozark Academy, Gentry, AR.
Ozarks, The College of the, Clarksville, AR.
Pacific Union College, Angwin, CA.
Pacific, University of The, Stockton, CA.
Pan American University, Edinburg, TX.
Panola Junior College, Carthage, TX.
Pepperdine University, Los Angeles, CA; Malibu, CA.
Phillips County Community College, Helena, AR.
Pima County Community College District: Downtown Campus and West Campus, Tucson, AZ.
Pitzer College, Claremont, CA.
Point Park College, Pittsburgh, PA.
Pomona College, Claremont, CA.
Portland, University of, Portland, OR.
Presbyterian School of Christian Education, Richmond, VA.
Prescott College, Prescott, AZ.
Princeton Theological Seminary, Princeton, NJ.
Princeton University, Princeton, NJ.
Puerto Rico, Inter American University of: Arecibo, PR; Aquadilla Regional College and Ramey Air Force Base Academic Unit, Aquadilla, PR; Barranquitas, PR; Bayamon, PR; Fajardo, PR; Guayama, PR; Hato Rey, PR; Ponce, PR; San German, PR.
Puget Sound, University of, Tacoma, WA.
Randolph-Macon College, Ashland, VA.
Redlands, University of, Redlands, CA.
Reed College, Portland, OR.
Rensselaer Polytechnic Institute, Troy, NY.
Richmond, University of, Richmond, VA.
Rider College, Trenton, NJ.
Riverside City College, Riverside, CA.





Roanoke College, Salem, VA.
Robert Morris College, Pittsburgh, PA.
Roberts Wesleyan College, Rochester, NY.
Rochester Institute of Technology, Rochester, NY.
Rocky Mountain College, Billings, MT.
Rosary Hill College, Buffalo, NY.
Russell Sage College, Troy, NY.
Rutgers University: Camden, NJ; Newark, NJ; New Brunswick, NJ.
Sacramento City College, Sacramento, CA.
St. Bonaventure University, St. Bonaventure, NY.
St. Gregory's College, Shawnee, OK.
St. Joseph's College: Brentwood, Long Island, NY; Brooklyn, NY.
St. John's College, Santa Fe, NM.
St. Lawrence University, Canton, NY.
St. Mary's Dominican College, New Orleans, LA.
St. Mary's University, San Antonio, TX.
Salem College, Salem, WV.
Sam Houston State University, Huntsville, TX.
San Diego, University of, San Diego, CA.
San Francisco, University of, San Francisco, CA.
San Jacinto College, Pasadena, TX.
Santa Clara, University of, Santa Clara, CA.
Seattle University, Seattle, WA.
Scripps College, Claremont, CA.
Shepherd College, Shepherdstown, WV.
Shorter College, North Little Rock, AR.
Siena College, Loundonville, NY.
Simpson College, San Francisco, CA.
Siskiyous, College of The, Weed, CA.
Skidmore College, Saratoga Springs, NY.
Snow College, Ephraim, UT.
Southeastern State University, Durant, OK.
Southern Baptist College, Walnut Ridge, AR.
Southern California College, Costa Mesa, CA.
Southern Methodist University, Dallas, TX.
Southern State College, Magnolia, AR.
Southern West Virginia Community College, Williamson, WV.
South Plains College, Levelland, TX.
Southwestern Assemblies of God College, Waxahachie, TX.
Southwestern Christian College, Terrell, TX.
Southwestern Louisiana, University of, Lafayette, LA.
Southwestern Oregon Community College, Coos Bay, OR.
Southwestern State College, Weatherford, OK.
Southwestern University, Georgetown, TX.
Southwest Technical Institute, East Camden, AR.
State University College, Fredonia, NY.
State University of New York at Albany, Albany, NY.
Stephen F. Austin State University, Nacogdoches, TX.
Sul Ross State University, Alpine, TX.
Swarthmore College, Swarthmore, PA.
Sweet Briar College, Sweet Briar, VA.
Temple Junior College, Temple, TX.
Terrell Center, Terrell, TX.
Texas A&I University, Kingsville, TX.
Texas Christian University, Fort Worth, TX.
Texas Lutheran College, Seguin, TX.
Texas Southmost College, Brownsville, TX.
Texas Wesleyan College, Fort Worth, TX.
Texas Woman's University: Dallas, TX; Denton, TX; Houston, TX.
The College of Saint Elizabeth, Convent Station, NJ.
The Evergreen State College, Olympia, WA.
The King's College, Briarcliff Manor, NY.
Thiel College, Greenville, PA.
Treasure Valley Community College, Ontario, OR.
Tulane University, New Orleans, LA.
Union College: Cranford, NJ; Elizabeth, NJ; Plainfield, NJ; Schenectady, NY.
United States International University, San Diego, CA.
United Wesleyan College, Allentown, PA.
Upsala College, East Orange, NJ.
Ursinus College, Collegeville, PA.
Utica College of Syracuse University, Utica, NY.
Villa Maria College, Erie, PA.
Virginia Polytechnic Institute and State University, Blacksburg, VA.
Virginia, University of: Charlottesville VA; Wise, VA.
Virginia Wesleyan College, Norfolk, VA.
Walla Walla College, College Place, WA.
Wagner College, Staten Island, NY.
Warner Pacific College, Portland, OR.
Washington and Lee University, Lexington, VA.
Washington College, Chestertown, MD.
Waynesburg College, Waynesburg, PA.
Wells College, Aurora, NY.
Western Baptist Bible College, Salem, OR.
Western Maryland College, Inc., Westminster, MD.
Western Montana College, Dillon, MT.
Western New Mexico University, Silver City, NM.
West Liberty State College, West Liberty, WV.
Westminster College: New Wilmington, PA; Salt Lake City, UT.
West Texas State University, Canyon, TX.
West Virginia State College, Institute, WV.
West Virginia Wesleyan College, Buckhannon, WV.
Wharton County Junior College, Wharton, TX.
Whittier College, Whittier, CA.
Whitworth College, Spokane, WA.
Widener College, Chester, PA.
Willamette University, Salem, OR.
William and Mary, College of, Williamsburg, VA.
William Carey College, New Orleans, LA.
William Marsh Rice University, Houston, TX.
Wilson College, Chambersburg, PA.
Yavapai College, Prescott, AZ.
Yeshiva University College for Men, New York, NY.
Yeshiva University Stern College For Women, New York, NY.

The authority has been granted to each institution of higher education upon the representations of the institution which, among other things, were that employment of full-time students at subminimum wages is necessary to prevent curtailment of opportunities for employment, the hiring of full-time students at subminimum wages will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under the authority, and such authority will not result in a reduction of the wage rate paid to a current employee. The authority may be annulled or withdrawn in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the granting of the authority to any of the institutions listed may seek a review or reconsideration thereof on or before May 31, 1975.

Signed at Washington, D.C. this 9th day of April.

ARTHUR H. KORN,
*Authorized Representative of the Administrator.*

[FR Doc.75-10033 Filed 4-15-75;8:45 am]



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## INTERSTATE COMMERCE COMMISSION

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

#### Elimination of Gateway Applications

APRIL 10, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before May 16, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 2860 (Sub-No. 142G) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of March 18, 1975, and republished in part as corrected this issue. Applicant: NATIONAL FREIGHT, INC., 57 West Park Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126—16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) between points in New Jersey, New York, Pennsylvania, and Maryland, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, and Delaware, restricted so that no traffic may be transported between points in Maryland (except those east of U.S. Highway 1 and north of a line extending along U.S. Highway 50 to junction Maryland Highway 450, and thence along Maryland Highway 450 to Annapolis, Md. and west of the Chesapeake Bay), on the one hand, and, on the other, points in Massachusetts (except Boston, Mass. and points within 25 miles thereof) and points in Rhode Island (except Providence and Westerly, R.I.); (c) between points in Maryland and the District of Columbia, on the one hand, and, on the other, points in New Jersey, New York and Pennsylvania; (d) between points in New York on and east of Interstate Highway 81, on the one hand, and, on the other points in Pennsylvania on and west of the Susquehanna River; (f) between points in Burlington, Bergen, Passaic, Morris, Mercer, Essex, Cape May, Hudson, Union, Middlesex, Hunterdon, Somerset, Warren, Monmouth, Ocean and Sussex Counties, N.J., on the one hand, and, on the other, points in Pennsylvania on and west of the Susquehanna River; (h) between points in Connecticut, Massachusetts and Rhode Island, on the one hand, and, on the other, the District of Columbia and points in Delaware.

The purpose of this filing is to eliminate the gateways at Camden, Deepwater, Sommerville, N.J., points in Middlesex, Ocean, and Morris Counties, N.J., the junction of Interstate Highway 276 and U.S. Highway 1, the junction of Interstate Highway 276 and U.S. Highway 130, New York, N.Y., Chesapeake City and Salisbury, Md.

NOTE.—This republication indicates the restriction in (1)(a) above, deletes the request for authority as previously published in (1)(b), clarifies the requests for authority in (1)(c) and (1)(f), and deletes Maryland from the requests for authority in (1)(h). The rest of the notice remains as previously published.

No. MC 121060 (Sub-No. 32G) (Correction), filed December 17, 1974, published in the FEDERAL REGISTER issue of March 18, 1975, and republished as corrected this issue. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35301. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building and excavating equipment, construction materials and supplies, contractors' machinery, iron and steel and iron and steel articles* (except commodities in bulk and Classes A and B explosives), between Mobile, Ala., on the one hand, and, on the other, points in Alabama (except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry and Houston Counties). The purpose of this filing is to eliminate the gateway at Demopolis, Ala.

(2) *Road building and excavating equipment, construction materials and supplies, contractors' machinery, iron and steel and iron and steel articles* (except Classes A and B explosives), commodities in bulk, those requiring special equipment, tile, brick, roofing, and petroleum products, between Mobile, Ala., on the one hand, and, on the other, points in Muscogee, Chattahoochee and Harris Counties, Ga. The purpose of this filing is to eliminate the gateways at Demopolis, Ala., and Lee and Russell Counties, Ala.

NOTE.—The purpose of this republication is to correct the commodity description in Part (2) to include steel articles, and correctly indicate the gateways to be eliminated.

No. MC 47142 (Sub-No. 109G), filed June 4, 1974. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, P.O. Box 1833, Huntington, W. Va. 25719. Applicant's representative: W. R. Long, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B and C explosives, blasting supplies, blasting materials and blasting agents*, between points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, the Iowa Army Ammunition Plant, West Burlington, Iowa and the Badger Army Ammunition Plant, Baraboo, Wis. Restrictions: Service to or from Iowa Army Ammunition Plant restricted to shipments of Classes A or B explosives, service at Badger Army Ammunition Plant restricted to shipments of Class B explosives, from the plant site, with no service authorized from Badger to the Iowa Army Ammunition Plant or points in Illinois, Indiana, Kentucky, or Ohio, service not authorized to or from the Indiana Army Ammunition Plant or the Jefferson Proving Ground, Indiana, service not authorized from points in Maine, New Hampshire, Rhode Island, and Connecticut (except Simsbury) to points in Maine, New Hampshire, Rhode Island, and Connecticut (except Simsbury). The purpose of this filing is to eliminate the gateways of Seneca, Ill., Evansville, Ind., points in western Kentucky, points in Ohio, Fairchance, Pa., South East Ohio, Aberdeen, Md., Reynolds, Pa., Martinsburg, W. Va., points in Virginia, points in North Carolina west of U.S. Highway 220, Kenvil, N.J., Frederick, Md., and points in Pennsylvania.

No. MC 113843 (Sub-No. 203G), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, Suite 222, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats, meat products, and meat by-products*, as defined by the Commission, (a) from Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to points in Illinois, Indiana, and Kentucky. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

(b) From Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to points in Missouri, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

(c) From Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to New York, N.Y., Hampton, Va., and points in Connecticut, Massachusetts, New Jersey, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways of Buffalo, Rochester or Syracuse, N.Y.

(d) From Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, New Hampshire and Rhode Island. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

(2) *Meats, meat products and meat by-products*, as defined by the Commission, (a) from Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to Camden, Newark and Jersey City, N.J., Philadelphia and Middletown, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(b) From Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to Cambridge, Springfield, Stoneham, Massachusetts, Salisbury, Md., Philadelphia, Pa., and Roanoke, Va. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

(c) From Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to points in Cattaraugus, Chautauqua and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(d) From Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to points in Vermont, New Hampshire and that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateways of Rochester (Monroe County), N.Y. or Syracuse (Onondaga County), N.Y.

(3) *Fresh, cooked, preserved, salted and smoked meats*, from Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to points in Connecticut, Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateway of Buffalo. N.Y.

(4) *Fresh meats*, from Cincinnati, Cleveland, Fostoria, Piqua, Sandusky, Columbus and Martins Ferry, Ohio, to points in Connecticut, Massachusetts, Rhode Island, Maine and New Hampshire. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

(5) *frozen foods*, (a) from points in Ohio, to points in Cattaraugus, Chautauqua and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(b) From points in Ohio, to Portland and Bangor, Maine, Rutland, Vt., Manchester, N.H. and points in Virginia (other than Hampton and Richmond, Va.) The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(c) From points in Ohio, to points in Delaware, Maryland and West Virginia. The purpose of this filing is to eliminate the gateways of Buffalo or Brockport, N.Y.

(d) From points in Ohio, to points in Connecticut, Maine, Maryland, Rhode Island, Massachusetts, New Hampshire, New Jersey, New York, that part of Pennsylvania east of U.S. Highway 15, Rhode Island, Vermont, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(e) From points in Ohio, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(f) From points in Ohio, to points in Vermont, New Hampshire, and that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse (Onondaga County), N.Y.

(g) From Cleveland, Ohio, to points in Illinois, Indiana, and Kentucky. The purpose of this filing is to eliminate the gateway of Sturgis, Mich.

(h) From Cleveland, Ohio, to points in Missouri, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

(6) *Frozen fruits and vegetables*, (a) from Cleveland, Toledo, Martins Ferry and Columbus, Ohio, to Washington, D.C., Hampton and Richmond, Va., and points in Connecticut, Massachusetts, New Jersey, Pennsylvania and Rhode Island. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(b) From Cleveland, Toledo, Martins Ferry and Columbus, Ohio, to points in Cattaraugus, Chautauqua and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(7) *Frozen and prepared seafood*, from Cleveland, Ohio, to points in Missouri, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

(8) *Frozen fruits, frozen berries and frozen vegetables*, from points in Ohio, to Williamsburg and Norfolk, Va., Manchester, N.H., Portland, Maine, Springfield, Ill., Louisville, Ky., Kenosha, Wis., and Kansas City and Vinita Park, Mo. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(9) *Butter and butter substitutes*, from Cincinnati, Ohio, to Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Olean, N.Y.

(10) *Dairy products*, as defined by the Commission, (a) from Cincinnati, Cleveland, Columbus, Toledo, Van Wert, Washington Court House and Martins Ferry, Ohio, to points in Cattaraugus, Chautauqua and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(b) From Cincinnati, Cleveland, Columbus, Toledo, Van Wert, Washington Court House and Martins Ferry, Ohio, to Springfield and Worcester, Mass. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(c) From Cincinnati, Cleveland, Columbus, Toledo, Van Wert, Washington Court House and Martins Ferry, Ohio, to points in Illinois, Indiana and Kentucky. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

(d) From Cincinnati, Cleveland, Columbus, Toledo, Van Wert, Washington Court House and Martins Ferry, Ohio, to points in Vermont, New Hampshire and that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

(11) *Preserved foodstuffs* (except frozen foods, dairy products, candy and confectionery), from Archbolk, Covington, Delphos, New Bavaria, Northwood, Orrville, Pemberville and Rockford, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island. The purpose of this filing is to eliminate the gateway of Milton, Pa.

(12) *Frozen juices, frozen berries*, from points in Ohio, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Dundee or Penn Yan, N.Y.

(13) *Frozen fruit juices, fruit concentrates*, from points in Ohio, to points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

(14) *Frozen fruit juices*, from points in Ohio, to points in Virginia (other than Hampton, Norfolk and Richmond) on, east and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to Richmond, Va., thence along Virginia Highway 33 to Glenns, Va., thence along U.S. Highway 17 to Saluda, Va., thence along Virginia Highway 227 to Harmony Village, Va., thence along Virginia Highway 200 to the Rappahannock River at or near Locklies, Va. The purpose of this filing is to eliminate the gateway of Dundee or Penn Yan, N.Y.

(15) *Frozen fruit concentrates*, from points in Ohio, to points in Delaware, Maryland, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Dundee or Penn Yan, N.Y.

(16) *Frozen foods*, (a) from points in Indiana, to points in Cattaraugus, Chautaugua and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(b) From points in Indiana, to points in Pennsylvania, Ohio, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virgina and the District of Columbia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(c) From points in Indiana, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(d) From points in Indiana, to points in Delaware, Maryland, and West Virginia. The purpose of this filing is to eliminate the gateway of Buffalo or Brockport, N.Y.

(e) From points in Indiana, to points in Vermont, New Hampshire and that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

(f) From points in Indiana, to Portland and Bangor, Maine, Rutland, Vt., Manchester, N.H. and points in Virginia (except Hampton and Richmond, Va.). The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(17) *Preserved foodstuffs* (except frozen foods, dairy products, candy and confectionery), from Austin and Portland, Ind., to points in Rhode Island, Connecticut, Massachusetts, Maine, New Hampshire and Vermont. The purpose of this







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filing is to eliminate the gateway of Milton, Pa.

(18) *Frozen fruits, frozen berries and frozen vegetables*, from points in Indiana, to Williamsburg and Norfolk, Va., Manchester, N.H. and Portland, Maine. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(19) *Frozen juices, frozen berries*, from points in Indiana, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Dundee or Penn Yan, N.Y.

(20) *Frozen foods*, (a) from points in Pennsylvania on and west of U.S. Highway 15, to points in Cattaraugus, Chautauqua and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(b) From points in Pennsylvania on and west of U.S. Highway 15 to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(c) From points in Pennsylvania on and west of U.S. Highway 15, to Portland and Bangor, Maine, Rutland, Vt., Manchester, N.H., Springfield, Ill., Louisville, Ky., St. Louis, Mo., Sioux City and Davenport, Iowa, Grand Forks, N. Dak., Sioux Falls, S. Dak. and points in Virginia (except Hampton and Richmond, Va.) The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(d) From points in Pennsylvania on and west of U.S. Highway 15, to points in Delaware, Maryland, Kentucky, West Virginia, Pennsylvania (east of U.S. Highway 15), Ohio, Indiana, Illinois, Missouri, Michigan, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(e) From points in Pennsylvania on and west of U.S. Highway 15, to points in Colorado, Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateways of Brockport, Morton, and Le Roy, N.Y.

(f) From points in Pennsylvania on and west of U.S. Highway 15, to points in Missouri, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateways of Elmira, N.Y. and Detroit, Mich.

(g) From points in Pennsylvania on and west of U.S. Highway 15 to points in Vermont, New Hampshire and that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

(21) *Frozen fruits, frozen berries and frozen vegetables*, from points in Pennsylvania on and west of U.S. Highway 15, to Williamsburg and Norfolk, Va., Manchester, N.H., Portland, Maine, Springfield, Ill., Louisville, Ky., Kenosha, Wis., and Kansas City and Vinita Park, Mo. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(22) *Frozen juices, frozen berries*, (a) from points in Pennsylvania on and west of U.S. Highway 15, to points in Delaware, Maryland, Kentucky, North Carolina, South Carolina, West Virginia, and Virginia (except those points in Virginia, other than Hampton, Norfolk and Richmond, on, east and south of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 17 to Saluda, Va., thence along Virginia Highway 227 to Harmony Village, Va., thence along Virginia Highway 200 to the Rappahannock River at or near Locklies, Va.). The purpose of this filing is to eliminate the gateways of Dundee or Penn Yan, N.Y.

(b) From points in Pennsylvania on and west of U.S. Highway 15, to points in Delaware, Maryland, Kentucky and West Virginia. The purpose of this filing is to eliminate the gateways of Buffalo and Westfield, N.Y.

(23) *Frozen fruits and berries, frozen fruit and berry concentrates*, (a) from points in Pennsylvania on and west of U.S. Highway 15, to points in Colorado, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateways of Geneva or Penn Yan, N.Y.

(b) From points in Pennsylvania on and west of U.S. Highway 15, to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas and Wisconsin. The purpose of this filing is to eliminate the gateways of Buffalo and Westfield, N.Y.

(c) From points in Pennsylvania on and west of U.S. Highway 15, to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, Texas and Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(d) From points in Pennsylvania on and west of U.S. Highway 15, to points in Iowa, Kentucky (except Louisville), Missouri (except Kansas City and Vinita Park), Texas and Wisconsin. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(24) *Frozen fruit juices, fruit concentrates*, from points in Pennsylvania on and west of U.S. Highway 15, to points in Delaware, Maryland, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

(25) *Frozen fruit juices*, from points in Pennsylvania on and west of U.S. Highway 15, to points in Virginia (other than Hampton, Norfolk and Richmond) on, east and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to Richmond, Va., thence along Virginia Highway 33 to Glenns, Va., thence along U.S. Highway 17 to Saluda, Va., thence along Virginia Highway 227 to Harmony Village, Va., thence along Virginia Highway 200 to the Rappahannock River at or near Locklies, Va. The purpose of this filing is to eliminate the gateways of Dundee or Penn Yan, N.Y.

(26) *Frozen fruit concentrates*, from points in Pennsylvania on and west of U.S. Highway 15, to points in Delaware, Maryland, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateways of Dundee or Penn Yan, N.Y.

(27) *Frozen prune juice*, from points in Pennsylvania on and west of U.S. Highway 15, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy Mott Co., Inc., at or near Hamlin, Holley or Williamson, N.Y.

(28) *Frozen foods*, from Pittsburgh, Pa., to points in Indiana, Illinois, and Kentucky. The purpose of this filing is to eliminate the gateway of Sturgis, Mich.

(29) *Glass containers*, from Washington, Pa., to Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Dunkirk, N.Y.

No. MC 113843 (Sub-No. 206G), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, Suite 222, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen prepared foodstuffs*, (a) from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(b) From the plant site and warehouses of the Pillsbury Company at or near East Greenville, Pa., to points in Kentucky. The purpose of this filing is to eliminate the gateways of Buffalo, Brockport or Elmira, N.Y.

(c) From the plant site and warehouses of the Pillsbury Company at or near East Greenville, Pa., to points in Ohio, Indiana, Illinois, Missouri, Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(d) From the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Colorado, Iowa, Minnesota, Nebraska and Wisconsin. The purpose of this filing is to eliminate the gateways of Brockport, Morton and Le Roy, N.Y. The above are restricted to the transportation of traffic originating at the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa.

(2) *Frozen foodstuffs* (except in bulk and frozen foods), from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Illinois, Indiana, Michigan, and Kentucky. The purpose of this filing is to eliminate the gateways of Hamlin, Holley or Williamson, N.Y.

(3) *Prepared canned foods and frozen prune juice* (except in bulk) in vehicles equipped with mechanical refrigeration, from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley or Williamson, N.Y.





(4) *Frozen prepared foodstuffs* (except in bulk), (a) from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(b) From the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to Springfield, Ill., Louisville, Ky., St. Louis, Mo., Sioux City and Davenport, Iowa, Grand Forks, N. Dak., Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(c) From the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Kentucky, Ohio, Indiana, Illinois, Missouri, and Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(d) From the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Kentucky. The purpose of this filing is to eliminate the gateways of Buffalo or Brockport, N.Y.

(e) From the plant site and warehouses of The Pillsbury Company, at or near East Greenville, Pa., to points in Colorado, Iowa, Minnesota, Nebraska and Wisconsin. The purpose of this filing is to eliminate the gateways of Brockport, Morton or Le Roy, N.Y.

(f) From the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Missouri, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateways of Buffalo, N.Y. and Detroit, Mich.

(5) *Frozen fruit and berry concentrates* (except in bulk), (a) from the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas and Wisconsin. The purpose of this filing is to eliminate the gateways of Geneva, Westfield or Penn Yan, N.Y.

(b) From the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(c) From the plant site and warehouses of The Pillsbury Company at or near East Greenville, Pa., to points in Iowa, Kentucky (except Louisville), Missouri (except Kansas City and Vinita Park), Texas and Wisconsin. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(6) *Frozen foods*, (a) from New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Cattaraugus, Chautauqua and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(b) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(c) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to Portland and Bangor, Maine, Rutland, Vt., Manchester, N.H., Springfield, Ill., Louisville, Ky., St. Louis, Mo., Sioux City and Davenport, Iowa, Grand Forks, N. Dak., Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(d) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Kentucky and West Virginia. The purpose of this filing is to eliminate the gateways of Buffalo or Brockport, N.Y.

(e) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Ohio, Indiana, Illinois, Missouri, Michigan, Connecticut, Kentucky, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(f) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Colorado, Iowa, Minnesota, Nebraska and Wisconsin. The purpose of this filing is to eliminate the gateways of Brockport, Morton or Le Roy, New York, N.Y.

(g) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Tennessee. The purpose of this filing is to eliminate the gateways of Elmira, N.Y. and Detroit, Mich.

(h) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Vermont, New Hampshire and that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

(7) *Frozen juices, frozen berries*, from New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Kentucky, North Carolina, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateway of Dundee or Penn Yan, N.Y.

(8) *Frozen fruits, frozen berries and frozen vegetables*, from New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to Manchester, N.H., Portland, Maine, Springfield, Ill., Louisville, Ky., Kenosha, Wis., and Kansas City and Vinita Park, Mo. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(9) *Frozen fruits and berries, frozen fruit and berry concentrates*, (a) from New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas and Wisconsin. The purpose of this filing is to eliminate the gateways of Geneva or Penn Yan, N.Y.

(b) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, Texas and Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

(c) From New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15) to points in Kentucky (except Louisville), Iowa, Missouri (except Kansas City and Vinita Park), Texas and Wisconsin. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

(10) *Frozen prune juice*, from New York, N.Y., New Jersey and Pennsylvania (east of U.S. Highway 15), to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site or storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley or Williamson, N.Y.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 28, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2368 (Sub-No. E81), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William Marshburn (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, (except liquid cocoa butter), in bulk, in tank vehicles, from Suffolk, Va., to points in North Carolina on, west and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-South Carolina State line, and to points in South Carolina on, south and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean at Charleston, S.C. The purpose of this filing to is eliminate the gateway of Richmond, Va.

No. MC 21170 (Sub-No. E2), filed June 13, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority



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sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products*, restricted to food products as are dealt in by wholesale, retail, and chain grocery stores from Omaha, Nebraska (A) to points in that part of Illinois south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 70 to junction Illinois Highway 33, thence along Illinois Highway 33 to the Illinois-Indiana State line; (B) to points in that part of Pennsylvania-West Virginia State line extending along U.S. Highway 70 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 22 thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 80 thence along U.S. Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15 thence along U.S. Highway 15 to the Pennsylvania-New York State line; (C) to points in that part of New York east of a line beginning at the New York-Pennsylvania State line extending along Illinois Highway 14 to junction Illinois Highway 13, thence along New York Highway 13 to junction U.S. Highway 11 thence along U.S. Highway 11 to junction New York Highway 57 thence along New York Highway 57 to Lake Ontario; (D) to points in Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, New Jersey, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Benton, Boone, Cedar, Carroll, Dallas, Grundy, Guthrie, Hamilton, Hardin, Iowa, Jasper, Johnson, Linn, Marshall, Muscatine, Poweshiek, Story, and Tama Counties, Iowa, and California, Mo.

No. MC 22170 (Sub-No. E5), filed June 13, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, restricted to such commodities as are dealt in by wholesale, retail, or chain grocery stores, (a) from points in that part of Minnesota east of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 63 to the Minnesota-Iowa State line, to points in Kansas and to points in that part of Colorado west and south of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 24 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-Wyoming State line; (b) from points in that part of Minnesota east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 65 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Wisconsin-Minnesota State line, and points on and west of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 63 to the Minnesota-Iowa State line, to points in that part of Kansas south of a line beginning at the Kansas-Nebraska State line extending along Kansas Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line (restricted against the transportation of traffic between points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, Albert Lea, Austin, and Owatonna, Minn., on the one hand, and, on the other, Olathe, Stanley, and Morse, Kans., and points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission), and to points in that part of Colorado south and west of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 40 to the Colorado-Utah State line. (c) from points in that part of Minnesota bounded by a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 15 to junction U.S. Highway 212.

Thence along U.S. Highway 212 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to point of origin, to points in that part of Kansas south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 73 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 166, thence along U.S. Highway 166 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line (restricted against the transportation of traffic between points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, Albert Lea, Austin, and Owatonna, Minn., on the one hand, and, on the other, Olathe, Stanley, and Morse, Kans., and points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission).

(d) From points in that part of Minnesota east and north of a line beginning at the United States-Canada Boundary line extending along Minnesota Highway 89 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 32, thence along Minnesota Highway 32 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line, to points in that part of Kansas south of a line beginning at the Kansas-Missouri State line extending along Kansas Highway 4 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 144, thence along Kansas Highway 144 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateways of Macon, Marshall, Milan, Carrollton, and Moberly, Mo.

No. MC 29886 (Sub-No. E33), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, the transportation of which, by reason of size or weight, require the use of special equipment or special handling, (1) between points in Missouri, on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (those points in that part of Michigan on, south and west of a line beginning at Lake Michigan extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction unnumbered highway (formerly portion of U.S. Highway 127) at Jackson, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line; Toledo, Ohio, and New York)*; (2) between points in Wisconsin, on the one hand, and, on the other, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine (same as in (1) above)* and Pennsylvania (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Interstate Highway 96, to junction U.S. Highway 127 at Jackson, Mich., thence along U.S. Highway 127 to junction unnumbered highway (formerly portion U.S. Highway 127) at Jackson, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line; and Toledo, Ohio)* and heavy machinery, the transportation of which, by reason of size or weight, require the use of special equipment or special handling, except automobiles, trucks, buses, trailers, cabs, chassis, and cement in bulk, (1) between points in Illinois, on the one hand, and, on the other, points in New Jersey and the District of Columbia (Toledo, Ohio, and Centre County, Pa.)*, and (2) between points in Illinois, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island (Toledo, Ohio, and New York)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29886 (Sub-No. E34), filed May 10, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by *Such commodities* which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, (1) between points in Indiana, on the one hand, and, on the other, points in Connecticut, Michigan, and those in New Jersey east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 10, thence along New Jersey Highway 10 to junction New Jersey Highway 53, thence along New Jersey Highway 53 to Junction New Jersey Highway 24, thence along New Jersey Highway 24 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction New Jersey Highway 36, thence along New Jersey Highway 36 to the Atlantic Ocean; (2) between those points in Indiana north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in New Jersey; (3) between points in Lake, Porter, La Prote, St. Joseph, Elkhart, La Grange, Stuben, Newton, Jasper, Starke, Marshall, Kosclusko, Noble, DeKalb, Benton, White, Pulaski, Fulton, Whitely, Allen, Warren, Tippecanoe, Carol, Cass, Miami, Wabash, Huntington, and Howard Counties, Ind., on the one hand, and, on the other, points in Pennsylvania; and (4) between those points in Indiana on and north of Indiana Highway 67, on the one hand, and, on the other, points in Pennsylvania (except those in Crawford, Venango, Clarion, Jefferson, Indiana, Cambria, Blair, Huntingdon, Franklin, Fulton, Bedford, Somerset, Westmoreland, Armstrong, Butler, Mercer, Lawrence, Beaver, Allegheny, Washington, Fayette, and Greene Counties). The purpose of this filing is to eliminate the gateways of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, to junction U.S. Highway 127 to the Michigan-Ohio State line.

No. MC 29886 (Sub-No. E59), filed June 3, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled sweepers*, which because of size or weight require the use of special handling or special equipment, (1) from points in Iowa to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, those in Florida on and east of U.S. Highway 319, those in Georgia on and east of a line beginning at the North Carolina-Georgia State line and extending along Georgia Highway 17 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateways of those points in Michigan on, south and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Route Interstate Highway 96, to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind.

No. MC 29886 (Sub-No. E62), filed May 16, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicants representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, the transportation of which because of size or weight require the use of special equipment, (1) between points in Indiana, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to the junction Pennsylvania-New Jersey State line; (2) between those points in Indiana west and north of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 41 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 231, thence along U.S. Highway 231 to Indiana Highway 28, thence along Indiana Highway 28 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to the junction Indiana-Ohio State line, and, on the other, points in Pennsylvania; (3) between points in Illinois, on the one hand, and, on the other, points in Michigan, except those points in the upper peninsula west of Interstate Highway 75; (4) between points in Missouri, on the one hand, and, on the other, points in the lower peninsula of Michigan and those in the upper peninsula in Luce, Chippewa, and Mackinac Counties, Mich.; (5) between those points in Wisconsin in Crawford, Grant, Iowa, LaFayette, Dane, Green, Rock, Jefferson, Waukesha, Milwaukee, Walworth, Racine, and Kenosha Counties, on the one hand, and, on the other, points in Michigan (except those in Emmet, Cheboygan, Presque Isle, and Charlevoix Counties, Mich.); (6) between points in Wisconsin, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan and extending along Interstate Highway 96 to junction Michigan Highway 21, to Lake Huron, thence along Michigan Highway 21 to Lake Huron; and (7) between points in Wisconsin, on the one hand, and, on the other, points in Ohio; and *contractors' equipment* between points in New Jersey, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, to junction U.S. Highway 127 to the Michigan-Ohio State line.

No. MC 30280 (Sub-No. E88), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in that part of Georgia on north and west of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 80 to junction Georgia Highway 96, thence along Georgia Highway 96 to Fort Valley, Ga., thence along Georgia Highway 49 to junction Interstate Highway 75, thence along Interstate Highway 75 to Atlanta, Ga., thence along U.S. Highway 78 to the Georgia-Alabama State line, on the one hand, and, on the other, points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S Highway 1 to junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C. thence along U.S. Highway 301 to junction U.S. Highway 117, thence along U.S. Highway 117 to Wilmington, N.C., thence along U.S. Highway 421 to Fort Fisher, N.C. thence along the North Carolina-South







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Carolina State line to junction North Carolina Highway 18, thence along North Carolina Highway 18 to Morgantown, N.C., thence along North Carolina Highway 181 to junction North Carolina Highway 194, thence along North Carolina Highway 194 to junction U.S. Highway 19E, thence along U.S. Highway 19E to the North Carlonia-Tennessee State line. The purpose of this filing is to eliminate the gateway of (1) Greenville, S.C. and (2) Charlotte, N.C.

No. MC 30280 (Sub-No. E89), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in that part of Georgia, on south and west of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 78 to junction Atlanta, Ga., thence along Interstate Highway 75 to junction Tifton, Ga., thence along U.S. Highway 41 to the Georgia-Florida State line, on the one hand, and, on the other, points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 1 to junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C., thence along U.S. Highway 117 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction North Carolina Highway 18, thence along North Carolina Highway 18 to the North Carolina Highway 18 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of (1) Greenville, S.C. and (2) Charlotte, N.C.

No. MC 30280 (Sub-No. E90), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in that part of Georgia on and east of a line beginning at Atlanta, Ga., thence along Interstate Highway 75 to the Georgia-Florida State line, thence along the Georgia-Florida State line to junction U.S. Highway 23, thence along U.S. Highway 23 to Waycross, Ga., thence along U.S. Highway 1 to Wrens, Ga., thence along Georgia Highway 17 to Thompson, Ga., thence along U.S. Highway 78 to Atlanta, Ga., on the one hand, and, on the other, points in that part of North Carolina on and between a line beginning at the North Carolina-South Carolina State line, thence along Interstate Highway 85 to Charlotte, N.C., thence along Interstate Highway 77 to Statesville, N.C., thence along North Carolina Highway 115 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction Interstate Highway 85, thence along Interstate Highway 85 to Henderson, N.C., thence along U.S. Highway 1 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of (1) Greenville, S.C., (2) Charlotte, N.C.

No. MC 44761 (Sub-No. E2), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) from Cincinnati, Ohio, to points in that part of Indiana on, north and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 20 to junction unnumbered highway at New Carlisle, thence along unnumbered highway to the Indiana-Michigan State line; (B) from Dayton, Ohio, to points in that part of Indiana on, north and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 20 to junction U.S. Highway 421, thence along U.S. Highway 421 to Lake Michigan; (C) from Hamilton, Ohio, to points in that part of Indiana on, north and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 20 to junction Indiana Highway 39, thence along Indiana Highway 39 to the Indiana-Michigan State line; (D) from Toledo, Ohio, to points in that part of Indiana on, north and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 20 to junction unnumbered highway near Town of Pines, thence along unnumbered highway to Lake Michigan; (E) from points in that part of Michigan on and east of a line beginning at Saginaw Bay extending along Michigan Highway 13 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 1, thence along Michigan Highway 1 to the United States-Canada International Boundary line, to points in that part of Indiana on, north and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 20 to junction U.S. Highway 421, thence along U.S. Highway 421 to Lake Michigan; (F) from points in that part of Pennsylvania on, south and west of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 119 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line, to points in that part of Indiana on, north and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 20 to junction unnumbered highway near Rolling Prairie, thence along unnumbered highway to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateways of the Chicago, Ill., Commercial Zone as defined by the Commission, and points in Illinois within 10 miles of Chicago not included in the Chicago Commercial Zone.

No. MC 52704 (Sub-No. E3), filed May 20, 1974. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles for food and beverages*, (1) from points in Georgia and North Carolina to points in Arizona and New Mexico; (2) from points in Georgia (except points on and west of U.S. Highway 411) and points in North Carolina, to points in Oklahoma on and south of Interstate Highway 40 and on and west of U.S. Highway 183 from its junction with Interstate Highway 40 to the Kansas-Oklahoma State line; (3) from points in Alabama on and east of a line beginning at the Alabama-Tennessee State line and extending along Interstate Highway 65 to its junction with Interstate Highway 59, thence along Interstate Highway 59 to its junction with U.S. Highway 43, thence along U.S. Highway 43 to Mobile, Ala. (excluding Mobile County 1, to points in Arizona, (restricted against the handling of traffic from points in Baldwin, Clarke, Hale, Marengo and Mobile Counties, Ala., to points in Cochise, Graham, Greenlee and Apache Counties, Ariz.); (4) from points in Autauga, Dallas and Lowndes Counties, Ala., and points in Alabama on and east of Interstate Highway 65, (except points in Baldwin and Mobile Counties), to points in New Mexico (except points in Clay, Curry, Lea, Roosevelt and Union Counties, N.M.); (5) from points in Alabama south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 78 to its junction with Alabama Highway 9, thence along Alabama Highway 9 to the Alabama-Florida State line to points in Oklahoma on and south of Interstate Highway 40 and on and west of U.S. Highway 183 from its junction with Interstate Highway 40 to the Kansas-Oklahoma State line; (6) from points in Tennessee on and east of Interstate Highway 65 to points in Arizona (restricted against traffic moving from Davidson County, Tenn., to points in Arizona on and north of Interstate Highway 40); and (7) from points in Tennessee on and east of Tennessee Highways 55 and 42, to points in New Mexico (restricted against the handling of traffic from points in Coffee, Lincoln, Moore, Overton, Pickett, Putnam, Warren and White Counties, Tenn., to points in New Mexico on and north of U.S. Highway 60). The purpose of this filing is to eliminate the gateways of Lafayette, Ala., and the plant site of Laurens Glass, Inc., at or near Simsboro, La.





No. MC 52704 (Sub-No. E4), filed May 20, 1974. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H" LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New glass beverage bottles* for food and beverages, from Atlanta, Ga., and Laurens, S.C., to points in Arizona, New Mexico and points in Oklahoma on and south of Interstate Highway 40 and on and west of Interstate Highway 35. The purpose of this filing is to eliminate the gateways of LaFayette, Ala., and the plant site of Laurens Glass, Inc., at or near Simsboro, La.

No. MC 52704 (Sub-No. E5), filed May 20, 1974. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H" LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers for beverages and food*, (1) from points in Georgia to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, restricted against handling traffic moving from points in Georgia on and west of U.S. Highway 411 to points in Pennsylvania on and west of U.S. Highway 19; (2) from points in Alabama and Tennessee to points in Delaware and New Jersey, restricted against handling traffic moving from points in Sullivan Co., Tenn., to points in Warren Co., N.J.; (3) from points in Alabama to points in Maryland, restricted against the handling of traffic moving from points in Madison County, Ala., to points in Allegany and Garrett Counties, Md.; (4) from points in Alabama to points in New York, restricted against the handling of traffic moving from points in Alabama on and north of Interstate Highway 59 to points in New York on and west of U.S. Highway 15; (5) from points in North Carolina (except points on and east of a line beginning at Morehead City, N.C., and extending along U.S. Highway 70 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Virginia State line), to points in Delaware, that part of Maryland east of U.S. Highway 522, New Jersey, New York and Pennsylvania (except points on and east of U.S. Highway 219 and on and south of U.S. Highway 30 from the West Virginia-Pennsylvania State line to its junction with U.S. Highway 15); (6) from points in North Carolina on and east of U.S. Highway 15 to points in West Virginia (except points on and south of U.S. Highway 52); (7) from points in Tennessee (except points on and east of U.S. Highway 23) to points in Maryland (except points on and west of U.S. Highway 15); and (8) from points in Tennessee east of U.S. Highway 25E, and on and west of U.S. Highway 231 to points in New York on and east of Interstate Highway 87. The purpose of this filing is to eliminate the gateway of Henderson, N.C.

No. MC 52704 (Sub-No. E6), filed June 3, 1974. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers for beverage and food*, (1) from points in North Carolina on and west of U.S. Highway 301 (except Fayetteville) to Arcadia, Belle Glade, Daytona Beach, Deland, DeFuniak Springs, Fort Myers, Gainesville, Jacksonville, Jasper, Kissimmee, Live Oak, Lakeland, Marianna, Miami, Orlando, Ocala, Palatka, Pensacola, Panama City, Plant City, Quincy, River Junctions, Sarasota, St. Petersburg, Sanford, Stark, Trenton, Tampa, Tarpon Springs, Tallahassee, West Palm Beach, and Winter Haven, Fla.; and (2) from points in North Carolina on and east of U.S. Highway 301 to Fayetteville, N.C., to Marianna, Pensacola, Panama City, Quincy, and Tallahassee, Fla. The purpose of this filing is to eliminate the gateway of Laurens, S.C.

No. MC 61592 (Sub-No. E55), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of agricultural machinery, agricultural implements, forestry machinery, and grain bins (except commodities in bulk, in tank vehicles), from Dothan, Ala., and points in Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, North Carolina, South Carolina, Virginia, West Virginia, and points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Atlantic Ocean, to points in Iowa. The purpose of this filing is to eliminate the gateway of the facilities of Long Manufacturing Co., at Davenport, Iowa.

No. MC 66900 (Sub-No. E4), filed May 30, 1974. Applicant: HOUFF TRANSFER INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulpboard*, (1) from points in Virginia to Mount Wolf, Pa. The purpose of this filing is to eliminate the gateway of Frederick, Md.

(2) From Cumberland and Salisbury, Md. and Martinsburg, W. Va. and points in Maryland south of a line beginning at the junction of Maryland Highways 77 and 550 near Thurmont, Md. and running southeast along Maryland Highway 550 to its junction with Maryland Highway 26 and thence to Baltimore, Md. and points in Queen Anne and Dorchester County, Md. which are within 50 miles of Washington, D.C. to Mount Wolf, Pa. The purpose of this filing is to eliminate the gateway of points within 50 miles of Washington, D.C., including Frederick, Md.

(3) From points in Cabell County, W. Va., Boyd and Greenup Counties, Ky. and Lawrence, Gallia, and Scioto Counties, Ohio to Mount Wolf, Pa. The purpose of this filing is to eliminate the gateway of points in Cabell County, W. Va., Rockingham County, Va. and Frederick, Md.

(4) From points in West Virginia south of U.S. Highway 33, except points in Cabell County, W. Va. to Mount Wolf, Pa. The purpose of this filing is to eliminate the gateway of points in Rockingham County, Va. and Frederick, Md.

(5) From points in West Virginia on and north of U.S. Highway 33, except points in Berkeley and Jefferson Counties, W. Va. to Mount Wolf, Pa. The purpose of this filing is to eliminate the gateway of points in Clarke County, Va. within 50 miles of Washington, D.C. and Frederick, Md.

(6) From points in Ohio and Pennsylvania within 30 miles of Wheeling, W. Va. to Mount Wolf, Pa. The purpose of this filing is to eliminate the gateway of Frederick, Md.

No. MC 66900 (Sub-No. E5), filed May 30, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail hardware stores, (1) from points in that part of New Jersey located on and south of a line beginning at Camden, N.J. thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to Manahawkin, N.J. (excluding Camden, N.J.) to points in Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(2) From points in that part of New Jersey located on and south of a line beginning at Camden, N.J. thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to Manahawkin, N.J. (excluding Camden, N.J.) to points in West Virginia located on and south of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. and points in Rockingham County, Va.

(3) From points in that part of New Jersey located on and south of a line



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beginning at Camden, N.J., thence along New Jersey Highway 70 to junction New Jersey 72, thence along New Jersey Highway 72 to Manahawkin, N.J. (excluding Camden, N.J.) to points in West Virginia located on and north of U.S. Highway 33. The purpose of the filing is to eliminate the gateway of Philadelphia, Pa. and points in Clarke or Frederick Counties, Va.

(4) From points in that part of New Jersey located on and south of a line beginning at Camden, N.J. thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to Manahawkin, N.J. (excluding Camden, N.J.) to points in Ohio and Pennsylvania within 30 miles of Wheeling, W. Va. The purpose of the filing is to eliminate the gateway of Philadelphia, Pa. and points in Clarke and Frederick Counties, Va. within 50 miles of Washington, D.C.

(5) From points in that part of New Jersey located on and south of a line beginning at Camden, N.J., thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to Manahawkin, N.J. (excluding Camden, N.J.) to Washington, D.C., Bethesda, Frederick, and Cumberland, Md. and those points in Washington, Frederick, Montgomery, Charles, Prince Georges, St. Marys, and Calvert Counties, Md. located within 50 miles of Washington, D.C. and which are located on and west of Interstate Highway 70 and 70–S and Maryland Highway 4. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. and points within 50 miles of Washington, D.C.

No. MC 66900 (Sub-No. E8), filed June 4, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyer Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Aspah St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except uncrated household goods, explosives and dangerous articles, bank bills, currency, or money, deeds, drafts, or valuable papers, postage stamps, precious metals or stones or other articles manufactured therefrom, jewelry or other articles of extraordinary value, articles exceeding 20 feet in length or 6 feet in height, or 7 feet in width, except by special arrangements, green hides, slaughter house offal, tanner's fleshings, or any other articles offensive in odor, which are liable to impregnate other freight or cause damage thereto, and livestock, and articles requiring refrigeration), (1) between Cumberland, Md., on the one hand, and on the other, points in Virginia within 80 miles of Staunton, Va., except Roanoke, Va. (2) between Cumberland, Md., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line extending along Interstate Highway 85 to Petersburg, Va., and in and south of Prince George, Surry, James City, and York Counties, Va. The purpose of this filing is to eliminate the gateway of points in Virginia which are within 50 miles of Washington, D.C., and within 80 miles of Staunton, Va. in (1) above, and points in Virginia within 50 miles of Washington, D.C., and within 80 miles of Staunton, Va., and points in Augusta County, Va., in (2) above.

No. MC 66900 (Sub-No. E14), filed May 31, 1974. Applicant: HOUFF TRANSFER, INCORPORATED, P.O. Box 91, Weyers Cove, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail hardware stores, (1) from Johnstown, Pa., to points in Maryland within 50 miles of Washington, D.C., and to Salisbury, Md.; and (2) from Johnstown, Pa., to points in McDowell and Mercer Counties, W. Va. The purpose of this filing is to eliminate the gateways of (1) points in Virginia within 50 miles of Washington, D.C., and (2) points in Bland County, Va.

No. MC 66900 (Sub-No. E17), filed May 30, 1974. Applicant: HOUFF TRANSFER, INCORPORATED, P.O. Box 91, Weyers Cove, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and blasting supplies*, (1) from points in Virginia within 80 miles of Staunton, Va., except Roanoke, Va., located on and east of Interstate Highway 81 and on and south of Interstate Highway 64 to points in West Virginia on and north of U.S. Highway 33. Restriction: No service will be provided from points in Albermarle, Nelson, Fluvanna, Goochland, Buckingham, Cumberland, or Powhatan Counties, Va., to points in Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va.; (2) from points in Virginia within 80 miles of Staunton, Va., located on and east of Interstate Highway 81 and on and north of Interstate Highway 64 to points in West Virginia on and south of U.S. Highway 33; (3) from points in Campbell, Appomattox, Charlotte, Prince Edward, Amherst, Bedford, Roanoke (except the city of Roanoke), Botetourt, Alleghany, Bath, Rockingham, Highland, Augusta, and Nelson Counties, Va., to points in Maryland, except no service will be provided from points in Rockingham County, Va., to points in Garrett and Allegany Counties, Md.; and (4) from points in those parts of Monroe, Greenbrier, and Pocahontas Counties, W. Va., lying within 80 miles of Staunton, Va., to points in Maryland, except no service will be provided between points in Pocahontas County, W. Va., to points in Garrett and Allegany Counties, Md. The purpose of this filing is to eliminate the gateway of Staunton, Va.

No. MC 83835 (Sub-No. E25), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. *Contractors' machinery, equipment, materials, and supplies* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; B. *Contractors' machinery, equipment, materials, and supplies* (except commodities in bulk), which are self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith. (1) between points in Michigan, on the one hand, and, on the other, points in New Mexico and Utah. (2) between points in Wyoming, on the one hand, and, on the other, points in Michigan on and south of highways beginning at the Michigan-Lake Michigan line, thence along Michigan Highway 201 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to its junction with Michigan Highway 113, thence along Michigan Highway 113 to its junction with Michigan Highway 66, thence along Michigan Highway 66 to its junction with Michigan Highway 55, thence along Michigan Highway 55 to the Michigan-Lake Huron line. (3) between points in Utah, on the one hand, and, on the other, points in Wisconsin on and east of highways beginning at the Wisconsin-Lake Superior line, thence along U.S. Highway 53 to its junction with Wisconsin Highway 93, thence along Wisconsin Highway 93 to its junction with Wisconsin Highway 95, thence along Wisconsin Highway 95 to the Wisconsin-Minnesota State line. (4) between points in Wisconsin, on the one hand, and, on the other, points in Utah on and west of highways beginning at the Utah-Idaho State line, thence along Idaho Highway 1 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 89, thence along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 163, thence along U.S. Highway 163 to its junction with U.S. Highway 666, thence along U.S. Highway 666 to the Utah-Colorado State line. (5) between points in Wyoming on and south of highways beginning at the Wyoming-Idaho State line, thence along U.S. Highway 26 to its junction with Interstate Highway 25.

Thence along Interstate Highway 25 to its junction with U.S. Highway 26, thence





along U.S. Highway 26 to the Wyoming-Nebraska State line, on the one hand, and, on the other, points in Wisconsin on and south of highways beginning at the Wisconsin-Iowa State line, thence along U.S. Highway 151 to its junction with Wisconsin Highway 39, thence along Wisconsin Highway 39 to its junction with Wisconsin Highway 78, thence along Wisconsin Highway 78 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to the Wisconsin-Lake Michigan line. (6) between points in Wisconsin on and south of highways beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 53 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with Wisconsin Highway 29, thence along Wisconsin Highway 29 to its junction with Wisconsin Highway 73, thence along Wisconsin Highway 73 to its junction with U.S. Highway 8, thence along U.S. Highway 8 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to its junction with Wisconsin Highway 70, thence along Wisconsin Highway 70 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with Wisconsin Highway 64, thence along Wisconsin Highway 64 to the Wisconsin-Michigan State line, on the one hand, and, on the other, points in Wyoming on and south of highways beginning at the Wyoming-Nebraska State line, thence along Interstate Highway 80 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Nebraska State line. (7) between points in Wyoming on and south of highways beginning at the Wyoming-Nebraska State line, thence along Interstate Highway 80 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to its junction with U.S. Highway 26, thence along U.S. Highway 26 to its junction with Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line, on the one hand, and, on the other, points in Wisconsin on and east of highway beginning at the Wisconsin-Iowa State line thence along Wisconsin Highway 60 to its junction with U.S. Highway 14, thence along U.S. Highway 14 to its junction with Wisconsin Highway 154, thence along Wisconsin Highway 154 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its junction with Wisconsin Highway 23, thence along Wisconsin Highway 23 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with Wisconsin Highway 21, thence along Wisconsin Highway 21, thence along Wisconsin Highway 22 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 54, thence along Wisconsin Highway 54 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to its junction with Wisconsin Highway 22, thence along Wisconsin Highway 22 to its junction with U.S. Highway 141.

Thence along U.S. Highway 141 to the Wisconsin-Michigan State line. (8) between points in Upper Michigan on and east of highways beginning at the Michigan-Canadian line, thence along Interstate Highway 75 to the Michigan-Lake Michigan line, and all of lower Michigan, on the one hand, and, on the other, points in Wyoming on and south of highways beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with Wyoming Highway 220, thence along Wyoming Highway 220 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to its junction with U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line. (9) between points in Upper-Michigan on and east of highways beginning at the Michigan-Green Bay line, thence along U.S. Highway 41 to the Michigan-Lake Superior line, and all of lower Michigan on the one hand, and, on the other, points in Wyoming on and south of highways beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with Wyoming Highway 313, thence along Wyoming Highway 313 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with Wyoming Highway 34, thence along Wyoming Highway 34 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to its junction with Wyoming Highway 13, thence along Wyoming Highway 13 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to its junction with Wyoming Highway 131, thence along Wyoming Highway 131 to its junction with Wyoming Highway 28, thence along Wyoming Highway 28 to its junction with U.S. Highway 187, thence along U.S. Highway 187 to its junction with U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line. (10) between points in Michigan on and south of highways beginning at the Michigan-Lake Michigan line, thence along U.S. Highway 10 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to its junction with Michigan Highway 55, thence along Michigan Highway 55 to its junction with Michigan Highway 115, thence along Michigan Highway 115 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to the Michigan-Saginaw Bay line, on the one hand, and, on the other, points in South Dakota and south of highways beginning at the South Dakota-Wyoming State line, thence along U.S. Highway 212 to its junction with South Dakota Highway 34, thence along with South Dakota Highway 34 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with U.S. Highway 16, thence along U.S. Highway 16 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to its junction with U.S. Highway 18.

Thence along U.S. Highway 18 to its junction South Dakota Highway 47 to the South Dakota-Nebraska State line. (11) between points in Michigan on and south of highways beginning at the Michigan-Canadian line, thence along Michigan Highway 21 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Michigan Highway 46, thence along Michigan Highway 46 to its junction with U.S. Highway 131, thence along U.S. Highway 131 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to the Michigan-Lake Michigan line, on the one hand, and, on the other, points in Montana on and south and west of highways beginning at the Montana-Wyoming State line, thence along U.S. Highway 212 to its junction with U.S. Highway 312, thence along U.S. Highway 312 to its junction with Montana Highway 22, thence along Montana Highway 22 to its junction with Montana Highway 200, thence along Montana Highway 200 to its junction with Montana Highway 19, thence along Montana Highway 19 to its junction with U.S. Highway 191, thence along U.S. Highway 191 to its junction with Montana Highway 376, thence along Montana Highway 376 to its junction with U.S. Highway 2, thence along U.S. Highway 2 to its junction with Montana Highway 232, thence along Montana Highway 232 to the Montana-Canada line. (12) between points in Michigan on and south of highways beginning at the Michigan-Lake Michigan line, thence along U.S. Highway 10 to its junction with Michigan Highway 37, thence along Michigan Highway 37 to its junction with Michigan Highway 55, thence along Michigan Highway 55 to the Michigan-Lake Huron line, on the one hand, and, on the other, points in Montana on and south of highways beginning at the Montana-Wyoming State line, thence along U.S. Highway 212 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateway of Kansas and Illinois.

No. MC 83835 (Sub-No. E46), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing and pipe*, (A) from points in Michigan, New York, and Pennsylvania, to points in New Mexico and Texas, (B) from points in Indiana, Ohio, and West Virginia, to points in New Mexico. (C) from points in New York, to points in Kansas on and west of highways beginning at the Nebraska-Kansas State line thence along U.S. Highway 83 to its junction with Kansas Highway 23,



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thence along Kansas Highway 23 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction with U.S. Highway 281, thence along U.S. Highway 281 to its junction with U.S. Highway 56, thence along U.S. Highway 56 to its junction with Kansas Highway 14, thence along Kansas Highway 14 to its junction with Kansas Highway 96, thence along Kansas Highway 96 to its junction with Kansas Highway 47, thence along Kansas Highway 47 to its junction with Kansas Highway 57, thence along Kansas Highway 57 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to its junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line. (D) from points in Ohio, to points in Kansas on and south and west of highways beginning at the Kansas-Oklahoma State line thence along U.S. Highway 281 to its junction with Interstate Highway 70, thence along Interstate Highway 70, to the Kansas-Colorado State line, and points in Texas on and west of highways beginning at the Texas-Oklahoma State line, thence along Interstate Highway 35 to its junction with Interstate Highway 45, thence along Interstate Highway 45 to the Texas-Gulf of Mexico State line. (E) from points in Indiana, to points in Kansas on and west of highways beginning at the Oklahoma-Kansas State line thence along U.S. Highway 281 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with U.S. Highway 154, thence along U.S. Highway 154 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with Kansas Highway 96, thence along Kansas Highway 96, to the Colorado-Kansas State line. (F) from points in Pennsylvania, to points in Kansas on and south of highways beginning at the Kansas-Missouri State line thence along Kansas Highway 57, to its junction with U.S. Highway 69, thence along U.S. Highway 69 to its junction with Kansas Highway 57, thence along Kansas Highway 57 to its junction with Kansas Highway 47, thence along Kansas Highway 47 to its junction with Kansas Highway 96, thence along Kansas Highway 96 to its junction with Kansas Highway 14, thence along Kansas Highway 14 to its junction with U.S. Highway 56, thence along U.S. Highway 56 to its junction with U.S. Highway 281.

Thence along U.S. Highway 281 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with Kansas Highway 27, thence along Kansas Highway 27 to the Kansas-Nebraska State line. (G) from points in Ohio on and east of highways beginning at the Ohio-West Virginia State line thence along U.S. Highway 50 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Michigan State line, to points in the state of Texas. (H) from points in Indiana on and north of highways beginning at the Indiana-Illinois State line U.S. Highway 40, to the Indiana-Ohio State line, to points in that state of Texas. (I) from points in the states of Michigan, New York, points in Pennsylvania on and east of highways beginning at the Pennsylvania-Maryland State line U.S. Highway 219, to the Pennsylvania-New York State line, and points in Indiana on and north of highways beginning at the Indiana-Illinois State line thence along U.S. Highway 30 to its junction with Indiana Highway 2, thence along Indiana Highway 2 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Ohio State line, to points in Louisiana on and west of highways beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 71, to its junction with U.S. Highway 171, thence along U.S. Highway 171 to its junction with Louisiana Highway 14, thence along Louisiana Highway 14 to its junction with Louisiana Highway 27, to the Louisiana-Gulf of Mexico State line. (J) from points in Upper Michigan, to points in Arkansas on and west of highways beginning at the Arkansas-Louisiana State line thence along U.S. Highway 167, to its junction with Arkansas Highway 7, thence along Arkansas Highway 7, to its junction with Arkansas Highway 24, thence along Arkansas Highway 24, to its junction with Arkansas Highway 53, thence along Arkansas Highway 53 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 270, thence along U.S. Highway 270 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Missouri State line. (K) from points in lower Michigan, to points in Kansas on and south and west of highways beginning at the Kansas-Oklahoma State line thence along U.S. Highway 281 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to its junction with Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line. (L) from points in West Virginia on and north of highways beginning at the Virginia-West Virginia State line thence along U.S. Highway 60 to its junction with West Virginia Highway 63, thence along West Virginia Highway 63 to its junction with West Virginia Highway 16, thence along West Virginia Highway 16 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to the Kentucky-West Virginia State line to points in Texas on and west of highways beginning at the Oklahoma-Texas State line thence along U.S. Highway 270 to its junction with Texas Highway 19, thence along Texas Highway 19 to its junction with Texas Highway 154.

Thence along Texas Highway 154 to its junction with Texas Highway 37, thence along Texas Highway 37 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to its junction with Texas Highway 21, thence along Texas Highway 21 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to its junction with Texas Highway 185, thence along Texas Highway 185 to the Texas-Gulf of Mexico State line. (M) from points in New York on and east of highways beginning at the Atlantic Ocean-New York line thence along New York Highway 9 to its junction with Interstate Highway 87, thence along Interstate Highway 87 to its junction with New York Highway 17, thence along New York Highway 17 to its junction with New York Highway 30, thence along New York Highway 30 to its junction with New York Highway 206, thence along New York Highway 206 to its junction with New York Highway 10, thence along New York Highway 10, to its junction with New York Highway 28, thence along New York Highway 28 to its junction with New York Highway 23, thence along New York Highway 23 to its junction with New York Highway 51, thence along New York Highway 51 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with New York Highway 8, thence along New York Highway 8 to its junction with New York Highway 12, thence along New York Highway 12 to the New York-Canada State line, to points in Arkansas on and west of highways beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 70 to its junction with Arkansas Highway 27, thence along Arkansas Highway 27 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. (N) from points in Kansas on and south and west of highways beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 281 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to its junction with Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line to points in lower Michigan. (O) from points in Kansas on and south of highways beginning at the Kansas-Missouri State line, thence along Kansas Highway 57 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to its junction with Kansas Highway 57, thence along Kansas Highway 57 to its junction with Kansas Highway 47, thence along Kansas Highway 47 to its junction with Kansas Highway 96, thence along Kansas Highway 96 to its junction with Kansas Highway 14, thence along Kansas Highway 14 to its junction with U.S. Highway 56, thence along U.S. Highway 56 to its junction with U.S. Highway 281, thence along U.S. Highway 281 to its junction with Highway 40, thence along U.S. Highway 40 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with U.S. Interstate Highway 70, thence along Interstate Highway 70 to its junction with Kansas Highway 27.

Thence along Kansas Highway 27 to the Kansas-Nebraska State line to points





in Pennsylvania. (P) from points in Kansas on and west of highways beginning at the Nebraska-Kansas State line, thence along U.S. Highway 83 to its junction with Kansas Highway 23, thence along Kansas Highway 23 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction with U.S. Highway 281, thence along U.S. Highway 281 to its junction with U.S. Highway 56, thence along U.S. Highway 56 to its junction with Kansas Highway 14, thence along Kansas Highway 14 to its junction with Kansas Highway 96, thence along Kansas Highway 96 to its junction with Kansas Highway 47, thence along Kansas Highway 47 to its junction with Kansas Highway 57, thence along Kansas Highway 57 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to its junction with U.S. Highway 160 to the Missouri-Kansas State line to points in New York. (Q) from points in Kansas on and south and west of highways beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 281 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Colorado State line to points in Ohio. (R) from points in Kansas to points in Alabama on and south of highways beginning at the Alabama-Mississippi State line, thence along U.S. Highway 78 to its junction with U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line. (S) from points in Kansas on and north of highways beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 77 to its junction with Kansas Highway 15, thence along Kansas Highway 15 to its junction with Kansas Highway 96, thence along Kansas Highway 96 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with Kansas Highway 27, thence along Kansas Highway 27 to the Nebraska-Kansas State line to points in Texas on and east of highways beginning at the Texas-Mexico State line, thence along Interstate Highway 35 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Texas State line. (T) from points in Kansas, to points in Lousiana. (U) from points in Kansas on and west of highways beginning at the Missouri-Kansas State line, thence along Interstate Highway 35 to its junction with U.S. Highway 169, thence along U.S. Highway 169 to the Oklahoma-Kansas State line to points in Arkansas on and south of highways beginning at the Mississippi-Arkansas State line, thence along U.S. Highway 82 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to its junction with Arkansas Highway 4, thence along Arkansas Highway 4 to its junction with Arkansas Highway 8, thence along Arkansas Highway 8 to its junction with Arkansas Highway 9, thence along Arkansas Highway 9 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with Arkansas Highway 10, thence along Arkansas Highway 10 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with U.S. Highway 64.

Thence along U.S. Highway 64 to the Oklahoma-Arkansas State line. (V) from points in Iowa, Michigan, New York, Pennsylvania, Wisconsin, and points in Ohio on and east of highways beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line. (W) from points in Texas on and west of highways beginning at the Texas-Oklahome State line, thence along Interstate Highway 35 to its junction with Interstate Highway 45, thence along Interstate Highway 45 to the Texas-Gulf of Mexico line to points in Ohio. (X) from points in Texas on and north and west of highways beginning at the Texas-New Mexico State line, thence along Interstate Highway 10 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with Texas Highway 302, thence along Texas Highway 302 to its junction with Texas Highway 181, thence along Texas Highway 181 to its junction with U.S. Highway 385, thence along U.S. Highway 385 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to its junction with Texas Highway 283, thence along Texas Highway 283, to the Texas-Oklahoma State line to points in Alabama. (Y) from points in Texas on and east of highways beginning at the Texas-Oklahoma State line, thence along U.S. Highway 281 to its junction with Texas Highway 16, thence along Texas Highway 16 to its junction with Texas Highway 67, thence along Texas Highway 67 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to its junction with Texas Highway 87, thence along U.S. Highway 87, to its junction with Texas Highway 81, thence along U.S. Highway 81 to the Texas-Mexico State line to points in Montana. (Z) from points in Texas on and east of highways beginning at the Mexico-Texas line, thence along Interstate Highway 35 to its junction with U.S. Highway 75 to the Oklahoma-Texas State line, to points in Kansas on and north of highways beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 77 to its junction with Kansas Highway 15, thence along Kansas Highway 15 to its junction with Kansas Highway 96.

Thence along Kansas Highway 96 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to its junction Interstate Highway 70 to its junction with Kansas Highway 27, thence along Kansas Highway 27 to the Nebraska State line. (A1) from points in Texas on and west and south of highways beginning at the Louisiana-Texas State line, thence along U.S. Highway 80 to its junction with U.S. Highway 259, thence along U.S. Highway 250 to its junction with Texas Highway 49, thence along Texas Highway 49 to its junction with U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line to points in Missouri on and north of highways beginning at the Oklahoma-Missouri State line, thence along U.S. Highway 60 to its junction with U.S. Highway 60 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to the Illinois-Missouri State line. (B1) from points in Texas on and east of highways beginning at the Oklahoma-Texas State line, thence Interstate Highway 35 to its junction with Texas Highway 123, thence along Texas Highway 123 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to the Texas-Gulf of Mexico State line to points in Wyoming. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 95540 (Sub-No. E271), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk and except meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from those points in Texas on and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 180 to Snyder, thence along U.S. Highway 84 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to the Texas-Louisiana State line, to those points in Indiana on and northeast of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 64 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 68, thence along Indiana Highway 68 to junction Indiana Highway 61, thence along Indiana Highway 61 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E719), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212—5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: The commodities classified as (a) *meats, meat products, and meat by-products* in the Appendix to the report in *Modification of Permits Packinghouse Products*, 48 M.C.C. 628, from Detroit, Mich., to those



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points in Louisiana on and southwest of a line beginning at the Gulf of Mexico and extending along U.S. Highway 167 to junction Louisiana Highway 94, excluding Abbeville and Lafayette, to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Louisiana Highway 41, thence along Louisiana Highway 41 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 104654 (Sub-No. E4), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pa. Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, except petroleum products requiring heat in transit to maintain liquid form, from Lawrenceville, Ill., to points in that part of Missouri on, south and east of a line beginning at Cape Girardeau, Mo. extending along State Highway 72 to State Highway 21, along State Highway 21 to State Highway 32, thence along State Highway 32 to junction U.S. Highway 66, along U.S. Highway 66 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Paducah, Ky., and Gale or Cairo, Ill., or Hickman, Ky.

No. MC 104654 (Sub-No. E10), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, except petroleum products requiring heat in transit to maintain liquid form, from Mt. Vernon, Ind., to points in that part of Missouri on, south and east of a line beginning at the Missouri-Illinois State line extending along State Highway 21 to State Highway 185, thence along State Highway 185 to junction Interstate Highway 144, thence along Interstate Highway 144 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Gale or Cairo, Ill.

No. MC 106654 (Sub-No. E11), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pa. Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles from Mt. Vernon, Ind., to points in Tipton, Shelby and Fayette Counties, Tenn. The purpose of this filing is to eliminate the gateway of Hickman, Ky., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E17), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, (except petroleum products requiring heat in transit to maintain liquid form), from Paducah, Ky., and points and places in Kentucky within 5 miles therefore, to points in Tipton, Shelby, and Fayette Counties, Tenn. The purpose of this filing is to eliminate the gateways of Cairo, Ill., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E18), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pa. Bldg., 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Cape Girardeau, to points in that part of Indiana on and west of a line beginning at the Indiana-Illinois State line extending along Indiana State Highway 61 to junction State Highway 66 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Gale, Ill.

No. MC 104654 (Sub-No. E19), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pa. Bldg., 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Cape Girardeau, Mo., and points within three miles of Cape Girardeau, to points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along the Green River Parkway to junction State Highway 79, thence along State Highway 79 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Gale or Cairo, Ill.

No. MC 104654 (Sub-No. E20), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pa. Bldg., 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Cape Girardeau, Mo., and points and places within 3 miles of Cape Girardeau, to points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 431 to Nashville, thence along State Highway 100 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Gale, Ill.

No. MC 104654 (Sub-No. E26), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pa. Bldg., 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Indianapolis, Ind., and points within 20 miles thereof, to points in Wisconsin (except points in the Counties of Kenosha, Milwaukee, Racine, Waukesha, and Walworth). The purpose of this filing is to eliminate the gateway of Rochelle, Ill.

No. MC 104654 (Sub-No. E28), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pa. Bldg., 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of the Stokes Oil Company, Inc., river terminal at or near Hickman Ky., to points in Fayette, Hardeman, Haywood, Lauderdale, Shelby and Tipton Counties, Tenn. The purpose of this filing is to eliminate the gateway of Caruthersville, Mo.

No. MC 104654 (Sub-No. E39), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of the American Oil Company located approximately 2 miles south of Brookston, Ind., to points in that part





of Missouri on, south and east of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 32 to junction U.S. Highway 67, thence along U.S. Highway 67 to Missouri Highway 8, thence along Missouri Highway 8 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of St. Elms, Ill., or Gale, Ill.

No. MC 104654 (Sub-No. E42), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in Descriptions to Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of the American Oil Company located approximately 2 miles south of Brookston, Ind., to points in Wisconsin except points in Counties of Kenosha, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, Waukesha and Walworth. The purpose of this filing is to eliminate the gateway of Rochelle, Ill.

No. MC 104654 (Sub-No. E44), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Whiting, Ind., to points in that part of Tennessee on, south and west of a line beginning at the Tennessee-Missouri State line and extending along Tennessee Highway 20 to Dyersburg, thence along Tennessee Highway 104 to junction U.S. Highway 45E, thence along U.S. Highway 45E to Jackson, thence along U.S. Highway 45 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateways of East St. Louis, Ill., Hickman, Ky., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E46), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Whiting, Ind., to points in that part of Missouri on and south of a line beginning at the Missouri-Kentucky State line extending along Missouri Highway 80 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of East St. Louis, Ill., and Hickman, Ky.

No. MC 104654 (Sub-No. E47), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant site of the Missouri Portland Cement Company at St. Louis, Mo., to points in that part of Arkansas on and east of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 67 to Little Rock, thence along Interstate Highway 30 to the Arkansas-Texas State line; that part of Kentucky on and south of a line beginning at the Kentucky-Illinois State line extending along Kentucky Highway 91 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Blue Grass Parkway, thence along the Blue Grass Parkway to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line, and Tennessee. The purpose of this filing is to eliminate the gateway of Joppa, Ill.

No. MC 104654 (Sub-No. E48), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant site of Marquette Cement Manufacturing Company at Cape Girardeau, Mo., to points in that part of Arkansas on, east and south of a line beginning at the Arkansas-Tennessee State line extending along Interstate Highway 40 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line; that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to Tennessee Highway 77, thence along Tennessee Highway 77 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to the Tennessee-Alabama State line, and Indiana and Kentucky. The purpose of this filing is to eliminate the gateway of Joppa, Ill.

No. MC 104654 (Sub-No. E50), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant site of the Universal-Atlas Cement Division, United States Steel Corp., at Hannibal, Mo., to points in that part of Arkansas on, east and south of a line beginning at the Arkansas-Tennessee State line extending along Interstate Highway 40 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line; that part of Kentucky on and south of a line beginning at the Kentucky-Illinois State line extending along Kentucky Highway 91 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Blue Grass Parkway, thence along the Blue Grass Parkway to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line, and Tennessee. The purpose of this filing is to eliminate the gateway of Joppa, Ill.

No. MC 107456 (Sub-No. E3), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities the transportation of which because of size or weight requires the use of special equipment*, and (2) *self-propelled vehicles, each weighing 15,000 pounds or more* (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and *related machinery, tools, parts, and supplies* moving in connection therewith, between all points in Arizona, on the one hand, and, on the other, all points in Idaho. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 107456 (Sub-No. E4), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth



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South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which because of size or weight requires the use of special equipment, and (2) *self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and *related machinery, tools, parts and supplies* moving in connection therewith, between all points in Arizona, on the one hand, and, on the other, all points in Montana. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 107456 (Sub-No. E7), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which because of size or weight requires the use of special equipment, and (2) *self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and *related machinery, tools, parts and supplies* moving in connection therewith, between all points in California north of the southern boundary lines of Nevada, Yuba, Butte, Tehama, Trinity, and Humboldt Counties, on the one hand, and, on the other, points in Navajo and Apache Counties, Arizona. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 107456 (Sub-No. E8), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which because of size or weight requires the use of special equipment, and (2) *self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and *related machinery, tools, parts, and supplies* moving in connection therewith, between all points in California south of the southern boundary lines of San Luis Obispo, Kern, and Inyo Counties, on the one hand, and, on the other, Wendover, Nev. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 107456 (Sub-No. E10), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which because of size or weight requires the use of special equipment, and (2) *self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between all points in Clark and Lincoln Counties, Nev., on the one hand, and, on the other, all points in Idaho; (b) between all points in Nye County, Nev., on the one hand, and, on the other, all points in Idaho (except points in Latah, Nez Perce, Washington, Gem, Ada, Owyhee, Twin Falls, Payette, and Canyon Counties); (c) between all points in Nevada (except points in Humboldt, Pershing, Lander, Eureka and Elko Counties), on the one hand, and, on the other, all points in Idaho on and east of the eastern boundaries of Lemhi, Butte, Blaine, and Cassia Counties; and (d) between all points in White Pine County, Nev., on the one hand, and, on the other, all points in Idaho east of the eastern boundary lines of Cassia, Blaine, and Custer Counties and north of the northern boundary lines of Custer, Valley and Adams Counties (except for Nez Perce and Latah Counties). The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 107456 (Sub-No. E11), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which because of size or weight requires the use of special equipment, and (2) *self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between all points in Nevada, on the one hand, and, on the other, all points in Montana (except between points in Washoe, Ormsby, Storey, Churchill, Pershing, Humboldt and Elko Counties, Nev., on the one hand, and, on the other, points in Missoula and Flat Head Counties, Mont.). The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 107456 (Sub-No. E12), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Commodities* the transportation of which because of size or weight requires the use of special equipment; and (b) *machinery, parts and contractors' materials and supplies*, in mixed loads with the commodities in (1)(a) above; (2) *general commodities* (except motor vehicles, motor vehicle cabs and bodies, and Classes A and B explosives), in mixed loads with the commodities in (1)(a) above, restricted to movement under a single bill of lading and from a single consignor; (3)(a) *self-propelled vehicles* weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and (b) *machinery, tools*, and parts of self-propelled vehicles as described in (3)(a) above in mixed loads with self-propelled vehicles in (3)(a) above (a) between all points in Washington, on the one hand, and, on the other, all points in Elko, White Pine, Lincoln and Clark Counties, Nev.; and (b) between all points in Washington east of the eastern boundary lines of Clark, Cowlitz, Lewis, Thurston, and Grays Harbor Counties and north of the northern boundary lines of Thurston and Grays Harbor Counties, on the one hand, and, on the other, all points in Nye County, Nev. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 107456 (Sub-No. E13), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Commodities, the transportation of which because* of size or weight requires the use of special equipment; and (b) *machinery, parts and contractors' materials and supplies*, in mixed loads with the commodities in (1)(a) above; (2) *general commodities* (except motor vehicles, motor vehicle cabs and bodies, and Classes A and B explosives), in mixed loads with the commodities in (1)(a) above, restricted to movement under a single bill of lading and from a single consignor; (3)(a) *self-propelled vehicles* weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and (b) *machinery, tools, and parts of self-propelled vehicles* as described in (3)(a) above in mixed loads with self-propelled vehicles in (3)(a) above, (A) between all points in Washington, on the one hand, and, on the other, all points in Arizona, and (B) between all points in Josephine, Jackson, Klamath, Douglas, Lane, Deschutes, Harney, and Malheur Counties, Oreg., on the one hand, and, on the other, all points in Gallatin, Park, Sweet Grass, Stillwater, Carbon, Yellowstone, Treasure, Rosebud, Powder River, Custer, Prairie, Big Horn, Carter, Fallon, Wilbaux, and Dawson Counties, Mont. The purpose of this filing is to eliminate the gateway of Utah.





points in Nye County, Nev. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 107456 (Sub-No. E14), filed May 31, 1974. Applicant: HARRY L. YOUNG & SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Commodities* the transportation of which because of size or weight requires the use of special equipment; and (b) *machinery, parts and contractors' materials and supplies*, in mixed loads with the commodities in (1)(a) above; (2) *general commodities* (except motor vehicles, motor vehicle cabs and bodies, and Classes A and B explosives), in mixed loads with the commodities in (1)(a) above, restricted to movement under a single bill of lading and from a single consignor; (3)(a) *self-propelled* vehicles moving in driveaway service), and (b) *machinery, tools*, and parts of self-propelled vehicles as described in (3)(a) above in mixed loads with self-propelled vehicles in (3)(a) above, between all points in Washington west of the western boundary lines of Perry and Lincoln Counties and south of the southern boundary lines of Lincoln and Spokane Counties, on the one hand, and, on the other, all points in Idaho east of the eastern boundary lines of Owyhee, Elmore, Custer, and Lemhi Counties. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 107456 (Sub-No. E16), filed May 31, 1974. Applicant: HARRY L. YOUNG AND SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Commodities* the transportation of which because of size or weight requires the use of special equipment; and (b) *machinery parts and contractors' materials and supplies*, in mixed loads with the commodities in (1)(a) above; (2) *general commodities* (except motor vehicles, motor vehicle cabs and bodies, and Classes A and B explosives), in mixed loads with the commodities in (1)(a) above, restricted to movement under a single bill of lading and from a single consignor; (3)(a) *self-propelled vehicles* weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and (b) *machinery, tools, and parts of self-propelled vehicles* as described in (3)(a) above in mixed loads with self-propelled vehicles in (3)(a) above (a) between all points in Oregon, on the one hand, and, on the other, all points in Elko, White Pine, Lincoln, and Clark Counties, Nev.; and (b) between all points in Oregon east of the eastern boundary lines of Morrow, Grant and Harney Counties, on the one hand, and, on the other, all points in Nye County, Nev. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 107456 (Sub-No. E17), filed May 31, 1974. Applicant: HARRY L. YOUNG AND SONS, INC., 542 West Sixth South, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Commodities* the transportation of which because of size and weight requires the use of special equipment; and (b) *machinery parts and contractors' materials and supplies*, in mixed loads with the commodities in (1)(a) above; (2) *general commodities* (except motor vehicles, motor vehicle cabs and bodies, and Classes A and B explosives), in mixed loads with the commodities in (1)(a) above, restricted to movement under a single bill of lading and from a single consignor; (3)(a) *self-propelled vehicles* weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(15) of the Interstate Commerce Act, and vehicles moving in driveaway service), and (b) *machinery, tools, and parts of self-propelled vehicles* as described in (3)(a) above in mixed loads with self-propelled vehicles in (3)(a) above between all points in Oregon west of the western boundary lines of Umatilla, Grant, and Harney Counties, on the one hand, and, on the other, all points in Idaho east of the eastern boundary lines of Lemhi, Custer, Blaine, Minidoka, and Twin Falls Counties. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 107515 (Sub-No. E116), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from New York, N.Y. to points in Louisiana; points in Mississippi on and south of U.S. Highway 90; and points in Mississippi on and west of U.S. Highway 49 originating at Gulfport, to junction at Yazoo City to U.S. Highway 49E to junction U.S. Highway 49 at Tutiuler to Mississippi-Arkansas border. The purpose of this filing is to eliminate the gateway of Columbus, Ohio and Atlanta, Ga. (Doraville, Ga.).

No. MC 107515 (Sub-No. E179), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Miami, Fla., to Kansas City, Mo. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Mobile, Ala.

No. MC 107515 (Sub-No. E535), filed February 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Laredo, Tex., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Bryan, Ohio.

No. MC 107515 (Sub-No. E537), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples* from Charleston, S.C. to points of entry on the United States-Canadian Boundary line located in North Dakota, restricted to the transportation of traffic destined to points in the Crirrine of Manitoa, Canada. The purpose of this filing is to eliminate the gateway of Tallahassee, Fla.

No. MC 107515 (Sub-No. E538), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis. to that portion of Arizona on, south or west of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 180 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 93, thence over U.S. Highway 93 to the Arizona-Nevada State line; Boulder City and Henderson, Nev.; and points in that portion of California on, south or west of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction California 58, thence over California 58 to junction California 99, thence over California 99 to junction California 152, thence over California 152 to junction U.S. 101, thence over U.S. Highway 101 to California 68, thence over California 68 to Monterey, Calif. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 107515 (Sub-No. E539), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-



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ing: *Cheese*, in vehicles equipped with mechanical refrigeration, (1) from Cook County, Ill., to California and (2) from Lake County, Ind., to California and Oregon. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 107515 (Sub-No. E545), filed January 21, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration (1) from that portion of Tennessee on or east of Interstate 65 and Davidson County, Tenn., to points in California, Oregon and Washington on or west of Interstate Highway 5, (2) from Robertson, Montgomery, Cheatham and Dickson Counties, Tenn., to points in Oregon, Washington and California which are on or west of Interstate 5, except those on or south of Interstate Highway 10. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. and Chattanooga, Tenn.

No. MC 107515 (Sub-No. E562), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in California to Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E563), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from the plantsites or warehouses of the Pet Milk Company at Allentown & Chambersburg, Pa. to Arizona, California, New Mexico, Oregon, Washington, Idaho, Utah, Nevada, Wyoming, Colorado, and Montana. Restricted to the transportation of traffic originating at said plantsites or warehouses. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 107515 (Sub-No. E595), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 175, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (1) from Alabama to points in Washington and Oregon, and (2) from Gulfport, Miss. to points in Montana, Idaho, Washington, and Oregon. The purpose of this filing is to eliminate the gateway of Doraville, Ga. and Dyersburg, Tenn.

No. MC 111956 (Sub-No. E1), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Baltimore, Md., to points in Allegheny, Greene and Washington Counties, Pa. The purpose of this filing is to eliminate the gateway of Washington, Pa.

No. MC 111956 (Sub-No. E2), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, glass containers*, and caps, stoppers, and covers, therefore, in cartons from Lancaster, Ohio to points in Bedford, Blair, Franklin, Fulton and Huntingdon Counties, Pa. that are within 50 miles of Bedford, Pa., Keene, N.H., Boston and Cambridge, Mass., Clinton, Conn., Wilmington, Del., and those in that part of New York on and east of a line beginning at Rochester, New York and extending along U.S. Highway 15 to the New York-Pennsylvania State line and on and south of a line beginning at Rochester, N.Y., and extending along U.S. Highway 104 to Oswego, N.Y., thence along New York Highway 51 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line, and, points in Maryland, New Jersey, and Rhode Island.

(2) Returned, rejected or damaged shipments of glassware, glass containers, and caps, stoppers, and covers, therefore, in cartons from points in Bedford, Blair, Franklin, Fulton, and Huntingdon Counties, Pa. within 50 miles of Bedford Pa., Keene, N.H., Boston and Cambridge, Mass., Clinton, Conn., Wilmington, Del., and those in that part of New York on and east of a line beginning at Rochester, N.Y. and extending along U.S. Highway 15 to the New York-Pennsylvania State line and on and south of a line beginning at Rochester, N.Y. and extending along U.S. Highway 104 to Oswego, N.Y., thence along New York Highway 57 to Syracuse, N.Y., thence along New York 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line and points in Maryland, New Jersey, and Rhode Island to Lancaster, Ohio. The purpose of this filing is to eliminate the gateway of Bedford, Connellsville, New Stanton and Washington, Pa.

No. MC 111956 (Sub-No. E4), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers*, and caps, stoppers and covers therefore, in cartons, from points in Allegheny, Fayette, Greene, Washington and Westmoreland Counties, Pa., to points in New Jersey, Delaware, and points in Maryland on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Connellsville, Pa.

No. MC 114019 (Sub-No. E290) (Correction), filed May 24, 1974, published in the FEDERAL REGISTER March 11, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products*, from Duryea, Pa., to points in Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Cole, Crawford, Franklin, Casconade, Jefferson, Lincoln, Madison, Maries, Montgomery, Osage, Perry, Phelps, Randolph, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scott, Warren and Washington Counties, Mo., which are within 150 miles of St. Louis, Mo. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of St. Louis, Mo. The purpose of this filing is to correct and add destination points.

No. MC 114019 (Sub-No. E336) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the facilities of Iowa Beef Packers, Inc., at or near Emporia, Kans., to those points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line extending along U.S. Highway 51 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to redescribe the territorial description.

No. MC 114019 (Sub-No. E352) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 25, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from points in Hancock County, W. Va., to those points in Indiana on and south of Indiana Highway 46 and those points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 164, thence along Illinois Highway 164 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Lansing, Ohio, and St. Marys, W. Va. The purpose of this correction is to include Indiana in the destination territory.

No. MC 114019 (Sub-No. E392) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER February 24, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos, asphalt, automobile body panels, asphalt flooring blocks, fibreboard and pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpet lining, cement* (in packages), *metal clamps, metal clips, cotton cloth* (saturated with asbestos), *roof coating* (with asbestos, pitch tar, or rosin base), *conduits, creosote in packages, eave filler strips, roofing felt, asphalt composition, flashing blocks, asbestos or felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding mortar or cement* (in packages), *nails, asbestos packing, asphaltum, coal tar paint, roofing paper, paving joints, cement pipe containing asbestos fiber, roofing pitch, asphalt paving planks, asbestos ridge rolls, roofing, asbestos sheathing, shingles, sheathings, shorts, asbestos, and asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives*, (a) from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles thereof, points in that part of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Lake Ontario extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to the junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, points in Pennsylvania, and points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line extending along West Virginia Highway 14 to junction U.S. Highway 21, thence along U.S. Highway 21 to the West Virginia-Virginia State line, to points in Wisconsin and Iowa.

(b) From Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles thereof, points in those parts of New Jersey, Delaware and Maryland located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Lake Ontario extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania on, north and east of a line beginning at the Pennsylvania-Ohio State line extending along Pennsylvania Highway 65 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 326, thence along Pennsylvania Highway 326 to the Pennsylvania-Maryland State line, to points in that part of Illinois on, north and west of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 80 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to the Illinois-Michigan State line, and to those points in that part of Missouri on, north and west of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 66 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line. Restricted against the transportation of the above-named commodities in bulk. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Whiting, Ind. The purpose of this correction is to include the restriction on the commodities.

No. MC 114019 (Sub-No. E395) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER February 24, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Sterling Colorado Beef Packers at or near Sterling, Colo., and the facilities of American Beef Packers, Inc., at or near Fort Morgan, Colo., to (a) those points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line extending along Wisconsin Highway 104 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, (b) those points in Kentucky on and east of Interstate Highway 65, (c) points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, and (d) Bowling Green, Ky., and Nashville, Tenn. The purpose of this filing is to eliminate the gateways of Hammond and Jeffersonville, Ind., and Union City, Ohio. The purpose of this correction is to carify the route description in (c) above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9928 Filed 4-15-75;8:45 am]

[Notice No. 13]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 11, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 16, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 137), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed April 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chesterton, Ind., over Indiana Highway 49 to Valparaiso, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route,







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as follows: From Chesterton, Ind., over U.S. Highway 20 to Gary, Ind., thence over Interstate Highway 65 to junction U.S. Highway 30, thence over U.S. Highway 30 to Valparaiso, Ind., and return over the same route.

No. MC 2202 (Deviation No. 138), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed April 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Birmingham, Ala., over U.S. Highway 280 to Opelika, Ala., and (2) From Birmingham, Ala., over U.S. Highway 78 to Memphis, Tenn., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Birmingham, Ala., over U.S. Highway 31 to junction Alabama Highway 143, thence over Alabama Highway 143 to Elmore, Ala., thence over Alabama Highway 14 to Wetumpka, Ala., thence over Alabama Highway 14 to Auburn, Ala., thence over U.S. Highway 29 to Opelika, Ala., and (2) From Birmingham, Ala., over U.S. Highway 31 to Nashville, Tenn., thence over U.S. Highway 70 to Memphis, Tenn., and return over the same routes.

No. MC 29910 (Deviation No. 36), ARKANSAS-BEST FREIGHT SYSTEM, INC., General Offices, Fort Smith, Ark. 72901, filed March 28, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Shreveport, La., over U.S. Highway 71 to junction Interstate Highway 40 near Fort Smith, Ark., thence over Interstate Highway 40 to junction Muskogee Turnpike, thence over Muskogee Turnpike to Tulsa, Okla., thence over U.S. Highway 64 to junction Interstate Highway 35 near Perry, Okla., thence over Interstate Highway 35 to Wichita, Kans., and (2) over above-described route to junction Interstate Highway 35 near Perry, Okla., thence over Interstate Highway 35 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, Kans., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Shreveport, La., over U.S. Highway 80 to junction Louisiana Highway 3, thence over Louisiana Highway 3 to the Louisiana-Arkansas State line, thence over Arkansas Highway 29 to Hope, Ark., thence over U.S. Highway 67 to Texarkana, Ark.-Tex., thence over U.S. Highway 71 to Kansas City, Kans., thence over U.S. Highway 56 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, Kans., and return over the same route.

No. MC 59583 (Deviation No. 51), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662, filed April 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: From Bristol, Tenn., over Interstate Highway 81 to Wytheville, Va., thence over Interstate Highway 77 to Beckley, W. Va., thence over West Virginia Highway 3 to junction U.S. Highway 21, thence over U.S. Highway 21 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction Interstate Highway 79, thence over Interstate Highway 79 to (1) Pittsburgh, Pa., and (2) to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 76, thence over Interstate Highway 76 to Irwin, Pa., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Bristol, Tenn., over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., and return over the same route.

No. MC 75320 (Deviation No. 56), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed March 30, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over U.S. Highway 175 to junction Texas Highway 243, thence over Texas Highway 243 to junction Texas Highway 64, thence over Texas Highway 64 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 84, thence over U.S. Highway 84 across the Mississippi River, to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Mississippi Highway 28, thence over Mississippi Highway 28 to junction Mississippi Highway 550, thence over Mississippi Highway 550 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction U.S. Highway 43, thence over U.S. Highway 43 to Tuscaloosa, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 77, Interstate Highway 35-E, and Interstate Highway 35 to junction U.S. Highway 82, near Gainesville, Tex., thence over U.S. Highway 82 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 82, thence over U.S. Highway 82 to Tuscaloosa, Ala., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9929 Filed 4-15-75;8:45 am]

[Notice No. 743]

## ASSIGNMENT OF HEARINGS

APRIL 11, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51146 Sub 403, Schneider Transport, Inc., now being assigned June 19, 1975 (2 days), at St. Louis, Missouri, in a hearing room to be later designated.

MC 123640 Sub 18, Summit City Enterprises, Inc., now being assigned July 8, 1975 (2 days) at Chicago, Ill., in a hearing room to be later designated.

MC 107496 Sub 967, Ruan Transport Corporation, now being assigned July 10, 1975 (2 days) at Chicago, Ill., in a hearing room to be later designated.

MC 110988 Sub 316, Schneider Tank Lines, Inc., now being assigned July 14, 1975 (2 days) at Chicago, Ill., in a hearing room to be later designated.

MC 107295 Sub 713, Pre-Fab Transit Co., now being assigned July 16, 1975 (3 days) at Chicago, Ill., in a hearing room to be later designated.

MC-F-12234, Century Express Ltd.—Purchase—Landsdale Transportation Co., Inc., now assigned June 24, 1975 at Washington, D.C., is postponed to July 29, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124328 Sub 64, Brink's Incorporated, now assigned May 19, 1975 at Washington, D.C., is postponed to June 9, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9930 Filed 4-15-75;8:45 am]

[Notice No. 29]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 11, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.





Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before May 16, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

MC 41706 (Sub-No. 19) (Republication), filed May 29, 1974, and published in the FEDERAL REGISTER issue of August 1, 1974, and republished this issue. Applicant: TOSE, INC., 424 West Fourth Street, Bridgeport, Pa. 19405. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004. An Order of the Commission, Operating Rights Board, dated March 7, 1975, and served March 24, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes transporting *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Boston and Pittsfield, Mass., over U.S. Highway 20, serving all intermediate points; (2) between Pittsfield and Williamstown, Mass., over U.S. Highway 7, serving all intermediate points; (3) between Williamstown and Boston, Mass., over Massachusetts Highway 2, serving all intermediate points; (4) between Longmeadow and Greenfield, Mass., over U.S. Highway 5, serving all intermediate points; (5) between Auburn and Methuen, Mass., from Auburn over Massachusetts Highway 12 to Leominster, Mass., thence east over Massachusetts Highway 2 to junction Interstate Highway 495, at or near Littleton, Mass., thence over Interstate Highway 495 to junction Interstate Highway 93, at or near Lawrence, Mass. Thence over Interstate Highway 93 to junction Massachusetts Highway 113, and thence over Massachusetts Highway 113 to Methuen and return over the same route, serving all intermediate points;

(6) Between North Andover, Mass., and the Rhode Island-Massachusetts state line at or near Seekonk, Mass., from North Andover to Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 93, thence over Interstate Highway 93 to Boston, Mass., thence over Massachusetts Highway 3 to junction U.S. Highway 6, at or near Bournedale, Mass., thence over U.S. Highway 6, via New Bedford, Mass., to the Rhode Island-Massachusetts state line, at or near Seekonk, and return over the same route, serving all intermediate points; (7) between New Bedford, Mass., and junction Interstate Highway 495 and U.S. Highway 3, at or near Lowell, Mass., from New Bedford over Massachusetts Highway 140 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction U.S. Highway 3 and thence over U.S. Highway 495, at or near Lowell, and return over the same route, serving all intermediate points; (8) between Fall River and Plymouth, Mass., from Fall River, over Massachusetts Highway 24, to junction U.S. Highway 44, at or near Taunton, Mass., and thence east over U.S. Highway 44 to Plymouth, and return over the same route, serving all intermediate points; (9) between junction U.S. Highway 44 and Massachusetts Highway 24, at or near Taunton, Mass., and the Rhode Island-Massachusetts state line, at or near Seekonk, Mass., serving all intermediate points; (10) between Braintree, Mass., and the Rhode Island-Massachusetts state line, at or near South Attleboro, Mass., from Braintree over Massachusetts Highway 128 to junction U.S. Highway 1, and thence south over U.S. Highway 1 to the Rhode Island-Massachusetts state line, and return over the same route, serving all intermediate points; (11) between Sturbridge, Mass., and the Connecticut-Massachusetts state line, at or near Mashapaug, Conn., over Massachusetts Highway 15, serving all intermediate points;

(12) Between New Haven, Conn., and Seekonk, Mass., from New Haven over Interstate Highway 95 to Providence, R.I., and thence over U.S. Highway 44 to Seekonk and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's otherwise authorized regular-route operations; serving in connection with Routes 1 through 12, all points in Massachusetts, not authorized pursuant to the foregoing regular-route authority as off-route points; (13) between Warwick, N.Y., and junction New Jersey Highway 94 and Interstate Highway 80, at or near Columbia, N.J., over New York and New Jersey Highways 94, serving all intermediate points and serving Portland, Pa., as an off-route point for joinder purposes only; (14) between Netcong and Montague, N.J., over U.S. Highway 206, serving all intermediate points and serving Milford, Pa., as an off-route point for purposes of joinder only; (15) between Newfoundland, N.J., and Port Jervis, N.Y., from Newfoundland over New Jersey 23 to junction U.S. Highway 6, and thence over U.S. Highway 6 to Port Jervis, and return over the same route, serving all intermediate points; (16) between Easton and East Stroudsburg, Pa., (a) from Easton, over U.S. Highway 611 to East Stroudsburg, and return over the same route, and (b) from Easton, over U.S. Highway 22 to junction Pennsylvania Highway 33, thence over Pennsylvania Highway 33 to junction Interstate Highway 80, and thence over Interstate Highway 80 to East Stroudsburg, and return over the same route, in (a) and (b) above, serving no intermediate points but serving East Stroudsburg, for purposes of joinder only; (17) between East Stroudsburg, Pa., and Port Jervis, N.Y., over U.S. Highway 209, serving no intermediate points;

(18) Between Trenton, and Ringoes, N.J., over New Jersey Highway 31, serving all intermediate points; (19) between Camden and Freehold, N.J., from Camden over New Jersey Highway 70 to junction U.S. Highway 9, at or near Seven Stars, N.J., and thence north over U.S. Highway 9 to Freehold, and return over the same route, serving all intermediate points; (20) between Burksville and Atlantic City, N.J., from Burksville over New Jersey Highway 526 to Lakewood, N.J., thence over U.S. Highway 9 to junction U.S. Highway 322, and thence over U.S. Highway 322 to Atlantic City, and return over the same route, serving all intermediate points; (21) between Manahawkin, N.J., and junction New Jersey Highway 72 and New Jersey Highway 70, at or near Four Mile, N.J., over New Jersey Highway 72, serving all intermediate points; (22) between Camden and Pleasantville, N.J., from Camden over U.S. Highway 30 to junction U.S. Highway 9, and thence over U.S. Highway 9 to Pleasantville, and return over the same route, serving all intermediate points; Serving in connection with Routes 13 through 22, all points, not authorized pursuant to the foregoing regular-route authority, in Sussex, Warren, Mercer, Hunterdon, Camden, Atlantic, Burlington and Ocean Counties, N.J., as off-route points; and (23) between Pottstown and Allentown, Pa., from Pottstown over Pennsylvania Highway 100 to junction Pennsylvania Highway 29, and thence over Pennsylvania Highway 29 to Allentown and return over the same route,



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serving no intermediate points. The purpose of this republication is to indicate that it is not solely a conversion application, with reference to routes 13 through 23 inclusive. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 135865 (Sub-No. 4) (Republication), filed July 20, 1973, and published in the FEDERAL REGISTER issue of October 11, 1973, as MC 133751 (Sub-No. 4) and republished this issue. Applicant: APPLEGATE DRAYAGE COMPANY, a corporation, 325 North Fifth Street, Sacramento, Calif. Applicant's representative: Michael J. Stecher, 140 Montgomery St., San Francisco, Calif. 94104. An Order of the Commission, Review Board Number 2, date February 25, 1975, and served March 6, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicles over regular routes of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Hallelujah Junction and Greenville, Calif., from the junction of California Highway 70 and U.S. Highway 395 (known as Hallelujah Junction), thence over U.S. Highway 395 to Johnstonville, Calif., thence over California Highway 36 to junction California Highway 89, thence over California Highway 89 to Greenville, Calif., and return over the same route, and (2) between the junction of California Highways 36 and 147, and the junction of California Highways 147 and 89, from the junction of California Highways 36* and 147 over California Highway 147 to junction California Highway 89, serving all intermediate points in (1) above, the off-route point of Herlong, Calif., and in (1) and (2) above, the off-route points in Plumas and Lassen Counties on and south of a line beginning at the intersection of U.S. Highway 395 and the county line between Lassen and Sierra Counties, Calif., over U.S. Highway 395 to California Highway 36 and ending at the intersection of the boundary lines between Plumas and Tehama Counties, Calif., located near Deercreek Pass, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the territorial description to include Herlong, Calif., and to modify the route description in part (1) above. Because it is possible that other parties who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 30844 (Sub-No. 239) (Notice of Filing of Petition To Modify Commodity Description), filed March 31, 1975. Petitioner: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Petitioner's representative: John P. Rhodes (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 30844 (Sub-No. 239), issued October 31, 1968, authorizing transportation, over irregular routes, of *Window glass*, from Shreveport, La., to points in Arkansas (except Pine Bluff, Fort Smith, Eldorado, Little Rock, and their commercial zones), Colorado, Illinois (except Chicago and its commercial zone), Iowa, Kansas, Minnesota, Missouri (except Kansas City and St. Louis, and their commercial zones), Nebraska, Oklahoma, and Wisconsin.

By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read, *glassware*, in lieu of window glass. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1,240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–12473. Authority sought for control by KNIGHT-RIDDER NEWSPAPERS, INC., A non-carrier, One Herald Plaza, Miami, FL 33101, of TWIN CITIES NEWSPAPER SERVICE, INC., 63 E. Fourth St., St. Paul, MN 55101, and for acquisition by JOHN S. KNIGHT, 44 E. Exchange St., Akron, OH 44328, and JAMES L. KNIGHT, One Herald Plaza, Miami, FL 33101, of control of such rights through the acquisition by KNIGHT-RIDDER NEWSPAPERS, INC., of control of TWIN CITIES NEWSPAPERS SERVICE, INC. Applicants' attorney: James L. Nelson, 325 Cedar St., St. Paul, MN 55101. Operating rights sought to be controlled: *Motion picture film*, as a *common carrier* over irregular routes, between Minneapolis, Minn., on the one hand, and, on the other, points in that part of Wisconsin on and west of U.S. Highway 53, with restrictions; and *exposed and processed film, microfilm* and *prints, complimentary replacement film*, and *incidental dealer handling supplies and advertising material* moving therewith, except motion picture film used primarily for commercial theater and television exhibition, as a *contract carrier*, over irregular routes, between St. Paul, Minn., on the one hand, and, on the other, points in that part of Wisconsin on and west of U.S. Highway 53; *newspapers* when transported in the same vehicle with the commodities described above, between St. Paul, Minn., on the one hand, and, on the other, points in that part of Wisconsin on and west of U.S. Highway 53; *exposed and processed films and prints, complimentary replacement film, incidental dealer handling supplies* and *advertising literature* moving therewith (excluding motion picture films used primarily for commercial theatre and television exhibition), between Minneapolis, Minn., on the one hand, and, on the other, points in that part of Minnesota on and south of U.S. Highway 2; *magazines*, from St. Paul, Minn., to points in Minnesota, and those in Wisconsin on and west of U.S. Highway 53, with restrictions. KNIGHT-RIDDER NEWSPAPERS, INC., holds no authority from this Commission. However, it is affiliated with THE OBSERVER TRANSPORTATION COMPANY, P.O. Box 1123, Charlotte, N.C. 28201, which is authorized to operate as a *common carrier* in North Carolina and South Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12476. Authority sought for purchase by GORDONS TRANSPORTS, INC., P.O. Box 59, Memphis, TN 38101, of a portion of the operating rights of SOUTHERN FORWARDING COMPANY, 728 Alston Ave., Memphis, TN 38102, and for acquisition by M. M. GORDON, 4005 Grandview Ave., Memphis, TN 38111, A. W. GORDON, JR., 4679 Walnut Grove Road, Memphis, TN 38117, J. K. GORDON, 3910 Paula Dr., Memphis, TN 38116, ESTHER G. LANTZ, 115 Red Oak Lane, Carmel, IN 46032, and MARY G. CONAWAY, 4909 Briarcliff, Memphis, TN 38117, of control of such rights through the purchase. Applicants' attorneys: Phineas Stevens, 700 Petroleum Bldg., P.O. Box 22567, Jackson, MS 39205, and James N. Clay, III, 2700 Sterick Bldg., Memphis, TN 38103. Operating rights sought to be transferred: *General commodities*, excepting among others, livestock, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Memphis, Tenn., and Gulfport, Miss., serving no intermediate points between Memphis, Tenn., and Hattiesburg, Miss., but serving all intermediate points on U.S. Highway 49 between Hattiesburg and Gulfport, and serving the off-route points of McLaurin, Brooklyn, Carnes, and the Mississippi Rocket Test Center in Hancock County, Miss., with restriction, between Memphis, Tenn., and Mount Olive, Miss., as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations authorized herein, serving no intermediate points, between Hattiesburg, and Pearlington, Miss., serving all intermediate points and various off-route points, between Pearlington, and Orange Grove, Miss., serving all intermediate and various off-route points, between Hattiesburg, and Pascagoula, Miss., serving all intermediate and various off-route points, with restriction. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Georgia, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, New York, Ohio, Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12479. Authority sought for purchase by SMITH TRANSPORT (INTERNATIONAL) LIMITED, 150 Commissioners St., Toronto, Ontario, Canada, of the operating rights and property of KENT CARTAGE, INC., 456 Hopkins St., Buffalo, NY 14220, and for acquisition by SMITHSONS HOLDINGS LIMITED, also of Toronto, Ontario, Canada, CANADIAN PACIFIC TRANSPORT COMPANY, LIMITED, Windsor Station, Montreal, Quebec, Canada, and CANADIAN PACIFIC LIMITED, Windsor Station, Montreal, Quebec, Canada, of control of such rights through the purchase. Applicants' attorneys: David G. Macdonald, and Harry J. Jordan, both of Suite 502, Solar Bldg., 1000 16th St. NW., Washington, D.C. 20036. Operating rights sought to be transferred. *Metal castings, lumber, furnace boilers, radiators and fittings, drugs*, and *household goods* as defined by the Commission, as a *common carrier* over irregular routes, between Buffalo, N.Y., and the boundary of the United States and Canada at the Peace Bridge; *general commodities*, excepting among others, Classes A and B explosives, household goods and commodities in bulk, between points in Buffalo, N.Y. Vendee is authorized to operate as a *common carrier* in Michigan. Application has not been filed for temporary authority under section 210 a(b).

No. MC–F–12480. Authority sought for control by JAN TRANSPORT, INC., 132nd St., and Saint Ann's Ave., Bronx, N.Y. 10454, of CHARLES NOEDING TRUCKING CO., INC., 16 Central Ave., Tenafly, N.J. 07670, and for acquisition by JAMES A. NOEDING, Spring Valley Road, Ridgefield, CT 06877, of control of CHARLES NOEDING TRUCKING CO., INC., through the acquisition by JAN TRANSPORT, INC. Applicants' attorney: Donald E. Cross and Brian L. Troiano, both of 700 World Center Bldg., 918 - 16th St. NW., Washington, DC 20006. Operating rights sought to be controlled: *Oilcloth* and *cotton piece goods*, as a *common carrier* over irregular routes, from New York, N.Y., to Philadelphia, Pa., Baltimore, Md., Washington, D.C., Trenton and Camden, N.J., and points and places in New Jersey within 50 miles of Columbus Circle, N.Y.; *canned fish*, from New York, N.Y., to Philadelphia, Pa., Baltimore, Md., Washington, D.C., Stamford, Bridgeport, New Haven, and New London, Conn., Westerly, Providence, and Pawtucket, R.I., Brockton and Boston, Mass., Trenton and Camden, N.J., and points and places in New Jersey within 50 miles of Columbus Circle, N.Y.; *rubber*, crude and manufactured, from New York, N.Y., to Middletown, Portland, Bridgeport, and Norwalk, Conn., Bristol, Providence, and Woonsocket, R.I., Avon, Watertown, Framingham and Stoughton, Mass., Trenton, N.J., and points and places in New Jersey within 50 miles of Columbus Circle, N.Y.; *general commodities*, excepting among others, dangerous explosives, livestock, household goods and commodities in bulk, between points and places in New York and New Jersey within 50 miles of Columbus Circle, N.Y., on the one hand, and, on the other, points and places in the NEW YORK, N.Y., COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 665; between Boston, and Avon, Mass., on the one hand, and, on the other, points in Barnstable, Bristol, Essex, Middlesex, Norfolk, Plymouth, and Suffolk Counties, Mass., with restriction. JAN TRANSPORT, INC., is authorized to operate as a *common carrier* in Connecticut, Massachusetts, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12484. Authority sought for purchase by IML FREIGHT, INC., P.O. Box 2277, Salt Lake City, UT 84110, of a portion of the operating rights and property of (B) DELBERT H. STEPHENS, AND FERDINAND A. KLEIN, doing business as SPOKANE-ST. MARIES AUTO FREIGHT, No. 407 Perry St., Spokane, WA 99202, and of the operating rights and property of (BB) WARBERG BROTHERS COMPANY, 156 Fourth Ave., So., Twin Falls, ID 83301, and for acquisition by GATES CORPORATION, GATES RUBBER COMPANY, CHARLES C. GATES, JR., CHARLA GATES CANNON AND HAZEL GATES WOODRUFF, TRUSTEES, all of 999 South Broadway, Denver, CO 80209, of control of such rights and property through the purchase. Applicants' attorneys: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, and Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: (B) *General commodities*, except livestock and articles exceeding 22 feet in length, as a *common carrier* over regular routes, between Spokane, Wash., and St. Maries, Idaho, serving no intermediate points, and serving various off-route points, between St. Maries, and Avery, Idaho, serving various intermediate points; *general commodities*, excepting among others, class A and B explosives, household goods, and commodities in bulk, between Spokane, Wash., and Desmet, Idaho, serving various intermediate and off-route points; *general commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, over irregular routes, between Spokane, Wash., and St. Maries, Idaho; *household goods*, between St. Maries, Idaho, on the one hand, and, on the other, points in Spokane and Whitman Counties, Wash.;

*Lumber, poles, piling, logs, machinery and equipment, building materials*, and *camp equipment and supplies* used in logging operations, between points in Spokane and Pend Oreille Counties, Wash., on the one hand, and, on the other, points in Kootenai, Bonner, and Boundary Counties, Idaho; *lumber and cants*, from points in Bonner County, Idaho, to points in Nez Perce County, Idaho; *household goods* as defined by the Commission, *lumber*, and *concrete beams*, between points in Washington east of the Cascade Mountains, on the one hand, and, on the other, points in Latah, Benewah, and Kootenai Counties, Idaho; and (BB) Under a certificate of registration in Docket No. MC–120495 (Sub-No. 1), covering the transportation of general commodities, excluding household goods, as a common carrier, in interstate commerce, within the State of Idaho. Vendee is authorized to operate as a *common carrier* in Arizona, California, Colorado, Connecticut, Idaho, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nevada, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Utah, Washington, Wyoming, and the District of Columbia. Applications have been filed for temporary authority under section 210a(b).

NOTE.—MC 33641 (Sub-No. 119), is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9932 Filed 4-15-75;8:45 am]

[Notice No. 39]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 11, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states th.t there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify







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that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 17002 (Sub-No. 51TA), filed April 1, 1975. Applicant: CASE DRIVEWAY, INC., 100 22nd Street, Huntington, W. Va. 52714. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, between points in Kentucky, on the one hand, and, on the other, points in Illinois, Indiana, Missouri, Ohio, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Transbulk, Inc., 3820 Premier Ave., Memphis, Tenn. 38118. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 52460 (Sub-No. 170TA), filed April 2, 1975. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unsymmetrical dimethylhydrazine*, in bulk, in tank vehicles, from the Naval Ordnance Station, Indianhead, Md., to points in Rocky Mountain, Arsenal, Ladora, Colo., for 180 days. Supporting shipper: Dellon E. Coker, Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 95920 (Sub-No. 38TA), filed April 1, 1975. Applicant: SANTRY TRUCKING CO., an OREGON CORP., 11552 W. Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tank cases for transformers*, from Salem, Oreg., to the U.S. Canada Port of Entry at or near Blaine, Wash., for 180 days. Supporting shipper: Neilsen Metal Co., 3501 Portland Road, Salem, Oreg. 97303. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 110988 (Sub-No. 320TA), filed April 4, 1975. Applicant: SEHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, from Seneca, Carpentersville and DePue, Ill., to points in Alabama, Arkansas, Colorado, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, West Virginia, Wisconsin, Wyoming, and Tennessee (except those points in that part of Tennessee east of U.S. Highway 27), with no transportation for compensation on return except as otherwise authorized, (2) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, from Seneca, Carpentersville, and Depue, Ill., to points in New York and New Jersey, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Cargill, Inc., Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 529TA), filed April 2, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer terminals; repair and replacement parts for computer terminals*, between Ann Arbor, Mich., on the one hand, and, on the other, Wilmington, Del.; Bowling Green, Lexington, Louisville and Paducah, Ky.; Charlotte, Durham, Greensboro, Raleigh, and Winston-Salem, N.C.; Pittsburgh, Pa.; and Sioux Falls, S. Dak.; and points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and Washington, D.C., for 180 days. Supporting shipper: Sycor, Inc., 100 Phoenix Drive, Ann Arbor, Mich. 48104. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113666 (Sub-No. 91TA), filed April 2, 1975. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories, refractory products, materials and supplies* used in the production and installation of refractory products, and brick, from points in Wellsville, St. Louis and Mexico, Mo., Somerset, Pa., and Woodville, Ohio, to ports of entry on the International Boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, New York, Michigan, and Minnesota, restricted to transportation of the commodities in foreign commerce, for 180 days. Supporting shipper: Wellsville Firebrick Company, Wellsville, Mo. 63384. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 120906 (Sub-No. 10TA), filed March 31, 1975. Applicant: SPECIAL SERVICE DELIVERY, INC., 828 Prouty Avenue, Toledo, Ohio 43609. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry, cosmetics, toilet and home care preparations, stainless steel cookware, cutlery, and food supplements*, (except commodities in bulk), (1) from the terminal facility of Special Service Delivery, Inc., at Toledo, Ohio to points in Allen, Crawford, Defiance, Erie, Fulton, Hancok, Harden, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Willams, Wood, and Wyandot Counties, Ohio, and (2) *returned rejected, or refused shipments* of commodities specified in (1) above, from the above named destinations to the terminal facilty of Special Service Delivery of Toledo, Ohio for 180 days. Supporting shipper: Anway Corporation, 7575 East Fulton, Ada, Mich. 49301. Send protests to: Keigh D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commisson, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 121306 (Sub-No. 9TA), filed April 2, 1975. Applicant: SUPERIOR MOTOR EXPRESS, INC., P.O. Box 98, Gold Hill, N.C. 28071. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, tubing and conduit*, from Wheatland, Pa., to points in South Carolina, Georgia and Florida, for 180 days. Supporting shipper: Wheatland Tub Co., Independence Square, Public Ledger Bldg., Philadelphia, Pa. 19106. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 123797 (Sub-No. 3TA), filed April 3, 1975. Applicant: ATLANTIC INTERSTATE MESSENGERS, INC., 201 Henry Street, Stamford, Conn. 06904. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in express service, limited to shipments weighing in the aggregate not more than 2,000 pounds, from one consignor at one location to one consignee at one location at any one time, between points in Connecticut, Massachusetts, Rhode Island, those in New





York on, south, or east of a line beginning at the junction of New York Highway 7 with the New York-Vermont line, immediately west of Bennington, Vermont, thence over New York Highway 7 to its junction with Interstate Highway 90, thence over Interstate Highway 87 to its junction with U.S. Highway 6 at Newburgh and then south, to the New York-New Jersey state line, and New Jersey north of Route 70, for 180 days. Supporting shippers: Picker Corp., 333 State St., North Haven, Conn. 06473. Color Film Corporation, 777 Washington Blvd., Stamford, Conn. Denver Chemical Mfg. Co., Inc., 35 Commerce Rd., Stamford, Conn. 06904. Sikorsky Aircraft, North Main St., Stratford, Conn. Kurt H. Volk, Inc., 1755 Boston Post Rd., Milford, Conn. Send protests to: J. C. Perry Jr., District Supervisor, Interstate Commerce Commission 135 High St., Room 324, Hartford, Conn. 06101.

No. MC 124739 (Sub-No. 3TA), filed April 1, 1975. Applicant: ZELFER, INC., P.O. Box 263, Rural Route 1, Colby, Kans. 67701. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation pipe and irrigation equipment*, from Plainview, Tex., to points in Nebraska west of U.S. Highway 83 and south of U.S. Interstate Highway 80; points in Colorado north of Colorado Highway 96, east of Colorado Highway 71 and south of U.S. Interstate Highway 80; and points in Kansas north of Kansas Highway 96 and west of U.S. Highway 83, for 180 days. Supporting shipper: Byron Jackson Pump Division of Borg-Warner Corporation, 1305 North Columbia, Box 968, Plainview, Tex. 79072. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 133095 (Sub-No. 78TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), in vehicles equipped with mechanical refrigeration, from Lynchburg, Tenn., to points in Dallas, Fort Worth, Houston, San Antonio, and Corpus Christi, Tex., for 180 days. Supporting shipper: Jack Daniel Distillery, 2839 Walnut Hill Ln. #224, Dallas, Tex. 75229. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 135684 (Sub-No. 11TA), filed April 2, 1975. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in or by hospitals, clinics, laboratories, nursing homes, or other medical institutions or offices, *including materials, supplies, and equipment* as used in the manufacture, distribution, or sales of the aforementioned commodities, between the plant sites, distribution facilities and vendors of C. R. Bard, Inc., located at Billerica, Mass., Murray Hill, N.J., Covington, Ga., Providence, R.I., Fitzwilliam, N.H., Itasca, Ill., and their commercial zones, for 180 days. Supporting shipper: C. R. Bard, Inc., 731 Central Ave., Murray Hill, N.J. 07974. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 135839 (Sub-No. 3TA), filed April 3, 1975. Applicant: B LINE SERVICES, INC., P.O. Box 24, Greensburg, La. 70441. Applicant's representative: W. Hugh Sibley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel ball valve, valve parts and rough iron or steel castings and/or forgings;* between points in Hammond, La., on the one hand, and, Gulfport, Miss.; Tulsa, Okla.; and the New Orleans docks, New Orleans, La.; and New Orleans International Airport, New Orleans, La., on the other hand, for 180 days. Supporting shipper: T K Valve & Manufacutring Co., Inc., Hammond, La. 70401. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T–9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 135895 (Sub-No. 6TA), filed April 1, 1975. Applicant: DON RAY BOYD AND JACKIE ROGERS, doing business as B & R DRAYAGE COMPANY, North Bierdman Road, Jackson, Miss. 39205. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles* and (2) *equipment, materials, and supplies* used in the manufacture of paper and paper articles (except lime, limestone and commodities in bulk), between the plantsites and warehouses of the Weyerhaeuser Company in Rakin County, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Louisiana, Mississippi, and Tennessee (except points in Tennessee on and east of U.S. Highway No. 27), for 180 days. Supporting shipper: The Weyerhaeuser Company, 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 136786 (Sub-No. 71TA), filed April 4, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Ave. NW., New Brighton, Minn. 55112. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* (2) *Bananas*, when transported in mixed loads with commodities exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Fisher Bros., Inc., FBI Foods, Ltd., Fisher Bros. (U.S.A.), Inc., 1610 De-Beauharnois, Montreal, Quebec, Canada. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140032 (Sub-No. 3TA), filed March 31, 1975. Applicant: LAVERN E. WOLFE, doing business as WOLFE & WOLFE, 305 Crossland Ave., Uniontown, Pa. 15401. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, from Benwood, W. Va., to points in Washington and Greene Counties, Pa., and Marion and Monongalia Counties, W. Va. Restriction: The operations authorized herein are limited to a transportation service under a continuing contract or contracts with Benwood Limestone Co., for 180 days. Supporting shipper: Benwood Limestone Co., Box 68, Benwood, W. Va. 26031. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 140272 (Sub-No. 2TA), filed March 31, 1975. Applicant: L. R. DENNEY, INC., 7765 East Alondra St., Paramount, Calif. 90723. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, frozen, over irregular routes, for the account of American Food Processors, Inc., from Vernon, Calif., to points in Athens, Atlanta, and Danville, Ga., Urbana and points in Cook County, Ill., Kansas City, Kans., Louisville, Ky., Baltimore and Jessup, Md.; Norwood and Roxbury, Mass., Detroit, Mich., Swedesboro, N.J., Deer Park and Westbury, Long Island, N.Y., Charootte and Raleigh, N.C., Cincinnati, Hamilton, and Youngstown, Ohio, Tulsa, Okla., Pittsburgh, Pa., Knoxville and Pigeon Forge, Tenn., Alexandria and Richmond, Va., and Washington, D.C., for 180 days. Supporting shipper: American Food Processors, Inc., 3111 East 44th Street, Vernon, Calif. 90058. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1312, Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.



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No. MC 140277 (Sub-No. 2TA), filed March 31, 1975. Applicant: BILL BALL, doing business as BILL BALL TRUCKING, Sioux Falls, S. Dak. 57104. Applicant's representative: Bill Ball Trucking (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodity bags, envelopes, packets or pouches or wrappers flat, folded flat, or in rolls* requiring separation into individual units with or without compliment of bag ties, from the plantsite or storage facilities of American Western Corporation, Sioux Falls, S. Dak., to points in Albuquerque, and Santa Fe, New Mexico, restricted to traffic transported under contracts with American Western Corporation, for 180 days. Supporting shipper: American Western Corporation, 1500 M Avenue, Sioux Falls, S. Dak. 57104. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 140807 (Sub-No. 1TA), filed March 12, 1975. Applicant: MELROSE TRUCKING CO., INC., 6360 Raderville Route, Casper, Wyo. 82601. Applicant's representative: Charles S. Aspinwall, 430 East First St., Casper, Wyo. 82601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy-weight drilling mud component* (barite in bulk and in sack), from points in Salt Lake County, Utah to points in Wyoming, for 180 days. Supporting shippers: Milchem, Inc., 600 West Collins Drive, Casper, Wyo. 82601. Custom Milling and Supply Company, 746 Everett Avenue, Salt Lake City, Utah 84116. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg. & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140808 (Sub-No. 1TA), filed April 2, 1975. Applicant: GARY MATHENY, Lebanon, Nebr. 69036. Applicant's representative: Gary Matheny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural herbicides and insecticides* (except in bulk), between points in Nebraska, Kansas, Iowa, and Colorado, for 180 days. Supporting shipper: S. K. Snyder, Manager, Harris Serum & Supply Co., Inc., P.O. Box 410, McCook, Nebr. 69001. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 140811 TA, filed April 1, 1975. Applicant: RICHARD R. SHULTZ, doing business as CARRIER TRUCKING, 608 Linden Lane, Dallas, Tex. 75230. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mexican style foods* (including taco shells), in cans or boxes, from the facilities utilized by V.I.P. Foods at El Paso, Tex., *and taco shells*, in boxes, from the facilities utilized by V.I.P. Foods at Dallas, Tex., to Memphis and Nashville, Tenn., Louisville, Ky., Cornwell Heights, Pa., St. Louis and Independence, Mo., Denver, Colo., Albany and Buffalo, N.Y., Portland, Oreg., Birmingham, Ala., Miami and Tampa, Fla., Dayton and Youngstown, Ohio, Lebanon, Ind., Oklahoma City, Okla., Rolling Meadows, Ill., Baltimore, Md., Milwaukee, Wis., Augusta, Ga., Detroit, Mich., Columbia and Greenville, S.C., and Indian Trail and Kinston, N.C., for 180 days. Supporting shipper: V.I.P. Food Products, 51 Grafton Ave., Dayton, Ohio 45405. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 140812 TA, filed April 3, 1975. Applicant: CENTRAL AUTO POOL, 1510 W. Washington St., South Bend, Ind. 46625. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked cars, trucks, recreation vehicles*, between points in South Bend, Ind., and points in Illinois, Kentucky, Lower Peninsula of Michigan, Ohio, and Wisconsin, for 180 days. Supporting shippers: Morris Rose Auto Parts, 2129 E. Michigan Ave., Kalamazoo, Mich. 49001. General Accident Group Insurance Co., South Bend, Ind. 46615. American States Insurance Co., South Bend, Ind. Sonnys Auto Parts, LaPaz, Ind. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 Wayne St., Room 204, Fort Wayne, Ind. 46802.

APPLICATIONS OF PASSENGERS

No. MC 123473 (Sub-No. 7TA), filed April 1, 1975. Applicant: WEST HUNTERDON TRANSIT CO., INC., Route 202 and 69, Flemington, N.J. 08822. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers*, between points in Doylestown, Pa., and New Hope Borough, Pa., from Doylestown, Pa., over U.S. 611 to junction Pa. 313, then over Pa. 313 to junction Swamp Road, then over Swamp Road to junction U.S. 202, then over U.S. 202 to New Hope, Pa., and return over the same routes, serving all intermediate points. The carrier proposes to join the above-described route to its existing authority in Docket No. MC 123473 and sub numbers thereunder, between New Hope, Pa., and New York, N.Y., in order to provide direct service between points on the proposed routes and New York, N.Y., as well as other points in New Jersey which the carrier is already authorized to serve. Supporting shippers: There are approximately 30 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 139210 (Sub-No. 2TA) (Correction), filed February 20, 1975, published in the FEDERAL REGISTER issue of March 6, 1975, and republished as corrected this issue. Applicant: WESLEE ENTERPRISES, INC., doing business as ALASKA - YUKON MOTORCOACHES, 2434 32nd Avenue West, Seattle, Wash. 89199. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, over regular routes, (1) Between Fairbanks, Alaska and Valdez, Alaska: From Fairbanks over Alaska Highway 2 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route, serving all intermediate points; (2) Between Anchorage, Alaska and Valdez, Alaska: From Anchorage over Alaska Highway 1 to junction Alaska Highway 4, thence over Alaska Highway 4 to Valdez, and return over the same route, serving all intermediate points; (3) Between Anchorage, Alaska and the International Boundary Line between the United States and Canada at the Yukon Territory: From Anchorage over Alaska Highway 1 to junction Alaska Highway 2 thence over Alaska Highway 2 to the International Boundary Line between the United States and Canada at the Yukon Territory, and return over the same route, serving all intermediate points; (4) Between the International Boundary line between the United States and Canada at British Columbia and Haines, Alaska: From British Columbia, over Alaska Highway 7 to Haines, also serving Porcupine, and return over the same route, serving all intermediate points; and (5) Between Haines, Alaska and Skagway, Alaska: From Haines over the Alaska Marine Highway to Skagway, and return over the same route, serving all intermediate points. Applicant proposes to interline with Alaskan Coachways Ltd., at Tok, Alaska, for 180 days. Supported by: There are approximately 20 statements attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9933 Filed 4-15-75;8:45 am]

[Notice No. 40]

**Motor Carrier Temporary Authority Applications**

APRIL 14, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 272TA), filed April 7, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film*, in vehicles equipped with mechanical refrigeration, from the plantsite of Reynolds Metals Co., at or near Grottoes, Va., to points in Arkansas, for 180 days. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, Va. 23261. Send protests to: Joseph B. Teichert, District Supervisor, Bureau or Operations, Interstate Commerce Commission, Palm Coast II Bldg., Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178.

No. MC 33868 (Sub-No. 4TA), filed April 3, 1975. Applicant: FRICK TRANSFER, INC., R.D. #2, Bkshkill Drive, Easton, Pa. 18042. Applicant's representative: S. Maxwell Flitter, 151 S. 7th Street, Easton, Pa. 18042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant relocation, consisting of machinery requiring specialized handling and rigging, parts, equipment, materials and supplies*, from Brooklyn, N.Y., to points in Honesdale, Pa., for 180 days. Supporting shipper: American Manufacturing Company, Inc., Noble & West Streets, Brooklyn, N.Y. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 51146 (Sub-No. 421TA), filed April 3, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, shrouds, pallets, chipboard, and dunnage materials*, between points in Tampa, Fla., and Winston-Salem, N.C., for 180 days. Supporting shipper: Jos. Schlitz Brewing Company, 235 West Galena Street, Milwaukee, Wis. 53201. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.



No. MC 51146 (Sub-No. 422TA), filed April 3, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, shrouds, pallets, chipboard, and dunnage materials*, between points in Memphis, Tenn., and Winston-Salem, N.C., for 180 days. Supporting shipper: Jos. Schlitz Brewing Company, 235 West Galena Street, Milwaukee, Wis. 53201. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 61396 (Sub-No. 284TA) filed April 2, 1975. Applicant: HERMAN BROS., INC., P.O. Box 189, 2565 St. Marys Avenue, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to opearte as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, in bulk, in tank vehicles, from the facilities of National By Products, Inc., at or near La-Platte, Nebr., to points in Iowa, Kansas, Arkansas, Missouri, and Minnesota, for 180 days. Supporting Shipper: National By Products, Inc., Bill Schechlwger, Dist., Mgr., Box 7187, Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 82841 (Sub-No. 154TA), filed April 4, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, from the plantsite of Nucor Steel Division of Nucor Corporation, located at or near Norfolk, Nebr., to points in Illinois, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, R. D. Bisping, Traffic Manager, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 104589 (Sub-No. 30TA), filed April 3, 1975. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, Suite 805, 666 Eleventh Street, Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by wholesale floor covering and appliance distributors, from Columbus and Jackson, Miss., to points in Florida, for 180 days. Supporting shipper: Cain & Bultman, Inc., Dennis St., at Copeland, Jacksonville, Fla. 32203. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 106398 (Sub-No. 726TA), filed April 7, 1975. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable cement mixing equipment*, restricted to transportation by tow-away service, between Allentown, Pa., and all points in the United States, for 180 days. Supporting shipper: Allentown Pneumatic Gun Company, William C. Roberts, P.O. Box 185, Allentown, Pa. 18105. Send protests to: Marie Spillars, Transportation Asst., Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 107002 (Sub-No. 468TA), filed April 2, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hexane*, in bulk, in tank vehicles, from Ristine, Mo., to points in Memphis, Tenn., for 180 days. Supporting shipper: Ralston Purina Company (Soybean Division), 2895 Jackson Avenue, Memphis, Tenn. 83112. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 108248 (Sub-No. 12TA), filed April 3, 1975. Applicant: SHAW TRUCKING, INCORPORATED, P.O. Box 84, Brockway, Pa. 15824. Applicant's representative: James W. Patterson, 2107 The Fidelity Bldg., 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Expanded polystyrene* (styrofoam), except in bulk, from the facilities of Poly Ultra Plastics, Inc., in Ridgway Township, Elk County, Pa., to the facilities of Fisher Price Toys at or near East Aurora, Erie County, N.Y., and the facilities of GTE Sylvania, Inc., at Seneca Falls, Seneca County, N.Y., for 180 days. Supporting shipper: Poly Ultra Plastics, Inc.,



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Montmorenci Road, Ridgeway, Pa. 15853. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 111375 (Sub-No. 75TA), filed April 1, 1975. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt liquor and malt beverages and related advertising materials and supplies*, between Monroe, Wis., and Minneapolis, Minn., and their commercial zones, for 180 days. Supporting shipper: Ruda Distributing Co., 1003 Fifth Ave., Monroe, Wis. 53566. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St. Room 202, Madison, Wis. 53703.

No. MC 115814 (Sub-No. 12TA), filed April 7, 1975. Applicant: MARK TRUCKING, INC., Trella Street, P.O. Box 5701, Belleville, Pa. 17004. Applicant's representative: James W. Hagar, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), *and dairy products* in bulk, from Belleville, Pa., to points in Clarksburg and Elkins, W. Va., restricted to operations under a continuing contract or contracts with Abbotts Dairies, Division of Fairmont Food Corporation, for 180 days. Supporting shipper: Abbotts Dairies, Belleville, Pa. 17004. Send protests to: Robert P. Ameine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 116740 (Sub-No. 5TA), filed April 7, 1975. Applicant: LEE N. HICKOX, P.O. Box 134, Flora, Ill. 62839. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Xenia, Ill., and Martinsville, Ind., to points in Hawesville, Ky.; *wooden barrel staves and heading*, from Martinsville, Ind., to points in Louisville, Ky., for 180 days. Supporting shipper: Wayne Franklin, Director of Traffic, Blue Grass Cooperage Company, a Division of Brown-Forman Distillers Corp., 850 Dixie Highway, Louisville, Ky. 40210. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 119118 (Sub-No. 40TA), filed April 4, 1975. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Lawrence C. Maston (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Frankenmuth, Mich., to points in Illinois, Indiana, Ohio, and Wisconsin and empty malt beverages containers in the reverse direction, for 180 days. Supporting shipper: Carling Brewing Company Incorporated, 460 Totten Pond Road, Waltham, Mass. 02154. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 119619 (Sub-No. 84TA), filed April 3, 1975. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of the North Side Packing Co., at or near Pittsburgh, Pa., to points in the States of Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, New York, New Jersey, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, West Virginia, Virginia, District of Columbia, for 180 days. Supporting shipper: Robert Hofmann, President, North Side Packing Company, 2200 Spring Garden Ave., Pittsburgh, Pa. 15212. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 120023 (Sub-No. 4TA), filed April 2, 1975. Applicant: DI PIETRO TRUCKING CO., 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from the Port of Los Angeles, Long Beach and Wilmington, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Pacific Fruit & Produce Co., 4103 Second Avenue South, Seattle, Wash. 98134. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

No. MC 123407 (Sub-No. 229TA), filed April 7, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size or weight require the use of special transportation equipment), from Glover, Mo., to points in California, Florida, Georgia, Illinois, Indiana, Louisiana, Minnesota, Massachusetts, New Jersey, New York, Pennsylvania, Texas, West Virginia, and Wisconsin, for 180 days. Supporting shipper: American Smelting and Refining Co., 720 Olive Street, St. Louis, Mo. 63101. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne, Room 204, Fort Wayne, Ind. 46802.

No. MC 124078 (Sub-No. 643TA), filed April 1, 1975. Applicant: SCHERMAN TRUCKING COMPANY, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrated alumina*, in tank vehicles, from Alpine, Ala., to points in Columbia, Tenn., for 180 days. Supporting shipper: Great Lakes Foundry Sand Company, 2855 Coolidge Hwy., Suite 202, Troy, Mich. 48084. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127539 (Sub-No. 42TA), filed April 7, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Los Angeles, California, Commercial Zone, to points in Oregon and Washington, for 150 days. Supporting shippers: There are approximately 11 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 133905 (Sub-No. 77TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I, to the report in Descriptions in Motor Carrier Certificated 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Illinois, Indiana, and Wisconsin, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.





No. MC 134349 (Sub-No. 12TA), filed April 3, 1975. Applicant: D. L. T. CORPORATION, 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used in the operation of retail department stores, between points in New York, N.Y., and North Bergen, N.J., on the one hand, and, on the other, points in Florida, for 180 days. Supporting shipper: Allied Stores Corporation, 1114 Avenue of the Americas, New York, N.Y. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135437 (Sub-No. 4TA), filed April 3, 1975. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., South Main Street, Lyndonville, N.Y. 14098. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), *and materials, supplies, and equipment* used in the manufacture, sale or distribution of unfrozen foodstuffs (except in bulk), between points in Owensboro, Ky., on the one hand, and, on the other, points in Jefferson, St. Charles and St. Louis Counties, Mo., and points in Indiana and Illinois north of Route 70. All restricted to traffic originating at or destined to the plantsite of Ragu Foods, Inc., for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 135772 (Sub-No. 1TA), filed April 2, 1975. Applicant: WESTPOINT TRANSPORTATION, INC., 3812 NE. 4th, P.O. Box 206, Renton, Wash. 98055. Applicant's representative: Dwaine E. Griffith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* in ocean going carriers or leased trailers moving to or from Alaska, From Tacoma, Wash., to points in Seattle, Wash., for 180 days. Supporting shipper: Gold Bond Building Products, Division of National Gypsum Company, 1850 West 8th St., Long Beach, Calif. 90813. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Second Ave., Seattle, Wash. 98174.

No. MC 135874 (Sub-No. 50TA), filed March 31, 1975. Applicant: LTL PERISHABLES, INC., 9949 "J" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats and meat products, and frozen foods*; (b) *cheese, confectionaries, yogurt, sauerkraut, pickles, dips, butter, margerine, salad* dressings, condiments, vegetables, fruits, seafood, cereals, canned goods, yeast, bakery compounds, bakery goods, and syrups, all when moving with the commodities listed in (1) (a) above, from Omaha, Nebraska and its Commercial Zone, to points in Kansas, Missouri, Minnesota, Iowa (except points in Iowa west of U.S. Highway 71 and south of U.S. Highway 18) and Illinois (except Chicago and its Commercial Zone as defined by the Commission). All service hereunder is restricted to traffic originating at points in the Omaha, Nebraska Commercial Zone and destined to the named destinations, for 180 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 136213 (Sub-No. 3TA), filed April 4, 1975. Applicant: MIDCO DISTRIBUTING, INC., Box 910, Middlebury, Ind. 46540. Applicant's representative: Thomas R. Bontreger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wines, and related advertising material*, (except in bulk, in tank vehicles), from Elkhardt, Ind., to points in the United States (except Alaska, Hawaii, and Michigan), under a continuing contract or contracts with Michigan Wines Limited Inc., for 180 days. Supporting shipper: Michigan Wines Limited, Inc., 1919 Middlebury Street, Elkhardt, Ind. 46514. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 138018 (Sub-No. 20TA), filed April 4, 1975. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80205. Applicant's representative Donna F. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendered lard*, in bulk, in tank vehicles, from Downs, Kans., to points in Houston, San Antonio, El Paso and Forth Worth, Tex., for 180 days. Supporting shipper: York Packing Co., Inc., York, Nebr. 68467. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 139495 (Sub-No. 54TA), filed April 3, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, from the plantsite and storage facilities of Milton Bradley Company, located at or near East Longmeadow, Mass., and Voorheesville, N.Y., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Texas, North Dakota, South Dakota, Nebraska, Arkansas, Louisiana, Wyoming, Colorado, and New Mexico, for 180 days. Supporting shipper: Milton Bradley Company, 443 Shaker Road, E. Longmeadow, Mass. 01028. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140816 TA, filed April 7, 1975. Applicant: CHARLES M. FERGUSON, P.O. Box 275, State Road 1209, Gaston, N.C. 27832. Applicant's representative: Charlie D. Clarke, Jr., P.O. Box 429, Roanoke Rapids, N.C. 27870. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, from Raleigh, N.C., to points in Greensville County, Va., for 180 days. Supporting shipper: Greensville Feed Mill, Inc., Star Route, Box 4, Emporia, Va. 23847. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

APPLICATION OF PASSENGERS

No. MC 140817 TA, filed April 7, 1975. Applicant: HALL'S SHELL SERVICE, a partnership of JAMES S. HALL AND SAME E. JAMES, 1425 Russell Street NE., Orangeburg, S.C. 29115. Applicant's representative: W. Newton Pough, 512 Amelia Street, Orangeburg, S.C. 29115. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage* in charter operation, between Orangeburg, S.C., on the one hand, and, on the other, points in Florida, North Carolina, Virginia, and the District of Columbia, for 180 days. Supporting shippers: There are 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

WATER CARRIER APPLICATION

W-1289 TA, filed April 4, 1975. Applicant: RAZ INLAND NAVIGATION CO., INC., 7417 S.W. Beaverton-Hillsdale Hwy., Portland, Oreg. 97225. Applicant's representative: James H. Sanders, 7206 S.W. 21st Avenue, Portland, Oreg. 97219. Applicant hereby applies for temporary authority for 180 days to engage in opera-



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tion, interstate or foreign commerce, as a *common carrier* by water in the transportation of *General commodities* in standard intermodal containers, or truck trailers, empty standard intermodal containers or truck trailers, motor vehicles and other general cargo, between all points along navigable portions of the Columbia/Snake River System, from Astoria, Oregon to Clarkston/Lewiston on the Washington/Idaho border. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9934 Filed 4-15-75;8:45 am]

[Notice No. 266]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 16, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 6, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75610. By order of March 4, 1975, the Motor Carrier Board approved the transfer to Bray Transport, Inc., Cushing, Okla., of the operating rights in Certificates No. 112822 (Sub-No. 1), MC 112822 (Sub-No. 2), MC 112822 (Sub-No. 14), MC 112822 (Sub-No. 15), MC 112822 (Sub-No. 17), MC 112822 (Sub-No. 20), MC 112822 (Sub-No. 21), MC 112822 (Sub-No. 24), MC 112822 (Sub-No. 27), MC 112822 (Sub-No. 28), MC 112822 (Sub-No. 35), MC 112822 (Sub-No. 36), MC 112822 (Sub-No. 38), MC 112822 (Sub-No. 39), MC 112822 (Sub-No. 46), MC 112822 (Sub-No. 47), MC 112822 (Sub-No. 48), MC 112822 (Sub-No. 70), MC 112822 (Sub-No. 72), MC 112822 (Sub-No. 74), MC 112822 (Sub-No. 79), MC 112822 (Sub-No. 81), MC 112822 (Sub-No. 82), MC 112822 (Sub-No. 88), MC 112822 (Sub-No. 160), MC 112822 (Sub-No. 171), MC 112822 (Sub-No. 219), MC 112822 (Sub-No. 223), MC 112822 (Sub-No. 263), MC 112822 (Sub-No. 280), and MC 112822 (Sub-No. 292) and portions of Certificates No. MC 112822, MC 112822 (Sub-No. 26), MC 112822 (Sub-No. 40), MC 112822 (Sub-No. 50), MC 112822 (Sub-No. 63), MC 112822 (Sub-No. 67), MC 112822 (Sub-No. 83), MC 112822 (Sub-No. 84), MC 112822 (Sub-No. 116), MC 112822 (Sub-No. 147) and MC 112822 (Sub-No. 228) issued June 4, 1956, August 29, 1957, December 1, 1958, October 3, 1958, November 17, 1958, January 13, 1960, March 9, 1962, April 20, 1961, September 14, 1961, September 6, 1962, February 6, 1964, June 27, 1963, February 23, 1965, December 31, 1964, May 4, 1965, May 14, 1965, November 5, 1965, March 17, 1967, August 8, 1967, February 2, 1968, April 1, 1968, October 7, 1968, January 8, 1971, February 20, 1970, June 17, 1971, February 28, 1972, February 13, 1973, October 20, 1972, June 14, 1974, October 30, 1974, October 15, 1974, October 14, 1959, July 30, 1962, November 20, 1964, April 6, 1966, August 30, 1967, November 17, 1970, December 4, 1973, June 12, 1969, September 9, 1969, February 8, 1971 and March 2, 1973 respectively to Bray Lines, Incorporated, Cushing, Okla., authorizing the transportation of various commodities, in bulk, from, to and between specified points and areas in Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Tennessee, Texas, South Dakota, Utah, Washington, Wisconsin, and Wyoming. Edward T. Lyons, Jr., 1600 Lincoln Center Bldg., Denver, Colo. 80203, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9935 Filed 4-15-75;8:45 am]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 11, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-3844 filed March 24, 1975. Applicant: FRANK ANICETO, doing business as COLONIAL HIGHWAY EXPRESS, 100 Elmhurst Place, Buffalo, N.Y. 14216. Applicant's representative: William J. Hirsch, 43 Court St., Buffalo, N.Y. 14202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: (1) *Iron and steel articles, and metal and metal products,* between Erie, Onondaga and Oneida Counties, on the one hand, and, on the other, all points in the State of New York: From the cities of Albany, Binghampton, and Rochester to all points in the State of New York; refused, rejected and returned shipments in the reverse direction; (2) *machinery, including parts and accessories thereof,* between Erie County, on the one hand, and, on the other, all points in the State of New York; and (3) *precast concrete products,* between Onondaga and Oneida Counties, on the one hand, and, on the other, all points in the State of New York. Intrastate, interstate and foreign commerce authority sought.

*HEARING:* Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9936 Filed 4-15-75;8:45 am]

## PIPELINE ADVISORY COMMITTEE ON VALUATION

### Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Pipeline Advisory Committee on Valuation. The meeting will convene on Tuesday, May 6, 1975 at 9:30 a.m. in Conference Room B, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D.C.

The purpose of the meeting is to consider and analyze data that will be utilized in the development of cost indices for use in determining 1974 pipeline valuations. The meeting will be open to the public. Any member of the public may file a written statement with the Committee, before or within one week following the meeting.

The names of the members of the Committee, agenda, minutes of the meeting, and any other information pertaining to the meeting may be obtained from Mr. John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9937 Filed 4-15-75;8:45 am]





[Investigation and Suspension Docket No. 8808]

## ANN ARBOR RAILROAD

### Transportation of Sand From Yuma, Mich., to Cleveland, Ohio; Rail Rate

APRIL 4, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served March 10, 1975, an environmental threshold assessment survey was made available to the public in the above entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the November 19, 1974, order. 3. This proceeding is now ready for further disposition.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9931 Filed 4-15-75;8:45 am]

[AB 12 (Sub-No. 14)]

## SOUTHERN PACIFIC TRANSPORTATION CO.

### Abandonment of Services

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

*It is ordered,* That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in both the City and County of Los Angeles, Calif., on or before April 29, 1975 and certify to the Commission that this has been accomplished.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 9th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

SOUTHERN PACIFIC TRANSPORTATION COMPANY, ABANDONMENT NEAR INGLEWOOD, IN LOS ANGELES COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated April 9, 1975, it has been determined that the proposed abandonment by the Southern Pacific Transportation Company of its 0.149 miles of line near Inglewood in Los Angeles County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because a shift of rail traffic to motor carriers and alternate rail service would have only minimal noise, air pollution, and fuel consumption impacts. There are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service. The U.S. Postal Service is negotiating with SPTC to purchase the right-of-way for use as a bulk mail handling facility. In addition, the City of Inglewood, and the Bureau of Outdoor Recreation of the U.S. Department of the Interior have also expressed their desire to purchase the right-of-way for a linear park, museum, or a community center. The TAS recommends the imposition of a condition to reflect the above mentioned interest.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2986.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before May 14, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-9941 Filed 4-15-75;8:45 am]

[Section 5a Application Nos. 46 (Amdt. No. 10), 45 (Amdt. No. 8)]

## SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC., AND NIAGARA FRONTIER TARIFF BUREAU, INC.

### Agreement

APRIL 7, 1975.

The Commission is in receipt of a joint application of the above-entitled proceedings for approval of amendments to the agreements therein approved.

Filed March 20, 1975 by: W. C. Brown, Jr., Southern Motor Carriers Rate Conference, Inc., 1307 Peachtree St., N.E., Atlanta, GA 30309, Attorney-in-Fact; Robert G. Gawley, Niagara Frontier Tariff Bureau, Inc., 3871 Harlem Road, Buffalo, NY 14221, Attorney-in-Fact; and by their attorneys: Robert E. Born, J. Michael May, Born and May, P. C., Suite 20, 1459 Peachtree St., N.E., Atlanta, GA 30309.

The Amendments involve: (1) Expansion of the approved joint South-Quebec Interterritorial Agreement to include jurisdiction for collective ratemaking activity from and to points in the Province of Ontario, Canada and the South; (2) eliminate the Province of Ontario from the jurisdiction of the East-South Interterritorial Committee of the Southern carrier agreement; (3) make other incidental changes in the respective agreements made necessary by the foregoing amendments; and (4) revise the schedules of member fees and assessments of the respective carrier organizations.

The complete amended joint application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in these proceedings shall notify the Commission in writing on or before May 6, 1975. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9940 Filed 4-15-75;8:45 am]

[AB 29]

## CINCINNATI, NEW ORLEANS-TEXAS PACIFIC RAILWAY CO.

### Abandonment Between Harriman and Dearmond in Roane and Morgan Counties, Tenn.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

*It is ordered,* That applicant be, and it is hereby directed to publish the appended notice in a newspaper of general circulation in Roane and Morgan Counties, Tenn., on or before April 29, 1975 and certify to the Commission that this has been accomplished.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 7th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

CINCINNATI, NEW ORLEANS-TEXAS PACIFIC RAILWAY COMPANY, ABANDONMENT BETWEEN HARRIMAN AND DEARMOND IN ROANE AND MORGAN COUNTIES, TENNESSEE

The Interstate Commerce Commission hereby gives notice that by order dated April 7, 1975, it has been determined that the proposed abandonment of the operations of the Cincinnati, New Orleans-Texas Pacific



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Railroad Company between Harriman and DeArmond, Penn., and the abandonment of the line from DeArmond to Petros, Tenn., if approved by the Commission, do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* and that preparation of a detailed environmental impact statement will not be required under Section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because there has been no traffic over the line for the past two years and because the potential inclusion of the right-of-way in the John Muir recreational trail network, as administered by the Tennessee Department of Conservation, would be consistent with the ecology of the area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone (202) 343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before May 14, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-9942 Filed 4-15-75;8:45 am]



federal register

WEDNESDAY, APRIL 16, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 74

PART II

# ENVIRONMENTAL PROTECTION AGENCY

■

## Administration of the Clean Air Act and Federal Water Pollution Control Act

## Federal Contracts, Grants, or Loans

V 40 74 APR 16 75 XUM

Title 40—Protection of the Environment

[FRL 349-5]

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

## PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

### Prohibitions and Requirements

Pursuant to his authority under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) and particularly section 306 of that Act, which was added by the Clean Air Act Amendments of 1970 (Pub. L. 91–604), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.) and particularly section 508 of that Act, which was added by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500), the President on September 10, 1973, issued Executive Order 11738, providing for the administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. Executive Order 11738 superseded Executive Order 11602, dated June 29, 1971, providing for the administration of the Clean Air Act with respect to Federal contracts, grants, or loans.

Section 5 of Executive Order 11738 requires the Administrator of the Environmental Protection Agency to issue implementing rules and regulations. Regulations implementing the air requirements were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 38 FR 35310). On March 25, 1974, notice was published in the FEDERAL REGISTER (39 FR 11099) that EPA was proposing by regulation to revise the previously promulgated air regulations to incorporate appropriate provisions respecting the water requirements of section 508 of the Federal Water Pollution Control Act Amendments of 1972 and the Executive Order.

The program is intended to supplement Federal, State, and local enforcement activities under the Clean Air Act and the Federal Water Pollution Control Act. The primary purpose of the program is to ensure that facilities in noncompliance with clean air and water standards are not utilized for Federal contracts, grants, or loans.

Written comments on the proposed regulations were invited and received from interested parties. EPA has carefully considered all submitted comments. All written comments are on file with the Agency. Certain of these comments have been adopted or substantially satisfied by editorial changes, deletions from, or additions to the regulation. Several of the major comments and their disposition are discussed below.

(a) The following comments were not adopted by EPA.

(1) Several commenters recommended that the basis for EPA to consider listing a facility (see § 15.20(a)), and thereby make the facility ineligible for utilization in any federally awarded contract, grant, or loan, be limited to Federal criminal conviction pursuant to section 306(a) of the Clean Air Act and section 508(a) of the Federal Water Pollution Control Act. The commenters suggest that EPA does not have the authority to expand the basis for consideration of listing a facility. However, pursuant to section 306(c) of the Clean Air Act, section 508(c) of the Federal Water Pollution Control Act, and sections 1, 4, 5, and 7 of Executive Order 11738, EPA was delegated the responsibility to carry out the purposes of those Acts and the Executive Order, including the responsibility for setting forth the bases for consideration of listing a facility.

(2) A commenter suggested that the regulations with regard to EPA's listing a facility lacked requisite due process (see § 15.20(a)(2)). However, in all cases, EPA will provide a Listing Proceeding to the representatives of the alleged noncomplying facility before listing the facility. Each Proceeding will be in accordance with applicable legal procedural requirements.

(3) A commenter suggested that latitude be provided in the regulations for the Governor, in his role of referring noncomplying facilities to the EPA Office of Federal Activities, to delegate this responsibility to any official he so designates, thereby facilitating State participation in the program (see § 15.23(b)). However, considering the ramifications of this referral, EPA believes that such a decision should rest solely with each Governor.

(4) A commenter recommended that EPA include in the regulations requirements for Federal agencies relative to post-award remedies, e.g. termination, cancellation, or suspension of contracts where a facility being used during performance appears on the EPA List of Violating Facilities. EPA believes, however, that post-award remedies are a matter for the Federal contracting, granting and loaning agencies to deal with in the implementation of the Executive Order 11738 program through their internal procedures and regulations.

(b) The following comments were adopted by EPA:

(1) The effective date for the implementation of the program was changed to July 1, 1975, except for facilities giving rise to a Federal criminal conviction for which the program is effective immediately. The effective date was extended to permit Federal awarding agencies to complete amendments to their internal regulations and procedures which will provide an orderly implementation of the program. The immediately effective date for facilities having given rise to a Federal criminal conviction recognizes that section 306(a) of the Clean Air Act and section 508(a) of the Federal Water Pollution Control Act are self-operating provisions which were effective the dates of each Act.

(2) The definition of "contract" was revised to be consistent with the definition contained in the Federal Procurement Regulations (see § 15.3(j)).

(3) The definition of "grant" was revised to provide a specific exemption for revenue sharing funds distributed under the State and Local Fiscal Assistance Act of 1972.

(4) All references to "debarment" and "suspension" under the regulations (see § 15.20 (b) and (c)) have been deleted. The introduction of these terms in no way intended to change the meaning of the effect of EPA's listing a facility. EPA was relating to the requirements for removal from the List of Violating Facilities. In this respect, it is emphasized that, where the basis for listing was a Federal criminal conviction, for a facility to be de-listed there must be evidence that the pollution condition which gave rise to the Federal criminal conviction has in actuality been corrected. However, for any other basis for listing, the facility will be de-listed when representatives of the facility can offer evidence of compliance (e.g. on EPA, State or court approved schedule of compliance). Therefore, there is a greater burden for a facility to be de-listed when listing occurred based on a Federal criminal conviction. It remains for the Federal awarding agencies to interrelate these EPA provisions to the debarment, suspension, and ineligibility provisions of their contract, grant, and loan regulations and procedures.

(5) A commenter suggested that where a facility is listed for reasons other than a court adjudication (§ 15.20 (a)(1) (C) or (F)), the facility could be subjected to an indefinite listing. A provision was included under § 15.20(C) of the regulations limiting such listing to one year unless a basis for listing under § 15.20 (a)(1) (A), (B), (D), or (E) is established by the Director before the one year elapses.

Accordingly, pursuant to the authority granted under section 306 of the Clean Air Act (42 U.S.C. 1857 et seq), section 508 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq), and Executive Order 11738, dated September 10, 1973 (38 FR 25161), the regulations, providing for the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants, and loans, are hereby promulgated.

*Effective date:* The final regulations promulgated hereby shall be effective thirty (30) days after the date of publication.

Dated: April 9, 1975.

JOHN QUARLES,
*Acting Administrator.*

Part 15 of 40 Code of Federal Regulations is hereby deleted and the following new Part 15 is substituted in lieu thereof:

Subpart A—Administrative Requirements


Sec.
15.1 Purpose.
15.2 Administrative responsibility.
15.3 Definitions.
15.4 Agency responsibilities.
15.5 Exemptions.


Subpart B—Remedies


15.20 List of Violating Facilities.
15.21 Hearings.







Sec.
15.22 Public Participation.
15.23 Agency Participation.
15.24 Investigation.
15.25 Referral to the Justice Department.


Subpart C—Ancillary Matters


15.40 Reports.
15.41 Delegation of Authority by the Director.


### Subpart A—Administrative Requirements

**§ 15.1 Purpose.**

(a) The regulations in this Part are issued pursuant to the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91–604), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92–500), and Executive Order 11738, to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, and loans. The regulations in this Part apply to all agencies in the Executive Branch of the Government which award contracts, grants, or loans. The regulations also apply to contractors and subcontractors and to recipients of funds under grants and loans to the extent set forth in this Part.

(b) The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Administrator, Federal agencies, or other parties of powers not herein specifically set forth, but otherwise granted to them by the Air Act and the Water Act or the Order.

(c) The program provides for the establishment of a List of Violating Facilities which will reflect those ineligible for the award of a Federal contract, grant, or loan. Facilities will be listed upon a determination by EPA of continuing or recurring noncompliance with clean air or water standards. State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. In cases where a facility has been subjected to a State or local civil adjudication or administrative finding that such facility is in noncompliance with clean air or water standards, EPA shall consider listing at the request of the Governor. The program shall apply to any contract, grant, or loan in excess of $100,000, as well as any contract of a lesser amount involving a facility giving rise to a Federal criminal conviction.

**§ 15.2 Administrative responsibility.**

The Director, Office of Federal Activities, is hereby delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under the Order, except the power to issue rules and regulations, and provided that the Assistant Administrator for Enforcement, EPA, shall continue to exercise principal responsibility for EPA's enforcement of the Clean Air Act, the Federal Water Pollution Control Act, and clean air and water standards issued pursuant thereto. All correspondence regarding the Order or the regulations in this Part should be addressed to the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

**§ 15.3 Definitions.**

(a) The term "Air Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91–604).

(b) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(c) The term "agency" means any department, agency, establishment, or instrumentality in the Executive Branch of the Federal Government, including wholly owned government corporations which award contracts, grants, or loans.

(d) The term "applicant" means any person who has applied but has not yet received a contract, grant, or loan and includes a bidder or proposer for a contract which is not yet awarded.

(e) The term "air pollution control agency" means any agency which is defined in section 302(b) or section 302(c) of the Air Act.

(f) The term "borrower" means a prime recipient of a loan.

(g) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or the Order, an applicable implementation plan as described in section 110(d) of the Air Act, an approved implementation procedure or plan under section 111(c) or section 111(d), respectively, of the Air Act, or an approved implementation procedure under section 112(d) of the Air Act.

(h) The term "clean water standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by EPA, or by a State under an approved program, as authorized by section 402 of the Water Act, or by a local government to ensure compliance with pretreatment regulations as required by section 307 of the Water Act.

(i) The term "compliance" means compliance with clean air or water standards. For the purpose of these regulations, "compliance" shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency, or an air or water pollution control agency, in accordance with the requirements of the Air or Water Act and regulations issued pursuant thereto.

(j) The term "contract" means any Federal contract for the procurement of personal property or non-personal services (including construction).

(k) The term "contractor" means the prime contractor with whom the Federal Government has contracted for procurement of personal property or non-personal services.

(l) The term "Director" means the Director, Office of Federal Activities, U.S. Environmental Protection Agency, or any person to whom he delegates authority under the regulations in this Part.

(m) The term "facility" means any building, plant, installation, structure, mine, vessel or other floating craft, location or site of operations owned, leased, or supervised by an applicant, contractor, subcontractor, grantee, subgrantee, borrower or subborrower to be utilized in the performance of a contact, grant, or loan. Where a location, or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility, except where the Director determines that independent facilities are co-located in one geographic area.

(n) The term "Governor" means the Governor or principal executive officer of each State.

(o) The term "grant" means any Federal grant, including grant-in-aid (except where such assistance is solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq.).

(p) The term "grantee" means the prime recipient of a grant.

(q) The term "loan" means a loan of Federal funds.

(r) The term "Order" means Executive Order 11738, dated September 10, 1973 (38 FR 25161), which superseded Executive Order 11602, dated June 29, 1971 (36 FR 12475).

(s) The term "person" means any natural person, corporation, partnership, unincorporated association, State or local government, or any agency, instrumentality, or subdivision of such a government or any interstate body.

(t) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territories of the Pacific Islands.

(u) The term "subborrower" means any person holding a subloan.

(v) The term "subcontract" means any agreement or arrangement under which any portion of the contractor's obligation is performed, undertaken, or assumed.

(w) The term "subcontractor" means any person holding a subcontract.

(x) The term "subgrant" means any agreement or arrangement under which any portion of the activity or program which is being assisted under the grant is performed, undertaken, or assumed.

(y) The term "subgrantee" means any person holding a subgrant.

(z) The term "subloan" means any agreement or arrangement under which any portion of the business, program, or activity which is being assisted under the loan is performed, undertaken, or assumed.

(aa) The term "United States" as used herein includes the several States, the



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District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

(bb) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92–500).

(cc) The term "water pollution control agency" means any agency which is defined in section 502(1) or section 502(2) of the Water Act.

§ 15.4 Agency responsibilities.

(a) *General.* Pursuant to the Order, each agency will take appropriate steps to ensure that all officers and employees whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the Order and the regulations under this Part. Such officers and employees will promptly report to the head of the agency or his designee any condition in any facility involved in a contract, grant, or loan made by an agency which may involve noncompliance with the clean air or water standards and which comes to their attention in the performance of their regular duties. The head of the agency or his designee will promptly transmit such reports to the Director. The Director shall take action as may be appropriate in accordance with §§ 15.24 and 15.20 of this Part.

(b) *Procurement, grant, and loan regulations.* Section 4 of the Order provides that agencies responsible for promulgating contract, grant, and loan regulations shall, following consultation with the Administrator, amend such regulations to require, as a condition of entering into, renewing, or extending any nonexempt contract, grant, or loan, compliance with the Air and Water Acts and standards issued pursuant thereto. Pursuant to the authorities vested in the Administrator in section 5 of the Order, agencies responsible for promulgating contract, grant, and loan regulations shall be governed by this Part. Such regulations shall be amended to require, no later than July 1, 1975, the use of the provisions set forth below.

(c) *Procurement regulations.* The Federal Procurement Regulations, Armed Services Procurement Regulation, and to the extent necessary, any supplemental or comparable regulations issued by any agency shall be amended to employ solicitation and contracts provisions which include the following requirements:

(1) A stipulation by the contractor or subcontractors that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA List of Violating Facilities pursuant to § 15.20 of this Part as of the date of contract award.

(2) Agreement by the contractor to comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder after the award of the contract.

(3) A stipulation that as a condition for the award of a contract the applicant or contractor shall notify the awarding official of the receipt of any communication from the Director indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities. Prompt notification shall be required prior to contract award.

(4) Agreement by the contractor that he will include or cause to be included the criteria and requirements in paragraphs (1) through (4) in every nonexempt subcontract and requiring that the contractor will take such action as the Government may direct as a means of enforcing such provisions.

(d) *Grant and loan provisions.* To carry out the purposes of the Air and Water Acts, the Order, and this Part, agency grant and loan regulations shall be amended as necessary to incorporate the requirements set forth in paragraphs (1) through (4) of § 15.4(c) above with respect to nonexempt transactions.

§ 15.5 Exemptions.

(a) *Exempted transactions.* (1) *Transactions $100,000 and under.* Contracts, subcontracts, grants, subgrants, loans, and subloans not exceeding $100,000 are exempt from this Part.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to contracts and subcontracts for indefinite quantities (including but not limited to time and material contracts, requirements contracts, and basic ordering agreements), this Part shall be applicable unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $100,000.

(3) *Assistance to abate, control, or prevent environmental pollution.* Any grant, subgrant, loan, or subloan, the principal purpose of which is to assist a facility or facilities to comply with any Federal, State, or local law, regulation, limitation, guideline, standard, or other requirement relating to the abatement, control, or prevention of environmental pollution is exempt from this Part.

(4) *Exclusion.* The foregoing exemptions shall not apply to a proposed contractor whose facility is listed on the basis of § 15.20(a)(1)(A) and § 15.20(a)(1)(D) of this Part. Utilization of such a facility through the award of a Federal contract is barred by section 306(a) of the Air Act and section 508(a) of the Water Act where a conviction has been obtained pursuant to section 113(c)(1) of the Air Act and section 309(c) of the Water Act.

(b) *Authority of heads of agencies.* Where a head of an agency determines that the paramount interest of the United States so requires, he may exempt any individual contract, subcontract, grant, subgrant, loan, or subloan for a period of one year, and by rule or regulation any class of contracts, grants, or loans. In the case of an individual exemption, the head of the agency granting the exemption shall notify the Director as soon before or after granting the exemption as practicable. The justification for such an exemption or any renewal thereof shall fully describe the purpose of the contract, grant, or loan and shall indicate the manner in which the paramount interest of the United States requires that the exemption be made.

(c) *Facilities located outside the United States.* This Part shall not apply to the use of facilities located outside the United States.

## Subpart B—Remedies

§ 15.20 List of violating facilities.

(a) *Listing of facilities.* Sections 1, 2, 4, 5, and 7 of the Order, section 306 of the Air Act, and section 508 of the Water Act require the Administrator to establish procedures which will identify for Federal agencies those facilities giving rise to a criminal conviction under the Air and Water Acts and which will establish sanctions and penalties necessary to assure that contracts, grants, and loans are not awarded to applicants whose facilities are found to be in noncompliance with clean air and water standards. The Director shall maintain the List of Violating Facilities in accordance with the following procedures:

(1) *Basis for consideration of listing.* Federal, State, or local criminal convictions, civil adjudications, or administrative findings of noncompliance may serve as the basis for consideration of listing facilities. However, the listing of a facility based on a State or local civil adjudication or administrative finding shall not be considered unless the Governor of the State has referred the applicant, contractor, grantee, or borrower whose facility has given rise to such adjudication or finding to the Director in accordance with § 15.23 of this Part. The following Federal, State, and local determinations may serve as bases for listing:

(i) Facilities which have given rise to a conviction under section 113(c)(1) of the Air Act.

(ii) Facilities which have given rise to any injunction, order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance with clean air standards, or facilities which have given rise to a conviction in a State or local court for noncompliance with clean air standards.

(iii) Facilities not in compliance with an order under section 113(a) of the Air Act, or which have given rise to the initiation of court action under section 113(b) of the Air Act, or have been subjected to equivalent State or local proceedings to enforce clean air standards.

(iv) Facilities which have given rise to a conviction under section 309(c) of the Water Act.

(v) Facilities which have given rise to any injunction, order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance with clean water standards, or facilities which have given rise to a conviction in a State or local court for noncompliance with clean water standards.

(vi) Facilities not in compliance with an order under section 309(a) of the Water Act, or which have given rise to the initiation of court action under section 309(b) of the Water Act, or have been subjected to equivalent State or local proceedings to enforce clean water standards.

(2) *Listing proceedings.* No facility shall be listed until there has been notification to the owner, and where appropriate, the operator, by the Director of his intent to place the facility on the List and the basis therefor, and the representatives of the facility have been afforded an opportunity to confer with the Director and present orally or in writing, and with assistance of counsel, data or information relating to the proposed placement of the facility on the List. Prior to listing on the basis of § 15.20(a)(1)(ii), (iii), (iv), or (vi) the Director must determine that there is adequate evidence of continuing or recurring noncompliance with clean air or water standards at the facility. Upon request from the Assistant Administrator for Enforcement, EPA, the Director shall defer listing of a facility. The Director's determination to list shall be in writing and shall summarize the basis for his action.

(3) *The List.* Upon carrying out the aforesaid requirements, the Director may list a facility. The List shall be distributed periodically to all agencies and published in the FEDERAL REGISTER. The List shall contain as a minimum the name of each person whose noncomplying facility has given rise to the listing, the name of such facility, the basis for the listing, and the date for each listing.

(4) *Effective date.* The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 1520(a)(1)(A) or (D) above effective immediately. The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a)(1)(B), (C), (E), or (F) above effective July 1, 1975.

(b) *Prohibition of award to listed facilities.* No agency shall enter into, renew, or extend any nonexempt contract, subcontract, grant, subgrant, loan, or subloan where a facility listed would be utilized for the contract, subcontract, grant, subgrant, loan, or subloan.

(c) *Removal of facility from List.* If a conviction, order, judgment, decree, other form of civil ruling, or finding which has constituted the basis for consideration of listing a facility is reversed or otherwise modified to remove such basis, or if the Assistant Administrator for Enforcement, EPA requests removal, the facility shall be removed promptly from such listing by the Director effective upon receipt of notification of the reversal, modification, or request. Requests for removal of facilities from the List for any other basis including a request from a Governor shall be addressed to the Director. Such request shall be in writing and must contain appropriate evidence that the condition which gave rise to the listing has been corrected. Alternatively, for facilities listed under §§ 15.20(a)(1)(ii), (iii), (iv), and (vi) above, the written request to de-list may be based upon an approved plan of compliance which will ensure the condition which gave rise to the listing will be corrected. Facilities listed on the basis of § 15.20(a)(1)(iii) and (vi) shall be removed from the List one year after the initial date of the listing unless the Director determines theretofore that a basis for listing under § 15.20(a)(1)(i), (ii), (iv), or (v) has been established. In the event the request for removal is denied, a hearing pursuant to § 15.21 shall be granted by the Director, if requested within ten (10) days of receipt of a notice of denial.

§ 15.21 Hearings.

(a) Hearings held pursuant to § 15.20(c) shall be conducted by a hearing officer designated by the Administrator. Each party shall have the right of counsel and a fair opportunity to present evidence and argument and to cross-examine. The agency or official responsible for clean air or water standards enforcement with respect to the listed facility will be permitted to participate in the hearing. The hearing officer shall base his decision solely upon the record before him.

(b) The decision of the hearing officer shall be final unless within twenty (20) days from the date of receipt of the decision the party adversely affected requests in writing a review by the Administrator.

§ 15.22 Public participation.

(a) Persons who wish to bring an alleged failure of compliance with clean air or water standards under this Part to the attention of the Government should file a statement in writing with the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

(b) The statement should include the name, address, and telephone number of the person responsible for its filing, the name and address or other accurate description of the facility allegedly in noncompliance, a description of the noncompliance, with any available accompanying data considered to show that the noncompliance has occurred, and any other pertinent information which will assist in the investigation and resolution of the reported noncompliance. The statement must be signed by the person responsible for the filing or his authorized representative.

(c) The Director shall review the statement and within a reasonable period advise the person of the disposition of his statement.

(d) No action under this section shall satisfy the service of notice of intent to file suit requirement pursuant to section 304 of the Air Act or section 505 of the Water Act.

§ 15.23 Agency participation.

(a) *Federal agency participation.* Pursuant to § 15.4 (c) and (d) of this Part, applicants must indicate whether a facility to be utilized in the performance of any nonexempt contract, grant, or loan has been identified by the Director as under consideration for listing. Federal contracting officers or awarding officials must determine whether any facility to be utilized in the performance of a nonexempt contract, grant, or loan appears on the List distributed by the Director under § 15.20 of this Part. If such facility has been identified by the Director but the facility does not appear on the List, the contracting officer or awarding officials shall promptly notify the Director. In accordance with § 15.24 of this Part, the Director may request that the award of the contract, grant, or loan be withheld for a period not to exceed fifteen (15) working days pending completion of an appropriate investigation.

(b) *State participation.* If a Governor determines that a facility is in continuing or recurring noncompliance with clean air or water standards, the Governor may notify the Director. The Director shall take the necessary steps, under § 15.20 of this Part, to determine whether listing shall occur.

§ 15.24 Investigation.

(a) When pursuant to § 15.23 of this Part, Federal contracting officers or awarding officials notify the Director that a facility contemplated to be utilized in the performance of a contract, grant, or loan has been identified by EPA as under consideration for listing, the Director after consultation with the agency whose proposed contract, grant, or loan is involved, may request that the award of the contract, grant, or loan be withheld for a period not to exceed fifteen (15) working days effective the date the Director, as well as the interested Federal agency, is notified of the existence of such information and the initiation of the investigation. The agency shall withhold such award except when it is determined that the delay is likely to prejudice the agency's programs or otherwise seriously disadvantage the Government. Prompt notice shall be given to the Director in any case where such determination to award has been made.

(b) The Director shall promptly inform the agency whose contract, grant, or loan is involved of the findings, dispositions, or actions resulting from the investigation. Where the information causing the investigation was presented by a private individual or Governor, that individual or Governor shall also be promptly notified.

§ 15.25 Referral to the Justice Department.

The Administrator may recommend that appropriate legal proceedings or other action be taken in reference to the requirements set forth in the regulations







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contained in this Part. Referrals of any matters arising under such regulations to the Department of Justice shall be made only by the Administrator or with his express approval.

### Subpart C—Ancillary Matters

**§ 15.40 Reports.**

(a) *Agency reports.* The head of each agency shall ensure that the Administrator is informed of each exemption granted under § 15.5(b) during the preceding fiscal year annually before August 1.

(b) *EPA reports.* (1) The Administrator will annually report to the President on measures taken toward implementation of section 306 of the Air Act, section 508 of the Water Act, the Order, and regulations in this Part, including but not limited to the progress and problems associated with such implementation.

(2) The Administrator will annually notify the President and the Congress of all exemptions granted or in effect under this Part during the preceding year.

**§ 15.41 Delegation of authority by the Director.**

The Director is authorized to redelegate the authority conferred upon him by this Part.

[FR Doc.75-9803 Filed 4-15-75;8:45 am]



federal register

WEDNESDAY, APRIL 16, 1975

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Volume 40 ■ Number 74

PART III

# FEDERAL COMMUNICATIONS COMMISSION

■

## CELLULAR, TRUNK AND CONVENTIONAL COMMUNICATIONS SYSTEMS

Land Mobile Service

Correction

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## Title 47—Telecommunication

### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Do. 18262; FCC 75-324]

### LAND MOBILE SERVICE

### Operations Between 806–960 MHz

*Correction*

In FR Doc. 75-7922, appearing at page 11452, in the issue for Monday, March 31, 1975, Appendices A, C, D, E, and F, were inadvertently omitted. Therefore they are published as set forth below:

APPENDIX A

PARTIES AND PLEADINGS FILED ON RECONSIDERATION

Petition for Reconsideration, Airsignal International, Inc.

Petition for Reconsideration, American Telephone and Telegraph Company

Petition for Reconsideration, Association of Maximum Service Telecasters, Inc.

Petition for Reconsideration and Clarification, General Communications Service, Inc.

Petition for Clarification and for Partial Reconsideration, General Electric Company, Major Appliance Business Group

Petition for Clarification and Partial Reconsideration, General Electric Company, Mobile Radio Department

Petition for Partial Reconsideration, GTE Service Corporation

Petition for Reconsideration, Industrial Communications Systems, Inc. and Radio Communications, Inc.

Petition for Reconsideration, Land Mobile Communications Council

Petition for Reconsideration, The Magnavox Company

Petition for Reconsideration, Motorola, Inc.

PARTIES AND PLEADINGS FILED FOR STAYS

Petition for Stay, Airsignal International, Inc.

Petition for Stay and Suggestion for Suspension of Effective Date, National Association of Radiotelephone Systems

COMMENTS ON PETITIONS FOR RECONSIDERATION

Opposition and Comments of Airsignal International, Inc., Airsignal International, Inc.

Reply of the American Transit Association to Petitions for Reconsideration, American Transit Association

Opposition, American Telephone and Telegraph Company

Statement in Support of Petition for Reconsideration, Associated Public Safety Communications Officers, Inc.

Petition in Support and Opposition to Petitions for Reconsideration by American Telephone and Telegraph Company; Land Mobile Communications Council; General Electric Company; Motorola, Inc., and GTE Service Corporation, filed by California Mobile Radio Association

Opposition to Petitions for Reconsideration and Stay, Central Committee on Telecommunications of the American Petroleum Institute

Comments in Support of Petition for Reconsideration, Radio Broadcasting Company

Reply to Petitions for Reconsideration, Land Mobile Communications Section of the Communications Division of the Electronic Industries Association

Opposition to Petitions for Reconsideration, Mobilfone, Inc.

Opposition to Petitions for Reconsideration, Motorola, Inc.

Opposition to Petitions for Reconsideration of the National Association of Business and Educational Radio, Inc., National Association of Business and Educational Radio, Inc.

Reply to Petition for Reconsideration, National Association of Broadcasters

Comments in Support of Petitions for Reconsideration, United States Independent Telephone Association

Opposition to Petitions for Reconsideration and Stay, Special Industrial Radio Service Association, Inc.

Reply, American Telephone and Telegraph Company

Reply to Oppositions, GTE Service Corporation

Reply to Opposition to Petition for Reconsideration of the Land Mobile Communications Council, Land Mobile Communications Council

Reply, Motorola, Inc.

COMMENTS ON PETITIONS FOR STAY

Comments, Airsignal International, Inc.

Opposition, American Telephone and Telegraph Company

Opposition to Petition for Stay, International Municipal Signal Association

Opposition to Petition for Stay, Motorola, Inc.

Opposition to Petition for Stay and Suspension of Effective Date, Motorola, Inc.

Opposition to Petition for Stay, National Association of Business and Educational Radio, Inc.

Motion to Dismiss "Petition for Stay and Suggestion for Suspension of Effective Date", National Association of Business and Educational Radio, Inc.

Opposition of the Utilities Telecommunications Council to Petition for Stay and Suggestion for Suspension of Effective Date and to Petitions for Reconsideration, Utilities Telecommunications Council

REQUESTS FOR ASSOCIATED RELIEF

Petition to Intervene, General Communications Engineering, Inc.

Supplement to Petition for Stay: Motion to Set Aside Previous Order; and Motion to Reopen the Proceeding and to Hold Evidentiary Hearing Before Full Commission, National Association of Radiotelephone Systems.

Opposition, Motorola, Inc.

Opposition, American Telephone and Telegraph Company

Reply to Oppositions, National Association of Radiotelephone Systems

APPENDIX C

CASE PRECEDENT ON NATURE OF "COMMON CARRIERS" AS LEGAL ENTITIES

The cases cited fall within five broad categories. Summarizing, the first is that an entity (a business or enterprise) is a common carrier depending not on what it purports to be, or on what the parties concerned characterize it as being, but on what it does. In this are included *United States* v. *California*, 297 U.S. 175 (1936); and *United States et al.* v. *Drum et al.*, 368 U.S. 370 (1961). Under the second category (to be a common carrier, one need not serve all the world) are: *Terminal Taxicab Co.* v. *District of Columbia*, 241 U.S. 252 (1916); and *Anderson* v. *Fidelity and Casualty Co.*, 228 N.Y. 475, 127 N.E. 584 (Ct. App., N.Y., 1920). The third deals with the proposition that courts uniformly reject schemes and devices to avoid statutory requirements relating to the control and regulation of "public" carriers. These include: *State ex rel: Board of Railroad Commissioners* v. *Rosenstein et al.*, 217 Iowa 985, 252 N.W. 251 (Sup. Ct., Iowa, 1934); *Restivo* v. *West et al.*, 149 Md. 30, 129 Atl. 884 (Ct. App., Md., 1925); *Affiliated Service Corp.* v. *Public Utilities Commission*, 127 Ohio St. 47, 186 N.E. 703 (Sup. Ct., Ohio, 1933); and *Gornish et al.* v. *Pennsylvania Public Utility Commission*, 134 Pa. Super. 565, 4 A. 2d 569 (Super. Ct., Pa., 1939).

Under the fourth category, the carriers cite such cases as: *Celina & Mercer County Telephone Co.* v. *Union Center Mutual Telephone Association*, 120 Ohio St. 487, 133 N.E. 540 (Ohio Sup. Ct., 1921); *State Public Utilities Commission* v. *Noble Mutual Telephone Co.*, 268 Ill. 411, 109 N.E. 298 (Sup. Ct. Ill., 1915); and *Peoples Telephone Exch.* v. *Public Service Commission*, 239 Mo. App. 166, 186 S.W. 2d 531 (Kan. Cty. App., 1945), *North Shore Fish and Freight Co., et al.* v. *North Shore Businessmen's Trucking Association*, 195 Minn. 336, 263 N.W. 98 (Sup. Ct. Minn., 1935); *State ex rel. Board of Railroad Commissioners* v. *Rosenstein et al., supra; Affiliated Service Corp.* v. *Public Utilities Commission, supra;* and *Surface Transportation Corporation* v. *Reservoir Bus Lines*, 67 N.Y.S. 2d 135, 271 App. Div. 556 (Sup. Ct. N.Y. App. Div., 1943). These cases, in general, stand for the proposition that, the fact that an "association" or corporation is to be "non-profit" or that a "cooperative arrangement" is to be available on a "cost shared" basis does not necessarily mean that such entities are not to be regulated as "common carriers." Finally, in the fifth category, are such cases as *Industrial Gas Co.* v. *Public Utilities Commission of Ohio*, 135 Ohio St. 408, 21 N.E. 2d 166 (Sup. Ct. Ohio, 1939); and *United States et al.* v. *Drum et al., supra.* These cases discuss the proposition of the operation of "non-regulated," "utility" or "common-carrier-type" entities in a "regulated field."

Each of these cases has been examined with great care; and while there is no question as to the applicability of these precedents to the subject matter to which they are addressed, they are not pertinent, here, except in a peripheral way, because the issue of law to be decided in this rule making is different in essential ways. As will be pointed out in the text, *infra*, one cannot logically superimpose a scheme of regulation (or cases dealing with those schemes of regulation) that has validity in connection with state or Federal control of common carriers by rail and motor vehicles, or of telephone and telegraph companies, or other "utility-type" enterprises, on a field of Federal regulation where the same principles or philosophy of regulation does not fit or apply and has never been invoked, and where the controlling statute (the Communications Act) mandates otherwise.

Further, each case cited by the carriers involved a specific question of statutory interpretation, and the decision in each rests, in essential part, upon the purpose and terminology used in the statute being construed. None of these cases involves an interpretation of the provisions of the Communications Act; and none are directed to the question of our authority under the Act to license SMR systems, or SMR-like-systems, to provide physical radio gear to persons eligible in the Public Safety, Industrial, and Land Transportation Radio Services for the express, but limited, purpose of enabling them (eligible persons) to conduct their lawful affairs in an effective and efficient manner.

In addition to the cases mentioned, others were reviewed to determine if any could be uncovered that would more directly assist in reaching the proper decision on the legal point the carriers raise. It was found that the question of "what is" and "what is not" a common carrier, *per se*, has been presented in a variety of ways. To illustrate, in *Ciaccio* v. *New Orleans Public Belt Railroad, et al.*, 285 F. Supp. 373 (D.C. E. D. La., 1968), plaintiff, Ciaccio, was injured while working on railroad cars owned by one of the defendants,





Lykes Brothers Steamship Company (Lykes). Suit was brought under the "Safety Appliance Act," and the Court had to decide whether, within the meaning of this statute, Lykes was a "common carrier by railroad." While it was shown that Lykes operated a number of railroad cars in servicing its ships, i.e., caused them to be moved to and from its wharf area and strategic points in the City of New Orleans, the actual locomotion was carried out by the New Orleans Public Belt Railroad System. In these circumstances, Lykes was held not to be a "common carrier by railroad."

Similarly, in *Tilson* v. *Ford Motor Co.*, 130 F. Supp. 676 (D.C. Mich., 1955), suit was brought against the Ford Motor Company for personal injuries sustained by plaintiff's decedent. Liability turned on whether Ford's "Rouge Plant railroad operation" was a common carrier. The evidence showed that the "railroad system" was confined to defendant's Rouge Plant area where Ford was engaged principally in the manufacture and assembly of automobiles. In reaching its decision that Ford was not a common carrier, the court pointed out that a common carrier is generally defined as one who holds himself out to the public as engaged in the business of transportation of persons or property from place to place for compensation, offering his services to the public generally. The court said the distinctive characteristic of a common carrier is that he undertakes to carry for all people indifferently, and hence is regarded in some respects as a public servant. It emphasized, the dominant and controlling factor in determining the status of one as a common carrier is his public profession as to the service he offers or performs. Obviously, the Ford Motor Company, in the *Tilson* case, did not publicly profess to be in the transportation business.

In *Arrow Aviation, Inc.* v. *Moore*, 266 F. 2d 488 (8th Cir., 1959), the court dealt with the question of whether appellant, Arrow Aviation, was liable for injuries sustained by a passenger under standards applicable to "private carriers" or the more onerous ones imposed on "common carriers." The court decided that appellant's "air taxi service" was to be treated as a "common carrier," because it held itself out as willing to carry all passengers for hire, indiscriminately. *Semon* v. *Royal Indemnity Company*, 179 F. Supp. 403 (D.C.W.D. La., 1959) presented certain parallels to the *Arrow Aviation* case. There, the legal question was the same, whether defendant's assured was a "private carrier" or a "common carrier." Similar to Arrow Aviation's "air taxi service," the assured, the M/B Sportsman, a passenger motor boat, was available only by charter. It, too, had no fixed schedule of operation; and the boat was available only through negotiations between individuals or groups and its owner. Nonetheless, the court held the M/B Sportsman was not a common carrier, since its owner did not undertake to carry all people indifferently. Compare *Morrisey* v. *S.S. A. & J. Faith*, 252 F. Supp. 54 (D.C.M.D. Ohio, E.D., 1965).

Further, in certain modern cases, the problem becomes even more complex, for the decisions must take into account certain features of the growth of the Nation's economy. For example, in *Talsky, et al.* v. *Public Utilities Commission of California*, 14 Cal. Rptr. 325, 363 P. 2d 341 (Sup. Ct., Calif., 1961), the question presented was in terms of whether Talsky was a "highway contract carrier," or a "radial highway common carrier," or a "highway common carrier." But taken separately or collectively, these precedents do not require that SMR systems be regulated as "common carriers" either because they might bear some "similarities" to "common carriers" or for some other argument by analogy.

The broader "utility" field of regulation was also surveyed to see whether case law, there, might be more pertinent; but it was not. On this see: *Board of County Commissioners of Edwards County* v. *Simmons, et al.*, 159 Kan. 41, 151 P. 2d 969 (Sup. Ct. Kans., 1944); and *Southern Pac. Co.* v. *Railroad Commissioners of California, et al.*, 13 Cal. 2d 89, 87 P.2d 1055 (Supp. Ct., Calif., 1939). These cases hold that the term "public utility" is broad and includes some businesses classified as "common carriers." Thus, common carrier railroads are considered to be public utilities (*Seaboard Air Line Ry.* v. *McRainey, et al.*, 69 Fla. 462 68 So. 753 (Sup. Ct., Fla., 1915)); and, in some jurisdictions, telephone companies and "miscellaneous common carriers" are classed both as utilities and common carriers. *Keith* v. *Bay Springs Telephone Co.*, 251 Miss. 106, 168 So. 2d 728 (Sup. Ct., Miss., 1964); and *State of North Carolina ex rel. Utilities Commission* v. *Carolina Telephone and Telegraph Company*, 267 N.C. 257, 148 S.E. 2d 100 (Sup. Ct., N.C., 1966).

In some of the early decisions a distinction was drawn between "communications common carriers" and "common carriers" because the term "common carrier" was originally only intended to include those who undertook generally to transport persons or goods. Thus, in *Western Union Telegraph Co., et al.* v. *Byrd*, 155 Tenn. 455, 294 S.W. 1099 (Sup. Ct., Tenn., 1927), the court held that while Western Union was engaged in interstate commerce and was a public service company or public utility, it was not a "common carrier" as that term was used in the statute being construed.

Other cases have held that mutual telephone companies and other cooperatives are *not* public utilities or common carriers. *State Public Utilities Commission ex rel. Macon County Telephone Co.* v. *Bethany Mutual Telephone Association*, 270 Ill. 183, 110 N.E. 334 (Sup. Ct., Ill., 1915); *State* v. *Southern Elkhorn Telephone Co.*, 106 Neb. 342, 183 N.W. 562 (Sup. Ct., Neb. 1921); *Interstate Commerce Commission* v. *Shippers Cooperative, Inc.*, 196 F. Supp. 8 (D.C.S.D., Calif., 1961); and *Philadelphia Ass'n of Wholesale Opticians* v. *Pennsylvania Public Utilities Commission*, 152 Pa. Super. 89, 30 A. 2d 712 (Super. Ct., Pa., 1943).

Each case depends on the facts peculiar to it; the statute being construed; and a variety of other matters. See: *Allaman, et al.*, v. *Pennsylvania Public Utility Commission*, 149 Pa. 353, 27 A. 2d 516 (Super. Ct., Pa., 1942), where the operator a coal yard delivering coal to its customers, contrary to the opinion of Pennsylvania Public Utilities Commission, was held, on appeal, not to be a "public utility" or "common carrier" or "contract carrier" within meaning of applicable statute; *Ex parte Martinez*, 22 Cal. 2d 259, 138 P. 2d 10 (Sup. Ct., Calif., 1943), where taxicab companies were found to be neither "common carriers" nor "public utilities" under the provisions of California Public Utilities Act, but were subject to regulation by municipalities under the general police powers; *Junction Water Co.* v. *Riddle*, 108 N.J. Eq. 523, 155 Atl. 887 (Chancery, N.J., 1931), in which defendant water company was held not to be a public utility (water, gas, and electric companies are generally considered public utilities); *City of Phoenix, et al.*, v. *Kason et al.*, 54 Ariz. 470, 97 P. 2d 210 (Sup. Ct., Ariz., 1939), holding city owned water company not subject to regulation as a public utility; *Southern Ohio Power Co.* v. *Public Utilities Commission of Ohio*, 110 Ohio St. 246, 143 N.E. 700 (Sup. Ct., Ohio, 1924), an electric power company producing and selling power to other power companies for resale to individual consumers was held not to be a public utility; but a municipal airport, constructed with public funds for public use, was declared a public utility. *Trans World Airlines, Inc.* v. *City of San Francisco, et al.*, 119 F. Supp. 516 (D.C.N.D., Calif., S.D., 1954).

Even in the broad "utility" field the decision in each case depends in essential ways, first, on the statute being interpreted; and, second, on the public purpose behind the statute as it relates to the factual matters under consideration. It is believed there is no logical way to extend the legal principles developed in other cases, by way of analogy or otherwise, to the situation at hand. And, as previously indicated, no case has been found, either among those cited by the carrier interests or those independently researched, that compels the conclusion that this Commission does not, as a matter of law, have discretion, under the Communications Act, in the rule making at hand to select the regulatory approach in licensing SMR systems that can be demonstrated best serves the public interest.

APPENDIX D

CASES CITED ON SMR SYSTEM LICENSING PLAN

*American Broadcasting Co.* v. *Federal Communications Commission*, 89 U.S. App. D.C. 298, 191 F. 2d 492 (1951).

*Ashbacker Radio Corporation* v. *Federal Communications Commission*, 326 U.S. 327 (1945).

*Coastal Bend Television Co.* v. *Federal Communications Commission*, 91 U.S. App. D.C. 251, 234 F. 2d 686 (1956).

*Federal Communications Commission* v. *Pottsville Broadcasting Co.*, 309 U.S. 134 (1940).

*Federal Communications Commission* v. *RCA Communications, Inc.*, 346 U.S. 86 (1952).

*Federal Communications Commission* v. *Sanders Brothers Radio Station*, 309 U.S. 470 (1939).

*Federal Power Commission* v. *Texaco, Inc.*, 417 U.S. 380 (1974).

*Florida Lime and Avocado Growers, Inc., et al.* v. *Paul*, 373 U.S. 132 (1963).

*Friedman* v. *Federal Communications Commission*, 105 U.S. App. D.C. 47, 263 F. 2d 493 (1959).

*GTE Service Corporation* v. *Federal Communications Commission*, 474 F. 2d 724 (2d Cir. 1973).

*Hawaiian Telephone Company* v. *Federal Communications Commission*, ——— U.S. App. D.C. ———, 498 F. 2d 771 (1974).

*Head* v. *New Mexico Board of Examiners in Optometry*, 374 U.S. 424 (1963).

*Lafayette Radio Electronics Corporation* v. *United States*, 345 F. 2d 278 (Second Cir., 1965).

*Logansport Broadcasting Corp.* v. *United States*, 93 U.S. App. D.C. 342, 210 F. 2d 24 (1954).

*National Broadcasting Co., Inc., et al.* v. *United States et al.*, 319 U.S. 190 (1942).

*Northern States Power Company* v. *State of Minnesota*, 447 F. 2d 1143 (8th Cir., 1971).

*Peoples Broadcasting Co.* v. *United States*, 93 U.S. App. D.C. 76, 209 F. 2d 286 (1953).

*Philadelphia Television Broadcasting Co.* v. *Federal Communications Commission*, 123 U.S. App. D.C. 298, 359 F. 2d 282 (1966).

*Souris River Telephone Mutual Aid Corp.*, 28 FCC 275 (1960).

*SEC* v. *Chenery Corp.*, 332 U.S. 194 (1947).

*United States et al.* v. *Southwestern Cable Co. et al.*, 392 U.S. 157 (1968).

*United States* v. *Storer Broadcasting Co.*, 351 U.S. 192 (1955).

*Udall* v. *Tallman*, 380 U.S. 1 (1965).

*WIRL Television Co.* v. *United States*, 102 U.S. App. D.C. 341, 253 F. 2d 863 (1958).

*Zenith Radio Corp.* v. *Federal Communications Commission*, 93 U.S. App. D.C. 284, 211 F. 2d 629 (1954).



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APPENDIX E

FCC Form 400–S
Date

SUPPLEMENTAL INFORMATION—806–821 MHZ AND 851–866 MHZ BANDS TRUNKED AND CONVENTIONAL SYSTEMS

**The following supplemental information is required when making application for Trunked or Conventional Systems of Communication to operate in the 806–821 MHz and 851–866 MHz frequency bands in accordance with the provisions of Subpart S of Part 89 of the Commission's Rules. For details as to the data to be furnished, refer to the instructions for each item.**

1. Name of applicant----------

2. Application is being made for (check one):
   [a] a conventional system---------- [ ]
   Furnish, as Exhibit No. 1, a statement as to the number of vehicular and portable units (identified, as such, separately) to be placed in operation at the time of grant, and the number to be in operation within eight (8) months from the date of grant.
   [b] a trunked system---------- [ ]
   Furnish, as Exhibit No. 1, the number of mobile units (vehicular or portable) to be placed in operation within the term of the license period and within two (2) years, where appropriate. See instructions.

3. The facilities requested will be employed to provide service (check one):
   [a] solely to the applicant---------- [ ]
   [b] to eligibles under Parts 89, 91, or 93 on a cost-shared, not-for-profit basis---- [ ]
   Furnish, as Exhibit No. 2, a copy of the agreement under which service will be offered. Include, also, a statement of the purpose for which the proposed system will be used: give the name and address of each person to participate in the arrangement; and show that each participant named is eligible to use the system (for the purpose for which it is to be employed).
   [c] to eligibles under Parts 89, 91, or 93 on a commercial basis---------- [ ]
   Furnish, as Exhibit No. 2, a copy of the contract under which base station facilities are to be offered. Include, also, a statement of the purposes for which the system will be used and, in addition, a certification that no person not fully qualified or eligible to employ the radio facilities, under the controlling rules and regulations of the Commission, will be provided service.
   [d] If the application is for a mobile, control station, or a control point to be associated with a base station facility referenced at Item c, give the name of the licensee of the base station facility and call sign(s) of the station(s).
   Name of licensee----------
   Call sign(s) of station(s):

4. Is the applicant engaged in the manufacture of radio frequency (RF equipment employed in land mobile systems of radio communications? NO [ ] YES [ ]
   If "Yes", is the applicant, or any person or entity directly or indirectly controlled by the applicant or who directly or indirectly controls the applicant, authorized to operate any other trunked facility?

5. (a) Is the applicant, or any other person or entity directly or indirectly controlled by the applicant, or who directly or indirectly controls the applicant, authorized to operate any conventional radio system? NO [ ] YES [ ]
   If "Yes," furnish as Exhibit No. 3 a list of all such conventional stations whose base station transmitter sites are within forty (40) miles of the location of the base station transmitter site of the proposed facility.
   (b) Is the applicant, or any other person or entity directly or indirectly controlled by the applicant, or who directly or indirectly controls the applicant, authorized to operate any trunked radio system. NO [ ] YES [ ]
   If "Yes," furnish as Exhibit No. 4 a list of all such trunked stations whose base station transmitter site is within forty (40) miles of the location of the base station transmitter site of the proposed facility.

6. The radio system will be operated (check one):
   [a] As a mobile relay facility---------- [ ]
   [b] In two-frequency simplex mode---------- [ ]
   [c] In full duplex mode---------- [ ]
   [d] Other. (Furnish as Exhibit No. 5 a statement describing the manner in which the facility, if authorized, will be operated)---------- [ ]

7. The height of the antenna (above average terrain) of the base station is---- ----feet

8. The effective radiated power of the base station is---------- ----watts

9. Furnish, as Exhibit No. 6, the following information:
   (a) A functional diagram of the planned radio system. Include, with this, a block diagram showing the location of the antenna site in relation to the control station or control point and the area in which applicant's mobile units will operate. Give distances in miles between the control point or control station and the base station facility and indicate, in miles, the point most distant from the site of the antenna and that at which applicant's mobile units are to operate.
   (b) The method(s) of signalling to be employed in the system of communication proposed.
   Applicants furnishing this information need not submit the functional system data requested on FCC Form 400.





10. Furnish, as Exhibit No. 7, when applicable:
   (a) Where control station(s) are to be used in the proposed system of communication, a statement certifying that the output power of the proposed transmitter(s) will be adjusted to comply with the requirements of Section 89.657 of Subpart S of Part 89 of the Commission's Rules.
   (b) A certification, pursuant to the provisions of Section 89.801(c) of Subpart S of Part 89 of the Commission's Rules, that a minimum of 70 percent of the mobiles specified in the application will be placed in operation not later than the date on which the term of the license for the facility is to expire. Where the applicant elects to construct in five-channel stages, he shall certify that 70 percent of the required loading for five channels will be placed in operation within two (2) years from the date of grant.
   (c) A certification, pursuant to the provisions of Section 89.802(c) of Subpart S of Part 89 of the Commission's Rules, that a minimum of 70 percent of the mobiles specified in the application will be placed in operation not later than eight (8) months from the date of the grant of the license for the requested system.

The applicant acknowledges that, where the authorized facilities are not loaded in accordance with the foregoing representation(s), any channels not so employed may be assigned, at the discretion of the Commission, to another applicant in accordance with the policies set out under Subpart S of Part 89 of the Commission's Rules.

Signature: ---------- Date: ----------
(Designate appropriate classification below)

WILLFUL FALSE STATEMENTS MADE ON THIS APPLICATION ARE PUNISHABLE BY FINE AND IMPRISONMENT. (U.S. CODE, TITLE 18, SECTION 1001)

[ ] Individual applicant
[ ] Member of applicant partnership
[ ] Officer of applicant corporation
[ ] Officer who is also a member of applicant association
[ ] Official of governmental agency

INSTRUCTIONS TO FORM 400–S

FCC Form 400–S is to be used in applying for conventional and trunked systems of communications, as defined at Section 89.602 of Subpart S of Part 89 of the Commission's Rules. Section 89.701 of the Rules.

Applications for stations to be located in the Chicago, Illinois, Region, as defined at Section 89.60 of Subpart A of Part 89 of the Rules, shall be submitted on FCC Form 425 and applicants need not respond to the inquiries set forth at Items 6, 7, and 8. Applications for stations to be located in all other regions shall be submited on FCC Form 400 and applicants must answer all of the inquiries set out in this supplement.

ITEM 1.—The name of the applicant, as given in FCC Form 400 or FCC Form 425, should be included here.

ITEM 2.—The applicant is to specify whether the proposal is for a conventional or trunked system of communication. Where the application is for one to five channels, it may be oalesified as a "conventional system" regardless of whether or not the applicant plans to use the facility in "multiple access" or "cellular" mode or in a variation of either of these system configurations.

The applicant must also furnish (as Exhibit No. 1) a statement of the number of vehicular and portable units to be placed in operation at both the time of grant and within eight (8) months from the date of grant, in the case of a conventional system (see Section 89.802(c) of the Rules), and for trunked operations (Section 89.801(c)), the applicant must give the number of units to be placed in operation at the time of grant (if that is known or can be estimated) together with the number of mobiles to be placed in operation during the term of the license period, five years. For trunked systems, where the applicant proposes to construct in five channel-stages (Section 89.801 (e)), he shall also give the number of mobile units to be placed in operation within two (2) years from the date of grant.

In the case of trunked operations, no distinction is made between vehicular and portables. All mobile units, vehicular and portables, may be included in the count for loading purposes.

ITEM 3.—At Item 3(a), state whether the station(s) are to be used exclusively to provide service to the applicant.

At Item 3(b), the applicant should indicate that the facilities applied for are to be shared on a not-for-profit basis. This eligibility classification is applicable to all cooperatives. In all such cases, a copy of the agreement must be complete and in such detail that it will be clear how the arrangement will be implemented. Also, its terms must show that no participant will pay more than his proportionate share for the use of the radio station.

Also, the applicant must give the purposes for which the system is to be used and the names and addresses of all those to participate in the sharing arrangement. This information is to be current, to the degree reasonably possible, as of the date of execution of the application form. Any person not so identified at the time the application is filed may not use the facility until permission to do so is given, in accordance with the provisions of Section 89.703(a) of Subpart S of Part 89 of the Rules.

Further, each person to participate in arrangements of this type must be shown to be eligible and qualified to use the facilities for permissible purposes. Where the station is to be used to serve a "mix" of eligible users, that fact should be made known, and in all such cases it should be understood that the system will be subject to loading criteria for the "Mixed Service Group" set out under Section 89.801 or 89.802 of Subpart S of Part 89 of the Rules.

Item 3(c) applies to applications for facilities to provide base station facilities to eligibles under Parts 89, 91, or 93 on a commercial basis. In this connection, the applicant must submit a copy of the contract under which such facilities are to be offered. Further, the applicant must state, with particularity, the purpose for which the proposed system will be employed and he must certify that no person not fully qualified and eligible to share in the use of the facilities will be provided service. The required certification may be in the form of a statement representing that this will be the case and signed by the person executing the application on behalf of the applicant.

Item 3(b) applies where the applicant plans to use base station facilities furnished by another licensee on a commercial basis

ITEM 4.—Manufacturers of radio frequency ("RF") equipment employed in land mobile systems are limited to one trunked system nation-wide. See Section 89.657 of the Rules.

ITEM 5.—Furnish the information asked at items (a) and (b) of item 5. See Sections 89.702(a)(4) and 89.806(b).

ITEM 6.—In response to Item 6, the applicant is to specify the method of operation he plans to use. It is important that this be correctly specified, because, in certain instances, the applicant may be required to share the assigned frequency or frequencies with other eligibles, and, in such cases, it will be necessary for the Commission to have this information to permit it to load assigned frequencies with users proposing compatible modes of operation.

Where the mode of operation falls under the 6(d) classification, the applicant must furnish details as to the planned mode of operation. Section 89.803 of the Rules.

ITEM 7.—The applicant must give the antenna height above average terrain of the proposed base station. In arriving at this figure, the applicant should use the method described at Section 89.123(b), Table A, "Antenna height in feet (AAT)," note 1, as set out under Subpart A of Part 89 of the Rules. This requirement does not apply to facilities which are to be located on Santiago Peak, Sierra Peak, Mount Lukens, or Mount Wilson in the State of California. See Section 89.651 (c) of the Rules. Where AAT is given, applicants need not answer antenna height questions in FCC Form 400.

ITEM 8.—In response to this item, the applicant must specify the effective radiated power (ERP) in watts of the proposed base station. Section 89.651 of the Rules.

ITEM 9.—The applicant is required to furnish data to show that the facilities requested are required to provide service to mobile units in the applicant's proposed area of operation. Please refer to Section 89.651 of the Rules.

Further, the applicant must specify the method of signalling that will be employed. This information is to be furnished regardless of whether the proposal is for a trunked or conventional facility or for a single pair or multiple pairs of frequencies available for assignment in this band.

ITEM 10.—The requirements if Item 10 are designed to provide the Commission with additional information required under Subpart S of Part 89, as set out in the referenced rules. See Sections 89.657; 89.801(c); and 89.802(c).

APPENDIX F

GUIDELINES UNDER WHICH DEVELOPMENTAL AUTHORIZATIONS FOR CELLULAR SYSTEMS IN THE 806–947 MHZ FREQUENCY BANDS WILL BE ISSUED

I. *Eligibility.*—Developmental authorizations for cellular systems in the 806–947 MHz



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frequency band will be issued only to existing and proposed communication common carriers who are legally, financially and otherwise qualified to conduct experimentation for the development of engineering, operational data and techniques directly related to the establishment of a high capacity mobile telephone system which is based upon a cellular concept and regulated under Part 21 of the Commission's Rules.

II. *Scope of service.*—Developmental authorizations will be issued for development of a high capacity mobile telephone system using cellular system technology, including provisions for mobile telephone and automatic dispatch service to be governed by Part 21 of the Rules and Regulations. (See Note)

III. *Program of Research and Development.*—A program of research and development must be submitted for constructing and operating the cellular system. This showing should include a description of the technical and operational standards to be developed, a time schedule for constructing and developing the system and the estimated time for developing the system into a fully operational prototype. The program of research and development, as stated by an applicant in the application for construction permit or license or stated in the instrument of station authorization, shall be substantially adhered to unless the licensee is otherwise authorized by the Commission.

IV. *Terms of Grant: General limitations.*—a. Development authorizations shall normally be issued for a period of five years or shorter as the Commission may deem appropriate in any particular case, and shall be subject to cancellation without a hearing by the Commission at any time upon notice to the licensee.

b. Where some phases of the developmental program are not covered by the General Rules of the Commission or by Part 21 of the Rules, the Commission may specify supplemental or additional requirements or conditions in each case as it may deem necessary in the public interest, convenience or necessity.

c. Frequencies allocated to the service toward which such development is directed will be assigned for developmental operation on a one system per market area basis.

d. Only one developmental system will be authorized any single applicant.

e. No interference shall be caused to the regular services of stations operating in accordance with the Commission's Table of Frequency Allocations (2.106 of the Rules and Regulations).

f. All systems shall be designed for nationwide compatibility for roamer operation.

g. The rendition of communication service for hire is not permitted unless specifically authorized by the Commission.

h. Construction of developmental system must begin within one year of the date of grant.

i. The grant of a developmental authorization carries with it no assurance that the developmental program, if successful, will be authorized on a permanent basis.

V. *Supplementary showing required.*—a. Authorizations for development of a cellular system will be issued only upon a showing that the applicant has a definite program of research and development, the details of which shall be set forth, having reasonable promise of substantial contribution to these services within the term of such authorization. In addition to showing that the applicant is financially qualified or that adequate provision has been made to underwrite the costs of the proposed venture, a specific showing should be made as to the factors which the applicant believes qualify him technically to conduct the research and development program, including a description of the nature and extent of engineering facilities which applicant has available for such purpose.

b. Expiring developmental authorizations may be renewed only upon the applicant's compliance with the objectives of the authorization sought to be renewed and upon a factual showing that further progress in the program of research and development requires further radio transmission and that the public interest, convenience or necessity would be served by renewal of such authorization.

VI. *Developmental report required.*—a. Upon completion of the program of research and development, or, in any event, upon the expiration of the instrument of station authorization under which such investigations were permitted, or at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the developmental program, the licensee shall submit, in duplicate, a comprehensive report on the following items, in the order designated:

1. Report on the various phases of the project which were investigated.
2. Total number of hours of operation on the frequencies assigned.
3. Copies of any publication on the project.
4. A listing of any patents applied for, including copies of any patents issued as a consequence of the activities carried forth under the authorization.
5. Detailed analysis of the result obtained.
6. Any other pertinent information.

b. In addition to the information required by paragraph (a) of this section, the developmental report of a station authorized for the development of a proposed radio service shall include comprehensive information on the following items:

1. Probable public support and methods of its determination.
2. Practicability of service operations.
3. Interference encountered.
4. Pertinent information relative to merits of the proposed service.
5. Propagation characteristics of frequencies used, particularly with respect to the service objective.
6. Frequencies, if any, believed to be more suitable and reasons therefore.
7. Type of signals or communications employed in the experimental work.

c. Normally, developmental reports will be made a part of the Commission's public records. However, an applicant may request that the Commission withhold from the public certain reports and associated material relative to the accomplishments achieved under developmental authorization, and, if it appears that such information should be withheld, the Commission will so direct.

NOTE.—Cellular systems are generally described as mobile radio systems which are able to attain large capacities through the coordinated reuse of a group of radio channels. In such systems, each radio channel can be used many times in separate areas or "cells" within a single city and its environs. Mobile units communicate with any of an array of cell control locations distributed about the system, which in turn are connected by wireline facilities to switching and control centers, and thus interconnected to the telephone network. Cellular systems must have the ability to locate a vehicle, establish a connection through an appropriate cell control location, and transfer that connection to other cell control locations as the mobile unit moves. The number of cell control locations in a system depends on the degree of channel reuse required.



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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 12—Banks and Banking

### CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

### PART 23—STATEMENTS OF BUSINESS INTERESTS OF DIRECTORS AND PRINCIPAL OFFICERS OF NATIONAL BANKS

**Clarification of Reporting Requirements**

The Comptroller of the Currency is amending the regulation governing statements of business interests of directors and principal officers of national banks (12 CFR Part 23, 39 FR 41735, December 2, 1974, 40 FR 6200, February 10, 1975, 40 FR 7897, February 24, 1975). The amendment eliminates the reporting of direct transactions between reporting persons or their business enterprises and the bank, clarifies the exemption for "insignificant" transactions, eliminates the requirement for annual review, and extends the date for filing statements.

Under this amendment a director or principal officer no longer will be required to report direct transactions with his or her bank. Only extensions of credit or other agreements which do not appear on the books of the bank in the name of the director or principal officer or the name of his or her business enterprises, but are in fact for his, her or their benefit, will have to be reported.

The above change is effected by adding a definition of the term "reportable transaction" to § 23.2 and limiting transactional reporting requirements to "reportable transactions."

Since only indirect transactions now need be reported, the previous exemption for certain transactions by the bank acting solely in a fiduciary or representative capacity has been eliminated. It is now required that indirect transactions of the type required to be reported if made with the commercial side likewise will be reportable if made with the trust department.

The term "excluded transaction" has been changed to "insignificant transaction" and the definition has been amended to include dollar guidelines for *prima facie* insignificance. For banks with assets of less than $50 million, a transaction involving not more than $10,000 is deemed insignificant; for banks with assets of $50 million to $300 million, transactions not exceeding $25,000; for banks with assets of $300 million to $1 billion, transactions not exceeding $50,000; and for banks with assets of $1 billion or more, transactions not exceeding $100,000.

The amendment extends the date for filing Forms CC–9030–29 [1] to July 1, 1975, for the purpose of affording adequate time for preparation under the revised reporting requirements.

Since this amendment merely clarifies ambiguous provisions and relaxes certain reporting requirements, it is hereby determined that further proposed rulemaking and public participation procedures are not in the public interest. Accordingly, this amendment will become effective May 1, 1975, as part of the original regulation.

Part 23 of 12 CFR is amended as follows:

1. In §23.1, paragraph (a) is revised to read as follows:

§ 23.1 Authority and scope.

(a) This part is issued by the Comptroller of the Currency pursuant to sections 161, 481, 1818, and 1820 of Title 12 of the United States Code. This part requires the filing of a Statement of Interest, Form CC–9030–29, by directors and principal officers of national banks. An initial statement must be filed by July 1, 1975, or within 30 days after attaining the position of director or principal officer of a national bank, whichever is later.

* * * * *

2. Section 23.2 is amended as follows:

a. Paragraph (a) and (b) are revised.

b. Paragraph (e) and (f) are revised and redesignated as paragraphs (f) and (e), respectively.

c. Subparagraph (2) of paragraph (h) is revised.

d. A new paragraph (k) is added, and existing paragraph (k) is redesignated as paragraph (l).

The text is changed to read as follows:

§ 23.2 Definitions.

For purposes of this part:

(a) The term "agreement" means a contract, lease, or other agreement or understanding—other than an extension of credit or deposit—pursuant to which the designated bank receives or provides any tangible or intangible goods, property, or service.

(b) The term "business enterprise" means a corporation, association, business trust, partnership, joint venture, pool, syndicate, sole proprietorship or any other form of business not specifically listed herein, whether or not such enterprise has engaged in transactions with the designated bank. The term "business enterprise" also includes any personal or family trust and any charitable, social, fraternal, civic, governmental or recreational association, trust, club, agency or other organization if, and only if, such enterprise has engaged in any transaction with the designated bank, other than making a deposit or soliciting or receiving contributions, during the last year. The term "business enterprise" excludes (i) the designated bank; (ii) a corporation, partnership, or joint venture which is 50 percent or more owned by the designated bank; (iii) a holding company whose control of the designated bank is registered with or approved by the Board of Governors of the Federal Reserve System, pursuant to sections 3 or 5 of the Bank Holding Company Act, 12 U.S.C. 1842 or 1844, or any of such holding company's subsidiaries the control of which has been registered with or approved by the Board of Governors of the Federal Reserve System pursuant to section 3, 4 or 5 of the Bank Holding Company Act, 12 U.S.C. 1842, 1843 or 1844; and (iv) a Federal Reserve Bank.

* * * * *

(e) The term "extension of credit" means the making of a loan or the extending of credit in any manner whatsoever by the designated bank and shall include (without limitation):

(1) A loan.

(2) An advance by means of an overdraft, cash item or otherwise.

(3) The acquisition by discount, purchase, exchange or otherwise of a note, draft, bill of exchange or other evidence of indebtedness.

(4) An acceptance.

(5) A letter of credit.

(6) A purchase of securities, accounts receivable or other chose in action under a repurchase agreement.

(f) The term "insignificant transaction" means an extension of credit or agreement which is of such insignificance to the designated bank that the senior management of the designated bank should not be expected in the normal course of business to be aware of the transaction. For the purposes of this part, the following transactions shall be deemed to be *prima facie* insignificant:

(1) If the designated bank had as of the preceding quarterly report of condition total assets of less than $50 million, any transaction which involves an amount not exceeding $10,000.

(2) If the designated bank had as of the preceding quarterly report of condition total assets equal to or exceeding $50 million and less than $300 million, any transaction which involves an amount not exceeding $25,000.

(3) If the designated bank had as of the preceding quarterly report of condition total assets equal to or exceeding $300 million and less than $1 billion, any transaction which involves an amount not exceeding $50,000.

(4) If the designated bank had as of the preceding quarterly report of condi-

[1] Filed as part of the original document.



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tion total assets equal to or exceeding $1 billion, any transaction which involves an amount not exceeding $100,000.

• • • • • •

(h) The term "material change" means:

• • • • • •

(2) The creation, or termination, or significant change in the terms or conditions of any reportable transaction.

• • • • • •

(k)(1) The term "reportable transaction" means an agreement or extension of credit, which is not an insignificant transaction, made to or for the account or benefit of, or with direct or contingent recourse to the reporting person, his or her spouse, minor child or any business enterprise in which the reporting person, his or her spouse or minor child have an interest, which does not appear on the bank's books as having been so made.

(2) The following examples of reportable transactions are for illustrative purposes only and are not meant to be exclusive. In all examples "X" refers to a person or business enterprise other than the reporting person, his or her spouse, minor child or business interest of any of them.

(i) An extension of credit to X, the proceeds of which are turned over to, reloaned to, or otherwise inure to the benefit of the reporting person, his or her spouse, minor child or business interest of any of them.

(ii) An extension of credit to X for the purpose of financing an enterprise in which the reporting person, his or her spouse, minor child or business interest of any of them, has an interest.

(iii) An extension of credit to X concerning which the reporting person, his or her spouse, minor child or a business interest of any of them has an agreement with X to hold X harmless against risk of loss.

(iv) The purchase of real property by the designated bank from X, subject to a mortgage held by the reporting person, his or her spouse, minor child or a business interest of any of them.

(3) The following are examples of transactions which do not have to be reported:

(i) A direct extension of credit to the reporting person, his or her spouse, minor child or business enterprise in which any of them have an interest.

(ii) An extension of credit to X on which the reporting person, his or her spouse, minor child or business enterprise in which any of them have an interest, appears on the designated bank's records as a guarantor.

3. Section 23.3 is revised to read as follows:

**§ 23.3 Filing of statement.**

Every director or principal officer of a national bank is required to maintain on file with the bank as prescribed in this Regulation one or more Forms CC–9030–29. The director or principal officer shall complete and file Forms CC–9030–29 with the designated bank within 30 days after becoming a director or principal officer, or by July 1, 1975, whichever is later. Thereafter, the reporting person shall complete and file with the designated bank a new Form CC–9030–29 within 30 days after the occurrence of any material change. The reporting person shall include on the Forms, in accordance with applicable instructions, the required information concerning any business enterprise in which the reporting person, his or her spouse or minor child have an interest and any reportable transaction. If the reporting person his or her spouse or minor child have no interest in any business enterprise, the reporting person shall complete and file a Form CC–9030–29 so stating.

**§ 23.4 [Revoked]**

**§§ 23.5 and 23.6 [Redesignated]**

4. Section 23.4 is repealed and §§ 23.5 and 23.6 are redesignated as §§ 23.4 and 23.5, respectively.

*Effective date.* This amendment becomes effective on May 1, 1975.

Dated: April 14, 1975.

[SEAL] JAMES E. SMITH,
*Comptroller of the Currency.*

[FR Doc.75–10016 Filed 4–16–75;8:45 am]

## CHAPTER II—FEDERAL RESERVE SYSTEM

[Regs. D, M]

## PART 204—RESERVES OF MEMBER BANKS

## PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

### Reserves Against Eurodollar Borrowings

The Board of Governors has approved amendments to its Regulation D, Reserves of Member Banks, and to its Regulation M, Foreign Activities of National Banks, to reduce from 8 per cent to 4 per cent the reserve requirement on member banks' Eurodollar borrowings and foreign branch loans to United States residents.

The Board first required member banks to maintain reserves against Eurodollar borrowings in 1969. At that time, a reserve rate of 10 per cent was applied to borrowings in excess of base period amounts, and subsequently in November of 1970 this marginal rate was increased to 20 per cent. In May, 1973, the Board decided to eliminate gradually existing reserve free bases by April of 1974 and to apply a general 8 per cent reserve requirement. The Board has now decided to lower this general reserve rate further to 4 per cent. The Board noted that it took this action to bring the Eurodollar reserve requirement into better alignment with reserve requirements on time and savings deposits. The Board also noted this action may strengthen the position of the United States dollar in foreign exchange markets.

Under the amendments, which will become effective May 22, 1975, the reduced rate of reserve requirements will apply in the case of reserves that must be maintained during the maintenance period beginning May 22, 1975, based on the computation period extending from April 10, 1975 to May 7, 1975. The amendments will thus have an immediate impact on member banks' Eurodollar borrowings.

These amendments are issued pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks and under sections 25 and 9 of that Act (12 U.S.C. 601 and 321) to regulate foreign branches of member banks. There was no notice or public participation with respect to these amendments because the Board found such procedures would delay the desired impact on member bank Eurodollar borrowings and thus be contrary to the public interest for the reasons discussed above.

Effective May 22, 1975, §§ 204.5(c) of Regulation D and § 213.7 of Regulation M are amended to read as follows:

**§ 204.5 Reserve requirements.**

• • • • • •

(c) *Reserve percentages against certain deposits by foreign banking offices.* Deposits represented by promissory notes, acknowledgements of advance, due bills, or similar obligations described in § 204.1(f) to foreign offices of other banks,[7] or to institutions the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) thereof, shall not be subject to paragraph (a) of this section or to § 204.3(a) (1) and (2); but during each week of the four-week period beginning May 22, 1975, and during each successive four-week ("maintenance") period, a member bank shall maintain with the Reserve Bank of its district a daily average balance equal to 4 per cent of the daily average amount of such deposits during the four-week computation period ending on the Wednesday fifteen days before the beginning of the maintenance period. An excess or deficiency in reserves in any week of a maintenance period under this paragraph shall be subject to § 204.3(a)(3), as if computed under § 204.3(a)(2), and deficiencies under this paragraph shall be subject to § 204.3(b).[8]

**§ 213.7 Reserves against foreign branch deposits.**

(a) *Transactions with parent bank.* During each week of the four-week period beginning May 22, 1975, and during each week of each successive four-week ("maintenance") period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 4 per cent of the daily average total of—

(1) Net balances due from its domestic offices to such branches, and

(2) Assets (including participations) held by such branches which were acquired from its domestic offices (other than assets representing credit extended to persons not residents of the United States), during the four-week computation period ending on the Wednesday fifteen days before the beginning of the maintenance period.

(b) *Credit extended to United States residents.* During each week of the four-week period beginning May 22, 1975, and during each week of each successive four-week maintenance period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 4 per cent of the daily average credit outstanding from such branches to United States residents[7] (other than assets acquired and net balances due from its domestic offices) during the four-week computation period ending on the Wednesday fifteen days before the beginning of the maintenance period: *Provided*, That this paragraph does not apply to credit extended (1) in the aggregate amount of $100,000 or less to any United States resident, (2) by a foreign branch which at no time during the computation period had credit outstanding to United States residents exceeding $1 million, (3) to enable the borrower to comply with the requirements of the Office of Foreign Direct Investments, Department of Commerce,[9] (4) under binding commitments entered into before May 17, 1973, or (5) to another member bank that will be maintaining reserves on such credit under § 204.5(c) of Regulation D.

Effective date: May 22, 1975.

By order of the Board of Governors, April 9, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75–10030 Filed 4–16–75;8:45 am]

[7] Any banking office located outside the States of the United States and the District of Columbia of a bank organized under domestic or foreign law.

[8] The term "computation period" in § 204.3(a) (3) and (b) shall, for this purpose, be deemed to refer to each week of a maintenance period under this paragraph.

[7] (a) Any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association or other entity organized therein ("domestic corporation"); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more such domestic corporations will not be deemed to be credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

[9] The branch may in good faith rely on the borrower's certification that the funds will be so used.





## CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

### SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

## PART 329—INTEREST ON DEPOSITS

### Restrictions on NOW Accounts of Public Units

1. On November 26, 1974 the Board of Directors of the Federal Deposit Insurance Corporation (hereinafter the "Board" and the "Corporation") adopted certain amendments to Part 329 of the Corporation's rules and regulations (12 CFR Part 329). These amendments appeared at 39 FR 42339–40, December 5, 1974.

The amendments allowed insured nonmember banks to maintain savings deposits of public units. This had the effect, in Massachusetts and New Hampshire, of permitting insured nonmember banks (both commercial and mutual savings banks) to maintain so-called NOW accounts for public units, since NOW accounts are a form of savings deposit.

Following publication of the amendments, the Board received a number of comments which expressed opposition to and support of the maintenance of NOW accounts by public units in Massachusetts and New Hampshire with banks in those States. In response to the controversy over its previous action, the Board issued a notice of pending reconsideration on December 23, 1974. This notice appeared at 39 FR 44778, December 27, 1974. Interested persons were given until January 20, 1975 to submit their comments on the question of whether or not public units in Massachusetts and New Hampshire should be allowed to maintain NOW accounts with insured nonmember banks in those States. In addition, the banks involved were advised not to accept NOW accounts from public units pending action by the Board upon reconsideration of the issues.

The Board has now had the opportunity to consider all comments submitted in response to its December 23 Notice and to discuss the issues at length with representatives of the Board of Governors of the Federal Reserve System.

Although the Board has been advised by counsel that it has the authority, pursuant to and in accordance with Pub. L. 93–100 (87 Stat. 342) and other Congressional enactments, to permit insured nonmember banks in Massachusetts and New Hampshire to accept NOW accounts from public units, it considers its previous action in this regard to have been premature in view of the relatively short duration of the NOW account experiment in both States and the potentially disruptive economic effects that continued authorization of public unit NOW accounts could have upon deposit relationships between financial institutions and state and local governments in the two States. The Board has accordingly concluded that eligibility should be limited for the present to those categories of depositors who were permitted to hold NOW accounts prior to the effective date of the previous amendments (November 27, 1974). This would include individuals, certain nonprofit organizations, and fiduciaries representing such individuals and nonprofit organizations. It would not include Federal, state, or local governmental units (other than those operated primarily for charitable, educational, or similar purposes). However, the Board will continue to monitor NOW account activity in Massachusetts and New Hampshire and will consider allowing a broader class of public units to maintain NOW accounts at some future time if the results of the NOW account experiment in those two States then indicate that such an extension would be in the public interest.

In order to avoid unnecessary hardship, the Board has decided to delay the effective date of the following amendments until May 16, 1975. In addition, any nonqualifying public unit which then has a NOW account will be allowed to retain the account through December 31, 1975.

2. Part 329 of Title 12 of the Code of Federal Regulations is amended as follows:

Section 329.1(e)(2) is revised to read as follows:

**§ 329.1 Definitions.**

• • • • • •

(e) *Savings deposits.* (1) • • •

(2)(i) Subject to the limitations in subdivision (ii) of this subparagraph (2), the term "savings deposit", as defined in paragraph (e)(1) of this section, shall include all interest-bearing deposits subject to withdrawal by negotiable or transferable instruments for the purpose of making transfers to third parties where such withdrawals are authorized by law.[*]

(ii) No insured nonmember bank or insured nonmember mutual savings bank shall maintain an interest-bearing deposit for a public unit, as defined in section 3(m) of the Federal Deposit Insurance Act, if such deposit is subject to withdrawal by negotiable or transferable instrument for the purpose of making transfers to third parties, unless the public unit meets the requirements of paragraph (e)(1) of this section other than by virtue of its status as a public unit: *Provided*, That any insured nonmember bank or insured nonmember mutual savings bank may maintain such a deposit for a nonqualifying public unit until January 1, 1976 if such deposit was established on or before May 16, 1975.

• • • • • •

Section 329.7(b)(1) is revised to read as follows:

**§ 329.7 Maximum rates of interest or dividends payable on deposits by insured nonmember mutual savings banks.[**]**

• • • • • •

[*] Limited by Federal Law to banks in Massachusetts and New Hampshire (87 Stat. 342).

[**] • • •



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(b) *Maximum rates payable*—(1) *General*—(i) • • •

(ii) Notwithstanding the provisions of paragraph (b)(1)(i) of this section, no insured nonmember mutual savings bank shall pay interest or dividends at a rate in excess of 5 percent per annum on any deposit that is subject to withdrawal by negotiable or transferable instruments for the purpose of making transfers to third parties where such withdrawals are authorized by law.[14a] Those eligible to hold such deposits shall be limited to individuals and those organizations, other than public units, described in § 329.1(e)(1)(i). Eligibility for public units shall be limited in accordance with the provisions of § 329.1(e)(2)(ii).

• • • • •

(Sec. 9, 64 Stat. 881–82, (12 U.S.C. 1819); sec. 18, 64 Stat. 893, 80 Stat. 824 (12 U.S.C. 1828))

3. Having given ample notice and opportunity for public comment in its previous notice of pending reconsideration, the Board hereby adopts the above amendments. The effective date thereof will be delayed for at least 30 days following publication in accordance with 5 U.S.C. 553(d) and 12 CFR 302.5.

4. *Effective date.* The foregoing amendments to 12 CFR Part 329 are effective May 16, 1975.

By order of the Board of Directors, April 4, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
*Executive Secretary.*

[FR Doc.75-10072 Filed 4-16-75;8:45 am]

## Title 13—Business Credit and Assistance

### CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 18, Amdt. 2]

### PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

#### Definition of Small Business Special Trades Contractor (Construction)

On March 6, 1975, there was published in the FEDERAL REGISTER (40 FR 10486) a notice of proposal that the Small Business Size Standards Regulations be amended to provide that any concern which, from March 18, 1973, to March 18, 1974, was primarily engaged in bidding on small business set-asides for special trade construction contracts (that is, 50 percent or more of its annual receipts, including those of its affiliates, were attributable to such contracts) will, for a period of 1 year from the effective date of the amendment, be considered as small for the purpose of bidding on special trade construction contracts subject to a size standard of average annual receipts of $1 million or $2 million or less, if its average annual receipts for the 3 preceding fiscal years is $7.5 million or less (the procurement size standard for special trade contractors prior to March 18, 1974).

Interested parties were given 30 days to submit arguments, opinions, comments, etc., on said proposal. Several parties' comments on the proposal took the position that a concern having average annual receipts of less than $7.5 million should be permitted to bid on special trade contracts for the stipulated 1-year period of 25 percent or more rather than 50 percent of its annual receipts, including those of its affiliates, were attributable to such small business set-aside contracts during the specified period.

SBA has carefully considered all comments submitted on the aforementioned proposal and has decided to amend its size regulation along the lines proposed. The primary purpose of the proposal was to give remedial assistance to those concerns which had been most seriously and adversely affected by SBA's lowering of its procurement size standards for special trade contractors (those concerns most dependent on small business set-asides). Therefore, we concluded that at this time we should limit the remedy to concerns that for a year prior to the lowering of the standards had been primarily engaged in performing set-aside contracts. However, we will continue to consider the issue as to whether concerns who were not primarily engaged in set-aside procurements but who had a significant amount of their receipts attributable to such contracts should also be given remedial assistance.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3-8(a)(1) to read as follows:

Section 121.3-8 Definition of small business for Government procurements.

• • • • •

(a) • • •

(1) Small if the average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million: *Provided, however,* That if the requirements of the contract are classified in an industry set forth in Schedule H of this part, it is small if it does not exceed the size standard established therein for that industry. (Notwithstanding the above proviso, for a period of 1 year from the effective date of this amendment, any concern which from March 18, 1973, to March 18, 1974, was primarily engaged in performing small business set-aside contracts is small for the purpose of any contract covered by the proviso if its average annual receipts for its preceding 3 fiscal years did not exceed $7.5 million. For the purpose of this rule, a concern was primarily engaged in performing small business set-aside contracts if 50 percent or more of its receipts, including receipts of its affiliates, were attributable to such contracts.)

• • • • •

Effective date: April 17, 1975.

(Catalog of Federal Domestic Assistance Programs No. 59.009, Procurement Assistance to Small Business)

Dated: April 8, 1975.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.75-9960 Filed 4-16-75;8:45 am]

## Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-GL-8, Amdt. 39-2173]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Bellanca Aircraft Corp.

There have been failures of the alternate air valve on the Bellanca Model 7KCAB that have resulted in blockage of the carburetor air inlet and partial power loss. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the alternate air valve with an improved valve on Bellanca Model 7ECA, 7GCAA, 7GCBC, 7KCAB, 8KCAB, and 8GCBC airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

BELLANCA. Applies to the following airplanes:

7ECA: S/N 985–74 thru 1059–74, 1060–75 thru 1088–75.

7GCAA: S/N 280–74 thru 304–74, 305–75 thru 312–75.

7GCBC: S/N 604–74 thru 773–74, 774–75 thru 815–75.

7KCAB: S/N 405–74 thru 486–74, 487–75 thru 507–75.

8KCAB: S/N 120–74 thru 161–74, 162–75 thru 174–75.

8GCBC: S/N 1–74 thru 119–74, 120–75 thru 162–75.

Compliance: Required within the next 10 hours time in service after the effective date of this AD, unless already accomplished. The aircraft may be flown to a facility where the installation can be performed after expiration of the 10 hours time in service after the effective date of the AD.

To prevent fatigue failure of carburetor air box alternate air valves, install Bellanca Kit #248.

Bellanca Service Letter No. 118 pertains to this same subject.

This amendment becomes effective April 23, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on April 9, 1975.

JOHN M. CYROCKI,
*Director, Great Lakes Region.*

[FR Doc.75-10062 Filed 4-16-75;8:45 am]

[Docket No. 74-NW-24-AD; Amdt. 39-2174]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections, repair, and/or replacements, as necessary, of the 7079–T6 aluminum alloy horizontal stabilizer rear spar center section fittings on Boeing Model 727 series airplanes was published in 40 FR 3312.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The proposal consisted of an initial inspection for cracks within 750 flight hours and, if no cracks are found, repetitive inspections thereafter every 3000 flight hours. If cracks are discovered, repair or replacement of fittings are required as described in Boeing Service Bulletin 727–55–34.

Subsequent to issuing the proposed AD, Boeing issued Service Bulletin 727–55–62 describing all repairs of the fitting which have been FAA approved. These repairs were developed due to cracks in the hinge lugs. This new service bulletin supersedes Service Bulletin 727–55–34 since it describes more intensive inspection procedures and crack limit information. Accordingly, Boeing Service Bulletin 727–55–62 will be specified in the AD.

The Air Transport Association (ATA) of America submitted four comments in response to the proposed AD. One comment alleged that the 1500 flight hour repetitive inspection for repaired fittings is unduly restrictive requiring special monitoring and routing of aircraft outside the normal maintenance cycles. Further, the ATA stated that since the fitting is fail-safe in design and crack progression would be arrested or slowed by the repair, a 3000 flight hour repetitive inspection would be more appropriate. The FAA recognizes that the fitting is fail-safe in design; however, experience with 7079–T6 aluminum alloy forging material, of which the fitting is made, has shown that prediction of crack growth is unreliable, even with corrective action which would normally arrest or slow the crack growth in other materials. Furthermore, the 1500 flight hour interval is generally compatible with maintenance inspection checks in which the airplane would be at a facility where equipment is available to reach the inspection areas of the fitting. The inspection is visual, requiring the removal of only existing panels or doors. Therefore, the 1500 flight hour inspection interval of repaired fittings will remain as proposed.

In its second comment, the ATA requested that ferry flights be allowed for airplanes with cracked fittings exceeding the limits, which require replacement. The commentator stated that only major overhaul bases are equipped with the specialized tools and maintenance facilities to accomplish such a replacement. The FAA concurs with this comment, and nonrevenue flights to the operator's major overhaul base are allowed in accordance with FAR 21.197.

In its third comment, the ATA requested that fittings which had been previously repaired in accordance with FAA Designated Engineering Representative (DER) approved data be acceptable. As mentioned above, these repairs are incorporated in Boeing Service Bulletin 727–55–62. Since this new bulletin will be incorporated in the AD in place of Service Bulletin 727–55–34, previously approved repairs will be recognized as acceptable.

Finally, the ATA requested inclusion in the AD of the standard paragraph permitting an FAA maintenance inspector to adjust the compliance times, subject to prior approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. The commentator stated that some operators may have operating environment experience or maintenance programs to support adjustment of inspection intervals. The FAA disagrees with this comment on the basis that experience has shown crack progression cannot be predicted in the fitting material. Also, a survey of operators with different operating environments shows that cracking of fittings is not related to environmental conditions.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 727 series airplanes, certificated in all categories, listed in Boeing Service Bulletin 727–55–62, or later FAA approved revisions (line numbers 1 through 641, inclusive). Compliance required as indicated.

To detect cracks in the horizontal stabilizer rear spar center section fitting, accomplish the following:

A. Within the next 750 flight hours after the effective date of this AD, unless accomplished within the last 2250 flight hours, inspect the horizontal stabilizer rear spar center section fitting in accordance with Paragraph III of Boeing Service Bulletin 727–55–62, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

1. If no cracks are found in the fitting, repeat the inspections at intervals not to exceed 3000 flight hours, until replaced per Paragraph B.

2. If a crack is found at the upper or lower flanges of the fitting and is within the allowable limits specified in Figure 2 of Boeing Service Bulletin 727–55–62, or later FAA approved revisions, prior to further flight, stop drill the crack per the service bulletin. Inspect the stop drilled areas for crack growth at 1500 flight hour intervals, until repaired or replaced in accordance with Boeing Service Bulletin 727–55–62, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

3. If a crack is found in any of the hinge lugs and is within the allowable limits specified in Boeing Service Bulletin 727–55–62, or later FAA approved revisions, before further flight, repair the fitting in accordance with Figure 3 of the service bulletin, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Inspect the repaired fitting thereafter at intervals not to exceed 1500 flight hours.

4. If a crack at any location is beyond the allowable limits specified in Boeing Service Bulletin 727–55–62, or later FAA approved revisions, before further flight, repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, or replace the fitting with a new improved fitting per Paragraph B.

B. As terminating action for this AD, replace the horizontal stabilizer rear spar center section fitting with a new improved 7075–T73 aluminum alloy fitting.

C. Airplanes having cracked horizontal stabilizer rear spar center section fittings which require replacement under this AD may be flown in accordance with FAR 21.197 to a base where the replacement can be accomplished.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, PO. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 29, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Seattle, Wash., on April 8, 1975.

C. B. WALK, JR.,
*Director, Northwest Region.*

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-10061 Filed 4-16-75;8:45 am]

[Airspace Docket No. 74-CE-24]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Designation of Transition Area

On page 5793 of the FEDERAL REGISTER dated February 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ulysses, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

[14a] Federal law limits the offering of such deposits by mutual savings banks to those banks located in Massachusetts and New Hampshire (87 Stat. 342).







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No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 19, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Kansas City, Missouri, on March 27, 1975.

C. R. MELUGIN, JR.,
*Director, Central Region.*

In § 71.181 (39 FR 440), the following transition area is added:

ULYSSES, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ulysses, Kansas Municipal Airport (latitude 37°36'10" N., longitude 101°22'15" W.); within 3 miles each side of the 307° bearing from the Ulysses radio beacon (latitude 37°35'51" N., longitude 101°22'00" W.); extending from the 5-mile radius area 2.5 miles northwest.

[FR Doc.75-10063 Filed 4-16-75;8:45 am]

[Airspace Docket No. 74-SO-24]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Control Zone

On March 14, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9987), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Louisville, Ky. (Bowman Field) control zone. On March 24, 1975, rule making action was initiated to withdraw the notice of proposed rule making. Selective distribution was made; however, publication in the FEDERAL REGISTER was not accomplished as it was discovered that the installation and commissioning of the Bowman TVOR would be accomplished.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Louisville, Ky. (Bowman Field) control zone is amended as follows: "• • • 5-mile radius zone to the VOR • • •" is deleted and "• • • 5-mile radius zone to the VOR; within 3 miles each side of Bowman VOR 018°, 068°, 151° and 182° radials, extending from the 5-mile radius zone to 8.5 miles north, east, southeast and south of the VOR • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)

Issued in East Point, Ga., on April 9, 1975.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.75-10064 Filed 4-16-75;8:45 am]

[Airspace Docket No. 74-SO-36]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

On April 9, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 12871), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Trenton, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Trenton, Tenn., transition area is amended as follows: "• • • longitude 88°50'54" W.) • • •" is deleted and "• • • longitude 88°50'54" W.); within 3 miles each side of the 020° bearing from Gibson RBN (latitude 35°56'03" N., longitude 88°51'-02" W.), extending from the 5-mile radius area to 8.5 miles north of the RBN • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)

Issued in East Point, Ga., on April 9, 1975.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.75-10065 Filed 4-16-75;8:45 am]

[Airspace Docket No. 75-SO-17]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Transition Area

On March 5, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 10194), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mt. Sterling, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

MT. STERLING, KY.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Mt. Sterling-Montgomery County Airport (Lat. 38°03'35" N., Long. 83°58'50" W.).

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 9, 1975.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.75-10066 Filed 4-16-75;8:45 am]

[Docket No. 14480, Amdt. 964]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is





amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective May 29, 1975:

Butler, Pa.—Butler-Graham Arpt., VOR-A, Amdt. 2.
Fergus Falls, Minn.—Fergus Falls Municipal Arpt. (Einer Mickelson Field), VOR Rwy 35, Amdt. 3.
Monee, Ill.—Sanger Arpt., VOR Rwy 5, Orig.
New Iberia, La.—Acadiana Regional Arpt., VOR Rwy 16, Amdt. 5.
Pittsburgh, Pa.—Allegheny County Arpt., VOR Rwy 5, Amdt. 7.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., VOR Rwy D6, Amdt. 1, cancelled.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., VOR Rwy 10R (TAC), Amdt. 8.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., VOR Rwy 23, Orig., cancelled.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., VOR Rwy 28L, Amdt. 2.
Santa Monica, Calif.—Santa Monica Municipal Arpt., VOR-A, Amdt. 3.
Santa Monica, Calif.—Santa Monica Municipal Arpt., VOR Rwy 3, Amdt. 6.

• • • effective April 24, 1975:

Barrow, Alaska—Wiley Post-Will Rogers Memorial Arpt., VOR Rwy 24, Orig.
Ft. Myers, Fla.—Page Field, VOR Rwy 23, Orig.
Ft. Myers, Fla.—Page Field, VOR Rwy 31, Amdt. 1, cancelled.
Sheboygan, Wisc.—Sheboygan County Memorial Arpt., VOR Rwy 3, Orig.
Sheboygan, Wisc.—Sheboygan County Memorial Arpt., VOR Rwy 21, Orig.

• • • effective April 7, 1975:

Santa Ynez, Calif.—Santa Ynez Arpt., VOR-B, Amdt. 1.
Westminster, Md.—Westminster Arpt., VOR Rwy 36, Amdt. 2.

2. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective May 29, 1975:

Butler, Pa.—Butler-Graham Arpt., NDB-B, Amdt. 1.
Jacksonville, Fla.—Jacksonville Int'l. Arpt., NDB Rwy 7, Amdt. 5.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 10L, Amdt. 7.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 28L, Amdt. 2.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., NDB Rwy 28R, Amdt. 2.

• • • effective May 1, 1975:

Brooksville, Fla.—Hernando County Arpt., NDB Rwy 9, Orig.

• • • effective April 7, 1975:

Memphis, Tenn.—Memphis Int'l. Arpt., NDB Rwy 9, Amdt. 19.

• • • effective April 3, 1975:

Grand Junction, Colo.—Walker Field, NDB Rwy 11, Amdt. 12.

3. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective May 29, 1975:

Jacksonville, Fla.—Jacksonville Int'l. Arpt., ILS Rwy 7, Amdt. 6.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., ILS Rwy 10L, Amdt. 17.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., ILS Rwy 28L, Amdt. 17.
Seattle, Wash.—Seattle-Tacoma Int'l. Arpt., ILS Rwy 16R, Amdt. 3.
Seattle, Wash.—Seattle-Tacoma Int'l. Arpt., ILS Rwy 34R, Amdt. 6.

• • • effective April 7, 1975:

Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 9, Amdt. 17.

4. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective May 29, 1975:

Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., RADAR-1, Amdt. 16.

• • • effective April 7, 1975:

Memphis, Tenn.—Memphis Int'l. Arpt., RADAR-1, Amdt. 29.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective May 29, 1975.

Hayward, Calif.—Hayward Air Terminal, RNAV-C, Orig.
Pittsburgh, Pa.—Allegheny County Arpt., RNAV Rwy 9, Amdt. 2.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., RNAV Rwy 5, Amdt. 2.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., RNAV Rwy 14, Amdt. 2.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., RNAV Rwy 23, Amdt. 2.

*Correction*

In Docket Nr. 14459, Amendment Nr. 963 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated April 11, 1975, under § 97.25 effective March 26, 1975—Change to read, Shreveport, La.—Shreveport Regional Arpt., LOC (BC) Rwy 31, Amdt. 11, cancelled.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on April 10, 1975.

JAMES M. VINES,
*Chief,*
*Aircraft Programs Division.*

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-10067 Filed 4-16-75;8:45 am]

[Docket No. 14249; Amdt. No. 103-24]

## PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

### Carriage of Radioactive Materials on Passenger-Carrying Aircraft

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to implement section 108 of the Transportation Safety Act of 1974 (Pub. L. 93-633) by limiting the carriage of radioactive materials on passenger-carrying aircraft to those intended for use in, or incident to, research, or medical diagnosis or treatment and to those that meet the requirements in 49 CFR 173.391 which exempt them from packaging, marking, and labeling requirements for shipment by rail express.

Interested persons have been afforded an opportunity to participate in the making of this amendment at public hearings conducted January 20, 1975, and February 27, 1975, and by a notice of proposed rulemaking (Notice 75-2) issued on January 29, 1975, and published in the FEDERAL REGISTER on February 4, 1975 (40 FR 5168). Due consideration has been given to all statements and comments presented at the hearings and all comments presented in response to the notice. Certain of the comments received make recommendations that are beyond the scope of the notice and cannot therefore, be considered in this proceeding.

Section 108 of the Transportation Safety Act of 1974, enacted into law on January 3, 1975, directs the Secretary of Transportation to issue regulations within 120 days after the date of enactment, in accordance with Section 108 and pursuant to Section 105 of that Act, with respect to the transportation of radioactive materials on any passenger-carrying aircraft in air commerce. The pertinent provisions of section 108 of the Act being implemented by this amendment state in part:

Sec. 108(a) General—• • • Such regulations shall prohibit any transportation of radioactive materials on any such aircraft unless the radioactive materials involved are intended for use in, or incident to, research, or medical diagnosis or treatment, so long as such materials as prepared for and during transportation do not pose an unreasonable hazard to health and safety. The Secretary shall further establish effective procedures for monitoring and enforcing the provisions of such regulations.

(b) Definition—As used in this section, "radioactive materials" means any materials or combination of materials which spontaneously emit ionizing radiation. The term does not include materials in which (1) the estimated specific activity is not greater than 0.002 microcuries per gram of material; and (2) the radiation is distributed in an essentially uniform manner.

Certain of the comments received reveal that there is a difference of opinion among interested persons as to whether the term "research" used in section 108 (a) of the Act must be construed to permit the transportation on passenger-carrying aircraft of only those radioactive materials intended for use in, or incident to, "medical research", thereby excluding those materials intended for use in, or incident to, nonmedical research.

The FAA has carefully reviewed Section 108 of the Act and is of the opinion, upon consideration of the syntax and punctuation of the sentence involved and its legislative history, that the term "research" used in section 108(a) must be given a statutory meaning which encompasses radioactive materials intended for use in, or incident to, nonmedical research as well as medical research. However, the term "research" as proposed in the notice has been revised in this amendment to make it clear that research includes investigation and experimentation aimed at the discovery of new theories or laws as well as their revision.

Section 103.3(d) of the proposal has been changed in this amendment to clarify the intent to require the statement



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regarding a shipment of radioactive materials to be certified by the shipper or his agent in accordance with paragraph (a) of that section.

Certain other changes of an editorial nature have also been made in the proposal. These include a change in proposed § 103.1(c)(4) which, for purposes of clarification, deletes the reference to "49 CFR Parts 171 and 173" and substitutes for it a reference to "49 CFR 173.391."

This amendment is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and sections 105, 107, and 108 of Pub. L. 93–633, as delegated to the Administrator by the Secretary of Transportation (40 F.R. 2861).

Since Pub. L. 93–633 requires this amendment to be effective no later than May 3, 1975, I find that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, and for the reason set forth in Notice 75–2, Part 103 of the Federal Aviation Regulations is amended as follows, effective May 3, 1975:

1. By amending § 103.1(c) by revising paragraph (4) adding a new paragraph (7) and paragraph (d) to read as follows:

**§ 103.1 Applicability.**

. . . . . .

(c) This part does not apply to— . . .

(4) Prior to May 3, 1977, radioactive materials that meet those requirements in 49 CFR 173.391 in effect on May 3, 1975, that exempt them from the packaging, marking, and labeling requirements for shipment by rail express.

. . . . . .

(7) Human beings and animals with an implanted medical device, such as a heart pacemaker, that contains radioactive material or with radio pharmaceuticals that have been injected or ingested.

. . . . . .

(d) For the purposes of this part—

(1) Radioactive materials means any materials or combination of materials which spontaneously emit ionizing radiation. The term does not include materials in which (i) the estimated specific gravity is not greater than 0.002 microcuries per gram of material; and (ii) the radiation is distributed in an essentially uniform manner.

(2) Research means investigation or experimentation aimed at the discovery of new theories or laws, and the discovery and interpretation of facts or revision of accepted theories or laws in the light of new facts.

3. By amending § 103.3 by adding a new paragraph (e) to read as follows:

**§ 103.3 Certification requirements.**

. . . . . .

(e) In addition to the requirements of paragraph (a) of this section, no shipper may offer, and no person operating an aircraft may knowingly accept, any radioactive material subject to the requirements of this part for shipment in a passenger-carrying aircraft unless there is accompanying the shipment a clear and visible statement, signed or stamped by the shipper or his agent as prescribed in paragraph (a), that the shipment contains radioactive materials intended for use in, or incident to, research, or medical diagnosis or treatment and meets the requirements of this part for shipment in passenger-carrying aircraft.

4. By amending § 103.7 by revising paragraph (b)(6) to read as follows:

**§ 103.7 Passenger-carrying aircraft.**

No person may carry any dangerous article in a passenger-carrying aircraft except—

. . . . . .

(b) The following articles when packaged, marked, and labeled as specifically provided in 49 CFR Parts 171 through 173 for shipment by rail express:

. . . . . .

(6) Subject to applicable provisions of this part, radioactive materials intended for use in, or incident to, research, or medical diagnosis or treatment and those radioactive materials that are exempted by § 103.1(c) (4) and (7) from the requirements of this part.

Issued in Washington, D.C., on April 12, 1975.

JAMES E. DOW,
*Acting Administrator.*

[FR Doc.75–10150 Filed 4–16–75;8:45 am]

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## Title 21—Food and Drug

## CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 361–2; FAP3H5037/R5]

## PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

### Subpart A—Food Additives Permitted in Food for Human Consumption

PROPARGITE

On July 5, 1973, notice was given (38 FR 17875) that Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, had filed a petition (FAP 3H5037) for a food additive tolerance with the Environmental Protection Agency (EPA). This petition proposed established of a food additive tolerance for residues of the insecticide propargite (2-(*p-tert*-butyl-phenoxy) cyclohexyl 2-propynyl sulfite) in dried figs at 9 parts per million, resulting from the application of the insecticide to growing figs. (A document pertaining to the establishment of a pesticide tolerance for propargite also appears in today's FEDERAL REGISTER) 40 FR 17146.

The data submitted in the petition and other relevant material have been evaluated. It has been concluded that the tolerance should be established.

Any person adversely affected by this regulation may on or before May 19, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 17, 1975, Part 123, Subpart A, is amended by revising § 123.370.

(Sec. 409(c)(1) & (4), Federal Food, Drug, Cosmetic Act (21 U.S.C. 346(c)(1) & (4)), transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623)).

Dated: April 11, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

Part 123, Subpart A, is amended by adding the new paragraph "9" parts per million " " " after the paragraph "25 parts per million " " " in § 123.370 to read as follows.

**§ 123.370 Propargite.**

. . . . . .

9 parts per million in dried figs.

. . . . . .

[FR Doc.75–10177 Filed 4–16–75;8:45 am]

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## CHAPTER III—DRUG ENFORCEMENT, ADMINISTRATION, DEPARTMENT OF JUSTICE

## PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

### Employee Screening Procedures for Non-Practitioners

On November 13, 1974, there was published in the FEDERAL REGISTER (39 FR 40029–30), notice of proposals for four new sections to be added to Part 1301 of Title 21 of the Code of Federal Regulations. The proposed regulations related to the screening and hiring of employees by non-practitioners. The notice invited comments and suggestions from interested persons.

Sixteen letters containing comments were received, all have been given due consideration. Some of these suggestions have been incorporated in the final regulations. The following is considered a representative sample of the questions raised by the comments.

Lederle Laboratories, New York; Eli Lilly and Company, Indiana; American Cynamid Company, New Jersey; Merck and Company, Incorporated, New Jersey; Richlyn Laboratory, Inc., Pennsylvania; Microbiological Associates, Maryland; Laser, Inc. Indiana; Kaiser Foundation Hospitals, Oregon; Hoffman-LaRoche, Inc., New Jersey; Smith-Kline, Inc., Pennsylvania and Sterling Drug, Inc., New York, and others expressed concern over possible conflicts existing between





the proposed regulations and recent developments in the area of civil rights. To preclude the likelihood of this occurring, the proposals were submitted to the Equal Employment Opportunity Commission for review and comment. The Commission's response indicated that they recognized the apparent need for an inquiry to be conducted into the abuse of certain drugs by employers. They did urge, however, that § 1301.90 be revised to reflect that screening procedures be limited to those positions which clearly involve access to controlled substances. Other suggestions which have been incorporated into the final regulations were to include a statement on the employment application form notifying an applicant that conviction of a felony is not in itself disqualification for employment and to insert language restricting criminal record inquiries to convictions and pending charges. Arrest records, as distinguished from pending charges are not to be considered a part of this criminal record inquiry.

The Wage and Hour Division of the Labor Department was consulted in reference to a question raised by the Pharmaceutical Manufacturers Association, Washington, D.C., Eli Lilly and Company, American Cynamid and others, over purported legislation which prevents obtaining age, date of birth, place of birth, etc., from employee applicants. The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621, 29 CFR Part 860) governing this area, does not prevent obtaining and using this basic information as long as it is actually sought and used for purposes other than discrimination on the basis of age. However, in order to assure that the purpose for obtaining this information is not incorrectly construed by an applicant, it is recommended that a reference on the application form be made as follows:

> The Age Discrimination in Employment Act of 1967 prohibits discrimination on the basis of age with respect to individuals who are at least 40 but less than 65 years of age.

Hoffman-LaRoche, Inc., Pharmaceutical Manufacturers Association, Lederle Laboratories and others have suggested that limitations be placed on the scope of inquiries into convictions which predate the application of employment. Recent Federal Court decisions in this area have also challenged the relevancy of considering certain convictions because of the lapse of time between convictions and application. Recognizing these limitations, DEA has inserted new language into the first question in § 1301.90.

The second question in § 1301.90 remains essentially the same as originally proposed although comments from Pharmaceutical Manufacturers, Eli Lilly and Company, and Smith-Kline, Inc., suggested that the inquiry be expanded to include hallucinogens and/or all dangerous drugs. DEA believes that by limiting this question to its present form, two advantages are realized. First, it will provide information on past use of those controlled substances which an employee will encounter most often in today's drug industry, and second, it remains precise and narrow enough in scope to forestall vagueness, irrelevancy and overbreath contentions.

An inquiry was received from the Drug Abuse Commission of New York based on apparent concern over whether or not the proposed regulations applied to operations other than those conducted by nonpractitioners. A related comment from the American Society of Hospital Pharmacists, Washington, D.C., suggested that the regulations be specifically drafted to apply to all registrants. The concern expressed by these two organizations emphasizes the general awareness existing today over the need for affirmative action to prevent drug diversion wherever controlled substances are contained. These regulations are published, however to specifically apply only to manufacturers, distributors, importers and exporters of controlled substances.

On December 31, 1974; Congress passed the Privacy Act of 1974 (5 U.S.C. 552a). Subsection (b) of this Act requires, except in a few cases, that a federal agency maintaining a system of records on individuals must have the written consent of the person to whom the record pertains before information contained therein can be released. To avoid any conflict with this Act, language has been added in § 1301.93 requiring that written consent from the concerned person be submitted whenever inquiries are made of DEA files.

In publishing these regulations DEA is cognizant of the fact that various restrictions do prevail on obtaining information for employee checks. Most inquiries surrounding criminal convictions and illicit drug activities of employees will necessarily require striking a balance between an individual's right to privacy and industries' need to obtain necessary employee security data. DEA believes however that effort expended in this area is essential because it serves as a preventive measure against drug diversion.

These regulations are not mandatory procedures but are published to serve as a guideline to assist non-practitioners in implementing realistic drug security programs.

Therefore, under the authority vested in the Attorney General by section 501 (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 871(b)), delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, it is hereby ordered that the following sections be added to Part 1301 of Title 21 of the Code of Federal Regulations:

EMPLOYEE SCREENING—NON-PRACTITIONERS

Sec.

1301.90 Employee screening procedures.
1301.91 Employee responsibility to report drug diversion.
1301.92 Illicit activities by employees.
1301.93 Sources of information for employee checks.

AUTHORITY: Sec. 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 871(b)).

EMPLOYEE SCREENING—NON-PRACTITIONERS

**§ 1301.90 Employee screening procedures.**

It is the position of DEA that the obtaining of certain information by non-practitioners is vital to fairly assess the likelihood of an employee committing a drug security breach. The need to know this information is a matter of business necessity, essential to overall controlled substances security. In this regard, it is believed that conviction of crimes and unauthorized use of controlled substances are activities that are proper subjects for inquiry. It is, therefore, assumed that the following questions will become a part of an employer's comprehensive employee screening program:

*Question.* Within the past five years, have you been convicted of a felony, or within the past two years, of any misdemeanor or are you presently formally charged with committing a criminal offense? (Do not include any traffic violations, juvenile offenses or military convictions, except by general court-martial.) If the answer is yes, furnish details of conviction, offense, location, date and sentence.

*Question.* In the past three years, have you ever knowingly used any narcotics, amphetamines or barbiturates, other than those prescribed to you by a physician? If the answer is yes, furnish details.

*Advice.* An authorization, in writing, that allows inquiries to be made of courts and law enforcement agencies for possible pending charges or convictions must be executed by a person who is allowed to work in an area where access to controlled substances clearly exists. A person must be advised that any false information or omission of information will jeapardize his or her position with respect to employment. The application for employment should inform a person that information furnished or recovered as a result of any inquiry will not necessarily preclude employment, but will be considered as part of an overall evaluation of the person's qualifications. The maintaining of fair employment practices, the protection of the person's right of privacy, and the assurance that the results of such inquiries will be treated by the employer in confidence will be explained to the employee.

**§ 1301.91 Employee responsibility to report drug diversion.**

Reports of drug diversion by fellow employees is not only a necessary part of an overall employee security program but also serves the public interest at large. It is, therefore, the position of DEA that an employee who has knowledge of drug diversion from his employer by a fellow employee has an obligation to report such information to a responsible security official of the employer. The employer shall treat such information as confidential and shall take all reasonable steps to protect the confidentiality of the information and the identity of the employee furnishing information. A failure to report information of drug diversion will be considered in determining the feasibility of continuing to allow an employee to



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work in a drug security area. The employer shall inform all employees concerning this policy.

**§ 1301.92 Illicit activities by employees.**

It is the position of DEA that employees who possess, sell, use or divert controlled substances will subject themselves not only to State or Federal prosecution for any illicit activity, but shall also immediately become the subject of independent action regarding their continued employment. The employer will assess the seriousness of the employee's violation, the position of responsibility held by the employee, past record of employment, etc., in determining whether to suspend, transfer, terminate or take other action against the employee.

**§ 1301.93 Sources of information for employee checks.**

DEA recommends that inquiries concerning employees' criminal records be made as follows:

*Local inquiries.* Inquiries should be made by name, date and place of birth, and other identifying information, to local courts and law enforcement agencies for records of pending charges and convictions. Local practice may require such inquiries to be made in person, rather than by mail, and a copy of an authorization from the employee may be required by certain law enforcement agencies.

*DEA inquiries.* Inquiries supplying identifying information should also be furnished to DEA Regional Offices along with written consent from the concerned individual for a check of DEA files for records of convictions. The Regional check will result in a national check being made by the Regional Office.

This order shall be effective on April 17, 1975.

Dated: April 9, 1975.

JERRY N. JENSON,
*Acting Deputy Administrator,*
*Drug Enforcement Administration.*

[FR Doc.75-10046 Filed 4-16-75;8:45 am]

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**Title 26—Internal Revenue**

**CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY**

**SUBCHAPTER C—EMPLOYMENT TAXES**

[T.D. 7351]

**PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955**

**Requirements With Respect to Certain Employment Tax Information Returns (Forms W–2, W–3, and 4804) and Statements for Employees**

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for September 26, 1974 (39 FR 34526), an amendment to the Employment Tax Regulations (26 CFR Part 31) under sections 6011, 6051, 6053, 6071 and 6081 of the Internal Revenue Code of 1954 was proposed with respect to certain employment tax information returns and statements for employees. After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is adopted by this document.

The Treasury decision provides that the Internal Revenue Service copy of Form W–2 (wage and tax statement) is to be transmitted only with Form W–3 (not with Forms W–3 and 941 as was provided previously) or with Form 942 and that the two forms together constitute a return. The time for filing information returns on Forms W–2 and W–3 has been extended to the last day of February following the calendar year for which the return is made. However, the January 31 deadline for an employer to provide statements to his employees is left unchanged. In the case of domestic workers where tax returns on Forms 942 and W–2 are filed the filing date is the January 31 filing date currently prescribed for Form 942. The requirement that Forms W–2 be filed with the Service by employers of domestics where the wages specified on such statements are not subject to income tax withholding is new.

The Treasury decision requires that all employees' wage and tax statements be made on Form W–2 (whether or not the wages specified on such statement are subject to income tax withholding) except for cases in which a composite return on magnetic tape or other approved media is used by the employer. In these excepted cases the requirement is satisfied if in lieu of a Form W–2 the employee is provided with a statement on a form suitable for retention and containing all the information required to be shown on Form W–2. Undeliverable statements to employees are no longer to be sent to the Internal Revenue Service, but are instead to be retained by the employer for a 4-year period under the provisions of the Code requiring the retention of records.

In order to authorize future changes in the designations of the forms required to be used without the necessity of amending the regulations for each change, the new regulations provide that the instructions to the form control as to the use of a particular form.

The amendments are effective with respect to returns or statements required to be filed or provided after September 26, 1974 except that the amendment of § 31.6071(a)–1 which liberalizes the filing requirement of information returns on Forms W–2 and W–3 by extending the time for filing is effective with respect to remuneration paid during a calendar year after 1972.

*Adoption of amendment to the regulations.* On September 26, 1974, notice of proposed rule making with respect to amendment of the Employment Tax Regulations (26 CFR Part 31) under sections 6011, 6051, 6053, 6071, and 6081 of the Internal Revenue Code of 1954, relating to returns and statements for employees, was published in the FEDERAL REGISTER (39 FR 34526). After consideration of all such relevant matter as was presented by interested persons regarding the regulations proposed, the amendment of regulations is hereby adopted as proposed.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

Approved: April 3, 1975.

ERNEST S. CHRISTIAN, JR.,
*Acting Assistant Secretary*
*of the Treasury.*

PAR. 1. Paragraph (a) of § 31.6011(a)–1 is amended by amending paragraph (a)(3) as follows:

**§ 31.6011(a)–1 Returns under Federal Insurance Contributions Act.**

(a) *Requirement.* • • •

(3) *Employers of domestic workers.* • • •

(ii) • • •

An employer entitled to make the election referred to in the preceding sentence who has chosen one method shall not change to the other method without first notifying the internal revenue office with which he is required to file his returns that he will thereafter use such other method. See, however, § 31.6011(a)–6 relating to final returns on Form 941. An employer who makes a return of tax on Form 942 pursuant to this section shall submit as part of such return for a period ending December 31, or for any period for which such return is made as a final return, the Internal Revenue Service copy of a Form W–2 for each employee with respect to whose wages tax is reported thereon. The provisions of this subparagraph shall not apply to any employer filing a return on Forms 941PR or 942PR (see § 31.6091–1).

PAR. 2. Paragraph (b) of § 31.6011(a)–4 is amended to read as follows:

**§ 31.6011(a)–4 Returns of income tax withheld from wages.**

• • • • •

(b) *Internal Revenue Service copies of Forms W–2 on domestic workers.* (1) Every employer who makes a return of tax on Form 942 pursuant to paragraph (a)(2) of this section shall submit as part of such return for a period ending December 31, or for any period for which such return is made as a final return, the Internal Revenue Service copy of a Form W–2 for each employee with respect to whose wages tax is reported thereon.

(2) The Internal Revenue Service copies of corrected Forms W–2 previously filed with a Form 942 for the calendar year shall be submitted with an explanatory statement to the service center on or before the date fixed for filing the employer's Form 942 for the calendar quarter in which the correction is made.

(3) For provisions relating to extensions of time for filing the Internal Revenue Service copies of Form W–2, see paragraph (a)(3) of § 31.6081(a)–1.

PAR. 3. Section 31.6011(a)–5 is amended by revising the heading of paragraph (b) and by revising paragraph (b)(2) to read as follows:





**§ 31.6011(a)–5 Monthly returns.**

• • • • •

(b) *Information returns.* • • •

(2) *Information returns on Form W–3 and Internal Revenue Service copies of Form W–2.* See § 31.6051–2 for requirements with respect to information returns on Form W–3 and Internal Revenue Service copies of Form W–2.

PAR. 4. A new § 31.6011(a)–9 is inserted immediately after § 31.6011(a)–8, to read as follows:

**§ 31.6011(a)–9 Instructions to forms control as to which form is to be used.**

Notwithstanding provisions in this part which specify the use of a particular form for a return or other document required by this part, the use of a different form may be required by the latter form's instructions. In such case, the latter form shall be completed in accordance with its instructions.

PAR. 5. In § 31.6051–1, paragraphs (a), (b), (c), and (d) are amended, and paragraph (f) is redesignated as paragraph (g) and a new paragraph (f) is added. Section 31.6051–1 is amended as follows:

**§ 31.6051–1 Statements for employees.**

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.*

(i) • • •

(f) • • • See paragraph (d) of this section for provisions relating to the time for furnishing the statement required by this subparagraph. See paragraph (f) of this section for an exception for employers filing composite returns from the requirement that statements for employees be on Form W–2.

• • • • •

(3) *Undelivered statements for employees.* The Internal Revenue Service copy and the employee's copy of each withholding statement for the calendar year which the employer is required to furnish to the employee and which after reasonable effort he is unable to deliver to the employee shall be retained by the employer for the 4-year period prescribed in paragraph (e)(2) of § 31.6001–1.

(b) *Requirement if wages are not subject to withholding of income tax*—(1) *General rule.* If during the calendar year an employer pays to an employee wages subject to the employee tax imposed by section 3101, but not subject to income tax withholding under section 3402, the employer shall furnish to such employee the tax return copy and the employee's copy of a statement on Form W–2 for such calendar year. Such statement shall show the following:

• • • • •

(3) [Deleted]

(c) *Correction of statements.* • • •

(2) *Income tax withholding.* A corrected statement shall be furnished to the employee with respect to a prior calendar year (i) to show the correct amount of wages, as defined in section 3401(a), paid during the prior calendar year if the amount of such wages entered on a statement furnished to the employee for such prior year is incorrect, or (ii) to show the amount actually deducted and withheld as tax under section 3402 if such amount is less or greater than the amount entered as tax withheld on the statement furnished the employee for such prior year. Such statement shall be indicated as corrected.

(3) *Cross reference.* For provisions relating to the disposition of the Internal Revenue Service copy of a corrected statement, see paragraph (b)(2) of § 31.6011(a)–4 and paragraph (b) of § 31.6051–2.

(d) *Time for furnishing statements*—(1) *In general.* Each statement required by this section for a calendar year and each corrected statement required for the year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before the close of such calendar year, on or before the 30th day after the day on which the last payment of wages is made. For provisions relating to the filing of the Internal Revenue Service copies of the statement, see § 31.6051–2.

(2) *Extensions of time.* (i) For good cause shown upon written application by an employer, the district director or director of a service center may grant an extension of time not exceeding 30 days in which to furnish to employees the statements required by this section. Each application for an extension of time under this subdivision shall be made in writing, properly signed by the employer or his duly authorized agent; shall be addressed to the internal revenue office with which the employer is required to file the Internal Revenue Service copies of the statements; and shall contain a full recital of the reasons for requesting the extension, to aid the internal revenue office in determining the period of extension, if any, which will be granted. Such a request in the form of a letter to the internal revenue office will suffice as an application. The application shall be filed on or before the date prescribed in subparagraph (1) of this paragraph for furnishing the statements required by this section. In any case in which an employer is unable, by reason of illness, absence, or other good cause, to sign a request for an extension, any person standing in close personal or business relationship to the employer may sign the request on his behalf, and shall be considered as a duly authorized agent for this purpose, provided the request sets forth a reason for a signature other than the employer's and the relationship existing between the employer and the signer. For provisions relating to extensions of time for filing the Internal Revenue Service copies of the statements, see paragraph (a)(3) of § 31.6081(a)–1.

• • • • •

(f) *Employers filing composite returns.* Every employer who files a composite return pursuant to § 31.6011(a)–8 shall furnish to his employees the statements required under this section, except that in lieu of Form W–2 the statements may be in any form which is suitable for retention by the employee and which contains all information required to be shown on Form W–2.

(g) *Cross references.* • • •

PAR. 6. A new § 31.6051–2 is added to read as follows:

**§ 31.6051–2 Information returns on Form W–3 and Internal Revenue Service copies of Forms W–2.**

(a) *In general.* Every employer who is required to make a return of tax under § 31.6011(a)–1 (relating to returns under the Federal Insurance Contributions Act), § 31.6011(a)–4 (relating to returns of income tax withheld from wages), or § 31.6011(a)–5 (relating to monthly returns) for a calendar year or any period therein shall file the Internal Revenue Service copy of each Form W–2 required under § 31.6051–1 to be furnished by the employer with respect to wages paid during the calendar year (other than Forms W–2 which are filed as part of a return of tax on Form 942). Each Form W–2 and the transmittal Form W–3 shall together constitute an information return to be filed with the internal revenue office with which the employer is required to file such return of tax. However, in the case of an employer who elects to file a composite return pursuant to § 31.6011(a)–8, the information return required by this section shall consist of magnetic tape (or other approved media) containing all information required to be on the employee statement, together with transmittal Form 4804.

(b) *Corrected returns.* The Internal Revenue Service copies of corrected Forms W–2 (or magnetic tape or other approved media) for employees for the calendar year shall be submitted with Form W–3 (or Form 4804) and an explanatory statement, on or before the date on which information returns for the period in which the correction is made would be due under paragraph (a)(3)(ii) of § 31.6071(a)–1, to the internal revenue office with which such returns are required to be filed.

(c) *Cross references.* For provisions relating to the time for filing the information returns required by this section and to extensions of the time for filing, see paragraph (a)(3)(ii) of § 31.6071(a)–1 and paragraph (a)(3) of § 31.6081(a)–1, respectively. For the penalty provided in case of each failure to file, see paragraph (a) of § 301.6652–1 of this chapter (Regulations on Procedure and Administration).

PAR. 7. Paragraphs (b) and (c) of § 31.6053–2 are amended to read as follows:

**§ 31.6053–2 Employer statement of uncollected employee tax.**

• • • • •

(b) *Form of statement.* Form W–2 is the form prescribed for use in furnishing the statement required by paragraph (a) of this section, except that if an employer files a composite return pursuant



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to § 31.6011(a)–8 he may furnish to the employee, in lieu of Form W–2, a statement containing the required information in a form suitable for retention by the employee. A statement is required under this section in respect of an excess referred to in paragraph (a) of this section, even though the employer may not be required to furnish a statement to the employee under § 31.6051. Provisions applicable to the furnishing of a statement under § 31.6051 shall be applicable to statements under this section.

(c) *Excess to be shown on statement.* If there is an excess in respect of the tips reported by an employee in two or more statements furnished pursuant to section 6053(a), only the total excess for the period covered by the employer statement shall be shown on such statement.

PAR. 8. Section 31.6071(a)–1 is amended by revising the caption of paragraph (a)(3)(i) and by revising paragraph (a)(3)(ii), to read as follows:

**§ 31.6071(a)–1 Time for filing returns and other documents.**

(a) *Federal Insurance Contributions Act and income tax withheld from wages.* • • •

(3) *Information returns*—(i) *Returns on Form 941.* • • •

(ii) *Returns on Forms W–2 and W–3.* Each information return in respect of wages as defined in the Federal Insurance Contributions Act or of income tax withheld from wages which is required to be made under § 31.6051–2 shall be filed on or before the last day of February following the calendar year for which it is made, except that, if a tax return under paragraph (a) of § 31.6011(a)–5 is filed as a final return for a period ending prior to December 31, the information statement shall be filed on or before the last day of the second calendar month following the period for which the tax return is filed.

• • • • •

PAR. 9. Paragraph (a)(3) of § 31.6081(a)–1 is amended to read as follows:

**§ 31.6081(a)–1 Extensions of time for filing returns and other documents.**

(a) *Federal Insurance Contributions Act; income tax withheld from wages; and Railroad Retirement Tax Act.* • • •

(3) *Information returns of employers on Forms W–2 and W–3.* For good cause shown upon application by an employer, the district director or director of a service center may grant an extension of time not exceeding 30 days in which to file (i) the copies of withholding statements (Form W–2) which are part of a return on Form 942 under paragraph (b) of § 31.6011(a)–4, or (ii) copies of withholding statements and the accompanying transmittal which constitute information returns under paragraph (a) of § 31.6051–2. Each application for an extension of time under this subparagraph shall be made in writing, properly signed by the employer or his duly authorized agent. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), each application shall be addressed to the internal revenue office with whom the employer is required to file the Forms W–2. Each application shall contain a full recital of the reasons for requesting the extension, to aid such office in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to such internal revenue office will suffice as an application. The application shall be filed on or before the date on which the employer is required to file the withholding statements without regard to this paragraph.

[FR 75–9946 Filed 4–16–75;8:45 am]

## Title 29—Labor

## CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

## PART 670—THE CHEMICAL, PETROLEUM, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

## PART 726—THE CONSTRUCTION INDUSTRY IN PUERTO RICO

### Wage Orders; Corrections

In the wage orders concerning the Chemical, Petroleum and related products industry in Puerto Rico, Part 670, and the Construction Industry in Puerto Rico, Part 726 (FR Doc. 75–9242 and 75–9243, filed April 8, 1975, and published in the FEDERAL REGISTER of April 9, 1975 (40 FR 16063–64)), there was inadvertently omitted the paragraph specifying the effective date of the wage orders.

As required by section 8(d) of the Fair Labor Standards Act (29 U.S.C. 208), these wage orders take effect upon the expiration of 15 days after the date of such publication, or on April 25, 1975.

Signed at Washington, D.C., this 11th day of April 1975.

WARREN D. LANDIS,
*Acting Administrator,*
*Wage and Hour Division.*

[FR Doc.75–10034 Filed 4–16–75;8:45 am]

## Title 40—Protection of Environment

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

### SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 361–1; PP3F1402/R20]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Propargite

On July 5, 1973, notice was given (38 FR 17875) that Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, had filed a petition (PP 3F1402) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed establisnment of tolerances for residues of the insecticide propargite (2-(*p-tert*-butyl-phenoxy) cyclohexyl 2-propynyl sulfite) in or on the raw agricultural commodities peanut hay at 7 parts per million (ppm), figs at 3 ppm, peanut hulls at 1 ppm, and peanuts at 0.1 ppm (negligible residue). Uniroyal Chemical subsequently amended the petition by deleting the tolerance requests for residues in or on peanut hay, peanut hulls, and peanuts. (A document pertaining to the establishment of a food additive tolerance for propargite also appears in today's FEDERAL REGISTER, 40 FR 17142.)

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought.

There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. The tolerance established by this amendment to § 180.259 will protect the public health.

Any person adversely affected by this regulation may on or before May 19, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW, East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submited in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 17, 1975, Part 180, Subpart C, is amended by revising § 180.259.

(Sec. 408(d)(2), Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: April 11, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant*
*Administrator for Pesticide Programs.*

Part 180, Subpart C, is amended by revising the paragraph "3 parts per million • • •" in § 180.259 to read as follows:

• • • • •

**§ 180.259 Propargite; tolerances for residues.**

• • • • •

3 parts per million in or on apples, figs, and pears.

• • • • •

[FR Doc.75–10176 Filed 4–16–75;8:45 am]

## Title 47—Telecommunications

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19658; FCC 75–400]

## PART 1—PRACTICE AND PROCEDURE

### Subpart G—Schedule of Fees Filed With the Commission

*Correction*

In FR Doc. 75–9188 appearing as Part II in the issue of Friday, April 11, 1975 the running head on pages 16394–16403 reading "PROPOSED RULES" should read "RULES AND REGULATIONS".





## Title 49—Transportation

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 277 (Sub-No. 1)]

## PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAILROAD PASSENGER SERVICE

### Adequacy of Intercity Rail Passenger Service

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of March, 1975.

*It appearing*, That by order of the Commission, dated April 26, 1971, this proceeding was instituted for the purpose of implementing section 801 of the Rail Passenger Service Act of 1970 (Pub. L. 91–518) relating to the Commission's authority to prescribe regulations for the quality of intercity rail passenger service;

*It further appearing*, That pursuant to the report and order of the Commission, 344 I.C.C. 758, as modified, the Commission promulgated regulations, regulations for the Adequacy of Rail Passenger Service, Title 49, CFR 1124.1 et seq. and that on January 6, 1975, the Commission reopened this proceeding on its own motion to restate regulation 1124.2d and the procedure and notice requirements therein set forth, which under certain circumstances were found to be cumbersome, ambiguous, and in conflict with procedures set forth elsewhere in the regulations, to read as follows:

d. Exemption may be sought from any of these regulations, except those pertaining to health and safety, for reasonable periods of time, as to carriers, specific stations, or trains, by filing with the Commission an appropriate petition, and such petitions may be granted upon a showing of good cause therefor.

1. Carriers seeking exemption from any regulation must, in addition to such information necessary to support the granting of an exemption, include in their petitions the following information:

a. The specific regulation or regulations for which exemption is being sought.

b. The reasons why exemption is necessary, and the effect, if any, upon travelers if the exemption should be granted.

c. A statement describing present operations relating to the exemption being sought.

d. A statement describing how operations will be conducted if the exemption sought should be granted.

e. Statement that the carrier has complied with all prerequisites to exemptions as may be required by the regulation from which carrier seeks to be exempted.

f. Complete operating details relating to each train to be effected by the sought exemption including, but not limited to, schedules, connections, total number of passengers carried in each direction, passenger on and off counts at each station along the train route, relevant financial data, etc.

g. Copies of notices proposed to be posted, and certification of posting at all points required as hereinafter provided.

h. Certificate of service of petition for exemption on persons hereinafter designated for service.

2. Before any petition for exemption shall be considered, the carrier shall give adequate notice in the following manner:

a. A copy of the petition filed with this Commission shall be mailed to the governor and appropriate regulatory agency of each state affected; and where timely notice is required to be given to communities affected or carriers affected, to all such communities and carriers affected. For the purpose of this regulation, notice to the community shall be considered timely if a copy of the petition is mailed to its mayor or chief executive officer and published in a newspaper of local circulation within time limits set forth in this regulation; and notice to carriers affected shall be considered timely if a copy of the notice is mailed to their chief operations manager within such time limits.

b. Notice shall be given to the public by placing a copy of the following announcement, reproduced on a placard of at least 8½ inches by 11 inches in dimensions, with the lettering at least the size of ordinary typewritten material, except that the word "NOTICE" must be printed in letters at least one inch high and in proportional width, so as to be readable at a distance, and such announcement shall be placed in a conspicuous location in each and every train car and station to be affected by the exemption petition and in every station through which an affected train passes. The announcement shall read as follows:

NOTICE

(Name of Carrier) hereby gives notice that it has petitioned the Interstate Commerce Commission in Washington, D.C., to grant exemption to its (name of train or station) from Regulation (Number) of the Commission's Regulations for the Adequacy of Intercity Rail Passenger Service. Regulation (Number) states that (description of regulation or portion thereof from which exemption is sought). If exemption is granted, the aforementioned (names of station or trains) would no longer be required to comply with the aforesaid regulation(s). In the opinion of (name of carrier) the requested action on exemption by the Commission will not significantly affect the quality of the human environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission exemption on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)–(5), 340 I.C.C. 431, 461.

Any person opposed to this petition for exemption should advise the Commission promptly, with an original and six copies of a "protest", identifying the carrier and train or station, and regulation(s) from which exemption is opposed, and stating the grounds for such opposition. A copy of this protest should be sent to (name and business address of office at carrier to whom protests should be addressed). All protests submitted shall be filed with the Commission no later than (date at least 30 full days after posting of notice).

---

(Signature of carrier and authorizing officer therein)

c. To be considered adequate, the above notices must be given at least 30 full days in advance of the proposed action.

d. The carrier shall send copies of the aforesaid notices to the Commission and shall certify that notice has been given in accord with this regulation.

3. Representations of the petitioning carrier and protestants must be considered by the Commission before decision is reached on exemption.

4. This regulation shall not preclude the issuance by the Commission of temporary service orders in appropriate emergency situations. However, such orders shall not be used by the carrier as a means to circumvent the notice requirements as set forth in this regulation.

5. All petitions for exemption must follow the procedures set forth in this regulation.

*It further appearing*, That on January 27, 1975, the National Railroad Passenger Corporation (Amtrak) filed a letter petition for reconsideration of the above order of January 6, 1975, restating regulation 2d, on the ground that said restatement made changes in the substance of the regulations without benefit of hearing prior to promulgation, and to vacate said order, reinstate the original version of regulation 2d, and set the proposed restatement of regulation 2d for hearing;

*It further appearing*, That the aforesaid restatement constitutes a procedural rule change within the exception to section 553 of the Administrative Procedure Act, that notice and hearing of the restatement were not required; and that consequently, the petition of Amtrak should be denied;

*It further appearing*, That as promulgated in the order of January 6, 1975, certain requirements were set forth, which in certain instances, could be incorrectly construed, and, if incorrectly construed, could conflict with procedures set forth elsewhere in the regulations and could become an undue procedural burden on carriers affected; and that under these circumstances and other good cause, the regulations should be restated as found in Appendix A attached hereto; and

*It further appearing*, That such restatement constitutes a procedural rule changes within the exception to section 553 of the Administrative Procedure Act, and that notice and hearing of the proposed restatement are therefore not required;

*It is ordered*, That for the aforesaid reasons, the petition of Amtrak for reconsideration of and to vacate the order of January 6, 1975, in the above-entitled proceeding, be, and it is hereby, denied.

*It is further ordered*, That for the aforesaid reasons, regulation 2(d) of the Commission's regulations for the Adequacy of Intercity Rail Passenger Service as set forth in Appendix A of the Commission's Order of January 6, 1975, in this proceeding, as modified in Appendix A hereto, be, and it is hereby, adopted;

*It is further ordered*, That this order shall become effective on the date of service;

*It is further ordered*, That except as herein modified, the order of January 6, 1975, in this proceeding, shall remain in full force and effect; and

*It is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in



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the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

NOTE.—This decision is not a major Federal action having a significant impact on the environment within the meaning of the National Environmental Policy Act of 1969.

**§ 1124.2 Regulations regarding applications, exemptions, and effective date.**

§ 1124.2(d) is hereby amended to read as follows:

• • • • •

(d) Exemption may be sought from any of these regulations, except those pertaining to health and safety, for reasonable periods of time, as to carriers, specific stations, or trains, by filing with the Commission an appropriate petition, together with six copies thereof, and such petitions may be granted upon a showing of good cause therefor.

(1) Carriers seeking exemption from any regulation must, in addition to such information necessary to support the granting of an exemption, include in their petitions the following information:

(i) The specific regulation or regulations for which exemption is being sought.

(ii) The reasons why exemption is necessary, and the effect, if any, upon travelers if the exemption should be granted.

(iii) A statement describing present operations relating to the exemption being sought.

(iv) A statement describing how operations will be conducted if the exemption sought should be granted.

(v) Statement that the carrier has complied with all prerequisites to exemptions as may be required by the regulation from which carrier seeks to be exempted.

(vi) Complete operating details relating to each train to be effected by the sought exemption including, but not limited to, schedules, connections, total number of passengers carried in each direction, passenger on and off counts at each station along the train route, relevant financial data, etc.

(vii) Copies of notices proposed to be posted, and certification of posting at all points required as hereinafter provided.

(viii) Certificate of service of petition for exemption on persons hereinafter designated for service.

(2) Before any petition for exemption shall be considered, the carrier shall give adequate notice in the following manner:

(i) A copy of the petition filed with this Commission shall be mailed to the governor and appropriate regulatory agency of each state affected; and where a regulation specifically requires that timely notice be given to communities or carriers affected (such as regulations 11a(1) and 16c), a copy of the notice to all such communities and carriers affected. For the purpose of this regulation, notice to the community shall be considered timely if a copy of the notice is mailed to its mayor or chief executive officer and published in a newspaper of local circulation within time limits set forth in this regulation, and notice to carriers affected shall be considered timely if a copy of the notice is mailed to their chief operations manager within such time limits.

(ii) Notice shall be given to the public by placing a copy of the following announcement, reproduced on a placard of at least 8½ inches by 11 inches in dimensions, with the lettering at least the size of ordinary typewritten material, except that the word "NOTICE" must be printed in letters at least one inch high and in proportional width, so as to be readable at a distance, and such announcement shall be placed in a conspicuous location in each and every train car and station to be affected by the exemption petition and in every station through which an affected train passes. The announcement shall read as follows:

NOTICE

(Name of carrier) hereby gives notice that on (date) it has petitioned the Interstate Commerce Commission in Washington, D.C., to grant exemption to its (name of train or station) from Regulation (Number) of the Commission's Regulations for the Adequacy of Intercity Rail Passenger Service. Regulation (number) states that (description of regulation or portion thereof from which exemption is sought). If exemption is granted, the aforementioned (names of station or trains) would no longer be required to comply with the aforesaid regulation(s). In the opinion of (name of carrier) the requested action on exemption by the Commission will not significantly affect the quality of the human environment. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission exemption on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)–(5), 340 I.C.C. 431, 461.

Any person opposed to this petition for exemption should advise the Commission promptly, with an original and six copies of a "protest", identifying the carrier and train or station, and regulation(s) from which exemption is opposed, and stating the grounds for such opposition. A copy of this protest should be sent to (name and address of officer at carrier to whom protests should be addressed). All protests submitted shall be filed with the Commission no later than (date at least 30 days after posting of notice).

(Signature of carrier and authorizing office therein)

(iii) To be considered adequate, the above notices must be given at least 30 full days in advance of the proposed action by the carrier.

(iv) The carrier shall send seven copies of the aforesaid notices to the Commission and shall certify that notice has been given in accord with this regulation.

(3) Representations of the petitioning carrier and protestants will be considered by the Commission before decision is reached on exemption and no exemption may be implemented by the carrier until so ordered by the Commission.

(4) Nothing in this regulation shall preclude approval by the Commission of temporary exemptions, in appropriate emergency situations and where the notice requirements have been satisfied, not to exceed 30 days unless otherwise extended by the Commission.

(5) All petitions for exemption must follow the procedures set forth in this regulation.

• • • • •

[FR Doc.75-10083 Filed 4-16-75;8:45 am]

## Title 7—Agriculture

### CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

### PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

### Appendix C—Second Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1975

Pursuant to section 5(e) of the Child Nutrition Act of 1966, Pub. L. 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1975, are reapportioned among the States as follows:

| State | Total apportionment | State agency | Withheld for private schools |
|---|---|---|---|
| Alabama | $507 | $507 | |
| Alaska | 28,651 | 28,651 | |
| Arizona | 100,519 | 100,519 | |
| Arkansas | 2,000 | | $2,000 |
| California | 1,433,066 | 1,433,066 | |
| Colorado | 64,755 | 59,755 | 5,000 |
| Connecticut | 1,098,832 | 1,098,832 | |
| Delaware | 10,000 | 10,000 | |
| District of Columbia | 6,200 | 6,200 | |
| Florida | 80,000 | 80,000 | |
| Georgia | | | |
| Guam | | | |
| Hawaii | 32,601 | | 32,601 |
| Idaho | 60,108 | 54,853 | 4,255 |
| Illinois | 250,000 | 250,000 | |
| Indiana | 433,513 | 433,513 | |
| Iowa | 54,466 | 54,466 | |
| Kansas | 166,592 | 166,592 | |
| Kentucky | 48,706 | 48,706 | |
| Louisiana | 15,000 | 15,000 | |
| Maine | 229,539 | 209,508 | 20,031 |
| Maryland | 19,479 | 19,479 | |
| Massachusetts | 297,943 | 297,943 | |
| Michigan | 618,878 | 618,878 | |
| Minnesota | 396,896 | 396,896 | |
| Mississippi | 89,064 | 89,064 | |
| Missouri | 30,000 | 30,000 | |
| Montana | 98,908 | 94,908 | 4,000 |
| Nebraska | 248,288 | 228,288 | 20,000 |
| Nevada | 22,692 | 12,950 | 9,742 |
| New Hampshire | 161,296 | 161,296 | |
| New Jersey | 4,000,000 | 4,000,000 | |
| New Mexico | 14,809 | 14,809 | |
| New York | 1,111,048 | 1,111,048 | |
| North Carolina | 47,402 | 47,402 | |
| North Dakota | 35,170 | 33,170 | 2,000 |
| Ohio | 863,558 | 830,766 | 32,792 |
| Oklahoma | | | |
| Oregon | 198,851 | 198,851 | |
| Pennsylvania | 636,311 | 636,311 | |
| Puerto Rico | 80,894 | 80,894 | |
| Rhode Island | 124,955 | 124,955 | |
| Samoa, American | 1,961 | 1,961 | |





| State | Total apportionment | State agency | Withheld for private schools |
|---|---|---|---|
| South Carolina | 10,000 | | 10,000 |
| South Dakota | 20,823 | 20,823 | |
| Tennessee | 15,921 | 15,921 | |
| Texas | 61,653 | 26,653 | 35,000 |
| Utah | 18,783 | 18,783 | |
| Vermont | 81,990 | 81,990 | |
| Virginia | 48,320 | | 48,320 |
| Virgin Islands | 6,028 | 6,028 | |
| Washington | 153,421 | 79,778 | 73,643 |
| West Virginia | 71,300 | 50,000 | 21,300 |
| Wisconsin | 266,960 | 264,727 | 2,233 |
| Wyoming | 68,263 | 68,263 | |
| Total | 14,000,000 | 13,677,082 | 322,918 |

The survey made of nonfood assistance funds provided under Section 5(b) of the Child Nutrition Act determined that only $36,939 could be released by States. This amount was determined to be too insignificant to be reapportioned.

(Secs. 2, 5, 6 and 8 through 16, 80 Stat. 885–890; U.S.C. 1771, 1774, 1775, 1777–1785)

Dated: April 10, 1975.

EDWARD J. HEKMAN,
*Administrator.*

[FR Doc.75-9920 Filed 4-16-75;8:45 am]

### CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—CONSERVATION OPERATIONS

### PART 613—PLANT MATERIALS CENTERS

#### Special Production of Plant Materials

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 31, 1974 (39 FR 38387) of policy on the special production of plant materials.

Interested persons were invited to submit written data, views, or arguments on the proposed policy. No comments were received on the proposed policy; therefore, Part 613, Chapter VI of Title 7 of the Code of Federal Regulations is amended by adding § 613.4 as set forth below.

*Effective date.* This regulation shall be effective on April 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.905, National Archives Reference Services)

KENNETH E. GRANT,
*Administrator.*

MARCH 11, 1975.

**§ 613.4 Special production of plant materials.**

SCS may produce plant materials in the quantity required to do a specific conservation job if it is in the interest of the public welfare and commercial production is not feasible. This function may be performed only until the plant materials are available commercially. Specific production of plant materials by SCS requires the approval of the Administrator, and may require providing SCS with financial assistance.

[FR Doc.75-10022 Filed 4-16-75;8:45 am]

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 346]

### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 18–24, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

**§ 907.648 Navel Orange Regulation 348.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges appears to be improving on all sizes of fruit.

Prices f.o.b. averaged $3.57 per carton on a reported sales volume of 1,288 carlots last week, compared with an average f.o.b. price of $3.61 per carton and sales of 1,479 carlots a week earlier. Track and rolling supplies at 544 cars were down 33 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulations effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 15, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 18, 1975, through April 24, 1975, are hereby fixed as follows:

(i) District 1: 1,190,000 cartons; (ii) District 2: 210,000 cartons; (iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 15, 1975.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75-10295 Filed 4-16-75;10:10 am]



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[Valencia Orange Reg. 494]

## PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 18–24, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.794 Valencia Orange Regulation 494.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges this week appears to be improving from its earlier slowness.

Prices f.o.b. averaged $2.63 per carton on a reported sales volume of 96 carlots last week, compared with an average f.o.b. price of $2.96 per carton and sales of 101 carlots a week earlier. Track and rolling supplies at 87 cars were down 4 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 15, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 18, 1975, through April 24, 1975, are hereby fixed as follows:

(i) District 1: 31,292 cartons: (ii) District 2: 58,230 cvartons: (iii) District 3: 200,000 cartons."

(2) As used in this section, "handled", trict 2: 58,230 cartons: (iii) District 3: and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 16, 1975.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75–10293 Filed 4–16–75;10.40 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

### Customs Service

[ 19 CFR Parts 133, 141 ]

### SHIPMENTS OF BOOKS

### Proposed Amendment Requiring Certain Information on Invoices Rescinded

On February 28, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 7799) which proposed to amend §§ 133.45(c)(2) and 141.89 of the Customs regulations (19 CFR 133.45(c)(2), 141.89) to require that the invoice accompanying a shipment of books presented for entry set forth certain identifying information, including copyright information required in order to determine the admissibility of the books under the Universal Copyright Convention. The Customs Regulations do not presently require this information to be shown on the invoice and, as a consequence, Customs officers must often detain shipments of books until the necessary information is furnished by the importer. The purpose of the proposed amendments was to avoid the detention of shipments of books until the necessary information was furnished.

However, based upon the response to the notice, it has been determined that the public interest would not be served by proceeding with the proposed amendments at this time.

Accordingly, the notice is hereby rescinded.

[SEAL] VERNON D. ACREE,
*Commissioner of Customs.*

Approved: April 3, 1975.

DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

[FR Doc.75–10039 Filed 4–16–75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 951 ]

### HANDLING OF IRISH POTATOES GROWN IN CERTAIN STATES

### Proposed Termination of Marketing Order

Notice is hereby given that the Secretary of Agriculture is considering termination of Marketing Order No. 951 (7 CFR Part 951). This order authorizes handling regulations for potatoes grown in Massachusetts, Rhode Island, Connecticut, New Hampshire and Vermont. The order was issued November 12, 1950, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The program has been inactive since the 1952 season when the last administrative committee was appointed and the last handling regulation was issued. Significant changes, such as State potato acreage declines up to 80 percent, have taken place within the production area during the two decades of inactivity which would prevent effective program operation without extensive revision of the order. With no reported producer interest in discussing reactivation of the order, there is little likelihood of successfully completing the necessary amendatory proceedings.

Pursuant to section 8c(16)(A) of the Act (7 U.S.C. 608c(16)(A) and § 951.84 of the order, consideration is being given to a finding that the order no longer tends to effectuate the declared policy of the act, and should be terminated.

The committee's assets consist of approximately $5,000. This includes unexpended assessment income in excess of expenses accrued during the 1950–51 season plus subsequent interest. There were 227 handlers who had paid assessments that season, but less than 42 would be eligible for a refund of $10 or more. Recent efforts to obtain a current address for each of these handlers disclosed that many are deceased, unknown, or left no forwarding address. Further efforts to locate such handlers could result in expenses exceeding the potential refund amount involved. Thus, it appears impracticable to try to refund the money pro rata to each handler. Consideration is being given to turning over the remaining funds to the following land grant universities for research on potatoes, based on the handlers' payments in each State relative to the committee's total assets:

College of Agriculture and Natural Resources
University of Connecticut
Storrs, Connecticut 06268

College of Food and Natural Resources
University of Massachusetts
Amherst, Massachusetts 01002

The Colleges of Resource Development and Home Economics University of Rhode Island
Kingston, Rhode Island 02881

College of Life Sciences and Agriculture
University of New Hampshire
Durham, New Hampshire 03824

The College of Agriculture
University of Vermont
Burlington, Vermont 05401

Any handler who does not wish to support this proposed research should submit a refund claim as specified below or his claim will be considered as being waived.

It is contemplated if the order is terminated and the funds dispersed, the committee would be discharged.

All persons who desire to submit written data, views, or arguments on this proposal or handlers who wish to claim a refund shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A, Washington, D.C. 20250, not later than May 21, 1975. All written submissions will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 11, 1975.

JOHN C. BLUM,
*Associate Administrator.*

[FR Doc.75–10058 Filed 4–16–75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 630 ]

### ADDITIONAL STANDARDS FOR VIRAL VACCINES

### Testing for Potency and Safety of Smallpox Vaccine and Measles-Smallpox Vaccine, Live

*Correction*

In FR Doc. 75–6737, appearing at page 11884 in the issue of Friday, March 14, 1975, the following corrections should be made:

1. In the first column on page 11884, the sixth line from the bottom of the page reading "group of chicken eggs with appropriate", should read "group of chicken eggs with a control".

2. In the third column on page 11884, the section heading "*§ 630.74 Test for safety.*" should be placed directly under the amendatory paragraph numbered "3".

### Social Security Administration

[ 20 CFR Part 405 ]

### SUPPLEMENTARY MEDICAL INSURANCE BENEFITS

### State Coverage Agreements

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare.

Under section 1843 of the Social Security Act (42 U.S.C. 1395v), each State had the option, prior to January 1, 1970, to enter into an agreement to enroll ("buy-in") under the supplemental medical insurance program individuals who are eligible or become eligible for supplemental medical insurance and are members or become members of the State's



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coverage group. That coverage group could consist of (A) all cash assistance recipients under titles I, X, XIV, XVI, or part A of title IV of the Social Security Act, or (B) all cash assistance recipients under only certain of these titles (as specified in section 1843), or (C) all persons eligible for medical assistance whether or not they receive cash assistance. The State which bought-in only for cash assistance recipients could elect to exclude social security and railroad retirement beneficiaries from its coverage group. Federal matching funds were available under title XIX of the Social Security Act for premium payments made by States on behalf of cash assistance recipients. All but four States entered into such agreements.

The cash assistance programs under titles I, X, XIV and XVI were terminated January 1, 1974, in the fifty States and the District of Columbia as a result of the establishment of the supplemental security income program under Pub. L. 92–603, the Social Security Amendments of 1972. (State programs under Part A of title IV, Aid for Families with Dependent Children (AFDC), still exist but include few supplemental medical insurance eligibles.) Section 18(1) of Pub. L. 93–233 amended section 1843 of the Social Security Act to provide for the continuance of buy-in agreements after December 31, 1973, at the request of the State, subject to such modifications as the Secretary by regulations provides to take account of the substitution of the supplemental security income program for the State cash assistance programs. The attached proposed amendments to regulations would be issued under the authority of and to implement section 18(1) of Pub. L. 92–233. (Effect is also given, as described below, to section 249E of Pub. L. 92–603).

The coverage groups established effective January 1, 1974, under the proposed regulations are as nearly equivalent to the ones they replace as it is possible to make them.

Thus, where the State's coverage group on December 31, 1973, consisted of all persons eligible for medical assistance under the State plan approved under title XIX of the Act, it would continue to have the same coverage group effective January 1, 1974, (30 States). (The 2-month waiting period for buy-in coverage continues to apply where the medical assistance recipient would not qualify as a member of the coverage group described in the next paragraph.)

Where the State's coverage group on December 31, 1973, consisted of all persons receiving cash assistance under any of the plans of the State approved under titles I, X, XIV, XVI, and part A of title IV, its new group would consist of all persons who (1) are receiving supplemental security income or cash assistance under the State plan program under Part A of title IV and (2) are categorically needy, as the term is used in the regulations of the Social and Rehabilitation Service, under the State's plan for medical assistance approved under title XIX of the Act (14 States). The old and new groups are equivalent because both the old groups and the new groups consist of all recipients of cash assistance, whether Federal or State derived, who are categorically needy under the State plan approved under title XIX. (Under the terms of title XIX, all recipients of State plan assistance under titles, I, X, XIV, XVI, and part A of title IV were categorically needy under the State plan for medical assistance, but recipients of supplemental security income or State supplementary payments are not necessarily categorically needy. The groups of individuals who are or may be covered under title XIX after December 31, 1973, as categorically needy are set forth in 45 CFR 248.1 (b) and (c).) Also, both the old and new groups are composed of all the persons for whom the State can receive Federal matching funds toward supplemental medical insurance premium payments made on their behalf. (Section 1903(a) as in effect before January 1, 1974, and as amended by Pub. L. 93–233 effective January 1, 1974.)

Where the State's coverage group on December 31, 1973, consisted of all persons receiving cash assistance under any of its plans approved under the public assistance titles of the Social Security Act except part A of title IV, persons receiving cash assistance under the State's plan approved under part A of title IV would continue to be excluded from its coverage group after December 31, 1973, (1 State).

Where the State's coverage group on December 31, 1973, consisted of all persons receiving cash assistance under any of the plans of the State approved under titles I, X, XIV, and part A of title IV but the State had no plan for medical assistance approved under title XIX, the new coverage group January 1, 1974, would consist of all recipients of supplemental security income, or State supplementation, or cash assistance under the plan of the State approved under part A of title IV (1 State).

Since no State availed itself of the option to buy-in only for persons receiving cash assistance under title I (Old Age Assistance), no provision is made in the proposed regulations for recognition of a corresponding coverage group after December 31, 1973.

Two States—Massachusetts and Wisconsin—in lieu of enrolling eligible cash assistance recipients who were social security or railroad retirement beneficiaries under its buy-in agreement, provided supplementary medical insurance for indigents by having them individually enroll in supplemental medical insurance and reimbursing them for the supplemental security insurance premiums by increasing their cash welfare assistance, for which the State would receive Federal matching. With the termination of the cash welfare programs as a result of the institution of the supplemental security income program January 1, 1974, this method of providing supplemental medical insurance coverage and receiving Federal matching funds is no longer available to the States except under their plans approved under part A of title IV. Therefore, under the authority of section 18(1) of Public Law 93–233, the proposed regulations would enable Massachusetts and Wisconsin to continue to provide supplemental medical insurance to indigent beneficiaries by providing that buy-in agreements may no longer exclude otherwise covered beneficiaries except beneficiaries receiving cash assistance under the plan of the State approved under Part A of title IV. This modification would be effective with the month following the effective date of these amendments to regulations.

Under section 249E of Pub. L. 92–603, where an individual was eligible for or receiving cash assistance under any of the plans of the State approved under titles I, X, XIV, XVI, or part A of title IV and was entitled to monthly social security benefits for August 1972, he would be treated as eligible for such assistance for any month after August 1972 and before July 1975 for purposes of qualifying for medical assistance if he would have been eligible for such assistance had the 20 percent increase in social security benefits effective September 1972 under Pub. L. 92–336 and (by interpretation) the supplemental security income payment sor of federlished. Under the proposed regulations an individual eligible for buy-in coverage and monthly social security benefits for August 1972 would be eligible for any month after August 1972 and before July 1975 under similar conditions.

In the proposed amendments to the regulations, it has been necessary to modify the provisions regarding termination of buy-in coverage to take account of the establishment of the supplemental security income program. As under present regulations, where the State makes the determination of termination of buy-in coverage, such termination will be limited to 2 months retroactivity from the date the Social Security Administration receives notice of such termination from the State. Where (because it makes the determination of termination of supplemental security income payments or of federally administered State supplementation on which buy-in coverage depends) the Social Security Administration makes the determination of termination of buy-in coverage, it is necessary for such determination to have full retroactivity; the State cannot be required to pay the supplemental medical insurance premiums for the period for which coverage is terminated retroactively. Where the Social Security Administration made the determination that the individual should be enrolled for buy-in coverage and the State makes the determination of termination of such coverage as a result of an alert from the Social Security Administration through its buy-in data exchange system as to the possible need for action, the determination would have full retroactivity if the State





notifies the Social Security Administration by the 25th day of the second month after the month in which it received such alert; if such notice is given later, the termination would have 2 months of retroactivity from the date of the State notice to the Social Security Administration.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before May 19, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1843, and 1871 of the Social Security Act, section 249E of Pub. L. 92–603, section 233 of Pub. L. 93–66, 49 Stat. 647, as amended, 79 Stat. 312, 331, 86 Stat. 1429, 87 Stat. 152; (42 U.S.C. 1302, 1395, and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: January 20, 1975.

J. B. CARDWELL,
*Commissioner of Social Security.*

Approved: April 11, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 450.217 is amended by revising so much of paragraph (b) as precedes subparagraph (1), by revising paragraph (c)(1), and by adding paragraphs (g), (h), and (i) to read as follows:

§ 405.217 Enrollment pursuant to State agreement.

• • • • • •

(b) Subject to paragraph (g) and (h) of this section, an agreement entered into with any State pursuant to paragraph (a) of this section shall be applicable to either of the following coverage groups:

• • • • • •

(c) • • •

(1) An individual may not, subject to paragraphs (c)(2) and (g)(5) of this section, be a member of the coverage group specified in an agreement entered into under paragraph (a) of this section for any month in which he is entitled to monthly benefits under title II of the Social Security Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937 (without regard to the retroactivity of such entitlement) unless the State requests before 1970, and the agreement is modified to provide, that such individuals shall be members of such coverage group.

• • • • • •

(g) Effective January 1, 1974, an agreement pursuant to paragraph (a) of this section, entered into by any of the fifty States or the District of Columbia will at the request of the State be continued and shall be deemed to have been modified as follows:

(1) Where the State's coverage group as of December 31, 1973, consists of individuals receiving money payments under a plan of the State approved under title XVI of the Social Security Act (see paragraph (b)(1) of this section) and the State has a plan approved under title XIX of the Social Security Act in effect as of December 31, 1973, the State's coverage group shall be deemed to consist of individuals who (i) receive supplemental security income under title XVI of the Social Security Act or State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93–66), and (ii) are categorically needy (as the term is used in 45 CFR 248.1) under the plan of such State approved under title XIX of the Social Security Act.

(2) Where the State's coverage group as of December 31, 1973, consists of individuals receiving money payments under the plans of the State approved under titles I, X, XIV, XVI, and part A of title IV of the Social Security Act (see paragraph (b)(2) of this section) and the State has a plan approved under title XIX in effect on December 31, 1973, the State's coverage group shall be deemed to consist of individuals who (i) receive supplemental security income under title XVI of the Social Security Act, or State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93–66), or money payments under a plan of the State approved under part A of title IV of the Social Security Act, and (ii) are categorically needy (as the term is used in 45 CFR 248.1) under the plan of such State approved under title XIX of the Social Security Act.

(3) Where a State had an agreement as of December 31, 1973, but it had no plan approved under title XIX of the Social Security Act in effect on December 31, 1973, the State's coverage group shall be deemed to consist of individuals receiving supplemental security income under title XVI of the Social Security Act, State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93–66), or money payments under a plan of the State approved under Part A of title IV of the Social Security Act.

(4) For purposes of this section and § 405.222, an individual will be treated as receiving supplemental security income under title XVI of the Social Security Act or State supplementary payments if he receives or the State reports to the Social Security Administration in accordance with prescribed procedures that he receives such income or payments for January 1974 or for any month thereafter.

(5) For purposes of this section and § 405.222, an individual will be treated as categorically needy (as the term is used in 45 CFR 248.1) under a plan of the State approved under title XIX of the Social Security Act, if, for January 1974, or for any month thereafter, he has been determined or the State reports to the Social Security Administration in accordance with prescribed procedures that he has been determined to be categorically needy under such plan.

(h) Where a State's agreement has not been modified, pursuant to a request made by it before 1970, to provide that individuals entitled to monthly benefits under title II of the Social Security Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937, as amended, shall be members of the coverage group, such State shall be deemed to have so modified its coverage group, except with respect to individuals receiving money payments under a plan of the State approved under Part A of title IV of the Social Security Act, effective with the month following the effective date of these amendments to regulations.

(i) Except as provided in paragraph (c) of this section, any individual is included in the State's coverage group for any month after August 1972 and before July 1975 if: (1) For August 1972 he was eligible for money payments under any of the plans of the State included in the coverage group of the State under its agreement under this section, and was eligible for medical assistance under a plan of the State approved under title XIX of the Social Security Act, and was entitled to monthly insurance benefits under title II of the Social Security Act; and (2) for such month after August 1972 and before July 1975 the individual would have been eligible for such money payments had the 20 percent increase in monthly insurance benefits under title II of the Social Security Act provided by Pub. L. 92–336 not been applicable for such individual and, in the case of the fifty States and the District of Columbia after December 31, 1973, had the plan of such state approved under titles I, X, IV, and XVI continued in effect.

2. Paragraph (c) of § 405.222 is revised to read as follows:

§ 450.222 Enrollment pursuant to a State agreement; coverage period beginning date.

• • • • • •

(c) The first day of the first month in which he is both an eligible individual (see § 405.205) and a member of the coverage group that is specified in such agreement, except that, if an individual



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is a member of such group solely by virtue of a modification described in § 405.217(c)(2) (i.e., he does not receive money payments under a plan of the State approved under titles I, X, XIV, XVI or part A of title IV; is not both receiving supplemental security income under title XVI or State supplementary payments and determined to be categorically needy (as the term is used in 45 CFR 248.1) under the plan of the State approved under title XIX; and he is not included in the coverage group by virtue of § 405.217(h)), his coverage period may not begin before the first day of the second month following the month in which he is both an eligible individual and the State has made the determination (without regard to the retroactivity of such determination) that he is eligible to receive medical assistance under the plan of such State approved under title XIX of the Social Security Act; or

. . . . . .

3. Paragraph (c) of § 405.223 is revised to read as follows:

**§ 405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage.**

. . . . . .

(c) *Enrollees pursuant to State agreement.* In the case of an individual enrolled pursuant to a Federal-State agreement (see § 405.217), the coverage period attributable to the agreement terminates (subject to the provisions of paragraph (d) of this section) on:

(1) The last day of the last month for which he is eligible for inclusion in the coverage group provided that, where the State makes the determination of ineligibility, the State sends notice to the Social Security Administration of such ineligibility within a reasonable time. Such notice shall be given in such form and in accordance with such instructions as prescribed by the Social Security Administration. The notice is considered to be given within a reasonable period of time if the Social Security Administration receives such notice by the 25th day of the second month after the calendar month in which the individual becomes ineligible for inclusion in the coverage group or, where the individual's State enrollment coverage period began on the basis of a Social Security Administration determination and the State makes the determination of ineligibility after receiving notice from the Social Security Administration through the buy-in data exchange system that the individual is no longer receiving supplemental security income or Federally-administered State supplementary payments, by the 25th day of the second month after the calendar month in which the Social Security Administration so notifies the State. If, however, the Social Security Administration first receives prescribed notice of ineligibility from the State after such reasonable period of time, the individual's coverage attributable to the buy-in agreement will, instead, end on the last day of the second month before the month in which the Social Security Administration receives such notice and, for such purpose, notice received in a calendar month but after the 25th day of that month shall be deemed to have been received in the next following month.

(2) If earlier than paragraph (c)(1) of this section, whichever of the following first occurs:

(i) The last day of the month preceding the first month in which the individual became entitled to monthly benefits under title II of the Social Security Act (see Subpart D of Part 404 of this chapter) or to an annuity or pension under the Railroad Retirement Act of 1937 without regard to the retroactivity of such entitlement unless the State agreement provides for the inclusion of such individuals entitled to such benefits in the coverage group, or

(ii) The last day of the month as of which the State agreement is terminated, or

(iii) The last day of the month in which he dies, or,

(iv) If he is under 65, the last day of the last month for which he is entitled to hospital insurance benefits.

. . . . . .

[FR Doc.75-10041 Filed 4-16-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

**[ 46 CFR Parts 31, 74, 93, Subchapter M ]**

**[CGD 74-182]**

## SHIPS CARRYING BULK GRAIN CARGOES

### Proposed Intact Stability Requirements

The U.S. Coast Guard is considering amendments to the intact stability requirements for ships carrying bulk grain cargoes. These amendments would implement Resolution A.264(VIII) of the Inter-Governmental Maritime Consultative Organization (IMCO) concerning an amendment to Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS) 1960. The proposed regulations would replace the current regulations contained in 46 CFR Subchapter M, Bulk Grain Cargoes.

Chapter VI of the SOLAS 1960 prescribes regulations for the carriage of bulk grain. Executive Order 11239 delegates to the Secretary of Transportation the authority to implement the provisions of SOLAS, 1960, which he has delegated to the Commandant (49 CFR 1.46(b)).

One of the principal functions of IMCO is to continually review the technical aspects of the various maritime safety provisions and upgrade the standards in light of increased knowledge and technological improvements. The mechanism whereby this is achieved is set forth in the IMCO Convention as well as in the various technical conventions relating to maritime and environmental safety elaborated under the aegis of IMCO. On the basis of the studies undertaken by the Maritime Safety Committee of IMCO and its technically specialized subcommittees, the Assembly of IMCO makes recommendations to its member states as to new and improved practices and standards that should be applied.

It has been recognized that the process of formal amendment of a convention is a time consuming procedure which has the disadvantage of precluding the early implementation of urgently needed changes in maritime safety provisions. Accordingly, under the terms of the IMCO Convention, member states are urged to implement domestically recommendations of the Assembly in advance of the formal amendment procedures. SOLAS 1960 was elaborated with a provision, Regulation 5 of Chapter I, which facilitates the early implementation of IMCO Assembly recommendations where such recommendations relate to SOLAS. Regulation 5 authorizes the administration of a member to prescribe regulations which are the equivalent in terms of maritime safety to those contained in the Convention. While by its terms, Regulation 5 authorizes a member state to adopt as equivalent regulations which are unique to that state, the general practice has been to adopt the recommendations of the IMCO Assembly, not only to promote uniformity but to preclude the subsequent necessity of conforming the domestic legislation to the formal amendment when it enters into force.

With regard to the carriage of bulk grain, the Maritime Safety Committee of IMCO and its cognizant subcommittees undertook studies and research to uncover the true nature of grain behavior aboard ships. These studies were initiated because a number of casualties to ships carrying bulk grain in accordance with Chapter VI of SOLAS 1960 indicated that the provisions of that chapter were inadequate. During the term of the research and study, the Coast Guard twice modified the provisions of Subchapter M, Title 46 CFR under the authority of Regulation 5 to take into account the then current state of knowledge of grain behavior. Upon the completion of the IMCO studies and research, the Assembly of IMCO adopted the recommendations of the Maritime Safety Committee and by Resolution A.264 (VIII) on 20 November 1973 proposed to member states the amendment of Chapter VI of SOLAS 1960 with a new Chapter VI annexed to the resolution, and further recommended to all member states to put into effect as soon as possible the provisions of the amendment as an equivalent under Regulation 5 of the present text of Chapter VI.

While ordinarily member states would be presently taking the necessary steps to accept this amendment to SOLAS 1960, the IMCO scheduled a SOLAS Conference in October, 1974, for the purpose of elaborating a new SOLAS Convention which would incorporate all outstanding amendments to SOLAS 1960 not in force and would as well modify the provisions for adopting and bringing amendments into force with a view toward reducing the time interval for this procedure. Accordingly, at this time, it may be anticipated that the new Chapter VI will more likely come into force as an element of SOLAS 1974. However, until SOLAS 1974 does come into force, the contemplated rapid amendment procedures will not be available. Under these circumstances, the Coast Guard believes that the amended Chapter VI, either under SOLAS 1960 or SOLAS 1974 will not come into force for several years. Consequently the Coast Guard has elected to propose new regulations to conform with the new Chapter VI pursuant to Regulation 5 of Chapter I and the recommendation of the Assembly in Resolution A.264(VIII).

The Coast Guard has determined that some vessels either because of their design or route can be safely loaded with bulk grain cargo without meeting the full requirements of IMCO Resolution A.264(VIII). In accordance with Part B, Section V(B) of the Annex to IMCO Resolution A.264(VIII), it is proposed to amend the tank vessel regulations to permit tank vessels with two or more longitudinal divisions to load grain under simplified requirements. It is further proposed to permit all vessels making specified coastwise voyages to load grain under simplified requirements.

Interested persons are invited to participate in this proposed rule making by submitting written views, data, arguments, objections, and comments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard Headquarters, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify this notice (CGD 74-182), and give reasons for any recommendations. Comments received on or before May 31, 1975, will be available for examination in Room 8234, U.S. Coast Guard Headquarters, Washington, D.C.

No public hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person raising a genuine issue and desiring an opportunity to comment orally.

The amendments are proposed under the authority of the International Convention for the Safety of Life at Sea 1960; 49 U.S.C. 1655(b); 49 CFR 1.46(b); 50 U.S.C. 198; E.O. 11239, July 31, 1965; and E.O. 11382, November 28, 1967.

In consideration of the foregoing, it is proposed to amend Parts 31, 74, and 93 and Subchapter M of Chapter I of Title 46 of the Code of Federal Regulations as follows:

### PART 31—INSPECTION AND CERTIFICATION

1. By adding a new § 31.10-33 to read as follows:

**§ 31.10-33 Bulk grain cargoes—TB/ALL.**

(a) Tank vessels that are designed to carry bulk liquids and that have two or more longitudinal divisions may carry grain in bulk if—

(1) Each tank, other than one pair of wing tanks, are trimmed full; or

(2) The owner submits calculations to either the Commandant or the National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y. 10048, showing that under the most unfavorable loading conditions, the vessel will not heel more than 5 degrees due to a grain shift having a resulting grain surface of 12 degrees to the horizontal; and

(3) The master complies with Part C of Annex I to Inter-Governmental Maritime Consultative Organization (IMCO) Resolution A.264(VIII), where applicable. As used in Resoluting A.264(VIII), the terms "Administration" means "U.S. Coast Guard." Copies of Resolution A.264 (VIII) may be obtained from The National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y. 10048, the Commandant (G-M/82), U.S. Coast Guard, 400 Seventh Street SW., Washington, D.C. 20590; or the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

(b) Notwithstanding the provisions of 46 CFR 56.50-50, bilges must be properly prepared and sounding pipes in place, clear and operable. If bilges are not present, suctions must be boxed.

(c) The vessel must comply with 46 CFR 93.20-15.

(d) Tank vessels that carry grain in bulk, but that do not meet the requirements of paragraph (a) of this section, must meet the requirements of 46 CFR 93.20.

### PART 74—STABILITY

2. By adding a new § 74.10-12 to read as follows:

**§ 74.10-12 Bulk grain cargoes.**

Each passenger vessel that carries grain in bulk must comply with 46 CFR 93.20.

### PART 93—STABILITY

3. By adding a new Subpart 93.20 to read as follows:

**Subpart 93.20—Bulk Grain Cargoes**

Sec.
93.20-01 Application.
93.20-05 General.
93.20-10 Document of Authorization.
93.20-15 Certificate of Loading.
93.20-20 Exemption for Certain Voyages.

AUTHORITY: International Convention for the Safety of Life at Sea 1960; 49 U.S.C. 1655(b); 49 CFR 1.46(b); 50 U.S.C. 198; E.O. 11239, July 31, 1965; and E.O. 11382, November 28, 1967.

**Subpart 93.20—Bulk Grain Cargoes**

**§ 93.20-01 Application.**

The provisions of this subpart apply to all vessels that load grain in bulk after (effective date of regulations) except:

(a) U.S. tank vessels which meet the requirements of 46 CFR 31.10-33.

(b) Vessels engaged on voyages solely between ports within the limits of the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and east of a line along the 63rd meridian from Anticosti Island to the north shore of St. Lawrence River.

**§ 93.20-05 General.**

(a) Each general cargo vessel or barge that carrys grain in bulk must comply with the Annex to Inter-Governmental Maritime Consultative Organization (IMCO) Resolution A.264(VIII). As used in Resolution A.269(VIII), the term "Administration" means "U.S. Coast Guard". Copies of Resolution A.264 (VIII) may be obtained from the National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y. 10048; the Commandant (G-M/82), U. S. Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590; or the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

(b) Notwithstanding the provisions of 46 CFR 56.50-50, bilges must be properly prepared and sounding pipes clear and operable. If bilges are not present, suctions must be boxed.

**§ 93.20-10 Document of authorization.**

(a) Before it can load grain, each vessel that carries grain in bulk must have a document of authorization in accordance with Regulation 10, Part A of the Annex to IMCO Resolution A.264 (VIII). The Commandant may authorize a recognized organization to issue a document of authorization to a particular vessel or type of vessel.

(b) The Commandant recognizes the National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y. 10048, for the purpose of issuing documents of authorization in accordance with these regulations.

**§ 93.20-15 Certificate of loading.**

(a) Before it can sail, each vessel that carries grain in bulk must have a certificate of loading issued by an organization recognized by the Commandant for that purpose. The certificate of loading may be accepted as prima facie evidence of compliance with these regulations.

(b) The Commandant recognizes the National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, N.Y. 10048, for the purpose of issuing certificates of loading.

**§ 93.20-20 Exemptions for certain voyages.**

(a) Vessels on a voyage that is within the inland waters of the United States are exempt from the regulations in this subpart.

(b) Vessels on a voyage between—

(1) United States ports along the east coast as far south as Cape Henry;

(2) Wilmington, N.C. and Miami, Fla.;

(3) United States ports in the Gulf of Mexico;

(4) Puget Sound ports and Canadian West Coast ports or Columbia River ports, or both;

(5) San Francisco, Los Angeles, and San Diego; or

(6) Great Lakes ports and St. Lawrence River ports as far east as a straight







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line drawn from Cap de Rosiers to West Point, Anticosti Island, and east of a line drawn along the 63rd meridian from Anticosti Island to the north shore of St. Lawrence River; are exempt from 46 CFR 93.20–10(a) if:

(i) The master is satisfied that the longitudinal strength of his vessel is not impaired;

(ii) The master ascertains the weather to be encountered on the voyage;

(iii) Potential heeling moments are reduced to a minimum value by carrying as few slack holds as possible;

(iv) Slack surfaces are leveled; and

(v) The metacentric height (GM) in feet on the vessel throughout the voyage, after correction for liquid free surface, is in excess of the required metacentric height ($GM_r$) in feet as obtained from Table 93.17–15(b).

TABLE 93.17-15(b) - CALCULATION OF $GM_c$

$GM_c$ = L X tabular value

Where L = total length of slack surfaces
B = maximum breadth of slack surfaces
$\Delta$ = displacement of vessel in 1000's long tons

TABULAR VALUE

If the ratio of available freeboard to beam is more than .268 the required $GM_c$ in order to shift the vessel shall be calculated by multiplying the applicable figure below by the total length of slack surface. If the ratio found above is less than .268 the tabular values shall be adjusted by multiplying by .268 and dividing by the actual ratio found.

| Δ | BREADTH (Feet) 40 | 45 | 50 | 55 | 60 | 65 | 70 | 75 | 80 | 85 | 90 | 95 | 100 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 20 | .0056 | .0134 | .0184 | .0244 | .0317 | .0403 | .0504 | .0619 | .0752 | .0902 | .1070 | .125 | .1448 |
| 30 | .0047 | .0067 | .0092 | .0122 | .0159 | .0202 | .0253 | .0310 | .0376 | .0451 | .0535 | .062 | .0724 |
| 40 | .0031 | .0045 | .0061 | .0081 | .0106 | .0134 | .0168 | .0206 | .0251 | .0302 | .0357 | .042 | .0483 |
| 50 | .0023 | .0033 | .0046 | .0061 | .0079 | .0101 | .0126 | .0155 | .0188 | .0225 | .0266 | .031 | .0362 |
| 60 | .0019 | .0027 | .0038 | .0049 | .0063 | .0081 | .0101 | .0124 | .0150 | .0180 | .0214 | .025 | .0294 |
| 70 | .0015 | .0022 | .0031 | .0041 | .0053 | .0067 | .0084 | .0103 | .0125 | .0150 | .0178 | .021 | .0245 |
| 80 | .0013 | .0019 | .0026 | .0035 | .0045 | .0058 | .0072 | .0088 | .0107 | .0129 | .0153 | .018 | .0210 |
| 90 | .0012 | .0017 | .0023 | .0031 | .0040 | .0050 | .0063 | .0077 | .0094 | .0113 | .0134 | .015 | .0184 |
| 95 | .0010 | .0015 | .0020 | .0027 | .0035 | .0045 | .0056 | .0069 | .0084 | .0100 | .0119 | .014 | .0163 |
| 99 | .0009 | .0013 | .0018 | .0024 | .0032 | .0040 | .0050 | .0062 | .0075 | .0090 | .0107 | .012 | .0147 |

Note: In those portions of length which are divided by a centerline bulkhead ½ of the tabular value may be used.
The table is calculated for wheat. If necessary the $GM_c$ may be adjusted for other grains by multiplying by the following factors:

| | |
|---|---|
| SF approx 50 corn, rye, soybeans | .9 |
| SF approx 56 barley | .8 |
| SF approx 70 oats | .6 |

## SUBCHAPTER M—BULK GRAIN CARGOES [RESERVED]

4. By revoking and reserving Subchapter M.

Dated: April 9, 1975.

J. V. CAFFREY,
*Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.*

[FR Doc.75-9944 Filed 4-16-75;8:45 am]

## Federal Aviation Administration

## [ 14 CFR Part 121 ]

[Docket No. 14554; Notice No. 75-16]

## LARGE TURBINE-POWERED AIRPLANES

### Installation of Approved Glide Slope Deviation Monitoring System

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to add a new § 121.358 to require the installation of an approved glide slope deviation monitoring system on each large turbine-powered airplane used in operations under Part 121. These amendments would also apply to air travel clubs certificated under Part 123 and air taxi operators certificated under Part 135 when conducting operations governed by those parts with large turbine-powered airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before May 5, 1975, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On December 18, 1974, the FAA adopted § 121.360 which provides that, after December 1, 1975, no person may operate a large turbine-powered airplane under Part 121 unless it is equipped with an approved ground proximity warning system that is designed, constructed, and installed to provide a warning of imminent inadvertent contact with the ground. The FAA is aware that a system that will provide this warning can also form the basis of a system that can monitor deviation from an ILS glide slope, in some cases making use of a fifth operational mode capability of certain ground proximity warning systems. The FAA believes that there is a need for a glide slope deviation monitoring system to supplement the ground proximity warning system. Such a system would warn of deviations below the glide slope that could result in inadvertent contact with the ground.

The FAA believes that, in view of the fact that the basic capability of monitoring glide slope deviation is inherent in any ground proximity warning system presently designed to meet the requirements of § 121.360, glide slope deviation monitoring systems can be developed, manufactured, and installed on all large turbine-powered airplanes used in operations under Parts 121 and 123 and § 135.2 by December 1, 1975, without an undue burden on the operators of those aircraft.

The regulation, as proposed, would provide that, after December 1, 1975, no person may operate a large turbine-powered airplane under Part 121 unless it is equipped with an approved glide slope deviation monitoring system that is designed, constructed, and installed to provide warning of any significant deviation below the glide slope of an ILS. The FAA is not proposing a specific amount of deviation which would initiate the warning, and comments are requested as to when the warning should be given and the capability of presently available equipment in this respect. The FAA is considering requiring that the warning initiate when the airplane is about to leave the glide slope envelope, i.e. when there is more than a two-thirds deflection of the glide slope indicator. This would permit corrective action in time for the airplane to remain in the glide slope envelope.

Under the proposed regulation, the system would have to operate at any height less than 1,000 feet down to a height of 50 feet above the ground. It would have to provide both visual and aural warnings, that initiate simultaneously and automatically without any crewmember action. The warnings would have to be distinct from each warning provided by any other aircraft warning device (including the ground proximity warning system). They would also have to operate continuously until the deviation is corrected, except that means would have to be provided for deactivation of the warnings by the pilot at his discretion, either before or after they initiate.

The FAA is not prepared at this time to issue specific technical standards for this equipment without further study. The FAA has initiated a study to develop either a Technical Standard Order or an amendment to Part 25 establishing specific technical standards. However, pending the development of such standards the FAA intends to approve the installation of systems that monitor glide slope deviation through the issue of supplemental type certificates after compliance has been shown with the general equipment requirements of Part 25.

It should be noted that the comment period for this Notice has been limited to 15 days from the date of its publication.





The FAA believes it necessary in the interest of safety that large turbine-powered airplanes used in operations under Part 121 be equipped with a glide slope deviation warning system as soon as possible. As stated above, § 121.360 requires these airplanes to be equipped with a ground proximity warning system by December 1, 1975, and the FAA believes that a glide slope deviation warning system requirement can be adopted and complied with by that date. In this connection it should be noted that, although it was not on the agenda for the meeting, the glide slope deviation monitoring system was discussed at the public meeting concerned with the preparation of minimum performance standards for airborne ground proximity warning systems, announced by the Federal Communications Commission in the FEDERAL REGISTER (40 FR 1743; January 9, 1975), that was held January 28 and 29, 1975.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding a new § 121.358 to read as follows:

**§ 121.358 Glide slope deviation monitoring systems.**

(a) After December 1, 1975, no person may operate a large turbine-powered airplane unless it is equipped with an approved glide slope deviation monitoring system that is designed, constructed, and installed to provide warning of any significant deviation below the electronic glide slope of an ILS.

(b) The glide slope deviation monitoring system required by paragraph (a) of this section must—

(1) Operate at any height less than 1,000 feet down to a height of 50 feet above the ground; and

(2) Provide both visual and aural warnings that—

(i) Initiate simultaneously;

(ii) Are distinct from each warning provided by any other aircraft warning device;

(iii) Initiate automatically without any crewmember action;

(iv) Except as provided in paragraph (b)(2)(v) of this section, operate continuously until the deviation is corrected; and

(v) Be capable of being deactivated by the flight crew.

Issued in Washington, D.C., on April 10, 1975.

J. A. FERRARESE,
*Acting Director, Flight Standards Service.*

[FR Doc.75-10068 Filed 4-16-75;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

## [ 16 CFR Part 1500 ]

### TOYS AND OTHER CHILDREN'S ARTICLES PRESENTING INJURY HAZARDS DUE TO SHARP EDGES

#### Testing Device

In the FEDERAL REGISTER of January 7, 1975 (40 FR 1488), proposed 16 CFR 1500.47 described a test method for determining sharp edges in toys and other articles intended for use by children.

The Consumer Product Safety Commission has recently obtained detailed working drawings of one type of device that could be used to perform the test. The drawings were developed as part of a contract between Value Engineering Company and the Commission. They are in the public domain which means that any person is permitted to use them, without restriction, to construct a device.

Interested parties can obtain copies of these drawings by writing to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies also may be picked up at the Office of the Secretary, 10th Floor, 1750 K Street NW., Washington, D.C. (phone 202–634–7700).

Dated: April 11, 1975.

SADYE E. DUNN,
*Secretary, Consumer Product Safety Commission.*

[FR Doc.75-10007 Filed 4-16-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

## [ 40 CFR Part 52 ]

[359-2]

### APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Oregon: Approval and Disapproval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attaining and maintaining of national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency (EPA) approved the State of Oregon Clean Air Act Implementation Plan.

On July 2 and July 16, 1974, and January 15, 1975, the State of Oregon Department of Environmental Quality submitted for the Administrator's approval revisions to the compliance schedule portion of the State Implementation Plan, in accordance with 40 CFR 51.4, 51.6 and 51.15. The Administrator, pursuant to section 110 of the Clean Air Act and 40 CFR 51.8, is today proposing approval of one compliance schedule as a plan revision and proposing disapproval of three compliance schedules which extend beyond the July 31, 1975, attainment date for national primary ambient air quality standards. The disapproval is being proposed because the information available for consideration fails to demonstrate that a final compliance date extension will not impact national ambient air quality standards within the applicable air quality control region.

Each compliance schedule establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the following table under the heading "Final compliance date." Each compliance schedule which extends more than a year from the date of adoption by the State includes federally enforceable increments of progress toward compliance as required by 40 CFR 51.15(c). While the table below does not list those interim dates, the actual compliance schedules do. The "Effective date" column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The "Date of adoption" column refers to the date the State adopted the compliance schedule.

An evaluation report will be prepared for each compliance schedule before the Administrator makes his final decision on whether to approve or disapprove the compliance schedule. During the review period, personnel in the EPA Regional Office, at the address noted below, are available to discuss the compliance schedules with the public. Each compliance schedule is available for public inspection at the EPA Regional Office, EPA Headquarters, and the State agency at the following addresses:

Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

Freedom of Information Center
Environmental Protection Agency
401 M Street SW
Washington, D.C. 20460

State of Oregon
Department of Environmental Quality
1234 S.W. Morrison Street
Portland, Oregon 97205

All interested persons are encouraged to submit written comments on whether the proposed revisions to the Oregon Implementation Plan should be approved as required by section 110 of the Clean Air Act, as amended, and 40 CFR 51.8. Comments postmarked on or before May 16, 1975, will be considered. Public comments received on the proposed revisions will be available for public inspection at the Regional Office and EPA Headquarters. Comments should be directed to the:

Regional Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: S. Ziegman M/S 513.



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This notice of proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended. (42 U.S.C. 1857c-5(a)).

Date: April 4, 1975.

C. V. SMITH, JR.,
*Regional Administrator.*

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

**Subpart MM—Oregon**

1. In § 52.1970, paragraph (c)(2) is revised as follows:

**§ 52.1970 Identification of plan.**

• • • • •

(c) • • •

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| • | • | • | • | • | • |
| Western Farmers Association | Ontario | OAR 340, Sec. 21-015, 21-040. | June 28, 1974 | Immediately | May 1, 1975 |

3. Section 52.1975 is amended by adding a new paragraph (d) as follows.

**§ 52.1975 Compliance schedules.**

• • • • • • •

(d) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are contained in the Oregon Administrative Rules, Chapter 340, unless otherwise noted.

| Source | Location | Regulation involved | Date of adoption |
|---|---|---|---|
| Western Foundry Co | Tigard | OAR 340, sec. 21-015, 21-040. | July 10, 1974 |
| Louis Dreyfus Corp | Portland | do | Jan. 14, 1975 |
| Cargill Inc | Portland | do | Jan. 17, 1974 |

[FR Doc. 75-9943 Filed 4-16-75;8:45 am]

(2) August 10, 1972; February 9, May 30, June 8, 22 and 25, July 17 and August 3, 20 and 27, 1973; July 2 and 16, 1974; and January 15, 1975, by the Department of Environmental Quality.

2. Section 52.1975 is amended by revising paragraph (b) and by adding the following lines to the table to read as follows:

**§ 52.1975 Compliance schedules.**

• • • • • • •

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are contained in the Oregon Administrative Rules, Chapter 340, unless otherwise indicated.

| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| • | • | • | • | • | • |
| Western Farmers Association | Ontario | OAR 340, Sec. 21-015, 21-040. | June 28, 1974 | Immediately | May 1, 1975 |





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## FEDERAL POWER COMMISSION

[Docket No. RP75-32]

### ARKANSAS-LOUISIANA GAS CO.

### Extension of Procedural Dates

APRIL 10, 1975.

On April 7, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 13, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, June 17, 1975.
Service of Intervenor's Testimony, July 1, 1975.
Service of Company Rebuttal, July 15, 1975.
Hearing, July 29, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9971 Filed 4-16-75;8:45 am]

[Docket No. RP75-32]

### ARKANSAS LOUISIANA GAS CO.

### Order Denying Application for Rehearing

APRIL 11, 1975.

On November 5, 1974, Arkansas Louisiana Gas Company (Arkla) tendered for filing an amended Rate Schedule XT-17, applicable solely to transportation of natural gas by Arkla for Reynolds Metals Company (Reynolds). The proposed amended schedule would have increased the rate charged for the transportation service rendered, and would also have modified certain conditions of service. Arkla requested that the amended schedule become effective as of January 1, 1975.

By letter dated December 31, 1974, the Commission Secretary, by direction of the Commission, rejected Arkla's filing because it was "inconsistent with § 154.22 of the Commission's regulations, which requires prior issuance of a certificate covering the proposed changes of service." The letter added that such rejection was without prejudice to Arkla's right to file a rate increase for service under Rate Schedule XT-17, either under existing terms and conditions of service or under modified conditions after such modifications have received certificate authorization.[1]

On January 14, 1975, Arkla tendered for filing a revised tariff sheet[2] to increase the rate for the subject transportation service from 4.5 cents per Mcf to 18.95 cents per Mcf. This filing was based on existing and conditions of service, and proposed only to increase the rate to Reynolds. Based on volumes transported during the 12 months ended October 31, 1974, the January 14, 1975, filing would increase annual revenues from such service from $273,877 to $1,153,326. Consistent with its earlier filing, Arkla requested that the proposed rate be permitted to become effective as of January 1, 1975.

By order issued February 13, 1975, the Commission accepted the tendered tariff sheet for filing and suspended the proposed increase for five months until June 1, 1975. This order also granted Arkla's request for waiver of our notice requirements for rate increase filings,[3] permitted Reynolds' petition to intervene in this proceeding, and set the matter for hearing.

On March 14, 1975, Arkla filed an Application for Rehearing of our February 13, 1975 order in this docket. In said application, Arkla prays that we either (1) permit the filed rate to be effective, without suspension, as of January 1, 1975, or (2) reduce the suspension period to one day to permit Arkla to commence charging the new rate as of January 2, 1975, subject to refund.[4] The only reason given by Arkla in support of these alternative requests is that "Since the service only involves one customer and since the parties are not in dispute about the filed rate, • • • the public interest does not require that a formal hearing be conducted with regard to this matter." In this regard, Arkla states further that Reynolds concurs with the relief sought in its application, and supports Arkla's request that the filed rate be made effective without suspension.

That a given customer consents to a rate increase does not necessarily indicate that such increase is consistent with the public interest. Rather, as we have frequently stated, our determination of a just and reasonable rate is predicated on the cost of rendering the service in question plus a fair return on the investment required to render such service.[5] In the instant case, we determined from our review of Arkla's filing "• • • that the requested increase may be excessive or otherwise unlawful under the Natural Gas Act."[6] This finding is now being challenged on the sole basis that the only customer affected by the rate increase consents both to the rate and to the requested effective date. As pointed out above, this fact is not sufficient, in and of itself, to warrant any change in or modification of our order of February 13, 1975. Accordingly, Arkla's Application for Rehearing shall be denied.

*The Commission finds:* Arkla's Application for Rehearing filed on March 14, 1975, presents no facts or principles of law which would provide an appropriate basis for modification of the Commission's order of February 13, 1975.

*The Commission orders:* (A) Arkla's Application for Rehearing filed March 14, 1975, is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9972 Filed 4-16-75;8:45 am]

[Docket No. R175-121]

### ASHLAND OIL, INC.

### Petition for Special Relief

APRIL 10, 1975.

Take notice that on March 26, 1975, Ashland Oil, Inc., (Petitioner), P.O. Box 1503, Houston, Texas 77001, filed a petition for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations in Docket No. RI75-121, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 46 cents per Mcf plus 1 cent per Mcf per year escalation for the sale of gas to Arkansas Louisiana Gas Company under its FPC Gas Rate Schedule No. 160 from all wells, ten (10), in the Erick Field, Beckham County, Oklahoma, from which it gathers and compresses the gas prior to delivery to Arkansas Louisiana. Petitioner states that it cannot economically continue the

[1] By order issued February 27, 1975, the Commission denied Arkla's and Reynolds' applications for rehearing of the December 31, 1974, letter order.

[2] First Revised Sheet No. 5, superseding Original Sheet No. 5 of Arkla's FPC Gas Tariff, First Revised Volume No. 2.

[3] See § 154.22 of the Commission's regulations, 18 CFR 154.22.

[4] It is well settled that the length of the period of suspension is a matter within our discretion and is, moreover, immune from judicial review. *Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *F.P.C.*, 450 F. 2d 1341, 1348 (CADC, 1971), *cert. denied* 405 U.S. 989 (1972).

[5] See, for example, *Carolina Power and Light Company*, Docket No. E-8884, order issued August 26, 1974, mimeo at p. 4.

[6] *Arkansas Louisiana Gas Company*, Docket No. RP75-32, order issued February 13, 1975, mimeo at p. 3.



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present operation of collecting 13 cents per Mcf at 14.65 psia, and that an estimated 586 MMcf of natural gas will be lost to interstate commerce, and that it will have to abandon six of the ten wells connected to the Erick Field gathering system, unless relief is granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9973 Filed 4-16-75;8:45 am]

[Docket No. E-9358]

## BOSTON EDISON CO.

### Filing of Initial Rate Schedule

APRIL 10, 1975.

Take notice that on April 4, 1975, Boston Edison Company (Edison) tendered for filing as an initial rate schedule, six copies of an Agreement dated September 21, 1972, including its Exhibits A and B and its Amendment dated April 26, 1973, which provides for Montaup Electric Company's (Montaup) and New Bedford Gas and Edison Light Company's (New Bedford) support of those Edison 345 kV transmission facilities required for Canal Unit No. 2 in which unit Montaup and New Bedford are joint participants (Edison is not a participant). Said facilities consist of two segments: the first segment is located between Jordan Road, Plymouth and Edison's Holbrook Substation #478, and the second segment is located between Edison's West Walpole Substation #447 and Edison's West Medway Substation #446.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9974 Filed 4-16-75;8:45 am]

[Docket No. CI75-389; Docket No. CI75-391; Docket No. CI75-393]

## CALIFORNIA CO. ET AL.

### Extension of Procedural Dates

APRIL 10, 1975.

The California Company, a Division of Chevron Oil Company, Kerr-McGee Corporation, Phillips Petroleum Company.

On April 8, 1975, The California Company filed a motion to extend the procedural dates fixed by order issued March 17, 1975, as modified by notice issued March 31, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Testimony by all supporting parties, April 30, 1975.
Hearing, May 15, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9975 Filed 4-16-75;8:45 am]

[Docket No. E-9356]

## CENTRAL TELEPHONE & UTILITIES CORP.

### Filing of Service

APRIL 11, 1975.

Take notice that on April 3, 1975, the Central Telephone & Utilities Corporation (CTU), tendered for filing Service Schedule P to FPC Rate Schedule 33, Supplement No. 10. CTU states that the proposal tendered herein, which provides for rates and conditions covering such service to be rendered by CTU, Western Power Division, to Sunflower Electric Cooperative, Inc., (Sunflower), is identical to one filed by CTU on December 26, 1974. CTU proposes an effective period of July 1, 1975 through June 30, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9976 Filed 4-16-75;8:45 am]

[Docket No. E-9355]

## CENTRAL TELEPHONE AND UTILITIES CORP.

### Filing of Interconnection Contract

APRIL 11, 1975.

Take notice that on April 3, 1975, the Central Telephone and Utilities Corporation (CTU) tendered for filing on Interconnection Contract, dated December 17, 1974, beween CTU, Western Power Division, and the City of Attica, Kansas. CTU states that the proposal tendered herein is identical to one filed December 26, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9977 Filed 4-16-75;8:45 am]

[Docket No. CP75-281]

## COLORADO INTERSTATE GAS CO.

### Application

APRIL 10, 1975.

Take notice that on March 31, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-281 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange with and sale to Mountain Fuel Supply Company (Mountain Fuel) natural gas produced in the Natural Buttes Unit area of Utah, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a gas purchase agreement, dated June 20, 1974, between Applicant and Gas Producing Enterprises, Inc. (GPE), an affiliate, Applicant controls certain gas rights on approximately 88,500 acres in the Natural Buttes Unit area of Uintah County, Utah. Applicant asserts that the gas is presently being sold by GPE to Mountain Fuel under an intrastate contract which permits GPE to withdraw certain volumes of gas and certain undeveloped acreage from commitment to Mountain Fuel. The application indicates that Mountain Fuel and Applicant have entered into a gas purchase and exchange agreement, dated June 20, 1974, whereunder Mountain Fuel may purchase up to 25 percent of the Natural Buttes production from Applicant with a minimum entitlement of 80,000 Mcf per month through January 1, 1982. Applicant states that it will purchase all of the Natural Buttes gas production from GPE and will advance funds to GPE for a developmental drilling program. It is proposed that the volume so purchased





will be delivered by Applicant to Mountain Fuel on its existing Natural Buttes pipeline system and Mountain Fuel will deliver to Applicant volumes equivalent to the gas volumes not purchased by Mountain Fuel (exchange gas) at certain existing or future points of interconnection with Applicant's system. Applicant states that there is no charge to it in connection with the redelivery of exchange gas by Mountain Fuel.

Applicant states that it is in critical need of new gas supplies and that volumes of gas available to it from the Natural Buttes unit area are important to its efforts to meet future supply deficiencies. Since the Natural Buttes area is remote from its existing pipeline system, Applicant submits that, through the proposed exchange, Applicant will minimize the cost of adding the incremental volumes to its system.

Applicant states that the proposed exchange with Mountain Fuel will, except for new well connections, utilize existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9978 Filed 4-16-75;8:45 am]

[Docket No. CP75-279]

## COLORADO INTERSTATE GAS CO.

### Application

APRIL 10, 1975.

Take notice that on March 27, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-279 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct the facilities necessary for and to add a 750-horsepower compressor unit to its Table Rock Compressor Station in Sweetwater County, Wyoming, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the wellhead pressure decline in the Table Rock area necessitates a reduction in compressor suction pressure in order to maintain gathering system pressures consistent with current purchase obligations from year to year. The new compressor facilities will give the subject station a 1,330 horsepower capacity and a peak-day design capability for 1975–1976 of 50,000 Mcf, up from 36,300 Mcf.

Applicant further states that the total cost of the proposed facilities is expected to be $311,763, to be financed from working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Applicant anticipates that all of the proposed horsepower addition will eventually be required either by future declines in station suction pressure made necessary be decreases in Table Rock area wellhead pressures from current gas supplies or by the development of prospective new gas supplies in the Table Rock area. Exhibit H of the application indicates a decline in the annual gas balance from the Table Rock area from 14,081,000 Mcf for the 1974–1975 season to 11,548,000 Mcf for the 1977–1978 season and a corresponding peak day gas balance decline from 49,271 Mcf to 37,374 Mcf, with the proposed facilities in operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9979 Filed 4-16-75;8:45 am]

[Docket No. CP74-192]

## FLORIDA GAS TRANSMISSION CO.

### Availability of Staff Draft Environmental Impact Statement

APRIL 22, 1975.

Notice is hereby given in the above docket, that on April 22, 1975, as required by § 2.82(b) of Commission Order No. 415–C, a draft environmental statement prepared by the staff of the Federal Power Commission was made available for comments. This statement deals with an application by Florida Gas Transmission Company in Docket No. CP74–192 for certificate of public convenience and necessity under section 7(c) and 7(b) of the Natural Gas Act authorizing construction and operation of 51.2 miles of 30-inch natural gas looping pipeline at nine locations in the states of Louisiana, Mississippi, and Florida; 11.3 miles of 4-inch and 5.9 miles of 20-inch natural gas lateral pipeline at three locations in the Orlando, Florida area; relocation of 8,100 hp of compression to two existing compressor stations in Marion and Orange Counties, Florida and 3,165 hp to a new compressor station in Palm Beach County, Florida; a 3,000 gallon propane storage tank in Osceola County, Florida, and all other miscellaneous and related appurtenant facilities necessary for the completion of its 30-inch natural gas pipeline looping system.

In this application Florida Gas also proposes to retire from natural gas service that part of its 24-inch mainline gas system extending from the discharge side of Compressor Station 8 near Zachary, Louisiana eastward to Fort



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Lauderdale, Florida, and to convert this system to a petroleum products pipeline system. A total of 889 miles of pipeline would be retired from gas delivery service.

This statement has been circulated for comments to Federal, state and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its Regional Office located at 730 Peachtree Bldg., Room 500, Atlanta, Georgia 30308. Copies are available in limited quantities from the Federal Power Commission's office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before June 6, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9980 Filed 4-16-75;8:45 am]

[Docket No. E-8416]

## GULF STATES UTILITIES CO.

### Application

APRIL 11, 1975.

Take notice that on April 10, 1975, Gulf States Utilities Company (Applicant) filed an Application seeking Supplemental Authority pursuant to section 204 of the Federal Power Act to increase the amount of short-term unsecured promissory notes that may be outstanding at any one time from $125 million to $160 million. All notes are to bear final maturity dates of not later than December 31, 1975. All other terms and conditions of the Commission's Order in the above-entitled docket are to remain in full force and effect. Applicant represents that this action is necessary as a result of its cancellation of proposed offerings of 3,000,000 shares of common stock and $40 million of First Mortgage Bonds which had been scheduled for closing on April 10, 1975.

Applicant is incorporated under the laws of the State of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge, Louisiana and vicinity.

The net proceeds to be derived from the short-term borrowing will be used to provide working capital and funds for current corporate transactions.

Any person desiring to be heard or to make any protest with reference to said Application should on or before April 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9970 Filed 4-14-75;11:23 am]

[Docket No. RP70-6, et al.]

## LAWRENCEBURG GAS TRANSMISSION CORP.

### Report of Refunds

APRIL 10, 1975.

Take notice that on April 2, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) filed a Report of Refunds, pursuant to Article VI of its Stipulation and Agreement at Docket No. RP70-6, et. al., approved by Commission Order issued August 25, 1972. Lawrenceburg states that on March 31, 1975, it made gas refunds to its two jurisdictional wholesale customers, Lawrenceburg Gas Company, in the amount of $36,144.02, and The Cincinnati Gas & Electric Company, in the amount of $13,157.55, for a total refund of $49,301.57, applicable to the period April 1, 1974 through January 31, 1975.

Lawrenceburg states that its refund constitutes (1) a flow through of a refund it received from Texas Gas Transmission Corporation (Texas Gas) dated January 29, 1975, in the amount of $39,632.98, applicable to the period April 1, 1974 through November 30, 1974, and resulting from a settlement of Texas Gas' rate proceeding at Docket No. RP74-25; (2) the effect of a two (2) month delay, resulting from Lawrenceburg's inability to adjust its December 1, 1974 rates in a timely manner to track the reduction initiated by Texas Gas when it began billing its customers at the Docket No. RP74-25 settlement rates, beginning December 1, 1974. This latter portion of Lawrenceburg's refund is applicable to the period December 1, 1974 through January 31, 1975 and is in the amount of $9,668.60.

Lawrenceburg states that a copy of its refund report has been mailed to its two jurisdictional customers and to the two interested State Commissions for the States of Ohio and Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene (unless such intervention has previously been granted) or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9981 Filed 4-16-75;8:45 am]

[Docket No. E-9063]

## MISSOURI POWER & LIGHT CO.

### Accepting Revised Fuel Clause for Filing and Terminating Further Proceedings

APRIL 11, 1975.

On October 15, 1974, as completed on November 20, 1974, Missouri Power & Light Company (MP&L) tendered for filing a supplemental agreement for wholesale service to the City of Centralia, Missouri (Centralia).[1] The proposed Municipal Electric Service Wholesale Rate (MESWR) allegedly resulted in additional revenue of $33,376 based upon sales for the 12 months ended August 31, 1975.

Upon review of the filing this Commission found that the fuel clause proposed therein provided for losses on a system basis rather than on a wholesale basis, and that implementation of the fuel clause as proposed may have resulted in excessive revenues. Therefore, by Order dated December 31, 1974, this Commission accepted MP&L's proposal for filing, suspended its effective date for one day until January 2, 1975 (subject to refund), and provided for the filing of a revised fuel adjustment clause. Upon receipt of a substitute fuel clause providing for losses on a wholesale basis or a fuel clause conforming to Order No. 517, the aforementioned Order provided that the substitute fuel clause would be made effective as of January 3, 1975. A hearing date and accompanying procedural dates were set in the event a substitute fuel clause was not tendered.

On January 23, 1975, (noticed on January 30, 1975) and again on March 10, 1975, and March 13, 1975, (noticed on March 27, 1975) MP&L submitted revisions and explanations of its fuel clause. The most current fuel adjustment clause provides for a monthly adjustment for any upward or downward change in the cost of fuel from a base cost of $.00413/kwh, and is based on the actual fuel cost for the test year ended February 28, 1974, which was approximately 38 cents per million BTU as compared to a 36 cents per million base fuel cost used in the original filing.

Upon review of this last prepared fuel adjustment clause we find it to conform to § 35.14 of the Commission's regulations as amended by Order No. 517. We will therefore accept the revised fuel clause for filing and terminate further proceedings in this docket.

[1] See Attachment for designation.





*The Commission finds:* (1) Good cause exists to accept MP&L's revised fuel adjustment clause to become effective on January 3, 1975, pursuant to the Order dated December 31, 1974 in this docket.

(2) Good cause exists to lift the suspension as to MP&L's filing in this docket and to order interim refunds as required, and to terminate MP&L's refund obligation herein.

*The Commission orders:* (A) MP&L's revised fuel clause is accepted for filing to become effective as of January 2, 1975.

(B) The suspension of MP&L's filing is lifted and MP&L's refund obligation with respect to its filing shall be terminated.

(C) Within 30 days of the issuance of this order, MP&L shall pay to its customers the refund monies plus accumulated interest associated with the excess charges collected under the suspended fuel clause.

(D) The procedural dates scheduled in this docket are hereby terminated.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

MISSOURI POWER & LIGHT COMPANY—DOCKET NO. E-9063

**Dated: (1) August 20, 1974, (2) Undated**
**Filed: December 2, 1974**
**Effective: January 3, 1975**
**Other Party: City of Centralia, Missouri**

| *Designation* | *Description* |
|---|---|
| (1) Rate schedule FPC No. 45 (supersedes rate schedule FPC No. 35). | Electric service agreement. Rate—MESWR. |
| (2) Supplement No. 1 to rate schedule FPC No. 45. | |

[FR Doc.75-9982 Filed 4-16-75;8:45 am]

[Docket No. CP75-284]

## NATIONAL FUEL GAS SUPPLY CORP.

### Application

APRIL 10, 1975.

Take notice that on March 31, 1975, National Fuel Gas Supply Corporation (Applicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP75-284 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during a one-year period and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that the total cost of the proposed facilities will not exceed $2,665,000, with no single project to exceed 25 percent of said total authorization. Applicant states that the proposed facilities will be financed out of funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9983 Filed 4-16-75;8:45 am]

[Docket No. CP75-280]

## NORTHERN NATURAL GAS CO.

### Application

APRIL 10, 1975.

Take notice that on March 31, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP75-280 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor facilities in Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate one 2,200 horsepower compressor addition to its existing Hobbs Gathering Compressor Station No. 2 and three 2,200 horsepower compressor units and 4.6 miles of 16-inch pipeline at the new Hobbs Gathering Compressor Station No. 5 all located in Lea County.

The application indicates that the total estimated cost of the proposed facilities is $5,492,000, which cost will be financed from cash on hand.

Applicant states that the proposed facilities are required to offset the natural decline of reservoir pressures in certain subsystems of its Lea County gas gathering system and are necessary to enable Applicant to receive the gas volumes committed to it for use in meeting its firm delivery commitments.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9984 Filed 4-16-75;8:45 am]

[Docket No. E-8888]

## OHIO ELECTRIC CO.

### Further Extension of Procedural Dates

APRIL 10, 1975.

On April 8, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 16, 1974, as most recently modified by notice issued March 14, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.



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Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's and intervenor's testimony, April 25, 1975.

Service of company rebuttal, May 2, 1975.

Hearing (unchanged), May 6, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9985 Filed 4-16-75;8:45 am]

[Docket No. E-9354]

## OKLAHOMA GAS AND ELECTRIC CO.

### Superseding Contract Filing

APRIL 11, 1975.

Take notice that on April 3, 1975 Oklahoma Gas and Electric Company (OG&E) tendered for filing a new contract intended to supersede OG&E's Rate Schedule FPC No. 84. This contract is the contract between OG&E and the City of Perry, Oklahoma. The new contract provides for an increased term of years and a new delivery point. The proposed effective date is April 19, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9986 Filed 4-16-75;8:45 am]

[Docket No. E-9369]

## PACIFIC POWER AND LIGHT CO.

### Tariff Change

APRIL 10, 1975.

Take notice that Pacific Power and Light Company (Pacific), on March 24, 1975, tendered for filing a tariff change in its FPC Electric Tariff, Original Volume No. 1, which according to Pacific adds three additional purchasers to Original Sheet No. 3 of said tariff, Index of Purchasers Executing Service Agreements, who have executed the Form of Service Agreement as provided in Original Sheet No. 2 of said tariff since the acceptance of filing of said tariff, according to Pacific, by the Federal Power Commission. Pacific states that the subject index includes the following additional three utilities:

| Purchaser | Date of execution | Date of initial service |
|---|---|---|
| City of Glendale, Calif. | Dec. 21, 1973 | Dec. 21, 1973 |
| Pacific Gas & Electric Co. | Nov. 30, 1973 | Dec. 6, 1973 |
| San Diego Gas & Electric Co. | Mar. 11, 1974 | Mar. 25, 1974 |

Pacific states that no change in rates is made by this filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9987 Filed 4-16-75;8:45 am]

[Docket No. E-9368]

## PACIFIC POWER AND LIGHT CO.

### Tariff Change

APRIL 10, 1975.

Take notice that Pacific Power & Light Company (Pacific) on March 24, 1975, tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, a tariff change providing for provisional delivery of surplus energy to the City of Pasadena, City of Burbank, City of Glendale, Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company. Pacific states that the letter agreements with those utilities provide that provisional energy sales made under Pacific's FPC Electric Tariff, Original Volume No. 1 may be requested to be returned under certain conditions.

Pacific states that a copy of these agreements has been provided to the Public Utilities Commissioner of the State of California.

Pacific states that there is no change in Pacific's tariff rates by this filing and that no estimate of quantities of energy to be delivered or revenues to be derived therefrom can be made. Pacific states that no provisional sales made in 1973 and 1974 were requested to be returned.

Pacific requests waiver of the Commission's notice requirements to permit the rate schedule to become effective on December 18, 1973, for the City of Pasadena and City of Burbank, December 19, 1973, for the City of Glendale, December 21, 1973, for Pacific Gas and Electric Company, January 17, 1974, for Southern California Edison Company, and March 8, 1974, for San Diego Gas & Electric Company, which it claims are the dates of commencement of service to each utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9988 Filed 4-16-75;8:45 am]

[Docket No. RP71-119; Docket No. RP74-31-25]

## PANHANDLE EASTERN PIPE LINE CO.

### Clarifying Order Granting Conditional Temporary Extraordinary Relief

APRIL 11, 1975.

On March 4, 1975, Panhandle Eastern Pipe Line Company (Panhandle) filed a Petition for Clarification of the Commission's Order Granting Conditional Temporary Extraordinary Relief to Okie Pipe Line Company (Okie) issued on February 3, 1975, in the above-styled proceeding. The aforementioned order also set the matter for formal hearing and established procedures. The clarification sought by Panhandle relates to the conditional temporary relief afforded to Okie pending final determination.

The ambiguity alleged to exist in the order arises over whether or not Okie is to be afforded the full requirements of its standby natural gas engines in the interim period, pendente lite, or only such requirements when it is in fact experiencing a failure of its primary electric pumps due to a power interruption. Panhandle further asserts that it might be maintained "from the Commission's ordering paragraph alone that Panhandle is delivering Priority 2 volumes to Okie each month." (Emphasis added).

The basic determination on Okie's request was set forth in the body of our order where we stated (Mimeo. p. 2)

Okie should not be afforded the relief it seeks, pendente lite, for an exemption from curtailment to meet the full requirements of its standby natural gas powered engine that is used in the event of failure of primary electric pumps. The volumes requested for this purpose should be made available to Okie by Panhandle prior to a final determination





of this proceeding only in the event that Okie loses the operation of its electric pumps due to a power interruption and this relief should be afforded only during the period of such power interruption.

Thereafter, we granted relief to effectuate that determination (mimeo, p. 3):

(A) The petition for extraordinary relief filed by Okie Pipe Line Company is granted to the extent indicated above, on a temporary basis, pending notice and hearing.

(B) The grant of temporary relief in ordering paragraph (A) is conditioned as follows:

(2) Okie Pipe Line Company's usage of the gas granted hereunder for space heating shall be considered as Category 1 and shall be subject to curtailment along with other Category 1 requirements. All other usage shall be considered as being in Category 2.

In summary, relief for the space heating (residential) requirements afforded on a temporary basis under the provisions of the aforementioned order are to be regarded as being within Category No. 1. All other uses were temporarily placed in Category No. 2 during periods of electric power outages regardless of the priority classification that those uses were placed in by Panhandle prior to issuance of our order of February 3, 1975.

*The Commission orders:* (A) To the extent not therein stated, ordering paragraphs (A) and (B) (2) of our order of February 3, 1975, is hereby clarified to meet the intent of that order as expressed in the body of this order.

(B) In all other respects, our order of February 3, 1975, remains in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9989 Filed 4-16-75;8:45 am]

[Docket No. CI75-571]

## PHILLIPS PETROLEUM CO.

### Application

APRIL 10, 1975.

Take notice that on March 24, 1975, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI75-571 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from its interest in State Lease No. 1999, Well No. 22, Breton Sound Block 28, Plaquemines Parish, Louisiana, all as more fully set forth in the application in this proceeding.

Applicant states it commenced the sale of natural gas on March 11, 1975, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 C.F.R. 157.29) and proposes to continue said sale for one year from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 C.F.R. 2.70). Applicant proposes to sell approximately 4,500 Mcf of natural gas per month to Southern at 63.63 cents per Mcf at 14.73 psia, including 6.86 cents per Mcf for taxes, 5.27 cents per Mcf upward Btu adjustment, and 0.5 cent per Mcf for gathering. Applicant states that Well No. 22 is an exploratory well producing into existing field facilities which are not suited for long-term production and the well has commenced producing, salt water raising some question as to its productive life.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9990 Filed 4-16-75;8:45 am]

[Docket No. E-9348]

## PUBLIC SERVICE CO. OF NEW HAMPSHIRE

### Filing of Agreement

APRIL 10, 1975.

Take notice that Public Service Company of New Hampshire (PSNH) on March 31, 1975, tendered for filing as an initial rate schedule a Transmission Contract with Central Maine Power Company (the Buyer).

Under the Contract, PSNH will transmit through its system entitlements of power which the Buyer is purchasing from (1) New England Power Company, (2) Vermont Electric Power Company, Inc., and (3) The Connecticut Light and Power Company and Western Massachusetts Electric Company.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of March 1, 1975.

According to PSNH, a copy of the filing was served upon Central Maine Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9991 Filed 4-16-75;8:45 am]

[Docket No. E-9357]

## PUBLIC SERVICE ELECTRIC AND GAS CO.

### New Purchase Agreement and Filing of Certificate of Concurrence

APRIL 11, 1975.

Take notice that Public Service Electric and Gas Company (PS), on April 4, 1975, tendered for filing a proposed new purchase Agreement dated December 30, 1974 between PS and the Luzerne Electric Division of UGI Corporation (UGI), for the sale of a portion of the capacity and energy of one of its generating units to UGI. PS states that the proposed Agreement would provide PS with approximately $2,473,280 in revenue during the 12 month period ending May 31, 1976.

PS states that the reason for this filing is to provide UGI with 25 megawatts of firm generating capacity, during the first 12 month period of the Agreement, and 40 megawatts of capacity during the second 12 month period, terminating on May 31, 1977.

PS requests that the instant filing be permitted to become effective on June 1, 1975.

PS included with its filing a Certificate of Concurrence executed by UGI Corporation on December 30, 1974 assenting to and concurring with the abovementioned Agreement.

PS states that a copy of this filing has been sent to UGI and to the Board of Public Utility Commissioners of the State of New Jersey.

Any person desiring to be heard or to protest said application shall file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426,



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in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 75-9992 Filed 4-16-75; 8:45 am]

[Docket No. E-9230]

## SOUTHERN CALIFORNIA EDISON CO.

### Accepting Proposed Agreement for Filing, Granting Intervention, and Terminating Further Proceedings

APRIL 11, 1975.

On January 27, 1975, Southern California Edison Company (Edison) tendered for filing a September 30, 1969 Interim Arrangement for Interconnected Operations (Navajo Interconnection Principles), and a September 13, 1974 Amendment No. 1 to the Navajo Interconnection Principles between the United States of America, Arizona Public Service Company, Department of Water and Power of the City of Los Angeles, Nevada Power Company, Salt River Project Agricultural Improvement and Power District, Tucson Gas & Electric Company and Edison. Included in the filing was a request for a waiver of the notice requirements of the Commission's rules and regulations to allow an effective date of June 1, 1973.

Concurrences with this filing were received from the Nevada Power Company (January 30, 1975—noticed February 6, 1975), the Arizona Public Service Company (January 30, 1975—noticed February 28, 1975), and the Tucson Gas & Electric Company (March 10, 1975—noticed March 18, 1975), thus rendering Edison's filing complete as of March 10, 1975.

On February 13, 1975 the cities of Anaheim, Riverside, and Banning, California (Cities) submitted for filing a Petition to Intervene. Cities stated that they are presently full requirements customers of Edison and are now in the process of negotiating rates, terms, and conditions for partial requirements service. Furthermore, Cities stated that they have a suit filed against the United States Department of the Interior in an effort to obtain, under the preference laws of the United States, a share of the power Edison is currently purchasing from the Interior Department's share of the Navajo Project generation. Depending upon the outcome of that suit and the negotiations noted above, Cities alleges that it may be necessary and appropriate for them to be included as participants in the proposed agreements. Cities therefore propose a delay of further proceedings in this case for a period of 60 days in order to give Cities an opportunity to analyze the instant filing in detail.

Edison filed an Answer to Cities' petition on February 28, 1975. Edison stated that the provisions of the agreement contemplate that the parties have generating resources other than entitlements to or layoffs from the Navajo Project, and argued that the Cities' interests, as utilities which may have contingent interests in the Navajo Project power generation or may acquire other generating resources, are so remote that no public interest can be identified which would justify their participation in the instant proceedings.

Upon review it appears that, although participation by Cities in these proceedings may be in the public interest and good cause exists for permitting such intervention, Cities have not raised an objection which would justify further delay or investigation of these proceedings. Furthermore, we find that good cause has been shown to accept the instant proposal for filing and to permit the requested waiver and allow the filing to become effective June 1, 1973. We would note, however, that should Cities prevail in the abovementioned suit, our action herein is without prejudice to Cities' right to resubmit evidence of their interest in the proposed agreement and their objections thereto. We would, at that time, re-evaluate Cities' participation as a party to this agreement and initiate any further investigations deemed necessary.

*The Commission finds:* (1) Participation by Cities in these proceedings may be in the public interest and good cause exists for permitting such intervention.

(2) Good cause exists to deny Cities' request for a delay.

(3) Good cause exists to accept Edison's proposal for filing.

(4) Good cause exists to grant Edison's request for waiver of the notice requirements of the Commission's regulations.

*The Commission orders:* (A) The above named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene; *Provided, however,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The proposal filed by Edison in this docket on January 27, 1975 is hereby accepted for filing and further proceedings terminated.

(C) Edison's requested waiver of the notice requirements of the Commission's Regulations is hereby granted, permitting the filing accepted herein to become effective June 1, 1973.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9993 Filed 4-16-75;8:45 am]

[Docket No. CI75-553]

## TEXACO INC.

### Date for Hearing

APRIL 11, 1975.

On March 17, 1975, Texaco Inc. (Applicant), P.O. Box 430, Bellaire, Texas 77401, filed in Docket No. CI75-553 an application pursuant to sections 4 and 7 of the Natural Gas Act,[1] and § 2.75[2] of the Commission's General Policy and Interpretations, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce by applicant to United Gas Pipe Line Company (United) from the High Island Block 119 Field, offshore Texas.

The sale from this field is proposed to be made pursuant to a contract dated March 13, 1975, between applicant and United for a term of 10 years at a price of $1.18 per Mcf with annual 2¢ escalations. The area rate clause contained in the contract will be waived if certification is granted.

Notice of Texaco's application was issued April 1, 1975, and published in the FEDERAL REGISTER on April —, 1975 (40 FR ——). The closing date for filing protests or petitions to intervene is April 18, 1975.

After analysis of the application, contract, and all material and data submitted or incorporated by reference therewith, the Commission has deemed it necessary that this matter be set for hearing to determine all issues raised by the filing of the application.

*The Commission orders:* (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 C.F.R., Chapter I) Docket No. CI75-553 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on May 21, 1975, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

[1] 15 U.S.C. section 717, *et seq.*

[2] 18 CFR § 2.75.

[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, 48 F.P.C. 218 (issued August 3, 1972).





(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Texaco and any party permitted to intervene herein supporting the application shall file their direct testimony and evidence on or before April 25, 1975. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff and any party permitted to intervene herein opposing the application, shall file their direct testimony and evidence, if any, on a date to be fixed by further order of the Commission. All testimony and evidence shall be served upon the Presiding Judge and all other parties to this proceeding.

(F) All rebuttal testimony and evidence, if any, shall be served on a date to be fixed by further order of the Commission. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff and all other parties to this proceeding.

(G) The Gas Purchase contract between Texaco, Inc. and United dated March 13, 1975, is accepted for filing as of the date of initial delivery and designated as Texaco's F.P.C. Gas Rate Schedule No. 514.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9994 Filed 4-16-75;8:45 am]

[Docket No. CP75-282]

## TEXAS EASTERN TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

### Application

APRIL 10, 1975.

Take notice that on March 31, 1975, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct an interconnection between their systems in Nueces County, Texas, in order to implement an exchange agreement between the parties dated February 6, 1975, whereby Texas Eastern will cause to be delivered to Transco for Texas Eastern's account at the tailgate of the Luby Gasoline Plant in Nueces County, up to 8,000 Mcf of natural gas per day which Texas Eastern has committed to it by Texaco Inc. Transco will redeliver an equal volume of natural gas per day to Texas Eastern at the proposed Nueces County delivery point or at any mutually agreeable existing authorized interconnection between the two companies. Applicants state that their February 6, 1975, agreement amends an existing exchange agreement between Texas Eastern and Transco which provides for deliveries of gas previously authorized in Docket Nos. G-4610, CP73-60 and CP74-224 and now a part of Texas Eastern's FPC Gas Tariff, Original Volumes No. 2, Rate Schedule X-14 and Transco's FPC Gas Tariff, Original Volume No. 2, Rate Schedule X-4. Applicants state that the additional facilities proposed are estimated to cost $49,050.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9995 Filed 4-16-75;8:45 am]

[Docket No. CP75-275; Docket No. CP75-276]

## TEXAS GAS TRANSMISSION CORP. AND TENNESSEE GAS PIPELINE CO.

### Applications

APRIL 10, 1975.

Take notice that on March 21, 1975, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP75-275, and that on March 24, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-276 applications pursuant to section 7 (c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the transportation of natural gas in interstate commerce in order to enable Public Service Electric and Gas Company (Public Service) a New Jersey gas distributor, to obtain for its system volumes of natural gas to be purchased by Public Service from its producing affiliate, Energy Development Corporation (EDC), from the North Parc Perdue Field, Vermilion and Lafayette Parishes, Louisiana, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Texas Gas seeks authority to transport on a best-efforts basis, up to 15,000 Mcf per day from EDC's company-owned production and EDC's working interest owners' production located in the subject field to the tailgate of the Shell Oil Company Gasoline Plant near Chalkley, Cameron Parish, Louisiana, for further transportation by Tennessee. Tennessee proposes to then transport the subject gas, whenever in its sole opinion its operating conditions permit, to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Public Service at Tennessee's existing Rivervale Sales Meter Station in Bergen County, New Jersey.

EDC is to pay Texas Gas for the subject service 2.05 cents per Mcf for gas transported. Public Service will pay Tennessee 38.28 cents per Mcf for the actual volumes transported and delivered.

Both pipeline companies state that no new or additional facilities are required to render the transportation service proposed herein.

It is stated that Public Service needs the subject gas because of its potential inability to continue to meet existing customer requirements and that Public Service has initiated a variety of supplemental gas supply programs including the development of production by its affiliate EDC.

EDC intends to purchase the share of gas owned in the subject field by its partner in the drilling interests in said field in accordance with the terms and conditions of EDC's joint venture exploration agreement with said partner. EDC's interest in the field ranges from 15 to 25 percent of the interest in each well, it is said. It is further said that EDC has a call on 30 to 50 percent of gas production. EDC will purchase gas from its partner at the national rate prescribed in § 2.56a of the Commission's General Policy and Interpretations and sell 100 percent of the production it controls in the field to Public Service at the same rate. There is further indication that all the production from the North Parc Perdue Field is being consumed in intrastate commerce under long term contracts but that the gas that EDC controls is being sold intrastate on a short-term basis. According to Public Service, had EDC not committed substantial risk capital to its



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exploration program, all the developed gas reserves in the subject field would have been dedicated to the intrastate market.

EDC has further agreed to sell to Tennessee a quantity of gas equal to 9 percent of that quantity which Tennessee will transport in order to compensate for compression fuel usage and line loss attributed to the proposed transportation service.

The gas purchase contract between EDC and Public Service states that should the volume of gas made available from EDC's interest in the subject field exceed the quantity of gas capable of being transported to Public Service's market, EDC has the right to dispose separately of the excess gas not available for transportation.

The contract between EDC and Texas Gas provides that Texas Gas will attempt to accommodate volumes in excess of EDC's contract demand but that Texas Gas may vent such excess when such excess would prevent Texas Gas from transporting its own gas or gas of others or jeopardize the safety of Texas Gas' operations and/or its ability to meet its contract commitments to others.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearings.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9996 Filed 4-16-75;8:45 am]

[Docket No. CP75-277]

## TRANSWESTERN PIPELINE CO.

### Application

APRIL 10, 1975.

Take notice that on March 25, 1975, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-277 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of facilities which are being used for the direct sale of natural gas to right of way grantors of Applicant in Deaf Smith, Carson, Randall, Potter, Castro, Gray, Pecos, Hansford, Sherman, Hutchinson, Roberts, Lipscomb and Ochiltree Counties, Texas, and Roosevelt, Chaves, and Eddy Counties, New Mexico, and Cimmaron County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it delivers natural gas directly from its high pressure transmission lines to 50 customers primarily for agricultural and irrigation pumping purposes on its 24-inch Pampa to Roswell lateral, its West Texas lateral, its Cactus lateral and its Canadian lateral. The total cost of constructing the subject facilities was $38,178, according to Applicant. Applicant further states that it is only now applying for a certificate because of the Commission's order issued in Docket No. CP75-17 on October 17, 1974, which found that similar facilities which Applicant was proposing to construct are subject to the Commission's jurisdiction.

Applicant explains that current contracts with the customers provide for a rate of 31.0 cents per Mcf at 14.73 psia and for a 200 Mcf per day delivery obligation, but that Applicant intends to renegotiate the contracts so that each of these customers would pay a rate equal to the rate in effect under Applicant's FPC Gas Rate Schedule RW-1, which the Commission has approved for the identical type of right-of-way sales where the tap and customer is located in a local distributor's service area and gas is resold to the right-of-way customer by such distributor. Applicant states that in 1974 it sold 311,479 Mcf of gas to these customers and that it is of the opinion that future requirements of these customers will remain in the same order of magnitude.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9997 Filed 4-16-75;8:45 am]

[Docket No. E-9351]

## DEPARTMENT OF THE INTERIOR AND SOUTHEASTERN POWER ADMINISTRATION

### Request for Approval of Temporary Rates and Charges

APRIL 11, 1975.

Notice is hereby given that on March 28, 1975, the Secretary of the Interior, acting on behalf of the Southeastern Power Administration (SEPA) and pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission a request for confirmation and approval of proposed Temporary Wholesale Power Rate Schedule WP-JB-1 for the sale by SEPA of power produced at the West Point and Jones Bluff Projects, in Georgia and Alabama. The proposed rate schedule applies to capacity and accompanying energy generated during an interim period at the West Point and Jones Bluff projects prior to the date of full commercial operation of all units at both projects. SEPA requests Commission approval thereof for the period from April 1, 1975, through June 30, 1975.

Under the proposed rates, capacity made available will be sold at $0.90 per kilowatt per calendar month. The number of kilowatts for any month to which the capacity charge applies is the average of the kilowatts declared available on a daily basis of SEPA for scheduling by the customer. Energy generated from water released through the turbines at the project with the machine capability available and usable, including test and minimum release energy, will be sold at 3.25 mills per kilowatt-hour.

The application and the proposed rate schedule are on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions upon this application may write to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All comments or suggestions should be filed in writing on or before April 25, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9998 Filed 4-16-75;8:45 am]





[Dockets Nos. RP73-94, G-19618, CP63-270, CP65-123, RP73-94, CP63-247, CP65-93, CP75-53]

## VALLEY GAS TRANSMISSION, INC., AND TENNESSEE GAS PIPELINE CO.

### Applications

APRIL 11, 1975.

Take notice that on March 21, 1975, Valley Gas Transmission, Inc. (Valley), P.O. Box 1188, Houston, Texas 77001, and on March 24, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in various dockets, as outlined below, submittals pursuant to section 7 of the Natural Gas Act to implement the 1975 Stipulation and Agreement of Settlement (1975 Agreement) entered into by Valley, Tennessee, National Fuel Gas Supply Corporation (NFG) and HNG Fossil Fuels Company (Fossil Fuels) in an effort to settle a controversy among certain of those parties, the subject of the proceeding in Docket No. RP73-94,[1] all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Tennessee is authorized by Commission orders in Docket Nos. CP63-247 (29 FPC 1000) and CP75-93 (33 FPC 617) to transport for NFG up to 34,810 Mcf of gas per day[2] which gas is purchased by NFG from Valley pursuant to Commission orders in Docket Nos. CP63-270 (30 FPC 349) and CP65-123 (33 FPC 617). On November 16, 1973, Valley filed in Docket No. RP73-94 a proposed rate increase for sales to its pipeline customers which proposal gave rise to a controversy with respect to the possibility of the transfer of a portion of a segregated gas supply from one customer of Valley (HNG) to another (Tennessee).[3] In order to provide for a continued supply of gas to NFG and to settle the controversy among Valley, NFG and Tennessee, those parties along with Fossil Fuels entered into a settlement agreement dated July 8, 1974 (1974 Agreement). Subsequently thereto, the parties entered into a new settlement agreement, the 1975 Agreement, dated March 6, 1975.

Pursuant to the 1974 Agreement, Tennessee had requested by application filed August 23, 1974, in Docket Nos. CP63-247 and CP65-93 authorization to abandon the transportation of 34,810 Mcf of gas per day for NFG. In lieu of said service Tennessee had also requested by application filed August 23, 1974, in Docket No. CP75-53 authorization to sell and deliver to NFG a contracted demand of 34,810 Mcf of gas per day. Also pursuant to the 1974 Agreement, Valley had sought authorization to abandon its sales to NFG in Docket Nos. CP63-270 and CP65-123, and had sought authorization to commit to Tennessee reserves to back up Tennessee's sale to NFG in Docket No. CP75-53. The filings submitted by Tennessee and Valley in support of the 1974 Agreement have been withdrawn in order to implement instead the 1975 Agreement.

According to Applicants, the 1975 Agreement provides, *inter alia*, that 1) all the reserves from the disputed Luby and Pretronilla Fields were dedicated, *ab initio*, to NFG; 2) the existing sales contract that is the basis of Valley's sale to NFG certificated in Docket No. CP63-270 will be terminated; 3) the sales contract that is the basis of the certificated sale between Valley and NFG in Docket No. CP65-123 will be amended thereby entitling NFG to all the gas produced from the dedicated reserves until depletion; 4) Valley will cause its affiliated company, Fossil Fuels, to contract to sell to NFG all of Fossil Fuels' interest in gas reserves located in Block A-612, West Cameron, offshore Louisiana, and Blocks A-330, A-349, A-562, A-563, A-564 and A-582, High Island, offshore Texas; 5) Tennessee and NFG will amend their existing transportation contract to provide for transportation and delivery of up to 14,919 Mcf of gas per day and for an initial termination date of that contract of October 15, 1983; and 6) Tennessee will sell and deliver to NFG 9,946 Mcf of gas per day for an estimated period of eight years until a total of 29.04 million Mcf of gas has been sold or accounted for, which volume is subject to reduction when the total volume sold by Valley to NFG exceeds 34,810 Mcf per day averaged over three months, and is subject to reduction by reason of curtailments on Tennessee's system.

Accordingly, Tennessee withdraws its application of August 23, 1974, in Docket No. CP75-53 and in that docket now requests authorization to sell to NFG 9,946 Mcf of gas per day. Tennessee also withdraws its applications of August 23, 1974, in Docket Nos. CP63-247 and CP65-93 and submits instead a request for an amendment to the orders issuing certificates in those dockets to reduce total contract demand from 34,810 to 14,919 Mcf of gas per day. In addition, Valley withdraws its applications filed August 13, 1974, in Docket Nos. G-19618, CP63-270 and CP65-123. In Docket No. CP63-270 Valley seeks Commission permission and approval to abandon the sales to NFG presently authorized in that docket (24,864 Mcf of gas per day). In Docket No. CP65-123 Valley files a request for an amendment to the order issuing a certificate in that docket on March 24, 1965 (33 FPC 617), to consolidate under the terms of one sales contract and one certificated sale all the production dedicated by Valley to NFG from acreage in Jackson and Cameron Parishes, Louisiana, and Hardin, Colorado, Duval and Nueces Counties, Texas.

The instant applications indicate that implementation of the 1975 Agreement and authorization of the underlying certificate applications will serve the public interest because it will end the dispute among Valley, NFG and Tennessee over the dedication of certain reserves with a solution agreeable to all three parties and it will give Valley an opportunity to remain a viable natural gas company.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed protests, petitions to intervene or notices of intervention in the consolidated proceeding in Docket No. RP73-94, et al., need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-9999 Filed 4-16-75;8:45 am]

[1] By order issued December 27, 1974, the Commission consolidated the proceedings in the several subject dockets in Docket No. RP73-94.

[2] All volumes are stated at 14.73 psia.

[3] See "Order Accepting for Filing and Suspending PGA Rate Filing, Providing for Hearing Procedures and Granting a Waiver of Notice Requirements," issued January 11, 1974, in Docket No. RP73-94.

[Docket No. CI75-438; Docket No. CI75-540]

## COLEVE[1] ET AL.[2]

### Consolidating Proceedings and Setting Date for Hearing

APRIL 11, 1975.

The above-named Applicants have each filed its respective application pursuant to section 7(c) of the Natural Gas Act,[3] and § 2.75[4] of the Commission's general policy and interpretations for certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On January 27, 1975, Coleve, a joint venture composed of Columbia Gas Development Corporation (Columbia Development) and Energy Ventures, Inc.

[1] A joint venture composed of Columbia Gas Development Corporation and Energy Ventures, Inc.

[2] A joint venture composed of Forest Oil Corporation and Columbia Gas Development Corporation; and Forest Oil Corporation, acting in its individual capacity.

[3] 15 U.S.C. § 717, et seq. (1970).

[4] 18 CFR 2.75.



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(Energy) filed in Docket No. CI75–438 an application for a certificate of public convenience and necessity authorizing the sale of natural gas to Columbia Gas Transmission Corporation (Columbia Transmission) an affiliate of Columbia Development, pursuant to the optional certification procedure.[4] The subject gas would be delivered to Columbia Transmission from certain acreage in the Federal Domain offshore Louisiana, specifically from Blocks 642, 531, 479, 485 and the North half of Block 507, West Cameron Area; Blocks 370 and 371, East Cameron Area; and Block 267, South Marsh Island Area at an initial rate of $1.44 per Mcf at 15.025 psia, plus 2.0 cents per Mcf annual escalation. Coleve states that this application covers estimated proved, probable and possible gas reserves totalling 345 billion cubic feet. Notice of the application was issued February 14, 1975 and was published in the FEDERAL REGISTER at 40 FR 7707 on February 21, 1975.

Petitions to intervene in Docket No. CI75–438 were filed by the Associated Gas Distributors, Columbia Gas Transmission Corporation and Texaco Inc. The Public Service Commission of the State of New York filed a notice of intervention.[5]

On March 13, 1975, Forest Drilling Venture (Venture) a joint venture composed of Forest Oil Corporation and Columbia Development; and Forest Oil Corporation (Forest Oil) acting in its individual capacity, filed in Docket No. CI75–540 an application for a certificate of public convenience and necessity. This application seeks authorization for Venture and Forest Oil to sell natural gas to Columbia Transmission under a Gas Purchase and Sales Agreement dated March 7, 1975, from the same acreage as that in Docket No. CI75–438, at the initial rate of $1.52 per Mcf at 15.025 psia, plus 2.0 cents per Mcf annual escalation. Venture and Forest Oil state that this application covers estimated proved probable and possible gas reserves totalling 115 billion cubic feet.

Venture was formed by an agreement dated December 11, 1972, between Columbia Development, which owns 12.5 percent of the joint venture and Forest Oil Corporation, which owns approximately 87.5 percent of the joint venture.

A notice was issued on March 25, 1975, in Docket No. CI75–540, and was published in the FEDERAL REGISTER at 40 FR 14645 on April 1, 1975, setting April 14, 1975, as the deadline for the filing of all protests or petitions to intervene.

[4] See: Order issued on March 7, 1975, in Docket No. CI75–438.

[5] Such Petitions for leave to intervene were granted by our order of March 7, 1975, which also set Coleve for hearing and fixed other procedural dates. Our order herein shall supersede that order.

The Commission finds that a hearing is necessary to determine, on the record, whether the present and future public convenience and necessity will be served by authorizing this sale.

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certification is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearing and disposition. Those parties in Docket No. CI75–438 who have been permitted to intervene by the order of March 7, 1975, need not seek leave to intervene in Docket No. CI75–540 but will be deemed to be parties therein.

*The Commission finds:* It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and decision, and the order of March 7, 1975, be amended as hereinafter provided.

*The Commission orders:* (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I) Docket Nos. CI75–438 and CI75–540 are consolidated for the purpose of hearing and disposition.

(B) The order of March 7, 1975, is amended to provide that a public hearing on the issues presented by the proposals of the applicants herein shall be held commencing May 19, 1975, at 10 A.M., (E.D.T.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before April 18, 1975. All such testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on a date to be fixed by further order of the Commission. All such testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(F) All rebuttal testimony and evidence shall be served on a date to be fixed by further order of the Commission. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10000 Filed 4–16–75;8:45 am]

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[Rate Schedule Nos. 59, etc.]

## MARATHON OIL CO.

### Rate Change Filings

APRIL 11, 1975.

Take notice that the producers listed in the Appendix attached below have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commissions' rules.

KENNETH F. PLUMB, *Secretary.*

APPENDIX

| Filing date | Producer | Rate schedule No. | Buyer | Area |
|---|---|---|---|---|
| Mar. 17, 1975 | Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840. | 59 | Cities Service Gas Co. | Hugoton-Anadarko. |
| Mar. 26, 1975 | Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001. | 210 | Lone Star Gas Co. | Other Southwest. |
| Mar. 27, 1975 | CRA, Inc. (Operator), P.O. Box 7305, Kansas City, Mo. 63116. | 46 | Arkansas Louisiana Gas Co. | Do. |

[FR Doc.75–10001 Filed 4–16–75;8:45 am]





[Docket Nos. RI75–123, etc.]

## PWG PARTNERSHIP ET AL.

### Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subejct to Refund [1]

APRIL 10, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders:* (A) Under the Natural Gas Act, particularly Sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf* Rate in effect | Cents per Mcf* Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI75–123 | PWG partnership | 2 | 13 | El Paso Natural Gas Co. (New Mexico) (Rocky Mountain). | $18 | 3–13–75 | | 9–13–75 | 28.8117 | 29.3117 | |
| | do | 4 | 10 | Northwest Pipeline Corp. (New Mexico) (Rocky Mountain). | 29 | 3–13–75 | | 9–13–75 | 28.8117 | 29.3117 | |
| | do | 5 | 16 | El Paso Natural Gas Co. (New Mexico) (Rocky Mountain). | 475 | 3–13–75 | | 9–13–75 | 28.8117 | 29.3117 | |
| | do | 6 | 13 | Northwest Pipeline Corp. (New Mexico) (Rocky Mountain). | 54 | 3–13–75 | | 9–13–75 | 28.8117 | 29.3117 | |
| RI75–124 | Amerada Hess Corp | 95 | 17 | Montana-Dakota Utilities Co. (North Dakota) (Rocky Mountain). | 172,560 | 3–13–75 | | 9–13–75 | [2] 32.3508 | [3] 34.3737 | |
| RI75–125 | Northern Natural Gas Producing Co. | 32 | 6 | Southern Union Gathering Co. (New Mexico) (Rocky Mountain). | | 3–12–75 | 4–12–75 | [4] Accepted | | | |
| | do | 32 | 7 | do | 371 | 3–12–75 | 4–12–75 | [4] Accepted | 15.2005 | [5] 26.5643 | |
| | do | 32 | 8 | do | 42 | 3–12–75 | | 9–12–75 | [5] 26.5643 | [5] 27.8961 | |

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Subject to Btu adjustment upward or downward from a base of 1,000 Btu.
[2] Subject to Btu adjustment as provided in Opinion No. 658.
[3] The pressure base is 14.73 lb/in²a.
[4] Accepted, to be effective on the date shown in the "Effective Date Unless Suspended" column.
[5] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable Btu adjustment and tax.

The proposed rate increase of Northern Natural Gas Producing Company under Supplement No. 7 to its FPC Gas Rate Schedule No. 32 does not exceed the applicable area ceiling in Opinion No. 658 and is accepted.

The remaining proposed increased rates exceed the applicable area ceiling rate set forth in Opinion No. 658 and are suspended for five months.

[FR Doc.75–10002 Filed 4–16–75;8:45 am]

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[Docket No. CI74–232, etc.]

## CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

### Applications

APRIL 4, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.



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| Docket No. and date filed | Applicant | Purchaser and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI74-283 D 3-12-75 | Dovan Corp., 3309 Liberty Tower, Oklahoma City, Okla. 73102. | Columbia Gas Transmission Corp., North Ripley Field, Ravenswood District, Jackson County, W. Va. | Depleted | |
| CI74-242 D 3-12-75 | do | Columbia Gas Transmission Corp., North Ripley Field, Ravenswood and Ripley Districts, Jackson County, W. Va. | Depleted | |
| CI75-202 C 3-11-75 | Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221. | El Paso Natural Gas Co., J. B. Tubb B No. 4 Well, Sand Hills Field, Crane County, Tex. | [1] 50.3476 | 14.65 |
| CI76-442 A 3-14-75 [2] | Perry R. Bass and Bass Enterprises Production Co., 2500 First City National Bank Bldg., Houston, Tex. 77002. | Natural Gas Pipeline Co. of America, Shell James Ranch No. 1 Well, Los Medanos Field, Eddy County, N. Mex. | [3] 80.0 | 14.65 |
| CI75-543 (CI69-766) F 3-10-75 | Monsanto Co. (successor to Sohio Petroleum Co. (Operator) et al.), 5061 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77027. | Kansas Nebraska Natural Gas Co., Inc., Madden Field, Fremont and Natrona Counties, Wyo. | [4] 17.255 | 14.65 |
| CI75-545 (CS71-568) F 3-11-75 | Sun Oil Co. (successor to Medical Research, Inc., of Dallas). | Breckenridge Gasoline Co., Northwest Rodessa Field, Cass County, Tex. | 6.25 | 14.65 |
| CI75-546 A 3-14-75 | Phillips Petroleum Co., Bartlesville, Okla. 74004. | Natural Gas Pipeline Co. of America, Faskin State-32 No. 1 Well, Permian Basin Area, Eddy County, N. Mex. | [5] [6] 65.0 | 14.65 |
| CI75-547 A 3-14-75 | Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205. | Columbia Gas Transmission Corp., Blocks 257, 307, 314, 315, Eugene Island Area and Blocks 256, 257 and 268, Vermilion Area, offshore Louisiana. | [4] $1.05 | 15.025 |
| CI75-548 A 3-20-75 | Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001. | Panhandle Eastern Pipe Line Co., Carthage Field, Texas County, Okla. | [7] 53.6682 | 14.65 |
| CI75-550 (CI67-502) B 3-17-75 | Lee E. Minter, Bradford, Pa. 16701.. | Consolidated Gas Supply Corp., Benezette Township, Elk County, Pa. | Wells no longer produce and are plugged. | |
| CI75-552 A 3-17-75 | Monsanto Co. (Operator) et al., 5061 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77027. | Transwestern Pipeline Co., Baskett No. 1 Well, Dewey County, Okla. | [8] 54.5909 | 14.65 |
| CI75-554 A 3-18-75 | CNG Producing Co., 445 West Main St., Clarksburg, W. Va. 26301. | Consolidated Gas Supply Corp., Choudrant Field, Lincoln Parish, La. | [8] 58.8026 | 14.73 |
| CI75-555 A 3-18-75 | Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151. | Arkansas Louisiana Gas Co., West Britt Ranch Area, Wheeler County, Tex. | [8] 54.8356 | 14.65 |
| CI75-556 A 3-18-75 [2] | do | Arkansas Louisiana Gas Co., O'Keene Field, Blaine County, Okla. | [8] [9] 65.0 | 14.65 |
| CI75-557 (G-4102) (G-12071) B 3-20-75 | STENTEX, Inc., 403 Hunters Park Lane, Houston, Tex. 77024. | The Altex Corp., Tom Graham Field, Jim Wells County, Tex. | The purchaser has abandoned its gathering system: [4] 80.0 | 15.025 |
| CI75-558 A 3-20-75 | Cities Service Oil Co. | Texas Gas Transmission Corp., Block 217, Eugene Island Area, offshore Louisiana. | | |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Includes 4.1127 cents per Mcf tax; 3.02 cents per Mcf upward Btu adjustment and 1.4919 cents per Mcf gathering allowance.
[2] This application is substituted for the application for a limited-term certificate previously filed by Applicants in this docket.
[3] Subject to upward and downward Btu adjustment.
[4] Subject to downward Btu adjustment.
[5] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[6] Subject to upward Btu adjustment.
[7] Includes tax and adjustment and Btu adjustment.
[8] Includes 1 cent per Mcf for tailgate delivery and 6.8626 cents per Mcf Louisiana severance tax and is subject to upward and downward Btu adjustment.
[9] Applicant states that a certificate of public convenience and necessity was issued to Applicant in Docket No. CI73-934 on October 25, 1973, authorizing the sale of gas to Arkansas Louisiana Gas Co. for 1 year under FPC Gas Rate Schedule No. 30. That certificate has expired and this filing requests that the service certificated in Docket No. CI73-934 be authorized to be continued under a new FPC gas rate schedule.

[FR Doc.75-9872 Filed 4-16-75;8:45 am]

[Docket Nos. RP74-48 and RP75-3]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Conference

APRIL 15, 1975.

Take notice that on Monday, April 21, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m., in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of Section 1.18 of the Rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Transcontinental Gas Pipe Line Corporation's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10240 Filed 4-15-75;4:53 pm]

## DEPARTMENT OF STATE

### Agency for International Development

### ESPERANCA, INC.

### Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Esperanca, Inc.
5901 West Indian School Road
Phoenix, Arizona 85033

Dated: April 9, 1975.

HARRIETT S. CROWLEY,
*Acting Assistant Administrator for Population and Humanitarian Assistance.*

[FR Doc.75-10037 Filed 4-16-75;8:45 am]

[Public Notice CM-5/35]

## FINE ARTS COMMITTEE

### Meeting

The Fine Arts Committee will hold its Spring meeting on Monday, May 19, 1975 at 2 p.m. in the John Quincy Adams State Drawing Room in the Diplomatic Reception Rooms.

The agenda will include a summary of the work of the Fine Arts Committee since its last meeting, the announcement of gifts and loans during October through December 1974 and January through mid-May 1975 as well as the Committee's plans for the coming year. This will also be the occasion to bid farewell to Committee members whose terms have expired and to welcome new members.





The meeting is open to the public. Because of State Department security requirements anyone wishing to attend should telephone the Fine Arts Office prior to the meeting, Area Code (202) 632-0298 to make arrangements to enter the building.

Dated: April 9, 1975.

[SEAL] CLEMENT E. CONGER,
*Chairman, Fine Arts Committee.*

[FR Doc.75-10036 Filed 4-16-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 75-93]

### FOREIGN CURRENCIES

### Certification of Rates

APRIL 4, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 75-24 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

| | |
|---|---|
| Belgium franc: | |
| Mar. 24, 1975 | $0.029210 |
| Mar. 25, 1975 | .028940 |
| France franc: | |
| Mar. 24, 1975 | .2374 |
| Mar. 25, 1975 | .2379 |
| Mar. 26, 1975 | .2371 |
| Mar. 27, 1975 | .2364 |
| Mar. 28, 1975 | .2375 |
| Netherlands guilder: | |
| Mar. 24, 1975 | .4201 |
| Norway krone: | |
| Mar. 24, 1975 | .2039 |
| Mar. 25, 1975 | .2030 |
| Mar. 26, 1975 | .2037 |
| Mar. 27, 1975 | .2032 |
| Mar. 28, 1975 | .2032 |

[SEAL] R. N. MARRA,
*Director, Duty Assessment Division.*

[FR Doc.75-10038 Filed 4-16-75;8:45 am]

### Internal Revenue Service

[Order No. 113 (Rev. 3)]

### DISTRICT DIRECTORS

### Delegation of Authority

Pursuant to authority vested in the Commission of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the District Director of Internal Revenue for each of the following Districts:

Key district(a) — IRS districts covered.

CENTRAL REGION

| | |
|---|---|
| Cincinnati | Cincinnati, Louisville, Indianapolis. |
| Cleveland | Cleveland, Parkersburg. |
| Detroit | Detroit. |

MID-ATLANTIC REGION

| | |
|---|---|
| Baltimore | Baltimore (which includes the District of Columbia and Office of International Operations) Pittsburgh, Richmond. |
| Philadelphia | Philadelphia, Wilmington. |
| Newark | Newark. |

MIDWEST REGION

| | |
|---|---|
| Chicago | Chicago. |
| St. Paul | St. Paul, Fargo, Aberdeen, Milwaukee. |
| St. Louis | St. Louis, Springfield, Des Moines, Omaha. |

NORTH-ATLANTIC REGION

| | |
|---|---|
| Boston | Boston, Augusta, Burlington, Providence, Hartford, Portsmouth. |
| Manhattan | Manhattan. |
| Brooklyn | Brooklyn, Albany, Buffalo. |

SOUTHEAST REGION

| | |
|---|---|
| Atlanta | Atlanta, Greensboro, Columbia, Nashville. |
| Jacksonville | Jacksonville, Jackson, Birmingham. |

SOUTHWEST REGION

| | |
|---|---|
| Austin | Austin, New Orleans, Albuquerque, Denver, Cheyenne. |
| Dallas | Dallas, Oklahoma City, Little Rock, Wichita. |

WESTERN REGION

| | |
|---|---|
| Los Angeles | Los Angeles, Phoenix, Honolulu. |
| San Francisco | San Francisco, Salt Lake City, Reno. |
| Seattle | Seattle, Portland, Anchorage, Boise, Helena. |

The authority to: 1. Issue determination letters involving the provisions of the Internal Revenue Code of 1954 with respect to:

Exemption from Federal income tax under sections 501 and 521: the effect of section 502 on such exemption; the status of organizations under sections 507, 508, and 509; the imposition of unrelated business income tax under section 511 through 515; and the imposition of excise taxes under section 4940 through 4948; provided the requests present questions the answers to which are clear from an application of the provisions of the statute, Treasury decisions or regulations, or by a ruling, opinion, or court decision published in the Internal Revenue Bulletin.

2. Issue modifications or revocations of determination letters described above (see Commissioner Delegation Order No. 88 as revised for authority to issue notices of revocation of exemption relating to prohibited transactions as defined in section 503(b)).

3. Redelegate this authority as follows: (a) With respect to issuance of determination letters, not below Internal Revenue Agent and Tax Law Specialist, GS-12, provided such individual is a person other than the initiator.

(b) With respect to revocation or modification of determination letters, not below Chief, Employee Plans and Exempt Organizations Division.

4. To the extent that any action taken between January 2, 1975 (the effective date of Delegation Order No. 113 (Rev. 2)) and the effective date of this Order by District Directors or their delegates consistent with the delegation of authority in Delegation Order No. 113 (Rev. 1) may require ratification, such action is hereby affirmed and ratified.

This Order supersedes Delegation Order No. 113 (Rev. 2), issued January 2, 1975.

Dated: April 10, 1975.

Effective: April 10, 1975.

DONALD C. ALEXANDER,
*Commissioner.*

[FR Doc.75-10086 Filed 4-16-75;8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### SCIENTIFIC ADVISORY BOARD

### Meeting Location Changed

APRIL 11, 1975.

The location of the meeting on April 19, 1975, of the USAF Scientific Advisory Board ad hoc Committee for Review of Mission, Organization, Resources and Location of Air Force Cambridge Research Laboratories has been changed.

The meeting now will be held in Room A 106, Headquarters Air Force Systems Command, Andrews Air Force Base, Maryland. The original notice for this meeting appeared in 40 FR 14785, April 2, 1975. The April 18, 1975, portion of the meeting was cancelled.

For further information, contact the Scientific Advisory Board Secretariat on 202-697-4648.

JAMES E. DAGWELL,
*Chief, Documentation Management Branch, Directorate of Administration.*

[FR Doc.75-10053 Filed 4-16-75;8:45 am]

### Department of the Army

### SHORELINE EROSION ADVISORY PANEL

### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel on May 9, 1975.

The meeting will be held in the first floor Hearing Room of the Kingman Building, Fort Belvoir, Virginia 22060, from 0845 hours to 1245 hours.

The meeting will include briefings on the budgetary cycle for funding shoreline erosion control projects, environmental impact statement requirements and discussions by SEAP members. Time will be made available for public participation at the meeting.

The session will be open to the public, subject to the following:

1. Since seating capacity of the hearing room at the Kingman Building limits public attendance to not more than 50 people advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is solicited during those times scheduled on the agenda; written statements may be submitted prior to, or up to 30 days after the meeting.



V 40 N 75 APR 17 75 A XUM

Inquiries may be addressed to Colonel James L. Trayers, Commander and Director, U.S. Army Coastal Engineering Research Center, Kingman Building, Fort Belvoir, Virginia 22060; telephone 202–325–7000.

Dated: April 11, 1975.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
*Lt. Colonel, U.S. Army,*
*Chief, Plans Office, TAGO.*

[FR Doc.75–10024 Filed 4–16–75;8:45 am]

### Office of the Secretary

### DEFENSE SCIENCE BOARD TASK FORCE ON TRAINING TECHNOLOGY

#### Advisory Committee Meeting

The Defense Science Board Task Force on Training Technology will meet in closed session on May 20–21, 1975, at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will meet in Executive Session to review and discuss information received from Department of Defense components since September 1974 and will develop preliminary conclusions and recommendations for a draft report. The Task Force final report will provide a basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD training. The review and discussion will include classified information pertaining to long range plans and force structures which determine future training requirements and research and development requirements for training technology.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States code, specifically subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
*Director, Correspondence and Directives OASD (Comptroller).*

APRIL 14, 1975.

[FR Doc.75–9969 Filed 4–16–75;8:45 am]

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### ABBOTT LABORATORIES

#### Application for Importation of Controlled Substances

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registration for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on March 26, 1975, Abbott Laboratories, 14th & Sheridan Road, North Chicago, Illinois 60064, made application to the Drug Enforcement Administration to be registered as an importer of Codeine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Codeine in bulk may, on or before May 22, 1975 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: April 8, 1975.

JOHN R. BARTELS, Jr.,
*Administrator,*
*Drug Enforcement Administration.*

[FR Doc.75–10044 Filed 4–16–75;8:45 am]

### BURROUGHS WELLCOME CO.

#### Importation of Controlled Substances

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on January 27, 1975, Burroughs Wellcome Co., Intersection U.S. 13 & S.R. 1584, Post Office Box 1887, Greenville, North Carolina 27834, made application to the Drug Enforcement Administration to be registered as an Importer of Codeine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Codeine in bulk may, on or before May 22, 1975 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: April 8, 1975.

JOHN R. BARTELS, Jr.,
*Administrator,*
*Drug Enforcement Administration.*

[FR Doc.75–10045 Filed 4–16–75;8:45 am]

### Law Enforcement Assistance Administration

### NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

#### Meeting

This is to provide notice of meeting of the Organized Crime Task Force to the National Advisory Committee on Criminal Justice Standards and Goals.

The Task Force will meet on May 7 and 8, 1975 in the conference room, 13th floor, Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C.

The meetings will convene at 10 a.m. and will be open to the public.

This will be the first meeting of the Task Force. Discussion will focus upon the functions and duties to be performed by the Task Force as well as a discussion of the Task Force subject matter.

For further information, contact William T. Archey, Acting Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, NW., Washington, D.C. 20351.

GERALD H. YAMADA,
*Attorney-Advisor,*
*Office of General Counsel.*

[FR Doc.75–10057 Filed 4–16–75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial No. F–21411]

### STATE OF ALASKA DEPARTMENT OF PUBLIC WORKS

#### Application for Airport Lease

APRIL 10, 1975.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214) the State of Alaska, Department of Public Works, Division of Aviation, has applied for an airport lease for the following land:

KATEEL RIVER MERIDIAN, ALASKA

T. 17 N., R. 11 W.,
Protracted secs. 34 and 35.

Commencing at the True Point of Beginning, being common to Corner Number 2 of U.S. Survey No. 5069, Alaska;

Thence north 85°46'15" E. a distance of 1,022 ft to a point, being common to meander corner 1 of U.S. Survey No. 5069, and from which W.C.M.C. 1 and U.S.L.M. No. 5069 bears south 85°46'15" W. a distance of 7.18 ft;





Thence southeasterly along the meanders of the south bank of the Nazuruk Channel of the Kobuk River the following courses and distances:
South 29°53'35" E. a distance of 145.76 ft;
South 16°59'10" E. a distance of 327.81 ft;
South 19°39'30" E. a distance of 232.07 ft;
South 14°58'00" E. a distance of 81.94 ft;
South 34°27'00" E. a distance of 180.62 ft;
South 24°34'00" E. a distance of 328.91 ft;
South 16°29'10" E. a distance of 241.47 ft;
South 38°14'40" E. a distance of 117.82 ft;
South 29°16'30" E. a distance of 102.44 ft;
South 40°14'50" E. a distance of 134.51 ft;
South 27°08'00" E. a distance of 79.67 ft;
South 62°11'30" E. a distance of 72.78 ft;
South 34°12'20" E. a distance of 134.90 ft;
South 25°14'00" E. a distance of 84.38 ft;
South 77°50'20" E. a distance of 72.62 ft;
South 25°12'40" E. a distance of 68.67 ft;
South 40°17'10" E. a distance of 339.33 ft;
South 66°19'10" E. a distance of 151.34 ft;
South 48°59'20" E. a distance of 90.63 ft;
South 51°05'20" E. a distance of 148.27 ft;
South 25°13'20" E. a distance of 116.23 ft;
South 60°45'50" E. a distance of 416.01 ft;
South 74°52'30" E. a distance of 99.90 ft;
South 54°47'10" E. a distance of 190.28 ft;
South 74°13'00" E. a distance of 381.66 ft;
North 79°53'00" E. a distance of 253.72 ft;
South 81°51'10" E. a distance of 233.24 ft;
North 76°59'50" E. a distance of 213.54 ft to a point referred to as division of aviation meander corner No. 2 on the attached property plan, from which an ADA brass cap monument labelled W.C.M.C. bears south 44°18'00" W. a distance of 63.63 ft;
Thence south 44°18'00" W. a distance of 2,178.83 ft to a point;
Thence north 45°42'00" W. a distance of 4,384.87 ft to a point;
Thence north 44°12'25" E. a distance of 691.49 ft to a point;
Thence north 45°47'35" W. a distance of 814.01 ft to a point of intersection with line 2–3 of U.S. Survey No. 5069;
Thence north 44°18'00" E. along a portion of line 2–3 of U.S. Survey No. 5069, a distance of 549.64 ft to the true point of beginning.

This tract contains 170.37 acres, more or less.

(The parcel described above is designated as Tract I on the attached Division of Aviation Noorvik Airport Property Plan.)

and

Commencing at corner No. 2 of U.S. Survey No. 5069, Alaska, being common to the true point of beginning of tract I, Noorvik Airport, proceed south 44°18'00" W. a distance of 549.64 ft along a portion of line 2–3 of U.S. Survey No. 5069, then proceed south 45°47'35" E. a distance of 814.01 ft, then proceed south 44°12'25" W. a distance of 691.49 ft, then proceed south 45°42'00" E. a distance of 350.07 ft to the true point of beginning being monumented with an ADA brass cap;
Thence south 45°42'00" E. a distance of 1,000 ft along a line common to a portion of the southern boundary of tract I, Noorvik Airport, to a point monumented with an ADA brass cap;
Thence south 44°18'00" W. a distance of 2,700 ft to a point;
Thence north 45°42'00" W. a distance of 1,000 ft to a point;
Thence north 44°18'00" E. a distance of 2,700 ft to the true point of beginning.

This tract contains 61.98 acres, more or less.

(The parcel described above is designated as Tract II on the attached Division of Aviation Noorvik Airport Property Plan.)

The purpose of this Notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO. Box 1150, Fairbanks, Alaska 99707.

HAROLD E. WALDO,
*Chief, Division of Land Office.*

[FR Doc.75–10031 Filed 4–16–75;8:45 am]

### COEUR D'ALENE DISTRICT MULTIPLE USE ADVISORY BOARD

#### Meeting

Pursuant to the requirements of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Coeur d'Alene District Multiple Use Advisory Board will hold a meeting beginning at 9 a.m., May 8, 1975, at the Holiday Inn, Coeur d'Alene, Idaho. The agenda for the meeting will include election of officers, presentation of the North Idaho and Elk City Management Framework Plans, Mineral Ridge Bald Eagle Wildlife Habitat Plan, Lower Salmon River Visitor Management Plan, Timber Sale Plan, and programs for Fiscal Year 1976.

The meeting is open to the public. Interested persons will have an opportunity at the end of committee business to make oral presentations to the committee or file written statements. Such requests should be made to the official listed below at least three days prior to the meeting.

Further information concerning this meeting may be obtained from BLM District Manager Larry Woodard, 1808 North Third Street, Coeur d'Alene, Idaho 83814. His telephone number is 208–664–8231. Minutes of the meeting will be available for public inspection and copying two weeks after the meeting at the BLM District Office in Coeur d'Alene, Idaho and the BLM Resource Area Headquarters in Cottonwood, Idaho.

LARRY L. WOODARD,
*District Manager.*

[FR Doc.75–9958 Filed 4–16–75;8:45 am]

[NM 25107]

### NEW MEXICO

#### Application

APRIL 8, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Delhi Gas Pipeline Corporation has applied for one 6⅝ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 27, W½SE¼.
T. 20 S., R. 29 E.,
Sec. 8, NW¼SE¼, S½SE¼;
Sec. 16, NW¼NW¼, S½NW¼, NE¼SW¼, NW¼SE¼;

This pipeline will convey natural gas across 1.782 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75–9956 Filed 4–16–75;8:45 am]

[NM 25116, 25165]

### NEW MEXICO

#### Applications

APRIL 9, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 5 W.,
Sec. 15, SE¼SW¼;
Sec. 17, W½SW¼;
Sec. 22, NE¼NW¼.

These pipelines will convey natural gas across 0.340 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75–9955 Filed 4–16–75;8:45 am]



V 40 N 75 APR 17 75 XUM

[NM 25167]

## NEW MEXICO

### Application

APRIL 8, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 5, S½SW¼;
Sec. 6, S½SE¼ and SE¼SW¼.

These pipelines will convey natural gas across 1.057 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM, 88201.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75-9957 Filed 4-16-75;8:45 am]

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[Serial U-23166]

## UTAH

### Notice of Proposed Withdrawal and Reservation of Lands; Correction

In FR Doc. 75-6568 appearing on page 11759 of the issue for March 13, 1975, in the second line under T. 2 N., R. 25 E., Section 19 the reference to "NW¼ NW¼", should read "NW¼SW¼."

PAUL L. HOWARD,
*State Director.*

APRIL 11, 1975.

[FR Doc.75-10054 Filed 4-16-75;8:45 am]

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[OR 9984 (Wash.) 2220(943.1)]

## WASHINGTON

### Opening of Public Land

APRIL 9, 1975.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following land has been conveyed to the United States.

WILLAMETTE MERIDIAN

T. 9 N., R. 27 E.,
Sec. 21, SE¼;
Containing 158.57 acres in Benton County, Washington.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land is hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10 a.m. May 15, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 2965 Portland, Oregon 97208.

HAROLD A. BERENDS,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.10055 Filed 4-16-75;8:45 am]

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## Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Colonel Lawrence E. Tetzlaff, President, Jungle Larry's Safari Land, Inc.
Winter Address: African Safari, 725 Ketch Drive, Post Office Box 2505, Naples, Florida 33940.
Summer: May-September, 1618 Willow Drive, Cedar Point, Sandusky, Ohio 44870.
DIRECTOR,
*U.S. Fish and Wildlife Service,*
*Washington, D.C. 20240.*

FEBRUARY 11, 1975.

Dear Sir: This is a request for a permit to travel from Florida to Ohio and back with four trained tigers (*Panthera tigris*), three males of two years, one female of eighteen months; born in captivity in Florida.

These are not to be sold, and will remain the property of Jungle Larry's Safari Land, Inc., Colonel Lawrence E. Tetzlaff, President. Address to May 1975: Naples, Florida 33940.

The tigers do a show with African lions at Cedar Point, Sandusky, Ohio, in a perpetual contract, in one of America's largest vacation spots. They would remain in Ohio from about May 12 through September 15, each year, and then spend the rest of the year at the African Safari in Naples, Florida.

In Ohio, between shows, the tigers live a life of ease in a 6,000 square foot outdoor area with shelters available. Their winter home in Florida is 10,000 square feet in the middle of a lush tropical garden.

There is an economic hardship involved in a business that employs nearly 60 people. We have been at this for over 37 years. Our support strings will be cut off if we can't move our beautiful Bengal tigers to our summer park in Ohio.

Expertise: Staff members have lived in the jungles of India, Africa, and South America. There are veterinarians trained in exotic animal care. We were chosen by the State of Florida to help set up cage standards for the zoos of Florida. All trainers are U.S. citizens.

We have one of the outstanding animal propagation centers in the world. We have successfully bred tigers in Florida in our 10,000 square foot natural habitat jungle. When these tigers are old enough to breed they will be kept in Florida.

Our summer show completely supports our conservation effort in Florida, with no burden on the taxpayers.

A $50 check is enclosed.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(*SGD*) Colonel Lawrence E. Tetzlaff,
Winter address (to May), Post Office Box 2505, Naples, Florida 33940.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 19, 1975, will be considered.

Dated: April 10, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75-10089 Filed 4-16-75;8:45 am]

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## National Park Service

## CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

### Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, May 9, 1975, at 1:30 p.m., at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Pub. L. 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Plans for replacement of facilities at Coast Guard and Nauset Light Beaches in Eastham, (2) Plans for improvements at Provincetown Airport, and (3) Advisory Commission tenure. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617-349-3785). Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: March 31, 1975.

JERRY D. WAGERS,
*Regional Director,*
*North Atlantic Region.*

[FR Doc.75-10013 Filed 4-16-75;8:45 am]

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## NATIONAL MALL, WASHINGTON, D.C.

### Draft Environmental Impact Statement of Proposed Rehabilitation

Notice is hereby given that the National Park Service will hold a public hearing on May 28, 1975, at 8 p.m., in the Department of the Interior Auditorium, 18th and C Streets, NW., Washington, D.C. The purpose of the hearing is to receive comments from interested persons, organizations, and agencies on a draft environmental impact statement covering the proposed rehabilitation of the Mall in Washington, D.C., between Madison Drive and Jefferson Drive, from Third Street to 14th Street. The project includes the construction of four pedestrian/bike paths between Third Street and 14th Street and crosswalks at each of the Mall museum buildings, plus reconstruction of walks along Third, Fourth, Seventh, and 14th Streets. It also includes the installation of park benches, drinking fountains, curb ramps for handicapped persons, street lights, telephones, refreshment and information kiosk foundations, bike racks, additional plantings in the tree panels, and necessary utility services. Two of the walks would replace Adams and Jefferson Drives and two walks will replace Sixth and 13th Streets between Madison and Jefferson Drives. A part of the project, but outside the boundaries of the project area, is the establishment as a demonstration project, of fringe parking at the Robert F. Kennedy Stadium with a visitor shuttle bus system between the stadium and the Mall. From the stadium, the shuttle buses would travel along East Capitol Street to First Street, then south to Independence Avenue, stopping at a designated bus stop, then west to Seventh Street, and then north to the terminus at Madison Drive. The return trip would leave the terminus going north on Seventh Street to Constitution Avenue, then proceed east to First Street, stopping at a designated bus stop on the Capitol Grounds, then south to Independence Avenue, and then east to the stadium parking lot.

A copy of the draft environmental impact statement will be available about April 30 from Room 201, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the hearing, provided that they notify the Hearing Officer, in care of the Director, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C. 20242, by May 16 of their desire to appear. Registration may be made by calling 426-6646.

Time limitations may make it necessary to limit the length of oral presentations to 10 minutes and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. It is requested that a copy of the testimony be made available for the transcriber of the hearings. Written statements presented in person at the hearing will be included in the hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Members of Congress.
2. Mayor of the City of Washington, D.C., or his representative.
3. Members of the D.C. City Council.
4. Officials of other Federal or local agencies.
5. Organizations in alphabetical order.
6. Individuals in alphabetical order.
7. Others not giving advance notice, to the extent there is remaining time.

Those not wishing to appear in person may submit written statements to the Hearing Officer at the foregoing address for inclusion in the official record, which will be held open until June 15 for receipt of written statements to be included in the record.

MANUS J. FISH, Jr.,
*Director,*
*National Capital Parks.*

APRIL 8, 1975.

[FR Doc.75-10012 Filed 4-16-75;8:45 am]

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## SAGAMORE HILL NATIONAL HISTORIC SITE

### Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before May 19, 1975 the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Saga-Hill Corporation authorizing it to provide concession facilities and services for the public at Sagamore Hill National Historic Site for a period of 5 years from January 1, 1975, through December 31, 1979.

An assessment of the environmental impact of this proposal action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the North Atlantic Regional Office, National Park Service, 150 Causeway Street, Boston, Massachusetts 02114, and the Office of the Superintendent, New York Group, National Park Service, 26 Wall Street, New York, New York 10005.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 19, 1975.

Interested parties should contact the Assistant Director for Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

JOE BROWN,
*Acting Associate Director,*
*National Park Service.*

APRIL 9, 1975.

[FR Doc.75-10014 Filed 4-16-75;8:45 am]

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## Office of the Secretary

## OIL SHALE ENVIRONMENTAL ADVISORY PANEL

### Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on May 15 and 16, 1975, at the Fairfield Convention Center, Main Street and Third, Meeker, Colorado. The meeting will begin at 9 a.m. on Thursday, May 15, in the main meeting room of the Center and conclude at 2:30 p.m. Friday, May 16.

The Panel was established to assist the Department of the Interior in the performance of functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of this meeting is to review the second quarterly environmental data reports for the two Colorado lease tracts, review a fish and wildlife management plan for the Utah lease tracts, to receive reports from Departmental officials, hear a technical briefing on revegetation research by Colorado State University, and tour the two Colorado oil shale lease tracts.

The meeting is open to the public. It is expected that space will permit 200 persons to attend the meeting in addition to the Panel members. Interested persons may make brief presentations to the Panel or file written statements. Requests should be made to Mr. William L. Rogers, Chairman, Office of the Secretary, Department of the Interior,



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Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone No. (303) 234-3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Panel office.

Dated: April 11, 1975.

JACK O. HORTON,
*Assistant Secretary of the Interior for Land and Water Resources.*

[FR Doc.75-10056 Filed 4-16-75;8:45 am]

[INT FES 75-42]

## FISHERY REHABILITATION OF THE ROCK RIVER

### Availability of Final Environmental Statement

Fishery rehabilitation of the Rock River, Dane, Dodge, Columbia, Fond du Lac, Green Lake, Jefferson, Rock, Washington, Walworth and Waukesha Counties, Wisconsin.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement for the fishery rehabilitation of the Rock River, Wisconsin.

The Wisconsin Department of Natural Resources, in cooperation with the U.S. Fish and Wildlife Service, proposes to continue a multi-staged project started in the mid-1960's of aquatic habitat enhancement in southeastern Wisconsin. The primary thrust of this project is population reduction (and elimination where practical) of an exotic fish, the carp, through registered use of two chemicals, antimycin and rotenone. The marshes, lakes and streams of Rock River watershed above Indianford Dam will be restored to dominance by native plants and animals for the benefit of people—people interested in sport fishing, waterfowl hunting, fur animal trapping, bird watching, nature study, and other expressions of outdoor recreation.

Copies of the final statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service
Branch of Environmental Coordination
Department of the Interior
18th and C Streets, NW.—Room 2254
Washington, D.C. 20240

U.S. Fish and Wildlife Service
Division of Planning and Assistance
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

Wisconsin Department of Natural Resources
Fyare Square Building
4610 University Avenue
Madison, Wisconsin 53701

Single copies may be obtained by writing the Division of Ecological Services, Branch of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Branch of Environmental Coordination. Please refer to the statement number above.

Dated: April 14, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10071 Filed 4-16-75;8:45 am]

## OIL SHALE ENVIRONMENTAL ADVISORY PANEL

### Charter Change

The Charter for the Oil Shale Environmental Advisory Panel, as published in the March 6, 1974, issue of the FEDERAL REGISTER, Volume 39, No. 45, page 8642, paragraph 3, subparagraph (c) provides that the Governor of each State in which an oil shale lease is issued may nominate three members to the Panel. The purpose of this provision was to allow participation by representatives of each State involved at any time in the Prototype Oil Shale Leasing Program. Lands in Wyoming were included in the program, but no oil shale leases were issued in Wyoming. The present wording of paragraph 3, subparagraph (c) of the Charter has the effect of barring the appointment to the Panel of representatives of the Governor of Wyoming.

In order that all States included in the prototype program at any time may be represented on the Panel, the wording of the second sentence of paragraph 3(c) is changed to read as follows: The Governor of each State in which an oil shale lease has been offered for sale since November 30, 1973, may nominate for appointment by the Secretary of the Interior three members, two of whom shall be employed by the State and represent State agencies and one of whom shall be chosen from among persons active in environmental matters.

State and Federal employees who are members of the Panel have the flexibility to be represented by specialists at Panel meetings. Authority is needed to give public members of the Panel the same flexibility.

In order that public members of the Panel may be represented by alternates at Panel meetings, the following four sentences are added after the last sentence of paragraph 3, subparagraph (c): Any public member of the Panel may be represented by an alternate in any Panel business. However, an alternate must be nominated by the same officer, or his successor, who nominated the public member. Such nominees must be approved by the Secretary before they may serve on any Panel business. More than one alternate may be appointed for a public member, but only one alternate may represent the public member at any Panel meeting.

Dated: April 14, 1975.

ROGERS C. B. MORTON,
*Secretary of the Interior.*

[FR Doc.75-10017 Filed 4-16-75;8:45 am]

## CENTRAL AND FIELD ORGANIZATION

### Functions

This notice is published in accordance with the provisions of subsection (a)(1)(A) of section 552, Title 5, United States Code. It supersedes the notice published in the FEDERAL REGISTER on August 26, 1972 (37 FR 17431). Provided herein is a description of the central and field organization of the Department of the Interior. Places at which the public may obtain information and the functions of the various bureaus and offices of the Department are also included. More specific information with respect to the course and method by which functions are performed, procedures, and substantive provisions are contained in the public regulations of the Department. References to applicable public regulations are listed with each pertinent organization description.

Internal departmental directives are published in the departmental manual which is available for inspection in the Department's library, Interior Building, Washington, D.C., and at each of the headquarters or regional offices of bureaus of the Department as prescribed in 43 CFR 2.3. The administrative manuals of those bureaus which have issued such documents are available for inspection at the headquarters offices and at the regional offices of the bureaus.

Dated: April 10, 1975.

RICHARD R. HITE,
*Deputy Assistant Secretary of the Interior.*

OFFICE OF THE SECRETARY

SECRETARY

The Secretary of the Interior, as the head of an executive department, reports directly to the President and is responsible for the direction and supervision of all activities of the Department. He also has certain powers or supervisory responsibilities relating to Territorial governments.

UNDER SECRETARY

The Under Secretary assists the Secretary in the discharge of his duties and in the absence of the latter performs his functions. With the exception of certain matters reserved by the Secretary, the Under Secretary has the full authority of the Secretary.

FISH AND WILDLIFE AND PARKS

The Assistant Secretary for Fish and Wildlife and Parks discharges the duties of the Secretary with the authority and direct responsibility for programs associated with the development, conservation, and utilization of fish, wildlife, recreation, historical, and national park system resources of the Nation. He represents the Department in the coordination of marine environmental quality and biological resources programs with other Federal agencies. The Assistant Secretary for Fish and Wildlife and Parks exercises Secretarial direction and supervision over the United States Fish and Wildlife Service and National Park Service, and the Bureau of Outdoor Recreation.





ENERGY AND MINERALS

The Assistant Secretary—Energy and Minerals discharges the duties of the Secretary with the authority and direct responsibility for programs associated with mineral data and analysis; generation, transmission, and marketing of electric power except for those functions performed in the Bureau of Reclamation; mine health, safety, and training programs; topographic, geologic, and mineral resources matters; energy, metallurgical, and mining research and development; and emergency preparedness and natural disaster energy and minerals functions. He is responsible for the development and coordination of ocean mineral resources affairs, and provides coordination of Interior's operations with the Board on Geographic Names. The Assistant Secretary—Energy and Minerals exercises Secretarial direction and supervision over the Geological Survey; Bureau of Mines; Mining Enforcement and Safety Administration; the Bonneville, Southwestern, Southeastern, and Alaska Power Administrations; Office of Research and Development; Defense Electric Power Administration; Ocean Mining Administration; and the Office of Minerals Policy Development.

LAND AND WATER RESOURCES

The Assistant Secretary—Land and Water Resources discharges the duties of the Secretary with the authority and direct responsibility for programs associated with land use and water planning; public land management; construction and operation of multi-purpose dams and water distribution facilities; marketing of water and specified Bureau of Reclamation hydroelectric power projects; conversion of saline water and water resources research; and emergency preparedness water resources functions. The Assistant Secretary—Land and Water Resources exercises Secretarial direction and supervision over the Bureau of Land Management, Bureau of Reclamation, Office of Land Use and Water Planning, and the Office of Water Research and Technology.

CONGRESSIONAL AND LEGISLATIVE AFFAIRS

The Assistant Secretary—Congressional and Legislative Affairs discharges the duties of the Secretary with the authority and direct responsibility for programs associated with legislative and congressional liaison activities. Secretarial offices appropriately identified with the functions previously described are under his supervision.

PROGRAM DEVELOPMENT AND BUDGET

The Assistant Secretary—Program Development and Budget discharges the duties of the Secretary with the authority and direct responsibility for Department-wide programs related to interagency and interdisciplinary subjects concerning natural resources management and environmental quality; budget management; comprehensive planning; policy analysis; economic analyses of departmental programs and natural and environmental resources issues; and committee management. Secretarial offices appropriately identified with the functions previously described are under his supervision.

MANAGEMENT

The Assistant Secretary—Management discharges the duties of the Secretary with the authority and direct responsibility for all phases of management and administrative activities including management consulting, automatic data processing and management information systems programs, directives and reports management; the Department's management by objectives program; organization planning; executive and manpower development, labor-management relations, and personnel management and program evalution; real and personal property, supply, space, records, security, telecommunications, printing and reproduction, and other administrative services, central coordination of emergency preparedness and disaster assistance programs; accounting and financial management; safety management; procurement, contracting, audit, inspection and investigative operations, library services; direction of the Department's Youth and manpower training and conservation programs; law enforcement; and other related activities. Secretarial offices appropriately identified with the functions previously described are under his supervision.

SOLICITOR

The Solicitor is the principal legal adviser to the Secretary and the chief law officer of the Department. He is responsible for and has supervision over all of the legal work of the Department, with the exception of that performed by the Office of Hearings and Appeals.

FIELD COMMITTEES

The Departmental Field Committees promote the development and execution of coordinated regional natural resource programs for the Department and facilitate the coordination of field activities which involve two or more bureaus or which have special significance to the Department's overall objectives. Field Committees are composed of regional directors or other ranking officials approved by the heads of bureaus and offices. The regional Special Assistants to the Secretary serve as Chairmen of the field committees in their respective regions.

The regional Special Assistants to the Secretary maintain continuous surveillance over the entire range of the Department's program activities, provide leadership and assistance in the coordination of departmental programs and policies where more than one bureau or program interest is involved, and when directed by the Secretary, coordinate Department participation in major interagency and intergovernmental efforts.

The regional Special Assistants to the Secretary serve as departmental representatives on various interagency river basin committees and on Federal-State river basin commissions authorized by the Water Resources Planning Act of 1965.

REGIONAL ASSIGNMENTS

| *Field committee area region* | *Field representative address* |
|---|---|
| Northeast: | |
| Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New Jersey, New York, Maryland, Delaware, Rhode Island, Pennsylvania, Virginia, West Virginia. | John F. Kennedy Federal Building, Room 2003K, Boston, Mass. 02203. |
| Southeast: | |
| Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Kentucky, Tennessee, Puerto Rico. | 404 Financial Services Building, 148 Cain Street, NE, Atlanta, Ga. 30303. |
| North Central: | |
| Michigan, Minnesota, Illinois, Indiana, Ohio, Wisconsin. | 230 South Dearborn Street, 32d floor, Chicago, Ill. 60604. |
| Missouri Basin: | |
| Montana, North Dakota, South Dakota, Wyoming, Nebraska, Iowa, Missouri, Utah, Colorado, Kansas. | Building 67, Denver Federal Center, Denver, Colo. 80225. |
| Southwest: | |
| New Mexico, Texas, Oklahoma, Arkansas, Louisiana. | Federal Building, Room 4030, 517 Gold Avenue SW, Albuquerque, N. Mex. 87101. |
| Pacific Northwest: | |
| Idaho, Oregon, Washington | Bonneville Building, Room 702, 1002 Northeast Holladay Street, Box 3621, Portland, Oreg. 97208. |
| Pacific Southwest: | |
| California, Nevada, Arizona, Hawaii | 450 Golden Gate Avenue, Box 36098, San Francisco, Calif. 94102. |
| Alaska: | |
| Alaska | P.O. Box 120, Anchorage, Alaska 99501 |



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For pertinent codified regulations issued by the Office of the Secretary see Code of Federal Regulations, Title 43, Subtitle A; and Title 41, Chapters 14 and 114.

OTHER DEPARTMENTAL OFFICES

The following described offices are neither a part of the Office of the Secretary nor bureaus of the Department. Information concerning these offices may be obtained directly from the appropriate office director, Department of the Interior, Washington, D.C. 20240.

OFFICE OF THE SOLICITOR

The Office of the Solicitor performs all legal work for the entire Department with the exception of that performed by the Office of Hearings and Appeals, and specified territorial matters. In addition to the legal work directly concerned with the programs and activities of the Department, the Office of the Solicitor handles matters relating to torts, other claims, and inventions by personnel of the Department.

OFFICE OF THE SOLICITOR—DEPARTMENT OF THE INTERIOR

| Region | Address |
|---|---|
| Anchorage—Alaska | Anchorage Legal Center, 1016 West 6th Ave., Suite 201, Anchorage, Alaska 99501. |
| Atlanta—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Puerto Rico, Tennessee, Virgin Islands. | 148 Cain St. NE., Suite 410, Atlanta, Ga. 30303. |
| Denver—Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming. | P.O. Box 25007, Denver Federal Center, Denver, Colo. 80225. |
| Philadelphia—Connecticut, Delaware, Illinois, Indiana, Maine, Massachusetts, Michigan, Maryland, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin. | Merchants' Exchange Bldg., 143 South Third Street, Philadelphia, Pa. 19106. |
| Portland—Idaho, Oregon, Washington | P.O. Box 3621, Room 766, 1002 Northeast Holladay St., Portland, Oreg. 97208. |
| Sacramento—Arizona, California, Hawaii, Nevada | Federal Building, Room E-2753, 2800 Cottage Way, Sacramento, Calif. 95825. |
| Salt Lake City—Utah | Federal Building, Suite 6201, 125 South State Street, Salt Lake City, Utah 84111. |
| Tulsa—Arkansas, Louisiana, New Mexico, Oklahoma, Texas. | P.O. Box 3156 (ZIP code 74101), Room 3068, Page Belcher Federal Building, 333 West 4th Street, Tulsa, Okla. 74103. |

OFFICE OF WATER RESEARCH AND TECHNOLOGY

The Office of Water Research and Technology (OWRT) performs water resources research and development activities (through contracts and grants) and related functions vested in the Secretary of the Interior under the Water Resources Research Act of 1964 as amended (78 Stat. 329, 80 Stat. 129; 42 U.S.C. 1961 et seq.) and under the Saline Water Conversion Act of 1971 (85 Stat. 159; 42 U.S.C. 1959 et seq.). The fundamental purposes of OWRT are to develop new or improved technology and methods for solving or mitigating existing and projected State, regional and nationwide water resource problems, to train water scientists and engineers through their on-the-job participation in research work, and to accomplish water research coordination and research results information dissemination activities. To do this OWRT carries out the following general functions:

Administration of a cooperative program with university Water Resources Research Institutes, designated by the States, for research, investigations, and experiments, as well as the training of scientists through such research, directed toward solving water and water related problems of the States and the hydrological regions of the Nation (Title I of Pub. L. 88-379), together with a research program directed toward solving or mitigating water problems related to the mission of the Department of the Interior, using research competence available at private firms and foundations, colleges and universities, and elsewhere (Title II of Pub. L. 88-379);

Conducting research and development activities and related studies directed toward developing methods, equipment, and processes that will establish practical means for economical production, from sea and other saline water, of water suitable for agricultural, industrial, municipal, and other beneficial uses (Pub. L. 92-60);

Management of a Water Resources Scientific Information Center to furnish information to the Nation's water resources community, in project abstract and other summary formats, regarding ongoing water research projects and the results obtained from completed water resources studies and investigations; and

Performance of Federal interagency water resources research coordination functions for the interagency Committee on Water Resources Research of the Federal Council for Science and Technology, including but not limited to the OWRT coordination responsibilities under Pub. L. 88-379.

For further information, contact the Office of Water Research and Technology, Department of the Interior, Washington, D.C. 20240. Phone, 202-343-5881 or 202-343-4607.

For pertinent codified regulations issued by the Office of Water Research and Technology, see Code of Federal Regulations, Title 18, Chapter IV; and Title 41, Chapter 14R.

OFFICE OF LAND USE AND WATER PLANNING

The Office of Land Use and Water Planning was established on May 7, 1973, by Secretarial Order No. 2953. The Office, under the Assistant Secretary—Land and Water Resources, is responsible for developing program and legislative initiatives to strengthen State and local land and resource management capabilities; serving as Departmental focal point for discussion and coordination of land use and water planning policies for Federal and non-Federal agencies; liaison with national organizations having an interest in land use planning; serving as staff to the Secretary in his role as Chairman of the Water Resources Council and coordinating all Departmental input to the Water Resources Council; providing and monitoring a work program for the Department's field planners, including their coordination of Departmental input to the River Basin Commissions and River Basin Interagency Committees; and assisting in preparation of Departmental positions and programs dealing with participation in the Federal Regional Councils.

DEFENSE ELECTRIC POWER ADMINISTRATION

The Defense Electric Power Administration (DEPA) was created during the Korean conflict in 1950 and reestablished by the Secretary of the Interior in 1959.

The purpose of DEPA is to perform emergency preparedness functions covering electric power and, in the event of a declared civil defense emergency or a major natural disaster, to exercise the authority of the Secretary of the Interior with respect to electric power.

DEPA develops and maintains plans to provide a state of readiness in electric power for all declared emergency conditions. In this work, DEPA performs those functions specified in Executive Order 11490 of October 28, 1969, which apply to electric power in a national civil defense emergency; and OEP Circular 4000.10A of December 23, 1971, which apply to electric power natural disaster assistance. In a declared national emergency DEPA functions would be to assure that an adequate supply of electric power was available to meet defense and essential civilian needs; in a natural disaster DEPA will maintain surveillance of the disaster situations and conditions as related to electric power and assure that effective and timely assistance is rendered to State and local governments.

OFFICE OF RESEARCH AND DEVELOPMENT

The Office of Research and Development was established on May 7, 1973,





by Secretarial Order No. 2953. The Office was established to coordinate energy and minerals research and development activities. The Office sets priorities and formulates research and development budgets, oversees development of new research and development programs, and evaluates the progress and results of all energy related research and development conducted or sponsored by the Department. The Office undertakes research related to establishing goals and priorities as applied to strategic research and development planning.

OFFICE OF HEARINGS AND APPEALS

The Office of Hearings and Appeals was established by the Secretary on April 8, 1970, to consolidate related functions and to provide for more effective departmental appeals procedures.

The Office of Hearings and Appeals is responsible for departmental quasi-judicial and related functions. Administrative law judges and five formal boards of appeal render decisions in cases pertaining to contract disputes; Indian probate and administrative appeals; public and acquired lands and their resources; submerged offshore lands of the Outer Continental Shelf; mine health and safety; claims under the Alaska Native Claims Settlement Act; and enforcement of the importation and transportation of rare and endangered species. The Director of the Office of Hearings and Appeals may assign administrative law judges for the purpose of holding rulemaking hearings and he may also assign administrative law judges or establish ad hoc boards of appeal to meet special requirements of disputes not falling under one of the previously listed categories. Decisions of the boards are final for the Department.

The Office includes the headquarters organization and two offices in the field for departmental administrative law judges and 11 field offices for Indian probate administrative law judges. It also includes an office in Alaska which serves as the headquarters of the Alaska Native Claims Appeal Board.

OFFICE OF TERRITORIAL AFFAIRS

The Office of Territorial Affairs was established on February 6, 1973, by Secretarial Order No. 2951. The Office is responsible for the promotion of the economic, social, and political development of the territories of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. The Office also discharges the responsibilities of the Secretary of the Interior as they relate to those and all other noncontiguous territories under the jurisdiction of the Secretary.

OFFICE OF MINERALS POLICY DEVELOPMENT

The Office of Minerals Policy Development was established on April 17, 1974, by Secretarial Order No. 2964. The Office oversees the development of policies, programs, and legislative initiatives regarding mineral development and conservation, recycling, and substitution; performs departmental level analyses of policy options and the state of research and development and their effect on future mineral markets; and coordinates mineral policy analysis, mineral conservation, and mineral data analysis within the Department. The Office performs selective departmental analysis in energy and electric power, and collects, processes, and analyzes energy data. The Office also oversees the development of comprehensive mineral data and information systems within the Department, including standards for statistical processes for data management pertaining to minerals; analytical models and techniques; and forecasting, evaluation, and appraisals of mineral plans and programs.

OCEAN MINING ADMINISTRATION

The Ocean Mining Administration, under the supervision of the Assistant Secretary—Energy and Minerals, was established by Secretary's Order 2971 of February 26, 1975. It is responsible for policy formulation on the development of ocean mineral resources, the implementation of a domestic ocean mining development program with special emphasis on its relationship to ongoing and future international negotiations on the law of the sea and ocean mining, supervision of ocean minerals technology and resource assessments, supervision of ocean mineral resources environmental studies, liaison with other Federal agencies concerned with ocean mineral resources development and regulatory aspects of ocean mining. To the extent that the functions of the Ocean Mining Administration involve the leasing of lands for the recovery of minerals, it makes use of the expertise and facilities of the Assistant Secretary—Land and Water Resources, and ensures effective consultation and coordination with the Bureau of Land Management. It is anticipated that this organization and its functions will be transferred intact to the United States Geological Survey upon conclusion of international negotiations on ocean mining and enactment of appropriate legislation and regulations—not later than June 30, 1977.

BUREAU OF MINES

The Bureau of Mines was established July 1, 1910, in the Department of the Interior by the Organic Act of May 16, 1910 (36 Stat. 369; 30 U.S.C. secs. 1, 3, 5-7), as amended. The 1910 act has been supplemented by several statutes including those that authorize production and sale of helium, and research and environmental problems associated with minerals.

The Bureau of Mines is primarily a research and factfinding agency. Its goal is to stimulate private industry to produce a substantial share of the Nation's mineral needs in ways that best protect the public interest. Basic and applied research are conducted to develop the technology for the extraction, processing, use, and recycling of the Nation's mineral resources at a reasonable cost without harm to the environment or the workers involved. Typical areas of research are mine health and safety, recycling of solid wastes, improvement of coal production technology, abatement of pollution and land damage caused by mineral extraction and processing operations, and development of ways to use domestic lowgrade ores as alternative sources of critical minerals that must currently be imported.

In addition, the Bureau helps administer some environmental repair programs specifically authorized by laws like the Appalachian Regional Development Act.

The Bureau also collects, compiles, analyzes, and publishes statistical and economic information on all phases of mineral resource development, including exploration, production, shipments, demand, stocks, prices, imports, and exports. Special studies are frequently made on subjects of particular national interest, such as the effects of potential economic, technologic, or legal developments on resource availability.

For further information, contact the Office of Mineral Information, Bureau of Mines, 2401 E Street NW., Washington, D.C. 20241. Phone 202-634-1001.

For pertinent codified regulations issued by the Bureau of Mines, see Code of Federal Regulations, Title 30, Chapter VI.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

The Mining Enforcement and Safety Administration was established by Order No. 2953 issued by the Secretary of the Interior, effective May 7, 1973. This order separated from the Bureau of Mines administration of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772; 30 U.S.C. 721), and, except for certain research functions, the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801).

Programs are conducted to control health hazards and reduce fatalities and injuries in the mineral extraction industries through inspection, investigation, and enforcement; assessment of penalties for violations; technical support; and education, training, and motivation.

Mandatory health and safety standards and regulations are developed or revised as warranted by new technology or by changing conditions.

For further information, contact the Mining Enforcement and Safety Administration, Information Office, Room 330, 4015 Wilson Blvd., Arlington, Va. 22203. Phone 703-557-2315.

For pertinent codified regulations issued by the Mining Enforcement and Safety Administration, see Code of Federal Regulations, Title 30, Chapter I.

GEOLOGICAL SURVEY

[National Center, 12201 Sunrise Valley Drive, Reston, Va. 22092]

The Geological Survey was established by the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) which provided for "the classification of the public lands and the examination of the geological structure, mineral resources, and products of the national domain." The act of September 5, 1962 (76 Stat. 427; 43 U.S.C. 31 (b)), expanded this authorization to include such examination outside the national domain. Topographic mapping and chemical and physical research were



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recognized as an essential part of the investigations and studies authorized by the Organic Act, and specific provision was made for them by Congress in the act of October 2, 1888 (25 Stat. 505, 526).

Provision was made in 1894 for gaging the streams and determining the water supply of the United States (28 Stat. 398). Authorizations for publication, sale, and distribution of material prepared by the geological Survey were contained in several statutes (43 U.S.C. 41–45; 44 U.S.C. 260–262).

The broad objectives of the Geological Survey are to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States; classify land as to mineral character and water and power resources; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, development contracts, and gas storage contracts; and publish and disseminate data relative to the foregoing activities.

CONSERVATION

The Survey classifies Federal lands as to their value for leasable minerals or for reservoir and waterpower sites; supervises the operations of private industry on geothermal, oil shale, mining, and oil and gas leases on public domain, acquired, Indian, Outer Continental Shelf, and certain Naval Petroleum Reserve lands to ensure maximum utilization and prevent waste of the mineral resources, to limit environmental damage and pollution, and to protect public health and safety; assures the public a fair market return for the disposition of its mineral resources; establishes maximum rates of production for producing wells on the Outer Continental Shelf; maintains production accounts and collects royalties; prepares and publishes maps and reports of mineral and water resources investigations on Federal lands; and provides certain Federal agencies geologic and engineering advice, evaluations, and inspection services for the management and disposition of public lands and mineral resources.

GEOLOGY

The Survey conducts highly diversified research programs to increase understanding and to aid in management of the mineral and energy potential of the land area of the United States and of the adjacent continental margins. These programs provide basic information on the character, magnitude, location, and distribution of mineral, energy, and land resources, as well as on the principles and processes involved in their formation. This information also provides a basis for many critical decisions and actions relating to land use, urban planning and development, construction practices, environmental and health problems and earthquake, volcanic, and other natural hazards. Special programs include the investigation and evaluation of geothermal resources, the maintenance of seismic and geomagnetic observatories as part of an earthquake hazards reduction program, and the administration of exploration contracts for the discovery of domestic minerals by private industry with Federal assistance.

TOPOGRAPHIC MAPPING

The Survey prepares, publishes, and revises maps of the National Topographic Map Series covering the United States and its outlying areas. It operates the National Cartographic Information Center, which collects and furnishes information concerning maps, aerial photography, geographic positions, and elevations; geographic positions, and elevations; coordinates mapping activities financed by Federal funds; conducts research in topographic surveying and mapping, on both the techniques and the instrumentation of mapping operations; prepares and publishes the National Atlas of the United States; and carries out research on domestic geographic names.

WATER RESOURCES

The Survey determines the source, quantity, quality, distribution, movement, and availability of both surface and ground waters. This work includes investigations of floods and shortages of water supply; the evaluation of available waters in river basins and groundwater provinces; the determination of the chemical, physical and biological quality of water resources and the relationship of water quality to various parts of the hydrologic cycle; special hydrologic studies of the interrelations between climate, topography, vegetation, soils, and the water supply; research to increase the understanding of fundamental principles of water occurrence, movement, and interaction with its environment, and to improve techniques and technology; scientific and technical assistance in hydrologic fields to other Federal agencies and to licensees of the Federal Power Commission; and the coordination of Federal water data acquisition activities.

LAND INFORMATION AND ANALYSIS PROGRAMS

*Earth Resources Observation Systems (EROS).* A Departmental program for acquiring, processing, distributing, and applying remote sensor data to the solution of resources and environmental problems.

*Resources and Land Investigations Program (RALI).* A Departmental program that develops and coordinates a directory and catalog of land and resource information and investigates, develops and demonstrates multi-disciplinary methodologies and models for solution of environmental, and resource and land inventory problems.

*Geography Program.* Provides a basic program of investigations in the modern science of geography in support of fundamental earth science and land-use data analysis mapping.

*Earth Sciences Applications Program.* Directs and coordinates the core disciplines of the Geological Survey to demonstrate the application of earth science information to land-use decisionmaking problems.

*Environmental Impact Analysis Program.* Provides direction, coordination, and expertise for review of environmental impact statements.

For further information, contact the Information Officer, Geological Survey, Department of the Interior, National Center, 12201 Sunrise Valley Drive, Reston, Va. 22092.

For pertinent codified regulations issued by the Geological Survey, see Code of Federal Regulations, Title 30, Chapter II.

BUREAU OF INDIAN AFFAIRS

The Bureau of Indian Affairs was created in the War Department in 1824 and transferred to the Department of the Interior at the time of its establishment in 1849. The Snyder Act of 1921 (42 Stat. 208; 25 U.S.C. 13) provided substantive law for appropriations covering the conduct of activities by the Bureau of Indian Affairs. The scope and character of the authorizations contained in this act were broadened by the Indian Reorganization Act of 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.).

The principal objectives of the Bureau are to actively encourage and train Indian and Alaska Native people to manage their own affairs under the trust relationship to the Federal Government; to facilitate, with maximum involvement of Indian and Alaska Native people, full development of their human and natural resource potentials; to mobilize all public and private aids to the advancement of Indian and Alaska Native people for use by them; and to utilize the skill and capabilities of Indian and Alaska Native people in the direction and management of programs for their benefit.

*Functions.* In carrying out these objectives, the Bureau works with Indians and Alaska Native people, other Federal agencies, State and local governments, and other interested groups in the development and implementation of effective programs for their advancement.

AREA OFFICES—BUREAU OF INDIAN AFFAIRS

| *Area* | *Headquarters* |
|---|---|
| Aberdeen, S. Dak. 57401 | 115 Fourth Ave. SE. |
| Albuquerque, N. Mex. 87108 | 5301 Central Ave., NE. |
| Anadarko, Okla. 73005 | Federal Bldg., P.O. Box 368. |
| Billings, Mont. 59101 | 316 North 26th St. |
| Juneau, Alaska 99802 | Box 3-8000. |
| Minneapolis, Minn. 55402 | 831 Second Ave. S. |
| Muskogee, Okla. 74401 | Federal Bldg. |
| Window Rock, Ariz. 86515 | Navajo area office. |
| Phoenix, Ariz. 85011 | 124 W. Thomas Rd. |
| Portland, Oreg. 97208 | 1425 Irving St. NE. |
| Sacramento, Calif. 95825 | 2800 Cottage Way. |
| Eastern area | 1951 Constitution Ave. NW., Washington, D.C. 20245. |





The Bureau seeks for them adequate educational opportunities in public education systems, assists them in the creation and management of educational systems for their own benefit, or provides from Federal resources the educational systems needed; actively promotes the improvement of their social welfare by working with them to obtain and provide needed social and community development programs and services; works with them in the development and implementation of programs for their economic advancement and for full utilization of their natural resources consistent with the principles of resource conservation.

The Bureau also acts as trustee for their lands and monies held in trust by the United States, assisting them to realize maximum benefits from such resources.

For further information, contact the Office of Public Information, Bureau of Indian Affairs, Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20245. Phone, 202–343–7435.

For pertinent codified regulations issued by the Bureau of Indian Affairs, see Code of Federal Regulations, Title 25, Chapter I; and Title 41, Chapter 14H.

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management was established July 16, 1946, by the consolidation of the General Land Office (created in 1812) and the Grazing Service (formed in 1934). This was done in accordance with the provisions of sections 402 and 403 of the President's Reorganization Plan 3 of 1946 (5 U.S.C. 133y–16).

The Bureau manages the national resource lands and their resources. It also administers the mineral resources connected with acquired lands and the submerged lands of the Outer Continental Shelf (OCS).

*Field offices—Bureau of Land Management*

| State offices | Area of responsibility | Address and phone number |
|---|---|---|
| Alaska | Alaska | 555 Cordova St., Anchorage, Alaska 99501. Phone: 907–277–1561. |
| Arizona | Arizona | Federal Bldg., Phoenix, Ariz. 85025. Phone: 602–261–3873. |
| California | California | Federal Bldg., Sacramento, Calif. 95825. Phone: 916–484–4676. |
| Colorado | Colorado | Colorado State Bank Bldg., Denver, Colo. 80202. Phone: 303–837–4325. |
| Eastern States | All States bordering on and east of the Mississippi River. | 7981 Eastern Ave., Silver Spring, Md. 20910. Phone: 301–427–7500. |
| Idaho | Idaho | Federal Bldg., Boise, Idaho 83724. Phone: 208–342–2401. |
| Montana | Montana, North Dakota, South Dakota. | Federal Bldg., Billings, Mont. 59101. Phone: 406–245–6463. |
| Nevada | Nevada | Federal Bldg., Reno, Nev. 89502. Phone: 702–784–5451. |
| New Mexico | New Mexico, Oklahoma | Federal Bldg., Santa Fe, N. Mex. 87501. Phone: 505–988–6217. |
| Oregon | Oregon, Washington | 729 Northeast Oregon St., Portland, Oreg. 97208. Phone: 503–234–4001. |
| Utah | Utah | Federal Bldg., Salt Lake City, Utah 84111. Phone: 801–524–5311. |
| Wyoming | Wyoming, Kansas, Nebraska | Federal Bldg., Cheyenne, Wyo. 82001. Phone: 307–778–2326. |
| OUTER CONTINENTAL SHELF (OCS) OFFICES | | |
| Alaska | Alaska OCS | 121 W. Fireweed La., Anchorage, Alaska 99510. Phone: 206–442–0150. |
| Atlantic | Atlantic OCS (north from Florida-Georgia State line). | 6 World Trade Center, Suite 600 D, New York, N.Y. 10048. Phone: 212–264–2660. |
| Gulf of Mexico | Gulf of Mexico and Florida OCS. | 1001 Howard Ave., New Orleans, La. 70113. Phone: 504–589–6541. |
| Pacific | Pacific OCS (including Hawaii OCS). | 300 North Los Angeles St., Los Angeles, Calif. 90012. Phone: 213–688–7234. |
| SERVICE AND SUPPORT OFFICES | | |
| Denver Service Center. | | Federal Center Bldg., Denver, Colo. 80225. Phone: 303–234–2329. |
| Boise Interagency Fire Center. | | 3905 Vista Ave., Boise, Idaho 83705. Phone: 208–342–0237. |

The Bureau organization consists basically of a headquarters in Washington, D.C., one detached office having Bureau-wide support responsibilities, and a field organization of State, District, and Outer Continental Shelf offices.

The Bureau is responsible for the total management of 450 million acres of national resource lands. These lands are located primarily in the Far West and Alaska. However, scattered parcels are located in other States. In addition to minerals management responsibilities on the national resource lands and the Outer Continental Shelf, the Bureau is also responsible for subsurface resource management of an additional 63 million acres where mineral rights have been reserved to the Federal Government.

Resources managed and leased by the Bureau include timber, minerals, geothermal energy, wildlife habitat, livestock forage, recreation and cultural values, and open space. Bureau programs provide for the protection, orderly development, and use of the national resource lands and resources under principles of multiple use—providing for a mix of compatible goods and services from a given unit of public land—and sustained yield—the harvest of a renewable resource on a yearly schedule where the average annual harvest does not exceed the average annual growth—while maintaining and enhancing the quality of the environment. The Bureau also manages watersheds to protect soil and enhance water quality; develops recreational opportunities on national resource lands; and makes land available through sale to individuals, organizations, local governments, and other Federal agencies when such transfer is in the public interest. Lands for certain purposes may be leased to State and local government agencies and to nonprofit organizations.

The Bureau is responsible for the survey of Federal lands and maintains public land records.

For further information, contact the Office of Public Affairs, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Phone, 202–343–5717.

For pertinent codified regulations issued by the Bureau of Land Management, see Code of Federal Regulations, Title 43, Chapter II.

UNITED STATES FISH AND WILDLIFE SERVICE

The United States Fish and Wildlife Service's national responsibility in the service of wildlife and people reach back over 100 years to the establishment in 1871 of a predecessor agency, the Bureau of Fisheries. First created as an independent agency, the Bureau of Fisheries was later placed in the Department of Commerce. A second predecessor agency, the Bureau of Biological Survey, was established in 1885 in the Department of Agriculture.

The two Bureaus and their functions were transferred in 1939 to the Department of the Interior. They were consolidated into one agency and redesignated the Fish and Wildlife Service in 1940 by Reorganization Plan III (54 Stat. 1232).

Further reorganization came in 1956 when the Fish and Wildlife Act (70 Stat. 1119) created the United States Fish and Wildlife Service and provided for it to replace and succeed the former Fish and Wildlife Service. The Act established two Bureaus within the new Service: the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife.

In 1970, under Reorganization Plans 3 and 4, the Bureau of Commercial Fisheries was transferred to the Department of Commerce. The Bureau of Sport Fisheries and Wildlife, which remained in Interior, was renamed by Act of Congress in April 1974 (88 Stat. 92) as the United States Fish and Wildlife Service.

The Service is composed today of a headquarters office in Washington, D.C., six regional offices in the lower 48 states, an Alaska area office, and a variety of field units and installations. These include more than 350 National Wildlife Refuges comprising more than 30 million acres; 35 fish and wildlife research stations and laboratories; cooperative research units at 45 universities across the country; nearly 100 National Fish Hatcheries; and a nationwide network of wildlife law enforcement agents and wildlife enhancement biologists.



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The objective of the United States Fish and Wildlife Service, which is responsible for wild birds, mammals (except certain marine mammals), inland sport fisheries, and specific fishery research activities, is to assure maximum opportunity for the American people to benefit from fish and wildlife resources as part of their natural environment. Within this framework, the Service assists in the development of an environmental stewardship ethic for our society based on ecological principles, scientific knowledge of wildlife, and a sense of moral responsibility; guides the conservation, development, and management of the Nation's fish and wildlife resources, and administers a national program which provides opportunities to the American public to understand, appreciate, and wisely use these resources.

In the area of resource management, the Service provides leadership for the protection and improvement of land and water environments (habitat preservation), which directly benefits the living natural resources, and adds quality to human life. Activities include:

Biological monitoring, through scientific research; surveillance of pesticides, heavy metals, and thermal pollution; studies of fish and wildlife populations; and ecological studies;

Environmental impact assessment through river basin studies, including hydroelectric dams, nuclear powersites, stream channelization, dredge and fill permits; associated research; and environmental impact statement review;

Area planning and preservation involving river basins, wilderness areas, and special studies, such as oil shale and geothermal energy.

The Service is responsible for improving and maintaining fish and wildlife resources by proper management of migratory birds and other wildlife; control of population imbalances and fulfilling the public demand for recreational fishing while maintaining the Nation's fisheries at a level and in a condition that will assure their continued survival. Specific wildlife and fishery resources programs include:

Migratory birds, wildlife refuge management for production, migration, and wintering; game law enforcement; research, including bird banding, harvest and survival rate studies, breeding, migrating, and wintering surveys, and disease studies;

Mammals and nonmigratory birds, refuge management of resident species (primarily big game); law enforcement; research on disease and population distribution, including marine mammals, species transplants; and technical assistance;

Animal damage control, operational measures through cooperative programs to control predator, rodent, and bird depredations on crops and livestock; research on nonlethal control methods and predator-prey relationships;

Cooperative fish and wildlife research units, located at 45 universities to conduct research and supervise graduate student research, complementing the Service's wildlife and fishery research programs;

Coastal anadromous fish, hatchery production, stocking, and research on nutrition, disease, and habitat requirements in 16 of the 24 coastal States;

Great Lakes fisheries, hatchery production of lake trout; fishery management in cooperation with Canada and the States, and research;

Reservoir fisheries, hatchery production, and stocking of large impoundments and control methods;

Other inland fisheries, hatchery production and stocking of State-managed waters, and Indian lands; technical assistance; and research on genetics, disease, nutrition, and taxonomy.

The Service provides national and international leadership in the area of endangered fish and wildlife from the standpoint of both restoration as well as preventive measures involving threatened species. This program includes development of species lists, recovery plans, conduct of status surveys, coordination of efforts nationally and internationally; research on propagation methods, distribution, genetics, and behavior; operation of wildlife refuges; law enforcement, foreign importation enforcement, and consultant services to foreign countries.

Conservation education and public information programs include: conservation education talks, TV and radio appearances; preparation of leaflets and brochures; operation of environmental study areas on Service lands for use by school groups and teachers; operation of visitor centers, self-guided nature trails, observation towers, display ponds, etc., and providing for recreational activities, such as hunting, fishing, wildlife photography, swimming, and picnicking.

The Service's anadromous fish program provides for reimbursements to State and other non-Federal cooperators of up to 60 percent of the cost of projects designed to conserve, develop, and enhance the anadromous fishery resources of the Nation, including fish in the Great Lakes that ascend streams to spawn.

The following receipts and funds are administered by the Service:

*Migratory Bird Conservation Account.* Receipts from the sale of Federal hunting (duck) stamps are utilized to acquire, by fee or easement, migratory bird refuges and waterfowl production areas.

*National Wildlife Refuge Fund.* Receipts derived from the sale of products from National Wildlife Refuges are used for payments to counties, in which refuges are located, for schools and roads, management of the refuge system, and enforcement of the Migratory Bird Treaty Act.

*Federal Aid in Fish Restoration and Management.* Receipts derived from the excise tax on items of sport fishing tackle provide for reimbursement to States for up to 75 percent of the cost of approved State fish restoration and management projects, including their research into fish culture, formulation of restocking plans, and acquisition and improvement of fish habitat.

*Federal Aid in Wildlife Restoration.* Receipts derived from the excise tax on sporting arms and ammunition are similarly disbursed to the States for up to 75 percent of the cost of approved State wildlife restoration projects, including State acquisition and development of land and water areas for wildlife management research and the cost of approved hunter safety programs.

*Contributed Funds.* Funds donated by individuals and groups are used for fish and wildlife programs, including wetlands preservation and sea lamprey control work supported by the Great Lakes Fishery Commission.

*Job Corps Conservation Centers.* The Service operates residential Job Corps Conservation Centers at Witchita Mountains National Wildlife Refuge, Cache, Okla., and the Mingo National Wildlife Refuge, Puxico, Mo.

In addition approximately 36 residential and nonresidential Youth Conservation Corps Camps are operated at select National Wildlife Refuges and National Fish Hatcheries during the summer (8 weeks) providing a conservation work-experience for youth, ages 15 through 18.

For further information, contact the Assistant Director—Public Affairs, United States Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Phone, 202–343–5634.

For pertinent codified regulations issued by the United States Fish and Wildlife Service, see Code of Federal Regulations, Title 50, Chapters I and IV.

*Regional offices—U.S. Fish and Wildlife Service*

| Region | Address | Phone |
|---|---|---|
| Atlanta—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands. | 17 Executive Park Dr. NE., Atlanta, Ga. 30329. | 404–526–4671. |
| Albuquerque—Arizona, New Mexico, Oklahoma, Texas | P.O. Box 1306, Albuquerque, N. Mex. 87103. | 505–766–2321. |
| Anchorage—Alaska | 813 D St., Anchorage, Alaska 99501. | 206–442–0150, tell the operator you want 907–265–4564. |
| Boston—Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia. | John W. McCormack Post Office and Courthouse, Boston, Mass. 02109. | 617–223–2961. |
| Denver—Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming. | P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. | 303–234–2209. |
| Portland—California, Hawaii, Idaho, Nevada, Oregon, Washington. | P.O. Box 3737, Portland, Oreg. 97208. | 503–234–3361, extension 4060. |
| Twin Cities—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. | Federal Bldg., Fort Snelling, Twin Cities, Minn. 55111. | 612–725–3500. |





THE NATIONAL PARK SERVICE

The National Park Service was established in the Department of the Interior on August 25, 1916 (39 Stat. 535; 16 U.S.C. 1).

The National Park Service administers for the American people an extensive system of national parks, monuments, historic sites, and recreation areas. The objectives of the National Park Service are to administer the properties under its jurisdiction for the enjoyment and education of our citizens, to protect the natural environment of the areas, and to assist States, local governments, and citizen groups in the development of park areas, the protection of the natural environment, and the preservation of historic properties.

The National Park Service has a Service Center in Denver that provides planning, architectural, engineering, and other professional services; and a Center for production of interpretive exhibits, audiovisual materials, and publications in Harpers Ferry, W. Va. There are about 300 units in the National Park System, in three categories: Natural, historical, and recreational. Natural areas are the national parks and monuments established primarily for their scenic and scientific values. Historical areas are those sites associated with important movements, events, and personalities of the American past. Recreational areas include scenic parkways, reservoirs, seashores, lakeshores, and riverways.

*Activities.* The National Park Service develops and implements park management plans and staffs the areas under its administration. It relates the natural values and historical significance of these areas to the public through talks, tours, films, exhibits, publications, and other interpretive media. It operates campgrounds and other visitor facilities and provides—usually through concessions—lodging, food, and transportation services in many areas.

In addition to preserving, managing, and interpreting to the public the lands and resources under its administration, it sponsors programs to identify and recognize natural and historic landmarks, to record archeological remains, to record significant architectural and engineering works, and to assist through grants-in-aid the preservation of non-Federal historic properties. It cooperates with local school administrations in the presentation of environmental education programs.

For further information, contact the Assistant to the Director, Public Affairs, National Park Service, Department of the Interior, Washington, DC 20240. Phone, 202–343–7394.

For pertinent codified regulations issued by the National Park Service, see Code of Federal Regulations, Title 36, Chapter I.

REGIONAL OFFICES—NATIONAL PARK SERVICE

| Region | Address |
|---|---|
| North Atlantic—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey. | 150 Causeway St., Boston, Mass. 02114. |
| Mid-Atlantic—Pennsylvania, Maryland, West Virginia, Delaware, Virginia. | 143 South 3d St., Philadelphia, Pa. 19106. |
| Southeast—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, Virgin Islands. | 3401 Whipple St., Atlanta, Ga. 30344. |
| Midwest—Ohio, Indiana, Michigan, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Nebraska, Kansas. | 1709 Jackson St., Omaha, Nebr. 68102. |
| Rocky Mountain—Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado. | 645–655 Parfet Ave., Denver, Colo. 80215. |
| Southwest—Arkansas, Louisiana, New Mexico, Oklahoma, Texas. | Box 728, Santa Fe, N. Mex. 87501. |
| Western—Arizona, California, Nevada, Hawaii. | 450 Golden Gate Ave., San Francisco, Calif. 94102. |
| Pacific Northwest—Alaska, Idaho, Oregon, Washington. | 1424 4th Ave., Seattle, Wash. 98101. |
| National capital parks—Metropolitan area of Washington, D.C. | 1100 Ohio Dr. SW., Washington, D.C. 20242. |

BUREAU OF OUTDOOR RECREATION

The Bureau of Outdoor Recreation was created April 2, 1962. Under the act of May 28, 1963 (16 U.S.C. 460), the Bureau is responsible for promoting coordination and development of effective programs relating to outdoor recreation. The Bureau carries out most of the responsibilities delegated to the Secretary under the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*–4). Numerous functions are performed under the Federal Water Project Recreation Act (16 U.S.C. 460*l*–12); the Department of Transportation Act, as amended (49 U.S.C. 1653); the Wild and Scenic Rivers Act (82 Stat. 906); the National Trials System Act (82 Stat. 919); and the Federal Property and Administrative Services Act, as amended (40 U.S.C. 484).

The Bureau serves as the Federal focal point to assure prompt and coordinated action at all levels of government for coordinating, planning, and financing public outdoor recreation; and encouraging and assisting all governmental and private interests to conserve, develop, and utilize outdoor recreation resources for the benefit and enjoyment of present and future generations.

*Activities.* Under the Land and Water Conservation Act of 1965, the Bureau administers a program of financial assistance grants to States and their political subdivisions for comprehensive planning, land acquisition, and facility development. The Fund also helps finance the acquisition of Federal lands and water areas for recreational purposes and the Bureau participates directly in the planning, coordination, and establishment of uniform policies relating to recreation and fish and wildlife benefits and costs of Federal multipurpose water resource projects.

The Bureau has responsibility for formulating and implementing a comprehensive Nationwide Outdoor Recreation Plan that encompasses the needs and demands of the public for outdoor recreation, the current and foreseeable availability of outdoor recreation resources to meet those needs, critical outdoor recreation problems, and recommended desirable actions to be taken at each level of government and by private interests. The Bureau also promotes coordination of Federal plans and activities relating to outdoor recreation; cooperates with and provides technical assistance to States, political subdivisions, and private interests; encourages interstate and regional cooperation, monitors and stimulates research relating to outdoor recreation; and cooperates with and provides technical assistance to other Federal departments and agencies. Certain rivers and trails are also studied for possible inclusion in the national wild and scenic rivers and trails systems. Under the Department of Transportation Act the possible adverse effects of transportation projects and programs on parks, recreation areas, and wildlife and waterfowl refuges are reviewed. Another important part of the Bureau's mission, under the National Environmental Policy Act is to review Federal actions having an impact on outdoor recreation. The Bureau also acts on applications from States and local governments requesting the conveyance of surplus Federal real property for public park and recreation purposes.

For further information, contact the Division of Personnel and Management, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. Phone, 202–343–4805.



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REGIONAL OFFICES—BUREAU OF OUTDOOR RECREATION

| Region | Address |
|---|---|
| Northeast—Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, District of Columbia. | 600 Arch St., Philadelphia, Pa. 19106. |
| Southeast—Alabama, Florida, Georgia, Kentucky, Tennessee, Mississippi, North Carolina, Puerto Rico, South Carolina. | 148 Cain St., Atlanta, Ga. 30303. |
| Lake Central—Indiana, Illinois, Michigan, Minnesota, Ohio, Wisconsin. | 3853 Research Park Dr., Ann Arbor, Mich. 48104. |
| Midcontinent—Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming. | Denver Federal Center, Building 41, P.O. Box 25387, Denver, Colo. 80225. |
| South Central—Arkansas, Louisiana, New Mexico, Oklahoma, Texas. | 5000 Marble Ave. NE., Albuquerque, N. Mex. 87110. |
| Northwest—Alaska, Idaho, Oregon, Washington. | 915 2d Ave., Seattle, Wash. 98104. |
| Pacific Southwest—American Samoa, Arizona, California, Guam, Hawaii, Nevada. | 450 Golden Gate Ave., San Francisco, Calif. 94102. |

## BUREAU OF RECLAMATION

The Reclamation Act of 1902 (43 U.S.C. 391 et seq.), authorized the Secretary of the Interior to locate, construct, operate, and maintain works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the Western States. To perform these functions, the Secretary in July 1902 established a Reclamation Service in the Geological Survey. In March 1907 the Reclamation Service was separated from the Survey, and in June 1923, the name was changed to Bureau of Reclamation.

The basic objectives of the Federal Reclamation program are to assist the States, local governments, and other Federal agencies to stabilize and stimulate local and regional economies, enhance and protect the environment, and improve the quality of life through development of water and related land resources throughout the 17 contiguous Western States and Hawaii.

Reclamation projects, through a multiple purpose concept, provide for some or all of the following purposes: (1) Municipal and industrial water service, (2) hydroelectric power generation and transmission, (3) irrigation water service, (4) water quality improvement, (5) fish and wildlife enhancement, (6) outdoor recreation, (7) flood control, (8) navigation, (9) river regulation and control, and (10) related uses. Through contractual agreements with project beneficiaries, the Bureau arranges for repayment to the Government of reimbursable project construction and operation and maintenance costs. About 86 percent of all project costs are reimbursable. Interest is paid on costs allocated to power and to municipal and industrial water service.

Major functions of the Bureau include: (1) Investigation and development of plans for the regulation, conservation, and utilization of water and related resources, including basin-wide water studies and new sources of fresh water supplies, power capacity, and energy; (2) research programs to maximize use of resources, including weather modification; (3) design and construction of authorized projects for which funds have been appropriated by the Congress; (4) repair and rehabilitation of existing projects; (5) operation and maintenance of Bureau constructed facilities which are not transferred to local organizations; (6) review of operation and maintenance of Bureau-built facilities which have been transferred to local organizations; (7) settlement of public or acquired lands on Bureau projects; (8) administration of the Small Reclamation Projects Act of 1956, and of loans for construction or rehabilitation of irrigation systems; and (9) negotiation, execution, and administration of repayment contracts, water-user operation and maintenance contracts, and contracts relating to the irrigation of excess lands.

MAJOR FIELD OFFICES—BUREAU OF RECLAMATION

| Office | Headquarters |
|---|---|
| Engineering and research center | Building 67, Box 25007, Denver Federal Center, Denver, Colo. 80225. |
| Pacific Northwest region | 550 West Fort St., Box 043, Boise, Idaho 83724. |
| Mid-Pacific region | Federal Office Bldg., 2800 Cottage Way, Sacramento, Calif. 95825. |
| Lower Colorado region | Nevada Highway and Park St., Box 427, Boulder City, Nev. 89006. |
| Upper Missouri region | 125 South State, Box 11568, Salt Lake City, Utah 84111. |
| Southwest region | 317 East 3d, Box H-4377, Amarillo, Tex. 79101. |
| Upper Missouri region | 316 North 26th St., Box 2553, Billings, Mont. 59103. |
| Lower Missouri region | Building 20, Denver Federal Center, Denver, Colo. 80225. |

The Bureau has responsibility for the sale, interchange, or transmission of electric power and energy generated at: powerplants constructed and operated by the Bureau (except surplus electric power from nine hydroelectric plants operated by the Bureau in the Pacific Northwest); six powerplants on the Missouri River and one on the Rio Grande that were constructed by other Federal agencies.

In cooperation with other agencies the Bureau reviews environmental statements for proposed Federal water resource projects; renders technical assistance to foreign countries in water resource development and utilization; and administers youth conservation programs.

For further information, contact the Office of Public Affairs, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Phone 202–343–4662.

For pertinent codified regulations issued by the Bureau of Reclamation, see Code of Federal Regulations, Title 43, Chapter I.

## BONNEVILLE POWER ADMINISTRATION

1002 NE. Holladay Street, P.O. Box 3621, Portland, OR 97208

The Bonneville Power Administration (BPA) was created pursuant to the act of August 20, 1937 (50 Stat. 731, as amended; 16 U.S.C. 832 et seq.). Through a regionwide interconnecting transmission system, it markets electric power and energy from Federal hydroelectric projects in the Pacific Northwest constructed and operated by the Corps of Engineers or the Bureau of Reclamation. (The Corps of Engineers and Bureau of Reclamation generating plants, together with BPA's transmission system, constitute the Federal Columbia River Power System.) Through interregional connections, it sells power surplus to the needs of the Pacific Northwest outside the region, and participates in other interregional exchanges of power.

The Administration markets power produced by the Federal Columbia River Power System at the lowest rates consistent with sound business practices, for the benefit of the general public. Preference is given to public bodies and cooperatives. Through interutility coordination and regional planning, it seeks to assure an adequate and reliable supply of power for the region's future needs. Through integration of Federal and non-Federal generating plants, it seeks to achieve this objective with a minimum investment of resources in the region's power system with maximum attention to the importance of preserving environmental quality.

MAJOR FIELD OFFICES—BONNEVILLE POWER ADMINISTRATION

| Office | Headquarters |
|---|---|
| Portland area | 919 Northeast 19th Ave., Portland, Oreg. 97208. |
| Seattle area | 415 1st Ave. N., Seattle, Wash. 98109. |





| Office | Headquarters |
|---|---|
| Spokane area | U.S. Courthouse, Spokane, Wash. 99201. |
| Walla Walla area | West 101 Poplar St., Walla Walla, Wash. 99362. |
| Eugene district | 834 Pearl St., Eugene, Oreg. 97401. |
| Idaho Falls district. | 531 Lomax St., Idaho Falls, Idaho 83401. |
| Kalispell district | Highway 2 E., Box 758, Kalispell, Mont. 59901. |
| Wenatchee district. | U.S. Federal Bldg. and Post Office, Wenatchee, Wash. 98801. |

The Administration conducts power marketing programs to provide the basis for a sound regional economy. Power is sold at wholesale to utilities and directly to electroprocess industries and to other Federal agencies. The Administration negotiates contracts for the sale and exchange of electric power; prepares wholesale rates and repayment schedules; and constructs, operates, and maintains a transmission system which integrates Federal power projects and interconnects with non-Federal utility systems. The Federal transmission system is also utilized for the wheeling of power from non-Federal generating plants to load centers.

The Administration participates with other Government agencies and non-Federal groups in planning for the orderly development of the region's potential electric energy resources—hydro and thermal—to meet long-term power needs, and in the development and implementation of operating agreements concerning power generating and transmission facilities.

BPA in cooperation with the Corps of Engineers represents the United States in implementing the provisions of the Columbia River Treaty with Canada for the joint development of the Columbia River. BPA plays a key role in the Joint Power Planning Council, comprised of all interested public and private power systems in the region and in formulating cooperative plans for efficient development of the region's future hydrothermal power facilities.

Through an act passed on October 18, 1974 (16 U.S.C. 838), Bonneville Power Administration now has the authority, in lieu of appropriations, to use its revenues or to sell revenue bonds to the U.S. Treasury in order to construct, operate, and maintain its transmission system.

For further information, contact the Public Information Office, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oreg. 97208. Phone 503–234–3361, extension 5133.

## SOUTHEASTERN POWER ADMINISTRATION

Elberton, Ga. 30635

The Southeastern Power Administration was created by the Secretary of the Interior in 1950, to carry out functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890), which pertain to the transmission and disposition of surplus electric power and energy generated at reservoir projects which are or may be under the control of the Department of the Army in the States of West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Kentucky.

The Southeastern Power Administration transmits and disposes of the surplus electric power and energy generated at the Federal reservoir projects in such manner as to encourage the most widespread use. The Administration sets the lowest possible rates to consumers, consistent with sound business principles, and gives preference in the sale of such power and energy to public bodies and cooperatives.

The program of the Administration includes the negotiation, preparation execution, and administration of contracts for the disposition of electric power; the preparation of wholesale rates and repayment schedules; the provision by construction, by contract, or otherwise, of transmission and related facilities to interconnect reservoir projects and to serve contractual loads; and activities pertaining to the planning and operation of power facilities.

For further information, contact the Administrator, Southeastern Power Administration, Elberton, Ga. 30635. Phone, 404–283–3261.

## SOUTHWESTERN POWER ADMINISTRATION

Page Belcher Federal Building, Tulsa, Okla. 74101

The Southwestern Power Administration was created by the Secretary of the Interior in 1943, to carry out the Secretary's responsibility for the sale and disposition of electric power and energy generated at certain projects constructed and operated by the Department of the Army. For these projects the Administration carries out the functions assigned to the Secretary by the Flood Control Act of 1944 (58 Stat. 890; 16 U.S.C. 825s) in the States of Kansas, Missouri, Oklahoma, Arkansas, Texas and Louisiana.

The headquarters office is located at Tulsa, Okla. There are three area offices at Springfield, Mo., Muskogee, Okla., and Jonesboro, Ark.; four maintenance units; and three dispatching offices.

The Southwestern Power Administration transmits and disposes of the electric power and energy generated at the Federal reservoir projects, supplemented by power purchased from public and private utilities, in such manner as to encourage the most widespread and economical use. The Administration sets the lowest possible rates to consumers, consistent with sound business principles, and gives preference in the sale of power and energy to public bodies and cooperatives.

The Administration prepares, negotiates, and administers contracts for the sale and interchange of electric power and energy on a wholesale basis; prepares rate and repayment studies; designs and constructs transmission lines and related facilities to interconnect hydroelectric projects of the Administration's system, and with other systems, both public and private; develops long-range marketing programs for maximum utilization of power from existing and proposed hydroelectric developments; conducts and participates in studies for integration of electric power facilities in the Southwest; participates in the comprehensive planning of water-resource development in the Southwest; and operates and maintains a high-voltage transmission system to serve contractual loads and maintain reliable interconnections.

For further information, contact the Southwestern Power Administration, PO. Drawer 1619, Tulsa, Okla. 74101. Phone, 918–581–7531.

## ALASKA POWER ADMINISTRATION

Federal Building, P.O. Box 50, Juneau, Alaska 99802

The Alaska Power Administration was created by the Secretary of the Interior in 1967 to carry out functions assigned to the Secretary in water and power planning and power operations in Alaska, including among others the Eklutna Project Act (64 Stat. 382); the Snettisham Project authorization in the Flood Control Act of 1962 (76 Stat. 1193); and the power marketing provision of the Flood Control Act of 1944 (58 Stat. 890).

The Administration assignments include planning for water, power, and related resources development and utilization in Alaska in cooperation with other State, local, and Federal entities; operation, maintenance, and power marketing for Federal hydroelectric projects; and representing the Secreary of the Interior in Alaska on power matters.

Through the planning process the Administration focuses on problem solving or priority areas of energy, water, and land resources; identifies and encourages the water, power, and related resources programs that are consistent with State and national needs for economic development and environmental protection; achieves optimum economics and reliability for the government and consumer in the power operations and marketing functions.

The power operations and marketing functions involve the Eklutna and Snettisham hydroelectric projects, including related transmission systems serving the Anchorage and Juneau areas respectively.

The planning program includes participation in water, power, and related aspects of the land use planning under terms of the Alaska Native Claims Settlement Act, lead agency responsibility in the Alaska regional assessment of water and related land resources (Water Resources Council Program), power system studies, and evaluation of potential water, power, and related resources development.

For further information, contact:

Administrator
Alaska Power Administration
P.O. Box 50
Juneau, Alaska 99802
Phone: 907–586–7405

[FR Doc.75–10032 Filed 4–16–75;8:45 am]



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[INT-DES-75-22]

## JENSEN UNIT, CENTRAL UTAH PROJECT

### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water resource project that would develop water for irrigation in the vicinity of Jensen, Utah, and municipal water to augment existing supplies to Vernal and other nearby northeastern Utah towns. It would also provide fish and wildlife, recreation, and flood control benefits. Written comments may be submitted to the Regional Director (address below) on or before May 29, 1975.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240 Telephone (202) 343-4091.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver, Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84111 Telephone (801) 524-5404.

Utah Activities Office, P.O. Box 1338, 168 West, 100 North, Provo, Utah 84601. Telephone (801) 374-7222.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: April 14, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10079 Filed 4-16-75;8:45 am]

# DEPARTMENT OF AGRICULTURE

## Forest Service

## BOULDER MOUNTAIN PLANNING UNIT

### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Boulder Mountain Planning Unit, Dixie National Forest, Utah. The Forest Service report number is USDA-FS-FES (Adm) R4-75-6.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Boulder Mountain Planning Unit on the Dixie National Forest in south central Utah. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This final environmental statement was transmitted to CEQ on April 11, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Dixie National Forest
500 South Main Street
Cedar City, Utah 84720

District Forest Ranger
Teasdale Ranger District
Teasdale, Utah 84773

District Forest Ranger
Escalante Ranger District
Escalante, Utah 84726

A limited number of single copies are available upon request to Forest Supervisor Merlin I. Bishop, Dixie National Forest, 500 South Main Street, Cedar City, Utah 84720.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

P. M. REES,
*Regional Planner.*

[FR Doc.75-10052 Filed 4-16-75;8:45 am]

## CHOLLA PROJECT

### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement of Proposed Cholla Project, Apache-Sitgreaves and Tonto National Forests, USDA-FS-FES(Adm) R3-74-04.

The environmental statement considers probable environmental effects of the proposed program.

The final environmental statement was transmitted to CEQ on April 9, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
14th & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW
Albuquerque, New Mexico 87102

Apache-Sitgreaves National Forest
Federal Building
Springerville, Arizona 85938

Tonto National Forest
102 South 28th Street
Phoenix, Arizona 85034

Single copies are available upon request to the Forest Supervisor, Apache-Sitgreaves National Forest, P.O. Box 640, Springerville, Arizona 85938; Forest Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85034; and the Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

W. L. EVANS,
*Deputy Regional Forester, Resources, Region 3.*

APRIL 9, 1975.

[FR Doc. 75-10019 Filed 4-16-75;8:45 am]

## DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

### Meeting

The Deschutes National Forest Advisory Committee will meet at 6:30 p.m., May 15, 1975, for a no-host dinner at Tony's Poco Toro Restaurant, Bend, Oregon. The program will follow at 8 p.m.

The subject to be discussed at this meeting will be "The Forest Plan", which includes situations, assumptions and Forest direction and are the requirements on which we put together the Forest Land Use Plan. William D. Shenk, Assistant Forest Supervisor (Planning and Programming) will lead the discussion.

The meeting will be open to the public.

Dated: April 11, 1975.

EARL E. NICHOLS,
*Forest Supervisor.*

[FR Doc.75-10050 Filed 4-16-75;8:45 am]

## SANDIA MOUNTAIN LAND USE PLAN

### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Sandia Mountain Land Use Plan, Cibola National Forest, USDA-FS-FES(Adm)R3-74-44.

The environmental statement considers probable environmental effects of the proposed program.

The final environmental statement was transmitted to CEQ on April 11, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3026
12th & Independence Ave., SW
Washington, D.C. 20250





USDA, Forest Service
Southwestern Region
517 Gold Ave., SW
Albuquerque, New Mexico 87102

Cibola National Forest
10308 Candelaria NE
Albuquerque, New Mexico 87112

Single copies are available upon request to the Forest Supervisor, Cibola National Forest, 10308 Candelaria NE, Albuquerque, New Mexico 87112; Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102; and the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: April 11, 1975.

ADRIAN M. GILBERT,
*Acting Deputy Chief, Forest Service.*

[FR Doc.75-10060 Filed 4-16-75;8:45 am]

## WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

### Meeting

The White Mountain National Forest Advisory Committee will meet May 15 and 16, 1975, at the Red Jacket Motor Inn, North Conway, New Hampshire.

The purpose of this meeting is to discuss planning and management proposals for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603-524-6450.

Dated: April 10, 1975.

PAUL D. WEINGART,
*Forest Supervisor.*

[FR Doc.75-10051 Filed 4-16-75;8:45 am]

## Soil Conservation Service

## LOWER LITTLE TALLAPOOSA RIVER WATERSHED PROJECT, GEORGIA

### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.36(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Big Indian Creek Drainage Area of the Lower Little Tallapoosa River Watershed Project, Carroll, Haralson, and Heard Counties, Georgia, and Cleburne County, Alabama.

The environmental assessment of this federal action indicates that the installation of the Big Indian Creek portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Charles W. Bartlett, State Conservationist, Soil Conservation Service, USDA, 355 East Hancock Avenue, Athens, Georgia 30601, has determined that the preparation and review of an environmental impact statement is not needed for this part of the project.

The Big Indian Creek part of the project concerns a plan for watershed protection and flood prevention. The planned works of improvement as described in the negative declaration include conservation land treatment supplemented by four single purpose floodwater retarding structures, and two multiple purpose structures for flood prevention and municipal and industrial water supply.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
228 Federal Building
355 East Hancock Avenue
Athens, Georgia 30601

The negative declaration is available for single copy requests. Requests should be directed to the Soil Conservation Service, P.O. Box 832, Athens, Georgia 30601.

No administrative action on implementation of the proposal will be taken until May 2, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 10, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10020 Filed 4-16-75;8:45 am]

## UPPER BAYOU NEZPIQUE WATERSHED PROJECT, LOUISIANA

### Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Upper Bayou Nezpique Watershed Project, Evangeline and Allen Parishes, Louisiana, USDA-SCS-EIS-WS-(ADM)-75-6-(D)-LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The watershed plan was approved for operations in August 1957 and construction began in 1968. Two single-purpose flood prevention structures (Sites 6 and 7) and one multiple-purpose flood prevention and recreation structure (Site 3) have been installed and the associated recreation facility for Site 3 is nearing completion. The environmental impact statement is prepared for the seven single-purpose flood prevention structures; one multiple-purpose flood prevention and irrigation water storage structure; 2,200 feet of floodway for flood prevention; and about 61 miles of channel work, which serves both flood prevention and drainage. The channel work will involve clearing and debris removal on 17 miles of existing channel and 44 miles of enlargement by excavation to provide improved water management in a flatland area that is 25 percent agricultural cropland and grassland. Of the 61 miles of work proposed on existing streams or channels, 8 miles will involve those with only ephemeral flow. The balance involves those with intermittent flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA
3737 Government Street
Alexandria, Louisiana 71301

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Commets concerning the proposed action or requests for additional information should be addressed to Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301.

Comments must be received on or before June 11, 1975 in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 10, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10023 Filed 4-16-75;8:45 am]

## WILSON CREEK WATERSHED PROJECT, NEBRASKA

### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wilson Creek Watershed Project, Cass and Otoe Counties, Nebraska.

The environmental assessment of this federal action indicated that the project



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will not create significant adverse local, regional, or national impacts on the environmental and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement include conservation land treatment supplemented by five single purpose floodwater retarding structures and eleven grade stabilization structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
134 South 12th Street, Room 604
Lincoln, Nebraska 68508

Single copy requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until May 2, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated April 10, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10021 Filed 4-16-75;8:45 am]

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE'S WORKING GROUP ON INTERNATIONAL OCEAN INVESTMENT CONDITIONS

#### Open Meeting

The Marine Petroleum and Minerals Advisory Committee's Working Group on International Ocean Investment Conditions (the "Working Group") will meet from 9 a.m. until approximately 4:30 p.m. on May 22, 1975 in Room 5230 of the Department of Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C. The meeting will be open for public observation.

The Working Group was established as a subcommittee of the Marine Petroleum and Minerals Advisory Committee (the "Committee") for the purpose of considering matters relating to the integrity of investment—international and domestic protection of U.S. private investments made for the purpose of developing nonliving marine resources beyond U.S. jurisdiction, including topics such as the honoring of contractual obligations, the settlement of disputes, the security of tenure, and the respective roles of the private sector and the Federal Government—and to draft recommendations to the Secretary of Commerce for consideration by the full Committee at the Committee's next meeting.

At the Working Group's May 22, 1975 meeting, it is anticipated that the Working Group will receive a "debriefing" on the Geneva Law of the Sea Conference, consider actions taken to implement recommendations made by the full Committee at its March 4–5, 1975 meeting, consider criteria deep seabed mining domestic legislation should meet to provide a satisfactory investment climate, and review a report being developed by the Department of Commerce on investment protection mechanisms. A recess for lunch from approximately 12 noon until 1:30 p.m. is planned.

Because of the nature of the work being performed by the Working Group, it may be necessary for it to meet again between May 22 and the next Committee meeting planned for July 22–23, 1975. This would result in there being inadequate time between meetings for the publication of notices in the FEDERAL REGISTER as prescribed by Office of Management and Budget Circular No. A–63 and the Order of the U.S. District Court for the District of Columbia in Civil Action No. 1838–73. To provide the public with as much notice as possible, the date, location, and tentative agenda of any such meeting will be announced on May 22 and notices will be published as soon as possible thereafter. Information on any such meetings will also be available by telephoning or writing to the Executive Secretary at the telephone number or address given below.

Approximately 20 seats will be available for the public on a first-come, first-served basis. Written statements from interested persons will be accepted before or after the meeting or by mail. Inquiries or statements should be addressed to: Amor L. Lane, Executive Secretary, Marine Petroleum and Minerals Advisory Committee, National Oceanic and Atmospheric Administration (MR3), 6010 Executive Boulevard, Rockville, Maryland 20852, Telephone (301) 496–8518.

Dated: April 15, 1975.

R. L. CARNAHAN,
*Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.*

[FR Doc.75-10206 Filed 4-16-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Social Security Administration

### HOSPITAL COSTS

#### Cost Reporting Periods Beginning on or After July 1, 1975

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that a revised Schedule of Limits on Hospital Inpatient General Routine Service Costs in the Medicare Program is set forth in tentative form as proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. Section 1861(v)(1) of the Social Security Act permits the Secretary to set prospective limits on direct or indirect overall incurred costs or incurred costs of specific items or services or groups of items or services furnished by a provider, to be recognized as reasonable based on estimates of the cost necessary in the efficient delivery of needed health services. The initial Schedule of Limits on Hospital Inpatient General Routine Service Costs was published in the FEDERAL REGISTER on June 6, 1974 (39 FR 20168), and was applicable to cost-reporting periods beginning on or after July 1, 1974, and before the earlier of July 1, 1975, or the effective date of a revised schedule.

The Schedule of Limits on Hospital Inpatient General Routine Service Costs set out below, when published in final, will be applicable for cost-reporting periods beginning on or after July 1, 1975, and before the effective date of a revised schedule. The Schedule of Limits will apply to the entire cost-reporting period of a hospital whose cost-reporting period begins during its effective period. The schedule applies to the total of the cost of hospital inpatient general routine service costs. These limits will not apply to the cost of special care units or ancillary services.

The initial classification system was developed to provide for comparison of hospitals of similar size and in similar economic environments. These two principal elements were reflected in 5 State groupings with the States grouped according to per capita income. Hospitals in each of the 5 State groupings were divided between those in Standard Metropolitan Statistical Areas (SMSA's) and those not in SMSA's. (A Standard Metropolitan Statistical Area, as defined by the Office of Management and Budget, is a county or group of contiguous counties which (1) includes at least one city of 50,000 inhabitants, or (2) otherwise meets the basic criteria specified by the Office of Management and Budget for defining such areas. The standard definition and a complete list of Standard Metropolitan Statistical Areas can be found in the Federal Information Processing Standards Publication (F.I.P.S. 8–3), which is available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. These 10 groupings were further divided into 7 bed-size categories, resulting in 70 classes, and limits were developed for each of these groups as described in the FEDERAL REGISTER of June 6, 1974.

Since establishing the initial classification system, the Social Security Administration has been seeking refinements that might be incorporated in the system. Considerable study and consultation with persons knowledgeable in the field have taken place, especially with respect to refining input cost elements and in determining outputs.





The initial system grouped together hospitals located in all SMSA's in the same State.

It has been recognized by providers and others that certain urban areas (SMSA's) within a State may have income levels and related economic characteristics which are significantly different from those of other SMSA areas in the same State. It is believed that income levels tend to reflect wages and costs of construction, goods, and services.

To take account of these concepts, the major change in the revised methodology is for the SMSA to replace the State as the major geographical grouping factor for urban areas.

This change in classification, for example, allows the New York City SMSA to be located in Group I and the Albany-Schenectady-Troy, New York SMSA to be located in Group II. In addition, an entire SMSA will now be classified as a unit without regard to State lines. Thus, for example, Washington, D.C. and surrounding Maryland and Virginia counties constituting an SMSA will be treated as a common entity for purposes of the Schedule of Limits on Hospital Inpatient Routine Service Costs.

Nonurban areas will continue to be grouped on a Statewide basis.

Another proposed change is that the classification system utilize 32 classes—17 classes for providers located in SMSA areas (2 income groups with 4 bed-size categories and 3 income groups with 3 bed-size categories) and 15 classes for providers located in non-SMSA areas (5 income groups and 3 bed-size categories).

Our analysis of cost and hospital characteristics, by bed size, reveals that the use of 7 bed-size categories previously used does not result in a more homogeneous clustering of hospitals in relation to their routine services than does the smaller number of classes. At the same time, the smaller number of classes yields more reliable estimates of the appropriate cost limits.

The specific limits were derived from the 80th percentile and 10 percent of the median for each class. In view of the more homogeneous groupings resulting from the improved cost limit methodology, the Secretary believes it is appropriate to set the limits at the 80th percentile plus 10 percent of the median of each classification group.

It should be noted that no direct provision has been made in the revised classification system for the effects of factors such as educational programs, patient mix, or scope of services on the hospital's inpatient general routine service costs. The reason for this is that bed size has been shown to be correlated with these factors. Moreover, the variables tested for possible addition to the system to reflect these factors more directly did not show promise of significant improvement. The regulations (see § 405.460(f)(2)) provide that, where a provider can demonstrate that its costs exceed the applicable limit by reason of educational activities or by the special needs of the patients treated, an exception can be made to the application of the limit to the extent that the added costs flow from approved educational activities, to the extent they are atypical (although reasonable) from providers in the comparison group, or flow from the provision of special needs of patients treated. Work on the handling of such exceptions and other work that may yield findings that will permit further improvements in the classification system will continue in the future.

The new classification system which is proposed herein reflects those changes which can be made at this time to improve the initial system. These revised limits will better identify hospitals whose costs are substantially higher than those deemed necessary for efficient delivery of hospital inpatient general routine services. A continuing effort will be made to improve the classification system.

Methodology. Under the proposed classification system, hospitals will be grouped based on whether they are located in a Standard Metropolitan Statistical Area or a non-Standard Metropolitan Statistical Area. Hospitals located in Standard Metropolitan Statistical Areas are classified on the basis of per capita income in those areas and without regard to State lines. All SMSA's have been divided into the following five groups based on per capita income.

SMSA—GROUP I

ALASKA
Anchorage

CALIFORNIA
Los Angeles-Long Beach
Salinas-Seaside-Monterey
San Francisco-Oakland

COLORADO
Denver-Boulder

CONNECTICUT
Bridgeport
Bristol
Danbury
Hartford
Meriden
New Britain
New Haven-West Haven
Norwalk
Stamford
Waterbury

DELAWARE
Wilmington, DE–NJ–MD

DISTRICT OF COLUMBIA
Washington, DC–MD–VA

FLORIDA
Miami
West Palm Beach-Boca Raton

HAWAII
Honolulu

ILLINOIS
Chicago
Decatur
Rockford
Springfield

MASSACHUSETTS
Boston
Brockton
Lawrence-Haverhill, MA–NH
Lowell, MA–NH

MICHIGAN
Ann Arbor
Detroit
Flint

MINNESOTA
Minneapolis-St. Paul, MN–WI

NEVADA
Las Vegas
Reno

NEW JERSEY
Jersey City
New Brunswick-Perth Amboy-Sayreville
Newark
Trenton

NEW YORK
Nassau-Suffolk
New York, NY–NJ
Rochester

OHIO
Cleveland

VIRGINIA
Richmond

WISCONSIN
Milwaukee

SMSA—GROUP II

ARIZONA
Phoenix

CALIFORNIA
Anaheim-Santa Ana-Garden Grove
San Diego
Santa Barbara-Santa Maria-Lompoc
San Jose

FLORIDA
Fort Lauderdale-Hollywood
Sarasota

GEORGIA
Altanta

IDAHO
Boise City

ILLINOIS
Bloomington-Normal
Peoria

INDIANA
Fort Wayne
Indianapolis

IOWA
Cedar Rapids
Davenport-Rock Island-Moline, IA–IL
Des Moines

KANSAS
Topeka
Wichita

KENTUCKY
Louisville, KY–IN

MARYLAND
Baltimore

MASSACHUSETTS
Fitchburg-Leominster
Pittsfield
Worcester

MICHIGAN
Grand Rapids
Lansing-East Lansing
Saginaw
Jackson

MINNESOTA
Rochester

MISSOURI
Kansas City, MO–KS
St. Louis, MO–IL

NEW JERSEY
Paterson-Clifton-Passaic

NEW YORK
Albany-Schenectady-Troy
Buffalo
Poughkeepsie



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NORTH CAROLINA
Charlotte-Gastonia

OHIO
Akron
Cincinnati, OH–KY–IN
Dayton
Mansfield
Toledo, OH–MI
Youngstown-Warren

OREGON
Portland, OR–WA

PENNSYLVANIA
Allentown - Bethlehem-Easton, PA–NJ
Philadelphia, PA–NJ
Pittsburgh
Reading

TEXAS
Dallas-Fort Worth
Houston
Midland
Wichita Falls

WASHINGTON
Seattle-Everett

WISCONSIN
Kenosha
Madison

SMSA—GROUP III

ARIZONA
Tucson

ARKANSAS
Little Rock-North Little Rock

CALIFORNIA
Fresno
Modesto
Sacramento
Santa Cruz
Santa Rosa
Stockton
Vallejo-Fairfield-Napa

COLORADO
Colorado Springs

CONNECTICUT
New London-Norwich, CT–RI

FLORIDA
Jacksonville
Lakeland-Winter Haven
Orlando
Tampa-St. Petersburg

ILLINOIS
Champaign-Urbana-Rantoul

INDIANA
Anderson
Evansville, IN–KY
Gary-Hammond-East Chicago
Lafayette-West Lafayette
South Bend

IOWA
Dubuque
Sioux City, IA–NE
Waterloo-Cedar Falls

KENTUCKY
Lexington

LOUISIANA
New Orleans

MAINE
Portland

MASSACHUSETTS
Springfield-Chicopee-Holyoke, MA–CT

MICHIGAN
Battle Creek
Bay City
Kalamazoo-Portage

MISSOURI
St. Joseph

MONTANA
Billings
Great Falls

NEBRASKA
Lincoln
Omaha, NE–IA

NEW HAMPSHIRE
Manchester
Nashua

NEW JERSEY
Atlantic City
Long Branch-Asbury Park
Vineland-Millville-Bridgeton

NEW YORK
Binghamton, NY–PA
Syracuse

NORTH CAROLINA
Greensboro-Winston-Salem-High Point
Raleigh-Durham

OHIO
Canton
Columbus
Lima
Lorain-Elyria
Springfield
Steubenville-Weirton, OH–WV

OKLAHOMA
Oklahoma City
Tulsa

PENNSYLVANIA
Erie
Harrisburg
Lancaster
York

RHODE ISLAND
Providence-Warwick-Pawtucket, RI–MA

TENNESSEE
Memphis, TN–AR–MS
Nashville-Davidson

TEXAS
Amarillo
Beaumont-Port Arthur-Orange
Killeen-Temple

VIRGINIA
Newport News-Hampton
Norfolk-Virginia Beach-Portsmouth, VA–NC
Roanoke

WASHINGTON
Richland-Kennewick
Spokane
Tacoma

WEST VIRGINIA
Charleston

WISCONSIN
Appleton-Oshkosh
Racine

SMSA—GROUP IV

ALABAMA
Birmingham
Montgomery

CALIFORNIA
Bakersfield
Oxnard-Simi Valley-Ventura
Riverside-San Bernardino-Ontario

COLORADO
Pueblo

FLORIDA
Daytona Beach
Fort Myers
Gainesville
Melbourne-Titusville-Pensacola Cocoa

GEORGIA
Augusta, GA–SC
Macon
Savannah

INDIANA
Muncie

KENTUCKY
Owensboro

LOUISIANA
Baton Rouge
Shreveport

MASSACHUSETTS
Fall River, MA–RI
New Bedford

MICHIGAN
Muskegon-Muskegon Heights

MINNESOTA
Duluth-Superior, MN–WI

MISSISSIPPI
Jackson

MISSOURI
Springfield

NEW MEXICO
Albuquerque

NEW YORK
Utica-Rome

NORTH CAROLINA
Asheville
Burlington

NORTH DAKOTA
Fargo-Moorhead, ND–MN

OHIO
Hamilton-Middletown

OREGON
Eugene-Springfield
Salem

SOUTH CAROLINA
Columbia
Greenville-Spartanburg

SOUTH DAKOTA
Sioux Falls

TENNESSEE
Chattanooga TN–GA
Knoxville

TEXAS
Abilene
Galveston-Texas City
San Angelo
San Antonio
Sherman-Denison
Tyler
Waco

UTAH
Salt Lake City-Ogden

VIRGINIA
Petersburg-Colonial Heights-Hopewell

WASHINGTON
Yakima

WEST VIRGINIA
Parkersburg-Marietta, WV–OH
Wheeling, WV–OH

WISCONSIN
Green Bay
La Crosse

SMSA—GROUP V

ALABAMA
Anniston
Florence
Gadsden
Huntsville
Mobile
Tuscaloosa

ARKANSAS
Fayetteville-Springdale
Fort Smith, AR–OK
Pine Bluff

FLORIDA
Tallahassee

GEORGIA
Albany
Columbus, GA–AL

INDIANA
Terre Haute

LOUISIANA
Alexandria
Lafayette
Lake Charles
Monroe

MAINE
Lewiston-Auburn

MINNESOTA
St. Cloud

MISSISSIPPI
Biloxi-Gulfport

MISSOURI
Columbia

NEW YORK
Elmira

NORTH CAROLINA
Fayetteville
Wilmington

OKLAHOMA
Lawton

PENNSYLVANIA
Altoona
Johnstown
Northeast Pennsylvania
Williamsport

PUERTO RICO
Caguas
Mayaguez
Ponce
San Juan

SOUTH CAROLINA
Charleston

TENNESSEE
Clarksville-Hopkinsonville, TN–KY
Kingsport-Bristol, TN–VA

TEXAS
Austin
Brownsville-Harlingen-San Benito
Bryan-College Station
Corpus Christi
El Paso
Laredo
Lubbock
McAllen-Pharr-Edinburg
Odessa
Texarkana, TX, Texarkana, AR

UTAH
Provo-Orem

VIRGINIA
Lynchburg

WEST VIRGINIA
Huntington-Ashland, WV–KY–OH

Non-SMSA areas will be classified according to the per capita income of all non-SMSA counties within a State. The following are the five income groupings, with States classified according to per capita income, to be used for hospitals located in non-Standard Metropolitan Statistical Areas in those States.

NON-SMSA

GROUP I
Alaska
Connecticut
Delaware
Illinois
Indiana
Iowa
Kansas
Massachusetts
Nebraska
Nevada
Rhode Island
Washington

GROUP II
Arizona
California
Hawaii
Maryland
Montana
New Hampshire
New Jersey
New York
Ohio
Oregon
Vermont

GROUP III
Colorado
Florida
Idaho
Michigan
Minnesota
North Dakota
Pennsylvania
South Dakota
Wisconsin
Wyoming

GROUP IV
Georgia
Maine
Missouri
New Mexico
North Carolina
Oklahoma
South Carolina
Texas
Virginia

GROUP V
Alabama
Arkansas
Kentucky
Louisiana
Mississippi
Puerto Rico
Tennessee
Utah
Virgin Islands
West Virginia

To develop urban groups, the Standard Metropolitan Statistical Areas were arrayed in order of the size of their per capita income and classes were established. The nonurban groups were developed in the same manner, using per capita income of non-SMSA areas. The class and points were selected where a relatively significant per capita income difference occurred.

The following bed-size categories are used to classify hospitals:

STANDARD METROPOLITAN STATISTICAL AREAS

GROUPS I AND II
Less than 100
100 to 404
405 to 684
685 and above

GROUPS III, IV, AND V
Less than 100
100 to 404
405 and above

NON-STANDARD METROPOLITAN STATISTICAL AREAS
Less than 100
100 to 169
170 and above

The proposed limits were developed in the following manner:

1. Inpatient general routine service cost data for each participating hospital were obtained from the fiscal intermediaries.

2. The data for hospitals in each class were arrayed in descending order of inpatient general routine service costs.

3. The 80th percentile and the median were computed for each class.

4. For each class, an amount equal to 10 percent of the median was added to the 80th percentile amount.

5. This sum was adjusted to reflect the 16 percent annual rate of estimated cost increases in per diem costs following the date of data collection.

6. The amounts calculated in step 5 are rounded to the next highest dollar which establishes the limit for each class, subject to adjustment for hospitals reporting on other than a reporting period starting July 1, 1975.

Under the authority of section 1861 (v) of the Social Security Act, it is proposed that the following cost limitations apply to the total of the hospital inpatient general routine service costs (excluding costs incurred for special care units and ancillary services), adjusted upward as provided for below. The proposed limits are applicable to cost-reporting periods beginning on or after July 1, 1975, and will remain in effect until the effective date of a revised schedule. However, this schedule will apply to the entire cost-reporting period of a hospital whose cost-reporting period begins during its effective period.

The proposed limits are applicable to any hospital with a cost-reporting period beginning on or after July 1, 1975. Where a hospital has a cost-reporting period beginning after July 1, 1975, the published limit will be adjusted upward by a factor of 1.33 percent for each elapsed month between July 1, 1975, and the first day of the month in which the hospital's reporting period starts. The result of this calculation is not rounded and is to be given in dollars and cents.

*Example:* Hospital A's cost-reporting period starting in 1975 begins October 1, 1975, and ends September 30, 1976. The cost factor for Hospital A's group from the table below is *$100.00*.

COMPUTATION OF ADJUSTED COST LIMIT

| | |
|---|---|
| Cost factor | $100.00 |
| Plus: Adjustment for 3-month period (July 1, 1975, to Oct. 1, 1975, 3 months × 1.33 percent = 3.99 percent, 3.99 percent × $100 | 3.99 |
| Adjusted cost limit applicable to hospital A for the Oct. 1, 1975, to Sept. 30, 1976, reporting period | 103.99 |

SCHEDULE OF LIMITS ON HOSPITAL INPATIENT GENERAL ROUTINE SERVICE COSTS FOR HOSPITALS WITH COST-REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1975

HOSPITALS LOCATED WITHIN SMSA'S (URBAN)—BED SIZE

| SMSA group | Less than 100 | 100 to 404 | 405 to 684 | 685 and above |
|---|---|---|---|---|
| I [1] | 113 | 111 | 133 | 170 |
| II | 81 | 96 | 96 | 120 |
| III | 89 | 88 | 89 | 89 |
| IV | 86 | 86 | 87 | 87 |
| V | 65 | 72 | 84 | 84 |

HOSPITALS LOCATED OUTSIDE SMSA'S (NONURBAN)—BED SIZE

| State group | Less than 100 | 100 to 169 | 170 and above |
|---|---|---|---|
| I [2] | 76 | 83 | 86 |
| II [3] | 80 | 89 | 88 |
| III | 75 | 80 | 79 |
| IV | 67 | 67 | 65 |
| V | 62 | 64 | 67 |

[1] Limits apply to all Group I SMSA's except Anchorage, Alaska, and Honolulu, Hawaii, where cost-of-living adjustment was made. The limits for these areas are as follows:

| | Less than 100 | 100 to 404 | 405 to 684 | 685 and and above |
|---|---|---|---|---|
| Anchorage | 141 | 138 | 166 | 212 |
| Honolulu | 130 | 127 | 153 | 195 |

[2] Limits apply to all Group I States except Alaska—limits for Alaska are:

| Less than 100 | 100 to 169 | 170 and above |
|---|---|---|
| 95 | 103 | 106 |

[3] Applies to all Group II States except Hawaii—limits for Hawaii are:

| Less than 100 | 100 to 169 | 170 and above |
|---|---|---|
| 103 | 102 | 101 |

Prior to the final adoption of the proposed Schedule of Limits on Hospital Costs, consideration will be given to any views and comments pertaining thereto which are submitted in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 19, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.







V 40 75 A APR 17 75 XUM

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: March 21, 1975.

J. B. CARDWELL,
*Commissioner of Social Security.*

Approved: April 10, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

[FR Doc.75-9765 Filed 4-16-75;8:45 am]

### Office of the Secretary

### PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH, NATIONAL COMMISSION

#### Meeting

Pursuant to the notice which appeared in the April 3, 1975 issue of the FEDERAL REGISTER (40 FR 14967), notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on April 25 and 26, 1975, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitation of available space.

The agenda will include further discussion of research on the fetus and, time permitting, discussion of other issues identified in the legislative mandate to the Commission under Pub. L. 93-348.

Requests for information should be directed to Ms. Anne Ballard (301-496-7776), Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: April 14, 1975.

MICHAEL S. YESLEY,
*Acting Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.*

[FR Doc.75-10122 Filed 4-16-75;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Interstate Land Sales Registration

[Docket No. N-75-285]

### HIDE-A-WAY LAKE

#### Hearing

In the matter of Hide-A-Way Lakes, OILSR Nos. 0-0423-28-8, 0-0793-28-15, 0-0400-28-5, and 0-0556-28-12, Docket No. ED-75-1,

Notice is hereby given that: 1. Hide-A-Way Lake, Inc. (Miss.), James Fair, Prseident, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C., 1701 et seq.), received a Notice of Suspension dated February 4, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the developer that its Statement of Record submitted January 8, 1975, for Hide-A-Way Lake, Inc. (Miss.), Hide-A-Way Lake, located in Tyler, Texas, was not effective pursuant to the Act, and regulations contained in 24 CFR Part 1710.

2. The Respondent filed an answer dated February 24, 1975, in answer to the allegations of the Notice of Suspension dated February 4, 1975.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Administrative Law Judge, in room 7146, Department of HUD Building, 451 7th Street SW., Washington, D.C. on April 17, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before April 10, 1975.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated April 8, 1975.

By the Secretary.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10004 Filed 4-16-75;8:45 am]

[Docket No. N-75-284]

### YOGI BEAR'S JELLYSTONE PARK CAMP RESORT

#### Hearing

In the matter of Yogi Bear's Jellystone Park Camp Resort, OILSR No. 0-2853-57-18(B), Docket No. ED-75-7,

Notice is hereby given that: 1. First American Land Corporation, Mr. Martin Price, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C., 1701 et seq.), received a Notice of Suspension dated January 29, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) informing the developer that its Statement of Record submitted January 14, 1975, for First American Land Corporation, Yogi Bear's Jellystone Park Camp Resort located in McLean, Virginia, was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an answer dated February 11, 1975, in answer to the allegations of the Notice of Suspension dated January 29, 1975.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b); *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Administrative Law Judge, in room 7146, Department of HUD Building, 451 7th Street, SW., Washington, D.C. on April 16, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before April 9, 1975.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated April 7, 1975.

By the Secretary.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10003 Filed 4-16-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### ADVISORY COMMITTEE ON VISUAL AIDS TO APPROACH AND LANDING

#### Meeting

Pursuant to section 10(a)(2) of Pub. L. 92-463, notice is hereby given that the U.S. Advisory Committee on Visual Aids to Approach and Landing will hold a meeting at 9:30 a.m., Wednesday, May 14, 1975, in Room 5C, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. The agenda for the meeting is as follows:

1. Discussion of the agenda and preparation for the February 1976 Seventh Meeting of the ICAO Visual Aids Panel, which will consider the following items: Approach, runway and taxiway light characteristics; maintenance of lighting of precision approach runways category III; guidance material on lighting systems serving precision approach runways categories I, II and III and taxiways; VASIS; taxiing guidance systems; light intensity control; inset lights; apron floodlighting; and apron parking/docking guidance systems.

2. Discussion of U.S. views on items on the ICAO Visual Aids Panel Work Program.

All those interested in attending the meeting should contact Miss Aughtie Hawkins, Airports Engineering Division, Airports Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426-3055. The meeting will be open to the public.





Issued in Washington, D.C., on April 11, 1975.

ROBERT BATES,
*Chairman, U.S. Advisory Committee on Visual Aids to Approach and Landing.*

[FR Doc.75-10069 Filed 4-16-75;8:45 am]

### National Highway Traffic Safety Administration

[Docket No. EX 75-15; Notice 2]

### EAGLE INTERNATIONAL, INC.

#### Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to grant Eagle International, Inc. an exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on grounds of substantial economic hardship. The exemption expires July 1, 1975.

Notice of the petition was published in the FEDERAL REGISTER on March 10, 1975 (40 FR 11018) and an opportunity afforded for comment.

Eagle and Bus & Car Company of Belgium are wholly-owned subsidiaries of Overseas Inns SA, a Luxembourg corporation. Eagle acts as sales and distribution agent for Bus & Car in the United States. In 1974 Eagle manufactured 11 intercity coaches, while Bus & Car shipped 225 coaches to the United States. In 1975 coaches produced by Bus & Car will be sent to Brownsville where "the electronic portion of the Skid-Trol system will be added." As the importer of the coach, Eagle pursuant to 49 CFR 567(g) will certify conformance of the vehicle with applicable Federal motor vehicle safety standards. Eagle, incorporated in 1973, had a net loss of almost $1,400,000 in its first fiscal year.

Eagle is primarily concerned with the aspects of Standard No. 121 covering antilock systems, antilock warning signals, and braking performance under antilock conditions. An exemption until September 1, 1975 is needed "because of our inability to obtain needed supplies in time to work out the installation, develop the desired performance specifications and production line methods." Axles and other braking equipment "have been on order for nearly a year" but, at the time the petition was filed, had not arrived. Before September 1, 1975 Eagle plans to build 30 buses and to certify 115 coaches from Bus & Car "not having axles to standard #121." Apparently there will also be 220 coaches produced by Eagle without antiskid devices but which "will be retrofitted to bring compliance to completion on September 30, 1975 or as soon as possible thereafter." Eagle asserts that denial of the exemption would mean a prolonged period of closure that Eagle could not withstand, "and the loss of 350 jobs will result in a severe economic hardship for [Brownsville]." It would, Eagle states, also result in a permanent closure of the Belgian facilities with a loss of employment for 500 people.

Oshkosh Truck Corporation, the sole commenter, opposed the petition on the grounds that an exemption would unfairly penalize those manufacturers who had done what was necessary to meet the standard.

The NHTSA has learned that conforming rear axles were shipped to Eagle in February and that conforming front axles are available. However, the supplier does not intend to ship the front axles until payment arrangements are made. Eagle's net loss of almost $1,400,000 in its first year of operation has apparently eroded its credit and seriously reduced its available cash. It appears that a short exemption would enable Eagle to improve its position by providing it enough cash to purchase the conforming axles and other hardware necessary for compliance. NHTSA has also been informed that Eagle has closed its Brownsville plant pending a decision on its petition. Eagle has therefore satisfactorily demonstrated economic hardship. Because the vehicles produced by Eagle will be engaged in public transit on a daily basis over a long period of time, the Administrator has concluded that the public interest is best served by providing an exemption period shorter than that requested.

In consideration of the foregoing Eagle International Inc. is hearby granted NHTSA Temporary Exemption No. 75-15 from 49 CFR 571.121 Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, expiring July 1, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51).

Issued on April 11, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75-10043 Filed 4-16-75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 27698; Order 75-4-66]

### INCREASED JOINT FREIGHT RATES BETWEEN UNITED STATES AND CANADA

#### Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3rd day of April 1975.

By tariff revisions[1] filed January 30 and scheduled to become effective April 15, 1975, various United States- and Canadian-flag carriers propose, inter alia, to increase joint general and specific commodity rates between points in Canada, on the one hand, and the United States, on the other. The rates are typically proposed to be increased by 10 percent.

The carriers assert, inter alia, that the proposed increases reflect higher local rates recently granted the carriers by the Board and the Canadian Transport Commission, that the costs of interline movements are equal to or greater than those for online movements, and that the proposed rates are, therefore, cost-justified.

Upon examination of the proposed rates, the Board finds numerous rates that exceed the sums of the local rates charged for the individual segments of the interline hauls.[2] No justification has been submitted for such a rate structure.

In view of the foregoing, the Board concludes that the above rates and charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.[3] The Board further concludes that these rates should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

*It is ordered*, That:

1. An investigation be instituted to determine whether the rates and provisions described in Appendix A attached hereto,[4] and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions, or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A attached hereto are suspended, and their use deferred to and including April 13, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[4] and shall become effective

4. The proceeding herein designated Docket 27698 be assigned for hearing before an Administrative Law Judge at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon the carriers listed in Appendix B, attached hereto,[5] which are hereby made parties to Docket 27698.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-10049 Filed 4-16-75;8:45 am]

[1] Airline Tariff Publishing Company, Agent, C.A.B. No. 243. The joint rates include those participated in jointly by (1) U.S. carriers; (2) U.S. and Canadian carriers; and (3) Canadian carriers.

[2] Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[3] See our findings in Orders 72-4-42, 74-3-80, and 74-12-108, Domestic Passenger-Fare Investigation—Phase 4 (Joint Fares), Docket 21866-4.

[4] This order was transmitted to the President on April 4, 1975.

[5] Filed as part of the original document.



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XUM

[Docket No. 27114, etc.; Order 75-4-4]

## PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

### Reconsideration and Labor Issues

*Correction*

In FR Doc. 75-8980 appearing at page 15430 in the issue of Monday, April 7, 1975, the following changes should be made:

1. In the middle column on page 15434, the headings in the table should read:

| *Length of service* | *Separation allowance* |
|---|---|
| Year | Months' pay |

2. In the first column on page 15436 under paragraph 7 (b), in the third line "Washington, Baltimore" should read "Washington-Baltimore".

## CONSUMER PRODUCT SAFETY COMMISSION

### BOOKMATCHES

### Extension of Time for Publishing a Proposed Rule or Withdrawing Notice of Proceeding

The purpose of this notice is to extend by 30 days, or until May 2, 1975, the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a proposed consumer product safety standard for bookmatches or a notice withdrawing the proceedings for development of a standard.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to bookmatches. On October 24, 1974, the Commission accepted the offer of the American Society for Testing and Materials (ASTM) to develop a recommended standard, and formalized that agreement on December 30, 1974. A notice was published in the January 7, 1975 FEDERAL REGISTER (40 FR 1298) announcing the acceptance of the ASTM offer. On January 31, 1975, ASTM submitted to the Commission a recommended standard.

Section 7(f) of the Consumer Product Safety Act provides that within 210 days after the publication in the FEDERAL REGISTER of a notice of proceeding to develop a consumer product safety standard, the Commission must either publish a proposed standard or withdraw the notice of proceeding. The Commission may extend the 210 day period for good cause, by publishing a notice of extension in the FEDERAL REGISTER.

With respect to the development and analysis of a recommended standard for bookmatches, the 210 day period expired April 2, 1975. The Commission has determined, however, that it needs additional time to properly review the material submitted by the offeror and the analysis of the Commission staff and to act upon the numerous and complex issues and options available in this matter. Therefore, the Commission, for good cause shown, hereby extends by 30 days, or until May 2, 1975, the time in which it must either publish a proposed consumer product safety standard applicable to bookmatches or withdraw its notice of proceeding.

Dated: April 11, 1975.

SADYE E. DUNN,
*Secretary, Consumer Product Safety Commission.*

[FR Doc.75-10006 Filed 4-16-75;8:45 am]

## DEFENSE MANPOWER COMMISSION

### MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on May 2, 1975, at 9 a.m. in the New Executive Office Building, Room 2010, 726 Jackson Place, N.W., Washington, D.C. 20036.

The purpose of the meeting will be to discuss the general subject of Recruitment and issues relating thereto, the issues that will be included in the May Interim Report and such other business as may be presented by the members.

The meeting will be open to the public. Since meeting space is limited, interested persons wishing to attend should telephone (202) 254-7800 before close of business April 30, 1975.

Dated: April 15, 1975.

BRUCE PALMER, JR.,
*General, USA (Ret.), Executive Director.*

[FR Doc.75-10099 Filed 4-16-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/230 & 231; FRL 359-1]

### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before June 16, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 16, 1975.

Dated: April 9, 1975.

JOHN B. RITCH, JR.,
*Director, Registration Division.*

APPLICATIONS RECEIVED
(OPP-32000/230)

EPA File Symbol 36493-R. Acme Candle Co., Inc., 57-09 59th St., Maspeth NY 11378. CITRONELLA SCENTED CANDLE. Active Ingredients: Oil of Citronella 3%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 35040-R. Mr. Donald Basiliere, 85 Water St., Haverhill MA 01830. DR. WILMSMANN'S DETERGENT/SANITIZER TABLETS WITH IODINE. Active Ingredients: Iodine 5%. Method of Support: Application proceeds under 2(c) of interim policy. PF34

EPA File Symbol 12113-R. Black Hills Chem. Co., 403 W. Blvd., PO Box 2082, Rapid City SD 57701. DIAMOND SANITIZING AGENT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10882-0. Chem-Power, 15 Wing Dr., Hanover Industrial Park, Cedar Knolls NJ 07927. WEED & GRASS KILLER. Active Ingredients: Monuron Trichloroacetate 3-(p-chlorophenyl)-1, 1-di-methylurea trichloroacetate 3.19%; Aromatic Petroleum Derivative 9.67%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 30944-E. Erickson Chem. Co., 2800 Shermer Rd., Northbrook IL 60062. ERICKSON ALGAECIDE #270. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22





EPA File Symbol 3286-UT. Ferd Staffel Co., Inc., PO Box 2380, San Antonio TX 78298. PYROCIDE DUST. Active Ingredients: Pyrethrins 0.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 2393-EIE. Hopkins Agricultural Chem. Co., PO Box 584, Madison WI 53701. HOPKINS KOCIDE 404. Active Ingredients: Cupric Hydroxide 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 2270-AOL. The Huge Co., Inc., 7625 Page Blvd., St. Louis MO 63133. EXCELCIDE PIVAL RODENTICIDE. Active Ingredients: 2-Pivalyl-1, 3-indandione 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 35906-R. Inter-Mar-Co., Ltd 2815 E. Skelly Dr., Suite 619, Tulsa OK 74105. IODINE (TECHNICAL GRADE). Active Ingredients: Iodine 99.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 8766-I. Jackson & Perkins Co., PO Box 1028, Medford OR 97501. READY ROSE SPRAY A FUNGICIDE AND INSECTICIDE. Active Ingredients: Pyrethrins 0.025%; Piperonyl Butoxide, Technical (Equivalent to 0.205% of (butylcarbityl) (6-propylpiperonyl) ether and to 0.051% of related compounds) 0.256%; Rotenone 0.128%; Other Cube Extractives 0.237%; Folpet: N-(Trichloromethylthio) phthalimide 0.700%, Carbaryl; 1-naphthyl N-methylcarbamate 1.000%; Petroleum Distillate 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1021-RGLG. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN 55427. D-TRANS INTERMEDIATE 2041. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 3.34%; Piperonyl butoxide, technical (Equivalent to 17.78% (butylcarbityl) (6-propylpiperonyl) ether and 4.45% other related compounds) 22.23%; 2-Hydroxyethyl-n-octyl sulfide 31.67%; Other related compounds 1.67%; Petroleum Distillate 7.74%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1021-RGGU. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN 55427. PYROCIDE INTERMEDIATE 7241. Active Ingredients: Pyrethrins 0.20%; Piperonyl butoxide, technical (Equivalent to 0.34% (butylcarbityl) (6-propylpiperonyl) ether and 0.08% related compounds) 0.42%; N-octyl bicycloheptene dicarboximide 0.69%; Chlordane, technical (Equal to 4.12% octachloro-4,7-methanoetetrahydroindane and 2.74% related compounds) 6.86%; Ronnel (0,0-Dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate) 4.58%; Petroleum Distillate 85.01%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 34731-R. Medico Industries, Inc., PO Box 338, Elwood KS 66024. MEDEX SUSPENSION FOR VETERINARY USE IN HORSES ONLY. Active Ingredients: Piperazine-Carbon Disulfide Complex 21.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 4476-TL. Morton Pharmaceuticals, Inc., 1625-39 N. Highland, Memphis TN 38108. MORTON SPACE & RESIDUAL INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related Compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1769-ETN. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Blvd., Irving TX 75062. NATIONAL CHEMSEARCH HEAVEN-SOFT LAUNDRY SOFTENER-SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 9779-EEL. Riverside Chem. Co., PO Box 171199, Memphis TN 38117. RIVERSIDE KON-TAC PLUS. Active Ingredients: Fatty Alcohols (C6-0.42%; C8-38.68%; C10-45.90%) 85%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 9779-EEA. Riverside Chem. Co. RIVERSIRE KON-TAC. Active Ingredients: n-Octanol 28%; n-Decanol 35%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 9779-EEU. Riverside Chem. Co. RIVERSIDE SUPER KON-TAC. Active Ingredients: n-Decanol 79%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 6720-EUL. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa, FL 33601. SMCP DURSBAN 15% GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos (0,0-diethyl-0-(3,5,6-Trichloro - 2 - pyridyl) phosphorothioate 15.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 6720-EUA. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP DURSBAN 10 GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos (0,0-diethyl-0-(3,5,6-Trichloro-2-pyridyl) phosphorothioate 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 1440-I. Tomic Insecticide Co., 241 S. Mednik Ave., Los Angeles CA 90022. TOMIC DU-PY RESIDUAL ROACH SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.208% (butylcarbityl) (6-propyl-piperonyl) ether and to 0.052% related compounds) 0.260%; Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 2095-R. Vinson Chem. Products Co., Inc., 14448 W. Dixie Hwy., Miami FL 33161. VINSON'S TNT ANT & ROACH KILLER. Active Ingredients: Decachloroctahydro - 1,3,4 - metheno-2H cyclobuta (cd) pentalen-2-one 0.125%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 7547-EE. Western Chemical Co., 1345 Taney N., Kansas City MO 64116. WESTERN ALGAE & SLIME CONTROLLER. Active Ingredients: 2,2-dibromo-3-nitrilopropionamide 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

APPLICATIONS RECEIVED (OPP-32000/231)

EPA File Symbol 12015-RA. Allied Laboratories, 975 Lake Rd., Medina OH 44256. SPEEDEX 4.5. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 10088-UG. Athea Laboratories, Inc., 4180 N. First St., Milwaukee WI 53212. SELECTIVE HERBICIDE #4. Active Ingredients: Isooctyl ester of Silvex [2 (2,4,5-trichlorophenoxy) propionic acid] 33.19%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 30948-RI. Bionomical Chemicals and Services, Inc., 1008 Pineville Rd., Chattanooga TN 37405. N-M WEED KILLER (NON-SELECTIVE) READY-TO-USE. Active Ingredients: Monuron Trichloroacetate [3-(p-chlorophenyl)-1, 1-dimethylurea trichloroacetate] 0.80%; Aromatic Petroleum Derivative 47.53%; Petroleum Distillate 50.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 35896-E. Copper Pigment Chemicals, Inc., Arbor St., Sewaren NJ 07077. "TREE-TREAT" LIQUID WOOD PRESERVATIVE CONCENTRATE CCA-TYPE C. Active Ingredients: Chromium Trioxide Cro3 23.5%; Copper Oxide CUO 9.5%; Arsenic Pentoxide AS205 17.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA Reg. No. 464-429. The Dow Chemical Co., PO Box 1706, Midland MI 48640. DOG FLEA COLLAR FOR SMALL DOGS. Active Ingredients: Fosplrate (Dimethyl 3,5,6-trichloro-2-pyridyl phosphate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional data submitted. PM15.

EPA Reg. 352-354. E. I. du Pont de Nemours & Co., 7056 Du Pont Bldg., Wilmington DE 19898. BENLATE BENOMYL FUNGICIDE FOR CONTROL OF CERTAIN DISEASES OF BLUEBERRIES. Active Ingredients: Benomyl [methyl 1-(butylcarbamoyl) 2-benzimidazolecarbamate] 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Label revised for additional uses. PM22.

EPA Reg. No. 279-2716. FMC Corp., 100 Niagara St., Middleport NY 14105. NYNAMITE 44. Active Ingredients: Toxaphene (Technical Chlorinated Camphene (67-69% Chlorine)) 36.8%; 0,0-Dimethyl 0-p-nitrophenyl thiophosphate 36.8%; Xylene base aromatic petroleum solvent 17.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 34463-G. Venezinni Zonca Vernici SPA, Via Malaspina, 8, 34147 Trieste, Italy. U.S. Agent: Grandi Associates International Ltd., Suite 250, Watergate 600, Washington DC 20037. ANCIENT MARINER COPPER-FREE 303 NOSCRUB ANTI-FOULING PAINT. Active Ingredients: Bis (tri-n-butyltin) oxide 2.85%; Triphenyltin fluoride 9.31%; Tributyltinfluoride 6.27%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 34463-U. Venezlani Zonca Vernici SPA, Via Malaspina, 8, 34147 Trieste, Italy. U.S. Agent: Grandi Associates International Ltd., Suite 250, Watergate 600, Washington DC 20037. ANCIENT MARINER 202 NO-SCRUB ANTIFOULING PAINT. Active Ingredients: Cuprous oxide 16.72%; Bis(tri-n-butyltin) oxide 2.85%; Tetrachloroisophthalonitrile 12.96%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

PA File Symbol 9228-L. Huber Janitor Supplies, Inc., 114 N. St. Francis, Wichita KS 67202. SANI-DIS RINSE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.



V 40 N 75 A PR 17 75 XUM

EPA File Symbol 6401-E. Jones-Blair Co., 2726 Empire Central, Dallas TX 75235. #44 LATEX PAINT MILDEWCIDE. Active Ingredients: 2,3,5,6-tetrachloro-4 (Methylsulfonyl) Pyridine 35.3%; Other chlorinated pyridines 3.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 36310-E. Poolcare Ltd., 300 E. Industrial Lane, Wheeling IL 60090. PARACHLOR ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 10380-RN. Q-Pak Corp., 2145 McCarter Hwy., Newark NJ 07104. Q-PAK LIQUID CHLORINE. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 1409-UL. Roberts Consolidated Industries, Industrial Chemical Products, 2305 Superior Ave., Kalamazoo MI 49008. WOODLIFE MILLTREAT TYPE-E-EC CONCENTRATE. Active Ingredients: Bis (tributyltin) oxide 2.5%; Pentachlorophenol 15.2%; Tetrachlorophenol 2.1%; Xylene 19.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 1409-UO. Roberts Consolidated Industries. WOODLIFE MILLTREAT TYPE-E CONCENTRATE. Active Ingredients: Bis (tributyltin) oxide 2.5%; Pentachlorophenol 14.9%; Other chlorophenols 1.7%; Xylene 19.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 1409-UT. Roberts Consolidated Industries. WOODLIFE (MILLTREAT TYPE-PD). Active Ingredients: Pentachlorophenol 4.6%; Tetrachlorophenol 0.6%; Petroleum Distillates 85.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 11655-G. Sampson Paint Manufacturing Co., Inc., 301 Hull St., Richmond VA 23224. WOOD PRESERVATIVE COPPER NAPHTHENATE. Active Ingredients: Copper Naphthenate 25.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 18536-RA. Soil Chemicals Corp., PO Box 631, Morgan Hill CA 95037. METHYL BROMIDE-98%. Active Ingredients: Methyl Bromide 98%; Chloropicrin 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM 11.

EPA File Symbol 8536-RL. Soil Chemicals Corp., PO Box 631, Morgan Hill CA 95037. METHYL BROMIDE-100. Active Ingredients: Methyl Bromide 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 9768-GA. Thatcher Chemical Co., PO Box 6114, Salt Lake City UT 84106. COPPER SULFATE LARGE CRYSTALS. Active Ingredients: Copper Sulfate Pentahydrate 99%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 9768-GT. Thatcher Chemical Co., PO Box 6114, Salt Lake City UT 84106. COPPER SULFATE GRANULAR CRYSTALS. Active Ingredients: Copper Sulfate, Pentahydrate 99%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA Reg. No. 400-82. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Naugatuck CT 06770. OMITE-6E. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 68.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Label revised for additional uses. PM13.

EPA File Symbol 1769-ETR. National Chemsearch, Div. of USACHEM, Inc., 2727 Chemsearch Blvd., Irving TX 75062. NATIONAL CHEMSEARCH APPLE-GREEN AIR SANITIZER AND DEODORANT. Active Ingredients: Isopropyl Alcohol 19.5%; Triethylene Glycol 12.0%; Propylene Glycol 8.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 23566-A. U.S. Yacht Paint Co., Box 96, Roseland NJ 07068. 610 HATTERAS COPPER RED. Active Ingredients: Cuprous Oxide 25.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 23566-I. U.S. Yacht Paint Co. 641 SUPER VINYL COPPER BLUE. Active Ingredients: Cuprous Oxide 35.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 23566-O. U.S. Yacht Paint Co. 620 FLORIDA COPPER RED. Active Ingredients: Cuprous Oxide 35.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 35482-E. G. E. Wilson Co., PO Box 1266, Harborside Blvd., Providence RI 02901. WILCLOR FOR WATER CHLORINATION. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 35482-R. G. E. Wilson Co., PO Box 1266, Harborside Blvd., Providence RI 02901. WILCLOR FOR SWIMMING POOL CHLORINATION. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

[FR Doc.75-9806 Filed 4-16-75;8:45 am]

## FEDERAL ELECTION COMMISSION

### TRANSFER OF AUTHORITY

As provided by section 208(b) of the Federal Election Campaign Act Amendments of 1974 (Pub. L. 93-443), the Federal Election Commission will complete the transfer of authority from the Supervisory Officers designated by the Federal Election Campaign Act of 1971 within 30 days after the appointment of the Commission's General Counsel. In the interim period all requests for advisory opinions or other information under the 1974 Act can be addressed to the Commission, 1325 K Street, NW., Washington, D.C., 20005, or care of either the Clerk of the U.S. House of Representatives, or the Secretary of the Senate, U.S. Capitol, Washington, D.C., 20515 or 20510. The Commission will respond to all such inquiries and requests as soon as possible, telephone number is Area Code 202-382-5162.

THOMAS B. CURTIS,
*Chairman.*

[FR Doc.75-10187 Filed 4-16-75;8:45 am]

## FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1109]

### LAKE SHIPPING CO., INC.

#### Order of Revocation

On February 24, 1975, the Federal Maritime Commission received notification that Lake Shipping Company, Inc. wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1109 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73):

*It is ordered,* That Independent Ocean Freight Forwarder License No. 440 be returned to the Commission for cancellation.

*It is further ordered,* That Independent Ocean Forwarder License No. 1109 of Lake Shipping Company, Inc. be and is hereby revoked effective March 12, 1975, without prejudice to reapply for a license in the future.

*It is further ordered,* That a copy of this Order be published in the FEDERAL REGISTER and served upon Lake Shipping Company, Inc.

ROBERT S. HOPE,
*Managing Director.*

[FR Doc.75-10074 Filed 4-16-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1527]

### RAMIREZ INTERNATIONAL FORWARDING CO. ALFRED RAMIREZ D/B/A

#### Order of Revocation

On March 31, 1975, the Federal Maritime Commission received notification that Ramirez International Forwarding Co., Alfred Ramirez d/b/a, 1603 Willowby Drive, Houston, Texas 77008 wishes to voluntarily surrender his Independent Ocean Freight Forwarder License No. 1527 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04 (f) (dated 9/15/73);

*It is ordered,* That Independent Ocean Freight Forwarder License No. 1527 be returned to the Commission for cancellation.

*It is further ordered,* That Independent Ocean Freight Forwarder License No. 1527 of Ramirez International Forwarding Co., Alfred Ramirez d/b/a be and is hereby revoked effective March 31, 1975, without prejudice to reapply for a license in the future.

*It is further ordered,* That a copy of this Order be published in the FEDERAL REGISTER and served upon Ramirez International Forwarding Co., Alfred Ramirez d/b/a.

ROBERT S. HOPE,
*Managing Director.*

[FR Doc.75-10073 Filed 4-16-75;8:45 am]

## FEDERAL RESERVE SYSTEM

### BANK OF NOVA SCOTIA

#### Order Approving Formation of Bank Holding Company

The Bank of Nova Scotia, Toronto, Ontario, Canada, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 75 percent or more of the voting shares of Banco Mercantil de Puerto Rico, Inc., San Juan (Rio Piedras), Puerto Rico ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a Canadian commercial bank chartered under the Bank Act of Canada, has 982 offices located in Canada and abroad and controls approximately $12.1 billion of deposits.[1] Applicant has been doing business in Puerto Rico for 65 years and operates four branches there with deposits aggregating $80.5 million, ranking Applicant, in terms of deposits, as the ninth largest bank in Puerto Rico.[2] Applicant also maintains an agency each in New York City and San Francisco, and owns The Bank of Nova Scotia Trust Company, New York, New York, a New York State chartered trust company, which has approximately $1 million in deposits. Upon becoming a bank holding company, Applicant has indicated that it will file applications under section 4 of the Act to retain its interest in The Bank of Nova Scotia Trust Company, and The Nova Scotia Corporation, New York, New York, a dormant shell corporation.

Bank, with deposits of $87 million at December 31, 1974, is organized under the laws of the Commonwealth of Puerto Rico and operates one branch office each in Rio Piedras, Santurce, and Ponce, and has received a conditional license to establish a fourth office at Hato Rey. In terms of deposits at December 31, 1973, Bank ranked 10th among 14 nongovernment-owned commercial banks operating in Puerto Rico. Bank has a wholly-owned subsidiary, Bankmerc Investment Group, Inc., Hato Rey, Puerto Rico, engaged in leasing activities, which Applicant will seek to retain under section 4 of the Act after consummation of the proposed acquisition.

Applicant and Bank are presently two of the smaller competing banks in the San Juan banking market,[3] where the four largest banks control approximately 71.6 percent of the market's $2.3 billion of deposits.[4] Applicant ranks ninth in the market with approximately 3.1 percent of the market's deposits, and Bank ranks eleventh with approximately 2.0 percent of the market's deposits. Consummation of the proposal would advance Applicant's rank to sixth in the market, as it would increase applicant's share to 5.1 percent of the market's deposits. While consummation of the proposal would eliminate some existing competition between Applicant and Bank and would slightly increase the concentration of banking resources in the market, in the Board's judgment, these anticompetitive effects would be clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served, because Bank's viability as a competitor in the market has been greatly lessened as a result of its financial and managerial problems. Due to Bank's condition, it would also appear that no substantial potential competition between Applicant and Bank is being foreclosed, and, while it might be more desirable to have Bank serve as a foothold entry for another banking organization outside the market, the necessity of finding a timely resolution of its present problems must be the dominant consideration.

The financial and managerial resources and future prospects of Applicant are regarded as satisfactory and consistent with approval. The financial and managerial resources and future prospects of Bank are considered to be poor, and if it is to continue as a viable banking institution it must be acquired by a sound and well-managed banking institution such as Applicant. Acquisition of Bank by Applicant will provide Bank with needed financial and managerial resources and will greatly improve its future prospects. Particularly important from the Board's viewpoint is the fact that upon consummation of the proposal, Applicant will take full managerial control of Bank. These factors lend great weight toward approval.

Convenience and needs factors also lend great weight toward approval, as the continuity of banking services by a locally-chartered institution would be maintained in those areas now served by Bank. Applicant intends to operate Bank as a separate subsidiary, perhaps in combination with its other branch offices in Puerto Rico. This should also improve the range and quality of banking services available to the public at Bank's offices. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application to acquire Bank should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

[1] All banking and financial data for Applicant and its subsidiaries are as of October 31, 1974.

[2] Applicant's deposit data for Puerto Rico are as of December 31, 1973, unless otherwise indicated.

[3] The San Juan banking market consists of the San Juan SMSA.

[4] All deposit data for the San Juan banking market are as of June 30, 1973.

By order of the Board of Governors,[5] effective April 9, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10027 Filed 4-16-75;8:45 am]

### MEMPHIS TRUST CO.

#### Order Denying Acquisition of Homeowners Savings and Loan Association, Inc.

Memphis Trust Company, Memphis, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire 100 percent of the permanent stock of Homeowners Savings and Loan Association, Inc., Collierville, Tennessee ("Company"), a company that proposes to engage in the *de novo* operation of a savings and loan association.

Notice of the application, affording opportunity for interested persons to submit comments and views on whether such activity is closely related to banking, as well as on the public interest factors, has been duly published (38 FR 32849). The time for filing comments and views has expired and those filed, including testimony and exhibits received at an oral presentation before available members of the Board, held October 30 and 31, 1973, have been considered.

Applicant controls one bank located in the State of Tennessee,[1] Memphis Bank & Trust Company, Memphis, Tennessee ("Bank"), with deposits of $120 million, which represent approximately 1 percent of the total deposits in commercial banks in Tennessee. Applicant is the ninth largest banking organization in the State.[2]

Company, chartered in 1972, has not commenced operation. Company would operate in the manner of a traditional savings and loan association. Its office would be located in Collierville, Tennessee, approximately 25 miles southeast of downtown Memphis.

The Board has previously considered the nature and the structure of the savings and loan industry in connection with the application of American Fletcher Corporation to acquire shares of Southwest Savings and Loan Association.[4] The record of that proceeding has been made a part of this application and the Board

[5] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Governor Mitchell.

[1] Applicant also owns 24.8 and 22 percent respectively of the outstanding voting shares of two banks located in the State of Mississippi.

[2] Banking data are as of June 30, 1974.

[4] Order of November 4, 1974, denying application of American Fletcher Corporation, Indianapolis, Indiana, to acquire shares of Southwest Savings and Loan Association, Phoenix, Arizona, 39 *Federal Register* 39912 (1974); 60 *Fed. Res. Bulletin* 868 (1974).







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concludes, as it was compelled to in connection with that case, that the activity in which Company would engage is closely related to banking. Whether it is a "proper incident thereto" within the meaning of section 4(c)(8) of the Act requires a determination whether its performance by Company as an affiliate of Applicant can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

Four savings and loan associations operate offices in Shelby County. The largest held approximately 78 per cent of the total assets held by savings and loan associations located in Shelby County, as of June 30, 1973. At that time, that association held the largest amount of real estate loans held by all 13 Shelby County banks and savings and loan associations, approximately 47 per cent. The four largest such financial institutions held more than 86 per cent of the real estate loans held by the 13. Applicant does not operate a savings and loan association although it does indirectly, through Bank, engage in the receipt of deposits and, through Bank, engage in the making of mortgage loans.

Bank, as of June 30, 1973,[4] was the fourth largest of the nine commercial banks with offices in Shelby County. However, it held only 3.8 per cent of the time and savings deposits in the County. The three largest of the nine commercial banks in Shelby County held more than 85 per cent of the total time and savings deposits held in the County. Bank held the eighth largest real estate loan portfolio among the 13 commercial banks and savings and loan associations in the County. Its real estate loans amounted to approximately 1.6 per cent of the total amount of real estate loans held by commercial banks and savings and loan associations in the County.

Time and savings deposit and real estate loan markets approximating Shelby County are concentrated. Bank, however, is not dominant in either field. Consummation of Applicant's proposal, rather than eliminating actual or probable future competition, may increase competition as it appears to represent a method by which Applicant would reach customers for those services in the Collierville area in a more direct fashion. There is no savings and loan association within a twelve-mile radius of Company's proposed office, despite the rapid economic development that the Collierville area is experiencing. Although Bank may lawfully establish a branch office in Collierville, Applicant's entry into Collierville through Company may constitute a greater benefit to time and savings depositors and residential real estate borrowers in view of the higher interest rates Company may pay on such deposits and the greater emphasis that Company may place on residential mortgages.

The Board has previously expressed the view that at this time bank holding companies generally should slow their rate of expansion into new activities and should direct their energies toward strengthening existing operations, particularly where such expansion may be into new activities in which bank holding companies have not previously engaged.[5] That view is especially applicable to bank holding companies applying to acquire or form companies which are or would be highly leveraged and which would require continuing infusions of capital.[6] Here Company will be located in a rapidly developing area southeast of Memphis, an area in which no other savings and loan associations currently maintain offices, and Applicant anticipates significant growth by Company. That growth would require continuing infusion of capital by Applicant into Company.

The Board has frequently reiterated its view that the primary role of a bank holding company should be to serve as a source of financial strength and support for its subsidiaries. The financial and managerial resources of a bank holding company should not be unduly diverted from that role. The formation and acquisition of Company, even absent any commitment by Applicant to inject capital into Company, would divert its resources away from Bank's probable future needs. Although consummation of the proposed transaction would increase competition in Shelby County mortgage and savings deposit markets by providing a new convenient alternative source of such services, such diversion constitutes a significant adverse effect of the proposed affiliation that is not outweighed, at this time and under these circumstances, in the Board's judgment, by any benefits to the public that can reasonably be expected to be produced by the affiliation.

Based upon the foregoing and other considerations reflected in the record, the Board is unable to determine, under section 4(c)(8) of the Act, that the proposed affiliation can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby denied.

By order of the Board of Governors,[7] effective April 10, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10026 Filed 4-16-75;8:45 am]

## FULL SERVICE INSURANCE AGENCY, INC.

### Formation of Bank Holding Company

Full Service Insurance Agency, Inc., Buxton, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 83.2 percent of the voting shares of First State Bank of Buxton, Buxton, North Dakota. The factors that are considered in acting on the application are set forth in section 3(a) of the Act (12 U.S.C. 1842(c)).

Full Service Insurance Agency, Inc., Buxton, North Dakota has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the activities of a general insurance agency, including the sale of hail and other types of casualty insurance, fire, automobile and ordinary life, and credit life insurance. Such insurance activities will be conducted from the offices of Applicant in Thompson and Buxton, North Dakota, communities with populations of less than 5,000 persons; the credit life insurance activities will be conducted at the offices of First State Bank of Buxton, Buxton, North Dakota. Notices of the application were published on February 13, 20, 27, 1975 in the Hillsboro Banner, a newspaper circulated in Thompson and Buxton, North Dakota. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 5, 1975.

Board of Governors of the Federal Reserve System, April 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.75-10025 Filed 4-16-75;8:45 am]

## PEOPLES BANKING CORP.

### Acquisition of Bank

Peoples Banking Corporation, Bay City, Michigan, has applied for the

[4] There is no reason to believe that any significant change has occurred in the textural data since June 30, 1973.

[5] See Order of September 9, 1974, concerning the underwriting of real estate mortgage guaranty insurance, 39 FR 33712, 33713, 69 *Fed. Res. Bulletin* 727 (1974).

[6] See Order of June 29, 1973, denying application of Chemical New York Corporation to acquire CNA Nuclear Leasing, Inc., 38 FR 18407, 18408 (1973), 59 *Fed. Res. Bulletin* 698, 699 (1973).

[7] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Governor Mitchell.





Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by consolidation to Frankenmuth Bank & Trust, Frankenmuth, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 5, 1975.

Board of Governors of the Federal Reserve System, April 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.75-10028 Filed 4-16-75;8:45 am]

## T.N.B. FINANCIAL CORP.

### Order Approving Acquisition of Bank

T.N.B. Financial Corp., Springfield, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Ware Trust Company, Ware, Massachusetts ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the tenth largest banking organization in Massachusetts, controls one bank, Third National Bank of Hampden County, Springfield, Massachusetts ("Third National"), with aggregate deposits of approximately $233 million, representing 1.6 per cent of the total deposits in commercial banks in the State.[1] Acquisition of Bank (deposits of $9 million) would not significantly increase Applicant's share of Statewide deposits nor would it alter Applicant's ranking among the other banking organizations in Massachusetts.

Bank is located in the town of Ware just outside the Springfield-Holyoke RMA banking market. Bank is the only commercial bank in Ware. Two offices of Applicant's banking subsidiary, Third National, are located within 10 and 14 miles, respectively, of Bank's closest office. The record indicates that there is no significant existing competition between Applicant's subsidiary and Bank. Furthermore, it appears unlikely that any such competition would develop in the future since Third National is located in Hampden County and Bank is located in Hampshire County, and State law prohibits a bank from branching outside its home office county. On the other hand, the proposal could have some procompetitive effects on competition in the Ware area by stimulating competition in certain product lines between Bank and the Ware Savings Bank (deposits of $84 million). Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant and Bank are regarded as satisfactory and consistent with approval of the application. Considerations relating to convenience and needs are also consistent with approval. Applicant proposes to assist Bank in expanding its banking services and, in particular, will assist Bank in making available to its customers time deposits and expanded loan services. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[2] effective April 9, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10029 Filed 4-16-75;8:45 am]

## FEDERAL OPEN MARKET COMMITTEE

### Domestic Policy Directive of February 19, 1975

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on February 19, 1975.[3]

The information reviewed at this meeting suggests that real output of goods and services is continuing to fall sharply in the current quarter. In January declines in industrial production and employment were large and widespread for the third consecutive month. The unemployment rate rose a full percentage point to 8.2 per cent. Average wholesale prices of industrial commodities, which were unchanged in December, rose moderately in January, and prices of farm and food products declined further. In recent months increases in average wage rates have moderated, although they have still been large.

The decline in the foreign exchange value of the dollar was arrested in early February by concerted central bank intervention and a sharp decline in European interest rates, but in recent days the dollar has declined somewhat. In December the U.S. foreign trade deficit increased, but it was smaller in the fourth quarter as a whole than in the third.

The narrowly defined money stock, after having grown at an annual rate of about 4½ percent over the fourth quarter of 1974, declined sharply in January. However, net inflows of consumer-type time and savings deposits at banks and nonbank thrift institutions were large, and broader measures of the money stock continued to expand. Business demands for short-term credit have weakened in recent months, both at banks and in the commercial paper market, while demands in the long-term market have been exceptionally strong. Since mid-January short-term market interest rates have fallen substantially further, and yields on long-term securities also have declined. Federal Reserve discount rates were reduced from 7¼ to 6¾ percent in early February.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to cushioning recessionary tendencies and stimulating economic recovery, while resisting inflationary pressures and working toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with more rapid growth in monetary aggregates over the months ahead than has occurred in recent months.

By order of the Federal Open Market Committee, April 11, 1975.

ARTHUR L. BROIDA,
*Secretary.*

[FR Doc.75-9961 Filed 4-16-75;8:45 am]

## NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

### OPEN MEETING

APRIL 14, 1975.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, May 19 and 20, 1975. Both sessions will be open to the public and will be held in room 6802 of the U.S. Department of Commerce Building, 15th and Constitution Avenue NW., Washington, D.C., beginning at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying

[1] All banking data are as of October 15, 1974, unless otherwise indicated, and reflect holding company formations and acquisitions approved by the Board through March 31, 1975.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich, and Coldwell.

[3] The Record of Policy Actions of the Committee for the meeting of February 19, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.



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out of the purposes of the National Oceanic and Atmospheric Administration.

The Committee will be briefed by representatives of the Interdepartmental Committee on Marine Science and Engineering and the Interagency Committee on Atmospheric Science on studies of the adequacy of capital investment plans in support of marine and atmospheric research responsive to expressions of concern in NACOA's Second Annual Report. The Committee will also consider draft materials for its Fourth Annual Report. A more detailed agenda will be published when plans become firm.

The public is welcome and will be admitted to the limit of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted at any time.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20210. Telephone: (202) 967-3343.

DOUGLAS L. BROOKS,
*Executive Director.*

[FR Doc.75-10010 Filed 4-16-75;8:45 am]

## NATIONAL TRANSPORTATION SAFETY BOARD

[Public Notice PN-1]

### CERTAIN AIRCRAFT ACCIDENTS FOR A TEMPORARY PERIOD

#### Request to the Secretary of the Department of Transportation To Investigate

The Independent Safety Board Act of 1974 (49 U.S.C. 1901), effective April 1, 1975, rescinds the former authority of the National Transportation Safety Board (Board) to delegate investigative authority to the Federal Aviation Administration (FAA) with respect to certain aviation accidents, formerly contained in § 400.45 (14 CFR Part 400). In lieu thereof the following request is issued.

(a) Acting pursuant to the authority vested in it by Title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441) and section 304(a)(1) of the Independent Safety Board Act of 1974, the Board hereby requests the Secretary of the Department of Transportation to exercise his authority subject to the terms, conditions, and limitations of Title VII and section 304(a)(1) of the Independent Safety Board Act of 1974, and as set forth below, to investigate the facts, conditions, and circumstances surrounding certain fixed-wing and rotorcraft aircraft accidents and to submit a report to the Board from which the Board may make a determination of the probable cause.

(b) The authority to be exercised hereunder shall include the investigation of all civil aircraft accidents involving rotorcraft, aerial application, amateur-built aircraft, restricted category aircraft, and all fixed-wing aircraft which have a certificated maximum gross take-off weight of 12,500 pounds or less except:

(1) Accidents in which fatal injuries have occurred to an occupant of such aircraft, but shall include accidents involving fatalities incurred as a result of aerial application operations, amateur-built aircraft operations, or restricted category aircraft operations.

(2) Accidents involving aircraft operated in accordance with the provisions of Part 135 of the Federal Air Regulations entitled "Air Taxi Operators and Commercial Operators of Small Aircraft."

(3) Accidents involving aircraft operated by an air carrier authorized by certificate of public convenience and necessity to engage in air transportation.

(4) Accidents involving midair collisions.

(c) *Provided*, That this authority shall not be construed to authorize the Secretary to hold public hearings or to determine the probable cause of the accident, and Provided further, That the Secretary will report to the Board in a form acceptable to the Board the facts, conditions, and circumstances surrounding each accident from which the Board may determine the probable cause.

(d) And Provided further, That this request includes authority to conduct autopsies and such other tests of the remains of deceased persons aboard the aircraft at the time of the accident, who die as a result of the accident, necessary to the investigations requested hereunder, and such authority may be delegated and redelegated to any official or employee of the Federal Aviation Administration. For the purpose of this provision, designated aviation examiners are not deemed to be officials or employees of the FAA.

(e) If at any time the Board shall determine, either upon request of the Secretary or upon its own initiative, that the circumstances of a particular accident being investigated by the Secretary pursuant to this request are of sufficient public interest, the Board may, upon written notice to the Secretary, terminate his authority as to such accident and assume full responsibility for the investigation of the accident in the same manner as an accident not covered by this request.

(f) Invoking the provisions of section 701(f) of the Federal Aviation Act of 1958, and section 304(a)(1) of the Independent Safety Board Act of 1974, is necessary inasmuch as sufficient funds have not been made available to the Board to provide adequate facilities and personnel to investigate all accidents involving civil aircraft. This request, therefore, is considered to be temporary in nature and may be modified or terminated by written notice to the Secretary.

Effective date: This public notice was approved on April 1, 1975.

Signed at Washington, D.C. this 14th day of April, 1975.

[SEAL] JOHN H. REED,
*Chairman.*

[FR Doc.75-10047 Filed 4-16-75;8:45 am]

[1436]

## RESPONSE TO SAFETY RECOMMENDATION

### Receipt

Pursuant to section 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)), the National Transportation Safety Board announces the receipt of the following response to a safety recommendation which it has recently issued:

*M-75-4*, issued 31 March 1975 in Marine Casualty Report—Cold Bay, Alaska, 7 March 1973 (Report No. USCG/NTSB—MAR-75-1) to the U.S. Coast Guard and to the National Oceanographic and Atmospheric Administration's National Ocean Survey. The latter addressee advises by letter of April 4, 1975, that the obscure sector for the Kaslokan Point Light will be revised from 186½°-336° to 193°-336° and that this change will be announced in Local Notice to Mariners No. 13, from the 17th U.S. Coast Guard District, and correction made in National Ocean Survey nautical chart 16549 (formerly C&GS 8703).

A copy of this response may be obtained by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594. A $4.00 user-service charge for the copy will be made, in addition to a charge of 10¢ per page for reproduction.

MARGARET L. FISHER,
*Federal Register Liaison Officer.*

APRIL 14, 1975.

[FR Doc.75-10048 Filed 4-16-75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-321]

### GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

#### Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation (the licensee), for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia.

The amendment would revise the provisions in the Technical Specifications relating to the safety system settings for the Average Power Range Monitor (APRM High-High Flux Scram Trip, for the APRM rod block trip, and for the Rod Block Monitor (RBM) High Flux rod block. These safety system settings are established as a function of reactor coolant flow and the proposed values represent updated correlations, in accordance with the licensee's application for amendment dated March 3, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By May 19, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw Pittman, Potts, Trowbridge & Madden, Barr Building 910 17th Street, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contention with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 3, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of April, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.*

[FR Doc.75-10144 Filed 4-16-75;8:45 am]

[Docket No. 50-321]

### GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

#### Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission is considering issuance of an amendment to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation (the licensee), for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia.

The amendment would revise the Technical Specifications to allow all low pressure core and containment cooling systems to be inoperable provided that the reactor is in the cold shutdown condition and no work is being performed which has the potential for draining reactor vessel. Incorporation of this change will permit certain major maintenance to be performed such as draining the pressure suppression pool should it become necessary, in accordance with the licensee's application for amendment dated February 3, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By May 19, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, 910 17th Street, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contention with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated February 3, 1975, which is available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this April 11, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.*

[FR Doc.75-10148 Filed 4-16-75;8:45 am]

[Docket No. 50-206]

### SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

#### Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-13 issued to





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Southern California Edison Company and San Diego Gas and Electric Company (the licensees) for operation of the San Onofre Nuclear Generating Station Unit 1, located in San Diego County, California.

The license amendment would revise the Technical Specifications for the facility to incorporate requirements for in-service inspection of the high energy lines outside containment. This is intended to reduce the probability of ruptures in the main steam and main feedwater piping outside containment. Modifications to the facility have also been proposed to provide added assurance that the facility will withstand the consequences of postulated ruptures in the high energy fluid piping outside containment without loss of capability to achieve the maintain safe shutdown of the facility as required by the Commission's regulations.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By May 19, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Rollin E. Woodbury, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770, and C. Hayden Ames, San Diego Gas and Electric Company, 111 Sutter Street, San Francisco, California 94104, attorneys for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Commission's letter to the licensee dated December 18, 1972, and the licensee's report on postulated pipe breaks outside of containment dated December 26, 1973, supplements to the report dated April 29, 1974 and November 27, 1974, and the proposed inservice inspection program dated March 7, 1975 (Proposed Change No. 31). All of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Public Library, 233 Granada Street, San Clemente, California 92672. Safety Evaluation Reports will be prepared by the Office of Nuclear Reactor Regulation for the license amendment and for the proposed facility modifications. The Safety Evaluation Reports and the license amendment, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 9th day of April 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
*Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.*

[FR Doc.75-9899 Filed 4-16-75;8:45 am]

## REGULATORY GUIDE

### Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.94, "Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to quality assurance requirements for installation, inspection, and testing of structural concrete and structural steel during the construction phase of nuclear power plants. This guide endorses ANSI N45.2.5–1974, "Supplementary Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.94 will, however, be particularly useful in evaluating the need for an early revision if received by June 13, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel
Protection Against Postulated Events and Accidents Outside of Containment
Fracture Toughness Requirements for Materials for Class 2 and 3 Components
Maintenance of Water Purity in PWR Secondary Systems
Criteria for Heatup and Cooldown Procedures
Effects of Residual Elements on Predicted Radiation Damage
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies
Design Load Combinations for Component Supports
Interim Guide on Tornado Missiles
Criteria for Plugging Steam Generator Tubes
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors
Overhead Crane Handling Systems for Nuclear Power Plants
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel
Tornado Design Classification
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary
Investigation of Material Underneath Nuclear Power Plant Foundations
Protective Coatings for Light-Water Nuclear Reactor Containment Facilities
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure
Fire Protection Criteria for Nuclear Power Plants
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants
Quality Assurance Requirements for Lifting Equipment
Maintenance and Testing of Batteries
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants
Seismic Qualification of Class I Electric Equipment
Design of Main Steam Isolation Valve Leakage Control Systems for Boiling Water Reactor Nuclear Power Plants
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident
Fuel Oil Systems for Standby Diesel Generators
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident
Containment Isolation Provisions
Instrument Spans and Setpoints
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room
Periodic Testing of Diesel Generators
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities
Quality Assurance Program Requirements for Nuclear Power Plant Fuels
Testing of Nuclear Air Cleaning Systems
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs
Design Criteria for Overload Protection of Motor-Operated Valves
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores
Protection of Nuclear Power Plants Against Industrial Sabotage
Emergency Planning for Nuclear Power Plants
Control Room Manning
Flood Protection for Nuclear Power Plants
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants
Spill Analysis—Dispersion and Dilution in Surface and Ground Water
Design Objectives for LWR Spent Fuel Facilities
Design Objectives for LWR Fuel Handling Systems

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 9th day of April 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Acting Director, Office of Standards Development.*

[FR Doc.75-9963 Filed 4-16-75; 8:45 am]





[Docket Nos. STN 50-454; STN 50-455; STN 50-456; STN 50-457]

## COMMONWEALTH EDISON CO.

### Availability of Safety Evaluation Report for Byron Station, Units 1 & 2 and Braidwood Station, Units 1 & 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Byron Station, Units 1 and 2 and the Braidwood Station, Units 1 and 2. The Byron site is located about two miles east of the Rock River and approximately three miles southwest of Byron in Ogle County, north central Illinois. The Braidwood site is located in north central Illinois, near the town of Braidwood, in Will County, approximately 60 miles southwest of Chicago and 24 miles southwest of Joliet. Notice of Receipt to construct and operate the Byron Station, Units 1 and 2 and the Braidwood Station, Units 1 and 2 was published in the FEDERAL REGISTER on October 26, 1973 (38 FR 29633).

This application was docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Each of the proposed pressurized water reactor units is designed for initial operation at approximately 3425 megawatts thermal with a net electrical output of approximately 1120 megawatts.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., at the Byron Public Library, 3rd and Washington Streets, Byron, Illinois 61010, and at the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois 60481. The report (Document No. NUREG–75/023) can also be purchased at $7.00 per copy from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 4th day of April, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
*Chief, Light Water Reactor Projects Branch 1–1, Division of Reactor Licensing.*

[FR Doc.75-9964 Filed 4-16-75;8:45 am]

[Docket Nos. 50-254 and 50-265]

## COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

### Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 16 and 13 to Facility Operating License Nos. DPR–29 and DPR–30 (respectively) issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) which revised Technical Specifications for operation of the Quad Cities Units 1 and 2 located in Rock Island County, Illinois. These amendments are effective as of their date of issuance.

The amendments incorporate a provision in the Technical Specifications which allows bypassing the Rod Worth Minimizer for performing low power physics tests to demonstrate shutdown margins, in accordance with the licensee's request dated April 3, 1975.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for these amendments dated April 3, 1975, (2) Amendment Nos. 16 and 13 to License Nos. DPR–29 and DPR–30, with Change No. 28, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, at 504—17th Street in Moline, Illinois 60265. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 7th day of April, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
*Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.*

[FR Doc.75-9965 Filed 4-16-75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 11, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.



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The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Request for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Survey of Public Reaction to Method of Benefits Payment for VA Education Programs, single-time, veteran organizations and educational groups, Community and Veterans Affairs Division, 395–3532.

Survey of Tuition Assistance—PL 93–508, single-time, persons training under VA education programs, Community and Veterans Affairs Division, Caywood, D. P., 395–3532.

U.S. CIVIL SERVICE COMMISSION

Supplemental Questionnaire—Nursing Assistant, DH–604, single-time, job applicant, Caywood, D. P. 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, QC Manual—Quality Control in Medicaid, QCM 301–4, QCM 401.1, QCM–401.4, semi-annually, title XIX recipients, Human Resources Division, Caywood, D. P., 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Counselee Evaluation Form (Pre-Purchase), HUD 9908, on occasion, low and moderate income homebuyers, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF THE INTERIOR

Geological Survey:

Annual Report of Estimated Recoverable Geothermal Resources, 9–1903, annually, business firms, Natural Resources Division, Weiner, N., 395–6827.

Annual Report of Estimated Recoverable Mineral and Mineral Fuel Reserves, 9–1901, annually, business firms, Natural Resources Division, Weiner, N., 395–6827.

Annual Report of Estimated Recoverable Oil and Gas Reserves, 9–1902, annually, business firms, Natural Resources Division, Weiner, N., 395–6827.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Principals and Associates Personal Resume of VM Qualifications, GSA 2759–A, on occasion, business firms, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Evaluation and Measurement System—Supplemental Security Income Questionnaire, SSA 9750, on occasion, new SSI applicants, Sunderhauf, M. B., 395–4911.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New communities, Annual Report on Relocation and Real Property Acquisition Activities, HUD6501, annually, local public agencies, Community and Veterans Affairs Division, 395–3532.

HEALTH RESOURCES ADMINISTRATION

1975 Health Interview Survey Questionnaire, NCHS 0303, other (see SF–83), sample of households in several locations, Hall, George, 395–4697.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Forest Service, Metropolitan Tree Performance Data, annually, arborists in northeast Caywood, D. P., 395–3443.

DEPARTMENT OF DEFENSE

Department of the Navy, Fraudulent Enlistment Warning (Survey), NAVPERS 1130, on occasion, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Social Security Administration:

Monthly Statistical Report on Recipients and Payments Under State Administered State Assistance Programs for Aged, Blind, SSA 9741, monthly, 25 State welfare agencies, Caywood, D. P., 395–3443.

Study of Blue Cross and Medicaid Prospective Reimbursement Programs, SSA–9767, single-time, hospitals, Caywood, D. P., 395–3443.

Office of Economic Opportunity, Interconceptional Care Patient Data Forms, on occasion, family planning clinic patients, Hulett, D. T., 395–4730.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75–10112 Filed 4–16–75;8:45 am]

## SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

### ADVISORY BOARD

#### Open Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that an open meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held in the offices of the Corporation on the 8th floor at 800 Independence Avenue SW, Washington, D.C. on May 7, 1975 at 11 a.m.

Agenda items are as follows: (1) Opening remarks by the Administrator; (2) Approval of minutes of prior meeting; (3) Administrative report; (4) Program reviews; (5) Closing remarks.

Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, at the above address, or by calling 202–426–3574.

[SEAL] D. W. OBERLIN,
*Administrator.*

[FR Doc.75–10035 Filed 4–16–75;8:45 am]

## SMALL BUSINESS ADMINISTRATION

### ST. LOUIS DISTRICT ADVISORY COUNCIL

#### Public Meeting; Change of Location

The Small Business Administration St. Louis District Advisory Council will meet at 9:30 a.m., (c.d.t.), Wednesday, April 30, 1975, at the Missouri Athletic Club, Crystal Room, 405 Washington Avenue, St. Louis, Missouri, instead of Small Business Administration, 210 N. 12th Street, St. Louis, Missouri 63101.

Dated: April 7, 1975.

ANTHONY STASIO,
*Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75–9959 Filed 4–16–75;8:45 am]

## SELECTIVE SERVICE SYSTEM

### REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER.

Temporary Instruction No. 680–4/662–8—Processing of Medical Specialists and Medical Specialty Students.

Temporary Instruction No. Appendix 1–14—Preparation of SSS Forms 7 and 101.

Sections 625.6, 625.7, and 625.8 (Revised April 4, 1975)

Dated: April 11, 1975.

BYRON V. PEPITONE,
*Director.*

[Temporary Instruction No. 680–4/622–8]

Issued: April 8, 1975.

Subject: Processing of Medical Specialists and Medical Specialty Students.

1. Chapter 680, RPM, is suspended. Do not remove this Chapter from the RPM.

2. No further classification action will be taken on medical specialists or medical specialty students unless they are in the 1955 or 1956 year of birth groups.

3. No further action will be taken to retrieve or reestablish files of medical specialists or medical specialty students.

4. Temporary Instruction No. Appendix 1–12 is rescinded.

This Temporary Instruction will terminate upon rescission.

BYRON V. PEPITONE,
*Director.*

[Temporary Instruction No. Appendix 1–14]

Issued: April 7, 1975.

Subject: Preparation of SSS Forms 7 and 101.

1. The following information will no longer be shown on the Status Card (SSS Form 7) or the Registrant File Folder (SSS Form 101): COLOR EYES; COLOR HAIR; HEIGHT; WEIGHT. When preparing a Status Card, hyphens will be typed across the boxes provided for these items, including the field separators between them. When preparing a Registrant File Folder, the boxes provided for these items shall be left blank.

2. As an exception to the procedure stated in Temporary Instruction Appendix No. 1–13, when preparing an SSS Form 7, type hyphens in only the white spaces where the Social Security Account Number would have appeared.

3. When a Registrant File Folder is established for a registrant in Administrative 1–H, (address change or duplicate) prior to his reclassification from 1–H, the date entered as the DATE OF CLASSIFICATION" shall be the "MAIL DATE" shown on the label.

This Temporary Instruction will remain in effect until rescinded.

BYRON V. PEPITONE,
*Director.*

SECTION 625.6 NOTICE OF ACTION WHEN CLASSIFICATION CONSIDERED ANEW.

When the local board reopens a registrant's classification, the board shall mail him a Status Card (SSS Form 7) within 10 working days after it has again classified the registrant, except when he is classified into Class 1–C or 1–W.

SECTION 625.7 PROCEDURAL RIGHTS FOLLOWING REOPENING OF CLASSIFICATION.

Each classification resulting from a reopening under the provisions of this Chapter shall be followed by the right of personal appearance before the local board (if the classification did not result from a personal appearance) and the right of appeal to the appeal board.

SECTION 625.8 CANCELLATION OF ORDER TO REPORT FOR INDUCTION OR ALTERNATE SERVICE BY REOPENING OF CLASSIFICATION.

The reopening of the classification of a registrant by his local board cancels any order to report for induction or for alternate service which may have been issued to him. The local board shall issue a Notice of Cancellation (SSS Form 255) to advise the registrant that his order has been canceled, except when the registrant has been reclassified into Class 1–C or Class 1–W.

[FR Doc.75–10008 Filed 4–16–75;8:45 am]

## VETERANS ADMINISTRATION

### ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

#### Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on May 8 and 9, 1975, at 9 a.m. The meeting will be held to conduct routine business.

The meeting will be open to the public up to the seating capacity of the conference room which is about 40 persons. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Ms. Charlotte Withers in the office of the Director, National Cemetery System, Veterans Administration Central Office (phone 202–389–5211) prior to May 8, 1975.





Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting.

Oral statements and/or reports from the public will be heard only between 3 p.m. and 5 p.m. on May 9, 1975, due to the number of items on the agenda for the meeting.

Dated: April 11, 1975.

[SEAL] R. L. ROUDEBUSH,
*Administrator.*

[FR Doc.75–10040 Filed 4–16–75;8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### STATE PLANS FOR ENFORCEMENT OF STATE PLANS STANDARDS

#### Approval of Iowa Plan

*Correction*

In FR Doc. 75–8936 appearing at page 15468 in the issue of Monday, April 7, 1975, in the first column on page 15469, the nineteenth line from the bottom the reference, "39 FR 5896" should read "39 FR 35896".

### Office of the Secretary

### SOUTH DAKOTA

#### Availability of Federal-State Extended Benefits and Federal Supplemental Benefits Pursuant to a Reduced National "on" Indicator

I, as Secretary of Labor, have determined that there was a reduced National "on" indicator for the week ending on January 11, 1975, as announced in 40 FR 7509, and that an Extended Benefit Period and a Federal Supplemental Benefit Period commenced with the week beginning on January 26, 1975, in the State of South Dakota. This determination is made pursuant to the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, and the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869.

Section 203(d)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 provides that there will be a National "on" indicator for a week if in each of the three calendar months preceding that week the rate of insured unemployment for all States equalled or exceeded 4.5 per centum. Whenever there is a National "on" indicator under the Act an Extended Benefit Period commences in every State with the third week following the week for which there is an "on" indicator. During an Extended Benefit Period, individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits after they have exhausted their rights to regular unemployment benefits.

Section 107 of the Emergency Unemployment Compensation Act of 1974 amended the Federal-State Extended Unemployment Compensation Act of 1970 to authorize a reduction in the National "on" indicator during 1975 and 1976. Under that amendment a State may amend its unemployment compensation law to provide that the National "on" indicator shall take effect in that State when the rate of insured unemployment nationally reaches 4.0 per centum instead of 4.5 per centum. South Dakota has amended its unemployment compensation law in accordance with section 107 of the Emergency Unemployment Compensation Act of 1974.

There have been three consecutive calendar months in which the monthly rate of insured unemployment for all States equalled or exceeded 4.0 per centum. The rate was 4.0 per centum for October 1974, 4.5 per centum for November 1974, and 5.2 per centum for December 1974. Accordingly, there was a reduced National "on" indicator for the first week of January 1975, and an Extended Benefit Period therefore commenced in South Dakota with the week beginning on January 26, 1975.

The same "on" indicator is effective to commence a Federal Supplemental Benefit Period in accordance with the Emergency Unemployment Compensation Act of 1974, in States which have entered into an Agreement with the Secretary of Labor of the United States pursuant to the Act. During a Federal Supplemental Benefit Period up to 13 weeks of Federal Supplemental Benefits are payable under the Act to individuals who are unemployed and have exhausted their rights to regular unemployment benefits and Federal-State Extended Benefits (or are not eligible for such extended benefits because of the ending of their eligibility periods). South Dakota has entered into an Agreement pursuant to the Act. Accordingly, a Federal Supplemental Benefit Period commenced in South Dakota with the week beginning on January 26, 1975.

The extended Benefit Period in South Dakota will last for a minimum period of 13 weeks, and the Federal Supplemental Benefit Period will last for a minimum period of 26 weeks. The Extended Benefit Period in the State will end with the third week following the week for which there is both a State and National "off" indicator in accordance with the State law and the Federal-State Extended Unemployment Compensation Act of 1970. The Federal Supplemental Benefit Period in the State will end on the same date as the Extended Benefit Period ends, if it has been in effect for 26 or more weeks.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the State of South Dakota, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 14th day of April, 1975.

JOHN T. DUNLOP,
*Secretary of Labor.*

[FR Doc.75–10015 Filed 4–16–75;8:45 am]



V 40 175 APR 17 75 XUM

## INTERSTATE COMMERCE COMMISSION

[Notice No. 744]

### ASSIGNMENT OF HEARINGS

APRIL 14, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 15735, Sub 26, Allied Van Lines, Inc., now being assigned June 2, 1975 (3 days), at Seattle, Washington; in a hearing room to be designated later.

MC 118978, Sub 7, Mercury Produce Express Ltd., now assigned June 2, 1975, at Seattle, Washington, is postponed indefinitely.

MC 130261, International Weekends, Inc., now assigned May 21, 1975, at Boston, Massachusetts, will be held at 150 Causeway, 5th Floor.

MC 4405, Sub 515, Dealers Transit, Inc., now assigned May 5, 1975, at Washington, D.C., is cancelled and application dismissed.

MC 130247, Colpitts Travel Agency of Rhode Island, application dismissed.

MC 130959, The Three J's, Inc., Application dismissed.

MC 67866, Sub 30, Film Transit, Inc., now assigned June 10, 1975, at Memphis, Tennessee will be held at the Tax Court, in Room 1006 Federal Building, 167 North Main Street.

MC-F-12166, Jackson and Johnson, Inc.—Purchase (Portion)—Dressing Transport, Inc., now assigned July 8, 1975 at Buffalo, New York, is canceled.

MC 111594, Sub 61, C. W. Transport, Inc., now assigned June 4, 1975, at Chicago, Ill., is cancelled and the application is dismissed.

MC-F-12336, Atl, Inc.—Purchase—Associated Truck Lines, Inc., now being assigned May 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8554, Dixie Lee Leasing, Inc., M. L. Wilkerson, Dixie Driving Service, Inc., and Michael George Oliver—Investigation of Operations, now assigned June 3, 1975 at Atlanta, Georgia, is Canceled.

MC 124154, Sub 67, Wingate Trucking Company, Inc., now being assigned June 3, 1975 (1 day), at Atlanta, Georgia; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secertary.*

[FR Doc.75-10078 Filed 4-16-75;8:45 am]

### FOURTH SECTION APPLICATION FOR RELIEF

APRIL 14, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before May 2, 1975.

FSA No. 42974—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A., (No. 16), for itself and interested rail carriers. Rates on general commodities, between rail terminals on the U.S. Pacific Coast, and ports in the United Kingdom and Continental Europe; also between rail terminals on the U.S. Atlantic and Gulf Coasts, and ports in Japan, Hong Kong, Korea, and Taiwan. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10075 Filed 4-16-75;8:45 am]

[Notice No. 268]

### MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75792. By application filed April 8, 1975, THOMPSON TRUCKING, INC., 300 E. 27th St., Charlotte, N.C. 28206, seeks temporary authority to lease the operating rights of BURRIS EXPRESS, INC., 1024-A North Second St., Albemarle, N.C. 28001, under section 210a(b). The transfer to THOMPSON TRUCKING, INC., of the operating rights of BURRIS EXPRESS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10076 Filed 4-16-75;8:45 am]

[Notice No. 269]

### MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer rules, 49 CFR Part 1132:

No. MC-FC-75800. By application filed April 9, 1975, KONRAD STECK, 1015 Pulaski Highway, Joppa, Md. 21085, seeks temporary authority to lease the operating rights of QUINTON B. MOULSDALE, doing business as MOULSDALE BUS SERVICE, 333 Paradise Rd., Aberdeen, Md. 21001, under section 210a(b). The transfer to KONRAD STECK, of the operating rights of QUINTON B. MOULSDALE, doing business as MOULSDALE BUS SERVICE, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10077 Filed 4-16-75;8:45 am]

[Ex Parte No. 241; Rule 19; Amdt. 1 to Exemption No. 93]

### EXEMPTION UNDER MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 93 issued January 15, 1975.

*It is ordered*, That, under the authority vested in me by Car Service Rule 19, Exemption No. 93 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire July 15, 1975.

This amendment shall become effective April 15, 1975.

Issued at Washington, D.C., April 9, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-10080 Filed 4-16-75;8:45 am]

[Ex Parte No. 241; Rule 19; Amdt. 1 to Exemption No. 94]

### EXEMPTION UNDER THE MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 94 issued February 5, 1975.

*It is ordered*, That, under the authority vested in me by Car Service Rule 19, Exemption No. 94 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire July 15, 1975.

This amendment shall become effective April 15, 1975.

Issued at Washington, D.C., April 9, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-10081 Filed 4-16-75;8:45 am]

[Ex Parte No. 241; Rule 19 Amdt. 1 to Exemption No. 95]

### EXEMPTION UNDER THE MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 95 issued February 5, 1975.

*It is ordered*, That, under the authority vested in me by Car Service Rule 19, Exemption No. 95 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire July 31, 1975.

This amendment shall become effective April 15, 1975.

Issued at Washington, D.C., April 9, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-10082 Filed 4-16-75;8:45 am]





[Ex Parte 277 (Sub-No. 1); Finance Docket No. 27847]

### ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

**Petition of National Railroad Passenger Corporation for Exemption From Regulation 3(e) for Trains 46 and 47 on Weekends**

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of March, 1975.

It appearing, That by order of the Commission, dated April 26, 1971, this proceeding was instituted for the purpose of implementing section 801 of the Rail Passenger Service Act (Pub. L. 91-518) relating to the Commission's authority to prescribe regulations for the quality of intercity rail passenger service, and that on December 7, 1973, by report and order of the Commission, 344 I.C.C. 758, regulations for the Adequacy of Intercity Rail Passenger Service were promulgated, and have been from time to time modified;

It further appearing, That by petition filed February 5, 1975, the National Railroad Passenger Corporation (Amtrak) seeks repeal of regulations 3(e) of the Commission's regulations for the Adequacy of Intercity Rail Passenger Service, Title 49, CFR Part 1124, § 1124.3(e), which states:

e. For passenger trips of 200 miles or more, sufficient revenue seats in coaches shall be made available to meet the normal demands of customers requesting reservations, and all carriers shall make provision for advance reservation of such coach-seat space by customers.

1. The provisions of this subsection do not preclude, when warrranted by the public demand, the operation of unreserved coach-seat trains in addition to "reserved space" trains on routes capable of sustaining more than one train daily in each direction, provided that no more than 50 percent of the trains on any given route are unreserved coach-seat trains.

2. The provisions of this subsection do not preclude, when warranted by the public demand, the operation of unreserved coach-seat cars on "reserved space" trains in addition to reserved coach and other reserved cars.

That in the alternative Amtrak petitions for an increase from 200 to 400 miles in the minimum trip length prescribed in regulation 3(e) and elimination of the 50-percent provision in subparagraph (1) thereof and for exemption for trains 46 and 47, which operate between Harrisburg and Boston on weekends, from regulation 3(e);

It further appearing, That Amtrak in its petition for repeal makes no showing with any degree of specificity or merit that (1) compliance with regulation 3(e) is imposing upon it an unnecessary burden; and (2) that any such burden which might be imposed by compliance could not be remedied by exemption from regulation 3(e) as provided by 49 CFR 1124.2 (d) and therefore, compliance should be effected with 49 CFR 1124.3(e) except as hereafter indicated with regard to Trains Nos. 46-47;

*It further appearing*, That Amtrak in its petition for exemption from regulation 3(e) for trains 46 and 47 has not given passenger on and off counts as required by regulation 49 CFR 1124.26; that it makes no showing with any degree of specificity whether or not compliance is possible; but the compliance with said regulation under existing circumstances, nonetheless, may not be required by the public need and that trains 46 and 47 should be granted temporary exemption from regulation 3(e) for a period of 30 days, or for such further period as the Commission may prescribe, to enable Amtrak to file properly an exemption under regulation 1124.2(d);

It further appearing, That Amtrak is in violation of regulation 3(e) in that it does not permit a traveler to make coach reservations for trips of 200 miles or more on at least 50 percent of applicable trains on a given route to the extent required by regulation 1124.3(e):

*It is ordered*, That Amtrak's petition for exemption from regulation 3(e) for trains 46 and 47 on weekends be and it is hereby denied without prejudice to Amtrak filing an amended petition within 30 days, or within such further period as the Commission may prescribe, setting forth all information required in 49 CFR 1124.2d, and that Amtrak be, and it is hereby granted, a temporary exemption from regulation 3(e) for trains 46 and 47 on weekends for a period of 30 days from the date of this order to enable it to file an amended petition.

*It is further ordered*, That except as indicated in the preceding ordering paragraph, the petition be, and it is hereby, denied, and Amtrak will be expected to bring itself into compliance with 49 CFR 1124.3 within 30 days from the date of service of this order by revision of existing timetables and, where appropriate, the conspicuous posting of a Notice in open stations, depots, and other passenger facilities it serves to the effect that "Coach reservations are available for passenger trips of 200 miles or more on Train No. ------, the (name of the train)" for each such train, and filing with this Commission a statement certifying that such compliance measures have been effected;

*It is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of Federal Register.

NOTE: This decision is not a major Federal action having a significant impact on the environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10084 Filed 4-16-75;8:45 am]

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 11, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 21170 (Sub-No. E183), filed June 29, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles* distributed by meat packinghouses, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), restricted to food products, from the facilities of Minden Beef Company at or near Minden, Nebr.; (a) to points in that part of Illinois on, south, and east of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 96 to junction Illinois Highway 61, thence along Illinois Highway 61 to junction U.S. Highway 136, thence along U.S. Highway 136 to Illinois Highway 41, thence along Illinois Highway 41 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 57, thence along U.S. Highway 57 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line;

(b) to points in that part of Indiana on, south, and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 30 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway



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231, thence along U.S. Highway 231 to junction Indiana Highway 8 at Hebron, thence along Indiana Highway 8 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Indiana Highway 9, thence along Indiana Highway 9 to the Indiana-Michigan State line; (c) to points in that part of Michigan on, north, and east of a line beginning at the Michigan-Indiana State line extending along Michigan Highway 66 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction unnumbered highway, thence along unnumbered highway to junction Michigan Highway 43, thence along Michigan Highway 43 to junction Michigan Highway 40, thence along Michigan Highway 40 to Lake Michigan and to points in that part of Michigan on, north, and east of a line beginning at Lake Michigan at Nahma extending long unnumbered highway to junction Michigan Highway 28, thence along Michigan Highway 28 to Lake Superior; and (d) to points in Ohio, Kentucky, Pennsylvania, West Virginia, Virginia, Maryland, District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of the facilities of Ralston Purina Co., at or near California, Mo.

No. MC 30280 (Sub-No. E87), filed January 20, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value), Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in that part of Georgia on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 1 to Waycross, Ga., thence along U.S. Highway 84 to Brunswick, Ga., thence along Toll Road to St. Simons Island, on the one hand, and, on the other, points in that part of North Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 321 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 220, thence along U.S. Highway 220 to Asheboro, N.C., thence along North Carolina Highway 49 to Charlotte, N.C., thence along Interstate Highway 77 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of (1) Greenwood, S.C., and (2) Charlotte, N.C.

No. MC 30280 (Sub-No. E97), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber*, from the plant sites and warehouses of Monsanto Company at Decatur and Huntsville, Ala., to points in that part of New York in the New York, N.Y., commercial zone, as defined by the Commission, Baltimore, Md., points in that part of Pennsylvania on and south of a line extending along U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence along unnumbered highway through Upper Bern to junction U.S. Highway 22, thence along U.S. Highway 22 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, Beverly, N.J., and points in Hudson, Bergen, Passaic, Essex, Union, and Middlesex Counties, N.J., with no transportation for compensation for return except as otherwise authorized. Restriction: The operation authorized herein is restricted to the transportation of shipments originating at the above-described origin sites. The purpose of this filing is to eliminate the gateways of (1) Charlotte, N.C., and (2) Gastonia, N.C.

No. MC 30280 (Sub-No. E102), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Danville, Va., on the one hand, and, on the other, points in (a) Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg, Counties, S.C., (b) points in that part of York County, S.C., on and west of South Carolina Highway 49, (c) points in that part of Chester County, S.C., on and north of South Carolina Highway 9, and (d) points in that part of Union County, S.C., on and north of South Carolina Highway 9. The purpose of this filing is to eliminate the gateways of (1) Reidsville, N.C., and (2) Charlotte, N.C.

No. MC 30280 (Sub-No. E104), filed January 24, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber*, from the plant sites and warehouses of Monsanto Co., at Decatur and Huntsville, Ala., to points in Sussex, Monmouth, and Somerset Counties, N.J. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the above-described origin sites. The purpose of this filing is to eliminate the gateways of (1) Charlotte, N.C., (2) Gastonia, N.C., and (3) New York, N.Y.

No. MC 30280 (Sub-No. E105), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber*, from the plant sites and warehouses of Monsanto Company at Decatur and Huntsville, Ala., to Wilmington, Del. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the above-described origin sites. The purpose of this filing is to eliminate the gateways of (1) Charlotte, N.C., (2) Gastonia, N.C., and (3) Baltimore, Md.

No. MC 30280 (Sub-No. E106), filed January 24, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, Pa., to points in Georgia. The purpose of this filing is to eliminate the gateways of (1) Danville, Va., (2) Reidsville, N.C., (3) Charlotte, N.C., and (4) Greenville, S.C.

No. MC 30280 (Sub-No. E107), filed January 24, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber*, from the plant sites and warehouses of Monsanto Company at Decatur and Huntsville, Ala., to points in that part of Pennsylvania on and south of a line extending along U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence along unnumbered highway through Upper Bern to junction U.S. Highway 22, thence along U.S. Highway 22 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, Beverly, N.J., and points in Hudson, Bergen, Passaic, Essex, Union, and Middlesex Counties, N.J., with no transportation for compensation for return except as otherwise authorized. Restriction: The operation authorized herein is restricted to the transportation of shipments originating at the above-described origin sites. The purpose of this filing is to eliminate the gateways of (1) Charlotte, N.C., (2) Gastonia, N.C., and (3) New York, N.Y.

No. MC 30280 (Sub-No. E105), filed January 22, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber*, from the plant sites and warehouses of Monsanto Company at Decatur and Huntsville, Ala., to Wilmington, Del. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the above-described origin sites. The purpose of this filing is to eliminate the gateways of (1) Charlotte, N.C., (2) Gastonia, N.C., and (3) Baltimore, Md.

No. MC 30280 (Sub-No. E106), filed January 24, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia, Pa., to points in Georgia. The purpose of this filing is to eliminate the gateways of (1) Danville, Va., (2) Reidsville, N.C., (3) Charlotte, N.C., and (4) Greenville, S.C.

No. MC 30280 (Sub-No. E107), filed January 24, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Georgia on and north of a line beginning at the Georgia-Alabama State line, thence along Georgia Highway 72 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 2 to junction U.S. Highway 158, thence along U.S. Highway 158 to Warrenton, N.C., thence along North Carolina Highway 58 to Wilson, N.C., thence along U.S. Highway 301 to junction U.S. Highway 117, thenee along U.S. Highway 117 to junction U.S. Highway 421, thence along U.S. Highway 421 to Fort Fisher, N.C., thence along the Atlantic Ocean to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction Interstate Highway 85, thence along Interstate Highway 85 to Charlotte, N.C., thence along U.S. Highway 21 to Statesville, N.C., thence along Interstate Highway 40 to junction U.S. Highway 601, thence along U.S. Highway 601 to Mount Airy, N.C., thence along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Greenville, S.C., and Charlotte, N.C.





No. MC 31462 (Sub-No. E402) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee, on the one hand, and, on the other points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., and points within 25 miles thereof, and (2) any points which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River. The purpose of this correction is to expand the territorial descriptions.

No. MC 66900 (Sub-No. E2), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except commodities in bulk, in tank vehicles, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading; (1) between points in Chesterfield County, Va., and those points in Virginia located on and east of U.S. Highway 1, on the one hand, and, on the other, points in West Virginia (except points north of Hardy, W. Va., and east of U.S. Highway 220). The purpose of this filing is to eliminate the gateway of points in Augusta County, Va. (2) Between points in Chesterfield County, Va., and those points in Virginia located on and east of U.S. Highway 1, on the one hand, and, on the other, points in Pennsylvania and Ohio within 30 miles of Wheeling, W. Va., and Pittsburgh, Pa. The purpose of this filing is to eliminate the gateways of points in Augusta County, Va., and points in West Virginia within 30 miles of Wheeling, W. Va.

(3) Between points in Virginia within 80 miles of Staunton, Va., other than Roanoke (except those in Rockingham, Augusta, and Rockbridge Counties), on the one hand, and, on the other, points in West Virginia and Pittsburgh, Pa., restricted against service (a) between Roanoke, Craig, Botetourt, and Alleghany Counties, Va., on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 60, and (b) between Shenandoah, Warren, Page, Rappahannock, Faquier, and Culpeper Counties, Va., on the one hand, and, on the other, Grant, Hardy, Mineral, Hampshur, Morgan, Berkeley, and Jefferson Counties, W. Va. The purpose of this filing is to eliminate the gateway of points in Augusta County, Va. (4) Between points in Rockingham, Augusta, and Rockbridge Counties, Va., on the one hand, and, on the other, points in Ohio and Pennsylvania within 30 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateway of points in West Virginia within 30 miles of Wheeling, W. Va. (5) Between points in Virginia within 80 miles of Staunton, other than Roanoke (except those in Rockingham, Augusta, and Rockbridge Counties, Va.), on the one hand, and, on the other, points in Ohio and Pennsylvania within 30 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateways of points in Augusta County, Va., and points in West Virginia within 30 miles of Wheeling, W. Va.

(6) Between points in Frederick and Clarke Counties, Va., on the one hand, and, on the other, points in Virginia within 80 miles of Staunton, other than Roanoke (except those in Shenandoah and Warren Counties). The purpose of this filing is to eliminate the gateways of points within the overlap of points within 50 miles of Washington, D.C., and 80 miles of Staunton, Va. (7) Between points in Chesterfield County, Va., and points in Virginia on and east of U.S. Highway 1, on the one hand, and, on the other, points in Bland County, Va. (except points in Bland County within five miles of Bluefield, W. Va.-Va.). The purpose of this filing is to eliminate the gateways of points in Augusta County, Va., and Mercer County, W. Va. (8) Between points in Spotsylvania, Caroline, Hanover, Henrico, Goochland, Powhatan, Amelia, Nottoway, Dinwiddie, Brunswick, Lunenburg, and Mecklenburg Counties, Va., on the one hand, and, on the other, points in Pennsylvania and Ohio within 30 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateways of points in Clarke County, Va., within 50 miles of Washington, D.C., and West Virginia within 30 miles of Wheeling, W. Va. (9) Between points in Spotsylvania, Caroline, Hanover, Henrico, Goochland, Powhatan, Amelia, Nottoway, Dinwiddie, Brunswick, Lunenburg, and Mecklenburg Counties, Va., on the one hand, and, on the other, points in that part of West Virginia located on and north of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of points in Clarke County, Va., within 50 miles of Washington, D.C.

No. MC 66900 (Sub-No. E9), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; (1) from points in that part of Pennsylvania located on and south of U.S. Highway 422 and on and east of Interstate Highway 83, including York, Pa., to points located in and south of Nicholas, Monroe, and Greenbrier Counties, W. Va., and points in that part of Virginia located within 80 miles of Staunton, Va. (except Roanoke, Va.). Restriction: No service will be provided from points in the described portion of Pennsylvania on and west of a line beginning at the Delaware-Pennsylvania State line, thence along U.S. Highway 202 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction U.S. Highway 422 to points in Shenandoah, Warren, Fauquier, and Rappahannock Counties, Va., which are 80 miles of Staunton, Va. The purpose of this filing is to eliminate the gateway of points withon 50 miles of Staunton, Va. (2) From points in that part of Pennsylvania located on and south of U.S. Highway 422 and on and east of Interstate Highway 83, including York, Pa., to points in that part of Virginia located on and south of the northern boundary lines of Southampton, Greensville, Lunenberg, Prince Edward, Charlotte, Halifax, Pittsylvania, Roanoke, Franklin, and Craig Counties (except points within 80 miles of Staunton, Va.). The purpose of this filing is to eliminate the gateway of points in Virginia that fall within 80 miles of Staunton, Va., and 50 miles of Washington, D.C., and points within 50 miles of Staunton, Va. (4) Between Lancaster, Pa., on the one hand, and, on the other, points in Nicholas, Greenbrier, and Monroe Counties, W. Va., and points in Virginia located on and south of Interstate Highway 64 that fall within 80 miles of Staunton, Va. The purpose of this filing is to eliminate the gateway of points in Rockingham County, Va. (5)



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Between Lancaster, Pa., on the one hand, and, on the other, points in that part of West Virginia located in and south of Jackson, Calhoun, Clay, Nicholas, and Greenbrier Counties, W. Va. (except points in West Virginia within 80 miles of Staunton, Va.). The purpose of this filing is to eliminate the gateway of points in Rockingham County, Va. (7) Between Philadelphia and Bristol, Pa., on the one hand, and, on the other, points in West Virginia in and south of Pleasants, Ritchie, Doddridge, Harrison, Barbour, Tucker, and Pendleton Counties (except points within 80 miles of Staunton, Va.). The purpose of this filing is to eliminate the gateways of Rockingham and Augusta Counties, Va. and (8) Between Philadelphia and Bristol, Pa., on the one hand, and, on the other, points in Virginia located on and south of the northern boundary lines of Southampton, Greensville, Lunenburg, Prince Edward, Charlotte, Halifax, Pittsylvania, Roanoke, Franklin, and Craig Counties (except points within 80 miles of Staunton, Va.). The purpose of this filing is to eliminate the gateway of points in Rockingham County, Va., and points which are within 80 miles of Staunton, Va., and within 50 miles of Washington, D.C.

No. MC 66900 (Sub-No. E10), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except uncrated household goods, explosives, and dangerous articles, bank bills, currency, or money, deeds, drafts, or valuable papers, postage stamps, precious metals or stones or other articles manufactured therefrom, jewelry or other articles of extraordinary value, articles exceeding 20 feet in length or 6 feet in height, or 7 feet in width, except by special arrangements, green hides, slaughter house offal, tanner's fleshings, or any other articles offensive in odor, which are liable to impregnate other freight or cause damage thereof, and livestock, and articles requiring refrigeration); (1) between the District of Columbia, on the one hand, and, on the other, points in Ohio and Pennsylvania within 30 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateways of points in Clarke County, Va., and points in West Virginia within 30 miles of Wheeling, W. Va. (2) Between the District of Columbia and 50 miles thereof, on the one hand, and, on the other, points in West Virginia on and east of U.S. Highway 33 within 80 miles of Staunton, Va. The purpose of this filing is to eliminate the gateways of points in Virginia which are within 50 miles of Washington, D.C., and within 80 miles of Staunton, Va.

(3) Between the District of Columbia and 50 miles thereof, on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 33 (except points within 80 miles of Staunton, Va.). The purpose of this filing is to eliminate the gateways of points in Virginia which are within 80 miles of Staunton, Va., and within 50 miles of Washington, D.C., and points in Rockingham County, Va. (4) Between Hagerstown, Md., on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 33 within 80 miles of Staunton, Va. The purpose of this filing is to eliminate the gateway of points in Rockingham County, Va. (5) Between Hagerstown, Md., on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 33 (except points within 80 miles of Staunton, Va.). The purpose of this filing is to eliminate the gateways of points in Rockingham and Augusta Counties, Va. (6) Between Salisbury, Md., on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of points in Clarke County, Va., within 50 miles of Washington, D.C. (7) Between Salisbury, Md., on the one hand, and, on the other, points in Ohio and Pennsylvania within 30 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateway of points in Clarke County, Va., within 50 miles of Washington, D.C., and points in West Virginia within 30 miles of Wheeling, W. Va. (8) Between Salisbury, Md., on the one hand, and, on the other, points in West Virginia south of U.S. Highway 33 which are within 80 miles of Staunton, Va. The purpose of this filing is to eliminate the gateways of points in Virginia which are within 80 miles of Staunton, Va., and within 50 miles of Washington, D.C. and (9) Between Salisbury, Md., on the one hand, and, on the other, points in West Virginia south of U.S. Highway 33 (except points within 80 miles of Staunton, Va.). The purpose of this filing is to eliminate the gateways of points in Virginia which are within 80 miles of Staunton, Va., and within 50 miles of Washington, D.C., and points in Rockingham County, Va.

No. MC 66900 (Sub-No. E11), filed May 31, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from points in West Virginia within 80 miles of Staunton, Va., which are on and south of West Virginia Highway 39 and from points in Virginia within 80 miles of Staunton, Va., which are on and south of Virginia Highway 39 and on and west of Interstate Highway 81 to Newark, and New Castle, Del. The purpose of this filing is to eliminate the gateway of Covington, Va.

No. MC 66900 (Sub-No. E12), filed May 31, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel castings* and *agricultural implements and parts* (except articles which because of size, shape or weight require the use of special equipment), from points in Virginia located within 80 miles of Staunton, Va., and bounded on the west by Interstate Highway 81 and on the north by U.S. Highway 60 and on the east by U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 66900 (Sub-No. E13), filed May 31, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail hardware stores; (1) from points in Virginia within 80 miles of Staunton, Va., (except Roanoke, Va.), located on and south of U.S. Highway 250 and Interstate Highway 64 to points in Allegany and Garrett Counties, Md.; and (2) from points in that part of Virginia located on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to Norfolk, Va. (except Richmond, Va., and points in Henrico County, Va.), and points in North Hampton and Accomack Counties, Va., to points in Allegany and Garrett Counties, Md. The purpose of this filing is to eliminate the gateway of Staunton, Va.

No. MC 83835 (Sub-No. E37), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pipe* (except oil field pipe), when transported as; commodities which, because of size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of pipe, which by reason of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (B) *Pipe* (except oilfield pipe) when transported as; earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells;

(C) *Pipe* (except oilfield pipe) when transported as; machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines; other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (1) from points in Montana, North Dakota, South Dakota, and Wyoming, to points in Florida, Georgia, and Mississippi; (2) from points in Montana and Wyoming to points in Alabama, South Carolina, North Carolina, and Tennessee; (3) from points in South Dakota to points in Alabama; (4) from points in the Wyoming, to points in Virginia; (5) from points in Wyoming on and west of a line beginning at the Wyoming-Montana State line extending along Wyoming Highway 59, thence along Wyoming Highway 59 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Wyoming-Colorado State line, to points in New Jersey; (6) from points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 281, thence along U.S. Highway 281 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to the United States-Canada International Boundary line to points in South Carolina;

(7) From points in Wyoming on and west of a line beginning at the Colorado-Wyoming State line extending along U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 487, thence along Wyoming Highway 487 to junction Wyoming Highway 20, thence along Wyoming Highway 20 to the Montana-Wyoming State line to points in West Virginia; (8) from points in Montana on and west of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada International Boundary line to points in Kentucky on and south of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Mountain Parkway Toll, thence along Mountain Parkway Toll to junction Kentucky Highway 114, thence along Kentucky Highway 114 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to the Virginia-Kentucky State line;

(9) From points in Montana on, south, and west of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 87, thence along U.S. Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 93, thence along U.S. Highway 93 to the United States-Canada International Boundary line to points in Virginia on and south of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250, thence along U.S. Highway 250 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Virginia-Atlantic Ocean line; (10) from points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 12, thence along U.S. Highway 12 to junction North Dakota Highway 22, thence along North Dakota Highway 22 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Canada International Boundary line to points in Tennessee on, west, and south of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 72, thence along U.S. Highway 72 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 45E, thence along U.S. Highway 45E to the Tennessee-Kentucky State line to the Tennessee-Kentucky State line;

(11) From points in South Dakota on and west of a line beginning at the South Dakota-Nebraska State line extending along South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to the South Dakota-North Dakota State line to points in Tennessee on, west, and south of a line beginning at the Tennessee-Alabama State line extending along Interstate Highway 24, thence along Interstate Highway 24 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Kentucky State line; (12) from points in Wyoming on and north of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line to points in Kentucky on and south of a line beginning at the Kentucky-Indiana State line extending along Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line; and (13) from points in North Dakota on and west of a line beginning at the United States-Canada International Boundary line extending along North Dakota Highway 1, thence along North Dakota Highway 1 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line, to points in Alabama. The purpose of this filing is to eliminate the gateways of Kansas and Wagoner, Okla.

No. MC 83835 (Sub-No. E54), filed June 4, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Towers, parts*, and accessories for towers, and electronic equipment shelters, when transported as; (1) commodities which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (2) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof,

(3) Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, mainte-







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nance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, and (4) machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (a) from points in Colorado, Utah, and, points in Nebraska on and south of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nebraska Highway 44, thence along Nebraska Highway 44 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, and, points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line, and, points in Wyoming on and west of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line, to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia;

(b) From points in Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 75 to junction Interstate Highway 45, thence along Interstate Highway 45 to the Texas-Gulf of Mexico line, to points in Connecticut, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Wisconsin, and points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, and points in Ohio on and north of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Alternate U.S. Highway 50, thence along Alternate U.S. Highway 50 to the Ohio-West Virginia State line; and (c) from points in New Mexico and Oklahoma, to points in Connecticut, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateways of Kansas and the facilities of Grases Fabricating Co., in Kansas City, Mo.

No. MC 104654 (Sub-No. E23) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER February 19, 1975. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Indianapolis, Ind., and points within 20 miles thereof, to points in that part of Missouri bounded by a line beginning at the Missouri-Illinois State line on U.S. Highway 66 extending along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, thence along the Missouri-Arkansas State line to the Mississippi River, thence along the Mississippi River to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of St. Elmo and Gale, Ill. The purpose of this correction is to include the origin points.

No. MC 104654 (Sub-No. E27) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER February 19, 1975. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Northwest, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of Stokes Oil Co., Inc., river terminal at or near Hickman, Ky., to points and places in Arkansas within an area bounded by a line beginning at the Missouri-Arkansas State line at Arkansas Highway 9, extending along Arkansas Highway 9 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, thence along the Mississippi River to the Missouri-Arkansas State line to point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of Caruthersville, Mo. The purpose of this correction is to correct a typographical error.

No. MC 104654 (Sub-No. E29), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid hydrogen derived from petroleum and road building and construction materials derived from petroleum), from Roxana, Ill., and points and places within 5 miles thereof, East St. Louis and Cahokia, Ill., to points and places in that part of Kentucky bounded by a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to the Kentucky-Virginia State line, thence along the Kentucky-Virginia State line to the Kentucky-West Virginia State line, thence along the Kentucky-West Virginia State line to the Ohio River, thence along the Ohio River to point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of Jackson County, Ind., or Evansville, Ind.

No. MC 104654 (Sub-No. E30) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER February 19, 1975. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicants representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid hydrogen derived from petroleum and road building and construction materials derived from petroleum), in bulk, in tank vehicles, from Roxana and points and places within 5 miles thereof, East St. Louis and Cahokia, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateway of that part of Jackson County, Ind., located on and east of a line extending from the Jackson-Bartholomew County line south along Indiana Highway 58 to junction Indiana Highway 135, thence along Indiana Highway 153 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 250, thence along Indiana Highway 250 to the Jackson-Jennings County line. The purpose of this correction is to correct the gateway.

No. MC 104654 (Sub-No. E33), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Roxana, Ill., and points and places within 5 miles thereof, East St. Louis and Cahokia, Ill., to points in that part of Tennessee on, south, and west of a line beginning and extending along Tennessee Highway 20 to Dyersburg, thence along Tennessee Highway 104 to junction U.S. Highway 45E, thence along U.S. Highway 45E to Jackson, thence along U.S. Highway 45 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateways of Hickman, Ky., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E35), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th & Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Roxana, Ill. and points and places within 5 miles thereof, East St. Louis and Cahokia, Ill., to points in that part of Missouri on and south of a line beginning at the Missouri-Kentucky State line extending along Missouri Highway 80, thence along Interstate Highway 55 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Hickman, Ky.

No. MC 104654 (Sub-No. E37), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Caruthersville, Mo., and points within 10 miles thereof, to points in that part of Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 15 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Paducah, Ky.

No. MC 106920 (Sub-No. E30) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER February 4, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream*, and *buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Minnesota on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 75 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 220, thence along Minnesota Highway 220 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line, to points in Mississippi east of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 45 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction Mississippi Highway 13, thence along Mississippi Highway 13 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to clarify the origin description.

No. MC 106920 (Sub-No. E74) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 19, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, classified as dairy products* under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in the Upper Peninsula of Michigan south of a line beginning at Lake Michigan and extending along unnumbered highway to junction U.S. Highway 2 at Gulliver, thence along U.S. Highway 2 to junction Michigan Highway 77, thence along Michigan Highway 77 to junction County Highway 58, thence along County Highway 58 to junction County Highway 37, thence along County Highway 37 to junction Michigan Highway 123, thence along Michigan Highway 123 to junction Interstate Highway 75, thence along Interstate Highway 75 to points in Kentucky north of a line beginning at the Indiana-Kentucky State line and extending along Kentucky Highway 69 to junction Kentucky Highway 369, thence along Kentucky Highway 369 to junction Kentucky Highway 106, thence along Kentucky Highway 106 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 962, thence along Kentucky Highway 962 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Missouri State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to clarify the origin points.

No. MC 106920 (Sub-No. E90) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrated skim milk, in containers, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan to points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 216 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 107295 (Sub-No. E115) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER March 10, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board*; (1) from Lockport, N.Y., to points in New Mexico, Oklahoma, and Texas; (2) from Lockport, N.Y., to points in Arizona, California, Louisiana, Nevada, Oregon, Utah, and Washington; and (3) from Lockport, N.Y., to points in Colorado, Nebraska, North Dakota, South Dakota, and to points in that part of Kansas located in, north, and west of Miami, Anderson, Woodson, Greenwood, Elk, and Chautauqua Counties. The purpose of this filing is to eliminate the gateway of Henry County, Tenn. The purpose







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of this correction is to correct the destination points in (3) above.

No. MC 107295 (Sub-No. E173) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER March 10, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from the plant site and warehouse facilities of the Epson Company at Bristol, Ind., (1) to points in Alabama, California, Idaho, Minnesota, Montana, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming; (2) to points in Arizona, Mississippi, New Mexico, and Texas; (3) to points in Connecticut, Delaware, the District of Columbia, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and to points in that part of Virginia located north of U.S. Highway 460 and west of U.S. Highway 301; and (4) to points in Louisiana. The purpose of this filing is to eliminate the gateways of (1) the plant site and warehouse facilities of the Keene Corporation at Kalamazoo, Mich., (2) Trumaun, Ariz., (3) points in Lucas County, Ohio, and (4) points in Henry County, Tenn. The purpose of this correction is to correct a typographical error.

No. MC 107515 (Sub-No. E561), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in California, Arizona, New Mexico, Washington, Oregon, Nevada, Utah, that portion of Colorado on and south of Interstate Highway 70, and that portion of Idaho on and south of a line beginning at the Wyoming-Idaho State line on U.S. Highway 30N to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Interstate Highway 80N to the Idaho-Oregon State line. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 114019 (Sub-No. E54) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 5, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 67 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 350, thence along Texas Highway 350 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line to points in North Carolina on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 74 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correct a highway destination and to expand the territorial description.

No. MC 114019 (Sub-No. E283) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER February 13, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment, between Burns Harbor and points in Porter County, Ind., on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia; Toledo, Ohio; and those points in Ohio on and north of U.S. Highway 40, and on and south of U.S. Highway 20, and those points in Bergen, Monmouth, Morris, and Somerset Counties, N.J., which are within 20 miles of New York, N.Y., points in Hudson, Essex, Union, Passaic, Middlesex, Mercer, and Hunter Counties, N.J., those points in New Jersey, Delaware, and Maryland which are within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this correction is to correct the territorial description.

No. MC 114019 (Sub-No. E285) (Correction), filed May 24, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Materials, equipment*, and *supplies* used in the manufacture and processing of iron and steel articles, from points in New York, and those in Connecticut and Bergen, Monmouth, Morris, and Somerset Counties, N.J., within 20 miles of New York, N.Y., and points in Hudson, Essex, Union, Passaic, Middlesex, Mercer, and Hunterdon Counties, N.J., to the facilities of Jones and Laughlin Steel Corporation in Putnam County, Ill. The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this partial correction is to include (2) above. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E294) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 11, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel strapping*, and *materials* and *supplies* used in the manufacture and shipping of paper and paper products, between those points in Michigan on and south of a line beginning at Lake Michigan and extending along Michigan Highway 21 to junction Michigan Highway 66, thence along Michigan Highway 66 to the Indiana-Michigan State line, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Hamilton, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 114019 (Sub-No. E297) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 11, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles* distributed by meat packinghouses as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles); (1) from the facilities of Swift & Co., at Rochelle, Ill., to points in Maine, Vermont, New Hampshire, West Virginia, Virginia, Delaware, Maryland (except Baltimore), points in that part of Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line (except Philadelphia and points within 20 miles thereof), points in that part of Ohio, on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of Union City, Ohio, and Gary, Ind. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E338) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: MIDWEST EMERY





FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural, architectural and ornamental iron, steel, and metal work*, from Milwaukee, Wis., to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line, and extending along Indiana Highway 64 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction Indiana Highway 164, thence along Indiana Highway 164 to junction Indiana Highway 66, thence along Indiana Highway 66 to Leavenworth, Ind. The purpose of this filing is to eliminate the gateway of Hennepin, Ill. The purpose of this correction is to properly reflect the highway destination and to include the gateway.

No. MC 114019 (Sub-No. E340) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER March 3, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, desserts*, and *confectionery*, and *candy, dessert*, and *confectionery ingredients*, in vehicles equipped with mechanical refrigeration, from Boston and Mansfield, Mass., to points in Wisconsin, Iowa, and Illinois, those points in Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Missouri River, points in that part of Kansas on and east of U.S. Highway 281, St. Louis, Mo., and points in Missouri on and west of U.S. Highway 65, points in Indiana on and west of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 15 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line, Niles, Buchanan, Grand Rapids, St. Joseph, Benton Harbor, Three Rivers, and Sturgis, Mich. The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this correction is to expand the destination points.

No. MC 114019 (Sub-No. E351) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 25, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, fibre board, wallboard, asbestos or felt paper insulating material, pulpboard and strawboard, tin roofing caps, roofing cement, metal clamps, roof coating, creosote, metal fasteners, building or roofing felts, asbestos or felt paper roofing material, nails, asphaltum and coal tar paint, building and roofing paper, roofing pitch, composition roofing, asphalt siding, shingles, sheathing*, and *tin straps*, from Lockland, Ohio, to Baltimore, Md., and those points in Maryland east of the Intercoastal Waterway and points in Delaware, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Sunbury, Pa. The purpose of this correction is to correct the commodity description.

No. MC 114019 (Sub-No. E358) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER March 6, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment, from Sparrows Point and Baltimore, Md.; New York, N.Y., and points within 30 miles thereof; points in those parts of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa.; points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line; points in Pennsylvania and those in West Virginia in, north, and west of Wetzel, Harrison, Upshur, Randolph, and Pocahontas Counties, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Akron, Ohio. The purpose of this correction is to correct the territorial descriptions.

No. MC 114019 (Sub-No. E381) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER February 20, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill., 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as classified in the Appendix of *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, from points in Iowa (except Sioux City), to points in Rutland, Bennington, and Windham Counties, Vt., and points in Cheshire County, N.H. Restriction: Restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, peddle service. The purpose of this filing is to eliminate the gateway of Schenectady, N.Y. The purpose of this correction is to clarify the origin points.

No. MC 114019 (Sub-No. E382) (Correction), filed May 27, 1974, published in the FEDERAL REGISTER February 18, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from points in the New York commercial zone, as defined by the Commission M.C.C. 665, and points in New York and New Jersey within 40 miles of City Hall, N.Y., to points in Bath, Breathitt, Boyd, Carter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Perry, Pike, Rowan, and Wolfe Counties, Ky. Restriction: Restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

No. MC 114019 (Sub-No. E388) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER February 24, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, meat products*, and *meat by-products*, and *frozen edible articles* distributed by meat packinghouses as described in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, from points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts to Bismarck, N. Dak., Salt Lake City, Utah, and points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. The purpose of this correction is to clarify the destination points.

No. MC 114019 (Sub-No. E391) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER February 24, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as



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a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and paper products, (1) between Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York N.Y., points in those parts of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in West Virginia on and south of U.S. Highway 50, and points in Pennsylvania on and south of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 11 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Missouri on, west, and south of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line; (2) between Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in those parts of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pa., points in West Virginia and those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Minnesota. Restriction: The authority in (1) and (2) above is restricted to the transportation of the commodities described therein when moving from, to, or between paper or paper products, manufacturing plants or warehouses, or other facilities of such plants, and when moving from, to or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to or between food processing plants, or warehouses or other facilities or such plants. The purpose of this filing is to eliminate the gateways of Hamilton, Ohio, and Muscatine, Iowa. The purpose of this correction is to expand the territorial description.

No. MC 114019 (Sub-No. E410) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER February 12, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa, chocolate*, and *compounds thereof*, and *confectionery*, between Detroit and Grand Rapids, Mich., on the one hand, and, on the other, points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 14 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 80, thence along Interstate Highway 80 to the New Jersey-Pennsylvania State line, and those points in New Jersey which are within 40 miles of City Hall, New York, N.Y. and within the Philadelphia, Pa., commercial zone. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y. The purpose of this correction is to correct the territorial description.

No. MC 114019 (Sub-No. E424) (Correction), filed June 5, 1974, published in the FEDERAL REGISTER February 24, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 148, thence along Ohio Highway 148 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 556, thence along Ohio Highway 556 to junction Ohio Highway 26, thence along Ohio Highway 26 to junction unnumbered highway, thence along unnumbered highway to the Ohio-West Virginia State line, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateways of Wheeling, W. Va., and Akron, Ohio. The purpose of this correction is to expand the destination territory.

No. MC 114211 (Sub No. E856), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Wat TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) and *fittings and accessories* therefor when moving with such pipe, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 283 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 57, thence along U.S. Highway 57 to junction U.S. Highway 277, thence along U.S. Highway 277 to Eagle Pass, Tex., and from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction Oklahoma Highway 44, thence along Oklahoma Highway 44 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, to points in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E859), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products) and *fittings and accessories* therefor when moving with such pipe, from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along Oklahoma Highway 34 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 60 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico Boundary line, to points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 40 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.





No. MC 114211 (Sub-No. E860), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental tractors*, from points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Iowa State line extending along Iowa-Wisconsin Highway 82 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 161, thence along Wisconsin Highway 161 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, to points in that part of Idaho on and west of a line beginning at the Montana-Idaho State line extending along U.S. Highway 191 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Utah State line, and to points in that part of California on and north of a line beginning at the Nevada-California State line extending along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 15.

Thence along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico Boundary line, to points in that part of Montana on and west of a line beginning at the United States-Canada Boundary line extending along Montana Highway 247 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, to points in that part of Nevada on and north of a line beginning at the Idaho-Nevada State line extending along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 91, thence along U.S. Highway 91 to the California-Nevada State line, and to points in Washington and Oregon. The purpose of this filing is to eliminate the gateways of Waterloo, Iowa and that part of the Fargo, N. Dak., Commercial Zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E861), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil* Field Commodities, 74 M.C.C. 459), from points in that part of Minnesota on and west of a line beginning at the Canada-United States Boundary line extending along Minnesota Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to the Minnesota-Iowa State line, to points in that part of California on and south of a line beginning at Oceanside, Calif., extending along California Highway 76 to junction California Highway S–16, thence along California Highway S–16 to junction California Highway 71, thence along California Highway 71 to junction California Highway 74, thence along California Highway 74 to junction California Highway 111, thence along California Highway 111 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Arizona-California State line, to points in that part of Arizona on and south of a line beginning at the California-Arizona State line extending along Interstate Highway 40 to junction U.S. Highway 66.

Thence along U.S. Highway 66 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-New Mexico State line, to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 40 to the New Mexico-Texas State line, to points in that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line extending along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Arkansas-Oklahoma State line, to points in that part of Arkansas on, south and west of a line beginning at the Oklahoma-Arkansas State line extending along Arkansas Highway 33 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line, to points in that part of Mississippi on, south and east of a line beginning at the Arkansas-Mississippi State line extending along Mississippi Highway 1 to junction Mississippi Highway 322, thence along Mississippi Highway 322 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 49.

Thence along U.S. Highway 49 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line, to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 80 east to the Alabama-Georgia State line, to points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 280 to junction Georgia Highway 55, thence along Georgia Highway 55 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to Brunswick, Ga., and to points in Louisiana and Florida. The purpose of this filing is to eliminate the gateways of Claremore, Okla., and points in Kansas.

No. MC 114211 (Sub-No. E863), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from points in that part of Minnesota on and west of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction Interstate Highway 694, thence along Interstate Highway 694 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Minnesota Highway 494 to junction Minnesota Highway 110, thence along Minnesota Highway 110 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Minnesota State line, to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 32 to junction Indiana Highway 63, thence along Indiana Highway 234.

Thence along Indiana Highway 234 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 46, thence along Indiana



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Highway 46 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 256, thence along Indiana Highway 256 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC 114211 (Sub-No. E864), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from points in Texas and Oklahoma, to points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateways of points in Kansas.

No. MC 114211 (Sub-No. E865), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products) and *fittings and accessories* therefor when moving with such pipe, from points in that part of Oklahoma on and northwest of a line beginning at the Kansas-Oklahoma State line extending along Oklahoma Highway 34 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Texas-Oklahoma State line, and from points in that part of Texas on and north of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 60 to the Texas-New Mexico State line, to points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 40 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of Griffin Pipe Products Company at Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E866), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Iowa on, south and east of a line beginning at the Iowa-Minnesota State line extending along Iowa Highway 4 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line, to points in that part of California on and south of a line beginning at the California Coast extending along California Highway 1 to junction California Highway 152, thence along California Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, and to points in that part of Nevada on and south of a line beginning at the Nevada-California State line extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, and to points in that part of Arizona on and south of a line beginning at the Arizona-Nevada State line extending along U.S. Highway 93 to junction U.S. Highway 66.

Thence along U.S. Highway 66 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-New Mexico State line, to points in that part of New Mexico on and south of a line beginning at the New Mexico-Arizona State line extending along Interstate Highway 40 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line, to points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 66 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line, to points in that part of Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Louisiana State line, and to points in that part of Louisiana on and south of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 71 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 10, thence along Louisiana Highway 10 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to Erath, La. The purpose of this filing is to eliminate the gateway of Claremore, Okla., and points in Kansas.

No. MC 114211 (Sub-No. E867), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe making machinery* and when moving with concrete pipe making machinery with which it is to be used, *parts of such machinery and auxiliary equipment to be used therewith*, the transportation of which because of size or weight, requires special equipment, from points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 20 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, to points in Florida, Georgia, Alabama, South Carolina, North Carolina, and to points in that part of Mississippi on and east of a line beginning at the Tennessee-Mississippi State line extending along Interstate Highway 55 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.

No. MC 114211 (Sub-No. E868), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe making machinery* and when moving with concrete pipe making machinery with which it is to be used, *parts of such machinery and auxiliary equipment* to be used therewith, the transportation of which, because of size or weight, requires special equipment, from points in that part of Nebraska on and northwest of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 2 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line, to points in that part of Florida on and east of a line beginning at the Georgia-Florida State line extending along U.S. Highway 90 to junction Florida Highway 274, thence along Florida Highway 274 to junction U.S. Highway 231, thence along U.S. Highway 231 to Panama City, Fla., and to points in that part of Georgia on and east of a line beginning at the North Carolina-Georgia State line extending along Georgia Highway 75 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Georgia Highway 33, thence along Georgia Highway 33 to junction Georgia Highway 112, thence along Georgia Highway 112 to junction Georgia Highway 97, thence along Georgia Highway 97 to the Georgia-Florida State line, and to points in that part of North Carolina on and east of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 129 to junction North Carolina Highway 69, thence along North Carolina Highway 69 to junction North Carolina Highway 75, thence along North Carolina Highway 75 to the North Carolina-Georgia State line, and to points in South Carolina, Virginia, West Virginia, Delaware, Maryland, Pennsylvania, New Jersey, Connecticut, New York, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Waterloo, Iowa.





No. MC 114211 (Sub-No. E871), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line, and points in Colorado to points in that part of Pennsylvania on and north of a line beginning at Erie, Pa., extending along U.S. Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-New Jersey State line, and points in New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr., and Dubuque, Iowa.

No. MC 114211 (Sub-No. E874), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* thereof, from points in Oklahoma, to points in that part of Minnesota on and north of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 16 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 48, thence along Minnesota Highway 48 to the Minnesota-Wisconsin State line, and to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 77 to the Michigan-Wisconsin State line, and to points in that part of Michigan on and north of a line beginning at the Wisconsin-Michigan State line extending along Michigan Highway 28 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Mich., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E875), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories, and attachments*, between points in that part of Minnesota on and south of a line beginning at the Wisconsin-Minnesota State line extending along Interstate Highway 94 to junction Minnesota Highway 5, thence along Minnesota Highway 5 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction Minnesota Highway 5, thence along Minnesota Highway 5 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Interstate Highway 90, thence along Interstate Highway 90 to the South Dakota-Minnesota State line, on the one hand, and, on the other, points in that part of Montana on and west of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 212 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada Boundary line, and points in Idaho, Wyoming, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E876), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from points in North Dakota, to points in New York. The purpose of this filing is to eliminate the gateway of plant site of Stinar Corp., at Minneapolis, Minn.

No. MC 114211 (Sub-No. E877), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from points in North Dakota, to points in Ohio, West Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Louisiana, Mississippi, Georgia, Florida, to points in that part of Michigan on and south of a line beginning at the United States-Canada Boundary line extending along Interstate Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line, to points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 8 to the Minnesota-Wisconsin State line, to points in that part of Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to the Kansas-Missouri State line, to points in that part of Oklahoma on and east of a line beginning at the Missouri-Oklahoma State line extending along U.S. Highway 69 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Texas State line, and to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 77, thence along U.S. Highway 77 to the United States-Mexico Boundary line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E878), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from points in that part of Minnesota on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 210, thence along



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Minnesota Highway 210 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in New York. The purpose of this filing is to eliminate the gateways of the plantsite of the Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E879), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from points in that part of Minnesota on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in Massachusetts, and Connecticut. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E880), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories*, and attachments, between points in that part of Kansas on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 83 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line, on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the New Jersey-Delaware State line extending along Interstate Highway 295 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to the Atlantic coast, and to points in that part of Delaware on and north of a line beginning at the Pennsylvania-Delaware State line extending along Delaware Highway 41 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Interstate Highway 295, thence along Interstate Highway 295 to the Delaware-New Jersey State line, and to points in that part of Pennsylvania on and east of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 80 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to the Maryland-Pennsylvania State line, and to points in that part of Ohio on and east of a line beginning at Lake Erie extending along Ohio Highway 46 to junction Ohio Highway 11, thence along Ohio Highway 11 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 193, thence along Ohio Highway 193 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Ohio-Pennsylvania State line, and points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, and Connecticut. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E881), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* and *stationary engines* and *attachments* and *parts* therefor when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of their size or weight require the use of special equipment), from points in Minnesota, to points in that part of Ohio on and east of a line beginning at Lake Erie extending along Ohio Highway 21 to junction Ohio Highway 585, thence along Ohio Highway 585 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 159, thence along Ohio Highway 159 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 41, thence along Ohio Highway 41 to the Ohio-Kentucky State line, to points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 68 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, New Jersey, Maryland, Virginia, West Virginia, Indiana, and Michigan, with no transportation for compensation on return except as otherwise authorized restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company. The purpose of this filing is to eliminate the gateways of Horicon, Wis., and Dubuque, Iowa.

No. MC 114211 (Sub-No. E882), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts* and *accessories*, and *attachments*, between points in Iowa, on the one hand, and, on the other, points in Washington, Oregon, Montana, California and points in Nevada on and west of a line beginning at the Idaho-Nevada State line extending along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line; to points in that part of Idaho on and north west of a line beginning at the Wyoming-Idaho State line extending along Idaho Highway 34 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Idaho State line; to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 85 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87.

Thence along Wyoming Highway 87 to U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Idaho-Wyoming State line, and to points in that part of North Dakota on and southwest of a line beginning at the United States-Canada International Boundary line extending along North Dakota Highway 8 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Dakota Highway 15, thence along North Dakota Highway 15 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction North Dakota Highway 9, thence along North Dakota Highway 9 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction North Dakota Highway 46, thence along North Dakota Highway 46 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 13, thence along North Dakota Highway 13 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to junction North Dakota Highway 11, thence along North Dakota Highway 11 to the North Dakota-Minnesota State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.





No. MC 114211 (Sub-No. E883), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories*, and *attachments*, between points in that part of Colorado on and north of a line beginning at the Colorado-Wyoming State line extending along Interstate Highway 80S to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, on the one hand, and, on the other, points in that part of Indiana on, north, and east of a line beginning at Lake Michigan extending along U.S. Highway 52 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line; points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line extending along junction U.S. Highway 35 to junction Ohio Highway 48, thence along Ohio Highway 48 to junction U.S. Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 41 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line; and points in that part of West Virginia on and north of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 35 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E884), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which, because of size or weight, requires the use of special equipment), from points in Wyoming to points in that part of Minnesota on and north of a line beginning at the North Dakota-Minnesota State line extending along Interstate Highway 94 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Wisconsin-Minnesota State line; and to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 53 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line; and to points in that part of Michigan on and north of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 2, thence along U.S. Highway 2 to Mackinaw City, Mich., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Nassau, Minn., Fargo, N. Dak., and points in South Dakota.

No. MC 114211 (Sub-No. E885), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments* and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between all ports of entry on the Gulf Coast between and including New Orleans, La., and Miami, Fla., on the one hand, and, on the other, points in Nebraska, South Dakota, and parts of Colorado on, north, and west of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 50 to junction Colorado Highway 10, thence along Colorado Highway 10 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line, and points in that part of Kansas on, north, and west of a line beginning at the Kansas-Missouri State line extending along Kansas Highway 68 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E886), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments* and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between ports of entry of Baltimore, Md., Philadelphia, Pa., and New York, N.Y., on the one hand, and, on the other, points in Colorado, Nebraska, Kansas, and points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota-Iowa State lines extending along Interstate Highway 29 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-North Dakota State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E887), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories*, and *attachments*, between points in Minnesota, on the one hand, and, on the other, points in Colorado, New Mexico, and Arizona and points in that part of Wyoming on and south of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 16 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 30, thence along Wyoming Highway 30 to junction Wyoming Highway 89, thence along Wyoming Highway 89 to the Utah-Wyoming State line; points in that part of Nevada on and south of a line beginning at the Utah-Nevada State line extending along U.S. Highway 40 to junction Nevada Highway 49, thence along Nevada Highway 49 to junction Nevada Highway 48, thence along Nevada Highway 48 to junction Nevada Highway 34, thence along Nevada Highway 34 to junction Nevada Highway 8A, thence along Nevada Highway 8A to the Nevada-California State line.

Points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along Oklahoma Highway 18 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction Oklahoma Highway 13, thence along Oklahoma Highway 13 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 377, thence along U.S. Highway 377 to the Oklahoma-Texas State line; points in that part of Texas on and southwest of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 377 to junction U.S.



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Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 77, thence along Texas Highway 77 to junction Texas Highway 8, thence along Texas Highway 8 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line; and points in that part of Louisiana on and west of a line beginning at the Texas-Louisiana State line extending along Louisiana Highway 8 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to Creole, La. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E888), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings* for cast iron pipe, the transportation of which because of size or weight requires special equipment, from points in Wisconsin, Minnesota, and from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 30 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Kansas State line, to points in that part of Iowa on, south and west of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 6 to junction U.S. Highway 59, thence along U.S. Highway 59, to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Ia. Highway 48, thence along Ia. Highway 48 to junction Ia. Highway 2, thence along Ia. Highway 2 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of the plant site of Griffin Pipe Products Company at Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E889), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between all ports of entry on the United States-Mexico Boundary line between and including El Paso and Brownsville, Tex., on the one hand, and, on the other, points in Minnesota and Iowa, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E890), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between points in Wisconsin, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 83 to the Oklahoma-Texas State line, and points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 83 to junction Texas Highway 70, thence along Texas Highway 70 to junction Texas Highway 208, thence along Texas 208 to junction Texas 163, thence along Texas 163 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 277, thence along U.S. Highway 277 to Eagle Pass, Tex. The purpose of this filing is to eliminate the gateway of Canton, S. Dak., and points in Kansas.

No. MC 114211 (Sub-No. E891), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between all ports of entry on the United States-Mexico Boundary line between and including San Diego, Calif., and El Paso, Tex., on the one hand, and, on the other points in Minnesota, Iowa, and Illinois, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E892), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments* when moving in mixed loads with commodities specified above, between all ports of entry on the east coast between and including Norfolk, Va., and Madawasha, Maine, on the one hand, and, on the other, points in Nebraska, Kansas, Colorado and that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line extending along Interstate Highway 29 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction with U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 20, thence along South Dakota 20 to junction with U.S. 281, thence along U.S. Highway 281 to the South Dakota-North Dakota State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E893), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments* and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between ports of entry on the United States-Canada Boundary line between and including Madawasha, Maine, and Detroit, Mich., on the one hand, and, on the other, points in Kansas and Colorado restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 11421 (Sub-No. E894), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments, (2) *tractor attachments*, and (3) *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified in (1) and (2), above, between the ports of entry of Port Angelo, Wash., and San Francisco, Calif., on the one hand, and, on the other, points in Illinois and points in that part of Kansas on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 181, thence along Kansas Highway 181 to junction U.S. Highway 36, thence along U.S. Highway 36, to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line and points in that part of Nebraska on and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 81 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. 77, thence along U.S. Highway 77 to junction U.S. Highway 30 thence along U.S. Highway 30 to the Nebraska-Iowa State line, and points in that part of Iowa on, east and south of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 30 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 3, thence along Iowa Highway 3 to the Iowa-Wisconsin-Illinois State line restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.





No. MC 114211 (Sub-No. E895), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments, (2) *tractor attachments*, and (3) *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified in (1) and (2) above, between the port of entry of Detroit, Mich., on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 75 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, and points in Colorado, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E896), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments, (2) *tractor attachments*, and (3) *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified in (1) and (2) above, between ports of entry on the United States-Canada International Boundary line and including Pembina, Minn., and Detroit, Mich., on the one hand, and, on the other, points in that part of Colorado on and south of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 550 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 115, thence along Colorado Highway 115 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Kansas State line; points in that part of Kansas on and south of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Kansas-Missouri State line, thence along the Kansas-Missouri State line to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E897), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, stationary engines*, and *attachments* therefor when moving incidental to and in the same vehicle, with tractors and wheels, nor any of the above-specified commodities which, because of their size or weight require the use of special equipment), from points in that part of Kansas on and northwest of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 59 to junction U.S. Highway 159, thence along U.S. Highway 159 to junction Kansas Highway 116, thence along Kansas Highway 116 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 63, thence along Kansas Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U,S. Highway 56 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, and from points in Nebraska and Colorado to points in that part of New York on and east of a line beginning at Silver Creek, N.Y., extending along New York Highway 428 to junction New York Highway 83, thence along New York Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line;

To points in that part of Pennsylvania on and northeast of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 46 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Hihgway 15 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-Delaware State line and to points in New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Horicon, Wis.

No. MC 114211 (Sub-No. E898), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities the transportation of which because of size or weight requires the use of special equipment), from points in Oklahoma to points in District of Columbia, Rhode Island, Vermont, New Hampshire, and Maine, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E899), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments, (2) *tractor attachments*, and (3) *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified in (1) and (2) above, between the port of entry at San Diego, Calif., on the one hand, and, on the other, points in Minnesota, Illinois, and points in that part of Kansas on and east of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 77 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 17, thence along Kansas Highway 17 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 28, thence along Kansas Highway 28 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 281, thence along U.S. Highway 281 to the Kansas-Nebraska State line; points in that part of Nebraska on and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; and points in that part of South Dakota on and east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to



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junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-North Dakota State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E900), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, each weighing 15,000 pounds or more, between points in Texas, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 36 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Kansas and Nebraska.

No. MC 114211 (Sub-No. E902), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities, the transportation of which, because of size or weight require the use of special equipment), from points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Wyoming State line, to points in Indiana and Ohio, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E903), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Racine, Wis., to points in that part of Illinois on and southwest of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Sangamon County, Ill.

No. MC 114211 (Sub-No. E904), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural shredders, agricultural sprayers, scalpers, row crop shields*, and *attachments* and *parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, from Oelwein, Iowa, to points in Texas and New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10079 Filed 4-16-75;8:45 am]

[Notice No. 30]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 11, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 151 (Sub-No. 54), filed March 26, 1975. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Avenue, Terre Haute, Ind. 47807. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Serving the plantsite of Central Illinois Public Service Company power plant, at or near Newton, Ill., as an off-route point in connection with regular route operations between Terre Haute, Ind., and St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.; Washington, D.C.; or Indianapolis, Ind.

No. MC 2900 (Sub-No. 274), filed March 21, 1975. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, (1) from Tampa, Fla., to points in Alabama, Georgia, North Carolina, and South Carolina; and (2) from Auburndale, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at named origins and destined to points in the described territory.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, or Tampa, Fla.

No. MC 3062 (Sub-No. 35), filed March 17, 1975. Applicant: L. A. TUCKER TRUCK LINES, INCORPORATED, 321 N. Spring Ave., P.O. Box 1060, Cape Girardeau, Mo. 63701. Applicant's representative: James R. Ponsot (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Evansville, Ind. and Memphis, Tenn.: (A) From Evansville, Ind. over U.S. Highway 60 to Paducah, Ky., thence over U.S. Highway 45 to Fulton, Ky., thence over U.S. Highway 51 to Memphis, Tenn. and return over the same route, serving no intermediate points; and (B) From Evansville, Ind. over U.S. Highway 60 to Marion, Ky., thence over U.S. Highway 641 to Purchase Parkway, thence over Purchase Parkway to U.S. Highway 51, thence over U.S. Highway 51 to Memphis, Tenn. and return over the same route, serving no intermediate points; (2) Between Evansville, Ind. and Harrisburg, Ill.: (A) From Evansville, Ind. over Indiana Highway 62 to the Indiana-Illinois State Boundary line, thence over Illinois Highway 141 to U.S. Highway 45, thence over U.S. Highway 45 to Harrisburg, Ill. and return over the same route, serving no intermediate points; and (B) From Evansville, Ind. over U.S. Highway 60 to Morganfield, Ky., thence over Kentucky Highway 56 to Kentucky-Illinois State Boundary line, thence over Illinois Highway 13 to Harrisburg, Ill. and return over the same route, serving no intermediate points; (3) Between DuQuoin, Ill. and Pana, Ill.: From DuQuoin, Ill. over U.S. Highway 51 to Pana, Ill. and return over the same route, serving no intermediate points; and (4) Between Arcadia, Mo. and Fredericktown, Mo.: from Arcadia, Mo. over Missouri Highway 72 to Fredericktown, Mo. and return over the same route, serving no intermediate points, (1) through (4) as alternate routes for operating convenience only in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Memphis, Tenn.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423





No. MC 16550 (Sub-No. 7), filed March 10, 1975. Applicant: WALTER POTTER, Route 4, Goodlettsville, Tenn. 37072. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Movie films, theatre supplies, and automotive parts, supplies and accessories*, (1) Between Hopkinsville, Ky. and Beaver Dam, Ky., serving all intermediate points: From Hopkinsville, Ky., over Kentucky Highway 91 to its junction with U.S. Highway 62 or the Western Kentucky Parkway, thence over U.S. Highway 62 or the Western Kentucky Parkway to their junctions with U.S. Highway 41, thence north over U.S. Highway 41 to its junction with Kentucky Highway 56, thence over Kentucky Highway 56 to its junction with U.S. Highway 41A, thence south over U.S. Highway 41A to its junction with Kentucky Highway 56, thence over Kentucky Highway 56 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to its junction with U.S. Highway 231, thence south over U.S. Highway 231 to Beaver Dam, Ky., and return over the same route, restricted against service at any point in Indiana; (2) Between Morgantown, Ky. and Nashville, Tenn., serving all intermediate points in Kentucky: From Morgantown, Ky., over Kentucky Highway 70 to its junction with U.S. Highway 31W, thence over U.S. Highway 31W to Bowling Green, Ky., thence north over Interstate Highway 65 to its junction with U.S. Highway 68, thence east over U.S. Highway 68 to its junction with U.S. Highway 31E, thence south over U.S. Highway 31E to Nashville, Tenn., and return over the same route; (3) Between Princeton, Ky., and Morganfield, Ky., serving all intermediate points: From Princeton, Ky., over U.S. Highway 621 or Western Kentucky Parkway to junction with U.S. Highway 641, thence over U.S. Highway 641 to junction with U.S. Highway 60, thence over U.S. Highway 60 to Morganfield, Ky., and return over the same route; (4) Between Providence, Ky. and Marion, Ky., serving all intermediate points: From Providence, Ky., over Kentucky Highway 120 to Marion, Ky., and return over the same route; (5) Between Sacramento, Ky. and Owensboro, Ky., serving all intermediate points: From Sacramento, Ky. over Kentucky Highway 81 to Owensboro, Ky., and return over the same route, restricted against service at any point in Indiana; and (6) Between Madisonville, Ky., and Central City, Ky., serving all intermediate points: From Madisonville, Ky. over Kentucky Highway 70 to Central City, Ky., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 19227 (Sub-No. 210), filed March 6, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from points in North Dakota, South Dakota, Minnesota, Iowa and the Chicago, Ill., Commercial Zone as described by the Commission, to the plantsite and facilities of Moridge Mfg., Inc., located at or near Moundridge, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 270), filed March 24, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Hudson, Iowa, to points in Florida, Georgia, North Carolina and South Carolina, restricted to traffic originating at the plantsite or warehouse facilities of Land O'Lakes, Inc., and destined to be destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. or Chicago, Ill.

No. MC 25798 (Sub-No. 271), filed March 24, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from points in Minnesota and Wisconsin, to points in Florida, Georgia, North Carolina and South Carolina, restricted to traffic originating at the plantsite or facilities of and used by Land O'Lakes, Inc., and destined to the destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 31389 (Sub-No. 196), filed March 20, 1975. Applicant: MCLEAN TRUCKING COMPANY, a Corporation, 617 Waughtoon Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the warehouse and distribution center of Lee Tire & Rubber Co., at or near Frazer, Pa., in conjunction with applicant's regular route operations to and from Philadelphia, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 33641 (Sub-No. 118), filed March 24, 1975. Applicant: IML FREIGHT, INC., 2175 South 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Wil-



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liam S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Garfield, Utah, to St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 35628 (Sub-No. 373), filed March 21, 1975. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Wichita, Kans., on the one hand, and, on the other, points in Arkansas, Connecticut, Colorado, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, West Virginia, and Wisconsin, restricted to traffic either originating at or destined to, Wichita, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Chicago, Ill.

No. MC 42212 (Sub-No. 6), filed March 26, 1975. Applicant: HARDER S EXPRESS, INC., Route 9–H, Claverack, N.Y. 12513. Applicant's representative: Micheal R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Serving Newtown, Conn., as an off-route point in connection with its regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 42487 (Sub-No. 833), filed March 14, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, OF DELAWARE, a Corporation, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Liipfert, Suite 1100–1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Connecticut as off route points in connection with carrier's presently authorized regular route operations to and from points in Connecticut.

NOTE.—Applicant holds irregular route authority in MC 42487 (Sub-No. 819) in all points in Connecticut via gateways at Hartford, East Hartford, and West Hartford, Conn. The purpose of this application is the elimination of the above described gateways and the conversion of said authority to off-route authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 346), filed March 24, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from Las Vegas, Nev., to Paramount and Orange, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 82492 (Sub-No. 120), filed March 13, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to Toledo and Maumee, Ohio and points in Michigan, restricted to traffic originating at the plantsites and facilities utilized by Land O'Lakes, Inc. at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.; Chicago, Ill.; or Washington, D.C.

No. MC 95876 (Sub-No. 168), filed March 24, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast stone*, and (2) *materials and supplies* used in the installation of precast stone, from points in Napa County, Calif., to points in Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 95876 (Sub-No. 169), filed March 24, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Grand Portage and International Falls, Minn., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, North Dakota, New York, Ohio, Pennsylvania, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 96855 (Sub-No. 6), filed March 24, 1975. Applicant: REFRIGERATED DELIVERY SERVICE, INC., 45 South Fulton, P.O. Box 50247, Tulsa, Okla. 74150. Applicant's representative: V. Langenberg (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, restricted to traffic having a prior or subsequent movement in interstate or foreign commerce, between points in Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 103191 (Sub-No. 49), filed March 27, 1975. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from points in North Carolina, to points in Georgia and South Carolina; (2) from points in South Carolina to points in Georgia, North Carolina, and South Carolina; and (3) from points in Georgia to points in North Carolina and South Carolina (except from Belton, and Camp Croft, S.C., and Wilmington, N.C.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 105501 (Sub-No. 13), filed March 26, 1975. Applicant: TERMINAL WAREHOUSE COMPANY, a Corporation, 1851 Raddison Road NE., Blaine, Minn. 55434. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Bldg., Saint Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives,





those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Minnesota, to St. Paul and Minneapolis, Minn., restricted to shipments which will receive an immediate subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 106407 (Sub-No. 30), filed March 6, 1975. Applicant: T. E. MERCER TRUCKING CO., a Corporation, 920 N. Main Street, P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper articles*, from the plantsites and warehouses of American Smelting & Refining Company located in Potter County, Tex., to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 106433 (Sub-No. 8), filed March 20, 1975. Applicant: ANTRIM TRANSPORTATION CO., INC., 7–11 Suffern Place, Suffern, N.Y. 10901. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the production, packaging and distribution of malt beverages (except in bulk), from points in Connecticut, Maryland, New Jersey, New York, Ohio, Pennsylvania, and Virginia, to New York, N.Y.; Baltimore, Md.; and Fogelsville, Pa.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 106743 (Sub-No. 13), filed March 26, 1975. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., 4081 Ross Clark Circle NW., Dothan, Ala. 36301. Applicant's representative: R. S. Richard, 57 Adams Avenue, P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, and unaccompanied baggage*, between points in Calhoun, Clay, Cleburne, Cherokee, Etowah, Randolph, St. Clair, Talladega, and De Kalb Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and to the performance of pick-up and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 106920 (Sub-No. 60), filed March 7, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles; burlap articles; paper articles; and materials, equipment and supplies*, used or useful in the sale, manufacture and distribution of plastic articles, burlap articles, and paper articles (except commodities in bulk), from Garden City, Kans., to points in Ohio, Kentucky, Tennessee, Michigan, Arkansas, Missouri, West Virginia, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, Oklahoma, Colorado, Virginia, Florida, Maine, New Hampshire, Vermont, New York, Connecticut, Massachuetts, Mississippi, Rhode Island, Delaware, Maryland, Pennsylvania, Alabama, North Carolina, South Carolina, Georgia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 106920 (Sub-No. 61), filed March 10, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107818 (Sub-No. 76), filed March 20, 1975. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin, to points in Florida, restricted to transportation of traffic for the account of Land O'Lakes, Inc., originating at plantsites and facilities of and used by Land O'Lakes, and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 107818 (Sub-No. 77), filed March 20, 1975. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Florida, restricted to transportation of traffic for the account of Land O'Lakes, Inc., originating at plantsites and facilities of and used by Land O'Lakes, Inc., and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108449 (Sub-No. 385), filed March 10, 1975. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd., C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal feed and liquid animal feed supplements*, in bulk, from the plantsite of Land O'Lakes, Inc., at or near Clarence, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; (2) *fly ash*, from points in Buffalo, and Grant Counties, Wis., to points in Iowa, Illinois, Minnesota, Nebraska, North Dakota, South Dakota, Upper Peninsula of Michigan and Wisconsin; and (3) *dry catalyst*, as used by petroleum refiners, in bulk, between Pine Bend, Minn., Wrenshall, Minn., Superior, Wis., and Mandan, N. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 108523 (Sub-No. 7), filed March 27, 1975. Applicant: POLMAN TRANSFER, INC., Rt. 3, Wadena, Minn. 56482. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet foods*, from the facilities of Tuffy's Division of Star-Kist Foods, Inc., at or near Perham, Minn., to points in Texas, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Kentucky, South Carolina, North Carolina, Florida, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, New Hampshire, Vermont, Rhode Island, Maine, Massachusetts, Connecticut, and the District of Columbia; and (2) *materials, supplies, and equipment and ingredients*, used in the manufacture and distribution of pet foods (except commodities in bulk), from points in New York, New Jersey, Maryland, Delaware, Pennsylvania, South Carolina, and North Carolina, to the facilities of Star-Kist Foods, Inc., at or near Perham, Minn., under contract with Tuffy's Division of Star-Kist Foods, Inc.

NOTE.—Applicant holds common carrier authority in MC 116227, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.



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No. MC 110420 (Sub-No. 733), filed March 24, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fuel oil*, in bulk, in tank vehicles, from Lawrenceburg, Ind., to the plantsite and warehouse facilities of Northern Chemical Co., located at West Chicago, Ill.; (2) *beverage base, beverages, beverage concentrate, fruit emulsions, and fruit juices*, in bulk, in tank vehicles, from Chicago, Ill., to Lawrence, Kans., and points in its Commercial Zone; and (3) *paint, stain varnish or lacquer*, in bulk, in tank vehicles, from Oak Creek, Wis., to points in Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 319), filed March 24, 1975. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from Waukegan, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113974 (Sub-No. 51), filed Feb. 24, 1975. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a Corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hiller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet metal products, and equipment, materials, and supplies*, used in the installation of sheet metal products, from the facilities of Acme Manufacturing Company, at or near Peoria, Ill., to Philadelphia, Pa., and points in Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Texas, Wisconsin, Missouri, Arkansas, Louisiana, Indiana, Michigan, Ohio, Kentucky, Tennessee, Alabama, Mississippi, North Carolina, South Carolina, Virginia, Georgia, Florida, and the District of Columbia; and (2) *materials*, used in the manufacture of sheet metal products, from Philadelphia, Pa., to the facilities of Acme Manufacturing Co., at or near Peoria, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 114019 (Sub-No. 260), filed March 24, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEMS, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, Suite 1133, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite of Ragu Foods, Inc., at Owensboro, Ky., and destined to points in the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 114045 (Sub-No. 416), filed March 21, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Arizona, Arkansas, California, Colorado, Louisiana, Nevada, New Mexico, Oklahoma, Texas, and Utah, restricted to traffic originating at the plantsite of Ragu Foods, Inc., located at Owensboro, Ky., and destined to points in the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 114045 (Sub-No. 417), filed March 26, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of The Upjohn Company, at Houston, Tex., to points in South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 114457 (Sub-No. 225), filed March 13, 1975. Applicant: DART TRANSIT COMPANY, a corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Michigan, Indiana, Ohio, and Illinois, restricted to transportation of traffic for the account of Land O'Lakes, Inc., originating at plantsites and facilities of and used by Land O'Lakes, Inc., and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 116763 (Sub-No. 309), filed March 20, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs* (except hides and commodities in bulk) (1) from the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; and (2) from the destination states in part (1) above to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted in (1) and (2) above to traffic originating at the above named origins, and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 116763 (Sub-No. 311), filed March 27, 1975. Applicant CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio, 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from the plantsite and facilities of Roman Meal, at or near Decatur, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the named facilities, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116791 (Sub-No. 25), filed March 21, 1975. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., Kensington, Minn. 56343. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from New Richmond, Wis., to points in Cottonwood, Jackson, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, and Rock Counties, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 117068 (Sub-No. 43) (Correction), filed February 14, 1975, published in the FEDERAL REGISTER issue of March 27, 1975, and republished as corrected this issue. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Compressors;* (b) *cranes and excavators*; (c) *paving, road construction and maintenance machinery, and equipment*; and (d) *rock drills*, from Michigan City, Ind., Lexington and Bowling Green, Ky., Mattoon, Ill., and Claremont, N.H., to points in Minnesota.

NOTE.—The purpose of this republication is to correct the origin territory of Michigan City, Mich., which was published in error. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 117686 (Sub-No. 154), filed March 20, 1975. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51101. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Arizona, California, Georgia, Louisiana, Mississippi, Nevada, Oregon, Texas, Utah, and Washington, restricted to traffic originating at the above-named origin and destined to the above-named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Alabama, Arizona, California, Georgia, Louisiana, Mississippi, Nevada, Oregon, Texas, Utah, and Washington, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at the above-named states and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 117765 (Sub-No. 188), filed March 20, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, fruit punches, and fruit flavored drinks* (except bulk commodities), from the plantsite of Milk Producers Marketing Company located at or near Lawrence, Kans., to points in Arkansas, Colorado, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wyoming, restricted to the transportation of shipments originating at the above-named origin point.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 118431 (Sub-No. 21), filed March 18, 1975. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9950, Little Rock, Ark. 72209. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire, cable, power cords and reels*, between Lawrenceburg, Ky., on the one hand, and, on the other, points in Arkansas, California, Florida, Illinois, Indiana, Massachusetts, Missouri, Nebraska, New Jersey, Pennsylvania, South Carolina, Texas, Vermont, and Virginia, restricted to traffic originating at or destined to the plantsites and facilities utilized by General Cable Corporation, under a continuing contract or contracts with General Cable Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 118610 (Sub-No. 26), filed March 20, 1975. Applicant: L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor graders, road making, construction and earth moving machinery and equipment and components and parts*, for such commodities; and (2) *material, equipment, and supplies*, used in the manufacture of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Owensboro, Ky., restricted to traffic destined to Owensboro, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Frankfort or Louisville, Ky., or Nashville, Tenn.

No. MC 119384 (Sub-No. 28), filed November 18, 1974. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa 50220. Applicant's representative: Robert R. Rydell, 900 Savings and Loan Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural twine and baler wire*, from Kenosha, Wis., to points in Iowa, Missouri, Kansas, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 119493 (Sub-No. 137), filed March 24, 1975. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Jack J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured animal and poultry feeds and ingredients* (except in bulk), (a) from Muscatine, Iowa, to points in the United States (except Alaska, Hawaii, Arkansas, Louisiana, Mississippi, Illinois, Tennessee, and Missouri); and (b) from Joplin, Mo., to points in the United States (except Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Indiana, Minnesota, Texas, Colorado, Arizona, Illinois, Alaska, and Hawaii); and (2) *empty bags, and empty bags in mixed shipments of manufactured animal and poultry feeds and ingredients* (except in bulk), from Joplin, Mo., to Muscatine, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119641 (Sub-No. 128), filed March 19, 1975. Applicant: RINGLE EXPRESS, INC., 450 East 9th Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Fort Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural implements, farm machinery and attachments* for the aforementioned commodities, from Tarboro, N.C., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, Wisconsin, and Memphis, Tenn., restricted to shipments originating at the plant site and warehouse facilities of Long Manufacturing Co., Inc., at or near Tarboro, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 119669 (Sub-No. 52), filed March 17, 1975. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed* by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above origin, and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119789 (Sub-No. 244), filed March 27, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O.







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Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical cooling and heating apparatus* (except commodities which because of size or weight require the use of special equipment), from Louisville, Ga., to points in California, Nevada, New Mexico, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 123407 (Sub-No. 228), filed March 21, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, materials, equipment, and supplies* used or useful in the manufacture, production, and sale of glass (except commodities in bulk), between Upper Sandusky, Ohio, on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 124078 (Sub-No. 641), filed March 24, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products*, dry, in bulk, from Danville, Ill., to points in the United States (except points in Alabama, Alaska, Florida, Georgia, Hawaii, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin); (2) *soybean products*, dry, in bulk, from Danville, Ill., to points in the United States (except points in Alaska, Hawaii, Indiana, Michigan, Ohio, and Wisconsin); and (3) *soybean flour*, dry, in bulk, from Danville, Ill., to points in Indiana, Ohio, and Michigan.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 113832 Sub-No. 68, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124692 (Sub-No. 147), filed February 24, 1975. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles and aluminum products*, including but not limited to, *tubing and couplers*, from points in Twin Falls County, Idaho, to points in Washington, Oregon, Colorado, Nebraska, Utah, Nevada, Montana, Wyoming, California, Arizona, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 124692 (Sub-No. 150), filed March 24, 1975. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, millwork, and molding*, from points in California to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Sacramento, Calif., or Portland, Oreg.

No. MC 124813 (Sub-No. 127), filed March 24, 1975. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, premixes, feed supplements, minerals*, animal health products, insecticides, *disinfectants, livestock feeders, empty bags and containers, advertising materials and premiums, and portable scales* (except liquids, in bulk), between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 118468 Sub-No. 16, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 125254 (Sub-No. 32), filed March 21, 1975. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1201 East 5th St., P.O. Box 714, Muscatine, Iowa 52761. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, fish, and pet food* (except in bulk), from Muscatine, Iowa, to points in North Carolina, South Carolina, Pennsylvania, Tennessee, Alabama, West Virginia, Virginia, Kentucky, Maryland, and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Kansas City, Mo.

No. MC 125375 (Sub-No. 15), filed March 26, 1975. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, Route 5, Box 298, Covington, Ga. 30209. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, from Watertown, N.Y., to Charlotte and Raleigh, N.C., under contract with Borden, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 125950 (Sub-No. 9), filed March 24, 1975. Applicant: C. B. S. TRANSPORTATION, INC., 1207 Columbus Circle, Wilmington, N.C. 28401. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable containers*, from the plantsite of the Talley-Corbett Box Company, located at or near Adel, Ga., and Springfield, S.C., to points in Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wilmington, N.C.

No. MC 126276 (Sub-No. 119), filed March 24, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from Perrysburg, Ohio, to points in Maryland, under a continuing contract with Owens-Illinois, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126459 (Sub-No. 3), filed March 26, 1975. Applicant: ALBERT S. HARMON AND NORMA HARMON, doing business as HARMON TRUCKING COMPANY, 126 N. State Street, Caro, Mich. 48723. Applicant's representative: William B. Elmer, 21635 E. Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar, dextrose, and blends thereof;* and (2) *dried sugar beet pulp and sugar beet molasses*, from points in Genesee, Huron, Saginaw, Sanilac, Shiawassee, and Tuscola Counties, Mich., to points in Illinois, Indiana, New York, Pennsylvania, Ohio, and Wisconsin, under contract with Michigan Sugar Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 126899 (Sub-No. 84), filed March 24, 1975. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 708–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils*, in bulk, in tank vehicles, from points in Missouri, to the plantsite of the West Virginia Pulp and Paper Company at or near Wickliffe, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville or Frankfort, Ky.

No. MC 127042 (Sub-No. 154), (Clarification), filed February 14, 1975, published in the FEDERAL REGISTER issue of March 20, 1975, and republished as corrected this issue. Applicant: HAGEN, INC., 3232 Highway 74 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, shampoo, cleaning, buffing and polishing compounds, shaving cream, and printed matter*, and (2) *foodstuffs* moving in mixed shipments with articles named in (1) above (except commodities in bulk), from the warehouse facilities utilized by Alberto-Culver Co. at or near Sparks, Nev., to Los Angeles, Calif.; and (3) *toilet preparations, shampoo, cleaning, buffing and polishing compounds, shaving cream, and printed matter*, from the warehouse facility utilized by Shulton, Inc. at or near Sparks, Nev., to points in Arizona, California, Idaho, Oregon, and Washington, restricted to shipments tendered by shippers and loaded into the same vehicle and at the same location from which within the previous 24 hours delivery was made of an inbound interstate shipment of 30,000 pounds or more.

NOTE.—The purpose of this republication is to clarify applicant's requested service in a broadening manner. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 172) (Correction), filed February 11, 1975, published in the FEDERAL REGISTER issue, March 13, 1975, and republished as corrected, this issue, Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 S. Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber, rubber products and such other commodities* as are manufactured and/or dealt in by rubber manufacturers from Los Angeles and Salinas, Calif., to points in Florida, Montana, Georgia, South Carolina, North Carolina, Virginia, Kentucky, Indiana, Illinois, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Idaho, Utah, Arizona, Nevada, Oregon, and Washington; and (2) *equipment, materials and supplies used* in manufacture and distribution of rubber, rubber products, and such other commodities as are manufactured, processed and/or dealt in by rubber manufacturers; and tires from points in Florida, Georgia, South Carolina, North Carolina, Virginia, Kentucky, Indiana, Illinois, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Utah, Arizona, Montana, Idaho, Nevada, Oregon, and Washington to points in Salinas and Los Angeles, Calif.

NOTE.—The purpose of this republication is to clarify the destination points in part (2) of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 128273 (Sub-No. 181), filed March 24, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. BOX 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery* as is dealt in by wholesale and retail recreational, lawn and garden equipment supply stores and dealers; and (2) *parts, accessories and attachments* of and for the commodities described in (1) above, from Evansville, Ind., to points in Washington, Oregon, Nevada, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Wisconsin, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Virginia, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128527 (Sub-No. 52), filed March 14, 1975. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business, from points in California, to points in Malheur, Baker, Union, and Umatilla Counties, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 128988 (Sub-No. 59), filed March 26, 1975. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from the facilities of Westinghouse Electric Corporation, at or near High Point, N.C., to points in the United States on and west of a line beginnning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, under a contract with Westinghouse Electric Corporation, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation, at Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 129282 (Sub-No. 24), filed March 11, 1975. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, containers, and materials and supplies* used in the distribution and sale thereof (restricted against commodities transported in bulk), between New Orleans, La., and points in Arkansas, Louisiana, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Shreveport, or Monroe, La.

No. MC 129350 (Sub-No. 51), filed March 17, 1975. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 15 South 21st Street, Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown, Box 212, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed mill equipment and supplies* (except commodities in bulk, in tank vehicles), from Houghton, Iowa, Bluffton, Ind., Zeeland, Mich., Greenville, Miss., Columbus, Nebr., and Springfield, Ohio, to Billings, Mont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 133330 (Sub-No. 9), filed March 14, 1975. Applicant: HALVOR LINES, INC., 4609 West 1st, Duluth, Minn. 55806. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from ports of entry along the International Boundary line between the United States and Canada, and Duluth, Minn., and Idaho Falls, Idaho, to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Bombardier Corporation and Bombardier Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133627 (Sub-No. 6), filed March 24, 1975. Applicant: COMMON MARKET DISTRIBUTING CORPORA-







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TION, 335 West Elwood Road, Phoenix, Ariz. 85030. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe*, from Pueblo, Colo., to Calexico, Calif., under contract with T. R. Rutila Company, Inc.

NOTE.—Applicant holds common carrier authority in MC 136503, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 134022 (Sub-No. 13), filed March 17, 1975. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 115, West Bend, Wis. 53095. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese foods, and related specialty food items*, (2) *materials, supplies and equipment* used in the manufacture of these items, between the facilities of Kaukauna Dairy Products, located at Kaukauna, Town of Vinland, and Little Chute, Wis., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Utah, Nevada, California, Arizona, New Mexico, Colorado, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 134404 (Sub-No. 20), filed March 17, 1975. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (a) from Eighty Four, Pa., to points in Ohio, West Virginia, Virginia, Maryland, New Jersey, and New York; and (b) from Solon, Ohio, to points in Pennsylvania, Maryland, Delaware, Virginia, West Virginia, New York, and New Jersey; and (2) *materials, equipment and supplies*, used in the production and distribution or sale of paper and paper products (except in bulk), (a) from points in Ohio, West Virginia, Virginia, Maryland, New Jersey, and New York, to Eighty Four, Pa.; and (b) from points in Pennsylvania, Maryland, Delaware, Virginia, West Virginia, New York, and New Jersey, to Solon, Ohio, under contract with Union Camp Corporation, at Wayne, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135231 (Sub-No. 6), filed March 20, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 west, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses, from points in New York, New Jersey, South Carolina, North Carolina, Connecticut, Massachusetts, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Rhode Island, Virginia, West Virginia, and Maine, to St. Cloud, Minn., restricted to traffic destined to the facilities of Fingerhut Manufacturing Co., located at or near St. Cloud, Minn.

NOTE.—Applicant holds contract carrier authority in MC 134145 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135684 (Sub-No. 10), filed March 10, 1975. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in or by hospitals, clinics, laboratories, nursing homes or other medical institutions or offices; *materials, supplies, and equipment* as used in the manufacture, distribution, or sale of the aforedescribed commodities (except in bulk), (1) between Billerica, Mass., Murray Hill, N.J., Covington, Ga., Fitzwilliam, N.H., Itasca, Ill., Dallas, Tex., Chicago, Ill., Lawrence, Kans., Los Angeles and Uplands, Calif.; and (2) between Providence, R.I., and Murray Hill, N.J.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135797 (Sub-No. 37), filed March 24, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.D. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings, wood chips and wood waste*, from Smithton, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, or Jefferson City, Mo.

No. MC 135982 (Sub-No. 8), filed March 31, 1975. Applicant: S. L. Harris, doing business as P.B.I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and related advertising materials*, from Fort Worth, Tex., to points in Louisana; and (2) *materials, supplies and equipment*, used in the manufacture, sale, and distribution of malt beverages, *including return of empty malt beverage containers*, from points in Louisiana, to Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, or Fort Worth, Tex.

No. MC 136270 (Sub-No. 3), filed March 3, 1975. Applicant: DONALD E. HIRTLE TRANSPORT, LIMITED, P.O. Box 88, Blockhouse, Lunenburg Co., Nova Scotia, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish and fish products*, from ports of entry on the International Boundary line between the United States and Canada located at Calais and Houlton, Maine; and from Bar Harbor and Portland, Maine; and Gloucester, Mass., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississipi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials, supplies and equipment* used or useful for fishing boats and fish processing plants, from points in Massachusetts, to ports of entry on the International Boundary line between the United States and Canada located at Calais and Houlton, Maine, and to Bar Harbor and Portland, Maine and Gloucester, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 136270 (Sub-No. 4), filed March 3, 1975. Applicant: DONALD E. HIRTLE TRANSPORT LIMITED, P.O. Box 88, Blockhouse, Lunenburg Co., Nova Scotia, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from Chelsea, Mass., to ports of entry on the International Boundary line between the United States and Canada located at or near Calais and Houlton, Maine, and to Bar Harbor and Portland, Maine; and Gloucester, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 136408 (Sub-No. 22), filed March 20, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk in tank vehicles), from Wallingford, Conn., and Linden, N.J., to points in Ohio, Michigan, Indiana, and Illinois, under a continuing contract or contracts with American Cyanamid Co.





NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 136408 (Sub-No. 23), filed March 21, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, polishing, and defoaming soaps and compounds, oils, paints, rust and paint removing compounds, and disinfectant and water treating compounds*, (except in bulk in tank vehicles), from Metuchen, N.J., to points in Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, and; (2) *materials, supplies and equipment* used in the conduct of business by cleaning compound manufacturers (except commodities in bulk, in tank vehicles), from points in Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin to Metuchen, N.J., under a continuing contract or contracts with Oakite Products, Inc. of Berkeley Heights, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 136786 (Sub-No. 70), filed March 24, 1975. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Blvd., Minneapolis, Minn. 55416. Applicant's representative: Stanley C. Olsen, Jr., 1000, 1st National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and storage facilities of Land O'Lakes, Inc., located at or near Hudson, Iowa, and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138635 (Sub-No. 14), filed March 27, 1975. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the warehouse and consolidation facilities utilized by Charlotte Freight Association, at Los Angeles, Calif.; to Atlanta, Ga.; Charlotte, and Greensboro, N.C.; and Greenville, and Columbia, S.C.

NOTE.—Applicant holds contract carrier authority in MC 136464 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 139123 (Sub-No. 5) (Amendment), filed February 25, 1975, published in the FEDERAL REGISTER issue of March 27, 1975, and republished as amended, this issue. Applicant: GLOUCESTER DISPATCH, INC., Kelly Road, Box 127, Plaistow, N.H. 03865. Applicant's representative: Ignatius C. Goode (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in boxes, cases, cartons (except in bulk), from the plantsite and warehouses of the Kitchens of Sara Lee, located at or near Chicago and Deerfield, Ill., to points in Connecticut, Maine, New Hampshire, Massachusetts, New Jersey, New York, Rhode Island, and Vermont.

NOTE.—The purpose of this republication is to include New Hampshire as a destination point. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.; Boston, Mass.; or Concord, N.H.

No. MC 139134 (Sub-No. 5), filed March 24, 1975. Applicant: KENNEDY MOTORS, INC., 1305 S. Mountain Avenue, Monrovia, Calif. 91016. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach and Wilmington, Calif. and their Commercial Zones, to points in Idaho, Montana, Oregon, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 134526 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Seattle, Wash.

No. MC 139850 (Sub-No. 2), filed March 21, 1975. Applicant: FOUR STAR TRANSPORTATION, INC., 301-12 Park Bldg., Council Bluffs, Iowa 51501. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Mississippi, Missouri, Montana, New Mexico, Nevada, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 139999 (Sub-No. 9), filed March 26, 1975. Applicant: RED-FEATHER FAST FREIGHT, INC., 8998 "L" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouse*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Dubuque Packing Co., at or near LeMars, Iowa, to points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Ohio, Michigan, Missouri, Nebraska, and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 139999 (Sub-No. 10), filed March 26, 1975. Applicant: RED-FEATHER FAST FREIGHT, INC., 8998 "L" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouse*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Dubuque Packing Co., at or near LeMars, Iowa, to points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Ohio, Michigan, Missouri, Nebraska, and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 140125 (Sub-No. 2), filed March 20, 1975. Applicant: SCHUSTER GRAIN COMPANY, INC., 416-6th Avenue S.W., P.O. Box 606, LeMars, Iowa 51031. Applicant's representative: Michael J. Ogborn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run and soybean hulls*, dry, in bags or bulk, from the plantsite



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of Farmland Industries, Inc., located at or near Sergeant Bluff; Iowa, to points in Colorado.

NOTE.—Applicant holds contract carrier authority in MC 112301 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 140465 (Sub-No. 2), filed March 19, 1975. Applicant: DAHLONEGA EQUIPMENT & SUPPLY CO., INC., P.O. Box 68, Murrayville, Ga. 30564. Applicant's representative: J. Douglas Stewart, P.O. Box 430, Gainesville, Ga. 30501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molded wood pulp egg case and egg carrier filler flats*, in drop frame moving van type trailers, from Macon, Ga., to Griffith, Ind., under a continuing contract or contracts with Packaging Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Macon, Ga. or Griffith, Ind.

No. MC 140629 (Sub-No. 1), filed March 13, 1975. Applicant: REYNOLDS COAL CO., INC., 1541 North 1st, Box 4335, Pocatello, Idaho 83201. Applicant's representative: Garth S. Pincock, P.O. Box 4986, Pocatello, Idaho 83201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Emory and Carbon Counties, Utah, and the LDS Deseret Coal Terminal at Orangeville, Utah, to Pocatello, Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 140714, filed February 14, 1975. Applicant: DENNY WILLIAMSON, 1327, 105 Avenue SW., Calgary, Alberta, Canada. Applicant's representative: Danny Williamson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, lumber and particle board*, (1) between Missoula, Mont. and the port of entry on the International Boundary line between the United States and Canada at Sweetgrass, Mont.; (2) between Kalispell and Libby, Mont., and the port of entry on the International Boundary line between the United States and Canada at Roosville, Mont.; (3) between St. Merrie and Lewiston, Idaho, and the port of entry on the International Boundary line between the United States and Canada at Eastport, Idaho; and (4) between Spokane, Wash., and the port of entry on the International Boundary line between the United States and Canada at Eastport, Idaho, under a continuing contract or contracts with McLean Lumber Sales LTD.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash.

No. MC 140743 (Sub-No. 2), filed February 28, 1975. Applicant: GORSKI BULK TRANSPORT, INC., Rural Route No. 4, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and materials and supplies* used in connection with manufacture, sale, and distribution of alcoholic beverages, (1) between the plant sites of The Fleischman Distilling Corporation located at or near Dayton, N.J.; Plainfield, Ill.; and Owensboro, Ky.; and (2) between the points named in (1) above on the one hand, and, on the other, Clinton, Iowa; ports of entry located at New Orleans, La.; Norfolk, Va.; Baltimore, Md.; and New York, N.Y. and points on the International Boundary line between the United States and Canada located in Michigan, New York, Vermont, New Hampshire, and Maine.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 140778, filed March 19, 1975. Applicant: PHIL JACOBSON, 111 Marquez Pl. #310, Pacific Palisades, Calif. 90272. Applicant's representative: Phil Jacobson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper*, between points in California on, south, and west of a line commencing at Morro Bay, thence northeast along California Highway 41 to its intersection with California Highway 58, thence east along California Highway 58 through Bakersfield to Barstow, thence south over U.S. Highway 66 to Victorville, thence over California Highway 18 to its intersection with an unnumbered highway near Forest Baldwin Lake, thence over the unnumbered highway to Yucca Valley, thence southwesterly over California Highway 62 to its intersection with Interstate Highway 10, thence southeast along Interstate Highway 10 to Indio, thence south along California Highway 111 through El Centro to the United States-Mexico International Boundary line, thence west along the International Boundary line to the Pacific Ocean, under continuing contract or contracts with Powell River Alberni Sales Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif. or Washington, D.C.

No. MC 140781, filed March 18, 1975. Applicant: ROGERS MOTOR LINES, INC., Route 46, P.O. Box 175, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by, or used, in the operations of retail department stores, and in connection therewith, and *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), between New York, N.Y. and North Bergen, N.J., on the one hand, and, on the other, Tampa, Clearwater, Fort Myers, Gainesville, Lakeland, St. Petersburg, Sarasota, Bradenton, Naples, Miami, Melbourne, Ft. Lauderdale, Merritt Island, Pompano, West Palm Beach, Hollywood, Orlando, and Daytona Beach, Fla., restricted to traffic under a continuing contract or contracts with Allied Stores Marketing Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140784, filed March 18, 1975. Applicant: SPECIALTY HAULING CO., INC., P.O. Box 542, Chatham, N.J. 07928. Applicant's representative: Joseph R. Siegelbaum, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt heating units*, from the plant site of Burke Heating Systems Co., Inc. at or near Dover, N.J., to points in the United States (except Alaska and Hawaii); and (2) *material, equipment and supplies* used in the manufacture and shipping of asphalt heating units, from points in the United States (except Alaska and Hawaii), to the plant site of Burke Heating Systems Co., Inc., at or near Dover, N.J., under a continuing contract or contracts with Burke Heating Systems Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140786 (Sub-No. 1), filed March 26, 1975. Applicant: THE UNITED STATES CARGO AND COURIER SERVICE INCORPORATED, 715 Harmon Plaza, Columbus, Ohio 43223. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, finished or unfinished, and equipment and supplies*, used in the manufacture or repair of mining machinery, in express service, in straight trucks or vehicles not exceeding two axles, between Columbus, Ohio, and points in Colorado, Illinois, Indiana, Kentucky, Michigan, North Dakota, Pennsylvania, Utah, Virginia, West Virginia, and Wyoming, under contract with Jeffrey Mining Machinery Company, a division of Dresser Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 140789, filed March 24, 1975. Applicant: P.D.Q. INC. OF MIAMI, 3395 Northwest, 170th Street, Miami, Fla. 33167. Applicant's representative: John P. Bond, 2766 Douglas Rd., Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives; household goods; commodities in bulk; commodities requiring refrigeration and commodities requiring special handling and special equipment), between points in Dade and Broward





Counties, Fla., restricted to all shipments having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 140798, filed March 24, 1975. Applicant: DIRECT PARCEL, INC., 1617 John Calvin Ave., College Park, Ga. 30337. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used, or distributed by a manufacturer of cosmetics, from Atlanta, Ga., to Chattanooga, Tenn., under a continuing contract or contracts with Avon Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140802, filed March 24, 1975. Applicant: JOHN J. GILLAN, doing business as GILLAN TRUCKING CO., 1028 Sinnock Ave., Moberly, Mo. 65270. Applicant's representative: Richard Southern, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trucks and dump trailers, between points in Missouri, Iowa, Oklahoma, Nebraska, Kansas, Arkansas, Tennessee, Kentucky, and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Moberly, Columbia, Jefferson City, or Kansas City, Mo.

## PASSENGER APPLICATIONS

No. MC 1934 (Sub-No. 37), filed March 20, 1975. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, during the racing seasons, beginning and ending at Bridgeport, New Haven, and New London, Conn., and extending to the site of the Rockingham Race Track at Salem, N.H., and to the site of Suffolk Downs Race Track at Boston, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I.

No. MC 48501 (Sub-No. 18), filed March 17, 1975. Applicant: INDIANA MOTOR BUS COMPANY, a corporation, 715 South Michigan Street, South Bend, Ind. 46624. Applicant's representative: Harry J. Harman, 8130 South Meridan Street, Indianapolis, Ind. 46217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round trip, sight-seeing and pleasure tours, beginning and ending at points in St. Joseph, Marshall, Fulton, Cass, Miami, Howard, Tipton, Hamilton, Marion, Boone, Clinton, Tippecanoe, Carroll, White, Jasper, Starke, La Porte, Lake, Porter, Elkhart, Kosciusko, Whitley, Huntington, Wabash, Grant, Delaware, and Allen Counties, Ind., points in Cook County, Ill., and points in Berrien, Cass, St. Joseph, Kalamazoo, and Van Buren Counties, Mich. and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either South Bend or Indianapolis, Ind.

No. MC 139888 (Sub-No. 1), filed March 5, 1975. Applicant: ROYAL COACH LINES, INC., 798 Nepperhan Avenue, Yonkers, N.Y. 10705. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip special operations, beginning and ending at Yonkers, N.Y. and points in Bronx County, N.Y., and extending to Philadelphia, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Yonkers or New York, N.Y.

No. MC 140444 (Sub-No. 1), filed March 24, 1975. Applicant: HIGHLAND TOURS, INC., 2002 Clemson Rd., Jacksonville, Fla. 32217. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round trip special and charter operations, between points in Florida, on the one hand, and, on the other, points in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 140747, filed March 20, 1975. Applicant: RANCOCAS VALLEY BUS SERVICE, INC., P.O. Box 394, Moorestown, N.J. 08057. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers*, between Cherry Hill and Haddon Township (Camden County), N.J., and Maple Shade Township (Burlington County), N.J., on the one hand, and, on the other, Philadelphia, Pa.; and (2) *passengers and their baggage*, in round-trip charter operations, beginning and ending at Philadelphia, Pa., and extending to points in New Jersey.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 140782, filed March 5, 1975. Applicant: HENRY JOHNSON, 260 Bunnell Street, Bridgeport, Conn. 06607. Applicant's representative: Henry Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special and charter operations, by motor carrier, between Bridgeport, Conn., and Bennettsville, S.C.: From Bridgeport, Conn. over Interstate Highway 95 to Bennettsville, S.C., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn.

## BROKER APPLICATION

No. MC 130308, filed March 10, 1975. Applicant: RALPH HALVORSON, 3509 W. Highway 13, Burnsville, Minn. 55337. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Burnsville, Minn., to sell or offer to sell the transportation of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and bulk commodities, in tank vehicles), between points in Minnesota, North Dakota, South Dakota, Iowa, and Wisconsin, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

## WATER CARRIER APPLICATIONS

No. W-114 (Sub-No. 4), filed March 19, 1975. Applicant: ARROW TRANSPORTATION COMPANY, a corporation, 221 N. Columbia Avenue, Sheffield, Ala. 35660. Applicant's representative: Thomas M. Auchincloss, Jr., 918-16th Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *Commodities generally*, by non-self propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, between ports and points along the Tennessee River and its tributaries on the one hand, and, on the other, ports and points along the Kaskaskia River, and its tributaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or St. Louis, Mo.

No. W-1286-EX (Correction), filed December 19, 1974, published in the FED-



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ERAL REGISTER issues of February 13, 1975, and March 20, 1975, and republished, as corrected, this issue. Applicant: B. F. DIAMOND CONSTRUCTION CO., INC., 645 Indian Street, P.O. Box 727, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, 919 Eighteenth Street NW., Washington, D.C. 20006. Applicant seeks authority by order under the provisions of Section 302(e) of the Interstate Commerce Act exempting the furnishing for compensation, under a charter, lease or other agreement, of *tugs and barges* to Diamond Manufacturing Company, Inc., to be used by that company in the transportation of its own equipment, materials and supplies, between ports and points along the Atlantic coastline, the Gulf of Mexico coastline, and their inland tributary waterways, nonradially.

NOTE.—The purpose of this republication is to correct the authority requested, previously published in error. If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-9927 Filed 4-16-75;8:45 am]

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# federal register

April 18, 1975—Pages 17239–17535

FRIDAY, APRIL 18, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 76

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NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

**List of Public Laws**

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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## Title 3—The President

### EXECUTIVE ORDER 11852

Creating an Emergency Board To Investigate a Dispute Between the Carriers Represented by the National Railway Labor Conference and Certain of Their Employees

A dispute exists between the carriers represented by the National Railway Labor Conference designated in lists attached hereto and made a part hereof, and certain of its employees represented by the Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees, a labor organization;

This dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

This dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its finding to the President with respect to the dispute within 30 days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the dispute arose.

Gerald R. Ford

THE WHITE HOUSE,
*April 16, 1975.*



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RAILROADS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE

Akron, Canton & Youngstown Railroad
@Alameda Belt Line
Alton & Southern Railway
*Ann Arbor Railroad
Atchison, Topeka and Santa Fe Railway
Atlanta and West Point Rail Road—The Western Railway of Alabama
Atlanta Joint Terminals
#Baltimore and Eastern Railroad
Baltimore and Ohio Railroad
Baltimore and Ohio Chicago Terminal Railroad
Bangor and Aroostook Railroad
#Bauxite and Northern Railway
Belt Railway Company of Chicago
Bessemer and Lake Erie Railroad
*Boston and Maine Corporation
Boston Terminal Corporation
Brooklyn Eastern District Terminal
Buffalo Creek Railroad
Burlington Northern Inc.
  Freight Forwarding System Board of Adjustment
  Timber Treating Plants at Brainerd, Minnesota and Paradise, Montana
Ore Docks at Allouez (Superior), Wisconsin
Butte, Anaconda & Pacific Railway
Camas Prairie Railroad
Canadian National Railways—
  Great Lakes Region, Lines in the United States
  St. Lawrence Region, Lines in the United States
#Canadian Pacific Limited
Central of Georgia Railroad
*Central Railroad Company of New Jersey
  New York & Long Branch Railroad
General Vermont Railway, Inc.
Chesapeake and Ohio Railway
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago and North Western Transportation Company
Chicago and Western Indiana Railroad
Chicago Heights Terminal Transfer Railroad
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago Produce Terminal Company
Chicago River and Indiana Railroad
Chicago, Rock Island and Pacific Railroad
Chicago South Shore and South Bend Railroad
Chicago Union Station Company
Chicago, West Pullman and Southern Railroad
Cleveland Union Terminals Company
Clinchfield Railroad
Colorado and Southern Railway
Colorado & Wyoming Railway
Davenport, Rock Island and North Western Railway
Dayton Union Railway
Delaware and Hudson Railway
Denver and Rio Grande Western Railroad
Denver Union Terminal Railway
Des Moines Union Railway
#Detroit and Mackinac Railway
Detroit and Toledo Shore Line Railroad
Detroit, Toledo and Ironton Railroad
@Duluth, Missabe and Iron Range Railway
Duluth, Winnipeg and Pacific Railway
Elgin, Joliet and Eastern Railway
*Erie Lackawanna Railway
Fort Worth and Denver Railway
Georgia Railroad
Grand Trunk Western Railroad
Green Bay and Western Railroad
Houston Belt and Terminal Railway
Illinois Central Gulf Railroad
Illinois Terminal Railroad
Indiana Harbor Belt Railroad
Indianapolis Union Railway
Jacksonville Terminal Company
@Joint Railway Agency of South St. Paul





Joint Texas Division of the CRI&P RR. and FW&D Ry.
Kansas City Southern Railway
@Joplin Union Depot Company
Kansas City Terminal Railway
Kentucky & Indiana Terminal Railroad
#Lake Superior and Ishpeming Railroad
Lake Superior Terminal and Transfer Railway
@Lake Terminal Railroad
*Lehigh and Hudson River Railway
Lehigh and New England Railway
*Lehigh Valley Railroad
Los Angeles Junction Railway
Louisiana & Arkansas Railway
Louisville and Nashville Railroad
Maine Central Railroad
  Portland Terminal Company
Minneapolis, Northfield and Southern Railway
Minesota and Manitoba Railroad
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad
Missouri Pacific Railroad
  Missouri-Illinois Railroad
Monongahela Railway
Montour Railroad
@Newburgh and South Shore Railway
New Orleans Public Belt Railroad
New Orleans Union Passenger Terminal
New York, Susquehanna and Western Railroad
Norfolk and Portsmouth Belt Line Railroad
Norfolk and Western Railway
Northwestern Pacific Railroad
Ogden Union Railway and Depot Company
**Penn Central Transportation Company
Pennsylvania-Reading Seashore Lines
Peoria and Pekin Union Railway
@Peoria Terminal Company
Pittsburgh and Lake Erie Railroad
Pittsburgh, Chartiers & Youghiogheny Railway
Portland Terminal Railroad Company
Port Terminal Railroad Association
@Railroad Perishable Inspection Agency
*Reading Company
Richmond, Fredericksburg and Potomac Railroad
River Terminal Railway
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway
St. Louis Southwestern Railway
Saint Paul Union Depot Company
San Diego and Arizona Eastern Railway
Seaboard Coast Line Railroad
Soo Line Railroad
Southern Pacific Transportation Company—Pacific Lines
Texas and Louisiana Lines
Southern Railway
  Alabama Great Southern Railroad
  Cincinnati, New Orleans and Texas Pacific Railway
  Georgia Southern and Florida Railway
  New Orleans Terminal Company
@Norfolk Southern Railway
  St. Johns River Terminal Company
@Southwestern Freight Bureau
Spokane International Railroad
Staten Island Railroad Corporation
Terminal Railroad Association of St. Louis
Texarkana Union Station Trust Company
Texas and Pacific Railway
  Abilene and Southern Railway
  Fort Worth Belt Railway
  Weatherford, Mineral Wells & Northwestern Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria and Western Railroad
Toledo Terminal Railroad
@Trans-Continental Freight Bureau, Weighing and Inspection Department, South Pacific Coast Territory



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Union Pacific Railroad
Walla Walla Valley Railway
Washington Terminal Company
Western Maryland Railway
Western Pacific Railroad
Western Warehousing Company
@Western Weighing and Inspection Bureau
Wichita Terminal Association
Wichita Union Terminal Railway
Yakima Valley Transportation Company
@Youngstown and Northern Railroad
Youngstown & Southern Railway

NOTES:

*—Subject to the approval of the Courts.
**—Subject to the approval of the Trustees of the Property and to the approval of the Courts. The Trustees have approved.
#—Authorization is confined to negotiation of the organization's August 1, 1974 notice.
@—Authorization is confined to negotiation of the organization's notices dated June 1, 1974, July 1, 1974 and July 8, 1974.

[FR Doc.75-10347 Filed 4-16-75;3:39 pm]





# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

#### Action

Section 213.3359 is amended to show that the position of Director, Evaluation Division, Office of Policy and Program Development, is no longer excepted under Schedule C. This section is further amended to show the change in title from Special Assistant to the Assistant Director for Policy and Program Development to Special Assistant to the Assistant Director for Policy and Planning.

Effective April 18, 1975, § 213.3359(m) is revoked and (o) is added as set out below.

§ 213.3359 ACTION.

• • • • • •

(m) [Revoked]

• • • • • •

(o) One Special Assistant to the Assistant Director for Policy and Planning.

((5 U.S.C. 3301, 3302); E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-10200 Filed 4-17-75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of the Air Force

Section 213.3209 is amended to show that positions assigned to Air Force Communications Intelligence Activities are no longer excepted under Schedule B.

Effective April 18, 1975 § 213.3209(a) is revoked as set out below.

§ 213.3209 Department of the Air Force.

(a) [Revoked].

• • • • • •

((15 U.S.C. 3301, 3302); E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-10201 Filed 4-17-75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of Commerce

Section 213.3314 is amended to show that one position of Congressional Liaison Officer is reestablished under Schedule C.

Effective April 18, 1975, § 213.3314 (q)(9) is amended as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(q) *Office of the Assistant Secretary for Economic Development.* • • •

(9) Two Congressional Liaison Officers.

• • • • • •

((5 U.S.C. secs. 3301, 3302), E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-10202 Filed 4-17-75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of the Treasury

Section 213.3305 is amended to show that the following positions are no longer excepted under Schedule C: Deputy Under Secretary for Monetary Affairs, Assistant to the Secretary for Legislative Affairs, Deputy Assistant Secretary for Industrial Nations Finance and Special Assistant to the Secretary, Office of the Secretary.

§ 213.3305 [Amended]

Effective April 18, 1975, §§ 213.3305(a)(5), (23), (29), and (44) are revoked.

((5 U.S.C. §§ 3301, 3302), E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-10204 Filed 4-17-75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Export-Import Bank of the United States

Section 213.3342 is amended to show that one additional position of Special Assistant to the President and Chairman is reestablished under Schedule C.

Effective April 18, 1975, § 213.3342(d) is amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

• • • • • •

(d) Two Special Assistants to the President and Chairman.

• • • • • •

((5 U.S.C. 3301, 3302); E.O. 10577, 3 CFR 1954–58, Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-10203 Filed 4-17-75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Veterans Administration

Section 213.3327 is amended to show that four Confidential Assistants are being transferred to the Office of the Assistant Deputy Administrator and one Confidential Assistant is being transferred to the Office of the Administrator.

Effective April 18, 1975, §§ 213.3327(a)(6), (a)(8), and (a)(10) are amended as set out below.

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* • • •

(6) Four Confidential Assistants to the Administrator.

• • • • • •

(8) Four Confidential Assistants to the Assistant Deputy Administrator.

• • • • • •

(10) One Confidential Assistant to the Deputy Administrator.

• • • • • •

(5 U.S.C. secs. 3301, 3302); E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-10205 Filed 4-17-75;8:45 am]

## Title 7—Agriculture

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 688]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 20–26, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.988 Lemon Regulation 688.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons



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grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons on all grades and sizes opened easier this week. Average f.o.b. price was $5.98 per carton the week ended April 12, 1975, compared to $5.66 per carton the previous week. Track and rolling supplies at 109 cars were up 2 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 15, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 20, 1975, through April 26, 1975, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: April 16, 1975.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75-10375 Filed 4-17-75;8:45 am]

## Title 9—Animals and Animal Products

## CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

### PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

#### Area Released From Quarantine

This amendment excludes a portion of Suffolk County in New York from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, paragraph (a) (1) (i) relating to Suffolk County in the State of New York, is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

*Effective date.* The foregoing amendment shall become effective April 14, 1975.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of April, 1975.

J. M. HEJL,
*Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.75-10121 Filed 4-17-75;8:45 am]

## Title 12—Banks and Banking

## CHAPTER V—FEDERAL HOME LOAN BANK BOARD

### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75-335]

### OPERATIONS AND LIMITATIONS OF GOLD

#### Member Bank Regulations

APRIL 10, 1975.

*Summary.* The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the proposed regulations.

*I. Present Regulations*

None.

*II. Proposed Regulations.*

A. *Liquidity.*

1. Gold would not be considered "cash".

2. Gold-related general obligations of States and their subdivisions would not be considered liquid assets.

B. *Federal Home Loan Banks.*

1. FHLBanks could not have any involvement with gold or gold-related instruments.

C. *Advances.*

1. Gold and gold-related instruments would be ineligible as collateral for advances.

D. *Advertising Rates of Return.*

1. No advertisement could state that interest is payable in:

a. Gold,

b. Gold-related instruments, or

c. An amount of money determined in a manner involving gold.

E. *Effect and Interpretation of 31 U.S.C. § 463 (Board Ruling).*

1. 31 U.S.C. § 463 provides that contracts requiring payment in gold are against public policy.

2. The Board is of the view that 31 U.S.C. § 463 remains in effect.

3. The Board interprets 31 U.S.C. § 463(a) as prohibiting the payment of interest or principal in: gold, gold-related instruments, or an amount of money determined in a manner involving gold.

*III. Final Regulations.*

Same as proposal except that final regulations:

A. Revise proposed Board Ruling to interpret 31 U.S.C. § 463 as prohibiting member institutions from agreeing to pay principal in gold, gold-related instruments or in an amount of money determined in a manner involving gold; and





B. Provide by regulation that member institutions may not pay rates of return in gold, gold-related instruments or in an amount of money determined in a manner involving gold.

*IV. Reason for Amendments.*

A. Enactment of Pub. L. 93-373.

By Resolution No. 74-1420, dated December 3, 1974, and published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1277-78), for comment until January 22, 1975, the Federal Home Loan Bank Board proposed to amend Parts 523, 524, 525 and 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Parts 523, 524, 525 and 526) and to add a new Part 532 thereto (12 CFR Part 532). The Board proposed these amendments as a result of the enactment of Pub. L. 93-373 and after consulting with the other Federal financial regulatory agencies. Pub. L. 93-373 states in effect that no provision of any law in effect on September 21, 1973, and no rule, regulation or order in effect on December 31, 1974 "may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad." The Board considers it desirable to adopt the amendments as proposed except with respect to Parts 526 and 532, as discussed below.

Part 523—which, inter alia, sets forth liquidity requirements applicable to institutions which are members of the Federal Home Loan Bank System—is amended by revising §§ 523.10(a) and 523.10(g)(6) thereof. Section 523.10(a) defines the term "cash", in connection with the liquidity requirements imposed by Part 523, to mean "cash on hand and unpledged demand deposits in a Federal Home Loan Bank, an insured bank, or the Bank for Savings and Loan Associations, Chicago, Illinois." Section 523.10(a) is amended by adding the following sentence thereto: "[t]he term 'cash' does not include gold in any form." Section 523.10(g) defines the term "liquid assets" to include "general obligations of any State, territory, or possession of the United States, or political subdivision of any of the foregoing" (1) if such obligations have been given a certain minimum rating by a nationally recognized rating service, or (2) if such obligations were issued by a public housing agency and are backed by the full faith and credit of the United States. The description in § 523.10(g)(6) of the types of general obligations which will be considered liquid assets in connection with the liquidity requirements imposed by Part 523 is amended to exclude general obligations which are "gold-related."

Part 524, captioned "Operations of the Banks", is amended by adding a new § 524.14 thereto. Said new § 524.14 provides that (notwithstanding any other provision of Part 524) "no Bank may engage, as trustee or otherwise, in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities." The Board believes that proposed new § 524.14 is consistent with Pub. L. 93-373. If the Federal Home Loan Bank Act (12 U.S.C. 1421 *et seq.*) does not authorize Federal Home Loan Banks to deal with gold and if Pub. L. 93-373 does not contain any authorization for them to deal with gold, then the Board lacks statutory authority to permit Federal Home Loan Banks to deal with gold. On the other hand, if the Federal Home Loan Bank Act authorizes Federal Home Loan Banks to deal with gold, or if Pub. L. 93-373 authorizes Federal Home Loan Banks to deal with gold, or if Pub. L. 93-373 authorizes them to deal with gold, then the Board believes that either authorization is subject to the Board's regulatory authority under sections 12 and 17 of the Federal Home Loan Bank Act.

Part 525, captioned "Advances", is amended by adding a new § 525.7 thereto. Said new § 525.7 provides that (notwithstanding any other provision of Part 525) no Bank may (1) make an advance to a member institution secured by gold or gold-related instruments or securities, or (2) accept gold or gold-related instruments or securities from a member institution as security for any obligation.

Part 526, captioned "Limitations on Rate of Return", is amended by revising § 526.6 thereof, captioned "Advertising of interest or dividends on savings accounts." Said § 526.6 provides that every advertisement, announcement, or solicitation relating to interest or dividends paid on savings accounts in member institutions shall be governed by eight rules. A new ninth rule (new § 526.6(i)) provides that no such advertisement, announcement or solicitation may state that all or any portion of the interest or dividends on any type of savings account is payable (1) in gold (including any type of gold coin), (2) in gold-related instruments or securities, or (3) in an amount of money determined in any manner involving or having reference to gold. The third of these provisions prohibits member institutions from, for example, advertising the payment of an interest rate to be determined by the price of gold on the date such interest is due.

New § 526.9 would prohibit member institutions from paying all or any portion of the interest or dividends on any type of savings account (1) in gold (including any type of gold coin), (2) in gold-related instruments or securities, or (3) in an amount of money determined in any manner involving or having reference to gold. New § 526.9 supplements a new Board Ruling which interprets 31 U.S.C. § 463 as prohibiting member institutions from agreeing to pay principal on savings accounts in this manner.

Accordingly, the Board hereby amends Part 523 by revising § 523.10 thereof, Part 524 by adding a new § 524.14 thereto, Part 525 by adding a new § 525.7 thereto, Part 526 by revising § 526.6 thereof and by adding a new § 526.10 thereto, and Subchapter B by adding a new Part 532 thereto, as set forth below, effective April 18, 1975.

Since publication of these amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board be contrary to the public interest, the Board hereby provides that said amendments shall become effective as set forth below.

### PART 523—MEMBERS OF BANKS

1. Part 523 is revised by amending § 523.10(a) and (g)(6) thereof.

§ 523.10 Definitions.

For the purposes of this section, § 523.11 and § 523.12:

(a) The term "cash" means cash on hand and unpledged demand deposits in a Federal Home Loan Bank, an insured bank, or the Bank for Savings and Loan Associations, Chicago, Illinois. The term "cash" does not include gold in any form.

* * * * *

(g) The term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement):

* * * * *

(6) General obligations (other than gold-related obligations) of any State, territory, or possession of the United States, or political subdivision of any of the foregoing, if:

* * * * *

### PART 524—OPERATIONS OF BANKS

2. Part 524 is revised by adding a new § 524.14 thereto.

§ 524.14 Gold and gold-related transactions.

Notwithstanding any other provision of this Part, no Bank may engage, as trustee or otherwise, in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities.

### PART 525—ADVANCES

3. Part 525 is revised by adding a new § 525.7 thereto.

§ 525.7 Gold and gold-related securities ineligible as collateral.

Notwithstanding any other provision of this Part, no Bank may (a) make an advance to a member institution which is secured by gold or gold-related instruments or securities, or (b) accept gold or gold-related instruments or securities from a member institution as security for any obligation.



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## PART 526—LIMITATIONS ON RATES OF RETURN

4. Part 526 is revised by adding § 526.6(i) thereof and by adding a new § 526.9 thereto.

**§ 526.6 Advertising of interest or dividends.**

Every advertisement, announcement or solicitation relating to the interest or dividends paid on savings accounts in member institutions shall be governed by the following rules:

* * * * *

(i) No such advertisement, announcement, or solicitation shall state that all or any portion of the interest or dividends on any type of savings account is payable in gold (including any type of gold coin), in gold-related instruments or securities, or in an amount of money determined in any manner involving or having reference to gold.

**§ 526.9 Payment of interest or dividends in gold or its equivalent.**

No member institution shall pay all or any portion of the interest or dividends on any type of savings account (a) in gold (including any type of gold coin), (b) in gold-related instruments or securities, or (c) in an amount of money determined in any manner involving or having reference to gold.

5. Subchapter B is revised by adding a new Part 532 thereto.

## PART 532—BOARD RULINGS

**§ 532.1 Payment in gold or its equivalent.**

Section 463(a) of 31 U.S.C. provides, in part, that "[e]very provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount of money of the United States measured thereby, is declared to be against public policy; and no such provision shall be contained in or made with respect to any obligation (incurred after June 5, 1933)." The Board is of the view that 31 U.S.C. 463 remains in effect notwithstanding that Public Law 93–373 invalidated laws prohibiting persons from purchasing, holding, selling, or otherwise dealing with gold, effective December 31, 1974. The Board interprets 31 U.S.C. § 463 as prohibiting member institutions from agreeing to pay in gold (including any type of gold coin) or gold-related instruments or securities all or any portion of principal with respect to any type of savings account in a member institution. The Board also interprets 31 U.S.C. § 463 as prohibiting member institutions from agreeing to pay such principal in an amount of money determined in any manner involving or having reference to gold.

(Sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

(Secs. 5A, 5B, 10, 11, 12, 17, 47 Stat. 727, 731, 733, 735, 736, as amended; (12 U.S.C. 1425a, 1430, 1431, 1432, 1437). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-10221 Filed 4-17-75;8:45 am]

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[No. 75-337]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

## PART 545—OPERATIONS

## PART 556—STATEMENTS OF POLICY

### Restrictions on Gold Activities

APRIL 10, 1975.

*Summary.* The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

*I. Present Regulations.*

None.

*II. Proposed Regulations.*

A. *Federal Associations.*

1. Federal associations can not engage in any transaction involving gold or gold-related instruments.

B. *Service Corporations in which Federals May Invest.*

1. Federal associations should not invest in any service corporation which engages in transactions involving gold or gold-related instruments because gold-related transactions are not preapproved and service corporation applications to engage in such transactions will not be approved. (Statement of Policy.)

*III. Final Regulations.*

Same as proposal.

*IV. Reason for Amendments.*

1. Enactment of Pub. L. 93–373

By Resolution No. 74–1432, dated December 3, 1974, and published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1278–9) for comment until January 22, 1975, the Federal Home Loan Bank Board proposed to amend Parts 545 and 556 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 545 and 556). The Board proposed these amendments as a result of the enactment of Pub. L. 93–373 and after consulting with the other Federal financial regulatory agencies. Pub. L. 93–373 states in effect that no provision of any law in effect on September 21, 1973, and no rule, regulation or order in effect on December 31, 1974 "may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad." The Board considers it desirable to adopt the amendments as proposed.

Part 545 is amended by adding a new § 545.11–1 thereto. Said new § 545.11–1 provides that "[n]o Federal association may engage in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities." The Board believes that proposed new § 545.11–1 is consistent with Pub. L. 93–373. If the Home Owners' Loan Act of 1933 (12 U.S.C. 1461 *et seq*) does not authorize Federal associations to deal with gold and if Pub. L. 93–373 does not contain any authorization for Federal associations to deal with gold, then the Board lacks statutory authority to permit Federal associations to deal with gold. On the other hand, if the Home Owners' Loan Act authorizes Federal associations to deal with gold, or if Pub. L. 93–373 authorizes them to deal with gold, then the Board believes that either authorization is subject to the Board's general regulatory authority under section 5(a) of the Home Owners' Loan Act.

Part 556, captioned "Statements of Policy", is amended by adding a new § 556.7 thereto, captioned "Service corporation involvement with gold or gold-realted transactions." Said new § 556.7 points out that § 545.9–1 authorizes Federal associations to invest in service corporations which engage in certain preapproved activities and any other activities which the Board approves on application. Section 556.7 then states that Federal associations should not invest or maintain an investment in a service corporation if such service corporation engages in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities. Federal associations should refrain from investing or maintaining an investment in such service corporations because engaging in such transactions or activities is not presently preapproved and the Board will not approve an application to engage in any such transaction or activity.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545 by adding a new § 545.11–1 there and Part 556 by adding a new § 556.7 thereto, as set forth below, effective April 18, 1975.

Since publication of these amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board be contrary to the public interest, the Board hereby provides that said amendments shall become effective as hereinbefore set forth below.

1. Part 545 is amended by adding a new § 545.11–1 thereto.

**§ 545.11–1 Gold and gold-related transactions.**

No Federal association shall engage in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities.

2. Part 556 is amended by adding a new § 556.7 thereto.

**§ 556.7 Service corporation involvement with gold or gold-related transactions.**

Section 545.9–1 authorizes Federal associations to invest in service corporations engaging in certain preapproved activities and any other activities which the Board approves upon application. Federal associations should not invest or maintain an investment in a service corporation if such service corporation engages in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities, because engaging in such transactions or activities is not presently preapproved and the Board will not approve an application to engage in any such transaction or activity.

(Sec. 5, 48 Stat., 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-10220 Filed 4-17-75;8:45 am]

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[No. 75-336]

## PART 571—STATEMENTS OF POLICY

## PART 588—STATEMENTS OF POLICY

### Private Institution Regulations Pertaining to Gold

APRIL 10, 1975.

*Summary.* The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full discussion in the following preamble and to the specific provisions of the regulations.

*I. Present Regulations.*

None.

*II. Proposed Regulations.*

A. *State-chartered Insured Institutions and Their Service Corporations.* (Statement of Policy).

1. The authority to deal with gold primarily is a matter of State law.

2. The Corporation will carefully scrutinize those institutions and service corporations which engage in transactions involving gold or gold-related instruments.

3. The Corporation will regulate or prohibit any such transaction which it determines to be unsafe or unsound.

B. *Multiple Holding Companies.* (Statement of Policy).

1. The Corporation will not approve applications by multiple holding companies or certain subsidiaries thereof to engage in transactions involving gold or gold-related instruments.

*III. Final Regulations.*

Same as proposals.

*IV. Reason for Proposed Amendments.*

A. Enactment of P.L. 93–373.

By Resolution No. 74–1421, dated December 3, 1974, and published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1279–80) for comment until January 22, 1975, the Federal Home Loan Bank Board proposed to amend Part 571 of the Rules and Regulations for Insurance of Accounts and to add a new Part 588 to the Regulations for Savings and Loan Holding Companies (12 CFR Parts 571 and 588). The Board proposed these amendments as a result of the enactment of Pub. L. 93–373 and after consultation with the other Federal financial regulatory agencies. Pub. L. 93–373 states in effect that no provision of any law in effect on September 21, 1973, and no rule, regulation or order in effect on December 31, 1974 "may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad." The Board considers it desirable to adopt the amendments as proposed.

Part 571, which contains statements of policy applicable to insured institutions, is amended by adding a new § 571.10 thereto. Said new § 571.10 states that the authority of State-chartered insured institutions and their service corporations to engage in transactions and activities involving gold (including any type of gold coin) or gold-related instruments or securities is primarily a matter of State law. New § 571.10 makes clear, however, that the Corporation's supervisory and examining personnel will carefully scrutinize such transactions and activities by State-chartered insured institutions and their service corporations. The Corporation will regulate or prohibit any such transaction or activity if it determines that such transaction or activity is unsafe or unsound or otherwise inconsistent with the purposes of Title IV of the National Housing Act (12 U.S.C. 1724 et seq.), as amended.

New Part 588 of the Regulations for Savings and Loan Holding Companies sets forth statements of policy applicable to holding companies. New § 588.1 of said Part 588 points out that § 584.2–1 (b) authorizes multiple holding companies and their subsidiaries (other than subsidiary insured institutions and service corporation subsidiaries of such institutions) to engage in certain prescribed services and activities, subject to certain conditions. New § 588.1 also points out that multiple holding companies and their above-described subsidiaries may engage in other services and activities, as approved by the Corporation. New § 588.1 then makes clear that the Corporation will not approve an application to engage in any transaction or activity involving gold or gold-related instruments or securities.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 571 by adding a new § 571.10 thereto and Subchapter F by adding a new Part 588 thereto, as set forth below, effective April 18, 1975.

Since publication of these amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 555(d) prior to the effective date of said amendments would in the opinion of the Board be contrary to the public interest, the Board hereby provides that said amendments shall become effective as set forth below.

1. Part 571 is amended by adding a new § 571.10 thereto.

**§ 571.10 Gold and gold-related transactions.**

The authority of State-chartered insured institutions and their service corporations to engage in transactions and activities involving gold (including any type of gold coin) and gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities, is primarily a matter of State law. However, the Corporation's supervisory and examining personnel will carefully scrutinize such transactions and activities by insured institutions and their service corporations. The Corporation will regulate or prohibit any such transaction or activity if it determines that such transaction or activity constitutes an unsafe or unsound practice or is otherwise inconsistent with the purposes of Title IV of the National Housing Act, as amended.

2. Subchapter F is amended by adding a new Part 588 thereto.

**§ 588.1 Applications involving gold or gold-related transactions.**

Section 584.2–1(b) authorizes multiple holding companies and their subsidiaries, other than subsidiary insured institutions and service corporation subsidiaries of such institutions, to engage in certain prescribed services and activities, subject to certain conditions. Multiple holding companies and their above-described subsidiaries may engage in other services and activities, as approved by the Corporation pursuant to an application under § 584.2(b)(6). The Corporation will not approve an application under § 584.2(b)(6) to engage in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities.

(Sec. 408, 48 Stat. 1256, as amended; Sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-10222 Filed 4-17-75;8:45 am]







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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–CE–10–AD; Amdt. 39–2176]

## PART 39—AIRWORTHINESS DIRECTIVES

### Cessna A185 and A188 Series Airplanes

There have been incidents of flexible engine induction air duct collapse resulting in engine power loss on Cessna A185 and A188 series airplanes. To correct this condition the manufacturer has issued Service Letter SE75–5 recommending the incorporation of an improved design flexible engine induction air duct and adapter on these airplanes. Since the condition described herein is likely to exist or develop in other airplanes of the same or similar type design, the agency is issuing an Airworthiness Directive (AD) applicable to certain serial numbers of Cessna A185 and A188 series airplanes making compliance with the aforementioned Service Letter mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to A185 series (Serial Numbers 18502008 through 18502650) airplanes and A188 series (Serial Numbers 18800833 through 18801374).

Compliance: Required as indicated, unless already accomplished.

To preclude the collapse of the existing flexible engine induction air duct, within the next 50 hours' time in service after the effective date of this AD, accomplish the following:

Replace the flexible engine induction air duct with a new flexible engine induction air duct (P/N 1550044–1); duct adapter (P/N 1552021–10); and drain line (P/N 0700147–82) (A185 only), in accordance with Cessna Service Letter SE75–5, dated February 7, 1975, or later approved revisions, or any alternate means of compliance approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective May 5, 1975.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on April 9, 1975.

C. R. MELUGIN, Jr.,
*Director, Central Region.*

[FR Doc.75–10100 Filed 4–17–75;8:45 am]

[Docket No. 75–NW–4–AD; Amdt. 39–2177]

## PART 39—AIRWORTHINESS DIRECTIVES

### Cessna Model 337 Series

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the pitot tube on Cessna Model 337 series aircraft modified in accordance with Robertson Aircraft Corporation STC SA1627WE was published in the FEDERAL REGISTER February 26, 1975 (39 FR 8217).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

CESSNA: Applies to the following Model 337 series aircraft modified in accordance with Robertson Aircraft Corporation STC SA1627WE, certificated in all categories.

| | | | |
|---|---|---|---|
| 337–0058 | 337–0728 | 337–0970 | 337–1154 |
| 337–0063 | 337–0732 | 337–0977 | 337–1159 |
| 337–0124 | 337–0741 | 337–0992 | 337–1162 |
| 337–0205 | 337–0817 | 337–0996 | 337–1175 |
| 337–0220 | 337–0822 | 337–1019 | 337–1177 |
| 337–0291 | 337–0836 | 337–1036 | 337–1180 |
| 337–0305 | 337–0880 | 337–1044 | 337–1192 |
| 337–0327 | 337–0882 | 337–1052 | 337–1210 |
| 337–0332 | 337–0896 | 337–1062 | 337–1232 |
| 337–0448 | 337–0918 | 337–1072 | 337–1258 |
| 337–0502 | 337–0925 | 337–1073 | 337–1262 |
| 337–0540 | 337–0929 | 337–1079 | 337–1274 |
| 337–0549 | 337–0938 | 337–1082 | 337–1276 |
| 337–0566 | 337–0942 | 337–1091 | 337–1303 |
| 337–0577 | 337–0946 | 337–1108 | 337–1307. |
| 337–0685 | 337–0947 | 337–1118 | |
| 337–0695 | 337–0959 | 337–1124 | |
| 337–0726 | 337–0963 | 337–1139 | |

Compliance required as indicated unless already accomplished.

To prevent the possibility of unreliable airspeed indications due to ice formation in the pitot system, accomplish the following:

Unless already accomplished, within the next 100 hours of operation after the effective date of this AD, rework the extended pitot tube by installation of Robertson Kit No. 14–118–100 in accordance with Robertson modification instructions No. 14–118–10 dated January 23, 1975, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Robertson Aircraft Corporation, 839 West Perimeter Road, Renton, Washington 98055. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 22, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1854(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington on April 10, 1975.

C. B. WALK, Jr.,
*Director, Northwest Region.*

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75–10101 Filed 4–17–75;8:45 am]

[Airspace Docket No. 75–RM–6]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

On March 7, 1975, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 10692) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Laramie, Wyoming.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

*Effective date.* This amendment shall be effective 0901 G.m.t., August 14, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on April 18, 1975.

M. M. MARTIN,
*Director,*
*Rocky Mountain Region.*

In Federal Aviation Regulation § 71.171 (40 FR 354), the description of the Laramie, Wyoming, control zone is amended to read:

Within a 5-mile radius of General Brees Field, Laramie, Wyoming (Lat. 41°18'50" N, Long. 105°40'25" W); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 4.5 miles each side of the Laramie VORTAC 126° radial, extending from the 5-mile radius zone to 20 miles southeast of the VORTAC.

In Federal Aviation Regulation § 71.181 (40 FR 441), the description of the Laramie, Wyoming, 700-foot transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyoming (Lat. 41°18'50" N, Long. 105°40'25" W); within 5 miles each side of the Laramie VORTAC 301° radial, extending from the 9-mile radius area to 11.5 miles northwest of the VORTAC and within 5 miles each side of the Laramie VORTAC 126° radial, extending from the 9-mile radius area to 21 miles southeast of the VORTAC.

[FR Doc.75–10103 Filed 4–17–75;8:45 am]

[Airspace Docket No. 75–SW–9]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Baton Rouge, La.

On February 27, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 8360) stating the Federal Aviation Administration proposed to alter the transition area at Baton Rouge, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Baton Rouge, La., transition area is amended to read:

BATON ROUGE, LA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.); within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport; within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest; within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the Baton Rouge 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport and within a 5-mile radius of the False River Airpark (latitude 30°42'55" N., longitude 91°28'43" W.); within 2 miles each side of the 325° radial of the Baton Rouge VORTAC extending from the 5-mile radius area of the False River Airpark to the northwest ILS localizer extension.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 8, 1975.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[FR Doc.75–10104 Filed 4–17–75;8:45 am]

[Airspace Docket No. 75–SW–22]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke that part of the Palacios, Tex., transition area which was used solely by military aircraft in executing an approach into Madagorda Island AFB, Tex.

We have been advised that effective March 31, 1975, the military will no longer use the base. Consequently, instrument approach procedures, as well as the transition area serving the base, are being revoked.

In consideration of the foregoing, in § 71.181 (40 FR 441), the Palacios, Tex., transition area is amended as follows:

PALACIOS, TEX.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VORTAC 308° radial extending from the VORTAC to 8 miles northwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 8, 1975.

ALBERT H. THURBURN,
*Acting Director,*
*Southwest Region.*

[FR Doc.75–10106 Filed 4–17–75;8:45 am]

[Airspace Docket No. 75–SW–8]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Russellville, Ark., transition area.

On February 27, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 8360) stating the Federal Aviation Administration proposed to designate a transition area at Russellville, Ark.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

RUSSELLVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 7.5-statute-mile radius of Russellville Municipal Airport, Russellville, Ark. (latitude 35°15'34" N., longitude 93°05'38" W.); and within 3.5 statute miles each side of the 186° bearing from Russellville NDB (latitude 35°15'34" N., longitude 93°05'40" W.), extending from the 7.5-mile-radius area to 11.5 statute miles south of the NDB; excluding that portion which overlies the Morrilton, Ark., transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 8, 1975.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[FR Doc.75–10105 Filed 4–17–75;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 35–18898]

## PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

### Termination of Temporary Suspension of the Competitive Bidding Requirements of Rule 50

The Securities and Exchange Commission today announced that it will not continue beyond March 31, 1975, the temporary suspension of the competitive bidding requirements of Rule 50 (17 CFR 250.50) promulgated pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") with respect to the issuance and sale of common stock of registered holding companies. Common stock issues heretofore publicly announced by such companies on or before January 31, 1975, may be sold on or before April 30, 1975, without competitive bidding (39 FR 42678).

We adopted Rule 50 on April 8, 1941, requiring that securities issued by registered holding companies and their subsidiaries be sold by competitive bidding as set forth in the rule (Holding Company Act Release No. 2676). In addition to limited automatic exceptions, the rule itself provides for the granting of exceptions by order in special circumstances. Such exceptions have been granted sparingly.

Rule 50 was adopted partly because of our concern with undue concentration in the business of underwriting public utility issues. More generally, Rule 50 provides a pricing mechanism to carry out the statutory mandate under which we may authorize the issue and sale of a security by a registered holding company or its subsidiary provided that the price to the issuer and the underwriters' compensation is reasonable. Competitive bidding is uniquely suited to accomplish that purpose.

During the first four months of the suspension period, five registered systems sold common stock by negotiation.

[000's omitted]

| Issue date | Holding company | Shares | Proceeds | Underwriters compensation | |
|---|---|---|---|---|---|
| | | | | Percent | Amount |
| November 13 | Delmarva Power & Light | 1,500 | $15,000 | 7.5 | $1,125 |
| January 21 | Middle South Utilities | 7,000 | 98,000 | 5.3 | 5,194 |
| February 4 | Central & Southwest | 4,300 | 68,000 | 4.9 | 3,371 |
| February 25 | American Natural Gas | 2,000 | 72,250 | 4.9 | 3,540 |
| March 19 | General Public Utilities | 2,300 | 32,200 | 4.9 | 1,564 |
| Total | | | 285,450 | | 14,794 |







The matters affected relate to grants

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In addition, four registered holding companies announced common stock issues to be sold by negotiation prior to April 30, 1975.

During approximately the same period, 23 negotiated common stock offerings of utility companies not subject to the Act were sold for an aggregate of about $706.5 million. The underwriters' compensation on these issues ranged from 7.3 percent to 4.8 percent. No utility common stocks were competitively sold during this period.

When we announced the temporary suspension of Rule 50 on November 7, 1974, we at the same time ordered a public hearing. The temporary suspension was only tentative, based upon market conditions which then appeared to impede the sale of utility shares. In ordering the public hearing, we noted explicitly that it was not our purpose "to debate the general proposition of whether or not the requirements of Rule 50 provide advantages which are superior to those obtainable through negotiated underwritings." Rather, we sought information to assist us in determining whether any specific enduring factors warranted further suspension of the competitive bidding requirements of Rule 50 or other relief.

The hearing was held on consecutive days from January 6 through January 9, 1975. Representatives of underwriting firms, registered holding companies, a public interest group, and a consultant retained by us appeared. The Department of Justice, several registered holding companies, and the American Gas Association submitted their views in writing.

Utility representatives and underwriters advocated continuance of the suspension. Some suggested further suspension to the end of 1975 with another review at that time. Others favored an indefinite suspension with periodic review.

The main points to which the parties addressed themselves were: (1) Competition among underwriters to become managers; (2) formation of underwriting groups and allocation of compensation among members; and (3) institutional investor interest in utility common stocks.

The underwriters assert that competition in seeking managerships is intense within the industry, but that competition is not based upon price. They acknowledge that it is generally difficult to wrest managerships from firms that have previously managed sales of common stock for a particular issuer. If the issuer is not persuaded to select a new manager, the alternatives are to join, if invited, the syndicate being formed to market the issue or to turn to other business. It is not the custom to submit a competing offer in such circumstances.

Syndication generally is tailored to the characteristics of the securities to be issued. The managers select the members who they believe will best market the issue. They may add to the group a firm suggested by the issuer. We are told that once the underwriting group is selected there is no inclination to add underwriters even if a firm originally selected withdraws from the contemplated offering.

Traditionally an underwriting syndicate consisted of a manager, a group of underwriters and a selling group. At one time these three functions, in major offerings, generally were performed by different firms. A major portion of the total commission was allocated, on a per share basis, to members of the selling group, and the balance divided between the manager and the underwriting group. In recent years firms with substantial distribution capabilities have broadened the scope of their activities, and the pattern of underwriting has changed to some extent. At present the selling group tends to be coincident with the underwriting group, and major retail firms seek to manage offerings or share in the management fees as comanagers. This has introduced some centrifugal elements that in particular circumstances may deter the broad distribution efforts that are generally claimed as the main attraction of a negotiated underwriting.

The underwriter's portion of the compensation is designed to cover the risks of market changes during the offering, including those incident to stabilization. Although the risks and the profits are shared by the entire underwriting group, the pertinent decisions rest primarily with the manager, and net profit or loss from the underwriting account depends largely on the manager's skill in assessing the market acceptance of the issue.

Specialized investment bankers without their own retail distribution network must rely on cooperating retail firms to dispose of a large part of their own underwriter's allotment. Retail comanagers thus earn a large portion of the gross underwriter's compensation through the selling concession. Conversely, specialized investment bankers remain dependent on the size of the management portion of the total charge except to the extent they can earn the selling concession by placing their allotted shares with institutions.

The selling concession also is a critical means of controlling participation in the underwriting. Dealers who are not selected as members of the group receive a selling concession or reallowance smaller than that allowed within the group. There is a wide variation in the reallowance which is liberal on issues that seem hard to place but, on issues which seem readily salable, is low compared with the commission that can be earned on purchase of the same shares in the secondary market. It is also the standard practice to reserve under the manager's control part of the issue for the account of all the underwriters. It is used, among other purposes, for sale to dealers who are not members of the group at the full selling concession rather than at the lesser reallowance. To this extent, orders secured by non-members, including those in an unsuccessful bidding group, need not be wasted if the selling group has itself not fully sold the issue. A negotiated underwriting is not essential for such auxiliary or complementary techniques of distribution.

One important factor in the suspension was the apparent lack of institutional demand for public utility common stocks in the fall of 1974. The hearing confirmed that insurance companies and mutual funds were on balance net sellers of such securities during this period. No useful data is available as to such other major investors as pension funds and bank trust departments. The lack of institutional demand at that time was largely accounted for by a number of factors affecting the volume of funds available for investment. Such factors included an unusually high level of policy loans by life insurance companies, net redemptions by mutual funds, a series of extraordinary casualty losses for insurers coupled with an erosion of reserves due to a general market decline of the value of their investments, and the availability of high yield short-term notes as alternative investments.

At present, sales to institutions again play a large role in offerings of public utility common stocks, and this may be expected to continue. Sales to institutional investors involve substantially less cost than sales of an equivalent volume of shares to small investors. Institutions are easier to canvass for the purpose of projecting the demand for a particular issue, and they are more accessible to investment bankers who do little or no retail business. Unlike purchases in the secondary markets, the purchase of an original issue involves no volume discount to institutions.

The hearing disclosed the prevalence of "swaps" between underwriters and their institutional clients. This arrangement requires one or more of the underwriters to sell in the secondary market securities which the institution no longer wants in its portfolio. Such reciprocal sales normally occur on the same day as the purchase of the new issue. But this practice may make published data with respect to underwriters' compensation unreliable when an attempt is made to determine a reasonable price for such services. In a negotiated sale the underwriter can fix his compensation on a cost plus basis to reflect any such additional risks. In competitive bidding the effect of such extraneous factors on the underwriter's compensation and on the price to the issuer is controlled or neutralized by the requirement that the successful bidder must offer a better price than his competitor.

It has been stated that competitive bidding is impractical because securities salesmen cannot be assured that the bidding group with which their firms are associated will be the successful bidder. That has not prevented competitive offerings in the 33 years since Rule 50 was adopted. The lack of such assurance has not deterred the formation of two or more competitive groups, each bidding for the issue and undertaking effective preselling exploration of the market. The suggestion seems to be that competitive bidding is not likely to engage the full or undivided attention of the sales force when many common stock issues by public utilities not under our jurisdiction are offered on a negotiated basis.

We do not read these observations as implying that in present circumstances underwriters and retail firms would not organize or join potential bidding groups. We are entitled to assume that they are prepared to underwrite issues offered for competitive bidding and that organizational and marketing techniques will be properly and effectively employed to serve that purpose.

A negotiated underwriting, it should be added, is not free from critical uncertainties. These affect the distributors in their marketing efforts and leave the issuer in doubt as to what the terms will be until the definitive agreement is reached.

Although in a negotiated sale managers are selected by the issuer about six to eight weeks in advance of the retail distribution, their selection involves no commitment on the terms of sale. The agreement as to terms does not occur appreciably earlier than does the like agreement under competitive bidding. While it is styled a negotiated underwriting, the issuer has little bargaining power when the moment to fix the terms of the sale arrives.

In negotiated underwritings the selling concession, upon which the salesmen's commission is normally based, is not fixed until immediately prior to the public sale. Advance announcement to salesmen of their commission rate is reserved for issues considered difficult to market. The final allocation of shares among members of the group is also deferred until immediately before the public sale. In one case reviewed at the hearing tentative allotments were cut back sharply by the managers shortly before the offering in order to meet an unexpectedly large institutional demand, thereby leaving salesmen unable to fill further orders for an issue in high demand as a result of their efforts.

Finally, it should be emphasized that we did not suspend competitive bidding because of the depressed prices for utility common stocks. The price at which a new issue of common stock of a public utility company can be sold is governed by the price of its outstanding common stock in the secondary market, whether the new issue is sold to underwriters in competitive bidding or by negotiation. We adopted the suspension because holding companies under our jurisdiction had reason to believe that the marketing procedures incident to competitive bidding might be inadequate to reach enough potential purchasers to place the stock they needed to sell. There was at the time a distinct uncertainty and some pessimism concerning the outlook for utility stock in general, and, specifically, an apparent lack of interest by institutional investors in utility common stocks.

The facts developed at the hearing and our experience with the results of offerings of debt and equity securities of utility companies in recent months, whether sold by negotiation or competitive bidding, persuade us that common stock of registered holding companies can be marketed in the manner required by Rule 50. The temporary suspension has served its purpose. It need not be extended. The exemptive provisions of Rule 50 provide sufficient flexibility for an issuer under circumstances when the automatic exceptions provided in the rule are unavailable and the need for an exemption by order is clearly demonstrated.

§ 250.50 [Amended]

*Commission action.* Pursuant to the authority set forth in sections 6, 7, 12 and 20 of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission hereby restates its previous order that the temporary suspension appearing as a note at the end of § 250.50 of Chapter II of Title 17 of the Code of Federal Regulations lapses on March 31, 1975. Accordingly, § 250.50 of Chapter II of Title 17 of the Code of Federal Regulations becomes operative effective April 1, 1975, except that a common stock issue heretofore publicly announced by a registered holding company on or before January 31, 1975, may be sold on or before April 30, 1975, without competitive bidding. (39 FR 42678)

The Commission further finds that the publication and notice provisions of the Administrative Procedure Act, 5 U.S.C. 553(d) are not applicable to the reinstatement of § 250.50 of Chapter II of Title 17 of the Code of Federal Regulations because at the time that the temporary suspension was announced the Commission ordered that the suspension lapse on March 31, 1975.

(Secs. 6, 7, 12, 20, 49 Stat. 814, 815, 823, 833; (15 U.S.C. 79f, 79g, 79l, 79t))

By the Commission.

Dated: March 28, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10165 Filed 4-17-75;8:45 am]

## Title 23—Highways

## CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

### SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

### PART 635—CONSTRUCTION AND MAINTENANCE

### Physical Construction Authorization

The existing regulations are hereby revised for clarification, to cite regulations instead of Federal Highway Administration directives and to renumber the sections to permit future expansion. The revisions are sufficiently extensive to warrant republication of the subpart in its entirety.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 552(a)(2), therefore, general notice of proposed rulemaking is not required. The revisions will become effective on the date of issuance.

Issued on April 10, 1975.

NORBERT T. TIEMANN, *Federal Highway Administrator.*

Part 635 Construction and Maintenance, is revised to read as set forth below:

Subpart C—Physical Construction Authorization

Sec.
635.301 Purpose.
635.303 Applicability.
635.305 Physical construction.
635.307 Coordination.
635.309 Authorization.

AUTHORITY: 23 U.S.C. 112; 113; 114; 117; 128 and 315; 42 U.S.C. 3334; 4231-4233; 4601 et seq; 49 CFR 1.48(b).

### Subpart C—Physical Construction Authorization

§ 635.301 Purpose.

To prescribe the policies and procedures under which a State highway agency may be authorized to advance a Federal-aid highway project to the physical construction stage.

§ 635.303 Applicability.

The provisions of this subpart are applicable to all Federal-aid highway construction projects except projects constructed under an approved Certification Acceptance Plan.

§ 635.305 Physical construction.

For purposes of this subpart the physical construction of a project is considered to consist of the actual construction of the highway itself with its appurtenant facilities. It includes any removal, adjustment or demolition of buildings or major obstructions, and utility or railroad work that is a part of the contract for the physical construction.

§ 635.307 Coordination.

(a) The right-of-way clearance, utility, and railroad work are to be so coordinated with the physical construction that no unnecessary delay or cost for the physical construction will occur.

(b) All right-of-way clearance, utility, and railroad work performed separately from the contract for the physical construction of the project are to be accomplished in accordance with provisions of the following:

(1) 23 CFR, Part 140, Subpart I;
(2) 23 CFR, Part 646, Subpart B;
(3) 23 CFR, Part 713, Subpart C; and
(4) 23 CFR, Part 645, Subpart A.

§ 635.309 Authorization.

Authorization to advertise the physical construction for bids or to proceed with force account construction thereof shall normally be used as soon as, but not until, all of the following conditions have been met:





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(a) The plans, specifications, and estimates (PS&E) therefor have been approved.

(b) A statement is received from the State, either separately or combined with the information required by § 635.305(c), that either all right-of-way clearance, utility, and railroad work has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedules. Where it is determined that the completion of such work in advance of the highway construction is not feasible or practical due to economy, special operational problems and the like, there shall be appropriate notification provided in the bid proposals identifying the right-of-way clearance, utility, and railroad work which is to be underway concurrently with the highway construction.

(c) A statement is received from the State certifying that all individuals and families have been relocated to decent, safe and sanitary housing or the State has made available to relocatees adequate replacement housing in accordance with the provisions of the current Federal Highway Administration (FHWA) directive(s) covering the administration of the Highway Relocation Assistance Program and that one of the following has application:

(1) All necessary rights-of-way, including control of access rights when pertinent, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way but all occupants have vacated the lands and improvements and the State has physical possession and the right to remove, salvage, or demolish these improvements and enter on all land.

(2) Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained but right of entry has been obtained, the occupants of all lands and improvements have vacated and the State has physical possession and right to remove, salvage, or demolish these improvements.

(3) (i) The circumstances with respect to acquisition or right of occupancy and use of a few parcels warrant proceeding with advertisement for bids or with force account construction on the basis it will be in the public interest to do so in advance of completion of the acquisition of the rights of the said few parcels. The physical construction, except for the removal or demolition of permanently vacated improvements, will not be permitted to proceed until the occupants of all residentially improved properties have vacated and specific dates for termination of operation of business have been established so as not to interfere in any way with construction operations. This certification may be resorted to only in very unusual circumstances. This exception should never be allowed to become the rule. When this certification is used, full explanation and reasons therefor must be given including identification of right-of-way parcels where right to physically occupy and use is not obtained. Estimated date for each parcel must be given when physical occupancy and use will be obtained and substantiation that such date is realistic. Appropriate notification shall be provided in the bid proposals in accordance with 23 CFR 635.107(h).

(ii) When justified, the requirements concerning the vacation of residentially improved properties and the establishment of specific dates for termination of business operations may be waived by the Federal Highway Administration (FHWA) Regional Administrator. Such waiver may be exercised only after contract award and only in cases where there is a definite finding by the highway agency and concurred in by the FHWA Regional Administrator that it is in the public interest to proceed with the physical construction.

(d) The State highway agency has satisfied the requirements of 23 CFR, Part 790 where applicable or, under alternate procedures which have been incorporated in an approved Action Plan, has submitted public hearing transcripts, certifications and reports pursuant to 23 U.S.C. 128.

(e) An affirmative finding of public interest has been made as required by 23 U.S.C. 112, in case construction by some method other than contract based on competitive bidding is contemplated.

(f) Minimum wage rates determined by the Department of Labor in accordance with the provisions of 23 U.S.C. 113, are in effect and will not expire before the end of the period within which it can reasonably be expected that the contract will be awarded.

(g) A statement has been received that right-of-way has been acquired or will be acquired in accordance with the current FHWA directive(s) covering the acquisition of real property or that acquisition of right-of-way is not required.

(h) A statement has been received that the steps relative to relocation advisory assistance and payments as required by the current FHWA directive(s) covering the administration of the Highway Relocation Assistance Program have been taken, or that they are not required.

(i) The FHWA Division Engineer has determined that appropriate measures have been included in the PS&E in keeping with approved guidelines, for minimizing possible soil erosion and water pollution as a result of highway construction operations.

(j) The FHWA Division Engineer has determined that requirements of 23 CFR, Part 771 have been fulfilled and appropriate measures have been included in the PS&E to ensure that conditions and commitments made in the development of the project to mitigate environmental harm will be met.

(k) Where utility facilities are to use and occupy the right-of-way, the State has demonstrated to the satisfaction of the FHWA Division Engineer that the provisions of 23 CFR 645.116(b) have been fulfilled.

(l) The FHWA Division Engineer has verified the fact that adequate replacement housing is in place and has been made available to all affected persons.

(m) Where applicable, areawide agency review has been accomplished as required by 42 U.S.C. 3334 and 4231–4233.

(n) The FHWA Division Engineer has determined that the PS&E provide for the erection of only those information signs and traffic control devices that conform with the standards developed by the Secretary of Transportation and do not include construction identification or other informational signs regarding such State matters as the identification of responsible State officials.

[FR Doc.75–10111 Filed 4–17–75;8:45 am]

## Title 42—Public Health

## CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

### Nursing Special Project Grants

*Correction*

In FR Doc. 75–7398 appearing at page 12791 in the issue for Friday, March 21, 1975, change the effective date which now reads: "April 21, 1975" to read "March 21, 1975".

## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–379; 30866]

### AUTHORITY DELEGATIONS

### Miscellaneous Amendments

In the matter of amendments of the Commission's rules and regulations concerning delegations of authority to the Chief, Field Operations Bureau.

1. The Commission has completed its review of the delegations of authority to the Chief, Field Operations Bureau, and has concluded that there is a need to clarify and in some areas expand the present delegations as they appear in the rules. To accomplish this, § 0.311 is amended to allow matters of routine nature involving commercial radio operator license applications and petitions, and those not presenting novel questions of law or policy, to be processed at staff level in accordance with established policy and precedent unless, in the opinion of the staff, a particular matter warrants referral to the Commission.





These delegations should reduce the Commission's workload of routine cases, allowing more time to be spent on the larger issues of policy. It would, at the same time, afford more expeditious handling of the routine matters. Additional delegations are being afforded the Engineers in Charge of field offices, as established in § 0.314 of the rules as amended, to clarify the administration of suboffices and to provide procedures for appropriate handling of recent broadcast re-regulation.

2. In general, the new delegations grant the Chief, Field Operations Bureau authority with respect to procedural matters, consistent with those granted the other bureaus of the Commission, and new authority with respect to substantive case processing, where Commission policy has been clearly established.

3. The internal handling of petitions for reconsideration and applications for review will not vary from past practice. Specifically, petitions for reconsideration filed under section 405 of the Communications Act will continue to be acted on by the Commission en banc or by the "designated authority" within the Commission, whichever is appropriate, whereas all properly filed applications for review will, in accordance with section 5(d) of the Communications Act, continue to be acted on by the Commission en banc. Persons aggrieved by actions taken at any level within the Commission are thus assured that their right of access to the full Commission is in no way affected by the ordered changes.

4. Sections 0.111, 0.231, 0.485 and Appendix 1, Part 97 of the rules are likewise being modified to reflect the method by which the locations may be determined for amateur and commercial radio operator license examinations.

5. As the amendments in the attached Appendix are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

*Accordingly, it is ordered*, That, effective April 18, 1975, the Commission's rules and regulations are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

Adopted: April 1, 1975.

Released: April 14, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

Parts 0, 1, 2, and 97 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

## PART 0—COMMISSION ORGANIZATION

1. Section 0.5(b) (4) (ii) is amended to read as follows:

**§ 0.5 General description of Commission organization and operations.**

(b) • • •

(4) • • •

(ii) The fifth operating bureau: The Field Operations Bureau maintains field offices and monitoring stations throughout the United States. It is responsible for detecting violations of regulations pertaining to the use of radio and, in this connection, monitors radio transmissions, periodically inspects stations, and investigates complaints of radio frequency interference. It issues violation notices to the station in question, thereby affording it an opportunity to take corrective measures. If formal enforcement action is appropriate, the proceedings are conducted by the staff unit which exercises primary responsibility over the station in question, usually one of the other operating bureaus. The Field Operations Bureau, in addition, exercises responsibility over commercial radio operator matters (see Part 13 of this Chapter), antenna structures (see Part 17), and the use of radio for purposes other than communication (see Part 18). It also conducts amateur operator examinations.

• • • • •

**§ 0.41 [Amended]**

2. In § 0.41, paragraph (o) is deleted and designated reserved.

**§ 0.47 [Amended]**

3. In § 0.47, paragraph (f) is deleted and designated reserved.

4. Section 0.111 is amended to read as follows:

**§ 0.111 Functions of the bureau.**

The Field Operations Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations and wire facilities including enforcement activities (inspection, investigation, monitoring), radio operator examination and licensing designation of radio operator examination points, interference suppression, and communications user liaison. These programs include, among others: (a) On-the-air measurement of technical operating parameters of all classes of radio stations; (b) Monitoring of frequency occupancy and levels of violative activity; (c) Engineering projects concerning enforcement procedures and user activities; (d) Assistance to other federal agencies and local law enforcement organizations concerning illegal use of radio; (e) Full range of matters concerning licensing and activities of commercial radio operators as established in Part 13 of this Chapter, including the changing, deleting or modifying from time to time, as need may appear, the location of radio operator examination points, and issuing an appropriate public notice advising of location changes and time of examination; (f) Nationwide program of lighting and marking of antenna structures as established in Part 17 of this Chapter; (g) Local assistance to the public, government agencies and user organizations in their relationship with the Commission; (h) Participation in interagency and international meetings and conferences with respect to the Bureau's areas of responsibilities.

5. In § 0.121, items 2, 7, 9, 14, 18, 20 and 24 of paragraph (a) are amended; paragraph (b) is deleted; and the zip code for the Ft. Lauderdale Station shown in paragraph (c) is changed, to read as follows:

**§ 0.121 Location of field installations.**

(a) Field offices and suboffices are located at the following addresses:

| Field office | Address of the engineer in charge | Territory within district: States | Territory within district: Counties |
|---|---|---|---|
| • • • | • • • | • • • | • • • |
| 2 | 201 Varick St., New York, N.Y. 10014 | • • • | • • • |
| • • • | • • • | • • • | • • • |
| 7 | Room 919, 51 Southwest First Ave., Miami, Fla. 33130. Suboffice, 738 Federal Office Bldg., 500 Zack St., Tampa, Fla. 33602. | • • • | • • • |
| • • • | • • • | • • • | • • • |
| 9 | New Federal Office Bldg., 515 Rusk Ave., Room 5636, Houston, Tex. 77002. Suboffice, 823 Federal Bldg., 300 Willow St., Beaumont, Tex. 77701. | • • • | • • • |
| • • • | • • • | • • • | • • • |
| 14 | 3256 Federal Office Bldg., 915 Second Ave., Seattle, Wash. 98174. | • • • | • • • |
| • • • | • • • | • • • | • • • |
| 18 | Federal Bldg., Room 3935, 230 South Dearborn St., Chicago, Ill. 60604. | • • • | • • • |
| • • • | • • • | • • • | • • • |
| 20 | 1305 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202. | • • • | • • • |
| • • • | • • • | • • • | • • • |
| 24 | Room 411, 1919 M St. NW., Washington, D.C. 20554 | • • • | • • • |

(b) [Reserved]

(c) Monitoring stations are located at the following addresses:

• • • • • •

Federal Communications Commission, Port Lauderdale Monitoring Station, Post Office Box 22836, Fort Lauderdale, Florida 33316

• • • • • •

6. Section 0.186(b) (1) and (8) are amended to read as follows:

**§ 0.186 Emergency Relocation Board.**

• • • • • •

(b) • • •

(1) The Chief, Field Operations Bureau

• • • • •

(8) The Deputy Chief, Field Operations Bureau

• • • • •







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**§ 0.231 [Amended]**

7. In § 0.231, paragraph (e) is deleted and designated reserved.

8. Section 0.282(a)(4) is amended to read as follows:

**§ 0.282 Actions taken under delegated authority.**

(a) • • •

(4) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau

• • • • • •

9. Section 0.311 is amended to read as follows:

**§ 0.311 Authority delegated.**

The performance of functions and activities described in § 0.111 is delegated to the Chief, Field Operations Bureau, provided that

(a) The following matters shall be referred by the Chief, Field Operations Bureau to the Commission en banc for disposition:

(1) Notices of proposed rule making and of inquiry and final orders in rule-making proceedings, inquiry proceedings, and non-editorial orders making rule changes with respect to Parts 13 and 17 of this chapter. (See § 0.231(d))

(2) Applications for review of actions taken pursuant to delegated authority. (See § 1.115 of this chapter).

(3) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy, which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(6) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(b) The Chief and the Deputy Chief of the Field Operations Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

(c) Rulings and orders concerning radio operator matters in a hearing status shall not be made by the Chief, Field Operations Bureau.

10. In § 0.314 the caption, introductory text and paragraphs (c), (h), (i), (k), (q) are amended, and paragraph (u) is added, to read as follows:

**§ 0.314 Additional authority delegated.**

The Engineer in Charge at each field office is delegated authority to act upon applications, requests, or other matters, which are not in hearing status, and direct the following activities necessary to conduct investigations or inspections:

• • • • • •

(c) On informal requests from broadcast stations to extend temporary authority for operation without monitors, plate ammeter, plate voltmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

• • • • • •

(h) Require special equipment and program tests during inspections or investigations to determine compliance with technical requirements specified by the Commission.

(i) Require stations to operate with pre-sunrise and nighttime facilities during daytime hours in order that an inspection or investigation may be made by an authorized Commission representative to determine operating parameters.

• • • • • •

(k) Issue a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 12 and 13, chapter I, of the Safety Convention.

• • • • • •

(q) Act on requests for waiver of the written examination requirements of §§ 13.21, 13.22 and 13.23 of this Chapter and to authorize oral examination in lieu thereof.

(r) To act on requests by blind applicants to appear at the appropriate field office for a radiotelephone license examination. (See §§ 13.11 and 13.23 of this chapter.)

• • • • • •

(u) Where appropriate, to delegate to the supervisor of each suboffice within the field office area, such duties and responsibilities set forth in this section as is necessary to permit proper performance of the duties of the suboffice.

**§ 0.315 [Deleted]**

11. Section 0.315 is deleted

**§ 0.316 [Deleted]**

12. Section 0.316 is deleted

13. Section 0.317 is amended to read as follows:

**§ 0.317 Record of action taken.**

The application, authorization, and other appropriate central files of the Field Operations Bureau are designated as the Commission's official records of action taken pursuant to authority delegated under §§ 0.311 and 0.314, and shall constitute the official Commission minutes entry of such actions.

**§ 0.385 [Deleted]**

14. Section 0.385 is deleted

**§ 0.386 [Deleted]**

15. Section 0.386 is deleted.

16. Section 0.387(b) is amended to read as follows:

**§ 0.387 Other defense and emergency preparedness delegations; cross reference.**

• • • • • •

(b) For authority of the Chief and Deputy Chief of the Field Operations Bureau to declare a general communications emergency, see § 0.311

17. Section 0.401(c) is amended to read as follows:

**§ 0.401 Location of Commission offices.**

• • • • • •

(c) The locations of the field offices of the Field Operations Bureau are listed in § 0.121

• • • • • •

18. Section 0.421 is amended to read as follows:

**§ 0.421 Application forms.**

All forms for use in submitting applications for radio authorization, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the field offices listed in § 0.121. For information concerning the forms to be used and filing requirements, see Subparts D, E, F, and G, of Part 1 of this chapter and the appropriate substantive rules.

19. Section 0.431 is amended to read as follows:

**§ 0.431 The FCC Service Frequency Lists.**

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, citizens (except class A), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and, in Washington, D.C., in the offices of the Chief Engineer. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

20. Section 0.432 is amended to read as follows:

**§ 0.432 The NARBA List.**

Pursuant to the North American Regional Broadcast Agreement and the United States/Mexican Agreement, appropriate countries are notified of standards broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every 6 months, a recapitulative list containing this information for all existing standard broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA list. These lists are available for public examination at each of the Commission's Field Operations Bureau field offices (see § 0.121), and in Washington, D.C. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).





21. Section 0.433 is amended to read as follows:

**§ 0.433 The Radio Equipment Lists.**

Lists of type approved and type accepted equipment (the radio equipment lists) are prepared periodically by the Commission. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and in the offices of the Chief Engineer. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

22. Section 0.445(g) is amended to read as follows:

**§ 0.445 Publication, availability and use of opinions, orders, policy statements, interpretations, administrative manuals, and staff instructions.**

• • • • • •

(g) There are two Commission staff manuals, the FCC Administrative Manual and the FOB Manual. The FCC Administrative Manual (excepting Part IX, concerning Civil Defense, which contains materials classified under E.O. 10501) is available for inspection in the Office of the Executive Director. Portions of the FOB Manual which pertain to administrative matters are available for inspection in the Field Operations Bureau. Portions of the FOB Manual which pertain to enforcement matters are not available for inspection. The Manuals are not indexed but are organized by subject, with tables of contents, and the materials contained therein can be located without difficulty.

• • • • • •

23. Section 0.455(e)(1) is amended to read as follows:

**§ 0.455 Other locations at which records may be inspected.**

• • • • • •

(e) *Field Operations Bureau.* (1) Commercial radio operator application files. See, however, § 0.457(f)(3).

• • • • • •

24. Section 0.457(b)(3) is added to read as follows:

**§ 0.457 Records not routinely available for public inspection.**

• • • • • •

(b) • • •

(3) All materials used in conducting radio operator examinations, including test booklets, Morse Code tapes, and scoring masks.

• • • • • •

25. Section 0.485(c) is amended to read as follows:

**§ 0.485 Amateur and commercial operator examination points.**

• • • • • •

(c) Examinations are also given at prescribed intervals in the cities in the Commission's current Examination Schedule, copies of which are available from the Federal Communications Commission, Regional Services Division, Washington, D.C. 20554, or any one of the Commission's field offices listed in § 0.121.

• • • • • •

26. Section 0.487 is amended to read as follows:

**§ 0.487 Applications for interim ship station licenses.**

Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus of both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 83.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in § 0.121 or at the Commission's main office in Washington, D.C.: Provided, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this section.

27. Section 0.491 is amended to read as follows:

**§ 0.491 Applications for exemption from compulsory ship radio requirements.**

Applications for exemption filed under the provisions of section 352(b) or 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article IX of the Great Lakes Agreement, shall be filed at the Commission's offices in Washington, D.C.

28. Section 0.504 is amended to read as follows:

**§ 0.504 Limitation of authority for original classification.**

The Commission's authority for original classification of national security information or material under these regulations is limited to "Secret" and "Confidential." It shall be exercised only by (a) The Chief Engineer, (b) the Chief of the Field Operations Bureau, (FOB), and (c) the Executive Director. The Chief Engineer and the Chief, FOB shall exercise authority for original classification of information or material originated by their respective offices. The Executive Director shall exercise authority for the original classification of all other information or material originated by the FCC.

## PART 1—PRACTICE AND PROCEDURE

29. Section 1.61(a) is amended to read as follows:

**§ 1.61 Procedures for handling applications requiring special aeronautical study.**

(a) Except for those services and in those areas being managed by the Spectrum Management Task Force, antenna surveys are conducted by the Antenna Survey Branch, Regional Services Division, Field Operations Bureau.

• • • • • •

30. Section 1.547(a) is amended to read as follows:

**§ 1.547 Application for permission to use lesser grade operators.**

(a) Application for temporary permission to operate standard, FM and noncommercial educational FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the field office of the radio district in which the station is located. Such permission will be granted for periods not to exceed 60 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. A request for extension of the permission previously granted may be granted upon a showing setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

• • • • • •

31. Section 1.549 is amended to read as follows:

**§ 1.549 Requests for extensions of authority to operate without certain indicating instruments.**

Requests for extension of authority to operate without an antenna monitor, a modulation monitor, a plate ammeter, or voltmeter, a base current meter, or common point meter, or a transmission line meter of standard, FM, noncommercial FM broadcast stations, and television stations, should be made by informal application to the Engineer in Charge of the field office in which the station is located. Such requests must contain information as to when and what steps were taken to repair or replace the defective instrument.

32. Section 1.927 is amended to read as follows:

**§ 1.927 Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.**

(a) Applications for ship radio inspection and certification of the ship



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radio license in accordance with the requirements of section 362(b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 12 and 13, Chapter 1 of the Safety Convention, should be submitted on FCC Form 801 entitled "Application for Ship Radio Inspection." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter).

(b) Applications for periodical survey as required by Article II of the Great Lakes Agreement, and certification prescribed by Articles 12 and 13 thereof, should be submitted on FCC Form 809, "Application for Periodical Survey (Great Lakes Agreement)." This form should be forwarded to the Engineer in Charge of the field office nearest the desired place of survey (see § 0.121 of this chapter).

(c) Applications for inspection of ship radio equipment and apparatus, for the purposes of Part II of Title III of the Communications Act of 1934, as amended, or the Great Lakes Agreement, on a Sunday or national holiday, or during other than the established working hours on any other day, should be submitted on FCC Form 808 entitled "Application for and Certificate of Overtime Service Involving Inspection of Ship Radio Equipment." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter.

(d) Application for periodical inspection and certification of vessels subject to Part III of Title III of the Communications Act pursuant to section 385 thereof should be submitted on FCC Form 812 entitled "Application for Periodical Inspection (Communications Act, Title III, Part III)." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter).

33. The introductory text of § 1.928 is amended to read as follows:

**§ 1.928 Procedure with respect to applications for ship radio inspection or periodical survey.**

After the following applications are accepted for filing, the Engineer in Charge of the field office in which the application is submitted makes the necessary examination and issues the appropriate certification:

• • • • •

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

34. Section 2.103(a)(1) is amended to read as follows:

**§ 2.103 Government use of non-Government frequencies.**

(a) • • •

(1) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the Office of Telecommunications Policy (the more important of which are contained in subparagraphs (2), (3), and (4) of this paragraph).

• • • • •

## PART 97—AMATEUR RADIO SERVICE

35. Appendix 1 of the Appendices of Part 97 of the rules is revised to read as follows:

APPENDIX 1

EXAMINATION POINTS

Examinations for amateur radio operator licenses are conducted at the Commission's office in Washington, D.C., and at each field office of the Commission on the days designated by the Engineer in Charge of each office. Specific dates should be obtained from the Engineer in Charge of the nearest field office of the Commission.

Examinations are also given at prescribed intervals in the cities listed in the Commission's current Examination Schedule, copies of which are available from the Federal Communications Commission Regional Services Division, Washington, D.C. 20554, or from any one of the Commission's field offices listed in § 0.121.

[FR Doc.75-10131 Filed 4-17-75;8:45 am]

[Docket No. 19825; FCC 75-393]

## PART 73—RADIO BROADCAST SERVICES

### Dual-Language TV/FM Programing, Puerto Rico

In the matter of dual-language TV/FM programming in Puerto Rico.

1. On September 14, 1973, we released a notice of inquiry and proposed rule making in the above-captioned matter (FCC 73-951), which was duly published in the FEDERAL REGISTER on September 21, 1973 (38 FR 26464). Comment and reply dates, as extended, were December 7 and December 17, 1973, respectively.

2. The basic issue posed in this proceeding is whether, and to what extent, regular provision should be made in our rules to accommodate dual-language TV/FM programming in Puerto Rico, i.e., the telecasting of programs in one language with the simultaneous transmission, over the facilities of a participating FM broadcast station, of sound track translations (usually from Spanish into English) for the benefit of persons lacking comprehension of both languages. In recognition of Puerto Rico's uniqueness as an officially bilingual community—Title 1, section 51, L.P.R.A. (1965)—we indicated in the Notice that it was not our intention to consider at this time the possibility of such operations elsewhere.

3. On June 27, 1973, prior to the institution of rulemaking in this proceeding, we adopted a memorandum opinion and order extending the experimental authorization held by WAPA-TV Broadcasting Corporation (WAPA-TV) to engage, in conjunction with WPRM-FM, in dual-language operation in San Juan for periods not to exceed 10 hours per week pending outcome of rulemaking. 41 FCC 2d 960. At the same time, we deferred action, pending outcome of rulemaking, on WAPA-TV's companion proposal to extend its experimental operation into the Mayaguez and Ponce markets, as well as on a request by Ponce Television Corporation (WRIK-TV) to purchase time on WPRP-FM (Ponce), WQBS-FM (San Juan), and WORA-FM (Mayaguez) to provide a similar dual-language service in those communities.

4. A petition for partial reconsideration of the June 27 memorandum opinion and order was then filed by WRIK-TV, urging that "• • • comparable temporary authority be granted • • • so as to eliminate pro tanto the discrimination which otherwise is allowed to exist." In a responsive pleading, WAPA-TV waived any objection to the institution of dual-language programming by WRIK-TV on a Ponce FM station, but objected strongly to WRIK-TV's proposed use of a San Juan FM station "• • • until such time as a final decision is reached and WAPA-TV and other San Juan stations are entitled to serve Ponce and Mayaguez." There can be no final resolution of these matters outside the rulemaking process, which we now consider on its merits.

5. In the notice which initiated this proceeding, we alluded to certain questions which, we felt, bear on the ultimate question of whether the public interest would be served by regularizing dual-language TV/FM programming in Puerto Rico. For example, since persons tuned to the participating FM station do not receive a fully intelligible program without the companion video, a question arises as to whether the FM audio is "broadcasting" within the meaning of section 3(o) of the Communications Act, i.e., "• • • the dissemination of radio communications intended to be received by the public • • •" Moreover, what does dual-language programming portend for UHF channel 18 in San Juan, now vacant, in terms of inhibiting the possible establishment of a new source of English-language television in Puerto Rico? And, depending on how the service is sold, can it be squared with our policies concerning cross interests and joint rates and promotions? Finally, would the running translations be more appropriately distributed by means of TV or FM subcarrier multiplexing techniques, thereby avoiding the waste of spectrum space inherent in the use of FM stations' main channels for this purpose?

6. Comments in this proceeding were filed by or on behalf of the following parties: Commonwealth of Puerto Rico (Commonwealth); Ponce Television Corporation (WRIK-TV), licensee of television station WRIK-TV in Ponce; Suburban Broadcasting Corporation (Suburban), an applicant for UHF channel 18 in San Juan; Varian Associates (Varian), a manufacturer of communications equipment; Radio Station WKJB AM-FM, Inc. (WKJB-FM), licensee of FM station WKJB-FM in Mayaguez; WAPA-TV Broadcasting Corporation (WAPA-TV), licensee of television station WAPA-TV in San Juan; Libby's International, Inc. (Libby), a food products manufacturer in Puerto Rico; and Corporation for Public Broadcasting (CPA), a quasi-governmental corporation established in 1967 to foster the development of educational broadcasting.

7. *Position of the Commonwealth of Puerto Rico.* The views and requirements of the Commonwealth government are obviously central to our consideration of dual-language programming, particularly in light of the uniqueness of Puerto Rico as an officially bilingual community and the establishment, in 1973, of an ad hoc advisory group to maximize Puerto Rico self-government and self-determination within the Commonwealth framework. In strongly endorsing the concept of dual-language broadcasting, Commonwealth cites its policy of "• • • encouraging opportunities for all its citizens to use both languages," Approximately 60,000 (or 3 percent) of the residents of Puerto Rico, Commonwealth asserts, speak English as a first language, and some 920,000 more (for a total of 38 percent) speak English with varying degrees of fluency. Commonwealth also asserts that educational broadcasting in Puerto Rico, now in its infancy, is positioned to make frequent use of dual-language programming "• • • in order to dub educational programs originating in English into Spanish." Commonwealth recognizes, however, that the excessive carriage of translated material by commercial FM stations might at some point "• • • interfere with [their] ability to adequately serve the listening audience," and concludes that any regulations adopted in this proceeding "• • • should be framed so as to permit the FM stations to perform their basic broadcast functions." This could be accomplished, Commonwealth says, by the establishment of more lenient guidelines for educational dual-language broadcasting than for its commercial counterpart.

8. *Other respondents favoring the continuation or expansion of TV/FM dual-language programming in Puerto Rico.* Comments favorable to regularizing and expanding dual-language broadcasting were filed by WRIK-TV, Ponce; WKJB-FM, Mayaguez; WAPA-TV, San Juan; Libby's International, and Corporation for Public Broadcasting (CPB). Proponents' positions are summarized below.

9. As an applicant for experimental authority of the type currently held by WAPA-TV, WRIK-TV urges the prompt adoption of rules permitting unrestricted dual-language broadcasting in Puerto Rico. It observes that WRIK-TV, WAPA-TV, and WKAQ-TV all head island-wide networks featuring large amounts of programming dubbed into Spanish, and that it is unlikely that any future English-language station could compete for the programs involved. Thus, WRIK-TV contends, denial of dual-language broadcast authority would "• • • render inaccessible the best of mainland television," irrespective of whether or not an English-language UHF service is ultimately reinstated in San Juan. With respect to the propriety of cross-interests of the type implied by dual-language programming, WRIK-TV points out that local news and public affairs would not normally be involved, and that in any event, since dual-language program offerings are addressed to essentially different audiences, participating stations cannot be faulted on any legal basis as violating cross-interest policies. The same reasoning, WRIK-TV suggests, applies to the problem of combination rates which, should the practice develop," • • • would be most analogous to that currently permitted for AM/FM stations with duplicative programming and should be allowed." Finally, WRIK-TV cites the abundance of aural services in Puerto Rico, and concludes that "• • • the market place itself provides the most appropriate means for structuring this service."

10. Radio station WKJB-FM, Mayaguez, stresses the popularity of dual-language programming in Puerto Rico and its potential value in the western part of the island, where there is a large English-speaking community. It is also seen as an important revenue supplement to FM broadcasting in Puerto Rico which, WKJB-FM claims, is generally not self-supporting.

11. As a long-standing holder of experimental authorizations for dual-language programming, WAPA-TV strongly endorses the concept and urges its expansion, both territorially and with respect to allowable hours. It asserts that experiments with multiplexing English-language material on its aural TV signal have proved to be unsatisfactory from a technical standpoint, and that the use of an FM sub-carrier is impractical because of the high cost of decoding equipment which would have to be acquired by the public. Hammett and Edison, engineering consultants retained by WAPA-TV to explore other technical possibilities, suggest the use of either vacant FM educational channels or unused television channels as a means of distributing English-language translations of Spanish-language television programs. Assuming these alternatives to be unacceptable, WAPA-TV advocates continuation and enlargement of the present (FM main channel) mode of distributing English-language translations for the following reasons: (a) widespread popular support for this practice, as documented in papers filed with the Commission in 1970; (b) minimal impact on FM broadcast services, based on the abundance of FM facilities in Puerto Rico and the fact that dual-language programming occurs mainly at night, when television audiences are large and FM audiences are small; and (c) financial benefits for financially marginal FM stations resulting from time purchases by television stations and the expected stimulation of FM receiver sales. No time limits are recommended, but should one be imposed, WAPA-TV recommends a 20-hour weekly limit (exclusive of live sports) with all television stations on the island having equal access to the dual-language audience. Because English-language broadcasts are economically feasible only in Puerto Rico's three major markets, there is no need, WAPA-TV insists, to limit dual-language programming in areas having limited FM service. WAPA-TV flatly asserts that dual-language programming does not violate the multiple ownership rules, citing Telesanjuan, Inc. et al., 14 FCC 2d 210 (1968), in which we said:

> • • • It is true that WAPA-TV has the equivalent of two aural channels. Nevertheless, it is equally true that only one program is being offered, albeit in two aural versions. Such operation does not violate our multiple ownership rules.

Participating FM licensees, WAPA-TV points out, are free to refuse to broadcast any material deemed to disserve the public interest, from which it infers that no real question of abdication of ownership or control is involved. Conceding that the eventual reinstatement of an English-language service on UHF channel 18 in San Juan may be a meritorious objective, WAPA-TV again cites our 1968 decision in Telesanjuan, in which we concluded that the then-licensee of channel 18 had failed to translate its claim of economic injury into a documented showing of injury to the public interest. In this connection, WAPA-TV believes that dual-language programming actually works to increase the demand for English-language programs and, therefore, should help rather than hinder the reestablishment of all-English television programming in San Juan. Finally, and as it has from the beginning, WAPA-TV disclaims any profit motive in connection with dual-language broadcasting, citing the narrowly based English-speaking audience in Puerto Rico coupled with high built-in costs for the production of English-language versions of Spanish-language commercials.

12. Libby endorses TV/FM dual-language broadcasting, stating that its marketing experience in Puerto Rico demonstrates that this mode of operation offers the only efficient way of reaching both Spanish and English-speaking consumers. Dual-language programming is also strongly supported by the Corporation for Public Broadcasting, which urges that permanent provision be made in our rules for this mode of operation in Puerto Rico and, if feasible, throughout the United States.

13. Varian Associates, a manufacturer of transmitters used in the Instructional Television Fixed and the Multipoint Distribution services, addresses the problem of "• • • the waste of scarce spectrum space and deletion of otherwise independently available FM programming during the period of simultaneous dual-language operation • • •," and states that research conducted to date indicates a "• • • distinct possibility" that a usable TV multiplexing technique can be developed requiring no additional bandwidth occupancy by the originating television station. This would be accomplished, Varian says, by special modulation applied at the TV transmitter. Special circuitry installed in TV receivers





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would be necessary to decode the second

is both speculative and premature: As

whether such agreements, per se, violate



restricted the ruling to the specific facts

22. In addition to the television facili-

25. *It is further ordered,* That effec-

would be necessary to decode the second audio channel, which would not be detected by conventional receivers. However, no design particulars or decoder cost estimates are included, and Varian concedes that this development program "• • • is not at this point completed." Perhaps for this reason, Varian does not flatly oppose the regularization of the existing mode of dual-language broadcasting in Puerto Rico.

14. *Opposing views.* The only party affirmatively opposing TV/FM dual-language broadcasting, as presently practiced in Puerto Rico, is Suburban Broadcasting Corporation (Suburban), an applicant for UHF channel 18 (San Juan) which was vacated in 1972 because of the financial problems of the then-licensee (Telesanjuan). Suburban's application, tendered for filing in September 1973, specifies an all-English format "• • • to serve the unique needs of the English-language monolingual population in Puerto Rico." Its objection to dual-language programming is premised on the following arguments: (a) The Anglo component in the Puerto Rican society is, like other minorities, entitled to programming which will satisfy its needs and interests; (b) these needs and interests are not met by entertainment programs alone, but must also include local public affairs and other non-entertainment programming; (c) Suburban's advertising appeal (and hence its prospective financial viability) would be impaired by an expansion of dual-language programming, thereby compromising its ability to render balanced programming to the English-speaking audience; and (d) the purchase by Spanish-language television stations of both English and Spanish-language rights to syndicated programs and feature films denies access by Suburban to program sources which might otherwise be available to it, thus "• • • further minimizing channel 18's • • • prospects for survival." On the broader issues posed by this proceeding, Suburban asserts that existing rules "• • • preclude privity between non-commonly owned AM and FM stations," and that therefore the joint promotion of TV/FM dual-language programming would be objectionable in principle. Finally, Suburban says that to condone the transmission of semi-intelligible (TV sound track) programming on FM broadcast channels might open the FM broadcast band to "• • • fleet taxi operators" and other uses unrelated to broadcasting.

15. *Analysis and conclusions.* Addressing ourselves first to Suburban's objections to TV/FM dual-language programming, it is apparent that Suburban has failed, as did Telesanjuan before it, to quantify its claims that this mode of programming constitutes a potentially fatal threat to the economic survival of an all-English format on channel 18 in San Juan. On the contrary, and as urged by WAPA-TV, dual-language programming may well stimulate rather than retard, the demand for English-language programming in Puerto Rico. In short, Suburban's economic argument is both speculative and premature: As a mere applicant, it is unable to show direct economic injury of a type that could be dispositive in this proceeding. Moreover, even if this showing could be made, Suburban would, as a prospective licensee, be free to reassess its situation and switch to Spanish-language programming on the basis of written justification and without the prior approval of this agency. In view of these considerations, it is neither realistic nor in the public interest to require that a protective shield be thrown around the Suburban application based on the twin assumptions that (a) its application will be granted, and (b) that it will forever thereafter provide an all-English television program service. In addition, the grade B service contour predicted by Suburban fails to reach the important English-speaking communities in Mayaguez and western Puerto Rico. It follows that Suburban's proposed all-English service does not offer a true alternative to island-wide dual-language programming. Nor can Suburban validly assert that dual-language programming would discriminate against an all-English operation, since the dual-language principle could be utilized by Suburban in reverse; i.e., it would, under any rational set of dual-language groundrules, be able to purchase time on an FM broadcast station to carry Spanish-language sound tracks of English-language video material. Suburban's assessment of its limited financial ability to purchase syndicated programs and feature films vis-a-vis WAPA-TV and other Spanish-language stations seems to imply that market forces cannot be trusted, and will work against the public interest unless Suburban is given an artificial prop in the form of immunity from competition in acquiring and exhibiting an English-language product in Puerto Rico. We reject this argument as unsupported on the record before us.

16. Apart from what it conceives to be its own economic dilemma, Suburban raises two broadly based objections to dual-language programming: (a) Violation of Commission policies with respect to combination rates and joint promotion, and (b) the prospect that FM broadcast services in Puerto Rico will be degraded by the carriage of semi-intelligible material for long time segments during the broadcast day. With respect to combination rates and joint promotion, the mechanics of dual-language broadcasting, as outlined by WAPA-TV, consist of the purchase of time by a Spanish-language television station from an FM broadcast licensee, with the television licensee handling the acquisition of program material, program promotion, and the translation and packaging of commercial matter. Under section 1.613(d) of our rules, time brokerage agreements must be reduced to writing and retained for possible inspection by Commission representatives. Presumably, WAPA-TV is already complying with this requirement. Thus, the question becomes one of whether such agreements, per se, violate our policies concerning combination rates and joint promotion.

17. We have not heretofore considered this question, nor does it appear that the proposed use of two separately owned broadcast stations to present dual-language programming infringes our policy against combination rates in the ordinary sense.[1] The proposed arrangement involves the purchase of time on an FM station by a TV station, which is a time brokerage arrangement more directly involving the Commission's cross-interest policy promulgated under the duopoly rules. It may be acknowledged that the same principle underlies both the cross-interest policy and the combination rate policy, i.e., that full competition must be maintained between independent broadcasting stations.

18. On a previous occasion, we considered a time brokerage arrangement between two independent stations serving substantially the same area where, as here, there was simultaneous use of the two stations. See Declaratory Ruling to Station WWSM, Bay Minette, Alabama, 31 FCC 2d 584 (1971). In WWSM an AM station for several years had carried the predominately white Baldwin County High School (Baldwin) games which were of great interest to Bay Minette listeners. Subsequently, the station changed to an "ethnic" format to serve a large segment of black citizens. Thereafter, the black citizens requested the station to broadcast the predominantly black Blount High School (Blount) games. Both the Baldwin and the Blount games were played at night at about the same time. So that the station might serve both interests, it proposed to purchase 2½ hours of time weekly on a nearby FM station, the 1 mV/m contour of which completely encompassed Bay Minette. Station WWSM would then broadcast the Blount games on WWSM in keeping with its ethnic format, and broadcast the Baldwin games on the FM station to serve its city of license. The details of the operation, as set forth in the ruling, disclosed that the AM station would sell the FM time periods to Bay Minette sponsors, the AM station would feed the program to the FM station, the AM station would not be mentioned on the FM broadcasts, and the FM station would make its own station identification. On these facts, we ruled that the time brokerage proposal did not violate the duopoly rules or the cross-interest policy promulgated thereunder. The factors which influenced the ruling in WWSM bear much similarity to dual-language broadcasting, in that need for simultaneous programming exists and the public is served thereby. It should be noted that in WWSM, we

[1] The pending rule making proceeding in Docket No. 19789 regarding combination rates and other joint sales practices does not expressly deal with time brokerage arrangements between broadcast stations.





restricted the ruling to the specific facts of the proposal.

19. In view of the conclusions set out in paragraph 22, infra, we find that to the extent our cross-interest policy is a factor in this proceeding, it must be subordinated to the larger objectives of TV/FM dual-language broadcasting in Puerto Rico.

21. There are two noncommercial educational and seven commercial television stations operating in Puerto Rico, all of which are assigned to communities in or near the island's three principal population centers: The San Juan-Caguas SMSA in northeastern Puerto Rico (four stations); the Ponce SMSA on the southern coast (two stations); and the Mayaguez SMSA in western Puerto Rico (three stations), the latter devoting considerable air time to the rebroadcast of programming originated by WAPA-TV and WRIK-TV. Whether these SMSA's are in fact separate television "markets" is one of the issues under consideration in another rulemaking proceeding (Docket No. 19974). This need not concern us, however, in passing on the merits of dual-language programming in Puerto Rico. Of greater concern, in light of informal comments received from cable subscribers in Puerto Rico, is the effect of dual-language programming on CATV syndication protection, and specifically whether the regularization of dual-language programming might adversely affect the cable distribution of English-language programming originating in the Virgin Islands or the acquisition, by cable operators in Puerto Rico, of syndicated English-language film features. While these questions were not addressed by the cable industry in this proceeding, the import of the informal comments (all untimely filed) appears to be that once Puerto Rico broadcast stations commence extended dual-language broadcasting, cable systems would be prohibited, by contractual exclusivity rights, from purchasing English-language programming for cablecast use and, by the syndicated program exclusivity rules (§ 76.151 et seq.), from carrying English-language programming broadcast by stations in the Virgin Islands. While we are appreciative of the concern of those requesting that they not be deprived of programming in the English language that would otherwise be available to them on the cable television system, we do not believe it appropriate to try to resolve these matters in this proceeding. These are matters which have been considered and are still under consideration in specific cable television certificate of compliance applications. See Cable Television Company of P.R., FCC 74-497, ---- FCC 2d ---- (1974); reconsidered in part FCC 74-1096, ---- FCC 2d ---- (1974); reconsideration petitions pending. In any event, we do not believe it appropriate to give greater weight to whatever difficulties the cable system may experience as the result of dual-language broadcasts than to the benefits which such broadcasts offer to the public as a whole. As in the past, these difficulties will be dealt with on an ad hoc basis in response to specific proposals.

22. In addition to the television facilities described above, there are 33 FM broadcast stations in Puerto Rico, including eight in San Juan, three in Ponce, and four in Mayaguez. The relative abundance of FM stations in or near the population centers where dual-language broadcasting is apt to be attempted leads to the conclusion that a limited amount of TV/FM dual-language programming can be accommodated without substantial effect on existing FM program services. In light of the comments filed in this proceeding, we conclude that TV/FM dual-language programming serves the unique bilingual requirements of the Puerto Rican society, and that it should be available to television broadcast licensees throughout the island on an equal footing. We also find that reliance on multiplex transmission techniques involving the purchase of special decoding receivers would deprive low and middle-income viewers of the benefits of dual-language broadcasting and, even assuming it to be technically feasible in the present state of the art, cannot be justified in the public interest. On the other hand, we share the concern, expressed by Suburban, that an uncontrolled expansion of dual-language broadcasting in Puerto Rico might, in some circumstances, deprive the FM listener of the program diversity to which he is entitled as a matter of Commission policy. Therefore, the rules adopted herein place a limit of fifteen (15) hours per week, applicable both to television broadcast stations and to participating FM broadcast stations, as the amount of time which may be devoted to dual-language programming, with no more than three (3) hours of such programming being carried on any given day. The 15-hour formula should also be sufficient to accommodate the existing and foreseeable needs of educational broadcasting in Puerto Rico. However, in response to the views expressed by the Commonwealth of Puerto Rico, we stand ready to reconsider this limitation as the requirements of educational broadcasting in Puerto Rico become more sharply defined. In the meantime, the two noncommercial educational television stations licensed to the Commonwealth's Department of Education will be free to originate dual-language programming in conjunction with noncommercial educational FM stations in San Juan and Ponce and, in addition, to enter into dual-language affiliation arrangements with commercial FM broadcast stations with the understanding that the entire operation be conducted within the noncommercial and other constraints set forth in § 73.621 of our rules.

23. Authority for the adoption of this report and order is contained in sections 4(i), 303(b), 303(g), 303(r), and 313(a) of the Communications Act of 1934, as amended.

24. *Accordingly, it is ordered,* That WRIK-TV's Petition for Partial Reconsideration filed August 16, 1973, is dismissed as moot, together with WAPA-TV's responsive pleading of August 30, 1973, and all related pleadings addressed to our Memorandum Opinion and Order of June 27, 1973 (41 FCC 2d 960).

25. *It is further ordered,* That effective May 19, 1975, a new rule (§ 73.1210) is added as set forth below.

26. *It is further ordered,* That proceedings in Docket No. 19825 are hereby terminated.

(Secs. 4, 303, 313, 48 Stat., as amended, 1066, 1082, 1087; (47 CFR 154, 303, 313))

Adopted: April 1, 1975.

Released: April 14, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

Part 73 of Chapter 1, Title 47, Code of Federal Regulations, is amended as follows:

Section 73.1210 is added to read as follows:

**§ 73.1210 TV/FM dual-language broadcasting in Puerto Rico.**

(a) For the purpose of this section, dual-language broadcasting shall be understood to mean the telecasting of a program in one language with the simultaneous transmission, on the main channel of a participating FM broadcast station, of companion sound track information in a different language.

(b) Television broadcast licensees in Puerto Rico may enter into dual-language time purchase agreements with FM broadcast licensees, subject to the following conditions:

(1) All such agreements shall be reduced to writing and retained by the licensee for possible Commission inspection, in accordance with § 1.613(d) of this chapter.

(2) All such agreements shall specify that the FM licensee will monitor sound track material with a view to rejecting any material deemed to be inappropriate or objectionable for broadcast exposure.

(3) No television or FM broadcast station may devote more than 15 hours per week to dual-language broadcasting, nor may more than three (3) hours of such programming be presented on any given day.

(4) The program logs of participating stations shall clearly reflect all time segments within which dual-language programming is presented.

(5) Noncommercial educational television broadcast stations using the facilities of commercial broadcast stations shall take all necessary precautions to assure that the entire operation is conducted on a noncommercial basis and otherwise in accordance with § 73.621 of this part.

[FR Doc.75-10130 Filed 4-17-75;8:45 am]

## PART 73—RADIO BROADCAST SERVICES

[Docket No. 20017 RM-2093; FCC 75-395]

### FM Broadcast Stations, Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Healdsburg, California)

1. The Commission has before it for consideration the Notice of Proposed







5. Comments were received from both complishing the channel change,' and ify operation on Channel 215 in lieu of

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Rule Making adopted April 10, 1974 (39 FR 14227) proposing that the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) be amended by assigning Channel 225 to Healdsburg, California, and by substituting Channel 288A for unoccupied Channel 224A at Willows, California. The commenting parties are—petitioner, Wallace Heusser (Heusser); Redwood Empire Stereocasters (Redwood), licensee of KZST-FM, Santa Rosa, California; and KVRE, Inc., licensee of KVRE-AM and KVRE-FM, Santa Rosa, California.

2. Healdsburg, California, population 5,438,[1] is located 70 miles north of San Francisco in Sonoma County, population 204,885. Healdsburg has no local broadcast facility. Sonoma County is served by three FM stations operating at Santa Rosa, population 50,006, about 15 miles southeast of Healdsburg, California—Stations KZST-FM, Channel 261A, KVRE-FM, Channel 257A and KBBF-FM, educational Channel 206.

3. Petitioner urges that Channel 225 be assigned to Healdsburg in order to provide aural broadcast service to a large part of Sonoma County and the surrounding counties. The area is predominantly rural with mountainous terrain. Petitioner proposes a Class B assignment in order to provide a first FM service to 33,121 persons in an area of 1,800 square miles. Petitioner Heusser reaffirmed his intention to apply for a construction permit if the channel is assigned and to build the station promptly if he is granted authorization.

4. Redwood, licensee of KZST-FM, Santa Rosa, claims that Healdsburg is already served by its station's 1 mV/m coverage. Redwood disputes petitioner's population data for the rural areas proposed to be served, the predicted growth of that region, the need for another FM station in Sonoma County and the extent of the proposed first service area. Redwood's primary concern, however, appears to be the economic consequences that a new FM station with wide area coverage would pose to his station. A similar concern is expressed by KVRE, Inc., licensee of KVRE-FM, Santa Rosa, which also believes that Healdsburg is adequately served.

5. As petitioner correctly points out in his comments, the issue is whether a need for an FM station at Healdsburg, California, has been shown. The fact that signals are received in Healdsburg from other nearby stations does not diminish petitioner's showing of a large first FM service area. Moreover, any allegations as to economic impact which a Healdsburg channel assignment would have on a Santa Rosa station should be raised as a Carroll issue at the application stage.[2]

6. The Notice requested that petitioner submit the following: a more exact Roanoke Rapids, 9 FCC 2d 672 (1967), showing; information as to whether a Class A channel was available for assignment to Healdsburg; whether petitioner would be willing to apply for it if assigned; and the extent of a first service area if a Class A assignment were made.

7. In his comments, petitioner failed to express any intention to apply for a Class A channel if assigned, noting instead that a Class A station operating from the proposed site [3] would be incapable of providing a city grade signal to Healdsburg. Moreover, it was shown that a Class A station would provide a first FM service to 9,095 persons in an area of 480 square miles.

8. We believe that the proposed first FM service area is sufficient to demonstrate a need for a Class B channel. In addition, we note that such an assignment would bring Healdsburg its first local aural service. Remarks in opposition to the assignment have been unpersuasive. Since we have determined that a Class B assignment is technically feasible and the proposed transmitter would be located at a site which would alleviate any possible short-spacing, it is in the public interest to make the proposed assignment. Although it will be necessary to substitute Channel 288A for 224A at Willows, California, that channel is unoccupied and unapplied for and the substitution can be made consistent with our minimum mileage separation requirements.

9. Accordingly, in view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended, *It is ordered*, That effective May 19, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, is amended, as concerns Healdsburg, California and Willows, California, to read as follows:

| City: | Channel No. |
|---|---|
| Healdsburg, Calif | 225 |
| Willows, Calif | 288A |

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: April 1, 1975.

Released: April 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10141 Filed 4-17-75;8:45 am]

[1] Population figures are taken from the 1970 U.S. Census.

[2] Carroll Broadcasting Co. v. F.C.C. 258 F. 2d 440 (D.C. Cir. 1958).

[3] Petitioner proposes to construct his station 9 miles to the northeast in order to avoid short-spacing.

[Docket No. 20178; RM-2185; FCC 75-397]

## PART 73—RADIO BROADCAST SERVICES

### Table of Assignments, FM Broadcast Stations: Mauston, Wisconsin

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Mauston, Wisconsin).

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted August 29, 1974 (39 F.R. 33013), inviting comments on a proposal to assign Channel 221A to Mauston, Wisconsin, as a first FM assignment to the community. In order to make the assignment, Station WHRM, Wausau, Wisconsin, licensed to the State of Wisconsin Educational Communications Board (ECB) and presently operating on Channel 220, would be required to change its channel of operation to Channel 215.

2. This proceeding was instituted following the receipt of a petition filed by George S. Blum (Blum), licensee of daytime-only AM station WRJC in Mauston. Thereafter, a period of negotiation by correspondence ensued between Blum, ECB, and their representatives. Summarizing that correspondence (copies of which were provided to the Commission), Blum and ECB agreed that ECB would request modification of the license to operate WHRM, Wausau, Wisconsin, by specifying Channel 215 rather than Channel 220 as its assigned frequency. In return, Blum agreed to reimburse ECB for the reasonable expenses incurred in making the change in an amount not to exceed two-thousand, five-hundred dollars. The agreement was made contingent upon both Commission approval and the subsequent assignment of Channel 221A to Blum as licensee.

3. On August 28, 1974, ECB, in a letter to the Commission, reaffirmed its initial willingness to accommodate the Blum proposal, but noted that a recent engineering study disclosed the existence of an interference overlap in the proposed WHRM operation on Channel 215 which would violate § 1.573 (Note 1) (a) (2) (iii) of the Commission's rules and regulations. Specifically, the engineering report submitted by ECB described a potential interference involving overlap of the WLFM 1 mV/m contour of 1.289 miles by the WHRM interfering contour, creating an infringement upon the service contour of WLFM, Appleton, Wisconsin, operating on Channel 216.

4. In reply, Blum submitted a further engineering study which admitted the existence of the overlap, but categorized it as "extremely minimal." The study asserted the overlap involved three-tenths of one mile and attributed the variance in overlap descriptions to differing visual interpretations of the Commission's F (50,10) chart.





5. Comments were received from both parties following the adoption of the notice of proposed rule making. ECB, citing the Commission's determination in the notice that the interference problem was de minimus, stated it would no longer litigate that issue. Further, ECB indicated that it would abide by its previous offer to consent, asking only that the required modification be permitted to occur simultaneously with the construction of Channel 20 ETV facilities in Wausau.[1] ECB justified the request by explaining that the simultaneous installation would assist in minimizing both the costs and the difficulties associated with the Channel 215 changeover. Blum replied by reiterating the contents of the petition, affirming an intent to honor the modification-reimbursement agreement with ECB, and expressing concern over the effect of possible delays in the construction of the Channel 20 tower facility.

6. Mauston, Wisconsin, has a population of 3,446 and is the seat of Juneau County (population 18,455).[2] Local aural service is provided by daytime-only AM station WRJC. Neither Mauston nor Juneau County have a daily newspaper.

7. After careful review of the pertinent facts before us, we find that adoption of the proposed rule would be in the public interest. In reaching our decision, primary consideration was given to the fact that this proposal represents a first FM assignment to a small and isolated community presently without a full-time aural service. Our action in this matter conforms to the pertinent portions of our previously stated "Policy to Govern Requests for Additional FM Assignments." [3]

8. Considerable attention was devoted by the parties to the matter of "reimbursement" and its application in this proceeding. Our policy is that if, as here, a channel of an operating station must be changed in order to make possible another assignment in the table, the party benefitting from the assignment must reimburse the operating station for reasonable expenses in connection with the change. The concept is equitable in nature,[4] and is not codified in either the Communications Act of 1934, as amended, or the Commission's rules and regulations.[5] The reimbursement comes not from the party who successfully petitions the Commission for a channel assignment, but from a party who ultimately becomes the permittee or licensee of the station on that channel.[6] Pursuant to our policy, ECB should be reimbursed for the reasonable costs incurred in accomplishing the channel change,[7] and that reimbursement should come from whoever is granted the construction permit for the new Mauston assignment. Should Blum apply for and be granted a construction permit for operation of a station on Channel 221A, we would expect both Blum and ECB to consummate their earlier agreement as described above.

9. The final consideration involved the interference overlap discussed in paragraphs 3 and 4. Though the proposed reassignment of WHRM complies with the minimum separation requirements,[8] it does conflict with Note 1(a)(2)(iii) of § 1.573,[9] which sets forth signal interference restrictions applicable to noncommercial FM channels. ECB alleges the contours overlap to be approximately 1.3 miles. Blum places the amount of overlap at 0.3 mile, adding that only 255 people are projected as residents of that area. Accepting the interference infringement at its highest level, the earlier characterization of the interference area as de minimus remains accurate. The potential interference involving a station operating on Channel 215 is not of such a nature as to bar the greater public interest of providing both a community and a county with its first full-time local aural service on Channel 221. Our action in this proceeding, however, is not to be construed as precedent for future petitions where additional interference overlaps may be present.

10. In view of the above, we find that the public interest, convenience, and necessity would be served by assigning Channel 221A to Mauston, Wisconsin, as a first FM assignment to the community, and ordering noncommercial educational broadcast station WHRM, Wausau, Wisconsin, to change its channel of operation from Channel 220 to Channel 215.

11. *Accordingly, it is ordered*, that effective May 19, 1975, the FM Table of Assignments (section 73.202(b) of the Commission's rules and regulations) is amended to read as follows:

| City: | Channel No. |
|---|---|
| Mauston, Wis | 221A |

12. *It is further ordered*, That effective May 19, 1975, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of the State of Wisconsin Educational Communications Board for Station WHRM, Wausau, Wisconsin, is modified, to specify operation on Channel 215 in lieu of Channel 220, subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than June 9, 1975, of its acceptance of the terms of this modification;

(b) Station WHRM, Wausau, Wisconsin, MAY CONTINUE TO OPERATE on Channel 220 until December 1, 1976 [10] or 45 days after the grant of an application for a station on Channel 221A at Mauston, Wisconsin, whichever is later (assuming renewal of the WHRM license); or the licensee thereof may apply for temporary authority to operate on Channel 215 prior to December 1, 1976, subject to the following conditions:

(1) At least 30 days before operation on Channel 215, the licensee of Station WHRM shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 215;

(2) At least 10 days prior to commencing operation on Channel 215, the licensee of Station WHRM shall submit measurement data required of an applicant for an FM station license; and

(3) The licensee of Station WHRM shall not commence operation on Channel 215 without prior Commission authorization.

(c) If the licensee of WHRM requests and is granted authorization to operate on Channel 215 prior to termination of its license authorization, the Commission will view such request as a relinquishment of Channel 220 and a waiver of any rights it may have with regard to that channel.

13. *It is further ordered*, that the Secretary of the Commission IS DIRECTED to send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to the State of Wisconsin Educational Communications Board, licensee of Station WHRM.

14. Authority for the actions taken here is found in Sections 4(i), 303 (g) and (r), 307(b), and 316(a) of the Communications Act of 1934, as amended.

15. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1088; sec. 12, 66 Stat. 717; 47 U.S.C 154, 303, 307, 316))

Adopted: April 1, 1975.

Released: April 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10133 Filed 4-17-75;8:45 am]

[1] On April 24, 1973, ECB applied for a construction permit to operate a noncommercial educational television station on Channel 20 in Wausau, Wisconsin (BPET-456). That application was granted on January 22, 1975. The ETV antenna would be mounted on an antenna tower located on Rib Mountain near Wausau. WHRM proposes to side-mount a transmitting antenna for operation on Channel 215 during the construction of a Rib Mountain tower.

[2] Population figures cited from 1970 Census.

[3] 8 F.C.C. 2d 79 (1967).

[4] Lake City, S.C., 47 F.C.C. 2d 1067 at 1079.

[5] Ibid.

[6] Ibid. See also Circleville, Ohio, 8 F.C.C. 2d 149 (1967) at 163.

[7] Reimbursement should, however, be limited to those costs incurred had WHRM remained at its present facility. The permittee should not be burdened by ECB's coincidental decision to relocate its transmitting antenna at the Rib Mountain site.

[8] Section 73.504(g).

[9] Section 1.573 (Note 1(a)(2)(iii)) reads: "Objectionable interference will be considered to exist where, on the basis of curves referred to in this subparagraph, the undesired signal of a co-channel signal exceeds one-tenth of the desired signal, the undesired signal of a station 200 kHz removed exceeds one-half of the desired signal, the undesired signal of a station 400 kHz removed exceeds 10 times the desired signal, or the undesired signal of a station 600 kHz removed exceeds 100 times the desired signal."

[10] WHRM's license for operation on Channel 220 expires on December 1, 1976.



### Title 50—Wildlife and Fisheries

### CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

### PART 28—PUBLIC ACCESS, USE, AND RECREATION

#### Back Bay National Wildlife Refuge, Virginia

*Correction*

In FR Doc. 75-6904, appearing at page 12090 in the issue for Monday, March 17, 1975, the words in the heading reading "Black Bay National Wildlife Refuge" should read, "Back Bay National Wildlife Refuge".



### Title 31—Money and Finance: Treasury



## proposed rules

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Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

### Imposition of Blocking Controls on Cambodia

The Foreign Assets Control Regulations are being amended to add Cambodia to the schedule of designated countries in § 500.201(d). At the same time, § 500.322(a)(5) is being amended to remove Cambodia from the list of countries included in the term "authorized trade territory".

**§ 500.201 [Amended]**

Section 500.201(d) is amended to read:

• • • • •

(d) The term "designated foreign country means a foreign country in the following schedule and the term "effective date" and the term "effective date of this section" means with respect to any designated foreign country, or any national thereof, 12:01 a.m., eastern standard time, of the date specified in the following schedule:

SCHEDULE

COUNTRY AND EFFECTIVE DATE

1. China: December 17, 1950.
2. North Korea, i.e., Korea north of the 38th parallel of north latitude: December 17, 1950.
3. North Viet-Nam, i.e., Viet-Nam north of the 17th parallel of north latitude: May 5, 1964.
4. Cambodia: April 17, 1975.

**§ 500.322 [Amended]**

Section 500.322(a)(5) is amended to read:

(a)(5) Afghanistan, Bhutan, Malaysia, Burma, Ceylon, Taiwan, Hong Kong, India, Iran, Iraq, Israel, Japan, Jordan, Kuwait, Laos, Lebanon, Macao, Muscat, and Oman, Nepal, Pakistan, Saudi Arabia, South Korea, Syrian Arab Republic, Thailand, South Viet-Nam, and Yemen:

• • • • •

[SEAL] STANLEY L. SOMMERFIELD,
*Acting Director, Office of Foreign Assets Control.*

[FR Doc.75-10443 Filed 4-17-75;1:46 pm]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[50 CFR Part 20]

### MIGRATORY BIRDS

### Puerto Rico, Virgin Islands; Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This notice is the first in a series of proposed rule making notices relating to the establishment of migratory bird hunting regulations for the United States for the 1975–76 season, and deals specifically with amendments affecting Puerto Rico and the Virgin Islands. Additional proposals will be published in the FEDERAL REGISTER for other migratory game bird hunting regulations as information becomes available, and public comment will be solicited. However, because of the late date at which necessary data becomes available, it is anticipated that the comment periods on hunting regulation frameworks pertaining to shore and upland migratory game birds and waterfowl will necessarily be abbreviated.

Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments are proposed to specify open season dates, certain closed seasons, shooting hours, and bag and possession limits for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico, and for Zenaida doves and scaly-naped pigeons in the Virgin Islands, and are proposed to be published in the FEDERAL REGISTER for final adoption no later than July 1, 1975, to become effective on or about August 1, 1975.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. In this connection, a draft environmental impact statement regarding the issuance of annual regulations permitting the sport hunting of migratory birds has been available since February 11, 1975 (40 FR 6381, February 11, 1975) with a comment period open until April 14, 1975. Public hearings for comments on the draft EIS were also held during March in accordance with the published schedule (40 FR 6516, February 12, 1975). The EIS is scheduled to be published in final form on July 1, 1975.

The Director's final promulgation of migratory bird hunting regulations for Puerto Rico and the Virgin Islands for the 1975–76 season will take into consideration the comments and testimony he receives. Comments, testimony, and any additional information received may lead the Director to adopt final regulations that differ from the proposed frameworks contained herein.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All relevant comments received no later than May 18, 1975, will be considered.

As part of the regulatory process leading to final rule making, general hunting season frameworks are proposed to the Puerto Rico Department of Natural Resources and the Virgin Islands Department of Conservation and Cultural Affairs from which they may select open season dates. The frameworks, setting forth the species to be hunted, the bag and possession limits, the shooting hours, the season length, the earliest opening and latest closing season dates, and special closures, are proposed to read as follows:

PROPOSED FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN PUERTO RICO, 1975–76

(all dates inclusive)

DOVES AND PIGEONS

An open season of sixty (60) days between August 15, 1975, and January 15, 1976, may be selected for hunting Zenaida, mourning, and white-winged doves, and scaly-naped and white-crowned pigeons in Puerto Rico.

The daily bag and possession limit for doves of the species named herein is ten (10) singly or in the aggregate.

The daily bag and possession limit for pigeons of the species named herein is five (5) singly or in the aggregate.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

No open season is prescribed for pigeons on Mona Island in order to give the rapidly declining white-crowned pigeon (*Columba leucocephala*) population there a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island and in those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest property line whether private or public lands.

SPECIAL CLOSURE FOR PROTECTION OF THE PLAIN PIGEON

The hunting of doves and pigeons of any species is prohibited in the Municipality of Cidra, Puerto Rico, said Municipality being composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto.

The purpose of this closure is to protect the Puerto Rican plain pigeon, locally known as Paloma Sabanero, which is known to be present in the Cidra area in small numbers and which is listed presently as an endangered species.

DUCKS, COOTS, GALLINULES, AND SNIPE

An open season of fifty-five (55) consecutive days from December 1, 1975, to January 31, 1976, may be selected for hunting ducks, coots, gallinules, and Wilson's snipe.

The limit for ducks is 4 daily and 8 in possession.

The limit for coots is 6 daily and 12 in possession.

The limit for gallinules is 6 daily and 12 in possession.

The limit for Wilson's snipe is 6 daily and 12 in possession.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

The season on Bahama pintail is closed by Commonwealth law.

PROPOSED FRAMEWORK FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN THE VIRGIN ISLANDS, 1975–76

(all dates inclusive)

DOVES AND PIGEONS

An open season of sixty (60) days between August 1, 1975, and January 15, 1976, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

The daily bag and possession limits are ten (10) Zenaida doves and five (5) scaly-naped pigeons.

Shooting hours may extend from one-half hour before sunrise until sunset daily.



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No open season is prescribed for waterfowl, ground or quail doves, or other

A new short form of contract, REA Form 245 Engineering Services Contract

Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.



vision, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort

communications received on or before May 19, 1975, will be considered before

signal system components located on or near track and track structures. The

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

LOCAL NAMES FOR GAME BIRDS

Zenaidi dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Perdiz, Barbary dove (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaly pigeon.

This notice of proposed rule making is issued under the authority of the Migratory Bird Treaty Act (16 U.S.C. 704).

Dated: April 15, 1975.

LYNN A. GREENWALT,
*Director, U.S. Fish and Wildlife Service.*

[FR Doc.75-10237 Filed 4-17-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

### [ 7 CFR Part 1701 ]

### INSPECTION AND APPROVAL OF WORK ORDER AND LINE EXTENSION CONTRACT CONSTRUCTION

### Changes in Requirements

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revised REA Bulletin 341-3, Engineering and Architectural Services and REA Bulletin 382-2, Construction of Telephone System Improvements and Extensions by Work Order or Line Extension Contract, to require REA telephone borrowers, who have 3000 or more subscribers, or are affiliated with companies whose total number of subscribers is 3000 or more, to have construction work which is done under the work order procedure or by the line extension contract method, inspected and certified to by a qualified licensed engineer or by a qualified engineer on the borrower's staff, where the borrower has been given REA approval to perform force account engineering (hereinafter called the borrower's staff engineer). Borrowers not in the 3000 subscribers and above category may also, if they so elect, have this type of construction inspected by a licensed engineer or the borrower's staff engineer.

Where these services are performed by a licensed engineer or the borrower's staff engineer, the inspection and certification will replace the inspection and approval by the REA field engineer as a prerequisite to approval of advance of REA loan funds to finance such construction. REA field engineers will continue to inspect and approve work order and line extension contract construction following present procedures, for telephone borrowers not required to employ an engineer for this purpose. REA field engineers will also inspect such construction for all new borrowers for approximately one year following completion of their initial systems while the work order procedures are being established.

A new short form of contract, REA Form 245, Engineering Services Contract for Special Services, has been developed, which REA borrowers may use to obtain this inspection service from consulting engineers. The contract is not subject to REA approval.

Copies of the revised bulletins and contract form may be secured in person or by written request from the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Persons interested in the revised bulletins and the new contract form may submit written data, views or comments to the Director, Telephone Operations and Standards Division, on or before May 19, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

Dated: April 14, 1975.

C. R. BALLARD,
*Assistant Administrator, Telephone.*

[FR Doc.75-10224 Filed 4-17-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### [ 14 CFR Part 71 ]

[Airspace Docket 75-RM-11]

### ALTERATION OF CONTROL ZONE AND TRANSITION AREA

### Proposed Rule Making

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Rock Springs, Wyoming.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before May 19, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

New IFR procedures have been developed for Rock Springs-Sweetwater County Airport, Rock Springs, Wyoming. Revised procedures include development of a back course ILS approach, new transition routes and use of radar vectors to the final approach course. Controlled airspace is required to protect aircraft conducting these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (40 FR 354) the description of the Rock Springs, Wyoming, control zone is amended to read:

ROCK SPRINGS, WYOMING

Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N, longitude 109°04'00" W); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5-mile radius zone to 9 miles east of the Thayer LOM (latitude 41°35'49" N, longitude 108°58'09" W); within 3.5 miles each side of the Rock Springs VORTAC 102° radial, extending from the 5.5-mile radius zone to 11.5 miles east of the VORTAC, and within 3 miles each side of the Rock Springs VORTAC 271° radial, extending from the 5.5-mile radius zone to 17.5 miles west of the VORTAC.

In § 71.181 (40 FR 441) the description of the Rock Springs, Wyoming, transition area is amended to read:

ROCK SPRINGS, WYOMING

That airspace extending upward from 700 feet above the surface within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from the Thayer LOM (latitude 41°35'49" N, longitude 108°58'09" W), extending from 8 miles west to 18.5 miles east of the LOM; within 1 mile north and 6 miles south of the Rock Springs VORTAC 102° radial, extending from the VORTAC to 18.5 miles east of the VORTAC; and that airspace extending upward from 1200 feet above the surface within a 23-mile radius of the Rock Springs VORTAC and within 4.5 miles each side of the Rock Springs VORTAC 117° radial extending from the 23-mile radius circle to 35 miles southeast of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on April 18, 1975.

M. M. MARTIN,
*Director, Rocky Mountain Region.*

[FR Doc.75-10109 Filed 4-17-75;8:45 am]

### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-SW-23]

### ALTERATION OF TRANSITION AREA

### Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Duncan, Okla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 19, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

A new standard instrument approach procedure has been developed for the Gratiot Community Airport, Alma, Michigan. Accordingly, it is necessary to alter the Alma transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In Section 71.181 (40 FR 441), the following transition area is amended to read:

ALMA, MICHIGAN

That airspace extending upward from 700 feet above the surface within 6.5-mile radius of Gratiot Community Airport (Latitude 43°-19'15" N., Longitude 84°41'12" W.); within 4 miles either side of a 267° bearing from Gratiot Community Airport extending from the 6.5-mile radius area to 15 miles west of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Des Plaines, Illinois, on March 31, 1975.

R. O. ZIEGLER,
*Acting Director, Great Lakes Region.*

[FR Doc.75-10108 Filed 4-17-75;8:45 am]

### Federal Railroad Administration

### [ 49 CFR Ch. II ]

[Docket No. RSOR-4, Notice 1]

### PROTECTON OF RAILROAD MAINTENANCE-OF-WAY-AND-STRUCTURE EMPLOYEES

### Advance Notice of Proposed Rulemaking

The Federal Railroad Administration (FRA) is studying possible courses of action with respect to the development of safety regulations which would require railroads to take certain protective measures to prevent rail equipment from striking railroad maintenance-of-way-and-structure (M. W. & S.) employees engaged in the servicing, repairing or installing of track, track structures such as tunnels and bridges, and signal system components located on or near track and track structures. The regulations would apply to railroads that are part of the general railroad system of transportation and to railroads operating exclusively in rapid transit, commuter, or other shorthaul passenger service in a metropolitan or suburban area.

BACKGROUND

In November 1972, the FRA began to investigate all railroad accidents resulting in fatal injury to on-duty railroad employees, regardless of their crafts. Between that date and August 31, 1974, the FRA investigated 190 such accidents, which resulted in a total of 214 fatalities. In 19 of these accidents, 25 M. W. & S. employees (22 trackmen, 2 signal maintainers, and 1 bridge and building (B&B) carpenter) were fatally injured as a result of being struck by locomotives, trains, or cars. A common factor in the 25 fatalities appears to have been the unawareness of the M. W. & S. employees of the approach of the rail equipment that struck them. Significantly, many of these employees had been working under high noise-level conditions, poor visibility or weather conditions, or double- or multiple-track operations.

The Association of American Railroads' Standard Code of Operating Rules (AAR Code) is the foundation for the operating rules and practices of most railroads. Using the AAR Code as a guideline, each railroad issues, interprets and applies rules as it sees fit according to the conditions under which it operates. The primary purpose of the AAR Code is to provide recommended rules for the safe operation of trains.

In the section of the AAR Code entitled "Forms of Train Orders", there are several examples of various forms of train orders followed by related instructions. Examples V and W concern Speed Restricting Orders and Temporary Stop Sign Orders. The text of these examples reads as follows:

V

SPEED RESTRICTING ORDERS

(1) Do not exceed * * * MPH between * * * and * * *

(2) Do not exceed * * * MPH on No. * * * track between * * * and * * *. This order may be modified by adding: 7:01 a.m. and 4:01 p.m.

When speed limit signs cannot be installed immediately, train order should state speed signs not in service.

W

TEMPORARY STOP SIGN ORDER

(1) Between 8:01 a.m. and 5:01 p.m., July 10 men working on track between D and F. Temporary Stop Sign displayed in vicinity of MP 17 Pole 30 and MP 20 Pole 10.

Request for this order shall be addressed to the chief dispatcher. The request must clearly specify the time limits and date such protection is required; the location designated by mile post and pole numbers.

Before placing the yellow PROCEED PREPARED TO STOP advance and temporary Stop signs or commencing work under this order, the foreman in charge must first confirm with the train dispatcher that the desired order





has been issued and verify the date and location designated by milepost and pole num-

rules and practices (Docket RSOR-1). On August 9, 1972, FRA published in the

employees, and if so, what should they



While the standard reads literally in

rulemaking action may proceed at any time after that date, and comments re-

All interested persons are invited to submit their comments on this proposed

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has been issued and verify the date and location designated by milepost and pole numbers and the time limits specified in the order.

This order will remain in effect for the time limits and date specified therein only, unless foreman in charge advises train dispatcher work is completed. Stop and yellow signs have been removed and track is safe for the passage of trains.

At locations specified in this form of train order, Maintenance of Way and Structures employees are not required to provide flag protection for roadway equipment or track.

When this order is in effect, an unattended red sign reading 'TEMPORARY STOP' will be displayed 1,000 feet before reaching the point where main track is obstructed or impassable. Trains must approach prepared to stop short of this sign unless orally authorized to proceed by foreman in charge of work or a proceed signal with a green flag is received. When proceed signal with a green flag is given, train must not exceed restricted speed until rear of train has passed the limit of restriction. A yellow sign reading 'PROCEED PREPARED TO STOP' will be displayed one and one-half (1½) miles before the red sign is reached.

Before orally authorizing a train to proceed, foreman must inform engineman the maximum speed permitted over restricted track.

A metal banner at right of track displaying green will indicate the leaving end of restriction shown in this order.

Either or both of these train order forms may be used for the protection of M. W. & S. employees.

In addition, Rule 14 of the AAR Code entitled "Engine Whistle or Horn Signals" prescribes a specific sound signal to warn employees when view is restricted by weather, obscured curves, or other unusual conditions and as an alarm for persons on the track.

In addition to operating rules, many railroads have issued separate safety rules to provide protection for employees who operate maintenance of way or other equipment. These safety rules supplement the operating rules and the AAR Code. The text, application, interpretation, observance, and enforcement of these rules differ considerably from railroad to railroad and, in some cases, from location to location on the same railroad. Ambiguous construction and varying interpretations of existing railroad operating rules were cited by the National Transportation Safety Board (NTSB) as a major factor contributing to the property damage and loss of life caused by train accidents (See the NTSB Special Study: Signals and Operating Rules as Causal Factors in Train Accidents, Report Number NTSB–RSS–71–3). The FRA believes that most, if not all, the 2 S.M. W. & S. fatalities cited in the second paragraph of this notice could have been avoided if adequate mandatory rules had been in effect, observed, and enforced.

FRA has already taken several steps concerning railroad operating rules and practices. On November 25, 1974, it published in the FEDERAL REGISTER (39 FR 41175) a regulation which requires railroads to provide the FRA with certain information concerning their operating rules and practices (Docket RSOR–1). On August 9, 1973, FRA published in the FEDERAL REGISTER (38 FR 21503) an advance notice of proposed rule making, which requested public participation and comment on the nature of certain operating rules to eliminate the most troublesome causes of serious train accidents resulting from human factors (Docket RSOR–2). On January 15, 1974, FRA published in the FEDERAL REGISTER (39 FR 1862) an advance notice of proposed rule making which requested public participation and comments on the nature of rules to provide adequate mandatory rules for the protection of railroad employees while inspecting, repairing or servicing railroad equipment (Docket RSOR–3). In addition, the FRA published in the FEDERAL REGISTER of September 18, 1974 (39 FR 33585), a notice of the establishment of an FRA Advisory Committee on Railroad Operating Rules. The Advisory Committee has already had several meetings. FRA believes that information received in response to these notices and the recommendations of the Advisory Committee will be of considerable assistance in determining the best way to improve railroad safety in the of operating rules and practices.

PUBLIC PARTICIPATION REQUESTED

The purpose of this advance notice is to solicit public participation and comments to assist FRA in the development of regulations to protect railroad M. W. & S. employees against being struck by rail equipment while servicing, repairing, or installing track, track structures such as tunnels, bridges, and signal system components located on or near track and track structures.

Specific advice is requested on the following points:

1. Should FRA adopt regulations and, if so, should these regulations be in the form of minimum standards, permitting individual railroads to enforce their own equally or more stringent rules, or should Federal standards be adopted to require uniformity of application to all railroads?

2. How may the AAR Code of Operating Rules be strengthened or supplemented to improve the safety of M. W. & S. employees working on or about main and auxiliary track structures, including those in flat switching and hump yards?

3. How may temporary speed-restrictions, stop and warning signs, torpedoes, flagmen, train orders, and train location line-ups, best be used to improve the safety of M. W. & S. employees?

4. What measures should be taken to protect a M. W. & S. employee working alone or on about a track or track structure?

5. What measures should be taken for the safety of M. W. & S. employees working in double- or multiple-track territory, to protect them from being struck by a train or other type of equipment moving on another track?

6. Should there be minimum standards with respect to the use of communications for the protection of M. W. & S. employees, and if so, what should they be?

7. Is there a technically reliable and economically feasible safety device for the protection of M. W. & S. employees working alone which would emit an audible warning of train engine or car approaching, and if so, would a minimum standard requiring its use result in improved safety?

8. What other problems should the FRA take into consideration?

9. What specific approaches associated with train movement have been developed in the railroad industry to deal with problems related to protection of M. W. & S. employees?

Communications should identify the docket number and notice number and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before June 1, 1975, will be considered by FRA in development of a notice of proposed rulemaking. Comments received after that date will be considered so far as practical. All comments received will be available both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on April 14, 1975.

ASAPH H. HALL,
*Deputy Administrator.*

[FR Doc.75–10152 Filed 4–17–75;8:45 am]

## National Highway Traffic Safety Administration

## [ 49 CFR Part 571 ]

[Docket 75–6; Notice 1]

## BUS WINDOW RETENTION AND RELEASE

### Marking Requirements for Emergency Exits

This notice proposes to amend and thereby clarify the marking requirements for emergency exits on buses in Federal Motor Vehicle Safety Standard No. 217, "Bus Window Retention and Release." Standard No. 217 was published May 10, 1972 (37 FR 9394), and became effective September 1, 1973.

Standard No. 217 requires buses to contain emergency exits meeting performance requirements and requires these exits to be marked in a specified manner. In the case of buses having a gross vehicle weight rating of 10,000 pounds or less, the standard permits the emergency exit requirements to be met with the vehicle's doors and with windows which are manually operable to an open position that provides a specified area for egress. Standard roll-down windows generally meet these requirements. While the standard reads literally in terms of permitting these buses to meet the emergency exit requirements using these doors and windows, language in the preamble of the standard referred to these provisions as "exemptions" from the emergency exit requirements. Consequently, there is some ambiguity as to whether such emergency exits are required to be marked similarly to other emergency exits.

The NHTSA has tentatively determined that special emergency exit markings are unnecessary for doors and windows meeting the above-specified requirements in buses having a gross vehicle weight rating of less than 10,000 pounds. The purpose of the emergency exit marking requirements is to identify for occupants the location and use of specially-installed emergency exits. Traditional roll-down windows and doors are obviously available for exit in emergency situations, and their operation is generally familiar to persons who are old enough to read instructions. Accordingly, there appears to be little justification for providing emergency exit markings for these exits. Specially-installed emergency exits in such buses, such as push-out windows, are not exempted from the marking requirements.

In light of the above, it is proposed to amend 49 CFR 571.217, (Motor Vehicle Safety Standard No. 217) "Bus Window Retention and Release," as follows:

S5.5.1 would be amended to read:

**§ 571.217 Standard No. 217; bus window retention and release.**

• • • • •

S5.5.1 Each push-out window, and each other emergency exit, except windows and doors serving as emergency exits in accordance with S5.2.2 (b) or (c) in buses having a gross vehicle weight rating of 10,000 pounds or less, shall have the designation "Emergency Exit," followed by concise operating instructions, located within 6 inches of the release mechanism. When a release mechanism is not located within an occupant space of an adjacent seat, a label meeting the requirements of S5.5.2 that indicates the location of the nearest release mechanism shall be placed within that occupant space.

EXAMPLE: "EMERGENCY EXIT INSTRUCTIONS LOCATED NEXT TO SEAT AHEAD"

• • • • •

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

*Comment closing date.* May 19, 1975.

*Proposed effective date.* Publication date of final rule.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1391, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 14, 1975.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

[FR Doc.75–10095 Filed 4–17–75;8:45 am]

## COMMISSION ON CIVIL RIGHTS

## [ 45 CFR Part 704 ]

## FREEDOM OF INFORMATION

### Proposal on Availability of Materials

Notice is hereby given that the United States Commission on Civil Rights (USCCR) is proposing to amend 45 CFR Part 704, § 704.1—Materials available pursuant to 5 U.S.C. 552 as amended.

The section is set forth here in its entirety because the amendments are so extensive that publishing only the changes would be confusing. New provisions are underlined. The proposed amendment adds a definition section to § 704.1 for key terms. All of § 704.1(d) is deleted and replaced by a new (d) which establishes request procedures, Commission response standards, and time limitations on Commission action on FOIA requests. This new section complies with the requirements of 1974 FOIA amendments. Section 704.1(e) was published as a proposed rule in January, 1975 and now is further amended to add provisions for waiver or reduction of fees, appeals from denials of waiver or reduction of fees requests, Commission action on such requests, and time limitations on Commission action. Section 704.1(f)(1) has been amended to reflect statutory changes in FOIA exemptions one and seven. The Commission proposes to delete § 704.1(f)(2) and (3) and replace those provisions with new paragraphs (f) (2) and (3) which comply with the 1974 FOIA amendments by incorporating the changes in exemption 7 regarding investigatory records and adding the requirement on the Commission to delete only the exempt portions of requested records and not the entire record. The appeals section, § 704.1(g) is to be replaced in its entirety. The proposed rule retains much of the original provision (in different form) but adds time requirements on the Commission for processing appeals, including a provision for extension of time as authorized under 5 U.S.C. 552(a)(6)(A).

All interested persons are invited to submit their comments on this proposed rule change. Comments should be sent to the Office of General Counsel, U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Washington, D.C. 20425. All comments received by the close of business on May 19, 1975 will be considered in formulating the final rule.

Part 704 of Title 45 would be amended as set forth below.

ARTHUR S. FLEMMING,
*Chairman.*

Section 704.1 would be revised as follows:

**§ 704.1 Material available pursuant to 5 U.S.C. 552.**

(a) *Purpose, scope, and definitions.* (1) This section contains the regulations of the U.S. Commission on Civil Rights implementing 5 U.S.C. 552. These regulations inform the public with respect to where and how records and information may be obtained from the Commission. Officers and employees of the Commission shall make Commission records available under 5 U.S.C. 552 only as prescribed in this section. Nothing contained in this section, however, shall be construed to prohibit officers or employees of the Commission from routinely furnishing information or records which are customarily furnished in the regular performance of their duties.

(2) For the purposes of these regulations the terms listed below are defined as indicated:

"Commission" means The United States Commission on Civil Rights;

"General Counsel" means the General Counsel of the United States Commission on Civil Rights or his/her designee;

"FOIA" means the Freedom of Information Act, 5 U.S.C. 552;

"FOIA Request" means a request in writing, for records pursuant to 5 U.S.C. 552 which meets the requirements of § 704.1(d) herein. These regulations do not apply to telephone or other oral communications and requests not complying with § 704.1(d)(1)(i);

"Staff Director" means the Staff Director of the United States Commission on Civil Rights.

(b) *General policy.* In order to foster the maximum participation of an informed public in the affairs of Government, the Commission will make the fullest possible disclosure of its identifiable records and information consistent with such considerations as those provided in the exemptions of 5 U.S.C. 552, which are set forth in paragraph (f) of this section.

(c) *Material maintained on file pursuant to 5 U.S.C. 552(a)(2).* Material maintained on file pursuant to 5 U.S.C. 552(a)(2) shall be available for inspection during regular business hours at the offices of the Commission at 1121 Vermont Avenue, NW., Washington, D.C. 20425. Copies of such material shall be available upon written request, specifying the material desired, addressed to







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the Office of General Counsel, U.S. Commission on Civil Rights, Washington, D.C. 20425, and upon the payment of fees, if any, determined in accordance with paragraph (e) of this section.

(1) *Current index.* Included in the material available pursuant to 5 U.S.C. 552(a)(2) shall be an index of:

(i) All other material maintained on file pursuant to 5 U.S.C. 552(a)(2); and

(ii) All material published by the Commission in the FEDERAL REGISTER and currently in effect.

(2) *Deletion of identifying details.* Wherever deletions from material maintained on file pursuant to 5 U.S.C. 552(a)(2) are required in order to prevent a clearly unwarranted invasion of privacy, justification for the deletions shall be placed as a preamble to documents from which such deletions are made.

(d) *Materials available pursuant to 5 U.S.C. 552(a)(3)*—(1) *Request procedures.* (i) Each request for records pursuant to this subsection shall be in writing over the signature of the requester, addressed to the Office of General Counsel, U.S. Commission on Civil Rights, Washington, D.C. 20425 and: (A) Shall clearly and prominently be identified as a request for information under the Freedom of Information Act (if submitted by mail or otherwise submitted in an envelope or other cover, be clearly and prominently identified as such on the envelope or other cover—e.g., FOIA); and (B) shall contain a sufficiently specific description of the record requested with respect to names, dates, and subject matter to permit such record to be identified and located; and (C) shall contain a statement that whatever costs involved pursuant to § 704.1(e) will be paid, that such costs will be paid up to a specified amount, or that waiver or reduction of fees is requested pursuant to § 704.1(e).

(ii) If the information submitted pursuant to § 704.1(d)(1)(i)(A) is insufficient to enable identification and location of the records, the General Counsel shall as soon as possible notify the requester in writing indicating the additional information needed. Every reasonable effort shall be made to assist in the identification and location of the records sought. Time requirements under these regulations are tolled from the date notification under this subsection is sent to the requester until an answer in writing to such notification is received from requester.

(iii) A request for records which is not in writing or does not comply with § 704.1(d)(1)(i)(B) is not a request under the Freedom of Information Act and the 10 day time limit for agency response under the Act will not be deemed applicable.

(iv) Except as otherwise provided herein, the General Counsel shall immediately notify the requester of noncompliance with § 704.1(d)(1)(i)(C) and § 704.(e).

(2) *Agency determinations.* (i) Responses to all requests pursuant to 5 U.S.C. 552(a)(3) shall be made by the General Counsel in writing to the requester within 10 working days after receipt by the General Counsel of such request except as specifically exempted under § 704.1(d)(1)(ii), (iii) and (iv), and shall state: (A) Whether and to what extent the Commission will comply with the request; (B) the probable availability of the records or that the records may be furnished with deletions or that records will be denied as exempt pursuant to 5 U.S.C. 552(b)(1)–(ix); (C) the estimated costs, determined in accordance with § 704.1(e) herein, including waiver or reduction of fee as appropriate and any deposit or prepayment requirement; and (D) when records are to be provided, the time and place at which records or copies will be available determined in accordance with the terms of the request and with § 704.1(d)(3). Such response shall be termed a determination notice.

(ii) In the case of denial of requests in whole or part the determination notice shall state: (A) Specifically what records are being denied; (B) the reasons for such denials; (C) the specific statutory exemption(s) upon which such denial is based; (D) the names and titles or positions of every person responsible for the denial of such request; and (E) the right of appeal to the Staff Director of the Commission and procedures for such appeal as provided under § 704.1(g).

(iii) Each request received by the Office of General Counsel for records pursuant to these regulations shall be recorded immediately. The record of each request shall be kept current, stating the date and time the request is received, the name and address of the person making the request, any amendments to such request, the nature of the records requested, the action taken regarding the request, including waiver of fees, extensions of time pursuant to 5 U.S.C. 552(a)(6)(B), and appeals. The date and subject of any letters pursuant to § 704.1(d)(1) or agency determinations pursuant to (d)(2)(i), the date(s) any records are subsequently furnished, and the payment requested and received.

(3) *Time limitations.* (i) Time limitations for agency response to a request for records established by these regulations shall begin when the request is recorded pursuant to § 704.1(d)(2)(iii). A written request pursuant to FOIA but sent to an office of the Commission other than the Office of General Counsel shall be date stamped, initialed and redirected immediately to the Office of General Counsel. The required period for agency determination shall begin when it is received by the Office of General Counsel in accordance with § 704.1(d)(2)(iii).

(ii) In unusual circumstances, pursuant to 5 U.S.C. 552(a)(6)(B), the General Counsel may, in the case of initial determinations under these regulations, extend the 10 working day time limit in which the agency is required to make its determination notification. Such extension shall be communicated in writing to the requesting party setting forth with particularity the reasons for such extension and the date on which a determination is expected to be transmitted. Such extensions may not exceed 10 working days for any request and may only be used to the extent necessary to properly process a particular request. Such extension is permissible only where there is a demonstrated need: (A) To search for and collect the requested records from field facilities or other establishments that are separate from the Office of General Counsel; (B) to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (C) for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the same agency having substantial subject matter interest therein.

(e) *Fees*—(1) *Fee schedule.* (i) Photocopy reproductions from all types of copying processes, each reproduction image: $.03.

(ii) Standard searching, per hour (minimum charge one-quarter hour): $4.09.

(iii) Searching requiring particular training or skills not required of clerical personnel, per hour (minimum one-half hour); $8.88.

(iv) The above search fee is not applicable to computerized record search: In situations involving the use of computers to locate and extract the requested information charges will be based only on the direct cost to the agency, including labor, material and computer time.

(v) There will be a charge of $1.00 each for certification of true copies.

(vi) Payment of fees shall be made by cash (if delivered in person), check or money order payable to "U.S. Treasury".

(2) The General Counsel may in his/her discretion, waive fees in whole or part otherwise assessable under paragraph (e)(1) of this section where:

(i) The total cost of providing the records is less than $5.00.

(ii) Payment of the full fee by a State or local government agency, or nonprofit group would not be in the general public interest.

(iii) The records have been requested by a Federal agency, a foreign government, or an international governmental organization.

(3) Fees shall be waived or reduced for records requested in writing under §704.1 when the General Counsel determines that:

(i) An individual has provided sufficient evidence in a signed statement that he is indigent and that reduction or waiver would not constitute an unreasonable expense to the Commission.

(ii) A person has demonstrated in a written statement that waiver or reduction of the fees is in the public interest because furnishing the information primarily benefits the general public. Requests for waiver or reduction under this subsection must be accompanied by a signed statement indicating ability to pay.





(4) Whenever waiver or reduction of fee is granted only one copy of the record will be furnished.

(5) Appeals from denials of requests for waiver or reduction of fees shall be considered by the Staff Director pursuant to the criteria set forth in § 704.1 (e)(2) and (3). Appeal procedure under this paragraph shall be in accordance with § 704.1(g) herein.

(6) Whenever a notification is required under § 704.1(d)(1)(iv) or the estimated costs exceed the limit established by the requesting party and the General Counsel has not determined to waive or reduce such fees as provided herein, such notification shall:

(i) Provide the requesting party with such information regarding cost as may be available;

(ii) Extend an offer to the requesting party to confer with the General Counsel in an attempt to reformulate the request in a manner that will minimize the fees and still meet the needs of the requesting party;

(iii) Inform the requesting party that the time requirement imposed by § 704.1(d)(2)(i) will be tolled pending a reformulation of the request, or receipt of an agreement from the requester to bear the estimated costs.

(7) Whenever a requesting party is notified of the possibility of an unproductive search in accordance with § 704.1(d)(2)(i)(B), no search will be conducted until prepayment is made or waived under § 704.1(e)(2) or (3). The time requirement under § 704.1(d)(2)(i) will be tolled from the date of dispatch of notification until the requester makes prepayment as required.

(8) Whenever the estimated cost of providing requested records exceeds $25.00, the requesting party will be so notified and required to prepay the estimated cost, unless waived, before a search for such records will be conducted. The time requirement under § 704.1(d)(2)(i) will be tolled from the date of dispatch of notification until the requester makes prepayment as required.

(f) *Exemptions (5 U.S.C. 552(b))*—(1) *General.* The Commission may exempt from disclosure matters that are:

(i)(A) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order;

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would: (A) Interfere with enforcement proceedings; (B) deprive a person of a right to a fair trial or an impartial adjudication; (C) constitute an unwarranted invasion of personal privacy; (D) disclose the identity of a confidential source, and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, would disclose confidential information furnished only by the confidential source; (E) disclose investigative techniques and procedures; or (F) endanger the life or physical safety of law enforcement personnel.

(viii) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; and

(ix) Geological and geophysical information and data, including maps, concerning wells.

(2) *Investigatory records (5 U.S.C. 552(b)(7)).* (i) Among the documents exempt from disclosure pursuant to § 704.1(f)(1)(vii) shall be investigative files or similar documents reflecting investigations which either are conducted for the purpose of determining whether a violation(s) of legal right has taken place, or have disclosed that a violation(s) of legal right has taken place, but only to the extent that production of such records would: (A) Deprive a person of a right to a fair trial or an impartial adjudication; (B) constitute an unwarranted invasion of personal privacy; (C) disclose the identity of a confidential source; (D) disclose investigative techniques and procedures; or (E) endanger the life or physical safety of law enforcement personnel.

(ii) Among the documents included in paragraph (f)(2)(i)(C) above, shall be documents which disclose the fact or the substance of a communication made to the Commission in confidence relating to an allegation or support of an allegation of wrongdoing by certain persons. It is sufficient under this subsection to indicate the confidentiality of the source if the substance of the communication or the circumstances of the communication indicate that investigative effectiveness will be inhibited by disclosure.

(3) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(g) *Administrative appeals.* (1) These procedures apply whenever a requester is either denied records under § 704.1(d)(2)(i) or denied waiver or reduction of fees under § 704.1(e)(2) or (3).

(2) Parties may appeal § 704.1(d)(2)(i) and (e)(2) or (3) decisions within 90 days of the date of such decision by filing a written request for review addressed to the Staff Director, U.S. Commission on Civil Rights, Washington, D.C. 20425, by certified mail, including a copy of the written denial, and may include a statement of the circumstances, reasons or arguments advanced in support of disclosure or waiver/reduction of fees. Review will be made by the Staff Director on the basis of the written record.

(3) The decision on review of any appeal filed under this subsection shall be in writing over the signature of the Staff Director, will be promptly communicated to the person requesting review, and will constitute the final action of the Commission.

(4) Determinations of appeals filed under this subsection shall be made within 20 working days after the receipt of such appeal. If, on appeal, denial of records is in whole or part upheld, the Staff Director shall notify the persons making such request of the provisions for judicial review of that determination under 5 U.S.C. 552(a)(4).

(5) An extension of time may be granted under this subsection pursuant to criteria established in § 704.1(d)(3)(ii)(A) to (C), except that such extension together with any extension which may have been granted pursuant to § 704.1(d)(3)(ii) may not exceed a total of 10 working days.

[FR Doc.75-10270 Filed 4-17-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 20860; RM-2342]

### FM BROADCAST STATIONS IN CALIFORNIA

**Order Extending Time for Filing Comments and Reply Comments**

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Palm Springs, California)

1. On February 14, 1975, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on February 24, 1975, 40 FR 7945. The dates for filing comments and reply comments are presently April 11 and April 30, 1975, respectively.

2. On April 7, 1975, counsel for KPSI Radio Corporation, proponent in this proceeding, requested that the time for filing comments be extended to and including May 5, 1975. Counsel states that the additional time is necessary in order that it may more fully respond to the questions raised by the Commission in its Notice of Proposed Rule Making. He adds that he is aware that this requested extension necessitates a waiver pursuant to §§ 1.46(b) and 1.415(e) of the Commission's rules because the filing is less than 7 days prior to the scheduled comment date. However, he points out that he deferred filing the requested extension until the last possible moment in hopes that the material could be compiled and such comments timely filed. He states the press of other business, including the NAB convention which requires the at-



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tendance of counsel and engineering consultants, now make it plain that the scheduled deadline could not be met.

3. Late-filed requests, according to § 1.46 of the rules will be considered in cases of last-minute emergencies which could not have been anticipated by the party requesting the extension. The instant filed request is truly questionable. We see no reason why counsel, in deferring his filing until the last possible moment, could not have cut that moment off so as to be able to file a timely request for an extension rather than an untimely one. Requests of this kind are not only unfair to other parties who contemplate filing comments on the date specified in the Notice but are disruptive of the Commission's processes. In this instance we are granting the request, but parties are on notice that it is our intent to adhere strictly to the provisions of § 1.46(b). As we stated in the Order which adopted that new section, favorable action on late-filed requests will be limited to bona fide emergencies.

4. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including May 5 and May 23, 1975, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: April 9, 1975.

Released: April 11, 1975.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
PASQUALE W. VALICENTI,
*Acting Chief,*
*Broadcast Bureau.*

[FR Doc.75-10136 Filed 4-17-75;8:45 am]

## [ 47 CFR Part 73 ]

[Docket No. 20393; RM-2804, RM-2489]

## FM BROADCAST STATIONS IN VIRGINIA AND WEST VIRGINIA

### Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Berryville, Virginia and Harpers Ferry, West Virginia.)

1. On February 18, 1975, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on March 4, 1975, 40 F.R. 8965. The dates for filing comments and reply comments are presently April 11, and April 30, 1975, respectively.

2. On March 31, 1975, counsel for Electra Broadcasting Corporation (one of the proponents in this proceeding) requested that the time for filing comments and reply comments be extended to and including April 28 and May 15, 1975, respectively. Counsel states that they desire to make a part of their comments an engineering showing and in that connection their consulting engineers will be out of the city during the first part of April because of business commitments and the NAB Convention.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are extended to and including April 28 and May 15, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: April 3, 1975.

Released: April 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] PAUL WM. PUTNEY,
*Acting Chief,*
*Broadcast Bureau.*

[FR Doc.75-10142 Filed 4-17-75;8:45 am]

## [ 47 CFR Part 76 ]

[Docket No. 19995; RM-2275; FCC 75-407]

## CABLE TELEVISION SYSTEMS

### Network Program Exclusivity Protection; Order

In the matter of amendment of Subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems.

1. By its Notice of Proposed Rule Making in Docket 19995, FCC 74-335, 46 FCC 2d 139, released April 9, 1974, the Commission proposed possible modification of those cable television rules concerning network program exclusivity protection afforded by cable television systems. In response to this notice, voluminous comments, replies, and responsive pleadings have been filed by various interested parties. Over 300 formal documents have been submitted, along with literally thousands of letters and signed petitions sent to the Commission by the general public and members of Congress.

2. Several commenting parties have petitioned the Commission to hear oral argument prior to any final resolution of the various network program exclusivity issues within the scope of the subject docket. They find the issues addressed in this proceeding to be of such complexity, and the controversy as to their proper resolution to be so intense, that oral argument would surely constitute a valuable aid to the Commission's decisional process and help insure a fair and equitable rule making judgment. Additionally, we note that requests for oral argument have been submitted also by members of Congress and the public.

3. The Commission has frequently found it desirable to conduct comprehensive oral arguments in conjunction with major rule making proceedings, especially where such proceedings concern complex and controversial subject matter. However, and after having given careful consideration to these requests for oral argument, we have determined that full scale oral presentations are not needed in connection with our resolution of Docket 19995. During the several months that were allotted for the filing of comments and replies, the docket in this proceeding has developed into a lengthy volume thoroughly exploring the various relevant issues. It is unlikely that protracted oral hearings would significantly add to either the wealth of information and opinion already collected, or to the Commission's overall understanding of the basic issues presented.

4. However, we do perceive a need for an additional presentation, restricted only to those facts and issues uniquely associated with the "same-day" network program exclusivity protection afforded to certain stations licensed to Mountain Time Zone communities.[1] While the comments and arguments heretofore presented on the Mountain Time Zone matter have been lengthy, the basic data needed for us to make a reasoned decision have been either lacking or the subject of seriously conflicting claims. We need more information on how much of the same-day non-simultaneous programming on cable systems is due to the local Mountain Time Zone station's selecting programs from two networks, how much is due to the time zone differences, and how much to delayed feed by the distant stations carried on the cable system. The Commission needs additional information on the availability of network feeds, and the feasibility of utilizing video tape facilities to significantly alter network program broadcast schedules. Therefore, we believe it is appropriate and necessary for the Commission to provide for a panel discussion at which selected, particularly knowledgeable persons will be able to present information and data with respect to specific, selected issues and to engage in an adversary exchange which, we hope, will more clearly establish the relevant facts. We wish to organize a panel to discuss and provide answers to, inter alia, the following inquiries:

[1] With the adoption of the Cable Television Report and Order, FCC 72-103, 36 FCC 2d 143 (1972), the Commission reduced the network program exclusivity obligations of cable television systems from a same-day to a simultaneous standard, but indicated that additional, limited network program exclusivity protection would be afforded, on petition for special relief, to network affiliated stations where, because of "the time zone situation," simultaneous network program exclusivity would result in substantial duplication of such stations' network presentations. Upon the release of our Reconsideration of the Cable Television Report and Order, FCC 72-530, 36 FCC 2d 326 (1972), we restored the same-day network program exclusivity standard to television broadcast stations in the Mountain Time Zone licensed to communities outside the first fifty major television markets.





(a) What are the network programming practices of those stations broadcasting in the Mountain Time Zone? Explain the reasons for the lack of simultaneity of network program broadcasts throughout the time zone, addressing factors such as (1) local broadcast station programming discretion, (2) stations' multiple network affiliation, (3) the availability (or unavailability) of direct or indirect network feeds, and (4) the employment of "bicycle" methods of network program distribution.

(b) What network program exclusivity problems are presented in the Mountain Time Zone by cable television importation of television stations licensed to communities in the Pacific Time Zone?

(c) What network program feed opportunities and options are available to those stations licensed to communities in the Mountain Time Zone? Discuss these stations' economic and technical abilities to obtain a "live" or delayed electronic network feed. Explain the nature of these feeds (i.e. are they "clean" or do they contain another station's I.D.'s, commercials, etc.?) their costs, and their practical availability. To what extent, if any, do the networks themselves absorb a portion of these line charges?

(d) To what extent could video tape facilities be used to offset potential program protection loss associated with a simultaneous network program exclusivity rule for the Mountain Time Zone? Discuss the current use of these stations' existing video tape facilities and set forth the approximate costs (in terms of new investment, maintenance, labor, etc.) for a station to establish a daily video tape procedure capable of achieving a network program schedule substantially identical with that of imported network broadcast signals. Under what circumstances could such simultaneity not be attainable?

(e) A major issue is the impact on the financial viability of Mountain Time Zone television stations, and their ability to serve the public, if same-day protection was reduced to simultaneous. Factual information is needed on the possible loss of revenue by local television stations if same-day protection was withdrawn on the cable systems in their areas; how much revenue loss in network program time and how much, as result of lead-in, to non-network time. Also, how much potential is there for cable to expand in the area and with what further impact on the local station?

(f) To what extent will national and regional advertisers tend to "skip" the Mountain Time Zone stations and cover the area through the cable-carried stations in the Salt Lake City, Denver, Spokane and other television markets, if the local station's audience is further reduced?

(g) Explain the nature and extent of those private agreements by which certain Mountain Time Zone television broadcast stations have, for a fee, "contracted away" their same-day network program exclusivity rights for simultaneous-only protection.[2]

(h) Have there been any material changes in those factors which persuaded the Commission to treat Mountain Time Zone stations differently, with respect to network program exclusivity, in its Cable Television Report and Order and the Reconsideration thereof?

5. The above list of issues is intended to generally delineate the scope of the subject panel discussion. Those designated to take part in this panel may suggest additional matters for discussion, restricted, of course, to the Mountain Time Zone situation. The Commission shall issue a subsequent Order on or about April 21, 1975, designating those persons to participate as spokesmen for different contending viewpoints and to present the desired factual information responsive to the above-listed questions. We wish to establish a balanced, representative, and highly knowledgeable panel.

6. We have scheduled the panel discussion, before the Commission meeting en banc, for May 20, 1975, at 10 a.m. We shall expect each participant to submit, in writing, to the Commission and to the other participants, on or before May 5, 1975, any factual data upon which such participant may rely at the panel discussion. Such data shall be associated with Docket 19995 and will be available for public inspection during regular Commission business hours.

*Accordingly, it is ordered,* That a panel discussion in the captioned proceeding, limited to the areas of inquiry described above, is scheduled, before the Commission meeting en banc, for May 20, 1975, at 10 a.m. Persons selected, by subsequent Commission Order, to participate in such panel discussion SHALL FILE with the Commission, on or before May 5, 1975, any factual data upon which such participant may rely at the panel discussion, as well as a statement indicating that such factual data has been served upon the other participants.

Adopted: April 2, 1975.

Released: April 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10140 Filed 4-17-75;8:45 am]

## [ 47 CFR Part 87 ]

[FCC 75-381; Docket No. 20420]

## FREQUENCIES AVAILABLE TO AIRCRAFT

### Radio Control of Airport Lights

In the matter of amendment of Part 87 to permit the use of additional frequencies for radio control of airport lights from aircraft.

By the Commission: 1. Notice of proposed rule making in the above-entitled matter is hereby given.

[2] See Broadcasting, "Closed Circuit," January 13, 1975, at page 7.

2. The Federal Aviation Administration (FAA) has requested that the radio control of airport lights be authorized on additional frequencies to accommodate the anticipated expanded use of this function.

3. Sections 87.183(h) and 87.201(c) of the Commission's rules and regulations, specify the frequencies available to aircraft for the control of airport lights. The additional frequencies requested by the FAA for this purpose are presently available to aircraft for air traffic control, aviation instructional operations, and communications with aeronautical advisory stations. The use of these frequencies for the control of airport lights would be on the condition that no harmful interference is caused to these operations.

4. The Commission presently has under study in Docket No. 20123, the question of utilization and assignment of aeronautical advisory frequencies. Therefore, we propose that no changes be made in the 122.800 MHz to 123.575 MHz frequency band pending the disposition of Docket No. 20123, with the exception that radio control of airport lights be permitted on the aviation instructional frequencies, 121.95, 123.3 and 123.5 MHz, at those locations where they are assigned for voice communications.

5. The proposed amendments of the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i), 303 (b), (f), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 19, 1975 and reply comments on or before May 30, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: April 1, 1975.

Released: April 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.183(l) is amended by the addition of a new sentence to follow the list of frequencies, as follows:

§ 87.183 Frequencies available.

• • • • • •





(l) • • • In addition, on a frequency



State and to the Public Utilities Com-

ties represent a separate major line of

ments. If a loss is expected from the pro-

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(1) • • • In addition, on a frequency which is assigned to an airdrome control station, brief keyed RF signals may be transmitted from the aircraft for the control of airport lights on the condition that no harmful interference is caused to authorized voice communications.

• • • • •

2. Section 87.201(b) is amended by the addition of a new sentence to follow the list of frequencies, and the last sentence in paragraph (d) is amended to read as follows:

§ 87.201 Frequencies available.

• • • • •

(b) • • • In addition, on a frequency, in the band 121.975 to 122.775 MHz, which is assigned to an airdrome control station, brief keyed RF signals may be transmitted from the aircraft for the control of airport lights on the condition that no harmful interference is caused to authorized voice communications.

(c) • • • In addition, brief keyed RF signals may be transmitted on these frequencies and the aviation instructional frequencies, 121.95, 123.3, and 123.5 MHz, for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

• • • • •

3. Section 87.341(a) is amended by the addition of new sentence, to read as follows:

§ 87.341 Frequencies available.

(a) • • • In addition, brief keyed RF signals may be transmitted on these frequencies for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

• • • • •

[FR Doc.75-10129 Filed 4-17-75;8:45 am]

## FEDERAL HOME LOAN BANK BOARD

[No. 75-357]

[ 12 CFR Part 556 ]

### FEDERAL SAVINGS AND LOAN SYSTEM

### Withdrawal of Proposed Statement of Policy Relating to Service Corporations

APRIL 10, 1975.

Whereas, the Federal Home Loan Bank Board, by Resolution No. 74-932, dated September 13, 1974, and duly published in the FEDERAL REGISTER on October 22, 1974 (39 FR 37510-11) proposed to amend Part 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) for the purpose of setting forth the standards for Board consideration of applications from service corporations to act as a real estate investment trust management company;

*It is hereby resolved*, That the Board determines to withdraw from consideration the amendment proposed by said Resolution No. 74-932.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.75-10223 Filed 4-17-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Parts 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1209, 1210 ]

[No. 36126]

### UNIFORM SYSTEM OF ACCOUNTS

### Proposal for Reporting Extraordinary, Unusual or Infrequently Occurring Events and Transactions; Prior Period Adjustments; Effects of Disposal of a Segment of a Business

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 26th day of March, 1975.

This proceeding is being instituted on our own motion to consider amendments to the uniform system of accounts for various modes of transportation under the jurisdiction of this Commission. The purposes of these proposed amendments are (1) to provide more definitive criteria and accounting rules for extraordinary, unusual or infrequent, and prior period events and transactions, and (2) to specify reporting requirements for disposal of a segment of a business. The adoption of this proposal would further align the Commission's accounting rules with generally accepted accounting principles without interfering with our regulatory functions.

Specifically, these proposed revisions are to be implemented by prescribing:

1. Instructions which clarify the criteria for extraordinary items. These criteria distinguish a material event or transaction as extraordinary by both its unusual nature and its infrequency of occurrence. A material item that is unusual in nature or occurs infrequently, but not both, shall not be classified as an extraordinary item, but reported as a separate component of ordinary income.

2. Instructions specifying the criteria for prior period adjustments and the reporting rules for certain accounting changes. A material item meeting these criteria shall be reported by restating the opening balance of retained earnings of the current year, and correspondingly adjusting related prior year balances presented for comparative purposes.

3. An instruction which provides new guidelines for determining the materiality.

4. Definitions for a segment of a business and related accounting terms, and instructions for reporting the operating results and gain or loss on disposal of a segment.

The proposed revisions also necessitate several new accounts to be added for: Unusual or infrequent items, operating results of discontinued segments, gain or loss on disposal of segments and cumulative effect of changes in accounting principles. The account for prior period items is deleted from the income statement, and a new account for prior period adjustments is added to the accounts in the retained earnings statement.

Detailed revisions are specified in attached appendices. These revisions refer to the uniform systems of accounts for carriers of all modes except maritime carriers. The uniform system of accounts for maritime carriers was revised to encompass revisions similar to those proposed here in a separate rulemaking proceeding in No. 32451 (Sub-No. 1), *Uniform System of Accounts for Maritime Carriers* (49 CFR Part 1208), ____ I.C.C. ____, decided by the Commission on December 17, 1974.

It is intended that the proposed amendments to the accounting regulations become effective immediately upon adoption by the Commission and would be reflected in the books of accounts for the year beginning January 1, 1975.

Upon consideration of the above described matters and good cause appearing therefor:

*It is ordered*, That this proceeding be, and it is hereby instituted under the authority of sections 12, 20, 204, 220, 313 and 412 of the Interstate Commerce Act (49 U.S.C. 12, 20, 304, 913, and 1012), and pursuant to sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553, 559), with a view to adopting the proposed regulations set forth below, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

*It is further ordered*, That all carriers, subject to the accounting regulations under the Interstate Commerce Act, Parts 1201 to 1210, except Part 1208 for maritime carriers, be and they are hereby, made respondents in this proceeding.

*It is further ordered*, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

*It is further ordered*, That any interested persons wishing to submit written statements of fact, views, or arguments shall file an original (and, if possible, 15 copies) of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by May 19, 1975; and that all such statements will be considered as evidence and as a part of the record in this proceeding.

*It is further ordered*, That written material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C., during regular business hours.

*And it is further ordered*, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

(49 U.S.C. 12, 20, 304, 320, 913, 1012)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

## PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Income Accounts," the following revisions are made:

1. After line item 519 "Miscellaneous income" add:

525 Unusual or infrequent items (credit).

2. After line item 551 "Miscellaneous income charges" add:

555 Unusual or infrequent items (debit).
560 Income or loss from operations of discontinued segments.
562 Gain or loss on disposal of discontinued segments.

3. Line item "Extraordinary and Prior Period Items" is revised to read:

Extraordinary Items and Accounting Changes.

4. After line item 570 "Extraordinary items (net)," line item 580 "Prior period items (net)" is deleted.

5. Line item 590 "Income taxes on extraordinary and prior period items" is revised to read:

590 Income taxes on extraordinary items.

6. Line item 591 "Provision for deferred taxes—extraordinary and prior period items" is revised to read:

591 Provision for deferred taxes—extraordinary items.

7. After line item 591 "Provision for deferred taxes—extraordinary items" add:

592 Cumulative effect of changes in accounting principles.

Under Retained Income Accounts, the following revision is made:

8. After line item 601 "Credit balance (at beginning of calendar year)" add:

601.5 Prior period adjustments to beginning retained income account.

### Regulations Prescribed

9. Under "(II) Definitions," add the following new definitions:

• • • • •

23. (a) "Segment of a business refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

### GENERAL INSTRUCTIONS

10. The text of instruction 1-2 "Classification of accounts" is amended by revising paragraph (d) to read:

• • • • •

(d) (1) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items.

Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(2) *Unusual or Infrequent Items.* Material events unusual in nature of infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(3) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 23(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 23(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 23(c)).

(4) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) They can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(5) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(6) *Materiality.* In determining materiality, as a general standard, an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(7) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent







accountant approving or otherwise commenting on the proposal.

553 Unusual or Infrequent Items (Debit).

corded in account 570, "Extraordinary



### RETAINED INCOME ACCOUNTS

7. Line item 290 "Income taxes on ex-

in anticipation of the retirement of non-depreciable property by charges to op-

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accountant approving or otherwise commenting on the request.

In the text of instruction 1–11, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

### INSTRUCTIONS FOR PROPERTY ACCOUNTS

**2–8 [Amended]**

11. The text of instruction 2–8, "Additions to and retirements of units of property" is amended by revising paragraph (c) to read:

• • • • •

(c) When property (other than a minor item constituting repairs) classified as other than depreciable property is retired, the cost thereof shall be cleared from the property account and the service value shall be charged to account 267, "Retirements-Road."

• • • • •

### INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

12. Paragraph (a) of instruction 6–2, "Recorded value of securities owned," is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate", in the second to last sentence.

13. Paragraph (c) of instruction 6–3, "Discount, expense and premium on debt" is amended by striking the words "or to account 570, 'Extraordinary Items'," in the second to last sentence.

### INCOME ACCOUNTS

**519 [Amended]**

14. The text of account 519, "Miscellaneous Income," is amended by deleting paragraph (b).

15. After the text of account 519, the following new account number, title and text are added:

**525 Unusual or Infrequent Items (Credit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–2 (d), upon approval by the Commission.

**532 [Amended]**

16. The text of account 532, "Railway Tax Accruals," paragraph (c), is amended by striking the words "and prior period" from the second sentence.

**551 [Amended]**

17. The text of account 551, "Miscellaneous Income Charges," is amended by deleting paragraph (b).

18. After the text of account 551, "Miscellaneous Income Charges," the following new account numbers, titles and texts are added:

**553 Unusual or Infrequent Items (Debit)**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–2(d), upon approval by the Commission.

**560 Income or Loss From Operations of Discontinued Segments.**

This account shall include the results of operations of a segment of a business (see definition 23(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 1–2(d), upon approval by the Commission.

**562 Gain or Loss on Disposal of Discontinued Segments.**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1–2(d), upon approval by the Commission.

19. Before account 570, "Extraordinary Items (Net)," the line item title, "Extraordinary and prior period items," is revised to read "Extraordinary Items and Accounting Changes."

20. The text of account 570 "Extraordinary Items (Net)," is revised to read:

**570 Extraordinary Items (Net).**

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–2(d), upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income Taxes on Extraordinary Items," or account 591, Provision for Deferred Taxes-Extraordinary Items."

**580 [Deleted]**

21. The account number, title and text of account 580, "Prior Period Items (Net)," are deleted.

22. The account title and text of account 590, "Income Taxes on Extraordinary and Prior Period Items," are revised to read:

**590 Income Taxes on Extraordinary Items.**

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for Deferred Taxes-Extraordinary Items."

23. The title and text of account 591, "Provision for Deferred Taxes-Extraordinary and Prior Period Items," are revised to read:

**591 Provision for Deferred Taxes—Extraordinary Items.**

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 1–11).

24. After the text of account 591, "Provision for Deferred Taxes-Extraordinary Items," add:

**592 Cumulative Effect of Changes in Accounting Principles.**

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1–2(d), upon approval by the Commission.

25. The text of account 599, "Form of Income Statement," is amended as follows:

**599 Form of Income Statement.**

• • • • • •

519 • • •
525 Unusual or Infrequent Items (Debit).
• • • • • •
551 • • •
555 Unusual or Infrequent Items (Debit).
• • • • • •
546 (c) • • •

| | |
|---|---|
| Income from Continuing Operations | $---- |
| Discontinued Operations. | |
| 560 Income or Loss from Operations of Discontinued Segments (Less applicable income taxes of $----) | ---- |
| 562 Gain or Loss on Disposal of Discontinued Segments (Less applicable income taxes of $----) | ---- |
| Income (Loss) Before Extraordinary Items. | |
| Extraordinary Items and Accounting Changes. | |
| 570 • • • | |
| 590 Income Taxes on Extraordinary Items. | |
| 591 Provision for Deferred Taxes—Extraordinary Items. | |
| Extraordinary Items | ---- |
| 592 Cumulative Effect of Changes in Accounting Principles (Less applicable income taxes of $----) | ---- |
| Net Income Transferred to Retained Income—Unappropriated | ---- |

• • • • •





### RETAINED INCOME ACCOUNTS

26. After the text of account 601, "Credit Balance (at beginning of calendar year)," add:

**601.5 Prior Period Adjustments to Beginning Retained Income Account.**

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 1–2(d), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

### GENERAL BALANCE SHEET ACCOUNTS

**723 [Amended]**

27. In the text of account 723, "Reserve for Adjustment of Investment in Securities-Cr.," Paragraph (a) is amended by striking the words "or account 570, 'Extraordinary Items' as appropriate," at the end of the last sentence. Paragraph (b) is also amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the first and second sentences.

**786 [Amended]**

28. The text of account 786, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

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## PART 1202—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "Operating Expense", line item 01–6 "Extraordinary and prior period items" is deleted.

2. Under "Operating Revenue," line item 02–3 "Extraordinary and prior period items", is deleted.

3. Under "Income", line item 03–2 "Extraordinary and prior period items" is revised to read:

03–2 Extraordinary items, unusual or infrequent items, Discontinued operations, prior period items and accounting changes.

Under "Income Accounts", the following revisions are made:

4. After line item 212 "Miscellaneous income", add:

212–5 Unusual or infrequent items (debit).

After line item 225 "Miscellaneous debits", add:

212–5 Unusual or infrequent items (credit).
230 Income (loss) from operations of discontinued segments.
232 Gain (loss) on disposal of discontinued segments.

5. Before line item 270 "Extraordinary items (net)", the heading "Extraordinary and Prior Period Items" is revised to read:

Extraordinary Items and Accounting Changes.

6. After line item 270 "Extraordinary items (net)", line item 280 Prior period items (net) is deleted.

7. Line item 290 "Income taxes on extraordinary and prior period items" is revised to read:

290 Income taxes on extraordinary items.

8. Line item 291 "Provision for deferred taxes—extraordinary and prior period items" is revised to read:

291 Provision for deferred taxes—extraordinary items.

9. After line item 291 "Provision for deferred taxes—extraordinary items", the following is added:

292 Cumulative effect of changes in accounting principles.

Under "Profit and Loss Accounts", the following additions are made:

10. After line item 301 "Credit balance at beginning of fiscal period", add:

301–1 Prior period adjustment to beginning balance of earned surplus (credit).

11. After line item 307 "Debit balance at beginning of fiscal period", add:

307–1 Prior period adjustment to beginning balance of earned surplus (debit).

### DEFINITIONS

12. Section 00–2 is amended by adding the following new definitions:

**00–2 Definitions.**

• • • • •

"Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

"Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

"Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

• • • • •

### OPERATING EXPENSES, GENERAL INSTRUCTIONS

**01–6 [Deleted]**

13. The number, title and text of instruction 01–6 "Extraordinary and prior period items" are deleted.

14. The text of instruction 01–10 "Property retired" is revised to read:

**01–10 Property retired.**

The service value of property retired shall be accounted for in accordance with the provisions of instruction 06–4 "Property retired". If authorized by the Commission, the carrier may create a reserve in anticipation of the retirement of non-depreciable property by charges to operating expenses.

**01–16 [Amended]**

15. In the text of instruction 01–16, "Accounting for income taxes", paragraph (a) is amended by striking the words "and prior period" in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentence of these paragraphs.

### OPERATING EXPENSE ACCOUNTS

**28–2 [Amended]**

16. The text of account 28–2, "Retirement, way and structures" is amended by deleting paragraph (b).

### OPERATING REVENUES

**02–3 [Amended]**

17. The number, title and text of instruction 02–3, "Extraordinary and prior period items" are deleted.

### INCOME

18. The title and text of instruction 03–2, "Extraordinary and prior period items" are revised to read:

**03–2 Extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments, and accounting changes.**

(a) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or Infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to





the evolution of the entity's business, such as the disposal of part of a line of

period adjustments and cumulative effect of changes in accounting principles only

225–5 Unusual or infrequent items (debit).



provided for extraordinary items in different periods in determining accounting

**05–7 [Amended]**

33. In the text of general instruction

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950 Cumulative effect of changes in accounting principles.

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the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition).

(d) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of earned surplus of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

03–6 [Amended]

19. Instruction 03–6 "Form or Income Statement" is amended as follows:

```
.  .  .  .  .
212  . . .
212–5  Unusual or infrequent items (credit).
.  .  .  .  .
225  . . .
225–5  Unusual or infrequent items (debit).
Total deductions from gross income.
Income from continuing operations.
```

DISCONTINUED OPERATIONS

```
230  Income (loss) from operations of discontinued segments (less applicable income taxes of $____).
232  Gain (loss) on disposal of discontinued segments (less applicable income taxes of $____).
Income (loss) before extraordinary items.
```

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

```
270  . . .
290  Income taxes on extraordinary items.
291  Provision for deferred taxes—extraordinary items.
Extraordinary Items.
292  Cumulative effect of changes in accounting principles (less applicable income taxes of $____).
.  .  .  .  .
```

INCOME ACCOUNTS

212 [Amended]

20. The text of account 212, "Miscellaneous income" is amended by deleting the last paragraph starting with the words "when the profits . . .".

21. After the text of account 212 "Miscellaneous income" the following new account number, title and text are added:

**212–5 Unusual or infrequent items (credit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 03–2, upon approval by the Commission.

215 [Amended]

22. In the text of account 215, "Taxes assignable to transportation operation," paragraph (c) is amended by striking the words "and prior period" in the last sentence.

225 [Amended]

23. The text of account 225, "Miscellaneous debits" is amended by deleting the last paragraph starting with the words "when the profits . . . .".

24. After the text of account 225, the following new account numbers, titles and text are added:

**225–5 Unusual or infrequent items (debit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 03–2, upon approval by the Commission.

**230 Income (loss) from operations of discontinued segments.**

This account shall include the results of operations of a segment of a business (see definition), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 03–2, upon approval by the Commission.

**232 Gain (loss) on disposal of discontinued segments.**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 03–2, upon approval by the Commission.

25. After the text of account 232, the heading "Extraordinary and prior period items" is revised to read:

EXTRAORDINARY ITEMS

26. The text of account 270 "Extraordinary items (net)," is revised to read:

**270 Extraordinary items (net).**

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 03–2, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 290—"Income taxes on extraordinary items", or account 291, "Provision for deferred taxes—extraordinary items".

280 [Deleted]

26a. The number, title and text of account 280 "Prior period items (net)" are deleted.

27. The title and text of account 290 "Income taxes on extraordinary items" are revised to read:

**290 Income taxes on extraordinary items.**

This account shall include the estimated income tax consequences (debit and credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 270, "Extraordinary items (net)". The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 291, "Provision for deferred taxes—extraordinary items".

28. The title and text of account 291 "Provision for deferred taxes—extraordinary and prior period items" are revised to read:

**291 Provision for deferred taxes—extraordinary items.**

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 270, "Extraordinary items (net)". (See instruction 01–16).

29. After the text of account 291, "Provision for deferred taxes-extraordinary items" the following new account number, title and text are added

**292 Cumulative effect of changes in accounting principles.**

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 03–2, upon approval by the Commission.

PROFIT AND LOSS ACCOUNTS

30. After account 301 "Credit balance at beginning of fiscal period", the following new account number, title and text are added

**301–1 Prior period adjustments to beginning balance of earned surplus (credit).**

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 03–2, to the balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

31. After account 307 "Debit balance at beginning of fiscal period", the following new account number, title and text are added:

**307–1 Prior period adjustments to beginning balance of earned surplus (debit).**

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 03–2, to the balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

GENERAL BALANCE SHEET

05–3 [Amended]

32. The text of general instruction 05–3 "Discount expense, and premium on funded debt," is amended by striking the words "or to account 270, Extraordinary items" appearing in the last sentence of the last paragraph.





05–7 [Amended]

33. In the text of general instruction 05–7, "Recorded value of securities owned," paragraph (a) is amended by deleting the words "or to account 270, "Extraordinary items," as appropriate" at the end of the paragraph. In paragraph (b) (2) (d), the parenthetical words "see instruction 01–6" is revised to read "see instruction 03–2".

GENERAL BALANCE SHEET ACCOUNTS

406–1 [Amended]

34. The text of account 406–1 "Reserve for adjustment of investment in securities," is amended by striking the words "or account 270. "Extraordinary items," as appropriate" at the end of the text.

418 [Amended]

35. The text of account 418, "Discount on funded debt" is amended by striking the words "or account 270, "Extraordinary items," as appropriate" at the end of the second paragraph.

440 [Amended]

36. The text of account 440 "Premium of funded debt" is amended by striking the words "or account 270, "Extraordinary items," as appropriate," at the end of the second paragraph.

447 [Amended]

37. The text of account 447 "Accumulated deferred income tax credits" is amended by striking the words "and prior period" in paragraph (a).

ROAD AND EQUIPMENT

06–7 [Amended]

38. The text of general instruction 06–7 "Land sold or reclassed" is amended by striking the words "or account 270, "Extraordinary Items," pursuant to instruction 01–6".

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PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

39. Under "Income Accounts" the following revisions are made:

```
.  .  .  .  .
641  . . .
650  Unusual or infrequent items (credit).
651  Unusual or infrequent items (credit).
.  .  .  .  .
731  . . .
740  Unusual or infrequent items (debit).
741  Unusual or infrequent items (debit).
850  Discontinued operations.
851  Income (loss) from operations of discontinued segments.
852  Gain (loss) on disposal of discontinued segments.
900  Extraordinary items and accounting changes.
910  . . .
911  . . .
930  Income taxes on extraordinary items.
931  Income taxes on extraordinary items.
940  Provision for deferred taxes—extraordinary items.
941  Provision for deferred taxes—extraordinary items.
950  Cumulative effect of changes in accounting principles.
951  Cumulative effect of changes in accounting principles.
```

DEFINITIONS

40. In part (1) "Definitions," after the text of definition 42(g) "Date of Acquisition" add the following:

*Definitions.* . . .

.  .  .  .  .

43. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

GENERAL INSTRUCTIONS

1–1 [Amended]

41. Instruction "1–1 Classification of accounts" is amended by revising paragraphs (b), (c), (d) and adding paragraph, (e) (f), (g) and (h) as follows:

**1–1 Classification of accounts.**

.  .  .  .  .

(b) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(c) *Unusual or Infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.



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(d) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 43(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 43(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 43(c)).

(d) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

42. Instruction "1-2 Accounting scope" is amended as follows:

**1-2 Accounting scope.**

. . . . . .

(c) • • •

(9) Extraordinary items and accounting changes—amounts to be accounted for in accordance with instruction 1-1.

. . . . . .

(d) • • •

Income Statement Groups.

. . . . . .

800 • • •
900 Extraordinary items and accounting changes.

. . . . . .

640 • • •
650 Unusual or infrequent item (credit).

. . . . . .

730 • • •
740 Unusual or infrequent items (credit).
850 Discontinued operations.

. . . . . .

910 • • •
930 Income taxes on extraordinary items.
940 Provision for deferred taxes—extraordinary items.
950 Cumulative effect of changes in accounting principles.

. . . . . .

641 • • •
651 Unusual or infrequent items (credit).

. . . . . .

731 • • •
741 Unusual or infrequent items (debit).
851 Income (loss) from operations of discontinued segments.
852 Gain (loss) from disposal of discontinued segments.

. . . . . .

911 • • •
931 Income taxes on extraordinary items.
941 Provision for deferred taxes—extraordinary items.
951 Cumulative effect of changes in accounting principles.

. . . . . .

43. Instruction "1-10 Amortization of intangibles" is amended by revising paragraph (b) to read:

**1-10 Amortization of intangibles.**

. . . . . .

(b) When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 141, Intangible property, has become limited or its value impaired, its cost shall be amortized through account 731, Miscellaneous expenses, or it may be entirely written off by charge to this account, with concurrent credit to account 142, Accumulated amortization on intangible property.

. . . . . .

**1-18 [Amended]**

44. In the text of instruction 1-18, "Accounting for income taxes", paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

**INSTRUCTIONS FOR BALANCE SHEET ACCOUNTS**

**2-2 [Amended]**

45. The text of instruction 2-2, "Investments—special funds," paragraph (b) last sentence, is revised to read:

"• • • Such losses in value of securities written off shall be charged to account 731—08—Miscellaneous, sundry expenses."

**SECONDARY OPERATING EXPENSE ACCOUNTS**

**04 [Amended]**

46. In the text of account 04, "Taxes and licenses", paragraph (a) is amended by striking the words "and prior period" before the last word of this paragraph.

**BALANCE SHEET ACCOUNT CLASSIFICATIONS**

**243 [Amended]**

The text of account 243, "Accumulated deferred income tax credits" is amended by striking the words "and prior period" in paragraph (a).

**INSTRUCTIONS FOR CARRIER PROPERTY ACCOUNTS**

47. Instruction "3-3 Retirements" is amended by revising paragraph (c) to read:

**3-3 Retirements.**

. . . . . .

(c) Land. When land is sold, the book costs shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses on the sale, shall be debited or credited to account 641—Miscellanous income.

. . . . . .

48. The text of account 255 "Retained income" is amended by amending paragraph (a) and adding paragraph (j) after (i). As amended, the text reads as follows.

**255 Retained income.**

(a) • • •

09 Prior period adjustments to beginning retained income account.

. . . . . .

(j) 09 *Prior period adjustments to beginning retained income account.* This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 1-1, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.





**INCOME ACCOUNTS**

49. After the text of account "641 Miscellaneous income" the number, title and text for new accounts 650 and 651 are added to read:

**650 Unusual or infrequent items (credit).**

**651 Unusual or infrequent items (credit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1-1, upon approval by the Commission.

50. After the text of account "731 Miscellaneous expenses", the numbers, titles and texts for new accounts 740, 741, 850, 851, and 852 are added to read:

**740 Unusual or infrequent items (debit).**

**741 Unusual or infrequent items (debit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1-1, upon approval by the Commission.

**850 Discontinued operations.**

**851 Income (loss) from operations of discontinued segments.**

This account shall include the results of operations of a segment of a business (see definition 43(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 1-1, upon approval by the Commission.

**852 Gain (loss) on disposal of discontinued segments.**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1-1, upon approval by the Commission.

. . . . . .

**811 [Amended]**

50. The texts of account 811, "Federal income taxes" and account 813, "Other income taxes" are amended by striking the words "and prior period" in the parenthetical sentences.

51. The title of control account 900 is revised to read:

**900 Extraordinary items and accounting changes.**

**52. The text of account "911 Extraordinary items (net)" is revised to read:**

**911 Extraordinary items (net).**

**(a) This account shall include extraordinary items accounted for during** the current accounting year in accordance with the text of instruction 1-1, upon submission a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Income tax consequences of charges and credits to this account shall be recorded in account 931—"Income taxes on extraordinary items", or account 941 "Provision for deferred taxes—extraordinary items".

**920 [Deleted]**

**921 [Deleted]**

53. The number and title of control account 920 "Prior period items (net)" and the number, title and text of account 921 "Prior period items (net)" are deleted.

54. The title of control account 930 is revised to read:

**930 Income taxes on extraordinary items.**

55. The title and text of account "931 Income taxes on extraordinary and prior period items" are revised to read:

**931 Income taxes on extraordinary items.**

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 910, Extraordinary items (net). The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 940, Provision for deferred taxes—extraordinary items.

56. The title of account 940 and the title and text of account 941, are revised to read:

**940 Provision for deferred taxes—extraordinary items.**

**941 Provision for deferred taxes—extraordinary items.**

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 910, Extraordinary items (net). (See instruction 1-18).

57. After the text of account "941 Provision for deferred taxes—extraordinary items," the following new account numbers, titles and text are added:

**950 Cumulative effect of changes in accounting principles.**

**951 Cumulative effect of changes in accounting principles.**

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1-1, upon approval by the Commission.

58. Account "998 Form of income statement" is amended as follows:

**998 Form of income statement.**

. . . . . .

640 • • •
650 Unusual or infrequency items (credit) ---------- $ ------
730 • • •
740 Unusual or infrequency items (debit) ---------- ------
Total Nonoperating Expenses ---------- ------

Income from continuing operations before income taxes---- ------
800 Income taxes on ordinary income ---------- ------
810 Income taxes on ordinary income ---------- ------
Income from continuing operations ---------- ------

850 Discontinued operations (less applicable income taxes)---- ------
Income before extraordinary items ---------- ------

900 Extraordinary items and accounting changes---------- ------
910 Extraordinary items (net)---- ------

930 Income taxes on extraordinary items ---------- ------

940 Provision for deferred taxes—extraordinary items---------- ------
Total extraordinary items- ------

950 Cumulative effect on changes in accounting principles (less applicable income taxes of ----) ---------- ------

Net income (or Loss)----- ------

## PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions:"

1. Line item 1-6, "Extraordinary and prior period items" is revised to read:

1-6 Extraordinary, unusual or infrequent items, prior period adjustments, discontinued operations, and accounting changes.

2. Under "Income Accounts," the following revisions are made:

. . . . . .

640 • • •
645 Unusual or Infrequent Items (Credit).

. . . . . .

660 • • •
665 Unusual or Infrequent Items (Debit).
671 • • •
Discontinued Operations.
675 Income (Loss) From Operations of Discontinued Segments.
676 Gain (Loss) on Disposal of Discontinued Segments.





**Extraordinary Items and Accounting Changes.**

not meeting both criteria for classification as extraordinary, shall be includible

mates should ordinarily be reflected prospectively.



**INCOME ACCOUNTS**

independent accountants, approving or otherwise commenting on the item and

660 • • •
665 Unusual or Infrequent Items (Debit).

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Extraordinary Items and Accounting Changes.

680 • • •
695 Income Taxes on Extraordinary Items.
696 Provision for Deferred Taxes—Extraordinary Items.
697 Cumulative Effect on Changes in Accounting Principles.
• • • • • •
700 • • •
705 Prior Period Adjustments to Beginning Retained Income Account.
• • • • • •

### DEFINITIONS

3. After the text of definition 31(g), "Date of acquisition," the following are added:

• • • • • •

*Definitions.* • • •

32. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other nonsubsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

### GENERAL INSTRUCTIONS

4. The title and text of instruction 1–6, "Extraordinary and prior period items," are revised to read:

**1–6 Extraordinary, unusual or infrequent items, prior period adjustments, discontinued operations and accounting changes.**

(a) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 32(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 32(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 32(c)).

(d) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission Approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

In the text of instruction 1–12, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

### INSTRUCTIONS FOR CARRIER PROPERTY ACCOUNTS

5. The text of instruction 3–7, "Retirements," is amended by revising paragraph (a) to read:

**3–7 Retirements.** • • •

(a) *Land.* The book cost of land retired shall be removed from the property accounts. Gain or loss on the sale of land shall be recorded in account 640, Miscellaneous Income, or account 660, Miscellaneous Income Charges.

• • • • • •

### BALANCE SHEET ACCOUNTS

**23 [Amended]**

6. The text of account 23, "Reductions in Security Values-Credit," is amended by striking the words "or account 680, Extraordinary Items," as appropriate," at the end of the text.

**64 [Amended]**

7. The text of account 64, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

### CARRIER PROPERTY ACCOUNTS

**101, 151, 171 [Amended]**

8. The text of accounts 101, 151, 171, "Land," is amended by striking the words "or, when qualifying as extraordinary pursuant to instruction 1–6, shall be included in account 680, Extraordinary Items," appearing in the last sentence of paragraph (b).





### INCOME ACCOUNTS

**640 [Amended]**

9. The text of account 640, "Miscellaneous Income," is amended by deleting paragraph (b).

10. After the text of account 640, "Miscellaneous Income," the following new account number, title and text are added:

**645 Unusual or Infrequent Items (Credit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–6, upon approval by the Commission.

**660 [Amended]**

11. The text of account 660, "Miscellaneous Income Charges," is amended by deleting paragraph (b).

12. After the text of account 660, "Miscellaneous Income Charges," the following new account number, title and text are added:

**665 Unusual or Infrequent Items (Debit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–6, upon approval by the Commission.

**670 [Amended]**

13. In the text of account 670, "Income Taxes on Ordinary Income," paragraph (a) is amended by striking the words "and prior period," in the second sentence.

13. After the text of account 671, "Provision for Deferred Taxes," accounts 675, 677 and 697, are added, 680, 695 and 696 are revised, and 690, "Prior Period Items (Net)" is deleted, to read as follows:

**675 Income (Loss) from operations of discontinued segments.**

This account shall include the results of operations of a segment of a business (see definition 32(a)), after giving effect to income tax consequences that has been or will be discontinued in accordance with the text of instruction 1–6, upon approval by the Commission.

**676 Gain (Loss) on disposal of discontinued segments.**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1–6, upon approval by the Commission.

EXTRAORDINARY ITEMS

**680 Extraordinary Items (Net).**

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–6, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 695, "Income Taxes on Extraordinary Items," or account 696, "Provision for Deferred Taxes—Extraordinary Items," as applicable.

**695 Income Taxes on Extraordinary Items.**

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified extraordinary, and are recorded in account 680, Extraordinary Items (Net). The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 696, "Provision for Deferred Taxes—Extraordinary Items."

**696 Provision for Deferred Taxes—Extraordinary Items.**

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 680, "Extraordinary Items (Net)." (See instruction 1–12).

**697 Cumulative Effect of Changes in Accounting Principles.**

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1–6, upon approval by the Commission.

• • • • • •

### RETAINED INCOME ACCOUNTS

13. After the text of account 700, "Net Balance Transferred from Income," the following new account number, title and text are added:

**705 Prior Period Adjustments to Beginning Retained Income Account.**

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 1–6, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

14. Account 798, "Form of Income Statement," is amended by the following revisions:

**798 Form of income statement.**

• • • • • •
640 • • •
645 Unusual or Infrequent Items (Credit).
• • • • • •
660 • • •
665 Unusual or Infrequent Items (Debit).
• • • • • •
671 • • •

DISCONTINUED OPERATIONS

675 Income (Loss) from Operations of Discontinued Segments. (Less Applicable Income Taxes of ----).
676 Gain (Loss) from Disposition of Discontinued Segments (Less Applicable Income Taxes of ----).
Income (Loss) before Extraordinary Items.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

680 • • •
695 Income Taxes on Extraordinary Items.
696 Provision for Deferred Taxes—Extraordinary Items.

EXTRAORDINARY ITEMS

697 Cumulative Effect of Changes in Accounting Principles (Less Applicable Income Taxes of ----).
Net Income (Loss).

15. The text of account 799, "Form of Unappropriated Retained Income Statement," is revised as follows:

**799 Form of unappropriated retained income statement.**

• • • • • •
700 • • •
705 Prior Period Adjustments to Beginning Retained Income Account.
• • • • • •

## PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "Income Accounts Texts," the following revisions are made:

• • • • • •
519 • • •
523 Unusual or Infrequent Items (Credit).
• • • • • •
551 • • •
553 Unusual or Infrequent Items (Debit).

DISCONTINUED OPERATIONS

555 Income (Loss) from Operations of Discontinued Segments.
557 Gain (Loss) on Disposal of Discontinued Segments.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

570 • • •
590 Income Taxes on Extraordinary Items.
591 Provision for Deferred Taxes—Extraordinary Items.
592 Cumulative Effect of Changes in Accounting Principles.
• • • • • •

2. Under "Retained Income Accounts Texts," the following revisions are made:

• • • • • •
601 • • •
601–1 Prior Period Adjustments to Beginning Retained Income Account (Credit).
• • • • • •
611 • • •
611–1 Prior Period Adjustments to Beginning Retained Income Account (Debit).
• • • • • •





General Instructions

3. Instruction 2, "Definitions" is

(c) *Unusual or Infrequent Items.* Material events unusual in nature or in-

account provided for in determining net income; in certain cases accounting



Income Accounts Texts

657 Gain (loss) from disposal of discontinued segments. ------

rier's independent accountants, approving or otherwise commenting on the item

**General Instructions**

3. Instruction 2, "Definitions" is amended by adding the following definitions after the text of definition:

**2 Definitions.**

• • • • •

(aa) (7) "Date of acquisition."

(bb) (1) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(2) "Measurement date," means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(3) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

4. The text of Instruction 3, "Classification of accounts," is revised to read:

**3 Classification of accounts.**

(a) Accounts are prescribed to cover cost of property used in furnishing cars or protective service and for revenues, expenses, taxes and income from such service. Separate accounts are prescribed for investment in property not used in such services and for other investments and income therefrom; for extraordinary and prior period items, including applicable income taxes; and for assets, liabilities and capital includible in the balance sheet statement. Retained income accounts form the connecting link between the income account and the equity section of the balance sheet. They are provided to record the transfer of net income or loss for the year; certain capital transactions; and, when authorized by the Commission, other items.

(b) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(c) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(d) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition bb(1)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition bb(2)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition bb(3)).

(e) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(f) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(g) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(h) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

(i) *Just and Reasonable Charges.* All charges to the accounts prescribed for operating revenues, operating expenses and other accounts for furnishing cars or protective service shall be just, reasonable and necessary to the honest and efficient operation and management of the company's business. Payments or allowances in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous Income Charges."

**Income and Balance Sheet Accounts Instructions**

**37 [Amended]**

5. In the text of instruction 37, "Book value of securities owned," paragraph (a) is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the paragraph.

The text of instruction 38, "Discount, expense and premium on debt," is amended by striking the words "or to account 570, 'Extraordinary Items,'" in the second to the last sentence of the last paragraph.

In the text of instruction 42, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

**Property Account Texts**

**51 [Amended]**

6. In the text of account 51, "Land," Note C is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate."





**Income Accounts Texts**

**519 [Amended]**

7. The text of account 519, "Miscellaneous Income," is amended by deleting the note to the account and the references to the note "(see note)", at the end of the last two items listed in the text.

8. After the text of account 519, "Miscellaneous Income," the following new account number, title and text are added:

**523 Unusual or infrequent items (credit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 3(c), upon approval by the Commission.

**532 [Amended]**

9. In the text of account 532, "Car Line Tax Accruals," the third paragraph is amended by striking the words "and prior period," in the second sentence.

**551 [Amended]**

10. The text of account 551, "Miscellaneous Income Charges," is amended by deleting the note to the account and the reference in the text to the note "(see note)," at the end of the last two items listed in the text.

11. After the text of account 551, "Miscellaneous Income Charges," accounts 553, 555, 557 and 592 are added; 570, 590 and 591 are amended; and 580, "Prior Period Items (Net)," is deleted, to read as follows:

**553 Unusual or infrequent items (debit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 3(c), upon approval by the Commission.

**555 Income (loss) from operations of discontinued segments.**

This account shall include the results of operations of a segment of a business (see definition bb(1), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 3(d), upon approval by the Commission.

**557 Gain (loss) on disposal of discontinued segments.**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 3(d), upon approval by the Commission.

**Extraordinary Items and Accounting Changes**

**570 Extraordinary items (net).**

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 3(b), upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 590, "Income Taxes on Extraordinary Items," or account 591, "Provision for Deferred Taxes—Extraordinary Items," as appropriate.

**590 Income taxes on extraordinary items.**

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for Deferred Taxes—Extraordinary."

**591 Provision for deferred taxes—extraordinary items.**

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 42).

**592 Cumulative effect of changes in accounting principles.**

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 3(f), upon approval by the Commission.

12. Account 599, "Form of Income Statement," is amended as follows:

**599 Form of income statement.**

| | | |
|---|---|---|
| | • • • • • | |
| 519 | • • • | |
| 523 | Unusual or infrequent items (Credit) | $------ |
| | • • • • • • | |
| 551 | • • • | |
| 553 | Unusual or infrequent items (debit) | ------ |
| | • • • • • | |
| 548 | • • • | |
| | Total fixed charges and other deductions | ------ |
| | Income (or loss) from continuing operations | ------ |
| | V. DISCONTINUED OPERATIONS | |
| 555 | Income (loss) from operations of discontinued segments | ------ |
| | (Less applicable income taxes of ----) | ------ |
| 557 | Gain (loss) from disposal of discontinued segments | ------ |
| | (Less applicable income taxes of ----) | ------ |
| | Income (loss) before extraordinary items | ------ |
| | EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES | |
| 570 | Extraordinary Items (Net) | ------ |
| 590 | Income Taxes on Extraordinary Items | ------ |
| 591 | Provision for Deferred Taxes—Extraordinary Items | ------ |
| | Extraordinary Items | ------ |
| 592 | Cumulative Effect of Changes in Accounting Principles | ------ |
| | (Less Applicable Income Taxes of ----) | ------ |
| | Net Income (Or Loss) | ------ |

**Retained Income Accounts Texts**

13. After the text of account 601, "Credit Balance" (at beginning of calendar year), the following is added:

**601–1 Prior period adjustments to beginning retained income account (credit).**

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 3(e), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

14. After the text of account 611, "Debit Balance" (at beginning of calendar year), the following is added:

**611–1 Prior period adjustments to beginning retained income account (debit).**

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 3(e), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

**General Balance Sheet Accounts**

**723 [Amended]**

15. In the text of account 723, "Reserve for Adjustment of Investment in Securities—C," paragraph (a), is amended by striking the words "or account 570, 'Extraordinary Items,' as appropriate," at the end of the paragraph. Paragraph (b) is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the first and second sentences of the paragraph.

The text of account 785, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

## PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

LIST OF DEFINITIONS, INSTRUCTIONS AND ACCOUNTS

Under "Definitions":

1. After the line item "1–42 Terminology relative to equity accounting", the following is added:



1–43 Disposal of a segment of a business.

2–7 Extraordinary items, unusual or in-



and any difference between the book cost

2931 Prior period adjustments to beginning retained surplus account.

9010 Extraordinary items (net).

(a) This account shall include ex-

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1–43 Disposal of a segment of a business.

Under "Instructions":

2. Line item "2–7 Extraordinary and prior period items" is revised to read:

2–7 Extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments, and accounting changes.

3. Under "Balance sheet accounts", after line item "2930 Earned Surplus", the following is added:

2931 Prior period adjustments to beginning earned surplus account.

• • • • •

4. Under "Income accounts", the following revisions are made:

INCOME ACCOUNTS

• • • • •

6500 • • •

6600 Unusual or infrequent items (credit)

• • • • •

7500 • • •

7600 Unusual or infrequent items (debit).

• • • • •

8040 • • •

Discontinued operations.

8100 Income (loss) from operations of discontinued segments.

8120 Gains (loss) on disposal of discontinued segments.

Extraordinary items and accounting changes.

9010 • • •

9060 Income taxes on extraordinary items.

9060 Provision for deferred taxes—extraordinary items.

9070 Cumulative effect of changes in accounting principles.

• • • • •

DEFINITIONS

5. After the text of definition "1–42 Terminology relative to equity accounting", the following are added:

1–43 Disposal of a segment of a business.

(a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

INSTRUCTIONS

6. The title and text of instruction "2–7 Extraordinary and prior period items" are revised to read:

2–7 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria fo rclassification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 1–43(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 1–43(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 1–43(c)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

2–15 [Amended]

7. In the text of instruction 2–15, "Book cost of securities owned", paragraph (b) is amended by striking the words "or account 9010, Extraordinary Items, as appropriate. (see instruction 7)." Paragraph (e) is also amended by striking the words "or when qualifying as extraordinary pursuant to instruction 7, shall be included in account 9010, Extraordinary item."

8. The text of instruction 2–21, "Operating property retired," paragraph (d) is revised to read:

2–21 Operating property retired.

• • • • •

(d) *Land.* When land is sold, the book cost shall be credited to the land account and any difference between the book cost and the sales price, less commissions and intangible, the cost of which is included through account 6500, "Other Non-operating Income," or account 7500, "Other Deductions," as appropriate.

• • • • •

9. In instruction 2–31, "Amortization of intangibles," paragraph (a) is revised to read:

2–31 Amortization of intangibles.

(a) When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 1550, Other Intangible Property, has become limited or its value impaired, its cost shall be amortized or entirely written off by charges to account 7500, Other Deductions, depending on the remaining estimated period of usefulness.

• • • • •

2–32 [Amended]

10. In the text of instruction 2–32, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

BALANCE SHEET ACCOUNTS

11. The text of account 1550, "Other intangible property" paragraph (b) is revised to read:

1550 Other intangible property.

(b) The carrier may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 7500, Other deductions.

1675 [Amended]

12. In the text of account 1675, "Reserve for adjustment of investments in securities," paragraphs (a), (b) and (c) are amended by striking the words "or account 9010, Extraordinary Items, as appropriate."

1890 [Amended]

13. In the text of account 1890, "Other deferred debits," paragraph (a) is amended by striking the words "or account 9010, Extraordinary items, as appropriate," at the end of the paragraph.

2460 [Amended]

14. The text of account 2460, "Accumulated deferred income tax credits" is amended by striking the words "and prior period" in paragraph (a).

2600 [Amended]

15. The text of account 2600, "Reserve for amortization-carrier operating property," paragraph (a) is amended by striking the words "or account 9010, Extraordinary items," in the last sentence of the paragraph.

16. After the text of account 2930, "Earned surplus," the following new account number, title and text are added:

2931 Prior period adjustments to beginning retained surplus account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instructions 2–7, to the balance in the retained surplus account at the beginning of the calendar year, upon approval by the Commission.

4652 [Amended]

17. In the text of account 4652, "Employees' welfare expenses," paragraph (c) is amended by striking the words "or account 9010, Extraordinary items, as appropriate" in the first sentence.

18. After the text of account 6500, "Other nonoperating income," the following new account number, title and text are added:

6600 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 2–7, upon approval by the Commission.

19. After the text of account 7500, "Other deductions," the following new account number, title and text are added:

7600 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 2–7, upon approval by the Commission.

20. After the text of account 8040, "Provision for deferred taxes," the following new account number, titles and texts are added:

DISCONTINUED OPERATIONS

8100 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 1–43), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 2–7, upon approval by the Commission.

8120 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 2–7, upon approval by the Commission.

21. After the text of account 8120, "Gain (loss) on disposal of discontinued segments," the heading "Extraordinary and Prior Period Items" are revised to read:

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

22. The text of account 9010, "Extraordinary items (net)" is revised to read:

9010 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 2–7, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 9050, "Income taxes on extraordinary items," or 9060, "Provision for deferred taxes—extraordinary items."

9030 [Deleted]

23. The number, title and text of account 9030, "Prior period items (net)" are deleted.

24. The titles and texts of account 9050 and account 9060 are revised to read:

9050 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 9010, "Extraordinary items (net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 9060, "Provision for deferred taxes—extraordinary items."

9060 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 9010, "Extraordinary items (net)." (See instruction 2–32).

25. After the text of account 9060, "Provision for deferred taxes-extraordinary items," the following new account number, title and text are added:

9070 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 2–7, upon approval by the Commission.

26. The text of account 9999, "Form of income statement" is revised as follows:









9999 Form of income statement.



| | | |
|---|---|---|
| | | qualifying as extraordinary pursuant to |
| 8445/9445 | Unusual or infrequent items—debit. | ed by striking the words "or, when quali- |

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9999 **Form of income statement.**

. . . . . .

6500 • • •

6600 Unusual or infrequent items (credit) ---------- $------

. . . . . .

7500 • • •

7600 Unusual or infrequent items (debit) ---------- ------

. . . . . .

8040 • • •

Income (loss) from continuing operations---------- ------

IV. DISCONTINUED OPERATIONS

8100 Income (loss) from operations of discontinued segments... ------ (less applicable income taxes of ----)--------- ------

8120 Gain (loss) on disposal of discontinued segments------- ------ (less applicable income taxes of ----)--------- ------

Income (loss) before extraordinary items---------- ------

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

9010 • • •

9060 Income taxes on extraordinary items ---------- ------

9060 Provision for deferred taxes—extraordinary items--------- ------

Extraordinary items------ ------

9070 Cumulative effect of changes in accounting principles... ------ (less applicable income taxes of ----)--------- ------

Net income (or loss) transferred to earned surplus-- ------

## PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

LIST OF INSTRUCTIONS

1. Line item 8, "Extraordinary and Prior Period Items," is revised to read:

8 Extraordinary, unusual, or infrequent items, discontinued operations, prior period adjustments; and accounting changes.

**Definitions**

2. After definition 40(g), "Date of acquisition," the following are added:

42. (a) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other nonsubsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date," means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

**Class I and Class II Motor Carriers Instructions**

3. The title and text of instruction 8, "Extraordinary and prior period items," are revised to read:

**8 Extraordinary, unusual or infrequent items, discontinued operations; prior period adjustments; and accounting changes.**

(a) *Extraordinary items.* (1) All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they musta lso meet the materiality standard.

(2) Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

(3) Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 42(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 42(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 42(c)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

18 [Amended]

4. Instruction 18, "Book cost of securities owned," paragraph (b) is amended by striking the parenthetical words "(See instruction 8.)" at the end of the paragraph.

21 [Amended]

5. In instruction 21, "Retirement of property," paragraph (4), land and structures, the sentence reading, "When





qualifying as extraordinary pursuant to instruction 8, the difference should be adjusted through account 8800, "Extraordinary Items (Class II)," and account 8810, "Extraordinary Items (Net) (Class I)," is deleted.

23 [Amended]

6. In instruction 23, "Depreciation and amortization," paragraph (d)(2), the following sentence reading, "When qualifying as extraordinary pursuant to instruction 8, the entire amount of such items may • • • amortization account," is deleted.

7. The text of paragraph (a) instruction 30, "Amortization of other intangible property," is revised to read:

**30 Amortization of other intangible property.**

(a) When it becomes • • • period of uesfulness, with concurrent credit to account 1342, "Accumulated Amortization—Other Intangible Property (Classes I and II)."

. . . . . .

31 [Amended]

8. In the text of instruction 31, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e), are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

**Class I and Class II Motor Carriers Balance Sheet Account Explanations**

9. The texts of accounts 1322, 1332, 1342, 1428, 1430, 1448, and 1512, are amended to delete references to account series 8800/9800, "Extraordinary Items." Specific amendments are as follows:

1322 [Amended]

Account 1322, "Accumulated Amortization—Franchises (Class I)," paragraph (a), is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate.

1332 [Amended]

Account 1332, "Accumulated Amortization—Permits and Patents (Class I)," paragraph (a), is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate."

1342 [Amended]

Account 1342, "Accumulated Amortization—Other Intangible Property (Classes I and II)," paragraph (a), is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate."

1428 [Amended]

Account 1428, "Adjustments—Investments and Advances; Affiliated Companies (Classes I and II)," is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate."

1430 [Amended]

Account 1430, "Other Investments and Advances (Class II), Note B," is amended by striking the words "or, when qualifying as extraordinary • • • (Class I)," in the last sentence of the note.

1448 [Amended]

Account 1448, "Adjustments—Other Investments and Advances (Classes I and II)," is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate.

1512 [Amended]

Account 1512, "Other Deferred Debits (Class I)," paragraph (b), is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate."

2420 [Amended]

10. The text of account 2420, "Accumulated Deferred Income Tax Credits (Class I and II)," is amended by striking the words "and prior period," in paragraph (a).

11. The text of account 2652, "Retained Earnings—Unappropriated (Classes I and II)," is amended by amending paragraph (a) and revising paragraph (b), to read:

**2652 Retained Earnings-Unappropriated (Classes I and II).**

(a) This account shall include the balance of the amounts included in accounts 2910 to 2961, inclusive, • • •.

(b) The balances of all retained earnings accounts (2910 to 2961, inclusive), shall be closed to this account at the end of each calendar year.

12. Before the text of account 2911, "Credit Balances Transferred From Income (Classes I and II)," the following new account number, title and text are added:

**2910 Prior period adjustments to beginning retained earnings account.**

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 8, to the balance in the retained earnings account at the beginning of the calendar year, upon approval by the Commission.

**Class I and Class II Motor Carriers, Chart of Accounts, Other Income and Expenses**

13. Under the hearing, "Class II Accounts," the following additions and revisions are made:

. . . . . .

8435/9435 Unusual or infrequent items—credit.

8445/9445 Unusual or infrequent items—debit.

. . . . . .

8750/9750 Income or loss from operations of discontinued segments.

8755/9755 Gain or loss on disposal of discontinued segments.

. . . . . .

8860/9860 Cumulative effect of changes in accounting principles.

. . . . . .

14. Under the heading, "Class I Accounts," the following additions and revisions are made:

. . . . . .

8435/9435 Unusual or infrequent items—credit.

8445/9445 Unusual or infrequent items—debit.

. . . . . .

8750/9750 Income or loss from operations of discontinued segments.

8755/9755 Gain or loss on disposal of discontinued segments.

. . . . . .

8850/9850 Income taxes on extraordinary items.

8851/9851 Provision for deferred taxes—extraordinary items.

8860/9860 Cumulative effect of changes in accounting principles.

. . . . . .

**Other Income and Expense Account Explanations**

8400/9400 [Amended]

15. The text of account 8400/9400, "Other Nonoperating Income (Net) (Classes I and II)," is amended by deleting Note B and reference thereto, at the end of paragraph (c)(7).

16. After the text of account 8429/9429, "Other (Nonoperating Deductions) (Class I)," the following new account numbers, titles and texts are added:

**8435/9435 Unusual or infrequent items (credit) (classes I and II).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 8, upon approval by the Commission.

**8445/9445 Unusual or infrequent items (debit) (classes I and II).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both accounted for in the current year in accordance with the text of instruction 8, upon approval by the Commission.

8700/9700 [Amended]

17. The text of account 8700/9700, "Income Taxes on Ordinary Income (Classes I and II)," is amended by striking "account 8800/9800, Extraordinary Items (Class II)," and "Prior Period," appearing in the last sentence of paragraph (c).

18. After the text of account 8740/9740, "Provision for Deferred Taxes (Classes I and II)," the following new account numbers, titles and texts are added:

**8750/9750 Income or loss from operations of discontinued segments (Classes I and II).**

This account shall include the results of operations of a segment of a business (see definition 42(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 8, upon approval by the Commission.

**8755/9755 Gain or loss on disposal of discontinued segments (Classes I and II).**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the



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text of instruction 8, upon approval by the Commission.

**8850/9850 Income taxes on extraordinary items (class I).**

This account shall include the amount of income taxes applicable to extraordinary items, upon approval by the Commission.

**8851/9851 Provision for deferred taxes—extraordinary items (class I).**

This account shall include the amount of provision for deferred taxes applicable to extraordinary items, upon approval by the Commission.

**8860/9860 Cumulative effect of changes in accounting principles (class I).**

This account shall include the cumulative effect of changes in accounting principles, upon approval by the Commission.

**Other Income and Expense Account Explanations**

8400/9400 [Amended]

19. The text of account 8400/9400, "Other Nonoperating Income (Net) (Classes I and II)," is amended by deleting Note B and reference thereto, at the end of paragraph (c)(7).

20. After the text of account 8429/9429, "Other (Nonoperating Deductions) (Class I)," the following new account numbers, titles and texts are added:

**8435/9435 Unusual or infrequent items (credit) (classes I and II).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 8, upon approval by the Commission.

**8445/9445 Unusual or infrequent items (debit) (classes I and II).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both accounted for in the current year in accordance with the text of instruction 8, upon approval by the Commission.

8700/9700 [Amended]

21. The text of account 8700/9700, "Income Taxes on Ordinary Income (Classes I and II)," is amended by striking "account 8800/9800, Extraordinary Items (Class II)," and "Prior Period," appearing in the last sentence of paragraph (c).

22. After the text of account 8740/9740, "Provision for Deferred Taxes (Classes I and II)," the following new account numbers, titles and texts are added:

**8750/9750 Income or loss from operations of discontinued segments (Classes I and II).**

This account shall include the results of operations of a segment of a business (see definition 42(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 8, upon approval by the Commission.

**8755/9755 Gain or loss on disposal of discontinued segments (Classes I and II).**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the



(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 42(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 42(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 42(c)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

581 Unusual or Infrequent Items (Debit).

161 [Amended]

12. The text of account 161, "Depreciation

text of instruction 8, upon approval by the Commission.

19. The text of account 8800/9800, "Extraordinary Items (Classes I and II)," is revised to read as follows:

**8800/9800 Extraordinary items (Classes I and II).**

(a) Class I carriers may use this account as a control account for accounts 8810/9810 and 8850/9850.

(b) Class II carriers may record separately amounts described as extraordinary and income taxes on such amounts.

(c) Class II carriers shall also include in this account the estimated income tax consequences (debit or credit), assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary.

(d) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 8, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(e) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(f) Federal income tax consequences of charges and credits to this account shall be recorded in account 8850/9850, "Income Taxes on Extraordinary Items (Class I), or 8851/9851, "Provision for Deferred Taxes—Extraordinary Items (Class I)."

20. The text of account 8810/9810, "Extraordinary Items (Net) Class I)," is revised to read:

**8810/9810 Extraordinary items (net) (class I).**

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 8, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 8850/9850, "Income Taxes on Extraordinary Items," or account 8851/9851, "Provision for Deferred Taxes—Extraordinary Items (Class I)."

**8820/9820 [Deleted]**

21. The account number, title and text of account 8820/9820, "Prior Period Items (Net) (Class I)," are deleted.

22. The title and text of account 8850/9850, "Income Taxes on Extraordinary and Prior Period Items (Class I)," are revised to read:

**8850/9850 Income taxes on extraordinary items (class I).**

This account shall include the estimated income tax consequences (Debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in account 8810, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting and taxable income shall be included in account 8851/9851, "Provision for Deferred Taxes—Extraordinary Items."

23. The title and text of account 8851/9851, "Provision for Deferred Taxes—Extraordinary and Prior Period Items (Class I)," are revised to read:

**8851/9851 Provision for deferred taxes—extraordinary items (class I).**

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 8810/9810, "Extraordinary Items (Net)." (See instruction 31).

24. After the text of account 8851/9851, "Provision for Deferred Taxes—Extraordinary Items (Class I)," add:

**8860/9860 Cumulative effect of changes in accounting principles (class I and II).**

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 8, upon approval by the Commission.

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## PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "General Instructions," line item 4, "Extraordinary and prior period items," is revised to read:

4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.

2. Under "Retained Income Accounts," after line item 281, "Net Income Balance," add:

282 Prior Period Adjustments to Beginning Retained Income Account.

3. Under "Income Accounts," line items 509, 531, 534, 536 and 592, are added, and line item 580, "Prior period items (Net)," is deleted to read as follows:

• • • • • •

509 Unusual or Infrequent Items (Credit).

• • • • • •

531 Unusual or Infrequent Items (Debit).

• • • • • •

DISCONTINUED OPERATIONS

534 Income (loss) from operations of discontinued segments.

536 Gain (loss) on disposal of discontinued segments.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

• • • • • •

590 Income taxes on extraordinary items.

591 Provision for deferred taxes—extraordinary items.

592 Cumulative effect of changes in accounting principles.

• • • • • •

### General Instructions

4. Instruction 2, "Definitions," is amended by adding the following after the text of definition (yy), "Date of Acquisition."

• • • • • •

zz. (1) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(2) "Measurement date," means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(3) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

5. The title and text of instruction 4, "Extraordinary and prior period items," are revised to read:

**4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.**

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.





(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition zz(1)), shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition zz(2)(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition zz(3)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

**13 [Amended]**

6. In the text of instruction 13, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentence of these paragraphs.

**23 [Amended]**

7. Instruction 23, "Book cost of securities owned," paragraph (b), is amended by striking the words "or account 570, "Extraordinary Items',, as appropriate," in the last sentence of the paragraph.

**27 [Amended]**

8. The text of instruction 27, is amended by striking the words "or account 570, Extraordinary Items," at the end of paragraph (d).

### Property Instructions

**44 [Amended]**

9. The text of instruction 44, "Cost of construction," paragraph (g) is amended by striking the words "or account 570, "Extraordinary Items," as appropriate," in the second sentence of the paragraph.

**47 [Amended]**

10. The text of instruction 47, "Retirement and replacement," is amended by striking the words "or account 570, "Extraordinary Items," as appropriate, in the third and fourth sentences of paragraph (c), and at the end of paragraph (d).

### Balance Sheet Accounts

11. The text of account 147, "Land," paragraph (b), is amended by deleting the words after "account 507, "Miscellaneous Income." As amended, the paragraph reads:

**147 Land.**

• • • • • •

(b) • • •. Any excess shall be credited to account 507, "Miscellaneous Income."

• • • • • •

**161 [Amended]**

12. The text of account 161, "Depreciation Reserve—Noncarrier Physical Property," paragraph (b) is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

**174 [Amended]**

13. The text of account 174, "Debt Discount and Expense," paragraph (b), is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

**190 [Amended]**

14. The text of account 190, "Reacquired and Nominally Issued Long-term Debt," paragraph (b), is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

**231 [Amended]**

15. In the text of account 231, "Premium on Long-Term Debt," paragraph (b), is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

**223 [Amended]**

16. The text of account 223, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

### Retained Income Accounts

17. After the text of account 281, "Net Income Balance," add:

**282 Prior period adjustments to beginning retained income account.**

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 4, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

### Income Accounts

**507 [Amended]**

18. The text of account 507, "Miscellaneous Income," is amended by deleting the last paragraph after item 9, "Remittances received from anonymous sources."

**508 [Amended]**

19. The text of account 508, "Profits From Sale or Disposition of Property," is amended by deleting the second paragraph which starts with "When the profit _____."

20. After the text of account 508, "Profits From Sale or Disposition of Property," the following net account number, title and text are added:

**509 Unusual or infrequent items (credit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.



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**525 [Amended]**

21. The text of account 525, "Income

shall be recorded in account 590, "Federal Income Taxes on Extraordinary

**502 Cumulative effect of changes in accounting principles.**



(hh) "Disposal date" refers to the date

justment, after income tax effect, should be reported by restating the beginning

**25 Discount, premium, and expense on long-term debt.**

525 [Amended]

21. The text of account 525, "Losses From Sale or Disposition of Property," is amended by deleting the second paragraph which starts with "When the loss -------"

527 [Amended]

22. The text of account 527, "Miscellaneous Income Charges," is amended by deleting the last paragraph following item 14, under "Items of expense."

23. After the text of account 527, "Miscellaneous Income Charges," the following new account number, title and text are added:

**527–1 Unusual or infrequent items (debit).**

Included in this account shall be material items unusual in nature *or* infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

**532 [Amended]**

24. In the text of account 532, "Income Taxes on Ordinary Income," paragraph (a) is amended by striking the words "and prior period," in the second sentence.

**580 [Deleted]**

25. Account 580 "Prior Period Items (Net)" is deleted, and after the text of account 553, "Provision for Deferred Taxes," new accounts 534, 536 and 592 are added; and accounts 570, 590 and 591 are revised to read as follows:

**534 Income (loss) from operations of discontinued segments.**

This account shall include the results of operations of a segment of a business (see definition zz(1)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 4, upon approval by the Commission.

**536 Gain (loss) on disposal of discontinued segments.**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 4, upon approval by the Commission.

Extraordinary Items and Accounting Changes

**570 Extraordinary items (net).**

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 4, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 590, "Federal Income Taxes on Extraordinary Items," or account 591, "Provision for Deferred Taxes—Extraordinary Items."

**590 Income taxes on extraordinary items.**

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for deferred taxes—extraordinary items."

**591 Provision for deferred taxes—extraordinary items.**

This account shall include debits or credits for current accounting period for income taxes deferred currently or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 13.)

**592 Cumulative effect of changes in accounting principles.**

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 4, upon approval by the Commission.

26. Account 599, "Form of Income Statement," is amended as follows:

599 Form of income statement.

| | | |
|---|---|---|
| 509 | Unusual or infrequent items (credit) | $------ |
| 527–1 | Unusual or infrequent items (debit) | ------ |
| 533 | Income (loss) from continuing operations [1] | ------ |
| | VI. DISCONTINUED OPERATIONS | |
| 534 | Income (loss) from operations of discontinued segments---- (Less applicable income taxes of ----) | ------ |
| 536 | Gain (loss) from disposal of discontinued segments------ (Less applicable income taxes of ----) | ------ |
| | Income (loss) before extraordinary items [1] | ------ |
| | VII. EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES | |
| 570 | • • • | |
| 590 | Income taxes on extraordinary items | ------ |
| 591 | Provision for deferred taxes—extraordinary items | ------ |
| | Extraordinary items------ | ------ |
| 592 | Cumulative effect of changes in accounting principles------ (Less applicable income tax of ----) | ------ |
| | Net income [1] | ------ |

[1] If a loss, show amount in red.

## PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

List of Instructions and Accounts

1. Under "General Instructions," line item 4, "Extraordinary and prior period items," is revised to read:

4 Extraordinary items, unusual and infrequent items, discontinued operations, prior period items, and accounting changes.

2. Under "Earned Surplus Accounts," after line item 301, "Miscellaneous Credits," the following is added:

302 Prior Period Adjustments to Beginning Earned Surplus Accounts.

3. Under "Income Accounts," the following revisions and additions are made:

Income Accounts

• • • • •

405 Unusual or infrequent items (credit).

*Debit*

• • • • •

415 Unusual or infrequent items (debit).

• • • • •

Discontinued Operations

433 Income (loss) from operations of discontinued segments.

434 Gain (loss) on disposal of discontinued segments.

Extraordinary Items and Accounting Changes

• • • • •

450 Income taxes on extraordinary items.

451 Provision for deferred taxes—extraordinary items.

452 Cumulative effect of changes in accounting principles.

• • • • •

General Instructions

4. Instruction 2, "Definitions," is amended by adding the following after the text of definition (ee), "Date of acquisition:"

2 Definitions.

• • • • •

(ff) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(gg) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.





(hh) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

5. The title and text of instruction 4, "Extraordinary and prior period items," are revised to read:

4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items and accounting changes.

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition (ff)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition (gg)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition (hh)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of earned surplus of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for special accounting on these items shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

8 [Amended]

6. In the text of instruction 8, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentence of these paragraphs.

General Balance Sheet Instructions

7. Instruction 25, "Discount, premium and expense on long-term debt," paragraph (d) is revised to read:

25 Discount, premium, and expense on long-term debt.

• • • • •

(d) Except as provided in paragraphs (a), (b), and (c) of this section, the balance in each of these accounts shall be carried until the reacquirement of the securities to which it relates at which time the proportion (based on the relation of the amount of long-term debt reacquired to the total outstanding before its reacquirement) of the balance in the premium, discount, and debt-expense account for the particular class of long-term debt reacquired shall be closed to account 403 "Miscellaneous Income," or account 414, "Miscellaneous income charges."

• • • • •

General Balance Sheet Accounts

132 [Amended]

8. The text of account 132, "Reserve for Adjustment of Investment in Securities," is amended by striking the words "or account 435, "Extraordinary Items (Net)," as appropriate," in paragraphs (a), (b) and (c).

161 [Amended]

9. In the text of account 161, "Depreciation Reserve; Nontransportation property," paragraph (b) is amended by striking the words "or account 435, "Extraordinary items," as appropriate," at the end of the paragraph.

10. The text of account 165, "Organization," paragraph (b) is revised to read:

165 Organization.

• • • • •

(b) The balance in this account may be amortized by regular charges to account 414, "Miscellaneous income charges."

• • • • •

11. In account 166, paragraph (b) is revised to read:

166 Other intangible property.

• • • • •

(b) The balance in this account may be amortized by regular charges to account 414, "Miscellaneous income charges."

171 [Amended]

12. In the text of account 171, "Debt discount and expense," paragraph (b) is amended by deleting the words after "to account 414, 'Miscellaneous income charges'."

13. In the text of account 190, the first sentence of paragraph (b) is amended to read:

190 Reacquired and nominally issued long-term debt.

(b) The difference between the par value of bonds or other long-term debt included in this account and the amount paid by the company for such securities, including commissions and expenses paid in connection with the reacquisition, shall be credited or debited, at the time of reacquirements, to accounts 403, "Miscellaneous Income," 414, "Miscellaneous



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Income Charges," as may be appropriate in accordance with the texts of these

Extraordinary Items and Accounting Changes

Extraordinary Items and Accounting Changes

Income Charges," as may be appropriate in accordance with the texts of these accounts. * * *

* * * * *

**230 [Amended]**

14. In the text of account 230, "Premium on long-term debt," paragraph (b), is amended by striking the words "or account 435, "Extraordinary Items," as appropriate," at the end of the paragraph.

**232 [Amended]**

15. The text of account 232, "Accumulated deferred income tax credits," is amended by striking the words "and prior period" in paragraph (a).

**Property Investment Instructions**

16. In the text of instruction 43, "Retirements," the first sentence of paragraph 2 is revised to read:

**43 Retirements.**

* * * * *

2. Land: If the land is sold, the amount of the necessary adjustment between the book cost and the amount realized shall be included in accounts 403, "Miscellaneous Income," 414, "Miscellaneous Income Charges," as may be appropriate in accordance with the texts of these accounts. * * *

* * * * *

**Earned Surplus Accounts**

17. After the text of account 301, "Miscellaneous credits," the following new account number, title and text are added:

**302 Prior period adjustments to beginning earned surplus account.**

This account shall include adjustments, after giving tax effect, in accordance with the text of instruction 4, to the net balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

**Income Instructions**

**61 [Amended]**

18. The text of instruction 61, "Purpose of income accounts," is amended by striking the words "and prior period" at the end of the paragraph.

19. The text of instruction 63, "Form of income statement," is revised as follows:

**63 Form of income statement.**

* * * * *

403 * * *
405 Unusual or infrequent items (credit).

* * * * *

414 * * *
415 Unusual or infrequent items (debit).

* * * * *

432 * * *
Income (loss) from continuing operations.

DISCONTINUED OPERATIONS

433 Income (loss) from operations of discontinued segments.
(Less applicable income taxes of ----).
434 Gain (loss) on disposal of discontinued segments.
(Less applicable income taxes of ----).
Income (loss) before extraordinary items.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

435 * * *
450 Income taxes on extraordinary items.
451 Provision for deferred taxes—extraordinary items.

EXTRAORDINARY ITEMS

452 Cumulative effect of changes in accounting principles.
(Less applicable income taxes of ----).

* * * * *

**Income Accounts**

**403 [Amended]**

20. The text of account 403, "Miscellaneous Income," is amended by deleting the last paragraph which starts with the words "when the profits or adjustments ------."

21. After the text of account 403, "Miscellaneous Income," the following new account number, title and text are added:

**405 Unusual or infrequent items (credit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

**414 [Amended]**

22. The text of account 414, "Miscellaneous Income Charges," is amended by deleting the last paragraph which starts with the words "when the losses ------."

23. After the text of account 414, "Miscellaneous Income Charges," the following new account number, title and text are added:

**415 Unusual or infrequent items (debit).**

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

24. After the text of account 432, "Provision for Deferred Taxes," the following new account numbers, titles and texts are added:

**433 Income (loss) from operations of discontinued segments.**

This account shall include the results of operations of a segment of a business (see definition ff), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 4, upon approval by the Commission.

**434 Gain (loss) on disposal of discontinued segments.**

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 4, upon approval by the Commission.

25. After the text of account 434, "Gain (Loss) on Disposal of Discontinued Segments," the heading "EXTRAORDINARY AND PRIOR PERIOD ITEMS," is revised to read:

**Extraordinary Items and Accounting Changes**

26. The text of account 435, "Extraordinary Items (Net)," is revised to read:

**435 Extraordinary items (net).**

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 4, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 450, "Income Taxes on Extraordinary Items," or account 451, "Provision for Deferred Taxes—Extraordinary Items."

**440 [Deleted]**

27. The number, title and text of account 440, "Prior Period Items (Net)," are deleted.

28. The titles and texts of accounts 450, "Income Taxes on Extraordinary and Prior Period Items," and 451, "Provision for Deferred Taxes—Extraordinary and Prior Period Items," are revised to read:

**450 Income taxes on extraordinary items.**

This account shall include the estimated income tax consequences (debit or credit) assignable to the agregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 435, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in accounts 451, "Provision for deferred taxes—Extraordinary items."

**451 Provision for deferred taxes—extraordinary items.**

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 435, "Extraordinary items (Net)" (See instruction 8).

29. After the text of account 451, "Provision for Deferred Taxes—Extraordinary Items," add:

**452 Cumulative effect of changes in accounting principles.**

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 4, upon approval by the Commission.

[FR Doc.75-9938 Filed 4-17-75;8:45 am]





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[CM-5/36]

### SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

**Meeting**

The working group on life-saving appliances of the U.S. Subcommittee on Safety of Life at Sea will hold an open meeting at 10 a.m. on Wednesday, May 14, 1975, in Room 8332 of the Department of Transportation, 400 7th Street SW., Washington, D.C.

The purpose of this meeting is to discuss the agenda for the Ninth Session of the Subcommittee on Life-Saving Appliances of the Intergovernmental Maritime Consultative Organization, which will meet in London, May 19–23, 1975. The working group will place special emphasis on Item 3 in the agenda, which reads: "Revision of Chapter III of the Safety Convention".

Requests for further information on the meeting should be directed to Mr. Norman W. Lemley of the United States Coast Guard. He may be reached by telephone on (area code 202) 426–1444.

April 11, 1975.

RICHARD K. BANK,
*Chairman,*
*Shipping Coordinating Committee.*

[FR Doc.75-10195 Filed 4-17-75;8:45 am]

## DEPARTMENT OF DEFENSE

**Department of the Navy**

### ESTABLISHMENT OF NAVAL OCEANOGRAPHIC CENTER, BAY ST. LOUIS, MISSISSIPPI

**Public Hearings and Availabilty of Draft Environmental Impact Statement**

*Announcement.* Public hearings will be held for the purpose of soliciting comments from the public regarding the proposed establishment by the Navy of a Naval Oceanographic Center, Bay St. Louis, Mississippi. The hearings will be conducted by a representative of the Office of the Oceanographer of the Navy, and will include a presentation of the Navy's plan for the establishment of the Naval Oceanographic Center.

Date: Monday, May 5, 1975.
Time: 7 p.m. to 9:30 p.m.
Place: Suitland Senior High School, 5200 Silver Hill Road, Suitland, Maryland.
Date: Thursday, May 8, 1975.
Time: 7:30 p.m. to 10 p.m.
Place: National Space Technology Laboratory, Bay St. Louis, Mississippi.

TITLE

DRAFT ENVIRONMENTAL IMPACT STATEMENT, NAVAL OCEANOGRAPHIC CENTER, BAY ST. LOUIS, MISSISSIPPI

*Description.* The proposal is to consolidate the Naval Oceanographic Office, the Ocean Science Technology Division, the Long Range Acoustic Propagation Project, the Acoustic Environmental Support Detachment of the Office of the Naval Research, and personnel from the Office of Chief of Naval Material, the Naval Sea Systems Command and the Naval Air Systems Command whose primary duty is management of oceanographic research and development efforts.

Where copies of the Draft Environmental Impact Statement can be obtained. Office of the Oceanographer of the Navy, 200 Stovall Street, Alexandria, Virginia 22332, Attn: Code N 52.

Cost of Copies: No change but stock is limited.

Location of local copies available for public reference: Naval Oceanographic Office, Library Room 1711, FOB–3 (Census Building), Suitland, Maryland 20373; Naval Research Laboratory, 4555 Overlook Avenue, SW., Washington, D.C. 20375.

MARYLAND LIBRARIES

Oxon Hill Library, 6200 Oxon Hill Road, Oxon Hill, Maryland.
Suitland Library, 4820 Silver Hill Road, Suitland, Maryland.
Hillcrest Heights Library, 2342 Iverson, Hillcrest Heights, Maryland.

MISSISSIPPI LIBRARIES

City-County Public Library, 501 Ulman Avenue, Bay St. Louis, Mississippi.
Harrison County Public Library, 21st Avenue, Gulfport, Mississippi.
Crosby Margaret Reed Memorial Library, Goodyear Boulevard, Picayune, Mississippi.
Pass Christian Public Library, 111 Heirn Avenue, Pass Christian, Mississippi.

LOUISIANA LIBRARIES

Slidell Branch (St. Tammany Parish) Library, Erlanger Street, Slidell, Louisiana.

*Name, address, and telephone number of public hearing coordinator.* Mr. W. G. Andry, Office of the Oceanographer, 200 Stovall Street, Alexandria, Virginia, 22332; telephone (202) 325–8778.

*Time limit for oral presentations.* The following procedures will be followed during the public hearings. Individual speakers will be limited to 3 minutes, with 5 minutes for a group spokesman for each recognized group. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations, will be accepted. The submission of written documentation and text material pertaining to the technical aspects of the proposal is encouraged. The closing date for including written communications in the hearing record is May 15. 1975.

Dated: April 14, 1975.

WILLIAM O. MILLER,
*Rear Admiral, JAGC, U.S. Navy,*
*Deputy Judge Advocate General.*

[FR Doc.75-10180 Filed 4-17-75;8:45 am]

### NAVY GRADUATE EDUCATION PROGRAM SELECT STUDY COMMITTEE

**Meeting**

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of an open meeting of the Navy Graduate Education Program Select Study Committee to commence at 8 a.m. on Tuesday, May 6, 1975, and continuing through Wednesday, May 7, 1975. The committee will meet in the conference room at the Naval Postgraduate School, Monterey, California.

The Navy Graduate Education Program Select Study Committee is chartered to study the curricula of the Navy Graduate Education Program and to recommend to the Chief of Naval Education and Training which unique Navy specialty and subspecialty requirements can most effectively be provided at the Navy Postgraduate School, and which of those requirements can best be provided at civilian institutions. This will be the initial meeting of the committee. The committee will organize itself, make committee assignments, determine requirements for information and supporting documents, receive briefings on the Navy's advanced educational programs and on the Naval Postgraduate School, and as desired, meet with individuals or groups from the faculty, students, or staff.

Dated: April 11, 1975.

H. B. ROBERTSON, Jr.,
*Rear Admiral, JAGC, U.S. Navy,*
*Judge Advocate General of the Navy.*

[FR Doc.75-10179 Filed 4-17-75;8:45 am]

Office of the Secretary

### DEPARTMENT OF DEFENSE WAGE COMMITTEE

**Closed Meetings**

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January





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[INT DES 75-24]

placement of 9 miles of existing line re-

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5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 6 May 1975, at 9:45 a.m., in Room IE-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

Dated: April 15, 1975.

MAURICE W. ROCHE,
*Director, Correspondence and Directives OASD(C).*

[FR Doc.75-10126 Filed 4-17-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Public Debt Series—No. 12-75]

### TREASURY NOTES OF SERIES H-1977

#### Interest Rates

APRIL 16, 1975.

The Secretary of the Treasury announced on April 15, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 12-75, dated April 10, 1975, will be 7¾ percent per annum. Accordingly, the notes are hereby redesignated 7¾ percent Treasury Notes of Series H-1977. Interest on the notes will be payable at the rate of 7¾ percent per annum.

JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[FR Doc. 75-10337 Filed 4-17-75; 8:45 am]

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 74-22]

### NORMAN BRIDGE DRUG CO.

#### Hearing

Notice is hereby given that on November 4, 1974, the Drug Enforcement Administration, Department of Justice, issued to Norman Bridge Drug Company, Montgomery, Alabama, an Order to Show Cause as to why an application executed September 25, 1974, for renewal of Drug Enforcement Administration registration AN0482769 should not be denied. Also on November 4, 1974, the Drug Enforcement Administration, Department of Justice, issued to Norman Bridge Drug Company an order to show cause as to why Registration Number AN0482769 previously issued to the Respondent should not be revoked.

Thirty days having elapsed since said orders to show cause were received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in these matters will be held commencing at 10 a.m. on May 8, 1975, in Court of Appeals Court Room, Fourth Floor, Federal Building, Montgomery, Alabama.

Date: April 10, 1975.

JOHN R. BARTELS, JR.,
*Administrator,*
*Drug Enforcement Administration.*

[FR Doc.75-10207 Filed 4-17-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bonneville Power Administration

[INT DES 75-26]

### CHENEY-FOUR LAKES AREA SERVICE

#### Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for the Cheney-Four Lakes Area Service.

The proposed facilities involve the construction of approximately 26 miles of 230-kV transmission line from the Four Mounds Area west of Spokane to either Cheney or Four Lakes Substation and construction of a new substation in the Four Mounds Area. This proposal will involve Lincoln and Spokane Counties, Washington. Depending upon the final route location chosen, between approximately 20 and 27 miles of new right-of-way would be required between the proposed Greenwood Substation and either Cheney or Four Lakes Substation. Between 25 and 41 miles of access road would also be required. Depending upon the final route selected, the amount of impact upon forest land would range from zero to 97 acres permanently removed. The amount of land temporarily disrupted for rangeland and cropland would be 8 to 13 acres and 30 to 40 acres, respectively. In addition, between approximately 4 and 8 acres of rangeland would be removed due to construction of the proposed new substation.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Spokane Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc. 75-10229 Filed 4-17-75;8:45 am]

[INT DES 75-27]

### HANGMAN CREEK AREA SERVICE

#### Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for Hangman Creek Area Service.

The proposal involves the construction of a substation near Hangman Creek, south of Spokane, in Spokane County, Washington. Approximately three acres of grass and shrubs would be removed for the proposed substation. Depending upon the final site selected, a few trees could be removed. Some siltation to Hangman Creek would occur.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Spokane





Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10230 Filed 4-17-75;8:45 am]

[INT DES 75-23]

### OKANOGAN AREA SERVICE

#### Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for the Okanogan Area Service.

The proposed facilities involve construction of a substation west of Okanogan, Washington, a 115-kV line between Okanogan and Tonasket, and a 230-kV line between Bridgeport and Okanogan. This proposal will involve Douglas, Okanogan, Grant, and Lincoln Counties, Washington. Depending on the final route location chosen, between approximately 56 and 63 miles of transmission line from Okanogan to Tonasket and from Bridgeport to Okanogan, most of which would require new right-of-way, would be required. Between 16 and 45 miles of new access road would be required. Land use affected would include temporary impact to between 28 and 50 acres of rangeland and between 3 and 8 acres of forest land. A minimal amount of agricultural land would be impacted as a result of several of the alternative locations. In addition, approximately 4 acres of rangeland would be permanently removed due to construction of the proposed new substation.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington, 99201.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Spokane Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary, of the Interior.*

[FR Doc.75-10226 Filed 4-17-75;8:45 am]

[INT DES 75-24]

### PORT ANGELES SUPPORT

#### Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for Port Angeles Support.

The proposal involves transformer additions to Port Angeles Substation, and replacement of approximately 27 miles of 115-kV line with new 230-kV line between Fairmont and Port Angeles Substations. This proposal will involve Clallam and Jefferson Counties, Washington. No additional right-of-way would be required and existing access road would suffice, but some improvement necessitating widening would be required. Approximately 14 acres of agricultural land would be affected for a short time during construction.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Seattle Area Office, 415-1st Avenue North, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10227 Filed 4-17-75;8:45 am]

[INT DES 75-25]

### SEATTLE AREA REINFORCEMENT

#### Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for the Seattle Area Reinforcement.

The proposed facilities involve construction of 230-kV terminals at Covington and Maple Valley Substations and approximately 10 miles of double-circuit 230-kV line between Covington and Maple Valley Substations over existing right-of-way. This proposal will involve King County, Washington. Construction of the line will involve removal and replacement of 9 miles of existing line requiring removal of some vegetation. The last mile of the new line will utilize existing BPA line between Covington-South substation right-of-way and Maple Valley Substation. A small amount of new access road will be required. Approximately 10 acres of pastureland will be temporarily disrupted.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Seattle Area Office, 415-1st Avenue North, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10228 Filed 4-17-75;8:45 am]

### National Park Service

### CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

#### Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, May 10, 1975, at 9 a.m. at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Maryland.
Mrs. Caroline Freeland, Bethesda, Maryland.
Mr. Donald Frush, Hagerstown, Maryland.
Hon. Vladimir A. Wahbe, Baltimore, Maryland.
Mr. Anthony Abar, Annapolis, Maryland
Mr. John C. Lewis, Hamilton, Virginia.
Mrs. Dorothy Grotos, Arlington, Virginia.
Mr. Burton C. English, Berkeley Springs, West Virginia.
Mr. Henry W. Miller, Jr., Paw Paw, West Virginia.
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Maryland.
Mrs. Mary Miltenberger, Cumberland, Maryland.



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Dr. James H. Gilford, Frederick, Maryland.
Dr. Kenneth Bromfield, Frederick, Maryland.
Mr. Grant Conway, Brookmont, Maryland.
Mr. Edwin F. Wesely, Chevy Chase, Maryland.
Mr. John C. Frye, Gapland, Maryland.
Mr. Rome F. Schwasel, Keedysville, Maryland.
Mr. Justice Douglas (Special Consultant).

The matters to be discussed at this meeting include:

1. Report on Environmental Assessment/General Plan.
2. Status of Land Acquisition.
3. Potomac River Committee Reports.
4. Revised Repair Priorities List.
5. Superintendent's Report.
6. Interpretation Policy Committee Report.
7. Report on C&O Canal Association Annual Reunion Hike and Announcement of New Officers.
8. County, State, and D.C. Reports.
9. Field Trip—Ferry Hill Inn.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: April 10, 1975.

JOHN A. TOWNSLEY,
*Acting Director,*
*National Capital Parks.*

[FR Doc.75–10196 Filed 4–17–75;8:45 am]

## INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on May 8, 1975, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Pub. L. 80–795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman).
Mr. John P. Bracken.
Hon. Michael J. Bradley.
Hon. James A. Byrne.
Mr. Filindo B. Masino.
Mr. Frank C. P. McGlinn.
Mr. John B. O'Hara.
Mr. Howard D. Rosengarten.
Mr. Charles R. Tyson.

The matters to be considered at this meeting include:

1. Closing of Chestnut Street.
2. Park Operating Deficiencies.
3. Promenade of the States and Signers Walk.
4. Superintendent's Progress Report.

The meeting will be open to the public. Any person may file with the Commission an oral or written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at Area Code 215, 597–7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: April 11, 1975.

CHESTER L. BROOKS,
*Regional Director, Mid-Atlantic Region, National Park Service.*

[FR Doc.75–10199 Filed 4–17–75;8:45 am]

## SOUTHEAST REGIONAL ADVISORY COMMITTEE

### Cancellation of Meeting

The meeting of the Southeast Regional Advisory Committee, originally scheduled for April 24 and 25, 1975, the notice of which was previously published on page 15105 in the FEDERAL REGISTER on Friday, April 4, 1975 (FR Doc. 75–8748), has been cancelled, and will be rescheduled.

Dated: April 14, 1975.

ROBERT M. LANDAU,
*Deputy Associate Director, Legislation, National Park Service.*

[FR Doc.75–10197 Filed 4–17–75;8:45 am]

## WEIN CONSOLIDATED AIRLINES, INC.

### Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before May 19, 1975, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Wein Consolidated Airlines, Inc., authorizing it to provide concession facilities and services for the public at Katmai National Monument for a period of one (1) year, from January 1, 1975, through December 31, 1975.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Office of the Regional Director, Pacific Northwest Region, Fourth and Pike Building, Seattle, Washington 98101.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 19, 1975.

Interested parties should contact the Assistant Director of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 10, 1975.

JOE BROWN,
*Acting Associate Director, National Park Service.*

[FR Doc.75–10198 Filed 4–17–75;8:45 am]

## Office of Hearings and Appeals

[Docket No. M 75–100]

## ISLAND CREEK COAL CO.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 77.213 to its Tioga Preparation Plant, Tioga, West Virginia.

30 CFR 77.213 provides:

When it is necessary for a tunnel to be closed at one end, an escapeway not less than 30 inches in diameter (or of the equivalent, if the escapeway does not have a circular cross section) shall be installed which extends from the closed end of the tunnel to a safe location on the surface; and, if the escapeway is inclined more than 30 degrees from the horizontal it shall be equipped with a ladder which runs the full length of the inclined portion of the escapeway.

In support of its petition to secure a waiver of § 77.213, Petitioner states:

(1) The subject silos were constructed approximately 15 years prior to the enactment of the Coal Mine Health and Safety Act of 1969.

(2) The walls of the silos are made of staves which are laid in layers with steel bands wrapped around them at small intervals to prevent the staves from falling out.

(3) In order to provide a second escapeway, the outer wall made of staves needs to be punctured. It is Petitioner's considered opinion that if this wall is punctured the silo will collapse. Should such a collapse occur, personnel in the area could be injured or killed.

(4) Petitioner asserts that the application of the mandatory standard will result in a diminution of safety of the miners at the subject mine.





Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 19, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director, Office of Hearings and Appeals.*

APRIL 14, 1975.

[FR Doc.75–10114 Filed 4–17–75;8:45 am]

[Docket No. M 75–101]

## WESTMORELAND COAL CO.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Westmoreland Coal Company has filed a petition to modify the application of 30 CFR 75.807 to its Hampton Nos. 3, 4 and 6 Mines and its Ferrell Mine, located in Clothier, West Virginia.

30 CFR 75.807 provides:

All underground high-voltage transmission cables shall be installed only in regularly inspected air courses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are 6½ feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley wires and other low-voltage circuits.

Petitioner requests that § 75.807 be modified to permit the use of its existing underground high-voltage transmission cable at the subject mines without further additional guarding. As grounds for its request Petitioner states:

1. Petitioner has installed underground high-voltage transmission cables in the subject mines. These cables far exceed the electrical and mechanical characteristics of cables approved by the United States Bureau of Mines and accepted by the Mining Enforcement and Safety Administration (MESA).

2. The cables installed in the subject mines comply with the requirements of the above quoted part of § 75.807 of the regulations and no additional guarding is required.

3. MESA has taken the position that § 75.807 is complied with by wrapping the cable with brattice cloth, when, in fact, wrapping high-voltage transmission cable with brattice cloth creates a potential safety hazard.

4. The high-voltage transmission cables in the subject mines, without additional guarding, will at all times guarantee to the miners in these mines no less than the same measure of protection sought to be accomplished by additional guarding and, in fact, will eliminate certain hazards which would be created if additional guarding were mandated.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 19, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director, Office of Hearings and Appeals.*

APRIL 14, 1975.

[FR Doc.75–10115 Filed 4–17–75;8:45 am]

## Office of the Secretary

[INT DES 75–28]

## ANADROMOUS FISH PASSAGE IMPROVEMENTS—SAVAGE RAPIDS DAM

### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on improvement measures for anadromous fish migration at Savage Rapids Dam on the Rogue River in southwestern Oregon. Written comments may be submitted to the Regional Director (address below) on or before June 2, 1975.

Copies are available at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343–4991.

Office of Regional Director, Bureau of Reclamation, P.O. Box 043, 550 W. Fort Street, Boise, Idaho 83724. Telephone (208) 342–2711, Ext. 2110.

Salem Planning Field Branch, Bureau of Reclamation, 1775 32nd Place, NE, P.O. Box 7395, Salem, Oregon 97303. Telephone (503) 399–5771.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Copies will also be available for review in public and university libraries in southwestern Oregon. Please refer to the statement number above.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75–10225 Filed 4–17–75;8:45 am]

## CENTRAL ARIZONA PROJECT, ARIZONA

### Proposed Allocation of Project Water for Indian Irrigation Use

Pursuant to the authority vested in the Secretary of the Interior by the Act of June 17, 1902, as amended (32 Stat. 388 (43 U.S.C. 391)), and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. (885, 43 U.S.C. 1501)), certain Secretarial decisions made on December 15, 1972, concerning the priorities for water use and the allocation of irrigation water between Indian reservation lands and non-Indian lands within the Central Arizona Project, were published on December 20, 1972, 37 FR 28082. That publication also announced Secretarial execution on December 15, 1972, of a contract with the Central Arizona Water Conservation District for delivery of project water and repayment of project costs.

The Secretarial decisions of December 15, 1972, and the concurrently executed contract with the District contemplated a future Secretarial allocation of irrigation water from the Central Arizona Project for Indian use within established reservation boundaries. Pursuant to the authorities cited above, I propose to make such an allocation, in the form set forth below.

Written comments with respect to an allocation of project water for Indian irrigation use have already been received from the Indian tribes affected and their representatives, officials of the State of Arizona, and representatives of Arizona water users; and face-to-face meetings with these groups have been held by me and members of my staff. Nevertheless, it is the policy of the Department of the Interior to afford the public an opportunity to participate as fully as possible in the decision-making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed allocation to the Office of the Solicitor, Department of the Interior, Washington, D.C. 20240. All relevant material received before June 17, 1975, will be considered.

To facilitate public review and comment, an administrative record of significant meetings, correspondence, and factual data relied upon in making the allocation proposed below has been assembled in the Arizona Projects Office of the Bureau of Reclamation, 135 North Second Avenue, Phoenix, Arizona 85003—telephone number (602) 261–3106. This administrative record can be inspected by the public on the premises of the Arizona Projects Office during regular business hours, where arrangements can be made to have specified portions copied upon payment of reasonable charges.

Dated: April 15, 1975.

ROGERS C. B. MORTON,
*Secretary of the Interior.*

CENTRAL ARIZONA PROJECT, ARIZONA

ALLOCATION OF PROJECT WATER FOR INDIAN IRRIGATION USE

Pursuant to the authority vested in the Secretary of the Interior by the Act of June 17, 1902, as amended (32 Stat. 388, 43 U.S.C. 391), and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501), certain Secretarial decisions made on December 15, 1972, concerning the priorities for water use and the allocation of irrigation water between Indian reservation lands and non-Indian lands



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within the Central Arizona Project, 300 miles to the Phoenix and Tucson



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within the Central Arizona Project, were published on December 20, 1972, 37 FR 28082. That publication also announced Secretarial execution on December 15, 1972, of a contract with the Central Arizona Water Conservation District for delivery of project water and repayment of project costs.

The Secretarial decisions of December 15, 1972, and the concurrently executed contract with the District contemplated a future Secretarial allocation of irrigation water from the Central Arizona Project for Indian use within established reservation boundaries. Pursuant to the authorities cited above, I propose to make such an allocation, in the form set forth below.

Before describing the procedure used to determine the allocations set forth below to the five central Arizona Indian tribes for irrigation use within the boundaries of their respective reservations, a critical feature of the Central Arizona Project should be understood. The project was not planned to—nor did Congress intend in authorizing it that it would—provide a total solution to the water requirements of central Arizona.

This is characteristically arid country with a limited surface supply of water, and both agricultural and municipal and industrial uses have to depend on groundwater pumping. However, the groundwater level has been dropping at an alarming rate, so that the expense of pumping may soon make irrigated farming in this region uneconomical. Moreover, the groundwater supply is not expected to be adequate to support the demand for municipal and industrial water accompanying estimated future population growth and industrial development.

The Central Arizona Project is designed to alleviate the agricultural drain on the groundwater supply in the early years of the project and to provide a dependable supply of municipal and industrial water on a permanent basis. The early years of the project are about the first 20 years during which time waters surplus to the other Colorado River Basin States will be diverted through the project to central Arizona and used in lieu of or to replenish the groundwater supply. It is during this period of time that the project will make its greatest contribution to irrigation. At the end of the first 20 years, two developments will converge to significantly reduce the water available from the project for irrigation. One will be the increasing utilization of the Colorado River by the other Basin States, and the other will be the increasing demand in central Arizona for municipal and industrial water.

Hydrologic studies of the Bureau of Reclamation show that about half of the years from the 20th to the 50th year of the project the water available for delivery canalside will be limited to about 360,000 acre-feet, and this will be very costly water. To bring it to central Arizona it is necessary to build a steam generating plant to provide power to pump the water from the Colorado River and convey it in aqueducts more than 300 miles to the Phoenix and Tucson areas, at a total project cost of about $1.2 billion based on January 1973 prices. Of this amount about $1 billion is allocated to the water function, both irrigation and municipal and industrial. Over a 50-year period this represents an average annual capital cost for the water function of $20 million. When the total supply would be limited to about 360,000 acre-feet, the computed capital cost for delivering that water would be about $56 an acre-foot, based on January 1973 costs, to which must be added interest and operating and maintenance expenses.

It is clear to me based on the legislative history, the hydrologic studies, and the financial realities, that the Central Arizona Project was not intended by Congress to be used primarily for irrigation after the first 20 years, nor would it be reasonable to use such costly water for that purpose. That was the reason we assigned municipal and industrial uses a first priority in our decisions of December 15, 1972, 37 FR 28082.

After the first 20 years all irrigators in central Arizona, Indian and non-Indian alike, will have to look to other sources than the water supply which is now being allocated between Indian and non-Indian irrigation to supplement their groundwater supply. The authorizing legislation contemplates that such future water needs of Arizona and other arid States in the West will be met by augmentation of the natural flows of the Colorado River. I am hopeful that by the time the need becomes critical, the technical means for accomplishing augmentation will have been developed.

Therefore, with the understanding that the water supply from the Central Arizona Project which I am hereby allocating between Indian and non-Indian irrigation will not be a total solution to their respective needs, I have determined to make the allocation in two successive time frames. One will cover the project water that will be available during the first 20 years, and the other will cover that to be available thereafter.

During the deliberative process, my representatives and I met with the Indian tribes and their representatives and with officials of the State of Arizona to explore Indian expectations and needs and to sort out the conflicting claims and facts. During these meetings a consensus developed as to an acceptable approach for determining the amount of water to be allocated to Indian irrigation use during the early years of the project. As a result thereof, it is my determination that sufficient project water should be made available to the Indian tribes so that 100 percent of lands presently developed for irrigation on the Indian reservations can be irrigated. The amount of project water that would be made available would take into account the estimated available surface water and the estimated current groundwater yield for irrigation without overdrafting. I requested the Bureau of Reclamation to make a technical study of this data in cooperation with the Indian tribes and the State officials and to provide me with a report. I have reviewed the Bureau's findings and the supporting technical material and am persuaded of their reliability and accuracy.

In outline, the Bureau of Reclamation used the following procedure: (1) The total acreage of presently developed lands on each reservation was determined. (2) The total water requirement for each reservation was computed on the basis of 4.59 acre-feet per acre. (3) The number of acre-feet of non-project surface and groundwater available to each reservation was estimated. (4) The number of acre-feet of project water required for each reservation was then obtained by subtracting the available surface and groundwater from the total water requirement. (5) The number of acre-feet to be delivered to each tribe at the turnout points on the project canals (canalside) was the amount as determined in No. 4 multiplied by 1.176 (which is the same as dividing by 0.85) to allow for a 15 percent loss in the distribution systems from the amount delivered canalside.

A summary of the Bureau of Reclamation's findings are presented in the following table (units in 1,000's of acres or acre-feet):

| Reservation | Presently developed acreage | Multiply by 4.59 for total on-farm acre-feet required | Subtract available water | | Multiply by 1.176 for acre-feet of project water, canalside |
|---|---|---|---|---|---|
| | | | Surface | Ground | |
| AK Chin | 10.8 | 49.6 | 0 | 0 | 58.3 |
| Gila River | 62.1 | 285. | 77.3 | 60.6 | 173.1 |
| Papago | 1.7 | 7.8 | 0 | 1.0 | 8.0 |
| Salt River | 13.0 | 59.7 | 33.6 | 14.8 | 13.3 |
| Fort McDowell | 1.3 | 6. | 6. | 0 | 0 |
| Total | 88.9 | 408.1 | 116.9 | 76.4 | 252.7 |

There were one or more respects in which the tribes' figures and the State's figures were in disagreement with those of the Bureau of Reclamation. In general, the tribes' figures tended to increase the amount of project water which should be allocated to them, as compared with the amount supported by the Bureau of Reclamation's figures, and the State's figures to diminish such amount. To give an illustration of the range, the respective totals of the amounts of project water which should be allocated to the tribes were as follows (1,000's acre-feet):

| | |
|---|---|
| State | 194.8 |
| Bureau of Reclamation | 252.7 |
| Tribes | 395 |

A principal area of disparity between the three groups was in the estimate of the groundwater supply available for irrigation use. The State's groundwater estimate, for example, would have credited the Gila River Tribe with 114.8 thousand acre-feet of groundwater to be deducted from the tribe's total water requirement; whereas the Bureau of Reclamation's estimate was 60.6 thousand acre-feet and the tribe's 28.3 thousand acre-feet. The State used a least-cost analysis (cost of groundwater pumping vs. cost of project water) which would not, in my opinion, be appropriate for Indian irrigation water, since such water will be made available to the tribes on a nonreimbursable basis.

I also rejected the tribe's estimate because it would have eliminated from the groundwater available for irrigation use an amount which the tribe plans to use in the future for municipal and industrial purposes. Under the Bureau of Reclamation's estimate, which I have adopted, deductions from the groundwater available for irrigation use would be permitted for present municipal and industrial uses but not for anticipated municipal and industrial uses because of their speculative nature.

The Papago and the Salt River Tribes each similarly claimed less groundwater available for irrigation use than that estimated by the Bureau of Reclamation, but I find no convincing support for their claims.

There were also differences in the respective estimates in other matters than groundwater. The Gila River Tribe, for example, requested water for the irrigation of the same number of acres of reservation lands that had figured in litigation involving a claim by the Tribe for water rights on the Gila River (29 Ind. Cl. Comm. 144, Docket No. 236–C). Those lands have not, however, been developed for irrigation and were not, therefore, taken into account under the foregoing approach. Moreover, we understand that the Tribe is now pursuing a remedy for money damages against the United States in connection with those Gila River water rights.

The Salt River Tribe, on the other hand, claimed a water duty of 6.25 acre-feet per acre instead of the normal water duty of 4.59 acre-feet. This claim was predicated on a more intensive use of water due to double cropping and other practices. However, such intensive use would in due course exhaust the available groundwater supply. Since the tribe could not reasonably expect to persist in such use, it would not be fair to the other tribes to measure the Salt River Tribe's entitlement to project water on the basis of the larger water duty. If such variations from the procedure were to be allowed for one tribe, they could justifiably be demanded by each of the others.

It is for the latter reason that I have determined that the Fort McDowell Tribe is not entitled to any project water. This reservation has an ample supply of surface water to satisfy all of its on-farm requirements.

Accordingly, I intend to make my allocation on the basis of the Bureau of Reclamation's findings. The total of 252,000 acre-feet annually for Indian irrigation use which is supported by those findings represents slightly less than 20 percent of all irrigation water estimated to be available in a normal year during the early years of project operation. To facilitate administration of this allocation in the later years when the Indian share of irrigation water will have to be computed each year on a percentage basis, I have decided that the 252,700 acre-feet should be rounded out to 20 percent of all irrigation water estimated to be available in a normal year during the early years. This would amount to about 257,000 acre-feet annually. I have determined, accordingly, that for the first 20 years the tribes will receive a fixed amount of 257,000 acre-feet annually.

Such an allocation for Indian irrigation will give the tribes an advantage which they would not otherwise have were the allocation made solely on the basis of population (one percent) or presently-developed acreage (10 percent) on the reservations. Moreover, whereas such deliveries to the tribes would amount to sufficient project water when used with estimated available surface and groundwater supplies to irrigate 100 percent of their presently-developed lands, non-Indians would be receiving only enough when used with estimated available surface and groundwater supplies to irrigate slightly more than half of their lands with a recent irrigation history. [Section 304(a) of the Colorado River Basin Project Act precludes delivery of project water for irrigation of non-Indian lands not having "a recent irrigation history as determined by the Secretary." In applying the "presently-developed" criterion to the Indian lands, the showing of a recent irrigation history was not required, thus allowing a greater allocation of project irrigation water to the Indians.]

Adjusted on the basis of the rounding-out to 257,000 acre-feet annually, each tribe will be entitled to the following canalside delivery of irrigation water in acre-feet annually for the first 20 years:

| | |
|---|---|
| AK Chin | 59,300 |
| Gila River | 176,000 |
| Papago | 8,200 |
| Salt River | 13,500 |
| Fort McDowell | 0 |
| | 257,000 |

As a further advantage to the tribes, I have determined that the delivery of the foregoing amounts to the tribes will be on a guaranteed annual basis; whereas the irrigation water deliveries to non-Indians will fluctuate from year-to-year, depending on hydrologic conditions. However, because of the combination of hydrologic and other factors described earlier, it will not be possible to continue these deliveries after the year 2005. As the project is expected to be operational in 1985, this will allow for a full 20 years, but if the project is unduly delayed, the guaranteed amount may be available for less than 20 years through the year 2005.

After the year 2005, there will still be water available in some years for the irrigation of Indian and non-Indian lands after meeting municipal and industrial needs, but it will not be in such dependable annual quantities as to allow me to guarantee the delivery of water in the specific amounts determined above. However, irrigation water shall continue to be delivered to the tribes on the basis of 20 percent of the total irrigation water available each year, to be pro rated among them in proportion to their entitlements during the first 20 years, as follows:

| | Percent |
|---|---|
| AK Chin | 23.1 |
| Gila River | 68.5 |
| Papago | 3.2 |
| Salt River | 5.2 |
| Fort McDowell | 0 |
| | 100.0 |

Under the priorities set out in the December 15, 1972 decisions, water used for municipal and industrial purposes would have priority over irrigation.[1] Since it is presently estimated that more than 360,000 acre-feet annually will be sold by the Central Arizona Water Conservation District for M&I purposes, no water would be available in half or more of the years from the 20th to the 50th year to be delivered to the tribes for irrigation. To avoid such a possibility, I have determined to allocate at least *10 percent of all project* water supply to the tribes following the year 2005, so that the tribes will have either 20 percent of all irrigation water or 10 percent of all project water each year, whichever is to their advantage. Although this water is to be used by the tribes for irrigation, it will have the same priority as M&I water under the decisions of December 15, 1972. As such, during the years of minimum project water supply, the tribes will receive 10 percent of all project water annually for irrigation; whereas non-Indians will receive no irrigation water. In normal years based on present estimates, the tribes can expect to receive from 150,000 to 200,000 acre-feet.

Water allocated for Indian use to each tribe by this decision is required to be used on the reservation of the tribe to which it is allocated. This restriction is consistent with section 304 of the Colorado River Basin Project Act. If water allocated to a tribe by this decision is used for the irrigation of Indian lands on the reservation, the capital costs of the project attributable to such water shall be nonreimbursable by the tribe, pursuant to section 402 of the Colorado River Basin Project Act.

The allocation of project irrigation water made to the tribes by this decision is not intended to preclude their right to contract for project M&I water like any other entity in central Arizona. Such

[1] This priority is, of course, subject to the statutory "first priority" in section 304(e), 43 U.S.C. § 1524(e), for water users who have yielded water from other sources in exchange for project water.











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contracts may be made through me so long as such water has not been contracted to other users. Since it is the purpose of this decision to enable the Central Arizona Water Conservation District to proceed expeditiously to enter into contracts for such water for terms of up to 50 years, the tribes should express their interests to me on a timely basis.

[FR Doc.75-10292 Filed 4-17-75;8:45 am]

## Office of the Secretary

### ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 21, 1975.

Dated: February 21, 1975.

R. L. HUFMAN.

[FR Doc.75-10188 Filed 4-17-75;8:45 am]

### HERBERT H. HUNT, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No Change.
(2) Sold—Fidelity Mortgage Investors, 100 shares, 12/30/74; Add—Atlas, Syntex—small amount in Investment Club.
(3) No Change.
(4) No Change.

This statement is made as of March 26, 1975.

Dated: March 26, 1975.

HERBERT H. HUNT.

[FR Doc.75-10189 Filed 4-17-75;8:45 am]

### MODESTO IRIARTE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 10, 1975.

Dated: March 10, 1975.

MODESTO IRIARTE, JR.

[FR Doc.75-10190 Filed 4-17-75;8:45 am]

### JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 27, 1975.

Dated: February 27, 1975.

JOHN H. KLINE.

[FR Doc.75-10191 Filed 4-17-75;8:45 am]

### CLIFTON F. ROGERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 3, 1975.

Dated: March 3, 1975.

CLIFTON F. ROGERS.

[FR Doc.75-10192 Filed 4-17-75;8:45 am]

### STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 10, 1975.

Dated: March 10, 1975.

S. M. SWANSON.

[FR Doc.75-10193 Filed 4-17-75;8:45 am]

[ORDER NO. 2973]

## MARIANA ISLANDS DISTRICT

### Plebiscite

Whereas, the United States as administering authority of the Trust Territory of the Pacific Islands has undertaken an obligation under the trusteeship agreement and under Article 76 of the United Nations Charter to give the peoples of the trust territory the right to choose freely their own political future; and

Whereas, the people of the Mariana Islands District repeatedly have requested that the United States negotiate an arrangement whereby the Northern Mariana Islands would become a part of the United States upon termination of the trusteeship agreement between the United States and the United Nations; and

Whereas, a covenant to establish a commonwealth of the Northern Mariana Islands in political union with the United States of America, has now been negotiated and signed by the duly authorized representatives of the Marianas District and the United States and received the unanimous approval of the Mariana Islands District Legislature on February 20, 1975;

Now, therefore, pursuant to Executive Order No. 11021 of July 1, 1962, and with the concurrence of the Secretary of State it is hereby ordered as follows:

SEC. 1. *Purpose.* The purpose of this order is to establish the authority and the administrative responsibility for the holding of a plebiscite on June 17, 1975, in the Mariana Islands District as an exercise by the people of that district of their right of self-determination.

SEC. 2 *The Plebiscite Commissioner.* A plebiscite commissioner designated by the President of the United States shall be responsible for the planning, the preparations for and the holding of the plebiscite in the Northern Mariana Islands. The Commissioner shall:

(1) Ensure that an impartial Plebiscite Education Program is conducted throughout the Northern Mariana Islands;

(2) Appoint a Plebiscite Voter Registration Board, designate its chairman and establish procedures for the registration of voters;

(3) Establish an official plebiscite register on the basis of the final voter registration list as certified by the Voter Registration Board, to include qualified absentee voters;

(4) Oversee the administrative plans for and supervise the holding of the plebiscite; and

(5) Appoint an Executive Director who shall be responsible to him for the execution and coordination of all activities in support of the plebiscite.

SEC. 3 *Responsibilities of the Trust Territory of the Pacific Islands Administration.* (a) The High Commissioner shall provide the Plebiscite Commissioner administrative support and shall assure the implementation of policies and programs related to the plebiscite





in the manner prescribed by the Plebiscite Commissioner.

(b) The trust territory headquarters and the Mariana Islands District Administrator and staff shall assist the Executive Director in the execution of his duties.

SEC. 4 *Northern Mariana Islands Plebiscite Advisory Committee.* (a) There is hereby established a Northern Mariana Islands Plebiscite Advisory Committee to be appointed by the Plebiscite Commissioner. The Committee shall consist of representatives of the principal sectors of the Northern Mariana Islands community including but not limited to a representative from each of the following:

(1) Marianas District Legislature.
(2) Marianas Political Status Commission.
(3) District Administration.
(4) Saipan Municipal Council.
(5) Rota Municipal Council.
(6) Tinian Municipal Council.
(7) United Carolinian Association.
(8) Popular Party.
(9) Territorial Party.
(10) Chamber of Commerce.

(b) The Committee shall consult on a continuing basis with the Plebiscite Commissioner for the principal purpose of providing advice for his consideration on all aspects of the plebiscite with particular emphasis on the Plebiscite Education Program.

SEC. 5. *Function of the Plebiscite Education Program.* Under the direction of the Plebiscite Commissioner, the program will be operated impartially and objectively, making available to all voters the relevant facts including alternative choices. The program will provide equitable access to such information through distribution of materials, media usage and other facilities for public information. The program will include objective information on the provisions of the covenant and the choices offered on the ballot.

SEC. 6. *Plebiscite Voter Registration Board.* (a) There is hereby created a Plebiscite Voter Registration Board consisting of eleven members, eight of whom shall be appointed at large by the Plebiscite Commissioner and three of whom shall be appointed by the Plebiscite Commissioner from the Municipal Councils of Saipan, Rota and Tinian to serve on the Board only when it acts as a body or sits en banc on matters involving their respective municipalities.

(b) Voters shall be registered in the voting districts in which they reside. The Plebiscite Commissioner may, however, issue special regulations relating to the central registration of voters and shall establish special procedures for the registration of voting of absentee voters. The voter registration shall be carried out in the voting districts by panels of the Voter Registration Board consisting of not less than two members; they shall be joined ex officio by the Village Commissioner of that district, or in the absence of such Village Commissioner by its Mayor. The ex officio members shall have the right to vote with the panels. Registration shall begin on a date to be set by the Plebiscite Commissioner and shall terminate on May 16, 1975.

(c) The members of the Board shall have all necessary and appropriate authority to carry out the following functions:

(1) In conjunction with the ex officio members, register all voters qualified to vote in the plebiscite;

(2) Sitting en banc as an appellate review board, hear challenges of decisions granting or denying registration to any person; and

(3) Certify the final voter registration list to the Plebiscite Commissioner.

(d) Decisions of the panels denying registration may be challenged by the voter denied registration. Decisions of the panels granting registration may be challenged by any registered voter. Challenges must be made within three working days after the publication of the decision of the panel. Such challenges shall be heard by the Voter Registration Board sitting en banc. The Board shall decide all challenges as expeditiously as possible. Any challenge which has not been decided by the Board by May 23, 1975 shall be deemed to have been rejected. A party aggrieved by a decision of the Voter Registration Board sitting en banc may file an appeal from that decision with the Special Plebiscite Appellate Court provided for in Sec. 8 of this Order. Such appeals shall be taken within three working days after notification.

SEC. 7. *Voter Qualifications.* (a) A person shall be qualified to vote in the plebiscite if he is:

(1) A Trust Territory citizen domiciled in the Mariana Islands District;

(2) 18 years of age or older on the date of the plebiscite;

(3) At the time of registration not serving a sentence or under parole or probation for any felony for which he has been convicted by any court of the Trust Territory;

(4) At the time of registration not under a judgment of mental incompetency or insanity; and

(5) Registered to vote in accordance with the procedures established by the Plebiscite Commissioner.

(b) For purposes of this Order "Domicile" is defined in the same manner as in section 1005(e) of the Covenant: "that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period". In determining whether a person is domiciled in the Mariana Islands District, the board shall take into account as of the time of registration all relevant factors including but not limited to the following criteria:

(1) Whether he maintains a permanent residence or permanent place of abode in a place outside of the Mariana Islands District; or

(2) Whether his presence in the Mariana Islands District is solely the result of his own public or private employment or that of a person on whom he is economically dependent; or

(3) Whether he or the person on whom he is economically dependent receives housing or pay differentials for housing or living allowances as a consequence of his employment in the Mariana Islands District; and

(4) Whether he maintains contacts with another district of the Trust Territory of the Pacific Islands or with the jurisdiction of the United States or another country such as: supporting a spouse and/or family who reside in such place; maintenance of a boat or driver's license issued by such place; holding a postal address at such place; continuing affiliations with the professional, religious or fraternal life in such place; or the payment of taxes in such place imposed because of residence or physical presence in such place; or

(5) Whether he has expressed his intention not to establish domicile in the Marianna Islands District; or

(6) Whether he is registered or qualified to vote in any other district or jurisdiction of the Trust Territory or the United States or any other country during the past year.

SEC. 8. *Special Plebiscite Appellate Court.* The Chief Justice of the High Court of the Trust Territory of the Pacific Islands shall appoint one or more justices of that court as a special plebiscite appellate court with exclusive jurisdiction over all appeals from en banc rulings of the Voter Registration Board. Appeals shall be heard before a single judge of the Special Plebiscite Appellate Court. The Special Plebiscite Appellate Court shall render its decisions as expeditiously as feasible and no later than the seventh day preceding the plebiscite. The Special Plebiscite Appellate Court shall certify its decisions to the Voter Registration Board and notify the parties thereof. Rulings of the special court shall be final and not subject to further review by any authority of the Trust Territory or of the United States, judicial or otherwise.

SEC. 9. *Proclamation.* Attached as an appendix to this order, is a proclamation which sets a date for and calls a plebiscite in the Mariana Islands District relevant to the Covenant described herein.

SEC. 10. *Termination.* This order shall continue in effect only until the completion of the plebiscite referred to in section 1 and in any case shall terminate before January 1, 1976.

ROGERS C. B. MORTON,
*Secretary of the Interior.*

APRIL 10, 1975.

PROCLAMATION

Whereas, the United States as administering authority of the Trust Territory of the Pacific Islands has undertaken an obligation under the trusteeship agreement and under Article 76 of the United Nations Charter to give the peoples of the Trust Territory the right to choose freely their own political future; and

Whereas, by act of May 19, 1972, the Marianas District Legislature established the



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Marianas Political Status Commission and prescribed its duties to include negotiations with the United States Government on the future political status of the Mariana Islands District; and

Whereas, on February 15, 1975 the Marianas Political Status Commission and the Personal Representative of the President of the United States signed a covenant which if approved by the people of the Mariana Islands District and the Congress of the United States, would, upon termination of the trusteeship agreement between the United States and the United Nations, establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America; and

Whereas, this signing marked the conclusion of negotiations between the two parties after more than twenty years of efforts by the people of the Northern Mariana Islands through public petition and referendum to achieve political union with the United States; and

Whereas, the covenant was unanimously approved on February 20, 1975 by the Marianas District Legislature; and

Whereas, by Resolution No. 126–1975 the Marianas District Legislature on February 28, 1975 formally requested the United States as Administering Authority of the Trust Territory of the Pacific Islands to set a date for and call a plebiscite in the Mariana Islands District relative to the Covenant;

Now therefore, I, Rogers C. B. Morton, Secretary of the Interior, by virtue of the powers vested in me under Executive Order 11021 of July 1, 1962 and with the concurrence of the Secretary of State, do hereby call for a plebiscite to be held on Tuesday, June 17, 1975 throughout the Mariana Islands District to provide an opportunity for the people of the Northern Mariana Islands to decide, pursuant to their right of self-determination, whether they wish to become a Commonwealth of the United States in accordance with the terms of the Covenant signed on February 15, 1975.

The plebiscite will be held in a fair and impartial manner under the supervision of a Plebiscite Commissioner appointed by the President of the United States.

The ballot to be presented in the plebiscite shall be as follows:

☐ Yes—I vote for Commonwealth as set forth in the covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America.

☐ No—I vote against Commonwealth in political union with the United States as set forth in the covenant recognizing that, if Commonwealth is rejected, the Northern Mariana Islands will remain as a district of the Trust Territory with the right to participate with the other districts in the determination of an alternative future political status.

In recognition of the historic importance of this act of self-determination, I declare that the day of the plebiscite shall be a public holiday in the Mariana Islands District and the High Commissioner shall give administrative leave to all Trust Territory of the Pacific Islands Government employees in said district.

Observers from the United Nations and the Congress of the United States will be welcome to witness the plebiscite as well as the Plebiscite Education Program, the registration of voters, and other pre-plebiscite activities. Such observers will be provided all necessary assistance.

I have today issued Secretarial Order No. 2973 which defines the authority and procedures for holding the plebiscite for the Mariana Islands District in accordance with the responsibility of the United States as Administering Authority under the Trusteeship Agreement of July 18, 1947 between the United Nations and the United States of America.

ROGERS C. B. MORTON,
*Secretary of the Interior.*

April 10, 1975.

[FR Doc.75–10194 Filed 4–17–75;8:45 am]

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### ATLANTIC BLUEFIN TUNA AS A THREATENED SPECIES

#### Hearing

Notice is hereby given that an informal public hearing will be held commencing at 10 a.m., local time, on May 16, 1975, at the Gardner Auditorium, State House, Beacon and Bowdoin Streets, Boston, Massachusetts, for the purpose of obtaining comments and views from interested person with respect to (1) the proposed listing of Atlantic bluefin tuna (*Thunnus thynnus thynnus*) as a threatened species under the authority of the Endangered Species Act of 1973 (the Act), 16 U.S.C. § 1531 et seq., and (2) the proposed protective regulations relating to this species.

Notice of the proposed determination to list Atlantic bluefin tuna as a "threatened" species was published in 40 FR 14767 on April 2, 1975. In connection therewith proposed protective regulations were prepared pursuant to sec. 4(d) of the Act (16 U.S.C. 1533(d)), and notice of proposed rulemaking with respect to such protective regulations was published in 40 FR 14777 on April 2, 1975. A draft Environmental Impact Statement has been prepared on the proposal to list Atlantic bluefin tuna as a "threatened" species.

The hearing will be informal. At the commencement of the hearing the presiding officer will announce the procedures to be followed at the hearing. All interested persons will be afforded the opportunity to present their comments and views at the hearing. The record will remain open until June 2, 1975, for the submission of written comments or views. Written comments or views may be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

In the event interested individuals wish to examine the public record, including the draft Environmental Impact Statement, they may do so between the hours of 8:00 a.m. to 4:30 p.m. at the office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

In the notice which appeared in 40 FR 14777 on April 2, 1975, it was stated that comments, views, objections or requests for a public hearing should be submitted no later than May 28, 1975. As a result of this notice the record will remain open for all comments through June 2, 1975.

Dated: April 16, 1975.

JACK W. GEHRINGER,
*Acting Director, National Marine Fisheries Service.*

[FR Doc.75–10299 Filed 4–17–75;8:45 am]

### Patent and Trademark Office

### PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

#### Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting.

The Public Advisory Committee for Trademark Affairs will meet from 9:30 a.m. to 5 p.m. on June 4, 1975 and from 9 a.m. to 5 p.m. on June 5, 1975 in the Monroe Room of the Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Va. 22207.

The Committee was established in 1970 to advise the Patent and Trademark Office on steps which can be taken in order to increase the efficiency and effectiveness of the administration of the Trademark Act and to provide a continuous source of knowledge from the private sector to the government in the field.

The agenda for the meeting is:

(1) A review of the Trademark Manual of Examining Procedures and a discussion of changes which may be desirable in the procedures and practices set forth therein. (Various sections of the Manual have been assigned Committee members for review before the meeting.)

(2) A discussion of the revisions of the forms for filing trademark applications and the feasibility of adopting forms for filing amendments to applications.

(3) Review of general status of the Trademark operation.

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first come first served basis. If time permits, oral comments by the public of 3 minutes on each topic within the above agenda items will be allowed. Any comments or suggestions relating to the agenda items should be submitted in writing before May 21. Further, comments and suggestions will be accepted after the meeting on any of the matters discussed.

Copies of the minutes will be available upon request 60 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Patricia M. Davis, Office of Trademark Program Control, Room 11017 Crystal Plaza Building 3, Telephone: 703–557–3881.

Dated: April 8, 1975.

C. MARSHALL DANN,
*Commissioner of Patents and Trademarks.*

Dated: April 11, 1975.

Approved:

BETSY ANCKER-JOHNSON,
*Assistant Secretary for Science and Technology.*

[FR Doc.75–10183 Filed 4–17–75;8:45 am]





## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### FEDERAL COUNCIL ON THE AGING

#### Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93–29), for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given, pursuant to Pub. L. 92–463 that the Council will hold a regular meeting on May 15, 9:30 a.m. to 5 p.m. and May 16, 9 a.m. to 3 p.m., in Room 4549 Donohoe Building, 400 Sixth Street, SW., Washington, D.C. The agenda will consist of the following items: status of study of interrelationships of benefits, report of Task Force on Services for the Frail Elderly, report of Aging Research and Manpower Committee, report of Economics of Aging Committee, review of plans for September 28 Hearing on Problems of Older Women, review of pending legislation affecting older Americans, FCA involvement with updating of "Statement on Rights and Obligations of Older Americans", and review of plans for 1975 annual report.

This meeting open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. 20201, telephone: (202) 245–0441.

Dated: April 10, 1975.

CLEONICE TAVANI,
*Executive Director, Federal Council on the Aging.*

[FR Doc.75–10212 Filed 4–17–75;8:45 am]

### Food and Drug Administration

[FDA–225–75–4044]

### ARTX TELECOMMUNICATION EQUIPMENT

#### Memorandum of Understanding With the Delaware Department of Health and Social Services

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a memorandum of understanding with the Delaware Department of Health and Social Services on March 3, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Division of Health, Jesse S. Cooper Bldg., Room 128, Dover, Delaware 19901.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addresses other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and address of terminal agency.* Department of Health and Social Services, Division of Public Health, Jesse S. Cooper Memorial Building, Capitol Square, Dover, Delaware 19901.

V. *Liaison officers.* For Delaware Dept. of Health and Social Services: Donald K. Harmeson, Chief, Bureau of Environmental Health.

Address: Jessie S. Cooper Memorial Building, Capitol Square, Dover, Delaware 19901. Telephone No.: (302) 678–4731.

For FDA: Raymond A. Arzylowicz, Supv. Investigator.

Address: Rm. 900, U.S. Customhouse, Philadelphia, PA 19106. Telephone No.: (215) 597–4302.

VI. *Period of agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Delaware Division of Public Health.

Dated: March 3, 1975.

Edward F. Gilwa,
*Acting Director.*

Approved and accepted for the Food and Drug Administration.

Dated: February 26, 1975.

T. C. Maravigila,
*Regional Food and Drug Director, Region III.*

*Effective date.* This memorandum of understanding became effective March 3, 1975.

Dated: April 11, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.75–10117 Filed 4–17–75;8:45 am]

[FDA–225–75–4006]

### ARTX TELECOMMUNICATION EQUIPMENT

#### Memorandum of Understanding With the Montana Department of Health and Environmental Sciences

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Montana Department of Health and Environmental Sciences on January 28, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:



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MEMORANDUM OF UNDERSTANDING BETWEEN



FDA received from other appropriate

In March 1974, the Secretary of the

limitation, individuals and organizations with common interests are urged to con-

MEMORANDUM OF UNDERSTANDING BETWEEN THE MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in Board of Health Building, Helena, Montana 59601.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Rgional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and address of terminal agency.* Department of Health and Environmental Sciences, State of Montana, Helena, Montana 59601.

V. *Liaison officers.* For Montana Department of Health and Environmental Sciences: Vernon E. Sloulin, R.S., Chief, Environmental Services Bureau.

Address: Department of Health and Environmental Sciences, State of Montana, Helena, Montana 59601.

Telephone No.: (303) 837–4915.

For FDA: John R. Vodneck, Program Analyst.

Address: Room 500, U.S. Customhouse, Denver, Colorado 80202.

Telephone No.: (303) 8378–4915.

VI. *Period of agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Montana Department of Health and Environmental Sciences.

Dated: January 28, 1975.

JOHN S. ANDERSON,
*Director, Montana Department of Health & Environmental Sciences.*

Approved and accepted for the Food and Drug Administration.

Dated: January 23, 1975.

E. PITT SMITH,
*Deputy Regional Food and Drug Director*

*Effective date.* This memorandum of understanding became effective January 28, 1975.

Dated: April 11, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.75–10118 Filed 4–17–75;8:45 am]

[FDA–225–75–4008]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Oregon State Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Oregon State Department of Agriculture on January 28, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORADUM OF UNDERSTANDING BETWEEN THE OREGON STATE DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Agriculture Building, Salem, Oregon, 97310.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

NOTE.—There will be no need for your agency to share the terminal with any other agency in Oregon at the present time. A terminal is also being placed in the Oregon Department of Agriculture in Salem, Oregon. It is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of agreement.* A The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished. (This is not necessary for your agency since your agency will be the sole user of the terminal).

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state. (Not necessary for your agency.)

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user. (Not necessary with your agency).

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA).

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to





FDA received from other appropriate agencies. (Not necessary).

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and address of terminal agency.* Oregon Department of Agriculture, Agriculture Building, Salem, Oregon 97310.

V. *Liaison officers.* For Oregon Department of Agriculture: Kenneth Carl, Adm., Dairy & Consumer Services Div.

Address: Oregon Dept. of Agriculture, Agriculture Bldg., Salem, OR 97310. Telephone No.: (503) 387–3790.

For FDA: J. Kenneth Kinney, Federal-State Liaison Officer.

Address: 5003 Federal Office Bldg., Seattle, WA 98174. Telephone No.: (206) 442–5304.

VI. *Period of agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Oregon Dept. of Agriculture.

Dated: JANUARY 28, 1975.

BEN D. ALLEN,
*Director,*
*Oregon Dept. of Agriculture.*

Approved and accepted for the Food and Drug Administration.

Dated: JANUARY 24, 1975.

JAMES W. SWANSON,
*Regional Food & Drug Director,*
*Seattle Field Office, Region X.*

*Effective date.* This memorandum of understanding became effective January 28, 1975.

Dated: April 11, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.75–10119 Filed 4–17–75;8:45 am]

## HEARING AID HEALTH CARE

### Public Hearing

The Commissioner of Food and Drugs announces a public hearing to be held on May 7, 1975, at 9 a.m., in the Jack Masur Auditorium, Clinical Center, Bldg. 10, National Institutes of Health, Bethesda, MD 20014, to allow all interested persons an opportunity to present data, technical information, and views concerning the report on Hearing Aid Health Care and the supplementary report on Hearing Aid Health Care, which was prepared by the Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids. The Task Force will sit as a panel to conduct the hearings, with David M. Link presiding as chairman.

In March 1974, the Secretary of the Department of Health, Education and Welfare established an Intradepartmental Task Force on Hearing Aids to (1) examine the issues involved in the manufacture, sale, and use of hearing aids; (2) determine an appropriate departmental role; and (3) recommend a feasible course of action. In September 1974, the Task Force prepared a Report on Hearing Aid Health Care. The report was circulated within the Department for comments and a Supplementary Report on Hearing Aid Health Care was prepared by the Task Force in October 1974.

A notice of availability of these reports was published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38123). In this notice, the Secretary invited written comments on the report and the supplementary report, such comments to be filed on or before December 30, 1974 with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The Secretary received numerous comments expressing interest in the Reports and in the problem of hearing aid health care. An extension of time was requested for comment on the reports to provide the consumer organizations with a better opportunity to contact constituents, provide them with a copy of the reports, and receive their comments on the report and the supplementary report. On the basis of widespread interest and to afford more time for all concerned parties to make their views known, the Secretary announced in the FEDERAL REGISTER of January 23, 1975 (40 FR 3630), an extension of time for public comment to February 24, 1975.

Over 5,000 comments on the report and the supplementary report have been received by the Hearing Clerk. In addition, many organizations requested an opportunity to appear before the Task Force and make comments on the reports.

The Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids has recommended that all interested persons have an opportunity at a public hearing conducted by the Task Force to present data, technical information, and views relative to these reports.

To provide for adequate preparation, any interested persons who wish to present oral data, technical information, and views at the hearing must so inform Mr. Edward McDonnell, HFK–100, Bureau of Medical Devices and Diagnostic Products, Division of Compliance, 5600 Fishers Lane, Rockville, MD 20852, telephone No. (301) 443–6274, of that intention and must, by close of business on May 2, 1975, describe which paragraph(s) or section(s) of the reports he wishes to discuss and the amount of time requested for his presentation.

Mr. McDonnell will then promptly inform each person requesting an opportunity to be heard of the time his oral presentation is scheduled to begin and the amount of time to be allocated for the person's presentation. In view of the time limitation, individuals and organizations with common interests are urged to consolidate or coordinate their presentations. Persons with common interests may be required to make joint presentations. A hearing schedule setting forth the names of the persons making presentations and the time allotted to each will be prepared, and a copy will be placed on file in the office of the Hearing Clerk, Food and Drug Administration, at the address given above.

Interested parties unable to give notification of their intent to address the Task Force will have an opportunity to speak provided time allows. If the number of requests to make an oral presentation does not allow everyone to be heard on May 7, 1975, the Task Force will continue the public hearing on May 8, 1975.

All interested persons, either attending the hearing or unable to attend, may submit written data, technical information, and views for consideration. Three copies of these submissions shall be furnished to Mr. McDonnell on or before May 2, 1975 and should not incorporate, except by reference, data, technical information, or views already submitted in response to the departmental notices published in the FEDERAL REGISTER on October 29, 1974 and January 23, 1975.

Copies of the following materials are on file and available for public review in the office of the Hearing Clerk, Food and Drug Administration, at the above address, during working hours Monday through Friday.

1. Report on Hearing Aid Health Care prepared by the Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids, September 1974. (This report includes the supplementary report on Hearing Aid Health Care).

2. Notice of availability of task force reports, Hearing Aid Health Care, FEDERAL REGISTER of October 29, 1974 (39 FR 38123).

3. Notice of extension of time for additional comments, Hearing Aid Health Care; availability of task force reports, FEDERAL REGISTER of January 23, 1975 (40 FR 3630).

A transcript of the hearing and all written data, technical information, and views submitted in response to this notice of hearing also will be made available for public review in the office of the Hearing Clerk, Food and Drug Administration.

Dated: April 14, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.74–10116 Filed 4–17–75;8:45 am]

### Health Resources Administration

## NATIONAL ADVISORY BODIES

### Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies



V 40176 APR 18 75 XUM V



scheduled to assemble during the month

ministration on matters relating to De-

Agenda items are subject to change as



Delete Parklawn Personnel Division

scheduled to assemble during the month of May 1975:

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Date and Time: May 6–7, 1975, 9 a.m.

Place: Conference Room #6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

Closed for entire meeting.

Purpose: The Council performs the final review of applications for capitation grants for the improvement of nurse training, and recommends approval or disapproval action to the Administrator, Health Resources Administration.

Agenda: The Council will conduct a final review of grant applications for Federal assistance and will not be open to the public, in accordance with the provisions set forth in section 552(b)(4), (5), and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463, Section 10(d).

Anyone wishing to obtain a roster or other relevant information should contact Dr. Mary S. Hill, Room 6C–08, 9000 Rockville Pike, Bethesda, Maryland, Telephone (301) 496–6985.

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Date and Time: May 12–15, 1975, 8:30 a.m.

Place: Conference Room #4, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

Date and Time: May 16, 1975, 8:30 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland.

Open on May 12, 8:30 a.m. to 10:30 a.m. Closed remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on their review of applications requesting such assistance.

Agenda: During the open portion of the meeting, agenda items include administrative matters and reports. During the closed session the committee will be performing the final review of grant applications for Federal assistance and will not be open to the public, in accordance with the provisions set forth in section 552(b)(4), (5), and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to attend, obtain a roster of members or other relevant information should contact Mrs. Lynn Stevens, Room 4C–06, Building 31, 9000 Rockville Pike, Bethesda, Maryland, Telephone (301) 496–5353.

NATIONAL ADVISORY PUBLIC HEALTH TRAINING COUNCIL

Date and Time: May 15–16, 1975, 9 a.m.

Place: Room B1–08, Federal Building, 7550 Wisconsin Avenue, Bethesda, Md.

Open on May 15, 9 a.m. to 10 a.m. Closed remainder of meeting.

Purpose: Advises the Secretary and the Administrator, Health Resources Administration on matters relating to Department programs and interests in support training for professional public health personnel and related activities. Reviews grant applications for support of training projects for innovation and curriculum development in public health education and makes recommendations to the Administrator, Health Resources Administration.

Agenda: During the open portion of the meeting, agenda items include announcements and consideration of minutes of the previous meeting. During the closed session, the Council will be performing the final review of grant applications for Federal assistance and will not be open to the public, in accordance with the provisions set forth in section 552(b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to attend, obtain a roster of members or other relevant information should contact Mr. Thomas D. Hatch, Room 414, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland, Telephone (301) 496–6975.

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Date and Time: May 22–23, 1975, 9 a.m.

Place: Continental Hotel, Baltimore at Eleventh Street, Kansas City, Missouri 64105.

Open for entire meeting.

Purpose: The committee is to represent the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda: The committee will report on FY–76 funding possibilities for the Cooperative Health Statistics System; report on the Data Use Workshop, held in Orlando, Florida, April 28–29, 1975. A progress report will be given on the development of the studies on 1) Component Integration and Organizational Structure, and 2) Meeting Multiple Health Data Needs Through Modification of National and State Statistical Programs. Task Force reports on Cost-Sharing, Confidentiality, Definitions, and Communications will also be presented. There will also be a presentation of Progress of Implementation of the Health Planning and Resources Act. Suggestions for next meeting dates and agenda items will be discussed.

Anyone wishing to attend, obtain a roster of members or other relevant information, should contact Mr. James A. Smith, Parklawn Building, Room 8–21, 5600 Fishers Lane, Rockville, Maryland 20852 Telephone (301) 443–1470.

Agenda items are subject to change as priorities dictate.

Those portions of the meetings so indicated are open to the public for observation and participation.

Dated: April 14, 1975.

JOHN C. DALTON,
*Acting Associate Administrator for Operations and Management.*

[FR Doc.75–10113 Filed 4–17–75;8:45 am]

## Public Health Service

## ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

### Statement of Organization, Functions, and Delegation of Authority

Part 13 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare entitled Alcohol, Drug Abuse, and Mental Health Administration (C000) (38 FR 27316 as amended by 39 FR 1654–1658) is amended in section 13–B, referring to the National Institute of Mental Health (CH00), as follows:

(1) Delete in their entirety the Office of Research Coordination, the Division of Extramural Research Programs, the Division of Special Mental Health Research, the Division of Clinical and Behaviorial Research, and the Division of Biological and Biochemical Research.

(2) Insert the following after the functional statement for the Division of Biometry:

*Division of Extramural Research Programs (CH53).* (1) Plans and administers programs of support for research into the causes, prevention, diagnosis, and treatment of mental diseases, including behavioral, clinical, applied, biological, and psychopharmacological research; (2) conducts and supports epidemiological research; (3) coordinates NIMH programs in schizophrenia.

*Mental Health Intramural Research Program (CH54).* (1) Plans and administers a comprehensive long-term intramural research program of clinical and behavioral, biological, and special research dealing with the causes, diagnosis, treatment, and prevention of mental disorders and the biological and psychosocial factors that determine human behavior and development; (2) provides a focus for national attention in the area of mental health research; (3) provides technical support to three intramural divisions through development and maintenance of electronic and mechanical instrumentation and equipment.

*Division of Special Mental Health Research (CH5403).* Under the direction of the Mental Health Intramural Research Program, (1) plans and conducts a program of intramural research on special mental health problems, such as psychopharmacology, neuropharmacology, memory, human behavior, and biochemistry of learning; (2) performs clinical evaluation and followup activities in connection with research patients.





*Division of Clinical and Behavioral Research (CH5405).* Under the direction of the Mental Health Intramural Research Program, plans and conducts a coordinated program of clinical and behavioral research dealing with the causes, diagnosis, treatment, and prevention of mental disease.

*Division of Biological and Biochemical Research (CH5407).* Under the direction of the Mental Health Intramural Research Program, plans and conducts a coordinated program of biological and biochemical research dealing with the basic biological processes that determine both adaptive and maladaptive behavior.

Dated: April 11, 1975.

THOMAS S. MCFEE,
*Acting Assistant Secretary for Administration and Management.*

[FR Doc.75–10123 Filed 4–17–75;8:45 am]

## ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

### Statement of Organization, Functions, and Delegations of Authority

Part 13 (Alcohol, Drug Abuse, and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (38 FR 27316 as amended by 39 FR 1654–58), is hereby amended with regard to section 13–B, Organization and Functions, as follows:

In lieu of the paragraph headed "Division of Personnel Management (CA1509)" substitute the following paragraph:

*Division of Personnel Management (CA1509).* (1) Provides personnel management advice and assistance to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration and to managers and supervisors within its servicing area; (2) participates in the development of agency goals and operating plans related to personnel management; (3) within its servicing area, provides personnel management and personnel administration services, including manpower planning and utilization, employment, recruitment, compensation and classification, executive and career development, upward mobility, labor relations, employee relations and occupational health; (4) coordinates and provides technical assistance and guidance to the personnel office of Saint Elizabeths Hospital in the above areas of personnel management and administration; (5) prepares staff studies and recommendations to ADAMHA management on personnel needs and problems; (6) identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs; (7) develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of Alcohol, Drug Abuse, and Mental Health Administration in the application of PHS, DHEW, CSC and other Government agency regulations; (8) represents Alcohol, Drug Abuse, and Mental Health Administration in personnel management matters with PHS, DHEW, CSC, other Government agencies, professional societies, and colleges and universities.

Dated: April 14, 1975.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.75–10217 Filed 4–17–75;8:45 am]

## OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

### Statement of Organization, Functions and Delegations of Authority

Part II (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (38 FR 33785, 12/7/73), is hereby amended with regard to Section 11–B Organization and Functions, as follows:

Replace the statement for the Office of Personnel Management (1N1907) with the following:

*Office of Personnel Management* (1N1907) The Office of Personnel Management is responsible for promoting effective personnel management and personnel administration within the Public Health Service. It serves as:

(1) Principal adviser in the Public Health Service (PHS) for all personnel management and training;

(2) Develops personnel management objectives for PHS programs and the policies and standards necessary to advance these objectives;

(3) Provides leadership and direction for coordinated personnel management programs embracing the Commissioned Corps and Civil Service personnel in PHS activities;

(4) Plans, develops and administers the Commissioned Corps personnel program;

(5) Plans and administers a personnel management program for the Office of the Assistant Secretary for Health;

(6) Provides some common needs service for Parklawn Complex Agencies in training and staffing;

(7) Conducts evaluation studies of personnel management in all PHS activities to assure performance in accordance with standards and policies established by the Public Health Service, the Department, and the Civil Service Commission and requires or recommends action to insure an adequate exercise of personnel management and personnel administration authorities;

(8) Coordinates the personnel management activities of the PHS Agencies and represents the PHS in personnel management matters involving the HEW Regional Offices, Office of the Secretary, Civil Service Commission, Office of Management and Budget, Department of Defense, Veterans Administration, and the Congress on matters of common concern.

Delete Parklawn Personnel Division (1N19079) in its entirety.

Dated: April 14, 1975.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.75–10215 Filed 4–17–75;8:45 am]

## FOOD AND DRUG ADMINISTRATION

### Statement of Organizations, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration), of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (39 FR 18697, 5/29/74), is amended with regard to section 6–B *Organization* as follows:

Amend (f–4) Division of Personnel Management (6A01075) in its entirety by substituting the following statement:

(f–4) Division of Personnel Management (6A01075). (1) Provides personnel management advice and assistance to the Commissioner and to FDA managers within its servicing area, including advice to headquarters officials on their management responsibilities for FDA field installations; (2) participates in the development of agency goals and operating plans related to personnel management; (3) within its servicing area, provides personnel management and personnel administration services, including employment, recruitment, compensation and classification, upward mobility, labor relations, and employee relations; (4) develops agency-wide programs on executive and career development, manpower planning and utilization, safety management and occupational health, and as designated under Departmental guidelines provides service in these areas throughout the agency; (5) identifies the need for and directs the formulation of FDA policies and procedures concerning conflicts of interest and employee associations with regulated industries, decides conflict of interest issues, and approves/disapproves outside activities of FDA employees; (6) prepares staff studies and recommendations to agency management on personnel needs and problems; (7) identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs; (8) develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of the Food and Drug Administration in the application of PHS, DHEW, CSC and other Government agency regulations; (9) represents the Food and Drug Administration in personnel management matters with PHS, DHEW, CSC, other Government agencies, professional societies, and colleges and universities.

Dated: April 14, 1975.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.75–10219 Filed 4–17–75;8:45 am]



V 40176 APR 18 75 XUM





Meeting of the Subcommittee is open

## HEALTH RESOURCES ADMINISTRATION

### Statement of Organization, Functions, and Delegations of Authority Amendment

Part 7 (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare as amended (39 FR 1456–61, 1/9/74) is amended to reflect the following change under section 7–B:

*Organization and Functions.* Under the Office of Operations and Management (7A19), delete the statement for the Division of Personnel Management (7A-1909) and substitute the following:

*Division of Personnel Management (7A1909).* (1) Provides personnel management advice and assistance to the Administrator and to managers and supervisors within its servicing area; (2) participates in the development of agency goals and operating plans related to personnel management; (3) within its servicing area, provides personnel management and personnel administration services, including manpower planning and utilization, employment, recruitment, compensation and classification, executive and career development, upward mobility, labor relations, employee relations and occupational health; (4) prepares staff studies and recommendations to agency management on personnel needs and problems; (5) identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs; (6) develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of the Health Resources Administration in the application of PHS, DHEW, CSC and other Government agency regulations; (7) Represents the Health Resources Administration in personnel management matters with PHS, DHEW, CSC, other Government agencies, professional societies, and colleges and universities.

Dated: April 14, 1975.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.75–10215 Filed 4–17–75;8:45 am]

## HEALTH SERVICES ADMINISTRATION

### Statement of Organization, Functions and Delegations of Authority

This amendment to the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare reflects the reorganization of the personnel functions in the Public Health Service as it affects the Health Services Administration.

Part 3, Health Services Administration, section 3–B, Organization and Functions, in the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare is hereby amended by replacing the statement for the Office of Personnel (3AA909) as it appeared in 39 FR 10463, March 20, 1974, with the following statement:

*Office of Personnel (3AA909).* (1) Provides personnel management advice and assistance to the Administrator and to managers and supervisors within its servicing area; (2) participates in the development of agency goals and operating plans related to personnel management; (3) within its servicing area, provides personnel management and personnel administration services, including manpower planning and utilization, employment, recruitment, compensation and classification, executive and career development, upward mobility, labor relations, employee relations, and occupational health; (4) coordinates the work of field personnel offices and provides technical assistance in the above personnel management and administration areas and in training; (5) advises on the application of Commissioned Corps personnel guidelines and assists in preparation and review of Corps personnel actions; (6) prepares staff studies and recommendations to agency management on personnel needs and problems; (7) identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs; (8) develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of the Health Services Administration in the application of PHS, DHEW, CSC and other Government agency regulations; (9) represents the Health Services Administration in personnel management matters with PHS, DHEW, CSC, other Government agencies, professional societies, and colleges and universities.

Dated: April 14, 1975.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.75–10216 Filed 4–17–75;8:45 am]

## HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

### Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters will meet on Friday, May 9, 1975, at 9 a.m. in The Chart Room of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue SW., Washington, D.C. The Council will consider matters pertaining to the Medicare and Medicaid programs.

The Mental Health Subcommittee of HIBAC, which is considering expansion of coverage of mental health benefits under Medicare will meet on Thursday, May 8, 1975, at 1:30 p.m. in Room 4131 of Health, Education, and Welfare's North Building.

The Subcommittee on Long-Term Care which will consider the departmental policies impact on the Medicaid and Medicare populations will meet at 9 a.m. in Room 4131 of Health, Education, and Welfare's North Building. The meeting will be held on May 8, 1975.

The Subcommittee on Health Education will consider recent developments in the field at its meeting of Thursday, May 8, 1975, at 2 p.m. in Room 1137 of Health, Education, and Welfare's North Building.

These meetings are open to the public.

Further information on the Council and the Committees may be obtained from Mr. Sherman Lazrus, Executive Secretary, Health Insurance Benefits Advisory Council, Room 17A–31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301–443–1185.

Dated: April 11, 1975.

SHERMAN LAZRUS,
*Executive Secretary, Health Insurance Benefits Advisory Council.*

[FR Doc.75–10124 Filed 4–17–75;8:45 am]

### Office of the Secretary

## FUND FOR IMPROVEMENT OF POSTSECONDARY EDUCATION; BOARD OF ADVISORS

### Meeting

Notice of Public Meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education.

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on May 11, 1975, beginning at 6 p.m. to May 12, 1975, 5 p.m. at Key Bridge Marriott, Rosslyn, Virginia. The meeting will be for the sole purpose of considering and formulating advice to the Director of the Fund regarding the approval or disapproval of proposals submitted to the Fund under the Comprehensive Program.

The meeting will not be open to the public, since these proposals and discussions are exempt from mandatory disclosure under the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Room 3141, Washington, D.C. 20202, telephone 202–245–8091.

Signed at Washington, D.C. on April 3, 1975.

VIRGINIA B. SMITH,
*Director, Fund for the Improvement of Postsecondary Education.*

[FR Doc.75–10210 Filed 4–17–75;8:45 am]





## HOSPITAL INSURANCE MONTHLY PREMIUM

### Premium Rate for the Uninsured Aged

*Correction*

In FR Doc. 74–30350 appearing on page 45309 in the issue of Tuesday, December 31, 1974 the (6) th column in the table *"Comparison of promulgated premium rate with the actuarially adjusted rate"* should read as set forth below:

| Actuarially adjusted rate cols. (3) to (5) (6) |
|---|
| $30.90 |
| 33.90 |
| 39.60 |

[Contract No. HEW–100–75–0023]

## HUMAN ECOLOGY INSTITUTE

### Contract Award

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the award of Contract Number HEW–100–75–0023 to The Human Ecology Institute, 10 Babson Avenue, Wellesley, Massachusetts 02157 for a project entitled "Training and Technical Assistance and Capacity Building in the Area of Human Service Development." The purposes of this project are: (1) Provide documentation on the progress of technology development by sixteen services integration experiments; (2) provide a state of the art report on the program development aspects of human service systems, as represented by the Departmental Services Integration experiments; and (3) to provide assistance to eight projects designed to improve the capacities of state and local government in planning and management. The estimated cost of this contract is $122,414 and the intended completion date is June 30, 1975.

Dated: April 15, 1975.

WILLIAM A. MORRILL,
*Assistant Secretary for Planning and Evaluation.*

[FR Doc.75–10214 Filed 4–17–75;8:45 am]

## NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council

Date and Time: May 27, 1975 (1:00 p.m. to 5:00 p.m.), May 28, 1975 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A–16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: April 14, 1975.

HENRY E. SIMMONS,
*Executive Secretary National Professional Standards Review Council.*

[FR Doc.75–10209 Filed 4–17–75;8:45 am]

## NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL TECHNICAL SUBCOMMITTEE

### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting:

Name: National Professional Standards Review Council Technical Subcommittee.

Date and Time: May 27, 1975 (9 a.m. to 12 noon).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of Meeting: The Technical Subcommittee was established to assist the National Professional Standards Review Council in the areas of data and information systems, evaluation of PSROs, and medical care norms, standards, and criteria. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include discussion of issues relevant to the PSRO data and information systems, medical care norms, standards and criteria, and the evaluation of PSROs.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A–16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: April 14, 1975.

HENRY E. SIMMONS,
*Executive Secretary, National Professional Standards Review Council.*

[FR Doc.75–10211 Filed 4–17–75;8:45 am]

## SAMPLE DESIGN FOR STATE COST AND CASELOAD ESTIMATES

### Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, the agency announces the results, findings and recommendations reported as a result of activities associated with the HEW project entitled "Sample Design for State Cost and Caseload Estimates."

This project was conducted jointly with the Social and Rehabilitation Service (SRS) within the Department of Health, Education, and Welfare. The project objective was to design and select a sample from the 1970 Census Public Use Sample (PUS) that would permit valid State estimates for transfer program costs and caseloads by TRIM (Transfer Income Model). This office was responsible for the design of the sample while SRS was responsible for the drawing of the sample.

The final report consists of a description and evaluation of the SPACE (State Public Assistance Cost Estimator) Sample. The SPACE sample was drawn from the State Public Use Sample file and includes 156,961 household records with records for 513,113 persons in the households; plus 30,900 records for group quarters residents. Low income households are over-sampled.

The final report details the characteristics of the SPACE sample and examines the representatives with respect to a number of dimensions including the poverty level and categorical eligibility for public assistance programs. The report concludes by comparing the SPACE sample to several other statistical series including the Decennial Census of Population and Housing, the Current Population Survey (March Income Supplement) and the Internal Revenue Service yearly Statistics of Income; and by suggesting ways to improve the accuracy of the sample.



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A copy of this report will be filed and



## COMMITTEE FOR PURCHASE FROM

lowing service to Procurement List 1975,

evaluation of possible actions the Com-

A copy of this report will be filed and available as soon as possible from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22152.

Dated: April 15, 1975.

WILLIAM A. MORRILL,
*Assistant Secretary for Planning and Evaluation.*

[FR Doc.75-10213 Filed 4-17-75;8:45 am]

## SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

### Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women will meet at 9:15 a.m., May 6, 1975 at the White House to exchange ideas on advisory committee functions with the Citizen's Council on the Status of Women, Defense Advisory Committee on Women in Service, and the Secretary's Advisory Committee on Women, Department of Labor. For information call Sandra S. Kramer, Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women, 245-8454.

Dated: April 9, 1975.

SANDRA S. KRAMER,
*Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.*

[FR Doc.75-10125 Filed 4-17-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

## NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

### Membership and Designation of Members Representing the General Public

The purpose of this notice is to make public the membership of the National Motor Vehicle Safety Advisory Council and designate the members who represent the public.

The National Motor Vehicle Safety Advisory Council was created by section 104 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1939) to advise the Secretary of Transportation on motor vehicle safety standards promulgated under that Act. Under that Act, the majority of Advisory Council members must represent the "general public." Section 107(a) of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492) amended section 104 of the National Traffic and Motor Vehicle Safety Act by defining "representative of the general public" to mean an individual (a) who is not an employee of, or is not holding "any official relation" to, a manufacturer, dealer, or distributor, or supplier thereof, of motor vehicles or motor vehicle equipment, or (b) who does not own stock or bonds of substantial value in such firms, or (c) who is not in any other manner directly or indirectly pecuniarily interested in such firms.

The 1974 amendments also require annual publication of the Council's membership and identification of those members designated as representatives of the general public.

With the appointment of new members to the Council on April 8, 1975, the members of the National Motor Vehicle Safety Advisory Council are as follows:

Mr. Harry Brainerd, Vehicle Equipment Safety Commission, Washington, D.C.; Mr. Judson B. Branch, Allstate Insurance Company, Northbrook, Ill.; Mr. Colver R. Briggs, Ford Motor Company, Dearborn, Mich.; Hon. John D. Caemmerer, New York State Senate, Albany, N.Y.; Dr. B. J. Campbell, University of North Carolina, Chapel Hill, N.C.; Mrs. Julie Candler, Woman's Day Magazine, Birmingham, Mich.; Mr. Richard L. Day, Petersen Publishing Company, Los Angeles; Mr. Joel K. Gustafson, attorney, Fort Lauderdale, Fla.; Mr. George Hildebrand, Pratt Institute, Southbury, Connecticut; Mr. Emmett E. Hixon, Hercules Incorporated, Southfield, Mich.; Mr. Dale C. Hogue, attorney and Washington Counsel, SEMA, Washington, D.C.; Mr. Robert D. Knoll, Consumers Union, Orange, Connecticut; Mr. George C. Nield, Automobile Importers of America, Washington, D.C.; Mr. John N. Noettl, Automobile Club of Missouri, St. Louis, Missouri; Mr. Arthur R. Railton, Volkswagen of America, Englewood Cliffs, N.J.; Mr. Gene Roberts, Fire and Police Department, Chattanooga, Tennessee; Dr. Kenneth J. Saczalski, Office of Naval Research, Arlington, Virginia; Mr. Gordon M. Scherer, attorney, Cincinnati, Ohio; Dr. Basil Y. Scott, Department of Motor Vehicles, Albany, New York; Mr. Herbert D. Smith, Uniroyal, Inc., Rumson, New Jersey; Dr. John D. States, Rochester School of Medicine, Rochester, New York; Mr. L. E. "Tommy" Thomas, Thomas Chevrolet, Panama City, Florida; Mr. Ivan J. Wagar, Safety Helmet Council of America, Los Angeles, California; Dr. Julian A. Waller, University of Vermont, Burlington, Vermont; Dr. Ruth E. Winkler, Optometrist, Tulsa, Oklahoma.

Of the above members, the following have been designated by the Secretary as representatives of the general public:

Mr. Brainerd, Mr. Caemmerer, Dr. Campbell, Mr. Gustafson, Mr. Knoll, Mr. Noettl, Mr. Roberts, Dr. Saczalski, Mr. Scherer, Dr. Scott, Dr. States, Dr. Waller, and Dr. Winkler.

Questions concerning the membership of the National Motor Vehicle Safety Advisory Council and the Secretary's designation of those members representing the general public should be directed to the Executive Secretary, National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20590 or telephone 202-426-2872.

This notice is filed under the requirements of section 104, Pub. L. 89-564; section 107, Pub. L. 93-492 (15 U.S.C. 1393).

Issued: April 14, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75-10096 Filed 4-17-75;8:45 am]

[Docket No. 74-37; Notice No. 7]

## HIGHWAY SAFETY ACT SANCTIONS REVIEW BOARD

### Postponement of Hearing

The Highway Safety Act Sanctions Hearing scheduled for April 16, 1975, concerning the Commonwealth of Puerto Rico is hereby postponed until June 6, 1975.

The sanctions proceeding against Puerto Rico (39 FR 37411) had been previously postponed to April 15, 1975, to allow Puerto Rico additional time to amend its laws to make driving with a blood alcohol concentration of .10 percent presumptively unlawful (39 FR 41196).

By telegram of April 14, 1975, Rafael L. Ignacio, Secretary of Transportation for Puerto Rico, requested an additional postponement until June 16, 1975. The basis for his request was that the Puerto Rican bill has been revised and will require additional time for consideration. The legislature plans to adjourn on May 30, 1975. The Secretary accordingly requested time to allow the legislature to complete its work in regular course.

The National Highway Traffic Safety Administration and the Federal Highway Administration have advised the presiding officer that they do not object to a postponement, but that they consider June 6 to be the latest practicable date, in light of the nearness of fiscal year 1976. Accordingly, the hearing is postponed to June 6, 1975, rather than June 16, as requested by Puerto Rico. The hearing will begin at 10 a.m. on June 6, 1975, in room 3200, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C. 20950.

By notice of November 13, 1974 (39 FR 40059) the members of the sanctions hearing board were designated from the Office of the Secretary of Transportation, the National Highway Traffic Safety Administration, and the Federal Highway Administration. The member representing the Office of the Secretary subsequently resigned from the Department. A new member has been designated to replace him, so that the Board as reconstituted consists of the following members:

Office of the Secretary Member and Presiding Officer: Herbert H. Kaiser, Jr., Deputy Assistant Secretary for Environment, Safety and Consumer Affairs.

Federal Highway Administration Member: Francis J. Locke, Regional Counsel, Region III.

National Highway Traffic Safety Administration Member: Frank Ephraim, Director, Office of Program Evaluation.

Issued on April 16, 1975.

HERBERT H. KAISER, JR.
*Presiding Officer, Sanctions Hearing Board.*

[FR Doc.75-10271 Filed 4-16-75;10:02 a m]





## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1975

### Addition to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 FR 39964) were published in the FEDERAL REGISTER on March 7, 1975 (40 FR 10706).

Pursuant to the above notice the following military resale items are added to the Procurement List.

| Description and item number: | Price (each) |
|---|---|
| Garden tools (IB)— | |
| Trowel, transplanter, 600 | $0.70 |
| Trowel, regular, 601 | 0.70 |
| Cultivator, 602 | 0.70 |
| Weeder, 603 | 0.70 |
| Shears, grass, 604 | 1.70 |
| Shears, pruning, 605 | 1.60 |
| Cover, paint roller (IB)— | |
| 720 | 0.34 |
| 721 | 0.39 |
| 722 | 0.51 |
| 723 | 0.58 |
| 724 | 0.67 |
| 725 | 0.79 |
| 726 | 0.71 |
| 727 | 0.83 |
| 728 | 0.61 |
| 729 | 0.72 |
| 730 | 1.04 |
| 731 | 0.85 |
| 732 | 0.70 |
| 733 | 0.82 |
| Roller, paint (IB)— | |
| 741 | 0.72 |
| 742 | 0.79 |
| Trimmer, paint roller (IB)—735 | 0.68 |
| Refill, trimmer (IB)—736 | 0.39 |

By the Committee.

C. W. FLETCHER,
*Executive Director.*

[FR Doc.75-10185 Filed 4-17-75;8:45 am]

### PROCUREMENT LIST 1975

### Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on June 25, 1974 (39 FR 22975).

Pursuant to the above notice the following commodities are added to the Procurement List.

PAD, TYPEWRITER (IB)

| | Price (each) |
|---|---|
| 7510-00-257-2576 | $0.50 |
| 7510-00-530-6412 | 0.76 |
| 7510-00-849-1137 | 1.61 |

By the Committee.

C. W. FLETCHER,
*Executive Director.*

[FR Doc.75-10186 Filed 4-17-75;8:45 am]

### PROCUREMENT LIST 1975

### Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 0782

Grounds Maintenance, Edwards Air Force Base, California, for following locations:
Chapel Buildings 2700 and 6447.
Housing Area D.
Hospital Buildings 5500 and 5510.
Recreational Fields 2201, 5201, 5208, and 5213.
Veterinary Clinic, Building 5550.

Comments and views regarding this proposed addition may be filed with the Committee not later than May 19, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
*Executive Director.*

[FR Doc.75-10184 Filed 4-17-75;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### AEROSOL SPRAY PRODUCTS

### Public Meeting

Notice is given that a public meeting on the potential safety hazards of aerosol spray products will be held on May 9, 1975 at 10 a.m. in the sixth floor conference room at the Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. The purpose of this meeting is to enable the Commission to obtain information from industry and inventors on certain specific aspects of aerosol safety.

The Center for Science in the Public Interest has submitted a petition, received by the Commission on November 12, 1973, "to promulgate rules and regulations for safety and packaging of all unregulated aerosol spray products especially those used in the home." The petition and an accompanying booklet, entitled "How Aerosol Sprays Can Affect Your Safety and Health," cite various alleged aerosol spray hazards to support the request for regulation by the Commission.

On February 20-21 and March 11, 1974, the Commission held public hearings on the petition for the purpose of gaining information and viewpoints from all interested persons and groups. Participating in those hearings were scientists, inventors, doctors, a legislator, and representatives of industry and consumers. The broad range of participation in that hearing provided the Commission with valuable information on and insight into many aspects of aerosol spray product safety.

Prior to and since the hearings, the Commission staff has analyzed the petition along with a great deal of information related to it. This analysis has included engineering, legal, and economic evaluation of possible actions the Commission could undertake to eliminate or reduce any hazards associated with aerosol spray products.

All information and Commission staff analyses related to the Center for Science in the Public Interest petition are available in the Office of the Secretary, Room 1025, 1750 K Street NW., Washington, D.C. They may be seen during working hours Monday through Friday.

Prior to making a final decision on the petition, the Commission wishes to seek additional information on the following three items; and is particularly interested in obtaining information on potential replacement propellants as well as possible mechanical means of reducing or preventing hazardous occurrences:

1. Methods of avoiding accidental deaths resulting from intentional misuse of aerosol products by "sniffing" or "huffing",

2. Means to prevent the inadvertent misuse of aerosol products, such as the accidental spraying of product in the eyes,

3. Past and planned research into potentially harmful effects from long-term use of and exposure to aerosol products.

Accordingly, the Commission has scheduled the May 9, 1975 meeting for the purpose of obtaining further information related to these three areas from the industry and inventors. More specifically, the Commission is seeking to explore the present state of aerosol product technology and research that addresses the three areas of concern.

Because the purpose of the meeting is to obtain specific information on aerosol design technology, and not to discuss the merits of the petition, the Commission is limiting participation to the aerosol spray product industry and to any other inventors who have expertise in that area. Any interested person is, of course, welcome to attend. While participation in this meeting is completely voluntary, the Commission encourages broad participation by industry and inventors so that any Commission action will be based on a full understanding of the state of the technology in the three specified areas of concern, and actions planned in these three areas.

The Commission emphasizes that it is seeking information which relates to the three cited areas of concern and which has not already been submitted or presented to the Commission. All those who wish to participate should contact the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, 202-634-7700, as soon as possible. The final format for the meeting will be determined based on the response to this notice. At this time, however, the Commission anticipates that it will ask questions of the participants rather than accept prepared statements.

Dated: April 14, 1975.

SADYE E. DUNN,
*Secretary, Consumer Product Safety Commission.*

[FR Doc.75-10120 Filed 4-17-75;8:45 am]



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## COUNCIL ON ENVIRONMENTAL

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL STATEMENTS

#### Availability

Environmental impact statements received by the Council on Environmental Quality from April 7, through April 11, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (June 3, 1975.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3853.

*Draft*

Upper New River Watershed Project, Beaufort and Jasper Counties, S.C., April 7: This project for watershed protection, flood prevention and drainage in the Upper New River Watershed, Beaufort and Jasper Counties proposes land treatment measures (water management and timber and wildlife habitat improvement) and multiple-purpose flood prevention and drainage channels. Adverse impacts include permanent clearing of trees and shrubs from 150 acres, temporary clearing of 140 acres for soil disposal and noise and dust pollution during construction. (ELR Order No. 50521.)

FOREST SERVICE

*Draft*

Herbicide Use, Mount Hood, Williamette, Rogue River National Forest, Oregon and California, April 8: The statement is a supplement to an eis filed 24 June 1974 to update the Vegetation Management Program of fiscal year 1974. The program involves the use of herbicides 2,4,-D, 2,4-DP, 2,4,5-T, Silvex, Amtrole, Picloram, and Dicamba to reduce the competition from native vegetation where it hampers forest management activities in Mount Hood, Rogue River, and Willamette National Forests. Changes in wildlife populations will occur due to changes in habitat. (ELR Order No. 50529.)

*Final*

Timber Management Plan, Routt National Forest, Colo., April 7: Proposed is the revision of the 1961 Timber Plan for the Routt National Forest. The revision would cover the years 1975–84. Under the plan, 7,500 acres annually of the available commercial forest land would receive various timber management activities. The expected annual yield is 72,000 Cunits including 33 million board feet of sawtimber. Timber harvest and road construction will affect air and water quality, visual resources, and wilderness values in areas not selected as New Study areas. Comments made by: USDA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 50518.)

SOIL CONSERVATION SERVICE

*Draft*

South Fork Watershed Project, Montgomery County, Ark., April 7: The South Fork Watershed Project will provide watershed protection, flood prevention, and a dependable water supply for the City of Mount Ida, Arkansas. The structures and offsite borrow areas will require 52 acres of grassland and 257 acres of woodland. About five miles of natural streams will be converted to reservoir areas (45 pages). (ELR Order No. 50512.)

Chippewa and Long Prairie Headwaters Deveopment, Several counties, Minn., April 7: The statement concerns a project for fish and wildlife development in Douglas, Grant, Otter Tail, and Pope Counties, Minnesota which would increase acreage of wildlife land from 54,000 acres to 54,020 acres. The plan includes installation of 89 permanent structures. Construction disruption would result. (ELR Order No. 50508.)

Sandy Creek Watershed, Jasper County, Tex., April 7: The statement concerns a project for watershed protection and flood control for 25,000 acres in Jasper County, Texas: The plan includes construction of 2.9 miles of floodway and 6 floodwater retarding structures, which will result in the clearing of 79 acres of wildlife habitat and 516 acres of forest. Sixty-two acres of bottomland will be inundated and the floodway will result in reduced wildlife on 108 acres. (ELR Order No. 50502.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6861.

*Draft*

Branford Harbor Maintenance Dredging, Conn., April 10: Proposed is the maintenance dredging of 2.3 miles of channel in Branford Harbor. Half of the 90,000 cubic yards dredged will be utilized to develop an experimental marsh of eight acres adjoining an existing marsh. Water turbidity will increase and the dredging will disrupt the benthic community (Waltham District). (ELR Order No. 50530.)

Atlantic Coast Beach Erosion Control (supplement), Del., April 8: The statement is a draft supplement to a final eis filed with CEQ 1 June 1971. Proposed is the construction of a bulkhead and dune for the purpose of beach erosion control and hurricane protection project for the Atlantic Coast of Delaware. Adverse impacts include suspension of benthic sediments, degraded water quality, and increased tourism and resultant increased demand for city services (Philadelphia District). (ELR Order No. 50528.)

Blue Waters Ditch Improvements, East St. Louis, Ill., April 7: The proposed plan of improvement will provide the Blue Waters area, a segment of the East St. Louis and Vicinity interior flood control project, with protection against interior flooding from a design storm of 100-year frequency. Approximately 18 miles of new or enlarged ditches will be constructed; two natural water detention areas totalling about 1,000 acres will be designated, and a 2,600 c.f.s. pumping station will be constructed. Adverse impacts include noise and dust during the 3.5 year construction period, the location of large ditches near residential areas, development of the flood plain and restriction of land use in natural detention areas. (ELR Order No. 50501.)

Charlevoix Harbor Improvements, Mich., April 7: This statement refers to proposed improvements in the existing Federal navigation project at Charlevoix Harbor. The improvements consist of deepening channels to achieve a 23-foot project depth throughout and constructing bank protection in the form of a steel piling wall. Dredged materials, which the EPA has classified as unpolluted, will be disposed of in Lake Michigan deep waters. Adverse impacts include increased levels of suspended sediments and silts in the harbor channel area, elimination of benthic organisms in both the dredged area and the disposal area, and lowered aesthetics of the channel area during dredging operations (Detroit District). (ELR Order No. 50513.)

Ludington Harbor, Mitigation of Shore Damage, Mason County, Mich., April 11: The statement concerns the mitigation of shore erosion caused in part by Federal navigation structures in Ludington Harbor, Michigan. Two beach nourishment supply sites will be established and maintained from the unpolluted sediment near the mouth of the harbor. The dredging and placement of dredged materials will disturb benthos in the area and result in increased turbidity. (ELR Order No. 50540.)

Flood Control Project at Point Place, Toledo, Lucas County, Ohio, April 7: The statement involves a local flood protection project for Point Place, a subdivision of Toledo, Ohio. The project consists of a system of levees and flood walls with necessary interior drainage works to prevent inundation. Protective structures along both Lake Erie and the Ottawa River will be built to an elevation which will protect the area against a twenty-year flood. Construction will produce noise, dust, disruption of traffic and in-water turbidity. Other adverse impacts are the taking of 9.6 acres of land for the structure and the impaired aesthetic value of nearby property. (ELR Order No. 50505.)

Charleston Harbor Deepening Project, S.C., April 7: The purpose of this project is to provide safe navigation for existing and prospective large vessel traffic in Charleston Harbor by deepening existing channels, providing new and enlarged turning basins, and providing minor alignment changes and easing of bends. The principal adverse effects relate to temporary changes in water quality with harmful impacts on harbor and disposal area ecosystems. Other adverse impacts include detraction from the harbor's visual appearance, minor air discharges, noise from equipment, and preemption of present uses of disposal areas (Charleston District). (ELR Order No. 50507.)

Green Bay Harbor, Maintenance Dredging, several counties, Wis., April 7: Proposed is the maintenance dredging of the channel at Green Bay Harbor, Lake Michigan, for the purpose of continued navigation. Dredged material will be placed in a contained disposal site. The project will result in physical alteration of the sediment-water interface in the channel and adjacent areas, destruction or resuspension of polluted sediments, and conversion of a 30-acre wetland into terrestrial environment, which would destroy or displace marshland wildlife species (Chicago District). (ELR Order No. 50503.)

*Final*

Dierks Lake, Saline River, Arkansas, Sevier and Howard Counties, Ark., April 8: The statement refers to the completion of construction, the operation, and the maintenance of the Dierks Lake Project, a flood control, water supply, fish and wildlife, and recreation project that is located at river mile 56.5 of the Saline River. The project, which consists of a modified rockfill embankment, an uncontrolled spillway, a reinforced concrete gate-tower and conduit, access roads, and buildings was over 80 percent complete as of June 30, 1973. The conservation pool of the project will inundate 1,360





acres; 14 archeological sites have been affected by the project (Tulsa District). Comments made by: DOI, HEW, DOT, HUD, USDA, EPA, State and local agencies. (ELR Order No. 50526.)

Surfside-Sunset and Newport Beach, Orange County, Calif., April 8: The statement refers to construction of beach erosion control in Orange County, including four rock groins and the placement of beach fill on eroded areas and between the groins. Construction of a breakwater, extension of the Santa Ana River jetty, and further fills are also contemplated. Adverse impacts include temporary turbidity during construction, loss of beach slope biota in groin areas, and destruction or displacement of beach biota over thirty acres of borrow and fill area (Los Angeles District). Comments made by: USDA, HUD, DOT, USCG, AEC, EPA, DOC, State and local agencies. (ELR Order No. 50525.)

Trinidad Lake Project, Purgatoire River, Colo., April 7: The statement refers to the Trinidad Lake, which is under construction on the Purgatoire River, 3 miles west of the City of Trinidad. The project is intended to provide flood control, irrigation storage, sediment retention, and fish and wildlife habitat. Approximately 3,658 acres of land have been acquired for project purposes; six small communities, with a combined population of 1,500, have been displaced (Albuquerque District). Comments made by: USDA, DOT, EPA, DOI, AHP, State and local agencies. (ELR Order No. 50514.)

Lawrence Flood Protection Project, Douglas and Leavenworth Counties, Kans., April 8: The statement refers to the construction of two remaining units of a flood control project near the City of Lawrence. Project measures include levees, channel works, bridge replacements, road relocations, and interior drainage structures. Approximately 220 acres (95 acres of timber) and 4.7 miles of natural stream habitat would be committed to the project. Depletion of the forest cover would hinder bird migration patterns through the area. The project may encourage development on flood plain lands. Comments made by: EPA, USDA, DOT, HEW, DOI, State and local agencies and concerned citizens. (ELR Order No. 50522.)

Perry Lake Operation and Maintenance, Jefferson County, Kans., April 8: The statement refers to the impact of continued operation and maintenance of Perry Lake, a multi-purpose project on the Delaware River. Impact results from heavy recreational and from lake fluctuations due to water regulation (Kansas City District). Comments made by: HEW, HUD, DOT, USDA, EPA, AHP, DOI, DOC, and State agencies. (ELR Order No. 50524.)

Clearwater Lake, Operation and Maintenance, Mo., April 11: The project involves the operation and maintenance of Clearwater lake flood control project, 32 miles northwest of Poplar Bluff on the Black River. Normal operation and maintenance consists of flood control, maintenance of parks and management of land and water resources. Adverse impacts are flood control procedures, that result in lake fluctuations, adversely affect shoreline vegetation and lake fish; agricultural and grazing leases contribute to the eutrophication of the lake by the addition of agricultural wastes, fertilizer, and insecticide contamination. Comments made by: USDA, DOI, and State agencies. (ELR Order No. 50538.)

Lewisville Lake, Tex., April 11: The statement refers to the Lewisville Lake Operation and Maintenance program which includes flood control, water conservation, operation and maintenance of project structures and facilities as well as parks for recreational use, and management of land and water resources. Adverse impacts of the already existing dam project are: altered natural cycle of flooding; eroded soil from lake shore; possible destruction of vegetation through inundation; sanitation problems; altered water quality and chemistry by storage; and displaced wildlife and damaged habitat by storing flood waters (Ft. Worth District). Comments made by: EPA, USDA, DOC, DOI, and State agencies. (ELR Order No. 50537.)

Belton Lake, Tex., April 11: The statement refers to the operation and maintenance of the lake, for flood control, water conservation, recreational use, and management of land and water resources. Operation of the lake alters the natural cycle of flooding, and the amount and pattern of downstream sediment deposit (Fort Worth District). Comments made by: USDA, EPA, HEW, DOI, HUD, DOT, and State agencies. (ELR Order No. 50539.)

Las Tunas Beach Park, Erosion Project, Los Angeles County, Calif.: The statement refers to a proposed beach erosion control project. Project measures include the construction of two rubblemound groins and the deposit of 200,000 cu. yds. of fill. There will be adverse impact to marine biota (Los Angeles District). Comments made by: AHP, USDA, HEW, HUD, DOI, DOC, State and local agencies. (ELR Order No. 50527.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

*Draft*

Auburn Interceptor (Green River sewerage area), King County, Wash., April 11: The statement concerns the award of grant funds to the Municipality of Metropolitan Seattle to construct an interceptor sewer line to service the Green River Sewerage Area. The project would result in the elimination of discharge of inadequately treated wastewaters to the Green River. The construction corridor passes through a permanent wetland thus necessitation summer construction. Adverse impacts include possible degradation of water quality in the Duwamish estuary and secondary effects from stimulated urban growth (2 volumes). (ELR Order No. 50535.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410. (202) 755-6295.

*Draft*

Brisas de Loiza Development, P.R., April 10: The statement concerns the Brisas de Loiza Development, located in Torricilla Alta Ward of Canovanas, Puerto Rico. Proposed is the construction of 748 dwelling units for moderate-income families in a 13-acre area adjacent to property inhabited by squatters which has repeatedly been flooded by the Grande de Loiza River. Construction disruption will result (61 pages). (ELR Order No. 50531.)

*Draft*

San Mateo Community Development, San Mateo County, Calif., April 10: The statement concerns expenditure of $1.5 million in community development funds for San Mateo City. The proposed project would provide for approximately 375 rehabilitations and several public facilities improvements. At least 20 federally assisted senior citizen housing units will be provided among the first year activities. Adverse impacts include continuation of human environment exposed to noise, flood, and seismic hazards. (ELR Order No. 50532.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

*Draft*

Makah National Fish Hatchery, Clallam County, April 7: The statement concerns the proposed construction and operation of a fish hatchery on the Makah Indian Reservation for the propagation of chinook, coho, and chum salmon; and steelhead and rainbow trout. The project would result in the loss of 37 acres of timber lands and wildlife habitat (95 pages). (ELR Order No. 50504.)

NATIONAL PARK SERVICE

*Draft*

Greenhaven Underground Transmission Line Permit, Arizona and Utah, April 11: Proposed is the issuance of a permit to the Arizona Public Service Company for authorized construction of a 1,341 foot underground 12/21 KV power transmission line to service 144 acres of State of Arizona land leased to Greenhaven Inc., for residential and commercial development. The transmission line was unlawfully constructed between January 21 and February 6, 1974 in Glen Canyon National Recreation Area. (ELR Order No. 50536.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20545, (301) 973-7373.

*Draft*

Palo Verde Nuclear Generating Station, Units 1-4, Maricopa County, Ariz., April 8: Proposed is the issuance of construction permits to the Arizona Public Service Corporation for the construction of the Palo Verde Nuclear Generating Station, Units 1, 2, 3, and 4. The Station will produce up to 3800 MWt and 1240 MWe (net) of electrical power capacity. The exhaust steam will be cooled by mechanical-draft cooling towers with make-up water obtained from piped sewage effluent from Phoenix. The construction will require the clearing of up to 2,500 acres of land. (ELR Order No. 50523.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

*Draft*

U.S. 285, Tiny Town-Conifer, Jefferson County, Colo., April 7: The statement includes three alternatives for the design and construction of the four-lane divided facility, US 285, through the Tiny Town-Conifer Junction corridor to provide safety and increased capacity. The main adverse impacts include residential and business relocation, increased development pressures with consequent changes in land use and the natural environment, excessive noise levels and involvement with public parkland and historic sites. (ERL Order No. 50506.)

I-471, from I-275 to Cincinnati, Campbell County, Ky., April 11: Proposed is the construction of a 6-land segment of I-471 from I-275 to Cincinnati. The project will contribute to noise and air pollution in the area. An unspecified number of residents and twelve businesses have already been relocated; 98.5 percent of the right-of-way has been purchased. (ELR Order No. 50541.)

I-85 from SR 2025 to Groometown, Davidson, Guilford, and Randolph Counties, N.C., April 7: This project located in Davidson, Guilford and Randolph Counties, entails





the construction of a 20-mile segment of



[OPP-32000/232; FRL 359-3]

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the construction of a 20-mile segment of I–85 from SR 2025 east of Holly Grove to Groometown. The most significant adverse impact will be the relocation of 124 to 141 families, 10 businesses and a church. Other adverse effects include the acquisition of woodland and farmland, an increase in noise along the project corridor, possible economic losses by some businesses located on U.S. 29–70 (temporary I–85) and temporary construction disruption. (ELR Order No. 50517.)

Appalachian Corridor D, Albany thru Athens, Athens County, Ohio, April 10: Proposed is the construction of three segments of highways within "Corridor D" of the Appalachian Development Highway System. The work consists of constructing 5.9 miles of 4-lane, limited access U.S. 50, 2.1 miles of 4-lane freeway U.S. 33, including 2½ interchanges, and 0.55 miles of 4-lane freeway SR 682. The improvements will result in increased air pollution in several areas adjacent to the roadways and the acquisition of 106 residential properties and 14 businesses. A 4(f) statement is included in relation to a softball field and 7.4 acres of Margaret Creek Conservancy District. (ELR Order No. 50533.)

Beltway 8, from SH 225 to I–45 Harris County, Tex., April 7: The statement concerns a 10-mile section of Beltway 8, an 87.5 mile circumferential route encircling Houston, Texas. The segment runs from SH 225 to I–45. Noise and air pollution levels will increase and construction may increase pollution in Armand Bayou (277 pages). (ELR Order No. 50509.)

Loop 335 from I–40 to U.S. 87 and U.S. 287, Potter County, Potter County, Tex., April 7: The proposed project is the construction in Potter County of that portion of Loop Highway 335, a multi-lane road, around Amarillo from I–40 east of Amarillo, north and west to U.S. 87 and 287. Adverse environmental impacts include the utilization of land and natural and human resources to construct the roadway, the displacement of 6 businesses and 40 families, and an increase in urbanization, noise and air pollution levels along the route. (ELR Order No. 50520.)

*Final*

Connecticut Route 9, Hartford and Middlesex Counties, April 7: The project involves the extension of Conn. Route 9 from I–91 in Cromwell to Conn. 15 in Berlin, a distance of approximately 2.2 miles. Fifteen acres of section 4(f) land will be taken from Webster Park. One or two businesses and between five and ten families will be displaced by the action (102 pages). Comments made by: USDA, EPA, HEW, HUD, DOI, OEO, AHP, DOT, and State and local agencies. (ELR Order No. 50510.)

FAP Route 207, Edwardsville By-Pass, Madison County, Ill., April 7: The statement refers to the proposed construction of a new four lane highway facility beginning at Illinois Route 157 and continuing easterly and northeasterly to Illinois Route 143. Project length is approximately 5.9 miles. Eighteen families and one business will be displaced; 160 acres will be required for right-of-way (140 pages). Comments made by: HUD, DOI, USDA, EPA, HEW, COE, State and local agencies and concerned citizens. (ELR Order No. 50511.)

McClugage Bridge, U.S. 24, 150, and Illinois 29, Peoria and Tazewell Counties, Ill., April 7: The project consists of the construction of a two-lane westbound bridge including approaches across the Illinois River at Peoria. Realignment of the existing roadway and construction of a new interchange are necessary. The project will have the following adverse impacts: borrow excavation for the construction of approaches to the new bridge, relocation of 16 families, 6 businesses and 1 private hall, acquisition of 0.7 acres of parkland and construction of a pier for the new bridge. Comments made by: DOI, EPA, USCG, DOT, USDA, State and local agencies. (ELR Order No. 50516.)

I–44, City of St. Louis, St. Louis County, Mo., April 7: The project consists of the improvement of a 1.1 mile segment of I–44 from I–55 to U.S. 40 to 8 lanes. The project will displace 20 families, 8 businesses and one elementary school. Acquisition of the right of way will cost $1,500,000 and relocation assistance cost is estimated at $225,000. Comments made by: DOI, EPA, HEW, OEO, USDA, and one State agency. (ELR Order No. 50515.)

SR 137, Kingsport, Sullivan County, Tenn., April 7: The statement concerns the construction of a four-lane, 7 mile freeway-type facility on a new location through the gap in Bays Mountain and around the western portion of Kingsport, Tennessee. Approximately 158 families, 11 businesses, and 4 non-profit organizations will be displaced by the improvement (130 pages). Comments made by: DOI, EPA, HUD, USDA, DOT, TVA, HEW, State and local agencies. (ELR Order No. 50519.)

U.S. COAST GUARD

*Final*

DeSoto Waterway and North Channel, Broward County, Fla., April 10: The statement refers to the proposed approval of location and plans for 2 fixed highway bridges over DeSoto Waterway, and North Channel. The bridges will furnish additional access to 18,000-unit Three Islands real estate development, now under construction to 18,000 living units (24 pages). Comments made by: DOT, EPA, HUD, DOI, DOC, HEW, COE, State and local agencies. (ELR Order No. 50534.)

GARY L. WIDMAN,
*General Counsel.*

[FR Doc.75–10127 Filed 4–17–75; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 359–8]

### ABBOTT LABORATORIES

#### Establishment of Temporary Tolerance

Abbott Laboratories, North Chicago, Ill. 60064, submitted a petition (PP 5G1579) requesting establishment of a temporary tolerance for negligible residues of the plant regulator 5-chloro-3-methyl-4-nitro-1H-pyrazole in or on the raw agricultural commodity oranges at 0.1 part per million.

It has been determined that the temporary tolerance of 0.1 part per million for negligible residues of the plant regulator in or on the above raw agricultural commodity will protect the public health. It is therefore established as requested on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Abbott Laboratories name.

This temporary tolerance expires April 11, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: April 11, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.75–10094 Filed 4–17–75; 8:45 am]

[FRL 359–7]

### PENNWALT CORP.

#### Renewal of Temporary Tolerances

Pennwalt Corp., Post Office Box 1297, Tacoma, WA 98401, was granted temporary tolerances for combined residues of the fungicide thiophanate-methyl (dimethyl [(1,2 - phenylene) bis(iminocarbonothioyl)]bis [carbamate]), formerly dimethyl 4,4'-o-phenylenebis[3-thioallophanate], and its metabolite methyl 2-benzimidazolecarbamate (calculated as the parent compound) resulting from preharvest and/or postharvest application in or on prunes (intended for the fresh fruit market only), apricots, cherries, nectarines, peaches, and plums (except prunes) at 15 parts per million; apples (intended for the fresh fruit market only) at 7 parts per million; and from preharvest application in or on strawberries at 5 parts per million on April 3, 1974, in connection with Pesticide Petition No. 2G1249 (notice was published in the FEDERAL REGISTER of April 9, 1974 (39 FR 12921)). These tolerances expired April 3, 1975.

The company has requested a 1-year renewal of the temporary tolerances and removal of the fresh fruit market only restriction on prunes to obtain additional experimental data. It is concluded that such a renewal of the temporary tolerances will protect the public health. A condition under which these temporary tolerances are renewed is that the herbicide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Pennwalt Corp. name.

These temporary tolerances expire April 11, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: April 11, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.75–10091 Filed 4–17–75; 8:45 am]

[FRL 360–2]

### AMERICAN CYANAMID CO.

#### Establishment of Temporary Tolerance

The American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, submitted a petition (5G1567) requesting establishment of a temporary tolerance for the combined negligible residues of the herbicide *N*-(1 - ethylpropyl) - 3,4 - dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodity cottonseed at 0.1 part per million.

It has been determined that the temporary tolerance of 0.1 part per million for the combined negligible residues of the herbicide and its metabolite 4-[1-ethylpropyl) .amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the above raw agricultural commodity will protect the public health. It is therefore established, as requested, on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the American Cyanamid Company name.

This temporary tolerance expires April 11, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: April 11, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.75–10093 Filed 4–17–75; 8:45 am]





[FRL 360–7]

### NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

#### Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9 a.m. on May 5 and 6, 1975, at the Cosmopolitan Hotel, Broadway Arms Room, 18th and Broadway Streets, Denver, Colorado (80202), telephone (303) 623–2181.

The purpose of the meeting will be to discuss New Source Performance Standards to be proposed under section 111 of the Clean Air Act for lignite fired steam generators and sulfur recovery plants in petroleum refineries and an update of the standards to be proposed under section 112 to control emissions of vinyl chloride from vinyl chloride and polyvinyl chloride plants.

The meeting will be open to the public. Anyone wishing to attend or submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number and area code are (919) 688–8146, extension 271.

ROGER STRELOW,
*Assistant Administrator for Air and Waste Management.*

APRIL 14, 1975.

[FR Doc.75–10178 Filed 4–17–75; 8:45 am]

[OPP–32000/232; FRL 359–3]

### APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before June 17, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 17, 1975.

Dated: April 11, 1975.

JOHN B. RITCH, JR.,
*Director, Registration Division.*

APPLICATIONS RECEIVED (OPP–32000/232)

EPA File Symbol 7718–EE. The Besco Corp., 200 N. Myrtle St., Metairie LA 70004. BESCO MINT ODOR 7 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Appli-





cation proceeds under 2(c) of interim pol-



## FEDERAL COMMUNICATIONS

casters (NAB) and the other provided by

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cation proceeds under 2(c) of interim policy. PM31

EPA File Symbol 7718–EN. The Besco Corp. BESCO LEMON ODOR 7 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 7718–ER. The Besco Corp. BESCO MINT ODOR 15 DISINFECTANT-DETERGENT-SANITIZER DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 7718–RO. The Besco Corp. BESCO LEMON ODOR 15 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185–EIA. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD SPICY FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Spice perfume 00.250%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 5185–EII. Bio-Lab, Inc. BIO-GUARD LEMON SCENTED SURFACE SPRAY DISINFECTANT. Actove Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Lemon oil 00.500%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 5185–EIL. Bio-Lab, Inc. BIO-GUARD LEMON SCENTED SURFACE SPRAY DISINFECTANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Lemon oil 00.500%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 5185-EIT. Bio-Lab, Inc. BIO-GUARD ORANGE FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Orange oil 0.350%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA Reg. No. 1480-2. Echol Chemical Formulators, Inc., PO Box 1765, Lakeland FL 33803. MICRONIZED COPPER SULPHUR. Active Ingredients: Sulfur 85.0%; Copper 4.8%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: For use on additional crops. PM22

EPA Reg. No. 279–61. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. DORMANT QUIK-MIX HEAVY. Active Ingredients: Petroleum Oil 98.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 257–EII. Fuld-Stalfort, Inc., 1354 Old Post Rd., Havre de Grace MD 21078. SPEARMENT DISINFECTANT. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium carbonate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 618–55. Merck Chemical Div., Merck & Co., Inc., Rahway NJ 07065. 0.5% LIQUID GIBREL. Active Ingredients: Potassium Gibberellate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 618–70. Merck Chemical Div., Merck & Co., Inc., Rahway NJ 07065. GIBREL POWDER. Active Ingredients: Gibberellic Acid 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 2831–LE. Napasco International, Inc., PO Box 1219, Thibodaux LA 70301. MICRO X SPICE FRAGRANT PHENOLIC DISINFECTANT, FUNGICIDE, DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Spice perfume 00.250%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 2831–LG. Napasco International, Inc. MICRO X MINT FRAGRANT PHENOLIC DISINFECTANT, FUNGICIDE, DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Methyl salicylate 00.500%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 2831–LN. Napasco International, Inc. MICRO X LEMON FRAGRANT PHENOLIC DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Lemon oil 00.500%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 2831–LR. Napasco International, Inc. MICRO X ORANGE FRAGRANT PHENOLIC DISINFECTANT, FUNGICIDE, DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Orange oil 0.350%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 2021–RO. National Milling & Chemical Co., 4601 Flat Rock Rd., Philadelphia PA 19127. NAMICO I–0–4. Active Ingredients: alpha - (p - Nonylphenyl)-omega hydroxy poly (oxyethylene) iodine complex (providing 1.75% of titratable) 13.75%; Phosphoric Acid 6.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 572–GNR. Rockland Chemical Co., Inc., Passaic Ave., West Caldwell NJ 07006. ROCKLAND WEED AND GRASS KILLER "B." Active Ingredients: 2-methoxy - 4,6 - bis(isopropylamino)-s-triazine 3.50%; Butoxy propyl Ester of 2,4-dichlorophenoxyacetic acid 1.63%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 12123–L. Sherwood Chemicals Ltd., PO Box 25, Westville NJ 08093. FORMULA 10,000 LAWN WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 12.875%; Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 5.84%; Dimethyl amine salt of Dicamba (3,6-dichloro-o-anisic acid) 1.341%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 5680–RI. W. G. Snee Co., 1430 S. Peters St., New Orleans LA 70301. PURE MINE ODOR 15 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5680–RT. W. G. Snee Co., 1430 S. Peters St., New Orleans LA 70130. PURE MINT ODOR 7 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 476–ERTN. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. CHLORINATED TRISODIUM PHOSPHATE (PINK). Active Ingredients: Sodium Hypochlorite 3.25%; Trisodium Phosphate 91.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 23566–RN. U.S. Yacht Paint Co., Box 96, Roseland NJ 07068. 640 SUPER VINYL COPPER RED. Active Ingredients: Cuproue Oxide 49.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 23566–T. U.S. Yacht Paint Co., Box 96, Roseland NJ 07068. 611 HATTERAS COPPER BLUE. Active Ingredients: Cuprous Oxide 25.0%; Bis(Tri-n-Butyltin) Oxide 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35917–R. Water Pollution Control Systems, Inc., 6350 LBJ Freeway, Dallas TX 75240. TRI-IOLIDE RESIN. Active Ingredients: Iodine 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 5427–AL. Wright Chemical Corp., 1319 Wabansia Ave., Chicago IL 60622. WRICO HHS. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Octyl dodecyl dimethyl-ammonium chloride 7.5%; n-alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 7.5%; Isopropyl alcohol 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5427–AU. Wright Chemical Corp., 1319 Wabansia Ave., Chicago IL 60622. WRICO DRP. Active Ingredients: Didecyl dimethyl ammonium chloride 10.0%; Octyl dodecyl dimethyl-ammonium chloride 10.0%; Isopropyl alcohol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

[FR Doc.75–9945 Filed 4–17–75;8:45 am]

[FRL 358–8]

## SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

### Amended Notice of Meeting

Notice is hereby given of a change in the meeting time and an addition to the agenda of the Ecology Advisory Committee of the Science Advisory Board which was published in the FEDERAL REGISTER on April 4, 1975 (40 FR 15124).

The meeting will be held beginning at 8:30 a.m. rather than 9 a.m., April 22, 1975, in the Conference Building, Building 38, Gulf Breeze Environmental Research Laboratory, Sabine Island, Gulf Breeze, Florida as originally scheduled.

This is the second meeting of the Committee. The agenda includes review of the Laboratory's research program, pesticides—effects associated with the estuarine and marine environments; progress reports on the Committee's study on the health of the environment; and member items of interest. In addition, a general discussion of EPA's future ecological research programs has been added to the agenda.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information, should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557–7720.

WILSON K. TALLEY,
*Assistant Administrator,*
*for Research and Development.*

APRIL 11, 1975.

[FR Doc.75–10265 Filed 4–17–75;8:45 am]





## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### WASTE MANAGEMENT OPERATIONS, HANFORD RESERVATION

### Notice of Closing of Public Hearing Record

Notice is hereby given that the record of the public hearings held on the U.S. Atomic Energy Commission issued Draft Environmental Statement, Waste Management Operations, Hanford Reservation, Richland, Washington, (WASH–1538) (39FR35199) was closed April 3, 1975. The hearings were held January 21, 1975, in Richland, Washington, and January 23, 1975, in Portland, Oregon (40CFR1116). The Presiding Board transmitted its report on the hearings to the Administrator of the Energy Research and Development Administration (ERDA) on April 3, 1975. ERDA assumed responsibility for this activity from the Atomic Energy Commission January 19, 1975, as a result of the implementation of the Energy Reorganization Act of 1974, PL93–438 (40FR2971).

Copies of the Draft Environmental Statement, comments received, and the Hearing Record are available for inspection at the ERDA Public Document Rooms at the following locations: 1717 H Street NW., Washington, D.C.; the Richland Operations Office, Federal Building, Richland, Washington; the Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; the Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina; and the San Francisco Operations Office, 1333 Broadway, Oakland, California.

Dated at Washington, D.C., this 11th day of April 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
*Assistant Administrator,*
*for Environment and Safety.*

[FR Doc.75–10068 Filed 4–17–75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–373; Docket No. 20403]

### AUTOMATIC TRANSMISSION SYSTEMS AT BROADCASTING STATIONS

### Notice of Inquiry

In the matter of amendment of the Commission's rules to permit the use of automatic transmission systems at AM, FM and television broadcasting stations.

1. In two prior proceedings the Commission has solicited comments concerning certain aspects of the captioned subject. The records developed in those two proceedings were determined to be inadequate for resolution of the issues presented. Continued effort by the industry to develop additional information and data pertaining to the subject, and the Commission's conviction that the concept is a viable one, prompts issuance of this Notice of Inquiry in a further effort to develop such rules as are required to provide for the use of automatic transmission systems at AM, FM and television broadcasting stations.

2. In the context of this proceeding an automatic transmission system would consist of transmitter, antenna system, monitoring devices and control circuitry, arranged so that they interact automatically to assure that, if specified critical operating parameters are not within prescribed tolerances, transmission is precluded. Specifically, the Commission envisions a transmission system designed and constructed to provide fail-safe methods for automatically monitoring a station's power, frequency, modulation and antenna performance and to automatically terminate transmission if these parameters are not within prescribed tolerances. A further feature of the automatic system envisioned herein is that it would lend itself to possible unattended operation.

3. Automatic transmission systems have been the subject of considerable study and discussion over the past several years. In 1968, the Commission initiated a proceeding (Notice of Inquiry in Docket 18109, released March 28, 1968) which looked toward development of rules to permit the use of automatic transmitters at FM stations. In 1970, a proceeding (Notice of inquiry and notice of proposed rule making in Docket 18930, released August 5, 1970 concerning operator requirements again solicited information going to the question of automatic operation. The records developed in these two proceedings were, as indicated above, inadequate for resolution of the issues presented. The comments filed in those proceedings will, however, be incorporated in the record developed herein and will again be given consideration.

4. More recently the Commission has been furnished two reports, one provided by the National Association of Broadcasters (NAB) and the other provided by the Electronic Industries Association (EIA), which reassert that automatic transmission systems is a viable concept and urge that the Commission initiate an appropriate proceeding which looks toward development of necessary rules to accommodate their use.

5. In response to these two reports, and as part of its continuing study pertaining to broadcast re-regulation, the Commission has concluded that automatic transmission systems may be technically feasible. It is recognized that a considerable developmental effort will be required to meld current technology and broadcasting equipment to produce an automatic system. However, known techniques lend themselves to this process and no insurmountable technical obstacles are anticipated in this regard.

6. It has been suggested that the developmental effort required will not be undertaken until there has been a clear indication that the Commission is committed to developing rules which will permit operation of automatic transmission systems. With this notice of inquiry the Commission continues its effort in support of the concept and solicits assistance in developing appropriate rules which will accommodate use of such automatic systems, consistent with the Commission's regulatory responsibility.

7. In accord with the Commission's concept of the automatic system, the critical parameters to be maintained within prescribed tolerances would be power, frequency and modulation, and for AM stations employing directional antennas, phase and current ratios. The applicable tolerances would be those presently prescribed in the rules or in the station's instrument of authorization. Unless the Communications Act of 1934 (the Act) were amended to permit unattended operation of broadcasting stations employing automatic transmission systems, a licensed operator would be on duty and in charge of the transmitting apparatus. There would be no requirement to keep operating and maintenance logs in the form now required. However, some record keeping would appear necessary. Authority to operate an automatic system would be issued only upon a satisfactory showing that the system components function so that transmission is possible only if critical operating parameters are within prescribed tolerances.

8. The departure from existing requirements which this concept embodies raises many questions concerning necessary rule changes to accommodate use of these automatic transmission systems. This inquiry solicits comments and information on all aspects of the subject. While many of the questions which must be resolved are specifically discussed herein, the Commission emphasizes that the quantum step which this proceeding represents in regard to operation and regulation of broadcasting stations, re-



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21. Pursuant to applicable procedures time pursuant to the first alternative ear-

(KIB388) C.P. to change antenna system operating on 152.03 and 152.06 MHz located

quires development of a thorough, comprehensive record, and any aspects not specifically addressed in this document, but which are germane to the task before us, should be called to our attention and fully elaborated. In preparing comments parties should focus upon the task before the Commission, i.e., to develop, with specificity and completeness, rules which reflect the capability of current technology and are in keeping with the Commission's regulatory responsibility.

9. One of the many considerations pertinent to this inquiry, is the matter of operator requirements. By its nature, an automatic system would be a "go, no-go" device. It would operate only so long as critical operating parameters remained within prescribed tolerances. Obviously, continuous human observation of technical performance would serve no purpose. By statute, however, the actual operation of all transmitting apparatus at a broadcasting station must be carried on by a licensed operator. It follows that, pending amendment of the Communications Act, an automatic system must be operated with an operator in attendance. Under these circumstances, questions are raised regarding the required level of competence (grade) of this operator and what functions the operator may or should be permitted or required to perform. The qualifications of persons to perform maintenance, testing or repairs would also appear to be appropriate as a matter to specify in the rules. Views are solicited in regard to these matters and also in regard to potential interest in installing automatic systems which must be attended by a licensed operator.

10. In the matter of determining whether or not a proposed automatic system is acceptable for licensing, the Commission sees some very real problems. A complete system, specifically designed for automatic operation could go through normal type acceptance procedures and, if acceptable, could be shown on the Commission's type accepted list as acceptable for automatic operation. The problem to be faced is: What recognition should be given to "composite" systems? If licensees are free to develop their own techniques and equipment configuration to achieve automatic operation, the Commission would, with its limited manpower, face a formidable task in attempting to process, in a timely fashion, applications involving such proposals. This is not to say that automatic operation should be denied existing stations unless their present equipment is replaced by new equipment specifically designed for such operation. It would appear reasonable, however, to specify some constraints within which the Commission might consider approval of composite systems. Comments addressing the question of reasonable constraints are solicited. Also relative to the question of composite systems, the Commission would be most interested in comments asessing the feasibility of manufacturers developing and offering a "black-box" type unit which could be used with existing station equipment to convert it to automatic operation. Certainly another matter of concern to the Commission in regard to composite systems is: How can they be made reasonably tamper-proof? Critical to the whole concept of automatic operation is assurance that transmission is inhibited unless operation is, indeed, within prescribed tolerances.

11. Automatic systems for AM stations using directional antennas pose very complex problems. The threshold question which must be answered is: Should AM stations using directional antennas be candidates for automatic operation? If so, what requirements should be imposed to assure acceptable operation? Antenna systems for non-directional AM, and for FM and TV stations, when incorporated in automatic systems, may warrant special consideration in regard to their continuing satisfactory performance. Views are sought on these aspects of automatic systems.

12. Automatically maintaining authorized power poses a number of questions which must be resolved. For AM stations, the antenna (non-directional) or common point (directional) input power is of interest. To properly monitor input power, both current and input resistance are of concern. It seems reasonable to contemplate developing a requirement to, at least periodically, ascertain the value of the input resistance. Comments concerning this aspect are requested. Use of the indirect method of determining power poses a problem, in that the efficiency factor (F) may not be accurate except when determined by using recently obtained values of power measured by the direct method in conjunction with corresponding values of plate current and voltage. Since operating logs would not be kept for an automatic system, on what basis could a reasonably reliable determination of antenna power be made if the direct method of determining power cannot be used? Since an automatic system would be designed to terminate transmissions if the power level falls outside of prescribed tolerances, what provision should be made for permitting continued operation if, for causes beyond control of the licensee, normal power cannot be maintained? Should the Commission limit its interest in the Voltage Standing Wave Radio (VSWR) to simply being concerned that the licensee attempt to keep it as near unity as possible? Recognizing that there is a public interest aspect involved in prescribing a lower limit to the power tolerance, are there countervailing considerations which mitigate against prescribing such lower limit in regard to use of automatic systems? What sort of reasonable standard should be drawn to avoid system shut-down resulting from an isolated instance of power variation causing prescribed tolerances to be exceeded?

13. Recognizing that modulation level may be substantially controlled by signal processing techniques, what, if any, safeguards should be prescribed to preclude such processing as would adversely affect dynamic range? What are the problems and possible solutions regarding development of a rule requirement which attempts to assure that the modulation level is kept as high as possible consistent with the desirability of effecting system shut-down if modulation is unacceptably high or low? Is automatic monitoring control and shut-down feasible and practical in the case of video modulation? What consideration should be given SCA and stereo modulation in the context of automatic systems? How would licensees be able to reduce modulation to avoid objectionable loudness?

14. It is assumed that frequency stability would be maintained by comparing the transmitter oscillator frequency against an external frequency source. To assure the integrity of the system, what is a reasonable standard to draw regarding periodic calibration of the reference source?

15. Recognizing the advances in automatic programming and automatic program logging, and looking to the possible advent of completely unattended transmission systems, what are the considerations, pro and con, regarding operation of a completely unattended station? How would licensees or permittees meet requirements imposed regarding EBS operation and tower lighting observations? What safety and security precautions should be prescribed in the rules?

16. What, if any, metering or manual override capability should be required in regard to automatic transmission systems?

17. What are the considerations relative to FCC inspection of stations employing automatic transmission systems? Should automatic systems be required to include a self-test capability to ascertain that automatic shut-down circuitry is working properly?

18. If stations employing automatic transmission systems are not required to keep a "maintenance log", what technical records should be required?

19. With elimination of many operational requirements for stations employing automatic transmission systems, what safeguards must be incorporated in the rules to assure reliable performance in regard to effecting "go, no-go" operation? What special problems are posed by AM stations which are required to change modes of operation during the broadcast day?

20. While the foregoing draws attention to some of the matters which must be considered in this proceeding there undoubtedly are many additional ones which will come to light as the Commission's effort evolves. It should be emphasized that in developing comments which will assist and guide the Commission toward a sound and timely resolution of the proceeding, parties are urged to focus upon existing rule requirements and to recommend such changes and additions thereto as are needed to accommodate the use of automatic transmission systems and to provide detailed technical information in support of the recommended rule changes.





21. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before July 11, 1975, and reply comments on or before August 11, 1975. All relevant and timely comments and reply comments will be considered by the Commission before further action is taken in this proceeding.

22. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: April 1, 1975.

Released: April 14, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10128 Filed 4-17-75;8:45 am]

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[Report No. 749]

## COMMON CARRIER SERVICES INFORMATION[1]

### Domestic Public Radio Services Applications Accepted for Filing[2]

APRIL 14, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

APPLICATIONS ACCEPTED FOR FILING
DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21416-CD-R-75, New England Telephone & Telegraph Company (KA9446) (developmental), renewal of license expiring April 25, 1975. Term: April 25, 1975 to April 25, 1976.

21417-GD-MP-75, General Communications Service, Inc. (KOH280), modification of CP to establish a multiplex channel to operate on 2112.0 MHz at Loc. No. 2: 365 N. 6th Avenue, Phoenix, Arizona.

21418-CD-MP-75, Pacific Northwest Bell Telephone Company (KWH330) (air-ground), modification of CP to relocate facilities operating on 454.675 & 454.850 MHz to be located on Prospect Hill No. 1, approx. 7 miles SW of Salem, Oregon.

21419-CD-P-(4)-75, Massachusetts-Connecticut Mobile Telephone Company (KQZ747), C.P. to replace transmitter and change antenna system operating on 158.70 MHz at Loc. No. 4: End of Cook Drive, Montville, Conn.; replace transmitter & change antenna system operating on 158.70 MHz at Loc. No. 5: Route 195 approx. ½ mile S. of Storrs, Conn.; replace transmitter & change antenna system operating on 158.70 MHz at Loc. No. 7: Highland Avenue, Torrington, Conn.; and add new antenna site to operate on 72.38 MHz to be located at 14 Haynes Street, Hartford, Conn.

21420-CD-P-(3)-75, Massachusetts-Connecticut Mobile Telephone Company (KUC916), C.P. to add (3) new antenna sites to operate on 152.24 MHz to be located at: End of Cook Drive, Montville, Conn.; Route 195 approx. ½ mile S. of Storrs, Conn.; and Highland Avenue, Torrington, Connecticut.

21421-CD-P-75, United Telephone Company of Missouri (KDT201), C.P. to change antenna system and relocate facilities operating on 152.63 MHz to be located at 1000 Elm Street, Rolla, Missouri.

21422-CD-P-75, Central Radio Dispatch, Inc., C.P. to replace transmitter, change antenna system and relocate facilities operating on 454.15 MHz to be located at 3333 Fort Worth Avenue, Dallas, Texas, Loc. No. 2.

21423-CD-P-75, The Mountain States Telephone and Telegraph Company (KOH275), C.P. to replace transmitter, change antenna system, and relocate facilities operating on 152.69 MHz to be located 4.6 miles East of Cheyenne, Wyoming.

21424-CD-P-75, New England Telephone and Telegraph Company (KCB897), C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.63 MHz to be located at 45 Forest Avenue, Portland, Maine.

21425-CD-P-(2)-75, W. L. and R. L. Meadow dba Jacksonville Radio Dispatch Service (KIB388) C.P. to change antenna system operating on 152.03 and 152.06 MHz located at 1510 Montana Avenue, Jacksonville, Florida.

21426-CD-P-(7)-75, Southern Bell Telephone and Telegraph Company (KIC346), C.P. to change antenna system operating on base facilities 152.51, 152.57, 152.60, 152.63, 152.66, and 152.75 MHz and test facilities 157.77, 157.83, 157.86, 157.89, 157.92, and 158.01 MHz located at 415 Clay Street, Jacksonville, Florida.

21427-CD-P-75, Don McFarland dba Westex Communication (New), C.P. for a new 2-way station to operate on 152.09 MHz to be located 200' South of US 290, 1 mile SE of Courthouse, Sonora, Texas.

21428-CD-P-75, Answer, Inc. of San Antonio (KWT848), C.P. to relocate facilities operating on 35.58 MHz to be located at 1710 North Main Street, San Antonio, Texas.

21429-CD-P-75, Answering, Inc. (KWU324), C.P. to replace transmitter operating on 158.70 MHz located at 1211 N. Shartel, Oklahoma City, Oklahoma, Loc. No. 1.

21430-CD-AL-(3)-75, William L. Elsele and Robert A Jones dba Midwest Communications Company, consent to Assignment of License from Midwest Communications Company, Assignor to South Shore Radio-Telephone, Inc., Assignee. Stations: KUD238, Chicago, Illinois; KTS201 and KUC967, Lansing, Illinois.

21431-CD-P-75, Radio Dispatch (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located at Roof of Wildwood Inn, Atlantic and Oak Avenues, Wildwood, New Jersey.

21432-CD-P-75, Jerry C. Shaffer (New), C.P. for a new 2-way station to operate on 454.175 MHz to be located at 106 E. Market Street, Warren, Ohio.

*Major amendments*

21554-C2-P-74, Jack H. Ford and Ellen A. Ford dba Professional Phone Answering (New), Muskegon, Michigan. Amend to relocate proposed antenna site to Southwest corner of Russell and Giles Roads, in Muskegon and to increase effective radiated power and antenna height. All other particulars to remain as reported on PN No. 706 dated June 24, 1974.

21262 – CD – P – (2) – 75, Mobilphone-Paging Radio Corporation (New), Johnston, Rhode Island. Amend base frequency 454.050 MHz to read 454.175 MHz. All other particulars to remain as reported on PN No. 745 dated March 17, 1975.

*Correction*

20216-CD-P-75, General Telephone Company of the Northwest, Inc. (KUC860), correct entry on PN No. 747 dated March 31, 1975 to read: C.P. to change antenna system operating on 152.78 MHz located 5.5 miles NE of East Wenatchee, Wash., at the intersection of Badger Mtn. and Clark Roads, Badger Mountain, Washington.

*Informatives*

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations by reasons of potential electrical interference.

CALIFORNIA

Imperial Communications Corporation, Mount Woodson, California; KLF644; 20065-CD-P-75.

Chalfont Communications, Palm Springs, California; KMM581; 1034-C2-P-(2)-72.

COLORADO

LTS Communications, Inc., Dillon, Colorado; New; 21578-C2-P-74.

* Commissioner Hooks concurring in the result.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).



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Radio Contact Corporation, Golden, Colorado; 3227-CF-P-75, Same (New), Roanoke, Louisi- mitting equipment on 11385V MHz and



by Secretary.

Radio Contact Corporation, Golden, Colorado; KTS256; 20255-CD-P-75.

RURAL RADIO SERVICE

60310-CR-P/L-75, RCA Alaska Communications, Inc., (WQF53), C.P./L to change antenna system and relocate facilities operating on 459.350 MHz to be located 2000' North of Prudhoe Bay Airstrip, Prudhoe Bay, Alaska.

*Major amendments*

8702-C1-P/L-72, Puerto Rico Communications Authority (New), temporary-fixed. Amend frequencies 458.575, 458.600, 458.625, and 458.650 to read 459.575, 459.600, 459.625, and 459.650 respectively. All other particulars to remain as reported on PN No. 600 dated June 12, 1972.

8691-C1-P-(8)-72, Puerto Rico Communications Authority (New), Central Office, Tuquillo, Puerto Rico. Amend frequencies 453.575, 453.600, 453.625 and 453.650 to read 454.575, 454.600, 454.625 and 454.650 respectively. All other particulars to remain as reported on PN No. 600, dated June 12, 1972.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3219-CF-P-75, Southern Pacific Communications Company (WQN74), 913 Franklin Avenue, Houston, Texas. Lat. 29°45'48" N., Long. 95°21'37" W. C.P. to add frequency toward new point of communication on 10975.0V MHz towards Englewood Yard, Texas on azimuth 62 degrees 14 minutes.

3220-CF-P-75, Same (New), Southern Pacific Englewood Yard, East Houston, Texas. Lat. 29°47'45" N., Long. 95°17'22" W. C.P. for a new station on frequency 11665.0V MHz toward Houston, Texas on azimuth 242 degrees 17 minutes and 6197.2H toward Dayton, Texas on azimuth 54 degrees 29 minutes.

3221-CF-P-75, Same (New), ½ Miles Southwest of Dayton, Texas. Lat. 30°02'24" N., Long. 94°56'43" W. C.P. for a new station on frequency 6064.2H MHz toward Englewood Yard on azimuth 234 degrees 41 minutes and 5974.8H MHz towards Devers, Texas on azimuth 92 degrees 01 minutes.

3222-CF-P-75, Same (New), ¼ Mile North of Devers. Lat. 30°01'49" N., Long. 94°35'25" W. C.P. for a new station on frequency 6226.9H MHz towards Dayton, Texas on azimuth 272 degrees 10 minutes and 6197.2H MHz towards Beaumont, Texas on azimuth 83 degrees 40 minutes.

3223-CF-P-75, Same (New), 2 Miles Southwest of Beaumont, Texas. Lat. 30°04'16" N., Long. 93°09'36" W. C.P. for a new station on frequency 5974.8H MHz towards Devers, Texas on azimuth 263 degrees 53 minutes and 5945.2H MHz toward Orange, Texas on azimuth 86 degrees 34 minutes.

3224-CF-P-75, Same (New), 2 Miles Southwest of Orange, Texas. Lat. 30°05'24" N., Long. 93°47'13" W. C.P. for a new station on frequency 6226.9H MHz toward Beaumont, Texas on azimuth 266 degrees 46 minutes and 6175.2H MHz toward Edgerly, Louisiana on azimuth 59 degrees 25 minutes.

3225-CF-P-75, Same (New), Lake Charles, Louisiana. Lat. 30°14'21" N., Long. 93°11'-43" W. C.P. for a new station on frequency 6093.5H MHz toward Orange, Texas on azimuth 239 degrees 34 minutes and 6004.5V MHz toward Lake Charles, Louisiana on azimuth 88 degrees 38 minutes.

3226-CF-P-75, Same (New), Lake Charles, Louisiana. Lat. 30°14'21" N., Long. 93°11'-43" W. C.P. for a new station on frequency 6345.5H MHz toward Edgerly, Louisiana on azimuth 268 degrees 47 minutes and 6256.-5V MHz towards Roanoke, Louisiana on azimuth 90 degrees 14 minutes.

3227-CF-P-75, Same (New), Roanoke, Louisiana. Lat. 30°14'13" N., Long. 92°44'21" W. C.P. for a new station on frequency 6093.-5V MHz toward Lake Charles, Louisiana on azimuth 270 degrees 26 minutes and 6093.-5V MHz toward Crowley, Louisiana on azimuth 96 degrees 47 minutes.

3209-CF-P-75, Southern Bell Telephone and Telegraph Company (KJW92), 712 Citrus Avenue, Ft. Pierce, Florida. Lat. 27°26'40" N., Long. 80°19'49" W. C.P. to change alarm center location, power and frequency 6004.-5 MHz to 6063.8V MHz toward WTVX-TV, Ft. Pierce, Florida on azimuth 341 degrees/18 minutes.

3210-CF-P/ML-75, Same, (KTF45) 937 Greene Street, Augusta, Georgia. Lat 33°-28'30" N., Long. 81°58'10" W. C.P. and Mod. of License to add frequency 11685H MHz toward Beech Island, South Carolina on azimuth 116 degrees/15 minutes.

3211-CF-P-75, Southwestern Bell Telephone Company (KYJ66), 1407 Jefferson Street, Houston, Texas. Lat. 29°44'55" N., Long. 95°21'56" W. C.P. to add frequency 3810V MHz toward Apollo RS, Texas on azimuth 133 degrees/08 minutes.

3212-CF-P-75, Same (WPG66), 623 Eldorado Street, near League City, Texas. Lat. 29°-33'46" N., Long. 95°08'20" W. C.P. to add frequency 4170V MHz toward Houston, Texas on azimuth 313 degrees/15 minutes; add 3850V MHz toward Liverpool, Texas on azimuth 187 degrees/26 minutes.

3213-CF-P-75, Same (WPG67), 1021 West Broad Street, Freeport, Texas. Lat. 28°57'-09" N., Long. 95°21'34" W. C.P. to add frequency 4170V MHz toward Liverpool, Texas on azimuth 26 degrees/35 minutes.

3214-CF-P-75, Same (WCZ52), 6.2 Miles ESE of Liverpool, Texas. Lat. 29°15'36" N., Long. 95°11'02" W. C.P. to add frequency 4130V MHz toward Apollo RS, Texas on azimuth 07 degrees/24 minutes; add 3810V MHz toward Freeport, Texas on azimuth 206 degrees/40 minutes.

3236-CF-P-75, The Mountain States Telephone and Telegraph Company (New), Amax Mill, 15.3 Miles SW of Parshall, Colorado. Lat. 39°50'43" N., Long. 106°04'42" W. C.P. for a new station on frequency 2178.0V MHz toward Grouse Mountain, Colorado on azimuth 345 degrees/47 minutes.

3237-CF-P-75, Same (WPE72), Grouse Mountain, 5.5 Miles NW of Hot Sulphur Springs, Colorado. Lat. 40°08'02" N., Long. 106°10'-25" W. C.P. to add antennas and frequencies 2112.0H MHz towarad Berthoud Pass, Colorado on azimuth 136 degrees/59 minutes; add 2128.0V MHz toward a new point of communication at Amax Mill, Colorado on azimuth 165 degrees/43 minutes.

3238-CF-P-75, Same (WPE71), Berthoud Pass, 4.6 Miles WNW of Empire, Colorado. Lat. 39°47'38" N., Long. 105°45'48" W. C.P. to add antennas and frequencies 2171.6V MHz toward a new point of communication at Jones Pass, Colorado on azimuth 250 degrees/57 minutes; from Jones Pass, Passive Reflector to Henderson Mine (new), Colorado on azimuth 76 degrees/15 minutes; add 2162.0H MHz toward Grouse Mountain, Colorado on azimuth 317 degrees/15 minutes.

3239-CF-P-75, Same (New) Henderson Mine, 10.1 Miles West of Empire, Colorado. Lat. 39°46'10" N., Long. 105°51'02" W. C.P. for a new station on frequency 2121.6V MHz toward the new Jones Pass, Passive Reflector, Colorado on azimuth 256 degrees/16 minutes; from Passive Reflector to Berthoud Pass, Colorado on azimuth 70 degrees/53 minutes.

3169-CF-MP-75, American Television & Communications Corp. (WAT982), Greensboro, North Carolina. Lat. 36°03'47" N., Long. 79°49'21" W. Mod. of C.P. to change transmitting equipment on 11385V MHz and 11625V MHz toward High Point, North Carolina.

3170-CF-MP-75, Same, (WAU277), High Point, North Carolina. Lat. 35°58'59.5" N., Long. 80°03'41" W. Mod. of C.P. to change transmitting equipment on 10935.0V MHz and 11095.0V MHz, toward Thoma-a-Lex, North Carolina.

3166-CF-P-75, Video Service Company (New), On Birch Hill atop Palomar Mtn., California. Lat. 33°18'32" N., Long. 116°50'38" W. C.P. for a new station on 10775.0V MHz, 11015.0V MHz, 11175.0V MHz, and 10935V MHz toward Poway, California, on azimuth 209°49'.

3167-CF-P-75, Same (New), 2.5 Miles West of Poway, California. Lat. 32°57'35" N., Long. 117°04'52" W. C.P. for a new station on 11385.0H MHz, 11625.0H MHz, 11305.0H MHz and 11545.0H MHz toward Cowles Mtn., California; 11385.0H MHz and 11625.-0H MHz toward University City, California; 11305.0V MHz toward Panasquitos, California.

3168-CF-P-75, Same (New), Cowles Mtn., 1.8 Miles WNW of El Cajon, California. Lat. 32°48'45" N., Long. 117°01'50" W. C.P. for a new station on 10975.0H MHz 10735.0H MHz and 10895.0H MHz toward Rancho, California; South Bay, California, and Coronado, California on azimuths 149°17'; 184°21'; and 224°35' respectively.

3240-CF-P-75, Eastern Microwave, Inc., (KEM59), Sentinel Heights, New York. Lat. 42°56'45" N., Long. 76°07'09" W. C.P. to add 5960.0H MHz, 5989.7V MHz, 6019.3H MHz, 6049.0V MHz, 6078.6H MHz and 10815.0H MHz toward Syracuse, (1010 James Street) New York, on azimuth 354°34'.

3228-CF-P-75, Southern Pacific Communications Company (New), One mile Southwest of Crowley, Louisiana. Lat. 30°11'59" N., Long. 92°23'01" W. C.P. for a new station on frequency 6345.5H MHz toward Roanoke, Louisiana on azimuth 276 degrees 58 minutes and 6345.5V MHz towards Lafayette, Louisiana on azimuth 82 degrees 47 minutes.

3229-CF-P-75, Same (New), Southern Pacific Yard, in Lafayette, Louisiana. Lat. 30°14'07" N., Long. 92°03'22" W. C.P. for a new station on frequency 6034.2V MHz towards Crowley, Louisiana on azimuth 262 degrees 58 minutes and 6004.5V MHz toward Catahouia, Louisiana on azimuth 99 degrees 16 minutes.

*Corrections*

2403-CF-P/ML-75, Southern Pacific Communications Company (WOF52), Correct to read: 1.3 Miles North of McKiddyville, Oklahoma. Lat. 35°06'08" N., Long. 97°11'-56" W. C.P. and Mod. of License to correct station location to that shown above and to change frequency to 11385.0V on azimuth 160 degrees 23 minutes toward Byars, Oklahoma.

*Major Amendment*

6496-C1-P-70, Southern Pacific Communications Company (New), Amend to read One Canal Street, New Orleans, Louisiana, Lat. 29°56'55" N, Long. 90°03'47" W. C.P. for a new station on frequency 6049.0V MHz toward Dufresne, Louisiana on azimuth 269 degrees 43 minutes. (Delete all other particulars reported in Public Notice dated 4-27-70 and 3-5-73.)

6947-C1-P-70, Same (New), 0.8 Mile Northwest of Dufresne, Louisiana. Change polarization and azimuth toward New Orleans, Louisiana to 6241.7V MHz on azimuth 89 degrees 32 minutes. (Rest same as reported in Public Notice dated 4-27-70 and 3-5-73.)

6398-C1-P-70, Same (New), 0.1 Mile West of Vacherie, Louisiana. Change frequency from 5989.7H to 6049.0H MHz toward Dufresne, Louisiana. (Rest same as reported in Public Notice dated 4-27-70 and 3-5-73.)

6499-C1-P-70, Same (New), 0.6 Mile West of Donaldsonville, Louisiana. Change frequency from 6226.9V to 6226.9H towards Bayou Sorrel, Louisiana and frequency 6197.2H to 6256.5H MHz toward Vacherie, Louisiana. (Rest same as reported in Public Notice dated 4-27-70 and 3-5-73.)

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATION ACT OF 1934, AS AMENDED

TELEPHONE WIRE FACILITIES

W-P-C-360, New Jersey Bell Telephone Company FORMAL (Section 63.01), To construct and operate 432 4Khz equivalent channels between Piscataway, New Jersey and New Brunswick, New Jersey for use by RCA Globecom.

W-P-C-361, Pacific Telephone and Telegraph Company INFORMAL (Section 63.03), To add one audio program channel between Sacramento and San Francisco, California.

W-P-C-362, The Chesapeake and Potomac Telephone Company (D.C.), and The Chesapeake and Potomac Telephone Company of Maryland INFORMAL (Section 63.03), To add 24 4Khz equivalent channels between Friendship, Maryland and Washington, D.C., using "T" carrier.

W-P-C-363, The Chesapeake and Potomac Telephone Co. (D.C.), The Chesapeake and Potomac Telephone Company of Maryland and The Chesapeake and Potomac Telephone Company of Virginia INFORMAL (Section 63.03), To add 24 4Khz equivalent channels between Frederick, Maryland and Arlington, Virginia using "T" carrier.

W-P-C-364, The Chesapeake and Potomac Telephone Company (D.C.), and The Chesapeake and Potomac Telephone Company of Maryland and The Chesapeake and Potomac Telephone Company of Virginia INFORMAL (Section 63.03), To add 84 4Khz equivalent channels on "N" and "T" carrier, between Washington, D.C., Olney, Maryland; Gaithersburg, Maryland; and Herndon, Virginia.

W-P-C-365, The Chesapeake and Potomac Telephone Company of (D.C.), The Chesapeake and Potomac Telephone Company of Maryland, and The Chesapeake and Potomac Telephone Company of Virginia FORMAL (Section 63.01), To add 31 Digital Channel groups (1.544 Mbs) for Digital Data Service (DDS) between various locations in the Washington, D.C. metropolitan operating area.

P-C-8799-1, Southwestern Bell Telephone Company INFORMAL (Section 63.03), To request an extension of time to complete construction authorized on P.C. #8799 between Springdale, Arkansas and Tonitown, Arkansas.

W-P-D-44, The Pacific Telephone and Telegraph Company FORMAL (Section 63.62), To discontinue Direct Distance Dialing and Toll operating service in General Telephone's Downey, Long Beach, and Whittier, California exchanges. Upon discontinuance by Pacific Telephone And Telegraph Co., General Telephone will assume such services using facilities to be located at Long Beach, Calif.

TELEPHONE WIRE FACILITIES

W-P-D-, Michigan Bell Telephone Company FORMAL (Section 63.505), To discontinue operation of transmitter at location #2 (337 Abbott Road, East Lansing, Michigan) which is associated with Domestic Public Land Mobile Radio Service Station, KQD 609, Lansing, Michigan.

[FR Doc. 75-10134 Filed 4-17-75;8:45 am]





## FCC PBX TECHNICAL STANDARDS SUBCOMMITTEE INTERFACE CRITERIA TASK GROUP

### Meeting

APRIL 11, 1975.

In accordance with Pub. L. 92-463, announcement is made of a public meeting of the Interface Criteria Task Group of the FCC PBX Technical Standards Subcommittee to be held May 7-8, 1975 at 1919 M Street NW., Room 752, Washington, D.C. The meeting will commence at 10 a.m.

1. *Purpose.* The purpose of this subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the May 7-8 Interface Criteria Task Group will be as follows:

(1) Review homework assignments pertaining to the revision of the T89 technical data.

(2) Review the proposed Scope statement and introductory material for the revised T89 document.

(3) Prepare proposed cover letter for the submission of the revised Interface Criteria to the PBX Technical Standards Subcommittee.

(4) Continue work on document T92.

(5) Task assignments and scheduling.

4. *Public participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Common Carrier Bureau Interconnection Branch on 202-632-6917.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10139 Filed 4-17-75;8:45 am]

## RADIO TECHNICAL COMMISSION FOR AERONAUTICS

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 125—MLS Implementation. It is to be held on May 14-15, 1975, in Conference Room 3201, FAA Transpoint Building, 2100 Second Street SW., Washington, D.C., commencing at 9:30 a.m.

The Agenda is as follows:

1. Welcome by chairman.
2. Summary of April 9-10, 1975, meeting by Secretary.
3. Introduction of new members and guests.
4. Final report of past studies.
5. FAA MLS status report.
6. Data base committee report.
7. Report of SC-125 committee:
a. PERT chart.
b. Benefits.
c. Military planning and costs.
d. Civil costs.
e. Airborne systems operational capabilities.
f. Implementation strategies.
8. Update discussion of Strawman "MLS Implementation Program".
9. Interim report discussion.
10. Discussion of special committee findings.
11. Special assignments.
12. Announcements.
13. Other business.
14. Date and place of next meeting.

The meeting is open to the public subject to limitations of space available. Persons planning to attend or who desire additional information concerning this meeting should contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone area code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10137 Filed 4-17-75;8:45 am]

[FCC 75-374, 30989; Docket No. 20418; RM-2346]

## VHF STATIONS; TELEVISION TABLE OF ASSIGNMENTS

### Notice of Inquiry; Memorandum Opinion and Order

In the matter of petition for rule making to amend television table of assignments to add new VHF stations in the top 100 markets and to insure that the new stations maximize diversity of ownership, control and programming.

1. On March 26, 1974, the Office of Communication of the United Church of Christ (UCC), Geoffrey Cowan, Monroe Price, Charles Channel and Walter Baer jointly petitioned the Commission to issue a notice of proposed rule making (1) to add a number of new VHF-TV broadcasting channels to the television table of assignments 73.606(b), (2) where appropriate to reserve such new channels for the exclusive use of noncommercial television and (3) in certain situations, to take steps to increase participation by minority groups in television station ownership and management.

2. UCC suggests addition to the television table of assignments of as many new VHF channels as would be technologically practical and proposes consideration of the 62 channels which the Office of Telecommunications Policy (OTP) maintains could be inserted into the 100 major markets of the continental United States with minimal technical interference to existing signals.[1] UCC proposes an in-

[1] The 62 referenced channels were outlined in an analysis prepared by OTP in October 1973 (Exhibit A mentioned in para. 10, infra.).



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crease in the availability of public television by requiring that, in every community in which a new VHF channel can properly be added and where there is at present no VHF noncommercial television reservation, the Commission reserve a new VHF channel for a noncommercial television licensee. UCC's third proposal is that equal opportunities for ownership and management be achieved by assuring that in the comparative hearing for every newly created television license the Commission will consider substantial[1] local ownership and management by members of each of the minority groups enumerated in § 73.125(c) of the Commission's rules to be a factor of primary significance where (1) there are already two or more television stations in the community, (2) such group or groups are not substantial owners or managers of the existing stations, and (3) such group or groups comprise a substantial portion of the population of the community.

3. UCC sets forth with specificity its rationale for the creation of new television channels in references to the Sixth Report and Order, 41 F.C.C. 148 (1952), and the Notice of Proposed Rule Making in Docket No. 14229 (Expanded Use of UHF Television Channels), 21 R.R. 1711 (1961) wherein the Commission emphasized the largest possible number of program choices and competing outlets of local expression. UCC points out that there are significant policy reasons which should lead the Commission to insure that the television assignment table (§ 73.606 of the Commission's rules) provides for the maximum number of technically and financially viable stations. UCC speaks to the diversification and diffusion of control stating that "[w]hile some diversification can be achieved by restrictions on ownership, a most important means toward diversity is the maximization of technically and financially sound outlets." (Petition at 5.)

4. UCC points to the use of reduced mileage spacing and directional antennas to create new VHF channel assignments referring to the October 1973 study by the OTP showing that as many as 62 new VHF stations could properly be built in the top 100 markets. UCC refers to the report and order in Docket 13340, Interim Policy on VHF TV Channel Assignments, 21 R.R. 1695 (1961), as perhaps the best case in support of "short-spaced" VHF assignments, although the need for noncommercial VHF outlets in major markets was ignored by the Commission. But, it argues, since noncommercial television has emerged as a major cultural and educational force and the Public Broadcasting System (PBS) has become the fourth major network new VHF channels should be added to the assignment table for those major markets where there are no noncommercial stations on the air.

[1] For definition of "substantial" UCC refers to TV 9, Inc. v. FCC, 495 F. 2d 929 (D.C. Cir. 1973).

5. Based on the fact that all-channel receivers are capable of receiving UHF television in 86 percent of the United States households, UCC believes it is time to reexamine on a city-by-city basis the merits of the UHF impact policy first set forth by the Commission in a report and order, 41 F.C.C. 1122 (1962), which closed out the proceeding on several new VHF drop-in assignments based on Docket 13340. UCC believes that UHF can now be accorded co-equal status with VHF and no longer requires the protection of the UHF impact policy.

6. UCC proposes that the Commission in certain situations, take steps to increase participation by minority groups in television ownership and management. It believes this can be achieved by rules encouraging ownership and management by local citizens whose background and experiences differ from those of the owners of other local stations, and encouraging ownership and management by members of groups which often have special needs and interests and yet are frequently excluded from the decision making processes of local stations. UCC further proposes exploration into methods of increasing ownership and management by women.

7. In the conclusion of its petition UCC states:

> There is now good reason to believe that a number of new VHF channels can be created in the major markets without retarding the growth of UHF or causing significant interference to existing stations. The addition of some such channels to the Assignment Table will promote the Commission's goals of diversification of programming and increased public access to divergent points of view. The newly created channels can also help to advance goals which the government has held to be in the public interest, including the development of public broadcasting and the increased participation by minority groups in television station ownership and management. (Petition at 25.)

8. Public notice was given on April 9, 1974, of the fact that the UCC petition had been accepted and assigned a rule making number. On May 1, 1974, a joint petition was filed by Taft Broadcasting Company, WHAS, Inc., and McGraw-Hill Broadcasting Co., Inc., to extend the time for filing responses to the UCC petition to June 10, 1974. The extension was granted May 3, 1974. Responses supporting the UCC petition were filed by the National Black Media Coalition, the Atlanta Board of Education, the licensee of noncommercial educational Station WETV, Washington, D.C., the Appalachian Research and Defense Fund, Inc., the Committee for Open Media, the Mayor of Louisville, Kentucky, the Governor of Maine, the Advisory Committee of National Organizations, and the General Manager of Station WTLC(FM), Indianapolis, Indiana. Responses opposing the UCC petition were filed by the Nebraska Broadcasters Association (revised); counsel for South Central Broadcasting Company; Gateway Communications, Inc.; KMSO-TV, Inc., licensee of WGVO-TV, Missoula, Montana and KCFW-TV, Kalispell, Montana; A. Earl Cullum, Jr., Consulting Engineer; and WBEN, Inc., licensee of WBEN-TV, Buffalo, New York.[2]

9. On April 30, 1974, attorneys for UCC filed a letter, pursuant to the "public information" section of the Administrative Procedure Act, 5 U.S.C. 552, requesting access to various Commission staff studies and analyses of the OTP drop-in study and related materials. Further, on May 17, 1974, Metromedia, Inc., filed a motion which similarly requested that such materials be made part of the record. At the same time, Metromedia requested an extension of time for filing responses to the UCC petition to a date 30 days following the release of the requested data. On May 31, 1974, the Association of Maximum Service Telecasters, Inc. (AMST) also filed a motion requesting an extension of time. In reply to these requests the Commission on June 4, 1974, issued an Order extending the time for filing responses to the UCC petition without a terminal date pending a Commission ruling on the aforementioned requests to make materials public.

10. In response to UCC's request for staff material, the Commission's Executive Director by letter, dated August 27, 1974, denied access to some of the material requested and granted access to some. The material made available to UCC was the following:

(1) Broadcast Bureau compilation of data on VHF assignments. (Exhibit I, below.)
(2) OCE VHF drop-ins with enclosure. (Exhibit G, below.)
(3) OCE VHF study summary. (Exhibit E, below.)

After having received access to the aforementioned material, UCC filed an application for review which requested access to additional material. That application for review was disposed of in a "By Direction" letter of the Commission adopted March 15, 1975, which furnished further material to UCC. That material, as well as that previously made available to UCC has been identified in exhibit form and has been placed in the public file of this proceeding. Some of the material updates in many respects the attachments to the UCC petition. The exhibits are as follows:

*Exhibit A.* "Technical Analysis of VHF Television Broadcasting Frequency Assignment Criteria" (with a corrigendum) prepared by the Office of Telecommunications Policy dated October 1973.

*Exhibit B.* An information item prepared by the FCC staff for the purpose of informing the Commission on the OTP analysis contained in Exhibit A.

*Exhibit C.* An economic analysis of the OTP VHF "drop-in" proposal prepared by staff within the Broadcast Bureau.

*Exhibit D.* An undated list of co-channel VHF television stations authorized at substantial spacings prepared within the Broadcast Bureau.

*Exhibit E.* FCC computer study of the OTP VHF drop-in [report] analysis. (Identified as VHF study comparing five computer runs.)

[2] On January 17, 1975, a response to the UCC petition was filed on behalf of Universal Communications Corp., licensee of Station WALA-TV, Mobile, Alabama.





*Exhibit F.* Letter from OTP Assistant Director for Frequency Management to FCC Chief Engineer dated January 24, 1974.

*Exhibit G.* Output from the FCC VHF TV assignment computer program using the OTP drop-in channels and coordinates as part of the VHF data base.

*Exhibit H.* Letter of May 14, 1974, from the Director of OTP to the Chairman of the FCC enclosing a report entitled "Further Evaluation of Additional VHF-TV Channels That Could Be Assigned in the Top 100 Markets."

*Exhibit I.* Broadcast Bureau staff study on drop-in proposals contained in OTP May 14, 1974, report.

*Exhibit J.* List of latitudes and longitudes used in OTP May 14, 1974, report (Exhibit H).

*Exhibit K. Letter* from OTP to FCC regarding VHF-TV drop-in on Channel 8 at Knoxville, Tennessee.

*Exhibit L.* Memorandum from Chief, Rules and Standards Division to Chief, Broadcast Bureau, dated June 20, 1974.

*Exhibit M.* Memorandum from Chief of Broadcast Bureau to the Chairman dated May 13, 1974.

*Exhibit N.* VHF-TV Computer Assignment Program dated August 1974 identified as FCC/OCE RS74-01.

11. Two documents not listed in the above exhibits are also being made part of the record in RM-2346: (1) The November 19, 1973 release of the Association of Maximum Service Telecasters, Inc., entitled "First There were 85 * * * then there were 67, 66, 62 * * * then there were 28, 25, 16, 8 * * * " and (2) a Petition for Rule Making filed by South Central Broadcasting Corporation (South Central), licensee of Channel 26, Knoxville, Tennessee, seeking to add Channel 8 to Knoxville as a commercial assignment, to reassign Channel 26 to Knoxville as a noncommercial educational channel, and to reassign Channel 15 to Knoxville as a commercial UHF assignment. South Central in its comments of May 9, 1974, indirectly expressed the position that its petition should not be associated with the UCC petition. The reasons set forth as to why the two are dissimilar will not be discussed here. However, from a purely technical standpoint the South Central petition does have a connection with the OTP studies, and it is on this basis only that South Central's petition is introduced into the record for and merged with RM-2346.

12. The above-mentioned exhibits introduced into the record of this proceeding do not focus sufficiently on the real issues which are, fundamentally, service to the public and economic viability. The Sixth Report and Order adopted in 1952, 41 F.C.C. 148, was the first benchmark in television assignments based upon rule making proceedings which commenced in 1948. One of the objectives of the proceedings was to provide for the most efficient use of the limited number of available channels. In lieu of authorizing stations on a demand basis, a table of channel assignments was devised and promulgated. The matters of economics and program availability were not ignored. However, it was self evident that before a viable nationwide television service could be devised the technical advantages and disadvantages of short and long spacing, terrain protection against interference, and a host of other technical matters such as limited power had to be considered.

13. On August 3, 1961, the Commission adopted a Report and Order in Docket 13340 in the Matter of Interim Policy on VHF Television Channel Assignments and Amendment of Part 3 of the Rules Concerning Television Engineering Standards, 21 R.R. 1695. That proceeding was directed at two objectives: (1) to assess proposals for introducing new VHF channel assignments not meeting the mileage spacings prescribed by the Commission rules and (2) to consider revisions of standards for calculating coverage of television stations. The Commission said of the "squeeze-in" technique—"It is the inescapable fact that the introduction of new VHF assignments through substandard spacings progressively approaches a point of diminishing returns where the service gains become outweighed by the resultant service losses. This consequence was fully apparent during our previous television reallocation proceeding in 1955 and 1956 and formed the basis of our determination at that time (Report and Order adopted June 26, 1956 in Docket 11532), that the more widespread use of the 12 VHF channels through shortened separations would fail to approach a solution to the major TV allocation problem." Id at 1696. The Report and Order in Docket 13340 listed selected markets wherein the Commission said it was prepared to embark on rule making proceedings looking to "squeeze-in" VHF assignments. The Report and Order dismissed petitions for VHF assignments in other markets,[4] deferred two other assignments because of pending action[5] and terminated the proceeding. At the same time the Report and Order in Docket 13340 was adopted the Commission adopted eight notices of proposed rule making proposing the following short-spaced assignments: Baton Rouge, La. (Ch. 11); Birmingham, Ala. (Ch. 3); Charlotte, N.C. (Ch. 6); Dayton, Ohio (Ch. 11); Jacksonville, Fla. (Ch. 10+); Johnstown, Pa. (Ch. 8+); Knoxville, Tenn. (Ch. 8—); and Oklahoma City, Okla. (Ch. 5).

14. On May 29, 1963, the Commission adopted a Report and Order in the matter of the above eight notices of proposed rule making which denied all but the Oklahoma City, Oklahoma proposal relating to the move of an operating station on Channel 5 from Enid, Oklahoma. The fourteen volumes of pleadings in Docket 13340 treated the matter of co-channel and adjacent channel short spacing in the VHF bands, directional antennas and service areas resulting therefrom, grades of service, field strength signal levels, performance capabilities of receivers, and front to back ratios of receiving antennas. While it may be that the subject of VHF drop-ins has received sufficient treatment and the matter of proceeding with a reexamination may result only in an exercise to which there is no acceptable solution, we nevertheless find at least sufficient merit in the proposals to reopen the matter. Our primary reasons for doing so are based upon the passage of time, the geographical movement of population, improved understanding of the technology involved, improved economic and programming capabilities, better understanding of viewers' needs and many other changes which bear upon the use and licensing of television channels. If a sufficiently compelling record can be developed in support of reopening the matter the Commission will do so by issuing a Notice of Proposed Rule Making.

15. The UCC petition has in broad general terms set the stage for such a reexamination. However, to compile a record upon which sound decisions can be based, we must bring into sharper focus those basic issues which are or will be involved. UCC stresses that new channel assignments must provide technically and financially sound outlets. With this we agree, since if a new broadcast facility is destined at the outset to suffer from undesirable technical defects its financial potential becomes questionable. The task is to determine just where the threshold lies between technical adequacy and economic viability. It is our belief that if this issue can be resolved the matter of determining how the licensee is to be selected can then be examined. Hence we request comments on the potential economic viability of a station authorized on a newly dropped in VHF channel where the technical adequacy is known in advance to be marginal or questionable.[6] We invite comments on the impact of VHF drop-ins in singularly specified markets and in particular those all-UHF markets where VHF channels might be assigned even without deviation from the present rules. Further, we invite comments on the issue raised by UCC (para. 5 supra) that UHF can now be accorded co-equal status with VHF and no longer require the protection of the UHF impact policy.

16. In view of the proposed preferential treatment to be applied to first noncommercial educational assignments it should be borne in mind that technical adequacy for this kind of facility will more than likely be vastly different from that required for a commercial facility. The mission of both facilities is similar insofar as service to the public is concerned but the source of economic support differs and must certainly be taken into account when considering a drop-in assignment many miles removed from

[4] Sacramento, Fresno, and Bakersfield, Calif.; Binghamton, N.Y. (2); Harrisburg, Pittsburgh and State College, Pa.; Milwaukee, Wis.; Rockford, Ill. and Houston and Waco, Tex.

[5] Louisville, Kentucky; Providence, Rhode Island.

[6] This situation could mean that the economics might be so unattractive that no one would want to risk constructing a station.





the community to be served, especially

19. There are other technical matters

24. In our order of June 4, 1974, which



**1979 WARC CONFERENCE WORKING**

application of the entitlement adjust-

number of entitlements available for sale by each refiner and eligible firm, which

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the community to be served, especially when, for example, a station might have to be geographically located many miles south of a community when all other television stations are located many miles north of the community. According to UCC's petition 22 markets on OTP's drop-in list currently have no VHF noncommercial reservation. In these instances the technical adequacy and economic support may be in balance. Comments are invited on these two situations with respect to specific markets or communities.

17. The OTP studies and the UCC petition visualize an increased application of directional antennas. Such antennas can be used in two ways: (1) to provide for greater signal strength over an area to be served and (2) to reduce interference in an area already being served. This matter has been treated by OTP by increasing the percentage of reduction in co-channel and adjacent channel mileage separation from 10 percent to 15 percent. The Commission's present rules (§ 73.685(e)) place a 10 decibel limit on maximum to minimum radiation in the horizontal plane on Channels 2 through 13. The question here is should this ratio be modified or deleted? If modified what is the practical extent to which the ratio can be altered? Mechanical beam tilt of the major vertical lobe is also permitted in the rule and is considered as a means of directionalizing. Should any limits be set for this type of directional antenna?

18. OTP, in its March, 1974, paper "Further Evaluation of Additional VHF-TV Channels That Could Be Assigned in the Top 100 Markets" (Exhibit H in the public file of this proceeding) further reduced the geographical separation between co-channel assignments on the assumption that "precise frequency offset" would be employed. OTP is not specific about its application of this technique, but apparently does not intend to abandon the nominal ±10 kHz offsets prescribed in our rules. Accordingly, it is assumed that it proposes to take advantage of the gains realizable through the rigid maintenance of the offset between carriers at an even multiple of the frame frequency. The advantages of this technique have been established, but the very high degree of frequency control required (±4 Hz) probably has discouraged its general adoption. The Commission invites a full discussion of the technical, practical, and economic benefits or disadvantages involved in the employment of "precise frequency offset" as a basic allocation tool. Synchronization of signals can be achieved by establishing a monitoring point between stations, but some parties are of the opinion that maintenance and costs favor the precision offset approach. In this regard the Commission would be pleased to receive comments on the possibility of using one or more of the standard frequency (radio) transmissions originated by the National Bureau of Standards.[7]

[7] The National Bureau of Standards has before the Commission a petition for rule making (RM-2106) which proposes the insertion of a TV time signal on line 21 in both fields in the television vertical interval.

19. There are other technical matters which should be addressed in considering drop-in television assignments. For example, the use of a directional antenna at some location many miles removed from the community of license may compromise the required minimum field intensity over the principal community. To what extent, if any, should § 73.685 (a) be waived to accommodate a drop-in? Cross polarization of signals has been discussed as a means of reducing interference or spacing. How much improvement is possible through the application of this technique or is it desirable and if used does it detract from potential advantages of other types of applied polarization? If in future years a high resolution television system were to become a reality would short spaced installations preclude or prevent its application?

20. UCC has proposed that in every community where there is no VHF noncommercial television station the Commission should reserve the first new VHF channel made possible by a drop-in for a noncommercial licensee. The Commission would expect potential applicants for such a channel to be as specific as possible with regard to the community of license and the area to be served.

21. UCC has proposed that in certain communities preference should be given to applicants with substantial ownership and management by members of minority groups, and that the Commission should, in the context of this proceeding, explore methods of increasing ownership and management by women. In these matters the Commission solicits comments as to the manner in which preferences might be established or recognized in advance of a comparative hearing or even developed in a comparative hearing.

22. On March 4, 1974, the New Jersey Coalition for Fair Broadcasting filed a petition (RM-2345) for inquiry into the need for adequate television service for the State of New Jersey[8]. In some respects RM-2345 and RM-2346 are similar in that both reference the OTP study. Beyond this common denomination the issues are of sufficient difference to support separate proceedings. However, in keeping with our statement in the notice of inquiry and notice of proposed rule making in Docket 20350 (RM-2345) that the broader issues raised by interested parties (re: RM-2345) would be addressed in this more general proceeding, we invite comments in this proceeding on the suggestion that low powered television stations be considered. That suggestion was made by the National Black Media Coalition in initial comments in RM-2345 prior to the proceeding being docketed.

23. As indicated above, the requests of UCC for materials have been dealt with by letters from the Executive Director and from the Commission. As to the request filed by Metromedia, Inc., on May 17, 1974, *It is hereby ordered* that the request is granted to the extent indicated above.

[8] Notice of Inquiry and Notice of Proposed Rule Making was adopted January 30, 1975 (Docket No. 20350), 40 Fed. Reg. 6513.

24. In our order of June 4, 1974, which extended, without terminal date, the time for filing responses to the Public Notice of RM-2346, we stated that a new date for filing responses would be announced at such time as we ruled on the requests to make materials public. It was our intent at that time to follow our usual two-tiered procedure (set forth in §§ 1.401–1.407 of the rules) of first obtaining responses to the Public Notice (and replies to those responses) before deciding whether to issue a notice of proposed rule making or notice of inquiry. In view of the number of pleadings already in the file and the number anticipated to be added, we believe it a more efficient administrative procedure in this case to dispense with responses to the public notice and to invite comments responsive to the present notice of inquiry instead. Of course responses (or replies thereto) to the public notice that have already been filed will be made a part of the record in this proceeding. It is urged that parties in preparing their comments take into consideration the issues raised in the foregoing discussion as well as the aforementioned materials which have been placed in the public file of this docket. Such a focusing of attention, it is believed, will furnish a sounder basis on which the Commission can bottom its decision as to whether to terminate this proceeding or to issue a subsequent notice of proposed rule making.

25. Authority for the adoption of this notice of inquiry is contained in sections 4 (i) and (j), 303, 307(b) and 403 of the Communications Act of 1934, as amended.

26. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 11, 1975, and reply comments on or before August 11, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

27. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: April 1, 1975.

Released: April 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION[9]

[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10132 Filed 4-17-75;8:45 am]

[9] Dissenting statement of Commissioner Robert E. Lee; Concurring statements of Commissioners Charlotte T. Reid and Benjamin L. Hooks, filed as part of original.





## 1979 WARC CONFERENCE WORKING GROUP

### Meetings

APRIL 14, 1975.

In preparation for the 1979 World Administrative Radio Conference (WARC), four conference preparatory working groups under the Common Carrier Bureau will be meeting at the Commission during the week of May 5, 1975.

The Fixed Satellite Working Group, headed by Raymon B. Crowell, will meet on Tuesday, May 6, at 9 a.m. in Room 6331 located at 2025 M Street NW.; the HF Fixed Working Group, also headed by Mr. Crowell, will meet on Tuesday, May 6, at 2 p.m. in Room 6331 located at 2025 M Street NW., the Public Land Mobile Working Group under Wendell Harris will meet on Tuesday, May 6, at 9 a.m. in Room 752 located at 1919 M Street NW.; and the Radio Relay Working Group under W. Randolph Young will meet on Wednesday, May 7, at 9 a.m. in Room A-110 located in the FCC Annex at 1229—20th Street NW.

The meetings will be for the purpose of organizing the working groups and establishing task forces as necessary in order to develop and/or consolidate requirements for spectrum allocations in the various services. A total of 23 working groups has been formed by the Commission to investigate the spectrum needs of the United States to the year 2000. The outputs of the various working groups will be channeled to one or more of four functional committees which will examine spectrum requirements and give recommendations based on these requirements to the FCC Steering Committee. The Steering Committee, composed of high level members of each of the Commission's bureaus and offices, will be responsible for formulating the Commission's basic spectrum recommendations for use at the 1979 Conference.

Members of industry and the public may participate as observers at the working group level of activity. Persons wishing to attend the above four meetings, who have not previously registered for WARC participation, may complete their registration forms at the times of the meetings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10135 Filed 4-17-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### OLD OIL ALLOCATION PROGRAM

### Entitlement Notice for February 1975

In accordance with the provision of 10 CFR 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(l) is hereby published.

Based on reports submitted to FEA by refiners as to crude oil receipts and crude oil runs to stills for February 1975 and an application of the entitlement adjustment for small refiners provided in 10 CFR 211.67(e), the adjusted national old oil supply ratio for February 1975 is calculated to be .373057. In accordance with amendments to § 211.67 adopted by FEA (40 FR 1044, March 6, 1975), no entitlement issuances have been made to eligible firms (including refiners) for imports of eligible products subsequent to January 1975, except for entitlement adjustments made for February 1975 pursuant to § 211.67(l)(5) to correct reporting errors for prior months.

The issuance of entitlements for the month of February 1975 to refiners and eligible firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner and other eligible firm to which entitlements have been issued, the number of entitlements issued to each such refiner or other firm, and the number of barrels of old oil included in each refiner's adjusted crude oil receipts.

Pursuant to 10 CFR 211.67(l)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of February 1975 at $6.75.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of February 1975 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of February 1975 equal to the difference between the number of barrels of old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of February 1975 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for February 1975 shall sell such excess entitlements to firms required to purchase entitlements. In addition, certain refiners and eligible firms are required to purchase or sell entitlements to effect corrections for prior reporting errors pursuant to 10 CFR 211.67(l)(5).

The listing of entitlement issuances contained in the Appendix reflects relief granted in Decisions and Orders issued by FEA's Office of Exception and Appeals. For those refiners whose purchase requirements were totally exempted pursuant to exception decisions, the Appendix specifies the issuance of an incremental number of entitlements equal to the number that such refiners would have otherwise been required to purchase. The listing of entitlement issuances contained in the Appendix also reflects the application of Special Rule No. 3 which operates to relieve certain small refiners from the requirement to purchase a specified portion of the number of entitlements otherwise required to be purchased for the first 30,000 barrels per day of their daily average volume of crude oil runs to stills for the month of February 1975.

The total number of entitlements exempted from the purchase requirements of 10 CFR 211.67(b) is 1,086,599. A factor of .081742 has been applied to the number of entitlements available for sale by each refiner and eligible firm, which has the effect of reducing the total number of entitlements available for sale by an amount equal to the total purchase requirements exempted.

Adjustments to entitlement issuances for February 1975 due to corrections for prior reporting errors have been calculated by adjusting each affected firm's February volumes accordingly (taking only the increased entitlement price into account). In the entitlement notice for January 1975 (40 FR 12466; March 18, 1975) FEA stated that, as to corrections for reporting errors, after making an adjustment on the purely volumetric basis as described above, entitlement issuances would be further adjusted to reflect the difference between the entitlement value actually received as a result of the volumetric correction and the entitlement value that would have been received had the affected firm accurately reported the data being corrected in the proper month. FEA has encountered substantial administrative difficulties in making these proposed further adjustments. Until FEA is able to devise a feasible method to refine the initial volumetric corrective adjustments, it proposes only to correct for prior reporting errors on this volumetric basis.

The listing of refiners' old oil receipts contained in the Appendix also reflects any adjustments made by FEA pursuant to § 211.67(h).

All refiners and eligible firms are listed in the Appendix, including those refiners that reported no volumes of old oil receipts or crude oil runs to stills, and including those eligible firms that reported no corrections to prior months' eligible product imports.

The listing contained in the Appendix specifies a negative volume of old oil receipts as to certain refiners due to corrective adjustments. The total number of entitlements issued to each of those refiners under the listing includes the number specified in the "issued" column, as well as a number of entitlements equal to the number of barrels of old oil shown as the negative volume. For purposes of making entitlement calculations, one eligible firm is shown as having been issued a negative number of entitlements and is also required to purchase this number of entitlements due to its having incorrectly reported eligible product imports for a prior month.

The total number of entitlements required to be purchased and sold under this notice is 12,331,676.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for February 1975 must be made by April 30, 1975. On or prior to May 10, 1975, each refiner and eligible firm which is required to purchase or sell entitlements for the month of February shall file with FEA the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of February. FEA will mail monthly transaction report forms for the month of February to re-



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porting firms in April 1975. FEA requests sales and purchases of entitlements pur-



APPENDIX—*Entitlements for allocation of old oil*—Continued

porting firms in April 1975. FEA requests that refiners and eligible firms which have been unable to locate firms for required entitlement transactions by April 30, 1975 contact FEA at 202–634–7610 to expedite consummation of these transactions. For refiners and eligible firms that have failed to consummate required entitlement transactions on or prior to April 30, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67 (j).

Issued in Washington, D.C., April 14, 1975.

ROBERT E. MONTGOMERY, Jr.
*General Counsel,*
*Federal Energy Administration.*

APPENDIX—*Entitlements for allocation of old oil*

| Reporting firm short name | Old oil adjusted receipts | Entitlement position | | |
|---|---|---|---|---|
| | | Issued | Required to buy | Required to sell |
| A-Johnson | 0 | 93,219 | 0 | 93,219 |
| Agway | 0 | 0 | 0 | 0 |
| Allied | 51,651 | 66,200 | 0 | 14,549 |
| Amer-Petrofina | 754,890 | 1,575,617 | 0 | 820,727 |
| Amerada-Hess | 4,163,978 | 6,307,190 | 0 | 2,143,212 |
| Amoco | 9,192,041 | 8,837,559 | 354,842 | 0 |
| Apco | 395,191 | 531,417 | 0 | 136,226 |
| Apex | 0 | 0 | 0 | 0 |
| Arco | 5,616,889 | 5,872,678 | 0 | 255,789 |
| Arizona | 41,279 | 65,157 | 0 | 23,878 |
| Ashland | 1,846,300 | 3,320,669 | 0 | 1,474,369 |
| Asiatic | 0 | 85,488 | 0 | 85,488 |
| Atlantic-Cement | 0 | 0 | 0 | 0 |
| Augsbury | 0 | 0 | 0 | 0 |
| Bay | 22,382 | 134,636 | 0 | 112,254 |
| Bayou | 29,774 | 35,237 | 0 | 5,463 |
| Beacon | 350,656 | 300,539 | 50,117 | 0 |
| Belcher | 0 | 0 | 0 | 0 |
| Blue-Ridge | 0 | 0 | 0 | 0 |
| C&H | 4,924 | 5,803 | 0 | 879 |
| Calumet | 0 | 28,640 | 0 | 28,640 |
| Canal | 35,728 | 41,112 | 0 | 5,384 |
| Caribou | 28,137 | 63,293 | 0 | 35,156 |
| Castle | 0 | 0 | 0 | 0 |
| Central | 0 | 0 | 0 | 0 |
| Champlin | 1,928,538 | 1,451,303 | 477,235 | 0 |
| Charter | 574,822 | 848,789 | 0 | 273,967 |
| Cirillo | 0 | 0 | 0 | 0 |
| Citco | 3,316,625 | 2,554,652 | 761,973 | 0 |
| Claiborne | 71,155 | 50,338 | 20,817 | 0 |
| Clark | 579,462 | 883,601 | 0 | 304,139 |
| Coastal | 1,673,955 | 1,502,156 | 171,799 | 0 |
| Colonial | 0 | 0 | 0 | 0 |
| Colonial-Oil | 0 | 0 | 0 | 0 |
| Con-Ed | 0 | 0 | 0 | 0 |
| Con-Ref | 0 | 0 | 0 | 0 |
| Conoco | 3,539,792 | 3,121,272 | 418,520 | 0 |
| Consumers-Power | 0 | 0 | 0 | 0 |
| Coreo | 240,083 | 1,153,444 | 0 | 913,361 |
| Cra-Farmland | 576,530 | 591,110 | 0 | 14,580 |
| Cross | 11,688 | 39,800 | 0 | 28,112 |
| Crown | 743,329 | 860,908 | 0 | 117,579 |
| Crystal-Oil | 256,051 | 225,459 | 30,592 | 0 |
| Crystal-Ref | [1] −3,317 | [2] 37,356 | 0 | 40,673 |
| Deepwater | 0 | 0 | 0 | 0 |
| Delta | 389,139 | 508,118 | 0 | 118,979 |
| Detroit-Ed | 0 | 0 | 0 | 0 |
| Diamond | 484,716 | 561,894 | 0 | 77,178 |
| Dingman | 0 | 0 | 0 | 0 |
| Dorchester | [1] −233 | [2] 8,099 | 0 | 8,332 |
| E-Seaboard | 0 | 0 | 0 | 0 |
| Eastern | 0 | 0 | 0 | 0 |
| Eddy | 38,550 | 35,616 | 2,934 | 0 |
| Edgington-Oil | 412,090 | 254,225 | 157,775 | 0 |
| Edgington-Oxn | 8,880 | 9,166 | 0 | 286 |
| Elm | 0 | 0 | 0 | 0 |
| Energy-Fuels | 0 | 0 | 0 | 0 |
| Enterprise | 0 | 0 | 0 | 0 |
| Evangeline | 31,016 | 28,735 | 2,281 | 0 |
| Exxon | 11,645,653 | 11,142,814 | 502,839 | 0 |
| F-Fletcher | 0 | 0 | 0 | 0 |
| Famariss | 370,445 | 370,445 | 0 | 0 |
| Farmers-Un | 242,664 | 339,690 | 0 | 97,026 |
| Fla-Power-Corp | 0 | 0 | 0 | 0 |
| Fletcher | 335,615 | 252,812 | 82,803 | 0 |
| Flint | 12,043 | 11,377 | 666 | 0 |
| Fort-Neck | 0 | 0 | 0 | 0 |
| Gary | 45,271 | 53,331 | 0 | 8,060 |
| Gen-Portland | 0 | 0 | 0 | 0 |
| Getty | 580,902 | 724,826 | 0 | 144,824 |
| Giant | 13,048 | 97,681 | 0 | 84,633 |
| Gibbs | 0 | 0 | 0 | 0 |
| Gladieux | 96,412 | 99,506 | 0 | 3,094 |
| Goetz | 0 | 0 | 0 | 0 |
| Golden-Eagle | 146,750 | 138,631 | 8,119 | 0 |
| Golden-Eagle-N Y | 0 | 0 | 0 | 0 |
| Good-Hope | 344,280 | 352,427 | 0 | 8,147 |
| Great-Northern | 0 | 0 | 0 | 0 |
| Gnam | 0 | 242,758 | 0 | 242,758 |
| Gulf | 9,444,254 | 8,132,770 | 1,311,484 | 0 |
| Gulf-Sts | 8,091 | 5,855 | 2,149 | 0 |
| Hartwell | 0 | 0 | 0 | 0 |
| Hiri | 118,856 | 348,988 | 0 | 230,432 |
| Howard | 0 | 2,241 | 0 | 2,241 |
| Howell | 859,669 | 562,677 | 296,983 | 0 |
| Hunt | 211,133 | 180,626 | 30,507 | 0 |
| Husky | 601,398 | 601,398 | 0 | 0 |





APPENDIX—*Entitlements for allocation of old oil*—Continued

| Reporting firm short name | Old oil adjusted receipts | Entitlement position | | |
|---|---|---|---|---|
| | | Issued | Required to buy | Required to sell |
| Indiana-Farm | 128,489 | 180,459 | 0 | 51,970 |
| Intl-Paper | 0 | 0 | 0 | 0 |
| Irving | 0 | 0 | 0 | 0 |
| J&W | 35,532 | 45,572 | 0 | 10,040 |
| K-H-White | 0 | 0 | 0 | 7 |
| Kaiser | 0 | 0 | 0 | 0 |
| Kentucky | 1,217 | 5,805 | 0 | 4,588 |
| Kerr-McGee | 2,441,678 | 1,496,047 | 945,631 | 8 |
| King | 0 | 0 | 0 | 0 |
| Koch | 255,355 | 857,534 | 0 | 602,470 |
| Lagloria | 415,993 | 346,513 | 69,480 | 9 |
| Lakeside | [1] −1,468 | [2] 41,151 | 0 | 42,619 |
| Laketon | 204,456 | 174,589 | 29,867 | 0 |
| Little-Amer | 291,017 | 268,653 | 22,364 | 0 |
| MacMillan | 149,174 | 147,861 | 1,313 | 0 |
| Marathon | 3,407,435 | 3,043,054 | 364,381 | 0 |
| Marion | 77,914 | 100,544 | 0 | 22,630 |
| Meenan | 0 | 0 | 0 | 0 |
| Mid-Amer | 7,035 | 30,250 | 0 | 23,215 |
| Mid-Tex | 31,108 | 31,108 | 0 | 0 |
| Midland | 214,443 | 179,832 | 34,611 | 0 |
| Mobil | 7,704,996 | 7,640,267 | 64,729 | 0 |
| Mohawk | 300,818 | 351,596 | 0 | [2] 50,778 |
| Monsanto | 282,516 | 302,761 | 0 | 20,245 |
| Morrison | 3,933 | 4,998 | 0 | 1,065 |
| Mountaineer | 3,578 | 3,709 | 0 | 131 |
| Murphy | 1,429,684 | 1,034,794 | 394,890 | 0 |
| N-Amer-Petro | 89,978 | 76,426 | 13,552 | 0 |
| Narragansett | 0 | 0 | 0 | 0 |
| Natl-Coop | 485,809 | 567,943 | 0 | 82,134 |
| Navajo | 389,677 | 359,160 | 30,517 | 0 |
| New-Engl-Petro | 0 | 0 | 0 | 0 |
| New-Engl-Power | 0 | 0 | 0 | 0 |
| Newhall | 162,687 | 119,168 | 43,519 | 0 |
| Newman | 0 | 0 | 0 | 0 |
| Norco | 0 | 0 | 0 | 0 |
| Northeast-Petro | 0 | 0 | 0 | 0 |
| Northern-NJ | 0 | 5,098 | 0 | 5,098 |
| Northland | 0 | 26,331 | 0 | 26,331 |
| Northville | 731,864 | 803,970 | 0 | 72,106 |
| Oil-Shale | 318,862 | 277,947 | 40,915 | 0 |
| OKC | 0 | [1] −2,258 | 2,258 | 0 |
| Orange & Rockland | 4,067 | 10,590 | 0 | 6,523 |
| Oriental | 0 | 0 | 0 | 0 |
| Pace | 781,903 | 628,485 | 153,418 | 0 |
| Pasco | 0 | 0 | 0 | 0 |
| Patchogue | 0 | 0 | 0 | 0 |
| Patterson | 527,699 | 573,311 | 0 | 45,612 |
| Pennzoil | 0 | 0 | 0 | 0 |
| Pepco | 0 | 0 | 0 | 0 |
| Petro-Heat-Ct | 0 | 0 | 0 | 0 |
| Petro-Heat-Pa | 0 | 0 | 0 | 0 |
| PG & E | 3,747,760 | 3,985,300 | 0 | 237,540 |
| Phillips | 5,772 | 9,232 | 0 | 3,460 |
| Pioneer | 0 | 0 | 0 | 0 |
| Pittston | 80,039 | 77,964 | 2,075 | 0 |
| Plateau | 398,767 | 458,089 | 0 | 59,322 |
| Powerine | 367,822 | 346,951 | 20,871 | 0 |
| Pride | 0 | 0 | 0 | 0 |
| Prulease | 0 | 0 | 0 | 0 |
| Publicker | 10,126 | 216,953 | 0 | 206,827 |
| Quaker-St | 0 | 0 | 0 | 0 |
| Remington | 0 | 0 | 0 | 0 |
| Rico | 0 | 0 | 0 | 0 |
| Road-Oil | 399,420 | 391,114 | 8,306 | 0 |
| Rock-Island | 0 | 0 | 0 | 0 |
| Rockway | 0 | 0 | 0 | 0 |
| Royal | 0 | 0 | 0 | 0 |
| Saber | 0 | 0 | 0 | 0 |
| Saber-Tex | 7,114 | 10,995 | 0 | 3,881 |
| Sabre-Cal | 827 | 3,432 | 0 | 2,605 |
| Sage-Creek | 259,667 | 184,862 | 74,805 | 0 |
| San-Joaquin | 0 | 0 | 0 | 0 |
| Sears | 0 | 35,423 | 0 | 35,423 |
| Seminole | 0 | 0 | 0 | 0 |
| Shaheen | 11,602,582 | 9,907,650 | 1,694,932 | 0 |
| Shell | 0 | 0 | 0 | 0 |
| Sigmor | 0 | 0 | 0 | 0 |
| Signal | 836,938 | 837,318 | 0 | 380 |
| Skelly | 56,293 | 85,282 | 0 | 31,989 |
| So-Hampton | 0 | 0 | 0 | 0 |
| So-Terminal | 9,103,741 | 8,054,750 | 1,048,991 | 0 |
| Socal | 0 | 0 | 0 | 0 |
| Socaledison | 2,903,661 | 3,730,672 | 0 | 827,011 |
| Sohio | 0 | 33,805 | 0 | 33,805 |
| Somerset | 0 | 0 | 0 | 0 |
| Sonnd | 333,135 | 264,864 | 68,271 | |
| Southland | 0 | 0 | 0 | 0 |
| Southwestern | 0 | 0 | 0 | 0 |
| Stephens | 0 | 0 | 0 | 0 |
| Steuart | 0 | 0 | 0 | 0 |
| Stillings | 290,249 | 128,473 | 71,776 | 0 |
| Sunland | 4,739,419 | 5,240,064 | 0 | 500,645 |
| Sunoco | 0 | 0 | 0 | 0 |
| Swann | 0 | 0 | 0 | 0 |
| Tarricone | 0 | 0 | 0 | 0 |
| Tauber | 1,769,026 | 1,190,930 | 578,096 | 0 |
| Tenneco | 1,091,229 | 742,296 | 348,933 | 0 |
| Tesoro | 8,689,702 | 9,207,161 | 0 | 517,399 |
| Texaco | 62 | 12,208 | 0 | 12,146 |
| Texas-Asph | 730,175 | 839,293 | 0 | 109,118 |
| Texas-City | 0 | 0 | 0 | 0 |
| Texas-Fuel | | | | |

Footnotes at end of table.



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APPENDIX—*Entitlements for allocation of old oil*—Continued

## FEDERAL MARITIME COMMISSION



## TAMPA PORT AUTHORITY AND

## FEDERAL POWER COMMISSION

Ark-La's December 14, 1970, motion states that since the sales under Rate

APPENDIX—*Entitlements for allocation of old oil*—Continued

| Reporting firm/short name | Old oil adjusted receipts | Entitlement position | | |
|---|---|---|---|---|
| | | Issued | Required to buy | Required to sell |
| Thagard | 48,444 | 48,444 | 0 | 0 |
| The Refinery | 96,727 | 147,652 | 0 | 50,925 |
| Thriftway | 11,810 | 26,645 | 0 | 14,835 |
| Thunderbird | 129,141 | 132,176 | 0 | 3,035 |
| Time | 0 | 0 | 0 | 0 |
| Tonkawa | 18,153 | 40,964 | 0 | 22,781 |
| Toro | 365,496 | 381,951 | 0 | 16,455 |
| Total-Leonard | 186,075 | 456,586 | 0 | 270,511 |
| Union-Oil | 6,065,791 | 4,708,706 | 1,387,085 | 0 |
| Union-Petro | 0 | 0 | 0 | 0 |
| Union-Texas | 157,818 | 120,584 | 37,234 | 0 |
| Untd-Ind | 0 | 0 | 0 | 0 |
| Untd-Ref | 264,356 | 451,922 | 0 | 187,566 |
| US-Oil | 68,321 | 95,655 | 0 | 27,334 |
| Ven-Fuel | 0 | 0 | 0 | 0 |
| Vi-Oil | 0 | 0 | 0 | 0 |
| Vickers | 302,965 | 294,548 | 8,417 | 0 |
| Vulcan | 0 | 28,967 | 0 | 28,967 |
| Wallace | 0 | 0 | 0 | 0 |
| Waller | 0 | 0 | 0 | 0 |
| Warrior | 33,476 | 31,033 | 2,443 | 0 |
| Webber-Tanks | 0 | 0 | 0 | 0 |
| Wellen | 0 | 0 | 0 | 0 |
| West-Coast | 37,592 | 34,427 | 3,165 | 0 |
| Western | 233,168 | 152,512 | 80,656 | 0 |
| Whaleco | 0 | 0 | 0 | 0 |
| Wickett | 0 | 0 | 0 | 0 |
| Winston | 115,804 | 196,674 | 0 | 80,870 |
| Wireback | 0 | 11,973 | 0 | 11,973 |
| Witco | 171,649 | 181,119 | 0 | 9,470 |
| Wyatt | 0 | 0 | 0 | 0 |
| Yetter | 0 | 1,198 | 0 | 1,198 |
| Young | 54,000 | 54,000 | 0 | 0 |
| Total | 139,084,070 | 139,084,070 | 12,331,676 | 12,331,676 |

[1] Reflects a correction for excessive old oil receipts reported for a prior month.
[2] Does not include entitlements issued by virtue of the negative volume of old oil receipts shown.
[3] Mohawk's sale obligation is subject to the outcome of certain legal proceedings between Mohawk and FEA and completion of Mohawk's January purchase obligation.
[4] Reflects a correction for over-reporting of eligible product imports for a prior month.

[FR Doc.75-10087 Filed 4-14-75;4:57 pm]

## MAJOR FUEL BURNING INSTALLATIONS

### Requirement To Complete FEA Questionnaire

On March 20, 1975, the Federal Energy Administration (FEA) gave notice of a reporting requirement applicable to all major fuel burning installations (MFBI) described in the Notice, requiring them to identify themselves to FEA by March 31, 1975 (40 FR 12706).

Notice is hereby given that the FEA will mail a questionnaire on April 21, 1975, to certain of the MFBIs which responded to the March 20 Notice. These MFBIs have been selected on the basis of an evaluation of the information received in response to the March 20 Notice, and other information available to the FEA. The questionnaire will provide the FEA with additional information it needs to determine whether an MFBI is a candidate for a prohibition order, prohibiting it from burning petroleum products or natural gas as its primary energy source, under section 2 of the Energy Supply and Environmental Coordination Act of 1974.

The questionnaire must be filed with FEA by May 21, 1975. Failure to file by that date may subject the MFBI to enforcement action.

MFBI's which have not yet responded to the March 20, 1975 notice, for whatever reason, should write or telephone FEA at the address or telephone number indicated below, and explain the reason for the failure to respond. This should be done immediately to ensure compliance with the May 21, 1975 filing date.

Written inquiries should be directed to:

Federal Energy Administration, Attn: Office of Fuel Utilization, Case Review Branch, Room 6117, Washington, D.C. 20461.

Inquiries by telephone should be directed to (202) 961-8591.

The normal business hours of the FEA National Office are 8 a.m. to 4:30 p.m.

Issued in Washington, D.C. on April 16, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel,*
*Federal Energy Administration.*

[FR Doc.75-10283 Filed 4-16-75;10:35 am]

## WHOLESALE PETROLEUM ADVISORY COMMITTEE

### Meeting

*Correction*

In FR Doc. 75-9713 appearing on page 16718 in the FEDERAL REGISTER of Monday, April 14, 1975 items 4. and 5. in the agenda are incorrect. They should read as follows:

"4. Discussion of regional pricing.

"5. Discussion of change in supplier during base period."

## FEDERAL MARITIME COMMISSION

### CITY OF LONG BEACH AND INTERNATIONAL TRANSPORTATION SERVICE

#### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814))

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 8, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leonard Putnam
Office of City Attorney
City of Long Beach
Suite 600, City Hall
Long Beach, California 90802

Agreement No. T-2491-2, between the City of Long Beach (City) and International Transportation Service, Inc. (ITS), modifies the basic agreement between the City and Kawasaki Kisen Kaisha, Ltd. (subsequently assinged to ITS), which is a 5-year nonexclusive preferential assignment agreement providing for the use of the wharf and contiguous wharf premises, together with improvements, located at Berth 234, Pier J, at Long Beach, California. The purpose of the modification is to enlarge the land area of Parcel I, to continue the incorporation in the premises of Parcels II and III, and to grant options to new Parcels Ia, IVa, IVb and V of the premises.

By Order of the Federal Maritime Commission.

Dated: April 14, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-10239 Filed 4-17-75;8:45 am]





### TAMPA PORT AUTHORITY AND ELLER AND CO., INC.

#### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 8, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Guy N. Verger, Port Director
Tampa Port Authority
P.O. Box 2192
Tampa, Florida, 33601

Agreement No. T-3079, between the Tampa Port Authority (Port) and Eller & Company, Inc. (Eller), provides for the 25-year lease to Eller of approximately 8.7 acres of land and 100 feet of public dock area located at the Holland Terminal Area, Tampa, Florida. The leased premises will be used as warehouse facilities primarily for products to be imported and exported, both foreign and domestic, over the adjacent berths. As basic land rental, Eller will pay Port $17,400 annually. In addition, Eller shall be responsible for the collection and payment to Port of all wharfage, dockage, sheddage and other charges pursuant to this lease and in accordance with the Port's tariff subject to a guaranteed annual minimum of $170,000.

By Order of the Federal Maritime Commission.

Dated: April 14, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-10238 Filed 4-17-75;8:45 am]

## FEDERAL POWER COMMISSION

[Docket Nos. RP72-110 and PGA75-7]

### ALGONQUIN GAS TRANSMISSION CO.

#### Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

APRIL 14, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on April 8, 1975, tendered for filing Sixth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective May 20, 1975.

Algonquin states that this sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate increase in the amount of $609,020 is being filed to reflect an increase in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation effective May 20, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10241 Filed 4-17-75;8:45 am]

[Docket No. RP66-15]

### ARKANSAS LOUISIANA GAS CO.

#### Order Granting Motion To Terminate

APRIL 14, 1975.

On December 14, 1970, Arkansas Louisiana Gas Company (Ark-La) filed a motion to terminate suspension proceedings in Docket RP66-15 involving an off-system field sale rate increase filed by Ark-La on November 1, 1965.[1] The filing increased the rate under Rate Schedule XFS-20 from 11¢ to 12¢ per Mcf. The proposed rate exceeded the area rate (at that time) of 11¢ for increased rates in the "Other Oklahoma Area" and was suspended until June 1, 1966, by Commission order issued December 28, 1965, in Docket No. RP66-15. Opinion No. 586 issued on September 18, 1970, established an applicable area rate of 18.5¢ per Mcf.

[1] Supplement No. 1 to its Rate Schedule XFS-20.

Ark-La's December 14, 1970, motion states that since the sales under Rate Schedule XFS-20 are being made at a price below the applicable area rate (18.5¢ per Mcf) established by Opinion No. 586 (44 FPC) the suspended rates are just and reasonable and the proceeding should be terminated. Ark-La's motion was noticed on March 10, 1975, with comments, protests and petitions to intervene due on or before March 21, 1975. To date, no comments, protests or petitions to intervene has been received by this Commission.

After review of Ark-La's November 1, 1965 filing and in light of Opinion No. 586, we conclude that Ark-La's proposed rates under Rate Schedule XFS-20, effective June 1, 1966, are just and reasonable and should no longer be subject to the refund obligation imposed by our December 28, 1965, order. Accordingly, we shall grant Ark-La's December 14, 1970, motion and terminate these proceedings.

*The Commission finds.* (1) Ark-La's proposed rates under Rate Schedule XFS-20, filed November 1, 1965, are just and reasonable.

(2) Good cause exists to grant Ark-La's motion to terminate this proceeding.

*The Commission orders.* (A) Ark-La's proposed rates under Rate Schedule XFS-20 are just and reasonable.

(B) Ark-La's motion, filed December 14, 1970, is hereby granted.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10242 Filed 4-17-75;8:45 am]

[Docket No. E-9366]

### BOSTON EDISON CO.

#### Filing of Initial Rate Schedule and Request for Waiver

APRIL 14, 1975.

Take notice that on April 7, 1975, the Boston Edison Company (Edison) tendered for filing the following initial rate schedule:

Unit power agreement for the sale of unit capacity and energy from Mystic Unit No. 7 dated November 1, 1972 between Boston Edison Company (Edison) and Cambridge Electric Light Company (Cambridge), as amended by agreement dated May 31, 1974, letter dated December 20, 1972 and letter dated January 12, 1973.

Edison states that the parties to the Agreement propose to make the rate schedule filed herewith effective as of the commercial operation date of the Unit or May 1, 1975, whichever is later, and that the Unit is currently scheduled to commence commercial operation May 1, 1975.

Edison requests a waiver by § 35.11 of the Commission's rules and regulations to permit this agreement to become effective less than thirty days after the



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filing date, or, in the alternative, the later of the date of commercial operation or May 7, 1975.

Edison states that copies of this filing have been sent to Cambridge.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10243 Filed 4-17-75;8:45 am]

[Docket No. E-9364]

## BOSTON EDISON CO.

### Filing of Initial Rate Schedule and Request for Waiver

APRIL 14, 1975.

Take notice that on April 7, 1975, the Boston Edison Company (Edison), tendered for filing the following initial rate schedule:

Unit power agreement for the sale of unit capacity and energy from Mystic Unit No. 7, dated March 17, 1975, between Boston Edison Company (Edison) and Bangor-Hydro Electric Company (Bangor).

Edison states that the parties to the Agreement propose to make the rate schedule filed herewith effective as of the commercial operation date of the Unit or May 1, 1975, whichever is later, and that the Unit is scheduled to commence commercial operation May 1, 1975.

Edison requests a waiver by § 35.11 of the Commission's rules and regulations to permit this Agreement to become effective less than thirty days after the filing date, or, in the alternative, the later of the date of commercial operation or May 7, 1975.

Edison states that the parties to the have been sent to Bangor.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10244 Filed 4-17-75;8:45 am]

[Docket Nos. E-7994 and E-8082]

## DUKE POWER CO.

### Certification of Settlement Agreement and Record

APRIL 14, 1975.

Take notice that on April 1, 1975, the presiding administrative law judge in these proceedings certified to the Commission a settlement agreement and the record in these dockets.

Duke Power Company submits that the agreement provides for the resolution and termination of said proceedings, with a refund obligation to be made either in cash or credits to current billings for the period from April 26, 1973 to June 30, 1975. The refund is to be based on a parity between Duke's retail industrial rate as on file with the North Carolina Utilities Commission and its wholesale rate. The cooperative and municipal wholesale customers have agreed to withdraw their interventions and objections in Docket Nos. E-7994, E-8082, and E-7720 and have further agreed not to contest Duke's proposed increase in its wholesale rates, which is scheduled to be filed in April or May 1975, and which will be based on a parity with Duke's retail industrial rate on file with the North Carolina Utilities Commission. The specific terms of the settlement are fully set forth in the agreement and the accompanying convenants and releases, all of which are on file with the Office of the Secretary, and they include the matters of concern to this Commission and relative to the Nuclear Regulatory Commission and the Court of Appeals.

Anyone wishing to comment upon said settlement agreement would do so in writing submitted to the Commission on or before April 28, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10245 Filed 4-17-75;8:45 am]

[Docket Nos. E-8600 and E-8601]

## GULF STATES UTILITIES CO.

### Correction

MARCH 25, 1975.

In the order accepting initial rates, consolidating proceedings and setting hearing issued March 14, 1975 and published in the FEDERAL REGISTER on March 24, 1975, 40 FR 13038, the Commission issued an order in Docket Nos. E-8600 and E-8601 which accepted certain initial rates, consolidated proceedings and set certain matters for hearing. The following corrections should be noted in that order:

The heading of the order should properly read:

Gulf States Utilities Co., Docket Nos. E-8600 and E-8601.
Gulf States Utilities Co., Docket No. E-8003.
Gulf States Utilities Co., Docket No. E-7676 et al.
Gulf States Utilities v. FPC, Docket No. E-7567.

Further ordering paragraph (C) page 13039 should read as follows:

(C) Because the substantive content of the power interconnection agreements filed by Gulf States in Docket Nos. E-8003, E-8600, and E-8601 are constructive offers of settlement relating to Docket Nos. E-7676, et al., and E-7567, these Dockets shall also be consolidated with the others for purposes of hearing and decision.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10246 Filed 4-17-75;8:45 am]

[Docket No. E-9350]

## HARTFORD ELECTRIC LIGHT CO.

### Purchase Agreement

APRIL 14, 1975.

Take notice that on March 31, 1975, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement with respect to South Meadow Gas Turbine Units, dated February 21 1975, between (1) HELCO and (2) Montaup Electric Company (Montaup).

HELCO states that the Purchase Agreement provides for a sale to Montaup of a specified percentage of capacity and energy from four gas turbine generating units (South Meadow Unit Nos. 11, 12, 13, and 14) during the period from March 1, 1975 to April 30, 1975, together with related transmission service.

HELCO states that questions as to Montaup's Capability Responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by Montaup and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

HELCO therefore requests that, in order to permit Montaup to receive urgently needed capacity, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on March 1, 1975.

HELCO states that the capacity charge rate for the proposed service is the same rate as that used for other gas turbine capacity sold during this capability period; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities Companies multiplied by the number of kilowatts of winter capability which Montaup is entitled to receive. HELCO states that the variable maintenance charge was arrived at through negotiations.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut and Montaup, Boston, Massachusetts.

HELCO further states that the filing is in accordance with Part 35 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10247 Filed 4-17-75;8:45 am]





[Docket No. E-7160]

## DEPARTMENT OF THE INTERIOR AND SOUTHEASTERN POWER ADMINISTRATION

### Request for Extended Approval of Rates and Charges

APRIL 14, 1975.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Southeastern Power Administion (SEPA) and pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission on March 28, 1975 a request in Docket No. E-7160 for an extension of the Commission's confirmation and approval of SEPA's Wholesale Power Rate Schedules G-A-1 (Revised), G-A-2, ALA-1 (Revised), SC-1 (Revised), SC-2, CAR-1 (Revised) and CAR-2 (Revised) for the sale at wholesale of electric power and energy generated at certain federally-owned and operated reservoir projects located in the States of Alabama, Georgia and South Carolina, including the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects. The Commission, by order issued June 17, 1974, in this docket approved such rate schedules for the period ending not later than June 20, 1975. Approval of those rate schedules is now requested for the additional period of one year beginning June 20, 1975.

Rate Schedule G-A-1 (Revised) is available to public bodies and cooperatives (preference customers) in Alabama and Georgia. It is applicable to (1) power and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects, and (2) deficiency energy purchased by SEPA from Alabama Power Company (Alabama Power) and Georgia Power Company (Georgia Power) for resale. Deliveries of power and energy sold by SEPA under this rate schedule are accomplished by means of the electric transmission systems of Alabama Power and Georgia Power, which wheel the power and energy to preference customers for the account of SEPA.

Rate Schedule G-A-2 is available to Alabama Power and Georgia Power. It is applicable to capacity and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects and delivered at the project bus bar.

Rate Schedule ALA-1 (Revised) is available to Alabama Electric Cooperative, Inc. It is applicable to power and accompanying energy generated at the Walter F. George Project and delivered at the project bus bar.

Rate Schedule SC-1 (Revised) is available to the South Carolina Public Service Authority (South Carolina Authority). It is applicable to power and accompanying energy generated at the Clark Hill Project and delivered at the project bus bar.

Rate Schedule SC-2 is available to any of the following entities whose power and energy requirements or a portion thereof, SEPA contracts to supply by delivery over South Carolina Authority's electric facilities: (1) Any municipality or county located wholly or partly within South Carolina Authority's service area which owns an electric transmission or distribution system and seeks to purchase capacity and energy from SEPA for resale to consumers; (2) Central Electric Cooperative, Inc. (Central); or (3) any electric cooperative not a member of Central, but operating under the laws of the State of South Carolina wholly or partly within South Carolina Authority's service area and seeking to purchase capacity and energy from SEPA for resale to consumers. This rate schedule is applicable to power and accompanying energy generated at the Clark Hill Project.

Rate Schedule CAR-1 (Revised) is available to preference customers in North Carolina and South Carolina. It is applicable to power and accompanying energy generated at the Clark Hill and Hartwell Projects. Deliveries of power and energy sold by SEPA under this rate schedule are accomplished by means of the electric transmission system of Duke Power Company (Duke), which wields power and energy to preference customers for the account of SEPA.

Rate Schedule CAR-2 (Revised) is available to Duke. It is applicable to capacity and energy generated at the Clark Hill and Hartwell Projects and delivered at the project bus bar.

SEPA's rates and charges, as set forth in the subject rate schedules, are generally as follows: the rates for capacity and energy sold at the bus bar of any project are $0.90 per kw per month for capacity and 2.65 mills per kwh for energy. The rates for capacity and energy wheeled and delivered to preference customers are $0.90 per kw per month for capacity and 3.25 mills per kwh for energy. The rate for dump energy, which may be purchased under Rate Schedules G-A-2, ALA-1 (Revised), SC-1 (Revised) and CAR-2 (Revised), is 2 mills per kwh, except that under Rate Schedule G-A-2 the charge is equal to 80 percent of the calculated saving in the cost of fuel but not to exceed 2 mills per kwh.

The Secretary represents, in substance, that the requested extension of approval of SEPA's rate schedules is necessary to allow additional time for SEPA to make new marketing arrangements and prepare new rate schedules which will provide for the disposal of the output of three projects now under construction as well as the output of six constructed projects named above which are in operation. The new projects are the West Point Project, which is scheduled to commence commercial operation in April, 1975, and the Jones Bluff and Carters Projects, which are scheduled to commence commercial operation in May and June, 1975.

The rate schedules of SEPA, as described above, are on file with the Commission and available for public inspection. Any person desiring to make comments on suggestions for the Commission's consideration with respect to said rate schedules should submit the same in writing on or before April 25, 1975 to the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10260 Filed 4-17-75;8:45 am]

[Docket No. E-7453]

## IOWA-ILLINOIS GAS AND ELECTRIC CO.

### Application

APRIL 14, 1975.

Take notice that on April 7, 1975, Iowa-Illinois Gas and Electric Company (Applicant) of Davenport, Iowa, filed a fifth supplemental application seeking authority pursuant to section 204 of the Federal Power Act to extend to no later than June 30, 1976, the date of issuance and to no later than June 30, 1977, the final maturity date of notes authorized to be issued, the maximum principal amount of notes authorized to be outstanding to remain at $40,000,000.

Applicant is incorporated under the laws of the State of Illinois with its principal business office at Davenport, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa and the State of Illinois.

The notes are to be issued from time to time to banking institutions and/or sold as commercial paper to direct purchasers or through commercial paper dealers.

Notes to banking institutions will be issued in accordance with various informal lines of credit agreements. The notes are to have maturities of up to one year from their dates and in any event on or before June 30, 1977, and are to bear interest at the prime rate in effect at the time of issuance.



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Commercial paper will be issued as unsecured promissory notes and, in most cases, sold through established commercial paper dealers. In some cases commercial paper may be placed directly. Commercial paper notes are to have maturities of not more than 270 days from their dates and in any event on or before June 30, 1977, and the interest rate will be dependent upon the terms of the notes and money market conditions at the time of issuance.

The proceeds from the issuance of notes will be added to working capital for ultimate application toward the cost of gross additions to utility plant. The proposed extension of authority will allow Applicant more freedom in selecting the most appropriate time to replace notes with capital securities.

Any person desiring to be heard or to make any protest with reference to the application should on or before May 2, 1975, filed with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10248 Filed 4-17-75;8:45 am]

## MID LOUISIANA GAS CO.

[Docket No. RP75-66]

### Order Accepting for Filing and Suspending Proposed Rate Increase, Accepting in Part Proposed PGA Clause Revision, Rejecting Proposed Agreement, and Establishing Procedure

APRIL 11, 1975.

On February 26, 1975, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing proposed changes in its First Revised Volume No. 1 of its FPC Gas Tariff,[1] to become effective April 15, 1975. The proposed changes would increase Mid Louisiana's rates in Rate Schedules G–1, SG–1, and I–1 from 48.26¢ per Mcf to 51.71¢ per Mcf and decrease Rate Schedule E–1 from 65.38¢ per Mcf to 65.24¢ per Mcf. The proposed rates would result in an increase in jurisdictional annual revenues of $617,033 based upon actual costs for the twelve months ended October 31, 1974 adjusted for known and measurable changes through July 31, 1975.

Mid Louisiana states that the principal reasons for the proposed increase are (1) the lower sales resulting from the Company's curtailment which became effective September 9, 1974, (2) the cost increases arising from the connection of new sources of supply, at higher costs, to replace declining volumes from existing sources, (3) increases in employee payroll and benefit program expenses, and (4) cost increases in other areas of the Company's operations arising from current inflationary economic conditions.

In addition to increasing Mid Louisiana's base rates, its February 26, 1975 filing incorporates changes in its Purchase Gas Adjustment (PGA) clause to reflect the inclusion of the costs for gas produced from company-owned leases and also to establish the use of Account 191 for the accumulation of Unrecovered Purchase Gas Cost as provided by § 154.38 (d)(4)(iv) of the Commission's regulations.

On March 4, 1975, Mid Louisiana tendered for filing alternate tariff sheets for its First Revised Volume No. 1 of its FPC Gas Tariff.[2] The purpose of Mid Louisiana's March 4, 1975 filing is to remove from its proposed revised PGA clause costs reflecting gas produced from company-owned leases in the event the Commission determines that Order No. 452 does not presently provide for the inclusion of those costs. The alternate filing made on March 4, 1975 would make no changes in the general rate increase sought by Mid Louisiana, but would result only in transferring the present 7.7¢ per Mcf cost of company-produced gas from gas costs to other costs of operation.

As part of its February 26, 1975 filing, Mid Louisiana has additionally included an "Agreement as to Rates" which contains provisions permitting the Company to file rate adjustments tracking advance payments, federal income taxes, and transportation costs. The "Agreement as to Rates" further includes a moritorium on general changes in Mid Louisiana's rates until April 1, 1976.

Mid Louisiana's February 26, 1975 filing was noted on March 6, 1975, with any comments, protests or petitions to intervene due on or before March 18, 1975. Mid Louisiana's March 5, 1975 filing was noticed on March 12, 1975, with any comments, protests, or petitions to intervene on or before March 21, 1975. To date no petitions, protests or comments have been filed.

Our review of the proposed increase in rates filed by Mid Louisiana and the issues raised therein indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

We shall therefore suspend the effectiveness of Mid Louisiana's proposed rate increase for a period of one day, provide for refund obligations, and establish a hearing procedure to determine the justness and reasonableness of those proposed rates. Because we are suspending the effectiveness of those rates and providing for a hearing we shall require Mid Louisiana to file its prepared testimony and exhibits (Statement P) which were not submitted with its filing.

With respect to Mid Louisiana's proposed changes in its PGA clause, we note that by Order No. 452–A [4] we allow production from company-owned leases acquired on or after October 7, 1969 to be covered by a PGA clause. By Opinion No. 699–H [4] the Commission allows the inclusion of pipeline production from wells drilled after January 1, 1973 regardless of the date of acquisition of the lease.

Our review of the proposed changes to Mid Louisiana's PGA clause indicates that the proposed sheets filed on February 26, 1975 include Mid Louisiana's cost of total production from its owned leases and do not specify which company-owned production will be covered under the revised clause. We shall therefore reject the February 26, 1975 tender of Fourteenth Revised Sheet No. 3a, and First Revised Sheet Nos. 26a, 26b and 26c.

Mid Louisiana's First Revised Sheet No. 26d, filed on February 26, 1975, does, however, conform to our Regulations and we shall accept it for filing. Our review further indicates that Mid Louisiana's March 4, 1975 filing, except for First Revised Sheet No. 26b, conforms to our Regulations and we shall accept it.[5] Mid Louisiana's First Revised Sheet No. 26b, filed on March 4, 1975, like its counterpart submitted on February 26, 1975, fails to specify which company-owned production will be covered under the revised clause, and therefore does not conform with Order No. 452–A or Opinion No. 699–H. We shall therefore reject it without prejudice to a refiling reflecting changes in § 19.4 (Method of Computation), specifying that the company-owned production covered under the PGA clause will include only production from wells drilled after January 1, 1973.

We shall further reject Mid Louisiana's proposed "Agreement as to Rates". The acceptance of such an agreement would permit Mid Louisiana to automatically track adjustments reflecting advance payments, federal income taxes, and transportation costs. Such tracking authority would be inconsistent with § 154.38(d) (3), (4), and (5) of our Regulations which provide that pipelines may not include permanent automatic rate adjustment provisions in their tariffs for costs other than purchased gas and research and development expenditures. As we have previously stated, it is our consistent policy to refuse waiver of

[1] Fourteenth Revised Sheet No. 3a, First Revised Sheet Nos. 26a, 26b, 26c, and 26d.

[2] Alternate Fourteenth Revised Sheet No. 3a, Alternate First Revised Sheet Nos. 26a, 26b, and 26c.

[3] Order No. 452–A, Re: Purchased Gas Cost Adjustment Provision in Pipeline Companies' FPC Gas Tariff, 47 FPC 1510 (1972).

[4] Opinion No. 699–H, Docket No. R–389–B, Just and Reasonable National Rates For Sales of Natural Gas From Wells Commenced On Or After January 1, 1973, and New Dedications of Natural Gas To Interstate Commerce On Or After January 1, 1973, —— FPC ——, issued December 4, 1974.

[5] We are rejecting Fourteenth Revised Sheet No. 3a and First Revised Sheet Nos. 26a, 26b and 26c filed on February 26, 1975 and First Revised Sheet No. 26b filed on March 4, 1975.





these provisions.[4] This Commission has granted authority to track these payments only as part of a negotiated and approved settlement with a complete record upon which we have reviewed all of the pipeline's costs and revenues and have determined that a tracking provision is proper for the period the settlement remains in effect.

The fact that Mid Louisiana filed for tracking authority in the form of an "agreement" rather than by specific tariff provisions does not remove our objections to this proposed permanent tracking authority. Moreover, as noted by Mid Louisiana, the proposed "Agreement as to Rates" is still under review and discussion by Mid Louisiana's customers as is not therefore a result of any agreement.

*The Commission finds.* (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission accept for filing Mid Louisiana's alternate Fourteenth Revised Sheet No. 3a, First Revised Volume No. 1 of its FPC Gas Tariff, filed on March 4, 1975, and suspend and defer its effectiveness until April 16, 1975, subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission accept for filing Mid Louisiana's First Revised Sheet No. 26d, Alternate First Revised Sheet Nos. 26a, and 26c of First Revised Volume No. 1 of its FPC Gas Tariff, and permit them to become effective April 15, 1975.

(3) It is necessary and proper in the public interest and in the enforcement of the Natural Gas Act that the Commission reject Mid Louisiana's proposed "Agreement as to Rates" tendered as part of its February 26, 1975 filing in this docket.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Mid Louisiana's proposed rates.

(5) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

*The Commission orders.* (A) Pending a hearing and a decision thereon, Mid Louisiana's alternate Fourteenth Revised Sheet No. 3a of First Revised Volume No. 1 of its FPC Gas Tariff, tendered on March 4, 1975, is hereby accepted for filing, suspended for one day and the use thereof deferred until April 16, 1975 subject to refund.

(B) Mid Louisiana's First Revised Sheet No. 26d, Alternate First Revised Sheet Nos. 26a and 26c of First Revised Volume No. 1 of its FPC Gas Tariff are hereby accepted for filing and permitted to become effective April 15, 1975.

(C) Mid Louisiana's proposed Fourteenth Revised Sheet No. 3a, First Revised Sheet Nos. 26a, 26b, 26d, and Alternate First Revised Sheet No. 26b of First Revised Volume No. 1 of its FPC Gas Tariff are hereby rejected. Alternate First Revised Sheet No. 26b filed by Mid Louisiana on March 4, 1975 is rejected without prejudice to Mid Louisiana's filing of a revised sheet specifying that company-owned production covered under the PGA clause will include only production from wells drilled after January 1, 1973.

(D) Mid Louisiana's proposed "Agreement as to Rates" tendered as part of its February 26, 1975 filing in this docket is hereby rejected.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing September 9, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE. Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and service contained in the proposed tariff charges.

(F) On or before May 6, 1976, Mid Louisiana shall file its prepared testimony and exhibits (Statement P). On or before July 29, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor testimony shall be served on or before August 12, 1975. Any Company rebuttal shall be served on or before August 26, 1975.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10249 Filed 4-17-75;8:45 am]

[4] North Penn Gas Company, FPC , issued June 28, 1974, in Docket No. RP74–88; Southern Natural Gas Company, FPC , issued April 13, 1973, in Docket No. RP72–91; et al., rehearing denied, FPC , issued June 8, 1973; Northern Natural Gas Company, FPC , issued May 20, 1974, in Docket No. RP74–80; Florida Gas Transmission Company, FPC , issued May 29, 1974, in Docket No. RP74–78; Trunkline Gas Company, FPC , issued June 26, 1974, in Docket No. RP74–89; Northern Natural Gas Company, FPC , issued February 26, 1975, in Docket Nos. RP71–107, et al.

[Docket Nos. G–18314 and CP66–121, CP66–112, et al.]

## MIDWESTERN GAS TRANSMISSION CO. AND GREAT LAKES GAS TRANSMISSION CO.

### Extension of Time

APRIL 11, 1975.

On April 8, 1975, Midwestern Gas Transmission Company filed a motion to extend the date for filing briefs on exceptions and briefs opposing exceptions to the initial decision of the presiding administrative law judge issued March 20, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions in the above matter is extended to and including May 16, 1975 and the date for filing briefs opposing exceptions is extended to and including June 16, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10250 Filed 4-17-75;8:45 am]

[Docket No. E–9352]

## MISSISSIPPI POWER & LIGHT CO.

### Proposed Agreement for Municipal Wholesale Electric Service

APRIL 11, 1975.

Take notice that on April 1, 1975, Mississippi Power & Light Company (MP & L) tendered for filing an unexecuted agreement for municipal wholesale electric service between MP & L and the City of Durant.

MP & L states that its Rate Schedule MW–13 (Revised) incorporated therein was heretofore filed with the Commission on January 10, 1975 in Docket E–9058 and is the currently effective tariff for service to municipal utilities pending action of the Commission in Docket E–9058.

MP & L requests a proposed effective date of May 1, 1975, the effective date of the cancellation of the Agreement For Service dated June 13, 1950 superseded by the proposed contract filed in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10251 Filed 4-17-75;8:45 am]

[Docket No. E–9161]

## MONONGAHELA POWER CO., ET AL.

### Conference

APRIL 14, 1975.

Take notice that on Tuesday, April 29, 1975, a conference of all interested parties in the above-referenced docket (Monongahela Power Company, the Po-



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tomac Edison Company, and West Penn Power Company), will be convened at 10 a.m., in Room No. 8402 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (conferences, offers of settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the above-listed companies' Harrison Station power agreement with UGI Corporation, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10252 Filed 4-17-75;8:45 am]

[Docket No. RI75-109]

## MURPHY OIL CORP.

### Order Setting Date for Prehearing Conference and Providing for Interventions

APRIL 14, 1975.

On January 10, 1975 Murphy Oil Corporation (Murphy) filed a notice of proposed rate increase for sales made by it to Northwest Pipeline Corporation as assignee of El Paso Natural Gas Company (El Paso) from the Basin Dakota Field, San Juan County, New Mexico. The proposed rate, to be effective as of June 21, 1974, was 41.071 cents per Mcf, including Btu and tax adjustments, which is based on the 35.0 cents per Mcf base rate authorized for certain production from the Rocky Mountain Area by Opinion No. 699-H. The present base effective rate for this sale is 22.5 cents per Mcf.

On February 7, 1975, in Docket No. RI75-109, the Commission issued an order suspending the rate for one day until June 22, 1974, allowing the rate to go into effect subject to refund thereafter, and setting the matter for hearing. By motion of February 14, 1975 Murphy objected to the suspension order and requested that the rate change be made effective not subject to refund as of June 21, 1974.

The Rocky Mountain Area Rate Opinion No. 658[1] and Opinion No. 699-H provide for the vintaging of prices according to the date the base contract was signed. Under Opinion No. 658 a contract agreed to prior to October 1, 1968 for wells commenced before January 1, 1973 could collect a base rate of 24.0 cents per Mcf. In contrast, pursuant to Opinion No. 699-H, a contract entered into on or after October 1, 1968 for gas produced from wells commenced before January 1, 1973 would entitle the producer to a base rate of 35.0 cents per Mcf.

Murphy had an overriding royalty interest in production that was sold to El Paso by the operator under a 1960 contract. The agreement between the operator and Murphy provided that, upon payout, Murphy could convert its overriding royalty interest into a working interest, which was done in 1971. Also in 1971, Murphy ratified, for a period of one year, the base 1959 contract with El Paso. The wells in which Murphy has a working interest were all drilled prior to January 1, 1973.

The question which must be decided is whether the 1960 contract between the operator and El Paso binds the overriding royalty owner Murphy to the rate permissible under Opinion No. 658 for that vintage of gas, or if the 1971 Murphy-El Paso agreement entitles Murphy to the 35.0 cents per Mcf authorized by Opinion No. 699-H.

A prehearing conference should be held in this proceeding in order to further define the legal and factual issues to be decided.

*The Commission finds.* (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is necessary and in the public interest that a period be provided in which to file petitions of intervention.

*The Commission orders.* (A) Pursuant to the authority of the Natural Gas Act, a public hearing shall be held concerning the issues presented herein.

(B) On May 6, 1975, a prehearing conference shall be held in accordance with § 1.18 of the rules of practice and procedure to resolve the issues herein in a hearing room of the Federal Power Commission, Washington, D.C., at 10 a.m. (e.d.t.).

(C) A presiding administrative Law Judge, to be designated by the chief administrative law judge for that purpose shall convene the prehearing conference in the proceeding.

(D) The administrative law judge may in his discretion grant recesses from time to time if he deems a settlement or submission of the issues upon stipulated facts to be possible. If no stipulation or settlement can be reached by the parties hereto after reasonable time and provisions have been made to the same, the presiding administrative law judge shall establish the time for the submission of other evidence by any party desiring so do so, and the commencement of the hearing, and shall prescribe relevant procedural matters not herein provided.

(E) Notices of intervention or petitions seeking leave to intervene in this proceeding shall be filed with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the rules of practice and procedure, 18 CFR 1.8 and 1.37(f), on or before April 30, 1975.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10253 Filed 4-17-75;8:45 am]

[Docket Nos. CP74-286, CP75-198]

## NATURAL GAS PIPELINE CO. OF AMERICA

### Order Consolidating Proceeding and Setting Further Procedural Dates

April 14, 1975.

By our order of February 24, 1975,—— FPC ——, we provided for hearings in Docket No. CP74-286 and granted a temporary certificate to Natural Gas Pipeline Company of America (Natural) for authority to construct facilities in connection with a proposed underground storage field in the Rodessa-Young Reservoir in the North Lansing Field in Harrison County, Texas. Although the reservoir proposed for storage service is currently producing natural gas sold in interstate commerce to Arkansas Louisiana Gas Company (Ark-La) under certificate authority of the Commission, no abandonment of this production was sought by Natural in Docket No. CP74-286. It now appears that Natural has applied in Docket No. CP75-198, inter alia, for authority under section 7(b) of the Natural Gas Act for authority to abandon production in the North Lansing Field and to substitute as a charge against Natural's existing system reserves a limited term sale to Ark-La in an amount not to exceed the estimated recoverable reserves remaining in the Rodessa-Young Reservoir at North Lansing at the time of abandonment of production and conversion of the reservoir to storage service. On March 27, 1975, Staff moved for an order consolidating proceedings, setting date for the filing of evidence, and postponing hearing date. On notice from the Secretary issued March 28, 1975, the hearing was deferred until May 22, 1975, pending further action by us on Staff's motion. In support of consolidation, Staff alleges that the nature of the reserves remaining in the North Lansing Field is at issue in Docket No. CP74-286 and Docket No. CP75-198 and that the issues presented by the abandonment of production sought in Docket No. CP75-198 must be resolved prior to approval of the authority sought by Natural in Docket No. CP74-286 to develop the North Lansing Field for storage service. Staff's contentions appear to us to be well taken, and we accordingly find sufficient cause under § 1.20(b) of the rules of practice and procedure to order consolidation.

In a reply filed on April 2, 1975, Natural takes no issue with consolidation, but urges us to set dates in April for a more expeditious resolution of the consolidated docket. However, in view of the fact that we granted a temporary certificate to Natural on February 24, 1975, for construction of facilities in Docket No. CP74-286, we fail to see how Natural will be harmed by the procedural schedule proposed by Staff concerning the hearings on the permanent certificate. Accordingly, we shall adopt the schedule proposed by Staff and set May 5, 1975, for the date for the filing of such additional testimony as the applicant and supporting interveners should, under our Regulations, be required to adduce in support of the consolidated docket, including evidence on the abandonment and new sales therein proposed.

*The Commission finds.* The applications filed by Natural Gas Pipeline Company of America in Docket No. CP74-286 and Docket No. CP75-198 raise matters appropriate for consolidation under § 1.20(b) of the rules of practice and procedure.

*The Commission orders.* (A) The applications filed by Natural Gas Pipeline Company of America in Docket No. CP74-286 and CP75-198 are hereby consolidated for hearing and decision.

(B) Natural Gas Pipeline Company of America and all supporting interveners shall file additional evidence in the consolidated docket, supportive of their respective positions on the issues presented in Docket No. CP75-198, inclusive of end use data on the proposed sale to Arkansas Louisiana Gas Company, on or before May 5, 1975.

(C) Pursuant to the authority of the Natural Gas Act, and particularly sections 4, 5, 7, and 15 thereof, a hearing will be held commencing May 22, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the matters presented by the applications in the consolidated docket.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10254 Filed 4-17-75;8:45 am]

[Project No. 733]

## WESTERN COLORADO POWER CO.

### Issuance of Annual License

APRIL 11, 1975.

On February 27, 1969, The Western Colorado Power Company, licensee for Ouray Project No. 733, located on the Uncompahgre River in Ouray County, Colorado, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 733 was issued effective April 13, 1960, for a period ending April 12, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Company, for continued operation and maintenance of Project No. 733.

Take notice that an annual license is issued to The Western Colorado Power Company (Licensee) under section 15 of the Federal Power Act for the period April 13, 1975, to April 12, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No. 733, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10259 Filed 4-17-75;8:45 am]

[Docket No. G-19040]

## NORTHERN NATURAL GAS CO.

### Order Denying Motion for Approval for Exploration Fund

APRIL 14, 1975.

On December 4, 1974, Northern Natural Gas Company (Northern) tendered for filing a "Motion of Northern Natural Gas Company for Approval of Exploration Fund Proposal" (Motion) wherein Northern proposes to utilize the refunds recently received from Phillips Petroleum Company (Phillips) incident to orders issued in Docket No. AR64-1 for the exploration of new gas reserves.

The procedural history of this proceeding began on September 18, 1970, when this Commission issued Hugoton Anadarko Area Rate Opinion No. 586 in Docket No. AR64-1, et al. (44 FPC 761). Under that Opinion Phillips was obligated to refund to Northern, with interest, amounts paid by Northern to Phillips at rate levels above the just and reasonable rate levels established in Opinion No. 586. On June 20, 1970, Phillips filed in Docket No. AR64-1, et al., a "Petition of Phillips Petroleum Company For Special Relief From Refund Obligations". By an order issued March 18, 1974, this Commission denied the requested special relief and directed Phillips to comply with the Commission's schedule for making refunds. On October 3, 1974, Phillips sent a check in the amount of $6,732,772.61 to Northern covering the principal and interest on the refunds required by Opinion No. 586. Under the provisions of Commission order issued March 18, 1974, in Docket No. AR64-1, et al. Northern was ordered to file on or before November 15, 1974, a plan for flow-through of said refunds. On November 15, 1974, Northern filed a "Motion for Deferral of Time of Filing Plan For Flow-Through of Refunds" wherein Northern requests a deferral of time in which to file its refund report since Northern intended to file an alternative proposal with respect to the disposition of said refunds.

Northern's alternate proposal was the December 4, 1974, Motion referred to earlier, Northern's motion points out that with the exception of the year 1972, Northern has experienced seven consecutive years where the acquisition of new gas reserves has fallen significantly short of its production from dedicated reserves. Furthermore, the December 4, 1974, motion states that Northern cannot reasonably increase its own investment in high risk gas exploration efforts given the constraints upon potential return imposed by the national rates in Docket No. R-389-B. Northern's Motion proposes to utilize the $6.7 million refund from Phillips to increase Northern's "near-term" exploration activities. A document entitled "Exploration Fund Proposal" attached to Northern's Motion provides that the funds will be used to explore for natural gas which "if found in commercial quantities" will inure to the benefit of Northern's jurisdictional customers. Northern states it will make every reasonable effort to spend the Phillips refund within eighteen months and that said expenditure shall be over and above the amount Northern would otherwise spend for such activities during the same eighteen month period. Finally, the Proposal states that Northern shall be "the sole judge and selector of Prospects for and in which Fund amounts shall be expended."

Northern's Motion was noticed on January 8, 1975, with comments, protests or petitions to intervene due on or before January 27, 1975. In response to the notice of Northern's Motion, many comments, protests and petitions to intervene were received by this Commission. Michigan Wisconsin Pipe Line Company (Mich-Wis), Wisconsin Gas Company (Wisconsin Gas) and North Central Public Service Company (North Central) filed petitions to intervene and took no position on the propriety of Northern's proposal. Farmland Industries, Inc. (Farmland), Wisconsin Power and Light Company (Wisconsin Power) and Terra Chemicals International, Inc. (Terra) also filed petitions to intervene. Terra and Farmland state that they support Northern's December 4, 1974 Motion provided the Commission require Northern to assure that any gas discovered as a result of said proposal will be used only for high priority use. Wisconsin Power also support Northern's proposal provided Northern be required to keep the Commission fully informed as to the manner in which these funds are expended and to account for such expenditures in accordance with the proper Commission requirements. Iowa Public Service Company (IPS) filed a petition to intervene and comments in full support of Northern's December 4, 1974, Motion. The Northern Distributor Group[1] filed joint comments wherein the distributors fully support the Northern exploration proposal. Natural Gas, Inc. filed comments in opposition to Northern's December 4, 1974, Motion on the basis that approval of Northern's Motion would be bad precedent. The Northern Municipal Defense Group[2] (MDS) and the Minnesota Municipal Utilities Association[3]

[1] See Appendix A.
[2] See Appendix B.
[3] See Appendix C.



[1] 49 FPC 924 (1973).





(MMUA) filed a joint petition to intervene. reason for retention of refunds is to Iowa-Illinois Gas and Electric Company



Any person desiring to be heard or to there will be no change in the price or filed an application for amendment of

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(MMUA) filed a joint petition to intervene and comments in opposition to Northern's proposal because the groups maintain it is illegal to use customer contributed capital to underwrite a gas exploration and development fund.

Phillips filed a petition to intervene and states that it is strongly opposed to Northern's proposal. Phillips submits that Northern's December 4, 1974, Motion is similar in every material respect to the Phillips proposal rejected by the Commission's order of March 18, 1974. Phillips states that approval of Northern's proposal would constitute an undue preference in favor of Northern which is in violation of the Natural Gas Act. Northern filed an answer in opposition to Phillips' intervention. Northern submits that Phillips does not have any interest in the manner in which Northern disposes of the refund.

In an order issued March 17, 1975,[4] this Commission ordered the flow-through of all producer refunds which resulted from our decision in Opinion No. 586. As we stated in our March 17, 1975, order:

> We have given further consideration to the matter of possible pipeline entitlement to supplier refunds, and have concluded that the door to claims such as that made by Texas Eastern should be closed. As previously stated, the Commission found in Opinion No. 540 that neither the letter nor the spirit of the Natural Gas Act requires the Commission to entertain claims of "equitable entitlement" by pipelines to supplier refunds. We now further find that where we are not required to entertain such claims, we should not and will not do so. Consideration of pipeline "equitable entitlement" claims represents, in our view, a misapplication of the provisions of the Natural Gas Act, by permitting a pipeline in effect to file a rate increase application many years after the fact. Accordingly, any and all claims of entitlement by purchasers to the refunds herein ordered or to those previously refunded, by Hugoton-Anadarko producers and presently being retained by the purchasers will be denied, and the full amount of refunds applicable to jurisdictional sales will be required to be flowed through by the pipelines to their jurisdictional customers.[5]

Because of our action in our March 17, 1975, order we believe that Northern's proposal as to the Phillips refund would not be in the public interest. That is, we believe that the public interest and prudent Commission policy requires that Northern flow-through its refunds to its jurisdictional customers. Accordingly, we shall deny Northern's Motion.

We realize, of course, that it may be argued by Northern that its proposal is distinguishable from the equitable entitlement claims permitted by Opinion 540 and subsequently disallowed in the March 17, 1975, order in Docket No. AR64–1, because those claims for retention of refunds were based on an alleged inadequate rate of return during the period in question, whereas Northern's reason for retention of refunds is to create an exploration and development fund. The March 17, 1975, order required the release and flow-through all Hugoton-Anadarko producer refunds' notwithstanding entitlement claims which may be raised by pipelines or producers for whatever reasons.

Moreover, although it is not necessary to our finding herein that Northern's proposal be denied, we believe that our action with respect to (1) the national rate as it affects both independent producers selling to Northern, as well as Northern's own pipeline production which became eligible for the new national rate;[6] (2) the Commission's prior orders permitting inclusion of advanced payments in Northern's rate base[7] and; (3) the level of return on common equity which the Commission allows pipelines, such as Northern, which is designed to compensate the pipelines inter alia for risks associated with pipelines' capital requirements for development of supplemental and alternate resources of gas supply; all make acceptance of Northern's proposal unnecessary.[8]

*The Commission finds.* Good cause does not exist to grant Northern's Motion of December 4, 1974.

*The Commission orders.* (A) Northern's Motion filed December 4, 1974, is hereby denied.

(B) Within fifteen days of the issuance of this order Northern shall file for flow-through of refunds by Phillips to Northern pursuant to our March 17, 1975, order. Northern's plan shall indicate the amount payable to each jurisdictional customer, the basis used in computing the amounts payable, the periods involved and the relevant docket numbers. Copies of said report shall be served on all jurisdictional customers and interested state commissions.

(C) Upon notification by the Secretary and the extent directed thereby, Northern shall proceed with the distribution of refunds to its jurisdictional customers in accordance with the report submitted.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

APPENDIX A

MEMBERS OF THE NORTHERN DISTRIBUTOR GROUP

Central Telephone & Utilities Corporation
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa-Power and Light Company
Iowa Public Service Company
Minnesota Gas Company
North Central Public Service Company
Northern States Power Company (Minnesota)
Northern States Power Company (Wisconsin)
Northwestern Public Service Company

APPENDIX B

THE MDG CONSISTS OF THE FOLLOWING CITIES

| | |
|---|---|
| Brooklyn, Iowa | Preston, Iowa |
| Cascade, Iowa | Remsen, Iowa |
| Coon, Iowa | Rolfe, Iowa |
| Rapids, Iowa | Sac City, Iowa |
| Emmetsburg, Iowa | Sanborn, Iowa |
| Gilmore City, Iowa | Sioux Center, Iowa |
| Graetlinger, Iowa | West Bend, Iowa |
| Harlan, Iowa | Whittemore, Iowa |
| Hawarden, Iowa | Woodbine, Iowa |
| Manilla, Iowa | Pender, Nebraska |
| Manning, Iowa | Ponca, Nebraska |
| Osage, Iowa | |

APPENDIX C

MMUA CONSISTS OF THE FOLLOWING CITIES

Austin, Minnesota
Circle Pines, Minnesota
Elk River, Minnesota
Fairmont, Minnesota
Glencoe, Minnesota
Hibbing, Minnesota
Hutchinson, Minnesota
Moose Lake, Minnesota
Mora, Minnesota
New Ulm, Minnesota
North Branch, Minnesota
Owatonna, Minnesota
Princeton, Minnesota
Rochester, Minnesota
Spring Valley, Minnesota
Two Harbors, Minnesota
Virginia, Minnesota
Wells, Minnesota
Willmar, Minnesota
Worthington, Minnesota

[FR Doc.75–10263 Filed 4–17–75;8:45 am]

[Docket No. RI75–122]

## ROBINSON BROTHERS DRILLING CO.

### Petition for Special Relief

APRIL 14, 1975.

Take notice that on April 4, 1975, Robinson Brothers Drilling Company (Petitioner), P.O. Box 1540, Midland, Texas 79701, filed a petition for special relief in Docket No. RI75–122, pursuant to Order No. 481 and Section 2.76 of the Commission's general policy and interpretations. Petitioner requests relief from the current rate of 25.3 cents per Mcf after Btu adjustment under the existing contract of December 9, 1960 to a rate of 51 cents per Mcf with annual escalation of 1 cent per Mcf, under an Amendatory Agreement dated February 18, 1975, between petitioner and El Paso Natural Gas Company. Petitioner states that with the installation of a 2-stage compression facility that it is uneconomical to continue production at the current price level. Petitioner further states that if relief is not granted, it will be necessary to abandon this lease, the result of which will be that the gas reserves in this property will not be delivered to the interstate market but would be irrevocably lost.

[4] Area Rate Proceeding, *et al.* (Hugoton-Anadarko Area), Docket Nos. AR64–1, *et al.*, order issued March 17, 1975.

[5] *Id.* at page 4.

[6] The exception relating to previously approved settlement agreements set forth in the March 17, 1975, order is not relevant to Northern's proposal.

[7] Opinion No. 699–H, Docket No. R–389–B, issued December 4, 1974.

[8] *Northern Natural Gas Company*, Docket Nos. RP71–107 (Phase II) and RP72–127, order issued January 4, 1974.

[9] Opinion 708, Consolidated Gas Supply Corporation issued August 27, 1974.





Any person desiring to be heard or to make any protest with reference to said petition should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10255 Filed 4–11–75;8:45 am]

[Docket No. CI75–340]

## SKYLINE OIL CO., ET AL.

### Amendment To Application

APRIL 14, 1975.

Take notice that on April 8, 1975, Skyline Oil Company, Joseph Oil Corporation, Joseph S. Gruss, and Eymar Oil Corporation (Applicants), 418 Atlas Building, Salt Lake City, Utah 84101, filed in Docket No. CI75–340 an amendment to the application filed on November 22, 1974, by Skyline Oil Company, Joseph Oil Corporation and Joseph S. Gruss (original Applicants) in the subject docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia) from the Sweet Lake Land and Oil Company Well Nos. 1 and 2, Chalkley Field, Cameron Parish, Louisiana, by which amendment Applicants seek authorization to sell gas from Well No. 4 in said acreage under the requested certificate, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The November 22, 1974, application indicates that sales of gas by original Applicants to Columbia commenced on November 18, 1974, within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) from Well Nos. 1 and 2 in the Chalkley Field. The application further indicates that such sales are proposed to be continued within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at a rate of $1.00 per million Btu at 15.025 psia.

Applicants propose herein to include the gas production from another well, Well No. 4, in the Chalkley Field as an added source of gas for the proposed sale to Columbia. Applicants state that they commenced sales and deliveries of gas to Columbia from Well No. 4 on March 26, 1975, pursuant to § 157.29 of the regulations. The amendment indicates that there will be no change in the price or the estimated daily quantity of gas (2,500 Mcf) proposed to be sold as a result of this amendment.

By order issued March 17, 1975, the Commission determined that justification for the rate and term of the sale proposed in the application should be established in a formal hearing. The instant amendment will be considered in that hearing which is set for April 29, 1975.

Any person desiring to be heard or to make any protest with reference with said amendment should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a protest or petition to intervene need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10256 Filed 4–17–75;8:45 am]

[Project No. 1390]

## SOUTHERN CALIFORNIA EDISON CO.

### Modification of Land Withdrawal

APRIL 9, 1975.

By letter dated November 20, 1936, to the General Land Office (now Bureau of Land Management) this Commission gave notice of the withdrawal of certain lands in secs. 11, 12, 13, 14, and 16, T. 2 N., R. 25 E., secs. 5 and 9, T. 1 N., R. 26 E., and secs. 18, 19, 31, and 32, T. 2 N., R. 26 E., Mount Diablo Meridian, California, pursuant to the filing on August 19, 1936, by the Nevada-California Power Company, of an application for license for Project No. 1390. The letter stated that approximately 757.75 acres were reserved for the project, however, a re-examination of our records shows that less acreage was involved.

On August 5, 1963, the Commission gave notice of the withdrawal of additional lands, aggregating approximately 8.65 acres, in sec. 24, T. 2 N., R. 25 E., secs. 5 and 6, T. 1 N., R. 26 E., and secs. 19, 30, and 31, T. 2 N., R. 26 E., Mount Diablo Meridian, pursuant to the filing on May 28, 1963, by the California Electric Power Company (successor to the Nevada-California Electric Corporation which had succeeded the Nevada-California Power Company) of an application for amendment of license for Project No. 1390.

On May 22, 1972, the Southern California Edison Company (successor to the California Electric Power Company) filed an application for amendment of license for Project No. 1390 which included a revised map Exhibit K covering the entire project area. This Exhibit K, as supplemented November 27, 1972, October 5, 1973, and May 13, 1974, consists of sheets 1A, 2, and 3 of 3 (FPC Nos. 1390–20, –13, and –14) which were approved and made part of the license by Commission order issued September 16, 1974, as corrected by erratum notice dated November 21, 1974.

In accordance with the provisions of section 24 of the Federal Power Act (41 Stat. 1063), as amended, notice is hereby given that pursuant to the May 22, 1972, filing for Project No. 1390 the lands hereinafter described, insofar as title thereto remains in the United States, are reserved from entry, location, or other disposal under the laws of the United States unless otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

All portions of the following described subdivisions lying within the project boundary as shown on approved map Exhibit K, sheets 1A, 2, 3 of 3 (FPC Nos. 1390–20, –13, and –14):

T. 2 N., R. 25 E.
sec. 11, SE¼SE¼;
sec. 12, NW¼SE¼, N½S½SE¼;
sec. 13, S½SW¼NE¼, NE¼NE¼NW¼, NW¼NW¼, W½SE¼;
sec. 14, E½NE¼, SW¼NE¼;
sec. 16, SW¼
sec. 24, NE¼SE¼.
T. 1 N., R. 26 E.
sec. 5, lot 1;
sec. 8, NW¼NE¼;
sec. 9, SE¼SW¼.
T. 2 N., R. 26 E.
sec. 18, S½NW¼NW¼, S½NW¼, NE¼SW¼;
sec. 19, W½NW¼SW¼, SW¼SW¼;
sec. 30, lot 9;
sec. 31, lots 5, 7, 12;
sec. 32, lots 1, 2.

(aggregating approximately 122.85 acres)

Most of the above described lands have heretofore been withdrawn for waterpower purposes by Power Site Reserve Nos. 58 and 421 and pursuant to the August 19, 1936, filing for Project No. 1390. Some of the land lie within the Inyo National Forest and some have been patented subject to the provisions of section 24 of the Federal Power Act.

The general determination made by the Commission at its meeting of April 17, 1922 (2nd Ann Rept. 128), is applicable to those lands reserved for transmission line purposes only. In accordance with this determination, such lands may be declared open to location, entry, or selection under the public land laws subject to the reservation of section 24 of the Federal Power Act.

The withdrawals for Project No. 1390 no longer serve a useful purpose insofar as they pertain to lands lying outside said approved project boundary and are hereby vacated to that extent.

Copies of the aforementioned maps have been transmitted to the Bureau of



V 40 176 APR 18 75 XUM



Land Management, Geological Survey, and Forest Service

struct and operate the following facilities:



ment, Gas Purchase Contract, and Transportation Agreement with Trans-

Land Management, Geological Survey, and Forest Service.

By the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10257 Filed 4-17-75;8:45 am]

[Docket No. CP75-273]

## TRUNKLINE GAS CO.

### Application

APRIL 14, 1975.

Take notice that on March 17, 1975, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-273 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 24 miles of natural gas pipeline and appurtenant facilities necessary to receive and transport to its system and to Gulf Oil Company (Gulf) gas from the Grand Isle Block 95 Field (Grand Isle Blocks 93, 94, 95, and 96), offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that through various advance payments contracts with Mobil Oil Corporation (Mobil) Applicant is entitled to Mobil's share of developed reserves from the Grand Isle Block 95 Field (to be produced from platforms A and B), and has the right to purchase Mobil's gas from undeveloped reserves in the same field (to be produced from platform C).[1] Applicant further states that it has agreed to transport the remaining (45 percent) interest in the Grand Isle Block 95 Field gas on behalf of the interest holder Gulf. Applicant estimates total proven, probable and potential reserves of the Grand Isle Block 95 Field to be approximately 354 million Mcf of gas.

Applicant proposes to transport said gas from the Grand Isle Block 95 Field through a single line 11.1 miles to Gulf's existing platform in South Timbalier Block 151, where Gulf's portion of the gas will be delivered into Gulf's existing transmission facilities (for ultimate disposition onshore to Texas Eastern Transmission Company). Applicant's portion will be transported from Block 151, 12.7 miles to Applicant's existing platform in South Timbalier Block 175 for further transportation to shore through Applicant's existing South Timbalier system.

In order to implement the foregoing receipt and transportation of gas Applicant requests authorization to construct and operate the following facilities:

(1) 11.1 miles of 24-inch O.D. pipeline extending from Gulf's existing platform in South Timbalier Block 151 to the "B" platform in the Grand Isle Block 95 Field;

(2) 4 miles of 20-inch O.D. gathering lines connecting the "A" and "C" platforms in Grand Isle Blocks 93 and 95 to Applicant's proposed 24-inch line (above described), such lines being 1.4 and 2.6 miles in length, respectively;

(3) 122.7 miles of 20-inch O.D. pipeline extending from Gulf's existing platform in South Timbalier Block 151 to Applicant's existing platform in South Timbalier Block 175.

Applicant estimates the cost of the proposed facilities to be approximately $19,340,000, which cost will be financed from funds on hand, short-term borrowings and a contribution in aid of construction from Gulf. Applicant states that Gulf has agreed to share in the cost of the facilities needed to gather and transport Gulf's share of the gas to its platform in South Timbalier Block 151 by making a contribution approximately equal to its percentage of total gas production and by paying its portion of the direct out-of-pocket costs of operation and maintenance of such facilities. Applicant claims that Gulf's contribution will be reflected in Applicant's cost-of-service calculations.

Applicant states that the public convenience and necessity will be served by granting this application because the Grand Isle Block 95 Field gas will offset declines in Applicant's existing gas supplies and because the proposed transportation makes expedient use of the existing facilities of both Applicant and Gulf and avoids expenditures for duplicate gathering and transmission facilities in the Grand Isle Block 95 Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10258 Filed 4-17-75;8:45 am]

[Docket Nos. CI75-45 etc.]

## TENNECO OIL CO.

### Petitions To Intervene

APRIL 14, 1975.

Tenneco Oil Company, CI75-45; Placid Oil Company, CI75-59; Hunt Petroleum Corporation, CI75-66; Hunt Industries, CI75-67; Hunt Oil Company, CI75-68; Kewanee Oil Company, CI75-69; Tenneco Oil Company, CI75-105; Shell Oil Company, CI75-107; Ashland Oil, Inc., CI75-122; TransOcean Oil, Inc., CI75-138; Tennessee Gas Pipeline Company, a Division of Tenneco Inc., CP73-339; Trunkline Gas Company, CP75-19; Tennessee Gas Pipeline Company, CP75-23; CP75-119; CP75-120; Trunkline Gas Company, CP75-149; Southern Natural Gas Company, CP75-151; CP75-152; Southern Natural Gas Company, United Gas Pipe Line Company and Florida Gas Transmission Company, CP75-153; Southern Natural Gas Company, CP75-163; Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Tenneco Chemicals, Inc., CP75-258; Ammonia Enterprises Pipeline, Inc., CP75-268.

The above proceedings each involve a portion of eight transactions by which interstate pipeline companies request authorization from the Commission, inter alia, to transport natural gas from producing wells to various gas consuming plants or facilities of petroleum and Chemical companies for their own use. In each transaction the basic pattern is an agreement by the producers to sell natural gas production to the pipeline and an agreement by the pipeline to transport the remaining part of production for the producers' own use, except where Ammonia P.L. sells all gas to Olin Corp. The instant proceeding also involves the transportation of natural gas from the Federal Domain to onshore locations, as well as onshore locations. A brief summary of these proposed transactions is as follows:

[1] Applicant points out that Mobil has the right to reserve up to 25 percent of said gas for its own use, but that Mobil intends to sell all its interest to Applicant pending implementation of Mobil's reserve right.





| Pipeline | Destination | Source | Estimated transport volume (millions of cubic feet per day) |
|---|---|---|---|
| 1. TGP | Conoco/Citgo | Block 23, East Cameron | 50,000 |
| 2. TGP | Air Products | Vermilion, Block 246 | [illegible] |
| | | Various other points | 67,000 |
| | | do | 15,000 |
| 3. TGP | Tenneco | Starr City, Tex., Cameron Parish, La | 14,500 |
| 4. TGP | Tenneco Chemicals | South Marsh Island, Blocks 268, 269, 281 | 90,00 |
| 5. Trunkline | Placid | do | 5,400 |
| 6. Southern | Hunt | W. Cameron, Block 33 | 25,00 |
| 7. Ammonia | P.L Conoco | South Marsh Island, Blocks 268, 269, 281 | 38,500 |
| 8. Southern | TransOcean | | |

In Docket No. CP75-19, Trunkline filed an application on July 23, 1974, as amended on November 13 and December 12, 1974 to abandon use of certain onshore compressor facilities, build a new compressor station, and construct two offshore gathering lines to connect natural gas to be purchased and transported from Ashland Oil, Inc.; Hamilton Brothers Exploration Company; Hamilton Brothers Oil Company; Highland Resources; (these producers have small producer certificates) Hunt Industries; Hunt Petroleum Company; Kewanee Oil Company; and Placid Oil Company (referred to herein as Placid, et al.). The producers, along with other producers, (TransOcean Oil, Inc. and Hunt Oil Company), own the oil and gas leases covering 11,450 acres contained in the South Marsh Island Block 268, 269 and 281 Field.

The total estimated proved and probable reserves are 325 billion cubic feet as of July 1, 1974. Of this total, 200 billion cubic feet are presently dedicated to Trunkline. Trunkline states that this field is in the early stages of development and the aggregate proved, probable, and possible reserve potential is estimated to be 1.2 trillion cubic feet. Pursuant to the Advance Payment Agreements and Gas Purchase contracts with the producers, approximately 60 percent of the reserves that may be discovered are committed to Trunkline. Therefore, the purpose of this application is to provide for the facilities required to permit Trunkline to purchase and receive into its system the gas herein.

In the original application, Trunkline proposed to build all the required facilities at the same time. However, since the original application was filed Trunkline and Southern have reached agreement to have Southern's dedicated reserves from the Field transported onshore through the facilities proposed by Trunkline. Further, Placid Oil Company (Placid) is in the process of building a new Patterson II Extraction Plant where a portion of the gas eventually will be processed. Accordingly, Trunkline now proposes to build a portion of the onshore facilities in two phases. The total cost of both phases proposed herein is $33,080,000. Phase I construction would consist of approximately 45.2 miles of 24-inch pipeline extending from the producers' platform in the Field to an existing tap of Trunkline's in South Timbalier system in East Atchafalaya Bay, and two 10¾ inch gathering lines connecting Blocks 269 and 281 to the production platform in Block 268, such lines being 1.8 and 2.0 miles in length, respectively, together with dehydration and related facilities. Phase II construction would consist of 4.5 miles of 24-inch, 2.9 miles of 20-inch, and 0.6 mile of 30-inch pipeline onshore Louisiana in St. Mary's Parish to deliver the gas for, and return the gas after, processing by the producers at the proposed Patterson II plant.

Trunkline further proposes, under Phase I, to remove five (5) 1,050 horsepower turbine compressors from its existing Station 313 at Centerville, Louisiana, purchase one (1) new compressor, and install them in a new station to be designated Station 315. Compressor Station 315 will contain a total of 6,300 hp and Station 313 will still have 12,000 hp remaining.

In Docket No. CP75-149 filed on November 18, 1974, Trunkline requests authorization to transport up to 140,000 Mcf per day for Southern on a firm basis to two points of redelivery in St. Mary's Parish, Louisiana. Southern is purchasing this gas from Hunt Oil Company (Hunt) and TransOcean Oil, Inc. (TransOcean) from the Field and delivering the gas herein to Trunkline in the Field. Southern is the purchaser of the remaining 40 percent of the reserves in the Field. The gas is to be transported through the South Marsh Line and Trunkline's existing Terrebonne system to the Calumet plant operated by Shell Oil Company and the proposed Patterson II plant to be operated by Placid, located in St. Mary's Parish, Louisiana. The gas will be redelivered to Southern at a new point of redelivery (Shadyside) 4.9 miles downstream of the Calumet plant at the intersection of Trunkline's 20-inch and Southern's 12-inch line. When the Patterson II plant becomes operative, Trunkline will deliver to Southern at the plant outlet.

Southern filed an application in Docket No. CP75-151 on November 19, 1974, requesting authorization to transport and exchange gas with United pursuant to an agreement dated November 18, 1974. By use of a portion of Southern's transportation capacity in Trunkline's South Marsh Line, Southern proposes to transport for United up to 20,000 Mcf per day of gas purchased from TransOcean from points of receipt in the Field to a point of redelivery designated as the Calumet Point of Redelivery or to a point of redelivery designated as the Bayou Sale Point which is the point of interconnection between the Southern and United systems near Bayou Sale in St. Mary's Parish. Southern assigned one-half (½) interest in its Advance Payment Agreement, Gas Purchase Contract, and Transportation Agreement with TransOcean in the Field to United. This point will be either at the tailgate of the Calumet plant or a point near said plant where gas is to be returned to Trunkline's 30-inch line from the proposed Patterson II plant.

The gas delivered to the Calumet Point by Southern will be the gas United has agreed to transport for TransOcean to Beaumont, Texas in Docket No. CP75-153 and that the remainder of United's gas will be redelivered by Southern at the Bayou Sale.

Southern proposes that United pay a monthly charge which is a proportionate part of the monthly charges paid by Southern to Trunkline, plus a commodity charge of 1.2¢/Mcf for gas delivered to Bayou Sale. In the Gas Transportation Agreement, filed herein as a portion of Exhibit P, Trunkline has agreed to add other points of receipt under this agreement. This was required to purchase or transport gas for Southern from other blocks, including Eugene Island Blocks 64, 65, 74, 75, and 83, offshore Louisiana.

In Docket No. CP75-152, Southern filed an application on November 15, 1974, requesting authorization to transport up to 5,400 Mcf per day for Hunt, again by means of Southern's capacity in Trunkline's South Marsh Line. Southern proposes to transport gas reserved by Hunt from production in the Field to the Calumet/Patterson II plant for processing. The processed gas, less plant volume reduction (PVR), and adjustment for Btu content, will then be transported by Southern by means of 430 miles of existing pipeline to Hunt's refinery near Tuscaloosa, Alabama, for refinery use. Southern states that it will construct 1½ miles of pipeline to transport the gas from the Patterson II plant to its existing pipeline for delivery to Tuscaloosa. Hunt is to pay Southern a pro rata share of the price Southern pays Trunkline for use of the South Marsh Line for transportation to the Calumet/Patterson II processing plant. For the transportation of the gas from the processing plant to Tuscaloosa, Hunt is to pay a demand rate of $2.00 per Mcf per month and a commodity rate of 8.5 cents per Mcf per month.

In Docket No. CP75-153, Southern, United, and Florida filed a joint application on November 19, 1974 to obtain a certificate to transport and exchange natural gas under an agreement between Southern and TransOcean, Southern has agreed to transport TransOcean's reserved gas to Beaumont, Texas. Southern assigned one-half (½) interest in these two agreements to United for United's agreement to perform one-half (½) the obligations therein, plus United agreeing to pay Southern one-half (½) of the advance payment paid to TransOcean by Southern including interest. Southern advanced TransOcean $24,365,000 on July 9, 1974.

Swift Chemical Company (Swift), TransOcean's affiliate, has contracted to acquire an existing nitrogen and fertilizer complex at Beaumont, Texas, ef-



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fective January 1, 1976. The reserved gas to be transported for TransOcean is to supply gas for the Beaumont complex

ana; South Timbalier Blocks 22 and 27, offshore Louisiana, West Cameron Blocks

line mileage involved and Tennessee's unit average charge per 100 Mcf miles.



of the other points, if any, where gas is received for transportation thereunder.

ing of a direct obligation to deliver a certain daily quantity of gas to Creole during the term of the Shell-Creole con-

tional rate in lieu of the base contract rate of 70.0¢ (15,025 psia). Placid Oil Co., Hunt Petroleum Corp., Hunt Industries

fective January 1, 1976. The reserved gas to be transported for TransOcean is to supply gas for the Beaumont complex for twenty years. The transportation will be conducted in two parts. The first part of which will be conducted by use of Southern and United's transportation capacity in Trunkline's South Marsh Line to the inlet side of Patterson. The volume to be transported from the Field to the processing plant is 35,393 Mcf per day plus PVR gas and Btu adjustment gas for 40 MMcfd at 15.025 psia. The second part of Southern and United's transportation for TransOcean will be accomplished by means of an exchange agreement between Southern and Florida. Under this agreement Florida will deliver for Southern's account up to 36,500 Mcf per day at 14.73 psia to TransOcean or its nominee (Swift) at a point near Beaumont, Texas, for use in a fertilizer plant. Southern is to return equivalent volumes to Florida at existing points of interconnection near White Castle and/or Franklinton, Louisiana. United has entered into an agreement under which Southern has agreed to utilize its rights with Florida to deliver United's portion of TransOcean's gas. TransOcean shall pay Southern's and United's pro rata share of their costs of service for the transportation to the Patterson plant, plus a commodity rate of 3.12¢/Mcf and any additional costs of service incurred for the rest of the distance to Beaumont.

In Docket No. CP75–163, Southern filed an application on November 20, 1974, to obtain authorization to construct 1½ miles of pipeline, required compression, and receiving facilities which will connect Trunkline's 30-inch pipeline with its existing pipeline system near Shadyside, Louisiana. Trunkline has agreed to transport gas from the Field for Southern to a point where the facilities interconnect at Shadyside. Southern specifically requests authorization to construct and operate the following facilities: (a) approximately 1½ miles of 18-inch pipeline extending from the point of interconnection with Trunkline's 30-inch pipeline in St. Mary's Parish, Louisiana, to its existing compressor station at Shadyside, Louisiana; (b) 3,600 horsepower of compression at Shadyside is required in order to receive this gas into its system. The pressure in Trunkline's 30-inch pipeline is 650 psia and the pressure in Southern's system downstream of the Shadyside station is 1,030 psia. The compression facilities will be installed as needed as volumes of gas build up through deliverabilities from supplies in the Field. The estimated cost of these proposed facilities are $2,448,475.

Tennessee in Docket No. CP75–23 filed an application on July 29, 1974, for authority to continue a transportation service it has been rendering Tenneco since 1964, from various points in onshore Louisiana to a point of delivery at the tailgate of the Yscloskey processing plant, St. Bernard Parish, Louisiana. The points of receipt of gas are specified as Lake Barre, Terrebonne Parish, Louisiana; South Timbalier Blocks 22 and 27, offshore Louisiana, West Cameron Blocks 194 and 216, offshore Louisiana; and a point in De Soto Parish, Louisiana. At the Yscloskey plant, Tennessee delivers 15,000 Mcf per day to Creole for the account of Tenneco. Creole transports and resells such gas to Air Products for use in Air Products plant in Orleans Parish, Louisiana, as feedstock, process gas and boiler fuel in the manufacture of unspecified "products." During the past 24 months Air Products has utilized 11,052,268 Mcf as feedstock, 5,815,254 Mcf as process gas and 3,618,908 Mcf as boiler fuel. By letter dated January 13, 1975, Creole was requested to file an interdependent application in accordance with section 157.14 of the Commission's rules and regulations. On February 21, 1975, Creole filed an application in Docket No. CP75–241, which was noticed on March 14, 1975, for an exemption from the provisions under the Natural Gas Act, pursuant to section 1(c). Creole states in its application that gas delivered for Air Products is transported through the facilities of New Orleans Public Service, Inc. (NOPSI).

Tennessee proposes to increase the subject transportation volumes from the current level of 15,000 Mcf per day to a maximum of 22,500 Mcf per day, effective January 1, 1976. It also proposes to add two new points of receipt of gas from Tenneco—the Terrebonne Land Development, et al. Well No. 1, Terrebonne Parish, Louisiana; and Vermilion Block 246, offshore Louisiana (Tenneco will sell 75 percent of the Block 246 gas to Tennessee and reserve 25 percent as its own).

As of August 31, 1974, an imbalance of 12,552,438 Mcf of gas existed under the subject transportation arrangement, representing deficiencies in volumes which Tennessee delivered to Creole for Tenneco's account but did not actually receive from Tenneco. The parties have amended the transportation contract to provide for repayment of the deficient volumes, and have agreed that if, as of January 1, 1977, Tenneco has not eliminated the imbalance Tennessee will reduce its deliveries for the account of Tenneco by a maximum of 20 percent per month until the deficit is eliminated.

On February 7, 1975, the Commission issued an order to show cause to Tenneco and TGP in Docket No. CI75–466 directing an immediate balancing of receipts and deliveries and a hearing on why Tenneco should not immediately repay the imbalance owed the pipeline. By Order issued March 24, 1975, Motions for consolidation were denied and TGP was directed not to include a credit to Tenneco for nonshrinkage of gas, during the pendency of the show cause proceeding.

The original transportation rates by TGP for Tenneco Oil, comprising demand and commodity components, including a 75 percent minimum commodity bill, have been amended to provide for a monthly charge equal to the product of the total Mcf from each point of receipt multiplied by a rate based on the pipeline mileage involved and Tennessee's unit average charge per 100 Mcf miles. Tennessee's Form 2 for 1973 shows that Tenneco has been charged 1.56¢ per Mcf for transportation of natural gas from various points of delivery.

TGP filed an application in Docket No. CP75–119 on October 16, 1974, for authorization to continue a transportation service it has been providing Shell, comprising the receipt of Shell's gas at a number of points in offshore Louisiana and transportation and delivery to Creole at the tailgate of the Yscloskey processing plant in St. Bernard Parish, Louisiana, for the account of Shell. Creole resells such gas to Air Products. Tennessee proposes to increase the volumes of gas transported for Shell from the current level of 35,000 Mcf per day to a maximum of 42,500 Mcf per day, effective January 1, 1976.

The rate for the subject transportation is based on Tennessee's average transportation rate per 100 Mcf miles effective December 1, 1972. Tennessee's Form 2 for 1973 shows that Shell has been charged 2.16¢ per Mcf for natural gas transport from Main Pass Block 69 and 1.84¢ per Mcf for natural gas transported from Main Pass Block 35. The sources of Shell's gas are Main Pass Block 69 "B" platform; Southeast Pass Block 6 platform; Southwest Pass Block 24 and the Southwest Pass Block 27 delivery facilities; and a point on Tennessee's Main Pass Block 35 lateral line, offshore Louisiana, Federal Domain.

TGP and Tenneco Oil Co. filed a joint application on October 16, 1974, in Docket No. CP75–120 for authorization for the exchange and transportation of natural gas to permit Tenneco to utilize its gas as fuel for the production of gasoline, diesel and fuel oils, and kerosenes, at its Chalmette, Louisiana refinery. Under the exchange, Tenneco will tender volumes (unspecified as to amount) of gas to Tennessee at the existing points of delivery utilized in the transportation arrangement involved in Docket No. CP75–23, and at three additional points in Texas, the tailgate of Sun Oil Company's processing plant, Starr County, Texas; Milheim Field, Austin County, Texas; and North Ganado Field, Jackson County, Texas.

The volumes received by Tennessee in Texas will be exchanged for equivalent volumes at the existing Lake Barre, Louisiana, delivery point, and Tennessee will then transport all of Tenneco's gas tendered under this agreement to the Yscloskey plant, St. Bernard Parish, Louisiana, and deliver such volumes to Creole for the account of Tenneco. Creole will transport the gas to Tenneco's Chalmette refinery. The rate for the subject transportation by Tennessee will be a monthly transportation charge, calculated by multiplying the total Mcf transported by a rate based on Tennessee's average charge per 100 Mcf miles and on the pipeline mileage involved (a) from the Lake Barre Delivery Point for all such exchange gas and (b) from each





except, for use by seller in seller's onshore operations, or by others for seller's

for such approval. Highland states that it is also investigating the feasibility of

gas so tendered to TGP will be received by it for the transportation exchange ac-



of the other points, if any, where gas is received for transportation thereunder.

On July 23, 1974, in Docket No. CI75–45, Tenneco Oil Company (Tenneco) requested issuance of a certificate with pregranted abandonment authorizing the sale of up to 22,500 Mcf of natural gas per day from several fields in the State of Louisiana and the Offshore Louisiana Federal Domain to Creole Gas Pipeline Corporation (Creole) for resale to Air Products and Chemicals, Inc. (Air Products) for use in Air Products' manufacturing plant in Orleans Parish, Louisiana.

Tenneco has been selling 15,000 Mcf per day to Creole since approximately July 1, 1965, pursuant to an August 13, 1964, contract, which provides that the gas will be used to operate Air Products' plant and that Creole may purchase an additional volume of 7,500 Mcf per day upon 6 months written notice provided Tenneco is able to obtain transportation for the additional volume. Tenneco states that when Creole recently exercised its option to receive the additional volume, a review of the facts and law was initiated and the conclusion reached is that contrary to the view of the law which prevailed when the sale to Creole was undertaken, Commission authorization is required for the sale of the original quantity of 15,000 Mcf as well as for the sale of the additional volume of 7,500 Mcf. In its application, Tenneco states that at the time the Creole contract was negotiated it believed that the reserves in the Lake Barre Field, Terrebonne Parish, South Louisiana, were sufficient to supply the necessary volumes. However, since deliverability in the Lake Barre Field has declined since 1964, Tenneco has designated gas from other sources for delivery to Creole. At present, gas from the Lake Barre Field, South Timbalier Blocks 22 and 27 (Federal Domain) and West Cameron Block 201 (Federal Domain) is being delivered to Creole. Tenneco is also purchasing gas from unidentified producers and is delivering such gas at a point in DeSoto Parish, North Louisiana, for resale to Creole. Tenneco's application also indicates that gas from a well in Terrebonne Parish and the Vermilion Block 246 (Federal Domain) will be used to assist in the fulfillment of the Creole contract.

On August 19, 1974, Shell in Docket No. CI75–107 filed a petition requesting that the Commission disclaim jurisdiction over its sale to Air Products. Shell has also been selling 15,000 Mcf of gas per day to Creole for resale to Air Products for use in the Orleans Plant, pursuant to an August 13, 1964, contract which is identical in terms and conditions to the above-described Tenneco-Creole contract.

In its petition, Shell contends that although the contract between Shell and Creole might appear to be a sale for resale if viewed in isolation, Shell has always considered the sale as a direct sale for the following reasons: (1) Shell's direct negotiations and letter commitment with Air Products, (2) Shell's undertaking of a direct obligation to deliver a certain daily quantity of gas to Creole during the term of the Shell-Creole contract (which term is a co-extensive with the contract between Creole and Air Products); (3) the interrelationship between the Shell-Creole and the Shell-Air Products contract, and (4) related circumstances. Shell requests that its petition in Docket No. CI75–107 be consolidated with Tenneco's application in Docket No. CI75–45 and the applications filed by Tennessee Gas Pipeline Company in Docket Nos. CP75–23 and CP75–119 since all the applications involve the issue of Commission jurisdiction over gas consumed by Air Products. In order to allow for the expeditious disposition of the case in the event the sales are jurisdictional, Shell is hereby directed to file a conditional certificate application.

Tenneco and Shell sell gas to Creole pursuant to identical contracts dated August 13, 1964, which provide that the term will be 25 years from the date of initial delivery. The current rate under the contracts is 19.0¢ in 1975, 21.5¢ in 1980, and 21.75¢ in 1985.

Hunt Oil Co. and TransOcean Oil, Inc. in Docket Nos. CI75–68 and CI75–138 respectively, request permanent certificates to initiate sales to Southern Natural Gas Company (Southern Natural) from their interest in Blocks 268, 269 and 281, South Marsh Island Area, Offshore Louisiana (Federal Domain), at the national rate in lieu of the base contract rate of 70.0¢ (15.025 psia). Placid Oil Co., Hunt Petroleum Corp., Hunt Industries and Hunt Oil Co. in Docket Nos. CI75–59, CI75–66, CI75–67 and CI75–69 request permanent certificates and Ashland Oil Co. in Docket No. CI75–122 requests a temporary and permanent certificate to initiate sales to Trunkline Gas Company from their interests in the same blocks at the national rate in lieu of the base contract rate of 67.0¢ (15.025 psia). Kewanee Oil Co. in Docket No. CI75–69 owns an interest in Block 269 only; all other applicants own an interest in each of the three blocks.

In addition, Trunkline will purchase gas in these blocks from Hamilton Brothers Oil Company, a small producer certificate holder in Docket No. CS71–1145, Highland Resources, Inc., whose application for a small producer certificate in Docket No. CS74–396 is pending and Hamilton Brothers Exploration Company, who has not yet filed for a small producer certificate. Approximately 60 percent of the reserves in the three blocks has been dedicated to Trunkline; the remaining 40 percent has been dedicated to Southern Natural.

Each related producer sales contract commits up to but not in excess of a stated quantity of recoverable gas reserves and provides that the producer may reserve up to 50 percent of the dedicated volume:

VOLUMES COMMITTED BY LARGE PRODUCERS

| Producer | Docket No. | Date filed | Maximum commitment (billions of cubic feet) |
|---|---|---|---|
| Placid | CI75–59 | July 31, 1974 | 74 |
| Hunt Petroleum | CI75–66 | Aug. 5, 1974 | 14 |
| Hunt Industries | CI75–67 | do | 14 |
| Hunt Oil | CI75–68 | do | 74 |
| Kewanee | CI75–69 | do | 7 |
| Ashland | CI75–122 | Aug. 23, 1974 | 56 |
| TransOcean | CI75–138 | Sept. 3, 1974 | 120 |

VOLUMES COMMITTED BY SMALL PRODUCERS

| Producer: | Maximum Commitment (in thousand cubic feet) |
|---|---|
| Highland | 23,000,000 |
| Hamilton Brothers Oil | 23,000,000 |
| Hamilton Brothers Exploration | 4,000,000 |

In Docket Nos. CI74–734, et al., Superior Oil Co., et al., the Commission on March 20, 1975, set for hearing the applications of producers to limit the dedication of reserves for sale to an interstate pipeline, the same as is here proposed by Placid et al. These applicants shall therefore in the hearing hereafter provided for, demonstrate that the public interest is served by allowing these contractual provisions to take effect and whether the upper ceiling volumetric limits proposed herein are required by public convenience and necessity.

Each contract with Trunkline provides that seller has the right to elect to take for any use by it or on its behalf but not for sale to any purchaser for resale, up to 50 percent of its interest in developed reserves committed hereto remaining at the time of commencement of delivery of gas from such reserved volumes and the deliverability attributable thereto reseller's option, the reservation may be up to 50 percent of developed reserves and deliverability attributable thereto remaining at the date of Commission approval of such reservation. The contracts further provide that seller has the right during the 2 year period following any failure to take reserved volumes to make up that production by taking up to 110 percent of the production to which it would have otherwise been entitled. The option may be exercised at any time or times and seller may increase or decrease its elected percentage upon any subsequent election. Buyer and seller are to execute a transportation agreement after seller notifies buyer it has exercised its option and buyer will transport the reserved gas after receipt of satisfactory authorization.

The contract with Southern Natural submitted by the Hunt Oil in Docket No. CI75–68 provides that seller shall have the continuing right to reserve and





or sale onshore in the area of Lake Charles, Louisiana. Notice of the appli-

also stated that of the estimated total recoverable dry reserves [upon full de-

On June 5, 1974, the Commission issued a certificate of public convenience and necessity to Tennessee to construct

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except, for use by seller in seller's onshore operations, or by others for seller's account in such party's onshore operations, or for any use or sale other than the sale for resale to an interstate gas purchaser (except buyer) or to an intrastate gas purchaser, a quantity of gas each day not to exceed 50 percent of the gas available each day; provided such reservations and exceptions do not exceed 50 percent of the then remaining committed gas attributable to seller's interest. The contract further provides that buyer is obligated to transport gas reserved by the seller and seller's reservation will not be effective for any purpose until authorization is received by buyer to transport the reserved gas.

The contract with Southern Natural submitted by the TransOcean in Docket No. CI75–138 provides that seller shall have the continuing right to reserve and except, for use in a nitrogen and fertilizer complex, daily quantities of gas up to 35,393 Mcf, plus gas used in processing plants for fuel and shrinkage and Btu adjustment gas, for ten calendar years beginning January 1, 1976, but not to exceed 11,743,875 Mcf, plus gas used in processing plants for fuel and shrinkage and Btu adjustment gas, in any one calendar year or 50 percent of the original reserves plus gas used in processing plants for fuel and shrinkage during the 10 year period.

Placid, Hunt Petroleum, Hunt Industries, Hunt Oil and Kewanee proposing sales to Trunkline (Docket Nos. CI75–59, CI75–66, CI75–67, CI75–69, and CI75–122) state that they are investigating the feasibility of using the reserved gas to manufacture ammonia fertilizer or ammonia and urea fertilizer and depending on the quantity of gas developed, they may desire to use the gas for other purposes. However, the time required to locate a suitable plant site, the investment required to purchase equipment and the plant site, and the planning require that the right of each producer to take up to 50 percent of the gas be established at the time authorization is granted to commence sales to Trunkline. These producers shall also demonstrate why the public interest is to be served by their limitation on dedication of gas reserves to purchasing interstate pipelines.

Hunt Oil Co. in Docket No. CI75–68 states that some of the reserved gas will be used in its refinery near Tuscaloosa, Alabama, and that some of the reserved gas may be used in the production of fertilizer in conjunction with the other producers. TransOcean Oil, Inc. in Docket No. CI75–138 states that the reserved gas will be used in an affiliate's fertilizer complex in Beaumont, Texas. In view of the above, each producer requests express Commission approval of the reservation of up to 50 percent of the gas and authorization to take such reserved gas for their own use.

By letter filed October 3, 1974, Highland Resources, Inc., requested the Commission to advise whether or not the reservation provision in its contract requires specific approval and if so, requested that its letter be treated as an application for such approval. Highland states that it is also investigating the feasibility of using the reserved gas to manufacture fertilizer in conjunction with the other producers. Highland will be joined herein to show the public interest will be served by its contract reservation.

Trunkline has made advance payments totalling $73,442,500 as follows:

| Producer: | Amount |
|---|---|
| Ashland | $20,390,000 |
| Placid | 27,192,500 |
| Kewanee | 2,600,000 |
| Hunt Industries | 2,431,000 |
| Hunt Petroleum | 2,431,000 |
| Highland Resources | 8,498,000 |
| Hamilton Brothers Oil | 8,340,000 |
| Hamilton Brothers Exploration | 1,560,000 |

Southern Natural has made advance payments totalling $51,557,500 ($27,192,500 to Hunt Oil and $24,365,000 to TransOcean). Southern Natural later assigned 50 percent of its interest in the advance payment to TransOcean to United pursuant to the terms of the Sea Robin Joint Venture Agreement between Southern Deepwater Pipeline Company and United Offshore Company dated August 26, 1968.

On March 4, 1975, Tennessee Gas Pipeline Company, and Tenneco Chemicals, Inc. (Tenneco Chemicals), filed in Docket No. CP75–258 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale, transportation and exchange of natural gas in interstate commerce. Applicants request certificate authorization to sell, transport and exchange natural gas in accordance with a letter agreement between them dated July 23, 1974. Pursuant to said agreement and letter agreements between Tenneco Chemicals and Apexco, Inc., Corpus Christi Management Company and Coastal States Gas Producing Company, Tenneco Chemicals will deliver or cause to be delivered volumes of natural gas to Tennessee Gas at three delivery points. Those points where gas is proposed to be delivered to Tennessee Gas are: (1) at the tailgate of Mobil Oil Corporation's Cameron gas processing plant in Cameron Parish, Louisiana; (2) at the tailgate of Gulf Resources and Development Corporation's gas processing plant in Starr County, Texas; and (3) at the interconnection of Coastal States Gas Producing Company's and TGP's pipelines in Cameron Parish, Louisiana.

Gas delivered at points 1 and 2 above would be made through TGP's existing measuring facilities while Coastal States Gas Producing Company would install a tap and metering facility at its sole expense at the interconnection of its pipeline and TGP's line described as point 3 above. Tenneco Chemicals will deliver or cause to be delivered 14,500 Mcf of natural gas per day to TGP at the above described delivery points. The application states that at least one-third of the total volumes of gas so delivered to TGP by or for the account of Tenneco Chemicals will be sold by Tenneco Chemicals to Tennessee Gas. Applicants state that the remaining portion of the volumes of gas so tendered to TGP will be received by it for the transportation, exchange account of Tenneco Chemicals. Applicants state that TGP will cause all or a portion of such gas to be redelivered to Amoco Pipeline Company for the account of Tenneco Chemicals at the tailgate of Exxon's Katy Field Plant in Waller County, Texas. The application states further that during each winter period (November thru March) TGP can elect to utilize up to 30 percent of Tenneco Chemical's portion of gas volumes received by TGP for the transportation/exchange account of Tenneco Chemicals. It is stated that during each succeeding summer period (April thru October) TGP will redeliver to Tenneco Chemicals each day all of Tenneco Chemical's share of the gas received by TGP on such day and additionally TGP will make available for return to Tenneco Chemicals all gas which TPG elected to utilize during the preceding winter periods. The application indicates that Tenneco Chemicals will sell to TGP any gas utilized by TGP during the winter period which was tendered by TGP for redelivery and not taken by Tenneco Chemicals as of November 1 following such winter period. Applicants state that Tenneco Chemicals will sell gas to TGP at the average rate Tenneco Chemicals purchases such gas from Apexco, Inc., Corpus Christi Management Company and Coastal States Gas Producing Company, or at such lesser rate as TGP is authorized to pay Tenneco Chemicals by the Federal Power Commission.

Joint Applicants state further that Tenneco Chemicals will pay TGP a monthly transportation charge for the volumes of gas redelivered to it during each month to the extent those volumes exceed the volumes delivered to TGP downstream of the redelivery point during such month. The application states that volumes utilized by TGP during the winter period and returned to Tenneco Chemicals during the summer period will not be included in calculating the monthly transportation charge. Applicants state that the transportation charge will be calculated by multiplying the excess volume by a) TGP's average charge per 1 mile per Mcf and b) the distance all gas delivered upstream of the redelivery point was transported during such month. The proposed service is to provide gas for Tenneco Chemicals to produce acetylene, vinyl chloride monomer, methanol, ammonia, liquid nitrogen and liquid argon, which products are used in making plastics, coatings, lubricants and fertilizer.

Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) in Docket No. CP73–339 filed an application on June 21, 1973, seeking authority to construct and operate 14.82 miles of 16-inch diameter pipelines and related facilities in Block 33, East Cameron Area, offshore Louisiana, to connect new gas reserves, 50 percent of which are to be sold by the producers Continental Oil Company (Conoco) and Cities Service Oil Company (Citgo) and the remaining 50 percent transported for their own use





or sale onshore in the area of Lake Charles, Louisiana. Notice of the application was issued on July 10, 1973 (38 FR 19075).

Tennessee proposed to construct two segments of 16-inch diameter pipeline. The first segment consists of 0.4 mile from East Cameron Block 33A to East Cameron Block 33B. This segment was estimated to cost $573,000. The second pipeline segment proposed to be constructed by Tennessee is from East Cameron Block 16 Northwesterly to Tennessee's existing facilities onshore South of Station 507F. The second segment consists of 14.42 miles of 16-inch diameter pipeline. The total project cost was estimated at $4,779,500.

Tennessee stated in its application that the estimated gas reserves to be made available for purchase from the connection in East Cameron Block 33B at 69.8 Bcf. In Docket No. CI73–728, Citgo was issued a temporary certificate on June 22, 1973, to sell gas to Tennessee from this dedicated acreage. In Docket No. CI73–744, Conoco was issued a temporary certificate to sell gas to Tennessee from this Block on June 4, 1973. Both certificates were accepted by producers. These gas purchase and sales agreements with Citgo and Conoco dedicated 50 percent of the reserves to Tennessee and reserve 50 percent of the gas reserves for the use of the producers. The volume of gas which has been developed on these leases, which contain gas reserves to be purchased and transported by Tennessee, is limited at the present time.

Tennessee proposes to transport the reserved gas for producers to a point onshore adjacent to Tennessee's Sabine-Kinder 30-inch diameter pipeline located approximately 26 miles west of Kinder, Louisiana. No facilities are proposed to be constructed by Tennessee onshore Louisiana. Facilities for delivery of gas to be transported by Tennessee to the ultimate consumer have not been defined.

Tennessee proposes that the transportation cost is estimated to be 4.39¢ per Mcf. The gas to be purchased by Tennessee will be used as part of its over-all gas supply to meet the needs of its existing customers. On August 6, 1973, Conoco filed a petition to intervene. It stated that it is a party to existing contracts under which it delivers and sells natural gas in the Lake Charles, Louisiana Area to industrial users, and that it intends to use the reserved gas for delivery to PPG Industries, Olin Corporation, and Firestone Tire and Rubber Company. Conoco further stated that evidentiary support for such uses and the related volumes of natural gas used in each plant must come from the users, PPG, Olin and Firestone. On October 4, 1973, Firestone Tire and Rubber Company filed a petition to intervene, stating that it desired to receive the gas which Conoco proposes to have transported to it, and supports the application of Tennessee.

On November 1, 1973, Tennessee filed a supplement to its application stating that Citgo would use its gas to be transported by Tennessee in its Lake Charles refinery and chemical plant. Tennessee also stated that of the estimated total recoverable dry reserves [upon full development] of 239 Bcf, Conoco owns 70 Bcf (29.1 percent) and Citgo owns a like amount, or a total of 140 Bcf. Tennessee stated that if the producers are denied the right to have their reserved volumes transported, then the producers are committed to enter into a gas purchase and sales agreement no later than 5 years after the date of the transportation agreement or at the time when Tennessee has purchased and received all of the gas reserves originally committed under the gas sales agreement. Tennessee also has the option to receive a copy of any proposed contract between the producers and any third party and the right to elect to purchase such gas reserves pursuant to such notice.

On December 18, 1973, Conoco submitted end-use data of natural gas on behalf of three industrial customers to whom it proposes to sell and deliver gas. Conoco points out that certain of these requirements by PPG included anticipated future expansion of plant not now in existence. In furnishing the end-use data, Conoco stated that it does not necessarily support the projected uses by any customers which would entail substantial expansion or construction of new plants not now in operation. Firestone stated that its average monthly use of gas was 3,000,000 Mcf, of which 86 percent was boiler fuel and 13 percent for process heat. PPG Industries showed 1972 daily usage of 83,000 Mcf, 100,000 Mcf in 1973, 1974 and 1975, increasing to 149,500 Mcf in 1976, and 228,000 Mcf in 1977. In 1974, its use of gas was 57 percent for electric power generation and 39 percent for steam generation for process uses, the remaining percentage for furnace firing and other uses. Olin Corporation end-use data showed daily consumption of 77,200 Mcf, of which 26,500 Mcf was used for feed stock (principally ammonia), 26,800 Mcf for process gas and 23,900 Mcf for boiler fuel.

On February 28, 1974, Tennessee filed an amendment to its application to delete 14.42 miles of 16-inch diameter pipeline, estimated to cost $4.2 million, as development of reserves has not materialized as was expected and that the recoverable reserves which can be expected can be accommodated by constructing only the 0.4 mile of 16-inch pipe to East Cameron Block 33. Tennessee also requested that this proceeding be phased, with Phase I to be limited to authorization to Tennessee to construct and operate facilities solely for the purchase of gas from Citgo/Conoco and Phase II to be all matters related to the proposed transportation of gas for Citgo/Conoco to onshore locations. Tennessee requests that it be granted a certificate in Phase I in a non-contested statutory hearing and that the contested Phase II transportation matters be set for hearing. Notice of the amendment to the application was issued on March 6, 1974 (39 FR 9709). No party to the proceeding has objected to the proposed procedure and no protest has been filed.

On June 5, 1974, the Commission issued a certificate of public convenience and necessity to Tennessee to construct Phase I facilities to begin purchasing gas from Conoco/Citgo from Block 33, East Cameron. An order was issued on August 2, 1974, granting in part Tennessee's application for rehearing and supplementing the order of June 5. The Commission found (p. 8) that the hearing on the transportation issues should be deferred until after a decision in Dockets Nos. CP72–6, et al. (See also order paragraph E, p. 10). In view of the common issues of fact and law involving the proposal in Docket No. CP73–339 and other dockets hereafter discussed and consolidated, the order deferring hearing on the Phase II transportation issues will be vacated.

On March 10, 1975, Ammonia Enterprises Pipeline, Inc. (AEPI), filed in Docket No. CP75–268 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline to transport natural gas for Continental Oil Company (CONOCO), AEPI parent, from the outer continental shelf, Federal Domain, offshore Louisiana.

AEPI, a newly formed corporation and a wholly-owned subsidiary of Continental, proposes to construct and operate approximately 52 miles of 10.75-inch O.D. pipeline from West Cameron Block 66, offshore Louisiana, to Continental's West Gillis, Louisiana, gas processing plant and to acquire from Continental and operate approximately 0.777 mile of 10.75-inch O.D. pipeline, 7.359 miles of 16.0-inch O.D. pipeline, 0.795 mile of 24-inch O.D. pipeline, and 0.341 mile of 14.0-inch O.D. pipeline from the West Gillis Plant to Olin Mathieson Chemical Corporation's (Olin) ammonia plant, Lake Charles, Louisiana.

AEPI requests authorization to transport gas owned by CONOCO from The West Cameron Block 66 Field to the West Gillis Plant, where said gas will be processed by Continental and relieved of liquid hydrocarbons, then deliver the residue to Olin's plant for CONOCO's account. CONOCO proposes to sell gas under a gas sales contract with Olin dated April 1, 1964, as amended.

AEPI states that it would accept approximately 25,000 Mcf per day of gas from the Block 66 Field and that CONOCO would pay 43 cents per Mcf for the transportation service including a return at an estimated rate of 11.25 percent. AEPI further states that delivery of gas to Olin's plant would involve utilization of the gas for feedstock or raw material in the manufacture of anhydrous ammonia. The cost of construction of the proposed pipeline is $18,000,000, which would be financed initially with cash available from the issuance of capital stock to CONOCO and a loan. The pipeline is designed to have a maximum daily capacity of 57,500 Mcf. AEPI further states that total potential reserves in the area of the West Cameron



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Block 66 Field are in excess of 120 million Mcf.

Carolina Pipeline Company, United Gas Pipeline Company



proceedings as applicants for permission

views on the question whether consum-

which is the relevant banking market.

marized above. The transaction shall not be made (a) before the thirtieth cal-

Block 66 Field are in excess of 120 million Mcf.

In Chandeleur Pipeline Company, Opinion No. 560, 42 FPC 20 (1969), remanded, Public Service Commission v. FPC, 436 F. 2d 904 (D.C. Cir. 1970), Opinion No. 560-A, 44 FPC 1747 (1970), affirmed 463 F. 2d 824 (D.C. Cir. 1972), the Commission issued a Certificate authorizing the transportation of an additional 85,000 Mcf/d from offshore Louisiana to the gasoline refinery of Standard Oil Company of California of natural gas for its own use. In Chandeleur, the Commission was concerned with the transportation of natural gas by a producer through its company-owned facilities from gas reserves in the Gulf of Mexico directly to its own refinery. In the proceeding, Docket Nos. CP72-6, et al., Tennessee Gas Pipeline Co., et al., Continental, Cities Service, Exxon, Amoco and Mobil seek to have gas, which they have reserved out of gas purchase contracts, transported through existing or augmented facilities of interstate pipeline companies to their plants for their own consumption or use. The distribution company interveners appeared to object to the proposed transportation of natural gas by the interstate pipeline companies for the producers' own use on the ground that such direct transportation deprives them of needed gas supplies for retail distribution. The transportation of gas for use by the producers from offshore Louisiana to various gas consuming plants or facilities is presently before the Commission in Docket Nos. CP72-6, et al., Tennessee Gas Pipeline Co., et al. As in these earlier proceedings, it is necessary that applicants and interveners present evidence of the end-use to which the gas proposed to be transported will be put, the availability of alternative fuels and alternative means of supplying requirements in order to adequately evaluate, on a current basis, whether the Commission should approve the transportation of gas for the producers' own uses and to present evidence of the current market and gas supply conditions with which they are faced, among other issues relevant to this proceeding. The record in the hearing hereinafter ordered should demonstrate, inter alia, whether the proposed rate is required by the public convenience and necessity, the necessity for the proposed facilities, adequacy of reserves, and economic feasibility.

| Docket No.: | Date of notice |
|---|---|
| CP75-163 | 12-10-1974 |
| CP75-19 | 8-6-1974 |
| Amendment | 11-26-1974 |
| CP75-149 | 11-27-1974 |
| CP75-151 | 11-27-1974 |
| CP75-152 | 11-27-1974 |
| CP75-153 | 11-27-1974 |
| CP73-339 | 7-10-1973 |
| CP75-268 | 3-19-1975 |
| CP75-258 | 3-19-1975 |
| CP73-23 | 8-7-1974 |
| CI75-45 | 8-7-1974 |

Petitions to intervene and notices of intervention have been filed by:

Associated Gas Distributors.
Consumers Power Company.
Carolina Pipeline Company.
United Gas Pipeline Company.
Ashland Oil, Inc.
Swift Chemical Company.
TransOcean Oil, Inc.
Hunt Oil Company.
Southern Natural Gas Company.
Mississippi River Transmission Corporation.
United Gas Pipe Line Company.
Michigan Gas Utilities Company.
Michigan Public Service Commission.
Northern Indiana Public Service Company.
Swift Chemical Company.
Louisiana Department of Conservation.
Olin Corporation.
The Public Service Commission of New York.
Air Products and Chemicals, Inc.
Columbia Gas Transmission Corporation.
Consolidated Gas Supply Corporation.
Tenneco Oil Company.
Shell Oil Company.

*The Commission orders.* (A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) The petitioners named above are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission, provided that the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and that the admission of such interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Pursuant to authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's regulations under the Natural Gas Act, a public hearing will commence on May 19, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., 20426, respecting the matters set forth above and more fully set forth in the applications in these dockets and designated as Tenneco Oil Co., et al., Docket Nos. CI75-45, et al.

(D) Applicants and persons in support of the applications shall serve prepared testimony in support thereof, including prepared testimony of witnesses and exhibits, on the Office of the Administrative Law Judge, the Commission's Staff, and every party to this proceeding on or before May 7, 1975.

(E) Shell Oil Company is directed to file a conditional application for certificate to sell gas to Creole Gas Pipeline Corp. for consideration together with its petition for declaratory judgment in Docket No. CI75-107.

(F) Ordering paragraph (E) of the order issued in Docket No. CP73-339 on June 5, 1975, is hereby vacated as to deferral of hearing. All other orders therein remain in full force and effect.

(G) A hearing examiner to be hereinafter designated by the Chief Examiner shall preside at the hearing and, in his discretion, shall control the proceedings thereafter.

(H) Highland Resources, Inc., Hamilton Brothers Oil Co. and Hamilton Brothers Exploration, Ltd. are hereby directed to appear as parties in these proceedings as applicants for permission to have their contracts containing limitation in reserve dedications approved by the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10264 Filed 4-17-75;8:45 am]

## FEDERAL RESERVE SYSTEM

### AMERICAN BANCSHARES INC.

#### Merger of Bank Holding Company and Acquisition of Nonbanking Activities

American Bancshares Incorporated, North Miami, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with ComBanks Corporation, Winter Park, Florida. ComBanks Corporation is a registered bank holding company with respect to the following banks in Florida: ComBank/Winter Park, Winter Park; ComBank/Casselberry, Casselberry; ComBank/Fairvilla, Orlando; ComBank/Pine Castle, Pine Castle; ComBank/Apopka, Apopka; ComBank/Union Park, Orlando. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

American Bancshares Incorporated, North Miami, Florida has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to indirectly acquire, through the above merger, all the voting shares of ComBanks Mortgage Company, Winter Park, Florida.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring or servicing for its own account or for the account of others, loans and other extensions of credit normally made in the operation of a mortgage company, such loans would include construction loans, development loans, mortgage loans and all other types of real estate loans.

American Bancshares Incorporated, North Miami, Florida has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of ComBanks Data Processing Center, Winter Park, Florida and thereby engage in providing data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial and related economic data, such as performing payroll, accounts receivable or payable billing services, or other similar financial services. Notice of the applications was published on March 13, 1975 in the Sentinal Star a newspaper circulated in Orlando, Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 14, 1975.

Board of Governors of the Federal Reserve System, April 11, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-10153 Filed 4-17-75;8:45 am]





### DETROITBANK CORP.

#### Order Approving Acquisition of Bank

DETROITBANK Corporation, Detroit, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First National Bank of Warren, Warren, Michigan ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest bank holding company in Michigan, controls three subsidiary banks[1] with aggregate deposits of about $2.3 billion,[2] representing approximately 8.1 per cent of the total commercial bank deposits in the State. Applicant's acquisition of Bank would increase Applicant's share of commercial bank deposits in the State by 0.2 per cent and would not result in a significant increase in the concentration of banking resources in Michigan.

Bank (deposits of $45.2 million) is located in Warren, a suburb of Detroit, and operates in the Detroit banking market,[3] which is the relevant banking market. Some 41 banking organizations with a total of 638 offices compete in the Detroit banking market. Applicant's lead bank operates 85 offices in the Detroit banking market, including offices which serve the Warren area and compete directly with Bank. Thus, it appears that consummation of this acquisition would result in the elimination of some existing and future competition in the Detroit banking market, although this situation is mitigated to some extent by the large number of competing banks operating in the market. While it is the Board's view that consummation of the proposed acquisition would result in some adverse effects on competition in the Detroit banking market, this situation must be examined in light of the financial, managerial, and convenience and needs considerations discussed below.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as favorable. The financial and managerial resources and future prospects of Bank are not entirely satisfactory at the present time but are expected to show marked improvement as a result of Bank's affiliation with Applicant. Applicant has committed that, upon consummation of the acquisition, it would make a substantial contribution of funds to increase Bank's capital position and would provide additional experienced personnel to augment Bank's management. The Board regards these commitments as significant and believes that financial and managerial factors lend substantial weight toward approval of the application.

Affiliation with Applicant would enable Bank to draw upon Applicant's resources and expertise and thereby offer expanded services to its customers. Applicant states that, following consummation of the acquisition, Bank would make available to its customers numerous new and improved services, including: personal and corporate trust services, international banking services, accounts receivable financing, computerized services, lock boxes, and personal property leasing. It is expected that enabling Bank's customers to obtain these services through Bank would result in Bank's becoming a more attractive banking alternative and a strong competitor in the Warren area. Convenience and needs considerations also lend weight toward approval of the application. The Board is of the view that, under the circumstances of this case, the convenience and needs factors, considered together with the financial and managerial factors discussed above, outweigh in the public interest the adverse competitive effects of this proposal. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective April 11, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-10154 Filed 4-17-75;8:45 am]

[1] Two of Applicant's subsidiary banks are recently formed de novo banks.

[2] Banking data are as of June 30, 1974.

[3] The Detroit banking market is approximated by Macomb, Oakland, and Wayne Counties.

### FIRST AMTENN CORP.

#### Acquisition of Bank

First Amtenn Corporation, Nashville, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Sparta, Sparta, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 14, 1975.

Board of Governors of the Federal Reserve System, April 11, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-10155 Filed 4-17-75;8:45 am]

### FIRST BEMIDJI HOLDING CO.

#### Formation of Bank Holding Company

First Bemidji Holding Company, Bemidji, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80.1 percent or more of the voting shares of The First National Bank of Bemidji, Bemidji, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 1975.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland and Coldwell. Absent and not voting: Governors Bucher and Wallich.



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Board of Governors of the Federal Reserve System, April 11, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10156 Filed 4-17-75;8:45 am]

## GUARANTY BANCORP.

### Formation of Bank Holding Company

Guaranty Bancorporation, Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Guaranty National Bank, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 1975.

Board of Governors of the Federal Reserve System, April 11, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10157 Filed 4-17-75;8:45 am]

## UNITED BANKS OF COLORADO, INC.

### Order Denying Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Republic National Bank of Englewood, Englewood, Colorado ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (39 FR 36394, October 9, 1974). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 16 banks with aggregate deposits of about $918.6 million, representing approximately 13.7 per cent of the total commercial bank deposits in Colorado and is the second largest banking organization in the State.[1] The acquisition of Bank (deposits of $13.1 million) would increase Applicant's control of commercial bank deposits in Colorado by 0.2 of one per cent and would not alter Applicant's rank among Colorado banking organizations.

Bank, which is located in a suburban area about 7 miles from downtown Denver, competes in the Denver banking market (approximated by Denver, Adams, Arapahoe and Jefferson Counties and the Broomfield area of Boulder County) and controls approximately .3 of one percent of total market deposits. Applicant is also represented in the Denver market and ranks therein as the second largest banking organization with six subsidiaries in the market controlling approximately 17 percent of the total market deposits. Consummation of the proposed transaction would have some adverse effects on the concentration of banking resources by increasing Applicant's position in the market and by increasing the percentage of deposits held by the five largest organizations in the market to about 69.3 percent of the total.

In addition to the effects of the proposal on the concentration of banking resources, the proposal would have adverse effects on existing and future competition within the Denver market. As noted above, Applicant is already represented in the relevant market, and the record indicates that there is meaningful competition between Applicant and Bank which would be eliminated by this proposal, as evidenced by the fact that two of Applicant's subsidiaries derive significant amounts of loans and deposits from the area served by Bank. Furthermore, the proposal would foreclose the development of future competition by removing Bank as an independent competitor. Accordingly, the Board is of the view that consummation of the proposal would have adverse effects on both existing and future competition.

On the basis of the foregoing and other facts of record, the Board concludes that competitive considerations relating to this application weigh sufficiently against approval so that it should not be approved unless the anticompetitive effects are outweighed by other positive considerations reflected in the record such as the financial and managerial resources and future prospects of Applicant and Bank or the convenience and needs of the communities to be served.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application, although such consideration do not provide weight for approval of the application. The same conclusion pertains to considerations relating to the convenience and needs of the communities to be served. Accordingly, the Board finds that neither the considerations relating to the banking factors nor those relating to convenience and needs outweigh the adverse competitive effects the Board finds present in Applicant's proposal.

On the basis of all the facts in the record, and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that approval of the proposal would not be in the public interest.

Accordingly, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective April 11, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10158 Filed 4-17-75;8:45 am]

## UNITED BANKS OF COLORADO, INC.

### Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of United Bank of Monaco, N.A., Denver, Colorado ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (39 FR 41312, November 26, 1974). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of Frontier Bank of Denver, Denver, Colorado ("Protestant"), in light of the facors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 16 banks with aggregate deposits of about $918.6 million, representing approximately 13.7 percent of the total commercial bank deposits in Colorado, and is the second largest banking organization in the State.[1] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in the State.

Bank is a new bank which has received preliminary charter approval from the Comptroller of the Currency and is to be located in southeast Denver within the Denver market, which is approximated by Denver, Adams, Arapahoe, and Jefferson Counties and the Broomfield area of Boulder County. With six subsidiaries in the Denver market (the relevant market), Applicant controls deposits of $659.8 million, representing about 17 percent of the market deposits, and ranks thereby as the second largest banking organization in the market. This first and third largest banking organizations in the market control, respectively about 22 and 14 percent of the market deposits. Since Bank is a proposed new bank, consummation of Applicant's proposal would not eliminate any existing competition, nor would it have any immediate effect on Applicant's share of commercial bank deposits in the market. While Applicant is the second largest banking organization in the market, it is noted that its market share has been declining recently, and it does not appear that Applicant occupies a dominant position within the market.

In its analysis of the subject application, the Board has also considered the comments submitted on behalf of Protestant, a bank located less than two miles from the proposed site of Bank. Generally speaking, Protestant contends that the proposal would have anticompetitive effects. In support of this contention, Protestant argues that the area that will be served by Bank is "in the state of economic lethargy" and is not in need of a new bank; Applicant is already dominant in this area, and the establishment of a new bank by Applicant at this time would adversely affect Protestant, a recently opened bank.[2] In the Board's judgment, the issues raised by Protestant are not sufficient to warrant denial of the subject application.

On the basis of the facts of record, the Board disagrees with Protestant's assessment of the adverse effects of the proposal. As noted above, the relevant banking market for assessing the competitive effects of the proposal is the Denver market. Applicant's position within this market has been declining in recent years and the instant proposal represents, in the Board's view, an effort to serve the growing banking needs of the Denver area. Even though there are over 70 banks in the market, it appears that there is a need for additional banks to serve the Denver market, as indicated by a population per banking office ratio of approximately 18,000 as compared to about 9,000 for the State. Even using the service area delineated by Protestant (which is only a guesstimate that may prove inaccurate in actual practice), the Board is unable to conclude that Applicant is dominant in the area or that the area would not support an additional bank. In this latter connection, it is noted that the Denver area, including southeast Denver, has experienced significant growth in the past and, while the overall growth of the area has slowed recently, the prospects for future growth in the market, as well as the area in the vicinity of Bank, are favorable. Furthermore, the growth experienced by the banks in the vicinity of Bank's proposed site, including the significant growth of Protestant, indicate the area would support another bank. With respect to the final contention that the proposal would adversely affect Protestant, the Board recognizes that the introduction of a new banking alternative may slow the rate of Protestant's growth; however, the evidence in the record is not sufficient, in the Board's judgment, to conclude that the proposal would adversely affect Protestant as a viable banking organization.

Accordingly, on the basis of the facts of record and having considered the comments of Protestant, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on existing or potential competition and that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries are regarded as generally satisfactory. Bank, a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application. In regard to convenience and needs considerations, Bank would serve as an additional source of full banking services to the residents of the area, including the businesses and customers of the nearby shopping center who now must travel approximately two miles to the nearest bank. Accordingly, these considerations relating to convenience and needs lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) United Bank of Monaco, N.A., Denver, Colorado, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective April 11, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10159 Filed 4-17-75;8:45 am]

## UNITED BANKS OF COLORADO, INC.

### Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 97.5 percent of the voting shares of United Bank of Steamboat Springs, Steamboat Springs, Colorado ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (40 FR 3237, January 20, 1975). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Colorado, controls 16 banks with aggregate deposits of approximately $918.6 million, representing about 13.7 percent of total commercial bank deposits in the State.[1] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in Colorado.

Bank will be located in Steamboat Springs, the county seat of Routt County, approximately 110 miles northwest of Denver, and will be competing in the Steamboat Springs banking market.[2] Applicant's closest subsidiary bank is located approximately 158 miles from the proposed site of Bank. Since the proposal involves the establishment of a proposed new bank, consummation of the subject acquisition would eliminate no existing competition, and no immediate increase in the concentration of banking resources would result therefrom. Moreover, it does not appear that the proposal would adversely affect potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Bank would provide an additional alternative source of full banking services to the residents of the Steamboat Springs area. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) United Bank of Steamboat Springs, Steamboat Springs, Colorado, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of

[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved by the Board through January 31, 1975.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Coldwell. Absent and not voting: Governors Bucher and Wallich.

[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved through January 31, 1975.

[2] On March 26, 1975, the Board approved the application of Frontier Bancorporation of Denver, Inc., Denver, Colorado, to become a bank holding company. Protestant is a subsidiary of that bank holding company.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Coldwell. Absent and not voting: Governors Bucher and Wallich.

[1] All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved by the Board through January 31, 1975.

[2] The Steamboat Springs banking market is approximated by the boundaries of Routt County.









Kansas City pursuant to delegated au-



ested persons, organizations, public in-

Station requesting authority to estab-

and regulations (§ 1.530). Respondent, numerous issues of interest to the full portion of the meeting will commence at

V40176 APR 1875 XUM

Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective April 11, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10160 Filed 4-17-75;8:45 am]

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## FEDERAL TRADE COMMISSION

### LINE OF BUSINESS REPORTING PROGRAM

**Proposed LB Reporting Form and Related Materials for Use in Collection of 1974 Data**

Notice was published in the FEDERAL REGISTER on April 16, 1975 (40 FR 17081) of the availability for public inspection and written comment of the Federal Trade Commission's proposed FTC Form LB (Line of Business) and related information to be used for the collection of line of business data for the 1974 reporting year. Notice was also given that the Commission will hold an open hearing on May 20, 1975, for the purpose of receiving oral comments on the proposed form.

Persons desiring to make oral presentations should notify the Line of Business Program, Division of Financial Statistics, Federal Trade Commission, Washington, D.C. 20580 on or before May 9, 1975. Consolidation of presentations setting forth the same or similar views is encouraged. Persons should specify, as briefly as possible, the issues to be addressed. The Commission reserves the right to limit the number and duration of oral presentations. Details concerning time, place and procedures will be announced at a later date.

Issued: April 16, 1975.

CHARLES A. TOBIN,
*Secretary.*

[FR Doc.75-10367 Filed 4-17-75;8:45 am]

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## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

**Receipt of Report Proposals**

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 8, 1975. (See 44 U.S.C. 3512 (c) & (d).) The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before May 5, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of an extension (no change) of FCC Form 301, Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station. It is required to be filed by applicants seeking authority to construct a new broadcast station pursuant to FCC rules and regulations (§ 1.533). In as much as the form is used for a wide variety of applications, respondent burden could vary considerably depending upon the nature of the application, ranging from 8 hours for a minor change in existing facilities to 2,000 hours for authority to construct a new facility. The FCC receives approximately 2,000 applications annually.

Request for clearance of an extension (no change) of FCC Form 313, Application for Authorization in the Auxiliary Broadcast Services. It is required to be filed by applicants for a radio station license in the auxiliary radio broadcast services and for renewing a station license if there has been a change in the information previously filed with the Commission in the initial application for a station license pursuant to FCC rules and regulations (§§ 1.533, 1.536, and 1.539). The respondent burden could vary according to the nature of the application. Compliance could take from one hour to six months. The time varies with the complexity of the auxiliary service and the size of the city to be served. The FCC receives approximately 3,250 applications annually.

Request for clearance of an extension (no change) of FCC Form 302, Application for New Broadcast Station License. It is required to be filed in all cases by applicants seeking a broadcast station license in the Radio Broadcast Services and the Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services pursuant to FCC rules and regulations §§ 1.536, 1.537, and 1.546). The respondent burden could vary considerably from one day to 365 days depending on the nature of the application. When used to apply for either FM or TV licenses, approximately sixty hours is needed for completion. When used to apply for an AM license, the time needed can vary greatly. The FCC received approximately 950 applications annually.

Request for clearance of an extension (no change) of FCC Form 318, Request for Subsidiary Communications Authorization. It is required to be filed by licensees or permittees of FM Broadcast Station requesting authority to establish, modify, or renew a Subsidiary Communications Authorization service pursuant to FCC rules and regulations (§§ 1.533, 1.536, and 1.539). The respondent burden could vary considerably depending upon the nature of the application and the complexity of the proposed use. Completing an application could take as little as thirty minutes. However, when the form is used to apply for a more complex authorization, the applicant may need as much as one to two weeks to gather all required background data for the extra exhibits. The FCC receives approximately 500 requests annually.

Request for clearance of an extension (no change) of FCC Form 341, Application for Non-commercial Educational TV, FM, or Standard Broadcast Station License. It is required to be filed by applicants seeking a non-commercial educational TV, FM, or standard broadcast station license pursuant to FCC rules and regulations (§§ 1.536 and 1.537). The respondent burden varies according to the nature of the application. It is estimated that the total time needed to complete this ranges from one day to 365 days. A simple application could be completed in a day's time. On the other hand, a station with a complex directional antenna array may need 365 days to gather all the data needed to complete the form. The FCC received approximately 165 applications annually.

Request for clearance of an extension (no change) of FCC Form 340, Application for Authority to Construct or Make Changes in a Non-commercial Educational TV, FM, or Standard Broadcast Station. It is required to be filed by applicants seeking authority to construct or make changes in a non-commercial educational TV, FM, or standard broadcast station pursuant to FCC rules and regulations (§ 1.533). In as much as the form is used for a wide variety of applications, respondent burden could vary considerably depending upon the nature of the application, ranging from 8 hours for a minor change in existing facilities to 2000 hours for authority to construct a new facility. The FCC receives approximately 479 applications annually.

Request for clearance of an extension (no change) of FCC Form 342, Application for Renewal of Noncommercial Educational TV, FM, or Standard Broadcast Station License. It is required to be filed by licensees applying for renewal of a noncommercial educational TV, FM, or standard broadcast station license pursuant to FCC rules and regulations (§ 1.539). Respondent burden is estimated at 12 hours. The FCC receives approximately 225 applications annually.

Request for clearance of an extension (no change) of FCC Form 313-R, Application for Renewal of Auxiliary Radio Broadcast License (Short Form). It is to be filed by licensees to renew a station license in the auxiliary radio broadcast services if there has been no change in the information previously filed with the Commission in the initial application for a station license pursuant to FCC rules and regulations (§ 1.530). Respondent burden is estimated at thirty minutes. The FCC receives approximately 6,000 applications annually.

Request for clearance of an extension (no change) of FCC Form 315, Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License. It is required to be filed by applicants in all cases when applying for consent to transfer of control of corporation holding radio broadcast station construction permit or license, pursuant to FCC rules and regulations (§ 1.540). The respondent burden varies according to the nature of the application. It is estimated that the total time needed to complete this form ranges from 140 to 440 hours. The variance is caused by the complexity of the legal work, and the market size, which affects the time required to make the ascertainment survey. The FCC receives approximately 320 applications annually.

Requests for clearance of an extension (no change) of FCC Form 314, Application for Consent to Assignment of Broadcast Station Construction Permit or License. It is required to be filed by applicants in all cases when applying for authority for assignment of a broadcast station construction permit or license pursuant to FCC rules and regulations (§ 1.540). Respondent burden varies according to the nature of the application. It is estimated that the total time needed to complete this form ranges from 140 to 440 hours. The variance is caused by the complexity of the legal work, and the market size, which affects the time required to make the ascertainment survey.

Request for clearance of an extension (no change) of FCC Form 408, Application for Temporary Authorization in Addition to Authority Contained in License. It is required to be filed by licensees in the International Fixed Public Radiocommunications Service to request temporary authorizations in addition to authority contained in license pursuant to § 23.50 of FCC rules and regulations. Respondent burden is estimated at one hour per application. The FCC receives about 25 applications annually.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

[FR Doc.75-10181 Filed 4-17-75;8:45 am]

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## NATIONAL SCIENCE FOUNDATION

[Task Group No. 12]

### ADVISORY COMMITTEE FOR RESEARCH

**Meeting**

Task Group No. 12 of the Advisory Committee for Research will meet on May 5 and 6, 1975, at 9 a.m., in room 543 at 1800 G Street NW., Washington, D.C.

The purpose of the Task Groups, composed of members of the Advisory Committee for Research, is to provide the Committee with a mechanism to consider numerous issues of interest to the full Committee. The Task Groups function in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

From 9 a.m. to 12 noon on May 5 the Task Group will be reviewing the design and coverage of the evaluation of the International Biological Program. In the afternoon on May 5, and the morning on May 6, the Task Group will be reviewing the contractor's progress in the evaluation of the International Biological Program. This portion of the meeting (1 to 5 p.m. on May 5 and 9 a.m. to 12 noon on May 6) is concerned with matters which are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6), and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463. The afternoon on the last day of the meeting (1 to 3:30 p.m.) will be spent discussing further work and assignments of the Task Group.

Anyone who plans to attend the open portion of this meeting or would like more information about the Task Group should contact Mr. Leonard Gardner, Executive Secretary, Advisory Committee for Research, room 320, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4278.

Summary minutes of the open portion of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, room 248, Washington, D.C. 20550.

FRED K. MURAKAMI,
*Committee Management Officer.*

APRIL 15, 1975.

[FR Doc.75-10182 Filed 4-17-75;8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PILGRIM STATION, UNIT 2

**Rescheduling of Meeting**

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Pilgrim Station, Unit 2, originally scheduled for April 25, 1975, notice of which was published at 40 FEDERAL REGISTER 16100, April 9, 1975 has been rescheduled as follows:

(a) The meeting will be held May 21, 1975 at the same location.

(b) Written statements may be submitted with a postmark no later than May 13, 1975.

(c) Information as to whether the meeting has been cancelled or rescheduled can be obtained by a prepaid telephone call, on May 20, 1975.

(d) A copy of the transcript of the open portion of the meeting will be available on or after May 23, 1975.

(e) A copy of the minutes of the meeting will be made available, on request, after August 21, 1975.

All other matters pertaining to the meeting remain unchanged. The open portion of the meeting will commence at 9 a.m., May 21, 1975.

Date April 15, 1975.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc.75-10335 Filed 4-17-75;8:45 am]

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[Docket Nos. 50-528A, 50-529A, and 50-530A]

### ARIZONA PUBLIC SERVICE CO., ET AL.

**Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters**

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated April 8, 1975, a copy of which follows:

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's Rules of Practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 19, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
*Chief, Office of Antitrust and Indemnity, Nuclear Reactor Regulation.*

ARIZONA PUBLIC SERVICE COMPANY, ET AL., PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2, & 3

NRC DOCKET NOS. STN 50-528A, STN 50-529A, STN 50-530A

APRIL 8, 1975.

You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

*The Facility.* The Palo Verde Nuclear Generating Station (PVNGS) is a project owned jointly by six electric utility companies as tenants in common. Four of the participants serve areas in Arizona and two serve areas in New Mexico. PVNGS will consist of three units. Each unit will have a generating capacity of 1270 megawatts. The three units will be constructed on a site located approximately 36 miles west of Phoenix, Arizona. Unit No. 1 is scheduled for operation in 1981, Unit No. 2 in late 1982, and Unit No. 3 in 1984. The total cost of this project is estimated to be in excess of $2 billion. One of the participants, the Arizona Public Service Company, will have the responsibility for building, operating, and maintaining the facility.

*The Applicants.* The participants in PVNGS and their respective ownership interests, or "Generation Entitlement Shares," are as follows:

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[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Coldwell. Absent and not voting: Governors Bucher and Wallich.







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| Applicant | Generation entitlement share (percent) |
|---|---|
| Arizona Public Service Co | 28.1 |
| Salt River Project Agricultural Improvement and Power District | 28.1 |
| Tucson Gas and Electric Co | 15.4 |
| Arizona Electric Power Cooperative, Inc. | 2.4 |
| El Paso Electric Co | 15.8 |
| Public Service Company of New Mexico | 10.2 |

ARIZONA PUBLIC SERVICE COMPANY

The Arizona Public Service Company (APSC) is an investor-owned utility providing service in eleven of Arizona's fourteen counties. Approximately 45 percent of the population of the state receives electrical power from this Applicant. Its electrical customers numbered 306,643 at the end of 1973. In terms of load, generating capacity, and transmission facilities, APSC is the largest of the six applicants. APSC's 1973 peak load was 2,191 mw. Its current dependable generating capacity is 1,984 mw and is expected to increase to over 5,000 mw during the next 10 years. Its share in PVNGS will be approximately 1,000 mw, representing one-third of its ten year growth and one-fifth of its then total generating capacity. APSC is a member of Western Energy Supply & Transmission Associates (WEST) which provides a forum for regional coordination of energy resources. APSC has interconnections with the other major bulk power suppliers in the area and participates in several joint ownership arrangements of large scale generating facilities.

APSC supplies full requirements to three wholesale customers: City of Wickenburg (peak load of 7.5 mw), Navapache Electric Cooperative (peak load of 18.8 mw), and Papago Tribal Utility Authority (peak load of 3.8 mw). In addition, APSC provides partial requirements to ten other wholesale customers (peak loads range from 2.4 mw to 158 mw). Two of the ten partial requirements customers rely on their self-generating capability for most of their power requirements. Another of the ten, the Arizona Power Authority (APA), is the marketing agent in Arizona for certain Government hydroelectric projects. Its primary sources of power are the Hoover Dam project and the Parker-Davis projects. The remaining seven partial requirements customers rely on the APA or the United States Bureau of Reclamation (USBR) as their primary source of power. All of the above, however, may have to look to APSC to satisfy their future load growth requirements.[1]

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

The Salt River Project Agricultural Improvement and Power District (SRP) is a publicly-owned utility organized under the laws of the State of Arizona. It has the legal status of a municipal corporation. It operates the Salt River Project, authorized under the Federal Reclamation Act of 1902, under contracts with the United States Government. SRP provides electrical service in a 2,900 square mile area in central Arizona. At the end of 1973, SRP served 225,926 electrical customers. In terms of system load and dependable generating capacity, SRP ranks second among the Applicants. Its 1973 system peak was 1,679 mw; and its dependable generating capacity was 1,365 mw, 269 mw of which is hydroelectric. In addition, SRP purchased another 500 mw of government-generated power. In terms of transmission capability, SRP owns 6,000 pole miles of distribution lines and 870 pole miles of transmission and subtransmission lines. SRP will have the responsibility for building and maintaining the 500 kv transmission lines associated with PVNGS. SRP has a number of coordinating agreements and joint participation arrangements with other major bulk power suppliers in the area.

SRP has one full requirements wholesale customer: Roosevelt Water Conservation District (peak load of 16 mw). SRP provides partial requirements to nine other distribution systems (peak loads from 1.2 mw to 48.5 mw). All of these nine systems rely on the Government power marketed by APA or the USBR (from the Colorado River Storage Project) as their primary source.

TUCSON GAS AND ELECTRIC COMPANY

The Tucson Gas and Electric Company (TGEC) is an investor-owned utility which serves an 1,155 square mile area consisting of the City of Tucson, Arizona, and its environs. TGEC served an estimated 140,000 electrical customers in 1973. Its peak load during the same period was 732 mw. TGEC has a current dependable generating capability of slightly over 1000 mw. It owns approximately 5,800 pole miles of subtransmission and distribution lines in the Tucson area and is a joint owner of the 500 kv and 345 kv lines that will be used to bring power from jointly owned units in northern Arizona (Navajo Project) and northwestern New Mexico (San Juan Project and Four Corners Project). TGEC has interconnections with other major utilities in the area. TGEC has no wholesale power supply contracts.

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

The Arizona Electric Power Cooperative, Inc. (AEPCO) is a publicly-owned REA-financed cooperative. AEPCO owns two small generating plants (combined dependable capacity of 120 mw) and approximately 200 circuit miles of 115 kv and 69 kv transmission lines. It serves five member distribution cooperatives. Four are located in the southeast part of Arizona: Duncan Valley Electric Cooperative, Inc.; Graham County Electric Cooperative; Sulphur Springs Valley Electric Cooperative, Inc.; and Trico Electric Cooperative, Inc. The fifth member, Mohave Electric Cooperative, only recently joined the group and serves in two small areas in the western part of Arizona. AEPCO's peak load in 1973 was 150 mw. It purchases deficiency power and energy from USBR.

AEPCO sells bulk power only to its five members. It has no retail customers. One of its members, Graham County Electric Cooperative, provides partial requirements to two small towns in its service area. The Town of Safford generates part of its power requirements and purchases part from USBR. The Town of Thatcher also purchases its power from USBR. Both towns rely on the cooperative for emergency power and to satisfy load growth requirements.

EL PASO ELECTRIC COMPANY

El Paso Electric Company (EPE) is an investor-owned utility serving an area in southern New Mexico and western Texas. EPE had a peak load in 1973 of slightly over 600 mw and generating capacity of approximately 800 mw. It has an estimated 138,000 electric customers, the majority of which are served at retail. EPE is a member of the New Mexico Power Pool along with tho other five G&Ts operating in western New Mexico and participates in several joint ownership arrangements of generating facilities. EPE provides partial requirements to two wholesale customers: Rio Grande Electric Cooperative (a Texas cooperative with a peak load of 6 mw) and Community Public Service Company (a Texas-based G&T serving a load of approximately 70 mw in New Mexico).

PUBLIC SERVICE COMPANY OF NEW MEXICO

The Public Service Company of New Mexico (PSCNM) is an investor-owned utility serving north central New Mexico. At the end of 1973, it was serving 160,000 electric customers. PSCNM had a 1973 peak load of 533 mw and a generating capacity in excess of 700 mw. PSCNM has one full requirements wholesale customer, the City of Gallup (peak load of 220 mw), and provides partial requirements to two other wholesale customers: Community Public Service Company (discussed supra), and Plains Electric Generation and Transmission Cooperative, Inc. (a small G&T cooperative with 50 mw generating capacity and approximately 100 mw peak load serving 11 distribution cooperative members at wholesale). Plains Electric Generation and Transmission Cooperatives, Inc. had until recently purchased all its power requirements, above what it could generate, from USBR. In mid-1974 it entered into a bulk power supply contract with PSCNM. PSCNM is a member of the New Mexico Power Pool and participates in several joint ownership arrangements of generating facilities with other utilities.

OTHER BULK POWER SUPPLY SOURCES IN THE SERVICE AREA OF THE APPLICANTS

The principal supplier of bulk power at wholesale in the service area of the Applicants has been the United States Government. The hydroelectric resources on the Colorado River have in the past been sufficient to satisfy the requirements of the municipal, cooperative, and other preference customers. APSC started providing firming power as the peak demands began to exceed the dependable capacity of the Government projects. SRP developed its own thermal sources to firm up its hydroelectric facilities and now provides firming power to small systems in the area. But, with the exception of the few systems noted previously, the USBR and the APA remain the primary source of bulk power to the independent distribution ssytems in Arizona and western New Mexico.

RESULTS OF THE ANTITRUST REVIEW

PVNGS was initially planned as a joint venture between APSC, TG&E, and SRP. Access was offered to other G&Ts and eventually to all electric utilities in Arizona and New Mexico. It appears to have been the practice of various of the joint applicants to achieve economies of scale by entering into joint ownership arrangements of generating facilities. This in turn has resulted in the joint ownership of transmission lines and/or reciprocal wheeling arrangements. The presence of the Government-owned hydroelectric resources and substantial Government-owned transmission has also resulted in numerous reciprocal bulk power arrangements and transmission services. These arrangements have included small systems as well as the large systems. No complaints were received and no other evidence was found of any refusal by any of the joint applicants to provide coordinating services to the smaller systems.

APSC and the SRP had on August 31, 1955 entered into an agreement which defined their respective service areas and provided that neither party would compete in the service area of the others. The 1955 agreement was recognized in the contracts which APSC subsequently entered into with TG&C, PSCNM, Utah Power and Light Company and Nevada Power Company with the result that these latter companies were restricted from

[1] The APA will have a 500 mw pumped storage project (Montezuma) available in 1980 and also has plans for a 1366 mw hydroelectric project (Hualapai) to be available in 1983. This latter project requires congressional approval.





disposing of any power delivered under the contracts in SRP's service area except through SRP. These applicants removed, of their own volition, the restrictive provisions contained in the above referenced agreements.

Certain other provisions contained in the power supply agreements between APSC and certain of its wholesale customers and between SRP and certain of its wholesale customers condition the wheeling of power under the agreement in a manner which could restrict competition. The agreements reserve to APSC (or SRP as the case might be) the exclusive right to serve residential, commercial and industrial loads while allowing the wholesale customer to serve only irrigation pumping loads. At the request of the Department, the Applicants agreed to conditions to the license relating to transmission services, a copy of which is attached hereto, which satisfactorily eliminates the anticompetitive effect of the restrictions.

CONCLUSION

In view of the fact that the applicants have agreed to license conditions which resolve the problems noted above, there is no other evidence currently before the Department that any of the applicants are using their market power to inhibit competition. There is no present reason to believe that licensing of the Palo Verde Nuclear Generating Station would have adverse antitrust aspects. A hearing on this application would therefore appear to be unnecessary.

PALO VERDE NUCLEAR GENERATING STATION (UNITS 1, 2, & 3)

APRIL 3, 1975

Palo Verde Nuclear Generating Station (Units 1, 2, & 3), Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Tucson Gas and Electric Company, Public Service Company of New Mexico, El Paso Electric Company, Arizona Electric Power Cooperative, Inc.

As I informed you in our telephone conversation earlier today, I have been authorized by Arizona Public Service Company and Salt River Project Agricultural Improvement and Power District to state on their behalf that each of them will consent to and accept the conditions set forth in the attachment hereto as conditions to the construction permits as may be issued by the Nuclear Regulatory Commission in NRC Docket Nos. STN 50-528, 50-529 and 50-530.

CONDITIONS TO PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2 & 3, NUCLEAR REGULATORY COMMISSION, CONSTRUCTION PERMITS

[NRC DOCKET NOS. STN 50-528, 50-529 AND 50-530]

1. As used herein:

1.1 "Bulk Power" means the electric power, and any attendant energy, supplied or made available at transmission or subtransmission voltage by one entity to another.

1.2 "Entity" means a person, private or public corporation, a municipality, a cooperative, an association, a joint stock association or business trust owning, operating or proposing in good faith to own or operate equipment or facilities for the generation, transmission or distribution of electricity to or for the public as a utility.

1.3 "Joint Applicant(s)" means the Arizona Public Service Company and the Salt River Project Agricultural Improvement and Power District.

2. (a) Each Joint Applicant will transmit Bulk Power over its transmission system, between or among two or more Entities with which it is interconnected, or will be interconnected in the future, without restrictions on use or resale of the power so transmitted, provided that such services can reasonably be accommodated from a technical standpoint without impairing each joint applicant's reliability or its own use of its facilities.

(b) Each Joint Applicant is obligated under this condition to transmit Bulk Power on the terms stated above, and in connection with each Joint Applicant's plan to construct new transmission facilities for its own use, to include in its planning and construction program sufficient transmission capacity for such Bulk Power transactions, provided that such Applicant has received sufficient advance notice as may be necessary from a technical standpoint to accommodate the requirements of any requesting entity, and further provided that such entity(ies) are obligated as may be agreed (i) to share the capital, operating and maintenance costs of such new transmission facilities to the extent that additional cost burdens would be imposed on such Joint Applicant or (ii) to compensate the Joint Applicant fully for the use of its system.

3. The foregoing shall be implemented in a manner consistent with the provisions of the Federal Power Act as applicable and all rates, charges or practices in connection therewith are to be subject to the approval of regulatory agencies having jurisdiction over them.

[FR Doc.75-10146 Filed 4-17-75;8:45 am]

[Docket No. 50-471]

## BOSTON EDISON CO. ET AL. (PILGRIM UNIT 2)

### Further Special Prehearing Conference

Notice is hereby given that pursuant to the Board's Memorandum and Order of March 6, 1975 and pursuant to the telephone conference call held with the parties on April 7, 1975, a Further Special Prehearing Conference will be held at Suffolk County Courthouse, Room 227, Pemberton Square, Boston, Massachusetts 02108, at 10:30 a.m. on Tuesday, April 29, 1975.

The further conference will deal with the matters set forth in the Board's Order of March 6, to wit: The pending objections to discovery requests, a review of the progress of discovery, and the pending motions regarding such discovery procedures. In addition, the Board will hear reports from the parties as to the progress made in the consultations directed by the Board for a possible resolution of the pending objections on discovery.

*It is so ordered.*

Dated at Bethesda, Maryland this 14th day of April 1975.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
*Chairman.*

[FR Doc.75-10147 Filed 4-17-75;8:45 am]

[Docket No. 50-263]

## NORTHERN STATES POWER CO.

### Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment corrects typographical errors and clarifies the intent of several technical specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 15, 1974, (2) Amendment No. 9 to License No. DPR-22 with Change No. 18, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of April 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
*Chief, Operating Reactors Branch #2, Division of Reactor Licensing.*

[FR Doc.75-10149 Filed 4-17-75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 14, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.





Requests for extension which appear to

sponsoring the proposed collection of



DEPARTMENT OF TRANSPORTATION

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The Request of the Postal Service in

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Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

GENERAL SERVICES ADMINISTRATION

Financial Management Workshop Questionnaire, single-time, workshop participants, intergovernmental relations and regional oper 395–3477.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, interview report format-placement activities of the handicapped in vocational education, OE 408, OE 408–1, single-time, state vocational education supervisors, Planchon, P., 395–3898.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, survey of programs and enrollments, and directory of postsecondary schools with occupational programs, OE 2358, OE 2358–1, single-time, postsecondary noncollegiate career schools, Planchon, P., 395–3898.

DEPARTMENT OF LABOR

Departmental and other, claim survey of closed W.C. claims, IWCP–1, single-time, insurers and self insurers, Human Resources Division, Strasser, A., 395–3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Economic research service, convenience foods—consumer use and attiude, single-time, individual in household who buys the food, Sunderhauf, M. B., Gonzalez, M., 395–4911.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, instruction for application for Federal assistance, OS–18–73, on occasion, individuals, Caywood, D.P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, fiscal operations report for the veterans' cost-of-instruction payments (VCIP) to institutions of higher education, OE 300–1, annually, postsecondary institutions, Caywood, D.P., 395–3443.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75–10288 Filed 4–17–75;8:45 am]

## LIST OF REQUESTS

### Clearance of Reports

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 15, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Request for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service, Alaska Forest Recreation Survey, single-time, residents of 4 towns ferryboat travelers, Planchon, P., 395–3898.

Agricultural Research Service, request for proposal for exploratory study of food, consumption measurements, single-time, homemakers and other individuals, Sunderhauf, M. B., 395–4911.

DEPARTMENT OF COMMERCE

Maritime Administration, sociological impact assessment, single-time, vessel ship crews, longshoremen, lock operation, Strasser, A., 395–3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, application for special incentive grant under ESEA Part B, OE 4510, annually, 25 State educational agencies, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, evaluation of school health education curriculum, CDCBHE0324, single-time, students in participating school districts-grade, Dick Eisinger, 395–4716.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Mammography Follow-Up Letter, OS NIH–CA–24, single-time, Mammography Study and Control Populations, Dick Eisinger, 395–4716.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Maternal Factors in Birth Defects, OS NIH–CH–22, single-time, women delivering since January 1975, Hall, George, 395–4697.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Annual Review of HUD-Approved Homeownership Counseling Agency, HUD–9910, annually, HUD-Approved Counseling Agencies, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, counselee evaluation form (default), HUD–9909, on occasion, low and moderate income homeowners, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, alcohol copy testing and tracking study for campaign, single-time, ARS-related adults, Strasser, A., 395–3880.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Phase II—Longitudinal Study of Functions and Education of Nurse Practitioners, BHRD 0319, single-time, nurse practitioners and employers of NP, Strasser, A., Dick Eisinger, 395–3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, 1975 Survey of Independent Health Insurance Plans, SSA–1807, annually, larger independent health insurance plans, Dick Eisinger, 395–4716.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Review of State Mental Institution Representative Payee Program (Soc. Sec.) Beneficiary Report, SSA–9585, on occasion, all State mental institutions and schools for the retarded, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Policy Review of State Mental Institution (Soc. Sec.) Representative Payee Program, SS–9584, on occasion, State mental institutions and schools for the retarded, Caywood, D. P., 395–3443.

VETERANS ADMINISTRATION

Veterans Administration, Information from remarried widow(er), 21–4103, on occasion, remarried widow(er), Caywood, DP., 395–3443.

VETERANS ADMINISTRATION

Veterans Administration, Statement of Income and Net Worth, 21–4100, on occasion, pension claimants, Caywood, D.P., 395–3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Nurse career-pattern study, 3A, on occasion, registered nurses, Strasser, A., Dick Eisinger, 395–3880.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75–10290 Filed 4–17–75;8:45 am]

## POSTAL RATE COMMISSION

[Docket No. N75–1]

### RETAIL ANALYSIS PROGRAM FOR FACILITIES DEPLOYMENT

### Request for an Opinion

APRIL 16, 1975.

On April 11, 1975, the United States Postal Service (Postal Service) filed in Docket No. N75–1 a Request for an opinion that implementation of its Retail Analysis Program For Facilities Deployment, does not constitute a "change in the nature of postal services which will generally affect service on a nationwide





or substantially nationwide basis" within the meaning of 39 U.S.C. § 3661(b), or, in the alternative, for an advisory opinion on the merits of this program in accordance with 39 U.S.C. 3661 (b), (c).

The use of this program became an issue in a lawsuit filed last year in the United States District Court for the Northern District of Alabama in which it was urged that the Postal Service could not use the program prior to Postal Service submission of the program to the Postal Rate Commission for an advisory opinion under 39 U.S.C. 3661 (b), (c). Use of the program was preliminarily enjoined by the District Court on May 14, 1974, and this preliminary injunction was affirmed by the United States Court of Appeals for the Fifth Circuit on February 19, 1975. Buchanan v. United States Postal Service, 375 F. Supp. 1014 (N.D. Ala. 1974), aff'd in part, vacated in part, 508 F. 2d 259 (5th Cir. 1975). Following the decision of the Court of Appeals, the parties to that proceeding entered into a stipulation of settlement which, among other things, obligated the Postal Service to "submit a proposal to the Postal Rate Commission requesting an advisory opinion on the * * * Retail Analysis Program * * *, pursuant to 39 U.S.C. 3661." This stipulation of settlement was approved by the District Court on March 28, 1975.

The Postal Service describes the Retail Analysis Program For Facilities Deployment as "a program to make market analysis techniques available to local managers to assist them in making decisions relating to the deployment of facilities in which postal services are sold." [Request at p. 1.] The Postal Service states that it proposes to begin full use of the Retail Analysis Program to assist in its facilities deployment on July 14, 1975, or earlier, if the Commission issues a final opinion in this proceeding before this date.

If any person desires to be heard with reference to this Request and to become a party to a proceeding or to participate as a party in any hearing on the Request, that person should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before April 30, 1975, and must be in accordance with section 20 of the Commission's rules of practice [39 CFR § 3001.20]. The Commission calls attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in a hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may file a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules [39 CFR § 3001.19a].

The Request of the Postal Service in this matter is on file with the Commission and available for public inspection.

JAMES R. LINDSAY,
*Secretary.*

[FR Doc.75–10334 Filed 4–17–75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

### BBI, INC.

### Suspension of Trading

APRIL 11, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 14, 1975 through April 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–10167 Filed 4–17–75;8:45 am]

[File No. 811–2334]

### SUN LIFE INSURANCE CO. OF AMERICA

### Application for an Order Declaring That Applicant has Ceased To Be an Investment Company

APRIL 11, 1975.

In the matter of Sun Life Insurance Company of America, the Series Investment Accounts, Sun Life Building, Charles Center, Baltimore, Maryland 21201.

Notice is hereby given that Sun Life Insurance Company of America, The Series Investment Accounts ("Applicant"), registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified, management class series investment company, filed an application on March 13, 1975, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a separate account (as that term is defined in the Act) established by the Board of Directors of Sun Life Insurance Company of America on November 22, 1972, registered under the Act by the filing of Form N–8A Notification of Registration on November 29, 1972. The variable annuity contracts issued by Applicant were registered pursuant to the Securities Act of 1933 which registration became effective on December 21, 1973. Sale of variable annuity contracts began in March, 1974. On August 23, 1974, all further sales of contracts were ceased and the Applicant's Board of Governors determined that liquidation should be recommended.

At a special meeting of contract owners on November 15, 1974, a plan of liquidation was approved by contract owners of each of the series. There were no votes cast in opposition to the plan of liquidation.

The plan of liquidation has now been completed. The assets of Applicant have been distributed in the manner elected by the contract owners. Applicant is not now making nor does it propose to make a public offering of its securities. Applicant has no liabilities and conducts no business of any kind.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 7, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.



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For the Commission, by the Division of

event this Commission has not approved



suspension of trading in the common

either before or after it has become ef-

posed changes in their respective option plans pursuant to Rule 9b–1 under the

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10171 Filed 4-17-75;8:45 am]

[File No. 70-5650]

## APPALACHIAN POWER CO.

### Proposed Acquisition of Coal Cars

APRIL 11, 1975.

In the matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009.

Notice is hereby given that Appalachian Power Company ("Appalachian"), an electric utility subsidiary company of American Electric Power Company, a registered holding company, has filed with this Commission an application-declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") regarding the acquisition by lease of coal cars and related transactions. Appalachian requests approval of these transactions, unless advised by the Commission that approval thereof under the Act is not required. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian states it has entered into an agreement with Bethlehem Steel Corporation for the manufacture of 750 triple hopper coal cars and the delivery of the cars to Appalachian for an aggregate purchase price of $18,750,000. By an assignment dated as of October 15, 1974, Appalachian assigned its right to purchase the cars to C.I.T. Financial Services, Inc. ("lessor"). Appalachian and lessor concurrently entered into a Lease of Railroad Equipment ("lease") in respect of the cars, the lease being made subject to the receipt of any required approval from this Commission under the Act.

Terms of the lease require Appalachian to pay rent on the cars in the following manner: Appalachian has paid, or will pay, to lessor, an initial installment of rent on January 2, 1975, in an amount equal to .035 percent of the purchase price of each car and thereafter Appalachian will pay in 60 consecutive quarterly installments an amount equal to 3.194 percent of the purchase price of the cars commencing April 2, 1975 (or approximately $598,875 per quarter). It is stated that the lease is a net lease pursuant to which Appalachian will pay the rents required thereunder unless such obligation to pay is excused or terminated under terms of the lease. The lease also contains a provision granting Appalachian the option to purchase the cars from the lessor at a fair market sales value, said value to be determined on the basis of an arm's-length transaction. This option to purchase may be exercised at the end of the lease or any extended term thereof. Appalachian and the lessor have further agreed that in the event this Commission has not approved Appalachian's participation in the proposed lease by May 15, 1975, Appalachian will purchase the cars from the lessor at a price for each car equal to the sum of (i) the purchase price of the car, plus (ii) .0355 percent of said purchase price for each day which has elapsed between the acceptance of such car to and including May 15, 1975, plus (iii) certain expenses and (iv) less an amount equal to the sum of the initial rental payment made by Appalachian under the lease and the quarterly rental payment for the cars paid on April 2, 1975.

It is further stated that Appalachian is presently utilizing 256 of the 750 cars for the delivery of coal to its plants from various suppliers. Until the cars are fully utilized, Appalachian has sub-let the remaining 494 cars to the Chesapeake and Ohio Railway Company ("C&O") under an agreement dated as of December 19, 1974 ("sub-lease"). Under terms of the sublease, Appalachian may terminate the sublease of any and all cars upon 10 days' written notice to C&O. It is stated that the rental payments to Appalachian from C&O are $270 per car per month and that this is substantially equal to Appalachian's cost under the lease.

The proposed sale and leaseback of the cars by Appalachian has been authorized by the Virginia State Corporation Commission. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $20,000, including legal fees of $17,000.

Notice is further given that any interested person may, not later than May 6, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10170 Filed 4-17-75;8:45 am]

[File No. 500-1]

## AMERICAN AGRONOMICS CORP.

### Suspension of Trading

APRIL 11, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 13, 1975 through April 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10166 Filed 4-17-75;8:45 am]

[File No. 500-1]

## ROYAL PROPERTIES INC.

### Suspension of Trading

APRIL 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 13, 1975, through April 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10168 Filed 4-17-75;8:45 am]

[File No. 500-1]

## WINNER INDUSTRIES, INC.

### Suspension of Trading

APRIL 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 13, 1975, through April 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10169 Filed 4-17-75;8:45 am]





## CHICAGO BOARD OPTIONS EXCHANGE INC. AND THE AMERICAN STOCK EXCHANGE, INC.

### Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") and the American Stock Exchange, Inc. ("Amex"), have filed proposed changes to their respective option plans pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The changes concern amendments to the By-Laws and Rules of the Options Clearing Corporation ("OCC"). The OCC proposes to amend the following provisions of its By-Laws and Rules: Article I, section 1(m), 1(cc), and 1(hh) of the By-Laws; Article VI, section 5, 6, 8, and 9 of the by-Laws; Rules 801 and 803, as well as a proposed new Article VI, section 18 of the by-Laws. Note: The change to Rule 803 amends a previous change to Rule 803 noticed on March 27, 1975, 40 FR 13566.

The primary purpose for the proposed changes is to permit a change in the expiration date to permit exercise notices filed on the expiration date to be assigned over a weekend, rather than overnight. The extra time should permit assigned clearing members to be notified of assignments well before the opening of trading on the business day following the expiration, so that the assigned clearing members may in turn notify the writers or their brokers in sufficient time to allow the writers to take prompt action in the market on that same business day. An additional purpose for the proposed change is to reduce conflicts between expiration dates and holiday weekends, which tend to occur most frequently on the last weekend of the month.

The changes to the proposed amendment will become effective on May 19, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change or changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed changes to the proposed amendment to CBOE and Amex's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54 or 10-26. The proposed changes to the proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: April 10, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10161 Filed 4-17-75;8:45 am]

## CHICAGO BOARD OPTIONS EXCHANGE, INC.

### Delaying Effectiveness of Proposed Amendment To Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") has filed an amendment to a proposed change in its option plan filed pursuant to Rule 9b-1 (17 CFR 240.9b-1) delaying its effectiveness until a CBOE membership vote on the proposed amendment has occurred and until the Commission allows it to become effective or disapproves the change in whole or in part as being inconsistent with the public interest or the protection of investors.

The amendment was noticed on March 20, 1975 at 40 FR 12719. The proposed amendment to Rule 6.47 would according to CBOE exclude bids and offers in a Board Broker's book from being subject to the priority now afforded to split price orders.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

Dated: April 10, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10162 Filed 4-17-75;8:45 am]

## CHICAGO BOARD OPTIONS EXCHANGE, INC. AND AMERICAN STOCK EXCHANGE, INC.

### Proposed Amendments To Option Plans

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") and the American Stock Exchange, Inc. ("Amex"), have filed proposed changes in their respective option plans pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The changes are amendments to the by-laws and rules of the Option Clearing Corporation ("OCC") concerning margin provisions. The OCC proposes to amend Article I, sections 1(z), 1(iii) and 1(jjj) of the by-laws, Article VI, sections 3(a), 3(f) and 13(f) of the by-laws; and Rules 601, 1105 and 1106. Also, a previously filed amendment Article VI, section 13(f) which was noticed on April 7, 1975, at 40 FR 13566, is being amended to correct a typographical error made in the filing to the Commission.

Essentially, the margin provisions, as amended in accordance herewith, would, according to OCC, permit a Clearing Member to "unsegregate" any long position carried in its customers' account or firm non-lien account if such long position is the "long leg" of a "spread" under the applicable margin rules of the exchange. All long positions would be deemed to be segregated unless instructions to the contrary were received by OCC. The proposed amendment to Rule 601 is intended to provide that the required margin on each short position maintained in a Clearing Member's customers' or firm non-lien account shall, be 100 percent or such greater percentage as OCC may from time to time prescribe—OCC intends to build up to a 130 percent requirement in one or more stages—of the sum of the daily options marking prices for option contracts included in such short position. However, unsegregated long positions in the account are intended to be paired with short positions of the same class of options having the same or an earlier expiration date, and only the excess short value of such paired contracts would be subject to such margin requirement. The manner of computing margin in market-maker and firm lien accounts is not being modified by this filing.

The proposed amendments will become effective upon May 19, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change or changes in whole or part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the amendments to CBOE and Amex's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capital Street, NW., Washington, D.C. 20549. Reference should be made to file number 10-54 and 10-26. The amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

Dated: April 10, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10163 Filed 4-17-75;8:45 am]





## PBW STOCK EXCHANGE

flicting interest if such trustee is trustee

Bonds, 1975 Series A (the "Series A Pol-



1939 Act is provided by clauses (1)(A)

[File No. 812-3769]

## LIONEL D. EDIE CAPITAL FUND, INC.

Trust accumulated by reinvestment of dividends and distribution on such Trust

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## PBW STOCK EXCHANGE

### Proposed Option Plan

Notice is hereby given that the PBW Stock Exchange, Inc. ("PBW") has filed with the Commission an amended option plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). PBW's proposed option plan was originally noticed for public comment in Securities Exchange Act Release No. 10950 (August 7, 1974) and on August 14, 1974 (39 FR 29242).

Certain of the changes in the proposed plan are substantive in nature and relate primarily to the following areas: Margin requirements, clearing and trading procedures, commission rates, availability of option quotations, distribution of last sale information and away-from-the-money options. Also included are new rules and procedures dealing with potential regulatory problems arising from the trading on the same exchange of options and their related underlying securities.

All interested persons are invited to submit their views and comments on the amended option plan on or before April 25, 1975. Written statements of views and comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C., 20549. Comments should refer to File No. S7–531. The proposed plan, including all amendments, is and all such comments will be available for public inspection in the Public Reference Room, Securities and Exchange Commission, 1100 L Street, NW., Washington, D.C. 20006.

Dated: April 10, 1975

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–10184 Filed 4–17–75;8:45 am]

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[File Nos. 2–24449 (22–4039), 3–4648]

## JONES & LAUGHLIN STEEL CORP.

### Application and Opportunity for Hearing

APRIL 11, 1975.

Notice is hereby given that Jones & Laughlin Steel Corporation ("J & L Steel" or the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Mellon Bank N. A. ("Mellon") under two indentures one of which is qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Mellon from acting as Trustee under such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that: 1. J & L Steel proposes to enter into a Pollution Control Facilities Agreement to be dated as of April 1, 1975 (the "Facilities Agreement"), with the Beaver County Industrial Development Authority (the "Authority") providing for the acquisition and construction from time to time by the authority of facilities (the "Project Facilities") designed for the abatement of air and water pollution or the disposal of sewage or solid waste located at operations of J & L Steel situated in the Commonwealth of Pennsylvania, and for the sale thereof to J & L Steel. The Facilities Agreement will provide for financing the acquisition and construction of the Project Facilities by the Authority through the issuance from time to time of its Pollution Control Revenue Bonds (Jones & Laughlin Steel Corporation Project) (the "Pollution Control Revenue Bonds") in one or more series under a Trust Indenture, dated as of April 1, 1975 (the "Pollution Control Revenue Bond Indenture"), between the Authority and Mellon as Trustee (the "Pollution Control Revenue Bond Trustee"). J & L Steel will purchase Project Facilities from the Authority for a purchase price equal to the principal amount of any series of Pollution Control Revenue Bonds issued to finance the acquisition and construction of such Project Facilities. J & L Steel will satisfy its obligation to pay the purchase price of Project Facilities by delivery to the Pollution Control Revenue Bond Trustee of one or more series of its first mortgage bonds (the "First Mortgage Bonds") corresponding to the series of Pollution Control Revenue Bonds issued to finance the acquisition and construction of Project Facilities in respect of principal amount, interest rates, maturity dates and redemption provisions. All first Mortgage Bonds will be issued under and secured by the Indenture of Mortgage and Deed of Trust, dated September 1, 1947, from J& L Steel and certain subsidiary companies to Mellon National Bank and Trust Company (now Mellon) (the "Mortgage Trustee") and E. D. Hayes, as Trustees (D. A. Hazlett having succeeded E. D. Hayes as Individual Trustee), as amended and supplemented (the "Mortgage Indenture").

2. The Authority proposes to issue and sell $30,000,000 aggregate principal amount of its Pollution Control Revenue Bonds, 1975 Series A (the "Series A Pollution Control Revenue Bonds") to finance the initial Project Facilities. $12,000,000 of the Series A Pollution Control Revenue Bonds will be due April 1, 1986 and $18,000,000 of the Series A Pollution Control Revenue Bonds will be due April 1, 2005 subject to mandatory redemption through the operation of a sinking fund in each of the years 1995 through 2004. Concurrently with the issuance and the sale of the Series A Pollution Control Revenue Bonds, J & L Steel will deliver directly to the Pollution Control Revenue Bond Trustee, Series H and Series I First Mortgage Bonds issued under the Seventieth Supplemental Mortgage Indenture, dated April 1, 1975 (the "Seventieth Supplemental Mortgage Indenture"), to the Mortgage Indenture.

3. The principal amount, interest rate, maturity date and redemption provisions of each series of first Mortgage Bonds will correspond with those of a related issue of Series A Pollution Control Bonds. The First Mortgage Bonds will also be subject to mandatory redemption by J & L Steel prior to maturity subject to certain conditions, if the Mortgage Trustee (Mellon and Hazlett) receive a written demand for redemption from the Pollution Control Revenue Bond Trustee (Mellon) stating that, as a result of a failure to pay the principal of, premium, if any, or interest on, any Series A Pollution Control Revenue Bond, an Event of Default under the Pollution Control Revenue Bond Indenture has occurred and is continuing and that payment of the Series A Pollution Control Revenue Bonds has been accelerated by the Pollution Control Revenue Bond Trustee (Mellon). Authority will assign to the Pollution Control Revenue Bond Trustee as security for payment of the Pollution Control Revenue Bonds all of its right, title and interest in the Series H & I First Mortgage Bonds, the Facilities Agreement and amounts payable thereunder subject to certain exceptions.

4. The Mortgage Indenture was originally qualified under the Act as File No. 22–4039. The Fifty-Eighth Supplemental Mortgage Indenture, dated February 1, 1966, to the Mortgage Indenture contains the provisions permitted by the proviso to section 310(b)(1) of the 1939 Act. The Pollution Control Bonds and related First Mortgage Bonds are exempt from registration with the Commission pursuant to section 3(a)(2) of the Securities Act of 1933. Therefore, by virtue of section 304(a)(4) of the Trust Indenture Act of 1939, as amended (the "1939 Act"), the Pollution Control Revenue Bond Indenture is not required to be qualified under the Act. Certain provisions which would be required to be included in the Pollution Control Revenue Bond Indenture if it were qualified under the 1939 Act are not so included.

5. Since the Pollution Control Revenue Bonds will be payable from and secured by First Mortgage Bonds, the Pollution Control Revenue Bond Indenture is very similar to a "collateral trust indenture" with respect to which an exception to the provisions of section 310(b) of the 1939 Act is provided by clauses (1)(A) and (1)(B) thereof. Only in the event that for some unforeseen reason, such as a tax imposed upon payments received by the Pollution Control Revenue Bond Trustee on the First Mortgage Bonds, sufficient amounts are not available from the First Mortgage Bonds to make payments with respect to the Pollution Control Revenue Bonds will the Pollution Control Revenue Bond Trustee be required to look to the obligations of J & L Steel (provided for in the Facilities Agreement), rather than exclusively to the First Mortgage Bonds, for payment of the Pollution Control Revenue Bonds. Even in this event the First Mortgage Bonds would remain the primary collateral under the Pollution Control Revenue Bond Indenture.

6. The provisions of the Mortgage Indenture and those of the Pollution Control Revenue Bond Indenture and the Facilities Agreement are not so likely to involve Mellon in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Mellon Bank, N.A. from acting as Trustee under either of said Indentures.

The obligations of J & L Steel under the Mortgage Indenture are secured by a lien on substantially all the land, buildings and equipment of the Company, and each such obligation ranks equally with the other. J & L Steel is not in default under the Mortgage Indenture.

J & L Steel has waived notice of hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Public Reference Section of the Commission at 1100—L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 5, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–10171 Filed 4–17–75;8:45 am]





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[File No. 812–3769]

## LIONEL D. EDIE CAPITAL FUND, INC.

[Rel. No. 8754 (812–3769)]

### Application for an Order to Permit an Offer of Exchange; and Exemption

APRIL 11, 1975.

In the matter of Lionel D. Edie Capital Fund, Inc., Lionel D. Edie Ready Assets Trust, 530 Fifth Avenue, New York, New York 10036:

Notice is hereby given that Lionel D. Edie Capital Fund, Inc. (the "Fund") and Lionel D. Edie Ready Assets Trust (the "Trust") (collectively the "Applicants"), open-end diversified management investment companies registered under the Investment Company Act of 1940 (the "Act"), filed an application on February 27, 1975, and an amendment thereto on March 31, 1975, for an order (1) pursuant to section 11(a) of the Act permitting the Fund to offer to exchange its shares for shares of the Trust on a basis other than their relative net asset values per share and (2) pursuant to section 6(c) of the Act granting an exemption from section 22(d) of the Act in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund and the Trust have the same investment adviser, Edie Management Service, Inc. and the same distributor, Edie Fund Sales, Inc.

The Fund, whose shares have been sold since 1973, seeks the highest total investment return consistent with prudent risk through a fully managed investment policy utilizing equity, debt, and convertible securities. The Trust, which begun selling shares in February of 1975, invests principally in money market securities and similar short term obligations. Shares of the Fund are sold at net asset value plus a maximum sales charge of 6.5 percent of the offering price. Trust shares, which require minimum initial purchases of $5000 and minimum subsequent purchases of $1000, are sold at their net asset value per share (which will be held at a constant $1.00 per share) plus a maximum purchase fee of 8/10 of 1 percent on the net amount invested.

Shareholders of the Fund who have held their shares for at least 60 days will be able to exchange all or part of their shares for shares of the Trust. The exchange will be based upon the respective net asset value of the shares without a sales charge or purchase fee.

It is also proposed to permit shares of the Trust to be exchanged for shares of the Fund on the basis of relative net asset value plus a sales charge equal to the difference between what the customary sales charge on such sale would be minus the purchase fee paid by the shareholder when such shares of the Trust were acquired. However, shares of the Trust acquired through an exchange of Fund shares, and shares of the Trust accumulated by reinvestment of dividends and distribution on such Trust shares, will be reexchanged for Fund shares at net asset value without any sales charge.

As a result, a shareholder acquiring shares of the Fund through an exchange of shares of the Trust that had been purchased would pay approximately the same overall sales charge that he would have paid had he directly purchased the shares of the Fund, but any shareholder of the Trust who had acquired his shares of the Trust through an exchange of Fund shares, with respect to which he would have previously paid a normal sales load, would be able to re-exchange the acquired Trust shares for Fund shares at net asset value.

Only shares of the Trust or the Fund with a minimum net asset value of $1,000 in the aggregate will qualify for the exchange privileges.

Should a Trust shareholder wish to exchange only a portion of his shares, then, unless the shareholder specifies otherwise, those shares that may be exchanged at relative net asset value without sales charge will be exchanged first and the remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of the lowest additional sales charge.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the shareholder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. The offer by the Trust to exchange its shares for Fund shares at relative net asset value is, therefore, permitted by section 11(a) without any further action of the Commission, but the offer by the Fund to exchange its shares for Trust shares, with the imposition of a sales charge, requires approval by the Commission.

Section 22(d) of the Act provides in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. Transactions permitted by section 11(a), such as the exchange by the Trust of its shares for Fund shares without any sales charge, are expressly excepted from the provisions of section 22(d). However, the exchange by the Fund of its shares for Trust shares with the imposition of a sales charge may be deemed to be not permitted by section 11. Therefore, such an exchange may be deemed not excepted by section 22(d) from its prohibitions. Since the customary sales charge de-



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scribed in the prospectus of the Fund



For the Commission, by the Division of

facilities at the locations listed for the

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 11, 1975

scribed in the prospectus of the Fund would be greater than the sales charge which would be applicable to the proposed exchange offer by the Fund of its shares for shares of the Trust, this exchange offer may be deemed in violation of section 22(d).

Applicants state that the exchange privilege with respect to which an order is requested allows shareholders of the Trust, a money market fund, the opportunity of switching to the Fund, a balanced fund, at minimal or no costs either when his investment objectives have changed or when market conditions favor one type of investment company over another. However, because Trust shareholders would have paid substantially less sales load on their investments than similarly situated investors in the Fund, Applicants assert that the exchange offer by the Fund to shareholders of the Trust should not be made at relative net asset values since such an exchange would be inequitable and discriminatory to other Fund shareholders and might also involve a violation of section 22(d) since it would provide a means to purchase Fund shares at a current offering price other than that disclosed in the Fund prospectus.

Section 6(c) provides, in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent such exemption is necessary or appropriate in public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 2, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 2, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10172 Filed 4-17-75;8:45 am]

# SMALL BUSINESS ADMINISTRATION

## SPOKANE DISTRICT ADVISORY COUNCIL

### Public Meeting

The Small Business Administration Spokane District Advisory Council will meet at 10 a.m., (p.d.t.), Thursday, May 8, 1975, in Room 695, U.S. Courthouse Building, West 920 Riverside Avenue, Spokane, Washington, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write William S. Schumacher, 651 U.S. Courthouse, P.O. Box 2167, Spokane, Washington 99210, (509) 456-3781.

Dated: April 16, 1975.

ANTHONY S. STASIO,
*Chief Counsel for Advocacy,*
*Small Business Administration.*

[FR Doc.75-10340 Filed 4-17-75;8:45 am]

# DEPARTMENT OF LABOR

## BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

### Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 9:30 a.m., April 30, 1975, at the General Accounting Office Building, 441 G Street, N.W., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. Opening Remarks
2. Developments in the Consumer Price Index Revision Program
(a) The Treatment of Housing Services for Homeowners
(b) The Selection of the Item Sample
(c) The Selection of the Outlet Sample
(d) The Techniques of Price Collection

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 15th day of April 1975.

JULIUS SHISKIN,
*Commissioner of Labor Statistics.*

[FR Doc.75-10346 Filed 4-17-75;8:45 am]

## Manpower Administration

## EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

### Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 14th day of April, 1975.

BEN BURDETSKY,
*Deputy Assistant Secretary for Manpower.*





APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 11, 1975

| Name of applicant | Location of enterprise | Principal product or activity |
|---|---|---|
| Katahdin Lumber & Supply Co., Inc. | Brownville, Me | Sawmill, and manufacturer of wood pallets and skids. |
| Wantage Excavating Co., Inc | Sussex, N.J | Soil excavators. |
| Jontan, Inc | Morgantown, W. Va | Restaurant. |
| Rodger Boggs | Lewisburg, W. Va | Bowling alley. |
| Bilbub, Inc | Greenwood, S.C | Restaurant. |
| Sumter Industries, Inc | Livingston, Ala | Conversion of paper products into folding paper cartons and packaging. |
| Cheraw Plywood Co., Inc | Cheraw, S.C | Cutting and sale of particle board and plywood. |
| Bonnie Plant Farm, Inc | Union Springs, Ala | Raising and sale of vegetable plants. |
| Dew Fresh Eggs Corp | Kershaw County, S.C. | Raising chickens and processing eggs. |
| London Tiles, Inc | New London, Ohio | Manufacture of shale drain tile. |
| Johnston Supermarket and Johnston Properties, Inc. | Shelbyville, Ill. | Construction of a supermarket and other retail stores. |
| Ray's IGA Supermarket | Caspian, Mich | Supermarket. |
| R. C. Construction | Rice Lake, Wis | Sewer, water, curb and gutter installation. |
| Millard Feed Mill, Inc | Elkhorn, Wis | Farm supply center. |
| Clifton L. and Viola M. Riley | Mineral Point, Wis. | Bowling alley and supperclub. |
| Johnston, Inc. (Tenant of: city of Burnet). | Burnet, Tex | Manufacture of children's and infants outerware. |
| GEMCO | Rosenberg, Tex. | Machine shop. |
| Crestpark Retirement Inns | Marianna, Helena and Wynne, Ark. | Nursing home. |
| Feather Fabrics, Inc. (Tenant of Dawson County, Texas). | Lamesa, Tex | Manufacture of cotton yarn. |
| Hesston Corp., Farm Equipment Division. | Hesston, Kans. | Manufacture of specialized farm equipment. |
| Excel Industries, Inc. (Tenant of city of Hesston). | do | Metal fabrication. |
| Grand Teton Lodge Co | Moran, Wyo | Development and sale of single family residential sites. |
| McNamara & Peepe, Lumber Co | Blue Lake, Calif. | Wood chips for pulp; sawdust and shavings; and hog fuel. |
| Raymar Inn | Blue River, Oreg | Motel and restaurant. |

[FR Doc.75-10098 Filed 4-17-75;8:45 am]

## Occupational Safety and Health Administration

## IOWA PLAN

### Approval of State Standards; Correction

In FR Doc. 75-8936, appearing in the issue of Monday, April 7, 1975 (40 FR 15468), the heading, which read:

STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Iowa Plan

is corrected to read as follows:

IOWA PLAN

Notice of Approval of State Standards

Signed at Washington, D.C. this 14th day of April 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-10175 Filed 1-17-75;8:45 am]

# INTERSTATE COMMERCE COMMISSION

## TEMPORARY AUTHORITY TERMINATION

[Notice 39]

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

| Temporary authority application | Final action or certificate or permit | Date of action |
|---|---|---|
| Forbes Transfer Co., Inc., MC-19105, Sub-40 | MC-19105, Sub-41 | July 23, 1974 |
| Dotseth Truck Line, Inc., MC-20992, Sub-24 | MC-20992, Sub-25 | June 28, 1974 |
| Popelka Trucking Co., MC-26396, Sub-73 | MC-26396, Sub-78 | July 9, 1974 |
| Williams Motor Transfer, Inc., MC-28067, Sub-15 | MC-28067, Sub-17 | July 23, 1974 |
| Southern Pacific Transport Co. of Texas and Louisiana, MC-30319, Sub-142. | MC-30319, Sub-143 | July 2, 1974 |
| Motorcar Transport Co., MC-60470, Sub-22 | MC-60470, Sub-23 | July 17, 1974 |
| D. & R. Transport, MC-83744, Sub-13 | MC-83744, Sub-12 | July 5, 1974 |
| Koschkee Transfer, Inc., MC-98809, Sub-6 | MC-98809, Sub-5 | July 25, 1974 |
| Melton Truck Lines, Inc., MC-100666, Sub-253 | MC-100666, Sub-257 | July 2, 1974 |
| Schilli Motor Lines, Inc., MC-106674, Sub-113 | MC-106674, Sub-115 | July 26, 1974 |
| Pre-Fab Transit Co., MC-107295, Sub-633 | MC-107295, Sub-635 | July 24, 1974 |
| Pre-Fab Transit Co., MC-107295, Sub-650 | MC-107295, Sub-661 | July 9, 1974 |
| Poole Transfer, Inc., MC-108987, Sub-14 | MC-108987, Sub-15 | July 22, 1974 |
| Groendyke Transport, Inc., MC-111401, Sub-398, Sub-408 | MC-111401, Sub-397 | July 26, 1974 |
| Perchak Trucking, Inc., MC-112539, Sub-7 | MC-112539, Sub-8 | July 17, 1974 |
| Bray Lines Inc., MC-112822, Sub-311 | MC-112822, Sub-289 | July 24, 1974 |
| D.b.a., Utermoehlen Block & Coal Co., MC-113198, Sub-3 | MC-113198, Sub-4 | July 9, 1974 |
| Trans-Cold Express, Inc., MC-114045, Sub-380 | MC-114045, Sub-385 | July 31, 1974 |
| Trans-Cold Express, Inc., MC-114045, Sub-387 | MC-114045, Sub-389 | Do. |
| Purolator Security, Inc., MC-114896, Sub-14 | MC-114896, Sub-10 | July 9, 1974 |
| Gilchrist Bros., Inc., MC-115481, Sub-4 | MC-115481, Sub-5 | July 5, 1974 |
| Wilson Bros. Truck Line, Inc., MC-116544, Sub-143 | MC-116544, Sub-144 | Do. |
| Carl Subler Trucking, Inc., MC-116763, Sub-258 | MC-116763, Sub-256 | July 25, 1974 |
| Hahn Truck Lines, Inc., MC-117765, Sub-158 | MC-117765, Sub-154 | July 5, 1974 |





Temporary authority application | Final action or | Date of

the field office named below. Send pro-



mission, 301 Broadway, Room 206, San

No. MC 119822 (Sub-No. 13TA) (Cor-

*preparations, and anti-acid mints,* in

| Temporary authority application | Final action or certificate or permit | Date of action |
|---|---|---|
| Schultz Transit, Inc., MC-118202, Sub-17 | MC-118202, Sub-23 | July 24, 1974 |
| Westours Motor Coaches, Inc., MC-118832, Sub-6 | MC-118832, Sub-7 | July 19, 1974 |
| D.b.a., J. & G. Contract Carrier, MC-118910, Sub-4 | MC-118910, Sub-3 | Do. |
| Marinari Bros., MC-118936, Sub-2 | MC-118936, Sub-3 | Do. |
| Diamond Transit System, Inc., MC-123048, Sub-249, Sub-250, Sub-291 | MC-123048, Sub-261 | Do. |

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10085 Filed 4-17-75;8:45 am]

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[Notice No. 41]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 15, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 145TA), filed April 7, 1975. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs*, (except in bulk), from the plantsites and warehouse facilities of Ragu Foods, Inc., located at or near Owensboro, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and West Virginia, restricted to traffic originating at and destined to the above-named points, for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 28307 (Sub-No. 19TA), filed April 4, 1975. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 N. Graham Street, P.O. Box 21098, Charlotte, N.C. 28206. Applicant's representative: Thomas D. Bunn, Box 527, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Route 1—From Elkin, N.C., to the Virginia State Line over U.S. Highway 21 via Roaring Gap and Sparta, N.C. Route 2—From Mt. Airy, N.C., to the Virginia State Line over North Carolina Highway 89 via Bottom and Low Gap, N.C. Route 3—From the intersection of U.S. Highway 601 and North Carolina Highway 268 five miles south of Dobson, N.C., over North Carolina Highway 268 via Elkin, Ronda and Roaring River, N.C. to North Wilkesboro, N.C. Route 4—From North Wilkesboro, N.C. to Boone, N.C., over U.S. Highway 421, thence over North Carolina Highway 194 to intersection with U.S. Highway 221, thence over U.S. Highway 221 to West Jefferson and Jefferson, N.C., thence over North Carolina Highway 16 via Glendale Springs, Wilbar and Millers Creek, N.C., to North Wilkesboro, N.C., with the right to serve Zionville, Creston, Warrensville, and Lansing, N.C. irregularly as off-route points.

Route 5—From Lenoir, N.C., to Boone, N.C. over U.S. Highway 321. Route 6—From North Wilkesboro, N.C., over North Carolina Highway 18 to its intersection with North Carolina Highway 89, one mile south of the North Carolina-Virginia State Line. Route 7—From North Wilkesboro, N.C., over North Carolina Highway 268 to its intersection with U.S. Highway 321, six miles north of Lenoir, N.C. Route 8—From Jefferson, N.C. to Twin Oaks, N.C., over U.S. Highway 221. From Index, N.C., to Laurel Springs, N.C., over North Carolina Highway 88 Routes 1 through 8 to include return over the same route, serving all intermediate points. Route 9—Between Winston Salem, N.C., and North Wilkesboro, N.C. over U.S. Highway 421 with no service at intermediate points except as otherwise authorized, for 180 days. Supporting shippers: There are approximately 24 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 62162 (Sub-No. 5TA), filed April 1, 1975. Applicant: DAVE CAMPBELL, doing business as CAMPBELL TRUCK LINE, Lake City, Iowa 51449. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detasseling machines, loading equipment, and harvesting machines* on shipper-owned trailers between points in Iowa, Kansas, Missouri, Nebraska, and Texas, for 180 days. Supporting shipper: Garst & Thomas Hybrid Corn Company, Coon Rapids, Iowa 50058. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 978TA), filed April 4, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Serby and Mitchell, P.O. Box 18584, 3379 Peachtree St., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Kraft Foods at Champaign, Ill., to points in Connecticut, New York, New Jersey, New Hampshire, Pennsylvania, Massachusetts, Rhode Island, Maine, and Vermont, (Authority to terminate upon expiration of work stoppage at Kraft Foods at Fogelsville, Pennsylvania plant), for 180 days. Supporting shipper: Kraft Foods Division of Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 110098 (Sub-No. 154TA), filed April 7, 1975. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas* and (2) *bananas* when transported in mixed loads with commodities exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahomá, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Fisher Bros., Inc., FBI Foods, Ltd., Fisher Bros., (U.S.A.), Inc., 1610 De-Beauharnois, Montreal, Quebec H4N 1J5, Canada. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, Room 206, San Antonio, Tex. 78205.





No. MC 114569 (Sub-No. 119TA), filed April 7, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and related advertising matter* moving in vehicles equipped with mechanical temperature control devices, from Elkhart, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Michigan Wines Limited, P.O. Box 57, Elkhart, Ind. 46514. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 118263 (Sub-No. 57TA), filed April 2, 1975. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703-706 McClure Bldg., Frankfurt, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from plantsite and storage facilities of Kraftco Corp., at Champaign, Ill., to points in New York, New Jersey, New Hampshire, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine and Vermont, for 180 days. Supporting shipper: Kraft Foods Division of Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60609. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn St., Indianapolis, Ind. 46204.

No. MC 119789 (Sub-No. 245TA), filed April 7, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Bananas*; and (2) *Bananas*, when transported in mixed loads with commodities exempt from economic regulation under Section 203 (b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City and Roma, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Fisher Bros., Inc., FBI Foods, Ltd., Fisher Bros. (U.S.A.), Inc., 1610 DeBeauharnois, Montreal, Quebec H4N 1J5. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 119822 (Sub-No. 13TA) (Correction), filed March 21, 1975, published in the FEDERAL REGISTER issue of April 4, 1975, and republished as corrected this issue. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as used, sold, or dealt in by wholesale, retail and chain grocery and food business houses (except commodities requiring refrigeration and except commodities in bulk), from points in Massachusetts, Connecticut, New York, Pennsylvania, Maryland, New Jersey, Michigan, Illinois, Indiana, Ohio, Kentucky, and the District of Columbia, to the warehousing, storage and distribution facilities of Colonial Stores, Inc., at Atlanta and Thomasville, Ga., Columbia, S.C., Raleigh, N.C., and Norfolk, Va., for 180 days. Supporting shipper: Colonial Stores, Incorporated, 2251 N. Sylvan Road, East Point, Ga. 30344. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309. The purpose of this republication is to add Michigan as a destination point which was omitted in the previous publication.

No. MC 124328 (Sub-No. 77TA), filed April 8, 1975. Applicant: BRINK'S INC., 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and precious metal items, including corrosives and toxic materials*, between Malvern, Pa., and Winslow, N.J., on the one hand, and points in the contiguous forty-eight states on the other, for 180 days. Supporting shipper: Natthey Bishop, Inc., Malin Road, Malvern, Pa. 19355. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133106 (Sub-No. 51TA), filed April 8, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines, toilet preparations, disinfectants, confectionery, dry beverage preparations, toothbrushes, chewing gum, chewing gum base, store display racks and stands, and packaging materials*, in mechanically refrigerated vehicles, from the plantsites and storage facilities of Warner-Lambert Company at or near Long Island City, N.Y., North Bergen, N.J., and Lititz, Pa., to points in Elk Grove Village, Ill.; and (2) *Drugs, medicines, toilet preparations, disinfectants, candy, confectionery, chewing gum, beverage preparations, and anti-acid mints*, in mechanically refrigerated vehicles, from the plantsites and storage facilities of Warner-Lambert Company at or near Elk Grove Village, Ill., to points in Oregon, California, Colorado, Nebraska, Kansas, Texas and Missouri, for 180 days. Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, N.J. 07950. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 134404 (Sub-No. 21TA), filed April 7, 1975. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care products*, and materials, equipment, and supplies used in the manufacture or preparation of medical care products, (1) from the facilities of Travenol Laboratories, Inc., located at or near Cleveland, Miss., Kingstree, S.C., North Cove, N.C., Memphis, Tenn., to Morrow, Ga., Birmingham, Ala., Cleveland, Ohio, Columbus, Ohio, Lockland, Ohio, Melvindale, Mich., McKees Rocks, Pa., Jessup, Md., Milwaukee, Wis., Minneapolis, Minn., New Orleans, La., St. Louis, Mo., Mansfield, Mass., Charlotte, N.C., Jacksonville, Fla., Miami, Fla., Tampa, Fla., Raleigh, N.C., Richmond, Va., Grand Rapids, Mich., Mobile, Ala., Jackson, Miss., Indianapolis, Ind., Buffalo, N.Y., Philadelphia, Pa., and Edison, N.J.; and (2) from the facilities of Travenol Laboratories, Inc., located at or near Cleveland, Miss., Kingstree, S.C., North Cove, N.C., and Memphis, Tenn., for 180 days. Supporting shipper: Travel Laboratories, Inc., Deerfield, Ill. 60015. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136605 (Sub-No. 4TA), filed April 7, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil conditioner* (except in bulk, in tank vehicles), from the plant facilities of U.S. Soil Conditioning Co., at or near Salida, Colo., to points in Montana, Washington, Oregon, Idaho, North Dakota and South Dakota, for 180 days. Supporting shipper: Western Montana Co-op, 400 W. Main, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 139078 (Sub-No. 1TA), filed April 8, 1975. Applicant: MIDCOAST TRUCKING, 107 Roosevelt Avenue, Belleville, N.J. 07019. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*,



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by motor vehicle, over irregular routes, tion to one consignee at one location on cally noted, each applicant states that



CO., 643 South 800 West, Woods Cross, DuPage Counties, Ill., for 180 days. Sup- the FEDERAL REGISTER issue of April 11, 1975, and republished as corrected this

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by motor vehicle, over irregular routes, transporting: *Fresh bakery products*, from Totowa, N.J., to points in Chicago, Ill.; *Ingredients and containers* used in the manufacture and transportation of fresh bakery products, from Chicago, Ill., to points Totowa, N.J., for 150 days. Supporting shipper: S. B. Thomas, Inc., 930 N. Riverview Drive, Totowa, N.J. 07512. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139725 (Sub-No. 3TA) (Correction), filed March 14, 1975, published in the FEDERAL REGISTER issue of March 26, 1975, and republished as corrected this issue. Applicant: DYOLL DELIVERY SERVICE, INC., P.O. Box 66, Netcong, N.J. 07857. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pile hammers and parts, air and steam core drills and parts, rough steel and iron castings* for such hammers and drills, component parts of special machinery manufactured to customer's specifications, between Dover, N.J., on the one hand, and, on the other, points in the states of Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, West Virginia, Virginia, and the District of Columbia, under a continuing contract or contracts with MKT Division, Koehring Co., Dover, N.J., for 180 days. Supporting shipper: MKT Division, Ioehring Co., 110 Richards Ave., Dover, N.J. 07803. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to correct the spelling of Dover, N.J.

No. MC 140368 (Sub-No. 2 TA) (Amendment), filed March 10, 1975, published in the FEDERAL REGISTER issue of March 25, 1975, and republished as amended this issue. Applicant: DELIVERIES UNLIMITED, INC., 125 Magazine Street, Boston, Mass. 02119. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computer parts*, between Nashua and Manchester, New Hampshire, and Portland, Maine, on the one hand, and, on the other, Lowell, Lawrence and Framingham, Mass. Restriction: The services authorized herein are subject to the following conditions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location to one consignee at one location on any one day. (3) The service provided in the transportation of packages or article herein shall be accomplished on the same day upon which that package or article is tendered for transportation, for 180 days. Supporting shipper: Honeywell Information Systems, Inc., 200 Smith St., Waltham, Mass. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114. The purpose of this republication is to include the service restrictions which was inadvertently omitted in the previous publication.

No. MC 140763 (Sub-No. 1TA), filed April 7, 1975. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or dealt in by rubber product manufacturers and supplies incident to the conduct of such business, except commodities in bulk, between the plantsite of the B. F. Goodrich Company at Columbus, Ohio, for 180 days. Supporting shipper: The B. F. Goodrich Company, 500 South Main St., Akron, Ohio 44318. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 Federal Bldg., 801 Broadway, Nashville, Tenn. 37203.

APPLICATION OF PASSENGERS

No. MC 72806 (Sub-No. 9TA), filed April 7, 1975. Applicant: RED-YELLOW CAB CO., doing business as BUCKEYE STAGES, 501 Phillips Avenue, Toledo, Ohio 43612. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round trip service, in special and charter operations, between Bowling Green, Ohio, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii, but including points in Ohio), for activities sponsored or on behalf of Bowling Green University, Bowling Green, Ohio, for 180 days. Supporting shipper: Bowling Green University, Bowling Green, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10234 Filed 4-17-75;8:45 am]

[Notice No. 42]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 16, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field offices to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 100666 (Sub-No. 296TA), filed April 7, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing material* (except in bulk, from Wynnewood, Okla., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Kerr-McGee Corporation, P.O. Box 25861, Kerr McGee Center, Oklahoma City, Okla. 73125. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 106398 (Sub-No. 727TA), filed April 8, 1975. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, 525 S. Main, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Woodbury County, Iowa, to points in Nebraska, South Dakota, North Dakota, Minnesota, Missouri and Kansas, for 180 days. Supporting shipper: Alseaco, Inc., Thomas Chapple, G. M., P.O. Box 2856, Sioux City, Iowa 51106. Send protests to: Marie Spillars, Transportation Asst., Bureau of Operations, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 109689 (Sub-No. 285TA), filed April 8, 1975. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84078. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from Fremont County, Wyo., to points in Woods Cross, Utah, for 180 days. Supporting shipper: Phillips Petroleum Company, 154 Phillips Bldg., Annes, Bartlesville, Okla. Send protests to: Lyle D. Helfer; District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.





No. MC 111729 (Sub-No. 532TA) filed April 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardiac pacemakers and accessories for cardiac pacemakers; business papers, records, audit and accounting media of all kinds, and advertising literature*, between Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Medtronic, Inc., 1001 International Blvd., Suite 910, Atlanta, Ga. 30354. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 533TA), filed April 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant), to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressors*, from Michigan City, Ind., to points in Minnesota; (b) *Cranes and excavators*, from Lexington and Bowling Green, Ky., to points in Minnesota; (c) *Rock Drills*, from Claremont, N.H., to points in Minnesota, for 180 days. Supporting shipper: Road Machinery and Supplies, 4901 West 80th St., Minneapolis, Minn. 55437. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114533 (Sub-No. 320TA), filed April 9, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphic arts material*, between Menasha, Wis., on the one hand, and, on the other, points in Cook and DuPage Counties, Ill., for 180 days. Supporting shipper: George Banta Company, Inc., Menasha, Wis. 54952. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 117068 (Sub-No. 46TA), filed April 9, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Hwy. 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., 15th and New York Ave., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Compressors*, from Michigan City, Ind., to points in Minnesota; (b) *Cranes and excavators*, from Lexington and Bowling Green, Ky., to points in Minnesota; (c) *Rock Drills*, from Claremont, N.H., to points in Minnesota, for 180 days. Supporting shipper: Road Machinery and Supplies, 4901 West 80th St., Minneapolis, Minn. 55437. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118899 (Sub-No. 6TA), filed April 9, 1975. Applicant: BALTIMORE TANK LINES, INC., 180 Eighth Street, Glen Burnie, Md. 21061. Applicant's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Bldg., Penn. Ave. & 13th NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Baltimore, Md., to points in Washington, D.C., Alexandria, Va., and points in Arlington, Fairfax, and Prince William Counties, Va., for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 123061 (Sub-No. 74TA), filed April 8, 1975. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Salida, Colo., to points in Utah and Idaho, for 180 days. Supporting shipper: Romar, Inc., 23 Crocket Ave., Logan, Utah 84321. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 124621 (Sub-No. 6TA) (Correction) filed March 31, 1975, published in the FEDERAL REGISTER issue of April 11, 1975, and republished as corrected this issue. Applicant: CLEMENT RISBERG, doing business as, RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, Oreg. 97214. Applicant's representative: John G. McLaughlin, 620 Blu Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Oregon, Washington, Idaho and California, for 180 days. Supporting shipper: Payless Drug Stores Northwest, Inc., 234 N.W. Fifth Avenue, Portland, Oreg. 97204. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204. The purpose of this republication is to correct the docket number.

No. MC 125522 (Sub-No. 8TA), filed April 8, 1975. Applicant: SUNBURY TRANSPORT, LIMITED, Hoyt, N. Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from ports of entry on the International Boundary line, located at or near Houlton, Vanceboro, and Calais, Maine to points in Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin, for 180 days. Supporting shipper: H. S. Gill & Sons, Ltd., 69 City View Ave., Nashwaaksis, Fredericton, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 128021 (Sub-No. 17TA), filed April 8, 1975. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plant bed and potting media*, in packages, except in bulk, from Sacramento, Calif., to points in Phoenix, Ariz.; Hartford, Conn.; Charlotte, N.C.; Salt Lake City, Utah; Seattle, Wash.; and Milwaukee, Wis., for 180 days. Supporting shipper: The Clorox Company, P.O. Box 24305, Oakland, Calif. 94623. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 133095 (Sub-No. 77TA) (Correction), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by



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motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 78TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 79TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 80TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 81TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 82TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 83TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 84TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 85TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 86TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 133095 (Sub-No. 87TA), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Dakota City, Nebr., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.



eral public by depositing a copy thereof cases previously assigned hearing dates.

A protest should comply with section

motor vehicle, over irregular routes, transporting: ***Meats, meat products and meat by-products*** and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I, to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Illinois, Indiana, and Wisconsin, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102. The purpose of this republication is to correct the docket number.

No. MC 135231 (Sub-No. 7TA), filed April 8, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap motor vehicles, crushed, having value only for reclamation of materials*, from Karlstad, Minn., to points in Milwaukee and Madison, Wis., and Chicago, Ill., for 180 days. Supporting shipper: Karlstad Auto Parts, Co., Karlstad, Minn. 56732. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136821 (Sub-No. 4TA), filed April 9, 1975. Applicant: SMERBER TRANSPORTATION, INC., Bldg. 504 Space Center, Mira Loma, Calif. 91752. Applicant's representative: James Smerber (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and material, insulation products and materials, supplies and equipment used in production and distribution thereof*, from the plantsite and storage facilities of Johns-Manville Fiber Glass, Inc., at or near Willows, Calif., to points in Arizona, Idaho, Nevada, Oregon, and Washington, for 180 days. Supporting shipper: Johns-Manville Corporation, Greenwood Plaza, Denver, Colo. 80217. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles St., Room 1312, Los Angeles, Calif. 90012.

No. MC 139343 (Sub-No. 5TA), filed April 8, 1975. Applicant: MEXICOACH, INC., 1050 Kettner Boulevard, San Diego, Calif. 92101. Applicant's representative: Eric Rath, 2415 Calle Del Oro, La Jolla, Calif. 92037. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Long Beach, California and Anaheim, California, on the one hand, and the Port of Entry on the United State-Mexico Border, located at or near San Ysidro, Calif., on the other hand, Restricted: To passengers on round trip tours, to and from Baja California, for 180 days. Supporting shippers: Agencia de Viajes Honold's S.A. De C.V., 608 Avenida Revolucion, Tijuana, B. C. Mexico. Queensway Hilton Hotel, Port of Long Beach, Long Beach, Calif. Cush Tours, Inc., 770 B St., Suite 415, San Diego, Calif. 92101. Queen Mary Hyatt Hotel, Port of Long Beach, Long Beach, Calif. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 1312, Los Angeles, Calif. 90012.

No. MC 140686 (Sub-No. 1TA), filed April 9, 1975. Applicant: V S M TRUCKING, INC., 901 N. Monroe Street, Abingdon, Ill. 61410. Applicants representative: Samuel G. Harrod, Eureka Professional Bldg., 107 East Eureka Avenue, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers' goods, bathroom and lavatory fixtures, and supplies therefor*, from the plantsite of Briggs at Abingdon, Ill., to points in the states of Alabama, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas and per: Briggs, Division of U.S. Pipe, 801 N. Main Street, Abingdon, Ill. 61410. Send protests to Richard K. Shullaw, District Supervisor Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 140827TA, filed April 8, 1975. Applicant: MARKET TRANSPORT, LTD., 33 Northeast Middlefield Road, Portland, Oreg. 97211. Applicant's representative: Philip G. Skofstad, 3067 East Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from Los Angeles and Long Beach, Calif., to points in Milwaukie and Portland, Oreg., and Seattle and Tacoma, Wash., for 180 days. Supporting shippers: Fred Meyer, Inc., 2140 N. Webster St., Portland, Oreg. 97217. Garden Products, Inc., 326 N. River Road, Milwaukie, Oreg. 97222. Bazar, Inc., 1845 S. E. Third Avenue, Portland, Oreg. 97214. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140809 (Sub-No. 1TA), filed April 7, 1975. Applicant: SELECTIVE FILL TRUCKING, INC., 466 East Avenue, Sewaren, N.J. 07077. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump trucks, from the plantsite of Selective Fill Company, Inc., at Sayreville and Millstone, N.J., to points in Staten Island, N.Y., for 150 days. Supporting shipper: Selective Fill Company, Inc., 466 East Avenue, Sewaren, N.J. 07077. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

APPLICATION OF PASSENGERS

No. MC 140826TA, filed April 7, 1975. Applicant: STEVE LARSSON HOMER, doing business as MAR/AIR BUS COMPANY, P.O. Box 344, Haines, Alaska 99827. Applicant's representative: L. B. Jacobson, P.O. Box 1211, Juneau, Alaska 99802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in both scheduled and charter service by bus, between City of Haines, Alaska and Haines Junction, Y.T., Canada, with intermediate points at (1) "75-mile Camp", B.C. (2) Dezadeash Lodge at mile 125, Y.T., and (3) Kathleen Lodge at mile 139, Y.T.; all on the Haines Cut-Off Highway, for 180 days. Supporting shippers: Haines Chamber of Commerce, Box 75, Haines, Alaska 99827. Chilkat Press, P.O. Box 61, Haines, Alaska 99827. Chilkoot Agencies, P.O. Box 262, Haines, Alaska 99827. First National Bank of Anchorage, Haines Branch, Box 70, Haines, Alaska 99827. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Alaska 99510.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10235 Filed 4-17-75;8:45 am]

[AB 12 (Sub-No. 11)]

## SOUTHERN PACIFIC TRANSPORTATION CO.

### Abandonment of Line

APRIL 14, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

*It appearing*, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Los Angeles County, California, on or before April 14, 1975 and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN WISE TRANSFER AND EL SEGUNDO, IN LOS ANGELES COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated April 9, 1975, it has been determined that the portion of the El Segundo Branch line of the Southern Pacific Transportation Company between Wise Transfer and El Segundo, a distance of 2.06 miles, all in Los Angeles County, California, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the low amount of traffic handled on the line and the absence of major ecological, historic, safety, or other environmental impacts involved. Abandonment would be fully consistent with plans of the California Department of Transportation to widen the segment of Sepulveda Boulevard at the intersection with El Segundo Boulevard. Abandonment would also make the right-of-way available for incorporation into adjacent park areas.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before May 5, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-10236 Filed 4-17-75;8:45 am]

[Notice 745]

## ASSIGNMENT OF HEARINGS

APRIL 15, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115767, Sub 4, Terminal Transfer, Inc., now assigned April 22, 1975, at Salem, Oregon, is cancelled and transfered to Modified Procedure.

MC 139253 (Sub-No. 1), Southeastern Warehousing and Distribution Corporation, now assigned May 12, 1975, at *Johnson City*, Tennessee, is canceled and reassigned to May 12, 1975 (1 week), in the Housing Authority Community Room, 910 Pineridge Circle, *Elizabethton*, Tennessee.

MC 59583, Sub 146, The Mason and Dixon Lines, Incorporated, now assigned May 28, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Avenue North.

MC-P-12322, Tompkins Motor Lines, Inc.—Purchase—Cullman Banana Supply, now assigned May 29, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Avenue North.

MC 74321, Sub 110, B. F. Walker, Inc., now assigned June 2, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Ave. N.

MC 72243, Sub 38, Aetna Freight Lines, Inc., now assigned June 3, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Avenue North.

MC 115162, Sub 294, Poole Truck Line, Inc.; MC 121664, Sub 6, G. A. Hornady, Cecil M. Hornady, and B. C. Hornady, D.B.A. Hornady Brothers Truck Line and MC 126305, Sub 61, Boyd Brothers Transportation, now assigned June 6, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Avenue North.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10232 Filed 4-17-75;8:45 am]

[Notice 6]

## MOTOR CARRIER APPLICATIONS FOR TACKING AND GATEWAY ELIMINATION IN FINANCE PROCEEDINGS

APRIL 16, 1975.

The following notices are supplemental materials to the section 5(2) finance applications listed below wherein each applicant requests (1) to tack certain authorities in its respective pending finance application, and (2) to concurrently eliminate the gateway in order to provide the described direct service.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Protests to the granting of the requested authority must be filed with the Commission on or before May 19, 1975. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in this noticed portion of the finance proceeding.

A protest should comply with section 247(d) of the Commission's *General Rules of Practice*. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named.

MC-F-11327—National Freight, Inc.—Control—Cross Transportation, Inc.

MC-F-12224—Central Transfer Company — Purchase — Metropolitan Freight Carriers Corp.

MC-F-12339—H. W. Taynton Company, Inc. — Purchase — Bowser Transfer Company.

No. MC 2860 (Letter Notice directly related to MC-F-11327), filed February 3, 1975. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, carboys, demijohns, jars, bottles, packing glasses, caps, covers, stoppers, closures, or tops, boxes, paper, fiberboard, or pulpboard* in sheets or rolls, *fiberboard or pulpboard liners and fillers, and empty containers*, from Monmouth County, N.J., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Glassboro (Gloucester County), N.J. This letter notice is filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 3), noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-11327 published in the FEDERAL REGISTER issue of October 6, 1971.

NOTE.—Applicant not required to file environmental impact statement with this notice.

No. MC 1403 (Sub-No. 3), filed February 28, 1975. Applicant: CENTRAL TRANSFER COMPANY, a corporation, 1080 Springfield Road, Union, N.J. 07083. Applicant's representative: Joseph R. Siegelbaum, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Philadelphia, Chester, and Easton, Pa., on the one hand, and, on the other, points in Orange, Rockland, Westchester, and Nassau Counties, N.Y., and New York, N.Y.; and (2) between points in Middlesex County, on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at Trenton, N.J., and extending in a southeasterly direction through Lakehurst and Toms River, N.J., to the Atlantic Ocean, including the points named. The purpose of this filing is to eliminate the gateway at Middlesex County, N.J. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex





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Parte No. 55 Sub-No. 8, noticed in the

[Notice 267]

No. MC-FC-75666. By order of March

FRIDAY, APRIL 18, 1975

Parte No. 55 Sub-No. 8, noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC–F–12224 published in the FEDERAL REGISTER of June 5, 1974.

No. MC 109821 (Sub-No. 40), filed February 18, 1975. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between Westfield, Pa., on the hand, and, on the other, Big Run, Pa., and points within 25 miles thereof; (2) between Bradford, Pa., and points within 30 miles thereof, on the one hand, and, on the other, Philadelphia, Pa., and Pittsburgh, Pa.; and (3) *Manufactured glass products and commodities and equipment* used in the manufacture, sale and shipment thereof, between Dale Summit, Pa., on the one hand, and, on the other, Big Run, Pa., and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways at Philadelphia, or at points in Elk County, Pa., within 25 miles of Big Run, Pa. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 Sub-No. 8, noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC–F–12339 published in the FEDERAL REGISTER of October 31, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10231 Filed 4-17-75;8:45 am]

[Notice 267]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 18, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 8, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75554. By order entered April 8, 1975, the Motor Carrier Board approved the transfer to S.T.S. Motor Freight, Inc., Stratford, N.J., of the operating rights set forth in Certificate No. MC 44108, issued July 3, 1947, to Terminal Transportation Company, a corporation, Philadelphia, Pa., authorizing the transportation of general commodities, with the usual exceptions, between points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission in 17 M.C.C. 533, on the one hand, and, on the other, specified points in Pennsylvania and New Jersey. Mervin J. Hartman, 1400 Western Savings Bank Bldg., Philadelphia, Pa. 19107, and Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorneys for transferor and transferee, respectively.

No. MC–FC–75666. By order of March 26, 1975, the Motor Carrier Board approved the transfer to Dixie Warehousing, Inc., 1 Shove Street, Tiverton, R.I. 02878, of the operating rights in Certificate No. MC 43647 issued September 12, 1966, to Acushnet Van & Storage, Inc., doing business as Eastern Van Lines, 1 Shove Street, Tiverton, R.I. 02878, authorizing the transportation of household goods between points in Newport County, R.I., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, and household goods as defined by the Commission, between points in Connecticut, Massachusetts, New York, and Rhode Island, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

No. MC–FC–75733. By order of March 27, 1975, the Motor Carrier Board approved the transfer to James D. Cadden, doing business as Cadden's Moving & Storage, Scranton, Pa., of the operating rights in Certificate No. MC 95607, MC 95607 (Sub-No. 1), and MC 95607 (Sub-No. 4), issued October 24, 1949, October 28, 1954, and June 2, 1958, respectively to Kathryn Cadden, doing business as Cadden's Moving & Storage, Scranton, Pa., authorizing the transportation of various commodities from, to and between specified points in Pennsylvania and points in New York, New Jersey, Connecticut, Delaware, Massachusetts, Ohio, Michigan, Virginia, West Virginia, Indiana, Illinois, and Maryland. Michael W. Simon, North Penn Saving & Loan Assoc. Bldg., Scranton, Pa., attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10233 Filed 4-17-75;8:45 am]



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WASHINGTON, D.C.

Volume 40 ■ Number 76

PART II

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

■

## COMMUNITY EDUCATION SERVICE

Proposed Rules

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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

### [ 45 CFR Part 160c ]

### COMMUNITY EDUCATION PROGRAM

### Proposed Rulemaking

Pursuant to the authority contained in section 405 of Pub. L. 93-380 (20 U.S.C. 1864), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 160c to read as set forth below.

The proposed regulations, which have been developed with the advice of the Community Education Advisory Council established by section 405(g) of Pub. L. 93-380, would set forth rules and criteria governing grant awards by the Commissioner of Education to (1) State and local educational agencies to plan, establish, expand, improve, and maintain community education programs (and to provide developmental and technical assistance in connection with the establishment, expansion, improvement, and maintenance of community education programs), and (2) institutions of higher education to develop and establish, or expand, programs which will train persons to plan and operate community education programs. The proposed regulations would apply to all grant awards made with funds appropriated pursuant to the Community Schools Act, section 405 of Pub. L. 93-380, or with funds made available for expenditure under the Community Schools Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

A. SUMMARY OF PROPOSED REGULATIONS

1. *Organization.* The proposed regulation is divided into three subparts: Subpart A contains general provisions applicable to all grants funded under the part; Subpart B contains provisions applicable to grants to local and State educational agencies; and Subpart C contains porvisions applicable to grants to institutions of higher education.

2. *Subpart A—General.* (a) Section 160c.3 sets forth minimum elements of a community education program. As indicated in §§ 160c.3 and 160c.8, a Federally funded project administered by a State or local educational agency can relate to a number of community education programs and can include planning and the provision of developmental and technical assistance from a central administrative office to specific community education programs administered by public elementary or secondary schools. The minimum elements set forth in § 160c.3 define the necessary characteristics of each existing community education program which Federal funds would help to expand, improve, or maintain. A Federal project to establish a new community education program would, following the grant period, achieve these minimum elements.

(b) Proposed § 160c.5 provides that project awards will be made on a one year basis. If a grantee seeks to receive funds on a multi-year basis, it must compete for new awards on an annual basis with other grantees and with new applicants. Noncompetitive continuation awards will not be made.

3. *Subpart B—State and Local Educational Agency Projects.* (a) Section 160c.8 describes the nature of Federally supported projects carried out by State and local educational agencies. Except when specifically authorized by the Commissioner in the grant award on the basis of considerations such as are set forth in § 160c.8(d), Federal grants will not contribute to the costs of actual program activities and services such as course offerings and instructors, equipment, and materials therefor. Rather, the Federal funds shall contribute to the essentially administrative costs of planning, organizing, and putting together overall community education programs at the State and local agency or individual school levels. In connection with developmental or technical assistance provided by a State educational agency or local educational agency to individual schools administering community education programs (which assistance is described in § 160c.8(e)(2)(ii)), § 160c.8(e)(2)(i) provides that such developmental and technical assistance must relate to specific and identified community education programs being planned, established, or administered in accordance with § 160c.3.

(b) Section 160c.9 provides further explanation with regard to the nature of State educational agency projects. Unless the State educational agency applies jointly with a local educational agency or unless it is directly responsible for administering a public school, its role under this part will be to provide developmental and technical assistance (as described in § 160c.8(e)(2)(ii)) to community education programs (in connection with the establishment, expansion, improvement, or maintenance of such programs) being administered by a local educational agency through a public elementary or secondary school. While the State educational agency may contract for the services of local educational agencies and other entities and individuals to assist it in carrying out a portion of the grant, it may not serve as a conduit for funds to other entities and may not pass responsibility for the project to other entities.

(c) Proposed §§ 160c.12 and 160c.13 set forth application requirements and evaluation criteria, respectively. Both sections are divided into three parts: (1) Requirements or criteria relating to all applications from State and local educational agencies; (2) requirements or criteria for all local educational agency applications and for those State educational agency applications which relate to community education programs which the State educational agency will directly administer; and (3) requirements or criteria for State educational agency applications to provide developmental or technical assistance to community education programs administered by local educational agencies. In the second of these parts, §§ 160c.12(b) and 160c.13(b), the proposed regulations focus on specific community education programs to be assisted under the project. These specific requirements and criteria are not applied to State educational agencies assisting community educational programs administered by local educational agencies because the State educational agencies cannot be held fully accountable for such community education programs.

(d) Section 160c.14 regulates in proposed form the Federal share of projects. It includes rules on when a project may qualify for the 80 percent statutory Federal share (for establishment of new programs) and when a project may apply for the statutory share applicable to expansion or improvement of programs.

4. *Subpart C—Training Projects in Institutions of Higher Education.* (a) Section 160c.16 provides that three types of grants will be made to institutions of higher education: (1) To train persons planning and operating community education programs in local educational agencies (or State educational agencies which are directly administering community education program), as described in § 160c.18; (2) to train persons in State educational agencies planning and providing developmental and technical assistance to community education programs administered by local educational agencies, as described in § 160c.19; or (3) (i) to assess training competencies needed in community education, how these competencies can be acquired, and existing training opportunities; and (ii) to develop appropriate training curricula and training materials, as described in § 160c.20. All three types of projects would have to be designed to build the capacity of the grantee institution of higher education to provide training on a larger scale or to recipient agencies not previously served by the grantee.

(b) General application requirements for institutions of higher education are set forth in § 160c.17.

(c) Under proposed §§ 160c.18 and 160c.19, grants to institutions of higher education to provide direct training to persons involved in planning and administering community education programs in State and local educational agencies would be for the purpose of providing ongoing, continuous in-service training, generally of a short-term nature offered on such a basis as to minimize interference by training activities with the carrying out by trainees of their responsibilities for planning and operating community education programs.

(d) Section 160c.21 contains proposed criteria for evaluating applications from institutions of higher education.

B. CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act, a citation of statutory or legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

C. OTHER APPLICABLE REGULATIONS

The proposed regulations do not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (38 FR 30654, November 6, 1973), which include rules on direct and indirect costs.

In addition, a number of rules common to all of the programs, including the Community Schools Program, funded pursuant to the Special Projects Act are being prepared for publication as Part 160 of Title 45 of the Code of Federal Regulations. These would include definitions of terms used in this proposed regulation and in other regulations related to the Special Projects Act.

D. OPPORTUNITY FOR PUBLIC COMMENT

All interested parties are invited to submit written comments and recommendations concerning the proposed rule to Ms. Julie Englund, Special Assistant to the U.S. Commissioner of Education, Room 4181, 400 Maryland Avenue, SW., Washington, D.C. 20202. Such comments and recommendations will be available for public inspection in the above office between the hours of 9 a.m. and 5:30 p.m., Monday through Friday of each week. All relevant materials received on or before May 19, 1975 will be considered.

(Catalog of Federal Domestic Assistance Program No. 13.563, Community Education Program).

Dated: April 8, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 11, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*






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AUTHORITY: Section 405 of Pub. L. 93-380 (20 U.S.C. 1864).

### Subpart A—General

**§ 160c.1 Scope and purpose.**

(a) *Scope.* This part applies to projects assisted with funds appropriated pursuant to the Community Schools Act, section 405 of Pub. L. 93-380, or with funds made available for expenditure under the Community Schools Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(b) *Purpose.* The purpose of the program carried out pursuant to this part is, through grants to State educational agencies, local educational agencies, and institutions of higher education, to encourage and assist:

(1) Public schools to involve the people of the community in programs designed to meet their educational, recreational, and cultural needs;

(2) A more efficient use of public education facilities through extending the times during which and purposes for which school buildings and equipment are used; and

(3) Public schools, in cooperation with other community groups and resources, to establish community education programs as centers for educational, recreational, cultural, and other related community activities and services in accordance with the needs, interests, and concerns of the community.

(20 U.S.C. 1864(b))

(c) *Other pertinent regulations.* Assistance provided under this part is subject to applicable provisions contained in (1) Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) (45 CFR Parts 100, 100a) and (2) Part 160 of this chapter relating to the Special Projects Act.

(20 U.S.C. 1864 (a) and (b))

**§ 160c.2 Definitions.**

As used in this part:

"Act" means the Community Schools Act, enacted as section 405 of the Education Amendments of 1974, Pub. L. 93-380.

"Institution of higher education" means an institution of higher education in any State as defined under the Higher Education Act of 1965, as amended (20 U.S.C. 1141).

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Program" means a community education program which meets each of the requirements set forth in § 160c.3, except as used in subpart C of this part, in which "program" means the training program of the institution of higher education which is developed, established, or expanded by a Federal project awarded under Subpart C.

"Program activities and services" offered by a community education program may include educational, cultural, recreational and other related community services in the form of formal classes or courses, activities making available the school and other public facilities and equipment for use by individuals or groups, services such as health or dental care, or special programs for particular target populations such as those designed to eliminate disproportionately high incidence of suspension, expulsion, or other disciplinary action involving minority group and other students or designed for persons who withdraw from school membership before completing the elementary and secondary school education, or designed for mentally or physically handicapped or other health-impaired persons.

"Project" means those activities of a grantee which the Commissioner determines to be eligible for Federal financial assistance, in accordance with the provisions of § 160c.8 (c), (d), and (e) or § 160c.16, as applicable.

"Public facility" means a facility owned by any department or branch of a State, county, or municipal government.

"State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such office or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 1864)



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§ 160c.3 Elements of a community education program described in




if the Commissioner requires preapplica-

coordinating, and providing develop-

or State educational agency planning and providing developmental and tech-

**§ 160c.3 Elements of a community education program.**

(a) *Types of assistance.* Assistance will be provided under this part to: (1) State educational agencies and local educational agencies to plan, establish, expand, improve, maintain and/or provide developmental or technical assistance to one or more community education programs, and (2) Institutions of higher education to develop and establish, or to expand, programs which will train persons to plan and operate community education programs.

(b) *Significance of elements.* For the purposes of this part, the minimum elements of a community education program are described in paragraph (c) of this section.

(1) The minimum elements set forth in paragraph (c) (1) of this section, if specific community education programs to be assisted under a project proposed to be carried out by an applicant under Subpart B of this part rather than to the project as a whole. For example, with reference to the minimum element in paragraph (c) (1) of this section, if a local educational agency applies for a project to establish two new community education programs and to expand two existing community education programs, each of the individual community education programs to be expanded and established must be administered by a public elementary or secondary school. However, the overall project activities directed at expanding and establishing these programs may, for example, include the provision of developmental and technical assistance to the individual community education programs from a central school district office responsible for community education activities, and administration of the overall project could therefore be centered in a central school district office.

(2) The minimum elements set forth in paragraph (c) relate to specific community education programs assisted under a proposed project as follows: (i) A community education program which a State educational agency or local educational agency applicant proposes to expand or operate under this part (or to which a State educational agency or local educational agency proposes to provide developmental and technical assistance in connection with its expansion or operation) must meet these minimum elements; (ii) A project proposed for assistance under this part to plan and establish a new community education program or to provide developmental or technical assistance in connection with the establishment of a new community education program must have the purpose of securing achievement of these minimum elements; and (iii) Training programs at institutions of higher education assisted pursuant to this part must be designed to provide training in skills and understandings with reference to all of these elements.

(3) The minimum elements of a community education program described in paragraph (c) of this section also serve to distinguish a community education program from other related programs such as adult education programs and regular kindergarten through twelfth grade instructional programs, for purposes of determining when a program is a new community education program earning an 80 percent Federal share under § 160c.14.

(c) *Minimum elements.* The following are minimum elements of a community education program.

(1) *Program administration.* The program must be administered by a public elementary or secondary school.

(20 U.S.C. 1864 (c), (d)(1); S. REP. NO. 763, 93d Cong. 2d Sess. 72–73 (1974))

(2) *Community served.* The program must serve an identified community which is at least coextensive with the school attendance area for the regular instructional program of the school administering the program, except where special circumstances warrant the identification of a smaller community.

(20 U.S.C. 1864(b), (c))

(3) *Public facility as a community center.* (i) Program services to the community must be sufficiently concentrated and comprehensive in a specific public facility, including, but not limited to, a public elementary or secondary school or a public community or junior college, in terms of scope and nature of program services, hours of service, and other characteristics to constitute such facility as a community center; (ii) Satellite or mobile facilities related to the community center may be used by the center for the provision of a portion of program activities and services, and such satellite or mobile facilities may include nonpublic facilities which are made available for use by the public.

(20 U.S.C. 1864(c))

(4) *Scope of activities and services.* The program must extend the program activities and services offered by, and uses made of, the public facility in terms of the scope and nature of program services, the target population served, and the hours of service. For example, where a public elementary or secondary school is used as the facility, it would need to provide services beyond the regular kindergarten through twelfth grade instructional program.

(20 U.S.C. 1864(b))

(5) *Community needs.* The program must include systematic and effective procedures (i) for identifying and documenting on a continuing basis the needs, interests, and concerns of the community served with respect to community education activities and services, and (ii) for responding to such needs, interests, and concerns.

(20 U.S.C. 1864 (b) and (c))

(6) *Community resources.* The program must provide for the identification and utilization of educational, cultural, recreational, and other existing and planned resources located outside of the school (including but not limited to, services of volunteers) to enhance the size and quality of the program.

(20 U.S.C. 1864 (b) and (c))

(7) *Program clients.* The program must have the potential for accommodating all age groups in the community, including preschool children, children and youths in school, out-of-school youths, adults, and senior citizens, as well as groups within the community with special needs for community education services and activities, such as persons of limited English-speaking ability and mentally or physically handicapped or other health-impaired persons.

(20 U.S.C. 1864(c))

(8) *Community participation.* The program must provide for the active and continuous involvement, on an advisory basis, of institutions, groups, and individuals including, but not limited to, local community colleges, social, recreational, and health groups, and persons broadly representative of the community served, including representatives of parents of students in the regular instructional program of the school administering the program and other residents of the community, in the planning and carrying out of the program, including involvement in the assessment of community needs and resources and in program evaluation.

(20 U.S.C. 1864 (b), (c); H.R. REP. NO. 805, 93d Cong., 2d Sess. 50 (1974))

**§ 160c.4 Limitation on number of applications.**

(a) Except as provided in paragraphs (b) and (c) of this section, an applicant may submit only one application in a given fiscal year for assistance pursuant to this part.

(b) In the event that a State educational agency forms a cooperative arrangement with a local educational agency and applies jointly with the local educational agency, in accordance with § 100a.19 of this chapter, to plan, establish, expand, improve, or maintain one or more community education programs which the State educational agency (together with the local educational agency) directly administers, as provided in § 160c.9(a)(1), the State educational agency may file a separate application for each such cooperative arrangement in addition to the one application which it may singly file.

(c) An institution of higher education may apply for grants for each of the types of projects described in §§ 160c.18, 160c.19, and 160c.20, respectively. It must file a single and separate application with respect to each of the following sections under which it seeks assistance: §§ 160c.18, 160c.19, 160c.20.

(d) The limitation in paragraph (a) of this section applies to preapplications submitted by local educational agencies





if the Commissioner requires preapplications pursuant to § 160c.10.

(20 U.S.C. 1221e–3(a)(1), 1864(d)(4))

**§ 160c.5 Duration of projects.**

(a) Project awards pursuant to this part will be for a grant period of up to one year. If a grantee seeks to receive assistance pursuant to this part for an additional period beyond such grant period, it must submit a new application for a new grant award. Such new application will be evaluated in competition with applications from other former grantees as well as from applicants which have not previously received assistance under this part.

(b) The Federal share of the projects will be computed in accordance with § 160c.14, including § 160c.14(b)(2) which provides that a new community education program may qualify for the 80 percent Federal share for one or two years of funding.

(20 U.S.C. 1221e–3(a)(1), 1864))

**§ 160c.6 Equitable geographical distribution.**

In approving applications under this part, the Commissioner will insure that there is an equitable geographical distribution of community education programs throughout the United States in both urban and rural areas.

(20 U.S.C. 1864(h))

**Subpart B—State and Local Educational Agency Projects**

**§ 160c.7 Eligibility.**

State educational agencies and local educational agencies are eligible to receive grants pursuant to this subpart.

(20 U.S.C. 1864(d)(1))

**§ 160c.8 Scope of Federally assisted projects.**

(a) *General.* Grants of Federal funds pursuant to this subpart will be made for projects to plan, establish, expand, operate, and/or provide developmental and technical assistance to one or more community education programs meeting or making progress toward meeting the requirements of § 160c.3.

(20 U.S.C. 1864(d)(1))

(b) *Amount of award.* The Federal grant shall be an amount determined by the Commissioner and set forth in the grant award document, which in no case shall exceed the applicable percentage, determined pursuant to § 160c.14, of the amount which the Commissioner determines to be the total, reasonable, and necessary cost of the project, subject to paragraphs (c) and (d) of this section and to § 160c.15.

(20 U.S.C. 1864(d) (1) and (3))

(c) *Costs generally allowable.* For the purposes of this section, the project to which the Federal share (as determined pursuant to § 160c.14) will be applied may include: (1) Leadership, coordinating, and administrative costs of planning, establishing, expanding, operating, coordinating, and providing developmental and technical assistance to one or more community education programs, including costs such as the salaries of community education administrators, their staff, and appropriate community members responsible for planning and implementing the project and community education programs thereunder; (2) training for such persons and for the applicant's chief executive officer; (3) other costs incidental to scheduling, assessing community needs and interests, recruiting administrative and instructional staff for the program and program participants, dissemination of information to the community, obtaining community participation in the planning and carrying out of the project and programs (including the costs related to the functioning of advisory councils), budgeting and management, and identifying and obtaining the input of other community resources; and (4) other costs incidental to assisting community education programs in carrying out these functions and to building their capacity to discharge these functions (as provided in paragraph (e)(2)(ii) of this section)

(20 U.S.C. 1864(d); H.R. REP. NO. 805, 93d Cong., 2d Sess. 51 (1974))

(d) *Costs allowable when specifically authorized.* The project to which the Federal share will be applied may include costs beyond those described in paragraph (c) of this section, including costs such as instructor salaries, instructional materials and equipment, and other incidental expenses directly related to the provision of specific community education program activities and services (for example, course offerings and transportation for participants), only in exceptional circumstances when (1) the Commissioner determines that it would be in the interest of the Government in carrying out the purposes specified in § 160c.1 to contribute to such costs, based on such considerations as whether (i) Other public or private resources are available for such costs; (ii) the charging of enrollment fees to program participants to cover such costs is feasible or would create an excessive financial burden on potential program participants; (iii) proposed costs are reasonable in terms of the contributions which they will make to the purposes of the community education program and; (iv) failure to contribute to such costs would defeat the equitable distribution of assistance under this part; and (2) the grant specifically authorizes such costs.

(20 U.S.C. 1864(d))

(e) *Costs at agency and school levels.* (1) Projects eligible for assistance pursuant to this subpart may include leadership, coordinating, and administrative costs described in paragraph (c) of this section: (i) For activities within individual schools planning, establishing, or administering community education programs in accordance with § 160c.3, and (ii) for activities outside of such individual schools but within the grantee local educational agency and/or State educational agency planning and providing developmental and technical assistance to such schools.

(2)(i) *Relationship of agency level costs to programs.* Eligible leadership, coordinating, and administrative costs described in subparagraph (e)(1)(ii) of this section must relate to specific and identified community education programs being planned, established, or administered in accordance with § 160c.3. The project to which the Federal share will be applied may not include costs of the grantee local educational agency and/or State educational agency which do not relate directly to specific community education programs identified in the grant award.

(ii) *Developmental and technical assistance to programs.* Leadership, coordinating, and administrative costs of local educational agencies or State educational agencies described in paragraph (e)(1)(ii) of this section may include developmental and technical assistance to schools (and, in the case of awards to State educational agencies, to local educational agencies) in planning, establishing, expanding, improving, and maintaining community education programs. Such developmental and technical assistance may include, but need not be limited to: (A) Planning and developing applications for assistance; (B) helping to survey the community education needs and resources of the community; (C) planning and developing community education programs; (D) helping to establish and coordinate community education task forces and advisory bodies; (E) training local directors of community education programs, and their staff and community teams; (F) assistance in the preparation of budgets for community education programs; (G) identifying and cooperating with training programs of institutions of higher education to bring together local officials who need training with the institutions which can provide the necessary training; (H) helping communities to expand existing community education programs; (I) helping communities and local community education directors to develop evaluation plans and to conduct evaluations of community education programs; and (J) helping communities and local educational agencies bring their community education programs into conformity with any existing State plan for community education.

(20 U.S.C. 1864 (c), (d) (1), (3) and (4)(C))

**§ 160c.9 State educational agency projects.**

(a) *Types of assistance to State educational agencies.* State educational agencies may apply for assistance pursuant to this part (1) to plan, establish, expand, improve, or maintain one or more community education programs which they directly administer through a public elementary or secondary school in accordance with § 160c.3(c)(1) (in cases where the State educational agency is directly responsible for operating a public school or where it applies jointly with a local educational agency), or (2)





to plan and provide developmental and

conditions set forth in § 100a.30 which

failure by a State educational agency to



which such funding sources will contrib-

to provide the public at large with an opportunity to have input in the prep-

applied in the program; (G) provisions for disseminating information on the

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to plan and provide developmental and technical assistance to one or more community education programs (in connection with the establishment, expansion, improvement, or maintenance of such programs) being administered by a local educational agency through a public elementary or secondary school, as provided in § 160c.8(e)(2)(ii).

(20 U.S.C. 1864(d)(1) and (2))

(b) *Relationship to community education programs.* Projects proposed by State educational agencies described in paragraph (a)(2) of this section may relate to: (1) Community education programs for which the local educational agency administering the program is receiving or seeking Federal assistance pursuant to this part; or (2) community education programs administered by local educational agencies which are neither seeking nor receiving Federal assistance pursuant to this part.

(20 U.S.C. 1864(d)(1) and (2))

(c) *Incorporation by reference of information in local educational agency applications.* (1) Applications from State educational agencies described in paragraph (a)(2) of this section which relate to a community education program with respect to which a current application for assistance is submitted to the Commissioner by the local educational agency may incorporate by reference information with respect to the community education program provided in the application of the local educational agency.

(2) Any such information incorporated by reference into the application of the State educational agency will be considered by the Commissioner as if it were provided in the application of the State educational agency for purposes of satisfying the application requirements set forth in § 160c.12.

(3) The opportunity for review by the State educational agency of both preapplications if required by the Commissioner) and applications submitted by local educational agencies, as provided in §§ 160c.10(b)(4) and 160c.11, is designed to facilitate appropriate coordination of State educational agency and local educational agency applications and permit the State educational agency to avail itself of the provisions for incorporation by reference in this paragraph.

(20 U.S.C. 1221e-3(a)(1), 1864(d))

(d) *Subgrants; Service contracts.* (1) State educational agencies may not use any Federal funds awarded pursuant to this subpart to award subgrants to local educational agencies or to any other entities or individuals.

(2) State educational agencies as well as local educational agencies may, with Federal funds awarded pursuant to this part, enter into contracts with local educational agencies or other entities or individuals to secure services which will assist them in carrying out a portion of the project activities, as provided in § 100a.30 of this chapter, subject to the conditions set forth in § 100a.30 which prohibit transfer of responsibility (or conduit arrangements) by the grantee and require a statement of intention to enter a service contract in the approved application or an approved amendment thereto.

(20 U.S.C. 1221c(b)(1), 1232c(b)(1))

**§ 160c.10 Preapplications from local educational agencies.**

(a) The Commissioner may require local educational agencies applying for assistance pursuant to this part to submit preapplications to the Commissioner in accordance with § 100a.41 of this chapter.

(b) In the event that the Commissioner does require preapplications from local educational agencies:

(1) As part of the project narrative statement required in preapplication forms provided for by § 100a.41 of this chapter, which may not exceed ten double spaced, typewritten pages, local educational agency applicants must provide, with reference to each of the community education programs to be assisted under the project for which funding is sought, a description of:

(i) The objectives of the project;

(ii) How the community, school, public agencies, and other resources will be involved in planning, carrying out, and evaluating the project;

(iii) Procedures and strategies to achieve project objectives;

(iv) Resources available for support of the project; and

(v) How and why specific project objectives were chosen.

(2) Local educational agencies submitting the most highly rated preapplications will be invited to submit applications for review. The Commissioner may provide that only invited applications will be accepted at this second stage. If the Commissioner provides that only invited applications will be accepted, non-invited applications from local educational agencies will be returned to the applicants.

(3) Preapplications will be evaluated by the Commissioner on the basis of the applicant's and proposed project's prospects for meeting the application requirements described in § 160c.12 and for competing successfully with similar applications from other applicants in terms of the funding criteria set forth in § 160c.13.

(4)(i) A copy of the preapplication must be submitted by the local educational agency to the State educational agency of the State in which the local educational agency is located, concurrently with the submission of the preapplication to the Commissioner, to provide the State educational agency an opportunity to review and comment on such preapplication.

(ii) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency preapplications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for a preapplication shall be deemed a waiver of the State educational agency's opportunity to comment on that preapplication.

(20 U.S.C. 1221c(b)(1), 1864(d)(4))

**§ 160c.11 State review of local educational agency applications.**

(a) The Commissioner will not approve an application submitted by a local educational agency in accordance with § 160c.12 unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review and comment on such application.

(b) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission of the application to the Commissioner.

(c) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency applications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for an application shall be deemed a waiver of the State educational agency's opportunity to comment on that application.

(d) State educational agencies are encouraged, in any comments which they submit pursuant to this section (and pursuant to § 160c.10(b)(4) for any preapplications from local educational agencies), to describe: (1) Any efforts which they undertook to solicit views from diverse community groups in the community proposed to be served on the application; (2) the results of any such efforts; and (3) any State or municipal laws which might deny or substantially limit use of public facilities for community education purposes.

(20 U.S.C. 1864(d)(4))

**§ 160c.12 Application requirements.**

The Commissioner will award a grant to a State or local educational agency under this subpart only upon an application submitted to the Commissioner which meets the following requirements, as applicable:

(a) *Requirements for all State and local educational agency applications.* All applications submitted by local educational agencies or State educational agencies under this subpart must contain:

(1) An explanation of the applicant's need for Federal resources to carry out the proposed project and of the reasons why the applicant is unable to implement the proposed project with its own resources, including, in the case of an application to expand, improve, or maintain an already existing community education program, information on the existing program's activities, budget, and sources of funds, and on the extent to which such funding sources will contribute to the proposed project;

(2) Assurances that the applicant will pay from non-Federal sources the remaining costs over and above the Federal share determined pursuant to § 160c.14 of carrying out the proposed project;

(3) A description of each community education program for which assistance is sought in sufficient detail to apply the appropriate Federal share, in accordance with § 160c.14:

(i)(A) With respect to each community education program to be assisted under the proposed project, the applicant should indicate whether the proposed project is to establish a new community education program, to expand or improve an existing program, and/or to maintain or carry out an existing program, in accordance with the standards of § 160c.14. (B) Final determination of the classification of the project for the purposes of applying the Federal share pursuant to § 160c.14 is reserved in the Commissioner.

(ii) An application which would assist community education programs earning different Federal shares (for example, a project to establish a new community education program and to maintain another existing program) or which would assist an individual community education program in a manner which would earn different Federal shares (for example, a project which requests Federal assistance both to maintain an existing community education program at its current level and to expand the same program) must break out in the budget proposed project costs in relationship to each community education program and, as appropriate, each aspect of an individual program, to permit calculation of the appropriate Federal share for the project pursuant to § 160c.14.

(4) A project plan describing (i) project objectives which state specific and measurable outcomes for the project; (ii) a proposed time schedule for accomplishing such objectives; (iii) an explanation of proposed procedures, strategies, and activities for accomplishing such objectives; and (iv) an evaluation component providing for the collection, verification, and analysis of data to measure the extent to which such objectives are accomplished by the project.

(5)(i) Information on proposed organizational arrangements for administering the project and on the qualifications and roles of staff who will administer the project, and (ii) a description of provisions for securing appropriate training or retraining, where required, of a short-term, in-service or pre-service nature for administrators, staff, citizens and others such as the chief executive officer who will plan and carry out projects.

(6) Documentation of involvement in the preparation of the application on an advisory basis of community colleges, social, recreational, and health groups, and persons broadly representative of the area or areas to be served by the project, including a description of procedures used to provide the public at large with an opportunity to have input in the preparation of the application (such as through public notice or hearings).

(7) Provisions for dissemination of information on the results of the project, and of the means used to achieve the result, to State educational agencies, local educational agencies, other educational agencies and institutions, the Commissioner, and the national clearinghouse (established pursuant to subsection (f) of the Act).

(8) A commitment by the applicant to collect and make available such information as may be required by the Commissioner or by the Community Education Advisory Council, in accordance with such time constraints as they may designate, for purposes of carrying out program evaluations in accordance with subsection (g) of the Act.

(20 U.S.C. 1864 (b), (c), (d)(4), (f), (g))

(b) *Requirements for local educational agency applications and for State educational agency applications which relate to community education programs which the State educational agency will directly administer.* (1) The application requirements set forth in this paragraph apply: (i) To all applications submitted by local educational agencies and (ii) to those applications submitted by State educational agencies which propose to plan, establish, expand, improve, or maintain one or more community education programs which the State educational agency will directly administer, as provided in § 160c.9(a)(1).

(2) The application must provide information sufficient to satisfy the Commissioner that each of the community education programs to be established, expanded, maintained, or otherwise assisted by the proposed project already meets each of the requirements set forth in § 160c.3, or that substantial compliance by each program with the requirements in § 160c.3 will be achieved as a result of the carrying out of the proposed project.

(3)(i) In providing information pursuant to the requirements of paragraph (a)(4) of this section and paragraph (b)(2) of this section, an application covered by this paragraph must provide, in addition to such other information as may be required to satisfy paragraph (a)(4) of this section and paragraph (b)(2) of this section, information on the following aspects with respect to each community education program for which assistance is sought: (A) Organizational arrangements for administering the program; (B) qualifications and roles of staff administering the program or, in connection with new programs to be established, procedures and plans for recruiting and training qualified staff; (C) public facilities used; (D) identification of the community served, including a description of the geographic area to be served and the demographic characteristics of the area; (E) a general description of the scope and nature of program activities and services; (F) available community resources which might be applied in the program; (G) provisions for disseminating information on the program to the community served; and (H) a program budget.

(ii) In connection with projects to expand, improve, or maintain an existing community education program, the information required by clause (b)(3)(i) of this section must be provided with reference both to the existing program and to the program which will result from the proposed project.

(4) The application must provide: (i) An analysis and documentation, with respect to each community education program to be assisted by the project, of the educational, cultural recreational, health, and related needs of the community to be served, as reflected by census of other data and a preliminary survey of the community's interests and concerns; (ii) a proposed prioritization of the community needs expected to be served by the program; and (iii) an explanation of how overall project objectives specified pursuant to paragraph (a)(4) of this section relate to the community needs.

(5) The application must provide: (i) An explanation of the means by which a preliminary determination was made as to community needs and proposed priorities for each community education program and (ii) in the case of applications which do not propose services in each of the areas of educational, recreational, health, and cultural activities, documentation that community needs were examined in each such area in which services are not proposed and of the basis for not proposing the services.

(6) The application must provide documentation that each community education program to be assisted by the project is designed to avoid duplication of other services and activities available in the community.

(c) Requirements for State educational agency applications to provide developmental and technical assistance to community education programs administered by local educational agencies. Applications from State educational agencies to provide developmental and technical assistance to one or more community education programs administered by local educational agencies, as provided in § 160c.9(a)(2), are subject to the requirements in paragraph (a) of this section and to the following requirements:

(1) The application must provide information sufficient to satisfy the Commissioner that developmental and technical assistance will be provided only: (i) To help expand, improve, or maintain community education programs which already meet each of the requirements of § 160c.3; or (ii) to help new community education programs which are being planned and established for the purpose of securing achievement with each of the requirements in § 160c.3.

(2) The application must describe the applicant's plans for assisting specific community education programs in developing the kinds of information re-







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quired by, and otherwise meeting the kinds of requirements in, paragraph (b) of this section (irrespective of whether or not the local educational agency intends to apply for assistance under this part).

(3) The application must (i) document that the State educational agency has carried out a general statewide survey of existing and planned community education programs, including community education programs in rural areas of the State, and of the needs of the programs for developmental and technical assistance from the State educational agency; and (ii) describe the results of the survey, including the basis for selecting for assistance those community education programs to receive developmental and technical assistance under the project.

(d) *Combined State educational agency projects.* If an application from a State educational agency proposes in part a project described in paragraph (b)(1) of this section and in part a project described in paragraph (c) of this section, the requirements in paragraph (b) will apply only to that part of the project which is described in paragraph (b)(1), and the requirements in paragraph (c) will apply only to that part of the project which is described in paragraph (c).

(20 U.S.C. 1864 (b), (c), (d), (f); S. REP. NO. 763, 93d Cong., 2d Sess. 73 (1974))

### § 160c.13 Criteria for evaluation of applications.

In order to achieve the purposes set forth in § 160c.1, the Commissioner, in determining whether to approve an application for a Federal grant and the amount of such grant pursuant to this subpart, will consider the following factors, weighted according to the indicated points:

(a) *All applications.* With respect to all applications submitted by local educational agencies or State educational agencies:

(1) (63 points)—The specific criteria set forth in § 100a.26(b) of this chapter, which will be weighted equally, except that the criterion set forth in § 100a.26 (b)(3) concerning the adequacy of qualifications (not limited to formal training) of leaders and other staff designated to carry out the proposed project will be weighted twice as heavily as each of the other criteria in § 100a.26(b);

(2) (7 points)—The extent to which the application documents that other public and private resources are unavailable and, therefore, Federal assistance is needed to carry out the proposed project;

(3) (10 points)—The promise of the proposed project to enhance substantially the quality and/or scope of each of the community education programs to which it relates;

(4) (20 points)—The likelihood that activities to be carried out under the project will be sustained and expanded by the applicant following the expiration of Federal assistance, as measured by (i) evidence of financial and other commitment of the applicant, including its policy-making board, to the project and (ii) the extent to which the project is designed to build the capacity of the applicant to plan, establish, expand, improve, maintain, and/or assist community education programs.

(b) *Local educational agency applications and those State educational agency applications related to community education programs which the State educational agency will directly administer.* With respect to all applications submitted by local educational agencies and to those applications submitted by State educational agencies which propose to plan, establish, expand, improve, or maintain one or more community education programs which the State educational agency will directly administer, as provided in § 160c.9(a)(1):

(1) (60 points)—The extent to which the proposed project is designed to achieve high quality (beyond meeting minimum requirements) in each specific community education program to which the project relates with regard to each of the elements of a community education program set forth in the following subparagraphs of § 160c.3(c): (3), Concerning concentration of program activities and services in a community center; (4), concerning scope of activities and services; (5), concerning procedures for documenting and responding to community needs; (6), concerning identification and utilization of community resources; (7), concerning the potential for accommodating a broad client population; and (8), concerning community participation in planning and carrying out the program.

(2) (5 points)—The extent to which proposed activities and services in each of the community education programs to be assisted by the project are convenient to residents of the community or communities to be served, including consideration of any transportation problems, satellite facilities, or mobile facilities.

(3) (8 points)—§ 160c.3(c)(1) provides that each community education program must be administered by a public elementary or secondary school. Subject to this condition on administration of the program, there is no requirement that the program activities and services be centered in a public elementary or secondary school building. Other public buildings can serve as the center for the community education program, as provided in § 160c.3(c)(3). Nevertheless, priority will be given to projects related to community education programs in which a public elementary or secondary school building will serve as the center for the community education program activities and services.

(4) (10 points)—The extent to which community education programs to which the proposed project relates will provide for the integration of, and mutual reinforcement between, the administering school's regular instructional programs and its community education activities and services.

(5) (4 points)—The extent to which there is a history of active community participation in the planning and carrying out of the school's regular instructional program and of other public cultural, recreational, and health activities within the community to be served.

(6) (3 points)—The relationship of the project to fundamental community health, educational, and other social welfare needs demanding public attention and resources.

(7) (10 points)—With respect to applications submitted by local educational agencies, any comments provided to the Commissioner by the State educational agency for the State in which the local educational agency is located which bear upon the extent to which the proposed project complements other community education efforts within the State, including its relationship to any State plan adopted by the State for community education programs.

(c) State educational agency applications to provide developmental and technical assistance to community education programs administered by local educational agencies. With respect to applications from State educational agencies to provide developmental and technical assistance to one or more community education programs administered by a local educational agency, as provided in § 160c.9(a)(2):

(1) Evidence of commitment by the State Board of Education and by the chief state school officer to the furtherance in the State of the purposes set forth in § 160c.1, as reflected by factors such as the following:

(i) (10 points)—The existing or planned organizational status within the State educational agency of personnel with administrative responsibilities related to community education activities;

(ii) (10 points)—Whether or not the State educational agency has established or plans to establish appropriate groups or task forces within the State designed to secure the advice of representatives of educational, recreational, civic, and parents groups within the State in the planning and carrying out of community education activities and to assure coordination of community education activities with other activities of other educational, cultural, recreational, and civic resources in the State.

(2) (5 points)—The extent to which the proposed project responds to the needs of existing and planned community education programs in rural areas of the State for developmental and technical assistance from the State educational agency.

(d) *Combined State educational agency projects.* If an application from a State educational agency proposes in part a project described in paragraph (b) of this section and in part a project described in paragraph (c) of this section, the evaluation criteria in paragraph (b) of this section will apply only to that part of the project which is described in paragraph (b), and the evaluation criteria in paragraph (c) will apply only to that part of the project which is described in paragraph (c).

(20 U.S.C. 1864(b), (c), (d); S. REP. NO. 763, 93d Cong. 2d Sess. 73 (1974))

### § 160c.14 Federal share of projects.

(a) *General.* For the purposes of funding grant projects in accordance with § 160c.8 of this subpart, the Federal share shall be: (1) 80 percent of a project to establish a new community education program; (2) 65 percent of a project to expand or improve a community education program for the first year in which the program is assisted under this subpart, and 55 percent in any fiscal year thereafter; and (3) 40 percent of a project to maintain or carry out a community education program.

(b) *Establishment of a new program.* (1) A project will qualify for the 80 percent Federal share under paragraph (a)(1) of this section with respect to a new community education program to be established in a community which has no existing community education effort with elements responding substantially to each of the subparagraphs in § 160c.3(c).

(2) A project to establish a new community education program will qualify for the 80 percent Federal share with respect to that program for one or two years of funding, depending upon the Commissioner's judgment as to whether one or two years are required to establish the program, and subject to the provisions of § 160c.5 which require the applicant to submit a new application for the second year of funding which will be evaluated on a competitive basis with other applications for assistance under this subpart. Any project award relating to the same program in successive fiscal years, whether to the same applicant or to another applicant, would earn one of the Federal shares designated under paragraphs (a)(2) and (3) of this section, as appropriate.

(c) *Expansion or improvement of a program.* (1) A project which does not qualify for the 80 percent share under paragraph (b) of this section with respect to a community education program will qualify for the 65 percent Federal share with respect to a community education program in the first year in which the program is assisted under this part if the project provides for: (i) An increase in the number and types of activities and services offered in the program in response to community needs and interests; (ii) A substantial improvement in the accessibility of the program's activities to the community and an increase in the numbers of people served by the program; (iii) an increase in the level of participation by residents of the community and by other community organizations and agencies in planning and implementing the program; (iv) a substantial increase in the times during, and purposes for, which a public facility is used in the program; or (v) substantial improvement in the quality of (A) the processes by which the community education program is administered with input by community residents and organizations or (B) the activities and services offered by the program.

(2) The Federal share provided for in this paragraph will be applied only against the incremental costs for the applicant of carrying out the expansion or improvement described in paragraph (c)(1)(i) through (v) of this section.

(d) *Calculation of share.* The Federal share for a project will be computed pursuant to this section by the Commissioner at the time of grant award with reference to each community education program to be assisted thereunder and, in connection with individual community education programs earning more than one Federal share, with reference to appropriate aspects of each such program.

(1) If a project proposes to establish one new community education program and maintain another existing community education program, eligible project costs related to the establishment of the new program would earn 80 percent Federal matching, while eligible project costs related to the maintenance of the existing program would earn 40 percent Federal matching. The Federal share for the project as a whole would therefore fall somewhere between 80 percent and 40 percent and would depend upon the relative project costs as between the new program and the maintained program.

(2)(i) With respect to a project which would expand or improve a given community education program, the applicant may seek Federal assistance pursuant to this subpart (A) both to maintain the program at its existing level and to expand or improve the program, or (B) only to improve or expand the program.

(ii) The Federal share specified in paragraph (a)(2) of this section will apply only to the incremental costs related to the expansion and improvement of the project, while the Federal share specified in paragraph (a)(3) of this section will apply to the costs associated with the maintenance of the program at its current level.

(iii) A project to expand or improve a community education program earning a 65 percent share of Federal assistance in the first year of assistance pursuant to this subpart which proposes in the second year merely to maintain the program at the level to which it was expanded or improved in the first year will earn only a 40 percent Federal share in the second year. The project will earn a 55 percent Federal share in the second year only to the extent that the community education program is improved or expanded in the second year.

(20 U.S.C. 1864(d)(3))

### § 160c.15 Allowable costs.

(a) Allowable costs under projects to which the applicable Federal share is awarded pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix B to Subchapter A of this chapter, subject to the limitations set forth in § 160c.8.

(b) There are no firm limits as to the amount of assistance provided under a grant pursuant to this subpart, but it is expected that a substantial number of grants of limited size will be awarded, and that the size of individual grant awards will depend upon the number of community education programs to be assisted in a way which satisfies applicable requirements and criteria in §§ 160c.12 and 160c.13, respectively, under the grant, whether the project is to establish (likely to receive the highest amount), expand, improve, and/or maintain community education programs, the specific criteria in § 160c.13, and the level of competition for funds.

(c) The costs of facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this subpart and will only be allowed if the Commissioner specifically authorizes such costs.

(20 U.S.C. 1864 (c), (d) (1), (3), (4)(C))

## Subpart C—Training Projects in Institutions of Higher Education

### § 160c.16 Nature of Federal projects.

(a) *General.* Grants of Federal funds pursuant to this subpart will be made to institutions of higher education to pay all or part of the costs of developing and establishing, or expanding, programs which will train persons to plan and operate community education programs.

(b) *Types of projects.* Each grant pursuant to this subpart will be for only one of the following types of projects to develop and establish, or expand: (1) Programs to train persons planning and operating community education programs in local educational agencies (or State educational agencies which are directly administering community education programs), as provided in § 160c.18; (2) programs to train persons in State educational agencies planning and providing developmental and technical assistance to community education programs administered by local educational agencies, as provided in § 160c.19; or (3) programs (i) to assess appropriate training competencies needed in local educational agencies and State educational agencies for the planning and administration of community education programs, how these competencies can be effectively acquired, and existing training opportunities available with respect to community education and (ii) to develop an appropriate training curriculum and training materials which would become broadly available for the training of community education leaders, administrators, related personnel, or community teams at local educational agencies and State educational agencies (including the chief executive officers of such agencies), as described in § 160c.20.

(c) *Capacity building.* (1) Projects supported pursuant to this subpart must be designed to build the capacity of the grantee institution of higher education to provide training (whether the training is provided directly or indirectly through the assessment of training needs





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### § 160c.20 Training assessment and curriculum programs and State activities.

### § 160c.21 Criteria for evaluation of ap-

and the development of training curriculum) on a scale not previously provided by the grantee or to local educational agencies or State educational agencies not previously served by the grantee.

(2) Training projects described in §§ 160c.18 and 160c.19 must build the capacity of the grantee through the provision by the grantee of inservice, basically short-term, continuous training to local educational agencies and/or State educational agencies, as provided in §§ 160c.18 and 160c.19.

(d) *Non-duplication of costs.* Federal funds provided pursuant to this subpart may not be used to pay for any costs of training which are being separately funded under a local educational agency or State educational agency project funded pursuant to Subpart B of this part.

(20 U.S.C. 1864(e))

**§ 160c.17 Application requirements for all institutions of higher education grants.**

The Commissioner will award a grant to an institution of higher education under this subpart only upon an application submitted to the Commissioner which:

(a)(1) Contains a project plan describing (i) project objectives which state specific and measurable outcomes for the project; (ii) a proposed time schedule for accomplishing the objectives; (iii) an explanation of proposed procedures, strategies, and activities for accomplishing the objectives; and (iv) an evaluation component providing for the collection, verification, and analysis of data to measure the extent to which the objectives are accomplished by the project.

(2) In addition to such other information as may be required pursuant to paragraph (a)(1) of this section, the project plan described in subparagraph (1) must include: (i) A description of proposed workshops, conferences or seminars, including their locations, number of sessions planned, and approximate number of trainees; (ii) information on the qualifications of teaching and administrative staff to carry out the project; (iii) provision for disseminating information on the project to local educational agencies, State educational agencies, other institutions of higher education, and the national clearinghouse (established pursuant to subsection (f) of the Act); and (iv) a project budget.

(b) Provides a general description of existing training activities of the applicant in or related to community education, facilities and resources available for such activities, institutions and programs which benefit from its training activities, and the extent to which its present experience will contribute to the effectiveness of the proposed project; and

(c) Includes a statement of commitment that the applicant will, upon the expiration of Federal assistance, continue to carry out training activities for the institutions and programs to be benefited under the Federally funded project.

(20 U.S.C. 1864(e))

**§ 160c.18 Training to local educational agencies.**

(a) *Purpose.* Grants to institutions of higher education under this section will be for the purpose of providing on-going, continuous inservice training to eligible recipients of training in local educational agencies planning and administering community education programs and in State educational agencies directly planning and administering such programs.

(b) *Funding requirements.* Training provided under a grant awarded pursuant to this section must meet the following requirements:

(1) The training must be designed to provide training in skills and understandings with reference to each of the elements of a community education program set forth in § 160c.3 and must include training in such areas as: (i) Understanding the concepts of community education, (ii) data collection and interpretation; (iii) community organization; and (iv) knowledge of other community education programs of an exemplary nature.

(2) The training generally must be short-term in nature and offered at times and in such a manner as to allow participation by recipients of the training on a basis which will cause minimum disruption to the carrying out of their responsibilities in planning and in operating community education programs.

(3) The training activities must be provided for eligible recipients in specific local educational agencies (and in specific State educational agencies, as described in paragraph (a) of this section) on a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training workshops or exercises.

(c) *Recipients of training.* Eligible recipients of training under grants awarded to institutions of higher education pursuant to this section include persons in local educational agencies (or in State educational agencies directly administering a community education program) involved in the planning and operation of community education programs, including the chief executive officer of the State educational agency or local educational agency, leaders, coordinators, administrators, and other staff of community education programs, and members of the community assisting in the planning and carrying out of such programs, and including persons certified by a local educational agency or State educational agency as about to undertake such responsibilities within that agency.

(d) *Application requirements.* In addition to meeting the requirements of § 160c.17, applications for grants under this section must:

(1) As part of the project plan required by § 160c.17(a), name each local educational agency (and State educational agency) to be served by the proposed training project and indicate the general scope of services to be provided to each such agency, officials or groups to receive the training and how they will be selected, and the skill or competency needs of recipient agencies and how the project will respond to the needs.

(2) Include as an attachment a letter of commitment from each local educational agency (or State educational agency) to be served by the project, indicating its intention to participate in the project, certifying its need for the services which the application proposes to provide to the agency, and indicating any financial assistance it is receiving or seeking pursuant to this part related to the proposed training services.

(3) Describe current training activities of the applicant, including approximate numbers and program affiliations of individuals trained, cost of training, and staff carrying out the activities.

(4) Provide information to satisfy the Commissioner that the requirements in § 160c.16 (c) and (d) and paragraphs (a), (b), and (c) of this section are satisfied.

(e) *Number and size of grants.* It is expected that a large number of small grants to institutions of higher education (or to consortia of institutions of higher education) will be awarded each fiscal year pursuant to this section. The size of grant awards will depend upon the number of local educational agencies (or State educational agencies) to receive training services, the scope and quality of the project as measured by criteria set forth in § 160c.21, and the level of competition for available funds.

(20 U.S.C. 1864(e))

**§ 160c.19 Training to State educational agencies.**

(a) *Purpose.* Grants to institutions of higher education under this section will be for the purpose of providing on-going, continuous inservice training to eligible recipients of training in State educational agencies planning and providing developmental and technical assistance to community education programs administered by local educational agencies.

(b) *Program requirements.* Training programs funded under this section must be designed to provide training:

(1) In the following skills and understandings: (i) General skills necessary and appropriate for the organization, development, and administration of statewide community education activities; (ii) technical skills related to carrying out needs and resources assessments, evaluation of community education programs, planning, and data collection; (iii) skills in the provision of developmental or technical assistance to local community education programs; (iv) a general understanding of the concepts of community education, including those reflected in § 160c.3; (v) identification of, and coordination with, other Federal and State resources, including the resources of other States;

(2) Through the provision of information on: (i) Successful community education programs and State activities related thereto in other States; and (ii) information on community education programs, and research and development related thereto, available from the clearinghouse (established pursuant to subsection (f) of the Act), and from the Commissioner;

(3) Which involves training activities for eligible recipients in specific State educational agencies: (i) On a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training workshops or exercises; and (ii) which are short-term in nature and offered at times and in such a manner as to allow participation by recipients of the training on a basis which will cause minimum disruption to the carrying out of their responsibilities in planning and providing assistance to community education programs.

(c) *Recipients of Training.* Eligible recipients of training under grants awarded to institutions of higher education pursuant to this section include:

(1) Leaders, coordinators, and administrators of community education activities in State educational agencies, including the chief State school officer;

(2) Members of any advisory bodies responsible for advising the State educational agency in the carrying out of community education activities; and

(3) Persons certified by a State educational agency as about to undertake positions described in paragraphs (c) (1) and (2) of this section within that State educational agency.

(d) *Application requirements.* Applications for grants under this section must meet the requirements of § 160c.17 and provide information to satisfy the Commissioner that the requirements in § 160c.16 (c) and (d) and paragraphs (a), (b), and (c) of this section are satisfied.

(e) *One grant.* It is expected that only one grant to an institution of higher education or to a consortium of institutions of higher education will be made pursuant to this section in the first year in which grants are made pursuant to this part. The grant award will have the purpose of providing training to eligible recipients in a large number of State educational agencies.

(20 U.S.C. 1864(e))





**§ 160c.20 Training assessment and curriculum development.**

(a) Grants to institutions of higher education under this section will be for one or more of the following purposes:

(1) To assess (i) appropriate training competencies needed in local educational agencies and State educational agencies for the planning and administration of community education programs and for the provision of developmental and technical assistance to such programs; (ii) how these competencies can be effectively acquired; and (iii) existing training opportunities available with respect to community education;

(2) To develop appropriate training curricula and training materials designed to train administrators (including chief executive officers) and related personnel planning and carrying out or assisting community education programs in local educational agencies and State educational agencies, including appropriate materials for long- and short-term training, and formal and informal training, materials appropriate for use by community education program personnel without trained instructors, packaged training modules susceptible to flexible use to meet particular training needs in different settings and for trainees with different experiences, and materials to train trainers in community education;

(b) Applications for grants under this section must meet the requirements of § 160c.17 and provide information on the potential benefits and uses, including potential users, of assessments carried out and materials developed under the project; and

(c) It is expected that about three grants to institutions of higher education (or to consortia of institutions of higher education) will be made pursuant to this section in the first fiscal year in which grants are made pursuant to this part. The grant awards will focus on assessment activities described in paragraph (a)(1) of this section. Grants in successive fiscal years are expected to focus on the development of training curricula and materials pursuant to paragraph (a)(2) of this section.

(20 U.S.C. 1864(e))

**§ 160c.21 Criteria for evaluation of applications.**

In order to achieve the purposes set forth in § 160c.1, the Commissioner, in determining whether to approve an application for a Federal grant and the amount of such grant pursuant to this subpart, will consider the following factors, weighted as indicated:

(a) (77 points)—The specific criteria set forth in § 100a.26(b) of this chapter;

(b) (8 points)—The extent to which the application reflects a knowledge of training needs in community education, with specific reference to agencies to be served or benefited in the project, and provides for responding to such needs;

(c) (5 points)—The extent to which the proposed project is likely to build the capacity of the grantee to serve as a training resource for local educational agencies and State educational agencies planning, carrying out, and/or assisting community education programs.

(d) (4 points)—The number of local educational agencies and/or State educational agencies to participate directly in, or benefit indirectly from, the proposed project;

(e) (6 points)—The extent to which training provided by the project is likely to form a foundation from which training participants (or users of materials developed by the project) may pursue long-term or formal degree training if they so desire.

(20 U.S.C. 1864(e))

**§ 160c.22 Allowable costs.**

Allowable costs under grants awarded pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix C–II to Subchapter A of this chapter, subject to applicable limitations set forth in this subpart and to the restrictions that (a) indirect costs will be allowed at either (1) the actual level of the institutional indirect costs or (2) 8 percent of total direct costs, whichever is the lesser and (b) the costs of facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this subpart and will only be allowed if the Commissioner specifically authorizes such costs.

(20 U.S.C. 1864(e))

[FR Doc.75-10042 Filed 4-17-75;8:45 am]



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FRIDAY, APRIL 18, 1975
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PART III

# COMMODITY FUTURES TRADING COMMISSION

## Provisional Designation and Registration; Deferral of Effective Dates; Change in Chapter 1 Designation

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Title 17—Commodity and Securities

ing rules providing for provisional designation and registration; deferral of effective dates; change in Chapter 1 designation

obtain designation by April 21, 1975, in



end of the extended provisional designation period.

incumbent upon the designated boards to make a showing to the Commission

from the effective date of the CFTCA, and is adopting rule 1.10a to implement

## Title 17—Commodity and Securities Exchanges

## CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

## COMMODITY FUTURES TRADING COMMISSION

### Change in Chapter I Designation

On October 23, 1974, the Commodity Futures Trading Commission Act of 1974 ("CFTCA") was enacted into law. The CFTCA which amended the Commodity Exchange Act, as amended, established, as an independent agency of the United States Government, a Commodity Futures Trading Commission (the "Commission"). Upon the effective date of the CFTCA, April 21, 1975, the Commission will administer and enforce the Commodity Exchange Act, as amended, a responsibility which is presently that of the Secretary of Agriculture and the Commodity Exchange Commission.

The regulations adopted by the Department of Agriculture, under the Commodity Exchange Act, as amended, appear under Chapter I of Title 17 of the Code of Federal Regulations. Because, upon the effective date of the CFTCA, those regulations will be administered and enforced by the Commission,[1] the Commission has determined that the present designation of Chapter I is no longer appropriate. In addition, the Commission has found that, because the designation of Chapter I is nonsubstantive in nature, notice and public participation is unnecessary. The Commission, therefore, hereby redesignates Chapter I of Title 17 of the Code of Federal Regulations, effective immediately, as "Chapter I—Commodity Futures Trading Commission."

(Sec. 418(a), Pub. Law 93-463, 88 Stat. 1415; 7 U.S.C. 12a(5) as amended sec. 103 Pub. Law 93-463, 88 Stat. 1392)

Issued: April 17, 1975.

WILLIAM T. BAGLEY,
*Chairman, Commodity Futures Trading Commission.*

[FR Doc.75-10286 Filed 4-17-75;12:30 pm]

## CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

## PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

### Provisional Designations of Boards of Trade as Contract Markets; Provisional Registration of Futures Commission Merchants and Floor Brokers

The Commodity Futures Trading Commission ("Commission") is hereby adopting rules providing for provisional designation of boards of trade as contract markets, for periods of up to 90 days from April 21, 1975, and provisional registration of persons as futures commission merchants ("FCMs") or floor brokers, for periods of up to 90 days from April 21, 1975.

The Commodity Futures Trading Commission Act of 1974 ("CFTCA")[2] substantially expanded the scope and coverage of the Commodity Exchange Act ("Act"), 7 U.S.C. 1, *et. seq.*, and established the Commission as the agency to administer and enforce the Act, a function which had previously been that of the Secretary of Agriculture and the Commodity Exchange Commission. Recognizing that the Commission would have a brief amount of time available to it before the effective date of the CFTCA, which is April 21, 1975,[3] and in order to "permit the orderly implementation" by the Commission of the CFTCA,[4] Congress enacted Pub. Law 94-16, which authorizes the Commission to grant provisional designations and registrations for periods up to 90 days from April 21, 1975.[4]

1. *Designation of Boards of Trade as Contract Markets.* Section 4 of the Act, 7 U.S.C. 6, generally makes it unlawful for any person to make or execute any "contract of sale of any commodity for future delivery" except on a board of trade that has been designated as a contract market. Pursuant to section 5 of the Act, 7 U.S.C. 7, as amended by section 103 of the CFTCA, 88 Stat. 1392, the Commission is authorized and directed to designate a board of trade as a contract market if it has complied with and carried out the conditions and requirements prescribed in the Act for designation. The CFTCA has a major impact upon designation because it substantially expands the definition in section 2(a)(1) of the Act of a "commodity."[5] Because of this impending change, a number of boards of trade that are not designated as contract markets must obtain designation by April 21, 1975, in order for trading lawfully to continue on those boards after that date. Pub. Law 94-16 was enacted in recognition of the fact that the Commission would not have sufficient time available to it before April 21, to determine whether these boards of trade were in compliance with the conditions and requirements of designation. The Senate Committee on Agriculture and Forestry, which reported favorably upon the joint resolution that became Pub. Law 94-16, stated in its report:

> "There are certain things which the Commodity Futures Trading Commission cannot physically accomplish before April 21, 1975. The Commission cannot review the operations, bylaws, and rules of the currently unregulated commodity markets in sufficient depth to determine whether such markets should be designated as contract markets under the Act * * *. The designation of contract markets without proper review * * * would not be in the public interest." [6]

For the reasons stated by the Senate Committee in its report, and in order to avoid the disruption, and attendant harm to the public, that would occur if futures trading in the previously unregulated commodities were required abruptly to cease on April 21 because designations could not be granted by that date, the Commission has decided to exercise its authority to grant provisional designation.

The Commission is thus adopting a provisional designation rule which provides that any person will be provisionally designated as a contract market in the presently unregulated commodities for a 15-day period upon a showing by the applicant that it is in fact a "board of trade" within the meaning of section 2(a)(1) of the Act, and that contracts for future delivery of the commodities with respect to which it is seeking designation were open upon that board on April 15, 1975. An applicant that seeks to make such a showing should file with the Commission a list of its membership, a list of its board of directors and officers, a copy of the bylaws, rules, regulations and resolutions under which it operates, and any other material that the applicant considers relevant. This 15-day provisional designation will be extended for an additional period or periods, not to extend beyond July 18, 1975, if the board demonstrates to the Commission's satisfaction that:

(a) There is no reasonable likelihood that the trading of commodity futures contracts on the applicant, and related activities thereupon, during that extended period will operate as a fraud upon members of the public, *and*

(b) The abrupt cessation of trading and related activities on the applicant at the end of the 15-day period would impose substantial hardships upon persons engaging in transactions upon the applicant, *and*

(c) The applicant is acting diligently to comply with the conditions and requirements set forth in the Act for designation by the Commission as a contract market and there is a reasonable likelihood that the applicant will have so complied before the end of the extended provisional designation period.

With respect to those boards of trade that are presently designated as contract markets for particular commodities, the Commission has determined not to terminate, modify or suspend those designations, which were of course granted by the Secretary of Agriculture. Accordingly, pursuant to section 411 of the CFTCA, those designations shall continue in effect since they are "not inconsistent" with the provisions of the CFTCA.[7] That this was Congress' intention is apparent from the report of the Senate Committee on Agriculture and Forestry on Pub. L. 94-16, which states that "[c]ontract market designations previously made by the Secretary of Agriculture for presently-regulated commodities would continue in effect until terminated, modified or suspended by the new Commission." [8]

The Commission wishes to emphasize, however, that the CFTCA imposes various new requirements that the boards designated by the Secretary must meet. These conditions are that the board: (1) "demonstrates that transactions for future delivery in the commodity for which designation as a contract market is sought will not be contrary to the public interest"; [9] (2) permits the delivery of any commodity, on contracts of sale thereof for future delivery, of such grade or grades, at such point or points and at such quality and locational price differentials as will tend to prevent or diminish price manipulations, market congestion or the abnormal movement of such commodity in interstate commerce; [10] and (3) provides a fair and equitable procedure for the settlement of customers' claims and grievances against any member or employee thereof.[11] It is thus incumbent upon the designated boards to make a showing to the Commission that they are in compliance with these new conditions. The Commission's determination that the Secretary's designations are "not inconsistent" with the CFTCA should not be construed as any finding or indication by the Commission that the designated boards have met these conditions.

2. *Registration.* As discussed above, the CFTCA's expansion of the term commodity will require previously unregulated boards of trade to become designated as contract markets by April 21, 1975 in order for trading on those boards lawfully to continue on and after that date. Upon such designation, persons operating on those boards on April 21, 1975 as floor brokers or trading through those boards on April 21, 1975 as futures commission merchants ("FCMs") must be registered with the Commission in order lawfully to conduct business as of that date.[12] Registration as an FCM or floor broker by the Secretary of Agriculture will continue in effect under the CFTCA.

Congress recognized, however, that the Commission would not have sufficient time before April 21 to review registration applications thoroughly.[13] Congress therefore provided in Pub. Law 94-16 that the Commission may grant provisional registration as an FCM or floor broker to any person, for a period not in excess of 90 days from the effective date of the CFTCA, under such terms and conditions as the Commission may prescribe. The purpose of giving the Commission authority to grant provisional registration was to permit the Commission to review applications for registration thoroughly, while, at the same time, permitting applicants, pending the completion of that review, to continue to engage in the business for which they were seeking registration.

The Commission has determined that it in fact does not have sufficient time before April 21, or in the period immediately thereafter, to give applications for FCM and floor broker registration the thorough review that the public interest requires. The Commission believes, however, that it would not be in the public interest if the FCM and floor broker applicants whose activities related solely to the previously unregulated commodities were required to cease operations on April 21, as that would cause a disruption of trading. Accordingly, the Commission has decided to exercise its authority to provisionally register FCMs and floor brokers for periods not to exceed 90 days from the effective date of the CFTCA, and is adopting rule 1.10a to implement that authority. As provided in the rule, the Commission will provisionally register any person who is engaged in an ongoing business and who, on the basis of a preliminary review of his application appears to meet the requirements set forth in rules 1.10 and 1.11 under the Commodity Exchange Act, as amended. A floor broker applicant must include with his application complete biographical information as to himself. An FCM applicant must include with his application complete biographical information as to each partner, director, officer, branch manager and beneficial owner of more than 10 percent of the equity stock of such applicant. Such biographical information should include date and place of birth; spouse's name, and date and place of birth; employment and addresses for the previous 10 years; other business connections; affiliations other than religious or political; and any aliases. This information is necessary for the Commission to conduct fitness checks on the applicants. In its preliminary review of an application, the Commission intends to apply the standards it uses in granting final registration pursuant to section 4f(1), but will accept as true and accurate the information contained in the application and supporting filings.

If the Commission grants provisional registration, it will continue to process the application, including FBI and SEC checks, to determine whether it will grant final registration pursuant to section 4f(1) of the Act. Persons who are provisionally registered will not be required to file a separate application for final registration.

3. *Statutory Authority.* Section 1 of Pub. Law 94-16, provides that the Commission may grant provisional designation to any board of trade as a contract market, and may grant provisional registration to any person as an FCM or floor broker, without prior notice or hearing. Because the purpose of provisional designation and registration is to permit the Commission to allow boards of trade, FCMs, and floor brokers, in appropriate cases, to operate as of April 21, 1975 (while it continues to review their applications), rules providing for provisional designation and registration must be effective before that date. Thus, the Commission finds good cause for dispensing with prior notice and hearing and for declaring the rules effective immediately.

In consideration of the foregoing, and pursuant to its authority under section 418(a) Pub. Law 93-463, 88 Stat. 1415, to adopt rules prior to the effective date of the CFTCA, Part I in Chapter I of Title 17 of the Code of Federal Regulations is amended, effective April 17, 1975, as follows:

§ 1.10a **Provisional registration of futures commission merchants and floor brokers.**

(a) The Commission may provisionally register as a futures commission merchant, for a period not to extend beyond

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[1] Section 411 of the CFTCA provides that "All rules, regulations, and orders heretofore issued by the Commodity Exchange Commission and by the Secretary of Agriculture under the Commodity Exchange Act to the extent not inconsistent with the provisions of this Act shall continue in full force and effect unless and until terminated, modified, or suspended by the Commodity Futures Trading Commission."

[2] Pub. Law 93-463, 88 Stat. 1389.

[3] Sec. 418, Pub. Law 93-463, 88 Stat. 1415.

[4] S. Rep. No. 94-73, 94th Cong. 1st Sess. 1 (1975).

[4] Pub. Law 94-16 also authorizes the Commission to defer for 90 days the effective date of (1) sections 204 and 205 of the CFTCA, 88 Stat. 1397, which require the registration of commodity trading advisors, commodity pool operators and certain persons associated with futures commission merchants and (2) sections 210 and 407 of the CFTCA, 88 Stat. 1401, 1414, which, in general, relate to Commission review of contract market bylaws. The Public Law also defers for 90 days the effective date of section 106, which establishes a customer reparations procedure, and extends by 90 days the date by which the Commission must make certain determinations regarding commodity futures trading (see sections 203 and 404 of the CFTCA, 88 Stat. 1396, 1413).

[5] Pursuant to section 201(b) of the CFTCA, 88 Stat. 1395, which amends section 2(a)(1) of the Act, 7 U.S.C. 2, the term "commodity" will mean not only those goods and articles specifically set forth in section 2(a)(1), but also "all other goods and articles, except onions as provided in Public Law 85-839, and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in."

[6] S. Rep. No. 94-73, 94th Cong., 1st Sess. 3 (1975).

[7] Section 411, 88 Stat. 1415, provides, *inter alia*, that all orders issued by the Secretary under the Act to the extent not inconsistent with the provisions of the CFTCA shall continue in full force and effect unless and until terminated, modified or suspended by the Commission. Since the Secretary's designations obviously have no applicability to the previously unregulated commodities, a designated board (just as any other board) must be designated by the Commission, provisionally or otherwise, as a contract market for any such commodity if futures trading therein is lawfully to continue upon that board on and after April 21, 1975.

[8] S. Rep. No. 94-73, 84th Cong., 1st Sess. 1 (1975).

[9] See section 207 of the CFTCA, 88 Stat. 1400, which amends section 5 of the Act, 7 U.S.C. 7.

[10] See section 5(f) of the Act, 7 U.S.C. 7(f), which makes it a condition of designation that the board comply in all respects with the requirements of the Act applicable to the board, and section 208(d) of the CFTCA, 88 Stat 1400.

[11] See n. 10 *supra*, and section 209 of the CFTCA, 88 Stat. 1401. In addition, section 107 of the CFTCA, 88 Stat. 1395, generally requires the Commission to take into consideration the "public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of [the] * * * Act."

[12] This is because the definitions of "futures commission merchant" and "floor broker" in section 2(a)(1) of the Act refer to persons who conduct business "on or subject to the rules of any contract market." Thus, when a previously unregulated board becomes designated as a contract market, any person acting as an FCM or floor broker thereon must be registered as such with the Commission in order to continue in business.

[13] S. Rep. No. 94-73, 94th Cong. 1st Sess. 3 (1974).







July 18, 1975, any person who, on April 15, 1975, was engaged in a business of birth; spouse's name, and date and place of birth; employment and addresditional period or periods, not to extend beyond July 18, 1975, if the board, within



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registrations,[3] Congress enacted Pub. Law 94-16, which authorizes the Commission to terms and conditions in contracts of sale to be executed on or subject to the

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July 18, 1975, any person who, on April 15, 1975, was engaged in a business which, if engaged in on April 21, 1975, would require him to register as a futures commission merchant, and who files an application for registration as a futures commission merchant in compliance with the requirements prescribed in §§ 1.10 and 1.11, and includes therewith, as to each partner, director, officer, branch manager, and beneficial owner of more than 10 percent of the equity stock of such applicant, complete biographical information, including date and place of birth; spouse's name, and date and place of birth; employment and addresses for the previous 10 years; other business connections; organizational affiliations other than religious or political; and any aliases.

(b) The Commission may provisionally register as a floor broker, for a period not to extend beyond July 18, 1975, any person who, on April 15, 1975, was engaged in a business which, if engaged in on April 21, 1975, would require him to register as a floor broker, and who files an application for registration as a floor broker in compliance with the requirements prescribed in §§ 1.10 and 1.11, and includes therewith, complete biographical information, including date and place of birth; spouse's name, and date and place of birth; employment and addresses for the previous 10 years; other business connections; organizational affiliations other than religious or political; and any aliases, (7 U.S.C. 6f as amended sec. 103 Pub. Law 93–463, 88 Stat. 1392; sec. 1(b) Pub. Law 94–16, 89 Stat. 77; 7 U.S.C. 12a(5) as amended sec. 103 Pub. Law 93–463, 88 Stat. 1392.)

§ 1.52 Provisional designation of a Board of Trade as a contract market.

Any person that files an application with the Commission for designation as a contract market for any commodity or commodities not specifically set forth in section 2(a)(1) of the Commodity Exchange Act, as in effect prior to its amendment by Pub. Law 93–463, with respect to which contracts for future delivery thereon were open on April 15, 1975, will be provisionally designated, by Commission order, as a contract market for such commodity or commodities for a 15-day period, not to extend beyond July 18, 1975, if the applicant demonstrates to the Commission's satisfaction that it is a "board of trade" as that term is defined in section 2(a)(1) of the Act. Such provisional designation will be extended, by Commission order, for an additional period or periods, not to extend beyond July 18, 1975, if the board, within the 15-day provisional designation period, demonstrates to the Commission's satisfaction that:

(a) There is no reasonable likelihood that the trading of commodity futures contracts on the applicant, and related activities thereupon, during that extended period will operate as a fraud upon members of the public, *and*

(b) The abrupt cessation of trading and related activities on the applicant at the end of the 15-day period would impose substantial hardships upon persons engaging in transactions upon the applicant, *and*

(c) The applicant is acting diligently to comply with the conditions and requirements set forth in the Act for designation by the Commission as a contract market and there is a reasonable likelihood that the applicant will have so complied before the end of the extended provisional designation period.

(Sec. 1(a) Pub. Law 94–16, 89 Stat. 77; 7 U.S.C. 12a(5) as amended sec. 103 Pub. Law 93–463, 88 Stat. 1392)

Issued: April 16, 1975.

WILLIAM T. BAGLEY,
*Chairman, Commodity Futures Trading Commission.*

[FR Doc.75–10285 Filed 4–17–75; 12:30 am]





## COMMODITY FUTURES TRADING COMMISSION

### REGISTRATION AND APPROVAL OF CONTRACT MARKET RULES

#### Deferral of Provisions in CFTCA Requiring Registration of Associated Persons, Commodity Trading Advisors and Commodity Pool Operators, and Requiring Commission Approval of Contract Market Rules

Pursuant to sections 204 and 205 of the Commodity Futures Trading Commission Act of 1974 ("CFTCA"),[1] it shall be unlawful, as of the effective date of the CFTCA, April 21, 1975, for any person who is a "commodity trading advisor" or "commodity pool operator"[2], as those terms are defined in the CFTCA, or who is an associated person, within the meaning of section 204 of the CFTCA, to continue in that capacity unless registered with the Commission. The Commission estimate that approximately 25,000 to 30,000 such persons will be required to register. Recognizing that the Commission might not be able before April 21, 1975, to issue the necessary regulations, review the applications, make meaningful fitness checks, and issue the required registrations,[3] Congress enacted Pub. Law 94–16, which authorizes the Commission to defer for up to 90 days the effective dates of sections 204 and 205 of the CFTCA. The Commission has determined that it in fact cannot complete these functions before April 21. The Commission believes, however, that it would not be in the public interest to require the cessation of operation by a substantial number of associated persons, commodity trading advisors and commodity pool operators and, thereby, cause disruption of the commodity futures industry; nor would it be in the public interest to register those persons without a fitness check. The Commission has decided therefore to defer the effective date of sections 204 and 205. The Commission believes that it will need the full 90 days to complete these functions.

Congress also authorized the Commission to defer, for a period not to exceed 90 days from April 21, the effective dates of sections 210 and 407 of the CFTCA.[4] Section 210 requires that contract markets submit for Commission approval, and that the Commission approve or disapprove within 30 days thereafter, all bylaws, rules, regulations, and resolutions which relate to the terms and conditions of futures contracts or other trading requirements (except those relating to the setting of levels of margin).[5] Section 407 amends section 5a of the Commodity Exchange Act. Before the amendment, subsection (8) of 5a required each contract market to enforce all bylaws, rules, regulations, and resolutions which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relate to other trading requirements and which have not been disapproved by the Secretary of Agriculture, and to revoke and not enforce any such bylaw, rule, regulation, or resolution which has been so disapproved. Under section 407, each contract market would be required to enforce such bylaws, rules, regulations, and resolutions if they have been approved by the Commission, and would be required to revoke and not enforce any bylaw, rule, regulation, or resolution, which has been disapproved by the Commission.

In enacting Pub. Law 94–16, Congress recognized that it would be difficult for the Commission to review before April 21, 1975, all the bylaws, rules, regulations, and resolutions of the boards of trade, and, therefore, authorized the Commission without prior notice or hearing to defer the effective dates of sections 210 and 407 for a period not in excess of 90 days from April 21, 1975.

The Commission has concluded that, in the brief period allotted to it prior to April 21, 1975, it, in fact, cannot review adequately and approve all the bylaws, rules, regulations, and resolutions of the boards of trade before that date and therefore must defer the effective date of sections 210 and 407. The Commission believes that it will need at least the full 90 days to review these bylaws, rules, regulations and resolutions.

Accordingly, pursuant to its authority under section 1(c) Pub. Law 94–16, 89 Stat. 77, the Commission hereby orders that the effective dates of sections 204, 205, 210 and 407 of the CFTCA are deferred until July 18,1975.

Issued in Washington, D.C. on April 17, 1975.

WILLIAM T. BAGLEY,
*Chairman, Commodity Futures Trading Commission.*

[FR Doc.75–10284 Filed 4–17–75;12:30 pm]

[1] Sec. 204, 205, Pub. Law 93–463, 88 Stat. 1396, 1397.

[2] A commodity trading advisor or commodity pool operator is not required to register with the Commission if he does not make use of the mails or any means or instrumentality of interstate commerce in connection with his business as a commodity trading advisor or commodity pool operator. In addition, a commodity trading advisor is not required to register if, during the course of the preceding twelve months, he has not furnished commodity trading advice to more than fifteen persons and does not hold himself out generally to the public as a commodity trading advisor. Section 4m of the Commodity Exchange Act, as amended, 7 U.S.C. 6m.

[3] S. Rep. No. 94–73, 94th Cong., 1st Sess. 3 (1975).

[4] Sec. 210, 407, Pub. Law 93–463, 88 Stat. 1401, 1413.

[5] Nevertheless, during this interim period contract markets will be required, pursuant to section 5a(1) of the Act, to furnish the Commission with copies of all bylaws, rules, regulations, and resolutions, and copies of all changes or proposed changes therein.



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PART IV

# OFFICE OF MANAGEMENT AND BUDGET

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## 1975 RESCISSIONS AND DEFERRALS

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## OFFICE OF MANAGEMENT AND BUDGET

### 1975 RESCISSIONS AND DEFERRALS
### Cumulative Report

APRIL 1975.

This report is submitted in fulfillment of the requirements of section 1014 of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014 provides for a monthly report listing all budget authority for the current fiscal year with respect to which as of the first day of such month, a special message has been transmitted to the Congress. This March report includes those deferrals and rescissions in the eight special messages sent by the President to the Congress in September, October, November, December, and January.

*Rescissions (Attachment A).* Since the last cumulative report, action has been completed on all rescissions currently before Congress. During the month of March, H.R. 3075 and H.R. 4075 were passed and are awaiting Presidential disposition. The bills address $1,782 million that the President proposed for rescission. To that figure the Comptroller General added $415 million as reclassified deferrals for a total of $2,197 million. Deferrals reclassified as rescissions by the General Accounting Office are footnoted in the deferrals section of the cumulative report.

Congress approved for rescission $260 million. However, final passage occurred after the expiration of the forty-five days allowed for Congressional consideration. For this reason the report will carry such funds as "Amount Made Available" and subsequently "Amount Rescinded." The President has released the remaining $1,937 million with the exception of the HUD 235 program ($264 million) which has been rejected by the Congress as both a rescission and deferral. The HUD deferral is discussed below and footnoted in the report itself.

*Deferrals (Attachment B).* In the last month, Congress has completed action overturning deferrals via nine impoundment resolutions. These require action by only one House of Congress. The House of Representatives has rejected seven deferrals and the Senate two, representing a total of $400 million in budget authority.

The Attorney General has ruled that several deferrals reported in special messages are not subject to Congressional ratification or disapproval under the Impoundment Control Act since they were concluded before the Act became effective on July 12, 1974. These items, marked by asterisks, are included in the report to provide more complete information on the status of withheld funds. One deferral included in a Senate impoundment resolution covering the HUD 235 Homeownership Assistance program fits into this category and has not been released.

In addition to those items affected by impoundment resolutions, two agencies released a total of $3 million not shown as OMB/Agency releases in previous reports.

*Information from Special Messages.* The eight special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Monday, September 23 (Vol. 39, No. 185, Part III), Tuesday, October 8 (Vol. 39, No. 196, Part V), Tuesday, November 5 (Vol. 39, No. 214, Part III), Tuesday, November 19 (Vol. 39, No. 224, Part III), Thursday, December 5 (Vol. 39, No. 235, Part IV), Wednesday, January 8 (Vol. 40, No. 5, Part IV), and Thursday, February 6 (Vol. 40, No. 26, Part III).

JAMES T. LYNN,
*Director.*





ATTACHMENT A

STATUS OF RESCISSIONS
FISCAL YEAR 1975
(Amounts in thousands)

As of April 1, 1975

| Agency Bureau Account | Rescission Number | Amount Proposed for Rescission | Date Special Message Transmitted to Congress | Amount Rescinded | Date Rescission Act Signed | Amount Made Available 1/ | Date Made Available |
|---|---|---|---|---|---|---|---|
| Executive Office of the President | | | | | | | |
| Special Action Office for Drug Abuse Programs | | | | | | | |
| Pharmacological Research | [R75-45] | [2,760] | [11-26-74] | -2,760 | 2/ 3/ | [2,760] | [03-01-75] |
| Special Fund for Drug Abuse | [R75-46] | [2,240] | [11-26-74] | -2,240 | 2/ 3/ | [2,240] | [03-01-75] |
| Funds Appropriated to the President | | | | | | | |
| Appalachian Regional Development Commission | | | | | | | |
| Appalachian Regional Development Programs | [R75-1] | [40,000*] | [09-20-74] | -40,000 | 12-21-74 | | |
| | [R75-1A] | [40,000] | [11-13-74] | | | | |
| Department of Agriculture | | | | | | | |
| Extension Service: Extension service | [R75-47] | [3,200] | [01-30-75] | | | 3,200 | 03-17-75 |
| Farmers Home Administration: Rural Development Grants | [R75-50] | [3,750] | [01-30-75] | | | 3,750 | 03-17-75 |
| Rural Community Fire Protection Grants | [R75-51] | [3,500] | [01-30-75] | | | 3,500 | 03-17-75 |







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| Agency Bureau Account | Rescission Number | Amount Proposed for Rescission | Date Special Message Transmitted to Congress | Amount Rescinded | Date Rescission Act Signed | Amount Made Available 1/ | Date Made Available |
|---|---|---|---|---|---|---|---|
| Agricultural Stabilization and Conservation Service | | | | | | | |
| Agricultural Conservation Program (REAP) | [R75-3] | [85,000*] 3/ | [10-04-74] | | | | |
| | [R75-48] | [156,250] | [01-30-75] | | | 156,250 | 03-17-75 |
| Water Bank Act Program | [R75-8] | [11,213] | [11-26-74] | | | | |
| | [R75-8A] | [21,213] | [01-30-75] | -7,856 | 2/ 4/ | [11,213] [10,000] 13,357 | [03-01-75] [03-17-75] 4/ |
| Rural Electrification Administration Loans* | [R75-2] | [455,635*] | [09-23-74] | | | 455,635 | 12-11-74 |
| Forest Service Cooperation in Forest Fire Control | [R75-9] | [4,921] | [11-26-74] | | 2/ | 4,921 | 03-01-75 |
| Reforestation and Stand Improvement | [R75-10] | [10,000] | [11-26-74] | | 2/ | 10,000 | 03-01-75 |
| Forest Roads and Trails and Roads and Trails for State National Forest Fund | [R75-4] | [63,553*] | [10-04-74] | | | | |
| | [R75-4A] | [61,611] | [11-13-74] | -61,611 | 12-21-74 | | |
| Forestry Incentive Programs | [R75-49] | [25,000] | [01-30-75] | -10,000 | 4/ | [25,000] 15,000 | [03-17-75] 4/ |
| Department of Commerce | | | | | | | |
| Social and Economic Statistics Administration | | | | | | | |
| Salaries and Expenses | [R75-11] | [373] | [11-26-74] | -373 | 2/ 4/ | [373] | [02-28-75] |
| Economic Development Administration | | | | | | | |
| Economic Development Assistance Programs | [R75-12] | [2,000] | [11-26-74] | | 2/ | 2,000 | 02-28-75 |





| Agency Bureau Account | Rescission Number | Amount Proposed for Rescission | Date Special Message Transmitted to Congress | Amount Rescinded | Date Rescission Act Signed | Amount Made Available 1/ | Date Made Available |
|---|---|---|---|---|---|---|---|
| Domestic and International Business Administration | | | | | | | |
| Financial and Technical Assistance | [R75-13] | [12,000] | [11-26-74] | -12,000 | 2/ 4/ | [12,000] | [03-01-75] |
| United State Travel Service | | | | | | | |
| Salaries and Expenses | [R75-14] | [250] | [11-26-74] | -250 | 2/ 4/ | [250] | [03-01-75] |
| Inter-American Cultural and Trade Center | [R75-52] | [5,000] | [01-30-75] | -5,000 | 4/ | [5,000] | [03-14-75] |
| National Oceanic and Atmospheric Administration | | | | | | | |
| Operations, Research and Facilities | [R75-15] | [500] | [11-26-74] | | | | |
| | [R75-15A] | [3,227] | [01-30-75] | -927 | 2/ 4/ | [500] [2,727] 2,300 | [03-01-75] [03-17-75] 4/ |
| Patent Office Salaries and Expenses | [R75-16] | [700] | [11-26-74] | -700 | 2/ 4/ | [700] | [03-01-75] |
| Department of Defense, Military | | | | | | | |
| Operation and Maintenance | | | | | | | |
| Army | [R75-17] | [41,000] | [11-26-74] | -20,500 | 2/ 4/ | [41,000] -20,500 | [03-01-75] 4/ |
| Navy | [R75-18] | [27,500] | [11-26-74] | -13,750 | 2/ 4/ | [27,500] -13,750 | [03-01-75] 4/ |
| Marine Corps | [R75-19] | [5,000] | [11-26-74] | -2,500 | 2/ 4/ | [5,000] -2,500 | [03-01-75] 4/ |
| Air Force | [R75-20] | [40,000] | [11-26-74] | -20,000 | 2/ 4/ | [40,000] -20,000 | [03-01-75] 4/ |
| Defense Agencies | [R75-21] | [1,900] | [11-26-74] | -950 | 2/ 4/ | [1,900] -950 | [03-01-75] 4/ |



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| Agency Bureau Account | Rescission Number | Amount Proposed for Rescission | Date Special Message Transmitted to Congress | Amount Rescinded | Date Rescission Act Signed | Amount Made Available 1/ | Date Made Available |
|---|---|---|---|---|---|---|---|
| Army Reserve | [R75-22] | [1,800] | [11-26-74] | -900 | 2/ 4/ | [1,800] -900 | [03-01-75] 4/ |
| Navy Reserve | [R75-23] | [1,100] | [11-26-74] | -550 | 2/ 4/ | [1,100] -550 | [03-01-75] 4/ |
| Air Force Reserve | [R75-24] | [400] | [11-26-74] | -200 | 2/ 4/ | [400] -200 | [03-01-75] 4/ |
| Army National Guard | [R75-25] | [1,400] | [11-26-74] | -700 | 2/ 4/ | [1,400] -700 | [03-01-75] 4/ |
| Air National Guard | [R75-26] | [500] | [11-26-74] | -250 | 2/ 4/ | [500] -250 | [03-01-75] 4/ |
| Aircraft Procurement Army | [R75-27] | [13,500] | [11-26-74] | | | | |
| | [R75-27A] | [5,700] | [01-30-75] | | 2/ | 5,700 | 03-01-75 |
| Air Force | [R75-28] | [248,000] | [11-26-74] | | | | |
| | [R75-28A] | [152,500] | [01-30-75] | -122,900 | 2/ 4/ | [152,500] 29,600 | [03-01-75] 4/ |
| Special Foreign Currency Program, 1973/1975 | [R75-53] | [915] | [01-30-75] | -915 | 4/ | [915] | [03-17-75] |
| Special Foreign Currency Program, 1974/1975 | [R75-54] | [40] | [01-30-75] | -40 | 4/ | [40] | [03-17-75] |
| Department of Health, Education and Welfare | | | | | | | |
| Health Services Administration: Health Services | [R75-55] | [25,681] | [01-30-75] | | | 25,681 | 03-17-75 |
| Center for Disease Control: Preventive Health Services | [R75-56] | [9,805] | [01-30-75] | | | 9,805 | 03-17-75 |
| National Institutes of Health: National Cancer Institute | [R75-57] | [123,006] | [01-30-75] | | | 123,006 | 03-17-75 |







| Agency Bureau Account | Rescission Number | Amount Proposed for Rescission | Date Special Message Transmitted to Congress | Amount Rescinded | Date Rescission Act Signed | Amount Made Available 1/ | Date Made Available |
|---|---|---|---|---|---|---|---|
| National Heart and Lung Institute | [R75-58] | [37,730] | [01-30-75] | | | 37,730 | 03-17-75 |
| National Institute of Dental Research | [R75-59] | [7,489] | [01-30-75] | | | 7,489 | 03-17-75 |
| National Institute of Arthritis, Metabolism, and Digestive Diseases | [R75-60] | [28,473] | [01-30-75] | | | 28,473 | 03-17-75 |
| National Institute of Neurological Diseases and Stroke | [R75-61] | [30,283] | [01-30-75] | | | 30,283 | 03-17-75 |
| National Institute of Allergy and Infectious Diseases | [R75-62] | [13,975] | [01-30-75] | | | 13,975 | 03-17-75 |
| National Institute of General Medical Sciences | [R75-63] | [30,794] | [01-30-75] | | | 30,794 | 03-17-75 |
| National Institute of Child Health and Human Development | [R75-64] | [23,978] | [01-30-75] | | | 23,978 | 03-17-75 |
| National Eye Institute | [R75-65] | [6,512] | [01-30-75] | | | 6,512 | 03-17-75 |
| National Institute of Environmental Health Sciences | [R75-66] | [6,922] | [01-30-75] | | | 6,922 | 03-17-75 |
| Research Resources | [R75-67] | [40,560] | [01-30-75] | | | 40,560 | 03-17-75 |
| Fogarty International Center | [R75-68] | [1,020] | [01-30-75] | | | 1,020 | 03-17-75 |
| National Library of Medicine | [R75-69] | [385] | [01-30-75] | | | 385 | 03-17-75 |
| Alcohol, Drug Abuse and Mental Health Administration: Alcohol, Drug Abuse and Mental Health | [R75-70] | [103,894] | [01-30-75] | | | 103,894 | 03-17-75 |
| Health Resources Administration: Health Resources | [R75-71] | [25,477] | [01-30-75] | | | 25,477 | 03-17-75 |

| Agency Bureau Account | Rescission Number | Amount Proposed for Rescission | Date Special Message Transmitted to Congress | Amount Rescinded | Date Rescission Act Signed | Amount Made Available 1/ | Date Made Available |
|---|---|---|---|---|---|---|---|
| Health Services Planning and Development | [R75-29] | [372,966] | [11-26-74] | | | | |
| | [R75-29A] | [284,719] | [01-30-75] | | | 284,719 | 02-07-75 |
| Office of Education: Elementary and Secondary Education | [R75-72] | [35,856] | [01-30-75] | | | 35,856 | 03-17-75 |
| Education for the Handicapped | [R75-73] | [102,500] | [01-30-75] | | | 102,500 | 03-17-75 |
| Occupational, Vocational and Adult Education | [R75-74] | [39,712] | [01-30-75] | | | 39,712 | 03-17-75 |
| Higher Education | [R75-75] | [58,300] | [01-30-75] | | | 58,300 | 03-17-75 |
| Library Resources | [R75-76] | [49,433] | [01-30-75] | | | 49,433 | 03-17-75 |
| Social and Rehabilitation Services: Public Assistance | [R75-77] | [12,900] | [01-30-75] | | | 12,900 | 03-17-75 |
| Rehabilitation Services | [R75-78] | [29,848] | [01-30-75] | | | 29,848 | 03-17-75 |
| Office of Human Development: Human Development | [R75-79] | [41,582] | [01-30-75] | | | 41,582 | 03-17-75 |
| Department of Housing and Urban Development | | | | | | | |
| Housing Production and Mortgage Credit College Housing* | [R75-5] | [14,518*] | [10-04-74] | -14,518 | 12-21-74 | | |
| Department of the Interior | | | | | | | |
| Bureau of Land Management Public Lands Development Roads and Trails | [R75-6] | [4,891*] | [10-04-74] | | | | |
| | [R75-6A] | [4,891] | [11-13-74] | -4,891 | 12-21-74 | | |
| National Park Service Road Construction | [R75-7] | [10,000] | [10-04-74] | | | | |
| | [R75-7A] | [10,461] | [11-13-74] | -10,461 | 12-21-74 | | |





| Agency Bureau Account | Rescission Number | Amount Proposed for Rescission | Date Special Message Transmitted to Congress | Amount Rescinded | Date Rescission Act Signed | Amount Made Available 1/ | Date Made Available |
|---|---|---|---|---|---|---|---|
| Department of Justice | | | | | | | |
| Federal Bureau of Investigation Salaries and Expenses | [R75-30] | [5,300] | [11-26-74] | | 2/ | 5,300 | 03-01-75 |
| Immigration and Naturalization Service Salaries and Expenses | [R75-31] | [1,300] | [11-26-74] | | 2/ | 1,300 | 03-01-75 |
| Bureau of Prisons Salaries and Expenses | [R75-32] | [5,250] | [11-26-74] | -5,250 | 2/ 4/ | [5,250] | [03-01-75] |
| Buildings and Facilities | [R75-33] | [1,750] | [11-26-74] | -1,750 | 2/ 4/ | [1,750] | [03-01-75] |
| Drug Enforcement Administration Salaries and Expenses | [R75-34] | [2,400] | [11-26-74] | -2,400 | 2/ 4/ | [2,400] | [03-01-75] |
| Department of Labor | | | | | | | |
| Manpower Administration: Community Service Employment: For Older Americans | [R75-80] | [12,000] | [01-30-75] | | | 12,000 | 03-17-75 |
| Department of State | | | | | | | |
| International Organizations and Conferences Contributions to International Organizations | [R75-35] | [2,000] | [11-26-74] | -2,000 | 2/ 4/ | [2,000] | [03-01-75] |
| International Trade Negotiations | [R75-36] | [100] | [11-26-74] | -100 | 2/ 4/ | [100] | [03-01-75] |
| Department of Treasury | | | | | | | |
| Office of the Secretary Salaries and Expenses | [R75-37] | [310] | [11-26-74] | -310 | 2/ 4/ | [310] | [03-01-75] |



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| Agency Bureau Account | Rescission Number | Amount Proposed for Rescission | Date Special Message Transmitted to Congress | Amount Rescinded | Date Rescission Act Signed | Amount Made Available 1/ | -8- Date Made Available |
|---|---|---|---|---|---|---|---|
| Federal Law Enforcement Training Centers | | | | | | | |
| Salaries and Expenses | [R75-38] | [60] | [11-26-74] | -60 | 2/ 4/ | [60] | [03-01-75] |
| Bureau of Accounts | | | | | | | |
| Salaries and Expenses | [R75-39] | [630] | [11-26-74] | -630 | 2/ 4/ | [630] | [03-01-75] |
| U.S. Customs Service | | | | | | | |
| Salaries and Expenses | [R75-40] | [3,000] | [11-26-74] | | 2/ | 3,000 | 03-01-75 |
| Internal Revenue Service | | | | | | | |
| Salaries and Expenses | [R75-41] | [530] | [11-26-74] | -530 | 2/ 4/ | [530] | [03-01-75] |
| Accounts, Collection and Taxpayer Service | [R75-42] | [9,230] | [11-26-74] | | 2/ | 9,230 | 03-01-75 |
| Compliance | [R75-43] | [10,240] | [11-26-74] | | 2/ | 10,240 | 03-01-75 |
| General Services Administration | | | | | | | |
| Public Buildings Service | | | | | | | |
| Federal Buildings Fund | [R75-44] | [20,023] | [11-26-74] | -20,023 | 2/ 4/ | [20,023] | [03-01-75] |
| Other Independent Agencies | | | | | | | |
| Consumer Product Safety Commission: | | | | | | | |
| Salaries and Expenses | [R75-81] | [1,709] | [01-30-75] | -500 | 4/ | [1,709] 1,209 | [03-17-75] 4 |
| TOTAL | | -0- | | -391,295 | | 1,978,626 | |

1/ All amounts listed were made available as a result of the expiration of the 45-day period except for the REA loans item released on 12-11-74.

2/ As of March 1, 1975, Congress was considering legislation to either partially or fully rescind a number of these requests. Because of the expiration of the 45-day period, these amounts were made available for obligation.

3/ Contract Authority lapsed December 31, 1974.

4/ Enrolled bills H.R. 3260 and 4075 are awaiting Presidential disposition. These two bills represent action on all pending rescission proposals. In several cases involving these bills the President was forced to release funds which were later rescinded by Congress. In such cases, funds will be shown as "made available" and subsequently "rescinded."





ATTACHMENT B

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Funds Appropriated to the President

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Agency for International Development | | | | | | | | | |
| Prototype Desalting Plant, Economic Assistance* | D75-19 | | 20,000* | 10-04-74 | | | | | 20,000 |
| TOTAL | | | 20,000 | | | | | | 20,000 |





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STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)





Agency: Department of Agriculture

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Agricultural Research Service | | | | | | | | | |
| Agricultural Research Service (Construction)* | D75-11 | | 770* | 09-20-74 | | | | | 770 |
| Foreign Agriculture Service | | | | | | | | | |
| Special Foreign Currency Program* | D75-20 | | 2,516* | 10-04-74 | | | | | 2,516 |
| Agricultural Stabilization and Conservation Service: | | | | | | | | | |
| Emergency Conservation Measures | D75-21 | [5,000] | | 10-04-74<br>01-30-75 | | | | -5,000 1/ | 0 |
| | D75-21A | | 11,688 | 01-30-75 | | | | | 11,688 |
| Water Bank Program | D75-139 | | 1,266 | 01-30-75<br>03-17-75 | -1,266 | | | | 0 |
| Agricultural Marketing Service: | | | | | | | | | |
| Marketing Services | D75-22 | [903*] | | 10-04-74<br>01-30-75 | | | | -903 1/ | 0 |
| | D75-22A | | 1,459 | 01-30-75 | | | | | 1,459 |
| Perishable Agricultural Commodities Act Fund | D75-23 | [341*] | | 10-04-74<br>01-30-75 | | | | -341 1/ | 0 |
| | D75-23A | | 511 | 01-30-75 | | | | | 511 |
| Forest Service: | | | | | | | | | |
| Youth Conservation Corps | D75-88 | | 3,081 | 11-13-74 | | | | | 3,081 |



| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Forest Roads and Trails and Roads and Trails for State National Forest Fund | D75-24 | [420,000*] | | 10-04-74<br>11-13-74 | | | | -420,000 1/ | 0 |
| | D75-24A | | 420,000 | 11-13-74 | | | | | 420,000 |
| Construction and Land Acquisition | D75-90 | | 6,865 | 11-26-74 | | | | | 6,865 |
| Forest Fire Prevention | D75-25 | [152] | | 10-04-74<br>01-30-75 | | | | -152 1/ | 0 |
| | D75-25A | | 173 | 01-30-75 | | | | | 173 |
| Expense, Brush Disposal | D75-26 | [18,747*] | | 10-04-74<br>01-30-75 | | | | -18,747 1/ | 0 |
| | D75-26A | | 26,141 | 01-30-75 | | | | | 26,141 |
| TOTAL | | 445,143 | 474,470 | | -1,266 | | | -445,143 | 473,204 |

1/ Subsequently incorporated in a supplementary report.









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STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Commerce

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| General Administration: Special Foreign Currency | D75-140 | | 1,500 | 01-30-75 | | | | | 1,500 |
| Economic Development Administration: Job Opportunities Program | D75-141 | | 125,000 1/ | 01-30-75 | | | | | 125,000 1 |
| Social and Economic Statistics Administration: Periodic Censuses and Programs | D75-91 | | 327 | 11-26-74 | | | | | 327 |
| Domestic and International Business Administration: Operations and Administration | D75-92 | | 750 | 11-26-74 | | | | | 750 |
| Financial and Technical Assistance, Trade Adjustment Assistance* | D75-27 | [1,780*] | | 10-04-74<br>11-26-74 | | | | -1,780 2/ | 0 |
| United States Travel Service: Inter-American Cultural and Trade Center* | D75-28 | [4,891*] | | 10-04-74<br>11-26-74<br>01-30-75 | | | | -1,420<br>-3,471 3/ | 0 |
| Inter-American Cultural and Trade Center | D75-93 | [1,420] | | 11-26-74<br>01-30-75 | | | | -1,420 3/ | 0 |
| National Oceanic and Atmospheric Administration: Operations Research and Facilities | D75-94 | | 6,800 | 11-26-74<br>01-30-75<br>03-25-75 | | -4,073 | | -2,727 4/ | 0 |





| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Costal Zone Management* | D75-30 | [3,175*] | | 10-04-74<br>10-26-74<br>12-27-74 | -1,000 | | | -2,175 5/ | 0 |
| | D75-30A | | 2,175 | 12-27-74 | | | | | 2,175 |
| Coastal Zone Management | D75-95 | | 1,000 | 11-26-74 | | | | | 1,000 |
| Promote and Develop Fishery Products and Research Pertaining to American Fisheries | D75-131 | | 1,871 | 12-27-74 | | | | | 1,871 |
| Fisheries Loan Fund* | D75-12 | [4,039*] | | 09-20-74<br>12-27-74 | | | | -4,039 5/ | 0 |
| | D75-12A | | 5,292 | 12-27-74 | | | | | 5,292 |
| National Fire Prevention and Control Administration: Operations, Research and Administration | D75-96 | | 500 | 11-26-74 | | | | | 500 |
| National Bureau of Standards: Construction and Facilities* | D75-29 | | 231* | 10-04-74<br>01-30-75 | -231 | | | | 0 |
| Office of Assistant Secretary for Science and Technology, Scientific and Technical Research and Services | D75-97 | [3,718] | | 11-26-74<br>01-30-75 | | | | -3,718 2/ | 0 |
| | D75-97A | | 4,628 | 01-30-75 | | | | | 4,628 |
| Maritime Administration: Ship Construction | D75-98 | | 5,750 | 11-26-74 | | | | | 5,750 |
| Research and Development | D75-99 | [3,468] | | 11-26-74<br>01-30-75 | | | | -3,468 2/ | 0 |
| | D75-99A | | 7,768 | 01-30-75 | | | | | 7,768 |
| Operations and Training | D75-100 | | 1,300 | 11-26-74 | | | | | 1,300 |



XUM

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Office of the Assistant Secretary for Science and Technology: | | | | | | | | | |
| Scientific and Technical Research and Services* | D75-31 | [2,468*] | | 10-04-74<br>11-26-74 | | | | -2,468 6/ | 0 |
| TOTAL | | 24,959 | 164,892 | | -1,231 | -4,073 | | -26,686 | 157,861 |

1/ The Comptroller General has reclassified this item as a rescission and Congress has denied it as such. In accordance with Congressional action the funds will be released prior to April 11, 1975.
2/ See Rescission No. R75-13.
3/ See Rescission No. R75-52.
4/ Amount proposed for rescission (R75-15A) was $3,227K. On 3-1-75, $500K was released.
5/ Subsequently incorporated in a supplementary report.
6/ See Deferral No. D75-97.







STATUS OF DEFERRALS



FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Defense, Military

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Shipbuilding and Conversion, Navy | D75-32 | [497,990] | | 10-04-74<br>12-27-74 | | | | -497,990 1/ | 0 |
| | D75-32A | | 1,244,760 | 12-27-74 | | | | | 1,244,760 |
| Military Construction, All | D75-33 | | 156,893 | 10-04-74<br>10-25-74<br>11-18-74<br>12-04-74 | -19,598<br>-1,636<br>-10,037 | | | | 125,622 |
| Special Foreign Currency Program Appropriations | D75-34 | [955] | | 10-04-74<br>01-30-75 | | | | -955 2/ | 0 |
| TOTAL | | 498,945 | 1,401,653 | | -31,271 | | | -498,945 | 1,370,382 |

1/ Subsequently incorporated in a supplementary report.
2/ See Rescission Nos. R75-53 and R75-54.





XUM 75 18 RPA 60104

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Defense, Civil

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Corps of Engineers, Civil | | | | | | | | | |
| Construction, General | D75-1 | | 108 | 09-20-74 | | | | | 108 |
| | D75-81 | | 43,945 | 10-31-74 | | | | | |
| | | | | 03-12-75 | | -43,945 | | | 0 |
| Flood Control, Mississippi River and Tributaries | D75-82 | | 14,503 | 10-31-74 | | | | | |
| | | | | 03-12-75 | | -14,503 | | | 0 |
| Soldiers' and Airmen's Home | | | | | | | | | |
| Capital Outlay* | D75-35 | [613*] | | 10-04-74 | | | | | |
| | | | | 10-01-74 | -179 | | | | |
| | | | | 11-13-74 | | | | -434 1/ | 0 |
| | D75-35A | | 434 | 11-13-74 | | | | | 434 |
| Panama Canal Zone | | | | | | | | | |
| Capital Outlay* | D75-36 | [500*] | | 10-04-74 | | | | | |
| | | | | 11-13-74 | | | | -500 1/ | 0 |
| | D75-36A | | 500 | 11-13-74 | | | | | 500 |
| Wildlife Conservation Military Reservations* | D75-37 | [297*] | | 10-04-74 | | | | | |
| | | | | 11-13-74 | | | | -297 1/ | 0 |
| | D75-37A | | 343 | 11-13-74 | | | | | 343 |
| TOTAL | | 1,410 | 59,833 | | -179 | -58,448 | | -1,231 | 1,385 |

1/ Subsequently incorporated in a supplementary report.





STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Health, Education, and Welfare

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Health Services Administration | | | | | | | | | |
| Health Services Delivery* | D75-38 | | 2,250* | 10-04-74 | | | | | |
| | | | | 10-31-74 | -2,250 | | | | 0 |
| Health Services | D75-142 | | 13,996 | 01-30-75 | | | | | |
| | | | | 03-17-75 | -13,996 4/ | | | | 0 |
| Indian Health Facilities* | D75-39 | | 88* | 10-04-74 | | | | | |
| | | | | 11-15-75 | -88 | | | | 0 |
| National Institutes of Health | | | | | | | | | |
| Buildings and Facilities* | D75-40 | [10,441*] | | 10-04-74 | | | | | |
| | | | | 11-18-74 | -4,009 | | | | |
| | | | | 12-27-74 | | | | -6,432 1/ | 0 |
| | D75-40A | | 6,432 | 12-27-74 | | | | | 6,432 |
| Research Resources | D75-143 | | 6,305 | 01-30-75 | | | | | |
| | | | | 03-17-75 | -6,305 4/ | | | | 0 |
| Alcohol, Drug Abuse and Mental Health Administration: | | | | | | | | | |
| Alcohol, Drug Abuse, and Mental Health | D75-144 | | 2,326 | 01-30-75 | | | | | |
| | | | | 03-17-75 | -2,326 4/ | | | | 0 |
| Health Resources Administration | | | | | | | | | |
| Health Resources | D75-145 | | 2,823 | 01-30-75 | | | | | |
| | | | | 03-17-75 | -777 4,5/ | | | | 0 |
| Health Resources (Health Facilities Construction) | D75-146 | [301,340] | | 01-30-75 | | | | | |
| | | | | 04-01-75 | | | | -301,340 6/ | 0 |
| Health Manpower | D75-87 | | 100 | 10-31-74 | | | | | |
| | | | | 03-17-75 | -100 | | | | 0 |



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| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | 10 Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Health Manpower | D75-101 | [3,550] | | 11-26-74<br>12-20-74 | | | | -3,550 2/ | 0 |
| Program Management | D75-102 | [1,400] | | 11-26-74<br>01-30-75 | | | | -1,400 1/ | 0 |
| | D75-102A | | 740 | 01-30-75<br>04-01-75 | -740 | | | | 0 |
| Office of Assistant Secretary for Health<br>Scientific Activities Overseas* | D75-41 | | 21,714* | 10-04-74<br>01-10-75 | -6,566 | | | | 15,148 |
| Education Division:<br>Office of Education:<br>Elementary and Secondary Education:<br>Supplementary Services | D75-103 | [9,278] | | 11-26-74<br>12-27-74 | | | | -9,278 2/ | 0 |
| Equipment and Minor Remodeling | D75-104 | [6,562] | | 11-26-74<br>12-27-74 | | | | -6,562 2/ | 0 |
| Nutrition and Health | D75-105 | [1,900] | | 11-26-74<br>12-27-74 | | | | -1,900 2/ | 0 |
| School Assistance in Federally Affected Areas | D75-6 | [16,000] | | 09-20-74<br>12-27-74 | | | | -16,000 1/ | 0 |
| | D75-6A | [64,000] | | 12-27-74<br>12-07-74 | | | | -64,000 3/ | 0 |
| Higher Education | D75-42 | [8,788] | | 10-04-74<br>01-30-75 | | | | -8,788 1/ | 0 |
| | D75-42A | | 72,790 | 01-30-75 | | | | | 72,790 |
| (University Community Services) | D75-3 | [2,906] | | 09-20-74<br>12-27-74 | | | | -2,906 1/ | 0 |
| | D75-3A | [5,812] | | 12-27-74<br>12-07-74 | | | | -5,812 2/ | 0 |
| (Land Grant Colleges) | D75-4 | [9,500] | | 09-20-74<br>12-07-74 | | | | -9,500 2/ | 0 |





| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | 11 Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| (State Postsecondary Education Commission) | D75-5 | [350] | | 09-20-74<br>12-27-74 | | | | -350 1/ | 0 |
| | D75-5A | [700] | | 12-27-74<br>12-07-74 | | | | -700 2/ | 0 |
| (Basic Opportunity Grants) | D75-147 | | 298,714 | 01-30-75 | | | | | 298,714 |
| Library Resources:<br>(Public Libraries) | D75-2 | [5,437] | | 09-20-74<br>12-27-74 | | | | -5,437 1/ | 0 |
| | D75-2A | [10,874] | | 12-27-74<br>12-07-74 | | | | -10,874 2/ | 0 |
| Library Resources | D75-148 | | 2,792 | 01-30-75<br>03-17-75 | -2,792 | | | | 0 |
| Social and Rehabilitation Service:<br>Public Assistance (Child Welfare Assistance) | D75-8 | [375] | | 09-20-74<br>12-27-74 | | | | -375 1/ | 0 |
| | D75-8A | [750] | | 12-27-74<br>12-07-74 | | | | -750 2/ | 0 |
| Work Incentives | D75-132 | [50,000] | | 12-27-74<br>12-07-74 | | | | -50,000 2/ | 0 |
| Rehabilitation Services (Innovation and Expansion) | D75-7 | [5,000] | | 09-20-74<br>12-27-74 | | | | -5,000 1/ | 0 |
| | D75-7A | [10,000] | | 12-27-74<br>12-07-74 | | | | -10,000 2/ | 0 |
| Research and Training Activities Overseas | D75-43 | | 8,158 | 10-04-74 | | | | | 8,158 |





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| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Social Security Administration | | | | | | | | | |
| Limitation on Construction* | D75-44 | [15,393*] | | 10-04-74<br>11-22-74<br>12-27-74 | -2,865 | | | -12,528 1/ | 0 |
| | D75-44A | [12,528] | | 12-27-74<br>01-30-75 | | | | -12,528 1/ | 0 |
| | D75-44B | | 20,576 | 01-30-75 | | | | | 20,576 |
| Special Institutions | | | | | | | | | |
| Model Secondary School for the Deaf* | D75-45 | | 803* | 10-04-74<br>01-07-75 | -803 | | | | 0 |
| Howard University | D75-46 | [11,490*] | | 10-04-74<br>01-30-75 | | | | -11,490 1/ | 0 |
| | D75-46A | | 6,323 | 01-30-75 | | | | | 6,323 |
| Gallaudet College (Construction) | D75-149 | | 1,267 | 01-30-75 | | | | | 1,267 |
| Office of the Secretary | | | | | | | | | |
| Departmental Management | D75-106 | [1,902] | | 11-26-74<br>12-20-74 | | | | -1,902 2/ | 0 |
| TOTAL | | 566,276 | 468,197 | | -43,617 | | | 559,402 | 429,408 |

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 93-517 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution.
3/ Enactment of P.L. 93-554 (December 27, 1974) ended deferral of these funds.
4/ Release of pay raise transfers previously reclassified as rescissions by the Comptroller General.
5/ Number revised from previous report.
6/ Program was deleted by Congress from the Continuing Resolution for the fourth Quarter.





STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Housing and Urban Development

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Housing Production and Mortgage Credit | | | | | | | | | |
| Nonprofit Sponsor Assistance* | D75-47 | | 7,995* | 10-04-74 | | | | | 7,995 |
| Homeownership Assistance* 1/ | D75-48 | | 264,117* | 10-04-74<br>03-13-75 | | | 264,117 4/ | | 264,117 |
| Community Planning and Development | | | | | | | | | |
| Comprehensive Planning Grants | D75-107 | | 50,000 | 11-26-74<br>03-13-75 | | | 50,000 | | 0 |
| Open Space Land Programs* | D75-49 | | 55,161* | 10-04-74<br>01-01-75 | | | | -55,161 2/ | 0 |
| Grants for Neighborhood Facilities* | D75-50 | | 48* | 10-04-74<br>01-01-75 | | | | -48 2/ | 0 |
| Grants for Basic Water and Sewer Facilities* | D75-51 | | 401,734* | 10-04-74<br>01-01-75 | | | | -401,734 2/ | 0 |
| Public Facility Loans | D75-52 | [199,290*] | | 10-04-74<br>10-04-74<br>11-13-74 | -15,356 | | | -183,934 3/ | 0 |
| | D75-52A | | 183,934 | 11-13-74<br>01-01-75 | | | | -183,934 2/ | 0 |
| New Communities Administration: | | | | | | | | | |
| New Communities Assistance Grants* | D75-53 | | 1,799* | 10-04-74 | | | | | 1,799 |



PROPOSED RULES

PROPOSED RULES

XUM 57 81 RRA 6910 V

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Policy Development and Research | | | | | | | | | |
| Research and Technology | D75-108 | | 8,000 | 11-26-74 | | | | | 8,000 |
| TOTAL | | 199,290 | 972,788 | | -15,356 | | — 314,117 | -824,811 | 281,911 |

1/ On November 6, 1974, the Comptroller General advised the Congress that, in his opinion, this item was misclassified and should have been submitted as a rescission.
2/ Authority for these programs expired January 1, 1975.
3/ Subsequently incorporated in a supplementary report.
4/ The Senate has passed an Impoundment Resolution disallowing this deferral, however, the Attorney General has ruled that the item is not subject to Congressional action under the provisions of the Impoundment Control Act since the funds were reserved prior to the effective date of that Act.







STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of the Interior

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Bureau of Land Management | | | | | | | | | |
| Public Lands Development Roads and Trails | D75-54 | [30,000*] | | 10-04-74<br>11-13-74 | | | | -30,000 1/ | 0 |
| | D75-54A | | 30,000 | 11-13-74 | | | | | 30,000 |
| Oregon and California Grant Lands* | D75-13 | | 23,693* | 09-20-74 | | | | | 23,693 |
| Bureau of Reclamation Loan Program | D75-83 | | 900 | 10-31-74<br>03-12-75 | | -900 | | | 0 |
| Construction and Rehabilitation: | D75-14 | | 1,055 | 09-20-74<br>09-27-74 | -25 | | | | 1,030 |
| | D75-84 | | 17,955 | 10-31-74<br>03-12-75 | | -17,955 | | | 0 |
| Colorado River Basin Project | D75-85 | | 2,525 | 10-31-74<br>03-12-75 | | -2,525 | | | 0 |
| Upper Colorado River Storage Project | D75-86 | | 1,730 | 10-31-74<br>03-12-75 | | -1,730 | | | 0 |
| Upper Colorado River Basin Fund | D75-15 | | 1,150 | 09-20-74 | | | | | 1,150 |
| Bureau of Outdoor Recreation | | | | | | | | | |
| Land and Water Conservation Fund* | D75-55 | | 30,000* | 10-04-74 | | | | | 30,000 |
| Land and Water Conservation Fund | D75-109 | | 20,000<br>(10,000) 2/ | 11-26-74<br>11-26-74 | | | | | 20,000<br>(10,000 |





XUM 57 81 RRA 6104 V

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message: Superseded | Amount Transmitted in Special Message: Current | Date of Action | Subsequent Actions Taken by: OMB/Agency (Releases) | Subsequent Actions Taken by: House | Subsequent Actions Taken by: Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Fish and Wildlife Service | | | | | | | | | |
| Federal Aid in Fish Restoration and Management* | D75-56 | | 6,924* | 10-04-74 | | | | | 6,924 |
| Federal Aid in Wildlife Restoration* | D75-57 | | 19,375* | 10-04-74 | | | | | 19,375 |
| National Wildlife Refuge Fund | D75-58 | | 3,642 | 10-04-74 | | | | | 3,642 |
| Proceeds from Sales, Water Resources Development Projects* | D75-59 | | 4* | 10-04-74<br>03-06-75 | -4 | | | | 0 |
| National Park Service: Road Construction | D75-60 | | 312,098 | 10-04-74<br>10-10-74<br>12-18-74 | -55,962<br>-7,500 | | | | 248,636 |
| U.S. Geological Survey Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920 | D75-61 | [28*] | | 10-04-74<br>10-25-74<br>11-13-74 | -1 | | | -27 1/ | 0 |
| | D75-61A | | 27 | 11-13-74 | | | | | 27 |
| Bureau of Mines Drainage of Anthracite Mines* | D75-62 | | 3,575* | 10-04-74 | | | | | 3,575 |
| Helium Fund | D75-133 | | 47,500 | 12-27-74 | | | | | 47,500 |
| Bureau of Indian Affairs Road Construction | D75-63 | [110,423] | | 10-04-74<br>01-30-75 | | | | -110,423 1/ | 0 |
| | D75-63A | | 135,175 | 01-30-75 | | | | | 135,175 |
| Acquisition of Land and Loans to Indians of Oklahoma, Act of June 26, 1939* | D75-64 | | 105* | 10-04-74 | | | | | 105 |
| TOTAL | | 140,451 | 657,433 | | -63,492 | -23,110 | | -140,450 | 570,832 |

1/ Subsequently incorporated in a supplementary report.
2/ Deferral of outlays only.







## STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)



Agency: Department of Justice

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message: Superseded | Amount Transmitted in Special Message: Current | Date of Action | Subsequent Actions Taken by: OMB/Agency (Releases) | Subsequent Actions Taken by: House | Subsequent Actions Taken by: Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Bureau of Prisons Buildings and Facilities* | D75-65 | | 19,320* 1/ | 10-04-74 | | | | | 19,320 |
| TOTAL | | | 19,320 | | | | | | 19,320 |

1/ A proposed increase in the amount of this deferral is being prepared for transmission to the Congress.









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STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)



Agency: Department of Labor

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message: Superseded | Amount Transmitted in Special Message: Current | Date of Action | Subsequent Actions Taken by: OMB/Agency (Releases) | Subsequent Actions Taken by: House | Subsequent Actions Taken by: Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Manpower Administration: Program Administration | D75-135 | [200] | | 12-27-74<br>12-07-74 | | | | -200 1/ | 0 |
| Comprehensive Manpower Assistance | D75-134 | [5,000] | | 12-27-74<br>12-07-74 | | | | -5,000 1/ | 0 |
| Departmental Management: Salaries and expenses | D75-136 | [60] | | 12-27-74<br>12-07-74 | | | | -60 1/ | 0 |
| Special Foreign Currency | D75-150 | | 200 | 01-30-75<br>02-06-75 | -200 | | | | 0 |
| Pension Benefit Guarantee Corporation: Pension Guaranty Fund | D75-89 | | 343 | 11-13-74<br>01-06-75 | -343 | | | | 0 |
| TOTAL | | 5,260 | 543 | | -543 | | | -5,260 | 0 |

1/ Enactment of P.L. 93-517 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution.

PROPOSED RULES



STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)



Agency: Department of State

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message: Superseded | Amount Transmitted in Special Message: Current | Date of Action | Subsequent Actions Taken by: OMB/Agency (Releases) | Subsequent Actions Taken by: House | Subsequent Actions Taken by: Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Administration of Foreign Affairs: Acquisition, Operation, and Maintenance of Buildings Abroad | D75-66 | | 33,310 | 10-04-74<br>02-13-75 | -7,850 | | | | 25,460 |
| International Boundary and Water Commission, U.S. and Mexico: Construction | D75-67 | [4,696*] | | 10-04-74<br>11-13-74 | | | | -4,696 1/ | 0 |
| | D75-67A | | 4,696 | 11-13-74 | | | | | 4,696 |
| International Center, Washington, D.C. | D75-16 | | 500 | 09-20-74 | | | | | 500 |
| TOTAL | | 4,696 | 38,506 | | -7,850 | | | -4,696 | 30,656 |

1/ Subsequently incorporated in a supplementary report.

PROPOSED RULES



XUM 57 81 RRA 6104 V

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

20

Agency: Department of Transportation

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| United States Coast Guard | | | | | | | | | |
| Acquisition, Construction, and Improvements | D75-68 | | 7,614 | 10-04-74 | | | | | 7,614 |
| Federal Aviation Administration | | | | | | | | | |
| Civil Supersonic Aircraft Development Termination and Civil Supersonic Aircraft Development | D75-69 | | 8,113 | 10-04-74 | | | | | 8,113 |
| Facilities and Equipment | D75-70 | | 260,824 | 10-04-74 | | | | | 260,824 |
| Federal Highway Administration | | | | | | | | | |
| Rail Crossings - Demonstration Projects | D75-72 | | 8,015 | 10-04-74 | | | | | 8,015 |
| National Scenic and Recreational Highway and Trust Fund Share of Other Highway Programs | D75-71 | | 90,000 | 10-04-74 | | | | | 90,000 |
| Federal Aid Highways | | | | | | | | | |
| 1975 and prior | D75-17 | | 4,370,090 | 09-20-74 | | | | | |
| 1976 | D75-17 | | 6,357,500 | 09-20-74<br>02-13-75 | -1,591,104 1/ | | | | 9,136,486 |
| National Highway Traffic Safety Administration | | | | | | | | | |
| Traffic and Highway Safety | D75-151 | | 1,800 | 01-30-75 | | | | | 1,800 |
| TOTAL | | | 11,103,956 | | -1,591,104 1/ | | | | 9,512,852 |

1/ This figure includes the release of $2 billion announced by the President and $409 million in other adjustments. A proposed change in the amount of this deferral is being prepared for transmission to the Congress.





STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

21

Agency: Energy Research and Development Administration 1/

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Operating Expenses Weapons Program | D75-110 | | 4,000 | 11-26-74 | | | | | 4,000 |
| Civilian Reactor Research and Development | D75-111 | | 8,000 | 11-26-74 | | | | | 8,000 |
| Civilian Reactor Research and Development | D75-112 | | 6,700 | 11-26-74 | | | | | 6,700 |
| Physical Research | D75-113 | | 2,700 | 11-26-74 | | | | | 2,700 |
| Controlled Therro-nuclear Research | D75-114 | | 8,000 | 11-26-74 | | | | | 8,000 |
| Biomedical and Environmental Research and Safety | D75-115 | | 4,000 | 11-26-74 | | | | | 4,000 |
| Operating Expenses/Plant and Capital Equipment Weapons Program | D75-116 | | 4,700 | 11-26-74 | | | | | 4,700 |
| Plant and Capital Equipment | D75-73 | [1,500] | | 10-04-74<br>11-26-74 | | | | -1,500 2/ | 0 |
| Plant and Capital Equipment Nuclear Materials | D75-117 | | 12,000 | 11-26-74 | | | | | 12,000 |
| Nuclear Materials | D75-118 | | 12,000 | 11-26-74 | | | | | 12,000 |
| Civilian Reactor Research and Development | D75-119 | | 10,000 | 11-26-74 | | | | | 10,000 |
| Civilian Reactor Research and Development | D75-120 | | 1,500 | 11-26-74 | | | | | 1,500 |

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | 22 Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Civilian Reactor Research and Development | D75-121 | | 12,100 | 11-26-74 | | | | | 12,100 |
| Civilian Reactor Research and Development and Controlled Thermonuclear Research | D75-122 | | 13,000 | 11-26-74 | | | | | 13,000 |
| Other Capital Equipment | D75-123 | | 13,900 | 11-26-74 | | | | | 13,900 |
| TOTAL | | 1,500 | 112,600 | | | | | -1,500 | 112,600 |

1/ Effective January 19, 1975 all AEC deferrals were transferred to ERDA. AEC programs transferred to the Nuclear Regulatory Commission contained no deferrals. EPA, NSF, and Interior programs transferred to ERDA contained no deferrals.

2/ See Deferral No. D75-120.







STATUS OF DEFERRALS

23

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Environmental Protection Agency

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Abatement and Control | | | | | | | | | |
| Water Program Operations | D75-74 | | 2,000 | 10-04-74 | | | | | 2,000 |
| Water Planning and Standards | D75-75 | | 30,000 | 10-04-74 | | | | | 30,000 |
| Construction Grants | D75-9 | | 9,000,000* | 09-20-74<br>01-31-75<br>02-21-75 | -4,000,000<br>-5,000,000 | | | | 0 |
| Air and Water Control Agency Grants | D75-152 | | 9,375 | 01-30-75 | | | | | 9,375 |
| TOTAL | | | 9,041,375 | | -9,000,000 | | | | 41,375 |

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: General Services Administration

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Automatic Data and Telecommunications Activities: | | | | | | | | | |
| Automatic Data Processing | D75-10 | | 18,300 | 09-20-74 | | | | | |
| | | | | 09-30-74 | -4,300 | | | | |
| | | | | 12-10-74 | -14,000 | | | | 0 |
| Property Management and Disposal Service: | | | | | | | | | |
| Rare Silver Dollar Program | D75-137 | | 2,184 | 12-27-74 | | | | | 2,184 |
| TOTAL | | | 20,484 | | -18,300 | | | | 2,184 |













STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: National Aeronautics and Space Administration

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Research and Development Manned Space Flight | D75-124 | | 20,000 | 11-26-74 | | | | | 20,000 |
| Space Science and Applications | D75-125 | | 16,000 | 11-26-74 | | | | | 16,000 |
| Aeronautical Research and Space Supporting Activities | D75-126 | | 36,000 | 11-26-74 | | | | | 36,000 |
| TOTAL | | | 72,000 | | | | | | 72,000 |

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)



Agency: Other Independent Agencies

| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| District of Columbia | | | | | | | | | |
| Loans for Capital Outlay | D75-76 | | 96,800 | 10-04-74 | | | | | 96,800 |
| Federal Energy Administration | | | | | | | | | |
| Salaries and expenses | D75-77 | | 11,929 | 10-04-74<br>01-25-75 | -11,929 | | | | 0 |
| Foreign Claims Settlement Commission | | | | | | | | | |
| Payment of Vietnam Prisoners of War Claims | D75-18 | | 10,500 | 09-20-74 | | | | | 10,500 |
| Advisory Commission on Intergovernmental Relations | | | | | | | | | |
| Salaries and Expenses | D75-138 | | 50 | 12-27-74<br>01-02-75 | -50 | | | | 0 |
| National Foundation on the Arts and Humanities | | | | | | | | | |
| Salaries and expenses | D75-127 | | 18,000 | 11-26-74 | | | | | 18,000 |
| National Science Foundation | | | | | | | | | |
| Salaries and Expenses | D75-128 | | 15,000 | 11-26-74 | | | | | 15,000 |
| Salaries and Expenses (Energy R&D Appropriation Act, 1975) | D75-129 | | 5,000 | 11-26-74 | | | | | 5,000 |
| American Revolution Bicentennial Administration | | | | | | | | | |
| Salaries and Expenses | D75-78 | | 11,000 | 10-04-74<br>11-20-74 | -11,000 | | | | 0 |
| Commemorative Activities Fund | D75-79 | | 6,310 | 10-04-74<br>12-05-74 | -4,810 | | | | 1,500 |







| Bureau/Account | Deferral Number | Amount Transmitted in Special Message Superseded | Amount Transmitted in Special Message Current | Date of Action | Subsequent Actions Taken by OMB/Agency (Releases) | Subsequent Actions Taken by House | Subsequent Actions Taken by Senate | Adjustments | Amount Deferred as of 04-01-75 |
|---|---|---|---|---|---|---|---|---|---|
| Railroad Retirement Board | | | | | | | | | |
| Railroad Unemployment Administrative Expenses Trust Fund* | D75-80 | | 4,716* | 10-04-74 | | | | | 4,716 |
| Small Business Administration | | | | | | | | | |
| Business Loan and Investment Fund | D75-130 | | 36,000 | 11-26-74 | | | | | 36,000 |
| TOTAL | | | 215,305 | | -27,789 | | | | 187,516 |
| TOTAL, ALL DEFERRALS | | 1,887,930 | 24,843,355 | | -10,801,998 | -85,631 | -314,117 | 2,508,124 | 13,283,486 |

*Action concluded prior to July 12, 1974, the day the Impoundment Control Act became effective.



[FR Doc.75-9667 Filed 4-18-75;8:45 am]





FRIDAY, APRIL 18, 1975
WASHINGTON, D.C.

federal register

FRIDAY, APRIL 18, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 76

PART V

# DEPARTMENT OF LABOR

## Employment Standards Administration

■

## MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V 40 76 APR 18 75 XUM V



DEPARTMENT OF LABOR

Part 5. The wage rates contained therein

MODIFICATIONS TO GENERAL WAGE

## DEPARTMENT OF LABOR

### Employment Standards Administration

### MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

### General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 F.R. 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

*Modifications and supersedeas decisions to general wage determination decisions.* Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

#### NEW GENERAL WAGE DETERMINATION DECISIONS

| | |
|---|---|
| Alabama | AL75–1046 |
| Arkansas | AR75–4082 |
| Minnesota | MN75–2058 |

#### MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

| | |
|---|---|
| **Florida:** | |
| AQ–4030 | Oct. 26, 1973 |
| FL75–1010 | Jan. 24, 1975 |
| FL75–1018 | Feb. 7, 1975 |
| **Kansas:** | |
| MO75–4059 | Feb. 28, 1975 |
| MO75–4071 | Mar. 28, 1975 |
| **Maryland:** | |
| AR–2086 | Nov. 22, 1974 |
| AR–2093 | Dec. 20, 1974 |
| **Minnesota:** | |
| AR–3166 | Nov. 8, 1974 |
| **Ohio:** | |
| AR–3043; AR–3044; AR–3045; AR–3046; AR–3047 | Aug. 23, 1974 |
| **Pennsylvania:** | |
| AR–2002; AR–2003; AR–2004; AR–2005; AR–2006 | July 12, 1974 |
| AR–3028 | Sept. 20, 1974 |
| PA75–3011 | Jan. 31, 1975 |
| PA75–3026 | Mar. 28, 1975 |
| PA75–3028; PA75–3029 | Apr. 4, 1975 |
| **Texas:** | |
| TX75–4022 | Jan. 24, 1975 |
| **Utah:** | |
| UT75–3026 | Feb. 21, 1975 |
| **Virginia:** | |
| VA75–3005; VA75–3006 | Jan. 3, 1975 |
| **Wyoming:** | |
| WY75–3028 | Feb. 21, 1975 |

#### SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

| | |
|---|---|
| **Alabama:** | |
| AM–448(AL75–1047) | Aug. 20, 1971 |
| AQ–4125(AL75–1048) | June 14, 1974 |
| **California:** | |
| CA75–5015(CA75–5052); CA 75–5016(CA75–5053) | Feb. 7, 1975 |
| **Iowa:** | |
| IA75–4066(IA75–4081) | Mar. 21, 1975 |
| **Michigan:** | |
| AR–3108; AR–3111; AR–3116; AR–3122(MI75–2049); AR–3109 and AR–3112(MI75–2061); AR–3109(MI75–2062) | Aug. 16, 1974 |
| AR–3148(MI75–2061); AR–3148(MI75–2062) | Oct. 11, 1974 |
| AR–3165(MI75–2061); AR–3165(MI75–2062) | Oct. 18, 1974 |
| **New Mexico:** | |
| MN75–4002(MN75–4079) | Jan. 10, 1975 |
| **Ohio:** | |
| AR–3041(OH75–2060) | Aug. 23, 1974 |
| **Oklahoma:** | |
| OK75–4049(OK75–4080) | Feb. 7, 1975 |
| **Pennsylvania:** | |
| PA75–3030(PA75–3051) | Apr. 4, 1975 |

Signed at Washington, D.C., this 11th day of April 1975.

RAY J. DOLAN,
*Assistant Administrator,*
*Wage and Hour Division.*





NEW DECISION

STATE: Alabama
DECISION NO.: AL75-1046
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: *See below
DATE: Date of Publication

| *Counties: Colbert, Franklin, Lauderdale, Lawrence, Marion, and Winston | Davis Bacon Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | Apr. Tr. |
|---|---|---|---|---|---|
| Air conditioning mechanic | 4.03 | | | | |
| Bricklayers | 5.00 | | | | |
| Carpenters | 4.01 | | | | |
| Cement masons | 3.75 | | | | |
| Dry wall hanger | 4.00 | | | | |
| Electricians | 5.81 | | | | |
| Ironworkers: | | | | | |
| Structural & Ornamental | 3.55 | | | | |
| Laborers: | | | | | |
| Laborers | 2.56 | | | | |
| Mason tenders | 3.00 | | | | |
| Painters, brush | 3.00 | | | | |
| Plumbers & pipefitters | 5.50 | | | | |
| Roofers | 4.50 | | | | |
| Sheet metal workers | 3.50 | | | | |
| Tile setters | 4.50 | | | | |
| Truck drivers | 3.25 | | | | |
| Welders - rate for craft. | | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Backhoe | 3.50 | | | | |
| Bulldozer | 5.50 | | | | |







V 40 176 A PR 18 75 XUM V

NEW DECISION

STATE: Arkansas COUNTY: Crawford & Sebastian
DECISION NO.: AR75-4082 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ASBESTOS WORKERS | $8.90 | .35 | .50 | | .015 |
| BOILERMAKERS | 8.00 | .50 | .76 | | .02 |
| BRICKLAYERS-Stonemasons | 7.15 | .30 | .25 | | .02 |
| CARPENTERS: | | | | | |
| Carpenters | 6.95 | .25 | .25 | | .03 |
| Millwrights & Piledrivermen | 7.45 | .25 | .25 | | .03 |
| CEMENT MASONS | 6.91 | .15 | | | .03 |
| ELECTRICIANS: | | | | | |
| Electricians | 8.75 | .25 | 1% | | 1/4% |
| Cable splicers | 9.00 | .25 | 1% | | 1/4% |
| ELEVATORS: | | | | | |
| Journeymen | 7.05 | .445 | .29 | 3%a+b | .02 |
| Helpers | 70%JR | .445 | .29 | 3%a+b | .02 |
| Helpers (probationary) | 50%JR | | | | |
| IRONWORKERS | 8.49 | .30 | .35 | | |
| LABORERS: | | | | | |
| Group I | 5.37 | .15 | .20 | | .04 |
| Group II | 5.62 | .15 | .20 | | .04 |
| Group III | 5.72 | .15 | .20 | | .04 |
| Group IV | 5.77 | .15 | .20 | | .04 |
| Group V | 5.87 | .15 | .20 | | .04 |
| Group VI | 6.02 | .15 | .20 | | .04 |

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers, concrete and clay and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, keeper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (Gunite Grout, Cement and Sandblaster)





Page 2

DECISION NO AR75-4082

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| LINE CONSTRUCTION: | | | | | |
| Lineman; operator | $7.74 | .25 | 1% | | 1/4% |
| Cable splicers | 7.89 | .25 | 1% | | 1/4% |
| Powderman | 90%JR | .25 | 1% | | 1/4% |
| Truck driver | 75%JR | .25 | 1% | | 1/4% |
| Groundman | 65%JR | .25 | 1% | | 1/4% |
| Groundman (1st 6 mos.) | 50%JR | .25 | 1% | | 1/4% |
| PAINTERS: | | | | | |
| Brush painters | 5.90 | | | | |
| Roller work, sheetwork, finishing by machinery | 6.15 | | | | |
| Spray painting | 6.90 | | | | |
| Swing stage work | 6.15 | | | | |
| Sandblasting - steam cleaning; | 6.90 | | | | |
| All pipe and steel | 6.65 | | | | |
| All metal and flove painting | 6.90 | | | | |
| PLASTERERS | 7.60 | | | | .02 |
| PLUMBERS & STEAMFITTERS | 7.80 | .30 | .35 | | .04 |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Group I | 8.70 | .25 | .25 | | |
| Group II | 7.86 | .25 | .25 | | |
| Group III | 7.48 | .25 | .25 | | |
| Group IV | 6.29 | .25 | .25 | | |
| Group V | 5.90 | .25 | .25 | | |

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

GROUP II
Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating; tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, guirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaderman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith





DECISION NO. AR75-4082 Page 3

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP III - Heavy Equipment Operators:
All bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 105 & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

GROUP IV - Semi-Heavy Equipment Operators:
Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operator inside and outside when used for carrying workmen from floor to floor and handling building material, Lull-Water, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge)

GROUP V - Light Equipment Operators:
All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ROOFERS | $6.55 | | .05 | | |
| SHEET METAL WORKERS | 7.80 | .35 | .30 | | C |
| SPRINKLER FITTERS | 8.35 | .50 | .70 | | .08 |

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a-1st 6 mos - none; 6 months to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.
b-Paid Holidays A through F
c-Apprenticeship Fund shall be 50¢ per month per journeymen and apprentice employed by contractors.

PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day





V 57 81 RPA 6704 V XUM

NEW DECISION

STATE: Minnesota — COUNTY: Olmsted
DECISION NUMBER: MN75-2058 — DATE: Date of Publication
DESCRIPTION OF WORK: Building (Including Residential) Construction

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS | $9.02 | .51 | .65 | | .02 |
| BOILERMAKERS | 8.90 | .60 | 1.00 | | .02 |
| BOILERMAKERS' HELPERS | 8.65 | .60 | 1.00 | | .02 |
| BRICKLAYERS: | | | | | |
| Bricklayers; Stonemasons; Cement Blocklayers; Pointers; Caulkers & Cleaners | 8.425 | .35 | .25 | | |
| CARPENTERS: | | | | | |
| Building | 8.00 | .40 | .30 | | |
| Site Preparation, Excavation & Incidental Paving | | | | | |
| Carpenters & Piledrivermen | 7.88 | .50 | .20 | | |
| CEMENT MASONS: | | | | | |
| Building | 8.30 | | | | |
| Site Preparation, Excavation & Incidental Paving | 8.30 | | | | |
| ELECTRICIANS | 8.45 | 4% | 1% | 6% | .125% |
| GLAZIERS | 7.71 | | | .30 | |
| IRONWORKERS | 8.80 | .55 | .55 | | |
| LABORERS: | | | | | |
| General Laborer; Carpenter Tender; Plagman; Power Buggy Operator | 6.85 | .20 | .15 | | |
| Mason Tender; Drill Runner; Vibrator Operator; Rebar Laborer | 6.95 | .20 | .15 | | |
| Mortar Mixer; Air Actuated Tool | 7.00 | .20 | .15 | | |
| Plasterer Tender | 7.10 | .20 | .15 | | |
| Nozzleman | 7.20 | .20 | .15 | | |
| LATHERS | 8.50 | | | | |
| MARBLE SETTERS | 7.585 | .455 | .23 | .56 | |
| PAINTERS: | | | | | |
| Brush | 7.82 | .35 | .15 | | .02 |
| Spray, Swing Stage & High Work | 8.32 | .35 | .15 | | .02 |
| PLASTERERS | 8.65 | | | | |
| PLUMBERS & STEAMFITTERS | 8.41 | .25 | .20 | | .02 |
| ROOFERS | 7.63 | .42 | .30 | | .02 |
| SHEET METAL WORKERS | 7.40 | .37 | .30 | .75 | .02 |
| SPRINKLER FITTERS | 9.40 | .50 | .70 | | .08 |
| TILE SETTERS | 9.54 | | | | |
| TRUCK DRIVERS | 6.85 | | | | |
| WELDERS-Receive rate prescribed for craft performing operation to which welding is incidental | | | | | |





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DECISION NO MN75-2058

| LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLASS 1 | $6.90 | .20 | .15 | | |
| CLASS 2 | 7.00 | .20 | .15 | | |
| CLASS 3 | 7.05 | .20 | .15 | | |
| CLASS 4 | 7.15 | .20 | .15 | | |
| CLASS 5 | 7.30 | .20 | .15 | | |
| CLASS 6 | 7.35 | .20 | .15 | | |
| CLASS 7 | 7.40 | .20 | .15 | | |

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

CLASS 1
Unskilled Laborers; Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Landscape Gardener; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Sod Layer & Nurseryman; Stonemason Tender.

CLASS 2
Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or Bag) Chain Saw Man; Compaction Equipment (Hand Operated) Concrete Mixer (1 Bag); Concrete Shoveler; Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, Incl. Churn Drill) Dumper (Wagon, Truck, etc.); Form Setter (Municipal Type Curb & Sidewalk); Formsetter (Pavement); Jackhammerman; Joint Sawer; Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmosperic Pressure).

CLASS 3
Bituminous Tamper

CLASS 4
Bituminous Raker; Floater & Utility Man; Caisson Work; Cofferdam

CLASS 5
Nozzleman (Gunnite)

CLASS 6
Pipelayer (Sewer, Water & Gas)

CLASS 7
Powderman; Tunnel Miner



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| POWER EQUIPMENT OPERATORS: BUILDING | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLASS 1 | $12.25 | .35 | .25 | | |
| CLASS 2 | 9.85 | .35 | .25 | | |
| CLASS 3 | 9.50 | .35 | .25 | | |
| CLASS 4 | 9.40 | .35 | .25 | | |
| CLASS 5 | 9.30 | .35 | .25 | | |
| CLASS 6 | 9.05 | .35 | .25 | | |
| CLASS 7 | 8.93 | .35 | .25 | | |
| CLASS 8 | 8.85 | .35 | .25 | | |
| CLASS 9 | 8.58 | .35 | .25 | | |
| CLASS 10 | 8.30 | .35 | .25 | | |
| CLASS 11 | 7.85 | .35 | .25 | | |

POWER EQUIPMENT OPERATORS: BUILDING

CLASS 1-Helicopter Operators (Hoisting Material)
CLASS 2-Truck & Crawler Cranes with 200' of Boom & over including Jib
CLASS 3-Truck & Crawler Cranes with 150' of Boom up to & not including 200' of Boom including jib.
CLASS 4-Traveling Tower Crane
CLASS 5-Master Mechanic
CLASS 6-Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator,(inside Building Perimeter); Truck & Crawler Cranes up to 150' of Boom including jib.
CLASS 7-Air Compressor Operator; Pump Operator & or Conveyor; 2 or more Mechanics; Hoist Engineer (2 drums); Mechanic or Welder; Purpercte or Complaco Type Machine Operator; Fork Lift Operator
CLASS 8-Boom Truck Operator; Concrete Mixer Operator; Drill Rigs (Heavy Duty Rotary or Churn Drill when used for caisson drillin or when drilling for elevator cylinder on Building Construction; Front End Loader Opr; Hoist Engineer (1 drum); Power Plant Engineer (100 KW1 & over); Straddle carrier Operator; Tractor Operator (Over D-2); Well Point Pump Operator
CLASS 9-Concrete Batch Plant Operator; Gunnite Operator; Tractor Operator (D-2 or similar size & Front End Loader Operator-up to ½ cu. yd.)
CLASS 10-Air Compressor Operator; Pump & or Conveyor Operator; Fireman-Temporary Heat; Brakemen; Pick Up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 11-Mechanic Space Heater (Temporary Heat) Oiler or Greaser



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| POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| GROUP I | $12.05 | .35 | .25 | | |
| GROUP II | 8.76 | .35 | .25 | | |
| GROUP III | 8.50 | .35 | .25 | | |
| GROUP IV | 8.38 | .35 | .25 | | |
| GROUP V | 8.28 | .35 | .25 | | |
| GROUP VI | 7.60 | .35 | .25 | | |
| GROUP VII | 7.30 | .35 | .25 | | |

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING

GROUP I Helicopter Pilot
GROUP II Crane with over 135' boom, excluding jib. dragline and/or other similar equipment w/shovel type controls 3 cu. yards. & over Mfg. rates capacity
GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 3LE, Derrick, Dragline and/ or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, Dredge Operator (power) & yds. & over, Grader or Motor Patrol Finisher-earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving op., Road Mile Op., Incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrescration Plant Engineer, Tandem, Scraptor, Tractor, Op. (Boom Type), Truck Crane Op., Tugboat Cp. 100 HP & over
GROUP IV Dual Tractor Op., Elevating Grader Op., Purpercte Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer
GROUP V Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu yds.. Hoists Engineer, Hydraulic Tree Planter, Launcherman, Locomotive,all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machine, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att.. Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power tak-off, Tractor Op., over 50 HP without power Take-off, trenching Machine Op., (sewer water, gas) Turnapull Co., (or similar type) Well Point Installation, Dismantling or Repair Mechanic



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POWER EQUIPMENT OPERATORS (CONT'D)
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

GROUP VI Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. Spreader Op., Finishing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader op. ( up to & include 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Spacer Heater, Oiler, Self-Prop. Vib Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

| TRUCK DRIVERS: BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| GROUP 1 | $7.75 | .35 | .30 | | |
| GROUP 2 | 7.45 | .35 | .30 | | |
| GROUP 3 | 7.35 | .35 | .30 | | |
| GROUP 4 | 7.15 | .35 | .30 | | |

TRUCK DRIVERS: BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

GROUP 1
Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck.

GROUP 2
Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3
Bituminous Distributor Driver; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4
Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman; Tractor Operator (Wheel Type used for any purpose) Pilot car driver; Self Propelled Packer; Slurry Operator; Single Axle Trucks.



MODIFICATIONS P. 1

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| DECISION #A0-4030 - Mod. #3 (38 FR 29727 - October 26, 1973) Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Wakulla, Walton and Washington Counties, Florida | | | | | |
| Omit: | | | | | |
| Under Counties: Bay, Gulf and Walton | | | | | |
| DECISION #FL75-1010 - Mod. #2 (40 FR 3684 - January 24, 1975) Hillsborough County, Florida | | | | | |
| Change: | | | | | |
| Asbestos workers | $8.91 | .35 | .35 | | .06 |
| Electricians: | | | | | |
| Contracts over $50,000.00: | | | | | |
| Wiremen | 9.43 | 4 1/2% | 2% | | .12 |
| Cable splicers | 9.78 | 4 1/2% | 2% | | .12 |
| Contracts under $50,000.00: | | | | | |
| Wiremen | 8.25 | 4 1/2% | 2% | | .12 |
| Cable splicers | 8.60 | 4 1/2% | 2% | | .12 |
| Plasterers | 8.36 | .30 | .50 | | .05 |
| Sheetmetal workers | 8.71 | .43 | .35 | | .04 |
| DECISION #FL75-1018 - Mod. #2 (40 FR 6018 - February 7, 1975) Dade County, Florida | | | | | |
| Change: | | | | | |
| Electricians: | | | | | |
| Zone 1 | 10.25 | 4 3% | 7% +.20 | 8 3% | 7% |
| Zone 2 | 10.98 | 4 3% | 7% +.20 | 8 3% | 7% |
| Zone 3 - | 11.71 | 4 3% | 7% +.20 | 8 3% | 7% |
| Zone 4 | 12.45 | 4 3% | 7% +.20 | 8 3% | 7% |
| Steamfitters | 9.93 | .69 | 1.00 | | .08 |

MODIFICATIONS P. 2

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| DECISION #M075-4059 - Mod. #2 (40 FR 8740 - February 28, 1975) Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas | | | | | |
| Change: | | | | | |
| CEMENT MASONS (Building Construction): | | | | | |
| Cement Masons | $9.225 | .40 | .50 | .25 | |
| Composition | 9.475 | .40 | .50 | .25 | |
| ELECTRICIANS: | | | | | |
| Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill: | | | | | |
| Electricians | 9.57 | .23 | 17+.27 | .80 | .03 |
| Zone 2 - Remainder of Clay, Jackson, Platte and Cass Counties; Missouri: | | | | | |
| Electricians (contracts over $5,000) | 9.57 | .23 | 17+.27 | .80 | .03 |
| Electricians (contracts $5,000 and under) | 9.02 | .23 | 17+.27 | .80 | .03 |
| Zone 3 - Ray County, Missouri: | | | | | |
| Electricians (contracts over $5,000) | 9.57 | .23 | 17+.27 | .80 | .03 |
| Electricians (contracts $5,000 and under) | 8.41 | .23 | 17+.27 | .80 | .03 |
| Zone 4 - Johnson and Wyandotte Counties, Kansas | 9.57 | .23 | 17+.27 | .80 | .03 |
| LABORERS: | | | | | |
| Building Construction | | | | | |
| Zone 1 - Cass, Clay, Jackson, and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas | | | | | |
| GROUP I | 7.60 | .45 | .40 | | .10 |
| GROUP II | 7.695 | .45 | .40 | | .10 |
| GROUP III | 7.795 | .45 | .40 | | .10 |
| GROUP IV | 7.89 | .45 | .40 | | .10 |
| GROUP V | 7.99 | .45 | .40 | | .10 |



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MODIFICATIONS P. 3

DECISION NO. H075-4059 (Cont'd.)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| LABORERS: | | | | | |
| Building Construction | | | | | |
| Zone 2 - Ray County, Missouri | | | | | |
| GROUP I | $7.30 | .45 | .40 | | .10 |
| GROUP II | 7.40 | .45 | .40 | | .10 |
| GROUP III | 7.475 | .45 | .40 | | .10 |
| GROUP IV | 7.55 | .45 | .40 | | .10 |
| GROUP V | 7.65 | .45 | .40 | | .10 |
| Site Preparation and Grading, Heavy and Highway Construction Zone 3 - Johnson and Wyandotte Counties, Kansas | | | | | |
| GROUP I | 7.80 | .50 | .50 | .70 | .10 |
| GROUP II | 7.95 | .50 | .50 | .70 | .10 |
| GROUP III | 8.10 | .50 | .50 | .70 | .10 |
| GROUP IV | 8.30 | .50 | .50 | .70 | .10 |
| GROUP V | 8.60 | .50 | .50 | .70 | .10 |
| LATHERS | 9.10 | .50 | | | |
| PAINTERS: | | | | | |
| Brush and Tapers | 9.34 | .30 | .35 | | .06 |
| Spray | 10.34 | .30 | .35 | | .06 |
| PLASTERERS | 10.25 | .30 | | | |
| PLUMBERS | 9.64 | .50 | .60 | | .06 |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Building Construction | | | | | |
| GROUP I | 9.75 | .50 | .75 | .75 | .10 |
| GROUP II | 9.50 | .50 | .75 | .75 | .10 |
| GROUP III | 8.25 | .50 | .75 | .75 | .10 |
| GROUP IV | 8.75 | .50 | .75 | .75 | .10 |
| GROUP V | 8.75 | .50 | .75 | .75 | .10 |
| GROUP VI | 9.00 | .50 | .75 | .75 | .10 |
| GROUP VII | 10.00 | .50 | .75 | .75 | .10 |
| GROUP VIII | 10.25 | .50 | .75 | .75 | .10 |
| GROUP IX | 9.75 | .50 | .75 | .75 | .10 |
| GROUP X | 10.75 | .50 | .75 | .75 | .10 |
| GROUP XI | 10.25 | .50 | .75 | .75 | .10 |
| GROUP XII: | | | | | |
| (a) | 9.50 | .50 | .75 | .75 | .10 |
| (b) | 9.25 | .50 | .75 | .75 | .10 |
| (c) | 9.25 | .50 | .75 | .75 | .10 |
| (d) | 8.50 | .50 | .75 | .75 | .10 |

MODIFICATIONS P. 4

DECISION NO. H075-4059 (Cont'd.)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Site Preparation and Grading, Heavy and Highway Construction Zone 1 - Johnson and Wyandotte Counties, Kansas | | | | | |
| GROUP I | $9.85 | .50 | .75 | .75 | .10 |
| GROUP II | 9.60 | .50 | .75 | .75 | .10 |
| GROUP III | 9.35 | .50 | .75 | .75 | .10 |
| GROUP IV | 8.35 | .50 | .75 | .75 | .10 |
| GROUP V | 8.85 | .50 | .75 | .75 | .10 |
| GROUP VI | 10.10 | .50 | .75 | .75 | .10 |
| GROUP VII | 10.35 | .50 | .75 | .75 | .10 |
| GROUP VIII | 9.85 | .50 | .75 | .75 | .10 |
| ROOFERS HELPERS: | | | | | |
| 1st 6 mos. | 5.24 | .30 | .60 | | .04 |
| 2nd 6 mos. | 5.69 | .30 | .60 | | .04 |
| 3rd 6 mos. | 6.13 | .30 | .60 | | .04 |
| 4th 6 mos. | 6.58 | .30 | .60 | | .04 |
| 5th 6 mos. | 7.02 | .30 | .60 | | .04 |
| 6th 6 mos. | 7.47 | .30 | .60 | | .04 |
| 7th 6 mos. | 7.91 | .30 | .60 | | .04 |
| SHEET METAL WORKERS | 9.905 | .35 | .50 | | .02 |
| TRUCK DRIVERS: | | | | | |
| Site Preparation and Grading, Heavy and Highway Construction Zone 1 - Johnson and Wyandotte Counties, Kansas | | | | | |
| GROUP I | 8.34 | .50 | .75 | .75 | |
| GROUP II | 8.54 | .50 | .75 | .75 | |
| GROUP III | 8.85 | .50 | .75 | .75 | |
| GROUP IV | 9.00 | .50 | .75 | .75 | |
| GROUP V | 8.115 | .50 | .75 | .75 | |





MODIFICATIONS P. 5

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| DECISION #H075-4071 - Mod. 01 (40 FR 14226 - March 28, 1975) Cass, Clay, Jackson, Platte & Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas | | | | | |
| Change: | | | | | |
| CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN | $8.12 | .33 | .30 | .25 | .05 |
| CEMENT MASONS: | | | | | |
| Cement masons | 9.225 | .40 | .50 | .25 | |
| Composition | 9.475 | .40 | .50 | .25 | |
| ELECTRICIANS (4 Stories): | | | | | |
| Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri, not including Pleasant Hill | 9.57 | .23 | 1%+.27 | .80 | .03 |
| Zone 2 - Remainder of Cass, Clay, Jackson and Platte Counties, Missouri: | | | | | |
| Electricians (contracts $5,000 and over) | 9.57 | .23 | 1%+.27 | .80 | .03 |
| Electricians (contracts under $5,000) | 9.02 | .23 | 1%+.27 | .80 | .03 |
| Zone 3 - Ray County, Missouri: | | | | | |
| Electricians (contracts $5,000 and over) | 9.57 | .23 | 1%+.27 | .80 | .03 |
| Electricians (contracts under $5,000) | 8.41 | .23 | 1%+.27 | .80 | .03 |
| LABORERS: | | | | | |
| Building Construction | | | | | |
| Zone 1 - Cass, Clay, Jackson, and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas | | | | | |
| Group 1 | 7.60 | .45 | .40 | | .10 |
| Group 2 | 7.695 | .45 | .40 | | .10 |
| Group 3 | 7.795 | .45 | .40 | | .10 |
| Group 4 | 7.89 | .45 | .40 | | .10 |
| Group 5 | 7.99 | .45 | .40 | | .10 |

MODIFICATIONS P. 6

DECISION NO. H075-4071 (Cont'd.)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| LABORERS: | | | | | |
| Building Construction | | | | | |
| Zone 2 - Ray County, Missouri | | | | | |
| Group 1 | $7.30 | .45 | .40 | | .10 |
| Group 2 | 7.40 | .45 | .40 | | .10 |
| Group 3 | 7.475 | .45 | .40 | | .10 |
| Group 4 | 7.55 | .45 | .40 | | .10 |
| Group 5 | 7.65 | .45 | .40 | | .10 |
| Site Preparation and Grading Zone 3 - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidental Paving and Utilities Clay, Jackson, Platte and Ray Counties, Missouri | | | | | |
| Group 1 | 7.80 | .50 | .50 | .70 | .10 |
| Group 2 | 7.95 | .50 | .50 | .70 | .10 |
| Group 3 | 8.10 | .50 | .50 | .70 | .10 |
| Group 4 | 8.30 | .50 | .50 | .70 | .10 |
| Group 5 | 8.60 | .50 | .50 | .70 | .10 |
| LATHERS | 9.10 | .50 | | | |
| PAINTERS: | | | | | |
| Brush and Tapers | 9.34 | .30 | .35 | | .06 |
| Spray | 10.34 | .30 | .35 | | .06 |
| PLASTERERS | 10.25 | .30 | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Building Construction (Zone 1) | | | | | |
| Group 1 | 9.75 | .50 | .75 | .75 | .10 |
| Group 2 | 9.50 | .50 | .75 | .75 | .10 |
| Group 3 | 8.25 | .50 | .75 | .75 | .10 |
| Group 4 | 8.75 | .50 | .75 | .75 | .10 |
| Group 5 | 8.75 | .50 | .75 | .75 | .10 |
| Group 6 | 9.00 | .50 | .75 | .75 | .10 |
| Group 7 | 10.00 | .50 | .75 | .75 | .10 |
| Group 8 | 10.25 | .50 | .75 | .75 | .10 |
| Group 9 | 9.75 | .50 | .75 | .75 | .10 |
| Group 10 | 10.75 | .50 | .75 | .75 | .10 |
| Group 11 | 10.25 | .50 | .75 | .75 | .10 |
| Group 12: | | | | | |
| (a) | 9.50 | .50 | .75 | .75 | .10 |
| (b) | 9.25 | .50 | .75 | .75 | .10 |
| (c) | 9.25 | .50 | .75 | .75 | .10 |
| (d) | 8.50 | .50 | .75 | .75 | .10 |







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MODIFICATIONS P. 7

DECISION NO. MO75-4071(Cont'd.)

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| POWER EQUIPMENT OPERATORS: | | | | | |
| Site Preparation and Grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilites - Clay, Jackson, Platte & Ray Counties, Missouri (Zone 2) | | | | | |
| Group 1 | $9.85 | .50 | .75 | .75 | .10 |
| Group 2 | 9.60 | .50 | .75 | .75 | .10 |
| Group 3 | 9.35 | .50 | .75 | .75 | .10 |
| Group 4 | 8.35 | .50 | .75 | .75 | .10 |
| Group 5 | 8.85 | .50 | .75 | .75 | .10 |
| Group 6 | 10.10 | .50 | .75 | .75 | .10 |
| Group 7 | 10.35 | .50 | .75 | .75 | .10 |
| Group 8 | 9.85 | .50 | .75 | .75 | .10 |
| SHEET METAL WORKERS | 9.905 | .35 | .50 | | .02 |
| SOFT FLOOR LAYERS | 7.55 | .35 | .45 | .755 | .06 |
| TRUCK DRIVERS: | | | | | |
| Site Preparation and Grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilities - Clay, Jackson, Platte and Ray Counties, Missouri (Zone 2) | | | | | |
| Group 1 | 8.34 | .50 | .75 | .75 | |
| Group 2 | 8.54 | .50 | .75 | .75 | |
| Group 3 | 8.85 | .50 | .75 | .75 | |
| Group 4 | 9.00 | .50 | .75 | .75 | |
| Group 5 | 8.115 | .50 | .75 | .75 | |
| Add: | | | | | |
| ROOFERS HELPERS: | | | | | |
| 1st 6 mos. | 5.24 | .30 | .60 | | .04 |
| 2nd 6 mos. | 5.69 | .30 | .60 | | .04 |
| 3rd 6 mos. | 6.13 | .30 | .60 | | .04 |
| 4th 6 mos. | 6.58 | .30 | .60 | | .04 |
| 5th 6 mos. | 7.02 | .30 | .60 | | .04 |
| 6th 6 mos. | 7.47 | .30 | .60 | | .04 |
| 7th 6 mos. | 7.91 | .30 | .60 | | .04 |



MODIFICATIONS P. 8

DECISION NO. AR-2036 - Mod. #3
(39 FR 41127 - November 22, 1974)
Anne Arundel County, Maryland

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CHANGE: | | | | | |
| Electricians | $7.60 | .50 | 1¼+.20 | | ½% |
| Glaziers: | | | | | |
| Glaziers | 7.90 | .25 | .40 | | |
| Swinging Scaffold or Bosun Chair | 8.15 | .25 | .40 | | |
| Ironworkers: | | | | | |
| Structural, Ornamental, Rodmen, Finishers, Pre-Cast & Pre-Stress Erectors | 9.07 | .70 | 1.35 | | .04 |
| Sheeters | 9.32 | .70 | 1.35 | | .04 |
| Lathers | 9.09 | | .35 | | .01 |
| Line Construction: | | | | | |
| Linemen, Cable Splicers | 10.15 | .35 | 1% | | ½% |
| Groundmen (experienced) | 6.42 | .35 | 1% | | ½% |
| Terrazzo Workers Helpers: | | | | | |
| Remainder of County | 6.50 | .30 | .20 | | |





MODIFICATIONS P. 9

DECISION NO. AR-2093 - Mod. #3
(39 FR 44612 - December 20, 1974)
Baltimore, Harford and Howard Counties and the city of Baltimore, Maryland.

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CHANGE: | | | | | |
| Electricians: | | | | | |
| Zone 1 - From Baltimore City Hall to 25 Miles | 9.60 | .50 | 1¾+.20 | | ½% |
| Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall | 9.85 | .50 | 1¾+.20 | | ½% |
| Zone 3 - Over 45 Miles from Baltimore City Hall | 10.10 | .50 | 1¾+.20 | | ½% |
| Glaziers: | | | | | |
| Glaziers | 7.90 | .25 | .40 | | |
| Swinging Scaffold Or Bosun's Chair | 8.15 | .25 | .40 | | |
| Ironworkers: | | | | | |
| Ironworkers, Finishers, Rodmen, Pre-Cast & Pre-Stress Erectors | 9.07 | .70 | 1.35 | | .04 |
| Sheeters | 9.32 | .70 | 1.35 | | .04 |
| Lathers | 9.09 | | .35 | | .01 |
| Linemen & Cable Splicers: | | | | | |
| Zone 1 - From Baltimore City Hall to 25 Miles | 10.15 | .35 | 1% | | ½% |
| Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall | 10.40 | .35 | 1% | | ½% |
| Zone 3 - Over 45 Miles from Baltimore City Hall | 10.65 | .35 | 1% | | ½% |
| Marble, Tile & Terrazzo Workers' Helpers | 6.50 | .30 | .20 | | |
| Plasterers | 8.80 | .35 | .30 | | |



MODIFICATIONS P. 10

DECISION AR-3166 - Mod. #2
(39 FR 39705 - November 8, 1974)
Anoka, Carver, Hennepin, Scott, Dakota, Ramsey & Washington Counties, Minnesota

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CHANGE: | | | | | |
| Electricians: | | | | | |
| Building: | | | | | |
| Townships of Anoka & Fridley in Anoka County | $8.55 | 6½% | 4% | 9% | 1% |
| Remainder of Anoka County & the Remaining Counties | 8.90 | 6% | 3% | 10% | 1.5% |
| Residential: | | | | | |
| Carver, Hennepin & Scott Counties & Townships of Anoka, Fridley, Grow & Ramsey in Anoka County | 6.00 | .36 | 1% | .27 | 1% |
| Dakota, Ramsey, Washington Counties & Remainder of Anoka County | 6.00 | .36 | 1% | .27 | ½ of 1% |

MODIFICATIONS P. 12

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3044 - Mod. #1 (39 FR 30791 August 23, 1974) Portage County, Ohio | | | | | |
| Change: | | | | | |
| Asbestos Workers | $ 9.985 | .35 | .80 | | .02 |
| Bricklayers & Stonemasons | 9.94 | .50 | .10 | 3%+a+b | .02 |
| Elevator Constructors | 9.77 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helper | 6.84 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helper (Prob.) | 4.885 | | | | |
| Glaziers | 9.73 | .40 | .65 | | .01 |
| Line Construction | | | | | |
| Linemen - Townships of Charlestown, Edinburg, Franklin, Hiram, Nelson, Palmyra, Paris & Windham | 10.79 | .30 | 1% | | |
| Marble Setters | 8.91 | .52 | .25 | | |
| Marble Setters' Helpers | 8.41 | .52 | .25 | | |
| Soft Floor Layers | 9.35 | .40 | .55 | | |
| Sprinkler Fitters | 9.80 | .50 | .70 | | .08 |
| Terrazzo Workers and Tile Setters | 8.91 | .52 | .25 | | |
| Terrazzo Workers Helper and Tile Setters Helpers | 8.41 | .52 | .25 | | |
| Add: | | | | | |
| Laborers: | | | | | |
| Laborer | 8.35 | .50 | | | .02 |
| Power Tools - air, electric, and gas driven | 8.50 | .50 | | | .02 |
| Pipelayer, jackhammer, hod carrier | 8.55 | .50 | | | .02 |
| Dynamite man, Gunnite nuzzle man | 8.85 | .50 | | | .02 |



MODIFICATIONS P. 11

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3043 - Mod. #1 (39 FR 30792 - August 23, 1974) Muskingum County, Ohio | | | | | |
| Change: | | | | | |
| Asbestos Workers | $10.39 | .30 | .85 | | .02 |
| Carpenters | 8.60 | .35 | .20 | | .02 |
| Millwrights & Piledrivermen | 8.90 | .35 | .20 | | .02 |
| Electricians: | | | | | |
| Jobs 1,500 hrs. or less | 8.75 | .29 | 1% | 3%+a+b | .02 |
| Jobs over 1,500 hrs. | 9.05 | .29 | 1% | 3%+a+b | .02 |
| Elevator Constructors | 9.715 | .445 | .29 | | .02 |
| Elevator Constructors' helper | 6.90 | .445 | .29 | | .02 |
| Elevator Constructors' helper (Prob.) | 4.86 | | | | |
| Line Construction: | | | | | |
| Linemen & Equipment Operators | 9.05 | .28 | 1% | | |
| Truck Driver | 6.65 | .28 | 1% | | |
| Groundman | 6.40 | .28 | 1% | | |





MODIFICATIONS P. 14

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3047 - Mod. #1 (39 FR 30800 - August 23, 1974) Trumbull County, Ohio | | | | | |
| Change: | | | | | |
| Asbestos Workers | $10.24 | .35 | .50 | | .04 |
| Electricians - Liberty and Hubbard Townships | 10.26 | .40 | 5% | | .3% |
| Elevator Constructors | 9.20 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 6.44 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers (Prob.) | 4.60 | | | | |
| Linemen, Cable Splicers Pole Digging equipment operators | 10.79 | .30 | 1% | | |
| Plumbers and Steamfitters: | | | | | |
| Remainder of County | 10.05 | .57 | .55 | | .01 |
| Sprinkler Fitters | 9.80 | .50 | .70 | | .08 |
| Power Equipment Operators | | | | | |
| Class I | 9.87 | .50 | .50 | | .12 |
| Class II | 9.18 | .50 | .50 | | .12 |
| Class III | 8.82 | .50 | .50 | | .12 |
| Class IV | 8.41 | .50 | .50 | | .12 |
| Class V | 8.31 | .50 | .50 | | .12 |
| Class VI | 10.41 | .50 | .50 | | .12 |

MODIFICATIONS P. 13

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3045 - Mod. #1 (39 FR 30795 - August 23, 1974) Stark County, Ohio | | | | | |
| Change: | | | | | |
| Asbestos Workers | $ 9.985 | .35 | .80 | | .02 |
| Elevator Constructors | 9.77 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helper | 6.84 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helper (Prob.) | 4.885 | | | | |
| Glaziers | 8.49 | .70 | .57 | | .03 |
| Ironworkers | 9.47 | .50 | .50 | | .02 |
| Painters: Brush and Roller | 7.67 | .55 | .20 | | .02 |
| Spray | 8.17 | .55 | .30 | | .02 |
| Paperhanger | 7.77 | .55 | .30 | | .02 |
| Industrial Brush and Roller | 7.97 | .55 | .30 | | .02 |
| Industrial Sandblasting, Bridge and Spray | 8.47 | .55 | .30 | | .02 |
| Industrial Structural Steel | 8.69 | .55 | .30 | | .02 |
| Plumbers and Steamfitters | | | | | |
| Canton and Vicinity | 9.22 | .35 | .50 | | .02 |
| Laborers | | | | | |
| Group A | 7.01 | .50 | .30 | | .02 |
| Group B | 7.21 | .50 | .30 | | .02 |
| Group C | 7.61 | .50 | .30 | | .02 |
| DECISION #AR-3046 - Mod. #2 (39 FR 30798 - August 23, 1974) Summit County, Ohio | | | | | |
| Change: | | | | | |
| Asbestos Workers | $ 9.985 | .35 | .80 | | .02 |
| Bricklayer and Stonemasons | 9.94 | .50 | .40 | 3%+a+b | .02 |
| Elevator Constructors | 9.77 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 6.84 | .445 | .29 | 3%+a+b | .02 |
| Glaziers | 8.49 | .70 | .57 | | .03 |
| Marble Setters, Terrazzo Workers & Tile Setters | 8.91 | .52 | .25 | | |
| Marble Setters Helpers, Terrazzo Workers Helpers, & Tile Setters Helper | 8.41 | .52 | .25 | | .08 |
| Soft Floor Layers | 9.35 | .40 | .55 | | |
| Sprinkler Fitters | 9.80 | .50 | .70 | | |



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MODIFICATIONS P. 15

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3176 - Mod. #3 (39 FR 43451 - December 13, 1974) Pike, Ross & Scioto Counties, Ohio | | | | | |
| Change: | | | | | |
| Asbestos Workers: | | | | | |
| Ross County | $10.39 | .30 | .85 | | .02 |
| Elevator Constructors (Ross County) | 9.715 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 6.80 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers (Prob.) | 4.86 | | | | |
| Painters: | | | | | |
| Pike and Scioto Counties | | | | | |
| Brush, Taping, paperhanging & Washing exterior of building under 40 feet | 8.60 | | .20 | | |
| Rollers, floor sanding, power tools | 8.85 | | .20 | | |
| Spray, Sandblasting, Steam cleaners, hazardous materials, burning, spray painting | 9.60 | | .20 | | |
| Exterior buildings over 40 ft and epoxies | 9.10 | | .20 | | |
| Plumbers: Ross County | 10.42 | .55 | .80 | | .05 |
| Sheet Metal Workers | 9.12 | .45 | .51 | | .05 |
| Power Equipment Operators | | | | | |
| Pike County | | | | | |
| Group A | 9.61 | .46 | .80 | | .11 |
| Group B | 9.45 | .46 | .80 | | .11 |
| Group C | 9.09 | .46 | .80 | | .11 |
| Group D | 8.31 | .46 | .80 | | .11 |
| Group E | 7.98 | .46 | .80 | | .11 |
| Group F | 7.23 | .46 | .80 | | .11 |

MODIFICATIONS P. 16

Decision # AR-2008 - Mod. # 1
(39 FR 33284 - September 20, 1974)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

Change:

| HEAVY and HIGHWAY CONSTRUCTION TRUCK DRIVERS | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Class I | $7.42 | .505 | .4875 | a+b | |
| Class II | 7.52 | .505 | .4875 | a+b | |
| Class III | 7.72 | .505 | .4875 | a+b | |

Class I: Helpers, Stake Body Truck (single axle), Dumpster

Class II: Dump Trucks, Tandem and Batch Trucks, Semi-trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)

Class III: Euclid Type, Off-highway Equipment Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-bed Trailers

FOOTNOTES:

a. Employee will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitle to all days of vacation, employees with five (5) years or more senority shall be eligible for two (2) weeks of vacation.

b. Paid Holidays: Memorial Day; Independence Day; Labor Day and (5) personal holidays for employees who have worked a minimum of thirty days and are on the employer's senority list, provided he works the scheduled work days before and after the said holidays.







MODIFICATIONS P. 17

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-2002 - Mod. #4 (39 FR 25892 - July 12, 1974) Delaware County, Pennsylvania | | | | | |
| Change: | | | | | |
| Bricklayers: | | | | | |
| Remainder of County | $9.46 | .62 | 1.00 | | .01 |
| Elevator Constructors | 10.68 | .445 | .29 | 3%+b+c | .02 |
| Elevator Constructors' Helpers | 7.48 | .445 | .29 | 3%+b+c | .02 |
| Elevator Constructors' Helpers (Prob.) | 5.34 | | | | |
| Electricians | 11.07 | 4.4% | 1%+2.2% | | ½ of 1% |
| Line Construction: | | | | | |
| Linemen | 11.57 | .20 | 1% | | .075% |
| Groundmen | 6.94 | .20 | 1% | | .075% |
| Winch truck operator | 8.10 | .20 | 1% | | .075% |
| Sheet Metal Workers | 10.74 | .88 | .50 | | .01 |
| Sprinkler Fitters | 9.60 | .50 | .70 | | .08 |
| Truck Drivers: (See Attached Schedule) | | | | | |
| DECISION #AR-2003 Mod. #4 (39 FR 25895 - July 12, 1974) Chester County, Pennsylvania | | | | | |
| Change: | | | | | |
| Elevator Constructors | 10.68 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' Helpers | 7.48 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' Helpers (Prob.) | 5.34 | | | | |
| Electricians: | | | | | |
| West Clan, West Brandywine, Honey Brook, Wallace, West Natmeal, East Natmeal, Warwick, South Coventry, Valley Twps. and Coatesville | 9.44 | .38 | 1% | | .03 |
| Line Construction: | | | | | |
| Linemen | 11.57 | .20 | 1% | | .075% |
| Groundman | 6.94 | .20 | 1% | | .075% |
| Winch truck operator | 8.10 | .20 | 1% | | .075% |
| Sheet Metal Workers | 10.74 | .88 | .50 | | .01 |
| Sprinkler Fitters | 9.60 | .50 | .70 | | .08 |
| Tile Setters | 8.445 | .80 | .40 | | |
| Truck Drivers: (See Attached Schedule) | | | | | |

MODIFICATIONS P. 18

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-2004 - Mod. #5 (39 FR 25899 - July 12, 1974) Montgomery County, Pennsylvania | | | | | |
| Change: | | | | | |
| Elevator Constructors | $10.68 | .445 | .29 | 3%+b+c | .02 |
| Elevator Constructors' Helpers | 7.48 | .445 | .29 | 3%+b+c | .02 |
| Elevator Constructors' Helpers (Prob.) | 5.34 | | | | |
| Line Construction: | | | | | |
| Linemen | 11.57 | .20 | 1% | | .075% |
| Groundman | 6.94 | .20 | 1% | | .075% |
| Winch truck operator | 8.10 | .20 | 1% | | .075% |
| Electricians: | | | | | |
| Pottsgrave, Upper Pottsgrove, Douglas, and Pottstown | 9.44 | .38 | 1% | | .03 |
| Sheet Metal Workers | 10.74 | .88 | .50 | | .01 |
| Sprinkler Fitters | 9.60 | .50 | .70 | | .08 |
| Truck Drivers: (See Attached Schedule) | | | | | |
| DECISION #AR-2005 - Mod. #4 (39 FR 25902 - July 12, 1974) Philadelphia, Pennsylvania | | | | | |
| Change: | | | | | |
| Elevator Constructors | 10.68 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' Helpers | 7.48 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' Helpers (Prob.) | 5.34 | | | | |
| Line Construction: | | | | | |
| Linemen | 11.57 | .20 | 1% | | .075% |
| Groundman | 6.94 | .20 | 1% | | .075% |
| Winch truck operator | 8.10 | .20 | 1% | | .075% |
| Sheet Metal Workers | 10.74 | .88 | .50 | | .01 |
| Truck Drivers: (See Attached Schedule) | | | | | |





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MODIFICATIONS P. 19

DECISION #AR-2006 - Mod. #4
(39 FR 25905 - July 12, 1974)
Berks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Change: | | | | | |
| Elevator Constructors | 10.68 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' Helpers | 7.48 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' Helpers (Prob.) | 5.34 | | | | |
| Line Construction: | | | | | |
| Linemen | 11.57 | .20 | 1% | | .075% |
| Groundmen | 6.94 | .20 | 1% | | .075% |
| Winch truck operator | 8.10 | .20 | 1% | | .075% |
| Sheet Metal Workers | 10.74 | .88 | .50 | | .01 |
| Truck Drivers: (See Attached Schedule) | | | | | |

DECISION #PA75-3011 - Mod. #2
(40 FR 4781 - January 31, 1975)
Bucks County, Pennsylvania

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Change: | | | | | |
| Elevator Constructors | 10.68 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' Helpers | 7.48 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' Helpers (Prob.) | 5.34 | | | | |
| Line Construction: | | | | | |
| Linemen | 11.57 | .20 | 1% | | .075% |
| Groundmen | 6.94 | .20 | 1% | | .075% |
| Winch truck operator | 8.10 | .20 | 1% | | .075% |
| Sheet Metal Workers | 10.74 | .88 | .50 | | .01 |
| Truck Drivers: (See Attached Schedule) | | | | | |

MODIFICATIONS P. 20



AR-2002 (Mod. #4, Cont'd) AR-2003 (Mod. # 4, Cont'd) AR-2004 (Mod. # 5, Cont'd)
AR-2005 (Mod. # 4, Cont'd) AR-2006 (Mod. # 4, Cont'd) PA75-3011 (Mod. # 2, Cont'd)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| BUILDING CONSTRUCTION | | | | | |
| TRUCK DRIVERS | | | | | |
| Class I | $7.52 | .505 | .4875 | a+b | |
| Class II | 7.62 | .505 | .4875 | a+b | |
| Class III | 7.82 | .505 | .4875 | a+b | |

Class I: Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1½ ton and under vehicles

Class II: Truck Driver over 1½ tons, Dump Trucks, Tandem and Batch Trucks, Semi-trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)

Class III: Euclid Type, Off-highway Equipment - Back or Belly Dump Trucks and Double - Hitched Equipment Straddle (Ross) Carrier, Low-bed Trailers

FOOTNOTES:

a. Employer will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation, employees with five (5) years or more senority shall be eligible for two (2) weeks of vacation.

b. Paid Holidays: Memorial Day; Independence Day; Labor Day and (5) personal holidays for employees who have worked a minimum of thirty days and are on the employer's seniority list, provided he works the scheduled work days before and after the said holidays.





MODIFICATIONS P. 21

Decision #PA75-3026 - Mod. # 1
(40 FR 14266 - March 28, 1975)
Allegheny & Beaver Counties, Pennsylvania

Change:
Power Equipment Operators:
(See Attached Schedule)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |

PA-75-3026 (Mod. # 1, Cont'd)

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS I
CLASS II
CLASS III
CLASS IV
CLASS V

MODIFICATIONS P. 22

PA-2-PEO-2-3- K

| | Basic Hourly Rates | Fringe Benefits Payments | | | | |
|---|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. | Others |
| | $9.43 | .50 | .60 | | .09 | |
| | 9.17 | .50 | .60 | | .09 | |
| | 6.81 | .50 | .60 | | .09 | |
| | 6.36 | .50 | .60 | | .09 | |
| | 6.21 | .50 | .60 | | .09 | |

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Frankl Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hillift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Cuage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hillift (under 4 cy,) Job Work Boar (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boar (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader





DECISION #PA75-3028 - Mod. #1
(40 FR 17317 - April 4, 1975)

Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania

Change:
Power Equipment Operators:
(See Attached Schedule)

| Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|
| | H & W | Pensions | Vacation | App. Tr. |





PA-2-PEO-2-3- K

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

| | Basic Hourly Rates | Fringe Benefits Payments | | | | |
|---|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. | Others |
| CLASS I | $9.43 | .50 | .60 | | .09 | |
| CLASS II | 9.17 | .50 | .60 | | .09 | |
| CLASS III | 6.81 | .50 | .60 | | .09 | |
| CLASS IV | 6.36 | .50 | .60 | | .09 | |
| CLASS V | 6.21 | .50 | .60 | | .09 | |





HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Frankl Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hillift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Cuage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hillift (under 4 cy,) Job Work Boar (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boar (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader



17470 NOTICES
17468 NOTICES
17471 NOTICES
17469 NOTICES
XUM

PA75-3028 - Mod. # 1
Remaining Counties

MODIFICATIONS P. 27

PA-5-PE-2-3-H

| HEAVY AND HIGHWAY CONSTRUCTION<br>POWER EQUIPMENT OPERATORS: | Basic Hourly Rates | Fringe Benefits Payments | | | | |
|---|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. | Others |
| CLASS I | $9.14 | .50 | .60 | | .09 | |
| CLASS II | 8.86 | .50 | .60 | | .09 | |
| CLASS III | 6.68 | .50 | .60 | | .09 | |
| CLASS IV | 6.03 | .50 | .60 | | .09 | |
| CLASS V | 5.92 | .50 | .60 | | .09 | |



PA75-3026 - Mod. # 1
Remaining Counties

MODIFICATIONS P. 28

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Crawler Cranes (1 yard - Self Erecting Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Frankl Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Koehl, Koering Skooper, Lead Mechanic, Locomotive (Std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Preplitter Drill (self contained) Quad Mine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (Over 1 cy.) Conveyor, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, Stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader





MODIFICATIONS P. 29

DECISION #75-PA-3029 - Mod. # 1
(40 FR 15318 - April 4, 1975)
Armstrong, Blair,, Cameron, Centre Clarion, Clearfield,Crawford, Forest, Greene, Indiana, McKean, Venango and Warren Counties, Pennsylvania

Change:
Power Equipment Operators:
(See Attached Schedule)

| Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|
| | H & W | Pensions | Vacation | App. Tr. |

PA-75-3029 - Mod. # 1

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS I
CLASS II
CLASS III
CLASS IV
CLASS V

MODIFICATIONS P. 30

PA-2-PE0-2-3- K

| Basic Hourly Rates | Fringe Benefits Payments | | | | |
|---|---|---|---|---|---|
| | H & W | Pensions | Vacation | App. Tr. | Others |
| $9.43 | .50 | .60 | | .09 | |
| 9.17 | .50 | .60 | | .09 | |
| 6.81 | .50 | .60 | | .09 | |
| 6.36 | .50 | .60 | | .09 | |
| 6.21 | .50 | .60 | | .09 | |





MICROFILMED BY RECORDAK

PA-75-3029 - Mod. # 1

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Baldwin, Tarrech Mill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Float, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Frankl Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hillift (4cy. and over) Hoists 2 Drums or more (in one unit) Koehl, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Mine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with Blade, Concrete Patch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hillift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Fork-lift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader





| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #TX75-4022 - Mod. #4 (40 FR 3927 - January 24, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas | | | | | |
| Change: | | | | | |
| Building Construction: | | | | | |
| Carpenters: | | | | | |
| Zone 7 | $7.34 | .18 | | | |
| Millwrights & piledrivermen: | | | | | |
| Zone 1 | 7.74 | .18 | | | |
| Plumbers & pipefitters: | | | | | |
| Zone 1 | 8.05 | .30 | .30 | | .03 |
| Zone 7 | 8.45 | .30 | .30 | | .03 |
| Incidental Paving & Utilities (Bell & Coryell Counties): | | | | | |
| Plumbers: | | | | | |
| Zone 1 | 8.05 | .30 | .30 | | .03 |
| Zone 2 | 8.45 | .30 | .30 | | .03 |
| DECISION #UT75-5076 - Mod. #2 (40 FR 7860 - February 21, 1975) Statewide, Utah | | | | | |
| Change: | | | | | |
| Line Construction | | | | | |
| Lineman | $8.21 | .35 | 1% | | 3/4% |
| Cable Splicer | 9.03 | .35 | 1% | | 3/4% |
| Line equipment operators | 7.40 | .35 | 1% | | 3/4% |
| Groundman | 6.11 | .35 | 1% | | 3/4% |
| Line equipment mechanic | 7.78 | .35 | 1% | | 3/4% |
| Line equipment serviceman | 7.28 | .35 | 1% | | 3/4% |
| Refrigeration and Air Conditioning: | | | | | |
| 50 tons or over | 8.65 | .51 | .75 | | 04 |
| Under 50 tons | 7.90 | .51 | .75 | | .04 |





| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION NO. TX75-3005 - Mod. #2 (40 FR 944 - January 3, 1975) The cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia. | | | | | |
| CHANGE: | | | | | |
| Electricians | $8.00 | 5% | 1%+5% | | 1% |
| Linemen & Cable Splicers | 8.00 | 5% | 1%+5% | | 1% |
| DECISION NO. VA75-3006 - Mod. #2 (40 FR 946 - January 3, 1975) Henrico County and the city of Richmond, Virginia. | | | | | |
| CHANGE: | | | | | |
| Painters: | | | | | |
| Brush, paperhangers and sandblasters | 6.45 | | | | |
| Structural steel, stage and bosun chair | 6.70 | | | | |
| Spray | 6.95 | | | | |
| DECISION #WY75-5028 - Mod. #2 (40 FR 7887 - February 21, 1975) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming | | | | | |
| Change: | | | | | |
| Asbestos Workers | $9.01 | .38 | .72 | | |
| Plumbers; Steamfitters: Converse, Natrona, Niobrara Counties | | | | | |
| Zone 1 (10 miles radius from P. O. in Casper) | 8.06 | .40 | .50 | .80 | .09 |
| Zone 2 (10 miles radius beyond Zone 1) | 8.46 | .40 | .50 | .80 | .09 |
| Zone 3 (20 miles radius beyond Zone 2) | 8.86 | .40 | .50 | .80 | .09 |
| Zone 4 (40 miles radius beyond Zone 3) | 9.66 | .40 | .50 | .80 | .09 |
| Zone 5 (Jurisdiction beyond Zone 4) | 10.16 | .40 | .50 | .80 | .09 |
| Sheet Metal Workers: Goshen, Laramie, and Platte Counties | 8.51 | .37 | .10 | | .02 |

SUPERSEDEAS DECISION

STATE: Alabama
DECISION NUMBER: AL75-1047
Supersedes Decision No.: AM 468 dated August 20, 1971 in 36 FR 16359
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: *See below
DATE: Date of Publication

| | Basic Hourly Rates | Fringe Benefits Payments H&W | Pension | Vacation | Apr. Tr. |
|---|---|---|---|---|---|
| COUNTIES: Jefferson, Blount, Saint Clair, Shelby, Talladega, and Walker: | | | | | |
| Bricklayers | 8.25 | .25 | .25 | | .05 |
| Carpenters | 4.81 | | | | |
| Cement Masons | 4.00 | | | | |
| Dry Wall Finisher | 4.00 | | | | |
| Dry Wall Hanger | 5.00 | | | | |
| Electricians | 4.25 | | | | |
| Laborers | 2.50 | | | | |
| Mason tenders | 4.03 | | | | |
| Mortar mixers | 3.25 | | | | |
| Painters: Brush | 4.20 | | | | |
| Plumbers | 4.71 | | | | |
| Roofers | 4.25 | | | | |
| Sheet metal workers | 5.00 | | | | |
| Tile setters | 4.00 | | | | |
| Truck Drivers | 3.00 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Bulldozers | 5.00 | | | | |





SUPERSEDEAS DECISION

STATE: Alabama
DECISION NO.: AL75-1048
Supersedes Decision No.: AQ-4125 dated June 14, 1974 in 39 FR 20911
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Tuscaloosa
DATE: Date of Publication

| | Basic Hourly Rates | Fringe Benefits Payments H&W | Pension | Vacation | Apr. Tr. |
|---|---|---|---|---|---|
| Asbestos workers | 7.71 | .30 | .30 | | .05 |
| Bricklayers; Marble masons; Stonemasons | 7.60 | | .20 | | .05 |
| Carpenters | 6.05 | | | | .015 |
| Cement masons | 5.175 | .30 | 1% | | ½ of 1% |
| Electricians | 8.50 | .20 | .20 | | |
| Glaziers | 6.85 | .12 | .25 | | .04 |
| Ironworkers | 7.775 | | | | |
| Laborers: | | | | | |
| Laborers | 3.15 | .15 | .10 | | |
| Mason tenders | 3.15 | .15 | .10 | | |
| Mortar mixers | 3.25 | .15 | .10 | | |
| Millwrights | 6.20 | | | .015 | |
| Painters, brush | 6.10 | | | | |
| Plasterers | 5.175 | | | | |
| Plumbers; Steamfitters | 8.85 | .30 | .35 | | .05 |
| Roofers | 5.45 | | .20 | | .05 |
| Sheet metal workers | 9.00 | .15 | .40 | | .05 |
| Soft floor layers | 5.45 | | | | |
| Tile setters | 7.35 | | .20 | | .03 |
| Truck drivers | 2.50 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Tractors, farm | 3.50 | | | | |
| Scrapers | 4.00 | | | | |
| Bulldozers, Front end loader | 5.00 | | | | |
| Pumps | 5.64 | | | | |
| Oiler | 6.25 | .20 | .20 | | |
| Cranes; lift truck | 7.60 | .20 | .20 | | |







V 40-76 APR 18 75 XUM A V

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Modoc, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DATE: Date of Publication

Supersedes Decision No. CA75-5015 dated February 7, 1975, in 40 FR 5989.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS | $9.05 | .90 | .65 | 1.07 | .06 |
| BOILERMAKERS | 9.95 | .65 | 1.00 | .50 | .02 |
| BRICKLAYERS; Stonemasons: | | | | | |
| Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos. | 10.02 | .90 | .58 | 1.00 | |
| Alameda and Contra Costa Counties | 10.15 | .85 | .95 | | |
| Fresno, Kings, Madera, Mariposa and Merced Counties | 9.07 | .48 | .85 | | |
| Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties | 9.75 | .73 | .92 | .75 | |
| Monterey and Santa Cruz Counties | 9.75 | .88 | 1.00 | | |
| San Benito and Santa Clara Cos. | 10.15 | .85 | .95 | | |
| Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties | 9.20 | .55 | .60 | 1.00 | |
| Tulare County | 9.30 | .70 | 1.00 | | |
| BRICK TENDERS: | | | | | |
| Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yuba Counties | 7.70 | .80 | 1.40 | | |
| Alameda and Contra Costa Counties | 7.70 | .55 | .95 | | |
| Marin County | 6.90 | .65 | .50 | .65 | |
| Napa County | 5.90 | .65 | 1.35 | .80 | |
| San Benito, Santa Clara and Santa Cruz Counties | 8.61 | .70 | .90 | | |
| Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties | 5.65 | .65 | 1.35 | .80 | |
| Stanislaus and Tuolumne Counties | 5.75 | .65 | 1.35 | .80 | |
| San Francisco and San Mateo Cos. | 9.00 | .65 | .80 | | |
| Fresno, Kings, Madera and Tulare Counties | 7.40 | .80 | 1.40 | | |





DECISION NO CA75-5052

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CARPENTERS: | $10.00 | .72 | 1.15 | .75 | .04 |
| Carpenters | | | | | |
| Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors | 10.15 | .72 | 1.15 | .75 | .04 |
| Millwrights | 10.50 | .72 | 1.15 | .75 | .04 |
| Piledrivermen, bridge, wharf and Dock builders | 10.13 | .60 | .85 | .75 | .04 |
| CEMENT MASONS: | | | | | |
| Cement Masons | 8.46 | .90 | 1.25 | 1.25 | .05 |
| Mastic; Magnesite; All comp. masons | 8.71 | .90 | 1.25 | 1.25 | .05 |
| Men working from swinging or slip form scaffolds | 8.71 | .90 | 1.25 | 1.25 | .05 |
| DRYWALL INSTALLERS | 10.27 | .66 | .65 | .75 | .07 |
| ELECTRICIANS: | | | | | |
| Alameda County | | | | | |
| Electricians | 9.845 | .70 | 4% | | |
| Cable Splicers | 11.07 | .70 | 4% | | |
| Tunnel: | | | | | |
| Electricians | 8.85 | .50 | 4% | | |
| Cable Splicers | 9.99 | .50 | 4% | | |
| Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed | | | | | |
| Electricians | 9.94 | .60 | 12+.65 | | .045 |
| Cable Splicers | 10.93 | .60 | 12+.65 | | .045 |
| Tunnel: | | | | | |
| Electricians | 8.96 | .31 | 12+.55 | | .045 |
| Cable Splicers | 9.86 | .31 | 12+.55 | | .045 |
| Lake Tahoe Area | | | | | |
| Electricians | 10.34 | .53 | 12+.55 | | .03 |
| Cable Splicers | 11.37 | .53 | 12+.55 | | .03 |







DECISION NO CA75-5052

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ELECTRICIANS: (Cont'd) | | | | | |
| San Benito, Santa Clara and Santa Cruz Counties | | | | | |
| Electricians | $10.70 | .52 | 12+.60 | | .02 |
| Cable Splicers | 12.04 | .52 | 12+.60 | | .02 |
| San Francisco County | | | | | |
| Electricians | 10.67 | .705 | 12+.50 | | .04 |
| Cable Splicers | 12.00 | .705 | 12+.50 | | .04 |
| San Mateo County | | | | | |
| Electricians | 10.55 | .69 | 12+.35 | | .03 |
| ELEVATOR CONSTRUCTORS | 10.70 | .445 | .29 | 32+a | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS (PROBATION) | 70%JR | .445 | .29 | 32+a | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS | 50%JR | | | | |
| GLAZIERS: | | | | | |
| Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston) Counties | 7.77 | .25 | .55 | 8% | |
| Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E. to Fairfield) | 9.135 | .60 | .83 | | .01 |
| Sonoma Counties | 7.68 | .41 | .55 | .66 | .05 |
| Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties | 6.48 | .35 | .50 | 6.4% | |
| IRONWORKERS: | | | | | |
| Fence Erectors | 8.89 | .88 | .1375 | 1.03 | .03 |
| Reinforcing | 9.78 | .88 | .1375 | 1.03 | .03 |
| Ornamental; Structural | 9.78 | .88 | .1375 | 1.03 | .03 |
| LATHERS: | | | | | |
| Alameda and Contra Costa Counties | 9.81 | .74 | .715 | | .025 |
| Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to County Line) | | | | | |



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| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ELECTRICIANS (Cont'd) | | | | | |
| Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties | | | | | |
| Electricians | 9.84 | .60 | 12+.40 | | |
| Cable Splicers | 10.82 | .60 | 12+.40 | | |
| Tunnel: | | | | | |
| Electricians; Cable Splicers' helpers | 10.33 | .60 | 12+.40 | | |
| Cable Splicers | 11.37 | .60 | 12+.40 | | |
| Calaveras and San Joaquin Cos. | 9.00 | .49 | 12 | | |
| Electricians; Technicians | 10.13 | .49 | 12 | | |
| Contra Costa County | | | | | |
| Electricians | 9.80 | .60 | 12+.50 | | |
| Cable Splicers | 11.05 | .60 | 12+.50 | | |
| Del Norte and Humboldt Counties | | | | | |
| Electricians | 9.50 | .47 | 12+.35 | | |
| Cable Splicers | 10.26 | .47 | 12+.35 | | |
| Tunnel: | | | | | |
| Electricians | 9.46 | .47 | 12+.35 | | |
| Cable Splicers | 10.32 | .47 | 12+.35 | | |
| Fresno, Kings, Madera and Tulare Counties | | | | | |
| Electricians | 9.86 | .50 | 12+.70 | | |
| Cable Splicers | 10.76 | .50 | 12+.70 | | |
| Lake, Marin, Mendocino and Sonoma Counties | | | | | |
| Electricians | 9.50 | .61 | 12+.20 | | |
| Cable Splicers | 10.45 | .61 | 12+.20 | | |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | | | | | |
| Electricians | 9.83 | .62 | 12 | | |
| Cable Splicers | 10.81 | .62 | 12 | | |
| Monterey County | | | | | |
| Electricians | 11.15 | .55 | 12 | | |
| Cable Splicers | 12.32 | .55 | 12 | | |
| Napa and Solano Counties | | | | | |
| Electricians | 9.67 | .58 | 12+.60 | | |
| Cable Splicers | 10.17 | .58 | 12+.60 | | |



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| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr |
|---|---|---|---|---|---|
| LATHERS: (Cont'd) | | | | | |
| Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Cos. | $9.10 | .48 | .50 | / | .01 |
| Calaveras and San Joaquin Cos. | 8.90 | .58 | .55 | | |
| Lake (from City of Lakeport down to County line), Marin, Mendocino and Sonoma Counties | 8.14 | .40 | .45 | 1.00 | 1/8% |
| Monterey and Santa Cruz Counties | 9.45 | .58 | .50 | .95 | .01 |
| Napa and Solano Counties | 8.88 | .65 | .40 | | .01 |
| San Francisco and N½ of San Mateo County | 10.08 | .46 | .65 | 1.00 | .01 |
| San Benito and Santa Clara Cos. | 10.14 | .73 | .75 | | |
| Fresno County | 9.83 | .35 | .45 | | |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | 8.50 | | | | .01 |
| Amador, El Dorado, Sacramento and Yolo Counties | 8.15 | .395 | .75 | 1.00 | |
| Southern Half of San Mateo | 10.03 | .32 | 1.00 | | |
| LINE CONSTRUCTION: | | | | | |
| Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer, and Sierra Cos., excluding Lake Tahoe Area | | | | | |
| Line Equipment Operators | 6.19 | .31 | 1%+.55 | | .045 |
| Linemen | 6.88 | .31 | 1%+.55 | | .045 |
| Cable Splicers | 7.57 | .31 | 1%+.55 | | .045 |
| Remaining portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties (Lake Tahoe Area) | | | | | |
| Groundmen | 6.59 | .33 | 1%+.25 | | .01 |
| Line Equipment Operator | 7.91 | .33 | 1%+.25 | | .01 |
| Linemen | 8.79 | .33 | 1%+.25 | | .01 |
| Cable Splicers | 9.67 | .33 | 1%+.25 | | .01 |
| Contra Costa County | | | | | |
| Groundmen | 7.35 | .60 | 1%+.50 | | .03 |
| Line Equipment Operators | 8.82 | .60 | 1%+.50 | | .03 |
| Linemen | 9.80 | .60 | 1%+.50 | | .03 |
| Cable Splicers | 11.05 | .60 | 1%+.50 | | .03 |

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| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr |
|---|---|---|---|---|---|
| LINE CONSTRUCTION: (Cont'd) | | | | | |
| Del Norte, Modoc and Siskiyou Counties | | | | | |
| Hole Digger | $5.91 | .35 | 1% | .10 | 1/2% |
| Tree trimmer helper; Groundman | 6.18 | .35 | 1% | .10 | 1/2% |
| Head groundman; Head groundman (Chipper); Powdermen; Jackhammermen | 6.56 | .35 | 1% | .10 | 1/2% |
| Line equipment men | 7.52 | .35 | 1% | .10 | 1/2% |
| Linemen Polesprayer; Heavy line equipment men; Certified lineman; Welder | 8.74 | .35 | 1% | .10 | 1/2% |
| Tree trimmer | 7.88 | .35 | 1% | .10 | 1/2% |
| Cable splicer; Leadman; Pole sprayer | 9.68 | .35 | 1% | .10 | 1/2% |
| Fresno, Kings, Madera and Tulare Counties | | | | | |
| Line equipment operators | 9.86 | .50 | 1%+.70 | | .05 |
| Linemen | 9.86 | .50 | 1%+.70 | | .05 |
| Cable splicers | 10.26 | .50 | 1%+.70 | | .05 |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | | | | | |
| Linemen | 9.83 | .62 | 1% | | 1% |
| Cable Splicers | 10.81 | .62 | 1% | | 1% |
| Monterey County | | | | | |
| Groundmen | 8.37 | .55 | 1% | | .01 |
| Linemen; Technicians | 11.16 | .55 | 1% | | .01 |
| Cable splicers | 12.33 | .55 | 1% | | .01 |
| Napa and Solano Counties | | | | | |
| Groundmen | 7.54 | .58 | 1%+.30 | | .03 |
| Line Equipment operators | 8.49 | .58 | 1%+.30 | | .03 |
| Linemen | 9.42 | .58 | 1%+.30 | | .03 |
| Cable Splicers | 9.92 | .58 | 1%+.30 | | .03 |
| MARBLE SETTERS | 9.26 | .81 | .51 | 1.03 | |
| PAINTERS: | | | | | |
| Butte, Colusa, Glenn, Lassen (except extreme S. E. corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties | | | | | |
| Brush; Roller | 5.40 | .35 | .25 | 1.05 | |
| Spray; Sandblasters; Structural steel; Swingstages; Tapers | 5.65 | .35 | .25 | 1.05 | |



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DECISION NO CA75-5052

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr |
|---|---|---|---|---|---|
| PAINTERS: (Cont'd) | | | | | |
| Alpine, Amador, Calaveras and San Joaquin Counties | | | | | |
| Brush | $8.22 | .65 | 1.20 | .80 | |
| Spray; Sheetrock taper; Swingstage; Scaffold, sandblaster; Structural steel | 8.62 | .65 | 1.20 | .80 | |
| Fresno, Kings, Madera, Tulare Cos. | | | | | |
| Brush; Tapers | 9.32 | .40 | .20 | | |
| Spray; Structural steel | 9.57 | .40 | .20 | | |
| Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties, (excluding portions of Counties in the Lake Tahoe Area) | | | | | |
| Brush | 8.27 | .64 | .65 | .80 | |
| Spray | 8.52 | .64 | .65 | .80 | |
| Tapers | 8.77 | .64 | .65 | .80 | |
| Lake Tahoe Area | | | | | |
| Brush | 8.30 | .50 | .20 | | |
| Spray; Structural steel; Tapers | 8.55 | .50 | .20 | | |
| Lake, Marin, Mendocino, San Francisco and Sonoma Counties | | | | | |
| Brush | 9.07 | .64 | .65 | | |
| Spray | 9.32 | .64 | .65 | | |
| Tapers | 9.57 | .64 | .65 | | |
| Del Norte, Humboldt Counties | | | | | |
| Brush | 6.90 | .35 | .20 | | |
| Paperhangers; Spray; Steel; Tapers | 7.15 | .35 | .20 | | |
| Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake) | | | | | |
| Brush | 9.65 | .50 | .20 | | |
| Spray; Structural steel; Tapers | 9.90 | .50 | .20 | | |
| Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area) | | | | | |
| Brush | 10.02 | .70 | .80 | .80 | |
| Spray | 10.27 | .70 | .80 | .80 | |
| Tapers | 10.72 | .70 | .80 | .80 | |

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| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr |
|---|---|---|---|---|---|
| PAINTERS: (Cont'd) | | | | | |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | | | | | |
| Brush | $6.30 | .35 | | .75 | .02 |
| Paperhangers; Spray; Tapers | 6.55 | .35 | | .75 | .02 |
| PAINTERS: | | | | | |
| Parking Lot Striping Work and/or Highway Markers: | | | | | |
| Fresno, Kings and Tulare Cos. | | | | | |
| Traffic delineating device applicator | 6.82 | .40 | .20 | b | |
| Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator | 6.43 | .40 | .20 | b | |
| Helper (Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper) | 5.43 | .40 | .20 | b | |
| Remaining Counties | | | | | |
| Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster | 6.82 | .35 | .20 | b | |
| Helper (Traffic surface sandblaster; Wheel stop installer, protecteive coating applicator | 6.32 | .35 | .20 | b | |
| Striper | 7.92 | .35 | .20 | b | |
| Striper, helper | 6.82 | .35 | .20 | b | |
| PLASTERERS: | | | | | |
| Alameda and Contra Costa Counties | 8.94 | .645 | .58 | | .03 |
| Butte, Colusa, Glenn, Lassen (South eastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties | 7.85 | .395 | .50 | 1.00 | .02 |
| Monterey County | 9.60 | .71 | .35 | | .01 |
| Fresno, Kings, Madera and Tulare Counties | 7.59 | .56 | .50 | | |
| El Dorado, Nevada, Placer, Sacramento and Yolo Counties | 7.65 | .245 | .25 | .65 | |







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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| PLASTERERS: (Cont'd) | | | | | |
| San Benito and Santa Clara Cos. | $ 7.63 | .59 | .50 | .80 | .01 |
| San Francisco County | 10.62 | .63 | 1.00 | | .03 |
| San Mateo County | 7.72 | .48 | .90 | 1.50 | .025 |
| Del Norte, Humboldt, Lassen, (North western half of Lassen County), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties | 7.55 | .53 | .35 | 1.00 | .01 |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | 7.50 | .65 | 1.05 | 1.00 | |
| PLASTERERS' TENDERS: | | | | | |
| Alameda and Contra Costa Counties | 8.50 | .55 | 1.00 | | |
| Fresno, Kings and Madera Counties | 7.45 | .80 | 1.40 | | |
| Marin County | 6.66 | .65 | .65 | 1.00 | |
| Napa County | 6.90 | .65 | | .80 | |
| Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties | 6.515 | .395 | 1.35 | .70 | |
| San Francisco and San Mateo Cos. | 7.30 | .50 | .65 | 1.00 | |
| San Benito, Santa Clara and Santa Cruz Counties | 9.15 | .70 | .90 | | |
| Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties | 5.65 | .65 | 1.35 | .80 | |
| Stanislaus and Tuolumne Counties | 5.65 | .65 | 1.35 | .80 | |
| Monterey County | 7.55 | .80 | 1.40 | | |
| PLUMBERS: | | | | | |
| Alameda County | 10.80 | .78 | 1.40 | | .12 |
| Contra Costa County | 11.57 | .88 | 1.50 | | .16 |
| Del Norte and Humboldt Counties | 10.83 | .61 | 1.12 | 1.06 | .05 |
| PLUMBERS; Steamfitters: | | | | | |
| Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties, (excluding Lake Tahoe Area) | 11.28 | .77 | 1.30 | | .11 |
| Lake Tahoe Area | 9.89 | .58 | .60 | 1.95 | .10 |
| Marin, Mendocino, San Francisco, and Sonoma Counties | 10.14 | 1.58 | 1.00 | .985 | .10 |
| San Benito and Santa Clara Cos. | 11.40 | .61 | 1.39 | | .14 |
| San Mateo County | 10.49 | .79 | 1.39 | 1.20 | .25 |



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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| PLUMBERS; Steamfitters: (Cont'd) | | | | | |
| Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba Counties | $10.78 | 1.15 | 1.23 | | .06 |
| Lake, Napa and Solano Counties | 11.25 | .77 | 1.40 | | .12 |
| ROOFERS: | | | | | |
| Alameda and Contra Costa Counties | | | | | |
| Roofers | 9.23 | .77 | .75 | .35 | .01 |
| Mastic workers; Kettlemen (2 Kettles w/o pumps) | 9.48 | .77 | .75 | .35 | .01 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up | 10.23 | .77 | .75 | .35 | .01 |
| Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties | | | | | |
| Roofers (slate, tile composition and built up) | 9.14 | .65 | .55 | | |
| Felt machine operator | 9.29 | .65 | .55 | | |
| Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties | | | | | |
| Roofers | 8.54 | .65 | .40 | | |
| Fresno, Kings, Madera and Tulare Counties | | | | | |
| Roofers | 8.45 | .50 | .50 | | |
| Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties | | | | | |
| Roofers | 8.64 | .45 | .75 | 1.25 | .04 |
| Mastic workers; Kettlemen (2 Kettles w/o pumps) | 8.89 | .45 | .75 | 1.25 | .04 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch | 9.64 | .45 | .75 | 1.25 | .04 |
| Del Norte and Humboldt Counties | | | | | |
| Roofers | 8.32 | .40 | .75 | .35 | |
| Monterey and Santa Cruz Counties | | | | | |
| Roofers | 8.20 | .45 | .60 | 1.00 | |











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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ROOFERS: (Cont'd) | | | | | |
| San Francisco and San Mateo Cos. | | | | | |
| Roofers | $ 8.92 | .50 | .75 | .90 | .04 |
| Mastic workers and kettlemen (2 kettles) without pumps | 9.17 | .50 | .75 | .90 | .04 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tar | 9.92 | .50 | .75 | .90 | .04 |
| Amador, Sacramento and Yolo Cos. | | | | | |
| Roofers (slate, tile and composition) | 8.31 | .64 | .60 | | .02 |
| Enameler and pitch | 9.31 | .64 | .60 | | .02 |
| San Benito and Santa Clara Cos. | | | | | |
| Roofers; Kettlemen (1 kettle) | 8.51 | .61 | 1.03 | | |
| SHEET METAL WORKERS: | | | | | |
| Alameda, Contra Costa, Napa and Solano Counties | 9.75 | .48 | 1.40 | 12% | .02 |
| Alpine, Calaveras and San Joaquin Counties | 7.62 | .36 | .95 | 1.40 | |
| Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties | 8.46 | .48 | 1.20 | 12% | .08 |
| Del Norte, Humboldt and Trinity Counties | 8.18 | .38 | .83 | | |
| Fresno, Kings, Madera and Tulare Counties | 8.05 | .38 | .69 | .80 | .07 |
| Lake, Marin, Mendocino and Sonoma Counties | 8.55 | .36 | .44 | | .15 |
| Mariposa, Merced, Stanislaus and Tuolumne Counties | 8.83 | .36 | .60 | | .03 |
| Monterey, San Benito, Santa Clara and Santa Cruz Counties | 8.45 | .38 | 1.025 | .845 | |
| San Francisco County | 8.48 | .38 | .55 | | 10% |
| San Mateo County | 11.10 | .48 | 1.10 | | .12 |
| Modoc and Siskiyou Counties | 8.67 | .42 | .34 | | .005 |
| SOFT FLOOR LAYERS: | | | | | |
| Alameda, Contra Costa, Napa and Solano Counties | 7.50 | .36 | .30 | .29c | .05 |
| Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced, (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento | | | | | |



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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| SOFT FLOOR LAYERS: (Cont'd) | | | | | |
| Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area) | $ 8.46 | .59 | .60 | 1.00 | .07 |
| Honey Lake Area and Lake Tahoe Area | 9.25 | .50 | .20 | | |
| Fresno, Kings, Madera, Tulare Counties | 8.80 | .20 | | | |
| Lake, Marin, Mendocino, San Francisco, San Mateo and Sonoma Counties | 7.80 | .60 | .55 | d | .05 |
| Monterey, San Benito, Santa Clara and Santa Cruz Counties | 7.39 | .35 | .30 | .80 | .05 |
| Del Norte and Humboldt Counties | 7.20 | .40 | .50 | 8% | |
| SPRINKLER FITTERS: | | | | | |
| Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties | 13.41 | .50 | .70 | | .09 |
| Remaining Counties | 11.85 | .50 | .70 | | .08 |
| STEAMFITTERS: | | | | | |
| Alameda and Contra Costa Counties | 10.065 | .75 | 1.25 | | .12 |
| TERRAZZO WORKERS: | | | | | |
| Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, Trinity Counties | 8.78 | .85 | .58 | 1.00 | |
| Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties | 9.75 | .73 | .92 | | .22 |
| TERRAZZO WORKERS' HELPERS: | | | | | |
| Terrazzo workers' helper | 7.205 | .505 | .30 | | |
| Base machine operator | 7.605 | .505 | .30 | | |











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DECISION NO CA75-5052

| TILE SETTERS: | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma and Trinity Counties | $ 8.05 | .70 | .80 | .90 | .025 |
| Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties | 8.07 | .55 | .30 | 1.00 | |
| Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties | 7.25 | .56 | .35 | .80 | .015 |
| Fresno, Kings, Madera and Tulare Counties | 8.27 | .40 | .35 | | |
| Monterey and Santa Cruz Counties | 9.35 | .795 | .73 | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund in 1st year of employment; $.30 per hour after 1 year, but less than 5 years' service; $.40 per hour after 5 years, but less than 10 years' service and $.50 per hour after 10 years' service.

c. 1st year employment employer contributes $.14 per hour to Vacation; 2nd thru 5th year $.30 per hour; 6th year and thereafter $.40 per hour.

d. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

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| POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLAMSHELL AND DIPPER DREDGING (New Construction) | | | | | |
| Group 1 | | | | | |
| Bargeman; Deckhand; Fireman; Oiler | | | | | |
| Area 1 | $7.76 | .85* | 1.37 | .60 | .14 |
| Area 2 | 8.42 | .85* | 1.37 | .60 | .14 |
| Area 3 | 8.67 | .85* | 1.37 | .60 | .14 |
| Area 4 | 8.92 | .85* | 1.37 | .60 | .14 |
| Group 2 | | | | | |
| Deck Engineers; Deck Mate | | | | | |
| Area 1 | 9.23 | .85* | 1.37 | .60 | .14 |
| Area 2 | 9.89 | .85* | 1.37 | .60 | .14 |
| Area 3 | 10.14 | .85* | 1.37 | .60 | .14 |
| Area 4 | 10.39 | .85* | 1.37 | .60 | .14 |
| Group 3 | | | | | |
| Welder; Mechanic Welder; Watch Engineer | | | | | |
| Area 1 | 9.59 | .85* | 1.37 | .60 | .14 |
| Area 2 | 10.25 | .85* | 1.37 | .60 | .14 |
| Area 3 | 10.50 | .85* | 1.37 | .60 | .14 |
| Area 4 | 10.75 | .85* | 1.37 | .60 | .14 |
| Group 4 | | | | | |
| Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay) | | | | | |
| Area 1 | 10.23 | .85* | 1.37 | .60 | .14 |
| Area 2 | 10.89 | .85* | 1.37 | .60 | .14 |
| Area 3 | 11.14 | .85* | 1.37 | .60 | .14 |
| Area 4 | 11.39 | .85* | 1.37 | .60 | .14 |
| Group 4-A | | | | | |
| Clamshell Operator (Over 7 cu. yds. m.r.c.) (Long Boom Pay) | | | | | |
| Area 1 | 11.20 | .85* | 1.37 | .60 | .14 |
| Area 2 | 11.86 | .85* | 1.37 | .60 | .14 |
| Area 3 | 12.11 | .85* | 1.37 | .60 | .14 |
| Area 4 | 12.36 | .85* | 1.37 | .60 | .14 |







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DECISION NO. CA75-5052

| POWER EQUIPMENT OPERATORS (Cont'd) DREDGING SCHEDULE II | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING | | | | | |
| Group A-1 | | | | | |
| Bargeman; Deckhand; Leveehand; Fireman; Oiler | | | | | |
| Area 1 | $7.74 | .85* | 1.37 | .60 | .14 |
| Area 2 | 8.40 | .85* | 1.37 | .60 | .14 |
| Area 3 | 8.65 | .85* | 1.37 | .60 | .14 |
| Area 4 | 8.90 | .85* | 1.37 | .60 | .14 |
| Group A-2 | | | | | |
| Winchman (stern winch on dredge); Deckmate; Deck Engineer | | | | | |
| Area 1 | 8.59 | .85* | 1.37 | .60 | .14 |
| Area 2 | 9.25 | .85* | 1.37 | .60 | .14 |
| Area 3 | 9.50 | .85* | 1.37 | .60 | .14 |
| Area 4 | 9.75 | .85* | 1.37 | .60 | .14 |
| Group A-3 | | | | | |
| Watch Engineer; Welder; Welder Mechanic | | | | | |
| Area 1 | 9.18 | .85* | 1.37 | .60 | .14 |
| Area 2 | 9.84 | .85* | 1.37 | .60 | .14 |
| Area 3 | 10.09 | .85* | 1.37 | .60 | .14 |
| Area 4 | 10.34 | .85* | 1.37 | .60 | .14 |
| Group A-4 | | | | | |
| Leverman; Clamshell Operator | | | | | |
| Area 1 | 9.94 | .85* | 1.37 | .60 | .14 |
| Area 2 | 10.60 | .85* | 1.37 | .60 | .14 |
| Area 3 | 10.85 | .85* | 1.37 | .60 | .14 |
| Area 4 | 11.10 | .85* | 1.37 | .60 | .14 |

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DECISION NO CA75-5052

| POWER EQUIPMENT OPERATORS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies | | | | | |
| Deckhand/Mechanic | | | | | |
| Area 1 | $8.13 | .64 | 1.24 | 1.00 | |
| Area 2 | 8.63 | .64 | 1.24 | 1.00 | |
| Area 3 | 8.88 | .64 | 1.24 | 1.00 | |
| Area 4 | 9.13 | .64 | 1.24 | 1.00 | |
| Deckhand/Mechanic (Continuous Service Vessels) | | | | | |
| Area 1 | 8.13 | .64 | 1.24 | 1.00 | |
| Area 2 | 8.63 | .64 | 1.24 | 1.00 | |
| Area 3 | 8.88 | .64 | 1.24 | 1.00 | |
| Area 4 | 9.13 | .64 | 1.24 | 1.00 | |
| Operator/Mechanic; Watch Engineer | | | | | |
| Area 1 | 9.03 | .57 | 1.36 | 1.00 | |
| Area 2 | 9.53 | .57 | 1.36 | 1.00 | |
| Area 3 | 9.78 | .57 | 1.36 | 1.00 | |
| Area 4 | 10.03 | .57 | 1.36 | 1.00 | |
| Operator/Mechanic; Watch Engineer (Continuous Service Vessels) | | | | | |
| Area 1 | 9.03 | .57 | 1.36 | 1.00 | |
| Area 2 | 9.53 | .57 | 1.36 | 1.00 | |
| Area 3 | 9.78 | .57 | 1.36 | 1.00 | |
| Area 4 | 10.03 | .57 | 1.36 | 1.00 | |





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DECISION NO CA75-5052

| POWER EQUIPMENT OPERATORS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Building and Heavy Construction Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies | | | | | |
| Deckhands | | | | | |
| Area 1 | $ 7.15 | .52 | .84 | 1.00 | |
| Area 2 | 7.68 | .52 | .84 | 1.00 | |
| Area 3 | 7.93 | .52 | .84 | 1.00 | |
| Area 4 | 8.18 | .52 | .84 | 1.00 | |
| Boat Operators | 8.00 | .45 | .93 | 1.00 | |

FOOTNOTES:
Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California.

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 30 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

*Includes $.13 to Pensioned Health and Welfare Fund.



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| TRUCK DRIVERS | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply), Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen | $ 7.795 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level) | 7.89 | 1.195 | .65 | 1.00 | |
| JETTING TRUCK & WATER TRUCK (under 2,500 gals.) | 7.905 | 1.195 | .65 | 1.00 | |
| LIFT JITNEYS, Fork lift | 7.925 | 1.195 | .65 | 1.00 | |
| TRANSIT MIX, AGITATOR (under 6 yds.) | 7.945 | 1.195 | .65 | 1.00 | |
| TRUCK REPAIRMAN HELPER | 7.965 | 1.195 | .65 | 1.00 | |





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DECISION NO. CA75-5052

| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| VACUUM TRUCK (UNDER 3,500 gals) | $ 7.975 | 1.195 | .65 | 1.00 | |
| SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction) | 7.99 | 1.195 | .65 | 1.00 | |
| JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.) | 8.005 | 1.195 | .65 | 1.00 | |
| COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.) | 8.045 | 1.195 | .65 | 1.00 | |
| VACUUM TRUCK (3,500 gals. & under 5,500 gals.) | 8.055 | 1.195 | .65 | 1.00 | |
| RUBBER-TIRED MUCK CAR (not self-loaded) | 8.065 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level) | 8.09 | 1.195 | .65 | 1.00 | |
| A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo | 8.105 | 1.195 | .65 | 1.00 | |
| HEAVY DUTY TRANSPORT (high bed) | 8.11 | 1.195 | .65 | 1.00 | |



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DECISION NO. CA75-5052

| TRUCK DRIVERS: (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ROSS HYSTER and SIMILAR STRADDLE CARRIER | $8.135 | 1.195 | .65 | 1.00 | |
| TRANSIT MIX AGITATOR (8 yds. through 10 yds.) | 8.145 | 1.195 | .65 | 1.00 | |
| VACUUM TRUCK (5,500 gals. and under 7,500 gals.) | 8.155 | 1.195 | .65 | 1.00 | |
| JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.) | 8.205 | 1.195 | .65 | 1.00 | |
| TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.) | 8.245 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level) | 8.33 | 1.195 | .65 | 1.00 | |
| HEAVY DUTY TRANSPORT (gooseneck lowbed) | 8.34 | 1.195 | .65 | 1.00 | |
| TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.) | 8.345 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level) | 8.37 | 1.195 | .65 | 1.00 | |

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| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| P. B. OR SIMILAR TYPE SELF-LOADING TRUCK | $ 8.43 | 1.195 | .65 | 1.00 | |
| TRUCK REPAIRMAN | 8.465 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level) | 8.475 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level) | 8.53 | 1.195 | .65 | 1.00 | |







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| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level) | $ 8.68 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level) | 8.83 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level) | 8.98 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); | | | | | |





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| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level) | $9.13 | 1.195 | .65 | 1.00 | |







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DECISION NO. CA75-5052

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LABORERS | | | | | |
| GROUP 1: | $6.785 | .80 | 1.40 | .90 | .10 |
| GROUP 1(a): | 7.01 | .80 | 1.40 | .90 | .10 |
| GROUP 1(b): | 6.835 | .80 | 1.40 | .90 | .10 |
| GROUP 1(c): | 7.335 | .80 | 1.40 | .90 | .10 |
| GROUP 1(d): | 6.985 | .80 | 1.40 | .90 | .10 |
| GROUP 2: | 6.635 | .80 | 1.40 | .90 | .10 |
| GROUP 3: | 6.535 | .80 | 1.40 | .90 | .10 |
| LABORERS (Gunite) | | | | | |
| GROUP 1: Nozzleman (incl. Gunman; Potman); Rodman; Groundman | 7.245 | .80 | 1.40 | .90 | .10 |
| GROUP 2: Reboundman | 6.635 | .80 | 1.40 | .90 | .10 |
| GROUP 3: General Laborer | 6.535 | .80 | 1.40 | .90 | .10 |
| LABORERS (Tunnel & Shaft Work) | | | | | |
| GROUP 1: | 8.195 | .80 | 1.40 | .90 | .10 |
| GROUP 2: | 7.915 | .80 | 1.40 | .90 | .10 |
| GROUP 3: | 7.745 | .80 | 1.40 | .90 | .10 |
| GROUP 4: | 7.635 | .80 | 1.40 | .90 | .10 |
| LABORERS (Wrecking Work) | | | | | |
| GROUP 1: | 6.785 | .80 | 1.40 | .90 | .10 |
| GROUP 2: | 6.635 | .80 | 1.40 | .90 | .10 |
| GROUP 3: | 6.535 | .80 | 1.40 | .90 | .10 |
| POWER EQUIPMENT OPERATORS (Piledriving) | | | | | |
| GROUP 1: | 7.83 | .85* | 1.05 | .60 | .24 |
| GROUP 1(a): | 8.13 | .85* | 1.05 | .60 | .24 |
| GROUP 1(b): | 8.27 | .85* | 1.05 | .60 | .24 |
| GROUP 2: | 8.84 | .85* | 1.05 | .60 | .24 |
| GROUP 2(a): | 9.03 | .85* | 1.05 | .60 | .24 |
| GROUP 3: | 9.30 | .85* | 1.05 | .60 | .24 |
| GROUP 3(a): | 9.65 | .85* | 1.05 | .60 | .24 |
| GROUP 4: | 10.15 | .85* | 1.05 | .60 | .24 |
| GROUP 5: | 10.28 | .85* | 1.05 | .60 | .24 |

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LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cur granite curb setter; Form raisers; slip forms; Grass cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, line, caustic and similar type materials, Lagging, sheeting, whaling, bracing, trenchjacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWH-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete





LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefont, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Tunnel and Shaft Work)

GROUP 1: Diamond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

GROUP 2: Bit Grinder; Blaster, Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzlemen; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

GROUP 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

GROUP 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

GROUP 1: Skilled wrecker (Removing and salvaging of sash, windows, doors, plumbing and electric fixtures

GROUP 2: Semi-skilled wrecker (Salvaging of other building materials)

GROUP 3: General laborer (Includes all cleanup work, loading, lumber, loading and burning of debris)



POWER EQUIPMENT OPERATORS
(Piledriving)

GROUP 1: Assistent to Engineer (Fireman, Oiler, Deckhand)

GROUP 1-A: Compressor Operator

GROUP 1-B: Truck Crane Oiler

GROUP 2: Tugger Hoist (hoisting material only)

GROUP 2-A Compressor operator (2-7); Generator (100 K. W. or over); Pump (2-7); Welding Machine (2-7) powered other than by electricity)

GROUP 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom Type Lifting Device

GROUP 3-A: Heavy Duty Repairman and/or Welder

GROUP 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to and incl. 1 cu. yd.; Truck Crane (up to and incl. 25 tons hoisting material only)

GROUP 5: Operator of Diesel or Gasoline powered Crane Piledriver without boiler, over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane (over 25 tons hoisting material or performing piledriving work)



POWER EQUIPMENT OPERATORS
Except Piledriving and Steel Erection)

| | Basic Hourly Rates | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|---|
| | | | H & W | Pensions | Vacation | Apr. Tr. |
| | AREA 1 | AREA 2 | | | | |
| GROUP 1: | $ 7.76 | $9.03 | .85* | 1.05 | .60 | .24 |
| GROUP 2: | 8.08 | 9.35 | .85* | 1.05 | .60 | .24 |
| GROUP 3: | 8.27 | 9.54 | .85* | 1.05 | .60 | .24 |
| GROUP 4: | 8.77 | 10.04 | .85* | 1.05 | .60 | .24 |
| GROUP 5: | 8.96 | 10.23 | .85* | 1.05 | .60 | .24 |
| GROUP 6: | 9.09 | 10.36 | .85* | 1.05 | .60 | .24 |
| GROUP 7: | 9.23 | 10.50 | .85* | 1.05 | .60 | .24 |
| GROUP 8: | 9.59 | 10.86 | .85* | 1.05 | .60 | .24 |
| GROUP 9: | 9.79 | 11.06 | .85* | 1.05 | .60 | .24 |
| GROUP 10: | 9.97 | 11.24 | .85* | 1.05 | .60 | .24 |
| GROUP 10-A: | 10.07 | 11.34 | .85* | 1.05 | .60 | .24 |
| GROUP 11: | 10.23 | 11.50 | .85* | 1.05 | .60 | .24 |
| GROUP 11-A: | 11.20 | 12.47 | .85* | 1.05 | .60 | .24 |
| GROUP 11-B: | 11.45 | 12.72 | .85* | 1.05 | .60 | .24 |
| GROUP 11-C: | 11.71 | 12.98 | .85* | 1.05 | .60 | .24 |

* Includes 13c to Pensioned Health and Welfare Fund



17490 NOTICES 17491 NOTICES 17488 NOTICES 17489 NOTICES

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burro, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CMC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater



GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick ( 2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading (Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)





GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment



CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Eastorly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings
County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,



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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 13E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 16N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,





CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,



CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.



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SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA75-5053

DATE: Date of Publication

Supersedes Decision No. CA75-5016 dated February 7, 1975, in 40 FR 6005

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ASBESTOS WORKERS | $ 9.05 | .90 | .65 | 1.07 | .06 |
| BOILERMAKERS | 9.95 | .65 | 1.00 | .50 | .02 |
| BRICKLAYERS; Stonemasons: | | | | | |
| Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties | 10.02 | .90 | .58 | 1.00 | |
| Alameda and Contra Costa Counties | 10.15 | .85 | .95 | | .15 |
| Fresno, Mariposa and Merced Cos. | 9.07 | .48 | .85 | | |
| El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties | 9.75 | .73 | .92 | | .22 |
| Monterey and Santa Cruz Counties | 9.75 | .88 | 1.00 | .75 | |
| San Benito and Santa Clara Cos. | 10.15 | .85 | .95 | | .15 |
| Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties | 9.20 | .55 | .60 | 1.00 | |
| BRICK TENDERS: | | | | | |
| Alameda and Contra Costa Counties | 7.70 | .55 | .95 | | .10 |
| Marin County | 6.90 | .65 | .50 | .65 | |
| Napa County | 5.90 | .65 | 1.35 | .80 | |
| San Benito, Santa Clara and Santa Cruz Counties | 8.61 | .70 | .90 | | |
| San Francisco and San Mateo Cos. | 8.05 | .50 | .65 | | |
| Shasta and Tehama Counties | 5.65 | .65 | 1.35 | .80 | |
| Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Cos. | 7.70 | .80 | 1.40 | | |
| Fresno County | 7.40 | .80 | 1.40 | | |
| CARPENTERS: | | | | | |
| Carpenters | 10.00 | .72 | 1.15 | .75 | .04 |
| Hardwood floor layers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors | 10.15 | .72 | 1.15 | .75 | .04 |
| Piledrivermen; Bridge, wharf and dock builders | 10.13 | .60 | .85 | .75 | .04 |
| Millwrights | 10.50 | .72 | 1.15 | .75 | .04 |





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DECISION NO. CA75-5053

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| CEMENT MASONS: | | | | | |
| Cement Masons | $ 8.66 | .90 | 1.25 | 1.25 | .05 |
| Mastic; Magnesitc; All Comp. Masons | 8.71 | .90 | 1.25 | 1.25 | .05 |
| Men working from swinging or slip form scaffolds | 8.71 | .90 | 1.25 | 1.25 | .05 |
| DRYWALL INSTALLERS | 10.27 | .60 | .85 | .75 | .07 |
| ELECTRICIANS: | | | | | |
| Alameda County | | | | | |
| Electricians | 9.845 | .70 | 4% | | |
| Cable Splicers | 11.07 | .70 | 4% | | |
| Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed. | | | | | |
| Electricians | 9.94 | .60 | 1% + .65 | | .045 |
| Cable Splicers | 10.93 | .60 | 1% + .65 | | .045 |
| Lake Tahoe Area | | | | | |
| Electricians | 10.34 | .53 | 1% + .55 | | .03 |
| Cable Splicers | 11.37 | .53 | 1% + .55 | | .03 |
| Shasta and Tehama Counties | | | | | |
| Electricians (Family residences, limited to 3 stories) Electricians (4 stories): | 7.08 | .60 | 1% + .40 | | .005 |
| Electricians | 9.84 | .60 | 1% + .40 | | .005 |
| Cable Splicers | 10.82 | .60 | 1% + .40 | | .005 |
| Calaveras and San Joaquin Cos. | | | | | |
| Electricians | 9.00 | .49 | 1% | | .01 |
| Cable Splicers | 10.13 | .49 | 1% | | .01 |
| Contra Costa County | | | | | |
| Electricians | 9.80 | .60 | 1% + .50 | | .02 |
| Cable Splicers | 11.05 | .60 | 1% + .50 | | .02 |
| Del Norte and Humboldt Counties | | | | | |
| Electricians | 9.50 | .47 | 1% + .35 | | .01 |
| Cable Splicers | 10.26 | .47 | 1% + .35 | | .01 |
| Fresno County | | | | | |
| Electricians (Family residences, not to exceed 2 stories) | 7.53 | .50 | 1% + .70 | | .05 |
| Electricians (3-4 stories): | | | | | |
| Electricians | 9.86 | .50 | 1% + .70 | | .05 |
| Cable Splicers | 10.26 | .50 | 1% + .70 | | .05 |
| Marin and Sonoma Counties | | | | | |
| Electricians | 9.50 | .61 | 1% + .20 | | .02 |
| Cable Splicers | 10.45 | .61 | 1% + .20 | | .02 |



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DECISION NO. CA75-5053

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ELECTRICIANS: (Cont'd) | | | | | |
| Mariposa, Merced and Tuolumne Counties | | | | | |
| Electricians | $ 9.83 | .62 | 1% | | 1% |
| Cable Splicers | 10.81 | .62 | 1% | | 1% |
| Monterey County | | | | | |
| Electricians | 11.15 | .55 | 1% | | .01 |
| Cable Splicers | 12.32 | .55 | 1% | | .01 |
| Napa and Solano Counties | | | | | |
| Electricians | 9.67 | .58 | 1% + .60 | | .04 |
| Cable Splicers | 10.17 | .58 | 1% + .60 | | .04 |
| San Benito, Santa Clara and Santa Cruz Counties | | | | | |
| Electricians | 10.70 | .52 | 1% + .60 | | .02 |
| Cable Splicers | 12.04 | .52 | 1% + .60 | | .02 |
| San Francisco County | | | | | |
| Electricians | 10.67 | .705 | 1% + .50 | | .04 |
| Cable Splicers | 12.00 | .705 | 1% + .50 | | .04 |
| San Mateo County | | | | | |
| Electricians | 10.55 | .69 | 1% + .35 | | .03 |
| ELEVATOR CONSTRUCTORS | 10.70 | .445 | .29 | 3% + a | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS | 70%JR | .445 | .29 | 3% + a | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS (PROB.) | 50%JR | | | | |
| GLAZIERS: | | | | | |
| Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties | 7.77 | .25 | .55 | 8% | |
| Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Cos. | 9.135 | .60 | .83 | | .01 |
| Merced (remainder of County) and Fresno County | 7.68 | .41 | .55 | .66 | .05 |
| Del Norte and Humboldt Counties | 6.48 | .35 | .50 | 6.4 % | |
| IRONWORKERS: | | | | | |
| Fence Erectors | 8.89 | .88 | .1375 | 1.03 | .03 |
| Reinforcing | 9.78 | .88 | .1375 | 1.03 | .03 |
| Ornamental; Structural | 9.78 | .88 | .1375 | 1.03 | .03 |

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DECISION NO. CA75-5053

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| LATHERS: | | | | | |
| Alameda and Contra Costa Counties | $ 9.81 | .74 | .715 | | .025 |
| Humboldt, Nevada, Placer, Shasta and Tehama Counties | 9.10 | .48 | .50 | | .01 |
| Amador, El Dorado, Sacramento and Yolo Counties | 8.15 | .395 | .70 | 1.00 | |
| Calaveras and San Joaquin Counties | 8.90 | .58 | .55 | | |
| Marin and Sonoma Counties | 8.14 | .40 | .45 | 1.00 | 1/8% |
| Monterey and Santa Cruz Counties | 9.45 | .58 | .50 | .95 | .01 |
| Napa and Solano Counties | 8.88 | .65 | .40 | | .01 |
| San Francisco and N 1/2 of San Mateo County | 10.08 | .46 | .65 | 1.00 | .01 |
| San Benito and Santa Clara Cos. | 10.14 | .73 | .75 | | |
| Fresno County | 9.83 | .35 | .45 | | |
| Mariposa, Merced and Tuolumne Counties | 8.50 | | | | .01 |
| Southern Half of San Mateo County | 10.03 | .32 | 1.00 | | |
| PAINTERS: | | | | | |
| Shasta, Sutter, Tehama and Yuba Counties | | | | | |
| Brush; Roller | 5.40 | .35 | .25 | 1.05 | |
| Spray; Sandblaster; Structural Steel; Swing Stage; Tapers | 5.65 | .35 | .25 | 1.05 | |
| Alpine, Amador, Calaveras and San Joaquin Counties | | | | | |
| Brush | 8.22 | .65 | 1.20 | .80 | |
| Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel | 8.62 | .65 | 1.20 | .80 | |
| Fresno County | | | | | |
| Brush; Tapers | 9.32 | .40 | .20 | | |
| Spray; Structural Steel | 9.57 | .40 | .20 | | |
| Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos. (excluding portions of the Lake Tahoe Area) | | | | | |
| Brush | 8.27 | .64 | .65 | .80 | |
| Spray | 8.52 | .64 | .65 | .80 | |
| Tapers | 8.77 | .64 | .65 | .80 | |
| Lake Tahoe Area | | | | | |
| Brush | 8.30 | .50 | .20 | | |
| Spray; Structural Steel; Tapers | 8.55 | .50 | .20 | | |

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| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| PAINTERS: (Cont'd) | | | | | |
| Marin, San Francisco and Sonoma Counties | | | | | |
| Brush | $ 9.07 | .64 | .65 | | |
| Spray | 9.32 | .64 | .65 | | |
| Tapers | 9.57 | .64 | .65 | | |
| Del Norte and Humboldt Counties | | | | | |
| Brush | 6.90 | .35 | .20 | | |
| Paperhangers; Spray; Tapers | 7.15 | .35 | .20 | | |
| Mariposa, Merced and Tuolumne Counties | | | | | |
| Brush | 6.30 | .35 | | .75 | |
| Paperhangers; Spray; Tapers | 6.55 | .35 | | .75 | |
| Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area) | | | | | |
| Brush | 10.02 | .70 | .80 | .80 | |
| Spray | 10.27 | .70 | .80 | .80 | |
| Tapers | 10.72 | .70 | .80 | .80 | |
| PLASTERERS: | | | | | |
| Alameda and Contra Costa Counties | 8.94 | .645 | .58 | | .03 |
| Sutter and Yuba Counties | 7.85 | .395 | .50 | 1.00 | .02 |
| Fresno County | 7.59 | .56 | .50 | | |
| Monterey County | 9.60 | .71 | .35 | | .01 |
| El Dorado, Nevada, Placer, Sacramento and Yolo Counties | 7.65 | .245 | .25 | .65 | |
| San Benito and Santa Clara Cos. | 7.63 | .59 | .50 | .80 | .01 |
| San Francisco County | 10.62 | .63 | 1.00 | | .03 |
| San Mateo County | 7.72 | .48 | .90 | 1.50 | .025 |
| Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties | 7.55 | .53 | .35 | 1.00 | .01 |
| Mariposa, Merced and Tuolumne Cos. | 7.50 | .65 | 1.05 | 1.00 | |
| PLASTERERS' TENDERS: | | | | | |
| Alameda and Contra Costa Counties | 8.50 | .55 | 1.00 | | |
| Fresno County | 7.45 | .80 | 1.40 | | |
| Marin County | 6.66 | .65 | .65 | 1.00 | |
| Napa County | 6.90 | .65 | | .80 | |
| Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties | 6.515 | .395 | 1.35 | .70 | |

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DECISION NO. CA75-5053

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| PLASTERERS' TENDERS: (Cont'd) | | | | | |
| San Francisco and San Mateo Cos. | $ 7.30 | .50 | .65 | 1.00 | |
| San Benito, Santa Clara and Santa Cruz Counties | 9.15 | .70 | .90 | | |
| Monterey County | 7.55 | .80 | 1.40 | | |
| Shasta and Tehama Counties | 5.65 | .65 | 1.35 | .80 | |
| Tuolumne County | 5.65 | .65 | 1.35 | .80 | |
| PLUMBERS: | | | | | |
| Alameda County | 10.80 | .78 | 1.40 | | .12 |
| Contra Costa County | 11.57 | .88 | 1.50 | | .16 |
| Del Norte and Humboldt Counties | 10.83 | .61 | 1.12 | 1.06 | .05 |
| PLUMBERS; Steamfitters: | | | | | |
| Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area) | 11.28 | .77 | 1.30 | | .11 |
| Lake Tahoe Area | 9.89 | .58 | .60 | 1.95 | .10 |
| Marin, San Francisco and Sonoma Counties | 10.14 | 1.58 | 1.00 | .985 | .10 |
| San Benito and Santa Clara Cos. | 11.40 | .61 | 1.39 | | .14 |
| San Mateo County | 10.49 | .79 | 1.39 | 1.20 | .25 |
| Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties | 10.78 | 1.15 | 1.23 | | .06 |
| Napa and Solano Counties | 11.25 | .77 | 1.40 | | .12 |
| ROOFERS: | | | | | |
| Alameda and Contra Costa Counties | | | | | |
| Roofers | 9.23 | .77 | .75 | .35 | .01 |
| Mastic workers; Kettlemen (2 kettles w/o pumps) | 9.48 | .77 | .75 | .35 | .01 |
| Bitumastic; Enamelers; Pipe-wrapper; Coal tar built up | 10.23 | .77 | .75 | .35 | .01 |
| Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties | | | | | |
| Roofers (slate, tile composition and built up) | 9.14 | .65 | .55 | | |
| Felt machine operator | 9.29 | .65 | .55 | | |





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DECISION NO. CA75-5053

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ROOFERS: (Cont'd) | | | | | |
| El Dorado, Placer, Shasta, Sutter and Yuba Counties | | | | | |
| Roofers | $ 8.54 | .65 | .40 | | |
| Fresno County | | | | | |
| Roofers | 8.45 | .50 | .50 | | |
| Marin, Napa, Solano and Sonoma Counties | | | | | |
| Roofers | 8.64 | .45 | .75 | 1.25 | .04 |
| Mastic workers; Kettlemen (2 kettles w/o pump) | 8.89 | .45 | .75 | 1.25 | .04 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tap pitch | 9.64 | .45 | .75 | 1.25 | .04 |
| Del Norte and Humboldt Counties | | | | | |
| Roofers | 8.32 | .40 | .75 | .35 | |
| Monterey and Santa Cruz Counties | | | | | |
| Roofers | 8.20 | .45 | .60 | 1.00 | |
| San Francisco and San Mateo Cos. | | | | | |
| Roofers | 8.92 | .50 | .75 | .90 | .04 |
| Mastic workers and kettlemen (2 kettles) without pumps | 9.17 | .50 | .75 | .90 | .04 |
| Bitumastic; Enamelers; Pipe-wrappers; Coal tar | 9.92 | .50 | .75 | .90 | .04 |
| Amador, Sacramento and Yolo Cos. | | | | | |
| Roofers | 8.31 | .64 | .60 | | .02 |
| Enameler and pitch | 9.31 | .64 | .60 | | .02 |
| San Benito and Santa Clara Cos. | | | | | |
| Roofers; Kettlemen (1 kettle) | 8.51 | .61 | 1.03 | | |
| SHEET METAL WORKERS: | | | | | |
| Alameda, Contra Costa, Napa and Solano Counties | 9.75 | .48 | 1.40 | 12% | .02 |
| Alpine, Calaveras and San Joaquin Counties | 7.62 | .36 | .95 | 1.40 | |
| Amador, El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Tuba Counties | 8.46 | .48 | 1.20 | 12% | .08 |
| Fresno County | 8.05 | .38 | .69 | .80 | .07 |
| Del Norte and Humboldt Counties | 8.18 | .38 | .83 | | |
| Marin and Sonoma Counties | 8.55 | .36 | .44 | | .15 |
| Mariposa, Merced and Tuolumne Cos. | 8.83 | .36 | .60 | | .03 |
| Monterey, San Benito, Santa Clara and Santa Cruz Counties | 8.45 | .38 | 1.025 | .845 | |
| San Francisco County | 8.48 | .38 | .55 | | 10% |
| San Mateo County | 11.10 | .48 | 1.10 | | .12 |

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DECISION NO. CA75-5053

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| SOFT FLOOR LAYERS: | | | | | |
| Alameda, Calaveras, Contra Costa, Napa and Solano Counties | $ 7.50 | .36 | .30 | 29b | .05 |
| Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area) | 8.46 | .59 | .60 | 1.00 | .07 |
| Lake Tahoe Area | 9.25 | .50 | .20 | | |
| Fresno County | 8.80 | .20 | | | |
| Marin, San Francisco, San Mateo, and Sonoma Counties | 7.80 | .60 | .55 | c | .05 |
| Monterey, San Benito, Santa Clara and Santa Cruz Counties | 7.39 | .35 | .30 | .89 | .05 |
| Del Norte and Humboldt Counties | 7.20 | .40 | .50 | 8% | |
| SPRINKLER FITTERS: | | | | | |
| Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties | 13.41 | .50 | .70 | | .09 |
| Remaining Counties | 11.85 | .50 | .70 | | .08 |
| STEAMFITTERS: | | | | | |
| Alameda and Contra Costa Counties | 10.065 | .75 | 1.25 | | .12 |
| Del Norte and Humboldt Counties | 11.13 | .61 | 1.12 | 1.06 | .05 |
| TERRAZZO WORKERS | | | | | |
| Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties | 8.78 | .85 | .58 | 1.00 | |
| El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties | 9.75 | .73 | .92 | | .22 |
| TERRAZZO WORKERS' HELPERS: | | | | | |
| Terrazzo workers' helper | 7.205 | .505 | .30 | | |
| Base machine operator | 7.605 | .505 | .30 | | |
| TILE SETTERS: | | | | | |
| Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties | 8.05 | .70 | .80 | .90 | .025 |

DECISION NO. CA75-5053

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| TILE SETTERS: (Cont'd) Alpine, Amador, Calaverds, San Joaquin and Tuolumne Counties | $ 8.07 | .55 | .30 | 1.00 | |
| El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties | 7.25 | .56 | .35 | .80 | .015 |
| Fresno County | 8.27 | .40 | .35 | | |
| Monterey and Santa Cruz County | 9.35 | .795 | .73 | | |
| RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental. | | | | | |

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

c. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation Fund.



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| TRUCK DRIVERS | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply), Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level). Team Drivers; Trucks (dry pre-batch concrete mix, under 6 yds. water level); Helpers; Warehousemen | $ 7.795 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level) | 7.89 | 1.195 | .65 | 1.00 | |
| JETTING TRUCK & WATER TRUCK (under 2,500 gals.) | 7.905 | 1.195 | .65 | 1.00 | |
| LIFT JITNEYS, Fork lift | 7.925 | 1.195 | .65 | 1.00 | |
| TRANSIT MIX, AGITATOR (under 6 yds.) | 7.945 | 1.195 | .65 | 1.00 | |
| TRUCK REPAIRMAN HELPER | 7.965 | 1.195 | .65 | 1.00 | |





DECISION NO. CA75-5053



| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| VACUUM TRUCK (UNDER 3,500 gals) | $ 7.975 | 1.195 | .65 | 1.00 | |
| SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction) | 7.99 | 1.195 | .65 | 1.00 | |
| JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.) | 8.005 | 1.195 | .65 | 1.00 | |
| COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.) | 8.045 | 1.195 | .65 | 1.08 | |
| VACUUM TRUCK (3,500 gals. & under 5,500 gals.) | 8.055 | 1.195 | .65 | 1.00 | |
| RUBBER-TIRED MUCK CAR (not self-loaded) | 8.065 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level) | 8.09 | 1.195 | .65 | 1.00 | |
| A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo | 8.105 | 1.195 | .65 | 1.00 | |
| HEAVY DUTY TRANSPORT (high bed) | 8.11 | 1.195 | .65 | 1.00 | |





DECISION NO CA75-5053

| TRUCK DRIVERS: (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ROSS HYSTER and SIMILAR STRADDLE CARRIER | $8.135 | 1.195 | .65 | 1.00 | |
| TRANSIT MIX AGITATOR (8 yds. through 10 yds.) | 8.145 | 1.195 | .65 | 1.00 | |
| VACUUM TRUCK (5,500 gals and under 7,500 gals.) | 8.155 | 1.195 | .65 | 1.00 | |
| JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.) | 8.205 | 1.195 | .65 | 1.00 | |
| TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.) | 8.245 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level) | 8.33 | 1.195 | .65 | 1.00 | |
| HEAVY DUTY TRANSPORT (gooseneck loubed) | 8.34 | 1.195 | .65 | 1.00 | |
| TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.) | 8.345 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level) | 8.37 | 1.195 | .65 | 1.00 | |



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| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| P. B. OR SIMILAR TYPE SELF-LOADING TRUCK. | $ 8.43 | 1.195 | .65 | 1.00 | |
| TRUCK REPAIRMAN | 8.465 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level) | 8.475 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-pulls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level) | 8.53 | 1.195 | .65 | 1.00 | |



| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level) | $ 8.68 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level) | 8.83 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level) | 8.98 | 1.195 | .65 | 1.00 | |
| BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); | | | | | |







| TRUCK DRIVERS (Cont'd) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level) | $9.13 | 1.195 | .65 | 1.00 | |



| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LABORERS | | | | | |
| GROUP 1: | $6.785 | .80 | 1.40 | .90 | .10 |
| GROUP 1(a): | 7.01 | .80 | 1.40 | .90 | .10 |
| GROUP 1(b): | 6.835 | .80 | 1.40 | .90 | .10 |
| GROUP 1(c): | 7.335 | .80 | 1.40 | .90 | .10 |
| GROUP 1(d): | 6.985 | .80 | 1.40 | .90 | .10 |
| GROUP 2: | 6.635 | .80 | 1.40 | .90 | .10 |
| GROUP 3: | 6.535 | .80 | 1.40 | .90 | .10 |
| LABORERS (Cunite) | | | | | |
| GROUP 1: | 7.245 | .80 | 1.40 | .90 | .10 |
| GROUP 2: | 6.655 | .80 | 1.40 | .90 | .10 |
| GROUP 3: | 6.535 | .80 | 1.40 | .90 | .10 |





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LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logleader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headhousemen, Nubsetters, aligners; Jackhammer Opr.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trenchjacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine: High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWN-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete





LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Single-foot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to Street cleaners; Cleaning and washing windows; Construction laborers incl. bridge and general laborers; Dunnman, Load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Gunite)

GROUP 1: Nozzleman (incl. Gunman, Potman); Rodmen; Groundman

GROUP 2: Rebounduan

GROUP 3: General laborers





POWER EQUIPMENT OPERATORS
Except Piledriving and Steel Erection)

| | Basic Hourly Rates | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|---|
| | | | H & W | Pensions | Vacation | Apr. 1 |
| | AREA 1 | AREA 2 | | | | |
| GROUP 1: | $ 7.76 | $9.03 | .85* | 1.05 | .60 | .2 |
| GROUP 2: | 8.08 | 9.35 | .85* | 1.05 | .60 | .2 |
| GROUP 3: | 8.27 | 9.54 | .85* | 1.05 | .60 | .2 |
| GROUP 4: | 8.77 | 10.04 | .85* | 1.05 | .60 | .2 |
| GROUP 5: | 8.86 | 10.23 | .85* | 1.05 | .60 | .2 |
| GROUP 6: | 9.09 | 10.36 | .85* | 1.05 | .60 | .2 |
| GROUP 7: | 9.23 | 10.50 | .85* | 1.05 | .60 | .2 |
| GROUP 8: | 9.59 | 10.86 | .85* | 1.05 | .60 | .2 |
| GROUP 9: | 9.79 | 11.06 | .85* | 1.05 | .60 | .2 |
| GROUP 10: | 9.97 | 11.24 | .85* | 1.05 | .60 | .2 |
| GROUP 10-A: | 10.07 | 11.34 | .85* | 1.05 | .60 | .2 |
| GROUP 11: | 10.23 | 11.50 | .85* | 1.05 | .60 | .2 |
| GROUP 11-A: | 11.20 | 12.47 | .85* | 1.05 | .60 | .2 |
| GROUP 11-B: | 11.45 | 12.72 | .85* | 1.05 | .60 | .2 |
| GROUP 11-C: | 11.71 | 12.98 | .85* | 1.05 | .60 | .2 |

* Includes 13c to Pensioned Health and Welfare Fund



POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multipurpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Factor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Naginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Glary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Grusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, GRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater



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POWER EQUIPMENT OPERATORS (AREAS 1 & 11) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar type; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick ( 2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)





POWER EQUIPMENT OPERATORS (AREAS 1 & 11) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: 8and Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment



CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thente Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,



CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,



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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 13W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,





CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.





SUPERSEDEAS DECISION

STATE: IOWA

COUNTY: BENTON, IOWA, JOHNSON (EXCLUDING IOWA CITY), KEOKUK, MAHASKA, POWESHIEK, TAMA, & WASHINGTON

DECISION NO.: IA75-4081
Supersedeas Decision No. IA75-4066, dated March 21, 1975, in 40-FR-12981
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION
DATE: DATE OF PUBLICATION

| HIGHWAY CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| CARPENTERS: | | | | | |
| Zone I-Keokuk | $6.55 | .31 | | | |
| Zone II -Benton, Iowa, Johnson, Mahaska, Poweshiek, Tama & Washington | 5.25 | | | | |
| CEMENT MASONS | 4.49 | | | | |
| LABORERS: | | | | | |
| Unskilled: | | | | | |
| Zone I-Keokuk | 5.10 | | | | |
| Zone II-Benton, Iowa, Johnson, Mahaska, Poweshiek, Tama & Washington | 3.59 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Asphalt plants | 3.00 | | | | |
| Bulldozers, cranes, derricks, draglines | 6.30 | .40 | .30 | | .03 |
| Backhoes | 5.17 | | | | |
| Front end loaders | 4.58 | | | | |
| Mechanics | 5.13 | | | | |
| Motor patrols, finish | 5.71 | | | | |
| Motor patrols, rough | 4.60 | .40 | .20 | | .01 |
| Scrapers, self-loading | 4.72 | | | | |
| Slip-form paver | 4.80 | .40 | .20 | | .01 |
| TRUCK DRIVERS: | | | | | |
| Single axle | 3.80 | .20 | | | |
| Tandem | 3.90 | .20 | | | |







MNX 57 81 RRA 6104 V

SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Charlevoix, Emmet, Grand Traverse, Leelanau and Mason

DECISION NUMBER: MI75-2049

DATE:ODate of Publication

Supersedeas Decision Nos. AR-3108, AR-3111, AR-3116, and AR-3122 dated August 16, 1974 in 39 FR 29803, 39 FR 29814, 39 FR 29830 and 39 FR 29850 respectively

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to 4 and including 4 stories and New Construction (excluding Bridge, Airport and Sewer Construction)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ASBESTOS WORKERS | $ 9.31 | .66 | .95 | | .02 |
| BOILERMAKERS | 9.69 | .60 | 1.00 | 1.00 | .01 |
| BRICKLAYERS: | | | | | |
| Charlevoix and Emmet Counties | 8.40 | .60 | | | |
| Grand Traverse and Leelanau Counties | 7.94 | .40 | .25 | | |
| Mason County | 8.20 | .40 | .25 | | |
| CARPENTERS: | | | | | |
| Mason County | | | | | |
| Carpenters | 8.40 | .50 | .40 | | .01 |
| Millwrights | 9.30 | .50 | .40 | | .01 |
| Piledrivers | 8.80 | .50 | .40 | | .01 |
| Remaining Counties | | | | | |
| Carpenters | 7.47 | .50 | .40 | | .02 |
| Millwrights | 7.97 | .50 | .40 | | .02 |
| Piledrivers | 7.92 | .50 | .40 | | .02 |
| CEMENT MASONS: | | | | | |
| Charlevoix and Emmet Counties | 7.95 | .60 | | | |
| Grand Traverse and Leelanau Counties | 7.49 | .40 | .25 | | |
| Mason County | 8.20 | .40 | .25 | | |
| ELECTRICIANS: | | | | | |
| Charlevoix, Emmet, Grand Traverse, Leelanau and the Townships of Grant, Freesoil, and Meade in Mason County | 8.90 | .40 | 1% + .15 | | 1/2% |
| Remainder of Mason County | 8.86 | .40 | 1% + .15 | | .01 |
| Remaining Counties | 7.45 | .40 | 1% + .15 | | .01 |
| ELEVATOR CONSTRUCTORS | 8.12 | .39 | .26 | 2-1/2% | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS | 70%JR | .39 | .26 | 2-1/2% | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS (PROB.) | 50%JR | | | | |
| IRONWORKERS: | | | | | |
| Structural, Ornamental and Reinforcing | 9.35 | .50 | .50 | | .03 |
| LATHERS | 7.85 | .54 | .10 | .50 | .01 |
| MARBLE SETTERS: | | | | | |
| Charlevoix and Emmet Counties | 8.40 | .60 | | | |
| Grand Traverse and Leelanau Counties | 7.94 | .40 | .25 | | |
| PAINTERS: | | | | | |
| Mason County | | | | | |
| Brush | 6.75 | | | | |
| Spray | 7.50 | | | | |



Page 2

DECISION NO MI75-2049

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| PAINTERS: (CONT'D.) | | | | | |
| Grand Traverse and Leelanau Counties and that portion of Charlevoix County lying south of a straight drawn from Charevoix (City) to Elmira | | | | | |
| Brush | $6.53 | .42 | | | .02 |
| Paperhangers | 7.03 | .42 | | | .02 |
| Spray; Tapers | 7.13 | .42 | | | .02 |
| PLASTERERS: | | | | | |
| Charlevoix and Emmet Counties | 8.40 | .60 | | | |
| Grand Traverse and Leelanau Counties | 7.94 | .40 | .25 | | |
| Mason County | 8.20 | .40 | .25 | | |
| PLUMBERS; STEAMFITTERS | | | | | |
| Mason County | 9.04 | .71 | .60 | | |
| Remaining Counties | 8.87 | .40 | .40 | | .06 |
| ROOFERS: | | | | | |
| Mason County | | | | | |
| Composition | 7.85 | | | | |
| Slate and Tile | 8.10 | | | | |
| Remaining Counties | 7.45 | | | | |
| SHEET METAL WORKERS: | | | | | |
| Mason County | 7.70 | .52 | .40 | .67 | |
| Remaining Counties | 8.94 | .40 | .33 | .95 | .05 |
| SPRINKLER FITTERS | 9.65 | .50 | .70 | | .08 |
| TILE AND TERRAZZO WORKERS: | | | | | |
| Charlevoix and Emmet Counties | 8.40 | .60 | | | |
| Mason County | 8.20 | .40 | .25 | | |
| TRUCK DRIVERS | | | | | |
| Mason County | | | | | |
| Pick-up | 5.87 | 12.00a | | | |
| Flat bed and dump | 5.97 | 12.00a | | | |

FOOTNOTE:

a. Per week; Per employee

Welders - receive rate prescribed for craft performing operation to which welding is incidental.





Page 3

DECISION NO MI75-2049

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| LABORERS: | | | | | |
| Mason County | | | | | |
| GROUP 1 | $ 5.61 | .40 | .30 | | .04 |
| GROUP 2 | 5.76 | .40 | .30 | | .04 |
| GROUP 3 | 6.06 | .40 | .30 | | .04 |
| GROUP 4 | 5.86 | .40 | .30 | | .04 |
| GROUP 5 | 6.01 | .40 | .30 | | .04 |
| GROUP 6 | 5.96 | .40 | .30 | | .04 |
| Remaining Counties | | | | | |
| GROUP 1 | 5.50 | .40 | .30 | | .04 |
| GROUP 2 | 5.65 | .40 | .30 | | .04 |
| GROUP 3 | 5.95 | .40 | .30 | | .04 |

CLASSIFICATIONS

MASON COUNTY

GROUP 1 - All Building and Heavy Construction Laborers not specified in Groups 2 through 6 below

GROUP 2 - Plasterer and Mason Tenders; Mortar Mixers; Material Mixers; All Power Tools; Vibrator; Chain Sawers, Nozzleman; Green Cut Concrete Work

GROUP 3 - Jackhammer and Acetylene and Porpane Torch; Windlass and tugger Operators; Wing Scaffold; Chimneys; Tower, Crane Scaffold Labor

GROUP 4 - Work on Scaffold 30 feet in height or more

GROUP 5 - Plasterers Tenders - machine pumped

GROUP 6 - Pipe or Crock Layers

REMAINING COUNTIES

GROUP 1 - Building and Heavy Construction Laborers

GROUP 2 - Mortar Mixers; Material Mixers (hand or machine); Vibrator Operators; Operators of Concrete Mixers; Chipping Hammers; Concrete BBreakers (90 lb. hammer or less); Tamping Machine (air, gas or electric); Sandblasters; Operators of Motor Driven Buggies; Plaster Mixers; Plasterers Tenders; Sewer, Caisson Workers, Layer of non-metallic pipe

GROUP 3 - Cement Gun Nozzlemen; Blasterers; Rock Drillers and Buster Operators



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DECISION NO MI75-2049

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| POWER EQUIPMENT OPERATORS | | | | | |
| CLASS A | $10.30 | .55 | .65 | | .05 |
| CLASS B | 10.05 | .55 | .65 | | .05 |
| CLASS C | 9.80 | .55 | .65 | | .05 |
| CLASS D | 9.55 | .55 | .65 | | .05 |
| CLASS E | 9.45 | .55 | .65 | | .05 |
| CLASS F | 8.40 | .55 | .65 | | .05 |
| CLASS G | 7.70 | .55 | .65 | | |

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION NO. MI75-2049

| POWER EQUIPMENT OPERATORS (Steel Erection) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr |
|---|---|---|---|---|---|
| CLASS A | $ 10.65 | .55 | .65 | | .05 |
| CLASS B | 10.40 | .55 | .65 | | .05 |
| CLASS C | 10.15 | .55 | .65 | | .05 |
| CLASS D | 9.90 | .55 | .65 | | .05 |
| CLASS E | 8.75 | .55 | .65 | | .05 |
| CLASS F | 7.70 | .55 | .65 | | |

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boom and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman



DECISION NO. MI75-2049

| LINE CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr |
|---|---|---|---|---|---|
| Linemen; Heavy Equipment Operator | $ 7.88 | .35 | 1% | | 1/4% |
| Cable Splicer | 8.21 | .35 | 1% | | 1/4% |
| Combination Digger Oper., Tractor Operator; First six months | 5.73 | .35 | 1% | | 1/4% |
| Over Six Over six month | 6.18 | .35 | 1% | | 1/4% |
| Light Equipment Oper. - Groundman; Distribution Line Truck Driver Operator Groundman | | | | | |
| First Six Months | 4.99 | .35 | 1% | | 1/4% |
| Over Six Months | 5.43 | .35 | 1% | | 1/4% |
| Combination Winch Truck Driver Groundman | | | | | |
| First Six Months | 4.55 | .35 | 1% | | 1/4% |
| Over Six Months | 5.19 | .35 | 1% | | 1/4% |
| Combination Truck Driver Groundman | 4.40 | .35 | 1% | | 1/4% |

NOTICES



SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Bay, Genesee, Huron, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee and Tuscola

DECISION NO: MI75-2061

DATE: Date of Publication

Supersedes Decision Numbers; AR-3112 and AR-3109 dated August 16, 1974 in 39 FR 29817 and 39 FR 29807 and Decision Number: AR-3148 dated October 11, 1974 in 39 FR 36754 and AR-3165 dated October 18, 1974, in 39 FR 37341

DESCRIPTION OF WORK: Building (excluding single family homes and garden-type apartments up to and including 4 stories) and Heavy (excluding Bridge, Airport and Sewer) Construction

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr |
|---|---|---|---|---|---|
| ASBESTOS WORKERS: | | | | | |
| St. Clair County | $10.32 | .84 | 1.06 | | |
| Remaining Counties | 9.31 | .66 | .95 | | .02 |
| BOILERMAKERS | 9.69 | .60 | 1.00 | | .01 |
| BRICKLAYERS: | | | | | |
| Genesee, Lapeer & Shiawassee Cos. | 9.60 | .40 | .75 | | |
| St. Clair & Sanilac Counties | 9.37 | .56 | .37 | .56 | |
| Remaining Counties | 9.02 | .50 | .50 | | |
| CARPENTERS; PILEDRIVERS: | | | | | |
| Sanilac (except the West five miles) and St. Clair Counties | 9.3474 | .60 | 8% | 10% | .02 |
| Remaining Counties and the West five miles of Sanilac Co. | 8.74 | .50 | .40 | | .01 |
| CEMENT MASONS: | | | | | |
| Genesee & Shiawassee Counties | 8.15 | .30 | .18 | | .02 |
| Lapeer County | 8.25 | .40 | .75 | | |
| St. Clair and Sanilac Counties | 8.70 | .56 | .37 | .56 | |
| Remaining Counties | 8.27 | .50 | .50 | | |
| ELECTRICIANS | | | | | |
| Bay County | 10.15 | .40 | 1%+.30 | | 3% |
| Genesee, Lapeer and Shiawassee Cos | 10.00 | .40 | 1%+.45 | | .01 |
| Saginaw and Tuscola Counties | 10.60 | | 1%+.30 | | 3% |
| Remaining Counties | 10.15 | 1.35 | 1%+.80 | | .06 |
| ELEVATOR CONSTRUCTORS: | | | | | |
| St. Clair County | | | | | |
| Elevator Constructors | 10.52 | .445 | .29 | 3% | .02 |
| Elevator Constructors' helpers | 7.36 | .445 | .29 | 3% | .02 |
| Elevator Constructors' Helpers (Probationary) | 5.26 | | | | |
| Remaining Counties | | | | | |
| Elevator Constructors | 9.735 | .445 | .29 | 3% | .02 |
| Elevator Constructors' Helpers | 6.81 | .445 | .29 | 3% | .02 |
| Elevator Constructors' Helpers (Probationary) | 4.87 | | | | |
| IRONWORKERS: | | | | | |
| Structural and Ornamental | 9.03 | 8% | 11% | 17% | .07 |
| Reinforcing | 8.3857 | .75 | 15% | 15% | .03 |
| LATHERS | 7.85 | .54 | .10 | .50 | .01 |
| MARBLE, TILE & TERRAZZO WORKERS: | | | | | |
| Genesee, Lapeer & Shiawassee | 8.89 | .40 | .75 | | |



DECISION NO. MI75-2061

| MARBLE, TILE & TERRAZZO WORKERS (CONT'D) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr |
|---|---|---|---|---|---|
| St. Clair & Sanilac Counties | | | | | |
| Marble Workers | $ 9.53 | .35 | .55 | .70 | |
| Tarrazzo Workers | 8.85 | .35 | .55 | 70 | |
| Remaining Counties | 8.90 | | | | |
| MARBLE SETTERS' HELPERS | | | | | |
| St. Clair & Sanilac Counties | 8.25 | .35 | .55 | .70 | |
| PAINTERS: | | | | | |
| Bay County, Huron County (West of M-53) and the townships of Akron, Almer, Columbia, Elkland, Elling-Ton, Elmwood, Fairgrove, Gilford, Novesta, and Wisner in Tuscola County | | | | | |
| Brush | 7.50 | .42 | .40 | | |
| Spray | 8.30 | .42 | .40 | | |
| Saginaw County and Remainder of Tuscola County | | | | | |
| Brush | 8.10 | | .35 | | .01 |
| Spray | 8.85 | | .35 | | .01 |
| Genesee, Lapeer & Shiawassee Cos. | 7.85 | .50 | .60 | | |
| Huron County (East of M-53), St. Clair & Sanilac County | 9.29 | .42 | .50 | | .01 |
| PLASTERERS: | | | | | |
| Bay, Huron, Saginaw & Tuscola Cos. | 8.67 | .45 | | | |
| Genesee and Shiawassee Counties | 8.83 | .40 | .25 | | .03 |
| Lapeer County | 8.50 | .40 | .75 | | |
| St. Clair & Sanilac Counties | 8.90 | .56 | .37 | .56 | |
| PLUMBERS: | | | | | |
| Bay, N ½ of Tuscola & the nw ¼ of Huron (running from Port Austin south to the Sanilac County line | 8.79 | .50 | .50 | 1.00 | |
| Genesee, Lapeer and Shiawassee Counties | 9.63 | .60 | .76 | | |
| Saginaw and S ½ of Tuscola (including Caro, Washjamerga, & south to the Lapeer County line) Counties | 10.10 | .49 | .60 | | .01 |
| Remainder of Huron County and St. Clair and Sanilac Counties | 9.17 | 1.10 | .885 | 1.34 | .0025 |

NOTICES





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DECISION NO. MI75-2061

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ROOFERS: | | | | | |
| Bay, Huron, Saginaw & Tuscola Counties | $ 9.50 | .60 | .50 | | |
| Genesee, Lapeer & Shiawassee Cos. | | | | | |
| Composition | 9.60 | .60 | .40 | | |
| Slate and Tile | 9.95 | .60 | .40 | | |
| St. Clair and Sanilac Counties | 6.35 | | | | |
| SHEET METAL WORKERS: | | | | | |
| Bay, Huron, Saginaw and Tuscola Counties | 9.69 | .40 | .75 | | |
| Genesee, Lapeer and Shiawassee Counties | 7.79 | .59 | .90 | 1.00 | |
| St. Clair and Sanilac Counties | 9.32 | 1.09 | .72½ | 11%+.01 | .07 |
| SOFT FLOOR LAYERS | | | | | |
| St. Clair and Sanilac (except the west five miles) Counties | 8.42 | .55 | 6% | 0% | .03 |
| Remaing Counties and the West five miles of Sanilac County | 8.03 | .50 | .40 | .56 | .01 |
| SPRINKLER FITTERS | 9.65 | .50 | .70 | | .08 |
| TERRAZZO WORKERS' HELPERS: | | | | | |
| St. Clair and Sanilac Counties | 8.24 | .35 | .40 | .65 | |
| TILE SETTERS' HELPERS: | | | | | |
| St. Clair and Sanilac Counties | 8.25 | .35 | .55 | .70 | |
| TRUCK DRIVERS: | | | | | |
| Bay, Saginaw and Tuscola Counties: | | | | | |
| Under 8 cu. yds. | 5.97 | 18.00a | 22.00a | .20 | |
| 8 cu. yds. and over | 6.07 | 18.00a | 22.00a | .20 | |
| Euclid type equipment | 6.17 | 18.00a | 22.00a | .20 | |
| Genesee, Lapeer and Shiawassee Counties | 6.83 | 15.00a | 13.00a | | |
| Huron, St. Clair and Sanilac Counties | | | | | |
| Pole Trailers, low boys straddle carriers, double bottoms and special load permits drivers | 7.87 | 17.00a | 14.00a | | |
| Semi drivers | 7.77 | 17.00a | 14.00a | | |
| All other truck | 7.62 | 17.00a | 14.00a | | |
| WELDERS: receive rate prescribed for craft performing operation to which welding is incidental | | | | | |

FOOTNOTE:
a. Per Week; Per Employee



DECISION NO. MI-75-2061

| LABORERS: Bay, Huron, Saginaw and Tuscola Counties: | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLASS A | $ 7.09 | .40 | .30 | | .04 |
| CLASS B | 7.21 | .40 | .30 | | .04 |
| CLASS C | 7.29 | .40 | .30 | | .04 |
| CLASS D | 7.86 | .40 | .30 | | .04 |
| Genesee, Lapeer & Shiawassee Cos. | | | | | |
| CLASS A | 7.29 | .40 | .40 | | .04 |
| CLASS B | 7.39 | .40 | .40 | | .04 |
| CLASS C | 7.49 | .40 | .40 | | .04 |
| CLASS D | 7.59 | .40 | .40 | | .04 |
| CLASS E | 7.84 | .40 | .40 | | .04 |
| St. Clair and Sanilac Counties | | | | | |
| GROUP 1 | 7.93 | .40 | .30 | | .04 |
| GROUP 2 | 8.05 | .40 | .30 | | .04 |
| GROUP 3 | 8.18 | .40 | .30 | | .04 |
| GROUP 4 | 8.10 | .40 | .30 | | .04 |
| GROUP 5 | 8.07 | .40 | .30 | | .04 |
| GROUP 6 | 8.22 | .40 | .30 | | .04 |
| GROUP 7 | 8.28 | .40 | .30 | | .04 |

LABORERS:
Bay, Huron, Saginaw, and Tuscola Counties:
CLASS A All Construction Laborers on Building and Heavy Construction not specified in Classes B, C, and D below; Also includes pumps with a 3" or less discharge and not hooked up in a battery; Mechanized Buggy Operator and Mortar Mixer when done by hand
CLASS B Mechanized Mortar Mixers; Air, Electric and Gas Driven Tools; Vibrators
CLASS C Air or electric driven pavement breakers; Plasterer Tender; Plaster Mixers; Crock and/or Pipelayer; Signal Men and Top Man; Windlass and Tugger Operator; Caisson Worker
CLASS D Drillers and Blasters; Burners
Genesee, Lapeer and Shiawasse Counties:
CLASS A Construction Laborers not specified in Classes B-E below
CLASS B Mortar Mixer (includes concrete mixer ½ c.y. or smaller); Signal Men and Top Men (on caisson work; Air, Gasoline or Electric Tool Operators
CLASS C Jackhammer and Air Spade; Tunnel Men; Windlass Operators (on caisson work); Burner
CLASS D Crook or Pipe Layers; Conduit and any Vitrified Tile, except 4" drain tile around building; Caisson Workers and Tunnel Muckers
CLASS E Tunnel Miners













DECISION NO. MI75-2061

LABORERS (CONT'D)
St. Clair and Sanilac Counties
GROUP 1 General Laborers; Mason Tenders; All Demolition Laborers
GROUP 2 Mortar Mixers (hand or machine)
GROUP 3 Air, Electric and Gas Tool Operators
GROUP 4 Crete Gas Buggies; Concrete Saw Operators
GROUP 5 Signal Men and Top Men on Caisson Construction
GROUP 6 Tunnel Men; Concrete Shovelers; Car Pushers; Windlass and Tugger Operators on Caisson Work
GROUP 7 Crook or Pipe Layers; Caisson Workers and Muckers

| POWER EQUIPMENT OPERATORS St. Clair County | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLASS A | $10.0185 | .55 | .65 | 10% | .05 |
| CLASS B | 9.8212 | .55 | .65 | 10% | .05 |
| CLASS C | 9.5939 | .55 | .65 | 10% | .05 |
| CLASS D | 9.3667 | .55 | .65 | 10% | .05 |
| CLASS E | 8.1498 | .55 | .65 | 10% | .05 |
| CLASS F | 7.8258 | .55 | .65 | 10% | |
| Remaining Counties | | | | | |
| CLASS A | 10.30 | .55 | .65 | 10% | .05 |
| CLASS B | 10.05 | .55 | .65 | 10% | .05 |
| CLASS C | 9.80 | .55 | .65 | 10% | .05 |
| CLASS D | 9.55 | .55 | .65 | 10% | .05 |
| CLASS E | 9.45 | .55 | .65 | 10% | .05 |
| CLASS F | 8.40 | .55 | .65 | 10% | .05 |
| CLASS G | 7.70 | .55 | .65 | 10% | |



DECISION NO. MI75-2061

POWER EQUIPMENT OPERATORS:
St. Clair County
CLASS A Engineer when opeating crane with boom and jib or leads 220' or longer
CLASS B Engineer when operating crane with boom and jib leads 140' or longer, up to 220'
CLASS C Regular crane operator
CLASS D Regular Engineer
CLASS E Engineer when operating compressor or welding machine
CLASS F Fireman; oiler
Remaining Counties
CLASS A Crane operator, with main boom and jib 220' or longer
CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick
CLASS C Regular equipment operator. crane, stiff leg derrick, scrapper, dozer, grader, front end loader, hoist, job mechanic, and head grease man
CLASS D Air tugger (single drum); material hoist, fork truck, boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment
CLASS E Pumps, 6" or over; well points; freeze systems
CLASS F Air compressor; generators; conveyors' pumps under 6"; grease man
CLASS G Oiler; fireman; heater operator

| POWER EQUIPMENT OPERATORS: Steel Erection | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLASS A | $10.75 | .55 | .65 | 10% | .05 |
| CLASS B | 10.51 | .55 | .65 | 10% | .05 |
| CLASS C | 10.03 | .55 | .65 | 10% | .05 |
| CLASS D | 9.88 | .55 | .65 | 10% | .05 |
| CLASS E | 9.02 | .55 | .65 | 10% | .05 |
| CLASS F | 8.05 | .55 | .65 | 10% | |

POWER EQUIPMENT OPERATORS:
Steel Erection
CLASS A Engineer when operating combination of boom and jib 220' or longer
CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)
CLASS C Crane Operator; Job Mechanic
CLASS D Hoisting operator
CLASS E Compressor operator
CLASS F Fireman; oiler

DECISION NO MI75-2061

| POWER EQUIPMENT OPERATORS: Underground Construction | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLASS I | $ 8.95 | .55 | .75 | 10% | .05 |
| CLASS II | 8.78 | .55 | .75 | 10% | .05 |
| CLASS III | 8.12 | .55 | .75 | 10% | .05 |
| CLASS IV | 7.60 | .55 | .75 | 10% | .05 |

POWER EQUIPMENT OPERATORS:
Underground Construction
CLASS I Backfiller Tamper; Backhoe; Batch Plant Operator (concrete); Clamshell; Concrete Paver (two drum or larger); Conveyor Loader (Euclid Type); Crane (crawler, truck type or piledriving); Dozer (9 ft. blade and over); Dragline; Elevating Grader; Endloader (over 1½ c.y. capacity); Cradall ( and similar type machine); Grader; Mechanic; Power Shovel; Roller (asphalt); Scraper (self-propelled or tractor drawn); Side Boom Tractor (type D-6 or equivalent and larger); slip form paver; slope Paver; Trencher (over 8 ft. digging capacity); Well Drilling Rig
CLASS II Boom Truck (power swing type boom); Crusher; Dozer (less 9 ft. blade); Endloader (1½ cubic yard capacity and smaller); Hoist; Pump (one or more -- 6 in. discharge or larger -- gas or diesel powered or powered by generator of 300 amperes or more - inclusive of generator); Side Boom Tractor (smaller than type D-4 or equivalent); Sweeper (Wayne type and similar equipment ); Tractor (pneu-tired, orther than backhoe or front-end loader); Trencher (8' digging capacity and smaller)
CLASS III Air Compressors (600 cfm or larger); Air Compressor (2 or more - less than 600 cfm); Boom Truck (non-swinging, non-powered type boom); Concrete Breaker (self-propelled or truck mounted-includes compressor); Concrete Paver (one drum - ¾ yard or larger); Elevator (other than passenger); Maintenance Man; Pumps ( 2 or more 4" up to 6" discharge gas or diesel powered - excluding submersible pumps); Pumperete Machine (and similar equipment); Wagon Drill (Multiple); Welding Machine or Generator ( 2 or more, 300 amps. or larger - gas or diesel powered)
CLASS IV Boiler; Concrete Saw (40 hp or over); Curing Machine (self-propelled); Farm Tractor (with attachment); Finishing Machine (concrete); Fireman; Hydraulic Pipe Pushing Machine; Mulching Equipment; Oiler; Pumps (2 or more up to 4" discharge if used 3 hours or more per day - gas or diesel powered excluding submersible pumps); Roller (other than asphalt); Stump Remover; Trencher (service) Vibrating Compactor Equipment, Self-propelled (6' wide or over)



DECISION NO MI75-2061

| LINE CONSTRUCTION: Bay, Genesee, Saginaw and Shiawassee Counties: | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Lineman; Heavy Equipment Oper. | $ 7.88 | .35 | 1% | | 1% |
| Cable Splicer | 8.21 | .35 | 1% | | 1% |
| Combination Digger Oper. - Tractor Operator Groundman: | | | | | |
| First Six Months | 5.73 | .35 | 1% | | 1% |
| Over Six Months | 6.18 | .35 | 1% | | 1% |
| Light-Equipment Oper. Groundman; Distribution Line Truck Driver Operator: | | | | | |
| First Six Months | 4.99 | .35 | 1% | | 1% |
| Over Six Months | 5.43 | .35 | 1% | | 1% |
| Combination Winch Truck Driver-Groundman | | | | | |
| First Six Months | 4.55 | .35 | 1% | | 1% |
| Over Six Months | 5.19 | .35 | 1% | | 1% |
| Combination Truck Driver-Groundman | 4.40 | .35 | 1% | | 1% |
| Remaining Counties: | | | | | |
| Lineman | 10.90 | .85 | 3.1% | | 3% |
| Cable Splicer | 11.37 | .85 | 3.1% | | 3% |
| Combination Equipment Oper. Groundman | 8.80 | .85 | 3.1% | | 3% |
| Combination Driver - Groundman | 8.31 | .85 | 3.1% | | 3% |
| Groundman | 7.67 | .85 | 3.1% | | 3% |







SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Genesee, Lapeer, Saginaw, St. Clair, and Shiawassee Counties

DECISION NUMBER: MI75-2062

DATE: Date of Publication

Supersedes Decision Numbers: AR-3109 dated August 16, 1974 in 39 FR 29807; AR-3148 dated October 11, 1974 in 39 FR 36754 and AR-3165 dated October 18, 1974 in 39 FR 37341

DESCRIPTION OF WORK: Residential Construction consisting of single family homes & garden type apartments up to and ~~including~~ 4 stories

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS: | | | | | |
| St. Clair County | $10.32 | .84 | 1.06 | | |
| Remaining Counties | 9.31 | .66 | .95 | | .02 |
| BOILERMAKERS | 9.69 | .60 | 1.00 | | .01 |
| BRICKLAYERS: | | | | | |
| Genesee, Lapeer & Shiawassee Cos. | 9.60 | .40 | .75 | | |
| Saginaw County | 9.02 | .50 | .50 | | |
| St. Clair & Sanilac Counties | 9.37 | .56 | .37 | .56 | |
| CARPENTERS: | | | | | |
| Saginaw County | 6.67 | .50 | .40 | | .01 |
| St. Clair County | 9.3474 | .60 | 8% | 10% | .02 |
| Remaing Counties | 8.74 | .50 | .40 | | .01 |
| CEMENT MASONS | | | | | |
| Genesee and Shiawassee Counties | 8.15 | .30 | .18 | | .02 |
| Lapeer County | 8.25 | .40 | .75 | | |
| Saginaw County | 8.27 | .50 | .50 | | |
| St. Clair County | 8.70 | .56 | .37 | .56 | |
| ELECTRICIANS: | | | | | |
| Genesee, Lapeer and Shiawassee Counties | 10.00 | .40 | 1%+.45 | | .01 |
| Saginaw County | 10.60 | | 1%+.30 | | 2% |
| St. Clair County | 10.15 | 1.35 | 1%+.80 | | .06 |
| ELEVATOR CONSTRUCTORS: | | | | | |
| St. Clair County: | | | | | |
| Elevator Constructors | 10.52 | .445 | .29 | 3% | .02 |
| Elevator Constructors' Helpers | 7.36 | .445 | .29 | 3% | .02 |
| Elevator Constructors' Helpers (Probationary) | 5.26 | | | | |
| Remaining Counties: | | | | | |
| Elevator Constructors | 9.735 | .445 | .29 | 3% | .02 |
| Elevator Constructors' Helpers | 6.81 | .445 | .29 | 3% | .02 |
| Elevator Constructors' Helpers (Probationary | 4.87 | | | | |
| IRONWORKERS: | | | | | |
| Structural and Ornamental | 9.03 | 8% | 1.6% | 17% | .07 |
| Reinforcing | 8.3857 | .75 | 15% | 15% | .03 |



DECISION NO MI75-2062

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LABORERS: | | | | | |
| Saginaw County | | | | | |
| Laborers; Mortar Mixers (hand) | $ 7.09 | .40 | .30 | | .04 |
| Mortar Mixers (machine); Air, Electric and Gas Tools | 7.21 | .40 | .30 | | .04 |
| Plasterer Tender; Plaster Mixers; Crock and/or Pipe Layer | 7.29 | .40 | .30 | | .04 |
| Genesee, Lapeer and Shiawassee Counties | | | | | |
| Laborers | 7.29 | .40 | .40 | | .04 |
| Mortar Mixer; Air, gas, or electric tool operator | 7.39 | .40 | .40 | | .04 |
| Crock or Pipe Layers | 7.59 | .40 | .40 | | .04 |
| St. Clair County | | | | | |
| Laborers; Mason Tenders | 7.93 | .40 | .30 | | .04 |
| Mortar Mixers | 8.05 | .40 | .30 | | .04 |
| Air, Electric or Gas Tool Opers. | 8.18 | .40 | .30 | | .04 |
| Crock or Pipe Layers | 8.28 | .40 | .30 | | .04 |
| LATHERS | 7.85 | .54 | .10 | .50 | .01 |
| MARBLE, TILE & TERRAZZO WORKERS: | | | | | |
| Genesee, Lapeer and Shiawassee Counties | 8.89 | .40 | .75 | | |
| Saginaw County | 8.90 | | | | |
| St. Clair County | | | | | |
| Marble Workers | 9.53 | .35 | .55 | .70 | |
| Terrazzo Workers | 8.85 | .35 | .55 | .70 | |
| Mabble Helpers | 8.25 | .35 | .55 | .70 | |
| PAINTERS: | | | | | |
| Genesee, Lapeer and Shiawassee Counties | 7.85 | .50 | .60 | | |
| Saginaw County | 8.10 | | .35 | | .01 |
| St. Clair County | 9.29 | .42 | .50 | | .01 |
| PLASTERERS: | | | | | .03 |
| Genesee and Shiawassee Counties | 8.83 | .40 | .25 | | |
| Lapeer County | 8.50 | .40 | .75 | | |
| Saginaw County | 8.67 | .45 | | | |
| St. Clair County | 8.90 | .56 | .37 | .56 | |
| PLUMBERS: | | | | | |
| Genesee, Lapeer and Shiawassee Counties | 9.63 | .60 | .76 | | |
| Saginaw County | 10.10 | .49 | .60 | | .01 |
| St. Clair | 9.17 | 1.10 | .885 | 1.34 | .0025 |

DECISION NO. MI75-2062

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| POWER EQUIPMENT OPERATORS: | | | | | |
| St. Clair County: | | | | | |
| Regular Engineer | 9.3667 | .55 | .65 | 10% | .05 |
| Regular Crane Operator | 9.5939 | .55 | .65 | 10% | .05 |
| Remaining Counties: | | | | | |
| Regular Equipment Operator; Scraper; Dozer; Grader; Front End Loader | 9.80 | .55 | .65 | | .05 |
| Bob Cat and similar | 9.55 | .55 | .65 | | .05 |
| Air Compressors; Generators | 8.40 | .55 | .65 | | .05 |
| ROOFERS: | | | | | |
| Genesee, Lapeer & Shiawassee Counties | 9.60 | .60 | .40 | | |
| Saginaw County | 9.50 | .60 | .50 | | |
| St. Clair County | 6.35 | | | | |
| SHEET METAL WORKERS: | | | | | |
| Genesee, Lapeer & Shiawassee Counties | 7.79 | .59 | .90 | 1.00 | |
| Saginaw County | 9.69 | .40 | .75 | | |
| St. Clair County | 9.32 | 1.09 | .724 | 11%+.01 | .07 |
| SOFT FLOOR LAYERS | | | | | |
| St. Clair County | 8.42 | .55 | 6% | 8% | .03 |
| Remaining Counties | 8.03 | .50 | .40 | .56 | .01 |
| SPRINKLER FITTERS | 9.65 | .50 | .70 | | .08 |
| TRUCK DRIVERS: | | | | | |
| Genesee, Lapeer and Shiawassee Counties | 6.83 | 15.00a | 13.00a | | |
| Saginaw County: | | | | | |
| Under 8 cu. yds. | 5.97 | 18.00a | 22.00a | .20 | |
| 8 cu. yds. and over | 6.07 | 18.00a | 22.00a | .20 | |
| Euclid type Equipment | 6.17 | 18.00a | 22.00a | .20 | |
| St. Clair County | | | | | |
| Truck Driver | 7.62 | 17.00a | 14.00a | | |
| Semi-Trucks | 7.77 | 17.00a | 14.00a | | |

FOOTNOTE:
a. Per Week; Per Employee



SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
DECISION NO.: NM75-4079 DATE: Date of Publication
Supersedes Decision No. NM75-4002 dated January 10, 1975 in 40 FR 2391
DESCRIPTION OF WORK: Commerical Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley, San Juan and Bernalillo Counties but not on the Navajo Indian Reservation).

| GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Asbestos Workers (Statewide, except Union, Harding, Lea, Roosevelt, Curry, and Quay Counties) | $9.23 | .50 | 87a | | .03 |
| Asbestos Workers (Union, Harding, Lea, Roosevelt, Curry, and Quay Counties) | 8.45 | .35 | .30 | | .02 |
| Boilermakers | 8.25 | .65 | 1.00 | | .02 |
| Bricklayers - Stonemasons: | | | | | |
| Zone I-A | 8.36 | .48 | .40 | | .02 |
| Zone I-B | 8.86 | .48 | .40 | | .02 |
| Zone I-C | 9.36 | .48 | .40 | | .02 |
| Zone II | 8.66 | .48 | | | |
| Zone III | 9.16 | .48 | | | |
| Zone IV | 7.34 | .48 | | | |
| Zone V | 7.345 | .48 | | | |

Bricklayers' Zone Definitions

Zone I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties:
From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles
Zone II - Chaves, Curry, Roosevelt, DeBaca, Guadalupe, Quay, Lea, Eddy and Otero Counties

Zone III - Lincoln County

Zone IV - Dona Ana, Grant, Hidalgo and Sierra Counties

Zone V - Luna County



DECISION NO. NM75-4079

| GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION. | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| CARPENTERS: | | | | | |
| Dwelling houses and apartments not to exceed two stories in height: | | | | | |
| Zone I-A | $7.36 | .65 | .60 | | .20 |
| Zone I-B | 8.11 | .65 | .60 | | .20 |
| Zone I-C | 8.61 | .65 | .60 | | .20 |
| General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height): | | | | | |
| Zone 2-A | 7.86 | .65 | .60 | | .20 |
| Zone 2-B | 8.61 | .65 | .60 | | .20 |
| Zone 2-C | 9.11 | .65 | .60 | | .20 |

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following Cities or Towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:
Zone I - Dwelling houses and apartments not to exceed two stories in height:
Zone I-A - 0 - 15 road miles from nearest basing point
Zone I-B - 15 to 35 road miles from nearest basing point
Zone I-C - Over 35 road miles from nearest basing point
Zone II - General Building and Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
Zone 2-A - 0 to 15 road miles from nearest basing point
Zone 2-B - 15 to 35 road miles from nearest basing point
Zone 2-C - Over 35 road miles from nearest basing point

| MILLWRIGHTS AND PILEDRIVERMEN: | | | | | |
|---|---|---|---|---|---|
| Zone 1 | 8.36 | .65 | .60 | | .20 |
| Zone 2 | 9.11 | .65 | .60 | | .20 |
| Zone 3 | 9.28 | .65 | .60 | | .20 |

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS

MILLWRIGHTS & PILEDRIVERMEN ( STATEWIDE) - From nearest basing points of the following cities ot towns: Albuquerque City Limits; Santa Fe City Limits; the Main Post Office at Las Cruces and Carlsbad
Zone 1 - 0 to 15 road miles from nearest basing point
Zone 2 - 15 to 35 road miles from nearest basing point
Zone 3 - Over 35 road miles from nearest bssing point







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DECISION NO. NM75-4079

| GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| CEMENT MASONS: | | | | | |
| Dwelling houses and apartments not to exceed two stories in height: | | | | | |
| Cement Mason | $ 6.82 | .48 | .30 | | |
| Dwelling houses and apartments over two stories in height: | | | | | |
| Cement Mason | 7.02 | .48 | .30 | | |
| Composition or Mastic | 7.27 | .48 | .30 | | |
| ELECTRICIANS: | | | | | |
| ZONE I | | | | | |
| Zone 1-A | 8.40 | .30 | 1%+.70 | | 1/4% |
| Zone 1-B | 8.99 | .30 | 1%+.70 | | 1/4% |
| Zone 1-C | 9.49 | .30 | 1%+.70 | | 1/4% |
| Zone 1-D | 10.08 | .30 | 1%+.70 | | 1/4% |
| ZONE II | 9.49 | .30 | 1%+.70 | | 1/4% |
| ZONE III | 5.80 | .30 | 1% | | 1/4% |
| ZONE IV | | | | | |
| Zone 4-A | 7.30 | | 1% | | 1/10% |
| Zone 4-B | 7.55 | | 1% | | 1/10% |
| Zone 4-C | 7.70 | | 1% | | 1/10% |
| ZONE V | | | | | |
| Zone 5-A | 8.00 | .25 | 1% | | 1/2% |
| Zone 5-B | 8.30 | .25 | 1% | | 1/2% |
| ZONE VI | | | | | |
| Zone 6-A | 8.45 | .30 | 1% | | 1/2% |
| Zone 6-B | 9.04 | .30 | 1% | | 1/2% |
| Zone 6-C | 9.55 | .30 | 1% | | 1/2% |
| Zone 6-C | 10.14 | .30 | 1% | | 1/2% |
| ZONE VII | | | | | |
| Zone 7-A | 3.10 | .30 | 1% | | .01 |
| Zone 7-B | 3.45 | .30 | 1% | | .01 |
| Zone 7-C | 3.60 | .30 | 1% | | .01 |
| Zone 7-D | 3.85 | .30 | 1% | | .01 |



DECISION NO. NM75-4079

ELECTRICIANS' ZONE DEFINITIONS

ELECTRICIANS

ZONE I - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Sandoval, Valencia, Socorro, Catron, Sierra and Grant Counties and all San Juan County excluding the Navajo Indian Reservation.

From nearest basing point cities or towns and mileage from main post office in the following towns:

Albuquerque - 15 miles
Santa Fe - 10 miles
Las Vegas - 8 miles
Farmington - 8 miles
Raton - 6 miles
Socorro - 6 miles

Zone 1-A - Shall be established at each of these locations which shall comprise an area as designated from the main post office in the town
Zone 1-B - Shall extend up to 20 miles beyond Zone 1-A
Zone 1-C - Shall extend up to 30 miles beyond Zone 1-A
Zone 1-D - Any area beyond 30 miles from Zone 1-A

ZONE II - Los Alamos County

ZONE III - Single or multiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe Counties and all of San Juan County excluding the Navajo Indian Reservation

ZONE IV - Chaves, Curry, Lincoln and Roosevelt Counties - the following zones shall be designated from the main post office in Roswell, Rudioso, Portales and Carrizozo:

Zone 4-A - 0 to 12 miles from main post office
Zone 4-B - 12 to 22 miles from main post office
Zone 4-C - Anything beyond 22 miles from main post office

ZONE V - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 5-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo
Zone 5-B - Dona Ana, Otero, Luna and Hidalgo Counties (except that area specified in Zone 5-A)

ZONE VI - McKinley County

Zone 6-A - Includes that City of Gallup and extending 10 road miles from Main Post Office
Zone 6-B - Extending up to 20 road miles beyond Zone 6-A
Zone 6-C - Extending up to 30 road miles beyond Zone 6-A
Zone 6-D - Anything extending 30 road miles beyond Zone 6-A

ZONE VII - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artcasia, Carlsbad, Hobbs and Lovington:

Zone 7-A - 0 to 12 miles from main post office
Zone 7-B - 12 to 22 miles from main post office
Zone 7-C - 22 to 40 miles beyond main post office
Zone 7-D - 40 miles and beyond main post office







DECISION NO. NM75-4079

| GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| CABLE SPLICERS | | | | | |
| ZONE I | | | | | |
| Zone 1-A | $9.24 | .30 | 1%+.70 | | 1/4% |
| Zone 1-B | 9.83 | .30 | 1%+.70 | | 1/4% |
| Zone 1-C | 10.33 | .30 | 1%+.70 | | 1/4% |
| Zone 1-D | 10.92 | .30 | 1%+.70 | | 1/4% |
| ZONE II | 10.33 | .30 | 1%+.70 | | 1/4% |
| ZONE III | | | | | |
| Zone 3-A | 7.65 | | 1% | | 1/10% |
| Zone 3-B | 7.90 | | 1% | | 1/10% |
| Zone 3-C | 8.05 | | 1% | | 1/10% |
| ZONE IV | | | | | |
| Zone 4-A | 8.25 | .25 | 1% | | 1/2% |
| Zone 4-B | 8.55 | .25 | 1% | | 1/2% |
| ZONE V | | | | | |
| Zone 5-A | 9.30 | .30 | 1% | | 1/2% |
| Zone 5-B | 9.89 | .30 | 1% | | 1/2% |
| Zone 5-C | 10.40 | .30 | 1% | | 1/2% |
| Zone 5-D | 10.99 | .30 | 1% | | 1/2% |
| ZONE VI | | | | | |
| Zone 6-A | 8.45 | .30 | 1% | | .01 |
| Zone 6-B | 8.80 | .30 | 1% | | .01 |
| Zone 6-C | 8.95 | .30 | 1% | | .01 |
| Zone 6-D | 9.20 | .30 | 1% | | .01 |



DECISION NO. NM75-4079

CABLE SPLICERS' ZONE DESIGNATIONS

CABLE SPLICERS

ZONE I - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Sandoval, Valencia, Socorro, Catron, Sierra, and Grant Counties and all San Juan County excluding the Navajo Indian Reservation.

From nearest basing point cities or towns and mileage from main post office in the following towns:

Albuquerque - 15 miles
Santa Fe - 10 miles
Las Vegas - 8 miles
Farmington - 8 miles
Raton - 6 miles
Socorro - 6 miles

Zone 1-A - Shall be established at each of these locations which shall comprise an area as designated from the main post office in the town
Zone 1-B - Shall extend up to 20 miles beyond Zone 1-A
Zone 1-C - Shall extend up to 30 miles beyond Zone 1-A
Zone 1-D - Any area beyond 30 miles from Zone 1-A

ZONE II - Los Alamos County

ZONE III - Chaves, Curry, Lincoln and Roosevelt Counties - the following zones shall be designated from the main post office of Roswell, Rudioso, Portales and Carrizozo:

Zone 3-A - 0 to 12 miles from main post office
Zone 3-B - 12 to 22 miles from main post office
Zone 3-C - Anything beyond 22 miles from main post office

ZONE IV - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 4-A - Within 5 miles radius from the post office in La Cruces and Alamogordo
Zone 4-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 4-A)

ZONE V - McKinley County

Zone 5-A - Includes that City of Gallup and extending 10 road miles from Main Post Office
Zone 5-B - Extending up to 20 road miles beyond Zone 5-A
Zone 5-C - Extending up to 30 road miles beyond Zone 5-A
Zone 5-D - Anything extending 30 road miles beyond Zone 5-A

ZONE VI - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs, and Lovington:

Zone 6-A - 0 to 12 miles from main post office
Zone 6-B - 12 to 22 miles from main post office
Zone 6-C - 22 to 40 miles beyond main post office
Zone 6-D - 40 miles and beyond main post office







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DECISION NO. NM75-4079

| GENERAL BUILDING CONSTRUCTION AND HEAVY ENGINEERING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ELEVATOR CONSTRUCTORS: | | | | | |
| Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties: | | | | | |
| Elevator constructors | $8.655 | .445 | .29 | 3%+b+c | .02 |
| Elevator constructors helper | 70%JR | .445 | .29 | 3%+b+c | .02 |
| Elevator constructors helper (prob.) | 50%JR | | | | |
| Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties: | | | | | |
| Elevator constructors | 6.72 | .445 | .29 | 3%+b+c | .02 |
| Elevator constructors helper | 70%JR | .445 | .29 | 3%+b+c | .02 |
| Elevator constructors helper (prob.) | 50%JR | | | | |
| GLAZIERS: | | | | | |
| Zone I | 5.47 | .24 | | | |
| Zone II | 6.49 | .40 | | | .02 |

GLAZIERS' ZONE DEFINITIONS

GLAZIERS
Zone I - Dona Ana, Luna, Otero and Quay Counties
Zone II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties

| IRONWORKERS: | | | | | |
|---|---|---|---|---|---|
| Zone I | 7.99 | .50 | .75 | | |
| Zone II | 7.99 | .55 | .60 | | .10 |
| Zone III | 8.99 | .55 | .60 | | .10 |

IRONWORKERS' ZONE DEFINITIONS

Zone I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance and Valencia Counties, New Mexico
Zone II - Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.
Zone III - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges



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DECISION NO. NM75-4079

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LABORERS: | | | | | |
| GENERAL BUILDING, HEAVY ENGINEERING AND RESIDENTIAL CONSTRUCTION (Dwelling Houses and Apartments over two stories in height): | | | | | |
| Group I | $5.32 | .34 | .25 | | |
| Group II | 5.62 | .34 | .25 | | |
| Group III | 5.72 | .34 | .25 | | |
| Group IV | 5.925 | .34 | .25 | | |
| Group V | 6.075 | .34 | .25 | | |

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers





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DECISION NO. NM75-4079

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LABORERS: | | | | | |
| RESIDENTIAL CONSTRUCTION (Dwelling houses and apartments not to exceed two stories in height): | | | | | |
| Group I | $4.87 | .34 | .25 | | |
| Group II | 5.17 | .34 | .25 | | |
| Group III | 5.27 | .34 | .25 | | |
| Group IV | 5.475 | .34 | .25 | | |
| Group V | 5.625 | .34 | .25 | | |

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine operator, power buggy operator, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hod carriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers



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DECISION NO. NM75-4079

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LATHERS: | | | | | |
| Zone 1 | $7.395 | .48 | | .50 | .02 |
| Zone 2 | 5.70 | | | | .01 |

LATHERS' ZONE DEFINITIONS

LATHERS
Zone 1 - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties
Zone 2 - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties

| LINE CONSTRUCTION: | | | | | |
|---|---|---|---|---|---|
| Bernalillo County | | | | | |
| Cable Splicers | 7.71 | .30 | 1% | | 1/2% |
| Linemen | 7.17 | .30 | 1% | | 1/2% |
| Technicians | 7.17 | .30 | 1% | | 1/2% |
| Equipment Operators | 6.82 | .30 | 1% | | 1/2% |
| Equipment Mechanics | 6.25 | .30 | 1% | | 1/2% |
| Powderman | 6.25 | .30 | 1% | | 1/2% |
| Groundmen and Jackhammers Oprs.: | | | | | |
| 1st 6 months | 3.77 | .30 | 1% | | 1/2% |
| 2nd 6 months | 4.29 | .30 | 1% | | 1/2% |
| Experienced | 5.02 | .30 | 1% | | 1/2% |
| STATEWIDE (except Bernalillo Co.) | | | | | |
| Cable Splicers | 8.42 | .30 | 1% | | 1/2% |
| Linemen | 7.85 | .30 | 1% | | 1/2% |
| Technicians | 7.85 | .30 | 1% | | 1/2% |
| Equipment Operators | 7.46 | .30 | 1% | | 1/2% |
| Equipment Mechanics | 6.82 | .30 | 1% | | 1/2% |
| Powdermen | 6.82 | .30 | 1% | | 1/2% |
| Groundmen and Jackhammer Oprs.: | | | | | |
| 1st 6 months | 4.13 | .30 | 1% | | 1/2% |
| 2nd 6 months | 4.69 | .30 | 1% | | 1/2% |
| Experienced | 5.49 | .30 | 1% | | 1/2% |

DECISION NO. NM75-4079

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| MARBLE, Tile and Terrazzo Workers: | | | | | |
| Zone I | $6.375 | .30 | | | |
| Zone II | 7.50 | .30 | | | |
| MARBLE, Tile and Terrazzo Helpers: | | | | | |
| Zone I | 4.80 | .30 | | | |
| Zone II | 5.925 | .30 | | | |

MARBLE, TILE, TERRAZZO WORKERS & HELPERS ZONE DEFINITIONS

ZONE I - Bernalillo, Sandoval, Santa Fe, and Valencia Counties with the exception of a 15 mile radius from the center of the City of Cuba in Sandoval County and Grants in Valencia

ZONE II - Catron, Chaves, Colfax, Curry, DeBaca, Dona Ana, Eddy, Grant Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance and Union Counties, and 15 mile radius from the center of the City of Cuba in Sandoval and Grants in Valencia



DECISION NO. NM75-4079

| GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| PAINTERS: ZONE I | | | | | |
| Zone 1-A | $6.67 | .30 | .20 | | .01 |
| Zone 1-B | 7.37 | .30 | .20 | | .01 |
| Zone 1-C | 7.12 | .30 | .20 | | .01 |
| Zone 1-D | 7.45 | .30 | .20 | | .01 |
| Zone 1-E | 7.20 | .30 | .20 | | .01 |
| Zone 1-F | 7.52 | .30 | .20 | | .01 |
| Zone 1-G - ½ cent per foot above the 75 foot scale | | .30 | .20 | | .01 |
| PAINTERS: ZONE II | | | | | |
| Zone 2-A | 5.70 | .30 | .20 | | .01 |
| Zone 2-B | 5.95 | .30 | .20 | | .01 |
| Zone 2-C | 6.35 | .30 | .20 | | .01 |
| Zone 2-D | 6.20 | .30 | .20 | | .01 |
| Zone 2-E | 6.20 | .30 | .20 | | .01 |
| Zone 2-F | 6.20 | .30 | .20 | | .01 |
| Zone 2-G | 7.40 | .30 | .20 | | .01 |
| Zone 2-H | 7.70 | .30 | .20 | | .01 |
| PAINTERS: ZONE III | | | | | |
| Zone 3-A | 6.04 | .24 | | | .01 |
| Zone 3-B | 6.455 | .24 | | | .01 |
| Zone 3-C | 6.185 | .24 | | | .01 |
| Zone 3-D | 6.465 | .24 | | | .01 |
| Zone 3-E | 6.89 | .24 | | | .01 |
| Zone 3-F | 7.14 | .24 | | | .01 |
| PAINTERS: ZONE IV | | | | | |
| Zone 4-A | 6.00 | .30 | | | |
| Zone 4-B | 6.50 | .30 | | | |
| Zone 4-C | 6.25 | .30 | | | |
| PAINTERS: ZONE V | | | | | |
| Zone 5-A | 6.95 | .30 | | | |
| Zone 5-B | 7.45 | .30 | | | |
| Zone 5-C | 7.20 | .30 | | | |



DECISION NO. NM75-4079 PAINTERS' ZONE AND CLASSIFICATION DEFINITIONS PAGE 13

PAINTERS

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:
- Zone 1-A - Painters, roller and hand textures
- Zone 1-B - Painters, spray, sandblasting, painter on steel bridges, tanks towers, pipe and structural
- Zone 1-C - Paperhanger
- Zone 1-D - Drywall finisher; Ames tool operator
- Zone 1-E - Hand finisher machine texture
- Zone 1-F - Painting 30 to 75 feet above ground or floor
- Zone 1-G - Painting 75 feet or more above ground floor

ZONE II - Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union, and Santa Fe Counties.
- Zone 2-A - Painters and roller
- Zone 2-B - Paperhangers
- Zone 2-C - Spray, Sandblast, pressure roller and gunnite operator
- Zone 2-D - Steel painter; bridges, structural steel, machinery tank, towers, pipe boiler rooms and power plant brush and spray
- Zone 2-E - Drywall finisher tool and machine texture
- Zone 2-F - High pay - 30 to 75 feet
- Zone 2-G - High pay - 75 to 100 feet
- Zone 2-H - High pay - 100 feet and over

ZONE III - Luna, Otero and Dona Ana Counties
- Zone 3-A - Brush and Tapers
- Zone 3-B - Spray, swing stage, sand water blasting; Spray and blasting on stage
- Zone 3-C - Ames tool and steel brush
- Zone 3-D - Stripping machine
- Zone 3-E - Radio towers, water tanks, smoke stacks - over 100 feet
- Zone 3-F - Radio towers, water tanks, smoke stacks 200 to 300 feet

ZONE IV - Lea and Eddy Counties shall encompass Carlsbad, New Mexico and an area within a radius of 40 miles from the courthouse in Carlsbad, New Mexico
- Zone 4-A - Brush and roller
- Zone 4-B - Paperhangers and sandblaster
- Zone 4-C - Spray and dry wall finisher

ZONE V - Lea and Eddy Counties shall include the rest of the area in Eddy and Lea Counties
- Zone 5-A - Brush, roller and drywall finisher
- Zone 5-B - Spray
- Zone 5-C - Paperhanger and sandblaster



DECISION NO. NM75-4079

| GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| PLASTERERS | 7.60 | .48 | .30 | | .06 |
| PLUMBERS-PIPEFITTERS - Zone I | | | | | |
| Zone 1-A | 9.34 | .42 | .75 | | .12 |
| Zone 1-B | 9.74 | .42 | .75 | | .12 |
| Zone 1-C | 10.19 | .42 | .75 | | .12 |
| Zone 1-D | 10.64 | .42 | .75 | | .12 |
| Zone 1-E | 11.09 | .42 | .75 | | .12 |
| PLUMBERS-PIPEFITTERS - Zone II | 9.97 | .42 | .75 | | .12 |

PLUMBERS-PIPEFITTERS' ZONE DEFINITIONS

ZONE I - Basing point Cities or Towns: Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Truchascari, Truth or Consequences.
- Zone 1-A - Shall extend a distance of five road miles inclusive beyond the city or town limits of any of the basing point cities or towns as set forth above
- Zone 1-B - Shall extend a distance of eight road miles inclusive beyond the outer perimeter of Zone 1-A
- Zone 1-C - Shall extend a distance of ten miles inclusive beyond the perimeter of Zone 1-B
- Zone 1-D - Shall extend a distance of ten road miles inclusive beyond the outer perimeter of Zone 1-C
- Zone 1-E - Shall apply to all areas not within Zones 1-A, 1-B, 1-C, or 1-D

ZONE II Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Camp in Dona Ana and Otero Counties.

DECISION NO NM75-4079

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION | | | | | |
| POWER EQUIPMENT OPERATORS: (Residential and General Building Construction) | | | | | |
| Group 1 | $6.18 | .35 | .40 | | .10 |
| Group 2 | 6.72 | .35 | .40 | | .10 |
| Group 3 | 6.80 | .35 | .40 | | .10 |
| Group 4 | 6.86 | .35 | .40 | | .10 |
| Group 5 | 6.92 | .35 | .40 | | .10 |
| Group 6 | 7.02 | .35 | .40 | | .10 |
| Group 7 | 7.12 | .35 | .40 | | .10 |
| Group 8 | 7.30 | .35 | .40 | | .10 |
| Group 9 | 8.10 | .35 | .40 | | .10 |
| Group 10 - $.15 per hour above regular rate. | | .30 | .30 | | .08 |
| POWER EQUIPMENT OPERATORS (Heavy Engineering Construction) | | | | | |
| Group 1 | 5.78 | .30 | .30 | | .08 |
| Group 2 | 6.32 | .30 | .30 | | .08 |
| Group 3 | 6.40 | .30 | .30 | | .08 |
| Group 4 | 6.46 | .30 | .30 | | .08 |
| Group 5 | 6.52 | .30 | .30 | | .08 |
| Group 6 | 6.62 | .30 | .30 | | .08 |
| Group 7 | 6.72 | .30 | .30 | | .08 |
| Group 8 | 6.90 | .30 | .30 | | .08 |
| Group 9 | 7.70 | .30 | .30 | | .08 |

CLASSSIFICATION DEFINITIONS

RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plant, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 HP w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines



DECISION NO. NM75-4079
POWER EQUIPMENT OPERATORS DEFINITION (CONT'D)
RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS (CONT'D)

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver-single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, Jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, Slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Front End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers-equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of boom (20 tons and under), Concrete Paver-double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader-Finish, Mechanic-Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy and Stiff leg, Pipemoble, (No.20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt loader "CHI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

Group 10: Shaft and Tunnel Work







DECISION NO. NM75-4079 CLASSIFICATION DEFINITIONS



HEAVY ENGINEERING CONSTRUCTION
POWER EQUIPMENT OPERATORS

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck, Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 Hp w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver - single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment - Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Front End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers - equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of Boom (20 tons and under), Concrete Paver - double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist - 2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader - Finisher, Mechanic - Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel Type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy and Stiff leg, Pipemoble (No. 20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CHI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Molo), Pipe Mobile



DECISION NO NM75-4079

| | Basic Hourly Rate | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ROOFERS | $5.70 | | | | |
| SHEET METAL WORKERS | | | | | |
| Zone 1 | 9.06 | .48 | .40 | | .02 |
| Zone 2 | 7.90 | .29 | .25 | | .005 |
| Zone 3 | 8.35 | .20 | | | .05 |
| Zone 4 | 10.06 | .48 | .40 | | .02 |

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties. Kirtland Air Force Base,

Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges
Zone 4 - Los Alamos County

| | | | | | |
|---|---|---|---|---|---|
| SOFT FLOOR LAYERS | | | | | |
| Zone 1 | 6.41 | .24 | | | .01 |
| Zone 2 | 6.35 | .30 | | | .02 |

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Luna and Otero Counties
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

DECISION NO NM75-4079

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| SOUND INSTALLERS: | | | | | |
| Zone I - Bernalillo County | | | | | |
| Zone II - Valencia, Sandoval, Santa Fe, Torrance and Socorro, Counties | | | | | |
| Zone III - Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Roosevelt, Chaves, Lincoln, Curry and Los Alamos Counties, all of San Juan County excluding the Navajo Indian Reservation. | | | | | |
| Soundman: | | | | | |
| Zone I | $8.10 | .30 | 1% | | 1/4% |
| Zone II | 8.225 | .30 | 1% | | 1/4% |
| Zone III | 8.475 | .30 | 1% | | 1/4% |
| Technicians: | | | | | |
| Zone I | 6.48 | .30 | 1% | | 1/4% |
| Zone II | 6.48 | .30 | 1% | | 1/4% |
| Zone III | 6.605 | .30 | 1% | | 1/4% |
| Sound Installers: | | | | | |
| Zone I | 5.27 | .30 | 1% | | 1/4% |
| Zone II | 5.395 | .30 | 1% | | 1/4% |
| Zone III | 5.645 | .30 | 1% | | 1/4% |
| SPRINKLER FITTERS | 9.05 | .50 | .70 | | .08 |
| Truck Drivers (General Building and Residential Construction - Dwelling houses and apartments over two stories in height) | | | | | |
| Group 1 | 5.20 | .48 | .35 | | |
| Group 2 | 5.32 | .48 | .35 | | |
| Group 3 | 5.40 | .48 | .35 | | |
| Group 4 | 5.52 | .48 | .35 | | |
| Group 5 | 5.57 | .48 | .35 | | |
| Group 6 | 5.67 | .48 | .35 | | |
| Group 7 | 5.77 | .48 | .35 | | |
| Group 8 | 5.91 | .48 | .35 | | |
| Group 9 | 6.06 | .48 | .35 | | |



DECISION NO NM75-4079

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| TRUCK DRIVERS (Cont'd) (RESIDENTIAL CONSTRUCTION - Dwelling houses and apartments not to exceed two stories in height) | | | | | |
| Group 1 | $4.90 | .48 | .35 | | |
| Group 2 | 5.02 | .48 | .35 | | |
| Group 3 | 5.10 | .48 | .35 | | |
| Group 4 | 5.22 | .48 | .35 | | |
| Group 5 | 5.27 | .48 | .35 | | |
| Group 6 | 5.37 | .48 | .35 | | |
| Group 7 | 5.47 | .48 | .35 | | |
| Group 8 | 5.61 | .48 | .35 | | |
| Group 9 | 5.76 | .48 | .35 | | |
| TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION) | | | | | |
| Group 1 | 5.40 | .48 | .35 | | |
| Group 2 | 5.52 | .48 | .35 | | |
| Group 3 | 5.60 | .48 | .35 | | |
| Group 4 | 5.72 | .48 | .35 | | |
| Group 5 | 5.77 | .48 | .35 | | |
| Group 6 | 5.87 | .48 | .35 | | |
| Group 7 | 5.97 | .48 | .35 | | |
| Group 8 | 6.11 | .48 | .35 | | |
| Group 9 | 6.26 | .48 | .35 | | |











CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1: Pickup 3/4 ton and under; Light Tire Repair or Washer; Swamper or Riding Helper; Teamster 2 or 4 up

Group 2: Bus or Taxi Driver; Dump or Batch Truck under 8 C.Y.W.L.A.; Flatbed (bobtail) 2 ton and under; Warehouse including Material Checker; Mechanic and Welder Helper; Forklift, under 5 ton NRC

Group 3: Dump Truck (including all highway and off-highway) 8 up to 16 C.Y.W.L.C.; Water, Fuel or Oil Trucks less than 3,000 gallons; Flatbed (bobtail) over 2 tons

Group 4: Distributors Driver; Heavy Tire Repair; Lumber Carrier Driver; Yound Buggy or similar equipment transit mix or agitator 2 or 3 axle bobtail equipment; Scissor Truck; Bulk Cement Bobtail 2 or 3 axles; Semi-trailer Driver (flatbed or van single axle); Forklift 5 ton and over N.R.C.; Field Equipment Serviceman

Group 5: Dumpsters and Dumpcrete Driver; Water, Fuel or Oil Truck, 3,000 to 6,000 gallon capacity; Lowboy, light equipment driver; Euclid type tank wagon under 6,000 gallons

Group 6: Vacuum Truck; Dump Truck (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

Group 7: Transit Mix or Agitator semi or 4 axle equipment driver; Flaherty Truck type Spreader Box Driver; Slurry Trucks 4 axle Bobtail; Winch Truck and "A" Frame Dump Trucks (including all highway and off-highway) 22 C.Y. up to 35 C.Y.W.L.C. Head Field Equipment Serviceman

Group 8: Euclid Diesel powered Turnarocker; Terra Cobra; DW 10; DW 20; LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a Teamster; Lowboy Heavy Equipment Driver; Water, Fuel or Oil Trucks 6,000 gal. and over (including tank wagon drivers); Semi-trailer Driver (flatbed or van tandems); Light equipment mechanic; Dump Trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; Truck and Trailer or Semi-trailer (flatbed eject all)

Group 9: Lowboy (heavy equipment, double gooseneck); Heavy equipment mechanics; Welder (body and fender man)

TEAMSTERS CLASSIFICATION not listed, shall be paid a rate comparable to classification listed.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a. Includes $0.07 contribution to the Occupational Health Fund.
b. 1st 6 months - none; 6 months to years, 2%; over 5 years, 4% of basic hourly rate.
c. Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.







NUX 57 81 RRA 6704 V

SUPERSEDEAS DECISION

STATE: Ohio
DECISION NUMBER: OH75-2060
SUPERSEDES DECISION NO: AR-3041, dated August 23, 1974 in 39 FR 30788
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Lucas & Fulton
DATE: Date of Publication

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Asbestos Workers | $10.58 | .35 | .50 | | .02 |
| Boilermakers | 11.10 | .50 | .60 | | .01 |
| Bricklayers, Stonemasons and Marble Setters | 10.335 | .55 | .40 | | .01 |
| Carpenters, Millwrights & Pile-drivermen | 10.25 | .55 | .50 | | .04 |
| Cement Masons | 10.04 | .40 | | | .02 |
| Electricians | 10.75 | .30 | 1%+.55 | | 1/10of1% |
| Elevator Constructors | 10.42 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 7.29 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers (Prob.) | 5.21 | | | | |
| Glaziers | 9.125 | .50 | .45 | | .01 |
| Ironworkers | 10.32 | .55 | 7½% | | .04 |
| Lathers | 10.55 | .25 | .10 | | .01 |
| Lead burners | 8.75 | | .30 | c | .01 |
| Linemen | 11.16 | .35 | 1% | a | .25% |
| Cable Splicers | 11.41 | .35 | 1% | a | .25% |
| Painters: | | | | | |
| Brush, paperhangers, drywall taper | 8.99 | .55 | .40 | | |
| Open structural steel, bridge railings, Powerhouse, refinery tanks | 9.24 | .55 | .40 | | |
| Spray, sandblasting, pressure cleaning | 9.54 | .55 | .40 | | |
| Plasterers | 10.40 | .55 | | | .01 |
| Plumber and Steamfitters | 10.535 | .55 | .75 | f | .06 |
| Roofer | 9.64 | .50 | .20 | | .01 |
| Sheet Metal Workers | 10.425 | .55 | .60 | | .045 |
| Sprinkler fitters | 9.80 | .50 | .70 | | .08 |
| Terrazzo workers and Tile Setters | 9.57 | .55 | .40 | | |
| Truck Drivers: | | | | | |
| Single axle, tandem or Semi | 7.56 | 64.25d | .14.00e | g&h | |
| Heavy duty 5 axle or over winch trucks, carry all or low boys | 7.79 | 64.25d | .14.00e | g&h | |



DECISION NO. OH75-2060 Page 2

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays; A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 whole days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceding and following the holiday.

d. Per month per employee.

e. Per week per employee.

f. One paid holiday; Labor Day

g. Five paid holiday; B.C.D.E.F. Providing the employee worked the last scheduled work days preceding the holiday and the first scheduled work day after the holiday

h. Employee in service at least one year - 1 week paid vacation employee in service 10 or more years 2-weeks paid vacation





Page 3

DECISION NO. OH75-2060

OHIO 29-LAB

| LABORERS | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| GROUP 1 | $ 8.94 | .50 | .30 | | .01 |
| GROUP 2 | 9.07 | .50 | .30 | | .01 |
| GROUP 3 | 9.14 | .50 | .30 | | .01 |
| GROUP 4 | 9.095 | .50 | .30 | | .01 |
| GROUP 5 | 9.195 | .50 | .30 | | .01 |
| GROUP 6 | 9.65 | .50 | .30 | | .01 |

CLASSIFICATION DEFINITIONS

GROUP 1- Unskilled laborers
GROUP 2- Mason tenders
GROUP 3- Gunnite pot men, mortar mixers
GROUP 4- Concrete pump nozzle men, all power driven tools and power buggies, burner and torchmen.
GROUP 5- Pipe layers, bellman and bottom man for fire brick work only.
GROUP 6- Nozzle operators for gunnite work.

Page 4

DECISION NO. OH75-2060

OHIO 4-PEO R

POWER EQUIPMENT OPERATORS

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| GROUP A | $9.89 | .46 | .80 | | .11 |
| GROUP B | 9.73 | .46 | .80 | | .11 |
| GROUP C | 9.38 | .46 | .80 | | .11 |
| GROUP D | 8.57 | .46 | .80 | | .11 |
| GROUP E | 8.24 | .46 | .80 | | .11 |
| GROUP F | 7.48 | .46 | .80 | | .11 |

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.
GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.
GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.
GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trenchor, rollers, welder operator.
GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled tower spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).
GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.





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SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Pottawatomie and Seminole

DECISION NO.: OK75-4040 DATE: Date of Publication

SUPERSEDES DECISION NO. OK75-4049 dated February 7, 1975 in 40 FR 6112

DESCRIPTION OF WORK: Building; Construction (excluding single family homes and garden type apartments up to and including 4 stories).

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS | $8.95 | .30 | .60 | | .02 |
| BOILERMAKERS | 8.00 | .35 | .76 | | .02 |
| BRICKLAYERS-STONEMASONS: | | | | | |
| Oklahoma, Cleveland, Canadian and McClain Counties | 8.37 | .40 | .35 | | .05 |
| Lincoln, Pottawatomie and Seminole Counties | 8.50 | | | | |
| Kingfisher County | 6.85 | | | | |
| Logan County | 6.35 | | | | |
| Caddo and Grady Counties | 6.75 | | .20 | | |
| CARPENTERS - ZONE I | | | | | |
| Carpenters | 7.20 | | | | |
| Power saw operator | 7.45 | | | | |
| Millwrights-Piledrivermen | 8.2· | .30 | | | .04 |
| CARPENTERS - ZONE II | | | | | |
| Carpenters | 8.00 | .30 | | | .04 |
| Millwrights-Piledrivermen | 8.25 | .30 | | | .04 |
| Power saw operator | 8.25 | .30 | | | |
| CARPENTERS - ZONE III | | | | | |
| Carpenters | 7.40 | .30 | .25 | | .04 |
| Power saw operator | 7.65 | .30 | .25 | | .04 |
| Millwrights-Piledrivermen | 7.65 | .30 | .25 | | .04 |
| CARPENTERS - ZONE IV | | | | | |
| Carpenters | 6.50 | .25 | .25 | | .02 |
| Millwrights-Piledrivermen | 7.325 | .25 | .25 | | .02 |
| CARPENTERS - ZONE V | | | | | |
| Carpenters | 6.25 | | | | |
| Millwrights-Piledrivermen | 6.605 | | | | |

CARPENTERS AREA DEFINITION

ZONE I - Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99

ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma, Canadian, Kingfisher and Logan Counties.

ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)

ZONE IV - Seminole County

Zone V - Caddo and Grady







DECISION NO OK75-4049

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CEMENT MASONS: | | | | | |
| Lincoln, Oklahoma, McClain, Caddo, Grady, Cleveland, Canadian, Logan, and Kingfisher Counties | 7.73 | .25 | | | |
| ELECTRICIANS: | | | | | |
| Zone I | 8.20 | .30 | 1%+.50 | | 1/2% |
| Zone II | 8.45 | .30 | 1%+.50 | | 1/2% |
| Zone III | 8.70 | .30 | 1%+.50 | | 1/2% |
| CABLE SPLICERS: | | | | | |
| Zone I | 8.45 | .30 | 1%+.50 | | 1/2% |
| Zone II | 8.70 | .30 | 1%+.50 | | 1/2% |
| Zone III | 8.95 | .30 | 1%+.50 | | 1/2% |

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

Zone I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City

ZONE II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.

ZONE III - the area outside zones 1 & 2 and within the local union area

| | | | | | |
|---|---|---|---|---|---|
| ELEVATOR CONSTRUCTORS | 7.51 | .395 | .26 | 2½%+a+b | .02 |
| ELEVATOR CONSTRUCTORS HELPER | 70%JR | .395 | .26 | 2½%+a+b | .02 |
| ELEVATOR CONSTRUCTORS HELPER(PROB.) | 50%JR | | | | |
| GLAZIERS | 7.20 | | | | |
| IRONWORKERS | 8.49 | .30 | .35 | | .08 |
| LABORERS: | | | | | |
| ZONE I | | | | | |
| Group I | 5.50 | .10 | .15 | | |
| Group II | 5.70 | .10 | .15 | | |
| ZONE II | | | | | |
| Group I | 4.55 | .25 | .20 | | |
| Group II | 4.80 | .25 | .20 | | |
| ZONE III | | | | | |
| Group I | 4.75 | .25 | .20 | | |
| Group II | 5.05 | .25 | .20 | | |
| ZONE IV | | | | | |
| Group I | 4.40 | .25 | .20 | | |
| Group II | 4.60 | .25 | .20 | | |







DECISION NO. OK75-4040



LABORERS CLASSIFICATION DEFINITION

GROUP I - Unskilled laborers

GROUP II - Air tool operator (jackhammer, vibrator), mason tenders, mortar mixers, pipelayers (concrete and clay), plasterer tenders

AREA COVERED BY LABORERS ZONES

ZONE I - Oklahoma, Canadian, Logan, Pottawatomie, Lincoln and Cleveland Counties

ZONE II - McClain, Caddo and Grady Counties

ZONE III - Seminole County

ZONE IV - Kingfisher County

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LATHERS | $8.00 | | | | .01 |
| LINE CONSTRUCTION: | | | | | |
| Linemen | 8.00 | | 1% | | 1/2% |
| Cable splicers | 8.48 | | 1% | | 1/2% |
| Hole digger operator | 7.26 | | 1% | | 1/2% |
| Heavy equipment operators (or pole cat equivalent) | 7.26 | | 1% | | 1/2% |
| Line truck driver (winch op.) | 6.57 | | 1% | | 1/2% |
| Jack hammerman | 5.99 | | 1% | | 1/2% |
| Powderman | 7.26 | | 1% | | 1/2% |
| Truck driver (flat bed, ton and half and under) | 5.70 | | 1% | | 1/2% |
| MARBLE MASONS | 8.05 | | .20 | | |
| PAINTERS: | | | | | |
| Brush | 6.95 | .40 | .35 | .25 | .03 |
| Spray under 30 feet | 7.45 | .40 | .35 | .25 | .03 |
| Spray over 30 feet | 7.95 | .40 | .35 | .25 | .03 |
| Sandblastin; under 30 feet | 7.45 | .40 | .35 | .25 | .03 |
| Sandblasting over 30 feet | 7.95 | .40 | .35 | .25 | .03 |
| Hazardous work | 7.45 | .40 | .35 | .25 | .03 |
| Paperhanging | 7.95 | .40 | .35 | .25 | .03 |
| Taners usin; machine tools | 7.45 | .40 | .35 | .25 | .03 |
| PLASTERERS (Pottawatomie County) | 7.475 | | | | .01 |
| PLASTERERS (Canadian, Cleveland, Kingfisher, Logan, Caddo, Grady, McClain, Oklahoma and Lincoln Counties) | 8.80 | | | | .01 |
| PLUMBERS | 8.70 | .55 | .50 | | .10 |
| PIPEFITTERS | 8.57 | .60 | .55 | | .10 |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Group I | 8.25 | .35 | .40 | | .12 |
| Group II | 8.00 | .35 | .40 | | .12 |
| Group III | 7.75 | .35 | .40 | | .12 |
| Group IV | 7.50 | .35 | .40 | | .12 |
| Group V | 7.00 | .35 | .40 | | .12 |
| Group VI | 7.10 | .35 | .40 | | .12 |
| Group VII | 6.80 | .35 | .40 | | .12 |
| Group VIII | 6.50 | .35 | .40 | | .12 |





DECISION NO. OK75-4040



POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I - All crane type equipment with 100' of boom or over (including jib), all tower cranes and all crane type of 3 cu. yd. or more.

Group II - Heavy duty mechanic, welder, crane hook and over head monorail, whirley, panel board batch plant operator, derrick, piledriver, engineer, dragline, shovel, clamshell, backhoe, sideboom, gradall, hydro crane, cherry picker, hoists while operatin; 2 or more drums.

Group III - Motor patrol (blade), dozer (engine h.p. 65 or over), Fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, Tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator of hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control; power driven hole digger, trenchin; machine, concrete pump-boom type

Group IV - Locomotive engineer, boring; machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredgin; machine, tugger, hoist when operating one drum welding machine, 3 to 6, air compressor, 3 to 6; 500 cu. ft. and under, air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment, generator plant engineer, Diesel electric, winch trucks with A-Frame; rollers-all types, outside elevator or building of personnel hoist, concrete buster, or tamper, heater under jurisdiction of op.; engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor with or without attachments, batch plant operator, (portable), conveyor operator-dual, continous or belt, bulk handling, screened operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machine when operated from console or machines

Group V - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor 500 cu. ft. and under (1 or 2), weldin; machine (1 or 2); fuelman; conveyor operator-single continous belt bulk handling

Group VI - Greaser, tilt top trailer operator

Group VII - Asphalt lay machine back-end man helpers

Group VIII - Truck crane oiler driver or truck crane oiler

Engineers for machine not listed under the above classifications shall receive the scale comparable to those classifications.

Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above listed rates.

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ROOFERS | $7.25 | .25 | .25 | | .04 |
| SHEET METAL WORKERS | 8.00 | .40 | .40 | | .05 |
| SOFT FLOOR LAYERS: | | | | | |
| Resilient floor layers and carpet layers | 7.45 | .40 | | | |
| SPRINKLER FITTERS | 9.05 | .40 | .70 | | .08 |



XUM

DECISION NO OK75-4030

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| TERRAZZO WORKERS | $8.05 | | .20 | | |
| TERRAZZO RUBBERS' HELPERS | 6.28 | | | | |
| TERRAZZO FLOOR MACHINE MAN | 6.38 | | | | |
| TERRAZZO BASE MACHINE MAN | 6.58 | | | | |
| TILE SETTERS | 8.05 | | .20 | | |
| TILE AND MARBLE HELPERS: | | | | | |
| Experienced helpers | 5.95 | | | | |
| TRUCK DRIVERS: | | | | | |
| Group I | 6.02 | | | | |
| Group II | 6.02 | | | | |
| Group III | 5.72 | | | | |

TRUCK DRIVERS CLASSIFICATION DEFINITION

Group I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats.
Group II - Heavy earth moving equipment such as dump trucks and Scilds.
Group III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4, and 1/2 ton pick-up trucks.

WELDERS - received rate prescribed for craft perforsing operation to which welding is incidental.

FOOTNOTES:
A. 1st 6 mos. - none; 6 mos. to 5 yrs. 2%; over 5 yrs. - 4% of basic hourly rate.
B. Paid Holidays A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.







SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: PA75-3051
DATE: Date of Publication
Supersedes Decision No. PA-75-3030, dated April 4, 1975, in 40 FR 15323.
Description of work: Heavy & Highway Construction.

COUNTIES: Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Mercer & Somerset

PA-26--I-t-2--3-A

| Heavy & Highway Construction: | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Carpenters (Counties) | | | | | |
| Butler, Washington, Westmoreland, Fayette, Erie, Lawrence, Mercer | $8.85 | 7½% | 7% | | |
| Cambria & Somerset | 8.51 | 7½% | 7% | | |
| Carpenter-welder (Counties) | | | | | |
| Butler, Washington, Westmoreland, Fayette, Erie, Lawrence & Mercer | 9.20 | 7½% | 7% | | |
| Cambria & Somerset | 8.86 | 7½% | 7% | | |
| Cement Masons | 7.525 | .4515 | .75% +.4515 | | |
| Piledrivermen | 8.79 | 5% | 5% 7% | | |
| Ironworkers | 6.985 | .785 | .775 | | |
| Butler, Fayette, Lawrence, Mercer, Washington & Westmoreland | | | | | |
| Landscape Laborers | 4.85 | .30 | .30 | | |
| Skilled Landscape Laborer | 5.00 | .30 | .30 | | |
| Cambria, Erie & Somerset | | | | | |
| Landscape Laborers | 4.75 | .30 | .30 | | |
| Skilled Landscape Laborers | 4.90 | .30 | .30 | | |
| LABORERS | | | | | |
| Heavy & Highway Construction | | | | | |
| Class 1 | 6.91 | .40 | .40 | | |
| Class 2 | 7.10 | .40 | .40 | | |
| Class 3 | 7.41 | .40 | .40 | | |
| Class 4 | 7.53 | .40 | .40 | | |
| Class 5 | 7.60 | .40 | .40 | | |
| Class 6 | 8.75 | .40 | .40 | | |
| Class 7 | 6.91 | .40 | .40 | | |
| Class 8 | 7.15 | .40 | .40 | | |
| Class 9 | 7.41 | .40 | .40 | | |
| Class 10 | 7.53 | .40 | .40 | | |
| Class 11 | 7.60 | .40 | .40 | | |

LABORERS

PA-75-3051 P. 2

Class 1: Construction Laborer (including tenders handling Salamanders, L.P. gas heaters or similar, etc.), Air or electric Impact Wrench, Air Tamper Operator, Asphalt Tamper, Batch Man (weigh), Blaster's Helper, Blower Man (bulk cement), Brakeman, Coffer Dam, Concrete Layer, Paddler including, Vibrator Operator, Drill Runner's Helper (includes drill mounted on truck, track or similar and Power drills (spots - clean-up and helps to maintain), Fence Construction, Form Stripper and Mover, Hydro-jet Blaster Nozzleer, Manually moved Emulsion Sprayer, Radio activated traffic control operator (non-automatic), Rip Rap work, Scaffolds and runways (as per agreement of record), Shooters and Shorers, Structural Concrete Top Surfacer, Walk Behind Street Sweeper, Welder's Helper (pipeline), Wood Chipper

Class 2: Asphalt, Batch and Concrete Plant Operator (manually operated), Asphalt Rakers, Burner, Caisson Men (open air), Carryable Pumps, Chain Saw Operator, Chipping hammer or similar (air or otherwise), Combination Tamper and Vibrater, Concrete Buster (paving breaker), Cribbing (concrete or steel), Curb Machine Operator (asphalt and concrete)(walk behind), Earth Drill, Fork Lift (walk behind), Form Setter (road forms line man), Handyman, Highway Slab Reinforcement Placers (including joint and basket setter), Hydraulic Pipe Pusher, Jack Hammer Operator, Liner Plates (tile or vitrified clay), Manually operated Diamond Head Core Drill, Mechanical Joint Sealer, Dope Pot, and Tar Kettle, Mortar Mixer (hand or machine), Pin Drivers or Puller (power-highway), Pipe layers, Plant set-up, Maintenance Men, Portable single unit Conveyor, Post Hole Auger (2 or 4 cycle)(hand operated), Power Fence Operator, Power Wheelbarrows and Buggies, Rail Porter, or similar, Screed Operator, Signal Man, Whacker, All Railroad Track Work; Adzing Machine, Ballast Rooter, Bolting Machine, Power Jacks, Rail Drills, Railroad Brakemen, Rail Saws, Spike Drivers, Spike Pullers, Tamping Machine

Class 3: Cement Mortar Lining Car Pusher, Cement Mortar Mixer (pipe relining), Cement Saw Operator (walk behind), Form Setter (road forms-lead man), Grout Machine Operator, Gunnite (nozzle and machine man), Paving Block Rammers, Wagon Drill (air track or similar) Operators, Walk Behind Power Rollers (1 or 2 barrel), Walk Behind Roller and Tamper, Walk Behind Ditching Machine (trencher or similar)

Class 4: Blacksmith, Blaster, Brick and Block Pavers (wood, belgain and asphalt), Curb Cutters and Setters, Manhole or Catch Basin Builder (brick, block, concrete or any prefabrication)

Class 5: Multi-plate Pipe (aligning and securing) Placing Wire Mesh on Gunite projects, Reinforcing steel placers (bending, aligning and securing), Welder, elevated roadway drainage

Class 6: Welder (pipeline)

Class 7: Tunnel and Shaft Work (Inside): Change House Attendent

Class 8: Muckers, Brakemen and all other labor (includes installation of utility lines), Signal Man, Drill Runner Helper

Class 9: Miners and Drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos)

Class 10: Caisson and Tunnel Men under pressure (0-18 pounds)

Class 11: Reinforcing steel placers (bending, aligning and securing)

PA-75-3051 P. 3

PA-2-PE0-2-3- K

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

| | Basic Hourly Rates | Fringe Benefits Payments | | | | |
|---|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. | C- |
| CLASS I | $9.43 | .50 | .60 | | .09 | |
| CLASS II | 9.17 | .50 | .60 | | .09 | |
| CLASS III | 6.81 | .50 | .60 | | .09 | |
| CLASS IV | 6.36 | .50 | .60 | | .09 | |
| CLASS V | 6.21 | .50 | .60 | | .09 | |

PA-75-3051 P. 4

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Calweld Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Frankl Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Load Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Precplitter Drill (self contained) Quad Mine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivote) Swing (160 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Crout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boar (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoistind and placing

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader





PA-3051 P. 5

PA-2-TD-2-G

| TRUCK DRIVERS (Heavy and Highway Construction) | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Class 1 | $6.40 | 7.3% | 4.2% | | |
| Class 2 | 6.55 | 7.3% | 4.2% | | |
| Class 3 | 6.64 | 7.3% | 4.2% | | |
| Class 4 | 6.73 | 7.3% | 4.2% | | |
| Class 5 | 6.71 | 7.3% | 4.2% | | |
| Class 6 | 6.46 | 7.3% | 4.2% | | |
| Class 7 | 6.50 | 7.3% | 4.2% | | |

PA-75-3051 P. 6

TRUCK DRIVERS

Class 1: Truck under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehousemen)

Class 2: Trucks over 33,000 lbs. gross load catergory (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease), Ready-mix Concrete trucks with towed or built-in attachments (10c per hour additional to respective size truck, Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.) Tandem-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tri-axle trucks, Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: Pay loader, Tournawagons, and similar equipment when not self-loaded rated under forty-five tons), (Tri-axle Ready-Mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.), Tar and asphalt trailer trucks

Class 4: Heavy off-the-road equipment (rated at forty-five tons or over), bottom or belly-dump trucks

Class 5: Heavy duty trailer, such as low boy, Hi-boy, Pole trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form trucks, Dual-purpose trucks (when load has been loaded or unloaded with truck, winch, loading, hauling and unloading), Mechanical tailgate trucks, Bucket self-loading trucks, Farm tractors (when pulling and hauling), Fork lift trucks (in storage areas and warehouses)

Class 6: Single-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix Concrete trucks, etc.)

Class 7: Trucks with dolly or trailer



[FR Doc.75-9890 Filed 4-17-75;8:45 am]

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April 21, 1975—Pages 17537–17742

# federal register

MONDAY, APRIL 21, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 77

Pages 17537–17742

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# presidential documents

## Title 3—The President

### EXECUTIVE ORDER 11853

**Amending Executive Order No. 11829,[1] Relating to the Hopi-Navajo Land Settlement Interagency Committee**

By virtue of the authority vested in me by Section 1(c)(2) of the Act to provide for final settlement of the conflicting rights and interests of the Hopi and Navajo Tribes concerning lands within the reservation established by the Executive order of December 16, 1882, and lands within the reservation created by the Act of June 14, 1934, and for other purposes (Public Law 93–531, approved December 22, 1974, hereinafter referred to as the Act), and as President of the United States of America, Section 2(a) of Executive Order No. 11829 of January 6, 1975, is hereby amended to read as follows:

"Sec. 2. *Functions of the Committee.* (a) The Committee shall, to the extent permitted by law, and as provided by Section 1(c)(2) of the Act, develop relevant information for and respond to the requests of the Mediator who shall be appointed by the Director of the Federal Mediation and Conciliation Service pursuant to Section 1(a) of the Act, in order to facilitate the expeditious and orderly compilation and development of factual information relevant to the negotiation process established by the Act."

Gerald R. Ford

THE WHITE HOUSE,
*April 17, 1975.*

[FR Doc.75–10444 Filed 4–17–75;1:50 pm]

[1] 40 FR 1497.





# rules and regulations

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

#### Department of Defense

Section 213.3306 is amended to show that one position of Staff Assistant to the Special Assistant to the Secretary of Defense is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER, § 213.3306(a) (15) is revoked as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(15) [Revoked]

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–10369 Filed 4–18–75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Department of Housing and Urban Development

Section 213.3384 is amended to reflect a title change from Administrative Aide to Program Assistant.

Effective on publication in the FEDERAL REGISTER, § 213.3384(a) (31) is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(31) One Special Assistant to the Secretary, One Program Assistant, and One Administrative Aide.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–10370 Filed 4–18–75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Indian Claims Commission

Section 213.3345 is amended to show the change in title from one Private Secretary to a Commissioner to one Private Secretary to the Chairman.

Effective on publication in the FEDERAL REGISTER, § 213.3345(a) is amended as set out below.

§ 213.3345 Indian Claims Commission.

(a) One Private Secretary to the Chairman and one Private Secretary to each of the other four Commissioners.

(5 U.S.C. § 3301, 3302; E.O. 10577, 3 CFR 1954–58, Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–10371 Filed 4–18–75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### Small Business Administration

Section 213.3332 is amended to show the change in title from Special Assistant to the Assistant Administrator for Minority Enterprises to Special Assistant to the Associate Administrator for Minority Small Business.

Effective on publication in the FEDERAL REGISTER, § 213.3332(p) is amended as set out below.

§ 213.3332 Small Business Administration.

• • • • • •

(p) Two Special Assistants to the Associate Administrator for Minority Small Business.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–10373 Filed 4–18–75;8:45 am]

### PART 213—EXCEPTED SERVICE

#### U.S. International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant (Economics) to a Commissioner is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER, § 213.3339(g) is added as set out below.

§ 213.3339 U.S. International Trade Commission.

• • • • • •

(g) One Staff Assistant (Economics) to a Commissioner.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–10372 Filed 4–18–75;8:45 am]

## Title 7—Agriculture

### CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

### PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

#### Subpart—Oriental Fruit Fly

TERMINATION OF NOTICE OF EXISTENCE OF EMERGENCY AND REGULATIONS RELATED THERETO

The notice of existence of emergency and regulations related thereto with respect to the oriental fruit fly, in 7 CFR 331.4 (39 FR 36465), are hereby terminated effective May 21, 1975. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

*Statement of considerations.* An intensive eradication program was begun in September 1974 when an oriental fruit fly infestation was discovered in San Diego County, California. Federal emergency regulations were established October 10, 1974, in order to prevent the artificial spread of the pest through interstate movement of host material from the infested areas into noninfested areas. Male and female annihilation treatments were applied. In addition, the trapping program was intensified and a regulated area of 315 square miles defined. The last fly was trapped on January 21, 1975. The trapping program has continued since that time. Eradication is considered complete after 120 days (three generations of the fly) have passed without trapping an adult fly.

Accordingly, the oriental fruit fly notice of existence of emergency and regulations related thereto are terminated effective May 21, 1975.

It does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public participation with respect to this action is impracticable, unnecessary, and contrary to the public interest.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34 (7 U.S.C. 150aa–150jj); 37 FR 28464, 28477, 38 FR 19141)

The foregoing termination of notice of existence of emergency and regulations related thereto shall become effective May 21, 1975.



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Done at Washington, D.C. this 16 day

between the date when information upon

cates that there is a greater demand for



Sec.

area" means all the territory geographi-

posed of during the month on routes (in-

Done at Washington, D.C. this 16 day of April 1975.

T. G. DARLING,
*Acting Deputy Administrator, Plant Protection and Quarantine Programs.*

[FR Doc.75-10381 Filed 4-18-75;8:45 am]

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 347, Amendment 1]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 11-17, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 347 (40 FR 16212). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.647 Navel Orange Regulaton 347 (40 FR 16212) are hereby amended to read as follows:

§ 907.647 Navel Orange Regulation 347.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 1,403,000 cartons;

(ii) District 2: 247,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: April 16, 1975.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75-10294 Filed 4-18-75;8:45 am]

[Valencia Orange Regulation 493, Amendment 1]

## PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 11-17, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 493 (40 FR 16213). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grow in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(iii) of § 908.793 (Valencia Orange Regulation 493) (40 FR 16213) are hereby amended to read as follows:

§ 908.793 Valencia Orange Regulation 493.

* * * * *

(b) * * *

(1) * * *

"(iii) District 3: 200,000 cartons."

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 16, 1975.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75-10380 Filed 4-18-75;8:45 am]

## CHAPTER X—AGRICULTURE MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

## PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

### CFR Correction

In the January 1, 1975 revised volume of Title 7 (Parts 1060-1119), the text of Part 1101 was inadvertently omitted and should be inserted to read as follows:

## PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

### Subpart—Order Regulating Handling

GENERAL PROVISIONS AND DEFINITIONS

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1101.1 General provisions.
1101.5 Knoxville, Tenn., marketing area.
1101.6 Cooperative association.
1101.7 Producer-handler.
1101.8 Approved plant.
1101.9 Pool plant.
1101.10 Nonpool plant.





Sec.
1101.11 Handler.
1101.12 Producer.
1101.13 Producer milk.
1101.14 Other source milk.
1101.17 Fluid milk product.
1101.18 Filled milk.

MARKET ADMINISTRATOR

Sec.
1101.22 Additional duties of the market administrator.

REPORTS

1101.30 Reports of receipts and utilization.
1101.31 Other reports.
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CLASSIFICATION OF MILK

1101.40 Skim milk and butterfat to be classified.
1101.41 Classes of utilization.
1101.42 Shrinkage.
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AUTHORITY: The provisions of this Part 1101 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

SOURCE: The provisions of this Part 1101 appear at 19 F.R. 7711, Nov. 30, 1954, unless otherwise noted. Redesignated at 26 F.R. 12752, Dec. 30, 1961.

GENERAL PROVISIONS AND DEFINITIONS

### § 1101.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

[36 F.R. 9854, May 29, 1971]

### § 1101.5 Knoxville, Tenn., marketing area.

The "Knoxville, Tenn., marketing area" hereinafter called the "marketing area" means all the territory geographically within the boundaries of the following counties, all in the State of Tennessee, including all territory wholly or partly therein occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

| | |
|---|---|
| Anderson. | Knox. |
| Blount. | Loudon. |
| Campbell. | Morgan. |
| Cocke. | Roane. |
| Cumberland. | Scott. |
| Grainger. | Sevier. |
| Hamblen. | Union. |
| Jefferson. | |

[32 F.R. 3338, Feb. 28, 1967]

### § 1101.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

### § 1101.7 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and an approved plant from which Class I milk is disposed of on routes in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging and distribution business are the personal enterprise and risk of such person.

[34 F.R. 18703, Nov. 22, 1969]

### § 1101.8 Approved plant.

"Approved plant" means the premises, buildings and facilities of any milk processing or packaging plant from which Grade A milk or skim milk is shipped during the month to a pool plant, on or from which Class I milk is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) in the marketing area: *Provided*, That if the appropriate health authority does not permit a portion of such plant to be used for the handling of milk or milk products to be distributed under a Grade A label, such portion of the plant shall not be considered as part of the approved plant.

### § 1101.9 Pool plant.

"Pool plant" means:

(a) An approved plant from which a volume of Class I milk, except filled milk, equal to not less than 50 percent of its receipts of producer milk and milk and skim milk from other pool plants is disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (including plant stores): *Provided*, That not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area; and

(b) An approved plant from which at least 50 percent of the hundredweight of its producer milk received during the month is shipped in the form of milk, skim milk or cream to a plant qualified pursuant to paragraph (a) of this section and classified as Class I milk: *Provided*, That if such shipments amount to not less than 65 percent of the producer milk of such plant during each of the preceding months of August through February, such plant may, upon written application to the market administrator on or before March 1 of any year be designated as a pool plant for the months of March through July of such year.

[34 F.R. 18703, Nov. 22, 1969]

### § 1101.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

[34 F.R. 18703, Nov. 22, 1969]

### § 1101.11 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more pool plants, (b) any person who operates a partially regulated distributing plant, (c) a cooperative association with respect to milk diverted for its account pursuant to § 1101.12; or (d) a producer-handler or any person who operates an other order plant described pursuant to § 1101.91 (a) or (b).

[29 F.R. 10896, July 30, 1964]

### § 1101.12 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1101.13 from a pool plant to a nonpool plant.

[32 F.R. 3338, Mar. 28, 1967]



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§ 1101.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from a producer; or

(b) Diverted from a pool plant to a nonpool plant that is not an other order plant (except such a plant fully subject to the provisions of Part 1090 (Chattanooga, Tenn.) of this chapter) or a producer-handler plant, subject to the following:

(1) Milk so diverted for the account of a handler operating a pool plant shall be deemed to have been received by the handler at the pool plant from which diverted and if diverted for the account of a cooperative association, shall be deemed to have been received by the cooperative association at the location of the pool plant from which diverted;

(2) In any month of September through February that less than 4 days' production of a producer is delivered to pool plants, the quantity of milk of any such producer diverted during the month that exceeds that delivered to pool plants shall not be deemed to have been received at a pool plant and shall not be producer milk unless 4 or more days' production of such producer was delivered to pool plants in the immediately preceding month;

(3) A cooperative association may divert for its account the milk of any member-producer: *Provided*, That in any month of September through February, the total quantity of milk so diverted that exceeds 35 percent of the milk physically received from member-producers at all pool plants during the month shall not be deemed to have been received at a pool plant and shall not be producer milk;

(4) The operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer other than a member of a cooperative association: *Provided*, That in any month of September through February the total quantity of milk so diverted that exceeds 35 percent of the milk physically received at such pool plant during the month from producers who are not members of a cooperative association shall not be deemed to have been received at a pool plant and shall not be producer milk; and

(5) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraph (3) and (4) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

[32 F.R. 3338, Feb. 28, 1967]

§ 1101.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month in the form of products designated as Class I milk pursuant to § 1101.41(a) except (1) such products received from other pool plants, or (2) producer milk; and (b) products designated as Class II milk pursuant to § 1101.41(b)(1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1101.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, cream, and any cream product except frozen cream and ice cream mix. This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

[34 F.R. 18703, Nov. 22, 1969]

§ 1101.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

[34 FR 18703, Nov. 22, 1969]

MARKET ADMINISTRATOR

§ 1101.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a)—(i) [Reserved]

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1101.46(a)(9) and the corresponding step of § 1101.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(l) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1101.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

[19 F.R. 7711, Nov. 30, 1954, as amended at 29 F.R. 10896, July 30, 1964; 36 F.R. 9854, May 29, 1971; 37 F.R. 2939, Feb. 10, 1972]

REPORTS

§ 1101.30 Reports of receipts and utilization.

(a) On or before the 6th day after the end of each month each handler shall report for each pool plant for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of skim milk and butterfat contained in producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

(6) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe;

(b) Each handler specified in § 1101.11(b) who operates a partially regulated distributing plant, shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition.

[29 F.R. 10397, July 30, 1964, as amended at 33 F.R. 18228, Dec. 7, 1968; 34 F.R. 18703, Nov. 22, 1969]

§ 1101.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler receiving milk from producers shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:





(i) The total pounds of milk received from such producer or cooperative association;

(ii) The days on which milk was received from such producer, if less than a full month;

(iii) The average butterfat content of such milk; and

(iv) The net amount of such handler's payment, to each producer or cooperative association, together with the price paid and the amount and nature of any deductions; and

(2) On or before the first day other source milk is received in the form of fluid milk products at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

(c) Each handler who is the operator of a partially regulated distributing plant pursuant to § 1101.11(b) and who does not elect to make payments as required pursuant to § 1101.92(b), shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each of his plants his dairy farmer payroll for such month which shall show for each dairy farmer:

(1) His name and address;

(2) The total pounds of milk received from such dairy farmer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, to each dairy farmer, together with the price paid and the amount and nature of any deductions.

[19 F.R. 7711, Nov. 30, 1954, as amended at 29 F.R. 10897, July 30, 1964; 33 F.R. 18228, Dec. 7, 1968]

§ 1101.34 Reports to cooperative associations.

On or before the 15th day after the end of each month, the market administrator shall report to each cooperative association as described in § 1101.88(b), upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

CLASSIFICATION OF MILK

§ 1101.40 Skim milk and butterfat to be classified.

The skim milk and butterfat at pool plants, which is required to be reported pursuant to § 1101.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1101.41 through 1101.46.

§ 1101.41 Classes of utilization.

Subject to the conditions set forth in §§ 1101.42 through 1101.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products except:

(i) Any product fortified with added milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(ii) Products classified pursuant to paragraph (b)(3) of this section;

(2) In inventory of fluid milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any item other than those specified in paragraph (a) of this section;

(2) In fluid milk products which have been fortified with nonfat milk solids which were excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Disposed of and used for livestock feed or skim milk dumped after prior notification to, and opportunity for verification by the market administrator;

(4) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1101.42(c); and

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1101.42(b)(2).

[29 F.R. 10897, July 30, 1964]

§ 1101.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat in the pool plant(s) of the handler;

(b) Prorate the resulting amount to:

(1) Receipts of skim milk and butterfat contained in (i) producer milk (except milk diverted pursuant to § 1101.12), (ii) receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler, and (iii) receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(2) Receipts of skim milk and butterfat in other source milk, exclusive of that specified in subparagraph (1) of this paragraph; and

(c) Multiply the pounds of shrinkage in skim milk and butterfat, respectively, prorated pursuant to paragraph (b)(1) of this section not to exceed 2.5 percent of the pounds of skim milk and butterfat, respectively, in receipts described therein by the percentage of skim milk and butterfat classified pursuant to § 1101.41(a) and (b)(1) through (3) which is in Class II milk. The resulting amount shall be the pounds of skim milk and butterfat assigned to Class II milk pursuant to § 1101.41(b)(4).

[29 F.R. 10897, July 30, 1964]

§ 1101.44 Transfers.

Skim milk and butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred or diverted by a handler from a pool plant to a pool plant of another handler in the form of fluid milk products unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1101.30: *Provided*, That the classification of such transfer is subject to the following:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1101.46(a)(9) and the corresponding step in § 1101.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 11.01.46(a)(5) and the corresponding step in § 1101.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1101.46(a)(8) or (9) and the corresponding step of § 1101.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in bulk in the form of milk, filled milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1101.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be





first assigned to the skim milk and butterfat in producer milk in the order of other classes shall be classified as Class

(iv) Receipts of reconstituted skim



according to the classification assigned weighted average butterfat test is above step of § 1101.46(b), by the applicable

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first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and then pro rata to receipts from pool plants and other order plants not regulated by such order; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk not to exceed the equivalent amount of skim milk and butterfat, respectively, actually utilized as Class II milk in the nonpool plant: *Provided*, That if the transferee nonpool plant disposes of fluid cream to another nonpool plant such cream shall be classified as Class II milk if the requirements of subparagraphs (1) and (2) are met and the availability of Class II use is determined pursuant to this subdivision as applied to the second transferee plant;

(d) As follows, if transferred to an other order plant, or if diverted to a plant specified in subparagraph (2) of this paragraph, in either case in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk to any other order plant, or diverted to an other order plant fully subject to the provisions of Part 1090 regulating the handling of milk in the Chattanooga, Tennessee, marketing area, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1101.41.

[29 FR 10897, July 30, 1964, as amended at 34 FR 18703, Nov. 22, 1969]

### § 1101.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the monthly report submitted for the pool plant(s) of each handler pursuant to § 1101.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

### § 1101.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1101.45, the market administrator shall determine the classification of producer milk at all pool plants for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1101.41(b)(4);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in receipts of packaged fluid milk products, except filled milk made from reconstituted skim milk, from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred during the month to such nonpool plant, whichever is less;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts, and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class I, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2) and (5)(iv) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants that were not subtracted pursuant to subparagraph (5)(v) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from another order plant that were not subtracted pursuant to subparagraph (5)(iv) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2), (5)(iv), and (6)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (5)(v) and (6)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1101.22(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1101.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

[29 FR 10898, July 30, 1964, as amended at 34 FR 18703, Nov. 22, 1969]





MINIMUM PRICES

### § 1101.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

[37 F.R. 2939, Feb. 10, 1972]

### § 1101.51 Class prices.

Subject to the provisions of §§ 1101.52 and 1101.53, each handler shall pay producers, at the time and in the manner set forth in §§ 1101.80 through 1101.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 1101.46:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

[32 F.R. 11131, Aug. 1, 1967, as amended at 37 F.R. 2939, Feb. 10, 1972]

### § 1101.52 Butterfat differentials to handlers.

If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 1101.46, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.12.

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115.

[19 F.R. 7711, Nov. 30, 1954, as amended at 32 F.R. 3339, Feb. 28, 1967; 32 F.R. 11132, Aug. 1, 1967]

### § 1101.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located 50 miles or more by shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Knoxville, Tennessee, and classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, or for other source milk for which a location adjustment is applicable pursuant to § 1101.70, the price computed pursuant to § 1101.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to that Class I disposition at the transferee plant, which is in excess of the sum of receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

[29 F.R. 10899, July 30, 1964]

### § 1101.54 Use of equivalent price.

If, for any reason, a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

[23 F.R. 1251, Feb. 28, 1958]

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

### § 1101.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler defined pursuant to § 1101.11 (a) and (c) during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1101.46(c), by the applicable class prices (adjusted pursuant to §§ 1101.52 and 1101.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1101.46(a)(11) and the corresponding step of § 1101.46(b), by the applicable class prices;

(c) Add or subtract, as the case may be, an amount necessary to adjust for errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months:

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1101.46(a)(5) and the corresponding step of § 1101.46(b), except for receipts of fluid milk products assigned to Class I pursuant to § 1101.46(a)(5)(iv) and (v) and the corresponding step of § 1101.46(b) the Class I price shall be adjusted to the location of the transferor plant; and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1101.46(a)(8) and the corresponding step of § 1101.46(b).

[29 F.R. 10899, July 30, 1964, as amended at 34 F.R. 18704, Nov. 22, 1969]

### § 1101.71 Computation of weighted average and uniform prices.

For each month the market administrator shall compute the weighted average price and the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1101.70 for all handlers who filed the reports prescribed by § 1101.30 for the month and who are not in default of payments pursuant to §§ 1101.80 and 1101.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1101.85(b);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1101.85(a) and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included in paragraph (a) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1101.70(e); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the



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"weighted average price" and shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers.

[29 F.R. 10699, July 30, 1964, as amended at 33 F.R. 18228, Dec. 7, 1968]

PAYMENTS

**§ 1101.80 Time and method of payment for producer milk.**

(a) On or before the last day of each month each handler shall make payment to each producer for milk received from him during the first 15 days of such month at not less than the Class II price per hundredweight for the preceding month: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if so requested, pay such cooperative association on or before the 2d day before the end of each month an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 15th day after the end of each month each handler shall make payments to each producer for milk which was received from him during the month at not less than the uniform price computed pursuant to § 1101.71, subject to the following adjustment: (1) The butterfat differential pursuant to § 1101.85(a), (2) less location differentials pursuant to § 1101.85(b), (3) less payment made pursuant to paragraph (a) of this section, (4) less marketing service deductions pursuant to § 1101.88, (5) less proper deductions authorized in writing by the producer, and (6) adjusted for any error in calculating payment to such individual producer for past months: *Provided*, That if such handler has not received full payment for such month pursuant to § 1101.83 he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator: *And provided further*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall if so requested pay such cooperative association, on or before the 13th day after the end of each month an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

[19 FR 7711, Nov. 30, 1954, as amended at 33 FR 18228, Dec. 7, 1968]

**§ 1101.81 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1101.82, 1101.84, 1101.91, and 1101.92, and out of which he shall make all payments pursuant to §§ 1101.83 and 1101.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

[34 FR 18704, Nov. 22, 1969]

**§ 1101.82 Payments to the producer-settlement fund.**

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1101.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1101.71 adjusted by the producer butterfat and location differentials pursuant to §1101.85; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1101.70(e).

[29 F.R. 10899, July 30, 1964, as amended at 33 F.R. 18228, Dec. 7, 1968]

**§ 1101.83 Payments out of the producer-settlement fund.**

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1101.82(b) exceeds the amount computed pursuant to § 1101.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

[29 F.R. 10899, July 30, 1964]

**§ 1101.84 Adjustment of errors in payment.**

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1101.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1101.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1101.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

**§ 1101.85 Butterfat and location differentials to producers.**

(a) *Butterfat differential to producers.* The applicable uniform price shall be increased or decreased for each one-tenth percent which the average butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1101.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-fifth cent.

(b) *Location differential to producers and on nonpool milk.* (1) The applicable uniform price computed pursuant to § 1101.71 to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1101.53; and

(2) For purposes of computations pursuant to §§ 1101.82 and 1101.83 the weighted average price shall be reduced at the rates set forth in § 1101.53 applicable at the location of the nonpool plant from which the milk was received.

[19 F.R. 7711, Nov. 30, 1954, as amended at 29 F.R. 10900, July 30, 1964; 32 F.R. 3339, Feb. 28, 1967; 33 F.R. 18228, Dec. 7, 1968]

**§ 1101.86 Statement to producers.**

In making payments required by § 1101.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1101.80 and 1101.85;

(d) The rate which is used in making the payment if such rate is more than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 1101.88, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

[19 F.R. 7711, Nov. 30, 1954, as amended at 33 F.R. 18228, Dec. 7, 1968]

**§ 1101.87 Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to skim milk and butterfat contained in (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1101.46 (a) (5) and (8) and the corresponding steps of § 1101.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

[29 F.R. 10900, July 30, 1964]





**§ 1101.88 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1101.80(b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

APPLICATION OF PROVISIONS

**§ 1101.90 Producer-handlers.**

Sections 1101.40 through 1101.46, 1101.50 through 1101.53, 1101.60 through 1101.62, 1101.70 through 1101.71, 1101.80 through 1101.88 shall not apply to a producer-handler.

**§ 1101.91 Plants subject to other Federal orders.**

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to §§ 1101.30 and 1101.31) and allow verification of such reports by the market administrator:

(a) Any pool plant qualified pursuant to § 1101.9(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that more Class I milk, except filled milk, is disposed of from such plant on routes to retail or wholesale outlets in the Knoxville, Tennessee, marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

(b) Any pool plant qualified pursuant to § 1101.9(b) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to the provisions of § 1101.9(b) during the preceding August through February period.

(c) Each handler operating a plant described in paragraph (a) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price applicable at the nonpool plant and subtract its value at the Class II price.

[19 F.R. 7711, Nov. 30, 1954, as amended at 34 F.R. 18704, Nov. 22, 1969]

**§ 1101.92 Obligations of handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1101.30(b) and 1101.31(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1101.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1101.70(e) and a credit in the amount specified in § 1101.82(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1101.30(b) and 1101.31(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1101.9(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less



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incorporated material in full is maintained an amendment to Part 71 of the Federal sion of comments. The only comment re-

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than the Class II price), and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant less the value of such skim milk at the Class II price.

[29 F.R. 10900, July 30, 1964, as amended at 34 F.R. 18705, Nov. 22, 1969]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–SO–31; Amdt. 39–2178]

## PART 39—AIRWORTHINESS DIRECTIVES

### Teledyne Continental Motors TSIO–470, TSIO–520, and GTSIO–520 Series Engines

There have been failures of the turbocharger oil inlet adapter on TSIO–520 and GTSIO–520 series engines that resulted in loss of engine oil and created a fire hazard in the vicinity of the turbocharger and engine exhaust system. Since this condition is likely to exist or develop in other engines of the same or similar type designs, an airworthiness directive is being issued to require inspection and eventual replacement of the aluminum oil inlet adapter, Teledyne Continental P/N 628675 or the Cessna equivalent P/N 5655204–1. Replacement will be with a steel adapter TCM P/N 640793 or Cessna equivalent P/N 5655204–2 on Teledyne Continental Models TSIO–470–B, –C, –D; TSIO–520–B, –D, –E, –J and –K; and GTSIO–520–C, –D, –H, –F engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

TELEDYNE CONTINENTAL MOTORS. Applies to the following Teledyne Continental Motors Model engines manufactured *prior* to August 10, 1973, installed on, but not necessarily limited to, Cessna T–310, 320, 340, 401, 402, 411, 414 and 421 series, Rockwell International Model Aero Commander 685 and Beech V35–TC, V35A–TC and V35B–TC series airplanes:

| Engine model | New engine serial number | Remanufactured engine serial number |
|---|---|---|
| TSIO–470–B | Applies to all serial numbers | 100060 and below. |
| TSIO–470–C | do | 108584 and below. |
| TSIO–470–D | do | 138544 and below. |
| TSIO–520–B | 500018 and below | 176171 and below.[1] |
| TSIO–520–D | 505001 and below | 180029 and below.[1] |
| TSIO–520–E | 502126 and below | 182806 and below. |
| GTSIO–520–C | 602001 and below | 165570 and below. |
| GTSIO–520–D | 601005 and below | 219161 and below. |
| GTSIO–520–H | 600137 and below[1] | 218046 and below. |
| GTSIO–520–F | 608028 and below | 224208 and below. |

| Model airplane on which installed | Airplane serial numbers |
|---|---|
| Cessna 414 | 00489 and below. |
| Cessna 340 | 00318 and below. |

[1] The following individual engines are not affected by this AD: TSIO–520–B, serial numbers 176170, 176185, 176186, 176187; TSIO–520–D, serial number 180028; GTSIO–520–H, serial number 600118.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

(1) To detect cracked turbocharger oil inlet adapters inspect the turbocharger oil inlet adapter located at the turbocharger center housing for cracks and/or oil seepage.

If there is evidence of oil leakage or cracks, the adapter must be replaced with steel adapter TCM P/N 640793 or Cessna P/N 5655204–2. When replacing the aluminum adapter with the steel adapter on the following model airplanes, the oil fitting which mates with the turbocharger oil inlet adapter must be replaced, unless already accomplished, with the appropriate steel fitting listed below.

| Make | Model | Applicable airplane, serial numbers | Replacement steel fitting |
|---|---|---|---|
| Beech | V35–TC | All | AN 816–6 |
| | V35A–TC | | AN 816–6 |
| | V35B–TC | | AN 816–6 |
| Cessna | 320–D, 320–E | All | MS20823–6 |
| | 320–F | 320F0001 through 320F0034 | MS20823–6 |
| | 401 and 402 | 0001 through 0155 | MS20823–6 |

(2) If there is no evidence of cracks or oil seepage, inspect at intervals not to exceed 25 hours' time in service from the last inspection until replaced with turbocharger oil inlet adapter TCM P/N 640793 or Cessna P/N 5655204–2.

Replacement of the aluminum adapter TCM P/N 628675 or Cessna P/N 5655204–1 with steel adapter P/N 640793 or Cessna P/N 5655204–2 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, is required within one year from the effective date of this AD.

This amendment becomes effective April 24, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

P. M. SWATEK,
*Director,*
*Southern Region, ASO–1.*

Issued in East Point, Georgia on April 10, 1975.

[FR Doc.75–10102 Filed 4–18–75;8:45 am]

[Docket No. 75–GL–9; Amdt. 39–2180]

## PART 39—AIRWORTHINESS DIRECTIVES

### Grumman American Models AA–1, AA–1A, and AA–1B

There has been a failure of the mixture control wire on the Grumman American Model AA–1B airplane that has allowed the mixture control to move to idle cutoff. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to establish a life limit for the mixture control wire, and require periodic inspection of the mixture control wire on the Grumman American Models AA–1, AA–1A, and AA–1B airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

GRUMMAN AMERICAN. Applies to all Model AA–1, AA–1A, and AA–1B airplanes certificated in all categories.

Compliance: Required as indicated, unless previously accomplished. The aircraft may be flown to a facility where the inspection and/or replacement can be performed after expiration of the 50 hours time in service after the effective date of this AD.

To prevent mixture control wire failures accomplish the following within the next 50 hours time in service after the effective date of this AD, and thereafter as indicated, in accordance with Grumman American Service Bulletin No. 144A or later FAA approved revision or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

A. Replace mixture control wires having 500 or more hours time in service in accordance with the referenced service bulletin.

B. Repeat A at intervals not to exceed 500 hours in service.

C. Inspect the mixture control in accordance with the referenced service bulletin and replace the mixture control wire if kinked or misrigged.

D. Repeat C at intervals not to exceed 100 hours time in service.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Grumman American Aviation Corporation, 318 Bishop Road, Cleveland, Ohio 44143. These documents may also be examined at Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and at FAA Headquarters, 800 Independence Avenue, SW, Washington D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at Great Lakes Region.

This amendment becomes effective April 25, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on April 11, 1975.

JOHN M. CYROCKI,
*Director, Great Lakes Region.*

NOTE: The incorporation by referenced provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75–10274 Filed 4–18–75;8:45 am]





[Airspace Docket No. 75–GL–7]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Federal Airway

On March 3, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 F.R. 8830) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a west alternate to V–177 between Wausau, Wis., and Duluth, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows:

In V–177 "Wausau, WI., 32 miles, 99 miles, 50 MSL, Duluth, MN.; Ely, MN." is deleted and "Wausau, Wis.; Duluth, Minn., including a west alternate via Hayward, Wis.; to Ely, Minn." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C. on April 14, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 75–10276 Filed 4–18–75; 8:45 am]

[Airspace Docket No. 75–AL–1]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation and Recision of Airways and Reporting Points

On March 5, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 10194) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate and rescind airways and reporting points in Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was favorable.

Subsequent to publication of the NPRM, the name of the Bettles, Alaska, NDB has been changed to Evansville, Alaska, NDB. This name change is reflected herein.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0902 G.m.t., October 9, 1975, as hereinafter set forth.

1. Section 71.105 (40 FR 305) is amended as follows:

a. A–3 is amended to read as follows: "A–3 From Evansville, Alaska, NDB, to Put River, Alaska, NDB."

b. A–4 is added to read as follows: "A–4 From Evansville, Alaska, NDB via Umiat, Alaska, NDB to Put River, Alaska, NDB."

c. A–6 is added to read as follows: "A–6 From Chandalar Lake, Alaska, NDB via Umiat, Alaska, NDB to Browerville, Alaska, NDB."

d. In A–15 "Chandalar Lake, Alaska, RBN; 30 miles 12 AGL, 60 miles 95 MSL, Put River, Alaska, RBN;" is deleted and "Chandalar Lake, Alaska, NDB; Put River, Alaska, NDB;" is substituted therefor.

2. § 71.211 (40 F.R. 634) is amended as follows:

a. "Naknek River, Alaska, RBN" is deleted.

b. "Cold Bay LOM" is added.

c. "King Salmon LOM" is added.

d. "Umiat NDB" is added.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 14, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75–10277 Filed 4–18–75;8:45 am]

[Airspace Docket No. 75–WA–1]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Redesignation of Federal Airways

On March 3, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 8830) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V–77 from Waterloo, Iowa, to Waukon, Iowa, and also extend V–138 from Fort Dodge, Iowa, to Waukon via Mason City, Iowa.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

§ 71.123 (40 F.R. 307) is amended as follows:

In V–77 all after "Newton, Iowa;" is deleted and "Waterloo, Iowa; to Waukon, Iowa," is substituted therefor.

In V–138 "Fort Dodge, Iowa." is deleted and "Fort Dodge, Iowa; Mason City, Iowa; to Waukon, Iowa" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 14, 1975.

Issued in Washington, D.C., on April 14, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75–10275 Filed 4–18–75;8:45 am]

[Airspace Docket No. 75–WA–7]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

## PART 73—SPECIAL USE AIRSPACE

### Temporary Alteration of Federal Airway and Designation of Temporary Restricted Areas

On February 10, 1975, a Rule (Airspace Docket No. 74–SO–99) was published in the FEDERAL REGISTER (40 FR 6203) amending Part 73 of the Federal Aviation Regulations to designate five temporary restricted areas, R–5315A, B, C, D and E, in the vicinity of Onslow Beach, Camp LeJeune, N.C., for a joint military training exercise, Agate Punch, scheduled from 0800 G.m.t., April 15, 1975, to 2300 G.m.t., April 27, 1975. The rule also amended Part 71 of the Federal Aviation Regulations to include R–5315A and C in the continental control area for the duration of the exercise and to reduce the width on a defined portion of the east side of VOR Federal Airway, V–139, to three nautical miles for the same time period.

Subsequent to publication of the rule, it was determined that additional time is required to support a Joint Chiefs of Staff directed close air support validation study within the temporary restricted areas. Due to this urgent military requirement in the direct interest of national defense, the Navy has requested that the amendments be extended to 2359 G.m.t., April 29, 1975.

Since the Department of the Navy has stated that the two day extension is of urgent military necessity, the Administrator has determined that it is impracticable to comply with the notice, public procedure, and effective date requirements of Pub. L. 89–554 (5 U.S.C. 553); therefore, these amendments may become effective in less than thirty days.



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In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. Section 71.123 (40 FR 307, 6203) is amended as follows: In V–139 "• • • From Wilmington, N.C., New Bern, N.C.; • • •" is deleted and "• • • From Wilmington, N.C., 7 miles wide from 13 miles NE of Wilmington to 44 miles NE of Wilmington (4 miles W and 3 miles E) New Bern, N.C., • • •" is substituted therefor for the duration of Exercise AGATE PUNCH from 0800 G.m.t., April 15, to 2359 G.m.t., April 29, 1975.

2. In § 71.151 (40 FR 343, 6203) the following temporary restricted areas are included for the duration of their time designation from 0800 G.m.t., April 15, to 2359 G.m.t., April 29, 1975.

a. R–5315A Exercise Agate Punch
b. R–5315C Exercise Agate Punch

3. In § 73.53 (40 FR 687, 6203):

a. The time of designation for R–5315A Exercise Agate Punch is amended to read as follows:

Time of Designation. Continuous, 0800 G.m.t., April 15 to 2359 G.m.t., April 29, 1975.

b. The time of designation for R–5315B Exercise Agate Punch is amended to read as follows:

Time of Designation. Continuous, 0800 G.m.t., April 15 to 2359 G.m.t., April 29, 1975.

c. The time of designation for R–5315C Exercise Agate Punch, is amended to read as follows:

Time of Designation. Continuous, 0800 G.m.t., April 15, to 2359 G.m.t., April 29, 1975.

d. The time of designation for R–5315D Exercise Agate Punch is amended to read as follows:

Time of Designation. Continuous, 0800 G.m.t., April 15 to 2359 G.m.t., April 29, 1975.

e. The time of designation for R–5315E Exercise Agate Punch is amended to read as follows:

Time of Designation. Continuous, 0800 G.m.t., April 15 to 2359 G.m.t., April 29, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 15, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75–10278 Filed 4–18–75;8:45 am]

[Airspace Docket No. 75–GL–5]

## PART 73—SPECIAL USE AIRSPACE

### Designation of Restricted Area

On February 18, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 8079) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a joint-use restricted area three miles across Lake Michigan from Manitowac, Wisc., to Ludington, Mich., and from Ludington to Milwaukee, Wis., to enable the University of Wisconsin to conduct a meteorological study of the lower atmosphere across Lake Michigan.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One objection was received and other comments either favorable or contained suggestions for additional safety precautions. The objection was registered by the Commanding Officer, United States Coast Guard Air Station at Traverse City, Mich., on the basis that aircraft operate frequently in the area on marine environmental protection patrols and search and rescue missions and the restricted area is considered to be operationally dangerous. A comment from the Commanding Officer, United States Coast Guard Air Station, Chicago, Ill., stated that the proposed restricted area would considerably hinder any search and rescue effort that might be required within the proposed areas during active periods. Consequently, he suggested that a requirement be placed on the using agency to notify the Coast Guard prior to commencing each period of operation and the name of and a radio frequency for contacting the ferry boat should be provided at the time of notification.

The FAA believes that the Coast Guard Patrol requirements are such that they can be accommodated when the restricted area is inactive or by diverting around the area in use. The operational hazard presented by the balloon and its tether line is recognized and that is the purpose for restricting the flight of aircraft within the designated airspace required to contain the balloon activities.

The comment concerning hindrance to any search and rescue effort that might be required within the proposed area is valid. The using agency has advised that a communication channel to the Coast Guard will be available from the ferry boat during its operation. Moreover, arrangements to accommodate Coast Guard emergency search and rescue missions will be worked out and included in the joint use user/controlling agency letter of procedure.

The State of Wisconsin, Division of Aeronautics, commented on the importance of the NOTAM activating R–6905A and R–6905B being given wide dissemination to the airports along both shores of Lake Michigan. The NOTAM that activities the restricted areas will be published at least 12 hours in advance and will be given wide dissemination in accordance with NOTAM distribution requirements. They also suggested that the balloon and possibly the tether line be illuminated in some manner for night operations and that the balloon be colored alternating aviation surface orange and white to assist in its identification during the hours of daylight in VFR conditions. Additionally, they suggested that the balloon be equipped with a transponder as a back up safety tracking device should the tether line break and the rapid deflation device fail.

While these suggestions would provide additional safety precautions they would require provisions by the using agency that are not currently contained in Federal Aviation Regulations, Part 101 Subpart B, governing the operation of moored balloons within restricted areas. Restricting the flight of aircraft in the designated airspace containing the balloon activities, provides an element of safety that should compensate for the lack of balloon lights and coloring.

The balloon will use a radio controlled rapid deflation device in the event the tether line severs. This device uses a digital pulse coded remote control system to burn a hole through the balloon material. This system has been used during previous experiments and is considered quite effective. The use of a digital encoded command insures that no stray radio signal could accidently deflate the balloon. Nevertheless, if the device does not function properly, the operator is required to immediately notify the nearest ATC facility of the location and time of the escape and the estimated flight path of the balloon. The FAA believes these safeguards are reasonable and adequate.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

Section 73.69 (40 FR 701) is amended by adding the following:

1. *R–6905A Lake Michigan.*
*Boundaries.* Within 1½ NM on each side of a direct line between coordinates latitude 44°05′ N., longitude 87°38′ W.; and latitude 43°57′ N., longitude 86°28′ W., excluding the area within 5 NM of the shoreline.
*Designated altitudes.* Surface to 6,000 MSL.
*Time of designation.* As activated by NOTAM, 12 hours in advance.
*Controlling agency.* Federal Aviation Administration, Chicago ARTC Center.
*Using agency.* University of Wisconsin.

2. *R–6905B Lake Michigan.*
*Boundaries.* Within 1½ NM on each side of a direct line between coordinates latitude 43°57′ N., longitude 86°28′ W., and latitude 43°02′ N., longitude 87°52′ W., excluding the area within 5 NM of the shoreline at Ludington, and the area southwest of the southern boundary of R6903.
*Designated altitudes.* Surface to 6,000 MSL.
*Time of designation.* As activated by NOTAM, 12 hours in advance.
*Controlling agency.* Federal Aviation Administration, Chicago ARTC Center.
*Using agency.* University of Wisconsin.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 14, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75–10279 Filed 4–18–75;8:45 am]





[Docket No. 13057; Admt. No. 121–118]

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

### Carriage of Weapons and Escorted Persons

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to provide rules for the carriage of deadly or dangerous weapons and persons in the custody of law enforcement personnel aboard aircraft operated by Part 121 certificate holders. These amendments also apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135, when conducting operations governed by those parts with large airplanes.

These amendments are based on a Notice of Proposed Rule Making (Notice No. 73–21) published in the FEDERAL REGISTER on July 27, 1973 (38 FR 20098). Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all comments received in response to that Notice. Except as discussed hereinafter, these amendments and the reasons therefor are the same as those contained in Notice 73–21.

After the issue of Notice 73–21, Congress enacted Pub. L. 93–366, which, among other things, amended section 902 (1) of the Federal Aviation Act of 1958 adding a prohibition against a person not excepted by that section having on or about his property (as well as his person) a concealed deadly or dangerous weapon accessible to him in flight. To conform the amendments to Part 121 proposed in Notice 73–21 to the language in Pub. L. 93–366, the phrase "carry-on baggage" has been replaced with the word "property", and prohibited weapons have been described as those "accessible to the passenger while aboard the aircraft."

Fourteen of the public comments received in response to Notice 73–21 agreed with the proposals as set forth in the Notice and sixty-five of the commentators agreed with the proposal in general but recommended certain changes.

In response to certain comments, it should be pointed out that the safety regulations adopted herein are intended to provide for safety in air commerce and do not compel the carriage of any person. They do, however, specify the safety requirements which must be met when a certificate holder carries armed law enforcement officers or persons in the custody of those officers.

Several commentators made recommendations with respect to the identity of the escorted person and his classification by the governmental entity having custody of him. The recommendation was made that the term "dangerous person" should be defined, since a law enforcement agency might classify an escorted person as not considered dangerous in order to avoid the additional costs that would be incurred by § 121.584 (a)(3), which requires at least two escorts for any escorted person considered dangerous. Since the FAA believes that determinations regarding the management of a person in the custody of law enforcement personnel can best be made by persons trained in law enforcement, and that problems such as classification of prisoners can best be handled by trained personnel, it is adopting § 121.584 (a)(3) as proposed.

The substance of proposed § 121.584(b) has been transferred to § 121.584(a)(2) of this amendment, since upon further consideration it is believed appropriate that the escort should have the responsibility for assuring the certificate holder that he is equipped with adequate restraining devices to be used in the event the escorted person becomes unruly.

Another recommendation that was made regarding restraint of the person in custody, namely that he be handcuffed securely not only while on the aircraft but also while in the airport terminal, has not been included in the regulations adopted herein. The recommendation that the escorted person be handcuffed while in the airport is considered to be beyond the scope of Notice 73–21 and the FAA is unable to agree with the recommendation that the escorted person be handcuffed in all cases while aboard the aircraft. Since the purpose of handcuffs is to restrain the person in custody, the FAA believes that, unless the law enforcement escort determines that restraint is necessary, in the event of an emergency evacuation the interests of safety are better served if that individual is not physically restrained. Moreover, the FAA believes that the decision whether the person being escorted should be physically restrained should be left to the law enforcement escort.

Comments received expressed concern that as proposed § 121.585(a) would make the certificate holder a violator even when the certificate holder did not know that a person had boarded the aircraft with a weapon contrary to the regulations. Section 121.585(a), as adopted, provides that no certificate holder may permit any person to have, on or about his person or property accessible to him inflight, a deadly or dangerous weapon while aboard the certificate holder's aircraft unless the conditions set out in that paragraph are met. Therefore, it will be a violation of new § 121.585(a) if the certificate holder gives permission for a person to board the aircraft with a weapon without the conditions in that paragraph being met. If a person carrying a weapon aboard the aircraft did not have the certificate holder's permission to board the aircraft with the weapon, the certificate holder would not be in violation of § 121.585(a). However, it should be noted that an air carrier is required under § 121.538 to have in use a passenger screening system approved by the Administrator that is designed to prevent or deter the carriage aboard its aircraft of any weapon in carry-on baggage or on or about the person of passengers.

Comments also pointed out that the wording of proposed § 121.585 (a)(1)(i) and (a)(2)(ii) would omit county sheriffs and their deputies who are not law enforcement officials or employees of a municipality or of a State. It was not the intent of the FAA to exclude those employees and officials and, accordingly, the wording of § 121.585(a) has been changed to include officials and employees of a political subdivision of a State, as well as those of a municipality or of a State.

Comments objected to the wording of proposed § 121.585 (a)(1)(i) and (a)(2)(ii) on the grounds that the words "official duty while aboard the certificate holder's aircraft" may be read as limiting the permission to carry a weapon aboard an aircraft to only those persons having an official function to perform while aboard the aircraft, such as escorting a prisoner. The wording of those provisions, as adopted in new § 121.585 (a)(2)(ii), has been changed to make cellar an intent to require only that the armed person have a need for the weapon in connection with the performance of his duty during the period from the time he would have checked it in accordance with new § 121.585(b) until the time it would have been returned to him after deplaning.

In addition, comments objected to proposed § 121.585(a)(2)(ii) because it would require officials and employees of States, political subdivisions of States, and of municipalities to show to the satisfaction of the certificate holder that their carriage of a weapon is authorized and necessary. After further consideration, the FAA has concluded that the determination as to whether the official or employees needs to have the weapon accessible to him should be made by the governmental agency that has authorized him to carry the weapon. Accordingly, the requirement that this need be shown to the certificate holder's satisfaction has not been adopted. However, new § 121.585(a)(3), as adopted, does provide for notice to be given to the certificate holder of this need so that the certificate holder can be assured that the requirement of § 121.585(a)(2)(ii) is being complied with.

The requirements of new § 121.585(a)(2) and (3), as adopted, apply to persons described in new § 121.585 (a)(1)(ii) as well as (a)(1)(i), namely persons who are authorized to have the weapon aboard the aircraft by the certificate holder and the Administrator. This has been done in lieu of making these requirements conditions of authorizations issued to those persons by the Administrator.

Some commentators expressed concern that the proposed § 121.585(a)(1)(ii) would not permit continued use of armed courier services for security when carrying cargo of great value. The FAA wishes to point out that these amendments are not intended to curtail armed courier services. Section 121.585(a)(1)(ii), as adopted, has been changed to require only that the course of training that must have been completed by the





armed person be acceptable to the Ad-

graph unless he has knowledge that the

(3) Has a deadly or dangerous weapon



have, on or about his person or property,

an aircraft being operated by that cer-

addressed to the Chairman of the Com-

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armed person be acceptable to the Administrator. Thus, the rule, as adopted, does not require FAA approval of the training course before that person's participation in it, but allows for a determination of acceptability at the time when authorization is given by the Administrator for that person to carry a weapon aboard the aircraft.

There were several objections to the proposal in § 121.585(a)(3) to require that the means of identification of the armed person include, in addition to his full-face picture and signature, the signature of his supervisor. Many law enforcement agencies pointed out that their identification credentials do not contain the signature of anyone but the person identified by the credential. Further review of this matter indicates that many U.S. Government law enforcement agencies also issue identification credentials that bear an official seal but not the signature of a supervisor. Accordingly, as adopted, § 121.585(a)(3) requires that the armed person's identification credentials carry either the signature of an authorizing official of the law enforcement agency he represents or the official seal of his agency.

Two commentators objected to the proposal in § 121.585(b) to prohibit a certificate holder from permitting a person to carry a deadly or dangerous weapon in checked baggage unless the conditions set forth in the regulations were met. The basis for the objection was that since the prohibition would apply even if the certificate holder did not have knowledge of the existence of a weapon in checked baggage, it would necessitate a search by the certificate holder of every piece of checked baggage offered for air carriage. Comments also expressed concern over the fact that, as proposed, § 121.585(b) would not permit any person to carry a weapon in checked baggage without compliance with the applicable conditions. They contend that it would be an undue burden on the public to make them responsible for knowing that they must reveal to the certificate holder the presence of a weapon in checked baggage in order that compliance with the conditions set forth in § 121.585(b) could be ensured.

It was not the intent of the proposed regulation to require a search of every article of baggage checked for carriage. The wording of proposed § 121.585(b) has been changed in the amendment to make it clear that the passenger must notify the certificate holder of the presence of the weapon before checking the baggage. This notification requirement is consistent with the Congressional intent expressed in Pub. L. 93-366, which amended section 902(1) of the Act to provide for a declaration by the passenger to the air carrier of the presence of a weapon in baggage which is not accessible to passengers in flight. In addition, the word "knowingly" has been added to the lead-in sentence in § 121.585(b), as adopted, to make it clear that the certificate holder is not responsible for complying with the conditions of that paragraph unless he has knowledge that the baggage being checked contains a deadly or dangerous weapon.

Numerous commentators objected to the requirement in § 121.585(b)(1) requiring the certificate holder to ensure that a weapon carried in checked baggage is unloaded. They contend that it is more dangerous for the certificate holder to determine whether a gun is loaded, especially in the event that an employee of the certificate holder who is unfamiliar with the use of firearms must perform the check, than it is to carry a loaded gun in checked baggage. After further consideration, the FAA agrees, and the rule, as adopted, requires only that passenger notify the certificate holder that the weapon is unloaded.

Certain comments objected to the provision of proposed § 121.585(b)(3) that would permit checked baggage containing a weapon to be carried in the crew compartment. Upon further consideration of the proposal, the FAA believes that, to prevent the use of the weapon by a hijacker, such baggage should not be carried in the crew compartment, but should be carried in another area that is inaccessible to passengers. Section 121.585(b)(3) has been changed accordingly in this amendment.

Upon further consideration, a provision similar to proposed § 121.585(c) has been added as § 121.584(e) to prohibit a person escorting another person and a person being escorted from drinking any alcoholic beverage while aboard an aircraft operated under Part 121.

(Secs. 313(a), 601, 604, 902(1), Federal Aviation Act 1958 (49 U.S.C. 1354(a), 1421, 1424, and 1472(1)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective June 20, 1975, as follows:

1. By amending paragraph (c) of § 121.538 by striking out the word "and" at the end of subparagraph (2) and the period at the end of subparagraph (3), and by adding the phrase "; and" at the end of subparagraph (3) and a new subparagraph (4) to read as follows:

**§ 121.538 Aircraft security.**

* * * * *

(c) * * *

(4) Assure that only persons authorized under § 121.585(a) are permitted to have on or about their persons or property a deadly or dangerous weapon accessible to them while aboard any of its aircraft.

* * * * *

2. By revising paragraph (b) of § 121.575 to read as follows:

**§ 121.575 Alcoholic beverages.**

* * * * *

(b) No certificate holder may serve any alcoholic beverage to any person aboard any of its aircraft who—

(1) Appears to be intoxicated;

(2) Is escorting a person or being escorted in accordance with § 121.584; or

(3) Has a deadly or dangerous weapon accessible to him while aboard the aircraft in accordance with § 121.585(a).

* * * * *

3. By adding a new § 121.584 to Part 121 to read as follows:

**§ 121.584 Carriage of person in the custody of law enforcement personnel.**

(a) No certificate holder may carry a person in the custody of law enforcement personnel, unless the following conditions are met:

(1) The certificate holder has been notified at least one hour, or in an emergency as soon as practicable, before departure—

(i) Of the identity of the escorted person and the flight on which he will be carried; and

(ii) Whether the escorted person is considered dangerous by the governmental entity having custody of him.

(2) The escort has assured the certificate holder that—

(i) The escorted person does not have on or about his person or property any article that could be used as a deadly or dangerous weapon and would be accessible to him while aboard the aircraft; and

(ii) The escort is equipped with adequate restraining devices to be used in the event the escort determines that restraint is necessary.

(3) The escorted person is in the custody of at least two escorts, if the certificate holder has been notified that the escorted person is considered dangerous by the governmental entity having custody of him.

(b) The escorted person and his escort shall be—

(1) Boarded before all other enplaning passengers board, and deplaned after all other deplaning passengers have left, the aircraft; and

(2) Seated in the rearmost passenger seats that are neither located in any lounge area, nor located next to or directly across from any aircraft exit.

(c) At least one escort shall—

(1) Sit between the escorted person and any aisle; and

(2) At all times accompany the escorted person and keep him under surveillance.

(d) The certificate holder may not—

(1) Carry more than one person who it has been notified is considered dangerous, and his escorts, on an aircraft carrying other passengers; or

(2) Serve food or beverages, or provide metal eating utensils, to an escorted person unless authorized by the escort.

(e) No person escorting a person or being escorted in accordance with this section may drink any alcoholic beverage while aboard an aircraft being operated under this part.

4. By revising § 121.585 to read as follows:

**§ 121.585 Carriage of weapons.**

(a) No certificate holder may permit any person to have, nor may any person have, on or about his person or property, a deadly or dangerous weapon, either concealed or unconcealed, accessible to him while aboard an aircraft being operated by the certificate holder, unless the following conditions are met:

(1) The person having the weapon is either—

(i) An official or employee of the United States, of a State or political subdivision of a State, or of a municipality; or

(ii) A person who is authorized to have the weapon by the certificate holder and the Administrator, and who has successfully completed a course of training in the use of arms acceptable to the Administrator.

(2) The person having the weapon—

(i) Is authorized to have the weapon; and

(ii) Needs to have the weapon accessible to him in connection with the performance of his duty during the period from the time he would otherwise have checked it in accordance with paragraph (b) of this section until the time it would have been returned to him after deplaning.

(3) The certificate holder has been notified—

(i) Of the flight on which the armed person intends to have the weapon accessible to him at least one hour, or in an emergency as soon as practicable, before departure; and

(ii) When the armed person is other than an employee or official of the United States, that he needs to have the weapon accessible to him in connection with the performance of his duty during the period from the time he would otherwise have checked it in accordance with paragraph (b) of this section until the time it would have been returned to him after deplaning.

(4) The armed person has identified himself to the certificate holder by presenting credentials that include his clear, full-face picture, his signature, and the signature of an authorizing official of his service or the official seal of his service. A badge, shield, or similar device may not be used as the sole means of identification.

(5) The certificate holder—

(i) Has ensured that the armed person is familiar with its procedures for the carriage of a deadly or dangerous weapon aboard its aircraft prior to the time such person boards the aircraft;

(ii) Has ensured that the identity of the armed person is known to each law enforcement officer and each employee of the certificate holder responsible for security during the boarding of the aircraft; and

(iii) Has notified the pilot in command and any other person authorized to have a weapon accessible to him aboard the aircraft of the location of each authorized armed person aboard the aircraft.

(b) No certificate holder may knowingly permit any passenger to carry, nor may any passenger carry, while aboard an aircraft being operated by that certificate holder, in checked baggage, a deadly or dangerous weapon, unless the following conditions are met:

(1) The passenger has notified the certificate holder before checking the baggage that the weapon is in the baggage and that it is unloaded.

(2) The baggage in which the weapon is carried is locked, and only the passenger checking the baggage retains a key.

(3) The baggage is carried in an area other than the flight crew compartment that is inaccessible to passengers.

(c) No person having a deadly or dangerous weapon accessible to him may drink any alcoholic beverage while aboard an aircraft operated under this part.

Issued in Washington, D.C., on April 12, 1975.

JAMES E. DOW,
*Acting Administrator.*

[FR Doc.75-10281 Filed 4-18-75;8:45 am]





## Title 18—Conservation of Power and Water Resources

### CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-15; Order No. 524-B]

### PART 1—RULES OF PRACTICE AND PROCEDURE

**Requests for Public Information**

APRIL 15, 1975.

On February 10, 1975, the Commission issued Order No. 524 which conforms the Commission's Rules to the basic requirements of Pub. L. No. 93-502, 88 Stat. 1561, amending 5 U.S.C. 552, known as the Freedom of Information Act. The Order was published in the FEDERAL REGISTER on February 19, 1975 (40 FR 7251).

Among other things, the Order added a new § 1.36(f) *Timetables and procedures in event of withholding of public records* which provides for appeal to the Chairman of the Commission of a denial of a request. Under the rules as they now stand, appeal is to be made by petition filed pursuant to § 1.7 of the Commission's rules (18 CFR 1.7). Section 1.7 requires a petition to be in writing and under oath, stating the petitioner's grounds of interest in the subject matter, the facts relied upon, the relief sought, the reference to appropriate statutory provision or other authority relied upon for relief, and other requirements as to title, number of copies, form, subscription, and verification. These formal requirements upon those requesting public documents are quite complex, and somewhat inconsistent with the spirit of the Freedom of Information Act Amendments which were enacted to provide for the complete and speedy release of information (H.R. Rep. No. 93-876, 93d Cong., 2d Sess. 2 (1974)). Accordingly, § 1.36(f)(1), Part 1 of the Code of Federal Regulations, will be revised to require that an appeal of any adverse determination be made in writing and addressed to the Chairman of the Commission.

*The Commission finds:* (1) The revision prescribed herein represents a procedural matter which does not require notice or hearing under 5 U.S.C. 553.

(2) Good cause exists that the revision adopted herein becomes effective upon issuance of this order.

(3) The revision of the Commission's rules prescribed herein is necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

*The Commission*, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858-859; 16 U.S.C. 825h) and the Natural Gas Act as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), *orders:*

(A) Section 1.36(f)(1) in Part 1, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

(f) *Timetables and procedures in event of withholding of public records.* (1) The Director of Public Information will determine within ten days (except Saturdays, Sundays, and legal public holidays) after receipt of a request for public records whether to comply with such request and will immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal any adverse determination in writing to the Chairman.

(B) The revision adopted herein shall be effective upon issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10366 Filed 4-18-75;8:45 am]

[Docket No. RM74-16]

### PART 260—STATEMENTS AND REPORTS (SCHEDULES)

**Uniform Filing of Natural Gas Reserves Information; Postponement of Effective Date**

APRIL 15, 1975.

On February 25, 1975, we issued Order No. 526,[1] which promulgated a new FPC Form No. 40 to provide the Commission with information on proved domestic natural gas reserves (40 FR 8940, March 4, 1975). Ordering Paragraph (D) of that order provided that, unless otherwise directed, the effective date of Order No. 526 would be April 28, 1975, and Ordering Paragraph (F) stated that the 30 day period within which to file applications for rehearing pursuant to section

[1] Order No. 526, Order Prescribing Procedures and Instituting Uniform Annual Filing of National Proved Domestic Natural Gas Reserves Information, Docket No. RM74-16, —— FPC —— (issued February 25, 1975).







all vacation pay accounts maintained by

before January 1, 1973, representing the

(Secs. 463(d), 7805, Internal Revenue Code

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19(a) of the Natural Gas Act[1] would begin with the April 28, 1975, effective date. Nevertheless, beginning on March 17, 1975, and thereafter, applications for rehearing have been received from several parties.[2] In order to avoid uncertainty, we will grant for purposes of further consideration those applications that have been filed together with all future applications filed on or before May 28, 1975, which is thirty days following the effective date of Order No. 526.

*The Commission orders:* The petitions for rehearing of Order No. 526 filed by the parties listed in Appendix A, and by all other parties on or before May 28, 1975, are granted for the sole purpose of further consideration of Order No. 526; and, consequently, the effective date of new § 260.13 shall be fixed by further order of the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Amoco Production
Atlantic Richfield Company
Continental Oil Company
Exxon Corporation
General American Oil Company of Texas
Gulf Oil Corporation
Interstate Natural Gas Association of America
Marathon Oil Company
Mitchell Energy Corporation
Mobil Oil Corporation
Pennzoil Company
Pennzoil Louisiana and Texas Offshore, Inc.
Pennzoil Offshore Gas Operators, Inc.
Pennzoil Producing Company
Phillips Petroleum Company
Superior Oil Company
Tenneco Oil Company, Inc.
Texaco Inc.
Union Oil Company of California
Beaver Mesa Exploration Company
Getty Oil Company

[FR Doc.75-10348 Filed 4-18-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 420—PROGRAM MANAGEMENT AND COORDINATION

Highway Planning and Research and Development—Contracts

The Federal Highway Administration is amending Chapter I, Title 23, Code of Federal Regulations, by issuing certain amendments to Subpart B—Highway Planning and Research and Development—Contracts of Part 420—Program Management and Coordination.

General notice of proposed rulemaking is not required inasmuch as the material published relates to benefits, grants, or contracts pursuant to 5 U.S.C. 553(a)(2).

These amendments will take effect on the date of issuance.

In 23 CFR Part 420, Subpart B, Highway Planning and Research and Development — Contracts, the following amendments are hereby promulgated:

(1) Section 420.203(a)(4) is revised to read:

(4) The SHA shall determine and document in its files that an audit evaluation has been made in accordance with 23 CFR Part 170 for any proposed contract exceeding $50,000.

(2) Section 420.205(a) is revised to read:

(a) For contracts with other than MPO's.

(3) Section 420.205(a)(7)(i) and (ii) are revised to read:

(i) After the contract is executed, additional subcontracting or additional specialized services must have the approval of the SHA. For contracts approved by the FHWA, the SHA must obtain FHWA concurrence in such changes.

(ii) All subcontracts shall be subject to the provisions contained in the contract between the SHA and the prime contractor.

(4) Section 420.205(a)(12)(i) is deleted.

(5) Section 420.205(a)(12)(ii) is redesignated as 420.205(a)(12).

(6) Section 420.205(a)(13)(ii). The following is inserted as a new second sentence: "Interim or final reports resulting from contracts with profitmaking organizations shall not be published until the report has been accepted by the FHWA and the SHA in accordance with paragraph (a)(7) of § 420.203."

(7) Section 420.205(b) is revised to read:

(b) For contracts with MPO's.

(8) Section 420.205(b)(1) is revised to read:

(1) Parties. The parties to the contract shall be identified.

(9) Section 420.205(b)(5) is amended to read:

(5) Subcontracting.

(i) After the contract is executed, additional subcontracting or additional specialized services, with the exception of subcontracts for incidental services such as printing or computer services, must have the approval of the SHA. For contracts approved by the FHWA, the SHA must obtain FHWA concurrence in such changes.

(ii) Subcontracts between an MPO and nonpublic organizations shall be subject to applicable provisions of 420.205(a). Subcontracts between an MPO and other public agencies shall be subject to the provisions contained in the contract between the SHA and the MPO.

(10) Section 420.206(a) is amended to read:

(a) This procedure is not applicable to contracts with MPO's.

Issued on April 11, 1975.

NORBERT T. TIEMANN, *Federal Highway Administrator.*

[FR Doc.75-10329 Filed 4-18-75;8:45 am]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Advance Construction of Federal-Aid Projects; Correction

In FR Doc. 75-7056, appearing at page 12259 of the issue for Tuesday, March 18, 1975, make the following changes:

1. On page 12260 only subsection (a) of § 630.702 was revised. All other subsections remain the same. The last sentence of the preamble should be changed to read: "Sections 630.701 and 630.702 (a) are hereby revised to read as follows:"

2. On page 12260, § 630.702 is reprinted below.

§ 630.702 Requirements and conditions.

(a) The State must have obligated all funds for any of the Federal-aid systems, other than the Interstate System, apportioned to it under 23 U.S.C. 104 of the particular class of funds for which the project is proposed.

This revision will take effect immediately.

Dated: April 14, 1975.

DAVID E. WELLS, *Chief Counsel, Federal Highway Administration.*

[FR Doc.75-10330 Filed 4-18-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7353]

PART 10—TEMPORARY INCOME TAX REGULATIONS UNDER PUB. L. 93-625

Accrued Vacation Pay

The following regulations relate to section 463(d) of the Internal Revenue Code of 1954, as added by section 4 of Pub. L. 93-625, which permits a taxpayer to elect to deduct an amount accrued for vacation pay even though contingencies with respect to payment may exist.

The temporary regulations provide rules for making the election, including when the election may be made and the information required to be provided to the Service by the taxpayer.

*Adoption of amendments to the regulations.* In order to provide such temporary regulations under section 463(d) of the Internal Revenue Code of 1954, the following regulations are adopted:

Paragraph 1. Section 10.2 is added immediately before § 11.402(e)(4)(B)-1 and reads as follows:

§ 10.2 Election to accrue vacation pay.

(a) *In general.* Section 463 provides that taxpayers whose taxable income is computed under an accrual method of accounting may elect without the consent of the Commissioner, to deduct certain amounts with respect to vacation pay which, because of contingencies, would not otherwise be deductible. Such election must apply to the liability for all vacation pay accounts maintained by the taxpayer within a single trade or business if the liability is contingent when vacation pay is earned.

(b) *Time for making election.* (1) In the case of a taxpayer who established or maintained a vacation pay account pursuant to I.T. 3956 and who continued to maintain such account pursuant to section 97 of the Technical Amendments Act of 1958, as amended, for its last taxable year ending before January 1, 1973, the election must be made for each trade or business for which such account was maintained on or before the later of (i) July 21, 1975, or (ii) the due date for filing the income tax return (determined with regard to any extensions of time granted the taxpayer for filing such return) for the first taxable year beginning after December 31, 1973. The election pursuant to this paragraph shall be effective with respect to an account described in this paragraph (b)(1) for taxable years ending after December 31, 1972. Failure to file such election shall constitute a change in the method of accounting for vacation pay for the first taxable year ending after December 31, 1972. Such change in accounting method will be considered a change initiated by the taxpayer.

(2) In the case of a trade or business of a taxpayer to which paragraph (b)(1) does not apply, the election provided for in this section may be made for any taxable year beginning after December 31, 1973, by making the election not later than (i) July 21, 1975, or (ii) the due date for filing the income tax return (determined with regard to any extensions of time granted the taxpayer for filing such return) for the first taxable year for which the election is made.

(3) A taxpayer who elects under section 463 to treat vacation pay as provided in this section and who wishes to revoke such election may only do so with the consent of the Commissioner. Such revocation shall constitute a change in the method of accounting.

(c) *Manner of making election.* (1) Except as otherwise provided in paragraph (c)(2) of this section, the election provided for in this section must be made by means of a statement attached to a timely filed income tax return. The statement shall indicate that the taxpayer is electing to apply the provisions of section 463, and shall contain the following information:

(i) The taxpayer's name and a description of each vacation pay plan to which the election is to apply.

(ii) A schedule with appropriate explanations showing—

(A) In the case of a vacation pay account established or maintained pursuant to I.T. 3956 and section 97 of the Technical Amendments Act of 1958, as amended,

(*1*) The balance of each such vacation pay account maintained by the taxpayer, and

(*2*) The amount, determined as if the taxpayer had maintained a vacation pay account for the last taxable year ending before January 1, 1973, representing the taxpayer had maintained a vacation pay earned by employees, before the close of the taxable year and payable during such taxable year or within 12 months following the close of such taxable year.

(B) In the case of other vacation pay accounts, the amount of the closing balances the taxpayer would have had for the taxpayer's 3 taxable years immediately preceding the taxable year for which the election was made, had the taxpayer maintained an account representing the taxpayer's liability for vacation pay earned by the employees before the close of the taxable year and payable during the taxable year or within 12 months following the close of the taxable year throughout the 3 immediately preceding taxable years.

(iii) The amounts accrued and deducted for prior years for vacation pay but not paid at the close of the taxable year preceding the year for which the election is made.

(2) Where a taxpayer has filed its return for a taxable year beginning after December 31, 1973 prior to July 21, 1975, and has not made the election pursuant to this section, the election may be made by filing an amended return (showing adjustmens, in any) for such year and attaching the statement required by paragraph (c)(1) of this section on or before July 21, 1975.

(d) The time for making the election may be illustrated by the following examples:

*Example (1).* X, whose taxable year begins on February 1, files its return based on the accrual method of accounting. X has continuously accrued and deducted for income tax purposes contingent amounts of vacation pay, pursuant to I.T. 3956. Pursuant to section 463 and these regulations, in order for X to continue accruing and deducting its vacation pay amounts, X must elect to account for vacation pay under section 463 by attaching the election to its timely filed return for its taxable year ending on January 31, 1975 or if X has already filed such return by July 21, 1975 without such election, by filing the election statement with an amended return by July 21, 1975. If X does not make the election under section 463, X will be treated as having initiated a change in its method of accounting for vacation pay in its taxable year ending on January 31, 1973.

*Example (2).* Y, a calendar year taxpayer, files its returns based on the accrual method of accounting. Y deducted its vacation pay amounts only when paid since such amounts were contingent when earned and Y was not entitled to the benefits of I.T. 3956. Y may elect for its taxable year ending on December 31, 1974, to deduct certain amounts with respect to contingent vacation pay which were not otherwise deductible, by filing an election pursuant to these regulations with its timely filed income tax return for such year or if such return was already filed by [insert date 90 days after publication of this document as a Treasury decision], without such election, by filing the election with an amended return filed by July 21, 1975. If Y does not make the election for its taxable year ending on December 31, 1974, Y may make the election with respect to any subsequent taxable year by filing an election with its return for such year.

(Secs. 463(d), 7805, Internal Revenue Code of 1954 (68A Stat. 917; 88 Stat. 2111, 26 U.S.C. 463(d), 7805))

[SEAL] DONALD C. ALEXANDER, *Commissioner of Internal Revenue.*

Approved: April 16, 1975.

FREDERIC W. HICKMAN, *Assistant Secretary of the Treasury.*

[FR Doc.75-10392 Filed 4-18-75;8:45 am]

[T.D. 7354]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Elections With Respect to Changes in Vesting Schedule

This document contains temporary income tax regulations under section 411(a)(10)(B) of the Internal Revenue Code of 1954, as added by section 1012(a) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 901), and section 203(c)(1)(B) of such Act (88 Stat. 857) in order to provide rules for an election with respect to a plan amendment which changes any vesting schedule under an employee plan.

Under section 411(a)(10)(B) of the Code, if the vesting schedule of a plan is amended, the plan will not be treated as meeting the minimum vesting requirements of section 411(a)(2) of the Code unless the plan, as amended, provides that each participant with at least 5 years of service with the employer may elect, within a reasonable period after the adoption of the amendment, to have his nonforfeitable percentage computed upon the plan without regard to such amendment. Under § 11.411(a)(10)(B)-1(a)(2) of the temporary regulations, the period during which such a participant may make the election under 411(a)(10)(B) of the Code must begin no later than the date the amendment is adopted and end no earlier than the latest of three dates: (1) 60 days after the amendment is adopted; (2) 60 days after the date the amendment becomes effective; or (3) 60 days after the participant is issued written notice of the amendment by the employer or plan administrator.

The temporary regulations provide that a participant meets the "5 years of service" requirement if he completes 5 years of service (as computed under the plan for the purpose of determining such participant's nonforfeitable percentage under section 411(a)(2) with the employer prior to the expiration of the election period.

The temporary regulations provide that the election is available only to individuals who are participants in the plan at the time the election is made.

The temporary regulations also provide that the application of section 411(a)(10)(B) of the Code will not cause a plan, as amended, to fail to meet the minimum vesting standards of section 411(a)(2)

[1] 15 U.S.C. 717r (1968).

[2] Appendix A sets forth a list of all parties that have filed a petition for rehearing of Order No. 526.









merely because such plan provides that

provides that the election described in

The new Part 270 reads as follows:



hazardous area, and secondly, a method

(d) Place a $[illegible] 500 maximum limit for

the Assistant Secretary for Conservation,

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merely because such plan provides that the election is irrevocable.

The temporary regulations apply for purposes of section 411(a)(10)(B) of the Code as well as section 203(c)(1)(B) of the Employee Retirement Income Security Act of 1974.

*Amendment to the regulations.* In order to prescribe temporary regulations relating to elections with respect to certain plan amendments pursuant to section 411(a)(10)(B) of the Internal Revenue Code of 1954, as added by section 1012(a) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 901), and section 203(c)(1)(B) of such Act (88 Stat. 857), the following temporary regulations are hereby adopted:

**§ 11.411(a)(10)(B)-1 Minimum vesting standards; election of former schedule.**

(a) *Right to election*—(1) *In general.* Under section 411(a)(10)(B), for plan years for which section 411 applies, if the vesting schedule of a plan is amended, the plan will not be treated as meeting the minimum vesting standards of section 411(a)(2) unless the plan, as amended, provides that each participant whose nonforfeitable percentage of his accrued benefit derived from employer contributions is determined under such schedule, and who has completed at least 5 years of service with the employer, may elect, during the election period, to have the nonforfeitable percentage of his accrued benefit derived from employer contributions determined without regard to such amendment.

(2) *Election period.* For purposes of subparagraph (1) of this paragraph, the election period under the plan must begin no later than the date the plan amendment is adopted and end no earlier than the latest of the following dates:

(i) The date which is 60 days after the day the plan amendment is adopted,

(ii) The date which is 60 days after the day the plan amendment becomes effective, or

(iii) The date which is 60 days after the day the participant is issued written notice of the plan amendment by the employer or plan administrator.

(3) *Service requirement.* For purposes of subparagraph (1) of this paragraph, a participant shall be considered to have completed 5 years of service if such participant has completed 5 years of service (as computed under the plan for the purpose of determining such participant's nonforfeitable percentage under section 411(a)(2)) with the employer prior to the expiration of the election period described in paragraph (a)(2) of this section.

(4) *Election only by participant.* The election described in paragraph (a)(1) of this section is available only to an individual who is a participant in the plan at the time such election is made.

(b) *Election may be irrevocable.* A plan, as amended, shall not fail to meet the minimum vesting standards of section 411(a)(2) by reason of section 411(a)(10)(B) merely because such plan provides that the election described in paragraph (a)(1) of this section is irrevocable.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 555 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

Approved: April 16, 1975.

FREDERIC W. HICKMAN,
*Assistant Secretary of the Treasury.*

[FR Doc.75-10393 Filed 4-18-75;8:45 am]

## Title 36—Parks, Forests, and Public Property

## CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

## PART 270—RURAL COMMUNITY FIRE PROTECTION

A new Part 270 to Title 36 of the Code of Federal Regulations is issued by the Forest Service, U.S. Department of Agriculture, to implement a Rural Community Fire Protection program under the authority of Title IV of the Rural Development Act of 1972. These regulations have been coordinated with the National Association of State Foresters, Soil Conservation Service, Farmers Home Administration and Rural Development Service.

These regulations outline policies and procedures for extending technical, financial, and other assistance through administrative agreement to State Foresters or other appropriate State officials and officials in the Commonwealth of Puerto Rico, the Virgin Islands and Guam, in cooperative efforts to organize, train and equip local forces to prevent, control, and suppress fires threatening human life, livestock, wildlife, crops, pastures, orchards, rangeland, woodland, farmsteads, or other improvements and other values in rural areas.

The Forest Service has determined that rule making procedure was impracticable and contrary to the public interest since funds have to be obligated by June 30, 1975. These guidelines will become effective April 21, 1975.

Comments from interested parties are solicited, however, on or before May 21, 1975. Record of public comments will be made available to interested persons, and will be reviewed for possible revisions of these guidelines. Written comments or suggestions should be sent to Department of Agriculture, Forest Service, Division of Cooperative Forest Fire Control, 1621 N. Kent Street, Room 906, Arlington, Virginia 22209.

These regulations can be utilized to administer the acquisition and distribution of Federal Excess Personal Property by State Foresters or other appropriate state officials.

The new Part 270 reads as follows:

## PART 270—RURAL COMMUNITY FIRE PROTECTION


Sec.
270.1 General.
270.2 Definition of Vulnerable Areas.
270.3 Fund Distribution.
270.4 Determination of Protection Adequacy.
270.5 Project Selection Guidelines.
270.6 Program Evaluation Criteria.
270.7 Allocation of Funds.
270.8 Federal Excess Personal Property.
270.9 Coordination.


AUTHORITY: Title IV Rural Development Act of 1972, Secs. 401, 402, 403, 404, 86 Stat. 670; 671.

**§ 270.1 General.**

Firefighting forces to protect rural people, their property, their businesses, and the quality of their environment are either inadequate or have not been organized in many states. Lives homes, farm property, and small communities suffer heavy losses annually within rural areas. Local self-help has not been sufficient to meet the need. Property, scenic and resource values are high in these areas.

The Congress passed the Rural Development Act of 1972 as a measure to provide assistance to these rural areas. Title IV of this Act, entitled Rural Community Fire Protection, consists of four sections and prescribes a 3 year program to determine the feasibility of this approach.

(a) Section 401, amended to read "Fire Protection Assistance", authorizes the Secretary of Agriculture to provide technical and financial assistance to the State Foresters and other governing officials to organize, train, and equip local forces in communities under 10,000 population.

(b) Section 402 authorizes the Secretary to match funds with local or State organizations on a 50 percent basis.

(c) Section 402 requires a progress report to the President within 2 years of date of enactment (August 25, 1972).

(d) Section 404, as amended authorizes the appropriation of $7 million for each of three consecutive fiscal years beginning with the fiscal year for which funds are first appropriated and obligated by the Secretary of Agriculture carrying out this Title.

On page 31 of the House of Representatives Conference Report 92-1129, the statement is made: "The Conferees expect the Secretary, prior to initiating this pilot program, to designate areas of the United States which are particularly vulnerable to the hazards of fires." Also on page 31: "In addition, the Conferees expect the Secretary, in implementing the Rural Community Fire Protection Program, to give special attention to those areas and communities that have inadequate or nonexistent fire protection facilities."

**§ 270.2 Definition of vulnerable areas.**

Guidelines were developed by approaching the Conferees requirement from a viewpoint of the rural resident vulnerability. This required, first, a definition of vulnerability as applied to a hazardous area, and secondly, a method of determining vulnerability in all parts of the Nation. The existence of a highly flammable fuel complex does not in itself denote vulnerability. Rural residents can be vulnerable if high value improvements are unprotected any place in the United States. The definition of vulnerability to the hazards of fire was resolved by preparing a formula comprising a balance of population, wildland fuels, and fuels which represent increased value because of time or money spent to cultivate them. The three elements of the vulnerability index become croplands (including row crops, small grains, fruit and nut crops), other lands as defined in the 1967 Conservation Needs Inventory (including farmlands not classified as croplands, farmsteads, farm roads, etc.), and population of rural areas under 10,000. These elements provide the index of the ability of a fire to inflict fatalities, injuries, and damages.

**§ 270.3 Fund distribution.**

Distribution of funds will be made to the office responsible for the program in each State, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. In general, distribution will be determined as follows: Up to 5% will be used for Federal Administration, the remainder will consider "Croplands" and "Other Lands" as defined in Conservation Needs Inventory—1967, and population in towns under 10,000 and in rural areas, 1970 census. After rural fire protection grants have been made, eligible applicants may apply, if necessary, to the local Farmers Home Administration county office for an essential community facility loan to supplement the financing of the rural fire protection facilities and equipment.

**§ 270.4 Determination of protection adequacy.**

In preparing guidelines for giving "special attention to those areas and communities that have inadequate or nonexistant fire protection facilities", it was determined that the only nationwide indicator of adequacy was the availability of insurance at reasonable rates. Adequate protection is defined as a rating of 9 or better for structural insurance in a rural situation. The adequacy of protection will be determined by the administering official when a project is proposed by a community. The selection of the participating communities will be based on vulnerability and the adequacy of existing fire protection.

**§ 270.5 Project selection guidelines.**

The participating units of Government, operating through cooperative arrangements between the Secretary of Agriculture and the governing official will:

(a) Give priority to areas of greatest need.

(b) Give high priority to multiagency financed projects.

(c) Use insurance rating criteria for approving rural fire apparatus (minimum G.P.M., tank capacity, etc.).





(d) Place a $[illegible] 500 maximum limit for the Federal share of any unit of fire apparatus with adjustment provided for decreasing purchasing power of the dollar.

(e) Establish minimum training standards for both structural and wildfire attack.

(f) Use existing capabilities whenever possible for organizing, training, planning, and purchase of equipment.

(g) Establish minimum communication standards for participating projects.

(h) Use National Fire Protection Association material as a base for guidelines in organizational, training and equipment, and communication minimums.

(i) Evaluate each project for compatibility with fire protection plans, and modify one or the other, if necessary, before approval.

(j) Assess project priorities using the fund distribution formula procedures.

**§ 270.6 Program evaluation criteria.**

The statistical elements needed to evaluate the "contribution of the rural fire protection program toward achieving the purposes of this title" are:

(a) The number of organizations formed under approved fire plans (the formation of fire districts or other legal entities will be encouraged).

(b) The number of people trained under the following categories as prescribed by the State Forester or other administering official:

(1) *Wildland firefighting.* (i) Basic.
(ii) Advanced.
(2) *Structural firefighting.* (i) Basic.
(ii) Advanced.

(c) The number of pieces of fire apparatus acquired for the program.

(d) Dollar value of other acquired equipment, classified in broad categories, such as hand tools, communication equipment, etc.

(e) Improved insurance classification.

(f) Number of cooperative agreements with other agencies communities, or legal entities.

(g) Number of fire alarms answered by organizations formed.

**§ 270.7 Allotment of funds.**

Project financing, including planning, organizing, and purchase of new equipment, will be accomplished within the program year. Training phases of a project may be accomplished over a period of 1 or more years.

**§ 270.8 Federal excess personal property.**

The use of Federal excess personal property for conversion or use by rural fire forces will be encouraged. This use will be authorized by the State Forester under existing Federal Excess Personal Property Guidelines as administered by the Forest Service and General Services Administration.

**§ 270.9 Coordination.**

Title IV operations will be consonant with all rural development activities under this Act and other pertinent Federal development programs. To such purpose, the Assistant Secretary for Conservation, Research, and Education, will implement Title IV plans and activities in close coordination with the Assistant Secretary for Rural Development.

*Effective Date:* This regulation is effective April 21, 1975.

ROBERT W. LONG,
*Assistant Secretary.*

APRIL 17, 1975.

[FR Doc.75-10432 Filed 4-18-75;8:45 am]

## Title 40—Protection of Environment

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

### SUBCHAPTER E—PESTICIDE PROGRAMS

[(FRL 360-8) [PP3F1399/R19]]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Ethyl 3-Methyl-4-(Methylthio) Phenyl (1-Methylethyl) Phosporamidate

On July 3, 1973, notice was given (38 FR 17760) that Chemagro, Division of Baychem Corp., PO Box 4913, Kansas City MO 64120, had filed a petition (PP 3F1399) with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities tomatoes at 0.5 part per million (ppm); peanut hulls and potatoes at 0.4 ppm; bananas, brussels sprouts, cabbage, carrots, citrus, cotton forage, sugar beet tops, and sweet potatoes at 0.1 ppm; cottonseed, soybeans, and sugar beets at 0.05 ppm; and peanuts at 0.02 ppm. Chemagro subsequently amended the petition by withdrawing the proposed tolerance for bananas since a tolerance of 0.1 ppm is in effect and by withdrawing the proposed tolerances for residues of the nematocide in or on tomatoes, potatoes, carrots, citrus, cotton forage, sugar beet tops, sweet potatoes, and sugar beets.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purposes for which the tolerances are sought. There is no reasonable expectation of residues in eggs, meat, milk, and poultry, and § 180.6(a)(3) applies. The tolerance established by this amendment to § 180.349 will protect the public health.

Any person adversely affected by this regulation may on or before May 21, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will



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be granted if the objections are sup-

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1-7.404-6 Key personnel.

the delivery of end items other than designs, drawings, or reports, except

be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on the date of publication in the FEDERAL REGISTER, Part 180, Subpart C, is amended by revising Section 180.349.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: April 11, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

Part 180, Subpart C, is amended by revising § 180.349 to read as follows:

§ 180.349 Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate; tolerances for residues.

Tolerances are established for combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

0.4 part per million in or on peanut hulls.
0.1 part per million in or on bananas, brussels sprouts and cabbage.
0.05 part per million in or on cottonseed and soybeans.
0.02 part per million in or on peanuts.

[FR Doc.75-10569 Filed 4-16-75;8:45 am]

## Title 41—Public Contracts and Property Management

## CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 144]

## PART 1-7—CONTRACT CLAUSES

This amendment of the Federal Procurement Regulations establishes two new Subparts which are: 1-7.3, Fixed-Price Research and Development Contracts and 1-7.4, Cost-Reimbursement Type Research and Development Contracts, and prescribes clauses to be used in fixed-price and cost-reimbursement type research and development contracts.

The table of contents of Part 1-7 is amended by the deletion of the designations "Reserved" and the insertion of the captions "Fixed-Price Research and Development Contracts" for Subpart 1-7.3, and "Cost-Reimbursement Type Research and Development Contracts" for Subpart 1-7.4, and by the addition of new entries, as follows:

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1-7.302-2 Payments.
1-7.302-3 Standards of work.
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1-7.302-7 Federal, State, and local taxes.
1-7.302-8 Utilization of small business concerns.
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1-7.302-12 [Reserved]
1-7.302-13 Buy American Act.
1-7.302-14 Convict labor.
1-7.302-15 Walsh-Healey Public Contracts Act.
1-7.302-16 Contract Work Hours and Safety Standards Act—overtime compensation.
1-7.302-17 Equal opportunity.
1-7.302-18 Officials not to benefit.
1-7.302-19 Covenant against contingent fees.
1-7.302-20 [Reserved]
1-7.302-21 [Reserved]
1-7.302-22 Notice and assistance regarding patent and copyright infringement.
1-7.302-23 Patents.
1-7.302-24 [Reserved]
1-7.302-25 [Reserved]
1-7.302-26 Utilization of labor surplus area concerns.
1-7.302-27 [Reserved]
1-7.302-28 [Reserved]
1-7.302-29 Pricing of adjustments.
1-7.302-30 Listing of employment openings.
1-7.302-31 Utilization of minority business enterprises.
1-7.302-32 Payment of interest on contractors' claims.
1-7.302-33 Employment of the handicapped.
1-7.303 Clauses to be used when applicable.
1-7.303-1 Clauses for fixed-price research and development contracts involving construction.
1-7.303-2 [Reserved]
1-7.303-3 [Reserved]
1-7.303-4 [Reserved]
1-7.303-5 [Reserved]
1-7.303-6 [Reserved]
1-7.303-7 Government property.
1-7.303-8 [Reserved]
1-7.303-9 Notice to the Government of labor disputes.
1-7.303-10 [Reserved]
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1-7.303-12 Subcontracts.
1-7.303-13 [Reserved]
1-7.303-14 [Reserved]
1-7.303-15 [Reserved]
1-7.303-16 Price reduction for defective cost or pricing data.
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1-7.303-20 [Reserved]
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1-7.303-35 [Reserved]
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1-7.303-41 United States products and services (Balance of Payments Program).
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1-7.402-16 Contract Work Hours and Safety Standards Act—overtime compensation.
1-7.402-17 Equal opportunity.
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1-7.402-20 [Reserved]
1-7.402-21 Notice and assistance regarding patent and copyright infringement.
1-7.402-22 Patents.
1-7.402-23 [Reserved]
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1-7.402-25 Government property.
1-7.402-26 Insurance—liability to third persons.
1-7.402-27 Utilization of labor surplus area concerns.
1-7.402-28 Payment for overtime premiums.
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1-7.402-30 Audit and records.
1-7.402-31 Price reduction for defective cost or pricing data.
1-7.402-32 Subcontractor cost and pricing data.





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1-7.402-33 Utilization of minority business enterprises.
1-7.402-34 Listing of employment openings.
1-7.402-35 Payment of interest on contractors' claims.
1-7.402-36 Employment of the handicapped.
1-7.403 Clauses to be used when applicable.
1-7.403-1 Clauses for cost-reimbursement type research and development contracts involving construction.
1-7.403-2 [Reserved]
1-7.403-3 [Reserved]
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1-7.403-5 Excusable delays.
1-7.403-6 [Reserved]
1-7.403-7 [Reserved]
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1-7.403-9 Negotiated overhead rates.
1-7.403-10 Notice to the Government of labor disputes.
1-7.403-11 [Reserved]
1-7.403-12 [Reserved]
1-7.403-13 [Reserved]
1-7.403-14 Make-or-buy program.
1-7.403-15 [Reserved]
1-7.403-16 [Reserved]
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1-7.403-19 [Reserved]
1-7.403-20 Advance payments.
1-7.403-21 Workmen's compensation insurance (Defense Base Act).
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1-7.403-30 [Reserved]
1-7.403-31 [Reserved]
1-7.403-32 [Reserved]
1-7.403-33 [Reserved]
1-7.403-34 [Reserved]
1-7.403-35 [Reserved]
1-7.403-36 United States products and services (Balance of Payments Program).
1-7.403-37 [Reserved]
1-7.403-38 [Reserved]
1-7.403-39 Care of laboratory animals.
1-7.403-40 [Reserved]
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1-7.403-42 [Reserved]
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1-7.403-45 [Reserved]
1-7.403-46 [Reserved]
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1-7.403-48 [Reserved]
1-7.403-49 [Reserved]
1-7.403-50 Cost accounting standards.
1-7.403-51 [Reserved]
1-7.403-52 [Reserved]
1-7.403-53 Small business subcontracting program.
1-7.403-54 Labor surplus area subcontracting program.
1-7.403-55 Minority business enterprises subcontracting program.
1-7.403-56 [Reserved]
1-7.403-57 [Reserved]
1-7.403-58 Preference for U.S. flag air carriers.
1-7.404 Additional clauses.
1-7.404-1 Alterations in contract.
1-7.404-2 Approval of contract.
1-7.404-3 Date of incurrence of costs.
1-7.404-4 Notice regarding late delivery.
1-7.404-5 Changes.
1-7.404-6 Key personnel.
1-7.404-7 Disposition of material.
1-7.404-8 Reports of work.

Subpart 1-7.5—[Reserved]

Subpart 1-7.6—Fixed-Price Construction Contracts

Subpart 1-7.7—Transportation Contracts

A new Subpart 1-7.3 is added which reads as follows:

## Subpart 1-7.3—Fixed-Price Research and Development Contracts

### § 1-7.300 Scope of subpart.

This subpart sets forth contract clauses for use in fixed-price research and development contracts.

### § 1-7.301 Applicability.

As used throughout this subpart, the term "fixed-price research and development contract" means any contract (other than a letter contract, a notice of award, or a modification not effecting new procurement) which (a) is entered into at a fixed-price in an amount exceeding $10,000 (with or without any provision for price redetermination, escalation, or other form of price revision), and (b) is for experimental, developmental, or research work. Unless clearly inappropriate, these clauses may also be used in other types of nonpersonal services contracts: e.g., studies, surveys, and demonstrations in socio-economic areas, except for (a) construction, (b) architect-engineer services, and (c) those subject to the Service Contract Act of 1965, as amended. In addition, the clauses may be used, as appropriate, in fixed-price procurement actions involving research and development which are less than $10,000.

### § 1-7.302 Required clauses.

The clauses set forth in this § 1-7.302 shall be inserted, as required, in all fixed-price research and development contracts.

### § 1-7.302-1 Definitions.

Insert the clause set forth in § 1-7.102-1. Additional definitions may be included provided they are not inconsistent with the clause or the provisions of these regulations.

### § 1-7.302-2 Payments.

PAYMENTS

The Contractor shall be paid, upon submission of proper invoices or vouchers, the prices stipulated herein for work delivered or rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made upon acceptance of any portion of the work delivered or rendered for which a price is separately stated in the contract.

### § 1-7.302-3 Standards of work.

STANDARDS OF WORK

The Contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards.

### § 1-7.302-4 Inspection.

(a) The following clause shall be used where the primary contract objective is the delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable. Where this clause is not used, the clause in § 1-7.302-4(b) shall be used.

INSPECTION

(a) All work under this contract shall be subject to inspection and test by the Government, to the extent practicable, at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requirements of this contract. If the Contractor fails or is unable to correct or to replace such work, the Contracting Officer may accept such work at a reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not unduly to delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept, or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

(b) The following clause shall be used in all contracts subject to § 1-7.301 where the clause in (a), above, is not used:

INSPECTION

The Government through any authorized representatives has the right, at all reasonable times, to inspect or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable





facilities and assistance for the safety and convenience of the Government representa-

§ 1-7.302-18 Officials not to benefit.

Act—overtime compensation (40 U.S.C. 327-333).



be provided by the Government, or to be

made in any contractual provisions affected

a strike, civil commotion; vandalism and malicious mischief; sabotage; aircraft or

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facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

§ 1–7.302–5 Assignment of claims.

Insert the clause set forth in § 1–30.703 under the conditions prescribed therein.

§ 1–7.302–6 Examination of records by Comptroller General.

Insert the clause set forth in § 1–7.103–3.

§ 1–7.302–7 Federal, State, and local taxes.

Insert either the clause in § 1–11.401–1 or the clause in § 1–11.401–2 and, when appropriate, insert the supplementary clause in § 1–11.401–3(a), in accordance with the conditions prescribed in those sections.

§ 1–7.302–8 Utilization of small business concerns.

Insert the clause set forth in § 1–8.710–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.302–9 Refunds.

Insert the clause set forth in § 1–8.710 under the conditions prescribed in § 1–8.709–2(b)(5).

§ 1–7.302–10 Termination for convenience of the Government.

(a) Insert the clause set forth in § 1–8.701 under the conditions prescribed in § 1–8.709–2(a)(1).

(b) Insert the clause set forth in § 1–8.704–1 under the conditions prescribed in § 1–8.709–2(a)(4).

§ 1–7.302–11 Disputes.

Insert the clause set forth in § 1–7.102–12.

§ 1–7.302–12 [Reserved]

§ 1–7.302–13 Buy American Act.

Insert the clause set forth in § 1–6.104–5 under the conditions prescribed therein.

§ 1–7.302–14 Convict labor.

Insert the clause set forth in § 1–12.204 under the conditions prescribed in § 1–12.203.

§ 1–7.302–15 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 1–12.–605 under the conditions prescribed in § 1–12.602.

§ 1–7.302–16 Contract Work Hours and Safety Standards Act—overtime compensation.

Insert the clause set forth in § 1–12.–303 under the conditions prescribed in § 1–12.302.

§ 1–7.302–17 Equal opportunity.

Insert the clause set forth in § 1–12.–803–2 under the conditions prescribed in § 1–12.803–1.

§ 1–7.302–18 Officials not to benefit.

Insert the clause set forth in § 1–7.–102–17.

§ 1–7.302–19 Covenant against contingent fees.

Insert the clause set forth in §1–1.503 under the conditions prescribed in §1–1.501.

§ 1–7.302–20 [Reserved]

§ 1–7.302–21 [Reserved]

§ 1–7.302–22 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in § 1–7.103–4.

§ 1–7.302–23 Patents.

Insert the appropriate clause set forth in § 1–9.107 under the conditions contained in Subpart 1–9.1.

§ 1–7.302–24 [Reserved]

§ 1–7.302–25 [Reserved]

§ 1–7.302–26 Utilization of labor surplus area concerns.

Insert the clause set forth in § 1–1.805–3(a) under the conditions prescribed therein.

§ 1–7.302–27 [Reserved]

§ 1–7.302–28 [Reserved]

§ 1–7.302–29 Pricing of adjustments.

Insert the clause set forth in § 1–7.–102–20 under the conditions prescribed therein.

§ 1–7.302–30 Listing of employment openings.

Insert the clause set forth in § 1–12.–1102–2 under the conditions prescribed therein.

§ 1–7.302–31 Utilization of minority business enterprises.

Insert the clause set forth in § 1–1.–1310–2(a) under the conditions prescribed therein.

§ 1–7.302–32 Payment of interest on contractors' claims.

Insert the clause set forth in § 1–1.–322(b) under the conditions prescribed therein.

§ 1–7.302–33 Employment of the handicapped.

Insert the clause set forth in § 1–12.–1304–1 under the conditions contained in the section.

§ 1–7.303 Clauses to be used when applicable.

§ 1–7.303–1 Clauses for fixed-price research and development contracts involving construction.

(a) Insert the clauses set forth in § 1–18.703 in fixed-price research and development contracts under the conditions prescribed in § 1–18.701–1. The clauses set forth in § 1–18.703 are listed for convenience as follows:

Davis-Bacon Act (40 U.S.C. 276a–276a–7).
Contract Work Hours and Safety Standards Act—overtime compensation (40 U.S.C. 327–333).
Apprentices and Trainees.
Payrolls and Payroll Records.
Compliance with Copeland Regulations.
Withholding of Funds.
Subcontracts.
Contract Termination—Debarment.
Disputes Concerning Labor Standards.

(b) Insert the clause set forth in § 1–18.605 in fixed-price research and development contracts under the conditions prescribed in Subpart 1–18.6.

§ 1–7.303–2 [Reserved]

§ 1–7.303–3 [Reserved]

§ 1–7.303–4 [Reserved]

§ 1–7.303–5 [Reserved]

§ 1–7.303–6 [Reserved]

§ 1–7.303–7 Government property.

(a) Insert the following clause when the Government is to furnish, or the contractor is to acquire, Government property:

GOVERNMENT PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use (except for such property furnished "as is") will be delivered to the Contractor at the times stated in the Schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." Except for Government-furnished property furnished "as is," in the event the Government-furnished property is received by the Contractor in a condition not suitable for the intended use the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property, or (2) effect repair or modification, in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) (1) By notice in writing, the Contracting Officer may (i) decrease the property provided or to be provided by the Government under this contract, or (ii) substitute other Government-owned property for property to





be provided by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to subparagraph (1), above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution, or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) Title to all property furnished by the Government shall remain in the Government. In order to define the obligations of the parties under this clause, title to each item of facilities, special test equipment, and special tooling (other than that subject to a "Special Tooling" clause) acquired by the Contractor for the Government pursuant to this contract shall pass to and vest in the Government when its use in the performance of this contract commences, or upon payment therefor by the Government, whichever is earlier, whether or not title previously vested. All Government-furnished property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(d) The Contractor shall be responsible for and accountable for all Government property provided under this contract. The Contractor shall establish and maintain a system to control, protect, preserve, and maintain all Government property. This system shall, upon request by the Contracting Officer, be submitted for review and, if satisfactory, approved in writing by the Contracting Officer. The Contractor shall maintain and make available such records as are required by the approved system and must account for all property until relieved of responsibility therefor in accordance with written instructions of the Contracting Officer.

(e) The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the utilization, maintenance, repair, protection, and preservation of Government property until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(g) Unless otherwise provided in this contract, the Contractor assumes the risk of, and shall be responsible for, any loss of or damage to Government property provided under this contract upon its delivery to him or upon passage of title thereto to the Government as provided in paragraph (c) hereof, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

(h) The Government, and any persons designated by it, shall at all reasonable times have access to the premises wherein any Government property is located, for the purpose of inspecting the Government property.

(i) Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government property not consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall prepare for shipment, delivery f.o.b. origin, or dispose of the Government property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(j) Unless otherwise provided herein, the Government:

(1) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j)(1), above), disposition on completion of need or of the contract (paragraph (i), above), nor otherwise, except for restoration or rehabilitation costs which are properly included in an equitable adjustment under paragraph (b), above.

(k) All communications issued pursuant to this clause shall be in writing.

(b) In negotiated fixed-price contracts for which the price is not based on (1) adequate price competition, (2) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (3) prices set by law or regulations and (4) the price does not include any charges or reserve for insurance (including self insurance) covering damage to Government property, substitute the following paragraph (g) for paragraph (g) of the clause in § 1–7.303–7(a), above.

(g)(1) Except as provided in (2), below, the Contractor shall not be liable for loss or destruction of or damage to the Government property provided under this contract:

(i) Caused by any peril while the property is in transit off the Contractor's premises; or

(ii) Caused by any of the following perils while the property is on the Contractors or subcontractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils:

(A) Fire; lighting, windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; nuclear reaction, nuclear radiation or radioactive contamination; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending, or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air forces; or by an agent of any such government, power, authority, or forces; or

(B) Other peril, of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locale.

The perils as set forth in (i) and (ii), above, are hereinafter called "excepted perils."

If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(2) Notwithstanding (1), above, the Contractor shall be responsible for any loss or damage (a) to the extent specifically provided in the clause or clauses of this contract designated in the schedule, or (b) which results from:

(i) Willful misconduct or lack of good faith of any of the Contractor's managerial personnel; or

(ii) A failure on the part of the Contractor, due to willful misconduct or lack of good faith of the Contractor's managerial personnel, (aa) to maintain and administer the program for maintenance, repair, protection, and preservation of the Government property as required by paragraph (f) hereof, or (bb) to establish, maintain, and administer a system for control of Government property as required by paragraph (d) of this clause.

Any failure of the Contractor to act, as provided in this (ii), shall be conclusively presumed to be a failure resulting from willful misconduct, or lack of good faith on the part of one of the Contractor's managerial personnel if the Contractor is notified by the Contracting Officer by registered or certified mail addressed to one of the Contractor's managerial personnel, of the Government's disapproval, withdrawal of approval, or nonacceptance of the Contractor's program or system. In such event, it shall be presumed that any loss of or damage to Government property resulted from such failure. The Contractor shall be liable for such loss or damage unless he can establish by clear and convincing evidence that such loss or damage did not result from his failure to maintain an approved program or system, or occurred during such time as an approved





program or system for control of Government property, and such property (other than under the terms of this contract, the prop-



in the Contractor upon acquisition or as tractual provision affected by the repair or shall not be limited by any other exception.

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program or system for control of Government property was maintained.

The term "Contractor's managerial personnel" as used herein means the Contractor's directors, officers, and any of his managers, superintendents, or other equivalent representatives who have supervision or direction of:

(A) All or substantially all of the Contractor's business;

(B) All or substantially all of the Contractor's operation at any one plant or separate location at which the contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract.

(3) The Contractor represents that he is not including in the price hereunder, and agrees that he will not hereafter include in any price to the Government, any charge or reserve for insurance (including any self-insurance funds or reserve) covering loss or destruction of or damage to the Government property caused by any excepted peril.

(4) Upon the happening of loss or destruction of or damage to any Government property caused by an excepted peril, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the loss and salvage organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the loss and salvage organization so designated (unless the Contracting Officer has directed that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be entitled to an equitable adjustment in the contract price for the expenditures made by him in performing his obligations under this subparagraph (4) (including charges made to the Contractor by the loss and salvage organization, except any of such charges the payment of which the Government has, at its option, assumed directly), in accordance with the procedures provided for in the "Changes" clause of this contract.

(5) With the approval of the Contracting Officer after loss or destruction of or damage to Government property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(6) Except to the extent of any loss or destruction of or damage to Government property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government property in accordance with the provisions of this contract, the Contractor assumes the risk of, and shall be responsible for, any loss or destruction of or damage to the Government property, and such property (other than that which is permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (f), above.

(7) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government property, caused by an excepted peril, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction, or damage, and, upon the request of the Contracting Officer, shall at the Government's expense furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to the Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(c) The following short form clause may be used when the Government is to furnish to the contractor Government property having an acquisition cost of $25,000 or less:

GOVERNMENT-FURNISHED PROPERTY (SHORT FORM)

(a) The Government shall delivery to the Contractor, for use only in connection with this contract, the property described in the schedule or specifications (hereinafter referred to as "Government-furnished property"), at the times and locations stated therein. If the Government-furnished property, suitable for its intended use, is not so delivered to the Contractor, the Contracting Officer shall, upon timely written request made by the Contractor, and if the facts warrant such action, equitably adjust any affected provision of this contract pursuant to the procedures of the "Changes" clause hereof.

(b) Title to Government-furnished property shall remain in the Government. The Contractor shall maintain adequate property control records of Government-furnished property in accordance with sound industrial practice.

(c) Unless otherwise provided in this contract, the Contractor, upon delivery to him of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear, and except to the extent that such property is consumed in the performance of this contract.

(d) The Contractor shall, upon completion of this contract, prepare for shipment, deliver f.o.b. origin, or dispose of all Government-furnished property not consumed in the performance of this contract or not theretofore delivered to the Government, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or paid in such other manner as the Contracting Officer may direct.

(d) Insert the following clause when the contract is without profit or fee and is with an educational or nonprofit institution:

GOVERNMENT PROPERTY (FIXED-PRICE, NONPROFIT)

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use (except for such property furnished "as is") will be delivered to the Contractor at the times stated in the Schedule, or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned by the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by any such delay. Except for Government-furnished property furnished "as is," in the event that Government-furnished property is received by the Contractor in a condition not suitable for its intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of such property, or (2) effect repairs or modifications. Upon completion of (1) or (2), above, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the return, disposition, repair, or modification. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) (1) By notice in writing, the Contracting Officer (i) may decrease the property furnished or to be furnished by the Government under this contract, or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal, shipping, and disposal of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (1), above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided in the "Changes" clause of this contract.

(c) (1) Title to all property furnished by the Government shall remain in the Government.

(2) Notwithstanding subparagraph (c) (1) above, title to equipment purchased with funds available for research, having an acquisition cost of less than $1,000, shall vest





in the Contractor upon acquisition or as soon thereafter as feasible, provided that the Contractor shall have obtained approval of the Contracting Officer prior to acquisition of such property.

(3) Title to equipment having an acquisition cost of $1,000 or more, purchased with funds available for the conduct of research, shall vest as set forth in the contract.

(4) If title to equipment is vested pursuant to (c) (2) or (c) (3) above, the Contractor agrees that no charge will be made to the Government for any depreciation, amortization, or use charge with respect to such equipment under any existing or future Government contract or subcontract thereunder.

(5) The Contractor shall furnish the Contracting Officer a list of all equipment acquired under subparagraph (c) (2) above within ten (10) days following the end of the calendar quarter during which such equipment was received.

(6) All Government furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this clause, is hereinafter collectively referred to as "Government property."

(7) Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(8) In order to define the obligations of the parties under this clause, where title to each item of facilities, special test equipment, and special tooling (other than that subject to a "Special Tooling" clause) acquired by the Contractor is to vest in the Government, title shall pass to and vest in the Government when its use in the performance of this contract commences, or upon payment therefor by the Government, whichever is earlier, whether or not title previously vested.

(d) The Contractor shall be responsible for and accountable for all Government property provided under this contract. The Contractor shall establish and maintain a system to control, protect, preserve, and maintain all Government property. This system shall, upon request by the Contracting Officer, be submitted for review and, if satisfactory, approved in writing by the Contracting Officer. The Contractor shall maintain and make available such records as are required by the approved system and must account for all property until relieved of responsibility therefor in accordance with written instructions of the Contracting Officer.

(e) The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) The Contractor shall maintain and administer, in accordance with sound business practice, a program for the utilization, maintenance, repair, protection, and preservation of Government property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provision affected by the repair or replacement of Government property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provision of this contract shall be accomplished by the Contractor at his own expense.

(g) (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage except that the Contractor shall be liable for any loss or damage to Government property provided under this contract upon its delivery to him or passage of title to the Government as provided in paragraph (c), above (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of his managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i), above:

(A) To maintain and administer, in accordance with sound industrial practice, the program for maintenance, repair, protection, and preservation of Government property as required by paragraph (f), hereof, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f), hereof; or

(B) To establish, maintain, and administer, in accordance with paragraph (d), above, a system for control of Government property.

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under some other provision of this contract, or of the Schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

Any failure of the Contractor to act, as provided in subparagraph (ii), above, shall be conclusively presumed to be a failure resulting from willful misconduct, or lack of good faith on the part of such directors, officers, or other representatives mentioned in subparagraph (i), above, if the Contractor is notified by the Contracting Officer by registered or certified mail, addressed to one of such directors, officers, or other representatives of the Government's disapproval, withdrawal of approval, or nonacceptance of the Contractor's program or system. In such event, it shall be presumed that any loss or damage to Government property resulted from such failure. The Contractor shall be liable for such loss or damage unless he can establish by clear and convincing evidence that such loss or damage did not result from his failure to maintain an approved program or system, or occurred during such time as an approved program or system for control of Government property was maintained.

If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) The Contractor represents that he is not including in the price hereunder, and agrees that he will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government property, except to the extent that the risk of loss is imposed on the Contractor under (1) (iii), above, or insurance has been required under (1) (iv), above.

(3) Upon the happening of loss or destruction of or damage to any Government property, the Contractor shall notify the Contracting Officer thereof and shall communicate with the loss and salvage organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the loss and salvage organization so designated (unless the Contracting Officer has directed that no such organization be employed) shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be entitled to an equitable adjustment in the contract price for the expenditures made by him in performing his obligations under this subparagraph (3) (including charges made to the Contractor by the loss and salvage organization, except any of such charges the payment of which the Government has, at its option, assumed directly).

(4) With the approval of the Contracting Officer after loss or destruction of or damage to Government property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(5) Except to the extent of any loss or destruction of or damage to Government property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government property in accordance with the provisions of this contract, the Contractor assumes the risk of, and shall be responsible for, any loss or destruction of or damage to the Government property, and such property (other than that which is permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (f), above.

(6) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government property, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall at



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the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(h) The Government, and any persons designated by it, shall at all reasonable times have access to the premises wherein any Government property is located, for the purpose of inspecting the Government property.

(i) Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as provided for elsewhere in this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the price or costs of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) If the Contractor determines any Government property to be in excess of his needs under this contract, such Government property shall be disposed of in the same manner as provided by paragraph (i), above, except that the Government may abandon any Government property in place and thereupon all obligations of the Government regarding such abandoned property shall cease. The Government has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment, disposition pursuant to paragraph (i), above, nor otherwise, except for restoration or rehabilitation costs which are properly included in an equitable adjustment under paragraph (b), above.

(k) All communications issued pursuant to this clause shall be in writing.

**§ 1–7.303–8 [Reserved]**

**§ 1–7.303–9 Notice to the Government of labor disputes.**

Insert the clause set forth in § 1–7.203–3 under the conditions prescribed therein.

**§ 1–7.303–10 [Reserved]**

**§ 1–7.303–11 [Reserved]**

**§ 1–7.303–12 Subcontracts.**

The following clause may be inserted in fixed-price research and development contracts whenever it is likely that subsequent to award major modifications will be initiated pursuant to the Changes clause, or other contract provisions, and that such modifications will result in the placement of additional subcontracts. The pricing arrangements of such subcontracts have an impact upon the final price of the modification; therefore, it is essential that they be made available by the contractor for review by the contracting officer (see §§ 1–3.807–10(b) and 1–3.903).

SUBCONTRACTS

(The provisions of this clause do not apply to firm fixed-price and fixed price with escalation (economic price adjustment) contracts. The clause does apply to new subcontracts or modifications of existing subcontracts which are necessitated because of unpriced contract changes pursuant to the Changes clause or other provisions of this contract.)

(a) As used in this clause, the term "subcontract" includes purchase orders.

(b) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract if the Contractor's procurement system has not been approved by the Contracting Officer and if the subcontract:

(i) Is to be a cost-reimbursement, time and materials, or labor-hour contract which it is estimated will involve an amount in excess of ten thousand dollars ($10,000) including any fee;

(ii) Is proposed to exceed one hundred thousand dollars ($100,000); or

(iii) Is one of a number of subcontracts, under this contract, with a single subcontractor for the same or related supplies or services which, in the aggregate, are expected to exceed one hundred thousand dollars ($100,000).

(c) The advance notification required by paragraph (b) above shall include:

(i) A description of the supplies or services to be called for by the subcontract;

(ii) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the competition obtained;

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data, when such data and certificates are required by other provisions of this contract to be obtained from the subcontractor;

(v) Identification of the type of subcontract to be used;

(vi) A memorandum of negotiation which sets forth the principal elements of the subcontract price negotiations. A copy of this memorandum shall be retained in the Contractor's file for the use of Government reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of initial or revised prices. The memorandum should include an explanation of why cost or pricing data was, or was not required, and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required, the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the Contractor in determining the total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which it was recognized in the negotiation that any cost or pricing data submitted by the subcontractor was not accurate, complete, or current; the action taken by the Contractor and subcontractor as a result; and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the Contractor's total price objective, the memorandum shall explain this difference;

(vii) When incentives are used, the memorandum of negotiation shall contain an explanation of the incentive fee profit plan identifying each critical performance element, management decisions used to quantify each incentive element, reasons for incentives on particular performance characteristics, and a brief summary of trade-off possibilities considered as to cost, performance, and time; and

(viii) The subcontractor's Disclosure Statement or Certificate relating to Cost Accounting Standards when such data are required by other provisions of this contract to be obtained from the subcontractor.

(d) The Contractor shall not enter into any subcontract for which advance notification to the Contracting Officer is required by this clause, without the prior written consent of the Contracting Officer; *provided* That the Contracting Officer, in his discretion, may ratify in writing any subcontract. Such ratification shall constitute the consent of the Contracting Officer required by this paragraph.

(e) Neither consent by the Contracting Officer to any subcontract or any provisions thereof nor approval of the Contractor's procurement system shall be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract or to relieve the Contractor of any responsibility for performing this contract, unless such approval or consent specifically provides otherwise.

(f) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

**§ 1–7.303–14 [Reserved]**

**§ 1–7.303–15 [Reserved]**

**§ 1–7.303–16 Price reduction for defective cost or pricing data.**

Insert the appropriate clause set forth in § 1–3.814–1 under the conditions prescribed therein.

**§ 1–7.303–17 [Reserved]**

**§ 1–7.303–18 [Reserved]**

**§ 1–7.303–19 [Reserved]**

**§ 1–7.303–20 [Reserved]**

**§ 1–7.303–21 Advance payments.**

When advance payments are to be made in accordance with Subpart 1–30.4, insert the appropriate provisions as prescribed in § 1–30.414–2.

**§ 1–7.303–22 Workmen's compensation insurance (Defense Base Act).**

Insert the clause set forth in § 1–10.402 under the conditions prescribed therein.

**§ 1–7.303–23 Progress payments.**

When progress payments are to be made in accordance with Subpart 1–30.5, insert the appropriate provisions as prescribed in § 1–30.510.

**§ 1–7.303–24 Required source for jewel bearings.**

Insert the clause set forth in § 1–1.319 under the conditions prescribed therein.





**§ 1–7.303–25 [Reserved]**

**§ 1–7.303–26 Interest.**

Insert the clause set forth in § 1–7.203–15 under the conditions prescribed therein.

**§ 1–7.303–27 Competition in subcontracting.**

Insert the clause set forth in § 1–7.202–30 in contracts over $10,000, except in firm fixed-price contracts where award is on the basis of effective price competition or where prices are established by law or regulation.

**§ 1–7.303–28 Audit and records.**

Insert the appropriate clause or clauses set forth in § 1–3.814–2 under the conditions prescribed therein.

**§ 1–7.303–29 Subcontractor cost and pricing data.**

Insert the appropriate clause set forth in § 1–3.814–3 under the conditions prescribed therein.

**§ 1–7.303–30 [Reserved]**

**§ 1–7.303–31 [Reserved]**

**§ 1–7.303–32 [Reserved]**

**§ 1–7.303–33 [Reserved]**

**§ 1–7.303–34 [Reserved]**

**§ 1–7.303–35 [Reserved]**

**§ 1–7.303–36 [Reserved]**

**§ 1–7.303–37 [Reserved]**

**§ 1–7.303–38 [Reserved]**

**§ 1–7.303–39 [Reserved]**

**§ 1–7.303–40 [Reserved]**

**§ 1–7.303–41 United States products and services (Balance of Payments Program).**

Insert the clause set forth in § 1–6.806–4 under the conditions prescribed in Subpart 1–6.8.

**§ 1–7.303–42 [Reserved]**

**§ 1–7.303–43 [Reserved]**

**§ 1–7.303–44 Care of laboratory animals.**

Insert the following clause in all contracts involving the use of experimental or laboratory animals:

CARE OF LABORATORY ANIMALS

(a) Before undertaking performance of any contract involving the use of laboratory animals, the Contractor shall register with the Secretary of Agriculture of the United States in accordance with Section 6, P.L. 89–544, Laboratory Animal Welfare Act, August 24, 1966, as amended by P.L. 91–579, Animal Welfare Act of 1970, December 24, 1970. The Contractor shall furnish evidence of such registration to the Contracting Officer.

(b) The Contractor shall acquire animals used in research and development programs from a dealer licensed by the Secretary of Agriculture, or from exempted sources in accordance with the Public Laws enumerated in (a), above, of this provision.

(c) In the care of any live animals used or intended for use in the performance of this contract, the Contractor shall adhere to the principles enunciated in the Guide for Care and Use of Laboratory Animals prepared by the Institute of Laboratory Animal Resources, National Academy of Sciences (NAS)—National Research Council (NRC), and in the United States Department of Agriculture's (USDA) regulations and standards issued under the Public Laws enumerated in (a) above. In case of conflict between standards, the higher standard shall be used. Contractor reports on portions of the contract in which animals were used shall contain a certificate stating that the animals were cared for in accordance with the principles enunciated in the Guide for Care and Use of Laboratory Animals prepared by the Institute of Laboratory Animal Resources, NAS–NRC, and/or in the regulations and standards as promulgated by the Agricultural Research Service, USDA, pursuant to the Laboratory Animal Welfare Act of August 24, 1966, as amended (P.L. 89–544 and P.L. 91–579).

NOTE: The Contractor may request registration of his facility and a current listing of licensed dealers from the Regional Office of the Animal and Plant Health Inspection Service (APHIS), USDA, for the region in which his research facility is located. The location of the appropriate APHIS Regional Office as well as information concerning this program may be obtained by contacting the Senior Staff Officer, Animal Care Staff, USDA/APHIS, Federal Center Building, Hyattsville, MD 20782.

**§ 1–7.303–45 [Reserved]**

**§ 1–7.303–46 Insurance.**

Insert the following clause in all contracts requiring work on a Government installation. The clause is not required for contracts (a) of $10,000 or less, (b) when only a small amount of work is required to be performed on the Government installation such as occasional visits, and (c) where all the work on a Government installation is to be performed outside the United States, its possessions, and the Commonwealth of Puerto Rico.

INSURANCE

(a) The Contractor shall, at his own expense, procure and maintain during the entire performance period of this contract insurance of at least the kinds and minimum amounts set forth in the Schedule of this contract.

(b) At all times during performance, the Contractor shall maintain with the Contracting Officer a current Certificate of Insurance showing at least the insurance required by the Schedule, and providing for 30 days written notice to the Contracting Officer by the insurance company prior to cancellation or material change in policy coverage.

(c) The Contractor shall also require all first-tier subcontractors who will perform work on a Government installation to procure and maintain the insurance required by the Schedule during the entire period of their performance. The Contractor shall furnish (or assure that there has been furnished) to the Contracting Officer a current Certificate of Insurance meeting the requirements of (b), above, for each such first-tier subcontractor, at least 5 days prior to entry of each such subcontractor's personnel on the Government installation.

**§ 1–7.303–47 [Reserved]**

**§ 1–7.303–48 [Reserved]**

**§ 1–7.303–49 [Reserved]**

**§ 1–7.303–50 [Reserved]**

**§ 1–7.303–51 Minority business enterprises subcontracting program.**

Insert the clause set forth in § 1–1.1310–2(b) under the conditions and in the manner prescribed therein.

**§ 1–7.303–52 [Reserved]**

**§ 1–7.303–53 [Reserved]**

**§ 1–7.303–54 [Reserved]**

**§ 1–7.303–55 Cost accounting standards.**

(a) Insert the notice for solicitations set forth in § 1–3.1203(a)(3) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

(b) Insert the contract clause set forth in § 1–3.1204 in negotiated contracts under the conditions contained in Subpart 1–3.12.

**§ 1–7.303–56 [Reserved]**

**§ 1–7.303–57 [Reserved]**

**§ 1–7.303–58 Labor surplus area subcontracting program.**

Insert the clause set forth in § 1–1.805–3(b) under the conditions and in the manner prescribed therein.

**§ 1–7.303–59 Small business subcontracting program.**

Insert the clause set forth in § 1–1.710–3(b) under the conditions and in the manner prescribed therein.

**§ 1–7.303–60 [Reserved]**

**§ 1–7.303–61 [Reserved]**

**§ 1–7.303–62 [Reserved]**

**§ 1–7.303–63 Preference for U.S. flag air carriers.**

Insert the clause set forth in § 1–1.323–2 under the conditions prescribed therein.

**§ 1–7.303–64 Contracts with the Small Business Administration.**

(a) Insert the clause set forth in § 1–1.713–3(d)(1) in contracts with the Small Business Administration awarded pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(b) Insert the clause set forth in § 1–1.713–3(e) in subcontracts which will be executed by the Small Business Administration and its subcontractors.

**§ 1–7.304 Additional clauses.**

The following clauses may be inserted in fixed-price research and development contracts when it is desired to cover the subject matter thereof.

**§ 1–7.304–1 Changes.**

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications; (ii) method of shipment or packing; and (iii) place of inspection, delivery, or acceptance. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i)





in the contract price or time of performance, or both, and (ii) in such other provisions

**§ 1–7.304–9 Reports of work.**



to the Government set forth in the Schedule, whether those excess costs were incurred when added to all costs previously incurred, will exceed 75 percent of the total of the

(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contrac-

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in the contract price or time of performance, or both, and (ii) in such other provisions contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; *Provided*, however, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

The period of "30 days" within which a claim must be asserted may be varied in accordance with agency procedures.

**§ 1–7.304–2 Alterations in contract.**

Insert the clause set forth in § 1–7.204–1.

**§ 1–7.304–3 Approval of contract.**

Insert the clause set forth in § 1–7.204–2.

**§ 1–7.304–4 [Reserved]**

**§ 1–7.304–5 Notice regarding late delivery.**

Insert the clause set forth in § 1–7.204–4.

**§ 1–7.304–6 Key personnel.**

KEY PERSONNEL

The personnel specified in an attachment to this contract are considered to be essential to the work being performed hereunder. Prior to diverting any of the specified individuals to other programs, the Contractor shall notify the Contracting Officer reasonably in advance and shall submit justification (including proposed substitutions) in sufficient detail to permit evaluation of the impact on the program. No diversion shall be made by the Contractor without the written consent of the Contracting Officer: *Provided*, That the Contracting Officer may ratify in writing such diversion and such ratification shall constitute the consent of the Contracting Officer required by this clause. The attachment to this contract may be amended from time to time during the course of the contract to either add or delete personnel, as appropriate.

**§ 1–7.304–7 Liquidated damages.**

Insert the provision set forth in § 1–1.315–3 under the conditions and in the manner prescribed in § 1–1.315. Where Standard Form 32 is not included in the contract, the provision set forth in § 1–1.315–3 shall be modified by replacing the first paragraph with appropriate references to the Default clause contained in the contract.

**§ 1–7.304–8 Disposition of material.**

DISPOSITION OF MATERIAL

Upon termination or completion of all work under this contract, the Contractor shall prepare for shipment, deliver f.o.b. destination, or dispose of all materials received from the Government and all residual materials produced in connection with the performance of this contract as may be directed by the Contracting Officer, or as specified in other provisions of this contract. All materials produced or required to be delivered under this contract become and remain the property of the Government.

**§ 1–7.304–9 Reports of work.**

REPORTS OF WORK

(a) The Contractor shall submit separate monthly progress reports of all work accomplished during each month of contract performance. Reports shall be in narrative form, and brief and informal in content. Monthly reports shall include:

(i) A quantitative description of overall progress;

(ii) An indication of any current problems which may impede performance, and proposed corrective action; and

(iii) A discussion of the work to be performed during the next monthly reporting period.

Monthly reports shall be submitted in a reproducible copy plus the number of copies specified in the Schedule.

(b) The Contractor shall submit separate quarterly reports of all work accomplished during each 3 month period of contract performance. In addition to factual data, these reports shall include a separate analysis section which interprets the results obtained, recommends further action, and relates occurrences to the ultimate objectives of the contract work. Sufficient diagrams, sketches, curves, photographs, and drawings shall be included to convey the intended meaning. Quarterly reports shall be submitted in a reproducible copy plus the number of copies specified in the Schedule.

(c) The Contractor shall submit a final report which documents and summarizes the results of the entire contract work, including recommendations and conclusions based on the experience and results obtained. The final report shall include tables, graphs, diagrams, curves, sketches, photographs, and drawings in sufficient detail to comprehensively explain the results achieved under the contract. The final report shall be submitted in a reproducible copy plus the number of copies specified in the Schedule.

A new Subpart 1–7.4 is added which reads as follows:

## Subpart 1–7.4—Cost-Reimbursement Type Research and Development Contracts

**§ 1–7.400 Scope of subpart.**

This subpart sets forth contract clauses for use in cost-reimbursement type research and development contracts.

**§ 1–7.401 Applicability.**

As used throughout this subpart, the term "cost-reimbursement type research and development contract" means any contract (other than a letter contract, notice of award, or modification not effecting new procurement) which is (a) entered into on a cost, cost-sharing, or cost-plus-a-fee basis, and (b) is for experimental, developmental, or research work. Unless clearly inappropriate, these clauses may also be used in other types of nonpersonal services contracts; e.g., studies, surveys, and demonstrations in socio-economic areas, except for (a) construction, (b) architect-engineer services, and (c) those subject to the Service Contract Act of 1965, as amended.

**§ 1–7.402 Required clauses.**

The clauses set forth in this § 1–7.402 shall be inserted, as required, in all cost-reimbursement type research and development contracts.

**§ 1–7.402–1 Definitions.**

Insert the clause set forth in § 1–7.102–1. Additional definitions may be included provided they are not inconsistent with the clause or the provisions of these regulations.

**§ 1–7.402–2 Limitation of cost or funds.**

(a) Insert the clause set forth in § 1–7.202–3(a) in all fully funded cost-reimbursement type research and development contracts which do not provide for cost sharing. The clause is equally applicable to contracts not providing for the payment of a fee, and, if desired, may be altered to delete the words "exclusive of fee" wherever they appear.

(b) Insert the following clause in fully funded cost-reimbursement type research and development contracts which provide for cost sharing. The contract schedule shall include a cost-sharing formula agreed upon by the contracting officer and the contractor. The formula shall provide for the ratio of cost-sharing for both the originally established estimated cost and any increase pursuant to paragraph (b) of the clause.

LIMITATION OF COST (COST-SHARING)

(a) It is estimated that the cost to the Government for the performance of this contract (exclusive of any fee) will not exceed the estimated cost to the Government set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost to the Government plus the share of the cost of performance agreed to be borne by the Contractor, as set forth in the Schedule. If, at any time, the Contractor has reason to believe that the costs which he expects to be incurred in the performance of this contract in the next succeeding 60 days, when added to all costs previously incurred, will exceed 75 percent of the estimated total cost to the Government and to the Contractor then set forth in the Schedule, or if, at any time, the Contractor has reason to believe that the total cost for the performance of this contract (exclusive of any fee) will be greater or substantially less than the then estimated total cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving his revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract, specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost to the Government set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the estimated total cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated total cost has been increased and shall have specified in such notice a revised estimated total cost which shall thereupon constitute the estimated total cost of performance of this contract. The increase in such estimated total cost shall be allocated in accordance with the formula set forth in the Schedule governing such increases. No notice, communication, or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost to the Government of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost





to the Government set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated total cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated total cost prior to such increase shall be allowable to the same extent and in the same percentage as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this Contract shall not be considered an authorization to the Contractor to exceed the estimated cost to the Government set forth in the Schedule, or to the extent that the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(c) Insert the clause set forth in § 1–7.202–3(b) in cost-reimbursement type research and development contracts which are to be incrementally funded and which do not provide for cost-sharing.

(d) Insert the following clause in cost-reimbursement type research and development contracts which are to be incrementally funded and which provide for cost-sharing. The contract schedule shall include a cost sharing formula agreed upon by the contracting officer and the contractor. The formula shall provide for the ratio of cost-sharing for both the originally established estimated cost and any increase pursuant to paragraph (b) of the clause.

LIMITATION OF FUNDS (COST-SHARING)

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost to the Government set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost to the Government plus the share of the cost of performance agreed to be borne by the Contractor, as set forth in the Schedule.

(b) The amount presently available for payment by the Government and allotted to this contract, the items covered thereby, the Government's share of the cost thereof, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost to the Government set forth in the Schedule, exclusive of any fixed fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total amount actually allotted by the Government to the contract.

(c) If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding 60 days, when added to all costs previously incurred, will exceed 75 percent of the total of the amount then allotted to the contract by the Government plus the Contractor's corresponding share, the Contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty days prior to the end of the period specified in the Schedule the Contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his request, and the Contracting Officer, in his discretion, may terminate on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the amount from time to time allotted by the Government to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the total of the amount then allotted to the contract by the Government plus the Contractor's corresponding share, unless and until the Contracting Officer has notified the Contractor in writing that the amount allotted by the Government has been increased and has specified in such notice an increased amount constituting the total amount then allotted by the Government to the contract. To the extent the total of the amount allotted by the Government plus the Contractor's corresponding share exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. Any increase in such estimated cost shall be allocated in accordance with the formula set forth in the Schedule governing such increases. No notice, communication, or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted by the Government to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted by the Government to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted by the Government to the contract has been increased, any costs incurred by the Contractor in excess of the total of the amount previously allotted by the Government plus the Contractor's corresponding share shall be allowable to the same extent and in the same percentage as if such costs had been incurred after such increase in the amount allotted; *unless* the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted by the Government in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the amount allotted.

(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(g) In the event that sufficient funds are not allotted to this contract by the Government to allow completion of the work contemplated by this contract, the Contractor shall be entitled to that percentage of the fee set fortn in the Schedule equivalent to the percentage of completion of the work contemplated by this contract.

(e) In accordance with agency procedures the percentages and time periods stated in the foregoing clauses may be varied respectively between 75 percent and 85 percent and 30 to 90 days.

**§ 1–7.402–3 Allowable cost, fee, and payment.**

(a) Insert the clause set forth in § 1–7.202–4 in all cost-reimbursement type contracts which provide for payment of a fixed fee.

(b) In the case of contracts, including cost-sharing contracts, without fee:

(1) Change the title of the clause prescribed in (a), above, to "Allowable Cost and Payment";

(2) Insert the following sentence in lieu of the second sentence of paragraph (c) of the clause prescribed in (a), above, except that in contracts not providing for cost-sharing, the parenthetical references to the Government's share shall be deleted:

After payment of an amount equal to 80 percent of (the Government's share of) the total estimated cost of performance of this contract set forth in the Schedule, the Contracting Officer may withhold further payment on account of allowable cost until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed 1 percent of (the Government's share of) such total estimated cost or $100,000, whichever is less.

(3) Delete "and any part of the fixed fee" from paragraph (e) of the clause prescribed in (a), above.

(4) In contracts without fee with nonprofit institutions the amount $10,000 may be substituted for $100,000 in the sentence set forth in § 1–7.402–3(b)(2), above.

(5) In contracts with educational institutions substitute Subpart 1–15.3 in paragraph (a)(1)(i) of the clause prescribed in § 1–7.402–3(a), above.

(6) In contracts with State and local governments substitute Subpart 1–15.7 in paragraph (a)(1)(i) of the clause prescribed in § 1–7.402–3(a), above.

**§ 1–7.402–4 Standards of work.**

Insert the clause set forth in § 1–7.302–3.





**§ 1–7.402–5 Inspection and correction**

increased cost to be charged to the Gov-

requirement of correction is disclosed. If the



how the proposed subcontractor was select-

any cost under this contract, unless such

**§ 1–7.402–14 Convict labor.**

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**§ 1–7.402–5 Inspection and correction of defects.**

(a) The following clause shall be used where the primary contract objective is the delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable. Where this clause is not used, the clause in § 1–7.402–5(c) shall be used.

INSPECTION AND CORRECTION OF DEFECTS

(a) All work under this contract shall be subject to inspection and test by the Government (to the extent practicable) at all times (including the period of performance) and places, and in any event prior to acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, final inspection and acceptance shall be made at the place of delivery as promptly as practicable after delivery and shall be deemed to have been made no later than 90 days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than 6 months (or such other time as may be provided in the Schedule) after acceptance of all of the end items (other than designs, drawings, or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence, except as provided in (d), below. Except as otherwise provided in paragraph (c), below, the allowability of the cost of any such replacement or correction shall be determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," but no additional fee shall be payable with respect thereto. Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government (1) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under the contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (2) in the case of articles not delivered, may require the delivery of such articles, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (3) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee, shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b), above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract, if such failure is due to fraud, lack of good faith, or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (1) all or substantially all of the Contractor's business, or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (3) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) The provisions of paragraph (b), above, shall apply to any corrected or replacement end item or component until 6 months after its acceptance.

(e) The Contractor shall make his records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace articles which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property."

(b) Insert the following paragraph in lieu of paragraph (b) of the clause set forth in (a), above, when the contract does not provide for the payment of a fee:

(b) At any time during performance of this contract, but not later than 6 months (or such other period as may be provided in the Schedule) after acceptance of all of the end items (other than designs, drawings, or reports) to be delivered under this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any failure by the Contractor to comply with the requirements of this contract. Any time devoted to such correction or replacement shall not be included in the computation of the period of time specified in the preceding sentence except as provided in (d), below. Except as provided in paragraph (c), below, the allowability of the cost of any such replacement or correction shall be as provided in the clause of this contract entitled "Allowable Cost and Payment." Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government (1) may, by contract or otherwise, perform such replacement or correction and charge to the Contractor any increased cost occasioned by the Government thereby, or (2) in the case of articles not delivered, may require the delivery of such articles, or (3) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) The following clause shall be inserted in all cost-reimbursement type research and development contracts where the clause set forth in (a), above, is not used:

INSPECTION

The Government, through any authorized representatives, has the right at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection, or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

**§ 1–7.402–6 Assignment of claims.**

Insert the clause set forth in § 1–30.703 under the conditions contained therein.

**§ 1–7.402–7 Examination of records by Comptroller General.**

Insert the clause set forth in § 1–7.103–3.

**§ 1–7.402–8 Subcontracts.**

(a) Insert the following clause in all cost-reimbursement type research and development contracts:

SUBCONTRACTS

(a) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract which (1) is cost-reimbursement type, time and materials, or labor-hour, or (2) is fixed-price type and exceeds in dollar amount either $25,000 or 5 percent of the total estimated cost of this contract, or (3) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities, or (4) has experimental, developmental, or research work as one of its purposes.

(b) In the case of a proposed subcontract which is (1) cost-reimbursement type, time and materials, or labor-hour which would involve an estimated amount in excess of $10,000, including any fee, (2) is proposed to exceed $100,000, or (3) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000, the advance notification required by (a), above, shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and





how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required by other provisions of this contract to be obtained from the subcontractor;

(5) Identification of the type of subcontract to be used;

(6) A memorandum of negotiation which sets forth the principal elements of the subcontract price negotiations. A copy of this memorandum shall be retained in the Contractor's file for the use of Government reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of initial or revised prices. The memorandum should include an explanation of why cost or pricing data was, or was not required, and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required, the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the Contractor in determining the total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which it was recognized in the negotiation that any cost or pricing data submitted by the subcontractor was not accurate, complete, or current; the action taken by the Contractor and the subcontractor as a result; and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the Contractor's total price objective, the memorandum shall explain this difference;

(7) When incentives are used, the memorandum of negotiation shall contain an explanation of the incentive fee/profit plan identifying each critical performance element, management decisions used to quantify each incentive element, reasons for incentives on particular performance characteristics, and a brief summary of trade-off possibilities considered as to cost, performance, and time; and

(8) The subcontractor's Disclosure Statement or Certificate relating to Cost Accounting Standards when such data are required by other provisions of this contract to be obtained from the subcontractor.

(c) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which in the opinion of the Contractor, may result in litigation, related in any way to this contract, with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i) or (ii) of (a) above, without the consent of the Contracting Officer, if the Contracting Officer has approved in writing the Contractor's procurement system and the subcontract is within the scope of such approval. (This subparagraph (g) however, shall not be applicable to those subcontracts subject to subparagraph (j) below, if any.)

(h) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in the Federal Procurement Regulations, Subpart 1–30.5, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(b) The amounts "$25,000" and "$1,000" in paragraph (a) of the clause set forth in § 1–7.402–8(a) may be varied in accordance with agency procedures to reflect lower dollar values.

(c) In exceptional circumstances, certain subcontracts or classes of subcontracts may be selected during negotiation for extraordinary Government surveillance. In such circumstances, insert the following paragraph (j):

(j) Notwithstanding approval of the procurement system, the Contractor shall not enter into certain subcontracts or classes of subcontracts set forth elsewhere in this contract without the prior written consent of the Contracting Officer.

**§ 1–7.402–9 Utilization of small business concerns.**

Insert the clause set forth in § 1–1.710–3(a) under the conditions and in the manner prescribed therein.

**§ 1–7.402–10 Termination for default or convenience of the Government.**

(a) Insert the clause set forth in § 1–8.702 in accordance with the conditions prescribed in §§ 1–8.700–2(a)(3) and 1–8.700–2(b)(2).

(b) Insert the clause set forth in § 1–8.704–1 in accordance with the conditions prescribed in § 1–8.700–2(a)(4).

**§ 1–7.402–11 Disputes.**

Insert the clause set forth in § 1–7.102–12.

**§ 1–7.402–12 [Reserved]**

**§ 1–7.402–13 Buy American Act.**

Insert the clause set forth in § 1–6.104–5 under the conditions prescribed therein.

**§ 1–7.402–14 Convict labor.**

Insert the clause set forth in § 1–12.204 under the conditions prescribed in § 1–12.203.

**§ 1–7.402–15 Walsh-Healey Public Contracts Act.**

Insert the clause set forth in § 1–12.605 under the conditions prescribed in § 1–12.602.

**§ 1–7.402–16 Contract Work Hours and Safety Standards Act—overtime compensation.**

Insert the clause set forth in § 1–12.303 under the conditions prescribed in § 1–12.302.

**§ 1–7.402–17 Equal opportunity.**

Insert the clause set forth in § 1–12.803–2 under the conditions prescribed in § 1–12.803–1.

**§ 1–7.402–18 Officials not to benefit.**

Insert the clause set forth in § 1–7.102–17.

**§ 1–7.402–19 Covenant against contingent fees.**

Insert the clause set forth in § 1–1.503 under the conditions prescribed in § 1–1.501.

**§ 1–7.402–20 [Reserved]**

**§ 1–7.402–21 Notice and assistance regarding patent and copyright infringement.**

Insert the clause set forth in § 1–7.103–4.

**§ 1–7.402–22 Patents.**

Insert the appropriate clause set forth in § 1–9.107 under the conditions contained in Subpart 1–9.1.

**§ 1–7.402–23 [Reserved]**

**§ 1–7.402–24 [Reserved]**

**§ 1–7.402–25 Government property.**

(a) Insert the clause set forth in § 1–7.203–21(a) when the Government is to furnish, or the contractor is to acquire, Government property. In addition, paragraph (d) may be modified to provide that the Government will maintain the property records of Government property furnished to the contractor.

(b) Insert the following clause if the contract is with an educational or nonprofit institution.

GOVERNMENT PROPERTY

(COST-REIMBURSEMENT, NONPROFIT)

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the Schedule of this contract or, if not so stated, in sufficient time to enable



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the Contractor to meet such delivery or performance dates but shall not be entitled to any increase in the fixed fee because of any such Government-furnished property.

(b) If any Government-furnished property is lost, destroyed, or damaged while in the possession of the Contractor, the Contractor shall promptly notify the Contracting Officer and shall make such repair or replacement as the Contracting Officer directs. The Contractor shall be entitled to an equitable adjustment in the fixed fee for any such repair or replacement.

(c) The Contractor shall maintain adequate property control records of Government-furnished property in accordance with sound industrial practice and the applicable provisions of Subpart 1–13.5. The Contractor shall submit such property control records to the Contracting Officer upon request.

(d) Upon the completion or termination of this contract, the Contractor shall prepare for shipment, deliver f.o.b. origin, or dispose of Government-furnished property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by this contract or paid to the Government as the Contracting Officer directs.

(e) To the extent that this contract authorizes the Contractor to acquire property for the Government, title to such property shall vest in the Government upon delivery of such property by the vendor. Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor for which the Contractor is entitled to be reimbursed as a direct item of cost under this contract shall pass to and vest in the Government upon the vendor's delivery of such property. Title to all property manufactured or assembled by the Contractor for which the Contractor is entitled to be reimbursed as a direct item of cost under this contract shall pass to and vest in the Government upon (1) issuance by the Government of a written acceptance thereof (only if the Government inspects prior to shipment) or (2) delivery of such property by the Contractor to a carrier for shipment to the Government, or (3) if shipment is not required, delivery of such property by the Contractor to the Government. Any property vesting in the Government pursuant to this paragraph shall thereafter be subject to the provisions of this contract relating to Government-furnished property. Transfer of title to the Government pursuant to this paragraph shall not relieve the Contractor of any liability, otherwise existing under this contract, for loss or damage to such property.

(f) Unless otherwise provided in this contract or approved by the Contracting Officer, the Contractor shall not use Government-furnished property (including property acquired, fabricated or otherwise provided under this contract for the Government's account) for any purpose other than the performance of this contract.

(g) The Contractor shall, prior to the date of completion or termination of this contract, submit to the Contracting Officer a list of all Government-furnished property which is then in the Contractor's possession and which has not theretofore been delivered to the Government or otherwise disposed of in accordance with the Contracting Officer's instructions. The list shall indicate the quantity, acquisition cost, condition, and a brief description of each item.

(h) Unless otherwise provided in this contract or approved by the Contracting Officer, the Contractor's liability for Government-furnished property shall be limited to loss or damage caused by the Contractor's failure to exercise such care with respect to Government-furnished property as is consistent with sound industrial practice.

(i) The Contractor shall, upon the completion or termination of this contract, or upon the completion of any portion of the work for which the Contracting Officer determines that Government-furnished property is no longer required, deliver to the Government all Government-furnished property not theretofore delivered to the Government or otherwise disposed of in accordance with the Contracting Officer's instructions. The Contractor shall deliver such property to the Government f.o.b. origin or dispose of such property in accordance with the Contracting Officer's instructions. The net proceeds of any such disposal shall be credited to the cost of the work covered by this contract or paid to the Government as the Contracting Officer directs.

(j) If this contract is terminated in whole or in part, the Contractor shall, upon the Contracting Officer's request, furnish to the Government a list of all Government-furnished property in the Contractor's possession which is subject to such termination. The Contracting Officer may require the Contractor to deliver such property to the Government or to any other party directed by the Contracting Officer.

(k) The Contractor shall not mortgage, pledge, or otherwise encumber Government-furnished property. The Contractor shall not place any Government-furnished property with a subcontractor or other party except as authorized by the Contracting Officer.

(l) The Contractor shall not modify Government-furnished property in connection with the performance of this contract unless such modification is authorized by the Contracting Officer.

(m) The Contractor shall not make any disposition of Government-furnished property except as authorized by the Contracting Officer.

(n) The Contractor shall not make any claim against the Government for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(o) The Contractor shall not make any claim against any carrier for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(p) The Contractor shall not make any claim against any subcontractor for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the subcontractor is liable therefor to the Government under the provisions of this contract.

(q) The Contractor shall not make any claim against any insurer for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(r) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(s) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(t) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(u) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(v) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(w) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(x) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(y) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.

(z) The Contractor shall not make any claim against any other party for any damage to or destruction of or for any loss of Government-furnished property except to the extent that the Contractor is liable therefor to the Government under the provisions of this contract.



(1) The lost, destroyed, and damaged Gov-

(c) Paragraph (d) of the clause set

**§ 1–7.402–28 Payment for overtime**

the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the estimated cost, or delivery or performance dates, or both, and any other contractual provisions affected by any such delay. In the event that the Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property, or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the estimated cost, or delivery or performance dates, or both, and any other contractual provision affected by the return, disposition, repair or modification. The foregoing provisions for adjustment are exclusive and the Government shall not be liable for suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal, shipping, and disposal of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to subparagraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) (1) Title to all property furnished by the Government shall remain in the Government.

(2) Notwithstanding subparagraph (1) above, title to equipment purchased with funds available for research having an acquisition cost of less than $1,000 shall vest in the Contractor upon acquisition or as soon thereafter as feasible provided that the Contractor shall have obtained approval of the Contracting Officer prior to acquisition of such property.

(3) Title to equipment having an acquisition cost of $1,000 or more, purchased with funds available for the conduct of research, shall vest as set forth in the contract.

(4) If title to equipment is vested pursuant to (2) or (3) above, the Contractor agrees that no charge will be made to the Government for any depreciation, amortization, or use charge with respect to such equipment under any existing or future Government contract or subcontract thereunder.

(5) The Contractor shall furnish the Contracting Officer a list of all equipment acquired under subparagraph (2) above within ten (10) days following the end of the calendar quarter during which such equipment was received.

(6) All Government furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this clause, is hereinafter collectively referred to as "Government property."

(7) Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty.

(8) Title to all property purchased by the Contractor, for the cost of which the Contractor is to be reimbursed as a direct item of cost under this contract and which under the provisions of this contract is to vest in the Government, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is to be reimbursed to the Contractor under this contract and which under the provisions of this contract is to vest in the Government, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs.

(d) The Contractor shall be directly responsible for and accountable for all Government property provided under this contract. The Contractor shall establish and maintain a system to control, protect, preserve, and maintain all Government property. This system shall, upon request by the Contracting Officer, be submitted for review and, if satisfactory, approved in writing by the Contracting Officer. The Contractor shall maintain and make available such records as are required by the approved system and must account for all Government property until relieved of responsibility therefor in accordance with the written instructions of by the Contractor Officer, the Contractor shall identify Government property by marking, tagging, or segregating in such manner as to clearly indicate its ownership by the Government.

(e) The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the utilization, maintenance, repair, protection and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government property.

(g) (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in (i) above, (A) to maintain and administer, in accordance with sound business practice, the program for utilization, maintenance, repair, protection and preservation of Government property as required by (f) above, or to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under (f) above, or (B) to establish, maintain and administer, in accordance with (d) above, a system for control of Government property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the schedule;

(iv) Which results from a risk expressly required to be insured under some other provisions of this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

Any failure of the Contractor to act as provided in subparagraph (ii) above, shall be conclusively presumed to be a failure resulting from willful misconduct, or lack of good faith on the part of such directors, officers, or other representatives mentioned in subparagraph (i) above, if the Contractor is notified by the Contracting Officer by registered or certified mail, addressed to one of such directors, officers, or other representatives, of the Government's disapproval, withdrawal of approval, or nonacceptance of the Contractor's program or system. In such event, it shall be presumed that any loss of or damage to Government property resulted from such failure. The Contractor shall be liable for such loss or damage unless he can establish by clear and convincing evidence that such loss or damage did not result from his failure to maintain an approved program or system or occurred during such time as an approved program or system for control of Government property was maintained.

If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(3) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the loss and salvage organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the loss and salvage organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of:





(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property. The Contractor shall make repairs and renovations of the damaged Government property or take such other action as the Contracting Officer directs.

(4) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage, and upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(h) The Government, and any persons designated by it, shall at all reasonable times have access to the premises wherein any of the Government property is located, for the purpose of inspecting the Government property.

(i) Upon completion or expiration of this contract, or at such earlier dates as may be fixed by the Contracting Officer, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as provided for elsewhere in this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in paragraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory.

The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the cost of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) If the Contractor determines any Government property to be in excess of his needs under this contract, such Government property shall be disposed of in the same manner as provided by paragraph (i) above, except that the Government may abandon any Government property in place and thereupon all obligations of the Government regarding such abandoned property shall cease. Unless otherwise provided herein, the Government has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment, disposition pursuant to paragraph (i) above, nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) above.

(k) All communications issued pursuant to this clause shall be in writing.

(c) Paragraph (d) of the clause set forth in § 1-7.402-25(b) may be modified to provide that the Government will maintain the property records of Government property furnished to the contractor.

§ 1-7.402-26 Insurance—liability to third persons.

(a) Insert the clause set forth in § 1-7.202-22 under the conditions prescribed therein. If the contractor claims partial immunity from tort liability as a State agency or as a charitable institution (as where work may be performed under the contract in a place or under conditions where the contractor is not immune from tort liability), the following may be added to the clause set forth in § 1-7.202-22:

(e) Notwithstanding paragraphs (a) and (c) of this clause, (1) the Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract hereunder, and (2) the Contractor need not procure or maintain insurance coverage as provided in paragraph (a) of this clause: *Provided*, the Contractor may obtain any insurance coverage he deems neeessary subject to approval by the Contracting Officer as to form, amount, and duration, in which event the Contractor shall be reimbursed (1) for the cost of such insurance and (ii) to the extent provided in paragraph (c) above, for liabilities to third persons for which the Contractor has obtained insurance coverage as provided in this paragraph, but for which such coverage is insufficient in amount.

(b) If the contractor claims total immunity from tort liability as a State agency or as a charitable institution, the following clause may be used in lieu of the clause in § 1-7.202-22.

LIABILITY TO THIRD PERSONS

(a) The Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract hereunder.

(b) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. The Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith. The Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

§ 1-7.402-27 Utilization of labor surplus area concerns.

Insert the clause set forth in § 1-1.805-3(a) under the conditions prescribed therein.

§ 1-7.402-28 Payment for overtime premiums.

Insert the clause set forth in § 1-7.202-29 when payment for overtime premiums is to be made in accordance with § 1-12.102.

§ 1-7.402-29 Competition in subcontracting.

Insert the clause set forth in § 1-7.202-30.

§ 1-7.402-30 Audit and records.

See § 1-3.814-2 for audit and records requirements for cost-reimbursement type contracts. Agencies may use the clause set forth in § 1-3.814-2(a) to satisfy these requirements. However, agency audit and records clauses may be used provided that they give the contracting agency, as a minimum, substantially the same rights as provided by the clause set forth in § 1-3.814-2(a).

§ 1-7.402-31 Price reduction for defective cost or pricing data.

Insert the clause set forth in § 1-3.814-1(a) under the conditions prescribed therein.

§ 1-7.402-32 Subcontractor cost and pricing data.

Insert the appropriate clause set forth in § 1-3.814-3 under the conditions prescribed therein.

§ 1-7.402-33 Utilization of minority business enterprises.

Insert the clause set forth in § 1-1.1310-2(a) under the conditions prescribed therein.

§ 1-7.402-34 Listing of employment openings

Insert the clause set forth in § 1-12.1102-2 under the conditions prescribed therein.

§ 1-7.402-35 Payment of interest on contractors' claims.

Insert the clause set forth in § 1-1.322 (b) under the conditions prescribed therein.

§ 1-7.402-36 Employment of the handicapped.

Insert the clause set forth in § 1-12.1304-1 under the conditions contained in the section.

§ 1-7.403 Clauses to be used when applicable.

§ 1-7.403-1 Clauses for cost-reimbursement type research and development contracts involving construction.

(a) Insert the clauses set forth in § 1-18.703 in cost-reimbursement type research and development contracts under the conditions prescribed in § 1-18.703. The clauses set forth in § 1-18.703-1 are listed for convenience as follows:

Davis-Bacon Act (40 U.S.C. 276a-276a-7).
Contract Work Hours and Safety Standards Act—Overtime Compensation (40 U.S.C. 327-333).
Apprentices and Trainees
Payrolls and Payroll Records
Compliance with Copeland Regulations
Withholding of Funds
Subcontracts





Contract Termination—Debarment
Disputes Concerning Labor Standards

§ 1-7.403-26 [Reserved]

§ 1-7.403-58 Preference for U.S. flag



established in the clause of this contract entitled "Limitation of Cost" or "Limitation

to amend the Railroad Freight Car Safety Standards. FRA proposed to

dividual railroads sufficient flexibility to develop the particular of compliance in

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Contract Termination—Debarment Disputes Concerning Labor Standards

(b) **Insert the clause set forth in § 1-18.605 under the conditions prescribed in Subpart 1-18.6.**

**§ 1-7.403-2 [Reserved]**

**§ 1-7.403-3 [Reserved]**

**§ 1-7.403-4 [Reserved]**

**§ 1-7.403-5 Excusable delays.**

Insert the clause set forth in § 1-8.708 under the conditions prescribed in § 1-8.700-2(c).

**§ 1-7.403-6 [Reserved]**

**§ 1-7.403-7 [Reserved]**

**§ 1-7.403-8 [Reserved]**

**§ 1-7.403-9 Negotiated overhead rates.**

Insert the appropriate clause set forth in § 1-3.704 under the conditions prescribed therein.

**§ 1-7.403-10 Notice to the Government of labor disputes.**

Insert the clause set forth in § 1-7.203-3 under the conditions contained in the section.

**§ 1-7.403-11 [Reserved]**

**§ 1-7.403-12 [Reserved]**

**§ 1-7.403-13 [Reserved]**

**§ 1-7.403-14 Make-or-buy program.**

Insert the clause set forth in § 1-3.902-3 under the conditions contained therein.

**§ 1-7.403-15 [Reserved]**

**§ 1-7.403-16 [Reserved]**

**§ 1-7.403-17 [Reserved]**

**§ 1-7.403-18 [Reserved]**

**§ 1-7.403-19 [Reserved]**

**§ 1-7.403-20 Advance payments.**

When advance payments are to be made in accordance with agency procedures and Subpart 1-30.4, insert the appropriate provisions as prescribed in § 1-30.414-2.

**§ 1-7.403-21 Workmen's compensation insurance (Defense Base Act).**

Insert the clause set forth in § 1-10.402 under the conditions prescribed therein.

**§ 1-7.403-22 Required source for jewel bearings.**

Insert the clause set forth in § 1-1.319 under the conditions prescribed therein.

**§ 1-7.403-23 General Services Administration supply sources.**

Insert the clause set forth in § 1-7.203-13 under the conditions prescribed in Subpart 1-5.9.

**§ 1-7.403-24 Use of interagency motor pool vehicles and related services.**

Insert the clause set forth in § 1-7.203-14 under the conditions prescribed in Subpart 1-5.5.

**§ 1-7.403-25 Interest.**

Insert the clause set forth in § 1-7.203-15 under the conditions prescribed therein.

**§ 1-7.403-26 [Reserved]**

**§ 1-7.403-27 [Reserved]**

**§ 1-7.403-28 [Reserved]**

**§ 1-7.403-29 [Reserved]**

**§ 1-7.403-30 [Reserved]**

**§ 1-7.403-31 [Reserved]**

**§ 1-7.403-32 [Reserved]**

**§ 1-7.403-33 [Reserved]**

**§ 1-7.403-34 [Reserved]**

**§ 1-7.403-35 [Reserved]**

**§ 1-7.403-36 United States products and services (Balance of Payments Program).**

Insert the clause set forth in § 1-6.806-4 under the conditions prescribed in Subpart 1-6.8.

**§ 1-7.403-37 [Reserved]**

**§ 1-7.403-38 [Reserved]**

**§ 1-7.403-39 Care of laboratory animals.**

Insert the clause set forth in § 1-7.303-44 under the conditions prescribed therein.

**§ 1-7.403-40 [Reserved]**

**§ 1-7.403-41 [Reserved]**

**§ 1-7.403-42 [Reserved]**

**§ 1-7.403-43 [Reserved]**

**§ 1-7.403-44 [Reserved]**

**§ 1-7.403-45 [Reserved]**

**§ 1-7.403-46 [Reserved]**

**§ 1-7.403-47 [Reserved]**

**§ 1-7.403-48 [Reserved]**

**§ 1-7.403-49 [Reserved]**

**§ 1-7.403-50 Cost accounting standards.**

(a) Insert the notice for solicitations set forth in § 1-3.1203(a)(3) in negotiated solicitations under the conditions contained in Subpart 1-3.12.

(b) Insert the contract clause set forth in § 1-3.1204 in negotiated contracts under the conditions contained in Subpart 1-3.12.

**§ 1-7.403-51 [Reserved]**

**§ 1-7.403-52 [Reserved]**

**§ 1-7.403-53 Small business subcontracting program.**

Insert the clause set forth in § 1-1.710-3(b) under the conditions and in the manner prescribed therein.

**§ 1-7.403-54 Labor surplus area subcontracting program.**

Insert the clause set forth in § 1-1.805-3(b) under the conditions and in the manner prescribed therein.

**§ 1-7.403-55 Minority business enterprises subcontracting program.**

Insert the clause set forth in § 1-1.1310-2(b) under the conditions and in the manner prescribed therein.

**§ 1-7.403-56 [Reserved]**

**§ 1-7.403-57 [Reserved]**

**§ 1-7.403-58 Preference for U.S. flag air carriers.**

Insert the clause set forth in § 1-1.323-2 under the conditions prescribed therein.

**§ 1-7.404 Additional clauses.**

The following clauses may be inserted in cost-reimbursement type research and development contracts when it is desired to cover the subject matter thereof.

**§ 1-7.404-1 Alterations in contract.**

Insert the clause set forth in § 1-7.204-1.

**§ 1-7.404-2 Approval of contract.**

Insert the clause set forth in § 1-7.204-2.

**§ 1-7.404-3 Date of incurrence of costs.**

Insert the clause set forth in § 1-7.204-3.

**§ 1-7.404-4 Notice regarding late delivery.**

Insert the clause set forth in § 1-7.204-4.

**§ 1-7.404-5 Changes.**

CHANGES

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following:

(i) Drawings, designs, or specifications;

(ii) Method of shipment or packing; and

(iii) Place of inspection, delivery, or acceptance.

(b) If any such change causes an increase or decrease in the estimated cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made:

(i) In the estimated cost or delivery schedule, or both;

(ii) In the amount of any fixed fee to be paid to the Contractor; and

(iii) In such other provisions of the contract as may be affected, and the contract shall be modified in writing accordingly.

Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, except as provided in paragraph (c) below, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, the estimated cost of this contract and, if this contract is incrementally funded, the funds allotted for the performance thereof, shall not be increased or deemed to be increased except by specific written modification of the contract indicating the new contract estimated cost and, if this contract is incrementally funded, the new amount allotted to the contract. Until such modification is made, the Contractor shall not be obligated to continue performance or incur costs beyond the point established in the clause of this contract entitled "Limitation of Cost" or "Limitation of Funds."

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted, may be varied in accordance with agency procedures.

**§ 1-7.404-6 Key personnel.**

Insert the clause set forth in § 1-7.304-6.

**§ 1-7.404-7 Disposition of material.**

Insert the clause set forth in § 1-7.304-8.

**§ 1-7.404-8 Reports of work.**

Insert the clause set forth in § 1-7.304-9.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective August 4, 1975, but may be observed earlier.

Dated: April 11, 1975.

DWIGHT A. INK,
*Acting Administrator of General Services.*

[FR Doc.75-10272 Filed 4-18-75;8:45 am]





## CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Reg. No. 9]

## PART 9-9—PATENTS AND COPYRIGHTS

### Appendix A—Modification, in Part of ERDA-PR Part 9-9, Patents and Copyrights

*Correction*

In FR Doc. 75-9962, appearing at page 16848 of the issue for Tuesday, April 15, 1975, a line was inadvertently omitted from paragraph d. appearing in the second and third columns of page 16849. As corrected the paragraph reads as follows:

d. *Approval of University Technology Transfer Programs.* Paragraph (11) of subsection 9(d) of the Federal Nonnuclear Energy R&D Act provides that in waiver determinations, consideration should be given to the extent to which universities have technology transfer capabilities and programs approved by the Administrator. Pending the development of an approval process within ERDA for university capabilities and programs, consideration may be given to the approval of such programs of a university by other government agencies. Although approval by another agency will not meet the statutory requirement of approval by the Administrator, approval by other agencies will be relevant information to be considered by the Administrator.

## Title 49—Transportation

## CHAPTER II—FEDERAL RAILROAD ADMINISTRATION

[Docket RSFC-4]

## PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

### Rail Car Repairs; Amendments

On October 17, 1974, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER (39 FR 37067) a notice of proposed rulemaking (NPRM) to amend the Railroad Freight Car Safety Standards. FRA proposed to amend § 215.9 of title 49, Code of Federal Regulations by adding a new paragraph (a)(3) which would require a "bad order" or "home shop for repairs" tag or card to be affixed securely to each side of a defective railroad freight car while it is being moved for repair. Section 217.7 was proposed to be amended by adding a new paragraph (b) to provide that a railroad is deemed to know or have notice that a freight car is defective if a "bad order" or "home shop for repairs" tag or card is attached to the car. FRA also proposed to amend § 215.99 (a) and (c) to extend to 48 months the present 36-month maximum interval for lubrication of grease lubricated roller bearings with end caps that rotate and to prescribe more precisely the manner in which these lubrications are to be accomplished.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments before December 4, 1974.

After considering all of the comments, FRA has decided to adopt the proposed amendments with a number of significant changes. These changes are discussed below.

*"Bad Order" and "Home Shop for Repairs" Tags and Cards.* Two commenters expressed concern that this proposal would generate a totally unnecessary paperwork burden of approximately nine million forms per year. This statistic is based upon their estimate that each car in the total freight car fleet of 1.7 million cars is placed on a repair track on the average of three times per year and that the proposed rule would generate a paper form each time a car is scheduled for repair and another form when the repair work is completed.

The intent of the proposed rule is to require these tags or cards to be affixed to defective freight cars only when the cars are being moved *to another location* for repair; these cards or tags would *not* be required on defective cars which are "switched" or moved to a repair or "rip" track at the location where they were discovered to be defective. To clarify this intent, the words "to another location" have been added after the word "moved" in § 215.9(a).

Most cars are discovered to be defective at locations where the necessary repairs may be made and movement to another location for repair is not necessary. Consequently, FRA believes that the paper work generated by the "bad order" or "home shop for repair" tag or card requirement will be minimal. Moreover, railroads may further reduce this paperwork by maintaining repair facilities at locations where trains originate and terminate and at prudent intervals along their lines and by thorough inspection of freight cars at these locations to assure that defective freight cars are discovered and repaired.

Several commenters suggested that the proposed rule be amended to specify the information which must be known about each defective car but allow individual railroads sufficient flexibility to develop the particular of compliance in a manner compatible with that in which they are now conducting operations. These commenters argued that the only item of information which should be required to appear on the car itself is the fact that the car is defective and that the remaining information could be stored in a computer or on the papers which accompany the car. One of these commenters cited the procedure in the Association of American Railroads interchange rules whereby "home shop for repairs" may be stenciled on each side of the car and a written notice accompanies the car ticket or waybill. FRA has carefully considered these comments but still believes that it is imperative from the standpoint of safety that defective cars be uniformly identified and the nature of the defects and the restrictions on the movement of these cars be readily ascertainable by anyone handling them. FRA does not object to individual railroads imposing *additional* requirements such as the stenciling of cars "home shop for repairs" and the storing of this information in computers or entering it on papers which accompany the defective cars. FRA believes, however, that safety considerations require that *primary* reliance be placed on "bad order" and "home shop for repairs" cards or tags which are affixed to the defective cars and contain the information listed in § 215.9(a)(3).

One commenter stated that the requirement of § 215.9(a)(2) that the person in charge of the train be notified *in writing* of defective cars is not practical because telephones and radios are often used to convey this information. FRA believes that this written notification is essential to prevent misunderstandings which could have tragic consequences. Moreover, this requirement is already in effect and FRA did not propose to change it in the NPRM. FRA will consider this comment in the development of rules governing operating rules and practices and the use of radio in railroad operations.

One commenter pointed out that its policy has always been not to permit the interchange of cars with "bad order" cards or tags attached and that the proposed rule would provide a complete reversal of this practice. FRA does not agree. Under the proposed rule, a railroad could still refuse to interchange cars with "bad order" tags or cards attached and insist that "home shop for repairs" tags or cards which contain the information prescribed in § 215.9(a)(3) be attached instead.

One commenter stated the requirement that the time of inspection be entered on a "bad order" or "home shop for repairs" tag or card is not practical or necessary. FRA agrees that the location and date of inspection are sufficient and has deleted the "time" requirement.

*Roller Bearing Lubrication.* One commenter suggested that the references in the proposed amendment of § 215.99(c)





(2) to "Grade B" groups and to "Grade

How is securely attached to each side of

request, made available for inspection by



## Title 50—Wildlife and Fisheries

This amendment, therefore, is effec-

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(2) to "Grade B" grease and to "Specification M-917-64" be changed because although they correctly identify the grease now in general use, the grease specifications are constantly being updated and this specification will soon be redesignated. FRA has changed this provision to provide that the grease must meet or exceed the minimum requirements for Grade B grease, Association of American Railroads Specification M-917-64.

In consideration of the foregoing, Part 215 of Title 49 of the Code of Federal Regulations is amended as set forth below.

*Effective Date:* This amendment is effective May 15, 1975.

(Secs. 202 and 209, 84 Stat. 971, 975 (45 U.S.C. 431 and 438); § 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n)).

Issued in Washington, D.C. on April 14, 1975.

ASAPH H. HALL,
*Deputy Administrator.*

1. § 215.7 is revised to read as follows:

**§ 215.7 Responsibility for defective cars.**

(a) Any railroad that knows, has notice, or should have known that a railroad freight car that it operates has any component which is described as defective in this part is responsible for compliance with this section. Subject to § 215.9, each railroad freight car which has a component described as defective in this part must be—

(1) Repaired; or

(2) Removed from service.

(b) For purposes of paragraph (a) of this section, a railroad is deemed to know or have notice that a freight car it operates has a defective component if a card described in § 215.9(a)(3) is attached to the car.

2. § 215.9(a) is amended to read as follows:

**§ 215.9 Movement of defective cars for repair.**

(a) Except as provided in paragraph (b) of this section, a railroad freight car which has any component described as defective in this part may be moved to another location for repair only after:

(1) A person designated under § 215.15 determines—

(i) That it is safe to move the car; and

(ii) The maximum speed and other restrictions necessary for safely conducting the movement;

(2) The person in charge of the train in which the car is to be moved is notified in writing and informs all other crew members of the presence of the defective car and the maximum speed and other restrictions determined under paragraph (a)(1)(ii) of this section. A copy of the tag or card described in subparagraph (3) may be used to provide written notification; and

(3) A tag or card bearing the words "bad order" or "home shop for repairs" and containing the following information, is securely attached to each side of the car—

(i) Reporting mark and car number;

(ii) Name of inspecting railroad;

(iii) Inspection location and date;

(iv) Nature of defect and movement restrictions;

(v) Destination for shopping or repair; and

(vi) Signature of a person designated under § 215.15.

This tag or card may only be removed from the car by a person designated under § 215.15. A record or copy of each card attached to or removed from a car must be retained for 90 days and, upon request, made available for inspection by FRA inspectors. Each card removed from a car must contain a notation stating the date, location, reason for its removal and the signature of the person who removed it from the car. These recordkeeping requirements have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

* * * * *

3. The chart in paragraph (a) and paragraph (c) of § 215.99 is revised as follows:

**§ 215.99 Roller bearings.**

**(a)** * * *

| Description of bearing | Size of bearing | Amount of lubricant required | Lubricate bearing within the following number of months before car is operated |
|---|---|---|---|
| Oil lubricated | All | Fill to maximum level | 12 |
| Grease lubricated; end caps do not rotate | All | 16 oz | 18 |
| Grease lubricated; end caps rotate | 12 inches | 12 oz | 48 |
| | 11 inches or less | 8 oz | 48 |

* * * * *

(c) In the case of a grease lubricated roller bearing, the lubrication must be performed as follows:

(1) Immediately before the application of grease—

(i) Clean the grease fitting to prevent road dirt and foreign material from being forced into the bearings; and

(ii) Test the grease fitting to ensure it has not been damaged; and

(2) Insert the amount of grease prescribed in the chart in paragraph (a), using a properly calibrated dispensing device which is equipped with a strainer and is checked monthly to accurately measure ounces of grease. Grease inserted must meet or exceed the minimum requirements for Grade B grease, Association of American Railroads Specification M-917-64.

* * * * *

[FR Doc.75-10151 Filed 4-18-75;8:45 am]

## CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-72; Notice 9]

## PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

### Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, to resolve an unintended ambiguity between paragraphs S4.1.1.11 and S4.1.1.12, and paragraph S4.3.1.1.

Paragraphs S4.1.1.11, S4.1.1.12, and S4.1.1.22 allow photometric conformance of parking lamps, stop lamps, taillamps, turn signal lamps, and backup lamps to be determined by measurement of sums of values within specified groups of test points. Paragraph S4.3.1.1 prohibits vehicle equipment obscuring the photometric output "at any test point" specified in SAE materials unless auxiliary lighting equipment is provided that meets all photometric requirements. Standard No. 108 can thus be interpreted as requiring the addition of auxiliary lighting equipment if, for example, a single test point of a taillamp is obscured by part of the vehicle, even though the taillamp might meet the group requirements of Figure 1. NHTSA is therefore amending paragraph S4.3.1.1 to remove the ambiguity.

In consideration of the foregoing the second sentence of paragraph S4.3.1.1 of 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 is revised to read: "In addition, no part of the vehicle shall prevent a parking lamp, taillamp, stop lamp, turn signal lamp, or backup lamp from meeting its photometric output at any applicable group of test points specified in Figures 1 and 3, or prevent any other lamp from meeting the photometric output at any test point specified in any applicable SAE Standard or Recommended Practice."

Effective date: April 21, 1975. Because the amendment clarifies an ambiguity and creates no additional burden on any person, it is found for good cause shown that an effective date earlier than 180 days after issuance is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on April 15, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75-10398 Filed 4-18-75;8:45 am]





## Title 50—Wildlife and Fisheries

## CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

### SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

## PART 10—GENERAL PROVISIONS

### Law Enforcement District Address Changes

Sections 10.21 and 10.22, Subpart C of Part 10, are amended to show address changes for law enforcement districts resulting from reorganization within the Division of Law Enforcement, United States Fish and Wildlife Service.

Since it merely changes addresses listed in this part the amendment's effect is to change agency procedure and therefore the "notice" requirements of 5 U.S.C. 553(b) are not applicable; in addition, it is not a substantive rule requiring a delayed effective date pursuant to 5 U.S.C. 553(d).

This amendment, therefore, is effective April 21, 1975.

Dated: March 18, 1975.

LYNN A. GREENWALT,
*Director,*
*Fish and Wildlife Service.*

In 50 CFR Part 10, Subpart C, §§ 10.21 and 10.22 are revised to read as follows:

**§ 10.21 Director.**

Mail forwarded to the Director with reference to law enforcement or permits should be addressed:

Director (FWS/LE), Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 19183, Washington, D.C. 20036.

**§ 10.22 Law enforcement districts.**

Service law enforcement districts and their area of jurisdiction follow. Mail should be addressed: "Special Agent in Charge, Fish and Wildlife Service, U.S. Department of the Interior, (appropriate address below)"

| *Area of jurisdiction* | *Address of district office* |
|---|---|
| Alaska | 813 D St., Anchorage, Alaska 99501 (907, 265-4806). |
| Idaho, Hawaii, Oregon, and Washington | P.O. Box 3737, Portland, Oreg. 97208 (503, 234-4087). |
| California and Nevada | Room E2911, 2800 Cottage Way, Sacramento, Calif. 95821 (916, 484-4748). |
| Colorado, Montana, Utah, and Wyoming | P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225 (303, 234-4612). |
| Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota. | P.O. Box 1038, Independence, Mo. 64051 (816, 374-6273). |
| Arizona, New Mexico, Oklahoma, and Texas | P.O. Box 329, Albuquerque, N. Mex. 87103 (505, 766-2091). |
| Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. | P.O. Box 45, Federal Bldg., Fort Snelling, Twin Cities, Minn. 55111 (612, 725-3580). |
| Arkansas and Louisiana | Room 408, 546 Carondelett St., New Orleans, La. 70130 (504, 589-2634). |
| Alabama, Florida, Georgia, Mississippi and Puerto Rico. | P.O. Box 95467, Atlanta, Ga. 30347 (404, 526-4761). |
| Kentucky, North Carolina, South Carolina, and Tennessee. | P.O. Box 290, Nashville, Tenn. 37202 (615, 749-5532). |
| Delaware, Maryland, Pennsylvania, Virginia, and West Virginia. | 95 Aquahart Rd., Glen Burnie, Md. 21061 (301, 761-8033). |
| New Jersey and New York | Hanger 11, Room 1-49, John F. Kennedy Airport, Jamaica, N.Y. 11430 (212, 995-8613). |
| Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont | P.O. Box 34, Boston, Mass. 02101 (617, 223-2988). |

[FR Doc.75-10308 Filed 4-18-75; 8:45 am]



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603, and 666); secs. 102 (a)(1), (b), 105(b) graph 2, the liability for tax for the taxable by section 1351(d)(1) (relating to recov-

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 1 ]

### CONTRIBUTIONS TO PENSION, PROFIT-SHARING, ETC. PLANS COVERING SELF-EMPLOYED INDIVIDUALS AND SHAREHOLDER-EMPLOYEES

### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

*Preamble*—This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to certain provisions of section 2001 of the Employee Retirement Income Security Act of 1974 (88 Stat. 952), relating to contributions to pension, profit-sharing, etc., plans on behalf of self-employed individuals. Such plans which benefit self-employed individuals or owner-employees are often referred to as "H.R. 10 plans" or "Keogh plans."

The proposed amendments also contain comparable provisions relating to such plans which benefit shareholder-employees of electing small business corporations ("subchapter S corporations").

Most of the statutory changes which are reflected in the proposed amendments to the regulations are effective earlier than January 1, 1976. Additional proposed amendments to the regulations, reflecting the remaining statutory changes with respect to these plans, will be published later.

Among the recent statutory amendments reflected in the proposed regulations are the following:

1. Effective for employer taxable years beginning after December 31, 1973, the maximum amount deductible for a taxable year on behalf of a self-employed individual or not includible in gross income of a shareholder-employee has been increased to $7,500 or 15 percent of the employee's earned income (whichever is lower). Previously, the maximum amount deductible for a self-employed individual, or not includible in gross income of a shareholder-employee, was $2,500 or 10 percent of earned income.

2. If a plan provides contributions or benefits for employees who are shareholder-employees or who are sole proprietors or partners, the plan must provide that only the first $100,000 of an employee's compensation for the year is taken into account under the plan. In general, this provision is effective for employer taxable years beginning after December 31, 1975; however, it is also applicable to any employer taxable year beginning after December 31, 1973, for which any contributions were made under the plan which were in excess of the $2,500/10 percent limitation of prior law.

3. Effective for employer taxable years beginning after December 31, 1973, a minimum annual deduction of $750 or 100 percent of the employee's earned income (whichever is less) is available with respect to a self-employed individual covered by an "H.R. 10 plan." However, effective for years beginning after December 31, 1975, section 415 of the Internal Revenue Code of 1954 imposes limitations of general applicability to qualified plans. One of these limitations on qualification is generally that contributions under a defined contribution plan with respect to an individual for a year may not exceed the lesser of $25,000 or 25 percent of the individual's compensation. The proposed regulations take the position that, for years beginning after December 31, 1975, the $750/100 percent minimum deduction provision applicable to "H.R. 10 plans" will be subject to the limitations on qualification set forth in section 415 of the Code.

4. Several amendments of a somewhat technical nature have been made to section 72(m) of the Code, relating to special rules applicable to employee annuities and distributions under employee plans. These amendments, which are reflected in the proposed regulations, have various effective dates.

*Proposed amendments to the regulations*—In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 2001 (other than subsections (d) and (f)) of the Employee Retirement Income Security Act of 1974 (88 Stat. 952), such regulations are amended as follows:

PARAGRAPH 1. Section 1.46 is amended by revising section 46(a)(3) and the historical note. These amended provisions read as follows:

§ 1.46 Statutory provisions; amount of credit.

SEC. 46. *Amount of credit*—(a) • • •

(3) *Liability for tax.* For purposes of paragraph (2), the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

(A) Section 33 (relating to foreign tax credit),

(B) Section 35 (relating to partially tax-exempt interest), and

(C) Section 37 (relating to retirement income).

For purposes of this paragraph, any tax imposed for the taxable year by section 56 (relating to minimum tax for tax preferences), section 72(m)(5)(B) (relating to 10 percent tax on premature distributions to owner-employees), section 408(e) [sic] (relating to additional tax on income from certain retirement accounts), section 402(e) (relating to tax on lump sum distributions), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of subchapter S corporations) and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

• • • • • •

[Sec. 46 as added by sec. 2(b) Rev. Act 1962 (76 Stat. 963); as amended by sec. 201(d)(4), Rev. Act 1964 (78 Stat. 32); sec. 1(c), Act of April 8, 1966 (Public Law 89-384, 80 Stat. 102); sec. 3, Act of November 8, 1966 (Public Law 89-800, 80 Stat. 1514); sec. 2(a), Act of December 27, 1967 (Public Law 90-225, 81 Stat. 731); secs. 301(b)(4), 401(e)(1), and 703(b), Tax Reform Act 1969 (83 Stat. 585, 603, and 666); secs. 102(a)(1), (b), 105(b)(3), 106 (a), (b), (c), 107(a), and 108(a), Rev. Act 1971 (85 Stat. 449, 503, 506, 507); secs. 2001(g)(2)(B), 2002(g)(2), and 2005(c)(4), Employee Retirement Income Security Act 1974 (88 Stat. 957, 968, and 991)]



PAR. 2. Section 1.46-1 is amended by revising paragraph (c) to read as follows:

§ 1.46-1 Determination of amount.

• • • • • •

(c) *Liability for tax.* For the purpose of computing the limitation based on amount of tax, section 46(a)(3) defines the liability for tax as the income tax imposed for the taxable year by chapter 1 (including the 2-percent tax on consolidated taxable income imposed with respect to taxable years beginning before January 1, 1964, and the 6-percent additional tax imposed by section 1562(b) with respect to taxable years ending after December 31, 1963), reduced by the sum of the credits allowable under—

(1) Section 33 (relating to taxes of foreign countries and possessions of the United States),

(2) Section 34 (relating to dividends received by individuals before January 1, 1965),

(3) Section 35 (relating to partially tax-exempt interest received by individuals), and

(4) Section 37 (relating to retirement income).

For purposes of this paragraph, the tax imposed by section 56 (relating to minimum tax for tax preferences), section 72(m)(5)(B) (relating to 10 percent tax on premature distributions to owner-employees), section 402(e) (relating to tax on lump-sum distributions), section 408(f) (relating to additional tax on income from certain retirement accounts), section 531 (relating to imposition of accumulated earnings tax), section 541 (relating to imposition of personal holding company tax) or section 1378 (relating to tax on certain capital gains of subchapter S corporations) and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses) shall not be considered tax imposed by chapter 1. Thus, the liability for tax and the credit allowed by section 38 for the taxable year are determined before computing any tax imposed by section 56, 72(m)(5)(B), 402(e), 408(f), 531, 541, or 1378 and any additional tax imposed for the taxable year by section 1351(d)(1). In addition, any increase in tax resulting from the application of section 47 (relating to certain dispositions, etc., of section 38 property) shall not be treated as tax imposed by chapter 1 for purposes of computing the liability for tax. See section 47(c).

• • • • • •

PAR. 3. Section 1.50A is amended by revising section 50A(a)(3) and the historical note. These amended provisions read as follows:

§ 1.50A Statutory provisions; amount of credit.

SEC. 50A. *Amount of credit*—(a) • • •

(3) *Liability for tax.* For purposes of paragraph 2, the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

(A) Section 33 (relating to foreign tax credit),

(B) Section 35 (relating to partially tax exempt interest),

(C) Section 37 (relating to retirement income),

(D) Section 38 (relating to investment in certain depreciable property), and

(E) Section 41 (relating to contributions to candidates for public office).

For purposes of this paragraph, any tax imposed for the taxable year by section 56 (relating to minimum tax for tax preferences), section 72(m)(5)(B) (relating to 10 percent tax on premature distributions to owner-employees), section 408(e) [sic] (relating to additional tax on income from certain retirement accounts), section 402(e) (relating to tax on lump sum distributions), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of Subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

• • • • • •

[Sec. 50A as added by sec. 601(b), Rev. Act 1971 (85 Stat. 554); as amended by secs. 2001(g)(2)(B), 2002(g)(2), and 2005(c)(4), Employee Retirement Income Security Act 1974 (88 Stat. 957, 968, and 991)]

PAR. 4. Section 1.50A-1 is amended by revising paragraph (c) to read as follows:

§ 1.50A-1 Determination of amount.

• • • • • •

(c) *Liability for tax.* For the purpose of computing the limitation based on amount of tax, section 50A(a)(3) defines the liability for tax as the income tax imposed for the taxable year by Chapter 1 of the Code (including the 6 percent additional tax imposed by section 1562(b)), reduced by the sum of the credits allowable under—

(1) Section 33 (relating to taxes of foreign countries and possessions of the United States),

(2) Section 35 (relating to partially tax-exempt interest received by individuals),

(3) Section 37 (relating to retirement income),

(4) Section 38 (relating to investment in certain depreciable property), and

(5) Section 41 (relating to contributions to candidates for public office).

For purposes of this paragraph, the tax imposed for the taxable year by section 56 (relating to imposition of minimum tax for tax preferences), section 72(m)(5)(B) (relating to 10 percent tax on premature distributions to owner-employees), section 402(e) (relating to tax on lump sum distributions), section 408(f) (relating to additional tax on income from certain retirement accounts), section 531 (relating to imposition of accumulated earnings tax), section 541 (relating to imposition of personal holding company tax), or section 1378 (relating to tax on certain capital gains of Subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by Chapter 1 of the Code for such year. Thus, the liability for tax for purposes of computing the limitation based on amount of tax for the taxable year is determined without regard to any tax imposed by section 56, 72(m)(5)(B), 402(e), 408(f), 531, 541, 1351(d)(1) or 1378 of the Code. In addition, any increase in tax resulting from the application of section 50A (c) and (d) and § 1.50A-3 (relating to recomputation of credit allowed due to early termination of employment by employer, or failure to pay comparable wages) shall not be treated as tax imposed by Chapter 1 of the Code for purposes of computing the liability for tax. See section 50A (c)(3) and (d)(2).

• • • • • •

PAR. 5. Section 1.72 is amended by striking out paragraph (1) and amending paragraph (4)(A), (5), and (6) of subsection (m), by striking out subsection (n) by redesignating subsections (o) and (p) as (n) and (o), respectively, and by revising the historical note. These amended and redesignated provisions read as follows:

§ 1.72 Statutory provisions; annuities; certain proceeds of endowment and life insurance policies.

SEC. 72. *Annuities; certain proceeds of endowment and life insurance policies.* • • •

(m) *Special rules applicable to employee annuities and distributions under employee plans.* • • •

(1) [Repealed]

• • • • • •

(4) *Amounts constructively received*—(A) *Assignments or pledges.* If during any taxable year an owner-employee assigns (or agrees to assign) or pledges (or agrees to pledge) any portion of his interest in a trust described in section 401(a) which is exempt from tax under section 501(a), an individual retirement amount [sic] described in section 408(a), an individual retirement annuity described in section 408(b) or any portion of the value of a contract purchased as part of a plan described in section 403(a), such portion shall be treated as having been received by such owner-employee as a distribution from such trust or as an amount received under the contract.

• • • • • •

(5) *Penalties applicable to certain amounts received by owner-employees.* (A) This paragraph shall apply—

(i) To amounts (other than any amount received by an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which is in the nature of a dividend or similar distribution) which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) and which are received by an individual, who is, or has been, an owner-employee, before such individual attains the age of 59½ years, for any reason other than the individual's becoming disabled (within the meaning of paragraph (7) of this subsection), but only to the extent that such amounts are attributable to contributions paid on behalf of such individual (other than contributions made by him as an owner-employee) while he was an owner-employee, and

(ii) To amounts which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a)



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at any time by an individual who is, or has been, an owner-employee, or by the successor of such individual, but only to the extent that such amounts are determined, under regulations prescribed by the Secretary or his delegate, to exceed the benefits provided for such individual under the plan formula.

(B) If a person receives an amount to which this paragraph applies, his tax under this chapter for the taxable year in which such amount is received shall be increased by an amount equal to 10 percent of the portion of the amount so received which is includible in his gross income for such taxable year.

(6) *Owner-employee defined.* For purposes of this subsection, the term "owner-employee" has the meaning assigned to it by section 401(c)(3) and includes an individual for whose benefit an individual retirement account or annuity described in section 408 (a) or (b) is maintained.

* * * * *

(n) *Annuities under retired serviceman's family protection plan or survivor benefit plan.* Subsections (b) and (d) shall not apply in the case of amounts received after December 31, 1965, as an annuity under chapter 73 of title 10 of the United States Code, but all such amounts shall be excluded from gross income until there has been so excluded (under section 122(b)(1) or this section, including amounts excluded before Jan. 1, 1966) an amount equal to the consideration for the contract (as defined by section 122(b)(2)), plus any amount treated pursuant to section 101(b)(2)(D) as additional consideration paid by the employee. Thereafter all amounts so received shall be included in gross income.

(o) *Cross reference.* For limitation on adjustments to basis of annuity contracts sold, see section 1021.

[Sec. 72 as amended by sec. 4 (a) and (b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 821); sec. 11(b), Rev. Act 1962 (76 Stat. 1005); sec. 232(b), Rev. Act 1964 (78 Stat. 110); sec. 869(d)(2), Excise Tax Reduction Act of 1965 (79 Stat. 167); sec. 106(d)(2), Social Security Amendments 1965 (79 Stat. 337); sec. 1(b), Act of Mar. 8, 1966 (Public Law 89-365, 80 Stat. 32); sec. 515(b), Tax Reform Act 1969 (83 Stat. 644); secs. 2001 (e)(5), (g) (1), (2), (h), (2), (3), 2002(g)(10), 2005(c)(3) and 2007(b)(2), Employee Retirement Income Security Act 1974 (88 Stat. 955, 967, 970, 991, and 994)]

PAR. 6. Section 1.72–17 is amended by adding the following new paragraph at the end thereof:

**§ 1.72–17 Special rules applicable to owner-employees.**

* * * * *

(g) *Years to which this section applies.* This section applies to taxable years ending before September 3, 1974. For taxable years ending after September 2, 1974, see § 1.72–17A.

PAR. 7. The following new section is added immediately after § 1.72–17:

**§ 1.72–17A Special rules applicable to employee annuities and distributions under deferred compensation plans to self-employed individuals and owner-employees.**

(a) *In general.* Section 72(m) and this section contain special rules for the taxation of amounts received from qualified pension, profit-sharing, or annuity plans covering an owner-employee. This section applies to such amounts for taxable years of the recipient ending after September 2, 1974, unless another date is specified. For purposes of this section, the term "employee" shall include the self-employed individual who is treated as an employee by section 401(c)(1) (see paragraph (b) of § 1.401(e)–1), and the term "owner-employee" has the meaning assigned to it in section 401(c)(3) (see paragraph (d) of § 1.401(e)–1). See also paragraph (a)(2) of § 1.401(e)–1 for the rule for determining when a plan covers an owner-employee. Paragraph (b) of this section provides rules dealing with the computation of consideration paid by self-employed individuals and paragraph (c) of this section provides rules dealing with such computation when insurance is purchased for owner-employees. Paragraph (d) of this section provides rules for constructive receipt and, for purposes of these rules, treats as an owner-employee an individual for whose benefit an individual retirement account or annuity described in section 408 (a) or (b) is maintained after December 31, 1974. Paragraph (e) of this section provides rules for penalties provided by section 72(m)(5) with respect to certain distributions received by owner-employees or their successors. Paragraph (f) of this section provides rules for determining whether a person is disabled within the meaning of section 72(m)(7). See § 1.72–16, relating to life insurance contracts purchased under qualified employee plans, for rules under section 72(m)(3).

(b) *Computation of consideration paid by self-employed individuals.* Under section 72(m)(2), consideration paid or contributed for the contract by any self-employed individual shall for purposes of section 72 be deemed not to include any contributions paid or contributed under a plan described in paragraph (a), or any other plan of deferred compensation described in section 404(a) (whether or not qualified), if the contributions are—

(1) Paid under such plan with respect to a time during which the employee was an employee only by reason of sections 401(c)(1) and 404(a)(8), and

(2) Deductible under section 404 by the employer, including an employer within the meaning of sections 401(c)(4) and 404(a)(8), of such self-employed individual at the time of such payment, or subsequent to such time of payment.

For purposes of this paragraph the term "consideration paid or contributed for the contract" has the same meaning as under subparagraphs (1), (2), and (3) of paragraph (c) of this section.

(c) *Amounts paid for life, accident, health, or other insurance.* Under section 72(m)(2), amounts used to purchase life, accident, health, or other insurance protection for an owner-employee shall not be taken into account in computing the following:

(1) The aggregate amount of premiums or other consideration paid for the contract for purposes of determining the investment in the contract under section 72(c)(1)(A) and § 1.72–6;

(2) The consideration for the contract contributed by the employee for purposes of section 72(d)(1) and § 1.72–13, which provide the method of taxing employee's annuities where the employee's contributions will be recoverable within 3 years; and

(3) The aggregate premiums or other consideration paid for purposes of section 72(e)(1)(B) and § 1.72–11, which provide the rules for taxing amounts not received as annuities prior to the annuity starting date.

The cost of such insurance protection will be considered to be a reasonable net premium cost, as determined by the Commissioner, for the appropriate period.

(d) *Amounts constructively received.* (1) Under section 72(m)(4)(A), if during any taxable year an owner-employee assigns or pledges (or agrees to assign or pledge) any portion of his interest in a trust described in section 401(a) which is exempt from tax under section 501(a), or any portion of the value of a contract purchased as part of a plan described in section 403(a), such portion shall be treated as having been received by such owner-employee as a distribution from the trust or as an amount received under the contract during such taxable year.

(2)(i) Under paragraphs (4)(A) and (6) of section 72(m), if after December 31, 1974, during any taxable year an individual for whose benefit an individual retirement account or annuity described in section 408 (a) or (b) is maintained assigns or pledges (or agrees to assign or pledge) any portion of his interest in such account or annuity, such portion shall be treated as having been received by such individual as a distribution from such account or trust during such taxable year. See subsections (d) and (f) of section 408 and the regulations thereunder for the tax treatment of an amount treated as a distribution under this subparagraph.

(ii) Notwithstanding subdivision (i) of this subparagraph, if an individual retirement account or annuity, or portion thereof, is subject to the additional tax imposed by section 408(f), that amount shall be deemed not to be a distribution under section 72(m)(4)(A) and subdivision (i) of this subparagraph.

(3) Under section 72(m)(4)(B), if during any taxable year an owner-employee receives, either directly or indirectly, any amount from any insurance company as a loan under a contract purchased by a trust described in section 401(a) which is exempt from tax under section 501(a) or purchased as part of a plan described in section 403(a), and issued by such insurance company, such amount shall be treated as an amount received under the contract during such taxable year. An owner-employee will be considered to have received an amount under a contract if a premium, which is otherwise in default, is paid by the insurance company in the form of a loan against the cash surrender value of the contract. Further, an owner-employee will be considered to have received an amount to which this subparagraph applies if an amount is received from the issuer of a face-amount certificate as a loan under such a certificate purchased as part of a qualified trust or plan.

(e) *Penalties applicable to certain amounts received with respect to owner-employees under section 72(m)(5).* (1)(i) For taxable years of the recipient beginning after December 31, 1975, if any person receives an amount to which subparagraph (2) of this paragraph applies, his tax under chapter 1 for the taxable year in which such amount is received shall be increased by an amount equal to 10 percent of the portion of the amount so received which is includible in his gross income for such taxable year.

(ii) For taxable years of the recipient beginning before January 1, 1976, see subparagraph (3) of this paragraph.

(2)(i) This subparagraph is applicable to amounts, to the extent includible in gross income, received from a qualified trust described in section 401(a) or under a plan described in section 403(a) by or on behalf of an individual who is or has been an owner-employee with respect to such trust or plan—

(A) Which are received before the owner-employee reaches the age of 59½ years, and which are attributable to contributions paid on behalf of such owner-employee by his employer (that is, employer contributions within the meaning of section 401(c)(5)(A) and the increments in value attributable to such employer contributions) and the increments in value attributable to contributions made by him as an owner-employee while he was an owner-employee (that is, the increments attributable to owner-employee contributions within the meaning of section 401(c)(5)(B), but not such contributions; see subdivision (ii) of this subparagraph).

(B) Which are in excess of the benefits provided for such owner-employee under the plan formula (see subdivision (iii) of this subparagraph), or

(C) Which are subject to the transitional rules with respect to willful excess contributions made on behalf of an owner-employee in his employer's taxable years which begin before January 1, 1976 (see subdivision (v) of this subparagraph).

(ii) The amounts referred to in subdivision (i)(A) of this subparagraph do not include—

(A) Amounts received by reason of the owner-employee becoming disabled (see paragraph (f) of this section),

(B) Amounts received by the owner-employee in his capacity as a policyholder of an annuity, endowment, or life insurance contract which are in the nature of a dividend or similar distribution, or

(C) Amounts attributable to contributions (and increments in value thereon) made for years for which the recipient was not an owner-employee.

If an amount is not included in the amounts referred to in subdivision (i)(A) of this subparagraph solely by reason of the owner-employee's becoming disabled and if a penalty would otherwise be applicable with respect to all or a portion of such amount, then for the owner-employee's taxable year in which such amount is received, there must be submitted with his income tax return a doctor's statement as to the impairment, and a statement by the owner-employee with respect to the effect of such impairment upon his substantial gainful activity and the date such impairment occurred. For taxable years which are subsequent to the first taxable year with respect to which the statements referred to in the preceding sentence are submitted, the owner-employee may, in lieu of such statements, submit a statement declaring the continued existence (without substantial diminution) of the impairment and its continued effect upon his substantial gainful activity.

(iii) This subparagraph applies to amounts described in subdivision (i)(B) of this subparagraph (relating to benefits in excess of the plan formula) even though a portion of such amounts may be attributable to contributions made on behalf of an individual while he was not an owner-employee and even if he is deceased and the amounts are received by his successor.

(iv)(A) The rules described in subdivisions (i)(A) and (iii) of this subparagraph, relating to the treatment under section 72(m)(5)(A)(i) of certain premature distributions, may be illustrated by the following example:

*Example.* (1) A was a member of the X partnership, consisting of partners A through I, and a participant in the partnership's qualified profit-sharing plan which was established on January 1, 1972. A's taxable years, the X partnership's taxable years, the plan years, and other relevant years are all calendar years at all relevant times. For the three calendar years, 1972 through 1974, A was an owner-employee in the X partnership. On January 1, 1975, new partners J and K became partners in the X partnership, and as of that date, each of partners A through K held a 1/11 interest in the capital and profits of the X partnership. On that date, A became a partner who was not an owner-employee. A continued in this status for the 2 calendar years 1975 and 1976. On January 1, 1977, when A was 50 years old and not disabled, he liquidated his interest in the X partnership and became an employee of an unrelated employer. On that date, A received a distribution representing his entire interest in the X partnership's plan of $54,000 cash in violation of the plan provision required by section 401(d)(4)(B). As of that date, the distribution was attributable to the following sources and times, computed by the plan in a manner consistent with this subparagraph:

| Calendar years | X contributions on behalf of A deductible under sec. 404 | A's contributions made as an employee | Increments in value attributable to column A yearly contributions | Increments in value attributable to column B yearly contributions |
|---|---|---|---|---|
| | A | B | C | D |
| 1977 | 0 | 0 | 0 | 0 |
| 1976 | $7,500 | $2,500 | $300 | $300 |
| 1975 | 7,500 | 2,500 | 4,000 | 1,300 |
| 1974 | 7,500 | 2,500 | 1,800 | 700 |
| 1973 | 2,500 | 2,500 | 1,200 | 1,200 |
| 1972 | 2,500 | 2,500 | 1,300 | 1,300 |
| Totals | 27,500 | 12,500 | 9,200 | 4,500 |

(2) The amount of the $54,000 distribution to which subdivision (i)(A) of this subparagraph applies is $20,000, computed as follows:

| | |
|---|---|
| X contributions on behalf of A made in years A was an owner-employee: | |
| 1974 | $7,500 |
| 1973 | 2,500 |
| 1972 | 2,500 |
| Total | 12,500 |
| Increments in value attributable to such contributions: | |
| 1974 | 1,800 |
| 1973 | 1,200 |
| 1972 | 1,300 |
| Total | 4,300 |
| Increments in value attributable to contributions made by A as an employee for years in which he was an owner-employee: | |
| 1974 | 700 |
| 1973 | 1,200 |
| 1972 | 1,300 |
| Total | 3,200 |
| Grand total | 20,000 |

In this example, the $20,000 amount computed above would be includible in A's gross income for 1977 and would be subject to the 10 percent tax described in subparagraph (1)(i) of this paragraph.

(3) Subdivision (i)(A) of this subparagraph does not apply to the contributions made by X on behalf of A for 1976 and 1975 ($7,500 each year, totaling $15,000) nor to the increments in value attributable to those contributions ($900 for 1976 and $4,000 for 1975, totaling $4,900), because A was not an owner-employee with respect to these two years, 1976 and 1975, on account of which these employer contributions were made. For the same reason, subdivision (i)(A) of this subparagraph does not apply to the increments in value attributable to A's contributions for 1976 and 1975 ($300 and $1,300, respectively, totaling $1,600).

See section 4972(c) for the amount of employee contributions which is permitted to be contributed by an owner-employee (as an employee) without subjecting an owner-employee to the tax on excess contributions.

(4) Subdivision (i)(A) of this subparagraph does not apply to the contributions made by A, as an employee during the years when he was an owner-employee ($2,500 during each of the years 1972, 1973, and 1974, totaling $7,500), because the distribution was received in a taxable year of A ending after September 2, 1974; see subparagraph (3) of this paragraph. Furthermore, because the distribution of the amount of A's contributions ($12,500) constitutes consideration for the contract paid by A for purposes of section 72, the $7,500 amount described in the preceding sentence is not includible in his gross







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income, and that amount is not subject to the rules of this subparagraph; see subdivision (i) of this subparagraph, and paragraphs (b) and (c) of this section.

(B) The increments in value of an individual's account may be allocated to contributions on his behalf, by his employer or by such individual as an owner-employee, while he was an owner-employee either by maintaining a separate account, or an accounting, which reflects the actual increment attributable to such contributions, or by the method described in (C) of this subdivision.

(C) Where an individual is covered under the same plan both as an owner-employee and as a non-owner-employee, the portion of the increment in value of his interest attributable to contributions made on his behalf while he was an owner-employee may be determined by multiplying the total increment in value in his account by a fraction. The numerator of the fraction is the total contributions made on behalf of the individual as an owner-employee, weighted for the number of years that each contribution was in the plan. The denominator is the total contributions made on behalf of the individual, whether or not as an owner-employee, weighted for the number of years each contribution was in the plan. The contributions are weighted for the number of years in the plan by multiplying each contribution by the number of years it was in the plan. For purposes of this computation, any forfeiture allocated to the account of the individual is treated as a contribution to the account made at the time so allocated. For purposes of this computation, where the individual has received a prior distribution from such account, an appropriate adjustment must be made to reflect such prior distribution.

(D) The method described in (C) of this subdivision may be illustrated by the following example:

*Example.* B was a member of the XYZ Partnership and a participant in the partnership's profit-sharing plan which was created in 1973. Until the end of 1977, B's interest in the partnership was less than 10 percent. On January 1, 1978, B obtained an interest in excess of 10 percent in the partnership and continued to participate in the profit-sharing plan until 1982. During 1982, prior to the time he attained the age of 59½ years and during a time when he was not disabled, B, who had not received any prior plan distributions, withdrew his entire interest in the profit-sharing plan. At the time his interest was $15,000, $9,600 contributions and $5,400 increment attributable to the contributions. The portion of the increment attributable to contributions while B was an owner-employee is $667.80, determined as follows:

| | Contribution A | Number of years contribution was in trust B | Contribution weighted for years in trust (A X B) C |
|---|---|---|---|
| 1982 | $1,000 | 0 | 0 |
| 1981 | 800 | 1 | 800 |
| 1980 | 1,200 | 2 | 2,400 |
| 1979 | 600 | 3 | 1,800 |
| 1978 | 200 | 4 | 800 |
| 1977 | 400 | 5 | 2,000 |
| 1976 | 2,000 | 6 | 12,000 |
| 1975 | 1,000 | 7 | 7,000 |
| 1974 | 1,500 | 8 | 12,000 |
| 1973 | 900 | 9 | 8,100 |
| Total | 9,600 | | 46,900 |

Total weighted contributions as owner-employee (1978–1982) = $5,800.
Total weighted contributions = $46,900.

$$\$5,400 \times \frac{\$5,800}{\$46,900} = \$667.80$$

(E) (*1*) The rules set forth in subdivision (iv) (E) (*2*) of this subparagraph shall be used to determine the amounts to which subdivision (i) (A) of this subparagraph applies in the case of a distribution of less than the entire balance of the employee's account from a plan in which he has been covered at different times as an owner-employee or as an employee other than an owner-employee.

(*2*) Distributions or payments from a plan for any employee taxable year shall be deemed to be attributable to contributions to the plan, and increments thereon, in the following order—

(*i*) Employee contributions;

(*ii*) Excess contributions, within the meaning of section 4972(b);

(*iii*) Employer contributions, other than those described in (*ii*), and the increments in value attributable to the employee's own contributions and his employer's contributions on the basis of the taxable years of his employer in succeeding order of time whether or not the employee was an owner-employee for any such year.

For purposes of (*iii*) of this subdivision, the time of contributions made on the basis of any employer taxable year shall take into account the rule specified in section 404(a)(6), relating to time when contributions deemed made.

(v) The amounts referred to in subdivision (i) (C) of this subparagraph are amounts which are received by reason of a distribution of the owner-employee's entire interest under the provisions of section 401(e)(2)(E), as in effect on September 1, 1974, relating to excess contributions on behalf of an owner-employee which are willfully made. Notwithstanding the preceding sentence, an owner-employee's entire interest in all plans with respect to which he is an owner-employee (within the meaning of subsections (d)(8)(C) and (e)(2)(E)(ii) of section 401, as in effect on September 1, 1974) does not include any distribution or payment attributable to his employer's contributions or his own contributions made with respect to his employer's taxable years beginning after December 31, 1975. However, his entire interest in all plans does include all of the distribution or payment attributable to his employer's contributions and his own contributions made with respect to all of his employer's taxable years beginning before January 1, 1976, if any portion thereof is attributable in whole or in part to such a willful excess contribution and such entire interest is received because of a willful excess contribution pursuant to section 401(e)(2)(E)(ii). A distribution or payment is described in the preceding sentence even though it is received in an owner-employee's taxable year beginning after December 31, 1975. For purposes of computing the increments in value attributable to employer taxable years which begin before January 1, 1976, and such increments attributable to such years beginning after December 31, 1975, the rules specified in subdivision (iv) (B), (C), (D), and (E) of this subparagraph shall be applied to the extent applicable. See §1.401(e)–4(c) for transitional rules with respect to contributions described in this subdivision.

(3) (i) For taxable years of the recipient beginning before January 1, 1976, the tax with respect to which subparagraph (2) of this paragraph applies shall be computed under subparagraphs (B), (C), (D), and (E) of section 72(m)(5) as such subparagraphs were in effect prior to the amendments made by subsections (g) (1) and (2) (A) of section 2001 of the Employee Retirement Income Security Act of 1974 (88 Stat. 957) except as provided in subdivisions (ii) and (iii) of this subparagraph (see paragraph (e) of § 1.72–17). For purposes of the preceding sentence, amounts to which subparagraph (2) of this paragraph applies in the case of an amount described in section 72(m)(5)(A)(i) shall be determined under subdivisions (1)(*a*) and (ii) of § 1.72–17(e)(1), except as provided in subdivision (ii) of this subparagraph. For purposes of the first sentence of this subdivision, amounts to which subparagraph (2) of this paragraph applies in the case of an amount described in section 72(m)(5)(A)(ii) shall be determined under subdivisions (1)(*b*) and (iii) of § 1.72–17(e)(1), except as provided in subdivision (iii) of this subparagraph.

(ii) For purposes of applying section 72(m)(5)(A)(i), after the amendment made by section 2001(h)(3) of such Act, and subdivisions (i)(*a*) and (ii) of § 1.72–17(e)(1), to a distribution or payment received in recipient taxable years ending after September 2, 1974, and beginning before January 1, 1976, with respect to contributions made on behalf of an owner-employee which were made by him as an owner-employee (that is, employee contributions within the meaning of section 401(c)(5)(B)) the portion of any distribution or payment attributable to such contributions shall not include such contributions but shall include the increments in value attributable to such contributions.





(iii) For purposes of applying section 72(m)(5)(D) and subdivisions (2)(*b*) and (iii) of § 1.72–17(e)(1) to recipient taxable years beginning after December 31, 1973, and beginning before January 1, 1976, in the case of distributions or payments made after December 31, 1973, the amounts to which section 402(a)(2) or 403(a)(2) applies after the amendments made by section 2005(b)(1) and (2) of such Act (88 Stat. 990 and 991) (which are amounts to which subdivision (i)(*b*) of § 1.72–17(e)(1) does not apply) shall be deemed to be the amount which is treated as a gain from the sale or exchange of a capital asset held for more than 6 months under either of such sections.

(f) *Meaning of disabled.* (1) Section 72(m)(7) provides that an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. In determining whether an individual's impairment makes him unable to engage in any substantial gainful activity, primary consideration shall be given to the nature and severity of his impairment. Consideration shall also be given to other factors such as the individual's education, training, and work experience. The substantial gainful activity to which section 72(m)(7) refers is the activity, or a comparable activity, in which the individual customarily engaged prior to the arising of the disability (or prior to retirement if the individual was retired at the time the disability arose).

(2) Whether or not the impairment in a particular case constitutes a disability is to be determined with reference to all the facts in the case. The following are examples of impairments which would ordinarily be considered as preventing substantial gainful activity:

(i) Loss of use of two limbs;

(ii) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease;

(iii) Diseases of the heart, lungs, or blood vessels which have resulted in major loss of heart or lung reserve as evidenced by X-ray, electrocardiogram, or other objective findings, so that despite medical treatment breathlessness, pain, or fatigue is produced on slight exertion, such as walking several blocks, using public transportation, or doing small chores;

(iv) Cancer which is inoperable and progressive;

(v) Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation, or memory;

(vi) Mental diseases (e.g. psychosis or severe psychoneurosis) requiring continued institutionalization or constant supervision of the individual;

(vii) Loss or diminution of vision to the extent that the affected individual has a central visual acuity of no better than 20/200 in the better eye after best correction, or has a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees;

(viii) Permanent and total loss of speech;

(ix) Total deafness uncorrectible by a hearing aid.

The existence of one or more of the impairments described in this subparagraph (or of an impairment of greater severity) will not, however, in and of itself always permit a finding that an individual is disabled as defined in section 72(m)(7). Any impairment, whether of lesser or greater severity, must be evaluated in terms of whether it does in fact prevent the individual from engaging in his customary or any comparable substantial gainful activity.

(3) In order to meet the requirements of section 72(m)(7), an impairment must be expected either to continue for a long and indefinite period or to result in death. Ordinarily, a terminal illness because of disease or injury would result in disability. The term "indefinite" is used in the sense that it cannot reasonably be anticipated that the impairment will, in the foreseeable future, be so diminished as no longer to prevent substantial gainful activity. For example, an individual who suffers a bone fracture which prevents him from working for an extended period of time will not be considered disabled, if his recovery can be expected in the foreseeable future; if the fracture persistently fails to knit, the individual would ordinarily be considered disabled.

(4) An impairment which is remediable does not constitute a disability within the meaning of section 72(m)(7). An individual will not be deemed disabled if, with reasonable effort and safety to himself, the impairment can be diminished to the extent that the individual will not be prevented by the impairment from engaging in his customary or any comparable substantial gainful activity.

PAR. 8. Section 1.401–13 is amended by adding the following new paragraph at the end thereof:

§ 1.401–13 Excess contributions on behalf of owner-employees.

* * * * *

(f) *Years to which this section applies.* This section applies to contributions made in taxable years of employers beginning before January 1, 1976. Thus, for example, in the case of willful contributions made in taxable years of employers beginning before January 1, 1976, paragraphs (e)(1), (2), and (3) of this section apply to such taxable years beginning on or after such date. However, in such a case, because the application of paragraph (e)(4) of this section affects contributions made in taxable years of employers beginning on or after January 1, 1976, paragraph (e)(4) of this section does not apply to such taxable years; see paragraph (c) of § 1.401(e)–4 (relating to transitional rules for excess contributions).

PAR. 9. The following new sections and historical notes are added immediately after § 1.401–14. These added sections and historical notes read as follows:

§ 1.401(c) Statutory provisions; qualified pension, etc. plans; definitions relating to self-employed individuals and owner-employees.

SEC. 401. *Qualified pensions, etc., plans.*

* * *

(c) *Definitions and rules relating to self-employed individuals and owner-employees.* For purposes of this section—

(1) *Employee.* The term "employee" includes, for any taxable year, an individual who has earned income (as defined in paragraph (2)) for the taxable year. To the extent provided in regulations prescribed by the Secretary or his delegate, such term also includes, for any taxable year—

(A) An individual who would be an employee within the meaning of the preceding sentence but for the fact that the trade or business carried on by such individual did not have net profits for the taxable year, and

(B) An individual who has been an employee within the meaning of the preceding sentence for any prior taxable year.

(2) *Earned income*—(A) *In general.* The term "earned income" means the net earnings from self-employment (as defined in section 1402(a)), but such net earnings shall be determined—

(i) Only with respect to a trade or business in which personal services of the taxpayer are a material income-producing factor,

(ii) Without regard to paragraphs (4) and (5) of section 1402(c),

(iii) In the case of an individual who is treated as an employee under section 3121(d)(3)(A), (C), or (D), without regard to paragraph (2) of section 1402(c), and

(iv) Without regard to items which are not included in gross income for purposes of this chapter, and the deductions properly allocable to or chargeable against such items.

For purposes of this subparagraph, section 1402, as in effect for a taxable year ending on December 31, 1962, shall be treated as having been in effect for all taxable years ending before such date.

(B) [Repealed]

(C) *Income from disposition of certain property.* For purposes of this section, the term "earned income" includes gains (other than any gain which is treated under any provision of this chapter as gain from the sale or exchange of a capital asset) and net earnings derived from the sale or other disposition of, the transfer of any interest in, or the licensing of the use of property (other than good will) by an individual whose personal efforts created such property.

(3) *Owner-employee.* The term "owner-employee" means an employee who—

(A) Owns the entire interest in an unincorporated trade or business, or

(B) In the case of a partnership, is a partner who owns more than 10 percent of either the capital interest or the profits interest in such partnership.

To the extent provided in regulations prescribed by the Secretary or his delegate, such term also means an individual who has been an owner-employee within the meaning of the preceding sentence.

(4) *Employer.* An individual who owns the entire interest in an unincorporated trade or business shall be treated as his own employer. A partnership shall be treated as the employer of each partner who is an employee within the meaning of paragraph (1).

(5) *Contributions on behalf of owner-employees.* The term "contribution on behalf of an owner-employee" includes, except as





the context otherwise requires, a contribu-

(B) In the case of a profit-sharing plan,

been commenced in accordance with sub-



(b)(1) (B) and (C), Act of Nov. 13, 1966

The provisions of §§ 1.401(a)–1 through

tion 401(d) and are made applicable to

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the context otherwise requires, a contribution under a plan—

(A) By the employer for an owner-employee, and

(B) By an owner-employee as an employee.

[Sec. 401(c) added by sec. 2(3), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 811); as amended by secs. 204 (c) and 205(a), Act of Nov. 13, 1966 (Public Law 89-809, 80 Stat. 1577 and 1578)]

### § 1.401(d) Statutory provisions; qualified pension, etc., plans; additional requirements for qualification of trusts and plans benefiting owner-employees.

SEC. 401. *Qualified pension, etc., plans.* • • •

(d) *Additional requirements for qualification of trusts and plans benefiting owner-employees.* A trust forming part of a pension or profit-sharing plan which provides contributions or benefits for employees some or all of whom are owner-employees shall constitute a qualified trust under this section only if, in addition to meeting the requirements of subsection (a), the following requirements of this subsection are met by the trust and by the plan of which such trust is a part:

(1) In the case of a trust which is created on or after October 16, 1962, or which was created before such date but is not exempt from tax under section 501(a) as an organization described in subsection (a) on the day before such date, the assets thereof are held by a bank or other person who demonstrates to the satisfaction of the Secretary or his delegate that the manner in which he will administer the trust will be consistent with the requirements of this section. A trust shall not be disqualified under this paragraph merely because a person (including the employer) other than the trustee or custodian so administering the trust may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges). This paragraph shall not apply to a trust created or organized outside the United States before October 10, 1962, if, under section 402(c), it is treated as exempt from tax under section 501(a) on the day before such date; or, to the extent provided under regulations prescribed by the Secretary or his delegate, to a trust which uses annuity, endowment, or life insurance contracts of a life insurance company exclusively to fund the benefits prescribed by the trust, if the life insurance company supplies annually such information about trust transactions affecting owner-employees as the Secretary or his delegate shall by forms or regulations prescribe. For purposes of this paragraph, the term "bank" means a bank as defined in section 581, an insured credit union (within the meaning of section 101(6) of the Federal Credit Union Act), a corporation which under the laws of the State of its incorporation is subject to supervision and examination by the commissioner of banking or other officer of such State in charge of the administration of the banking laws of such State, and, in the case of a trust created or organized outside the United States, a bank or trust company, wherever incorporated, exercising fiduciary powers and subject to supervision and examination by governmental authority.

(2) Under the plan—

(A) The employees' rights to or derived from the contributions under the plan are nonforfeitable at the time the contributions are paid to or under the plan; and

(B) In the case of a profit-sharing plan, there is a definite formula for determining the contributions to be made by the employer on behalf of employees (other than owner-employees).

Subparagraph (A) shall not apply to contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Secretary or his delegate to preclude the discrimination prohibited by subsection (a)(4), may not be used to provide benefits for designated employees in the event of early termination of the plan.

(3)(A) The plan benefits each employee having 3 or more years of service (within the meaning of section 410(a)(3)).

(B) For purposes of subparagraph (A), the term "employee" does not include—

(i) Any employee included in a unit of employees covered by a collective-bargaining agreement described in section 410(b)(2)(A), and

(ii) Any employee who is a nonresident alien individual described in section 410(b)(2)(C).

(4) Under the plan—

(A) Contributions or benefits are not provided for any owner-employee unless such owner-employee has consented to being included under the plan; and

(B) No benefits in excess of contributions made by an owner-employee as an employee may be paid to any owner-employee, except in the case of his becoming disabled (within the meaning of section 72(m)(7)), prior to his attaining the age of 59½ years.

(5) The plan does not permit—

(A) Contributions to be made by the employer on behalf of any owner-employee in excess of the amounts which may be deducted under section 404 for the taxable year;

(B) In the case of a plan which provides contributions or benefits only for owner-employees, contributions to be made on behalf of any owner-employee in excess of the amounts which may be deducted under section 404 for the taxable year; and

(C) If a distribution under the plan is made to any employee and if any portion of such distribution is an amount described in section 72(m)(5)(A)(i), contributions to be made on behalf of such employee for the 5 taxable years succeeding the taxable year in which such distribution is made.

Subparagraphs (A) and (B) do not apply to contributions described in subsection (e).

(6) Except as provided in this paragraph, the plan meets the requirements of subsection (a)(4) without taking into account for any purpose contributions or benefits under chapter 2 (relating to tax on self-employment income), chapter 21 (relating to Federal Insurance Contributions Act), title II of the Social Security Act, as amended, or any other Federal or State law. If—

(A) Of the contributions deductible under section 404, not more than one-third is deductible by reason of contributions by the employer on behalf of owner-employees; and

(B) Taxes paid by the owner-employees under chapter 2 (relating to tax on self-employment income), and the taxes which would be payable under such chapter 2 by the owner-employees but for paragraphs (4) and (5) of section 1402(c), are taken into account as contributions by the employer on behalf of such owner-employees,

then taxes paid under section 3111 (relating to tax on employers) with respect to an employee may, for purposes of subsection (a)(4), be taken into account as contributions by the employer for such employee under the plan.

(7) Under the plan, if an owner-employee dies before his entire interest has been distributed to him, or if distribution has been commenced in accordance with subsection (a)(9)(B) to his surviving spouse and such surviving spouse dies before his entire interest has been distributed to such surviving spouse, his entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of his surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence shall not apply if distribution of the interest of an owner-employee has commenced and such distribution is for a term certain over a period permitted under subsection (a)(9)(B)(ii).

(8) [Repealed]

(9) (A) If the plan provides contributions or benefits for an owner-employee who controls, or for two or more owner-employees who together control, the trade or business with respect to which the plan is established, and who also control as an owner-employee or as owner-employees one or more other trades or businesses, such plan and the plans established with respect to such other trades or businesses, when coalesced, constitute a single plan which meets the requirements of subsection (a) (including paragraph (10) thereof) and of this subsection with respect to the employees of all such trades or businesses (including the trade or business with respect to which the plan intended to qualify under this section is established).

(B) For purposes of subparagraph (A), an owner-employee, or two or more owner-employees, shall be considered to control a trade or business if such owner-employee, or such two or more owner-employees together—

(i) Own the entire interest in an unincorporated trade or business, or

(ii) In the case of a partnership, own more than 50 percent of either the capital interest or the profits interest in such partnership.

For purposes of the preceding sentence, an owner-employee, or two or more owner-employees, shall be treated as owning any interest in a partnership which is owned, directly or indirectly, by a partnership which such owner-employee, or such two or more owner-employees, are considered to control within the meaning of the preceding sentence.

(10) The plan does not provide contributions or benefits for any owner-employee who controls (within the meaning of paragraph (9)(B)), or for two or more owner-employees who together control, as an owner-employee or as owner-employees, any other trade or business, unless the employees of each trade or business which such owner-employee or such owner-employees control are included under a plan which meets the requirements of subsection (a) (including paragraph (10) thereof) and of this subsection, and provides contributions and benefits for employees which are not less favorable than contributions and benefits provided for owner-employees under the plan.

(11) Under the plan, contributions on behalf of any owner-employee may be made only with respect to the earned income of such owner-employee which is derived from the trade or business with respect to which such plan is established.

[Sec. 401(d) as added by sec. 2(3), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 811); as amended by secs. 204 (b)(1)(B) and (C), Act of Nov. 13, 1966 (Public Law 89-809, 80 Stat. 1577); secs. 1022(b)(2), 1022(c)(1) and (2), 1022(f), 2001(e)(1), and (2), and 2001(h)(1), Employee Retirement Income Security Act 1974 (88 Stat. 939, 940, 954, and 957)]

### § 1.401(e) Statutory provisions; qualified pension, etc., plans; contributions for premiums on annuity, etc., contracts.

SEC. 401. *Qualified pension, etc., plans.* • • •

(e) *Contributions for premiums on annuity, etc., contracts.* A contribution by the employer on behalf of an owner-employee is described in this subsection if—

(1) Under the plan such contribution is required to be applied (directly or through a trustee) to pay premiums or other consideration for one or more annuity, endowment, or life insurance contracts on the life of such owner-employee issued under the plan,

(2) The amount of such contribution exceeds the amount deductible under section 404 with respect to contributions made by the employer on behalf of such owner-employee under the plan, and

(3) The amount of such contribution does not exceed the average of the amounts which were deductible under section 404 with respect to contributions made by the employer on behalf of such owner-employee under the plan (or which would have been deductible if such section had been in effect) for the first 3 taxable years (A) preceding the year in which the last such annuity, endowment, or life insurance contract was issued under the plan, and (B) in which such owner-employee derived earned income from the trade or business with respect to which the plan is established, or for so many of such taxable years as such owner-employee was engaged in such trade or business and derived earned income therefrom.

In the case of any individual on whose behalf contributions described in paragraph (1) are made under more than one plan as an owner-employee during any taxable year, the preceding sentence does not apply if the amount of such contributions under all such plans for all such years exceeds $7,500. Any contribution which is described in this subsection shall, for purposes of section 4972(b), be taken into account as a contribution made by such owner-employee as an employee to the extent that the amount of such contribution is not deductible under section 404 for the taxable year, but only for the purpose of applying section 4972(b) to other contributions made by such owner-employee as an employee.

[Sec. 401(e) added by sec. 2(3), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 811); as amended by secs. 204(b)(1)(D) and (E), Act of Nov. 13, 1966 (Public Law 89-809, 80 Stat. 1577); Sec. 2001(e)(3), Employee Retirement Income Security Act 1974 (88 Stat. 954)]

### § 1.401(e)-1 Definitions relating to plans covering self-employed individuals.

(a) *"Keogh" or "H.R. 10" plans, in general*—(1) *Introduction and organization of regulations.* Certain self-employed individuals may be covered by a qualified pension, annuity, or profit-sharing plan. This section contains definitions contained in section 401(c) relating to plans covering self-employed individuals and is applicable to employer taxable years beginning after December 31, 1975, unless otherwise specified. The provisions of §§ 1.401(a)-1 through 1.401(a)-20, relating to qualification requirements which are generally applicable to all qualified plans, and other provisions relating to the special rules under section 401 (b), (f), (g), (h), and (i), are also generally applicable to any plan covering a self-employed individual. However, in addition to such requirements and special rules, any plan covering a self-employed individual is subject to the rules contained in §§ 1.401(e)-2, (e)-5, and (j)-1. Section 1.401(e)-2 contains general rules, § 1.401(e)-5 contains a special rule limiting the contribution and benefit base to the first $100,000 of annual compensation, and § 1.401(j)-1 contains special rules for defined benefit plans. Section 1.401(e)-3 contains special rules which are applicable to plans covering self-employed individuals when one or more of such individuals is an owner-employee within the meaning of paragraph (d) of this section. Section 1.401(e)-4 contains rules relating to contributions on behalf of owner-employees for premiums on annuity, etc., contracts and a transitional rule for certain excess contributions made on behalf of owner-employees for employer taxable years beginning before January 1, 1976. The provisions of this section and of §§ 1.401(e)-2 through 1.401(e)-5 are applicable to employer taxable years beginning after December 31, 1975, unless otherwise specified.

(2) [Reserved]

### § 1.401(e)-2 General rules relating to plans covering self-employed individuals.

(a) *"Keogh" or "H.R. 10" plans; introduction and organization of regulations.* This section provides certain rules which supplement, and modify, the qualification requirements of §§ 1.401(a)-1 through 1.401(a)-20 and the special rules provided by § 1.401(b)-1 and other special rules under subsections (f), (g), (h), and (i) of section 401 in the case of a qualified pension, annuity, or profit-sharing plan which covers a self-employed individual who is an employee within the meaning of section 401(c)(1). Section 1.401(e)-1(a)(1) sets forth other provisions which also supplement, and modify, these requirements and special rules in the case of a plan described in this section. The provisions of this section apply to employer taxable years beginning after December 31, 1975, unless otherwise specified.

(b) [Reserved]

### § 1.401(e)-3 Requirements for qualification of trusts and plans benefiting owner-employees.

(a) *"Keogh" or "H.R. 10" plans covering owner-employes; introduction and organization of regulations.* This section prescribes the additional requirements which must be met for qualification of a trust forming part of a pension or profit-sharing plan, or of an annuity plan, which covers any self-employed individual who is an owner-employee as defined in section 401(c)(3). These additional requirements are prescribed in section 401(d) and are made applicable to such a trust by section 401(a)(10)(B) and to an annuity plan by section 404(a)(2). However, to the extent that the provisions of §§ 1.401(e)-1 and 1.401(e)-2 are not modified by the provisions of this section such provisions are also applicable to a plan which covers an owner-employee. The provisions of this section apply to taxable years beginning after December 31, 1975, unless otherwise specified.

(b) [Reserved]

### § 1.401(e)-4 Contributions for premiums on annuity, etc., contracts and transitional rule for certain excess contributions.

(a) *In general.* The provisions of this section prescribe the rules specified in section 401(e) relating to certain contributions made under a qualified pension, annuity, or profit-sharing plan on behalf of a self-employed individual who is an owner-employee (as defined in section 401(c)(3) and the regulations thereunder) in taxable years of the employer beginning after December 31, 1975. However, see also section 415 for rules applicable to limitations on contributions or benefits for years beginning after December 31, 1975. For example, if a defined contribution plan using a trust permitted an employer contribution to be made for any participant in the plan for a year beginning after December 31, 1975, in excess of the amount described in section 415(c)(1)(B), the trust established under such plan would not constitute a qualified trust under section 401(a), notwithstanding the provisions of section 401(e) and this section. Solely for the purpose of applying section 4972(b) (relating to excise tax on excess contributions for self-employed individuals) to other contributions made by an owner-employee as an employee, the amount of any employer contribution which is not deductible under section 404 for the employer's taxable year but which is described in section 401(e) and this section shall be taken into account as a contribution made by such owner-employee as an employee during the taxable year of his employer in which such contribution is made.

(b) *Contributions described in section 401(e).*—(1) An employer contribution on behalf of an owner-employee is described in section 401(e), if—

(i) Under the provisions of the plan, the contribution is expressly required to be applied (either directly or through a trustee) to pay the premiums or other consideration for one or more annuity, endowment, or life insurance contracts on the life of the owner-employee,

(ii) The employer contributions so applied meet the requirements of subparagraphs (2) through (5) of this paragraph,

(iii) The amount of the contribution exceeds the amount deductible under section 404 with respect to contributions made by the employer on behalf of the owner-employee under the plan, and

(iv) The total employer contributions required to be applied annually to pay







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premiums on behalf of any owner-employee for contracts described in this paragraph do not exceed $7,500. For purposes of computing such $7,500 limit, the total employer contributions include amounts which are allocable to the purchase of life, accident, health, or other insurance.

(2) (i) The employer contributions must be paid under a plan which satisfies all the requirements for qualification. Accordingly, for example, contributions can be paid under the plan for life insurance protection only to the extent otherwise permitted under sections 401 through 404 and the regulations thereunder. However, certain of the requirements for qualification are modified with respect to a plan described in this paragraph (see section 401(a)(10)(A)(ii) and (d)(5)).

(ii) A plan described in this paragraph is not disqualified merely because a contribution is made on behalf of an owner-employee by his employer during a taxable year of the employer for which the owner-employee has no earned income. On the other hand, a plan will fail to qualify if a contribution is made on behalf of an owner-employee which results in the discrimination prohibited by section 401(a)(4) as modified by section 401(a)(10)(A)(ii) (see paragraph (f)(3) of § 1.401(e)-3).

(3) The employer contributions must be applied to pay premiums or other consideration for a contract issued on the life of the owner-employee. For purposes of this subparagraph, a contract is not issued on the life of an owner-employee unless all the proceeds which are, or may become, payable under the contract are payable directly, or through a trustee of a trust described in section 401(a) and exempt from tax under section 501(a), to the owner-employee or to the beneficiary named in the contract or under the plan. For example, a nontransferable face-amount certificate described in section 401(g) and the regulations thereunder is considered an annuity on the life of the owner-employee if the proceeds of such contract are payable only to the owner-employee or his beneficiary.

(4) (i) For any taxable year of the employer, the amount of contributions by the employer on behalf of the owner-employee which is applied to pay premiums under the contracts described in this paragraph must not exceed the average of the amounts deductible under section 404 by such employer on behalf of such owner-employee for the most recent three taxable years of the employer which are described in the succeeding sentence. The three employer taxable years described in the preceding sentence must be years, ending prior to the date the latest contract was entered into or modified to provide additional benefits, in which the owner-employee derived earned income from the trade or business with respect to which the plan is established. However, if such owner-employee has not derived earned income for at least three taxable years preceding such date, then, in determining the "average of the amounts deductible", only so many of such taxable years as such owner-employee was engaged in such trade or business and derived earned income therefrom are taken into account.

(ii) For the purpose of making the computation described in subdivision (i) of this subparagraph, the taxable years taken into account include those years in which the individual derived earned income from the trade or business but was not an owner-employee with respect to such trade or business. Furthermore, taxable years of the employer preceding the taxable year in which a qualified plan is established are taken into account.

(iii) For purposes of making the computations described in subdivisions (i) and (ii) of this subparagraph for any taxable year of the employer, the average of the amounts deductible under section 404 by the employer on behalf of an owner-employee for the most recent three relevant taxable years of the employer shall be determined as if section 404, as in effect for the taxable year for which the computation is to be made, had been in effect for all three such years.

(5) For any taxable year of an employer in which contributions are made on behalf of an individual as an owner-employee under more than one plan, the amount of contributions described in this section by the employer on behalf of such an owner-employee under all such plans must not exceed $7,500.

(c) *Transitional rule for excess contributions*—(1) (i) The rules of this paragraph are inapplicable to a plan which was not in existence for any taxable year of an employer which begins before January 1, 1976. For taxable years of an employer which begin before January 1, 1976, the rules with respect to excess contributions on behalf of owner-employees set forth in section 401(d)(5) and (8) and in section 401(e), as these sections were in effect on September 1, 1974, prior to their amendment by section 2001(e) of the Employee Retirement Income Security Act 1974 (hereinafter in this paragraph referred to as the "Act") (88 Stat. 954), shall apply except as provided by subparagraph (2) of this paragraph. Section § 1.401-13 generally provides the rules for excess contributions on behalf of owner-employees set forth in these sections.

(ii) Notwithstanding the provisions of subdivision (i) of this subparagraph, the rules set forth in such subsections (d)(5) and (8) and (e) of section 401 with respect to excess contributions for such taxable years beginning before January 1, 1976, apply even though the application of those rules affects a subsequent taxable year. Thus, for example, if, in 1975, a nonwillful excess contribution described in section 401(e)(1) (prior to such amendment) is made on behalf of an owner-employee, the plan will not be qualified unless the provisions required by subparagraphs (A) and (B) of such 401(d)(8) are contained in the plan and made applicable to excess contributions made for such taxable years beginning before January 1, 1976. In such case, the effect of such contribution on the plan, the employer, and the owner-employee would be determined under paragraph (2) of section 401(e), as in effect on September 1, 1974. By reason of section 401(e)(2)(F), as in effect on September 1, 1974, the period for assessing any deficiency by reason of the excess contribution will not expire until the expiration of the 6-month period described in section 401(e)(2)(C), as in effect on September 1, 1974, even if the first day of such 6-month period falls in a taxable year beginning after December 31, 1975. For the rules applicable to a willful excess contribution, which generally divide an owner-employee's interest in a plan into two parts on the basis of employer taxable years beginning before and after December 31, 1975, see § 1.72-17A(e)(2)(v). In the case of a willful excess contribution, the rule specified in section 401(e)(2)(E)(iii), as in effect on September 1, 1974, shall not apply to any taxable year of an employer beginning on or after January 1, 1976. Thus, for example, if a willful excess contribution was made to a plan on behalf of an owner-employee with respect to his employer's taxable year beginning January 1, 1975, the plan would not meet, for purposes of section 404, the requirements of section 401(d) with respect to that owner-employee for such year, but the 5 taxable years following such year would be unaffected because those years begin on or after January 1, 1976.

(2) (i) For purposes of applying the excess contribution rules with respect to the employer taxable years specified in subparagraph (1) of this paragraph for such an employer taxable year which begins after December 31, 1973, see section 404(e) and § 1.404(e)-1A for rules increasing the limitation on the amount of allowable employer deductions on behalf of owner-employees under section 404. For purposes of applying subparagraphs (A) and (B)(i) of section 401(e)(1) prior to the amendment made by section 2001(e)(3) of the Act (88 Stat. 954), the employer deduction allowable by section 404(e)(4) with respect to an owner-employee in a defined contribution plan shall be deemed not to be an excess contribution (see § 1.404(e)-1A(c)(4)).

(ii) For purposes of applying the excess contribution rules with respect to the employer taxable years specified in subparagraph (1) of this paragraph to an employer's plan which was not in existence on January 1, 1974, or to a plan in existence on January 1, 1974, which elects under section 1017(d) of the Act (88 Stat. 934), in accordance with regulations, to have the funding provisions of section 412 apply to such an existing plan, see section 404(a)(1), (a)(6), and (a)(7), as amended by section 1013(c)(1), (2), and (3) of the Act (88 Stat. 922 and 923) for rules modifying the amount of employer deductions on behalf of owner-employees.





**§ 1.401(e)-5 Limitation of contribution and benefit bases to first $100,000 of annual compensation in case of plans covering self-employed individuals.**

(a) *General rules.* Under section 401(a)(17), a plan maintained by an employer which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1) is a qualified plan only if the annual compensation of each employee taken into account under the plan does not exceed the first $100,000 of such compensation. For purposes of applying section 401(a)(17) and the preceding sentence, all plans maintained by such an employer with respect to the same trade or business shall be treated as a single plan. See also sections 401(d)(9) and (10) (relating to controlled trades or businesses where a plan covers an owner-employee who controls more than one trade or business); section 404(e) (relating to special limitations for self-employed individuals); section 413(b)(7) (relating to determination of limitations provided by section 404(a) in the case of certain plans maintained pursuant to a collective bargaining agreement); section 413(c)(6) (relating to determination of limitations provided by section 404(a) in the case of certain plans maintained by more than one employer); and section 414(c) (relating to employees of partnerships, proprietorships, etc. which are under common control).

(b) *Integrated plans.* (1) In the case of a qualified plan, other than a plan described in section 414(j), which is integrated with the Social Security Act (chapter 21 of the Code), or with contributions or benefits under chapter 2 of the Code (relating to tax on self-employment income) or under any other Federal or State law, the $100,000 limitation described in subparagraph (a) shall be determined without regard to any adjustments to contributions or benefits under the plan on account of such integration. See also subsections (a)(5), (a)(15), and (d)(6) of section 401 and the regulations thereunder for other rules with respect to plans which are integrated.

(2) In the case of a qualified defined benefit plan described in section 414(j), see section 401(j)(4) for a special prohibition against integration.

(c) *Application of nondiscrimination requirement.* (1) This paragraph shall apply—

(i) In the case of a defined contribution plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1) and

(ii) For a year in which the compensation of any employee covered by the plan exceeds $100,000. In the case of an employee who is an employee within the meaning of section 401(c)(1), compensation means earned income within the meaning of section 401(c)(2).

(2) In applying section 401(a)(4) under the circumstances described in subparagraph (1) of this paragraph, the determination whether the rate of contributions under the plan discriminates in favor of highly compensated employees shall be made as if the compensation for the year of each employee described in subparagraph (1)(ii) of this paragraph were $100,000, rather than the compensation actually received by him for such year.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

*Example (1).* A, a self-employed individual, has established the P Profit-Sharing Plan, which covers A and his two common-law employees, B and C. A's taxable year and the plan's plan year are both the calendar year. For 1976, A has earned income of $150,000, and B and C each receive compensation of less than $100,000 from A. If he wishes to contribute $7,500 to the plan on his behalf for 1976, A must also contribute to the accounts of B and C under the plan amounts at least equal to 7½ percent of their respective compensation for 1976.

*Example (2).* D, an owner-employee within the meaning of section 401(c)(3), is a participant in the Q Qualified Defined Contribution Plan, which, in 1975, satisfies the requirements of section 401(d)(6) and all other integration requirements applicable to qualified defined contribution plans. The taxable years of D, the employer of D within the meaning of section 401(c)(4), and the plan are all calendar years. The plan provides for an integration level of $13,200 and a contribution rate of 5 percent of compensation in excess of $13,200. For 1975, D has earned income of $115,000. The maximum amount of earned income upon which D's contribution can be determined is $86,800, and the contribution based upon this maximum amount of earned income is $4,340, computed as follows:

| | |
|---|---|
| Maximum annual compensation which may be taken into account | $100,000 |
| Less: Social Security Act integration level | 13,200 |
| Plan contribution base | $86,800 |
| Multiplied by: Contribution rate (percent) | 5 |
| Total | $4,340 |

(e) *Years to which section applies.* This section applies to taxable years of an employer beginning after December 31, 1975. However, if employer contributions made under a plan for any employee for taxable years of an employer beginning after December 31, 1973, exceed the amounts permitted to be deducted for that employee under section 404(e), as in effect on September 1, 1974, this section applies to such taxable years of an employer.

Thus, for example, a plan of a calendar year employer which was adopted on January 1, 1974, would be subject to this section in 1974, if the employer made a contribution on behalf of any employee within the meaning of section 401(c)(1) for such year in excess of the $2,500 or 10 percent earned income limit, whichever is applicable to that employee, specified in section 404(e)(1) as in effect prior to the amendment to such Code section made by section 2001(a)(1)(A) of the Employee Retirement Income Security Act of 1974 (88 Stat. 952). The plan described in the preceding sentence would also be subject to this section in 1974, if the employer made a contribution on behalf of any employee within the meaning of section 401(c)(1) which is allowable as a deduction only because of the addition of paragraph (4) to Code section 404(e) made by section 2001(a)(3) of such Act (88 Stat. 952).

**§ 1.401(e)-6 Special rules for shareholder-employees.**

(a) *Limitation of contributions and benefit bases to first $100,000 of annual compensation in case of plans covering shareholder-employees.* (1) Under section 401(a)(17), a plan which provides contributions or benefits for employees, some or all of whom are shareholder-employees within the meaning of section 1379(d), is subject to the same limitation on annual compensation as a plan which provides such contributions or benefits for employees some or all of whom are self-employed individuals within the meaning of section 401(c)(1). Thus, a plan which provides contributions or benefits for such shareholder-employees is subject to the rules provided by § 1.401(e)-5, unless otherwise specified. See also section 1379 and §§ 1.1379-1 through 4.

(2) Subparagraph (1) applies to taxable years of an electing small business corporation beginning after December 31, 1975. However, if corporate contributions made under a plan on behalf of any shareholder-employee for corporate taxable years beginning after December 31, 1973, exceed the lesser of the amount of contributions specified in section 1379(b)(1)(A) or (B), as in effect on September 1, 1974, for that shareholder-employee, subparagraph (1) applies to such corporate taxable years. Thus, for example if an electing small business corporation whose taxable year is the calendar year adopted a plan on January 1, 1974, the plan would be subject to the provisions of subparagraph (1) of this section in 1974, if the corporation made a contribution in excess of $2,500 on behalf of any shareholder-employee for such year.

(b) [Reserved]

PAR. 10. Section 1.404(a) is amended by deleting paragraph (10) and revising the historical note to read as follows:

**§ 1.404(a) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan; general rule.**

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.—General rule.*

. . . . . .

[Sec. 404(a) as amended by sec. 24, Technical Amendments Act 1958 (72 Stat. 1622); sec. 3, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 819); sec. 2(b), Act of Oct. 23, 1962 (Pub. Law 87-863, 76 Stat. 1141); sec. 204(a), Act of Nov. 13, 1965 (Pub. Law 89-809, 80 Stat. 1577)]







amount of contributions that may be

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PAR. 11. Section 1.404(e) is amended by revising paragraphs (1) and (2), adding a new paragraph (4), and revising the historical note to read as follows:

§ 1.404(e) Statutory provisions; deduction for contributions of an employer to an employees' trust or annuity plan; special limitations for self-employed individuals.

SEC. 404. *Deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.* • • •

(e) *Special limitations for self-employed individuals*—(1) *In general.* In the case of a plan included in subsection (a) (1), (2), or (3), which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1), the amounts deductible under subsection (a) in any taxable year with respect to contributions on behalf of any employee within the meaning of section 401(c)(1) shall, subject to paragraphs (2) and (4), not exceed $7,500, or 15 percent of the earned income derived by such employee from the trade or business with respect to which the plan is established, whichever is the lesser.

(2) *Contributions made under more than one plan*—(A) *Overall limitation.* In any taxable year in which amounts are deductible with respect to contributions under two or more plans on behalf of an individual who is an employee within the meaning of section 401(c)(1) with respect to such plans, the aggregate amount deductible for such taxable year under all such plans with respect to contributions on behalf of such employee shall (subject to paragraph (4)) not exceed $7,500, or 15 percent of the earned income derived by such employee from the trades or businesses with respect to which the plans are established, whichever is the lesser.

(B) *Allocation of amounts deductible.* In any case in which the amounts deductible under subsection (a) (with the application of the limitations of this subsection) with respect to contributions made on behalf of an employee within the meaning of section 401(c)(1) under two or more plans are, by reason of subparagraphs (A), less than the amounts deductible under such subsection determined without regard to such subparagraph, the amount deductible under subsection (a) with respect to such contributions under each such plan shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

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(4) *Limitations cannot be lower than $750 or 100 percent of earned income.* The limitations under paragraphs (1) and (2)(A) for any employee shall not be less than the lesser of—

(A) $750, or

(B) 100 percent of the earned income derived by such employee from the trade or businesses taken into account for purposes of paragraph (1) or (2)(A) as the case may be. [Sec. 404(e) as added by sec. 3(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 820); amended by sec. 204(b) (2) and (3), Act of Nov. 13, 1966 (Pub. Law 89-809, 80 Stat. 1577); secs. 2001(a), (1), (2) and (3), Employee Retirement Income Security Act 1974 (88 Stat 952)]

PAR. 12. Section 1.404(e)-1 is amended by adding the following new paragraph at the end thereof:

§ 1.404(e)-1 Contributions on behalf of a self-employed individual to or under a pension, annuity, or profit-sharing plan meeting the requirements of section 401(a); application of section 404(a) (8), (9), and (10) and section 404 (e) and (f).

• • • • •

(i) *Years to which this section applies.* This section applies to taxable years of employers beginning before January 1, 1974. For taxable years beginning after December 31, 1973, see § 1.404(e)-1A.

PAR. 13. The following new section is added immediately after § 1.404(e)-1:

§ 1.404(e)-1A Contributions on behalf of a self-employed individual to or under a qualified pension, annuity, or profit-sharing plan.

(a) *In general.* This section provides rules relating to employer contributions to qualified plans on behalf of self-employed individuals described in subsections (a) (8) and (9), (e), and (f) of section 404. Unless otherwise specifically provided, this section applies to taxable years of an employer beginning after December 31, 1973. See section 1.404(e)-1 for rules relating to plans for self-employed individuals for taxable years beginning before January 1, 1974. Paragraph (b) of this section provides general rules of deductibility, paragraph (c) provides rules relating to defined contribution plans, paragraph (d) provides rules relating to defined benefit plans, paragraph (e) provides rules relating to combinations of plans, paragraph (f) provides rules for partnerships, paragraph (g) provides rules for insurance, paragraph (h) provides rules for loans, and paragraph (i) provides definitions.

(b) *Determination of the amount deductible.* (1) If a plan covers employees, some of whom are self-employed individuals, the determination of the amount deductible is made on the basis of independent consideration of the common-law employees and of the self-employed individuals. See subparagraphs (2) and (3) of this paragraph. For purposes of determining the amount deductible with respect to contributions on behalf of a self-employed individual, such contributions shall be considered to satisfy the conditions of section 162 (relating to trade or business expenses) or 212 (relating to expenses for the production of income), but only to the extent that such contributions do not exceed the earned income of such individual derived from the trade or business with respect to which the plan is established. However, the portion of such contribution, if any, attributable to the purchase of life, accident, health, or other insurance protection shall be considered payment of a personal expense which does not satisfy the requirements of section 162 or 212. See paragraph (g) of this section.

(2) (i) If contributions are made on behalf of employees, some of whom are self-employed individuals, to a defined contribution plan described in section 414(i) and included in section 404(a) (1), (2), or (3), the amount deductible with respect to contributions on behalf of the common-law employees covered under the plan shall be determined as if such employees were the only employees for whom contributions and benefits are provided under the plan. Accordingly, for purposes of such determination, the percentage of compensation limitations of section 404(a) (3) and (7) are applicable only with respect to the compensation otherwise paid or accrued during the taxable year by the employer with respect to the common-law employees. Similarly, the costs referred to in section 404(a)(1)(A) and (B) shall be the costs of funding the benefits of the common-law employees. Also, the provisions of section 404(a)(1)(D), (3), and (7), relating to certain carryover deductions, shall be applicable only to amounts contributed or to the amounts deductible on behalf of such employees.

(ii) [Reserved]

(3) (i) If contributions are made on behalf of individuals, some or all of whom are self-employed individuals, to a defined contribution plan described in section 414(i) and included in section 404(a) (1), (2), or (3), the amount deductible in any taxable year with respect to contributions on behalf of such individuals shall be determined as follows:

(A) The provisions of section 404(a) (1), (2), (3), and (7) shall be applied as if such individuals were the only participants for whom contributions and benefits are provided under the plan. Thus, the costs referred to in such provisions shall be the costs of funding the benefits of the self-employed individuals. If such costs are less than an amount equal to the amount determined under paragraph (c) of this section, the maximum amount deductible with respect to such individuals shall be the cost of their benefits.

(B) The provisions of section 404(a) (1)(D), the third sentence of section 404(a)(3)(A), and the second sentence of section 404(a)(7), relating to certain carryover deductions are applicable to contributions on behalf of self-employed individuals made in taxable years of an employer beginning after December 31, 1975.

(C) For any employer taxable year in applying the 15 percent limit on deductible contributions set forth in section 404(a)(3) and the 25 percent limit in section 404(a)(7) for any taxable year of the employer, the amount deductible under section 404(e)(4) and paragraph (c)(4) of this section (relating to the minimum deduction of $750 or 100 percent of earned income) shall be substituted for such limits with respect to the self-employed individuals on whose behalf contributions are deductible under section 404(e)(4) for the taxable year of the employer. However, see section 415 for rules applicable to years beginning after December 31, 1975. For example, if a defined contribution plan using a trust permitted an employer contribution to





be made for any participant in the plan for a year beginning after December 31, 1975, in excess of the amount described in section 415(e)(1)(B) the trust established under such plan would not constitute a qualified trust under section 401(a), notwithstanding the provisions of section 404(e)(4). The special rule in the second sentence of paragraph (3)(A) of section 404(a) is not applicable in determining the amounts deductible on behalf of self-employed individuals.

(ii) [Reserved]

(c) *Defined contribution plans.* (1) Under section 404(e)(1) in the case of a defined contribution plan, as defined in section 414(i), the amount deductible for the taxable year of the employer with respect to contributions on behalf of a self-employed individual shall not exceed the lesser of $7,500 or 15 percent of the earned income derived by such individual for such taxable year from the trade or business with respect to which the plan is established.

(2) Under section 404(e)(2)(A) if a self-employed individual receives in any taxable year earned income with respect to which deductions are allowable to two or more employers under two or more defined contribution plans the aggregate amounts deductible shall not exceed the lesser of $7,500 or 15 percent of such earned income. This limitation does not apply to contributions made under a plan on behalf of an employee who is not self-employed in the trade or business with respect to which the plan is established.

(3) Under section 404(e)(2)(B) in any case in which the applicable limitation of subparagraph (2) of this paragraph reduces the amount otherwise deductible with respect to contributions on behalf of any employee within the meaning of section 401(c)(1), the amount deductible by each employer for such employee shall be that amount which bears the same ratio to the aggregate amount deductible for such employee with respect to all trades or businesses (as determined in subparagraph (1) of this paragraph) as his earned income derived from the employer bears to the aggregate of his earned income derived from all of the trades or businesses with respect to which plans are established.

(4) Under section 404(e)(4), notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, the limitations on the amount deductible for the taxable year of the employer with respect to contributions on behalf of a self-employed individual shall not be less than the lesser of $750 or 100 percent of the earned income derived by such individual for such taxable year from the trade or business with respect to which the plan is established. If such individual receives in any taxable year earned income with respect to which deductions are allowable to two or more employers, 100 percent of such earned income shall be taken into account for purposes of the limitations determined under this subparagraph. See, however, the special rules provided by paragraph (b)(3)(i)(C) of this section.

(d) *Defined benefit plans.* In the case of a defined benefit plan, as defined in section 401(j), the special limitations provided by section 404(e) and paragraph (c) of this section do not apply. See section 401(j) for requirements applicable to defined benefit plans.

(e) *Combination of plans.* (1) If a self-employed individual in any taxable year is a participant in both a defined contribution plan and a defined benefit plan, the amount deductible under paragraph (c) of this section with respect to the defined contribution plan shall be determined by multiplying the amount determined under paragraph (c) (determined without regard to this paragraph) by 1 minus the fraction determined under subparagraph (2) of this paragraph.

(2) The fraction for any taxable year in which a self-employed individual is a participant in a defined benefit plan is a fraction—

(i) The numerator of which is the basic benefit under the plan, and

(ii) The denominator of which is the basic benefit which would be determined under the plan if the plan provided the maximum basic benefit allowable under section 401(j).

For purposes of this subparagraph, the basic benefit shall be determined in the same manner as provided for in section 401(j).

(f) *Partner's distributive share of contributions and deductions.* (1) For purposes of sections 702(a)(8) and 704 in the case of a defined contribution plan, a partner's distributive share of contributions on behalf of self-employed individuals under such a plan is the contribution made on his behalf, and his distributive share of deductions allowed the partnership under section 404 for contributions on behalf of a self-employed individual is that portion of the deduction which is attributable to contributions made on his behalf under the plan. The contribution on behalf of a partner and the deduction with respect thereto must be accounted for separately by such partner, for his taxable year with or within which the partnership's taxable year ends, as an item described in section 702(a)(8).

(2) In the case of a defined benefit plan, a partner's distributive share of contributions on behalf of self-employed individuals and his distributive share of deductions allowed the partnership under section 404 for such contributions is determined in the same manner as his distributive share of partnership taxable income. See section 704, relating to the determination of the distributive share and the regulations thereunder.

(g) *Contributions allocable to insurance protection.* Under section 404(e)(3), for purposes of determining the amount deductible with respect to contributions on behalf of a self-employed individual, amounts allocable to the purchase of life, accident, health, or other insurance protection shall not be taken into account. Such amounts are neither deductible nor considered as contributions for purposes of determining the maximum amount of contributions that may be made on behalf of an owner-employee. The amount of a contribution allocable to insurance shall be an amount equal to a reasonable net premium cost, as determined by the Commissioner, for such amount of insurance for the appropriate period. See paragraph (b)(5) of § 1.72-16.

(h) *Rules applicable to loans.* Under section 404(f), for purposes of section 404, any amount paid, directly or indirectly, by an owner-employee in repayment of any loan which under section 72(m)(4)(B) was treated as an amount received from a qualified trust or plan shall be treated as a contribution to such trust or under such plan on behalf of such owner-employee.

(i) *Definitions.* Under section 401(a)(8), for purposes of section 404 and the regulations thereunder—

(1) The term "employee" includes an employee as defined in section 401(c)(1) and paragraph (b) of § 1.401(e)-1, and the term "employer" means the person treated as the employer of such individual under section 401(c)(4);

(2) The term "owner-employee" means an owner-employee as defined in section 401(c)(3) and paragraph (d) of § 1.401(e)-1;

(3) The term "earned income" means earned income as defined in section 401(c)(2) and paragraph (c) of § 1.401(e)-1; and

(4) The term "compensation" when used with respect to an individual who is an employee described in subparagraph (1) of this paragraph shall be considered to be a reference to the earned income of such individual derived from the trade or business with respect to which the plan is established.

PAR. 14. Section 1.901 is amended by revising section 901(a) and the historical note. These added provisions read as follows:

§ 1.901 Statutory provisions; taxes of foreign countries and of possessions of the United States

SEC. 901 *Taxes of foreign countries and of possessions of the United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under sections 902 and 960. Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for tax preferences), against the tax imposed for the taxable year under section 72(m)(5)(B) (relating to 10 percent tax on premature distributions to owner-employees), against the tax imposed for the taxable year under section 408(f) (relating to additional tax on income from certain retirement accounts), against the tax imposed by section 402(e) (relating to tax on lump sum distributions), against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional





tax imposed for the taxable year under sec-

(A) 15 percent of the compensation re-

an election by a small business corpora-



§ 1.1372 Statutory provisions; election

The term "gross receipts" means the

class of the stock of the liquidating corporation. For purposes of this subdivi-

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tax imposed for the taxable year under section 1333 (relating to war loss recoveries) or under section 1351 (relating to recoveries of foreign expropriation losses), or against the personal holding company tax imposed by section 541.

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[Sec. 901 as amended by sec. 3 (a) and (b), Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1018); secs. 9(d)(3) and 12(b)(1), Rev. Act 1962 (76 Stat. 1001, 1031); sec. 207(b)(7), Rev. Act 1964 (78 Stat. 42); sec. 1(c)(2), Act of April 8, 1966 (Public Law 89-384, 80 Stat. 102); sec. 106(a)(4) and (5) and (b)(1) and (2), Foreign Investors Tax Act of 1966 (80 Stat. 1539); secs. 301(b)(9) and 506(a)(1) and (2), Tax Reform Act of 1969 (83 Stat. 585, 634); secs. 2001(g)(2)(C), 2002(g)(3), and 2006(c)(5), Employee Retirement Income Security Act of 1974 (88 Stat. 957, 968, and 991)]

PAR. 15. Section 1.901-1 is amended by revising paragraph (f) to read as follows:

**§ 1.901-1 Allowance of credit for taxes.**

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(f) *Taxes against which credit not allowed.*—The credit for taxes shall be allowed only against the tax imposed by chapter 1 of the Code, but it shall not be allowed against the following taxes imposed under that chapter:

(1) The minimum tax for tax preferences imposed by section 56;

(2) The 10 percent tax on premature distributions to owner-employees imposed by section 72(m)(5)(B);

(3) The tax on lump sum distributions imposed by section 402(e);

(4) The additional tax on income from certain retirement accounts imposed by section 408(f);

(5) The tax on accumulated earnings imposed by section 531;

(6) The personal holding company tax imposed by section 541;

(7) The additional tax relating to war loss recoveries imposed by section 1333; and

(8) The additional tax relating to recoveries of foreign expropriation losses imposed by section 1351.

• • • • • •

PAR. 14. Section 1.1379 is amended by revising section 1379(b)(1) and the historical note. These amended provisions read as follows:

**§ 1.1379 Statutory provisions; certain qualified pension, etc., plans.**

SEC. 1379 *Certain qualified pension, etc. plans.* • • •

(b) *Taxability of shareholder-employee beneficiaries*—(1) *Inclusion of excess contributions in gross income.* Notwithstanding the provisions of section 402 (relating to taxability of beneficiary of employees' trusts), section 403 (relating to taxation of employee annuities), or section 405(d) (relating to taxability of beneficiaries under qualified bond purchase plans), an individual who is a shareholder-employee of an electing small business corporation shall include in gross income, for his taxable year in which or with which the taxable year of the corporation ends, the excess of the amount of contributions paid on his behalf which is deductible under section 404(a)(1), (2), or (3) by the corporation for its taxable year over the lesser of—

(A) 15 percent of the compensation received or accrued by him from such corporation during its taxable year, or

(B) $7,500.

• • • • • •

[Sec. 1379 as added by sec. 531(a), Tax Reform Act 1969 (83 Stat. 654); as amended by sec. 2001(b), Employee Retirement Income Security Act 1974 (88 Stat. 952)]

[FR Doc.75-10395 Filed 4-18-75;8:45 am]

## [ 26 CFR Part 1 ]

## PASSIVE INVESTMENT INCOME OF ELECTING SMALL BUSINESS CORPORATIONS

### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954.

(68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

*Preamble*—This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1372(e)(5) of the Internal Revenue Code of 1954 in order to conform such regulations to the amendments made to the Code by the Act of January 12, 1971 (Pub. Law 91-683, 84 Stat. 2067).

Section 1372(e) of the Internal Revenue Code relates to the termination of an election by a small business corporation under section 1372. Paragraph (5) of section 1372(e) provides generally for termination of the election if, for any taxable year for which the election is in effect, the corporation has gross receipts more than 20 percent of which is passive investment income (as defined in paragraph (5)(C) of section 1372(e)). The Act amended paragraph (5)(C) of section 1372(e) to exclude from the definition of passive investment income amounts which are treated under section 331 of the Code (relating to corporate liquidations) as payments in exchange for stock where the electing small business corporation owned more than 50 percent of each class of the stock of the liquidating corporation.

The amendment to paragraph (5)(C) is effective for taxable years of electing small business corporations ending after January 12, 1971 (the date of enactment of the Act). The amendment is also effective for taxable years ending before October 7, 1970, but only (1) if the making of a refund or the allowance of a credit is not barred on that date by any law or rule of law, and (2) if within one year after January 12, 1971, the corporation elects to have the amendment apply and all persons who were shareholders at any time during the period beginning with the first taxable year to which the amendment applies and ending on or before January 12, 1971, consent to this election and to the application of the amendment. The amendment is not effective for taxable years of corporations ending between October 7, 1970, and January 12, 1971, inclusive.

The Act provided special rules for two situations to prevent the denial of subchapter S status to a corporation where its election under section 1372(a) would have terminated because of the passive investment income limitation (before the amendment made by this Act). First: Subchapter S status is not to be denied because the passive investment income limitation caused a corporation to file its income tax return on a Form 1120 (corporate tax return) instead of a Form 1120S (subchapter S corporation tax return) for any year beginning before January 12, 1971. Second: Subchapter S status is not to be denied because the passive investment income limitation caused a new shareholder of the corporation not to file a timely consent to the subchapter S election. Of course, these special rules apply only with respect to taxable years for which an election has been made.

*Proposed amendments to the regulations*—In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1372(e)(5) of the Internal Revenue Code of 1954 to the Act of January 12, 1971 (Pub. Law 91-683, 84 Stat. 2067), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1372 is amended by revising subsection (e)(5)(C) of section 1372 and the historical note. These revised provisions read as follows:





**§ 1.1372 Statutory provisions; election by small business corporation.**

SEC. 1372. *Election by small business corporation.* • • •

(e) *Termination.* • • •

(5) *Passive investment income.* • • •

(C) For purposes of this paragraph, the term "passive investment income" means gross receipts derived from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from such sales or exchanges being taken into account for purposes of this paragraph only to the extent of gains therefrom). Gross receipts derived from sales or exchanges of stock or securities for purposes of this paragraph shall not include amounts received by an electing small business corporation which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock where the electing small business corporation owned more than 50 percent of each class of the stock of the liquidating corporation.

• • • • • •

[Sec. 1372 as added by sec. 64(a), Technical Amendments Act 1958 (72 Stat. 1650); amended by sec. 2, Act of May 4, 1961 (Pub. Law 87-29, 75 Stat. 64); secs. 2(b)(2) and 3(a), Act of Apr. 14, 1966 (Pub. Law 89-389, 80 Stat. 114); sec. 1(a), Act of Jan. 12, 1971 (Pub. Law 91-683, 84 Stat. 2067)]

PAR. 2. Paragraph (b) of § 1.1372-4 is amended by revising so much of subparagraph (1) as precedes subdivision (i) thereof, by revising subdivisions (iv)(a) and (x) of subparagraph (5), and by adding a new subdivision (xi) immediately after subdivision (x) of subparagraph (5). These revised and added provisions read as follows:

**§ 1.1372-4 Termination of election.**

• • • • • •

(b) *Methods of termination*—(1) *Failure of new shareholder to consent.* An election under section 1372(a) shall terminate if any person who was not a shareholder on the first day of the first taxable year for which the election is effective, or on the day on which the election is made (if such day is later than the first day of the taxable year), becomes a shareholder and does not consent to the election under section 1372(a) within the time prescribed by paragraph (b) of § 1.1372-3. However, see paragraph (c) of § 1.1372-3 for extension of time for filing consents in general, and subparagraph (5)(iii)(e) and (xi)(c) of this paragraph for exceptions under certain circumstances. In addition, an election which would not have terminated except for the failure of any new shareholder to file a timely consent or except for the fact that the consent of any such new shareholder was defective in any manner is not terminated if—

• • • • • •

(5) *Passive investment income.* • • •

(iv) *Gross receipts.* (a) The term "gross receipts" as used in section 1372(e) is not synonymous with "gross income". The test under section 1372(e)(4) and (5) shall be made on the basis of total gross receipts, except that, for purposes of section 1372(e)(5), gross receipts from the sales or exchanges of stock or securities shall be taken into account only to the extent of gains therefrom. The term "gross receipts" means the total amount received or accrued under the method of accounting used by the corporation in computing its taxable income. Thus, the total amount of receipts is not reduced by returns and allowances, cost, or deductions. For example, gross receipts will include the total amount received or accrued during the corporation's taxable year from the sale or exchange (including a sale or exchange to which section 337 applies) of any kind of property, from investments, and for services rendered by the corporation. However, gross receipts does not include (1) amounts received in nontaxable sales or exchanges (other than those to which section 337 applies), except to the extent that gain is recognized by the corporation, (2) amounts received as a loan, as a repayment of a loan, as a contribution to capital, or on the issuance by the corporation of its own stock, or (3) certain amounts which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock (see subdivision (xi) of this subparagraph).

• • • • • •

(x) *Gross receipts from the sale of stock or securities.* For purposes of section 1372(e)(5), gross receipts from the sales or exchanges of stock or securities are taken into account only to the extent of gains therefrom. Thus, the gross receipts from the sale of a particular share of stock will be the excess of the amount realized over the adjusted basis of such share. If the adjusted basis should equal or exceed the amount realized on the sale or exchange of a certain share of stock, bond, etc., there would be no gross receipts resulting from the sale of such security. Losses on sales or exchanges of stock or securities do not offset gains on the sales or exchanges of other stock or securities for purposes of computing gross receipts from such sales or exchanges. Gross receipts from the sale or exchange of stock and securities include gains received from such sales or exchanges by a corporation even though such corporation is a regular dealer in stocks and securities. However, gross receipts do not include certain amounts which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock (see subdivision (xi) of this subparagraph). For the meaning of the term "stock or securities", see paragraph (b)(5)(i) of § 1.543-1.

(xi) *Amounts which are treated under section 331 as payments in exchange for stock*—(a) *In general.* (1) For purposes of section 1372(e)(5), gross receipts derived from sales or exchanges of stock or securities shall not include amounts received by an electing small business corporation which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock where the electing small business corporation was, on the date of the first distribution or transfer of such amounts to the small business corporation with respect to such liquidation, the owner of more than 50 percent of each class of the stock of the liquidating corporation. For purposes of this subdivision, the 50-percent requirement shall apply with respect to a class of stock whether or not the class of stock has voting rights. Shares of stock of the liquidating corporation held by a shareholder of the electing small business corporation shall not be attributed to the electing corporation.

(2) The provisions of (a)(1) of this subdivision shall apply to—

(i) taxable years of the corporation ending after January 12, 1971, and

(ii) any taxable year of the corporation ending before October 7, 1970, with respect to which an election is made under (b)(2) of this subdivision to apply the rules of (a)(1) of this subdivision, provided that the requirements of (b) (and (c) if applicable) of this subdivision are satisfied.

The provisions of (a)(1) of this subdivision shall not apply to taxable years of corporations ending between October 7, 1970, and January 12, 1971, inclusive.

(b) *Taxable years ending before October 7, 1970.* The provisions of (a)(1) of this subdivision shall apply with respect to any taxable year of an electing small business corporation ending before October 7, 1970, if—

(1) On October 7, 1970, the making of a refund or the allowance of a credit to the corporation is not prevented by any law or rule of law, and

(2) On or before January 12, 1972, the corporation elects to have the provisions of (a)(1) of this subdivision apply, and all persons (or their personal representatives) who were shareholders of such corporation at any time during any taxable year beginning with the first taxable year to which this (b) of this subdivision applies and ending on or before January 12, 1971, consent to such election and to the application of the provisions of (a)(1) of this subdivision.

If the assessment of any deficiency in income tax resulting from an election under (b)(2) of this subdivision for a taxable year ending before the date of the election is prevented before the expiration of one year after the date of the election by any law or rule of law, the deficiency may be assessed at any time prior to the expiration of such one-year period notwithstanding any law or rule of law which would otherwise prevent the assessment. The deficiency assessment is not to be barred by any statute of limitations, even if the period of limitations has expired at the time the election is made, or by a prior court decision as to the taxpayers' income tax liability for that year, or by a prior binding agreement entered into for that year between the taxpayer and the Internal Revenue Service. If, but for the application of this (b) of this subdivision, such deficiency year would have been closed, then the deficiency may not exceed the amount attributable to an election under this subdivision.

(c) *Special rules.* An election by a corporation under section 1372(a) shall not be treated as terminated for any taxable



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year of the corporation beginning before



two proposed impoundments on Big

*Bayou darter.* Not applicable.

appear in immediate danger of extinc-

*Peninsular pronghorn antelope.* It also

*Hawaii creeper.* Competition with introduced birds probably contributed to

year of the corporation beginning before January 12, 1971, merely because such corporation filed its income tax return on a Form 1120 instead of Form 1120S, or because a new shareholder failed to file a timely consent under section 1372 (e)(1), if the corporation's election under section 1372(a) would have been treated as terminated for such taxable year because of the application of section 1372(e)(5), as in effect prior to January 12, 1971, but for an election made by the corporation under (*b*)(2) of this subdivision to have the provisions of (*a*)(*1*) of this subdivision apply.

(*d*) *Election and consents are binding.* The election and consents under this subdivision are binding and may not be revoked.

* * * * *

[FR Doc.75-10394 Filed 4-18-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### [ 50 CFR Part 17 ]

### ENDANGERED AND THREATENED WILDLIFE

### Lists of Endangered and Threatened Fauna

The Fish and Wildlife Service has evidence that the following species of fauna are endangered species and threatened species as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884): Scioto madtom (*Noturus trautmani*); United States population of the American crocodile (*Crocodylus acutus*); Mexican wolf (*Canis lupus baileyi*); Cedros Island mule deer (*Odocoileus hemionus cerrosensis*); peninsular pronghorn antelope (*Antilocapra americana peninsularis*); Hawaii creeper (*Loxops maculata mana*); po'o uli (*Melamprosops phaeosoma*); Newell's Manx shearwater (*Puffinus puffinus newelli*); Bayou darter (*Etheostoma rubrum*); and gray bat (*Myotis grisescens*).

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an endangered species, or a threatened species, because of any of five factors. These factors, and their application to the Scioto madtom, American crocodile, Mexican wolf, Cedros Island mule deer, peninsular pronghorn antelope, Hawaii creeper, po'o uli, Newell's Manx shearwater, Bayou darter, and gray bat are as follows:

1. THE PRESENT OR THREATENED DESTRUCTION, MODIFICATION, OR CURTAILMENT OF ITS HABITAT OR RANGE

*Scioto madtom.* This fish is known only from one locality in the lower portion of Big Darby Creek, tributary to the Scioto River, Pickaway County, Ohio. In Big Darby Creek the species has been taken in a riffle area with moderate to fast current, where the bottom consists of gravel, sand, silt, and boulders. The Scioto madtom is endangered because of the pollution and siltation of its habitat, and by two proposed impoundments on Big Darby Creek.

*American crocodile.* This reptile once was a common species in southern Florida, and is known to have bred as far north as Lake Worth. There also are scattered records suggesting its occasional presence considerably farther to the north, both on the Atlantic and Gulf Coasts. By the early Twentieth Century the crocodile still was common throughout Biscayne Bay, as well as along the shores of Florida Bay and in the Florida Keys.

Subsequently, intensive human development of southern Florida eliminated much habitat and also led to excessive killing by man. In the 1950's there still was significant nesting on Key Largo and on islands to the south of Florida Bay, but human pressure has eliminated most of this activity. The last suitable areas on Key Largo are rapidly being destroyed by commercial development. At present there are thought to be only about 10 to 20 breeding females in Florida, with most of these concentrated along the northeast shore of Florida Bay.

*Mexican wolf.* This species formerly was common in Arizona, New Mexico, southwestern Texas, and much of Mexico. In the Twentieth Century this wolf declined substantially in numbers and distribution, because of habitat loss and killing by man. A recent survey performed under contract with the Fish and Wildlife Service indicated that there now are not more than 200 wolves in Mexico. These animals exist in widely scattered packs which remain subject to intensive human pressure. In the United States, the Mexican wolf now occurs only as a rare wanderer, and there have been few reports of its presence since 1960.

*Cedros Island mule deer.* This deer is known only from Cedros Island off the western coast of Baja California. Currently only a few, perhaps less than a dozen, are thought to survive in restricted sections of the island.

*Peninsular pronghorn antelope.* This animal once inhabited most of Baja California, but has been greatly reduced in range, and currently only two or three small remnant groups survive.

*Hawaii creeper.* This bird was endemic to the island of Hawaii, and reportedly was common through the 1890's. Subsequent habitat alteration, and other factors, restricted it primarily to a small area of forest between 5,000 and 6,000 feet elevation, where it is rare and vulnerable to further environmental disruption.

*Po'o uli.* This species of bird was discovered only in 1973 and is restricted to a small area of forest on the northeastern slope of Haleakala volcano on the island of Maui. Its past history is unknown, but presumably its decline was caused in part by habitat alteration.

*Newell's Manx shearwater.* This bird probably once bred on all of the main Hawaiian islands, but now is known to breed only on a very restricted part of Kauai. Nonetheless, it is thought to number in the low thousands, and does not appear in immediate danger of extinction.

*Bayou darter.* This fish is known only from Bayou Pierre drainage, a small river tributary to the Mississippi River in west Mississippi. In Bayou Pierre the Bayou darter inhabits most clean, silt-free gravel riffle areas in the lower portion of Turkey, White Oak and Fosters creeks and the main channel from Dentville downstream nearly to Port Gibson, Mississippi. In recent years gravel-pit operations and poor agricultural practices have adversely altered the habitat resulting in a reduction in the population of Bayou darters. The Soil Conservation Service has proposed a watershed project which would result in further degradation of the habitat of the Bayou darter. The proposed project would adversely alter the water chemistry and contribute an additional silt load to the stream. This project would pose a serious threat to continued existence of the Bayou darter.

*Gray bat.* This species of bat occupies certain kinds of caves in southeastern and south-central United States, which are required for roosting, breeding, and hibernating activities. Perhaps no other bat is more dependent upon caves for its existence, and it is the only bat in the eastern United States that normally requires caves in summer as well as in winter. Moreover, this species apparently can utilize only those caves having specific temperature levels. Wintering caves are in short supply; approximately 65 percent of the entire known population of the species hibernates in a single cave, and about 90–95 percent of the population is restricted to only 5 caves. Over the past 20 years about five other major wintering caves have been destroyed. The recent reduction in numbers of summer colonies also is alarming, with several major groups of bats lost when their caves were commercialized, vandalized, or flooded. A number of the remaining winter and summer aggregations are in immediate jeopardy due to the habitat loss.

2. OVERUTILIZATION FOR COMMERCIAL, SPORTING, SCIENTIFIC, OR EDUCATIONAL PURPOSES

*Scioto madtom.* Not applicable.

*American crocodile.* Poaching for skins and eggs still sometimes occurs, and crocodiles occasionally are shot for "sport" from passing boats.

*Mexican wolf.* Sport hunting is thought to be contributing to the decline of this species.

*Cedros Island mule deer.* Excessive killing has been an important factor in the decline of this deer; illegal poaching continues.

*Peninsular pronghorn antelope.* Excessive hunting, some of it by visitors from the United States, also seems to have been an important factor in the decline of this animal.

*Hawaii creeper.* Not applicable.

*Po'o uli.* Not applicable.

*Newell's Manx shearwater.* Not applicable.





*Bayou darter.* Not applicable.

*Gray bat.* One of the major causes in the decline of the gray bat has been elimination of colonies that were disrupted or deliberately destroyed when their caves were commercialized or entered repeatedly by explorers, scientists, or vandals. This bat is highly susceptible to human disturbance and may abandon roosting sites as a result. Most remaining major aggregations are in caves readily accessible to humans, and several may be commercialized in the near future.

3. DISEASE OR PREDATION

*Scioto madtom.* Not applicable.

*American crocodile.* Raccoons prey heavily on the eggs and young of crocodiles, and probably destroy the great majority of the annual increment. Raccoon numbers are thought to have increased considerably after man largely eliminated natural predators, including the crocodiles themselves.

*Mexican wolf.* Not applicable.

*Cedros Island mule deer.* Predation by feral dogs is thought to have been a major factor in the decline of this deer.

*Peninsular pronghorn antelope.* These factors are not known to be applicable.

*Hawaii creeper.* This bird is thought to have declined through transmission of avian diseases by the introduced mosquito *Culex pipiens quinquefasciatus*, and predation by rats.

*Po'o uli.* The history of this species is unknown, but it probably declined because of the same factors that affected the Hawaii creeper.

*Newell's Manx shearwater.* Predation by introduced species such as mongooses, dogs, pigs, and rats may have exterminated this species from most of its range.

*Bayou darter.* Not applicable.

*Gray bat.* These factors (other than predation by man) are not known to have been major causes in the decline of the gray bat. Natural predation and disease could become more significant as mortality factors, however, as its numbers are reduced and its range becomes more restricted due to other human-induced factors.

4. THE INADEQUACY OF EXISTING REGULATORY MECHANISMS

*Scioto madtom.* Not applicable.

*American crocodile.* Although crocodiles are protected by State law, and by Federal law in Everglades National Park where most of the population occurs, enforcement is difficult. Most nest sites and adult crocodiles are found in exposed areas that cannot be constantly guarded in the face of increasing human presence. Furthermore, present regulations do not restrict the destruction of habitat outside the Park.

*Mexican wolf.* This species is protected by national law in Mexico but enforcement is difficult and many wolves are thought to be killed illegally. The wolf is protected by regulation in Arizona, but receives no legal protection in New Mexico or Texas.

*Cedros Island mule deer.* Although it is illegal to hunt this deer, poaching continues.

*Peninsular pronghorn antelope.* It also is illegal to hunt this animal, but poaching is a problem.

*Hawaii creeper.* Not applicable.

*Po'o uli.* Not applicable.

*Newell's Manx shearwater.* Not applicable.

*Bayou darter.* Not applicable.

*Gray bat.* Not applicable.

5. OTHER NATURAL OR MANMADE FACTORS AFFECTING ITS CONTINUED EXISTENCE

*Scioto madtom.* Not applicable.

*American crocodile.* The possibility of a hurricane or other major natural disaster is a real threat to such a small, isolated population. The restriction of the flow of fresh water to the Everglades, because of increasing human developments in southern Florida, may affect the crocodiles as well as the entire ecosystems of the area. It is known that the young crocodiles swim up streams and depend for a period on water with low salt content.

*Mexican wolf.* Not applicable.

*Cedros Island mule deer.* Not applicable.

*Peninsular pronghorn antelope.* Competition with domestic livestock for forage has been a factor in the decline.

*Hawaii creeper.* Competition with introduced birds probably contributed to the decline of this native species.

*Po'o uli.* This species also may have been affected by competition with nonnative birds.

*Newell's Manx shearwater.* Attraction to lights causes considerable mortality from collisions with cars and lighted towers.

*Bayou darter.* Not applicable.

*Gray bat.* Available evidence suggests that entire breeding populations of the gray bat may disappear suddenly when numbers fall below a certain critical level. Therefore, even though several large colonies still may be in existence, the species is vulnerable and in danger of extinction if losses in numbers continue.

Notice is hereby given, pursuant to the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–43; 87 Stat. 884), that the Secretary of the Interior proposes to list the following species as endangered and threatened, by making the following amendments:

1. Amend § 17.12 *Endangered native wildlife* to add the following table:

| Common name | Scientific name | Range | Portion of range where endangered |
|---|---|---|---|
| Scioto madtom | *Noturus trautmani* | Big Darby Creek, Ohio | Entire range. |
| American crocodile | *Crocodylus acutus* | Florida, West Indies, Central America, South America. | Florida. |
| Mexican wolf | *Canis lupus baileyi* | Mexico, Southwest United States | Entire range. |
| Cedros Island mule deer | *Odocoileus hemionus cerrosensis* | Cedros Island, Mexico | Do. |
| Peninsular pronghorn antelope. | *Antilocapra americana peninsularis* | Baja California | Do. |
| Hawaii creeper | *Loxops maculata mana* | Island of Hawaii | Do. |
| Po'o uli | *Melamprosops phaeosoma* | Island of Maui | Do. |
| Bayou darter | *Etheostoma rubrum* | Bayou Pierre Drainage in Mississippi. | Do. |
| Gray bat | *Myotis grisescens* | Southeastern and Southcentral United States. | Do. |

2. Amend § 17.32 by adding the following:

| Common name | Scientific name | Range | Portion of range where threatened |
|---|---|---|---|
| (a) Mammals: | • • • | • • • | • • • |
| (b) Birds: | | | |
| (1) Newell's Manx Shearwater. | *Puffinus puffinus newelli* | Hawaiian Islands | Entire range. |

(1) All prohibitions listed in section 9(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) shall apply to the Newell's Manx shearwater.

Supporting data for the above statements and proposals are on file with the Fish and Wildlife Service, Washington, D.C. The Governors of the States of Arizona, Florida, New Mexico, Hawaii, Mississippi, Ohio, and Texas have been notified with respect to this proposed rulemaking and requested to submit comments and recommendations. The Fish and Wildlife Service is also consulting with the Government of Mexico. All interested persons are invited to submit written comments, suggestions, objections, and factual information concerning this proposal to the "Director (FWS/LE), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240." All comments received on or before July 21, 1975 will be considered.

Dated: April 16, 1975.

LYNN A. GREENWALT,
*Director,*
*Fish and Wildlife Service.*

[FR Doc. 75-10317 Filed 4-18-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

### [ 7 CFR Part 1701 ]

### CONSTRUCTION AND TRANSMISSION FACILITIES

### REA Standard Construction Contract Forms

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA pro-



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poses to make changes in the following construction contract forms:

REA Form 200, Construction Contract—Generating.
REA Form 201, Right-of-Way Clearing Contract.
REA Form 203, Transmission System Right-of-Way Clearing Contract.
REA Form 764, Substation and Switching Station Erection Contract.
REA Form 830, Electric System Construction Contract.
REA Form 831, Electric Transmission Construction Contract.

In each of the above construction contract forms it is proposed to change the interest rate of seven percent (7%) per annum shown in Article III of the Contractor's Proposal charged on all unpaid amounts due the Contractor which the Owner has not paid within the due date. The new interest rate is proposed to be one percent (1%) per annum below the published prime rate at Chase Manhattan Bank in New York, but in no event greater than that allowed by any Federal or state laws. The interest rate will be determined as of the first date interest becomes due.

In REA Form 200 only, it is also proposed to change Article IV, Section 1.c, "Protection to Persons and Property", of the Contractor's Proposal, to except from the risks of loss of the Bidder: the risk of loss or of damage to materials or equipment furnished for or used in connection with the Project by the Owner, Bidder or any subcontractor, caused by fire, lightning, wind damage, explosion, riot or civil commotion, aircraft and other vehicles, and smoke damage (against which perils the Owner will maintain Builder's Risk Insurance).

The proposed changes are to become effective September 1, 1975. Revised pages containing the proposed changes to be made in each construction contract form will be issued by File With REA Bulletin 40–8. Persons interested in these changes may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313 South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250 on or before May 21, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed changes in REA Forms 200, 201, 203, 764, 830, and 831 may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

Dated: April 14, 1975.

DAVID A. HAMIL,
*Administrator.*

[FR Doc.75-10297 Filed 4-18-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[ 46 CFR Parts 30, 32, 34 ]

[CGD 74-127]

### CONSTRUCTION AND EQUIPMENT OF TANK VESSELS

### Proposed Amendments to Tank Vessel Regulations

The United States Coast Guard is considering amending Subchapter D, Rules and Regulations for Tank Vessels. The amendments will require the upgrading of structural fire protection requirements for certain ships, installing inerting systems for ships above specified limits, and increasing the capability of the foam systems of tank ships.

In the September 5, 1974, issue of the FEDERAL REGISTER (39 FR 32147), an advance notice of proposed rulemaking was published concerning an outline of the changes proposed by this notice. The advance notice was published to provide timely notice of the impending changes to the regulations for tank vessels. Eight comments were received by November 1, 1974. The following is a summary of the comments:

*Application of Proposed Regulations:* One commenter suggested that the regulations should not be made applicable to tank barges inasmuch as IMCO Resolution A.271(VIII), on which the changes were based, was intended for self-propelled tank vessels. This comment was taken under consideration and the regulations as proposed will not apply to tank barges.

Additional questions were raised by commenters concerning the applicability of the resolution to LFG (liquefied flammable gas) carriers. The proposed regulations will apply to LPG carriers. The arrangements and terminology in the LFG trade are different than that used in traditional tank ship trade and construction. Due to these differences an interpretative ruling will be published in the near future. Specific regulations for LPG carriers will be promulgated at a later date.

*Implementation Date:* Two commenters objected to the timing indicated in the Advance Notice of Proposed Rulemaking and suggested that contract date rather than keel laying date should be utilized. Inasmuch as contract dates can precede keel laying (or similar stage of construction) by several years, utilization of contract dates would allow vessels to be built without adequate safety measures, even though such safety measures have been promulgated. The problems being addressed, however, are immediate and in the interest of safety, additional delays cannot be justified. The intent is to apply the regulations to all tank ships where it is feasible to do so. These regulations will therefore, apply to all ships, the keel of which are laid or which are at a similar stage of construction on or after January 1, 1975.

*Technical Comments.* Several commenters noted areas of possible contradiction and misinterpretation in the proposed rules and suggested revisions. These areas were reviewed and where possible the suggestions were incorporated. Two commenters indicated that tank size should be the deciding factor for requiring inerting systems rather than the deadweight ton minimums as proposed by IMCO Resolution A.271(VIII). These comments were seriously considered; however, the lack of conclusive technical data concerning this proposal prohibited its adoption.

*Discussion:* The proposed amendments to the regulations can be divided into the following general categories:

1. Construction requirements.
2. Location and separation of spaces.
3. Cargo tank protection.

The general principles of the regulation in categories 1 and 2 were formulated over a period of years. The construction requirements are fundamentally based on the following:

a. separation of accommodation spaces from the remainder of the ship by thermal and structural boundaries,
b. protection of means of escape,
c. containment and extinction of any fire in the space of origin, and
d. restricted use of combustible materials.

These principles reflect the existing regulations for construction requirements currently applicable in Subchapter D. The amended regulations detail changes that have been necessitated by lack of detail in the present regulations, experience in actual fires, and changes in vessel design and arrangement.

The section of the proposed amendment that speaks to location and separation of spaces is the result of a review of international casualty data which indicated the need to maintain segregation between cargo tanks, machinery spaces, and accommodation and service spaces. The major provision in this section concerns the positioning of accommodation spaces, main cargo control stations, and service spaces. These spaces are required to be located aft of cargo tanks, slop tanks, cargo pump rooms, and cofferdams which isolate cargo or slop tanks from machinery spaces of Category A. This provision would prohibit the construction of a tank ship with a house located amidship, except as a navigating position.

Cargo tank protection is the third jor area of consideration. Existing U.S. regulations require the installation of a fixed deck foam fire fighting system for the protection of the ship in the event of a fire in the cargo tank area. The Advance Notice indicated several important changes to these regulations. The increased foam supply requirement is the result of a need to increase the safety factor inherent in these foam systems.





Several casualties have indicated that the fifteen minute requirement did not allow sufficient time for inexperienced operators to effectively utilize the system. Tests at the Coast Guard Fire and Safety Test Facility have indicated that monitor spacing must be reduced to account for wind. Therefore, the approved range for monitors has been reduced from 90 percent of their tested still air range to 75 percent of their still air range. This will permit monitors to provide full protection of the deck in winds up to 30 knots. In lieu of publishing this as a regulation, it was decided that it should remain a part of the approval procedure for foam systems. The manufacturer's design manuals for all U.S. Coast Guard approved foam systems have been modified to reflect this reduction in range. The requirement for a minimum flow from a foam station is presently based upon the size of the cargo deck and the largest individual tank. However, a single foam monitor may protect several tanks. Therefore, an additional factor has been included to define a minimum monitor discharge based upon the area to be protected by that monitor.

International attention has been drawn in recent years to a number of intank explosions in very large crude carriers (VLCC's) and combination carriers. These explosions resulted in damage or loss of vessels, oil spills, and deaths or injuries to crews. IMCO reviewed the casualties and related published information during formulation of IMCO Resolution A.271 (VIII) but was unable to determine with certainty the cause of the explosions. It was therefore decided to require an inerted atmosphere in each tank because explosions could not occur in such an atmosphere. A resolution was adopted requiring inerting systems for tankers exceeding 100,000 deadweight tons and combination carriers exceeding 50,000 deadweight tons. The United States, after full review by the U.S. SOLAS Subcommittee and the Shipping Coordinating Committee, agreed to adopt these recommendations on a national basis. It should be noted that such inerting systems may have other advantages besides safety. For example, tank corrosion may be reduced with a well designed inert gas system. However, since this is a maintenance factor rather than a safety consideration, the proposed regulations do not require high quality inert gas. It would be the responsibility of the owners to determine the need for such specifications.

*Written comments.* Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, arguments, objections, and comments to the Executive Secretary, Marine Safety Council (G–CMC/82), Room 8234, U.S. Coast Guard Headquarters, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify this notice (CGD 74–127) and give reasons for any recommendation. Comments received will be available for examination by persons in Room 8234, U.S. Coast Guard Headquarters, Washington, D.C.

*Public Hearings.* The Coast Guard will hold a public hearing on May 21, 1975, beginning at 9 a.m., in Room 8334, 400 Seventh Street SW., Washington, D.C. Interested persons are invited to attend the hearings and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments at the hearing notify the Executive Secretary at the above stated address by May 16, 1975, and specify the approximate length of time needed for his presentation. Submission of a written summary or copy of the oral presentation is encouraged.

*Closing date for comments.* All communication received before June 5, 1975 will be evaluated before final action is taken on this proposal.

*Environmental impact: negative declaration.* In accordance with section 102 (2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Council on Environmental Quality Guidelines (40 CFR, Part 1500), and section 7.g. of the Department of Transportation Procedures for Considering Environmental Impacts (39 FR 35234), the Coast Guard gives notice that an Environmental Impact Statement is not being prepared for the action proposed by this notice. The environmental assessment is that this Federal action will not have a significant impact on the environment. The environmental assessment file is available for inspection with the public docket in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C.

*Authority.* These amendments are proposed under the authority of 46 U.S.C. 375, 391a, 416; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and E.O. 11239 (30 FR 9671).

In consideration of the foregoing, it is proposed to amend Parts 30, 32, and 34 of Chapter I of Title 46 of the Code of Federal Regulations as follows:

## PART 30—GENERAL PROVISIONS

1. By adding the following new sections to subpart 30.10:

### Subpart 30.10—Definitions

**§ 30.10–2 Accommodation space—TB/ALL.**

The term "accommodation space" means any public space such as halls, dining rooms, mess rooms, lounges, corridors, lavatories, cabins, offices, hospitals, cinemas, game and hobby rooms, pantries that contain no cooking appliances, and similar spaces open to the passengers and crew.

**§ 30.10–5a Cargo control station—TB/ALL.**

The term "cargo control station" means a space that is manned during cargo transfer operations for the purpose of directing or controlling the loading or unloading of cargo.

**§ 30.10–6a Category A machinery space—TB/ALL.**

The term "Category A machinery space" means any space and trunks and ducts to such a space that contains—

(a) internal combustion machinery used for main propulsion;

(b) internal combustion machinery used for purposes other than main propulsion where the total aggregate power is at least 500 brake horsepower;

(c) internal combustion machinery that uses a fuel that has a flash point of less than 43.3° C (110° F); or

(d) oil fired boiler or oil fuel units.

**§ 30.10–16b Combination carrier—TB/ALL.**

The term "combination carrier" means a tank vessel designed to carry alternatively liquid and solid cargoes in bulk.

**§ 30.10–19a Control station—TB/ALL.**

The term "control station" means an enclosed space in which is located a ship's radio, main navigating equipment, or emergency source of power or in which is centralized fire recording or fire control equipment.

**§ 30.10–20 Deadweight or DWT—TB/ALL.**

The term "deadweight" and the abbreviation "DWT" mean the difference in metric tons between the lightweight and the displacement of a vessel measured in water of specific gravity 1.025 at the minimum permissible summer freeboard in accordance with the International Convention on Load Lines, 1966.

**§ 30.10–38 Lightweight—TB/ALL.**

The term "lightweight" means the displacement of a vessel in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water, feedwater in tanks, consumable stores, and persons and their effects.

**§ 30.10–42 Machinery spaces—TB/ALL.**

The term "machinery spaces" means spaces that contain machinery and related equipment including Category A machinery spaces, propelling machinery, boilers, oil fuel units, steam and internal combustion engines, generators and centralized electrical machinery, oil filling stations, refrigerating, stabilizing, ventilation and air conditioning machinery, and similar spaces and trunks to such spaces.

**§ 30.10–48 Oil fuel—TB/ALL.**

The term "oil fuel" means oil used as fuel for machinery of the vessel in which it is carried.

**§ 30.10–48a Oil fuel unit—TB/ALL.**

The term "oil fuel unit" means the equipment used for the preparation of oil fuel for delivery to an oil fired boiler and the equipment used for the preparation of heated oil for delivery to an internal combustion engine. "Oil fuel unit" includes oil pressure pumps, filters, and heaters that deal with oil at a pressure





of more than 1.8 kilograms per square

(f) Each inert gas system must be de-

**§ 32.53–60 Instrumentation—T/ALL.**



2. By adding a new § 32.55–50 to sub-

**§ 32.56–10 Navigation positions—T/**

room entrance, from accommodation,

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of more than 1.8 kilograms per square centimeter (25 psi) gauge.

**§ 30.10–62a Service spaces—TB/ALL.**

Service spaces are spaces outside the cargo area that are used for galleys, pantries containing cooking appliances, lockers, storerooms, paint and lamp rooms and similar spaces that contain highly combustible materials, laundries, garbage and trash disposal, and stowage rooms, workshops other than those forming part of the machinery spaces, and similar spaces and trunks to such spaces.

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## PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

2. By adding a new subpart 32.53 to Part 32 to read as follows:

### Subpart 32.53—Inert Gas System

Sec.


32.53–1 Application—T/ALL.
32.53–5 Operation—T/ALL.
32.53–10 General—T/ALL.
32.53–15 Approval: information required—T/ALL.
32.53–20 Inert gas generators—T/ALL.
32.53–25 Gas supply—T/ALL.
32.53–30 Positive pressure—T/ALL.
32.53–35 Gas scrubber—T/ALL.
32.53–40 Scrubber: cooling water supply—T/ALL.
32.53–45 Blowers—T/ALL.
32.53–50 Gas distribution lines: non-return devices—T/ALL.
32.53–55 Stop valve—T/ALL.
32.53–60 Instrumentation—T/ALL.
32.53–65 Portable instruments—T/ALL.
32.53–70 Alarms—T/ALL.
32.53–75 Gas main: automatic shut-down valve—T/ALL.
32.53–80 Tank cleaning—T/ALL.
32.53–85 Instruction manual—T/ALL.


**§ 32.53–1 Application—T/ALL.**

The provisions of this subpart apply to all ships, the keels of which are laid or which at a similar stage of construction on or after January 1, 1975, that are required to have an inert gas system under § 32.53–10(a) of this subpart.

**§ 32.53–5 Operation—T/ALL.**

The master of a tankship that is equipped with an inert gas system shall ensure that the system is operated except when the tanks are gas free.

**§ 32.53–10 General—T/ALL.**

(a) Each tankship of 100,000 deadweight tons and over and each combination carrier of 50,000 deadweight tons and over must have an approved inert gas system.

(b) Each inert gas system must be designed to supply the cargo tanks on demand a gas or a mixture of gases that has an oxygen content of 5% or less by volume.

(c) Each inert gas system must be designed to eliminate the need for fresh air in the tanks during normal operations.

(d) Each tank must be capable of being purged with inert gas.

(e) If the inert gas system is designed to allow the tanks to be purged with fresh air, the fresh air inlets must have blank flanges.

(f) Each inert gas system must be designed to minimize the risk of ignition from the generation of static electricity.

**§ 32.53–15 Approval: information required—T/ALL.**

The installer of each inert gas system must submit a description and specifications of the generating and distribution system, including all control and monitoring devices, to the appropriate Coast Guard Technical office in accordance with 46 CFR 50.20 for approval.

**§ 32.53–20 Inert gas generators—T/ALL.**

Systems employing inert gas generators must meet the requirements of 46 CFR 63.05–20 for control of the generator. Plans for each inert gas generator must be submitted for approval in accordance with 46 CFR 63.05–5.

**§ 32.53–25 Gas supply—T/ALL.**

Each inert gas system must be designed to continuously supply under all service conditions inert gas at a capacity of 125 percent of the combined maximum rated capacities of the cargo pumps.

**§ 32.53–30 Positive pressure—T/ALL.**

Each inert gas system must be designed to maintain a positive pressure on filled cargo tanks and during loading of cargo tanks.

**§ 32.53–35 Gas scrubber—T/ALL.**

If the inert gas generation process uses heated gas or introduces contaminants into the system, the system must have a scrubber or other device that will cool the gas and remove solid and sulphur combustion products.

**§ 32.53–40 Scrubber: cooling water supply—T/ALL.**

(a) The cooling water system of each inert gas system that uses a scrubber must furnish an adequate supply of water to the scrubber without interfering with the water supply to the firefighting system.

(b) An alternate water supply must be available to the scrubber.

**§ 32.53–45 Blowers—T/ALL.**

(a) Each inert gas system must have at least two blowers that together are capable of delivering the amount of gas required by § 32.53–25 of this subpart.

(b) The blowers must be designed to prevent the pressure exerted on the tanks from exceeding their maximum design pressure.

**§ 32.53–50 Gas distribution lines: Non-return device—T/ALL.**

(a) Two non-return devices, one of which is a water seal, must be fitted in each inert gas line between the automatic shutdown valve and the cargo tank connections.

(b) The water supply system must be designed to ensure an adequate supply of water to the water seal is maintained at all times.

**§ 32.53–55 Stop valves—T/ALL.**

Stop valves must be fitted in each branch pipe at each tank.

**§ 32.53–60 Instrumentation—T/ALL.**

(a) Each inert gas system must be equipped with the following instruments fitted at the discharge side of the blowers:

(1) Oxyen concentration indicator and permanent recorder.

(2) Pressure indicator and permanent recorder.

(3) Temperature indicator.

(b) Each instrument listed in paragraph (a) of this section must—

(1) operate continuously when inert gas is being supplied to the tanks and

(2) provide a readout in a location normally occupied by the person in charge of cargo operations.

**§ 32.53–65 Portable instruments—T/ALL.**

(a) Each ship that has an inert gas system must have portable instruments for measuring oxygen and hydrocarbon vapors.

(b) Each tank must have fittings to which portable instruments may be attached.

**§ 32.53–70 Alarms T/ALL.**

(a) Each inert gas system must have the following alarms:

(1) An alarm that gives an audible and visual warning when the oxygen content of the inert gas exceeds 6 percent by volume.

(2) An alarm that gives an audible and visual warning when the pressure in the inert gas main is less than 100 mm (4 inches) of water.

(3) An alarm that gives an audible and visual warning and that automatically shuts off the system's blowers upon loss of pressure to the water seal.

(4) An alarm that gives an audible and visual warning and that automatically shuts off the system's blowers when the inert gas temperature is more than 10° C (18° F) above the ambient seawater temperature.

(5) An alarm that gives an audible and visual warning and that automatically shuts off the system's blowers upon loss of cooling water pressure.

**§ 32.53–75 Gas main: automatic shutdown valve—T/ALL.**

(a) Each gas main in an inert gas system must have an automatic shut-down valve fitted where the gas main leaves the generating plant.

(b) Each shut-down valve must be designed to close automatically under the following conditions:

(1) Loss of cooling water.

(2) Blower failure.

**§ 32.53–80 Tank cleaning—T/ALL.**

Each tank cleaning system must be designed to clean the cargo tanks in an inert atmosphere.

**§ 32.53–85 Instruction manual—T/ALL.**

The master of each ship that has an inert gas system must have an instruction manual that contains instructions for the safe operation of the inert gas system.





3. By adding a new § 32.55–50 to subpart 32.55 to read as follows:

**§ 32.55–50 Ventilation of tankships the keels of which are laid on or after January 1, 1975—T/ALL.**

(a) Each tankship, the keel of which is laid or which is at a similar stage of construction on or after January 1, 1975, must have deckhouse and superstructure ventilation inlets and outlets and other openings to the exterior arranged to minimize the admission of flammable gas to enclosed spaces that contain a source of ignition.

(b) Ducts for ventilation of Category A machinery space that pass through accommodation spaces, service spaces, or control stations and ducts for ventilation of accommodation spaces, service spaces, or control stations that pass through Category A machinery space must be constructed of steel and insulated to "A–60" class.

4. By adding a new subpart 32.56 to part 32 to read as follows:

### Subpart 32.56—Structural Fire Protection for Tank Ships the Keels of Which Are Laid on or After January 1, 1975

Sec.


32.56–1 Application—T/ALL.
32.56–5 General—T/ALL.
32.56–10 Navigation positions—T/ALL.
32.56–15 Deck spills—T/ALL.
32.56–20 Superstructures and deckhouses; exterior boundaries—T/ALL.
32.56–25 Category A machinery space: windows and port lights—T/ALL.
32.56–30 Category A machinery space: bulkheads and decks—T/ALL.
32.56–35 Doors—T/ALL.
32.56–40 Category A machinery space: insulation—T/ALL.
32.56–45 Draft stops—T/ALL.
32.56–50 Combustible veneers—T/ALL.


**§ 32.56–1 Application—T/ALL.**

This subpart applies to all tankships, the keels of which are laid or which are at a similar stage of construction on or after January 1, 1975, unless otherwise indicated.

**§ 32.56–5 General—T/ALL.**

(a) Except as provided in paragraph (b) of this section—

(i) Machinery spaces of Category A must be located aft of cargo and slop tanks and pumprooms.

(ii) Accommodation spaces, main cargo control stations, control stations, and service spaces must be positioned aft of cargo tanks, slop tanks, cargo pump rooms, and cofferdams that isolate cargo or slop tanks from machinery spaces of Category A.

(b) Accommodation spaces, service spaces, control stations, and certain machinery spaces such as spaces for bow thrusters, windlass, and emergency fire pumps may be located forward of the cargo and slop tanks and pump room if it is demonstrated to the Commandant that the overall degree of safety of the vessel is improved and that the degree of fire safety for these spaces is not less than the degree of fire safety for similar spaces located aft.

**§ 32.56–10 Navigation positions—T/ALL.**

Each navigation position that is situated above the cargo tank area must be separated from the cargo deck by an open space that extends at least 2 meters (6.6 feet) from the cargo deck to the navigation position.

**§ 32.56–15 Deck spills—T/ALL.**

Accommodation and service areas must be protected by a coaming or other barrier.

**§ 32.56–20 Superstructures and deckhouses: exterior boundaries—T/ALL.**

(a) The following exterior boundaries of accommodation and service areas must be insulated to "A–60" Class:

(1) The portion of exterior boundaries of superstructures and deckhouses that enclose accommodation and service spaces and that face cargo tanks.

(2) Exterior bulkheads and decks within 3 meters (10 feet) of such boundaries.

(b) The portion of the exterior of each superstructure or deckhouse that encloses an accommodation or service space that faces the cargo tanks plus the portion of that exterior on each side of the boundary of the accommodation or service space for a distance of 3 meters or the length of the vessel in meters divided by 25, whichever is greater, except the distance may be limited to 5 meters, must be protected as follows:

(1) No doors to spaces that have access to accommodation and service areas, except to wheelhouses, are permitted. Where doors are fitted to other spaces the interior of the space must be insulated to "A–60" Class.

(2) Port lights, except pilot house windows, must be of a fixed type and fitted with inside covers of steel or another material that has fire resistant properties equivalent to steel.

(3) On liquefied flammable gas carriers, non-fixed wheelhouse windows and doors must be designed to permit rapid closure and to prevent the entrance of vapor into the wheelhouse.

**§ 32.56–25 Category A machinery space: windows and port lights—T/ALL.**

(a) Except as provided in paragraph (b) of this section and 46 CFR 111.85–10, boundaries of Category A machinery spaces and boundaries of cargo pump rooms must not be pierced for windows or port lights.

(b) Skylights that can be closed from outside the spaces they serve may be fitted in boundaries of Category A machinery spaces.

**§ 32.56–30 Category A machinery space: bulkheads and decks—T/ALL.**

(a) Bulkheads and decks that separate Category A machinery space from cargo pump rooms must be "A" Class construction.

(b) Bulkheads and decks that separate Category A machinery spaces or cargo pump rooms, including the pump room entrance, from accommodation, service, or control spaces must be "A–60" Class construction.

(c) Bulkheads and decks that separate control stations from adjacent spaces must be "A" Class construction and insulated against fire.

**§ 32.56–35 Doors—T/ALL.**

(a) Casing doors in Category A machinery spaces and all elevator doors must be self-closing and must meet the requirements of § 72.05–25(b).

(b) If a means of holding a door open is used, it must be a magnetic holdback or equivalent device that is operated from the bridge or other suitable remote control position.

**§ 32.56–40 Category A machinery space: insulation—T/ALL.**

The surface of insulation within Category A machinery spaces must be impervious to oil and oil vapors.

**§ 32.56–45 Draft stops—T/ALL.**

(a) Where ceilings or linings are fitted, "B" Class bulkheads, except those that form passageways, may stop at the ceiling or lining if draft stops of "B" Class construction are fitted between the ceiling or lining and the deck or shell at intervals of 14 meters (45 feet) or less.

(b) Spaces behind the linings of stairways and other trunks must have draft stops at each deck.

**§ 32.56–50 Combustible veneer—T/ALL.**

(a) Except as provided in paragraph (b) of this section, combustible veneers on bulkheads, linings, and ceilings must be 2 mm (.079 inches) or less in thickness.

(b) Veneers on bulkheads, linings, and ceilings in concealed spaces, corridors, stairway enclosures, or control stations must be an approved interior finish material or a reasonable number of coats of paint.

5. By revising § 32.57–5(b) to read as follows:

**§ 32.57–5 Definitions—TB/ALL.**

* * * * *

(b) *"A" Class divisions.* Bulkheads or decks of the "A" Class must be composed of steel or equivalent metal construction, suitably stiffened and made intact with the main structure of the vessel; such as shell, structural bulkheads, and decks. They must be so constructed, that if subjected to the standard fire test, they would be capable of preventing the passage of flame and smoke for one hour. In addition, they must be insulated with approved structural insulation, bulkhead panels, or deck covering so that the average temperature on the unexposed side does not rise more than 250° F above the original temperature, nor does the temperature at any one point, including any joint, rise more than 181° C (325° F) above the original temperature, within the time listed below:







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| | Minutes |
|---|---|
| Class A–60 | 60 |
| Class A–30 | 30 |
| Class A–15 | 15 |
| Class A–0 | [1] 0 |

[1] No insulation requirements.

6. By amending the introductory clause of § 32.57–10(d) to read as follows:

**§ 32.57–10 Construction—TB/ALL.**

(d) Within the accommodation areas, control stations, and service areas the following conditions apply: • • •

7. By revising § 32.57–10(d)(7) and by adding a new § 32.57–10(d)(7a) to read as follows:

**§ 32.57–10 Construction—TB/ALL.**

(d) • • •

(7) Except as provided in subparagraph (7a) of this paragraph, ceilings, linings, and insulation, including pipe and duct laggings, must be of approved incombustible material.

(7a) Combustible insulations and vapor barriers that have a maximum extent of burning of 122 mm (5 inches) or less when tested in accordance with American Society for Testing and Materials (ASTM) Specification D–1692, "Rate of Burning or Extent of Burning of Cellular Plastics Using a Supported Specimen by a Horizontal Screen," may be used in cold service systems within refrigerated compartments.

## PART 34—FIREFIGHTING EQUIPMENT

8. By revising § 34.20–1(a) to read as follows:

**§ 34.20–1 Application—T/ALL.**

(a) Where a deck foam system is installed, the provisions of this subpart, except § 34.20–90, apply to all installations that are contracted for on or after January 1, 1970, unless otherwise indicated.

9. By revising § 34.20–5(c) to read as follows:

**§ 34.20–5 Quantity of foam required—T/ALL.**

(c) *Supply of foam-producing material.* Each deck foam system must have a supply of foam-producting material sufficient to operate the system at its designated rate of foam production for the following periods:

(1) For installations contracted for on or after January 1, 1970, 15 minutes without recharging.

(2) For installations on ships, the keels of which are laid or which are at a similar stage of construction on or after January 1, 1975, 20 minutes without recharging.

10. By adding a new § 34.20–10(e) to read as follows:

**§ 34.20–10 Controls—T/ALL.**

(e) Each deck foam system must be designed to be operational within 3 minutes of notification of a fire.

11. By adding a new § 34.20–15(g) to read as follows:

**§ 34.20–15 Piping—T/ALL.**

(g) Tankships of 100,000 deadweight tons or over and combination carriers of 50,000 deadweight tons or over, the keels of which are laid or which are at a similar stage of construction on or after January 1, 1975, must have at least one foam station on the port side and at least one foam station on the starboard side that are separated from each other by a distance equal to at least one-half the beam of the vessel. Both stations must be located at the house front, but aft of the pump room and cargo tanks.

12. By adding a new § 34.20–25 to read as follows:

**§ 34.20–25 Foam monitor capacity—T/ALL.**

The capacity of each foam monitor on ships, the keels of which are laid or which are at a similar stage of construction on or after January 1, 1975, must be at least 3 liters per minute per square meter (.073 gallons per minute per square foot) of deck area protected by that monitor.

13. By revoking and reserving § 32.55–40 as follows:

**Subpart 32.55—Ventilation and Venting**

**§ 32.55–40 [Reserved]**

Dated: April 16, 1975.

W. M. BENKERT,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.*

[FR Doc.75–10332 Filed 4–18–75;8:45 am]

## Federal Aviation Administration

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 75–SO–36]

### TRANSITION AREA

**Proposed Alteration**

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would alter the Sumter, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before May 21, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Sumter transition area described in § 71.181 (40 FR 441) would be amended as follows: "• • • excluding the portion within Columbia transition area • • •" would be deleted and "• • • within 3 miles each side of the 028° bearing from Sumter RBN (Lat. 33°59'24" N., Long. 80°21'38" W.), extending from the 5-mile radius area to 8.5 miles northeast of the RBN; excluding the portion within the Columbia transition area • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 22 Instrument Approach Procedure to Sumter Municipal Airport, utilizing the Sumter (private) Nondirectional Radio Beacon.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 11, 1975.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.75–10280 Filed 4–18–75;8:45 am]

## CIVIL AERONAUTICS BOARD

**[ 14 CFR Part 221 ]**

[EDR–282A, EDR–283A; Dockets 27590 and 27591; dated: April 15, 1975]

### CONSTRUCTION, PUBLICATION, FILING, AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

**Supplemental Advance Notice of Proposed Rule Making, Baggage Delay and Loss Compensation**

By Notice of Proposed Rule Making, EDR–282, dated March 6, 1975, and published at 40 FR 11602, March 12, 1975, the Board gave notice that it had under consideration a proposed amendment to Part 221 of its Economic Regulations (14 CFR Part 221) which would remove the authority to file tariffs imposing time limits on the filing of passenger claims for loss of, damage to, or delay in the delivery of baggage. In a related action, Advance Notice of Proposed Rule Making, EDR–283, dated March 6, 1975 and published at 40 FR 11601, March 12, 1975, the Board gave notice that it had under consideration the issuance of a Notice of Proposed Rule Making looking toward the adoption of a regulation prescribing liquidated damages for delay in the receipt of baggage and a minimum liability for loss of baggage.

Public comments on these proposals are due April 21, 1975. Counsel for the Air Transport Association of America (ATA) has requested a 90-day extension of the above date. In support of this request, counsel states that the Board, "in instituting these proceedings, relied almost entirely upon the consumer files in the Board's Office of the Consumer Advocate relating to baggage 'complaints' for the period 1972-February 1975," and that in order to comment intelligently on the proposals, ATA staff must examine and analyze these letters which number more than 5,000.

Counsel for the National Air Carrier Association (NACA) has requested a 30-day extension in order to permit it to solicit the views and recommendations of its member carriers, and thereby make a joint presentation on behalf of those carriers. The Board's Office of the Consumer Advocate has also requested a 30-day extension to enable interested consumers and consumer groups to submit comments. The Board's Bureau of Economics responding to ATA's request, recommends a 45-day extension.

Upon consideration of the above requests, and the response thereto, the undersigned finds that good cause has been shown for an extension of the time for filing comments, but that a grant of ATA's requested 90-day extension would unnecessarily delay the proceedings.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to June 2, 1975.[1] Procedures for review of this action by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL] STEPHEN J. GROSS,
*Acting Associate General Counsel, Rules and Rates.*

[FR Doc.75–10374 Filed 4–18–75;8:45 am]





## ENVIRONMENTAL PROTECTION AGENCY

**[ 40 CFR Part 52 ]**

[FRL 359–5]

### WASHINGTON

**Approval and Disapproval of Compliance Schedules**

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, A Plan for the Implementation, Maintenance and Enforcement of National Ambient Air Quality Standards in the State of Washington.

On June 17 and September 5, 1974, after proper notice and public hearing, the State of Washington Department of Ecology submitted for the Administrator's approval revisions to the compliance schedule portion of the State Implementation Plan, in accordance with 40 CFR 51.4 and 51.6 and 51.15. The Administrator, pursuant to Section 110 of the Clean Air Act and 40 CFR 51.8, is today proposing approval of ten compliance schedules and variances as plan revisions and proposing disapproval of two others which extend beyond the July 31, 1975, attainment date for national primary ambient air quality standards. The disapproval is being proposed because the information available for consideration fails to demonstrate that a final compliance date extension will not impact national ambient air quality standards within the applicable air quality control region.

Each compliance schedule establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the following table under the heading "Final compliance date." In addition each compliance schedule which extends more than a year from the date of adoption must include federally enforceable increments of progress toward compliance as required by 40 CFR 51.15 (c). While the table below does not list those interim dates, the actual compliance schedules do. The "Effective date" column in the table refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The "Date of adoption" column refers to the date that the State or local agency adopted the compliance schedules.

On April 9, 1974 (39 FR 12872), EPA invited public comment on the compliance schedules for the Crown Zellerbach Company at Port Angeles and the Puget Sound Plywood Company at Tacoma and on May 17, 1974 (39 FR 17566), public comment was invited on the compliance schedule for the Weyerhaeuser Company at Raymond. Public comment is again being invited on the compliance schedules for these sources because the State has submitted revisions to the previously submitted schedules which extend the final compliance dates.

An evaluation report will be prepared for each compliance schedule before the Administrator makes his final decision on whether to approve or disaprove the compliance schedule. During the review period, personnel in the EPA Regional Office, at the address noted below, are available to discuss the compliance schedules with the public. Each compliance schedule is available for public inspection at the EPA Regional Office, EPA Headquarters, the State agency and appropriate local agencies at the following addresses:

Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101

Freedom of Information Center
Environmental Protection Agency
401 M Street SW.
Washington, D.C. 20460

State of Washington
Department of Ecology
P.O. Box 829
Olympia, Washington 98504

Puget Sound Air Pollution Control Agency
410 West Harrison Street
Seattle, Washington 98119

Olympic Air Pollution Control Authority
120 East State Avenue
Olympia, Washington 98501

Spokane County Air Pollution Control Authority
N. 811 Jefferson
Spokane, Washington 99201

Douglas County Air Pollution Control Commission
Douglas County Courthouse
Waterville, Washington 98858

All interested persons are encouraged to submit written comments on whether the proposed revisions to the Washington Implementation Plan should be approved as required by Section 110 of the Clean Air Act, as amended, and 40 CFR 51.8. Comments postmarked on or before May 21, 1975 will be considered. Public comments received on the proposed revisions will be available for public inspection at the Regional Office and EPA Headquarters. Comments should be directed to the Regional Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ms. S. Ziegman M/S 513.

(Sec. 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c–5(a)))

Dated: April 7, 1975.

C. V. SMITH, JR.,
*Regional Administrator.*

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

**Subpart WW—Washington**

1. In § 52.2470, paragraph (c)(2) is revised as follows:

**§ 52.2470 Identification of plan.**

(c) Supplemental information was submitted on: • • •

(2) December 12, 1972, July 31, 1973, and June 17 and September 5, 1974, by the State of Washington Department of Ecology.

2. Section 52.2481 is amended by adding the following lines to the table in paragraph (b) as follows:

**§ 52.2481 Compliance schedules.**

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.6 and 51.15 of this chapter. All regulations cited are contained in the Washington Administrative Code (WAC), Title 18, unless otherwise noted.

[1] Contemporaneously with the Notice of Proposed Rule Making and Advance Notice of Proposed Rule Making supplemented herein, the Board issued a related Order to Show Cause (Order 75–3–18, March 6, 1975). By Notice dated April 11, 1975, the Chief Administrative Law Judge has extended to June 2, 1975, the due dates contained in that Order for: (1) objections to the Board's tentative findings and conclusions (ordering paragraph 2); (2) baggage claims data as set forth in Appendix A to the Order (ordering paragraph 3); and (3) claims manuals, etc., (ordering paragraph (4). Answers to the objections filed in accordance with the Order shall be due on or before June 23, 1975.



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| Source | Location | Regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| • | • | • | • | • | • |
| Bingen plywood fractionater, pneumatic conveyor. | Bingen | 18-01-040(3) | July 30, 1974 | Immediately | July 1, 1975. |
| Hanna Mining Co., 3 furnaces | Rock Island | DCAPCC sec. 5.02 (1)(a)(b), regulation I. | Apr. 2, 1974 | do | June 30, 1975. |
| Loth Lumber Co., Wigwam Burner. | Gold Bar | PSAPCA regulation I, sec. 9.03. | June 20, 1974 | do | June 1, 1975. |
| Oakville Shake Co. Wigwam Burner. | Oakville | OAPCA regulation I, sec. 9.03. | July 16, 1974 | do | July 1, 1975. |
| Pacific Cedar Mills, Wigwam Burner. | Axford Prairie | OAPCA regulation I, sec. 9.03. | do | do | June 1, 1975. |
| Portage Creek Mill Co., Wigwam Burner. | Arlington | PSAPCA regulation I, sec. 9.02-9.05, 9.09, 9.15. | June 20, 1974 | do | June 1, 1975. |
| Red Cedar products, Wigwam Burner. | Amanda Park | OAPCA regulation I, sec. 9.03. | Aug. 13, 1974 | do | July 1, 1975. |
| Spokane Seed Co., grain processing. | Spokane | SCAPCA regulation 1, sec. 6.05. | June 1, 1974 | do | July 2, 1975. |
| Upland Cedar products, Wigwam Burner. | Neilton | OAPCA regulation I, sec. 9.03. | July 16, 1974 | do | July 1, 1975. |
| Weyerhaeuser Co., boiler | Raymond | OAPCA regulation I, sec. 9.03, 9.05. | July 16, 1974 | do | Do. |

3. Section 52.2481 is amended by adding the following table in paragraph (c) as follows:

§ 52.2481 Compliance schedules.

• • • • •

(c) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are contained in the Washington Administrative Code (WAC), Title 18, unless otherwise noted.

| Source | Location | Regulation involved | Date of adoption |
|---|---|---|---|
| Crown Zellerbach hogged fuel boilers | Port Angeles | OAPCA regulation I, sec. 9.03, 9.05 | Aug. 13, 1974 |
| Puget Sound Plywood Co., hogged fuel boilers. | Tacoma | PSAPCA regulation I, sec. 9.03, 9.09 | Sept. 12, 1973 |

[FR Doc.75-10266 Filed 4-18-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 20422]

### FM BROADCAST STATIONS

### Table of Assignments, Fla.

1. *Petitioners, proposals and comments. Petitioners:* White Sands Broadcasting Company (White Sands); John Matkowski; Vacationland Broadcasting Company (Vacationland), licensee of WFTW(AM) and WFTW-FM (Channel 257A), both operating in Fort Walton Beach, Florida; Holly A. Rogers; and Crestview Broadcasting Company (Crestview B/C), licensee of Stations WJSB (AM) and WAAZ-FM (Channel 285A), both operating in Crestview, Florida.

*Proposals:* (a) White Sands proposes the assignment of Channel 221A to Fort Walton Beach, Florida (RM-2395). The assignment may be made without affecting any existing assignments but the transmitter site must be situated 5 miles northwest of the city. A recent grant of a construction permit (BPH-8749) to Station WPAP-FM, Channel 223, Panama City, Florida, relocating its transmitter site, would allow Channel 221A to be sited within the city or to an area east of the city.

(b) John Matkowski petitions for the assignment of Channel 243 to Destin, Florida, as a first FM channel in that community (RM-2421). This channel may be assigned without affecting any existing assignments.

(c) The assignment of Channel 243 to Fort Walton Beach, Florida, has been requested by Vacationland (RM-2457) and Holly A. Rogers (RM-2471). Additionally, Vacationland suggests that Channel 257A which it presently occupies at Fort Walton Beach could be deleted and reassigned to Destin, Florida. These channels may be assigned as proposed without affecting any existing assignments.

(d) Finally, Crestview B/C proposes the assignment of Channel 243 to Crestview, Florida, deletion of Channel 285A which it presently occupies at Crestview and its reassignment to Destin (RM-2503). These channels may be assigned as proposed but the transmitter site for operation on Channel 243 would have to be situated 7 miles west, southwest of Crestview.

*Comments:* In addition to the petitions and comments filed by the aforementioned parties, oppositions to the various proposals have also been filed by the Deltona Broadcasting Company, licensee of Station WPAP-FM, Channel 223, Panama City, Florida; and the Janus Broadcasting Company, licensee of Stations WGNE-AM and WGNE-FM, Channel 253, Panama City, Florida.[1]

2. *Demographic Data, Locations and populations:* Fort Walton Beach (pop. 19,994),[2] is located in Okaloosa County (pop. 88,187) about 38 miles east of Pensacola, 160 miles west of Tallahassee, and 60 miles northwest of Panama City. Destin (pop. 1,536) is an unincorporated community in Okaloosa County about 6 miles east of Fort Walton Beach. Crestview (pop. 7,952) is the seat of Okaloosa County located 24 miles north of Fort Walton Beach, 45 miles northeast of Pensacola, Florida, and 115 miles south of Montgomery, Alabama.

*Present aural services:* Fort Walton Beach is served by two AM stations—WNUE (Class IV) and WFTW (Class III, daytime-only) and one FM station, WFTW-FM, Channel 257A. Crestview is served by AM Station WCNU (Class II, daytime-only) and FM Station WAAZ-FM, Channel 285A. Destin has no local aural services.

*Other Demographic Data:* Fort Walton Beach is a resort area and the home of many employees of nearby Eglin Air Force Base, the largest air force facility in the world. Fort Walton Beach is also recognized as a commercial center for the area and construction of a 70-store shopping mall is underway. Destin is also a tourist spot and part of the area's commercial base. Crestview is the county seat and although not a tourist area or as fast-growing a community as are Fort Walton Beach and Destin, it does have many manufacturing and business concerns.

3. *Preclusion Considerations:* (a) The assignment of Channel 243 to either Fort Walton Beach, Destin or Crestview (RMs-2457, 2421, 2471, and 2503) would cause preclusion on the same three channels: Channels 240A, 244A, and co-channel 243. In each case the preclusive impact is minor and alternate channels are available. For example, (1) Channels 292A and 261A are available for assignment in much of the Channel 240A preclusion area; (2) co-channel preclusion occurring on Channel 243 can be alleviated in the proposed area of service (assuming utilization of the locations specified in the petitions) by the assignment of Channel 243 to any of the three communities. Also if Channel 243 were assigned to Crestview and Channel 285A were deleted there, then Channel 285A could be used as an available alternate channel in the precluded area; (3) preclusion occurring on Channel 244 resulting from the assignment of Channel 243 to Crestview would affect two communities in Alabama with populations between 1,000 and 2,000. However, Channel 272A is available for assignment in this area. Assuming assignment of Channel 243 to Fort Walton Beach or Destin, preclusion on Channel 244A would effect a small area in Alabama containing no communities with populations exceeding 1,000 and a larger area in Florida around Apalachicola (southeast of Panama City). There would be several Class A stations available for assignment in the area precluded in Florida, including Channels 261A, 292A, and 296A. It is noted that Channels 261A and 292A are also available for use in this same affected area where Channel 240A is precluded as aforementioned.

[1] A "Reply to Oppositions to Petitions for Rule Making" was submitted by Crestview Broadcasting.

[2] All population figures are taken from the 1970 Census.





(b) The proposal to assign Channel 221A to Fort Walton Beach (RM-2395) results in preclusion occurring on noncommercial educational Channels 218, 219, and 220 and on co-channel 221A. Since the Grade B contour of the nearest Channel 6 television station is far enough removed from this area, lower educational channels should be available for use.

4. *Proposed Service.* The Crestview B/C *Roanoke Rapids-Goldsboro, North Carolina,* (9 F.C.C. 2d 672 (1967)) showing indicates that assignment of Channel 243 to Crestview, operating with 100 kW at an antenna height of 500 feet AAT, will offer: (a) a first FM service to 525 persons in a 98-square-mile area; and (b) a second FM service to 30,461 persons in a 820 square-mile area. The staff analyzed proposed first and second FM services for assignment of Channel 243 to either Fort Walton Beach or Destin after determining that the showings offered by the other petitioners were either inaccurate or unreliable. It was found that the first FM service would be the same as that offered by the proposed Crestview assignment, while proposed second FM service would be significantly less. We note however that it is possible for a Destin or Fort Walton Beach assignment, with operating facilities close to Crestview, to offer the same first and second FM services and still meet community coverage requirements.

5. *Comments.* Most of the oppositions filed in this consolidated proceeding protest the proposed assignment of Channel 243 to any of the three suggested cities.[3] Instead of responding to each of the contentions set forth by the various parties, a few general comments will suffice. At the outset, we note that Fort Walton Beach does represent the population center of Okaloosa County and is a fast growing center but a Class A channel can certainly cover its population area. We agree with Crestview B/C that a more efficient use of the FM Table of Assignments would employ a site that could cover a large area of land. A Class C assignment at Fort Walton Beach or Destin would result in a large part of the contour extending over water. Although a site could be obtained that would eliminate this problem, assignment of a Class C channel to South Okaloosa County would result in intermixture either actual or practical. We feel that our policy of avoiding intermixture when possible is paramount in this proceeding especially since Class A channels are available in this area. The proximity of Destin to Fort Walton Beach, no matter which city were assigned a Class C channel, would result in a situation that our policy is designed to prevent. *Fairmont, West Virginia,* 40 F.C.C. 1021, 1024 (1965). In Fairmont, the petitioner requested that one of two unoccupied Class A channels be deleted and a Class C channel be assigned to Fairmont in order to enable Fairmont to compete with Class C channels operating in Clarksburg and Morgantown 15 miles and 18 miles distant, respectively. The Commission considered the three cities as encompassing one *market* and ordered de-intermixture of the *market* by assigning the Class C channel to Fairmont. The Commission stated, at p. 1024 "[w]e have noted the size of the three communities and their close proximity, and are of the view that there is some substance to the claim that a limited-coverage operation at Fairmont would be at a disadvantage in competing with nearby wide-coverage operations in Morgantown and Clarksburg in respect to the ability to attract regional and national advertisers." We feel that an analogous situation appears here. Destin and Fort Walton Beach are only 6 miles apart. If a Class C channel were assigned to either Fort Walton Beach or Destin, the market area would be intermixed due to the existence of the Class A channel operating at Fort Walton Beach. Although the Class A channel could be deleted from Fort Walton Beach and reassigned to Destin as petitioner Vacationland suggests (RM-2457), the market area would still contain a mixture of classes of channels. Therefore we favor the proposed assignment of Channel 243 to Crestview along with the proposed deletion of Channel 285A instead of the proposed assignment of Channel 243 to the Fort Walton Beach-Destin area. We note that since the proposal to assign a Class C channel at Crestview and to delete its Class A channel was made by the licensee of the Class A channel, no order to show cause will be necessary in the proceeding since that licensee may be considered to have consented to modification of its license. Thus, we further propose to assign Channel 285A to Destin and request that John Matkowski express an intention as to whether he would apply for that channel if assigned. Further we can in conformity with this proposal assign Channel 221A (RM-2395) to Fort Walton Beach as proposed by White Sands. We further note that the petitioners for a Class C channel in Crestview and a Class A channel in Fort Walton Beach have expressed their intentions to apply for the proposed channels if assigned.

6. Accordingly, the Commission proposes to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments as follows:

| City | Channel No. Present | Channel No. Proposed |
|---|---|---|
| Crestview, Fla | 285A | 243 |
| Fort Walton Beach, Fla | 257A | 221A, 257A |
| Destin, Fla | | 285A |

7. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated into this Notice of Proposed Rule Making.

8. Interested parties may file comments on or before May 27, 1975, and reply comments on or before June 16, 1975.

Adopted: April 1, 1975.

Released: April 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's

[3] Compromises have been offered by Vacationland and Crestview B/C to delete the Class A assignments that they each presently occupy in their respective communities in order to permit each of them to apply for the Class C channel replacements that they propose for assignment.



V 40 77 APR 21 75 XUM



Public Reference Room at its headquarters,

FEA also proposes to amend § 205.13 no cross-examination of persons present-



Issued in Washington, D.C., April 17, transportation services" to read as

Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-10138 Filed 4-18-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

[ 10 CFR Parts 205 and 211 ]

## AIR PASSENGER TRANSPORTATION SERVICES

### Notice of Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Parts 205 and 211, Chapter II, Title 10, Code of Federal Regulations, to include air facilities and services in the definition of "Passenger transportation services", to clarify the filing procedures for air taxi/commercial operators and to delete reference to the term "public air carriers". FEA also gives notice that it will hold a public hearing on the proposed amendments.

With respect to the inclusion of air facilities and services as passenger transportation services, this amendment is proposed in order to assure firms providing air passenger transportation services access to refined petroleum products other than aviation fuels on the same basis as firms providing surface transportation for passengers. Air carriers have generally anticipated a potential disadvantage in access to lubricants and greases allocated under Subpart K of Part 211 because the current definition of "Passenger transportation services" includes only surface transportation, thus limiting air carriers which transport passengers to an allocation level expressed in terms of a percentage of base period use rather than current requirements. The proposed revision would, therefore, provide an allocation level of one hundred percent of current requirements, as reduced by application of an allocation fraction, for air facilities and services for carrying passengers using any allocated product, other than aviation fuels, for which a "Passenger transportation services" allocation level is provided.

The current allocation program for aviation fuels allocates to civil air carriers generally by type of carrier rather than by use. Accordingly, there is no allocation level for aviation fuel used for passenger transportation services. Instead, aviation fuels are allocated to "Domestic supplemental, and scheduled cargo air carriers," "Local service air carriers," etc. The proposed revision therefore will not affect the current method of allocating aviation fuels and is intended only to provide the same allocation level for surface and air carriers of passengers for those products which are provided with an allocation level for "Passenger transportation services". Thus, the subparts potentially affected by the proposal would be Subpart D (Propane), Subpart E (Butane and Natural Gasoline), Subpart F (Motor Gasoline), Subpart G (Middle Distillate), Subpart I (Residual Fuel Oil) and Subpart K (Other Products).

FEA also proposes to amend § 205.13 (a) (5) to remove an inconsistency in the filing procedures for air taxi/commercial operators and to delete the reference therein to "public air carriers". The proposed amendment would exempt air taxi/commercial operators from the general requirement in § 205.13(a) (5) that civil air carriers file all documents with the FEA National Office. This would eliminate an inconsistency with § 211.147 which requires air taxi/commercial operators to file with the appropriate FEA Regional Office. The proposed amendment would also delete the reference in § 205.13(a) (5) to "public air carriers" since that term is not defined or used elsewhere in FEA regulations.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The public hearing in this proceeding will be held beginning at 9:30 a.m., on Thursday, May 22, 1975, in Room 2105, 2000 M Street NW., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t. May 13, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW, Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through May 21, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., e.d.t. May 20, 1975 and must submit 100 copies of his or her statement to Allocation Regulation Development, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.d.t., May 21, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, Room 3309, FEA, before 4:30 p.m., e.d.t. May 20, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting written comments and other data with respect to the proposed regulations to Executive Communications, Room 3309, Federal Energy Administration, Box CR, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Passenger Transportation Services." Fifteen copies should be submitted. All comments received by 4:30 p.m. May 16, 1975, and all other relevant information will be considered by the FEA before final action is taken on the proposed regulation.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Parts 205 and 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.





Issued in Washington, D.C., April 17, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

1. Section 205.13 is amended by revising subparagraph (5) of paragraph (a) to read as follows:

**§ 205.13 Where to file.**

(a) • • •

(5) The allocation and pricing of aviation fuel pursuant to Subpart H of Part 211 and Part 212 of this Chapter, filed by civil air carriers (except air taxi/commercial operators); • • •

(2) Section 211.51 is amended by revising the definition of "Passenger transportation services" to read as follows:

**§ 211.51 General definitions.**

• • • • • •

"Passenger transportation services" means (a) facilities and services, including air, water and rail, for carrying passengers whether publicly or privately owned, including tour and charter buses and taxicabs which serve the general public; and (b) bus transportation of pupils to and from school and school sponsored activities.

• • • • • •

[FR Doc.75-10495 Filed 4-17-75;4:37 am]



V 40 77 APR 21 75 XUM V





| | | |
|---|---|---|
| Pentolite | X | identification; (2) the dollar impact of |

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

[Notice No. 275]

### COMMERCE IN EXPLOSIVES

### Explosives List

Pursuant to the provisions of section 841(d) of Title 18, United States Code, and 27 CFR 181.23, the Director, Bureau of Alcohol, Tobacco and Firearms, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C., Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This revised list supersedes the Explosives List dated April 2, 1974 (39 FR 12039).

The following is the 1975 Explosives List required to be so published, and is intended to also include any and all explosive mixtures containing any of the materials on the list. While the list is comprehensive, it is *not* all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in section 841 of Title 18, United States Code. Explosive compounds are listed alphabetically by their common names followed by chemical names and synonyms in brackets.

EXPLOSIVES LIST

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures.
Aromatic nitro-explosive mixture.
Ammonium perchlorate having particle size less than 45 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia].
Ammonium salt lattice with isomorphously substituted inorganic salts.
ANFO [ammonium nitrate-fuel oil].

B

BEAF [1,2-bis (2,2-difluoro-2-nitroacetoxyethane)].
Black powder.
Blasting agents, nitro-carbo-nitrates, including slurry and water-gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis (trinitroethyl) carbonate].
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1,3,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Carboxy-terminated propellant.
Cellulose hexanitrate explosive mixture.
Chlorates and red phosphorus mixture.
Chlorates and sulphur mixture.
Copper acetylide.
Crystalline picrate with lead azide explosive mixture.
Cyanuric triazide.
Cyclonite [RDX].
Cyclotetramethylenetrinitramine.

D

DATB [diaminotrinitrotetramethylene tetranitramine].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Delay powders.
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine.
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
Dipicryl sulfone.
Dipicrylamine.
DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate].
Dynamite.

E

EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders.

F

FEFO [bis(2,2-dinitro-2-fluoroethyl)].
Fulminate of mercury.
Fulminate of silver.
Fuminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hevanitrodiphylamine.
Hexanitrostilbene.
Hexogen [RDX].
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate.
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.

K

KDBNF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol.
Nitroguanidine explosives.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.
Organic peroxides.

P

Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid.
Picryl chloride.
Picryl fluoride.
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitroaminotetrazole.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5-trimethylene - 3,4,6-trinitramine; hexahydro-1,3,5-trinitro-5-triazine].

S

Safety fuse.
Salts of organic amine sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer.
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid.

T

Tacot [tetranitro - 2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetranitromethane explosive mixtures.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN [trimethylolethane trinitrate].
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthene trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates.

X

Xanthamonas hydrophilic colloid explosive mixture.

Dated: April 14, 1975.

REX D. DAVIS,
*Director, Bureau of Alcohol, Tobacco and Firearms.*

[FR Doc.75-10097 Filed 4-18-75;8:45 am]





## DEPARTMENT OF DEFENSE

### Office of the Secretary

### DEFENSE SYSTEMS MANAGEMENT SCHOOL

### Notice of Board of Visitors Meeting

A meeting of the Board of Visitors of the Defense Systems Management School will be held in the Commandant's Conference Room, Building 202, at Fort Belvoir, Virginia, on Wednesday, May 7, 1975, from 9:00 a.m. to 12:00 noon. The agenda will include reports on the DSMS expansion plans, status reports on the Executive Management and Program Management Courses, and discussion of educational policies and methods. The meeting is open to the public with limitations on space available for observers requiring allocation on a first-come, first-served basis. Persons desiring to attend should call the school (664-1314) to reserve space as far in advance as possible.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, OASD (Comptroller).*

APRIL 16, 1975.

[FR Doc.75-10298 Filed 4-18-75;8:45 am]

## DEPARTMENT OF JUSTICE

### FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 USC Appendix I) that the Seventh meeting of the Federal Advisory Committee on False Identification will be held at 10 a.m., Thursday, May 8, 1975, at the Briefing and Conference Center of the Department of Justice (opposite Room 1315), 10th and Constitution Avenue NW., Washington, D.C.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state and local levels and to recommend measures to prevent the criminal use of false identification and the obtaining of fraudulent identification documents.

At the Seventh meeting the Committee's five Task Forces will continue to examine the scope of the false identification problem in the following areas: Government payments, commercial transactions, fugitives, Federal identification documents, and state and local identification documents. Each area will be studied with emphasis on: (1) The number of cases in which member agencies or organizations are victimized by false identification; (2) the dollar impact of using false identification; (3) social and other costs of the criminal use of false identification; (4) false identification techniques and (5) user and victim profiles.

Surveys and data collected on the scope of the false identification problem will be reviewed by the Task Forces and further studies will be recommended where appropriate.

The meeting, which will adjourn at approximately 3:30 p.m., is open to the public, and the Committee welcomes a broad spectrum of ideas from the public in its efforts to increase individual privacy in identification systems and to prevent the criminal use of false identification.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 402, Federal Triangle Building, 315 9th Street NW., Washington, D.C. 20530; telephone: area code 202-739-2745. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 402, Federal Triangle Building.

JOHN C. KEENEY,
*Acting Assistant Attorney General.*

[FR Doc.75-10447 Filed 4-18-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM 25106 and 25109]

### NEW MEXICO

### Notice of Applications

APRIL 11, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 5 W.,
Sec. 6, SW¼NW¼, W½SW¼;
Sec. 21, W½NE¼.

These pipelines will convey natural gas across .624 miles of national resource lands in Rio Arriba County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75-10316 Filed 4-18-75;8:45 am]



V 40 I 77 APR 21 75 XUM V



Fish and Wildlife Service

have been received under section 10 of



OMB NO. 42-R1670

Fish and Wildlife Service

RILEY D. PATTERSON ET AL.

Receipt of Endangered Species Permit Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicants:* Riley D. Patterson, Richard C. Melton, James E. Tilley; U.S. Fish and Wildlife Service, Animal Damage Control, Federal Building—Room E-2717, 2800 Cottage Way, Sacramento, California 95825.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
There is a possibility that diseased or rabid San Joaquin kit foxes may have to be captured within the rabies epizootic area in Santa Barbara County, California beyond March 28, 1975 when the Memorandum of Understanding between the State Dept. of Fish and Game, State Department of Health, U. S. Fish and Wildlife Service and the County of Santa Barbara expires. (Over)

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
RILEY D. PATTERSON

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

| | HEIGHT | WEIGHT |
|---|---|---|
| ☒ MR. ☐ MRS. ☐ MISS ☐ MS. | 6'2-1/2" | 180 lbs. |
| DATE OF BIRTH: April 10, 1917 | COLOR HAIR: Gray | COLOR EYES: Blue |
| PHONE NUMBER WHERE EMPLOYED: 805 323 7676 | SOCIAL SECURITY NUMBER: 546121251 | |

OCCUPATION (District Supervisor): Supervisory Wildlife Biologist

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Department of the Interior
U. S. Fish and Wildlife Service
California Program of Animal Damage Control

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
U. S. Fish and Wildlife Service
Animal Damage Control
Room E2717 Federal Building
2800 Cottage Way
Sacramento, Califor-ia 95825

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 916 484-4551
Malcolm N. Allison, State Supervisor

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Santa Barbara County, California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(*If yes, list license or permit numbers*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(*If yes, list jurisdictions and type of documents*)

9. CERTIFIED CHECK OR MONEY ORDER (*If applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: March 29, 1975-Dec. 31, 1975

11. DURATION NEEDED: 8 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

**CERTIFICATION**

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): Riley D. Patterson — DATE: 2-8-75

3-200
10/74

Riley D. Patterson

No. 2 — Continued

San Joaquin kit foxes may also be trapped incidental to the capture or other wildlife vector species, chiefly the striped skunk (See attached correspondence).





OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
There is a possibility that diseased or rabid San Joaquin kit foxes may have to be captured within the rabies epizootic area in Santa Barbara County, California beyond March 28, 1975 when the Memorandum of Understanding between the State Dept. of Fish and Game, State Department of Health, U. S. Fish and Wildlife Service and the County of Santa Barbara expires. (Over)

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
RICHARD C. MELTON

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

| | HEIGHT | WEIGHT |
|---|---|---|
| ☒ MR. ☐ MRS. ☐ MISS ☐ MS. | 5'8" | 140 lb. |
| DATE OF BIRTH: 7-12-1955 | COLOR HAIR: Blond | COLOR EYES: Green |
| PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER: 561-90-7235 | |

OCCUPATION: District Field Assistant

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Department of the Interior
U. S. Fish and Wildlife Service
California Program of Animal Damage Control

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
U. S. Fish and Wildlife Service
Animal Damage Control
Room E2717 Federal Building
2800 Cottage Way
Sacramento, California 95825

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 916 484-4551
Malcolm N. Allison, State Supervisor

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Santa Barbara County, California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(*If yes, list license or permit numbers*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(*If yes, list jurisdictions and type of documents*)

9. CERTIFIED CHECK OR MONEY ORDER (*If applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: March 29, 1975-Dec. 31, 1975

11. DURATION NEEDED: 8 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

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SIGNATURE (*In ink*): Richard C. Melton — DATE: 2/9/75

3-200
10/74

No. 2 — Continued

San Joaquin kit foxes may also be trapped incidental to the capture or other wildlife vector species, chiefly the striped skunk (See attached correspondence).



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OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

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3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
RILEY D. PATTERSON

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

| | HEIGHT | WEIGHT |
|---|---|---|
| ☒ MR. ☐ MRS. ☐ MISS ☐ MS. | 6'2-1/2" | 180 lbs. |
| DATE OF BIRTH: April 10, 1917 | COLOR HAIR: Gray | COLOR EYES: Blue |
| PHONE NUMBER WHERE EMPLOYED: 805 323 7676 | SOCIAL SECURITY NUMBER: 546121251 | |

OCCUPATION (District Supervisor): Supervisory Wildlife Biologist

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Department of the Interior
U. S. Fish and Wildlife Service
California Program of Animal Damage Control

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
U. S. Fish and Wildlife Service
Animal Damage Control
Room E2717 Federal Building
2800 Cottage Way
Sacramento, Califor-ia 95825

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 916 484-4551
Malcolm N. Allison, State Supervisor

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6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Santa Barbara County, California

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8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(*If yes, list jurisdictions and type of documents*)

9. CERTIFIED CHECK OR MONEY ORDER (*If applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: March 29, 1975-Dec. 31, 1975

11. DURATION NEEDED: 8 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

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SIGNATURE (*In ink*): Riley D. Patterson — DATE: 2-8-75

3-200
10/74

Riley D. Patterson

No. 2 — Continued

San Joaquin kit foxes may also be trapped incidental to the capture or other wildlife vector species, chiefly the striped skunk (See attached correspondence).





Whereas, the U.S. Fish and Wildlife Service is supervising and administering an

All relevant comments received on or before [illegible] 1975 will be considered

ment, John H. Reagan Building, Austin, Texas 78701.

Form Approved
OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
JAMES E. TILLEY

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
There is a possibility that diseased or rabid San Joaquin kit foxes may have to be captured within the rabies epizootic area in Santa Barbara County, California beyond March 28, 1975 when the Memorandum of Understanding between the State Dept. of Fish and Game, State Department of Health, U. S. Fish and Wildlife Service and the County of Santa Barbara expires. (Over)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

| SEX | HEIGHT | WEIGHT |
|---|---|---|
| ☒ MR. ☐ MRS. ☐ MISS ☐ MS. | 6' | 200 |

| DATE OF BIRTH | COLOR HAIR | COLOR EYES |
|---|---|---|
| 805 323 7676 | Dr. Br. | Blue |

| PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER |
|---|---|
| 805 366-5870 | 567-38-5394 |

OCCUPATION
District Field Assistant

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Department of the Interior
U. S. Fish and Wildlife Service
California Program of Animal Damage Control

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
(EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION)
U. S. Fish and Wildlife Service
Animal Damage Control
Room E2717 Federal Building
2800 Cottage Way
Sacramento, California 95825

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 916 484-4551
Malcolm N. Allison, State Supervisor
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Santa Barbara County, California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE March 29, 1975-Dec. 31, 1975

11. DURATION NEEDED 8 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) James E. Tilley
DATE 2-7-75

3-200
10-70

No. 2 — Continued

San Joaquin kit foxes may also be trapped incidental to the capture or other wildlife vector species, chiefly the striped skunk (See attached correspondence).

U.S. FISH AND WILDLIFE SERVICE

MEMORANDUM

JANUARY 23, 1975.

To: Regional Director, Portland, Oregon (ADC).
From: State Supervisor, Animal Damage Control, Sacramento, California.
Subject: Endangered Species Act of 1973—Permit Requirements for Federal Personnel.

Reference is made to the telephone conversations we have had on this subject due to the wildlife rabies program that we are conducting in Santa Barbara County in cooperation with that county, the California Department of Health and the California Department of Food and Agriculture.

The problem is that we may capture an endangered San Joaquin kit fox while attempting to capture rabid grey foxes. One grey fox attacked a man in his sleeping bag at the Bates Canyon Campground, Los Padres National Forest, near Cuyama, which is approximately 39 miles northeast of the Santa Ynez epizootic area and less than one mile from the described range of the San Joaquin kit fox.

This program began as an emergency program in August, 1974, and will continue until March 28, 1975. At that time the State and County Health Departments will determine whether it will be necessary to continue the program. Should the decision be to continue, we want to be in a position to comply with the Endangered Species Act. On that date we feel sure that it would be a violation of the Endangered Species Act of 1973 to continue the work without receiving a blanket permit for our personnel or a permit for each employee engaged in the work. The Departments of Health and Food and Agriculture share our feelings in this respect.

We quote from Director Greenwalt's memorandum of June 28, 1974: *"The law provides no special exception for Bureau Personnel.* If, in the course of your official duties or otherwise, you have need to engage in any of the activities described above you *must* apply for and receive a permit." As you recommended, we discussed permit requirements regarding Mr. Greenwalt's memorandum with Charles Graham, Law Enforcement, and he feels a permit is definitely needed after March 28, 1975.

In view of the lengthy review of permit applications required by law, it appears wise to anticipate the continuance of the Santa Barbara program and apply for a permit at once. If the review process is not completed by March 28, 1975, this cooperative management program could be continued under a letter of permission as provided for in Director Greenwalt's Law Enforcement Memorandum No. 20 dated November 18, 1974.

Please advise if you agree with us.

MALCOLM N. ALLISON.

STATE OF CALIFORNIA—RESOURCES AGENCY

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET, SACRAMENTO, CALIFORNIA 95814

DECEMBER 18, 1974.

Mr. CHARLES CATTERLIN,
*Chairman, Santa Barbara Board of Supervisors, 105 East Anapamu, Santa Barbara, California 93101.*

Enclosed, Mr. CATTERLIN—is a Memorandum of Understanding between this Department, U.S. Fish and Wildlife Service, State Department of Health and County of Santa Barbara relating to the San Joaquin kit fox—rabies problem in Santa Barbara County.

We would appreciate the concurrence of Santa Barbara County. If you will sign the enclosed copies and return one to this office, we will finalize the agreement with the U.S. Fish and Wildlife Service. We suggest that you forward to your county health director and Dr. John B. Carricaburu copies of the Memorandum of Understanding so that there is no delay in carrying through with the rabies suppression program in Santa Barbara.

If you have any questions, feel free to contact my office.

Sincerely,

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(Director)

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN U.S. FISH AND WILDLIFE SERVICE, STATE DEPARTMENT OF HEALTH, COUNTY OF SANTA BARBARA AND DEPARTMENT OF FISH AND GAME, RELATING TO THE SAN JOAQUIN KIT FOX

WITNESSETH

Whereas, the California Fish and Game Commission, pursuant to the California Endangered Species Act of 1970, has declared the San Joaquin kit fox rare and has prohibited taking it except under authority granted by the Department;

Whereas, an epidemic of rabies in wildlife has prompted the Santa Barbara County Board of Supervisors to declare a state of emergency;





Whereas, the U.S. Fish and Wildlife Service is supervising and administering an animal damage control program under guidance of County and State Health authorities directed toward the reduction of wildlife rabies;

Whereas, the San Joaquin kit fox exists within the rabies control area in Santa Barbara County and may be host to the disease;

Now, Therefore, it is mutually agreed and understood as follows:

1. Prior to the initiation of control measures within specific areas within the range of the San Joaquin kit fox, as shown in the attached exhibit, determination be made by the animal control agent of the presence or absence of kit foxes.

2. Control measures undertaken within a mile radius of known kit fox occurrence, as shown in the attached exhibit or as determined by above investigation, be done in such a manner to preclude the taking of kit foxes.

3. San Joaquin kit foxes found displaying suspected symptoms of rabies may be taken for diagnostic purposes by control agents.

4. Suspected diseased carcasses, including the head, shall be delivered to: Dr. John B. Carricaburu, Santa Barbara County Veterinarian, 2851 Baseline Avenue, Santa Ynez, California.

5. The Department of Fish and Game, Disease Section, 987 Jedsmith Drive, Sacramento 95819, shall be notified immediately by Dr. Carricaburu of receipt of a San Joaquin kit fox. If found not to be rabid, the head and carcass shall be frozen and released to a Department representative for shipment to Dr. Murray Fowler, School of Veterinary Medicine, University of California, Davis, for further diagnostic work.

Furthermore, it is understood that if a situation develops wherein a kit fox attacks a person or a domestic animal the affected animal may be taken for rabies diagnosis. Unless terminated sooner by either party of this understanding giving thirty days prior written notice of earlier termination, this agreement shall commence on the date hereof and shall end March 28, 1975.

EDWARD J. SMITH,
*Acting Regional Director, U.S. Fish and Wildlife Service.*

DAVID A. WINSTON,
*Acting Director, California Department of Health.*

E. C. FULLERTON,
*Acting Director, California Department of Fish and Game.*

Dated: February 3, 1975.

FRANCIS H. BEATTIE,
*Chairman, Santa Barbara Board of Supervisors.*

Attest.
HOWARD C. MENZEL,
County Clerk-Recorder.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 21, 1975 will be considered.

Dated: April 11, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75-10090 Filed 4-18-75;8:45 am]

## TEXAS PARKS AND WILDLIFE DEPARTMENT

### Receipt of Endangered Species Permit Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* Texas Parks and Wildlife Department, John H. Reagan Bldg., Austin, Tex. 78701. Mr. Clayton T. Garrison, Executive Director.

PARKS AND WILDLIFE DEPARTMENT

FEBRUARY 14, 1975.

Mr. LYNN A. GREENWALT, *Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240*

DEAR MR. GREENWALT: This is in reference to your letter of November 7, 1974, which solicited this Department's submission of an application for an endangered species permit for the control of nuisance alligators and for the conduct of appropriate management practices.

The Texas Parks and Wildlife Department has a comprehensive research and management program for other endangered species in addition to the alligator. These programs are necessary to help insure the survival of these species within the State's boundaries. To continue these programs, a permit covering endangered species in Texas will be required to comply with provisions of the Endangered Species Act of 1973.

Under the authority given the Secretary in Section 10(a) of the Endangered Species Act of 1973, I respectfully request an Endangered Species Permit be issued in my name on behalf of the Texas Parks and Wildlife Department.

Pertinent information to support our application for a permit to fulfill requirements under 50 CFR 13, Subsection 13.12, are attached.

Your early consideration of this application for an Endangered Species Permit will be appreciated.

Sincerely,

CLAYTON T. GARRISON,
*Executive Director, Texas Parks and Wildlife Department.*

APPLICATION FOR ENDANGERED SPECIES PERMIT

TEXAS PARKS AND WILDLIFE DEPARTMENT

1. The applicant's name, mailing address and phone number are Clayton T. Garrison, Executive Director, Texas Parks and Wildlife Department, John H. Reagan State Office Building, Austin, Texas 78701; phone number 475-3117 AC 512.

2. N/A.

3. The name and address of the principal officer is Mr. Clayton T. Garrison, Executive Director, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701.

4. The location where the permitted activity is to be conducted is the State of Texas.

5. Federal Aid contracts in the form of current Program Narratives for Projects W-100-R, Attwater's Prairie Chicken, and W-103-R, Nongame Wildlife Investigations, are attached to serve as supporting as well as justifying documents to this permit application.

6. The activity planned under this permit application does not include the importation of endangered species from any foreign country.

7. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. The desired effective date of the permit to be April 1, 1975.

9. Submitted this Date, February 11, 1975.

10. Clayton T. Garrison.

11. Species information relevant to processing this application to fulfill requirements of 50 CFR 17, Subsection 17.23(a), follows:

(1) Common and scientific names of species to be covered.

a. Black-footed ferret—*Mustela nigripes.*

A survey of prairie dog towns in the Texas Panhandle and Lower Plains will be initiated in February 1975 to determine the status of the black-footed ferrets.

b. Attwater's Prairie Chicken—*Tympanuchus cupido attwateri.* An approved Federal Aid project, W-100-R, was initiated in 1969. To date, status and life history data on the Attwater's prairie chicken have been accumulated. Research to provide a semi-tame broodstock will be initiated in 1975. Studies of movements and habitat requirements of Attwater's prairie chickens within the Texas ricebelt will be continued during 1975.

c. Southern bald eagles (*Haliaeetus l. leucocephalus*):

A southern bald eagle nesting survey was initiated in 1969 to determine nesting population and nesting success each year. This survey will be continued during 1975.

d. Arctic peregrine falcon (*Falco peregrinus tundrius*).

Surveys of the fall migration have been made since 1972 to determine population trends and migration peaks. Some will be trapped and transmittered to determine daily movements and habits.

e. American peregrine falcon (*Falco peregrinus anatum*).

Surveys will be initiated in 1975 to locate and determine numbers of active eyries, breeding population and nesting success.

f. Red-cockaded woodpecker (*Dendrocopos borealis*).

A continuing trapping and color-banding program was initiated in 1969 to monitor movements, habits and habitat requirements of the red-cockaded woodpecker. Efforts will be made to determine why birds select certain trees; the causes and rate of tree mortality; and management implications.

g. American alligator (*Alligator mississipiensis*).

Surveys, initiated in 1971, will be continued to determine the current status of alligators in Texas. Additionally, nuisance alligators will be trapped and transplanted to insure the safety of the individual and of the residents in the area. A transplant program has



V 40 77 APR 21 75 XUM



been proposed to reintroduce the alligators, mark red-cockaded woodpeckers in East



Mr. Blacklock

Mr. Jack Parsons Drawer 1590 San Angelo, disseminate this information to the inter-

been proposed to reintroduce the alligators in suitable habitat within its former range.

h. Houston toad (*Bufo houstonensis*).

Field surveys, initiated during 1974, will be continued to determine current status and habitat requirements of the Houston toad.

It is expected that Department personnel will aid a research study being conducted by Texas A&M University in cooperation with the Office of Endangered Species Program, U.S. and Wildlife Service.

i. Comanche springs pupfish (*Cyprinodon elegans*).

During 1975, studies to determine the status, life history and habitat requirements will be initiated. Additionally, reintroduction of this species to areas containing suitable habitat will be considered.

j. Red wolf (*Canis rufus*).

Currently, the red wolf is under investigation by the U.S. Fish and Wildlife Service. Texas is a member of the red wolf recovery team, and it is expected that Department personnel will be utilized periodically during the investigation.

k. Fountain darter (*Etheostoma fonticoler*).

It is expected that Department personnel will aid an active research program being conducted by Southwest Texas State University at San Marcos. This research program includes trapping and transplanting the fountain darter into the formerly occupied headwaters of the Comal River.

L. Although research is not planned at present, Department personnel may have occasion to capture, possess or acquire the below listed endangered species now on the Federal list during the discharge of their official duties.

(1) Brown pelican (*Pelecanus occidentalis*).
(2) Eskimo curlew (*Numenius borealis*).
(3) Ivory-billed woodpecker (*Campephilus principalis*).
(4) Mexican duck (*Anas diazi*).
(5) Ocelot (*Felis pardalis*) 1900.
(6) Atlantic ridley turtle (*Lepidochelys kempii*) 1971.
(7) Texas blind salamander (*Typhlomolge rathbuni*) 1910.
(8) Clear Creek gambusia (*Gambusia heterochir*).
(9) Pecos gambusia (*Gambusia nobilis*).
(10) Big Bend gambusia (*Gambusia gaigei*).
(11) West Indian manatee (*Trichechus manatus*).
(12) Hawksbill turtle (*Eretmochelys imbricata*).
(13) Leatherback turtle (*Dermochelys coriacea*).
(14) Blue whale (*Balaenoptera musculus*).
(15) Finback whale (*Balaenoptera physalus*).
(16) Right whale (*Eubalaena spp.*).
(17) Sperm whale (*Physeter catodon*).
(18) Bachman's warbler (*Vermivora bachmanii*).

2. N/A.
3. N/A.
4. N/A.
5. The wildlife to be handled are residents of the State of Texas.
6. N/A.
7. No live wildlife will be imported.

MARCH 19, 1975.

CHIEF, DIVISION OF LAW ENFORCEMENT,
*U.S. Fish and Wildlife Service,*
*Washington, D.C. 20240*

DEAR SIR: Under date of February 25, the Texas Parks and Wildlife Department's Federal Bird Marking and Salvage Permit No. 6827 was expanded to give authorization to band and use radio transmitters on peregrine falcon on the Texas Gulf Coast and to color mark red-cockaded woodpeckers in East Texas. However, it was stipulated that such authorization was not valid unless accompanied by a special marking permit signed by the Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. (Copy of letter of authorization is attached.)

Accordingly, this is to request approval of the Law Enforcement Office, Washington, D.C., for authorization to band and use radio transmitters on peregrine falcon and to color mark red-cockaded woodpeckers, both endangered species. A copy of my letter of February 1, 1975, to Mr. George Jonkel is attached to substantiate my request for Law Enforcement approval.

If any further information is requested, please contact me.

Sincerely,

HAROLD D. IRBY,
*Program Director, Migratory Game.*

FEBRUARY 8, 1975.

Mr. GEORGE JONKEL,
*Chief, Bird Banding Laboratory,*
*Migratory Bird Population Station,*
*Laurel, Maryland 20810.*

DEAR MR. JONKEL: In order that the Texas Parks and Wildlife Department may continue to expand its research programs on the peregrine falcon and red-cockaded woodpecker in the next two years, it is requested that the Department's federal bird-banding permit (#6827) be modified as follows:

*Peregrine Falcon*

The authorization granted to the Texas Parks and Wildlife Department by the Bird Banding Laboratory on September 26, 1974 (BLL-23.2) to band and use radio transmitters on peregrine falcons on the Texas Coast be extended until March 31, 1977, with the following changes: During the fall of 1975 and again in 1976, one hundred (100) birds are to be banded with Fish and Wildlife Service bands and numbered plastic leg bands. Each year, twenty (20) of the birds will also be marked with radio transmitters attached to the two central tail feathers.

This authorization should extend to the following Departmental Biologists: William C. Brownlee, John C. Smith, Danny A. Swepston, Floyd E. Potter and Dan Boone.

*Red-cockaded Woodpeckers*

The authorization granted to the Texas Parks and Wildlife Department by the Bird Banding Laboratory to band and color-mark red-cockaded woodpeckers in East Texas should be renewed for two years. Authorization should include the right to use mist nets and colored leg flags in the following colors: red, orange, dark blue, light blue, white, and light green.

This authorization should extend to the following Departmental Biologists: William C. Brownlee, John C. Smith, Danny A. Swepston, Floyd E. Potter and Don Boone.

If any further information is required, please contact me.

Sincerely,

HAROLD D. IRBY,
*Program Director, Migratory Game.*

APPENDIX C

List of Persons with Special Knowledge of Rare, Endangered, and Undetermined Species in the Southwest

1. BATS

*Spotted Bat*

Dr. W. B. Davis, % Dept. of Wildl. and Fisheries Sciences, Texas A & M University, College Station, Texas 77843

Dr. James E. Scudday, Ass't Prof. of Biology, Sul Ross State Univ., Alpine, Texas 79830

Dr. Dilford Carter, % Dept. of Wildl. and Fish. Sci., Texas Tech University.

Dr. Fred Gehlbach, Dept. of Biol., Baylor Univ., Waco, Texas 76706

2. RODENTS

*Texas Kangaroo Rat*

Dr. Gehlbach.
Dr. W. B. Davis.
Dr. David J. Schmidly, Dept. of Wildl. and Fish. Sci., Texas A & M University, College Station, Texas 77843

*Guadalupe Mountain Vole*

Dr. Gehlbach.
Dr. Schmidly.
Dr. Scudday.

*Louisiana Vole*

Dr. Gehlbach.
Dr. Schmidly.
Dr. Scudday.

3. CARNIVORES

*Gray Wolf (in Texas)*

Dr. Scudday.
Dr. Schmidly.
Mr. Glynn Riley, BSFW, 504 Independence Drive, Liberty, Texas 77575.

*Red Wolf*

Mr. Riley.

Mr. James H. Shaw, School of Forestry & Env. Studies, Sage Hall, 205 Prospect Street, Yale University.

*Black-footed Ferret*

Mr. Milton Caroline, Branch of Predator & Rodent Control, Box 9037, Guilbeau Station, San Antonio, Texas 78204 (ask him for address of Lloyd Cheatheam).

Dr. Gehlbach.
Dr. Scudday.

*Swift Fox*

Dr. Scudday.
Dr. Schmidly.
Dr. W. B. Davis.

4. WATER & SHORE BIRDS

*Eastern Brown Pelican*

Dr. David Blankenship, National Audubon Society, Rockport, Texas, Telephone 512-729-5649.

Mr. Gene Blacklock, Welder Wildl. Foundation, Box 1400, Sinton, Texas 78387.

Miss Emily Payne, Corpus Christi, Welder Wildl. Foundation, Box 1400, Sinton, Texas 78387.

*Tule White-fronted Goose*

Dr. Keith Arnold, Dept. of Wildl. and Fish. Sci. Tex. A & M Univ. 77843.

Mr. Charles Stutzenbaker, Box 5191, Port Arthur, Texas 77640.

*Mexican Duck*

Dr. Arnold.
Mr. Stutzenbaker.
Mr. Tommy Halley, Ivan Star Route, Breckenridge, Texas 76024.
Dr. Scudday.

*Whooping Crane*

Refuge Manager, Aransas Nat. Wildl. Refuge, Austwell, Texas.
Dr. Blankenship.

*Eskimo Curlew*

Dr. Arnold.
Mr. Blacklock.

*Wood Ibis*

Mr. Blacklock.
Dr. Henry Hildabrand, Biol. Dept., A & I Univ., Kingsville, Texas 78363.

*White-faced Ibis*





Mr. Blacklock.
Dr. Blankenship.
Dr. Hildabrand.

Mr. Kirk King, BSFW, P.O. Box 2506, Victoria, Texas 77901.

*Western Snowy Plover*

Dr. Arnold.

*Mountain Plover*

Dr. Arnold.

*Long-billed Curlew*

Dr. Arnold.

5. BIRDS OF PREY

*Southern Bald Eagle*

John C. Smith, Texas Parks & Wildl. Dept., Austin, Texas 78701.
Raymond Fleetwood, P.O. Box 476, Angleton, Texas 77515.
Dr. Arnold.
Mr. Caroline.

*American Peregrine Falcon*

Mr. Roland Wauer, Box 728, Santa Fe, New Mexico 87501.
Mr. Smith.
Dr. Grainger Hunt, 800 North Bird St., Alpine, Texas 79830.

*Prairie Falcon*

Mr. Wauer.
Dr. Hunt.
Mr. Smith.
Mr. Tom Buchanan, Curator of Birds, Abilene Zoo, Abilene, Texas.

*Ferruginous Hawk*

Dr. Arnold.
Dr. Hunt.
Mr. Buchanan.

*American Osprey*

Mr. Smith.
Dr. Arnold.

*Caracara*

Dr. Arnold.
Dr. R. B. Davis, Dept. of Biol. A & I Univ., Kingsville, Texas 78363.

*Aplomado Falcon*

Dr. Arnold.

*Prairie Pigeon Hawk*

Dr. Arnold.
Dr. Hunt.

*Eastern Pigeon Hawk*

Dr. Arnold.
Mr. Smith.
Dr. Hunt.

*Western Burrowing Owl*

Mr. Caroline.
Dr. Arnold.
Mr. Smith.

*Arctic Peregrine Falcon*

Mr. Smith.
Dr. Hunt.
Dr. Arnold.
Mr. Ralph Rodgers, Rt. 3, Box 376, Lubbock, Texas 79401.
Dr. James Enderson, Dept. of Biol., Colo. College, Colorado Springs, Colo.

6. UPLAND GAME BIRDS

*Attwater's Greater Prairie Chicken*

Mr. W. C. Brownlee, 1702 Airline, Victoria, Texas 77901.

Dr. Jim Dodd, Range Sci. Dept., Tex. A & M Univ., College Station, Texas 77843.
Dr. Arnold.

*Lesser Prairie Chicken*

Mr. Richard Dearment, Wheeler Co. Court House, Wheeler, Texas 79096.

Mr. Jack Parsons, Drawer 1590, San Angelo, Texas 76901.

*Masked Bobwhite*

Mr. Hailey.
Mr. Pierce Uzzell, Texas Parks & Wildl. Dept., John H. Reagan Bldg., Austin, Texas 78701.
Dr. Arnold.

7. OTHER BIRDS

*Red-cockaded Woodpecker*

Mr. Dan Lay, P.O. Box 4608 SFA, Nacogdoches, Texas 75961.
Mr. Danny Swepston, Texas Parks and Wildlife Department, Austin, Texas.

*American Ivory-billed Woodpecker*

Dr. Arnold.

*Golden-cheeked Warbler*

Mr. Warren Pulich, Dept. of Biol., Univ. of Dallas Station, Irving, Texas 75060.
Mr. L. T. (Red) Adams, 706 Wayside Dr., Austin, Texas 78703.
Mr. Jack Albright, Leander, Texas 78641.
Dr. Arnold.

8. REPTILES AND AMPHIBIANS

Dr. James R. Dixon, Dept. of Wildl. & Fisheries Sciences, Texas A & M University, College Station, Texas 77843.
Mr. Floyd E. Potter, Jr., Texas Parks & Wildlife Department, Austin, Texas.
Mr. Robert A. Thomas, Dept. of Wildl. & Fisheries Sciences, Texas A & M University, College Station, Texas 77843.
Dr. Gehlbach.

9. FISH

Dr. Clark Hubbs, Dept. of Zoology, Univ. of Texas at Austin, Austin, Texas 78712.

FEDERAL AID IN FISH AND WILDLIFE RESTORATION—PROGRAM NARRATIVE

AMENDMENT NUMBER 2

State: Texas; Project No.: W-100-R.
Project Title: Attwater's Prairie Chicken.

*Research and Survey Section*

*Study Title.*—Survey, Status of the Attwater's Prairie Chicken in Texas.

III. Objective: To determine population levels, production and habitat acreage of Attwater's prairie chicken in Texas.

*Procedures:*

1. Known colonies in Austin, Colorado, Fort Bend, Galveston, Goliad, Harris, Refugio, Wharton and Victoria Counties will be censused during the late winter and spring. Aerial survey, utilizing airplanes and helicopters, will be used to locate and census booming grounds. Ground counts will be made to augment aerial surveys. Major booming areas will be censused each year to develop trend information. Additionally, a survey of the known occupied ranges will be completed every two years, utilizing both aerial and ground observations (Figure 1).

2. Ground and aerial observations during the summer months will be utilized to determine production of known colonies. Data will be recorded as to number of hens observed, number of chicks observed, date of observation and county in which observed. Additionally, nests located during other studies will be watched. Information as to number of eggs laid, number of eggs hatched, whether the nesting attempt succeeds or not, and causes for each unsuccessful nesting attempt, will be recorded.

3. Data will be published annually in Federal Aid Job Performance Reports.

*Study Title.—Information and Education.*

II. Objective: To prepare recreational, informational, and educational guides and materials about nongame, including species threatened with extinction in Texas, and to disseminate this information to the interested public by: (1) prepared materials, (2) correspondence, (3) meetings.

*Procedures:*

1. Accumulate information derived from Job numbers 1, 30, 31, 32, 40, 41, 42, 50, 51, and 60, analyze data, and prepare bulletins, pamphlets, and scientific papers showing the locations, relative abundance, life history, and habitat requirements of selected species as follows:
a. Endangered species (general).
b. American osprey.
c. Arctic peregrine falcon.
d. Birds of prey (general).
e. Fish-eating birds (general).
f. Golden-cheeked warbler.
g. Red-cockaded woodpecker.
h. Southern bald eagle.
i. American alligator.

2. Answer requests for specific information arising from phone calls, correspondence, interviews, questionnaires, slide shows, talks, and environmental impact statements.

3. Coordinate with intra- and interdepartmental divisions to facilitate conveyance and use of nongame information.

*Study Title.*—Nongame Investigations—Texas Fauna.

III. Objective: To determine the distribution, numbers, densities, and habitat requirements of selected nongame fauna with emphasis on endangered, threatened, and peripheral species in Texas.

*Procedures:*

1. Black-footed Ferret.—Prairie dog towns as listed by the Soil Conservation Service and the Bureau of Sport Fisheries and Wildlife will be sampled to determine the status of black-footed ferret in Texas. Further, any reports of ferret sightings outside sampled towns will be investigated for incorporation into the species status determination. Ferret-inhabited prairie dog towns will be analyzed in light of location, vegetation, soil type, land use, predation, etc. in an attempt to evaluate habitat requirements.

2. Osprey and Bald Eagle.—Reports of osprey and bald eagle sightings will be obtained from self addressed survey cards circulated with an explanation letter and leaflet to department field personnel, federal field personnel, members of the National Audubon Society, the Wilson's Society, licensed Texas falconers, pilot organizations, and other personnel (Appendix G. 1-4). Sightings will be categorized according to county, month, land, water (river or lake) and adults and immatures (subjective). The total number of sightings will be used to establish population trends. Known nest locations of southern bald eagles will be revisited to ascertain if nests are active or inactive. Sightings from reliable persons of previously unreported nests will be confirmed by visits to the nest location. These methods will be used to determine an annual nesting population estimate of southern bald eagles in the state.

3. Arctic Peregrine Falcon (*Falco peregrinut tundrius*).—Survey routes will be traveled along selected segments of beach on the Texas coast during September and October according to procedures modified from Ward and Berry (1972). Established routes will be traveled on the Upper, Middle, and Lower Texas coast to yield data indicating migration peaks and population trends as reflected through total sightings. Banding, colormarking, and radio telemetry operations are planned to determine the average period of time an individual falcon remains in a particular area. Such information will be used to expand seasonal observations into total seasonal populations. Falcons will be caught by roving teams employing the harnessed pigeon technique. Miniature radio



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transmitters will be placed on a number of falcons to monitor their daily movements and habits. Fish & Wildlife Service lock-on bands and International Peregrine Falcon Team color-bands will also be attached. Transmittered falcons will be relocated on migrational routes by both aerial and ground searches. Data from recoveries, returns, sightings (color-band), and telemetry will assist in converting sightings (survey route) to population totals for the survey period.

4. American Peregrine Falcon (*Falco peregrinus anatum*).—Surveys will be conducted in the Trans-Pecos falcon range to locate active eyries. Results of these surveys will be used to obtain a breeding population estimate.

5. Fish-eating birds.—Breeding populations of fish-eating birds will be estimated through an annual Texas Fish-eating Bird Survey. These estimates will be obtained through aerial surveys and detailed ground counts on the Texas coast. The major inland rookeries will be surveyed by ground counts. Counts will be made in early summer at the peak of nesting activity. Aerial and ground counts will be compared to derive suggested population totals for the various species of fish-eating birds. Data will be tabulated and an Annual Fish-eating Bird Survey Report will be published.

6. Determine movements of selected fish-eating birds anhinga (*Anhinga anhinga*), black-crowned night heron (*Nycticorax nycticorax*), black skimmer (*Rynchops nigra*), cattle egret (*Bubulcus ibis*), great blue heron (*Ardea herodias*), great egret (*Casmerodius albus*), least tern (*Sterna albifrons*), little blue heron (*Florida caerulea*), Louisiana heron (*Hydranassa tricolor*), reddish egret (*Dichromanassa rufescens*), roseatte spoonbill (*Ajaia ajaja*), snowy egret (*Lencophoyx thula*), and yellow-crowned night heron (*Nyctanassa violacea*) associated with selected coastal and inland rookeries in Texas. Principal fish-eating bird investigators will be consulted to formulate general guidelines for a standardized, large-scale fish-eating bird banding program. Separate zones will be designated to represent respective flocks for the Upper, Middle, and Lower Coast, South Inland, North Inland, and East Inland regional rookery areas. Field banding operations will be conducted in the major rookery areas during the peak of nesting from late April to July. Banded birds will be coded with an appropriate color-band placed above the ankle joint (around the distal end of the tibiotarsus). Reports of sightings will be encouraged by employing an alert program through news releases and contacts with various organizations having personnel or members in the field. Data from sightings, band recoveries, and returns will be analyzed, using accepted banding analysis techniques.

7. Potential management techniques for fish-eating birds will be tested for utility. Two experimental artificial nesting structures previously erected in Copano Bay near the mouth of the Aransas River, will be used to test usefulness of this method in encouraging population increase for the olivaceous cormorant (*Phalacrocorax olivaceus*) (Appendix H). Welder Wildlife Refuge personnel will monitor bird use as a management tool. Recommendations will be made when feasible for spoil from dredging operations in coastal bays to be deposited on selected sites which may be suitable as nesting areas for fish-eating birds. Bookery sites will be mapped according to data obtained from fish-eating bird surveys. This material will serve in habitat preservation considerations regarding proposed dredging operations.

8. Red-cockaded Woodpecker.—A trapping and color-banding program will be conducted on two study areas in Newton and Jasper Counties of East Texas. Birds on these areas will be retrapped as often as necessary to monitor movements and to catch new birds. Field observations of marked birds will be used to determine quality and quantity of habitat, population dynamics and life expectancy. Documentation of the location and condition of trees used by the birds will aid in determining why birds select certain trees as well as the causes and rate of tree mortalities. Documentation of agreements made in timber management practices on public and private lands will be made and evaluated as to their effect on the woodpecker and for development of management techniques.

9. Golden-cheeked Warbler.—A habitat and population survey will be conducted on known nesting grounds during the spring of 1974. Data will be used to update a 1964 survey made by Mr. Warren Pulich to be included in a popular life history bulletin.

10. American Alligator.—Populations will be sampled by size (age) using a line survey or other suitable method to give a more accurate estimate of population status than currently exists in Texas. Results of survey lines will be compared statistically with quadrat surveys for correlation in those areas where quadrat surveys are practical. Geographic areas where the American alligator population is undergoing changes will be determined and management procedures will be recommended toward bringing population numbers to optimum maintenance levels.

11. Houston Toad.—Field surveys will be conducted to determine current status as to distribution, numbers, and habitat requirements. Management methods will be recommended to enhance its survival.

12. Comanche Springs Pupfish.—Life history and habitat requirements will be investigated. Population numbers and range will be established. Management practices at the Balmorhea State Park refugium will be monitored to reveal any modifications needed in line with results of investigation. Reintroduction of the species to suitable habitats will be considered.

13. Analyze data and prepare a final report or publication(s).

FEDERAL AID IN FISH AND WILDLIFE RESTORATION—PROGRAM NARRATIVE

AMENDMENT NO. 5

State: Texas. Project No. W-103-R.

Project Title: Nongame Wildlife Investigations.

Approval is requested to change the title of this study from "Special Wildlife Investigations" to "Nongame Wildlife Investigations".

*Research and Survey Section*

*Study Title.*—Species Status Evaluation.

I. Objective: To enhance recovery of species threatened with statewide extinction in Texas by: (1) determining status of endangered species, (2) updating a list of endangered species in Texas as warranted by increased knowledge, (3) proposing regulations to protect endangered species.

*Procedures:*

1. (a) Delineate criteria through which the status of species can be evaluated. Schemes for evaluating the status of a species will be devised on several bases.

(b) A system of assigning numerical values (in order of importance) to pertinent situations will be utilized to obtain an evaluation index number. Other methods of determining status indicators will be examined.

(c) These techniques will be compared as to utility and practicability in assessing species status.

2. Techniques for attaining the objective will include:

(a) Survey techniques such as transect censuses for the Houston Toad and American alligator; aerial and/or ground migrational and breeding censuses for the peregrine falcon.

(b) Literature reviews of published material.

(c) Professional liaison with other agency specialists.

(d) Questionnaire surveys to professional and semi-professional public.

3. Implement procedures for deleting as well as adding species to the official endangered species list. A systematic schedule for periodic review of species on the Texas list and for other candidate species will be prepared. This schedule will be tested in order to determine the most appropriate review interval, but will not preclude provisions of species additions or deletions on the list as specified in H.B. 260.

4. Recommendations for additions and/or deletions of species from official list will be made by project personnel when collected data justifies, or by the general public when its justification qualifies according to the specification of H.B. 260.

5. Prepare and disseminate regulations and official list of fish and wildlife threatened with statewide extinction based on species status, information derived from literature reviews, federal and state laws, and various project jobs.

*Study Title.*—Requirements of Attwater's Prairie Chicken.

V. Objective: To determine factors limiting the distribution and abundance of Attwater's prairie chicken.

*Procedures:*

1. Two study areas were selected in the prairie chicken's present range (Figure 2) at beginning of the study in 1970. One area of approximately 10,000 acres is located north of Victoria, Victoria County. The second study area involves 40,000 acres in the vicinity where Colorado, Austin and Wharton Counties join. Chickens will continue to be trapped and marked. Activity will be recorded with the use of telemetry equipment. Individuals of both sexes will be followed to determine feeding, breeding, roosting, nesting and brooding territories. Additionally, shelter requirements in relation to the above activities will be recorded. The chicken will be located by the telemetry triangulation method and its location recorded on an aerial photograph of the area. Each chicken will be located at least once each day and more frequently if possible. When transmitter batteries become weak, the chicken will be located and with the use of spotlights and dip nets, the chicken will be trapped, the battery replaced, and the bird re-released. It is estimated that data on four birds of each sex in this area will give the required information needed for determining the chicken's home range and its activities within each type of its territorial range. In conjunction with the movement study, vegetative classification will be made to describe the physiognomy of the prairie chicken range. This classification will follow the life form categories of Du Rietz. Vegetative measurements outlined by Anderson will be taken where birds are sighted or flushed. The use of each type of life form will be recorded in association with the activity of the chicken.

2. Two booming grounds containing approximately the same number of males will be selected in both Colorado and Victoria Counties. Trapping in Colorado and Victoria Counties will occur during 1974 and 1975 respectively. All males on the booming grounds will be captured by utilizing the helinet and rocket net methods. Captured males will be banded with colored bands coded to the respective booming ground. Captured birds will be released where initially observed immediately before pursuit or capture. During booming activities the following spring, all males utilizing these booming grounds will be counted and observed closely to determine the number of banded birds returning, shifting between booming grounds, and number of young or "new" birds present. Banded birds observed elsewhere than on the four study grounds will be recorded.

3. Data will be analyzed and published in an appropriate wildlife journal or as a Departmental Technical Bulletin.

*Study Title.*—Management of Attwater's Prairie Chicken.

VI. Objective: To determine, develop and initiate management practices designed to increase prairie chicken numbers throughout its present range.

*Procedures:*

1. Thirty to thirty-six prairie chicken eggs will be collected in Victoria and Austin Counties. The eggs will be incubated under bantam hens. During incubation, the hens will be allowed to range out of the cage during the day. The broods will be caged each night until the chicks are four weeks of age. Records will be maintained as to number of eggs collected, number hatched, number surviving to four weeks of age and number surviving to eight weeks of age. After 8 weeks of age, the chickens will be banded and released on the Victoria study area. Cause of chick losses during the study will be determined when possible.

2. A literature review will be made on control methods for huisache, running liveoak, Chinese tallow, McCartney rose, baccharis waxmyrtle and mesquite. The use of chemicals will be in accordance with existing regulations for Victoria County. The use of unregistered chemicals will be accomplished under the direction of Texas A&M Experimental Range Research Station and Range Extension Service. Where practical, control methods will be tested to determine cost and effectiveness of the treatment.

3. Five tracts will either be leased under long term agreements or purchased. Each tract will be located in close proximity to known booming grounds and will vary in size to determine the optimum size for maximum nesting usage. The tracts will be 20–40, 40–60, 60–80, 80–100, and 100–120 acres respectively and will be located in the Austin, Colorado, Wharton County chicken range. Each tract will be developed as required to provide maximum nesting cover and protection.

4. Two food plot areas of 25 acres each will be developed within the chicken range in Victoria County to determine brood survival. The food plots will be planted to milo maize, red top cane, soybeans, or peanuts. Survival will be determined by conducting hen/poult counts in the areas of the food plots and in areas containing no plots.

5. Data will be analyzed and published in an appropriate journal or as a Departmental Technical Bulletin.

AUGUST 12, 1974.

SPECIAL AGENT IN CHARGE,
*U.S. Fish and Wildlife Service,*
*P.O. Box 61161,*
*Houston, Texas 77061.*

DEAR SIR: The Texas Parks and Wildlife Department hereby requests permission to take and transport nuisance American alligators (*alligator mississipiensis*) from problem situations to known areas of habitat suitable for additional alligators within the State.

The principal permittee would be Clayton T. Garrison, Executive Director. Personnel of the Department are qualified in alligator capture and transportation.

Such activities would be conducted throughout the State of Texas, but the primary area of concern is the eastern one-half of the State. Requested effective date of this permit is September 15, 1974, for an indefinite period.

Public fear of adult alligators which move into areas where they are not wanted makes it necessary to remove the animals and place them in a more receptive situation. It is imperative that a permit be granted to the Parks and Wildlife Department so that a legal means will be possible for moving nuisance alligators in order to enhance their chances for survival.

Sincerely,

CLAYTON T. GARRISON,
*Executive Director,*
*Texas Parks and Wildlife Department.*

MAY 29, 1974.

MR. LYNN GREENWALT,
*Bureau of Sport Fisheries and Wildlife,*
*Washington, D.C. 20240*

DEAR SIR: The Texas Parks and Wildlife Department requests issuance of a master permit in my name authorizing personnel of the Parks and Wildlife Department to take and transport nuisance alligators in the interest of preservation of the resource.

Sincerely,

CLAYTON T. GARRISON,
*Executive Director,*
*Texas Parks and Wildlife Department.*

APRIL 1, 1974.

DEAR FELLOW TEXAN: The Texas Parks and Wildlife Department is continuing its survey to determine the population, density and nesting trends of the American Bald Eagle and American Osprey in this State. We would like to solicit your cooperation and aid in the completion of this study. This data will allow the Department to establish population levels of Texas fish hawks and eagles. We also hope to determine the nesting success of these endangered species so that future problems which might arise with these birds can be carefully monitored.

You will find enclosed 3 forms on which we would like for you to share your knowledge of observed birds and existing nest locations of these species. The data that we desire consists of (1) exact location of observed birds, (2) exact location of active or inactive nests (county and directions to the nest site) and (3) a brief description of the nesting site (species of tree, alive or dead, whether the area is forested or open, etc.). Such descriptions will enable us to locate these nests in future years. Nest sites reported will be subsequently visited to determine more specific information. Nest site locations will be held in confidence and not released to the general public. However, characteristics and success of nest sites will be published. Please include nests that you have reported previously and their current status.

Your assistance last year produced 571 bald eagle and 331 osprey observations as well as 6 active bald eagle nests throughout the State.

At this time, please report observations of bald eagles and osprey, listing only one species per form. An observation includes the bird(s) seen at any one time. If additional forms are needed, simply place your request in the "comments" section of one of your completed forms.

Your cooperation in helping us make this an effective survey is certainly appreciated.

Sincerely,

CLAYTON T. GARRISON,
*Executive Director,*
*Texas Parks and Wildlife Department.*

To: Biologists, Fish & Wildlife Technicians, Game Wardens and Park Superintendents.

From: Executive Director.

Subject: Bald Eagle and Osprey Survey.

It is again that time of the year when we need to make our survey of bald eagles and osprey (Project W–103–R) to determine the number of these endangered species located in the State during the winter months. Your assistance last year produced 571 bald eagle and 331 osprey observations as well as 6 active bald eagle nests.

Enclosed are forms for reporting information you may have on observations of bald eagles, osprey or their nests. Data needed consists of (1) exact location of observed birds, (2) exact location of active or inactive nests, and (3) a brief description of the nesting site (species of tree, alive or dead, whether the area is forested or open, etc.). Nest sites reported in this survey will be subsequently visited to determine more specific information. The characteristics and success of nest sites will be published and made available to you upon request.

I will expect the same fine assistance and cooperation on this year's survey that was received from you last year. If you have any comments and/or recommendations which might improve this type of survey, please advise.

CLAYTON T. GARRISON.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 21, 1975 will be considered.

Dated: April 14, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75–10068 Filed 4–18–75;8:45 am]

## LEOPARD AND CLOUDED LEOPARD

### Review of Endangered Species Status

In 1972 the U.S. Department of the Interior declared the leopard (*Panthera pardus*) to be an Endangered species throughout its natural range. This determination reflected an apparent serious decline in the numbers and distribution of the leopard, primarily because of commercial exploitation and habitat modification. Designation as Endangered essentially ended the legal importation of leopards and their skins into the United States. Within the last few years, however, there have been reports that the leopard may not be Endangered





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throughout its range, and that some

Fryingpan-Arkansas Project Office, Bureau of



information on the status of Forest Serv-

throughout its range, and that some legal exploitation may be permissible. During the same period, however, evidence has accumulated to indicate that a smaller relative of the leopard, the clouded leopard (*Neofelis nebulosa*) of Southeast Asia, may have declined to the point where its survival is in jeopardy.

In December 1973, a new Endangered Species Act went into effect. This law enables a species to be classified either as Endangered or Threatened, and allows both these classifications to be applied to different parts of the range of a species. The "Endangered" classification carries with it a ban on taking or importing; but a "Threatened" classification allows whatever regulations are thought advisable within any designated part of the range of a species. It should be emphasized, however, that the "Threatened" classification by law could carry the same prohibitions as the "Endangered" classification.

Notice hereby is given that the Department of the Interior has evidence on hand to warrant a review to determine whether the leopard (*Panthera pardus*) should be reclassified as Threatened in any part of its range, and whether the clouded leopard (*Neofelis nebulosa*) should be proposed for listing as either an Endangered or Threatened species. The review will consider all factors that may affect these species, such as legal and illegal hunting, fur trapping and exporting, government regulations and enforcement, local and national attitudes, commercial and economic pressures, availability of prey species, depredations on livestock, expansion of human population, habitat destruction, and environmental alteration.

The Department is seeking the views of the governments of all countries in which the leopard and clouded leopard occur. Other interested parties hereby are invited to submit any factual information, including publications and written reports, which is germane to this status review. Such information should be submitted within 90 days to the Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

LYNN A. GREENWALT,
*Director, Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10310 Filed 4-18-75;8:45 am]

## UNITED STATES PLANTS

### Review of Endangered Species Status

Notice is hereby given that the Department of the Interior has been petitioned and has sufficient evidence on hand to warrant a review of the following species of plants to determine whether they should be proposed for listing as either "endangered" or "threatened" species as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

| Scientific name | Common name | Where found |
|---|---|---|
| *Aconitum noveboracense.* | Monkshood | Iowa, Ohio, New York, and Wisconsin. |
| *Sullivantia renifolia.* | Sullivantia | Illinois, Iowa, Minnesota, Missouri, and Wisconsin. |
| *Primula mistassinica.* | Bird's-eye Primrose. | Illinois, Iowa, Maine, Michigan, New York, Wisconsin, and Canada (Labrador, New Brunswick, Quebec, Ontario). |
| *Saxifraga forbesii.* | Forbe's Saxifrage. | Illinois, Iowa, Minnesota, Missouri, and Wisconsin. |

The Department is seeking the views of the Governors of Illinois, Iowa, Maine, Michigan, Minnesota, Missouri, New York, Ohio and Wisconsin and the Government of Canada where those species of plants are found. Other interested parties are hereby invited to submit any factual information, including publications and written reports, which is germane to this status review.

Such information should be submitted within 90 days to: Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

LYNN A. GREENWALT,
*Director, Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10309 Filed 4-18-75;8:45 am]

### Office of the Secretary

[INT FES 75-43]

## AUTHORIZED FRYING PAN-ARKANSAS PROJECT, COLO.

### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on a proposed water supply and hydroelectric power project for the purposes of furnishing power and municipal, industrial and irrigation water to the power and water deficient areas of the Arkansas River Basin and eastern Colorado. Comments received in letters and at the public hearings are included and addressed.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-9247.
Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3014.
Office of the Regional Director, Bureau of Reclamation, Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3779.
Fryingpan-Arkansas Project Office, Bureau of Reclamation, P.O. Box 515, Pueblo, Colorado 81002, Telephone (303) 544-2200.
Pikes Peak Regional Library District, P.O. Box 1597, Colorado Springs, Colorado 80901.
Pitkin County Public Library, 110 East Main, Aspen, Colorado 81611.
Mr. Robert W. Roehr, Pueblo Regional Library, 100 East Abrieno Avenue, Pueblo, Colorado 81004.
Lake County Public Library, 1115 Harrison, Leadville, Colorado 80461.
Buena Vista Public Library, Box U, Buena Vista, Colorado 81211.
Southern Colorado State College, 2300 Bonforte Boulevard, Pueblo, Colorado 81001.
Colorado Mountain College—West Campus, Learning Resources Center, 803 Colorado Avenue, Glenwood Springs, Colorado 81601.
Canon City Public Library, 512 Mason Avenue, P.O. Box 361, Canon City, Colorado 81212.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

Dated: April 16, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10343 Filed 4-18-75;8:45 am]

# FEDERAL HOME LOAN BANK BOARD

[H.C. 193]

## TRANS-WORLD FINANCIAL CO.

### Receipt of Application for Permission To Acquire Control of Golden West Financial Corp.

APRIL 16, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Trans-World Financial Co., Los Angeles, California, a multiple savings and loan holding company, for approval of acquisition of control of the Golden West Financial Corporation, San Francisco, California, a multiple savings and loan holding company, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(c)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by an exchange of the common stock of Trans-World Financial Co. for the common stock of Golden West Financial Corporation. Following said acquisition, it is proposed that Golden West Savings and Loan Association, an insured subsidiary of Golden West Financial Corporation, be merged into World Savings and Loan Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Company Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before May 21, 1975.

[SEAL]

GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary, Federal Home Loan Bank Board.*

[FR Doc.75-10333 Filed 4-18-75;8:45 am]





# DEPARTMENT OF AGRICULTURE

[Marketing Order 905]

### Agricultural Marketing Service

## SHIPPERS ADVISORY COMMITTEE

### Notice of Meeting

Marketing Order No. 905, 7 CFR Part 905 regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on May 6, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committeei ncludes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: April 18, 1975.

JOHN C. BLUM,
*Associate Administrator.*

[FR Doc.75-10543 Filed 4-18-75;11:40 am]

### Forest Service

## ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975

### Notice of Status

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of March 15, 1975. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land use planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

Dated: April 10, 1975.

R. MAX PETERSON,
*Deputy Chief, Forest Service.*

FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975

| Title of environmental statement | Location of proposal | Nature of proposal (i.e., land use, herbicide, etc.) | Responsible official | Date draft filed with CEQ (or estimated date) | Estimated date of final |
|---|---|---|---|---|---|
| Washington Office: USDA, Forest Service, 12th St. and Independence Ave., SW., Washington, D.C. 20250: | | | | | |
| Flaming Gorge National Recreation Area general management plan. | Ashley National Forest, Utah. | Land use plan | Chief | April 1975 | August 1975. |
| *Regulations for protection of surface values of Federal lands in Sawtooth National Recreation Area. | Sawtooth National Forest, Idaho. | Legislation | do | July 1975 | January 1976. |
| Salmon River Wild and Scenic River | Idaho | do | do | June 1975 | December 1975. |
| * Teton corridor wilderness classification | Bridger-Teton National Forest, Wyo. | do | do | July 1975 | Do. |
| * Lone Peak | Wasatch and Uinta National Forests, Utah. | New wilderness study area | do | April 1975 | September 1975. |
| Triangle Ranch Land Exchange | Modoc National Forest, Calif. | Land exchange | do | September 1974 | May, 1975. |
| *North Fork American River Wild and Scenic | Tahoe National Forest, Calif. | Legislation | do | | |
| *Land acquisition from Southern Pacific Land Co. | Shasta-Trinity, Calif. | Land acquisition | do | | |
| Sandia Peak Tram Co | Cibola National Forest, N. Mex. | Land exchange | do | November 1974 | April 1975. |
| *Portage—Twelve Mile | Stikine Area, Alaska | Resource plan | do | September 1974 | March 1975. |
| *Alaska lumber and pulp 5-year cutting plan | Chatham Area, Alaska | do | do | January 1976 | |
| *Flathead Wild and Scenic River proposal | Flathead National Forest, Mont. | Legislative | do | September 1973 | |
| St. Joe Wild and Scenic River proposal | St. Joe National Forest, Idaho. | do | do | April 1975 | |
| Skagit Wild and Scenic River study | Mount Baker-Snoqualmie National Forest, Wash. | do | do | May 1975 | January 1976. |
| Oregon Dunes National Recreation Area | Siuslaw National Forest, Oreg. | Wilderness study | do | October 1974 | July 1975. |
| *Illinois River study | Siskiyou National Forest, Oreg. | Legislation | do | October 1975 | April 1976. |
| *Nachess-Tieton-White River land use plan | Mount Baker-Snoqualmie National Forest, Wash. | Land use plan legislation | do | June 1975 | December 1975. |
| *Alpine Lakes | do | do | do | July 1973 | May 1975. |
| Pere Marquette Scenic River | Manistee National Forest, Mich. | Legislation | do | February 1974 | June 1975. |
| Open Pit Copper and Nickel Mining | Superior National Forest, Minn. | Land use plan | do | June 1976 | December 1976. |
| Northern Region, Region 1: USDA Forest Service, Federal Bldg., Missoula, Mont. 59801: | | | | | |
| *Bitterroot South | Bitterroot National Forest, Mont. | do | Forest supervisor | March 1975 | June 1975. |
| *Sapphires | do | do | do | May 1975 | November 1975. |
| *Lowest West Fork | do | do | do | April 1975 | September 1975. |
| Warm Springs-Medicine Tree | do | do | do | May 1975 | November 1975. |
| Little Sleeping Child-Rye | do | do | do | November 1975 | March 1976. |
| Camp-Tolan | do | do | do | October 1973 | April 1975. |
| Timber management plan, Bitterroot National Forest. | do | Resource plan | Regional forester | June 1975 | October 1975. |
| Timber management plan | Coeur d'Alene National Forest, Idaho. | do | do | do | |
| Do | St. Joe National Forest, Idaho. | do | do | do | |
| Emerald Creek | do | Land use plan | Forest supervisor | April 1975 | |
| Siwash | do | do | do | September 1975 | |
| Napoleon | Kaniksu National Forest, Idaho. | do | do | June 1975 | |
| Lakeview | do | do | do | February 1975 | June 1975. |



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FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975—Continued



FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975—Continued

FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975—Continued

| Title of environmental statement | Location of proposal | Nature of proposal (i.e., land use, herbicide, etc.) | Responsible official | Date draft filed with CEQ (or estimated date) | Estimated date of final |
|---|---|---|---|---|---|
| Northern Region, Region 1: USDA Forest Service, Federal Bldg., Missoula, Mont. 59801—Continued. | | | | | |
| Smith Creek | do | do | do | March 1975 | July 1975. |
| Blacktail | do | do | do | June 1975 | |
| Elk River | do | do | do | May 1975 | |
| Interim timber management plan | do | Resource plan | Regional forester | June 1974 | March 1975. |
| Pryor Mountain Complex | Custer National Forest, Mont. | Land use plan | Forest supervisor | | Do. |
| Beartooth Highway | Custer, Gallatin, Shoshone National Forest, Mont. and Wyo. | do | do | April 1975 | November 1975. |
| Rolling Prairie | Custer National Forest, N. Dak. | do | do | December 1974 | July 1975. |
| Beartooth Face | Custer National Forest, Mont. | do | do | February 1976 | July 1976. |
| Sioux | Custer National Forest, Mont. and S. Dak. | do | do | November 1975 | May 1976. |
| Ashland | Custer National Forest, Mont. | do | do | December 1975 | Do. |
| Basin unit plan | Deerlodge National Forest, Mont. | do | do | May 1975 | September 1975. |
| North End plan | do | do | do | do | Do. |
| Skalkaho-East Fork Unit plan | do | do | do | October 1975 | February 1976. |
| Fleecer Unit plan | do | do | do | February 1975 | May 1976. |
| *Lake Five | Flathead National Forest, Mont. | do | do | July 1974 | May 1975. |
| Big Mountain master plan | do | Winter sports site | do | April 1974 | July 1975. |
| Cedar Bassett | Gallatin National Forest, Mont. | Land use plan | do | August 1973 | May 1975. |
| Hebgen Lake | do | do | do | December 1974 | April 1975. |
| West Yellowstone | do | do | do | August 1975 | December 1975. |
| Ski Yellowstone | do | Winter sports | do | April 1975 | July 1975. |
| Big Tepee | do | Timber sale | do | February 1974 | April 1975. |
| South Fork Swan Creek | do | do | do | do | Do. |
| Elkhorn | Helena National Forest, Mont. | Land use plan | do | | Do. |
| Colorado-Unionville-Travis | do | do | do | June 1975 | April 1976. |
| East Belts | do | do | do | September 1975 | July 1976. |
| Mike Horse | do | do | do | January 1976 | November 1976. |
| Magpie-Confederate | do | do | do | October 1975 | September 1976. |
| Ophir Dog-MacDonald Pass | do | do | do | January 1976 | November 1976. |
| Nevada-Ogden | do | do | do | June 1976 | April 1977. |
| Callahan | Kootenai National Forest, Mont. | do | do | July 1974 | April 1975. |
| *West Kootenai | do | do | do | April 1975 | October 1975. |
| *Cross Mountain | do | do | do | do | September 1975. |
| *O'Brien | do | do | do | do | October 1975. |
| *Seventeenmile | do | do | do | June 1975 | November 1975. |
| *Dickey-Sunday | do | do | do | April 1975 | October 1975. |
| Big Swede | do | do | do | July 1975 | January 1976. |
| Pinkham | do | do | do | June 1975 | March 1976. |
| *Keeler | do | do | do | August 1975 | April 1976. |
| *Pipe | do | do | do | do | January 1976. |
| Smith River | Lewis and Clark National Forest, Mont. | do | do | May 1975 | December 1975. |
| Rocky Mountain Front | do | do | do | do | Do. |
| Little Snowy | do | do | do | do | Do. |
| Logging-Pilgrim Creek | do | do | do | July 1975 | February 1976. |
| Castle Mountain | do | do | do | June 1975 | Do. |
| Eagle-Smokey Mountain | do | do | do | August 1975 | March 1976. |
| Yogo-Bear Park | do | do | do | do | Do. |
| Prospect Creek | Lolo National Forest, Mont. | do | do | December 1975 | July 1976. |
| Placid-Blanchard | do | do | do | June 1975 | December 1975. |
| Ward-Eagle | do | do | do | August 1974 | April 1975. |
| North Cutoff-Kennedy | do | do | do | June 1975 | December 1975. |
| Minemile | do | do | do | July 1975 | January 1976. |
| Petty Mountain | do | do | do | April 1975 | October 1975. |
| Kelly-Bullion | Nez Perce National Forest, Idaho. | do | do | June 1974 | September 1975. |
| Rainy Day | do | do | do | March 1975 | July 1975. |
| Stillman Point | do | do | do | do | October 1975. |
| Red River | do | do | do | April 1975 | Do. |
| Mill Creek | do | do | do | December 1975 | April 1976. |
| Hot Point | do | do | do | September 1975 | Do. |
| Blue Ridge | do | do | do | April 1976 | November 1976. |
| Slate Creek | do | do | do | October 1975 | March 1976. |
| Crooked Creek-Orogrande | do | do | do | May 1976 | December 1976. |
| Timber management plan | do | Resource plan | Regional forester | October 1975 | March 1976. |
| Rocky Mountain Region, Region 2: USDA, Forest Service, 11177 West 8th Ave., P.O. Box 25127, Denver, Colo. 80225: | | | | | |
| *East Fork Troublesome Creek | Arapaho National Forest, Colo. | Land use plan | Forest supervisor, Routt National Forest. | April 1976 | November 1976. |
| Timber management | do | Resource plan | Regional forester | December 1974 | April 1975. |
| Snake River unit | do | Land use plan | Forest supervisor, White River National Forest. | April 1975 | August 1975. |
| Timber management | Bighorn National Forest, Wyo. | Resource plan | Regional forester | January 1975 | April 1975. |
| Do | Grand Mesa-Uncompahgre National Forests, Colo. | do | do | December 1974 | Do. |
| Do | Gunnison National Forest, Colo. | do | do | do | Do. |
| *East River | Gunnison and White River National Forests, Colo. | Land use plan | Forest supervisors. | June 1975 | September 1975. |
| *Grand Mesa-Muddy Creek | Gunnison-Grand Mesa National Forests, Colo. | do | do | do | Do. |
| *Savage Run | Medicine Bow National Forest, Wyo. | do | do | do | Do. |
| Ryan Park | do | Winter sports site | do | April, 1975 | July 1975. |
| Timber management | do | Resource plan | Regional forester | December 1974 | April 1975. |





FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975—Continued

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|---|---|---|---|---|---|
| Rocky Mountain Region, Region 2: USDA, Forest Service, 11177 West 8th Ave., P.O. Box 25127, Denver, Colo. 80225—Continued: | | | | | |
| *Southern San Juan Mountains | Rio Grande National Forest, San Juan National Forest, Colo. | Land use plan | Forest supervisors. | December 1975 | April 1976. |
| *South Fork (includes Wolf Creek Ski area) | Rio Grande National Forest, Colo. | do | do | April 1975 | June 1975. |
| Timber management | do | Resource plan | Regional forester | December 1974 | April 1975. |
| *Bears Ears unit | Routt National Forest, Colo. | Land use plan | Forest supervisor | April 1975 | August 1975. |
| *Blacktail | do | do | do | do | Do. |
| *Mount Welba | do | do | do | February 1975 | July 1975. |
| Timber management | do | Resource plan | Regional forester | October 1974 | March 1975. |
| *Storm Peak | San Juan National Forest, Colo. | Land use plan | Forest supervisor | March 1975 | June 1975. |
| *First Fork | do | do | do | | |
| Timber management | do | Resource plan | Regional forester | February 1975 | Do. |
| Beartooth Highway unit (w/region 1) | Shoshone, Gallatin, and Custer National Forests, Mont. and Wyo. | Land use plan | Forest supervisors | June 1975 | December 1975. |
| Timber management | Shoshone National Forest, Wyo. | Resource plan | Regional forester | February 1975 | June 1975. |
| *Thompson Creek management unit | White River National Forest, Colo. | Land use plan | Forest supervisor | January 1975 | July 1975. |
| *Upper Eagle unit | do | do | do | April 1975 | December 1975. |
| Marble Winter Sports site | do | Winter sports site | do | April 1973 | May 1975. |
| Southwestern Region, Region 3: USDA, Forest Service, 517 Gold Ave., SW., Albuquerque, N. Mex. 87102: | | | | | |
| Aquatic Weed Control | Apache-Sitgreaves National Forest, Ariz. | Herbicide | Regional forester | March 1974 | March, 1975. |
| Black River | do | Land use plan | Forest supervisor | June 1975 | November, 1975. |
| Timber management plan | Sitgreaves National Forest, Ariz. | Resource plan | Regional forester | do | December, 1975. |
| Off-road vehicle | Carson National Forest, N. Mex. | Land use plan | Forest supervisor | March 1976 | October, 1976. |
| Sipapu Ski Area expansion | do | Winter sports | Regional forester | November 1975 | May, 1976. |
| Taos Ski Valley | do | do | do | April 1974 | September, 1975. |
| *Bokum Resource Corp., mineral entry | Cibola National Forest, N. Mex. | Roadless area | do | May 1975 | August, 1975. |
| *Manzano Mountain | do | Land use plan | Forest supervisor | March 1975 | December, 1975. |
| *Sandia Mountain | do | do | do | November 1973 | April, 1975. |
| Mount Taylor Ski Area | do | Winter sports | Regional forester | December 1975 | June, 1976. |
| Oak Creek | Coconino National Forest | Land use plan | Forest supervisor | May 1975 | August, 1975. |
| Stumpwood Harvest | do | Timber plan | do | February 1975 | Do. |
| Woods Canyon | do | Land use plan | do | March 1975 | May, 1975. |
| Anamax land exchange | Coronado National Forest, Ariz. | Land exchange | Regional forester | July 1975 | December, 1975. |
| Huachuca | do | Land use plan | Forest supervisor | March 1975 | September, 1976. |
| Off-road vehicle | do | do | do | February 1976 | June, 1976. |
| *Santa Catalina | do | do | do | March 1975 | August, 1975. |
| South Kaibab | Kaibab National Forest, Ariz. | Resource plan | Regional forester | April 1975 | Do. |
| Williams land use plan | do | Land use plan | Forest supervisor | September 1975 | March, 1976. |
| Eagle Creek Dam and Reservoir | Lincoln National Forest, N. Mex. | do | do | October 1975 | Do. |
| Guadalupe | do | do | do | July 1975 | January 1976. |
| Phelps-Dodge | Prescott National Forest, Ariz. | Land exchange | Regional forester | March 1975 | July 1975. |
| Clarkdale-Williams Highway No. 279 | do | Road | do | February 1972 | September 1975. |
| Timber management plan | do | Resource plan | do | June 1975 | Do. |
| Gallina unit plan | Santa Fe National Forest, N. Mex. | Land use plan | Forest supervisor | do | December 1975. |
| *Pecos land use plan | do | do | do | December 1975 | June 1976. |
| *Reclassification of dome roadless area | do | do | do | February 1975 | June 1975. |
| Cholla project | Tonto, Apache, Sitgreaves National Forests, Ariz. | do | Regional forester | August 1974 | April 1975. |
| Salt River project, Pinnacle Peak Goldfield transmission line. | Tonto National Forest, Ariz. | Powerline | do | October 1975 | January 1976. |
| Mogollon Rim | Tonto, Apache-Sitgreaves, Coconino National Forests, Ariz. | Land use plan | Forest supervisor | January 1974 | May 1975. |
| Plant control program | Regionwide | Land treatment | Regional forester | April 1974 | April 1975. |
| Vegetation control by mechanical, chemical and fire treatment in Arizona and New Mexico. | Apache-Sitgreaves, Carson, Gila, Coconino, Tonto, Coronado, Lincoln National Forests, Ariz. | do | do | June 1974 | Do. |
| Arizona adjustment plan | Apache-Sitgreaves, Coconino, Kaibab, Prescott, Tonto National Forests, Ariz. | Landownership | do | December 1974 | March 1975. |
| Intermountain Region, Region 4: USDA, Forest Service, 324—25th St., Ogden, Utah 84401: | | | | | |
| Timber management plan | Ashley National Forest, Utah. | Resource plan | do | June 1975 | December 1975. |
| Long Park Reservoir | do | Reservoir construction | Forest supervisor | do | Do. |
| *Bear Valley planning unit | Boise National Forest, Idaho. | Land use plan | do | December 1974 | March 1975. |
| *Idaho City planning unit | do | do | do | March 1975 | June 1975. |
| *Landmark planning unit | do | do | do | do | Do. |
| *Middle Fork Boise planning unit | do | do | do | do | Do. |
| Shafer planning unit | do | do | do | do | Do. |
| *South Fork Payette planning unit | do | do | do | January 1975 | May 1975. |
| *South Fork Salmon planning unit | Boise and Payette National Forests, Idaho. | do | do | do | Do. |



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FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975—Continued



FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975—Continued

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|---|---|---|---|---|---|
| Intermountain Region, Region 4: USDA, Forest Service, 324—25th St., Ogden, Utah 84401—Con. | | | | | |
| *Garden Valley planning unit | Boise National Forest, Idaho. | do | do | March 1975 | June 1975. |
| *Squaw Creek planning unit | do | do | do | April 1975 | Do. |
| *Cascade planning unit | do | do | do | March 1975 | Do. |
| *Big Piney planning unit | Bridger-Teton National Forest, Wyo. | do | do | do | Do. |
| *West Slope of Wind River Mountains planning unit. | do | do | do | July 1975 | November 1975. |
| *Union Pass planning unit | do | do | do | March 1975 | July 1975. |
| *Greys-Salt River planning unit | do | do | do | June 1975 | September 1975. |
| *Timber management plan | do | Resource plan | Regional forester | July 1975 | October 1975. |
| Highorn Winter Sports site | Caribou National Forest, Idaho. | Winter sports | Forest supervisor | November 1974 | July 1975. |
| *Pioneer Mountains | Challis, Sawtooth National Forest, Idaho. | Land use plan | do | March 1975 | June 1975. |
| *Boulder Mountain | Dixie National Forest, Utah. | do | do | October 1974 | March 1975. |
| *Markagunt Plateau | do | do | do | April 1975 | August 1975. |
| *Pansagunt-Sevier | do | do | do | October 1975 | March 1976. |
| *Salina unit plan | Fishlake National Forest, Utah. | do | do | April 1975 | October 1975. |
| *Mount Moriah | Humboldt National Forest, Nev. | do | do | July 1975 | December 1975. |
| *Ruby Mountains | do | do | do | December 1974 | April 1975. |
| *Monticello planning unit | Manti-LaSal National Forest, Utah. | do | do | April 1975 | August 1975. |
| *Moab planning unit | Manti-LaSal National Forest, Colo.-Utah. | do | do | July 1975 | November 1975. |
| *Council planning unit | Payette National Forest, Idaho. | do | do | June 1975 | December 1975. |
| *McCall planning unit | do | do | do | December 1975 | March 1976. |
| *New Meadows planning unit | do | do | do | May 1975 | November 1975. |
| *Warren planning unit | do | do | do | December 1974 | April 1975. |
| Payette timber management plan | do | Resource plan | Regional forester | April 1975 | June 1975. |
| Boulder planning unit | do | Land use plan | Forest supervisor | December 1975 | April 1976. |
| *Beartrap-Dutchler planning unit | Salmon National Forest, Idaho. | do | do | August 1975 | January 1976. |
| *Red Rock planning unit | do | do | do | October 1974 | March 1975. |
| *Twelvemile planning unit | do | do | do | October 1975 | March 1976. |
| *Moose Creek Basin planning unit | do | do | do | March 1975 | July 1975. |
| Bigwood Ski Area | Sawtooth National Forest, Idaho. | Winter sport site | do | September 1974 | May 1975. |
| *Black Pine planning unit | do | Land use plan | do | April 1975 | August 1975. |
| *Sawtooth National Recreation Area, general management plan. | do | do | Regional forester | April 1974 | April 1975. |
| *Albion planning unit | do | do | Forest supervisor | December 1975 | April 1976. |
| *West Slope Tetons planning unit | Targhee National Forest, Idaho. | do | do | April 1975 | August 1975. |
| *Island Park planning unit | do | do | do | June 1975 | October 1975. |
| *Central Nevada land use | Toiyabe National Forest, Nev. | do | do | March, 1975 | August 1975. |
| *Four Seasons Ski area | Uinta National Forest, Utah. | Winter sport site | do | September 1975 | March 1976. |
| Strawberry planning unit | do | Land use plan | do | June 1975 | January 1976. |
| *North Slope of the High Uintas land use plan | Wasatch National Forest, Utah. | do | do | April 1975 | September 1975. |
| *Kamas land use plan | do | do | do | September 1975 | January 1976. |
| California Region, Region 5: USDA, Forest Service, 630 Sansome St., San Francisco, CA 94111: | | | | | |
| *San Gabriel planning unit | Angeles National Forest, Calif. | do | do | November 1975 | June 1976. |
| *Valencia planning unit | do | do | do | June 1977 | December 1977. |
| Timber management plan | Lassen National Forest, Calif. | Resource plan | Regional forester | September 1974 | April 1975. |
| *Almanor planning unit | do | Land use plan | Forest supervisor | July 1975 | November 1975. |
| Hayden Hill | Modoc National Forest, Calif. | do | do | December 1975 | May 1976. |
| Timber management plan | do | Resource plan | Regional forester | December 1974 | May 1975. |
| Medicine Lake | do | Land use plan | do | March 1977 | September 1977. |
| Trabuco Canyon planning unit | Cleveland National Forest, Calif. | do | do | December 1975 | May 1976. |
| *Palomar Mountain planning unit | do | do | do | February 7, 1975 | June 1975. |
| Laguna-Morena planning unit | do | do | do | January 1976 | June 1976. |
| *Trabuco District | do | do | do | December 1975 | May 1976. |
| Eldorado National Forest timber management plan. | Eldorado National Forest, Calif. | Resource plan | do | May 1975 | October 1975. |
| Volcanoville planning unit | do | Land use plan | Forest supervisor | July 1975 | Do. |
| *Lake Tahoe Basin | California and Nevada | do | Lake Tahoe administrator | August 1973 | June 1975. |
| *Sierra-Pacific powerline | Lake Tahoe and Toiyabe National Forest, Nev. | Transmission line | Regional forester | May 1975 | September 1975. |
| *Mammoth planning unit | Inyo National Forest, Calif. | Land use plan | Forest supervisor | April 1975 | August 1975. |
| June Lake planning unit | do | do | do | do | Do. |
| Mono basin planning unit | do | do | do | November 1976 | March 1977. |
| Bishop Creek planning unit | do | do | do | May 1975 | October 1975. |
| Mt. Whitney planning unit | do | do | do | June 1975 | November 1975. |
| Inyo National Forest timber management plan | do | Resource plan | Regional forester | June 1976 | October 1976. |
| *King planning unit | Klamath National Forest, Calif. | Land use plan | Forest supervisor | April 1975 | September 1975. |
| *Grider planning unit | Klamath National Forestg | do | do | August 1975 | February 1976. |
| Big Sur Coastal | Los Padres National Forest Calif. | do | do | June 1975 | September 1975. |
| *Mount Pinos | do | do | do | do | December 1975. |
| *Middle Eel | Mendocino National Forest, Calif. | do | do | October 1975 | March 1976. |
| Timber management plan | do | Resource plan | Regional forester | June 1975 | October 1975. |





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|---|---|---|---|---|---|
| California Region, Region 5: USDA, Forest Service, 630 Sansome St., San Francisco, CA 94111—Continued | | | | | |
| *Mohawk planning unit | Plumas National Forest, Calif. | Land use plan | Forest supervisor | August 1975 | November 1975. |
| Plumas National Forest timber management plan | do | Resource plan | Regional forester | February 1975 | August 1975. |
| Feather Falls planning unit | do | Land use plan | Forest supervisor | July 1976 | November 1976. |
| Timber management plan | Angeles, Cleveland, Los Padres and San Bernardino National Forests, Calif. | Resource plan | Regional forester | October 1975 | March 1976. |
| Big Bear Basin planning unit | San Bernardino National Forest, Calif. | Land use plan | Forest supervisor | May 1975 | October 1975. |
| Mineral King | Sequoia National Forest, Calif. | Recreation | Regional forester | December 1974 | July 1975. |
| *Little Kern planning unit | do | Land use plan | Forest supervisor | June 1975 | December 1975. |
| Sequoia National Forest timber management plan | do | Resource plan | Regional forester | October 1975 | March 1976. |
| *Upper Trinity planning unit | Shasta-Trinity National Forest, Calif. | Land use plan | Forest supervisor | November 1974 | August 1975. |
| *Mount Shasta planning unit | do | do | do | December 1976 | June 1977. |
| *NRA planning unit | do | do | do | June 1975 | October 1975. |
| *Girard-McCloud planning unit | do | do | do | July 1976 | December 1976. |
| *South Fork Mountain planning unit | do | do | do | February 1976 | July 1976. |
| *Aspen-Horsethief | Sierra National Forest, Calif. | Timber salesg | do | September 1974 | April 1975. |
| Sierra National Forest timber management plan | do | Resource plan | Regional forester | July 1975 | December 1975. |
| Rancheria | do | Land use plan | Forest uspervisor | August 1975 | Do. |
| *Kings River planning unit | do | do | do | May 1976 | November 1976. |
| *Upper San Joaquin planning unit | do | do | do | do | Do. |
| *Pineridge-Kaiser planning unit | do | do | do | do | Do. |
| Chiquito-Bass Lake planning unit | do | do | do | do | Do. |
| *Mariposa planning unit | do | do | do | November 1974 | June 1975. |
| *Eightmile-Blue Creek planning units | Six Rivers National Forest, Calif. | do | do | do | Do. |
| *Siskiyou planning unit | do | do | do | June 1976 | October 1976. |
| *Horse Linto planning unit | do | do | do | January 1976 | June 1976. |
| *Truckee-Little Truckee planning unit | Tahoe National Forest, Calif. | do | do | September 1975 | February 1976. |
| Tahoe National Forest timber management plan | do | Resource plan | Regional forester | August 1975 | Do. |
| *Foresthill-Heil Hole planning unit | Eldorado and Tahoe National Forests, Calif. | Land use plan | Forest supervisor | June 1976 | December 1976. |
| Pacific Northwest Region, Region 6: USDA, Forest Service, 319 Southwest Pine St., Portland, Oreg. 97208: | | | | | |
| *Willamette National Forest land use plan | Willamette National Forest, Oreg. | do | do | April 1975 | September 1975. |
| Willamette National Forest 10-year timber management plan. | do | Resource plan | Regional forester | do | Do. |
| Breitenbush Geothermal Development | do | do | Forest supervisor | May 1975 | October 1975. |
| *Chelan planning unit | Wenatchee and Mt. Baker-Snoqualmie National Forest, Wash. | Land use plan | Regional forester | March 1975 | July 1975. |
| Nachess Pass Road | do | Road construction | do | January 1975 | October 1975. |
| Bren Mac Mines | Mt. Baker-Snoqualmie National Forest, Wash. | Access road and mining | Forest supervisor | September 1975 | March 1976. |
| *Mt. Baker planning unit | do | Land use plan | do | August 1975 | February 1976. |
| Oregon Dunes National Recreation Area | Siuslaw National Forest, Oreg. | Management plan | do | September 1974 | July 1975. |
| *Quinalt unit | Olympic National Forest, Wash. | Land use plan | do | September 1975 | February 1976. |
| Timberline Lodge | Mount Hood National Forest, Oreg. | Recreation site | do | September 1974 | May 1975. |
| Mount Hood Timber management plan | do | Resource plan | Regional forester | April 1975 | September 1975. |
| *Huckleberry planning unit | do | Land use plan | Forest supervisor | May 1974 | July 1975. |
| Carey (Austin) Hot Springs | do | Resource plan | do | June 1976 | December 1976. |
| *Twisp, Winthrop, Conconully planning unit | Okanogan National Forest, Wash. | Land use plan | do | July 1975 | December 1975. |
| *Elkhorn | Wallowa-Whitman National Forest, Oreg. | Special interest area | do | June 1975 | November 1975. |
| *Wallowa Valley | do | Planning unit | do | April 1975 | September 1975. |
| *Clear Creek unit plan | Gifford Pinchot National Forest, Wash. | Land use plan | do | January 1975 | July 1975. |
| *Upper Lewis unit plan | do | do | do | May 1975 | November 1975. |
| *Bear Creek unit plan | do | do | do | do | November 1975. |
| Grandview planning unit | Ochoco National Forest, Oreg. | do | do | June 1975 | January 1976. |
| *Ochoco 10-year timber management plan | do | Resource plan | Regional forester | September 1975 | April 1976. |
| Ochoco off-road vehicle plan | do | Access plan | Forest supervisor | March 1976 | December 1976. |
| *Ochoco planning unit | do | Land use plan | do | July 1976 | October 1976. |
| *Mount Butler-Dry Creek | Siskiyou National Forest, Oreg. | do | do | March 1975 | August 1975. |
| *Dumont, Quartz, Lost Creek | Umpqua National Forest, Oreg. | Roadless area | do | January 1975 | July 1975. |
| *Fairview, Puddin Rock Canton-Steelhead | do | do | do | February 1975 | Do. |
| East Deer Creek | Colville National Forest, Wash. | Land use plan | do | May 1975 | November 1975. |
| *John Day planning unit | Malheur National Forest, Oreg. | do | do | August 1975 | April 1976. |
| *South Fork planning unit | do | do | do | December 1975 | July 1976. |
| *Silvies-Malheur planning unit | do | do | do | July 1975 | November 1976. |
| *Oregon Butte | Umatilla National Forest, Wash. | do | do | December 1975 | December 1975. |
| *Elkin | do | do | do | November 1975 | April 1976. |
| Newberry Crater Geothermal | Deschutes National Forest, Oreg. | Resource plan | Regional forester | July 1975 | January 1976. |
| *Deschutes land use plan | do | Land use plan | Forest supervisor | January 1977 | July 1977. |
| *Chemult unit | Winema National Forest, Oreg. | do | do | June 1975 | October 1975. |





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|---|---|---|---|---|---|
| Pacific Northwest Region, Region 6: USDA, Forest Service, 319 Southwest Pine St., Portland, Oreg. 97208—Continued | | | | | |
| *Ochoco land use plan | Ochoco National Forest, Oreg. | Land use plan | Forest supervisor | June 1975 | October 1975. |
| *Deschutes unit | Deschutes National Forest, Oreg. | do | do | August 1975 | January 1976. |
| *Crescent unit | Winema National Forest, Oreg. | do | do | September 1975 | February 1976. |
| *Klamath unit | do | do | do | October 1975 | March 1976. |
| *Chiloquin unit | do | do | do | November 1975 | April 1976. |
| *Fremont unit | Fremont National Forest, Oreg. | do | do | December 1975 | May 1976. |
| *Paisley unit | do | do | do | January 1976 | June 1976. |
| *Lakeview unit | do | do | do | February 1976 | July 1976. |
| *Bly unit | do | do | do | March 1976 | August 1976. |
| *Silver Lake unit | Deschutes National Forest, Oreg. | do | do | April 1976 | September 1976. |
| *Crescent unit | Winema National Forest, Oreg. | do | do | May 1976 | October 1976. |
| *Klamath unit | do | do | do | June 1976 | November 1976. |
| *Chiloquin unit | do | do | do | July 1976 | December 1976. |
| *Fremont unit | Fremont National Forest, Oreg. | do | do | August 1976 | January 1977. |
| *Paisley unit | do | do | do | September 1976 | February 1977. |
| *Lakeview unit | do | do | do | October 1976 | March 1977. |
| *Bly unit | do | do | do | November 1976 | April 1977. |
| *Silver Lake unit | Deschutes National Forest, Oreg. | do | do | December 1976 | May 1977. |
| *Crescent unit | Winema National Forest, Oreg. | do | do | January 1977 | June 1977. |
| *Klamath unit | do | do | do | February 1977 | July 1977. |
| *Chiloquin unit | do | do | do | March 1977 | August 1977. |
| *Fremont unit | Fremont National Forest, Oreg. | do | do | April 1977 | September 1977. |
| *Paisley unit | do | do | do | May 1977 | October 1977. |
| *Lakeview unit | do | do | do | June 1977 | November 1977. |
| *Bly unit | do | do | do | July 1977 | December 1977. |
| Rogue River National Forest timber management plan | Rogue River National Forest, Oreg. | Resource plan | Regional forester | August 1975 | Do. |
| *Rogue River land use plan | do | Land use plan | Forest supervisor | September 1975 | February 1976. |
| *Applegate unit | do | do | do | October 1975 | March 1976. |
| *Illinois unit | do | do | do | November 1975 | April 1976. |
| *Siskiyou unit | do | do | do | December 1975 | May 1976. |
| *Wild Rivers unit | do | do | do | January 1976 | June 1976. |
| *Gold Beach unit | do | do | do | February 1976 | July 1976. |
| *Chetco unit | do | do | do | March 1976 | August 1976. |
| *Powers unit | do | do | do | April 1976 | September 1976. |
| *Applegate unit | do | do | do | May 1976 | October 1976. |
| *Illinois unit | do | do | do | June 1976 | November 1976. |
| *Siskiyou unit | do | do | do | July 1976 | December 1976. |
| *Wild Rivers unit | do | do | do | August 1976 | January 1977. |
| *Gold Beach unit | do | do | do | September 1976 | February 1977. |
| *Chetco unit | do | do | do | October 1976 | March 1977. |
| *Powers unit | do | do | do | November 1976 | April 1977. |
| Umpqua National Forest timber management plan | Umpqua National Forest, Oreg. | Resource plan | Regional forester | August 1975 | Do. |
| *Umpqua land use plan | do | Land use plan | Forest supervisor | September 1975 | February 1976. |
| *Tiller unit | do | do | do | October 1975 | March 1976. |
| *Diamond Lake unit | do | do | do | November 1975 | April 1976. |
| *Tiller unit | do | do | do | December 1975 | May 1976. |
| *Diamond Lake unit | do | do | do | January 1976 | June 1976. |
| *Tiller unit | do | do | do | February 1976 | July 1976. |
| *Diamond Lake unit | do | do | do | March 1976 | August 1976. |
| *Tiller unit | do | do | do | April 1976 | September 1976. |
| *Diamond Lake unit | do | do | do | May 1976 | October 1976. |
| *Tiller unit | do | do | do | June 1976 | November 1976. |
| *Diamond Lake unit | do | do | do | July 1976 | December 1976. |
| *Tiller unit | do | do | do | August 1976 | January 1977. |
| *Diamond Lake unit | do | do | do | September 1976 | February 1977. |
| *Tiller unit | do | do | do | October 1976 | March 1977. |
| *Diamond Lake unit | do | do | do | November 1976 | April 1977. |
| Southwestern Region, Region 3: USDA, Forest Service, 517 Gold Ave. SW., Albuquerque, NM 87101: | | | | | |
| *Carson planning unit | Carson National Forest, N. Mex. | Land use plan | Forest supervisor | August 1975 | November 1975. |
| *Cibola planning unit | Cibola National Forest, N. Mex. | do | do | September 1975 | December 1975. |
| *Coconino planning unit | Coconino National Forest, Ariz. | do | do | October 1975 | January 1976. |
| *Kaibab planning unit | Kaibab National Forest, Ariz. | do | do | November 1975 | February 1976. |
| *Lincoln planning unit | Lincoln National Forest, N. Mex. | do | do | December 1975 | March 1976. |
| *Prescott planning unit | Prescott National Forest, Ariz. | do | do | January 1976 | April 1976. |
| *Santa Fe planning unit | Santa Fe National Forest, N. Mex. | do | do | February 1976 | May 1976. |
| *Sitgreaves planning unit | Sitgreaves National Forest, Ariz. | do | do | March 1976 | June 1976. |
| *Tonto planning unit | Tonto National Forest, Ariz. | do | do | April 1976 | July 1976. |



REGIONAL OFFICE

| Title of environmental statement | Location of proposal | Nature of proposal (i.e., land use, herbicide, etc.) | Responsible official | Date draft filed with CEQ (or estimated date) | Estimated date of final |
|---|---|---|---|---|---|
| Alaska Region, Region 10: USDA, Forest Service, Juneau, Alaska 99801: | | | | | |
| *Chugach planning unit | Chugach National Forest, Alaska. | Land use plan | Forest supervisor | August 1975 | November 1975. |
| *Tongass planning unit | Tongass National Forest, Alaska. | do | do | September 1975 | December 1975. |

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FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF MARCH 15, 1975—Continued

| Title of environmental statement | Location of proposal | Nature of proposal (i.e., land use, herbicide, etc.) | Responsible official | Date draft filed with CEQ (or estimated date) | Estimated date of final |
|---|---|---|---|---|---|
| Southern Region, Region 8: USDA, Forest Service, 1720 Peachtree Rd., NW, Atlanta, Ga. 30309: | | | | | |
| Dugger Mountain | Talladega National Forest, Ala. | do | do | September 1975 | April 1976. |
| Talladega timber management plan | do | Resource plan | Regional forester | July 1975 | December 1976. |
| Chattooga River | do | do | do | February 1975 | July 1976. |
| Lake Russell | do | do | do | June 1975 | July 1976. |
| South Slope | do | do | do | December 1975 | May 1976. |
| Upper Hiwassee unit | Cherokee National Forest, Tenn. | do | do | July 1974 | July 1975. |
| Unaka unit plan | do | do | do | September 1975 | February 1976. |
| Timber management plan | do | do | do | August 1975 | January 1976. |
| Management of Beaver Creek unit | Daniel Boone National Forest, Ky. | Land use plan | Forest supervisor | July 1974 | July 1975. |
| Management of Laurel River unit | do | do | do | July 1975 | December 1975. |
| Management of Licking River unit | do | do | do | September 1975 | February 1976. |
| Timber management plan Osceola National Forest | Osceola National Forest, Fla. | Resource plan | Regional forester | March 1975 | October 1975. |
| Timber management plan Apalachicola National Forest. | Apalachicola National Forest, Fla. | do | do | do | Do. |
| Big Scrub | Ocala National Forest, Fla. | Land use plan | Forest supervisor | May 1975 | November 1975. |
| Longleaf | do | do | do | December 1974 | July 1975. |
| Chauga unit | FM and Sumter National Forest, S.C. | do | do | August 1974 | Do. |
| Laurel Fork unit | George Washington, National Forest, Va. | do | do | February 1974 | June 1976. |
| Piney River unit | do | do | do | October 1974 | May 1975. |
| Ozone unit plan | Ozark National Forest, Ark. | do | do | June 1975 | November 1975. |
| St. Francis unit plan | St. Francis National Forest, Ark. | do | do | August 1975 | February 1976. |
| Vegetative management with herbicide use | Ozark-St. Francis National Forest, Ark. | Herbicide | do | May 1975 | December 1975. |
| Caddo-Lyndon B. Johnson | National Forests, Tex. | Land use plan | do | October 1974 | May 1975. |
| Conroe unit | do | do | do | May 1975 | May 1976. |
| Massanutten unit | George Washington National Forest, Va. | do | do | do | December 1975. |
| Lower Jackson unit | do | do | do | August 1975 | February 1976. |
| *Cave Mountain Lake unit plan | Jefferson National Forest, Va. | do | do | February 1974 | August 1975. |
| Mount Rogers National Recreation Area | do | do | do | July 1975 | July 1976. |
| High Knob unit plan | do | do | do | do | Do. |
| North Evangeline planning unit | Kisatchie National Forest, La. | do | do | March 1975 | October 1975. |
| North Catahoula/South Winn unit plan | do | do | do | July 1975 | December 1975. |
| Vernon unit plan | do | do | do | January 1976 | June 1976. |
| Tchontacabouffa unit plan | Desota National Forest, Miss. | do | do | March 1975 | October 1975. |
| North Fork Catawba River and Buck Creek units. | Pisgah National Forest, N.C. | do | do | May 1975 | Do. |
| Management of Nantahala unit | North Carolina National Forest. | do | do | June 1975 | November 1975. |
| Timber management plan | do | Resource plan | Regional forester | July 1975 | December 1975. |
| Forks unit plan | Ouachita National Forest, Ark. | Land use plan | Forest supervisor | September 1974 | June 1975. |
| Petit Jean unit plan | do | do | do | October 1974 | May 1975. |
| Cossatot-Little Missouri unit plan | do | do | do | July 1975 | December 1975. |
| South Fourche unit plan | do | do | do | September 1975 | February 1976. |
| Ouachita National Forest off-road vehicle interim plan. | do | Recreation | do | August 1975 | January 1976. |
| Maumelle-Saline unit plan | do | Land use plan | do | November 1975 | April 1976. |
| Eastern Region, Region 9: USDA, Forest Service, 633 West Wisconsin Ave., Milwaukee, Wis. 53203: | | | | | |
| Timber management plan | Allegheny National Forest, Pa. | Resource plan | Regional forester | October 1975 | February 1976. |
| Deerfield River (Mount Snow) | Green Mountain National Forest, Vt. | Land use plan | do | April 1975 | September 1975. |
| Timber management plan | Ottawa National Forest, Mich. | Resource plan | do | October 1975 | April 1976. |
| Off-road vehicle policy | Shawnee National Forest, Ill. | Land use plan | Forest supervisor | June 1976 | December 1976. |
| Timber management plan | Superior National Forest, Minn. | Resource plan | Regional forester | September 1975 | March 1976. |
| Kancamagus unit plan | White Mountain National Forest, N.H. | Land use plan | Forest supervisor | June 1975 | September 1975. |
| Kilkenny unit plan | do | do | do | March 1975 | June 1975. |
| Timber management plan | do | do | do | October 1974 | April 1975. |
| Evans Notch unit plan | do | do | do | April 1976 | July 1976. |





REGIONAL OFFICE

Juneau, Alaska

Region 10

| Title of Environmental Statement | Location of Proposal | Nature of Proposal (i.e., Land Use, Herbicide, etc.) | Responsible Official | Date Draft Filed w/CEQ (or est. date) | Estimated Date of Final |
|---|---|---|---|---|---|
| Alaska Region, Region 10: USDA Forest Service, Federal Office Bldg., Box 1628, Juneau, Alaska 99802: | | | | | |
| Alaska Region, Region 10: USDA Forest Service, Federal Office Bldg., Box 1628, Juneau, Alaska 99802: | | | | | |
| *Chugach land use plan (addendum) | Chugach National Forest, Alaska. | do | do | | May 1975. |
| Alaska Region herbicide program | Region-wide | Herbicide | Regional forester | Feb. 20, 1975 | Do. |
| *South Lindenberg Peninsula | Tongass National Forest, Alaska. | Land use plan | Forest supervisor | May 1975 | August 1975. |
| *Latouche Island | Prince William Sound, Chugach National Forest, Alaska. | Timber sale | do | Feb. 11, 1975 | May 1975. |
| *1976-86 Chugach National Forest, timber management plan. | Chugach National Forest, Alaska. | Functional plan | do | Mar. 1, 1976 | July 1, 1976. |
| *Siwash Bay Sale | Prince William Sound, Chugach National Forest, Alaska. | Timber sale | do | Dec. 1, 1975 | Mar. 15, 1976. |
| *Shelter Bay Sale | Hinchinbrook Island, Chugach National Forest, Alaska. | do | do | Feb. 1, 1976 | May 5, 1976. |
| *W. Chichagof-Yakobi Island | Chatham area, Alaska | Land use study | Regional forester | April 1975 | |
| *Freshwater Bay | do | Timber sale | Forest supervisor | do | June 1975. |
| *Basket Bay | do | do | do | March 1975 | May 1975. |
| *Southern Chilkat | do | Land use study | do | March 1975 | August 1975. |
| *Kadashan | do | Timber sale | Regional forester | October 1975 | March 1976. |
| *Seal Creek | do | do | Forest supervisor | December 1975 | |
| *Dangerous River | do | do | do | January 1976 | |
| *Honker Divide land use plan | Prince of Wales, Ketchikan area, Alaska. | Land use plan | do | May 1975 | November 1975. |
| *Long Island land use plan | do | do | do | do | October 1975. |
| *Karta land use plan | do | do | do | August 1975 | February 1976. |
| Northeastern Area, USDA, Forest Service, 6816 Market St., Upper Darby, Pa. 19082: 1975 draft addendum, final spruce budworm project. | Maine | Herbicide | Area director | January 1975 | April 1975. |

FOREST SERVICE

Chief, Forest Service
US Department of Agriculture,
Washington, DC 20250.

REGION 1, NORTHERN REGION

(Montana, NE Washington, N. Idaho, North Dakota and NW South Dakota)

Regional Forester, Northern Region, US Forest Service, Federal Building, Missoula, Montana 59801.

REGION 2, ROCKY MOUNTAIN REGION

(Colorado, Kansas, Nebraska, South Dakota and Wyoming)

Regional Forester, Rocky Mountain Region, US Forest Service, Denver Federal Center, Bldg., 85, Denver, Colorado 80225.

REGION 3, SOUTHWESTERN REGION

(Arizona and New Mexico)

Regional Forester, Southwestern Region, US Forest Service, Federal Building, 517 Gold Ave., SW, Albuquerque, New Mexico 87101.

REGION 4, INTERMOUNTAIN REGION

(Utah, S. Idaho, W. Wyoming and Nevada)

Regional Forester, Intermountain Region, US Forest Service, Federal Building, 324 25th Street, Ogden, Utah 84401.

REGION 5, CALIFORNIA REGION
(California and Hawaii)

Regional Forester, California Region, US Forest Service, 630 Sansome Street, San Francisco, California 94111.

REGION 6, PACIFIC NORTHWEST REGION
(Washington and Oregon)

Regional Forester, Pacific Northwest Region, US Forest Service, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208.

REGION 8, SOUTHERN REGION

(Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia)

Regional Forester, Southern Region, US Forest Service, 1720 Peachtree Road NW., Atlanta, Georgia 30309.

REGION 9, EASTERN REGION

(Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Regional Forester, Eastern Region, US Forest Service, 633 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203.

REGION 10, ALASKA REGION
(Alaska)

Regional Forester, Alaska Region, US Forest Service, Federal Office Building, Box 1628, Juneau, Alaska 99801.

STATE AND PRIVATE FORESTRY AREAS

Note: State and Private Forestry offices are located in the Regional Headquarters with the exception of the following Areas:

NORTHEASTERN AREA STATE AND PRIVATE FORESTRY

(Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Director, Northeastern Area, S&PF, US Forest Service, 6816 Market Street, Upper Darby, Pennsylvania 19082.

SOUTHEASTERN AREA STATE AND PRIVATE FORESTRY

(Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia)

Director, Southeastern Area, S&PF, US Forest Service, 1720 Peachtree Road, NW, Atlanta, Georgia 30309.

RESEARCH HEADQUARTERS

FOREST AND RANGE EXPERIMENT STATIONS

Director, Pacific Northwest Experiment Station, US Forest Service, 1960 Addison Avenue, P.O. Box 3141, Portland, Oregon 97208.

Director, Pacific Southwest Experiment Station, US Forest Service, 1960 Addison Street, P.O. Box 245, Berkeley, California 94701.

Director, Intermountain Experiment Station, US Forest Service, 507 25th Street, Ogden, Utah 84401.





Director, Rocky Mountain Experiment Station, US Forest Service, Federal Building, Missoula, Montana 59801.

REGION 9, EASTERN REGION

(Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Regional Forester, Eastern Region, US Forest Service, 633 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203.

REGION 10, ALASKA REGION
(Alaska)

Regional Forester, Alaska Region, US Forest Service, Federal Office Building, Box 1628, Juneau, Alaska 99801.

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Director, Northeastern Area, S&PF, US Forest Service, 6816 Market Street, Upper Darby, Pennsylvania 19082.

SOUTHEASTERN AREA STATE AND PRIVATE FORESTRY

(Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia)

Director, Southeastern Area, S&PF, US Forest Service, 1720 Peachtree Road, NW, Atlanta, Georgia 30309.

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Director, Pacific Southwest Experiment Station, US Forest Service, 1960 Addison Street, P.O. Box 245, Berkeley, California 94701.

Director, Intermountain Experiment Station, US Forest Service, 507 25th Street, Ogden, Utah 84401.



REGISTER, the Commissioner of Food and Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20852.

Persons desiring to obtain further information concerning the proposed terminal-sharing plan agreed to by each port authority may contact the Director, Office of Port Development, Maritime Administration, Department of Commerce, Washington, D.C. 20230, (202) 967-3295.

Dated: April 15, 1975.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-10435 Filed 4-18-75;8:45 am]

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Director, Rocky Mountain Experiment Station, US Forest Service, 240 West Prospect Street, Fort Collins, Colorado 80521.

Director, North Central Experiment Station, US Forest Service, Folwell Avenue, St. Paul, Minnesota 55101.

Director, Northeastern Experiment Station, US Forest Service, 6816 Market Street, Upper Darby, Pennsylvania 19082.

Director, Southern Experiment Station, US Forest Service, Federal Building, T–10210, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Director, Southeastern Experiment Station, US Forest Service, Post Office Building, P.O. Box 2570, Asheville, North Carolina 28802.

INSTITUTE OF TROPICAL FORESTRY (AND CARIBBEAN NATIONAL FOREST)

Director, Institute of Tropical Forestry, US Forest Service, P.O. Box AQ, Rio Piedras, Puerto Rico 00928.

FOREST PRODUCTS LABORATORY

Director, Forest Products Laboratory, US Forest Service, North Walnut Street, P.O. Box 5130, Madison, Wisconsin 53705.

[FR Doc.75–10059 Filed 4–18–75;8:45 am]

## MAINE SPRUCE BUDWORM

### 1975 Final Addendum to 1974 Final Environmental Statement; Notice of Availability of Final Addendum

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service has prepared for 1975 activities, a Final Addendum to the USFS 1974 Cooperative Spruce Budworm Suppression Project in Maine, USDA–FS–NA(Adm.)–1.

The Final Addendum concerns a proposed cooperative aerial spray project on a maximum of 2,000,000 acres of state and private woodlands in Aroostook, Piscataquis, Penobscot, Somerset and Washington Counties, Maine, to protect forest resources from mortality by the spruce budworm. To accomplish these objectives, the insecticides mexacarbate, fenitrothion and carbaryl will be applied by aircraft.

This Final Addendum was filed with CEQ on April 15, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St., & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
6816 Market Street, Room 409
Upper Darby, Pa. 19082

A limited number of single copies are available upon request to Robert D. Raisch, Director, Northeastern Area, State and Private Forestry, 6816 Market Street, Upper Darby, Pa. 19082.

Copies of the Final Addendum to the Environmental Statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

KARL A. DAVIDSON,
*Acting Director, Northeastern Area, State and Private Forestry.*

APRIL 15, 1975.

[FR Doc.75–10382 Filed 4–18–75;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

### NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

#### Meeting

On Monday, March 24, 1975, a notice appeared in the FEDERAL REGISTER (40 FR 13015) announcing a meeting of the Sub-Council on Public Awareness of the National Industrial Energy Conservation Council for April 23, 1975, at 10 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

This meeting of the Sub-Council on Public Awareness has been cancelled.

HERBERT K. SCHMITZ,
*Executive Director, National Industrial Energy Conservation Council.*

[FR Doc.75–10506 Filed 4–18–75;9:15 am]

### Office of the Secretary

### COMMERCE TECHNICAL ADVISORY BOARD

#### Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, May 21, 1975, from 9:00 a.m. to 5:00 p.m., and Thursday, May 22, 1975, from 8:30 a.m. to 12:00 Noon in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established to advise the Department of Commerce on technological issues of significant economic and social consequences and on the technical activities of the Department. Agenda items are as follows:

1. Final Report of the Sulfur Dioxide Control Technology Panel;
2. Commercial Utilization of Federally Funded Energy R&D;
3. Materials;
4. Licensing Agreements in International Cooperative Research and Development.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting. Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Persons desiring to obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 967–5065.

BETSY ANCKER-JOHNSON,
*Assistant Secretary for Science and Technology.*

APRIL 14, 1975.

[FR Doc.75–10282 Filed 4–18–75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Center for Disease Control

### OCCUPATIONAL SAFETY AND HEALTH

#### Applications for Certification of Certain Gas Detector Tube Units

In the FEDERAL REGISTER of May 8, 1973 (38 FR 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health will accept applications for certification of gas detector tube units pursuant to the following schedule:

| Gas | Dates for submittal | Test standard (parts per million) |
|---|---|---|
| 1. Methane, Bromo- ($CH_3Br$) Methyl Bromide. | June 1 to June 30, 1975 | 15 |
| 2. Formaldehyde ($CH_2O$). | July 1 to July 31, 1975 | 2 |
| 3. Phosphine ($PH_3$). | August 1 to August 31, 1975. | 0.3 |

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Laboratory, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Dated: April 15, 1975.

EDWARD J. BAIER,
*Acting Director, National Institute for Occupational Safety and Health.*

[FR Doc.75–10312 Filed 4–18–75;8:45 am]

### Food and Drug Administration

[FDA–225–75–4048]

### ARTX TELECOMMUNICATION EQUIPMENT

#### Memorandum of Understanding With the Mississippi Department of Agriculture and Commerce

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Mississippi Department of Agriculture and Commerce on March 12, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Suite 1606, Walter Sillers Office Building, Jackson, Mississippi 39205.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addresses other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Mississippi Department of Agriculture and Commerce, State Office Building, Jackson, Mississippi 39205.

V. *Liaison Officers.* For Mississippi Dept. of Agriculture and Commerce: Mr. John Ellis Holmes, Compliance Officer. Address: Suite 1605, Walter Sillers Office Building, Jackson, Mississippi 39205. Telephone No.: (601) 354–6734.

For FDA: Mr. Hayward E. Mayfield, Director. Address: Nashville District, 297 Plus Park Blv., Nashville, TN 37217. Telephone No.: (615) 749–5851.

VI. *Period of Agreement.* This agreement when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Mississippi Dept. of Agriculture and Commerce:

MARK D. FREEMAN, JR.,
*Executive Asst.*

Date: March 10, 1975

Approved and accepted for the Food and Drug Administration:

M. D. KINSLOW,
*Regional Food and Drug Director, Region IV.*

Date: March 12, 1975

*Effective date.* This Memorandum of Understanding became effective March 12, 1975.

Dated: April 15, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10291 Filed 4–18–75;8:45 am]

### Office of Education

### ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

#### Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on May 14–16, 1975, at 9:00 a.m., local time, at the Sheraton-National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by education institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective State, pursuant to section 438(b) of the Higher Education Act of 1965, as amended by P.L. 92–318.

The meeting shall be open to the public from 9:00 a.m.–5:30 p.m., May 14, and from 10:00 a.m., May 15 until adjournment at 12:00 noon, May 16. During these sessions the Committee will review petitions by accrediting and State agencies for listing by the Commissioner, the Committee will hear presentations by representatives of the petitioning agencies, and the Committee will review policy items pertaining to accreditations and institutional eligibility.

Under authority of section 10(d) of the Federal Advisory Committee Act (P.L. 92–463) and clauses (4) and (6) of subsection (b) of section 552 of Title 5 of the United States Code, a session of the meeting from 9:00 a.m. to 10:00 a.m., May 15, will be closed to the public, if it is found that information exempt from public disclosure must be discussed. Closure of the meeting is to allow a free and frank discussion of the pending petitions for recognition and for renewal of recognition by accrediting and State approval agencies. These petitions typically contain financial information about institutions that has been given in confidence and the Committee, in order to evaluate the performance of the petitioning agencies, may wish to discuss such information. In addition, the petitions may occasionally contain information about the activities of individuals which, in the judgment of the Committee and the Commissioner, would, if publicly disclosed, result in a clearly unwarranted invasion of the personal privacy of such individuals. These portions of the petitions are exempt from disclosure under 5 U.S.C. 552(b) (4) and (6). Should the Chairman rule that discussion of such information is necessary in order to evaluate the merits of the petitions, the session from 9:00–10:00 a.m., May 15, will be used for that purpose. Records shall be kept of all Committee proceedings, and these will be available in the offices of the Accreditation and Institutional Eligibility Staff, Rooms 4068 and 4069, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.





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Signed at Washington, D.C., on April 4, 1975.

JOHN R. PROFFITT,
*Director, Accreditation and Institutional Eligibility Staff, Office of Education.*

[FR Doc.75-10315 Filed 4-18-75;8:45 am]

## NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

### Notice of Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act P.L. 92-463 that the next meeting of the National Advisory Council on Extension and Continuing Education will be held May 20-22, 1975, in the Centennial Room at the Denver Hilton Hotel, 1550 Court Place, Denver, Colorado. The meetings will begin at 9:00 a.m. on each day.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report to the President and to the Secretary of Health, Education, and Welfare on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council will be open to the public. The first two days the Council will hold meetings jointly with representatives of State Title I (HEA) Advisory Committees. The three main topics to be considered are: (1) Extension of funding of Title I; (2) Federal organization for coordination of extension and continuing education; and (3) improvement of the operation of Title I at the State level.

In addition, the Council will meet in regular session from 1:30 p.m. to 5:00 p.m. on Wednesday, May 21 and from 9:00 a.m. to noon on May 22. The agenda for this portion of the Council meeting will be devoted to consideration of Council plans for the coming year and related matters.

All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street N.W., Washington, D.C.

LLOYD H. DAVIS,
*Executive Director.*

APRIL 15, 1975.

[FR Doc.75-10273 Filed 4-18-75;8:45 am]

### Office of the Secretary

## SOCIAL AND REHABILITATION SERVICE

### Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to reflect the reorganization of the Assistance Payments Administration. For such purposes, section 5.20—Organization and Functions is amended as follows:

By striking out all that follows under the heading "Assistance Payments Administration" and inserting in lieu thereof the following:

ASSISTANCE PAYMENTS ADMINISTRATION

The mission of the Assistance Payments Administration is to provide direction and leadership in the planning, development, coordination, and monitorship of administrative, financial assistance, and employment incentive aspects of public assistance, including assistance for U.S. nationals returned from foreign countries, as provided for under the Social Security Act and other applicable laws. The Assistance Payments Administration is administered by a Commissioner under the direction of the Administrator of the Social and Rehabilitation Service.

*Office of the Commissioner*—5Y01. The Commissioner, assisted by the Deputy Commissioner, provides executive direction and leadership to achieve maximally efficient, accurate, and effective delivery of financial assistance and employment incentive programs of the Assistance Payments Administration (APA), and assures that the legal, civil, and human rights of the public are fully safeguarded in relation to such programs. The Commissioner of APA: advises the Administrator, Social and Rehabilitation Service (SRS), on matters relating to financial assistance and employment incentive programs; coordinates the development, implementation, and monitoring of APA program objectives and operations with other SRS organizations; provides professional and technical consultation to Regional Commissioners and their staffs, and through them to State and local agencies, to enhance the delivery of the APA-administered programs to needy individuals; develops and recommends legislation, regulations, procedures, systems, organization models, and staffing patterns related to the APA programs; and develops and proposes the budget for the APA-administered programs.

*Division of Income Maintenance Policy*—5Y16. Develops regulations to implement the Social Security Act and other laws governing the income maintenance programs of Aid to Families with Dependent Children (including Federal Emergency Assistance, AFDC foster care payments, and the Unemployed Father Program); and Aid to the Aged, Blind, or Disabled in Guam, Puerto Rico, and the Virgin Islands.

Develops, proposes, and interprets regulations governing Federal/State income maintenance programs to include provisions such as: application for assistance; eligibility factors; need standards; determination and redetermination of eligibility; notifications; promptness standards; income and resource consideration and disregard; money, protective, and vendor payment; payment reduction and termination; fair hearing; safeguarding case information; work registration and other work-related activities; single State agency; statewideness; State Plan submittals; Federal financial participation; and program definitions.

Develops and reviews legislative proposals and enactments pertinent to policy development, and proposes legislation. Reviews court decisions relating to income maintenance.

Coordinates development of program regulations and their interpretation within APA, SRS, and HEW, and with other agencies whose programs relate to income maintenance. Provides technical assistance concerning program policies within the Department, to Regional Offices, and through Regional Offices to States and interested agencies.

Reviews State Plan materials in relation to Federal policies, either on request or as required by circumstances. Reviews various reports, such as those of the SRS Division of Quality Control Management, SRS Office of Field Operations, HEW Audit Agency, and the General Accounting Office, to determine program policy impacts and failures; and develops corrective actions, such as proposing legislation or revising regulations.

Responsible for liaison with: Department of Housing and Urban Development concerning housing policies, Department of Agriculture concerning Food Stamps, Bureau of Indian Affairs concerning related assistance programs, and Bureau of Supplemental Security Income concerning joint policy issues.

*Division of Income Maintenance Procedure*—5Y17. Reviews proposed income maintenance legislation and regulations for procedural implementation impacts and feasibility.

Develops, proposes, and interprets written procedures, which are in support of income maintenance regulations and which are designed to provide States with leadership and guidance in the most accurate and effective techniques of administering programs of Aid to Families with Dependent Children (including Federal Emergency Assistance, AFDC foster care payments, and the Unemployed Father Program); and of Aid to the Aged, Blind, or Disabled in Guam, Puerto Rico, and the Virgin Islands.

Procedural material developed for States includes models and guides for income maintenance mangement methods, including: organization and staffing; personnel aptitude and qualifications testing; personnel position descriptions, qualifications and performance standards; staff development; office layout and workflow; direct and indirect cost allocation; fiscal controls, accounting, reporting, and auditing; application/redetermination formats; verification; payment computation processes; time controls; data collecting, collating, recording, and reporting; case and other records control, maintenance, and disposition; work measurement, distribution, and control; long-range programing and budgeting; statistical research, evaluation, and analysis; and training programs covering application, verification, eligibility determination/redetermination, payment computation, and other basic income maintenance functions.

Monitors the assistance payments functions as carried out by the Regional Offices, and coordinates reviews within APA and with appropriate SRS offices.

Reviews reports, such as those of the SRS Division of Quality Control Management, SRS Office of Field Operations, HEW Audit Agency, and the General Accounting Office, to determine program procedural impacts and failures; and develops corrective actions, to include proposing revision of procedures, organization, concepts, and training models. Provides liaison to SRS Audit Coordinator.

Provides technical assistance concerning program procedures within the Department, to Regional Offices, and on their request, to States and interested agencies. Coordinates development of program management methods and their interpretations within APA, SRS, and HEW, and with other agencies whose programs relate to income maintenance.

*Division of Employment Incentives*—5Y18. Develops proposed legislation, regulations, and procedures, in cooperation with the Department of Labor and other Federal agencies, to implement the Social Security Act and other laws governing employment incentive and public work programs.

In joint operation with the counterpart office of DOL, develops annual program objectives setting forth Work Incentive (WIN) program goals and operational milestones and conducts daily WIN activities.

Develops, with DOL, training programs and materials for information and service training for State and local WIN project staff, and provides the Department's staff support for the National Coordination Committee for WIN.

Provides technical assistance to Regional Office and State WIN administrative offices, analyses and reviews program activities through available reports and on-site visits, and recommends administrative and operational activities to carry out stated policies to meet program goals. Represents the Department in all management, administrative, and operational facets of the program; develops issue papers to focus upon specific program activities and policies; and recommends alternate courses of action. Provides staff support to joint activities in the field as well as in the National Office. Reviews data from the WIN Management Information System in accord with DOL, and recommends changes when necessary to better meet the information needs of program operators, and to respond to Congressional inquiries.

Acts as a focal point within SRS for intergovernmental coordination of implementation of the Comprehensive Employment and Training Act of 1973.

Assists policy evaluation and review staff of both Departments in the development of evaluation studies of the WIN program, and assists Departmental staff in the development and analysis of research programs. Monitors, in conjunction with DOL, Regional Office operations and, with Regional Office staff, local projects.

*Division of Planning and Evaluation*—5Y19. Provides APA components planning and programing guidance, and obtains their input as bases for coordinated development of proposed APA emergency, long-range, and short-range plans and programs. Has responsibility for APA program statistical research and analysis; trend and cost projecting and reporting; APA reports format, content, frequency, and quantity control; and energy and environmental impact analysis and reporting. Provides programmatic input to SRS research and evaluation efforts.

Initiates or, upon request of the Commissioner or APA components, develops statistical and narrative facts based on comparative analyses of data relating to State programs of income maintenance, fraud control, and employment incentives to establish their effectiveness and isolate ideal versus inadequate programs and processes of the various States. Prepares reports of analytical findings and recommends alternative courses of action to the Commissioner and APA components.

Develops annually, for the Commissioner and in coordination with APA staff elements, a proposed plan for the Operational Planning System (OPS), and provides on-going tracking capability of the objectives for the current year.

Provides technical assistance to the Commissioner, APA divisions, and the Regional Offices regarding APA program planning, research and statistics, energy and environmental impact analyses and reports, and the APA portion of the Operational Planning System.

*Division of Administration*—5Y20. Provides administrative support for all APA activities, including: budget development, execution, review, and reporting; and receipt of State Plan material transmitted by the Regional Offices for Central Office consultation or in response to requests for Central Office review, suspense control, coordination with APA staff elements for development of proposed APA findings, and referral of coordinated proposals to the Commissioner.

Has responsibility for editing regulations and other issuances (without policy control), and retyping, final preparation, issuance coordination, and suspense control; maintenance of approved State Plan characteristics; central policy and procedure reference and records files maintenance and disposition; and management of personnel, office space, supplies and equipment, travel and messenger services, and duplication.

Administers, develops, and proposes regulations and procedures governing the Repatriate Program.

Coordinates development of Bureau organization, functions, staffing, position descriptions, resources, and authorizations.

Monitors public assistance program costs, and controls APA administrative expenditures for travel, printing, binding, supplies, and other services for the current year, and provides budget review and analysis reports to the Commissioner.

Coordinates preparation of papers and correspondence for the Commissioner when input of more than one division is required, or assigned by the Commissioner.

Dated: April 15, 1975.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.75-10339 Filed 4-18-75;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N-75-291]

### NATIONAL MOBILE HOME ADVISORY COUNCIL

### Notice of Meeting

In accordance with section 605 Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383) and section 10(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92-463), announcement is made of the following Council meeting:

*Name.* National Mobile Home Advisory Council.

*Place.* Room 10233, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

*Proposed subject matter.* Review of the Initial Federal mobile home construction and safety standards.

MEETING AGENDA

MONDAY, MAY 5, 1975

| | |
|---|---|
| 9 a.m. | Introduction and welcome by Mr. David M. deWilde, Acting Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner. |
| | Briefing on the Title VI program at the Department of Housing and Urban Development, and introduction of the principal staff. |
| | Selection of a Chairperson, Executive Committee, and of such other officers and committees as are deemed necessary — choosing of terms of members by lot. |
| 10:30 a.m. | Briefing on the draft Initial Federal mobile home construction and safety standards by Duane Kepplinger, Chief, Standards Branch. |
| 12 noon | Lunch. |
| 1:30 p.m. | Discussion of space planning and fire safety standards. |
| 4:30 p.m. | Adjourn. |







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TUESDAY, MAY 6, 1975

| | |
|---|---|
| 9 a.m. | Discussion of Construction and Energy Conservation Standards. |
| 12 noon | Lunch. |
| 1:30 p.m. | Discussion of Plumbing, Heating, Cooling, and Electrical Standards. Recommendations to the Secretary. |
| 4:30 p.m. | Adjourn. |

This meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Chairman of the Council may allow public presentation of oral statements during the meeting.

All communications regarding this Advisory Council should be addressed to:

Robert G. Hoag, Committee Management Officer, Department of Housing and Urban Development, Room 4266, 451 Seventh Street SW., Washington, D.C. 20410.

Issued in Washington, D.C., on April 17, 1975.

DAVID DEWILDE,
*Acting Assistant Secretary for Housing Production and Mortgage Credit.*

[FR Doc.75-10532 Filed 4-18-75;11:03 am]

## Assistant Secretary for Equal Opportunity

[Docket No. N-75-269]

### FAIR HOUSING ENFORCEMENT EFFORTS OF THE MISSOURI COMMISSION ON HUMAN RIGHTS

**Cancellation of Public Meeting**

On April 1, 1975, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (40 FR 14626) a notice of a proposed public fact-finding meeting to be conducted by the Assistant Secretary for Fair Housing and Equal Opportunity, pursuant to Section 106.3 of the Department's regulations establishing the procedure for scheduling fair housing public meetings (24 CFR 106.3) and Part 115 of the Department's regulations concerning recognition of substantially equivalent laws (24 CFR Part 115).

The Fair Housing Enforcement Efforts of the Missouri Commission on Human Rights to Relationship to Title VIII of the 1968 Civil Rights Act was the subject of the proposed meeting.

The meeting was scheduled to be held in Kansas City, Missouri, Thursday, April 24, 1975, beginning at 9 a.m., in the Hotel Radisson-Muehlebach, Lido Room, 12th and Baltimore Streets, Kansas City, Missouri.

Due to the Department's delay in the publication of the April 1, 1975, Notice, it is felt that insufficient time was given to interested groups, organizations and individuals to prepare for and make comments on the subject of the meeting. It has therefore, been decided that the subject meeting should be cancelled.

In the event the Department of Housing and Urban Development decides to reschedule this meeting at a subsequent date, appropriate Notice will be given according to Departmental regulations.

Dated at Washington, D.C., April 15, 1975.

GLORIA E. A. TOOTE,
*Assistant Secretary for Fair Housing and Equal Opportunity.*

[FR Doc.75-10544 Filed 4-18-75;11:43 am]

## Federal Disaster Assistance Administration

[Docket No. NFD 267 (FDAA-461-DR)]

### KENTUCKY

**Amendment to Notice of Major Disaster**

Notice of Major Disaster for the State of Kentucky, dated March 29, 1975, and amended on April 5, 1975, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 29, 1975:

The County of:
Fulton

(Catalog of Federal Domester Assistance No. 14.701, Disaster Assistance.)

Dated: April 14, 1975.

THOMAS P. DUNNE,
*Administrator, Federal Disaster Assistance Administration.*

[FR Doc.75-10300 Filed 4-18-75;8:45 am]

[Docket No. NFD-266 (FDAA-3011-EM)]

### LOUISIANA

**Notice of Emergency Declaration and Related Determinations**

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 12, 1975, the President declared an emergency as follows:

I have determined that the impact of heavy rains and flooding on the State of Louisiana, beginning about March 14, 1975, is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of Louisiana. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas in the State of Louisiana to have been adversely affected by this declared emergency:

The Parishes of:

| | |
|---|---|
| Avoyelles | Franklin |
| Caldwell | LaSalle |
| Catahoula | Rapides |
| Concordia | |

Dated: Apr. 12, 1975.

THOMAS P. DUNNE,
*Administrator, Federal Disaster Assistance Administration.*

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc.75-10301 Filed 4-18-75;8:45 am]

## Office of Interstate Land Sales Registration

[Docket No. N-75-287]

### CHAIN-O-LAKES

**Notice of Hearing**

In the matter of Chain-O-Lakes, OILSR No. 0-2124-29-90, Docket No. Y-956; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Eagle Rock, Missouri, W. E. Ryan and Grace Ryan, owners, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Chain-O-Lakes, located in Barry County, Missouri, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 10, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 28, 1975 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 21, 1975.





6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 7, 1975.

By the Secretary.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10383 Filed 4-18-75;8:45 am]

[Docket No. N-75-286]

### LITTLE SWANN LAKE

**Notice of Hearing**

In the matter of Little Swann Lake, OILSR No. 0-3508-13-41, Docket No. Y-1111; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Little Swann Lake Association, Inc., Herbert Wilkins, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Little Swann Lake, located in Warren County, Illinois, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 7, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C. on April 21, 1975 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before April 14, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 7, 1975.

By the Secretary.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10384 Filed 4-18-75;8:45 am]

[Docket No. N-75-288]

### PENINSULA OAKS

**Notice of Hearing**

In the matter of Peninsula Oaks, OILSR No. 0-1304-49-45, Docket No. Y-913; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Peninsula Development Company, John A. Lewis, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Peninsula Oaks, located in Aransas County, Texas, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 11, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provision of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on May 1, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearings: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before April 24, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 7, 1975.

By the Secretary.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10385 Filed 4-18-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. EX 75-16; Notice 1]

### SEBRING-VANGUARD, INC.

**Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard**

Sebring-Vanguard, Inc. of Sebring, Florida, has applied for a temporary exemption from certain Federal motor vehicle safety standards on the basis that compliance would cause substantial economic hardship.

The petitioner has previously applied for and received a 1-year exemption from Standards Nos. 103, 108 (S4.1.1.5 only), 206, and 208 on the basis that it would facilitate the development and field evaluation of a low-emission multi-purpose passenger vehicle (see notices at 38 FR 31556 and 39 FR 3710). On November 12, 1974 Sebring-Vanguard petitioned for a renewal of its exemption but after correspondence with this agency, has resubmitted its request, as a manufacturer of passenger cars, for exemption on a hardship basis. Meanwhile, its original exemption remains in effect pursuant to 5 USC 558(c) until the Administrator has made a final determination on the current petition.

Sebring was incorporated on May 15, 1973, and manufactured 650 electric powered motor vehicles in the 12-month period ending February 10, 1975. In the 18-month period from July 1, 1973, to December 31, 1974, net losses exceeded $425,000. Conformance problems still exist with respect to Standards Nos. 103 and 206. With reference to Standard 103, *Windshield Defrosting and Defogging Systems*, it states that a "low-voltage electric heater and defrosting system has [not] been developed by industry for use in small light-weight electric vehicles." And in relation to Standard 206, on door retention components, it says that because of "the nature of the light-weight, plastic, ABS bodies" it believes that the hinge load requirements cannot be met by vehicles with an unloaded weight of less than 1,000 pounds.

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vides for three subsequent meetings of regular meeting of the Advisory Coun- as amended, involving: Members of Air-
tives and our Phase 4 decision. Accord- ways, Inc., Piedmont Aviation, Inc.,

In addition, 3-year exemptions are requested from Standards Nos. 114, *Theft Prevention*, and 214, *Side Door Strength*. The petitioner argues that electric vehicles have no starter, the ignition key being used only "to complete a circuit." Substitution of a conventional steering assembly to provide a key-locking mechanism would "require complete redesign of our dashboard, our front-end, and front frame structure." It believes that Standard No. 214 is primarily directed to vehicles with an overall weight of between 2,500 to 4,000 pounds and that the side door strength requirements of the standard "are entirely out of proportion with the weight of the electric CityCar." Denial of the petition, it states, would force the company to cease operations.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: May 21, 1975.

*Proposed effective date:* Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on April 15, 1975.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

[FR Doc.75-10397 Filed 4-18-75;8:45 am]

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### NOTICE OF MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463 and § 800.6(g) of the Advisory Council's Procedures for the Protection of Historic and Cultural Properties (36 CFR Part 800) that the regular meeting of the Advisory Council on Historic Preservation will be held on May 7-8, 1975, at 9:30 a.m., in Room 2008, 726 Jackson Place NW., Washington, D.C.

The Advisory Council was established by the National Historic Preservation Act of 1966, Pub. L. 89-665 to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in the National Register of Historic Places and to generally advise the President and Congress on matters relating to historic preservation. The Council's members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and ten non-Federal members appointed by the President.

At a special session of the meeting, the Council will, in accordance with section 106 of the National Historic Preservation Act, consider the effect of the proposed construction of a visitor center by the National Park Service at George Rogers Clark National Historical Park, a property listed in the National Register of Historic Places. The Council will receive reports and statements on the undertaking in open session and then formulate its comments in executive session. The executive session will be closed to the public, as it has been determined to fall within exemption 5 of 5 U.S.C. section 522(b) and to be essential to protect the free exchange of internal Council views. The remainder of the meeting will be open to the public and will involve reports of the Council staff on various matters relating to historic preservation.

Written statements on the undertaking and its impact on historic properties should be submitted to the Council by May 5, 1975, to receive consideration. Persons wishing to make oral remarks to the Council should submit statements of position to the Council by the above date.

Agenda and additional information concerning the meeting and the submission of oral and written statements to the Council are available from the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005 (202) 254-3974.

Dated: April 16, 1975.

JOHN D. MCDERMOTT,
*Acting Executive Secretary.*

[FR Doc.75-10342 Filed 4-18-75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 25441; Order 75-4-80]

### AIRLINE TARIFF PUBLISHERS, INC. MEMBERS

### Order Disapproving Agreement and Authorizing Discussions

Agreement filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended, involving: Members of Airline Tariff Publishers, Inc., relating to joint fares; Docket 25441, Agreement C.A.B. 23940.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of April, 1975.

Pursuant to authority granted in Orders 73-7-7 and 73-8-58, meetings of carriers participating in the joint passenger tariffs of Airline Tariff Publishers, Inc., Agent (ATP) were held on August 15, 16 and 28, 1973, to discuss an agreement to automate the procedures for the publication and maintenance of joint fares in the tariffs issued by ATP.[1] As a result of such discussions, there has been filed with the Board, pursuant to section 412 of the Federal Aviation Act of 1958, as amended, an agreement on behalf of twenty-three carriers.[2] Seven carriers that were eligible to participate in the agreement elected not to do so.[3]

The agreement provides that ATP will file on behalf of the parties thereto a tariff containing such new and adjusted joint fares as will result from implementation of the provisions of the agreement, as soon as the agreement is approved by the Board and the necessary computer programming is obtained. Subsequent tariff filings implementing the agreement are to be made as soon as possible after each issuance of the appropriate data bank of the Civil Aeronautics Board's Origin-Destination Survey of Airline Passenger Traffic (O & D Survey), and at such other times as may be necessary to reflect a general adjustment in fare levels. The agreement further pro-

[1] ATP publishes the bulk of U.S. domestic and U.S.-Canada passenger fares and rules in various individual tariffs on file in both the United States and Canada.

[2] The carriers participating in the agreement are:

Air Canada*
Air West
Alaska Airlines, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Canadian Pacific Airlines Limited*
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
National Airlines, Inc.
North Central Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Airlines, Inc.
Wien Air Alaska, Inc.

*Canadian carriers.

[3] The carriers electing not to participate in the agreement are:

Aloha Airlines, Inc.
Eastern Provincial Airways (1963) Limited*
Hawaiian Airlines, Inc.
Nordair LTEE—Nordair Ltd.*
Pacific Western Airlines, Ltd.*
Reeve Aleutian Airways, Inc.
Transair Limited*

*Canadian carriers.





vides for three subsequent meetings of the carrier parties thereto, as follows: 1. a meeting to discuss any changes to the agreement which may be necessary as a result of any conditions placed upon approval of the agreement by the Board, 2. a meeting to discuss fares and routings, and any changes thereto, which may be contained in any listing of fares and routings called for in the agreement, and 3. a meeting to discuss the agreement, and possible changes thereto, after the filing of the first tariff implementing the agreement.

Various provisions of the agreement establish criteria for the initial selection of routings for which joint fares will be considered, criteria for constructing the joint fares to be assigned to the selected routings, and criteria for the cancellation of existing joint fares.

The instant agreement was filed prior to the Board's final decision in Phase 4 of the *Domestic Passenger-Fare Investigation*[4], and its provisions are largely inconsistent with that decision.[5] In light of these inconsistencies, the agreement will be disapproved. The Board recognizes, however, that the carriers could not have anticipated the requirements of our Phase 4 decision in the instant agreement, and our disapproval is without prejudice to their refiling an agreement consistent with such requirements.

As a general matter, the Board believes that an agreement of the type proposed would represent a significant step forward, particularly insofar as it would result in the publication of additional fares which are presently available only by application of the carriers' fare construction rules. The majority of the fare errors the Board has noted in its previous ticket audits have resulted from the failure to correctly apply the fare construction rules, and specific publication of such fares should materially reduce these errors. Further, an agreement of the type proposed would eliminate much of the carrier paperwork now required for the routine maintenance of joint fares, and should thus improve the accuracy and completeness of the joint-fares tariff.

In short, we believe that many of the objectives we considered in authorizing the initial discussions continue to be valid, and that the carriers should be given another opportunity to reach an agreement consistent with such objectives and our Phase 4 decision. Accordingly, we will renew the discussion authority originally granted in Order 73-7-7, for a ninety-day period commencing with the effectiveness of the Phase 4 tariff. We will also continue to limit the discussion authority in the same manner as stated in Order 73-7-7 with respect to fare increases and modification in or cancellation of the fare construction rules as presently published.

The Board has repeatedly urged the carriers to implement procedures to reduce the number of errors made in constructing fares for travel involving more than one airline, and we continue to believe that the publication of additional joint fares represents one of the most meaningful ways to cut down on such errors. Phase 4 of the *Domestic Passenger-Fare Investigation* requires the publication of numerous additional joint coach and standard-class fares between points within the continental United States, and establishes the maximum levels of such fares. The agreement proposed by the carriers, however, goes to additional fare classes, and to fares applying beyond the limits of the continental United States. While our Phase 4 decision has undoubtedly reduced the extent of the problem, we believe that sufficient problem areas remain to warrant the grant of additional discussion authority.

In reviewing the agreement filed by the carriers, we note that various provisions therein specify conditions under which joint fares will not be published. While there may be valid reasons for such provisions, we would encourage the carriers to file a joint fare for any routing used to any substantial degree by passengers if the fare for such routing is determined by the "hidden city" or "point beyond" provisions of the carriers' fare construction rules. Past experience has shown that these provisions are difficult to apply, and we believe that fares resulting from such provisions should be specifically published.

Acting pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 404, 412 and 414 thereof, the Board finds (1) that agreement C.A.B. 23940 is adverse to the public interest and in violation of the Act, and (2) that the discussion authority granted in Order 73-7-7 should be extended.

Accordingly, it is ordered that: 1. Agreement C.A.B. 23940 is hereby disapproved;

2. Air Canada, Air New England, Inc., Aloha Airlines, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Air Lines, Limited, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Eastern Provincial Airways, (1963) Limited, Frontier Airlines, Inc., Hawaiian Airlines, Inc., Hughes Air Corp. d/b/a Hughes Airwest, National Airlines, Inc., Nordair LTEE—Nordair Ltd., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pacific Western Airlines, Ltd., Pan American World Airways, Inc., Piedmont Aviation, Inc., Reeve Aleutian Airways, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Transair Limited, Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Wien Air Alaska, Inc., may engage in meetings at which the Board's representatives may be present, for a 90-day period extending from April 29, 1975, to discuss subject to the limitations set forth above the joint-fare matters set forth in the petition of Airline Tariff Publishers, Inc.,* in Docket 25441;

3. The Director of the Bureau of Economics shall be given at least 48 hours' notice of the time and place of any meetings called pursuant to the authority granted herein;

4. The carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes shall be filed with the Board's Docket Section not later than two weeks after the close of the discussions;

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958, and approved by the Board prior to being incorporated in a tariff filing or placed in effect; and

6. This order shall be served upon Air Canada, Air New England, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Air Lines, Limited, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Eastern Provincial Airways, (1963) Limited, Frontier Airlines, Inc., Hawaiian Airlines, Inc., Hughes Air Corp. d/b/a Hughes Airwest, National Airlines Inc., Nordair LTEE—Nordair Ltd., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pacific Western Airlines, Ltd., Pan American World Airways, Inc., Piedmont Aviation, Inc., Reeve Aleutian Airways, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Transair Limited, Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Wien Air Alaska, Inc., and Airline Tariff Publishing Company.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-10376 Filed 4-18-75;8:45 am]

[4] Orders 74-3-80 and 74-12-108

[5] For example, the agreement provides that new joint fares will not be published (1) in markets with 100 or more sample passengers where 90% or more of the traffic moves via single-carrier service or (2) if the lowest local fare for any segment of the joint-fare routing exceeds the lowest local fare between the origin and destination, whereas our Phase 4 decision does not permit such exclusions. The agreement also establishes maximum joint coach and standard-class fares at a level equal to the sum of the local fares less $4.00 for each interline connection, whereas our Phase 4 decision establishes as a maximum the sum of the local fares less $13.89 for each interline connection.

[Dockets Nos. 27090, etc.; Order 75-4-75]

### ALASKA AIRLINES, INC., ET AL.

### Hazardous Materials Embargoes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of April, 1975.

* Subsequent to the filing of the petition in Docket 25441, Airline Tariff Publishers, Inc., was reorganized, and its functions have been assumed by Airline Tariff Publishing Company.





Embargoes and tariff provisions refus-



rejection or in the alternative suspen-

response to a decision by ALPA calling

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Embargoes and tariff provisions refusing certain hazardous materials proposed or in effect for Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airline, Inc., Hughes Air Corp. (d/b/a Hughes Airwest), National Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc.; Dockets 27090, 27380, 27382, 27428, 27488, 27494, 27495, 27509, 27518, 27519, 27520, 27521, 27537, 27545, 27546, 27549, 27554, 27560, 27588, 27655.

By Order 75–2–127, dated February 28, 1975, the Board, *sua sponte*, rejected the various embargoes filed by a number of carriers[1] which gave notice that the carriers were refusing or substantially limiting carriage of all shipments of hazardous materials. The grounds for such rejection were essentially that the embargoes were in divergence from the regulations of the Federal Aviation Administration (FAA) and from proposals or legislation to modify them; that the embargoes would prohibit the carriage of many items necessary for medical purposes; that the embargoes were in derogation of the carriers' obligation to provide adequate service; and that, under these circumstances, it is clear that the Board's embargo regulations would not apply.

In addition, embargoes have been filed by American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), Continental Air Lines, Inc. (Continental), Hughes Air Corp., d/b/a Hughes Airwest (Airwest), United Air Lines, Inc. (United), and Western Air Lines, Inc. (Western) prohibiting radioactive materials aboard passenger-carrying aircraft, subject to exceptions principally for human medical purposes. Tariff provisions are in effect or proposed for American, Continental, Delta, Eastern, Frontier, National, and United containing similar restrictions. Pursuant to Part 228 of the Board's economic regulations (14 CFR 228.2(b)), most of the aforementioned carriers have filed applications to extend their embargoes, and, in most cases, the initial 30-day embargo period has elapsed.

Complaints have been filed by the Department of Transportation (DOT) requesting rejection of the embargoes (both those already rejected by Order 75–2–127, *supra*, as well as others filed) and proposed extensions of embargoes, and rejection or, in the alternative, suspension and investigation of the various tariff restrictions directed to radioactive materials. The complaints allege, *inter alia*, that FAA acting under delegated authority from the Secretary of Transportation, has promulgated regulations prescribing uniform regulation in the classification, packaging, marking, and labeling of all hazardous materials for transportation by air, including regulations for radioactive materials transported by air; that because FAA exercises exclusive jurisdiction to regulate safety in air commerce and has, by regulation, provided for the safe carriage of radioactive and other hazardous materials, individual carriers are legally precluded from engaging in *ad hoc* regulation of the transportation of these materials in derogation of the statutory authority and responsibility of DOT; and that the carriers are required by the Federal Aviation Act to provide for the common carriage of property, and in particular, to accept shipments of properly packaged and labeled hazardous materials, including radioactive materials, under their existing tariff rules and in general conformity with the regulations of FAA. Further, the complainant asserts that the radioactive materials proposed to be excluded, when properly packaged and labeled in accordance with FAA regulations, can be transported by air without materially jeopardizing health or safety; that radioactive materials having identical properties and tendered in identical quantities but intended for uses other than those referenced in these tariffs or embargoes and which would therefore be rejected by the carriers, pose no greater threat to health or safety than those materials allowed under the restrictions; and that these restrictions are at variance with section 108(a) of the Transportation Safety Act of 1974 and with FAA's proposed implementing regulations pending in Docket 14249 (Notice 75–2).

Various carriers and the Air Line Pilots Association, International (ALPA) have filed answers in support of these embargoes or tariff provisions.[2] ALPA, in addition, has filed a petition in Docket 27588 for reconsideration and for stay of Order 75–2–127.[3] The filings variously assert, *inter alia*, that the restrictions embodied in the embargoes or tariffs are in response to a decision by ALPA calling upon its members to refuse to carry shipments of certain hazardous materials on passenger aircraft. Operation S.T.O.P. is a program adopted by ALPA for effectiveness February 1, 1975, under which the Association bans the carriage on passenger aircraft of all items defined as hazardous materials in FAA Regulations, the carriers' restricted articles tariff, or the IATA Restricted Articles Regulations, with certain exceptions primarily for medical purposes. ALPA's pleadings essentially allege lack of enforcement and compliance with existing regulations, and are accompanied by a number of exhibits including, among other things, copies of accident reports, a report by the General Accounting Office evaluating FAA's procedures regarding inspection and enforcement in regulation of transportation of hazardous materials, testimony before Congressional committees on this subject, a report by the Atomic Energy Commission, and a number of letters between ALPA and DOT concerning allegations of lack of enforcement and compliance with existing regulations. ALPA contends, further, that the carriers have a right under sections 404 and 1111 of the Federal Aviation Act of 1958 (the Act) to surpass the government's minimum safety standards and reject cargo which they deem inimical to safety of flight. In support of this contention, ALPA alleges that DOT/FAA Regulations do not require anyone to accept any cargo. They only allow the acceptance of properly labeled, packaged, etc., hazardous materials, and ALPA asserts that the Board's own regulations are to the same effect citing 14 CFR 221.104, 221.38(a)(5), and 228.1. In addition, the carriers assert that they are temporarily unable to perform normal transportation services for such articles because of delays in gaining agreement among the industry, ALPA, FAA, and DOT regarding the carriage of materials classified as hazardous and considered to be a potential safety hazard for airline passengers and crew members, and that substantial confusion and conflict exist among interested parties in the industry concerning the adequacy and enforcement of safety regulations governing the transportation of hazardous materials.

Upon consideration of the complaints filed by DOT, the answers thereto, the various embargoes filed with the Board and the applications for extensions thereof, the ALPA petition for reconsideration of Order 75–2–127, and all relevant matters, the Board has concluded (1) to grant DOT's requests relating to restricted materials to the extent of rejecting carriers' embargoes not previously rejected by Order 75–2–127; (2) to deny the various carriers' applications for authority to extend embargoes and to reject tariff filings which would similarly restrict the carriage of hazardous ma-

[1] Alaska Airlines, Inc. (Alaska), Allegheny Airlines, Inc. (Allegheny), Eastern Air Lines, Inc. (Eastern), Frontier Airlines, Inc. (Frontier), Hawaiian Airlines, Inc. (Hawaiian), Ozark Air Lines, Inc. (Ozark), Piedmont Aviation, Inc. (Piedmont), Trans World Airline, Inc. (TWA), and Western Air Lines, Inc. (Western).

[2] The carriers filing answers to DOT's complaints are Alaska, Allegheny, Delta, Eastern, Frontier, Airwest, Ozark, TWA, United, Hawaiian, Piedmont, and Western.

[3] By Order 75–3–61, dated March 19, 1975, the Board denied the request for stay and deferred action on the petition for reconsideration. In addition, ALPA petitioned the United States Court of Appeals for the Second Circuit for a review of Order 75–2–127, and for a stay of such order pending review. The Court has granted ALPA's request for a stay.





terials;[4] and (3) to deny the ALPA petition for reconsideration in Docket 27588.

Section 404(a) of the Act places upon every air carrier holding a certificate of public convenience and necessity an affirmative duty to provide and furnish adequate air transportation as authorized by its certificate. The Congress has subjected the prerogative of the carriers to refuse to transport hazardous materials to reasonable rules and regulations prescribed by the Administrator of FAA (section 1111 of the Act). Title VI of the Act places the duty upon the Administrator to prescribe reasonable rules and regulations governing such practices as the Administrator may find necessary to provide for safety in air commerce. And the Administrator has prescribed at length what material may be carried in passenger-carrying aircraft as well as on all-cargo aircraft, the permissible amounts and packaging requirements therefor, what materials may not be carried, etc. (14 CFR Part 103).

Moreover, pursuant to the Transportation Safety Act of 1974, enacted January 3, 1975, the Secretary of Transportation is required to issue within 120 days of the passage of the law, regulations prohibiting any transportation of radioactive materials on any passenger-carrying aircraft "unless the radioactive materials involved are intended for use in, or incident to, research, medical diagnosis, or treatment, so long as such materials as prepared for and during transportation do not pose an unreasonable hazard to health and safety." To implement the Transportation Safety Act, FAA is currently considering a rulemaking proposing amendments to its regulations (Docket 14249, Notice 75–2) that would permit the shipment of safe radioactive materials "intended for use in, or incident to" research of any kind, and for nonhuman as well as human medical diagnosis or treatment.

The Board has previously accepted in principle the primary responsibility of DOT for regulations on the transportation of hazardous materials, including radioactive materials, by air. Further, the Board's regulations (§ 221.38(a)(5)) provide that tariff rules relating to the transportation of restricted articles shall be in conformity with Part 103 of the Federal Aviation regulations.[5] The FAA Administrator having thus preempted this area of regulation, no basis remains to conclude that carriers are free to pick and choose their traffic. It is clear that Congress intended any carrier's refusal to transport property for safety reasons to be subject to reasonable rules and regulations prescribed by the FAA Administrator. By answer in opposition to the ALPA petition, DOT similarly asserts that section 1111 does not confer a warrant for carriers to refuse transportation of hazardous materials which conform with applicable DOT/FAA regulations.

The embargo regulations are not available to carriers for their declarations to the shipping and consuming public as to what freight they will *thereafter refuse* to carry. Its application is limited to a carrier's *temporary inability* to accommodate traffic it acknowledges it would be obligated, but for the inability, to carry. The Board thus has no present occasion to determine the extent or nature of a carrier's right under Section 1111 to refuse, on safety-related grounds, to carry particular freight. That determination can only be made in an enforcement proceeding on consideration of the specific facts of a specific refusal to carry wherein section 1111 was advanced in defense of the refusal (see footnote 4, *supra*).

In denying ALPA's request for reconsideration, the Board has carefully considered the petitioner's contentions and its answers to the DOT complaints and other matters before it, and finds no basis to depart from its conclusions set forth in acting upon the ALPA motion for a stay in Order 75–3–61. In sum, section 404(a) of the Act imposes an obligation to carry upon the airlines holding certificates of public convenience and necessity, the public interest requires movement of the traffic which is prohibited by the embargoes and tariffs, and the right of the carriers to refuse to transport under Section 1111 of the Act is subject to reasonable rules and regulations prescribed by the Administrator. Moreover, ALPA's allegation that the Board errs in concluding that items necessary for medical purposes are embargoed is inappropriate, in that ALPA's contention that its S.T.O.P. program exempts a variety of medical materials is an allegation directed to its program, and not to the embargoes filed by the carriers with the Board.[6]

The scope of the embargoes, even if it could be determined that the embargo regulations applied to this situation, and of tariff provisions effective or proposed to become effective is in divergence from FAA Regulations and any proposals or legislation to modify them. These embargoes and tariff provisions would prohibit the carriage of many items necessary for nonhuman medical and various research purposes, and are in derogation of the carriers' common-carrier obligation to carry and their statutory obligation to provide adequate service. Even in situations where applicable, the Board's embargo regulations specifically provide that they shall not be construed as relieving any air carrier of any duty otherwise imposed upon it to furnish authorized transportation service or to observe all requirements of the Federal Aviation Act and the rules and regulations thereunder. The Board does not consider that its embargo regulations embrace the matters set forth in the carriers' embargo notices considered herein. The Board will, as indicated, deny the petition for reconsideration of Order 75–2–127, rejecting embargo notices filed by nine carriers, and further reject the embargo notices filed by other carriers relating to radioactive materials which are more restrictive than present

[4] The complaint of DOT in Docket 27521 against various tariffs was drafted as a tariff complaint under subpart E of the Board's Rules of Practice (Section 302.500 *et. seq.*), its complaint in Docket 27520 against embargoes was drafted as an enforcement complaint under subpart B (Section 302.200 *et. seq.*), and its first complaint, Docket 27488, involved both tariffs and embargoes and included the affidavit prescribed in enforcement proceedings under subpart B. This order, as did Order 75–2–127, considers the question or rejection as essentially a prospective matter. We note, however, that all parties have had the opportunity to file pleadings directed to the issues herein under either subpart B or E of the Board's Rules of Practice. Our action herein is without prejudice as to such procedures that may be initiated by the Board's Bureau of Enforcement with respect to allegations that the carriers have failed to provide adequate service. As the Board noted in Order 75–3–61 denying ALPA's request for a stay of Order 75–2–127, the Board has not purported to determine whether DOT/FAA Regulations are minimum or minimum and maximum standards, nor was the order premised upon any theory that the airlines' obligations to carry traffic stems from those regulations. Moreover, the Board has not ruled upon the question of the extent of the authority of an air carrier under Section 1111 to refuse to carry a particular shipment of hazardous goods based upon the circumstances relating specifically to that shipment.

[5] The Board notes DOT's statement that the carriers have failed to request modification of existing rules governing the carriage of hazardous materials instead of proceeding with tariff restrictions in violation of existing regulations.

The Board does not condone the carriers' filing of restrictions without obtaining the necessary modification of FAA Regulations. We believe it most important, however, that expedited procedures be available to enable a carrier to obtain an FAA decision on its proposals in a relatively short period of time (*e.g.*, 30 days), even if the proposal is to be approved only for an interim period. Once the carrier has received such approval, it could then file the appropriate tariffs for either interim or indefinite duration. We have previously ruled that in the absence of such a procedure, the Board has "no choice but to reject the tariff for nonconformance with Part 103" (Order 74–11–1, dated November 1, 1974, at page 3).

[6] The Board has noted ALPA's reference to an aircraft accident report of the National Transportation Safety Board (NTSB) with particular reference to the conclusion therein that a contributing factor was the general lack of compliance with existing regulations governing the transportation of hazardous materials which resulted from the complexity of the regulations, the industrywide lack of familiarity with the regulations at the working level, the overlapping jurisdictions, and the inadequacy of government surveillance. ALPA, however, fails to note that, in a letter referred to therein and made a part thereof, the NTSB report had considered the ALPA contention made in that proceeding that all restricted materials should be banned from interstate air transportation. The NTSB rejected this contention, stating "The Safety Board shares the Association's concern, but believes that conscientious compliance with current regulations and procedures would obviate such a drastic step." In summary, NTSB has considered and rejected prior proposals of ALPA which would have effected a complete embargo upon all restricted materials.



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[Docket No. 26404; Order 75–4–79]



transport revenues (Account 3919) and

or proposed regulations of DOT/FAA. The Board will deny all applications to extend the embargoes rejected by this order or by Order 75–2–127.

The tariff provisions proposed or in effect for American, Continental, Delta, Eastern, Frontier, National, TWA, and United that restrict the carriage of hazardous materials permitted by present or proposed DOT/FAA regulations present essentially the same problems as discussed above for embargoes. However, as to refusals to carry hazardous articles pursuant to tariffs, the Board must defer to the position of DOT/FAA to the effect that freight which complies with FAA regulations must be accepted for carriage by the carriers, and that Section 1111 does not permit their refusal. These tariffs are not consistent with § 221.38(a)(5) of the Board's economic regulations and will be rejected pursuant to the provisions of section 403 of the Act and Subpart O of Part 221 of the Board's regulations.

The United States Court of Appeals for the Second Circuit, by an order dated March 25, 1975, in *Air Line Pilots Association Int'l v. Civil Aeronautics Board*, No. 75–4049, granted a motion filed by ALPA for a stay of Board Order 75–2–127 to preserve the *status quo*, pending its appeal. In these circumstances and consistent with the Court's action the Board will stay the effectiveness of its order, pending determination by the Court of the issues before it in Case No. 75–4049.[1]

This order will nevertheless be issued, served upon all parties, and published in the FEDERAL REGISTER to apprise all interested persons of the Board's opinions and decisions upon the issues now before it, subject, however, to the aforesaid provisions for a stay.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204(a), 401, 403, 404, 1002, 1006, and the provisions of Parts 221 and 228 of the Board's economic regulations (14 CFR Parts 221 and 228),

*It is ordered that:* 1. Subject to the conditions and provisions set forth in ordering paragraph 2 herein:

A. Embargo Notice No. AA 1–75 filed by American Airlines, Inc., Embargo Notice No. 4 filed by Continental Air Lines, Inc., Embargo Notice No. 4–74 filed by Delta Air Lines, Inc., Embargo Notice No. 5 filed by Hughes Air Corp. d/b/a Hughes Airwest, Embargo Notice No. 1–75 filed by United Air Lines, Inc., and Embargo Notice No. WA–C CE02 filed by Western Air Lines, Inc. are rejected;

B. The applications for authority to extend embargoes filed by American Airlines, Inc. in Docket 27537, Delta Air Lines, Inc. in Docket 27428, Hughes Air Corp. d/b/a Hughes Airwest in Docket 27546, and United Air Lines, Inc. in Docket 27545 are denied;

C. The application for authority to extend embargoes filed by Alaska Airlines, Inc. in Docket 27554, Allegheny Airlines, Inc. in Docket 27494, Eastern Air Lines, Inc. in Docket 27495, Frontier Airlines, Inc. in Docket 27519, Hawaiian Airlines, Inc. in Docket 27549, Ozark Air Lines, Inc. in Docket 27560, Piedmont Aviation, Inc. in Docket 27509, and Western Air Lines, Inc. in Docket 27518 are denied;

D. 28th Revised Page 70, 15th, Revised Page 128, 9th Revised Page 148, 36th Revised Page 160, 14th Revised Page 160–A, 14th Revised Page 160–B, and 15th Revised Page 160–D of C.A.B. No. 82, issued by Airline Tariff Publishing Company, Agent, are rejected, effective 14 days after the effective date of this order;

E. The petition for reconsideration of Order 75–2–127 filed by the Air Line Pilots Association, International in Docket 27588 is denied;

F. Except to the extent granted herein, the complaints of the Department of Transportation in Dockets 27521 and 27655, the American Medical Association in Docket 27380, the American College of Radiology in Docket 27382, and Mr. William A. Brobst, Chief, Transportation Branch, Division of Waste Management and Transportation, Atomic Energy Commission in Docket 27090 are dismissed;

G. Action upon the complaints of the Department of Transportation in Dockets 27488 and 27520 is deferred with respect to the request for enforcement action, and, except to the extent granted herein, the requests for prospective rejection of both tariffs and embargoes are dismissed;

2. The effective date of the Board's order as set forth in subparagraphs A through G herein of ordering paragraph 1 is hereby stayed, pending determination by the United States Court of Appeals for the Second Circuit of the issues now before the Court in *Air Line Pilots Association, Int'l. v. Civil Aeronautics Board*, No. 75–4049, and further orders of the Board consistent therewith; and

3. Copies of this order shall be served upon the Department of Transportation, the American Medical Association, the American College of Radiology, Mr. William A. Brobst, Chief, Transportation Branch, Division of Waste Management and Transportation, Atomic Energy Commission, the Air Line Pilots Association, International, and upon all the carriers party hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75–10377 Filed 4–18–75;8:45 am]

[1] The Board recognizes that this order considers not only the embargoes involved in Order 75–2–127, but also additional embargoes (with some differences in scope), as well as tariffs relating to restricted materials. We believe, however, that the issues herein and those before the Court in Case No. 75–4049 (consolidated with Case No. 75–4055) are sufficiently similar to warrant a stay of the effectiveness of the Board's order.

[Docket No. 26494; Order 75–4–79]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of April, 1975.

Agreements adopted by the International Air Transport Association relating to passenger fares between the Pacific and Europe/Middle East/Africa direct and via the Western Hemisphere; Docket 26494, Agreement C.A.B. 25004, Agreement C.A.B. 25006, R–1 through R–28.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted at a JT23/123 Traffic Conference Meeting held in Singapore in February 1975, bear the above C.A.B. agreement numbers and are intended for effectiveness April 1, 1975.

Agreement C.A.B. 25004, which affects air transportation only insofar as American Samoa and Guam are concerned, would increase all fares, except normal first- and economy-class fares, between Pacific points (except Japan/Korea) and TC2 (Europe/Middle East/Africa) by eight percent. Agreement C.A.B. 25006, which has only indirect application in air transportation, establishes a new fare structure to apply between Japan/Korea and TC2 (both east bound and westbound) through March 31, 1976. Briefly, the second agreement increases all Japan/Korea-TC2 normal first- and economy-class fares by 7 percent, increases Europe-Japan CBIT fares by 8 percent, and establishes new fares for affinity groups and ships' crews as well as numerous new GIT fares tailored for specific selected markets between Japan/Korea and Europe, the Middle East and/or Africa. Finally, this agreement would impose a five percent currency surcharge on travel originating in France to Japan/Korea.

The Board will approve the agreements. As noted above, the only transportation in which the U.S. has a direct interest is that to and from American Samoa and Guam. While fares for these services are generally being increased, those for normal first- and economy-class service are to be maintained at present levels. The agreement is, therefore, consistent with our disposition of the North/Central Pacific agreement wherein we disapproved the proposed increase in normal economy fares, but approved increases in the remaining fares (Order 75–3–100, March 26, 1975).

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act makes the following findings:

1. It is not found that the following resolution, which is incorporated in Agreement C.A.B. 25004, is adverse to the public interest or in violation of the Act:

| Agreement CAB | IATA | Title | Application |
|---|---|---|---|
| 25004 | 003t | General Increases in Passenger Fares | 2/3; 1/2/3 (except Japan/Korea). |

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25006 and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 24006: | | | |
| R–1 | 001b | JT23 Special Effectiveness Resolution (Tie-In) | 2/3. |
| R–2 | 001b | JT123 Special Effectiveness Resolution (Tie-In) | 1/2/3. |
| R–3 | 001jj | Special Effectiveness Resolution | 2/3; 1/2/3. |
| R–4 | 002 | Standard Revalidation Resolution | 2/3; 1/2/3. |
| R–5 | 003m | Fares Adjustment Resolution–Opening of Narita Airport (New) | 2/3; 1/2/3. |
| R–6 | 014a | Construction Rules for Passenger Fares (Revalidating and Amending). | 2/3; 1/2/3. |
| R–7 | 022f | JT23/JT123 Special Rules for Sales of Passenger Air Transportation (Amending). | 2/3; 1/2/3. |
| R–8 | 055 | JT23 First-Class Fares (Revalidating and Amending) | 2/3. |
| R–9 | 058 | First-Class Polar Fares (Revalidating and Amending) | 1/2/3. |
| R–10 | 059 | First-Class Fares TC2–TC3 (Asia) via TC1 (Except Polar) (Revalidating and Amending). | 1/2/3. |
| R–11 | 060 | Economy-Class Conditions of Service (Revalidating and Amending) | 2/3; 1/2/3. |
| R–12 | 065 | JT23 Economy-Class Fares (Revalidating and Amending) | 2/3. |
| R–13 | 068 | Economy-Class Polar Fares (Revalidating and Amending) | 1/2/3. |
| R–14 | 069 | Economy-Class Fares TC2–TC3 (Asia) via TC1 (Except Polar) (Revalidating and Amending). | 1/2/3. |
| R–15 | 076dd | TC2-Japan/Korea Affinity Group Fares (New) | 2/3; 1/2/3. |
| R–16 | 076gg | TC2–Japan/Korea via TC1 Affinity Group Fares (New) | 1/2/3. |
| R–17 | 077j | Individual Fares for Ships' Crews TC2–Japan/Korea (New) | 2/3; 1/2/3. |
| R–18 | 077L | Group Fares for Ships' Crews TC2–Japan/Korea (New) | 2/3; 1/2/3. |
| R–19 | 079b | Europe-Japan Contract Bulk Inclusive Tour Rules (Revalidating and Amending). | 2/3; 1/2/3. |
| R–20 | 081ll I | 45-Day Group Inclusive Tour Fares—TC2 to Japan/Korea (New) | 2/3; 1/2/3. |
| R–21 | 081ll II | 45-Day Group Inclusive Tour Fares—Middle East/Africa to Japan/Korea (New). | 2/3; 1/2/3. |
| R–22 | 081nn | 60-Day Group Inclusive Tour Fares Japan/Korea to TC2 (New) | 2/3; 1/2/3. |
| R–23 | 084gg I | 30-Day Group Inclusive Tour Fares between TC2 and Japan/Korea (New). | 2/3; 1/2/3. |
| R–24 | 084gg II | 30-Day Group Inclusive Tour Fares between TC2 and Japan/Korea (New). | 2/3; 1/2/3. |
| R–25 | 084h | 30-Day Group Inclusive Tour Fares from Paris to Japan (New) | 2/3; 1/2/3. |
| R–26 | 084r | Group Inclusive Tours from Scandinavia (Revalidating and Amending). | 2/3; 1/2/3. |
| R–27 | 001d | Special Emergency Escape for JT23 and JT123 Agreements (Revalidating and Amending). | 2/3; 1/2/3. |
| R–28 | 001ss | Special Emergency Escape for JT23/JT123 (TC2-Japan/Korea) Agreement (Revalidating and Amending). | 2/3; 1/2/3. |

*Accordingly, it is ordered that:* 1. Agreements C.A.B. 25004 and 25006 set forth in finding paragraphs 1 and 2 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board; and

2. Tariffs implementing Agreement C.A.B. 25004 shall be marked to expire March 31, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75–10379 Filed 4–18–75;8:45 am]

[Docket 25659; Order 75–4–78]

## LOCAL SERVICE CLASS SUBSIDY RATE

### Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of April, 1975.

Section IV of the Rate Formula in Order 74–1–123, January 24, 1974, requires that a review of the local service carriers' subsidy-ineligible services be performed predicated on a six-month moving annual basis ending in March and September of each year.[1] The next review will encompass the 12 months ended March 31, 1975. An information report, "Distribution of Reported Services and Financial Data to Selected Categories," is required to be filed with the Board no later than 45 days following the close of the review period. Appendix P,[1a] attached to Order 74–1–123, sets forth the substantive requirements of the report.

The Board's experience with previous reviews reveals that several changes are needed in the tables in Appendix P.

In the attached revised Table V of Appendix P, incidental revenues (net), formerly Account 4600, has been changed to transport-related revenues (Account 4898) and transport-related expenses (Account 7100), both of which will now appear separately. In addition, other transport revenues (Account 3919) and transport-related revenues (Account 4898) will be recorded separately. These changes in the format of this table reflect recent changes in the Form 41 reporting requirements.

In the attached amended pages 6, 7 and 8 of Table VI of Appendix P, the formulas for beyond-traffic yields have been changed to reflect different values for average hop, average haul, and the regression equations. These changes will enable beyond yields to be formulated on the same fare basis as local yields. Consistent with the previous amendment to Appendix P,[2] the average hope and the average haul are based on data from the year ended December 31, 1974, the fare/distance regression equations use the fares in effect 45 days prior to the close of the review period, and the dilution factors are based on data from the quarter ended December 31, 1974. In this way, the Board is taking advantage of current information concerning recent fare and traffic changes.

*Accordingly, it is ordered that:* 1. The attached revised Table V of Appendix P be and it is hereby substituted for Table V of Appendix P attached to Order 74–1–123;

2. The attached amended pages 6, 7 and 8 of Table VI of Appendix P be and they are hereby substituted for pages 6, 7 and 8, respectively, of Table VI of Appendix P attached to Order 74–1–123, as amended by Order 74–9–65;

3. This order shall become effective on the seventh calendar day after service hereof, unless prior to that date exceptions and supporting reasons shall have been filed with the Board by parties to this proceeding. If exceptions and supporting reasons are filed by any of the parties within the time prescribed above, the effective date of this order shall be stayed pending disposition of the exceptions; and

4. This order shall be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75–10378 Filed 4–18–75;8:45 am]

[1] The review of subsidy-eligible operations, as set forth in Order 74–12–120 and finalized in Order 75–3–22, will take place concurrently with this review of subsidy-ineligible operations.

[1a] Appendix filed as part of the original document.

[2] Order 74–9–65, September 19, 1974.

## CONSUMER PRODUCT SAFETY COMMISSION

### PRODUCT SAFETY ADVISORY COUNCIL

### Notice of Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Monday, May 19, 1975 (9 a.m. to 5 p.m.) and Tuesday, May 20, 1975 (9 a.m. to 12 noon) in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Con-







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sumer Product Safety Act (PL 92–573, 86 Stat. 1230; 15 U.S.C. 2077). The Act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the Act.

Since this will be the final meeting in FY 75 for this Committee and simultaneously, the last meeting for nine (9) members whose terms will expire on June 30, the agenda will probably focus on a summary review and evaluation of the Council's work to date and some recommendations for future activities.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and final agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone, (202) 634–7700.

Dated: April 16, 1975.

SADYE E. DUNN,
*Secretary, Consumer Product Safety Commission.*

[FR Doc.75–10387 Filed 4–18–75;8:45 am]

## CHARLES CASTRO ET AL.

### Notice of Commencement of Enforcement Proceeding and Notice of Prehearing Telephone Conference

Charles Castro, an individual trading as Bay Area Mattress Company and Keva Mattress Company.

Notice is hereby given that a prehearing telephone conference in the above-entitled matter will be held on May 2, 1975 pursuant to an order (reprinted below) served by Administrative Law Judge Paul N. Pfeiffer. This notice is given pursuant to the Consumer Product Safety Commission's Proposed and Interim Rules of Practice for Adjudicative Proceedings, published on July 23, 1974 (39 FR 26848) and which governs adjudicative proceedings in this matter.

A Notice of Enforcement has been prepared by the Commission's staff, issued by the Commission and served on Charles Castro, an individual trading as Bay Area Mattress Company and Keva Mattress Company of Oakland, California, hereinafter respondent, as required by the above-referenced Rules. In this Notice of Enforcement (reprinted below), the staff alleges that some 600 mattresses manufactured by respondent between June 22 and December 22, 1973 were manufactured for sale and sold, in commerce without having first been tested for flammability as set forth in the Mattress Standard (FF 4–72), or affixing the warning label allowable in lieu of testing during the period from June 22–December 22, 1973. This action may be in violation of the Flammable Fabrics Act and the rules and regulations promulgated thereunder and as such, may be an unfair method of competition and an unfair and deceptive act and practice in commerce within the intent and meaning of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45.

The docket in this matter is available in the Office of the Secretary of the Commission.

Any person, other than the respondent, who desires to become a party to the proceedings, to participate in the prehearing telephone conference, or to testify at the hearing, may request to do so by writing to the Honorable Paul N. Pfeiffer, Administrative Law Judge, Department of Commerce, Maritime Administration, Room 6708, Washington, D.C. 20230 or by telephoning (202) 967–5023 by close of business April 28, 1975.

Dated: April 16, 1975.

SADYE E. DUNN,
*Secretary, Consumer Product Safety Commission.*

Reprinted below are the Notice of Prehearing Telephone Conference and the Notice of Enforcement.

CONSUMER PRODUCT SAFETY COMMISSION

Washington, D.C. 20207

In the matter of: Bay Area Mattress Company, Flammable Fabrics Act Enforcement Proceeding, Docket No. CPSC 75–2.

NOTICE OF PREHEARING TELEPHONE CONFERENCE

Issue has been joined by the filing of an answer to the notice of enforcement on March 24, 1975 and Respondent's attorney has requested that a prehearing conference and subsequently the hearing be held in San Francisco with which Staff Counsel is in agreement.

Upon consideration of the request, it is believed that the expense and time of a round trip transcontinental journey for the purpose of holding a prehearing conference of probably a few hours duration cannot be justified. It has been suggested to Counsel that the matter be transacted through a transcontinental conference telephone call plus an electronic recording of the discussion with copies of the transcript being made available to both parties. Counsel are in agreement and the tentative date of May 2, 1975 has been established for this purpose.

In view of the foregoing, this office will initiate a conference telephone call from area code 202–967–5023 to Myron A. Cataldo, Esq., attorney for Respondent, at 415–483–5678 and Staff Counsel Melvin I. Kramer, Esq., at 202–496–7774 on or about 1 p.m. e.d.s.t. (10 a.m. p.d.s.t.) on Friday, May 2, 1975. A recording by Sony Secutive BM–30 Dictating Machine will be made from 202–967–5023 and a transcript will be prepared by Mrs. Dorothy V. Loftus of this office. The original will be filed in the public docket and copies will be furnished both sides without charge except for the usual reimbursement to Maritime Administration of salaries and overhead by Consumer Product Safety Commission.

PAUL N. PFEIFFER,
*Administrative Law Judge.*

UNITED STATES OF AMERICA CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of CHARLES CASTRO, an individual trading as BAY AREA MATTRESS COMPANY and KEVA MATTRESS COMPANY, CPSC Docket No. 75–2.

NOTICE OF ENFORCEMENT

The staff of the Consumer Product Safety Commission (Commission), believes that Charles Castro (respondent), an individual trading as Bay Area Mattress Company and Keva Mattress Company, or under any other name, has violated provisions of the Federal Trade Commission Act (15 U.S.C. 41 *et seq.*), the Flammable Fabrics Act, (15 U.S.C. 1191 *et seq.*), the rules and regulations promulgated under the Flammable Fabrics Act, (16 CFR, Part 300) and the Standard for the Flammability of Mattresses (FF 4–72), (38 FR 15095, June 8, 1973). Commission jurisdiction over this matter is based on the transfer of functions under the foregoing Acts to the Commission by section 30 of the Consumer Product Safety Act (15 U.S.C. 2051, 2079).

The Commission has reason to believe, on the basis of evidence presented by the staff, that violations of the Acts may have occurred. It appears to the Commission that it would be in the interest of the public to issue this Notice of Enforcement to commence adjudicatory proceedings. Therefore, pursuant to the provisions of the Federal Trade Commission Act, the Flammable Fabrics Act, the Consumer Product Safety Act, and the Rules of Practice promulgated thereunder (16 CFR 1025, 39 FR 26848, July 23, 1974), the Commission has authorized the staff to issue this Notice of Enforcement.

The staff of the Commission states its charges as follows:

(1) Respondent Charles Castro is an individual trading as Bay Area Mattress Company and Keva Mattress Company under the laws of the State of California, with his office and principal place of business located at 9915 MacArthur Boulevard, Oakland, California 94605. He formulates, directs and controls the acts, practices and policies of his company.

(2) Respondent is now and has been engaged in one or more of the following activities: the manufacture for sale, sale or offering for sale in commerce, and the introduction, delivery for introduction, transportation and causing to be transported in commerce, and the sale or delivery after sale or shipment in commerce of products, as the terms "commerce" and "product" are defined in the Flammable Fabrics Act. These products are subject to the requirements of the Flammable Fabrics Act, the Standard for the Flammability of Mattresses (FF 4–72) (Mattresses Standard), and the Rules and Regulations issued under the Standard and the Act.

Among such products mentioned above were some 600 mattresses manufactured by respondent between June 22 and December 22, 1973 which were subject to the Mattress Standard but which were not manufactured and sold in conformance with all of the requirements of the Mattress Standard in that respondent, after the effective date of the Standard, June 22, 1973, failed to (a) carry out required flammability tests on the mattresses, (b) maintain required records, or (c) affix to the mattresses the warning labels allowable in lieu of testing during the period from June 22–December 22, 1973.

(3) Attached hereto are copies of the principal items of written evidence, marked Commission Exhibits 1 & 2, which the staff considers to constitute a prima facie case. The aforementioned staff exhibits do not preclude Enforcement Counsel from offering further evidence bearing on the subject matter.

(4) The aforesaid acts and practices of respondent were and are in violation of the Flammable Fabrics Act and the rules and regulations promulgated thereunder and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce within the intent and meaning of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45.

Therefore, the staff of the Consumer Product Safety Commission, with approval of the Commission, hereby issues this Notice of Enforcement on the 11th day of March, 1975.

SADYE E. DUNN,
*Secretary, Consumer Product Safety Commission.*

[FR Doc.75–10388 Filed 4–18–75;8:45 am]





## ENVIRONMENTAL PROTECTION AGENCY

[FRL 360–6]

### MASS TRANSIT PRIORITY INCENTIVES IN THE STATE OF NEW JERSEY

#### Action on Employer's Provision

On June 4, 1974 (39 FR 19779) a revised § 52.1590 was published for the New Jersey transportation control plan approved on November 13, 1973 (38 FR 31388). The revised regulation requires each employer who maintains 400 or more employee parking spaces to submit an adequate transit incentive program designed to encourage the use of mass transit and carpooling by his employees. Submittal of the plans was required by July 1, 1974.

Of the plans received, the Administrator proposed to take approval action on 93. On January 22, 1975 (40 CFR 3465) it was proposed that these plans be approved, and an opportunity for public comment was offered. These plan actions are subject to the condition that employers utilize that mix of incentive and disincentive measures most likely to obtain maximum use of carpooling and mass transit. No comment was received from the public regarding any of the proposed approvals.

The purpose of this notice is to approve the 93 plans proposed for approval in the January 22, 1975 FEDERAL REGISTER. These plans have been shown to maximize carpooling and transit utilization. The Administrator recognizes the good faith efforts on the part of these 93 employers. As stated in the regulation, semi-annual status reports are required to be submitted to EPA by each of these employers, documenting participation in the programs, and resultant decreases in company generated vehicle-miles-traveled.

For a listing of the 91 plans approved, reference is directed to the notice in the FEDERAL REGISTER of January 22, 1975.

Dated: April 14, 1975.

ROGER STRELOW,
*Assistant Administrator, Air and Waste Management, Environmental Protection Agency.*

[FR Doc.75–10269 Filed 4–18–75;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. G–8836, etc.]

### CERTIFICATES OF CONVENIENCE AND NECESSITY

#### Applications, Abandonment of Service and Petitions To Amend [1]

APRIL 14, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G–8836 ..... D 3–27–75 | Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221. | Cities Service Gas Co., Hardtner and Early Fields, Barber County, Tex. | (7) | ..... |
| G–11861 ..... D 3–28–75 | Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046. | Cities Service Gas Co., Hardtner Field, Barber County, Kans. | Depleted | ..... |
| CI61–1207 ..... C 3–28–75 | Amoco Production Co., Security Life Bldg., Denver, Colo. 80202. | El Paso Natural Gas Co., Huerfano Gallup Field, San Juan County, N. Mex. | [2] 60.514 | 14.73 |
| CI63–1054 ..... E 3–10–75 | S. Newton Stone et al. (successor to estate of Frank Martin Porter, deceased), P.O. Box 25189, Oklahoma City, Okla. 73125. | Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans. | [3] 35.0 | 14.65 |
| CI65–407 ..... C 3–31–75 | Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201. | El Paso Natural Gas Co., Tocito Dome Field, San Juan County, N. Mex. | [4] 69.188 | 15.025 |
| CI68–1346 ..... E 3–24–75 | Tenneco Oil Co. (successor to Tennessee Gas Supply Co.), P.O. Box 2511, Houston, Tex. 77001. | Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Ship Shoal Block 176 Field, offshore Louisiana. | [2] 27.0 | 15.025 |
| CI73–175 ..... C 3–28–75 | Amoco Production Co. ..... | El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex. | [4] 60.514 | 14.73 |
| CI75–535 ..... A 3–6–75 [5] | Southwestern Refining Co., Inc. (operator) et al., P.O. Box 9217, Corpus Christi, Tex. 78408. | Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Southwest Bailey Field, Jim Wells County, Tex. | [6] 54.825 | 14.65 |
| CI75–578 ..... A 3–17–75 | American National Gas Production Co., 1 Woodward Ave., Detroit, Mich. 48226. | Michigan Wisconsin Pipe Line Co., acreage in Beckham County, Okla. | [6] 75.0 | 14.65 |
| CI75–579 ..... (CI64–187) B 3–28–75 | J. R. Perkins and F. L. Parham, d.b.a. Perkins Production Co., P.O. Drawer 878, Duncan, Okla. 73533. | Arkansas-Louisiana Gas Co., Northwest Okeene Field, Blaine County, Okla. | Low pressure ..... | ..... |
| CI75–582 ..... (CI69–803) B 3–24–75 | Troporo Oil & Gas Co., 511 West Ohio, Midland, Tex. 79701. | Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex. | Uneconomical ..... | ..... |

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[2] Unit is no longer producing natural gas in commercial quantities and purchaser wishes to reclaim its meters and other facilities.
[3] Includes 5.529 cents per Mcf upward Btu adjustment and 4.285 cents per Mcf estimated tax reimbursement.
[4] Subject to downward Btu adjustment.
[5] Includes 12.566 cents per Mcf upward Btu adjustment and 1.020 cents per Mcf gathering allowance.
[6] Subject to Btu adjustment.
[7] Being renoticed, because applicant requests a higher price by amendment filed Apr. 8, 1975.
[8] Subject to upward and downward Btu adjustment.
[9] Applicant is willing to accept a certificate in accordance with Opinion No. 699.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75–10261 Filed 4–18–75;8:45 am]





[Docket No. G–4429, etc.]



agreement under Rate Schedule ACQ–C

similar rates of its sole supplier, Trans-

March 18, 1975, at Docket No. RP72–6, the

V401775APR21 XUM

[Docket No. G-4420, etc.]

## HASSIE HUNT, INC.

### Petition To Amend

APRIL 11, 1975.

Take notice that on February 12, 1975, Hassie Hunt, Incorporated (Petitioner), 1401 Elm Street, Dallas, Texas 75202, filed in Docket No. G-4420, *et al.*, a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets by authorizing Petitioner to continue sales for resale and deliveries of natural gas in interstate commerce in lieu of Hassie Hunt Trust, all as more fully set forth in the appendix hereto and in the petition to amend which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

APPENDIX

| Docket No. | FPC gas rate schedule | Purchaser |
|---|---|---|
| G-4420 | 3 | Transcontinental Gas Pipe Line Corp. |
| G-4421 | 4 | Texas Eastern Transmission Corp. |
| G-4421 | 6 | Texas Gas Transmission Corp. |
| G-4421 | 7 | Arkansas Louisiana Gas Co. |
| G-4421 | 13 | United Gas Pipe Line Co. |
| G-10010 | 18 | Arkansas-Louisiana Gas Co. |
| G-14109 | 19 | Transcontinental Gas Pipe Line Corp. |
| G-14303 | 20 | Texas Gas Transmission Corp. |
| G-18967 | 23 | Arkansas-Louisiana Gas Co. |
| G-19249 | 24 | Tennessee Gas Transmission Corp. |
| G-20172 | 25 | Texas Gas Transmission Corp. |
| G-18897 | 22 | Transcontinental Gas Pipe Line Corp. |
| G-19115 | 26 | Natural Gas Pipe Line Co. of America. |
| CI61-645 | 29 | Texas Gas Transmission Corp. |
| CI62-591 | 30 | El Paso Natural Gas Co. |
| CI63-606 | 31 | Texas Gas Transmission Corp. |
| CI64-581 | 32 | Do. |
| CI64-877 | 33 | Do. |
| CI65-962 | 34 | Do. |
| CI65-506 | 35 | Michigan-Wisconsin Pipe Line Co. |
| CI67-138 | 36 | Transcontinental Gas Pipe Line Corp. |
| CI69-722 | 37 | Texas Eastern Transmission Corp. |
| CI69-783 | 38 | Texas Gas Transmission Corp. |
| CI70-980 | 39 | Texas Eastern Transmission Corp. |
| CI72-424 | 40 | El Paso Natural Gas Co. |
| CI72-542 | 41 | Michigan-Wisconsin Pipe Line Co. |
| CI74-329 | 43 | Do. |
| CI75-277 | 44 | Arkansas-Louisiana Gas Co. |

[FR Doc.75-10269 Filed 4-18-75;8:45 am]

[Docket No. RP74-4]

## CITIES SERVICE GAS CO.

### Notice Fixing Procedural Dates and Postponing Hearing

APRIL 15, 1975.

On April 10, 1975, Cities Service Gas Company (Cities) filed a motion to establish procedural dates and postpone the hearing fixed by order issued January 23, 1975, as most recently modified by notice issued March 3, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Cities Supplemental Testimony, May 16, 1975.
Service of Staff's Testimony, May 30, 1975.
Service of Intervenor's Testimony, June 13, 1975.
Hearing, June 24, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10349 Filed 4-18-75;8:45 am]

[Docket No. RP75-27]

## CITIES SERVICE GAS CO.

### Proposed Revisions in Rate Increase

APRIL 14, 1975.

Take notice that on March 24, 1975, Cities Service Gas Company (Cities Service), tendered for filing revised tariff sheets in Docket No. RP75-27. Such sheets are designated Substitute Eleventh Revised Sheet PGA-1 and Substitute Second Revised Sheet No. 37D and are proposed to be effective April 23, 1975.

Cities Service states that the purpose of these tariff sheets is to incorporate the current purchased gas cost in the rates currently under suspension in Docket No. RP75-27.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP75-27 and RP72-142.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10350 Filed 4-18-75;8:45 am]

[Docket No. CP75-5]

## CONSOLIDATED GAS SUPPLY CORP. AND TEXAS EASTERN TRANSMISSION CORP.

### Further Notice of Application

APRIL 15, 1975.

Take notice that on September 30, 1974, and on February 20, 1975, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, (Applicants) filed in Docket No. CP75-5 further information relative to their application filed on July 3, 1974,[1] in the subject docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas measurement and regulation facilities and the sale and delivery of gas from Texas Eastern to Consolidated, all as more fully set forth in the application and related filings which are on file with the Commission and open to public inspection.

By the application of July 3, 1974, Texas Eastern proposes to construct and operate measuring and regulating facilities in Cambria County, Pennsylvania, as an additional delivery point to Consolidated in Texas Eastern Zone D. That application indicates that the proposed facilities will be connected with the facilities of The Peoples Natural Gas Company (Peoples), an existing requirements customer and affiliate of Consolidated, and that the proposed sale and delivery of gas through the proposed delivery point will assist Peoples in injecting a full inventory into its Rager Mountain storage pool during the summer months and will obviate the necessity of Peoples' constructing significant compression and pipeline facilities.

Applicants have filed additional and clarifying information with regard to said application. Applicants state that although the application indicates that Texas Eastern does not propose to increase its presently authorized delivery quantity of 20,000 Mcf per day (15,025 psia) to Consolidated in Zone D under its Rate Schedule DCQ-D, Texas Eastern does seek authorization to sell and deliver at the proposed delivery point up to 75,000 Mcf of gas per day to Consolidated in addition to the volumes presently authorized for delivery in Zone D. Applicants anticipate that the maximum annual volumes to be delivered through the proposed facilities will be 11,000,000 Mcf of gas. The additional volumes of gas would be diverted from volumes presently authorized to be sold and delivered to Consolidated in Zone C under Texas Eastern's Rate Schedule ACQ-C.

Texas Eastern proposes to add said delivery point to Consolidated's service agreement under Rate Schedule ACQ-C (Zone C) and to Consolidated's service agreement under Rate Schedule DCQ-D (Zone D). It is stated that Texas Eastern does not propose to increase the total volume of gas available to Consolidated under either rate schedule.

Applicants state that the proposal will not result in increased volumes of gas being delivered to Consolidated and will neither increase the volumes of gas which would otherwise be deliverable to Peoples nor decrease deliveries to any other customer. Applicants further state that it is not contemplated that the gas delivered by Texas Eastern to Consolidated in Zone D will be returned in Zone C under currently proposed operating conditions and that the proposal will have no effect on curtailments or revenues of either company.

Any person desiring to be heard or to make any protest with reference to the instant submittals should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed notices of intervention, petitions to intervene or protests to the granting of the application in this proceeding need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10351 Filed 4-18-75;8:45 am]

[1] Notice of the application was published in the FEDERAL REGISTER on July 31, 1974 (39 FR 27731).





[Docket No. RP72-134, PGA75-9]

## EASTERN SHORE NATURAL GAS CO.

### Purchased Gas Cost Adjustment to Rates and Charges

APRIL 14, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 2, 1975, tendered for filing Thirteenth Revised Sheet No. 3A and Thirteenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective May 1, 1975. The proposed changes would increase revenues from jurisdictional sales and service by approximately $168,387 annually based on sales for the twelve-month period ending February 28, 1975.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to decrease the demand charges and increase the commodity or delivery charges in its rate schedules CD-1, CD-E, G-1, PS-1, E-1, I, and GSS-1 and decrease its LGA rates to reflect the equivalent changes in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, as contained in the latter's general rate increase filing in Docket No. RP75-75 dated March 14, 1975. Eastern Shore requests waiver of the notice requirements of § 154.22 of the Regulations under the Natural Gas Act and Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of May 1, 1975, coincident with the proposed effective date of Transco's rate changes, or on such later date on which Transco's rate changes may become effective after suspension, if any.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10352 Filed 4-18-75;8:45 am]

[Docket No. RP72-6]

## EL PASO NATURAL GAS CO.

### Tariff Filing

APRIL 15, 1975.

Take notice that on March 28, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed pursuant to ordering paragraph (B) of the order accompanying the Commission's Opinion No. 697-A,[1] certain tariff sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, all as more fully set forth in the filing which is open to public inspection.

El Paso states that on March 7, 1975, it filed a motion for extension of time for filing tariff sheets in compliance with Opinion No. 697-A until March 28, 1975, and for filing the base volume and end-use profile information required by ordering paragraph (C) of said opinion until April 11, 1975. By order issued March 18, 1975, at Docket No. RP72-6, the Commission granted El Paso's motion for extension of time for tendering its compliance filings to the Commission.[2]

El Paso further states that the tendered tariff sheets serve to modify El Paso's currently effective interim curtailment plan, as modified and clarified by Opinion Nos. 697 and 697-A and accompanying orders. The proposed effective date for the tendered tariff sheets is the date designated by further order of the Commission upon acceptance and approval thereof.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP72-6 and, otherwise, upon all of El Paso's interstate system customers and all interested state regulatory commissions.

El Paso has filed the following sheets:

ORIGINAL VOLUME NO. 1

Sixth Revised Sheet No. 39.
Third Revised Sheet No. 61.
Fourth Revised Sheet No. 62.
Sixth Revised Sheet No. 63.
Second Revised Sheet No. 63-A.
First Revised Sheet No. 63-B.
Second Revised Sheet No. 63-C.
First Revised Sheet No. 63-D.
Second Revised Sheet No. 63-E.
Original Sheet No. 63-F.
Original Sheet No. 63-G.
Original Sheet No. 63-H.
Original Sheet No. 63-I.
Original Sheet No. 63-J.
Third Revised Sheet No. 67-D.
Second Revised Sheet No. 67-E.
Original Sheet No. 67-F.

THIRD REVISED VOLUME NO. 2

First Revised Sheet No. 1-G.
First Revised Sheet No. 1-H.
Second Revised Sheet No. 1-I.
Second Revised Sheet No. 1-J.
Second Revised Sheet No. 1-K.
First Revised Sheet No. 1-L.
Second Revised Sheet No. 1-M.
First Revised Sheet No. 1-N.
Second Revised Sheet No. 1-O.
First Revised Sheet No. 1-P.
Original Sheet No. 1-Q.
Original Sheet No. 1-R.
Original Sheet No. 1-S.
Original Sheet No. 1-T.
Original Sheet No. 1-U.
Original Sheet No. 1-V.

ORIGINAL VOLUME NO. 2A

First Revised Sheet No. 1-MM.
First Revised Sheet No. 2-MM.
Second Revised Sheet No. 3-MM.
Second Revised Sheet No. 4-MM.
Second Revised Sheet No. 5-MM.
First Revised Sheet No. 6-MM.
Second Revised Sheet No. 7-MM.
First Revised Sheet No. 8-MM.
Second Revised Sheet No. 9-MM.
First Revised Sheet No. 10-MM.
Original Sheet No. 11-MM.
Original Sheet No. 12-MM.
Original Sheet No. 13-MM.

[1] On December 19, 1974, the Commission issued its Opinion No. 697-A and accompanying order in Docket No. RP72-6, which opinion, inter alia, directed El Paso to file revised tariff sheets, consistent with the terms and conditions prescribed in Opinion No. 697, as clarified and modified by Opinion No. 697-A.

[2] Certain additional tariff sheets, required to reflect the individual customers peak day entitlement, summer and winter season base volume and priority limitation amounts are not included as a part of the instant tender; however, such tariff sheets will be filed on April 11, 1975, concurrent with the information required by ordering paragraph (C) of Opinion No. 697-A, El Paso states.



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[Docket No. RP75-28]

## EL PASO NATURAL GAS CO.

### Tariff Filing

APRIL 15, 1975.

Take notice that on March 28, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed pursuant to ordering paragraph (B) of the order accompanying the Commission's Opinion No. 697-A,[1] certain tariff sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, all as more fully set forth in the filing which is open to public inspection.

El Paso states that on March 7, 1975, it filed a motion for extension of time for filing tariff sheets in compliance with Opinion No. 697-A until March 28, 1975, and for filing the base volume and end-use profile information required by ordering paragraph (C) of said opinion until April 11, 1975. By order issued March 18, 1975, at Docket No. RP72-6, the Commission granted El Paso's motion for extension of time for tendering its compliance filings to the Commission.[2]

El Paso further states that the tendered tariff sheets serve to modify El Paso's currently effective interim curtailment plan, as modified and clarified by Opinion Nos. 697 and 697-A and accompanying orders. The proposed effective date for the tendered tariff sheets is the date designated by further order of the Commission upon acceptance and approval thereof.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP72-6 and, otherwise, upon all of El Paso's interstate system customers and all interested state regulatory commissions.

El Paso has filed the following sheets:

ORIGINAL VOLUME NO. 1

Sixth Revised Sheet No. 39.
Third Revised Sheet No. 61.
Fourth Revised Sheet No. 62.
Sixth Revised Sheet No. 63.
Second Revised Sheet No. 63-A.
First Revised Sheet No. 63-B.
Second Revised Sheet No. 63-C.
First Revised Sheet No. 63-D.
Second Revised Sheet No. 63-E.
Original Sheet No. 63-F.
Original Sheet No. 63-G.
Original Sheet No. 63-H.
Original Sheet No. 63-I.
Original Sheet No. 63-J.
Third Revised Sheet No. 67-D.
Second Revised Sheet No. 67-E.
Original Sheet No. 67-F.

THIRD REVISED VOLUME NO. 2

First Revised Sheet No. 1-G.
First Revised Sheet No. 1-H.
Second Revised Sheet No. 1-I.
Second Revised Sheet No. 1-J.
Second Revised Sheet No. 1-K.
First Revised Sheet No. 1-L.
Second Revised Sheet No. 1-M.
First Revised Sheet No. 1-N.
Second Revised Sheet No. 1-O.
First Revised Sheet No. 1-P.
Original Sheet No. 1-Q.
Original Sheet No. 1-R.
Original Sheet No. 1-S.
Original Sheet No. 1-T.
Original Sheet No. 1-U.
Original Sheet No. 1-V.

ORIGINAL VOLUME NO. 2A

First Revised Sheet No. 1-MM.
First Revised Sheet No. 2-MM.
Second Revised Sheet No. 3-MM.
Second Revised Sheet No. 4-MM.
Second Revised Sheet No. 5-MM.
First Revised Sheet No. 6-MM.
Second Revised Sheet No. 7-MM.
First Revised Sheet No. 8-MM.
Second Revised Sheet No. 9-MM.
First Revised Sheet No. 10-MM.
Original Sheet No. 11-MM.
Original Sheet No. 12-MM.
Original Sheet No. 13-MM.

[1] On December 19, 1974, the Commission issued its Opinion No. 697-A and accompanying order in Docket No. RP72-6, which opinion, inter alia, directed El Paso to file revised tariff sheets, consistent with the terms and conditions prescribed in Opinion No. 697, as clarified and modified by Opinion No. 697-A.

[2] Certain additional tariff sheets, required to reflect the individual customers peak day entitlement, summer and winter season base volume and priority limitation amounts are not included as a part of the instant tender; however, such tariff sheets will be filed on April 11, 1975, concurrent with the information required by ordering paragraph (C) of Opinion No. 697-A, El Paso states.



[Docket No. RP75-29]

## EL PASO NATURAL GAS CO.

### Tariff Filing

APRIL 15, 1975.

Take notice that on March 28, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed pursuant to ordering paragraph (B) of the order accompanying the Commission's Opinion No. 697-A,[1] certain tariff sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, all as more fully set forth in the filing which is open to public inspection.

El Paso states that on March 7, 1975, it filed a motion for extension of time for filing tariff sheets in compliance with Opinion No. 697-A until March 28, 1975, and for filing the base volume and end-use profile information required by ordering paragraph (C) of said opinion until April 11, 1975. By order issued March 18, 1975, at Docket No. RP72-6, the Commission granted El Paso's motion for extension of time for tendering its compliance filings to the Commission.[2]

El Paso further states that the tendered tariff sheets serve to modify El Paso's currently effective interim curtailment plan, as modified and clarified by Opinion Nos. 697 and 697-A and accompanying orders. The proposed effective date for the tendered tariff sheets is the date designated by further order of the Commission upon acceptance and approval thereof.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP72-6 and, otherwise, upon all of El Paso's interstate system customers and all interested state regulatory commissions.

El Paso has filed the following sheets:

ORIGINAL VOLUME NO. 1

Sixth Revised Sheet No. 39.
Third Revised Sheet No. 61.
Fourth Revised Sheet No. 62.
Sixth Revised Sheet No. 63.
Second Revised Sheet No. 63-A.
First Revised Sheet No. 63-B.
Second Revised Sheet No. 63-C.
First Revised Sheet No. 63-D.
Second Revised Sheet No. 63-E.
Original Sheet No. 63-F.
Original Sheet No. 63-G.
Original Sheet No. 63-H.
Original Sheet No. 63-I.
Original Sheet No. 63-J.
Third Revised Sheet No. 67-D.
Second Revised Sheet No. 67-E.
Original Sheet No. 67-F.

THIRD REVISED VOLUME NO. 2

First Revised Sheet No. 1-G.
First Revised Sheet No. 1-H.
Second Revised Sheet No. 1-I.
Second Revised Sheet No. 1-J.
Second Revised Sheet No. 1-K.
First Revised Sheet No. 1-L.
Second Revised Sheet No. 1-M.
First Revised Sheet No. 1-N.
Second Revised Sheet No. 1-O.
First Revised Sheet No. 1-P.
Original Sheet No. 1-Q.
Original Sheet No. 1-R.
Original Sheet No. 1-S.
Original Sheet No. 1-T.
Original Sheet No. 1-U.
Original Sheet No. 1-V.

ORIGINAL VOLUME NO. 2A

First Revised Sheet No. 1-MM.
First Revised Sheet No. 2-MM.
Second Revised Sheet No. 3-MM.
Second Revised Sheet No. 4-MM.
Second Revised Sheet No. 5-MM.
First Revised Sheet No. 6-MM.
Second Revised Sheet No. 7-MM.
First Revised Sheet No. 8-MM.
Second Revised Sheet No. 9-MM.
First Revised Sheet No. 10-MM.
Original Sheet No. 11-MM.
Original Sheet No. 12-MM.
Original Sheet No. 13-MM.

[1] On December 19, 1974, the Commission issued its Opinion No. 697-A and accompanying order in Docket No. RP72-6, which opinion, inter alia, directed El Paso to file revised tariff sheets, consistent with the terms and conditions prescribed in Opinion No. 697, as clarified and modified by Opinion No. 697-A.

[2] Certain additional tariff sheets, required to reflect the individual customers peak day entitlement, summer and winter season base volume and priority limitation amounts are not included as a part of the instant tender; however, such tariff sheets will be filed on April 11, 1975, concurrent with the information required by ordering paragraph (C) of Opinion No. 697-A, El Paso states.

Original Sheet No. 14–MM.
Original Sheet No. 15–MM.
Original Sheet No. 16–MM.

El Paso makes the following representations with respect to its filing:

1. The tariff sheets contain provisions designed to implement the seasonal and daily volumetric limitations prescribed by the Commission in Opinion No. 697–A. In the tariff sheets tendered for inclusion as a part of Original Volume No. 1 of El Paso's FPC Gas Tariff, this subject is addressed by Section 11.9, *Volumetric Limitations*, and by the *Index of Base Volumes* and the *Index of Priority Limitations* which will begin on proposed Second Revised Sheet No. 100 and proposed Original Sheet No. 130, respectively. These tariff provisions, when completed by inclusion therein on April 11, 1975, of specific numbers for each customer, will reflect the seasonal volumetric limitations for each customer, *in each priority of service*, which have been established by Opinion No. 697–A as further noted by the Commission in its Opinion No. 712–A which issued on January 17, 1975, in the *Tennessee Gas Pipeline Company* proceeding in Docket Nos. CP73–115 and CP74–27.

2. In preparing the base volume and end use profile information to be filed on April 11, 1975, and in thus deriving the relevant numbers to be included in El Paso's tariff at the indices referred to in the preceding paragraph, no recognition will be accorded to Priority 1 and Priority 2 loads which have been attached by El Paso's east-of-California distributor customers since the October 31, 1974 cut-off date prescribed by Opinion No. 697–A. El Paso submits that gross inequities will result unless the Commission takes remedial action in recognition of the following facts: (i) El Paso's distributor customers had no notice until after issuance of Opinion No. 697–A on December 19, 1974, that the continued attachment of high priority load after October 31, 1974, was done at their peril; (ii) even if they had had such notice on October 31, 1974, such distributors could not have unilaterally refused to continue to accept and honor applications for such service because of their public utility obligations under their various service area franchises and state regulatory commission regulations; (iii) as a result, continued adherence by the Commission to the October 31, 1974 cut-off date will deny gas to El Paso's customers for part of their presently attached Priority 1 and Priority 2 loads. Such an untoward result can be avoided by the Commission adoption of a prospective cut-off date which will provide these distributor customers and their state commissions a reasonable transition period to coordinate their actions with the volumetric limitations established by Opinion No. 697–A.

3. In Opinion No. 697–A, the Commission was silent regarding the propriety of making adjustments to (i) the actual takes of El Paso's customers during the twelve month period ending October 31, 1972, and (ii) requirements reported daily by El Paso's customers to El Paso during the twelve month period ending October 31, 1974, to give appropriate recognition to certain factors. Accordingly, the base volume and end use profile information which El Paso will file is not based upon any data which have been adjusted to reflect weather or rainfall considerations. El Paso highlights this point and requests Commission guidance in this regard because various of its customers have pointed out to El Paso that those periods chosen by the Commission misrepresents their true requirements because of unseasonably mild weather experienced during that period. Also, it has been pointed out that irrigation gas usage was abnormally low because of greater than normal rainfall during the growing season.

4. Finally, while the matter may be addressed in the hearings regarding irrigation gas usage which have been instituted by the Commission's order of March 21, 1975, in this proceeding, out of an abundance of caution, El Paso requests for clarification of the appropriate treatment of ignition fuel and flame stabilization gas needs in light of the Commission's "technical feasibility" standard.

The tendered tariff sheets apply to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, respectively. The tariff revisions made in each of the individual tariff volumes are identical in substance; therefore, the following detailed description of the changes proposed will be limited to the Original Volume No. 1 Tariff, but have been similarly applied in the appropriate counterpart provisions of El Paso's Volume Nos. 2 and 2A Tariff, for which tariff sheets are also tendered. This statement identifies and described the deletions, additions and modifications [3] to the tariff provisions contained in the compliance filing made on July 15, 1974, required to be revised as directed by the Commission in its Opinion No. 697–A and order. Those tariff provisions contained in the said July 15, 1974, compliance filing which do not require revision have also been noted.

THE ORIGINAL VOLUME NO. 1 TARIFF SHEETS

*Sixth Revised Sheet No. 39.* This tariff sheet, containing Definitions, is the same as that included in El Paso's July 15, 1974, Opinion No. 697 compliance filing, except for Section 1.9, "Maximum Daily Quantity." The definition of "Maximum Daily Quantity" has been revised to delete the phrase "on a firm basis," inasmuch as Opinion No. 697–A, at page 3, provides that the curtailment plan is based upon the end-use concept and, at page 21, paragraph 3, states that no distinction should be made between firm and interruptible services rendered.

*Third Revised Sheet No. 61 and Fourth Revised Sheet No. 62.* These tariff sheets containing Section 11.1, *Applicable Terms and Conditions*, include the following changes in El Paso's filing of July 15, 1974, pursuant to the Commission's Opinion No. 697–A:

(a) The definition of *Commercial* reflects the elimination of the last sentence as contained in the July 15, 1974, filing, which sentence read: "This classification shall also include service to any party utilizing gas for irrigation pumping, for total energy systems at establishments engaged in commercial operations or for uses associated with the production of oil and gas." This change is required by Opinion No. 697–A, page 18, first paragraph.

(b) The definitions of *Firm* and *Interruptible Service* as contained in the July 15, 1974, filing have been eliminated pursuant to Opinion No. 697–A, page 21, third paragraph.

(c) The definition of *Plant Protection Gas* reflects the elimination of the last sentence as contained in the July 15, 1974, filing, which sentence read: "This term shall include volumes of gas required to protect the human needs associated with the operation of the plant." This change is required by Opinion No. 697–A, page 20, last paragraph.

(d) The definition of *Process Gas* reflects the elimination of the last sentence as contained in the July 15, 1974, filing, which sentence read: "The term process gas includes gas required for ignition fuel and flame stabilization in the generation of electric energy." This change is required by Opinion No. 697–A, page 21, first paragraph.

By eliminating the uses of gas for irrigation pumping, for total energy systems and for the production of oil and gas from definition of *Commercial*, El Paso is said to be complying with the specific language of Opinion No. 697–A. Respecting irrigation gas usage, El Paso's compliance filing with ordering paragraph (C) of Opinion No. 697–A, to be filed on April 11, 1975, will reflect Priority 3 classification for all irrigation gas volumes. However, the April 11, 1975, profiles will be subject to possible modification resulting from the hearing instituted by the Commission's order of March 21, 1975, which will ultimately identify that portion, if any, of irrigation gas usage which falls within the definition of "process gas" and thus be accorded a Priority 2 classification.

The definitions as now contained in sections 11.1(a) through (h) on tendered Sheet Nos. 61 and 62 are identical to those uniform definitions prescribed in Order No. 493–A. The following definition has been substituted for the section 11.1(k) definition of "Direct Industrial Customer" as included in the July 15, 1974, compliance filing:

(i) *Direct Customer.* Any party entitled to purchase and receive gas service for its own use and consumption directly from Seller's system under a contract with Seller ("Direct Industrial Contract").

This revision, said to be essentially of an editing nature, consists of striking the word "Industrial" from the title and from the definition for clarification, inasmuch as such customers also use and consume gas other than that necessary for strictly industrial use. Reference made throughout the provisions of El Paso's tariff to "Direct Industrial Customer" have also been revised to reflect

[3] Additions and changed tariff language are italicized.





"Direct Customer" in accordance with this change in definition.

In addition to the foregoing, the following definitions have been added to section 11.1:

(j) *Summer Season.* Is defined as the period May 1 through October 31.
(k) *Winter Season.* Is defined as the period November 1 through April 30.

The above definitions of Summer Season and Winter Season periods are said to be consistent with the prescribed seasonal periods set forth in Opinion No. 697–A, page 5, last paragraph.

*Sixth Revised Sheet No. 63.*[4] This tariff sheet replaces the tariff sheet designated as Second Revised Sheet No. 63–A in the July 15, 1974, filing. Section 11.2, *Priorities of Service, Priority 2* has been revised by the elimination of the last sentence, which sentence read: "Gas requirements of any party utilizing gas for irrigation pumping, for total energy systems at establishments engaged in commercial operations or for uses associated with the production of oil and gas shall be included in this priority irrespective of peak day consumption," as required by Opinion No. 697–A, page 18, paragraph 1. In addition, the language identified by *italics* below has been added to the Priority 2 description:

*Priority 2.* Large commercial requirements (50 Mcf or more on a peak day), industrial requirements for plant protection, feedstock and process needs and pipeline customer storage injection requirements *to the extent set forth in section 11.3(g) below.*

The purpose of the added language is to make reference to the appropriate section of the tariff providing for the determination of the portion of El Paso's customers' current storage injection requirements which are to be permitted as a Priority 2 requirement in accordance with Opinion 697–A at page 13.

The description of *Priority 5* has been modified to change the reference of "(in excess of 3,000 Mcf on a peak day)" to "(3,000 Mcf or more on a peak day)" as indicated below:

*Priority 5.* Industrial requirements for large volumes (3,000 Mcf or more on a peak day) boiler fuel use where alternate fuel capabilities can meet such requirements.

This change in Priority 5 definition is said to be necessary that such priority applies to industrial requirements of 3,000 Mcf and greater on a peak day and is said to be recognized as a necessary modification in Opinion No. 697–A on Page 23, last paragraph.

The portion of section 11.3 appearing on Sixth Revised Sheet No. 63 has not been changed from its counterpart contained in the July 15, 1974, filing, except for the change in reference to Direct Customer as hereinbefore described.

*Second Revised Sheet No. 63–A and First Revised Sheet No. 63–B.* These sheets replace First Revised Sheet No. 63–B and Second Revised Sheet No. 63–C, respectively, in the July 15, 1974, filing. Paragraphs 11.3 (a) through (d) are the same as included in El Paso's July 15, 1974, filing except for the change in reference to Direct Customer.

Paragraph (e) (i) and (ii) of section 11.3, providing for the determinants for scheduled deliveries have been rearranged in order and have been restated as follows:

(i) For *Pacific Gas and Electric Company and Southern California Gas Company who, prior to November 1, 1972, received* only part of their gas supply from Seller, each shall provide Seller with the total quantities of gas scheduled for delivery each day in each of the priorities specified in Section 11.2 of this Tariff, the total scheduled supply from all supply sources other than Seller, including storage withdrawals *but excluding any new supply sources or new storage withdrawal capability attached or delivered by such Buyers after October 31, 1974,* which shall be subject to the provisions of section 11.3(f) hereof.

(ii) For *all other* Buyers and Direct Customers who, *prior to November 1, 1972, received* their entire gas supply from Seller, each shall, *as necessary,* provide Seller with the quantities of gas scheduled for delivery each day in each of the priorities specified in Section 11.2 of this Tariff, *excluding any new supply sources or new storage withdrawal capability attached or delivered by such Buyers and Direct Customers after October 31, 1974,* which shall be subject to the provisions of section 11.3(f) hereof.

The revisions to the determinants for scheduled deliveries provisions are said to be designed to encourage customers of El Paso to develop new supplies, new storage or peakshaving capability consistent with the expression of the Commission in Opinion 697–A at pages 14 and 15. The addition of the phrase, as necessary, to paragraph (ii) above is designed to relieve El Paso's small east-of-California customers of the daily scheduling of deliveries. The intent here is said to be a matter of easing El Paso's operating administration of many small customers who provide only Priority 1 and Priority 2 service to the ultimate consumer. The customers in this category comprise approximately 0.25 percent of El Paso's daily deliveries and have peak day entitlements, individually, of no more than 7,000 Mcf.

Although Opinion No. 697–A is said to be explicit in its instruction to determine the quantities of storage injection gas to be afforded a Priority 2 classification during the summer season, it is said to be silent as to the proper priority classification for summer storage injection gas which is other than Priority 2. Also, there are said to be no guidelines as to the proper classification of storage injection gas during the winter season. El Paso states that these matters require clarification and are pointed out at this time so that the Commission may focus on them at the time it accepts the tendered tariff sheets.

The following new paragraph (iii) has been added to section 11.3(e):

(iii) The quantities scheduled by Buyer or Direct Customer for delivery by Seller shall comply with the following limitations:

(1) The total quantity scheduled by Buyer or Direct Customer on any day shall not exceed Buyer's or Direct Customer's peak day entitlement, as specified by Section 11.9 of this Tariff and the related Index of Base Volumes; and

(2) The total cumulative scheduled volume requested by Buyer or Direct Customer for delivery by Seller during any single winter or summer season for each priority, shall not exceed Buyer's or Direct Customer's priority limitation for each priority, as specified by said Section 11.9 of this tariff and related Index of Base Volumes and Index of Priority Limitations.

Further, paragraph (f) has been modified and expanded as set forth below:

(f) Seller shall each day determine the volume of gas deliverable to each Buyer and Direct Customer in accordance with the following procedures:

(i) Seller shall aggregate by priority the total quantities of gas scheduled by Buyers and Direct Customers for each day in accordance with paragraph (e) above;

(ii) Seller shall compare such scheduled quantities with the total amount of gas available for delivery by Seller to such Buyers and Direct Customers for such day in order to ascertain which priorities of service can be served fully, which priorities of service will be curtailed fully and the percentage of service which can be served in the priority of service to be partially served by Seller; and

(iii) Seller shall apply the determination made in (ii) above to the scheduled quantities of each Buyer and Direct Customer for such day to ascertain the total allocation amount of gas each such Buyer and Direct Customer is entitled to take on such day. The resultant total volume so determined for each Buyer and Direct Customer, as appropriately adjusted for the application of Section 11.3A and any authorized emergency relief gas, or scheduled makeup of prior delivered emergency relief gas, shall constitute the entitlement for such day and shall be the basis for the Unauthorized Overrun Gas Payments specified in Section 20 of these General Terms and Conditions.

New paragraphs 11.3(e)(iii) and (f) provide that under the revised curtailment plan, the daily quantities authorized to be taken, as determined by application of the curtailment provisions of Section 11, constitute the entitlement on any given day and the accumulation of scheduled daily quantities of such entitlement shall be used in determining the seasonal volumetric amounts subject to the penalty payment for unauthorized overrun deliveries. El Paso states that the methods and procedures to be followed in determining such volumetric quantities will be fully described in the explanation of the Curtailment Procedures and method of determination of base volume data to be filed on April 11, 1974, as part of El Paso's compliance filing. El Paso notes that the revised paragraph 11.3(f) also includes a modification which deals with the handling of emergency relief gas and storage deliveries in determining the aggregate amount of gas allocated as daily entitlement and used in the determination of Unauthorized Overrun Penalties.

*Second Revised Sheet No. 63–C.* This tendered sheet contains, as a part of section 11.3, a new paragraph (g) which was not reflected on counterpart Second Revised Sheet No. 63–C in the July 15, 1974,

[4] The definition of Direct Industrial Customer contained on Sixth Revised Sheet No. 63 of the July 15, 1974, filing has been revised and is now contained on tendered Fourth Revised Sheet No. 62 described above.



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filing. The new paragraph (g) specifically identifies the quantities of storage injection gas to be accorded Priority 2 classification for El Paso's California customers' summer season storage injection gas to be received from El Paso. Such quantities will be determined in accordance with the formula prescribed by the Commission in Opinion No. 697–A. As of the date of this tender, El Paso's California customers' storage injection quantities of Priority 2 gas are said to be unavailable accordingly, as a part of its base volume and end-use profile information to be filed on April 11, 1975, El Paso will file a Substitute Second Revised Sheet No. 63–C reflecting the appropriate storage injection volumes. This paragraph (g) will also be expanded prospectively to identify storage injection quantities for east-of-California customers as storage projects for their use and benefit are certificated.

*First Revised Sheet No. 63–D.* This sheet containing sections 11.4, *Operational Limitations*, 11.5, *Alterations and Repairs*, 11.6, *Notice of Curtailment*, and 11.7, *Operating Information and Estimates*, is identical to the counterpart sheet contained in the July 15, 1974, filing inasmuch as Opinion 697–A did not require any change in these provisions.

*Second Revised Sheet No. 63–E, Original Sheet No. 63–F, Original Sheet No. 63–G, Original Sheet No. 63–H, Original Sheet No. 63–I, Original Sheet No. 63–J*[5]*—Section 11.8 Emergency Relief from Curtailment*, Section 11.8, *Emergency Relief From Curtailment*, as contained Sheet Nos. 63–E and 63–F of the July 15, 1974, filing has been restated and expanded to incorporate the intent of the provisions of Order No. 467–A as prescribed by Opinion No. 697[6] and the additional guidelines proposed by El Paso in its response to protests of General Motors Corporation and Nevada Power Company filed October 9, 1974, in Docket No. RP72–6 which the Commission directed El Paso to include in the revised tariff filed in compliance with Opinion 697–A.[7] The only revisions to El Paso's response filed on October 9, 1974, is to paragraph 11.8(b)(v) contained on Sheet No. 63–G, wherein the need to determine priority of service for electric operations has been eliminated as a requirement for emergency relief requests and, on Sheet No. 63–H, the last paragraph of Section 11.8 has been modified to clarify the pay back of emergency relief deliveries. As now provided herein, pay back of emergency relief volumes will commence immediately upon termination of the emergency conditions to the extent possible without causing an additional emergency situation.

*Section 11.9 Volumetric Limitations.* This section replaces in its entirety the counterpart provision contained on Original Sheet No. 63–G in the July 15, 1974, filing and is to be included in the Priorities and Curtailment provisions in El Paso's tariff to define the maximum quantities of gas which El Paso is authorized to deliver and which the Buyers and Direct Customers are entitled to schedule for delivery during periods of curtailment. El Paso states that there will be attached as part of El Paso's April 11, 1975, filing an explanation of the procedures and methods to be applied in deriving specific volume utilized in the administration of the curtailment plan as prescribed at Opinion 697–A. The provisions of section 11.9, volumetric *Limitations* are discussed below:

Paragraph 11.9(a) identifies the two Indices reflecting the volumetric limitations and sets forth the meaning of the specific volumes shown thereon.

Since, under Opinion No. 697–A, at pages 4 through 8, the Commission has now required specific volumetric limitations for each seasonal period and for each priority for each Buyer and Direct Customer, such data are being set forth for convenience in separate Indices.

Paragraph 11.9(b) defines the terms utilized in the Indices; the Peak Day Entitlement, the Winter Season Base Volume, the Summer Season Base Volume, and the Priority Limitation. These terms are used to define in the tariff the volumetric limitation quantities established consistent with Opinion No. 697–A and to be used in the administration of the curtailment plan.

Paragraph 11.9(c) sets forth in the tariff the requirement of Opinion No. 697–A, page 15, that the initially established volumetric limitations may be changed only by order of the Commission.

Paragraph 11.9(d) sets forth the requirement of Opinion No. 697–A, page 8, that El Paso provide the estimated availability of gas supply to each Buyer and Direct Customer in each priority category no less than 30 days in advance of each seasonal period.

The annual base volumes reflecting actual historical take of El Paso's customers for the twelve-month period ending October 31, 1972, adjusted to also reflect the annualized effect of attached Priority 1 and 2 loads existing as of October 31, 1974, serve as absolute limits on El Paso's authority to deliver gas to its customers, divided into Winter and Summer Season Base Volumes.[8]

*Third Revised Sheet No. 67–D, Second Revised Sheet No. 67–E, and Original Sheet No. 67–F.* These tendered revised tariff sheets contain provisions which are required to be reworded and resubmitted as a result of the directive given by the Commission in Opinion No. 697–A with respect to Unauthorized Overrun Gas provisions.[9] The revised provisions contained on such sheets are discussed individually below.[10]

*Section 20.1 Daily Unauthorized Overrun Gas.* This provision differs from the counterpart provision contained in the July 15, 1974, compliance filing to the extent that it contains all unauthorized overrun gas provisions applicable to daily takes from El Paso consistent with the directives of the Commission contained in Opinion No. 697–A at pages 8 through 11. The provisions set forth in sections 20.1(a), 20.1(b) and 20.1(c) are said to be in substance identical to their counterpart provisions 20.1, 20.2 and 20.3 as contained in the July 15, 1974, compliance filing. The waiver provisions of daily unauthorized overrun payment have been expanded to include the proviso that such waiver is not applicable when Seller is curtailing Priority 2 on a systemwide basis.

*Section 20.2 Seasonal Unauthorized Overrun Gas.* This provision has been added to El Paso's tariff in accordance with the directives of Opinion No. 697–A, at page 10, and is said to be designed to impose penalty payment on seasonal deliveries taken by any Buyer and Direct Customer which are in excess of the summation of the daily quantities of gas which such customer was entitled to take during such season. Such provisions have been constructed in the manner similar to the overrun provisions applied for daily overruns in Section 20.1, with the exception that no tolerance is permitted in determining the amount of excess takes above the established absolute maximum volumetric limitations set forth in Section 11.9 and related Index. The provision does provide that El Paso's customers will be permitted to apply any daily overrun payments incurred and actually made during any given seasonal period as a credit to such seasonal overrun penalty amounts due and payable, provided that such credit does not exceed the amount of the seasonal unauthorized overrun payment due.

Opinion No. 697–A is said to provide that seasonal entitlements will be determined on the basis of the end-use profile reflecting requirements reported to El Paso by its customers during the year ending October 31, 1974, as adjusted. Only after the season has actually passed and post-season adjustments have been made can seasonal overrun penalties applied against actual takes be properly assessed. El Paso states this is the approach taken in Section 20.2 of El Paso's tariff; the cumulative daily entitlements during each season shall serve as the basis for assessment of seasonal overrun penalties.

*Section 20.3 Reservation: Other Remedies.* This section specifically provides that Buyer or Direct Customer shall not consider these overrun provisions as permitting them to take unauthorized overrun gas under Section 20 and is consistent with its counterpart provision contained in the July 15, 1974, compliance filing.

*Second Revised Sheet No. 100, and Original Sheet No. 130.* As provided by section 11.9 of El Paso's tariff provisions tendered herewith in compliance

[5] Original Sheet No. 63–J contains a portion of Section 12, *ARBITRATION*, as a result of repagination of the tariff required in refiling of the tendered sheets in compliance with Opinion 697–A.

[6] *See* Opinion No. 697 at 21 and Order No. 467–A, Amendment to Statement of Policy, issued January 14, 1973, in Docket No. R–469.

[7] *See* Opinion No. 697–A at pages 11 and 12.

[8] *See* Opinion No. 697–A at page 5.

[9] See *Overrun Penalties* section of Opinion No. 697–A commencing on page 8.

[10] Section 19.8 and 19.9 contained on tendered sheet No. 67–D have not been changed from the effective counterpart provisions now contained in El Paso's tariff.





with Opinion No. 697–A, the Index of Base Volumes and the Index of Priority Limitations will reflect those volumetric amounts specifically applicable to each Buyer and Direct Customer to be utilized in the implementation and administration of the revised curtailment plan. Such Indices of volumetric limitations will contain, by customer, the appropriate peak day entitlement, summer season and winter season base volume and priority limitation volume amounts applicable to each such customer.

The Peak Day Entitlement is to be the daily amount specified in El Paso's contracts with its customers, adjusted as necessary to include the peak day requirements of Priority 1 and 2 loads attached by such customers as of October 31, 1974, as prescribed at pages 6 and 7 of Opinion No. 697–A. The summer season and winter season base volumes by customer will be determined on the basis of the actual historical takes by each customer for the twelve month period ending October 31, 1972, adjusted to reflect the annualized effect of attached loads existing as of October 31, 1974. Such volumetric amounts will represent the absolute maximum amounts of gas which shall be available to such customers under the permanent curtailment plan. Such amounts will be utilized in conjunction with each Buyer's and Direct Customer's end-use profile for allocation of El Paso's available supplies by priority of service, to be reflected in the Index of Priority Limitations.

There is included as part of this filing pro forma Sheet Nos. 100 and 130 to El Paso's Original Volume No. 1 tariff, which sheets are submitted for informational purposes to illustrate the format El Paso intends to utilize to reflect the peak day entitlement, summer season and winter season base volumes and priority limitations applicable to each customer. These sheets reflecting this information will be tendered for filing and acceptance on April 11, 1975, concurrent with the base volume and end-use profile information required by ordering paragraph (C) of Opinion No. 697–A, El Paso states.

Any person desiring to be heard or to make any protest with reference to the question whether the instant filing conforms to the requirements of Opinion No. 697–A should on or before May 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests, petitions to intervene, or notices of intervention in the instant proceeding need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10363 Filed 4–18–75;8:45 am]

[Docket No. CP74–143]

## EL PASO NATURAL GAS CO.

### Petition To Vacate Order

APRIL 14, 1975.

Take notice that on March 26, 1975, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74–143 a petition requesting the Commission to vacate its order in said docket issued February 19, 1974 (50 FPC —), granting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act which authorized Petitioner to install certain pipeline facilities in Pinal County, Arizona, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The petition states that by the February 19, 1974, order Petitioner was authorized to install a measurement and regulating station on its 6-inch O.D. Superior pipeline in Pinal County, replacing an existing tap, to meter and regulate volumes of gas to be delivered to Southwest Gas Corporation (Southwest) for resale in the Queen Valley area, Pinal County. Petitioner states Southwest has notified it that due to a slowdown in the general economy, the forecasted development of the area has not materialized to the extent expected and the anticipated increase in natural gas requirements has not occurred. Petitioner requests, in light of this slowdown and since the period within which Petitioner was authorized to construct the above described facilities has expired, that the Commission grant the instant petition and vacate its February 19, 1974, order.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10354 Filed 4–18–75;8:45 am]

[Docket No. RP75–42–3, etc.]

## EL PASO NATURAL GAS CO. ET AL.

### Petitions for Extraordinary Relief

APRIL 15, 1975.

In the matter of El Paso Natural Gas Company (Pioneer Natural Gas Company), Docket No. RP75–42–3; (The City of Las Cruces, New Mexico, a Municipal Gas Company and Rio Grande Natural Gas Association), Docket No. RP75–42–4; (Southern Union Gas Company), Docket No. RP75–42–6; (Arizona Public Service Company), Docket No. RP75–42–7.

On April 8, 1975, petitions for extraordinary relief pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) from curtailment by El Paso Natural Gas Company (El Paso) relating to natural gas used for irrigation purposes were filed by the following petitioners in the following dockets:

Pioneer Natural Gas Company (Pioneer), P.O. Box 511, Amarillo, Texas 79163 in Docket No. RP75–42–3;

The City of Las Cruces, New Mexico, a Municipal Gas Company, and Rio Grande Natural Gas Association (Las Cruces and Rio), c/o Frank N. Chavez, Deputy City Attorney, P.O. Box 760, Las Cruces, New Mexico 88001, in Docket No. RP75–42–4; Southern Union Gas Company (Southern Union) 1500 Fidelity Union Tower, Dallas, Texas 75201, in Docket No. RP75–42–6;

Arizona Public Service Company (Arizona), c/o Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85073.

With respect to the irrigation gas, petitioners, all customers of El Paso, request the following relief:

*Pioneer.*—An order of the Commission (1) placing irrigation gas in priority 2 of El Paso's curtailment tariff, (2) granting Pioneer permanent extraordinary relief from curtailment for requested irrigation gas volumes of 896,934 Mcf per year except to the extent that curtailment may be required for El Paso to serve human needs customers, (3) granting immediate temporary relief in order to assure adequate gas supplies for Pioneer's customers using gas for irrigation purposes, and (4) such other and further relief as may be warranted in the premises;

*Las Cruces and Rio.*—Relief from the Commission exempting permanently from El Paso's curtailment the following volumes of natural gas, which are required to fuel agricultural irrigation pumping units as necessary to maintain existing agricultural operations: for Las Cruces, 2,644 Mcf in a peak month and 132.2 Mcf on a peak day; for Rio, 27,904 Mcf in a peak month and 1,395 Mcf on a peak day;

*Southern Union.*—Permanent extraordinary relief such that all its natural gas requirements for irrigation pumping (expected annual 1975 requirements—approximately 4 million Mcf) be accorded permanent priority 2 status under El Paso's curtailment plan, if more appropriate relief is not granted;



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*Arizona*—A determination by the Commission that El Paso has incorrectly determined that none of the volumes of gas it delivers for irrigation purposes is classifiable as "process gas" includable within priority 2; and for extraordinary relief to enable it to maintain deliveries to irrigation customers (annual requirements for 1974—8,167,800 Mcf).

All petitions are on file with the Commission and open to public inspection.

Pioneer seeks relief on behalf of customers owning approximately 737 irrigation wells, the majority of which are located in Yoakum, Gaines, Deaf Smith and Castro Counties, Texas, and are operated by right of way grantors of El Paso. Pioneer claims that conversion of the engines used to power the irrigation pumps is not feasible due to many practical considerations, which would increase fuel costs approximately 300 percent, or entail modification of engines requiring major reworking by qualified experts at an average cost of 70 percent of replacement cost. Pioneer asserts that to curtail gas used for irrigation pumping would force a farmer's costs up to the point where he will not be able to continue to irrigate crops with any expectation of profit. Pioneer cites the current price per million Btu of natural gas for its customers for irrigation at an average of 80 cents, while the cost of gasoline, the only feasible alternative, according to Pioneer is cited at $2.37 for an equivalent Btu content.

Las Cruces and Rio state that supplies for alternate fuels, such as diesel and gasoline, for irrigation pumping are unavailable, and that no scheduling of alternate fuel sources can be made because the impact of the curtailment by El Paso is not presently known. Las Cruces and Rio cite the cost per million Btu of gas as $5.00 and the cost of diesel and gasoline as $8.15 and $13.16 per million Btu, respectively. Las Cruces and Rio further state as the costs for propane and electricity per million Btu, $10.50 and $5.37, respectively.

Southern Union states that farmers cannot afford to convert to any alternate fuel at all, that the increased capital costs for installing alternate fuel facilities cannot be financed by borrowing and the increased operating costs for using alternate fuel cannot be financed by traditional crop loans. Southern Union submits that it will support its allegations in testimony at the hearing prescribed by the Commission's order of March 21, 1975, issued in Docket No. RP72–6. Southern Union cites the following prices per million Btu of Natural gas:

Texas, 79.68 cents.
New Mexico, 56.60 cents.
Arizona, $1.03.

and the following prices for equivalent volumes of regular gasoline as an alternate fuel:

Texas, $3.5821.
New Mexico, $3.5567.
Arizona, $3.9552.

Arizona states that it is not technically feasible for the 580 irrigation customers on its gas distribution system to convert their natural gas fuel irrigation pumping engines to an alternate fuel. Arizona cites cost of conversion of over 80 percent of replacement cost, conversion time periods of over two years in some instances, inadequate distribution and storage facilities for alternate fuels, speculative availability of alternate fuels, and increased fuel costs of almost 300 percent. Arizona further states that there are no existing alternate fuel capabilities and no alternate fuels. Arizona requests relief for at least 24 months from the date of a final order of the Commission in the instant proceeding, claiming that this period is necessary for the conversion to an alternate fuel for those pumping engines which are determined to be convertible or for a changeover to a different power source.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petitions should on or before May 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10353 Filed 4–18–75;8:45 am]

[Docket No. CI75–415]

## MESA PETROLEUM CO.

### Order Granting Interventions, Setting Matter for Hearing, and Establishing Procedures

APRIL 15, 1975.

On January 10, 1975, Mesa Petroleum Company (Applicant) filed in Docket No. CI75–415 an application pursuant to Section 7(b) of the Natural Gas Act for authorization to abandon the sale of natural gas to Panhandle Eastern Pipeline Company (Panhandle) from the Hugoton Field, Stevens County, Kansas.[1] Applicant also requested authorization pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle from reserves to be developed in Blocks A–330, A–348, and A–349 High Island East Addition, South Extension Offshore Texas (Federal Domain), and in Block 612, West Cameron Area, Offshore Louisiana, part of which is to serve as a substitute for the reserves presently committed to Panhandle at the Hugoton Field. At present the sale of the Hugoton Field gas is being made pursuant to Applicant's small producer certificate in Docket No. CS67–82.[2]

By a January 1, 1976, target date, Applicant proposes to develop and dedicate for sale to Panhandle approximately 200 million Mcf of what Applicant purports to be proven reserves in the aforementioned offshore blocks. Pursuant to the terms of a December 14, 1974, agreement, Applicant proposes to replace the existing 75 million Mcf already committed to Panhandle for 75 million Mcf from the new offshore reserves at an initial rate of 20.512 cents per Mcf plus 2.182 cents per Mcf at 15.025 psia as a gathering allowance. This rate is the weighted average of the two rates in effect for sales of the Hugoton Field gas. Furthermore the gas purchase contract also provides for a 1.0 cents per Mcf increase on July 1, 1977, pursuant to the provision of this Commission's Opinion No. 586. Applicant further proposes to sell the remaining 125 million Mcf of the new offshore reserves to Panhandle at a separate contract rate under an area rate clause at a rate equal to the highest price established by this Commission for the sale of gas produced from the pricing area where the subject offshore gas is sold. This rate is to be determined at the time the deliveries of the 125 million Mcf commence.

Applicant states that once it is determined that 200 million Mcf of proven reserves have been developed, and the gas purchase and sales agreement is executed, Applicant has agreed that in the event the leases committed to the gas purchase and sales agreement are incapable of delivering the contract goal of 200 million Mcf, Applicant will make up such deficiency by committing any uncommitted gas leases which it may have at the time such deficiency is determined. However, Applicant notes that in no event will Applicant be required to acquire new leases or other gas supplies to make up any deficiency. Applicant also states "there is no unlimited warranty by Applicant to delivery 200 Bcf to Panhandle."

In support of its application, Applicant maintains that as a result of the instant proposal, Panhandle will obtain a new net proven reserve addition of 125 million Mcf, and that deliverability to Panhandle will increase to an expected 60,000 Mcf per day from the existing 12,000 Mcf per day under the November 24, 1970, contract. Furthermore, Applicant states that when and if the gas dedicated in the Hugoton Field is released it will make such gas available to

[1] It was estimated as of January 1, 1975, that there were 75 million Mcf remaining in the Hugoton Field which are committed to a November 24, 1970 contract between Applicant and Panhandle.

[2] This certificate supercedes a certificate issued on December 27, 1971, in Docket No. CI67–274 which was subsequently terminated.





Kansas Power and Light Company (KP and L).[1]

There are a number of issues involving Applicant's proposed abandonment and request for authorization to make new sales to Panhandle which compel this Commission to set the matter for a formal evidentiary hearing. First, the effect of Applicant's proposal may be to decrease the existing interstate gas supplies since the 75 million in reserves in the Hugoton Field would be released from a previous commitment to the interstate market, then sold intrastate to KP and L. However, we also note that these existing reserves would potentially be replaced by offshore Federal Domain reserves which would be required to be sold in the interstate market should they be capable of production. Yet such substitution may in some way affect the availability of supply to Panhandle which in turn may affect the availability of supply to Panhandle's customers who may already be subject to substantial curtailments existing on Panhandle's system. Second, although Panhandle would pay the same base rate for the substitute reserves, Applicant's proposal may require the payment by Panhandle of additional transportation charges since Panhandle presently has no transportation facilities in the vicinity of the subject offshore blocks. This in turn may indirectly affect rates Panhandle's customers may be charged.

No affiliation of record exists between buyer and seller.

After due notice of the application in the FEDERAL REGISTER on January 29, 1975, (40 FR 4359). Petitions to Intervene were filed by Michigan Gas Utilities Company (Michigan Gas), Citizens Gas Fuel Company (Citizens Gas) on February 4, 1975, by Panhandle Eastern Pipeline Company (Panhandle Eastern) and Michigan Gas Storage Company (Michigan Gas Storage) on February 6, 1975, all within the period required for such interventions and protests pursuant to the notice issued in the instant proceeding on January 22, 1975. No further petitions to intervene or protests to the granting of the application have been filed as of this date of issuance.

Based upon the pleadings before us, we believe that justification for the proposed substitution sale including its rate and terms, and the concurrent abandonment of the presently certificated sale, as well as other public interest issues should be established by substantial evidence in a formal evidentiary hearing. Accordingly, we will set the instant application for formal expeditious hearing.

*The Commission finds:* (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, particularly with respect to sections 7(b) and 7(c) that the issues involving the proposed abandonment and sale by Applicant be the subject of a formal evidentiary hearing in accordance with the procedures as set forth below.

(2) Participation by Michigan Gas Utilities Company, Citizens Gas Fuel Company, Panhandle Eastern Pipe Line Company and Michigan Gas Storage Company may be in the public interest.

*The Commission orders:* (A) Pursuant to the authority of the Natural Gas Act particularly sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on May 28, 1975, at 10 a.m. (e.d.t.) in a hearing room at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 concerning whether a certificate of public convenience and necessity should be granted as requested by Mesa Petroleum Company in the application filed on January 10, 1975.

(B) On or before May 6, 1975, Mesa Petroleum Company and any supporting party shall file with the Commission and serve on all parties including the Commission Staff, their testimony and exhibits comprising their case-in-chief.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority [18 CFR 3.5(d)]—shall preside at and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure, and the purposes expressed in this order, and shall prescribe relevant procedural matters not herein provided.

(D) Michigan Gas Utilities Company, Citizens Gas Fuel Company, Panhandle Eastern Pipeline Company, and Michigan Gas Storage Company are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of this Commission; *Provided, however,* That participation by such intervenors shall be limited to matters affecting their asserted rights and interests as specifically set forth in their petitions to intervene; *Provided, further,* That the admission of such intervenors shall not be construed as recognition by this Commission that they might be aggrieved by any order entered by this Commission in the instant proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10355 Filed 4–18–75;8:45 am]

[Docket No. CP75–264]

## MONTANA-DAKOTA UTILITIES CO.

### Notice of Application

APRIL 15, 1975.

Take notice that on March 10, 1975, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP75–264 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain tap connection facilities and for authority to transport for and exchange with Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a Gas Exchange and Purchase Agreement, dated January 24, 1975, with CIG which provides that Applicant transport, by exchange, gas gathered by CIG in the South Big Coulee area of Stillwater County, Montana. It is estimated that initially an average total of 1,500 Mcf of gas per day will be delivered by CIG to Applicant at a proposed tap on Applicant's Big Coulee gathering line. Applicant states that it will purchase 25 percent, or an estimated average of 375 Mcf of gas per day, at the Commission-approved rate plus a gathering and transportation charge initially set at 1.0 cent per Mcf. Applicant further states that it will redeliver to CIG, by exchange, the remaining 75 percent of the gas delivered to it, or an estimated average of 1,125 Mcf of gas per day, at existing facilities on Applicant's pipeline within the site of a processing plant operated by Amoco Production Company in Elk Basin Field, Park County, Wyoming. It is stated that CIG will pay Applicant a transportation charge equal to 6.0 cents per Mcf for transporting CIG's gas.

Applicant seeks authorization to construct and operate a tap connection on its Big Coulee line through which to receive the subject gas from CIG. The proposed tap connection will consist of a 4-inch valve, drip and a 2-inch blow-off valve. Applicant estimates the cost of the proposed facilities to be $808, which cost will be financed from funds on hand. According to Applicant all other necessary facilities at the tap connection, including measurement facilities, will be constructed by CIG. Applicant claims that the existing facilities proposed to be used to effectuate the proposed exchange have sufficient capacity without any other additions to handle adequately the gas volumes proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] Historically, Applicant states it has supplied approximately 70 percent of the main line natural gas requirements of KP&L.



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Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10356 Filed 4-18-75;8:45 am]

[Docket No. RP74-35, PGA75-10]

## NATIONAL FUEL GAS SUPPLY CORP.

### Proposed PGA Rate Adjustment

APRIL 14, 1975.

Take notice that on April 2, 1975, National Fuel Gas Supply Corporation (Formerly United Natural Gas Company) (National), tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Fifteenth Revised Sheet No. 3-A and Fourth Revised Sheet No. 16-A, proposed to be effective May 1, 1975.

National states that the purpose of these revised tariff sheets is to adjust National's rates pursuant to the PGA provision in Section 16 of the General Terms and Conditions. National further states that such tariff sheets reflect an adjustment in National's rates of 19.00¢ per MCF on Fourteenth Revised Sheet No. 3-A.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10357 Filed 4-18-75;8:45 am]

[Docket No. CI75-581]

## NORTHERN MICHIGAN EXPLORATION CO.

### Notice of Application

APRIL 14, 1975.

Take notice that on April 1, 1975, Northern Michigan Exploration Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CI75-581 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Company (Trunkline) from Vermilion Block 320, South Addition, offshore Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Trunkline an estimated 30,000 Mcf of gas per day from the subject acreage at the nationwide rate prescribed in § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a) within the contemplation of § 2.70 of the General Policy and Interpretations (18 CFR 2.70).

Applicant states that the subject gas will be available for only a limited term because it is committed by contract to a permanent sale to Consumers Power Company (Consumers Power), Applicant's parent company. Applicant further states that sale of the subject gas to Consumers Power is under consideration by the Commission in Docket Nos. CP74-322, CP75-3 and CI74-738. Applicant, accordingly, requests the termination of the limited-term sale proposed herein to be the sooner of the following dates:

(1) The date of acceptance by all necessary parties or rejection by any applicant of certificates of public convenience and necessity issued in Docket Nos. CP74-322, CP75-3 and CI74-738, or

(2) The date of denial of authorization by the Commission in the said dockets, or

(3) One year from the date of initial deliveries pursuant to the instant application.

Applicant relates that it commenced a 60-day emergency sale to Trunkline of the subject gas on April 1, 1975, pursuant to § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to commence the limited-term sale proposed in the instant application upon termination of said emergency sale.

Applicant justifies the emergency and proposed limited-term sales by the need of Consumers Power and Applicant to receive a return on their substantial investment in exploration and development efforts in the offshore area.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10358 Filed 4-18-75;8:45 am]

[Docket No. E-9385]

## NORTHERN STATES POWER CO.

### Filing Short Term Power Agreement

APRIL 15, 1975.

Take notice that Northern States Power Company, on April 7, 1975, tendered for filing, a Short Term Power Agreement dated April 2, 1975, with the City of Sleepy Eye, Minnesota.

The Agreement provides for either party to purchase Short Term Power from the other for periods of seven days or longer as agreed in advance. The rates for these transactions are contained in § 1.06.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10359 Filed 4-18-75;8:45 am]





[Docket No. RP75-81]

## NORTH PENN GAS CO.

### Proposed Curtailment Plan

APRIL 15, 1975.

Take notice that on March 24, 1975, North Penn Gas Company (North Penn), 76-80 Mill Street, Port Allegany, Pennsylvania 16743, filed in Docket No. RP75-81 pursuant to Section 4 of the Natural Gas Act proposed revisions to First Revised Volume No. 1 of its FPC Gas Tariff consisting of various tariff sheets [1] to implement a proposed curtailment plan, all as more fully set forth in the sheets tendered for filing herein which are on file with the Commission and open to public inspection.

North Penn states that while Section 9 of the General Terms and Conditions of its existing tariff provides for curtailment of deliveries in the event of a *force majeure* situation, which is defined as including the inability of North Penn to obtain sufficient gas supplies, no curtailment procedure is set forth in the existing tariff. By the instant filing, North Penn adds a new Section 9A to the General Terms and Conditions of its tariff to provide for the implementation of curtailments effected under Section 9. North Penn states that under the proposed plan contained in its superseding and new tariff sheets, with a single deviation any required curtailment will be accomplished by allocation of deliveries to affected services based on the end-use priority categories and curtailment procedures specified in § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78). The deviation from § 2.78 is said to be inclusion in curtailment Category 2 of "firm industrial requirements up to 300 Mcf per day." [2] North Penn states that firm industrial requirements up to 300 Mcf per day are included in Category 2 of the curtailment provisions of the tariffs of all three of North Penn's suppliers, Transcontinental Gas Pipe Line Corporation, Consolidated Gas Supply Corporation, and Tennessee Gas Pipeline Company, a Division of Tenaco Inc. North Penn contends that it is proper to include these small volume firm industrial requirements in Category 2 of its own curtailment plan for the reasons advanced by the Commission in Opinion 647-A and so that North Penn's curtailment plan may track the priority-of-service categories of its interstate suppliers.

North Penn states that the end-use data to be used by it in the implementation of curtailments have been recently collected by North Penn in connection with the proceeding before the Commission in Docket No. RP73-115 for the establishment of a curtailment plan for the Consolidated Gas Supply system. North Penn also indicates that its curtailment plan contains an appropriate provision for a special adjustment to curtailment to meet emergency conditions.

North Penn states that in order to enforce the provisions of its curtailment plan, North Penn has provided for the payment of overrun penalties at the rate of $10.00 per Mcf for all unauthorized volumes taken in excess of 105 percent of allocated entitlement in any month. North Penn indicates that all volumes taken during a month in excess of entitlement but not more than five percent over entitlement shall be deemed to have been taken during the next month. North Penn states that a buyer may defer taking during any month no more than five percent of its allocated entitlement and that volumes so deferred are added to the buyers' allocated entitlement for the next month.[3]

North Penn states that its curtailment plan provides for exchanges of information among North Penn and its customers. North Penn indicates that the plan also provides that, to the extent possible, North Penn shall attempt to curtail at similar magnitudes over its total system but if the necessity to curtail affects only one part of the system, curtailment will be implemented on the basis of the needs and circumstances of the affected segments of the system.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10360 Filed 4-18-75;8:45 am]

[Docket No. CI75-406]

## PHILLIPS PETROLEUM CO.

### Extension of Procedural Dates

APRIL 15, 1975.

On April 9, 1975, Phillips Petroleum Company filed a motion to extend the procedural dates fixed by order issued April 1, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Supporting Testimony, April 22, 1975.
Hearing, May 7, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10361 Filed 4-18-75;8:45 am]

[Docket No. RP 75-13]

## TENNESSEE GAS PIPELINE CO.

### Further Extension of Procedural Dates

APRIL 15, 1975.

On April 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 11, 1974, as most recently modified by notice issued January 27, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, July 14, 1975.
Service of Intervenor's Testimony, August 11, 1975.
Service of Company Rebuttal, September 8, 1975.
Hearing, September 16, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10362 Filed 4-18-75;8:45 am]

[Docket No. CP75-295]

## TEXAS GAS TRANSMISSION CORP.

### Petition for Declaratory Order

APRIL 15, 1975.

Take notice that on March 21, 1975, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CI75-570 a petition for a declaratory order holding that deliveries of gas to Petitioner from the acreage of Edwin L. Cox, *et al.*, unitized in the "C" Sand Unit produced by the Edwin L. Cox No. 1 Intercoastal Shipyard Well, cannot be diverted from the interstate market into the intrastate market unless Cox first obtains authorization for abandonment of service pursuant to section 7(b) of the Natural Gas Act, and directing that prior to the issuance of a final order of the Commission authorizing the abandonment of service pursuant to section 7(b) Cox shall cease and desist deliveries of natural gas from such well to its intrastate purchaser and that Cox shall provide for the redelivery of equivalent volumes of gas to Petitioner which were theretofore delivered to the intrastate purchaser, all as more fully set forth in the petition, which is on file with the Commission and open to public inspection.

In support of its petition Petitioner states the following facts:

(1) Cox operates the subject well, which is producing from the "C" Sand in

[1] First Revised Sheet No. 12 (superseding Original Sheet No. 12) and Original Sheet Nos. 12A, 12B, 12C, 12D, 12E, and 12F.

[2] North Penn states this deviation from the strict application of Order No. 467-B priority-of-service categories was first approved by the Commission in *United Gas Pipe Line Co.*, Opinion No. 647-A, 49 FPC 1211-1214, and subsequently adopted by many pipeline companies for inclusion in their own curtailment plans.

[3] North Penn states its provisions allowing a buyer to defer or to advance up to five percent of entitlements from month to month are designed to allow the buyer flexibility in serving temperature sensitive loads.







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the Ramos Field, St. Mary Parish, Louisiana, and which was drilled and completed on a tract of land from which production is covered by various gas purchase contracts between Petitioner and certain producers of natural gas, on file as FPC gas rate schedules, and pursuant to which sales are authorized by various certificates issued by the Commission.[1]

(2) The Department of Conservation, State of Louisiana, by order issued on August 8, 1968, caused to be unitized with lands covered by the hereinabove mentioned contracts certain lands not covered by said contracts.

(3) The subject well commenced production on August 30, 1968. All gas was delivered to Petitioner pursuant to the subject gas purchase contracts.

(4) After such initial deliveries to Petitioner, Cox and Petitioner entered into negotiations concerning the gas production from the lands not covered by the above-described contracts.

(5) A gas purchase contract was executed and an application for a certificate of public convenience and necessity was filed with the Commission in Docket No. CI71-117. The application was with drawn on July 28, 1971.

(6) At all times from August 5, 1968, to on or about March 5, 1975, 100 percent of the gas produced from the Edwin C. Cox No. 1 Intercoastal Shipyard Well was delivered and sold to Petitioner pursuant to the aforementioned gas purchase contracts. All such gas was sold for resale by Petitioner in interstate commerce.

(7) Cox commenced diverting a portion of the gas from the subject well to to intrastate commerce on or about March 5, 1975, pursuant to a negotiated contract with Louisiana Interstate Gas Corporation.

In view of these facts, Petitioner requests the Commission to issue a declaratory order as hereinbefore described.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10365 Filed 4-18-75;8:45 am]

[1]

| Seller | Contract date | Rate schedule No. | Docket No. |
|---|---|---|---|
| Gulf Oil Corp. (Gulf): | | | |
| Gulf | Dec. 19, 1961 | 355 | CI62-1016 |
| Amerada Hess Corp. | Nov. 22, 1957<br>Oct. 17, 1966 | 338<br>140 | G-14515<br>CI67-687 |
| Texas International Petroleum Corp. (successor to J.C. Trahan Drilling Contractor, Inc.) | Dec. 18, 1961 | | CI71-555 |

## GENERAL SERVICES ADMINISTRATION

### ARCHIVES ADVISORY COUNCIL

#### Meeting

Notice is hereby given that the Archives Advisory Council shown below will meet at the times and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL, REGION 4

Meetings dates: May 15–16, 1975.

Times: May 15: 1 p.m. to 4:45 p.m.; May 16: 8 a.m. to 12 noon.

Place: Conference Room, Atlanta Federal Archives and Records Center, 1557 St. Joseph Avenue, East Point, Ga. 30344.

Agenda: Recent legislation affecting the National Archives and Records Service; reports of archives activities in Regions 4 and 5; orientation on records management and its impact on archives programs; professional relations, publicity, regional symposia, and the role of the Advisory Council; archives intern programs; deposited microfilm and interlibrary loan operations.

For further information contact: Mr. E. L. Johnson, NARS Regional Commissioner (GSA), 1776 Peachtree St., NW., Atlanta, Ga. 30309. (404) 526-3681.

Issued in Washington, D.C., on April 10, 1975.

JAMES B. RHOADS,
*Archivist of the United States.*

[FR Doc.75-10314 Filed 4-18-75;8:45 am]

[GSA BULLETIN FPR 22]

### FEDERAL PROCUREMENT

#### Cost Accounting Standards Board (CASB) Cognizant Contracting Officers; Interagency Administration

APRIL 11, 1975.

1. *Purpose.* This bulletin provides the means for identifying or verifying cognizant contracting officers for CASB matters.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* a. The regulations and standards of the Cost Accounting Standards Board are implemented by Subpart 1-3.12 of the Federal Procurement Regulations for negotiated national defense and nondefense contracts. Many of the duties involving CASB matters are assigned by the FPR to a single contracting officer for each contractor/subcontractor.

b. The various components of the Department of Defense already have assigned a CASB cognizant contracting officer for the large majority of contractors/subcontractors subject to CASB rules and regulations. This contracting officer is also the cognizant Government representative for nondefense contracts awarded by the various civilian agencies. In the event such an assignment does not exist, § 1-3.1208 of the FPR provides that the predominant interest agency will make the cognizant contracting officer assignment.

c. It is desirable and appropriate that the negotiator/contracting officer awarding a contract and the assigned CASB cognizant contracting officer establish a cooperative working relationship. While the individual contractor/subcontractor normally will know the identity of his CASB cognizant contracting officer, the contracting officer who signs the contract may need other means to identify that individual.

d. Actual assignments of cognizant contracting officers may change from time to time. Accordingly, agency contract points are provided by this bulletin that can identify the appropriate cognizant contracting officer within an agency.

4. *Agency contact points for the identification of cognizant contracting officers.* a. Attachment A to this bulletin is a list of contact points in Federal agencies that are responsible for the identification of cognizant contracting officers for CASB matters when an agency is the predominant interest agency as the term is defined in § 1-3.1208 of the Federal procurement regulations (Title 41, Code of Federal Regulations, Chapter 1). By means of these contact points, a Government negotiator in any agency can ascertain the identify of the Government contracting officer who has cognizance over CASB matters of a particular contractor/subcontractor with whom he may be considering the award of a negotiated contract(s) subject to CASB rules and regulations.

b. Cognizant contracting officers for CASB matters are assigned by various contract administration service components of the Department of Defense. Each contractor/subcontractor is assigned to a DOD service component as listed in the "DOD Directory of Contract Administration Services Components (DOD 4105.59 H)." Most of the needs for information can be satisfied by telephone contacts. However, Government agencies may make written requests for limited quantities (up to 5) of the DOD Directory. Contact points are listed in Attachment A.

c. Cognizant contracting officers for CASB matters are assigned by civilian agencies only when an assignment has *not* been made for a particular contractor/subcontractor by a Department of Defense contract administration services component. The assignment of a cognizant contracting officer for CASB matters in these cases is the responsibility of the predominant interest agency (see





§ 1-3.1208 of the FPR). Therefore, requests for the identity of the cognizant contracting officer should be made to the contact point of that agency listed in Attachment A that has the predominant interest in the particular contractor/subcontractor of concern.

R. E. ZECHMAN,
*Associate Administrator for Federal Management Policy.*

APPENDIX A

AGENCY CONTACTS FOR THE IDENTIFICATION OF COGNIZANT CONTRACTING OFFICERS

DEPARTMENT OF DEFENSE

1. Telephone contacts: (a) Nearest defense contract administration services office, or (b) Defense Supply Agency, Attn: DCAS-JT, Mr. Roy Roberts, or Mr. Richard Meyer, Telephone: (703) 274-7584.

2. DOD Directory (see paragraph 4b.): Agency requests for a limited number of copies or inclusion on the mailing list should be directed as follows: Defense Supply Agency, Attn: DSAH-XM, Cameron Station, Alexandria, Virginia 22314.

CIVILIAN AGENCIES

1. *Agency for International Development, Department of State* (also see State), Office of Contract Management, Supply Division, Overhead and Special Costs Branch, Washington, DC 20523, (703) 235-9855, F. J. Moncada.

2. *Agriculture, Department of,* Office of Operations, Procurement, Grants and Agreements Management Staff, Room 131-W, Administration Building, Washington, DC 20250, (202) 447-7527, Louis W. Perrygo.

3. *Arms Control and Disarmament Agency, United States,* General Counsel, Room 5534—State Department Building, 21st and Virginia Avenue, NW., Washington, DC 20451, (202) 632-3582, James L. Malone.

4. *Central Intelligence Agency,* Office of Logistics, Procurement Management Staff, Washington, DC 20505, (703) 351-3046, A. T. Chason.

5. *Commerce, Department of,* Deputy Director, OAS&P, Washington, DC 20230, (202) 967-2773 or Code 189, P. A. LaBonte.

6. *Energy Research and Development Administration,* C-167, Washington, DC 20545, (301) 973-4542, R. P. White.

7. *Environmental Protection Agency, United States,* Contracts Management Division, Cost Review and Policy Branch, Room 711, Crystal Mall Building #2, Washington, DC 20460, (703) 557-7986, Donald L. Hambric.

8. *Federal Communications Commission,* Procurement Division, Washington, DC 20554, (202) 632-6407, Kenneth A. Gordon.

9. *General Services Administration, Automated Data & Telecommunications Service,* ADP Procurement Division, Agency Procurement Branch (CDPA), Washington, DC 20405. (202) 343-5943, Harold J. Dougherty.

*Federal Supply Service,* Office of Procurement, Policy and Procedures Division (FPP), Washington, DC 20406. (703) 557-8543 or 8540, Ray Hill or John Harms.

*Public Buildings Service,* Office of the Executive Director, Management Review Division (PFM), Washington, DC 20405. (202) 343-5114, Lewis Hall.

10. *Health, Education, and Welfare, Department of,* Office of Grants and Procurement Management Director, Division of Procurement Policy and Regulations Development, 330 C Street, SW., Room 3086. (202) 245-8791, Murray N. Weinstein.

11. *Housing and Urban Development, Department of,* Office of Procurement and Contracts (OPC), 451 7th Street, SW., Washington, DC 20410. (202) 755-5064, Walter Stark.

12. *Information Agency, United States,* Contract and Procurement Division, Washington, DC 20547. (202) 632-5116, James T. McIlwee.

13. *Interior, Department of,* Office of Management Services, Division of Procurement, Washington, DC 20240. (202) 343-5914, Raymond L. Barlow or William S. Opdyke.

14. *Justice, Department of* (includes LEAA), Office of Management and Finance, Security and Administrative Services Staff, Administrative Services Group, Washington, DC 20530. (202) 739-2971, William H. O'Donoghue.

15. *Labor, Department of,* Office of the Comptroller, Office of Grant and Procurement Policy, Room N 1505, 200 Constitution Avenue NW., Washington, DC 20210. (202) 523-6974, Theodore Goldberg.

16. *Law Enforcement Assistance Administration* (see Justice).

17. *Library of Congress,* Procurement and Supply Division, Washington, DC 20540. (202) 426-5180, John G. Kormos or Philip S. Kramer.

18. *National Aeronautics and Space Administration,* Pricing Division (Code HC), Washington, DC 20546. (202) 755-2310, Mrs. Arlene A. Brown.

19. *National Science Foundation,* Contracts Branch, Washington, DC 20550. (202) 632-5872, Leonard A. Redecke.

20. *Panama Canal Company,* President, Balboa Heights, Canal Zone. (202) 382-6453, Thomas M. Constant, Secretary.

21. *Smithsonian Institution,* Office of Supply Services, Washington, DC 20560. (202) 381-5924, H. P. Barton.

22. *Small Business Administration,* Administrative Services Division, 1441 L Street NW., Washington, DC 20416. (202) 382-5333, W. W. Bears.

23. *State, Department of (also see AID),* Supply and Transportation Division, Procurement Branch, Washington, DC 20520. (703) 235-9531, Gerald L. John.

24. *Transportation, Department of,* Office of Installations and Logistics, Procurement Management Division (TAD-62), 400 7th Street SW., Washington, DC 20590. (202) 426-4129, Edward G. Rock.

25. *Treasury, Department of,* Office of Administrative Programs (Procurement and Personal Property Management), Washington, DC 20220. (202) 634-5020, Thomas P. O'Malley.

26. *Veterans Administration,* Department of Medicine and Surgery, Supply Service, Chief, Procurement Division (134C), Washington, DC 20420. (202) 389-3054, Joseph M. Cumiskey.

[FR Doc.75-10313 Filed 4-18-75;8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-30)]

### ADVISORY BOARD ON AIRCRAFT FUEL CONSERVATION TECHNOLOGY

#### Meeting

The Advisory Board on Aircraft Fuel Conservation Technology will meet on May 7, 1975, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in Room 625 of Federal Office Building 10B, 600 Independence Avenue SW. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room which is about 40 persons. All visitors must sign in prior to attending the meeting.

The Advisory Board on Aircraft Fuel Conservation Technology serves in an advisory capacity. Its Chairman is Dr. Raymond L. Bisplinghoff, and there are 13 members. The following list sets forth the approved agenda and schedule for the meeting of this Advisory Board on May 7, 1975. For further information, please contact the Executive Secretary, Mr. James J. Kramer, Area Code 202-755-2403.

MAY 7, 1975

| *Time* | *Topic* |
|---|---|
| 9 a.m. | Remarks by the Chairman. (Purpose: To welcome the Advisory Board members and review the functions of the Board.) |
| 9:15 a.m. | Background Briefing by the Associate Administrator for Aeronautics and Space Technology. (Purpose: To familiarize the Advisory Board with NASA's ongoing Aircraft Fuel Conservation Technology Program and explain the impetus and rationale for the consideration of an expanded program.) |
| 10 a.m. | Report by the Executive Secretary. (Purpose: To report on the Aircraft Fuel Conservation Technology Program Plan prepared by a Task Force of NASA and other Government agency personnel.) |
| 1 p.m. | Advisory Board Discussion. (Purpose: To discuss and evaluate the Task Force plan for the purpose of preparing opinions and recommendations to NASA on its future Aircraft Fuel Conservation Technology Program.) |
| 3:30 p.m. | Advisory Board Chairman's Summary. (Purpose: To present a summary of the Advisory Board's opinions and recommendations as to how NASA should direct its efforts toward aircraft fuel conservation.) |
| 4:30 p.m. | Consideration of Future Advisory Board Activities. (Purpose: To determine what actions the Advisory Board should undertake in the future.) |
| 5 p.m. | Adjournment. |

Dated: April 17, 1975.

DUWARD L. CROW,
*Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.*

[FR Doc.75-10331 Filed 4-18-75;8:45 am]

## NATIONAL COMMISSION FOR MANPOWER POLICY

### ORGANIZATION AND PROCEDURES

I. *Establishment and Purpose*—A. *Purpose.* The National Commission for Manpower Policy was established by Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203). The Act charges the Commission



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with the broad responsibility of advising the Congress, the President, the Secretary of Labor, as well as other Federal agency heads on national manpower issues. The Commission has been established to provide a basis for policy analysis and recommendations from a cross section of concerned Federal agencies and the involved public groups and national sectors. The Commission has the following responsibilities:

(1) To identify the manpower goals and needs of the Nation and assess the extent to which employment, training, and other manpower programs now administered by several Federal agencies are meeting these needs and the extent to which these activities represent a consistent, integrated and coordinated approach to meeting such needs and achieving such goals;

(2) To examine and evaluate the effectiveness of Federally assisted manpower development and related programs;

(3) To conduct evaluations, research, hearings, or other studies to enable it to make appropriate manpower recommendations;

(4) To report annually to the Congress and the President on its findings and recommendations on the Nation's Manpower policies and programs;

(5) To conduct a study of the utilization and interrelation of manpower development programs conducted under the Comprehensive Employment and Training Act with closely associated activities such as the Employment Service under the Wagner-Peyser Act and various welfare retraining efforts. The Commission is to report to the President and Congress on how these programs can be more effectively combined and coordinated to serve individuals, particularly at the State and local levels; and

(6) To conduct a continuing review of the impact of energy requirements on manpower and employment needs.

B. *Composition.* The National Commission for Manpower Policy began its operations in the fall of 1974 with the appointment of its public members in accord with its authorizing statute. The Commission is composed of 17 members, six heads of Federal agencies and eleven public members appointed by the President.

Federal government representatives are the Secretaries of Defense, Agriculture, Commerce, Labor, Health, Education, and Welfare, and the Administrator of Veterans Affairs. The public members are broadly representative of labor, industry, commerce, education, State and local elected officials concerned with manpower programs, persons served by these programs, and the general public. The following public members were appointed by the President on September 30, 1974:

Dr. Eli Ginzberg, Chairman, A. Barton Hepburn Professor of Economics and Director, Conservation of Human Resources, Columbia University, New York

Rudolph A. Cervantes, President, Rudy Cervantes Neckwear, Inc., Los Angeles, California

Dr. Dorothy Ford, Manager, Personnel and Employee Development, Southern California Edison, Rosemead, California

Mr. John V. N. Klein, County Executive, Suffolk County, New York

Dr. Juanita Kreps, Vice-President and Professor of Economics, Duke University, Durham, North Carolina

Mr. John H. Lyons, General President, International Association of Bridge, Structural, and Ornamental Iron Workers Union, Washington, D.C.

Honorable William G. Milliken, Governor of the State of Michigan, Lansing, Michigan

Dr. John W. Porter, Superintendent of Public Instruction for the State of Michigan, Lansing, Michigan

Dr. Milton L. Rock, Managing Partner of Hay Associates, Philadelphia, Pennsylvania

The Reverend Leon H. Sullivan, Pastor of Zion Baptist Church, Philadelphia, Pennsylvania

The appointment of a mayor to the Commission is currently being processed.

C. *Organization of the Commission.* (1) The Commission's headquarters are located at the following address:

1522 K Street, NW., Suite 300, Washington, D.C. 20005. Telephone No.: 202–961–4291.

(2) The Commission conducted its first formal meeting on November 14, 1974. At this meeting, the Commission chairman's nomination of Mr. Robert T. Hall as Director was confirmed by all Commission members. This designation of a federal officer as Director of the Commission was pursuant to section 10 (e) of the Federal Advisory Committee Act (Pub. L. 92–463).

(3) To better achieve the broad and specific responsibilities of the Commission, four standing working groups were established on November 14, 1974, in the following areas: (1) coordination of manpower training and associated programs; (2) income maintenance; (3) economic policy and jobs; and (4) manpower resources and requirements. Each working group is composed of selected Commission members and is augmented by consultants and other experts as appropriate, including senior representatives of federal agencies. These working groups, which meet on a frequent basis, provide specific guidance to the development of staff work in the subject area, pose the issues to be addressed and draw basic conclusions and formulate major recommendations and alternates to be considered by the full Commission. Final policy conclusions and recommendations are the responsibility of the full Commission.

II. *Operational Procedures and Requirements.* The operational and administrative procedures of the Commission were approved by the Commission at its November 14 meeting. The following shall constitute the public announcement by the National Commission for Manpower Policy as to its official operating procedures and requirements. These procedures conform to the establishing statute, the Comprehensive Employment and Training Act (Pub. L. 93–203), the Federal Advisory Committee Act (Pub. L. 92–463), and the appropriate regulations of the Office of Management and Budget.

A. *Formal Meeting.* (1) The Commission shall meet at the call of the Chairman with the concurrence of the Federal Officer designated as Director of the Commission. Pursuant to section 10(e) of the Federal Advisory Committee Act, the Director of the Commission may, whenever he determines it to be in the public interest, adjourn any such meeting. No meeting shall be conducted in the absence of the Director who shall also approve the agenda items. As necessary the Director may chair the Commission meeting in the absence of the Chairman or other designated temporary Chairman.

(2) At least three formal commission meetings over a twelve month period shall be held by June of each year. The attendance of 11 Commission members or their authorized designates shall constitute a quorum. Only Commission embers who are representatives of federal agencies or elected public officials may appoint an authorized alternate representative.

(3) Notification of the date and timing of all formal Commission meetings and pertinent information such as the location and major agenda items shall be published in the FEDERAL REGISTER at least 15 days before the date of the meeting. In addition appropriate advance press notice shall be given and notification of the meeting shall be given to the Department of Labor Committee Management Officer.

(4) Members of the general public or other interested individuals may attend Commission meetings. Such individuals may submit statements in writing to the Commission before or after a meeting which are germane to agenda items. Such statements shall be submitted in reproduceable form to the Director of the Commission no later than 2 days before or 7 days after the meeting.

(5) Members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to make an oral statement must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: the applicant; the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individuals qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at any meeting. Oral presentations shall be limited to statements of fact and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

(6) Detailed minutes will be kept of each Commission meeting including the following items:





(a) The time and place of the meeting;

(b) A list of Commission members and staff and agency employees present at the meeting;

(c) A complete summary of matters discussed and conclusions reached;

(d) Copies of all reports received, issued, or approved by the Commission;

(e) An explanation of the extent of public participation including a list of members of the public;

(f) An explanation of the extent of public participation including a list of members of the public who presented oral or written statements; and

(g) An estimate of the number of members of the public who attended the meeting.

The Chairman shall certify as to the accuracy of the minutes.

B. *Availability of Commission Documents.* (1) All formal reports of the Commission will be provided to all members of Congress, the President, all Commission members, appropriate federal agencies and councils, and appropriate public groups or associations.

(2) All records, reports, and other documents of the Commission shall be available for public inspection and copying pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. 552. Requests for such inspection shall be made to the Director who will, if appropriate, make arrangements for any requested copying at a fee commensurate with the costs involved.

(3) Eight copies of each official report of the Commission and, where appropriate, background papers prepared by consultants, shall be deposited with the Library of Congress.

Signed this 16th day of April 1975.

ROBERT T. HALL,
*Director, National Commission for Manpower Policy.*

[FR Doc.75–10311 Filed 4–18–75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261]

### CAROLINA POWER & LIGHT CO.

### Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee) for operation of the H. B. Robinson, Unit 2, located in Darlington County, Hartsville, South Carolina.

The amendment would revise provisions in the Technical Specifications in accordance with the licensee's application for amendment dated January 24, 1975, relating to the heatup and cooldown limitations for the reactor coolant system to provide for: (a) revised heatup and cooldown limitations, (b) revised nil-ductility temperature curves, (c) a reporting requirement for the irradiation specimen measurement program, (d) hydrostatic leak tests and maximum test pressures, and (e) maximum operating conditions for criticality.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By May 21, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge, & Madden, Barr Building, 910 17th Street, N.W., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 24, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 11th day of April, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.*

[FR Doc.75–10145 Filed 4–18–75;8:45 am]

[Docket No. 50–261]

### CAROLINA POWER & LIGHT CO.

### Notice of Availability of Final Environmental Statement for the H. B. Robinson Steam Electric Plant, Unit No. 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, by Carolina Power and Light Company in Darlington County, South Carolina, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Hartville Memorial Library, Home and Fifth Avenues, Hartville, South Carolina 29550. The final Environmental Statement is also being made available at the State Clearinghouse, Division of Administration, 1205 Pendleton Street, 4th floor, Columbia, South Carolina 29201, and at the Pee Dee Regional Planning and Development Council, P.O. Box 4366, Florence, South Carolina 29501.

The notice of availability of the Draft Environmental Statement for the H. B. Robinson Steam Electric Plant, Unit No. 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10035). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG 75–024 may be purchased, at $7.25 from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland, this 16th day of April 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
*Chief, Environmental Projects Branch 4, Division of Reactor Licensing.*

[FR Doc.75–10445 Filed 4–18–75;8:45 am]



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[Dockets Nos. 50-460, 50-513]

## WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS HANFORD NO. 1 AND NO. 4)

### Final Prehearing Conference and Evidentiary Hearing

The U.S. Atomic Energy Commission (now the U.S. Nuclear Regulatory Commission (the Commission)) by its September 16, 1974 "Notice of Receipt of Amended Application for Construction Permits and Facility Licenses and Notice of Hearing on Amended Application for Construction Permits: Time for Submission of Views on Antitrust Matters" (Notice of Hearing), ordered a hearing to be held on the application by the Washington Public Power Supply System (the Applicant) for construction permits for two pressurized water reactors designated as WPPSS Nuclear Project No. 1 and No. 4. Each of the proposed facilities is to be designed for operation at approximately 3600 megawatts thermal with a net electrical output of 1206 megawatts. The proposed facilities are to be located at the Applicant's site 17 miles southeast of the Hanford 1 site, on the Hanford reservation in Benton County, near Richland, Washington. This hearing will be evidentiary in nature and will be conducted pursuant to the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.*, the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, and the Commission's rules and regulations set out in Title 10, Code of Federal Regulations (CFR).

The hearing on this application will be conducted by the Atomic Safety and Licensing Board (the Board) appointed by the Commission in the Notice of Hearing. The Board consists of Dr. Marvin M. Mann and Dr. Donald P. deSylva as technically qualified members, and Daniel M. Head as Chairman.

A petition to intervene as an interested State was filed by the Thermal Power Plant Site Evaluation Council of the State of Washington (the Thermal Council) and a petition to intervene individually was filed by Mr. Donald F. X. Finn. These petitions were granted by the Board in its Memorandum and Order of March 20, 1975 and both the Thermal Council and Mr. Finn are party intervenors in this action. Therefore, the parties at the evidentiary hearing will consist of the Applicant, the Commission's Regulatory Staff (the Staff), the Thermal Council and Mr. Finn.

The Applicant filed a motion requesting a separate hearing on environmental and site suitability issues pursuant to 10 CFR 2.761a. This motion was granted by the Board by Memorandum and Order dated April 7, 1975, and the purpose of this Notice and Order is to schedule the evidentiary hearing relating to those matters. Specifically, in the partial initial decision resulting from the separate hearing, the Board will resolve the following issues:

(1) Decide those matters in controversy among the parties which are within the scope of NEPA and 10 CFR Part 51;

(2) Determine whether the requirements of section 102(2) (A), (C) and (D) of NEPA and 10 CFR Part 51 have been complied with in the proceeding;

(3) Independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken;

(4) After weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives, determine whether the construction permit should be issued, denied, or appropriately conditioned to protect environmental values; and

(5) Determine whether, in accordance with 10 CFR Part 51, the construction permits should be issued as proposed;

(6) Determine whether, based upon the available information and review to date, there is reasonable assurance that the proposed site is a suitable location for a nuclear power reactor of the general size and type proposed from the standpoint of radiological health and safety considerations under the Atomic Energy Act and under the rules and regulations promulgated by the Commission pursuant thereto; and

(7) Determine, with regard to construction activities that may be authorized pursuant to 10 CFR 50.10(e)(3), whether there are any unresolved safety issues which would constitute good cause for withholding such authorization.

An additional purpose of this Notice and Order is to set the Final Prehearing Conference required by 10 CFR 2.752 and to cover the issues specified therein for such Final Prehearing Conference. The Final Prehearing Conference will be held immediately before the evidentiary hearing on environmental and site suitability issues.

Further, the parties by stipulation submitted to the Board on April 14, 1975, a copy of which is attached hereto as Exhibit A, have agreed that they will be ready to commence the evidentiary hearing on environmental and site suitability issues on Tuesday, May 13, 1975. The Board had originally indicated by its Memorandum and Order dated April 7, 1975 that it would schedule the evidentiary hearing on those matters for April 29, 1975, but in view of the agreement between the parties, the Board will set the hearing for May 13, 1975. The Board also notes the agreement between the parties in their stipulation regarding a revised schedule for discovery and hereby approves that portion of the stipulation.

*Accordingly, please take notice and it is hereby ordered*, That the Final Prehearing Conference relating to environmental and site suitability issues is scheduled to begin at 10 a.m. local time on Tuesday, May 13, 1975, in Room 189, U.S. District Courtroom, U.S. Post Office and Courthouse, 825 Jadwin Avenue, Richland, Washington 99352.

*In addition, please take notice and it is hereby ordered*, That the evidentiary hearing on the environmental and site suitability issues specified above is scheduled to begin immediately following the Final Prehearing Conference provided for in the preceding paragraph. This evidentiary hearing shall run continuously until all evidence has been received on the specified issues or until continued by further order of the Board.

Members of the public are invited to attend this Final Prehearing Conference and the evidentiary hearing as scheduled above. Individuals or organizations wishing to make limited appearances pursuant to 10 CFR 2.715(a) will be permitted to do so just prior to the start of the evidentiary hearing. The Board anticipates that this will be during the morning session on Tuesday, May 13, 1975.

Issued at Bethesda, Maryland, this 15th day of April 1975.

By order of the Safety and Licensing Board.

DANIEL M. HEAD,
*Chairman.*

EXHIBIT A

In the matter of Washington Public Power Supply System (Nuclear Projects No. 1 and No. 4). Dockets Nos. 50-460, 50-513.

*Stipulation.* Washington Public Power Supply System ("Applicant"), the NRC Regulatory Staff, and the intervenor Donald F. X. Finn hereby stipulate to the following schedule for the taking of discovery and commencement of hearings in the captioned matter.

1. All written interrogatories, all requests for production of documents or things or permission to enter upon land or other property for inspection or other purposes, and all requests for admissions shall be served by the party seeking discovery on or before April 11, 1975.

2. All responses to written interrogatories, to requests for production of documents or things or permission to enter upon land or other property for inspection or other purposes, and to requests for admission shall be served by the party of whom discovery is sought on or before May 2, 1975.

3. All depositions upon oral examination or written interrogatories shall be taken by the party seeking discovery on or before May 2, 1975.

4. All parties will be prepared to commence hearings on the issues covered by 10 CFR 50.10(e)(2) and (3) and by 10 CFR 51.52 on May 13, 1975.

The Applicant further stipulates that upon the execution of this stipulation it will withdraw and not maintain its appeal from the "Memorandum and Order" issued by the Atomic Safety and Licensing Board in the captioned matter on March 20, 1975. Said appeal was noticed by the Applicant on March 27, 1975.

The foregoing is stipulated to by the parties through their respective attorneys.

Dated: April 4, 1975.

J. B. REYNOLDS,
*Washington Public Power Supply System.*

Dated: April 7, 1975.

ROBERT H. CULP,
*NRC Regulatory Staff.*

Dated: April 9, 1975.

DONALD F. X. FINN,
*Intervenor.*

[FR Doc.75-10336 Filed 4-18-75;8:45 am]





## SECURITIES AND EXCHANGE COMMISSION

### COLUMBIA GAS SYSTEM, INC. ET AL.

### Proposed Intrasystem Financing

[Rel. No. 18929 (70-5656)]

APRIL 11, 1975.

In the Matter of The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807; Columbia Gas of West Virginia, Inc.; Columbia Gas of Kentucky, Inc.; Columbia Gas of Virginia, Inc.; Columbia Gas of Ohio, Inc.; The Inland Gas Co., Inc.; Columbia Gas of Pennsylvania, Inc.; Columbia Gas of New York, Inc.; Columbia Gas of Maryland, Inc.; Columbia Hydrocarbon Corporation; Columbia Gas Transmission Corporation; Columbia LNG Corporation; Columbia Gas Development Corporation; Columbia Gas Development of Canada Ltd.; Columbia Coal Gasification Corporation.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its above-named wholly-owned subsidiary companies (hereinafter referred to as "Columbia of W. Va.", "Columbia of Ky.", "Columbia of Va.", "Columbia of Ohio", "Inland", "Columbia of Pa.", "Columbia of N.Y.", "Columbia of Md.", "Hydrocarbon", "Columbia Transmission", "Columbia LNG", "Development U.S.", "Development Canada" and "Coal Gasification") have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (b), 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The subsidiary companies propose to issue and sell, and Columbia proposes to acquire, prior to April 1, 1976, (a) unsecured installment notes not in excess of the respective amounts set forth below and (b) common stock, at the par value, in the respective amounts set forth below. Columbia also proposes to advance on open account to certain of the subsidiary companies, from time to time during 1975, up to the respective amounts set forth below:

[In thousands]

| | Advances | Common stock | Installment notes |
|---|---|---|---|
| Columbia of West Virginia | $7,900 | $2,500 | $3,500 |
| Columbia of Kentucky | 5,800 | | 1,300 |
| Columbia of Virginia | 1,100 | | 600 |
| Columbia of Pennsylvania | 11,200 | | 9,200 |
| Columbia of New York | 1,500 | | 800 |
| Columbia of Maryland | 800 | | 1,100 |
| Columbia of Ohio | 41,100 | | 16,500 |
| Columbia Transmission | 81,000 | | 35,000 |
| Inland | | | 1,250 |
| Hydrocarbon | 5,000 | | |
| Coal Gasification | | 2,000 | 2,000 |
| Columbia LNG | | 32,400 | 15,600 |
| Development United States | | | 100,000 |
| Development Canada | | 11,500 | |
| Total | 156,000 | 48,400 | 186,850 |

The subsidiary companies will use the proceeds from the issue and sale of their notes and common stock along with internally generated funds to finance their respective construction programs and other corporate needs. Construction programs, in the aggregate, are estimated for 1975 to require net capital expenditures of $317,975,000. The proceeds of the open account advances will be used by the subsidiary companies to finance the purchase of underground storage gas inventories and miscellaneous other inventories and for short-term seasonal purposes.

The installment notes will be acquired no later than March 31, 1976, will be dated when issued and may be prepaid at any time, in whole or in part, without premium. The installment notes will, except in the cases of Columbia LNG and Coal Gasification, be payable in twenty-five (25) equal annual installments on March 31 of each of the years 1977-2001, inclusive. The installment notes issued by Columbia LNG for financing the Cove Point, Maryland storage and regasification facility, in the amount of $15,600,000 will be due in twenty (20) equal annual installments on October 1 of each of the years 1977 to 1996, inclusive. The installment notes issued by Coal Gasification in the amount of $2,000,000 will be due in twenty (20) equal annual installments on March 31 of each of the years 1980 to 1999, inclusive. Interest on all of the notes will accrue from the date of issue and is to be paid semiannually on the unpaid principal balance. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures and/or preferred stock prior to the issuance of said notes, decreased by an amount necessary in order that the interest rate be a multiple of 1/10th of 1 percent. The installment notes to be issued initially will, therefore, bear an interest rate of 9.8 percent and installment notes to be issued subsequent to Columbia's future financings will carry an interest rate related to the last such sale of securities prior to the issuance of said notes.

The proposed open account advances will be made by Columbia from time to time during 1975 and will be paid by the subsidiary companies in three equal installments on February 27, March 31, and April 30, 1976. The open account advances will initially bear interest at the prime commercial bank rate in effect from time to time at Morgan Guaranty Trust Company of New York. The interest charges will be adjusted, after the storage financing period, to the effective interest cost Columbia achieves on its short-term borrowing for this purpose.

In addition to this application, Columbia currently has on file with the Commission applications to issue and sell short-term notes to banks and to dealers in commercial paper in the aggregate amount of $216,000,000 (File No. 70-5663), and to issue and sell $50,000,000 of preferred stock in May 1975 (File No. 70-5661). Columbia may also find it necessary to undertake another financing later in 1975; any such financing will be the subject of a future application to this Commission.

The expenses to be paid by Columbia and by the subsidiary companies in connection with the proposed transactions are estimated at $5,600. It is requested that authority be granted to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

The application-declaration states that the following State commissions have jurisdiction over certain of the proposed transactions: The Pennsylvania Public Utility Commission, the Public Service Commission of West Virginia, the Public Utilities Commission of Ohio, the State Corporation Commission of Virginia, the State of New York Public Service Commission and the Public Service Commission of Kentucky. It is also stated that the orders of said commissions will be filed with this Commission by amendment. No other State commission and no Federal commission, other than this Commission, is stated to have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 8, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Per-



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sons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10173 Filed 4-18-75;8:45 am]

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## ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

### Notice of Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the open meetings of the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System originally scheduled for May 8 and 9, 1975 (as noticed in the FEDERAL REGISTER of March 19, 1975 at page 12550) have been postponed until May 15 and 16, 1975.

The meetings will be held in Room 776, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, beginning at 8:30 a.m.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549, beginning at T:30 a.m.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10333 Filed 4-18-75;8:45 am]

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[Administrative Proceeding File No. 3-4640; File No. 2-37401 (22-6087)]

## AMERICAN AIRLINES, INC.

### Application and Opportunity for Hearing

APRIL 11, 1975.

Notice is hereby given that American Airlines, Inc. (the "Applicant") has filed an application under clause (ii) of section 310(b) (1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeships of Bankers Trust Company under three existing indentures not qualified under the Act, under one existing indenture so qualified and under a new indenture not to be so qualified is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under one of such indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges the following:

(1) the Applicant, a Delaware Corporation, intends to finance the acquisition of six Boeing Model 727-223 Aircraft by placing with one or more institutional investors approximately $33 million principal amount of certificates which certificates are expected to be issued pursuant to a trust indenture and mortgage ("1975 Indenture") not to be qualified under the Act. Copies of the proposed 1975 Indenture will be filed by an amendment to the Applicant's Application promptly upon its availability.

(2) Applicant desires to appoint Bankers Trust Company, a New York Corporation, to act as trustee under the 1975 Indenture.

(3) Bankers Trust Company presently is acting as trustee under a trust agreement dated as of October 20, 1967 ("1967 Indenture"), under a trust agreement dated as of September 15, 1969 ("1969 Indenture"), under a trust indenture and mortgage dated as of June 1, 1970, as amended and supplemented ("1970 Indenture") and under a trust agreement dated as of November 15, 1971 ("1971 Indenture") relating to the financing of twenty-seven Boeing Model 727-223 aircraft, two Boeing Model 727-223 aircraft, seven Boeing Model 747-123 aircraft and two McDonnell Douglas DC-10 aircraft, respectively, leased to Applicant, which constitute four of Applicant's fourteen presently existing flight equipment lease transactions. 6½% Equipment Trust Loan Certificates were issued under the 1967 Indenture in the original principal amount of $114,371,636.03 of which $86,897,954.68 remain outstanding; final payment is due on January 1, 1987. 9½% Equipment Trust Loan Certificates were issued under the 1969 Indenture in the original principal amount of $9,079,642.40 of which $7,192,498.18 remain outstanding; final payment is due July 29, 1984. Guaranteed Loan Certificates, Series A, B, Interim C, Second Interim C and C, were issued under the 1970 Indenture and remain outstanding in the following respective principal amounts: $47,850,000 original principal amount of 11% Series A, due December 1, 1988, presently outstanding in the principal amount of $42,572,000; $31,800,000 original principal amount of 10⅞% Series B, due December 1, 1988, presently outstanding in the principal amount of $28,244,000; $15,564,000 original principal amount of 9½% Interim Series C, due June 1, 1989, none of which is presently outstanding; $15,689,000 original principal amount of 9½% Second Interim Series C, due June 1, 1989, none of which is presently outstanding; and $32,000,000 original principal amount of 10% Series C, due June 1, 1989, presently outstanding in the principal amount of $28,755,000. 9¼% Equipment Trust Loan Certificates were issued under the 1971 Indenture in the original principal amount of $19,513,754.67 of which $19,513,754.67 remain outstanding. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1971 Indenture were filed as Exhibit 2 to Applicant's Application dated March 3, 1970 under section 310(b) (1) (ii) of the Act in connection with Applicant's Registration Statement on Form S-7 under the Securities Act of 1933 (No. 2-37401) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1969 Indenture were filed as Exhibit 3 to such Application dated March 3, 1970 and are incorporated herein by reference. Copies of the trust indenture and mortgage, lease and other documents, as amended and supplemented, setting forth the terms and provisions governing the certificates issued under the 1970 Indenture were filed as exhibits to Applicant's Registration Statements under the Securities Act of 1933 (nos. 2-37401, 2-38352, and 2-39380) and are incorporated herein by reference. Copies of the trust agreement, lease and other documents (combined as a single document) setting forth the terms and provisions governing the certificates issued under the 1971 Indenture were filed as Exhibit A to the Applicant's Application dated March 25, 1975 under section 310(b) (1) (ii) and are incorporated herein by reference.

4) The certificates issued under the 1967 Indenture, the 1969 Indenture, the 1970 Indenture and the 1971 Indenture are, and the certificates to be issued under the 1975 Indenture will be, secured by a separate lot of identified aircraft, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under any other trust. Thus, the existence of the other trusteeships should in no way inhibit or discourage the trustee's actions.

5) The Applicant is not in default under any of its equipment obligations.

The Applicant has waived notice of hearing, hearing on the issues raised by its application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter.





For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 6, 1975 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as to the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10318 Filed 4-18-75;8:45 am]

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[Rel. No. 18931; 70-5662]

## APPALACHIAN POWER CO.

### Proposed Issue and Sale of First Mortgage Bonds

APRIL 14, 1975.

In the matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009.

Notice is hereby given that Appalachian Power Company ("Appalachian") an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell $50,000,000 principal amount of its First Mortgage Bonds ("Bonds"), ——% Series. The terms of the Bonds preclude Appalachian from redeeming any such Bonds prior to May 1, 1980, if such redemption is for the purpose of refunding such Bonds with proceeds of funds borrowed at a lower effective interest cost. It is stated that there will be an optional redemption price for the Bonds, the amount of which will be determined by negotiation. The Bonds will mature not less than five years and not more than ten years from the date of issuance thereof. The Bonds will be issued under and secured by the Mortgage and Deed of Trust, dated as of December 1, 1940, to Bankers Trust Company ("Trustee"), and a new Supplemental Indenture thereto (the "Supplemental Indenture") which will be dated as of the first day of the month in which the Bonds are to be issued. Appalachian plans to sell its Bonds to one or more commercial banks, insurance companies, or similar institutions where there will be no resale to the public. No finder's fee or other fee, commission or remuneration will be paid to any third party in connection with the proposed transaction for negotiating the transaction.

In the event there are no commitments for negotiation, Appalachian will issue and sell the Bonds at competitive bidding. The interest rate (which will be a multiple of ⅛ of 1%) and the price (which will be not less than 100%, unless Appalachian shall authorize a lower percentage not less than 99%, and shall not exceed 102.75% of the principal amount thereof plus accrued interest from May 1, 1980, to the date of delivery) will be determined by competitive bidding.

The proceeds of the offering will be used to retire $50,000,000 principal amount of 9% Series Bonds, due June 1, 1975.

Appalachian states that if the Bonds are sold by negotiation the sale of the Bonds will be exempt from the competitive bidding requirements of Rule 50 pursuant to paragraph (a)(2) thereof as the Bonds will have a maturity of less than ten years, will be issued to an institutional investor, will not be resold to the public, and no finder's fee is to be paid to any third party in connection with the proposed transaction for negotiating the transaction.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the State Corporation Commission of Virginia and the Public Service Commission of Tennessee have jurisdiction over the proposed issuance and sale of the Bonds and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declarant which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10319 Filed 4-18-75;8:45 am]

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[Rel. No. 18935; 70-5661]

## COLUMBIA GAS SYSTEM, INC.

### Proposed Issue and Sale of Preferred Stock at Competitive Bidding

APRIL 14, 1975.

In the matter of Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

All external financing for the Columbia System is done at the parent company level, i.e., through the issue and sale of securities of Columbia. Columbia now proposes to issue and sell in May 1975, subject to the competitive bidding requirements of Rule 50 under the Act, 1,000,000 shares of ——% Cumulative Preferred Stock, Series B, par value $50 per share. Columbia states that due to difficulties that may occur in marketing preferred securities at competitive bidding, the company may request, by further amendment to this application-declaration, the sale of its preferred stock be excepted from the competitive bidding requirements of Rule 50.

The dividend rate (which shall be a multiple of 0.08%) and the price to the company (which shall be not less than $50 nor more than $51.50 per share) will be determined by the competitive bidding. The terms of the stock will provide that Columbia shall have the option to redeem shares of the stock, provided however, that no such optional redemption shall be made prior to June 1, 1980, directly or indirectly, with borrowed funds having a lower effective interest cost or from the issuance of another series of preferred stock having a lower effective dividend cost. A sinking fund



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will be provided to redeem 100,000 shares of stock yearly beginning with the year 1981.

Columbia proposes to apply the net proceeds from the sale of the preferred stock together with other available funds to the 1975 capital expenditure program of its subsidiaries estimated to be $380 million. A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the transaction proposed herein.

Notice is further given that any interested person may, not later than May 9, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10320 Filed 4-18-75;8:45 am]

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[Rel. No. 18394; 70-5665]

## NORTHEAST UTILITIES

### Requested Exception From Competitive Bidding Requirements

In the matter of Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089.

Notice is hereby given that Northeast Utilities ("Northeast"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rules 50 and 100 promulgated thereunder as applicable to the terested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Northeast proposes to issue and sell 5,500,000 shares of its authorized but unissued common stock, par value $5 per share ("Common Stock"). Northeast estimates that the proposed sale of the Common Stock will provide it with aggregate cash proceeds of approximately $44,000,000. It proposes to utilize the net proceeds to repay, in part, its short-term notes payable. The company expects that, just prior to sale of the Common Stock, $139,800,000 of such notes will be outstanding, the proceeds of which had been used to make capital contributions and/or open account advances to its subsidiary companies pursuant to prior authorizations by the Commission. Northeast requests an exception from the competitive bidding requirements of Rule 50 under the Act for the issuance and sale of such Common Stock to permit it to select one or more investment banking firms to form a syndicate which will act as underwriters for the Common Stock and with which Northeast will negotiate the terms on which it will sell the Common Stock to such underwriters.

In support of its request for an exception, Northeast states that it has suffered severely from the effect of particularly difficult fuel supply problems in its service area, and from other exceptional factors. Its System has had difficulty over the past two years in financing its construction program through conventional long-term security issues, and two bond ratings for two of its subsidiaries have recently been reduced. Northeast believes it is important to sell the proposed common stock issue at this time. Based on its experience with its last common stock issue in October 1974, and its knowledge of current transfers in ownership of its common stock, Northeast states that it cannot expect significant institutional interest in the new issue, and that its sale will require a marketing effort directed primarily to individual investors.

It points out that over 25% of its earnings for common stock for 1974 represented the nonrecurring effect of changes in accounting methods, principally with respect to deferral of fuel costs and accrual of unbilled revenues. It also notes that the System has pending before the Connecticut Public Service Commission and this Commission, a contract for sale of its gas properties. It believes that these and other factors, described more fully in its application, affecting the investment characteristics of the stock to be offered, will require special attention by any prospective underwriters.

A statement of the fees and expenses to be incurred will be filed by amendment. It is stated that no state or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10321 Filed 4-18-75;8:45 am]

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[File No. 500-1]

## STANDARD PRUDENTIAL CORP.

### Suspension of Trading

APRIL 11, 1975.

The common stock of Standard Prudential Corp. being traded on the New York Stock Exchange and the warrants of Standard Prudential Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Standard Prudential Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:01 a.m. (e.d.t.) on April 12, 1975 through midnight (e.d.t.) on April 14, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[F.R. Doc.75-10322 Filed 4-18-75;8:45 am]





## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1128]

### ILLINOIS

#### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of Illinois;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Stephenson and Winnebago Counties and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred on March 23–30, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

OFFICE

Small Business Administration, District Office, 219 South Dearborn Street, Chicago, Illinois 60655.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 13, 1975. EIDL applications will not be accepted subsequent to January 14, 1976.

Dated: April 14, 1975.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.75-10341 Filed 4-18-75;8:45 am]

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## COLUMBIA DISTRICT ADVISORY COUNCIL

### Meeting

The Small Business Administration Columbia District Advisory Council will meet at 9:30 a.m. (e.d.t.), Wednesday, May 21, 1975, at The Wade Hampton Hotel, 1201 Main Street, Columbia, South Carolina, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Vern F. Amick, Small Business Administration, 1801 Assembly Street, Columbia, South Carolina 29201, (803) 765-5373.

Dated: April 9, 1975.

ANTHONY S. STASIO,
*Chief Counsel for Advocacy,*
*Small Business Administration.*

[FR Doc.75-10324 Filed 4-18-75;8:45 am]

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[Notice of Disaster Loan Area 1123; Amdt. 1]

### KENTUCKY

#### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kentucky as a major disaster area following severe storms and flooding beginning about March 10, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional Counties: Ballard, Livingston and McCracken, and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 40 FR 16256)

Applications may be filed at the:

Small Business Administration
District Office
Federal Office Building, Room 188
600 Federal Place
Louisville, Kentucky 40202

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than June 5, 1975. EIDL applications will not be accepted subsequent to January 5, 1976.

Dated: April 10, 1975.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.75-10326 Filed 4-18-75;8:45 am]

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[Declaration of Disaster Loan Area 1127]

### MISSISSIPPI

#### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of Mississippi;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Lowndes and Monroe Counties and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred on March 16–17, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, Petroleum Building, Room 690, 200 East Pascagoula, Jackson, Mississippi 39201.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 9, 1975. EIDL applications will not be accepted subsequent to June 12, 1976.

Dated: April 10, 1975.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.75-10327 Filed 4-18-75;8:45 am]

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## MONTPELIER DISTRICT ADVISORY COUNCIL

### Meeting

The Small Business Administration Montpelier District Advisory Council will meet at 11 a.m., (e.d.t.), Wednesday, May 21, 1975, at the Charlmont Restaurant, Morrisville, Vermont, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write David C. Emery, Small Business Administration, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602, (802) 223-8422.

Dated: April 9, 1975.

ANTHONY S. STASIO,
*Chief Counsel for Advocacy,*
*Small Business Administration.*

[FR Doc.75-10325 Filed 4-18-75;8:45 am]

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[Notice of Disaster Loan Area 112; Amdt. 2]

### TENNESSEE

#### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee as a major disaster area following flooding beginning on or about March 11–16, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional Counties: Wayne and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 40 FR 16257)

Applications may be filed at the:

Small Business Administration
District Office
Parkway Towers, Room 1012
Nashville, Tennessee 37219

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than June 6, 1975. EIDL applications will not be accepted subsequent to January 7, 1976.



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Dated: April 10, 1975.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.75-10328 Filed 4-18-75;8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### STANDARDS COMPLETION PROJECT

### Availability of Draft Technical Standards

On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all of the toxic materials listed in Tables G-1, G-2, and G-3 of 29 CFR 1910.93, with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subjects of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.93 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of liquid forms of the substance, employee training, recordkeeping, and sanitation and housekeeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA standards. The exposure limits listed in § 1910.93 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

Drafts of the technical content of proposed standards for the following substances, designated Set E, Standards Completion Project, have been prepared: Hydroquinone, n-Amyl Acetate, Isoamyl Alcohol, sec-Butyl Alcohol, Isobutyl Alcohol, tert-Butyl Alcohol, Isopropyl Acetate, Butyl Alcohol, Isopropyl Alcohol, Cyclohexanol, Methyl Alcohol, Diacetone Alcohol, Methyl Isobutyl Carbinol, Ethyl Acetate, Propyl Alcohol.

These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards. Copies of the draft technical standards on the above listed substances are available for inspection or for purchase, at the standard copying fee, at the Occupational Safety and Health Administration, U.S. Department of Labor, Room 160, 1726 M Street, N.W., Washington, D.C. 20210. Copies of the draft technical standards may also be inspected at any of the following OSHA Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, 18 Oliver Street, Boston, Massachusetts 02110

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), New York, New York 10036

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building—Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104

U.S. Department of Labor, Occupational Safety and Health Administration, 230 Peachtree Street, N.E.—Suite 587, Atlanta, Georgia 30309

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604

U.S. Department of Labor, Occupational Safety and Health Administration, 7th Floor—Texaco Building, 1512 Commerce Street, Dallas, Texas 75201

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street—Room 3000, Kansas City, Missouri 64106

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building—Room 15010, 1961 Stout Street, Denver, Colorado 80202

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue—Box 36017, San Francisco, California 94102

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Avenue, 1808 Smith Tower Building, Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, Custom House Building—Room 703, State Street, Boston, Massachusetts 02109

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building—Room 426, 55 Pleasant Street, Concord, New Hampshire 03301

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building—Room 617B, 450 Main Street, Hartford, Connecticut 06103

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse Building, 436 Dwight Street—Room 501, Springfield, Massachusetts 01103

U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church Street—Room 1405, New York, New York 10007

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad Street—Room 1435C, Newark, New Jersey 07102

U.S. Department of Labor, Occupational Safety and Health Administration, Room 203—Midtown Plaza, 700 East Water Street, Syracuse, New York 13210

U.S. Department of Labor, Occupational Safety and Health Administration, 370 Old Country Road, Garden City, Long Island, New York 11530

U.S. Department of Labor, Occupational Safety and Health Administration, Condominium San Alberto Building, 605 Condado Avenue—Room 328, Santurce, Puerto Rico 00907

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr. Federal Building, 600 Arch Street—Room 4456, Philadelphia, Pennsylvania 19106

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building—Room 1110-A, 31 Hopkins Plaza—Charles Center, Baltimore, Maryland 21201

U.S. Department of Labor, Occupational Safety and Health Administration, Charleston National Plaza—Suite 1726, 700 Virginia Street, Charleston, West Virginia 25301

U.S. Department of Labor, Occupational Safety and Health Administration, Room 802—Jonnet Building, 4099 William Penn Highway, Monroeville, Pennsylvania 15146

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building—Room 8015, 400 N. 8th Street—P.O. Box 10186, Richmond, Virginia 23240

U.S. Department of Labor, Occupational Safety and Health Administration, Building 10—Suite 33, La Vista Perimeter Park, Tucker, Georgia 30084

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building—Room 613-A, 310 New Bern Avenue, Raleigh, North Carolina 27601

U.S. Department of Labor, Occupational Safety and Health Administration, Room 204—Bridge Building, 3200 E. Oakland Park Boulevard, Fort Lauderdale, Florida 33308

U.S. Department of Labor, Occupational Safety and Health Administration, 1600 Hayes Street—Suite 302, Nashville, Tennessee 37203

U.S. Department of Labor, Occupational Safety and Health Administration, 2809 Art Museum Drive, Art Museum Plaza—Suite 4, Jacksonville, Florida 32207

U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall—2047 Canyon Road, Birmingham, Alabama 35216

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 554-E—600 Federal Place, Louisville, Kentucky 40202

U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building—Suite 204, 6605 Abercorn Street, Savannah, Georgia 31405

U.S. Department of Labor, Occupational Safety and Health Administration, Commerce Building—Room 600, 118 North Royal Street, Mobile, Alabama 36602

U.S. Department of Labor, Occupational Safety and Health Administration, Riverside Plaza Shopping Center, 2720 Riverside Drive, Macon, Georgia 31204

U.S. Department of Labor, Occupational Safety and Health Administration, 1710 Gervais Street—Room 205, Columbia, South Carolina 29201

U.S. Department of Labor, Occupational Safety and Health Administration, 650 Cleveland Street, Room 44, Clearwater, Florida 33515

U.S. Department of Labor, Occupational Safety and Health Administration, 57601—55 North Frontage Road East, Jackson, Mississippi 39211

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 10th Floor, Chicago, Illinois 60604

U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199

U.S. Department of Labor, Occupational Safety and Health Administration, 360 S. Third Street—Room 109, Columbus, Ohio 43215

U.S. Department of Labor, Occupational Safety and Health Administration, Michigan Theatre Building—Room 626, 200 Bagley Avenue, Detroit, Michigan 48226

U.S. Department of Labor, Occupational Safety and Health Administration, 110 South Fourth Street—Room 437, Minneapolis, Minnesota 55401

U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building—Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse, Room 423, 46 East Ohio Street, Indianapolis, Indiana 46202





U.S. Department of Labor, Occupational Safety and Health Administration, Room 4028—Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202

U.S. Department of Labor, Occupational Safety and Health Administration, Room 734—Federal Office Building, 234 N. Summit Street, Toledo, Ohio 43604

U.S. Department of Labor, Occupational Safety and Health Administration, Room 2118, 2320 La Branch Street, Houston, Texas 77004

U.S. Department of Labor, Occupational Safety and Health Administration, Adolphus Tower—Suite 1820, 1412 Main Street, Dallas, Texas 75202

U.S. Department of Labor, Occupational Safety and Health Administration, Room 421—Federal Building, 1205 Texas Avenue, Lubbock, Texas 79401

U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street—Room 202, New Orleans, Louisiana 70130

U.S. Department of Labor, Occupational Safety and Health Administration, Room 512—Petroleum Building, 420 South Boulder, Tulsa, Oklahoma 74103

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526—Donaghey Building, 103 East 7th Street, Little Rock, Arkansas 72201

U.S. Department of Labor, Occupational Safety and Health Administration, 1015 Jackson Keller Road—Room 122, San Antonio, Texas 78213

U.S. Department of Labor, Occupational Safety and Health Administration, Room 3114—Federal Building, 500 Gold Avenue, S.W., P.O. Box 1428, Albuquerque, New Mexico 87103

U.S. Department of Labor, Occupational Safety and Health Administration, 1627 Main Street—Room 1100, Kansas City, Missouri 64108

U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Boulevard—Room 554, St. Louis, Missouri 63101

U.S. Department of Labor, Occupational Safety and Health Administration, Petroleum Building, 221 South Broadway Street—Suite 312, Wichita, Kansas 67202

U.S. Department of Labor, Occupational Safety and Health Administration, Room 643—210 Walnut Street, Des Moines, Iowa 50309

U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Harney and 16th Street—Room 803, Omaha, Nebraska 68102

U.S. Department of Labor, Occupational Safety and Health Administration, 113 West 6th Street, North Platte, Nebraska 69101

U.S. Department of Labor, Occupational Safety and Health Administration, 8527 W. Colfax Avenue, Lakewood, Colorado 80215

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 525—Petroleum Building, 2812 1st Avenue—North, Billings, Montana 59101

U.S. Department of Labor, Occupational Safety and Health Administration, Court House Plaza Building—Room 408, 300 North Dakota Avenue, Sioux Falls, South Dakota 57102

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office Building—Room 452, 350 South Main Street, Salt Lake City, Utah 84111

U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister Street—Room 1706, San Francisco, California 94102

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 318—Amerco Towers, 2721 North Central Avenue, Phoenix, Arizona 85004

U.S. Department of Labor, Occupational Safety and Health Administration, 333 Queen Street—Suite 505, Honolulu, Hawaii 96813

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 E. William Street, Suite 222, Carson City, Nevada 89701

U.S. Department of Labor, Occupational Safetay and Health Administration, Hartwell Building—Room 401, 19 Pine Avenue, Long Beach, California 90802

U.S. Department of Labor, Occupational Safety and Health Administration, 121—107th Street, N.E., Bellevue, Washington 98004

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building—Room 227, 605 West 4th Avenue, Anchorage, Alaska 99501

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526—Pittock Block, 921 S.W. Washington Street, Portland, Oregon 97205

U.S. Department of Labor, Occupational Safety and Health Administration, 228 Idaho Building, 216 North 8th Street, Boise, Idaho 83702

The draft technical standards will also be available for inspection at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW, National Institute for Occupational Safety and Health, Room 3-50, 5600 Fishers Lane, Park Building, Rockville, Maryland 20852

U.S. Department of HEW, National Institute for Occupational Safety and Health, 1114 Commerce Street, Room 1612, Dallas, Texas 75202

U.S. Department of HEW, National Institute for Occupational Safety and Health, 3535 Market Street, Philadelphia, Pennsylvania 19101

U.S. Department of HEW, National Institute for Occupational Safety and Health, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202

U.S. Department of HEW, National Institute for Occupational Safety and Health, 50 Seventh Street, N.E., Atlanta, Georgia 30323

U.S. Department of HEW, National Institute for Occupational Safety and Health, Arcade Building, 1321 Second Street, Seattle, Washington 98101

U.S. Department of HEW, National Institute for Occupational Safety and Health, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203

U.S. Department of HEW, National Institute for Occupational Safety and Health, 26 Federal Plaza, New York, New York 10007

U.S. Department of HEW, National Institute for Occupational Safety and Health, 601 East 12th Street, Kansas City, Missouri 64106

U.S. Department of HEW, National Institute for Occupational Safety and Health, 223 Federal Office Building, 50 Fulton Street, San Francisco, California 94102

U.S. Department of HEW, National Institute for Occupational Safety and Health, 300 South Wacker Drive, Chicago, Illinois 60607

It is anticipated that standards for the above listed substances will be proposed by OSHA in the near future. At that time, a formal comment period will be provided for the proposals. However, interested persons wishing to submit written data, views and arguments on the draft technical standards at this time may submit them to the Docket Officer, Standards Completion Project,



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Occupational Safety and Health Administration, U.S. Department of Labor, Room 1726, 700 Virginia Street, Charleston, West Virginia 25301

U.S. Department of Labor, Occupational Safety and Health Administration, 4000 Vanguard Building, 1111 Third Avenue, Seattle, Washington 98101

U.S. Department of Labor, Occupational Safety and Health Administration, 1391 Federal Building, 550 Main Street, Cincinnati, Ohio 45202

U.S. Department of Labor, Occupational Safety and Health Administration, Room 734—Federal Office Building, 234 N. Summit Street, Toledo, Ohio 43604

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U.S. Department of HEW, National Institute for Occupational Safety and Health, 50 Seventh Street, N.E., Atlanta, Georgia 30323

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U.S. Department of HEW, National Institute for Occupational Safety and Health, 300 South Wacker Drive, Chicago, Illinois 60607

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N.H. and Watertown (Jefferson County), Pa. and Keokuk, Iowa; (b) from points (3)(8) *New hot springs, new mat-*

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Occupational Safety and Health Administration, U.S. Department of Labor, Docket H104, Room 260, 1726 M Street NW., Washington, D.C. 20210. The communications will be available for public inspection and copying at the above location. Information submitted in response to the Notice of Intent to Prepare An Environmental Impact Statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843), need not be resubmitted.

Signed at Washington, D.C. this 10th day of April 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-10345 Filed 4-18-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Applications

APRIL 14, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before May 21, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 1977 (Sub-No. 22G), filed June 4, 1974. Applicant: NORTHWEST TRANSPORT SERVICE, INC. (operator of Salt Lake Transfer Company (portion)), 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Explosives*, between points in New Mexico, on the one hand, and, on the other, points in Montana, Idaho, Arizona, Wyoming and Nevada (except Nye, Esmeralda and Mineral Counties, Nev.). The purpose of this filing is to eliminate the gateway of Utah.

(2) *General commodities* (except household goods and commodities which because of size or weight require special equipment), between points within a 50-mile radius of Salt Lake City, Utah, on the one hand, and, on the other, Pocatello, Blackfoot, Idaho Falls, and Boise, Idaho. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 2900 (Sub-No. 262G), filed June 4, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., Jacksonville, Fla. 32209. Applicant's representative: S. E. Sommers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) from Cleveland, Ohio, and points in Ohio, and points in Ohio within 50 miles of Cleveland, to points in that part of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, thence eastward over Pennsylvania Highway 358 to Greenville, thence over Pennsylvania Highway 58 to Mercer, thence westward over U.S. Highway 62 to the Ohio-Pennsylvania State line, thence northward along said line to the point of beginning. The purpose of this filing is to eliminate the gateway at New Castle, Pa.

(2) From Cleveland, Ohio, and points in Ohio within 50 miles of Cleveland, to points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J. The purpose of this filing is to eliminate the gateway at Doylestown (Bucks County), or Easton (Northampton County), Pa.

(3) From Cleveland, Ohio and points in Ohio with 50 miles of Cleveland, to points in North Carolina. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

(4) From Cleveland, Ohio and points in Ohio within 50 miles of Cleveland, to Charleston, S.C. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa. and Charlotte, N.C.

(5) From Cleveland, Ohio and points in Ohio within 50 miles of Cleveland, to Greenville, S.C. and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa. and Tryon, N.C.

(6) From Cleveland, Ohio and points in Ohio within 50 miles of Cleveland, to points in New Jersey within 25 miles of City Hall in Philadelphia, Pa. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

(7) From Cleveland, Ohio and points in Ohio within 50 miles of Cleveland, to points in Jefferson, Lewis, Oneida, Oswego, and St. Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateways at Easton (Northampton County), Pa. and New York City, N.Y. and Watertown (Jefferson County), N.Y.

(8) From points in Nassau, Westchester, Orange, and Rockland Counties, N.Y., and those in Pike, Northampton, Bucks, Lehigh, Berks, Monroe, and Montgomery Counties, Pa., to points in North Carolina. The purpose of this filing is to eliminate the gateway at New York, N.Y.

(9) From points in Nassau, Westchester, Orange, and Rockland Counties, N.Y., and those in Pike, Northampton, Bucks, Lehigh, Berks, Monroe, and Montgomery Counties, Pa., to Charleston, S.C. The purpose of this filing is to eliminate the gateway at New York, N.Y. and Charlotte, N.C.

(10) From points in Nassau, Westchester, Orange, and Rockland Counties, N.Y., and those in Pike, Northampton, Bucks, Lehigh, Berks, Monroe, and Montgomery Counties, Pa., to points in Greenville, S.C., and points within 25 miles thereof. The purpose of this filing is to eliminate the gateway at New York, N.Y. and Tryon, N.C.

(11) From points in Nassau, Westchester, Orange, and Rockland Counties, N.Y., and those in Pike, Northampton, Bucks, Lehigh, Berks, Monroe, and Montgomery Counties, Pa., to points in Greenson, Lewis, Oneida, Oswego, and St. Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateways at New York, N.Y., and Watertown (Jefferson County), N.Y.

(12) From New York, N.Y., Philadelphia, Pa., Jersey City, N.J., and Baltimore, Md., to Charleston, S.C. The purpose of this filing is to eliminate the gateway at Charlotte, N.C.

(13) From New York, N.Y., Philadelphia, Pa., Jersey City, N.J. and Baltimore, Md., to Greenville, S.C. and points within 25 miles thereof. The purpose of this filing is to eliminate the gateway at Tryon, N.C.

(14) From New York, N.Y., and points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J., to points in North Carolina. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

(15) From New York, N.Y., and points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J., to Charleston, S.C. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa., and Charlotte, N.C.

(16) From New York, N.Y., and points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J., to Greenville, S.C., and points within 25 miles thereof. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa., and Tryon, N.C.

(17) From New York, N.Y., and points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren Middlesex Monmouth, and Mercer Counties, N.J., to points in Pennsylvania and New Jersey within 20 miles of City Hall in Philadelphia. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

(18) From New York, N.Y., and points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J., to points in Jefferson, Lewis, Oneida, Oswego, and St. Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateways at New York, N.Y., and Watertown (Jefferson County), N.Y.





(19) Between Albany, N.Y., on the one hand, and, on the other, points in Oneida, Oswego, Clinton, Essex and Franklin Counties, N.Y. The purpose of this filing is to eliminate the gateway at Watertown (Jefferson County), N.Y.

(20) Between points in St. Lawrence County, N.Y., on the one hand, and, on the other, points in Lewis, Oneida, and Oswego Counties, N.Y. The purpose of this filing is to eliminate the gateway at Watertown (Jefferson County), N.Y.

(21) From New Castle, Pa., to points in Ohio east of Ohio Highway 13 and north of Ohio Highway 39, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway at Portersville, Pa. and (B) *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and nursery stock, seeds, bulbs, plants and accessories and supplies used or useful in the planting or exhibition of such plants), (1) from points in Pennsylvania and New Jersey within 20 miles of City Hall in Philadelphia, to New York, N.Y., and points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J. The purpose of this filing is to eliminate the gateway at Philadelphia (Bucks County), Pa.

(2) From points in Pennsylvania and New Jersey within 20 miles of City Hall in Philadelphia, to points in Jefferson, Lewis, Oneida, Oswego, and St. Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateway at New York, N.Y., and Watertown (Jefferson County), N.Y.

(3) From points in Pennsylvania and New Jersey within 20 miles of City Hall in Philadelphia, to points in North Carolina. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

(4) From points in Pennsylvania and New Jersey within 20 miles of City Hall in Philadelphia, to Charleston, S.C. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa., and Charlotte, N.C.

(5) From points in Pennsylvania and New Jersey within 20 miles of City Hall in Philadelphia, to Greenville, S.C., and points within 25 miles thereof. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa., and Tryon, N.C.

No. MC 30844 (Sub-No. 511G), filed June 10, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared food products*, (a) from points in New York, to points in Arkansas, Colorado, Kansas, Missouri, Nebraska, Iowa, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways at Pittsburgh, Pa., and Keokuk, Iowa; (b) from points in New York, to points in Minnesota. The purpose of this filing is to eliminate the gateway at Pittsburgh, Pa., and Des Moines, Iowa.

(2) *Canned goods*, from the Lower Peninsula of Michigan, to points in Colorado, Nebraska, Kansas, Oklahoma, Texas, Missouri, and Arkansas. The purpose of this filing is to eliminate the gateway at Ottumwa, Iowa.

(3) *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I in the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Denver, Colo., to Chicago, Ill. and St. Louis, Mo. and their respective commercial zones. The purpose of this filing is to eliminate the gateway at Waterloo, Iowa.

(4) *Candy, confectionery, and confectionery products* (except commodities in bulk, in tank vehicles), from Duryea, Pa. to points in that part of Missouri on and east of U.S. Highway 65, and those in that part of Arkansas on and east of Arkansas Highway 7. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

(5) *Prepared frozen foods*, from points in Missouri east of U.S. Highway 65, points in Texas east of Interstate Highway 80, and points in Arkansas (except Russellville), to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Des Moines, Iowa.

(6) *Canned goods*, from Pittsburgh, Pa., to points in Missouri, Arkansas, Texas, Oklahoma, Kansas, and Colorado. The purpose of this filing is to eliminate the gateways at points in Iowa. Restriction: The requested authority in (1) through (6) above is restricted against the transporation of commodities in bulk and hides.

No. MC 40978 (Sub-No. 22G), filed June 4, 1974. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 Business 141 South, Sheboygan, Wis. 53081. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, including but not limited to household furnishings, office furniture, dental furnitre and eqipment and store fixtures, from Chicago, Ill. and points in Illinois within 100 miles of Chicago, Ill., to points in the Upper Peninsula of Michigan and points in Minnesota. The purpose of this filing is to eliminate the gateways of Sheboygan Falls and Janesville, Wis.

(2) *New furniture*, uncrated, from points in the Chicago, Ill. Commercial Zone, to points in the Upper Peninsula of Michigan and points in Minnesota. The purpose of this filing is to eliminate the gateways of Sheboygan Falls and Janesville, Wis.

(3) (a) *New box springs, new mattresses, new bed frames, new hide-a-beds, and new hospital beds* and (b) *new furniture and furniture parts*, from Munster, Ind., to points in Minnesota and points in Wisconsin except points in Wisconsin bounded by a line beginning at the Illinois-Wisconsin State line and extending in a northerly direction along U.S. Highway 51 to Junction U.S. Highway 14, thence along U.S. Highway 14 to Junction U.S. Highway 151, thence in a northeasterly direction along U.S. Highway 151 to Junction Wisconsin Highway 23, thence in an easterly direction along Wisconsin Highway 23 to Lake Michigan and extending all points on said boundary lines and their respective Commercial Zones. The purpose of this filing is to eliminate the gateways of Janesville and Kenosha, Wis.

(4) *New institutional, new household, and new office fixtures and equipment*, uncrated, from points in Wisconsin, to points in Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, and Missouri. The purpose of this filing is to eliminate the gateway of Sheboygan Falls, Wis.

(5) *New furniture*, from points in Wisconsin, to points in Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, and Missouri. The purpose of this filing is to eliminate the gateway of Sheboygan Falls, Wis.

(6) *New furniture and furniture parts*, from Burlington, Iowa, and the plants and storage facilities of the Brammer Manufacturing Company at Davenport, Iowa, to points in the Upper Peninsula of Michigan and points in Minnesota. The purpose of this filing is to eliminate the gateways of Sheboygan Falls and Prairie du Chien, Wis.

(7) *New furniture*, from Sturgis, Mich., to points in the Upper Peninsula of Michigan and points in Minnesota. The purpose of this filing is to eliminate the gateways of Sheboygan Falls and Beloit, Wis.

(8) *New furniture*, from Muscatine, Iowa, to points in Minnesota and points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Prairie du Chien and Sheboygan Falls, Wis.

No. MC 57591 (Sub-No. 17G), filed June 4, 1974. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, Pa. 17901. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities requiring mechanical refrigeration, and those injurious or contaminating to other lading), between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania within 50 miles of Pottsville (except Schuylkill, Columbia, Montour, Northumberland, Dauphin (except points south of Route 325 extending from the Dauphin-Schuylkill County line to the Susquehanna River),



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and points in Luzerne County on south and east of U.S. Route 11 beginning at the Columbia-Luzerne County line extending east of the Nanticoke bypass entrance to Interstate 81, over the Nanticoke bypass to Interstate 81, thence over Interstate 81 to its junction with Pennsylvania Route 309, thence to junction of Pennsylvania Route 309, over Pennsylvania Route 309 to its junction with Pennsylvania Route 437, thence over Pennsylvania Route 437 to its junction with Pennsylvania Route 940 at White Haven, thence over an unnumbered highway to the Carbon-Luzerne County line near Eckley, Pa.). The purpose of this filing is to eliminate the gateway of Pottsville, Pa.

(2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia, Pa., and points in Warren, Sussex, Morris and Somerset Counties, N.J., on the one hand, and, on the other, Easton, Bethlehem, Allentown, Catasauqua, Northhampton, Slatington, Emmaus, Weisport, Walnut Port and Lehigh Gap, Pa. The purpose of this filing is to eliminate the gateway of Easton, Pa.

MC 64112 (Sub-No. 54G), filed June 3, 1974. Applicant: NORTHEASTERN TRUCKING COMPANY, 2508 Starita Road, P.O. Box 26276, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General Commodities* (except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) between Atlanta, Augusta, Columbus and Savannah, Ga., and points in North Carolina and South Carolina, on the one hand, and, on the other, points in that part of Connecticut south of a line extending from New Haven, Conn., in a northwesterly direction through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line; points in that part of New York south of U.S. Highway 202 and west of New York Highway 112 extending between Patchogue, and Port Jefferson, Long Island, N.Y.; Bridgeton, N.J., and points in that part of New Jersey bounded by a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction U.S. Highway 206, thence along U.S. Highway 206 to Trenton, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence along U.S. Highway 130 to junction New Jersey Highway 44, thence along New Jersey Highway 44 to Paulsboro, N.J., thence in an easterly direction through Mt. Holly, and Freehold, N.J. to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to the New Jersey-New York State line, and thence along the New Jersey-New York State line to point of beginning.

Points in Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line along U.S. Highday 111 to York, Pa., and on and south of a line extending from York, along U.S. Highway 30 to junction U.S. Highway 202, and thence along U.S. Highway 202 through New Hope, Pa. to the Pennsylvania-New Jersey State line; Baltimore, Maryland; points in Virginia on and east of U.S. Highway 15, except those in Accomack and Northampton Counties, Va.; including points in the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of Philadalphia, Pa.; Central portion of North Carolina; points within 25 miles of Concord, N.C.; Eastern two-thirds portion of North Carolina; points in N.C. and S.C. within 50 miles of Fairmont, N.C.; points in Chesterfield, Darlington, Dillon and Marlboro Counties, S.C.; points in Sumter County, S.C. and Savannah, Ga. Commercial Zone.

(2) *General Commodities* (except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of North Carolina west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158 at or near Reidsville, N.C., thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21 at or near Statesville, N.C., thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 158 at or near Reidsville, N.C., thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to junction U.S. Highway 21 at or near Statesville, N.C., thence along U.S. Highway 21 to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of the eastern two-thirds portion of North Carolina and points within 25 miles of Concord, N.C.

(3) *General Commodities* (except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in North Carolina on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways at points in Chesterfield, Darlington, Dillon, and Marlboro Counties, S.C.; points in North Carolina and South Carolina within 50 miles of Fairmont, N.C.; eastern two-thirds portion of North Carolina; and points within 25 miles of Concord, N.C.

(4) *General Commodities* (except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Atlanta, Augusta and Columbus, Ga., on the one hand, and, on the other, points in North Carolina, and points and places in Chesterfield, Darlington, Dillon, Marion and Marlboro Counties, South Carolina, and those points in Florence and Horry Counties, South Carolina located within 50 miles of Fairmont, N.C. The purpose of this filing is to eliminate the gateways at points in Sumter, S.C.; points in Chesterfield, Darlington, Dillon and Marlboro Counties, S.C.; points in North Carolina and South Carolina within 50 miles of Fairmont, N.C.; eastern two-thirds portion of North Carolina; and points within 25 miles of Concord, N.C.

(5) *General Commodities* (except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points and places in Georgia within 15 miles of Savannah, Ga., including Savannah, on the one hand, and, on the other, points in North Carolina, and points and places in Chesterfield, Darlington, Dillon, Marion and Marlboro Counties, South Carolina, and those points in Florence and Horry Counties, South Carolina located within 50 miles of Fairmont, N.C. The purpose of this filing is to eliminate the gateways at Savannah, Ga. Commercial Zone; points in Chesterfield, Darlington, Dillon, and Marlboro Counties, S.C.; points in North Carolina and South Carolina within 50 miles of Fairmont, N.C.; Eastern two-third portion of North Carolina and points within 25 miles of Concord, N.C.

(B)–(6) *Petroleum and Petroleum Products*, in containers from the plant site and storage facilities of Exxon Corporation at Baton Rouge, La. to points in Virginia on and east of U.S. Highway 14, except points in Accomac and Northampton Counties, Va.; Baltimore, Maryland; points in Pennsylvania on and east of a line extending from the Maryland-Pennsylvania State line along U.S. Highway 111 to York, Pa., and on and south of a line extending from York, along U.S. Highway 30 to junction U.S. Highway 202, and thence along U.S. Highway 202 through New Hope, Pa. to the Pennsylvania-New Jersey State line; Bridgeton, New Jersey, and points in that part of New Jersey bounded by a line beginning at the New Jersey-New York State line and extending along U.S. Highway 202 to junction U.S. Highway 46.





Thence along U.S. Highway 46 to Trenton, N.J., thence along the east bank of the Delaware River to Penns Grove, N.J., thence along U.S. Highway 130 to junction New Jersey Highway 44, thence along New Jersey Highway 44 to Paulsboro, N.J., thence in an easterly direction through Mt. Holly, and Freehold, N.J. to the Atlantic Ocean, thence along the east bay and river shores of New Jersey to the New Jersey-New York State line, and thence along the New Jersey-New York State line to point of beginning, including points on the indicated portions of the highways specified; points in that part of New York south of U.S. Highway 202 and west of New York Highway 112 extending between Patchoque, and Port Jefferson, Long Island, N.Y.; points in that part of Connecticut south of a line extending from New Haven, Conn., in a northwesterly direction through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line; points in South Carolina; and Savannah, Georgia and points and places in Georgia within 15 miles of Savannah. The purpose of this filing is to eliminate the gateways at points in North Carolina; points in the central portion of North Carolina; Philadelphia, Pa.; points in North Carolina and South Carolina within 50 miles of Fairmont, N.C.; points in Chesterfield, Darlington, Dillon and Marlboro Counties, S.C. and Savannah, Ga. Commercial Zone.

No. MC 93003 (Sub-No. 55G), filed June 4, 1974. Applicant: CARROLL TRUCKING COMPANY, 3203 U.S. Route 60-East, Huntington, W. Va. 25703. Applicant's representative: John P. McMahon, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforcement steel, steel rails, railway track materials* and *fittings and bolts* from points in Kentucky to points in Ohio. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

(2) *Reinforcement steel, steel rails, railway track materials* and *fittings, structural steel, including fittings, and bolts* from all points in West Virginia to points in Ohio. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

(3) *Reinforcement steel, steel rails, railway track materials* and *fittings, structural steel*, including fittings and bolts from all points in Ohio and West Virginia and Kentucky to all points in Tennessee. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

(4) *Reinforcement steel, steel rails, railway track materials and fittings, structural steel, including fittings and bolts* from all points in Ohio, Kentucky and West Virginia to all points in Virginia. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

(5) *Reinforcement steel, steel rails, railway track materials and fittings structural steel, including fittings and bolts* from all points in Ohio, Kentucky and West Virginia to all points in Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Huntington, W. Va.

(6) *Corrugated iron and steel pipe, including fittings* therefor which by reason of size or weight require the use of special equipment, between all points in Ohio south of U.S. Highway 40 and that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along the U.S. Highway 25 to the junction U.S. Highway 25–W, thence along U.S. Highway 25–W to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in West Virginia and those in Virginia on and west of U.S. Highway 220, and those in Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Ashland, Kentucky.

(7) *Corrugated iron and steel pipe, including fittings* therefor which by reason of size or weight require the use of special equipment from points in West Virginia and those in Virginia on and West of U.S. Highway 220 and those in Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70, to points in Ohio, Kentucky, Arkansas, Oklahoma, Missouri (except St. Louis, Mo., and points in Missouri within the St. Louis commercial zone as defined by the Commission), Iowa, Kansas, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ashland, Kentucky.

(8) *Iron and steel and iron and steel articles* which by reason of size or weight require the use of special equipment, from all points in West Virgina, that part of Ohio south of U.S. Highway 40 and that part of Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 25 to junction U.S. Highway 25–W and thence along U.S. Highway 25–W to the Kentucky-Tennessee State line, to points in Arkansas, Oklahoma, and Missouri (except St. Louis, Mo., and points in Missouri within the St. Louis commercial zone as defined by the Commission), Iowa, Kansas, South Dakota, Wisconsin. The purpose of this filing is to eliminate the gateway of Huntington, W. Va., and Cabell and Wayne Counties, W. Va.

No. MC 103993 (Sub-No. 815G), filed June 5, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Frank A. Antonovitz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and equipment incidental to the handling of such commodities, from points in Illinois, to points in Colorado. The purpose of this filing is to eliminate the gateway of Monticello, Iowa.

No. MC 103993 (Sub-No. 818G), filed June 5, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Frank A. Antonovitz (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment and materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and equipment incidental to the handling of such commodities, from points in Indiana, to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Parkersburg, W. Va.

No. MC 107515 (Sub-No. 914G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd., N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in Florida, to points in Kentucky, Illinois, Indiana, Michigan, Wisconsin, Iowa, Minnesota, Nebraska, Arkansas, Missouri, Oklahoma, Texas, North Carolina, South Carolina, Virginia, Alabama, Mississippi, Tennessee, West Virginia, Ohio, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Gainesville, Ga. or Tifton, Ga., or New Orleans, La.

No. MC 109637 (Sub-No. 394G), filed June 4, 1974 Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Indiana north of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of Madison, Ind. and Lebanon, Ohio.

(2) *Petro-chemicals*, in bulk, in tank vehicles, from Madison, Ind., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 111823 (Sub-No. 17G), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Rd., San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Alabama, Arkansas, Colorado,



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Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin and the District of Columbia; and (2) between the points named in (1) above, on the one hand, and, on the other, points in Arizona, California, and New Mexico. The purpose of this filing is to eliminate the gateways at St. Louis, Mo., Louisville, Ky., and San Angelo, Tex.

No. MC 112582 (Sub-No. 44G), filed June 4, 1974. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Rural Delivery No. 2, P.O. Box 380, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen berries*, from Lawrence, Mass., to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of Chambersburg, Pa.

(2) *Frozen foods*, in mechanically refrigerated equipment, from points in Pennsylvania within 25 miles of Chambersburg, Pa., to points in Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chambersburg, Pa.

(3) *Frozen meat and frozen fish* (including frozen shellfish), when transported in the same vehicle with meat products, in mechanically refrigerated equipment, (a) from Boston, Mass., to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateways of Allentown or Chambersburg, Pa.; (b) from Boston, Mass., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Allentown, Pa.

(4) *Frozen blueberries*, from points in Maine (except points in Aroostook County, Maine), to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of Chambersburg, Pa.

No. MC 113843 (Sub-No. 204G), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, Suite 222, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, (a) from points in New York within 75 miles of and including Rochester, to points in Illinois and Kentucky. The purpose of this filing is to eliminate the gateways of Detroit, Mich. (through Canada) or Sturgis, Mich. (b) from points in New York, within 75 miles of and including Rochester, to points in Missouri, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Detroit, Mich.; (c) from points in Cattaraugus, Chautauqua and Erie Countries, N.Y., to Chicago, Ill., Green Bay and Milwaukee, Wis., points in Connecticut, Indiana, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania and Rhode Island. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.; (d) from points in Cattaraugus, Chautauqua and Erie Counties, N.Y., to points in Missouri, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateways of Buffalo, N.Y. and Detroit, Mich.; (e) from points in Cattaraugus, Chautauqua; and Erie Counties, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, and West Virginia. The purpose of this filing is to eliminate the gateways of Buffalo, N.Y. and Union County, N.J.

(f) From points within 75 miles of and including Rochester, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, and West Virginia. The purpose of this filing is to eliminate the gateway of Union County, N.J.

(g) From Cattaraugus, Chautauqua, and Erie Counties, N.Y., to Chicago, Ill., Green Bay and Milwaukee, Wis., points in Indiana, Michigan, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(h) From Cattaraugus, Chautauqua and Erie Counties, N.Y., to points in Delaware, Maryland, Kentucky and West Virginia. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(2) *Canned and preserved foods*, from Buffalo, N.Y., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Angola or N. Collins, N.Y.

(3) *Frozen juices, frozen berries and essence of berries*, from Buffalo, N.Y., to points in Delaware, Maryland, Kentucky, and West Virginia. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

(4) *Frozen fruits and berries, frozen fruit and berry concentrates, and essence of fruits and berries*, from Buffalo, N.Y., to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Westfield, N.Y.

(5) *Foodstuffs (except in bulk, in tank vehicles)*, from Buffalo, N.Y., to points in Vermont, New Hampshire and that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Riceville, N.Y.

(6) *Meats, meat products, and meat by-products, as defined by the Commission*, from Cattaraugus, Chautauqua and Erie Counties, N.Y., Camden, Newark and Jersey City, N.J., Baltimore, Md. and Philadelphia and Middletown, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(7) *Dairy products and dressed poultry*, from points in Cattaraugus, Chautauqua and Erie Counties, N.Y., to Boston, Springfield and Worcester, Mass. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

(8) *Grape juice, in bottles*, from Buffalo, N.Y., to points in Connecticut, Indiana, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania and Rhode Island. The purpose of this filing is to eliminate the gateway of Silver Creek, N.Y.

(9) *Fruits, vegetables and canned and preserved foodstuffs*, from points in Cattaraugus, Chautauqua and Erie Counties, N.Y., to Providence, R.I. and points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 114019 (Sub-No. 257G), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment, (1) between points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State Line on the one hand, and, on the other, points in West Virginia, Pennsylvania, points in New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., Sparrows Point and Baltimore, Maryland, and New York, N.Y., and points within 30 miles of New York, N.Y. The purpose of this filing is to eliminate the gateway of Ohio.

(2) Between points in that part of Pennsylvania on and west of U.S. Highway 219 extending from the Maryland-Pennsylvania State line near Salisbury, Pa., to Ebensburg, Pa., thence on and south of U.S. Highway 422 extending from Ebensburg to Portersville, Pa., thence on and west of U.S. Highway 19 extending from Portersville to Mercer, Pa., and thence on and south of U.S. Highway 62 extending from Mercer to the Pennsylvania-Ohio State line on the one hand, and, on the other, points in West Virginia, Philadelphia, Pa., and points in New Jersey, Delaware, and Maryland, within 30 miles of Philadelphia, Pa., New York, N.Y., and points within 30 miles of New York, N.Y., Sparrows Point and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Ohio.

(3) Between points in Pennsylvania on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Belmont County, Ohio.

(4) Between points in West Virginia on the one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y., points within 30 miles of New York, N.Y., Philadelphia, Pa., and points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Ohio.

(5) From points in Ohio to points in that part of Indiana on and north of U.S. Highway 24 from the Indiana-Illinois State line to Fort Wayne, and thence on and west of Indiana Highway 3 from Fort Wayne to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC 108119 (Sub-No. 41G), filed June 3, 1974. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require special handling or the use of special equipment, and *related parts, materials and supplies*, when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special handling or the use of special equipment, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Wisconsin, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan (Lower Peninsula only), New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateways of points in Minnesota.

No. MC 114569 (Sub-No. 108G), filed June 4, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from points in the upper peninsula of Michigan and points in Wisconsin, to points in Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Milton, Pa.

(2) *Foodstuffs* (except frozen foods and except commodities in bulk in tank vehicles), from points in Derry Township (Dauphin County), Pa., to points in Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, Ohio, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of the plantsite of Duffy Mott Company, Inc., at Aspers (Menallen Township), Adams County, Pa.

No. MC 11561 (Sub-No. 24G), filed May 31, 1974. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., Rockford, Ill. 61102. Applicant's representative: Robert D. Higgins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk, in tank trucks, (1) from Lemont, Palatine, Montgomery, and Chicago, Ill., to points in that part of Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line, thence along Wisconsin Highway 140 to its intersection with U.S. Highway 14, thence along U.S. Highway 14 to Janesville, thence along Wisconsin Highway 26 to Jefferson, thence along U.S. Highway 18 to its intersection with Wisconsin Highway 89, thence along Wisconsin Highway 89 to Columbus, thence along Wisconsin Highway 73 to Wautoma, Wis., thence along Wisconsin Highway 22 to its intersection with U.S. Highway 141, thence along U.S. Highway 141 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

(2) From Lemont, Palatine, Montgomery, and Chicago, Ill., to points in that part of South Dakota on east and north of a line beginning at the South Dakota-Minnesota State line along South Dakota Highway 34 to Madison, thence along U.S. Highway 81 to Arlington, thence along U.S. Highway 14 to De Smet, S. Dak., thence along South Dakota Highway 25 to its intersection with South Dakota Highway 28, thence along South Dakota Highway 28 to its intersection with South Dakota Highway 37, thence along South Dakota Highway 37 to its intersection with U.S. Highway 212, thence along U.S. Highway 212 to its intersection with South Dakota Highway 47 to Hoven, thence along South Dakota Highway 20 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to its intersection with U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Niota, Ill.

(3) From Lemont, Palatine, Montgomery, and Chicago, Ill., to points in that portion of Missouri east of Missouri Highway 51. The purpose of this filing is to eliminate the gateways of Niota, Ill. or Rockford, Ill.

(4) From Lemont, Palatine, Montgomery, and Chicago, Ill., to points in that part of Missouri west of Missouri Highway 51 and east of U.S. Highway 67 and Missouri Highway 47. The purpose of this filing is to eliminate the gateway of Niota, Ill.

(5) From Lemont, Palatine, Montgomery, and Chicago, Ill., to that portion of New York west of New York Highway 12 and U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

(6) From Lemont, Palatine, Montgomery, and Chicago, Ill., to points in that portion of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line along U.S. Highway 220 to its intersection with Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to its intersection with Interstate Highway 81, thence along Interstate Highway 81 to its intersection with U.S. Highway 209, thence along U.S. Highway 209 to its intersection with Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to its intersection with Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to its intersection with U.S. Highway 222, thence along Pennsylvania Highway 222 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

(7) From the facilities of Clark Chemical Corp., at Blue Island, Ill., to points in Indiana, Michigan, Ohio, Vermont, Maine, New Hampshire, Kentucky, and Tennessee. The purpose of this filing is to eliminate the gateways of Rockford, Ill. or Niota, Ill.

(8) From Hinckley, Ill., to points in Missouri, Iowa, Wisconsin, Indiana, Michigan, and Kentucky. The purpose of this filing is to eliminate the gateway of Niota, Ill.

(9) From Lemont and Chicago, Ill., to points in Missouri, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, New York, Vermont, Maine, New Hampshire, Kentucky, and Tennessee. The purpose of this filing is to eliminate the gateway of Niota, Ill.

No. MC 115826 (Sub-No. 259G), filed June 4, 1974. Applicant: W. J. DIGBY, INC., 1960 31st St., P.O. Box 5088 T.A., Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen fruits, berries and vegetables*, (1) from Phoenix, Ariz., and points in California, to Amarillo, Tex. The purpose of this filing is to eliminate the gateway at Denver, Colo.

(2) From Salinas, San Martin, San Jose, Santa Clara, Fresno, Sanger, and Patterson, Calif., to Amarillo, Tex. The purpose of this filing is to eliminate the gateway at Albuquerque, N. Mex.

(3) From Watsonville, and Modesto, Calif., to points in Colorado. The purpose of this filing is to eliminate the gateway at Phoenix, Ariz.

(4) From Auburn, Mt. Vernon, Arlington, and Seattle, Wash., to Amarillo, Tex. The purpose of this filing is to eliminate the gateway at Albuquerque, N. Mex.

(5) From Auburn, Mt. Vernon, Arlington, and Seattle, Wash., to Lubbock, Tex. and points within 100 miles thereof. The purpose of this filing is to eliminate the gateway at Albuquerque, N. Mex.

(6) From Salinas, San Martin, San Jose, Santa Clara, Fresno, Sanger, and Patterson, Calif., to points in Colorado. The purpose of this filing is to eliminate the gateway at Phoenix, Ariz.

(7) From points in California, to points in Oklahoma, Joplin, Mo. and points within 100 miles of Joplin. The







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purpose of this filing is to eliminate the gateway at Tulsa, Okla.

(B) *Frozen fruits and vegetables*, (1) from Phoenix, Ariz., and points in California, to Amarillo and El Paso, Tex. and Albuquerque, N. Mex. The purpose of this filing is to eliminate the gateway at Loveland, Colo.

(2) From Delta, Colo., to points in Oklahoma. The purpose of this filing is to eliminate the gateway at Tulsa, Okla.

(3) From Brownsville and Harlingen, Tex., to points in Oregon, Idaho and Washington. The purpose of this filing is to eliminate the gateway at Alturas, Calif.

(C) *Fresh fruits and vegetables*, (1) from points in California, and Phoenix, Ariz., to points in Oklahoma City and Tulsa, Okla., Albuquerque, N. Mex., Amarillo, Austin, Dallas, El Paso, Houston, and San Antonio, Tex. The purpose of this filing is to eliminate the gateway at Delta, Colo.

(2) From Phoenix, Ariz. and points in California, to Tulsa, Okla., Abilene, Austin, Dallas, Ft. Worth, Houston, Longview, San Antonio, Wichita Falls, and Amarillo, Tex., and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway at Denver, Colo.

(3) From Phoenix, Ariz. and points in California, to points in Oklahoma, Texas (except El Paso), and New Mexico (except points on U.S. Highway 85). The purpose of this filing is to eliminate the gateway at Denver, Colo.

(D) *Fresh, frozen and cured meats, and canned meats*, (1) from Denver, Colo., to points in Washington, Oregon and Idaho. The purpose of this filing is to eliminate the gateway at Alturas, Calif.

(2) From the plantsite of Minden Beef Co., located at or near Minden, Nebr., to points in Washington, Oregon and Idaho. The purpose of this filing is to eliminate the gateway at Alturas, Calif., and Four Corners Area, Ariz.

(3) From the plantsite of Cornland Dressed Beef Company, located at or near Lexington, Nebr., to points in Washington, Oregon and Idaho. The purpose of this filing is to eliminate the gateway at Alturas, Calif. and Four Corners Area, Ariz.

(4) From the plantsite of Producers Packing Company, near Garden City, Kans., to points in Washington, Oregon and Idaho. The purpose of this filing is to eliminate the gateway at Alturas, Calif. and Four Corners Area, Ariz.

(5) From points in California, to points in Arizona, Colorado, Illinois, Missouri, Massachusetts, Michigan, Montana, New Jersey, New York, Ohio, Oregon, Pennsylvania and Utah. The purpose of this filing is to eliminate the gateway at Roberts, Idaho.

(6) From points in California, to points in Idaho, Iowa, Kansas, Minnesota, Missouri, Nebraska, Nevada, Wisconsin and the District of Columbia. The purpose of this filing is to eliminate the gateway at Roberts, Idaho.

(7) From points in California to points in Arizona, Colorado, Illinois, Maryland, Massachusetts, Michigan, Montana, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah and Washington. The purpose of this filing is to eliminate the gateway at Gooding, Idaho.

(8) From Phoenix, Ariz., to points in Oregon, Washington and Idaho. The purpose of this filing is to eliminate the gateway at Blythe, Calif.

(9) From Madison, Wis., to points in Oregon, Washington, and Idaho. The purpose of this filing is to eliminate the gateway at Sacramento, Calif.

(10) From East St. Louis, Ill., Ft. Dodge, Iowa and Storm Lake, Iowa, to points in Oregon, Washington and Idaho. The purpose of this filing is to eliminate the gateway at Sacramento, Calif.

(E) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, and hides), (1) from the plantsite of Cornland Dressed Beef Company, located at or near Lexington, Nebr., to points in California. The purpose of this filing is to eliminate the gateway at Phoenix, Ariz.

(2) From the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Arizona. The purpose of this filing is to eliminate the gateway at Ogden, Utah.

(F) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk), from the plantsite of Cornland Dressed Beef Company, located at or near Lexington, Nebr., to points in New Mexico. The purpose of this filing is to eliminate the gateway at Sunflower, Ariz.

(G) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), (1) from the plantsite of Producers Packing Company near Garden City, Kans., to points in California. The purpose of this filing is to eliminate the gateway at Phoenix, Ariz.

(2) From the plantsite of Stockmen's Meat Packing Corp., at or near Gooding, Idaho, to points in Arizona, California, and Nevada. The purpose of this filing is to eliminate the gateway at Salt Lake City, Utah.

(3) From Roberts, Idaho and points within 5 miles thereof, to points in Arizona, California and Nevada. The purpose of this filing is to eliminate the gateway at Salt Lake City and points in Cache and Weber Counties, Utah.

(4) From Roberts, Idaho and points within 5 miles thereof, to points in Alabama, Florida, Georgia, New Mexico, North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Phoenix, Ariz.

(H) *Inedible meat* used as feed ingredients, (1) from Greeley, Colo., Pueblo, Colo., and points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, to Portland, Oreg. The purpose of this filing is to eliminate the gateway at Midvale, Utah.

(2) From Greeley, Colo., Pueblo, Colo., and points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, to points in Arizona, California, and Nevada. The purpose of this filing is to eliminate the gateway at Midvale, Utah.

(I) *Inedible packinghouse products* (except in bulk), from the plantsite of Stockmen's Meat Packing Corp., at or near Gooding, Idaho, to points in Portland, Oreg. The purpose of this filing is to eliminate the gateway at Salt Lake City, Utah.

(J) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from the plantsite of Stockmens Meat Packing Corp., at or near Gooding, Idaho, to points in Nevada and California. The purpose of this filing is to eliminate the gateway at Salt Lake City, Utah.

(2) From the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in California. The purpose of this filing is to eliminate the gateway at Bountiful, Utah.

(K) *Frozen meats and meat products*, (1) from the plantsite of Stockmen's Meat Packing Corp., at or near Gooding, Idaho, to Amarillo, Tex., and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway at Denver, Colo.

(2) From Roberts, Idaho, and points within 5 miles thereof, to Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway at Denver, Colo.

(3) From Roberts, Idaho, and points within 5 miles thereof, to Amarillo, Tex. The purpose of this filing is to eliminate the gateway at Denver, Colo.

(4) From Roberts, Idaho and points within 5 miles thereof, to points in Arizona, California, New Mexico, and Texas. The purpose of this filing is to eliminate the gateway at Denver, Colo. and Amarillo, Tex.

(5) From Billings, Mont., to Amarillo, Tex., Oklahoma City, Okla., and Albuquerque, N. Mex. The purpose of this filing is to eliminate the gateway at Denver, Colo. and Amarillo, Tex.

(6) From Oklahoma City, Okla., to points in California. The purpose of this filing is to eliminate the gateway at Denver, Colo.

(L) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles, and hides), (1) from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in California.





The purpose of this filing is to eliminate the gateway at Denver, Colo.

(2) From the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Arizona, Colorado, Montana, Oregon, Utah and Washington. The purpose of this filing is to eliminate the gateway at Roberts, Idaho.

(3) From the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in California, Arizona and Nevada. The purpose of this filing is to eliminate the gateway at Salt Lake City, Utah.

(4) From Denver, Colo., Colorado Springs and Greeley, Colo. (except frozen foods, from Colorado Springs and Greeley), to points in Arizona, California, and Nevada. The purpose of this filing is to eliminate the gateway at Salt Lake City, Utah.

(5) From Denver, Colo., Colorado Springs, and Greeley, Colo. (except frozen foods, from Colorado Springs and Greeley), to points in Arizona. The purpose of this filing is to eliminate the gateway at Ogden, Utah.

(M) *Frozen fruits, frozen vegetables, frozen fruit and vegetable juices*, from points in California, to points in Alabama and Tennessee (except from Sacramento and Watsonville, Calif.), to Chattanooga, Knoxville, Memphis and Nashville, Tenn. The purpose of this filing is to eliminate the gateway at Freewater, or Portland, Oreg.

(N) *Fresh lamb carcasses* suspended on or in racks, from points in California, to the District of Columbia, Philadelphia, Pa., Albany and New York, N.Y., Boston, Mass., Waterbury, Conn. and Providence, R.I. The purpose of this filing is to eliminate the gateway at Nampa, Idaho.

(O) *Meats and meat products and packinghouse products*, from points in Jefferson County, Idaho, to points in Oklahoma. The purpose of this filing is to eliminate the gateway at Joplin, Mo.

(P) *Frozen prepared vegetable foods*, from San Jose, Calif., to Lubbock, Tex., and points within 100 miles thereof. The purpose of this filing is to eliminate the gateway at Albuquerque, N. Mex.

(Q) *Frozen and canned eggs*, from Enid, Okla., and Dallas, and Houston, Tex., to points in Oregon, Washington, and Idaho (except canned eggs to Idaho). The purpose of this filing is to eliminate the gateway at Alturas, Calif.

(R) *Fresh and frozen meats; frozen and canned; fish, eggs, butter, fruits and vegetables, and poultry*, from Lubbock, Tex. and points within 100 miles thereof, to points in Oregon, Washington and Idaho (except canned and fresh commodities, other than meats, to Idaho). The purpose of this filing is to eliminate the gateway at Alturas, Calif. and Four Corners Area, Ariz.

(S) Inedible packinghouse products, from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to Portland, Oreg. The purpose of this filing is to eliminate the gateway at Salt Lake City, Utah.

(T) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Roberts, Idaho, and points within 5 miles thereof, to points in California. The purpose of this filing is to eliminate the gateway at Phoenix, Ariz.

(U) *Frozen meats*, from points in California, to Tulsa and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway at Franklin or Strevelle, Idaho.

(V) *Frozen foods*, from points in California, to points in Texas, New Mexico, Kansas, Louisiana, and Arkansas. The purpose of this filing is to eliminate the gateway at Franklin or Strevelle, Idaho.

(W) *Frozen foods and frozen juice and juice concentrates*, from points in California, to points in Kansas, Missouri and Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateway at Franklin, or Strevelle, Idaho.

(X) *Frozen groceries and packinghouse products*, from points in Idaho, Oregon and Washington, to points in Oklahoma. The purpose of this filing is to eliminate the gateway at Tulsa, Okla.

No. MC 115840 (Sub-No. 100G), filed December 27, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 107 Vulcan Road, Homewood, Ala. 35209. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such iron and steel articles, cranes and sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel mill products, and *commodities* the transportation of which because of size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size and weight require special equipment, from Anniston, Ala., to points in Florida, Georgia, Tennessee, Mississippi, and Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway at Birmingham, Ala. or a point in its commercial zone.

(2) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, *cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel mill products, and *commodities* the transportation of which because of their size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and points in Kansas, Missouri and Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateway at Franklin, or Strevelle, Idaho.

No. MC 115840 (Sub-No. 100G), filed December 27, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 107 Vulcan Road, Homewood, Ala. 35209. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such iron and steel articles, cranes and sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel mill products, and *commodities* the transportation of which because of size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size and weight require special equipment, from Anniston, Ala., to points in Florida, Georgia, Tennessee, Mississippi, and Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway at Franklin or Strevelle, Idaho.

(2) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, *cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel mill products, and *commodities* the transportation of which because of their size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and points in that part of Louisiana on and east of the Mississippi River, to points in Florida, Georgia, Tennessee, Mississippi, and Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. or a point in its commercial zone.

(3) *Such iron and steel articles; cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel and iron and steel articles, from Anniston, Ala., to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateways of Birmingham or Decatur, Ala., or a point in the commercial zones.

(4) *Such materials and supplies* (except in bulk) used in the operations, production, processing, or transportation of iron and steel articles, *cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in fibre pipe and fibre pipe fittings, iron and steel, and iron and steel articles, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and points in that part of Louisiana on and east of the Mississippi River, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. or a point in its commercial zone.

(5) *Such cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in cement asbestos products (except conduit and pipe which because of size, shape, weight, or inherent character require the use of special equipment), and *fittings, materials, and accessories* for the installation or transportation thereof (except in bulk), and *plastic pipe and pipe fittings* in mixed loads with cement asbestos products, from Anniston, Ala., to points in Florida, Georgia, Louisiana, and Tennessee. The purpose of this filing is to eliminate the gateway of Ragland, Ala. or a point in its commercial zone.

(6) *Cast iron pipe, pipe fitings, pipe valves, and fire hydrants*, from Coshocton, Ohio, to points in Tennessee, Georgia, Alabama, Florida, Mississippi, and Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in its commercial zone.

(7) *Such iron and steel articles; cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel and iron and steel articles (except commodities which because of size or weight require the use of special equipment), from Anniston, Ala., to points in Alabama, Arkansas, Georgia, Florida, Mississippi, Tennessee, and Louisiana on and east of the Mississippi River. The purpose of this filing is to eliminate the gateways of Guntersville, Decatur, or Sheffield, Ala.; or Memphis, Tenn.; or Vicksburg or Natches, Miss. or a point in their respective commercial zones.

(8) *Such iron and steel, and iron and steel articles* (except commodities which because of size or weight require the use of special equipment), *cranes, sand hop-*



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pers, elevators, conveyors, dust collectors, and meter boxes as are embraced in iron and steel and iron and steel articles, from points on the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee state line, to points in Tennessee, Georgia, Florida, Alabama, Mississippi, and Louisiana on and east of the Mississippi River. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in its commercial zone.

(9) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, *cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel and iron and steel articles (except commodities which because of size or weight require the use of special equipment), from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and points in that part of Louisiana on and east of the Mississippi River, to points in Alabama, Arkansas, Mississippi, Tennessee, and Louisiana located on the Mississippi and Tennessee Rivers on and south of the Kentucky-Tennessee state line. The purpose of this filing is to eliminate the gateways of Birmingham, Bessemer, or Anniston, Ala. or a point in their commercial zone.

(10) *Iron and steel articles*, except those the transportation of which by reason of size or weight require the use of special equipment, from the plantsite of Tennessee Forging Steel, near Harrimon, Tenn., to points in Georgia, Tennessee, Alabama, Florida, Mississippi, and points in that part of Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in its commercial zone.

(11) *Such plastic pipe, plastic or iron fittings, and connections, valves, and hydrants* as are encompassed in iron and steel articles, cranes, sand hoppers, dust collectors, elevators, conveyors, and meter boxes, from Anniston, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Clow Corporation plantsite located near Lincoln, Ala.

(12) *Such polyvinylchloride* (except in bulk), as is embraced in materials and supplies used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from points in Texas, Louisiana, and Kentucky, to Bessemer, Birmingham, and Anniston, Ala. The purpose of this filing is to eliminate the gateway of Clow Corporation plantsite near Lincoln, Ala.

(13) *Such rubber gaskets* as are embraced in materials and supplies used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from Houston, Tex., to Anniston, Bessemer, and Birmingham, Ala. The purpose of this filing is to eliminate the gateway of Clow Corporation plantsite near Lincoln, Ala.

(14) *Such scrap metals*, as embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from points in Arkansas and Oklahoma, to points in Tennessee, Georgia, Alabama, Florida, Mississippi, and points in that part of Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in its commercial zone.

(15) *Such materials and supplies* used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries (except in bulk) as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from points on the Warrior-Tombigbee-Alabama River System, located in Alabama, to points in Tennessee, Georgia, Alabama, Florida, Mississippi, and points in Louisiana east of the Mississippi River, restricted against the transportation of traffic from points in Mobile and Baldwin Counties, Ala., to Memphis, Tenn., and points in Tennessee within the Memphis, Tenn. commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of Anniston, Ala. or a point in its commercial zone.

(16) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in materials and supplies used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries (except in bulk), from Anniston, Ala., to points in Tennessee, Georgia, North Carolina, South Carolina, Florida, and Alabama, restricted against the transportation of traffic from points in Mobile and Baldwin Counties, Ala., to Memphis, Tenn., and points in Tennessee within the Memphis, Tenn. commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of Bessemer or Birmingham, Ala. or a point in their commercial zones.

(17) *Such materials and supplies* (except in bulk) used in the operations, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, as are embraced in materials and supplies used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and points in that part of Louisiana on and east of the Mississippi River, to points in Tennessee, Georgia, North Carolina, South Carolina, Florida and Alabama, restricted against the transportation of traffic from points in Mobile and Baldwin Counties, Ala., to Memphis, Tenn., and points in Tennessee within the Memphis, Tenn. commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of Anniston, Bessemer, or Birmingham, Ala. or a point in their commercial zones.

(18) *Such plastic pipe, plastic or iron fittings, connections, valves, hydrants and gaskets*, as are embraced in cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from Anniston, Ala., to points in Connecticut, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Clow Corporation plantsite or storage facilities near Lincoln, Ala.

(19) *Such cast iron and brass valves, and components, and cast iron fire hydrants*, as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from Anniston, Ala., to points in Florida, Georgia, Tennessee, Mississippi, Arkansas, Oklahoma, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., or a point in its commercial zone.

(20) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, as are embraced in cast iron and brass valves and components, and cast iron fire hydrants, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and Louisiana on and east of the Mississippi River, to points in Florida, Georgia, Tennessee, Mississippi, Arkansas, Oklahoma, Louisiana and Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. or a point in its commercial zone.

(21) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes*, as are embraced in iron and steel articles, and contractors' equipment, materials, and supplies (except cement and commodities in bulk), from Anniston, Ala., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Leeds, Ala. or a point in its commercial zone.

(22) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, *cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes*, as are embraced in iron and steel articles, and *contractors' equipment, materials, and supplies* (exctpt cement and commodities in bulk), from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and Louisiana on and east of the Mississippi River, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in its commercial zone.

(23) *Iron and steel articles*, from Anniston, Ala., to points in Kentucky, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. and points in the Memphis, Tenn. commercial zone.

(24) *Iron and steel articles*, from Anniston, Ala., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. or a point in its commercial zone.

(25) *Such farm implements*, as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from Anniston, Ala., to points in Arkansas, Oklahoma, Florida, Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Poplarville, Miss. or a point in its commercial zone.

(26) *Such farm implements*, as are embraced in iron and steel articles, from Poplarville, Miss., to points in Tennessee, Georgia, Alabama, and Florida. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in its commercial zone.

(27) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes*, as are embraced in iron and steel articles, valves, hydrants, gaskets, overhead highway sign structures, highway breakaway posts, highway guardrails, and uprights, from Anniston, Ala., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, and Pennsylvania (except Bradford and Wellsboro, Pa.). The purpose of this filing is to eliminate the gateway of Birmingham, Ala. or a point in its commercial zone.

(28) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, *cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel articles, valves, hydrants, gaskets, overhead highway sign structures, highway breakaway posts, highway guardrails, and uprights, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and points in that part of Louisiana on and east of the Mississippi River, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, and Pennsylvania (except Bradford and Wellsboro, Pa.). The purpose of this filing is to eliminate the gateway of Birmingham, Ala. or a point in its commercial zone.

(29) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel articles, and *fabricated and structural aluminum*, from Anniston, Ala., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in the Anniston, Ala. commercial zone.

(30) *Such materials and supplies* (except in bulk) used in the operations, production, processing, or transportation of iron and steel articles, *cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel articles, and *fabricated and structural aluminum*, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and that part of Louisiana on and east of the Mississippi River, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Birmingham or Anniston, Ala., or a point in their commercial zones.

(31) *Such valves, hydrants, fittings, components, parts, and accessories* as are embraced in iron and steel articles, *cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes*, from Anniston, Ala., to points in Alabama, Louisiana, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Oklahoma, and Tennessee. The purpose of this filing is to eliminate the gateway of Anniston, Ala., or a point in its commercial zone.

(32) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, as are embraced in valves, hydrants, fittings, components, parts, and accessories, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and points in that part of Louisiana on and east of the Mississippi River, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Anniston, Ala., or a point in its commercial zone.

(33) *Such valves, hydrants, fittings, components, parts, and accessories* (except in bulk) as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from Anniston, Ala., to points in Arizona, California, Colorado, Idaho, Illinois, on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to unnumbered highway to (referred to as Aurora Ave.), thence along said unnumbered highway to U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line and thence along the Illinois-Indiana State line to the points of beginning, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio (except those points in that part of Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio), Oregon, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Anniston, Ala., or a point in its commercial zone.

(34) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are embraced in valves, hydrants, fittings, components, parts, and accessories, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and points in that part of Louisiana on and east of the Mississippi River, to points in Arizona, California, Colorado, Idaho, Illinois, on and bounded by a line beginning at the Illinois-Indiana state line and extending along U.S. Highway 36 to Springfield, Ill., thence long Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 39 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to unnumbered highway to (referred to as Aurora Ave.), thence along said unnumbered highway to U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line and thence along the Illinois-Indiana State line to the points of beginning, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio (except those points in that part of Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio), Oregon, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in its commercial zone.

(35) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in pipe, fittings, valves, hydrants, gaskets, iron castings, and accessories (except in bulk), from Anniston, Ala., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the







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gateway of Holt, Ala. or a point in its commercial zone.

(36) *Such pipe, fittings, valves, hydrants, gaskets, iron castings, and accessories* (except in bulk), as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from Holt, Ala., to points in Tennessee, Georgia, Alabama, Florida, Mississippi, and Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway of Anniston, Ala. or a point in its commercial zone.

(37) *Such materials and supplies* (except commodities in bulk) used in the operation of a foundry as are embraced in materials and supplies used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from points in the United States (except Alaska and Hawaii), to Anniston, Bessemer, and Birmingham, Ala. The purpose of this filing is to eliminate the gateway of Holt, Ala. or a point in its commercial zone.

(38) *Such cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in aluminum articles, from Anniston, Ala., to points in that part of the United States lying in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateway of Plantsite of Planet Corporation, Inc. at Birmingham, Ala.

(39) *Such aluminum articles* as are embraced in materials and supplies (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from points in that part of the United States lying in and east of Texas, Oklahoma, Kansas, Nebraska, North Dakota, and South Dakota, to Anniston, Bessemer, and Birmingham, Ala. The purpose of this filing is to eliminate the gateway of Plantsite of Planet Corporation, Inc. at Birmingham, Ala.

(40) *Such materials and supplies* (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are embraced in aluminum articles, from points in North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Georgia, Florida, Mississippi, and Louisiana on and east of the Mississippi River, to points in that part of the United States lying in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateway of Plantsite of Planet Corporation, Inc. at Birmingham, Ala.

(41) *Such materials and supplies* used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries (except in bulk) as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, meter boxes, and as also are embraced in pipe, fittings, valves, hydrants, gaskets, iron castings, and accessories, from points on the Warrior-Tombigbee-Alabama River System located in Alabama, to points in the United States (except Alaska and Hawaii), restricted against the transportation of traffic from points in Mobile and Baldwin Counties, Ala., to Memphis, Tenn., and points in Tennessee within the Memphis, Tenn. commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of Anniston and Holt, Ala. or a point in their respective commercial zones.

(42) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and metal boxes* as are embraced in materials and supplies (except in bulk) used in the agricultural, water treatment, food processing, wholesale groceries, and institutional supply industries, as are also embraced in pipe, fittings, valves, hydrants, gaskets, iron castings and accessories, from Anniston, Ala., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of Birmingham and Holt, Ala. or a point in their commercial zones.

(43) *Such materials and supplies* (except commodities in bulk) used in the operations of a foundry as are embraced in materials used in agricultural, water treatment, food processing, wholesale groceries, and institutional supply industries, and are also embraced iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from points in the United States (except Alaska and Hawaii), to points in Alabama located on the Warrior-Tombigbee-Alabama River System. The purpose of this filing is to eliminate the gateways of Holt and Birmingham, Ala. or a point in their commercial zones.

(44) *Such iron and steel articles, and contractors' equipment materials, and supplies* as are embraced in materials and supplies used in the agricultural, water treatment, food processing, wholesale groceries, and institutional supply industries, and also as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, meter boxes, and as are also embraced in pipe, fittings, valves, hydrants, gaskets, iron castings, and accessories (except in bulk), from points in North Carolina and South Carolina, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of Anniston, Birmingham, Montgomery, Ala. or points in their commercial zones, and Holt, Ala. or a point in its commercial zone.

(45) *Such cast iron pipe, pipe fittings, pipe valves, and fire hydrants*, as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are also embraced in pipe, fittings, valves, hydrants, gaskets, iron castings and accessories (except commodities in bulk), from Coshocton, Ohio, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of Anniston and Holt, Ala. or a point in their respective commercial zones.

(46) *Such iron and steel, and iron and steel articles* (except commodities which because of size or weight require the use of special equipment) as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, meter boxes, and as are also embraced in pipe, fittings, valves, hydrants, gaskets, iron castings, and accessories (except in bulk), from points on the Mississippi and Tennessee Rivers located in Louisiana, Mississippi, Arkansas, Tennessee, and Alabama, on and south of the Kentucky-Tennessee state line, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of Anniston and Holt, Ala., or a point in their respective commercial zones.

(47) *Such materials and supplies* (except in bulk) used in the operation of a foundry and as are also used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes and as are also embraced in iron and steel articles, and iron and steel (except commodities which because of size or weight require the use of special equipment), from points in the United States (except Alaska and Hawaii), to points in Louisiana, Mississippi, Arkansas, Tennessee, and Alabama located on the Mississippi or Tennessee Rivers on and south of the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Holt, and Birmingham or Bessemer, Ala. or a point in their respective commercial zones.

(48) *Such materials and supplies* (except in bulk) used in the operations of a foundry and as are also used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes and as also are embraced in iron and steel and iron and steel articles (except commodities which because of size or weight require the use of special equipment), from points in the United States (except Alaska and Hawaii), to points in Louisiana, Mississippi, Arkansas, Tennessee, and Alabama, on and south of the Kentucky-Tennessee State line, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of Anniston and Holt, Ala., or a point in their respective commercial zones.

(49) *Such materials and supplies* (except in bulk) used in the operation of a foundry and as are also used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes and as are also embraced in iron and steel articles, and iron and steel (except commodities which because of size or weight require the use of special equipment), from points in the United States (except Alaska and Hawaii), to points in Louisiana, Mississippi, Arkansas, Tennessee, and Alabama located on the Mississippi or Tennessee Rivers on and south of the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Holt, and Birmingham or Bessemer, Ala. or a point in their respective commercial zones.





their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points on the Mississippi and Tennessee Rivers located in Louisiana, Mississippi, Arkansas, Tennessee, and Alabama on and south of the Kentucky-Tennessee State line, to points in Florida, Georgia, Tennessee, Mississippi, and Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateways of Anniston and Birmingham, Ala. or a point in their commercial zones.

(50) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel mill products and commodities the transportation of which because of their size or weight require the use of special equipment, and related machinery parts and related contractors' material and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment, from Anniston, Ala., to points in Kentucky, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Memphis, Tenn. or a point in their respective commercial zones.

(51) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in pipe, fittings, valves, hydrants, gaskets, iron castings and accessories as are also embraced in valves, hydrants, fittings, components, parts and accessories (except commodities in bulk), from Anniston, Ala., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of Holt and Anniston, Ala. or a point within their respective commercial zones.

(52) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced iron and steel, iron and steel articles (except commodities which because of size or weight require the use of special equipment), as are also embraced in iron and steel articles, valves, hydrants, gaskets, overhead highway sign structures, highway break-away posts, highway guardrails, and uprights, from Anniston, Ala., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, and Pennsylvania (except Bradford and Wellsboro). The purpose of this filing is to eliminate the gateways of Anniston and Birmingham, Ala. or a point in their respective commercial zones.

(53) *Such iron and steel, and iron and steel articles* (except commodities which because of size or weight require the use of special equipment), as are also embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, as are also embraced in iron and steel articles, valves, hydrants, gaskets, overhead highway sign structures, highway break-away posts, highway guardrails, and uprights, from points in Louisiana, Mississippi, Arkansas, Tennessee, and Alabama located on the Mississippi or Tennessee Rivers on and south of the Kentucky-Tennessee state line, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, and Pennsylvania (except Bradford and Wellsboro, Pa.). The purpose of this filing is to eliminate the gateways of Anniston and Birmingham, Ala. or a point in their commercial zones.

(54) *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes*, as are embraced in farm implements, as are also embraced in iron and steel mill products and commodities the transportation of which because of their size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Anniston, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, North Carolina, South Carolina, Oklahoma, Tennessee, and Texas. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and Poplarville, Miss. or a point in their commercial zones.

(55) *Such materials and supplies* (except commodities in bulk) used in the operations of a foundry as are also used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hopper, elevators, conveyors, dust collectors, and meter boxes as are embraced in iron and steel mill products and commodities the transportation of which because of their size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in the United States (except Alaska and Hawaii), to points in Florida, Georgia, Tennessee, Mississippi, and those in Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateways of Holt, Bessemer, or Birmingham, Ala. or a point in their respective commercial zones.

(56) *Such iron and steel mill products and commodities* the transportation of which because of their size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment as are embraced in materials and supplies (except in bulk) used in the operations of a foundry as are also used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from points in Florida, Georgia, Tennessee, Mississippi, and those in Louisiana east of the Mississippi River, to Anniston, Bessemer, and Birmingham, Ala. The purpose of this filing is to eliminate the gateways of Birmingham and Holt, Ala. or a point in their respective commercial zones.

(57) *Such materials and supplies* (except commodities in bulk) used in the operations, of a foundry as are also used the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes also are embraced in iron and steel articles and contractors' equipment, materials, and supplies, from points in the United States (except Alaska and Hawaii), to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Holt and Birmingham, Ala. or a point in their respective commercial zones.

(58) *Such materials and supplies* (except in bulk) used in the operations of a foundry as are also used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are also embraced in iron and steel articles, valves, hydrants, gaskets, overhead highway sign structures, highway break-away posts, highway guardrails, and uprights, from points in the United States (except Alaska and Hawaii), to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky and Pennsylvania (except Bradford and Wellsboro, Pa.). The purpose of this filing is to eliminate the gateways of Holt and Birmingham, Ala. or points in their respective commercial zones.

(59) *Such farm implements* as are also embraced in materials and supplies (except in bulk) used in the operation, production, processing or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as would also be embraced in iron and steel articles, valves, hydrants, gaskets, overhead highway sign structures, breakaway posts, highway guardrails, and uprights, from Poplarville, Miss., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky and Pennsylvania (except Bradford and Wellsboro). The purpose of this filing is to eliminate the gateways of points in Alabama and Birmingham, Ala.

(60) *Such plastic pipe, plastic fittings connections, valves, hydrants, extrusions and gaskets*, (except commodities in bulk) as are embraced in materials and supplies (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from the plantsite of Precision Polymers, Inc. at Rockaway, N.J., to Anniston, Bessemer, and Birmingham, Ala. The



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purpose of this filing is to eliminate the gateway of points in Tennessee.

(61) *Such plastic pipe, plastic molding, plastic valves, plastic fittings, plastic siding and accessories and materials* used in the installation thereof (except commodities in bulk) as are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, from Williamsport, Md., to points in Georgia, Florida, and points in that part of Louisiana on and east of the Mississippi River, restricted to the transportation of traffic originating at the plantsites and storage facilities of Certain-Teed Products at or near Williamsport, Md. The purpose of this filing is to eliminate the gateways of Bessemer, Anniston, or Birmingham, Ala. or a point within their respective commercial zones.

(62) *Such iron and steel mill products and commodities* the transportation of which because of their size or weight require the use of special equipment, and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment as are embraced in materials and supplies (except in bulk) used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are also embraced in materials and supplies used in the operation of a foundry, from points in Florida, Georgia, Tennessee, Mississippi, and those points in Louisiana east of the Mississippi River, to Holt, Ala. The purpose of this filing is to eliminate the gateways of Birmingham and Anniston, Ala. or a point in their respective commercial zones.

(63) *Such materials, supplies, and equipment* (except commodities in bulk) *and accessories* used in the operations of a foundry as are embraced in salt and salt products and materials supplies used in the agriculture, water treatment, food processing, wholesale groceries and institutional supply industries, (except in bulk) as also are embraced in iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, meter boxes, from points in the United States (except Alaska and Hawaii), to points in Tennessee, Georgia, Alabama, Florida, Mississippi, and points in that part of Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateways of Holt and Anniston, Ala. or any points in their respective commercial zones.

(64) *Such salt and salt products and materials and supplies* used in the agriculture, water treatment, food processing, wholesale groceries and institutional supply industries (except in bulk), as are embraced in materials and supplies used in the operation, production, processing, or transportation of iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes, and as are also embraced in pipe, fittings, valves, hydrants, gaskets, iron castings, and accessories (except commodities in bulk), from points on the Warrior-Tombigbee-Alabama River System, located in Alabama, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Alabama and Holt, Ala. or any point in its commercial zone.

No. MC 116544 (Sub-No. 150G), filed May 31, 1974. Applicant: ALTRUK FREIGHT SYSTEM, INC., P.O. Box 636, Carthage, Mo. 64836. Applicant's representative: Sheldon Silverman, 1819 H Street NW., Suite 550, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* as described in Section B of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, 272 and 766, (a) from points in Missouri, to points in Iowa and Nebraska and (b) from points in Missouri, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina. The purpose of this filing is to eliminate the gateway of Carthage, Mo.

(2) *Butter, cheese, eggs* (except frozen, and dressed poultry), from points in Missouri, to Asheville, Charlotte, Greensboro, Raleigh, Winston-Salem, and Fayetteville, N.C. and Memphis, Nashville, Chattanooga, Knoxville, and Johnson City, Tenn. The purpose of this filing is to eliminate the gateway of Independence, Kans.

(3) *Dairy products* as described in Section B of Apendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Missouri, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Carthage, Mo.

(4) *Dairy products* as described in Section B of Apendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 272, from points in Minnesota and Wisconsin, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina. The purpose of this filing is to eliminate the gateway of Carthage, Mo.

(5) *Butter, cheese, eggs* (except frozen) and dressed poultry (except frozen), from points in Minnesota and Wisconsin, to Asheville, Charlotte, Greensboro, Raleigh, Winston-Salem, and Fayetteville, N.C. and Memphis, Nashville, Chattanooga, Knoxville, and Johnson City, Tenn. The purpose of this filing is to eliminate the gateway of Garnett, Kans.

(6) *Meats, and meat products, and meat by-products*, and articles distributed by meat packinghouses as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Wisconsin and Minneapolis, Minn., to points in Texas and Louisiana. The purpose of this filing is to eliminate the gateway of Dodge City, Kans.

No. MC 119547 (Sub-No. 40G), filed May 31, 1974. Applicant: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay cat litter*, from Wrens, Ga., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC 138264 (Sub-No. 2G), filed June 4, 1974. Applicant: CUSTOM MOTOR FREIGHT, INC., P.O. Box 551, Columbus, Ohio 43216. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel products*, from points in Allegheny County, Pa., to points in Ohio on and west of a line beginning at the intersection of Lake Erie and eastern Lorain County line; thence continuing south on the eastern county lines of Lorain, Ashland, Knox, Licking, Fairfield, Pickaway, Ross, Pike, Scioto, and Lawrence County lines to the Ohio River. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio (which is in the Covington, Ky. Commercial zone).

(2) *Iron and steel products*, from points in western Ohio as described in (1) above, to Butler, Pa. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio (which is in the Covington, Ky. Commercial zone).

(3) *Steel and tinplate*, from Wheeling, W. Va., and points within ten miles of Wheeling, W. Va., to points in Ohio on and west of a line beginning at the intersection of Lake Erie and eastern Lorain County line; thence continuing south on the eastern county lines of Lorain, Ashland, Knox, Licking, Fairfield, Pickaway, Ross, Pike, Scioto, and Lawrence County lines to the Ohio River. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio (which is in the Covington, Ky. Commercial zone).

(4) *Machinery and machinery parts* used in plants engaged in the manufactural processing of steel, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Ohio on and west of a line beginning at the intersection of Lake Erie and the eastern Lorain County line; thence continuing south on the eastern county lines of Lorain, Ashland, Knox, Licking, Fairfield, Pickaway, Ross, Pike, Scioto, and Lawrence County lines to the Ohio River. The purpose of this filing is to eliminate the gateway of Newport, Ky.

(5) *Steel and tin plate*, from Weirton and Beechbottom, W. Va., and points within ten miles of Weirton and Beechbottom, W. Va., to points in Ohio on and west of a line beginning at the intersection of Lake Erie and the eastern Lorain County line; thence continuing south on the eastern county lines of Lorain, Ashland, Knox, Licking, Fairfield, Pickaway, Ross, Pike, Scioto, and Lawrence County lines to the Ohio River. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio (which is in the Covington, Ky., Commercial zone).





IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 14, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 10788 (Sub-No. E12), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and manufactured products thereof, from points in Marshall County, W. Va., to points in New York, Michigan, and to points in that part of Pennsylvania located on and north of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 22 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateways of Steubenville, Ohio and Weirton, W. Va.

No. MC 13134 (Sub-No. E12), filed February 3, 1975. Applicant: GRANT TRUCKING CO., P.O. Box 266, Oak Hill, Ohio 45656. Applicant's representative: John W. Gee, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, refractory products, and refractories*, from Ironton, Ohio to points in Illinois, Indiana, Michigan, New York, Pennsylvania, and to points in that part of West Virginia located on and north of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 18 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of the plantsite of the Esso-Ramtite Co. near Siloan, Ky.

No. MC 21170 (Sub-No. E79), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, (A) from points in that part of Minnesota on the south and west of the line beginning at the South Dakota-Minnesota State line and extending along Minnesota Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota-Iowa State line, to points in that part of Illinois on and south of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 30 to junction Illinois Highway 38, thence along Illinois Highway 38 to Lake Michigan, (except Chicago, Rock Island, Moline, and East Moline, Ill.), (B) from points in that part of Minnesota on the south and west of the line beginning at North Dakota-Minnesota State line and extending along Minnesota Highway 210 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line to points in Illinois on and south of the line beginning at the Illinois-Missouri State line extending along U.S. Highway 67 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Sioux City, Iowa.

No. MC 29886 (Sub-No. E63), filed May 16, 1974. Applicant: DALLAS & MAVIS FORWARDING CO. INC., 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, the transportation of which because of size or weight require the use of special equipment or special handling, (1) between points in Missouri, on the one hand, and, on the other, those points in Indiana on and north of U.S. Highway 30, and those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 24 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 68, thence along Ohio Highway 68 to junction Ohio Highway 30N, thence along Ohio Highway 30N to junction Ohio Highway 30, thence along Ohio Highway 30 to the Ohio-West Virginia State line (those points in Michigan on and south of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line)*; (2) Between points in Iowa (except those in Mitchell, Howard, Chickasaw, Fayette, Clayton, Winneshiek, and Allamakee Counties, Iowa), on the one hand, and on the other, points in the lower peninsula of Michigan (same as in (1) above)*; (3) between points in Iowa, on the one hand, and, on the other, points in the lower peninsula of Michigan (except those in Emmet, Cheboygan, and Charlevoix Counties, Mich.), and points in Ohio (except those in Mercer, Auglaize, Shelby, Darke, Miami, Champaign, Clark, Montgomery, Preble, Greene, Fayette, Clinton, Warren, Butler, Hamilton, Clermont, Highland Brown, and Adams Counties, Ohio) (same as in 1 above)*; (4) between points in Iowa (except those in Louisa, Henry, Des Moines, Lee and Van Buren, Counties, Iowa), on the one hand, and, on the other, points in Ohio (same as in 1 above)*; and (5) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Vermont, Maine, New Hampshire, and those in New York east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction U.S. Highway 20 to the New York-Massachusetts State line (those points in New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania States line.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E64), filed May 16, 1974. Applicant: DALLAS & MAVIS FORWARDING CO. INC., 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Road construction and earth moving machines and equipment (except trailers designed to be drawn by a truck trailer) (1) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and New York to points in Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Oregon, Washington, and California (those points in New York on and west of a line begin-



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ning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction the New York-Pennsylvania State line, and South Bend, Ind.)*; (2) from points in Wisconsin to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama (except those in Colbert and Louderdale Counties), those in Tennessee in and east of Sumner, Davidson, Williamson, Maury, and Giles Counties, Tenn., and the District of Columbia (those points in Michigan on and south of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, to the Michigan-Ohio State line, and South Bend, Ind.)*.

(3) From points in Missouri to points in Delaware, Maryland, and the District of Columbia (same as in (2) above)*; and (4) from those points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana State line, to points in Colorado, and those in Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 34/281, thence along U.S. Highway 34/281 to junction U.S. Highway 281, thence along U.S. Highway 281 to Nebraska-Kansas State line (South Bend, Ind.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29886 (Sub-No. E65), filed May 16, 1974. Applicant: DALLAS MAVIS FORWARDING CO. INC., 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailers designed to be drawn by a truck tractor), (1) from points in Iowa to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and those in Florida on and east of U.S. Highway 319 (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, to junction U.S. Highway 127, to the Michigan-Ohio State line, and South Bend, Ind.)*; (2) from those points in Iowa on and north of Interstate Highway 80 to points in Georgia and those in Tennessee in and east of Macon, Smith, DeKalb, Warren, Sequatchie, and Hamilton Counties, Tenn. (same as in (1) above)*; (3) from points in Ohio and those in Pennsylvania on and west of U.S. Highway 219 to points in Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Idaho, Utah, Arizona, Nevada, Oregon, Washington, California, and Iowa (except those in Louisa, Henry, Des Moines, Lee, Van Buren, Davis, and Appanoose Counties, Iowa) (South Bend, Ind.)*; and (4) from those points in the lower peninsula of Michigan to points in Nebraska, Colorado, Wyoming, Idaho, Oregon, and Washington (South Bend, Ind.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29886 (Sub-No. E66), filed May 16, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend. Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and earth moving machines and equipment* (except trailers designed to be drawn by a truck trailer), (1) from points in Michigan to points in Alabama and Florida; (2) from those points in the Lower Peninsula of Michigan and those in the Upper Peninsula of Michigan on and east of U.S. Highway 41 to points in Arizona, Utah, Nevada, and California; (3) from those points in Michigan on and south of U.S. Highway 10 to points in South Dakota, Montana, and those in North Dakota on and south of U.S. Highway 2; (4) from those points in the Upper Peninsula of Michigan and those in the Lower Peninsula of Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along Michigan Highway 66 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Lake Michigan, to points in Maryland, Delaware, North Carolina, Tennessee, South Carolina, Georgia, those in Virginia on and east of Interstate Highway 81, and the District of Columbia; (5) from Lake Porter, LaPorte, St. Joseph, and Elkhart Counties, Ind., to points in Delaware, Missouri, West Virginia, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 29886 (Sub-No. E67), filed May 16, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, from points in New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, those in Oklahoma (except those in McCurtain County, Okla.), those in Benton, Carroll, Boone, Marion, Baxter, Fulton, Sharp, Izard, Stone, Searcy, Newton, Madison, Washington, Crawford, Franklin, Johnson, Pope, Van Buren, Cleburne, Sebastian, Logan, Conway, Yell, Scott, and Polk Counties, Ark., and those in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction Texas Highway 37, thence along Texas Highway 37 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 19, thence along Texas Highway 19 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico (those points in New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and Benton Harbor, Mich.)*; and from points in Ohio to points in Minnesota, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California (Benton Harbor, Mich.)*; and

(2) *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery*, the transportation of which because of size or weight require the use of special equipment or special handling, from points in Pennsylvania to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California, and from those points in Pennsylvania on and east of U.S. Highway 219 to those points in Missouri in, north and west of Pike, Audrain, Callaway, Cole, Miller, Pulaski, Texas, and Howell Counties, Mo., and those in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line (Benton Harbor, Mich.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 66900 (Sub-No. E18), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, in tank vehicles, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Spotsylvania, Carolina, Hanover, Henrico, Powhatan, Amelia, Nottoway, Dinwittie, Brunswick, Lunenburg, and Mecklenburg Counties, Va., on the one hand, and, on the other, points in Virginia within 80 miles of Staunton, Va., that are on and north of Interstate Highway 64 and U.S. Highway 250 (except points in Louisa County, Va.). The purpose of this filing is to eliminate the gateway of points in that part of Virginia within 50 miles of Washington, D.C., and 80 miles of Staunton, Va.

No. MC 66900 (Sub-No. E19), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except uncrated household goods, explosives and dangerous articles, bank bills, currency or money, deeds, drafts, or valuable papers, postage stamps, precious metals or stones or other articles manufactured therefrom, jewelry or other articles of extraordinary value, articles exceeding 20 feet in length or 6 feet in height, or 7 feet in width, except by special arrangements, green hides, slaughter house offal, tanner's fleshings, or any other articles offensive in odor, which are liable to impregnate other freight or cause damage thereto, and livestock, and articles requiring refrigeration, between Hagerstown, Md., on the one hand, and, on the other, points in Virginia within 80 miles of Staunton, Va., located on and south of U.S. Highway 33, except Roanoke, Va. The purpose of this filing is to eliminate the gateway of points in Rockingham County, Va.

No. MC 95540 (Sub-No. E281), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk and except meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from those points in Texas on and south of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 40 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 4, thence along Texas Highway 4 to the Gulf of Mexico, to those points in Missouri on and east of a line beginning at the Arkansas-Missouri State line and extending along Interstate Highway 55 to junction Interstate Highway 244, thence along Interstate Highway 244 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 61, thence along Interstate Highway 61 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E392), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to those points in New Mexico on and south of a line beginning at the New Mexico-Arizona State line and extending along New Mexico Highway 504 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction New Mexico Highway 17, thence along New Mexico Highway 17 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction New Mexico Highway 126, thence along New Mexico Highway 126 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction New Mexico Highway 76, thence along New Mexico Highway 76 to junction New Mexico Highway 3, thence along New Mexico Highway 3 to junction New Mexico Highway 21, thence along New Mexico Highway 21 to junction New Mexico Highway 120, thence along New Mexico Highway 120 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 56, thence along U.S. Highway 56 to the New Mexico-Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E466), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk and except meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766), from those points in Texas on and south of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 82/277, thence along U.S. Highway 82/277 to junction Texas Highway 116, thence along Texas Highway 116 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E531), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to those points in California on and south of a line beginning at the Pacific Ocean and extending along U.S. Highway 101 to junction California Highway 130, thence along California Highway 130 to junction unnumbered highway, thence along unnumbered highway to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway J18, thence along California Highway J18 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Interstate Highway 40 to the California-Nevada State line. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Jackson, Tenn.

No. MC 95540 (Sub-No. E585), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's repre-





Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, in tank vehicles, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Spotsylvania, Carolina, Hanover, Henrico, Powhatan, Amelia, Nottoway, Dinwittie, Brunswick, Lunenburg, and Mecklenburg Counties, Va., on the one hand, and, on the other, points in Virginia within 80 miles of Staunton, Va., that are on and north of Interstate Highway 64 and U.S. Highway 250 (except points in Louisa County, Va.). The purpose of this filing is to eliminate the gateway of points in that part of Virginia within 50 miles of Washington, D.C., and 80 miles of Staunton, Va.

No. MC 66900 (Sub-No. E19), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except uncrated household goods, explosives and dangerous articles, bank bills, currency or money, deeds, drafts, or valuable papers, postage stamps, precious metals or stones or other articles manufactured therefrom, jewelry or other articles of extraordinary value, articles exceeding 20 feet in length or 6 feet in height, or 7 feet in width, except by special arrangements, green hides, slaughter house offal, tanner's fleshings, or any other articles offensive in odor, which are liable to impregnate other freight or cause damage thereto, and livestock, and articles requiring refrigeration, between points in Pennsylvania to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California, and from those points in Pennsylvania on and east of U.S. Highway 219 to those points in Missouri in, north and west of Pike, Audrain, Callaway, Cole, Miller, Pulaski, Texas, and Howell Counties, Mo., and those in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line (Benton Harbor, Mich.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 66900 (Sub-No. E20), filed May 24, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except uncrated household goods, explosives and dangerous articles, bank bills, currency or money, deeds, drafts, or valuable papers, postage stamps, precious metals or stones or other articles manufactured therefrom, jewelry or other articles of extraordinary value, articles exceeding 20 feet in length or 6 feet in height, or 7 feet in width, except



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sentative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from those points in Delaware, Maryland, and Virginia on the Delmarva Peninsula south of U.S. Highway 50, to those points in Colorado south and west of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 125 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40/287, thence along U.S. Highway 40/287 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateways of points in Pike and Spalding Counties, Ga.

No. MC 95540 (Sub-No. E602), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from those points in California on and south of a line beginning at the Pacific Ocean and extending along U.S. Highway 101 to junction California Highway 36, thence along California Highway 36 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction of unnumbered highway, thence along unnumbered highway to the California-Nevada State line, to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC 95540 (Sub-No. E658), filed May 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, cheese, cream* and *milk*, including *concentrated milk*, from those points in Ohio on and east of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 422 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Ohio-Indiana State line, to those points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 190 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 10, thence along Interstate Highway 10 to the U.S.-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 107295 (Sub-No. E218), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Illinois 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from Sanbury, Pa., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Truman, Ark., or Kalamazoo, Mich.

No. MC 107295 (Sub-No. E221), filed May 9, 1974. Applicant: PRE-FAB TRANSIT COMPANY, P.O. Box 146, Farmer City, Illinois 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Prefabricated buildings, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, component parts thereof and equipment and materials incidental to the erection and completion of such buildings: (1) from points in Minnesota to points in that part of Alabama in and south of Franklin, Winston, Walker, Jefferson, Shelby, Coosa, Elmore, Macon, and Russell Counties, to points in that part of Georgia in and south of Heard, Coweta, Fayette, Spalding, Butts, Jasper, Putnam, Hancock, Washington, Jefferson, Burke, and Screven Counties, to points in that part of Texas in and east of Hardeman, Foard, Knox, Haskell, Jones, Taylor, Runnels, Tom Green, Schleicher, Sutton, and Val Verde Counties, and to points in Florida, Louisiana, and Mississippi. (The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark.) (2) From points in Minnesota to points in Indiana, Kentucky, Ohio, Tennessee, and the lower peninsula of Michigan. (The purpose of this filing is to eliminate the gateway of points in Illinois.) (3) From points in that part of Minnesota in and north of Norman, Becker, Wadena, Todd, Stearns, Meeker, McLeod, Sibley, Nicollet, Blue Earth, and Faribault Counties to points in that part of Missouri in and east of Putnam, Sullivan, Linn, Chariton, Howard, Cooper, Moniteau, Miller, Pulaski, Texas, and Howell Counties. (The purpose of this filing is to eliminate the gateway of points in Illinois.)

No. MC 107295 (Sub-No. E222), filed May 9, 1974. Applicant: PRE-FAB TRANSIT COMPANY, P.O. Box 146, Farmer City, Illinois 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof and *equipment* and *materials* incidental to the erection and completion of such buildings, (1) from points in that part of Louisiana in and east of Union, Ouachita, Caldwell, La Salle, Rapides, Evangeline, Acadia, and Vermilion Parishes to points in Arizona. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark.

No. MC 107295 (Sub-No. E223) filed May 9, 1974. Applicant: PRE-FAB TRANSIT COMPANY, P.O. Box 146, Farmer City, Illinois 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, *accessories* used in the erection, construction and completion thereof, from points in Iowa to points in Louisiana and to points in that part of Texas located in, east, and south of Bowie, Cass, Marion, Upshur, Smith, Cherokee, Houston, Madison, Grimes, Washington, Austin, Colorado, Lavaca, Gonzales, Guadalupe, Bexar, Medina, Zavala, and Maverick Counties. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 107515 (Sub-No. E516), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ft. Smith, Ark., to Virginia, and (2) *unfrozen prepared dough*, from Little Rock, Ark., to Virginia, North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Forest Park, Ga.

No. MC 107515 (Sub-No. E523), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from points in Florida to Los Angeles, Calif. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E524), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration, from points in North and South Carolina, to points in Oregon, and Washington, and points in California on or west of a line beginning at Calexico, Calif., and extending along California Highway 111 to El Centro and extending along California Highway 86 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 395, thence along U.S. Highway 395 to the California-Nevada State line. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., Commercial Zone and Bristol, Tenn., Commercial Zone.





No. MC 107515 (Sub-No. E525), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration, from points in that part of Alabama on, north and east of a line beginning at the Florida-Alabama State line at Flomaton and extending along U.S. Highway 31 to Atmore, thence along Alabama Highway 21 to junction Alabama Highway 41, thence along Alabama Highway 41 at Monroeville, Ala., to junction Alabama Highway 10, thence along Alabama Highway 10 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 24, thence along Alabama Highway 24 to the Alabama-Mississippi State line to Los Angeles, Calif. The purpose of this filing is to eliminate the gateway of Atlanta, Ga., Commercial Zone.

No. MC 107515 (Sub-No. E528), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration, from plantsites and other facilities utilized by Armour & Co. and Shapiro Packing Co., Augusta, Ga., to Los Angeles, Calif. The purpose of this filing is to eliminate the gateway of Phenix City, Ala., and Atlanta, Ga.

No. MC 107515 (Sub-No. E529), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, except in bulk, in tank vehicles, in vehicles equipped with mechanical refrigeration, from the plant sites of other facilities utilized by Armour & Co., and Shapiro Packing Co., in Augusta, Ga., to all points in Washington and Oregon and those in California on, north and west of a line beginning at Ventura, Calif., and extending along California Highway 126 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 138, thence along California Highway 138 to junction California High way 14, thence along California Highway 14 to junction U.S. Highway 395, thence along U.S. Highway 395 to the California-Oregon State line. The purpose of this filing is to eliminate the gateway of Phenix City, Ala., Atlanta, Ga., and Bristol, Va.

No. MC 107515 (Sub-No. E531), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in §§ A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 20, and 766, fresh and frozen, in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y. to points in California and those in Oregon on and west of U.S. Highway 395. The purpose of this filing is to eliminate the gateway of Bristol, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10389 Filed 4-18-75;8:45 am]

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[Notice No. 746]

## ASSIGNMENT OF HEARINGS

APRIL 16, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 35940, Investigation into the Lawfulness of Interchange Arrangements between the Bangor and Aroostook Railroad and CP Rail at Brownville Junction, Maine, No. 35987, Maine Central Railroad Company v. Bangor and Aroostook Railroad Company, No. 36013, Penn Central Transportation Company, George P. Baker, Robert W. Blanchette and Richard C. Bond, Trustees v. Bangor and Aroostook Railroad Company, and No. 36013 Sub 1, Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees v. Bangor and Aroostook Railroad Company, now assigned for pre-hearing conference on April 29, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113678 Sub 567, Curtis, Inc., now assigned May 28, 1975 at New Orleans, La.; will be held in West Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC-F-12311, Fast Interstate Express, Inc.—Purchase (Portion)—Harper Truck Line, Inc., now assigned June 2, 1975 at New Orleans, La.; will be held in West Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 139932, H & M Drayage Brokerage, Inc., now assigned June 4, 1975 at New Orleans, La.; will be held in West Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 140522, Lumber Transport, Inc., application dismissed.

MC 116273 Sub 185, D & L Transport, Inc., now assigned June 4, 1975, at Chicago, Ill., is cancelled and application is dismissed.

MC 110144 Sub 16, Jack C. Robinson, DBA Robinson Freight Lines, application is dismissed.

MC 117940 Sub 141, Nationwide Carriers, Inc., now being assigned June 4, 1975 (1 day) at Chicago, Illinois, in a hearing room to be designated later.

MC 95540 Sub 920, Watkins Motor Lines, Inc., MC 110563 Sub 149, Coldway Food Express, Inc., MC 110563 Sub 150, Coldway Food Express, Inc., MC 11812 Sub 510, Midwest Coast Transport, Inc., and MC 113678 Sub 576, Curtis, Inc., now being assigned July 29, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 127616 Sub 20, Savage Trucking Company, Inc., now being assigned July 22, 1975, at The Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 396, Schneider Transport, Inc., now being assigned July 22, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134922 Sub 77, B. J. McAdams, Inc., now assigned May 28, 1975 at Louisville, Kentucky will be held in Room 1052A Federal Bldg. 600 Federal Place.

MC 139639 Sub 1, Freddie E. Smith, dba Freddie's Towing Service, now assigned May 29, 1975 at Louisville, Kentucky, will be held in Room 1052A Federal Bldg., 600 Federal Place.

MC 38320 Sub 13, Central Motor Express, Inc., now assigned June 2, 1975 at Louisville, Kentucky, will be held in Room 1052A Federal Bldg., 600 Federal Place.

MC 129537 Sub 13, Reeves Transportation Co., now being assigned July 7, 1975 (1 week) at Tallahassee, Florida; in a hearing room to be designated later.

MC 128383 Sub 54, Pinto Trucking Service, Inc., now being assigned July 8, 1975 (2 days) at Bangor, Maine; in a hearing room to be designated later.

I & S M 28469, Minimum Charges, Pacific Inland Tariff Bureau, now being assigned May 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123407 Sub 209, Sawyer Transport, Inc., now being assigned July 8, 1975, at Jackson, Miss., (3 days) in a hearing room to be later designated.

MC 136208 Sub 3, Creager Trucking Co., Inc., now being assigned July 8, 1975 (3 days) at Salem, Oregon; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10390 Filed 4-18-75;8:45 am]



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MONDAY, APRIL 21, 1975

[Ex Parte No. 293 (Sub-No. 4)]

## ACQUISITION OF RAIL PROPERTIES

### Request for Necessary and Appropriate Information

APRIL 16, 1975.

Consideration by the Commission under the Interstate Commerce Act and the Regional Rail Reorganization Act of 1973 of acquisition of rail lines by profitable carriers; request for necessary and appropriate information concerning acquisitions proposed by the United States Railway Association in its errata to the Preliminary System Plan.

On April 9, 1975, the United States Railway Association filed with the Interstate Commerce Commission a copy of the errata to the Association's Preliminary System Plan, dated February 28, 1975. This errata, which was published in the FEDERAL REGISTER on April 11, 1975, at pages 16377 through 16378, contains various technical corrections as well as numerous additions to Appendix D of the Preliminary System Plan, which Appendix lists coordination projects consisting of acquisitions of rail properties by profitable railroads.

Under section 206(d)(3) of the Regional Rail Reorganization Act of 1973, the Commission is required to make a determination that each proposed acquisition of rail properties by profitable railroads operating in the region contained in the Preliminary System Plan "will be in full accord and comply with the provisions and standards of section 5 of Part I of the Interstate Commerce Act". In response to this directive, the Commission instituted this proceeding and requested that public comment, as well as specific data, be filed by March 28, 1975, with respect to the acquisitions proposed in the Preliminary System Plan. This request appeared in the FEDERAL REGISTER on February 25, 1975, at pages 8152 through 8153.

The publication by the Association of the errata to its preliminary system plan necessitates the further solicitation by the Commission of public comment and data with respect to those line segment and major and minor market extension projects contained in the errata. To assure an adequate data base for thorough consideration of each of the newly proposed acquisitions, information with respect to and comments on each proposal are requested from all interested persons including but not limited to the United States Railway Association, railroads involved in or affected by proposed acquisitions, Amtrak, concerned state, regional and local organizations, shippers served by the rail properties involved, and the Commission's Rail Services Planning Office. An original and 8 copies of all such materials should be filed with the Secretary of the Commission on or before May 9, 1975. It is also requested that separate statements be filed for each individual proposed acquisition, in which parties are interested, and that specific reference be made to each acquisition by USRA project number on the front of all statements.

The newly listed acquisition proposals to the Association's Preliminary System Plan for which the Commission seeks comments are as follows: (1) in Appendix D–1 project MA–9; (2) in Appendix D–2 line segments: 716, 40, 43, 678a, 937, 609, 610/610a, 523, 524, 573, 574/574a, 467, 520a, 31/32, 392a, 395/395a, 436, 455a, 121, 121a, 105/107, 1025, 372a, 496/496a, 518, 538, 551, 640, 643a, and 512/512a; and, (3) in Appendix D–3 Part II projects: CS–5, CS–19, D&H–1, P&S–1, P&S–2, P&S–3, P&S–4, P&W–1, P&W–2, and USRA–4. The full description of these acquisition projects are contained in the Association's notice in the Federal Register of April 11, 1975, at pages 16377 through 16378.

In submitting comments and data to the Commission, it is requested that interested persons supply such information and views in conformity with the guidelines and specific data requested by the Commission in its above-mentioned notice in the FEDERAL REGISTER of February 25, 1975, at pages 8152 through 8153.

Notice of intent of the Interstate Commerce Commission to consider the acquisitions of rail properties contained in the errata to the Preliminary System Plan of the United States Railway Association and to request information from interested parties with regard thereto shall be given to: the United States Railway Association, the Rail Services Planning Office, Amtrak, all Class I and Class II railroads operating in the region and the Governors, Public Utility Commissions and the Departments of Transportation of all states located within the region.

Issued in Washington, D.C., on the 16th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75–10391 Filed 4–18–75;8:45 am]



federal register

MONDAY, APRIL 21, 1975
WASHINGTON, D.C.
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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

■

## FOLLOW THROUGH PROGRAM

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V

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 158—FOLLOW THROUGH PROGRAM

An interim final regulation was published in the FEDERAL REGISTER on June 21, 1974 (39 FR 22342) setting forth an interim final regulation for the Follow Through Program established by section 222(a)(2) of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2809(a)(2). Prior to publication of this interim final regulation, a notice of proposed rule making had been published in the FEDERAL REGISTER on March 5, 1974 (39 FR 8341). Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on March 28, 1974 in Washington, D.C. In addition, a number of written comments were received and considered. The interim final regulation was published in order that the Commissioner might timely award fiscal year 1974 grants and is applicable only to fiscal year 1974 grants for projects to be carried out in school year 1974–75.

The regulation in this document will be applicable to fiscal year 1975 and succeeding fiscal year grants for projects to be carried out in school years 1975–1976 and succeeding school years and is being published at this time pursuant to section 503 of the Education Amendments of 1972.

A. EFFECTS OF PUB. L. 93–644, THE "COMMUNITY SERVICES ACT"

On January 4, 1975, the Economic Opportunity Act of 1964 was amended by Pub. L. 93–644, the "Community Services Act of 1974." Section 5(b) of Pub. L. 93–644 repealed section 222(a) of the Economic Opportunity Act of 1964, which had been the original statutory authority for Follow Through. Section 8(a) of Pub. L. 93–644 enacted new provisions for Parts A, B, and C of Title V of the Economic Opportunity Act. These new provisions, known as the "Head-start-Follow Through Act", contain new statutory authority for the Headstart and Follow Through programs and general provisions relating thereto. Part B of Title V as amended, extends authorization for Follow Through through Fiscal Year 1977, and transfers legislative authority for administering the program from the Director of Economic Opportunity to the Secretary of Health, Education, and Welfare. In addition, Title V as amended, consolidates under Parts B and C the statutory provisions relating to Follow Through. Pub. L. 93–644 has not changed the basic character of Follow Through from what it was before. Among the changes made by Pub. L. 93–644, which are reflected in the final regulation, are the elimination of any statutory criteria governing geographic allocation of Follow Through funds, and a new provision pertaining to discrimination on the ground of sex. The changes effected by Pub. L. 93–644 are noted in more detail under the heading "Summary of Comments; Changes in the Regulations", below. The changes made in the final regulation as a result of the enactment of Pub. L. 93–644 are not of a nature so as to require opportunity for public comment, because the changes which are substantive are clearly mandated by the governing statute. The other changes made in the final regulation are not considered to be substantive.

B. EFFECTS OF OFFICE OF EDUCATION GENERAL PROVISIONS REGULATION

The rules and standards set forth in these regulations are those which are unique to the Follow Through program. Other administrative requirements of a general nature which the Follow Through Program shares in common with other programs administered by the Commissioner of Education are covered in the overall Office of Education General Provisions Regulation, published in the FEDERAL REGISTER at 38 FR 30653 (November 6, 1973). (Reference is made in particular to the provisions of Parts 100a and 100c of Title 45 CFR, containing general provisions which are applicable to the Follow Through Program.)

C. SUMMARY OF COMMENTS; CHANGES IN THE REGULATIONS

The following comments were submitted to the Office of Education regarding the proposed regulations, either at the public hearing held on March 28, 1974, or in writing. After the summary of each comment, a response is set forth stating changes which have been made in the regulations, or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the final regulations. Where the section number in the final regulation differs from that in the proposed rule, the proposed section number is also identified.

1. Sections 158.1 and 158.13(a) *Phase-out of Follow Through. Comment.* Virtually all the comments received expressed opposition to the characterization of Follow Through in § 158.1 of the proposed rule as "experimental," and expressed opposition to the contemplated phase-out of Follow Through as described in § 158.13(a) of the proposed rule. Some commenters urged that Follow Through be expanded to include higher grade levels and more projects.

*Response.* The language in § 158.13(a) requiring the phase-out of Follow Through has been deleted. It was considered appropriate to delete this language from the permanent regulation because of the uncertainty as to what amount of funds will be made available for support of Follow Through in any given fiscal year.

2. *Comment.* A commenter (referring particularly to §§ 158.1, 158.2, 158.11 and 158.13) questioned whether under the proposed regulations existing Subpart B grantees who are not local educational agencies could lose their grants to local educational agencies.

*Response.* The answer to this question is implicit in §§ 158.13(a) and 158.15 of the regulation, which provide that those applicants who have satisfactorily operated a Follow Through project during the current fiscal year, and demonstrate the capacity to continue to do so, will continue to receive grants. Those applicants who are not local educational agencies will, like all other applicants, continue to receive grants if they satisfy the criteria of § 158.15.

3. § 158.14 *Geographic Allocation of funds. Comment.* A commenter pointed out that § 158.14(a) of the proposed rule was written so as to require that under Subpart B, available funds (remaining after allotment of an amount not to exceed two percent of the funds to be distributed among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands) shall be allotted among the States according to the relative numbers of low-income children in each State as compared to all States. The commenter read this provision of the proposed rule, as written, as being inconsistent with the provisions of § 158.13(a) and § 158.15 to the effect that Follow Through, as an experimental program, funds only previously funded continuation projects.

4. Section 158.22. *Comment:* A commenter suggested that the word "primary" in § 158.22(b)(3), and the word "all" in § 158.22(c) be emphasized for the purpose of stressing the importance of the type and extent of parental participation referred to in these sections.

*Response.* The commenter's suggestion has been adopted.

*Response.* The Community Services Act of 1974 has eliminated geographic allocation criteria for Follow Through. For this reason § 158.14 of the proposed rule has been deleted.

5. Section 158.51 *Comment:* A commenter suggested that a new subsection be added to § 158.51(a), separating and emphasizing the role of parents now contained in § 158.51(a)(2).

*Response.* The commenter's suggestion has been adopted.

D. OTHER CHANGES

1. Numerous typographical and technical corrections have been made.

2. Section 158.2 has been expanded to include a definition of "Supplementary Training," and a definition of "State" consistent with section 571(2) of the Economic Opportunity Act as enacted by Pub. L. 93–644.

3. Section 158.3(b) has been revised to clarify the requirement that sponsor grantees and local project grantees who are implementing the approaches of these respective sponsors are required to work together for the duration of the project grantee's participation in the program except if the Commissioner determines otherwise.

4. Section 158.13(b) of the proposed rule and the last sentence of § 158.13(c) of the proposed rule have been deleted as unnecessary; the subject matter covered by this material is contained in Part 100a of Title 45 CFR.

5. The form of § 158.15 has been generally revised so as to be more precise and so as to be more suitable for application to proposed projects which, as explained in § 158.13(a), will be solely continuations of former grants and will not be awarded on a competitive basis. Section 158.15(b)(2) of the notice of proposed rule making has been deleted because it is not suitable as a criterion for projects which are continuations of former grants. Section 158.15(b)(3)(iii) of the notice of proposed rule making has been deleted as being not susceptible of assessment based on an application. Section 158.15(c)(2) of the proposed rule has been deleted because it is covered by § 158.26(a) of the regulation. Sections 158.15(d)(3) and (g)(1) of the proposed rule have been consolidated into what is now § 158.15(n) of the regulation. Section 158.15(g)(2) of the proposed rule has been deleted because it is covered by § 158.64 of the regulation. The revision of § 158.15 imposes no requirements not contained in the notice of proposed rule making, nor is it considered to prejudice in any other way pending applications for grants.





6. Section 158.19(d) has been expanded to make it clear that the Career Development Committee is under the supervision of the Policy Advisory Committee. Section 158.21 of the proposed rule has been deleted because the subject matter is covered by § 158.19(d).

7. Section 158.23 of the proposed rule, pertaining to nepotism and conflict of interest, has been deleted. A more general provision, prohibiting financial interest on the part of any person employed by or associated with the recipient, is contained in § 100a.250 of this title, and is applicable to all recipients of financial assistance under Follow Through.

8. The criterion in § 158.24(b)(4) of the proposed rule has been deleted because it deals with program operation rather than program effectiveness which is the subject of § 158.24(b). Sections 158.24(b)(6) and 158.24(b)(7) have been modified to state criteria which can be more readily assessed on the basis of a grant application, and which are within the scope of Follow Through.

9. Section 158.26 has been modified so that the training and career development components are each dealt with separately.

10. Section 158.27 of the proposed rule, pertaining to "Relation to other programs and projects" has been deleted. A similar provision applicable to Follow Through is contained in § 100a.275 of this title.

11. The provision in § 158.28 concerning reduction of funds awarded to a local project grantee who is unable or unwilling to serve private school children has been revised. The previous requirement for pro rata reduction of a grant is considered unsatisfactory because experience in other education programs has shown that the cost of the Commissioner's arranging a separate grant or contract for private school children may cost more per private school child than if the same grantee or contractor serves both public and private school children.

12. Sections 158.41 and 158.42 of the proposed rule have been revised to reflect that pursuant to section 553(a)(3) of the Economic Opportunity Act as enacted by Pub. L. 93–644, organizations in addition to State educational agencies may be eligible for technical assistance grants.

13. Section 158.42(a) of the proposed rule has been deleted because the subject matter is covered by Part 100a of Title 45 CFR. Section 158.42(b) of the proposed rule (now § 158.42(a)) has been revised to delete the reference to the OMB poverty index for States does not reflect Puerto Rico as a State. A more suitable criterion for determining funding levels has been substituted.

14. Section 158.51(c) of the proposed rule has been deleted. Pursuant to Pub. L. 93–644, the provisions of the Economic Opportunity Act relating to the percentage of program funds to be used for sponsor grants, and the provisions relating to approval of new pilot or demonstration projects by local agencies or government bodies, no longer apply to Follow Through. The provisions of § 158.51 of the proposed rule relating to funding priorities are covered by § 158.52 of the final regulation.

15. Section 158.52 of the proposed rule has been revised so as to give a better organized presentation of the criteria, and to make clear that the Commissioner will fund only continuation grants under Subpart D.

16. The caption of § 158.67 of the proposed rule has been changed to more accurately describe the content of that section. The last sentence of § 158.67 has been deleted because, pursuant to Pub. L. 93–644, the provision of the Economic Opportunity Act on which it was based no longer applies to Follow Through.

17. In § 158.68, subparagraphs (2) and (3) of paragraph (a), and paragraph (b) of the proposed rule have been deleted because pursuant to Pub. L. 93–644, the provisions of the Economic Opportunity Act on which they were based no longer apply to Follow Through.

18. Sections 158.81, 158.82, and 158.83 of the proposed rule have been deleted because, pursuant to Pub. L. 93–644, the provisions of the Economic Opportunity Act on which they were based no longer apply to Follow Through. The subject matter of these sections is now covered in Part 100a of Title 45 CFR.

19. Section 158.84 of the proposed rule has been deleted, because the subject matter of this section is covered by Part 100a of Title 45 CFR.

20. Three new sections have been added: §§ 158.85, 158.86, and 158.87, dealing with nondiscrimination, limitation with respect to certain unlawful activities, and political activities, respectively. These sections set forth the applicable provisions of sections 574, 575, and 576 of the Economic Opportunity Act, as enacted by Pub. L. 93–644.

After consideration of all comments, Part 158 of Title 45 of the Code of Federal Regulations is revised as set forth below,

*Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) this regulation has been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER (April 21, 1975). That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission (June 5, 1975), subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.433, Follow Through Program)

Dated: February 25, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 11, 1975.

CASPER W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

Part 158 of Title 45 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Purpose and Definitions

Sec.
158.1 Program purpose.
158.2 Definitions.
158.3 Planned variation.

Subpart B—Grants for Local Follow Through Projects

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## Subpart A—Purpose and Definitions

### § 158.1 Program purpose.

The Follow Through Program implemented by these regulations is an experimental community services program designed to assist, in a research setting, the overall development of children enrolled in kindergarten through third grade from low-income families, and to amplify the educational gains made by such children in Head Start and other similar quality preschool programs by (a) implementing innovative educational approaches, (b) providing comprehensive services and special activities in the areas of physical and mental health, social services, nutrition, and such other areas which supplement basic services already available within the school system, (c) conducting the program in a context of effective community service and parental involvement, and (d) providing documentation on those models which are found to be effective.

(Economic Opportunity Act, Title V, sec. 551, 554 (Pub. L. 93-644 sec. 8(a)))

### § 158.2 Definitions.

As used in this part:

"Act" means the Economic Opportunity Act of 1964, P.L. 88-452, (42 U.S.C. 2701 et seq.) as amended.

"Follow Through children" means all children in public or private school who have been enrolled in a Follow Through project in accordance with § 158.12.

"Follow Through parents" means all parents of children enrolled (or to be enrolled) in a Follow Through project, including the parents of private school children participating in the project.

"Head Start agency" means an organization funded in whole or in part by the Office of Child Development, DHEW, pursuant to Title V, Part A of the Act.

(Economic Opportunity Act, Title V, sec. 514 (Pub. L. 93-644 sec. 8(a)))

"Inservice training" means such specialized training as may be required or recommended for project staff during the course of employment in the Follow Through project.

"Local educational agency" means a public school board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Low-income children" or "low-income person" means children or persons from families whose annual income falls at or below the official poverty line as defined by the Office of Management and Budget and as revised periodically by the Department of Health, Education, and Welfare pursuant to section 625 of the Act.

"Paraprofessional" means a person who does not have a baccalaureate or equivalent degree of certification, but who directly assists persons in the performance of educational, social service, medical, or other duties of a professional nature in a Follow Through project, (e.g., teacher's aide, nurse's aide, or social worker aide).

"Preservice training" means workshops, courses, seminars, and other forms of specialized training which precede, and are required or recommended for, employment as a member of a Follow Through project staff.

"Primary grades" means grades 1 through 3 inclusive.

"Project sponsor" means a college, university, regional education laboratory, or other agency, organization or institution which receives a grant or contract to undertake some or all of the activities listed in § 158.51 and which maintains a contractual relationship with one or more local Follow Through projects for the purpose of conducting such activities in conjunction with such projects.

"Project area" means the local community or the smaller geographic area within such community (defined by school attendance zones or other similar neighborhood boundaries) in which a Follow Through project operates.

"Project staff" means all persons who work (full time or part time) directly in the Follow Through project, either on public or private school premises, whether or not such persons are paid with funds made available under the Act.

"Rural" as applied to a geographic area, means an area which is not included within a Standard Metropolitan Statistical Area (as defined by the U.S. Bureau of Census) and which is not within or coterminous with a city, town, borough, or village or other subcounty political unit, the population of which exceeds 2,500.

"State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(Economic Opportunity Act, Title V, sec. 571(2) (Pub. L. 93-644 sec. 8(a)))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or State law.

"Supplementary training" means the training of paraprofessionals and nonprofessionals in programs leading to college level degrees, particularly in the field of early childhood education.

(Economic Opportunity Act, Title V, sec. 551 (a); 553(a)(1)(3) (Pub. L. 93-644 sec. 8(a)))

### § 158.3 Planned variation.

(a) Follow Through project grants are made to local educational agencies and other public or non-profit private agencies, organizations, or institutions in order to explore the effects of a number of promising approaches to the education of children from low-income families in the early elementary grades. Most grantees must agree to carry out the project in cooperation with project sponsors who have developed such approaches in affiliation with the U.S. Office of Education.

(b) In order to assess the effectiveness of each approach, evaluation data is being collected by the U.S. Office of Education. Because the collection of data will continue for a number of years, project and sponsor grantees are required to work together in the development and implementation of the sponsor's approach for the period of their participation in the Follow Through program except if the Commissioner determines otherwise.

(Economic Opportunity Act, Title V, secs. 551, 553(a) (1), (2) (Pub. L. 93-644 sec. 8(a)))

## Subpart B—Grants for Local Follow Through Projects

### Eligibility Requirements and Procedures

### § 158.11 Eligible applicants.

(a) Except as provided in paragraph (b) of this section, the Commissioner will provide financial assistance under this subpart, in the form of grants, only to local educational agencies.

(b) Whenever the Commissioner determines that (1) a local educational agency receiving assistance under paragraph (a) of this section is unable or unwilling to serve private school children as required by § 158.28 or (2) it is otherwise necessary in order to best fulfill the purposes of Follow Through as set forth in § 158.1, he may provide financial assistance to be used for this purpose to a Head Start agency or other public or appropriate non-profit private agency, organization, or institution.

(Economic Opportunity Act, Title V, section 551(a)(1), (2) (Pub. L. 93-644 sec. 8(a)))

### § 158.12 Eligible children.

(a) *Low-income children.* Subject to the provisions of paragraph (b) of this section, only low-income children enrolled in the early elementary grades may participate in projects funded under this subpart. At least 50 percent of the children in each entering class shall be children who have previously participated in a full-year Head Start or similar quality preschool program and who were low-income children at the time of enrollment in such preschool program; except that the Commissioner may reduce this percentage requirement in special cases where he determines that its enforcement would prevent the most effective use of Follow Through funds (e.g., where the grantee is implementing a racial desegregation plant).

(b) *Non-low-income children.* If the Commissioner determines (1) that participation in the project of children from diverse socio-economic backgrounds would enhance the development of the low-income children to be served and would benefit the community in which the project is located, or (2) that such socio-economic diversity in a particular project will produce evidence concerning how best to fullfill the purposes of Follow Through as set forth in § 158.1, he may require or permit the inclusion of a specified percentage of children other than low-income children in the project. The inclusion of such other children in a project shall not in any case dilute or interfere with the services designed for low-income children. In order to prevent such dilution, families of such other children may be required to pay (to the extent that the family's financial situation makes payment appropriate), or have payment made in their behalf from some other source, e.g., by the grantee, for all or part of the identifiable costs of the services such children receive.

(c) *Procedures for selection.* Agencies proposing to operate or continue projects under this subpart shall establish procedures for identification and selection of eligible children which comply with the requirements of this section and shall set forth such procedures in the project proposal. Such procedures shall assure that every reasonable effort will be made (1) to serve first the poorest children enrolled under paragraph (a) of this section, and (2) to determine an equitable basis on which payment shall be made with respect to children enrolled under paragraph (b) of this section.

(d) *Records.* Each project shall maintain records establishing that its identification and selection of eligible children complied with the requirements in this section.

(Economic Opportunity Act, Title V, secs. 551(a), 553(a) (1), (2) (Pub. L. 93-644 sec. 8(a)))

### § 158.13 Selection of grantees and application procedures.

(a) In order to provide the necessary continuity for evaluation of the planned variation approaches provided for in § 158.3, grants will be given only to applicants who are successfully conducting Follow Through projects during the current fiscal year and who demonstrate the capability to continue to so operate projects in accordance with the planned variation approach.

(b) Project proposals will be disposed of by the Commissioner in accordance with § 100a.27 of this chapter, and negotiated in a process of consultation with the applicant and low-income parents of Follow Through children as needed.

(Economic Opportunity Act, Title V, secs. 551 (a) (1), (3); 553(a)(1) (Pub. L. 93-644 sec. 8(a)))

### § 158.15 Criteria for refunding of projects.

The Commissioner shall, in accordance with the provisions of § 158.13(b), the allotments made under § 158.14, and the criteria set forth in § 100a.26(b) of this chapter, renew funding for projects under this subpart on the basis that the applicant has satisfactorily operated a federally-funded Follow Through project in the immediate prior year in accordance with the purposes of the program as set forth in § 158.1. In order to determine whether the applicant has satisfactorily operated a Follow Through project in the immediate prior year in accordance with the purposes of the program as set forth in § 158.1, the following criteria shall be used (each of the criteria shall be rated on the following scale: unsatisfactory, satisfactory, above average, outstanding):

(a) The proportion of children enrolled in the schools of the project who are low-income according to the official poverty line as defined by the Office of Management and Budget;

(b) The proportion of children enrolled in the schools of the project who are graduates of Head Start or similar preschool programs as required by § 158.12(a);

(c) The provision for parental and community involvement as required by § 158.26(b);

(d) The participation of Follow Through parents in the development and operation of the project as required by § 158.19 (a) and (d);

(e) The role of the Policy Advisory Committee in recommending the filling of staff positions as required by § 158.19 (d) (3) and (4);

(f) The extent to which the membership of the Policy Advisory Committee is composed of low-income parents elected by such parents as required by § 158.19(b);

(g) The extent to which the Policy Advisory Committee participates in the decision-making process in respect to important aspects of the project in accordance with § 158.19(d);

(h) The extent to which priority is given to low-income parents in the employment of nonprofessionals and paraprofessionals as required by § 158.20;

(i) If appropriate, the extent to which the supplementary training program is serving nonprofessional and paraprofessional staff of the project in accordance with § 158.26(h)(3);

(j) The role of the Career Development Committee as required by § 158.19(d)(9);

(k) The provision for staff training as required by § 158.26(g);

(l) The extent to which the instructional component is implemented as required by § 158.26(a);

(m) The provision of comprehensive services as required by § 158.26:

(1) Nutrition;
(2) Medical and dental services;
(3) Social services;
(4) Psychological services;
(5) Career development;
(6) Coordination of comprehensive services.

(n) The utilization and/or the coordination of other resources and programs with the project in accordance with § 158.27; and

(o) The extent to which the evaluations conducted to date indicate program effectiveness according to criteria such as those defined by § 158.24(b).

(Economic Opportunity Act, Title V, secs. 551(a) (1), (3), 554(a) (Pub. L. 93-644 sec. 8(a)))

### § 158.16 Financial support of projects.

Project activities conducted under this subpart shall be supported through the following combination of resources: (a) the normal effort (in funds and services) which the grantee or contractor is required to maintain under § 158.67 and upon which the project builds, (b) the Federal funds appropriated under the Act and distributed under this subpart, and (c) the non-Federal contribution specified in § 158.64.

(Economic Opportunity Act, Title V, secs. 551, 552 (b), (c) (Pub. L. 93-644 sec. 8(a)))

### Project Management

### § 158.18 Project coordinator.

(a) *Position.* Each grantee receiving funds under this subpart shall, with the approval of the Policy Advisory Committee described in § 158.19, appoint a project coordinator to be responsible for overall project management. The position of project coordinator shall be a full-time position, unless the Commissioner, in individual cases, specifies otherwise.

(b) *Duties.* The project coordinator's duties shall include: (1) supervising all project staff; (2) serving as liaison between the project and Federal, regional, State, and local agencies involved in the Follow Through program; (3) working with the program sponsor to implement the program approach selected; (4) attending all relevant Follow Through meetings, workshops, and training sessions sponsored by the Commissioner or by the project's program sponsor; (5) ensuring that project components and activities are interrelated so that children are not served in a fragmented manner; and (6) maintaining communication and cooperation among the program sponsor, Follow Through parents, Policy Advisory Committee members, project staff, administrative and other school staff, and the various community agencies and organizations which serve low-income persons.

(Economic Opportunity Act, Title V, sec. 551 (1), (2) (Pub. L. 93-644 sec. 8(a)))

### § 158.19 Policy Advisory Committee.

(a) *Purpose.* Each grantee or shall, upon the identification of Follow Through project children, establish a Policy Advisory Committee, selected in







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accordance with paragraphs (b) and (c) of this section, to assist with the planning and operation of project activities and to actively participate in the decisionmaking process concerning such activities.

(b) *Membership.* (1) More than one-half of the Policy Advisory Committee members shall be low-income Follow Through parents who are elected (or re-elected) by such parents in elections held at least annually.

(2) The remaining members shall be chosen by the parent members, elected under paragraph (b)(1) of this section, from among the various persons and representatives of agencies and organizations in the community who have manifested concern in the interests of low-income persons.

(3) In no case shall an officer of the Policy Advisory Committee serve for more than two consecutive years as an officer.

(c) *Advisors.* At the request of the Policy Advisory Committee, elected or appointed officials and employees of the local educational agency (including project staff) in whose jurisdiction the project is located and any group contracted to work for such agency may serve in an advisory capacity to the Committee, but shall in no case have the right to vote.

(d) *Duties.* The Policy Advisory Committee's duties shall include: (1) developing by-laws which define the purposes and procedures of the Committee; (2) helping to develop all components of the project proposal and approving them in their final form; (3) assisting in the development of criteria for selection of professional staff and recommending the selection of such staff; (4) assisting in the development of criteria for the selection of nonprofessional and paraprofessional staff, exercising primary responsibility in recommending the selection of such staff for participation in the project and for participation in supplementary training programs which the Commissioner may from time to time sponsor; (5) exercising the primary role in developing criteria for selection and recruiting of eligible children which are required by § 158.12; (6) contributing to the continued effectiveness of the project coordinator; (7) establishing and operating a procedure of petition and discussion under which complaints of parents and other interested persons can be promptly and fairly considered; (8) mobilizing community resources and securing the active participation of Follow Through parents in the projects (9) supervising a Career Development Committee to provide direction and initiative for the career development component as required by § 158.26(h). The members of the Career Development Committee shall be appointed by the Policy Advisory Committee from among the following groups in numbers adequate to assure their effective representation: (i) the low-income Follow Through parents, including low-income parent members of the Policy Advisory Committee, (ii) para-professionals and non-professionals working in the project, and (iii) the professional members of the project staff. The Career Development Committee's duties shall include: (iv) devising a career development plan in accordance with § 158.26(h), (v) assisting the Policy Advisory Committee to fulfill its responsibilities under subparagraph (4) of this paragraph for selecting paraprofessionals and nonprofessionals to participate in supplementary training programs which the Commissioner may from time to time sponsor.

(e) *Funding.* (1) In order to facilitate the functioning of the Policy Advisory Committee, (i) the committee shall submit a proposed budget of its projected operational costs for each budget period to the grantee for inclusion in the grantee's application, and on the basis of such budget and the negotiations held pursuant to § 158.13 (b), and in accordance with local laws and regulations, shall at the beginning of each grant period allocate to the Committee a sum sufficient to allow it effectively to fulfill its responsibilities under paragraph (d) of this section.

(2) Funds allocated to the Policy Advisory Committee under paragraph (e)(1) of this section shall not be used for: (i) the purchase of classroom equipment, (ii) classroom instructional purposes, (iii) personal loans or expenditures.

(3) Policy Advisory Committee members may be compensated for attending a negotiation workshop, special conference or board of education meeting directly related to the Follow Through project at a rate not less than the Federal minimum wage nor more than the wages he would otherwise earn during such time, but in no event shall payments be made to members if no wages are actually lost.

(Economic Opportunity Act, Title V, secs. 551(a)(3), 554(a) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

### § 158.20 Employment of low-income persons.

Whenever an opening exists in project staff positions for nonprofessionals or paraprofessionals, the grantee shall actively solicit applications from low-income persons and give preference to such persons in hiring. The highest priority shall be accorded to low-income persons who are parents of Follow Through children. The grantee shall establish hiring procedures which assure that the Policy Advisory Committee will be primarily responsible for recommending the filling of nonprofessional and paraprofessional positions in accordance with § 158.19(d)(3).

(Economic Opportunity Act, Title V, sec. 554(a) (Pub. L. 93-644 sec. 8(a))

### § 158.22 Parent-implemented projects.

(a) *Eligible projects.* The Commissioner may designate certain of the projects funded under this subpart as parent-implemented projects. Both projects operated directly by nonprofit, private agencies or organizations constituted by parent groups to whom grants are awarded under § 158.11(b)(2) and projects operated by other grantees who delegate significant operating authority to a parent group are eligible for such a designation.

(b) *Functions of parents.* In a parent-implemented project, the parents (as defined in paragraph (c) of this section) shall assume at least the following functions in regard to project management: (1) All functions of the Policy Advisory Committee set forth in § 158.19(d); (2) all functions of the Career Development Committee set forth in § 158.19(d)(9); (3) primary responsibility and authority for selecting the project coordinator and other project staff.

(c) *Definition.* For purposes of this section, "parents" means all parents of children enrolled or to be enrolled in the project or their duly elected representatives, except that, where the grantee is itself a parent group, it may choose to define "parents" to include the entire body of parents which it represents. In the latter case, the Follow Through parents shall be equitably represented on all boards or committees performing the functions specified in paragraph (b) of this section.

(Economic Opportunity Act, Title V, sec. 551(a)(3) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

### § 158.24 Evaluation of program effectiveness.

(a) *General.* Grantees shall participate to the extent requested by the Commissioner in periodic evaluations of the Follow Through Program. Grantees shall comply with all evaluation procedures that the Commissioner from time to time may require unless, after consultation with a particular grantee, he determines that compliance with one or more such procedures would not be in the best interest of the project. Such procedures shall include making available upon request any records or other information which may be reasonably necessary to the conduct of evaluation activities. General program evaluation data may be collected through testing of children, interviews, and questionnaires.

(b) *Evaluation criteria.* In the evaluations referred to in the preceding paragraph, program effectiveness will be evaluated on the basis of criteria established by the Commissioner, such as:

(1) Comparisons of cognitive and affective development of the children served with non-Follow Through children;

(2) Comparison of the cognitive and affective development of Follow Through children, who participated in Head Start and other quality preschool programs with the cognitive and affective development of Follow Through children who did not;

(3) Extent of parent involvement in the project, including participation in the decision-making process and participation in the classroom as paid employees or volunteers, and the effect of the project upon parental attitudes concerning the school and education in general;





(4) Extent of medical and dental care, of psychological services, and of social services available to low-income Follow Through children;

(5) Evidence of changes in school programs and in institutional rules and practices which increase the responsiveness of the educational system to low-income children and their parents;

(6) Evidence of positive changes in attitudes of program participants towards themselves and the community; and

(7) Evidence of coordination of community services (e.g., medical services) with the participating schools and their responsiveness to the needs of low-income persons.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (3), 553(a)(2) (Pub. L. 93-644 sec. 8(a)))

PROJECT IMPLEMENTATION

### § 158.25 Project design and development.

(a) *Services and activities.* Each Follow Through project assisted under this subpart shall be designed to fulfill the special purposes of Follow Through set forth in § 158.1 by providing services and activities which focus upon all aspects of child learning and development. The services and activities incorporated into the project proposal shall include all of the program components set forth in § 158.26.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (3))

(b) *Coordination.* In designing and developing the project, the grantee shall provide for coordination among the various program components set forth in § 158.26 to prevent fragmentation of services, and for coordination of each such program component with related community agencies and resources to prevent duplication of existing services. Each program component shall be developed with the participation of (1) the Policy Advisory Committee established under § 158.19; (2) interested community agencies and organizations, including the Head Start agency; and (3) to the extent appropriate, the project's program sponsor.

(c) *Policy Advisory Committee approval.* No program proposal shall be approved or funded by the Commissioner without the prior approval of all program components by the Policy Advisory Committee, unless the Commissioner determines that the basis of the Committee's refusal to approve the proposal is inconsistent with these regulations.

(Economic Opportunity Act, Title V, sec. 551(a)(3) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

### § 158.26 Program components.

Unless the Commissioner in particular cases specifies otherwise, each Follow Through project shall include at least the following program components:

(a) An instructional component which, generally through association with a program sponsor, implements a particular innovative approach to the education and development of low-income children;

(b) A parent and community involvement component which actively involves parents and other interested persons in the community in all aspects of the project through such activities as (1) participation in the work of the Policy Advisory Committee and other parent groups; (2) participation in the classroom as observers or volunteers, or as paid employees under § 158.20; (3) regular home visits and other contacts initiated by project staff; and (4) participation in educational and community activities developed through other program components;

(c) A health component, developed with the direct assistance of health professionals, which responds to both short- and long-range needs by providing (1) screening, referral, and corrective treatment services for all low-income Follow Through children; (2) preventive activities such as health education for Follow Through children and their families; and (3) activities designed to encourage and improve related community health services and maximum opportunities for their continuation even after conclusion of the Follow Through project;

(d) A social services component designed to aid families of low-income Follow Through children in identifying and solving family problems and to assist in the development of more effective community social services for low-income families.

(e) A guidance and psychological services component which (to the extent consistent with the program approach of the project's program sponsor) utilizes trained psychological personnel to assist the psychological development of low-income Follow Through children through (1) classroom observation followed by consultation with teachers, teacher aides, and other staff members; (2) staff development of pertinent Follow Through personnel; (3) work with Follow Through parents; and (4) testing and appropriate follow-up for Follow Through children where necessary.

(f) A nutrition component which provides for (1) a daily type-A lunch (as defined by the U.S. Department of Agriculture); (2) breakfast and snack where necessary; (3) nutrition education and counseling for Follow Through children and their parents; and (4) training in nutrition for Follow Through staff members;

(g) A training component which includes: (1) pre-service and in-service training, developed with the assistance of the project sponsor, for the Follow Through staff members including parent coordinator, social services aides and other ancillary personnel, (2) orientation activities for non-Follow Through personnel who have responsibilities relating to the Follow Through project.

(h) A career development component for paraprofessionals and nonprofessionals coordinated with other education opportunities which includes: (1) the implementation of a career development plan which is established for the purpose of providing for increases in both salary and job responsibility on the basis of job experience, academic background, and other relevant factors; (2) the provision for guidance and counseling in career development; (3) the provision of supplementary training; and (4) the provision of other education opportunities through such means as high school equivalency programs and vocational training programs.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (3) (Pub. L. 93-644 sec. 8(a)))

PARTICIPATION OF PRIVATE SCHOOL CHILDREN

### § 158.28 Numbers of private school children to be served.

(a) Local educational agencies receiving assistance under this subpart, and other agencies, organizations, and institutions receiving such assistance for projects in which one or more local educational agencies participate, shall serve public and private school children in equitable proportions. Such proportions shall approximate the relative proportions of low-income children enrolled at the entering grade level served by the project in the public and private schools in the local education agency's school district who are graduates of a full-year Head Start or similar quality pre-school program.

(b) If a grantee is unwilling or unable to serve public and private school children in equitable proportions as required by paragraph (a) of this section, the Commissioner may appropriately reduce the funds to which such grantee would otherwise be entitled and award another contract or grant under § 158.11(b) for the purpose of serving that proportion of private school children which such grantee would otherwise have served. In determining the amount to be withheld from the latter grantee, the Commissioner will take into account (1) the number of private school children who are excluded from effective participation in the Follow Through project, and who, except for such exclusion, might reasonably have been expected to participate; (2) the number of staff that would reasonably have been required to serve such children, and (3) the nature and extent of services being provided to public school children by the project from which private school children are excluded.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (2) (Pub. L. 93-644 sec. 8(a)))

### § 158.29 Manner of service.

(a) Private school children may be served pursuant to § 158.28: (1) on public school premises through dual enrollment or shared-time programs; (2) on private school premises, in accordance with § 158.30, or (3) on a neutral site donated or rented for use in the project. If private school children are served under items (2) or (3) of this paragraph, they shall be concentrated in as few sites as possible, and such sites shall be located, to the extent practical, in a





public school project area or in reason-

devoid of sectarian or religious symbols,

income families in the State by the



Subpart D—Grants and Contracts for

(a) The extent to which the evalua-

(c) 16 per centum of such cost if the

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public school project area or in reasonable proximity thereto.

(b) The grantee shall involve private school officials and the parents of private school children in planning all phases of the project, including the selection of the method for serving private school children under paragraph (a) of this section and the selection of the program sponsor.

(c) Private school children shall participate to the maximum feasible extent in all phases of the project, and services provided for such children shall be comparable to those provided for public school children in terms of quality, scope, and opportunity.

(d) Any project to be carried out in public facilities and involving a joint participation of children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid classes which are separated by school enrollment or religious affiliation of the children.

(e) The applicant shall be required to inform the Commissioner of the number of private school children to be served and the manner in which and places at which they will be served. If the services differ in type or extent from those to be provided for public school children, the project application shall indicate how and why such services will differ. Letters from private school officials describing their participation in the planning of the project shall be attached to the project proposal.

(Economic Opportunity Act, Title V, sec. 551 (a) (1), (2) (Pub. L. 93-644 sec. 8(a))

**§ 158.30 Provision of services.**

(a) Services shall be provided to private school children by the grantee, directly or through a third party contractor (other than the private school whose children are served). In providing such services, the grantee shall: (1) maintain custody of funds and exercise control over their expenditure, (2) retain title to equipment, textbooks, and other materials acquired with project funds or donated (by other than the private school) as a non-Federal contribution to the project, (3) ensure that project funds are not used to provide services for private school children which would, in the absence of the project, have been provided by the private school in which such children are enrolled and (4) ensure that none of the Follow Through services received by private school children in any way involve religious worship or instruction or religious proselytization.

(b) In complying with paragraph (a) (4) of this section, the grantee shall establish procedures for insuring compliance with the following requirements:

(1) Facilities renovated or rented for use in the project shall be devoid of sectarian or religious symbols, decoration, or other identification. Other facilities used primarily for the project shall, to the maximum feasible extent, also be devoid of sectarian or religious symbols, decoration, or other identification;

(2) Textbooks and other instructional materials used in the project shall be only those which are used in, or approved by an appropriate State or local educational agency or authority for use in, the public schools, or which have been specifically recommended by the program sponsor; and

(3) Project funds shall not be used to pay the salaries of teachers or other employees of a private sectarian school.

(c) The grantee shall describe in the project proposal the method by which it will provide services to private school children in compliance with the requirements of this section.

(Economic Opportunity, Title V, sec. 551(a) (1), (2) (Pub. L. 93-644 Sec. 8(a)); *Lemon v Kurtzman*, 403 U.S. 602 (1971))

## Subpart C—Grants and Contracts for Technical Assistance

**§ 158.41 Grants and contracts with State educational agencies and other appropriate organizations for technical assistance and leadership.**

The Commissioner may make grants to State educational agencies and contracts with other appropriate agencies, organizations, or institutions to enable them to provide technical assistance to local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in the State. Activities undertaken for such purpose may include, but need not be limited to, familiarizing State educational agency personnel with the Follow Through program and with the projects in their States through on-site visits and other means; promoting the coordination of Follow Through with other State and local programs having similar objectives; assisting local projects to identify and make maximum use of available public and private resources which can contribute to the development of comprehensive projects; assisting local projects to improve school-community relationships; assisting local projects to evaluate project activities and to disseminate information regarding project activities and their evaluation; and assisting local projects with staff training and developmental programs.

(Economic Opportunity Act, Title V, Sec. 553 (a) (3) (Pub. L. 93-644 Sec. 8(a)))

**§ 158.42 Criteria for approval and funding of grants or contracts.**

(a) *Level of funding.* The applications from State educational agencies and other appropriate organization under this section to enable them to provide technical assistance to local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in their States shall be for an amount not to exceed an amount of funds representing a total of (1) $4,000; which is the base rate; (2) $2,000 for each Follow Through project expected to be in operation during the period for which the application is being made; and (3) an amount arrived at by multiplying the relative incidence of children from low-income families in the State by the amount remaining after subtraction of the total amount computed for all States under (1) and (2) from the total amount available for funding grants and contracts under this subpart.

(b) *Application approval criteria.* The Commissioner will select and fund projects eligible under this section (subject to the provisions of paragraph (a) and (b) of this section in accordance with the following criteria:

(1) *Programmatic.* (Unsatisfactory, satisfactory, above average, outstanding).

(i) The extent to which the applicant has shown or will show familiarity with the Follow Through program and the projects in its State through site visits and other means;

(ii) the extent to which the applicant will promote coordination of Follow Through with other State and local programs having similar objectives;

(iii) the extent to which the applicant will assist local projects in identifying and making the maximum use of available public and private resources which can contribute to the development of comprehensive projects;

(iv) the extent to which the applicant will assist local projects in improving parent-school-community relationships;

(v) the extent to which the applicant will assist local projects in evaluating project activities and disseminating information regarding project activities and their evaluation;

(vi) the extent to which the applicant will assist local projects with staff training and development programs.

(2) *Organizational.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the staffing for administering the grant is adequate to carry out the objectives.

(3) *Management.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the applicant will seek information from the local project sites to meet their project needs for technical assistance.

(Economic Opportunity Act, Title V, sec. 553(a)(3) (Pub. L. 93-644 sec. 8(a)))

**§ 158.43 Joint applications for technical assistance grants and contracts.**

In order to more effectively carry out the purpose of this subpart, applicants which are eligible to receive a technical assistance grant under § 158.41 may submit applications which either in whole or in part envision a joint technical assistance program undertaken in cooperation with other eligible agencies pursuant to § 100a.19 of this chapter. Such joint applications shall clearly delineate the responsibilities of each separate agency in administering the program, and a separate grant will be awarded to each agency to administer its portion of the joint program. No agency receiving funds under this section may be the fiscal or administrative agent for a technical assistance grant or contract for another such agency.

(Economic Opportunity Act, Title V, sec. 553(a)(3) (Pub. L. 93-644 sec. 8(a)))





## Subpart D—Grants and Contracts for Demonstration

**§ 158.51 Eligible projects.**

(a) *Activities.* The Commissioner may make awards in the form of grants or contracts, to public and private agencies, organizations, and institutions for the purpose of developing and implementing approaches to the education and development of disadvantaged children, which approaches can serve as models for use in Follow Through and similar programs. Activities undertaken with such assistance may include:

(1) the implementation of classroom instructional techniques and approaches;

(2) the implementation of methods for enlisting and utilizing the parents of disadvantaged children in the educational process;

(3) the implementation of methods for enlisting and utilizing members of the community (other than the parents referred to in paragraph (a) (2) of this section) in the educational process;

(4) the development and application of methods for the evaluation of educational programs designed for disadvantaged children, and for the use and dissemination of information derived from such evaluation; and

(5) the development of techniques for, and the provision of, specialized training for teachers and other personnel (both professional and nonprofessional) involved in the education of low-income children.

(Economic Opportunity Act, Title V, sec. 553(a)(1) (Pub. L. 93-644 sec. 8 (a)))

(b) *Special problems.* In addition to the assistance provided under paragraph (a) of this section, the Commissioner may also, where he has determined that projects of the type funded under paragraph (a) of this section can benefit therefrom, make grants or contracts for research pertaining to special problems encountered in the education of disadvantaged children.

(Economic Opportunity Act, Title V, sec. 553(a)(1) (Pub. L. 93-644 sec. 8(a)))

**§ 158.52 Funding criteria.**

In order to provide the necessary continuity for evaluation of the planned variation approach provided for in § 158.3, the Commissioner will provide financial assistance under this subpart only to those applicants who sponsor educational approaches currently being implemented in the Follow Through Program. The Commissioner shall in accordance with the criteria set forth in Title 45 CFR 100a.26(b), and subject to the requirement of paragraph (c) of § 158.51, renew funding for projects under this subpart on the basis that an applicant has satisfactorily operated a federally funded project under this subpart in the immediate prior year. In order to determine whether the applicant has satisfactorily operated a federally funded project under this subpart in the immediate prior year, the following criteria shall be used, rated on the scale unsatisfactory, satisfactory, above average, outstanding:

(a) The extent to which the evaluations conducted to date indicate program effectiveness according to criteria such as those defined by § 158.24(b).

(b) The extent to which the sponsor's objectives have been clearly stated.

(c) The extent to which the strategies for achieving the objectives have been clearly delineated in at least the following areas:

(1) Administration;

(2) Field services and training;

(3) Development of previously unused or unpublished materials;

(4) Evaluation;

(d) The extent to which parents have been and will be involved in sponsor activities.

(e) The extent to which the sponsor has provided and will provide for the training of:

(1) Administrators;

(2) Teachers;

(3) Teacher aides and other paraprofessionals;

(4) Parents;

(5) Others;

(f) The extent to which the sponsor has provided and will provide for the evaluation of the educational approach.

(g) The extent to which indicators of effective management have been present including:

(1) Staffing pattern and percent of time allocated;

(2) Qualifications of key personnel.

(h) The extent to which the sponsor has provided and will provide for monitoring the implementation of the model in the projects.

(Economic Opportunity Act, Title V, sec. 553 (a) (1) (Pub. L. 93-644 sec. 8(a))

## Subpart E—Federal Financial Participation

**§ 158.63 Federal share of expenditures.**

The Federal share of expenditures incurred under Follow Through grants and contracts made pursuant to this part, up to the total specified in the award document, shall be:

(a) for local projects under Subpart B of this part excluding Supplementary Training, the difference between the non-Federal share required by § 158.64 and total expenditures;

(b) for Supplementary Training under Subpart B and for technical assistance under Subpart C of this part, 100 percent of expenditures; and

(c) for demonstration programs under Subpart D of this part, 100 percent of expenditures.

(Economic Opportunity Act, Title V, secs. 551, 552(b), 553(a) (1), (3) (Pub. L. 93-644 sec. 8(a)))

**§ 158.64 Non-Federal share.**

Subject to the provisions of § 158.63 the grantee shall share part of the costs of a Follow Through project funded under Subpart B of this part. Such share (hereinafter, "non-Federal share") shall be an amount equal to not more than: (a) 25 percent of the approved cost of the project if the project comprises one grade level; (b) 20 per centum of such cost if the project comprises two grade levels, (c) 16 per centum of such cost if the project comprises three grade levels, and (d) 14 per centum of such cost if the project comprises four or more grade levels. Once the project has reached its highest grade level (at least four grades, unless no kindergarten is in operation in the school district) and has operated at that level for a period of two project years, the non-Federal share shall increase again up to the maximum 25 per centum, rising in the same increments (one per year) in which it decreased to its lowest point. Criteria and procedures for the allowability and evaluation of cash and in-kind contributions in satisfying the non-Federal share are set forth in Subpart H of Part 100a of this chapter.

(Economic Opportunity Act, Title V, sec. 552(b) (Pub. L. 93-644 sec. 8(a)))

**§ 158.65 Waiver of non-Federal share.**

(a) *Eligibility.* (1) The Commissioner may reduce the non-Federal share required of a grantee by § 158.64 under any of the following circumstances:

(i) if the annual per capita income of the county in which the Follow Through project is located is less than $1,000, by an amount up to 100 per centum of the required non-Federal share;

(ii) if the annual per capita income of the county in which the project is located is $1,000 or more but less than $1,250, by an amount not in excess of the 50 per centum of the required non-Federal share;

(iii) if the grantee can demonstrate, using the most reliable available data, that the annual per capita income of the political subdivision of the county in which the project is located, or of the project area, is less than the annual per capita income of the county and that the annual per capita income of the political subdivision or project area is within the dollar limitations in either paragraph (a) (1) (i) or (1) (ii) of this section, by the amount specified therein;

(iv) if, in the case of a project serving migratory children or Indian children residing on reservations, the annual per capita income of the group or groups served is within the dollar limitations in either paragraph (a) (1) (i) or (1) (ii) of this section, by the amount specified therein.

(2) The Commissioner may also make an appropriate reduction in the non-Federal share required of a grantee if it is demonstrated to his satisfaction that:

(i) there has occurred a simultaneous increase in both the percentage of non-Federal share and the overall costs of the Follow Through project, such as occasioned by a rise in per capita income beyond the limits prescribed in paragraphs (a) (1) (i) and (a) (1) (ii) of this section during a period in which there has been a significant increase in the number of children served; or

(ii) the financial or human resources which would otherwise be available for use in the Follow Through project have been significantly reduced by natural disaster or other unusual circumstances af-



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fecting the project area or the larger community in which it is located.

(b) *Application for waiver.* A grantee that is unable to contribute the full amount of its required non-Federal share, after having made every reasonable effort to do so, may request a reduction of its non-Federal share pursuant to paragraph (a) of this section. Such request shall be submitted in writing with the project proposal or such time thereafter as the grantee determines that it is unable to provide the entire non-Federal share, and shall describe:

(1) the circumstances which justify a reduction of the non-Federal share under paragraph (a) of this section;

(2) the source or sources of the information on per capita income (if such information is relied upon in the request);

(3) the effort which the grantee has made to provide its non-Federal share; and

(4) the amount of the non-Federal share which the grantee is able to provide and the extent to which this contribution is in kind.

(c) *Period of waiver.* The Commissioner shall not approve the reduction of non-Federal share for any period in excess of one year, but may renew such approval under resubmission of a written request that complies with paragraph (b) of this section.

(Economic Opportunity Act, Title V, sec. 552(b) (Pub. L. 93-644 sec. 8(a)))

### § 158.66 Use of funds for sectarian purposes.

Funds appropriated under the Act and distributed under this part shall not be used for any purpose which involves religious worship or instruction or religious proselytization.

(*Lemon* v. *Kurtzman*, 403 U.S. 602 (1971))

### § 158.67 Prohibition against supplanting.

Services and activities provided with funds made available under Subpart B of these regulations shall be in addition to, and not in substitution for, services and activities previously provided without Federal assistance.

(Economic Opportunity Act, Title V, sec. 552(c) (Pub. L. 93-644 sec. 8(a)))

### § 158.68 Salary and wage limitations.

To the extent paid from Federal funds or matching non-Federal funds, the rate of compensation of persons engaged in activities funded under this part shall not be less than the prevailing Federal minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, nor more than the average rate paid to a substantial number of the persons providing substantially comparable services in the community where the project is located or, if higher, the average rate paid for such services in the area of the employee's immediately preceding employment.

(Economic Opportunity Act, Title V, sec. 573(a) (Pub. L. 93-644 sec. 8(a)))

## Subpart F—General Provisions

### § 158.84 Suspension, termination, and refusal to refund.

(a) (1) Assistance under the program may be terminated in whole or in part if the Commissioner determines after affording the recipient reasonable notice and an opportunity for a full and fair hearing, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the program. Assistance under this program may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph but only in emergency situations, e.g., where there is evidence of flagrant misuse of funds by the recipient, or evidence of unauthorized activity by the recipient which poses a threat of harm to children participating in the program.

(2) Proceedings with respect to the termination of a grant shall be initiated by the mailing to the recipient of a notice by certified mail, return receipt requested, informing the recipient of the Government's request for termination and the specific grounds therefor, together with information regarding the time, place, and nature of the hearing to be held and such other information with respect to the conduct of such proceedings as the Commissioner may determine. If the Commissioner determines for the reason specified in subparagraph (1) that suspension of assistance during the pendency of such proceedings is necessary, he shall afford the recipient reasonable notice of such determination. Such notice shall: (i) inform the recipient of such determination, (ii) advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) offer the recipient an opportunity to show cause why such action should not be taken.

(3) A notice of suspension of assistance shall advise the recipient, in addition to the matters described in paragraph (a)(2) of this section, that any new expenditures or obligations made or incurred in connection with the program during the period of the suspension will not be recognized by the Government in the event the assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitment made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, shall not be considered new expenditures.

(4) Termination of assistance shall be effected by the delivery to the recipient of a final order of termination, signed by the Commissioner or his designee, or where the recipient invokes the procedures available under paragraph (b)(2) of this section, upon an initial decision of an administrative law judge becoming final without appeal to or review by the Commissioner. If an initial decision of the administrative law judge is appealed to or reviewed by the Commissioner pursuant to paragraph (b)(2) of this section, then termination of assistance shall be effective upon a decision by the Commissioner holding that such termination is appropriate.

nated under this section, financial obli-

(5) In the event assistance is terminations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended pursuant to paragraph (a)(1) of this section and no obligations incurred in anticipation of suspension or termination will be allowed. Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any amounts found due.

(b)(1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination of assistance pursuant to this section shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554–557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within 20 days of the conclusion of the hearing.

(3) The initial decision of an administrative law judge regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt by the party requesting such appeal or review of the decision of the administrative law judge. A request for appeal or review under this section shall be accompanied by exception to the administrative law judge's decision, proposed findings, supporting reasons and briefs. The adverse party shall submit its reply no later than 15 days after the submission of such request for appeal or review. The Commissioner shall issue a final decision in the case of such appeal or review no later than 30 days after the final submission of the above materials by the parties. The Commissioner may delegate his functions under this subparagraph to an appellate review council established and appointed by him.

(c) The procedures established by this section shall not preclude the Commissioner from pursuing any other remedies





authorized by law. Proceedings pursuant to Part 80 of this title with respect to the eligibility of an applicant for assistance under Title VI of the Civil Rights Act (42 U.S.C. 2000d) shall be governed by the regulations in that part and Part 81.

(d) The Commissioner will not refuse to renew funding of projects pursuant to § 158.15(i), unless the grantee has been given reasonable notice and opportunity to show cause why such action should not be taken.

(Economic Opportunity Act, Title V, sec. 554 (b), (c) (Pub. L. 93-644 sec. 8(a)))

### § 158.85 Nondiscrimination provisions.

(a) The Secretary shall not provide financial assistance for any program, project, or activity under this part unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation or beliefs.

(Economic Opportunity Act, Title V, sec. 574(a) (Pub. L. 93-644 sec. 8(a)))

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subject to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this part. Section 603 of the Civil Rights Act of 1964 shall apply to any action taken by the Secretary to enforce this paragraph.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

(c) This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this part.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

### § 158.86 Limitation with respect to certain unlawful activities.

No individual employed or assigned by any agency assisted under this part shall, pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this part by such agency, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

### § 158.87 Political activities.

(a) For purposes of clauses (1) and (2) of section 1502(a) of title 5 of the United States Code, any agency receiving assistance under this part shall be deemed to be a State or local agency.

(b) Programs assisted under this part shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (a) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity.

(Economic Opportunity Act, Title V, sec. 576 (a), (b) (Pub. L. 93-644 sec. 8(a)))

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# FEDERAL COMMUNICATIONS COMMISSION

■

## NETWORK PROGRAM EXCLUSIVITY NONDUPLICATION PROTECTION RULES FOR CABLE TELEVISION

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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19995 & 18785; FCC 75-413]

PART 0—COMMISSION ORGANIZATION

PART 76—CABLE TELEVISION SERVICE

## Network Program Exclusivity Protection

In the matter of amendment of subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems, Dockets Nos. 19995, RM-2275 and RM-2376; amendment of § 74.1103 of the Commission's rules and regulations as it relates to CATV systems with fewer than 500 subscribers, Docket No. 18785.

1. On April 3, 1974, the Commission issued a *Notice of Inquiry and Proposed Rule Making in Docket 19995* to "review our present rules and policies on network program exclusivity and to determine what, if any, modifications of the rules may be warranted."[1] These proceedings followed the submission of a Petition for Rule Making (RM-2275) by the National Cable Television Association, which asked that rule making proceedings be instituted with the design of ultimately adopting six specified modifications to the network exclusivity rules as encompassed in § 76.91 of the rules. In addition, we noted that with the completion of the rule making proceedings of *Docket 18397*[2] our "basic regulatory structure for cable is firmly in place," thereby allowing for a re-examination of the rules and policies which underlie the exclusivity rules. With the adoption of this *First Report and Order in Docket 19995*, the Commission is concluding the initial stage of the first thoroughgoing review of the network program exclusivity rules since their promulgation in 1965.[3]

As we shall explain below, the completion of *Docket 19995* awaits a separate consideration of the complex issues present in according appropriate exclusivity protection in the Mountain Time Zone. Some indication of the significance of this proceeding may be gathered from the fact that well over three hundred separate formal comments and thousands of letters have been received by the Commission during the pendency of this rule making.[4] However, before we address the particular matters which constitute the subject of this *Report and Order*, we believe a brief summary of the development of our rules and policies with regard to program exclusivity will provide a useful frame of reference.

2. The nature and extent of the potential economic effects of cable television on television broadcast stations have been a matter of concern to the Commission since 1959. Our first step in the direction of imposing program exclusivity rules was taken in 1962, in the case of *Carter Mountain Transmission Corporation*, when the Commission denied an application for a permit to install microwave facilities to be used to transmit distant television signals to a cable system.[5] The Commission found that the proposed service, by providing a cable system with distant signals which duplicated the programming of the only local television station, would have a sufficiently adverse economic impact on that station to cause its demise. After weighing the benefits to be derived from the cable system's improved facilities against the potential loss of the only local broadcasting service, the Commission determined that the proposed operations would not be in the public interest. However, the microwave application was denied without prejudice to its being refiled when it could be shown that the cable system would carry the signal of the local station without duplication of its programming. Following the *Carter Mountain* ruling, we instituted rule making proceedings which resulted in the adoption of the Commission's first Cable Television Rules, extending only to microwave-served systems. In the *First Report and Order in Dockets 14895 and 15233*, the Commission concluded that a cable system's duplication of a local television station's programming through the carriage of distant signals constituted unfair competition with broadcasters. To equalize the conditions under which cable systems and broadcasters competed, and to ameliorate the risk that Cable television would have a future adverse economic impact on television broadcasting service, we adopted mandatory signal carriage and program exclusivity rules for microwave-served cable systems.

3. One year later, we released our *Second Report and Order* in which the Commission asserted jurisdiction over all cable systems and adopted more comprehensive rules and regulations to govern their operation.[6] The program exclusivity provisions of the 1966 rules required that a cable system located within the Grade B or higher priority contour of a television station, upon request of the station licensee or permittee, maintain the station's exclusivity as a program outlet against lower priority or more distant duplicating signals on the same day as the program broadcast by the station (i.e., same-day non-duplication protection). Priorities under this rule were assigned on the basis of television stations' predicted signal strength contours, which, from highest to lowest were Principal Community, Grade A, Grade B, and a fourth priority for television translator stations with 100 watts or higher power licensed to the community of the cable system. Two years after the release of the *Second Report and Order*, the Commission launched an inquiry into the long-range development of cable television service, which resulted in the adoption of the *Cable Television Report and Order* in 1972. The network program exclusivity provisions of the 1972 rules, while generally reducing the period of required exclusivity protection from same-day to simultaneous non-duplication, retained all precedents and policies which had evolved under the previous non-duplication rules. One major exception to the reduction in the extent of required protection was adopted with the *Reconsideration of the Cable Television Report and Order*, FCC 72-530, 36 FCC 2d 327 (1973). For stations in the Mountain Time Zone which were licensed to communities not in the first 50 major television markets, the period of required exclusivity protection reverted to a same-day basis.

4. Following the adoption of our *Second Report and Order* in 1966, the Commission received a large number of petitions for special relief from cable systems seeking waivers of the exclusivity rules. In order to avoid any substantial weakening in the effect of the rules, we required a showing of special hardship or unusual or exceptional circumstances by cable systems seeking exclusivity waivers. The heavy burden of proof we imposed on cable systems is readily apparent from the fact that a very few waivers of the exclusivity rules have been granted by the Commission over a period of nine years. But, while we have strictly enforced exclusivity as a general rule, we have also recognized that cable systems, particularly small systems, encounter some hardship if forced to comply with the exclusivity rules. Therefore, in 1968, we acted to temporarily relieve some small systems from the burdens of compliance with the rules by implementing a modified procedure for processing waiver requests.[7] Under this procedure, Commission action was deferred in cases involving cable systems having fewer than 500 subscribers, on the grounds that such systems would be least likely to have any substantial adverse economic impact on broadcasters and would be most likely to present persuasive cases of hardship that would warrant waivers of the rules. The Commission was convinced that these small systems, being usually one or two man operations, constituted a unique class and deserved special consideration in deference to their limited size and resources. In the *Report and Order in Docket 18785*, FCC 74-299, 46 FCC 2d 94 (1974), the temporary waiver policy was adopted as an exception to our rules. We concluded that cable systems having fewer than 500 subscribers could have only a negligible adverse impact on broadcasters, and therefore, should be exempted from our network program exclusivity rules.

[1] FCC 74-335, 46 FCC 2d 1164 (1974).

[2] *See*, generally, the *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972).

[3] *See* the *First Report and Order in Dockets 14895 and 15233*, 38 FCC 683 (1965).

[4] Parties filing formal comments in this proceeding are listed in Appendix A.

[5] *Carter Mountain Transmission Corp.*, 32 FCC 459 (1962), *aff'd sub nom, Carter Mountain Transmission Corp.* v. *FCC*, 321 F 2d 359 (D.C. Cir. 1963), *cert. denied*, 375 U.S. 951 (1963).

[6] *Second Report and Order in Dockets 14895, 15233 and 15971*, 2 FCC 2d 725 (1966).

[7] See the "TEMPORARY MODIFICATION OF PROCESSING PRIORITIES IN § 74.1103 WAIVER CASES," FCC 68-259.





5. Today, after examining the arguments and data which have been submitted in connection with the present proceedings, we have decided to amend our Rules in the following manner:

(a) When a local television station is being protected, the cable television system may carry the local station's protected programming on all duplicating channels that would otherwise be blacked out during periods of non-duplication protection;

(b) The non-duplication priorities which have hitherto been determined by reference to predicted signal contours are being replaced by rights to protection determined with reference to a fixed specified zone of 35 miles in all television markets and a secondary zone of 20 additional miles in smaller television markets;

(c) We have retained an exemption for small cable television systems, but this exemption will be determined by the number of subscribers served from a headend, and the overall exemption has been changed to 1,000 subscribers;

(d) We have modified the procedural aspects of our rules, clarifying the rights and obligations of broadcasters and cable television operators.

Throughout the discussion which follows, the terms "network exclusivity" and "non-duplication" have been used interchangeably. However, they mean the same thing—the quality and extent of program protection accorded a local television station's network programming by a local cable television system.

6. Since the *Reconsideration of the Cable Television Report and Order* was adopted, the network exclusivity obligations of cable television systems and television broadcasters operating in the Mountain Time Zone have been governed by a standard of exclusivity unique to this area. The *Reconsideration* amended § 76.93(b) to accord Mountain Standard Time Zone stations licensed outside the first 50 major television markets "same-day" protection against duplicating lower priority signals, as contrasted with the "simultaneous" protection in force elsewhere around the nation. This action was taken because it appeared that the programming practices followed by such stations were so influenced by a lack of uniform network program distribution patterns that simultaneous exclusivity provided very little protection to a local station's prime time network programming. In view of the many protests which this rule engendered among cable operators and cable subscribers, we asked for comments on the issue whether "the period of required exclusivity in the Mountain Standard Time Zone" should be changed. The comments we have received and analyzed have persuaded us that a resolution of this particular issue would be assisted by oral proceedings in the form of a panel discussion before the Commission. Consequently, we are severing consideration of the matters involved in the extent and degree of exclusivity protection appropriate to the Mountain Standard Time Zone from the matters deliberated and decided in this *Report and Order*.[8] Our conclusions regarding the Mountain Standard Time Zone will be reported in a subsequent Report and Order in Docket 19995.

7. The present exclusivity rules have been a constant source of aggravation and irritation. Cable operators contend that the present rules are unduly rigid, that they often require the protection of stations which cannot be viewed against those that can. The notifications received from broadcasters are said to be untimely and erroneous. Additionally, the problems associated with switching equipment seem to create illwill on the part of their subscribers. Subscribers are often furious at both the cable operator from whom they have been led to believe that full-time signal carriage will be provided and the local broadcaster who requests protection. Other sources of irritation occur when they watch a channel carrying a non-protected station, only to have the next program blacked out, or because of switching errors, a program may be clipped before completion. It is not at all uncommon for local governments, which franchise cable television operations, to find themselves embroiled in such controversies. Moreover, since the Commission established a Cable Complaint Service in the Cable Television Bureau, the volume of complaints registered with regard to the network exclusivity rules has far surpassed other categories of subscriber dissatisfaction. In general, broadcasters have complained about the burdens they bear in notifying cable systems of the programs they want to have protected, the attitude with which some cable operators treat these notifications, and the cumbersome machinery of legal enforcement of these rules by the Commission. It is against this background that comments were solicited on the following questions:

1. Generally, what, if any, modifications of the Commission's network program exclusivity rules should be adopted?

2. Should a new or modified system of priorities or zones of protection be established for television broadcast stations?

3. Can the network program exclusivity rules be modified so as to better reflect actual viewing patterns of television signals available off-the-air in cable communities and, thereby, be made more consistent with the Commission's signal carriage rules?

4. Should the degree of exclusivity protection afforded television broadcast stations vary according to the size of the television market in which a cable system is located?

5. Should a general exemption or other form of relief be provided for cable systems located outside of the specified 35-mile zones of all television broadcast stations? (Defined by § 76.5(f) of the rules.)

6. Should a higher priority or other special consideration be provided for television stations located within the same state as a cable system, as against out of state stations?

7. Should a general exemption be adopted for cable systems having fewer than 1,500 subscribers?

8. Should any general exemptions from the rules be based upon criteria other than system size (the number of subscribers to a cable system, as defined by § 76.5(a))? For example, a formula based on the total population of a community could be employed, whereby cable systems located in communities having a total population of 3,100 or less would be exempted from the rules regardless of the actual number of system subscribers:

3,100 ÷ 3.1 persons per household = 1,000 households.

1,000 × 50 percent penetration = 500 households.

9. Should the period of required exclusivity in the Mountain Standard Time Zone be changed?

10. Should cable systems be permitted to carry a protected station on a channel which is required to be blacked out?

11. Should a cable system be permitted to carry television programs carried by television translator stations serving the cable community?

12. Should a change in a television station's facilities give rise to a requirement for non-duplication protection?

13. What improvement can be made in the procedural aspects of the rules concerning timing and sufficiency of program notices and schedules required to be supplied to cable systems by television stations requesting exclusivity?

14. Should new rules or procedures be adopted to provide for the imposition of sanctions by the Commission against:

a. Cable systems which fail to comply with proper requests for network program exclusivity protection, or

b. Broadcasters who fail to provide cable systems with proper and timely program notices.

What sanctions, if any, should be available to the Commission?

15. Should existing waiver procedures and policies be modified?

In our consideration of these issues, several have been consolidated for purposes of discussion and disposition.

### General Comments

8. At this point, before we consider the many specific issues which lie at the heart of this proceeding, it is appropriate to take cognizance of the broad policy statements expressed by the contending parties in interest, the cable operators and the broadcasters. We refer, of course, to the major trade associations participating in *Docket 19995*. The National Cable Television Association (NCTA), National Association of Broadcasters (NAB) and the Association of Maximum Service Telecasters (AMST) were generally in sharp disagreement at every turn. For instance, NCTA argued that the non-duplication rules should be extirpated root and branch, that they serve no useful purpose and can no longer be justified. In contrast, both NAB and AMST urged that no changes should be made to the present scheme of regulation, that the current rules provide an adequate balance between the competing interests of cable operators and television licensees.

[8] We have issued an *Order* establishing a proceeding in which the issues of the Mountain Standard Time Zone will be aired in a panel discussion before the Commission. *See*, FCC 75-407, —— FCC 2d —— (1975).



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a. *Cable Television Interests.* 9. The National Cable Television Association, Inc. (NCTA) states at the outset that the non-duplication rules should be abolished entirely. They argue that while the Commission has, since the adoption of its *First Report and Order, supra*, relied on the concepts of unfair competition and adverse economic impact, both of these bases are improper since they are without factual or legal foundation. This rationale has been nothing more than an argument to justify the economic protection of television broadcast stations. They argue that there has been no evidence whatsoever to support the Commission's allegation that duplication of network programming will result in substantial economic impact on television broadcast stations. Since 1965 the period of required protection has been reduced from 15 days before and after a protected program, to same day, to simultaneous (except in the Rocky Mountain Time Zone). None of these modifications, however, have resulted in any demonstrated adverse economic impact on any local television station. With this "dramatic history," the Commission should not be dissuaded from establishing some relief to cable systems in the existing network program exclusivity rules.

10. According to NCTA, since the existing non-duplication rules enjoy no rational basis, their continued imposition is unwarranted. Administrative flexibility demands that the Commission periodically reexamine the precepts underlying its rules, and it is argued therefore, that since the underlying rationales for the non-duplication rules are invalid, the Commission should undertake to eliminate the non-duplication regulations entirely. NCTA asks only that the Commission establish a policy which responds to the real needs of the cable system operator, the television broadcaster and the television viewing public.

11. NCTA recommends that the Commission undertake a controlled test for a period of one year to determine the actual impact of signal duplication by cable systems on television broadcasters. They state that the Commission could select proper markets in which there was substantial cable penetration and in which there is a preponderance of cable systems with more than 1500 subscribers inside television stations' 35-mile zones. During this period, the Commission could monitor the markets selected for the test. NCTA submits that during the proposed test the Commission could obtain necessary data in each of the test markets as to the actual effects on a local stations audience, its advertising revenues, and its ability to perform in the public interest. They go on to say that if the Commission finds no substantial impact on those selected television broadcasters during this test period, the Commission should then establish a total moratorium for its non-duplication rules for two years during which time all cable systems would be relieved of the restrictions on duplication of permissible network signals. During both the initial test and the moratorium, individual broadcasters would have the right to obtain special relief if an appropriate showing was made.

b. *Broadcast Interests.* 12. The Comments filed by broadcasting interests are virtually unanimous in their opposition to any substantive changes in the network program exclusivity rules. The National Association of Broadcasters (NAB), for example, submits that the proposals advanced by NCTA and others for reduction and eventual deletion of non-duplication protection are no more than arbitrary attempts to get as many cable systems as possible beyond the purview of the non-duplication rules, regardless of public interest consequences. They argue that, unlike previous reductions in the extent of non-duplication protection which have enabled the public to see programs at various times they are broadcast, any further reductions in non-duplication protection could not enhance the availability of programming to the public. If the Commission now reduces the extent of non-duplication by riddling the rules with further exemptions and meaningless priorities the public would gain nothing and, in fact, would stand to suffer a substantial loss in the quantity and quality of broadcast television service to which it has become accustomed.

13. While they argue that the reduction of non-duplication protection in several small steps has made the reductions appear acceptable due to a minimal loss of protection, NAB submits that the Commission must look to the cumulative impact of both the proposed reductions and previous reductions to properly assess the effect of any modifications in the rules. The marginal loss of non-duplication protection in any one of the proposals reflected in the questions posed for comment might well be minimal, but coupled with previous or concurrent reductions, the loss will be significant. The Association of Maximum Service Telecasters (AMST) states that except for the Mountain Time Zone, the only benefit that the public would receive from the proposed modifications in the non-duplication rules would be the ability to watch the identical program at the same time on two different stations. AMST argues that NCTA, by proposing modifications in this rule making proceeding, has abrogated its obligation to comply with the Consensus Agreement of 1972. They suggest that those who would weaken the network non-duplication rules must be called upon to demonstrate why the Commission and every expert economic study have been in error for the past ten years in concluding that if simultaneous duplication of network programs was permitted there would be serious audience fragmentation, with resultant losses in quality as well as quantity of local free broadcast service. The fact that television stations have survived with network non-duplication rights does not mean that they would survive without such rights.

14. The Commission, AMST submits, must be concerned not merely with the prospect of stations going off the air, but also with very real prospect that continued survival could be achieved only through drastic cutbacks in expenditures for quality local program service, and that such decisions would be necessitated by audience fragmentation and resultant revenue losses which would occur without network non-duplication rights. Further, it is argued, the issue is not whether today's cable systems, serving perhaps 15 percent of U.S. television homes, have destroyed television broadcast service but whether the anticipated cable operations of the future, serving perhaps 50 percent or more of the nation's television households, will wreak havoc on the television service which the rest of the populace will then depend on if there was a substantial reduction in network non-duplication.

15. Broadcasters argue that they will incur a substantial loss in their total viewing audience and their advertising revenues if protection is diminished. They state that the Commission has based decisions in rule making proceedings and in individual cases on the premise that network non-duplication protection would be available (1) outside as well as inside 35-mile zones, (2) against "significantly viewed" overlapping signals, as well as distant signals available only via microwave, and (3) on "small" as well as large CATV systems. The critical point, it is said, is that the advocates of weaker exclusivity rules must explain why today's circumstances are so radically different from those prevailing in 1972 and in years past, when NCTA's willingness to comply with network non-duplication was repeatedly reaffirmed. In 1972, in reducing protection to a simultaneous basis everywhere but the Mountain Time Zone, the Commission reasoned that this would provide viewers with the advantage of "time diversity," defined as the opportunity to watch a particular network program at a different hour on the same day. AMST contends that although the difference between watching a program at one hour as opposed to another is a dubious benefit at best, even this advantage cannot be cited in support of wholesale exemptions and cutbacks in present network non-duplication rights.

16. In reference to the statement in the *Notice of Inquiry and Proposed Rule-making in Docket No. 19995*, that the Commission has been "continuously flooded with complaints and petitions" from cable system operators, subscribers, and members of Congress, AMST submits that the vast majority of these petitions and a very considerable portion of complaints voiced by cable subscribers and members of Congress have been generated by cable systems who have philosophical or other reasons to avoid compliance with the Commission's rules. It is suggested that the large volume of mail received by the Commission in this proceeding is proof of the persistence of cable lobbying efforts but largely irrelevant to the question whether non-duplication is an appropriate regulatory practice.





c. *Discussion.* 17. A regulatory body which fails to examine, from time to time, those rules and policies which so vitally concern the parties it purports to regulate, can scarcely be said to be serving the public interest. Since their adoption in 1966, the non-duplication rules have been modified only on a piecemeal and partial basis. However, the system of priorities of protection, basic to these rules, has neither been revised or revisited. Over the years, we have acquired a wealth of experience in the day-to-day administration of the non-duplication rules and a surer grasp of their effect upon broadcasters, cable operators and the public. The many comments we have received in this proceeding and the many complex issues we have analyzed have persuaded us that the exhaustive review of non-duplication, which is represented by this *First Report and Order*, was certainly warranted.

18. Nothing in the comments we have received in this proceeding nor the issues we have carefully analyzed, has convinced us that the non-duplication rules fail to serve a useful purpose: the preservation of local television service. Our review of the revisions we have made to the present non-duplication rules, i.e., specified zones of protection and a new subscriber exemption level, has convinced us that unrestricted signal carriage by cable television systems would have a deleterious effect upon local television stations. Therefore, we shall not abandon these rules as NCTA urges. Our task continues to be an ongoing attempt to provide an adequate measure of protection to local stations while not inhibiting the diversity and improved reception which cable television service can provide. With the acquisition of additional experience and insight, we have struck the balance at different points—hence, the reduction in the areas and zones of protection, and the additional revisions we adopt today. We do not believe that the NCTA's proposal that we conduct tests in selected television markets will serve a useful purpose; there is sufficient information available to us on which we can make a judgment now.

19. Similarly, we believe the broadcast interests overstate their case when they argue that a further reduction in the reach of non-duplication protection will not benefit the public. The revisions we are adopting should certainly remove many of the more objectionable consequences of our rules. If we can eliminate or alleviate some of the constant sources of subscriber irritation, then it would seem that the public interest is served. It should be borne in mind that cable television systems often extend a station's programming to audiences which, for various reasons, are beyond the normal reach of a station's signal. Therefore, taking steps to improve the system's service should benefit many parties. We believe the changes to those rules should alleviate the expressed concerns of broadcasters that the cumulative impact of our revisions will produce devastating results. In many instances, stations which have never been able to acquire protection will now be entitled to it. Also, by utilizing a "headend" concept, rather than the "community" standard to determine when our new exemption for smaller cable television systems will apply, the rules will be more equitable in their application.

20. The 1972 Consensus Agreement among copyright, cable and broadcast interests is no impediment to our reexamination of the non-duplication rules. This agreement [9] makes only the following reference to these rules:

> The same-day exclusivity now provided for network programming would be reduced to simultaneous exclusivity (with special relief for time zone problems) to be provided in all markets.

Additionally, we addressed the impact of the Consensus Agreement in the *Cable Television Report and Order* and concluded that:

> In all other respects—for example, the details of network and syndicated programming exclusivity protection, leap-frogging, the significant viewing standard, the definition of signals that must be carried—the Commission retains full freedom, and, indeed, the responsibility to act as future developments warrant.[10]

21. Finally, we cannot agree with AMST that the large volume of mail the Commission has received in the proceeding is only the result of intensive lobbying efforts and reflects no underlying demand for revision to our rules. We invited everyone to give us their views, and we believe there are sufficient grounds to conclude that genuine dissatisfaction by many cable subscribers does exist.

DUAL OR MULTIPLE CHANNEL CARRIAGE

a. *Cable Television Comments.* 22. Cable interests argue that there is no adequate justification for requiring that channels carrying signals which must be deleted remain dark during periods of non-duplication protection. The requirement that a cable system must refrain from carrying protected programming on more than one channel has remained in the Rules since the *First Report and Order in Dockets 14895 and 15233* was adopted in 1965, despite that fact that it works to the disadvantage of cable operators while no longer serving the original purpose for which it was intended. NCTA submits that the requirement ought, therefore, to be eliminated. NCTA suggests that cable television systems would benefit greatly from this requested change in the Rules. According to the NCTA, at the time *Docket No. 14895* was adopted, the Commission could not understand why cable operators would be reluctant to leave a channel dark during non-duplication deletions. Experience, however, has demonstrated that there is an adverse impact on cable systems when a blacked-out channel remains empty. When the cable operator deletes a duplicated program, he has three options: (a) he may carry another signal (if there is programming available to fit that particular time period) which is not prohibited by the Commission's carriage rules, and he has some means of receiving that programming; (b) he may originate his own programming if he has the capability to do so and does not wish to reserve local origination for a separate channel on a regular schedule; (c) or, as in the great majority of cases, he may leave the channel blank. Consequently, a cable subscriber is presented with sporadically empty channels. Since the non-duplication rules often require deletion of a signal which can be received off-the-air by local viewers, the phenomenon of empty channels in cable homes has had a substantially adverse impact on the ability of systems to attract and retain new subscribers.

23. Broadcasters contend that carriage of a signal on more than one channel tends to destroy station identification in the minds of the audience and their advertisers, and eliminates any "lead-in" value network programming may have. These arguments are vitiated, cable interests contend, because in many cases a local station cannot be carried on its assigned channel regardless of the non-duplication rules. In addition, UHF channels must be converted to a "click" position on the VHF dial by a cable system, and VHF channels must often be carried on other than their assigned channels in order to prevent material degradation in the quality of their signal due to co-channel interference. The only significant issue of import is the question whether the local station's advertising support is harmed by multiple channel exposure, and NCTA argues that it is not. Both the American Research Bureau (ARB) and the A. C. Nielsen Company have established non-duplication editing procedures which insure that local stations are credited with all the audience to which they are entitled. If a viewer filling out a ratings diary makes a mistake in an entry due to confusion caused by a television station being carried on more than one cable channel, the mistake is picked up and corrected by ARB diary editors and the local station is given full credit for the program. Broadcasting interests claim that multiple channel exposure will result in a loss of the lead-in value of network programming for local programming. That is, when a cable viewer can stay tuned to a distant station's channel and receive the protected programming of a local station, it is likely that when the network programming—and non-duplication protection—ends and local programming begins, viewers will stay tuned to the distant channel. If a viewer is required to change to the local station's channel to watch a network program, the local station will benefit from the viewer's propensity not to change channels and thereby wateh non-

[9] The Consensus Agreement is Appendix D to the *Cable Television Report and Order, supra*, at 284.

[10] *Cable Television Report and Order, supra*, at 167.



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protected programs which may follow—hence, the lead-in effect. NCTA argues that most network programming is carried in prime time, and local stations do not therefore select network shows on the basis of their lead-in value for local programming. In any event, if the broadcasters' theory is correct, permitting the protected signal to be carried on a blacked-out channel will increase the local station's audience for that program because viewers previously tuned in to the lower priority station's local program will stay tuned. NCTA contends that in any case, a decision on the merit of its proposal should not be based on the physiological or psychological inclination of a TV viewer to change or not change channels at the conclusion of a program.

24. Cable interests insist that the issue remains whether the local station will actually lose audience and advertising revenue for its network programming if a cable system is permitted to carry that programming on a blacked-out channel. The non-duplication editing procedures practiced by ARB and Neilsen insure that there can be no adverse economic impact. Thus, placing the protected signal on a blacked-out channel will not render the protected programming any less valuable. Cable subscribers will continue to have the choice of deciding which channel they want to watch following the termination of non-duplication protection. In practice, many television stations permit cable systems to carry their signals on blacked-out channels. In a survey conducted by NCTA, only 72 of 227 systems were not permitted to carry a local station on the blacked-out channel. The Commission's present non-duplication rules, it is said, create a checkerboard pattern of programs and blackouts. NCTA submits that there is no longer any basis for permitting a broadcaster who requests non-duplication protection to force empty channels on cable subscribers. The existing rule is a disservice to the public and no longer fulfills any rational purpose.

b. *Comments of Broadcasters.* 25. Broadcasters argue that NCTA's arguments with regard to multiple channel carriage of protected network programming reflect their lack of knowledge of the broadcasting business. It is argued that carriage of the same network programming on more than one channel at the same time will not benefit cable subscribers or the public interest and it will cause serious injury to the higher priority station which is carried on two channels. They argue further that local stations must retain the sole power to make the business judgment as to whether or not single channel carriage is needed in a particular television market. Because numerous variables will determine the effect of carriage on deleted channels on any particular station, no generalization—and, no broad rule—is possible. NAB states the purpose of the present rule prohibiting dual channel carriage is to prevent audience fragmentation due to loss of viewer identification or misidentification. Thus, a subscriber tends to identify a station by its call sign and its channel number if carried on the same channel on cable. They note that the Commission has on numerous occasions recognized that television stations "have an interest in developing both of these identities, and multiple channel carriage reduces a station's channel identification even if the station's identification announcements are carried on all of the channels." Commission decisions in *H&B Communications Corp.*, 17 FCC 2d 968 (1969), and *Triad Cablevision, Inc.*, 18 FCC 2d 628 (1969), are cited.

26. A station may suffer loss of local station image in the minds of viewers and advertisers if the station's viewers can watch the local station on the deleted channel as well. Certainly, they state, nothing alerts the viewer to the fact he is watching the local station when his television receiver is tuned to a distant channel. And while the problem of proper station identification by the viewer has been substantial enough to necessitate development of techniques to correct rating service data errors which occur when a local signal is carried on a distant channel, these techniques have not eliminated all problems. Despite assurances from the American Research Bureau and its diligent efforts, they state that representatives of several station licensees who have reviewed ARB diaries continue to find a disturbing number of uncorrected dairy errors. An error in a single diary can result in a ratings loss of several hundred homes. It is argued that dual carriage is nothing more than needless program duplication and that cable operators now apparently desire to carry stations on a dual channel basis in order to advertise a larger number of fulltime cable channels. Since this programming is mere duplication, the Commission should not become a party to such marketing practices. In any case, a system may now carry on the blacked-out channel the signal of any station which it carries on a non-mandatory basis since § 76.55 is applicable only to stations which the system must carry.

27. It is submitted, that the effect of carriage of the higher priority station on more than one cable channel may be beneficial or adverse, depending on various considerations. Allowing a cable system to carry the protected signal on the blacked-out channel may result in an important loss of "lead-in" for the station's next non-duplicated program. The reluctance of viewers to turn to a different channel, they aver, is widely recognized by television program managers, and if a household is able to watch a duplicated program on the distant channel's dial position, there is a significant probability that it will stay tuned to the distant channel. NAB acknowledges that many stations are willing to allow carriage of their signal on the blacked-out channel because some station managers feel that the audience gained from viewers already tuned to the distant station more than offsets the loss of lead-in. But, they argue, the importance to the local station of the lead-in phenomenon is clearly a judgment that should be made by the local station, not by the cable system or the Commission. In view of the absence of even tenuous public interest benefits, it is argued that the Commission should not encourage needless program duplication by elimination of the single channel carriage requirement, but should reserve this judgment to individual broadcasters.

c. *Discussion.* 28. Section 76.55(a)(3) of the Commission's rules (the single channel carriage rule) provides that, on an appropriate request, a television signal which is required to be carried pursuant to the Commission's signal carriage rules shall be carried on no more than one cable channel. Ordinarily, when a duplicating television signal must be deleted by a cable system pursuant to the network program exclusivity rules, the channel on which the duplicating signal is carried is blacked out. That is, no programming of any kind is carried on that (lower priority) channel. The proposal under consideration would permit a cable system to carry the protected television signal (entitled to non-duplication protection) on the channel or channels whose programming must be deleted and would otherwise remain dark while exclusivity protection is in effect.

29. We do not think there is any question that this blacking out of channels constitutes a problem of great concern to both cable subscribers and system operators. A large percentage of the letters received by the Commission from cable subscribers complain vehemently about this occurrence. Subscribers become irate for a number of reasons. They are paying for a service which will theoretically provide them with a multiplicity of television channels. When a number of these channels go dark periodically they feel that they are being denied service for which they have paid. Also, subscribers become annoyed not only because they have to get up periodically and change channels but because channels go black suddenly and without warning.

30. The Commission first adopted a single channel carriage rule (see former § 21.712(d)(3)) in the *First Report and Order in Dockets 14895 and 15233, supra.* In that proceeding, the Commission noted various broadcasters' contentions that "* * * carriage of their signal on more than one channel tends to destroy their program identification in the eyes of the audience and the advertisers." 38 FCC 2d 683, 733. It was determined that, upon the request of a television station, a cable system would be required to refrain from carrying a station's signal on more than one channel. At the time the rule was adopted it did not appear that it would cause any disadvantage to either cable subscribers or system operators. Now, however, there is ample evidence to indicate that the blacking out of cable television channels constitutes a major source of frustration to both subscribers and system operators, and





may deter people from becoming or remaining subscribers. Multiple channel carriage will in no way affect a television station's right to non-duplication protection. It will merely permit a cable system to carry a protected station's signal on both that station's designated cable channel and the channel which normally carries the lower priority station which must be blacked out. Thus, the local station's complete signal, including all advertising spots and station identifications, will be carried in full on both channels. Technically, this technique should be available to any cable system with existing non-duplication switching equipment. By permitting multiple carriage of protected network programming, cable channels will not have to be periodically blacked out, but rather will always be programmed during viewing hours. We believe that this revision should alleviate a great deal of subscribers dissatisfaction which now exists.

31. We must also consider whether multiple channel carriage will adversely affect local television stations. Television station revenues are based in large part on the total number of households which view a particular station. Television audience figures are obtained primarily from two national television rating services, the American Research Bureau (ARB) and the A. C. Neilsen Company. Both companies compile television viewing data chiefly by means of rating diaries which are placed in the homes of selected television viewers. Broadcasters argue that if multiple channel carriage is permitted some cable television viewers may mistakenly make incorrect entries in their rating diaries. And, since each diary may represent several hundred television households, a few mistaken entries could result in a significant loss of audience credit and, consequently, a loss of advertising revenues. While there is some justification for the broadcasters' concern, we believe that the procedures now in use by the rating services will prevent any adverse impact to local broadcasters.

32. Shortly after the release of the *First Report and Order* in 1965, the American Research Bureau began to edit the diary information it received from cable households in certain television markets. The "non-duplication editing" process was established to insure that full audience credit is given to a station receiving non-duplication protection, by editing diaries received from cable households and correcting any errors which would otherwise detract from the local station's audience rating and market share. That is, if a cable subscriber's diary listed, presumably through error or confusion, the call letters of a distant television station at a time when the local station was receiving non-duplication protection, the diary would be checked and corrected to properly credit such viewing to the higher priority station.

33. We are not persuaded by the evidence of record that the editing of diaries by the ARB and A. C. Neilsen services involves substantial failures to credit viewing households to deserving stations or that these failures significantly reduce their credited audiences. The fact that many stations routinely review the diaries collected from their markets gives further assurance that editing errors will not be substantial, nor will they persist for any length of time.

34. The final question to be resolved is whether local stations will be adversely affected if they lose the benefit of what they term the "lead-in phenomenon." Under the present single channel carriage rule, cable television subscribers must tune to the channel of the local station in order to watch that station's network programming. When network programming ends, broadcasters contend, the viewer will tend to stay tuned to the local station's channel and watch its non-network programming. It is argued that if cable television subscribers are permitted to view the local (i.e., protected) station's programming on the distant (i.e., lower priority) station's channel, they will tend to stay tuned to the lower priority station's channel when network programming ends and watch the distant station's non-network programming. Thus, the benefit derived from network programming "leading in" to a local station's non-network programming will be lost if multiple channel carriage is permitted, resulting in audience loss and adverse economic impact on the local station. We do not agree that multiple channel carriage will significantly affect the "lead-in" phenomenon. While it is obvious that some viewers may tend to stay tuned to the lower priority station's channel at the conclusion of network programming to watch the distant station's non-network shows, it is equally obvious that the local station will gain additional viewers from those watching the distant station's channel prior to the commencement of network programming. There is no evidence which supports the conclusion that the local station is likely to lose audience overall. Furthermore, two-thirds of the cable systems responding on the question of dual carriage reported to the NCTA that their local television stations preferred dual carriage to blacked out channels. In addition, if a local station's signal is carried on more than one cable channel, its chances of random selection by viewer will, in many cases, be increased.

35. In sum, it appears that blacking out of cable television channels pursuant to the non-duplication rules is a problem which can be readily alleviated by permitting cable systems to carry the signal of those stations entitled to network program exclusivity on both the protected station's assigned channel and on the blacked out channel. The previously-described non-duplication editing procedures currently employed by the two major television rating services insure that a local station's audience rating and advertising revenues are satisfactorily safeguarded for purposes of their network programming. And as far as the "lead-in" phenomenon is concerned, we have no reason to anticipate adverse effects on local station audiences. We would add that cable systems will be required to provide full carriage of a protected program with its accompanying advertising (see § 76.55(b) of the Commission's rules), and that systems will be expected to cooperate fully with both stations and the rating services so that proper non-duplication editing of the viewer diaries can take place.

SIGNIFICANTLY VIEWED SIGNALS

a. *Cable Television Comments.* 36. It is argued that to be consistent with the Commission's signal carriage rules, the network programming of significantly viewed stations should not be deleted to protect television stations within 35-miles of a cable system. In its cable rules the Commission recognized the fact that certain television signals, regardless of their distance from the cable community, are available off-the-air. The 1972 *Cable Television Report and Order*, required that signals which are significantly viewed in the cable community must be carried by the cable system upon an appropriate request. Yet it is said, despite the general availability of such signals, the non-duplication rules work to black out a large portion of the programming of significantly viewed signals in order to protect a theoretically higher priority station. If the logic of the carriage rules applies regardless of a television station's signal contour, what can be the rationale for requiring cable systems to prevent its subscribers from viewing television signals which are receivable off-the-air by the viewer next door? Television stations within 35 miles of a cable system should no longer be entitled to this artificial protection against significantly viewed stations with which they must otherwise compete off-the-air.

37. The Commission's signal carriage rules recognize that signals are actually viewed in the cable community. However, a significantly viewed station whose theoretical contour does not touch a cable community may be blacked out in order to protect a non-significantly viewed station whose predicted Grade B contour theoretically covers the cable community. The Commission's present non-duplication standards can require a cable system to black out an excellent high quality signal—one that viewers watch—in order to protect a theoretically higher priority signal, which is in fact weak and technically unsatisfactory. Such a situation should not be permitted to continue.

38. NCTA notes that the *Reconsideration of the Cable Television Report and Order, supra*, assured concerned broadcasters that the Commission's rules would not discourage cable carriage of significantly viewed stations. But, adding carriage of a significantly viewed station—a new station, a station with improved facilities, or an existing station previously not required to be carried—may result in a substantial burden to a cable operator if he is required by another station to black out its program-



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ming. If the system which carries a significantly viewed signal must incur the additional expense and inconvenience of deleting a significantly viewed station's programs, NCTA observes that the system may be discouraged or even penalized by carrying these stations. It is submitted that the Commission should encourage the carriage of significantly viewed stations by not simultaneously requiring much of their programming to be deleted. Thus, NCTA proposes that the Commission adopt the following policy: (a) stations from other markets which are carried by a cable system pursuant to the significantly viewing test should not have any of their programming deleted; (b) while significantly viewed stations will not have their programs deleted, they in turn should not be entitled to non-duplication protection unless the cable system is also located within the 35-mile zone of the significantly viewed station. NCTA notes that the Commission stated in its *First Report and Order*,

> Our purpose was and is to preserve the existing off-the-air situation, insofar as exclusivity is concerned, and not to give stations any greater exclusivity vis-a-vis CATV systems than they now enjoy as against each other • • • Our aim is to preserve for stations the competitive exclusivity they have been able to obtain as against stations, but nothing more. (38 FCC 720).

It is argued that nothing has been presented since this view was first articulated to justify its abandonment by the Commission.

39. *Buckeye Communications, et al.*, argue that the rules act to alter the existing competitive situation among broadcasters by increasing the local station's monopoly. In the absence of cable service, the "local" station would be forced to compete with the significantly viewed signal. With cable, the local station is insulated from this competition. It is one thing to argue that local stations might be adversely affected by cable importation of signals which they would not ordinarily be forced to compete against; however, it is clearly another matter to assert that local stations should be further protected from existing competition. In the first case, cable creates new competition which would not otherwise exist. In the latter situation, it does not. In the first case, the local station might deserve some protection from this new, perhaps artificial competition. In the latter case it does not.

b. *Comments of Broadcasters.* 40. Broadcasters oppose any change in the exclusivity rules with regard to significantly viewed signals, stating that the injury which could result from an exception to the non-duplication rules for lower priority significantly viewed stations is very great. They submit that availability of television signals to cable subscribers is irrelevant to the question of availability of network programs to cable subscribers and that there is a critical distinction between television signals and television programs. A cable subscriber may be deprived of access to a particular signal, but this does not mean that he is deprived of viewing the program carried by that signal. They argue that since no network program need be blacked out unless it is available simultaneously on another station carried by the cable system, every network program broadcast by stations carried on the system will be available to its subscribers at the time of broadcast.

41. It is submitted that the non-duplication rules are specifically intended to reflect off-the-air viewing patterns, which have a direct correlation with signal quality. And, while a lower priority signal may meet the Commission's significant viewing test, it is the higher priority signal that will provide a better quality signal in the cable community. Broadcasters argue that in the absence of non-duplication requirements cable would distort the expected off-the-air viewing patterns because the signal quality advantages of the higher priority stations is eliminated by cable.

42. Requiring the deletion of some of the network programming of a "must carrry" station because another "must carry" station that is carrying the same program at the same time places a higher grade signal contour over the cable community is not inconsistent with the Commission's signal carriage rules, as is argued by some cable system operators. Nor does it create an artificial zone of protection for one station against another station with which it would otherwise have to compete off-the-air for viewers in the cable community. First, they submit, only those network programs that are being simultaneously telecast need be deleted, except in the Mountain Time Zone. Neither the station's non-network programming nor any of its network programming that does not simultaneously duplicate the network programming of the higher priority station has to be deleted. Second, in nearly all cases, the lower priority station does not have a truly substantial off-the-air audience for the duplicative programming. Yet, even if a significantly viewed signal is available off-the-air, the non-duplication rules in no way curtail program choice or time diversity. The fact that a cable subscriber may not be able to view a network program on a station available off-the-air which is carrying only duplicative network programming is irrelevant.

c. *Discussion.* 43. We are not persuaded that an exception to our new exclusivity priorities should be made for significantly viewed signals. Many such signals are licensed to communities which are located far more than 35 or 55 miles from the community of the cable television system. As we noted in the Reconsideration of the *Cable Television Report and Order*, the significant viewing test can be used beyond the predicted Grade B contour of a station.[11] However, there is an important drawback to the proposed exception of significantly viewed signals in conjunction with the exclusivity priorities: the ARB data that was the basis for our tables of significantly viewed signals was tabulated on a county by county approach. Accordingly, the *Cable Television Report and Order* acknowledged that "[b]ecause this data is provided on a county-wide basis only, we recognize that *it may not account for variations in viewing levels among communities in the county.*" (emphasis added) Therefore, a signal listed as significantly viewed in a county may not be viewed within a discrete cable community of that county. In short, the designation of a signal as being significantly viewed is by itself, inadequate to exempt it from our nonduplication rules. We recognize, however, that there may be situations in which the network programming of such signals should not be deleted. Accordingly, we intend in the near future to develop a standard so that such signals are not subject to deletion.

[11] *Reconsideration of the Cable Television Report and Order*, 36 FCC 2d 326, 348 (1972).

SPECIFIED ZONES OF NONDUPLICATION PROTECTION

a. *Cable Television Comments.* 44. NCTA submits that if the Commission feels that it must continue to require cable systems to provide nonduplication protection, the rules should at least be modified to provide that only cable systems located within a television market, as defined by § 76.5(f) of the rules, need provide non-duplication. Moreover, exclusivity protection should be extended only to network stations being duplicated by distant signals. It is argued that such a fixed mileage standard would eliminate the uncertainty and disputes caused by reliance on predicted signal contours, resolve inconsistencies between the Commission's nonduplication rules and other provisions of the cable regulations and provide local television stations with all the protection needed to insure that the public interest is properly served. In addition, a fixed mileage standard would substantially eliminate a number of inequities imposed on both cable systems and their subscribers by the present rules.

45. It is argued that many illogical and unfair effects result from the use of signal contour priorities for network program exclusivity purposes. Predicted signal contours do not necessarily reflect either the availability or viewing patterns of off-the-air television signals. Use of predicted signal contours for program exclusivity purposes is intended to protect local television stations against the intrusion of distant cable-imported stations within the local station's natural market. In application, however, contours can cause a local station to lose non-duplication protection within its 35-mile zone as against non-local stations which may place a theoretically higher signal contour over the cable community. The use of contours may also cause a burdensome disruption to both cable subscribers and cable operators when changes in television station facilities result in changes in non-duplication rights.

46. Cable interests point to the 1972 *Cable Television Report and Order* in which the Commission adopted a fixed





mileage standard for signal carriage purposes. It is argued that the same rationale which was used to support the adoption of the fixed mileage standard for carriage purposes applies equally for non-duplication purposes. The fixed mileage zone would provide certainty to both the affected industries and the Commission in terms of application of the rules. At minimum, the Commission should provide a consistency between its signal carriage and non-duplication regulations by limiting the imposition of exclusivity protection to those cable systems located within a television market, that is, within 35 miles of a television station. In addition, the adoption of the 35-mile zone would establish consistency with the Commission's syndicated exclusivity rules, whereby protection is provided only to broadcast stations located within 35 miles of a major market cable system. Refusal to update the non-duplication rules will continue to cause numerous illogical results. Cable interests recite a number of instances in which the application of predicted signal contours create allegedly inequitable situations, and it is submitted that the many unfair effects which result from the use of predicted signal contour priorities for network program exclusivity purposes could be alleviated by the use of a fixed, 35-mile zone. This fixed zone would continue to protect "the essential area for stations' development in the market against unfair competition • • • and preserve the basic integrity of the major markets from an allocation standpoint," without resulting in any substantial adverse economic impact on local stations.

47. NCTA notes that the essential consideration involved is not the extent of cable penetration or audience fragmentation per se, but rather, the effect of cable operations on stations' revenues and profits and their ability to serve the public interest. While a fixed 35-mile zone might result in some audience loss, there would be no significant effect on the ability of television stations to serve their public interest functions. In sum, fixed 35-mile zones for non-duplication would: (a) establish consistency with both the signal carriage and syndicated exclusivity rules; (b) promote certainty in the administration and application of the rules; (c) better reflect actual off-the-air viewing patterns in the cable community; (d) eliminate disruption of changes in non-duplication rights; and (e) minimize carriage problems caused by terrain factors.

48. In its reply comments, NCTA emphasizes that the operation of cable systems outside the 35-mile zone of television of broadcast stations have an insignificant effect, if any, on the revenues of local stations. In response to AMST's allegations that, irrespective of the present impact of adopting a 35-mile zone of protection, the potential for future harm will be enormous as cable grows, NCTA states that any significant increase in duplicative network programming available in a television market is impossible. The Commission's signal carriage rules prohibit cable carriage of duplicating network signals except where they are already significantly viewed off-the-air in the cable community. Thus, except for the potential growth of existing cable systems now carrying grandfathered distant network signals, no new impact can occur. NCTA cites statistical data which, it is argued refutes the examples of potential adverse economic impact in television markets cited by NAB and AMST in their comments. It is also argued that contrary to the contention by broadcasters that signal contours accurately reflect the off-the-air viewing patterns, signal strength contours actually have no significant correlation to audience viewing patterns. To the contrary, they argue, a station's 35-mile zone actually reflects viewing patterns more closely than do contours. Thus, the use of the fixed 35-mile zone for exclusivity purposes would more realistically account for a television station's primary audience.

b. *Comments of Broadcasters.* 49. Broadcasting interests call for the Commission to maintain its current priorities based on predicted signal strength. Since the adoption of non-duplication rules for microwave-served cable systems in 1965, they argue that the Commission has continued to recognize that signal contours provide the most realistic and reliable method of maintaining the appropriate degree of network program exclusivity within a station's market area. Signal contours and their overlap, which vary considerably from station to station and market to market provide a flexible standard which tailors the degree of non-duplication protection to the present and actual needs of each station. In addition, it is argued that the present non-duplication priorities based on predicted signal contours accurately reflect off-the-air viewing patterns. The NCTA, they submit, provides no support for its contention that signal contour priorities do not accurately reflect off-the-air viewing patterns, but simply asserts that non-duplication treatment is not needed beyond the proposed 35-mile zones. Neither does NCTA explain how the "consistency" between the signal carriage, non-duplication, and syndicated program exclusivity rules will aid in preserving off-the-air viewing patterns. AMST asserts that the network program exclusivity, syndicated programming exclusivity and carriage rules serve complementary but not identical functions. The availability of network non-duplication beyond the 35-mile zone out to the Grade B contour was the predicate for the Commission's decision to permit unlimited importation of distant signals outside 35-mile zones and to limit the syndicated programming exclusivity rules to the top 100 television markets.

50. Broadcasters contend that reducing non-duplication rights to a 35-mile zone would result in severe fragmentation of the total viewing audience. Both AMST and NAB as well as a large number of individual broadcasters filing comments have submitted data in support of their contention that a fixed 35-mile zone of exclusivity would cause them financial injury. They argue that the area between the 35-mile zone and a station's Grade B contour is vital to the economic well being of local broadcasters. This is the area in which program exclusivity protection is needed most, and stations cannot afford to write off this portion of their audience. Cable interests, they say, have the burden of proving that any modification to the rules will be in the public interest, not merely in the interest of the cable industry. It is argued that any relaxation of the present rules will infringe on and subvert television stations' exclusive rights to broadcast network programs in their respective coverage areas, and will render their contractual rights meaningless. Whether the loss of audience resulting from a reduction in protection amounts to 1%, 10% or 50%, broadcast stations argue that they would be directly paying for benefits innuring to the cable industry, thereby subsidizing this competing industry more than it does now. It is stated that NCTA's study on the potential impact of the proposed 35-mile zone understates the actual number of television households which would have an appreciable impact on broadcast stations.

51. In joint comments filed by a number of television licensees, it is argued that the Commission in its *Notice* failed to mention the important role of non-duplication protection in the signal carriage scheme. In particular, they advert to the fact that the Commission permitted distant network affiliated stations to be carried on a grandfathered basis, since local stations' network programming would be protected by the non-duplication rules. In case after case, importation of distant educational television stations has been justified, over the protests of local educational stations, on the notion that the local educator would receive network program exclusivity. The erosion of the limitations on the importation of outside signals and the decisions by the Commission under both the former and present cable rules illustrate interdependence of the availability of outside signals and the existence of present non-duplication rules. No one, they suggest, least of all the Commission, can in good faith ignore this history of authorizing distant signal importation predicated on the continuing availability of network non-duplication protection.

52. In response to the proposal to limit non-duplication protection rights to the 35-mile zone, broadcasters have presented statistical data intended to establish that a large portion of a television station's audience is frequently drawn from outside the 35-mile zone and that the proposed cut-back in non-duplication protection would result in a severe fragmentation of that audience. As the cable industry grows and penetration in various television markets increases, the adverse impact of a 35-mile zone limitation on non-duplication rights would increase as well. It is suggested that NCTA's data on the impact of a cutback to a 35-mile zone is wholly unreliable. Broadcasters unanimously argue that neither a one-year test period nor a moratorium as suggested by NCTA is warranted. They



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received in certain areas.[14] Consequently,



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58. *Hyphenated Markets.* The rules

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state that estimates of the effects of a reduction in non-duplication protection can be made on the basis of available information, and predictions of impact based on currently demonstrable audience viewing patterns provide adequate evidence of the damage that would result from the proposed changes. A meaningful test, it is argued, would require suspension of non-duplication protection to a broad cross-section of stations, which in some small markets could cause a struggling UHF network affiliate to fail. It is submitted that the public interest should not be sacrificed simply to prove that a relaxation of the non-duplication rules will lead to audience fractionalization in significant proportions, with a consequent loss of revenues to television stations and service to the public.

c. *Discussion.* 53. The underlying reason to afford a station's network programming a certain degree of protection against duplication has been to guard against any substantial threat to the station's economic viability which could result from fractionalization of the station's audience and a consequential loss in advertising revenues. Although it has undergone certain modifications,[12] the present scheme of protection has been in effect since 1966, when we released our *Second Report and Order, supra.* In this proceeding, we have examined whether, in their reliance on signal contours as the basis for nonduplication priority, the existing rules have been accomplishing their intended purpose. In addition, we attempted to discover whether the operation of the priority provisions has produced any unexpected problems which could be eliminated through revisions of the rules. Our review has convinced us that the following aspects of a reliance on contours seem to frustrate rather than promote the attainment of a rational policy of network program nonduplication: (1) the contour method essentially bases stations' entitlement to protection on antenna height, effective radiated power, and channel assignments rather than on economic need; (2) in congested areas, overlapping contours of stations from different markets create impractical and often confusing areas of protection; and (3) the Commission has encountered certain administrative difficulties associated with the contour method such as a want of long term stability in station facilities and frequent disparities between predicted and actual contours.

54. As to the economic basis for exclusivity rights, it has been argued that in many instances the contour method of determining a station's priority can create an area of protection which exceeds the actual area that the station purports to serve and in which it enjoys a substantial over-the-air viewing audience. Indeed, we have acknowledged that contours merely estimate a station's coverage area. We have recognized that modifying factors such as terrain may cause the station's true arc of coverage to vary substantially from the estimated area.[13] More importantly, because signal contours are the product of antenna height, effective radiated power, and channel assignment, it has become apparent that the contour method tends to confer greater protection on stations with advantages in those areas regardless of their economic need. Thus, a VHF station with greater antenna height, greater effective radiated power and an advantageous channel assignment, by virtue of its more expansive signal contour, will enjoy a greater area of protection than a less powerful UHF station, and without regard to their respective requirements for such protection.

55. Another factor which has inhibited the administration of a sound policy is the problem of contour overlap. In heavily congested areas east of the Mississippi and on the West Coast, there are many overlapping signal contours from stations in different television markets. As a result, many less powerful stations actually lose protection or are even deleted from cable carriage within their own Grade A and Grade B signal contours because the expanded contours of more powerful stations from other markets overlap, giving the more powerful stations equal or even higher priority. The overlap problem appears particularly acute in economically weak markets where less prosperous, less powerful stations may be subject to over-the-air competition from more powerful stations. Consequently, less powerful stations may suffer the additional adverse effect of the loss of cable carriage or protection due to overlapping contours.

56. Because they are likely to change with modifications in a station's antenna height, transmitter site, or effective radiated power, signal contours lack long term certainty as a means of indicating what a station's exclusivity rights are. Since certain expenses are involved in the switching and deletion required for non-duplication protection, the financial planning undertaken by cable operators is subject to sometimes fluctuating contours of local stations. Television broadcast stations may also be hindered by having to revise their requests for protection with changes in facilities and signal contours. The Commission's enforcement role is made more difficult by the fact that such rights and obligations can so easily change. Because of the difficulty in determining actual signal contours, determinations of station priority and the right to protection are generally based on predicted contours which are simply statistical predictions of the probability of various signal levels being received in certain areas.[14] Consequently, we are well aware that the predicted contours will not always comport with the actual contour.[15] Although the predicted contour is a useful rule of thumb, controversies can arise where a disparity exists between a station's predicted and actual contour. In such situations, our rules do not require a cable television system to provide protection when the system can show that the requesting station does not place an actual signal contour over the system's community.[16]

57. As an alternative to the contour method, we are adopting a scheme of station priorities based primarily on certain fixed mileage zones which surround television stations. We believe that a fixed mileage zone will eliminate many of the problems we have encountered in administering the contour priority system and will more accurately meet a station's need for protection. The basic 35-mile fixed zone of protection is a zone with a radius of 35 miles surrounding a specified reference point in each designated community in a television market. These zones will parallel the signal carriage specified zones we adopted in the *Cable Television Report and Order.* Cable television systems will now be required to protect the network programming of local television stations against simultaneously duplicating lower priority stations in accordance with the following priorities:

1) First, protection must be extended to all television broadcast stations within whose 35-mile zone the community of the system is located, in whole or in part;

2) Second, in addition, protection must be extended to all stations licensed to smaller television markets within whose secondary zone of protection the community of the system is located, in whole or in part. The secondary zone of protection extends for an additional 20 miles beyond the 35-mile specified zone described in (1) above.

Thus, while all television broadcast stations will be limited to protection within a primary zone of 35 miles, smaller market stations will be entitled to a secondary zone extending out to 55 miles. Protection must also be accorded to noncommercial educational stations in the following manner: (a) the network programming of educational stations licensed to a community located within a major television market as defined in § 76.51 of the rules must be afforded protection against duplication within a 35-mile specified zone calculated from the reference point or main post office of such community; and (b) all other noncommercial educational stations must be afforded the same degree of protection as smaller market stations, or a 55-mile secondary zone. It should be noted that just as in the former scheme of priorities, a cable system is required to protect a

[12] The 1966 Rules, for example, provided for protection on a same day basis. However, simultaneous protection later became the rule for all areas of the country except the Mountain Time Zone, for which the same day scheme of protection was retained. *Reconsideration of Cable Television Report and Order,* FCC 72-530, 36 FCC 2d 326, 338 (1972).

[13] *First Report and Order in Docket 14895 and 15233,* 38 FCC 683, 718, (1965).

[14] We refer to the "TV Technical Standards" at Part 73 of the Rules.

[15] See, e.g., *Staunton Video Corporation,* FCC 75-328, —— FCC 2d —— (1975) and *Meadville Master Antenna, Inc.,* FCC 72-355, 34 FCC 2d 358 (1972).

[16] *Community Services, Inc.,* FCC 70-244, 21 FCC 2d 719 (1970).





station only against another station of lower priority. Accordingly, where a cable system's community is situated within the respective 35-mile zones of two stations, the system is not required to protect one station by deleting the programming of the other, equal priority station. Neither is a cable system situated within the respective secondary zones of stations from different smaller markets required to protect one station by deleting the other. Although not entitled to protection against each other, two stations of equal priority are both entitled to protection against lower priority signals which may be carried by the same cable television system. However, we believe there is one situation which does not warrant the extension of protection to a station throughout its secondary zone. Where a cable television system's community is located within only a station's secondary zone, the system will not be required to protect such station by deleting the duplicative programming of either a commercial or noncommercial educational station licensed to a major market community whose reference point is within 55 miles of the system's community. (See § 76.92(f).) Otherwise, there would be many instances in which the application of these new zones of nonduplication protection would cause the signal of the closer and usually more accessible station to be deleted. Finally, a 100 watt or higher power television translator station which is licensed to the community of a cable television system is entitled to a certain degree of protection. A cable television system operating in a community to which such a translator is licensed is required, upon proper request, to protect the translator's network programming against duplication by any television broadcast station licensed to a community more than 55 miles from the system's community. However, because it extends a signal beyond its parent station's service area, a translator licensed to the community of the cable television system but located beyond the predicted Grade B signal of its parent station will not be entitled to non-duplication protection.[17] In addition, when a cable television system operates in a community located within either the primary or secondary zone of protection of a television broadcast station, the system will not be required to delete the duplicating network programming of a television translator station which is also licensed to the system's community. As Appendix C to this Report and Order, we have attached a diagram illustrating the operation of these new zones of protection.[18]

58. *Hyphenated Markets.* The rules that have been in force to date have not distinguished between hyphenated markets and non-hyphenated market stations with respect to their right to protection against duplication by lower priority stations. We recognize that the replacement of a system of priorities based on signal contours with priorities established by fixed mileage zones might alter both certain stations' areas of protection and particular cable television systems' obligations to provide protection. Because of the unique characteristics of hyphenated television markets,[19] a question arises as to what impact these changes might have on stations and cable television systems located within such markets. Moreover, if the changes have a significant impact, there may be a need for special provision with respect to protection of network programming in these markets. However, a comparison of the areas of protection of hyphenated market stations and the corresponding obligations of cable television systems to protect such stations under the old and the new systems of determining priorities failed to disclose that there is any threat of an adverse impact sufficient to warrant special treatment. Therefore, we will not distinguish between stations located inside or outside hyphenated television markets for purposes of the network program nonduplication rules.

59. We are adopting fixed mileage zones of protection because we believe this approach will bring about both greater ease in administration and equity in operation. However, because different considerations underlie our signal carriage and network program non-duplication policies, we have not attempted to create zones of non-duplication protection which precisely parallel the signal carriage specified zones. (We refer to the secondary zone of protection for small market stations.) Nonetheless, it should be remarked that it has been our experience that the 35-mile specified zone is a workable, convenient and realistic estimate of most station's basic area of service and the additional or secondary zone for smaller market stations takes into account population density differences between large and smaller markets. These fixed mileage zones have a number of additional advantages which add to its suitability as a standard for determining priority. With fixed, 35 or 55-mile zones of protection, stations of varying signal strength are placed on a more equal footing. No longer will stations with advantages in such areas as antenna height, channel assignment and effective radiated power be given a prima facie right to a greater zone of protection, regardless of their need for such protection. In addition, the use of zones will create very few overlaps. Thus a reduction in overlaps will restore areas of protection to many less powerful stations and will eliminate potential problems in economically weak markets in congested areas of the country. By not requiring protection in a secondary zone for cable television systems also located within 55 miles of a major market station, we have also attempted to prevent program deletion where the major market station may actually be as close or closer to the cable television systems' community than the smaller market station in question.

60. Since fixed mileage zones do not fluctuate with changes in antenna location, transmitter power, or other adjustments in broadcast facilities, we expect them to provide a reliable and consistent means of determining present and future rights and obligations in the area of network program non-duplication. The new zones of protection are based on our specified zone concept, for which the reference points are well-defined and the mileage radius easily determined. Thus, use of these zones of protection should be free of the error and controversy which plagued the contour method. After examining the zone of protection of television stations pursuant to the contour-based scheme and the fixed mileage zone proposal, we are convinced that the advantages of the latter system clearly outweigh the consequence of what little protection may be lost in the process. We anticipate that the change from the old priorities to the new zone definitions will be accomplished easily and with a minimal impact on television broadcast stations. However, we recognize that there may be circumstances which will warrant a departure from the general application of these new priorities, but their disposition must be considered in our special relief process.[20]

### General Exemption for Smaller Cable Systems

a. *Cable Television Comments.* 61. NCTA proposes that the Commission exempt all cable systems with fewer than 1,500 subscribers from having to provide any non-duplication protection. It is argued that while it is impossible to present data based on actual experience, all research clearly suggests that broadcasters will not suffer any significant economic harm from such an exemption. Cable interests cite the *Report and Order in Docket 18785, supra,* where the Commission adopted an exemption from the rules for cable systems having fewer than 500 subscribers. They argue that the rationale for the 500 subscriber exemption is equally applicable for systems with fewer than 1,500 subscribers. That is, such small cable systems are unduly burdened by the non-duplication rules and exempting them from com-

[17] Although we are now utilizing the presence or absence of a predicted Grade B contour to determine a translator station's right to nonduplication protection, we expect to replace the reference to the predicted Grade B contour with a fixed mileage standard in the near future.

[18] In the former rules, § 76.91(c), provided nonduplication protection to stations licensed to small television markets which were carried by systems located outside all markets pursuant to § 76.57(a)(4). Such smaller market stations are listed as being significantly viewed in the county wherein the community of the cable television system is located. This provision has been eliminated because the 55 mile zone of protection which our new rules accord to smaller market television stations should provide adequate nonduplication protection.

[19] See Paragraph 87, *Cable Television Report and Order,* FCC 72-108, 37 FCC 2d 143, 176 (1972).

[20] *See, e.g., Community Service, Inc., supra,* and *Staunton Video Corporation,* FCC 74-692, 47 FCC 2d 851 (1974), *recon. denied,* FCC 75-328, — FCC 2d —— (1974).







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pliance with the rules will have no adverse economic impact on local broadcasters. The Commission, they contend, has seen no evidence of any adverse effect from the existing exemption nor has it been presented with a persuasive showing that there would be such impact from the proposed exemption. NCTA has submitted to the Commission a study of 52 television markets, which purports to show that in the most highly penetrated cable markets a 1,500 subscriber system exemption would affect at most 4.1% of the total ADI–TV households in each market. The actual revenue loss would constitute a much smaller figure (less than half) when factors such as market share, the number of competing stations in a market and prime time viewing audience are taken into account.

62. NCTA acknowledges that there would be some loss of non-duplication protection should smaller cable systems be exempted from the rules. However, it is not this loss that is at issue, but rather the effect of such loss on a station's ability to serve the public interest. Cable systems having fewer than 1,500 subscribers are burdened by the non-duplication rules because such systems do not have the technical personnel to adequately handle the numerous problems which arise because of the rules. It is submitted that cable systems having fewer than 2,000 subscribers employ, at maximum, one or two technicians to handle all aspects of operating a cable television system. The true costs of compliance with non-duplication requirements go far beyond the purchase of costly non-duplication switching equipment. Non-duplication constitutes a continuing source of economic drain, loss of customer good will, and constant frustration for almost all cable operators, especially the operators of small systems. While the economic burdens imposed on the operator in terms of equipment and manpower costs can more easily be documented, these constitute but a small part of the problems inherent in providing non-duplication protection. The best evidence of the adverse consequences to cable television operators which stem from the non-duplication rules is found in the constant flow of emotional complaints and petitions which are directed to the Commission. These complaints, pleas for relief, and demands for elimination of the non-duplication rules come from cable operators, cable subscribers, city councils, and members of state legislatures and the United States Congress. The Commission cannot possibly believe that these countless subscriber complaints and city council resolutions are merely the result of contrived efforts by cable operators.

63. Cable interests submit that the Commission should continue to base any exemption on the concept of the number of subscribers served by a system rather than, for instance, pursuant to a formula based on the total population of a community. Such a formula tends to disregard average penetration figures which are utilized under a community population approach. As long as the Commission continues to justify its nonduplication protection on the concept of theoretical fractionalization of audience, it is only the system's size which is the relevant factor. Moreover, such a rule, based on the number of subscribers, is the simplest and most rational basis for an exemption, and the 1,500 subscriber level is the minimum level at which such an exemption can reasonably be established. NCTA notes the argument by some broadcasters that new cable systems which commence operation in large communities should not be able to obtain an exemption from the non-duplication rules when the system is first constructed. As subscribership grows beyond the established exemption level, broadcasters argue that subscribers will be accustomed to receiving duplicating stations, thus making it unlikely that the system will voluntarily begin compliance. NCTA responds by stating that under the 1972 cable television rules cable systems located within television markets are not entitled to import distant network stations. Therefore, such new systems could carry no distant network stations on their duplicating programming and the exemption would not come into play.

b. *Comments of Broadcasters.* 64. Broadcasters suggest that despite their constant complaints, cable operators have offered little data to substantiate the existence of the alleged burden of providing non-duplication protection. AMST argues that over half of the cable systems in existence today began operations after the 1966 exclusivity rules were adopted, and at the time that they commenced operation, the cost of providing non-duplication protection was a cost that cable operators could reasonably anticipate. The fact that these operators entered the cable business with full knowledge of these costs and that cable systems have grown and prospered since 1966 indicates that the cost and inconvenience of providing non-duplication is not nearly as burdensome as is now alleged. It is argued that if the proposed 1500 subscriber exemption is adopted, the resulting loss of protection would be significant for most stations. And, if this exemption were coupled with an exemption for systems outside the 35-mile zone of television markets, the loss of protection would be staggering. It is argued that all broadcast stations regardless of size must abide by the same rules no matter how burdensome. Cable systems should be treated no differently.

65. It is argued that any exemption based on the number of cable subscribers, even one which properly accumulates the subscribers served by integrated cable operations spread over several communities (the headend approach), presents serious administrative difficulties and invites abuse. The number of subscribers to a cable system constantly changes. Thus, a system might qualify for the exemption one day and on the next be subject to the non-duplication requirements. There is also no readily available, up-to-date source of information by which the number of subscribers to a particular system can be ascertained. The FCC Form 325 is filed once a year, is not available for several months after it is filed, and is of little value in many cases since it is out of date with respect to the subscriber count shortly after it is mailed to the Commission. AMST suggests that an exemption based on community size rather than system size would eliminate some of these problems. Community size, they submit, does not change with such rapidity and population statistics are more readily available and have the virtue of not being within the sole knowledge of the party seeking the exemption.

66. Broadcasters assert that neither the capital investment in switching equipment nor yearly operating costs are large in either an absolute sense or relative to overall cable revenues. It is argued that none of the cable comments suggested that the continued existence of any cable system has ever been placed in jeopardy by requiring compliance with exclusivity rules. Nor has it been suggested that any cable system's ability to provide services has been difminished. Hence, it is argued, the threatened injury from compliance with the non-duplication rules would at most mean a reduction of profits, and while there is an understandable interest in maximizing profits, that interest pales when compared to the very real danger to the continued viability of local television service that a 1,500 subscriber exemption would create. Various broadcasters presented data which allegedly indicate that a 1,500 subscriber exemption would result in audience fragmentation which would only worsen as cable penetration in an area increased. It is argued that NCTA's data with regard to the 1,500 subscriber exemption bears no relation to reality, that no other cable party has offered more than unsupported assertions, and that in contrast, broadcasters have submitted data which reliably indicates the potential harm such an exemption would cause.

c. *Discussion.* 67. In our notice, we requested comments on the question of whether a general exemption from the non-duplication rules should be adopted for cable systems having fewer than 1,500 subscribers. Cable television interests either supported the proposed 1,500 subscriber exemption or suggested that a much higher figure, such as 3,500 subscribers per system, would be more appropriate. Broadcasters generally argue that an exemption for cable systems having fewer than 1,500 subscribers would result in severe adverse economic impact to many television stations, and that no exemption from the rules is warranted. Both sides in this controversy submitted statistical data to support their respective positions: NCTA's extensive exhibit allegedly shows that even in those television markets having a high degree of cable television penetration, there could be only the most minimal impact resulting from a 1,500 subscriber exemption. A number of broadcasters, however, submitted data showing that the adoption of the proposed exemption would result in





substantial adverse economic impact on a number of television broadcast stations.

68. On April 4, 1974, the Commission released its *Report and Order in Docket 18785, supra.* In that proceeding, the Commission promulgated § 76.95(c) of the rules to exempt any cable television system as defined in § 76.5(a) having fewer than 500 subscribers from the network program exclusivity rules.[34] In *Docket 18785,* we determined that small cable television systems serving fewer than 500 subscribers are unduly burdened by the financial and manpower expenditures which are necessitated by the non-duplication rules and that exempting such systems would have no significant adverse economic impact on broadcasters.[35] *Docket 18785* was limited solely to the question of whether an exemption for cable systems having fewer than 500 subscribers should be adopted. In effect, it served to promulgate as a formal rule what had hitherto been a processing policy. That proceeding did not examine the propriety of other exemption levels, unlike our deliberations in *Docket 19995.*

69. Intimately entwined with the question of what a proper exemption level for cable systems may be, has been the question of whether, for purposes of exemptions, the Commission should use its administrative definition of a cable system based upon a "community" concept (see § 76.5(a)) or whether we should employ a "headend" or integrated system concept. Under the 500 subscriber exemption adopted in *Docket 18785,* the "community" concept was retained. However, following a closer scrutiny of the question, we have determined that the use of the headend or integrated system concept is more appropriate for determining when exemption is warranted. In fact, generally both broadcasters and cable operators agree that the headend concept is more appropriate for this purpose. Since we are concerned with the manpower, financial, and technical resources of a cable system, as well as the total number of subscribers served by a commonly owned and technically integrated unit, the headend concept more accurately reflects these factors.

70. Our underlying rationale for exempting small cable systems from the non-duplication rules was fully expressed in our *Report and Order in Docket 18785.* We determined that while the expenditures for equipment and manpower made by small systems in order to comply with the non-duplication rules have a substantial financial impact on such systems when viewed in relation to their gross revenues, any adverse economic impact on local broadcasters which could result from exempting small systems would be minimal. In addition, last minute program schedule changes, special events and overruns, and malfunctioning equipment difficulties compound the problems normally encountered by small cable systems in complying with these rules. We must measure this inconvenience against the potential harm to broadcasters which might result from any new exemption.

71. We have studied numerous factors which might bear on this matter, and have examined the statistical variables which affect both cable and broadcast operations in the United States. Based upon all of the information at our disposal, we have decided to adopt an exemption from our non-duplication rules for cable systems serving, on a headend basis, fewer than 1,000 subscribers. We believe that the likelihood of significant adverse economic impact on broadcasters could increase sharply if systems having more than 1,000 subscribers were exempted from the rules. On the other hand, an exemption for cable systems with fewer than 1,000 subscribers would not pose the prospect of unacceptable impact for the overwhelming majority of stations. In our opinion, it would not be appropriate to risk the effects of a higher exemption at this time. This relaxation of the rules will serve the convenience of subscribers and benefit smaller cable systems for whom the cost of switching is generally a significant expense. A 1,000 subscriber exemption should produce a relatively small increase in the number of systems and subscribers previously exempt under the "500" rule. Under our current "500 subscriber" exemption, approximately 1,965 of the 5,035 operational cable television systems need not comply with the program exclusivity rules. Assuming a maximum of 499 subscribers per system—which is a generous assumption to make—some 980,535 subscribers are affected. This figure represents approximately 12 percent of the estimated 9.5 million subscribers to cable television systems nationwide. Employing the "headend" approach, the number of systems serving fewer than 1,000 subscribers is 1,428.[36] Making another generous assumption that each system serves 999 subscribers, the total number of subscribers affected by an exemption of 1,000 per headend rises to 1,426,572 or 14.7 percent of all cable television subscribers. It is important to keep this figure in perspective, especially when we know that the total television households affected by this exemption to our exclusivity rules is on the order of 1/69th of all television households.[37] Weighing the small impact of this new exemption against the cost and inconvenience of compliance for quite small business operations, we are persuaded that the adoption of this new rule will serve the public interest.

72. As with any general rule of this sort, there may be cases where, due to a proliferation of small cable systems in a particular television market, there will be a likelihood of substantial adverse economic impact on local television stations. In such cases, broadcasters may file petitions for special relief showing the likelihood of such impact. These petitions will be handled on a case by case basis and an appropriate relief will be granted where it can be shown that the alleged adverse economic impact is or will be sufficient to result in a diminution of a station's ability to serve the public interest. Finally, in response to the assertion by broadcasters that it will be difficult to determine when a system is no longer entitled to an exemption, we are also adopting a new rule which will require that, within sixty days of the acquisition of 1,000 subscribers by a cable system, a statement to that effect must be filed with the Commission. It shall be available for inspection at the Commission's offices. In addition, the cable operator must provide a copy of this statement or the data contained therein, to any television or translator station carried on his system.

PROGRAM OVERRUNS

73. Our overall review of the many issues inherent in administering a regulatory program such as nonduplication is complicated by a consideration of the sporadic problem of program overruns. The National Cable Television Association has proposed that cable television systems should not be required to provide network program exclusivity protection for a reasonable period of time following the carriage of a duplicative program which has an indefinite time of completion. Specifically, they suggest that if, for whatever reason, there is a possibility that the actual running time of a television program, emanating from either a local or distant broadcast station, may not correspond with the program's scheduled time of completion, a cable operator should be relieved of the duty to provide non-duplication protection for two hours following the program. They propose that in the evenings and on weekends a cable operator should be freed totally from non-duplication requirements following a program with an indefinite time of completion, for the remainder of the day and evening. They assert that such a provision would avoid "clipping" (i.e., cutting off of the beginning or end of a program) of network and non-network shows and would allow a cable operator sufficient opportunity to reprogram his non-duplication switching equipment. Broadcasters contend that

[34] On May 10, 1974, the Association of Maximum Service Telecasters, (AMST) filed a "Petition for Reconsideration and/or Modification of the Report and Order in Docket 18785." The National Cable Television Association (NCTA) filed an opposition to the AMST petition on May 24, 1974, and on June 10, 1974 AMST replied. In light of the rule changes which we are adopting in this document today, AMST's reconsideration petition is now moot. The petition for reconsideration, therefore, is hereby dismissed, and the proceeding in Docket 18785 is terminated.

[35] Since the adoption of former § 76.95(c), no television stations have filed petitions claiming that this exemption has produced adverse financial impact on their operations.

[36] These figures are extrapolated from data reported to the Commission on FCC Form 325 and information gathered by *Television Digest, Inc.* and reported in the *Services Volume, Television Factbook,* 1973–74 edition.

[37] *Television Factbook* reports a figure of 68,538,900 television households as of September, 1973.







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program runovers occur so infrequently in situations where they could cause a loss of programming for cable subscribers that elimination of non-duplication protection for a period of time following potential program runovers is an overly broad and unnecessary remedy to the problem.

74. There are a number of different types of programs which may have indefinite times of completion. Special events, unscheduled Presidential press conferences and most sporting events are the types of programs which present potential runover situations. While actual runovers may occur with relative infrequence, we believe that the loss of programming they may occasion when they do occur is a matter deserving special consideration. Certainly, the public is not well served when portions of television programs are unnecessarily deleted due to the operation of our rules.

75. NCTA contends that cable systems should be relieved of the duty to provide non-duplication protection following any program which "experience has demonstrated" will potentially run over its scheduled time of completion. Only this remedy, they argue, can prevent a loss of programming. We believe, however, that such an approach is too speculative to be a rational solution to the problem since there are a great many programs which may potentially run over their scheduled completion time. For the Commission to relieve cable systems of their non-duplication duties in all cases where the mere possibility of a runover exists would, as broadcasters have suggested, be an overly broad resolution.

76. The most common situation in which a runover is likely to occur involves the live broadcast of sports events. Only in rare instances do films or other types of programming run beyond their scheduled completion times. While the inconvenience to cable operators which may be caused by runovers is, unfortunately, unavoidable in most cases, our primary concern is the potential loss of programming to cable subscribers which may occur when a switcher cuts off the signal of a lower priority station prior to the completion of a program. Since it is virtually impossible to determine in advance when an overrun may occur, it is difficult for a cable operator to reach his switching equipment, which may be remotely located, in time to prevent clipping of the beginning or end of another program. In order to alleviate what appears to be the most common overrun problem, we are adopting § 76.95(c) which will relieve cable systems of the duty to provide non-duplication protection for one hour immediately following the scheduled time of completion of a live sports event. This rule will permit the cable operator to pre-set his switching equipment so that no loss of programming will occur. In addition, this one hour "grace period" will allow sufficient time for a cable operator to re-program his switching equipment in those situations where a network reschedules its programs following a sports event.

77. The rule we are adopting will not resolve difficulties which may arise due to runovers caused by Presidential news conferences, Congressional hearings or other special events. However, it is our view at this time that in order to deal with such situations we would have to adopt a rule which we believe would be unnecessarily broad in its prospective application.

PROCEDURES AND SANCTIONS

a. *Comments of Broadcast Interests.* 78. Approximately 50 comments submitted by broadcasters addressed the subjects of procedures and sanctions. Although there was a fairly wide variety of solutions offered, mostly in the area of sanctions, only 20 of the comments specifically stated that the present notification procedures were adequate. A number of respondents criticized the Commission for the length of time required to process requests for orders to show cause. The broadcasters' most popular proposal for ensuring proper exclusivity protection was that the Commission review "exclusivity logs" which cable operators should be required to maintain. In this connection, it is noted that the Rocky Mountain Broadcasters Association (RMBA) has submitted a "Petition for Rule Making" (RM-2376) requesting that cable television systems be required to maintain logs reflecting the stations and programming carried, as well as programs deleted pursuant to our exclusivity rules. RMBA would have cable operators submit a weekly composite log to the Commission for review.[28] Others criticized the present procedure whereby cable operators can request weekly notification, suggesting that seasonal master schedules provided adequate notification. A few broadcasters, whose stations are carried by 70 or more systems, recommended that cable operators bear the full burden of finding programming protected by the exclusivity rules and deleting it without requests. Another broadcaster indicated that all inequities in the present system would be resolved if stations themselves did the switching. Five of the comments proposed that cable systems should certify to the stations and the Commission that exclusivity protection is being provided. A few of the comments suggested that lower priority signals should be required to provide cable operators with programming schedules. Others recommend that a standard exclusivity notice form be adopted by the Commission, a recommendation supported by the Association of Maximum Service Telecasters (AMST). In addition, AMST, apparently recognizing that present procedures are inadequate, proposed that a Joint Advisory Committee composed of representatives of both industries be established to examine the notification procedures.

79. All comments addressed the question of sanctions against cable operators and unanimously concluded that the present remedies are inadequate. Most of the comments criticized the automatic stay provision in § 76.97 and the length of time the Commission took to act on waiver requests. Likewise, the comments reflected frustration with the fact that the only remedy available to stations not provided exclusivity was a petition for an order to show cause. The solution proposed by the vast majority of comments demanded that cable operators be subjected to forfeitures for violations of the exclusivity rules. As an extreme penalty, a broadcaster proposed that the cable operator permanently delete the lower priority signal for failure to provide proper protection. Others felt that revocation of a cable system's certificate of compliance was justified if protection was not provided. One broadcaster went so far as to suggest that the Commission monitor all cable systems to insure compliance with the exclusivity rules.

b. *Comments of Cable Interests.* 80. 67 comments were filed by cable operators of which 37 offered various recommendations for changes to the present rules. There was unanimous agreement that the present notification procedures do not prevent the loss of programming to subscribers where last minute scheduling changes by requesting or lower priority stations result in non-protected programming. Many cable operators would have the Commission require stations to provide current programming information on a weekly basis with daily updates phoned to cable systems. Some comments suggest that requesting stations be required to submit schedules of lower priority stations. Most cable operators argue that programs following sports presentations and special newscasts should be exempted from protection for the remainder of the broadcast day. As for sanctions, cable operators argue that no protection should be required where the requesting station has submitted incomplete, inaccurate, or untimely notification. Some cable operators contend that any loss of programming caused by improper notification should result in the permanent loss of exclusivity protection. In this vein, NCTA suggests that the Commission establish and administer a formula which would calculate the extent to which a station would forfeit its right to exclusivity whenever its inaccurate notice caused the cable system to unnecessarily delete programming. Another sanction recommended for stations failing to provide proper notification is forfeiture, similar to present sanctions under section 503(b) of the Communications Act.

c. *Discussion.* 81. As indicated in the comments concerning procedures and sanctions, the present rule (§ 76.93(a)) does not provide sufficient notification guidelines and lacks any provision for enforcement. Another problem resulting from current Commission policy is the loss of non-protected programming to the viewing public. It now seems clear that the keystone for the administration of our exclusivity rules—good faith cooperation by all parties—has not been effective in preventing complaints from all parties affected-broadcasters, cable operators, and subscribers. Our basic objectives in changing the present rule are threefold: (a) insure that broadcasters receive protection to which they are entitled; (b) establish adequate notification guidelines to enable cable operators to perform their exclusivity responsibilities properly; and (c) prevent inconvenience and loss of non-protected programming to the viewing public. We recognize that there are difficulties inherent in our nonduplication rules which no procedure can prevent. Yet we are convinced that the changes promulgated will alleviate many of the problems encountered to date.

82. It is apparent that many of the broadcasters' complaints would be resolved if expeditious processing of all special relief and show cause petitions could be accomplished.[29] In this regard, we note that the staff of the Cable Television Bureau has been increased to expeditiously process these and other matters. In addition, a recently adopted delegation of authority to the Chief, Cable Television Bureau, empowers him to deny petitions for waiver of the exclusivity rules where such action would be consistent with established Commission policy.[30] This should insure expedited action in routine, non-meritorious cases. We therefore believe that deletion of the automatic stay provision, § 76.97, as recommended by some broadcasters, is unnecessary. Moreover, § 76.97 serves a useful purpose in that it preserves the *status quo* until the Commission has an opportunity to rule on the applicability of the exclusivity rules to the situation at hand. Additionally, we will continue to press for amendments to § 503(b) of the Communications Act of 1934, thereby giving the Commission authority to impose forfeitures on cable operators who violate the Commission's rules.

83. Inconvenience to subscribers should be abated substantially by permitting multi-channel carriage during periods of exclusivity. See paragraphs 28–35. We have also revised our rules to provide an additional exemption for network programming following live sports events which extend beyond their scheduled broadcast period. This change should also significantly reduce subscriber complaints. (A discussion of these revisions will be found at paragraphs 73–77 above.)

84. In the long run these changes will alleviate most of the present problems, but loss of programming to subscribers could continue since programming changes by the requesting or lower priority station are often made without cable systems being notified. Under present Commission policy, broadcasters are authorized to submit seasonal master schedules containing a minimum of information concerning the programming to be protected. Although the Commission expects all broadcasters to cooperate by notifying the cable operator as soon as possible of any changes, a broadcaster has little incentive to inform the cable operator that protection is no longer required. In an attempt to resolve this problem, a provision has been added to the rules to require the requesting station to submit monthly schedules specifically indicating the programming to be protected and the programming of the station to be deleted. We concur with comments filed by both broadcasters and cable operators recommending the use of a standard exclusivity request form. Therefore, we have attached as Appendix B, a *sample* exclusivity request form which, if utilized, should provide the minimum amount of information necessary to enable a cable operator to properly perform exclusivity responsibilities. We emphasize that the use of this format is optional and does not represent a new requirement. With a monthly program schedule at hand, cable operators should be provided adequate advance notice to set switching equipment and check for discrepancies in the request. Most changes in network programming are known well in advance, therefore, we are requiring all broadcasters to advise cable operators of changes to the monthly exclusivity requests eight (8) days prior to the broadcast of the program to be protected.

85. There is one situation which results in loss of nonprotected programming to the viewing public which is much more difficult to resolve. It arises where the lower priority station changes its programming schedule after the requesting station has submitted a request for protection. Here the broadcaster requesting exclusivity has little incentive to check the programming schedule of lower priority stations or to inform the cable operator that its signal is no longer duplicated as previously indicated. Although we recognize that the cable operator has sufficient motivation, such as complaints from subscribers, to check for discrepancies in the exclusivity requests, we will not relieve the requesting broadcaster from the responsibility of determining whether its programming is in fact being simultaneously duplicated after its monthly notice has been mailed or communicated.

86. We cannot agree with the recommendation of some cable television interests that a rule should be adopted which would provide sanctions against television stations submitting improper or inadequate requests for non-duplication protection. Such an action would be premature at this time. The Commission has revised many of the nonduplication rules, including the notification requirements. This new regulatory program should be given a chance to work, and we trust that once these new rules become a matter of routine for both broadcasters and cable operators, the occasion for complaint will have lessened. However, if we are presented with a demonstrated pattern of abuse of the notification procedures which results in the loss of programming to a cable system's subscribers, we shall take appropriate measures, including the suspension of nonduplication rights. For the time being, such matters will be disposed of in our special relief processes.

87. We have also taken this opportunity to make administrative changes in areas related to exclusivity which have proved bothersome over the past three years. We anticipate that the changes promulgated today will enable us to administer the rules more efficiently. First, we have amended § 76.97 to lend precision in determining the date from which to measure the 15-day period in which exclusivity waiver requests must be submitted by a cable system in order to trigger the stay provisions. The change resolves the present ambiguity where, for instance, stations request exclusivity prior to the date operations are commenced by either the cable system or the station itself and prior to the date a cable television headend serves more than 1,000 subscribers. Although the Commission is concerned with abuses in private agreements excepted from the exclusivity requirements, we will not delete the rule which gives full effect to such agreements.

88. It should be noted that in fashioning these changes, we have necessarily omitted proposals submitted by various parties. We rejected the suggestion that the cable systems keep logs reflecting exclusivity protection and file exclusivity reports as overly burdensome for cable operators and administratively troublesome for the Commission. Also we were not persuaded that formation of a Joint Committee consisting of members of both industries, to review present notification procedures, as suggested by the Association of Maximum Service Telecasters is necessary. We reiterate that the changes promulgated today, coupled with good faith cooperation among all parties, provide the means of accomplishing our basic objective of regulation in the public interest.

GRANDFATHERING

89. In recommending adoption of fixed zones of exclusivity to replace the current system of signal contour priorities, cable interests note that in some instances systems will be required to provide non-duplication protection where they did not have to provide it before. They argue that the Commission in initiating its rule making proceeding in *Docket 19995*, did not intend to compound the effect of the non-duplication rules should the data submitted in the comments warrant such a relaxation. NCTA urges that in reducing the zone of exclusivity protection to the area within 35 miles of a television station, the Commission should "grandfather" existing cable television systems. That is, a cable system still subject to non-duplication requirements under NCTA's proposed rule changes would not be required to provide any more protection to a television station than it currently provides.

[28] The comments and reply comments submitted in RM-2376 have been considered and incorporated in this proceeding, and accordingly RM-2376 will be dismissed as moot.

[29] In this connection, we note that there exists some confusion regarding the appropriate time periods for filing responsive pleadings to petitions for orders to show cause involving cable television systems. These time periods are specified in § 1.45 of the Commission's rules and the Chief, Cable Television Bureau, has delegated authority under § 0.288(a) to act on requests for extensions of time.

[30] See § 0.288(q) of the Commission's rules.







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NCTA avers that such a grandfathering provision would not have any adverse impact on television market stations, since the stations are not now entitled to receive such protection and the *status quo* would merely be preserved.

90. We do not believe that the revisions to our exclusivity rules require that we adopt any grandfathering policies regarding cable television systems or television stations which will, in one way or another, be affected by these changes. A system's obligation to provide exclusivity will now be determined by reference to an order of priorities no longer based on predicted signal contours. Those considerations which impelled the extension of grandfather rights to certain cable television systems when the *Cable Television Report and Order* revised the signal carriage rules do not apply with tse same persuasiveness in this proceeding. Without the grandfathering provisions of § 76.65 of the rules, many systems would not have been able to continue the carriage of various signals following the revision of the signal carriage rules. Consequently, their subscribers would have been deprived of cable television service to which they had become accustomed. Since only duplicating network programming is affected by the exclusivity rules, and whatever loss of service implied therein will be substantially ameliorated by the revised rule which now provides for dual or even multi-channel carriage during periods of non-duplication protection, there will not be a consequent withdrawal of service when these rules become effective.

PENDING MATTERS AND FUTURE PETITIONS

91. Although we have adopted new exclusivity rules and procedures, there remain on file pleadings, petitions and other matters which were submitted pursuant to our former rules and which await disposition. Therefore, at this point our intentions regarding their disposition should be outlined in detail.

a. Petitions seeking waiver or enforcement of our former single channel carriage rules (§ 76.55(a)(3)) will be dismissed as moot.

b. Petitions seeking an order to show cause for alleged violation of our former single channel carriage rule (§ 76.55(a)(3)) will be dismissed as moot.

c. Petitions seeking waiver of the network program exclusivity rules:

1) We are instructing the Commission's staff to dismiss all petitions for waiver of our former network exclusivity rules that are clearly moot; e.g., petitions concerning cable television systems serving fewer than 1,000 subscribers from a single headend, and petitions concerning cable television systems where, pursuant to our new zones of protection, no exclusivity protection will be required.

2) All other petitions seeking waiver of the network program exclusivity rules will be dismissed as moot unless, within sixty (60) days of the effective date of the new rules adopted herein, they are supplemented to demonstrate their relevance to our new network program exclusivity regulatory scheme.

d. Petitions seeking an order to show cause for alleged violation of the network program exclusivity rules:

1) We are instructing the Commission's staff to dismiss all petitions seeking an order to show cause for alleged violation of the network program exclusivity rules that are clearly moot, e.g., petitions concerning cable television systems serving fewer than 1,000 subscribers from a single headend, and petitions concerning cable television systems where, pursuant to our new zones of protection, no exclusivity protection will be required.

2) All other petitions seeking an order to show cause for alleged violation of the network program exclusivity rules will be dismissed as moot unless, within sixty (60) days of the effective date of the new rules adopted herein, they are supplemented to demonstrate their relevance to our new network program exclusivity regulatory scheme.

e. Petitions seeking reconsideration or stay of prior Commission actions concerning the network program exclusivity rules:

1) We are instructing the Commission's staff to dismiss all petitions seeking reconsideration or stay of prior Commission actions concerning the network program exclusivity rules that are clearly moot, e.g., petitions concerning cable television systems serving fewer than 1,000 subscribers from a single headend, and petitions concerning cable television systems where, pursuant to our new zones of protection, no network program exclusivity protection will be required.

2) All other petitions seeking reconsideration or stay of prior Commission actions concerning the network program exclusivity rules will be dismissed as moot unless, within sixty (60) days of the effective date of the new rules adopted herein, they are supplemented to demonstrate their relevance to our new network program exclusivity regulatory scheme.

f. Hearing cases: Cases concerning network program exclusivity in which hearings were ordered prior to the effective date of the new rules adopted herein, will be disposed of by Administrative Law Judges and other decisionmaking Commission personnel consistent with our action herein.

g. Petitions seeking interpretative rulings or imposition of additional or different requirements: All petitions seeking interpretative rulings or imposition of additional or different requirements concerning the network program exclusivity rules filed pursuant to § 76.7 will be dismissed as moot unless, within sixty (60) days of the effective date of the new rules adopted herein, they are supplemented to demonstrate their relevance to our new network program exclusivity regulatory scheme.

h. Petitions for waiver, or petitions seeking an order to show cause concerning same day exclusivity in the Mountain Standard Time Zone (§ 76.94(b)) will remain on file pending our final disposition of that matter.

In view of the foregoing, we find that the public interest would be served by adoption of the rules set forth below, effective May 23, 1975. Authority for such rules is contained in sections 2, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended. We further conclude that a final determination on the other aspects of the proposed rule making discussed herein should be the subject of further proceedings.

*Accordingly, it is ordered*, That effective May 23, 1975, Parts 0 and 76 are amended as set forth below, and the Commission retains full jurisdiction over all other aspects of this proceeding.

*It is further ordered*, That the "Petition for Rule Making" (RM-2376) filed by the Rocky Mountain Broadcasters Association is dismissed as moot.

*It is further ordered*, That the "Petition for Reconsideration" filed by the Association of Maximum Service Telecasters in Docket 18785 is dismissed as moot, and the proceeding in Docket 18785 is terminated.

Adopted: April 3, 1975.

Released: April 14, 1975.

(Secs. 2, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 154, 301, 303, 307, 308, 309)

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS,
*Secretary.*

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

A. Part 0, Commission Organization, is amended as follows:

§ 0.288 [Amended]

1. Paragraph (q) of § 0.288 is amended by deleting "the network program exclusivity provisions of §§ 76.91 and 76.93" following the word "concerning" and substituting the following: "the network program nonduplication protection provisions of §§ 76.92 and 76.94."

B. Part 76, Cable Television Service, is amended as follows:

2. The title of Subpart F is revoked and changed to read as follows:

**Subpart F—Nonduplication Protection and Syndicated Exclusivity**

§ 76.27 [Amended]

3. In § 76.27, the last sentence is amended by deleting "program exclusivity (§ 76.91)" following the word "and," and substituting "network program nonduplication protection (§ 76.92)."

4. In § 76.55, paragraph (a)(3) is amended by adding a proviso reading as follows:

**§ 76.55 Manner of carriage.**

(a) • • •

(3) • • • *Provided, however,* That this provision shall not apply to a signal protected pursuant to §§ 76.92 and 76.94, during periods when network program nonduplication protection is provided.

• • • • •

§ 76.91 [Reserved]

5. Section 76.91 is hereby revoked and reserved.

6. A new § 76.92 is added reading as follows:

**§ 76.92 Stations entitled to network program nonduplication protection.**

(a) Any cable television system which operates in a community located in whole or in part within the 35-mile specified zone of any commercial television broadcast station or within the secondary zone which extends 20 miles beyond the specified zone of a smaller market television broadcast station (55 miles altogether), and which carries the signal of such station shall, except as provided in paragraphs (e) and (f) of this section, delete, upon request of the station licensee or permittee, the duplicating network programming of lower priority signals in the manner and to the extent specified in §§ 76.94 and 76.95.

(b) For purposes of this section, the order of nonduplication priority of television signals carried by a cable television system is as follows:

(1) First, all television broadcast stations within whose specified zone the community of the system is located, in whole or in part;

(2) Second, all smaller market television broadcast stations within whose secondary zone the community of the system is located, in whole or in part.

(c) For purposes of this section, all noncommercial educational television broadcast stations licensed to a community located in whole or in part within a major television market as specified in § 76.51 shall be treated in the same manner as a major market commercial television broadcast station, and all noncommercial educational television broadcast stations not licensed to a community located in whole or in part within a major television market shall be treated in the same manner as a smaller market television broadcast station.

(d) Any cable television system operating in a community to which a 100-watt or higher power translator station is licensed, which translator is located within the predicted Grade B signal contour of the television broadcast station that the translator station retransmits, shall, upon request of such translator station licensee or permittee, delete the duplicating network programming of any television broadcast station whose reference point (See § 76.53) is more than 55 miles from the community of the system.

(e) Any cable television system which operates in a community located in whole or in part within the specified zone of any television broadcast station or within the secondary zone of a smaller market television broadcast station is not required to delete the duplicating network programming of any 100-watt or higher power television translator station which is licensed to the community of the system.

(f) Any cable television system which operates in a community located in whole or in part within the secondary zone of a smaller market television broadcast station is not required to delete the duplicating network programming of any major market television broadcast station whose reference point (See § 76.53) is also within 55 miles of the community of the system.

§ 76.93 [Reserved]

7. Section 76.93 is hereby revoked and reserved.

8. A new § 76.94 is added reading as follows:

**§ 76.94 Notification requirements and extent of protection.**

(a) Where the network programming of a television station is entitled to nonduplication protection, a cable television system shall, upon request of the station licensee or permittee, refrain from simultaneously duplicating any network program broadcast by such station only if the cable television system has received the information required in paragraph (a)(1) and (2) of this section:

(1) Notification of the programming to be protected and of the programming to be deleted must be received on a monthly basis, no later than eight (8) days preceding the calendar month during which exclusivity is requested; and

(2) Changes in the monthly notification request required by paragraph (a)(1) of this section must be submitted eight (8) days preceding the programming to be protected.

(b) Notwithstanding the provisions of paragraph (a) of this section, upon request of a television station licensed to a community in the Mountain Standard Time Zone that is not one of the designated communities in the first 50 major television markets, a cable television system shall refrain from duplicating any network program broadcast by such station on the same day as its broadcast by the station. Where a cable system is required to provide same-day network program nonduplication protection, the following provisions shall be applicable:

(1) A cable television system need not delete reception of a network program if, in so doing, it would leave available for reception by subscribers, at any time, less than the programs of two networks (including those broadcast by any stations whose signals are being carried and whose programming is being protected pursuant to the requirements of this section);

(2) A system need not delete reception of a network program which is scheduled by the network between the hours of 6 and 11 p.m., eastern time, but is broadcast by the station requesting deletion, in whole or in part, outside of the period which would normally be considered prime time for network programming in the time zone involved.

9. Section 76.95 is revised to read as follows:

**§ 76.95 Exceptions.**

(a) Notwithstanding the requirements of §§ 76.92 and 76.94, a cable television system need not delete reception of any program which would be carried on the system in color but will be broadcast in black and white by the station requesting deletion.

(b) The provisions of §§ 76.92 and 76.94 shall not apply to a cable television system serving fewer than 1,000 subscribers or to a conglomerate of commonly owned and technically integrated systems serving fewer than 1,000 subscribers. Within 60 days following the provision of service to 1000 subscribers, each such cable system and conglomerate shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast and translator stations carried by the cable system.

(c) Network nonduplication protection need not be extended to a higher priority station for one hour following the scheduled time of completion of the broadcast of a live sports even by that station or by a lower priority station against which a cable system would otherwise be required to provide nonduplication protection following the scheduled time of completion.

(d) The Commission will give full effect to private agreements between operators of cable television systems and local television stations which provide for a type or degree of network program nonduplication protection which differs from the requirements of §§ 76.92 and 76.94.

NOTE.—Technical integration, for the purpose of paragraph (b) of this section, is limited to that accomplished by a local cable or microwave (e.g., a CARS LDS facility) interconnection. Satellite or microwave networking to geographically separated systems of a multiple system owner does not constitute technical integration for the purposes of this section.

10. Section 76.97 is revised to read as follows:

**§ 76.97 Waiver petitions.**

(a) Subject to the provisions of paragraph (b) of this section, where a petition for waiver of the provisions of §§ 76.92 and 76.94 is filed within fifteen (15) days after a request for network program nonduplication protection is received from a television broadcast or translator station licensee or permittee by the operator of a cable television system, such system need not provide nonduplication protection pending the Commission's ruling on the petition or on the question of temporary relief pending further proceedings.

(b) The fifteen (15) day period specified in paragraph (a) shall not commence until the television broadcast station requesting exclusivity has initiated service pursuant to program test authority as provided in § 73.629 of this chapter, and until the cable television system serves 1,000 or more subscribers or a conglomerate of commonly owned and technically integrated systems serves 1,000 or more subscribers.

NOTE.—Technical integration, for the purpose of paragraph (b) of this section, is limited to that accomplished by a local cable or microwave (e.g., a CARS LDS facility) interconnection. Satellite or microwave networking to geographically separated systems of a multiple system owner does not constitute technical integration for the purposes of this section.

* Commissioner Lee absent.







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§ 76.99 [Amended]

11. Section 76.99 is amended as follows: Delete "§§ 76.91, 76.92," after the words "provisions of," and substitute "§§ 76.92, 76.94," and delete "network program exclusivity pursuant to § 76.93 (b)" after the word "same-day" and substitute "network program nonduplication protection pursuant to § 76.94(b)."

APPENDIX A

BROADCAST COMMENTS

Abilene Radio and Television Company
Amaturo Group, Inc.
American Broadcasting Companies, Inc.
American Public Life Broadcasting Company
Apple Valley Broadcasting, Inc.
Arkansas Television Company
Association of Maximum Service Telecasters (MST)
AVCO Broadcasting Corporation
Bass Broadcasting Company
Bass Brothers Televasters, Inc.
Bi-States Company
Black Hawk Broadcasting Company
Boston Broadcasters, Inc.
Brazos Broadcasting Company
Broadcasting Services, Inc., et al.
Brockway Company
Buford Television, Inc.
Calcasieu Television and Radio, Inc.
California Oregon Broadcasting, Inc.
Capitol of Colorado Corporation
CBS, Inc.
CBS Television Affiliates Association
Central Alaska Broadcasting, Inc.
Central Coast Broadcasting, Inc.
Channel Nine of Orlando
Channel Two Television Company
Circle L, Inc., et al.
Clay Broadcasting Corporation
Columbia Empire Broadcasting Corporation
Columbus Broadcasting Company
Cornhuaker Television Corporation
Cowles Florida Broadcasting, Inc.
Daily Telegraph Printing Company
Desert Empire Television Corporation
Duhamel Broadcasting Enterprises
Fisher's Blend Station, Inc.
Flower City Television Corporation
Forward Communications, et al.
Four States Television, Inc.
Garryowen Corporation
Henry Geller
Gill Industries, Inc.
Grayson Enterprises, Inc.
Great Lake Communications, Inc.
Great Lakes Television Company
Gross Telecasting, Inc.
Harriscope Broadcasting Corporation
Hearst Corporation
Holston Valley Broadcasting Corporation
Horizons Communications Corporation
Hubbard Broadcasting Company
International Television Corporation
Jersey Cape Broadcasting Corporation
Jet Broadcasting Company, Inc.
Joint Comments of the Licensees of 28 Television Broadcast Stations
Joint Comments of 29 Television Broadcast Station Licensees
Joint Reply Comments of 19 Television Licensees
Kansas State Network, Inc.
KBY Television, Inc.
KID Broadcasting Corporation
King Broadcasting Company
KIRO, Inc.
KMSO-TV, Inc., et al
KOOL Radio Television, Inc.
KSLA-TV, Inc.
KTVB, Inc.
KWTX Broadcasting Company
Leake TV, Inc.
McGraw-Hill Broadcasting Company
McKinnon Enterprises
Meredith Corporation
Metromedia, Inc.
Meyer Broadcasting Company
Mid-American Television Company
Mid-Continental Telecasting, Inc.
Mobile Video Tapes, Inc.
Monterey Salinas Television
Mt. Mansfield Television, Inc.
Multimedia, Inc.
National Association of Broadcasters (NAB)
NBC Television Affiliate Association
Nebraska Broadcasters Association
NEP Communications, et al
New Mexico Broadcasting Company
Noe Enterprises, Inc.
North American Communications Corporation
Northern West Virginia TV Broadcasting Company
NWG Broadcasting Company
Ohio Educational Television Network Commission
Paducah Newspapers, Inc.
Pikes Peak Broadcasting Company
Poole Broadcasting Company, et al
Radio Medford, Inc.
Rocky Mountain Broadcasters Association
Rollins Telecasting, Inc.
Rust Craft Broadcasting Company
Taft Broadcasting Company
Taylor Broadcasting Company
Television Muscle Shoals, Inc.
Texoma Broadcasters, Inc.
T/R, Inc.
Tri-State Broadcasting Company
Scripps-Howard Broadcasting Company
Southern Minnesota Broadcasting Company
Southern Television Corporation
Southwestern Louisiana Communications, Inc.
Southwest Kansas Television Company, Inc.
Springfield Television, Inc.
Springfield Television Broadcasting Corporation
Stainless, Inc.
Storer Broadcasting Company, et al.
Sun Papers Television
Virginia Broadcasting Corporation
Washoe Empire
WDAY, Inc., et al.
WDHO-TV, Inc.
WENY, Inc.
WENY, Inc., et al.
Westinghouse Broadcasting Company, Inc.
WGAL Television, Inc.
WHO Broadcasting Company
WIIC-TV, Inc.
Withers Broadcasting Company of West Virginia
WLAC-TV, Inc.
WLEX-TV, Inc.
WOC Broadcasting Company
WTHI Stations
WTVY, Inc.
WYNEDCO Communications, Inc.
XYZ Television, Inc.

CABLE COMMENTS

Allegany Video
Arizona Cable Television Association
Arizona Cable TV, Inc.
Clay Blanco, Valley Cablecasting Company
Sam L. Bradford
Buckeye Cablevision, Inc., et al.
Cablecom-General, Inc.
C-A Cablevision
B. G. Cadle
California Community Television Association
Cartersville Cable TV, Inc.
CATV of Penna., Inc.
79 CATV Companies (joint comments)
Carthage Cablevision, Inc.
Cass Cable TV, Inc.
Chillicothe Cable TV
Coldwater Cablevision, Inc.
Columbus TV Cable Corporation
Communications Properties, Inc., et al.
Community Antenna Company, Inc.
Community TV-System, Inc.
Croeby Cable, Inc.
Lee Droeger
Eastern Connecticut Cable Television, Inc.
Flint Cable TV, Inc.
Gainsville Cablevision
Gerity Broadcasting Company
Griffin Coaxial Company
Gulf Coast Teleception, Inc.
Hardin Cable TV, Inc.
Heritage Communications, Inc.
Hurley Cable TV
Kalispell Cable-TV
Kingdom Television, Inc.
Lake Charlevoix Cable TV, et al
Manistee TV Cable, Inc.
James W. Meador
Meadville Master Antenna, Inc.
Metro Cable Company
Mississippi Cable TV Association
Mohave Cable Company
National Cable Television Association (NCTA)
Pennsylvania Cable Television Association
Quaker CATV, Inc.
Sammons Communications, Inc.
See TV Company
David W. Spangler
Staunton Video Corporation
Systems TV, Inc.
Tele-Communications, Inc.
TelePrompTer Corporation
Thomas Cablevision
Total Cable TV, Inc.
Tower Communications, Inc.
Town of Culpeper, Virginia and Suburban Cablevision, Inc.
Two M Cablevision, Inc.
University City Television Cable Company, Inc.
Upper Valley Telecable Company, Inc.
Viacom International, Inc.
Board of Trustees for the Vincennes University
Warner Cable of Claremont
Warner Cable of Danville
Water, Light & Gas Commission of Monroe, Georgia
Welch Antenna Company
Western Communications, Inc.





NAME OF REQUESTING STATION:
(Include name of licensee, community of license, call letters, channel assignment, and affiliation)

SAMPLE NETWORK EXCLUSIVITY REQUEST FORM
(month and year)
PERIOD OF PROTECTION

MAILING DATE:

ATTACHMENT B

| DAY | DATE | TIME PROGRAM BEGINS | TIME PROGRAM ENDS | PROTECTED PROGRAM TITLE (e.g., name of sporting event and teams; or name of movie) | NETWORK | PROGRAMMING TO BE DELETED (Indicate by a "yes" or a "no") (In these spaces indicate the call letters, channel designations, and affiliations of the stations whose programming is to be deleted.) | | |
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ATTACHMENT C

NAME OF REQUESTING STATION:
Dime Box Broadcasting, Inc.
Dime Box, Texas
KABW, Channel 38
Affiliation: ABC network

SAMPLE NETWORK EXCLUSIVITY REQUEST FORM
March 1975
PERIOD OF PROTECTION

MAILING DATE:
February 19, 1975

ATTACHMENT D

Example

| DAY | DATE | TIME PROGRAM BEGINS | TIME PROGRAM ENDS | PROTECTED PROGRAM TITLE (e.g., name of sporting event and teams; or name of movie) | NETWORK | PROGRAMMING TO BE DELETED (Indicate by a "yes" or a "no") KABO-TV Channel 27 (ABC) | KABK Channel 8 (ABC) | KABB-TV Channel 63 (ABC/NBC) |
|---|---|---|---|---|---|---|---|---|
| Friday | 21 | 8:00 p.m. | 9:00 p.m. | Kolchak: The Night Stalker | ABC | Yes | Yes | No |
| | | 9:00 p.m. | 9:30 p.m. | Hot L Baltimore | ABC | No | Yes | Yes |
| | | 9:30 p.m. | 10:00 p.m. | Odd Couple | ABC | Yes | Yes | Yes |
| | | 10:00 p.m. | 11:00 p.m. | ABC Closeup: IRS-A Question of Power | ABC | Yes | Yes | No |
| | | 11:30 p.m. | 1:00 a.m. | Wide World Mystery "Rock-a-Die, Baby" | ABC | No | Yes | No |
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Example

ATTACHMENT D

APPENDIX C

ILLUSTRATION OF SPECIFIED ZONES

The purpose of this Appendix is to illustrate the general application of the new non-duplication rules. An exhaustive discussion of the new rules is not intended. The main text of this proceeding should be referred to for specific details of the new non-duplication rules illustrated and for such situations not here discussed.

Figure 1 represents a hypothetical television broadcast market situation. It has been designed to illustrate various non-duplication circumstances and should not be considered as generally representative of an actual market situation.

Four television markets are illustrated, identified by the large letters A, B, C, and D. Markets A and D represent two smaller markets (*i.e.*, below 100), and markets C and *B* are underscored and represent major markets (*i.e.*, top 100). Stations located in all four markets receive a 35 mile (radius) specified zone of protection (see paragraph 57). This zone will be referred to as the Primary Zone of the respective market. In addition, smaller markets (A and D) receive an added 20 mile (radius) area beyond the Primary Zone of protection. This added zone will be referred to as the Secondary Zone of the respective market.

The application of the non-duplication rules to various hypothetical cable system locations can be determined by noting relative priorities of the various Primary and Secondary Zones encompassing the particular systems, as discussed below.



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*Cable System 1.* Is located within the Primary Zone of market D and, since there are no other equal or higher priority zones that encompass the cable system, it must provide non-duplication protection to all network affiliated stations in market D against all other similarly affiliated signals carried by the cable system.

*Cable System 2.* Is located within the Secondary Zone of market D and, since there are no other equal or higher priority zones that encompass the cable system, it must provide non-duplication protection to all network affiliates in market D from all other similarly affiliated signals carried by the cable system.

*Cable System 3.* Is located within the overlapping Secondary Zones of both markets A and D. Since the cable system is within overlapping zones of equal priority, it is not required to protect affiliated stations in market A or D against each other. Affiliates in both markets A and D, however, may take advantage of their individual secondary zones by requesting non-duplication protection from cable system 3 with respect to similar affiliates from any other market (*e.g., C* and *B*).

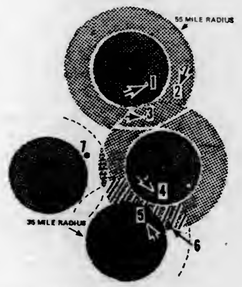
*Cable System 4.* Is located within the Primary Zone of market A and, since there are no equal or higher priority zones that encompass the system, it must provide non-duplication protection to all network affiliated stations in television market A against all other similarly affiliated signals from Primary Zone of market *B* and the Secondary other markets carried by the cable system.

*Cable System 5.* Is located within the Zone of market A. Since the Primary Zone is of higher priority, the cable system must provide non-duplication protection to all network affiliated stations in market *B* against all other similarly affiliated signals from other markets.

*Cable System 6.* Is located within the Secondary Zone of market A and outside the Primary Zone of market *B*. If the usual system of priorities would govern, the cable system would be required to provide non-duplication protection to affiliated stations in market A against similarly affiliated signals from all other markets, including market *B*. However, since this might result in the blacking out of a closer signal (from market *B*) to protect a more distant signal (from market A), § 76.92(f) applies and a 55-mile area of protection must be drawn around the Primary Zone of major market *B* wherever it may overlap a smaller market Secondary Zone. Cable systems located within this major-minor market overlap area (illustrated here by the striped portion) need not provide non-duplication protection to affiliated stations in either market A or *B* against each other. Nor would such a cable system have to provide nonduplication protection to affiliated stations in major market *B* against similar affiliates in any other market. The cable system must, however, recognize the Secondary Zone of protection of affiliated stations in smaller market A with respect to similar affiliates in all markets *other than* market *B*.

*Cable System 7.* Is located outside all Primary and Secondary Zones and, therefore, is not required to provide non-duplication protection to affiliated stations in any market. § 76.92(f), discussed above, is inapplicable because, although it is within 55 miles of major market *C*, there is no overlap from the Secondary Zone of smaller market A.

APPENDIX C
FIGURE 1




[FR Doc.75-10143 Filed 4-18-75;8:45 am]



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April 22, 1975—Pages 17743–17827

# federal register

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Volume 40 ■ Number 78

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

### Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

### Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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rules and regulations

# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 7—Agriculture

### CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

### PART 1207—POTATO RESEARCH AND PROMOTION PLAN

#### Increase in Expenses

Notice was published in the March 31, 1975, issue of the FEDERAL REGISTER (40 FR 14326) regarding a proposed increase in expenses of $156,500 recommended by the National Potato Promotion Board for its fiscal period ending June 30, 1975. The Potato Board was established pursuant to the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

The notice afforded interested persons an opportunity to file written comments not later than April 14, 1975. None was filed.

Due to heavy demand from consumers, the current stock of potato cookbooks was nearly depleted by the end of March. The Administrative Committee voted to budget an additional $80,000 to print 500,000 more. Also, the Executive Committee at its March 7-8 meeting in Denver and the Administrative Committee in a telephone vote completed March 18 recommended that an additional $76,500 be provided for the radio advertising portion of the potato value campaign to continue for two more weeks.

This increase will result in Potato Board expenses of $2,332,437 for the fiscal period ending June 30, 1975.

After consideration of all relevant matter, including the proposal set forth in the notice, it is hereby found that the increase in expenses will tend to effectuate the declared policy of the act.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) funds need to be expended for these two projects shortly; (2) the increases were recommended by the National Potato Promotion Board and (3) information regarding this increase in expenses was published in the FEDERAL REGISTER on March 31, 1975.

The amendment is as follows:

Revise § 1207.403(a) (39 FR 22941; 40 FR 11860) as follows:

**§ 1207.403 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1975, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,332,437.

* * * * *

(Title III of Pub. L. 91-670; 84 Stat. 2041; 7 U.S.C. 2611-2627)

Dated: April 16, 1975.

JOHN C. BLUM,
*Associate Administrator.*

[FR Doc.75-10433 Filed 4-21-75;8:45 am]

## Title 8—Aliens and Nationality

### CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

### MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) as amended by Pub. L. 93-502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.15(b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in parts 100, 103, 238, and 316 of Chapter 1 of Title 8 of the Code of Federal Regulations.

In § 100.4(c)(2) of Part 100 Ports of entry in District No. 8—Detroit, Michigan is being updated to eliminate the St. Clair, Michigan Immigration Inspection Station as it no longer exists, as the result of an Urban Renewal Program, the site has been converted into a waterfront park.

In Part 103, § 103.10(b)(2) is amended by adding a new second sentence as follows: "They shall also have authority, in the exercise of discretion, to waive the exemption of a record from disclosure under 5 U.S.C. 552(b)(3) in that it is within the purview of section 264(b) of the Act, 8 U.S.C. 1304(b)." The purpose of this amendment is to redelegate to the same officials who are empowered to deny Freedom of Information Act requests, so that they will be free to exercise discretion and direct disclosure when they deem it appropriate under section 264(b) of the Act, 8 U.S.C. 1304(b), which provides:

> All registration and fingerprint records made under the provisions of this title shall be confidential, and shall be made available only to such persons or agencies as may be designated by the Attorney General.

When a Freedom of Information request is denied under 5 U.S.C. 552(b)(6) because disclosure would constitute a clearly unwarranted invasion of personal privacy, it is Service policy also to invoke, wherever appropriate, section 552(b)(3) where the material is specifically exempted from disclosure by statute.

In Part 238, § 238.4 is amended by deleting from the listing of transportation lines, for preinspection outside the United States, "at Bermuda" the following transportation line: "Atlanta Skylarks Air Travel Club", which was listed in error in that this was a single flight approval and not subject to listing in 8 CFR 238.4.

In Part 316, § 316a.2 is amended by adding in alphabetical sequence the following institution of research: "Tulane University Graduate School". After an appropriate investigation, interview and review of documentation it has been determined that the Tulane University Graduate School is recognized as an American institution of research within the purview of § 316a.2.

In light of the foregoing, the following amendments to Chapter 1 of Title 8 of the Code of Federal Regulations are hereby prescribed:

### PART 100—STATEMENT OF ORGANIZATION

**§ 100.4 [Amended]**

Section 100.4(c)(2) is amended by deleting the Inspection Station at St. Clair, Michigan, from District No. 8, Class A, as it no longer exists.

### PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

§ 103.10(b)(2) is being amended to redelegate to the same officials who are empowered to deny Freedom of Information Act requests, the exercise of discretion and direct disclosure when they deem it appropriate under section 264(b) of the Act—[8 U.S.C. 1304(b)]. As amended, § 103.10(b) reads in pertinent part as follows:

**§ 103.10 Requests for records.**

* * * * *

(b) *Authority to grant and deny requests.*

* * * * *

(2) *Denials.* The Associate Commissioner, Management, regional commissioners, and district directors have authority to deny a request. They shall also have authority, in the exercise of discretion, to waive the exemption of a record from disclosure under 5 U.S.C. 552(b)(3) in that it is within the purview of section 264(b) of the Act, 8 U.S.C. 1304(b).

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## PART 238—CONTRACTS WITH TRANSPORTATION LINES

**§ 238.4 [Amended]**

§ 238.4 is being amended to delete therefrom the following transportation line: "Atlanta Skylarks Air Travel Club".

## PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

**§ 316a.2 [Amended]**

§ 316a.2 is being amended by adding in alphabetical sequence the following institution of research: "Tulane University Graduate School".

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment to § 104.4(c)(2) relates to a station no longer in existence; the amendment to § 103.10(b)(2) relates to agency management and organization; the amendment to § 238.4 deletes from the list of preinspection transportation lines one which had been listed in error; and the amendment to § 316a.2 adds another school as an American institution of research, recognized for naturalization purposes.

*Effective date.* The amendments made in this order shall become effective on April 22, 1975.

Dated: April 15, 1975.

L. F. CHAPMAN, JR.,
*Commissioner of Immigration and Naturalization.*

[FR Doc.75-10476 Filed 4-21-75;8:45 am]

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**Title 12—Banks and Banking**

## CHAPTER VI—FARM CREDIT ADMINISTRATION

### Miscellaneous Amendments to Chapter

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations and authorized their issuance effective April 9, 1975. These amendments would (1) clarify computation of compensation of district board members, (2) require minutes to be kept of meetings of the Governing Body of Farmbank Services, (3) clarify the applicability to Farmbank Services of regulations issued for Farm Credit institutions, (4) revise rural home lending program requirements and limitations, (5) clarify limitations on maximum loans, (6) clarify what may be security for Federal land bank loans, (7) clarify what may be security for production credit association loans, (8) restate criteria to be included in loan servicing policies, (9) restate requirements for insurance on shipments of valuables, (10) delete regulation dealing with reports of insured shipments of valuables, (11) authorize retirees of Farm Credit institutions to purchase Farm Credit Investment Bonds, and (12) restate coordination policies for rural home lending.

By a notice published in the FEDERAL REGISTER on February 18, 1975, interested persons were afforded the opportunity to file written comments or suggestions on the proposed amendments except (1) and (11) not later than March 17, 1975. Proposed amendments (1) and (11) were not included because they are not applicable to the public at large. All comments were considered prior to the final action on the proposed amendments by the Federal Farm Credit Board. Copies of all communications received are available for examination by interested persons in the Office of Director, Information Division, Office of Administration, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 611.1020, adding § 611.1055 and § 611.1150, revising § 613.3040, paragraphs (a) and (b) of § 614.4180, paragraph (a) of § 614.4230, § 614.4250, deleting Subpart L heading, §§ 614.4370, 614.4380, 614.4390, 614.4400, 614.4410, 614.4420, and 614.4430, revising paragraph (d) of § 614.4510, paragraph (a) of § 615.5120, and § 615.5500, deleting § 615.5510, and revising § 616.6030. These amendments are as follows:

### PART 611—ORGANIZATION

1. Section 611.1020 is revised as follows:

**§ 611.1020 Compensation of district board members.**

Directors may be compensated for attendance at board meetings and special assignments, including reasonable travel time from and to their residences. Such compensation shall not exceed $90 per day plus reasonable travel, subsistence, and other related expenses incurred in connection with such meetings and assignments. Compensation at the regular per diem rate for normal travel time to and from board meetings and special assignments, when the distance and meeting or special assignment schedule involved require travel on any portion of the day prior to or following the meeting or special assignment date, may be allowed on a full-day basis, or on a part of a full-day basis in increments of half-days, as authorized in a policy established by the board. Travel time in excess of one full day may be permitted under unusual conditions if provided for in the policy of the board.

2. Section 611.1055 is added to read as follows:

**§ 611.1055 Minutes of Governing Body of Farmbank Services.**

The Governing Body of Farmbank Services shall keep full and accurate minutes of its meetings. Two copies of the minutes of the Governing Body shall be sent to the Farm Credit Administration within 2 weeks after the meetings.

3. Section 611.1150 is added to read as follows:

**§ 611.1150 Farmbank Services.**

All applicable regulations published and issued for the banks and associations of the Farm Credit System shall be observed by Farmbank Services.

### PART 613—ELIGIBILITY AND SCOPE OF FINANCING

4. Section 613.3040 is revised as follows:

**§ 613.3040 Rural residents.**

(a) *Definitions.* A rural resident is a person residing in a rural area who meets the eligibility requirements enumerated below.

(b) *Eligibility.* Eligibility requirements for the rural home lending program are as follows:

(1) The applicant shall become an owner-occupant of the rural residence being financed. He shall not have loans under this program on more than one rural residence at any one time and no loan shall be made to purchase or construct a rural residence for the express purpose of rental or resale.

(2) For the purposes of nonfarm home lending only, a rural area is open country which may include rural subdivisions or any city or village with a population not exceeding 2,500 persons. A rural area does not include cities, subdivisions or villages associated with a larger population center. The intent is to avoid lending in concentrated, high density, residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center. Rural areas may include open areas which are undeveloped for housing and still devoted to agricultural use within other political boundaries, including "towns" exceeding 2,500 persons, designated by the district board and approved by the Farm Credit Administration.

(3) Within rural areas, eligible properties include individual sites as well as sites in rural subdivisions whose design shall encourage orderly development. The bank shall establish appropriate policies subject to approval of the district board for eligible subdivisions.

(4) A rural residence is a single-family, moderate-priced dwelling used as a permanent, year-round home, with appropriate appurtenances and an appropriate site. Rural residences may include conventional housing, modular housing, or mobile homes which are related to a specific real estate site. A moderate-priced dwelling is adequate but not in excess of the living standards of persons in the middle range of income, and not inconsistent with the general quality and standards of housing existing in, or planned for, that area of the Farm Credit district. Due to the wide variations in housing costs, income levels, and area standards for housing, the value level which constitutes moderate-priced housing will vary between localities.

(c) *Scope of financing.* Loans may be made to owner-occupants of rural residences for the purposes of buying, building, remodeling, improving, repairing and refinancing existing indebtedness on such residences. The total amount of credit that may be extended by Farm Credit





institutions for eligible purposes shall not exceed 85 percent of the appraised value of the rural residence security.

(d) *Program limitations.* The rural home lending program shall be operated within the following limitations:

(1) Rural home lending in a district may be implemented only with the approval of the district board. Implementation at the association level is within the discretion of the association board. Upon implementation, such loan service shall be made available to all eligible persons.

(2) No Federal land bank may at any time have outstanding rural residence loans in an amount exceeding 15 percent of the total of all loans outstanding. No production credit association may have outstanding rural residence loans in an amount exceeding 15 percent of its total loans outstanding at the end of the preceding fiscal year, without prior approval by the Federal intermediate credit bank of the district, nor shall the aggregate of such loans exceed 15 percent of the outstanding loans of all associations in the district at the end of the bank's preceding fiscal year.

(3) Whenever any Federal land bank association or production credit association exceeds 15 percent of its total loan volume in rural residence loans, the respective bank board shall require the bank to make periodic reviews to assure that farmers' credit needs are being adequately served in accordance with the objectives of the Act.

(4) Should circumstances arise which curtail loan funds for the System, agricultural loans shall receive priority to the exclusion of rural home loans.

(e) *Identification.* All loans made under the rural home lending program shall be separately identified.

(1) In making such identification, a rural residence is a property which does not have the capacity to produce farm products for sale on a sustained basis, or if it has that capacity is not intended to be used in that manner.

(2) Housing loans for homes used in farming operations or immediate family needs to farmers and ranchers may be identified as farm loans if the borrower's agricultural operation represents more than 50 percent of his total business. Such loans are not subject to the area and price limitation of § 613.3040(b) or the 15 percent limitation of § 613.3040(d).

### PART 614—LOAN POLICIES AND OPERATIONS

5. Section 614.4180 (a) and (b) are revised to read as follows:

**§ 614.4180 Federal land banks.**

(a) Loans may be made for not less than 5 years nor more than 40 years. The basis of approval shall set out the terms and conditions under which a loan is approved. When necessary to assure proper understanding, provide needed controls, and protect the lender, a formal written loan agreement shall be developed between the borrower and the bank.

(b) The outstanding loan balance on any loan shall not at any time during the life of the loan exceed 85 percent of the appraised value established by the most recent appraisal report on the primary real estate security. This shall not, however, prohibit protecting the security position by advancing taxes, advancing insurance premiums, rescheduling loan payments, granting partial releases, or other loan servicing actions when the loan, subsequent to the action, will be at least as well secured as it was prior to the action.

. . . . . .

6. Section 614.4230(a) is revised as follows:

**§ 614.4230 Federal land banks.**

(a) Primary security for a Federal land bank loan shall consist of a first lien on interest in real estate. In the case of nonfarm rural home loans, the primary security shall be a first lien on the rural residence being financed. The real estate interest must be mortgageable interest under deeds or leases which reasonably may be considered adequate to afford the security of a first lien upon the rights and interest on which the loan is predicated. Collateral closely aligned with, an integral part of, and normally sold with real estate may be included in the appraised value of the security upon which a loan is based. Appraised value shall be determined within approved standards and shall include in the evaluation either farmlands, eligible farm-related businesses, or eligible rural residences, whichever is appropriate for the type of loan being made.

. . . . . .

7. Section 614.4250 is revised to read as follows:

**§ 614.4250 Production credit associations.**

(a) Both secured and unsecured loans may be made in accordance with procedures prescribed by the bank. Normally, primary security taken will consist of first liens on personal property and crops. While it is not intended that associations will ordinarily make first lien real estate mortgage loans to farmers, real estate or other security may be taken when deemed necessary for the protection of the association in making short- and intermediate-term loans for eligible purposes.

(b) The primary security for nonfarm rural home loans shall be a first lien on the rural residence being constructed, purchased, or refinanced. Loans for repairs and improvements usually will be secured by a real estate lien or such other security as is determined to be necessary to protect the lender. The outstanding loan balance on any nonfarm rural home loan shall not at any time during the life of the loan exceed 85 percent of the appraised value established by the most recent appraisal report on the primary real estate security. This shall not, however, prohibit protecting the security position by advancing taxes, advancing insurance premiums, rescheduling loan payments, granting partial releases, or other loan servicing actions when the loan, subsequent to the action, will be at least as well secured as it was prior to the action.

(c) Before taking a real estate mortgage, the association shall consider whether all or a portion of the credit needs might be met more satisfactorily by a real estate mortgage loan such as may be obtained through a Federal land bank association in accordance with district board policies established under § 616.6020 of this chapter.

(d) Recovery value shall be the basis for measuring the collateral worth of nonreal estate security. The value of interest in real estate which constitutes primary security shall be the appraised value as determined within approved appraisal standards.

**Subpart L—[Reserved]**

**§§ 614.4370, 614.4380, 614.4390, 614.4400, 614.4410, 614.4420, 614.4430 [Reserved]**

8. Subpart L consisting of §§ 614.4370 et seq. is reserved.

9. Section 614.4510(d)(1) is revised as follows:

**§ 614.4510 General.**

. . . . . .

(d) In the development of the bank and association policies and procedures, the following criteria shall be included:

(1) *Term loans.* The objective shall be to provide borrowers with prompt and efficient service with respect to justifiable actions in such areas as personal liability, partial release of security, insurance requirements or adjustments, loan division or transfers, conditional payments, extensions, deferments or reamortizations. Procedures shall provide for adequate inspections, reanalysis, reappraisal, controls on payment of insurance and taxes (and for payment when necessary), and prompt exercise of legal options to preserve the lender's collateral position or guard against loss. The policy shall provide a means of forbearance for cases when the borrower is cooperative, making an honest effort to meet the conditions of the loan contract, and is capable of working out of the debt burden. Loan servicing policies for rural home loans shall recognize the inherent differences between agricultural and rural home lending.

. . . . . .

### PART 615—FUNDING AND FISCAL AFFAIRS

10. Section 615.5120(a) is revised as follows:

**§ 615.5120 Purchase eligibility requirement.**

(a) *Limitations.* Eligibility to purchase Farm Credit Investment Bonds shall be limited to members and employees of the Farm Credit banks and associations, except any bank officers, directors, and employees who are involved in setting the term or rate, to retired employees who are beneficiaries of a pension or retirement program of the Farm



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Credit banks or associations, and to employees and retired employees of the Farm Credit Administration except officials precluded by regulations. A member of a Farm Credit association or a bank for cooperatives need not be an active borrower to be eligible. A member of any Farm Credit institution may purchase investment bonds from any of the institutions in the district which offer the purchase program. Patrons, members, employees, or stockholders of other financing institutions discounting loans with the Federal Intermediate Credit Bank or of any legal entity which is a borrower from any Farm Credit institution as such are ineligible as they are not members of a Farm Credit institution. Stock or participation certificates shall not be sold merely to qualify a party for the purchase of Farm Credit Investment Bonds. For purposes of this section "member" means a stockholder or participation certificate holder who acquired stock or participation certificates to obtain a loan, to purchase stock for investment or to qualify for other services of the association or bank. A person who assumes a loan is not a member unless he becomes a stockholder or participation certificate holder in connection with that loan. Employee means a regular full-time employee of a Farm Credit bank or association or the Farm Credit Administration. Retired employee means a retiree who is a direct beneficiary of a pension or retirement program of a Farm Credit bank or association or the Farm Credit Administration under civil service retirement.

. . . . .

11. Section 615.5500 is revised as follows:

**§ 615.5500 Shipment of valuables.**

Shipments of valuables including fully executed, uncanceled coupon bonds and uncanceled registered bonds which have been endorsed in such a manner or are accompanied by such detached powers of attorney or assignments as to require no further action before their negotiation by any holder could be accomplished, by the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, banks for cooperatives, and the production credit associations, when made to or by the assured or to or by others for the account of the assured, shall be covered by an insurance policy entitled open registered mail and express policy No. FCA 125. Details for implementing coverage under the open registered mail and express policy shall be issued by the Farm Credit Administration in the form of a letter of instruction.

**§ 615.5510 [Deleted]**

12. Section 615.5510 is deleted.

## PART 616—COORDINATION

13. Section 616.6030 is revised to read as follows:

**§ 616.6030 Rural home lending.**

Coordination policies relative to rural home lending shall define the appropriate lending authorities and relationships.

(a) Federal land banks should finance the purchase or construction of rural residences where the owner requires long-term financing. Production credit association lending, while not excluding the purchase or construction of conventional homes, should emphasize remodeling and repair of permanent homes and financing mobile homes where the owner needs intermediate-term financing.

(b) The same appraisal standards, forms and procedures shall be used by both Federal land bank associations and production credit associations.

(c) Uniform procedures regarding the closing of rural home loans shall be prescribed by the supervising banks.

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

W. M. HARDING,
*Governor,*
*Farm Credit Administration.*

[FR Doc.75-10472 Filed 4-21-75;8:45 am]

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### Title 16—Commercial Practices

### CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

### SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCE ACT REGULATIONS

### PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

### Test Methods for Simulating Use and Abuse of Toys, Games, and Other Articles Intended for Use by Children; Corrections

*Correction*

In FR Doc. 75–9334, appearing at page 16191, in the issue for Thursday, April 10, 1975, on page 16192, in paragraph k., correcting § 1500.51(f)(1)(ii) the second line should read "'(4.55 kilograms' to read '(4.55 kilo-.'"

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### Title 20—Employees' Benefits

### CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965.....)

### Interim Period Qualification and Exception Criteria To Be Applied to Services of Facilities Providing Treatment for End-Stage Renal Disease

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR 35814) a notice of proposed rule making with proposed amendments to Subparts A and B, Regulations No. 5, regarding implementation of section 299I of Public Law 92–603 entitled "Chronic Renal Disease Considered to Constitute Disability". The notice included: (1) A republication, as proposed regulations, of certain provisions of the regulations published on June 29, 1973 (38 FR 17210), which set forth requirements under which facilities qualify under the End-Stage Renal Disease Program; and (2) an initial publication in the FEDERAL REGISTER of an Appendix to Subpart B, containing interim period exception criteria and guidelines, which are for use in evaluating certain requests under the interim regulations.

The publication of the notice of proposed rule making did not affect the applicability of the regulations which were published on June 29, 1973, which will continue in full force and effect as republished below. Neither this document nor the previous Notice of proposed rule making affect §§ 405.104, 405.402(g), or 405.502(e) of the interim regulations published on June 29, 1973. If amendments are made in such sections, they will be published under the Notice of Proposed Rule Making procedure.

In addition, attention is invited to the fact that the regulations published below remain "interim" regulations, designed to apply to the initial implementing stage of the End-Stage Renal Disease Program, and will be replaced by long-term regulations to be published in Subpart U after publication as Notice of Proposed Rule Making. Such publication is expected to be issued in the near future and will include a 30-day comment period.

The October 4, 1974, notice of proposed rule making gave interested persons until November 4, 1974, to submit written comments or suggestions thereon. Comments and suggestions received as a result of that notice of proposed rule making have been reviewed, and it has been concluded that, for purposes of the interim period, the regulations as published in proposed form are appropriate. However, the comments will be considered in the development of the long-term regulations discussed above. Only editorial changes and corrections in the October 4, 1974, proposal have been made in this amendment. The comments received included suggestions and recommendations that would appear in some instances to require a legislative amendment to be effectuated or would be more properly addressed in other subparts of Regulations No. 5 or concerned the need for a more detailed definition of certain terms, which would be restudied in the preparation of long-term regulations and additional operating instructions. The comments referred to payment for home dialysis helpers, earlier beneficiary entitlement, a longer period of post-transplant entitlement, the adequacy of certification and appeals procedures and reimbursement principles, the role of State and local planning agencies, the educational and certification requirements for facility personnel, and the need for more specific criteria for measuring such factors as "substantial increase in services".

(Sections 226(g), 1102, 1861(b), 1861(s), 1862, 1871, 86 Stat. 1464, 49 Stat. 647, as amended, 79 Stat. 325, 79 Stat. 331, 42 U.S.C. 426(g), 1302, 1395x(b), 1395x(s), 1395y, 1395hh.)

*Effective date.* Since these amendments repromulgate existing interim regulations without substantial change, and republish (in the Appendix to Subpart B), existing criteria and guidelines which have previously been published in another format, delaying the effective date of these amendments would serve no purpose. Accordingly, there is good cause to publish these amendments concurrently with their effective date. Therefore, these amendments shall be effective April 22, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13,801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: April 4, 1975.

J. B. CARDWELL,
*Commissioner of Social Security.*

Approved: April 11, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 405.116 is amended by revising paragraph (g) to read as follows:

**§ 405.116 Inpatient hospital services; defined.**

. . . . .

(g) *Services in connection with kidney transplantation.* With respect to services rendered in connection with kidney transplantation, for an interim period beginning July 1, 1973, for services rendered on and after that date, and until additional regulations setting forth qualification requirements of long-term applicability are promulgated and applied, coverage is limited to services rendered in certain participating hospitals. These are hospitals which on June 1, 1973, have been providing the services and have not substantially increased such services, or which have, in the opinion of the Secretary, demonstrated the need for and appropriateness of their assumption of or increase in the provision of such services, in an effective and economical system of end-stage renal disease treatment. (For interim period exception criteria and guidelines, see the Appendix to Subpart B.)

2. Section 405.231 is amended by revising paragraphs (g) and (h) to read as follows:

**§ 405.231 Medical and other health services; included items and services.**

. . . . .

(g) Rental or, effective January 1, 1968, the purchase of durable medical equipment, including iron lungs, oxygen tents, hospital beds, renal dialysis systems, and wheelchairs used in the patient's home. For purposes of this paragraph, the term "home" does not include an institution which meets the requirements of section 1861(e)(1) or 1861(j)(1) of the Act; with respect to dialysis facilities which render home training and provide equipment, supplies, and back-up services to patients who dialyze in the home, coverage shall be limited to services of those dialysis facilities described in paragraph (h) of this section.

(h) Prosthetic devices (other than dental) which replace all or part of an internal body organ, including replacement of such devices (with respect to items furnished on or after October 30, 1972, such devices include colostomy bags and supplies directly related to colostomy care). With respect to renal dialysis facilities, during an interim period beginning July 1, 1973, for facility dialysis services rendered on and after that date and until regulations setting forth requirements for these facilities are promulgated and applied, coverage is limited to the services of those facilities which on June 1, 1973, have been providing the services and which have not substantially increased such services or which have, in the opinion of the Secretary, demonstrated the need for and appropriateness of their assumption of or increase in the provision of such services, in an effective and economical system of end-stage renal disease treatment, and which also meet one of the following requirements:

(1) The facility is part of a participating hospital; or

(2) It is a free-standing facility which meets the following conditions—

(i) Meets State or local licensure requirements, if any,

(ii) Is a facility in which treatment is under the general supervision of a physician, who need not be a full-time supervisor.

(iii) Has an affiliation, e.g., has an agreement for back-up care, etc., with a participating hospital, and

(iv) Agrees that no charge will be made for a covered dialysis service provided by the facility that is in excess of the charge determined under the health insurance program to be the reasonable charge of that facility and agrees to bill the program and not the patient for amounts reimbursable under the program. (For interim period exception criteria and guidelines, see the Appendix to this Subpart B.)

3. An Appendix to Subpart B is added to read as follows:

APPENDIX

I. Requests for exception to allow the provision of transplant services.

II. Requests for exception to allow the provision of chronic maintenance dialysis services.

III. Definitions.

APPENDIX

GUIDELINES AND DEFINITIONS FOR THE END-STAGE RENAL DISEASE (ESRD) * PROGRAM

(Terms defined in section III are indicated by asterisk)

I. Facilities wishing to provide renal transplant services must be in substantial compliance with the following criteria and guidelines. A. *The facility is participating in the Medicare program.* The facility is a hospital which meets all the requirements of section 1861(e) of the Social Security Act, and has entered into an agreement to participate in the Medicare program.

B. *The facility can reasonably be expected to perform a sufficient number of transplants per year and otherwise demonstrates a capacity to perform with high quality.* (Performance of 25 or more transplants per year has been shown to be positively correlated with adequate economies of scale and favorable patient and graft outcome. While such performance is not required during the interim period, similar performance may be a requirement of the long-range program.)

1. *The facility is expected to perform a sufficient number of transplants.* Compliance with this criterion requires the following:

a. The hospital has a sufficient number of beds to meet the intensive and acute care requirements of its End-Stage Renal Disease (ESRD) patients.

b. The hospital has an adequate number of qualified personnel to meet the requirements of its ESRD patients.

c. The hospital provides inpatient acute (back-up) dialysis* services to support the transplant program.

d. The hospital offers both living related donor (LRD)* and cadaver donor (CD) transplant* services.

e. The unsatisfied demand for services in the area and the availability of suitable donor organs is such that there is a likelihood that a reasonable scale of operations (at least 15 transplants) can be expected to be attained within one year.

2. *The facility demonstrates a capacity to perform with high quality.* Compliance with this criterion requires:

a. *Minimal personnel requirements.* (1) A licensed physician is responsible for directing, planning, organizing, and conducting transplant services, and devotes sufficient time to carry out these responsibilities. This physician is board certified in surgery (by any American Medical Association or American Osteopathic Association surgical specialty board), in internal medicine (by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine) or, if the facility is a children's hospital, in pediatrics (by the American Board of Pediatrics or the American College of Osteopathic Pediatricians). In addition this physician has:

(a) A minimum of one year's formal training in a teaching institution in ESRD patient care and transplant immunology, or

(b) A minimum of two year's experience in delivering ESRD care.

(2) The surgeons performing the transplants are board certified (by any American Medical Association or American Osteopathic Association surgical specialty board), and have:

(a) A minimum of one year's formal training in a teaching institution in renal transplantation, or

(b) Two years' experience performing renal transplant.

(3) If pediatric transplant services (for children under age 14) are offered as part of a general program, children's care shall be under a pediatrician with qualifications as outlined in (1) above.

(4) There is at least one registered nurse responsible for ESRD nursing care on a full-time basis with:

(a) A minimum of six months' training in a teaching institution providing dialysis and transplant patient care, or

(b) A minimum of two years' experience in caring for dialysis and transplant patients.

(5) The nursing service also meets the requirement of § 405.1024 of the Health Insurance Regulations.

(6) A qualified dietician (preferably meets the A.D.A.'s standards for qualification) provides diet management and counseling to meet ESRD patient needs.

(7) The facility provides a social worker, directly* or under arrangement,* to meet the social service and counseling needs of ESRD patients.

(8) The medical staff of the hospital has the following specialties:







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(a) Cardiology, endocrinology, hematology, neurology, infectious disease, orthopedics, pathology, psychiatry, and urology.

b. *Minimal service requirements.* (1) The hospital provides on the premises,* either directly* or under arrangement*:

(a) Inhalation therapy;

(b) Angiography;

(c) Nuclear medicine;

(d) Emergency (24 hours a day) laboratory services of C.B.C., platelet count, ABO blood cross matching, blood gases, blood pH, serum calcium, serum potassium, BUN, creatinine, serum glucose, prothrombin time, spinal fluid exam, urine sediment, and urine glucose.

(2) The hospital provides, either directly or under arrangement with another facility:

(a) Immunofluorescence and electron microscopy;

(b) Unusual pathogen cultures: fungal cultures, tissue cultures, and TB cultures;

(c) Outpatient services for the evaluation, care, and follow-up of transplant and ESRD patients.

(3) The following services are provided under arrangement with another facility or, if they are not reasonably available elsewhere, are added to the applicant facility's capability:

(a) Tissue typing and immunology testing.

(b) Cadaver kidney preservation using perfusion equipment.*

(4) If the hospital is not approved to provide Regular (Chronic) Maintenance Dialysis* under Medicare, it has an agreement* with a facility which has such approval, to provide:

(a) Regular (chronic) maintenance dialysis; and

(b) If a facility providing such services is reasonably available in the community:

(i) Self-dialysis training program* including a procedure for the evaluation of home conditions to assess and place the patient in home dialysis,

(ii) Self-dialysis* in an outpatient facility for patients who cannot perform self-dialysis at home, and

(iii) Limited care dialysis* in an outpatient facility for patients who cannot perform self-dialysis.

C. *The facility makes a needed contribution to access of care in an area.* Exception to facilities will only be granted when:

1. There is evidence to document that there are ESRD patients acceptable for transplantation,

2. These patients cannot reasonably be expected to receive appropriate therapy from another transplant facility, and

3. There are no other applicants better qualified to meet the needs of such patients.

D. *The facility contributes to a coordinated system of care by its arrangements for cooperation with other facilities in the area offering the same or other modalities of care for ESRD patients so that patients should be placed in the appropriate site and receive the appropriate service.* This criterion will require an analysis of other services available in the applicant's area. Determinants will include:

1. The hospital makes the ESRD services it is approved to provide available to the ESRD patients of other facilities in the area that do not provide those services.

2. If the services indicated in B.2.b.(2), and (3), and B.2.b.(4)(b), are reasonably available in other facilities in the area in a manner that can be reimbursed by the Medicare program, the hospital carries out arrangements and agreements, as indicated in those sections, for these services for its ESRD patients.

3. The hospital cooperates and participates in a recipient registry.*

4. The hospital cooperates and participates in an organ procurement* and preservation* program, if such exist, and the development of an organ procurement program, if none exists.

5. The hospital carries out agreements with cooperating institutions for timely transfer of medical data on the ESRD patients.

E. *The costs of performance are not expected to exceed the reasonable costs of like or comparable services in the community.*

F. *The capital expenditures for the facility's transplant services have not been disapproved in accordance with section 1122 of Title XI of the Social Security Act.*

II. Facilities wishing to provide chronic maintenance dialysis services must be in substantial compliance with the following criteria and guidelines. A. *Hospital-operated facilities.* 1. *If the facility is hospital-operated, the hospital is participating in the Medicare program.* The hospital meets all the requirements of section 1861(e) of the Social Security Act, and has entered into an agreement to participate in the Medicare program.

2. *The facility is expected to meet an acceptable utilization rate and otherwise demonstrate a capacity to perform at high quality.*

a. *Expected to meet an acceptable utilization rate* means the facility has a minimum of two maintenance dialysis stations, and operates each maintenance dialysis station a minimum of 5 dialysis sessions per week.

b. *Demonstrates a capacity to perform at high quality means:*

(1) *Minimal personnel requirements.* The hospital and its dialysis facility has an adequate number of personnel to meet the requirements of its ESRD patients; minimal requirements are:

(a) A licensed physician is responsible for planning, organizing, conducting, and directing ESRD services, and devotes sufficient time to carry out these responsibilities. This physician is board certified or board eligible in internal medicine (by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine) and has:

(i) A minimum of one year's formal training in a teaching institution in ESRD patient care, or

(ii) A minimum of two years' experience delivering ESRD care.

(b) The surgeons performing the vascular access procedures (cannula/fistula placement and revisions) are board certified (by any American Medical Association or American Osteopathic Association surgical specialty board) and have:

(i) A minimum of one year's formal training at a teaching institution in vascular surgery, or

(ii) Two years' experience performing vascular access procedures.

(c) There is at least one R.N. responsible for ESRD nursing care on a full-time basis with a minimum of:

(i) Six months' training in a teaching institution providing dialysis and ESRD patient care, or

(ii) Two years' experience in caring for dialysis and ESRD patients.

(d) The nursing service also meets the requirements of § 405.1024(c) of this part.

(e) A qualified dietician (one who preferably meets the A.D.A.'s standards for qualifications) provides diet management and counseling to meet ESRD patient needs.

(f) The facility provides a social worker, directly* or under arrangement,* to meet the social service and counseling needs of ESRD patients.

(g) The facility is capable of providing timely specialty evaluation and consultation for its ESRD patients in cardiology, endocrinology, hematology, neurology, orthopedics, pathology, pediatrics (if children with ESRD are cared for), psychiatry, and in urology.

(2) *Minimal service requirements.* (a) The hospital provides on its premises,* either directly* or under arrangement*:

(i) Inpatient acute (back-up) dialysis to support the ESRD patient needs;

(ii) Inhalation therapy;

(iii) Emergency (24 hours a day) laboratory services of C.B.C., platelet count, ABO blood cross matching, blood gases, blood pH, serum calcium, serum potassium, BUN, serum glucose, prothrombin time, spinal fluid exam, urine sediment, and urine glucose.

(b) The hospital provides directly* limited-care dialysis in an outpatient facility for patients who cannot perform self-dialysis.

(c) The hospital provides, either directly,* or under arrangement* with another facility, for the following:

(i) Angiography;

(ii) Nuclear medicine;

(iii) Immunofluorescence and electron microscopy;

(iv) Unusual pathogen cultures, fungal cultures, tissue cultures, and TB cultures;

(v) Outpatient services for the evaluation, care, and follow-up of ESRD patients, including cannula and fistula care, and home-dialysis support services*.

(d) The hospital provides either directly* or by an agreement* with another facility:

(i) Self-dialysis training program including a procedure for the evaluation of home conditions to assess and place the patient at home;

(ii) Self-dialysis in an outpatient facility for patients who cannot perform self-dialysis at home;

(e) The hospital provides by an agreement* with a facility already certified to provide the service under Medicare:

(i) Evaluation of its patients for transplantation. (The transplantation facility is responsible for tissue typing and immunology testing, and prospective patient registration for transplantation.);

(ii) Transplantation.

3. *The facility makes a needed contribution to access of care.* This means that an exception to dialysis facilities will only be granted when:

a. There is evidence to document that there are ESRD patients acceptable for therapy,

b. These patients cannot reasonably be expected to receive appropriate therapy from another facility, and

c. There are no other applicants better qualified to meet the needs of these patients.

4. *The facility makes a positive contribution to the total system of care of ESRD by working in cooperation with other sites and modalities of care.* The use of this criterion will require an analysis of other services available in the applicant's area. Determinants will include:

a. The hospital makes the ESRD services, it is approved to provide available and accepts ESRD patients referred from other facilities in the area that do not provide those services.

b. If the services indicated in II.A.2.b.(2)(d) are reasonably available in other Medicare approved facilities in the area, the hospital carries out agreements with cooperating institutions for these services, and the services indicated in II.A.2.b.(2)(e) for its patients.

c. The hospital cooperates and participates in a recipient registry.





d. The hospital cooperates and participates in an organ procurement and preservation program, if such exist.

e. The hospital carries out agreements with cooperating institutions for timely transfer of medical data on the ESRD patients.

5. *The facility has arrangements for a patient review mechanism to assure that all patients are screened for the appropriateness of their treatment modality—including suitability for transplant and home dialysis.* Prior to the establishment of Medical Review Boards, the facility refers each of its patients to appropriate facilities for transplant and self-dialysis training evaluation. A formal recommendation shall be made to the referring facility as to the most appropriate mode of therapy. When the recommended mode of therapy differs from the current mode of therapy, and the patient desires the recommended therapy, the referring facility shall provide such, directly or by agreements. Patients will be re-evaluated on an annual basis, except when the patient specifically requests a change in mode of therapy, in which case such re-evaluation should be carried out within six months from the time of such request (if the six month limit comes before the annual re-evaluation date).

6. *The cost of the service offered by the facility is not expected to exceed the reasonable cost or charges for like or comparable services in the community.*

7. *Capital expenditures for this service have not been disapproved in accordance with section 1122 of Title XI of the Social Security Act.*

B. *Free-Standing Facilities.* 1. Free-standing facilities must:

a. *Meet State or local licensure requirements, if any,*

b. *Be a facility in which treatment is under the general supervision of a physician (who need not be a full-time supervisor).* The supervisory physician is a licensed physician reaponsible for planning, organizing, conducting, and directing the facility's ESRD services, and devotes sufficient time to carry out these responsibilities. This physician is board certified or board eligible in internal medicine (by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine) and has a minimum of one year's formal training in ESRD patient care, or a minimum of two years' experience in delivering ESRD care,

c. *Have an affiliation, e.g., has arrangements for back-up care, etc., with a participating hospital.* The participating hospital with which the free-standing facility has its arrangements and agreements* is approved to deliver ESRD services under the Medicare program.

d. *Agree that no charge will be made for covered dialysis service provided by the facility that is in excess of the charge determined to be the reasonable charge of that facility.* The facility agrees to bill the program and not the patient for amounts reimbursable under the program.

2. *Free-standing facilities are expected to to meet an acceptable utilization rate and otherwise demonstrate a capacity to perform at high quality.*

a. *Free-standing facilities are expected to meet an acceptable utilization rate.* The facility has a minimum of two maintenance dialysis stations, and operates each maintenance dialysis station a minimum of 5 dialysis sessions per week.

b. *Free-standing facilities must demonstrate a capacity to perform at high quality.* (1) The facility has an adequate number of qualified personnel to meet the requirements of its ESRD patients; minimal requirements are:

(a) Treatment is under the general supervision of a physician as set out in II.B.1.b.

(b) There is at least one full-time registered nurse with:

(i) A minimum of six months' training in a teaching institution providing dialysis and ESRD patient care, or

(ii) A minimum of two years' experience in dialysis and ESRD patient care.

(c) The facility provides through its affiliation with a participating hospital, in a timely fashion, any necessary vascular access procedures by a qualified surgeon (as defined in II.A.2.b.(1)(b)); diet management and counseling by a qualified dietician (as in II.A.2.b.(1)(e)); social services and counseling by a social worker (as in II.A.2.b(1)(f)); and specialty evaluation and consultation for its ESRD patients in cardiology, endocrinology, hematology, neurology, orthopedics, pathology, pediatrics (if children with ESRD are cared for), psychiatry and in urology (as in II.A.2.b.(1)(g)).

(2) Service requirements the free-standing facility provides directly are limited care dialysis services.

(3) The facility provides, directly or by agreement through its affiliated hospital: (a) self-care dialysis, and (b) self-dialysis training.

(4) The facility provides, under arrangement, or by agreement with its affiliated hospital, all those services indicated in II.A.2.b.(2).

3. *The facility makes a needed contribution to access of care.* Exception for free-standing dialysis facilities will only be granted when:

a. There is evidence to document that there are ESRD patients acceptable for therapy,

b. These patients cannot reasonably be expected to receive appropriate therapy from another facility, and

c. There are no other applicants better qualified to meet the needs of these patients.

4. *The facility makes a positive contribution to the total system of care of ESRD by working in cooperation with other sites and modalities of care.* a. The facility makes available the dialysis services it is approved to provide, and accepts ESRD patient referred from other facilities in the area that do not provide such services.

b. The facility carries out the agreements with its affiliated hospital for those services for its patients which it does not provide.

c. It cooperates and participates in recipient registries.

d. It carries out agreements with cooperating institutions for timely transfer of medical data on the ESRD patients.

5. *The facility has arrangements for a patient review mechanism to assure that all patients are screened for the appropriateness of their treatment modality—including suitability for transplant and home dialysis.* Prior to the establishment of *Medical Review Boards*, the facility shall refer each of its patients to appropriate facilities for transplant and self-dialysis training evaluation. A formal recommendation shall be made to the referring facility as to the most appropriate mode of therapy. When the recommended mode of therapy differs from the current mode of therapy, and the patient desires the recommended therapy, the referring facility shall provide such (directly or through its agreements) as outlined above. Patients will be re-evaluated on an annual basis, except when the patient specifically requests a change in mode of therapy, in which case such re-evaluation should be carried out within six months from the time of such request (if the six month limit comes before the annual re-evaluation date).

6. *The charge for the service is related to the cost of the service and does not exceed the reasonable costs or charges for like or comparable services in the community.*

7. *Capital expenditures for this service have not been disapproved in accordance with section 1122 of Title XI of the Social Security Act.*

NOTICE: Attention is invited, as applicable, to the requirements of Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352; 78 Stat. 252; 42 U.S.C. 2000d–2000d–4) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (sec. 42 U.S.C. 2000d), and to the implementing regulation issued by the Secretary of Health, Education, and Welfare with the approval of the President (Part 80 of 45 CFR Subtitle A).

III. *Definitions.* A. A number of terms used in the guidelines text have specific meanings which are different from their use in common language. Some definition is necessary to prevent confusion and permit maximum comprehension of the intent of these guidelines. Some of these terms have specific meaning in relation to the medical care of renal disease; other terms have a specific meaning in the terminology of the Social Security Administration.

B. The following definitions are intended as an aid in understanding the terms involved and do not replace regulations pertaining to the same terms.

1. *End stage renal disease (ESRD).* Although much of what has been written about Section 2991 of Pub. L. 92–603 refers to coverage of care for chronic renal disease, the law in effect provides coverage only for patients with end stage renal disease (ESRD). This scope of coverage is implicit because the law states that there is coverage for a patient who "is medically determined to have chronic renal disease and who requires hemodialysis or renal transplantation for such disease." End stage renal disease is that stage of renal impairment which cannot be favorably influenced by conservative management alone, and requires dialysis and/or kidney transplantation to maintain life or health. Therefore, the term end stage renal disease (ESRD) in reference to section 2991 of Pub. L. 92–603 is more appropriate than the term chronic renal disease (CRD).

2. *Dialysis.* A process by which waste products are removed from the body by diffusion from one fluid compartment to another across a semipermeable membrane. There are two types of dialysis in common clinical usage: hemodialysis— where blood is passed through an artificial kidney machine and the waste products diffuse across a man-made membrane into a bath solution known as dialysate after which the cleansed blood is returned to the patient's body; and, pertioneal dialysis— where the waste products pass from the patient's body, through the peritoneal membrane into the peritoneal (abdominal) cavity where the bath solution (dialysate) is introduced and removed periodically. While there are processes, such as hemoperfusion and diafiltration which may become a substitute for, or replace, dialysis in the future, their limited usage in this country today does not merit their separate definition or consideration in these guidelines.

3. *Regular (chronic) maintenance dialysis.* The usual periodic dialysis treatments which are given to a patient who has end stage renal disease in order to sustain life and ameliorate uremic symptoms. Currently, such treatments are usually given two or three times a week.

4. *Back-up hospital, back-up dialysis.* A back-up hospital is a hospital which is approved to deliver ESRD services under the Medicare program and has an arrangement or agreement to make these services available to referred home dialysis patients and/or patients from specific free-standing dialysis



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facilities for all the ordinary and specialized medical and surgical consultation services which are not available in the home or at the free-standing dialysis facility, and are required for the care of ESRD patients. The number of back-up dialysis stations must be appropriate for the number of patients for which the back-up hospital has accepted responsibility.

Back-up dialysis is dialysis given to a patient under special circumstances, in a situation other than the patient's usual dialysis environment. Although back-up dialysis required by home dialysis patients for nonmedical reasons (i.e., mechanical problems or the absence of helper) may be performed in a freestanding facility, back-up for significant medical problems is performed by a back-up hospital which must be capable of providing the necessary nephrological, medical and surgical expertise, and the appropriate equipment and personnel to care for the patient in the event of his hospitalization.

5. *Acute dialysis.* Dialysis given to patients on an intensive care, inpatient basis. Acute dialysis may be given to patients with ESRD during periods of acute illness (acute, back-up dialysis); it may be given to patients without ESRD who require dialysis for certain conditions, such as, acute renal failure and certain drug ingestions.

6. *Self-dialysis.* Regular maintenance dialysis performed by a trained patient at home or within an outpatient facility. In the case of home dialysis, the patient performs dialysis at home with the assistance of a trained partner. In the case of "self-care" dialysis in an outpatient facility, the patient performs dialysis in a facility removed from the home with the assistance of a trained partner or a health professional. In both cases, professional supervision and performance of the dialysis is limited.

7. *Limited care dialysis.* Regular maintenance dialysis on an outpatient basis in a facility where the actual dialysis procedure is performed by health professionals.

8. *Self-dialysis training.* The education or training of a patient to permit the patient to perform dialysis on himself (herself).

9. *Self-dialysis training program.* A program which assesses a patient's ability to learn to perform dialysis. Such a program includes an assessment of the patient's home and family conditions to determine if the patient can perform self-dialysis in the home. If a patient is judged educable in self-dialysis such a program would also train the patient to perform self-dialysis.

10. *Organ procurement.* The identification of a prospective donor and the surgical removal of a donor kidney.

11. *Organ preservation.* The maintenance of a kidney after it has been removed from the donor and until it has been transplanted into a recipient. Organ preservation is an integral part of kidney transplantation and may be accomplished by special solutions and cooling of the kidney, or by perfusion of the kidney using special equipment.

12. *Tissue typing and immunology testing.* Laboratory procedures used to determine the degree of compatibility between a donor organ and a potential recipient of a kidney transplant. They include: (1) identification of tissue "types" (HLA); (2) performance of a cross match for cytotoxic antibodies; and (3) certain specialized tests of immunologic reactions such as mixed lymphocyte cultures and cell mediated lympholysis.

13. *Living related donor transplantation.* A transplant where the organ is donated and removed from a living, blood relative of the patient and transplanted into the patient. Nonrelated living donor transplanation is currently not practiced in this country.

14. *Cadaver donor transplanation.* Transplanation where the donated organ is taken from an individual who has been pronounced dead according to medical criteria. The organ is removed from the donor and transplanted into the recipient.

15. *Cannula.* A surgically prepared, exposed connection between an artery and a vein. The exposed connection between artery and vein is made with a special type of plastic tubing.

16. *Fistula.* A surgically prepared unexposed connection made directly between an artery and vein to permit repeated and ready access to the blood stream. Dialysis access to the blood stream is obtained with large hollow needles; creation of a fistula is an alternative to surgical insertion of a cannula.

17. *"Directly provides"* or *"provides directly"*. This term means that the hospital (or facility) provides the service through its own staff and employees, or through individuals who are under contract with the facility to provide such services.

18. *"Under arrangement"*. This term means that the hospital (or facility) arranges for another facility to provide the services but assumes responsibility for such services and bills the Medicare program for the services. Pursuant to section 1861(w) of the Act (42 U.S.C. 1395x(w)) receipt of payment for such covered services on behalf of an entitled individual discharges the liability of such individual or any other person to pay for such services.

19. *"By an agreement"* or *"has an agreement"*. This term means that the hospital (or facility) has an agreement whereby another facility undertakes to provide services to patients who become the patients of the other facility (for those services provided), and the other facility bills the Medicare program for their services furnished.

20. *"Provides on the premises"*. This term means that the hospital provides the service on its own premises or on premises that are contiguous with or immediately in proximity to its own.

21. *Home dialysis support services.* The services of professional care, consultation, provision of supplies, back-up, and equipment repair that home dialysis patients require.

22. *Recipient registry.* A prospective listing of patients (including certain medical data on these patients) who are awaiting a cadaver donor transplant.

[FR Doc.75-10428 Filed 4-21-75;8:45 am]

## Title 24—Housing and Urban Development

## CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### SUBCHAPTER A—GENERAL

[Docket No. R-75-326]

### PART 200—INTRODUCTION

### Multifamily Previous Participation Review and Clearance Procedures; Exceptions for Fire Safety Equipment

Section 200.210 published at 39 FR 29351 on August 15, 1974, is being amended to except § 232.500 et seq. published at 39 FR 28966 on August 12, 1974, from the Multifamily Previous Participation Review and Clearance procedures. The section 232(i) program (Pub. L. 93-204), which is implemented by § 232.500 et seq., provides insurance for loans to purchase and install fire safety equipment for existing nursing homes and intermediate care facilities. An application for participation in this program must be processed both by the Department of Housing and Urban Development and the Department of Health, Education, and Welfare. This amendment will alleviate some of the time required in processing an application. Since the loans are for existing facilities and will generally involve small amounts, it is believed that the abuses which the Multifamily Previous Participation Review and Clearance procedure was designed to correct will not exist in this program.

As this amendment is favorable to proposed borrowers and would reduce the processing time on applications for loans to protect our nation's elderly citizens housed in nursing homes and intermediate care facilities from the dangers of fire, advance notice and public procedure are not necessary and good cause exists for making this amendment effective on publication.

Accordingly, § 200.210 is revised as follows:

**§ 200.210 Applicability of procedure.**

The Previous Participation Review and Clearance procedure set forth in §§ 200.211 through 200.218 is applicable to every project to be financed with a mortgage insured under the National Housing Act and with respect to every purchase of a project subject to a mortgage insured under the National Housing Act, except those projects insured under section 232 (i) of said Act. The procedure does not apply to any other Department programs in which a previous participation certificate may be required.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

*Effective date.* This amendment will be effective April 22, 1975.

DAVID M. DE WILDE,
*Acting Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.*

[FR Doc.75-10434 Filed 4-21-75;8:45 am]

## CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-554]

### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under § 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

**§ 1914.4 List of eligible communities.**

| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| Arizona | Santa Cruz | Nogales, city of | Apr. 14, 1975, Emergency | May 24, 1974 | | |
| Arkansas | Lawrence | Hoxie, city of | do | May 10, 1974 | | |
| Do. | Little River | Ashdown, city of | do | Apr. 5, 1974 | | |
| Do. | Nevada | Prescott, city of | do | Nov. 16, 1973 | | |
| Do. | Crawford | Rudy, town of | do | Dec. 20, 1974 | | |
| Do. | Benton | Siloam Springs, city of | do | May 10, 1974 | | |
| Do. | Columbia | Taylor, city of | do | Mar. 22, 1974 | | |
| California | Plumas | Portola, city of | do | Feb. 7, 1975 | | |
| Connecticut | Hartford | Burlington, town of | do | June 19, 1974 | | |
| Do. | New London | Sprague, town of | do | May 10, 1974 | | |
| Florida | Dixie | Unincorporated areas | do | | | |
| Idaho | Ada | Boise, city of | do | June 21, 1974 | | |
| Illinois | Cook | Streamwood, village of | do | Apr. 12, 1974 | | |
| Do. | Bureau | Walnut, village of | do | Feb. 9, 1974 | | |
| Indiana | Monroe | Ellettsville, town of | do | June 14, 1974 | | |
| Do. | Spencer | Grandview, town of | do | Jan. 23, 1974 | | |
| Do. | Henry | New Castle, city of | do | Nov. 23, 1973 | | |
| Do. | Posey | New Harmony, town of | do | Feb. 1, 1974 | | |
| Do. | Wells | Ossian, town of | do | May 31, 1974 | | |
| Do. | Shelby | Shelbyville, city of | do | Dec. 17, 1973 | | |
| Iowa | Page | Clarinda, city of | do | June 28, 1974 | | |
| Do. | Hardin | Eldora, city of | do | do | | |
| Kansas | Johnson | Merriam, city of | do | June 7, 1974 | | |
| Do. | McPherson | Moundridge, city of | do | Mar. 8, 1974 | | |
| Louisiana | Tangipahoa Parish. | Hammond, city of | do | do | | |
| Maine | Washington | Danforth, town of | do | Aug. 9, 1974 | | |
| Do. | Cumberland | Falmouth, town of | do | Mar. 29, 1974 | | |
| Do. | Somerset | Skowhegan, town of | do | Oct. 18, 1974 | | |
| Maryland | St. Marys | Leonardtown, town of | do | July 19, 1974 | | |
| Michigan | Wayne | Canton, township of | do | June 28, 1974 | | |
| Minnesota | Hennepin | Hassan, township of | do | do | | |
| Missouri | New Madrid | Howardville, city of | do | May 17, 1974 | | |
| Do. | do | Matthews, city of | do | do | | |
| Do. | Mississippi | Unincorporated areas | do | | | |
| Do. | Lawrence | Mt. Vernon, city of | do | May 24, 1974 | | |
| New Jersey | Monmouth | Holmdel, township of | do | Feb. 1, 1974 | | |
| Do. | Mercer | Pennington, borough of | do | Aug. 24, 1973 | | |
| Do. | Ocean | Pine Beach, borough of | do | June 28, 1974 | | |
| Do. | Middlesex | Plainsboro, township of | do | May 31, 1974 | | |
| Do. | Burlington | Washington, township of | do | July 26, 1974 | | |
| New York | Erie | Angola, village of | do | Dec. 6, 1974 | | |
| Do. | Monroe | Mendon, town of | do | Apr. 12, 1974 | | |
| Ohio | Lorain | Amherst, city of | do | Mar. 15, 1974 | | |
| Tennessee | Lauderdale | Unincorporated areas | do | | | |
| Do. | Giles | Pulaski, city of | do | May 24, 1974 | | |
| Wisconsin | Kenosha | Kenosha, city of | do | Dec. 28, 1973 | | |
| Do. | Langlade | Unincorporated areas | do | | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 8, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75-10303 Filed 4-21-75;8:45 am]







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[Docket No. FI-557]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 F.R. 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronolgy of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

**§ 1914.4 List of eligible communities.**

| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| Illinois | DuPage | Oakbrook Terrance, city of | April 15, 1975. Emergency | Mar. 29, 1974 | | |
| Iowa | Des Moines | Burlington, city of | do | May 17, 1974 | | |
| Kansas | Geary | Junction City, city of | do | Feb. 1, 1974 | | |
| Kentucky | Meade | Brandenburg, city of | do | | | |
| Massachusetts | Plymouth | Lakeville, town of | do | Sept. 6, 1974 | | |
| Minnesota | Marshall | Alvarado, city of | do | Aug. 2, 1974 | | |
| Mississippi | Sunflower | Doddsville, town of | do | Nov. 8, 1974 | | |
| Missouri | Greene | Unincorporated areas | do | | | |
| Nebraska | Cass | Cedar Creek, village of | do | | | |
| New Jersey | Essex | Glen Ridge, borough of | do | July 6, 1973 | | |
| Do | Camden | Mt. Epriam, borough of | do | June 21, 1974 | | |
| Do | Monmouth | Neptune City, borough of | do | June 28, 1974 | | |
| New York | Orange | Cornwall, town of | do | Mar. 29, 1974 | | |
| Do | Westchester | Croton-on-Hudson, village of | do | May 10, 1974 | | |
| Do | Oneida | Vernon, town of | do | Mar. 8, 1974 | | |
| Do | Essex | Ticonderoga, town of | do | Oct. 25, 1974 | | |
| Do | Herkimer | Winfield, town of | do | Mar. 1, 1974 | | |
| North Carolina | Moore | Southern Pines, town of | do | Apr. 25, 1975 | | |
| Ohio | Warren | Mason, city of | do | June 14, 1974 | | |
| Do | Hamilton and Clermont. | Milford, village of | do | Feb. 8, 1974 | | |
| Do | Muskingham | Zanesville, city of | do | May 3, 1974 | | |
| Oregon | Umatilla | Echo, city of | do | Sept. 13, 1974 | | |
| Texas | Hays | Kyle, city of | do | May 2, 1975 | | |
| Do | Tarrant | Pantego, town of | do | | | |
| Wisconsin | Iowa | Linden, village of | do | Aug. 30, 1974 | | |
| Do | Dane | Stoughton, city of | do | Dec. 17, 1973 | | |
| Do | Monroe | Sparta, city of | do | Jan. 9, 1974 | | |
| Wyoming | Campbell | Gillette, city of | do | June 28, 1974 | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 8, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75-10302 Filed 4-21-75;8:45 am]

[Docket No. FI-560]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construc-





tion in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

**§ 1914.4 List of eligible communities.**

| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| Illinois | Rock Island | Cordova, village of | Apr. 18, 1975 | Mar. 15, 1974 | | |
| Do | Will | Symerton, village of | Apr. 18, 1975. Emergency | do | | |
| Indiana | Steuben | Angola, village of | do | Aug. 23, 1974 | | |
| Do | Porter | Burns Harbor, town of | do | June 7, 1974 | | |
| Do | Martin | Loogootee, city of | do | June 28, 1975 | | |
| Kansas | Ness | Ness, city of | do | Mar. 22, 1974 | | |
| Louisiana | Tangipahoa | Unincorporated areas | do | Jan. 17, 1975 | | |
| Maine | Knox | Vinalhaven, town of | do | | | |
| Maryland | Garrett | Oakland, town of | do | June 14, 1974 | | |
| Massachusetts | Worcester | Hardwick, town of | do | June 28, 1974 | | |
| Minnesota | Washington | Oakdale, village of | do | May 24, 1974 | | |
| Missouri | St. Charles | Wentzville, city of | do | Jan. 10, 1974 | | |
| Nebraska | Dodge | Unincorporated areas | do | | | |
| Do | Antelope | Elgin, village of | do | Mar. 22, 1974 | | |
| New Hampshire | Grafton | Lisbon, town of | do | Feb. 21, 1975 | | |
| New Jersey | Hudson | Kearny, town of | do | June 28, 1974 | | |
| New Mexico | Taos | Red River, town of | do | May 10, 1974 | | |
| New York | Sullivan | Cocheton, town of | do | May 31, 1974 | | |
| Do | Herkimer | Middleville, village of | Apr. 18, 1975 | May 17, 1974 | | |
| Do | Onondaga | Minoa, village of | Apr. 18, 1975. Emergency | June 28, 1974 | | |
| Do | Niagara | Lewiston, village of | do | Feb. 15, 1974 | | |
| Do | Dutchess | Wappingers Falls, village of | do | May 31, 1974 | | |
| North Carolina | Alamance | Burlington, city of | do | June 21, 1974 | | |
| Ohio | Washington | Belpre, city of | do | Apr. 5, 1974 | | |
| Do | | Matamoras, village of | do | | | |
| Oklahoma | Lincoln | Chandler, city of | do | | | |
| South Carolina | Berkeley | Goose Creek, city of | do | Dec. 20, 1974 | | |
| Texas | Yoakum | Plains, city of | do | May 24, 1974 | | |
| Utah | Davis | Kaysville, city of | do | | | |
| West Virginia | Tucker | Davis, town of | do | Dec. 22, 1974 | | |
| Do | Grant | Petersburg, town of | do | May 7, 1974 | | |
| Do | Kanawha | Pratt, town of | do | Mar. 8, 1974 | | |
| Do | Marion | Rivesville, town of | do | May 31, 1974 | | |
| Do | | do | Apr. 18, 1975 | do | | |
| Do | Pleasants | St. Mary's, city of | Apr. 18, 1975. Emergency | June 7, 1974 | | |
| Do | Monongalia | Star City, town of | do | Nov. 22, 1974 | | |
| Do | Taylor | Fleming, town of | do | | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 14, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75-10386 Filed 4-21-75;8:45 am]

## Title 33—Navigation and Navigable Waters

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-090]

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

### Doctors Inlet, Fla.

This amendment changes the regulations for the U.S. Route 17 highway drawbridge across Doctors Inlet near Orange, Florida because this bridge has been removed.

**§ 117.431b [Revoked]**

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.431b.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

*Effective date.* This revision shall become effective on April 21, 1975.

Dated: April 14, 1975.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.75-10467 Filed 4-21-75;8:45 am]

[CGD 74-99]

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

### Steinhatchee River, Fla.

This amendment changes the regulations for the State Road 358 drawbridge across the Steinhatchee River between Steinhatchee and Jena, Florida to require that the draw open on signal if at least 3 hours notice is given. This amendment was circulated as a public notice dated April 29, 1974 by the Commander, Seventh Coast Guard District and was published in the Federal Register as a notice of proposed rulemaking (CGD 74-99) on April 26, 1974 (39 FR 14725). Eight replies were received. Three had no objection or did not oppose this change. Five objected on the grounds that future commercial navigation will require frequent openings of the draw. However, there were only 27 openings in 1974 and 28 in 1973 which indicates the regulations, as proposed, will meet the present needs of navigation. If commercial vessel development does take place, these regulations may be amended to reflect this change.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:



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1. Redesignating § 117.245(i) (6–a), (6–b) and (6–c) to § 117.245(i) (6–b), (6–c) and (6–d).

2. Adding a new § 117.245(i) (6–a) to read as follows:

**§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

• • • • •

(i) • • •

(6–a) Steinhatchee River, State Road 358, Steinhatchee, Fla. The draw shall open on signal if at least three hours notice is given to the Florida State Highway Patrol in Cross City, Florida.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

*Effective date.* This revision shall become effective on May 26, 1975.

Dated: April 17, 1975.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.75-10468 Filed 4-21-75;8:45 am]

[CGD 5-75-01R]

## PART 127—SECURITY ZONES

### Hampton Roads, James River, Newport News, Va.; Establishment

This amendment to the Coast Guard's Security Zone Regulations establishes the waters of the James River in the area of the Newport News Shipbuilding and Drydock Company, Newport News, Virginia as a Security Zone. This security zone is established to prevent interference with the launching of the submarine USS Baton Rouge at the Newport News Shipbuilding and Drydock Company, Newport News, Virginia.

This amendment is issued without publication of a notice of proposed rulemaking; and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.501 to read as follows:

**§ 127.501 Hampton Roads—James River—Newport News, Virginia.**

The waters within the following boundary is a security zone: A line beginning at position 36°56'48" N, 76°26'-26" W to James River Buoy No. 1 at 36°57'53" N, 76°26'42" W thence to a point at position 36°59'07" N, 76°27'57" W thence to a point on shore at position 36°59'35" N, 76°26'55" W thence to the beginning point.

(40 Stat. 220, as amended, (sec. 1, 63 Stat. 503), sec. 6(b), 80 Stat. 937; 50 U.S.C. 191, (14 U.S.C. 91; 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b)).

*Effective date:* This amendment is effective from 0930Q to 1200Q 26 April 1975.

G. N. WOOD,
*Captain, United States Coast Guard, Hampton Roads, Captain of the Port.*

[FR Doc.75-10469 Filed 4-21-75;8:45 am]

## Title 46—Shipping

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-118]

## PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

## PART 111—ELECTRICAL SYSTEM: GENERAL REQUIREMENTS

### Tank Vessel Electrical Installation; Clarification

The purpose of these amendments is to clarify the safety requirements for electrical installations located in hazardous areas on tank ships. A notice of proposed rulemaking was published in the FEDERAL REGISTER on August 26, 1974 (39 FR 30845), proposing adoption of these amendments.

A total of six written communications related to the proposed amendments were received containing nine comments. The comments and their effect on the amendments are summarized as follows:

Two comments indicated that the date after which these amendments were to apply, July 1, 1972, was retroactive. The date has been changed to make the amendments effective May 22, 1975, rather than July 1, 1972.

Two comments questioned whether the amendments would be applicable to tank barges. The amendments by their terms apply only to tank ships and, therefore, do not apply to tank barges.

Two comments pointed out that the amendments could be misinterpreted to require explosion proof equipment in enclosed spaces located within the "cargo deck space" but having no weather openings in the "cargo deck space." The amendments have been changed to correct this by adding the phrase "in the weather" to the first sentence of the amendments.

One comment indicated that enclosed spaces having openings near cargo tank vents and ullage openings are at least as hazardous as enclosed spaces having openings in the cargo area. The amendments have been changed to include these and similar spaces by specifically including them in the amendments.

One comment indicated that tank ships designed for low overhead clearance could not comply with the proposed amendments. Such tank ships can comply with these amendments by proper location of deckhouses and their openings.

One comment did not address the specifics of the proposed rule,

In addition to these changes, an error in citation of the amendments was discovered as is corrected by changing the citation in Part 32 from § 32.45–1(f)(4)(i) to 32.45–1(f)(4–a) and by changing the citation in Part 111 from 111.85–10(c)(5)(i) to 111.85–10(c)(6).

In consideration of the foregoing, Parts 32 and 111 of Title 46 of the Code of Federal Regulations are amended as follows under the authority of 46 U.S.C. 375, 391a, 416; 49 U.S.C. 1655(b); 49 CFR 1.46(b):

1. Section 32.45–1(i) is revoked and reserved, and a new § 32.45–1(f)(4–a) is added to read as follows:

**§ 32.45–1 Requirements for tank vessels the construction or conversion of which is contracted for on or after November 19, 1953—TB/ALL.**

• • • • •

(f) • • •

(4–a) *Additional requirements.* In addition to the requirements of paragraph (f)(4) of this section, electrical equipment on each tank ship that is contracted for after May 22, 1975, must be explosion proof if it is located in the weather in the cargo deck space, in enclosed spaces having an opening or access located within the cargo deck space, or in enclosed spaces having an opening or access located within three meters (approx. 10 feet) of a cargo tank vent outlet, a cargo tank ullage opening, a cargo pipe flange, a cargo valve, a cargo pumproom entrance, or a cargo pumproom ventilation opening. For the purpose of this paragraph (f)(4) the term "cargo deck space" means the volume bounded by the open deck over the cargo tank block (including all ballast tanks within the cargo tank block), extending to the full width of the vessel, plus three meters (approx. 10 feet) fore and aft of the cargo tank block and up to a height of 2.4 meters (approx. 8 feet) above the deck.

• • • • •

(i) [Reserved]

2. Section 111.85–10(c)(5)(i) is revoked and a new § 111.85–10(c)(6) is added to read as follows:

**§ 111.85–10 Special requirements for tank vessels contracted for on or after November 19, 1955—TB/ALL.**

• • • • •

(c) • • •

(5) • • •

(i) [Revoked]

(6) *Additional requirements.* In addition to the requirements of paragraph (c)(5) of this section, electrical equipment on each tank ship that is contracted for after May 22, 1975, must be explosion proof if it is located in the weather in the cargo deck space, in enclosed spaces having an opening or access located within the cargo deck space, or in enclosed spaces having an opening or access located within three meters (approx. 10 feet) of a cargo tank vent outlet, a cargo tank ullage opening, a cargo pipe flange, a cargo valve, a cargo pumproom entrance, or a cargo pumproom ventilation opening. For the purpose of this paragraph, the term "cargo deck space"





means the volume bounded by the open deck over the cargo tank block (including all ballast tanks within the cargo tank block), extending to the full width of the vessel, plus three meters (approx. 10 feet) fore and aft of the cargo tank block and up to a height of 2.4 meters (approx. 8 feet) above the deck.

• • • • •

*Effective date.* These amendments shall become effective May 22, 1975.

Dated: April 16, 1975.

O. W. SILER,
*Admiral, U.S. Coast Guard Commandant.*

[FR Doc.75-10466 Filed 4-21-75;8:45 am]

## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20111; FCC 75-257]

## PART 97—RADIO AMATEUR RADIO SERVICE

### Amateur Radio Service; Authorization of Commemorative Stations

1. A Notice of Proposed Rule Making in the above-captioned matter was released on July 24, 1974, and was duly published in the FEDERAL REGISTER, 39 FR 27590, on July 30, 1974. The dates for filing comments and replies have passed.

2. Nine separate comments to this proceeding were filed.

3. In its Notice of Proposed Rule Making, the Commission proposed the establishment of a separate commemorative or "special event" station license under which amateur operators may operate for an abbreviated period in connection with a celebration shown to be unique, distinct and of general interest to either a segment of the general public or to amateur radio operators for the purpose of enhancing the public recognition toward the Amateur Radio Service. Under past practices there has been a lack of uniformity in the application of § 97.51(a)(4) of the Rules relating to specific call signs for a special event because the provision contained no specific criteria. Under the redefined criteria a separate "special event" station license would be created. Considerably more applicants would be able to establish their eligibility for such a license and obtain a specific call to be used solely in connection with the particular event. The proposed terminology "commemorative" call sign is being changed to "special event" because we believe it more nearly reflects both past and present events contemplated by most amateurs.

4. This proposal was unconditionally supported by two respondents, conditionally endorsed by six respondents and opposed by one. Clifton Evans, K6BX, filed comments both in his individual capacity and as a representative of International Amateur Radio Society (IRAS). The following matters were raised by those who conditionally endorsed the proposal:

ESTABLISHMENT OF FORMAL CLASS OF AMATEUR STATION

5. The rules adopted herein establish the "special event" station license as a formal class of amateur license. In his opposing comment respondent Paul Schuett states that the present policy of establishing "special event" station in the Amateur Radio Service "does need some revision" but that authorization for such station should continue in its present form as a "Special Temporary Authority." Mr. Schuett suggests that requiring formal application is a waste of the Commission's resources, time, and supplies.

6. The amended rule provides for letter requests for "special event" station licenses. No formal application is required. The Commission anticipates that the redefined criteria will enable perfunctory application processing. Thus, case-by-case evaluation and letter writing often found necessary under former rules will be eliminated.

AMATEUR EXTRA OR ADVANCED CLASS LICENSEE ONLY TO BE ELIGIBLE FOR SPECIAL EVENT STATION LICENSE

7. Two respondents would relax the requirement that only Amateur Extra or Advanced Class licensees would be eligible to apply for a special event call sign. One comment states that the provision severely limits the number of licensed operators that can apply for a special event station license and should also include General Class (not Conditional) licenses. He indicates that including General Class licensees would generate more interest among amateur operators and as a result more special event calls would be issued. Also, it would make the public more aware of the services amateur operators can perform for the public.

8. We are, in effect, creating new amateur privileges. It is our policy, consistent with our incentive licensing program, to award these new privileges to higher class licensees who have by their status demonstrated greater commitment to the service. Also, by this provision it would simplify dual station identification that would otherwise be required when a control operator operated within his operator's class of license but which exceeded those of the station licensee (e.g. General Class).

9. The American Radio Relay League (ARRL) views the 30 day limit imposed by the proposed rule as being unnecessary since the celebration of the type envisioned by the rule generally runs between one to ten days. Further, it states that a celebration beyond the 30 days would automatically provide a basis of extraordinary circumstances requiring an extension of the license period.

10. The 30 day provision is designed to make it abundantly clear that the special event station is not another permanent type amateur station. It is intended as a short term station to highlight an event or celebration and not to be construed as being available for an event of an enduring nature. The 30 day period is based upon our past experience and would satisfy most requests.

FEES AND SPECIFIC CALL SIGN

11. Some of the comments objected to a special fee for a distinctive call sign in addition to the standard application filing fee.

12. We believe that the workload generated for these special privileges and licenses issued to applicants warrants a special fee consistent with the Commission's general fee policy (See the Commission's Report and Order in Docket 19658, 40 FR 3844, January 24, 1975). Distinctive call signs lend prestige and highlight the importance with which the event is considered. There is considerable value to the recipient. Consequently, it does not appear unreasonable to establish a special fee for a specific call sign. It may ultimately be possible to utilize a block of call signs for a celebration or event of great popularity. However, this will depend upon the disposition of Docket 20282 and the resultant call sign system to be adopted for the restructured Amateur Radio Service.

CONTESTS

13. Two respondents argue that special event call signs should not be prohibited from use in contests.

14. It is emphasized that these call signs will be issued solely for a special event and are not to be used for amateur contests. Contests are entirely too frequent to warrant consideration in this context. A special event station call sign is intended to be used at the location of, in connection with and for the short duration of a celebration which is unique, distinct and of significance to the general public or Amateur Radio operators, for the purpose of bringing public notice to the Amateur Radio Service.

THIRD PARTY OPERATION

15. One of the comments was concerned with use of Amateur Radio by non amateurs or non amateur organizations to further their commercial interests. To the extent that there is concern that improper use may be made by amateurs on behalf of organizations (third party communications) licensees are reminded that third party traffic consisting of the regular business or commercial affairs of any party is specifically prohibited (§ 97.114). As stated in the Order of September 27, 1974, specific violations of the Commission's rules, if observed, should be clearly detailed and brought to the Commission's attention for possible enforcement action.

16. In view of the foregoing, we find that the amendments to Part 97, set forth in the attached Appendix are in the public interest, convenience and necessity. The authority for such amendments is contained in §§ 4(i) and 303 of the Communications Act of 1934, as amended, and Title V of the Independent Offices Appropriations Act of 1952. The application requirement contained in § 97.41(f) was approved by the U.S.



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General Accounting Office on April 14, 1975.

17. Accordingly, it is ordered, That effective May 27, 1975, Part 97, of the Commission's Rules is amended as set forth in the attachment. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 4, 1975.

Released: April 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary,*

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 97.3(i) is amended to add a new definition "Special Event Station" immediately after "Repeater station" to read as follows:

§ 97.3 Definitions.

• • • • • •

(i) • • •

*Special Event Station.* Station licensed at a specific land location for operation related to the celebration of an event, past or present, which is unique, distinct, and of general interest to either the public or to amateur radio operators, for the purpose of bringing public notice to the Amateur Radio Service.

• • • • • •

2. Section 97.40(c) is revised to read as follows:

§ 97.40 Station license required.

• • • • • •

(c) An amateur radio operator may be issued one or more additional station licenses, each for a different land location, except that repeater station, control station, auxiliary link station, and special event station licenses may be issued to an amateur radio operator for land locations where another station license had been issued to the applicant.

• • • • • •

3. Sections 97.41 (a) and (g) are revised and § 97.41(f) is added to read as follows:

§ 97.41 Application for station license.

(a) Each application for a club or military recreation station license in the Amateur Radio Service shall be made on the FCC Form 610-B. Each application for any other amateur radio license, except a special event station, shall be made on the FCC Form 610.

• • • • • •

(f) An application by letter to the Amateur and Citizens Division, Federal Communications Commission, Washington, D.C. 20554, may be made by an Advanced Class or Amateur Extra Class licensee for a license to operate one special event station for the period of the celebration, but not to exceed 30 days unless extraordinary circumstances are shown. The application shall contain the following:

(1) The name, mailing address, photocopy of amateur operator license, and signature of applicant.

(2) The name and description of the celebration, its significance to the public or to amateur radio operators, and the justification for the proposed special event station.

(3) The location of the proposed station.

(4) The dates the station will be operated, and justification.

(5) Specific call sign requested, if desired.

(g) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is only for a station license, other than a special event station, it shall be filed directly with the Commission at its Gettysburg, Pennsylvania office. If the application also contains application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 97.11.

• • • • • •

4. Section 97.51(a)(4) is revised to read as follows:

§ 97.51 Assignment of call signs.

(a) • • •

(4) A specific unassigned call sign may be temporarily assigned to a special event station.

• • • • • •

5. In § 97.95 the headnote is revised and paragraph (a)(1) is revised to read as follows:

§ 97.95 Operation away from the authorized fixed operation station location.

(a) • • •

(1) When there is no change in the authorized fixed operation station location, an amateur radio station other than a military recreation, auxiliary link, or special event station, may be operated under its station license anywhere in the United States, its territories or possessions, as a portable or mobile operation, subject to § 97.61.

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[FR Doc.75-10458 Filed 4-21-75;8:45 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[ 50 CFR Part 17 ]

### ENDANGERED AND THREATENED WILDLIFE

### Proposed Threatened Status for Two Species of Butterflies

*Background.* The United States Fish and Wildlife Service has evidence that the following species of insects are threatened species as defined by the Endangered Species Act of 1973 (16 USC 1531-43; 87 Stat. 884): Schaus Swallowtail (*Papilio aristodemus ponceanus*); and the United States population of the Bahama Swallowtail (*Papilio andraemon bonhotei*).

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior may determine a species to be an endangered species, or a threatened species, because of any of five factors. These factors, and their application to the Schaus Swallowtail and the Bahama Swallowtail, are as follows:

1. *The present or threatened destruction, modification or curtailment of its habitat or range.—Schaus Swallowtail.* The original range of this butterfly in the United States was from South Miami south through the offshore islands and larger keys to Lower Matecumbe Key, including Elliot Key, Sands Key, Key Largo, Lower Matecumbe Key, Old Rhodes Key, Totten Key, and possibly Lignum Vitae and Adams Keys. The occurrence of the butterfly is dependent on the native Torchwood (*Amyris elemifera*), its catepillar food plant.

The South Miami population has been extinct for many years, and the Key Largo population is now strongly reduced due to commercial development there.

*Bahama Swallowtail.* This butterfly occurs in the Bahama Islands and in extreme South Florida. In Florida it may have occurred in the South Miami area where it is now extinct. In 1972 a colony of the butterfly was discovered on Elliot Key within the confines of Biscayne National Monument. Its required habitat is similar to that of the Schaus Swallowtail except that its caterpillar food plant is Key Lime (*Citrus aurantifolia*) and Sour Orange (*Citrus aurantium*).

2. *Overutilization for commercial sporting, scientific, or educational purposes.—Schaus Swallowtail.* There are reports that single specimens of this butterfly have been sold to amateur butterfly collectors for as much as $150. There are also reports that some zealous collectors have thoroughly searched its food plant for caterpillars so that specimens might be procured. Intensive searching of food plants for caterpillars is believed to be the most serious threat to all populations on keys in Biscayne National Monument. A proposed ferry service to these islands would allow amateur collectors ready access to these populations. Taking of the adult butterflies, however, is not considered as serious a threat, and no exportation to foreign countries is known.

*Bahama Swallowtail.* These butterflies are highly desired by collectors and their commercial value is considerable.

3. *Disease or predation.—Schaus Swallowtail.* Not applicable. *Bahama Swallowtail.* Not applicable.

4. *The inadequacy of existing regulatory mechanisms.—Schaus Swallowtail.* Although this species is Federally protected within Biscayne National Monument, it is not protected in other portions of its range.

*Bahama Swallowtail.* Not applicable. (The species occurs only in Biscayne National Monument, where it is federally protected.)

5. *Other natural or man-made factors affecting its continued existence.—Schaus Swallowtail.* In the past, hurricanes have been reported, at least temporarily, to have eliminated some populations of this species.

The areas from which the butterfly was eliminated were subsequently recolonized from adjoining populations. The smaller the range of this species becomes, however, the greater the risk that a single natural event (hurricane or freeze) could cause the species to become extinct.

*Bahama Swallowtail.* Although there are no previous reports of this species having been affected detrimentally by hurricanes, the potential does exist. The small range of the species makes it highly vulnerable to natural calamity.

These species are proposed as "Threatened" species rather than as "Endangered" species because major portions of their range are within Biscayne National Monument where they are protected by Federal law.

All prohibitions of section 9(a) of the Endangered Species Act of 1973 shall apply, with the exception of the following permitted act:

(1) The taking of adult Schaus Swallowtail (*Papilio aristodemus ponceanus*) on Key Largo for non-commercial purposes in compliance with State laws and regulations.

Supporting data for the above statements and proposals are on file with the Fish and Wildlife Service, Washington, D.C. The Governor of the State of Florida has been notified with respect to this proposed rulemaking and requested to submit comments and recommendations. All interested persons are invited to submit written comments, suggestions, objections, and factual information concerning this proposal to the "Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036." All comments received on or before July 21, 1975, will be considered.

Dated: April 17, 1975.

LYNN A. GREENWALT,
*Director,*
*Fish and Wildlife Service.*

Accordingly, it is hereby proposed to amend Part 17, Title 50 of the Code of Federal Regulations, as follows:

Amend § 17.32 by adding the following:

§ 17.32 Threatened wildlife list.

| Common name | Scientific name | Range | Portion of range over which threatened |
|---|---|---|---|
| (a) Mammals | ::: | ::: | ::: |
| (b) Birds | | | |
| (c) Insects | | | |
| (1) Schaus | *Papilio aristodemus ponceanus* | Biscayne National Monument, Dade County, Key Largo, Lower Matecumbe Key, Monroe County, Florida. | Entire range. |
| (2) Bahama | *Papilio andraemon bonhotei* | Bahama Islands and Biscayne National Monument, Dade County, Florida. | Do. |



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(i) *Prohibitions.* All the prohibitions listed in section 9(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538 (a)(1)) shall apply to the Schaus Swallowtail and the Bahama Swallowtail, *Provided*, That adult Schaus Swallowtails (*Papilio aristodemus ponceanus*) may be taken on Key Largo, if the taking is not in the course of a commercial activity, and if the taking is in accordance with State and local law.

[FR Doc. 75-10475 Filed 4-21-75;8:45 am]

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**Geological Survey**

**[ 30 CFR Parts 250, 251 ]**

**OUTER CONTINENTAL SHELF**

**Oil, Gas and Sulphur Operations; Geological and Geophysical Explorations**

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331–1343), it is proposed to amend 30 CFR 250.97 and to add Part 251 to Title 30, Code of Federal Regulations.

The purpose of the amendment of 30 CFR 250.97 is to specify a definite time when geological and geophysical interpretations, maps and data pertaining to leased lands will be made available for public inspection. The purpose of Part 251 is to prescribe policies, procedures, and requirements for conducting geological and geophysical explorations of the Outer Continental Shelf.

It is also proposed that when Part 251 is adopted, all existing authorizations to conduct geological and geophysical explorations of the Outer Continental Shelf be revoked as follows:

(1) Notice dated September 17, 1953, Outer Continental Shelf, Geological and Geophysical Explorations (Texas) (18 FR 5667 and footnote 1).

(2) Notice dated March 23, 1954, Outer Continental Shelf, Geological and Geophysical Explorations (Louisiana) (19 FR 1730).

(3) Notice dated March 31, 1955, Outer Continental Shelf, Geological and Geophysical Explorations (California) (20 FR 2023).

(4) Notice dated March 27, 1956, Outer Continental Shelf, Geological and Geophysical Exploration (Florida) (21 FR 2129).

(5) Notice dated August 25, 1958, Outer Continental Shelf, Geological and Geophysical Explorations (Alabama) (23 FR 6760).

(6) Notice dated August 5, 1960, Outer Continental Shelf, Geological and Geophysical Explorations (Georgia) (25 FR 7811).

(7) Notice dated September 6, 1960, Outer Continental Shelf, Geological and Geophysical Explorations (Atlantic Coast Area) (25 FR 8759).

(8) Notice dated July 28, 1961, Outer Continental Shelf, Geological and Geophysical Explorations (Pacific Coast Area off Oregon and Washington) (26 FR 6874).

(9) Notice dated March 7, 1964, Outer Continental Shelf, Geological and Geophysical Exploration (Alaska) (29 FR 3369).

(10) Memorandum dated May 14, 1965, from the Director, Geological Survey to the Secretary of the Interior, approved by the Secretary of the Interior on May 20, 1965, authorizing the Area Oil and Gas Supervisor, Gulf of Mexico Area, to approve core drilling on the Continental Slope of the Gulf of Mexico.

(11) Memorandum dated February 16, 1967, from the Director, Geological Survey, to the Secretary of the Interior, approved by the Secretary of the Interior on March 1, 1967, authorizing the Area Oil and Gas Supervisor, Eastern Area, to approve core drilling on the Continental Slope of the Atlantic Ocean.

(12) Notice dated December 11, 1974, Outer Continental Shelf Geological and Geophysical Exploration (39 FR 43562).

These proposed regulations also incorporate the subject matter of draft amendments of 30 CFR 250.38(g), 250.70, 250.71, 250.72, 250.73, and 250.74 appearing in a notice published in the FEDERAL REGISTER on May 16, 1974 (39 FR 17446–17447) pertaining to geological and geophysical data submission and disclosure. On the basis of public hearings held on July 15 and 16, 1974, and comments received, certain changes are incorporated in these proposed regulations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, U.S. Geological Survey, National Center, Reston, Virginia 22092, on or before June 6, 1975.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Department has prepared a draft Environmental Impact Statement on the proposed 30 CFR Part 251. The availability of the statement is being officially announced simultaneously with the publication of this notice. Comments thereon are being invited and will be considered in the preparation of a final Environmental Impact Statement to be published prior to any final decision on the issuance of the proposed regulations.

Dated: April 16, 1975.

ROYSTON C. HUGHES,
*Assistant Secretary of the Interior.*

**PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF**

Part 250 of Title 30 of the Code of Federal Regulations is amended as set forth below:

Section 250.97 is amended to read as follows:

**§ 250.97 Public inspection of records.**

(a) Geophysical interpretations, maps and data and geological interpretations and maps which are submitted pursuant to the requirements of this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect, or for a period of 10 years following issuance of the lease, whichever is less, unless the Supervisor determines that earlier release of such information is necessary for the proper development of the field or area.

(b) Geological data which are submitted pursuant to the requirements of this part shall be made available for public inspection within a period of 6 months after the date of submission pursuant to the requirements of this part except that the Supervisor may extend the time for release up to a total of one year after the date of submission.

Part 251 is added to Chapter II of Title 30 of the Code of Federal Regulations to read as follows:

**PART 251—GEOLOGICAL AND GEOPHYSICAL EXPLORATION OF THE OUTER CONTINENTAL SHELF**

GENERAL PROVISIONS


Sec.
251.1 Purpose.
251.2 Authority and scope.
251.3 Definitions.
251.4 Requirements for conducting geological and geophysical explorations of the Outer Continental Shelf.
251.5 Responsibilities.


CONDITIONS FOR ISSUANCE OF PERMITS


251.10 Applications.
251.11 General conditions of permits.
251.12 General obligations of permittee.
251.13 Core or test drilling.
251.14 Reports.
251.15 Public availability of records.


CANCELLATION, PENALTIES AND APPEALS


251.20 Revocation and cancellation.
251.21 Penalties.
251.22 Appeals.


AUTHORITY: Sec. 11, Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 469; 43 U.S.C. 1331, 1340).

GENERAL PROVISIONS

**§ 251.1 Purpose.**

The purpose of the regulations in this part is to prescribe policies, procedures, and requirements for geological and geophysical exploration for mineral resources and scientific research of the Outer Continental Shelf.

**§ 251.2 Authority and scope.**

(a) The regulations in this part are issued pursuant to Section 11 of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 469, 43 U.S.C. 1331, 1340).

(b) It is the policy of the Department to encourage geological and geophysical explorations of the Outer Continental Shelf.

(c) Authorization by the Department to engage in such activities conveys no right to a lease and constitutes no commitment by the Government to offer the area covered by the authorization for leasing.





(d) The regulations in this part shall not apply to geological and geophysical explorations conducted on a lease in the Outer Continental Shelf of the United States by or on behalf of the lessee. Those explorations shall be governed by the regulations in Part 250 of this chapter.

(e) The regulations of this part are applicable to permits issued prior to publication of this part, but if there is direct conflict between the express terms of such a permit and these regulations the terms of the permit shall control.

**§ 251.3 Definitions.**

When used in this part, the following definitions shall apply:

(a) *Director.* The Director of the Geological Survey, United States Department of the Interior.

(b) *Supervisor.* A representative of the Secretary, or any subordinate of such representative acting under his direction, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part.

(c) *Person.* A natural person, an association, a State, a political subdivision of a State, or a private, public or municipal corporation.

(d) *Geological explorations for mineral resources.* Operations which utilize geologic and geochemical techniques, including core and test drilling and various bottom sampling methods, to produce information concerning the Outer Continental Shelf. The term does not include explorations for scientific research.

(e) *Geophysical explorations for mineral resources.* Operations which utilize geophysical techniques, including gravity, magnetic and various seismic methods, to produce information concerning the Outer Continental Shelf. The term does not include explorations for scientific research.

(f) *Geological and geophysical explorations for scientific research.* Any investigation conducted for scientific research purposes involving the gathering and analysis of geological or geophysical data of the Outer Continental Shelf, the results of which will be made available to the public.

(g) *Deep stratigraphic test.* Drilling of more than 50 feet (15.2 meters) of consolidated rock or a total of 300 feet (91.4 meters).

(h) *Permit.* The contract or agreement, approved for a specified period of time, under which the permittee acquires the right to conduct (1) geological or geophysical explorations for mineral resources of the Outer Continental Shelf; or (2) scientific research of the Outer Continental Shelf which involves the use of solid or liquid explosives or the penetration of more than 50 feet (15.2 meters) or consolidated rock or a total of 300 feet (91.4 meters) under the conditions at the locations specified in the permit.

(i) *Outer Continental Shelf.* All submerged lands which lie seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (67 Stat. 29; 43. U.S.C. §§ 1301–1315) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(j) *OCS Order.* A formal numbered order issued by the Supervisor with the prior approval of the Chief, Conservation Division, Geological Survey, that implements the regulations contained in this part or 30 CFR Part 250 of this Chapter and applies to operations in an area or a major portion thereof.

**§ 251.4 Requirements for conducting geological and geophysical explorations of the Outer Continental Shelf.**

(a) Any person wishing to conduct geological or geophysical explorations for mineral resources of the Outer Continental Shelf must obtain a permit for such exploration from the Supervisor.

(b) Any person desiring to conduct explorations for scientific research on the Outer Continental Shelf is not required to obtain a permit from the Supervisor unless such explorations involve the use of solid or liquid explosives or the penetration of more than 50 feet (15.2 meters) of consolidated rock or a total of 300 feet (91.4 meters).

(c) Agencies of the United States using Federal employees and federally-owned facilities are not required to obtain a permit to conduct geological or geophysical explorations of the Outer Continental Shelf.

(d) Persons conducting scientific research not requiring a permit and agencies of the United States shall, prior to commencing such explorations, file with the Supervisor a notice to the Director which includes:

(1) Identification of the person or agency which will conduct the proposed exploration;

(2) Type of exploration and manner in which it will be conducted;

(3) Location on the Outer Continental Shelf where the exploration will be conducted;

(4) Dates on which the exploration is to be commenced and completed;

(5) The proposed timing and manner in which the results of the exploration will be released to the public or made available through publication; and

(6) A statement that the data and the processed information derived therefrom will not be sold or withheld for exclusive use.

(e) The Director shall be notified immediately, through the Supervisor, of any adverse effects of the exploration on the environment, aquatic life, or other uses of the area in which the exploration was conducted.

**§ 251.5 Responsibilities.**

Subject to the authority of the Secretary of the Interior, the regulations in this part shall be administered by the Director, through the Chief, Conservation Division of the Geological Survey and the Supervisor.

(a) The Supervisor shall receive and act on applications to conduct geological or geophysical exploration of the Outer Continental Shelf. Permits for exploration involving the use of solid or liquid explosives or for penetration of more than 50 feet (15.2 meters) of consolidated rock or a total of 300 feet (91.4 meters) shall be approved only under conditions established by the Director.

(b) The Supervisor shall not issue any permit until he has found that such exploration will not interfere with or endanger operations under any lease maintained or granted pursuant to the Outer Continental Shelf Lands Act and that such exploration will not be unduly harmful to aquatic life in the area, result in pollution, create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, or disturb any site, structure, or object of historical or archaeological significance.

(c) The Supervisor shall not approve an application if the applicant has demonstrated an unwillingness to conduct exploration activities in accordance with the terms and conditions of the permit and applicable OCS orders, regulations, and laws.

(d) The Supervisor may, subject to the approval of the Chief, Conservation Division, Geological Survey, issue OCS orders implementing the requirements of the regulations of this part when such implementations apply to an entire area or a major portion thereof.

(e) The Supervisor may issue written or oral orders to govern operations under a specific permit. The Supervisor shall confirm oral orders in writing as promptly as possible.

(f) When any person intending to conduct scientific research for which a permit is not required or any agency of the United States has notified the Supervisor of its desire to conduct explorations of the Outer Continental Shelf, the Supervisor shall inform the person or agency of precautions which the Director considers necessary to assure that the exploration will not interfere with or endanger operations under a lease, cause undue harm to aquatic life, cause pollution, create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, or disturb any site, structure, or object of historical or archaeological significance.

(g) The Supervisor may consult with any Federal or State agency possessing expertise which he deems useful in formulating permit stipulations and conditions.

(h) The Supervisor is authorized to cooperate with State authorities and to utilize state inspection services for the protection of aquatic life and other values when such services are available.

(i) The Supervisor shall advise the appropriate officials of other bureaus and offices of the Department and other Federal and State agencies of the nature and



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location of exploratory activities conducted pursuant to this part which may affect their respective programs and interests.

(j) The Supervisor or his representative may order, either in writing or orally with written confirmation, the suspension of any operation conducted pursuant to a permit issued in accordance with the regulations of this part when in his judgment such operation threatens immediate, serious, and irreparable harm or damage to life, including aquatic life, property, cultural resources, any valuable mineral deposits, or the environment. Such suspension of operations under the permit shall continue until the permittee is notified in writing by the Supervisor that operations may resume.

CONDITIONS FOR ISSUANCE OF PERMITS

**§ 251.10 Applications.**

(a) Applications for permits to conduct geological or geophysical exploration of the Outer Continental Shelf shall be on a form approved by the Director, Geological Survey. All applications shall include:

(1) Identification of persons or agencies participating in the proposed exploration;

(2) Type of exploration and manner in which it will be conducted;

(3) Location where the exploration will be conducted;

(4) Purpose of conducting such exploration;

(5) Dates on which the exploration will be commenced and completed; and

(6) Such other information as the Supervisor may request of the applicant.

(b) Applications to conduct geological or geophysical explorations of the Outer Continental Shelf must be filed in duplicate with the Supervisor as follows:

(1) For geophysical explorations which do not involve the use of explosives, at least 10 working days before the work for which the permit is sought is scheduled to begin;

(2) For geological explorations (excluding deep stratigraphic tests) or geophysical explorations involving the use of explosives, at least 30 working days before the work for which the permit sought is scheduled to begin; and

(3) For deep stratigraphic tests, at least 90 working days before the work for which the permit is sought is scheduled to begin.

(c) Application filing locations:

(1) Applications to conduct geological and geophysical explorations for oil, gas, and sulphur shall be filed in the following Geological Survey offices:

(i) For areas off the Atlantic Coast—the Area Oil and Gas Supervisor, Eastern Area, Washington, D.C.

(ii) For areas in the Gulf of Mexico—the Area Oil and Gas Supervisor, Gulf of Mexico Area, Metairie, Louisiana.

(iii) For areas off the coast of the States of California, Oregon, and Washington—the Area Oil and Gas Supervisor, Pacific Area, Los Angeles, California.

(iv) For areas off the State of Alaska—the Area Oil and Gas Supervisor, Alaska Area, Anchorage, Alaska.

(2) Applications to conduct geological or geophysical exploration for minerals other than oil, gas, and sulphur shall be filed in the following Geological Survey offices:

(i) For areas off the Atlantic Coast and in the Gulf of Mexico—the Area Mining Supervisor, Eastern Area, Washington, D.C.

(ii) For areas off the States of Alaska, California, Oregon, and Washington—the Area Mining Supervisor, Alaska—Pacific Area, Menlo Park, California.

(3) Applications to conduct scientific research on the Outer Continental Shelf which requires a permit shall be filed with the Area Oil and Gas Supervisor as indicated in paragraph (c)(1) of this section.

**§ 251.11 General conditions of permits.**

(a) Separate permits for geological and for geophysical explorations will be issued.

(b) Each permit shall authorize the exploration as described in the application, except to the extent that the description is modified by the terms of the permit; and will notify the permittee that it must comply with the terms and conditions of the permit, OCS orders, other orders of the Supervisor, the regulations in this part, and other applicable laws and regulations. Geological and geophysical exportation permits shall be subject to such terms and conditions as the Supervisor deems necessary including, but not limited to, terms and conditions to assure that operations will not:

(1) Interfere with or endanger operations under any lease maintained or granted pursuant to the Outer Continental Shelf Lands Act;

(2) Cause undue harm to aquatic life;

(3) Cause pollution;

(4) Create hazardous or unsafe conditions;

(5) Unreasonably interfere with or harm other uses of the area; or

(6) Disturb any site, structure, or object of historical or archaeological significance.

(c) The permit shall provide for the means by which data will be submitted to Geological Survey.

(d) The permittee shall notify appropriate agencies including the Coast Guard, the Corps of Engineers and other Federal and State agencies designated by the Supervisor prior to commencing explorations.

**§ 251.12 General obligations of permittee.**

(a) A permittee shall conduct explorations only in compliance with the terms and conditions of the permit, the orders of the Supervisor, the regulations in this part, and all other applicable laws and regulations, and in a manner which will not interfere with or endanger operations under any lease, or unduly harm aquatic life, result in pollution, create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, or disturb any site, structure, or object of historical or archaeological significance.

(b) Upon the direction of the Supervisor, a permittee authorized to conduct geological or geophysical explorations shall utilize the services of an advisor or consultant qualified to observe and advise and who will observe operations conducted pursuant to the permit and advise the permittee and the Supervisor of any adverse effects of the operations upon the environment, aquatic life, and other uses of the area. The cost of obtaining any non-Federal advisor or consultant shall be paid by the permittee. The permittee shall, on request of the Supervisor, furnish quarters and transportation at no cost, for a Federal representative to inspect operations.

**§ 251.13 Core or test drilling.**

(a) Permits authorizing geological exploration by means of shallow coring or drilling may be issued by the Supervisor.

(1) Prior to issuing a permit, the Supervisor may require that high resolution seismic data including bathymetric, side-scan sonar and magnetometer data be gathered across any proposed drilling location so as to determine shallow structural detail in the vicinity of the proposed test.

(2) In order to minimize duplicative geological exploration involving penetration of the seabed of the Outer Continental Shelf, the Supervisor may require an applicant to afford all interested persons an opportunity to participate in the program on a cost-sharing basis. The penalty for late participation in such a program shall not be more than 50 percent of the cost to each of original participants. If required to provide for group participation, the applicant shall:

(i) Publish a summary statement of the proposed program in a manner approved by the Supervisor;

(ii) Allow reasonable time, but not less than 30 days from the date of publication, for other persons to consider participation in the program;

(iii) Forward a copy of the published notice(s) to the Supervisor;

(iv) Compute the direct costs to a participant in a geological exploration program by dividing the total costs of the program by the number of participants. Such figure shall be revised when additional (including late) participants join the group; and

(v) Furnish the Supervisor with a complete list of all participants under the permit prior to commencing operations and, on a timely basis, a list of all late participants.

(3) The permittee shall conduct such exploration in a manner which prevents blowouts, prevents release of fluids from stratum into the sea, and prevents communication between separate fluid-bearing strata of oil, gas, or water. The permittee shall utilize appropriate protective measures and devices specified by the Supervisor.





(b) Permits authorizing geological exploration by means of deep stratigraphic drilling on the Outer Continental Shelf may be issued by the Supervisor only after the Director has approved the drilling plan.

(1) An application to conduct deep stratigraphic drilling shall be accompanied by a drilling plan which shall include:

(i) A description of the drilling rig proposed for use showing the design and major features thereof, including features intended to prevent or control pollution;

(ii) The location of each deep stratigraphic test to be drilled including surface and projected bottom hole location for directionally drilled tests;

(iii) An oil spill contingency plan and a description of all equipment and materials available to the permittee for use in containment and recovery of an oil spill, with a description of the capabilities of such equipment under different sea and weather conditions;

(iv) High resolution seismic data including bathymetric, side-scan sonar and magnetometer data collected across any proposed drilling location so as to permit determination of shallow structural detail in the vicinity of the proposed well, and for stratigraphic wells proposed to depths greater than 1,000 feet (304.8 metres) below the mudline, common depth point seismic data from the area of the proposed test location and interpretations therefrom; and

(v) Such other pertinent information and data as the Director or Supervisor may request.

(2) Before any modification may be made in an approved drilling plan, the proposed modification must be approved by the Director. Any relocation of drillsite exceeding 300 feet (91.4 metres) or redrill of the hole shall have prior approval of the Supervisor.

(3) In order to minimize duplicative geological exploration involving penetration of the seabed of the Outer Continental Shelf, the Supervisor shall require an applicant for a permit to perform deep stratigraphic drilling to afford all interested persons an opportunity to participate in the program on a cost-sharing basis with a penalty for late participation of not more than 100 percent of the cost to each original participant. To provide for group participation, the applicant shall:

(i) Publish a summary statement of the proposed program in a manner approved by the Supervisor;

(ii) Allow reasonable time, but not less than 30 days from the date of publication, for other persons to consider participation in the program;

(iii) Forward a copy of the published notice(s) to the Supervisor;

(iv) Compute the direct cost to a participant in a geological exploration program by dividing the total cost of the program by the number of participants. Such figure shall be revised when additional (including late) participants join the group; and

(v) Furnish the Supervisor with a complete list of all participants under the permit prior to commencing operations and submit, on a timely basis, a list of all late participants.

(c)(1) Prior to any coring or drilling activity, the permittee will conduct studies sufficient to determine the possible existence of any sites, structures, or objects of historical or archaeological significance that may be affected by such an operation, and shall report the findings of the studies to the Supervisor. If any study indicates the possible presence of a cultural resource, a full explanation will be included in the report and the Supervisor shall take appropriate action.

(2) The permittee shall take no action that may result in its disturbance without the prior approval of the Supervisor, but if any cultural resource is accidentally discovered, the permittee shall immediately report the finding to the Supervisor and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(d) All Outer Continental Shelf Regulations relating to drilling operations in Part 250 of this chapter and all OCS Orders relating to the drilling and abandonment of wells apply as appropriate to permits to drill, issued pursuant to this part. Departures from the requirements of OCS Orders shall be permitted as provided for in § 250.12(b) of this chapter.

(e) Bonds. Before a permit authorizing coring or drilling will be issued, the applicant shall furnish to the Bureau of Land Management a corporate security bond of not less than $100,000 conditioned on compliance with the terms of the permit, unless he already maintains with or furnishes to the Bureau of Land Management a bond in the sum of $300,000 conditioned on compliance with the terms of exploration permits issued to him on the Outer Continental Shelf in (1) Gulf of Mexico, (2) along the Pacific Coast, (3) along the Atlantic Coast, or (4) other area of operations, as may be appropriate. The bond furnished or maintained by the applicant will be on a form approved by the Supervisor.

**§ 251.14 Reports.**

(a) The Director shall be notified immediately, through the Supervisor, of any adverse effects of the exploration on the environment, aquatic life or other uses of the Area in which the exploration was conducted or on any site, structure, or object of historical or archaeological significance.

(b) The permittee shall send interim reports which include a daily log of operations to the Supervisor on a weekly basis.

(c) The permittee shall submit a final report to the Supervisor within 30 days after the completion of any exploration activity. The final report shall contain the following:

(1) A description of the work performed;

(2) Charts, maps, or plats depicting the areas in which the exploration was conducted and specifically identifying the lines over which geophysical traverses were run or the specific locations at which geological explorations were conducted, including a reference sufficient to identify the data produced during each such operation;

(3) The dates on which the exploration was performed;

(4) A report of any adverse effects of the exploration on the environment, aquatic life, any lease operations in the area, or other uses of the area in which the exploration was conducted, or on any site, structure or object of historical or archaeological significance.

(5) The data required to be submitted in paragraphs (d) and (e) of this section; and

(6) Such other information as may be specified by the Supervisor.

(d) In addition to the reports required in paragraphs (a), (b), (c) of this section, upon request by the Supervisor, the following geological data and processed information acquired under geological exploration permit shall be submitted to the Supervisor within 30 days after request. The time for submitting processed data may be extended by the Supervisor if the permittee shows that additional time is necessary to complete data processing.

(1) Accurate and complete records of all geological and geochemical data resulting from each drilling operation;

(2) Paleontological reports identifying microscopic fossils by depth (not resulting age interpretations based upon such identification) unless washed samples are maintained by the permittee for paleontological determination and are made available for inspection by the Geological Survey;

(3) Copies of logs or charts of electrical, radioactive, sonic, and other well logging operations;

(4) Analyses of core or bottom samples or a representative cut or split of the core or bottom sample;

(5) Detailed descriptions of any hydrocarbon shows or hazardous conditions encountered during operations, including near losses of well control, abnormal geopressures, and losses of circulation; and

(6) Such other geological and geochemical data and processed information obtained under the permit as may be specified by the Supervisor.

(e) In addition to the reports required in paragraphs (a), (b), and (c) of this section, upon request by the Supervisor, the following geophysical data and processed information acquired under a geophysical exploration permit shall be submitted to the Supervisor within 30 days after request. The time for submitting processed data may be extended by the Supervisor if the permittee shows that additional time is necessary to complete data processing.

(1) Accurate and complete records of each geophysical survey conducted under the exploration permit, including





final location maps of all survey sta-

ject to any civil or criminal remedies

tional consideration should be given to



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final location maps of all survey stations; and

(2) All common depth point and high resolution seismic data developed under an exploration permit including the processed information derived therefrom with extraneous signals and interference removed, in a format and quality suitable for interpretative evaluation, reflecting state-of-the-art processing techniques; and other data including, but not limited to, shallow and deep subbottom profiles, bathymetry, side-scan sonar, magnetometer, and bottom profiles; gravity and magnetic; and data from special studies such as from refraction surveys, velocity surveys and domal configuration studies.

**§ 251.15 Public availability of records.**

Geological and geophysical data, including processed information relating to submerged lands on the Outer Continental Shelf collected pursuant to a permit issued after the publication of these regulations and required to be submitted to the Supervisor under this part, shall be made available for public inspection by the Supervisor as follows:

(a) Geophysical data including processed information—ten years after issuance of a permit to conduct exploration.

(b) Geological data and processed information:

(1) Immediate release through public notice of the discovery during drilling operations of oil shows and environmental hazards on unleased lands when these shows or hazards are judged to be significant by the Director.

(2) Ten years after issuance of the permit to conduct exploration except for deep stratigraphic drilling.

(3) Five years after the date of completion of a test well or 60 calendar days after the issuance of the first Federal lease within 50 geographic miles of the drill site, whichever is earliest, for deep stratigraphic drilling.

CANCELLATION, PENALTIES AND APPEALS

**§ 251.20 Revocation and cancellation.**

The Supervisor is authorized to suspend or revoke a permit under which the operation is being conducted, or is proposed to be conducted, which in his judgment threatens immediate, serious, or irreparable harm or damage to life, including aquatic life, to property, to cultural resources, to valuable mineral deposits, or to the environment, or for noncompliance with applicable laws, regulations, the terms and conditions of the permit, OCS Orders, or any other written order or rule, including orders for submitting reports, well records or logs, and analyses in a timely manner.

**§ 251.21 Penalties.**

Any person who conducts geological and geophysical exploration of the Outer Continental Shelf without a permit issued under this part or who, having obtained a permit, fails to comply with the terms of the permit will be subject to any civil or criminal remedies which the Secretary chooses to pursue.

**§ 251.22 Appeals.**

Orders or decisions issued under the regulations in this part may be appealed as provided in Part 290 of this chapter.

[FR Doc.75-10499 Filed 4-21-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

**[ 33 CFR Part 175 ]**

[CGD 74-159]

### NONAPPROVED LIFESAVING DEVICES ON WHITE WATER CANOES AND KAYAKS

**Proposed Revocation of Exception; Comment Period Extension**

In the February 4, 1975 issue of the FEDERAL REGISTER (40 FR 5167), the Coast Guard published a Notice of Proposed Rulemaking proposing to revoke the exception in 33 CFR 175.17 from Personal Flotation Device (PFD) requirements presently allowed for operators of white water canoes and kayaks. The notice provided that all written comments received before April 17, 1975 would be considered before action would be taken on the proposal.

The purpose of this notice is to extend the comment period to May 31, 1975 in order to give the public additional time to submit written data, views, and arguments concerning the notice.

All communications received before May 31, 1975 will be considered before action is taken on the proposed revocation.

(Sec. 5 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1454); 49 CFR 1.46(o)(1))

Dated: April 16, 1975.

A. F. FUGARO,
*Captain, U.S. Coast Guard,*
*Acting Chief, Office of Boating Safety.*

[FR Doc.75-10470 Filed 4-21-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

**[ 40 CFR Part 450 ]**

[FRL 361-7]

### EFFLUENT GUIDELINES AND STANDARDS

**Pretreatment Standards for Oil and Grease; Request for Public Comments**

During the past several months EPA has proposed pretreatment standards for existing sources which discharge into publicly owned treatment works and promulgated pretreatment standards for new sources which discharge into publicly owned treatment works, pursuant to section 307 (b) and (c) of the Federal Water Pollution Control Act, 33 U.S.C. section 1317.

Internal review of these regulations by EPA has led to the conclusion that additional consideration should be given to the question of the proper pretreatment standard for the discharge of oil and grease for all industrial categories. The Agency has compiled additional data concerning this question. This data is summarized and analyzed in a document entitled "Treatability of Oil and Grease."

These data appear to indicate that no pretreatment limitation should be placed on the discharge of oil and grease of an animal or vegetable origin where such wastes are essentially free from petroleum or mineral based oil and greases. On the other hand, where the oil and grease is known to be derived from petroleum or mineral sources or where the source is unknown a pretreatment standard limitation of 100 mg/l on oil and grease appears to be most appropriate. The Agency is presently considering inclusion of these limitations in pretreatment standards for all industrial categories. However before doing so, the Agency desires to hear the views of publicly owned treatment plant operators, industrial users and all other interested parties.

Information concerning the data which supports the above conclusions and pertinent definitions and methodology are contained in the above mentioned document. Copies of this document are available through the Office of Public Affairs, Environmental Protection Agency, Washington D.C. 20460, Attention: Ms. Ruth Brown, A-107.

Interested persons may submit written comments in triplicate to Ms. Ruth Brown, Office of Public Affairs, at the above address. Comments on all aspects of this request for public participation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations.

In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

All comments received on or before May 22, 1974, will be considered.

Date: April 15, 1975.

RUSSELL E. TRAIN,
*Administrator.*

[FR Doc.75-10478 Filed 4-21-75;8:45 am]





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[Public Notice CM-5/37]

### NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

**Closed Meeting**

In accordance with section 10(d) of the Federal Advisory Committee Act, notice is given that the Northwest Atlantic Fisheries Advisory Committee to the U.S. Commissioners to the International Commission for the Northwest Atlantic Fisheries (ICNAF), will hold a meeting at 10:00 a.m. on Thursday, May 15, 1975, in room 1900 of the J. F. Kennedy Federal Office Building in Boston, Massachusetts. The meeting will not be open to the public.

The meeting will be devoted to discussions on and development of the U.S. negotiating position for the Annual Meeting of ICNAF, to be held in Edinburgh, Scotland in June. Pursuant to section 4 of the Northwest Atlantic Fisheries Act of 1950, which provides that "the Advisory Committee * * * shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commissioners, * * *" the members of the Advisory Committee will examine the possible positions to be taken by the U.S. Commissioners. This discussion will necessarily involve discussion of classified national security information related to the Law of the Sea, the premature disclosure of which would adversely affect the ability of the U.S. negotiators at the Annual Meeting to achieve U.S. fisheries and foreign policy objectives. As it has been determined that the meeting will involve discussion of matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and that the public interest requires that such discussions be withheld from disclosure, the meeting will not be open to the public.

Dated: April 14, 1975.

WILLIAM L. SULLIVAN, Jr.,
*Coordinator of Oceans and Fisheries Affairs.*

[FR Doc.75-10426 Filed 4-21-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Customs Service

### LEATHER PRODUCTS FROM ARGENTINA

**Amendment of Notice of Receipt of Countervailing Duty Petitions**

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice announced that petitions had been received, including, among others, a petition alleging that certain payments, bestowals, rebates or refunds granted by the Government of Argentina upon the manufacture, production, or exportation of leather products constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

Subsequent to the publication of the above mentioned notice in the FEDERAL REGISTER, the petitioner advised that for the purposes of the petition the term leather products was intended to mean leather footwear. Merchandise of the latter type is included in an ongoing investigation of non-rubber footwear from Argentina, in which a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER on February 18, 1975 (40 FR 6993).

For this reason, the above mentioned notice of receipt of countervailing duty petitions is hereby amended by deleting therefrom the words "Leather Products" under the heading "Commodity" and the word "Argentina" under the heading "Country."

Any information received in connection with leather products will be incorporated with the non-rubber footwear investigation. Any parties involved in the leather products petition will be considered as interested parties in the non-rubber footwear investigation.

This notice is published pursuant to section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

[SEAL] VERNON D. ACREE,
*Commissioner of Customs.*

Approved: April 16, 1975.

DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

[FR Doc.75-10344 Filed 4-21-75;8:45 am]

### Office of the Secretary

### ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

**Notice of Meeting**

Notice is hereby given that the Advisory Committee on Reform of the International Monetary System will meet at the Treasury Department in Washington, D.C., on May 6, 1975.

The meeting is called for consideration of the basic issues involved in and related to the current international negotiations for the reform of the international monetary system, for the purpose of obtaining the full and frank opinions of the participants on matters which are presently the subject of sensitive international negotiations.

Consequently, a determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemptions to public disclosure set forth in 5 U.S.C. 552(b)(1) and (5), and that the public interest requires such meeting be closed to public participation.

Dated: April 17, 1975.

[SEAL] STEPHEN S. GARDNER,
*Acting Secretary of the Treasury.*

[FR Doc.75-10690 Filed 4-21-75;11:33 am]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### DEFENSE SCIENCE BOARD TASK FORCE ON TECHNOLOGY BASE STRATEGY

**Task Force Meeting**

A task force of the Defense Science Board on "Technology Base Strategy" will meet on 15 and 16 May 1975 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The task force will provide guidance on the allocation of technology base resources and identification of technology targets of opportunity which hold promise of high payoff within the next decade. The morning session of 15 May will be open, and will be devoted to administrative matters as well as an overview of study objectives.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that all sessions, except the morning session of 15 May 1975, of this Defense Science Board task force meeting concern matters listed in section 552(b) of Title 5 of the United States Code, and specifically subparagraph (1) thereof, and that the public interest requires that the afternoon session on 15 May 1975 and the sessions on 16 May 1975 be closed to the public.

Persons wishing to attend the open session of this meeting should provide notice, either by mail or phone, by 12 May 1975 to:

Dr. Paul W. Peterson, Executive Secretary
DSB Task Force on Technology Base Strategy



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OSD—DD(R&AT)
Room 3E114, The Pentagon
Washington, D.C. 20301
Tel. No. (202) 697-7369

It should be noted that a reasonable quantity of seating for observers will be available, and will be allocated in the order that notices are received.

APRIL 17, 1975.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, OASD (Comptroller)*

[FR Doc.75-10429 Filed 4-21-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM 25044]

### NEW MEXICO

### Airport Lease

APRIL 15, 1975.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) the Eddy County Board of County Commissioners has applied for an airport lease for the following described land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 25 E.,
Sec. 35. SE¼NE¼.

The purpose of this notice is to inform the public that subject to prior existing rights, the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the Chief, Branch of Lands and Minerals Operations, Division of Technical Services, Bureau of Land Management, PO Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75-10431 Filed 4-21-75;8:45 am]

### Fish and Wildlife Service

### FRESHWATER SPONGES

### Review of Status

On October 21, 1974, the Department of the Interior received a petition from Ronald R. Cowden, Professor and Chairman, Department of Anatomy, the Albany Medical College of Union University, Albany, New York, seeking inter alia, a Departmental review of the status of 7 freshwater sponges for the purposes of determining whether these species should be listed pursuant to Section 4 of the Endangered Species Act of 1973, as Endangered or Threatened species.

As required by section 4(c)(2) of the Act, notice is hereby given of the Department's determination that substantial evidence has been presented by the petition to warrant a review of the status of these species to determine whether they should be proposed for listing as either Endangered or Threatened species.

| Scientific name | Common name | Where found |
|---|---|---|
| *Anheteromeyenia biceps.* | Muscular sponge. | Michigan. |
| *Corvomeyenia carolinensis.* | Carolina sponge. | South Carolina. |
| *Dosilia palmeri*..... | Oklawaha sponge. | Florida and Mexico. |
| *Ephydatia rubtilis*..... | Kissimmee sponge. | Florida. |
| *Heteromeyenia longistylis.* | Pennsylvania sponge. | Pennsylvania. |
| *Spongilla heteroscleria.* | Oneida sponge.. | New York. |
| *Spongilla spongiosa*... | Spongy sponge.. | South Carolina. |

The Department is seeking the views of the Governors of the States of Michigan, Florida, New York, Pennsylvania and South Carolina on the issues presented by the petition.

All other interested parties are hereby invited to submit any factual information which is germane to this review of the status of these species. Such information should be sent to: Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. These views and recommendations together with the evidence presented and available to the Secretary and that provided with the petition of Dr. Cowden will be reviewed to determine whether sufficient evidence is available to support the action requested by the petition.

LYNN A. GREENWALT,
*Director, Fish and Wildlife Service.*

APRIL 17, 1974.

[FR Doc.75-10431 Filed 4-21-75;8:45 am]

### ENDANGERED AND THREATENED SPECIES

### Notice on Critical Habitat Areas

In implementing their responsibilities under the Endangered Species Act of 1973 providing for the protection and conservation of Endangered and Threatened species, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service will be proposing areas to be designated by rulemaking to be "critical habitat" for such species. Except in emergency situations, Governors of States, territories, and possessions will be notified at least 90 days prior to the final rulemaking designating areas within their respective State, territory, or possession as "critical habitat" for Endangered and/or Threatened species.

It is expected that the following concepts and information will be useful to Federal, State, and local government agencies and interested private organizations and individuals in the gathering of information, participation in upcoming public and private meetings, and suggestions for proposing the designation of any habitat as "critical habitat."

One of the purposes of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as stated in section 2 (16 U.S.C. 1531), is "• • • to provide a means whereby the ecosystems upon which Endangered species and Threatened species depend may be conserved." Section 7 (16 U.S.C. 1536) of the Act states as follows:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

(The term Secretary as used above means the Secretary of Commerce and/or the Secretary of the Interior.)

Conservation of the earth's resources can maintain ecosystems within which, it is hoped, all species of fauna and flora can coexist and thereby benefit. The role that natural and man-made factors play in affecting interrelationships between fauna and flora and the ecosystems upon which they depend needs to be recognized. For the continued viability of any species, suitable habitat is not only important but essential to life itself. The term "habitat" could be considered to consist of a spatial environment in which a species lives and all elements of that environment including, but not limited to, land and water area, physical structure and topography, flora, fauna, climate, human activity, and the quality and chemical content of soil, water, and air. "Critical habitat" for any Endangered or Threatened species could be the entire habitat or any portion thereof, if, and only if, any constituent element is necessary to the normal needs or survival of that species. The following vital needs are relevant in determining "critical habitat" for a given species:

(1) Space for normal growth, movements, or territorial behavior;
(2) Nutritional requirements, such as food, water, minerals;
(3) Sites for breeding, reproduction, or rearing of offspring;
(4) Cover or shelter; or
(5) Other biological, physical, or behavioral requirements.

The Endangered Species Act of 1973 is intended to prevent the further decline, and to bring about the restoration, of Endangered and Threatened species and of the habitat upon which such species depend. The Act recognizes in section 4 (16 U.S.C. 1533) that the present or threatened destruction, modification, or curtailment of a species' habitat may endanger or threaten that species with extinction. The administration and management of critical habitats provide an important means for protecting species already determined to be Endangered or Threatened and restoring such species to a point at which they are no longer Endangered or Threatened. In order to carry out the intent of the Endangered Species Act of 1973 and to meet the biological needs of the animals and plants involved, the Fish and Wildlife Service and the National Marine Fisheries Service believe it both necessary and desirable, whenever and wherever possible, to designate "critical habitats." Federal conservation actions involving "critical habitats" may include the development of regulations, land and water acquisition, leasing arrangements, Federal/State cooperation in implementing the Act, and other administrative, research, and management plans and activities.

Actions by a Federal agency which result in the destruction or modification of habitat considered "critical habitat" for a given Endangered or Threatened species would not conform with section 7 of the Endangered Species Act of 1973, if such an action might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable expansion or recovery of that species. It must be emphasized that, because the primary intention of the Fish and Wildlife Service and the National Marine Fisheries Service under that Act is to protect, maintain, and restore presently Endangered and Threatened species, application of the term "critical habitat" may not be restricted to the habitat necessary for a minimum viable population.

It is emphasized further that certain actions may not be detrimental to "critical habitat." There may be many kinds of actions which can be carried out within the "critical habitat" of a species that would not be expected to result in such reduction in the numbers or distribution or otherwise adversely affect such species.

The Fish and Wildlife Service and the National Marine Fisheries Service would appreciate receiving information from any Federal, State, or private agency, organization, and/or individuals concerned with Endangered and Threatened species of fauna and flora, including maps, that would assist in delineating the "critical habitat" of those species appearing on the official list of Endangered or Threatened species (50 CFR 17.11, 17.12, or 17.32). Concerned parties also may choose to provide information on the specific kinds of actions that could be permitted and those that should be prohibited within the area so delineated as "critical habitat." Copies of such information should be sent to both the Director, Fish and Wildlife Service, Washington, D.C. 20240, and, the Director, National Marine Fisheries Service, Washington, D.C. 20235.

As sufficient information on "critical habitat" is gathered for each of the species now listed, the Fish and Wildlife Service and/or the National Marine Fisheries Service will publish a proposed rulemaking in the FEDERAL REGISTER. This rulemaking will identify spatial environments, including geographical boundaries where possible, considered to be "critical habitat" for the Endangered and/or Threatened species in question. Such identification will permit all Federal agencies to evaluate, prior to final rulemaking, their programs for compliance with section 7 (16 U.S.C. 1536): To avoid actions authorized, funded, or carried out by them from destroying or adversely modifying any such "critical habitat" and to enable such agencies to seek the consultation and assistance of the Secretary in utilizing their authorities to further the purposes of the Act. At least 60 days will be allowed for comments, alternative recommendations, etc., before publication of a final rulemaking on any specific designation of "critical habitat." As indicated above, Governors of States, territories, and possessions wherein "critical habitat" is to be designated normally will be given at least 90 days notification.

In the future, where deemed appropriate by the Secretary, as new candidate species for the Endangered or Threatened classification are proposed in the FEDERAL REGISTER, each such proposal will contain a proposed designation of "critical habitat" for that species.

LYNN A. GREENWALT,
*Director, Fish and Wildlife Service.*

APRIL 15, 1975.

JACK W. GEHRINGER,
*Acting Director, National Marine Fisheries Service.*

APRIL 15, 1975.

[FR Doc.75-10437 Filed 4-21-75;8:45 am]

### Office of the Secretary

### PROPOSED RIO GRANDE WILD AND SCENIC RIVER

[Int Des 75-29]

### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Bureau of Outdoor Recreation has prepared a draft environmental statement for the proposed Rio Grande Wild and Scenic River, Texas.

The environmental statement considers the probable impact of establishing the Rio Grande as a component of the National Wild and Scenic Rivers System.

Comments are invited and should be submitted to the Regional Director, Bureau of Outdoor Recreation, South Central Regional Office, 5000 Marble NE, Albuquerque, New Mexico, 87110, within 45 days. Copies of the draft statement are available for inspection at the following locations:

Bureau of Outdoor Recreation
Department of the Interior
Washington, D.C. 20240
Telephone: (202) 343-5575

Regional Director
Bureau of Outdoor Recreation
South Central Regional Office
5000 Marble NE
Albuquerque, New Mexico 87110
Telephone: (505) 766-3725

Office of the Governor
Division of Planning Coordination
Sam Houston State Office Building
Austin, Texas 78701

Brewster County Courthouse
Alpine, Texas 79830

Terrell County Courthouse
Sanderson, Texas 79848

Single copies are available to the public and may be obtained by writing to The Regional Director, Bureau of Outdoor Recreation, South Central Regional Office, 5000 Marble NE, Albuquerque, New Mexico 87110.

Dated: April 16, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10422 Filed 4-21-75;8:45 am]

### JULIAN R. HAYDEN

### Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on March 21, 1975, as Director, Area 12, Defense Electric Power Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

See attached—list includes stocks owned and stocks owned in fiduciary capacity in which I have no beneficial interest but the beneficiaries are my children.

American Can
Bank of America
Borg Warner
Central Telephone & Utilities
Century Shares Trust
Champion International
Cinn. Gas & Electric
Colorado National Bankshares, Inc.
Combustion Engineering
Continental Oil Co.
Dayton Hudson Corp.
Denver Real Estate Inv. Assoc.
Dividend Shares
Entex
Exxon
General Motors
Great Western United
Gulf Oil
Gulf & Western Industries, Inc.
Highway Aircraft Corp.
Idaho Power
Ideal Basic Industries
Illinois Power Co.
Kansas City Power & Light Co.
Mass. Electric Co.
Mass. Investors Trust
Meredith Corp.
Minnesota Mining & Mfg. Co.
Mobile Oil
Montana Power Co.
Monsanto
Morse Shoe
Mountain States Telephone
Ohio Edison
Oklahoma Gas & Electric
Oklahoma Natural Gas
Pacific Gas & Electric
Pennzoil Company
Public Service Co., of Colo.
Selected American Shares
Seven Up
Sierra Pacific Power Co.



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Southern California Edison
Southern Company
Southwestern Public Service
Square D
Standard Oil of California
Standard Oil of Ohio
Tenneco
Texas Utilities Co.
Union Pacific
United Bank of Colorado
United Gas Pipe Line Co.
United States Steel
Utah Power & Light Co.
Western Plastics Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

JULIAN R. HAYDEN.

APRIL 1, 1975.

[FR Doc.75-10423 Filed 4-21-75;8:45 am]

## GREGORY P. PREKEGES

### Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on March 21, 1975, as Deputy Director, Area B, Defense Electric Power Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

The Washington Water Power Co.
American Electric Power Co.
Public Service Company of New Mexico
U.S. Industries
Alco Standard
Western Gear
Bismark Mining
American Investors Fund
Dreyfus Leverage Fund

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

GREGORY PREKEGES.

APRIL 10, 1975.

[FR Doc.75-10424 Filed 4-21-75;8:45 am]

[INT DES 75-30]

## GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

### Availability of Draft Environmental Impact Statement on Proposed Regulations

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Impact Statement on the Proposed Regulations for Geological and Geophysical Explorations of the Outer Continental Shelf (30 CFR Part 251). The draft statement assesses the environmental impact of the proposed regulations concerning geological and geophysical explorations of the Outer Continental Shelf. The proposed regulations prescribe policies, procedures and requirements for the conduct of geological and geophysical exploration. They also specify a definite time when geological and geophysical interpretations, maps and data will be made available for public inspection.

The Draft Environmental Impact Statement is available for public review at the following locations: U.S. Geological Survey, Public Inquiries Office, 341 National Center, Reston, Virginia 22092; U.S. Department of Interior, Office of Communications, Rm. 7222, 18th and C Streets NW., Washington, D.C. 20240; Regional Conservation Manager, U.S. Geological Survey, 336 Imperial Office Building, 3301 North Causeway Blvd., Metairie, Louisiana 70011; Regional Conservation Manager, U.S. Geological Survey, Suite 316, 1825 K Street NW., Washing, D.C. 20006; Regional Conservation Manager, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025; Area Oil and Gas Supervisor, Conservation Division, U.S. Geological Survey, 218 E Street, P.O. Box 259, Anchorage, Alaska 99501; Area Oil and Gas Supervisor, Conservation Division, U.S. Geological Survey, 7744 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

Single copies of the Draft Environmental Impact Statement can be obtained from: Chief, Conservation Division, U.S. Geological Survey, 600 National Center, Reston, Virginia 22092.

The Department will accept written comments on the Draft Environmental Impact Statement on the Proposed Regulations for Geological and Geophysical Explorations of the Outer Continental Shelf on or before June 6, 1975, and will consider any comments received in preparing the final environmental statement on this proposal. Written comments should be addressed to Director, United States Geological Survey, National Center, Mailstop 108, Reston, Virginia 22092.

The Department has deferred a decision on the need for public hearings on the Draft Environmental Impact Statement at this time. If sufficient interest in holding such hearings becomes evident, the Department will consider the matter further.

Dated: April 16, 1975.

ROYSTON C. HUGHES,
*Secretary of the Interior.*

[FR Doc.75-10498 Filed 4-21-75;8:45 am]

# DEPARTMENT OF AGRICULTURE

## Forest Service

### OTTAWA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

#### Meeting

The Ottawa National Forest Multiple Use Advisory Committee will meet 1 p.m. thru 5 p.m. (c.d.t.), May 15, 1975 and 8:30 a.m. thru noon (c.d.t.), May 16, 1975 at Lake Aire Motel, one mile west of Bergland, Michigan on M-28. The purpose of this meeting is to discuss forest management.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Ottawa National Forest, Ironwood, Michigan 49938, Phone Number: (906) 932-1330. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public participation will be limited to a period designated for open discussion. To the extent time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

M. K. LAURITSEN,
*Forest Supervisor.*

APRIL 14, 1975.

[FR Doc.75-10412 Filed 4-21-75;8:45 am]

### PAYETTE NATIONAL FOREST, WARREN PLANNING UNIT

#### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Warren Planning Unit, Payette National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) RA-75-10.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Warren Planning Unit on the Payette National Forest in south-central Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; resolve conflicts between competing uses, provide protection for sensitive environmental factors, and to maintain desirable social-economic relationships by providing for use of the resources within the planning unit. The plan provides for minimization of adverse effects. Minor adverse effects from some development activities will be temporary stream sedimentation, displacement of wildlife populations, and short periods of air pollution. All resource activities will be monitored so that tolerable levels of sedimentation will not be exceeded in the South Fork Salmon River.

Recreation opportunities will be slightly increased. A total of 35,500 acres has been designated as new wilderness study areas and an additional 126,000 acres will remain unroaded. About 132,000 acres presently undeveloped may be developed. The plan provides for a low to high level of consumption resource uses with significant areas remaining undeveloped with options for future management remaining open.

This draft environmental statement was transmitted to CEQ on April 15, 1975.

Copies are available for inspection during regular working hours at the following locations:





USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
Ogden, Utah 84401

Forest Supervisor
Payette National Forest
Forest Service Building
P.O. Box 1026
McCall, Idaho 83638

A limited number of single copies are available upon request to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: April 15, 1975.

P. M. REES,
*Regional Planner.*

[FR Doc.75-10413 Filed 4-21-75;8:45 am]

## Soil Conservation Service

### CASTON-MOUNTAIN CREEK WATERSHED, OKLA.

#### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) issued on August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) issued on June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining work in the Caston-Mountain Creek Watershed Project, LeFlore County, Oklahoma.

The environmental assessment of the federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement include conservation land treatment, one single-purpose floodwater retarding structure, and a dike, 0.2 mile in length.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma 74074

Requests for single copies of the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until May 7, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 14, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10418 Filed 4-21-75;8:45 am]

### FLAT ROCK CREEK WATERSHED, ARKANSAS

#### Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Flat Rock Creek Watershed Project, Crawford County, Arkansas, USDA-SCS-EIS-WS-(ADM)-74-7-(F)-AR.

The EIS concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment measures, one floodwater retarding structure, one multiple-purpose structure for flood prevention and recreation, and 7.4 miles of channel work in a flood plain which is about 86 percent cropland and grassland. The channel work will consist of 3.2 miles of enlargement and realignment and 1.0 mile of clearing and debris removal on a previously modified ephemeral channel. In addition, about 3.2 miles of clearing and debris removal will be undertaken on an unmodified intermittent channel.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Post Office Box 2323, Little Rock, Arkansas 72203

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 15, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10416 Filed 4-21-75;8:45 am]

### LYE CREEK DRAIN WATERSHED PROJECT, INDIANA

#### Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Lye Creek Drain Watershed Project, Montgomery County, Indiana, USDA-SCS-EIS-WS-(ADM)-75-1(F)-IN.

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by channel work. Structural measures will consist of 11.3 miles of multiple-purpose flood prevention and drainage channel work. The work will be for deepening and enlargement for 10.2 miles and debris removal only for 1.1 miles. All work will be performed on intermittent, manmade or modified channels. Floodwater damages will be reduced by 84 percent with the installation of the proposed measures; 3,320 acres will benefit from joint floodwater-drainage relief in a flatland watershed that is 94 percent agricultural cropland and grassland.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA,
5610 Crawfordsville Road, Suite 2200
Indianapolis, Indiana 46224

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 14, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10415 Filed 4-21-75;8:45 am]

### NORMAN-POLK WATERSHED PROJECT, MINNESOTA

#### Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973), and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974), the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Norman-Polk Watershed Project, Norman and Polk Counties, Minnesota, USDA-SCS-EIS-WS-(ADM)-75-1-(F)-MN.

The EIS concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement provide for conservation land treatment, 6 grade stabilization structures, and 28.2 miles of multiple-purpose channel work. The channel work will involve enlargement of 22.5 miles of previously constructed channels, enlargement of 3.9 miles of existing field ditches, 0.3 mile of new channel work and 1.5 miles of



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channel stabilization. Of the 27.9 miles of work proposed on existing channels, 6.4 miles will involve those with intermittent flow and 21.5 miles with only ephemeral flow. The channel work will provide damage reduction in a flatland watershed that is 93 percent agricultural cropland and pastureland.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA
200 Federal Building & U.S. Courthouse
316 North Robert Street
St. Paul, Minnesota 55101

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 14, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10414 Filed 4-21-75;8:45 am]

## THREE-MILE AND SULFUR DRAW WATERSHED PROJECT, TEXAS

### Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Three-Mile and Sulfur Draw Watershed Project, Culberson and Hudspeth Counties, Texas, USDA-SCS-EIS-WS-(ADM)-75-4-(D)-TX.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by two single purpose floodwater retarding structures and 10.4 miles of floodwater diversion. Protection from the 100-year flood event will be provided for flood prone areas of Van Horn, Texas. Rangeland and intensively cultivated and irrigated cropland will also be protected from flooding and associated damages.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Edward E. Thomas, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76501.

Comments must be received on or before June 13, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 15, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10417 Filed 4-21-75;8:45 am]

# DEPARTMENT OF COMMERCE

## Domestic and International Business Administration

## EVANSTON HOSPITAL, ET AL.

### Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00292-00-46040. Applicant: Evanston Hospital, 2650 Ridge Avenue, Evanston, IL 60201. Article: Universal Camera. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for investigation of tissue changes in various human diseases and experimental animals, e.g., kidney, lung, and tumors. In addition, the article will be used in the training of pathology residents. Application received by Commissioner of Customs: December 31, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 25, 1975.

Docket number: 75-00294-00-46040. Applicant: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Field Emission Gun. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to provide a necessary and essential improvement in both intensity and coherence of illumination for an existing electron microscope being used for the following: (1) Investigation of the loss of resolution and the loss of image quality and due to processes of radiation damage that occur in the electron beam, for biological specimens (sic), (2) High resolution microscopy of single atoms, and (3) Routine biological electron microscopy of thin sectioned material, negatively stained material, etc. Application received by Commissioner of Customs: December 31, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 25, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles. The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

A. H. STUART,
*Director, Special Import Programs Division.*

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.75-10465 Filed 4-21-75;8:45 am]

## NATIONAL INSTITUTES OF HEALTH, ET AL.

### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 12, 1975.

Amended regulations issued under cited Act, as published in the March 18, 1975 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 75-00441-33-46040. APPLICANT: National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. ARTICLE: Electron Microscope, Model EM 201C. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for various biological research projects involving thyroid gland and its tumors, in particular, the study of cytology of the thyroid epithelial cell. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: March 24, 1975.

DOCKET NUMBER: 75-00442-00-77040. APPLICANT: U.S. Department of Agriculture, USDA-APHIS, Administrative Services, Room 624-A, Federal Center Building, Hyattsville, Maryland 20782. ARTICLE: WF 055 Multiple Peak Monitor System for Mass Spectrometer. MANUFACTURER: AEI Scientific Apparatus Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to enable one to "sit" on a small number of peaks for the purpose of monitoring the magnitude of these peaks only. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: March 24, 1975.

DOCKET NUMBER: 75-0443-65-46040. APPLICANT: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. ARTICLE: Electron Microscope, Model H-500. MANUFACTURER: Hitachi, Japan. INTENDED USE OF ARTICLE: The article is intended to be used for high resolution transmission electron diffraction studies of metallic materials which include the following: substructure of martensitic phases, pretransformation lattice instabilities, lattice resolution analysis of close packed long period stacking structures, formation and reversion of thermoelastic martensites in thin foils, crystal structure analysis by means of electron imaging and diffraction, and studies of dislocation arrays in interphase interfaces. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: March 24, 1975.

DOCKET NUMBER: 75-00444-33-46040. APPLICANT: Institute of Pathology, University Hospitals of Cleveland, 2085 Adelbert Road, Cleveland, Ohio 44106. ARTICLE: Electron Microscope, Model EM 201C. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used primarily for research involving specimens obtained during operations and autopsies. The article will also be used for studies of material which may not be human but are connected with clinical situations as follows:

(1) Study of endometrioid papillary serous cystadenocarcinoma of the ovary,

(2) Study of mixed carcinoma of the endometrium.

(3) Electron microscopic evaluation of early invasive breast carcinoma,

(4) Erythrocyte changes induced by malaria infection,

In addition, the article is intended to be used in the course, Introduction of Electron Microscopy, Ultrastructural Aspects of Pathology, and Renal Pathology which will be open to physicians, resident physicians, postdoctoral fellows, graduate students, undergraduate medical students and undergraduate science majors who are interested in electron microscopy. Application received by Commissioner of Customs: March 24, 1975.

Docket Number: 75-00445-01-07500. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, Texas 77025. Article: LKB Batch Microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a study aimed at determining the enthalpy of binding of various phospholipids, triglycerides, cholesterol and cholesteryl esters with pure, single component apolipoproteins of high and very low density lipoprotein either singly or in various combinations. Ultimately, the hope is to identify the important lipid-binding regions of the protein by microcalorimetric studies on natural and synthetic fragments of the native proteins. The information obtained from these experiments would provide a quantitative test of recent theories on the molecular basis of lipid binding by apolipoproteins. Application received by Commissioner of Customs: March 24, 1975.

Docket Number: 75-00446-33-43400. Applicant: University of Miami, Coral Gables, Florida 33124. Article: Stereotaxic Micromainpulator. Manufacturer: La Precision Cinematographique, France. Intended use of article: The article is intended to be used to carry a very fine microelectrode with a tip of about 1 micron and to place this electrode precisely into single brain cells in experimental animals such as goldfish or frogs. This research aims to discover the basic cellular mechanisms of the function of the brain and of the development of the brain. Application received by Commissioner of Customs: March 24, 1975.

Docket Number: 75-00447-33-46040. Applicant: Ramapo College, Ramapo Valley Road, P.O. Box 542, Mahwah, New Jersey 07430. Article: Electron Microscope, Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of ultrastructure of biological material, characteristics of air and water pollution and the detection and characterization of waterborne viruses. The article will also be used in courses to provide students with sound introduction to the theory and practice of specimen preparation, electron microscope operation, dark room procedures, and familiarize students with available techniques applicable to their particular study and the application of these techniques to solving particular problems. Application received by Commissioner of Customs: March 24, 1975.

DOCKET NUMBER: 75-00448-35-46040. APPLICANT: University of Illinois at Medical Center, College of Dentistry, Dept. of Oral Pathology, 808 S. Wood Street, Chicago, IL 60612. ARTICLE: Electron Microscope, Model EM 301 with accessories. MANUFACTURER: Philips Electronic Instruments NVD, the Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used in studies of oral mucosa, especially gingivia and bacterial plaque attached, and mineralizing segments of bone and tooth. The fine structure of normal oral mucosa is being compared in respect of organelles and enzyme distribution with mucosa from animals on a diet deficient in zinc. The fine structural localization of cyclic nucleotides is being determined by electron histochemistry in normal rabbit mucosa, along with the nature of the earliest stages of mineralization in normal and abnormal teeth and bones. In addition, the article is to be used to educate at an undergraduate and postgraduate/graduate level the students and faculty of the Departments of Oral Pathology. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: March 24, 1975.

DOCKET NUMBER: 75-00449-00-46040. APPLICANT: Battelle Memorial Institute, Pacific Northwest Laboratory, P.O. Box 999, Richland, WA 99352. ARTICLE: High Angle Specimen Tilting Device, Model HK-5. MANUFACTURER: Hitachi Co., Japan. INTENDED USE OF ARTICLE: The article is an accessory to an existing electron microscope of the same manufacture needed to provide high angle tilting of the specimen during the course of observation in the microscope. Studies on the material imperfections in materials produced by radiation are to be conducted. A wide variety of metallic materials, including, but not limited to, molybdenum, niobium, vanadium, nickel, iron and iron base allows, aluminum, and stainless steel will be analyzed. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: March 24, 1975.

A. H. STUART,
*Director, Special Import Programs Division.*

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.10463 Filed 4-21-75;8:45 am]

## UNIVERSITY OF CALIFORNIA, ET AL.

### Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

DECISION: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent







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2. Square pool, 6 feet long by 6 feet wide and

harbor seals (*Phoca vitulina richardii*)

The Permit is available for review by

scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

REASONS: Section 301.8 of the regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

DOCKET NUMBER: 72-00409-01-77040. APPLICANT: University of California, Space Sciences Laboratory, Berkeley, California 94720. ARTICLE: Mass Spectrometer, Model MAT 311. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: December 19, 1974.

DOCKET NUMBER: 74-00350-33-41700. APPLICANT: Duke University Medical Center, Durham, North Carolina 27706. ARTICLE: Surgical Laser, Medilase 791. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: December 2, 1974.

DOCKET NUMBER: 74-00445-33-41700. APPLICANT: Baylor University Medical Center, 712 N. Washington, Suite 207, Dallas, Texas 75246. ARTICLE: Medilase (Sharplan) 791 Co, Surgical Laser. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: December 2, 1974.

DOCKET NUMBER: 75-00073-33-46070. APPLICANT: University of Florida, College of Dentistry, Box 202 MSB, J. Hillis Miller Health Ctr., Gainesville, Fla. 32610. ARTICLE: Scanning Electron Microscope, Model NOVASCAN 30. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: December 19, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
*Director, Special Import Programs Division.*

[FR Doc.75-10464 Filed 4-21-75;8:45 am]

## National Oceanic and Atmospheric Administration

### ENDANGERED AND THREATENED SPECIES

#### Notice on Critical Habitat Areas

CROSS REFERENCE: For a document issued jointly by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, Department of Commerce, and the Fish and Wildlife Service, Department of the Interior, on critical habitat areas for endangered and threatened species, see FR doc. 75-10437 *supra*.

### LAFAYETTE PARK ZONE

#### Issuance of Permit for Marine Mammals

On February 26, 1975, notice was published in the FEDERAL REGISTER (40 FR 8239), that an application had been filed with the National Marine Fisheries Service by Lafayette Park Zoo, 3500 Granby Street, Norfolk, Virginia 23508 for a permit to take one (1) California sea lion (*Zalophus californianus*) for public display.

Notice is hereby given that, on April 15, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit authorizing Lafayette Park Zoo to take one beached and stranded sea lion which had been placed in temporary custody of Lafayette Park Zoo by local officials, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: April 15, 1975.

WALTER KIRKNESS,
*Acting Director, National Marine Fisheries Service.*

[FR Doc.75-10450 Filed 4-21-75;8:45 am]

### NAVAL UNDERSEA CENTER

#### Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Naval Undersea Center, Biosystems Research Department, on March 5, 1974, as modified on July 8, 1974 (39 FR 24932), on August 2, 1974 (39 FR 27933), and on February 26, 1975 (40 FR 8240), is further modified, by means of Modification No. 5, in the following manner:

The marine mammals authorized to be taken and maintained in captivity may, alternatively, be taken from other areas in which such marine mammals are found and subsequently imported.

This modification is effective April 22, 1975.

The Permit as modified is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 17, 1975.

JACK W. GEHRINGER,
*Acting Director, National Marine Fisheries Service.*

[FR Doc.75-10448 Filed 4-21-75;8:45 am]

### OCEAN WORLD, INC.

#### Receipt of Applications for Public Display Permits

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Ocean World, Inc., 1701 S.E. 17th Street, Fort Lauderdale, Florida 33316, to take two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*), and two female California sea lions (*Zalophus californianus*) for the purpose of public display.

The bottlenosed dolphins will be captured in the Gulf of Mexico, off the west coast of Florida, by a professional collector using a seine net.

The sea lions will be collected by a professional collector in the area of the Channel Islands, California.

The dolphins will be maintained and displayed in a 220,000 gallons salt water tank, 50 feet in diameter and 16 feet deep.

The sea lions will be maintained in two salt water pools which have the following dimensions:

1. Circular pool, 23 feet in diameter and approximately 3 feet deep, with an 8 feet in diameter sunning pad. In addition to one of the female sea lions requested, one male sea lion will occupy this pool;





2. Square pool, 6 feet long by 6 feet wide and approximately 3 feet deep, with a 6 feet by 6 feet apron pad for sunning. The other female sea lion will be kept in this pool.

Ocean World, Inc. is a profit organization. The facility hosts 250,000 visitors annually, in addition to 12,000 children and others in educational programs.

The staff at Ocean World, Inc. has had considerable experience in oceanarium maintenance techniques and animal handling and has contributed significantly to further development of such techniques.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above applications are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before May 22, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: April 16, 1975.

ROBERT F. HUTTON,
*Associate Director for Resource Management, National Marine Fisheries Service.*

[FR Doc.75-10452 Filed 4-21-75;8:45 am]

### SHIPWRECK, INC.

#### Issuance of Permit for Marine Mammals

On November 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 38920) that an application had been filed with the National Marine Fisheries Service by Shipwreck, Incorporated, 1938 Buhne Drive, Eureka, California 95501 for a permit to take three (3) Pacific harbor seals (*Phoca vitulina richardii*) for the purpose of public display.

Notice is hereby given that, on April 9, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above mentioned taking to Shipwreck, Inc., subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 9, 1975.

WALTER KIRKNESS,
*Acting Director, National Marine Fisheries Service.*

[FR Doc.75-10449 Filed 4-21-75;8:45 am]

### SOUTH AFRICA

#### Fish Import Certification

Regulations established in accordance with the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407, (published in 39 FR 32117 on September 5, 1974, as amended) provided that a nation may make certification regarding vessels fishing under its flag in order to permit importation into the United States of certain of its fish and fishing products.

The Director, NMFS, has received and accepted certification from the Government of South Africa that vessels fishing under its flag are fishing in conformance with U.S. regulations regarding the taking of marine mammals incidental to commercial fishing operations.

Copies of certifications are on file and available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: April 14, 1975.

ROBERT F. HUTTON,
*Acting Director, National Marine Fisheries Service.*

[FR Doc.75-10453 Filed 4-21-75;8:45 am]

### SAN DIEGO ZOOLOGICAL GARDEN

#### Issuance of Permit To Take and Import Marine Mammals

On February 26, 1975, notice was published in the FEDERAL REGISTER (40 FR 8241) that an application had been filed with the National Marine Fisheries Service by the San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112 for a permit to take and import four (4) southern sea lions (*Otaria byronia*) for the purpose of public display.

Notice is hereby given that, on April 14, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to the San Diego Zoological Garden, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 14, 1975.

WALTER KIRKNESS,
*Acting Director, National Marine Fisheries Service.*

[FR Doc.75-10451 Filed 4-21-75;8:45 am]

## DEPARTMENT OF INTERIOR

### Office of the Secretary

### EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS

#### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Emergency Advisory Committee for Natural Gas will meet at 9 a.m. on May 8, 1975 at the O'Hare Hilton at O'Hare International Airport, Chicago, Illinois. The purpose of this meeting is to establish the procedures and the data acquisition system to be used to carry out a study of impacts of natural gas curtailments requested by the Department of the Interior.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343-6226.

Dated: April 16, 1975.

JACK W. CARLSON,
*Assistant Secretary of the Interior.*

[FR Doc.75-10474 Filed 4-21-75;8:45 am]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Org. Order 20-11]

### APPEALS BOARD

#### Authority and Organization

This order, effective March 26, 1975, supersedes the material appearing at 32 FR 10825 of July 22, 1967.

SECTION 1. *Purpose.* This order prescribes the authority and functions of the Appeals Board for the Department of Commerce.

SEC. 2. *General.* The Appeals Board for the Department of Commerce, initially established on August 18, 1953, by Department Order 106 of that date, and which serves as an impartial body to consider certain appeals from the public, is continued within the Office of the Assistant Secretary for Administration. It shall be composed of a chairman and other members as may be designated by







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the Assistant Secretary for Administration and approved by the Secretary.

SEC. 3. *Authority and functions.* .01 The Appeals Board is authorized to consider and decide appeals by contractors from decisions made by contracting officers under contracts which provide for such an appeal to the Secretary.

.02. The Appeals Board is also authorized to consider and decide appeals by persons affected by:

a. Any order, regulation or administrative action issued pursuant to the authority delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the authority of the Secretary of Commerce under section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512);

b. Any denial or probation order, civil penalty or other administrative sanction of the Domestic and International Business Administration's Bureau of East-West Trade in connection with its authority for the administration of export controls under the Export Administration Act of 1969, as amended (50 U.S.C. App. 2401 et seq.); and

c. Other administrative actions taken pursuant to law and referred to the Board by appropriate authority.

.03 Decisions by the Appeals Board on appeals arising under paragraphs .01 and .02 of this section shall be final within the Department.

.04 No member may act for the Appeals Board or participate in a decision on appeal if he has otherwise been directly involved in the administration of the contract, regulation, or other subject matter of the appeal.

.05 The Chairman of the Appeals Board is authorized to issue rules governing the handling of appeals.

*Savings provision.* .01 All outstanding delegations, regulations, orders and other actions issued by or relating to the Appeals Board shall remain in effect until amended or revoked by proper authority.

GUY W. CHAMBERLIN, Jr.,
*Acting Assistant Secretary for Administration.*

[FR Doc.75-10484 Filed 4-21-75;8:45 am]

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[Dept. Org. Order 10-4; Amdt. 2]

## ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

### Authority and Organization

This order, effective April 8, 1975, further amends the material appearing at 35 FR 5970 of April 10, 1970; and 40 FR 12532 of March 19, 1975.

Department Organization Order 10-4, dated April 1, 1970, is hereby further amended as follows:

1. SEC. 4. *Delegation of authority.* Add new subparagraph .01d. to read as follows:

d. 41, CFR Part 101-43, Public Contracts and Property Management, for the acquisition, use and eventual disposition of excess personal property obtained by the Administration and furnished to the Administration's project grantees and cost reimbursement type contractors.

2. SEC. 5. *General Functions.* Reletter existing n as o and add new paragraph n to read as follows:

n. Establish the Administration's policy and procedures for fulfilling requirements for an excess personal property program, including requirements of EDA grantees.

GUY W. CHAMBERLIN, Jr.,
*Acting Assistant Secretary for Administration.*

[FR Doc.75-10482 Filed 4-21-75;8:45 am]

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[Dept. Org. Order 15-2]

## OFFICE OF CONGRESSIONAL AFFAIRS

### Authority and Organization

This order, effective April 9, 1975, supersedes the material appearing at 31 FR 6749 of May 5, 1966.

SECTION 1. *Purpose.* The purpose of this order is to describe the functions of the Office of Congressional Affairs.

SEC. 2. *General.* The Office of Congressional Affairs (the "Office") is hereby continued as a Departmental office in the Office of the Secretary. The Office shall be headed by an Assistant to the Secretary for Congressional Affairs who shall report and be responsible to the Secretary of Commerce.

SEC. 3. *Functions and responsibilities.* .01 The Office of Congressional Affairs shall coordinate departmental activities pertaining to Congressional relations and serve as the channel for the exchange of information with Members of Congress. More specifically, the Office shall:

a. Serve as the focal point within the Department for handling Congressional relations, and advise the Secretary on such matters; and

b. Be primarily responsible for the handling of Congressional mail and telephone or other forms of inquiries or requests for information or assistance or reports from Members of Congress or their staffs, except as excluded in paragraph .03 of this section.

.02 All such inquiries or requests from Congress shall be reported to the Assistant to the Secretary for Congressional Affairs in accordance with the provisions of Department Administrative Order 218-2.

.03 Nothing herein shall be deemed to affect either the responsibility of the Office of the General Counsel for the preparation of and furnishing to the Congress of the Department's legislative program and for furnishing reports to the Congress on any proposed legislation; or the responsibility of the Office of the Assistant Secretary for Administration for the presentation to the Congress of budget estimates and direct liaison with appropriations committees and their staffs.

GUY W. CHAMBERLIN, Jr.,
*Acting Assistant Secretary for Administration.*

[FR Doc.75-10483 Filed 4-21-75;8:45 am]

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[Dept. Org. Order 30-5B]

## OFFICE OF TELECOMMUNICATIONS

### Authority and Organization

This order, effective March 24, 1975, supersedes the material appearing at 37 FR 15182 of July 28, 1972.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Office of Telecommunications. Department Organization Order 30-5A prescribes the scope of authority of the Director of the Office of Telecommunications and the functions of the Office.

.02 This revision abolishes the former Associate Director for Other Agency Programs and International Activities, transferring certain of his functions to the Institute for Telecommunication Sciences (section 6). It also changes the name of the Frequency Management Support Division to the Spectrum Management Support Division (section 4).

SEC. 2. *Organization structure.* The organization structure and line of authority of the Office of Telecommunications shall be as depicted in the attached organization chart. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. *Office of the Director.* .01 The Director, as the head of the Office of Telecommunications, shall direct and be responsible for all operations of the organization.

.02 The Deputy Director shall assist the Director in directing the Office and perform the functions of the Director during his absence.

.03 The Assistant Director for Program Development and Evaluation shall initiate and maintain a formal program planning and evaluation system for the Office of Telecommunications, including such functions as: supervise planning and development of future programs for all elements of the Office; establish management, evaluation, report, and control standards and procedures for all elements; evaluate past performance of all elements; review current performance of all elements; and coordinate the management of all program activities which involve more than one line division.

.04 The Administrative Officer shall:

a. Provide analysis and assistance for the Director toward developing or improving the management systems of the Office, and

b. Be the principal assistant and advisor to the Director on administrative management and support functions, including: procurement, accounting, budgeting, personnel services, property management, security, emergency planning and civil defense, office services (such as mail, messenger, communications, and duplicating) and office management (such as records and forms management).

SEC. 4. *Spectrum Management Support Division.* The Spectrum Management Support Division shall provide centralized technical and administrative support for coordination of Federal frequency uses and assignments and such other services and administrative functions, including the maintenance of necessary files and data bases, responsive to the needs of the Director of the Office of Telecommunications Policy in the Executive Office of the President, in the performance of his responsibilities for the management of the radio spectrum.

SEC. 5. *Telecommunications Analysis Division.* The Telecommunications Analysis Division shall:

a. Conduct technical and economic research and analysis of a long-term, continuing nature to provide information and alternatives for the resolution of policy questions, including studies leading to the more efficient allocation and utilization of telecommunications resources;

b. Provide forecasts of technological developments affecting telecommunications and estimate their significance; and

c. Provide advisory services in telecommunications to agencies of Federal, State and local governments.

SEC. 6. *Institute for Telecommunication Sciences.* The Institute for Telecommunication Sciences shall provide the scientific, engineering, and technological competence necessary to the functions of the Office of Telecommunications. As such, it shall:

a. Serve as the central Federal agency for research on the transmission of radio waves;

b. Acquire, analyze, synthesize, and disseminate data and perform research in general on the description and prediction of electromagnetic wave propagation, on the nature of electromagnetic noise and interference, and on methods for the more efficient use of the electromagnetic spectrum for telecommunication purposes;

c. Prepare and issue predictions of electromagnetic wave propagation conditions and warnings of disturbances in those conditions;

d. Conduct research and analysis on radio propagation, radio systems characteristics, and operating techniques affecting the utilization of the radio spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility;

e. Conduct research, engineering, and analysis in the general field of telecommunications science in support of other Government agencies as required;

f. Develop methods of measurement of system performance and standards of practice for telecommunication systems; and

g. Conduct the planning, coordination, and review of the activities of the Office of Telecommunications in the field of international telecommunications, particularly those related to the International Telecommunications Union, and provide for the representation of the Office of Telecommunication in these matters.

SEC. 7. *Policy Support Division.* The Policy Support Division shall: a. Provide economic and policy studies in support of the Office of Telecommunications Policy; and

b. Perform such other analysis as is required to support Office of Telecommunications Policy.

GUY W. CHAMBERLIN, Jr.,
*Acting Assistant Secretary for Administration.*

[FR Doc.75-10485 Filed 4-21-75;8:45 am]





## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Center for Disease Control

### BENDIX CORP. COAL MINE DUST PERSONAL SAMPLER UNITS

#### Revocation of Certificates of Approval

Pursuant to notice published in the FEDERAL REGISTER (40 FR 12825), a public hearing was held by the National Institute for Occupational Safety and Health (NIOSH) on April 1, 1975, to receive relevant evidence concerning whether certificates of approval TC-74-012, TC-74-016, and TC-74-017, issued to the Bendix Corporation for its coal mine dust personal sampler units should be revoked for cause under 30 CFR 74.11.

The evidence introduced by the Government, which was stipulated to by Bendix, showed that substantial numbers of capsules, which are made from Tenite polypropylene and used in the Bendix cassettes, lose weight over a period of time and/or when submitted to increased temperatures, as when stored, with the result that determinations of dust concentrations using Bendix cassettes will be considerably less than the true concentrations.

While stipulating to the Government's evidence, Bendix contended that under the circumstances, revocation under 30 CFR 74.11 is unwarranted and unauthorized in that (1) there has been no culpability shown on the part of Bendix, (2) there were no specific requirements applicable to capsules for shelf life or heat resistance, and (3) the company is not responsible for failure of others to use the cassettes within a reasonable time and to properly store them.

With respect to these contentions, it is enough to note that section 202(a) of the Federal Coal Mine Health and Safety Act (30 U.S.C. 842(a)) requires, and Part 74 was adopted to insure, that accurate dust samples of the coal mine atmosphere are taken. These samples are essential to determining compliance with the respirable dust standard for underground mines, which is to maintain the average concentration to which each coal miner is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air. In view of the stipulation of Bendix that the accuracy of samples obtained by its units is not predictable, the company's contention that revocation is unwarranted and unauthorized is rejected, and I find that under 30 CFR 74.11 cause exists on the stated grounds for the revocation of the certificates of approval.

Accordingly, notice is given that certificates of approval, numbers TC-74-012, TC-74-016, and TC-74-017, issued for the Bendix Corporation coal mine dust personal sampler units are hereby revoked, effective on April 22, 1975.

Dated: April 17, 1975.

JOHN F. FINKLEA,
*Director, National Institute for Occupational Safety and Health.*

[FR Doc.75-10531 Filed 4-21-75;8:45 am]

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### Office of Education

### FOLLOW THROUGH PROGRAM

#### Applications for Technical Assistance; Extension of Closing Date

Notice is hereby given that the U.S. Commissioner of Education has extended the March 10, 1975 closing date for receipt of applications for grants and contracts for technical assistance to Follow Through program under section 553(a)(3) of the Community Services Act of 1974 (42 U.S.C. 2929(b)), which was previously published in the FEDERAL REGISTER at 40 FR 6217 on February 10, 1975 to April 30, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.433. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than April 25, 1975 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered application.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and applications may be obtained from the Division of Follow Through, Bureau of School Systems, U.S. Office of Education, Room 3636, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Applicable regulations.* Regulations for the Follow Through program were



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published as Notice of Proposed Rule Making, March 5, 1974 (39 FR 8341). A permanent final regulation, to be published and to be effective before the end of the current fiscal year, will govern the Follow Through program. Other regulations applicable to this program are contained in the Office of Education general provisions regulations (45 CFR Part 100a).

(Catalog of Federal Domestic Assistance, No. 13.433 Follow Through)

Dated: April 17, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

[FR Doc.75-10621 Filed 4-21-75;8:45 am]

## Office of the Assistant Secretary for Health

### NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

#### Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on May 9 and 10, 1975, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space.

The agenda will include discussion of issues identified in the legislative mandate to the Commission under Pub. L. 93-348 and planning of studies to be undertaken by the Commission.

Requests for information should be directed to Ms. Anne Ballard (301-496-7776), Room 12B, Westwood Building, 9333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: April 16, 1975.

MICHAEL S. YESLEY,
*Acting Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.*

[FR Doc.75-10475 Filed 4-21-75;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Interstate Land Sales Registration

[Docket No. N-75-289]

#### CANYON CREST

#### Notice of Hearing

In the matter of Canyon Crest, OILSR No. O-2782-04-544, Docket No. Y-560.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), Notice is hereby given that: 1. The Irvine Company, Albert J. Auer, Vice President, its officers and agents hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received an Order of Suspension issued February 3, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2) informing the developer of his failure to comply with the request of the Secretary for documents concerning Canyon Crest located in Orange County, California.

2. The Respondent filed an Answer received February 21, 1975, in response to the Suspension Order.

3. In said Answer the Respondent requested a hearing on the Suspension Order.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the propriety of the Suspension Order will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on May 6, 1975 at 10 a.m.

The following time and procedure is applicable to such hearings:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before April 29, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default, and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and the Suspension Order shall be continued in effect.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10496 Filed 4-21-75;8:45 am]

[Docket No. N-75-290]

#### LAKE LUCIE GARDENS

#### Notice of Hearing

In the matter of Lake Lucie Gardens, Docket No. Y-920 OILSR No. 0-1693-09-503.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d). Notice is hereby given that: 1. Lake Lucie Estates, Inc., Frederick T. Hyman, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Lake Lucie Gardens, located in St. Lucie County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 17, 1975 in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on May 12, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 5, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10497 Filed 4-21-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 75-096]

#### NATIONAL BOATING SAFETY ADVISORY COUNCIL

#### Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972 that the National Boating Safety Advisory Council (the Council) will conduct an open meeting on Thursday and Friday, 29-30 May 1975 at the Sheraton-Crest Inn, 111 East First Street, Austin, Texas. The meeting is scheduled to begin at 9 a.m. each day.

The agenda for the Eleventh meeting of the National Boating Safety Advisory Council is as follows:

1. Review of action taken at the tenth meeting of the Council.
2. Discussion and vote on minor amendments to miscellaneous boating construction Standards.
3. Discussion, live demonstration on the effects of proposed Level Flotation Standards, status report by the Level Flotation Subcommittee and vote for proposed Level Flotation Standards.
4. Vote on proposed changes to labeling requirements for Personal Flotation Devices.
5. Report on research conducted on the problems of effectively ventilating certain types of gasoline powered boats.
6. Vote on proposed regulations to require a persons capacity (in terms of number of persons) to be displayed in addition to persons capacity in pounds on mono-hull boats less than 20 feet in length.
7. Status report on research being conducted concerning navigation lights for recreational boats.
8. Vote on amendment to previously approved Certification of Compliance Regulation.
9. Observation of boat building techniques at the Glastron Boat Company.
10. Presentation on difficulties encountered when titling boats in certain States due to Hull Identification Number Regulation.
11. Explanation of categories of "Designated Associated Equipment" for purpose of Defect Notification under authority of the Federal Boat Safety Act of 1971.
12. Proposal to discontinue display of Visual Storm Signals (Small Craft Warnings, etc.) at certain areas.
13. Explanation of proposed revision of the Numbering and Accident and Casualty Reporting Systems Regulations and vote on concurrence.
14. Member items.
15. Chairman's session.
16. Suggestions for date, place, and thrust of next meeting.

The National Boating Safety Advisory Council was established in 1971 pursuant to section 33 of the Federal Boat Safety Act of 1971 (Pub. L. 92-75, 46 U.S.C. 1451 et seq.). The Coast Guard is required to consult with the Council in determining the need for, and in prescribing, regulations and standards for boats and associated equipment. In addition, the Coast Guard is required to consult with the Council on any other major boating safety matters related to the Act.

Any member of the public who wishes to do so may file a written statement with the Council before or after the meeting, or may present an oral statement with advance notice to the Chairman.

Interested persons may seek additional information or the summary minutes of the meeting by writing to:

Captain David E. Metz, USCG
U.S. Coast Guard (G-BR/TRPT)
Washington, D.C. 20590

or by calling (202) 426-4176.

Dated: April 14, 1975.

JOHN F. THOMPSON,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.*

[FR Doc.75-10471 Filed 4-18-75;6:45 am]

### Federal Aviation Administration

#### AVIATION SAFETY REPORTING PROGRAM

#### Establishment

The Federal Aviation Administration (FAA) has established a voluntary program designed to stimulate the free and unrestricted flow of information concerning deficiencies and discrepancies in the aviation system. This is a positive program intended to ensure the safest possible system by identifying and correcting unsafe conditions before they lead to accidents. The primary objective of the program is to obtain information to evaluate and enhance the safety and efficiency of the present system.

The FAA is convinced that an unrestricted flow of information from those people who use the system on a regular basis is one of the primary ways of monitoring its performance. To ensure receipt of this information, the program provides for the waiver of certain disciplinary actions against persons, including pilots and air traffic controllers, who file timely written reports concerning potentially unsafe incidents which occur after April 30, 1975. To be considered timely, reports must be delivered or postmarked within five days of the incident unless that period is extended for good cause. Reporting forms are being developed and will be available at FAA facilities.

The FAA continues to encourage the reporting of any information which a person believes discloses an unsafe condition in the National Air Transportation System. This program, however, will initially apply to that part of the System involving the safety of aircraft operations, including departure, en route, approach and landing operations and procedures, air traffic control procedures, pilot/controller communications, the aircraft movement area of the airport, and near mid-air collisions. Pilots, air traffic controllers, and all other members of the aviation community and the general public are asked to file written reports of any discrepancy or deficiency noted in these areas.

Violation reporting may be discouraged because of a fear of FAA disciplinary action against others involved in that violation. Accordingly, if any person involved in a violation of Federal Aviation Regulations or FAA directives covered by this program files a timely report of that violation to the FAA, the Administrator will waive the taking of disciplinary action against any person involved in that violation except with respect to reckless operations, criminal offenses, gross negligence, willful misconduct, and accidents.

The report should give the date, time, location, persons and aircraft involved (if applicable), nature of the event, and all pertinent details. It should be submitted to FAA Headquarters, Regional Offices, or Air Traffic, Flight Standards or Airports Facilities.

Previous experience under an FAA near mid-air collision reporting program indicated that the willingness of persons to submit a report depends to a large degree on the FAA's ability to preserve the anonymity of persons filing reports and persons named in those reports. The FAA will do so upon written request to the fullest extent permitted by law.

The program will be constantly monitored to determine its effectiveness and will be clarified, modified, or expanded as necessary. All interested persons are invited to submit comments or suggestions on the program. Submissions should be addressed to the Associate Administrator for Safety, Federal Aviation Administration, Washington, D.C. 20591. In addition, the aviation community will be invited to participate on a continuing basis. Periodic meetings will be scheduled with interested aviation groups who use the system to obtain their views on the effectiveness of the program and changes needed to accomplish its purpose.

This program applies to incidents which occur after April 30, 1975, and is adopted under the authority of sections 305, 307(c), 312(c), 313(a), 601(a), 701(a) and 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348(c), 1353(c), 1354(a), 1321(a), 1441(a), and 1504), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on April 18, 1975.

JAMES E. DOW,
*Acting Administrator.*

[FR Doc.75-10593 Filed 4-21-75;8:45 am]

### National Highway Traffic Safety Administration

[Docket No. EX 75-8; Notice No. 2]

#### KOEHRING CO.

#### Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to grant Koehring Company an exemption until June 1, 1975 from Motor Vehicle Safety Standard No. 121, Air Brake Systems, 49 CFR 571.121, on grounds of substantial economic hardship.

Notice of Koehring's petition for temporary exemption was published on February 13, 1975 (40 FR 6702) and an opportunity afforded for comment.

In 1974 Koehring manufactured 362 vehicles that are considered "motor vehicles" under the National Traffic and Motor Vehicle Safety Act of 1966. These are trucks, primarily hydraulic excavators and crane carriers manufactured by its Bantam Division. The company requested an exemption until December 1, 1976. It "has been aggressively seeking suppliers for the axles required to meet FMVSS-121 without success since the fall of 1973." The cause of the delay was alleged to be the concentrated effort of suppliers on high volume items rather than on specialized low-production equipment. The company believes that axles for its hydraulic excavators will be delivered by September 1, 1975, and for its 18-ton cranes a year later. The exemption period requested would allow Koehring also to conduct customary testing after initial delivery of the axles to insure that production models fully conform and that no defects exist. Denial of the exemption would cause the





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company substantial economic hardship in that it would have to cease production of the vehicles concerned until conforming parts were available. In the interim the demand for such specialized vehicles might be met by the company's competition. The denial would also result in a lay-off of Koehring workers causing "great hardship on the Bantam Division employees and on the small community of Waverly, Iowa where Bantam Division is located".

Two comments were received in response to the notice. The Mayor of Waverly, Iowa, supported the petition. Oshkosh Truck Corporation opposed it. Oshkosh stated that it "has not experienced difficulties in preparing for compliance with Standard No. 121." It has offered to supply Koehring Company with specialized equipment necessary to comply with the standard and accordingly recommended that Koehring's petition be denied. It argued that an exemption "would lead to gross inequities which would severely penalize those truck manufacturers who have invested considerable development funds and are prepared to meet the law as it becomes effective."

Koehring, though its volume is limited, is a corporation with considerable financial resources. Its net income in 1973 exceeded $10,000,000. In 1972, Public Law 92–548 expanded the eligibility for application on hardship grounds, from an annual production of not more than 500 motor vehicles to not more than 10,000, a 20-fold increase. This constituted a recognition that there might in the future be occasions where manufacturers of moderate production would also suffer hardships in meeting the Federal standards. Such manufacturers would suffer economic disruption and uncertainty in the event of a shutdown of facilities during the period before conforming vehicles could be produced. The denial of the exemption would evidently also affect the economic well-being of the community of Waverly, Iowa. Therefore, the Administrator has decided to grant Koehring an exemption, but because of the apparent ability of Oshkosh to supply it with complying parts, to restrict the exemption period to the period before June 1, 1975.

For the reasons discussed above, NHTSA finds that a temporary exemption is consistent with the public interest and the objectives of the Traffic Safety Act. Koehring Company is hereby granted NHTSA Temporary Exemption No. 75–6 from Motor Vehicle Safety Standard No. 121, Air Brake Systems, 49 CFR 571.121, expiring June 1, 1975.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on April 17, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75–10620 Filed 4–21–75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–389]

### FLORIDA POWER & LIGHT CO. (ST. LUCIE NUCLEAR POWER PLANT, UNIT 2)

#### Availability of Partial Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the Commission's regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decision dated March 4, 1975, by the Atomic Safety and Licensing Board in the above-captioned proceeding relating to environmental and site suitability matters is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida.

The Partial Initial Decision is also being made available at the Bureau of Intergovernmental Relations, 725 S. Bronough Street, Tallahassee, Florida and the South Florida Regional Planning Council, 1515 NW. 167th Street, Miami, Florida.

Based on the record developed in the public hearing in the above-captioned matter, the Partial Initial Decision (at p. 96–97) modifies the Final Environmental Statement prepared by the Commission's staff relating to construction of the St. Lucie Nuclear Power Plant, Unit 2 to (1) correct population data (p. 59, ¶80); (2) include testimony related to alternate ultimate heat sink methods (p. 87, ¶117), and (3) include testimony related to not listing of isotopes of less than $5\times10^{-4}$ Ci/yr due to negligible biological effects. (p. 11, ¶17.)

Pursuant to the provisions of 10 CFR Part 51, the Final Environmental Statement is deemed modified to the extent that the Findings and Conclusions contained in the Partial Initial Decision differ from those contained in the Final Environmental Statement. As required by 10 CFR Part 51, a copy of the Partial Initial Decision, which modified the Final Environmental Statement, has been transmitted to the Council on Environmental Quality, the Environmental Protection Agency, and other interested agencies and persons.

Single copies of the Partial Initial Decision and the Final Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland this 16th day of April, 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
*Chief, Environmental Projects Branch 4, Division of Reactor Licensing.*

[FR Doc.75–10435 Filed 4–21–75;8:45 am]

[Docket No. STN 50–531]

### GENERAL ELECTRIC CO.

#### Receipt of a Standard Safety Analysis Report

General Electric Co. has filed with the Nuclear Regulatory Commission (the Commission) the 251 General Electric Standard Safety Analysis Report (GESSAR 251), which was docketed on February 14, 1975. The GESSAR 251 application was filed in response to Option 1 (Reference System) of the Commission's standardization policy for nuclear power plants issued on March 5, 1973, and pursuant to Appendix O to 10 CFR Part 50.

GESSAR 251 was tendered on September 3, 1974. Following an acceptance review for completeness, it was concluded on October 18, 1974, that GESSAR 251 was not sufficiently complete for the staff to initiate a detailed review. Additional information was submitted by letters dated December 13, 1974, and January 31, 1975, and GESSAR 251 was found to be acceptable for docketing. Docket No. STN 50–531 has been assigned to GESSAR 251 and should be referenced in any correspondence relating thereto.

Under the "Reference System" option, an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. GESSAR 251 describes and analyzes a standard nuclear steam supply system (NSSS) for a boiling water reactor (BWR) using a 251 inch inside diameter reactor vessel and at a design power rating of 3800 megawatts thermal.

GESSAR 251 is similar to the GESSAR 238 NSSS except for size. The General Electric Company previously filed GESSAR 238 on April 30, 1973. The GESSAR 238 application covered a broader scope of supply than GESSAR 251. That application contained the safety information for a nuclear island which included an NSSS with a rating of 3579 megawatts thermal.

When its review of GESSAR 251 is complete, the Commission's Division of Reactor Licensing (staff) will publish a Safety Evaluation Report (SER) documenting the results of the review. Moreover, GESSAR 251 will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the SER and the ACRS report will be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

All interested persons who desire to submit written comments for consideration by the staff and ACRS during their review of GESSAR 251 should send them to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by June 23, 1975.

A copy of GESSAR 251 is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. When available, the SER and the ACRS report will also be made available for public inspection at the above location.

Dated at Bethesda, Maryland this 16th day of April 1975.

For the Nuclear Regulatory Commission.

SPOTTSWOOD B. BURWELL,
*Acting Chief, Light Water Reactors Projects Branch 2–1, Division of Reactor Licensing.*

[FR Doc.75–10436 Filed 4–21–75;8:45 am]





[Docket No. 50–321]

### GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

#### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR–57 issued to Georgia Power Co. and Oglethorpe Electric Membership Corp. which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment permits modification to the Technical Specifications to allow an increase in the maximum average planar linear heat generation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on March 17, 1975 (40 FR 12163). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated January 28, 1975, (2) Amendment No. 10 to License No. DPR–57, with Change No. 10, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, April 17, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.*

[FR Doc.75–10446 Filed 4–21–75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 27698; Order 75–4–66]

### INCREASED JOINT FREIGHT RATES BETWEEN UNITED STATES AND CANADA

#### Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of April 1975.

Ordering paragraph 3 on page 2 of Order 75–4–66[1] should read as follows: "3. This order shall be submitted to the President ' and shall become effective April 15, 1975;"

Dated: April 17, 1975.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75–10481 Filed 4–21–75;8:45 am]

[Docket No. 27155]

### KIMBERLIN AIR FREIGHT CORP.

#### Enforcement Proceeding; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on May 20, 1975, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Arthur S. Present.

Dated at Washington, D.C., April 17, 1975.

[SEAL] ROBERT L. PARK,
*Chief Administrative Law Judge.*

[FR Doc.75–10480 Filed 4–21–75;8:45 am]

[Docket 27564; Docket 27416; Order 75–4–60]

### ALLEGHENY AIRLINES, INC. ET AL.

#### Discount and Excursion Fares

*Correction*

In FR Doc. 75–9910, appearing at page 17068, in the issue for Wednesday, April 16, 1975, make the following changes:

1. A first paragraph, which was inadvertently omitted, should be added to read:

"Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April, 1975.".

2. On page 17068, in the third column, paragraph 3, and the following paragraph should read as follows:

"3. Copies of this order be served upon all parties in Dockets 27564 and 27416.

"This order will be published in the FEDERAL REGISTER."

[1] Published at 40 FR (17195), April 17, 1975.

[Docket 27727; Order 75–4–57]

### PROPOSED INCREASED JOINT FREIGHT RATES

#### Order of Suspension and Investigation

*Correction*

In FR Doc. 75–9913, appearing at page 17069, in the issue for Wednesday, April 16, 1975, a first paragraph, which was inadvertently omitted, should be added to read:

"Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April, 1975.".

[Docket 22859; Order 75–4–58]

### PROPOSED INCREASED JOINT FREIGHT RATES

#### Domestic Air Freight Rate Investigation; Order of Suspension

*Correction*

In FR Doc. 75–9912, appearing at page 17069, in the issue for Wednesday, April 16, 1975, a first paragraph, which was inadvertently omitted, should be added to read:

"Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April, 1975."

## COMMISSION ON CIVIL RIGHTS

### COLORADO STATE ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission will convene at 4 p.m. on May 9, 1975, at the Federal Building, Room 2330, 1961 Stout, Denver 80202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to review activities related to the medical/legal access project and prepare for the public conference on the subject scheduled for May 10th.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 16, 1975.

ISAIAH T. CRESWELL, JR.,
*Advisory Committee Management Officer.*

[FR Doc.75–10438 Filed 4–21–75;8:45 am]

### CONNECTICUT STATE ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut State Advisory Committee (SAC) to



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this Commission will convene at 7:30 p.m., on May 20, 1975, at the Holiday Inn, 900 E Main Street, Meriden, Connecticut 06450.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss current projects and rechartering of Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 17, 1975.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.75-10439 Filed 4-21-75;8:45 am]

## MAINE STATE ADVISORY COMMITTEE

### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on June 4, 1975, at Maine Teachers Association, 35 Community Drive, Augusta, Maine.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss Franco American Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 16, 1975.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.75-10440 Filed 4-21-75;8:45 am]

## NEW YORK STATE ADVISORY COMMITTEE

### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m., on May 15, 1975, at the Federal Building, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss public employment subcommittee. To follow-up on Poughkeepsie hearing and discuss plans for future.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 17, 1975.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee Management Officer.*

[FR Doc.75-10441 Filed 4-21-75;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### SWIMMING POOL SLIDES

### Acceptance of Offer To Develop Safety Standard; Summary of Terms of Acceptance

*Correction*

In FR Doc. 75-1881 appearing at page 3331, in the issue for Tuesday, January 21, 1975, the development period deadline for a recommended standard was computed in error. On page 3332, in the second column, third full paragraph, the first sentence should read as follows:

"The Consumer Product Safety Act specifies in section 7(b) (15 U.S.C. 2056 (b)) that the period in which a recommended standard is to be developed shall end 150 days after publication in the FEDERAL REGISTER of a notice inviting any person to submit an offer to develop a proposed standard which in this case is March 23, 1975."

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 359-6]

### STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES OF AIR POLLUTION

### Opacity Provisions; Request for Public Comment

The opacity standards of performance for new stationary sources of air pollution have been the subject of litigation in *Portland Cement Assn. v. Ruckelshaus*, 486 F. 2d 375 (C.A.D.C. 1973), and *National Asphalt Pavement Assn., et al. v. EPA*, No. 74-1332 and No. 74-1388 (C.A.D.C.). In response to the remand in the Portland case, EPA promulgated changes to 40 CFR 60.11 and to Reference Method 9 of Appendix A on November 12, 1974 (39 FR 39872). In connection with the National Asphalt Pavement Assn. (NAPA) case, after having made these amendments and submitted the response to the Portland remand, EPA undertook a reevaluation of the opacity standard of performance for new asphalt concrete plants, 40 CFR 60.92(a)(2), and determined that the standard should remain in effect without amendment. A report, dated November 1974, reflecting the Agency's reevaluation was made available for public reading on January 3, 1975 (40 FR 831).

At the time both of these actions were taken, the Agency determined that it had valid and legally sufficient reasons for not requesting public comment. In response to briefs filed by petitioners in the NAPA case, however, EPA is, by this notice requesting public comment on those actions.

Specifically, all interested persons are invited to submit their written comments on the amendments to 40 CFR 60.11 and to Reference Method 9 of Appendix A, which were published on November 12, 1974 (39 FR 39872). Comments are also solicited with respect to the report entitled "Reevaluation of Opacity Standard of Performance for New Asphalt Concrete Plants," which is published in full below. The report here published has been updated to reflect the completion of a study which was discussed as incomplete at the time of preparation of the report and to correct a minor calculation error. In all other respects, this report is identical to that made available pursuant to the January 3, 1975, notice.

All interested persons are invited to submit their comments to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Don R. Goodwin. In order to be adequately considered, all comments should be received by the Agency not later than 45 days after the date of this notice. Comments received will be available for public inspection during normal working hours at the Office of Public Affairs, 401 M Street, S.W., Washington, D.C. 20460.

The standards and regulations to which this comment period applies will remain in effect during this evaluation.

### REEVALUATION OF OPACITY STANDARD OF PERFORMANCE FOR ASPHALT CONCRETE PLANTS

This report discusses the opacity standard applicable to new asphalt concrete plants [40 CFR 60.92(a)(2)]. On June 29, 1973, the U.S. Court of Appeals for the District of Columbia Circuit remanded to EPA the new source performance standards for portland cement plants (40 CFR 60.62) promulgated by EPA under section 111 of the Clean Air Act (42 U.S.C. 1857c-6) (*Portland Cement Association v. Ruckelshaus*, 486 F.2d 375). One of the issues remanded was the use of opacity standards. On November 12, 1974, EPA responded to the remand (39 FR 39872). Copies of the remand responses are available from the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Don R. Goodwin.

In the response EPA considered the use of opacity standards and concluded that they are a reliable, inexpensive and useful means of ensuring that control equipment is properly maintained and operated at times when performance tests are not being conducted. EPA also made certain changes to the general provisions and test method for opacity to minimize or eliminate the possibility that a plant which can meet the mass emission or concentration standard applicable to the source and is properly maintained and operated would be in violation of the applicable opacity standard. EPA is now reevaluating all opacity standards proposed or promulgated under section 111 of the Clean Air Act to determine whether, in view of the conclusions and decisions reached in the Portland Cement remand response, any opacity standard should be revised. This report discusses the results of this reevaluation with respect to the opacity standard for asphalt concrete plants.

The principle revisions to the regulations (40 CFR Part 60, Standards of Performance for New Stationary Sources) which apply to all opacity standards therein are: (a) Revisions were made to Method 9 (the opacity test method) to base compliance on the averaged results of one or more sets of 24 consecutive observations; (b) Method 9 now defines the maximum error associated with each set of opacity observations; and (c) § 60.11(e) was added to provide a generally applicable mechanism for any owner/operator to petition the Administrator to obtain a higher opacity standard for any facility that demonstrates compliance with the mass emission standard concurrent with failure to attain the promulgated opacity standard.

The revision to Method 9 to extend the time over which opacity observations are made (six minutes) was included to require sufficient observations to ensure acceptable accuracy within the maximum average error referenced in Method 9. The use of sets (the average of 24 observations, each taken at 15 second intervals) of opacity data will preclude a single high reading from being cited as a violation. Section 60.11(e) provides accommodation for those source owners and operators who install unusually large diameter stacks or whose source particulate emissions have unusually small mean particle diameters which could cause the opacity of the emissions to be greater than is typical for most other plants in the source category. This provision allows the promulgated opacity standard to be based on typical parameters for well-controlled new installations rather than on the most extreme set of conditions. This provision alone would ensure that no owner of an affected facility would be prejudiced if the facility were not able to meet the current promulgated opacity standard while meeting the mass emission standard. However, EPA is reevaluating the promulgated opacity standard applicable to asphalt concrete plants to determine whether it should be revised upward or downward to minimize the need for petitions by owners or operators for revised opacity standards for their facilities or to avoid an unduly lax standard. EPA has concluded that although the promulgated opacity standard could be made more stringent, such increased stringency could result in the need for some specific opacity standards for specific facilities. Accordingly the standard has not been revised. Bases for this conclusion are presented below.

As discussed in Volume III of the Background Information for New Source Performance Standards (EPA 450/2-74-003), the opacity observations used in the development of the standard were obtained at three asphalt concrete plants.[1] These plants used high efficiency equipment for control of stack emissions, two plants were equipped with baghouses and a third plant was equipped with a venturi scrubber. Visible emissions observations were made for a total of 15 hours at the three plants. No visible stack emissions were observed at any of these facilities. The summary of these observations is shown by the first three entries in Table 1. Included in Table 1 for comparison are the results of an extensive evaluation of the functional relationship (Figure 1) between mass emissions and opacity using EPA Method 5 to determine the mass emissions and a transmissometer to measure opacity.[2] These data show that the former three facilities, which had mass emissions below the mass standard, had no visible emissions and that the latter facility when operated with mass emissions near the mass standard (90 mg/dscm), would have an average opacity of only six percent.

The opacity standard applicable to asphalt concrete plants has been established at a level (less than 20 percent) such that, taking into account all of the variations in particle size, shape, and stack size encountered by asphalt concrete plants, violation of the opacity standard is indicative of a violation of the mass standard. In fact the data in Figure 1 show that for the facility tested, the mass standard would be exceeded by a factor of four before the facility would be in danger of violating the opacity standard for asphalt concrete plants. This facility had a typical size stack. For facilities with stack diameters larger than 1.4 meters, the factor would be decreased.

The transmissometer data, discussed above, were obtained in a study to develop a functional opacity-mass relationship at an asphalt concrete plant. These data were obtained by installing an in-stack transmissometer to monitor opacity of the source while making concurrent mass measurements. Mass emissions were purposely varied by controlled alterations of the collection device.[2] The results of that study are shown in Figure 1. The mass mean diameter (50 percent of the mass associated with particles of this diameter or smaller) of the particles emitted was five to six microns. These data show that the opacity of an asphalt concrete plant's emissions are related to the mass concentration of the emissions and that greater average opacities are closely associated with increased mass emissions (Figure 1). The potential effects upon opacity of variations in particle size, shape, and stack size are discussed below.

While the theory of light scattering predicts variation in the amount of light extinction by a cloud of monodisperse (same size) particles as a function of the particle size, and the light scattering pattern for a nonspherical shaped particle varies significantly with the particle shape, light scattering theory also predicts that for a cloud of polydisperse (different size) particles and for irregular, randomly oriented particles there is an averaging out of these effects.[3,4]

Particle shape has a significant effect on the angular scattering patterns for a single particle. However, particle shape has negligible effect on the cumulative angular scattering patterns of a group of irregular particles due to the averaging effects of random particle motion and orientation in space; i.e., the extinction of visible light by randomly oriented nonspherical particles is nearly the same as that for spherical particles of equal volume and similar size distribution, thereby eliminating the effect of particle shape.[3,4] This averaging effect leaves mean particle size as the principle particle related variable affecting the mass-opacity relationship. Particle size variations and their relatively small effect upon opacity of emissions from asphalt concrete plants are evaluated and discussed below.

The entrained particulate matter in uncontrolled gas streams from asphalt concrete plant dryers ranges up to 100 microns in particle diameter with about 70 percent of the mass associated with particles less than 74 microns diameter and 20 percent associated with particles of less than five microns diameter.[5, 6] Collectors of over 99.9 percent efficiency are necessary to attain the mass emission standard (concentrations below 90 mg/dscm or 0.04 gr/dscf). Control devices with 99.9+ percent efficiency will remove all but the finest particles, hence particulate matter in emissions to the atmosphere will be finer than that of the size distribution entering the control device with some variation in the degree of fineness due to the characteristics of the type control device in use.

The exhaust gases from typical high efficiency control devices contain few particles greater than 40 microns diameter and the majority of the particles are between 0.1 to 10 microns diameter.[6] The size distribution of the particulate matter emitted by a well-controlled asphalt concrete plant was measured at one plant and projected from inlet particle size distributions of 20 other plants using typical size-efficiency curves (relationships between collection efficiency and particle size) developed for typical control devices used by asphalt concrete plants.[5, 6] The results of these evaluations show that the mass mean diameter of particulate matter from a baghouse control device was measured as five to six microns and from either baghouse or venturi scrubber control devices was calculated to be one to two microns diameter.[5, 7] Thus the maximum variation in mean particle size of emissions that is measured or projected to occur at asphalt concrete plants is within a narrow range (one to six microns) regardless of the type control device used to achieve the mass standard (90 mg/dscm).

Maximum scattering of visible light is acknowledged to be generally caused by particles within the size range of 0.2 to 2 microns diameter.[8] In Figure 23 of a report by Conner and Hodkinson, this effect is shown.[3] For asphalt concrete plants (refractive index, m, is approximately 1.4 to 1.6) it is apparent from the figure that the light scattering intensity stabilizes at a particle diameter of about one micron in visible light.[3] Therefore a stable relationship between

See footnotes at end of document.







light scattering (opacity) and mass be increased because the data support the within the third plant (Facility H). The



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light scattering (opacity) and mass emissions will exist for all emissions from asphalt concrete plants where the mean particle size is not less than one micron diameter.

These data and calculations indicate that the mass mean diameter of particles emitted by asphalt concrete plants equipped with baghouses or venturi scrubbers varies only within a narrow range (one to six microns) and this range is outside the region (<1 micron diameter) of maximum light scattering for asphalt concrete plants. Figure 21 of "Optical Properties and Visual Effects of Smoke-Stack Plumes" shows that in the range of the mass standard the effect of the above variation in particle diameter represents about a ±6 percent variation of opacity.[4] The effect upon opacity of emissions of this magnitude is accommodated by the tolerance allowed by establishment of the opacity standard at a level well above the equivalent mass standard (Figure 1). The data in Table 1 and Figure 1 show that facilities emitting pollutants at levels in conformance with the mass standard have been observed to have 0 to 6 percent opacity; much less than the opacity limitation (<20 percent) established by EPA. An additional six percent opacity due to the maximum light obscuration effect of atypically small particles at asphalt concrete plants would not be sufficient (12 percent opacity) to exceed the allowable limit. Therefore, variations in opacity attributable to variations in mass mean particle diameter (or variations in particle shape which would affect mass mean diameter) are not sufficiently large to result in violation of the opacity standard for asphalt concrete plants in compliance with the mass emission standard, even for atypical situations.

Variations in particle size and shape alone do not adversely affect the ability of the plant to comply with the opacity standard. Variations in stack sizes used by asphalt concrete plants were also investigated by EPA. Stack diameter affects opacity directly because it governs the path length through which the light is attenuated before it reaches the observer viewing the plume. The larger the diameter of the stack, and therefore of the plume, the more light will be attenuated as it passes through the plume, and the greater will be the opacity of the plume.

Review of available test reports found that stack diameters on asphalt concrete plants ranged from 0.457 m (18 inches) to 3.30 m (130 inches) diameter. Stack diameters of 3.0 meters and greater had a 14 percent frequency of occurrence. Transmissometer data for asphalt concrete plants show that when emissions are controlled to 90 mg/dscm, the average opacity of emissions in a 1.372 meter path length is six percent.[5] The average opacity of these emissions in a 3.3 meter diameter stack would be 14 percent. Based on these data it is concluded that the opacity standard should not be changed.

For these reasons we believe that particle size, shape, and stack size considerations do not justify adjusting the opacity standard for asphalt concrete plants. The opacity standard should not be increased because the data support the conclusion that asphalt concrete plants which achieve the mass emission standard will also achieve the current opacity standard. Nor should the opacity standard be reduced (typical plants will have 0–6 percent opacity) due to the opacity levels which may be encountered at plants with large diameter stacks or atypically small mass mean diameters. Under the promulgated standard, very few (if any) special standards will be required under § 60.11(e) of the revised regulations. However, this provision will account for any extreme circumstances where opacity may fall outside the projected bounds defined by our investigations. No owner or operator of such an atypical facility will be prejudiced as he will be afforded means of relief by petitioning the Administrator for reestablishment of applicable opacity standards in accordance with § 60.11(e).

Primary sources of emissions at asphalt concrete plants include the dryer, aggregate elevators, hot aggregate screens, the mixer, storage bins, and equipment for handling the dust collected by baghouses. The emissions from each of these sources are ducted to a control device for removing the particulate matter prior to venting the gaseous effluent to the atmosphere, usually through a stack. In order to ensure that total particulate emissions to the atmosphere are minimized consistent with "• • • application of the best system of emission reduction • • •" as required under section 111 of the Clean Air Act, EPA believes that it is necessary to require that attention be given to efficiently ducting emissions to the control device; otherwise, particulate emissions escaping the duct system would not be collected. Emissions which escape the ducting system and directly enter the atmosphere without the benefit of any particulate removal are commonly referred to as "fugitive emissions."

Hence standards regulating fugitive emissions are of primary importance in providing effective control of emissions from an asphalt concrete plant. The mass standard applicable to a control device would be meaningless if significant quantities of emissions were allowed to by-pass the particulate removal system. The only effective method of regulating fugitive emissions is by opacity standards since there is currently no feasible way to measure mass emissions that are not constrained within a specific area. EPA has investigated the efficiency of ducting systems at three asphalt concrete plants (Table 2). Fugitive emissions were observed at several points (but not all points) in two of the plants visited and no visible fugitive emissions were observed at any point in the third plant. The fugitive emissions observed at Facility A and Facility D (Table 2) were intermittent and often occurred during periods of operation (start-up, shutdown, or malfunction) specifically excluded from consideration by EPA regulations (38 FR 28566). Each of these plants had several items of equipment that had effective fugitive emission controls (no visible emissions) consistent with the degree of control demonstrated by all equipment within the third plant (Facility H). The maximum single observation of opacity (Table 2) was 20 percent and the maximum average opacity for any six minute period was 10 percent. Under provisions of the current regulations, compliance with opacity standards will be based on six minute averages. Even though these data indicate that a slightly more restrictive opacity standard could be applied to asphalt concrete plants, EPA believes that the current limit (<20 percent opacity) is adequate to ensure that the facility owner or operator gives proper consideration to design, operation, and maintenance of effective fugitive emission ducting arrangements.

Some questions have arisen as to the validity of using an observer to determine opacity of emissions and the means of determining opacity for plumes containing condensed water vapor. EPA believes that these questions have been adequately answered in the response to remand in *Portland Cement Association* v. *Ruckelshaus*.

Some confusion also arose in regard to observations of two EPA observers at Facility A. Their observations during a shutdown period did not appear to agree (one observer recorded 0–20 percent opacity and the second recorded 25 percent opacity for what appears to be the same two minute period).[6]

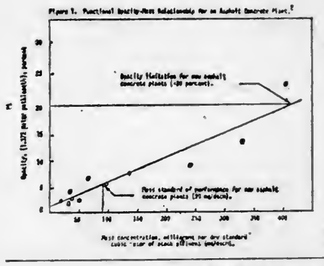
Upon further evaluation of these data, it was determined that the time-keeping equipment of the two observers were not synchronized and that the observations recorded as occurring at the same moment were in fact approximately one to two minutes apart.[7] EPA has reevaluated these data and has determined that the proper adjustments for this time difference cannot be ascertained.[8] However, emissions during a shutdown period are known to be highly variable and generally not predictable for many facilities, and at this specific facility one observer who observed emissions every 15 seconds in accordance with Method 9 did record variations of 0–20 percent opacity during this two-minute period. The second observer at the facility did not record observations in accordance with Method 9 (15 second intervals) but did make a few observations at irregular intervals. During the two-minute period in question, the second observer appears to have made one observation of 25 percent opacity.[9] Therefore, these observations are not necessarily contradictory since it is possible that the second observer's 25 percent observation was made concurrent with the first observer's 20 percent observation, in which case the observed opacities would be in close agreement. However, the inaccuracies in recorded times preclude valid comparisons of these data.

Valid conclusions with regard to the accuracy of Method 9 can only be based upon data developed by a test program under controlled conditions where the circumstances of the tests are planned or at least known. Such a program was conducted by EPA and was extensively discussed in the Portland remand response.

See footnotes at end of document.








| Facility | Fugitive emission source | Average[1] opacity (24 observations) | Maximum[1] opacity (single observations) |
|---|---|---|---|
| | | *Percent* | *Percent* |
| A | Burner end of dryer | 1.25 | 10 |
| | Hot aggregate screens | 10 | 20 |
| D | Burner end of dryer | 0 | 0 |
| | Hot aggregate screens | 0 | 0 |
| | Baghouse on dust silo | 10 | 10 |
| H | Burner end of dryer | 0 | 0 |
| | Hot aggregate screens | 0 | 0 |

[1] Based on observations made according to method 9 requirement of reading at 15-sec. intervals. All other observations were deleted.

TABLE 1.—*Opacity and mass emissions for asphalt concrete plants*

| Facility | Control device | Effluent concentration at time of stack test gr/dscf (date of test) | Stack diameter | 6-min average opacity (date of observations) | Maximum single observation opacity (date of observations) |
|---|---|---|---|---|---|
| A | Baghouse | 0.007 (Nov. 15 to 17, 1971). | 0.74 by 0.74 m (2 ft 5 in by 2 ft 5 in). | 0 (Sept. 7, 1973) | 0 (Sept. 7, 1973). |
| D | do | 0.0178 (Oct. 29, 1971) | 1.17 m (3 ft 10 in) | 0 (Sept. 11, 1973) | 0 (Sept. 11, 1973). |
| H | Venturi scrubber ($\Delta P$= 19 in). | 0.0315 (Nov. 4 to 5, 1971). | 1.75 m (5 ft 9 in) | 0 (Sept. 20, 1973) | 0 (Sept. 20, 1973). |
| Asphalt plant No. 1. | Baghouse | 0.04 | 1.372 m (4 ft 6 in) | 6[1] | |

[1] Based on transmissometer data concurrent with the reference method 5 period of particulate matter sampling. The averaging period was approximately 1 hr.

REFERENCES

[1] Background Information for Proposed New Source Performance Standards: Asphalt Concrete Plants • • • Sewage Treatment Plants, Volume 3, Promulgated Standards, EPA–450/2–74–003 (APTD–1352C), February 1974.

[2] Reisman, E., Gerber, W. D., and N. D. Potter. In-Stack Transmissometer Measurement of Particulate Opacity and Mass Concentration. EPA–650/2–74–120. November 1974, p. 7 and pp. 34–43.

[3] Conner, W. D., and J. R. Hodkinson. Optical Properties and Visual Effects of Smoke-Stack Plumes. U.S. Department of Health, Education and Welfare, Cincinnati, Ohio. PHS Publication No. 999–AP–30. 1967.

[4] Ensor, D. S., and M. J. Pilat. Calculation of Smoke Plume Opacity from Particulate Air Pollutant Properties. JAPCA. 21(8):496–501. 1971.

[5] Air Pollution Control Guidelines for Hot Mix Asphalt Plants. A study conducted by the American Air Filter Company, Inc. for the Kentucky Asphalt Association. Undated.

[6] Particulate Pollutant System Study, Volume II—Fine Particle Emissions. Midwest Research Institute. Contract No. CPA 22–69–104. APTD–0744, August 1971. p. 98.

[7] Meyer, J. S., Memorandum to Jack R. Farmer, Subject: Projected Particle Size Distribution for Asphalt Concrete Plants, November 13, 1974.

[8] Meyer, J. S., Memorandum to Jack R. Farmer, Subject: Refractive Index of Particulate Matter from Asphalt Concrete Plants, November 18, 1974.

[9] Trenholm, A. R., Memorandum to James C. Berry, Subject: Trip to Gather Visible Emission Data on an Asphalt Batch Plant, September 27, 1973.

[10] Meyer, J. S., Memorandum to Jack R. Farmer, Subject: Review of Fugitive Emission Observations at Two Asphalt Concrete Plants, November 14, 1974.

Dated: April 14, 1975.

ROGER STRELOW,
*Assistant Administrator for Air and Waste Management.*

[FR Doc.75–10267 Filed 4–21–75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20376]

### AMERICAN TELEPHONE AND TELEGRAPH CO.

#### Charges for Interstate Telephone Service; Correction

The following erratum should be noted in the Commission's Order released March 6, 1975, FCC 75–253, published at 40 FR 12844, establishing the above-captioned docket:

Paragraph 31, lines 4–5, delete "of the release of this Order.", and replace with "of the date of publication in the FEDERAL REGISTER;"

[SEAL] WALTER R. HINCHMAN,
*Chief, Common Carrier Bureau.*

[FR Doc.75–10459 Filed 4–21–75;8:45 am]

[Docket Nos. 20125 and 20429; File Nos. BPCT—4663 and 681; FCC 75–391]

### CAMELLIA CITY TELECASTERS, INC. AND CAMELLIA CITY TELECASTERS, INC.

#### Applications; Hearing

1. The Commission has here under consideration (a) the application (BRCT–681) of Camellia City Telecasters, Inc., (Camellia) for renewal of license of television broadcast Station KTXL, channel 40, Sacramento, California; (b) the results of a field of investigation by the Commission's staff into allegations that Camellia submitted a false document to the Commission during the course of another proceeding and that Camellia's president had in his possession and failed to disclose to the Commission information contradicting the document alleged to be false; and (c) its Order (FCC 74–849, 48 FCC 2d 995), released August 16, 1974, designating for hearing on various issues including misrepresentation to the Commission the application of Camellia for construction permit for changes in the facilities of Station KTXL–TV (BPCT–4663, Docket No. 20125).

2. In its Order designating the construction permit application of Camellia for hearing, the Commission stated:

If proven, these allegations would cast serious doubts upon Camellia's qualifications to continue to be a licensee of the Commission. Thus, on the basis of the staff investigation, the Commission is of the opinion that this application must be designated for hearing, for reasons set forth below. Furthermore, because it appears unlikely that we will be able to resolve these allegations before we are called to act upon Camellia's next license renewal application,[1] that application will be consolidated with this application by a subsequent order for consideration in the hearing ordered herein. (Footnote omitted).

3. Accordingly, *it is ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Camellia City Telecasters, Inc., for renewal of station license, is designated for hearing and consolidated with the current hearing proceeding in Docket No. 20125 upon the issues specified therein.

4. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of evidence with respect to Issues (1) and (3). Camellia City Telecasters, Inc., shall proceed with the initial presentation of evidence with respect to Issue (2). The burden of proof with respect to Issues (1) through (6) is on Camellia City Telecasters, Inc.

Adopted: April 1, 1975.

Released: April 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75–10460 Filed 4–21–75;8:45 am]

### EMPIRE BROADCASTING CORP. ET AL.

#### Notice of Applications, Hearing, and Apparent Liability

[Docket Nos. 20424 etc.; File Nos. BR–1017 etc.]

In re applications of Empire Broadcasting Corporation (KXXL), Bozeman, Montana, Docket No. 20424, File No. BR–1017, for renewal of license; Empire Broadcasting Corporation (KXXL), Bozeman, Montana, Docket No. 20425, File No. BL–13654, for a license to cover changes. Cleo Barkley, et al. (Transferors) and Gary Petersen, et al. (Transferees), Docket No. 20426, File No. BTC–7649, for transfer of control of Empire Broadcasting Corporation, Licensee of Stations KXXL, Bozeman, KFLN, Baker, and KWYS, West Yellowstone, Montana. Kaff Broadcasting Company (Assignor) and Empire Broadcasting Corporation (Assignee), Docket No. 20427, File Nos. BAL–8318 and BALH–2084, for



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assignment of license of Station KAFF and KAFF-FM, Flagstaff, Arizona.

1. The Commission has before it for consideration (a) the captioned applications and (b) its inquiries into the operation by Empire Broadcasting Corporation (Empire) of Radio Station KXXL, Bozeman, Montana.

2. Information before the Commission raises serious questions as to whether the captioned applicant possesses the requisite qualifications to be or to remain a licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal application, the application for a license to cover changes, the application for transfer of control, or the applications for assignment of license of KAFF and KAFF-FM to Empire would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, *it is ordered*, That the captioned applications for renewal, assignment, and transfer are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, and *it is further ordered*, That the application for a license to cover changes authorized by a construction permit (BP-19,475) is designated for hearing in the same consolidated proceeding pursuant to section 319(c) of the Communications Act, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether, and, if so, the extent to which the applicant engaged in fraudulent billing practices or failed to exercise reasonable diligence to see that its agents and/or employees did not engage in fraudulent billing practices in the operation of Station KXXL, in violation of § 73.1205 of the Commission's rules; and

(b) To determine whether, in the light of evidence adduced under the foregoing issue, Empire possesses the requisite qualifications to be, or to remain a licensee of the Commission, to hold a license to cover changes in the KXXL technical facilities, to be granted the application for transfer of control of Empire, to be granted assignment of the licenses of KAFF and KAFF-FM, Flagstaff, Arizona, and whether a grant of any of the captioned applications would serve the public interest, convenience and necessity.

4. *It is further ordered*, That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal, it shall also be determined whether the applicant has willfully violated Section 73.1205 of the Commission's Rules,[1] and, if so, whether an Order of Forfeiture pursuant to Section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

5. *It is further ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violations of the Commission's Rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicants within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issue (a).

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issue (a), and Empire, pursuant to Section 309(e) of the Act, then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of Station KXXL, and that a grant of the foregoing application, the application for transfer of control of Empire, and the applications for assignment of license of KAFF and KAFF-FM would serve the public interest, convenience, and necessity. *It is further ordered*, That with respect to the application for a license to cover changes in the KXXL facilities authorized by a construction permit (BP-19,475), the Broadcast Bureau, pursuant to Section 319(c) of the Act, shall have the burden of proceeding with the presentation of the evidence, if any, and the burden of proving that there are causes or circumstances, if any, arising or first coming to the knowledge of the Commission since the granting of the construction permit, which would in the judgment of the Commission make the operation of such station against the public interest.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to Section 1.221 (c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Empire Broadcasting Corporation and KAFF Broadcasting Company.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10461 Filed 4-21-75;8:45 am]

[1] See Bill of Particulars for specific dates and details of each alleged violation.

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[FCC 75-252; Docket Nos. 20224, 20225; File Nos. 7334-C2-P-72, 5053-C2-P-72]

## HOUSTON MOBILFONE, INC. AND ELECTRODYNE, INC.

### Applications; Stay of Hearing

In the matter of Houston Mobilfone, Inc., Willis, Texas, Docket No. 20224; File No. 7334-C2-P-72, and Electrodyne, Inc., Conroe, Texas, Docket No. 20225; File No. 5053-C2-P-72, for construction permits to establish new facilities in the Domestic Public Land Mobile Radio Service (39 FR 41765).

1. Before the Commission for consideration is a request for a stay filed on February 13, 1975,[1] and a request for urgent action filed on March 20, 1975 by Houston Mobilfone, Inc. An opposition to the request for stay was filed on February 24, 1975, by Electrodyne, Inc.

2. Houston Mobilfone requests that the hearing in this proceeding, presently scheduled to commence on April 22, 1975, and all procedural dates scheduled in connection therewith, be stayed pending the Commission's disposition of a petition for reconsideration and other relief filed by Houston Mobilfone on December 26, 1974. Oppositions to the petition for reconsideration were filed on December 31, 1974, by Electrodyne, Inc., and on January 10, 1975, by the Chief of the Common Carrier Bureau. In addition, Electrodyne, Inc. filed a request for a declaratory ruling on December 31, 1974 and responsive pleadings have been filed to this request.

3. The parties have raised a number of issues in their several pleadings which we believe should be considered and resolved before the commencement of the hearing in this proceeding and additional time is needed by the Commission to review the pleadings filed. A stay of the hearing will therefore be directed pending further order of the Commission. Our action in staying the hearing, however, should not be construed as any indication of our ultimate disposition of the requests now under consideration.

4. *Accordingly, it is ordered*, That the hearing in this proceeding and all procedural dates established in connection therewith are stayed pending further order of the Commission.

Adopted: March 25, 1975.

Released: April, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10462 Filed 4-21-75;8:45 am]

[1] An Errata was filed on March 19, 1975.
[2] Commissioner Hooks absent.





## FEDERAL ENERGY ADMINISTRATION

### ALLOCATION OF PETROLEUM IMPORTS FROM CANADA

#### Notice of Hearing and Request for Comments

In light of the announcement by the Canadian Government of its intention to phase out exports of crude oil and other refinery feedstocks to the United States, the Federal Energy Administration is considering the adoption of a regulation under the authority of the Emergency Petroleum Allocation Act of 1973 for a program to allocate exports of crude oil and other refinery feedstocks from Canada among domestic refiners.

*Background.* Presently the United States does not impose any quantitative restriction or allocation requirements on imports of crude oil from Canada. Nevertheless, since Canada utilizes the fee-exempt licenses issued under the United States Mandatory Oil Import Program as a basis for issuing export licenses, United States refiners which have fee-exempt licenses under the program are entitled to import Canadian crude oil in relative proportion to their historic Canadian imports. This system has proven adequate as long as exports of Canadian crude were sufficient to meet demands from United States refiners who have historically run Canadian crude. However, in view of Canada's announced intention to phase out crude oil exports to the United States, FEA believes that a new program, administered by FEA, may be necessary for allocating available Canadian imports. Any such allocation would only be an interim solution to the problem of supplying feedstock to refiners if Canada carries out its announced intention to phase out exports to the United States completely by 1983.

*Subject of Written Comments and Public Hearing.* In order to evaluate adequately the formulation of a program for the allocation of Canadian crude oil, FEA desires, through a public hearing and submission of written comments, to obtain public and industry views concerning the necessity for and provisions of an appropriate allocation program. Among the issues FEA would like persons commenting or presenting statements to address are the following:

1. The present degree of dependence of individual refiners and other industrial establishments on crude oil and other refinery feedstocks imported from Canada, and the current availability, if any, of alternative feedstock and energy sources.

2. Projected future dependence on Canadian imports, and the plans of such refiners to meet their requirements if Canadian crude becomes unavailable, including estimation of lead times for the completion of alternative supply systems, such as pipelines, deep-water terminal facilities, railroad spurs, and other means of transportation.

3. Costs and practicability of reducing Canadian dependence by various means.

4. Analysis of the markets served by the refiners involved, including access of consumers to alternative supply or energy sources.

Comments on these and other relevant issues will enable FEA to develop an adequate data base for possible development of an allocation system.

Interested persons are invited to participate by submitting data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box CT, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Allocation of Canadian Imports." Fifteen copies should be submitted. All comments received by Thursday, May 8, and all revelant information, will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing will be held at 9:30 a.m. on Wednesday, May 14, 1975, and will be continued, if necessary on Thursday, May 15, in Room 2105, 2000 M Street NW., Washington, D.C.

Any person who has an interest in the subject matter or who is a representative of a group or class of persons that has an interest, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., Tuesday, May 6, 1975.

Such a request may be hand delivered to Room 3309, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through May 12, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., May 9, 1975, and must submit 100 copies of his statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street NW., Washington, D.C. before 4:30 p.m., e.d.t., on Tuesday, May 13.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., May 13, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C. April 18, 1975.

ROBERT E. MONTGOMERY, JR.,
*General Counsel,*
*Federal Energy Administration.*

[FR Doc.75-10581 Filed 4-18-75;3:29 pm]

## FEDERAL POWER COMMISSION

[Docket No. RP74-94-3]

### ARKANSAS LOUISIANA GAS CO.

#### Petition for the Transfer of Natural Gas

APRIL 15, 1975.

Take notice that on April 4, 1975, the City of Winfield, Kansas, Electric Department (Petitioner), c/o City Manager, The City of Winfield, Kansas, P.O. Box 646, Winfield, Kansas 67156, filed in Docket No. RP74-94-3 a petition for the transfer of natural gas from a less efficient electric generating plant to a more efficient electric generating plant, all as more fully set forth in the petition, which is on file with the Commission and open to public inspection.

Petitioner requests the Commission to order Arkansas Louisiana Gas Company (Arkla) to transfer deliveries of gas from Petitioner's less efficent Plant No. 1 (Old Plant) at West 14th Street, to the more efficient Plant No. 2 (New Plant) at East 12th Street, in order to save over 1,000 Mcf of gas per day during summertime high electric demands. Petitioner states







[Docket No. CP74-62]

Applicant indicates that it received tem-

1st Revised Sheet No. 91, cancelling Orig-

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that it is requesting this relief with the understanding that it will not alter the priority 4 curtailment status of each power plant.

Petitioner relates the following facts:

(1) Petitioner has two generating plants, as hereinbefore described.

(2) Both plants are served by Arkla through one pipeline, which goes to the edge of the city and at this point is divided and goes to each plant.

(3) Each plant has a priority rating of 4 pursuant to § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78).

(4) The priority status of the plants allows 3,000 Mcf per day of gas to each plant.

(5) Plant No. 1 is quite old with low efficiency producing approximately 172,000 kw of electricity from the 3,000 Mcf allocated to it.

(6) With the same amount of gas at Plant No. 2 approximately 296,000 kw of electric power can be produced.

(7) If Arkla were ordered to transfer deliveries of gas to Plant No. 2 from Plant No. 1, Petitioner could realize a savings of approximately 1,000 Mcf of gas per day.

Petitioner states that at no time would the gas consumption exceed the allotted amount to both plants, with Petitioner having the option to use the gas in the most efficient way. Petitioner further states that Arkla has been contacted several times and will not authorize the transfer of gas.

Petitioner asserts that the citizens of Winfield are aware of the energy conservation programs and that the City's electric demands have decreased in the past year.

Petitioner states that it has an electric interconnection with Kansas Gas and Electric Company and whenever possible purchases coal fired electric generation from Kansas Gas and Electric Company for the purpose of further conserving natural gas. Petitioner alleges that the transfer of gas would help its conservation program.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

| Docket No. | Date filed | Applicant |
|---|---|---|
| CS69-46 | [1] Jan. 24, 1975 | Texas Crude Oil Co., 2220 Houston Natural Gas Bldg., 1200 Travis, Houston, Tex. 77002. |
| CS72-544 | [2] Mar. 20, 1975 | General Crude Oil Co., P.O. Box 2252, Houston, Tex. 77001. |
| CS75-376 | Mar. 20, 1975 | W. R. W. Enterprises, 562 South Post Rd., Indianapolis, Ind. 46239. |
| CS75-377 | do | Michael T. Gottlieb, 260 Sierra Dr., Hillsborough, Calif. 94010. |
| CS75-378 | do | Paul M. Candelaria, 103 West 31st St., Farmington, N. Mex. 87401. |
| CS75-379 | Mar. 21, 1975 | Benson-Montin-Greer Drilling Corp., 221 Petroleum Center Bldg., Farmington, N. Mex. 87401. |
| CS75-380 | Mar. 13, 1975 | Bobcat Oil Co., 450 Denver Club Bldg., Denver, Colo. 80202. |
| CS75-381 | Mar. 24, 1975 | EMC Energies, Inc., 835 First National Bank Bldg., Casper, Wyo. 82601. |
| CS75-382 | Mar. 27, 1975 | Duncan Miller, P.O. Box 728, Boulder City, Nev. 89005. |
| CS75-384 | Mar. 28, 1975 | Louisiana Crude Oil & Gas Co., Inc., 922 Richards Bldg., New Orleans, La. 70112. |
| CS75-385 | Mar. 31, 1975 | William C. Wood, Rural Delivery No. 1, Kittanning, Pa. 16201. |
| CS75-386 | do | William G. McCoy, P.O. Box 1362, Roswell, N. Mex. 88201. |
| CS75-387 | do | Donald R. Candelaria, 517 East Zia, Aztec, N. Mex. 87410. |
| CS75-388 | do | Great Plains Corp., P.O. Box 665, Emporia, Kans. 66801. |

[1] Petition to amend to include Applicant's participants and co-owners under Applicant's small producer certificate.

[2] The application states that on Feb. 11, 1975, General Crude Oil Co., the predecessor in interest to Applicant, was merged by IP Petroleum, Inc., a wholly owned subsidiary of International Paper Co., and IP Petroleum, Inc., as the surviving corporation in the merger, changed its name to General Crude Oil Co. (Applicant herein). As a result of the merger, Applicant states, it has succeeded to all of the rights, privileges and interests in and to all of the properties and other interests of the former General Crude Oil Co.

[FR Doc.75-10364 Filed 4-21-75;8:45 am]

[Docket Nos. E-8855 and E-9037]

## BOSTON EDISON CO.

### Postponement of Hearing

APRIL 15, 1975.

On April 14, 1975, Staff Counsel filed a motion to extend the hearing date fixed by order issued July 12, 1974, as most recently modified by notice issued April 2, 1975, in the above designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until April 24, 1975, at 10 a.m., e.d.t.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10401 Filed 4-21-75;8:45 am]





[Docket No. CP74-62]

## COLORADO INTERSTATE GAS CO.

### Proposed Changes in FPC Gas Tariff

APRIL 16, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on March 31, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 2. CIG states that the purpose of this filing is to make certain revisions to Initial Rate Schedule X-43 consisting of Original Sheet Nos. 262A and 262B. The purpose of these revisions is to expand the "dedicated area". There is no rate or charge associated with the proposed revisions.

Copies of the filing were served upon all parties involved in the exchange.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10402 Filed 4-21-75;8:45 am]

[Docket No. CP74-62]

## COLORADO INTERSTATE GAS CO.

### Amendment to Application

APRIL 14, 1975.

Take notice that on March 31, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP74-62 an amendment to its application pending in said docket for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act by requesting authorization to expand the capacity of its Spearhead Ranch meter station, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on September 4, 1973, it filed an application in the instant docket requesting authority to operate its Spearhead Ranch meter station and certain existing transmission facilities necessary to effectuate a gas exchange arrangement with Mountain Fuel Supply Company (Mountain Fuel).[1]

Applicant indicates that it received temporary authority to make this exchange and to operate the meter station on July 10, 1974.

By this filing Applicant requests additional authorization to expand the Spearhead Ranch meter station in order to measure at this facility additional volumes of natural gas Applicant now expects to receive.

Applicant states that the measurement capacity of the Spearhead meter station was designed for an initial average daily production from the Spearhead Ranch area of approximately 8,000 Mcf of gas per day with the capability to measure a maximum of 16,000 Mcf of gas per day. The application states that even though Applicant had anticipated additional production from this area in the near future as a result of Mountain Fuel's exploration plans, the design volume is below what Applicant now expects to receive for measurement at this location. Applicant states the proposed expansion of its meter station is required to measure the additional volumes of gas it has been able to contract for in the Bear Creek Field which were not anticipated in the original design of the Spearhead Ranch meter station.[2]

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests, petitions to intervene, or notices of intervention need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10403 Filed 4-21-75;8:45 am]

[Docket No. E-9367]

## COMMONWEALTH EDISON CO.

### Filing of Tariff Changes

APRIL 16, 1975.

Take notice that on April 8, 1975, Commonwealth Edison Company (ComEd) tendered for filing proposed charges in the following tariff sheets:

3rd Revised Sheet No. 1A, superseding 2nd Revised Sheet No. 1A
2nd Revised Sheet No. 1B, superseding 1st Revised Sheet No. 1B.
1st Revised Sheet No. 91, cancelling Original Sheet No. 91
2nd Revised Sheet No. 110, superseding 1st Revised Sheet No. 110
2nd Revised Sheet No. 112, superseding 1st Revised Sheet No. 112
2nd Revised Sheet No. 110, superseding 1st Revised Sheet No. 113
2nd Revised Sheet No. 114, cancelling 1st Revised Sheet No. 114
2nd Revised Sheet No. 115, cancelling 1st Revised Sheet No. 115
1st Revised Sheet No. 117, superseding Original Sheet No. 117
1st Revised Sheet No. 118, superseding Original Sheet No. 118
1st Revised Sheet No. 119, superseding Original Sheet No. 119
11th Revised Sheet No. 199, superseding 10th Revised Sheet No. 199

The filing consists of a revised Electric Service Contract between the Village of Winnetka, Illinois and the Company, and a revision of the part of Rate 78 of the Company's FPC Electric Tariff dealing with service to partial requirements customers. Third Revised Sheet No. 1A and 2nd Revised Sheet No. 1B include the proposed revisions in Rate 78. Second Revised Sheets Nos. 110, 112, 113, 114, and 115, and 1st Revised Sheet Nos. 117, 118, and 119 constitute the electric service contract. Also included in the filing is a cancellation of a letter agreement between the Company and the City of Rock Falls.

ComEd states that no change in the charges of Rate 78 are included. ComEd further states that because of the standby characteristic of a portion of the electric supply to the Village of Winnetka, it is not possible to forecase the total annual revenue to be received by ComEd. ComEd does estimate revenue to be derived from the firm component of the supply to be about $985,000.

ConEd requests an effective date of June 1, 1975 and state that copies of its filing has been served on the City of Rockelle and the Village of Winnetka.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before April 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10404 Filed 4-21-75;8:45 am]

[Docket No. CP70-196]

## DISTRIGAS CORP.

### Extension of Time

APRIL 15, 1975.

On April 8, 1975, Distrigas Corporation filed a motion to extend the time for fil-

[1] Applicant states that it originally constructed the meter station allegedly pursuant to certain emergency provisions of the Natural Gas Act in order to measure volumes of natural gas it expected to receive from acreage controlled by Mountain Fuel in the Spearhead Ranch area of eastern Wyoming.

[2] Applicant states it has filed an application on February 20, 1975, in Docket No. CP75-240 for authorization to sell and exchange natural gas from the Bear Creek area.





ing evidence fixed by order issued Feb-



issuance of this order, Southern shall

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ing evidence fixed by order issued February 28, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing updated evidence as required by the above order is extended to and including May 14, 1975. All other procedural dates shall be fixed by the Presiding Administrative Law Judge.

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10405 Filed 4-21-75;8:45 am]

[Docket Nos. RP69-6, et al.]

## EL PASO NATURAL GAS CO.

### Payment of Refunds

APRIL 16, 1975.

Take notice that by letter dated March 17, 1975, El Paso Natural Gas Company ("El Paso") tendered for filing a Report of Refunds Made on March 3, 1975, to its Southern Division System jurisdictional and non-jurisdictional keyed customers. El Paso states that such refunds were made in compliance with the Commission's letter order issued February 3, 1975, in the captioned dockets and in accordance with the Stipulation and Agreement dated as of May 31, 1973, approved by Commission order issued February 14, 1974, at Docket Nos. RP69-6, et al.

El Paso further states that the refunds made, aggregating $61,737,711.98, encompass $50,523,679.23 principal refunds, plus interest thereon of $11,214,032.75, computed through March 3, 1975, at the interest rates specified by the Commission in each of the docketed proceedings, in conformity with the Stipulation and Agreement dated May 31, 1973, at Docket Nos. RP69-6, et al.

El Paso states that copies of the filing were served on all of El Paso's affected Southern Division System customers and all parties of record to the proceedings at Docket Nos. RP69-6, RP69-20, RP70-11, RP71-13, RP72-150, and RP72-155 and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before April 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 of 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10406 Filed 4-21-75;8:45 am]

[Docket No. CI75-585]

## GAS PRODUCING ENTERPRISES, INC.

### Application

APRIL 16, 1975.

Take notice that on April 2, 1975, Gas Producing Enterprises, Inc. (Applicant), Five Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CI75-585 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), from the Natural Buttes Unit, Uintah County, Utah, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it has been selling gas from the Natural Buttes Unit in intrastate commerce to Mountain Fuel Supply Company (Mountain Fuel) and that the applicable gas sales contract covering this sale permits the withdrawing of undeveloped acreage on January 1, 1975. Based on this right and other considerations, Applicant states, Applicant, Mountain Fuel and CIG have entered into a joint agreement under which CIG will purchase all of the gas from Applicant at the wellhead, CIG will gather the gas and deliver it to Mountain Fuel, who will transport the gas and deliver all or a portion of the gas to CIG at an agreeable point on CIG's transmission system in Wyoming.

The gas sales agreement between Applicant and CIG provides for the sale of gas from existing wells at two different rates in accordance with two lists of wells that were previously contracted to Mountain Fuel. The price from initial delivery until January 1, 1976, in 19.0122 cents per Mcf for one list of wells and 32.9076 cents per Mcf for the other list of wells. The price for each group of wells escalates 0.9750 cent per Mcf on January 1 of each year until December 31, 1981. Beginning January 1, 1982, according to Applicant, the gas produced by both sets of wells is priced in accordance with the contract provisions for pricing new gas.

The gas purchase agreement further provides that the price to be paid for new gas from the subject acreage shall be the nationwide rate prescribed by § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a). Applicant estimates sales volumes under the requested authorization at 167,500 Mcf per month.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10407 Filed 4-21-75;8:45 am]

[Project No. 2467]

## PACIFIC GAS AND ELECTRIC CO.

### Application for Approval of Revised Exhibits K and R

APRIL 16, 1975.

Public notice is hereby given that application was filed on December 14, 1970, superseded on April 3, 1972, and supplemented on February 20 and March 28, 1975, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Company, Applicant (correspondence to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106), for Commission approval of Exhibits K and R for the constructed Merced Falls Project No. 2467 on the Merced River in Merced and Mariposa Counties, California.

Applicant's revised Exhibit R, filed pursuant to Article 39 of the license for Merced Falls Project, consists of two drawings and a recreational use plan. Exhibit R designates .52 acre of project land, affording approximately 100 feet of reservoir shoreline, as suitable for recreational use. This area, referred to as the "Rivers Edge" site, provides fishing access for day use and is inside the protective boom guarding the dam spillway and intake. Applicant proposes to develop





the site by the addition of a parking area, sanitary facilities, drinking water, and landscaping.

The revised Exhibit K, filed pursuant to Article 2 of the proposed license, is a drawing showing a decrease in the project area. A portion of submerged acreage was given up due to the construction of the McSwain Development of Project 2179 approximately one mile upstream from Merced Falls dam.

Any person desiring to be heard or to make protest with reference to said application should on or before May 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10408 Filed 4-21-75;8:45 am]

[Docket No. CI75-584]

## PHILLIPS PETROLEUM CO.

### Application

APRIL 16, 1975.

Take notice that on April 2, 1975, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI75-584 an application for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing Applicant to exchange natural gas with Panhandle Eastern Pipe Line Company (Panhandle) in Colorado and Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that Applicant and Panhandle have entered into a gas exchange agreement dated November 5, 1974, pursuant to which Panhandle will deliver raw gas to Applicant at its Weld Plant and at the wellhead of certain wells in Weld County, Colorado, and Applicant will redeliver thermally equivalent volumes to Panhandle on Panhandle's pipeline in Moore and Hemphill Counties, Texas.

Applicant further states that Applicant and Panhandle will establish a gas exchange account consisting of a tabulation of the thermally equivalent volumes delivered, and that any imbalance in the account during any month will, insofar as feasible, be balanced during the next succeeding month.

According to the application, Panhandle will pay Applicant 8½ cents per Mcf for gathering and compressing low pressure casinghead volumes and Applicant will pay Panhandle's average gas purchase cost for shrinkage attributable to raw gas volumes delivered by Panhandle to Applicant at the Weld County, Colorado, delivery points.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10409 Filed 4-21-75;8:45 am]

[Docket Nos. RP73-64, PGA75-3A]

## SOUTHERN NATURAL GAS CO.

### Proposed Changes in FPC Gas Tariff

APRIL 16, 1975.

Take notice that Southern Natural Gas Company (Southern) on April 11, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to be effective March 1, 1975. Southern states that such filing is pursuant to and in compliance with Ordering Paragraph (A) of the Commission's order of March 31, 1975 accepting in part Southern's proposed Purchased Gas Adjustment (PGA) increase previously filed on February 21, 1975.

The Commission's order of March 31, 1975 permitted the PGA increase filed February 21, 1975 to become effective March 1, 1975 "subject to the condition that Southern redistribute the production costs associated with the qualified production to the base cost of purchased gas for the purposes of its purchased gas cost adjustment." The Commission further stated that "within 15 days of the issuance of this order, Southern shall file the recomputation of its base cost of purchased gas and appropriate revisions to its tariff sheet consistent with its revised base cost of purchased gas."

Southern's instant filing complies with the Commission's aforementioned order, according to Southern, and results in a .613¢ per Mcf decrease in Southern's commodity and one-part rates to be effective March 1, 1975, of which .194¢ per Mcf is attributable to the Current Adjustment and .437¢ per Mcf is attributable to the Surcharge Adjustment.

Consistent with the intent of the Commission's order, Southern is incorporating changes in its PGA clause to include company-owned production qualifying for the national rate pursuant to the Commission's orders in Docket No. R-389-B.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10410 Filed 4-21-75;8:45 am]

## TEXAS EASTERN TRANSMISSION CORP.

[Docket Nos. RP74-41, PGA 75-7]

### Proposed Changes in FPC Gas Tariff

APRIL 14, 1975.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 31, 1975 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Tenth Revised Sheet No. 14
Tenth Revised Sheet No. 14A
Tenth Revised Sheet No. 14B
Tenth Revised Sheet No. 14C
Tenth Revised Sheet No. 14D

Texas Eastern states that these sheets are issued pursuant to the purchased gas cost adjustment provision contained in section 23 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff, Fourth Revised Volume No. 1 and that the change in Texas Eastern rates proposed by this filing reflects a change in the cost of gas purchased from one of Texas Eastern's pipeline suppliers, United Gas Pipe Line Company. The proposed effective date of the above tariff sheets is May 20, 1975.



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Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10411 Filed 4-21-75;8:45 am]

## GENERAL SERVICES ADMINISTRATION

### COMMISSION ON GOVERNMENT PROCUREMENT; RECOMMENDATION

#### Executive Branch Position

Notice is hereby given of the executive branch position with respect to Commission on Government Procurement Recommendation J-1.

This recommendation calls for the establishment of a program for developing the technical and formal changes needed to organize and consolidate the procurement statutes to the extent appropriate in Title 41, United States Code.

The executive branch has accepted this recommendation. In adopting this recommendation, the OFPP acknowledges the magnitude and complexity of the implementing action involved. It further understands that carrying out this undertaking will have to be considered in relation to other priorities, requirements, and available resources.

Dated at Washington, D.C. on April 14, 1975.

R. E. ZECHMAN,
*Associate Administrator for Federal Management Policy.*

[FR Doc.75-10420 Filed 4-21-75;8:45 am]

### CONTRACT ADMINISTRATION DISPUTES

#### Legal and Administrative Remedies; Opportunity for Comment

The purpose of this notice is to make known an interagency task group proposal on Recommendations G-3, G-7, and G-8 of the Commission on Government Procurement, and to offer an opportunity for private sector comment on these recommendations and others in this series, as appropriate. Since executive branch agency comments have already been solicited and received, response from these sources is not required. Interested persons in the private sector may submit their comments to the General Services Administration (AMC), Washington, DC 20405. To be given consideration, comments must be received on or before May 26, 1975.

*Background.* The Office of Management and Budget (OMB), in memoranda to Heads of Executive Departments & Agencies, dated December 7, 1972, and March 14, 1973, established and outlined plans for the coordination of executive branch efforts in response to the Commission on Government Procurement (COGP) Report. Interagency task groups made up of assigned lead and participating agencies were formed to examine and recommend executive branch positions on each of the 149 COGP recommendations. Direction of executive branch efforts on COGP matters is a function delegated to the General Services Administration by Executive Order 11717 on May 9, 1973.

The subject COGP Recommendations read as follows:

G-3: Retain multiple agency boards; establish minimum standards for personnel and caseload; and grant the boards subpoena and discovery powers.

G-7: Grant both the Government and contractors judicial review of adverse agency boards of contract appeals decisions.

G-8: Establish uniform and relatively short time periods within which parties may seek judicial review of adverse decisions of administrative forums.

*Task Group Proposal for an Executive Branch Position.* The interagency task group favored acceptance of these recommendations. In the case of G-3, the task group advocates the multiple Board of Contract Appeals (BCA) system, with establishment or rentention of BCAs dependent on the necessary caseload. It is vital, the task group feels, for the BCAs to be full time Boards with full time members in order to operate in a completely objective fashion and free from demands and pressures imposed by other work. Board members should always be attorneys in good standing admitted to practice before the highest court of any state or the District of Columbia. To support its recommendation for granting BCAs subpoena and discovery power, the task group cites the Report of the Commission on Government Procurement, which states:

> The quality of board records would improve if the boards were given discovery and subpoena powers. This would ensure that the tools to make complete and accurate findings are available and would minimize the need for a court to supplement the board record on review.

Legislation would be required to grant BCAs the powers recommended by the Commission on Government Procurement.

The task group majority favored adoption of Recommendation G-7. They recognized the history of impartiality of past BCA decisions, but felt that "simple justice" demanded that the government have the same right of appeal as that of the contractor. To forestall excessive government appeals, the task group recommended that any appeal require the joint concurrence of the procuring agency head and the Justice Department. Legislation to modify the Wunderlich Act, eliminating the prohibition of government appeal, is needed to implement Recommendation G-7.

The task group unanimously advocated acceptance of Recommendation G-8. They proposed legislation amending the U.S. Code to reduce the time in which a decision of administrative boards could be appealed. Currently the statutes permit appeals within six years; the task group proposed reduction to ninety-days. A shortened appeal period would (1) eliminate long-term storage of records; (2) preserve witnesses' recollections; and (3) provide a speedy adjudication for all parties concerned.

*Solicitation of Official Agency Views.* The task group reports for these and other recommendations in the G-1 to G-12 series were distributed to obtain official views of executive branch departments and agencies. A total of nineteen (19) agencies responded to the solicitation. An overwhelming majority of agencies concurred in the task group position to adopt G-3 and G-7. Agencies unanimously favored adoption of G-8.

Publication of this notice is to invite private sector comments and does not imply executive branch acceptance of the proposed positions. Responses received from interested parties regarding this notice of opportunity for comment will be given careful consideration in the formulation of an executive branch position.

Dated at Washington, D.C. on April 14, 1975.

R. E. ZECHMAN,
*Associate Administrator for Federal Management Policy.*

[FR Doc.75-10419 Filed 4-21-75;8:45 am]

## NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

### NOTICE OF MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on May 10, 1975 from 9:00 a.m.-2:00 p.m. The meeting will be held at Pace University, Board of Trustees Room, New York, New York.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The agenda of the meeting includes remarks by the Chairman, status report on NIE Study, Committee assignments, discussion of 1976 plan, and discussion by two specialists in early childhood education.

Because of limited space, all persons wishing to attend should call for reservations by April 30, 1975, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW, Suite 1012, Washington, D.C.

Signed at Washington, D.C. on April 17, 1975.

ROBERTA LOVENHEIM,
*Executive Director.*

[FR Doc.75-10430 Filed 4-21-75;8:45 am]





## NATIONAL SCIENCE FOUNDATION

### ADVISORY COMMITTEE FOR SCIENCE EDUCATION

#### Open Meeting

The Advisory Committee for Science Education will hold an open meeting on May 9 and 10, 1975, at 9 a.m. in room 543 at 1800 G Street, NW., Washington, D.C.

The purpose of the Committee is to provide advice and recommendations concerning the impact of all Foundation activities (including research, scientific information; international programs; as well as, specifically, "education" programs) relating to education in the sciences in U.S. schools, colleges and universities. This Committee functions in accordance with the Federal Advisory Committee Act (P. Law 92-463).

The agenda for this meeting will consist of a review of pre-college course development and implementation activities.

Individuals who plan to attend this meeting should inform Mrs. Frances O. Watts, Staff Assistant, Assistant Directorate for Education, Rm. 600-W National Science Foundation, Washington, D.C. 20550, telephone 202/282-7930, by close of business on April 30, 1975. Persons requiring further information concerning this Committee should contact Mrs. Frances Watts at the above address. Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, 1800 G Street, NW., Washington, D.C. 20550.

FRED K. MURAKAMI,
*Committee Management Officer.*

APRIL 17, 1975.

[FR Doc.75-10442 Filed 4-21-75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 16, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Alcoholism Treatment and Rehabilitation Program follow-up, VA 10-11(57), VA 10-12 (57), VA FL 10-12, other (see SF-83), veterans, Reese, B. F., 395-5630.

U.S. INTERNATIONAL TRADE COMMISSION

Welt Work Shoes of Leather Producers' Questionnaire, single-time, producers of welt work shoes, Evinger, S. K., 395-3648.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Evaluation of Prospective Reimbursement in Upstate New York, SSA 3136, single-time, hospitals under reimbursement plant, Human Resources Division, Dick Eisinger, 395-3532.

Office of Education, Application for Bilingual Education Fellowship, OE 4561-2, annually, institutions of higher education, Caywood, D. P., 395-3443.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Continuing Disability Report, G-254, on occasion, Marsha Traynham, 395-4529.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Summer Seminar Stipends for College Teachers—Application Instructions, annually, college professors, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75-10551 Filed 4-21-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

### CHICAGO BOARD OPTIONS EXCHANGE, INC.

#### Nondisapproval of Amendments to Option Plan

Notice is hereby given of the following Commission actions:

1. On March 12, 1975 the Commission considered and did not disapprove proposed amendments to the Option Plan of the Chicago Board Options Exchange, Inc. ("CBOE") pursuant to Securities Exchange Act Rule 9B-1 (17 C.F.R. 240-9b-1). The CBOE had proposed amendments to its Rule 14.5 concerning intramember commission rates for floor brokerage, and a new Rule 6.25 prohibiting reciprocal arrangements among members for the handling of floor brokerage.

The amendments to Rule 14.5 and new Rule 6.25 were originally published at 40 FR 6244 (February 10, 1975) and the delay of the effective date for implementation of the rules was published at 40 FR 11821 (March 13, 1975).

The amendment to Rule 14.5 provides for the elimination of fixed minimum commissions on orders executed on the floor of the Exchange by Floor Brokers. The amendments also provide for the continued regulation by the Exchange of commission rates by Board Brokers in the form of a schedule of standard commission rates from which departures could be permitted under certain circumstances. Any such departure would have to be non-discriminatory among customers, filed with the Floor Procedure Committee at least thirty days prior to its effectiveness and not disapproved by the committee as being unreasonable or discriminatory and continuously displayed at the post. No rate increase will be granted which will cause a Board Broker's rate on any transaction to exceed the minimum levels applicable prior to the rule change and the CBOE will maintain a full record of all the factors entering into the decision under the new rule to approve or disapprove a requested rate increase or decrease.

Rule 6.25 prohibits two or more member organizations, each of which does a public or correspondent business and has its own floor broker or brokers on the floor of the Exchange, from entering into any kind of a pooling arrangement whereby orders managed on the floor by one of such firms would be executed by the floor broker or brokers of another of such firms.

In its response to CBOE's filing the Commission stated that its determination does not imply that such changes, to the extent that they, directly or indirectly, lead to the fixing of any floor brokerage commission rate, may be maintained in effect after May 1, 1976.

CBOE had also withdrawn its previously filed amendments to Rules 14.5 and 14.6 noticed at 39 FR 40203 and 39 FR 43338, respectively.

2. On April 3, 1975 the Commission considered and did not disapprove corrections to the amendments to Rule 14.5. Those corrections were published at 40 FR 16254. (April 10, 1975). The corrections to the amendments to CBOE Rule 14.5 make minor changes in three price categories of the schedule of commission rates for Board Brokers. The substance of the schedule as initially proposed is not changed.

All interested persons are invited to submit their views and comments on the proposed corrections to CBOE's plan either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed corrections are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commis-



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sion at 1100 L Street, NW., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 14, 1975.

[FR Doc.75-10457 Filed 4-21-75;8:45 am]

[File No. 500-1]

## EQUITY FUNDING CORPORATION OF AMERICA

### Suspension of Trading

APRIL 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 17, 1975 through April 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10454 Filed 4-21-75;8:45 am]

[Rel. No. 16939; 70-5657]

## MONONGAHELA POWER CO. ET AL.

### Proposed Lease of Railroad Cars to Subsidiaries

APRIL 16, 1975.

Notice of proposed lease of railroad cars and sublease of undivided interests in those cars to other subsidiary utility companies; proposed assumption of debt portion of financing of railroad cars and request for exception from competitive bidding in connection therewith.

In the matter of Monongahela Power Co., 1310 Fairmont Avenue, Fairmount, West Virginia 26554; The Potomac Edison Co., Downsville Pike, Hagerstown, Maryland 21740; West Penn Power Co., 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601.

Notice is hereby given that Monongahela Power Co. ("Monongahela"), The Potomac Edison Co. ("PE") and West Penn Power Co. ("West Penn"), electric utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a) and 12 of the Act and rules 50 and 87 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

West Penn and the Continental Illinois National Bank and Trust Company of Chicago ("lessor") have entered into a purchase agreement ("purchase agreement") with Thrall Car Manufacturing Co. and Bethlehem Steel Corp. for the construction and delivery of 212 railroad cars ("cars"). Of the cars, 106 are to be hopper cars and 106 are to be gondola cars, all of said cars to be used for the transportation of coal, as further described below.

It is stated that the total purchase price of the cars shall not exceed $6,180,000, said purchase price to be financed under a finance agreement ("finance agreement") described further below. Under terms of the purchase agreement, Lessor will be the owner of the cars and will lease the cars to West Penn under a Lease of Railroad Equipment ("lease"). Pursuant to the lease, West Penn will lease the cars for an initial 15-year period commencing June 17, 1975, plus an interim period prior to that date, at a rental to be paid in 31 installments. The first rental payment shall cover the interim period and the rental payments thereafter will be on a semi-annual basis.

Under terms of the finance agreement, the lessor has agreed to act as owner-trustee for certain lenders and equity participants who have agreed to finance the purchase of the cars. The finance agreement provides, among other things, that West Penn may be required to purchase the cars if a favorable ruling from the Internal Revenue Service ("ruling") relating to certain tax aspects of the transactions is not received by August 31, 1975. In such event, West Penn will purchase the equity participants' interests in the cars for an amount equal to those participants' investments in the cars, plus interest thereon at an annual rate equal to the prime commercial (or comparable) rate of Manufacturers Hanover Trust Co., plus 2 percent. In such event, West Penn will also assume the debt portion of the financing of the cars, in the maximum amount of $4,455,792, for 15 years at an annual interest rate of 9⅞ percent per annum. West Penn requests an exception from the competitive bidding requirements of rule 50 in the event of its assumption of this debt.

The lease provides that rentals during the interim period will be at a daily rate of 0.0254866 percent of the purchase price of the cars then subject to the lease. Rental payments thereafter will be an amount equal to 3.20938 percent of the purchase price for the cars then subject to the lease for the next 10 semi-annual installments, 5.74689 percent for the following 10 semi-annual installments and 8.21235 percent for the following 10 semi-annual installments. This rent is computed on the assumption that (1) the interest rate on the debt portion of the financing of the cars is 9⅞ percent and (2) the investment tax credit accruing to the equity participants in the financing is 10 percent. On the basis of these assumptions it is stated that the effective cost of the lease to West Penn is approximately 6 percent of the purchase price of the cars per year. The lease provides that if the aforesaid interest rate and/or investment tax credit are greater or less than the assumed percentages, the rental payments will be adjusted accordingly.

The lease further provides that West Penn has the right to renew the lease for up to 3 additional 5 year terms at a fair market rental or to purchase all of the cars then subject to the lease at a fair market value at the end of any lease term. West Penn may, after June 17, 1985, terminate the lease on a good faith determination that all the cars then subject to the lease shall have become obsolete or economically unserviceable to West Penn's operations.

It is stated that the cars are being obtained to transport low sulfur coal to the Harrison generating station at Shinnston, West Virginia, which station is owned 50 percent by West Penn, and 25 percent each by Monongahela and PE. It is proposed that Monongahela and PE each sub-lease an undivided 25 percent interest in the cars from West Penn so that each will pay West Penn 25 percent of the cost of leasing the cars. It is stated that this arrangement will assure division of the cost of leasing the cars among the companies on the same basis as their ownership in the Harrison station, of the energy generated by the station and the companies' respective obligations to pay the costs of operating the station.

It is stated that the West Virginia Public Service Commission, the Virginia State Corporation Commission and the Pennsylvania Public Utility Commission have jurisdiction over various aspects of the proposed transactions, that the lease and a security agreement will be filed with the United States Interstate Commerce Commission and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than May 9, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be





granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10455 Filed 4-21-75;8:45 am]

[File No. 500-1]

## ZENITH DEVELOPMENT CORP.

### Suspension of Trading

APRIL 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 17, 1975 through April 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10456 Filed 4-21-75;8:45 am]

## SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0107]

## MID-SOUTH CAPITAL CORP.

### Surrender of License To Operate as Small Business Investment Company

Notice is hereby given that Mid-South Capital Corporation, (Mid-South), 1125 Polk Street, Mansfield, Louisiana 71052, pursuant to the provisions of § 107.105 of the regulations governing small business investment companies (13 CFR 107.105 (1975)), has voluntarily surrendered its license to operate as a small business investment company (SBIC).

Mid-South was incorporated under the laws of the State of Louisiana to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), (Act) and it was issued license number 06/10-0107 by the Small Business Administration on April 16, 1962.

Under the authority vested by the Act and the Regulations promulgated thereunder, surrender of the license of Mid-South is hereby accepted and accordingly, it is no longer licensed to operate as an SBIC.

Dated: April 10, 1975.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.75-10425 Filed 4-21-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Letter Notices

APRIL 16, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 2, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 21170 (Sub-No. E1), filed June 13, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), restricted to such commodities as are dealt in by retail, wholesale, and chain grocery stores; (a) from points in that part of Missouri west of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 71 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Missouri State line to points in that part of Illinois north of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 12 to junction Illinois Highway 60, thence along Illinois Highway 60 to junction Illinois Highway 176, thence along Illinois Highway 176 to Lake Michigan (except points within the Chicago, Ill., commercial zone, as defined by the Commission); (b) from points in that part of Kansas on or bounded by a line beginning at Kansas Highway 4 at Eskridge extending along Kansas Highway 4 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 4, and point of origin, to points in that part of Illinois north of a line beginning at the Illinois-Iowa State line extending along Illinois Highway 164 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 115, thence along Illinois Highway 115 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line (except Chicago, Ill., and points in the commercial zone thereof, as defined by the Commission, and except Rock Island, Moline, and East Moline, Ill.).

(c) from points in that part of Kansas on or bounded by a line beginning at U.S. Highway 70 at Junction City extending along U.S. Highway 70 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 70 to point of origin, to points in that part of Illinois north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line (except Chicago, Ill., and points in the commercial zone thereof, as defined by the Commission, and except Rock Island, Moline, and East Moline, Ill.); (d) from points in that part of Kansas on or bounded by a line beginning at Kansas Highway 99 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 31, thence along Kansas Highway 31 to junction Kansas Highway 99, and point of origin, to points in that part of Illinois north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 52 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction U.S. Highway 294, thence along U.S. Highway 294 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Illinois-Indiana State line (except Chicago, Ill., and points in the commercial zone thereof, as defined by the Commission).

(e) From points in that part of Kansas on or bounded by a line beginning



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at the Kansas-Oklahoma State line extending along U.S. Highway 81 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, thence along the Kansas-Oklahoma State line to point of origin, to points in that part of Illinois north of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 6 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line (except Chicago, Ill., and points in the commercial zone thereof, as defined by the Commission, and except Rock Island, Moline, and East Moline, Ill.); (f) from points in that part of Kansas on or bounded by a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to junction U.S. Highway 81 and point of origin, points in that part of Illinois north of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 136 to junction U.S. Highway 74, thence along U.S. Highway 74 to the Illinois-Indiana State line (except Chicago, Ill., and points in the commercial zone thereof, as defined by the Commission, and except Rock Island, Moline, and East Moline, Ill.);

(g) From points in that part of Kansas on or bounded by a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 77 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, thence along the Kansas-Oklahoma State line to point of origin, to points in that portion of Illinois north of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line (except Chicago, Ill., and points in the commercial zone thereof, as defined by the Commission, and except Rock Island, Moline, and East Moline, Ill.). The purpose of this filing is to eliminate the gateways of those points in Iowa within the commercial zone of Omaha, Nebr., as defined by the Commission.

No. MC 29886 (Sub-No. E39) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER March 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require the use of special equipment or special handling, and self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts,* and *supplies* moving in connection therewith; (1) between points in Michigan, on the one hand, and, on the other, points in New Jersey, Connecticut, points in Pennsylvania (except those in Erie, Crawford, Mercer, Lawrence, Beaver, Washington, Greene, Fayette, Allegheny, Butler, Venango, Warren, Forest, Clarion, Armstrong, Westmoreland, Somerset, Cambria, Indiana, Jefferson, Elk, McKean, Cameron, and Clearfield Counties, Pa.), and points in New York (except Niagara Falls, Cattaraugus, and Chautauqua Counties, N.Y.) (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line) *; (2) between those points in Michigan north and west of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 127 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Interstate Highway 75 to Saginaw Bay, on the one hand, and, on the other, points in New York and Pennsylvania (those points in Michigan on and south of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line) *;

(3) Between points in Michigan, on the one hand, and, on the other, points in Maine, Massachusetts, Vermont, New Hampshire, and Rhode Island (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to Business Interstate Highway 96, thence along Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line) *; and (4) between points in Indiana and Illinois and those points in Ohio north of U.S. Highway 30, on the one hand, and, on the other, points in New York, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and New Jersey (those points in New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to omit the restrictions in (1) and (3) above.

No. MC 29886 (Sub-No. E68), filed May 16, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 SW. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks and self-propelled building, construction, and moving machinery*, from those points in Ohio on and north of U.S. Highway 30 to points in Oklahoma, Texas, Louisiana, and those in Arkansas on and west of U.S. Highway 65, and from points in Ohio to points in Iowa (except those in Muscatine, Scott, Louisa, Des Moines, Lee, Henry, Washington, Keokuk, Jefferson, Van Buren, Wapello, Davis, Appanoose, Monroe, Lucas, Wayne, Decatur, Clarke, Ringgold, Taylor, Page, and Fremont Counties, Iowa), Nebraska (except those in Gage, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties, Nebr.), and those in Kansas on and west of a line beginning at the Nebraska-Kansas State line and extending along Kansas Highway 14 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line; and

(2) *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building, construction, and moving machinery* which, because of size or weight, require the use of special equipment or special handling, from those points in Wisconsin on and north of U.S. Highway 10 to those points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 431 to junction Western Kentucky Parkway, thence along Western Kentucky Parkway to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, and from points in Wisconsin to those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, and those points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31E to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 43, thence along U.S. Highway 43 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Benton Harbor, Mich.





No. MC 51146 (Sub-No. E11), filed May 8, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such new furniture* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in North Carolina, to all points in Washington, Oregon, Idaho, Montana, Wyoming (except points on, south, and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points on, south, and east of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 50), and California (except points on and south of a line beginning at the Nevada-California State line and extending along U.S. Highway 50 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 17, thence along California Highway 17 to the Pacific Ocean at Santa Cruz, Calif.) (Green Bay, Wis.) *.

(2) *New furniture*, from points in North Dakota, Minnesota (except points south of Minnesota Highway 19), South Dakota (except points on and south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line) (Menominee, Mich.) *; (3) *Such new furniture* as manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from Rocky Mount, Va., to points in Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Colorado (except point on and south of a line extending from the Nebraska-Colorado State line and extending along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line), Utah (except points on and south of a line beginning at the Colorado-Utah State line and extending along Interstate Highway 70 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points on and south of a line beginning at the Nevada-California State line and extending along U.S. Highway 66 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Pacific Ocean at San Diego, Calif.) (Green Bay, Wis.) *.

(4) *Such new furniture* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from Altavista, Va., to points in Washington, Oregon, Idaho, Montana, Wyoming, Colorado (except points on and south of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line), Utah (except points on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line), Nevada (except points south of U.S. Highway 91), and California (except points on, south, and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to the United States-Canada International Boundary line) (Green Bay, Wis.) *; (5) *New furniture*, from Altavista, Va., to points in North Dakota, Minnesota (except points south of U.S. Highway 16), and South Dakota (except points on, south, and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line) (Menominee, Mich.) *.

(6) *New furniture*, from Rocky Mount, Va., to points in North Dakota, Minnesota (except points on and south of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 16 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to the Minnesota-Iowa State line), and South Dakota (except points on, south, and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line) (Menominee, Mich.) *; (7) *Such charcoal and charcoal briquets* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from Memphis, Tenn., to points in Washington, points in Montana on and north of U.S. Highway 10, points in Idaho on and north of U.S. Highway 12, points in Oregon on and west of a line beginning at the Washington-Oregon State line and extending along Interstate Highway 5 to junction Oregon Highway 42, thence along Oregon Highway 42 to the Pacific Ocean at Bandon, Oreg.) (Green Bay, Wis.) *; (8) *Canned goods*, from Hoopeston, Ill., to points in Ohio, Kentucky, Tennessee, Wisconsin, Iowa (except points on, south, and east of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line), and Missouri (except points on, north, and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to the junction of Missouri Highway 32, thence along Missouri Highway 32 to the Missouri-Illinois State line) (Fowler, Ind.) *.

(9) *Canned goods*, from Hoopeston, Ill., to points in Alabama (Fowler, Ind., and Milford, Ill.) *; (10) *Equipment and supplies* utilized by food business houses that are canning or pickle factories or condenseries (except commodities in bulk), between Chicago, Ill., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, North Dakota, the Upper Peninsula of Michigan, Wisconsin (except points south of a line beginning at the Minnesota-South extending along U.S. Highway 41 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to the Wisconsin-Minnesota State line), Minnesota (except points on, south, and east of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-South Dakota State line), South Dakota (except points on, south, and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line), Wyoming (except points on, south, and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line), Colorado (except points on and east of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 789, to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line), and New Mexico (except points east of U.S. Highway 285) (Ashwaubenon, Wis.) *.

(11) *Equipment and supplies* utilized by food business houses such as canning or pickle factory or condensery (except commodities in bulk), between points in Illinois on and east of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to junction Illinois Highway 17, thence



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along Illinois Highway 17 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Washington, Oregon, Montana, the Upper Peninsula of Michigan (except points east of the eastern boundaries of Alger and Schoolcraft Counties, Mich.), Wisconsin (except points on and west of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 51 to junction Wisconsin Highway 47, thence along Wisconsin Highway 47 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis.), Minnesota (except points on, south, and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 71 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-North Dakota State line), North Dakota (except points on, south, and east of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 10 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line), South Dakota (except points on, south, and east of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line), Wyoming (except points on and south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Montana State line), Idaho (except points on, south, and east of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 191 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line), Nevada (except points south of Interstate Highway 15), and California (except points on and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to the United States-Mexico International Boundary line) (Ashwaubenon, Wis.)*.

(12) (a) (1) *Paper* and *paper products* (except drums, pails, and cans), and (a) (2) *Cellulose products* produced or distributed by manufacturers or converters of paper and paper products (except drums, pails, and cans and commodities in bulk, and tank or hopper-type vehicles, from points in Minnesota on, east, and north of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line including all points on the designated highways, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana (except points on, north, and west of a line beginning at the Minnesota-Louisiana State line and extending along U.S. Highway 80 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line), and the District of Columbia; (b) *Materials* and *supplies* used in the manufacture and distribution of the products authorized in (a) (1) and (a) (2) above, except commodities in bulk, in tank or hopper-type vehicles, from the destination area specified above (Mosinee, Wis.)*.

(13) (a) *Paper* and *paper products* (except commodities in bulk), from Minneapolis and St. Paul, Minn., to points in California, Washington (except points on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 97 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Oregon State line), Oregon (except points on and east of a line beginning at the Washington-Oregon State line and extending along U.S. Highway 395 to junction Interstate Highway 80N, thence along Interstate Highway 80N to the Oregon-Idaho State line), Nevada (except points on, north, and east of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line), and Arizona (except points north of U.S. Highway 66); (b) *Materials* and *supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the destination area specified above to the origin area specified above (Marshfield, Wis.)*; (14) (a) *Paper* and *paper products* (except commodities in bulk), from Grand Rapids, Cloquet, and St. Cloud, Minn., to points in California (except points on and north of a line beginning at the Pacific Ocean at Noyo, Calif., and extending along California Highway 20 to junction Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line), and Arizona (except points on and north of a line beginning at the California-Arizona State line and extending along U.S. Highway 60 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line); and (b) *Materials* and *supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the destination area specified above to the origin area specified above (Marshfield, Wis.)*.

(15) *Canned goods*, from Hoopeston, Ill., to points in Washington, Oregon, Montana, North Dakota, South Dakota (except points on and south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line), Wyoming (except points on and south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line), Idaho (except points on, south, and east of a line beginning at the Wyoming-Idaho State line and extending along U.S. Highway 26 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line), Nevada (except points on and east of a line beginning at the Idaho-Nevada State line and extending along U.S. Highway 93 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Nevada-California State line), and California (except points on, south, and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to the junction of Interstate Highway 5, thence along Interstate Highway 5 to the United States-Canada International Boundary line (Fowler, Ind., and Green Bay, Wis.)*

(16) (a) *Paper* and *paper products* (except commodities in bulk), from Bainerd, Minn., to points in California (except points on, north, and east of a line beginning at the Pacific Ocean at Noyo, Calif., and extending along California Highway 20 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 66, thence along U.S. Highway 66 to the California-Arizona State line), and Arizona (except points on and north of a line beginning at the California-Arizona State line and extending along U.S. Highway 60 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line); (b) *Materials* and *supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the destination area specified above to the origin specified above (Marshfield, Wis.)*; (17) (a) *Paper* and *paper products* (except commodities in bulk), from points in that portion of Alabama lying south and east of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 78 to junction Interstate Highway 65, thence along Interstate 65 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line including all points





on the specified highways (except points on U.S. Highway 78), to points in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska (except points on and south of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Interstate Highway 80.

Thence along Interstate Highway 80 to junction Interstate Highway 80S, thence along Interstate Highway 80S to the Nebraska-Colorado State line) Colorado (except points on and south of a line beginning at the Nebraska-Colorado State line and extending along Interstate Highway 80S to junction U.S. Highway 34 thence along U.S. Highway 34 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line), Utah (except points on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 40 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 50), and California (except points on and south of a line beginning at the Nevada-California State line and extending along Interstate Highway 80 to junction Interstate Highway 280, thence along Interstate Highway 280 to the Pacific Ocean at San Francisco, Calif.), restricted against the transportation of cardboard cartons from the described origin area to the above-described destination territory; (b) *Materials* and *supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from the destination specified above to the origin specified above (Muncie, Ind.)*; (18) *Such plastic containers*, as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in California (except points east of U.S. Highway 395), to points in Texas (except points on, north, and east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 60 to junction U.S. Highway 87, thence along U.S. Highway 87 to the junction of U.S. Highway 62, thence along U.S. Highway 62 to the Texas-New Mexico State line) (Los Angeles, Calif.)*.

(19) *Glassware, and glass containers, caps, covers, tops, stoppers*, and *accessories* for glass containers, and *paper cartons* utilized by food business houses (except commodities in bulk), from Plainfield, Ill., to points in Washington, Oregon, California, Nevada, Idaho, Montana, North Dakota, points in Minnesota on and north of U.S. Highway 12, points in South Dakota on and north of U.S. Highway 14, Wyoming (except points on and south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line), Utah (except points on and east of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 163, thence along U.S. Highway 163 to the Utah-Arizona State line), and Arizona (except points on, north, and east of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction U.S. Highway 180, thence along U.S. Highway 180 to the Arizona-New Mexico State line) (Ashwaubenon, Wis.)*;

(20) *Glassware* and *glass containers* produced or distributed by manufacturers and converters of paper and paper products (except drums, pails, and cans and commodities in bulk, in tank or hopper type vehicles), from Plainfield, Ill., to points in North Dakota, and to points in South Dakota on and north of U.S. Highway 14 (Mosinee, Wis.)*.

(21) *Glass containers, glass container caps, corrugated cardboard, fiberboard sheets*, utilized by food business houses (except commodities in bulk), from Alton, Ill., to points in the Upper Peninsula of Michigan (Ashwaubenon, Wis.)*; (22) *Glass containers, glass container caps, corrugated cardboard, fiberboard sheets*, utilized by food business houses (except commodities in bulk), from Alton, Ill., to points in Washington, points in Minnesota on and north of U.S. Highway 2, North Dakota (except points on, south, and east of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to the North Dakota-South Dakota State line), points in Montana on and north of U.S. Highway 12, points in Idaho on and north of U.S. Highway 12, and Oregon (except points on, south, and east of a line beginning at the Washington-Oregon State line and extending along Interstate Highway 5 to junction Oregon Highway 42, thence along Oregon Highway 42 to junction Oregon Highway 429, thence along Oregon Highway 429 to the Pacific Ocean at Bandon, Oreg.) (Ashwaubenon, Wis.)*; (23) *Glass containers, glass container caps, corrugated cardboard*, and *fiberboard sheets* produced or distributed by manufacturers or converters of paper and paper products (except drums, pails, and cans, and commodities in bulk, and tank or hopper type vehicles), from Alton, Ill., to points in North Dakota, points in South Dakota on and north of U.S. Highway 12, points in Minnesota on and north of a line beginning at the Wisconsin-Minnesota State line and extending along Minnesota Highway 95 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line (Mosinee, Wis.)*.

(24) *Cellulose materials and products, paper and paper products*, and *materials and supplies* used in the production and distribution of the above-described commodities (except in each instance commodities in bulk), between points in California and Nevada, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line, points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, points in West Virginia on and north of U.S. Highway 60, and points in Pennsylvania, restricted against the transportation of paper and paper products originating at Cleveland, Ohio (Green Bay, Wis.)*; (25) *Cellulose materials and products, paper and paper products*, and *materials and supplies* used in the production and distribution of the above-described commodities (except in each instance commodities in bulk), between points in Washington, Oregon, and Idaho, on the one hand, and, on the other, points in Pennsylvania, West Virginia, Ohio, the Lower Peninsula of Michigan, points in Tennessee east of the western boundaries of Clay, Overton, Cumberland, Roane, Athens, and Monroe Counties, Tenn., points in Kentucky east of the western boundaries of Bullitt, Nelson, Larue, Green, Metcalfe, and Monroe Counties, Ky., and points in Indiana on and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 52 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line, restricted against the transportation of paper and paper products originating at Lockland, Hamilton, Cincinnati, Middletown, and Cleveland, Ohio, and Florence, Ky., and points in their commercial zones as defined by the Commission (Green Bay, Wis.)*.

(26) *Paper and paper-products* (except commodities in bulk), from points in Pennsylvania on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, to points in Alabama (except points on, north, and east of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 78 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. 331, thence along U.S. Highway 331 to the Alabama-Florida State line, and except Mobile and points in its commercial zone as defined by the Commission, and points on U.S. Highway 78, including



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points in the commercial zones of points

by food business houses as materials and

U.S. Highway 93 to junction U.S. High-



and east of a line beginning at the Kan-

(1) and (2) above, (4) *Products* manu-

*and supplies* used in manufacture and

points in the commercial zones of points on U.S. Highway 78, as defined by the Commission) (South Bend, Ind.)*; (27) (a) *Paper and paper products* (except commodities in bulk), from points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to Lake Michigan at Escanaba, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, and the District of Columbia; (b) *Materials* and *supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), and return shipments of paper and paper products from points in the destination states outlines above to the origin area outlines above, restricted against the transportation of drums, pails, and cans (Columbus, Wis.)*.

(28) *Paper and paper products* (except commodities in bulk), from points in the Upper Peninsula of Michigan, to points in South Dakota on and south of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 12 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line (Eau Claire, Wis.)*; (29) (a) *Such commodities* as are manufactured or distributed by both manufacturers of furniture and manufacturers of converters of cellulose materials and products, and paper products, from Menominee, Mich., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, and Montana; (b) *Materials* and *supplies* (except commodities in bulk) used in the manufacture and distribution of the above-described commodities, from the destination area specified above to the origin area specified above (Green Bay, Wis.)*; (30) *Foodstuffs* utilized by food business houses as materials and supplies (except commodities in bulk), from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, points in Wisconsin on and north of Wisconsin Highway 18, points in Iowa on and north of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, points in Nebraska on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line, points in Kansas on and west of U.S. Highway 81, to points in Maine, New Hampshire, and Vermont (Green Bay, Wis.)*.

(31) *Frozen foods*, in vehicles equipped with mechanical refrigeration, utilized by food business houses as materials and supplies (except commodities in bulk), from points in Washington, Oregon, Idaho, Montana, North Dakota, points in Wisconsin on and north of a line beginning at Lake Michigan and extending along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Wisconsin-Minnesota State line, points in Minnesota on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line, points in South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 16 to junction U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line, points in Wyoming on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line, points in Utah on and west of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 30S to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, points in Nevada on and north of U.S. Highway 91, and points in California on and north of a line beginning at the Nevada-California State line and extending along U.S. Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to the United States-Mexico International Boundary line, to points in Ohio (Green Bay, Wis.)*.

(32) *Foodstuffs*, utilized by food business houses as are materials and supplies (except commodities in bulk), from points in Washington, Oregon, Montana, North Dakota, points in Wisconsin on and north of a line beginning at Lake Michigan extending along Wisconsin Highway 23 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line, points in Minnesota on and north of U.S. Highway 16, points in South Dakota on and north of U.S. Highway 16, points in Wyoming on and north of a line beginning at the Wyoming-South Dakota State line and extending along U.S. Highway 16 to the junction of U.S. Highway 20, thence, along U.S. Highway 20 to the Wyoming-Montana State line, points in Idaho on, north, and west of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 91 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, points in Nevada on, north, and west of a line beginning at the Idaho-Nevada State line and extending along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line, points in California north of a line beginning at the Nevada-California State line and extending along Interstate Highway 80 to junction California Highway 28, thence along California Highway 28 to the Pacific Ocean near Albion, Calif., to points in Tennessee on and east of Interstate Highway 65 (Green Bay, Wis.)*; (33) (1) *Cosmetic, medical, pharmaceutical, fibrous textile and veterinarian products, insecticides and filters*, which are also cellulose materials and products and paper and paper products, (2) *Supplies* incidental to such commodities and related premiums and advertising materials (except in each instance commodities in bulk), from the sites of the plants and warehouses of the Kendall Co., at or near Griswoldville and Walpole, Mass., and Windham, Conn., to points in Kentucky, Tennessee (except points in Tennessee in the Memphis commercial zone), and Alabama (except Mobile and points in its commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78, as defined by the Commission), restricted against transportation of pulp board, pulp board products and waste paper (Gallipolis, Ohio)*.

(34) *Such cosmetic, medical, pharmaceutical, fiberous, textile and veterinarian products, insecticides, and filters*, as are manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, and (2) *Supplies* incidental to such commodities and related premiums and advertising materials (except commodities in bulk), from the sites of the plants and warehouses of the Kendall Co., at or near Griswoldville and Walpole, Mass., and Windham, Conn., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico (Green Bay, Wis.)*; (35) *Cosmetic, medical, pharmaceutical, fiberous, textile and veterinarian products, insecticides, and filters*, which are also paper and paper products (except commodities in bulk), from the sites of the plants and warehouses of the Kendall Company, at or near Griswoldville and Walpole, Mass., and Windham, Conn., to points in Mississippi, Missouri, Arkansas, Louisiana, Kansas, Oklahoma, and Texas (Muncie, Ind.)*; (36) *Cosmetic, medical, pharmaceutical, fiberous, textile, and veterinarian products, insecticides, and filters, and supplies* incidental to such commodities *related premiums* and *advertising materials* which are also products produced or distributed by manufacturers or converters of paper and paper products (except drum, pails, and cans, and commodities involved in tank or hopper-type vehicles), from the sites of the plants and warehouses of the Kendall Company at or near Griswoldville and Walpole, Mass., and Windham, Conn., to points in North Dakota, South Dakota, and Nebraska (except points on, south,





and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line) (Mosinee, Wis.)*.

(37) *Wet lapwood pulp*, including ground pulp, *sanitary paper tissues* moving in parent roles, and *materials* and *supplies* used or useful in the manufacture of the above-described commodities, between Cheboygan, Mich., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, and Montana, restricted against the transportation of commodities in bulk, from points in Colorado, Wyoming, and Utah (Green Bay, Wis.)*; (38) *Wet lapwood pulp*, including ground pulp and *sanitary paper tissues*, moving in parent roles from Cheboygan, Mich., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Florida, Alabama (except points on, north, and east of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 431 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Alabama-Georgia State line), Georgia (except points on, north, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 411 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean), Illinois (except points in Ford, Iroquois, Kankakee, Vermilion, and Will Counties, Ill.), Kentucky (except points east of U.S. Highway 41), Minnesota (except points on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 59 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line), Tennessee (except points on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Alternate Highway 41 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Alabama State line), points in Wisconsin on and north of Wisconsin Highway 29, and Evansville, Ind. (Green Bay, Wis.)*.

(39) (1) *Cellulose materials and products*, (2) *Supplies* incidental to the use, and used in the manufacture and distribution of the commodities in (1) above, and (3) *Cellulose products and paper products* manufactured or distributed by manufacturers and converters of hospital and medical supplies, from Greenwood, S.C., to points in Indiana, and points in Ohio on and north of Ohio Highway 3, restricted against the transportation of pulpboard, pulpboard products, and waste paper (Madison, Ind.)*; (40) (1) *Cellulose materials and supplies*, (2) *Cellulose materials and products* joined to or combined with other materials, (3) *Supplies* incidental to the use of commodities described in (1) and (2) above, (4) *Products* manufactured or distributed by other manufacturers and converters of hospital and medical supplies, and manufacturers or converters of cellulose materials and products, and paper products, and (5) *Related premiums and advertising materials*, when shipped with the commodities described in (1), (2), (3), and (4) above, from Greenwood, S.C., to points in Washington, Oregon, Idaho, Montana, Wyoming (except points on, south, and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line), Utah (except points on, south, and east of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 6), and all points in California north of the southern boundaries of Santa Cruz, Santa Clara, Merced, Mariposa, and Mono Counties, Calif. (Green Bay, Wis.)*.

(41) (1) *Cellulose materials and products*, (2) *Cellulose materials and products* joined to or combined with other materials, (3) *Supplies* incidental to the use of the commodities described in (1) and (2) above, (4) *Products* manufactured or distributed by both manufacturers and converters of hospital and medical supplies, and by manufactures or converts of cellulose materials and products and paper products, and (5) *Related premiums and advertising materials* when shipped with the commodities described in (1), (2), (3), and (4) above, from Greenwood, S.C., to points in North Dakota and South Dakota, (Wilmington, Ill.)*; (42) (a) *Paper and paper products* (except commodities in bulk), from points in Tennessee on and west of Interstate Highway 65 (except points in Tennessee in the Memphis commercial zone), to points in North Carolina, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, points in New York on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 9 to junction New York Highway 7, thence along New York Highway 7 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, points in Pennsylvania on and east of Interstate Highway 80, points in Maryland on and east of Interstate Highway 81, points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Interstate Highway 81 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-North Carolina State line, and the District of Columbia, restricted against transportation of cardboard cartons from points in Tennessee to points in Pennsylvania; (b) *Materials and supplies* used in manufacture and distribution of paper and paper products (except commodities in bulk), from the destination area specified above to the origin area specified above (Athens, Tenn.)*.

(43) *Cellulose materials and supplies, paper and paper products, and materials*, equipment, and supplies used in the production and distribution of the above-described commodities (except in each instance commodities in bulk), between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, on the one hand, and, on the other, points in Minnesota, Wisconsin, Iowa, Michigan, Kentucky, Indiana (except the Evansville commercial zone as defined by the Commission), Tennessee (except points in the Memphis commercial zone), Illinois (except points in the Chicago commercial zone as defined by the Commission, points in that part of the St. Louis-East St. Louis commercial zone within Illinois, and points in Illinois on and south of U.S. Highway 460), Ohio (except those points north of U.S. Highway 322), Alabama (except those points on and north of U.S. Highway 78 and their commercial zones, and Mobile and points in its commercial zones as defined by the Commission), West Virginia (except those points east of U.S. Highway 219), and those points in Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 322 to junction U.S. Highway 219 at Luthersburg, Pa., thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, restricted against the transportation (a) of pulpboard, pulpboard products, and waste paper, from or to points in Illinois, Indiana, Ohio, Kentucky, Minnesota, and points in that part of Michigan on and south of Michigan Highway 21, (b) paper and paper products originating at Lockland, Hamilton, Cincinnati, Middletown, and Cleveland, Ohio, and Florence, Ky., and points in their commercial zones as defined by the Commission, (c) cardboard cartons from points in the described portions of Alabama and Tennessee to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, (d) of traffic originating at New Milford, Conn., Lee, Mass., Nashua and Merrimack, N.H., Lincoln, Millinocket, East Millinocket, Rumford, Westbrook, and Woodland, Maine, and Gilman, Vt. (Paxinos, Pa.)*.

(44) (1) *Cellulose materials and products*, (2) *Cellulose materials and products* joined to or combined with other materials, (3) *Supplies* incidental to the use of the commodities described in (1) and (2) above, (4) *Products* manufactured or distributed by manufacturers and converters of hospital and medical supplies, and (5) *Related premiums and advertising materials*, when shipped with the commodities described in (1), (2), (3), and (4) above, (except those commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities



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in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Greenwood, S.C., to Chicago, Ill. (Chicago Heights, Ill.)*; (45) (1) *Fibrous materials and products* which are also cellulose materials and products or paper and paper products, and (2) *Cellulose materials and paper and paper products*, produced and distributed by manufacturers of fibrous materials and products, and (3) *Supplies* incidental to the use of the commodities in (1) and (2) above (except commodities as require the use of special equipment by reason of size or weight), from the plant site and warehouse facilities of Kendall Company, at or near Athens, Ga., to points in Wisconsin on and south of U.S. Highway 10 extending from the shore of Lake Michigan to the Minnesota-Wisconsin State line at Prescott, Wis., to points in Michigan on and south of Michigan Highway 21 extending from the shore of Lake Michigan near Holland, Mich., to Port Huron, Mich., and points in Indiana on and north of U.S. Highway 40, restricted to the transportation of traffic originating at the plant site and warehouse facilities of Kendall Co., at or near Athens, Ga., restricted against the transportation of such commodities as require the use of special equipment by reason of size or weight, and restricted against the transportation of pulpboard, pulpboard products, and waste paper between points in Indiana and Michigan (Madison, Ind.)*.

(46) (1) *Fiberous materials and products* which are also manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, (2) *Products* produced and distributed by both manufacturers or converters of fiberous materials and products and manufacturers and converters of cellulose materials and products, and paper products, (3) *Supplies* incidental to the use of the commodities in (1) and (2) above, and (4) *Related premiums and advertising material* when shipped with the commodities in (1), (2), and (3) above, from the plant and warehouse facilities of the Kendall Company at or near Athens, Ga., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Wyoming, Colorado, Montana (except points in Daniels, Sheridan, Roosevelt, and Richland Counties, Mont.), and New Mexico (except points on, south, and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line (Springfield, Colo.)*; (47) *Cellulose materials and products, paper and paper products, materials, equipment, and supplies* used in the production and distribution of the above-described commodities (except those commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading, between points in New York on and south of Interstate Highway 84 and points in New Jersey on and north of a line beginning at Camden, N.J., and extending along New Jersey Highway 70 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean at Point Pleasant Beach, N.J., on the one hand, and, on the other, Chicago, Ill., restricted against the transportation of traffic originating at Riegelsville, Milford, Hughesville, and Warren Glen, N.J. (Paxinos, Pa., and Chicago

(48) *Waste paper or scrap paper*, from Grand Rapids, Otsego, Plainwell, Three Rivers, Kalamazoo, and Detroit, Mich., to points in North Dakota, South Dakota, points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 71 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line and points in Nebraska on and west of U.S. Highway 77 (Columbus, Wis.)*; (49) *Waste paper or scrap paper*, from points in Ohio, to points in North Dakota, South Dakota, Minnesota, points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to the Michigan-Wisconsin State line, points in Iowa on and north of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Colorado State line (Columbus, Wis.)*; (50) *Waste paper or scrap paper*, from points in Indiana on and north of U.S. Highway 24, to points in North Dakota, Minnesota, points in Nebraska on and west of U.S. Highway 83, and points in South Dakota on, north, and west of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line (Columbus, Wis.)*.

(51) *Waste paper or scrap paper*, from points in Indiana, to points in Minnesota, and points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to the Michigan-Wisconsin State line (Columbus, Wis.)*; (52) *Waste paper or scrap paper*, from Chicago, Ill., to points in North Dakota, South Dakota, Minnesota, points in Nebraska on and west of U.S. Highway 81, and points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior near Grand Marais and extending along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to Gulliver, Mich., thence along unnumbered highway from Gulliver to Lake Michigan (Columbus, Wis.)*; (53) *Waste paper or scrap paper*, from points in Illinois on, east, and north of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 15 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, to points in Minnesota, North Dakota, points in South Dakota on and north and west of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line, and points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior at Grand Marais, Mich., and extending along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to Gulliver, Mich., thence along unnumbered highway to Lake Michigan (Columbus, Wis.)*.

(54) *Waste paper and scrap paper*, from points in New York, Pennsylvania, and New Jersey, to points in North Dakota, South Dakota, Minnesota, points in Nebraska, on, north, and west of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, points in the Upper Peninsula of Michigan on and west of a line beginning at Marquette, Mich., and extending along U.S. Highway 41 to the Michigan-Wisconsin State line, and points in Iowa on, north, and west of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line (Columbus, Wis.)*; (55) *Waste paper and scrap paper*, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, to points in North Dakota, South Dakota, Nebraska, Iowa, Minnesota, and points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to the Michigan-Wisconsin State line (Columbus, Wis.)*; (56) *Waste paper or scrap paper*, from points in Kentucky and Tennessee, to points in North Dakota, points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to the Michigan-Wisconsin State line, points in Minnesota on and north of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-South Dakota State line, and points in South Dakota on and north of U.S. Highway 14 (Columbus, Wis.)*.

(57) *Waste paper or scrap paper*, from points in Kentucky and Tennessee on





and east of Interstate Highway 65, to points in Minnesota, North Dakota, and points in Iowa on and north of U.S. Highway 18, and points in South Dakota on, north, and west of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line (Columbus, Wis.)*; (58) *Waste paper and scrap paper*, from points in West Virginia, Maryland, Delaware, Virginia, North Carolina, and the District of Columbia, to points in North Dakota, South Dakota, Minnesota, points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to the Michigan-Wisconsin State line, points in Iowa on and north of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 151 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line (Columbus, Wis.)*; (59) Waste paper and scrap paper, from the Upper Peninsula of Michigan to points in Kansas, Missouri, Arkansas, Oklahoma, Louisiana, and Texas (Columbus, Wis.)*.

(60) *Such waste paper or scrap paper* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Kentucky and Tennessee, to points in Washington, points in Idaho on and north of U.S. Highway 12, and points in Montana on and north of U.S. Highway 12 (Green Bay, Wis.)*; (61) *Such waste paper or scrap paper* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Kentucky and Tennessee on and east of Interstate Highway 65, to points in Washington, Oregon, Montana, points in Wyoming on and north of U.S. Highway 16, points in Idaho on and west of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 191 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, points in Nevada on and north of a line beginning at the Idaho-Nevada State line and extending along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line, and points in California on and north of a line beginning at the Nevada-California State line and extending along Interstate Highway 80 to junction California Highway 128, thence along California Highway 128 to the Pacific Ocean (Green Bay, Wis.)*.

(62) *Such waste paper or scrap paper* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in West Virginia, Maryland, Delaware, Virginia, North Carolina, and the District of Columbia, to points in Washington, Oregon, Idaho, Montana, points in Wyoming on, north, and west of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line, points in Utah on and west of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, points in Nevada on and north of a line beginning at the Nevada-California State line and extending along Interstate Highway 80 to junction California Highway 17, thence along California Highway 17 to the Pacific Ocean (Green Bay, Wis.)*; (63) *Such waste paper or scrap paper* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from Grand Rapids, Otsego, Plainwell, Three Rivers, Kalamazoo and Detroit, Mich., and points in Michigan north of U.S. Highway 10 to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, and points in Wyoming on, north, and west of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming 220, thence along Wyoming Highway 220 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line (Green Bay, Wis.)*.

(64) *Such waste paper or scrap paper* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Illinois on, east, and north of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 50 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, to points in Washington, Oregon, Montana, points in Wyoming on and north of U.S. Highway 14, points in Idaho on and west of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 191 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, points in Nevada on and north of Interstate Highway 15, and points in California on and north of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to the United States-Mexico International Boundary line (Green Bay, Wis.)*; and (65) *Such waste paper or scrap paper* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from Chicago, Ill., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, points in Wyoming on, north, and west of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line, points in Colorado on and west of a line beginning at the Wyoming-Colorado State line and extending along Colorado Highway 789 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line, and points in New Mexico on and west of U.S. Highway 285 (Green Bay, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 73165 (Sub-No. E53), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC.; P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' outfits and equipment* which consists of material handling equipment and parts, attachments, and accessories used in connection with material handling equipment; (1) between Memhpis, Tenn., on the one hand, and, on the other, points in North Carolina; (2) between points in Tennessee on and west of U.S. Highway 45 and U.S. Highway 45E, on the one hand, and, on the other, points in South Carolina; (3) between points in Tennessee, on and southwest of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to Hohenwald, thence along Tennessee Highway 20 to the Tennessee-Missouri State line, on the one hand, and, on the other, points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic seaboard; (4) between points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W, on the one hand, and, on the other, points in Louisiana, Texas, Oklahoma, Kansas, Colorado, Utah, New Mexico, Arizona, California, Nevada, Wyoming, Montana, Idaho, Oregon, and Washington, and points in Arkansas on and south of U.S. Highway 64; (5) between points in Tennessee on and east of Interstate Highway 65, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80, and points in Louisiana east of the Mississippi River.



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(6) Between points in Tennessee on and west of U.S. Highway 45 and U.S. Highway 45E, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 29 to Atlanta, thence along U.S. Highway 278 to the Georgia-South Carolina State line; (7) between points in Mississippi, on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 78 to Atlanta, thence along U.S. Highway 278 to the Georgia-South Carolina State line; (8) between points in Mississippi on and north of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 78 to Tupelo, thence along Mississippi Highway 6 to Clarksdale, thence along Mississippi Highway 322 to Sherard and directly west of the Mississippi River, on the one hand, and, on the other, points in Florida on and east of U.S. Highway 231 and on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Seaboard; (9) between points in Mississippi on and south of U.S. Highway 82, and points in Louisiana east of the Mississippi River, on the one hand, and, on the other, points in North Carolina and South Carolina; and (10) between points in Mississippi on and south of U.S. Highway 80, on the one hand, and, on the other, points in Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Lower Peninsula of Michigan, and points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

No. MC 73165 (Sub-No. E55), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing*, and *fittings* (except materials, equipment, and supplies used in or in connection with the discovery, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), which are materials, supplies, or equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of lead, zinc, iron, coal, and other minerals; (1) from points in Illinois on and north of a line from the Illinois-Indiana State line, extending along U.S. Highway 24 to Gilman, thence along U.S. Highway 45 to Champaign, thence along Interstate Highway 74 to Peoria, and on and east of a line from the Illinois-Wisconsin State line, to points in California on to Mt. Carroll and thence along Illinois Highway 88 to Peoria and junction Interstate Highway 74 to points in Texas on and south of U.S. Highway 80; (2) from points in Illinois on and northeast of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 24 to Gilman, thence along U.S. Highway 45 to Champaign, thence along Interstate Highway 74 to Peoria, thence along Illinois Highway 29 to Peru, thence along U.S. Highway 51 to the Illinois-Wisconsin State line, to points in California on and south of Interstate Highway 10; and (3) from points in Illinois on and north of U.S. Highway 24 and on and east of Illinois Highway 23, to points in Arizona and New Mexico on and south of U.S. Highway 60, and points in California on and south of Interstate Highway 15. The purpose of this filing is to eliminate the gateways of Fairbury, Ill., Gilmer, Tex., and Shreveport, La.

No. MC 73165 (Sub-No. E60), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those requiring special equipment and except commodities in bulk), which consist of (1) equipment, materials, and supplies used in the manufacture of mobile homes, (2) material handling equipment, and equipment, materials, and supplies used in the manufacture of material handling equipment, and (3) parts, attachments, and accessories, used in connection with the commodities described in (1) and (2) above; (a) from points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W, to points in Louisiana, Texas, Oklahoma, Colorado, Utah, New Mexico, Arizona, California, Nevada, Wyoming, Montana, Idaho, Oregon, Washington, and points in Arkansas on and south of U.S. Highway 64; (b) from points in Mississippi on and south of U.S. Highway 80, to points in Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Lower Peninsula of Michigan, and points in Ohio on and north of Interstate Highway 70 and on and east of U.S. Highway 23; (c) from points in Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 29 to Atlanta, thence along U.S. Highway 278 to the Georgia-South Carolina State line, to points in Tennessee on and west of U.S. Highway 45 and U.S. Highway 45E; (d) from points in Georgia on and north of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Atlanta, thence along U.S. Highway 278 to the Georgia-South Carolina State line, to points in Mississippi on and south of U.S. Highway 78 and on and north of U.S. Highway 82; (e) from points in Georgia on and north of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Atlanta, thence along U.S. Highway 278 to the Georgia-South Carolina State line, to points in Louisiana and Texas; and (f) from points in Georgia, to points in Arkansas, New Mexico, Arizona, California, Oklahoma, Kansas, Colorado, Utah, Iowa, Minnesota, Nevada, Nebraska, South Dakota, North Dakota, Wyoming, Montana, Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Birmingham and Winfield, Ala.

No. MC 73165 (Sub-No. E61), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building machinery*, and *contractors' equipment* (which because of size or weight, require special equipment), which consists of material handling equipment, and equipment, materials, and supplies used in the manufacture of material handling equipment, and parts, attachments, and accessories used in connection with material handling equipment; (1) from points in Illinois on and north of a line beginning at the Indiana-Illinois State line, extending along Illinois Highway 17 to Dwight, thence along U.S. Highway 66 to Bloomington, thence along Illinois Highway 9 to Pekin, thence along Illinois Highway 150 to the Illinois-Iowa State line, to points in Florida on and south of a line beginning at St. Petersburg, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne; (2) from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 65 to Colorado, thence along U.S. Highway 30 to junction Iowa Highway 14, thence along Iowa Highway 14 to Monroe, thence along Iowa Highway 163 to Oskaloosa, thence along U.S. Highway 63 to Ottumwa, thence along U.S. Highway 34 to the Iowa-Illinois State line, to points in Florida on and south of a line beginning at St. Petersburg, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne; and (3) from points in Wisconsin on and north of a line beginning at Milwaukee, thence along U.S. Highway 41 to Fond du Lac, thence along Wisconsin Highway 23 to Princeton, thence along Wisconsin Highway 73 to junction Wisconsin Highway 95 near Neillsville, thence along Wisconsin Highway 95 to the Wisconsin-Minnesota State line, to points in Florida on and south of a line beginning at St. Petersburg, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne. The purpose of this filing is to eliminate the gateway of Pekin or Joliet, Ill., or Cedar Rapids, Iowa, or Milwaukee, Wis.

No. MC 73165 (Sub-No. E63), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities in bulk), which consist of (1) equipment, materials, and supplies used in the manufacture of mobile homes, (2) material handling equipment, and equipment, materials, and supplies used in the manufacture of material handling equipment, and (3) parts, attachments, and accessories, used in connection with the commodities described in (1) and (2) above; (1) from points in Tennessee on and southwest of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to Hohenwald, thence along Tennessee Highway 20 to the Tennessee-Missouri State line, to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Seaboard; (2) from points in Louisiana, Texas, Arkansas, Oklahoma, Kansas, Colorado, Utah, New Mexico, Arizona, California, Nevada, Wyoming, Montana, Idaho, Oregon, and Washington, to points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W; (3) from points in Mississippi on and south of U.S. Highway 78 and on and north of U.S. Highway 82, to points in Georgia on and north of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 78 to Atlanta, thence along U.S. Highway 278 to the Georgia-South Carolina State line;

(4) from points in Mississippi on and north of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 78 to Tupelo, thence along Mississippi Highway 6 to Clarksdale, thence along Mississippi Highway 322 to Sherard and directly across to the Mississippi River, to points in Florida on and east of U.S. Highway 231 and on and north of a line beginning at St. Petersburg, thence across Gandy Bridge, to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Seaboard; (5) from points in Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and points in Ohio on and north of Interstate Highway 70 and on and east of U.S. Highway 23, to points in Mississippi on and south of U.S. Highway 80; (6) from points in Louisiana and Texas, to points in Georgia on and north of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Atlanta, thence along U.S. Highway 278 to the Georgia-South Carolina State line; (7) from points in Missouri on and west of U.S. Highway 63, to points in Georgia; (8) from points in Arkansas, New Mexico, Arizona, California, Oklahoma, Kansas, Colorado, Utah, Iowa, Minnesota, Nevada, Nebraska, South Dakota, North Dakota, Wyoming, Montana, Idaho, Oregon, and Washington, to points in Georgia; and (9) from points in Tennessee on and west of U.S. Highway 45 and U.S. Highway 45E, to points in Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 29 to Atlanta, thence along U.S. Highway 278 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateways of Birmingham and Winfield, Ala.

No. MC 73165 (Sub-No. E64), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings* which consist of machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of lead, zinc, coal, and other minerals, and commodities the transportation of which by reason of their size or weight, require the use of special equipment or special handling; (1) from points in Illinois that are both on and north of U.S. Highway 30 and on and east of Illinois Highway 47, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee (Bensenville, Ill.) *; (2) from points in Illinois that are both on and north of U.S. Highway 30 and on and east of Illinois Highway 47, to points in South Carolina (Bensenville, Ill. and Alabama) *.

(3) From points in Illinois that are both on and north of U.S. Highway 30 and on and east of Illinois Highway 47, to points in Texas on and south of U.S. Highway 80 (Bensenville, Ill., and Shreveport, La.) *; (4) from points in Illinois that are both on and north of U.S. Highway 30 and on and east of Illinois Highway 47, to points in New Mexico on and south of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 82 to Las Cruces, thence along U.S. Highway 70 to the New Mexico-Arizona State line, points in Arizona on and south of a line beginning at the Arizona-New Mexico State line, thence along U.S. Highway 70 to Globe, thence along U.S. Highway 60 to the Arizona-California State line, and points in California on and south of Interstate Highway 10 (Bensenville, Ill., Shreveport, La., and Gilmer, Tex.) *; and (5) from Chicago, Ill., to points in Texas on and south of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 80 to Ft. Worth, thence along U.S. Highway 81 to Wichita Falls, thence along U.S. Highway 81 to the Texas-New Mexico State line, points in New Mexico, on and south of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 380 to San Antonio, N. Mex., thence along U.S. Highway 85 to Socorro, thence along U.S. Highway 60 to the New Mexico-Arizona State line, points in Arizona on and south of U.S. Highway 60, and points in California on and south of a line beginning at the California-Arizona State line, thence along U.S. Highway 66 to Barstow, thence along California Highway 58 to Creston, thence along California Highway 41 to Morro Bay (Bensenville, Ill., Shereveport, La., and Gilmer, Tex.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 73165 (Sub-No. E83), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 11086. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, the transportation of which because of size or weight requires special equipment, from points in Pennsylvania, New York, New Jersey, Maryland, Massachusetts, North Carolina, Vermont, Virginia, Connecticut, Rhode Island, West Virginia, and that part of South Carolina on and north of Interstate Highway 26 and points in Laurens, Greenville, Anderson, Pickens, and Oconee Counties, S.C., to points in Texas on and south of a line extending from the Arkansas-Texas State line along Interstate Highway 30





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to Dallas, Tex., thence along U.S. Highway 80 to Ft. Worth, Tex., and thence along U.S. Highway 180 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of the facilities of Planet Corp., at Birmingham, Ala., and Colbert County, Ala.

No. MC 73165 (Sub-No. E85), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, the transportation of which, because of size or weight, requires special equipment, from points in Ohio, that part of Michigan on and east of a line beginning at Bay City, Mich., and extending along U.S. Highway 23 to the Michigan-Ohio State line, that part of Kentucky on and east of U.S. Highway 231, and that part of Tennessee on and east of U.S. Highways 31 and 31W to points in Texas on and south of a line extending from the Texas-Louisiana State line along U.S. Highway 190 to Hearne, Tex., thence along U.S. Highway 79 to Round Rock, Tex., thence along U.S. Highway 81 to Austin, Tex., thence along U.S. Highway 290 to junction U.S. Highway 80 near Kent, Tex., and thence along U.S. Highway 80 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of the facilities of Planet Corp., at Birmingham, Ala., and Colbert County, Ala.

No. MC 73165 (Sub-No. E86), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, the transportation of which, because of size or weight, requires special equipment, from points in Indiana to points in Texas on and south of a line extending from the Texas-Louisiana State line along U.S. Highway 90 to Houston, Tex., and thence along U.S. Highway 59 to Laredo, Tex. The purpose of this filing is to eliminate the gateway of the facilities of Planet Corp., at Birmingham, Ala., and Colbert County, Ala.

No. MC 73165 (Sub-No. E87), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Texas, Oklahoma, Utah, California, Washington, Louisiana on and west of the Mississippi River, and Arkansas on and west of U.S. Highway 65 to points in Virginia. The purpose of this filing is to eliminate the gateway of the facilities of Planet Corporation, at Birmingham, Ala., and Colbert County, Ala.

No. MC 73165 (Sub-No. E88), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, the transportation of which, because of size or weight, requires special equipment, from points in Colorado, Nebraska on and west of U.S. Highway 83, and that part of Kansas on, west, and south of a line extending from the Nebraska-Kansas State line along U.S. Highway 81 to Wichita, Kans., and thence along U.S. Highway 54 to the Kansas-Missouri State line to points in Virginia on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of the facilities of Planet Corporation, at Birmingham, Ala., and Colbert County, Ala.

No. MC 73165 (Sub-No. E89) filed February 1, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron fittings and connections*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from Birmingham, Ala., and points within ten miles thereof to points in Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, and that part of New Mexico on and west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the facilities of Claw Corp., at Columbia, Mo.

No. MC 73165 (Sub-No. E90), filed February 1, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, fire hydrants*, and *components* consisting of gaskets, fittings, and connections (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, Colorado, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, and that part of New Mexico on and west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the facilities of Claw Corp., at Columbia, Mo.

No. MC 73165 (Sub-No. E91), filed February 1, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 11086. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron fittings and connections*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459); and (2) *Cast iron valves, fire hydrants*, and *components* consisting of gaskets, fittings, and connections (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459) (except both as to above (1) and (2), those requiring special equipment), from points in Georgia to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, Idaho, Washington, Oregon, Utah, Nevada, Colorado, and California. The purpose of this filing is to eliminate the gateway of facilities of Claw Corp., at Columbus, Mo., and Birmingham, Ala.

No. MC 73165 (Sub-No. E92), filed February 1, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron fittings and connections*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459); (2) *Cast iron valves, fire hydrants*, and *components* consisting of gaskets, fittings, and connections (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459) (except in both (1) and (2) above, commodities requiring special equipment), from points in Georgia on and south of U.S. Highway 278 to points in Minnesota. The purpose of this filing is to eliminate the gateway of facilities of Claw Corporation at Columbia, Mo., and Birmingham, Ala.

No. MC 95540 (Sub-No. E607), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, *dairy products*, and *articles* distributed by meat packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from those points in California on and south of a line beginning at the Pacific Ocean and extending along U.S. Highway 101 to junction California Highway 36, thence along California Highway 36 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction unnumbered highway, thence along unnumbered highway to the California-Nevada State line, to points in Virginia. The purpose of this filing is to eliminate the gateway of Tifton, Ga.





No. MC 95540 (Sub-No. E620), filed May 6, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), Orangeburg, S.C., to those points in Alabama on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 82 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E621), filed May 6, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greeley, Colo., to those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 85 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 97, thence along Alabama Highway 97 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E639), filed May 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Macon, Marshall, Milan, Moberly, and St. Joseph, Mo., to points in North Carolina, South Carolina, and those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along Alabama Highway 48 to junction Alabama Highway 49, thence along Alabama Highway 49 to junction Alabama Highway 120, thence along Alabama Highway 120 to junction Alabama Highway 81, thence along Alabama Highway 81 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 87, thence along Alabama Highway 87 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 95540 (Sub-No. E644), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, Syracuse, and Rochester, N.Y., to those points in Texas on and south of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 59 to junction Texas Highway 44, thence along Texas Highway 44 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Maryland, Delaware, and Virginia in the Delmarva Peninsula, and points in Pike and Spalding Counties, Ga.

No. MC 107403 (Sub-No. E686), filed November 19, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the facilities of Commercial Solvents Corp., at Sterlington, La., to points in Wyoming, Utah, and Moffat, Rio Blanco, Garfield, Mesa, Delta, Montrose, Ouray, San Miguel, San Juan, Dolores, Montezuma, and La Plata Counties, Colo. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E687), filed November 19, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and lime*, in bulk, in bags, from the facilities of Southern Cement Co., at Atlanta, Ga., to points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateway of the facilities of the Cheney Lime and Cement Co., Graystone, Ala.

No. MC 107403 (Sub-No. E689), filed November 19, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulfate*, in bulk, in tank vehicles, from the facilities of Commercial Solvents Corporation, at Sterlington, La., to points in Arkansas (except Union and Columbia Counties), and Oklahoma. The purpose of this filing is to eliminate the gateways of Bastrop and Springhill, La.

No. MC 107403 (Sub-No. E690), filed November 19, 1974. Applicant: MATLACK, NC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in bags, from Atlanta, Ga., to points in Louisiana and Mississippi. The purpose of this filing is to eliminate the gateway of the facilities of Cheney Lime and Cement at Graystone, Ala.

No. MC 107403 (Sub-No. E691), filed November 19, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from the facilities of Cheney Lime and Cement at Landmark, Ala., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of the facilities of Southern Cement Co., at Atlanta, Ga.

No. MC 107515 (Sub-No. E517), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh fruits and vegetables* (except in bulk), in vehicles equipped with mechanical refrigeration, from Charleston, S.C., to that portion of Kentucky on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Ohio State line; and (2) to Iowa, Indiana, Wisconsin, Michigan, that portion of Missouri on and north of a line beginning at the Missouri-Illinois State line extending along Missouri Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 64, thence along Missouri Highway 64 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, and that portion of Illinois on and north of a line beginning at the Indiana-Illinois State line on Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Missouri Highway 51 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Louisville, Ky.



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No. MC 107515 (Sub-No. E526), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration; (1) from points in Florida to points in Oregon on and west of U.S. Highway 395; (2) from Mobile County, Ala., to points in Washington on or west of Interstate Highway 5; (3) from that portion of Alabama on or east of a line beginning at the Florida-Alabama State line and extending along Alabama Highway 21 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to the Tennessee-Alabama State line to Portland, Hillsboro, and Milwaukie, Oreg., and points in Washington on or west of Interstate Highway 5; and (4) from points in Alabama on or east of U.S. Highway 43 to points in that portion of Washington which are on and east of Interstate Highway 5 (except those south of U.S. Highway 12). The purpose of this filing is to eliminate the gateway of the Atlanta, Ga., commercial zone and Bristol, Va.-Tenn., commercial zone.

No. MC 107515 (Sub-No. E532), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated vehicles, from Prattsville, N.Y., to California, Washington, Oregon, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Cheyenne, Wyo., and points in Montana and Wyoming on or west of U.S. Highway 87. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 108449 (Sub-No. E62), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Eau Claire, Wisc., and points within 20 miles thereof, to points in North Dakota. The purpose of this filing is to eliminate the gateway of St. Cloud, Minn.

No. MC 109331 (Sub-No. E1), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Anderson, S.C., on the one hand, and, on the other, Blackstone, Charlottesville, Cheriton, Culpeper, Franklin, Fredericksburg, Newport News, Norfolk, Richmond, Staunton, Virginia Beach, Williamsburg, and Winchester, Va. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E2), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Beaufort, S.C., on the one hand, and, on the other, Blackstone, Charlottesville, Cheriton, Christiansburg, Culpeper, Danville, Franklin, Fredericksburg, Hillsville, Lexington, Lynchburg, Martinsville, Newport News, Norfolk, Richmond, Roanoke, S. Boston, Staunton, Virginia Beach, Williamsburg, and Winchester, Va. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E3), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Charleston, Columbia, Florence, and Orangeburg, S.C., on the one hand, and, on the other, Blackstone, Bristol, Charlottesville, Cheriton, Christiansburg, Culpeper, Danville, Franklin, Fredericksburg, Hillsville, Lexington, Lynchburg, Martinsville, Newport News, Norfolk, Richmond, Roanoke, S. Boston, Staunton, Virginia Beach, Williamsburg, and Winchester, Va. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E4), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Conway, S.C., on the one hand, and, on the other, Bristol, Charlottesville, Cheriton, Christiansburg, Culpeper, Danville, Fredericksburg, Hillsville, Lexington, Lynchburg, Martinsville, Newport News, Norfolk, Richmond, Roanoke, S. Boston, Staunton, Virginia Beach, Williamsburg, and Winchester, Va. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E5), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Greenville, S.C., on the one hand, and, on the other, Charlottesville, Cheriton, Culpeper, Franklin, Fredericksburg, Newport News, Norfolk, Richmond, Virginia Beach, Williamsburg, and Winchester, Va. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E6), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Greenwood, S.C., on the one hand, and, on the other, Blackstone, Charlottesville, Cheriton, Christiansburg, Culpeper, Danville, Franklin, Fredericksburg, Lexington, Lynchburg, Newport News, Norfolk, Richmond, Roanoke, S. Boston, Staunton, Virginia Beach, Williamsburg, and Winchester, Va. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E7), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Myrtle Beach, S.C., on the one hand, and, on the other, Bristol, Charlottesville, Christiansburg, Culpeper, Danville, Fredericksburg, Hillsville, Lexington, Lynchburg, Martinsville, Richmond, Roanoke, Staunton, Williamsburg, and Winchester, Va. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E8), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Spartanburg, S.C., on the one hand, and, on the other, Cheriton, Newport News, Norfolk, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E10), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Greenville, S.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Daytona Beach, Ft. Myers, Gainesville, Jacksonville, Key West, Miami, Ocala, Okeechobee, Orlando, St. Augustine, St. Petersburg, Sarasota, South Bay, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.





as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Beaufort, S.C., on the one hand, and, on the other, Blairsville, Cedartown, and Rome, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E11), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Charleston, S.C., on the one hand, and, on the other, Albany, Athens, Atlanta, Augusta, Bainbridge, Blairsville, Cedartown, Columbus, Cordele, Gainesville, Macon, Milledgeville, Moultrie, and Rome, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E12), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the the Commission, (a) between Conway, Florence, and Myrtle Beach, S.C., on the one hand, and, on the other, Albany, Athens, Atlanta, Augusta, Bainbridge, Blairsville, Brunswick, Cedartown, Columbus, Cordele, Gainesville, Macon, McRae, Milledgeville, Moultrie, Rome, Savannah, Swainsboro, Valdosta, and Waycross, Ga.; and (b) between Orangeburg, S.C., on the one hand, and, on the other, the destinations in (a) above (except Augusta, Savannah, and Swainsboro, Ga.); and (c) between Columbia, S.C., on the one hand, and, on the other, the destinations in (a) above (except Augusta, Ga.). The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E13), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Greenville, S.C., on the one hand, and, on the other, Brunswick and Savannah, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E15), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Spartanburg, S.C. on the one hand, and, on the other, Bainbridge, Brunswick, Savannah, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E16), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Anderson, S.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Daytona Beach, Ft. Myers, Gainesville, Jacksonville, Key West, Lake City, Miami, Ocala, Okeechobee, Orlando, St. Augustine, St. Petersburg, Sarasota, South Bay, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E17), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C., 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Charleston, S.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Crestview, Ft. Myers, Key West, Miami, Ocala, Okeechobee, Orlando, Panama City, Pensacola, Perry, St. Petersburg, Sarasota, South Bay, Tallahassee, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E18), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C., 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Columbia, Conway, Florence, Myrtle Beach, and Orangeburg, S.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Crestview, Daytona Beach, Ft. Myers, Gainesville, Jacksonville, Key West, Lake City, Miami, Ocala, Okeechobee, Orlando, Panama City, Pensacola, Perry, St. Augustine, St. Petersburg, Sarasota, South Bay, Tallahassee, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E19), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C., 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Greenville, S.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Daytona Beach, Ft. Myers, Gainesville, Jacksonville, Key West, Miami, Ocala, Okeechobee, Orlando, St. Augustine, St. Petersburg, Sarasota, South Bay, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E20), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C., 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Greenville, S.C., on the one hand, and, on the other, Boca Raton, Cocoa, Daytona Beach, Ft. Myers, Gainesville, Key West, Miami, Ocala, Okeechobee, Orlando, St. Petersburg, Sarasota, South Bay, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E21), filed May 21, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Spartanburg, S.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Crestville, Daytona Beach, Ft. Myers, Gainesville, Jacksonville, Key West, Lake City, Miami, Ocala, Okeechobee, Orlando, Panama City, Perry, St. Augustine, St. Petersburg, Sarasota, South Bay, Tallahassee, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E22), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Asheville, N.C., on the one hand, and, on the other, Brunswick, Savannah, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub. No. E23), filed May 12, 1974. Applicant: NILSON VAN



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STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Burlington, N.C., on the one hand, and, on the other, Albany, Athens, Atlanta, Augusta, Bainbridge, Brunswick, Cedartown, Columbus, Cordele, Macon, McRae, Milledgeville, Moultrie, Rome, Savannah, Swainsboro, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E24), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Charlotte, N.C., on the one hand, and, on the other, Albany, Augusta, Bainbridge, Brunswick, Columbus, Cordele, Macon, McRae, Milledgeville, Moultrie, Savannah, Swainsboro, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E25), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods*, as defined by the Commission, between Cherry Point, Durham, Elizabeth City, Fayetteville, Goldsboro, Henderson, Jacksonville, Kinston, Lumberton, Raleigh, Rocky Mount, and Wilmington, N.C., on the one hand, and, on the other, Albany, Athens, Atlanta, Augusta, Bainbridge, Blairsville, Brunswick, Cedartown, Columbus, Cordele, Gainesville, Macon, McRae, Milledgeville, Moultrie, Rome, Savannah, Swainsboro, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E26), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Greensboro, N.C., on the one hand, and, on the other, Albany, Athens, Atlanta, Augusta, Bainbridge, Brunswick, Cedartown, Columbus, Cordele, Macon, McRae, Milledgeville, Moultrie, Savannah, Swainsboro, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E27), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between High Point, N.C., and Statesville, N.C., on the one hand, and, on the other, Albany, Augusta, Bainbridge, Brunswick, Columbus, Cordele, Macon, McRae, Milledgeville, Moultrie, Savannah, Swainsboro, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E28), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Wilkesboro, N.C., on the one hand, and, on the other, Albany, Augusta, Bainbridge, Brunswick, Cordele, Macon, McRae, Milledgeville, Moultrie, Savannah, Swainsboro, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E29), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Graham, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Winston-Salem, N.C., on the one hand, and, on the other, Albany, Augusta, Bainbridge, Brunswick, Cedartown, Columbus, Cordele, Macon, McRae, Milledgeville, Moutrie, Savannah, Swainsboro, Valdosta, and Waycross, Ga. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 109331 (Sub-No. E30), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Grahona, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Asheville, N.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Daytona Beach, Ft. Myers, Gainesville, Jacksonville, Key West, Lake City, Miami, Ocala, Okeechobee, Orlando, Perry, St. Augustine, St. Petersburg, Sarasota, South Bay, Tampa, West Palm Beach, Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles of thereof.

No. MC 109331 (Sub-No. E31), filed May 12, 1974. Applicant: NILSON VAN STORAGE, 707 Security Federal Bldg., Columbia, S.C. 29201. Applicant's representative: Frank A. Grahona, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Charlotte, Cherry Point, Durham, Burlington, Elizabeth City, Fayetteville, Goldsboro, Greensboro, Henderson, High Point, Jacksonville, Kinston, Lumberton, Raleigh, Rocky Mount, Statesville, Wilkesboro, Wilmington, and Winston-Salem, N.C., on the one hand, and, on the other, Boca Raton, Chiefland, Cocoa, Crestview, Daytona Beach, Ft. Myers, Gainesville, Jacksonville, Key West, Lake City, Miami, Ocala, Okeechobee, Orlando, Panama City, Pensacola, Perry, St. Augustine, St. Petersburg, Sarasota, South Bay, Tallahassee, Tampa, West Palm Beach, and Winter Haven, Fla. The purpose of this filing is to eliminate the gateway of Sumter, S.C., and points within 25 miles thereof.

No. MC 110683 (Sub-No. E3), filed June 4, 1974. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, (1) between points in that part of Ohio on and west of a line beginning at Cincinnati, Ohio, thence over U.S. Highway 75 to its junction with U.S. Highway 36, thence over U.S. Highway 36 to its junction with U.S. Highway 23, thence over U.S. Highway 23 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Kentucky, except those east of a line beginning at the West Virginia-Kentucky State line, thence along Kentucky Highway 32 to its junction with Kentucky Highway 11, thence over Kentucky Highway 11 to the Ohio-Kentucky State line. (2) Between points in that part of Ohio bounded by a line beginning at the Ohio-Kentucky State line at Cincinnati, Ohio, thence over U.S. Highway 75 to its junction with U.S. Highway 36, thence over U.S. Highway 36 to its junction with U.S. Highway 23, thence over U.S. Highway 23 to its junction with U.S. Highway 22, thence over U.S. Highway 22 to its junction with U.S. Highway 75 at Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 75 to its junction with U.S. Highway 27, thence over U.S. Highway 27 to the Ohio-Kentucky State line.

(3) Between points in that part of Ohio bounded by a line beginning at Cincinnati, Ohio, thence over U.S. Highway 22 to its junction with U.S. Highway 23, thence along U.S. Highway 23 to its junction with Ohio Highway 124, thence over Ohio Highway 124 to its junction with Ohio Highway 41, thence over Ohio Highway 41 to the Ohio-Tennessee State line, on the one hand, and on the other, points in Kentucky on and west of Interstate Highway 75. (4) between points in that part of Ohio bounded by a line beginning at Aberdeen, Ohio, thence over Ohio Highway 41 to its junction with Ohio Highway 124, thence over Ohio Highway 124 to its junction with U.S. Highway 23, thence over U.S. Highway 23 to Portsmouth, Ohio, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Tennessee-Kentucky State line, thence over Kentucky Highway 79 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to its junction with U.S. Highways 42–41, thence over U.S. Highways 42–41 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.





No. MC 111320 (Sub-No. E31), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractor's vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York, on and east of a line beginning at Lake Erie, thence along New York Highway 16 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E32), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 19 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario, on the one hand, and, on the other, points in Minnesota and Alabama. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E33), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractor's vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E34), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E35), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 78, thence along New York Highway 78 to Lake Ontario, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E36), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and north of a line beginning at Hancock, N.Y., thence along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E37), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario, on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 202 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River. The purposes of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E38), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 250, thence along New York Highway 250 to Lake Ontario, on the one hand, and, on the other, points in Connecticut and Rhode Island. The pur-



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pose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E39), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio on, east, and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E40), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E41), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E42), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E43), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building, equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio on, north, and east of a line beginning at the Ohio-West Virginia State-line, thence along U.S. Highway 22 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E44), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled* road building equipment, and parts thereof, in driveaway and truckaway service; (1) between points in that part of Ohio east and north of a line beginning at Lake Erie, thence along Ohio Highway 57 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Indiana; (2) between points in that part of Ohio on and east of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Michigan on and north of a line beginning at Lake Michigan, thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to junction Michigan Highway 52, thence along Michigan Highway 52 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron; (3) between points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along Ohio Highway 4 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Kentucky.

(4) Between points in that part of Ohio on and west of Interstate Highway 77, on the one hand, and, on the other, points in that part of New York on and north of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 17 to junction New York Highway 52, thence along New York Highway 52 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line; and (5) between points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 80, thence along Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of West Virginia on and east of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E45), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio east and north of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Georgia east and south of U.S. Highway 19. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10486 Filed 4-21-75;8:45 am]





[Notice No. 43]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 18, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13900 (Sub-No. 25TA), filed April 10, 1975. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's representative: Harold G. Hernly, 118 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders, as defined in Section 402(a) of the Act, from Chicago, Ill., to points in Richmond, Va., for 180 days. Supporting shipper: Universal Carloading & Distributing Company, 345 Hudson Street, New York, N.Y. 10014. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 17051 (Sub-No. 14TA), filed April 10, 1975. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Ave., Elizabeth, N.J. 07202. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, equipment, materials and supplies* used or useful in the manufacture and sale of wearing apparel, between the facilities of Cooper Sportswear Manufacturing Co., Inc., at Newark, N.J., and the facilities of Fulton Shirt Co., at Elizabeth, N.J., on the one hand, and, on the other, Mapletree, Ala., Bridgeport, Conn., Fall River, Mass., Lumberton, Delco, and Faison, N.C., Blairsville, Altoona, Norvelt, Perryopolis, Reading, Scranton, and Wilkes-Barre, Pa., Norfolk, Va., and Parkersburg, W. Va., for 180 days. Supporting shipper: Fulton Shirt Co., 585 Division Street, Elizabeth, N.J. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 52709 (Sub-No. 331TA), filed April 8, 1975. Applicant: RIGSBY TRUCK LINES, INC., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ogden, Utah and Maryhill, Wash., in connection with carrier's authorized regular and alternate route operations, serving Biggs, Oreg., for joinder purposes only, and serving the termini for joinder purposes only; from Ogden, Utah over Interstate Highway 80N to junction U.S. Highway 97, thence over U.S. Highway 97 to Maryhill, Wash., and return over the same routes; between Ogden, Utah and Junction Interstate Highway 82 and Interstate Highway 90, in connection with carrier's authorized regular and alternate route operations serving no intermediate points, and serving the termini for joinder purposes only; from Ogden, Utah over Interstate Highway 80N to junction Interstate Highway 82, thence over Interstate Highway 82 to junction Interstate Highway 90, and return over the same routes; between Biggs, Oreg., and Portland, Oreg., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving Biggs, Oreg., for joinder purposes only; from Biggs, Oreg., over Interstate Highway 80N to Portland, Oreg., and return over the same route.

Between Ogden, Utah and Prosser, Wash., in connection with carrier's authorized regular and alternate route operations, serving the junction of Interstate Highway 15W and Interstate Highway 80N for joinder purposes only, and serving the termini for joinder purposes only; from Ogden, Utah over Interstate Highway 80N to junction U.S. Highway 395, thence over U.S. Highway 395 to junction U.S. Highway 730, thence over U.S. Highway 730 to junction unnumbered highway (bridge over the Columbia River) at or near Umatilla, Oreg., thence over unnumbered highway to junction Washington Highway 14, thence over Washington Highway 14 to junction Washington Highway 221, thence over Washington Highway 221 to Prosser, Wash., and return over the same routes; between junction U.S. Highway 30N and Interstate Highway 80 and junction Interstate Highway 15W and Interstate Highway 80N, serving no intermediate points; from junction U.S. Highway 30N and Interstate Highway 80 over U.S. Highway 30N to junction Interstate Highway 15, thence over Interstate Highway 15 to junction Interstate Highway 15W, thence over Interstate Highway 15W to junction Interstate Highway 80N, and return over the same routes: Restriction: The authority described above is restricted to the transportation of traffic moving to, from or through Denver, Colorado or Cheyenne, Wyoming. Supporting shipper: None. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 59662 (Sub-No. 1TA), filed April 4, 1975. Applicant: HENRY VROOM & SON, INC., P.O. Box 66, Brighton Station, Detroit, Mich. 48223. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials and supplies used in the conduct of such business*, between Detroit, Mich., on the one hand, and, on the other, points in Sandusky, Allen, Wood, Williams, Hancock, Seneca, Defiance, Ottawa, Erie, Fulton, Lucas, Guyahoga, and Franklin Counties, Ohio and points in Allen, Kosciusko, and Steuben Counties, Ind., for the account of the Great Atlantic & Pacific Tea Company, for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Company, Inc., Assistant to the Director, Traffic & Transportation, Carl L. Haderer, 2 Paragon





Drive, Montvale, N.J. 07645. Send pro-



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Drive, Montvale, N.J. 07645. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 101735 (Sub-No. 3TA), filed April 10, 1975. Applicant: EDWARD G. GENTZKOW, doing business as GENTZKOW TRUCKING SERVICE, P.O. Box 98, LaMoure, N. Dak. 58458. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed for transportation of agricultural implements* (except trailers designed to be drawn by highway truck-tractors) *and attachments and accessories for such trailers*, from the plantsite and facilities of Lorak, Inc., at or near Lamoure, N. Dak., to points in North Dakota, South Dakota, Minnesota, and Montana, for 180 days. Supporting shipper: Lorak, Inc., P.O. Box 707, LaMoure, N. Dak. 58458. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 108298 (Sub-No. 44TA), filed April 8, 1975. Applicant: RIGGSBY-PACIFIC LTD., 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: Alan J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): between junction U.S. Highway 97 and Oregon Highway 58 (about 81 miles north of Klamath Falls, Oreg.), and Spokane, Wash., serving no intermediate points and serving the junction of U.S. Highway 97 and Oregon Highway 58 for the purposes of joinder only; from junction U.S. Highway 97 and Oregon Highway 58 over U.S. Highway 97 to Biggs, Oreg., thence over Interstate Highway 80N to its junction with U.S. Highway 730, thence over U.S. Highway 730 to Umatilla, Oreg., thence over unnumbered highway (bridge over the Columbia River) to Plymouth, Wash., thence over Washington Highway 14 to Pasco, Wash., thence over U.S. Highway 395 to Spokane, Wash., and return over the same routes; between Portland, Oreg., and Spokane, Wash., serving no intermediate points; from Portland, Oreg., over Interstate Highway 80N to its junction with U.S. Highway 730, thence over U.S. Highway 730 to Umatilla, Oreg., thence over Unnumbered highway (bridge over the Columbia River) to Plymouth, Wash., thence over Washington Highway 14 to Pasco, Wash., thence over U.S. Highway 395 to Spokane, Wash., and return over the same routes. Restriction: The authority described above is restricted against the transportation of traffic moving between Portland, Oregon and Spokane, Washington, for 180 days. Supporting shipper: None. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 112750 (Sub-No. 318TA), filed April 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business papers*, between points in Dickinson, N. Dak., and Baker, Mont., for 90 days. Supporting shipper: American National Bank and Trust Company, 370 Minnesota Street, St. Paul, Minn. 55101. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 117344 (Sub-No. 242TA), filed April 9, 1975. Applicant: The MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron oxide*, in bulk, in tank vehicles, from Ashland, Ky., to points in Kane, Pa., for 180 days. Supporting shipper: Stackpole Carbon Company, Oak & Elk Avenues, Kane, Pa. 16735. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117765 (Sub-No. 189TA (Correction), filed March 24, 1975, published in the FEDERAL REGISTER issue of April 11, 1975, and republished as corrected this issue. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products and roofing materials in containers*, from Wynnewood, Okla., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, for 180 days. Supporting shipper: Kerr McGee Corporation, Ray F. Fischer, T.M., P.O. Box 25761, Oklahoma City, Okla. 73125. Send protests to: Marie Spillars, Transportation Assistant, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102. The purpose of this republication is to add Illinois as a destination point, which was omitted in the previous publication.

No. MC 118831 (Sub-No. 117TA), filed April 10, 1975. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Gary L. Honbarrier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Borate rock, ground*, in bulk, between points in Anderson, South Carolina and Jackson, Tenn., for 180 days. Supporting shipper: Owens/Corning Fiberglas Corporation, P.O. Box 1367, Anderson, S.C. 29621. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 118922 (Sub-No. 13TA) (Correction), filed March 21, 1975, published in the FEDERAL REGISTER issue of April 4, 1975, and republished as corrected this issue. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as used, sold, or dealt in by wholesale, retail and chain grocery and food business houses (except commodities requiring refrigeration and except commodities in bulk), from points in Massachusetts, Connecticut, New York, Pennsylvania, Maryland, New Jersey, Michigan, Illinois, Indiana, Ohio, Kentucky, and the District of Columbia, to the warehousing, storage and distribution facilities of Colonial Stores, Inc., at Atlanta and Thomasville, Ga., to Columbia, S.C., Raleigh, N.C., and Norfolk, Va., for 180 days. Supporting shipper: Colonial Stores, Incorporated, 2251 N. Sylvan Road, East Point, Ga. 30344. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309. The purpose of this republication is to correct the docket number.

No. MC 119789 (Sub-No. 246TA), filed April 9, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and chemicals*, from Elkhart, Ind., to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 123819 (Sub-No. 38TA), filed April 7, 1975. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, 3359 Cazassa Road, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101 Emerson Center, 2814 Nre Spring Road, Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, trimmings, and tails*, between Tupelo, Miss., on the one hand, and, on the other, points in Texas, Louisiana, Wisconsin, Pennsylvania, New





Jersey, New York, Illinois, Massachusetts, Maine, Maryland, Indiana, Kentucky, Mississippi, West Virginia, Virginia, Alabama, Michigan, Georgia, Vermont, and Tennessee (except Memphis), for 180 days. Supporting shipper: Dietrich Hide Corporation, 225 Broadway, New York, N.Y. 10007. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103.

No. MC 126276 (Sub-No. 121TA), filed April 11, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Carteret, N.J., to points in Champaign, Ill., for 180 days. Supporting shipper: Metro Containers, an operation of Kraftco Corporation, 1099 Wall Street, W. Lyndhurst, N.J. 07071. Send protests to: Robert G. Anderson, District Supervisor, Everett McKinley Dirksen Bldg., Interstate Commerce Commission, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126844 (Sub-No. 30TA), filed April 10, 1975. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Champaign, Ill., to points in New York, New Jersey, New Hampshire, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine, and Vermont, for 180 days. Supporting shipper: Kraft Foods Division of Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 128371 (Sub-No. 2TA), filed April 10, 1975. Applicant: BELLEVUE AGGREGATE HAULERS, INC., 9410 Airport Highway, P.O. Box 296, Holland, Ohio 43528. Applicant's representative: Monte Warner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in dump trucks, from the power plants and facilities of Detroit Edison Company, located in Wayne County, Mich., to Nicholson Concrete and Supply Plants and facilities located in Lucas County, Ohio, for 180 days. Supporting shipper: Nicholson Concrete & Supply Co., 2201 Albion Street, Toledo, Ohio 43606. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 128940 (Sub-No. 21TA), filed April 11, 1975. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated plastic sheets, plastic moldings, and adhesives used in the application thereof*, from Odenton, Md., and its commercial zone to points in Washington, Oregon, Idaho, Montana, Wyoming, Nevada, Utah, California, Arizona, New Mexico, Oklahoma, Texas, Arkansas, Louisiana, and Mississippi, for 180 days. Supporting shipper: Exxon Chemical Company, U.S.A., Odenton, Md. 21118. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 133097 (Sub-No. 10TA), filed April 10, 1975. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, Calif. 90630. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cake decorations, icing, decorator heads, and candles*, in vehicles equipped with mechanical refrigeration; from East Hampton, Mass., to points in California; (2) *cake decorations, icing, decorator heads, and candles* in mixed loads or shipments with commodities the transportation of which is partially exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in vehicles equipped with mechanical refrigeration; from Baltimore, Md., and its commercial zone to points in California, for 180 days. Supporting shipper: McCormick & Co., Inc., 11100 McCormick Road, Hunt Valley, Md. 21031. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles St., Room 1312, Los Angeles, Calif. 90012.

No. MC 133133 (Sub-No. 11TA), filed April 2, 1975. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, rock and evaporated*, in bulk or in bags, from Louisville, Ky., to points in the state of Ohio, for 180 days. Supporting shipper: International Salt Company, 1414 Rockefeller Bldg., Cleveland, Ohio 44113. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134922 (Sub-No. 120TA), filed April 10, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curtain rods, curtain pole or rod fixtures, hooks, fabrics, cotton rope, shelving, coil steel, store display racks, steel rods, copper, brass or bronze rods*, restricted against the transportation of commodities which because of size or weight require use of special equipment, from Sturgis, Mich., and Scottsville, Ky., to points in Florida, Texas, New Mexico, Arizona, Colorado, Utah, Nevada, California, Idaho, Oregon, and Washington, for 180 days. Supporting shipper: Kirsch Company, 309 Porspect Street, Sturgis, Mich. 49091. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135821 (Sub-No. 3TA) (Correction), filed March 14, 1975, published in the FEDERAL REGISTER issue of April 2, 1975, and republished as corrected this issue. Applicant: MADELINE MILESTONE, 4233 Leiper Street, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value, and those requiring special equipment) for the account of Lionel Leisure. Incorporated over irregular routes, from the warehouse of Lionel Leisure, Incorporated at Philadelphia, Pa., to points in Stone Mountain, Doraville, Decatur and Forest Park, Ga., and Fort Lauderdale, Hialeah, Pompano, Lauderhill, West Palm Beach, Miami, and Hollywood, Fla., for 180 days. Supporting shipper: Lionel Leisure, Inc., 2951 Grant Ave., Philadelphia, Pa. 19114. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106. The purpose of this republication is to correct the requested authority which was previously published in error.

No. MC 136711 (Sub-No. 20TA), filed April 10, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 S. High, Oklahoma City, Okla. 73112. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk, in tank vehicles), from the N.C.R. Association Refinery at McPherson, Kans., and the Derby Refinery at Wichita, Kans., and the C.R.A. Inc., Refinery at Coffeyville, Kans., to the plantsite of Great Lakes Carbon Corp., near Kremlin, Okla., for 180 days. Supporting shipper: Great Lakes Carbon Corp., George R. Gunter, Vice President and Director of Transportation, 299 Park Ave., New







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York, N.Y. 10017. Send protests to: Marie Spillars, Transportation Asst. Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 138789 (Sub-No. 3TA), filed April 9, 1975. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, Oreg. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from the plantsite of High Cascade Lumber Co., at or near Washougal, Wash., to the Willamette Industries Manufacturing Plant, at or near Albany, Oreg., for 180 days. Supporting shipper: Willamette Industries, Inc., P.O. Box 907, Albany, Oreg. 97321. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139123 (Sub-No. 6 TA) (Correction), filed March 20, 1975, published in the FEDERAL REGISTER issue of April 4, 1975, and republished as corrected this issue. Applicant: GLOUCESTER DISPATCH, INC., P.O. Box 127, Kelly Road, Plaistow, N.H. 03865. Applicant's representative: Ignatius C. Goode (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen foods*, in boxes, cartons, packages, but not in bulk, from Brockton, and Watertown, Mass., to points in Alabama, Delaware, The District of Columbia, Florida, Georgia, Louisiana, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and Virginia, for 180 days. Supporting shipper: Howard Johnson Company, 309 Battles St., Brockton, Mass. 02401. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., Concord, N.H. 03301. The purpose of this republication is to add Watertown, Mass., as an origin point, which was omitted in the previous publication.

No. MC 140748 (Sub-No. 1-TA), filed April 9, 1975. Applicant: DICKIE L. SISLER, Box 33, Wiota, Iowa 50274. Applicant's representative: Dickie L. Sisler (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and paperback books*, from Columbia, Mo., points in Concorda, Kans., and Beatrice and Norfolk, Nebr., for 180 days. Supporting shipper: Mid-Continent News Co., Inc., John C. Holter, Sales Representative, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 140790 TA (Correction), filed March 25, 1975, published in the FEDERAL REGISTER issue of April 11, 1975, and republished as corrected this issue. Applicant: AIR LAND EXPRESS SYSTEMS, INC., Box 2900-2, Evansville, Wyo. 82636. Aplicant's representative: John H. Lewis, 1650 Grant St., Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* having a prior or subsequent movement in Interstate Commerce, moving in express service, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, restricted to (1) packages or articles each weighing not more than one hundred pounds and (2) against the transportation of more than two hundred pounds in the aggregate from one consignor at one location during a single day, between Casper, Wyo. and Rawlings, Wyo. via U.S. 220 and 287, serving all intermediate points; also between Casper, Wyo. and Rawlings, Wyo. via U.S. 220 to the junction Wyoming State Highway 287 to junction U.S. 30 at Medicine Bow, Wyo. thence via U.S. 30 and I-80 to Rawlings, Wyo. serving all intermediate points; also serving all off route points in Natrona and Carbon counties of Wyoming; between Casper, Wyo. and Sheridan, Wyo. via U.S. 87 and I-25, serving all intermediate points; between Buffalo, Wyo. and Gillette, Wyo. via I-90, serving all intermediate points.

Between Midwest, Wyo., and Gillette, Wyo., via Wyoming State Hiway 387 to junction Wyoming State Hiway 59 at Reno Junction, Wyo., thence via Wyoming State Hiway 59 to Gillette, Wyo., serving all intermediate points; between Casper, Wyo., and Gillette, Wyo., via U.S. Hiways 20 and 26 and I-25 to junction Wyoming State Hiway 59 at Douglas, Wyo., thence via Wyoming State Hiway 59 to Gillette, Wyo., serving all intermediate points; also between Casper, Wyo., and Gillette, Wyo., via U.S. Hiways 20 and 26 to junction Wyoming State Hiway 95 at Glenrock, Wyo., thence via unnamed state hiway to junction Wyoming State Hiway 59 at Bill, Wyo., thence via Wyoming State Hiway 59 to Gillette, Wyo., serving all intermediate points; also serving all points in Natrona, Johnson, Sheridan, Campbell, and Converse Counties of Wyoming as off route points. Joinder and Interline: Applicant intends to join the requested authority with its existing authority at Casper, Midwest, and Buffalo, Wyo. Applicant further intends to interline with Wycoff Company, Inc. (Cc-89684) at Rawlings, Wyo., and with Airlines at Casper and Sheridan, Wyo. Applicant intends to hold itself out to perform an express type service, daily to and from air terminals and connecting motor carriers, for shippers in need of expeditious transportation service. Supporting shippers: There are approximately 100 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg., and Post Office, 100 East "B" Street, Casper, Wyo. 82601. The purpose of this republication is to correct the territorial description, which was previously published in error.

No. MC 140806 (Sub-No. 1TA), filed April 10, 1975. Applicant: HERMS TRUCKING, INC., 58-64 Ward Avenue, Trenton, N.J. 08609. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bags, from Canaan, Conn., to the facilities of American Biltrite, Inc., in Hamilton Township, Mercer County, N.J. Restriction: The service authorized is limited to that to be rendered under a continuing contract or contracts with American Biltrite, Inc., for 150 days. Supporting shipper: American Biltrite, Inc., P.O. Box 2151, Trenton, N.J. 08607. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10489 Filed 4-21-75;8:45 am]

[Notice No. 747]

## ASSIGNMENT OF HEARINGS

APRIL 17, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 140453, Tanks, Inc., application is dismissed.

MC 139960, Western Pacific Transport Company, now being assigned July 14, 1975 at Salt Lake City, Utah; in a hearing room to be designated later.

MC 21060 Sub 15, Iowa Parcel Service, Inc., now being assigned July 7, 1975 (1 week) at Des Moines, Iowa; in a hearing room to be designated later.

MC 135414 Sub 2, Langer Truck Line, Inc., now being assigned July 15, 1975, at Jefferson City, Mo., in a hearing room to be later designated.

MC 18088 Sub 55, Floyd & Beasley Transport Company, Inc., now being assigned July 7, 1975 (2 weeks), at Montgomery, Alabama, in a hearing room to be designated later.

MC 135373 (Sub-No. 1), Airport Limousine Service, Inc., now being assigned July 14, 1975 (1 week) at Newark, New Jersey; in a hearing room to be designated later.





MC 730 Sub 373, Pacific Intermountain Express Co., now being assigned July 21, 1975 (3 weeks) at Des Moines, Iowa, in a hearing room to be later designated.

MC 96881 Sub 16, Orville M. Fine, dba Fine Truck Line, now being assigned July 21, 1975 (1 weeks), at Little Rock, Arkansas; in a hearing room to be designated later.

MC 97310 Sub 14, Sharron Motor Lines, Inc., now being assigned July 29, 1975 (3 days), at Montgomery, Alabama; in a hearing room to be designated later.

MC 1515 Sub 196, Greyhound Lines, Inc., now being assigned July 28, 1975 (1 week) at Newark, New Jersey; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10487 Filed 4-21-75;8:45 am]

[No. MC-C-8596]

## BADGER LINES, INC.

### Petition for Declaratory Order

APRIL 14, 1975.

At the request of William C. Dimeen, petitioners representative, the time for filing comments in the above-entitled proceeding has been extended from April 15, 1975, to April 25, 1975.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10490 Filed 4-21-75;8:45 am]

[AB 1 (Sub-No. 10)]

## CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

### Abandonment Between Irvington and Bennington, in Douglas County, Nebr.; Extension of Time for Comments

APRIL 17, 1975.

Upon consideration of the record in the above-entitled proceeding, including the order of the Commission, Commissioner Tuggle, dated March 4, 1975; and

It appearing, that by order of the Commission, Commissioner Tuggle, dated March 4, 1975, it was determined that the proposed abandonment did not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that notice of the determination was to be published in a newspaper of general circulation in Douglas County, Nebr., on or before March 26, 1975, and comments to the determination are due on April 7, 1975; and good cause appearing therefor:

It is ordered, That the time within which comments may be filed be, and it is hereby, extended to April 28, 1975.

Dated at Washington, D.C., on this 10th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10492 Filed 4-21-75;8:45 am]

[AB 1 (Sub-No. 20)]

## CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

### Abandonment Between Lake Crystal and Winnebago, in Blue Earth and Faribault Counties, Minn.

APRIL 17, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby directed to publish the appended notice in a newspaper of general circulation in Faribault and Blue Earth Counties, Minn., on or before May 6, 1975, and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 1 (Sub-No. 20)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

ABANDONMENT BETWEEN LAKE CRYSTAL AND WINNEBAGO, IN BLUE EARTH AND FARIBAULT COUNTIES, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated April 9, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line from Milepost 0.0 near Lake Crystal in a southerly direction to Milepost 24.6 near Winnebago, a distance of 24.6 miles, all in Blue Earth and Faribault Counties, respectively, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are considered insignificant because (1) rail services will continue to be available at Lake Crystal over applicant's existing lines and at Winnebago over the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company lines, (2) the diversion to motor transport is of low volume, and (3) degradation of the affected area's environment will be minimal. In addition, shipping patterns in southcentral Minnesota for moving grain, a principal commodity transported over the subject line, have changed significantly in the past 5 years. The majority, about 75 percent, of all grain from southcentral Minnesota is shipped by truck. Furthermore, it should be noted that a condition has been imposed upon the authorization to abandon the line. Such action would afford interested government agencies the first opportunity to offer to purchase right-of-way property of this line for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone (202) 343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 16, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-10493 Filed 4-21-75;8:45 am]

## FOURTH SECTION APPLICATION FOR RELIEF

APRIL 17, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before May 7, 1975.

FSA No. 42975—*Joint Water-Rail Container Rates—Nippon Yusen Kaisha*. Filed by Nippon Yusen Kaisha, (No. 9), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in The Federation of Malaysia and The Republic of Singapore. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10488 Filed 4-21-75;8:45 am]

[Ex Parte No. 309]

## LONG ISLAND RAIL ROAD CO.

### Investigation Into Joint Interstate & International Rates; Supplemental Notice

APRIL 16, 1975.

An informal conference in this matter is scheduled to commence at 9:30 a.m.,



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at the office of the Interstate Commerce Commission, Washington, D.C., on April 24, 1975. Five petitioning eastern railroads have requested an investigation of the lawfulness of joint rail rates to and from points on the Long Island Rail Road Company, with a view toward entry of an order (a) increasing such rates to a level which includes Ex Parte No. 262 and subsequent general increases; or (b) authorizing connecting railroads to cancel through routes and joint rates with the Long Island Rail Road Company. The Long Island vigorously opposes such action. In order to promote a productive exchange of views at the conference, the parties should be prepared to address themselves to the following areas of concern:

1. If joint rates and through routes to and from points on the Long Island were cancelled, what would the outlook be for continuation of freight service on its lines?

2. How would the Long Island and its connecting lines exercise their independent rights to meet their respective revenue needs?

3. Would changing the Long Island's Class I status to either a switching or terminal railroad, as suggested by the southern lines, contribute to a solution to this controversy?

4. Would the publication of proportional rates or the addition of an arbitrary charge to Long Island points be viable solutions to this controversy? If an arbitrary (based on the rate published for other railroads from and to a principal point of interchange with the Long Island such as New York, New York, and an additional amount beyond) appears desirable, then under the bureau's section 5a agreement, would the total rate and charge thus constructed require the consent nevertheless of all the railroads, including the LIRR, as to the measure of both the base rate and the arbitrary? If so, then should the Commission consider prescribing the measure of the factors? Should a requirement be imposed that any arbitrary shall accrue to the sole benefit of the Long Island?

5. If the Long Island divisions case, No. 35153, *The Long Island Rail Road Company* v. *The Ahnapee and Western Railway Company, et al.*, were reopened, would an upward revision of Long Island's divisions have a substantial effect on eliminating Long Island's freight traffic deficit? What effect would such action have on Long Island's participation in future general rate increase proceedings? In other words, would an upward revision of Long Island's divisions be a viable long term solution to this controversy?

6. What is the current relationship between freight and passenger operations on the Long Island?

7. Is there any other approach not alluded to above which would contribute to a long term solution to this controversy?

The Commission is anxious to assist in solving this transportation problem and urges all interested parties to approach this informal conference with a view toward a constructive solution in the public interest.

A copy of this supplemental notice will be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and delivered to the Director, Office of the Federal Register, for publication therein as notice to interested persons. In addition, a copy of this notice is being served on persons who have informed the Commission of their intention to participate in the informal conference pursuant to the initial notice served on March 19, 1975.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10491 Filed 4-21-75;8:45 am]



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PART II

# DEPARTMENT OF AGRICULTURE

## Animal and Plant Health Inspection Service

■

## BRUCELLOSIS

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

# PART 78—BRUCELLOSIS

*Statement of considerations.* On September 5, 1974, there was published in the FEDERAL REGISTER (39 FR 32139–32145) proposed amendments to the regulations in 9 CFR Part 78, which would (1) define Certified Brucellosis-Free Herd, Certified Brucellosis-Free Area, noncertified area, brucellosis exposed animal, and herd of unknown status; (2) eliminate the provision for reshipment of purebred brucellosis reactors; (3) prescribe conditions for movement of calves under 6 months of age from an infected herd; (4) require branding of brucellosis exposed cattle prior to interstate movement; (5) provide standards for movement of cattle originating in Certified Brucellosis-Free Areas, Certified Brucellosis-Free Herds, Modified Certified Brucellosis Areas, and noncertified areas; and (6) list Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, noncertified areas, specifically approved stockyards and specifically approved slaughtering establishments.

A period of 60 days was allowed for submission of comments. Twenty-seven written comments were received in response to the proposal. Nineteen comments were favorable, and included the following suggestions: (1) The requirements for movement from Modified Certified Brucellosis Areas should apply equally to Certified Brucellosis-Free Areas; (2) calves under 6 months of age should not move from an infected herd; and (3) an "S" brand should be required on all cattle transported interstate with brucellosis reactor cattle.

After due consideration of these suggestions it was decided that (1) additional restrictions on cattle from Certified Brucellosis-Free Areas are not justified because of the low incidence of brucellosis in such areas, (2) calves under 6 months of age may move from an infected herd under the prescribed provisions with relatively little chance of spreading brucellosis because of the nature of the disease and (3) an "S" brand on all cattle transported interstate with brucellosis reactor cattle is not justified unless such cattle are not separated from reactors by a partition so constructed as to prevent exposure to the disease causative agent.

The objections posed by the remaining eight comments received were: (1) The "S" branding of brucellosis exposed cattle only at a specifically approved stockyard is discriminatory and (2) a requirement that all cattle coming from a Modified Certified Brucellosis Area be subjected to an official test for brucellosis upon arrival at a specifically approved stockyard is not necessary. After consideration of these objections it was decided that (1) the "S" brand identification of brucellosis exposed cattle moving interstate from herds and from specifically approved stockyards to quarantined feedlots and slaughter is necessary to prevent diversion of such cattle to susceptible herds and (2) only cattle moved as outlined in § 78.9(b)(3)(iii), for feeding, breeding, or purposes other than for immediate slaughter or for movement to a quarantined feedlot, would be subjected to a brucellosis test within 30 days prior to interstate without a brucellosis test.

After due consideration of all relevant material, including that submitted with such notice, the proposal is hereby adopted without substantive changes except that (1) a provision has been made in § 78.8(c) to provide for the return of exposed cattle directly to the farm of origin under specified conditions, (2) They Recommended that brucellosis exposed calves may be moved interstate for the above mentioned purposes and that brucellosis exposed cattle may be returned interstate to their farm of origin.

Various other minor changes have been made to clarify and coordinate the provisions contained in the notice. It has been determined that the provisions adopted are necessary to prevent spread of brucellosis and to eliminate the remaining foci of infection from the United States.

Accordingly, 9 CFR Part 78 is revised read as follows:

Subpart A—General Provisions


Sec.
78.1 Definitions.
78.2 Notice relating to existence of brucellosis.
78.3 Handling of certificates or permits for movement of animals.
78.4 Handling in transit of cattle and bison moved interstate.

Subpart B—Restrictions on Interstate Movement of Cattle Because of Brucellosis

78.5 General restrictions.
78.6 Steers and spayed heifers.
78.7 Brucellosis reactor cattle.
78.8 Brucellosis exposed cattle.
78.9 Cattle from herds not known to be affected with brucellosis.
78.10 Cattle from qualified herds.
78.11 Cattle from herds of unknown status.
78.12 Other movements.

Subpart C—Restrictions on Interstate Movement of Bison Because of Brucellosis

78.13 General restrictions.
78.14 Bison steers and spayed heifers.
78.15 Brucellosis reactor bison.
78.16 Brucellosis exposed bison.
78.17 Bison from herds not known to be affected with brucellosis.
78.18 Movement of bison from public zoo to public zoo.
78.19 Other movements.

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards and Slaughtering Establishments

78.20 Certified Brucellosis-Free Areas.
78.21 Modified Certified Brucellosis Areas.
78.22 Noncertified Areas.
78.23 Specifically approved stockyards.
78.24 Slaughtering establishments.
78.25 Designation of areas; approval of stockyards and slaughtering establishments.


AUTHORITY: Secs. 4, 5, 7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141.

## Subpart A—General Provisions

### § 78.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise specified.

(a) *Brucellosis.* The contagious, infectious, and communicable disease caused by bacteria of the genus Brucella. It is also known as Bangs disease, undulant fever, and contagious abortion.

(b) *Veterinary Services.* Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture.

(c) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *State.* Any State, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam.

(e) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

(f) *Veterinary Services representative.* A veterinarian or other person employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

(g) *State representative.* A veterinarian or other person regularly employed in livestock sanitary work of a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(h) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(i) *Interstate.* From any State into or through any other State.

(j) *Uniform Methods and Rules.* The Recommended Brucellosis Eradication Uniform Methods and Rules developed by the United States Animal Health Association and adopted by Veterinary Services, in its publication of January 1975. The provisions of the Uniform Methods and Rules are hereby incorporated by reference and are the minimum standards for achieving and maintaining certified herd and area status.[1]

(k) *Certified Brucellosis-Free herd.* A herd of cattle which has achieved and maintains status as a Certified Brucellosis-Free herd according to the provisions of the Uniform Methods and Rules, chapter 1, parts I, II, III, and IV; *Provided,* That such Certified Brucellosis-Free herd status has been recommended by a State representative in the State in which the herd is located and has been approved by the Deputy Administrator.

(l) *Certified Brucellosis-Free Area.* A State, or a political subdivision of a State, or portion thereof, which has achieved and maintains status as a Certified Brucellosis-Free area according to the provisions of the Uniform Methods and Rules, chapter 1, parts I, II, III, and VI; *Provided,* That such Certified Brucellosis-Free Area status has been recommended by a State representative in the State in which the area is located and has been approved by the Deputy Administrator. (Such areas are specified in § 78.20.)

(m) *Modified Certified Brucellosis Area.* A State, or a political subdivision of a State, or portion thereof, which has achieved and maintains status as a Modified Certified Brucellosis Area according to the provisions of the Uniform Methods and Rules, chapter 1, parts I, II, III, and V; *Provided,* That such Modified Certified Brucellosis Area status has been recommended by a State representative in the State in which the area is located and has been approved by the Deputy Administrator. (Such areas are specified in § 78.21.)

(n) *Noncertified area.* Any area listed in § 78.22.

(o) *Qualified herd.* Any herd of cattle in a noncertified area which is not known to be affected with brucellosis and for which the State has records showing that the herd has been tested for brucellosis in accordance with the procedures for herd tests for initial Modified Certified Brucellosis Area status specified in the Uniform Methods and Rules, chapter I, part V–A, within 12 months prior to interstate movement of any cattle from such herd.

(p) *Herd known to be affected.* Any herd in which any animal has been classified as a brucellosis reactor as defined in the Uniform Methods and Rules, chapter 1, part I–A, and which has not been released from quarantine in accordance with such Uniform Methods and Rules, chapter 1, part II–D.

(q) *Quarantined feedlot.* Any confined area which has achieved and maintains status as a quarantined feedlot according to the provisions of the Uniform Methods and Rules, Chapter 1, part I–E.

(r) *Official test.* Any test for brucellosis as prescribed in the Uniform Methods and Rules, chapter 1, part II–G.

(s) *Official vaccinate.* A female bovine animal vaccinated against brucellosis in accordance with the provisions prescribed in the Uniform Methods and Rules, chapter 1, part I–H, I, and J.

(t) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement.

(u) *Certificate.* An official document issued by a Veterinary Services representative, State representative, or accredited veterinarian at the point of origin of a shipment of domestic animals to be moved under this part which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meets the requirements of this part.

(v) *Permit.* An official document issued for movement of animals under this part by a Veterinary Services representative, State representative, or an accredited veterinarian which lists the identification tag, tattoo, backtag, or registration number or similar identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee. In the case of any cattle or bison that is a brucellosis reactor, the document shall show the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis.

(w) *Owner's statement.* A statement signed by the owner or shipper of the animals, stating: (1) The point from which the animals are moved interstate; (2) the destination of the animals; (3) the number of animals covered by the statement; and (4) the name and address of the owner or shipper.

(x) *Specifically approved stockyard.* A stockyard specifically approved for the purposes of the regulations in this part in accordance with § 78.25(b).

(y) *Specifically approved slaughtering establishment.* A slaughtering establishment specifically approved for the purposes of the regulations in this part in accordance with § 78.25(b).

(z) *Brucellosis exposed animal.* Any animal, except a brucellosis reactor animal, that is part of a herd known to be affected or that has been in contact with a brucellosis reactor animal in marketing or other channels for a period of 24 hours or for a period of less than 24 hours if such brucellosis reactor animal has aborted or calved within the past 30 days or has a vaginal or uterine discharge.

(aa) *Herd of unknown status.* A herd of cattle in a noncertified area which has not been tested for bucellosis in accordance with the procedures for herd tests for initial modified certified area certification specified in chapter 1, part V–A of the Uniform Methods and Rules within 12 months prior to the interstate movement of any cattle from such herd.

(bb) *Herd not known to be affected.* Any herd in which no animal has been classified as a brucellosis reactor as defined in the Uniform Methods and Rules, chapter 1, part I–A; also, any herd in which any animal has been classified as a brucellosis reactor as defined in the Uniform Methods and Rules, chapter 1, part I–A, and which has been released from quarantine in accordance with such Uniform Methods and Rules, chapter 1, part II–D.

(cc) *Brucellosis reactor animal.* Any animal which has reacted to an official test for brucellosis as defined in the Uniform Methods and Rules, chapter 1, part I–A and part II–G.

(dd) *Other document.* Other document means a shipping permit, an official health certificate, an official brand inspection certificate, a bill of lading, a waybill, or an invoice on which is listed the information required on an owner's statement as defined in § 78.1(w).

### § 78.2 Notice relating to existence of brucellosis.

Notice is hereby given that the contagion of brucellosis may exist in domestic animals in each State.

### § 78.3 Handling of certificates or permits for movement of animals.

(a) Whenever the regulations in this part require a certificate or a permit for movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate, or permit, for movement shall be delivered to such transportation agency by the shipper or his agent at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and should be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate or a permit for movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate or permit for movement shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and the consignee are the same person, to the first person purchasing the animals during or after such movement, or to the person to whom the animals are delivered.

(c) The Veterinary Services representative, State representatives, or accredited veterinarian, issuing a certificate or permit required for the interstate movement of cattle under the regulations in this part shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the animals.

### § 78.4 Handling in transit of cattle and bison moved interstate.

Cattle and bison moving interstate, except cattle and bison consigned to immediate slaughter or to a quarantined feedlot,[2] shall be moved only in a means of conveyance which has been cleaned in accordance with the provisions of §§ 71.5, 71.7, 71.10, and 71.11 of this subchapter, and if unloaded in the course of such movement, shall be handled only in pens at specifically approved stockyards cleaned in accordance with the provisions of §§ 71.4, 71.7, 71.10, and 71.11 of this subchapter or in pens at feed, water, and rest stations cleaned in accordance with the provisions of §§ 71.4, 71.7, 71.10, and 71.11 of this subchapter.

## Subpart B—Restrictions on Interstate Movement of Cattle Because of Brucellosis

### § 78.5 General restrictions.

Cattle may not be moved interstate except in compliance with the regulations in this subpart.

[1] Copies of the January 1975 Recommended Brucellosis Eradication Uniform Methods and Rules (APHIS 91–1) are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, and were filed as part of this original document.

[2] A list of quarantined feedlots in any State may be obtained from the State Representative.







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**§ 78.6 Steers and spayed heifers.**

Steers and spayed heifers over 6 months of age may be moved interstate from any area without restrictions under this subpart.

**§ 78.7 Brucellosis reactor cattle.**

Brucellosis reactor cattle may only be moved interstate under this section for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or directly to a specifically approved slaughtering establishment, or directly to a specifically approved stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) *Marking of brucellosis reactor cattle.* Brucellosis reactor cattle shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U.S. Reactor" or a similar State reactor tag.

(b) *Required permit.* Brucellosis reactor cattle shall be accompanied to destination by a permit for movement of the animals in accordance with § 78.3.

(c) *Marking of records.* Each transportation agency moving brucellosis reactor cattle in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, or other document, which it prepares in connection with such movement, the words "Brucellosis Reactor."

(d) *Segregation of brucellosis reactor cattle en route interstate.* Brucellosis reactor cattle shall not be moved interstate in a railroad car, boat, truck, or other means of conveyance, containing nonreactor animals susceptible to brucellosis, unless all of the animals are for immediate slaughter, or unless reactor cattle are kept separate from the other animals by a partition securely affixed to the sides of the means of conveyance.

**§ 78.8 Brucellosis exposed cattle.**

Brucellosis exposed cattle may be moved interstate from any area only under the conditions specified in any of the following paragraphs:

(a) *Movement of brucellosis exposed cattle to quarantined feedlots.* Brucellosis exposed cattle may be moved interstate from any area directly to a quarantined feedlot, or directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot, if such cattle are identified by a Veterinary Services approved metal eartag and by branding with heat the letter "S" on the left jaw, in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they are moved interstate. Such cattle shall be accompanied by a permit. If the movement is directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of such cattle from any such stockyard directly to a quarantined feedlot.

(b) *Movement of brucellosis exposed cattle for immediate slaughter.* Brucellosis exposed cattle may be moved interstate from any area for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or directly to a specifically approved slaughtering establishment, or directly to a specifically approved stockyard for sale and shipment to such a slaughtering establishment, if such cattle are identified by a Veterinary Services approved metal eartag and by branding with heat the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they are moved interstate. Such cattle shall be accompanied by a permit. A separate permit shall be required for the subsequent interstate movement of such cattle from any such stockyard directly to a slaughtering establishment.

(c) *Movement of brucellosis exposed cattle for any purpose other than to quarantined feedlots or for immediate slaughter as provided in paragraphs (a) and (b) of this section.* (1) Calves under 6 months of age which are nursed by brucellosis exposed cows in a herd known to be affected with brucellosis, which herd has been brucellosis tested within 10 days prior to interstate movement, or calves under 6 months of age that have been weaned from brucellosis reactor or exposed cows for not less than 30 days immediately preceding the movement may be moved interstate from any area into any area, for any purpose, other than to a quarantined feedlot or for immediate slaughter, if such calves are accompanied by a permit.

(2) Cattle that were moved interstate directly from the farm of origin to a specifically approved stockyard in accordance with the exception under § 78.9(b)(3)(iii) and were subsequently determined to be brucellosis exposed animals may be reshipped interstate directly back to the farm of origin under the following conditions:

(i) The appropriate regulatory official of the State in which the animals are located and of the State to which the animals are to be moved advise Veterinary Services that such movement would not be contrary to the laws and regulations of their respective States;

(ii) The State to which the animals are to be moved agrees to quarantine the cattle on arrival and to provide for testing of the cattle on the farm of origin in accordance with chapter 1, part II–D of the Uniform Methods and Rules;

(iii) A permit for the shipment is obtained by the shipper from a Veterinary Services representative, State representative, or an accredited veterinarian upon determination made by a Veterinary Services representative that the other conditions of this paragraph (c)(2) have been met; and

(iv) The cattle are accompanied to the farm of origin by such permit.

**§ 78.9 Cattle from herds not known to be affected with brucellosis.**

Cattle from herds not known to be affected with brucellosis may be moved interstate from specified areas only as follows:

(a) *Certified Brucellosis-Free Areas.* Cattle from herds not known to be affected with brucellosis in any Certified Brucellosis-Free Area may be moved interstate from such area into any area for any purpose if such cattle are accompanied by an owner's statement, or other document.

(b) *Modified Certified Brucellosis Areas.* Cattle from herds not known to be affected with brucellosis in any Modified Certified Brucellosis Area may be moved interstate from such area into any area under the conditions specified in one or more of the following subparagraphs:

(1) *Movement for immediate slaughter.* Such cattle may be so moved for immediate slaughter either directly from a farm of origin or through a specifically approved stockyard if they are accompanied by an owner's statement, or other document.

(2) *Movement to quarantined feedlots.* Such cattle may be so moved to a quarantined feedlot either directly from a farm of origin or through a specifically approved stockyard if they are accompanied by an owner's statement, or other document.

(3) *Movement for feeding, breeding, or for purposes other than in paragraphs (b) (1) and (2) of this section.* Such cattle may be so moved for feeding, breeding, or for purposes other than those specified in paragraphs (b) (1) and (2) of this section as follows:

(i) Such cattle originating in Certified Brucellosis-Free herds may be so moved if they are accompanied by a certificate, which also states that the cattle originated in a Certified Brucellosis-Free herd.

(ii) Such cattle of the beef breeds under 24 months of age and other breeds under 20 months of age which are not parturient (springers) or postparturient may be so moved if such cattle are accompanied by an owner's statement, or other document.

(iii) Other such cattle may be so moved if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the test dates and results of the official tests; except that cattle moved directly from a farm of origin to a specifically approved stockyard shall be accompanied by an owner's statement, or other document, and the shipper shall cause such cattle to be subjected to an official test for brucellosis upon arrival and prior to losing identity with the herd of origin.

**§ 78.10 Cattle from qualified herds.**

Cattle from qualified herds in any noncertified area may be moved interstate into any area only under the conditions





specified in one or more of the following paragraphs:

(a) *Movement for immediate slaughter.* Such cattle may be so moved for immediate slaughter either directly from a farm of origin or through a specifically approved stockyard if they are accompanied by an owner's statement, or other document.

(b) *Movement to quarantined feedlots.* Such cattle may be so moved to a quarantined feedlot either directly from a farm of origin or through a specifically approved stockyard if they are accompanied by an owner's statement, or other document.

(c) *Movement for feeding, breeding, or for purposes other than in paragraphs (a) and (b). Such cattle may be so* moved for feeding, breeding, or for purposes other than those specified in paragraphs (a) and (b) of this section, as follows:

(1) Such cattle originating in Certified Brucellosis-Free herds may be so moved when accompanied by a certificate, which also states that the cattle originated in a Certified Brucellosis-Free herd.

(2) Official vaccinates of the beef breeds under 24 months of age and of other breeds under 20 months of age at the time of interstate movement may be so moved when accompanied by a certificate.

(3) Other such cattle may be so moved when accompanied by a certificate, if such cattle, except calves under 6 months of age, were subjected to an official test for brucellosis not less than 30 days after the date of the last qualifying herd test and not more than 30 days before the date of the interstate movement, and the certificate shows, in addition to items required under § 78.1(u), the dates of any official test required by this paragraph.

**§ 78.11 Cattle from herds of unknown status.[1]**

Cattle which originate in herds of unknown status in any noncertified area may be moved interstate only for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or directly to a specifically approved slaughtering establishment, or directly to a quarantined feedlot, or directly to a specifically approved stockyard for sale and shipment directly to a quarantined feedlot or such a slaughtering establishment, when accompanied by a permit.

**§ 78.12 Other movements.**

The Deputy Administrator, Veterinary Services, may upon request, in specific cases, permit the interstate movement not otherwise provided for in this subpart of cattle under such conditions as he may prescribe in each case to prevent the spread of brucellosis. The Deputy Administrator, Veterinary Services, will promptly notify the appropriate livestock sanitary official of the States involved of any such action.

[1] A herd of unknown status may become a qualified herd as defined in § 78.1(o) upon compliance with the provisions of § 78.1(o).

## Subpart C—Restrictions on Interstate Movement of Bison Because of Brucellosis

**§ 78.13 General restrictions.**

Bison may not be moved interstate except in compliance with the regulations in this subpart.

**§ 78.14 Bison steers and spayed heifers.**

Bison steers and spayed heifers over 6 months of age may be moved interstate from any area without restriction under this subpart.

**§ 78.15 Brucellosis reactor bison.**

Brucellosis reactor bison may only be moved interstate under this section for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or directly to a specifically approved slaughtering establishment, or directly to a specifically approved stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) *Marking of brucellosis reactor bison.* Brucellosis reactor bison shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U.S. Reactor," or a similar State reactor tag.

(b) *Required permit.* Brucellosis reactor bison shall be accompanied to destination by a permit for movement of the animals in accordance with § 78.3.

(c) *Marking of records.* Each transportation agency moving brucellosis reactor bison in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, or other document which it prepares in connection with such movement, the word "Brucellosis Reactors."

(d) *Segregation of brucellosis reactor bison en route interstate.* Brucellosis reactor bison shall not be moved interstate in a railroad car, boat, truck, or other means of conveyance containing non-reactor animals suseptible to brucellosis, unless all of the animals are for immediate slaughter, or unless the reactor bison are kept separate from the other animals by a partition securely affixed to the sides of the means of conveyance.

**§ 78.16 Brucellosis exposed bison.**

Brucellosis exposed bison may be moved interstate from any area only under the conditions specified in any of the following paragraphs:

(a) *Movement of brucellosis exposed bison to quarantined feedlots.* Brucellosis exposed bison may be moved interstate from any area directly to a quarantined feedlot, or directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot. Such bison shall be accompanied by a permit. If the movement is to a specifically approved stockyard for sale and shipment to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of such bison from any such stockyard to a quarantined feedlot.

(b) *Movement of brucellosis exposed bison for immediate slaughter.* Brucellosis exposed bison may be moved interstate from any area for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or directly to a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale and shipment to such a slaughtering establishment. Such bison shall be accompanied by a permit.

**§ 78.17 Bison from herds not known to be affected with brucellosis.**

Bison from herds not known to be affected with brucellosis may be moved interstate from any area under the following conditions:

(a) *Movement for immediate slaughter.* Such bison may be so moved for immediate slaughter if they are accompanied by an owner's statement, or other document.

(b) *Movement to quarantined feedlot.* Such bison may be so moved to a quarantined feedlot if they are accompanied by an owner's statement, or other document.

(c) *Movement for feeding, breeding, or for purposes other than in paragraphs (a) and (b) of this section.* Such bison may be so moved for feeding, breeding, or for purposes other than those specified in paragraphs (a) and (b) of this section, as follows:

(1) Such bison calves under 6 months of age may be so moved when accompanied by a certificate.

(2) Such officially vaccinated bison under 24 months of age which are not parturient (springers) or postparturient may be so moved when accompanied by a certificate.

(3) Such bison from a herd which has been declared free of brucellosis by the cooperating State and Federal livestock sanitary officials of the State in which the herd is located may be moved when accompanied by a certificate.

(4) Other such bison may be so moved if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the dates of the official test.

**§ 78.18 Movement of bison from public zoo to public zoo.**

Bison from herds not known to be affected with brucellosis and shipped from a zoo owned by a governmental agency to another such zoo may be moved interstate from any area if handled in accordance with § 78.4.

**§ 78.19 Other movements.**

The Deputy Administrator, Veterinary Services, may upon request in specific cases, permit the interstate movement not otherwise provided for in this subpart of bison under such conditions as he may prescribe in each case to prevent the spread of brucellosis. The Deputy Administrator, Veterinary Services, will promptly notify the appropriate livestock sanitary official of the States involved of any such action.



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## Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards and Slaughtering Establishments

### § 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.* Arizona, California, Connecticut, Delaware, Hawaii, Idaho, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States—Alabama.* Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Houston, Lee, Russell.

*Arkansas.* Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Dallas, Drew, Franklin, Fulton, Garland, Grant, Greene, Jackson, Johnson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Pope, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

*Colorado.* Adams, Alamosa, Arapahoe, Archuleta, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Phillips, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

*Florida.* Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Sumter, Taylor, Wakulla, Walton, Washington.

*Georgia.* Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, Madison, McIntosh, Monroe, Peach, Rabun, Richmond, Rockdale, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Truetlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

*Illinois.* Adams, Alexander, Boone, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Greene Grundy, Hamilton, Hancock, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago.

*Iowa.* Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Delaware, Des Moines, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Woodbury, Worth, Wright.

*Kansas.* Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

*Kentucky.* Bell, Breathitt, Campbell, Clay, Edmondson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Rowan, Trimble, Whitley, Wolfe.

*Mississippi.* Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

*Missouri.* Audrain, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

*New Mexico.* Bernalillo, Catron, Dona Ana, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Sandoval, San Juan, Santa Fe, Sierra, Taos, Acoma Indian Reservation, Laguna Indian Reservation, Chociti Indian Reservation, Jemez Indian Reservation, Jicarilo Indian Reservation, Mescallero Indian Reservation, Navajo Indian Reservation, Zuni Indian Reservation, Canoncito Navajo Reservation.

*South Dakota.* Aurora, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

*Tennessee.* Anderson, Benton, Bledsoe, Blount, Campbell, Cannon, Carter, Cheatham, Claborne, Cumberland, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Montgomery, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, Wayne, White.

*Texas.* Brewster, Comal, Crane, Culberson, Ector, El Paso, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kinney, Lipscomb, Llano, Loving, Newton, Pecos, Reagan, Reeves, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

*Utah.* Beaver, Box Elder, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

*Wyoming.* Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

*Puerto Rico.* Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

### § 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.* Alaska, Louisiana, Nebraska.

(b) *Specific Counties Within States—Alabama.* Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

*Arkansas.* Arkansas, Chicot, Clark, Crittenden, Cross, Desha, Faulkner, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White.

*Colorado.* Baca, Kiowa, Morgan, Prowers, Pueblo, Yuma, Southern Ute Indian Reservation, Ute Mountain Indian Reservation.

*Florida.* Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Suwanee, Union, Volusia.

*Georgia.* Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

*Illinois.* Bond, Brown, Douglas, Effingham, Fulton, Gallatin, Hardin, Henry, Johnson, Mason, Pike, Pope, Wayne, Williamson, Woodford.

*Iowa.* Allamakee, Appanoose, Crawford, Davis, Decatur, Dubuque, Guthrie, Madison, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne, Winneshiek.

*Kansas.* Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

*Kentucky.* Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

*Mississippi.* Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

*Missouri.* Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Charlton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

*New Mexico.* Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Hidalgo, Lea, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Socorro, Torrance, Union, Valencia, Isleta Indian Reservation.

*Oklahoma.* Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

*South Dakota.* Beadle, Brookings, Edmunds, Jones, Marshall, Stanley, Crow Creek Indian Reservation.

*Tennessee.* Bedford, Bradley, Carroll, Chester, Clay, Coffee, Crockett, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Weakley, Williamson, Wilson.

*Texas.* Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bordern, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collins, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Frio, Gaines, Galveston, Garza, Gillespie, Glassock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kendall, Kenedy, Kent, Kimble, King, Kleberg, Knox, Lamar, Lamb, Lampasas, LaSalle, Lavaca, Lee Leon, Liberty, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

*Utah.* Cache.

*Wyoming.* Lincoln.

*Puerto Rico.* Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

### § 78.22 Noncertified Areas.

*Mississippi.* Rankin.

*Oklahoma.* Bryan, Okfuskee.

*Texas.* Freestone, Henderson, Kaufman, Limestone, Live Oak, Navarro, Smith.

### § 78.23 Specifically approved stockyards.

Notices containing lists of stockyards specifically approved for the purposes of the regulations in this part are published in the FEDERAL REGISTER. Information with respect to these stockyards may also be obtained from Veterinary Services representatives and State inspectors.

### § 78.24 Slaughtering establishments.

(a) Information with respect to the slaughtering establishments operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), may be obtained from the Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, and from the Veterinary Services representative or a State representative.

(b) Notices containing lists of slaughtering establishments specifically approved for the purposes of the regulations in this part are published in the FEDERAL REGISTER. Information with respect to these slaughtering establishments may also be obtained from the Veterinary Services representative or a State representative.

### § 78.25 Designation of areas; approval of stockyards and slaughtering establishments.

(a) The Deputy Administrator, Veterinary Services, is authorized to amend §§ 78.20, 78.21, and 78.22 to designate States or political subdivisions or portions thereof as Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, or Noncertified Areas, respectively, when he determines that the areas come within the appropriate definitions in § 78.1 (l), (m), or (n), and to delete any area from any such list when he determines that the area no longer comes within the relevant definition.

(b) The Deputy Administrator is authorized to specifically approve stockyards for the purposes of the regulations in this part and to promulgate notices listing such stockyards in accordance with § 78.23 when he determines that the inspection and handling of livestock at such stockyards are adequate to effectuate the purposes of the regulations in this part and that Veterinary Services and the State in which such stockyards are located have entered into a Memorandum of Understanding setting forth certain standards for such stockyards. The Deputy Administrator may withdraw approval and remove any stockyard from the said list when he finds that the inspection or handling of livestock at such stockyard is no longer adequate to effectuate the purposes of such regulations, or when he determines that there is not full compliance with all provisions of the standards involved, or when such Memorandum of Understanding between Veterinary Services and the State within which such stockyard is located has been terminated. The Deputy Administrator is further authorized to specifically approve slaughtering establishments for the purposes of the regulations in this part and to promulgate notices listing such slaughtering establishments in accordance with § 78.24(b) when he determines that the inspection and handling of livestock or carcasses or products thereof at such slaughtering establishment is adequate to effectuate the purposes of such regulations. The Deputy Administrator may remove any slaughtering establishment from the said list when he finds that the inspection or handling of livestock or carcasses or products thereof at such slaughtering establishment is no longer adequate to effectuate the purposes of such regulations.

(c) Before the Deputy Administrator withdraws specific approval and removes any specifically approved stockyard or





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slaughtering establishment from respective approved lists, the owner of such establishment shall be given notice by the Deputy Administrator of the charges against him and shall have an opportunity to present his views. In those instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflicts.

*Effective date.* The foregoing amendments shall become effective April 22, 1975.

Insofar as the amendments impose restrictions necessary in order to prevent the interstate spread of brucellosis, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve certain restrictions no longer deemed necessary to prevent the spread of brucellosis, they must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of April 1975.

NOTE. Incorporation by reference provisions approved by the Director of the Federal Register on April 17, 1975.

J. M. HEJL,
*Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.75-10296 Filed 4-21-75;8:45 am]



federal register

TUESDAY, APRIL 22, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 78
PART III

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Human Development

■

## RUNAWAY YOUTH; PROGRAM AND ACTIVITIES

Notice of Proposed Rulemaking

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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Human Development

### [ 45 CFR Part 1351 ]

## RUNAWAY YOUTH; PROGRAM AND ACTIVITIES

### Notice of Proposed Rule Making

Notice is hereby given that the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations to implement the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, approved September 7, 1974, which authorizes financial assistance for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and juvenile justice system. For this purpose it is proposed to add Part 1351 to 45 CFR Chapter XIII.

Part A of Title III provides for grants and technical assistance to localities and nonprofit private agencies for the establishment, strengthening, or funding of such local facilities.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed Part 1351 on or before May 22, 1975 to the Office of Youth Development, Office of Human Development, Department of Health, Education, and Welfare, 400 Sixth Street, SW., Room 1651A, Washington, D.C. 20201. All written submissions made pursuant to this Notice will be made available for public inspection at the above address on Monday through Friday of each week from 9 A.M. to 5:30 P.M. (Area Code 202, 245-2873).

Federal financial assistance under Part 1351 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Federal financial assistance under Part 1351 is also subject to the provisions of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

The provisions of 45 CFR Part 74 and certain enumerated chapters of the Department of Health, Education, and Welfare Grants Administration Manual shall apply to all grants under this part.

Dated: March 27, 1975.

STANLEY B. THOMAS, JR.,
*Assistant Secretary*
*for Human Development.*

Approved: April 15, 1975.

CASPAR W. WEINBERGER,
*Secretary.*

Chapter XIII of Title 45 of the Code of Federal Regulations is amended by adding Part 1351 as follows:

## PART 1351—RUNAWAY YOUTH

**Subpart A—Definitions**

Sec.
1351.1 Definitions.

**Subpart B—Grants Program**

Sec.
1351.10 Purpose.
1351.11 Eligibility.
1351.12 Duration of Federal assistance.
1351.13 Application; scope.
1351.14 Application; content.
1351.15 Priority.
1351.16 Size of grant.
1351.17 Approval by Secretary.

**Subpart C—Contracts**

1351.25 Purpose.
1351.26 Provisions.

**Subpart D—Grants Administrative Provisions**

1351.30 General.
1351.31 Nature and use of grants.
1351.32 Application, review, award, and amendment of grants.
1351.33 Cost sharing, matching, and payments.
1351.34 Confidentiality and other public policy requirements.
1351.35 Financial and administrative requirements.
1351.36 Reporting requirements.
1351.37 Grantee procurements.
1351.38 Property requirements.
1351.39 Allowability of costs.
1351.40 Grant closeout, suspension and termination [Reserved].

AUTHORITY: 88 Stat. 1130 (42 U.S.C. 5702).

### Subpart A—Definitions

§ 1351.1 Definitions.

For the purposes of this part, unless the context otherwise requires:

(a) "Act" means the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415).

(b) "Aftercare counseling" and "aftercase services" mean the provision of services to runaway youth and their families, following the youth's return home or placement in alternative living arrangements which assist in alleviating the problems which contributed to their running away.

(c) "Area" means a specific neighborhood or section of the locality in which the runaway program is or will be located.

(d) "Budget period" means the intervals of time, usually 12 months, for which funds are awarded.

(e) "Counseling services" means the provision of guidance, support, and advice to runaway youth and their families designed to alleviate the problems which contributed to the youth's running away, resolve intrafamily problems, and to help youth decide upon a future course of action.

(f) "Demonstrably frequented by or reachable" means located in an area in which runaway youth congregate or an area accessible to runaway youth by public transportation or by the provision of transportation by the runaway house itself.

(g) "Facility" means a physical structure in which services are provided to runaway youth and their families.

(h) "Grants Administration Manual" (hereinafter referred to as the GAM) means the Department of Health, Education, and Welfare staff manual which sets forth policies for the administration of grants by agencies of the Department. The manual is available to the public by purchase on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. In addition, it is available for public inspection and copying in the Department's central and regional office information centers pursuant to the Department's public information regulation (45 CFR Part 5).

(i) "Juvenile justice system" means agencies such as, but not limited to, juvenile courts, law enforcement, probation, parole, correctional institutions and detention facilities.

(j) "Law enforcement structure" means any police activity or agency with legal responsibility for enforcing a criminal code including, but not limited to, police departments and sheriffs' offices.

(k) "Locality" means a unit of general local government such as a city, county, township, town, borough, parish or village, or a combination of such units.

(l) "Nonprofit private agency" means any agency, organization or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual. It may include agencies which are fully controlled by private boards or persons.

(m) "Office" means the Office of Youth Development within the Department of Health, Education, and Welfare.

(n) "Past experience," with respect to the priority of private organizations or institutions for funding under this part, means that a major activity of such organizations or institutions has been the provision of temporary shelter, counseling and referral services to runaway youth and their families, either directly or through linkages established with other community agencies.

(o) "Program budget" means the total amount of funds expended by the applicant on services for runaway youth in the area during the 12 months preceding the submission of its application.

(p) "Runaway house" means a locally controlled facility outside the law enforcement structure and the juvenile justice system providing temporary shelter, either directly or through other facilities, and counseling services to runaway youth.

(q) "Runaway youth" means a person under 18 years of age who absents himself from home or legal residence without permission of parents or legal guardian.

(r) "Secretary" means the Secretary of the Department of Health, Education, and Welfare.

(s) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(t) "Technical assistance" means the provision of expertise for the purpose of developing and strengthening services for runaway youth.

(u) "Temporary shelter" means the provision of short-term room and board by a runaway house.





### Subpart B—Grants Program

§ 1351.10 Purpose.

(a) The purpose of this subpart is to assist States, localities and nonprofit private agencies to develop local facilities to deal primarily with the immediate needs of runaway youth in a manner which is outside the law enforcement structure and the juvenile justice system;

(b) Grants will be made under this subpart for the purpose of establishing, strengthening or funding existing or proposed runaway houses.

§ 1351.11 Eligibility.

(a) Grants under this subpart may be made to States, localities or nonprofit private agencies: Provided, however, that agencies and organizations which are a part of the law enforcement structure and the juvenile justice system are not eligible applicants;

(b) Nothing in this part shall be construed to:

(1) Deny grants to nonprofit private agencies fully controlled by private boards or persons but which in other respects meet the requirements of this part. Such private agencies must agree to be legally responsible for the operation of the runaway house;

(2) Give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

§ 1351.12 Duration of Federal assistance.

(a) A project grant shall be awarded for a specific budget period not in excess of 12 months;

(b) Grantees may reapply for and receive continued grant support for additional 12 month budget periods or less contingent upon having met all the requirements of the Act and this part, having demonstrated satisfactory past performance, and upon the availability of funds. Grant support, however, shall be limited to three budget periods.

(c) The budget period may be extended without additional grant support, for a period not in excess of 12 months, when required to assure adequate completion of the approved project.

§ 1351.13 Application; scope.

An application for establishing, strengthening or funding a runaway house must provide for temporary shelter to runaway youth and counseling services to both youth and their families. Funds may be requested for the acquisition and renovation of existing structures, staff training and the general costs of operating the runaway house. There is no provision for Federal financial participation in the construction of new facilities under this subpart. (For matching requirements, see Subpart D.) Federal participation in the cost of acquisition and renovation of existing structures shall not exceed 15 percent of the amount provided in the Federal grant award. Under special circumstances an applicant, on the basis of a demonstrated need, may receive a waiver from the Secretary of this 15 percent limitation.

§ 1351.14 Application; content.

An application for funds under this subpart shall contain the following information:

(a) A budget for the proposed period and a budget justification;

(b) A description of the qualifications, roles and functions of the principal staff to be responsible for the project;

(c) A detailed description of a staffing pattern which conforms to applicable State and local licensing requirements. At a minimum, the staffing pattern must provide for the presence of at least one adult staff member on the premises whenever youth are using the runaway house and for a staff member to be on the premises or accessible by telephone 24 hours a day when youth are not using the facility;

(d) A description of the methods to be employed in providing staff and decision-making roles for youth in the operation of the runaway house;

(e) A description of the methods to be followed in utilizing youth and adult volunteers in the operation of the runaway house;

(f) A description of the methods to be employed in implementing the following programmatic goals:

(1) Alleviating the problems of runaway youth;

(2) Reuniting youth with their families and encouraging the resolution of intrafamily problems through counseling and services;

(3) Strengthening family relationships and encouraging stable living conditions for youth;

(4) Helping youth decide upon a future course of action.

(g) A description of the services to be provided;

(h) A statement as to the capacity for temporary shelter for runaways, with the assurance that no facility utilized by the runaway house for this purpose shall have a maximum capacity of more than 20 youth;

(i) Documentation of the number of runaway youth in the area and the existing services available to runaway youth. Applicants shall be required to provide the following:

(1) Annual statistics on the number of runaway youth in the area compiled from police, welfare, juvenile court, existing runaway service providers, and other resources documented by source;

(2) Annual data on available services for runaway youth in the area, including a listing of the existing temporary shelter facilities outside the law enforcement structure and the juvenile justice system and other available services for runaway youth and their families, indicating their service capacity.

(j) Documentation that the runaway house is or will be located in an area which is demonstrably frequented by or easily reachable by runaway youth. The documentation provided may consist of police contact reports, social service agency reports or other types of relevant data to substantiate that the facility is or will be located in an area which runaway youth frequent or verification that the facility is or will be located in an area easily accessible by public transportation or that transportation is or will be provided through arrangements with other agencies or by the facility itself;

(k) Assurance that the runaway house shall comply with, or exceed, applicable State and local licensing requirements including, but not limited to, building, health and safety codes;

(l) A description of the plans to be followed in contacting the runaway's parents, legal guardian or relatives. In the absence of applicable State laws, the runaway house shall be required to contact the youth's parents, legal guardian or relatives preferably within 24 hours but no more than 72 hours following the time of the youth's admission into the runaway house;

(m) A description of the procedures to be followed in assuring the safe return of the youth, either home or to an appropriate alternative living arrangement, according to the best interests of the youth. The procedures to be employed must provide for the involvement of both the youth and the parents or legal guardian, and must be geared toward developing a consensus as to what constitutes the best interests of the youth;

(n) A description of the arrangements to be established with appropriate agencies for the proyision of alternative living arrangements for those youth for whom returning home is not determined to be in their best interest;

(o) The methods to be employed in securing transportation and for assuring the safe arrival of youth who are returned home or are placed in an alternative living arrangement. If the parents or legal guardian are unable to meet the youth, the runaway house shall make appropriate arrangements to have the youth met, either by a representative of another runaway house or of an appropriate agency in the locality to which the youth is being returned. The runaway house shall be required to contact the youth's home or alternative placement within 12 hours after the scheduled arrival to confirm the safe arrival of the youth;

(p) A description of the provisions to be made, as needed, for aftercare counseling and aftercase services for runaway youth and their parents within the State and, to the extent possible, for runaway youth and their parents within the State which the runaway house is located;

(q) A description of procedures to be followed in contacting local government agencies pursuant to working relationships established with such agencies by the runaway house;

(r) A description of the methods to be employed in returning, in accordance with applicable Federal, State and local laws, youth who have run away from correctional institutions. This shall not be construed to mean that the runaway house shall bear the financial costs of returning these youth;



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(s) A description of the procedures to

(2) The acquisition and adequacy



without prior review by the Department:

or otherwise use, and to authorize others

(c) Chapter 6-60, Charges for Facili-

(s) A description of the procedures to be followed for establishing working relationships with law enforcement personnel;

(t) Assurance that the runaway house can and will comply with the statistical reporting requirements and shall submit data including, but not limited to, the number of youth served; their age, sex, race/ethnicity, and socio-economic background; the places from which they ran; and the types of services provided to both youth and their families;

(u) Assurance that the runaway house can and will comply with evaluation reporting requirements including, but not limited to, an assessment of its effectiveness in alleviating the problems of runaway youth; in reuniting youth with their families and encouraging the resolution of intrafamily problems; in strengthening family relationships and encouraging stable living conditions for youth; and helping youth decide upon a future course of action;

(v) Assurance that records on individual youth will not be disclosed without the written consent of the parents or legal guardian except to a court involved in the disposition of criminal charges against the youth or to another agency compiling statistical records. Disclosure of information to an agency compiling statistical records shall be in a non-personally identifiable form. In order for an agency compiling statistical records to obtain access to individual case records, such agency must document that it is conducting bona fide research on or otherwise has a bona file interest in runaway youth programs. Reports or other documents based on such statistical records shall not disclose the identity of individual youth;

(w) Assurance that the runaway house can and will comply with the required accounting procedures and fiscal control devices;

(x) Assurance that the runaway house shall submit an annual report detailing how its programmatic goals have been met and how the plan contained in the approved application has been implemented;

(y) Assurance that the runaway house shall submit such other information as the Secretary reasonably deems necessary.

**§ 1351.15 Priority.**

(a) In considering the grant applications under this part, priority shall be given to:

(1) Private nonprofit organizations or institutions which have had past experience in dealing with runaway youth;

(2) Applicants whose requests for financial assistance are smaller than $75,000; and

(3) Applicants whose annual program budgets are smaller than $100,000.

(b) Once priorities have been assigned, the following factors will be considered in approving applications for funding;

(1) Documentation of the greatest need for Federal support based upon the number of runaway youth in the area and the existing availability of services;

(2) The completeness and adequacy of the grant application as outlined in § 1351.14.

**§ 1351.16 Size of grant.**

The size of such grant shall be determined by the number of runaway youth in the community and the existing services available for runaway youth.

**§ 1351.17 Approval by Secretary.**

An application for a grant may be approved by the Secretary only if it is consistent with the provisions of the Act and this subpart.

## Subpart C—Contracts

**§ 1351.25 Purpose.**

The Secretary is authorized to make contracts for the provision of technical assistance to carry out the purposes of the Act.

**§ 1351.26 Provisions.**

Any contract under this part shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

## Subpart D—Grants, Administrative Procedures

**§ 1351.30 General.**

*Applicability of 45 CFR Part 74.* The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part.

**§ 1351.31 Nature and use of grants.**

The provisions of chapter 1–00, Eligibility for Grants, of the GAM shall apply to all grants under this part.

**§ 1351.32 Application, review, award, and amendment of grants.**

(a) *Application review.* All applications for a grant will be reviewed by the Office to determine whether they meet the requirements of the Act and this part. The applicant may be requested to submit additional information either before or after review of the application. The Office may submit the application to technical consultants. On the basis of the recommendations received, the Secretary will determine the action to be taken with respect to each application and will notify the applicant accordingly;

(b) *Awards.* All grant awards shall be in writing, shall specify the amount of funds, the purposes for which these funds are granted, and the budget period for which support is given;

(c) *Grant amendments.* (1) The grantee shall submit an amendment describing any material change in the plan of his program or project proposed to be made during the budget period. Proposed program or project plan amendments shall be submitted in writing for review and consideration by the Office;

(2) Proposed project plan amendments may be initiated by the Office if, on the basis of reports, it appears that Federal funds are being used for approvable purposes beyond the scope of the approved project application.

**§ 1351.33 Cost sharing, matching, and payments.**

(a) Matching requirements. Federal financial participation under the Act and this part in the costs of operation of a runaway house pursuant to its approved application and budget, shall be 90 percent. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services;

(b) Payments. Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) The provisions of chapter 1–400, Matching and Cost Sharing, of the GAM shall apply to all grants under this part.

**§ 1351.34 Confidentiality and other public policy requirements.**

(a) *Confidential information.* All information, including lists of names, addresses, photographs, and records of evaluation, obtained as to personal facts about individuals served by any runaway house assisted under the Act shall be held to be confidential and may not be disclosed without written consent of parent or legal guardian except as provided in § 1351.14(v).

(b) *Protection of rights of recipients.* (1) No youth shall be the subject of any research or experimentation under this part, other than routine testing and normal program evaluation, unless the parent or legal guardian is informed and given an opportunity as of right to exempt such youth therefrom;

(2) No youth shall be subject to medical, psychiatric or psychological treatment under this part without the consent of the parent or legal guardian unless otherwise permitted under State law.

(c) *Conflict of interest.* Employees or individuals participating in a program or project under the Act shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves, or others, particularly those with whom they have family, business or other ties.

**§ 1351.35 Financial and administrative requirements.**

The provisions of chapter 1–45, Use of Consultants, of the GAM shall apply to all grants under this part.

**§ 1351.36 Reporting requirements.**

The grantee shall submit reports in such form and containing such information as prescribed by the Secretary, and shall keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

**§ 1351.37 Grantee procurements.**

The provisions of chapter 1–46, Use of Small Business and Minority-Owned Businesses, of the GAM shall apply to all grants under this part.

**§ 1351.38 Property requirements.**

Publications and copyrights.

(a) The results of any activity supported under this part may be published





without prior review by the Department: Provided, that such publication's preface shall acknowledge the Federal assistance received and state that interpretations of data do not necessarily represent interpretations of the Department and provided, further, that three copies of such publication are furnished to the Department.

(b) Where a project activity leads to the publication of a book or other copyrighted material, the author is free to copyright the work, but the Department reserves royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity. Any such publication shall contain a notice of such license.

**§ 1351.39 Allowability of costs.**

The following chapters of the GAM shall apply to all grants under this part:

(a) Chapter 1–44, Alteration and Renovation (except for the limitation provided in § 1351.13);

(b) Chapter 6–10, Charges for Leased Facilities and Equipment;

(c) Chapter 6–60, Charges for Facilities Purchased or Constructed by State and Local Governments;

(d) Chapter 6–100, Establishment of Indirect Cost Rates;

(e) Chapter 6–110, Use of Special Indirect Cost Rates;

(f) Chapter 6–120, Treatment of Costs of Services Provided by Affiliated Organizations; and

(g) Chapter 6–150, Reimbursement of Indirect Costs.

**§ 1351.40 Grant closeout, suspension, and termination. [Reserved]**

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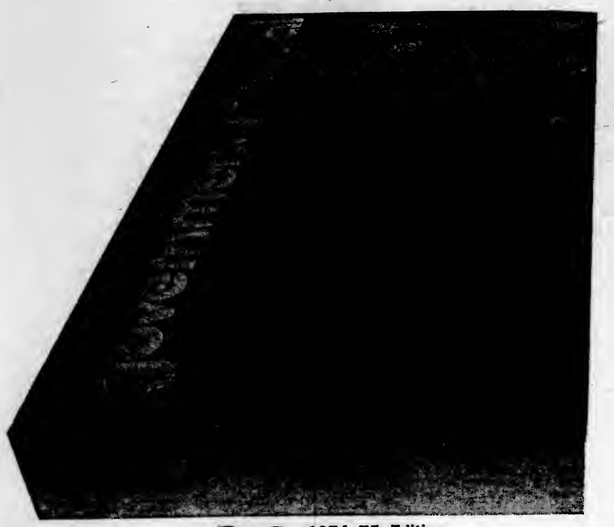

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**Daily List of Public Laws**

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.





# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 7—Agriculture

### SUBTITLE A—OFFICE OF THE SECRETARY

### PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

**Subpart I—Delegations of Authority by the Assistant Secretary for Rural Development**

ADMINISTRATORS, FARMERS HOME ADMINISTRATION AND RURAL ELECTRIFICATION ADMINISTRATION

Sections 2.70 and 2.72 of Title 7, Code of Federal Regulations, are amended to redelegate certain authority of the Administrator, Rural Electrification Administration under section 306(a)(1) of the Consolidated Farm and Rural Development Act to the Administrator of the Farmers Home Administration. The amendments read as follows:

Section 2.70(a)(1) and (b)(2) are amended to read as follows:

**§ 2.70 Administrator, Farmers Home Administration.**

(a) • • •

(1) Administration of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) except (i) with respect to loans for rural electrification and telephone facilities and service in rural areas of 1,500 or less; and (ii) the authority contained in section 342 of said Act, 7 U.S.C. 1013a. This delegation includes the authority to collect, service, and liquidate loans made or insured by the Farmers Home Administration or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporations of Washington, D.C.

• • • • • •

(b) • • •

(2) Administering loans for rural electrification and telephone facilities and service in rural areas of 1,500 or less as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

• • • • • •

Section 2.72 is amended to revise paragraph (a) and to delete subparagraphs (1) and (2). As amended, new § 2.72(a) will read as follows:

**§ 2.72 Administrator, Rural Electrification Administration.**

(a) *Delegations.* Pursuant to § 2.23(c) and subject to his policy guidance and direction the Assistant Secretary for Rural Development hereby delegates the authority to administer the Rural Electrification Act, as amended (7 U.S.C. 901–950(b)) to the Administrator, Rural Electrification Administration.

• • • • • •

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Effective date. This amendment shall be effective on April 23, 1975.

Dated: April 17, 1975.

WILLIAM ERWIN,
*Assistant Secretary for Rural Development.*

[FR Doc.75-10548 Filed 4-22-75;8:45 am]

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 487, Amdt. 1]

### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

**Minimum Size Requirements**

This amendment extends through January 15, 1976, the current minimum diameter requirement of 2.20 inches for shipments of Valencia oranges grown in District 3 of the California-Arizona production area. Shipments of such Valencia oranges are currently regulated by size through April 27, 1975, pursuant to Orange Regulation 487. The specified minimum size requirement is consistent with the size composition and available supply of the crop of Valencia oranges grown in District 3.

Notice was published in the FEDERAL REGISTER on March 27, 1975 (40 FR 13512) that consideration was being given to a continuation of the size regulation for Valencia oranges grown in District 3, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by April 14, 1975. None were received.

The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions. The 1974–75 season crop of Valencia oranges is currently estimated at 61,500 carlots. The demand in regulated market channels will require about 35 percent of this volume, and the remaining 65 percent will be available for utilization in export, processing and other outlets. Fresh shipments of Valencia oranges from District 3 are now in progress. The volume and size composition of the crop of Valencia oranges grown in District 3 are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Equivalent fresh on-tree returns for California-Arizona Valencia oranges averaged $1.17 per carton for the season through March 1975 or 49 percent of the equivalent parity price. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction and guard against the shipment of undesirable sizes of Valencia oranges which tend to weaken the market for such fruit. The regulation therefore is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the regulation of shipments of Valencia oranges, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment was published in the FEDERAL REGISTER on March 27, 1975 (40 FR 13512), and no objection to it was received; (2) the regulatory provisions are the same as those contained in said notice; (3) the recommendation and supporting information for regulation of Valencia oranges were submitted to the Department after an open meeting of the committee on February



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6, 1975, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges; and (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

*Order.* In § 908.787 (Valencia Orange Regulation 487; (40 FR 8772)) the provisions of paragraph (a) are amended to read as follows:

§ 908.787 Valencia Orange Regulation 487.

(a) During the period April 28, 1975, through January 15, 1976, no handler shall handle any Valencia oranges grown in District 3 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: April 18, 1975, to become effective April 28, 1975.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75–10604 Filed 4–22–75;8:45 am]

[Lime Reg. 35]

## PART 911—LIMES GROWN IN FLORIDA

### Quality and Size Requirements

Lime Regulation 35 prescribes during the period May 1 through June 15, 1975, the following grade and size requirements for Florida limes: Mexican type limes shipped to points outside the production area shall grade at least U.S. No. 2, with no minimum size requirement; Persian type limes shipped to such points shall grade at least U.S. Combination, Mixed Color, and measure at least 1⅞ inches in diameter. Both types of limes shipped to destinations within the production area are exempted from all grade requirements, except the minimum juice content requirements.

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The regulation herein specified is based upon an appraisal of current and prospective crop and market conditions for Florida limes. Florida lime production for the 1975–76 season is estimated at 2.1 million bushels, 16.7 percent larger than the previous record. Fresh shipments for the 1975–76 season are expected to require about 840,000 bushels of such production. Ample supplies of acceptable sizes and grades of limes are expected to be available to fill fresh market demands. The imposition of the specified grade and size requirements is necessary to prevent the handling of lower grade and smaller limes, which do not provide consumer satisfaction, in order to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida limes are currently being made and the volume is increasing as the seasonal supply increases; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 9, 1975; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; other necessary supplemental information was submitted to the Department on April 14, 1975; the provisions of this regulation are identical with the aforesaid recommendation of the committee, except for a shorter effective period; the regulation continues the same quality and size requirements as are currently in effect through April 30, 1975, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.337 Lime Regulation 35.

*Order.* (a) During the period May 1, 1975, through June 15, 1975, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) Limes, except as to color: *Provided*, That true limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and the minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) Limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply: *Provided further*, That Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3), not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))





Dated, April 18, 1975, to become effective May 1, 1975.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75–10605 Filed 4–22–75;8:45 am]

[Amdt. 1]

## PART 959—ONIONS GROWN IN SOUTH TEXAS

### Limitation of Handling

This amendment permits onions to be packed and shipped for export on Sunday, April 20, 1975, and authorizes an experimental shipment of onions packed in 40-pound cartons.

*Findings.* (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information.

About April 20, a ship is scheduled to take on an export order to Europe of approximately 40–50,000 bags of South Texas onions. This amendment is necessary to provide the time for handlers to pack and load the requested quantity of onions for export when such activities would otherwise be prohibited. Current regulations prohibit packing and shipping on Sundays.

Also included in this amendment is authorization for shipment of 1,000 forty-pound cartons of onions. The exemption only applies to the container requirements as 40-pound cartons are not currently authorized. Other requirements for grade, size, inspection, safeguards and assessments must still be met. This is intended as an experimental project to determine the commercial feasibility of shipping onions in this size container.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the proposed regulation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of onions grown in the production area.

§ 959.315 [Amended]

1. In § 959.315 (39 FR 45208) the introductory paragraph is hereby amended by adding the following thereto:

* * *, except that the prohibition against packaging or loading of onions on any Sunday shall not apply to onions for export on April 20, 1975.

* * * * *

2. Paragraph (f)(3) of § 959.315 is amended to read as follows:

(3) Experimental shipments: Upon approval of the committee one thousand 40-pound cartons of onions may be shipped for experimental purposes but shall meet the grade, size, and inspection requirements of paragraphs (a), (b) and (d) of this section, the assessment requirements of § 959.215 (40 FR 3407), and are handled in accordance with safeguard provisions of § 959.54. Further, upon approval of the committee other onions may be shipped for experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60 provided they are handled in accordance with safeguard provisions of § 959.54.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

*Effective date.* Issued April 18, 1975, to become effective upon issuance.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75–10606 Filed 4–22–75;8:45 am]

## CHAPTER XXVI—OFFICE OF INVESTIGATION, DEPARTMENT OF AGRICULTURE

## PART 2620—AVAILABILITY OF INFORMATION TO THE PUBLIC

### Implementation Provisions

Part 2620, Chapter XXVI of 7 CFR is revised as follows:

Sec.
2620.1 General statement.
2620.2 Public inspection and copying.
2620.3 Requests.
2620.4 Denials.
2620.5 Appeals.

AUTHORITY: 5 U.S.C. 301, 5 U.S.C. 552, 5 U.S.C. 559.

§ 2620.1 General statement.

This part is issued in accordance with, and subject to the regulations of the Secretary of Agriculture §§ 1.1 through 1.16 (and Appendix A thereto) of this title, implementing the Freedom of Information Act, 5 U.S.C. 552, and governs the availability of records of the Office of Investigation (OI) to the public upon request.

§ 2620.2 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying, and that a current index of these materials be published quarterly or otherwise made available. OI does not maintain any materials within the scope of these requirements.

§ 2620.3 Requests.

(a) Requests for OI records shall be made in writing in accordance with § 1.3 (a) of this title and addressed to the Assistant Director, Information, Research, and Development (IRD), OI, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Requests should be reasonably specific in identifying the record requested and should include the name, address, and telephone number of the requester.

(c) Available records may be inspected and copied in the Office of the Assistant Director, IRD, from 8:30 a.m. to 5 p.m., local time on regular working days or may be obtained by mail. Copies will be provided upon payment of applicable fees, unless waived or reduced, in accordance with the Department of Agriculture fee schedule, located in Part 1, Subpart A, of Subtitle A of this title.

§ 2620.4 Denials.

If the Assistant Director, IRD, determines that a requested record is exempt from mandatory disclosure and that discretionary release would be improper, he shall give written notice of denial in accordance with § 1.5(a) of this title.

§ 2620.5 Appeals.

The denial of a requested record may be appealed in accordance with § 1.3(e) of this title. Appeals shall be addressed to the Director, Office of Investigation, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The Director will give prompt notice of his determination in accordance with § 1.5(d) of this title.

This shall be effective April 23, 1975.

Signed at Washington, D.C., on this 18th day of April 1975.

JOHN V. GRADIANO,
*Director.*

[FR Doc.75–10560 Filed 4–22–75;8:45 am]

## Title 12—Banks and Banking

## CHAPTER II—FEDERAL RESERVE SYSTEM

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

## PART 217—INTEREST ON DEPOSITS

### NOW Accounts for Governmental Units

By notice published in the FEDERAL REGISTER of December 31, 1974 (39 FR 45301), the Board of Governors proposed to amend Regulation Q to prohibit member banks from accepting deposits subject to negotiable order of withdrawal (NOW) from governmental units. The Board has approved an amendment to Regulation Q to prohibit NOW accounts of governmental units effective May 16, 1975. In addition, the Board has determined that NOW accounts established prior to May 16, 1975 by governmental units may be maintained through December 31, 1975.



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The December 31, 1974 proposal reflected the Board's consideration of requests that it review its action of November 26, 1974, amending Regulation Q to authorize member banks to accept governmental unit NOW accounts. That action was taken in conjunction with Pub. L. 93-495 which provides Federal deposit insurance up to $100,000 for time and savings deposits of governmental units. The amendment, effective November 27, 1974, included deposits of governmental units in the definition of the term savings deposits (39 FR 43056). Because NOW accounts are permitted to be offered on an experimental basis solely in Massachusetts and New Hampshire (Pub. L. 93-100) and are included in the definition of the term savings deposits in Regulation Q, the Board's amendment also had the effect of authorizing governmental unit NOW accounts in those two States.

After review and consideration of all comments received and of all relevant matter presented, pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to define terms used in that section, the Board has approved an amendment to Regulation Q to prohibit NOW accounts of governmental units effective May 16, 1975. However, governmental units which, based on the character of their activities, have traditionally been permitted to maintain savings deposits, will continue to be permitted to maintain NOW accounts.

This action is taken in light of the potentially disruptive economic effects that authorization at this time of governmental unit NOW accounts could have upon deposit relationships between financial institutions and State and local governments in Masachusetts and New Hampshire. The Board will continue to monitor NOW accounts in these States and may review the permissibility of these accounts for governmental units at some future date.

Effective May 16, 1975, § 217.1(e)(3) of Regulation Q (12 CFR Part 217) is amended to read as follows:

**§ 217.1 Definitions.**

• • • • •

(e) *Savings deposits.* • • •

(3) In those states where banks are permitted to offer deposits subject to negotiable orders of withdrawal, such deposits may be maintained if such deposit consists of funds deposited to the credit of or in which the entire beneficial interest is held by one or more individuals, or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes, and not operated for profit. Any deposit account subject to negotiable orders of withdrawal established prior to May 16, 1975, which consists of funds deposited to the credit of or in which the entire beneficial interest is held by a governmental unit not qualifying herein may be maintained through December 31, 1975.

• • • • •

By order of the Board of Governors, April 14, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10540 Filed 4-22-75;8:45 am]

## Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-SW-19, Amdt. 39-2179]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Bell Model 206A and 206B Helicopters

There has been one report of damage occurring to a tail rotor control tube assembly, P/N 206-010-743-13, when the bearing retaining nut was tightened. The damage was due to a thin wall in the end fitting resulting from a possible quality control breakdown during manufacture of the control tube assemblies, P/N 206-010-743-13. Failure of the tail rotor control tube could result in loss of tail rotor control and possibly subsequent loss of the helicopter. Since this condition is likely to exist in other helicopters of the same type design, an airworthiness directive is being issued to require a one-time inspection of the tail rotor control tube assembly for a thin wall in the end fitting and replacement, as necessary, on Bell Models 206A and 206B, serial numbers 4 through 497.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13897), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL: Applies to Model 206A and 206B helicopters, serial numbers 4 through 497, certified in all categories.

To prevent possible failure of the tail rotor control tube assembly, P/N 206-010-743-13, compliance with items 1 through 5 of Bell Helicopter Company Service Bulletin 206-75-2, dated February 18, 1975, or later FAA approved revision, is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

The manufacturers' specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective April 23, 1975.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, on April 11, 1975.

HENRY L. NEWMAN,
*Director, Southwest Region.*

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

[FR Doc.75-10507 Filed 4-22-75;8:45 am]

[Airworthiness Docket No. 75-WE-23-AD; Amdt. 39-2185]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Don Piccard Hot Air Balloon AX-6 Incorporating Rego Blast Valves P/N 7553S Series

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on April 3, 1975, and distributed by airmail letter dated April 4, 1975, to all known United States operators or owners of Don Piccard Hot Air Balloons, Model AX-6, incorporating Rego Blast Valves, P/N 7553S Series. The directive requires a modification and repetitive inspections of the valve to prevent the failure of the balloon fuel system or an inflight fire.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of Don Piccard Hot Air Balloons Model AX-6 by individual airmail letter dated April 4, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an Amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

DON PICCARD BALLOONS: Applies to Piccard Hot Air Balloon Model AX-6 certificated in all categories, incorporating Rego Blast Valves, P/N 7553S Series.

To prevent fuel system failure or an inflight fire, prior to further flight unless previously accomplished within one year prior to the effective date of this AD, and thereafter at intervals not to exceed the annual inspection or 100 hours time in service, whichever occurs earlier, accomplish the following:

A. Remove the valve actuating lever roll pin P/N 7553S-8 from actuating lever. (Be careful to remove any burrs in the stem area around the roll pin hole before removing the valve stem P/N 7553S-1 from the bonnet P/N 7553-5.) Replace the "O" ring stem seal with a new Rego "O" ring P/N 1421-7. Lubricate the new "O" ring with a suitable lubricant before reassembly.

B. Check the torque of the valve seat retaining screw to 10 in-lbs. If it turns, the screw must be removed and reinstalled using





MIL-S22473 high strength thread locking compound or equivalent.

CAUTION: Do not permit the thread locking compound to adhere to the valve rubber seating surface.

C. Reinstall valve actuating lever on the valve body with roll pin 7553S-8. Install a number six machine screw and stop nut or a 7/32 inch stainless steel cotter pin through the hole in the roll pin holding the actuating handle to the valve body and secure.

D. Appropriate maintenance records must be kept in accordance with FAR 91.173.

Prior to further flight, unless already accomplished, incorporate the following in the FAA Approved Balloon Flight Manual, limitations section:

WARNING

Water contamination can cause serious fuel system malfunctions. Never leave tanks or hoses open to the air. Never fill from a tank which has been used for vapor withdrawal. To prevent the effects of water contamination, add one half cup methanol (methyl alcohol) per ten gallons capacity to each fuel tank at intervals not exceeding twelve calendar months."

This amendment is effective April 28, 1975 for all persons except those to whom it was made effective by airmail letter, dated April 4, 1975, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on April 14, 1975.

ROBERT H. STANTON,
*Director,*
*FAA Western Region.*

[FR Doc.75-10508 Filed 4-22-75;8:45 am]

[Airworthiness Docket No. 75-WE-25-AD, Amdt. 39-2186]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Lockheed L-1011-385-1 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on March 28, 1975, and distributed by telegram dated March 28, 1975, to all known operators of Lockheed L-1011-385-1 series airplanes. This AD is required due to a condition wherein a fault in the go-around initiation signal can cause deactivation of pitch trim during an autopilot coupled go-around. Without adequate nose-down trimming authority, the autopilot cannot maintain the commanded flight path. Although pitch rate will appear normal, go-around pitch limit will be exceeded to the extent that a stall may be encountered. The directive imposes a limitation and requires installation of a placard requiring that the autopilot must be disconnected for go-around. Operators must also notify crews of Lockheed Operating Information Letter No. 86.

Since it was found that immediate corrective action was required, notice and public procedure hereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the operators of Lockheed L-1011-385-1 series airplanes, by telegram dated March 28, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER to make it effective as to all persons.

LOCKHEED: Applies to L-1011-385-1 series airplanes certificated in all categories with Collins FCS-110 autopilot installed.

To preclude exceeding the go-around pitch limits during autopilot coupled go-arounds accomplish the following:

1. Operators shall, by the most immediate and practicable means, notify flight crews of Lockheed Operating Information Letter (OIL) 86.

2. Effective 48 hours after receipt of this telegram the following operating limitation applies: "Autopilot must be disconnected for go-around" and a placard must be installed in plain view of the pilots stating: "Autopilot must be disconnected for go-around."

This amendment becomes effective April 28, 1975, for all persons except those to whom it was made effective by telegram, dated March 28, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on April 14, 1975.

ROBERT H. STANTON,
*Director,*
*FAA Western Region.*

[FR Doc.75-10509 Filed 4-22-75;8:45 am]

[Docket No. 75-EA-7, Amdt. 39-2187]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to specified models of Lycoming aircraft engines equipped with specified Bendix Fuel Injector Flow Dividers.

There have been reports of engine failure and erratic engine performance on certain Lycoming engines. An investigation has revealed that the fuel flow divider cover gasket of the Bendix fuel injection system distorts, causing partial blockage of the fuel port. Since this is a deficiency which can exist or develop in engines of similar type design, an airworthiness directive is being issued which will require replacement of the gasket, P/N 2537013.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

LYCOMING: Applies to Lycoming Model IO-320, AIO-320, IO-360, LIO-360, HIO-360-C Series, IVO-360, TIO-360, AIO-360, IGO-480, IO-540, TIO-540, IVO-540, IGO-540, and IO-720 Series Engines equipped with the following listed Bendix Fuel Injector Flow Divider part numbers.

2524218-1 thru 2524225-1, 2524227-1, 2524232-1, 2524240-1, 2524248-1, 2524265-1, 2524327-1, 2524342-1, 2524397-1, 2524416-1, 2524421-1, 2524571-1, 2524583-1, 2524610-1.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible fuel starvation to the engine accomplish the following: Remove Bendix P/N 2537013 fuel flow divider cover gasket and install Bendix P/N 2538998 cover gasket in accordance with Lycoming Service Bulletin No. 382 or equivalent procedure approved by Chief, Engineering & Manufacturing Branch, FAA, Eastern Region. (Bendix Energy Controls Division Fuel System Bulletin No. RS43 also covers this subject).

This amendment is effective April 30, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on April 16, 1975.

JAMES BISPO,
*Acting Director,*
*Eastern Region.*

[FR Doc.75-10510 Filed 4-22-75;8:45 am]

[Docket No. 75-EA-22, Amdt. 39-2188]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 73-23-01. A review of user comments since promulgation of the airworthiness directive indicates a misunderstanding of the applicability paragraphs. The purpose of this amendment is to eliminate any misunderstanding by using a different format in the applicability statement.

Since the purpose is one of clarification only, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 73-23-01 as follows:

Revise AD 73-23-01 by grouping the applicable model engines and serial numbers as follows:

O-320 Series:
L-6798-39A thru L-6815-39A
IO-320 Series:
L-4952-55
O-360 Series:



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L-17389-36A thru L-17408-36A, L-17410-36A thru L-17427-36A, L-17429-36A thru L-17432-36A, L-17454-36A thru L-17474-36A, L-17481-36A thru L-17495-36A, L-17497-36A thru L-17500-36A, L-17503-36A thru L-17505-36A, L-17516-36A thru L-17518-36A, RL-528-36A, RL-2030-36A, RL-3933-36A, RL-7173-36A, RL-11169-36A, RL-16937-36A.

IO & HIO-360 Series:

L-9409-51A, L-9410-51A, L-9415-51A thru L-9417-51A, L-9419-51A thru L-9427-51A, L-9438-51A thru L-9453-51A, L-9455-51A, L-9457-51A thru L-9498-51A, L-9500-51A thru L-9517-51A, L-9519-51A thru L-9564-51A, L-9566-51A thru L-9616-51A, L-9618-51A, L-9620-51A thru L-9640-51A, 9642-51A thru L-9651-51A, L-9653-51A thru L-9713-51A, L-9715-51A, L-9716-51A, L-9718-51A thru L-9768-51A, L-9770-51A thru L-9774-51A, L-9776-51A thru L-9826-51A, L-9828-51A thru L-9848-51A, L-9850-51A thru L-9930-51A, L-9932-51A thru L-9962-51A, L-9964-51A thru L-9995-51A, L-9997-51A thru L-10090-51A, L-10092-51A thru L-10113-51A, L-10115-51A thru L-10249-51A, L-10257-51A thru L-10261-51A, L10263-51A thru L-10273-51A, L-10279-51A thru L-10281-51A, L-10284-51A thru L-10290-51A.

RL-191-51A, RL-591-51A, RL-595-51A, RL-702-51A, RL-776-51A, RL-778-51A, RL-955-51A, RL-933-51A, RL-1267-51A, RL-1272-51A, RL-1435-51A, RL-1481-51A, RL-1515-51A, RL-1642-51A, RL-1769-51A, RL-1845-51A, RL-1847-51A, RL-2143-51A, RL-2227-51A, RL-2249-51A, RL-2464-51A, RL-2476-51A, RL-2506-51A, RL-2562-51A, RL-2629-51A, RL-2672-51A, RL-2923-51A, RL-3048-51A, RL-3113-51A, RL-3195-51A, RL-3235-51A, RL-3318-51A, RL-3344-51A, RL-3392-51A, RL-3427-51A, RL-3464-51A, RL-3540-51A, RL-3573-51A, RL-3738-51A, RL-3832-51A, RL-3863-51A, RL-3974-51A, RL-4787-51A, RL-4960-51A, RL-5082-51A, RL-5085-51A, RL-5652-51A, RL-5685-51A, RL-5751-51A, RL-5824-51A, RL-6331-51A, RL-6345-51A, RL-6350-51A, RL-6417-51A, RL-6469-51A, RL-6623-51A, RL-6652-51A, RL-6693-51A, RL-6734-51A, RL-6744-51A, RL-6950-51A, RL-7048-51A, RL-7201-51A, RL-7357-51A, RL-7422-51A, RL-7475-51A, RL-7806-51A, RL-7866-51A, RL-7886-51A, RL-8000-51A, RL-8354-51A, RL-8872-51A, RL-9611-51A, RL-9612-51A.

ASO-360 Series:

L-165-68A thru L-171-68A

TIO-360 Series:

L-112-64A thru L-115-64A

LIO-360 Series:

L-440-67A thru L-469-67A, L-487-67A thru L-512-67A, L-514-67A thru L-537-67A, L-545-67A thru L-591-67A, L-596-67A, thru L-632-67A, L-634-67A thru L-648-67A, L-650-67A thru L-656-67A, L-660-67A.

GO-480-GID6 Series:

RL-208-37, RL-462-37

IGSO-480-A1E6 Series:

RL-820-44, RL-1258-44, RL-1508-44, RL-1509-44, RL-1518-44, RL-1586-44.

ISO-540 Series:

L-320-49

VO-540 Series:

L-2280-43, L-2281-43

RL-342-43, RL-376-43, RL-456-43, RL-485-43, RL-522-43, RL-564-43, RL-691-48, RL-694-43, RL-846-43, RL-849-43, RL-1125-46, RL-1148-43, RL-1180-43, RL-1333-43, RL-1452-43, RL-1571-43, RL-1700-43, RL-1731-43, RL-1828-43, RL-1900-43, RL-1913-43, RL-1929-43, RL-1931-43, RL-2041-43, RL-2125-43, RL-2142-43, RL-2208-43, RL-2224-43, RL-2245-43, RL-2269-43, RL-2275-43 thru RL-2279-43.

O-540-A1C5, -A1D5, -B1A5, -B2B5, -B4B5, -B2C5, -B4A5, -B4B5, -E4C5, G1A5 Series:

L-15062-40, L-15068-40, L-15108-40, L-15117-40, L-15132-40, L-15133-40, L-15161-40, L-15221-40, L-15222-40, L-15225-40 thru L-15227-40 L-15242-40 thru L-15249-40, L-15297-40, L-15800-40, L-15304-40 thru L-15320-40, L-15322-40 thru L-15367-40, L-15372-40.

RL-1040-40, RL-1207-40, RL-3380-40, RL-6768-40, RL 7670-40, RL-9416-40, RL-10659-40, RL-11312-40, RL-11377-40, RL-11420-40, RL-11862-40, RL-13058-40, RL-13637-40, RL-14194-40.

IO-540-A1A5, -B1A5, -C1A5, -C4B5, -D4A5, -E1A5, -E1B5, -G1D6, J4A5, K1A5, -K1B5, -K1C5, -K1E5, -K1E5D Series.

L-10118-48 thru L-10122-48, L-10124-48 thru L-10127-48, L-10144-48, L-10145-48, L-10200-48, L-10213-48, L-10221-48 thru L-10260-48, L-10263-48 thru L-10267-48, L-10398-48, L-10459-48, L-10487-48 thru L-10546-48, L-10548-48 thru L-10562-48, L-10568-48, L-10571-48 thru L-10576-48, L-10578-48 thru L-10584-48.

RL-113-48, RL-622-48, RL-918-48, RL-1170-48, RL-1606-48, RL-1640-48, RL-2015-48, RL-2050-48, RL-2210-48, RL-2271-48, RL-2276-48, RL-3610-48, RL-3614-48, RL-3732-48, RL-4057-48, RL-4103-48, RL-4506-48, RL-5773-48, RL-7116-48.

TIO-540-A2B, -A2C, -C1A, T10-540-J2BD Series.

L-2412-61 thru L-2414-61, L-2416-61 thru L-2419-61, L-2489-61; thru L-2498-61, L-2501-61 thru L-2503-61, L-2550-61, L-2557-61, L-2562-61, L-2566-61, L-2567-61, L-2572-61 thru L-2583-61, L-2585-61 thru L-2588-61, L-2590-61, L-2951-61, L-2595-61 thru L-2597-61.

RL-122-61, RL-226-61, RL-759-61, RL-771-61, RL-1263-61, RL-1268-61, RL-1346-61, RL-1488-61, RL-1679-61, RL-1683-61, RL-2189-61.

LIO-540 Series.

L-102-68, L-105-68, L-109-68, L-113-68 thru L-117-68, L-125-68, L-128-68 thru L-130-68, L-147-68 thru L-152-68, L-154-68, L-155-68.

RL-106-68.

IGSO-540 Series.

L-3060-50, L-3061-50, L-3070-50, L-3071-50, L-3074-50, L-3085-50 thru L-3087-50, L-3090-50, L-3093-50, L-3094-50.

RL-315-50, RL-518-50, RL-528-50, RL-821-50, RL-1014-50, RL-1100-50, RL-1151-50, RL-1174-50, RL-1216-50, RL-1617-50, RL-1568-50, RL-1591-50, RL-1662-50, RL-1694-50, RL-1700-50, RL-1773-50, RL-1788-50, RL-1821-50, RL-2008-50, RL-2157-50, RL-2187-50, RL-2286-50, RL-2479-50, RL-2543-50, RL-2604-50, RL-2907-50.

TIO-541 Series.

L-866-69 thru L-873-39.

TIGO-541 Series.

L-843-62 thru L-852-62.

RL-161-62.

IO-720-A, -B and -C Series.

L-505-54, L-506-54, L-508-54 thru L-529-54, L532-54 thru L-539-54, L-540-54, L-541-54, L-546-54 thru L-549-54, L-551-54 thru L-554-54.

This amendment is effective April 30, 1975.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on April 16, 1975.

JAMES BISPO,
*Acting Director,*
*Eastern Region.*

[FR Doc.75-10511 Filed 4-22-75;8:45 am]

[Airworthiness Docket No. 75-WE-20-AD, Amdt. 39-2184]

## PART 39—AIRWORTHINESS DIRECTIVES

### McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes

Douglas Aircraft Company has determined that a mandatory reduction service life must be placed on P/N ACG 7008-1 collar assembly—lower steering support, nose landing gear, as identified in MDC J5752, "FAA Approved—McDonnell Douglas DC-10 Safe Life Limits" dated February 3, 1975. The Federal Aviation Administration concurs with this determination. Therefore, an airworthiness directive is being issued to require the retirement of these parts prior to the accumulation of 44,500 landings instead of 231,666 landings as previously specified for these assemblies, which are presently installed, or may subsequently be installed, on the affected airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public disclosure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

MCDONNELL DOUGLAS: Applies to Model DC-10-10 and DC-10-10F airplanes, certificated in all categories, with P/N ACG 7008-1, collar assembly—lower steering support installed.

To insure continued airworthiness of these assemblies, prior to the accumulation of 44,500 landings, remove from service collar assembly—lower steering support, P/N ACG 7008-1, and mark it permanently and conspicuously to prevent its inadvertent return to service. Replace it with a serviceable assembly having less than 44,500 landings.

The previously established service life of 231,666 landings is no longer applicable.

This amendment becomes effective April 28, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on April 14, 1975.

ROBERT H. STANTON,
*Director,*
*FAA Western Region.*

[FR Doc.75-10513 Filed 4-22-75;8:45 am]

[Airworthiness Docket No. 75-SW-1, Amdt. 39-2181]

## PART 39—AIRWORTHINESS DIRECTIVES

### Mooney Model M20 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections of the engine mounts and replacement of cracked mounts on Mooney Model M20 series airplanes was published in 40 FR 7677.





Interested persons have been afforded an opportunity to participate in the making of this amendment. Three comments were received advising that the records do not show any problems with cracked engine mounts on the M20, M20A, and M20B airplanes and requesting that these models be deleted from the AD. Since such requests are validly supported, these models will not be listed in the AD. Two comments were received requesting that the AD not be issued until an acceptable repair is available and/or a new replacement mount is available which does not require the repetitive inspection. Mooney Aircraft Corp. has designed a repair and a replacement mount which will be a part of the AD and which, when installed, will eliminate the need for the repetitive inspection required therein. Several comments were received requesting that the repetitive inspection be at 100-hour intervals instead of 50-hour intervals. The reasons presented are considered to be valid and the inspection interval has been changed. Two comments were received questioning the need for an AD since there is no evidence that accidents have resulted due to cracked engine mounts. Both expressed belief that existing service instructions are adequate. These comments have been rejected since a cracked engine mount is an unsafe condition which could lead to accidents and compliance with the manufacturer's service instructions is not mandatory. One comment was received requesting the initial inspection time be changed from 200-hours' to 800-hours' time in service. Additional research revealed that the initial inspections could be extended to 400-hours' time in service but not to 800 hours.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

MOONEY: Applies to Mooney Models M20C, M20D, M20E, M20F, and M20G airplanes with the following serial numbers having accumulated 400 or more hours' time in service:

M20C-1852, 1940 thru 3466, 670001 thru 700091, 20-0001 thru 20-1156.

M20D-101 thru 260.

M20E-101 thru 1306, 670001 thru 700061, 21-0001 thru 21-1165.

M20F-660003 thru 700072, 22-0001 thru 22-1207.

M20G-680001 thru 700006.

Compliance required within the next 50-hours' time in service after the effective date of this AD or before the accumulation of 450-hours' time in service, whichever occurs later, unless already accomplished within the last 50-hours' time in service, and thereafter at intervals not to exceed 100-hours' time in service from the last inspection.

a. To detect cracked engine mount members, inspect the mount in accordance with instructions in Mooney Service Bulletin No. M20-192 dated April 7, 1975, or later FAA approved revision, or an FAA approved equivalent method.

b. If cracks are detected, repair or replace in accordance with instructions in Mooney Service Bulletin No. M20-192 dated April 7, 1975, or later FAA approved revision or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, Fort Worth, Texas.

c. The 100-hour repetitive inspection may be discontinued upon repair of a cracked or uncracked mount, or upou installation of a new mount in accordance with Mooney Service Bulletin No. M20-192 dated April 7, 1975, or later FAA approved revision or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

This amendment becomes effective April 30, 1975.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, and 1423); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 11, 1975.

A. H. THURBURN,
*Acting Director,*
*Southwest Region.*

[FR Doc.75-10512 Filed 4-22-75;8:45 am]

[Docket No. 75-EA-14, Amdt. 39-2183]

## PART 39—AIRWORTHINESS DIRECTIVES

### Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31 type airplanes.

There have been reports of looseness in the attachment of the end fittings to the elevator push-pull tube. Failure of the fittings can result in loss of elevator control. Since this deficiency can exist or occur in airplanes of similar type design, an airworthiness directive is being issued which will require an inspection and replacement where necessary of the push-pull tube.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER: Applies to Models PA-31P, Serial Nos. 31P-1 through 31P-7400213, PA-31 and PA-31-300, Serial Nos. 31-1 through 31-7401248, and PA-31-350, Serial Nos. 31-5001 through 31-7405242 and 31-7405400 through 31-7405462 aircraft certificated in all categories.

To prevent possible hazards in flight associated with loose elevator push-pull tube end fittings, accomplish the following:

1. Within the next 100 hours in service from the effective date of this AD unless already accomplished, inspect the elevator push-pull tube P/N 40847-04 for looseness in its attachment to the end fittings in accordance with the instructions contained in Piper Service Bulletin No. 409 dated June 7, 1974, for Model PA-31P or Piper Service Bulletin No. 433 dated December 17, 1974, for Models PA-31, PA-31-300 and PA-31-350 or an equivalent inspection.

2. If looseness is detected, replace with an acceptable elevator torque tube assembly P/N 40847-04 on Model PA-31P or P/N 40847-00 on Models PA-31, PA-31-300 and PA-31-350.

3. Equivalent inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective April 28, 1975.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on April 14, 1975.

JAMES BISPO,
*Acting Director,*
*Eastern Region.*

[FR Doc.75-10514 Filed 4-22-75;8:45 am]

[Docket No. 75-EA-26, Amdt. 39-2182]

## PART 39—AIRWORTHINESS DIRECTIVES

### United Aircraft of Canada

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 75-06-01 applicable to UACL PT6A type aircraft engines.

The purpose of this amendment is to clarify a reference to a finding of no magnetic particles and also terminate the applicability of the AD to assemblies which have been modified pursuant to UACL Service Bulletin No. 1138.

Since this amendment is clarifying and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and cause exists so that the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 75-06-01 as follows:

1. In paragraph 1.a. insert the words "and no magnetic particles" after "particles"

2. Add a paragraph 3. to read as follows:

3. This AD does not apply to engines which have been modified in accordance with United Aircraft of Canada Limited Engine Service Bulletin No. 1138 or when the part number 3010548 power turbine shaft housing assembly has been removed and replaced with any other eligible housing assembly.

3. Insert the word "metal" after the word "non-magnetic" wherever it appears in paragraph 1, 1.a. and 1.b(1) through b(5).

This amendment is effective April 28, 1975.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))







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Issued in Jamaica, N.Y., on April 14, 1975.

JAMES BISPO,
*Acting Director,*
*Eastern Region.*

[FR Doc.75-10515 Filed 4-22-75;8:45 am]

[Airspace Docket No. 75-AL-7]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Controlled Airspace

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make editorial changes in the descriptions of the control zones at Bettles, Alaska, and Kotzebue, Alaska, and the transition area at Talkeetna, Alaska, as a result of the renaming of the Bettles, Kotzebue and Talkeetna radio beacons (RBN).

Renaming the Bettles RBN to Evansville, Kotzebue RBN to Hotham, and Talkeetna RBN to Peters Creek, eliminates the duplication of names for navaids at these locations.

Since this action simply redescribes controlled airspace with no alteration to airspace dimension, it is a minor matter in which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be made on appropriate aeronautical charts, this amendment will be made effective October 9, 1975.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 9, 1975, as hereinafter set forth.

1. Section 71.171 (40 FR 354) is amended as follows:

a. In Bettles, Alaska, "Bettles RBN" is deleted and "Evansville NDB" is substituted therefor.

b. In Kotzebue, Alaska, "Kotzebue RBN" is deleted and "Hotham NDB" is substituted therefor.

2. Section 71.181 (40 FR 441) is amended as follows:

a. In Talkeetna, Alaska, "Talkeetna RBN" is deleted and "Peters Creek NDB" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on April 11, 1975.

A. B. BRUCK,
*Acting Director,*
*Alaskan Region.*

[FR Doc.75-10517 Filed 4-22-75;8:45 am]

[Airspace Docket No. 75-AL-2]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Umiat, Alaska, Transition Area

On February 21, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 7678) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would designate the Umiat, Alaska, control zone and transition area.

Interested persons were offered an opportunity to participate in the proposed rule making through the submission of comments. Comments received were favorable. Subsequent to issuing the notice, it was determined that aviation weather will not be available on a continuous basis. Weather observations are planned to be taken each hour from 0700 to 2000 local time daily, and at other times for certain operators conducting instrument approach procedures to the Umiat airport. These weather observations are insufficient to support designation of the control zone. The control zone proposed in the Notice will not be designated at this time. The 700-foot transition area, as proposed in the Notice, will be designated.

Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 19, 1975 as hereinafter set forth.

1. In § 71.181 (40 FR 441) the Umiat, Alaska, transition area is designated to read:

UMIAT, ALASKA

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Umiat airport (latitude 69°22'17" N, longitude 152°08'00" W).

(Sec. 307(a) Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on April 11, 1975.

A. B. BRUCK,
*Acting Director,*
*Alaskan Region.*

[FR Doc.75-10516 Filed 4-22-75;8:45 am]

[Airspace Docket No. 75-EA-15]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Pennsylvania transition area (40 FR 565).

The transition area is described, in part, by reference to the Imperial VORTAC. The transition area description also includes dual-designated airspace that overlaps several adjacent states.

The Imperial VORTAC is being relocated to a new site approximately 2 miles east of its present site. When it returns to service in its new location, the VORTAC facility will be renamed Montour. To eliminate reference to Imperial VORTAC and those portions of overlapping airspace in the states of Ohio and West Virginia, the Pennsylvania transition area is being redefined. The overall volume of airspace is being reduced in the revision of the transition area description.

Since the amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on April 23, 1975, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by altering the description of the (State of) Pennsylvania 1200-foot floor Transition Area as follows: Delete, beginning with the phrase, "thence westerly along the Pennsylvania State line" to the end of the text and substitute therefore, "thence westerly and northerly along the Pennsylvania State line to the United States/Canadian Border; thence northeasterly along the United States/Canadian Border to longitude 79°19'30" W.; to latitude 42°37'00" N., longitude 79°15'00" W.; to latitude 42°32'00" N., longitude 78°52'60" W.; to latitude 42°32'00" N., longitude 77°-36'00" W.; to latitude 42°40'00" N., longitude 77°23'45" W.; to latitude 42°-41'30" N., longitude 76°23'00" W.; to point of beginning.".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; (49 U.S.C. 1348)) sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on April 3, 1975.

JAMES BISPO,
*Acting Director,*
*Eastern Region.*

[FR Doc.75-10518 Filed 4-22-75;8:45 am]

[Airspace Docket No. 74-CE-35]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

On page 5793 and 5794 of the FEDERAL REGISTER dated February 7, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Salina, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 19, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on April 3, 1975.

C. R. MELUGIN, JR.,
*Director, Central Region.*





In § 71.181 (39 FR 440), the following transition area is amended to read:

SALINA, KANSAS

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 97°39'30" W.); within 4½ miles W and 9½ miles E of the Salina ILS localizer course, extending from 3 miles N to 18½ miles S of the ILS OM; and, within 5 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 17½ miles N of the VORTAC, excluding the portion which overlies restricted area R-3601 and the McPherson, Kansas 700-foot floor transition area.

[FR Doc.75-10519 Filed 4-22-75;8:45 am]

[Airspace Docket No. 74-EA-87]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

### Alteration of VOR Federal Airways

On March 19, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 12518) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would: (1) Alter V-210 from over the Bucktown, Pa., intersection direct to Yardley, Pa., (2) Extend V-229 from Kennedy, N.Y., to Atlantic City, N.J., via the Lighthouse, N.J., intersection with an established Maximum Authorized Altitude (MAA) of 7,000 feet MSL between Kennedy and the Lighthouse intersection.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received. The U.S. Navy commented that the proposed realignment of V-210 would overlie the Naval Air Station (NAS), Willow Grove, Pa., and the Naval Air Facility (NAF), Warminster, Pa., control zone and recommended that the Minimum Enroute Altitude (MEA) be at least 3,000 feet. The MEA will be 3,000 feet MSL.

The U.S. Navy also requested that IFR operations on V-229 below 3,000 feet MSL be coordinated with the McGuire RAPCON. The MEA on V-229 will be 4,500 feet MSL.

The Air Transport Association of America (ATA) expressed concern that the extension of V-229 would add traffic to the congestion over Kennedy. A maximum authorized altitude of 7,000 feet MSL would be established on V-229 between Kennedy and the Lighthouse intersection. Moreover, the routes anticipated use would be limited to small aircraft from airports north and south of New York as a bypass airway obviating the need to circumnavigate the metropolitan New York area. Consequently, the additional traffic over Kennedy that would result from the added segment to V-229 is anticipated to be insignificant.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, June 19, 1975, as hereinafter set forth.

In § 71.123 (40 FR 037), the descriptions of airways are amended as follows:

1. In V-210 "INT Lancaster 095° and Pottstown, Pa., 143° radials" is deleted and "INT Lancaster 059° and Yardley, Pa., 225° radials; to Yardley." is substituted therefor.

2. V-229 is revised to read as follows: From Atlantic City, N.J., via INT Atlantic City 048° and Kennedy, N.Y., 195° radials; Kennedy; Madison, Conn.; Hartford, Conn.; INT Hartford 044° and Gardner, Mass., 150° radials; Gardner, excluding that airspace above 7,000 feet MSL between INT Atlantic City 048° and Kennedy 195° radials to Kennedy. The airspace below 2,000 feet MSL outside the United States is excluded.

(Sec. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1510), E.O. 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 17, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75-10520 Filed 4-22-75;8:45 am]

## Title 15—Commerce and Foreign Trade

## CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

## PART 302—FOREIGN EXCESS PROPERTY REGULATIONS

### American Samoa, Guam, Trust Territory of Pacific Islands

Pub. L. 93-594, effective January 2, 1975, amends Section 3(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 472), by inserting after the words "Puerto Rico," the words "American Samoa, Guam, the Trust Territory of the Pacific Islands,". This amendment requires a minor revision of present Part 302, Chapter III of Title 15, Code of Federal Regulations.

Part 302 relates to the importation into the United States of foreign excess property, implementing sections 402, 404(b), and 601 of the Federal Property and Administrative Services Act of 1949, as amended. These provisions of law provide, in substance, that foreign excess property (other than any agricultural commodity, food, or cotton or woolen goods which are under the jurisdiction of the Secretary of Agriculture) may be imported into the United States only if the Secretary of Commerce determines that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country. The result of the amendment cited above is to remove property from U.S. Government disposals in American Samoa, Guam, and the Trust Territory of the Pacific Islands occurring on or after January 2, 1975, from the category of "foreign excess property." Accordingly, the determination as to domestic shortages or other economic benefit required for the importation of such property will no longer be necessary.

Consistent with this change, the following revision is hereby inserted in paragraph (f) of § 302.2 of the cited part:

§ 302.2 Definitions.

. . . . . .

(f) 'United States' means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

. . . . . .

There will be a continuing requirement under these regulations for the U.S. Customs Service to distinguish domestic surplus from these locations both from foreign excess property originating in other overseas locations (if transshipped through these locations) and from foreign excess property originating in sales in these locations prior to January 2, 1975. Accordingly, the following guide is added as Appendix B to these Regulations:

APPENDIX B

A. Pursuant to Pub. L. 93-504, personal property sold on or after January 2, 1975, by a U.S. Government agency in American Samoa, Guam, or the Trust Territory of the Pacific Islands may be imported into the United States without presentation of an FEP Import Authorization.

B. In order to facilitate importation into the Customs Territory of the United States, a person wishing to import such property should provide the District Director of Customs evidence that the property is not foreign excess property. Such evidence should include:

1. A copy of the invitation for bid issued by the U.S. Government agency which identifies the property presented for importation and which establishes that the property was offered for sale in American Samoa, Guam, or the Trust Territory of the Pacific Islands on or after January 2, 1975.

2. A copy of the notice of award issued by the U.S. Government agency to the purchaser of the property which identifies the property being presented for entry as being the same as that listed in the invitation for bid.

3. The chain of ownership, in the form of properly executed invoices or bills of sale, from the importer of record to the U.S. Government (if importer of record was not the successful bidder for the listed property).

It is the general policy of the Department of Commerce to provide time for interested parties to take part in the rulemaking process. However, this amendment is entirely administrative in nature. Therefore, the public rulemaking process is waived and this amendment will become effective April 23, 1975.

ALAN POLANSKY,
*Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.75-10561 Filed 4-22-75;8:45 am]



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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2629]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

**Valley Premium Plan, et al.; Correction**

In FR Doc. 75–8706 appearing on page 14904 of the issue for Thursday, April 3, 1975, in the right-hand column, the 21st line of the first ordering paragraph "Pub. L. 90–231" is corrected to "Pub. L. 90–321".

VIRGINIA M. HARDING,
*Acting Secretary.*

[FR Doc.75–10584 Filed 4–22–75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

**Doxapram Hydrochloride Injection**

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34–879V) filed by A. H. Robins Co., Research Laboratories, 1211 Sherwood Ave., Richmond, VA 23220, proposing safe and effective use of doxapram hydrochloride injection in the treatment of dogs, cats, and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 522 (formerly Part 135b prior to recodification published in the FEDERAL REGISTER of March 27, 1974 (40 FR 13802)) is amended by adding a new section to read as follows:

§ 522.775 Doxapram hydrochloride injection.

(a) *Specifications.* The drug is a sterile aqueous solution containing 20 milligrams doxapram hydrochloride per milliliter.

(b) *Sponsor.* See No. 000031 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) Administer to dogs, cats, and horses to stimulate respiration during and after general anesthesia; to speed awakening and return of reflexes after anesthesia. Administer to neonate dogs and cats to initiate respiration following dystocia or caesarean section; to stimulate respiration following dystocia or caesarean section.

(2) For intravenous use in dogs and cats at a dose of 2½ to 5 milligrams of doxapram hydrochloride per pound of body weight in barbiturate anesthesia, 0.5 mg per lb. in gas anesthesia; for intravenous use in horses at 0.25 mg per lb. of body weight in barbiturate anesthesia, 0.2 mg per lb. in inhalation anesthesia, 0.25 mg per lb. with chloral hydrate with or without magnesium sulfate; for subcutaneous, sublingual, or umbilical vein administration in neonate puppies at a dose rate of 1 to 5 mg; for subcutaneous or sublingual use in neonate kittens at 1 to 2 mg. Dosage may be repeated in 15 to 20 minutes if necessary.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date.* This order shall be effective April 23, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 18, 1975.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc.75–10583 Filed 4–22–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–555]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

**Status of Participating Communities**

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * *





| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| • | • | • | • | • | • | • |
| Alabama | Dale | Daleville, city of | Apr. 11, 1975, Emergency | Dec. 6, 1974 | | |
| Do | Dallas | Unincorporated areas | do | Jan. 3, 1975 | | |
| Do | Jefferson | Hoover, city of | do | Nov. 29, 1974 | | |
| Do | do | Midfield city of | do | June 14, 1974 | | |
| Arizona | Apache | Unincorporated areas | do | Dec. 20, 1974 | | |
| Arkansas | Craighead | Bono, city of | do | Aug. 30, 1974 | | |
| Do | Cleveland | Kingsland, city of | do | do | | |
| Do | Mississippi | Leachville, city of | do | May 10, 1974 | | |
| Do | Clay | Pollard, city of | do | Aug. 23, 1974 | | |
| Do | Arkansas | Stuttgart, city of | do | Nov. 30, 1973 | | |
| California | Amador | Sutter Creek, city of | do | Jan. 10, 1975 | | |
| Do | Yolo | Winters, city of | do | Jan. 23, 1974 | | |
| Colorado | Chaffee | Unincorporated areas | do | | | |
| Illinois | Cook | East Chicago Heights, village of | do | Apr. 5, 1974 | | |
| Do | Iroquois | Iroquois, village of | do | Oct. 18, 1974 | | |
| Do | Warren | Monmouth, city of | do | Mar. 1, 1974 | | |
| Illinois | Jackson | Murphysboro, city of | Apr. 11, 1975, Emergency | Apr. 12, 1974 | | |
| Do | Pulaski | Olmsted, village of | do | Aug. 30, 1974 | | |
| Indiana | Fayette | Connersville, city of | do | Nov. 23, 1973 | | |
| Do | do | Unincorporated areas | do | | | |
| Do | Perry | do | do | | | |
| Do | Warrick | do | do | | | |
| Iowa | Cass | Anita, town of | do | May 3, 1974 | | |
| Do | Carroll | Coon Rapids, city of | do | do | | |
| Kansas | Dickinson | Chapman, city of | do | Jan. 9, 1974 | | |
| Massachusetts | Middlesex | Boxborough, town of | do | Sept. 20, 1974 | | |
| Do | Worcester | Shrewsbury, town of | do | Sept. 6, 1974 | | |
| New York | Sullivan | Fremont, town of | do | May 31, 1974 | | |
| Do | Orange | Wawayanda, town of | do | May 10, 1974 | | |
| North Carolina | Onslow | Swansboro, city of | do | May 24, 1974 | | |
| Do | Pitt | Winterville, town of | do | June 7, 1974 | | |
| Ohio | Cuyahoga | Cleveland Heights, city of | do | Mar. 29, 1974 | | |
| Pennsylvania | Allegheny | Aspinwall, borough of | do | Dec. 28, 1973 | | |
| West Virginia | Marshall | McKechen, city of | do | Mar. 29, 1974 | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 4, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75–10304 Filed 4–22–75;8:45 am]

[Docket No. FI–556]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

**Status of Participating Communities**

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the Natonal Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * *



V 40 79 APR 23 75 XUM

| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| • | • | • | • | • | • | • |
| Alabama | Henry | Abbeville, city of | Apr. 16, 1975, Emergency | Jan. 31, 1975 | | |
| Do | Calhoun | Robson City, town of | do | May 17, 1974 | | |
| Do | St. Clair | Springville, town of | do | Dec. 27, 1974 | | |
| Arkansas | Lonoke | Carlisle, city of | do | Jan. 10, 1975 | | |
| Do | Jackson | Grubbs, town of | do | Aug. 9, 1974 | | |
| Do | Lee | More, town of | do | Aug. 16, 1974 | | |
| Do | Bradley | Warren, city of | do | June 14, 1974 | | |
| Delaware | Kent | Cheswold, town of | do | Aug. 9, 1974 | | |
| Illinois | Kendall | Oswego, village of | do | Nov. 29, 1973 | | |
| Do | Ford | Piper City, village of | do | Feb. 22, 1974 | | |
| Kansas | Miami | Paola, city of | do | Dec. 17, 1973 | | |
| Kentucky | Warren | Unincorporated areas | do | | | |
| Louisiana | Acadia Parish | do | do | June 28, 1974 | | |
| Mississippi | Claiborne | Port Gibson, town of | do | Feb. 1, 1974 | | |
| New Jersey | Bergen | Harrington Park, borough of | do | June 28, 1974 | | |
| Ohio | Medina | Briarwood Beach, village of | do | Mar. 15, 1974 | | |
| Do | Drake | Greenville, city of | do | Feb. 15, 1975 | | |
| Oklahoma | Le Flore | Talihina, town of | do | Apr. 5, 1974 | | |
| Oregon | Umatilla | Milton-Freewater, city of | do | Nov. 16, 1973 | | |
| Pennsylvania | Beaver | Brighton, township of | Apr. 16, 1975, Emergency | Jan. 3, 1975 | | |
| Do | Schuylkill | Mahanoy City, borough of | do | July 19, 1974 | | |
| Do | Lackawanna | Mayfield, borough of | do | Feb. 1, 1974 | | |
| South Dakota | Hughes | Pierre, city of | do | June 7, 1974 | | |
| Texas | Burnet | Marble Falls, city of | do | May 31, 1974 | | |
| Utah | Uintah | Vernal, city of | do | | | |
| Virginia | King William | West Point, town of | do | May 31, 1974 | | |
| Washington | Chelan | Chelan, city of | do | | | |
| Do | Pierce | Puyallup, city of | do | May 24, 1974 and Feb. 21, 1975. | | |
| West Virginia | Fayette | Unincorporated areas | do | | | |
| Do | Mason | New Haven, town of | do | Nov. 15, 1974 | | |
| Wisconsin | Dane | Deforest, village of | do | Dec. 7, 1973 | | |
| Do | Polk | Luck, village of | do | May 24, 1974 | | |
| Do | St. Croix | Somerset, village of | do | Dec. 28, 1973 | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 9, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75–10305 Filed 4–22–75;8:45 am]

## Title 26—Internal Revenue

### CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7355]

### PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

**Prescription of Withholding Tables Pursuant to Tax Reduction Act of 1975**

This document amends the Employment Tax Regulations (26 CFR Part 31) under section 3402(a) of the Internal Revenue Code of 1954, in order to authorize the issuance in Circular E (Employer's Tax Guide) of new tables with respect to the withholding of income tax at source on wages. The amendment, which implements section 205(a) of the Tax Reduction Act of 1975, applies with respect to wages paid after April 30, 1975, and before January 1, 1976.

Section 205(a) of the Tax Reduction Act of 1975 amended section 3402(a) of the Internal Revenue Code of 1954 to authorize the Secretary of the Treasury or his delegate to prescribe new withholding tables under the percentage method of withholding which reflect the temporary increases in the minimum standard deduction and the percentage standard deduction, the $30 personal exemption tax credit, and the earned income credit provided for in the Act. These tables, which provide for reductions in the amount of withholding, are being included in a current revision of Circular E.

A notice of proposed rule making to amend the Employment Tax Regulations in order to conform such regulations to the adjustments in withholding made by the Revenue Act of 1971 will be published in a future issue of the FEDERAL REGISTER.

*Adoption of regulations.* In order to authorize the issuance of new tables with respect to the withholding of income tax at source on wages by publication of such tables in Circular E (Employer's Tax Guide) pursuant to section 205(a) of the Tax Reduction Act of 1975 (89 Stat. 32), the Employment Tax Regulations (26 CFR Part 31) are amended by revising paragraph (a) of § 31.3402(a)–2 to read as follows:

**§ 31.3402(a)–2 Amount of tax to be withheld under percentage method of withholding.**

**(a) *Wages paid after December 31, 1969.*** (1) Except as otherwise provided in subparagraph (2) of this paragraph, with respect to wages paid after December 31, 1969, the amount of tax to be deducted and withheld under the percentage method of withholding shall be determined in accordance with the tables set forth in section 3402(a), as in effect when such wages are paid.

(2) With respect to wages paid after April 30, 1975, and before January 1, 1976, the amount of tax to be deducted and withheld under the percentage method of withholding shall be determined under the applicable percentage method withholding table contained in Circular E (Employer's Tax Guide).

Because of the need for immediate authority for the promulgation of percentage method withholding tables by Circular E, it is hereby found impracticable to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 3402(a), 7805, Internal Revenue Code of 1954 (89 Stat. 32, 26 U.S.C. 3402(a); 68A Stat. 917, 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

Approved: April 17, 1975.

ERNEST S. CHRISTIAN, JR.,
*Deputy Assistant Secretary of the Treasury.*

[FR Doc.75–10618 Filed 4–22–75;8:45 am]

## Title 29—Labor

### SUBTITLE A—OFFICE OF THE SECRETARY

### PART 91—ADJUSTMENT ASSISTANCE FOR WORKERS AFTER CERTIFICATION

### PART 92—ADJUSTMENT ASSISTANCE FOR WORKERS AFTER CERTIFICATION UNDER AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

**Worker Adjustment Assistance**

*Correction*

In FR Doc. 75–9589, appearing at page 16304 in the issue of Friday, April 11, 1975, in § 91.3(a)(9), on page 16305, delete the parenthetical material beginning on the third line and ending on the fourth line.





## Title 32—National Defense

### CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

### PART 806—DISCLOSURE OF AIR FORCE RECORDS

**Implementation; Correction**

The document revising 32 CFR Part 806 published in the FEDERAL REGISTER on February 24, 1975, at 40 FR 7901, is corrected as follows:

**§ 806.26 [Amended]**

1. Section 806.26(b) is corrected by changing "§ 806.31 (b) and (c)" to read "§ 806.31(b) and § 806.33(a)(3)".

**§ 806.29 [Amended]**

2. Section 806.29 is corrected by changing "Primary accident/incident investigations (excludes ground/explosive accidents)." to read "Primary accident/incident investigation including ground/explosive accidents." and by changing "AFR 111–2" to read "AFM 111–1".

**§§ 806.33 and 806.57 [Amended]**

3. Section 806.33(a)(3) and § 806.57(d) are corrected by adding the word "public" before "holidays".

4. Section 806.57(d)(2) is corrected by changing "OASF" to read "OSAF".

JAMES E. DAGWELL,
*Chief Documentation Management Branch, Directorate of Administration.*

[FR Doc.75–10582 Filed 4–22–75;8:45 am]

## Title 40—Protection of Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL362–3;PP2F1229/R24]

### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

**Carbaryl**

On February 2, 1972, notice was given (37 FR 2536) that Union Carbide Corp., 1730 Pennsylvania Ave. NW., Washington, D.C. 20006, had filed a petition (PP 2F1220) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed the establishment of tolerances for negligible residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) and its hydrolysis product 1-naphthol, calculated as carbaryl, in or on the raw agricultural commodity potatoes at 0.5 part per million. An interim tolerance of 0.5 part per million for residues of carbaryl in or on potatoes has been established (§ 180.319). Union Carbide Corp., subsequently amended the petition by reducing the proposed tolerance to 0.2 part per million.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry from the proposed use and § 180.6(a)(3) applies. The tolerance established by amending § 180.169 will protect the public health.

Any person adversely affected by this regulation may on or before June 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 23, 1975, Part 180, Subpart C, is amended by revising §§ 180.169 and 180.319.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: April 17, 1975.

EDWIN L. JOHNSON,
*Acting Deputy Assistant Administrator for Pesticide Programs.*

Part 180, § 180.169, is amended by inserting the new paragraph "0.2 part per million • • •" after the paragraph "1 part per million • • •" to read as follows.

§ 180.169 Carbaryl; tolerances for residues.

• • • • •

0.2 part per million (negligible residue) in or on potatoes.

• • • • •

Part 180, § 180.319, is amended by deleting the raw agricultural commodity potatoes from the item "Carbaryl • • •" in the table to read as follows.

§ 180.319 Interim tolerances.

• • • • •

| Substance | Use | Tolerance in parts per million | Raw agricultural commodity |
|---|---|---|---|
| • | • | • | • |
| Carbaryl (1-naphthyl insecticide *N*-methylcarbamate and its metabolite 1-naphthol, calculated as carbaryl. | | 0.5 | Eggs: |
| • | • | • | • |

• • • • •

[FR Doc.75–10503 Filed 4–22–75;8:45 am]

[FRL 315–1]

### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

**Formaldehyde**

*Correction*

In FR Doc. 75–273 appearing at page 1042 in the issue of Monday, January 6, 1975, the fifth line of § 180.1023 in the third column of page 1042 should read as follows: "grain, cowpea hay, fescue, lespedeza, lupines, oat grain, orchard grass, peanut hay, peavine hay, rye grass, sorghum grain, soybean hay, sudan grass, tim-"

## Title 43—Public Lands: Interior

### CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

[Circular No. 2368]

### PART 2800—RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

**Subpart 2802—Procedures**

REIMBURSEMENT OF COSTS

On pages 31906 and 31907 of the FEDERAL REGISTER of September 3, 1974, there was published a notice and text of a proposed amendment to Part 2800 of Title 43, Code of Federal Regulations. The primary purpose of this amendment is to provide for the recovery of costs incurred by the United States in processing applications for rights-of-way and permits incident to rights-of-way across the public lands. In accordance with the policy expressed in Title V of the Independent Offices Act of 1952 (31 U.S.C. 483a); authority contained in sections 201 and 204 of the Public Land Administration Act (43 U.S.C. 1371, 1374); and the requirements of section 28(1) of the 1973 amendments to the Mineral Leasing Act (87 Stat. 576, 579), as to oil, gas and other pipelines, an applicant for a right-of-way or permit incident thereto under Part 2800 of Title 43, Code of Federal Regulations, will be required to reimburse the United States for the cost of processing the application, including preparation of reports and statements concerning the impact of the proposal upon the environment. Following the issuance of a right-of-way or permit, the holder thereof would be required to reimburse the United States for costs incurred by the United States in monitoring construction, operation, maintenance and termination of authorized facilities, and in the protection and rehabilitation of the land involved.

Interested persons were given until October 18, 1974, to submit comments, suggestions, or objection to the proposed amendment. Fifty-one comments were received and considered in the final rulemaking process.

Most commenters objected to the proposal stating that the cost of processing







United States in processing the applica- an environmental impact statement on (ii) Each right-of-way or permit in-

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applications and most particularly preparing environmental reports and statements should not be recovered from applicants. It was argued that preparation of environmental statements and reports is for the benefit of the general public and therefore should not be subject to the policy stated in the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a). We have considered this objection and find that it is not well founded. Applicants for and holders of rights-of-way across the public lands are identifiable recipients of services above and beyond those which accrue to the public at large. The services rendered in reviewing applications and in monitoring holder activities are made necessary by such applications, and the resulting costs would not be incurred by the United States in the absence of such applications. The value to the recipient of such services and of the right-of-way or permit issue exceed the public policy or interest served by such rights-of-way or permits. In addition, such applicants and holders receive many other Federal services for which no charge is made, such as the maintenance of offices and personnel available to process applications, the maintenance of records needed in processing applications, and the availability of environmental, technical, economic and other studies done at Federal expense and used in application processing. Accordingly, it is fair and equitable, pursuant to Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a (1970)), that the direct and indirect cost to the Government incurred in the processing of applications for such rights-of-way and permits and for monitoring the construction, operation, maintenance and termination of authorized facilities, and protection and rehabilitation of the lands, should be recovered from applicants for and holders of such rights-of-way or permits.

Many commenters identified the need for a system of reimbursement which would provide for determination of amounts to be paid prior to entering into a project. They argued that the system as proposed does not give a potential applicant the necessary information to evaluate the cost versus the benefits of a proposed project. This objection is met in the following manner: The reimbursement procedures in the proposed regulations have been retained in the final rulemaking, but based on the best cost information available, applicants and potential applicants will be given an estimate of anticipated costs to be incurred by the United States in processing their applications. The proposed rules provide for payment of an established application fee to cover normal processing or monitoring costs incurred by the United States. Where costs are anticipated to exceed the filing fee by an appreciable amount, provisions are set forth for reimbursement of such costs. Many commenters questioned the meaning of the term "appreciable amount." The final rules do not use the term "appreciable amount." Instead it is provided that when an application is received, the authorized officer shall estimate the costs expected to be incurred in processing the application. If such costs plus the cost of maintaining actual cost records will exceed the application fee, the applicant will be required to make periodic payments based on the estimated actual cost of processing the application.

There were several comments relating to possible exemptions from these rules. The Mineral Leasing Act (87 Stat. 576, 579) does not provide for any exemptions to the reimbursement requirement. Therefore, all applicants for oil, gas and other rights-of-way or permits incident thereto under section 28 of the Mineral Leasing Act must reimburse the United States for its costs. As to other rights-of-way, the proposed rules exempted State or local governments or agencies or instrumentalities thereof, and Federal government agencies. The final rules have been changed to clarify the intent of the provision. The provision contemplates exemptions for State and local governments or agencies or instrumentalities thereof only where the lands will be used for governmental purposes and the lands and resources will continue to serve the interests of the general public. It is not intended to exempt applicants because of governmental association where the cost of services to another applicant, without such association, for a similar right-of-way, would be recovered. The principle involved is one of treating all applicants alike, regardless of status, and without consideration of whether costs will be passed on to ultimate consumers of a product or incurred directly by the applicant.

A new provision has been added to exempt applicants for rights-of-way under road use or reciprocal road use agreements.

Several commenters stressed the need for further breakdown of application fees so that an applicant for a very small right-of-way would not be charged the minimum of $250 for application processing plus $100 for monitoring costs. This objection has merit as some applicants may not have the ability to pay $350 for needed domestic facilities. The fee schedule has therefore been revised to provide smaller minimum fees.

Other changes in the format and provisions of the regulations have been made. Provisions have been added to clarify that applicants whose applications are denied or withdrawn will be responsible for the costs incurred in processing their applications.

The proposed regulations included rights-of-way issued across the Outer Continental Shelf. This provision has been deleted and will be the subject of separate regulations regarding OCS procedures.

The charge for processing an application to transfer a right-of-way is presently $10. The proposed regulations would have increased that fee to $100. It has been determined that although similar procedures are involved in transferring a right-of-way as in processing a new application, the costs are considerably less in most instances. The final regulations have, therefore, been changed to require payment of a fee in the amount of $25.

The proposed rules provided for deletion of § 2802.2–1. The final rules retain a provision concerning procedures for incomplete applications, and a provision concerning lands reserved or withdrawn for another Federal agency.

The regulations are adopted as set forth below and shall become effective June 1, 1975.

Subchapter B of Chapter II is amended as follows:

1. Section 2802.1–2 is revised to read as follows:

**§ 2802.1–2 Reimbursement of costs.**

(a) (1) An applicant for a right-of-way or a permit incident to a right-of-way shall reimburse the United States for administrative and other costs incurred by the United States in processing the application, including the preparation of reports and statements pursuant to the National Environmental Policy Act (42 U.S.C. 4321–4347), before the right-of-way or permit will be issued under the regulations of this part.

(2) The regulations contained in this section do not apply to: (i) State or local governments or agencies or instrumentalities thereof where the lands will be used for governmental purposes and the lands and resources will continue to serve the general public, except as to rights-of-way or permits under section 28 of the Mineral Leasing Act of 1920, as amended (87 Stat. 576); (ii) road use agreements or reciprocal road agreements; or (iii) Federal government agencies.

(3) An applicant must submit with each application a nonreturnable payment in accordance with the following schedule:

(i) Each right-of-way or permit incident to a right-of-way for crossing public lands (e.g., for powerlines, pipelines, roads, and other linear facilities).

| *Length* | *Payments* |
|---|---|
| Less than 5 miles | $50 per mile or fraction thereof. |
| 5 to 20 miles | $500. |
| 20 miles and over | $500 for each 20 miles or fraction thereof. |

(ii) Each right-of-way or permit incident to a right-of-way, not included in subdivision (i) of this subparagraph (e.g., for communication sites, reservoir sites, plant sites, and other nonlinear facilities)—$250 for each 40 acres or fraction thereof.

(iii) If a project has the features of subdivisions (i) and (ii) of this subparagraph in combination, the payment shall be the total of the amounts required by subdivisions (i) and (ii) of this subparagraph.

(4) When an application is received, the authorized officer shall estimate the costs expected to be incurred by the United States in processing the application. If, in the judgment of the authorized officer, such costs will exceed the paragraph (a) (3) of this section, payment by an amount which is greater than the cost of maintaining actual cost records for the application review process, the authorized officer shall require the applicant to make periodic payments of the estimated reimbursable costs prior to the incurrence of such costs by the United States. Such payments may be refunded or adjusted as provided by paragraph (a) (8) of this section.

(5) Prior to the issuance of any authorization for a right-of-way or permit incident to a right-of-way, the applicant will be required to pay additional amounts to the extent the costs of the United States have exceeded the payments required by paragraphs (a) (3) and (4) of this section.

(6) An applicant whose application is denied shall be responsible for administrative and other costs incurred by the United States in processing its application, and such amounts as have not been paid in accordance with paragraphs (a) (3) and (4) of this section shall be due within thirty days of receipt of notice from the authorized officer of the amount due.

(7) An applicant who withdraws its application before a decision is reached on it is responsible for costs incurred by the United States in processing such application up to the date upon which the authorized officer receives written notice of the withdrawal, and for costs subsequently incurred by the United States in terminating the application review process. Reimbursement of such costs shall be due within thirty days of receipt of notice from the authorized officer of the amount due.

(8) If payment, as required by paragraphs (a) (4) and (b) (3) of this section exceeds actual costs to the United States, a refund may be made by the authorized officer from applicable funds, under authority of 43 U.S.C. 1374, or the authorized officer may adjust the next billing to reflect the overpayment previously received. Neither an applicant nor a holder shall set off or otherwise deduct any debt due to or any sum claimed to be owed them by the United States without the prior written approval of the authorized officer.

(9) The authorized officer shall on request give an applicant or a prospective applicant an estimate, based on the best available cost information, of the costs which would be incurred by the United States in processing an application. However, reimbursement will not be limited to the estimate of the authorized officer if actual costs exceed the projected estimate.

(10) When two or more applications for rights-of-way are filed which the authorized officer determines to be in competition with each other, each applicant shall reimburse the United States according to subparagraphs (3) through (7) of this paragraph, except that costs which are not readily identifiable with one of the applications, such as costs for an environmental impact statement on all the proposals, shall be paid by each of the applicants in equal shares.

(11) The authorized officer may require an applicant to furnish security, in an amount acceptable to the authorized officer, by bond, guaranty, cash, certificate of deposit, or other means acceptable to the authorized officer, for costs under § 2802.1–2. The authorized officer may at any time, and from time to time, require such additional security or substitution of security as the authorized officer deems appropriate.

(12) When an applicant for a right-of-way is a partnership, corporation, association, or other entity, and is owned or controlled, directly or indirectly, by one or more other entities, one or more of the owning or controlling entity or entities shall furnish security in an amount acceptable to the authorized officer, by bond, guaranty, cash, certificate of deposit or other means acceptable to the authorized officer, for costs under § 2802.1–2. The authorized officer may at any time, and from time to time, require such additional security or substitution of security as the authorized officer deems appropriate.

(13) When through partnership, joint venture or other business arrangement, more than one person, partnership, corporation, association or other entity apply together for a right-of-way, each such applicant shall be jointly and severally liable for costs under § 2802.1–2.

(14) When two or more noncompeting applications for rights-of-way are received for what, in the judgment of the authorized officer, is one right-of-way system, all the applicants shall be jointly and severally liable for costs under § 2802.1–2 for the entire system; subject, however, to the provisions of subparagraphs (11) through (13) of this paragraph.

(15) The regulations contained in § 2802.1–2 are applicable to all applications for rights-of-way or permits incident to rights-of-way over the public lands pending on June 1, 1975.

(b) (1) After issuance of a right-of-way or permit incident to a right-of-way, the holder thereof shall reimburse the United States for costs incurred by the United States in monitoring the construction, operation, maintenance, and termination of authorized facilities on the right-of-way or permit area, and for protection and rehabilitation of the lands involved.

(2) Each holder of a right-of-way or permit incident to a right-of-way must submit within 60 days of the issuance thereof a nonreturnable payment in accordance with the following schedule:

(i) Each right-of-way or permit incident to a right-of-way, for crossing public lands (e.g., for powerlines, pipelines, roads, and other linear facilities).

| *Length* | *Payment* |
|---|---|
| Less than 5 miles | $20 per mile or fraction thereof. |
| 5 to 20 miles | $200. |
| 20 miles and over | $200 for each 20 miles or fraction thereof. |

(ii) Each right-of-way or permit incident to a right-of-way, not included in subdivision (i) of this subparagraph (e.g., for communication sites, reservoir sites, plant sites, and other nonlinear facilities)—$100 for each 40 acres or fraction thereof.

(iii) If a project has the feature of subdivisions (i) and (ii) of this subparagraph in combination, the payment shall be the total of the amounts required by subdivisions (i) and (ii) of this subparagraph.

(3) When a right-of-way or permit incident to a right-of-way is issued, the authorized officer shall estimate the costs, based on the best available cost information, expected to be incurred by the United States in monitoring holder activity. If such costs exceed the paragraph (b) (2) payment by an amount which is greater than the cost of maintaining actual cost records for the monitoring process, the authorized officer shall require the holder to make periodic payments of the estimated reimbursable costs prior to the incurrence of such costs by the United States. Such payments may be refunded or adjusted as provided by paragraph (a) (8) of this section.

(4) Following termination of a right-of-way or permit incident to a right-of-way, the former holder will be required to pay additional amounts to the extent the actual costs incurred by the United States have exceeded the payments required by paragraphs (b) (2) and (3) of this section.

2. Sections 2802.2, 2802.2–2 are revised to read as follows:

**§ 2802.2 Application and use procedure.**

**§ 2802.2–1 Incomplete application and reports.**

(a) Where an application is incomplete or not in conformity with the law or regulations the authorized officer may, in his discretion, (1) notify the applicant of the deficiencies and provide the applicant with an opportunity to correct the deficiencies; or (2) the authorized officer may reject the application.

(b) Where the land over which the right-of-way is sought is withdrawn or reserved for the use of another Federal agency, the authorized officer is required to consult with and obtain the consent of such other agency before the application may be granted.

**§ 2802.2–2 Timely construction.**

(a) Unless otherwise provided by law, a period of up to five years from the date a right-of-way is granted is allowed for completion of construction. Within 90 days after completion of construction or after all restoration stipulations have been complied with, whichever is later, proof of construction, on forms approved by the Director, shall be submitted to the authorized officer.

(b) The time for filing proof of construction may be extended by the authorized officer, unless prohibited by law, upon a satisfactory showing of the need therefor and the filing of a progress report, demonstrating that due diligence











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toward completion of the project is being exercised, for reasonable lengths of time not to exceed a total of ten years from the date of issuance of the right-of-way.

3. A new § 2802.2–4 is added to read:

**§ 2802.2–4 Deviation from approved right-of-way.**

No deviation from the location of an approved right-of-way shall be undertaken without the prior written approval of the authorized officer. The authorized officer may require the filing of an amended application in accordance with § 2802.1 wherein the authorized officer's judgment the deviation is substantial.

4. Section 2802.4 is revised to read as follows:

**§ 2802.4 Transfer of right-of-way.**

**§ 2802.4–1 Method of filing.**

Any proposed transfer in whole or in part of any right, title or interest in a right-of-way or permit incident to a right-of-way acquired under any law, except the act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 946–949), must be filed in accordance with § 2802.1 for approval, must be accompanied by the same showing of qualifications of the transferee as is required of an applicant, and must be supported by a stipulation that the assignee agrees to comply with and to be bound by the terms and conditions of the right-of-way. No transfer will be recognized unless and until it is first approved in writing by the authorized officer.

**§ 2802.4–2 Reimbursement of costs.**

All filings for transfer approval made pursuant to this section, except as to rights-of-way or permits incident to rights-of-way excepted by § 2802.1–2(a)(4), must be accompanied by a nonrefundable payment of $25.

ROLAND G. ROBISON, JR.,
*Deputy Assistant Secretary of the Interior.*

APRIL 18, 1975.

[FR Doc.75–10554 Filed 4–22–75;8:45 am]

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**Title 45—Public Welfare**

**CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 192—STATE STUDENT INCENTIVE GRANT PROGRAM**

**Continuing Grants**

On page 43729 of the FEDERAL REGISTER of December 18, 1974, there was published a notice of proposed rulemaking to amend regulations governing the operation of the State Student Incentive Grant (SSIG) Program, which makes available to the States incentive grants to assist them in providing awards to eligible undergraduate students with substantial financial need, thus enabling such students to attend or continue to attend institutions of higher education. The law includes separate authorizations for initial and continuation awards to such students and the proposed regulatory amendments dealt primarily with the allotment of funds among the States for continuation grants to students.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations. Several comments were received regarding the proposed rule, mainly from State scholarship association officials and individual State scholarship agency officials. The Office of Education's response is set forth following the summary of each comment.

Section 192.3(e) *Allotment of funds for continuation awards.—Comment.* One commenter proposed that the States be allowed complete discretion to transfer the funds received under their allotment between initial and continuation awards, thereby enabling them to make initial and continuation awards based on the particular needs of each State.

Another commenter suggested that once a student receives an award through the SSIG program he should continue to receive the award until he completes his undergraduate course of study, as long as he continues to remain eligible for such a grant, and that, accordingly, States should be encouraged to use their allotments to give priority to continuation awards and to use the excess funds to grant initial awards.

*Response.* Section 415B of the Higher Education Act of 1965 (20 U.S.C. 1070c–1) authorizes separate appropriations for initial and for continuation awards. Further, it provides an allotment formula for distributing initial award funds among the States and for a reallotment of funds appropriated for initial awards if a State cannot use all the money it receives under the formula for initial awards. The Commissioner may allot continuation awards funds among the States in such manner as he determines will best achieve the purposes for which such sums were appropriated. If Congress appropriates funds separately for initial and for continuation awards, giving States discretion to transfer such funds between initial and continuing awards would not be permissible.

It should be noted, however, that for Fiscal Year 1975 Congress did not provide individual appropriations for initial and continuing awards, but appropriated money for the SSIG program in one lump sum. Consequently, the Commissioner has proposed in a notice of proposed rulemaking published in the FEDERAL REGISTER of March 10, 1975, that Fiscal Year 1975 funds appropriated for use in academic year 1975–76 be allotted among the States in accordance with the statutory formula for initial awards but that each State have the authority to determine the amount of its allotment which will be used for continuation and for initial awards.

With regard to the question of priority, the Commissioner recognizes that students who have received initial awards for the current academic year may reasonably expect continued financial support and that, where possible, priority should therefore be given for continuation awards. In the case of the Fiscal Year 1975 appropriation, however, he also believes that the States can and should be given the flexibility to make judgments regarding the students' relative access to the various forms of financial assistance which might be available.

Section 192.6 *Eligible students—Comment.* One commenter suggested that students enrolled in cooperative education programs at institutions of higher education be permitted to participate in the SSIG program.

*Response.* Students who are enrolled in cooperative education programs at institutions of higher education, who are otherwise eligible to participate in the SSIG program by satisfying the requirements of § 192.6, do not lose their eligibility to participate in the program by being so enrolled. However, a State would determine in accordance with § 192.7 that a student receiving pay for the work portion of the cooperative education program does not have substantial financial need.

*Effective date.* The notice of proposed rulemaking was transmitted to Congress on December 12, 1974, pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The time period set forth therein for Congressional action has expired without such action having taken place. Therefore, regulations set forth below shall become effective on April 23, 1975: *Provided, however,* That should the proposed regulations published on March 10, 1975, become final, §§ 192.3 (e) and (f) of this amendment would become effective with regard to funds appropriated for Fiscal Year 1976 and used by States during academic year 1976–1977.

(Catalog of Federal Domestic Assistance No. 13.648: State Student Incentive Grant Program)

Dated: March 21, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 15, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

Part 192 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

1. In § 192.2, the definition of "clock hour" is amended to read as follows:

**§ 192.2 Definitions.**

• • • • • •

"Clock hour" means a period of time which is the equivalent of a 50 to 60 minute class, lecture, or recitation, or a 50 to 60 minute period of faculty-supervised laboratory, shop training, or internship.

• • • • • •

2. Section 192.3 is amended by adding paragraphs (e) and (f) to read as follows:

**§ 192.3 Allotment and reallotment.**

• • • • • •

(e) *Allotment of funds for continuation awards.* The Commissioner will allot the sums appropriated for each fiscal year for continuation grants pursuant to § 415A(b)(2) of the Act among the States in such manner that each State will receive the same percentage of its request for continuation grant funds for that fiscal year submitted in accordance with § 192.5(b): *Provided,* That such request satisfies the requirements of this part.

(f) The Commissioner may require each State receiving an allotment of funds for continuation awards under this part to submit a report prior to June 1 of each year projecting the portion, if any, of such allotment that will not be needed to make continuation awards. Such unused funds may be redistributed among the other States in proportion to the original allotments to such States for continuation awards, provided that no State receives more than its request.

3. Section 192.4 is amended by adding the words "for initial grants" between the words "it" and "under" in the introductory clause of paragraph (a) as set forth below and is further amended by adding paragraph (b) to read as follows:

**§ 192.4 State program requirements.**

(a) A State may receive funds allotted to it for initial grants under § 192.3 for any fiscal year only if such funds will be expended pursuant to a State program which:

• • • • • •

(b) A State may receive the funds allotted to it for continuation grants under § 192.3 for any fiscal year only if such funds will be expended pursuant to a State program which satisfies the requirements set forth in subparagraphs (1) through (4) and (6) through (8) of paragraph (a) of this section.

4. In § 192.5, paragraph (b) is amended by deleting the word "and" after the semicolon in subparagraph (3); changing the period in subparagraph (4) to a semicolon; and adding subparagraphs (5) through (9) to read as follows:

**§ 192.5 State applications.**

• • • • • •

(b) • • •

(5) The amount of funds requested for continuation awards;

(6) The amount of funds the State received for initial and continuation awards for the current academic year;

(7) The number of students who have previously received initial and continuation awards under this part who will be eligible to receive continuation awards during the next academic year;

(8) The average initial award and the average continuation award made under this part for the current academic year; and

(9) If available, the projected attrition rate for students receiving assistance under this part for the current academic year.

5. Section 192.9 is amended by adding the word "initial" between the words "of" and "awards". As amended this section reads as follows:

**§ 192.9 Maintenance of effort.**

The amount of funds expended by the State for the non-Federal portion of initial awards made under this part for each fiscal year shall represent an additional expenditure for that year by that State over the amounts, if any, expended by such State for grants to all students attending institutions of higher education during the second fiscal year preceding the fiscal year in which such State initially received funds under this part.

[FR Doc.75–10528 Filed 4–22–75;8:45 am]

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**Title 50—Wildlife and Fisheries**

**CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE**

**PART 216—REGULATIONS COVERING THE TAKING AND IMPORTING OF MARINE MAMMALS**

**Applications and Restrictions**

The Marine Mammal Protection Act of 1972 ("Act") (16 U.S.C. 1361–1407), expressed the finding of Congress that marine mammals should be protected and encouraged to develop to the greatest extent feasible, commensurate with sound policies of resource management, and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem.

Section 101(a) of the Act (16 U.S.C. 1371(a)), provides for a moratorium on the taking and importation of marine mammals except in certain cases.

Furthermore, section 102(b) of the Act (16 U.S.C. 1372(b)), provides in part that, except for scientific purposes, it is unlawful to import a marine mammal into the United States, if such mammal was (1) pregnant at the time of taking; or (2) nursing at the time of taking or less than eight months old, whichever occurs later.

On January 31, 1975, the National Marine Fisheries Service (NMFS) published in the FEDERAL REGISTER (40 FR 4660–4661) a proposed policy under which, with certain exceptions, the prohibitions contained in section 102(b) would be considered in connection with the intentional taking of marine mammals on the high seas and in waters or on lands subject to the jurisdiction of the United States. This policy would be utilized by the NMFS in considering, where appropriate, permit applications; applications for a waiver of the moratorium; and foreign programs with respect to taking marine mammals. Written views, comments or objections were solicited by the above notice in the FEDERAL REGISTER.

Several public comments were received. One public comment contended that defining "nursing" to mean only "obligatory nursing" would be inconsistent with the Act. As a result of, among other things, the guidance received at the Congressional oversight hearings held on January 16–17, 1974, we believe that the definition proposed is consistent with the purposes and policies of the Act.

Another public comment, while supporting the basic policy, contended that the implementation of the policy with respect to a State's request to waive the moratorium and return management to the State would require unnecessary additional involvement by the Marine Mammal Commission. After a waiving of the moratorium, management, including regulated takings, can be returned to a State by the Secretary. However, prior to waiving the moratorium, approval by the Secretary, after consultation with the Marine Mammal Commission, of a State's management plan, is essential in determining whether to waive the moratorium.

In addition to comments from the public, the Marine Mammal Commission submitted several comments:

One comment indicated that the proposed policy appeared to prohibit the incidental taking of marine mammals in the course of commercial fishing operations. This policy is to apply only to the deliberate or intentional taking and retention of marine mammals. To clarify this point, the wording of the policy has been modified to indicate that the policy applies to the taking and retention of marine mammals.

Another comment of the Commission questioned whether the criteria for the exceptions (a, b & c) applied to the taking of both pregnant and nursing animals or only to nursing animals. The exceptions apply to both and the format of that policy has been modified to assure clarity on this point.

A further comment indicated that with respect to the domestic taking of pregnant or nursing animals for purposes of public display, the requirement with respect to the education of the public was questioned. The Commission indicated that the attachment of this condition complicates and confuses the permit process. Furthermore, as we understand it, the Commission feels that the only criterion that should be attached to any taking is the continued health and well-being of the population as well as the individual animals taken into captivity. We believe that inferentially, Congress required greater consideration be given to the taking of pregnant or nursing animals. Consequently, it is our view that before a person should be entitled to take pregnant or nursing animals for display purposes, he must justify the action as a public benefit and not merely indicate that the animal will be well taken care of or that the population will not suffer as a result of the removal of the animal from the ecosystem.

The Commission also observed that a taking of pregnant or nursing animals is permitted under the law when such taking is consistent with the purpose and policies set forth in section 2 of the Act. We agree with this observation. However, some members of the public have indicated that taking of pregnant or nursing animals is contrary to the provisions of the Act. The purpose of the policy is to clearly state that as provided by the law,







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we will permit a waiver of the moratorium which will allow for the taking of pregnant or nursing animals provided such taking is part of a resource management program which is consistent with the policies set forth in section 2 of the Act.

The Commission also indicated that it is not clear whether this criterion is limited to the domestic resource management program by stating, "If it is intended to establish a criterion, the satisfaction of which would entitle an applicant to import animals taken in violation of section 102(b), then it constitutes an amendment of the Act and is inappropriate." As stated in the publication containing the proposed policy, this criterion will be used in assessing the merits of all applications for a waiver of the moratorium including the requirement with respect to the determination by the Secretary that the program for taking marine mammals in the country of origin of the animal is consistent with the policies of the Act. While an animal may not be imported under section 102 (b), if it is pregnant or nursing or under eight months of age, nonetheless, if a domestic program can include the taking of such animals, then we see no reason why the Secretary cannot find a foreign program which allows the same taking as the domestic program, consistent with the purposes and policies of the Act. While the foreign program may be considered consistent with the purposes and policies of the Act, nonetheless, certain of those animals taken under such foreign program could not be imported as a result of the provisions of section 102(b). Consequently, we must disagree with the observation of the Commission that the policy would amend the Act, since the policy is not intended to permit imports in violation of section 102(b). Section 102(b) deals with importation alone and does not deal with taking in a foreign country.

Finally, the Commission observed, with respect to our definition of nursing, the distinction between "obligate" and "convenience" nursing is an empty one with no practical utility. Furthermore, the Commission stated that—"even if the distinction is legitimate and relevant under the Act, we are aware of no rational scientific basis for concluding that nursing in fact is not obligatory for the health and development of the nursing animal in a sense that such behavior is essential for maturing and reproducing successfully." As stated previously, the Congressional guidance to date indicates that there should be a distinction. The distinction that was intended was that nursing be obligatory for sustenance and not for psychological purposes. Consequently, the definition of nursing is being clarified accordingly.

After due consideration of all relevant material presented by interested persons, the policy set forth below is hereby adopted:

The National Marine Fisheries Service will, where appropriate, issue a permit or waive the moratorium where such waiver authorizes the issuance of permits, for the intentional taking of marine mammals which are (1) pregnant at the time of taking, or (2) nursing at the time of taking, or less than eight months old, whichever occurs later; in the following cases:

1. Such taking is for the purpose of public display, will further the education of the public, and will not be detrimental to the health and well-being of animals taken into captivity; or

2. Such taking is determined by the Director, in consultation with the Marine Mammal Commission, to be a part of a resource management program which is consistent with the purposes and policies set forth in section 2, of the Act; or

3. Such taking is for approved scientific purposes.

For purposes of this policy, "nursing" means nursing which is obligatory for the physical health and survival of the nursing animal.

Dated: April 18, 1975.

JACK W. GEHRINGER,
*Acting Director, National Marine Fisheries Service.*

[FR Doc.75-10598 Filed 4-22-75;8:45 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### [ 50 CFR Part 17 ]

### ENDANGERED AND THREATENED WILDLIFE

### Proposed "Threatened" Status for Three Species of Trout

The Lahontan cutthroat trout (*Salmo clarki henshawi*), Paiute cutthroat trout (*Salmo clarki seleniris*) and Arizona trout (*Salmo apache*) currently are classified as "Endangered" species. They were listed originally as "Endangered" under the Endangered Species Protection Act of 1969, and evidence on hand at that time indicated that they were endangered owing to the destruction, drastic modification or severe curtailment of their habitat; hybridization with introduced species of trout was also a factor.

We now have evidence to indicate that the Lahontan cutthroat trout, Paiute cutthroat trout and Arizona trout are not "Endangered" as defined by the Endangered Species Act of 1973, but are more properly classified as "Threatened" species under the Act. All three species have been cultured extensively and reintroduced successfully into areas where they were extirpated; efforts at eliminating introduced trout with which they hybridize are succeeding; and none are in danger of extinction throughout all or a significant portion of their ranges. Specifically, the evidence is as follows:

I. Lahontan cutthroat trout (*Salmo clarki henshawi*).

a. The Lahontan cutthroat has been reintroduced into several stream systems throughout the Lahontan Basin, its original range. It has been reestablished in the two remnant lakes in the Lahontan Basin, Pyramid and Walker Lakes. The California Department of Fish and Game has transplanted the trout successfully into East Fork Creek of Yuba River drainage, outside the Lahontan Basin. A successful transplant of unknown origin has also been made into Macklin Creek of the Yuba drainage. These are all strong, viable populations at the present time.

b. The Lahontan National Fish Hatchery in Gardnerville, Nevada, has developed cultural techniques which produce 1-million Lahontan cutthroat trout annually. California and Nevada State hatcheries also are producing pure stock of Lahontan cutthroat. These cultured trout have been, and are being, introduced successfully into the wild.

c. Restoration of habitat and reintroduction in several stream systems should result in additional populations, further increasing the present range of this species. Restoration plans include the removal of brook and rainbow trout and rainbow-Lahontan cutthroat trout hybrids. Habitat restoration programs have been successful in several streams.

II. Paiute cutthroat trout (*Salmo clarki seleniris*).

a. The removal of the introduced eastern brook trout, a serious competitor of the Paiute cutthroat, has permitted an increase of the Paiute cutthroat in Delaney Creek in Yosemite National Park.

b. The Paiute cutthroat has hybridized with the introduced rainbow trout in some streams. In these streams the removal of rainbow trout and hybrid rainbow—Paiute trout has resulted in good populations of pure stock of Paiute cutthroat in several streams.

c. A successful transplant of pure Paiute cutthroat stock into Cottonwood Creek has resulted in a self-sustaining population with good densities in this stream system in Mono County, California. There are no known threats to the species in this stream system.

d. Most of the streams in which the Paiute cutthroat trout occurs flow through land which is owned or controlled by the U.S. Forest Service or the U.S. National Park Service. Both of these agencies must operate, under the requirements of section 7 of the Endangered Species Act of 1973, to conserve the trout.

III. Arizona trout (*Salmo Apache*)

a. At present good populations of pure stock of Arizona trout exist in several headwater streams of the east fork of the White River and headwaters of Bonito Creek, tributary to the Black River in east central Arizona.

b. To further increase the population and distribution of the species, the hatcheries of the Arizona Department of Game and Fish have cultured the Arizona trout and stocked them into waters formerly inhabited. Stream renovation projects also are planned for tributaries of the Upper Salt River which will provide additional habitat and extend its distribution.

Despite the fact that available evidence suggests that the Lahontan cutthroat trout, Paiute cutthroat trout, and Arizona trout are not "Endangered" species as defined by the Endangered Species Act of 1973, there is ample reason to consider them as "Threatened" species. Section 4(a) of the Act states as follows:

The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) Over utilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or man-made factors affecting its continued existence.

Specifically, we have evidence that conditions (1) and (5) above are pertinent to a determination that these three trout be classed as "Threatened."

(1) The present or threatened destruction, modification or curtailment of its habitat or range.

*Lahontan cutthroat.* This fish formerly occupied most streams of the Truckee, Carson, and Walker River drainages in western Nevada and east central California. Today it occupies much the same area but is less abundant in the headwaters than it formerly was. Water diversions within its native range continue to be a threat to this species. This problem is especially evident in Pyramid Lake where the diversion of water from the Truckee River has resulted in a lowering of the water level in the lake. The lower water-levels in the lake and the siltation of the mouth of the mouth of the Truckee River (at its entry into the lake) due to lack of flow has eliminated much of the spawning run of the species in this area.

*Paiute cutthroat.* The native range of this species is Silver King Creek and its tributaries above Snodgrass Creek in Alpine County, California, which are not blocked by natural barriers. The present distribution is much the same and, through introductions, the Paiute cutthroat has been established outside of its native range into North Fork Cottonwood Creek, Cabin Creek and Birchin Lake in Mono and Inyo Counties, California.

Livestock grazing practices and recreation developments could possibly pose threats to this species within its range.

*Arizona trout.* This trout originally inhabited the headwaters of the Salt and Little Colorado Rivers in the White Mountains of east central Arizona. Within its native range, logging operations have declined but continue to pose a threat to this species. Erosion, siltation, and increased temperatures connected with logging processes can, and have in the past, reduced the population of Arizona trout in certain areas.

(5) Other natural or man-made factors affecting its continued existence.

*Lahontan cutthroat.* The introduction of non-native trouts in past years within the native range of this species presents a threat to its continued existence. The introduced brook trout is a strong



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competitor for food and space with the Lahontan cutthroat. Although the State is making efforts to remove rainbow trout from Lahontan cutthroat habitat, hybridization is occurring between the two species and remains a cause for concern.

*Paiute cutthroat.* In the past, rainbow trout have been introduced into streams inhabited by the Paiute cutthroat. Subsequent hybridization has reduced the pure stock of Paiute cutthroat in some areas and remains a cause for concern.

*Arizona trout.* The introduced rainbow trout has hybridized with the Arizona trout in some streams. The possible introductions into other streams by individuals with good intention present a continued threat to this species.

In spite of the above acknowledged problems, there is good evidence that all three species would benefit now from regulated taking by sport-fishing. The States, in cooperation with the U.S. Fish and Wildlife Service, have succeeded in culturing all three species, and they have been widely restocked to the point at which most streams with suitable habitat have reached their carrying capacity.

The Director intends that finally adopted rules be as responsive as possible to the conservation of the above-mentioned species; he therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies and private interests on these proposed rules.

Final promulgation of these regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

The Governors of California, Arizona, and Nevada have been notified of this proposed action, and their comments have been solicited.

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 23, 1975 will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–43; 87 Stat. 884).

Dated: April 17, 1975.

F. V. SCHMIDT,
*Acting Director,*
*Fish and Wildlife Service.*

Accordingly, it is proposed to amend § 17.32 of Part 17 of 50 CFR Chapter I, Subchapter B by adding the following:

§ 17.32 Threatened wildlife list.

| Common name | Scientific name | Range | Portion of range where threatened |
|---|---|---|---|
| (a) Mammals | ... | ... | ... |
| (b) Birds | ... | ... | ... |
| (c) Insects | ... | ... | ... |
| (d) Fishes: | | | |
| (1) Lahontan cutthroat trout | *Salmo clarki henshawi* | California, Nevada | Entire range. |
| (2) Paiute cutthroat trout | *Salmo clarki seleniris* | California | Do. |
| (3) Arizona trout | *Salmo apache* | Arizona | Do. |

• • • • •

(i) *Prohibitions.* All the prohibitions in section 9(a)(1) apply to the Lahotan cutthroat trout (*Salmo clarki henshawi*), the Paiute cutthroat trout (*Salmo clarki seleniris*), and the Arizona trout (*Salmo apache*), *Except* that such species may be taken in accordance with State law. Any taking in violation of State law will also be a violation of the Endangered Species Act of 1973.

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[FR Doc.75–10526 Filed 4–22–75;8:45 am]

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Office of the Secretary

[ 41 CFR Part 14–7 ]

CONTRACT CLAUSES

Listing of Subcontractors

In November 1965, the Secretary of the Interior announced a new Departmental policy which required bidders on all Department of the Interior building construction work to list in their bids the names and addresses of their subcontractors for specified building trades subcontracting activities. During the time this policy has been in effect, it has been found that the Government is exposed to liability for damages which is so forcefully demonstrated in "Meva Corporation v. United States," Ct. Cl. #492–69 (2/19/75); bidders have difficulty in understanding and complying with the requirement resulting, in many cases, in the submission of non-responsive bids and the loss to the Government of an otherwise responsive low bid; numerous protests against awards have been made to the Comptroller General directly related to circumstances involving the requirement, resulting in considerable delay in the award of contracts and delay in timely accomplishment of important programs; bidders under present economic conditions find it difficult to get firm bids or quotations from subcontractors resulting in the successful bidder being placed in a position of disadvantage in price negotiations with the listed subcontractor after contract award is received; the requirement does not prevent "bid shopping" by subcontractors; and there is no substantial evidence that the requirement has been beneficial to the best interests of the Government.

Accordingly, in light of the above-stated circumstances and the financial losses suffered by this Department as a result of the requirement during the period the requirement has been in effect, the Department intends to eliminate the requirement. Therefore, pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, it is proposed that Part 14–7 of Title 41 of the Code of Federal Regulations be amended by deleting § 14–7.602–50(1) pertaining to listing of subcontractors.

Interested persons may submit comments concerning this proposal to the Assistant Director for Procurement, Office of Management Services, Department of the Interior, 18th & E Streets, NW., Washington, D.C. 20240. Comments received before May 23, 1975, will be considered before final action is taken on this proposal.

Dated: April 17, 1975.

RICHARD R. HITE,
*Deputy Assistant*
*Secretary of the Interior.*

[FR Doc.75–10526 Filed 4–23–75;8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 908 ]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Current Size Requirement

This proposal would extend through January 15, 1976, the current size requirement for Valencia oranges grown in District 2 of the California-Arizona production area. Shipments of such Valencia oranges are currently regulated through May 22, 1975, pursuant to Valencia Orange Regulation 491. The proposed extension of the period of Valencia Orange Regulation 491 is designed to continue in effect the current minimum diameter requirement of 2.20 inches for such fruit consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

Notice is hereby given that the Department is considering a proposed amendment of the size regulation for Valencia oranges grown in District 2, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended marketing agreement and order posed amendment was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed regulation is designed to permit shipment during the period May 23, 1975, through January 15, 1976, of ample supplies of Valencia oranges of the more desirable sizes in the interest of both growers and consumers. The proposal is designed to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges, which tend to weaken the market for such fruit. The proposed extension of the effective period of Valencia Orange Regulation 491 is consistent with the size composition and estimated crop of Valencia oranges in District 2.

The proposal is as follows:

Amend paragraph (a) of Valencia Orange Regulation 491 (40 FR 16211) to read as follows:

§ 908.791 Valencia Orange Regulation 491.

*Order.* (a) During the period May 23, 1975, through January 15, 1976, no handler shall handle any Valencia oranges grown in District 2 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

• • • • •

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 9, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

(7 CFR 1.27(b))

Dated: April 16, 1975.

CHARLES R. BRADER,
*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75–10607 Filed 4–22–75;8:45 am]





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[ 45 CFR Part 121a ]

ASSISTANCE TO STATES FOR THE EDUCATION OF HANDICAPPED CHILDREN

Proposed Distribution of Funds

Pursuant to the authority in section 611(c) of the Education of the Handicapped Act (Pub. L. 91–230, Title VI, Part B, as amended), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 121a of Title 45 of the Code of Federal Regulations by adding a new § 121a.81 to read as set forth below.

The proposed new section would govern the distribution of funds under Part B of the Education of the Handicapped Act (EHA) to the jurisdictions of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands for the fiscal year ending June 30, 1975. This new section is necessary in order to implement the special one-year funding provisions set forth in section 611(c) of the EHA, added by section 614(a) of the Education Amendments of 1974 (Pub. L. 93–380). Under the provisions as set forth in section 611(c), two percent of the aggregate of the amounts to which all States are entitled to receive are to be set aside for making grants to the five participating jurisdictions.

Since the inception of the program in FY 1967, grants have been made according to established minimums for the four smaller jurisdictions, with the remaining funds going to Puerto Rico. The retention of minimums is proposed for FY 1975, with a minimum grant of $150,000 for each jurisdiction. This recommendation is based on experience and information that a base or minimum amount of funds is needed in every jurisdiction, regardless of size or population, to enable the jurisdiction to properly and efficiently establish and maintain special education programs for handicapped children. The proposed amount of $150,000 is deemed to be the minimum for such purposes.

Subject to the minimum, funds would be distributed on the basis of need, which would be determined by prorating such funds according to the population of children aged three to twenty-one in each jurisdiction.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Bureau of Education for the Handicapped, U.S. Office of Education, Seventh and D Streets, SW., Room 2100 ROB–3, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material received on or before June 23, 1975, will be considered.

(Catalog of Federal Domestic Assistance Number 13.449—Programs for the Education of the Handicapped)

Dated: March 21, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 15, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

§ 121a.81 Criteria for grants to territories in fiscal year 1975.

Funds appropriated for fiscal year 1975 under section 611(a) of the Act will be allocated proportionately among the several jurisdictions, which are subject to such section (the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) on the basis of the number of children aged three to twenty-one, inclusive, in each such jurisdiction, except that no jurisdiction shall receive less than an amount equal to $150,000, and other allocations will be ratably reduced if necessary to assure that each jurisdiction receives at least such amount.

(20 U.S.C. 1411(c))

[FR Doc.75–10527 Filed 4–22–75;8:45 am]

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Social Security Administration

[Reg. Nos. 1, 22]

[ 20 CFR Parts 401, 422 ]

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION, ORGANIZATION AND PROCEDURES

Policies on Protecting Confidentiality of Records and Availability of Information to the Public

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the proposed amendments set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare.

The proposed amendments provide that aside from returns filed with the Commissioner of Internal Revenue and transmitted to the Department of Health, Education, and Welfare, the only information in the records of the Social Security Administration that will be protected from disclosure by Regulation No. 1 is information relating to individuals. At present, the language of Regulation No. 1 protects from disclosure all information, including information which



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does not relate to individuals, obtained by the Department which relates to or is used in the Social Security Administration programs, except as otherwise provided in the regulation.

The proposed amendments provide that the question of whether other information not protected by Regulation No. 1 can be made available to the public will be governed by the regulations of the Department of Health, Education, and Welfare on availability of information to the public, pursuant to the Freedom of Information Act (45 CFR Part 5) and Subpart E of Part 422 of this chapter (Social Security Administration Regulations No. 22). This information would thus be available to the public unless exempted from disclosure by that law and these implementing regulations.

There are now 22 exceptions to the prohibition against disclosure in Regulation No. 1. The proposed amendments delete three of these exceptions since they cover information that does not relate to individuals. Since they do not meet this test, there is no need to list them as exceptions. The exceptions which are proposed for deletion are found in paragraphs (k), (o), and (t) of § 401.3 of Regulation No. 1. These paragraphs cover the disclosure of statistical data, disclosure of information relating to agreements and modifications of agreements for the coverage of State and local employees entered into pursuant to section 218 of the Social Security Act, and disclosure of information relating to payments to providers furnishing services under title XVIII of the Social Security Act. This information will remain available to the public even though regulations may no longer specifically so state.

Subpart E of Regulations No. 22 governs the availability of information to the public. That subsection is being amended to provide for disclosure in certain limited instances of information about charges made by providers under the Medicare program (information about individual beneficiaries is disclosable under Regulation No. 1 only to States administering grants-in-aid programs and to the Department of the Army for the administration of its Civilian Health and Medical Program of the Uniformed Services), and Medicare survey reports, and for disclosure to the public of information concerning cost reports submitted by title XVIII providers.

Section 1106 of the Social Security Act, when enacted in 1939, was intended to prohibit the disclosure of information obtained by the then Social Security Board or its employees except under certain restricted conditions related to proper administration of the social security program and closely related programs. The social security program as authorized at that time was not very complex. Benefits were provided for an aged worker and his dependents and for the survivors of a deceased worker. There were no benefits for the disabled. There was no health insurance program. The information in social security files was almost entirely personal in nature. Examples are: The amount of money a person earned in a year, the date of birth of an individual or his marital status, and other such data which should not be subject to public scrutiny.

As the original program expanded, and as new programs were authorized, the Social Security Administration gradually acquired a mass of information about matters not related or only incidentally related to the contributors to or beneficiaries of the program. Much of this information related to individuals, institutions, or organizations in their public rather than their private character, e.g., hospitals or other Medicare providers of services.

The Department has now concluded that the public interest is best served by limiting the scope of Regulation No. 1 to those records comprising information pertaining only to individuals. The protection of individual privacy, the goal of the proposed regulation as well as its predecessor, can be accomplished at the same time the Social Security Administration is making more information about its operations available to the public, pursuant to the Freedom of Information Act. The revision of Regulation No. 1 removes a legal obstacle to the accomplishment of this objective.

Further revisions of Regulation No. 1 will be proposed in the near future to conform the regulation to the requirements of the Privacy Act of 1974 (Pub. L. 93-579). The major provisions of this act are not effective until September 27, 1975, and compliance will require further study and analysis. No good reason is perceived why publication of this proposal need be delayed pending analysis of the Privacy Act. Moreover, additional amendments to Regulation No. 1 and Regulations No. 22 are being proposed separately as part of this agency's response to Pub. L. 93-502, which amended the Freedom of Information Act.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before May 23, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205, 1102, and 1106 of the Social Security Act, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 53 Stat. 1398, as amended; 42 U.S.C. 405, 1302, and 1306.

(Catalog of Federal Domestic Assistance Program Nos. 13.800-13.807, Social Security Programs)

Dated: March 26, 1975.

J. B. CARDWELL,
*Commissioner of Social Security.*

Approved: April 15, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

Parts 401 and 422 of Chapter III of Title 20 of the Code of Federal Regulations are amended as set forth below.

1. Section 401.1 is revised to read as follows:

**§ 401.1 Prohibition against disclosure.**

Except as hereinafter authorized by this part or as otherwise expressly authorized by the Commissioner of Social Security, disclosure shall not be made, directly or indirectly, of (a) any return or portion of a return (including information returns or other written statements) filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act, the Federal Insurance Contributions Act or the Self-Employment Contributions Acts, or under regulations made under authority thereof, which has been transmitted to the Department of Health, Education, and Welfare by the Commissioner of Internal Revenue, or (b) information relating to individuals obtained at any time by or from the Department or any officer or employee of the Department, or any person, agency, or organization with whom the Social Security Administration (or the pertinent agency of a State) has entered into an agreement or contract to perform certain functions, including the performance of medical examinations, in the administration of titles II, XVI, and XVIII of the Social Security Act. The release of other information is governed by the regulations of the Department of Health, Education, and Welfare on availability of information to the public, pursuant to the Freedom of Information Act (45 CFR Part 5), and by Subpart E of Part 422 of this chapter. Any file or record which would be available pursuant to such regulations but for the inclusion of information not disclosable under this part, will be made available with the nondisclosable information omitted.

2. Section 401.3 is amended by revising the introductory material preceding paragraph (a) and by revoking and reserving paragraphs (k), (o), and (t), and by revising paragraphs (u) and (v).

**§ 401.3 Disclosure of information relating to individuals.**

Disclosure of information relating to individuals is hereby authorized in the following cases and for the following purposes:

. . . . . .

(k) [Reserved]

. . . . . .





(o) [Reserved]

. . . . . .

(t) [Reserved]

. . . . . .

(u) To any officer or employee of an agency of the Federal or a State government lawfully charged with the administration of a program receiving grants-in-aid under titles V and XIX of the Social Security Act for the purpose of administration of such titles, or to any officer or employee of the Department of the Army, Department of Defense, solely for the administration of its Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), the following information, except that the release of such information shall not be authorized by a fiscal intermediary or carrier:

(1) Information, including the identification number, concerning charges made by physicians and other individuals, and amounts paid under title XVIII of the Act for services furnished to beneficiaries by such physicians and other individuals to enable the agency to determine the proper amount of benefits payable for medical services performed in accordance with such programs; or

(2) Information as to physicians or other individuals that has been disclosed under paragraph (l) (1) or (q) of this section.

(v) To the public: The name of any provider of services, physician, or other person furnishing services to beneficiaries under title XVIII of the Act who—

(1) Has been found by a Federal court to have been guilty of submitting false claims in connection with title XVIII; or

(2) Has been found by a carrier or intermediary, after consultation with a professional medical association functioning external to program administration or, if appropriate, the State medical authority, to have been engaged in a pattern of furnishing services to such beneficiaries which are substantially in excess of their medical needs; except that the name of any such provider of services, physician, or other person shall not be disclosed pursuant to a finding under this subparagraph (2), unless such provider, physician, or other person, as the case may be, has first been afforded a reasonable opportunity to offer evidence on his behalf.

. . . . . .

3. Section 401.4 is amended by revising paragraph (f) to read as follows:

**§ 401.4 Definitions.**

As used in this part, the term:

. . . . . .

(f) "Individual" means only a natural person.

4. Section 422.401 is revised to read as follows:

**§ 422.401 Scope and purpose.**

The regulations in this subpart relate to the availability to the public, pursuant to 5 U.S.C. 552, of records of the Social Security Administration and its components. They set out what records are available and how they may be obtained. These regulations do not revoke, modify, or supersede the regulations of the Social Security Administration relating to disclosure of information published in Part 401 of this chapter. Further, the regulations in this subpart supplement the regulations of the Department of Health, Education, and Welfare relating to availability of information pursuant to 5 U.S.C. 552, codified in 45 CFR 5.1 et seq., and do not replace or restrict them.

5. Section 422.402 is revised to read as follows:

**§ 422.402 Record defined.**

As used in this subpart, the term "record" has the same meaning as that provided in 45 CFR 5.5.

6. Section 422.426 is amended by revising paragraph (a) to read as follows:

**§ 422.426 Information or records that are not available.**

(a) *Specific exemptions from disclosure.* Pursuant to paragraph (b) of 5 U.S.C. 552, certain classes of records are exempt from disclosure. For some examples of the kinds of materials which are exempt, see Subpart F of the public information regulation of the Department of Health, Education, and Welfare (45 CFR Part 5) and the appendix to such regulation.

. . . . . .

7. Section 422.430 is amended by revising paragraph (b) (19) to read as follows:

**§ 422.430 Materials available at district offices and branch offices.**

(b) *Materials available for inspection and copying.* The following materials are available or will be made available for inspection and copying at the district offices and branch offices:

. . . . . .

(19) Statements of deficiencies based upon survey reports of health care institutions or facilities prepared after January 31, 1973, by a State agency, and such reports (including pertinent written statements furnished by such institution or facility on such statements of deficiencies), as set forth in § 422.433(a). Such statements of deficiencies, reports, and pertinent written statements shall be available or made available only at the district office and the regional office servicing the area in which the institution or facility is located, except that such statements of deficiencies and pertinent written statements shall also be available at the local public assistance offices servicing such area.

. . . . . .

8. A new section § 422.433 is added to read as follows:

**§ 422.433 Availability of official reports on providers of services, State agencies, intermediaries, and carriers under title XVIII of the Social Security Act.**

The following shall be made available to the public under the conditions specified:

(a) *Statements of deficiencies and survey reports on providers of services prepared by State agencies.* (1) Statements of deficiencies based upon official survey reports prepared after January 31, 1973, by a State agency pursuant to its agreement entered into under section 1864 of the Social Security Act and furnished to the Social Security Administration, which relate to such State agency's findings on the compliance of a health care institution or facility with the applicable provisions in section 1861 of such Act and with the regulations, promulgated pursuant to such provisions, dealing with health and safety of patients in such institutions and facilities; and (2) such State agency survey reports. Such statement of deficiencies or report and any pertinent written statements furnished by such institution or facility on such statement of deficiencies shall be disclosed within 90 days following the completion of the survey by such State agency, but not to exceed 30 days following the receipt of such report by the Administration. (See § 422.430(b)(19) for places where statements of deficiencies, reports, and pertinent written statements shall be available.)

(b) *Social Security Administration reports on providers of services.* Upon request in writing, official reports and other formal evaluations (including followup reviews), excluding references to internal tolerance rules and practices contained therein, internal working papers or other informal memoranda, prepared by the Social Security Administration and completed after January 31, 1973, which relate to the performance of providers of services under title XVIII of the Social Security Act: *Provided*, That no information identifying individual patients, physicians, or other practitioners, or other individuals shall be disclosed under this paragraph. Such reports and other evaluations shall be disclosed within 30 days following the final preparation thereof by the Social Security Administration during which time such providers of services shall be afforded a reasonable opportunity to offer comments, and there shall be disclosed with such reports and evaluations any pertinent written statements furnished the Social Security Administration by such providers on such reports and evaluations.

(c) *Contractor performance review reports.* Upon request in writing, official contractor performance review reports and other formal evaluations (including followup reviews), excluding references to internal tolerance rules and practices contained therein, internal working papers or other informal memoranda, prepared by the Social Security Administration and completed after January 31, 1973, which relate to the evaluation of the performance of (1) intermediaries and carriers under their agreements entered into pursuant to sections 1816 and 1842 of the Social Security Act and (2) State agencies under their agreements entered into pursuant to section 1864 of such Act (including comparative evaluations of the performance of such intermediaries, carriers, and State agencies). The latest Contract



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Performance Review Report pertaining



historical file on this AD which includes

(Section 307(a) of Federal Aviation Act of

lars. On June 21, 1970, at Crescent City,

Performance Review Report pertaining to a particular intermediary or carrier, prepared prior to February 1, 1973, may also be disclosed to any person upon request in writing. Such reports and evaluations shall be disclosed within 30 days following the final preparation thereof by the Social Security Administration (or 30 days following the request therefor, in the case of the contract performance review report prepared prior to February 1, 1973), during which time such intermediaries, carriers, and State agencies, as the case may be, shall be afforded a reasonable opportunity to offer comments, and there shall be disclosed with such reports and evaluations any pertinent written statements furnished the Social Security Administration by such intermediaries, carriers, or State agencies on such reports and evaluations.

9. A new § 422.434 is added to read as follows:

**§ 422.434 Release of title XVIII information to State and Federal agencies.**

(a) Except as provided in paragraph (b) of this section, the following information may be released to an officer or employee of an agency of the Federal or a State government lawfully charged with the administration of a program receiving grants-in-aid under title V and XIX of the Social Security Act for the purpose of administration of such titles, or to any officer or employee of the Department of Army, Department of Defense, solely for the administration of its Civilian Health and Medical Program of the Uniformed Services (CHAMPUS):

(1) Information, including the identification number, concerning charges made by physicians, other practitioners, or suppliers, and amounts paid under title XVIII of the Act for services furnished to beneficiaries by such physicians, other practitioners, or suppliers, to enable the agency to determine the proper amount of benefits payable for medical services performed in accordance with such programs; or

(2) Information as to physicians or other practitioners that has been disclosed under § 401.3(i)(1) or § 401.3(q) of Part 401 of this chapter.

(3) Information relating to the qualifications and certification status of hospitals and other health care facilities obtained in the process of determining whether, and certifying as to whether, institutions or agencies meet or continue to meet the conditions of participation of providers of services or whether other entities meet or continue to meet the conditions for coverage of services they furnish.

(b) The release of such information shall not be authorized by a fiscal intermediary or carrier.

10. A new § 422.435 is added to read as follows:

**§ 422.435 Release of title XVIII information to the public.**

The following shall be made available to the public under the conditions specified:

(a) Information as to amounts paid to providers and other organizations and facilities for services to beneficiaries under title XVIII of the Act: *Provided*, that no information identifying any particular beneficiaries shall be disclosed under this paragraph.

(b) The name of any provider of services or other person furnishing services to beneficiaries under title XVIII of the Act who—

(1) Has been found by a Federal court to have been guilty of submitting false claims in connection with title XVIII; or

(2) Has been found by a carrier or intermediary, after consultation with a professional medical association functioning external to program administration or, if appropriate, the State medical authority, to have been engaged in a pattern of furnishing services to such beneficiaries which are substantially in excess of their medical needs; except that the name of any provider or other person shall not be disclosed pursuant to a finding under this subparagraph (2), unless such provider or other person has first been afforded a reasonable opportunity to offer evidence on his behalf.

(c) Upon request in writing, cost reports submitted by providers of services pursuant to section 1815 of the Act to enable the Secretary to determine amounts due such providers.

[FR Doc.75-10427 Filed 4-22-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### [ 14 CFR Part 39 ]

[Docket No. 75-NE-17]

### PRATT & WHITNEY JT9D MODEL ENGINES

### Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Pratt & Whitney Model JT9D-3A, -7, -7A, -7H, -7AH, and -20 turbofan engines containing certain Tt2 temperature sensing assemblies or temperature sensing bellows. There have been failures of Tt2 sensors due to leakage of the temperature sensing fluid from the temperature sensing bellows. The leaks have developed as a result of corrosive action of residual nickel chlorides on the internal air surface of the bellows assembly. The loss of temperature sensing fluid can result in uncontrollable engine operation such as:

1. Slow acceleration on snap power lever movement from idle.
2. Slow deceleration on snap power lever movement to idle.
3. Autoacceleration.
4. Failure of engine to decelerate after retarding power lever to idle.

Since this condition can exist in all engines containing the subject parts, an airworthiness directive is being proposed that would require an inspection for the presence of nickel salts in suspect temperature sensing assemblies and temperature sensing bellows.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Attention: Regional Counsel, Airworthiness Rules Docket, 12 New England Executive Park, Burlington Massachusetts 01803. All communications received on or before June 23, 1975, will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested parties.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT: Applies to all Pratt & Whitney JT9D-3A, -7, -7A, -7H, -7AH, and -20 turbofan engines having Part Numbers 73444-1 or 755150-1, Tt2 sensor assemblies, Serial Numbers 778, 976, 1019, 1308 through 1321, 1323 through 1362, 1399 through 1423, 1425 through 1431, 1447 through 1450, 1461, 1472 through 1474, 1476 through 1483, 1486 through 1487, 1489, 1497, 1499 through 1500, 1508, 69851, 69898, 69929, 76246 through 76247, 76491, and 76495, or which have had the temperature sensing bellows, P/N 747938-1, replaced after July 1, 1973.

Compliance required within the next 600 hours time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of uncontrollable engine operation due to failure of the temperature sensing bellows, inspect for residual nickel chlorides on the internal air surfaces of the bellows in accordance with Attachment C of Hamilton Standard letter, reference 3.0.147, dated September 16, 1974. Bellows that show the presence of nickel chlorides cannot be returned to service.

(NOTE: Pratt & Whitney Alert Service Bulletin 4375 pertains to this subject.)

The Hamilton Standard specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to Hamilton Standard Division, United Aircraft Corporation, Windsor Locks, Connecticut 06096. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

Issued in Burlington, Massachusetts, on April 14, 1975.

QUENTIN S. TAYLOR,
*Director, New England Region.*

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-10521 Filed 4-22-75;8:45 am]





### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-SO-35]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Clemson, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before June 23, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Clemson transition area described in § 71.181 (40 FR 441) would be amended as follows:

"• • • east of the RBN • • •" would be deleted and "• • • east of the RBN; within a 6.5-mile radius of Pickens County Airport (Lat. 34°48'55" N., Long. 82°41'55" W.); within 3 miles each side of the 229° bearing from Picken RBN (Lat. 34°48'51" N., Long. 82°42'50" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Pickens County Airport, Pickens, S.C. A prescribed instrument approach procedure to this airport, utilizing the Pickens (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

Issued in East Point, Ga., on April 15, 1975.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.75-10522 Filed 4-22-75;8:45 am]

### Federal Railroad Administration

### [ 49 CFR Part 231 ]

[FRA Rule Making Docket No. SA-4, Notice 2]

### SAFETY APPLIANCE STANDARDS

### Box and Other House Cars; Correction

On March 31, 1975, the Federal Railroad Administration published a notice of proposed rulemaking that it was considering amendment of Part 231—Safety Appliance Standards for Box and Other House Cars (40 FR 14339).

The caption for this notice erroneously identified the docket number for this proceeding as "(FRA Rule Making Docket No. SA-3, Notice 1)". The correct identification is "(FRA Rule Making Docket No. SA-4, Notice 1)".

Issued in Washington, D.C., on April 17, 1975.

DONALD W. BENNETT,
*Chief Counsel, Federal Railroad Administration.*

[FR Doc.75-10563 Filed 4-22-75;8:45 am]

### Hazardous Materials Regulations Board

### [ 49 CFR Parts 173, 179 ]

[Docket No. HM-125; Notice No. 75-4]

### PROHIBITION OF NEW CONSTRUCTION OF SPECIFICATION DOT-112A AND 114A UNINSULATED PRESSURE TANK CAR TANKS

### Transportation of Hazardous Materials

The Hazardous Materials Regulations Board is considering amending §§ 173.314 and 179.101 of the Department's Hazardous Materials Regulations to prohibit new construction of Specification DOT-112A and 114A uninsulated pressure tank car tanks for use in the transportation of hazardous materials.

Since 1958 there have been a series of disastrous railroad accidents involving these uninsulated pressure tank cars transporting liquefied flammable compressed gases. During these accidents tank cars were readily punctured, enormous quantities of gas were released and ignited. The flames in turn overheated adjacent, similarly laden, tank cars causing them to rupture, burn and "rocket" for considerable distances. One such disastrous accident occurred at Laurel, Mississippi, on January 25, 1969, when 13 of 15 LP Gas laden 112A tank cars violently ruptured and rocketed causing the death of three townspeople, and injuries to over 30 others, and property damage totalling millions of dollars. On June 21, 1970, at Crescent City, Illinois, rupturing tank cars of the 112A Specification resulted in injuries to approximately 10 persons; and again on October 1971, in Houston, Texas, ruptured tank cars of a flammable compressed gas caused the death of one fireman and injured approximately 35 firemen and newsmen on the scene. Many other accidents have occurred which have presented severe hazardous conditions for the public and emergency response personnel. On February 11, 1974, near Oneonta, New York, ruptured and overheated 112A specification tank cars caused injuries to over 50 persons, primarily firefighters who were endeavoring to control the fires.

At Decatur, Illinois, on July 19, 1974, a DOT 114A tank car was punctured in a switching accident resulting in a gas-air blast that injured 130 people and killed seven. Again at Houston, Texas, on September 21, 1974, a switching accident resulted in a similar explosion that killed one person and injured 150 persons.

A summary of the accidents reported to DOT, covering accidents involving DOT Specification 112A and 114A uninsulated tank cars from January 1, 1969, to date, reveals that there were 192 accidents involving 434 DOT 112A or 114A cars, which resulted in 68 head punctures, 13 shell punctures, 59 tank ruptures and a total of 156 had loss of lading. Twenty-three persons were killed and 936 injured as a result.

Prior to the introduction of 112A and 114A uninsulated tank cars liquefied compressed gases were transported exclusively in Specification 105A insulated tank cars. It is estimated that approximately 22,000 112A and 114A uninsulated pressure tank cars are in service today, compared to the approximately 33,000 Specification 105A insulated tank cars in hazardous materials service. Although there are less 112A/114A than 105A tank cars in service, the RPI-AAR Tank Car Safety Research and Test Project reports (for 1965-1970) indicate that more than twice as many 112A/114A tank cars were damaged, as compared to 105A tank cars, and that five times as many 112A/114A tank cars ruptured.

The relative utilization for both the 112A/114A tank cars and the 105A tank cars has been considered. The utilization factor was considered in order to determine whether the higher utilization of 112A/114A tank cars, as compared to 105A tank cars, would serve to explain the higher rate of accidents being experienced by the 112A/114A tank cars. Data, submitted in connection with the audited carload waybill sampling project of the FRA, was reviewed to provided information concerning the relative utilization of both types of cars. The information obtained from this data did not support the concept that the higher utilization of 112A/114A tank cars would serve to explain the higher rate of accidents being experienced by the 112A/114A tank cars.

FRA accident data accumulated during the period of January 1, 1969, through December 31, 1974 indicates that:



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and calculating "W" by rounding to

| | 112A/114A | 105A |
|---|---|---|
| Number of accidents reported to FRA | 192 | 101 |
| Number of cars derailed and/or damaged | 434 | 213 |
| Number of cars sustaining a head puncture | 69 | 13 |
| Number of cars sustaining a shell puncture without a head puncture | 13 | 5 |
| Number of cars ruptured without puncture | 59 | 8 |
| Number of tanks sustaining partial or total loss of hazardous lading | 154 | 39 |
| Number of persons killed as a result of tanks being punctured or ruptured | 23 | 0 |
| Number of persons injured | 186 | 151 |

Available data has shown 105A tank cars to be substantially superior to 112A/114A tank cars from a safety standpoint. (Many of the 105A tank car ruptures occurred as a result of chemical detonation of the lading rather than by a weakening of the shell due to overheating, or puncture.) In fact, extremely hazardous commodities such as Motor Fuel Anti-Knock Compound and Ethylene Oxide, which may detonate if exposed to high temperatures, are required to be carried in insulated tank cars.

As a result of unintentional release of liquefied petroleum gas from 112A/114A tank cars during train accidents, the Railway Progress Institute and the Association of American Railroads have undertaken a multi-million dollar joint research program to evaluate the conditions leading up to tank car puncture and rupture (tank "rocketing"), and to develop improvements to eliminate this safety problem.

The Federal Railroad Administration and the Hazardous Materials Regulations Board have already taken regulatory action to improve tank car safety by requiring protective head shields on DOT Specification 112A and 114A uninsulated tank car heads to reduce the incidence of head punctures on tank cars carrying liquefied compressed gases (HM–109). In addition, FRA is closely monitoring tank car operations. The Administrator issued FRA Emergency Order No. 2 (37 FR 28311) prohibiting further use of certain uninsulated pressure tank cars found to have a structural inadequacy which results in tank shell cracking and possible leakage of hazardous lading. These cars were not permitted to be returned to service until this structural inadequacy has been corrected by modification of these cars (39 FR 2124).

In an effort to improve tank car safety by way of regulatory operating practices, the FRA issued Emergency Order No. 5 on October 25, 1974, prohibiting the free switching of all 112A and 114A tank cars transporting flammable compressed gas. By requiring controlled coupling of such tank cars, the FRA has moved to decrease the danger of head punctures in train yard operations.

The Federal Railroad Administration is also undertaking research efforts in this area to improve tank car safety. The FRA program is a multi-faceted research program aimed at determining the failure modes of these type tank cars and solutions to eliminating these safety problems. Theoretical and experimental studies of one-fifth scale and full size tank cars to determine and evaluate their performance in fires are underway. Torching as well as enveloping fires are being studied and various insulating materials are being evaluated to develop specifications for "thermal shielding" to prevent tank overheating and "rocketing." Fire tests have shown that the application of a "thermal shield" (insulation) will extend the survival time of a propane laden tank car subject to a pool fire from twenty-five minutes to ninety minutes. This extra time will give firefighters a better chance to cool the tank car surface and prevent impingement of the tank and an explosion. In addition, the "thermal shield" reduces the severity of those tank explosions which do occur.

Likewise, metallurgical analysis is also being conducted by the FRA on the materials used in the construction of tank cars. The objective of this study is to develop new specifications for tank shell steel and better design attachments to the tank shell. Theoretical structural stress analysis is being performed to obtain a better understanding of a tank car as a structure.

Also, the relief capacity of spring loaded safety relief devices is being measured in both the vapor and in the liquid stages to determine the actual flow capacity of existing tank car relief devices. The existing equations for sizing relief valve flow may be inadequate for uninsulated pressure tank cars. This testing will lead to new design criteria for sizing of the relief valves used for these cars. Additionally, a new FRA–AAR/RPI test facility will afford industry a place to test and certify new safety relief devices.

While the Board is aware of these research efforts and agrees that significant results will be developed from them, the Board is concerned that existing uninsulated pressure tank cars built to DOT specifications present a great public danger of propane tank car fires and subsequent explosions. The Board recognizes that removing all 112A and 114A tank cars from this service would intensify the national energy crisis and severely restrict the rail movement of fuels, fertilizers, chemicals, and liquefied compressed gases. The Board also realizes that improved operating practices, headshields and thermal shielding will greatly reduce the hazards inherent in 112A and 114A tank cars as currently constructed. However, the Board feels that new construction of 112A and 114A tank cars should be prohibited until a new design or type of car is developed. Accordingly, the Board proposes to prohibit new construction of Specification DOT 112A and 114A tank cars for the transportation of hazardous materials after December 31, 1975.

Pursuant to the provisions of section 102(2)(c) of the National Environmental Policy (42 U.S.C. 4321 et seq.), the Board has considered the requirements of that Act concerning Environmental Impact Statements and has determined that the amendments proposed in this notice would not have a significant impact upon the environment. Accordingly, an Environmental Impact Statement is not necessary and will not be issued with respect to the proposed amendments.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 179 as follows:

## PART 173—SHIPPERS

I. In § 173.314 paragraph (c), Note 24 would be added following the Table and reference thereto would be added each time Spec. DOT 112A and 114A tank cars appear in the column headed "Required tank car, see § 173.31(a) (2) and (3)":

**§ 173.314 Requirements for compressed gases in tank cars.**

• • • • • •

(c) • • •

NOTE 24: Use of existing tank cars authorized, but new construction after December 31, 1975, not authorized.

## PART 179—SPECIFICATIONS FOR TANK CARS

II. In § 179.101–1 paragraph (a), footnote 12 would be added following the Table and reference thereto would be added in the following column headings:

**§ 179.101 Individual specification requirement applicable to pressure tank car tanks.**

**§ 179.101–1 Individual specification requirements.**

(a) • • •

| | |
|---|---|
| 112A200W [12] | 112A500W [12] |
| 112A340W [12] | 114A340W [12] |
| 112A400F [11, 12] | 114A400W [12] |
| 112A400W [12] | |

• • • • • •

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received before May 30, 1975, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215, Trans Point Building, Second and V Streets, SW., Washington, D.C. both before and after closing date for comments.

(Transportation of Explosives Act, 18 U.S.C. 831–835, sec. 6, Department of Transportation Act, 49 U.S.C. 1655.)

[12] New construction not authorized after December 31, 1975.





Issued in Washington, D.C. on April 16, 1975.

R. H. WRIGHT,
*Acting Associate Administrator for Safety, Federal Railroad Administration, Alternate Member, Hazardous Materials Regulations Board.*

[FR Doc.75–10501 Filed 4–22–75;8:45 am]

## [ 49 CFR Part 179 ]

[Docket HM–109; Notice 75–3]

## TANK CAR HEAD SHIELDS

### Notice of Proposed Rulemaking

The Hazardous Materials Regulations Board is considering amending § 179.100–23 of Part 179 to allow a small opening on a head shield applied to DOT 112A and 114A tank cars built before September 1, 1974, to permit an existing hand brake bracket to pass through the head shield.

This proposed amendment was requested by the Project Review Committee of the Railway Progress Institute—Association of American Railroads Tank Car Research and Test Project. It would supplement the amendments proposed in the March 11, 1975 issue of the FEDERAL REGISTER (40 FR 11362).

In consideration of the foregoing, it is proposed to amend 49 CFR Part 179 as follows:

In § 179.100, paragraph (a)(5) would be added in § 179.100–23 to read as follows:

**§ 179.100 General specification applicable to pressure tank car tanks.**

• • • • • •

**§ 179.100–23 Head shields.**

(a) • • •

(5) On cars built before September 1, 1974, a portion of a head shield may be removed to permit an existing hand brake bracket to pass through the head shield. The opening may not extend more than one inch beyond the outside dimensions of the hand brake bracket and may not exceed 289 square inches. The inside and outside edges of the opening must be free of burrs and chamfered to a minimum of ⅛ inch. Each corner of the opening must be curved. The hand brake bracket must be mounted on at least a ¾-inch thick steel pad which is continuously welded to the head of the tank shell, except for a small discontinuity in the weld for a weep hole.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received before May 30, 1975, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215, Trans Point Building, Second and V Streets, SW., Washington, D.C., both before and after closing date for comments.

This notice is issued under the authority of sections 831–835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C. on April 16, 1975.

R. H. WRIGHT,
*Acting Associate Administrator for Safety, Federal Railroad Administration, Alternate Member, Hazardous Materials Regulations Board.*

[FR Doc.75–10500 Filed 4–22–75;8:45 am]

## National Highway Traffic Safety Administration

## [ 49 CFR Part 571 ]

[Docket No. 73–3; Notice 3]

## SCHOOL BUS PASSENGER SEATING AND CRASH PROTECTION

### Proposed Motor Vehicle Safety Standards

This notice proposes a new motor vehicle safety standard for school bus seating and crash protection, modified in several respect from the July 30, 1974, proposal (39 FR 27585).

In the Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93–492, Congress amended the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1381, et seq., to require that the Secretary propose, adopt and make effective under a strict timetable Federal motor vehicle safety standards covering eight aspects of school bus performance. The 1974 Amendments direct that proposed rules be published by April 27, 1975, and that final rules be published by January 27, 1976. These final rules must take effect 9 months after promulgation. The NHTSA is given no authority to shorten or lengthen the lead time. This agency intends to issue a final rule in Docket No. 73–3 before September 1, 1975, which will therefore be effective before May 1, 1976. The agency recognizes that this 9-month lead time is relatively short. The affected industries should be aware of this restrictive schedule and plan their production accordingly.

The major features of this proposal differ little from those of Notice 2. The standard would apply to all passenger vehicles sold for the primary purpose of transporting children to and from school. The seat back height remains 24 inches, seatbelt anchorages are still required, seat strength and deflection requirements are only slightly altered, and the impact zone requirements are unchanged. Principal changes include: Altering the seat back force/deflection curve to require some deflection at forces over 200 pounds, eliminating the rearward performance test for the rearmost seat, deleting "seat orientation line" and substituting a requirement that seats be forward facing, specifying surface smoothness for the head and knee forms, and calculating "W" by rounding to the nearest whole number.

Figure 1 sets upper and lower limits on the seat back force/deflection curve for S5.1.3, *Seat performance forward*. The upper limit has been changed to require at least 6 inches of seat back deflection before the 2400-pound force limit is reached. The change is intended to protect a small child sitting alone by assuring that the sea back in front of him is not so stiff that is injures him in the even of a collision. The NHTSA believes that energy absorbing seat back materials are readily available which can assure compliance with this modified requirement.

Forward seat performance has been clarified by separating the requirements from the test procedure. The Notice 2 statement in S5.1.3(b), "The energy necessary to deflect the seat back 14 inches shall not be less than 4000W inch-pounds," created confusion because it somewhat inaccurately combined two specifications. The proposed S5.1.3(b) clearly states that "Seat back deflection shall not exceed 14 inches." This is one of five forward seat performance requirements, all taken from Notice 2. The test procedure of S5.1.3.4 now clearly specifies that 4000W inch-pounds of energy must be absorbed in deflecting the seat back or restraining barrier.

Rearward seat performance levels have not been changed; a maximum of 8 inches of deflection is permitted in absorbing 2800W inch-pounds of energy. There is no minimum for the force/deflection curve, but the maximum remains 2200 pounds. An important change is the elimination of rearward performance requirements for the rearmost seat. Notice 2 would have required either elimination of the rear seat or extension of the bus body 8 inches rearward, because current buses do not have enough space between the seat backs and the rear structure of the bus body to allow the seat structure to absorb much energy. Either modification is expensive. After further analysis the NHTSA has determined that the very proximity of the rear seats provides rear seat occupants with comparable protection by allowing them to "ride down" the vehicle structure rather than the seat back. Therefore, the NHTSA believes that deleting the rearward performance requirement for the rearmost seat will significantly lower the cost and weight penalties of the proposed standard without compromising the safety of rear seat occupants.

The "seat orientation line" has been deleted and a requirement that school bus seats be forward facing has been added. Many commenters felt that a "seat orientation line" was unnecessary and confusing inasmuch as virtually all school bus seats are already forward facing. The purpose of that concept was to allow manufacturers maximum design freedom in meeting the requirements of the standard, and to prevent evasion of it through use of diagonal seats. Based on the docket comments, however, the NHTSA finds the "seat orientation line"



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to be an unnecessary complication of the standard. The requirement that seats be forward facing is included because too little research and experience are available to determine what requirements would be necessary or appropriate for rearward facing seats, and because side facing seats currently cannot adequately compartmentalize passengers at competitive costs or passenger capacities. If further research indicates that rear facing or side facing seats are equal or superior to forward facing seats, and it appears that there is a market for them, appropriate requirements will be developed.

The head and knee forms now have specified maximum surface roughnesses of 63 micro-inches, because surface roughness can have a large effect on impact readings. The loading mar specifications have been tightened to require the bar to be 4 inches shorter than the seat back width, rather than "at least 4 inches" shorter. Loading procedures are now stated in terms of loading time period rather than rate of loading. Figure 1 now identifies the "break point" coordinates precisely, Figure 2 calls for an aluminum alloy body block, and Figure 3 is retitled "Bihemispherical Head Form Radii."

In response to numerous comments, the calculation of the number of designated seating positions (W) has been changed to provide for rounding to the nearest whole number rather than to the next largest whole number. The previous method would have penalized manufacturers who offered more than average seat width in their two-passenger seats. The word "separate" has been substituted for the phrase "separate completely or in part" in the seat belt anchorage, seat cushion and seat deflection requirements, in response to comments indicating the phrase would create more ambiguity than it would resolve.

Although the wording of S3, Application, has been changed to read simply, "This standard applies to school buses," no change in the application of the proposed standard is intended. The definition of school bus in 49 CFR Part 571 is being changed to make it consistent with the definition used in the 1974 Amendments, and the term will include van-type vehicles equipped or sold for use in school transportation as well as transit bus-type vehicles manufactured or sold primarily for use in school transportation.

Two points should be emphasized regarding seating reference point. First, the seating reference point established by the manufacturer must have specified coordinates such that the NHTSA can precisely locate the point for compliance testing. As noted in Notice 2, inasmuch as the definition in 49 CFR 571.3 was developed for passenger cars, the NHTSA will interpret "designed vehicle structure" to include merely the seat structure as mounted in the vehicle. This means that the seating reference point coordinates need reference only the seat structure and not the sides, floor or frame of the bus itself. Second, the seating reference point must approximate the pivot center of the human torso and thigh, not only because this is required by the definition in 49 CFR 571.3, but also because the NHTSA is developing "H point" (actual human pivot center) measuring criteria and anticipates eventually substituting "H point" for seating reference point.

Seat back height has been left at 24 inches, measured using the seating reference point, despite requests for both higher and lower seat backs. The NHTSA does not have any test results which indicate that a minimum seat height of less than 24 inches will provide adequate compartmentalization of school age children. The UCLA tests indicated adequate containment with a seat back substantially equivalent to those required here. Testing with the Transbus seat yielded similar results. And contrary to the impression held by some commenters, the seat back height requirement is not intended to provide whiplash protection; accident statistics indicate that whiplash is not a problem in school bus accidents. Finally, the comments reflect a split of opinion over whether the higher seat backs will increase supervisory problems or decrease the need for such supervision by more effectively separating bus passengers. Therefore, the NHTSA feels justified in retaining the 24-inch requirement.

Seat belt anchorage requirements are unchanged. With the anchorages required to be located on the seat frame, arguments about cluttered floors and additional though-floor fastenings are without merit. Because the anchorage performance requirements are less severe than the seat deflection requirements, and because little or no additional hardware is required, the cost of including anchorages should be minimal. Built-in seat belt anchorages will make the installation of seat belts practicable for purchasers who desire them. Research has shown that seat belts in school buses have life-saving potential if the vehicle seat backs are of adequate height and strength. Because the practical difficulties of supervising belt use by young children can be solved in some cases through the use of school bus monitors, the NHTSA finds it desirable to allow local school boards the option of installing belts, if they decide the additional protection is worth the extra expense. In addition, school buses are often used by schools, businesses and other groups to transport teenagers and adults who do not need supervision to benefit from belts in vehicles with adequate seating structures.

The NHTSA has tentatively determined that the proposed standard will benefit school bus safety, while keeping the increase in weight and cost of school buses within reasonable bounds. The only seating position in conventional school buses which will be lost is the right front aisle seating position in buses with three designated seating positions for that seat. Those few buses which do not have rear emergency doors will also lose the center rear seat.

In consideration of the foregoing it is proposed that Part 571 of Title 49, Code of Federal Regulations, be amended by the addition of a new standard, *School bus passenger seating and crash protection*, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: June 20, 1975.

Proposed effective date: April 1, 1976.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718; Sec. 202, Pub. L. 93-492 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 15, 1975.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

**§ 571.____; Standard No. ____; school bus passenger seating and crash protection.**

S1. *Scope.* This standard establishes occupant protection requirements for school bus passenger seating and restraining barriers.

S2. *Purpose.* The purpose of this is to reduce the number of deaths and the severity of injuries that result from the impact of school bus occupants against structures within the vehicle during crashes and sudden driving maneuvers.

S3. *Application.* This standard applies to school buses.

S4. *Definitions.* "Contactable surface" means any surface within the zone specified in S5.3.1.1 that is contactable from any direction by the test device described in S6.6, except any surface on the front of a seat back or restraining barrier 3 inches or more below the top of the seat back or restraining barrier.

"School bus passenger seat" means a seat, other than the driver's seat, in a school bus.

"Seat belt anchorage" means the provision for transferring seat belt assembly loads to the vehicle structure.





S4.1 The number of seating positions considered to be in a bench seat is expressed by the symbol W, and calculated as the bench width in inches divided by 15 and rounded to the nearest whole number.

S5. *Requirements.* (a) Each vehicle with a gross vehicle weight rating of more than 10,000 pounds shall be capable of meeting any of the requirements set forth under this heading when tested under the conditions of S6. However, a particular school bus passenger seat (i.e., test specimen) in that weight class need not meet further requirements after having met S5.1.2 and S5.1.5, and having been subjected to either S5.1.1, S5.1.3, S5.1.4, or S5.3.

(b) Each vehicle with a gross vehicle weight rating of 10,000 pounds or less shall be capable of meeting the following requirements at all seating positions other than the driver's seat: (1) The requirements of § 571.208, 571.209, and 571.210 as they apply to multipurpose passenger vehicles; and (2) the requirements of S5.1.2, S5.1.3, S5.1.4, S5.1.5, and S5.3 of this standard. However, a particular school bus passenger seat (i.e., a test specimen) in that weight class need not meet further requirements after having met S5.1.2 and S5.1.5, and having been subjected to either § 571.210, S5.1.3, S5.1.4 or S5.3.

S5.1 *Seating requirements.* School bus passenger seats shall be forward facing.

S5.1.1 *Seat belt anchorage performance.* Each school bus passenger seat shall be equipped with W sets of seat belt anchorages (one at each designated seating position) for a type I seat belt assembly that conforms to § 571.209, attached to the seat frame.

S5.1.1.1 The line to the seating reference point from the nearest contact point of the belt with the hardware attaching it to the anchorage shall extend forward from that contact point at a side-view angle above the horizontal of not less than 20 nor more than 75 degrees.

S5.1.1.2 Seat belt anchorages for an individual seat belt assembly shall be located at least 6.5 inches apart laterally, measured between the vertical centerlines of the bolt holes.

S5.1.1.3 Seat belt anchorages shall not separate from the seat frame when a force of 1,500W pounds is applied as follows:

(a) Mount a Type I seat belt assembly that conforms to § 571.209 of this part to each set of seat belt anchorages specified for the seat under S5.1.1, and fasten a pelvic body block, specified in Figure 2, to each seat belt assembly.

(b) Apply the required force simultaneously through each body block in the forward direction with an initial force angle of not less than 5 nor more than 15 degrees above the horizontal, with the required force reached in not less than 5 nor more than 30 seconds, and sustained for at least 10 seconds.

S5.1.2 *Seat back height and surface area.* Each school bus passenger seat shall be equipped with a seat back that has a front surface area above the horizontal plane that passes through the seating reference point, and below the horizontal plane 24 inches above the seating reference point, of not less than 90 percent of the seat bench width in inches multiplied by 24.

S5.1.3 *Seat performance forward.* When a school bus passenger seat that has another seat behind it is subjected to the application of force as specified in S5.1.3.1 and S5.1.3.2, and subsequently, the application of additional force to the seat back as specified in S5.1.3.3 and S5.1.3.4:

(a) The seat back force/deflection curve shall fall within the zone specified in Figure 1;

(b) Seat back deflection shall not exceed 14 inches; (For determination of (a) and (b) the force/deflection curve describes only the force applied through the upper loading bar, and only the forward travel of the pivot attachment point of the upper loading bar measured from the point at which the initial application of 10 pounds of force is attained.)

(c) The seat shall not deflect by an amount such that any part of the seat moves to within 4 inches of any part of another school bus passenger seat or restraining barrier in its originally installed position;

(d) The seat shall not separate from the vehicle at any attachment point; and

(e) Seat components shall not separate at any attachment point.

S5.1.3.1 Position the loading bar specified in S6.5 so that it is laterally centered behind the seat back with the bar's logitudinal axis in a transverse plane of the vehicle and in any horizontal plane between 4 inches above and 4 inches below the seating reference point of the school bus passenger seat behind the test specimen.

S5.1.3.2 Apply a force of 1,700W pounds horizontally in the forward direction through the loading bar at the pivot attachment point. The specified load shall be reached in not less than 5 nor more than 30 seconds.

S5.1.3.3 No sooner than 1.0 second after attaining the required force and while maintaining the pivot point position of the first loading bar, position a second loading bar described in S6.5 so that it is laterally centered behind the seat back with the bar's longitudinal axis in a transverse plane of the vehicle and in the horizontal plane 16 inches above the seating reference point of the school bus passenger seat behind the test specimen, and move the bar forward against the seat back until a force of 10 pounds has been applied.

S5.1.3.4 Apply additional force horizontally in the forward direction through the upper bar until 4,000W inch-pounds of energy has been absorbed in deflecting the seat back (or restraining barrier). The additional load shall be applied in not less than 5 seconds nor more than 30 seconds.

S5.1.4 *Seat performance rearward.* When a school bus passenger seat that has another seat behind it is subjected to the application of force as specified in S5.1.4.1 and S5.1.4.2:

(a) Seat back force shall not exceed 2,200 pounds;

(b) Seat back deflection shall not exceed 8 inches; (For determination of (a) and (b) the force/deflection curve describes only the force applied through the loading bar, and only the rearward travel of the pivot attachment point of the loading bar measured from the point at which the initial application of 50 pounds of force is attained.)

(c) The seat shall not deflect by an amount such that any part of the seat moves to within 4 inches of any part of another passenger seat in its originally installed position;

(d) The seat shall not separate from the vehicle at any attachment point; and

(e) Seat components shall not separate at any attachment point.

S5.1.4.1 Position the loading bar described in S6.5 so that it is laterally centered forward of the seat back with the bar's longitudinal axis in a transverse plane of the vehicle and in the horizontal plane 13.5 inches above the seating reference point of the test specimen, and move the loading bar rearward against the seat back until a force of 50 pounds has been applied.

S5.1.4.2 Apply additional force horizontally rearward through the loading bar until 2,800W inch-pounds of energy has been absorbed in deflecting the seat back. The additional load shall be applied in not less than 5 seconds nor more than 30 seconds.

S5.1.5 *Seat cushion retention.* In the case of school bus passenger seats equipped with seat cushions, with all attachment points between the seat and the seat cushion properly attached, the seat cushion shall not separate from the seat at any attachment point when subjected to an upward force of five times the seat cushion weight, applied in any period of not less than 1 nor more than 2 seconds, and maintained for 5 seconds.

S5.2 *Restraining barrier requirements.* Each vehicle shall be equipped with a restraining barrier forward of any designated seating position that does not have the rear surface of another school bus passenger seat within 23 inches of its seating reference point, measured horizontally in the forward direction.

S5.2.1 *Barrier-seat separation.* The horizontal distance between the restraining barrier's rear surface and the seating reference point of the seat in front of which it is required shall be not more than 23 inches.

S5.2.2 *Barrier position and rear surface area.* The position and rear surface area of the restraining barrier are such that, in a front projected view of the bus, each point of the barrier's perimeter coincides with or lies outside of the perimeter of the seat back of the seat for which it is required.

S5.2.3 *Barrier performance forward.* When force is applied to the restraining barrier in the same manner as specified in S5.1.3.1 through S5.1.3.4 for seating performance tests:

(a) The restraining barrier force/deflection curve shall fall within the zone specified in Figure 1;



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(b) Restraining barrier deflection shall not exceed 14 inches; (For computation of (a) and (b) the force/deflection curve describes only the force applied through the upper loading bar, and only the forward travel of the pivot attachment point of the loading bar measured from the point at which the initial application of 10 pounds of force is attained.)

(c) Restraining barrier deflection shall not interfere with normal door operation;

(d) The restraining barrier shall not separate from the vehicle at any attachment point; and

(e) Restraining barrier components shall not separate at any attachment point.

S5.3 *Impact zone requirements.* The head form, knee form, and contactable surfaces shall be clean and dry during impact testing.

S5.3.1 *Head protection zone.* Any contactable surface of the vehicle within any zone specified in S5.3.1.1 shall meet the requirements of S5.3.1.2 and S5.3.1.3. However, a surface area that has been contacted pursuant to an impact test need not meet further requirements contained in S5.3.

S5.3.1.1 The head protection zones in each vehicle are the spaces in front of each school bus passenger seat which, in relation to that seat and its seating reference point, are enclosed by the following planes:

(a) Horizontal planes 12 inches and 40 inches above the seating reference point;

(b) A vertical longitudinal plane tangent to the inboard (aisle side) edge of the seat;

(c) A vertical longitudinal plane 3.25 inches inboard of the outboard edge of the seat, and

(d) Vertical transverse planes through and 30 inches forward of the seating reference point.

S5.3.1.2 *Head form impact requirement.* When any contactable surface of the vehicle within the zones specified in S5.3.1.1 is impacted from any direction at 22 feet per second by the head form described in S6.6, the axial acceleration at the center of gravity of the head form shall be such that the expression

$$\left[\frac{1}{t_2-t_1}\int_{t_1}^{t_2} a\,dt\right]^{2.5}(t_2-t_1)$$

shall not exceed 1,000, where a is the axial acceleration expressed as a multiple of g (the acceleration due to gravity), and $t_1$ and $t_2$ are any two points in time during the impact.

S5.3.1.3 *Head form force distribution.* When any contactable surface of the vehicle within the zones specified in S5.3.1.1 is impacted from any direction at 22 feet per second by the head form described in S6.6, the energy necessary to deflect the impacted material shall be not less than 40 inch-pounds before the force level on the head form exceeds 150 pounds. When any contactable surface within such zones is impacted by the head form from any direction at 5 feet per second, the contact area on the head form surface shall be not less than 3 square inches.

S5.3.2 *Leg protection zone.* Any part of the seat backs or restraining barriers in the vehicle within any zone specified in S5.3.2.1 shall meet the requirements of S5.3.2.2.

S5.3.2.1 The leg protection zones of each vehicle are those parts of the school bus passenger seat backs and restraining barriers bounded by horizontal planes 12 inches above and 4 inches below the seating reference point of the school bus passenger seat immediately behind the seat back or restraining barrier.

S5.3.2.2 When any point on the rear surface of that part of a seat back or restraining barrier within any zone specified in S5.3.2.1 is impacted from any direction at 16 feet per second by the knee form specified in S6.7, the resisting force of the impacted material shall not exceed 600 pounds and the contact area on the knee form surface shall not be less than 3 square inches.

S6. *Test conditions.* The following conditions apply to the requirements specified in S5.

S6.1 *Test surface.* The bus is at rest on a level surface.

S6.2 *Tires.* Tires are inflated to the pressure specified by the manufacturer for the gross vehicle weight rating.

S6.3 *Temperature.* The ambient temperature is any level between 32 degrees F, and 90 degrees F.

S6.4 *Seat back position.* If adjustable, a seat back is adjusted to its most upright position.

S6.5 *Loading bar.* The loading bar is a rigid cylinder with an outside diameter of 6 inches that has hemispherical ends with radii of 3 inches. The length of the loading bar is 4 inches less than the width of the seat back in each test. The stroking mechanism applies force through a pivot attachment at the center point of the loading bar which allows the loading bar to rotate in a horizontal plane 30 degrees in either direction from the transverse position.

S6.5.1 A vertical or lateral force of 4,000 pounds applied externally through the pivot attachment point of the loading bar at any position reached during a test specified in this standard shall not deflect that point more than 1 inch.

S6.6 *Head form.* The head form for the measurement of acceleration is a rigid surface comprised of two hemispherical shapes, with total equivalent weight of 11.5 pounds. The first of the two hemispherical shapes has a diameter of 6.5 inches. The second of the two hemispherical shapes has a 2 inch diameter and is centered as shown in Figure 3 to protrude from the outer surface of the first hemispherical shape. The surface roughness of the hemispherical shapes shall not exceed 63 micro-inches, root mean square.

S6.6.1 The direction of travel of the head form is coincidental with the straight line connecting the centerpoints of the two spherical outer surfaces which constitute the head form shape.

S6.6.2 The head form is instrumented with an acceleration sensing device whose output is recorded in a data channel that conforms to the requirements for a 1,000 Hz channel class as specified in SAE Recommended Practice J211, October 1970. The head form exhibits no resonant frequency below 3,000 Hz. The axis of the acceleration sensing device coincides with the straight line connecting the centerpoints of the two hemispherical outer surfaces which constitute the head form shape.

S6.6.3 The head form is guided by a stroking device so that the direction of travel of the head form is not affected by impact with the surface being tested at the levels called for in the standard.

S6.7 *Knee form.* The knee form for measurement of force is a rigid 3-inch-diameter cylinder with an equivalent weight of 10 pounds, that has one rigid hemispherical end with a one and one-half inch radius forming the contact surface of the knee form. The hemispherical surface roughness shall not exceed 63 micro-inches, root mean square.

S6.7.1 The direction of travel of the knee form is coincidental with the centerline of the rigid cyclinder.

S6.7.2 The knee form is instrumented with an acceleration sensing device whose output is recorded in a data channel that conforms to the requirements of a 1,000 Hz channel class as specified in the SAE Recommended Practice J211, October 1970. The knee form exhibits no resonant frequency below 3,000 Hz. The axis of the acceleration sensing device is aligned to measure acceleration along the centerline of the cylindrical knee form.

S6.7.3 The knee form is guided by a stroking device so that the direction of travel of the knee form is not affected by impact with the surface being tested at the levels called for in the standard.

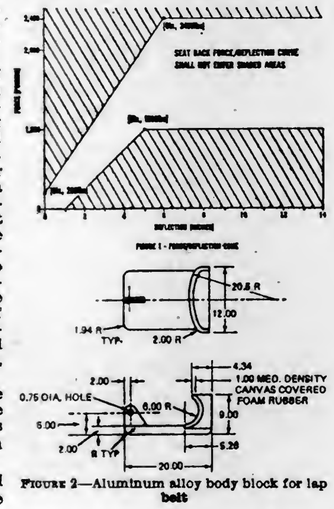


FIGURE 2—Aluminum alloy body block for lap belt





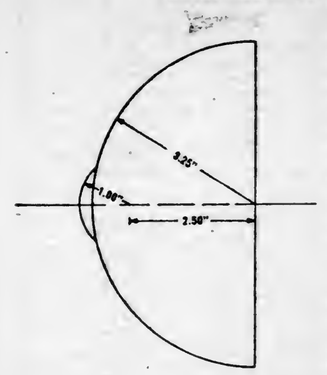


FIGURE 3

[FR Doc.75-10366 Filed 4-22-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

[ 10 CFR Part 212 ]

## PROFIT MARGIN REPURIFICATION

### Proposed Rulemaking and Public Hearing

The Federal Energy Administration (FEA) hereby gives notice of a proposal to amend Part 205 by adding a new Subpart S. Profit Margin Repurification. The purpose of the new Subpart S is to provide a means whereby a refiner which has become subject to a profit margin limitation by charging allowable prices above base price to reflect increased non-product costs may "repurify" itself by remitting revenues derived during that fiscal year from charging prices in excess of base price, and thereby not be subject to the profit margin limitation. This amendment will incorporate in the FEA profit margin regulations a provision that was a part of the prior Cost of Living Council profit margin regulations, from which the current FEA regulations were adopted. This provision will, in effect, permit a refiner to defer its determination to become subject to the profit margin limitation until near the end of its fiscal year, when it will be in a better position to evaluate the impact of that determination.

Pursuant to § 212.11 of the FEA regulations, a refiner which charges a price for any item in excess of the base price of the item may not, in the fiscal year in which the price in excess of the base price is charged, exceed its base period profit margin. If a refiner does not raise any price above base price, there is no profit margin limitation. Increased product costs are included in base prices, but increased non-product costs are not, so that the profit margin limitation applies only with respect to the pass through of increased non-product costs.

Pursuant to the proposed amendment, a refiner, which during a fiscal year has increased a price above base price, but has then rescinded for the remainder of the fiscal year all price increases above base price, and has made refunds or reduced prices below base price to the extent of its price increases above base price, will not be subject to the profit margin limitation for that fiscal year. In other words, a refiner may "repurify" itself by returning to the market place any non-product cost increases it has passed through, and thereby avoid the profit margin limitation.

The remission of revenues must be made under the proposed regulations in the following manner:

(1) If the ultimate consumers who purchased the items at prices above base price are reasonably identifiable, refunds must first be made to them.

(2) To the extent that these ultimate consumers are not reasonably identifiable, revenues must be remitted in the form of future sales at prices below base price of the same items previously sold at prices above base price.

To comply with the provisions of this subpart a firm must rescind its above-base prices and complete its remittance of revenues within the fiscal year it intends to avoid the profit margin limitation. The subpart also extends to firms which have raised a price above base price in a previous fiscal year, and which continue to charge the increased price in a subsequent fiscal year. Such a firm must lower its prices to base price and remit revenues derived from the price increases in effect during that subsequent fiscal year in order to avoid the profit margin limitation in that year. A firm which complies with the provisions of this subpart within a fiscal year would nevertheless become subject to the profit margin limitation once again in that same fiscal year if it subsequently charged a price in excess of base price in that fiscal year.

To comply with the provisions of Subpart S, a firm must first submit a letter of intent to FEA which shall include a revenue remission plan. This plan must be approved by the FEA. The FEA may disapprove the revenue remission plan within 30 days from the date of its receipt. The information which must be included in the letter of intent is set forth in § 205.242(d). Comments are invited on whether the revenue remission plan must be approved by the FEA before a refiner may begin the remission of revenues.

The regulation changes proposed herein will be effective, as finally adopted, May 1, 1975, and would apply to the entire current fiscal year of any firm. Comments are invited on whether the amendment ought to be made effective retroactive to January 1, 1975.

A public hearing on this proposed rulemaking will be held beginning at 9:30 a.m., on Friday, May 16, 1975, in Room 2105, 2000 M Street NW., Washington, D.C., to receive oral presentation of data, views and arguments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, and must be received before 4:30 e.d.t., Thursday, May 8, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through Wednesday, May 14, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Monday, May 12, 1975, and must submit 100 copies of the statement to Executive Communications, FEA, Room 2105, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.d.t., Thursday, May 15, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.d.t., Wednesday, May 14, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.



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A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400 Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the proposed regulations to Executive Communications, Room 3309, Federal Energy Administration, Box CP, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Profit Margin Repurification." Fifteen copies should be submitted. All comments received by Tuesday, May 13, 1975, and all relevant information will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

In consideration of the foregoing, it is proposed to amend Part 205 of Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C. April 18, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel,*
*Federal Energy Administration.*

1. Part 205 is amended to add a new Subpart S to read as follows:

**Subpart S—Profit Margin Repurification**

Sec.
205.240 Scope.
205.241 General rule.
205.242 Letter of intent.
205.243 Remission of revenues.

AUTHORITY: (Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159); Federal Energy Administration Act of 1974, (Pub. L. 93-275); E.O. 11790 (39 FR 23185))

**Subpart S—Profit Margin Repurification**

**§ 205.240 Scope.**

The subpart applies to any firm subject to a profit margin limitation imposed by Part 212 of this chapter.

**§ 205.241 General rule.**

Any firm subject to a profit margin limitation under Part 212 of this chapter is not subject to that limitation if, before the end of the fiscal year in which it charged a price above the base price, the firm (a) rescinds for the remainder of the fiscal year all price increases above base price, and (b) in conformity with §§ 205.242 and 205.243 of this subpart, remits to customers in the form of refunds, or future sales at prices below base price of the same covered products previously sold at prices above base price, or both, an amount equal to or greater than all revenues derived in the fiscal year from charging a price or prices in excess of base price.

**§ 205.242 Letter of intent.**

(a) A firm may take action to reduce prices to base price at any time.

(b) Before remitting revenues derived from charging prices above base price, each firm shall submit to FEA a letter of intent to remit revenues which shall include a revenue remission plan which must be approved by FEA. If the firm receives no written response to its letter of intent within 30 days after the date it was received by the FEA, the firm may assume approval of its revenue remission plan and proceed to remit revenues in accordance with § 205.243.

(c) To be eligible for FEA approval under this subpart, a letter of intent must be received at such a time before the end of the firm's fiscal year as will allow FEA review thereof in accordance with paragraph (b) of this section and as will allow the firm fully to execute the plan for remission of revenues before the end of that fiscal year.

(d) Each letter of intent to remit revenues shall include a revenue remission plan presenting the following information:

(1) The amount of revenue the firm has received as a result of having increased the price of covered products above base price, indicated by product or product line;

(2) The above-base-price selling price, the base price, and the proposed below-base-price selling price of each product or product line;

(3) The sales figures and other information which demonstrates that the proposed prices below base price will result in remission of revenues derived from charging prices above the base price;

(4) The period of time during which the remission of revenues will take place;

(5) The anticipated effect of the firm's price reductions on competition and the manner in which the firm's revenue remission plan will minimize disruption of competitive pricing patterns; and

(6) The amount of revenues which can be refunded to customers.

**§ 205.243 Remission of revenues.**

(a) Remission of revenues derived from charging prices above base price shall be made first in the form of refunds to individual customers who purchased covered products at prices in excess of base price, to the extent that those customers are reasonably identifiable. For the purpose of making refunds pursuant to this subpart, "customer" means, so far as possible, the ultimate consumer. To the extent that customers are not reasonably identifiable, remission of the balance of revenues derived from charging prices above base price shall be made to customers of the same class as those charged the prices above base prices through the reduction of the price of those items which were raised above base price to below base price, so that the difference between the revenues realized at the reduced prices and the revenues which would have been realized if the sales had been made at base price is equal to or greater than the revenues (net of any refunds) derived from charging prices above base price.

(b) Each firm that remits revenues shall make such arrangements with its immediate customers, purchasers, dealers, employees or agents as are necessary to obtain and maintain records of the names and addresses of ultimate consumers who are reasonably identifiable in accordance with normal business practices and to assure that refunds are in fact made to such ultimate consumers.

[FR Doc.75-10555 Filed 4-18-75;1:30 pm]

## FEDERAL HOME LOAN BANK BOARD

**[ 12 CFR Part 526 ]**

**[No. 75-344]**

### FEDERAL HOME LOAN BANK SYSTEM

**Proposed Rate Control Violations; Withdrawal**

APRIL 10, 1975.

Whereas, the Federal Home Loan Bank Board, by Resolution No. 73-1467, dated October 3, 1973 and duly published in the FEDERAL REGISTER on October 11, 1973 (38 FR 28081) proposed to amend Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) for the purpose of prescribing monetary penalties for violations of Part 526; and

Whereas, a substantial period of time has elapsed since the date of said proposal:

It is hereby resolved, That the Board determines to withdraw from consideration the amendment proposed by said Resolution No. 73-1467.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Pub. L. 91-151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425b, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[FR Doc.75-10558 Filed 4-22-75;8:45 am]





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

**Agency for International Development**

**[No. 99.1.66]**

### AID REPRESENTATIVE, U.S. EMBASSY TO YEMEN ARAB REPUBLIC

**Redelegation of Authority Regarding Contract Functions**

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the AID Representative, U.S. Embassy to the Yemen Arab Republic, the authority to sign or approve:

1. U.S. Government contracts and grants (other than grants to foreign governments or agencies thereof) and amendments thereto, and AID grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $50,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole or in part, by said AID Representative at his discretion to the person or persons designated by the AID Representative as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons cease to hold the office of Contracting Officer for AID Programs, or until the redelegation is revoked by the AID Representative, whichever shall first occur. The authority so redelegated by the AID Representative may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the AID Representative may be exercised by duly authorized persons who are performing the functions of the AID Representative in an acting capacity.

Redelegation of Authority 99.1.25 (38 FR 29094), dated September 21, 1973, and Amendment No. 1 thereto (39 FR 35689), dated September 24, 1974, are hereby revoked.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective February 7, 1975.

Dated: February 7, 1975.

HUGH L. DWELLEY,
*Acting Director,*
*Office of Contract Management.*

[FR Doc.75-10590 Filed 4-22-75;8:45 am]

[Delegation of Authority No. 108]

### ASSISTANT ADMINISTRATOR FOR POPULATION AND HUMANITARIAN ASSISTANCE

**Delegation of Authority**

Pursuant to the authority delegated to me by Delegation of Authority No. 104, dated November 3, 1961, (26 FR 10608) as amended, from the Secretary of State, I hereby delegate to the Assistant Administrator for Population and Humanitarian Assistance, with authority to redelegate to such officers as he may designate, the authority to accept all donations of money made available by gift, devise, bequest, grant or otherwise, for purposes of humanitarian relief activities and to use such donations in furtherance of such purposes, including grants to voluntary agencies for humanitarian relief activities.

Dated: April 16, 1975.

DANIEL PARKER,
*Administrator.*

[FR Doc.75-10591 Filed 4-22-75;8:45 am]

[Public Notice CM-5138]

### UNITED STATES NATIONAL COMMITTEE FOR THE PREVENTION OF MARINE POLLUTION

**Meeting**

The United States National Committee for the Prevention of Marine Pollution will hold an open meeting at 9:30 a.m. on Thursday, May 15, 1975, in Room 6200 of the Department of Transportation, 400 7th Street, SW., Washington, D.C.

The agenda for the meeting will include preparations for the Third Session of the Marine Environment Protection Committee of the Intergovernmental Maritime Consultative Organization. Special emphasis will be placed on the development of the U.S. position on the means for ensuring the provision and maintenance of adequate reception facilities in ports, consideration of draft revised performance standards for oily water separating equipment and oil content meters, and studies of procedures and arrangements for the discharge of noxious liquid substances.

Requests for further information on the meeting should be directed to Captain D. Hintze of the United States Coast Guard. He may be reached by telephone on (area code 202) 426-2280.

RICHARD K. BANK,
*Chairman, Shipping Coordinating Committee.*

APRIL 16, 1975.

[FR Doc.75-10589 Filed 4-22-75;8:45 am]

## DEPARTMENT OF THE TREASURY

**Comptroller of the Currency**

### INSURED BANKS

**Joint Call for Report of Condition**

CROSS REFERENCE: For a document pertaining to the joint call for report of condition of insured banks, issued jointly by the Federal Deposit Insurance Corporation, the Federal Reserve System, and the Comptroller of the Currency, see FR Doc. 75-10537, *infra.*

**Internal Revenue Service**

### EMPLOYEE BENEFIT PLANS

**Extension of Interim Exemption from Prohibitions on Securities Transactions With Certain Broker-Dealers, Reporting Dealers and Banks**

CROSS REFERENCE: For a document concerning an extension of and a proposal to extend an exemption by both the Internal Revenue Service and the Department of Labor relating to certain securities transactions between employee benefit plans and certain broker-dealers, reporting dealers and banks from the prohibited transaction provisions of section 4975 of the Internal Revenue Code of 1954 and section 406 of the Employee Retirement Income Security Act of 1974, see FR Doc. 75-10666, *infra.*

## DEPARTMENT OF LABOR

**Labor-Management Services Administration**

### EMPLOYEE BENEFIT PLANS

**Extension of Interim Exemption From Prohibitions on Securities Transactions With Certain Broker-Dealers, Reporting Dealers and Banks**

Notice is hereby given of an extension of and a proposal to extend the exemption granted under the authority of sec-



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tion 408(a) of the Employee Retirement Income Security Act of 1974 and section 4975(c)(2) of the Internal Revenue Code of 1954, relating to certain securities transactions between employee benefit plans subject to Title I and Title II of the Act and certain broker-dealers, reporting dealers and banks.

Notice of the granting of the exemption currently in effect was published in the FEDERAL REGISTER on February 4, 1975 (40 FR 5201). As indicated in that notice, the existing interim exemption was granted in order to prevent the harm to employee benefit plans and to the interests in plans of participants and beneficiaries which, in all likelihood, would result from the immediate and full application of all of the prohibited transactions provisions set forth in Title I and Title II of the Act. The existing interim exemption is based upon a record which includes the written comments submitted in response to notices of an exemption proceeding published in the FEDERAL REGISTER on January 13, 1975 (40 FR 2483 and 2455, respectively), and the testimony received at the public hearing held on January 21, 1975.

The Department of Labor and the Internal Revenue Service have been considering several applications proposing permanent exemptions, submitted under section 408(a) of the Act and section 4975(c)(2) of the Code relating to securities transactions involving employee benefit plans and broker-dealers, reporting dealers and banks. In order to afford all interested persons an opportunity to submit proposals for permanent exemptions relating to such transactions, and in order to provide an opportunity for the Department of Labor and the Internal Revenue Service to consider them, the Department of Labor and the Internal Revenue Service propose herein to extend the existing interim exemption through the period ending September 30, 1975.

It is requested that all applications for permanent exemptions relating to the securities transactions under consideration herein be submitted on or before May 31, 1975. All such applications will be available for public inspection and copying through the Internal Revenue Service in accordance with procedures similar to procedures of 26 CFR 601.702 (d)(9).

All interested persons are invited to submit written comments concerning the proposed extension of the existing interim exemption by May 12, 1975. Any interested person may, on or before May 12, 1975, submit a written request that a hearing be held relating to the proposed extension. Such written request should state the reasons for such person's request for a hearing and the nature of such person's interest in the matter.

Written comments and requests for a hearing pertaining to the proposed extension (preferably six copies, three of which will be forwarded by the Internal Revenue Service to the Department of Labor) should be submitted to the Commissioner of Internal Revenue, Attention: E:EP:T, Washington, D.C. 20224. Every written comment and every request for hearing submitted in response to this notice will be made part of the record, will be subject in its entirety to public inspection, and will be made available for copying through the Internal Revenue Service in accordance with procedures similar to those set forth in 26 CFR 601.702(d)(9).

In addition, in order to allow plans to continue to receive such investment advice from broker-dealers, reporting dealers and banks with which they engage in principal transactions until the date final action is taken on the proposed extension through September 30, 1975, the Department of Labor and the Internal Revenue Service have determined to extend the existing interim exemption for the period between April 30, 1975 and June 17, 1975. The Department of Labor and the Internal Revenue Service have noted, however, and made part of the record the recent adoption of rule 19b-3 under the Securities Exchange Act of 1934 (17 CFR 240.19b-3, 40 FR 7394, February 20, 1975) which mandates elimination of fixed minimum exchange brokerage commissions as of May 1, 1975, and have also noted the uncertain effect such elimination may have on the language used in paragraph (b)(1) of the existing interim exemption to describe certain investment advice. For the period of the extension through June 16, 1975, the Department of Labor and the Internal Revenue Service do not intend to narrow or enlarge the extent to which the existing interim exemption for the period from February 15, 1975 through April 30, 1975 permits broker-dealers, reporting dealers and banks to engage in transactions for the purchase or sale of securities with plans to which they render investment advice. Therefore, the language used in that provision of the interim exemption (as extended for the period between April 30, 1975 and June 17, 1975) which corresponds to paragraph (b)(1) of the existing interim exemption has been modified accordingly.

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, in view of the foregoing, and based upon the entire record, including the written comments submitted in response to the notice dated January 13, 1975, and the testimony at the public hearing, the Department of Labor and the Internal Revenue Service make the following findings and determinations:

(1) The extension of the interim exemption through June 16, 1975, is administratively feasible;

(2) It is in the interest of the plans and of their participants and beneficiaries; and

(3) It is protective of the rights of participants and beneficiaries of plans.

Accordingly, the interim exemption published on February 4, 1975, in the FEDERAL REGISTER (40 FR 5201, FR Doc. 75-3340) pursuant to the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 and section 4975(c)(2) of the Internal Revenue Code of 1954, is hereby extended by inserting in the interim exemption a new paragraph (c) after paragraph (b), by redesignating existing paragraph (c) of the interim exemption (relating to a definition of "affiliates") as paragraph (d), and by amending the first sentence of redesignated paragraph (d), as set forth below.

* * * * *

(c) *Period ending June 16, 1975.* With respect to a broker-dealer, reporting dealer, or bank, within the meaning of paragraph (a) of this document, any purchase or sale of a security between an employee benefit plan and such a broker-dealer, reporting dealer, or bank, which has a final settlement date after April 30, 1975, but before June 17, 1975, if the requirements of paragraph (a)(1), (2), (3), and (4) of this document are met and if such broker-dealer, reporting dealer, or bank does not render investment advice to the plan and does not have any discretionary authority or discretionary control respecting management of the plan or disposition of the assets of the plan. For purposes of this paragraph, such a broker-dealer, reporting dealer, or bank shall not be deemed to be rendering investment advice or having any such discretionary authority or discretionary control solely because it does one or more of the following:

(1) It renders advice to a plan, whether or not for special compensation, which (i) is solely incidental to the conduct of its business as a broker or dealer, limited, however, in the case of a bank, to the conduct of that part of its business consisting of dealing in Government securities, and (ii) if the advice had been rendered prior to May 1, 1975, the broker or dealer customarily would have received no special compensation therefor (within the meaning of section 202(a)(11)(C) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)(C)));

(2) It provides services which enable a plan to evaluate its portfolio performance;

(3) It provides securities custodial services for a plan;

(4) It executes purchases or sales of securities on behalf of a plan in the ordinary course of its business as a broker, dealer, or bank, pursuant to instructions of an unrelated fiduciary if such instructions specify the security to be purchased or sold, a price range within which such security is to be purchased or sold, a time span during which such security may be purchased or sold (not to exceed five business days), and the minimum or maximum quantity of such security which may be purchased or sold within such price range.

(d) *Affiliates.* For purposes of paragraphs (a), (b) and (c) of this document, an affiliate of any broker-dealer, reporting dealer, or bank shall be treated as the same entity as such broker-dealer, reporting dealer, or bank. * * *

In addition, pursuant to the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 and Section 4975(c)(2) of the Internal Revenue Code of 1954, the interim exemption published on February 4, 1975





in the FEDERAL REGISTER (40 FR 5201, FR Doc. 75-3340), as extended through June 16, 1975 by this notice, is hereby proposed to be extended by changing the date "June 16, 1975" to read "September 30, 1975" and by changing the date "June 17, 1975" to read "October 1, 1975" in paragraph (c)(1) of such interim exemption.

Signed at Washington, D.C. this 21st day of April 1975.

PAUL J. FASSER, JR.,
*Assistant Secretary of Labor for Labor-Management Relations.*

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

[FR Doc.75-10666 Filed 4-21-75;11:08 am]

## Office of the Secretary

## ADVISORY COMMITTEE ON WOMEN TO THE SECRETARY OF LABOR

### Meeting

It is hereby announced that a meeting will be held by the Advisory Committee on Women to the Secretary of Labor, pursuant to the Secretary's establishment of the Committee on September 12, 1973 under sec. 9(c) of the Federal Advisory Committee Act (Pub. L. 92-463).

The meeting will convene at 10 a.m. on May 5, 1975 in Conference Room S-5215-C in the New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C.

Subjects to be discussed during the meeting will be scheduled in the following order: (Tentative Agenda) Economic Impact on the Status of Women; Comprehensive Employment and Training Act; and Discussion, Recommendations, and Future Programs.

The meeting will continue on May 6, 1975 at 9:15 a.m. in the Family Theater of the White House where a report of the Committee's activities will be made. The afternoon session will reconvene at 2 p.m. in Conference Room S-5215-C in the New Department of Labor Building.

Members of the public are invited to attend the discussions. Any written data, views or arguments pertaining to the agenda must be received on or before April 28, 1975 by the Committee's executive secretary. Twenty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the executive secretary no later than April 28, 1975 a request to be heard, stating the nature of their intended presentation and the amount of time needed. The chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Elaine Ambrose, Executive Secretary
Advisory Committee on Women to the Secretary of Labor
Department of Labor Building, Room S-3002
Washington, D.C. 20210

Signed at Washington, D.C., this seventeenth day of April 1975.

CARMEN R. MAYMI,
*Director, Women's Bureau and Executive Chairperson, Advisory Committee on Women to the Secretary of Labor.*

[FR Doc.75-10556 Filed 4-22-75;8:45 am]

[Order 3-75]

## DEPARTMENT OF LABOR TRADE ACT POLICY COMMITTEE

### Delegation of Authority and Assignment of Responsibility Under Trade Act of 1974 and Establishment

1. *Purpose.* To delegate authority and assign responsibility for carrying out functions and responsibilities vested in the Secretary of Labor pursuant to the Trade Act of 1974 (Pub. L. 93-618), related legislation and Executive Orders, and to establish a Department of Labor Trade Act Policy Committee.

2. *Background.* The Trade Act of 1974 demonstrates the deep commitment of the United States to an open world economic order and interdependence as essential conditions of mutual economic health. An expansion of the international flow of goods and services will help reduce international tensions caused by trade disputes and will mean more and better jobs for American workers with additional purchasing power for the American consumers. For those sectors of the economy which may suffer from increased imports, the Act provides for import relief and for effective adjustment assistance for firms, communities, and workers.

3. *Delegation of Authority and Assignment of Responsibility.*

a. "The Deputy Under Secretary for International Affairs" is hereby delegated authority and assigned responsibility for coordinating, monitoring, and insuring that the functions of the Secretary of Labor under the Trade Act of 1974 are carried out, and consistent with the delegations made herein. In addition, the Deputy Under Secretary for International Affairs is responsible for carrying out specific functions of the Secretary under the Act, except as hereinafter provided, including the following:

(1) Oversee the development and promulgation of Secretary of Labor regulations required to implement the Act.

(2) Oversee the development and promulgation of program performance standards relating to the conduct of certification investigations, public hearings, issuance of notice of certification decisions, delivery of program benefits, and other processes involved in the administration of the trade adjustment assistance program.

(3) Oversee the performance of the following functions by the Bureau of International Labor Affairs (ILAB):

(a) The initiation of an investigation upon receipt of a petition for a certification of eligibility to apply for adjustment assistance for workers and the conduct of public hearings upon receipt of request for such hearings.

(b) The determination of eligibility of groups of workers to apply for adjustment assistance and the publication of the determinations in the Federal Register.

(c) Such research and studies as are necessary, utilizing BLS and other data sources, to ensure that potential areas for future petitions are identified so that time required in processing certifications is minimized.

(d) The initiation of studies required by section 224 of the Act whenever the International Trade Commission begins an investigation pursuant to the provision of section 201 of the Act.

(e) The establishment of a system to insure that affected workers are fully informed about programs available to assist them, and the provision of assistance in the preparation of petitions.

(f) The establishment of such labor advisory committees as may be appropriate to implement section 135 of the Act, and the provision of necessary secretariat services.

(g) The direction and coordination of the Department's participation in the administration of the trade agreements program.

(h) Assisting the Comptroller General of the United States in the conduct of a study of the adjustment assistance programs pursuant to section 280 of the Act.

(4) Establish any other activity regarded essential to the carrying out of the Department's responsibilities under the Trade Act.

(5) Provide information and advice to the President, or his representative, pursuant to section 132 of the Act, before any trade agreement is entered into.

(6) Submit reports and recommendations to the Secretary with respect to administration of the Act and particularly the Department's responsibilities thereunder.

b. "The Assistant Secretary for Manpower" is delegated authority and assigned responsibility for providing:

(1) Through State Employment Security Agencies or other appropriate agencies:

(a) Cash benefits to eligible workers as expeditiously as possible after application by workers for such benefits.

(b) A full range of basic employment services.

(c) A full range of manpower training programs for eligible workers.

(d) Cash allowances to assist the job search efforts of eligible workers who are seeking employment in another geographic area, and relocation allowances for eligible workers.

(2) Technical assistance and training to State Employment Security Agencies and other appropriate agencies, on a case-by-case basis, and in other situations as necessary to assure prompt and efficient administration of the benefit provisions of the Act for eligible workers.

(3) In the absence of an agreement with any State or its agency, a system for performing functions required to provide benefits to eligible workers.



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(4) A system for continual monitoring of State agency or other appropriate agency, program administration in cooperation with ILAB.

(5) A system of program and financial reporting on trade adjustment assistance activities in cooperation with ILAB.

(6) The development and carrying out, in cooperation with ILAB, of a program to inform and assist workers with respect to the trade adjustment assistance program, including a program of early detection of import injury.

c. "The Commissioner of Labor Statistics" is delegated authority and assigned responsibility for:

(1) Pursuant to section 282 of the Act, developing, in cooperation with representatives of the Department of Commerce, an import monitoring system and publishing and distributing a summary of the information gathered under this section.

(2) Working with other appropriate agencies of the Government as required to develop uniform statistics on imports, exports, and production to facilitate comparisons.

d. "The Solicitor of Labor" shall have responsibility for providing legal advice and assistance to all officers of the Department in connection with the carrying out of their responsibilities herein assigned.

4. *"Establishment of Trade Act Policy Committee."* There is hereby established a Department of Labor Trade Act Policy Committee.

a. *Chairman.* Deputy Under Secretary for International Affairs.

b. *Members.*

Assistant Secretary for Manpower
Commissioner of Labor Statistics
Executive Assistant to the Secretary
Executive Assistant to the Under Secretary.

c. *Function.* The Department of Labor Trade Act Policy Committee will deal with and make recommendations to the Secretary on issues arising in connection with administration of the Trade Act.

5. *Reservations of authority.* Reserved to the Secretary are the following:

a. Submission of reports to the President and the Congress, including recommendations as appropriate, with respect to administration of the Trade Act of 1974, and particularly the Department of Labor responsibilities thereunder.

b. Entering into agreements with any State, or with any State agency, who will act as agent of the United States in carrying out Department of Labor responsibilities under the Act.

c. Entering into necessary agreements with agencies of the Federal Government, as required, to carry out responsibilities under the Act.

6. *Effective date.* This Order is effective immediately.

Signed at Washington, D.C., on this 9th day of April 1975.

JOHN T. DUNLOP,
*Secretary of Labor.*

[FR Doc.75-10550 Filed 4-22-75;8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Navy

### NAVAL WAR COLLEGE BOARD OF ADVISORS

#### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval War College Board of Advisors will hold an open meeting on May 16, 1975, at the Naval War College, Newport, Rhode Island. The meeting will commence at 9 a.m. and terminate at 12 noon. The purpose of the meeting is to examine educational, doctrinal, and research policies and programs.

Dated: April 15, 1975.

WILLIAM O. MILLER,
*Rear Admiral, JAGC, U.S. Navy,*
*Deputy Judge Advocate General.*

[FR Doc.75-10583 Filed 4-22-75;8:45 am]

### Office of the Secretary

### ACQUISITION ADVISORY GROUP

#### Establishment, Organization and Functions

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the establishment of the Acquisition Advisory Group has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Acquisition Advisory Group is set forth below:

The Acquisition Advisory Group has been assigned the task of examining and assessing the recommendations made in the reports of the Army Materiel Acquisition Review Committee, dated April 1, 1974, and of the Navy Marine Corps Acquisition Review Committee, dated January 1975, as well as recommendations of the Secretary of the Air Force relative to major weapon systems acquisitions insofar as those recommendations suggest changes of current procedures or policies of the Secretary of Defense. The recommendations made in these reports are expected to improve the weapon systems acquisition process in the military departments. Some of the recommendations, if implemented, would impinge on the activities, procedures, operations and Secretary of Defense. Accordingly, a group of independent but knowledgeable individuals familiar with the duties and responsibilities of the various components of the Office of the Secretary of Defense has been commissioned to assess the feasibility and desirability of adopting such recommendations.

The Charter of the Acquisition Advisory Group provides for meeting at periodic intervals and indicates that the total estimated time required to complete its purpose is 120 days. The Group will report its findings to the Deputy Secretary of Defense.

Because the implementation of the AMARC and NMARC recommendations is proceeding in the Army and the Navy, it is essential that the Secretary of Defense be provided with recommendations concerning OSD procedures as soon as possible to insure cohesive interface of the program within the Department of Defense. In accordance with section 6(a) of OMB Circular A-63, OMB has waived the waiting period between publication of the notice and the filing of the charter.

MAURICE W. ROCHE,
*Director, Correspondence and*
*Directives, OASD (Comptroller).*

APRIL 18, 1975.

[FR Doc.75-10592 Filed 4-22-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### RAISIN ADVISORY BOARD

#### Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., May 15, 1975, in Concourse B and C of the Airport Marina Hotel, 5115 East McKinley Street, Fresno, California.

The purpose of the meeting is to: Elect Raisin Advisory Board officers; make nominations for membership on the Raisin Administrative Committee; discuss sending a delegation to the International Sultana Conference meeting to be held in Torquay, England, in June; review reserve pool operations and the export incentive program; receive a report on water-dipped raisins; and discuss possible amendments to the marketing order. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California 93720; telephone 209-268-5666.

Dated: April 18, 1975.

JOHN C. BLUM,
*Associate Administrator.*

[FR Doc.75-10803 Filed 4-22-75;8:45 am]

### Forest Service

### RED ROCK PEAK PLANNING UNIT

#### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Red Rock Peak Planning Unit, Salmon National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-5.

A final environmental statement has been prepared on the proposed land use plan of the Red Rock Peak Planning Unit in the Salmon National Forest, Lemhi County, Idaho. Approximately 120,330 acres are involved and have been divided into four management areas. The plan sets forth the allocation of land to various uses and activities; establishes objectives; and documents management direction, decisions, and coordination.

This final environmental statement was transmitted to CEQ on April 16, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250.

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Salmon National Forest
Forest Service Building
P.O. Box 729
Salmon, Idaho 83467

District Forest Ranger
Cobalt Ranger District
Salmon, Idaho 83467

A limited number of single copies are available upon request to Forest Supervisor John L. Emerson, Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: April 16, 1975.

P. M. REES,
*Regional Planner.*

[FR Doc.75-10538 Filed 4-22-75;8:45 am]





### Rural Electrification Administration

### EMPIRE TELEPHONE CO., COMER, GA.

#### Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, 39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $5,200,000 to Empire Telephone Company, Comer, Georgia. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Alex N. Burousas, President, Empire Telephone Company, P.O. Box 127, Comer, Georgia 30629.

To assure consideration, proposals must be submitted on or before May 23, 1975, to Mr. Alex N. Burousas. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Empire Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 16th day of April, 1975.

DAVID A. HAMIL,
*Administrator, Rural*
*Electrification Administration.*

[FR Doc.75-10547 Filed 4-22-75;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

### TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

#### Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held Wednesday, May 28, 1975, at 10:00 a.m., in Room 3708, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on the impact of present Office of Export Administration licensing controls on the export of avionics equipment.

(4) Foreign availability as reflected in the present status and future plans of the Polish Telecommunications Industry.

(5) Nomination and election of a new Chairman.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With the respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 25, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.," September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: April 18, 1975.

RAUER H. MEYER,
*Director, Office of Export Administration, Bureau of East-West Trade.*

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the



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of Information Act. Pursuant to this au-

telecommunications industry, the Telecommunications Equipment Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. Section 2404(c)(1) (Supp. III, 1973), as amended, Public Law No. 93-500, section 5(b) (October 29, 1974), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has six members representing industry and eight members representing government agencies, will terminate no later than April 5, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Telecommunications Equipment Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on June 12, 1973 for the meeting of June 27, 1973; on September 10, 1973 for the meeting of September 26, 1973; on November 29, 1973, covering a series of meetings for the period November 28, 1973 to April 30, 1974; and on May 16, 1974 for a series of meetings from May 1, 1974 through January 3, 1975; and on December 16, 1974 for a series of meetings from January 4 through April 4, 1975.

In order to provide advice to the Department under the terms of its charter, the committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview; and with the foreign availability of committees will be preparing recommendations these commodities and technical data. In addition, the Committee and its formal subtions for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR Part 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the Series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period April 5, 1975 to April 4, 1976, from the provisions of section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: February 25, 1975.

GUY W. CHAMBERLIN, JR.,
*Acting Assistant Secretary for Administration.*

Dated: February 20, 1975.

ALFRED MEISNER,
*Acting General Counsel.*

[FR Doc.75-10559 Filed 4-22-75;8:45 am]

### National Bureau of Standards

## FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

### Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Wednesday, June 4, 1975, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (phone 301-921-3551).

Dated: April 17, 1975.

RICHARD W. ROBERTS,
*Director.*

[FR Doc.75-10552 Filed 4-22-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### ADVISORY COMMITTEES

### Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 1. Subcommittees of the Biometric and Epidemiological Methodology Advisory Committee and the Obstetrics and Gynecology Advisory Committee. | April 30, 8:30 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open 8:30 a.m. to 9:30 a.m., closed after 9:30 a.m., A. T. Gregoire, Ph.D., (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3510. |

*Purpose.* Biometric and Epidemiological Methodology Advisory Committee: Advises the Commissioner of Food and Drugs on the extramural and intramural research in the area of epidemiological and biometric methodology and provides a resource of statistical consultants for FDA evaluation programs. Obstetrics and Gynecology Advisory Committee: Reviews and evaluates all available data on the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of obstetrics and gynecology.

*Agenda.* Open session: Comments and presentations by interested persons. Closed session: Discussion of medroxyprogesterone acetate, injectable, as a contraceptive and the possible risk of cancer-in-situ of the cervix (NDA 12-541).

NOTE: Less than 15 days' notice is being given for this meeting since the date was selected immediately following the open hearing of April 7 at which time interested members of the public were invited to present their views on the subject above.

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| 2. Obstetrics and Gynecology Advisory Committee. | May 14 and 15, 9 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open May 14, 9 a.m. to 10 a.m., closed May 14 after 10 a.m., open May 15, A. T. Gregoire, Ph.D., (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3340. |





*Purpose.* Reviews and evaluates all available data on the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of obstetrics and gynecology.

*Agenda.* Open session: (May 14) Comments and presentations by interested persons. Closed session: (May 14) Discussion of subcommittee report medroxyprogesterone acetate, injectable, for contraception and the risk of cervical cancer-in-situ (NDA 12-541); and IND 6380 (Upjohn Co.) sterile solution for labor induction. Open session: (May 15) Discussion of obstetrical drugs "How Safe is Safe" and testosterone enanthate—evaluation as a male contraceptive.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552 (b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: April 17, 1975.

A. M. SCHMIDT,
*Commissioner of Food and Drugs.*

[FR Doc.75-10534 Filed 4-22-75;8:45 am]

[DESI 10367; Docket No. FDC-D-635; NDA 10-367, etc.]

## CERTAIN ANTIINFECTIVE DRUG PREPARATIONS CONTAINING CHLORQUINALDOL AND HYDROCORTISONE; OR TRICLOBISONIUM CHLORIDE AND HYDROCORTISONE

### Withdrawal of Approval of New Drug Applications

In a notice of opportunity for hearing (DESI 10637) which was published in the FEDERAL REGISTER of June 19, 1973 (38 FR 15986) pursuant to the Drug Efficacy Study, the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of the drug products described below. The basis of the proposed action was the lack of substantial evidence that the products are effective for their labeled indications. The products have been used in various dermatologic conditions. The proposal was not contested with respect to the products listed below and approval of those new drug applications is now being withdrawn.

1. Sterosan-Hydrocortisone Cream and Ointment containing chlorquinaldol and hydrocortisone; previously marketed by Geigy Pharmaceuticals, Ciba-Geigy Corp., Saw Mill River Road, Ardsley NY 10502 (NDA 10-367).

2. Triburon HC ointment containing trichlobisonium chloride and hydrocortisone; previously marketed by Roche Laboratories Division, Hoffman-La Roche, Inc., 340 Kingsland Avenue, Nutley, NJ (NDA 11-827).

3. Triburon Hydrocortisone Cream containing trichlobisonium chloride and hydrocortisone; previously marketed by Roche Laboratories (NDA 11-924).

All drug products which are identical, related, or similar to any of the drugs named above, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food







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and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

The notice of June 19, 1973 also included Dome Laboratories' Cor-Tar-Quin Lotion (NDA 11-207) and Creme containing coal tar solution, diiodohydroxyquin, and hydrocortisone (NDA 10-822). Dome Laboratories, Inc. requested a hearing concerning those two products. The notice of opportunity for hearing was subsequently rescinded and an exemption was granted setting forth conditions under which those products may remain on the market pending completion of scientific studies to determine effectiveness (39 FR 36365; October 9, 1974).

Except as stated above, no person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the above listed drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of new drug applications Nos. 10-367, 11-827, and 11-924, and all amendments and supplements thereto, is withdrawn effective on or before May 5, 1975.

Shipment in interstate commerce of the above products for which approval is being withdrawn, or any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: April 15, 1975.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc.75-10536 Filed 4-22-75;8:45 am]

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[DESI 7337; Docket No. FDC-D-616; NDA No. 7-337]

### COMBINATION DRUGS CONTAINING OXYCODONE WITH HOMATROPINE OR PENTYLENETETRAZOL

#### Withdrawal of Approval of Pertinent Parts of New Drug Application

In a notice of opportunity for hearing (DESI 7337) which was published in the FEDERAL REGISTER of December 10, 1973 (38 FR 34006) pursuant to the Drug Efficacy Study, the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of those parts of the new drug application described below. The proposed action was based upon lack of substantial evidence of effectiveness. The products have been used for relief of pain. No one contested the proposed action and approval of those products is now being withdrawn.

1. That part of NDA 7-337 pertaining to Percodan Tablets containing oxycodone hydrochloride, oxycodone terephthalate, homatropine terephthalate, aspirin, phenacetin, and caffeine; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, NY 11530; and

2. That part of NDA 7-337 pertaining to Nucodan Tablets containing oxycodone hydrochloride, oxycodone terephthalate, homatropine terephthalate, and pentylenetetrazol; Endo Laboratories.

All identical, related, or similar drug products, not the subject of an approved new drug application, are covered by the application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of those parts of new drug application No. 7-337 as specified above and all amendments and supplements applying thereto is withdrawn effective on or before May 5, 1975.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: April 15, 1975.

J. RICHARD CROUT,
*Director, Bureau of Drugs.*

[FR Doc.75-10535 Filed 4-22-75;8:45 am]

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## CIVIL AERONAUTICS BOARD

[Docket No. 27237]

### FORT MYERS-ATLANTA CASE

#### Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 20, 1975, at 10:00 a.m., (e.d.s.t.) in the Court Room in the Federal Building, 2301 First Street, Ft. Myers, Florida 33901 before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 19, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 18, 1975.

[SEAL] E. ROBERT SEAVER,
*Administrative Law Judge.*

[FR Doc.75-10600 Filed 4-22-75;8:45 am]

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[Docket No. 26494, Agreement C.A.B. 25030 R-1 and R-2; Order 75-4-96]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Transpacific Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of April 1975.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at a proportional-fare meeting held March 11-13, 1975 in New York City.

The agreement would amend Resolutions 015a (South Pacific Proportional Fares) and 015b (North/Central Pacific Proportional Fares) to reflect changes resulting from tariff filings by U.S. domestic carriers implementing Phase 9 of the Domestic Passenger-Fare Investigation. The Board has reviewed the proposed IATA Pacific proportional fares, which involve both increases and decreases from the present proportionals, and finds them to be consistent with the Phase 9 domestic fares to become effective April 29, 1975. We will, therefore, approve the subject agreement which is intended for May 1, 1975 effectiveness.

The Board, acting pursuant to sections 102, 204(a) and 412(b) of the Act, does not find that the following resolutions, incorporated in Agreement C.A.B. 25030 as indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 25030: | | | |
| R-1 | 015a | South Pacific Proportional Fares—North America (Current Fares) (Amending). | 3/1 |
| R-2 | 015b | North and Central Pacific Proportional Fares—North America (Amending). | 3/1 |

*Accordingly, it is ordered*, That:

1. Agreement C.A.B. 25030, R-1, and R-2, be and hereby is approved subject, where applicable, to conditions previously imposed by the Board; and

2. Carriers are hereby authorized to file tariffs implementing the approved agreement on not less than one day's notice for effect not earlier than May 1, 1975. The authority in this paragraph expires June 1, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-10602 Filed 4-22-75;8:45 am]

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[Docket No. 27037]

### OZARK AIR LINES, INC.

#### Hearing Regarding Deletion of Clinton, Iowa

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 3, 1975, at 10 a.m. (central daylight time) in the Erickson Community Center, Clinton, Iowa, before Administrative Law Judge Richard M. Hartsock.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 13, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 17, 1975.

[SEAL] RICHARD M. HARTSOCK,
*Administrative Law Judge.*

[FR Doc.75-10599 Filed 4-22-75;8:45 am]

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[Docket Nos. 19923, 27694; Order 75-4-93]

### TRANS WORLD AIRLINES, INC.

#### Liability and Claim Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of April, 1975.

By tariff revisions filed March 21 and marked to become effective April 20, 1975, Trans World Airlines, Inc. (TWA) proposes to increase the minimum size of acceptable outside packages for articles of extraordinary value from one to two cubic feet.

In support of its proposal and in answer to a complaint, TWA asserts, inter alia, that (1) it paid out $28,000[1] in claims for watches and clocks in 1974, over 50 percent of system revenues for this traffic, amounting to $45,000; (2) the bulk of the claims was due to theft and pilferage, judging by the experience of the entire industry; (3) the higher minimum container size would make it more difficult to conceal or misplace extraordinary-value shipments, thus resulting in a significant reduction in losses from theft and pilferage; (4) the complainant fails to state how its claimed undue burden upon member shippers would occur in an acceptably definitive manner in terms of increased packing and transportation (TWA believes that the increased costs would be minimal); and (5) the complainant is chiefly interested in tariff uniformity, which is a "naive and unrealistic" argument.

A complaint requesting suspension, or, in the alternative, rejection of the proposal, was filed by the American Watch Association, Inc. (AWA).[2] The complaint alleges, inter alia, that (1) the one-cubic-foot minimum was found lawful in the Initial Decision of the Administrative Law Judge in the Liability and Claim Rules and Practices Investigation, Docket 19923; (2) the proposal will increase packaging and transportation costs for AWA members, since they frequently ship parcels of a relatively small dimension in both weight and volume by various carriers to jewelry stores throughout the country; (3) unnecessary confusion would result where an interline transfer is involved (common for watch shipments) because the prevailing uniformity of the carriers with respect to minimum container size would be destroyed; and (4) though larger shipments are more difficult to conceal, this does not justify the imposition of a rule that will place an undue burden upon shippers.[3]

[1] This figure is not consistent with TWA's report to the Board on CAB Form 239. The latter shows that TWA in 1974 paid total systemwide claims for watches and clocks of $6,307.

[2] The American Watch Association is a trade organization of U.S. companies engaged in the importation of watches and watch movements for assembly and sale in the United States and world markets.

[3] The AWA also filed a motion for leave to file an otherwise unauthorized document, a reply to TWA's answer. We will grant the motion. AWA's reply, inter alia, criticizes TWA's claim statistics, asserting that there is no information as to how the claims arose. AWA's motion correctly notes that TWA's allegations of specific facts in support of its proposal first appear in its answer.

The proposed rule revision comes within the scope of the Liability and Claim Rules and Practices Investigation, Docket 19923. The issue now before the Board is whether to reject or suspend the proposal or to permit it to become effective, pending the Board's decision in that proceeding.

While a larger container might be somewhat more difficult to conceal, we note that the dimensions of a cube-shaped container would have to be increased, for example, from 12 to only slightly over 15 inches on each side to meet the proposed rule; however, TWA has provided no meaningful analysis of the relationship between package sizes and the losses it has incurred. On the other hand, the proposal would result in a lack of uniformity between the package-size requirements for articles of extraordinary value, including watches and clocks, of TWA and other carriers, resulting in added packaging costs and a burden upon shippers, and it would, at the same time, double the space displacement for traffic which could move under the one-foot cubic rule, thus increasing carrier costs.

Upon consideration of the foregoing and all other relevant factors, the Board finds that TWA's proposal should be suspended pending investigation.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof:

*It is ordered*, That:

1. Pending hearing and decision by the Board, the provision in Rule No. 14(F)(5)(a) and (b) applicable to the carrier TW on 20th Revised Page 10-A of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96, is suspended and its use deferred to and including July 18, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. The motion of the American Watch Association, Inc. for leave to file an otherwise unauthorized document is granted;

3. Except to the extent granted herein, the complaint of the American Watch Association, Inc. in Docket 27694 is dismissed; and

4. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-10601 Filed 4-22-75;8:45 am]

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[4] The proposal does not appear to be in violation of Part 221 of our Economic Regulations, and hence, we find no basis for rejection.





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## DEPARTMENT OF THE INTERIOR

Therefore, the listing published beginning on page 13758 of the May 25, 1973,



government research programs and other

(36 FR 12319-12320) permitting the fil-

with an option to lease an additional

## DEPARTMENT OF THE INTERIOR

### Bonneville Power Administration

### ENVIRONMENTAL STATEMENT

#### Solicitation of Comments

Notice of intent to file an environmental statement is hereby given by the Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97208.

The environmental statement will cover BPA's FY 1977 Proposed Program, which contemplates construction or modification of approximately 50 miles of transmission line. In addition, six new substations and the possible expansion of two other substations are also under consideration. In addition to the ongoing annual maintenance program, a proposed Vegetation Management Program will also be discussed in this statement.

Your suggestions, comments, and observations are solicited during this period of draft statement preparation for consideration in the preparation of the draft environmental statement. Upon filing of the draft environmental statement with the Council on Environmental Quality (CEQ), comments will be received on the draft statement itself. Tentatively, the draft environmental statement is now planned for filing with the CEQ in May of 1975.

Dated: April 11, 1975.

RAY FOLEEN,
*Acting Administrator.*

[FR Doc.75-10542 Filed 4-22-75;8:45 am]

### Bureau of Indian Affairs

### BURNS PAIUTE TRIBE OF OREGON AND HOH TRIBE OF WASHINGTON

#### Law and Order Determination

APRIL 21, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 3.

Section 601 (d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, places responsibility on the Secretary of the Interior to determine those Indian tribes which perform law and order functions. The listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) identified all eligible Indian tribes and the specific law and order functions they have responsibility to exercise. Determination concerning Indian tribes not listed are made on an individual basis upon application by such tribes under provisions of the act of the Law Enforcement Assistance Administration, Department of Justice. The Secretary's authority to make such determinations was delegated to the Commissioner of Indian Affairs by 230 DM 1.

It has been determined by the Commissioner of Indian Affairs that the Burns Paiute Tribe of Oregon, and Hoh Tribe of Washington have responsibility for exercising all of the six law and order functions shown in the published listing.

Therefore, the listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) is amended by revising the entry for the Burns Paiute Tribe of Oregon, and Hoh Tribe of Washington to read as follows:

| Tribal entities recognized by Federal Government by State | To employ tribal police | To establish a tribal court | To adopt a tribal law and order code | To undertake correction functions | To undertake programs aimed at preventing adult and juvenile delinquency | To undertake adult and juvenile rehabilitation programs |
|---|---|---|---|---|---|---|
| Burns Paiute Tribe of Oregon | × | × | × | × | × | × |
| Hoh Tribe of Washington | × | × | × | × | × | × |

MORRIS THOMPSON,
*Commissioner.*

[FR Doc.75-10617 Filed 4-22-75;10:38 am]

### Bureau of Land Management

[NM 25210, 25254]

### NEW MEXICO

#### Applications

APRIL 15, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipelines rights-of-way and one 6⅝ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 21, SE¼NE¼, NE¼SE¼;
Sec. 22, SW¼;
Sec. 25, S½SE¼, NE¼SE¼;
Sec. 35, NE¼NE¼.

These pipelines will convey natural gas across 1.482 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.10541 Filed 4-22-75;8:45 am]

### Office of the Secretary

### COLORADO, UTAH, AND WYOMING

#### Call for Nominations of, and Request for Information Regarding Areas for Oil Shale Leasing

Notice is hereby given that nominations of lands for prospective oil shale leasing for in situ development in the States of Colorado, Utah, and Wyoming and comments on such lands may be submitted to the Secretary of the Interior not later than June 30, 1975.

Nominations shall include a description of the lands sought to be included in an oil shale lease. If the lands have been surveyed under the public land rectangular system, each nomination shall describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each nomination shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER each nomination for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys. Maximum size of single lease tracts is 5,120 acres. Smaller areas may be nominated and more than one area may be proposed for consideration.

A tract nomination shall be submitted together with a recommendation of the type of in situ technology that might be used to develop the tract using in situ means. Description of the recommended technology must be brief (approximately 5 to 10 pages) and include only such detail as is needed to provide the government with an accurate and unambiguous understanding of the recommended approach. It should indicate the general classification of the technology, "true in situ" (no mining), "modified in situ" (some mining), or variations thereof. It should indicate the mineral resources present on the nominated tract and preliminary plans with respect to maximum utilization of the resource, including associated minerals if present. If modified in situ is recommended, the probable proportion of the resource to be removed by mining and its disposition must be indicated. Also to be addressed are preliminary plans to: (1) Mitigate environmental degradation, (2) minimize water and power requirements, and (3) provide maximum protection for the health and safety of the workman. Submission of the recommendation will not obligate the nominator to apply that technology should he eventually win the right to develop the tract. The recommendation is expected to be made in good faith for the advice of the government in decision-making regarding future directions of government research programs and other such reasons as the government shall determine.

Nominations and comments should be submitted in triplicate not later than June 30, 1975, and addressed to: Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

Envelopes should be marked "Nominations and Comments for Oil Shale Leasing in (State)."

A supplement, which shall cover the additional tracts offered, will be prepared to the final environmental statement for the prototype oil shale leasing program released on August 30, 1973. Public hearings will be held and a draft statement issued in the preparation of that supplement. A description of any tracts, which may be selected for competitive bidding, will be published in the FEDERAL REGISTER and the published notice of such lease offerings will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

JOHN C. WHITAKER,
*Under Secretary of the Interior.*

APRIL 17, 1975.

[FR Doc.75-10586 Filed 4-22-75;8:45 am]





### INDEXES OF MATERIALS AVAILABLE FOR INSPECTION

#### Delay in Publication

The Freedom of Information Act Amendments of 1974, Pub. L. 93-502, added a requirement to subsection (a) (2) of the Freedom of Information Act, 5 U.S.C. 552, requiring periodic publication of indexes required to be maintained by that subsection. Indexes of opinions issued in the adjudication of cases by the Department's Office of Hearings of Appeals have been published for some years. Indexes of other materials have not, however, been generally issued in published form. Preparation for publication of these indexes is currently underway and initial publication later in 1975 is anticipated. In the interim, notice is hereby given that it is impractical at this time to publish indexes of materials available under subsection (a) (2), other than the indexes of opinions issued in adjudication of cases, regular publication of which will continue. Indexes being prepared for publication will remain available to the public at the same places as prior to the Freedom of Information Act Amendments.

RICHARD R. HITE,
*Deputy Assistant Secretary of the Interior.*

APRIL 16, 1975.

[FR Doc.75-10587 Filed 4-22-75;8:45 am]

### OIL SHALE LANDS IN STATES OF COLORADO, UTAH, AND WYOMING

#### Applications for Permits To Conduct Informational Core Drilling

Notice was published in the FEDERAL REGISTER on Wednesday, June 30, 1971, (36 FR 12319-12320) permitting the filing of applications for special land-use permits to conduct informational core drilling in order to allow the evaluation of the environmental characteristics, hydrology, and the oil shale resources of specific sites in Colorado, Utah, and Wyoming. That notice was extended for an additional 2 years until June 30, 1975. That notice is hereby extended for an additional period of six months until December 31, 1975.

JOHN C. WHITAKER,
*Under Secretary of the Interior.*

APRIL 17, 1975.

[FR Doc.75-10585 Filed 4-22-75;8:45 am]

### RESIDENTIAL DEVELOPMENT ON LANDS OF THE PUEBLO OF TESUQUE

#### Public Hearing Regarding Draft Environmental Statement

A public hearing will be held at 9:00 a.m., Saturday, May 24, 1975, at the Forum, College of Santa Fe, Santa Fe, New Mexico to receive public comments regarding the Department of the Interior's Draft Environmental Impact Statement for a residential development on lands of the Pueblo of Tesuque. These lands are located within the Tesuque Pueblo Grant, Santa Fe County, New Mexico.

Oral and written statements by interested parties are invited. Oral statements by any party will be limited to no more than ten minutes. Written statements can be entered into the record by filing a copy with the presiding officer.

Additional information on the hearings and copies of the Draft Statement may be obtained from Eugene B. Quadri, Area Environmental Quality Specialist, Albuquerque Area Office, Bureau of Indian Affairs, Room 420, First National Bank Building, East, P.O. Box 8327, 5301 Central Avenue, NE. Albuquerque, New Mexico, 87108; Phone: (505) 766-3167.

Dated: April 18, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10523 Filed 4-22-75;8:45 am]

[INT DES 75-31]

### SANGRE DE CRISTO DEVELOPMENT CO. AND TESUQUE INDIAN PUEBLO

#### Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a Draft Environmental Statement for the approval by the Secretary of the Interior of a lease between Sangre De Cristo Development Co., and Tesuque Indian Pueblo, New Mexico.

The Environmental Statement considers human and physical environmental effects associated with the proposed approval by the Secretary of the Interior of a 99 year lease for 1,342 acres of land with an option to lease an additional 4,100 acres of Pueblo of Tesuque lands to be used for development of a residential community of 16,000 people. Written comments are invited within sixty (60) days of this notice.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs
Division of Trust Facilitation
Room 3042—Department of Interior Bldg.
Washington, D.C. 20245
Telephone (202) 343-4004

Bureau of Indian Affairs
Albuquerque Area Office
Room 420—1st National Bank Bldg. East
5301 Central Avenue, N.E.
Albuquerque, New Mexico 87108
Telephone (505) 766-3167

Bureau of Indian Affairs
Northern Pueblos Agency
Federal Post Office Bldg.
Santa Fe, New Mexico 87501
Telephone (505) 988-6431

Limited numbers of copies of the Draft Environmental Statement may be obtained from the Albuquerque Area Office, Bureau of Indian Affairs.

Dated: April 18, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.75-10524 Filed 4-22-75;8:45 am]

### ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### GAS CENTRIFUGE PROGRAM

#### Preparation of Environmental Statement

Notice is hereby given that in accordance with the National Environmental Policy Act the U.S. Energy Research and Development Administration (ERDA) has commenced preparation of an environmental statement on its research and development program on the gas centrifuge process for enrichment of uranium to be used in nuclear power reactors.

Uranium is currently enriched at three government plants by the proven gaseous diffusion method. Projections indicate that additional enrichment capacity will be necessary in the mid-1980's in order to provide enriched uranium for the increasing number of nuclear power reactors. It is ERDA's intention that private industry provide capacity required to meet this increase in enriched uranium requirements. Industry is presently evaluating both the gaseous diffusion and gas centrifuge processes for the additional enrichment capacity.

The anticipated environmental effect of a conceptual gas centrifuge enrichment plant comparable to about 9,000,000 Separative Work Units will be presented. Multiples of single plant material requirements and effluents will also be analyzed to estimate the cumulative effect of exclusively utilizing gas centrifuge plants to provide all additional enrichment capacity required through the year 2000.

Documents used in the preparation of the draft environmental statement will



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be made available for review at the Central Research Library in the Holifield National Laboratory, Oak Ridge, Tennessee.

All interested persons desiring to submit suggestions for consideration in connection with the preparation of the statement should send them to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, USERDA, Washington, D.C. 20545, on or before May 22, 1975.

Dated this 18th day of April 1975.

JAMES L. LIVERMAN,
*Assistant Administrator for Environment and Safety.*

[FR Doc.75-10733 Filed 4-22-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 369-4; PP5]

### PESTICIDE AND FOOD ADDITIVE PETITIONS

#### Filing

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food additives have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP 5F1602. Sandoz-Wander, Inc., PO Box 1489, Homestead FL 33030. Proposes establishment of a tolerance for negligible residues of the herbicide Norflurozon (4-chloro - 5 - (methylamino) - 2-a,a,a-trifluoro-m-tolyl) - 3-(2H) - pyridazinone) and its Desmethyl metabolite 4-chloro-5-(amino)-2-(a,a,a - trifluoro - m - tolyl-3-(2H)-pyridozinone in or on raw agricultural commodity cottonseed at 0.1 part per million. Proposed analytical method is a gas chromatographic procedure using an electron-capture detector. PM24.

FAP 5H5079. Ionics, Inc., PO Box 99, Bridgeville PA 15017. Proposes establishment of a food additive tolerance for residues of the disinfectant silver in potable water at 50 parts per billion resulting from the use of silver nitrate in the filtration of water. PM33.

Dated: April 17, 1975.

JOHN B. RITCH, Jr.,
*Director, Registration Division.*

[FR Doc.75-10504 Filed 4-22-75;8:45 am]

[FRL 369-5; PP6]

### PESTICIDE AND FOOD ADDITIVE PETITIONS

#### Filing

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food additives have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP 5F1603. Avitrol Corp., 7644 E. 46th St., PO Box 45141, Tulsa OK 74145. Proposes establishment of a tolerance for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities sweet corn and popcorn at 0.1 part per million (ppm). Proposed analytical method is a gas chromatographic procedure using a flame ionization detector. PM11.

PP 5F1601. Hercules Inc., Wilmington DE 19899. Proposes establishment of a tolerance for residues of the insecticide toxaphene (chlorinated camphene containing 67-69% chlorine) in or on the raw agricultural commodity sunflower seeds at 0.1 ppm. Proposed analytical method is a gas chromatographic procedure with an electron capture detector for measuring toxaphene residues. PM12.

FAP 5H5080. Dow Chemical Corp., PO Box 1706, Midland MI 48640. Proposes establishment of a food additive regulation to provide for the safe use of the insecticide Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] in food areas of food handling establishments. PM12.

PP 5F1606. Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. Proposes establishment of a tolerance for residues of the herbicide (2-chloro-N-(2-ethyl-6-methylphenyl) - N - (2 - methoxy - 1 - methylethyl) acetamide and its metabolites 2-[(2 - ethyl - 6 - methylphenyl)amino] propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone in or on the raw agricultural commodities: corn forage and fodder at 0.75 ppm; fresh corn including sweet corn (kernals plus cob with husk removed) at 0.05 ppm (negligible residue); and eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 ppm (negligible residue). Proposed analytical method is a gas chromatographic procedure using a Coulson electrolytic conductivity detector. PM24.

Dated: April 17, 1975.

JOHN B. RITCH, Jr.,
*Director, Registration Division.*

[FR Doc.75-10505 Filed 4-22-75;8:45 am]

[FRL 362-2; OPP-32000/234]

### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before June 23, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 23, 1975.

Dated: April 16, 1975.

JOHN B. RITCH, Jr.,
*Director, Registration Division.*

APPLICATIONS RECEIVED (OPP-32000/234)

EPA File Symbol 4169-RN. Aborn Chem. Indus., Inc., (Wholly owned subsidiary of M.D. Stetson Co.), 168 A St., S. Boston MA 02210. BAC-GARD 20 SANITIZER. Active Ingredients: Cetyl pyridinium chloride 0.0200%; Citral 0.0020%; Ethylene diamine tetraacetic acid (NA2) 0.0010%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 8590-UAG. Agway Inc., Fertilizer-Chemical Div., PO Box 1333, Syracuse NY 13201. AGWAY SUPER FOGGER. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical (Equivalent to 3.2% of (butylcarbityl) (6-propylpiperonyl) ether and 0.8% of related compounds 4.0%; Petroleum Hydrocarbons 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 12015-RU. Allied Lab., 975 Lake Rd., Medina OH 44256. SPEEDEE 1000. Active Ingredients: Octyl decyl dimethyl ammonium chloride 5.0%; Didecyl dimethyl ammonium chloride 2.5%; Dioctyl dimethyl ammonium chloride 2.5%; Isopropyl alcohol 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.





EPA File Symbol 6126-EE. Bixon Chem. Co., 50-19 97th Place, Corona NY 11368. DAIRY & LIVESTOCK SPRAY. Active Ingredients: Pyrethrins 0.10%; Piperonyl Butoxide, Technical (Equivalent to 0.8% (Butylcarbityl) (6-propylpiperonyl) ether and 0.2% of related compounds) 1.00%; Petroleum Distillate 98.90%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 10740-RU. Bytech Chem. Corp., 1905 Dennison St., Oakland CA 94606. BYSAN DISINFECTANT-DETERGENT-DEODORANT FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 1660-IE. Chemical Specialties Co., Inc., 51-55 Nassau Ave., Brooklyn NY 11222. VAM-O FORMULA #8 PARAFFIN BLOCKS. Active Ingredients: 2-[p-chlorophenyl) phenylacetyl]-1,3-indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 35911-E, Richard Conn, Inc., 17200 W. 10 Mile, Southfield MI 48075. BARDAC-20 RC'S LAUNDRY BACTERIOSTAT-SANITIZER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 25.0%; Dioctyl dimethyl ammonium chloride 12.5%; Didecyl dimethyl ammonium chloride 12.5%; Isopropyl alcohol 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 121-RT. Cutter Lab., Inc., 4th & Parker Sts, Berkeley CA 94710. DIETHYLTOLUAMIDE. Active Ingredients: (N,N-Diethyl-m-toluamide) 100%. Method of Support: Application proceeds under 2(c) of interim policy PM17.

EPA File Symbol 12477-U. Economy Service and Sales Co., 3511 N. 9th St., Philadelphia PA 19140. DQ-3. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; sodium cyanodithioimidocarbonate 4.90%; 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 12477-L. Economy Service and Sales Co. DQ-1. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 12477-A. Economy Service and Sales Co. DQ-2. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 279-1500. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14106. METHYL PARATHION 4 MISCIBLE. Active Ingredients: O,O-Dimethyl O-p-nitrophenyl thiophosphate 45.1%; Xylene base aromatic petroleum solvent 47.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use on soybeans. PM12.

EPA File Symbol 7053-ER. Fremont Indus., Valley Indus. Park, Shakopee MN 55379. FREMONT 9933. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 7053-EE. Fremont Indus., Inc., Valley Indus. Park, Shakopee MN 55379, FREMONT 9933. Active Ingredients: alpha - (p-Nonylphenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2 (b) of interim policy. PM34.

EPA File Symbol 10864-0. Gamlen Chem. Co., 4 Midland Ave., Elmwood Park NJ 07407. GAMACIDE 1831. Active Ingredients: Sodium pentachlorophenate 23.70%; Sodium salts of other chlorophenols 3.30%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA Reg. No. 5905-334. Helena Chem. Co., Clark Towers, 5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA PARATHION 4-E EMULSIFIABLE LIQUID—AN AGRICULTURAL INSECTICIDE. Active Ingredients: Parathion: O, O-diethyl O-p-nitrophenyl phosphorothioate 46.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 14804-U. Hofmann Water Treatment Co., 52 Davenport St., Stamford CT 06902. AB-30. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyl-dithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 14804-G. Hofmann Water Treatment Co., 52 Davenport St., Stamford CT 06902. AB-20. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyl-dithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 2270-AOA. The Huge Co., Inc., 7625 Page Ave., St. Louis MO 63133. EXCELCIDE ULTRA LOW DOSAGE. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.46%; Other related compounds 0.04%; Pyrethrins 2.00%; Piperonyl butoxide, Technical (Equivalent of 4.8% (butylcarbityl) (6-propylpiperonyl) ether and 1.2% related compounds) 4.00%; N-octyl bicycloheptene dicarboximide 4.00%; Petroleum distillate 89.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 33431-G. Interchem, Inc., 3616 N. 14th St., St. Louis MO 63103. TRIBAC DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 8901-RI. Kocide Chem. Corp., PO Box 45539, Houston TX 77045. KLEER-POOL ALGACIDE. Active Ingredients: Copper 8.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 2881-AR. Lystads Inc., PO Box 518, Grand Forks ND 58201. LISTOL II DISINFECTANT - SANITIZER - DEODORIZER. Active Ingredients: n-Alkyl (60% C14, 30% C18, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 8249-I. Maintenance Engineering Corp., PO Box 1729, Houston TX 77001. MECO MICROBIOCIDE T-87. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 1769-ETG. National Chemsearch, Div. of USAchem Inc., 2727 Chemsearch Blvd., Irving TX 75062. EARLY-MORN AIR SANITIZER AND DEODORANT. Active Ingredients: Isopropyl Alcohol 19.5%; Triethylene Glycol 12.0%; Propylene Glycol 8.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 1769-ETE. National Chemsearch, Div. of USAchem, Inc., 2727 Chemsearch Blvd., Irving TX 75062. VACHLOR ASPHALT VAPOR BARRIER. Active Ingredients: Dichlobenil [2,6-dichlorobenzonitrile] 3.12%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2155-IU. I. Schneid, Inc., PO Box 93188, Martech Station, Atlanta GA 30318. POOL CLEAR CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene - (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 829-EUE. Southern Agricultural Insecticides, Inc., PO Box 218, Palmetto FL 33561. BALFIN (BALAN) GRANULES A PRE-EMERGENCE HERBICIDE. Active Ingredients: Benefin (N-butyl-N-ethyl-a,a,a,-trifluoro - 2,6-dinitro-p-toluidine) 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 23305-E. Southern Mill Creek Products of Ohio Inc., 18319 Nottingham Rd., Cleveland OH 44119. CLEMCO FOOD PLANT SPRAY. Active Ingredients: Pyrethrins 0.20%; Piperonyl Butoxide, Technical (Equivalent to 0.8% (butylcarbityl) (6-propylpiperonyl) ether and 0.2% of related compounds) 1.00%; Petroleum Distillate 98.80%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 5741-2. Spartan Chem. Co., Inc., 110 N. Westwood, Toledo OH 43607. SPARTAN'S STERIGENT GERMICIDAL CLEANER. Active Ingredients: n-alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chlorides 4.5%. Method of Support: Application proceeds under 2(a), of interim policy. PM31.

EPA File Symbol 9115-T. Sun-Ray Chem. Co., Industrial Maintenance Products Div., 119 W. Jackson, Phoenix AZ 85003. HTX DISINFECTANT - CLEANER - SANITIZER-FUNGICIDE-DEODORANT. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 9115-R. Sun-Ray Chem. Co. A F C ATHLETES' FOOT CONTROL DISINFECTANT. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 1.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 9115-A. Sun-Ray Chem. Co. GERMICIDE. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 557-RITA. Swift Chem. Co., 111 W. Jackson Blvd., Chicago IL 60604. SWIFT TOXAPHENE V6E. Active Ingredients: Toxaphene (Technical Chlorinated Camphene (Chlorine Content 67-69%)) 57.08%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use on cotton. PM12.

EPA File Symbol 35922-R. Tifa, Ltd., 1390 Valley Rd., Stering NJ 07980. CHEMSECT PYRENONE M.A.G. 75-7.5 INSECTICIDE. Active Ingredients: Pyrethrins 7.50%; Piperonyl Butoxide, Technical (Equivalent to 60% of (butylcarbityl) (6-propylpiperonyl) ether and to 15.0% of related compounds) 75.00%; Petroleum Distillate 7.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.



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EPA File Symbol 7401-EAT. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. HI-YIELD 5% MALATHION DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

[FR Doc.75-10502 Filed 4-22-75;8:45 am]

[FRL 361-4; OPP—32000/233]

## RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

### Data To Be Considered in Support of Applications

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Dated: April 16, 1975.

JOHN B. RITCH, Jr.,
*Director,*
*Registration Division.*

APPLICATIONS RECEIVED (OPP—32000/233)

EPA File Symbol 1674-RR. Aborn Chemical Industries, Inc. (Wholly Owned Subsidiary of M. D. Stetson Co.), 168 "A" St., South Boston MA 02210. ARK RESIDUAL INSECTICIDE. Active Ingredients: (0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.209% of butylcarbityl) (6-propylpiperonyl) ether and 0.052% of related compounds) 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 8590-UAE. Agway Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. AGRAZINE 80W. Active Ingredients: Atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) 76%; Related Compounds 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 8590-UAL. Agway Inc. AGWAY WASP & HORNET KILLER NP, Active Ingredients: Tetramethrin (1-Cyclohexene-1, 2-dicarboximidomethyl 2, 2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; (5-Benzyl-3-furyl) methyl 2, 2-dimethyl-3-(methylpropenyl cyclopropanecarboxylate) 0.106%; Related compounds 0.014%; Petroleum Distillate 9.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 8590-UAU. Agway Inc. AGWAY ROACH AND ANT SPRAY-C. Active Ingredients: Pyrethrins 0.062%; Piperonyl Butoxide, Technical (Equivalent to 0.208% (butylcarbityl) (6-propylpiperonyl) ether and to 0.052% related compounds) 0.260%; Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 0.500%; Petroleum Distillate 68.737%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 12015-RL. Allied Laboratories Inc., 975 Lake Rd., Medina OH 44256. SPEEDEX 217. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl (C8 7%, C10 6%, C12 46%, C14 24%, C16 10%, C18 5%) amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA Reg. No. 241-238. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton, NJ 08540. COUNTER 15-G SOIL INSECTIDE: Active Ingredients: S-[(tert-butylthio) methyl] 0,0-diethyl phosphorodithioate 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM16.

EPA File Symbol 6899-RL. B & B Chemical Co., Inc., 875 W. 20th St., Hialeah FL 33010. B & B H400. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl (C8 7%, C10 6%, C12 46%, C14 24%, C16 10%, C18 5%) amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM-32.

EPA Reg. No. 3125-236. Chemagro Div. of Baychem Corp., Box 4913, Kansas City, MO 53120. NEMACUR 15% GRANULAR NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate 15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added Uses. PM21.

EPA File Symbol 239-EUGL. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO ROSE DISEASE CONTROL CONTAINS FUNGINEX A NEW SYSTEMIC FUNGICIDE. Active Ingredients: Triforine-N,N'-[1,4-piperazinediyl-bis - (2,2,2 - trichloro - ethylidene)] - bis-[formamide] 6.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM21.

EPA File Symbol 100-LIG. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. CGA-24705 6EC HERBICIDE Active Ingredients: 2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1 - methylethyl) acetamide 66.7%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 1169-LL. Classic Chemical, 16th & Mickle St., Camden NJ 08105. CLASSIC FLY-GARD SPRAY. Active Ingredients: Pyrethrins 0.34%; Piperonyl Butoxide, Technical (Equivalent to 1.536% (butylcarbityl) (6-propylpiperonyl) ether and to 0.384% related compounds) 1.92%; Butoxypolypropylene Glycol 26.40%; Petroleum Distillate 1.20%; Oil of Citronella 0.24%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 192-RRI. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL LAWN WEED KILLER. Active Ingredients: Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 3.66%; Dimethylamine salt of 2-4-dichlorophenoxyacetic acid 8.07%; Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 0.84%; Dimethylamine salts of related compounds 0.11%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 279-GNNL. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. PYRENONE W.B. 5-0.5 CODE 767.05. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, Technical (Equivalent to 4% (butyl-carbityl) (6-propylpiperonyl)ether and 1% of related compounds) 5.00%; Petroleum Distillate 86.25%. Method of Support: Application proceeds under 2(e) of interim policy. PM17.

EPA File Symbol 279-GNNU. FMC Corp., Agricultural Chemical Div. 100 Niagara St., Middleport NY 14105. PYRENONE 16.7-1.67 DRIONE CONCENTRATE CODE 755.91. Active Ingredients: Pyrethrins 1.67%; Piperonyl Butoxide, Technical (Equivalent to 13.36% of (butylcarbityl) (6-propylpiperonyl) ether and 3.34% of related compounds) 16.70%; Petroleum Distillate 81.63%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6361-L. The Garman Co., Inc., 1252 Grover Rd., St. Louis MO 63126. VAPCO SLIME-X. Active Ingredients: Sodium Pentachlorophenate 79%; Sodium Salts of other chlorophenols 11%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 34860-E. HVAC Services, Inc., PO Box 112, Timonium MD 21093. HVAC SLIMICIDE #101. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Applications proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 4990-LI. Jet-Aer Corp., 100 6th Ave., Paterson NJ 07524. JET-AER FAST KNOCKDOWN BUG KILLER. Active Ingredients: Pyrethrins 0.50%; Piperonyl butoxide, technical (consists of 0.80% (butylcarbityl (6-propylpiperonyl) ether and 0.20% related compounds) 1.00%; N-Octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 11.85%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.





EPA File Symbol 2342-OAE. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, OK 73125. TUMBLEAF COTTON DEFOLIANT LIQUID CONCENTRATE 6. Active Ingredients: Sodium chlorate 29.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2342-OAN. Kerr-McGee Chemical Corp. TUMBLEAF COTTON DEFOLIANT LIQUID CONCENTRATE 3. Active Ingredients: Sodium chlorate 16.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2342-OAR. Kerr-McGee Chemical Corp. TUMBLEAF COTTON DEFOLIANT LIQUID CONCENTRATE 5. Active Ingredients: Sodium chlorate 25.7%. Method of Support: Application proceeds under 2(c)of interim policy. PM25.

EPA File Symbol 2342-OLO. Kerr-McGee Chemical Corp. TUMBLEAF COTTON DEFOLIANT LIQUID CONCENTRATE 4. Active Ingredients: Sodium chlorate 21.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 12367-O. Lich Paper Co., 929 5th Ave., McKeesport PA 15132. LICO 25 LAUNDRY BACTERIOSTAT-SANITIZER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 26.0%; Dioctyl dimethyl ammonium chloride 12.5%; Didecyl dimethyl ammonium chloride 12.5%; Isopropyl alcohol 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 12367-RN. Lich Paper Co. LICO 30. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 12367-RR. Lich Paper Co. LICO SANITIZER-CLEANER 2150. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 1021-RGLA. McLaughlin Gormley King Co., 8810 10th Ave. N, Minneapolis MN 55427. PYROCIDE INTERMEDIATE 7249. Active Ingredients: Pyrethrins 0.59%; Piperonyl butoxide, technical (Equivalent to 0.944% (butylcarbityl)(6 - propylpiperonyl) ether and 0.236% related compounds) 1.18%; N-Octyl bicycloheptene dicarboximide 1.18%; 2-(1-Methylethoxy) phenol methylcarbamate 5.92%; Petroleum distillate 3.34%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1021-RGLL. McLaughlin Gormley King Co. MGK INTERMEDIATE 2055. Active Ingredients: N,N-diethyl-m-toulamide 85.5%; Other isomers 4.5%; N-octyl bicycloheptene dicarboximide 5.0%; Di-n-propyl isocinchomeronate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1021-RGLU. McLaughlin Gormley King Co. MGK INTERMEDIATE 2054. Active Ingredients: N,N-diethyl-m-toluamide 89.9%; Other isomers 4.7%; N-octyl bicycloheptene dicarboximide 2.7%; Di-n-propyl isocinchomeronate 2.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1111-RLR. Hockwald Chemicals, A Div. of Oxford Chemicals, PO Box 227, Brisbane CA 94005. HOCKWALD H DRIONE AEROSOL. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical (Equivalent to 0.8% of (butylcarbityl) (6-propylpiperonyl) ether and 0.2% of related compounds) 1.0%; Silica Gel 4.0%; Petroleum Distillate 4.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 4581-GEL. Pennwalt Corp., Three Parkway, Philadelphia PA 19102. SODIUM DIMETHYL DITHIOCARBAMATE 40%. Active Ingredients: Sodium dimethyl dithiocarbamate 38%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 4825-EN. Ringer Corp., 6860 Flying Cloud Dr., Eden Prairie NM 55343. RINGER HOUSE PLANT INSECT SPRAY. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.024%; Other Cube Resins 0.048%; Petroleum Distillate 0.224%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 201-GIA. Shell Chemical Co., Suite 200, 1025 Conn. Ave., NW, Washington DC 20036. CHILD PROTECTOR-TOP SHELL PROFESSIONAL FLYING INSECT KILLER. Active Ingredients: 1),2) (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.400%; Related compounds 0.030% Aromatic petroleum hydrocarbons 0.273%; Petroleum distillate 6.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 23305-R. Southern Mill Creek Products of Ohio, Inc., 18319 Nottingham Rd., Cleveland OH 44119. CLEMCO RESIDUAL INSECT SPRAY. Active Ingredients: 0,0-Diethyl 0-(2 - isopropyl - 6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.209% of (butylcarbityl)(6 - propylpiperonyl) ether and 0.052% of related compounds) 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 476-1054. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. MAGNETIC "6" FLOWABLE SULFUR AGRICULTURAL INSECTICIDE - FUNGICIDE AQUEOUS DISPERSION. Active Ingredients: Sulfur 51.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Amendment. PM22.

EPA Reg. No. 476-2154. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. EPTAM SELECTIVE HERBICIDE 7-E. Active Ingredients: S-ethyl dipropylthiocarbamate 87.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 675-GI. National Laboratories, Lehn & Fink Industrial Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. NEW FORMULA AMPHYL SPRAY DISINFECTANT DEODORANT. Active Ingredients: O-Phenylphenol 0.136%; N-Alkyl (C18 92%, C16 8%)-N-Ethyl Morpholinium Ethyl Sulfates 0.045%; 5-Chloro-2-(2,4-dichlorophenoxy) phenol 0.024%; Alcohol 67.108%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 998-REU. Superior Chemical Products Inc., 3942 Frankford Ave., Philadelphia PA 19124. SHOOO DOG AND CAT REPELLENT—LIQUID SPRAY. Active Ingredients: Methyl nonyl detone 1.9%; Related compounds 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 148-RERT. Thompson-Hayward Chem. Co., 5200 Speaker Rd., Kansas City KS 66106. DIAZINON-SULPHUR 2-50 DUST. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl - 6 - methyl - 4 - pyrimidinyl) phosphorothioate 2.0%; Sulfur 50.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 400-RRI. Uniroyal Chemical, Div. of Uniroyal Inc., 74 Amity Rd., Bethany CT 06535. VITAVAX HB-10 COTTON SEED TREATER. Active Ingredients: Carboxin (5,6-Dihydro-2-Methyl-1, 4-Oxathin-3-Carboxanilide) 5.0%; Captan (N-Trichloromethylthio - 4 - Cyclohexene-1,2-Dicarboximate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM21.

EPA File Symbol 1386-LON. Universal Cooperatives, Inc., 111 Glomorgan St., Alliance OH 44601. UNICO DIAZINON 14G GRANULAR INSECTICIDE. Active Ingredients: 0-0-diethyl 0 - (2 - isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 7401-EAG. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. FERTI-LOME DANDELION AND CRABGRASS KILLER. Active Ingredients: Monosodium Acid Methanearsonate 13.70%; Dimethylamine Salt of 2,4-Dichloro-phenoxyacetic Acid 9.14%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA Reg. No. 2935-389. Wilbur-Ellis Co., Old Highway 99 at Cedar, PO Box 1286, Fresno CA 93715. RED TOP NUSAN 30 EC. Active Ingredients: 2-(thiocyanomethylthio) benzothiazole 30%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Amendment. PM22.

EPA File Symbol 5427-AA. Wright Chemical Corp., 1319 Wabansia Ave., Chicago IL 60622. WRICO RDT. Active Ingredients: n-alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 15.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM 31.

[FR Doc.75-10479 Filed 4-22-75;8:45 am]

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Insured Banks

### Joint Call for Report of Condition

Pursuant to the provisions of section 7 (a) (3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a) (3)), each insured bank is required to make a Report of Condition as of the close of business April 16, 1975, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form CC-8022-05—Call No. 493,[1] and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of







Certif-

*It is ordered*, That Independent

Any person desiring to be heard or to

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Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 215[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition and one copy thereof on FDIC Form 64—Call No. 111[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1972.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated January 1973[1] and any amendments thereto. The original Report of Condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition and one copy thereof on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] FRANK WILLE,
*Chairman.*

JUSTIN T. WATSON,
*Acting Comptroller of the Currency.*

GEORGE W. MITCHELL,
*Vice Chairman, Board of Governors of the Federal Reserve System.*

[FR Doc.75-10537 Filed 4-22-75;8:45 am]

[1] Filed as part of original document.

## FEDERAL MARITIME COMMISSION

### AMERICAN CRUISE LINES, INC.

**Issuance of Certificate (Performance)**

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

American Cruise Lines, Inc., Steamboat Landing, Haddam, Connecticut 06438.

Dated: April 17, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-10594 Filed 4-22-75;8:45 am]

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

**Certificates Revoked**

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

| Certificate No. | Owner/Operator and Vessels |
|---|---|
| 01019--- | Hagb. Waage: *Symra.* |
| 01081--- | Skibsaktieselskapet Karlander: *Slevik.* |
| 01192--- | Odd Bergs Tankrederi A/S: *Kollbryn.* |
| 01330--- | Shell Tankers (U.K.) Ltd.: *Horomya.* |
| 01425--- | Johnston Warren Lines Ltd.: *Mystic.* |
| 01574--- | Fearnley & Eger: *Ferncrest.* |
| 01605--- | D'Amico Societa di Navigazione S.P.A.: *Anna Maria D'Amico.* |
| 01696--- | Minerva Maritime Corp.: *Dimitrios.* |
| 01874--- | A/S Sobral: *Nopal Argus, Nopal Verde.* |
| 01875--- | Sicula Sarda-Compagnia Armatoriale Siciliana S.P.A.: *Giovanni Quelrolo.* |
| 01904--- | Waterman Steampship Corp.: *Citrus Packer.* |
| 02198--- | Peninsular & Oriental Steam Navigation Co.: *Manora, Merkara, Morvada, Mulbera.* |
| 02285--- | Atlan Lines, S.A.: *Atlan Rpbl.* |
| 02286--- | China Union Lines, Ltd.: *Union East.* |
| 02358--- | A/S Ganger Rolf, A/S Bonheur, A/S Borgaden Norske, Middelhavslinje A/S+A/S Jelolinjen: *Botticelli.* |
| 02446--- | Cosmopolitan Shipping Co. S.A.: *Leslie Conway.* |
| 02475--- | Houston Barge Line, Inc.: *HBL 102, HBL, 101.* |
| 02477--- | American Dredging Co.: *Scow Loading Barge No. 1.* |
| 02889--- | Showa Kaiun K.K.: *Zama Maru.* |
| 03138--- | Cunard Line Ltd.: *Cundard Ambassador.* |
| 03164--- | Saint George Maritime Co. Ltd.: *St. George III.* |
| 03245--- | Rederiaktieselskabet Danneborg: *Tuborg.* |
| 03302--- | World Wide Tankers Inc.: *Barbara Jane.* |
| 03315--- | Afran Transport Co.: *Raudhatain.* |
| 03322--- | Daiichi Chuo Kisen Kabushiki Kaisha: *Spencer Maru.* |
| 03366--- | Compania de Navegacion "Porto Ronco" S.A.: *Locarno.* |
| 03451--- | Kowa Shosen K.K.: *Japan Maple, Long Beach Maru, Japan Linden, Kokusai Maru No. 2.* |
| 03492--- | Sawayama Kisen K.K.: *Kanto Maru.* |
| 03499--- | El-Yam Bulk Carriers (1967) Ltd., Israel: *Har Addir.* |
| 03510--- | Takeda Kigyo Kabushiki Kaisha: *Seishomaru No. 8.* |
| 03641--- | Hendy International Co.: *Tezan.* |
| 03971--- | Korea Shipping Corp., Ltd.: *Yo Su, Muk Ho.* |
| 04004--- | Koninklijke Java-China-Paketvaart Lijnen N.V.: *Tjitarum, Straat Cook, Straat Madura.* |
| 04384--- | Philippine President Lines, Inc.: *President Quirino.* |
| 04398--- | Hapag-Lloyd A/B: *Essen.* |
| 04483--- | Kaiomaru Gyogyo Kabushiki Kaisha: *Kaiomaru No. 31, Kaiomaru No. 38.* |
| 04518--- | Tokushui Kabushiki Kaisha: *Oriento Maru No. 2.* |
| 04519--- | Kabushiki Kaisha Iijima Gyogyosho: *Iijimaru No. 21.* |
| 04521--- | Taisen Gyogyo Kabushiki Kaisha: *Taisemaru No. 8.* |
| 04531--- | Mr. Eikichi Shirator: *Kyoeimaru No. 28.* |
| 04542--- | Mr. Choei Okado: *Chokyumaru No. 12.* |
| 04623--- | Seaspan International Ltd.: *Seaspan Commodore.* |
| 05064--- | Naviera Amazonica Peruana S.A. (Peruvian Amazon Line): *Yacu Mama.* |
| 05097--- | Esso Transport Co., Inc.: *Esso Colombia.* |
| 05123--- | Kinkai Yusen Kabushiki Kaisha: *Sitka Maru.* |
| 05245--- | Blaesbjerg & Co.: *Crystal Scan.* |
| 05496--- | Heron Navigation Co., Ltd.: *Atsuta.* |
| 06188--- | Idemitsu Tanker K.K.: *Olympus.* |
| 06246--- | Pam Shipping Ltd.: *Pam.* |
| 06285--- | Hanafusa Kisen K.K.: *Jinyo Maru.* |
| 06443--- | Erjac Ocean Lines Ltd.: *Nordfels.* |
| 06505--- | Astir Navigation Co., Ltd.: *Nelson.* |
| 06537--- | Grand Ocean Transport Inc.: *Grand Union.* |
| 06566--- | Occidental Petroleum Corp.: *RV-50.* |
| 06657--- | Kydon Compania Naviera S.A.: *Lena.* |
| 06659--- | Blue Seas Shipping Co., Ltd.: *Blue Seas.* |
| 06761--- | Sinclair Memphis Marine Service, Inc.: *Sinclair 17, Sinclair 7, Sinclair 16, Sinclair 9.* |
| 06775--- | Whitco (Marine Services) Ltd.: *Orchidea.* |
| 06902--- | Helindas y Cia, S.A.: *Helindas.* |
| 06919--- | General Shipping Co., Inc.: *General Lim.* |
| 07019--- | Allied Shipping International Corp.: *Captain Avgerinos, Virgo.* |
| 07276--- | Anglo-Pacific Line Ltd.: *Papeete.* |
| 07290--- | Hollywood Terminals, Inc.: *Hollywood 2050, Ht. No. 10, LB-19.* |
| 07361--- | Mr. Yasohachi Nakamura: *Kaiomaru No. 18.* |





| Certificate No. | Owner/Operator and Vessels |
|---|---|
| 07439--- | Overseas Navigation Co. Ltd.: *Overseas Navigator.* |
| 07534--- | Aneais Shipping Co., S.A. of Panama: *Rio Doro.* |
| 07593--- | Oieandrus Shipping Co. Ltd.: *Guy.* |
| 07648--- | Sudatlantica Armadora S.A.: *Eu-European River.* |
| 07817--- | Yick Fung Shipping & Enterprises Co., Ltd.: *Kara Sea.* |
| 07596--- | Dipoti Shipping Co. S.A.: *Pavlo.* |
| 07965--- | Transatlantic Shipping Co. Ltd.: *Lloyd Helsinki.* |
| 08002--- | Marcona Ocean Industries, Ltd.: *Miami.* |
| 08027--- | Cala Sinzias Societa Per Azioni di Navigazione: *Cabras.* |
| 08188--- | Caribbean Marine Service Co., Inc.: *Sea Sorceress.* |
| 08219--- | Union Falcon Inc:. *Black Falcon.* |
| 08220--- | Union Eagle Inc.: *Black Eagle.* |
| 08241--- | North & South Atlantic Steamship Co. Inc.: *Nopal Alkimos.* |
| 08252--- | Heroiofson Schiffahrtsgesellschaft KG.: *Bulk Prospector.* |
| 08388--- | Hephestos Technical Maritime Enterprises: *Amphion.* |
| 08807--- | Atlantiki Geniki Metaforiki E.P.E.: *Aghios Georgios.* |
| 08666--- | Hester Shipping Corp. Inc.: *Jesica.* |
| 08806--- | Heyer Schiffahrtsgesellschaft M/S Nordicmark: *Roro Scandia.* |
| 08807--- | Christian F. Ahrenkiel: *Multitank Badenia, Multitank Rhenania.* |
| 08821--- | Copemar, S.A.: *Camps de Torres.* |
| 08833--- | General Metals of Tacoma, Inc.: *Wachusett.* |
| 08897--- | Regent Zinnia Shipping, Inc.: *Zinnia.* |
| 09112--- | Blue Stone Shipping Co. Ltd.: *Blue Stone.* |
| 09165--- | Evans Cooperage Co., Inc.: *E-137, E-128.* |
| 09327--- | Grand Wisdom Transport Inc.: *Grand Wisdom.* |
| 09379--- | Golden North Fisheries, Inc. and Togiak Fisheries, Inc.: *Quinhapak.* |
| 09395--- | Interoceangas Tankers Management, S.A.: *Galileo.* |
| 09457--- | Ajax Shipping Co. Ltd.: *Elpumbo.* |
| 09468--- | Puerto Rico Maritime Shipping Authority: *Brooklyn, Transoregon, Transidaho, Transhawaii, New Orleans, Chicago.* |
| 09906--- | Ab Borga Sjotransport Oy: *Grim.* |

*It is ordered,* That Independent Ocean Freight Forwarder License No. 1442-R be returned to the Commission for cancellation.

*It is further ordered,* That Independent Ocean Freight Forwarder License No. 1442-R of Peter Arabia d/b/a Commodity Forwarding and Shipping Company be and is hereby revoked effective April 3, 1975, without prejudice to reapply for a license in the future.

*It is further ordered,* That a copy of this Order be published in the FEDERAL REGISTER and served upon Peter Arabia d/b/a Commodity Forwarding and Shipping Company.

ROBERT S. HOPE,
*Managing Director.*

[FR Doc.75-10596 Filed 4-22-75;8:45 am]

### GRUENINGER TRAVEL SERVICE, INC. ET AL.

**Issuance of Certificate (Performance)**

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Grueninger Travel Service, Inc.,
Midwest Cruises, Inc.,
Discovery Cruises K/S and
Discovery cruises A/S
c/o Grueninger Travel Service, Inc.
6101 North Keystone Avenue
Indianapolis, Indiana 46220

Dated: April 17, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-10595 Filed 4-22-75;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. E-9375]

### ARIZONA PUBLIC SERVICE CO.

**Amendment to Supplement to Agreement**

APRIL 17, 1975.

Take notice that on April 11, 1975 Arizona Public Service Company (APS) tendered for filing Amendment No. 2 to Supplement No. 7 of an Agreement with Navajo Tribal Utility Authority (NTUA), FPC Rate Schedule No. 6, for the installation of an oil circuit breaker for benefit of NTUA's Customer Black Mesa Pipeline. APS states that though the filing is an Amedment to an existing Supplement, it is for a new service and not a rate increase. The revenues from this service is $8,687.16 per annum.

Copy of the filing was served upon the Arizona Corporation Commission.

APS requests that the waiver provisions of § 35.11 of the Commission's regulations be waived to permit an effective date of April 17, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10562 Filed 4-22-75;8:45 am]

[Docket No. RP75-62]

### CITIES SERVICE GAS CO.

**Order Accepting for Filing and Suspending Tariff Sheets, Setting Formal Hearing and Granting Interventions; Correction**

APRIL 3, 1975.

In the order accepting for filing and suspending tariff sheets, setting formal hearing and granting interventions issued April 1, 1975, and published in the FEDERAL REGISTER on April 9, 1975 at 40 FR 16141, on page 16142, ordering paragraph (C), line 5, the date "June 23, 1975." should correctly read "June 24, 1975".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10563 Filed 4-22-75;8:45 am]

[Docket No. RP75-35, et al.]

### CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. COMPLAINANT TENNESSEE GAS PIPELINE CO., DIVISION OF TENNECO INC. RESPONDENT

**Order Granting Motion To Sever and Dismiss Complaint, Redesignating Proceeding, Modifying Previous Order, and Consolidating Proceedings; Correction**

APRIL 1, 1975.

In the order granting motion to sever and dismiss complaint, redesignating proceeding, modifying previous order and consolidating proceedings, issued March 14, 1975, and published in the FEDERAL REGISTER on March 21, 1975 at 40 FR 12855. The captioned heading should read as set forth above.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10564 Filed 4-22-75;8:45 am]

[Docket No. E-9144]

### GEORGIA POWER CO.

**Concurrence of Interchange Agreement**

APRIL 16, 1975.

Take notice that on March 20, 1975, the Savannah Electric and Power Com-



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pany (Savannah) tendered for filing a Certificate of Concurrence to the filing by the Georgia Power Company of an amendment dated November 12, 1974 to the Interchange Agreement dated May 24, 1973, between Savannah and the Georgia Power Company. Savannah's Certificate of Concurrence to the underlying Interchange Agreement was filed with the Commission under date of June 28, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10586 Filed 4-22-75;8:45 am]

[Docket No. E-8329]

## INDIANA & MICHIGAN ELECTRIC CO.

### Order Accepting for Filing Proposed Service Agreement, Denying Request To Reject, Granting Waiver, and Permitting Intervention

On March 17, 1975, Indiana & Michigan Electric Company (I&M) tendered for filing an unsigned agreement with the City of Anderson, Indiana (Anderson), which would provide service for Anderson under I&M's FPC Tariff WS. The new rate schedule would cancel and supersede I&M's FPC Rate Schedule No. 27, under which Anderson is presently served under Tariff rate IP. I&M asserts that the reason for the proposed change is to modify the applicable rate for service to Anderson from Tariff IP to the Company's Tariff WS, the applicable rate to municipal wholesale customers. The proposed change, which I&M requests to become effective on April 17, 1975, the day after the I&M-Anderson contract is terminated, would increase I&M's revenues from jurisdictional sales and service to Anderson by approximately $117,598, based on the twelve month period ended February 28, 1975.[1]

I&M additionally requests a waiver of § 35.13 of the Commission's regulations insofar as that section would require I&M to prepare and file a new cost of service study to support its filing. I&M points out that a complete cost of service study was filed in Docket No. E-7740, the proceeding in which I&M is seeking approval of Tariff WS. I&M further requests that since a hearing has already been held on the justness and reasonableness of Tariff WS, a proceeding in which Anderson participated, that the Commission not order a separate hearing in this docket.

I&M's filing was noticed by the Commission on March 25, 1975, with any protests, comments or petitions to intervene due on or before April 8, 1975.

On April 8, 1975, Anderson filed a petition to intervene, protest, and request for rejection of I&M's filing. In support of its protest, Anderson alleges (1) that I&M did not give sufficient contractual notice of termination of the I&M-Anderson Service Agreement and that I&M therefore is precluded from placing Anderson on the WS Rate Schedule; (2) that even if proper contractual notice were given to Anderson, Anderson has elected to remain on Tariff IP and I&M's filing is therefore illegal; (3) that I&M's filing is in violation of the anti-discrimination provisions of the Federal Power Act and Clayton Act; and (4) that the proposed service agreement is discriminatory on its face and should therefore be rejected.

The following brief history of I&M and Anderson's contractual relations will aid in our discussion of Anderson's allegations. I&M commenced service to Anderson under Tariff IP pursuant to a contract dated September 21, 1951, which was to run for a period of eight years from the time such service was commenced. The contract provided for a capacity fixed at 16,667 kva. A new contract was entered into and dated April 17, 1957, for a period of eight years from the time such service was commenced. This contract increased the capacity of Anderson to 22,750 kva. In an amendment dated January 2, 1963, the parties increased the contract capacity to 31,500 kva and further provided that:

> The initial term of the agreement shall be extended for a 5 year period and will thereafter be renewed automatically in 2 successive periods of 5 years each unless either party shall give the other not less than 24 months notice in writing of its election to discontinue the service at the expiration of any such 5 year periods.

The January 2, 1963 amendment to the April 17, 1957 contract finally provided that:

> Except as expressly modified by this supplemental agreement the terms and conditions of the Agreement dated April 17, 1957 shall be and remain in full force and effect.

By letter dated April 16, 1973, pursuant to the contractual requirement, I&M notified Anderson of its intent to discontinue service under the service agreement effective 11:59 p.m., April 16, 1975.

Anderson's claim of improper notice. The basis of Anderson's first allegation—that I&M did not give it proper contractual notice of termination—is that the contract dated April 17, 1957 was actually entered into on January 1, 1955 and ran eight years from that date. Thus the 1963 amendment would have extended the contract until 1968 with two additional optional terms. Anderson argues that since no notice of termination was given either party a five year period began in 1968 and again in 1973. Anderson argues that if I&M did intend to terminate the contract it had to give notice by January 1, 1971 (since the 5 year term would end January 1, 1973). Anderson therefore concludes that I&M's April 16, 1973 notice was out of time and that the last five year term under Tariff IP provided for in the 1963 amendment had begun to run and will not expire until January 2, 1978.

Anderson supports this position by informing the Commission that in a letter of September 6, 1973,[2] from I&M to the City of Anderson, I&M notified Anderson that it had exceeded the maximum demand limit set forth in its service agreement, was thereby a breach of contract, and that I&M would terminate the contract on September 17, 1973. Anderson argues that the position taken by I&M in 1973 after Anderson had exceeded the maximum demand provided for by the 1957 contract, as amended, supports the proposition that the 1957 contract was actually entered by the parties in 1955, when Anderson exceeded the 1951 contractual maximum demand, even though the contract was not signed until 1957. Since, the contract provided for a period of eight years "from the time such service is commenced", Anderson argues the eight years commenced to run on January 1, 1955, the year in which Anderson exceeded the demand set out in its 1951 contract, and not the date the contract was signed. Anderson cites this Commission's decision in "Indiana and Michigan Electric Company", Docket No. E-8987,[3] as supporting its position that the 1957 contract was actually entered into in 1955.

Upon a review of the contracts in question and after full consideration of Anderson's allegation, we are unable to agree that the 1957 I&M—Anderson contract was actually entered into in 1955. We are of the opinion that the 1957 contract commenced upon its signing, ran for a period of eight years, and by virtue of the 1963 amendment, was extended at least until April 16, 1970 with options to terminate on April 16, 1975 and April 16, 1980. We further conclude that I&M's April 16, 1973 notice to Anderson of its intent to terminate service after April 16, 1975 was sufficient contractual notice of termination of service under Tariff IP.

Anderson's citation of our decision in "Indiana and Michigan Electric Company" in Docket No. E-8987 is misplaced. That case involved a service agreement providing for initial service between the parties and a commencement of service under a contract soon to be signed. Moreover, the short period of service prior to the signing of the service agreement did not occur under a period of time covered by any other executory contract. Anderson's position is far different. In 1955 Anderson was being served under an effective contract whose term had not yet expired.

Although Anderson may have exceeded its maximum demand under the 1951 contract, there is nothing to indicate either party considered the contract to be terminated. I&M continued to serve and Anderson continued to purchase pursuant to the still effective 1951 contract. Even if such a breach would constitute sufficient grounds for terminating the contract, a question we need not reach here, neither party at the time gave the other any notice of termination. Anderson's allegation that I&M's position in a 1973 letter that it could treat a demand upon it in excess of the contractual quantity as grounds for termination does not lend support to its argument. Even if I&M could treat an excess demand as a sufficient breach of contract to terminate service thereunder, I&M appeared to recognize the necessity of so informing Anderson. No such notification was given to Anderson in 1955. On the contrary, despite Anderson's excessive demand the parties continued to operate under their effective contract and chose to reflect such a demand change in their 1957 contract. This conclusion is supported by the 1957 contract itself which is specific with respect to when Anderson's increased maximum demand actually went into effect. The 1957 contract did not reflect a retroactive recognition of an increased maximum demand for Anderson but rather stated that:

> It is agreed that the maximum demand established on the City (of Anderson's) system, as of the date of this Agreement, is 34,000 kva • • •

We conclude therefore that the April 17, 1957 contract became effective and executory on that date and not prior thereto. Consequently the 1963 amendment extended its effectiveness until 1970 with two succeeding five year periods in the absence of notification to terminate. To terminate the service agreement effective as of April 17, 1975, I&M was required to give twenty four months' notice. We find that it gave sufficient contractual notice and that it is not contractually barred by reason of improper notice from terminating service to Anderson under Tariff IP.

Anderson's Claim of Election Rights. The I&M—Anderson contract as amended on January 2, 1963, provides:

> The initial term of the agreement shall be extended for a five year period and will thereafter be renewed automatically in 2 successive periods of 5 years each unless either party shall give the other not less than 24 months notice in writing of its election to discontinue the service at the expiration of any of such 5 year periods.

The Agreement further incorporated the provisions of Company Tariff IP which provides, in part as follows:

> Contracts may be cancelled or reduced in capacity by either party at the end of initial or renewal periods on a minimum of 12 months' prior written notice to the other party.

Despite this clear contractual language Anderson asserts that it has the right to elect to continue to be served under Tariff IP under section 11 of the terms and conditions of Tariff IP. That section provides:

> With particular reference to power customers it shall be understood that upon the expiration of a contract the customer may elect to renew the contract upon the same or another tariff published by the Company • • •

We have closely scrutinized the relevant provisions of the I&M-Anderson agreement, as amended, as well as the provisions of Tariff IP and the terms and conditions thereunder. The provision in the written service agreement as amended as well as the termination provision in Tariff IP are unambiguous. They provide both parties with the right to cancel or terminate service at the conclusion of any of the five year periods in the contract. Section 11, on the other hand, directs itself to the expiration of the last five year period provided for in the contract. Rather than giving Anderson the right to nullify I&M's right to terminate service, which is clearly provided for, Section 11 of the terms and conditions provides Anderson with the right to elect to continue to receive service under Tariff IP or another tariff at the expiration of all the terms of the contract if neither party has not yet exercised its right to terminate or cancel service.

Anderson's interpretation of section 11 of the terms and conditions would render meaningless the two provisions granting either I&M or Anderson the right to terminate service upon proper notice. Since it is a primary tenet of contract interpretation to read a contract so as to give meaning to all of its terms,[4] we must reject Anderson's contention. Other primary rules of contract interpretation further support our finding. Firstly, the provisions of the Service Agreement should be given precedence if they conflict with provisions in Tariff IP and the terms and conditions since the Service Agreement was the bargain struck by the two parties, while Tariff IP and the terms and conditions were intended for the general use of all customers served thereunder.[5] Secondly, the rule of contract interpretation requiring that effectiveness be given to the intention appearing in the principal or most important clause[6] demands we give effect to the Service Agreement's provision bestowing the right of termination.

We conclude therefore that Section 11 of the terms and conditions of Tariff IP does not preclude I&M from terminating service to Anderson under Rate IP and filing the proposed service agreement placing Anderson on the WS rate.

Anderson's claims of discrimination. Anderson argues in its protest that I&M's filing violates the anti-discrimination provisions in the Federal Power Act and Clayton Act because it discriminates against Anderson both by placing it in an inferior competitive position for industrial customers with respect to I&M and by affording it discriminatory rate treatment vis-a-vis the City of Richmond. Anderson's allegation of discrimination with respect to the City of Richmond is an issue in the pending proceeding in Docket No. E-7740. In that proceeding we permitted the parties to introduce evidence to determine whether I&M was discriminating among its municipal customers.[7]

In support of its claim that the Commission must consider the potentially anti-competitive situation vis-a-vis I&M that may result from Anderson's being placed under the WS Rate, Anderson cites the recent case of "Conway Corporation v. Federal Power Commission."[8] Because that decision is not yet final it would be premature to address Anderson's antitrust allegation at this time.

Anderson has further alleged that the unsigned Service Agreement filed by I&M is discriminatory on its face. Anderson states that Paragraphs 1 and 2 of the agreement read together arguably grant

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[1] On January 23, 1975, the Public Service Commission of the State of Indiana approved a 15.22 percent surcharge for Tariff IP. On January 29, 1975, I&M, in 3 separate filings, sought FPC approval to charge the Cities of Anderson, Auburn, and Richmond, Indiana the higher rate. In the present proceeding I&M, to determine the rate impact of serving Anderson under Tariff WS, has compared revenues of Tariff WS against the Tariff IP rate complete with surcharge. By letter order dated February 19, 1975, we found I&M's filings to reflect the IP surcharge deficient and informed I&M that a filing date would not be assigned until the deficiency was cured. By order issued April 2, 1975, we denied in part I&M's petition for rehearing of our letter order and further declined to waive our filing requirements for the January 29, 1975 filings. We note therefore that the revenue impact of I&M's present filing will be greater than the comparison made by I&M to the IP rate with the surcharge since that rate has not yet been accepted for filing and permitted to become effective.

[2] Exhibit C filed with Anderson's Petition to Intervene, Formal Protest and Request For Rejection of Rate Schedules Submitted for Filing.

[3] In Indiana and Michigan Electric Company, Docket No. E-8987, order issued October 18, 1974, we interpreted a service agreement between I&M and the City of Auburn, Indiana, which provided that service under the terms of the contract would be for a specified number of years "from the time such service is commenced • • •" We concluded from this provision that "the contract, even though formally signed later, began to run" at the time service began. (mimeo. at 4).

[4] Williston on Contracts, 3d ed., 618, at 710-711.

[5] *See* 4 Williston on Contracts, 3d ed., 622, at 776.

[6] 4 Williston on Contracts, 3d ed., 624, at 822.

[7] Indiana & Michigan Electric Company, Docket No. E-7740 order issued July 3, 1973; Indiana & Michigan Electric Company, Docket No. E-7740, order issued November 27, 1973, wherein we stated:

"• • • we cannot determine whether the contested discrimination actually exists until following the evidentiary hearing ordered in this docket • • • evidence on this issue is proper for examination in this docket." (at 4).

[8] ___ F. 2d ___ (D.C. Cir., Docket No. 78-2207, issued April 4, 1975).





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Agreement currently in use by the Com-

City from the H.S.&G. Drilling Company,

the Olson Field, T18N and T19N, R23W

I&M the right to serve Anderson in perpetuity under Tariff WS. Anderson further contends that the limitation of Anderson to a contract capacity of 108,000 Kva restricts normal load growth on Anderson's system.

We do not read Paragraphs 1 and 2 [1] as providing for exclusive service to Anderson in perpetuity by I&M under Tariff WS. The provisions do not preclude Anderson from contracting for additional capacity from a supplemental source. Moreover, the Service Agreement expressly provides that the term of the agreement, as well as the renewal provisions and termination provisions are to be those provided in Tariff WS. Anderson is not therefore singled out and bound by a contract period different from other municipal customers served by I&M.

We further do not find the kva limitation to be a sufficient basis for rejecting the tendered Service Agreement. I&M has historically placed a limitation upon Anderson and its other customers in an apparent attempt to ensure that it will be able to meet the demands on its system. A review of the history of the contractual relations between I&M and Anderson, as presented in this record, further indicates that Anderson has consistently been afforded the opportunity to increase its maximum contract capacity from that set out in the initial term of the contract if Anderson's load growth so demands.

We conclude therefore that I&M is not contractually precluded from terminating its contract to serve Anderson under Tariff IP, that I&M has given proper contractual notice of termination to Anderson, and that the tendered Service Agreement should not be rejected on the basis of anticompetitive or discrimination grounds. We shall therefore accept for filing the unsigned Service Agreement tendered by I&M.

**Waiver of § 35.14.** I&M's request for a waiver of § 35.13 of the Commission's Regulations insofar as that Section would require the preparation and filing of an entirely new cost of service study is reasonable and we shall grant such request. I&M's original filing of the new WS Rate Schedule in Docket No. E-7740 was accompanied by full cost of service data. Because I&M's present filing does not attempt to increase the rates and charges under the WS Rate Schedule but only to place Anderson under such service, a new cost of service study is not required.[9]

I&M's filing of the WS Rate Schedule and the accompanying cost of service study, which contemplated eventually serving Anderson, was not too premature to encompass customers under later expiring contracts. It is within our authority to refer to the date submitted in the proceeding in Docket No. E-7740 and make our determination thereunder.[11]

Our review further indicates that there is no necessity for suspending I&M's present filing and providing for a hearing. The WS Tariff here at issue was suspended for the full statutory period and made subject to refund obligation in a previous order in Docket No. E-7740.[12] Anderson was therein afforded the opportunity to participate, and indeed did participate in those lengthy proceedings. In view of the fact that the effectiveness of the WS Tariff has already been suspended [13] and Anderson has had full opportunity to challenge the justness and reasonableness of the WS Tariff and the increased rates and charges thereunder, there is nothing to be served by providing a suspension of and a hearing in the present proceeding.

We note that our decision herein will not effect I&M's refund obligation toward Anderson if it is ultimately determined that the WS Tariff is unjust and unreasonable. Anderson is protected under the refund obligation imposed upon I&M by the Court of Appeals for the District of Columbia Circuit in reinstating the suspension and refund obligation under I&M's WS Tariff.[14] Because that refund obligation extends to all customers served under Tariff WS it will apply to rates charged Anderson under the new service agreement.

We shall therefore accept I&M's March 17, 1975 filing and permit it to become effective April 17, 1975. We will further consolidate the present proceeding with the proceeding in Docket No. E-7740 for the purpose of our final disposition on the justness and reasonableness of the WS Rate Schedule.

*The Commission finds.* (1) It is necessary and appropriate in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing I&M's March 17, 1975 tendered unsigned service agreement to be effective April 17, 1975.

(2) Good cause does not exist to grant Anderson's request for rejection of I&M's filing, or in the alternative a request for a hearing.

(3) Good cause does exist to grant Anderson's petition to intervene.

(4) Good cause exists to grant I&M's request for waiver from filing a new cost of service study under § 35.13 of our regulations.

(5) Good cause exists to consolidate the present proceeding with the pending proceeding in Docket No. E-7740 for the purpose of final disposition.

The Commission orders. (A) I&M's March 17, 1975 filing in Docket No. E-9329, submitting an unsigned service agreement with Anderson, is hereby accepted for filing, and permitted to become effective April 17, 1975, subject to refund.

(B) Anderson's request for rejection of I&M's March 17, 1975 filing, or in the alternative, a request for a hearing, is hereby denied.

(C) Anderson's petition to intervene in this proceeding is hereby granted.

(D) I&M's request for waiver of the requirements of § 35.13 of our regulations insofar as that section would require the filing of a new cost of service study is hereby granted.

(E) The present proceeding in Docket No. E-9329 is hereby consolidated with the proceeding in Docket No. E-7740 for the purpose of final disposition.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

Issued April 16, 1975.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10566 Filed 4-22-75;8:45 am]

[Docket No. E-9376]

## INTERSTATE POWER CO.

### Filing of Electric Service Agreement and Transmission Service Agreement

APRIL 17, 1975.

Take notice that on April 11, 1975, Interstate Power Company (Interstate) tendered for filing an Electric Service Agreement and a Transmission Service Agreement both dated March 17, 1975 between Interstate Power Company and the City of Blue Earth, Minnesota. Interstate requests an effective date of April 15, 1975.

Interstate states that the purpose of the filing is to replace the present nonstandard Electric Service Agreement with the standard form of Electric Service Agreement currently in use by the Company. The various optional categories of electric service available to the Community under the Renewal Electric Service Agreement are the same as those contained in the Company's agreements designated as Interstate Power Company Rate Schedule No. 101, 103, 104, 105, 106, 107, 108, 111 and 112. The Company states that service available under the Transmission Service Agreement remains unchanged since that agreement has been renewed only to coincide with the Electric Service Agreement effective date.

Intrastate states that no schedule of expected revenue pursuant to § 35.12(b)(1) is included in its filing since any sales under these agreements will be nonfirm in nature.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10567 Filed 4-22-75;8:45 am]

[Docket No. CP75-288]

## KENTUCKY WEST VIRGINIA GAS CO.

### Application

APRIL 16, 1975.

Take notice that on April 8, 1975, Kentucky West Virginia Gas Company (Applicant), P.O. Box 1388, Ashland, Kentucky 41101, filed in Docket No. CP75-288 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the identical service through existing facilities to the distribution system in the City of Hazard, Kentucky, now owned by the City of Hazard (City), which system was previously owned and operated by the Hazard Gas Company, Incorporated (Hazard Gas), and served by Applicant, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant asserts that the 400,000 Mcf of gas annually delivered by Applicant to Hazard is delivered from facilities through which gas travels outside Kentucky for resale outside Kentucky.

Applicant describes the City as having a population of 7,000, with approximately 2,000 natural gas customers. According to the application the City receives its gas from natural gas wells owned by the City from the H.S.&G. Drilling Company, and from Applicant.

The charge to City by Applicant consists of a demand charge of $2.36 per Mcf of billing demand per month and a commodity charge of 26.34 cents per Mcf of gas delivered. The billing demand is based upon 2,436 Mcf for the period ending April 30, 1975. The service agreement between Applicant and the City provides for maximum annual volumes of 400,000 Mcf and maximum daily volumes of 3,450 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in acordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.0) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commision will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10568 Filed 4-22-75;8:45 am]

[Docket No. CI75-559]

## McCULLOCH OIL CO.

### Petition for Special Relief

APRIL 16, 1975.

Take notice that on March 21, 1975, McCulloch Oil Corporation, (Petitioner), 10880 Wilshire Boulevard, Suite 1600, Los Angeles, California 90024, filed a petition for special relief in Docket No. CI75-559, pursuant to § 2.76 of the Commission's General Policy and Interpretations. Petitioner requests a rate of 70 cents per Mcf for a sale of natural gas to Northern Natural Gas Company (Northern) from the Olson Field, T18N and T19N, R23W, Ellis County, Oklahoma. In addition, Petitioner requests, subject to refund, that it be granted temporary authority to make sales to Northern pending a disposition of this application.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10569 Filed 4-22-75;8:45 am]

[Docket No. CP75-278, Docket No. CP75-283]

## MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

### Applications

APRIL 16, 1975.

Take notice that on March 26, 1975, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and ANG Coal Gasification Company (Gasification Company), One Woodward Avenue, Detroit, Michigan 48226,[1] filed in Docket No. CP75-278 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the sale in interstate commerce by Gasification Company to Michigan Wisconsin of commingled natural gas and synthetic gas produced from coal, and (2) the construction and operation by Michigan Wisconsin of facilities to enable it to receive and transport the commingled gas to its customers. Take further notice that on March 31, 1975, Great Lakes Gas Transmission Company (Great Lakes),[2] One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-283 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of commingled natural gas and synthetic gas produced from coal for the account of Gasification Company and the construction and operation of facilities necessary therefor. The proposals are designed to implement a project called "Dakota Transportation Project", all as more fully set forth in the applications which are on file with the

[1] Paragraphs 1 and 2 of the proposed Service Agreement provide as follows:

1. The Company agrees to furnish to Customer, all the electric service required by Customer at the point or points of delivery designated in Appendix 1 below.

2. Customer agrees to pay Company for such electric service and the right to receive the same in accordance with the applicable provisions of Company's FPC Electric Tariff WS, on file with the Federal Power Commission, or any applicable superseding tariff or rate schedule(s) accepted for filing by the Federal Power Commission, each of which is incorporated herein by reference thereto, and service under this agreement shall be subject to all provisions of such FPC Electric Tariff WS or superseding tariff or rate schedule.

[9] Our grant of waiver from filing a new cost of service study in the instant filing is not inconsistent with our action in our order of April 2, 1975, in Docket Nos. E-9258, et al., wherein we denied such request for I&M's filings seeking authorization to charge its wholesale customers a higher rate under Tariff IP. The instant filing seeks to place Anderson under the identical rate at issue in Docket No. E-7740, whereas I&M's January 29, 1975 filings sought to increase the rates charged its customers under Tariff IP, an increase which was requested without any cost of service support.

[11] Municipal Electric Utility Association of Alabama v. FPC., 485 F. 2d 967, 974 (D.C. Cir. 1973).

[12] Indiana & Michigan Electric Company, 48 FPC 304, 308 (1972).

[13] The U.S. Court of Appeals for the D.C. Circuit held that the Commission's original suspension order was a nullity. However, the Court subsequently employed its equity power to reinstate the suspension of I&M's tariff for five months and permitted the Commission to require refunds. Indiana & Michigan Electric Company v. F.P.C., Docket No. 72-2168, issued February 14, 1974, order on rehearing issued August 14, 1974.

[14] Indiana & Michigan Electric Company v. F.P.C., supra note 13.

[1] Michigan Wisconsin and Gasification Company are both wholly-owned subsidiaries of American Natural Gas Company.

[2] Great Lakes is owned 50 percent by American Natural Gas Company and 50 percent by TransCanada Pipe Lines Limited.





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Commission and open to public inspection.

Gasification Company states that it is contemplating the construction and operation of a coal gasification plant in Mercer County, North Dakota, for the conversion of coal into high Btu gas suitable for pipeline transmission and consumer use. The gasification plant is said to be designed to produce 275,000 Mcf per stream day of high Btu synthetic gas for a 91 percent stream factor, which will result in an average calendar day capacity of 250,000 Mcf, or approximately 91 million Mcf per year. Gasification Company states that it does not request authorization for the construction and operation of any facilities since its proposed facilities will involve only the manufacture of synthetic gas not subject to this Commission's jurisdiction.

The applications indicate that the synthetic gas will be transported for Gasification Company's account in a pipeline (SNG line) to be constructed by Great Lakes from the gasification plant a distance of about 365 miles to a point of interconnection with Great Lakes' existing pipeline system near Thief River Falls, Minnesota. Great Lakes states that it does not request Commission certificate authority for the construction and operation of the SNG line and the transportation of synthetic gas by means thereof since the only gas to be transported through the SNG line will be synthetic gas not subject to the Commission's jurisdiction.

Great Lakes states that at the Thief River Falls interconnection the synthetic gas will be commingled with natural gas flowing through Great Lakes' existing line and the commingled gas will then be transported to the point of interconnection of Great Lakes' existing line with Michigan Wisconsin's existing line near Crystal Falls, Michigan. In order to undertake such transportation Great Lakes requests Commission authorization to construct and operate a total of approximately 217 miles of 36-inch diameter pipeline loop, in eight sections, and related facilities, and to modify existing compressors at seven different compresor stations. Great Lakes states that it will 1) modify existing compressors at compressor stations numbers 2 through 8 on its existing 36-inch line as follows: at Thief River Falls (#2), Shevlin (#3), Deer River (#4), and Cloquet (#5) Stations in Minnesota, at Iron River (#6) Station in Wisconsin, and at Wakefield (#7) and Crystal Falls (#8) Stations in Michigan's upper peninsula; and 2) construct new 36-inch loop line as follows: 8.4 miles between Station Nos. 1 and 2, Kittson County, Minnesota, 28.9 miles between Station Nos. 2 and 3, Pennington, Red Lake and Polk Counties, Minnesota, 9.2 miles between Station Nos. 3 and 4, Beltrami and Hubbard Counties, Minnesota, 21.0 miles between Stations Nos. 3 and 4, Itasca County, Minnesota, 32.4 miles between Station Nos. 4 and 5, Itasca and Aiken Counties, Minnesota, 38.2 miles between Station Nos. 5 and 6, Carlton County, Minnesota, and Douglas County, Wisconsin, 38.6 miles between Stations Nos. 6 and 7, Bayfield, Ashland and Iron Counties, Wisconsin, and 40.6 miles between Station Nos. 7 and 8, Gogebic County, Michigan. Great Lakes estimates its total cost of construction for the aforementioned construction will be $86,373,600 (in 1974 dollars), to be financed by equity and long and short-term debt financing. Great Lakes further states that it will also dedicate approximately 39.5 miles of its existing 36-inch loop line, consisting of four segments all located in Minnesota (3.7 miles in Kittson County, 7.0 miles in Pennington County, 4.0 miles in Hubbard and Cass Counties, and 22.8 miles in St. Louis and Carlton Counties), to the proposed transportation service. Great Lakes claims that it is able to dedicate said facilities to the proposed service because volumes tendered for Northern Natural Gas Company (Northern) have not been as great as originally anticipated [1] and Northern has requested a reduction in contract demand which, if effected, would free the loop facilities for other uses such as that proposed herein.

Applicants state that at the Crystal Falls interchange Gasification Company will sell quantities of commingled natural and synthetic gas to Michigan Wisconsin equivalent in heating value to the output of Gasification Company's coal gasification plant, less fuel and line loss incurred in the transportation of the gas. Michigan Wisconsin states that in order to receive and transport the volumes of gas to be purchased from Gasification Company it seeks certification of (1) the construction and operation of 27.7 miles of 30-inch loop between Crystal Falls, Michigan, and Michigan Wisconsin's existing Mountain Compressor Station in Wisconsin; (2) the installation of one 12,000 HP compressor unit and the upgrading of one existing 7,500 HP compressor to 12,000 HP at the Mountain Compressor Station; and (3) the installation of one 3,500 HP compressor unit at its existing Kewaskum Compressor Station in Wisconsin. Michigan Wisconsin estimates the cost of its proposed facilities to be $13,941,590 (in 1974 dollars), which will be financed initially with funds on hand together with short-term borrowings from banks as required.

Applicants estimate (based on 1974 costs) that the costs of constructing and equipping the gasification plant will be $778,274,000 and the cost of the coal mine will be $125,759,000. Michigan Wisconsin and Gasification Company state that the Dakota Transportation Project cannot be financed solely on their credit and the credit of their parent, American Natural Gas Company, Applicants propose to finance the gasification plant and coal mine separately. Applicants propose to finance the gasification plant during its construction with 61.6 percent intermediate and long-term debt, 20.5 percent equity, and 17.9 percent surcharge from Michigan Wisconsin's customers resulting from the pass-through of capital carrying costs. The coal mine costs are proposed to be financed during the construction period with 75.5 percent long-term debt, 2.2 percent depreciation and depletion, and 22.3 percent surcharge from Michigan Wisconsin's customers to cover debt carrying costs.

In order to provide the protection required by investors Michigan Wisconsin and Gasification Company proposed the following:

1. During the construction period, Michigan Wisconsin will make allowance for finds used during construction (AFUDC) payments to Gasification Company sufficient to cover carrying charges on debt and a 12 percent after-tax return on equity.

2. During the testing period, prior to full operation of the plant, Michigan Wisconsin will continue to pay AFUDC and, in addition, will reimburse Gasification Company for the costs of coal, operation and maintenance expenses and the cost of transporting gas from the coal gasification plant through Great Lakes' facilities to Michigan Wisconsin's system.

3. During the operational period, Michigan Wisconsin will pay Gasification Company the cost of service of the plant, including a 15 percent return on equity, plus the purchase cost of coal and the cost of transportation paid by Gasification Company to Great Lakes. In the event that the output of the plant falls below 50 percent of normal output for more than 45 days, Michigan Wisconsin's payments are reduced to exclude any return on Gasification Company's equity until production returns to 50 percent or more of normal capacity.

4. If the Dakota Transportation Project is not completed or is abandoned, Michigan Wisconsin will make payment to Gasification Company sufficient to amortize the latter's outstanding debt, those relating to the mine and transcontractual commitments (including portation services) and carrying charges over a seven-year period. No recovery of equity would be included in these payments. In the event gas production were drastically reduced by some occurrence, Gasification Company might elect to take the plant out of service and either reconstruct the plant or abandon the plant and sales of the synthetic gas.

5. In the case of all such payments, Michigan Wisconsin's tariff will provide for their inclusion in its rates to its customers. All of Gasification Company's costs will be subject to audit and verification by the Commission.

Michigan Wisconsin and Gasification Company state that based on the aforementioned capital costs and estimated operating expenses, an initial cost of approximately $2.52 per Mcf is projected for synthetic gas at the tailgate of the gasification plant. Applicants point out, however, that the estimated cost per Mcf does not include AFUDC because it

[1] See order accompanying Opinion No. 618, 47 FPC 1202.





is charged to Michigan Wisconsin and, in turn, to Michigan Wisconsin's customers during the construction period, nor does the cost per Mcf include any North Dakota severance tax which would be a direct add-on to the cost of purchased coal and would increase the cost of synthetic gas by approximately 1.0 cent per Mcf for each 7.5 cents per ton of severance tax.[1]

Michigan Wisconsin states that it is in urgent need of the proposed synthetic gas due to expected curtailments on its system. Michigan Wisconsin further states that certification of the Dakota Transportation Project is especially important to it because Michigan Wisconsin cannot use forms of energy alternate to gas and because it imports 14 percent of its gas supply from Canada where prospects of a gas supply shortage loom large.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearings.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10570 Filed 4-22-75;8:45 am]

[Docket No. RP74-80]

## NORTHERN NATURAL GAS CO.

### Further Extension of Time

APRIL 16, 1975.

April 16, 1975, Minnesota Gas Company filed a motion to extend the procedural dates fixed by order issued February 13, 1975, as most recently modified by notice issued April 2, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, May 16, 1975.
Service of Company Rebuttal, May 30, 1975.
Hearing (Unchanged), June 3, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10571 Filed 4-22-75;8:45 am]

[Docket No. E-9372]

## PENNSYLVANIA ELECTRIC CO.

### Change in Rates Pursuant to Imposition of Gross Receipts Tax

APRIL 17, 1975.

Take notice that on April 10, 1975 Pennsylvania Electric Company (Penelec) tendered for filing notice of its intention to activate a clause in the Settlement Agreement between Penelec and Allegheny Electric Cooperative, Inc. (Allegheny). Penelec states that the settlement was accepted by the Commission in Docket Nos. E-7718 and E-8435 by Order issued September 3, 1974. Penelec states that the clause is designed to recover revenues needed to pay for the imposition of the Pennsylvania Gross Receipts Tax. Penelec states that the tax will be imposed pursuant to a resettlement dated December 23, 1974 signed by the Secretary of Revenue and approved by the Auditor General of the State of Pennsylvania.

The proposed effective date is May 10, 1975. The Company requests that the instant filing be treated as a rate schedule revision.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10572 Filed 4-22-75;8:45 am]

[Docket No. E-8927]

## PENNSYLVANIA POWER AND LIGHT CO.

### Postponement of Hearing

APRIL 16, 1975.

Take notice that due to a schedule conflict of the Presiding Administrative Law Judge the hearing set for April 22, 1975, by notice issued March 10, 1975 in the above-designated matter, is postponed until May 13, 1975, at 10:00 a.m., e.d.t.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10573 Filed 4-22-75;8:45 am]

[Docket No. R-389-B]

## RATES FOR SALES OF NATURAL GAS FROM CERTAIN WELLS AND DEDICATIONS TO INTERSTATE COMMERCE

### Order on Clarification; Correction

APRIL 9, 1975.

Just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

In FR Doc. 75-9070 appearing at page 15965 in the issue of Tuesday, April 8, 1975, on page 15965, in footnote 1 "1975" should read "1974", and on page 15966, in the second paragraph, line 8, omit comma after the word "completion".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10577 Filed 4-22-75;8:45 am]

[Docket No. CI75-591]

## SUN OIL CO.

### Application

APRIL 16, 1975.

Take notice that on March 31, 1975, Sun Oil Company (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI75-591 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Skelly Oil Company (Skelly) from the Blinebry Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of gas to Skelly from Well No. 2, State Land 15, Blinebry Field, which has been made pursuant to a percentage-type contract. Applicant states that as an oil well, the casinghead gas therefrom is dedicated to Skelly, and as a gas well, the gas-well gas therefrom is covered by Applicant's contract with Northern Natural Gas Company on file as Applicant's FPC Gas Rate Schedule No. 314. Applicant states that it proposes to abandon the subject sale because the New Mexico Oil Conservation Commission has reclassified the wells from oil wells to gas wells; and, therefore, Skelly is no longer contractually entitled to the gas from the subject acreage.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure

[1] Applicant states that they anticipate the imposition of some severance tax, but the amount of the tax is unknown at this time.



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TO ESTABLISH, OPERATE, AND MAINTAIN A FOR-

Washington, D.C. this 15th day of April

emplant, coal firing capability, type of

(18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10574 Filed 4-22-75;8:45 am]

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[Docket No. E-9360]

## UNION ELECTRIC CO.

### Filing of Facility Use Agreement Appendix and Request for Waiver

APRIL 17, 1975.

Take notice that on April 4, 1975, Union Electric Company (Union) tendered for filing First Revised Appendix M dated March 10, 1975, to the Facility Use Agreement between Union Electric Company and Illinois Power Company (Illinois).

Union states that the proposed Appendix modifies the charges paid by Illinois, and provides for an annual facilities charge of $2,960.40 based on 15 percent of Union's $19,736 investment in the facilities, thus reflecting the installation of additional equipment by Union. The proposed Appendix also reflects added costs of $1,568 to Union for installing additional relaying equipment required when Illinois reconnected its No. 6632 line.

Union further states that inasmuch as this filing was delayed pending determination of actual costs, it is requesting a waiver of the notice provisions of the Commission's Rules and Regulations to allow an effective date of January 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before April 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10575 Filed 4-22-75;8:45 am]

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[Docket Nos. RP71-29, RP71-120 (Phase I)]

## UNITED GAS PIPE LINE CO.

### Extension of Time

APRIL 16, 1975.

On April 14, 1975, the State of Louisiana, Louisiana Municipal Association, and Parish of Cameron jointly filed a motion to extend the procedural dates fixed by order issued March 7, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, April 21, 1975.
Service of Company Rebuttal, May 9, 1975.
Hearing (Unchanged), May 20, 1975 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10576 Filed 4-22-75;8:45 am]

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## FEDERAL RESERVE SYSTEM

### FIRST NATIONAL INSURANCE AGENCY, INC.

### Proposed Continuation of Insurance Agency Activities

First National Insurance Agency, Incorporated, Exeter, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in insurance activities in a town of less than 5,000 population which were commenced by the acquisition of the E. L. McCabe Agency in 1964 and the A. B. & C. Becker Agency in 1967. Notice of the application was published on December 12, 1974 in the Fillmore County News, a newspaper circulated in Fillmore County, Nebraska.

Applicant states that it would continue to engage in the activities of selling and servicing fire and casualty insurance policies as agent in a town of less than 5,000 population. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 16, 1975.

Board of Governors of the Federal Reserve System, April 15, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10539 Filed 4-22-75;8:45 am]

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## INSURED BANKS

### Joint Call for Report of Condition

CROSS REFERENCE: For a document pertaining to the joint call for report of condition of insured banks, issued jointly by the Federal Deposit Insurance Corporation, the Federal Reserve System, and the Comptroller of the Currency, see FR Doc. 75-10537, *supra.*

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## FOREIGN-TRADE ZONES BOARD

[Order No. 105]

### PORTSMOUTH, VA.

### Resolution and Order Approving Application for Foreign Trade Zone

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u) the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Virginia Port Authority, an agency of the Commonwealth of Virginia, filed with the Foreign-Trade Zones Board (the Board) on October 11, 1974, requesting a grant of authority for the establishing, operating and maintaining of a foregn-trade zone in Portsmouth, Virginia, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the application. The grantee shall notify the Board's Executive Secretary for clearance prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to issue an appropriate grant of authority and Board Order.





TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN PORTSMOUTH, VIRGINIA

Whereas, by an Act of Congress approved June 19, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Virginia Port Authority, Commonwealth of Virginia, (hereinafter referred to as "the Grantee"), has made application (filed October 11, 1974) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in Portsmouth, Virginia;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 20, at the location mentioned above and more particularly described on the maps accompanying the application requesting authority for a foreign-trade zone in Portsmouth, Virginia, marked as Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed by its Chairman and Executive Officer at Washington, D.C. this 15th day of April, 1975, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
[SEAL] KARL E. BAKKE,
*Acting Chairman and Executive Officer, Secretary of Commerce.*

Attest:

JOHN J. DAPONTE, Jr.,
*Executive Secretary.*

[FR Doc.75-10530 Filed 4-22-75;8:45 am]

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## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

### Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 16, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before May 12, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of a new report, FEA–C603–S–O, Identification Report: Powerplant in Early Planning Process. The initial reports are required to be filed by all powerplants in the "early planning process." This is a period which commences 10 years prior to the planned commencement of the sale or exchange of electric power by a powerplant and terminates with commencement of the driving of the foundation piling or equivalent foundation structural event in accordance with approved final drawings for the main powerplant boiler. Subsequently, each powerplant which enters the early planning process must file this report by the 15th of the following month. Reports are mandatory under Pub. L. 93–275.

Information required includes location of powerplant, planned use of powerplant, coal firing capability, type of service, the schedule for planning, design and construction, and the status of contractual commitments.

Respondents are expected to number 600 in 1975. Respondent burden is estimated at one half-hour per response.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

[FR Doc.75-10579 Filed 4-22-75;8:45 am]

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## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### FEDERAL-STATE PARTNERSHIP ADVISORY SUBPANEL

### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Federal-State Partnership Advisory Subpanel to the National Council on the Arts will be held on May 14, 15, 1975, from 9 a.m.–5 p.m., 13th floor, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6110.

EDWARD M. WOLFE,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.75-10588 Filed 4-22-75;8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

### Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 8–10, 1975.



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in Room 1046, 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, MAY 8, 1975

*11:15 a.m.–1:30 p.m.: Perry Nuclear Plant Units 1 and 2.* The Committee will hear presentations by and hold discussions with representatives of the Cleveland Electric Illuminating Company and the NRC Staff related to the Construction Permit application for this facility. This portion of the meeting will include closed sessions if required to discuss proprietary information related to the design, construction and/or operation of this plant. Closed sessions will also be held if required to discuss security arrangements for this plant and for Committee deliberative sessions.

*2:30 p.m.–4:30 p.m.: Meeting with NRC Staff.* The Committee will hear presentations by and hold discussions with members of the NRC Staff related to:

(1) Recent reactor operating experience and licensing actions

(2) Resolution of generic items related to the General Electric Company BWR MK–III containment

FRIDAY, MAY 9, 1975

*9:45 a.m.–1:00 p.m.: Byron/Braidwood Stations.* The Committee will hear presentations by and hold discussions with representatives of the Commonwealth Edison Company and the NRC Staff related to the request for Construction Permits for these stations. This portion of the meeting may include closed portions if required to discuss proprietary information related to the design, construction and/or operation of these stations. Closed sessions will also be held if necessary to discuss security information regarding these plants and for Committee deliberative sessions.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with section 10(d) of Pub. L. 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552 (b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any nonexempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 30, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and as follows:

PERRY NUCLEAR PLANT UNITS 1 AND 2

Perry Public Library
3753 Main Street
Perry, Ohio 44081

BYRON STATION

Byron Public Library
Third & Washington Street
Byron, Illinois 61010

BRAIDWOOD STATION

Wilmington Township Public Library
201 South Kankakee Street
Wilmington, Illinois 60481

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 7, 1975, to the Office of the Executive Secretary of the Committee (Telephone: 202–634–1371) between 8:30 a.m. and 5:15 p.m., e.d.t. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on May 7, 1975.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in sessions.

(g) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. on or after August 8, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 18, 1975.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc.75–10737 Filed 4–22–75;8:45 am]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2

### Change of Meeting Location

The FEDERAL REGISTER Notice, published at 40 FR 16099, April 9, 1975, relating to the April 25, 1975 meeting of the ACRS Subcommittee on Perry Nuclear Power Plant, units 1 and 2, is revised as follows:

Because of anticipated local public interest and participation, the location of the meeting is changed from Des Plaines, IL to the Quail Hollow Inn, Concord-Hamdon Road, Painesville, OH.

Other matters pertaining to this meeting remain unchanged.

Dated: April 18, 1975.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc.75–10736 Filed 4–22–75;8:45 am]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON REGULATORY GUIDES

### Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on May 7, 1975 in Room 1062, 1717 H Street NW., Washington, D.C. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

*Wednesday, May 7, 1975, 8:45 a.m. until about 10:15 a.m.* The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to its review of Revision 1 to Regulatory Guide 1.89, "Qualification of Class IE Experiment for Nuclear Power Plants."

In connection with the above agenda item, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and 10 a.m. on May 7 to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed session with the NRC Staff and any consultants at about 10:15 a.m. until the close of business to discuss the following working papers:

1. Control Room Manning.
2. Qualification for Cement Grouting for Prestressing Tendons in Containment Structures.
3. Preoperational and Initial Startup Testing of Feedwater and Condensate Systems for Boiling Water Reactors.
4. Ultimate Heat Sink to Nuclear Power Plants—Revision 2 to Regulatory Guide 1.27.

This portion of the meeting may include Executive Sessions both before and after the closed session with the NRC Staff.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that the Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that other closed sessions will be held to discuss and exchange views on working papers which fall within exemption (5) of 5 U.S.C. 552 (b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding Regulatory Guide 1.89 may do so by mailing 25 copies thereof, postmarked no later than April 30, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9 a.m. and 10 a.m. on May 7, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 6, 1975, to the Advisory Committee on Reactor Safeguards (telephone 202/634–1393) between 8:15 a.m. and 5 p.m., e.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 9, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202/547–622) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 after August 7, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 18, 1975.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc.75–10735 Filed 4–22–75;8:45 am]

## WORKING GROUP ON SYSTEMS ANALYSIS OF ENGINEERED SAFETY FEATURES

### Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on Systems Analysis of Engineered Safety Features (ESF) will hold a meeting on May 7, 1975, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of current methods in use within the Regulatory Staff for Systems Analysis of ESF.

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

*Wednesday, May 7, 1975—9 a.m. until the conclusion of business.* The Working Group will hear presentations by representatives of the NRC Staff and will hold discussions with the Staff pertinent to its review of present Staff methods for Systems Analysis of nuclear plants and will also discuss with the Staff possible additional measures which might be desirable to enhance the usefulness of these analyses.

In connection with the above agenda item, the Working Group will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above presentations and discussions. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Working Group members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Working Group may hold closed sessions with representatives of the NRC Staff and its consultants for the purpose of discussing preliminary opinions and views concerning Systems Analysis of ESF, if necessary.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free







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interchange of internal views, to avoid undue interference with agency or Working Group operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 28, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group between the hours of 1:30 p.m. and 3:30 p.m. on May 7, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Working Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 6, 1975, to the Office of the Executive Secretary of the Committee (telephone 202–634–1414) between 8:15 a.m. and 5 p.m., e.t.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 9, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after August 7, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 18, 1975.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc.75–10734 Filed 4–22–75;8:45 am]

[Docket No. 50–334]

## DUQUESNE LIGHT CO., ET AL. (BEAVER VALLEY POWER STATION, UNIT NO. 1)

### Order Convening Evidentiary Hearing

At a prehearing conference held on December 19, 1974, consideration was given to the preparation of data by Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (Applicants) and the Regulatory Staff of the Commission. Those data have now been supplied by the parties to this proceeding and the evidentiary hearing can now be scheduled.

*Wherefore, it is ordered,* In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an evidentiary hearing shall convene at 9:00 a.m. on Tuesday, May 13, 1975 in Courtroom No. 2, U.S. District Court, located on the Eighth Floor, U.S. Post Office and Courthouse, 7th and Grand Streets, Pittsburgh, Pennsylvania 15230.

Issued: April 17, 1975, Bethesda, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
*Chairman.*

[FR Doc.75–10545 Filed 4–22–75;8:45 am]

[Docket Nos. 50–338, 50–339]

## VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

### Order Extending Construction Completion Dates

Virginia Electric and Power Company is the holder of Provisional Construction Permits (Nos. CPPR–77 and CPPR–78) issued by the Commission on February 19, 1971, for the construction of the North Anna Power Station, Units 1 and 2, presently under construction at the Company's site in Louisa County, Virginia.

By letters dated June 19, 1974, November 27, 1974 and January 21, 1975, the company requested extension of the completion dates in the above permits because construction has been delayed due to (1) design changes, (2) weld repairs, and (3) construction delays. This action involves no significant hazards consideration. Good cause has been shown for the delay. The requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated April 15, 1975.

*Accordingly, It is hereby ordered,* That the latest completion dates for CPPR–77 and CPPR–78 are extended from August 1, 1974 and August 1, 1975, respectively, to March 1, 1977 and May 1, 1978, respectively.

For the Nuclear Regulatory Commission.

Date of issuance: April 15, 1975.

A. SCHWENCER,
*Chief, Light Water Reactors Branch 2–3, Division of Reactor Licensing.*

[FR Doc.75–10546 Filed 4–22–75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 18, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Air Force, Survey of Attitudes Toward the Air Force and the AFROTC program at Washington State University, single-time, college students, Caywood, D.P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Quality of Service Measurement Program, SSA–3138, SSA–3139, single-time, visitors and callers to Social Security Administration local offices, Human Resources Division, Caywood, D. P., 395–3532.

Office of Education, Call Report for Unregulated and Specialized Lenders Under the Federally Insured Student Loan Program, OE 1166–3, annually, schools, State guarantee agencies, Planchon, P., 395–3898.





Center for Disease Control, Public Attitudes Toward Public Health Problems (Maricopa County, Arizona); CDCBSS 0114, single-time, residents of Maricopa County, Ariz., Hall, George, Dick Eisinger, 395–4697.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Questionnaires on American Attitudes Toward Animals,, single-time, random sample of American population, Hulett, D. T., 395–4730.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Monthly Report of Special Food Service Program for Children, FNS–44, monthly, State agencies, Caywood, D. P., 395–3443.

Agricultural Marketing Service, Application for License—To Inspect, Sample, and Test Grain, GR–333, on occasion, employees of official inspection agencies (grain), Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Institutional Application to Participate in Federal Student Financial Aid Programs, OE 1036, annually, postsecondary educational institutions, Caywood, D. P., 395–3443.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Participant Information Sheet, 619, on occasion, Marsha Traynham, 395–4529.

Participant Information Sheet—Student Science Program Instructions for Completing, NSF–42, annually, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, National Inventory of Family Planning Clinics, HRANCHES 01, annually, facilities providing family planning services, Dick Eisinger, 395–4716.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Form HUD–54000B–Part I Application Target Projects Program With Related Forms, HUD–54001, HUD–54002, HUD–54003, HUD–54004, single-time, Community and Veterans Affairs Division, 395–3532.

Housing Management:

Nonoccupancy Assignments Under Section 235, HUD 9828, monthly, Community and Veterans Affairs Division, 395–3532.

Report of Construction Status of Advance Planning Project, HUD–4435, annually, Community and Veterans Affairs Division, 395–3532.

Project Expenditures Budget, HUD–6220, on occasion, Community and Veterans Affairs Division, 395–3532.

Justification of Requisition for Project Capital Grant Progress Payment, HUD–693, on occasion, Community and Veterans Affairs Division, 395–3532.

Department of the Interior

Bureau of Land Management:

Desert Land Entry Application, 2520–1, on occasion, individuals, Marsha Traynham, 395–4529.

Exchange of Privately Owned Lands Application, 2200–2, on occasion, individuals, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75–10720 Filed 4–22–75;8:45 am]

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 17, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–295–4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Paralyzed Veterans of America Research Project, single-time, disabled veterans, Hall, George, 395–4697.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, State Outreach and Education Activities—Food Stamp Program, FNS 732–6, other (see SF–83), State agencies, Human Resources Division, 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Equal Opportunity, Equal Opportunity Housing Plan, on occasion, public housing agencies, Community and Veterans Affairs Division, 395–3532.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines:

Industrial Sand and Gravel, annual, 6–1273–A, commercial producers of sand and gravel, Weiner, N., 395–4890.

Sand and Gravel, 6–1274–A, annually, commercial and government producers of sand and gravel, Weiner, N., 395–4890.

EXTENSIONS

VETERANS ADMINISTRATION

Survey Questionnaires, FL 24–918A, quarterly, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75–10721 Filed 4–22–75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

### REPORT COORDINATING GROUP (ADVISORY)

#### Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory) will hold a meeting on May 12, 1975 at the Securities and Exchange Commission, 500 North Capitol Street, Room 876, Washington, D.C. The meeting will commence at 10 a.m. local time and will be for the purpose of discussing the FOCUS Report of financial and operational information and the development of simplified trading forms and assessment forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

APRIL 17, 1975.

[FR Doc.75–10557 Filed 4–22–75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 748]

### ASSIGNMENT OF HEARINGS

APRIL 18, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.



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MC 99208, Sub 13, Skyline Transportation, Inc., now being assigned July 7, 1975 (1 week), at Nashville, Tennessee, in a hearing room to be designated later.

MC 95876, Sub 160, Anderson Trucking Service, Inc., now being assigned June 5, 1975 (1 day), at Chicago, Illinois, in a hearing room to be designated later.

MC 51146, Sub 399, Schneider Transport, Inc., now being assigned June 6, 1975 (1 day), at Chicago, Illinois, in a hearing room to be designated later.

MC 107103, Sub 9, Robinson Cartage Co., application dismissed.

MC 78643, Sub 61, Hart Motor Express, Inc. now being assigned July 7, 1975 (1 week), at Bismarck, N. Dak., in a hearing room to be later designated.

MC 30844, Sub 516, Kroblin Refrigerated Express, Inc., now assigned June 5, 1975, at Chicago, Ill., is cancelled and application dismissed.

MC 106920, Sub 54, Riggs Food Express, Inc., MC 134494, Sub 7, Wayne Daniel Truck, Inc., now assigned April 14, 1975, at Chicago, Ill., is continued to June 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 98952, Sub 31, General Transfer Company, now being assigned July 7, 1975 (3 days) at Indianapolis, Ind., in a hearing room to be later designated.

MC-C-8555, S. & C. Corporation, D.B.A. Piedmont Tours v. Mrs. Charles Hodgens, Individual, D.B.A. Tour of the Month Club, now being assigned July 15, 1975 (2 days), at Columbia, South Carolina, in a hearing room to be designated later.

MC 115667, Sub 8, Arrow Transfer Co., Ltd., now being assigned July1 15, 1975 (3 days), at Olympia, Washington, in a hearing room to be designated later.

I & S No. 9002, Increased Grain Rates, to Louisiana Gulf Ports, now assigned May 7, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35641, The Chesapeake and Ohio Railway Company v. Atlantic and East Carolina Railway Company, et al., now assigned July 16, 1975, Washington, D.C., is continued to July 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10611 Filed 4-22-75;8:45 am]

## FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 18, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-1139, filed March 17, 1975. Applicant: J. M. McMAHON TRUCKING, INC., Foot of Ironton St., North Tonawanda, N.Y. 14120. Applicant's representative: Michael Bellewech, Jr., 20 Cathedral St., Buffalo, N.Y. 14202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, from small points in Erie County, N.Y., to all points in Monroe County, N.Y., and from all points in Genesee County, N.Y., to all points in Erie County, N.Y. Intrastate, interstate and foreign commerce authority sought.

*HEARING:* Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC-6354, filed March 18, 1975. Applicant: LAWRENCEBURG EXPRESS, INC., 23rd Floor, Life & Casualty Tower, Nashville, Tenn. 37219. Applicant's representative: Val Sanford (same address as applicant). Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading), Between Nashville, Lawrenceburg, and Pulaski, Tenn. Intrastate, interstate and foreign commerce authority sought.

*HEARING:* Hearing set for May 27, 1975, at the Commission's Court Room, C1-110 Cordell Hull Building, Nashville, Tenn., 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10616 Filed 4-22-75;8:45 am]

## FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before May 8, 1975.

FSA No. 42976—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-529), for interested rail carriers. Rates on various commodities, in carloads, less than carloads, etc., as described in the application, from, to and between points in Texas, over interstate routes through adjoining states. Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42977—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-528), for interested rail carriers. Rates on various commodities, in carloads, less than carloads, etc., as described in the application, from, to and between points in Texas, over interstate routes through adjoining states. Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10610 Filed 4-22-75;8:45 am]

[Notice 14]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 18, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 23, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 139), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed April 8, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 65 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Indiana Highway 7, thence over Indiana Highway 7 to North Vernon, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31 to Seymour, Ind., thence over U.S. Highway 50 to North Vernon, Ind., and return over the same route.

No. MC 2202 (Deviation No. 140), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed April 9, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Memphis, Tenn., over U.S. Highway 78 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Alternate U.S. Highway 45, thence over Alternate U.S. Highway 45 to junction U.S. Highway 45, thence over U.S. Highway 45 to Meridian, Miss., and (2) From Memphis, Tenn., over Interstate Highway 55 to Jackson, Miss., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Memphis, Tenn., over U.S. Highway 70 to Nashville, Tenn., thence over U.S. Highway 31 to Birmingham, Ala., thence over U.S. Highway 11 to Meridian, Miss., and (2) From Memphis, Tenn., over the same route indicated above to Meridian, Miss., thence over U.S. Highway 80 to Jackson, Miss., and return over the same routes.

No. MC 111231 (Deviation No. 31), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed April 4, 1975. Carrier's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 20 to junction U.S. Highway 80 near Vicksburg, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 67 to junction U.S. Highway 82, thence over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction Interstate Highway 20 and return over the same route.

No. MC 111231 (Deviation No. 32), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark., 72764, filed April 4, 1975. Carrier's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Miss., over Mississippi Highway 8 to junction U.S. Highway 49E, thence over U.S. Highway 49E to junction U.S. Highway 49, thence over U.S. Highway 49 to Jackson, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Miss., over U.S. Highway 61 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction Interstate Highway 20, thence over combined U.S. Highway 80 and Interstate Highway 20 to Jackson, Miss., and return over the same route.

No. MC 111231 (Deviation No. 33), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed April 4, 1975. Carrier's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 55 to Jackson, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 61 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction Interstate Highway 20, thence over combined U.S. Highway 80 and Interstate Highway 20 to Jackson, Miss., and return over the same route.

No. MC 111231 (Deviation No. 34), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark., 72764, filed April 4, 1975. Carrier's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Mississippi Highway 14 and U.S. Highway 61 at Anguilla, Miss., over Mississippi Highway 14 to junction U.S. Highway 49W, thence over U.S. Highway 49W to junction U.S. Highway 49, thence over U.S. Highway 49 to Jackson, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Mississippi Highway 14 and U.S. Highway 61 over U.S. Highway 61 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction Interstate Highway 20, thence over combined U.S. Highway 80 and Interstate Highway 20 to Jackson, Miss., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10614 Filed 4-22-75;8:45 am]

[Notice 31]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 18, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The orginal and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.







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MC 66900 (Sub-No. 43) (Republication), filed December 11, 1973, and published in the FEDERAL REGISTER issue of January 24, 1974, and republished this issue. Applicant: HOUFF TRANSFER, INCORPORATED, P.O. Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, 118 North Asaph Street, Alexandria, Va. 22313. An Order of the Commission, Review Board Number 2, dated April 2, 1975, and served April 9, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Paper and paper products and activated carbon*, from Covington, Richmond, and points in Augusta County, Va., to points in that part of Pennsylvania, in, east and south of Franklin, Cumberland, Perry, Dauphin, Lebanon, Berks, Lehigh and Northampton Counties, Pa. (except Philadelphia), restricted against the transportation of commodities in bulk, in tank vehicles; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the territorial description to add Richmond, Va., as an origin point. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124211 (Sub-No. 242) (Republication), filed December 26, 1973, and published in the FEDERAL REGISTER issue of February 7, 1974, and republished in the FEDERAL REGISTER issues of February 20, 1975, and March 26, 1975, and republished this issue. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas Hilt (same address as applicant). A Supplemental Order of the Commission, Operating Rights Board, dated March 25, 1975, and served April 9, 1975, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) *of meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from points in Madison County, Nebr., and the facilities utilized by Platte Valley Packing Co., Division of National Foods, Inc., at Darr, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Wisconsin, and (b) from the facilities of Prairie Maid Meat Products Division, Division of National Foods, Inc., at Lincoln, Nebr., to Chicago, Ill., and Kansas City and Topeka, Kans.

(2) *Of such commodities as are used by meat packers* in the conduct of their business when destined to and for use by meat packers, from points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Wisconsin, to the facilities of Prarie Maid Meat Products Division, Division of National Foods, Inc., at Lincoln, Nebr.; and (3) *of paper and fiberboard boxes*, from Montgomery, Ill., to Lincoln, Nebr., restricted in (1), (2), and (3) to the transportation of traffic originating at and destined to the points and facilities named; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; The purpose of this republication is to modify the territorial description in (1)(a) to add Madison County, Nebr., as an origin point. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 106209 (Notice of filing of petition to amend a territorial description), filed April 8, 1975. Petitioner: PRESS TRANSFER, INC., 287 Herbert Avenue, Closter, N.J. 07624. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 106209, issued November 27, 1959, authorizing transportation, as pertinent, over irregular routes, of *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Bergen County, N.J., on the one hand, and, on the other, New York, N.Y. By the instant petition, petitioner seeks to modify the territorial description in the above authority so as to read, between points in Bergen County, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), and those points in New Jersey any part of which is within 5 miles of New York, N.Y.; or, in the alternative, that the Commission issue its appropriate order permitting petitioner to establish as its terminal area, all points within which local operations may now be conducted in the New York, N.Y., Commercial Zone as redefined. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before May 23, 1975.

No. MC 123476 (Sub-No. 14) (Notice of filing of petition to modify commodity description), filed April 4, 1975. Petitioner: CURTIS TRANSPORT, INC., 3616 Jeffco Blvd., P.O. Box 388, Arnold, Mo. 63010. Petitioner's representative: David G. Dimit (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 123476 (Sub-No. 14), issued January 14, 1974, authorizing transportation, over irregular routes, of *Polystyrene egg cartons*, From the plant site and warehouse facilities of Dolco Packaging Corp., at Decatur, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read, *Polystyrene shapes and forms*, in lieu of polystyrene egg cartons. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138912 (Notice of filing of petition to amend territorial description), filed April 2, 1975. Petitioner: WARTH EXPRESS, INC., 934 Beacon Ave., Bricktown, N.J. 08723. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 138912, issued May 15, 1974, authorizing transportation, over irregular routes, of *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, Between New York, N.Y., and Belmar, N.J. By the instant petition, petitioner seeks to amend the territorial description in the above authority so as to read, Between points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone), and those points in New Jersey any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, Belmar, N.J.; or, in the alternative, that the Commission issue its appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., Commercial Zone as defined by the Commission. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before May 23, 1975.





APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–12472 (Correction) (SPECTOR FREIGHT SYSTEM, INC.—MERGER—(1) HENNIS FREIGHT LINES, INC., (E. C. PETERSON, TRUSTEE), AND HENNIS FREIGHT LINES, INC. OF NEBRASKA, AND (2) SPECTOR FREIGHT SYSTEM, INC.—CONTROL—M & M TANK LINES, INC., M & M TANK LINES OF VIRGINIA, INC., AND HENNIS FREIGHT LINES OF CANADA LIMITED), published in the April 9, 1975, issue of the FEDERAL REGISTER on page 16165. Prior notice should be modified to read *MC–F–12472* in lieu of MC 12472.

No. MC–F–12475. Authority sought for control by THE GREYHOUND CORPORATION, GREYHOUND TOWER, Phoenix, AZ 85077, of ATL, INC., 222 S. 72nd St., Omaha, NE 68114. Applicants' representative and attorney: W. L. McCracken, Greyhound Tower, 17th Floor, Phoenix, AZ 85077, and L. C. Major, Jr., 6121 Lincolnia Rd., Suite 400, Overlook Office Bldg., Alexandria, VA 22312. Operating rights sought to be controlled: (1) Meats, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), as a contract carrier over irregular routes, from the plantsite of Armour Food Company at Hereford, Tex., and the public warehouse and storage facilities used by Armour Food Company's plant at Hereford, Tex., located within 100 miles of Hereford, to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, under a continuing contract or contracts with Armour Food Company (a division of Armour and Company); and (2) parts, equipment, and materials used in the manufacture and assembly of automotive buses, from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin, to the plantsite of Transportation Manufacturing Corporation at Roswell, N. Mex., under a continuing contract or contracts with Transportation Manufacturing Corporation. ATL, Inc., holds no authority from this Commission. It seeks authority in Docket No. MC 140364, permit not yet issued, as described above. This proceeding is directly related and will be handled concurrently therewith.

No. MC–F–12481. Authority sought for merger by NAVAJO FREIGHT LINES, INC., 1205 S. Platte River Drive, Denver, CO 80223, of the operating rights and property of ELLIS TRUCKING CO., INC., also of Denver, CO 80223, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY, and in turn by DAVID H. RATNER, both of 310 S. Michigan Ave., Chicago, IL 60604, of control of such rights and property through the transaction. Applicants' attorney: Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be merged. *General commodities*, excepting among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Bay City, Mich., and Detroit, Mich., between Flint, Mich., and Indianapolis, Ind., serving certain intermediate points, and intermediate and off-route points in Marion County, Ind., between Flint, Mich., and Jackson, Mich., between Detroit, Mich., and Battle Creek, Mich., between Charlotte, Mich., and Battle Creek, Mich., serving all intermediate points in Michigan except those on Michigan Highway 78 between Flint and the junction of Michigan Highways 78 and 47, between Vincennes, Ind., and Lawrenceville, Ill., between Evansville, Ind., and Crossville, Ill., serving no intermediate points between South Bend, Ind., and Memphis, Tenn., serving certain intermediate points and the off-route point of Vincennes, Ind., and intermediate and off-route points in Marion County, Ind., between Evansville, Ind., and Terre Haute, Ind., serving the intermediate point of Vincennes, Ind., between Fort Wayne, Ind., and Baer Field, Ind. (about 10 miles south of Fort Wayne), serving no intermediate points; between Indianapolis, Ind., and Cincinnati, Ohio, serving the intermediate and off-route points of Dayton, Ohio, the site of the Feeds Materials Production Center of the U.S. Atomic Energy Commission near Fernald, Ohio, points on U.S. Highway 25 between Dayton, Ohio, and Cincinnati, Ohio, and those in Ohio and Kentucky within 10 miles of Fountain Square, Cincinnati, between junction Indiana Highways 101 and 48 (approximately 4 miles south of Sunman, Ind.), and junction Indiana Highway 101 and U.S. Highway 50 (approximately 5 miles northwest of Dillsboro, Ind.), serving the intermediate point of Milan, Ind.

Between Detroit, Mich., and Dayton, Ohio, serving the intermediate points of Monroe, Mich., and Springfield, Ohio; all intermediate and off-route points in the Detroit, Mich., Dayton, Ohio, and Springfield, Ohio, commercial zones, as defined by the Commission; and the off-route points of the site as of 1954, of the plants of the Packard Motor Car Co. north of Utica, Mich., and the site of the plant of the Chrysler Corp. north of Detroit, Mich., and west of Michigan Highway 53, between Detroit, Mich., and Chrysler Tank Arsenal near Center Line, Mich., serving the intermediate and off-route points in the Detroit, Mich., commercial zone, as defined by the Commission; and the off-route points of the site as of 1954, of the plants of the Packard Motor Car Co., north of Utica, Mich., and the site of the plant of the Chrysler Corp. north of Detroit, Mich., and west of Michigan Highway 53; over numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, dangerous explosives, and commodities in bulk, but not including household goods, between points in Michigan, serving no intermediate points, between Osgood, Ind., and Cincinnati, Ohio, serving all intermediate points; *general commodities*, except bulky commodities, money or other articles of value not adapted to ordinary motor vehicles transportation, and uncrated household or office furnishings, between Aurora, Ind., and Indianapolis, Ind., between Dillsboro, Ind., and Versailles, Ind., serving all intermediate points, and certain off-route points; and *general commodities, excepting*, among others, dangerous explosives, and commodities in bulk, but not excepting household goods, over irregular routes, between Detroit, Mich., on the one hand, and, on the other certain specified points in Michigan. NAVAJO FREIGHT LINES, INC., is authorized to operate as a *common carrier* in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Iowa, Nebraska, Oklahoma, Indiana, Kansas, Utah, Louisiana, Virginia, Maryland, Massachusetts, Connecticut, Nevada, Florida, New York, Tennessee, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order in Docket No. MC–F–10855, transferee acquired control of transferor.

No. MC–F–12482. Authority sought for purchase by KERR MOTOR LINES, INC., ¼ Jackson St., Binghamton, NY 13903, of the operating rights and property of DEXTER'S DELIVERY, INC., 25 Hamilton St., Amsterdam, NY 12010, and for acquisition by ROBERT H. KERR, EDWARD KERR, AND JAMES J. KERR, all of Binghamton, NY 13903, of control of such rights through the purchase. Applicant's attorney: Norman M. Pinsky, 345 S. Warren St., Syracuse, NY 13202. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 121216 (Sub-No. 1), covering the transportation of general commodities in interstate commerce, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a common carrier in New York and Pennsylvania. Application has not been



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filed for temporary authority under section 210a(b).

No. MC–F–12483. Authority sought for purchase by LEONARD BROTHERS TRANSPORT COMPANY, INC., 1701 St. Louis Ave., Kansas City, MO 64101, of a portion of the operating rights of ALL-AMERICAN, INC., P.O. Box 769, Sioux Falls, SD 57101, and for acquisition by JOHN E. WAGNER, SR., 925 Wyoming, Kansas City, MO 64101, and JOE M. LOCK, also of Kansas City, MO 64101, of control of such rights through the purchase. Applicants' representative: Joe M. Lock, and Ray A. Petersen. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Valley Falls, Kans., and Kansas City, Mo., and the intermediate and off-route points of Ozawkie, Oskaloosa, McLouth, Meridan, Nortonville, Denison, and Rock Creek, Kansas, without restriction; Kansas City, Kans., points in Jefferson County, Kans., within 10 miles of Valley Falls, and those in the Kansas City, Missouri/Kansas Commercial Zone, as defined by the Commission, restricted to the transportation of livestock, between Valley Falls, and Holton, Kans., between Ozawkie, and Oskaloosa, Kans., serving no intermediate points, between Kansas City, Mo., and Valley Falls, Kans., serving various intermediate and off-route points, from Kansas City, Mo., to Winchester, Kans., and to and from the intermediate and off-route points of Kansas City, Kans., and those within 12 miles of Winchester, Kans.

*Livestock*, between Lowemont, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Kansas City, Kans., and those within 10 miles of Lowemont; *livestock and agricultural commodities*, from Winchester, Kans., to Kansas City, Mo., and to and from the intermediate and off-route points of Kansas City, Kans., and those within 12 miles of Winchester, Kans.; general commodities, with exceptions, over irregular routes, between points within 12 miles of Winchester, Kans., including Winchester; *livestock, agricultural commodities, feed, farm machinery, and parts, twine, and roofing materials*, between Winchester, Kans., and points within 12 miles of Winchester, on the one hand, and, on the other, Kansas City, Kans. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, South Dakota, Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, Pennsylvania, Tennessee, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12485. Authority sought for control and merger by ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309, of the operating rights and property of HOWARD HALL COMPANY, INC., P.O. Box 898, Birmingham, AL 35201, and for acquisition by GALEN J. ROUSH, also of Akron, OH 44309, of control of such rights and property through the transaction. Applicants' attorneys: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036, and Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, Ala. 35203. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Alabama, Florida, Georgia, North Carolina and South Carolina, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC 42318 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12486. Authority sought for purchase by TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113, of the operating rights and property of GERALD H. STRATING, doing business as ST. CLOUD - DULUTH TRUCK LINE, St. Cloud, MN 56301, and for acquisition by W. E. ELSHOLTZ, SR., ROBERT W. ELSHOLTZ, AND W. E. ELSHOLTZ, JR., all of 2550 Long Lake Rd., Roseville, MN 55113, of control of such rights and property through the purchase. Applicants' attorney: James M. Sander, 502 First National Bank Bldg., Fargo, ND 58102. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–120469 (Sub-No. 1), covering the transportation of general commodities, in interstate commerce, within the State of Minnesota. Vendee is authorized to operate as a *common carrier* in Minnesota, North Dakota, South Dakota, Illinois and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 111496 (Sub.-No. 21), is a matter directly related.

No. MC–F–12487. Authority sought for purchase by SCHROLL TRANSPORTATION, INCORPORATED, 360 Governor St., East Hartford, CT 06108, of the operating rights and property of EDDIE R. MOREAU AND RENE E. MOREAU, doing business as TERMINAL TRUCKING, 88 Tolland St., East Hartford, CT 06108, and for acquisition by FRANK C. SCHROLL, 85 Randolph Drive, Glastonbury, CT 06033, of control of such rights and property through the purchase. Applicants' attorney: Hugh M. Joseloff, 80 State St., Hartford, CT 06103. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Hartford, East Hartford, and West Hartford, Conn., on the one hand, and, on the other, points in Connecticut. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12488. Authority sought for purchase by NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801, of a portion of the operating rights and property of PAUL S. CREBS, INC., Northumberland, PA, and for acquisition by PEPSICO, INC., Purchase, NY 10577, of control of such rights through the purchase. Applicants' attorneys: Martin A. Weissert and Lawrence P. Kahn, both of P.O. Box 988, Fort Wayne, IN 46801. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes, from points in Lycoming, Union, Northumberland, and Montour Counties, Pa., to Baltimore, Md., Providence, R.I., Wilmington, Del., Philadelphia, Pa., Chicago, Ill., Cleveland, and Akron, Ohio, and points in Connecticut, Massachusetts, New York, New Jersey, and the District of Columbia; *new furniture, uncrated*, from Mifflinburg, Lewisburg, Milton, Picture Rocks, and Hughesville, Pa., to St. Louis, Mo., and points in Maryland, Ohio, Rhode Island, Delaware, Illinois, Indiana, Michigan, Virginia, and West Virginia; *new furniture, uncrated and unboxed*, from Lewisburg, Pa., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, with restriction; *new office furniture*, from Hazelton, Pa., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

*New furniture*, crated, from Lewisburg, Pa., to St. Louis, Mo., and points in Maryland, Ohio, Rhode Island, Delaware, Illinois, Indiana, Michigan, Virginia, West Virginia, Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; *furniture display materials*, between Lewisburg, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, Ohio, Rhode Island, Illinois, Indiana, Michigan, Virginia, West Virginia, Alabama, Georgia, Kentucky, Tennessee, North Carolina, South Carolina, and the District of Columbia; *new furniture*, from Lewisburg, Pa., to points in Iowa, Kansas, Maine, Minnesota (except Minneapolis), Missouri (except St. Louis), Nebraska, New Hampshire, and Vermont. Vendee is authorized to operate as a *common carrier* in all of the States in the United States. Application has been filed for temporary authority under section 210a(b).





No. MC–F–12489. Authority sought for purchase by YELLOWSTONE MOLASSES SERVICE, INC., P.O. Box 404, Billings, MT 59103, of the operating rights and property of VERN C. KARR AND MINNIE R. KARR, doing business as PARISH TRUCK LINES, 946 Avenue C, Billings, MT 59101, and for acquisition by I. S. JOSEPH COMPANY INC., AND A. P. McMASTER, both of 789 Grain Exchange Bldg., Minneapolis, MN 55415, of control of such rights and property through the purchase. Applicants' attorneys: William E. O'Leary, P.O. Box 225, Helena, MT 59601, and J. F. Meglen, P.O. Box 1581, Billings, MT 59103. Operating rights sought to be transferred: *Steel fabricated items*, as a *contract carrier* over irregular routes, from Billings, Mont., to points in North Dakota, South Dakota, Wyoming, Idaho, and Utah, with restriction. Vendee is authorized to operate as a *common carrier* in Montana, Wyoming, Idaho, Oregon, Washington, Texas, Colorado, North Dakota, Minnesota, South Dakota, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12490. Authority sought for control and merger by B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17–B, Denver, CO 80217, of the operating rights and property of GREGORY HEAVY HAULERS, INC., 51 Oldham St. (P.O. Box 60628), Nashville, TN 37206, and for acquisition by NOBLE AFFILIATES, INC., 400 Lincoln Center, Ardmore, OK 73401, of control of such rights and property through the transaction. Applicants' attorneys: Richard P. Kissinger, P.O. Box 17–B, Denver, CO 80217, and Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Operating rights sought to be controlled and merged: *Certain specified commodities*, as a *common carrier*, over irregular routes, from, to, and between specified points in all of the States in the United States (except Alaska and Hawaii), with certain restrictions, as more specifically described in Docket No. MC 113495 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12491. Authority sought for purchase by BEE LINE TRANSPORTATION, INC., P.O. Box 925, Baker, MT 59313, of the operating rights of KIRSCHMANN DISTRIBUTING COMPANY, INC., P.O. Box 791, Bismarck, ND 58501, and for acquisition by C. M. BURNS, Box 1054, Baker, MT 59313, and LOREN F. BREWER, Box 399, Big Timber, MT 59011, of control of such rights through the purchase. Applicants' attorney: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58102. Operating rights sought to be transferred: (1) (a) *Agricultural machinery and implements*, (b) *parts attachments and accessories* for the commodities described in (a) above, as a *contract carrier* over irregular routes, from Bismarck, N. Dak., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Bismarck, N. Dak., with restriction. Vendee is authorized to operate as a *common carrier* in Iowa, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Colorado, Wyoming, Montana, Utah, Washington, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 115931 (Sub-No. 29), is a matter directly related.

No. MC–F–12492. Authority sought for control and merger by PENN YAN EXPRESS, INC. (PENN YAN), 100 West Lake Road, Pen Yan New York, 14527, of the operating rights and property of ALBANY-BINGHAMPTON EXPRESS, INC. (ALBANY), 1303 Chenango Street, Hillcrest, Binghamton, New York, 13901, and for acquisition by ROBERT L. HINSON, 9 Rosewood Drive, Penn Yan, NY 14527, of control of such rights through the transaction. Applicants' attorneys: Herbert M. Canter, 315 Seitz Bldg., 201 E. Jefferson St., Syracuse, N.Y. 13202, and Robert C. Miller, 1698 Central Ave., Albany, NY 12205. Operating rights sought to be merged: Under a certificate of registration, in Docket No. MC 114419 Sub 3, covering the transportation of general commodities, as a common carrier, in intrastate commerce, with the State of New York. *General commodities*, with exceptions as a *common carrier* over regular routes between Binghamton, N.Y., and Troy, N.Y., serving all intermediate points on the above-specified routes; and the off-route points of Cohoes, Endicott, Green Island, Johnson City, and Rensselaer, N.Y. PENN YAN EXPRESS, INC. is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, and Connecticut. Application has been filed for temporary authority under section 210a(b). MC 105902, Sub-No. 18, is a directly related matter.

NOTICE

An application has been filed by The Atchison, Topeka, and Santa Fe Railway Company, Los Angeles & Salt Lake Railroad Company, Southern Pacific Transportation Company, and Union Pacific Railroad Company, seeking approval under section 5(2) of the Interstate Commerce Act to change methods of allocating expenses among themselves as proprietary owners for services performed at their joint agency, Los Angeles Union Passenger Terminal.

The application assigned Finance Docket No. F.D. 27871 was filed by R. K. Knowlton, Attorney for The Atchison, Topeka, and Santa Fe Railway Company, 80 East Jackson Boulevard, Chicago, Illinois 60604; Richard J. Lathrop, Attorney for Southern Pacific Transportation Company, One Market Street, San Francisco, California 94105; and W. Donald Boe, Jr., Attorney for Los Angeles & Salt Lake Railroad Company and Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Nebraska 68179. In the opinion of the applicants, the action requested by this application will have no significant effect on the quality of the human environment.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than May 23, 1975.

NOTICE

NORFOLK AND WESTERN RAILWAY COMPANY, hereby gives notice that on the 20th day of March, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for authority to acquire trackage rights over the tracks of the Baltimore and Ohio Railroad Company and The Baltimore and Ohio Railroad Company in Pennsylvania extending between a point 5,470 feet north of Valuation Station 4848+00 and Valuation Station 4750+00, a distance of approximately 2.9 miles at Connellsville, Fayette County, Pennsylvania. This application has been assigned Finance Docket No. 27873. The name and address of Applicant's representative to whom inquiries may be made is Mr. John S. Shannon, Vice President—Law, Norfolk and Western Railway Company, Roanoke, Virginia 24042. In the Applicant's opinion, granting the authority sought in this application would not constitute a major Federal action having a significant effect upon the quality of the human environment. After the acquisition of trackage rights, the level of Applicant's traffic moved within a basic environmental area will remain the same and there will be no change in train operations that should alter the environmental balance in this basic area. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340



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I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than May 23, 1975.

NORFOLK AND WESTERN RAILWAY COMPANY

TRANSFER APPLICATION TO BE ASSIGNED FOR ORAL HEARING

No. MC–FC–75483. Authority sought by transferee, MIDWEST HEAVY HAULERS, INC., P.O. Box 46235, Bedford, Ohio 44146, and transferor MORGANTOWN TRANSFER AND STORAGE COMPANY, a corporation, 705 University Avenue, Morgantown, W. Va. 26505, for the transfer to the former of a portion of the operating rights of the latter. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights in Certificate No. MC 618 sought to be transferred: heavy machinery, construction, mining, and roadbuilding machinery, timber, poles, lumber, and structural steel which because of size or weight require special equipment, between points in Monongalia and Preston Counties, W. Va., and Green and Fayette Counties, Pa., on the one hand, and, on the other, points in Ohio, Pennsylvania, Maryland, and West Virginia.

The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place to be fixed for the purpose of determining whether (1) transferor has exercised direction and control over the operations performed under the subject operating rights and (2) there has been sufficient activity under the said operating rights to bring the application into compliance with the provisions of 49 CFR Part 1132.5(b). Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should set forth the reason(s) for the proposed intervention, the place where petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10615 Filed 4–22–75;8:45 am]

[Notice 270]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 23, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 13, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75701. By order of March 14, 1975, the Motor Carrier Board approved the transfer to Atlantic-Pacific Van & Stge., Inc., doing business as Atlantic-Pacific Van & Storage, Inc., 1716 S. Hwy 117, Goldsboro, N.C. 27530, of the operating rights in Certificate No. MC 135088 issued July 18, 1972, to Streeter Moving & Storage Co., Inc., 1051 Market Road, Columbia, S.C. 29201, authorizing the transportation of used household goods, between points in Wayne, Lenoir, Johnston, Greene, Pitt, Martin, Wilson, Edgecombe, Nash, Halifax, Wake, Durham, Orange, Person, Granville, Vance, Franklin, and Warren Counties, N.C.

No. MC–FC–75724. By order entered March 17, 1975, the Motor Carrier Board approved the transfer to Leo Movers & Storage, Inc., Levittown, Pa., of the operating rights set forth in Certificate No. MC 67383, issued July 22, 1953, to Leonard A. Quici, Bristol, Pa., authorizing the transportation of household goods, as defined by the Commission, between Philadelphia, Pa., and points in Pennsylvania within 50 miles of Philadelphia, on the one hand, and, on the other, points in New York, New Jersey, Maryland, Delaware, Connecticut, and the District of Columbia; and potted plants, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and Washington, D.C. Walter W. Jackson, Room 1, Fairless Hills Shopping Center, Fairless Hills, Bucks County, Pa. 19030, attorney for applicants.

No. MC–FC–75738. By order of March 28, 1975, the Motor Carrier Board approved the transfer to Farmers Service Gin Company, Inc., Moultrie, Fla., of a portion of the operating rights of Certificate No. MC 124887 (Sub-No. 1), issued April 3, 1974, to Shelton Trucking Service, Inc., Altha, Fla., authorizing the transportation of fertilizer and fertilizer materials, in dry bulk, from Guntersville, Ala., and a described area of Georgia to a described area of Florida. Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10612 Filed 4–22–75;8:45 am]

[Notice 44]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 21, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23441 (Sub-No. 16TA), filed April 9, 1975. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements, and parts, other than hand*, from the plant and warehouse sites of White Farm Equipment Company, at South Bend, Ind., to points in Michigan, Wisconsin, Iowa, Illinois, Missouri, Kentucky, Tennessee, Mississippi, Ohio, and Pennsylvania; (2) *Parts for agricultural machinery and implements*, from Quincy, Ill., and Davenport and Charles City, Iowa, to the plant and warehouse sites of White Farm Equipment Company at South Bend, Ind., for 180 days. Supporting shipper: White Farm Equipment Co., 701 S. Chapin St., South Bend, Ind. 46621. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Fort Wayne, Ind.

No. MC 42212 (Sub-No. 7TA), filed April 9, 1975. Applicant: HARDER'S EXPRESS, INC., Route 9–H, Claverack, N.Y. 12513. Applicant's representative: Werner & Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Newtown, Conn., as an off-route point in connection with its regular route operations, for 180 days. Supporting shipper: Barclay Knitwear Co., Inc., Edmond Road, Newton, Conn. 06470. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 60012 (Sub-No. 94TA), filed April 8, 1975. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Avenue, Denver, Colo. 80221. Applicant's representative: John S. Walker, Jr., 1515 Arapahoe Street, Denver, Colo. 80221. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment, serving the site of the Yampa Project, located near Craig, Colo., as an off-route point in connection with carrier's authorized regular route operations, from, to or between, the following points or described areas: between the junction of U.S. Highway 40 and Colorado Highway 13, at or near, Craig, Colo., and the site of the Yampa Project, located approximately five (5) miles south and west of Craig, Colo., as an off-route point in connection with applicant's authorized regular route operations: From the junction of U.S. Highway 40 and Colorado Highway 13 over Colorado Highway 13 to junction unnumbered county road, thence over unnumbered county road to the site of the Yampa Project, and return over the same route, for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

NOTE.—Applicant intends to interline with existing carriers at Denver, Pueblo, and Grand Junction, Colo., Farmington, N. Mex., and Salt Lake City, Utah.

No. MC 69492 (Sub-No. 47TA), filed April 10, 1975. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from Humboldt, Tenn., to Clinton, Mayfield, and points in Graves and Hickman Counties, Ky., and (2) *Malt beverages and related advertising materials*, from Detroit Mich., to points in Memphis, Tenn., for 180 days. Supporting shippers: Howe-Hilliard Grain Co., Inc., Mayfield, Ky. 42066. A. S. Barboro, Inc., 1311 Rayburn, Memphis, Tenn. 38106. Farmers Gin, Inc., Clinton, Ky. 42301. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103.

No. MC 108207 (Sub-No. 417TA), filed April 10, 1975. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas*, when transported in mixed loads with commodities exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin, for 180 days. Supporting shipper: Fisher Bros., Inc., FBI Foods, Ltd., Fisher Bros. (U.S.A.), Inc., 1610 DeBeauharnois, Montreal, Quebec H4N 1J5. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 109689 (Sub-No. 287TA), filed April 10, 1975. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in van vehicles, from San Francisco and Azusa, Calif., to points in Rock Springs, Wyo., for 180 days. Supporting shipper: Yellowstone Wholesale Company, P.O. Box 1029, Rock Springs, Wyo. 82901. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 113678 (Sub-No. 587TA), filed April 8, 1975. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyard Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the plantsite of Ragu Foods, Inc., and destined to points in the named destination states, for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Ave., Rochester, N.Y. 14606. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 114045 (Sub-No. 419TA), filed April 11, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* (2) *bananas*, when transported in mixed loads with commodities exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City and Roma, Tex., to points in the United States, except Alaska and Hawaii, for 180 days. Supporting shipper: Fisher Bros., Inc., FBI Foods, Ltd., Fisher Bros. (U.S.A.), Inc., 1610 DeBeauharnois, Montreal, Quebec H4N 1J5. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 117765 (Sub-No. 190TA), filed April 10, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed granite*, in bags, except commodities in bulk, from the plantsite of the Hydro-Tite Corporation, Lithonia, Ga., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming for 180 days. Supporting shipper: Hydro-Tite Corporation, Gaines Brewster, G.M., P.O. Box 527, Lithonia, Ga. 30058. Send protests to: Marie Spillars, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 119226 (Sub-No. 92TA) (Correction), filed March 4, 1975, published in the FEDERAL REGISTER issue of March 21, 1975, and republished as corrected this issue. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds, liquid*, in bulk, in tank vehicles, from Lafayette, Ind., to points in Clinton, Eldorado, El Paso, Pontiac, Potomac, Pleasant Plains, Ottawa, Springfield, Dewey, and Sheldon, Ill.; and Burlington Clear Lake, Colfax, Des Moines, Mount Vernon, and Davenport, Iowa, for 180 days. Supporting shipper: Eli Lilly and Company, Elanco









1, Sparta, Wis. 54656. Applicant's repre-



An original and two copies of protests value, dangerous explosives, household

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Products Division, P.O. Box 618, Indianapolis, Ind. 46204. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204. The purpose of this republication is to correct the sub number.

No. MC 123023 (Sub-No. 4TA) (Correction), filed April 2, 1975, published in the FEDERAL REGISTER issue of April 16, 1975, and republished as corrected this issue. Applicant: DI PIETRO TRUCKING CO., 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from the Port of Los Angeles, Long Beach and Wilmington, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Pacific Fruit & Produce Co., 4103 Second Avenue South, Seattle, Wash. 98134. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174. The purpose of this republication is to change MC 120023 sub 4TA, to MC 23023 sub 4TA, which was previously published in error.

No. MC 123407 (Sub-No. 233TA), filed April 11, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recyclable scrap and waste materials* (except in bulk), from points in California, Colorado, Kansas, Nevada, New Mexico, Oklahoma, Texas, and Utah, to points in Navajo County, Ariz., for 180 days. Supporting shipper: Southwest Forest Industries, 3443 N. Central Ave., Box 7548, Phoenix, Ariz. 85011. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne, Room 204, Fort Wayne, Ind. 46802.

No. MC 126555 (Sub-No. 34TA), filed April 10, 1975. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal by-products*, from points in Wyoming, Montana and North Dakota, to points in South Dakota, for 180 days. Supporting shippers: Stearns-Rogers Corporation, P.O. Box 2610, Rapid City, S. Dak 57701. Pete Lien & Sons, Inc., P.O. Box 440, Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 129459 (Sub-No. 10TA), filed April 10, 1975. Applicant: HEARNEY'S TRUCKING SERVICE, INC., U.S. Route 611, Portland, Pa. 18331. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), for the account of Diamond Crystal Salt Company, St. Clair, Mich., from St. Clair, Mich., to points in New York, N.Y. Commercial Zone; Long Island, N.Y., and points in Bergen, Essex, Hudson, Hunterdon, Somerset, and Union Counties, N.J., for 180 days. Supporting shipper: Diamond Crystal Salt Company, 916 South Riverside, St. Clair, Mich. 48079. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 135185 (Sub-No. 23TA), filed April 10, 1975. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Avenue, P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, Suite 646 Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Razors, razor blades, shaving cream, toilet preparations, toilet articles, pens, markers, ink, stationery, and stationery products, cigarette lighters, cleaning compounds, hair curlers, hair spray, electric hair dryers, electric hair combs, shampoo, sponges, fire extinguishers, electric appliances, photographic equipment, materials, and supplies, and store display racks, stands, and cabinets*, from St. Paul, Minn., to points in Ohio and Dallas, Tex., for 180 days. Supporting shipper: The Gillette Company, Prudential Tower Bldg., Boston, Mass. 02199. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 138438 (Sub-No. 14TA), filed April 7, 1975. Applicant: D. M. BOWMAN, INC., Route 9, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete block and concrete brick*, from Hagerstown, Md., to points in the District of Columbia, Virginia, and West Virginia; and (2) *Brick*, from Lawrenceville and Richmond, Va., to points in Maryland and the District of Columbia, for 180 days. Supporting shipper: E. C. Keys & Son of Virginia, Inc., 5721-6 Charles City Circle, Richmond, Va. 23231. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 317, Washington, D.C. 20432.

No. MC 140831 (Sub-No. 1TA), filed April 10, 1975. Applicant: ASHAWK TRANSPORT, INC., P.O. Box 535, Ponchatoula, La. 70454. Applicant's representative: Mary Olive Pierson, P.O. Box 14647, Baton Rouge, La. 70808. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Batson Lumber Company, Inc., located in Natalbany, La., to (1) all points in Louisiana; (2) all points in Mississippi; (3) points in Texas, East of U.S. Highway 81, from the point where it crosses the Texas-Oklahoma border to the intersection of U.S. Highway 81 and U.S. Highway 77, and then to points east of U.S. Highway 77, to its southern terminus; (4) points in Arkansas, south of U.S. Highway 64; (5) points in Tennessee west of U.S. Highway 45 and U.S. Highway 45 east; (6) points in Alabama South of U.S. Highway 278; and (7) points in Florida west of U.S. Highway 231, for 180 days. Supporting shipper: Batson Lumber Company, Inc., P.O. Box 158, Natalbany, La. 70451. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 140837TA filed April 8, 1975. Applicant: ANDY T. WIDHOLM, doing business as ANDY T. WIDHOLM TRUCK AND GRAIN, 12797 Hillcrest Drive, Longmont, Colo. 80501. Applicant's representative: Thomas J. Burke, Jr., 1600 Lincoln Center Bldg., 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients* (except petroleum products), from points in Dodge and Lancaster Counties, Nebr., to points in Adams, Boulder, Larimer, and Weld Counties, Colo., for 180 days. Supporting shipper: Colorado Commodity Traders, Inc., 601 Eighth St., Greeley, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 140838TA filed April 10, 1975. Applicant: COOK TRUCKING & EQUIPMENT RENTALS, 526 Railroad Street, P.O. Box 966, Corona, Calif. 91720. Applicant's representative: John Ramuno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, transportation of which because of size or weight requires the use of special equipment, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, Wyoming, and Oklahoma, for 180 days. Supporting shipper: Chuck Green and Associates, 11721 Woodside Avenue, Lakeside, Calif. 92040. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, 300 N. Los Angeles Street, Room 1312, Los Angeles, Calif. 90012.

No. MC 140839TA filed April 11, 1975. Applicant: NEIL R. JACOBS, doing business as DUTCH MILL TRUCKING, R.R. 1, Sparta, Wis. 54656. Applicant's representative: Wayne W. Wilson, 329 West Wilson St., Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the plantsite and facilities of NaChurs Plant Food Co., located at or near Red Oak, Iowa, to points in Wisconsin, restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with NaChurs Plant Food Co. Supporting shipper: NaChurs Plant Food Co., 1705 N. Broadway, Red Oak, Iowa. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.





No. MC 140842TA (Correction), filed March 19, 1975, published in the FEDERAL REGISTER issue of April 11, 1975, and republished as corrected this issue. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaners, fuel filters, oil filters, air cleaner cartridges (elements), oil filter cartridges (elements), and materials and supplies* used in the marketing or distribution of the foregoing commodities, from Gastonia, N.C., to points in Des Moines, Iowa, Kansas City, Kans., Minneapolis, and St. Paul, Minn.; St. Louis, Mo.; Omaha, Nebr.; Oklahoma City, and Tulsa, Okla.; Dallas and Houston, Tex.; and points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Wix Corporation, P.O. Box 1967, Gastonia, N.C. 28052. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC156, Charlotte, N.C. 28205. The purpose of this republication is to state the correct docket number.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10613 Filed 4-22-75;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Letter Notices

### Notice

APRIL 17, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 5, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 73165 (Sub-No. E74), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, between points in Colbert County, Ala., on the one hand, and, on the other, points in North Dakota, Maine, New Hampshire, Delaware, the District of Columbia, and points in South Dakota on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Planet Corporation, Inc. facilities at Birmingham, Ala.

No. MC 73165 (Sub-No. E75), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, between the plantsite of Planet Corporation, Inc. at Birmingham, Ala., on the one hand, and, on the other, points in Colorado, Utah, Washington, and California. The purpose of this filing is to eliminate the gateway of Colbert County, Ala.

No. MC 73165 (Sub-No. E76), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl W. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, from points in Georgia to points in Colorado, Utah, Washington and California. The purpose of this filing is to eliminate the gateway of Planet Corp. facilities at Birmingham, Ala., and Colbert County, Ala.

No. MC 73165 (Sub-No. E77), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl W. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, except those of unusual value, dangerous explosives, household goods as defined by the Commission in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, from points in Mississippi on and east of a line extending from the Tennessee-Mississippi State line along Mississippi Highway 15 to Laurel, Miss., thence along U.S. Highway 11 to Hattiesburg, Miss., and thence along U.S. Highway 49 to Gulfport, Miss. to points in California, Utah and Washington. The purpose of this filing is to eliminate the gateway of facilities of Planet Corp. at Birmingham, Ala., and Colbert County, Ala.

No. MC 73165 (Sub-No. E79), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl W. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in Tennessee on and east of U.S. Highway 31 to points in Colorado, Utah, Washington, and California. The purpose of this filing is to eliminate the gateway of Planet Corporation, Inc. facilities plantsite at Birmingham, Ala., and points in Colbert County, Ala.

No. MC 73165 (Sub-No. E80), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl W. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum articles, and aluminum products*, consisting of (a) materials used in the manufacture of mobile homes, (b) material handling equipment, (c) materials used in the manufacture of material handling equipment, or (d) parts, attachments, or accessories used in connection with (a), (b), and (c) above (except commodities in bulk), between points in Colbert County, Ala., on the one hand, and, on the other, points in New Mexico, Arizona, Nevada, Oregon, Idaho, Wyoming, and Montana. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

No. MC 73165 (Sub-No. E81), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl W. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* articles consisting of materials or equipment used in air, water, and sewage systems and installations (except commodities in bulk), from points in Colbert County, Albama to points in New Mexico, Arizona, Nevada, Oregon, Idaho, Wyoming, and Montana. The purpose of this



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filing is to eliminate the gateway of fa-

Birmingham, Alabama 35202. Applicant's

eliminate the gateway of points in Henry



or *machinery*, in driveaway and truck-

filing is to eliminate the gateway of facilities of Zwin Industries at Winfield, Ala.

No. MC 73165 (Sub-No. E82), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl W. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, tubing, and fittings*, from points in Colbert County, Alabama, to points in New Mexico, Arizona, Nevada, Oregon, Idaho, Wyoming, and Montana. The purpose of this filing is to eliminate the gateway of Gilmer, Tex.

No. MC 73165 (Sub-No. E84), filed February 5, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl W. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, the transportation of which because of size or weight requires special equipment, from points in Tennessee in and east of Claiborne, Union, Anderson, Knox, Loudon, McMinn, Bradley, and Hamilton Counties, Tennessee, to points in Texas on and south of a line beginning at the Arkansas border along Interstate Highway 30 to Dallas, Tex., thence along U.S. Highway 80 to Fort Worth, Tex., and thence along U.S. Highway 180 to the New Mexico border. The purpose of this filing is to eliminate the gateway of facilities of Planet Corp. at Birmingham, Ala., and Colbert County, Ala.

No. MC 73165 (Sub-No. E93), filed February 1, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron fittings and connections*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), (2) *Cast iron valves, fire hydrants, and components* consisting of gaskets, fittings and connections (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), except, in both (1) and (2) above, commodities requiring special equipment, from points in Mississippi on and southeast of a line extending from the Alabama-Mississippi State line along U.S. Highway 82 to Winona, Miss. and thence along U.S. Highway 51 to the Louisiana-Mississippi State line to points in Montana, Idaho, Washington, Oregon, and that part of California on and north of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of facilities of Clow Corp. at Columbia, Mo., and, Birmingham, Ala.

No. MC 73165 (Sub-No. E95), filed February 1, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Alabama 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron fittings and connections*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), (2) *cast iron valves, fire hydrants, and components* consisting of gaskets, fittings and connections (except Oil Field Commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), except, in both (1) and (2) above, commodities requiring special equipment from points in Tennessee on and east of U.S. Highway 31 and U.S. Highway 31E to points in Montana, Idaho, Washington, Oregon, and California. The purpose of this filing is to eliminate the gateway of facilities of Clow Corp. at Columbia, Mo., and Birmingham, Ala.

No. MC 73165 (Sub-No. E219), filed May 9, 1974. Applicant: PRE-FAB TRANSIT COMPANY, P.O. Box 146, Farmer City, Illinois 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard* from the plant site of Cardinal Industries, at or near Wheaton, Ill. to points in Louisiana, points in that part of New Mexico in and south of McKinley, Sandoval, Santa Fe, San Miguel, and Quay Counties, and points in that part of Texas south of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties. The purpose of this filing is to eliminate the gateway of points in Henry County, Tenn.

No. MC 107295 (Sub-No. E220), filed May 9, 1974. Applicant: PRE-FAB TRANSIT COMPANY, P.O. Box 146, Farmer City, Illinois 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, (1) from points in that part of Indiana in and north of Vigo, Clay, Owen, Morgan, Johnson, Shelby, Rush, Fayette, and Union Counties to points in Alabama, Mississippi, and to points in that part of Georgia in and south of Carroll, Coweta, Fayette, Spalding, Butts, Jasper, Putnam, Hancock, Washington, Jefferson, Emanuel, Chandler, Bulloch, and Bryan Counties. The purpose of this filing is to eliminate the gateway of points in Illinois. (2) from points in Indiana to points in Arizona, New Mexico and points in that part of California in and south of San Luis Obispo, Kern, and San Bernardino Counties. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark. (3) from points in Indiana to points in that part of Florida in, east, and south of Madison and Taylor Counties. The purpose of this filing is to eliminate the gateway of Washington Court House, Ohio. (4) from points in Indiana to points in that part of North Carolina in and east of Surry, Yadkin, Davie, Rowan, Cabarrus, and Union Counties, points in that part of Virginia in and east of Tazewell, Smyth, and Grayson Counties, and points in West Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 111320 (Sub-No. E47), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E48), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway





and truckaway service; (1) between points in that part of Ohio on and east of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Nebraska; and (2) between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along Ohio Highway 109 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Nebraska on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E49), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative; L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled* road building equipment, and parts thereof, in driveaway and truckaway service, between points in that part of Ohio on, east, and north of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E50), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 558 to junction Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E51), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Iowa (except Cedar Rapids, Iowa). The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this filing is to add the correct commodities and to correct the territorial destinations.

No. MC 111320 (Sub-No. E102) (Correction), filed May 31, 1974. Published in the FEDERAL REGISTER January 22, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this filing is to add the correct commodities and to correct the territorial destinations.

No. MC 111320 (Sub-No. E104) (Correction), filed May 31, 1974. Published in the FEDERAL REGISTER, January 22, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, between points in that part of New York on and east of line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Louisiana and Colorado. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this filing is to add the correct commodities and to correct the territorial destinations.

No. MC 111320 (Sub-No. E105) (Correction), filed May 31, 1974. Published in the FEDERAL REGISTER January 22, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, between points in that part of New York on and east of a line beginning at Lake Erie, thence along New York Highway 319 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in that part of Mississippi on and south-west of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 51 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this filing is to add the correct commodities and to correct the territorial destinations.

No. MC 111320 (Sub-No. E106) (Correction), filed May 31, 1974. Published in the FEDERAL REGISTER January 22, 1975.







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Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicle or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at Lake Ontario, thence along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 282, thence along New York Highway 282 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Interstate Highway 77 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this filing is to correct the territorial destinations and add the correct commodities.

No. MC 111320 (Sub-No. E108), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in that part of Missouri on, north, and west of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 50 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E109), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E110), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Virginia north and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E127), filed May 17, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractor's vehicles or machinery*, in driveaway and truckaway service (except passenger automobiles), between points in New York, on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction New York Highway 319, thence along New York Highway 319 to Lake Erie, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 112668 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 27, 1975. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. 21048. Applicant's representative: Norman E. Shipley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Retsof, N.Y., to points in the District of Columbia, and points in Fauquier, Fairfax, Loudoun, and Prince William Counties, Va., points in Jefferson County, W. Va., and points in Maryland (except Baltimore, and points in Garrett, Allegany, and Washington Counties). The purpose of this filing is to eliminate the gateway of Baltimore, Md. The purpose of this correction is to expand the territorial descriptions.

No. MC 112668 (Sub-No. E2) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER February 4, 1975. Applicant: HARVEY R. SHIPLEY & SONS, INC., RFD, Finksburg, Md. 21048. Applicant's representative: Norman E. Shipley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles (except feed ingredients, rock salt, and rock salt compounds intended for use in the melting of ice and snow), from Retsof, N.Y., to points in Delaware. The purpose of this filing is to eliminate the gateway of Glyndon, Md. The purpose of this correction is to correct the origin and destination points.

No. MC 113535 (Sub-No. E8), filed April 24, 1974. Applicant: A & W TRUCKING CO., Rte. 5, Box 900, Mosinee, Wisc. 54455. Applicant's representative: John J. Altenburg (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packing-houses*, (1) between La Crosse, Wisc., on the one hand, and, on the other, Minneapolis, Minn., and (2) between Durand, Wisc., on the one hand, and, on the other, Green Bay, Beloit, Prairie du Chien, Marinette, and Milwaukee, Wisc. The purpose of this filing is to eliminate the gateways of Durand, Wisc., and Winona, Minn.

No. MC 114019 (Sub-No. E306) (Correction), filed May 25, 1974. Published in the FEDERAL REGISTER March 13, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by retail food and household supply and furnishing business houses, and *equipment, materials, and supplies*, used in the conduct of such business, from Chicago, Ill., to points in Berkshire, Franklin, Hampden, and Hampshire Counties, Mass., points in Cheshire County, N.H., and points in Bennington, Rutland, and Windham Counties, Vt. Restriction: Restricted to shipments moving from, to, or between warehouses or other facilities of retail food and household supply and furnishing business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Schnectady, N.Y. The purpose of this filing is to correct the territorial destinations.,

No. MC 114019 (Sub-No. E323) (Correction), filed May 19, 1974. Published in the FEDERAL REGISTER March 13, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen, prepared foods*, from Dover, Del., to Nashville, Tenn., points in Wisconsin and Iowa, those in that part of Nebraska on and east and south





of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Missouri River, points in that part of Kansas on and east of U.S. Highway 281, and points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line, and extending along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Bowling Green, Ky., and Martins Ferry, Ohio. The purpose of this filing is to correct the commodities.

No. MC 114211 (Sub-No. E905), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, between points in that part of Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line and extending along Nebraska Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, on the one hand, and, on the other, points in Iowa on and southeast of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 151 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 330, thence along Iowa Highway 330 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 16, thence along Iowa Highway 16 to junction Iowa Highway 88, thence along Iowa Highway 88 to Fort Madison, Iowa. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E906), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC. P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, to points in Indiana and Ohio, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E908), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cast iron pipe and fittings for cast iron pipe, the transportation of which, because of size or weight requires special equipment, from points in New York, New Jersey, from points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 46 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction North Carolina Highway 43, thence along North Carolina Highway 43 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. 70, thence along U.S. Highway 70 to Cherry Point, N.C.; from points in that part of Virginia on and east of a line beginning at the Virginia-Maryland State line extending along U.S. Highway 522 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. 250, thence along U.S. Highway 250 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line.

From points in that part of Maryland on, north, and east of a line beginning at the Pennsylvania-Maryland State line, extending along U.S. Highway 219 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 522, thence along U.S. Highway 522 to the Maryland-Virginia State line; from points in that part of Pennsylvania on and east of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 322 to junction Pennsylvania Highway 58, thence along Pennsylvania Highway 58 to junction Pennsylvania Highway 258, thence along Pennsylvania Highway 258 to junction Pennsylvania Highway 173, thence along Pennsylvania Highway 173 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 356, thence along Pennsylvania Highway 356 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line; and from points in that part of Ohio on and east of a line beginning at Ashtabula, Ohio, extending along Ohio Highway 11 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Ohio-Pennsylvania State line, to points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line extending along Iowa Highway 4 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Griffin Pipe Products Co., at Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E909), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings* for cast iron pipe the transportation of which because of size and weight requires special equipment, from points in Texas and points in that part of Oklahoma beginning on, south, and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Muskogee Turnpike, thence along the Muskogee Turnpike to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, to points in that part of Iowa on, north, and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Products Company at Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E911), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, finishing machinery, equipment, parts, accessories and attachments*, between points in that part of Minnesota on and west of a line beginning at the United States-Canada International Boundary line extending along Minnesota Highway 89 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Maine, New Hampshire,



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Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Tennessee, and points in that part of Missouri on and south of a line beginning at the Illinois-Missouri State line extending along junction Missouri Highway 72 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction Missouri Highway 2, thence along Missouri Highway 2 to the Missouri/Kansas State line.

Points in that part of Kentucky on and south of a line beginning at the West Virginia-Kentucky State line extending along U.S. Highway 23 to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction U.S. Highway 25W, thence along U.S. Highway 25W to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to the Kentucky-Missouri State line; points in that part of West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line extending along West Virginia Highway 26 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 92, thence along West Virginia Highway 92 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line; points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 219 to the Pennsylvania-West Virginia State line; points in that part of New York on and east of a line beginning at Rochester, N.Y., extending along U.S. Highway 15 to junction New York Highway 255, thence along New York Highway 255 to junction New York Highway 256, thence along New York Highway 256 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E913), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled sweepers*, from points in Arizona to points in New York, New Jersey, Connecticut, Delaware, Massachusetts, and points in that part of Maryland on and north of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 11 to junction Interstate Highway 70S, thence along Interstate Highway 70S to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Maryland Highway 4, thence along Maryland Highway 4 to Solomons, Md.; to points in that part of Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 30 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E914), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products) and *fittings and accessories* therefor when moving with such pipe, from points in that part of Michigan on and north of a line beginning at Muskegon, Mich., extending along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to the United States-Canada International Boundary line to points in Idaho, Utah, and Arizona, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E915), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *agricultural machines and implements, construction machinery, and equipment, trailers* designed for the transportation of the commodities described above (other than those designed to be drawn by passenger automobiles), *attachments* for the commodities described above, *internal combustion engines* and *parts* of the commodities described above, when moving in mixed loads with such commodities, between ports of entry on the Gulf of Mexico lying between and including Brownsville and Houston, Tex., on the one hand, and, on the other, points in South Dakota and points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nebraska-Colorado State line, and points in that part of Wyoming on and north of a line beginning at the Colorado-Wyoming State line extending along U.S. Highway 87 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Wyoming Highway 89, thence along Wyoming Highway 89 to the Wyoming-Utah State line, restricted to the transportation of commodities in foreign commerce, and restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The authority granted herein shall not be joined or tacked with any other authority presently held by carrier for the purpose of performing any through transportation to or from points in Wyoming. The purpose of this filing is to eliminate the gateway of Grand Island, Nebr.

No. MC 114211 (Sub-No. E916), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* which, because of size or weight, require special equipment, between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line extending along Missouri Highway 5 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 51, thence along Missouri Highway 51 to junction Missouri Highway 91, thence along Missouri Highway 91 to junction Missouri Highway 25, thence along Missouri Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Kansas on and northwest of a line beginning at the Kansas-Oklahoma State line extending along Kansas Highway 179 to junction Kansas Highway 2, thence along Kansas Highway 2 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Missouri State line, thence along the Kansas-Missouri State line to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateways of Martin City, Mo., and points in Kansas within 15 miles of Martin City, Mo.





No. MC 114211 (Sub-No. E917), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* and *fittings* and *accessories* therefor when moving with such pipe, from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along Oklahoma Highway 34 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line, and from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 60 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line to points in that part of Michigan on, east, and south of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 127 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to Port Huron, Mich., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Griffin Pipe Products located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E918), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors' equipment and supplies*, from points in that part of Nebraska on, east, and north of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 77 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa State line, to points in that part of Washington on, north, and west of a line beginning at Aberdeen, Wash., extending along U.S. Highway 12 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Intertsate Highway 90, thence along Intertsate Highway 90 to junction Washington Highway 21, thence along Washington Highway 21 to junction Washington Highway 30, thence along Washington Highway 30 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Washington Highway 25, thence along Washington Highway 25 to the United States-Canada International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E919), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities requiring special equipment), from points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line extending along Minnesota Highway 210, to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in Wyoming, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in South Dakota.

No. MC 114211 (Sub-No. E921), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459), from points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 67, thence along Texas Highway 67 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to Laredo, Tex., to points in that part of Montana on and north of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 212 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Idaho-Montana State line to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line extending along U.S. Highway 12 to the Washington-Idaho State line; and to points in Washington, with no transportation for compensation on return except as otherwise authorized restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E922), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* thereof when moving with such pipe, from points in that part of Ohio on and east of a line beginning at Sandusky, Ohio extending along Ohio Highway 4 to junction Ohio Highway 98, thence along Ohio Highway 98 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, from points in that part of Virginia on and east of a line beginning at the Kentucky-Virginia State line extending along U.S. Highway 23 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-Tennessee State line, and from points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 321 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction North Carolina Highway 90, thence along North Carolina Highway 90 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 401.

Thence along U.S. Highway 401 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 74, thence along U.S. Highway 74 to Wilmington, N.C., and from points in West Virginia, Maryland, Pennsylvania, New York, New Jersey, and Delaware, to points in that part of Kansas on and northwest of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 77, thence along U.S. Highway



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77 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 54 to the Texas-New Mexico State line, to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 54 to the Texas-Oklahoma State line, and to points in that part of New Mexico on and northwest of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 54 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 11, thence along New Mexico Highway 11 to the United States-Mexico Boundary line, and to points in Colorado, Nebraska, Wyoming, South Dakota, North Dakota, and Montana, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Products located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E923), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels) *equipment* designed for use in conjunction with farm tractors and *parts* thereof, from Pambina, N. Dak., to points in that part of Minnesota on and south of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 10 to junction Minnesota Highway 87, thence along Minnesota Highway 87 to junction Minnesota Highway 64, thence along Minnesota Highway 64 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line, to points in that part of North Dakota on and south of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to junction North Dakota Highway 31, thence along North Dakota Highway 31 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Montana State line, to points in that part of Montana on and southwest of a line beginning at the South Dakota-Montana State line extending along U.S. Highway 94 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 236, thence along Montana Highway 236 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 432, thence along Montana Highway 432 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada Boundary line, and to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Wyoming, Colorado, New Mexico, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Ohio, Michigan, Indiana, Mississippi, Alabama, Kentucky, New York, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 114211 (Sub-No. E925), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between points in that part of Texas on and southwest of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 77 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, South Dakota, Minnesota, Iowa, and points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 50 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E928), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between port of entry of Pembina, Minn., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to junction Illinois Highway 96, thence along Illinois Highway 96 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line; that part of Colorado on and south of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 550 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 115, thence along Colorado Highway 115 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Kansas State line, and that part of Kansas on and south of a line beginning at the Colorado-Kansas State line extending along Interstate Highway 70 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Kansas-Missouri State line, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 115162 (Sub-No. E20), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Georgia, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line thence along US Highway 81 to junction Texas Highway 171 thence along Texas Highway 171 to junction US Highway 84 thence along US Highway 84 to junction Interstate Highway 45, thence along Interstate Highway 45 to Galveston, Tex. The purpose of this filing is to eliminate the gateway of points in Mobile and Baldwin Counties, Ala.

No. MC 115322 (Sub-No. E115), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from points in Florida to the District of Columbia. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E116), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Chautauqua County, N.Y. to Savannah, Brunswick,





Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E117), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Chautauqua County, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E118), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, except grape juice in bulk, from North East, Pa., and Westfield, N.Y., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E119), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Erie County, Pa., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E120), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from points in Florida to Cumberland, Md. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E121), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Erie County, Pa., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E122), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved, drained, and glazed fruit and fruit peel*, not canned and not frozen from Plant City, Fla., to the District of Columbia and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E153), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit concentrates*, from Brocton and Westfield, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E154), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from Mount Morris, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E155), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from Genesee, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E156), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape juice and grape juice concentrates*, from Brocton and Westfield, N.Y., and North East, Pa., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E158), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from Plant City, Fla., to points in Virginia and West Virginia within 70 miles of Winchester, Va. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E159), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, except grape juice in bulk, when moving in mixed shipments with frozen foods, from North East, Pa. to points in Florida. The purpose of this filing is to eliminate the gateway of points in Frederick County, Va.

No. MC 115322 (Sub-No. E160), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned sauerkraut and pickles*, when moving in mixed shipments with frozen foods, from North East, Pa. and Westfield, N.Y. to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E161), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit juices*, in containers, from Dundee and Penn Yan, N.Y., to Pikeville, Ky. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E162), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen juices*, from points in Florida to the District of Columbia. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E163), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*, from Westfield, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E164), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania



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Ave. NW., Washington, D.C. 20004. Au-

No. MC 115322 (Sub-No. E181), filed

No. MC 117344 (Sub-No. E90), filed



junction U.S. Highway 63, thence along

Box 39, Carlisle, Pa. 17013. Applicant's

the other, points in Virginia, those in

Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved, drained, and glazed fruit and fruit peel*, not canned and not frozen, from Plant City, Fla., to New York and Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E165), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape* concentrate, from Westfield, N.Y., to Savannah, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E166), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Macon, Ga., to points in Virginia and West Virginia within 70 miles of Winchester, Va. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E167), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from points in Orleans County, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E168), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from Pittsburgh, Pa., to the District of Columbia and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E180), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Chautauqua County, N.Y., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E181), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape juice* from Westfield, N.Y., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 117119 (Sub-No. E132) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER October 3, 1974. Applicant: WILLIS SHAW FROZEN FOOD, P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat, frozen edible packinghouse products, frozen canned goods, frozen butter, frozen eggs*, and *frozen dressed poultry*, and *frozen dairy products*, from Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Montana (except points in Blaine, Phillips, Valley, Daniels, Sheridan, Roosevelt, Richland, Dawson, Wibaux, Fallon, Carter, Powder River, Custer, Prairie, McCone, Garfield, Rosebud, Petroleum, and Treasure Counties, Mont.), Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of St. Joseph, Mo. The purpose of this correction is to correct the commodity description.

No. MC 117344 (Sub-No. E24), filed June 2, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 421 to Frankfort, Ky., thence along U.S. Highway 127 to Danville, thence along Kentucky Highway 150 to Stanford, thence along U.S. Highway 27 to the Kentucky-Tennessee State line to points in Illinois on and north of Interstate Highway 70 and Nebraska Interstate Highway 70. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, and Jacksonville, Ill.

No. MC 117344 (Sub-No. E52), filed May 19, 1974. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and products and blends* thereof, in bulk, in tank vehicles, Covington, Ky., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 117344 (Sub-No. E90), filed May 21, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in North Carolina on and west of a line beginning at the North Carolina boundary and proceeding southeast along U.S. Route 321 to Hickory, thence east along U.S. Route 64 to its junction with State Route 16 thence south along State Route 16 to the North Carolina-South Carolina boundary. The purpose of this filing is to eliminate the gateway of Taylorsport, Ky. (a permit in the Oddyston, Ohio, Commercial Zone).

No. MC 117344 (Sub-No. E91), filed June 4, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Indiana on and south of Interstate Route 70 and on and east of a line beginning at Madison, Indiana, and extending north along Route 421 to Greensburg, Ind., and thence north along State Route 3 to its intersection with Interstate Route I–70 to points in Nebraska. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio, and Jacksonville, Ill.

No. MC 117344 (Sub-No. E92), filed June 4, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in hopper vehicles, from Michigan City, Ind., to points in Pennsylvania on and east of U.S. Route 11 and points in West Virginia (except those points in Brooke, Hancock, Marshall, Ohio, and Wetzel Counties). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 117344 (Sub-No. E93) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER March 4, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals) in bulk, in tank vehicles, from Jackson County, Ind., to points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Mississippi, those in Missouri on and south of a line beginning at St. Louis, Mo., and extending along Interstate Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to





junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to St. Joseph, Mo. (except points in the St. Louis, Mo., East St. Louis, Ill., commercial zone, as defined by the Commission); Oklahoma; those points in South Carolina on and south of U.S. Highway 78, and Texas. Restriction: The authority granted herein is restricted against the transportation of dry chemicals to points in Ohio, and points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties, Tex. The purpose of this filing is to eliminate the gateway of the facilities of the Polymers-Chemical Division of W. R. Grace & Co. at Owensboro, Ky. The purpose of this correction is to correct the "E" number, previously published as E51.

No. MC 117344 (Sub-No. E94) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER March 26, 1975. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products and blends of animal and vegetable oils*, which are liquid chemicals, in bulk, in tank vehicles, from Covington, Ky., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of the plant site of the Monsanto Company at Addyston, Ohio. The purpose of this correction is to correct the "E" number, previously published as E55.

No. MC 117574 (Sub-No. E14) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 19, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *Pipe and conduit and pipe and conduit fittings* used in connection with the erection and construction of sewage, water, and refuse treatment systems (except commodities in bulk and those which because of size or weight, require the use of special equipment), between points in Illinois and Kentucky (except those points in Kentucky in the commercial zone of Cincinnati, Ohio) on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, New York, and Rhode Island (Titusville, Pa.)*. The purpose of this filing is to eliminate the gateway indicated by asterisk above. The purpose of this filing is to add the destination points in part 3 and the remainder of the filing is correct.

No. MC 117574 (Sub-No. E29) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 11, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Massachusetts, on the one hand, and, on the other, points in North Carolina Counties of Gates, Hertford, Currituck, Camden, Pasquotank, Perquimans, Chowan, Bertie, Martin, Washington, Tyrell, Dare, Hyde, Pitt, Beaufort, Craven, Jones, Onslow, Carteret, and Pamlico. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (points in that part of Pennsylvania on and east of U.S. Highway 219, to the junction with U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line (except the facilities of Curtiss Wright Corp., near Clearfield, Pa.)*).

(2) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Connecticut and Massachusetts, on the one hand, and, on the other, points in Ohio and West Virginia. Restriction: The operations authorized herein are subject to the following restrictions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines (points in that part of Pennsylvania on and east of U.S. Highway 219, to the junction with U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line, except the facilities of Curtiss Wright Corp., near Clearfield, Pa.*); and (3) *self-propelled contractors' equipment*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (when transported on trailers) between points in Connecticut, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Virginia, those in Maryland west of the Susquehanna River and the Chesapeake Bay, Martinsburg, W. Va., and the District of Columbia (those points in York County, Pa., within a 25 mile radius of Baltimore, Md.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this correction is to clarify the commodity description.

No. MC 117574 (Sub-No. E30) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 11, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pennsylvania 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Delaware, District of Columbia, Maryland, Ohio, Virginia, and West Virginia. Restriction: The operations authorized herein are subject to the following conditions. Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (points and places in a Pennsylvania area bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at junction of said State line with U.S. Highway 11, over U.S. Highway 11 to junction of U.S. Highway 522, thence over U.S. Highway 522 to junction with U.S. Highway 322, thence over U.S. Highway 322 to Pennsylvania-New York State line, including points on the indicated highways.*) The purpose of this filing is to eliminate the gateway indicated by the asterisk. The purpose of this filing is to correct the weight in part 2 and the remainder of this filing is correct.

No. MC 117574 (Sub-No. E47), filed June 4, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require the use of special equipment, and *related iron and steel* and *iron and steel products* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Pennsylvania, on the one hand, and, on the other, points in Illinois (80 mile radius of Columbus, Ohio)*; (2) *Iron and steel, iron and steel products, machinery, boilers and contractors' equipment*, which because of size or weight require the use of special equipment and *related iron and steel* and *iron and steel products* when



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their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment, between points in Pennsylvania, on the one hand, and, on the other, points in Indiana (except points in the counties of Allen, DeKalb, Steuben, LaGrange, Noble, Whitley, Elkhart, and St. Joseph), and points in Kentucky (except the counties of Lawrence, Johnson, Martin, Magoffin, Floyd, Pike, Knott, and Letcher) (points in Franklin County, Ohio, and 80 mile radius of Columbus, Ohio) *; (3) *Iron and steel, iron and steel products, machinery, boilers,* and *contractors' equipment,* which because of size or weight require the use of special equipment and *related iron and steel* and *iron and steel products* when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment, between points in Illinois, on and north of U.S. Highway 36, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line, and points in West Virginia (80 mile radius of Columbus, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119531 (Sub-No. E14), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard* and *pulpboard products*, (1) between points in Illinois, on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania; (2) between points in Indiana, on the one hand, and, on the other, points in New York, New Jersey, and points in Pennsylvania on and north and east of a line beginning at the Ohio-Pennsylvania on and north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to U.S. Highway 30 thence along U.S. Highway 30 to Interstate 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line; (3) between points in Illinois, on the one hand, and, on the other, points in Ohio on and east of U.S. Highway 250 (except pulpboard between Chicago, Ill., and Cleveland, Ohio); (4) between points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending west along U.S. Highway 40 to Indianapolis, Ind., thence south along Indiana State Highway 67 to Indiana State Highway 57, thence south along State Highway 57 to U.S. Highway 41, to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Ohio on, north, and east of U.S. Highway 250; and (5) between points in Indiana, on the one hand, and, on the other, points in Ohio on and east of a line beginning at Loraine, Ohio and extending along Ohio State Highway 58 to Wellington, Ohio, thence along Ohio State Highway 18 to Akron, Ohio, thence along Interstate Highway 77 to Canton, Ohio, thence along U.S. Highway 30 to the Ohio-West Virginia State line (except pulpboard from Carthage, Ind., to Cleveland, Ohio). The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 119531 (Sub-No. E71), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45227. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, (1) between points in Kentucky on and west of Interstate Highway 75, on the one hand, and, on the other, points in New York; (2) between points in Kentucky on and west of a line beginning at Owensboro, Ky. and extending along the Green River Parkway to Bowling Green, Ky., thence along Interstate Highway 65 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Pennsylvania, and (3) between points in Kentucky on and west of a line beginning at Covington, Ky. and extending along Interstate Highway 75 to Lexington, Ky., thence along U.S. Highway 27 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 119531 (Sub-No. E77), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Berry, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site of St. Regis Paper Company at or near Willis (Washtenaw County), Mich., to points in that part of Kentucky on and west of a line from the Indiana-Kentucky State line extending along U.S. Highway 60 to junction Interstate Highway 75, thence south along Interstate Highway 75 to Kentucky, Tennessee State line, and Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of the Weyerhauser Co., at Columbus, Ind.

No. MC 119531 (Sub-No. E79), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Berry, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, (1) from Winchester, Ind., to points in that part of New York on and west of U.S. Highway 15, West Virginia on and east of Interstate Highway 77, and * (2) from Winchester, Ind., to points in that part of New York on and east of a line from the Pennsylvania-New York State line extending along New York State Highway 7, thence along New York tSate Highway 50, thence along U.S. Highway 9, thence along U.S. Highway 4, to the New York, Vermont State line**. The purpose of this filing is to eliminate the gateway of * Zanesville, Ohio, and ** Vienna, W. Va.

No. MC 119531 (Sub-No. E85), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, (1) between points in Ohio on and west of U.S. Highway 62, on the one hand, and, on the other, points in New York and New Jersey;* (2) between points in Ohio on and west of a line beginning at Cleveland, Ohio, and extending along Interstate 71 to junction Interstate 71 and U.S. Highway 224, thence north of a line extending along U.S. Highway 224 to Findley, Ohio, thence along Interstate 75 to Wapakoneta, Ohio, thence along Ohio State Highway 29 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Pennsylvania;* (3) from points in Ohio to points in Missouri, and** (4) from points in Ohio on and north of U.S. Highway 50 to points in Tennessee on and west of Interstate Highway 75.*** The purpose of this filing is to eliminate the gateways of *Cleveland, Ohio; **The plant and warehouse sites of the Weyerhaeuser Co., at Columbus, Ind.; and ***Cincinnati, Ohio.

No. MC 119531 (Sub-No. E94), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware*, from the plant site and warehouse facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill., to points in Ohio on and south of a line extending from the Ohio-Indiana States line, east on Ohio State Highway 47 to Ohio State Highway 4, to U.S. Highway 30, to U.S. Highway 62 to the Ohio-Pennsylvania State line; and* (2) *glass containers and accessories therefor*, from the plant site and warehouse facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill., to points in Pennsylvanina (except points north of Interstate Highway 80 and west of U.S. Highway 220).** The purpose of this filing is to eliminate the gateway of *Lapel, Ind., and **Lapel, Ind., and Worthington, Ohio.

No. MC 119531 (Sub-No. E95), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard containers*, (1) from points in New York, New Jersey, and Pennsylvania to points in Illinois;* (2) from points in New York, New Jersey, and Pennsylvania (except that part south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to U.S. Highway 30, and thence south along U.S. Highway 30 to Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line to points in Indiana;* (3) from points in New York, New Jersey, and Pennsylvania to points in Wisconsin,** (4) from points in New York, New Jersey, and Pennsylvania to points in Minnesota;*** (5) from points in New York, New Jersey, and Pennsylvania to points in Missouri; and **** (6) from New York and New Jersey to points in Kentucky on and west of Interstate 65.***** The purpose of this filing is to eliminate the gateways of *Cleveland, Ohio; **Cleveland, Ohio, and Rockdale, Ill.; ***Cleveland Ohio, and Anderson, Ind; ****Cleveland, Ohio, and Columbus, Ind.

No. MC 119531 (Sub-No. E96), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from the plant and warehouse sites of the United Can Company located at or near Rossford, Ohio, to points in Minnesota, North Dakota, South Dakota, Nebraska, Colorado, Iowa, Kansas, Texas, Wisconsin (except points east of a line beginning at Manitowoc, Wisc., and extending along U.S. Highway 151 to Madison, Wisc., thence along Interstate Highway 90 to the Wisconsin-Illinois State line), that part of Missouri on and west of a line beginning at Louisiana, Missouri, and extending along U.S. Highway 54 to Preston, Miss., thence along U.S. Highway 65 to the Missouri-Arkansas State line, and that part of Louisiana on and west of a line beginning at the Mississippi-Louisiana State line and extending south on U.S. Highway 61, to Baton Rouge, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction U.S. Highway 90, thence along U.S. Highway 90 to Morgan City, La. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC 119531 (Sub-No. E98), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, and *metal container closures*, from Danbury, Conn., Baltimore and Cambridge, Md., Edison, N.J., Fairless and Hanover, Pa., and the facilities of the National Can Corporation at Long Island City and Maspeth, N.Y., to points in Arkansas, Kansas, Nebraska and Tennessee (except points on and east of U.S. Highway 231). Restriction: The authority granted herein is restricted (a) to movement of the commodities listed above in mixed loads only, (b) against movement of commodities in bulk and those requiring the use of special equipment, and (c) against movement of tinplate to Newport, Sevierville, Jefferson City, Tellico Plains, Chestnut Hill; and Clinton, Tenn. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 119531 (Sub-No. E124), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5319 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, (1) from the plant site and warehouse facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill., to points in Ohio on and south of a line extending from the Ohio-Indiana State line east on Ohio Highway 47 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line; (2) from the plant site and warehouse facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill., to points in West Virginia on and east of Interstate Highway 77; and *glass containers*, from the plant site and warehouse facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill., to points in New York on south of Interstate Highway 84. The purpose of this filing is to eliminate the gateways of Lapel, Ind., Zanesville, Ohio, and Vienna, W. Va.

No. MC 119531 (Sub-No. E125), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5319 Wooster, Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, viz; *boxboard, chipboard, strawboard* and *wood pulpboard*, and *scrap* and *wastepaper*, (1) from Huntington and Charleston, W. Va., to points in Indiana on and north of U.S. Highway 50;* (2) from Huntington and Charleston, W. Va., to points in Illinois on and north of Interstate Highway 70, and points in Missouri on and north of Interstate Highway 44;** and fibreboard containers, from Huntington and Charleston, W. Va., to points in Minnesota and Wisconsin.*** The purpose of this filing is to eliminate the gateways of *Circleville, Ohio; **Circleville, Ohio, and the plant and warehouse sites of Weyerhaeuser Co., at Columbus, Ind.; ***Circleville, Ohio, and Anderson, Ind.

No. MC 119531 (Sub-No. E133), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5319 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, used in the manufacture of pulpboard products, (1) between Illinois, on the one hand, and on the other, New York, New Jersey, and Pennsylvania; (2) between points in Indiana, on the one hand, and, on the other, points in Pennsylvania (except points south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to U.S. Highway 30, thence along U.S. Highway 30 to Interstate Highway 70, thence south along Interstate Highway 70 to the Pennsylvania-Maryland State line; (3) between points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to Indianapolis, Ind., thence south along Indiana State Highway 67 to Indiana State Highway 57, thence south along State Highway 57 to U.S. Highway 41 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Pennsylvania; (4) between points in Illinois, on the one hand, and, on the other, points in Ohio on and east of a line beginning at Sandusky, Ohio and extending south along U.S. Highway 250 to the Ohio-West Virginia State line; and (5) between points in Indiana, on the one hand, and, on the other, points in Ohio on and east of a line beginning at Lorain, Ohio and extending along Ohio State Highway 58 to Wellington, Ohio, thence along Ohio State Highway 18 to Akron, Ohio, thence along Interstate Highway 77 to Canton, Ohio, thence along U.S. Highway 30 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 119531 (Sub-No. E135), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5119 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment*, used in the manufacture, sale and distribution of metal containers and metal container closures, from Cleveland, Ohio to points in Arkansas, that part of Iowa, on and south of U.S. Highway 34 and on and west of U.S. Highway 59, Kansas, that part of Kentucky on and west of a line beginning at Maysville, Kentucky, and extending along Kentucky State Highway 11 to Heidrick, Ky., and thence along U.S. Highway 25 east to the Kentucky-Tennessee State line, Missouri, Nebraska, and Tennessee. Restriction: Restricted against movement of commodities in bulk and those requiring the use of special equipment. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of the Heekin Can Company at Cincinnati, Ohio.

No. MC 119531 (Sub-No. E149), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5319 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought







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to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, (1) between points in that part of Michigan on and south of a line beginning at Indington, Mich., and extending along U.S. Highway 10 to Saginaw, Mich., thence along U.S. Highway 23 to Bay City, Mich., and thence along the shores of Saginaw Bay and Lake Huron to Port Huron, Mich., on the one hand, and, on the other, points in Illinois on and south of Interstate Highway 70, points in that part of Indiana on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 224 to Huntington, Ind., thence along U.S. Highway 24 to the Indiana-Illinois State line, points in that part of Kentucky on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 421 to Frankfort, Ky., thence along U.S. Highway 127 to Stamford, Ky., thence along Interstate Highway 75 to the Kentucky-Tennessee State line.*

(2) Between points in that part of Michigan on and west of U.S. Highway 131, and on and south of U.S. Highway 10, on the one hand, and, on the other, points in Ohio on and south of Interstate Highway 70, and points in West Virginia;* (3) between points in that part of Michigan on and west of U.S. Highway 131 and on and south of U.S. Highway 10, on the one hand, and, on the other, points in Pennsylvania on and east of U.S. Highway 219, and points in New York and New Jersey;** and (4) from points in that part of Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, Mich., thence along U.S. Highway 23 to Bay City, Mich., and thence along the shores of Saginaw Bay and Lake Huron to Port Huron, Mich., to points in Tennessee on and east of Tennessee State Highway 13.*** The purpose of this filing is to eliminate the gateways of *Wabash, Ind., **Wabash, Ind., and Cleveland, Ohio, ***Wabash, Ind., and Cincinnati, Ohio.

No. MC 119531 (Sub-No. E169), filed May 25, 1974. Applicant: SUN EXPRESS INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Berry, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, knocked down, from Circleville, Ohio, to points in that part of Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 33 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction Michigan Highway 40, thence along Michigan Highway 40 to junction Michigan Highway 118, thence along Michigan Highway 118 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction U.S. Highway 10, thence along U.S. Highway 10 to Ludington, Mich. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC 119531 (Sub-No. E181), filed May 25, 1974. Applicant: SUN EXPRESS INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material and supplies* used in the manufacture, sale and distribution of paper and paper products (except commodities in bulk), from points in Kentucky, (except points east of Interstate Highway 65), and points in Missouri to Coshocton, Ohio. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC 119531 (Sub-No. E183), filed May 25, 1974. Applicant: SUN EXPRESS INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in, or incidental to the manufacture, sale and distribution of metal containers (except commodities in bulk, and except commodities which because of size or weight require the use of special equipment), from the plant and warehouse sites of Crown Cork and Seal Company, Inc., at Philadelphia, Pa., and the Davis Can Company, at Leetsdale, Pa., to Hoopeston, Ill. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 119531 (Sub-No. E202), filed May 25, 1974. Applicant: SUN EXPRESS INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from Three Rivers, Mich., to points in Missouri on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhauser Company at Columbus, Ind.

No. MC 119531 (Sub-No. E204), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, (1) from points in Washington, Greene, Fayette, Allegheny, Beaver Counties, Pa., to points in Kentucky and points in Indiana, on and south of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 35 to Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line*; and (2) from Washington, Greene, Fayette, Allegheny, Beaver Counties, Pa., to points in Wisconsin and Minnesota.* The purpose of this filing is to eliminate the gateways of (1) Circleville, Ohio, and (2) Circleville, Ohio, and Anderson, Ind.

No. MC 119531 (Sub-No. E225), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pulpboard and pulpboard boxes*, (1) from Chicago, Ill., to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction Interstate Highway 24, thence along Interstate Highway 24 to the Tennessee-Georgia State line,* (2) from Chicago, Ill., to points in Kentucky on and east of U.S. Highway 41*; and (B) *corrugated fibreboard sheets*, from Chicago, Ill., to Winchester, Va.* The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, Columbus, Ind., and Ashtabula, Ohio.

No. MC 119531 (Sub-No. E245), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, scrap paper and machinery*, (1) between Indiana and Illinois, on the one hand, and, on the other, points in New York, New Jersey and points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line on U.S. Highway 22 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line; and (2) between points in Illinois, on the one hand, and, on the other, points in Ohio on and east of a line beginning at Sandusky, Ohio and extending along U.S. Highway 250 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 119531 (Sub-No. E258), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans* (except in bulk), from Bradford, Pa., to points in Kentucky and points in that part of West Virginia on and west of a line starting at the Virginia-West Virginia State line and extending along U.S. Highway 21 through Charleston to its junction with Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio.

No. MC 119531 (Sub-No. E267), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority





sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Washington, Pa., to points in Kentucky (except points east of U.S. Highway 23). The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC 119531 (Sub-No. E269), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the manufacture, sale and distribution of pulpboard and pulpboard products (except commodities in bulk), from points in Kentucky (except points east of a line starting at the Indiana-Ohio State line and extending along, Kentucky Highway 55 to its junction with U.S. Highway 127 at Olga, Ky., thence along U.S. Highway 127 to the Kentucky-Tennessee State line) and points in Missouri to Fremont, Ohio. The purpose of this filing is to eliminate the gateway of Columbus, Ind.

No. MC 119531 (Sub-No. E273), filed May 26, 1974. Applicant: SUM EXPRESS, INC., Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber cylindrical containers*, from the plant and warehouse site of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in Wisconsin and points in Iowa on, west and north of a line beginning at the Iowa-Missouri State line, extending north on U.S. Highway 63 to Iowa State Highway 92, thence east on Iowa State Highway 92 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC 123685 (Sub-No. E6), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers*, (1) from those points in Ohio on, north and east of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 7 to junction Ohio Highway 250, thence along Ohio Highway 250 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio Highway 44, to Lake Erie, to points in Kentucky on and south of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 64, thence along Kentucky Highway 3 to junction Kentucky-Ohio State line, and to those points in Indiana on and west of a line beginning at Lake Michigan and extending along Interstate Highway 65, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 421, from those points in Ohio on, east and south of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 151, thence along U.S. Highway 250 to junction Ohio Highway 94, thence along Ohio Highway 94 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio-Pennsylvania State line, to points in Ohio, (3) from those points in Ohio on, north and east of a line beginning at Lake Erie and extending along Ohio Highway 94, thence along U.S. Highway 30 to junction Ohio-West Virginia State line, to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of Grief Board Corporation, at Stark County, Ohio.

No. MC 123685 (Sub-No. E9), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, SW., Massillon, Ohio 44640. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers*, from points in Williams, Defiance, Paulding, Van Wert, Fulton, Allen, Putnam, Henry, Lucas, Wood, Hancock, Hardin, Ottawa, Sandusky, Seneca, Wyandot, Marion, Crawford, Huron, Richland, Lorain, Ashland, Cuyahoga, Medina, Summit, Wayne, and Stark Counties, Ohio, to those points in Pennsylvania on, south and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-New York State line; (2) from points in Ohio on, east and north of a line beginning at Lake Erie and extending along Ohio Highway 4 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Ohio-Indiana State line, to those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line; (3) from points in Stark, Wayne, Ashland, Richland, Crawford, Wyandot, Hardin, Allen, Paulding, Van Wert, Mercer, and Auglaize Counties, Ohio, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the facilities of Grief Board Corporation, in Stark County, Ohio.

No. MC 123685 (Sub-No. E21), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd., SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bulk, in dump vehicles; (1) between those points in Ohio on, south, west, and north of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 22 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, those points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 552, thence along U.S. Highway 522 to the Pennsylvania-Maryland State line, and those points in New York on and east of New York Highway 16;

(2) Between points in Ohio on, south, west, and north of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 71 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 114, thence along Ohio Highway 114 to the Ohio-Indiana State line, on the one hand, and, on the other, those points in Pennsylvania between points in Ohio on, west, and south of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 71 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on theo ther, those points in Pennsylvania on and west of a line beginning at Lake Erie and extending along U.S. Highway 322 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC 123685 (Sub-No. E22), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road, SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*,



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*fertilizer ingredients, and pesticides*, in bulk, in dump vehicles, (1) between points in Ohio on, north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30N to junction Ohio Highway 3, thence along Ohio Highway 3 to Lake Erie, on the one hand, and, on the other, those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 6 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to junction Pennsylvania Highway 227, thence along Pennsylvania Highway 227 to junction Pennsylvania Highway 666, thence along Pennsylvania Highway 666 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line; (2) between points in Wayne, Medina, Cuyahoga, Lorain, Ashland, Huron, Erie, Sandusky, Ottawa, and Lucas Counties, Ohio, on the one hand, and, on the other, those points in West Virginia, on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line; (3) between points in Wayne, Medina, Cuyahoga, and Lorain Counties, Ohio, on the one hand, and, on the other, points in West Virginia; (4) between points in Ohio on, north and west of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 235, thence along Ohio Highway 235 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 114, thence along Ohio Highway 114 to the Ohio-Indiana State line, on the one hand, and, on the other, points in West Virginia on, south and east of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 50 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia State line. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10609 Filed 4–22–75;8:45 am]

[Notice 40]

## TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

| Temporary authority application | Final action or certificate or permit | Date of action |
|---|---|---|
| Schultz Transit, Inc., MC–118202 Sub-22 | MC–118202 Sub-25 | Oct. 17, 1974 |
| Mairs Transport Ltd., MC–119390 Sub-11 | MC–119390 Sub-13 | Do. |
| R. B. Breene Transportation, Inc., MC–125129 Sub-3 | MC–125129 Sub-2 | Oct. 11, 1974 |
| K & W Trucking Co., Inc., MC–125551 Sub-5 | MC–125551 Sub-6 | Oct. 17, 1974 |
| Road Runner Trucking, Inc., MC–125906 Sub-30 | MC–125906 Sub-31 | Oct. 15, 1974 |
| P. L. Lawton, Inc., MC–128762 Sub-9 | MC–128762 Sub-10 | Do. |
| Nebraska Beef Express, Inc., MC–131114 Sub-6 | MC–134114 Sub-1 | Sept. 26, 1974 |
| Jay Lines, Inc., MC–134323 Sub-43 | MC–134323 Sub-50 | Oct. 30, 1974 |
| Boyd Tank Lines, Inc., MC–135889 Sub-6 | MC–135889 Sub-7 | Oct. 15, 1974 |
| Marine Stevedoring Corp., MC–136181 | MC–136181 Sub-1 | Oct. 17, 1974 |
| Southern Intermodal Logistics, Inc., MC–136285 | MC–136285 Sub-1 | Sept. 26, 1974 |
| Deepwell Service, Inc., MC–136845 Sub-1 | MC–136845 Sub-2 | Do. |
| D.B.A., Hoener Trucking, MC–136851 | MC–136851 Sub-1 | Do. |
| Swift Transportation Co., Inc., MC–136897 Sub-1 | MC–136897 Sub-2 | Oct. 18, 1974 |
| Blair Cartage, Inc., MC–136981 Sub-2 | MC–136981 Sub-1 | Oct. 15, 1974 |
| Walt Keith Trucking, Inc., MC–138557 Sub-1 | MC–138557 Sub-2 | Oct. 30, 1974 |
| D.B.A., Medco Farm Lines, MC–138793 Sub-1 | MC–138793 Sub-2 | Sept. 26, 1974 |
| GRS Cartage, Inc., MC–139130 Sub-1 | MC–139130 Sub-2 | Do. |
| VI Trucking Co., MC–139363 Sub-1 | MC–139363 Sub-2 | Oct. 30, 1974 |
| Norman Michels, MC–139344 Sub-1 | MC–139344 Sub-2 | Sept. 26, 1974 |

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10494 Filed 4–22–75;8:45 am]



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PART II

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

■

## STATE ADULT EDUCATION PROGRAMS

### Financial Assistance

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Title 45—Public Welfare

## CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 166—STATE ADULT EDUCATION PROGRAMS

A notice of proposed rulemaking was published on January 21, 1975, at 40 FR 3382–3389, inviting public comments on regulations of the Secretary of Health, Education, and Welfare, prescribing certain policies and requirements with respect to financial assistance for State adult education programs under the Adult Education Act, as amended (Pub. L. 91–230). Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

In accordance with the requirements of the Education Amendments of 1974 (Pub. L. 93–380) and pursuant to the authority contained in the Adult Education Act, as amended, 20 U.S.C. 1201 et seq., the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, amends Title 45, Part 166 of the Code of Federal Regulations to read as set forth below. The Commissioner also establishes national priorities for the program for the purpose of providing guidance to the States. These priorities follow the text of the regulations.

1. *Program purpose.* The Adult Education Act provides for the encouragement of State-administered programs of adult public education. Section 306 of the Act provides for programs of instruction that will enable all adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens. Section 309 provides support for special experimental demonstration projects and for training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of the Act. Authority for the administration of section 309 was transferred from the U.S. Commissioner of Education to the State educational agencies by the Education Amendments of 1974.

2. *Section 503, Education Amendments of 1972 (Pub. L. 92–318), procedures and effect.* In accordance with section 503 of the Education Amendments of 1972, a notice of proposed rulemaking to amend these regulations (45 CFR Part 166) was published in the FEDERAL REGISTER on May 31, 1974, at 39 FR 19223, and a public hearing was held on July 2, 1974 in Washington, D.C. However, following the public hearing and before final regulations could be published in the FEDERAL REGISTER, the Education Amendments of 1974 (Pub. L. 93–380) were enacted. Inasmuch as the Education Amendments of 1974 authorize new provisions under the Adult Education Act, a second Notice of Proposed Rulemaking, which contains both the final changes resulting from the section 503 study and the new provisions of Pub. L. 93–380, was issued in the FEDERAL REGISTER on January 21, 1975.

3. *New State application procedure.* Section 434(b) of the General Education Provisions Act as added by section 511 of the Education Amendments of 1974 (Pub. L. 93–380) provides for a new State application procedure consisting of a submission of a General Application and Annual Program Plans. Regulations implementing section 434(b) will be issued by the Commissioner.

Under section 434(b)(1)(A), any State which applies, contracts, or submits a plan, for participation in any Office of Education program in which Federal funds are made available to local educational agencies through or under the supervision of the State educational agency, shall submit to the Commissioner a general application which includes five assurances. The first four assurances deal with proper administration, accounting procedures, reports, and non-supplanting of Federal funds. The fifth assurance is that the State will submit to, and have approved by, the Commissioner, an annual program plan in accordance with section 434(b)(1)(B), for each program in which the State agency wishes to participate.

Accordingly, States intending to apply for Federal funds under the Adult Education Act must submit the five required assurances. The State must also submit an annual program plan for the approval of the U.S. Commissioner of Education, before funds can be released for adult education programs. The nature and scope of the Adult Education Annual Program Plan is outlined in these regulations. These regulations are consistent with the specific State plan requirements of the Adult Education Act. All references to the "State Plan," however, have been replaced by "annual program plan" in these regulations.

4. *Comments.* The following comments, suggestions, questions and criticisms were submitted in writing in response to the proposed rules issued on January 21, 1975. After the summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no change is deemed necessary or appropriate. The comments are grouped based on the sections affected, arranged in sequence.

(1) Section 166.1 *Comment.* One commenter has suggested that in order to emphasize the applicability of the Civil Rights Regulations which effectuate the provisions of Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, an appropriate reference should be incorporated into this set of regulations.

*Response.* The General Education Provision Regulations (GEPR), particularly § 100b.262 (a) and (b), call attention to the requirement that Federal financial assistance is subject to the regulations promulgated under both Title VI of the Civil Rights Act and Title IX of the Education Amendments of 1972. The scope of section 100b of GEPR has a direct application to Part 166, Adult Education State Programs. To repeat the mandates of section 100b in Part 166 would defeat the express purpose of the General Education Provisions Regulations, which is to publish in one place regulations which affect the various education programs generally.

(2) Section 166.1(a) *Comment.* Commenters suggested that the language of § 166.1(a) which sets forth the general purpose of the Act be modified to delete the reference to "all adults." These commenters objected to this language because it would allow aliens to participate in adult education programs.

*Response.* The statement of purpose in section 302 of the Act is broad in scope and provides for "adult public education that will enable all adults to continue their education." This statutory reference to "all adults" does include aliens (one born in or belonging to another country who has not acquired American citizenship by naturalization) who are properly in this country. We assume, however, that Congress did not contemplate the Act to embrace aliens who are illegally in this country.

It should also be pointed out that in recent years, the Supreme Court has held that classifications which have a tendency to discriminate against persons of a discernible and stigmatized status to be inherently suspect. In "Sugarman v. Dougall" 413 US 634 (1973), the Court ruled that a State could not limit civil service employment to American citizens. The Court held that aliens as a class are a prime example of a discrete and "insular minority for whom heightened judicial solicitude is appropriate."

(3) Sections 166.1(a) and 166.2 *Comment.* A considerable degree of confusion was expressed by various commenters as to whether the secondary school graduate who cannot function at a level commensurate with the legislative intent of the law must be excluded from participating in adult education programs. This question arises in connection with the purpose provision of § 166.1 (a) and the definition of institutionalized person (§ 166.2) which is prefaced with the phrase "an adult * * * who does not have a certificate of graduation from a school providing secondary education * * *."

*Response.* The clear objective of the Adult Education Act (sections 302 and 306) is to expand educational opportunities for adults and encourage the development of programs which would enable all adults to continue their education to at least the level of completion of secondary school (see Sen. Rep. No. 93–763, p. 58 (1974)).

An adult who does have a certificate of graduation from a school providing secondary education but who is functioning at less than the secondary competency, is not precluded from enrolling in adult education programs. In addition, programs of a post high school nature which offer instruction to adults





to continue their education to at least the level of completion of secondary school are eligible for assistance. For example, remedial reading, writing or computational courses for individuals functioning at less than a secondary grade competency which are conducted by community colleges are eligible for assistance.

(4) Section 166.2 *Comment.* A commenter suggested amending the definition of "institution of higher education" in § 166.2 to reflect certain areas of education in which there is a need for qualified personnel in addition to the traditional fields of education for which funds have usually been provided.

*Response.* The definition of "institution of higher education" is set forth in section 303(j) as any such institution defined by 801(e) of the Elementary and Secondary Education Act (ESEA). Accordingly, the definition in ESEA has been incorporated into § 166.2. No change is deemed necessary.

(5) Section 166.6 *Comment.* A commenter objected to the requirement set forth in § 166.6(e) which directs State Advisory Councils to send an additional copy of their annual report of its recommendations to the U.S. Commissioner of Education.

*Response.* The statutory authority for this requirement is found in section 422 (a)(3) of the General Education Provisions Act, 20 U.S.C. 1231a(a)(3). This citation was inadvertently omitted from the proposed rules and, therefore, appears in the final rules after § 166.6(e). The burden placed on the councils by this requirement is minimal in view of the fact that a copy of the report must be submitted to the National Advisory Council on Adult Education. Furthermore, such a report will assist the Commissioner in measuring the effectiveness of adult education programs in the States.

(6) Section 166.11 *Comment.* A commenter suggested adding the word "improvement" in the first sentence of § 166.11(a).

*Response.* The annual program plan encompasses all activities conducted under the authority of sections 306 and 309 of the Act. The improvement of existing programs is an authorized activity under section 309. Therefore, § 166.11(a) has been amended to reflect this change.

(7) Section 166.12 *Comment.* A commenter suggested amplifying § 166.12(b) to require that plans of local educational agencies reflect a cognizance of local manpower programs in their area.

*Response.* This vital need is addressed § 166.13 (e), (f) and (g). These provisions require the State agencies in their planning process to give consideration to programs under manpower training as well as other related programs. Accordingly, no change has been made in the regulation.

(8) Section 166.12 *Comment.* Several commenters question the Office of Education's jurisdictional base in setting forth criteria and procedures in § 166.12 (b)(2) to be incorporated into the annual program plan for section 309 activities. The thrust of this argument is that such procedures severely restrict the authority vested in the States for section 309 activities.

*Response.* The list of criteria set forth in § 166.12(b)(2) does not amount to a usurpation of the State's authority in awarding section 309 grants and contracts. The purpose of incorporating these factors into the annual program plan is to assure both a proper and efficient administration of section 309 funding by the States. The regulations still leave considerable latitude to the States for the implementation of section 309.

(9) § 166.12 *Comment.* Several comments questioned the legality of mandating the annual program plan to set forth the section 309 policies and procedures in §§ 166.12(b)(2) and 166.22, asserting that there is no statutory authority for such a requirement.

*Response.* The inclusion of a requirement in the proposed regulation that the State set forth the policies and procedure under which the State must use section 309 funds in its annual program plan is not violative of the Act. States receive a single allotment to carry out the provisions of the legislation and section 306 requires that any State desiring to receive "its allotment" of Federal funds under the Act must make provisions for the utilization of "all funds" in the annual program plan. (Emphasis supplied.) Since section 309 funds are part of a State's allotment, the policies for expenditure of these funds must be incorporated into the annual program plan. Accordingly, the references to section 309 planning in §§ 166.12(b)(2) and 166.22 in the Notice of Proposed Rulemaking will be maintained.

(10) Section 166.12 *Comment.* A commenter objected to the assurance of free competition in the awarding of section 309 funds in § 166.12(b)(2)(i).

*Response.* Free and open competition is mandated in all procurement transactions of the State agency by § 100b.103 of the General Education Provisions Regulations. Since this requirement applies to all contract negotiation, the State must assure free competition in the awarding of contracts under section 309. Accordingly, § 166.12(b)(2)(i) will be amended to reflect this clarification.

(11) Section 166.12 *Comment.* Several commenters questioned the accuracy of the legal citation for § 166.12(b)(4).

*Response.* The legal citation for § 166.12(b)(4) was incorrectly published as Subpart P of 45 CFR Part 100b. The correct citation is Subpart Q. The regulation has been amended to reflect this change.

(12) Section 166.12 *Comment.* A commenter suggested that § 166.12(c) be amended to allow a specific percentage set aside for programs for the mentally handicapped who are not in institutions.

*Response.* The Cranston Amendment in section 421 of the General Education Provisions Act (20 U.S.C. 1231) prohibits any funds to be apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation. Accordingly, no change has been made in the regulations.

(13) Section 166.12 *Comment.* A commentor asked if programs for institutionalized persons under § 166.12(d) are intended to serve those in correctional institutions or those in institutions for the mentally or physically handicapped.

*Response.* "Institutionalized person," as defined in § 166.2, includes both of these target groups. Consequently, no change is necessary.

(14) Section 166.12 *Comment.* Commenters suggested that § 166.12(e) be amended to include, under programs of bilingual adult education, persons who are deaf and who use manual sign language as their medium of communication.

*Response.* Section 306(a)(11) of the Act provides that "special assistance be given to the needs of persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965) by providing bilingual adult education programs * * *." Instruction is to be given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons. It is clear from both the statutory language and legislative history of title VII of ESEA that Congress never contemplated that bilingual programs would be provided to the hearing-impaired. It should be pointed out, however, that programs for institutionalized adults serve the physically handicapped. Accordingly, no change in the regulations is deemed necessary.

(15) Section 166.13 *Comment.* Several commenters suggested the deletion of manpower development and training programs in § 166.13(f) in view of the fact that the Manpower Development and Training Act is no longer a reality.

*Response.* Although the Manpower Development and Training Act was superseded by the Comprehensive Employment Training Act (CETA), both the Adult Education Act and supporting legislative history make numerous references to coordination with manpower training programs. The House Conference Report accompanying H.R. 69 (Report No. 93–1211) requires the annual program plan to "provide for coordination with manpower development and traning programs and occupational education programs." The references to manpower training in the regulations, therefore, were purposely included. Coordination and cooperation with these related programs should be encouraged in the development of the annual program plan.

(16) Section 166.13 *Comment.* A commenter suggested amending § 166.13(f) by adding language that where adult education activity is carried out in a CETA Prime Sponsor's area, the Prime Sponsor should receive a copy of the Adult Education Annual Program Plan



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and be given the opportunity to comment upon arrangements made by the State educational agency to address the needs for adult education within the jurisdiction of the sponsorship.

*Response.* The provision for the input of a CETA Prime Sponsor during the formulation stage of the Adult Education Annual Program Plan is set forth in § 166.13(f). The State educational agency should provide the opportunity to the CETA Prime Sponsor to comment during the planning stage. This does not necessitate, however, that a formal arrangement be adopted by the State educational agency to allow final review and approval of the annual program plan by the Prime Sponsor. The Prime Sponsor should be given the opportunity to comment during the formulation of the plan.

(17) Section 166.14 *Comment.* A commenter asked whether the provision set forth in § 166.14(a) for a scheduled public meeting to review the annual program plan is mandatory.

*Response.* No legal or statutory basis exists to require scheduled public meetings to review annual program plans. However, it is recommended that the State educational agency provide for at least one public meeting each year at which the public is given an opportunity to express views concerning adult education. The proposed regulations have been amended in order to clarify this position.

(18) Section 166.15 *Comment.* A commenter questioned the utility of incorporating a reference to GEPR § 100b.29 for budget revisions in § 166.15.

*Response.* Since the express purpose of the GEPR is to publish in one place regulations which affect the various education programs generally, the reference to budget revisions in § 166.15 amounts to a duplication. Therefore, the comment has been accepted and § 166.15 (a) has been deleted in the final regulations.

(19) Section 166.22 *Comment.* A commenter posed the following hypothetical: Since a State must use not less than 15 percent of the funds allotted to it for special projects and teacher training, would an expenditure of 100 percent of the Federal funds for these activities be violative of section 309 of the Act and § 166.22 of the regulations?

*Response.* Even though no statutory ceiling is imposed in section 309 for special projects and teacher training, expenditures for 309 activities substantially above 15 percent would defeat the purpose of the Act as expressed in section 302 which is to provide instruction to enable all adults to continue their education to at least the level of completion of secondary school. The Senate Committee on Labor and Public Welfare addressed itself to this question when it reduced the amount for section 309 activities from 20 percent to 15 percent. (Sen. Rep. No. 93–1026, p. 189 (1974))

(20) Section 166.22 *Comment.* A commenter suggested that the scope of special projects set forth in § 166.22(a) be expanded to include research.

*Response.* Section 309 of the Act does not prescribe authority for research. Section 306(a)(4) of the Act, however, does provide authority for grants to public and private non-profit agencies for research. Under the statute, only grants may be used for research.

(21) Section 166.23 *Comment.* Numerous comments recommended that "individuals" be deleted as eligible applicants for special demonstration and teacher training projects in § 166.23 (a)(4). A variety of factors were indicated in these comments for the deletion of "individuals," especially because the category was deemed too broad and because the category provides no protection to the section 309 program from those whose primary interest might be self promotion.

*Response.* In view of the fact that Congress did not impose any prohibitions on the list of eligible recipients for section 309 projects, individuals would appear to be eligible unless a State has a duly issued proscription against State's grants and contracts to individuals. Therefore, no change has been made in § 166.23 at this time.

(22) Section 166.25 *Comment.* Commenters suggested the deletion of printing national priorities by the U.S. Office of Education in § 166.25 because they are not specifically mandated by statute.

*Response.* The purpose of publishing national priorities is to provide a clear perspective on the adult education program in order to assure coordination and to assure that the direction of the Federal effort in this area is meeting the pressing needs of the consumer. The national priorities will allow the State agencies to be aware of what the Commissioner considers important in the field of adult education. The statutory authority for requiring State education agencies to set forth in their annual program plans an indication as to how State priorities relate to the national priorities is found in section 422(a)(1) and 422(a)(3) of the General Education Provisions Act (20 U.S.C. 1231a(a)(1); 20 U.S.C. 1231a(a)(3)). The textual language of § 166.25 emphasizes the fact that the national priorities are only advisory. The State may take these priorities into consideration for their guidance in the development of the annual program plan. No change has been made in the regulations.

(23) Section 166.30 *Comment.* A commenter suggested that § 166.30(a) (redesignated as § 166.28(a) in the regulations) be expanded to include Assistant Regional Commissioner of Occupational and Adult Education Programs in the dissemination of information.

*Response.* In light of section 403(c)(2) of the General Education Provisions Act, as added by section 503 of Pub. L. 93–380, this comment has been accepted and § 166.28(a) has been amended accordingly. Subparagraph B of section 403(c)(2) provides that regional offices shall serve as centers for the dissemination of information and shall provide technical assistance to State and local educational agencies. In order to fulfill this responsibility, each State educational agency should submit to the appropriate regional office copies of final reports and evaluation reports of special projects and teacher training programs.

(24) Section 166.41 *Comment.* A commenter suggested that the requirement in § 166.41 for the expenditure of Federal funds in accordance with "adult education" be changed to read "the provisions of this Act."

*Response.* The suggested language that all Federal funds must be expended for activities related to "the provisions of this Act" constitutes a more accurate interpretation of the legislation. The regulations, therefore, have been amended to reflect this comment.

(25) Section 166.42 *Comment.* The National Advisory Council on Adult Education (NACAE) expressed a strong reservation about the limitation on the administrative expense provision in § 166.42. It is the opinion of NACAE that there is no limitation prescribed in section 313(b) of the Act.

*Response.* Section 313(b) of the Adult Education Act authorizes an additional appropriation not to exceed five percent of the amount of a State's allotment to pay the cost of administration of its State plan and other activities. The appropriations for each fiscal year, however, disregarded the bifurcation of appropriation between sections 313(a) and 313(b) and instead, set forth a single lump sum appropriation. As a result of this funding pattern, it was decided that Congressional intent could best be carried out if the appropriation for adult education were divided into 105 parts, of which not more than five parts were available for administrative costs. We understand the gravity of the problems raised by this limitation, yet it should be pointed out that any change must be made by Congress, not by the U.S. Office of Education. No change has been made in § 166.42 at this time.

(26) Section 166.45 *Comment.* Many comments have been received concerning the prohibition on tuition and fees in § 166.45. The scope of these comments range from total support for the present language to total rejection of § 166.45. The thrust of the argument in favor of tuition and fees is that such funds would be used to help defray the rapid rise in costs of materials, the increase in enrollment and the rise in teacher salaries. Some commenters also pointed out that if the adult has provided some monies toward his education, he or she will "feel better about the program" and it will provide the individual with an incentive to attend more regularly. Those commenters recommending that the language stand as it is have emphasized the fact that charging students for costs would subvert the original intent of the adult basic education legislation.

*Response.* It is clear that many local school districts have historically required students to pay a portion of the fee for adult secondary programs (if they are





able to pay). We also recognize the possibility that the imposition of this rule on adult secondary programs may cause some States to spend no Federal dollars in this area, report no sturents, and thus might jeopardize their current viable programs and might impede many innovative adult secondary programs. Consequently, § 166.45 has been amended so as not to prohibit the charging of fees for adult secondary programs.

This increased flexibility for the States does not exempt them from the mandate of § 100b.58 of the General Education Provisions Regulations which requires that tuition and fees collected from students enrolled in such courses as adult secondary programs may not be included as part of the Federal or non-Federal share of expenditures under the Adult Education Act.

The prohibition on charging tuition and fees for adult basic education programs has been retained in § 166.45. The legislative priority for enrollment in these programs calls for serving the disadvantaged. These students are the ones least likely to be able to afford tuition costs.

(27) Section 166.52 *Comment.* A commenter questioned the utility of requiring State educational agencies to submit along with their annual program plan a copy of any adult education legislation enacted by the State. (§ 166.52(d)(4))

*Response.* The transmission of any State legislative action bearing on adult education to the U.S. Office of Education will have a catalytic effect on the future planning of adult education at the national level. Also, this information is crucial during the review process of annual program plans. The statutory authority for this requirement in § 166.52(d)(4) is found in section 422(a)(3) of GEPA.

(28) Appendix A *Comment.* A. commenter suggested that Appendix A(16) (redesignated as (13)) should be revised to read "that not more than 20 percent of the total funds used * * * for institutionalized adults." The proposed rule was drafted in terms of "funds available" rather than "funds used."

*Response.* Since the computation of the 20 per centum would vary depending on whether the total represents "funds used" or "funds available", Appendix A (13) has been amended to reflect the former. This change is consistent with section 306(a)(1) of the Act.

5. *Consolidation of §§166.26 and 166.12(b)(4).* The provisions relating to third-party evaluations of projects funded under section 309 of the Act as set forth in § 166.26 (a) and (b) duplicate the regulatory language in § 166.12(b)(4). This latter section imposes the requirement that the annual program plan shall describe procedures which will be used for conducting annual evaluations of all the activities which are carried out in the year for which funds are sought. The reference to "activities" in the proposed rules encompasses all projects under the authority of sections 306 and 309 of the Act. Accordingly, § 166.12(b)(4) has been amended to clarify the scope of the provision. Also, § 166.26 has been eliminated in its entirety since the substantive content of this regulation is contained in § 166.12(b)(4). With the deletion of § 166.26, corresponding changes have been made to the numbering of §§ 166.27 through 166.30.

The annual evaluation for sections 306 and 309 activities must be submitted to the U.S. Commissioner of Education. Whereas proposed rule § 166.26 required an independent third-party evaluation, the final rule set forth in § 166.12(b)(4) allows the evaluation to be conducted either by the State agency or by other parties. The annual program plan must set forth the specific criteria which will be used in assessing the effectiveness of the activities. If the evaluation is conducted by the State agency, the annual program plan should also set forth the evaluation instruments to be applied. This modification will allow the State agency more flexibility in setting forth its own procedures for evaluation of section 309 projects; the change is also more realistic in view of the fact that some States could not afford the cost of independent third-party evaluations.

6. *State matching requirement under section 307(a) of the Act.* Some confusion has arisen in the interpretation of the statutory matching requirement set forth in section 307(a), which reads: The Federal share for each State shall be 90 per centum * * *." The ambiguity which has been demonstrated is whether the State share is calculated as 10 per centum of the total Federal allotment or 10 per centum of the total local, State and Federal expenditure. In order to receive the Federal allotment, a State must adhere to the latter formula. For example, if the total Federal allotment for FY 75 is $900,000, then the total local, State and Federal expenditure must be at least $1,000,000. Thus the State and local share would be a minimum of $100,000, not $90,000. If, hypothetically, a State calculates its matching as 10 per centum of the Federal allotment (10% of $900,000=$90,000) then under this example, it would fail to meet its statutory obligation by $10,000 ($100,000—$90,000=$10,000).

7. *Effect of Office of Education General Provisions Regulations.* These regulations omit provisions relating to general fiscal and administrative matters which are covered under the overall Office of Education General Provisions Regulations (GEPR), published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of Part 100b of Title 45 of the Code of Federal Regulations containing general provisions for State-administered programs, including civil rights assurances contained in § 100b.262, which are applicable to the State-administered programs under the Adult Education Act.)

8. *Priorities for programs of national significance.* Based on the findings of surveys and studies conducted by the U.S. Office of Education, recommendations of the National Advisory Council on Adult Education, and on evaluations by State educational agencies, the Commissioner has suggested that the priorities set forth in Appendix B of this part merit special consideration by the States in planning activities to meet the special project and personnel training needs of their adult education programs.

9. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

10. *Other changes.* Certain other minor and technical changes were made in order to correct omissions and typographical errors printed in the proposed regulations. Some of these oversights were pointed out in the written comments.

11. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.400, Adult Education—Grants to States)

Dated: April 7, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 17, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

**Subpart A—General**


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AUTHORITY: Secs. 302–314 of Pub. L. 89–750, as amended; 84 Stat. 159–164 (20 U.S.C. 1201–1211a), unless otherwise noted.

## Subpart A—General

### § 166.1 Purpose, scope and other references.

(a) *Purpose.* The regulations in this part implement the provisions of the Adult Education Act which provides Federal assistance to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at least the level of completion of secondary school thus making available the means to secure training that will enable them to become more employable, productive and responsible citizens.

(20 U.S.C. 1201)

(b) *Scope.* The regulations in this part cover grants to States for adult basic education, adult secondary education, and other adult education programs pursuant to section 304 of the Act.

(20 U.S.C. 1201)

(c) *General Education Provisions Regulations.* Assistance provided under this part is subject to applicable provisions contained in subchapter A of this Chapter (entitled "General Provisions for Office of Education Programs") relating to fiscal, administrative, property management and other matters, hereinafter called "General Education Provisions Regulations" (GEPR).

(20 U.S.C. 1201, 1221)

### § 166.2 Definitions.

The terms "adult," "adult education," "adult basic education," "community school program," "local educational agency," "State," "State educational agency," and "academic education," as used in this part, are defined in section 303 of the Act.

(20 U.S.C. 1202)

"Act," means the Adult Education Act.

(20 U.S.C. 1201 (note on short title))

"GEPR" means the "General Education Provisions Regulations" (entitled "General Provisions for Office of Education Programs"), which may be found in Subchapter A of this chapter.

The term "nonprofit," "private," and "public agency" as used in this part, are defined in § 100.1 of GEPR.

"Institutionalized person" means (1) an adult sixteen years of age or older who does not have a certificate of graduation from a school providing secondary education, or does have a certificate of graduation from a school providing secondary education but is functioning at less than a secondary competency, and is not currently required to be enrolled in school and is an inmate, patient, or resident of a penal institution, reformatory, residential training school, orphanage, or general or special institution, or hospital; or (2) an adult in a residential school for the physically or mentally handicapped.

The term "limited English-speaking ability," when used with reference to adults, means adults who come from environments where a language other than English is dominant, and, by reason thereof, have difficulty speaking and understanding instruction in the English language.

(20 U.S.C. 880b–1)

"Institution of higher education" means an educational institution in any State which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(b) Is legally authorized within such State to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationality recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: Provided, however, that in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purpose of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(20 U.S.C. 801; 20 U.S.C. 1202)

## Subpart B—State Advisory Councils

### § 166.4 Establishment and certification.

(a) *Establishment.* Each State which receives funds under section 304 of the Act and the regulations in this part for any fiscal year may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council, which shall be, or has been, appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agency are elected (including election by the State legislature), by such board.

(b) *Certification.* The State educational agency shall notify the U.S. Commissioner of Education of the establishment of, and membership of, its State advisory council. The notification shall be attached to the State plan or be submitted as an amendment thereto in such cases where an advisory council is established after the State plan has been approved. Such notification shall include the name, education, experience, and current position of each person serving on the State advisory council and shall specify which interest under § 166.5 each person represents. Forms for the certification of State advisory councils may be obtained from the U.S. Office of Education, Division of Adult Education, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202. Upon receiving such notification, the Commissioner shall, as appropriate, certify that each such council is in compliance with the membership requirements set forth in the Act and in this subpart.

(c) *Funding.* A State advisory council which is funded solely from non-Federal sources which are not part of the 10 per





centum State matching is not required to comply with the statutory requirements of section 310A of the Act nor §§ 166.4 through 166.10.

(20 U.S.C. 1208b)

### § 166.5 Membership.

In order to effectively reflect the diverse interests and needs of the general public served by the Act, the membership of the State advisory council should include a significant proportion of women, the elderly, minorities, and educationally disadvantaged. The membership of the council shall also be organized to include:

(a) Persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State;

(b) Persons who are receiving or have received adult educational services; and

(c) Persons who are representative of the general public.

(20 U.S.C. 1208b)

### § 166.6 Functions and responsibilities.

The State advisory council shall:

(a) Advise the State educational agency on the development and administration of the State plan approved pursuant to the Act and the regulations in this part;

(b) Advise the State educational agency on policy matters arising in the administration of the Act and the regulations in this part;

(c) Advise the State educational agency with respect to long-range planning;

(d) Advise the State educational agency with respect to studies for evaluating adult education programs, services, and activities assisted under the Act; and

(e) Prepare and submit to the State educational agency, the National Advisory Council on Adult Education, established pursuant to section 311 of the Act, and the U.S. Commissioner of Education, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

(20 U.S.C. 1208b; 20 U.S.C. 1231a(a)(3))

### § 166.7 Meetings and rules.

Each State advisory council shall meet within 30 days after certification by the Commissioner and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council. Such rules shall provide for not less than four meetings each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.

(20 U.S.C. 1208b)

### § 166.8 Staff.

Each State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under the act.

(20 U.S.C. 1208b)

### § 166.9 Compensation.

Members of the State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation in accordance with State law, regulations, and practices applicable to persons performing comparable duties and services.

(20 U.S.C. 1208b)

### § 166.10 Allowable costs.

Costs incurred by State advisory councils established pursuant to section 310A of the Act are allowable expenditures of Federal funds granted to the States under section 305 of the Act and of the non-Federal share of State and local funds necessary to earn such Federal funds.

(20 U.S.C. 1203; 1208b)

## Subpart C—Annual Program Plan Provisions

### § 166.11 Annual program plan; general.

(a) *Purpose.* The purpose of the annual program plan is to provide a framework within which the State will encourage the establishment, expansion, and improvement of programs to carry out the purpose set forth in § 166.1(a), and to provide the basis on which Federal payments to the State under this part are made. State agencies desiring to participate under the Act must submit an annual program plan in accordance with the requirements of the Act and the regulations in this part. Such plan shall include a description of the adult education needs of the State, services and activities to meet those needs, a schedule of implementation, and procedures for evaluating program effectiveness.

(b) *Format.* The annual program plan consists of the cover sheet and the State-Federal agreement (the texts of both are attached as Appendix A of this part. The annual program plan must be submitted annually to the U.S. Commissioner of Education through the Assistant Regional Commissioner, Occupational and Adult Education Programs, and received in the appropriate DHEW Regional Office on or before the last day of the fiscal year preceding that for which funds are sought.

(20 U.S.C. 1205a; 20 U.S.C. 1232c)

### § 166.12 Annual program plan for use of grants.

(a) *General.* (1) The State agency must develop an annual program plan for establishing or expanding adult basic education programs, adult secondary education programs, and other adult education programs to be carried out by local educational agencies and public and private nonprofit agencies in the State. The annual program must meet applicable requirements, including those set forth in the Act, section 434(b)(1)(B) of the General Education Provisions Act, the regulations in this part, the GEPR contained in Subchapter A of this Chapter, and the State-Federal agreement contained in Appendix A of this part, and must be developed and operated in accordance with the policies, procedures and criteria established by the State pursuant to §§ 166.12(b) and 166.13.

(2) The annual program plan must be revised each year to reflect proposed activities for the ensuing fiscal year, and must be submitted to the U.S. Commissioner of Education for approval in accordance with the requirements set forth in section 434(b)(1)(A) of the General Education Provisions Act.

(b) *Content.* (1) The annual program plan must set forth the annual objectives and priorities of the State for meeting the objectives of sections 306 and 309 of the Act. This plan must also contain a statement of the policies, procedures and criteria to be followed by the State agency in approving local educational agency and public and private nonprofit agency programs which will assure substantial progress in the establishment or expansion of adult basic education, adult secondary education programs, and other adult education programs.

(2) The annual program plan shall set forth the policies, procedures and criteria to be used by the State educational agency to administer section 309 of the Act. The annual program plan shall include such criteria and procedures for each of the following functions:

(i) General announcement of the availability of Federal funds for special projects and teacher training. The State must assure compliance with the procurement standards of Subpart I of Part 100b of GEPR.

(ii) Establishment of statewide priorities in adult education;

(iii) Criteria for the review of special projects and teacher training applications;

(iv) Procedures for submission of applications;

(v) Criteria for the establishment of application review panels, if such panels are to be used;

(vi) Criteria for the selection of participants for teacher training projects;

(vii) Procedures for the disposition of applications;

(viii) Procedures for hearings, as required by section 425 of the General Education Provisions Act;

(ix) Program evaluation procedures;

(x) Allowable costs;

(xi) Provisions for stipends and travel allowances for teacher training participants;

(xii) Report requirements; and

(xiii) Procedures for the dissemination of project results.

(3) The information to be provided in the annual program plan, in accordance with paragraphs (b)(1) and (2) of this section, shall be in sufficient detail that it will be possible for the U.S. Commissioner of Education to determine if



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the provisions of the Act and these reg- for establishing and carrying out adult



plan provisions and amendments thereto

### § 166.22 Eligible projects.

of the Act will be available from the ap-

the provisions of the Act and these regulations are being administered in an efficient and prudent manner, and to determine whether and to what extent substantial progress (with respect to all appropriate segments of the adult population in need of adult education, including institutionalized persons and persons of limited English-speaking ability) is being made in meeting the educational needs of adults in all areas of the State.

(4) The annual program plan shall describe procedures which will be used for conducting an annual evaluation of all activities (sections 306 and 309 of the Act) which shall be carried out in the year for which funds are sought. The procedures should describe the specific criteria which will be used in assessing the effectiveness of the program or project. Such annual evaluation should be conducted either by the State agency or by other parties. The annual program plan should set forth the evaluation instruments to be applied in the annual evaluations conducted by the State agency. A copy of any reports of such evaluations shall be sent to the U.S. Commissioner of Education. Results of the evaluation must also be reflected, as appropriate, in the performance report which must be submitted annually with the Financial Status Report in accordance with Subpart P of the GEPR.

(20 U.S.C. 1205(a); 45 CFR Part 100b; Subpart Q, 20 U.S.C. 1231a(a)(3))

(c) *Programs.* Funds available under this Act may be used to assist in establishing or carrying out adult basic education programs and programs of secondary equivalency or for a certificate of graduation from a secondary school. Persons having a certificate of graduation from a school providing secondary education but functioning at less than a secondary competency are eligible for participation in such programs. The total annual expenditure of funds available under this part for adult secondary education shall in no event exceed 20 percent of the total annual allotment of Federal funds granted to the State under section 305 of the Act. No limitation is made on the amount of State and local funds (including those State and local funds that are necessary to earn such Federal funds) that may be used by the State for adult secondary education programs. For example, a State's Federal allotment is $100,000. The State must not use more than $20,000 (20% of $100,000) of this Federal allotment for adult secondary education. The State may add any amount of its own funds to the $20,000 for adult secondary education programs.

(20 U.S.C. 1201)

(d) *Programs for institutionalized persons.* Each State educational agency may use not more than 20 percent of the total funds expended during any fiscal year (including State and local funds necessary to earn Federal funds, and including any funds brought forward from the prior year allotment) under this part for establishing and carrying out adult basic education programs or adult secondary education programs for institutionalized adults. For example, a State's Federal allotment is $90,000. The State matches with $10,000 for its adult education program. The State must not use more than $20,000 of its total adult education funds (20% of $100,000 for carrying out programs for institutionalized adults. The percentage of the Federal allotment that is used for adult secondary education programs for institutionalized persons must be added to the percentage of the Federal allotment that is used for public adult secondary education programs for a combined total expenditure of not more than 20 percent of the total Federal allotment for any given fiscal year.

(e) *Bilingual adult education programs.* The State educational agency shall be responsible for providing bilingual adult education programs for persons of limited English-speaking ability (as defined in § 166.2). By providing bilingual adult education programs in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons.

(20 U.S.C. 1201, 1203(b), 1205(a); Senate Report No. 634, 91st Congress, 2nd Sess., p. 71 (1970); 20 U.S.C. 1232, 1231b–2; 20 U.S.C. 880b–1)

### § 166.13 Development of program policies, procedures and criteria.

In developing the policies, procedures and criteria referred to in § 166.12(b)(1), the State agency must give consideration to such factors as to whether and to what extent a program:

(a) Will serve adults, including institutionalized persons and persons with limited English-speaking ability, in those geographic areas of the State which have high concentrations of adults in need of basic education;

(b) Will serve adults with the greatest basic educational deficiencies which are impairing their ability to obtain employment and become more productive and responsible citizens;

(c) Will provide special assistance for persons of limited English-speaking ability by providing bilingual adult education programs in which instruction is given in English and to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons. The bilingual adult education programs shall be carried out in coordination with programs of bilingual education assisted under Title VII of the Elementary and Secondary Education Act of 1965, as amended, and bilingual vocational education programs under the Vocational Education Act of 1963, as amended;

(d) Will meet the need for adult secondary programs in the State to the fullest extent possible with funds provided by the Act and set forth in § 166.12(c);

(e) Has been planned and will be conducted in cooperation with Community Action programs, Work Experience programs, VISTA, Work-Study programs, programs designed to provide reading instruction for adults, and other programs relating to the antipoverty effort;

(f) Has been planned and will be conducted in cooperation with manpower development and training programs, including programs under the Comprehensive Employment and Training Act (CETA), and occupational education programs;

(g) Has been planned and will be conducted in cooperation with other State and local community school programs, consumer education programs, career education programs, metrication education programs for adults, equal education programs for women, bilingual instructional programs for persons with limited English-speaking ability, and with agencies responsible for institutionalized persons;

(h) Will provide health information and services, to the extent available, through cooperative arrangements with State health authorities and will further the cooperative arrangements between the State educational agency and the State health authority for the use of such information and services;

(i) Incorporates the results of research or techniques which have proven to be effective;

(j) Incorporates innovative or imaginative instructional methods; and

(k) Is desirable in light of the findings and recommendations of recent independent evaluation reports available to or sponsored by the State agency.

(20 U.S.C. 1205(a); 20 U.S.C. 880b–1)

### § 166.14 Certification of annual program plan.

(a) *Certification by State educational agency.* The annual program plan and any amendments thereto, as required by §§ 166.12 and 166.15, shall include an attachment, executed by the authorized official of the State educational agency to submit the annual program plan, which certifies to the effect that: (1) The plan or amendment has been adopted by the State educational agency, and (2) the plan, or plan as amended, will constitute the basis for operation and administration of the adult education program in which Federal financial participation will be made.

(20 U.S.C. 1205(a))

(b) The State educational agency shall provide for a review of the annual program plan by the State advisory council, if such council exists. The State agency is also encouraged to provide for at least one scheduled public meeting for review of the annual program plan.

(20 U.S.C. 1208b)

(c) *Certification by the State's Attorney General.* The State plan and all amendments thereto shall include a certification by the State's Attorney General, or other official designated in accordance with State law to advise the State agency on legal matters, that all





plan provisions and amendments thereto are consistent with State law. The Attorney General must further certify (a) the official title of the officers authorized to submit the annual program plan; (b) that the State agency named in the plan has authority under State law to submit the annual program plan; and (c) that the State Treasurer (or, if there should be no State Treasurer, the officer identified by title exercising similar functions for the State) has authority under State law to receive, hold, and disburse Federal funds under the annual program plan.

(20 U.S.C. 1205(a))

### § 166.15 Amendment of annual program plan.

(a) The annual program plan must also be amended as necessary to reflect any change in organization or operation which results from an amendment of State or Federal laws and policies, and to show any other changes in the designation or organization of operations, policies, and methods of administration to be followed by the State. Notification of such amendments will be submitted and certified in the same manner as the annual program plan.

(20 U.S.C. 1205(a); 20 U.S.C. 1232c(b))

### § 166.16 Approval of annual program plan.

(a) *Governor's comments.* The State educational agency must afford the Governor of such State an opportunity to comment upon the annual program plan or any amendment thereto in accordance with GEPR § 100b.15 and assurance (13) of the State-Federal agreement contained in Appendix A to the regulations in this part.

(20 U.S.C. 1205(a))

(b) *Approval by the Commissioner.* The Commissioner will not approve an annual program plan or amendment thereto unless he determines that the plan or amendment complies with all applicable requirements. The Commissioner will not finally disapprove an annual program plan or any modification thereof without first affording the State reasonable notice and opportunity for a hearing.

(20 U.S.C. 1205(a) and (b))

## Subpart D—Special Experimental Demonstration Projects and Teacher Training

### § 166.21 Applicability.

(a) The regulations in this subpart apply to Federal assistance provided by the State educational agency for special projects in adult education under subsection (1) and adult education personnel training under subsection (2) of section 309 of the Act.

(b) Assistance provided under this subpart is subject to applicable provisions contained in the Act, the regulations in this part, and the GEPR.

(20 U.S.C. 1208)

### § 166.22 Eligible projects.

The State educational agency shall establish and set forth in its annual program plan the policies and procedures under which it will use not less than 15 percent of the funds allotted to it for any given fiscal year under section 305 of the Act for special projects and teacher training, as prescribed by section 309 of the Act. The State educational agency shall use not less than 15 percent of each annual Federal allotment which is reserved for the purposes of section 309 of the Act to provide support for both special projects and teacher training programs. The distribution of such funds among special projects and teacher training shall be determined by the State educational agency in light of the overall objectives of its annual program plan.

(a) *Special projects.* From each annual Federal allotment to the State educational agency for the purposes of the Act, funds will be available under section 309(1) for special projects which:

(1) Involve the use of innovative methods, systems, materials, or programs which:

(i) may have national significance, or

(ii) may be of special value in promoting effective programs under the Act; or

(2) Involve programs of adult education which are part of a community school program, carried out in cooperation with other Federal, or federally assisted State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

(b) *Teacher training.* From each annual Federal allotment to the State educational agency, funds will be available under section 309(2) of the Act to train persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this Act.

(20 U.S.C. 1208)

### § 166.23 Eligible applicants.

(a) *Special projects and teacher training.* Federal funds authorized for the purposes of section 309 of the Act may be used for grants, contracts, or other arrangements, if appropriate under applicable State laws, to provide support for special projects and teacher training. Eligible recipients include the following:

(1) State educational agencies;

(2) Local educational agencies;

(3) Public and private agencies, institutions, and organizations; and

(4) Individuals (unless precluded by State law).

(20 U.S.C. 1208)

(b) *Ineligible applicants.* No funds may be used from the State's allotment under this part for programs conducted by any school or department of divinity, as defined in section 312 of the Act.

(20 U.S.C. 1210)

### § 166.24 Project applications.

(a) Funds to support special projects and teacher training under section 309 of the Act will be available from the appropriate State educational agency. Information on policies and procedures for applying for such support may be obtained from the State educational agency.

(b) In its use of section 309 funds, the State educational agency may not assign any part of its responsibility to another agency. This does not, however, prevent a State agency from exercising its authority under the Act to coordinate activities with other Federal, or federally assisted, State and local programs, nor prevent two or more applicants in one or more States from conducting a joint program or project (including a planning project).

(c) A State educational agency may award funds under section 309 of the Act to eligible applicants outside the boundaries of the State if such an award is deemed to be in the best interest of the State in meeting the purposes of the Act.

(20 U.S.C. 1208)

### § 166.25 Establishment of national priorities in adult education.

Based on the findings of surveys and studies conducted by the U.S. Office of Education and other related agencies of DHEW, recommendations of the National Advisory Council on Adult Education, and on evaluations by State educational agencies, and State advisory councils, if such councils exist, the U.S. Office of Education will review and identify, for the guidance of the State educational agencies and findings from other research communities, national priorities annually in the field of adult education and, as necessary, will publish current priorities in the FEDERAL REGISTER. The State educational agency may take these priorities into consideration for its guidance in the development of its annual program of priorities and objectives under the annual program plan. Each State is requested in its annual program plan to indicate how the priorities established by the State agency related to the published national priorities. Such national priorities are contained in these regulations as Appendix B.

(20 U.S.C. 1231a(a)(1); 20 U.S.C. 1231a(3)(3))

### § 166.26 Allowable costs.

(a) Allowable costs of programs and projects funded under the Act shall be in accordance with § 100b, Subpart G, and Appendix B, C, or D (as appropriate) of GEPR.

(b) Participants in teacher training programs funded under the Act and these regulations may receive support and travel allowances. Such support and travel allowances, if paid, shall be in accordance with State law, policies and procedures.

(c) With respect to teacher training programs under section 309(2) of the Act, only those allowances which are provided for in applicable State law, policies and procedures, and under the provisions of Subpart G and Appendix



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B, C, or D (as appropriate) of GEPR may be included as direct costs of the project.

(20 U.S.C. 1208; 45 CFR 100b)

**§ 166.27 Reporting requirements for special projects and teacher training.**

In order for the State educational agency to comply with Federal reporting requirements, as set forth in § 166.52 of these regulations, and Subparts P and Q of 45 CFR 100b, recipients of funds administered under section 309 of the Act shall submit, as a condition of funding, such reports as the State educational agency deems necessary.

(20 U.S.C. 1205(a)(8))

**§ 166.28 Dissemination of results of projects.**

(a) The State educational agency shall develop and set forth in its annual program plan procedures for providing a copy of final reports and evaluation reports of special projects and teacher training programs supported under section 309 of the Act to:

(1) The U.S. Commissioner of Education;

(2) The Clearinghouse on Adult Education; and

(3) The Assistant Regional Commissioner, Occupational and Adult Education Programs, in the appropriate DHEW Regional Office.

(b) Except for the requirements contained in paragraphs (a) (1), (2) and (3) of this section, it shall be the responsibility of the State educational agency to distribute (as the State agency deems appropriate) the results of projects supported under section 309 of the Act.

(20 U.S.C. 1208-1)

**Subpart E—Federal Financial Participation**

**§ 166.41 Use of Federal funds.**

All Federal funds (and State or local funds necessary to earn such Federal funds) must be expended in accordance with applicable requirements and only for programs, services, and activities related to the provisions of this Act. The annual program plan shall set forth a program for the use of grant funds which affords assurance that in all areas of the State, special emphasis will be given to adult basic education needs in accordance with the policies, procedures, criteria and considerations established in accordance with §§ 166.12(b) and 166.13.

(20 U.S.C. 1205(a))

**§ 166.42 Limitation on administrative expenses.**

The U.S. Commissioner of Education shall determine annually (based upon the amounts so appropriated for this purpose or, in the absence of such appropriation, in amounts based upon the funds appropriated pursuant to section 313(a) and the limitation prescribed in section 313(b) of the Act) the maximum allowable amount awarded pursuant to section 313(b) of the Act. The non-Federal share of funds available under the State plan may also be utilized to pay such administrative costs.

(20 U.S.C. 1211)

**§ 166.43 Federal and non-Federal share of expenditures.**

(a) *Federal share.* The Federal share of expenditures incurred under the State plan and payable to a State from its allotment shall not exceed 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

(20 U.S.C. 1206(a))

(b) *Non-Federal share.* The non-Federal share of expenditures under the State plan shall be the difference between the Federal share meeting the requirements of paragraph (a) of this section and the total expenditures for the purposes for which the Federal share is paid. The non-Federal share of expenditures under the State plan may be computed on a statewide basis and may come from any source other than Federal assistance for a specific purpose so long as such expenditures are made in furtherance of the purposes of the State plan approved under this part and do not inure to the personal benefit of any donor. The criteria and procedures for determining the allowability and valuation of inkind contributions applicable to State agencies for the purpose of meeting the non-Federal share are included in Subpart H of Part 100b of the GEPR.

(20 U.S.C. 1206(a))

**§ 166.44 Use of funds for sectarian or religious purposes.**

No payment may be made from a State's allotment under the Act for any program, service, or activity related to sectarian instruction or religious worship, or provided by a school or department of divinity, as defined in section 312 of the Act. An institution which has a school, branch, department, or other administrative unit within the definition of "school or department of divinity" is not precluded for that reason from participating in programs, services, or activities under this part if the program is not offered by that school, branch, department, or administrative unit and, as in all other cases, the program, service, or activity is not related to sectarian instruction or religious workship.

(20 U.S.C. 1212)

**§ 166.45 Tuition and fees.**

Adults enrolled in adult basic education programs may not be charged tuition, fees, or any other charges, or be required to purchase any books or any other materials that are needed for participation in the program.

(20 U.S.C. 1203(b), 1205(a)(1); 45 CFR 100b, Subpart G)

**Subpart F—Payments and Reports**

**§ 166.51 Conditions for payments to States.**

(a) *Approved State plan.* Payments to States under the Act will be made only after the Commissioner has approved the State plan submitted in accordance with the requirements of the Act, these regulations, and GEPR.

(b) *Maintenance of effort.* The State shall certify to the Commissioner that there will be available for expenditure by the State, including its political subdivisions, for adult education from non-Federal sources during the fiscal year for which the allotment is made an amount equal to not less than the total amount expended for such purposes from such sources during the preceding fiscal year. No State will be required to use its funds to supplant any portion of the Federal share.

(20 U.S.C. 1206)

**§ 166.52 Reports.**

(a) *Financial reports.* The State agency shall submit financial reports annually, 90 days after the end of the grant year, in accordance with Subpart P of Part 100b of the GEPR.

(b) *Performance reports.* The State agency shall submit performance reports annually, 90 days after the end of the fiscal year, in accordance with Subpart Q of Part 100b of the GEPR.

(c) *Independent evaluations.* The State shall forward to the Commissioner a copy of any independent evaluations of projects and programs (including projects under section 309 and programs of instruction under section 306 of the Act).

(d) *Other records.* (1) Within 15 days after the approval of a project under section 306(a)(4) or section 309 of the Act, the State agency is requested to provide the Commissioner with an informational copy of each proposal approved for funding. The State agency shall submit to the Commissioner, within 120 days after completion of the project, copies of final reports of programs or projects conducted by awardees under section 306(a)(4) and section 309 of the Act;

(2) The State educational agency shall submit, within 60 days after the end of any fiscal year, a report on the use of Federal funds as required by section 437(a) of the General Education Provisions Act;

(3) The State educational agency shall provide, in accordance with section 424 of the General Education Provisions Act, a compilation of all projects for each fiscal year in which funds under sections 306(a)(4) and 309 of the Act are used to carry out such programs. Such compilation shall be indexed according to subject, descriptive terms, and location. Such indexing shall be in accordance with guidelines to be provided by the U.S. Office of Education, Clearinghouse on Adult Education; and

(4) The State educational agency shall submit along with its annual program plan a copy of any adult education legislation enacted by the State and a summary of the approved level of fund-

(20 U.S.C. 1201-1211a; 45 CFR Part 100b, Subparts P and Q; 20 U.S.C. 1231a, 1231(b), 1232c, 1232f)





APPENDIX A

COVER SHEET

ANNUAL PROGRAM PLAN FOR ADULT EDUCATION PROGRAMS

Annual program plan for Adult Education Programs under Adult Education Act.
Amendment to Annual program plan for Adult Education Programs under Adult Education Act.
Submitted by the State of _____
in accordance with the provisions of the Adult Education Act and the Regulations promulgated thereunder.

Submitted by _____
(Name of State agency)
on _____
(Date)
By _____
(Authorized official)
_____
(Title)

To be completed by the Office of Education:

Date on which plan or amendment is effective _____

Approval recommended _____
(Assistant Regional Commissioner, Occupational and Adult Education Programs)
_____
(Date)

Concurred _____
(Deputy Commissioner for Occupational and Adult Education)
_____
(Date)

Approved _____
(U.S. Commissioner of Education)
_____
(Date)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

Annual Program Plan
(State-Federal Agreement)

Adult Education Act, as Amended
(Public Law 91-230)

The _____
(Officially designated State agency)
of the State of _____, hereinafter called the State Agency, hereby agrees and assures that this Annual Program Plan which serves as an agreement between State and Federal Governments under the Adult Education Act, will be administered in accordance with the following provisions:

(1) The State Agency has entered into cooperative arrangements with the State Health Authority, authorizing the use of such health information and services for adults as may be available from such authorities and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to the Act;

(20 U.S.C. 1205(a)(3))

(2) The State Agency will provide support to local educational agencies, and public and private nonprofit agencies for special projects, teacher training, and research projects (under section 306(a)(4));

(3) The State agency assures that not less than 15 percent of the annual allotment shall be used for the purposes of section 309 of the Act to provide support for both special projects and teacher training programs;

(20 U.S.C. 1204)

(4) The State Agency will provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work-Study programs, programs designed to provide reading instruction for adults, and other programs relating to the antipoverty effort;

(20 U.S.C. 1205(a)(5))

(5) The State agency will provide for cooperation with manpower development and training programs, including programs under the Comprehensive Employment and Training Act (CETA), and occupational education programs;

(20 U.S.C. 1205(a)(6))

(6) The State Agency will ensure that special emphasis will be given to adult basic education programs;

(20 U.S.C. 1205(a)(10))

(7) The State Agency will provide such further information and assurances as may be required by applicable regulations;

(20 U.S.C. 1205(a)(12))

(8) The State Agency, including its political subdivisions, has available from non-Federal sources for expenditure for adult education, in the fiscal year for which the allotment is made, an amount not less than the amount expended for such purpose from such sources during the preceding fiscal year;

(20 U.S.C. 1206(b))

(9) (a) The State Agency assures that the program will be conducted in compliance with all requirements imposed by or pursuant to the regulations in 45 CFR Part 80 to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352);

(b) The State Agency has submitted or is hereby submitting as an attachment to this agreement the methods of administration to give reasonable assurance that the applicant and all recipients of Federal financial assistance under the annual program plan will comply with all requirements imposed by or pursuant to the regulations in 45 CFR Part 86 (prohibition of sex discrimination) Title IX of the Education Amendments of 1972 (Public Law 92-318);

(42 U.S.C. 2000d; P.L. 92-318, Title IX)

(10) The annual program plan has been submitted to the Governor for review; and his/her comments (or a statement that no comments have been made) will be attached to the annual program plan. Any amendments to this plan, as well as other periodic reports required under the program, if any, will be submitted for the Governor's review. The Governor's comments (or a statement that no comments were made) will accompany the materials when they are submitted to the U.S. Office of Education;

(20 U.S.C. 1205(a))

(11) Assurance is hereby given that the total annual expenditure of Federal funds for adult secondary education shall not exceed 20 percent of the total annual allotment granted to the State under section 305 of the Act;

(20 U.S.C. 1205(a)(7))

(12) Assurance is hereby given that special assistance will be provided for persons of limited English-speaking ability by providing bilingual adult education programs, in accordance with the criteria specified in § 166.12(e) of these regulations;

(20 U.S.C. 1205(a)(11))

(13) Assurance is hereby given that not more than 20 percent of the total expenditures (from Federal funds and State and local matching funds) for any fiscal year for the purposes of this Act shall be used for adult basic education or adult secondary education programs for institutionalized adults;

(20 U.S.C. 1205(a)(1))

(14) The program for the use of grants has been developed by the State Agency in accordance with section 306 of the Act and affords assurance for substantial progress with respect to all segments of the adult population and all areas of the State toward carrying out the purpose of the Act and applicable regulations;

(20 U.S.C. 1205(a)(1))

(15) The State Agency assures that it will not approve an application for a program of instruction unless it determines that the program will (a) utilize qualified administrative personnel and instructional staff, adequate facilities, equipment, materials, and guidance and counseling services; (b) provide for effective recruitment and retention of participants in adult education programs; and (c) provide for effective administration and supervision and assure efficient and economical operation in providing an adequate learning environment;

(20 U.S.C. 1205(a), 1232(c)(b))

(16) The State Agency assures that it will constantly monitor the performance of all activities supported under the Act to assure that adequate progress is being made toward achieving the goals of the grant. This review shall be made for each function or activity of each grant as set forth in the approved Annual Program Plan.

(17) The State agency will submit for approval by the U.S. Commissioner of Education an annual program plan, in accordance with section 434(b)(1)(A)(V) of the General Education Provisions Act. Such annual program plan will include a certification by the State's Attorney General or other appropriate official, as specified in § 166.14 of the regulations.

Such program for use of grants is set forth in _____ which is
(Name of document)
attached hereto.

_____
(State Agency)
_____
_____
(Address)
By: _____
(Signature of authorized official)
_____
_____
_____
(Title)
_____
(Date)

APPENDIX B

PRIORITIES FOR PROGRAMS OF NATIONAL SIGNIFICANCE

The Commissioner has suggested for the guidance of State educational agencies that the following priorities merit special consideration by States in meeting the special project and staff development needs of their adult education program.

1. *Dissemination in adult education.* Administrators and practitioners of adult education have only limited means for learning of and assessing the kinds and quality of improved practices and products generated in adult education. Many States do not have a mechanism for systematic retrieval, review, assessment, and diffusion of improved practices and products. Without these capabilities, programs suffer from duplication of effort, lack of planning ability, and the continuation of traditional, non-progressive educational strategies.

Characteristics of such a mechanism include the ability to locate improved practices and products, identify specific users,



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disseminate the practices and products to these users, and provide training and technical assistance for adoption and implementation by local adult educators. A Statewide dissemination program would develop these capabilities as part of the overall State Department of Education concern and planning for dissemination in education. If no such effort is presently being undertaken by a particular State Department of Education, the adult education program could play an important leadership role in developing departmental interest in a Statewide dissemination system. It will also be useful for State systems to coordinate plans and activities with the U.S. Office of Education, Clearinghouse on Adult Education.

2. *Adult performance level implementation.* By the end of fiscal year 1975, the Adult Performance Level (APL) test and objectives will be completed and available for implementation. States should plan to utilize section 309 and other funds in support of projects to conduct a Statewide literacy assessment and to develop instructional programs designed to meet APL objectives. Also encouraged are staff development or special projects which focus on the translation of APL objectives into curriculum and teacher competencies. Careful attention should be paid to the avoidance of overlap and duplication in these developments.

3. *Role of the employer in adult learning.* At the 1974 Summer Commencement of Ohio State University, the President asked the students and faculty to help bring the domains of education, employment and labor closer together to foster a community of learning. A major aim of this endeavor is to release the intellectual energy of America's youth to stimulate greater productivity on and off the job.

Adult educators can assist this effort by developing programs which identify the educative aspects of work and which structure the work environment and personnel policies to facilitate adult learning and career development. This may require restructuring the responsibilities of the employee to provide opportunities to learn new knowledge and skills which will prepare the employee to assume more or different job responsibilities.

This concept assumes that the organization of production around learning experiences for employees will ultimately lead to increased cost effectiveness of that production system.

4. *Adult education staff development.* As part of the continuing staff development effort, each region and State has developed an adult education staff development plan. It is recommended that each State continue the implementation of its plan, and carefully assess the desirability of supporting the continuation of a regional approach to staff development.

5. *Experimental and demonstration project continuation.* States are encouraged to review current experimental and demonstration projects funded under Pub. L. 91-230 in fiscal year 1974 to determine the appropriateness of assuming support for those projects which are of significance to State Adult Education Programs.

[FR Doc.75-10529 Filed 4-22-75;8:45 am]



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WEDNESDAY, APRIL 23, 1975
WASHINGTON, D.C.

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federal register

WEDNESDAY, APRIL 23, 1975

WASHINGTON, D.C.

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PART III:

# FEDERAL ENERGY ADMINISTRATION

■

# NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for May 1975

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## FEDERAL ENERGY ADMINISTRATION

### NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

### Supplier Percentage Notice for May 1975

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in May 1975. This information is set forth in the Appendix below to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix below.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and non-utility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163 (b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Forms 23 and 23A submitted by utilities;
2. Natural gas curtailments;
3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix below are the quantities of residual fuel oil to be delivered to the utilities listed during the month of May 1975. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix below provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level for May. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of May to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Forms 23 and 23A. Thus, the timely submission of these forms will be a necessary prerequisite to receiving future allocations.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., April 16, 1975.

ROBERT E. MONTGOMERY, JR.,
*General Counsel.*





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APPENDIX

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF MAY 1975

| | RECOMMENDED FEA BURN | PCT | BY SUPPLIER (BARRELS) | TOTAL (BARRELS) |
|---|---|---|---|---|
| 1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC) | | | | |
| CONNECTICUT | | | | |
| NORTHEAST UTILITIES | 1,700,000 | | | 1,700,000 |
| AMERADA HESS CORP | | 68.0 | 1,156,000 | |
| TAD JONES CO (GULF) | | 21.0 | 357,000 | |
| WYATT INC (EXXON) | | 10.0 | 170,000 | |
| H N HARTWELL&SON INC | | 1.0 | 17,000 | |
| UNITED ILLUMINATING CO | 592,000 | | | 592,000 |
| TEXACO | | 87.0 | 515,040 | |
| WYATT INC (EXXON) | | 13.0 | 76,960 | |
| MAINE | | | | |
| BANGOR HYDRO ELEC. CO. | 8,095 | | | 8,095 |
| SPRAGUE | | 100.0 | 8,095 | |
| CENTRAL MAINE POWER CO. | 211,000 | | | 211,000 |
| TEXACO | | 100.0 | 211,000 | |
| MAINE PUBLIC SERVICE CO. | 119 | | | 119 |
| DEAD RIV.O.(SPRAGUE) | | 100.0 | 119 | |
| MASSACHUSETTS | | | | |
| BOSTON EDISON CO. | 1,133,000 | | | 1,133,000 |
| WHITE FUEL (TEXACO) | | 46.0 | 521,180 | |
| EXXON | | 42.0 | 475,860 | |
| SPRAGUE | | 12.0 | 135,960 | |
| BRAINTREE ELEC. LT. DEPT. | 14,985 | | | 14,985 |
| CK SMITH (GOLD. EAGLE) | | 100.0 | 14,985 | |
| E.UTIL.ASSOC.(MONTAUP&BLACKS) | 178,000 | | | 178,000 |
| TEXACO | | 100.0 | 178,000 | |
| FITCHBURG GAS & EL. | 4,000 | | | 4,000 |
| NORTHEAST PETROLEUM | | 100.0 | 4,000 | |
| HOLYOKE GAS AND ELECTRIC | 9,140 | | | 9,140 |
| WYATT INC (EXXON) | | 100.0 | 9,140 | |







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| | | | | |
|---|---|---|---|---|
| NEW ENG. ELEC | 1,150,000 | | | 1,150,000 |
| ASIATIC PETRO CORP | | 60.0 | 690,000 | |
| GOLD EAGLE | | 39.9 | 458,850 | |
| PRULEASE | | .1 | 1,150 | |
| NEW ENG. G & E | 402,000 | | | 402,000 |
| NEW ENGLAND PETRO | | 80.0 | 321,600 | |
| WHITE FUEL (TEXACO) | | 20.0 | 80,400 | |
| PEABODY ELECTRIC LT DEPT | 0 | | | 0 |
| TAUNTON MUN. LT | 112,844 | | | 112,844 |
| QUINCY OIL CO (EXXON) | | 100.0 | 112,844 | |
| **NEW HAMPSHIRE** | | | | |
| PUB SER OF N.H. | 86,000 | | | 86,000 |
| SPRAGUE | | 26.3 | 22,618 | |
| CONOCO | | 73.7 | 63,382 | |
| **NEW YORK** | | | | |
| CENTRAL HUDSON GAS & ELEC CO | 1,100,410 | | | 1,100,410 |
| AMERADA HESS CORP | | 100.0 | 1,100,410 | |
| CONSOL EDISON OF NY | 3,765,000 | | | 3,765,000 |
| NEW ENGLAND PETRO | | 45.5 | 1,713,075 | |
| EXXON | | 20.8 | 783,120 | |
| AMERADA HESS CORP | | 22.3 | 839,595 | |
| TEXACO | | 11.4 | 429,210 | |
| FREEPORT, VILLAGE OF | 20,100 | | | 20,100 |
| BURNS BROS O. (NEPCO) | | 100.0 | 20,100 | |
| LONG ISLAND LIGHT CO. | 1,610,000 | | | 1,610,000 |
| NEW ENGLAND PETRO | | 100.0 | 1,610,000 | |
| NIAGARA MOHAWK POWER CO. | 635,086 | | | 635,086 |
| NEW ENGLAND PETRO | | 100.0 | 635,086 | |
| ORANGE & ROCKLAND UTILITIES | 974,257 | | | 974,257 |
| NEW ENGLAND PETRO | | 51.5 | 501,742 | |
| HOWARD FUEL CORP | | 11.2 | 109,117 | |
| AMERADA HESS CORP | | 29.9 | 291,303 | |
| ASIATIC PETRO CORP | | 7.4 | 72,095 | |
| ROCHESTER GAS & ELECTRIC | 78,909 | | | 78,909 |
| ALLIED O. | | 29.7 | 23,436 | |
| MONOCO OIL COMPANY | | 70.3 | 55,473 | |
| **RHODE ISLAND** | | | | |
| NEWPORT ELECTRIC CORP | 7,275 | | | 7,275 |
| CK SMITH | | 100.0 | 7,275 | |





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2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

| | | | | |
|---|---|---|---|---|
| **DELAWARE** | | | | |
| DELMARVA PWR & LT | 495,000 | | | 495,000 |
| STEUART PETROLEUM CO | | 22.0 | 108,900 | |
| TEXACO | | 5.0 | 24,750 | |
| GULF | | 8.0 | 39,600 | |
| CONOCO | | 65.0 | 321,750 | |
| DOVER, CITY OF | 40,500 | | | 40,500 |
| TEXACO | | 100.0 | 40,500 | |
| **DISTRICT OF COLUMBIA** | | | | |
| POTOMAC ELEC. PWR. | 1,268,000 | | | 1,268,000 |
| ASIATIC PETRO CORP | | 79.0 | 1,001,720 | |
| STEUART PETROLEUM CO | | 21.0 | 266,280 | |
| **MARYLAND** | | | | |
| BALTIMORE GAS & ELECTRIC | 929,285 | | | 929,285 |
| AMERADA HESS CORP | | 52.7 | 489,733 | |
| EXXON | | 47.3 | 439,552 | |
| **NEW JERSEY** | | | | |
| ATLANTIC CITY ELECTRIC CO | 412,725 | | | 412,725 |
| AMERADA HESS CORP | | 60.0 | 247,635 | |
| CONOCO | | 40.0 | 165,090 | |
| GPU INTEGRATED SYSTEM | 442,667 | | | 442,677 |
| AMERADA HESS CORP | | 94.0 | 416,116 | |
| SWANN OIL INC | | 5.0 | 22,134 | |
| SHIPLEY-HUMBLE | | 1.0 | 4,427 | |
| PUBLIC SERVICE ELECTRIC | 1,421,000 | | | 1,421,000 |
| AMERADA HESS CORP | | 78.0 | 1,108,380 | |
| EXXON | | 22.0 | 312,620 | |
| VINELAND, CITY OF ELEC. | 67,700 | | | 67,700 |
| BRITISH PETROLEUM | | 100.0 | 67,700 | |
| **PENNSYLVANIA** | | | | |
| PENNSYLVANIA PWR & LT | 0 | | | 0 |
| PHILADELPHIA ELECTRIC CO. | 830,000 | | | 830,000 |
| ARCO | | 28 5 | 236,550 | |
| AMERADA HESS CORP | | 21.5 | 178,450 | |
| GULF | | 9.0 | 74,700 | |
| NEW ENGLAND PETRO | | 2.1 | 17,430 | |
| TEXACO | | 24.0 | 199,200 | |
| | | 14.9 | [illegible] | |





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3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

| | | | | |
|---|---|---|---|---|
| **FLORIDA** | | | | |
| FLORIDA KEYS ELEC COOP | 0 | | | 0 |
| FLORIDA P & L | 1,487,700 | | | 1,487,700 |
| EXXON | | 15.0 | 223,155 | |
| BELCHER OIL (EXXON) | | 85.0 | 1,264,545 | |
| FLORIDA POWER CORPORATION | 2,207,000 | | | 2,207,000 |
| EXXON | | 60.0 | 1,324,200 | |
| AMERADA HESS CORP | | 40.0 | 882,800 | |
| FORT PIERCE, CITY OF | 57,400 | | | 57,400 |
| NEW ENGLAND PETRO | | 100.0 | 57,400 | |
| GAINESVILLE, CITY OF | 95,961 | | | 95,961 |
| EASTERN SEABOARD | | 100.0 | 95,961 | |
| GULF POWER CO. | 9,892 | | | 9,892 |
| BAKER SERVICE(EXXON) | | 100.0 | 9,892 | |
| JACKSONVILLE ELEC. AUTH. | 747,458 | | | 747,458 |
| VEN FUEL INC | | 82.6 | 617,400 | |
| AMERADA HESS CORP | | 8.7 | 65,029 | |
| NEW ENGLAND PETRO | | 8.7 | 65,029 | |
| KEY WEST UTILITIES | 67,000 | | | 67,000 |
| STD. OIL-KY | | 100.0 | 67,000 | |
| LAKE WORTH UTIL AUTHORITY | 0 | | | 0 |
| LAKELAND LIGHT & WTR DEPT | 142,000 | | | 142,000 |
| BELCHER (STD.OIL-KY) | | 100.0 | 142,000 | |
| NEW SMYRNA BEACH | 0 | | | 0 |
| ORLANDO UTILITIES COMM. | 309,000 | | | 309,000 |
| NEW ENGLAND PETRO | | 100.0 | 309,000 | |
| SEBRING UTILITIES COMM. | 8,872 | | | 8,872 |
| UNION OIL OF CA | | 100.0 | 8,872 | |
| TALLAHASSEE, CITY OF | 137,228 | | | 137,228 |
| UNION OIL OF CA | | 100.0 | 137,228 | |
| TAMPA ELECTRIC CO. | 266,400 | | | 266,400 |
| WESTERN (NEW ENG PET) | | 100.0 | 266,400 | |
| VERO BEACH MUNICIPAL POWER | 36,918 | | | 36,918 |
| BELCHER OIL (EXXON) | | 100.0 | 36,918 | |





| | | | | |
|---|---|---|---|---|
| **GEORGIA** | | | | |
| GEORGIA POWER COMPANY | 0 | | | 0 |
| SAVANNAH ELECTRIC & POWER CO | 184,700 | | | 184,700 |
| COLONIAL OIL (EXXON) | | 100.0 | 184,700 | |
| **MISSISSIPPI** | | | | |
| MISSISSIPPI POWER CO. | 65,680 | | | 65,680 |
| ERGON (INTL TRADING) | | 45.0 | 29,556 | |
| BAKER SERVICE (EXXON) | | 55.0 | 36,124 | |
| SOUTH MISSISSIPPI ELEC | 70,690 | | | 70,690 |
| SOUTHLND OIL | | 83.0 | 58,673 | |
| AMERADA HESS CORP | | 17.0 | 12,017 | |
| **NORTH CAROLINA** | | | | |
| CAROLINA POWER & LT. | 0 | | | 0 |
| **SOUTH CAROLINA** | | | | |
| S.CAROLINA ELEC & GAS CO | 419,524 | | | 419,524 |
| EXXON | | 100.0 | 419,524 | |
| S.CAROLINA PUB SERV AUTH | 5,966 | | | 5,966 |
| AMERADA HESS CORP | | 100.0 | 5,966 | |
| **VIRGINIA** | | | | |
| VIRGINIA ELECTRIC POWER | 1,876,700 | | | 1,876,700 |
| EXXON | | 56.0 | 1,050,952 | |
| AMERADA HESS CORP | | 19.7 | 369,710 | |
| AMOCO | | 24.3 | 456,038 | |

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

| | | | | |
|---|---|---|---|---|
| **ARKANSAS** | | | | |
| ARKANSAS ELEC COOP | 112,325 | | | 112,325 |
| LOGICON INC (SHELL) | | 80.0 | 89,860 | |
| E L BRIDE (TENACO) | | 20.0 | 22,465 | |
| JONESBORO WATER AND LIGHT PL | 0 | | | 0 |
| **COLORADO** | | | | |
| CT&U, S.COLO PWR DIV | 0 | | | 0 |



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|---|---|---|---|---|
| KANSAS | | | | |
| CENTRAL KANSAS PWR | 3,400 | | | 3,400 |
| GR,PLS(CRA-FARMLAND) | | 100.0 | 3,400 | |
| CHANUTE, CITY OF | 1,616 | | | 1,616 |
| MID AMER REFINING | | 100.0 | 1,616 | |
| CLAY CENTER LT&WTR | 0 | | | 0 |
| CARTER WTR | | 100.0 | 0 | |
| COFFEYVILLE LT & PWR | 0 | | | 0 |
| CT&U, WESTERN PWR DIV | 0 | | | 0 |
| AMOCO | | 73.0 | 0 | |
| NORTH AMER PETRO | | 23.0 | 0 | |
| CARTER WTR | | 4.0 | 0 | |
| KANSAS GAS & ELEC. | 200,000 | | | 200,000 |
| FRONTIER PRODUCTION | | 15.3 | 30,600 | |
| ASPH. & PETRO. IND. | | 84.7 | 169,400 | |
| KANSAS POWER & LIGHT | 100,000 | | | 100,000 |
| PHILLIPS PETROLEUM | | 46.1 | 46,100 | |
| GR.PLS | | 38.4 | 38,400 | |
| NTL COOP REFINERY | | 15.5 | 15,500 | |
| LARNED WTR & ELEC | 261 | | | 261 |
| CARTER WTR | | 100.0 | 261 | |
| MCPHERSON BD OF PUB UTIL | 0 | | | 0 |
| NTL COOP REFINERY | | 100.0 | 0 | |
| OTTAWA WTR & LT | 0 | | | 0 |
| CARTER WTR (AMOCO) | | 100.0 | 0 | |
| LOUISIANA | | | | |
| CENTRAL LOUISIANA ELECTRIC CO | 6,500 | | | 6,500 |
| FALCO | | 66.7 | 4,336 | |
| ATLAS (PENNZOIL) | | 33.3 | 2,164 | |
| JONESBORO POWER & LIGHT | 0 | | | 0 |
| MIDDLE SOUTH SERVICES | 1,709,000 | | | 1,709,000 |
| MURPHY OIL CORP | | 30.0 | 512,700 | |
| TAUBER OIL CO | | 20.5 | 350,345 | |
| SHELL | | 21.3 | 364,017 | |
| EXXON | | 12.9 | 220,461 | |
| GULF | | 9.5 | 162,355 | |
| ERGON INC (EXXON) | | 3.8 | 64,942 | |
| E L BRIDE (OKC REF.) | | 1.7 | 29,053 | |
| REESE OIL (SUN OIL) | | .3 | 5,127 | |
| SOUTHWESTERN ELECTRIC POWER | 42,000 | | | 42,000 |
| | | 100.0 | 42,000 | |





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| | | | | |
|---|---|---|---|---|
| MISSISSIPPI | | | | |
| LARKSDALE WTR & LT | 8,693 | | | 8,693 |
| SOUTHLAND OIL | | 100.0 | 8,693 | |
| AZOO CITY PUB SERV | 0 | | | 0 |
| SOUTHLND OIL (HOWELL) | | 100.0 | 0 | |
| MISSOURI | | | | |
| MPIRE DIST ELEC | 0 | | | 0 |
| E L BRIDE | | 100.0 | 0 | |
| T JOSEPH LT & PWR | 0 | | | 0 |
| E L BRIDE | | 100.0 | 0 | |
| OKLAHOMA | | | | |
| BLACKWELL WTR & LT | 0 | | | 0 |
| KLAHOMA GAS & ELEC | 0 | | | 0 |
| ESTERN FARMERS ELEC COOP | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| TEXAS | | | | |
| GULF STATES UTILITIES | 25,000 | | | 25,000 |
| COASTAL STATES MKTG | | 37.5 | 9,375 | |
| TENNECO | | 16.1 | 4,025 | |
| LAJET | | 4.0 | 1,000 | |
| EXXON | | 20.1 | 5,025 | |
| SOUTH HAMPTON CO | | 22.3 | 5,575 | |

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

| | | | | |
|---|---|---|---|---|
| AUSTIN CITY ELEC DEPT | 39,818 | | | 39,818 |
| TESORO | | 100.0 | 39,818 | |
| BRAZOS ELEC COOP | 0 | | | 0 |
| BRYAN, CITY OF | 2,110 | | | 2,110 |
| PETROLEUM T&T(3 RIVERS) | | 100.0 | 2,110 | |
| DALLAS POWER & LT | 0 | | | 0 |
| WINSTON REF CO | | 18.2 | 0 | |
| KERR MCGEE OIL CO | | 18.9 | 0 | |
| J&W REFINING | | 47.2 | 0 | |
| BEE OIL & REFINING | | 15.6 | 0 | |
| GARLAND, CITY OF | 0 | | | 0 |
| PRIDE REFINERY INC | | 74.7 | 0 | |
| DELTA REFINING CO | | 25.3 | 0 | |





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| | | | | |
|---|---|---|---|---|
| SOUTHWESTERN PUB SERV | 0 | | | 0 |
| SOUTHLND OIL (HOWELL) | | 100.0 | 0 | |
| TEXAS POWER & LIGHT | 0 | | | 0 |
| WINSTON REF CO | | 18.2 | 0 | |
| KERR MCGEE OIL CO | | 18.9 | 0 | |
| J&W REFINING | | 47.2 | 0 | |
| BEE OIL & REFINING | | 15.6 | 0 | |
| TEXAS UTILITIES | 0 | | | 0 |
| COASTAL STATES MKTG | | 37.5 | 0 | |
| TENNECO | | 16.1 | 0 | |
| LAJET | | 4.0 | 0 | |
| EXXON | | 20.1 | 0 | |
| SOUTH HAMPTON CO | | 22.3 | 0 | |
| WEST TEXAS UTILITIES | 0 | | | 0 |
| COASTAL STATES MKTG | | 37.5 | 0 | |
| TENNECO | | 16.1 | 0 | |
| LAJET | | 4.0 | 0 | |
| EXXON | | 20.1 | 0 | |
| SOUTH HAMPTON CO | | 22.3 | 0 | |

6. SOUTHWEST POWER POOL

| | | | | |
|---|---|---|---|---|
| ARKANSAS | | | | |
| ARKANSAS POWER & LIGHT | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| CITY OF CONWAY | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| CITY OF FORT SMITH | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| CITY OF HOPE | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| CITY OF MALVERN | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| CITY OF PARAGOULD | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| CITY OF PRESCOTT | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| CITY OF ROGERS | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| CITY OF WEST MEMPHIS | 0 | | | 0 |
| MCPHERSON BROS | | 100.0 | 0 | |
| EMPIRE DIST ELEC | 0 | | | 0 |
| E L BRIDE | | 100.0 | 0 | |
| KANSAS | | | | |
| CENTRAL KANSAS PWR | 3,400 | | | 3,400 |
| GR,PLS(CRA-FARMLAND) | | 100.0 | 3,400 | |
| CHANUTE, CITY OF | 1,616 | | | 1,616 |
| MID AMER REFINING | | 100.0 | 1,616 | |
| CLAY CENTER LT&WTR | 0 | | | 0 |
| CARTER WTR | | 100.0 | 0 | |
| COFFEYVILLE LT & PWR | 0 | | | 0 |
| CT&U, WESTERN PWR DIV | 0 | | | 0 |
| AMOCO | | 73.0 | 0 | |
| NORTH AMER PETRO | | 23.0 | 0 | |
| CARTER WTR | | 4.0 | 0 | |
| KANSAS GAS & ELEC. | 200,000 | | | 200,000 |
| FRONTIER PRODUCTION | | 15.3 | 30,600 | |
| ASPH. & PETRO. IND. | | 84.7 | 169,400 | |
| KANSAS POWER & LIGHT | 100,000 | | | 100,000 |
| PHILLIPS PETROLEUM | | 46.1 | 46,100 | |
| GR.PLS | | 38.4 | 38,400 | |
| NTL COOP REFINERY | | 15.5 | 15,500 | |
| LARNED WTR & ELEC | 261 | | | 261 |
| CARTER WTR | | 100.0 | 261 | |
| MCPHERSON BD OF PUB UTIL | 0 | | | 0 |
| NTL COOP REFINERY | | 100.0 | 0 | |
| OTTAWA WTR & LT | 0 | | | 0 |
| CARTER WTR (AMOCO) | | 100.0 | 0 | |



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| | | | | |
|---|---|---|---|---|
| LOUISIANA | | | | |
| CENTRAL LOUISIANA ELECTRIC CO | 6,500 | | | 6,500 |
| FALCO | | 66.7 | 4,336 | |
| ATLAS (PENNZOIL) | | 33.3 | 2,164 | |
| JONESBORO POWER & LIGHT | 0 | | | 0 |
| MIDDLE SOUTH SERVICES | 1,709,000 | | | 1,709,000 |
| MURPHY OIL CORP | | 30.0 | 512,700 | |
| TAUBER OIL CO | | 20.5 | 350,345 | |
| SHELL | | 21.3 | 364,017 | |
| EXXON | | 12.9 | 220,461 | |
| GULF | | 9.5 | 162,355 | |
| ERGON INC (EXXON) | | 3.8 | 64,942 | |
| E L BRIDE (OKC REF.) | | 1.7 | 29,053 | |
| REESE OIL (SUN OIL) | | .3 | 5,127 | |
| SOUTHWESTERN ELECTRIC POWER | 42,000 | | | 42,000 |
| | | 100.0 | 42,000 | |
| SOUTHWESTERN PUB SERV | 0 | | | 0 |
| SOUTHLND OIL (HOWELL) | | 100.0 | 0 | |
| TEXAS POWER & LIGHT | 0 | | | 0 |
| WINSTON REF CO | | 18.2 | 0 | |
| KERR MCGEE OIL CO | | 18.9 | 0 | |
| J&W REFINING | | 47.2 | 0 | |
| BEE OIL & REFINING | | 15.6 | 0 | |
| TEXAS UTILITIES | 0 | | | 0 |
| COASTAL STATES MKTG | | 37.5 | 0 | |
| TENNECO | | 16.1 | 0 | |
| LAJET | | 4.0 | 0 | |
| EXXON | | 20.1 | 0 | |
| SOUTH HAMPTON CO | | 22.3 | 0 | |
| WEST TEXAS UTILITIES | 0 | | | 0 |
| COASTAL STATES MKTG | | 37.5 | 0 | |
| TENNECO | | 16.1 | 0 | |
| LAJET | | 4.0 | 0 | |
| EXXON | | 20.1 | 0 | |
| SOUTH HAMPTON CO | | 22.3 | 0 | |

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| | | | | |
|---|---|---|---|---|
| HOUSTON LIGHT & PWR | 0 | | | 0 |
| AMERADA HESS | | 100.0 | 0 | |
| LOWER COLORADO RIVER AUTH | 0 | | | 0 |
| MEDINA ELEC COOP | 0 | | | |
| SAN ANTONIO PUB SERV | 2,186 | | | 2,186 |
| TESORO | | 100.0 | 2,186 | |
| TEXAS ELEC SERV | 0 | | | 0 |
| TEXAS PWR & LT | 0 | | | 0 |
| LA GLORIA OIL & GAS CO | | 31.1 | 0 | |
| J&W REFINING | | 49.0 | 0 | |
| KERR MCGEE | | 19.9 | 0 | |
| WEST TEXAS UTIL | 0 | | | 0 |
| PRIDE REFINING INC | | 100.0 | 0 | |

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS

| | | | | |
|---|---|---|---|---|
| COMMONWEALTH EDISON CO. | 390,000 | | | 390,000 |
| ALLIED O. | | 98.0 | 382,200 | |
| CLARK OIL & REF. CORP | | 2.0 | 7,800 | |
| ILLINOIS POWER CO. | 45,000 | | | 45,000 |
| ALLIED O. | | 100.0 | 45,000 | |

MISSOURI

| | | | | |
|---|---|---|---|---|
| UNION ELECTRIC | 46,000 | | | 46,000 |
| APEX OIL CO | | 100.0 | 46,000 | |

WISCONSIN

| | | | | |
|---|---|---|---|---|
| SUPERIOR WTR & LT | 10,715 | | | 10,715 |
| MURPHY OIL CORP | | 100.0 | 10,715 | |
| WISCONSIN ELEC PWR | 0 | | | 0 |
| INDUST FUEL & ASPHALT | | 100.0 | 0 | |

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA

| | | | | |
|---|---|---|---|---|
| ATLANTIC MUNICIPAL UTILITIES | 0 | | | 0 |
| MCMILLAN OIL CO | | 100.0 | 0 | |





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| | | | | |
|---|---|---|---|---|
| INTERSTATE POWER | 18,531 | | | 18,531 |
| NORTHWESTERN REF | | 100.0 | 18,531 | |
| LAMONI MUNIC | 0 | | | 0 |

MINNESOTA

| | | | | |
|---|---|---|---|---|
| AUSTIN UTILITIES | 0 | | | 0 |
| NORTHWESTERN REF | | 48.3 | 0 | |
| GUSTAFSON OIL CO | | 33.0 | 0 | |
| W H BARBER | | 18.7 | 0 | |
| FAIRMONT WTR & LT | 0 | | | 0 |
| MARSHALL MUNICIPAL UTIL | 0 | | | 0 |
| E L BRIDE | | 100.0 | 0 | |
| MINNESOTA PWR & LT | 21,200 | | | 21,200 |
| MURPHY OIL | | 100.0 | 21,200 | |
| NORTHERN STATES PWR | 500 | | | 500 |
| E L BRIDE (TEXACO,WC) | | 100.0 | 500 | |
| OWATONNA MUN. UTIL. | 1,212 | | | 1,212 |
| NORTHWESTERN REF | | 60.0 | 727 | |
| GUSTAFSON OIL CO | | 40.0 | 485 | |
| WORTHINGTON, CITY OF | 0 | | | 0 |
| ALLIED O. | | 100.0 | 0 | |

NEBRASKA

| | | | | |
|---|---|---|---|---|
| CENTRAL NEBRASKA PUBLIC | 0 | | | 0 |
| FARMLAND INDUSTRIES | | 100.0 | 0 | |
| FAIRBURY LT & WTR | 100 | | | 100 |
| CARTER WTR (TEXACO) | | 100.0 | 100 | |
| GRAND ISLAND ELEC | 17,143 | | | 17,143 |
| E L BRIDE | | 100.0 | 17,143 | |
| HASTINGS UTILITIES DEPT | 0 | | | 0 |
| CARTER WTR | | 100.0 | 0 | |
| LINCOLN ELECTRIC SYSTEM | 0 | | | 0 |
| E L BRIDE CO | | 100.0 | 0 | |
| NEBRASKA PUBLIC POWER DIST | 0 | | | 0 |
| PANHANDLE COOP ASSOC | | 100.0 | 0 | |
| OMAHA PUB PWR DIST | 0 | | | 0 |
| MILDER OIL CO | | 100.0 | 0 | |



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| | | | | |
|---|---|---|---|---|
| WISCONSIN | | | | |
| LAKE SUPERIOR DIST PWR | 4,100 | | | 4,100 |
| DOME PETROLEUM | | 100.0 | 4,100 | |

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

| | | | | |
|---|---|---|---|---|
| MICHIGAN | | | | |
| CLINTON LT & WTR | 600 | | | 600 |
| CRYSTAL REFINING CO | | 100.0 | 600 | |
| CONSUMERS POWER | 662,438 | | | 662,438 |
| CONSUMERS PWR-CRUDE | | 54.0 | 357,717 | |
| LAKESIDE REFINING CO | | 14.0 | 92,741 | |
| OSCEOLA REFINING CO | | 8.0 | 52,995 | |
| TOTAL LEONARD INC | | 4.0 | 26,498 | |
| MURPHY MI.DIV.AMOCO | | 6.0 | 39,746 | |
| ENTERPRISE OIL CO | | 6.0 | 39,746 | |
| BORON OIL (STANDARD) | | 3.0 | 19,873 | |
| INDUST FUEL & ASPHALT | | 2.0 | 13,249 | |
| RUPP OIL COMPANY | | 2.0 | 13,249 | |
| GLADIEUX REF | | 1.0 | 6,624 | |
| DETROIT EDISON CO | 724,388 | | | 724,388 |
| SUN OIL LTD | | 70.0 | 507,072 | |
| CANADIAN FUEL MKTPS | | 9.9 | 71,714 | |
| ENTERPRISE OIL CO | | 4.8 | 34,771 | |
| PETRO PRODUCTS | | 5.4 | 39,117 | |
| MARATHON OIL | | 9.9 | 71,714 | |
| GRAND HAVEN BD PUB | 2,248 | | | 2,248 |
| OSCEOLA REF | | 100.0 | 2,248 | |
| HILLSDALE BD OF PUB WORKS | 935 | | | 935 |
| LEWIS (GLADIEUX REF) | | 100.0 | 935 | |
| OHIO | | | | |
| CLEVELAND ELEC ILLUMINATING | 120,013 | | | 120,013 |
| ALLIED O. (ASHLAND) | | 100.0 | 120,013 | |
| TOLEDO EDISON | 1,071 | | | 1,071 |
| SUN OIL | | 100.0 | 1,071 | |
| PENNSYLVANIA | | | | |
| ALLEGHENY POWER SERVICE | 0 | | | 0 |
| ALLIED O. (NEPCO) | | 100.0 | 0 | |





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9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

| | | | | |
|---|---|---|---|---|
| ARIZONA | | | | |
| ARIZONA PUBLIC SERVICE CO. | 279,111 | | | 279,111 |
| UNION OIL OF CAL | | 63.0 | 175,840 | |
| PACIFIC SOUTHWEST | | 16.5 | 46,053 | |
| SAN JOAQUIN REF | | 16.5 | 46,053 | |
| BASIN FUELS | | 4.0 | 11,165 | |
| SALT RIVER PROJECT | 127,000 | | | 127,000 |
| TESORO | | 12.4 | 15,748 | |
| DOUGLAS OIL CO | | 2.8 | 3,556 | |
| GUSTAFSON OIL CO | | .9 | 1,143 | |
| MACMILLAN | | 17.0 | 21,590 | |
| POWERINE OIL CO | | 18.1 | 22,987 | |
| LITTLE AMERICA | | 19.7 | 25,019 | |
| SAN JOAQUIN REF | | 29.1 | 36,957 | |
| TUCSON GAS & ELEC | 282,105 | | | 282,105 |
| GOLDEN GATE PETRO | | 22.0 | 62,063 | |
| NAVAJO REFINING | | 5.0 | 14,105 | |
| TOSCO | | 43.0 | 121,306 | |
| UNION OIL OF CA | | 25.0 | 70,526 | |
| HOLLAND OIL (TOSCO) | | 5.0 | 14,105 | |
| CALIFORNIA | | | | |
| BURBANK CITY PUBLIC SER. | 60,000 | | | 60,000 |
| ARCO | | 100.0 | 60,000 | |
| GLENDALE PUBLIC SERVICES | 113,000 | | | 113,000 |
| POWERINE OIL CO | | 100.0 | 113,000 | |
| IMPERIAL IRRIGATION DISTR | 45,500 | | | 45,500 |
| CRESCENT REF&O(GULF) | | 100.0 | 45,500 | |
| LOS ANGELES DEPT OF WATER&LT | 1,258,000 | | | 1,258,000 |
| ARCO | | 59.8 | 752,284 | |
| EDGINGTON OIL CO | | 20.9 | 262,922 | |
| PETROBAY | | 7.6 | 95,608 | |
| NEWHALL REFINING CO | | 5.0 | 62,900 | |
| SAN JOAQUIN REF | | 3.5 | 44,030 | |
| POWERINE OIL CO | | 3.2 | 40,256 | |
| PACIFIC GAS & ELECTRIC CO | 1,603,000 | | | 1,603,000 |
| ARCO | | 71.3 | 1,142,939 | |
| UNION OIL OF CA | | 4.7 | 75,341 | |
| PHILLIPS PETROLEUM | | 24.0 | 384,720 | |



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| | | | | |
|---|---|---|---|---|
| ASADENA POWER CO. | 108,529 | | | 108,529 |
| GOLD EAGLE | | 100.0 | 108,529 | |
| AN DIEGO GAS & ELECTRIC CO. | 667,634 | | | 667,634 |
| UNION OIL OF CA | | 29.8 | 198,954 | |
| HIRI | | 16.2 | 108,157 | |
| EDGINGTON OIL CO | | 21.3 | 142,206 | |
| TESORO | | 32.7 | 218,317 | |
| OUTHERN CALIF EDISON | 3,518,000 | | | 3,518,000 |
| STD.OIL-CAL | | 50.1 | 1,762,518 | |
| TEXACO | | 9.7 | 341,246 | |
| ARCO | | 7.8 | 274,404 | |
| EXXON | | 20.4 | 717,672 | |
| PACIFIC RESOURCES | | 6.8 | 239,224 | |
| MACMILLAN R.F. OIL | | 3.0 | 105,540 | |
| CONOCO | | 2.2 | 77,396 | |
| **COLORADO** | | | | |
| OLORADO SPRINGS LT & PWR | 0 | | | 0 |
| AMAR LT & PWR | 0 | | | 0 |
| UB SERV COLORADO | 13,688 | | | 13,688 |
| PLATEAU INC | | 20.1 | 2,751 | |
| REF. CORP | | 43.5 | 5,954 | |
| CONOCO | | 36.4 | 4,983 | |
| **MONTANA** | | | | |
| ONTANA POWER | 0 | | | 0 |
| **NEVADA** | | | | |
| EVADA POWER COMPANY | 103,640 | | | 103,640 |
| GUSTAFSON OIL CO | | 54.0 | 55,966 | |
| HUSKY OIL COMPANY | | 46.0 | 47,674 | |
| IERRA PACIFIC POWER | 26,486 | | | 26,486 |
| GOLDEN GATE PETRO | | 100.0 | 26,486 | |
| **NEW MEXICO** | | | | |
| PLAINS ELEC GEN & TRANSM | 0 | | | 0 |
| PLATEAU INC | | 97.8 | 0 | |
| CARIBOU 4 CORNERS | | 2.2 | 0 | |
| PUB SERV NEW MEXICO | 0 | | | 0 |
| PLATEAU INC | | 39.8 | 0 | |
| SHELL | | 26.4 | 0 | |
| THRIFTWAY | | 5.4 | 0 | |
| NAVAJO REFINING | | 24.1 | 0 | |
| STD OIL-TEXAS | | 4.3 | 0 | |





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| | | | | |
|---|---|---|---|---|
| **OREGON** | | | | |
| PACIFIC POWER & LIGHT CO | 204 | | | 204 |
| STD OIL (IND) | | 100.0 | 204 | |
| **TEXAS** | | | | |
| COMMUNITY PUB SERV | 24,898 | | | 24,898 |
| STD OIL-TEXAS | | 100.0 | 24,898 | |
| EL PASO ELECTRIC | 51,912 | | | 51,912 |
| SOUTHERN UNION | | 74.5 | 38,675 | |
| TESORO | | 25.5 | 13,237 | |
| **UTAH** | | | | |
| UTAH POWER & LIGHT CO. | 0 | | | 0 |
| BLACKLINE ASPH. SALES | | 100.0 | 0 | |
| **WASHINGTON** | | | | |
| PUGET SOUND POWER & LIGHT CO. | 0 | | | 0 |
| ROSSO INC | | 1.0 | 0 | |
| PACIFIC NORTHERN | | 16.0 | 0 | |
| HOME OIL CO. | | 2.0 | 0 | |
| SOUTH CENTER OIL | | 16.5 | 0 | |
| LILYBLAD | | 8.5 | 0 | |
| CASCADE | | 8.0 | 0 | |
| OLDS OLYMPIC | | 4.0 | 0 | |
| SHELL | | 44.0 | 0 | |
| SEATTLE DEPT OF LI | 0 | | | 0 |
| SHELL | | 100.0 | 0 | |
| TACOMA DEPT OF PUBLIC UTIL | 0 | | | 0 |

10. ASCC

| | | | | |
|---|---|---|---|---|
| **ALASKA** | | | | |
| CORDOVA, TOWN OF | 0 | | | 0 |
| **HAWAII** | | | | |
| HAWAIIAN ELECTRIC COMPANY | 690,574 | | | 690,574 |
| STD OIL-CA | | 100.0 | 690,574 | |
| HILO ELEC LT | 52,664 | | | 52,664 |
| STD OIL-CA | | 100.0 | 52,664 | |





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|---|---|---|---|---|
| AUAI ELECTRIC | 14,064 | | | 14,064 |
| STD OIL-CA | | 100.0 | 14,064 | |
| AUI ELECTRIC | 30,757 | | | 30,757 |
| STD OIL-CA | | 100.0 | 30,757 | |

11. NOT OTHERWISE CLASSIFIED

UNK

| | | | | |
|---|---|---|---|---|
| UAM PWR AUTH | 131,610 | | | 131,610 |
| U.S. NAVY | | 100.0 | 131,610 | |
| UERTO RICO WATER RESOURCES | 1,855,350 | | | 1,855,350 |
| COMMONWEALTH OIL | | 50.0 | 927,675 | |
| PUERTO RICO SUN OIL | | 30.0 | 556,605 | |
| CARIBBEAN GULF REF | | 20.0 | 371,070 | |
| T CROIX, V.I. WTR PWR | 34,947 | | | 34,947 |
| AMERADA HESS CORP | | 100.0 | 34,947 | |
| T THOMAS, V.I. WTR PWR | 46,202 | | | 46,202 |
| AMERADA HESS CORP | | 100.0 | 46,202 | |

[FR Doc.75-10400 Filed 4-22-75;8:45 am]

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# federal register

THURSDAY, APRIL 24, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 80

Pages 17977–18161

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April 24, 1975—Pages 17977–18161


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# presidential documents

## Title 3—The President

PROCLAMATION 4368

## Mother's Day, 1975

*By the President of the United States of America*

### A Proclamation

We Americans have traditionally set aside one day each year to give special honor to our mothers. In 1975, International Women's Year, this tribute takes on even greater significance.

Of the many occupations in which women serve today, one of the most demanding is that of being a mother. It is demanding not only because of the skills, knowledge and perseverance required, but because of the importance of success. There is no area of endeavor which can have a greater impact on our future than the care and guidance of our children and young people. It is appropriate that we observe Mother's Day in a manner which acknowledges our appreciation for our own mothers and our respect for all of those who perform this vital role in our society.

The Congress, by a joint resolution of May 8, 1914 (38 Stat. 770, 36 U.S.C. 141, 142), designated the second Sunday in May of each year as a day on which we honor all mothers for their countless contributions to their families, to their communities and to the Nation.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby request that Sunday, May 11, 1975, be observed as Mother's Day. I call upon government officials to display the flag of the United States on all government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75–10875 Filed 4–22–75;2:59 pm]



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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 4—Accounts

## CHAPTER I—GENERAL ACCOUNTING OFFICE

### SUBCHAPTER A—GENERAL PROCEDURES

### PART 20—BID PROTEST PROCEDURES

In deciding protests against procurement actions by agencies of the Federal Government, the General Accounting Office recognizes that the expeditious handling of bid protests is indispensable to the orderly process of Government procurement and to the protection of protesters and other parties. Detailed procedures providing for consideration of bid protests are necessary to insure equality of treatment for all parties. These bid protest procedures apply to both formally advertised and negotiated procurements and sales. They are intended to provide fair consideration of bid protests in a timely manner.

These procedures supersede the "Interim Bid Protest Procedures and Standards" promulgated on December 23, 1971, and effective as of February 7, 1972. The experience obtained under those procedures during the past 3 years provides the basis for the revisions made. These new procedures also reflect the requirements expected to be set forth in the regulations applicable to the various Federal contracting agencies. This approach is intended to provide a comprehensive regulatory scheme for processing bid protests.

Based on our experience with the Interim procedures, the requirement for a 5-day period for filing bid protests with the General Accounting Office should be changed. We are now establishing a 10-day period. Our experience also indicates that the requirement for issuing decisions within 20 days of receipt of all necessary information should be replaced and we are substituting a goal of 25 days.

Other changes include clarification of provisions dealing with bid protest conferences and the effect of judicial proceedings and the addition of a provision applicable to requests for reconsideration of bid protest decisions.

The procedures apply to bid protests received by the General Accounting Office on or after June 2, 1975.

Part 20, including the part heading, is revised as follows:

Sec.
20.0 Definitions.
20.1 Filing of protest.
20.2 Time for filing.
20.3 Notice of protest, submission of agency report and time for submission of comments on report.
20.4 Withholding of award.
20.5 Furnishing of information on protests.
20.6 Time for submission of additional information.
20.7 Conference on protest.
20.8 Time for decision by Comptroller General.
20.9 Request for reconsideration.
20.10 Effect of judicial proceedings.

AUTHORITY: Sec. 311, 42 Stat. 25, as amended (31 U.S.C. 52). Interpret or apply sec. 305, 42 Stat. 24 (31 U.S.C. 71); sec. 304, 42 Stat. 24, as amended (31 U.S.C. 74).

**§ 20.0 Definitions.**

(a) All "days" referred to in this part are deemed to be "working days" of the Federal Government. The term "file" or "submit" in all sections except § 20.2 and § 20.9(b) refers to the date of transmission.

(b) "Adverse agency action" is any action or inaction on the part of a contracting agency which is prejudicial to the position taken in a protest filed with an agency. It may include but is not limited to: a decision on the merits of the protest; a procurement action such as the award of a contract or the rejection of a bid despite the pendency of a protest; or contracting agency acquiescence in and active support of continued and substantial contract performance.

**§ 20.1 Filing of protest.**

(a) An interested party may protest to the General Accounting Office the award or the proposed award of a formally advertised or negotiated contract of procurement or sale by or for an agency of the Federal Government whose accounts are subject to settlement by the General Accounting Office.

(b) Such protests must be in writing and addressed to the General Counsel, General Accounting Office, Washington, D.C. 20548. To expedite handling within the General Accounting Office, the address should include "Attn: Bid Protest Control Unit."

(c) The initial protest filed with the General Accounting Office shall (1) include the name and address of the protester, (2) identify the contracting activity and the number of the solicitation and/or contract, (3) contain a statement of the grounds of protest, and (4) specifically request a ruling by the Comptroller General. A copy of the protest shall also be filed concurrently with the contracting officer and the communication to the General Accounting Office should so indicate. The grounds for protest filed with the General Accounting Office must be fully supported to the extent feasible. See § 20.2(d) with respect to time for filing any additional statement required in support of an initial protest.

(d) No formal briefs or other technical forms of pleading or motion are required, but a protest and other submissions should be concise, logically arranged, and direct.

**§ 20.2 Time for filing.**

(a) Protesters are urged to seek resolution of their complaints initially with the contracting agency. If a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of formal notification of or actual or constructive knowledge of initial adverse agency action will be considered provided the initial protest to the agency was filed in accordance with the time limits prescribed in paragraph (b) of this section, unless the contracting agency imposes a more stringent time for filing, in which case the agency's time for filing will control. In any case, a protest will be considered if filed with the General Accounting Office within the time limits prescribed in paragraph (b).

(b)(1) Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals. In the case of negotiated procurements, alleged improprieties which do not exist in the initial solicitation but which are subsequently incorporated therein must be protested not later than the next closing date for receipt of proposals following the incorporation.

(2) In cases other than those covered in paragraph 1, bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier.

(3) The term "filed" as used in this section means receipt in the contracting agency or in the General Accounting Office as the case may be. Protesters are cautioned that protests should be transmitted or delivered in the manner which will assure earliest receipt. Except as provided in paragraph (c) of this section, any protest received in the General Accounting Office after the time limits prescribed in this subsection shall not be considered unless it was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the final date for filing a protest as specified herein. The only acceptable evidence to establish the date of mailing shall be the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. The only acceptable evidence to establish the date of transmission by mailgram shall be the automatic date indication appearing on the mailgram.



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If the postmark in the case of mail or the interested parties, as the case may be.



§ 20.8 Time for decision by Comptroller

ment constitutes a "notice of intent to rental impact upon the retailer-lessee in

If the postmark in the case of mail or the automatic date indication in the case of a mailgram is illegible, the protest shall be deemed to have been filed late.

(c) The Comptroller General, for good cause shown, or where he determines that a protest raises issues significant to procurement practices or procedures, may consider any protests which is not filed timely.

(d) If an additional statement in support of the initial protest is required by the General Accounting Office, one copy shall be mailed or otherwise furnished to the General Counsel, General Accounting Office, and a copy shall be mailed or otherwise furnished to the contracting officer, not later than 5 days after receipt of notification from the General Accounting Office of the need for such additional statement.

**§ 20.3 Notice of protest, submission of agency report and time for filing of comments on report.**

(a) The General Accounting Office shall notify the contracting agency by telephone and in writing within one day of the receipt of a protest, requesting the agency to give notice of the protest to the contractor if award has been made or, if no award has been made, to all bidders or proposers who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. The agency shall be requested to furnish in accordance with applicable procurement regulations copies of the protest documents to such parties with instructions to communicate further directly with the General Accounting Office.

(b) Material submitted by a protestor will not be withheld from any interested party outside the Government or from any Government agency which may be involved in the protest except to the extent that the withholding of information is permitted or required by law or regulation. If the protester considers that the protest contains material which should be withheld, a statement advising of this fact must be affixed to the front page of the protests document and the allegedly proprietary information must be so identified wherever it appears.

(c) The Office of General Counsel shall request the agency to submit a complete report on the protest to the General Accounting Office as expeditiously as possible (generally within 25 working days) in accordance with applicable procurement regulations, and to furnish a copy of the report to the protester and other interested parties.

(d) Comments on the agency report shall be filed with the Office of General Counsel within 10 days after receipt of the report, with a copy to the agency office which furnished the report and to other interested parties. Any rebuttal a protester or interested parties may care to make shall be filed with the Office of General Counsel, General Accounting Office, within 5 days after receipt of the comments to which rebuttal is directed, with a copy to the agency office which furnished the report, the protester, and interested parties, as the case may be. Unsolicited agency rebuttals shall be considered if filed within 5 days after receipt by the Agency of the comments to which rebuttal is directed.

(e) The failure of a protester or any interested party to comply with the time limits stated in this section may result in resoluion of the protest without consideration of the comments untimely filed.

**§ 20.4 Withholding of award.**

When a protest has been filed before award the agency will not make an award prior to resolution of the protest except as provided in the applicable procurement regulations. In the event the agency determines that award is to be made during the pendency of a protest, the agency will notify the Comptroller General.

**§ 20.5 Furnishing of information on protests.**

The Office of General Counsel, General Accounting Office, shall, upon request, make available to any interested party information bearing on the substance of the protest which has been submitted by interested parties or agencies, except to the extent that withholding of information is permitted or required by law or regulation. Any comments thereon shall be submitted within a maximum of 10 days.

**§ 20.6 Time for submission of additional information.**

Any additional information requested by the Office of General Counsel, General Accounting Office, from the protestor or interested parties shall be submitted no later than 5 days after the receipt of such request. If it is necessary to obtain additional information from the agency, the General Accounting Office will request that such information be furnished as expeditiously as possible.

**§ 20.7 Conference.**

(a) A conference on the merits of the protest with members of the Office of General Counsel, General Accounting Office, may be held at the request of the protester, any other interested party, or an agency official. Request for a conference should be made prior to the expiration of the time period allowed for filing comments on the agency report (see § 20.3(d)). Except in unusual circumstances, requests for a conference received after such time will not be honored.

(b) Conferences normally will be held prior to expiration of the period allowed for filing comments on the agency report. All interested parties shall be invited to attend the conference. Ordinarily, only one conference will be held on a bid protest.

(c) Any written comments to be submitted and as deemed appropriate by the General Accounting Office as a result of the conference must be received in the General Accounting Office within 5 days of the date on which the conference was held.

**§ 20.8 Time for decision by Comptroller General.**

The Comptroller General establishes a goal of 25 days for issuing a decision on a protest after receipt of all information submitted by all parties and the conclusion of any conference.

**§ 20.9 Request for reconsideration.**

(a) Reconsideration of a decision of the Comptroller General may be requested by the protester, any interested party who submitted comments during consideration of the protest, and any agency involved in the protest. The request for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered.

(b) Request for reconsideration of a decision of the Comptroller General shall be filed not later than 10 days after the basis for reconsideration is known or should have been known, whichever is earlier. The term "filed" as used in this section means receipt in the General Accounting Office.

(c) A request for reconsideration shall be subject to these bid protest procedures consistent with the need for prompt resolution of the matter.

**§ 20.10 Effect of judicial proceedings.**

The Comptroller General may refuse to decide any protest where the matter involved is the subject of litigation before a court of competent jurisdiction or has been decided on the merits by such a court. The foregoing shall not apply where the court requests, expects, or otherwise expresses interest in the Comptroller General's decision.

[SEAL] ELMER B. STAATS,
*Comptroller General of the United States.*

[FR Doc.75-10702 Filed 4-23-75;8:45 am]

## Title 10—Energy

## CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1975-3]

## RETAILING OF GASOLINE

### Prospective Increases in Rent for Real Property

*Facts.* Firms S and O are engaged in the refining and marketing of petroleum products, including motor gasoline. Individuals A and B, retailers of motor gasoline, lease the real property used in their retailing operations from Firms S and O, respectively.

1. On May 15, 1973, Individual A paid a monthly rental to Firm S in the amount of 2.2 cents per gallon of gasoline pumped during the month, pursuant to the prevailing terms of the lease agreement between Firm S and Individual A. This lease agreement is due to expire, and Firm S proposes to enter into a new one year lease agreement with A at a stated monthly rental rate of 2.5 cents per gallon of gasoline pumped during the month. Firm S has submitted a lease document to this effect for A's signature. A disclaimer attached to this document states that the increased rental stated in the proposed lease is not to become effective until "permitted" by Federal law. In the meantime, the disclaimer states that S will charge only the maximum rental permitted by FEA's regulations and that the proposed lease "should not be taken as an increase, offer to increase or notice of intent to increase your current rental."

2. On May 15, 1973, Individual B paid a monthly rental to Firm O of 2 cents per gallon of gasoline pumped during the month, pursuant to the prevailing terms of the lease agreement between Firm O and Individual B. This lease agreement has expired, and B's tenancy is now on a month-to-month basis. Firm O proposes to enter into a new one-year lease agreement with B at a stated monthly rental of 2.5 cents per gallon of gasoline pumped during the month. However, the 2.5 cents rental term is not to become effective until two conditions have occurred:

(a) The expiration of any Federal law prohibiting the implementation of the increased rental stated in the lease; and

(b) The expiration of a 60-day period, beginning with the first date on which an increased rental could lawfully be implemented, during which time the lessee has the unilateral option of terminating the lease agreement without penalty. Firm O has submitted a lease document to this effect for B's signature.

*Issue #1.* Is the conditional rental term proposed by Firm S in the lease offered to Individual A prohibited by FEA's Mandatory Petroleum Price Regulations, notwithstanding Firm S's disclaimer?

*Issue #2.* Is the conditional rental term proposed by Firm O in the lease offered to Individual B prohibited by FEA's Mandatory Petroleum Price Regulations, even though Individual B has the unilateral option to terminate the lease agreement, without penalty, before the rental increase becomes effective?

*Ruling.* 10 CFR 212.103 states, in relevant part, as follows:

A lessor or lessee of real property used in retailing gasoline may not—

(a) Increase, offer to increase, or give notice of intent to increase the rent for that real property to an amount in excess of the base rent as defined in § 212.102 • • •.

"Base rent" is defined, in § 212.102, as "the rent charged for that station pursuant to the contractual terms prevailing on May 15, 1973."

1. Firm S proposes to enter into a lease agreement with Individual A under which the rent for the real property involved will automatically increase, upon the expiration of controls, to an amount in excess of the base rent for that property. Under the proposed rental escalation clause, Individual A would have no recourse from the obligation to pay the increased rental upon the expiration of FEA controls on rent (i.e., satisfaction of the condition precedent). Under such circumstances, the 2.5 cent per gallon rental term contained in the lease agreement constitutes a "notice of intent to increase the rent • • • to an amount in excess of the base rent • • •" which is prohibited by § 212.103(a), notwithstanding the disclaimer of Firm S to the contrary.

2. Firm O, on the other hand, proposes a lease agreement under which the rent for the real property involved will increase only upon the expiration of controls coupled with Individual B's decision, after a reasonable period of time, not to terminate the lease agreement. Individual B has, therefore, agreed to a rental escalation at some as yet undetermined date; but upon determination of that date, B holds the unilateral option to reconsider his prior decision respecting the propriety of the rental increase and to reject or accept the lease under the new rental terms. Although the increased rental term stated in the lease represents a rent which is in excess of the base rent for the property, Firm O has not proposed an agreement to be entered into now which will irrevocably bind Individual B to the increased rental at some later date. In light of Individual B's option to terminate the lease rather than pay the increased rental, the lease provisions proposed by Firm O, when considered together, are properly regarded as rental renegotiation provisions. Under such circumstances, the 2.5 cent per gallon rental term contained in the lease agreement does not constitute a "notice of intent to increase the rent • • • to an amount in excess of the base rent • • •" for purposes of § 212.103(a).

For reasons which are more fully detailed below, the lease terms proposed by Firm O are not inconsistent with 10 CFR 212.1(c), which deals with rental renegotiation provisions depending for their operation upon the modification or termination of the Economic Stabilization Program.

DISCUSSION

Subpart G of Part 212 of the Federal Energy Office regulations, including § 212.103(a), exists in its current form by virtue of FEA's general mandate contained in the Emergency Petroleum Allocation Act of 1973 as amended (Pub. L. 93-159), to promulgate a regulation which provides for the "mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts specified in • • • *and at prices specified in* • • • such regulation." (Emphasis added.) In complying with its pricing mandate, the FEA has concluded that the leasing of real property used in the retailing of gasoline, between suppliers and retailers, is inextricably woven into the fabric of suppliers' marketing systems and is directly related to the price at which gasoline is sold at retail. The price charged for product and the rent charged for the property, each of which is often expressed as a flat rate in cents per gallon, constitute a combined charge to the retailer for the privilege of purchasing and retailing gasoline. In light of this circumstance, increases in either the product price or the property rental impact upon the retailer-lessee in precisely the same manner—the result is an increased economic burden upon the retailer for the purchasing and retailing of product. The FEA has therefore determined that its statutory mandate to regulate the price of refined petroleum products requires the regulation of rents charged between suppliers and retailers in service station leases as an integral part of its petroleum pricing regulations.

The purpose of the § 212.103(a) prohibition against a "notice of intent to increase" rentals above the base rent is to prevent lessors of real property used in the retailing of gasoline from taking advantage of a period during which price and allocation controls have reduced the operation of competitive forces in the marketplace, to obtain an irrevocable commitment from lessees to pay increased rentals during some future period when market conditions might not otherwise justify such a rental rate. Under these conditions, lessees would have little choice but to agree to such increases now, in order to maintain their on-going business in a leased retail facility. Although the increased economic burden to a lessee represented by such a commitment would be deferred until such time as its imposition would be permitted under applicable Federal law, the fact that such a commitment is exacted at a time when the impositon of such increases is prohibited by FEA regulations has led to the prohibition of such commitments per se.

Where, however, the agreement to pay a rental higher than the "base rent" for the property is revocable, FEA's purpose in prohibiting prospective rental increases is not frustrated. This is especially so under circumstances in which the final determination as to whether or not the rental increase is to be accepted is made at a time during which there is no Federal law that may be applied to restrict or prohibit such an increase. Accordingly, such a tentative agreement is not deemed to be a "notice of intent to increase the rent for that real property" within the meaning of § 212.103(a) of the FEA's price regulations. Rather, lease provisions such as those proposed by Firm O, when considered together, are properly treated as rental renegotiation provisions and, as such, are not prohibited by § 212.103(a).

10 CFR 212.1(c) states, in relevant part, as follows:

Price renegotiation provisions in price or rent contracts which depend for their operation upon the modification or termination of the Economic Stabilization Program, were previously declared to be inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Such renegotiation provisions continue to be inoperative as unreasonably inconsistent with the goals of both the Economic Stabilization Program and the Federal Energy Office.

Renegotiation provisions, such as those described in § 212.1, were first declared to be inoperative as inconsistent with the goals of the Economic Stabilization Program in Executive Order No. 11695, issued on January 12, 1973. This order





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delegated to the Chairman of the COLC all authority vested in the President by the Economic Stabilization Act of 1970 as amended (Pub. L. 92–210) and included the following requirements concerning renegotiation provisions:

> Renegotiation provisions in price, rent, wage, or salary contracts which are dependent for their operation on modification or termination of the Economic Stabilization Program are hereby declared inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program • • • this order shall not operate to permit:
>
> (i) A retroactive increase in prices, rents, wages, or salaries for goods or services sold or leased or work performed while the prices, rents, wages or salaries were subject to the rules of the Price Commission or the Pay Board, or
>
> (ii) A prospective increase in prices, rents, wages, or salaries under the terms of a contract subject to a Price Commission or Pay Board decision and order, except to the extent consistent with such decision and order.

Such renegotiation provisions continued to be inoperative throughout the existence of the Cost of Living Council.

On December 26, 1973, the Chairman of the COLC issued COLC Order No. 47 redelegating a portion of his authority to the recently established Federal Energy Office. Order No. 47 stated, in relevant part, as follows:

> [T]here is hereby delegated to the Administrator of the Federal Energy Office authority to make determinations and take actions required or permitted by the Economic Stabilization Act of 1970, as amended, with respect to petroleum products and crude oil and the leasing of real property used in the retailing of gasoline.

Since Executive Order No. 11695 required that renegotiation provisions generally be declared inoperative, and since authority to enforce this requirement as regards the pricing of crude oil and petroleum products and the leasing of real property used in the retailing of gasoline had been redelegated to the Administrator of the Federal Energy Office, the FEO promulgated the provisions contained in § 212.1 quoted above on January 14, 1974. In so doing, the FEO intended to render inoperative only renegotiation provisions in contracts which irrevocably bind the purchaser or lessee to continue to purchase product or pay rental beyond the period of controls and at some as yet undetermined but possibly increased rate. Where a continuing irrevocable purchase or rental obligation exists, and renegotiation of the price or rental term is required, a renegotiation requirement is tantamount to an irrecovable commitment to pay some incremental increase in the price or rental at a future date. Such renegotiation provisions are therefore inoperative as inconsistent with the purpose of FEA regulations regarding prices and rents.

Where, however, there is no irrevocable commitment on the part of a purchaser-lessee to purchase product or pay rental beyond the period during which Federal law operates to restrict such prices and rentals, contract provisions providing for the renegotiation of price or rental terms are not susceptible to being used in a manner that would jeopardize the effective implementation of FEA's regulations covering prices and rents. Accordingly, 10 CFR 212.1 has no impact on renegotiation provisions under such circumstances.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel,*
*Federal Energy Administration.*

APRIL 21, 1975.

[FR Doc.75-10784 Filed 4-21-75;4:53 am]

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## Title 12—Banks and Banking

## CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[75-299]

## COLLATERALIZED BORROWINGS

APRIL 2, 1975.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the preamble and the specific provisions of the regulations:

I. PRINCIPAL PROVISIONS FOR MORTGAGE-BACKED BONDS (MBBs)

A. Minimum denomination.

1. Under proposed regulation—$100,000.

2. Under final regulation—$10,000 up to $100,000 if sold only through registered securities brokers; $100,000 or over, no restriction.

B. Five-year minimum average effective maturity.

C. Maximum required prepayment per year—could not exceed 20 percent of original principal.

D. Collateral pool.

1. Under proposed regulation—any whole real estate loans could be placed in the collateral pool but substitutions, additions and supplemental payments not allowed; however, provision made for re-investment of accumulated principal payments on the mortgage collateral.

2. Under final regulation—same as proposed (with re-investment provision restated but not changed in substance), except that the bondholders may permit the S&L issuer to have discretion to substitute collateral having a market value not in excess of the replaced collateral at the time of substitution.

E. Issuer must meet an income test.

II. PRINCIPAL RELATED AMENDMENTS

A. Net-worth requirements for certain secured borrowings.

1. Under proposed regulation—all existing net worth requirements to be met under § 563.13, plus 5 percent of outstanding principal amounts of secured loans with maturities in excess of one year and 10 percent of any collateral in excess of outstanding loan principal.

2. Under final regulation—same as above, except 10 percent net worth requirement for over-collateralization deleted.

B. "Outside borrowing" percentages.

1. Under proposed regulation—nonconforming MBB borrowings, excluding FHLBank advances, to be reduced from the current 10 percent to 5 percent of savings plus stock; conforming MBBs to be allowed an additional 5 percent (for a possible total of 15 percent in outside borrowings). The 10 percent limitation for non-mortgage secured or unsecured borrowings to remain unchanged.

2. Under final regulation—same as proposed, except that existing nonconforming MBBs constituting amounts in excess of 5 percent of outside borrowings on the effective date of the regulation will not constitute a violation of the requirement until after November 23, 1975, or the term of the borrowing, whichever is sooner.

C. Federal association optional charter amendment to allow increased borrowing for conforming MBBs.

The Federal Home Loan Bank Board, by Resolution No. 74–1170, dated December 19, 1974, proposed amendments to Parts 544 and 545 of the rules and regulations of the Federal Savings and Loan System (12 CFR Parts 544 and 545) and amendments and additions to Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561 and 563), in order to revise the limitations on secured borrowings from sources other than a Federal Home Loan Bank or State-chartered central reserve institution and to create a new provision regulating the issuance of certain debt securities secured by mortgages; in addition, the Board proposed conforming changes to the regulations governing borrowing by Federal associations. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on January 17, 1975 (40 FR 3011), with an invitation for interested persons to submit written comments by February 18, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Parts 544, 545, 561, and 563 as proposed with certain modifications by revising §§ 545.24, 561.2, 561.3, 563.8, and 563.13 thereof, and by adding new §§ 544.8(e), 561.24a, and 563.8–2 thereto, to read as set forth below, effective May 23, 1975. The Board also hereby amends § 563.31(a) to read as set forth below, effective May 23, 1975; since this amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to it are unnecessary under the provisions of 12 CFR 508.11 and 12 U.S.C. 553(b). By a companion Resolution (Resolution No. 75–300; April 2, 1975), the Board proposes related amendments to the rules and regulations for Insurance of Accounts pertaining to guarantees by insured institutions of borrowings.

New § 561.24a defines the term "mortgage-backed bond" to mean any borrowing (except borrowings from Federal Home Loan Banks and State-chartered central reserve institutions) secured in whole or in part by one or more real estate loans.

New § 563.8–2, entitled Issuance of mortgage-backed bonds, contains a number of eligibility requirements set out in





paragraph (a) thereof. An insured institution is required to meet tests relating to its ratio of scheduled items to specified assets, its offset of appraised losses under § 563.17–2, its average income coverage of costs related to mortgage-backed bonds issued or proposed to be issued under § 563.8–2, and the legality of the proposed bond under applicable laws. Such eligibility requirements are required to be met both at the time of filing and at the time of issuance, unless specifically waived by the Corporation in a given case.

Paragraph (b) of new § 563.8–2 sets forth restrictions on the terms of mortgage-backed bonds issued pursuant to that section: A minimum average effective maturity of five years (to be calculated by adding up the bond principal balances to be outstanding at the end of each year or fractional year and dividing the total by the original outstanding bond principal); a maximum contractually required repayment of principal in any one year of not more than 20 percent of the original principal amount (although the insured institution could voluntarily choose to repay a greater percentage of principal); a requirement that the bond certificate state, in bold face type and in a prominent place, that it is not a savings account or deposit and is not insured by the Federal Savings and Loan Insurance Corporation; and a number of collateral pool restrictions.

With regard to such collateral, § 563.8–2(b)(3) prescribes that whole mortgages be collected into a fixed pool at the time of the bond issuance. Additions and supplemental payments to the collateral pool are prohibited, and the only substitutions permitted are those which the bondholders may agree to allow the savings and loan issuer to make at its discretion, with any such substituted collateral not to exceed the market value of the replaced collateral. This is merely an optional convenience feature for the savings and loan issuer, in the event that it has the opportunity to more favorably dispose of specific mortgages located in the collateral pool, and could not be used, for example, to replace defaulted mortgages in the pool (because the value of replacements may not exceed the value of the replaced collateral).

In lieu of other additions and substitutions, however, the second proviso of § 563.8–2(b)(3)(ii) authorizes the parties to agree to put back into the pool mortgages or other securities in amounts not in excess of the accumulated principal repayments made to the insured institution on mortgages and other securities in the pool, with the value of such replacements to be based on their market value at the time of replacement. This provision has been restated for purposes of clarity but is unchanged in substance from the proposal language. Under § 563.8–2(b)(3)(iii), collateral would be subject to sale by the bond trustee only after the Corporation has received written notification of any default on the bond and has had 30 days after notification of a proposed sale or other disposition in which to exercise a right of first refusal over all or any portion of the collateral at the price offered by the prospective buyer or the value assigned to such collateral in such other disposition.

Paragraph 563.8–2(c) pertains to notification by the insured institution to the Supervisory Agent of its district of the institution's intent to issue mortgage-backed bonds pursuant to this section. The notice is required to contain a description of the terms of the proposed issue. If, by the close of the fifth business day after receipt of such notice, the Supervisory Agent has not objected to the proposed issuance, then the institution has 120 calendar days in which to issue the bonds; after the expiration of the 120 days, a re-filing is necessary. If the Supervisory Agent takes objection to the proposed issuance, the question is to be submitted to the Corporation for resolution. Grounds for objection by the Corporation to the proposed issuance include objection to the policies, condition or operations of the insured institution, or unreasonable bond terms.

Paragraph 563.8–2(d) provides for alternative minimum denominations. Mortgage-backed bonds may be issued in minimum denominations of $100,000, as originally proposed by the Board in its December 19 resolution, without any additional restrictions. Alternatively, bonds in minimum denominations of between $10,000 and less than $100,000 may be issued subject to the following restrictions on distribution: (1) The bonds may be sold only through brokers and dealers registered with the Securities and Exchange Commission, (2) the bonds may not be offered for sale at any office of the savings and loan issuer or its affiliates, and (3) any unsolicited advertisement or other communication to more than 35 prospective bond purchasers may be made only through the brokers and dealers described in (1), above.

Paragraph 563.8–2(e) prohibits the making of false or misleading statements in connection with the offer, sale, or issuance of mortgage-backed bonds pursuant to the new section.

Paragraph 563.8–2(f)(1) exempts mortgage-backed bonds issued pursuant to the new section from the requirement that securities be registered by owner's name so as to be transferable only on the books of the insured institution; paragraph 563.8–2(f)(2) exempts such bonds from any adverse effects on the accumulation, accrual, or payment of any return thereon as a result of the institution's failure to comply with the Federal insurance reserve or net worth requirements of § 563.13.

The Board also amends other sections of the regulations pertaining to collateralized borrowings, including § 563.8, which sets out the limitations upon borrowing by insured institutions. Section 563.8 provides that, except as the Corporation may otherwise permit by advice in writing, insured institutions are authorized to borrow aggregate amounts not exceeding one-half of the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates, and authorizes up to one-fifth of such amount, that is to say 10 percent of the sums so paid in and credited to the institution, to be borrowed from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution. This provision is revised so that only 5 percent out of the 10 percent of borrowings from such other sources may be used for mortgage-backed borrowings which are not issued pursuant to new § 563.8–2 (to be applicable after November 23, 1975, to existing nonconforming bonds outstanding at the time of the regulation's effective date), but that an additional 5 percent of borrowings within the aggregate amount (which may be added to any unused portion of the 10 percent of borrowing from such other sources) is authorized for mortgaged-backed borrowings issued pursuant to new § 563.8–2. Unsecured borrowings and non-mortgage secured borrowings continue to be authorized in amounts not exceeding 10 percent of such paid-in and credited amount.

New paragraph 563.8(b) provides that secured borrowings from sources other than Federal Home Loan Banks and State-chartered central reserve institutions which have stated maturities in excess of one year must meet new net worth requirements. Specifically, the basic net worth requirement of § 563.13(b)(1) must be meet, as well as a new additional net worth requirement equal to 5 percent of the aggregate unpaid principal amount of all outstanding secured borrowings with maturities in excess of one year, as set out in new § 563.13(b)(4). (Paragraph 563.8(b) excludes from the computation outstanding borrowings to be re-funded out of the proceeds of new borrowings.) The proposed net worth requirement applicable to collateral in excess of the unpaid principal amount of all such secured borrowings is deleted from the final amendment.

Paragraphs (c) and (d) of § 563.8 contain provisions which are unchanged from the previous § 563.8; the language of paragraph (e) of § 563.8 has been modified for purposes of clarification but is unchanged in substance from the previous § 563.8.

Mortgage-backed bonds are excluded from the definitions of "insured member" and "insured account" by amendments to §§ 561.2 and 561.3, respectively, and for purposes of acquiring insurance or guaranty, mortgage-backed bonds and subordinated debentures are excluded from the term "accounts" by amendment to § 563.31.

Section 544.8 is amended by the addition of a new paragraph (e), which authorizes the board of directors of a Federal association that has Charter N or K (rev.) to amend section 9 of its charter, entitled "Power to borrow", to allow borrowing up to an additional 5 percent of capital for mortgage-backed bonds issued pursuant to new § 563.8–2. Section



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545.24, which provides for Federal as-



of its shares or share accounts or for-

gage-backed bonds which are not in con-

(4) The insured institution's average

Federal Savings and Loan Insurance

under which they were made, not false

545.24, which provides for Federal association borrowing, issuance of obligations, and giving of security, is amended to make specific reference to new § 545.8–2 as an issuance of a security authorized under section 5(b)(2) of the Home Owners' Loan Act.

## PART 544—CHARTER AND BYLAWS

1. Add a new paragraph (e) to § 544.8 as follows:

**§ 544.8 Amendment of charter.**

* * * * *

(e) *Amendment of charter relating to borrowing powers.*

(1) The provisions of this paragraph (e)(1) shall constitute approval of the Board of the proposal by the board of directors of any Federal association that has a Charter N or a Charter K (rev.) of the amendment of section 9 of such association's charter to read as follows:

9. *Power to borrow.* The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal Home Loan Bank shall not exceed one-tenth of such capital and an additional amount not exceeding one-twentieth of such capital through issuance of mortgage-backed bonds pursuant to § 563.8–2 of the Rules and Regulations for Insurance of Accounts of the Federal Savings and Loan Insurance Corporation. Notwithstanding the foregoing limitation, the association may, with prior approval by the Federal Home Loan Bank Board, borrow from a Federal Home Loan Bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such Bank or agency. The association may pledge and otherwise encumber any of its assets to secure its debts.

(2) The association shall follow the requirements of section 11 of its charter in adopting such amendment.

## PART 545—OPERATIONS

2. Revise § 545.24 as follows:

**§ 545.24 Borrowing, issuance of obligations, and giving of security.**

An association may borrow to such extent as is authorized by the terms of its charter or by the Board by advice in writing. An association may issue such notes, bonds, debentures, or other obligations, or other securities, as are not inconsistent with the terms of paragraph (2) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, as amended, (a) to the extent that such issuance is in compliance with the provisions of §§ 563.8–1 or 563.8–2 of this chapter, (b) to such extent as is otherwise authorized by the Board by advice in writing, or (c), except in the case of subordinated debt securities, as that term is defined in § 561.24 of this chapter, to the same extent that it would have authority to do so if said paragraph (2) had not been enacted. To such extent as is authorized by the terms of its charter or by the Board by advice in writing, an association may give security; but an association shall not give security for any of its shares or share accounts or for any of its savings accounts representing share interests in the association.

## PART 561—DEFINITIONS

3. Revise §§ 561.2 and 561.3 to read as follows:

**§ 561.2 Insured member.**

The term "insured member" means the holders of an account or accounts in an institution insured by the Corporation. Such holder is a separate insured member in each of the capacities and to the extent provided in Part 564 of this chapter. The term does not include the holder of any subordinated debt security or any mortgage-backed bond issued by an insured institution.

**§ 561.3 Insured account.**

An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of State law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts". Subordinated debt securities and mortgage-backed bonds issued by an insured institution are deemed not to be "accounts", and such securities are not insurable.

4. Add a new § 561.24a as follows:

**§ 561.24a Mortgage-backed bond.**

The term "mortgage-backed bond" means any borrowing (other than a borrowing from a Federal Home Loan Bank or a State-chartered central reserve institution) secured in whole or in part by one or more real estate loans.

## PART 563—OPERATIONS

5. Revise § 563.8 as follows:

**§ 563.8 Limitation upon borrowing.**

(a) Except as the Corporation may otherwise permit by advise in writing, no insured institution shall borrow in excess of the amount authorized by the law under which such insured institution operates. Within the foregoing limit, an insured institution may borrow amounts not exceeding in the aggregate the following percentages of the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates:

(1) 50 percent of such paid-in and credited amount for all borrowings;

(2) A portion of the amount authorized in paragraph (a)(1) of this section, not to exceed 10 percent of such paid-in and credited amount, for all borrowings from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution: *Provided*, That mortgage-backed bonds which are not in conformity with § 563.8–2 (except such mortgage-backed bonds in existence before May 23, 1975, for the period of their loan terms or until November 23, 1975, whichever period is shorter) shall not constitute more than 5 percent of such paid-in and credited amount; and

(3) A portion of the amount authorized in paragraph (a)(1) of this section, not to exceed 5 percent of such paid-in and credited amount, shall be available in addition to the amount authorized in paragraph (a)(2) of this section for mortgage-backed bonds which are in conformity with § 563.8–2.

(b) Except as the Corporation may otherwise permit by advice in writing, no insured institution may issue a secured borrowing with an original stated maturity in excess of one year under paragraphs (a) (2) and (3) of this section unless such institution meets the net worth requirements of § 563.13(b), after giving effect to the issuance of such borrowing and the repayment of any secured borrowing being refunded out of the proceeds of such issuance.

(c) No action of an insured institution in obtaining funds through borrowing, in accordance with the provisions of this section, shall be deemed a violation hereof should its aggregate borrowings exceed the limitations because of a subsequent reduction in the amounts paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates.

(d) For purposes of this section, the issuance of subordinated debt securities by an insured institution shall be considered borrowing. For purposes of this section and §§ 561.13 and 563.8–1 of this chapter, the amount of subordinated debt securities shall be calculated as the face amount of such securities which are outstanding less the amount of any related sinking fund or specific reserve account.

6. Add a new § 563.8–2 as follows:

**§ 563.8–2 Issuance of mortgage-backed bonds.**

(a) *Eligibility requirements.* Mortgage-backed bonds may be issued by an insured institution pursuant to this section only if the following eligibility requirements are met at the time that notice of such intended issuance is filed with the Supervisory Agent, as provided in paragraph (c) of this section, and at the time of such issuance, unless one or more of such requirements are waived by the Corporation upon specific request in a given case:

(1) The issuance of such bonds is authorized by applicable law and regulation and is not inconsistent with any provision of the insured institution's charter, constitution, or bylaws;

(2) The insured institution's scheduled items do not exceed 2.5 percent of its specified assets;

(3) All appraised losses have been offset by specified loss reserves to the extent required by the Corporation under § 563.17–2; and





(4) The insured institution's average income (before income taxes and extraordinary items and after payment of interest and dividends on savings accounts) for its last three fiscal years is at least two times the annual amount required for interest and amortization of the related expenses of all mortgage-backed bonds issued pursuant to this section (excluding any such bonds to be refunded out of the proceeds of any such issue).

(b) *Restrictions on the bond.* No mortgage-backed bond may be issued pursuant to this section unless it is in conformity with the following requirements:

(1) The average effective maturity shall not be less than 5 years (average effective maturity is calculated by adding up the bond principal balances to be outstanding at the end of each year or fractional year and dividing the total by the original outstanding bond principal);

(2) The maximum required principal repayment shall not be more than 20 percent of the original principal amount per year;

(3) The collateral pool securing the bonds shall be (i) composed of whole mortgages upon real estate: *Provided* That, subsequent to the time of bond issuance, such collateral pool may also contain other securities, (ii) fixed at the time of issuance, without provision for mandatory substitution, or additions or supplemental payments: *Provided* That the insured institution and the bondholders may agree that the insured institution may, in its discretion and without requirement by the bondholders or trustee, choose to substitute collateral, which may be made subject to acceptance by the bondholders or trustee, for such pool, with any such substituted collateral having at the time of substitution a market value not in excess of the market value at such time of collateral withdrawn from such pool; and *Provided further*, That the insured institution and the bondholders agree that an amount not in excess of the accumulated principal repayments from mortgages or other securities in the collateral pool may be replaced in such pool in the form of mortgages or other securities, with the value of such replacement securities to be based upon their market value at the time of replacement; and (iii) subject to sale or other disposition by or on behalf of the bondholders only after the Corporation has received prompt written notification of any default on the bond obligation and, before such a sale or other disposition of all or any portion of the collateral, has had 30 days after written notice of such proposed sale or other disposition to exercise a right to purchase such collateral at a price to be paid at such sale or to acquire such collateral at the value to be assigned to it in such other disposition; and

(4) Each writing evidencing or constituting a mortgage-backed bond shall bear on its face, in bold face type and in a prominent place, the following legend: "This security is not a savings account or deposit and it is not insured by the Federal Savings and Loan Insurance Corporation".

(c) *Filing.* An insured institution shall file with the Supervisory Agent (as defined in § 563.8–1(e)) a notice of intent to issue mortgage-backed bonds pursuant to this section which provides a brief description of such intended issuance, including principal amount of the bonds; anticipated interest rate range and price range at which the bonds are to be sold; minimum denomination; stated and average effective maturity; mandatory and optional prepayment provisions; description, amount, and maintenance of collateral; trustee provisions; events of default; and remedies of default. The Supervisory Agent shall have 5 business days after receipt of such filing to object to the issuance of such bonds. If no objection is taken by the close of such 5 day period, the insured institution shall have 120 calendar days within which to issue the bonds; after the expiration of the 120 calendar day period, the insured institution will be required to file again under this paragraph (c). If objection is taken to the issuance of the bonds, then the Supervisory Agent shall promptly cause the question of such issuance to be submitted to the Corporation for its decision. The issuance shall not be permitted if, in the opinion of the Corporation, the policies, condition, or operation of the insured institution, or the inclusion in the bond indenture of unreasonable terms, afford a basis for supervisory objection to the issuance.

(d) *Minimum denomination.* (1) Except as provided in paragraph (d)(2) of this section, the minimum denomination of the bonds shall be $100,000.

(2) The minimum denomination of the bonds may be $10,000 under the following conditions:

(i) The bonds may be sold only through brokers and dealers registered with the Securities and Exchange Commission;

(ii) The bonds may not be offered or sold at any offices of the issuer or any of its affiliates; and

(iii) Any advertisements for such bonds, including any broadcast, any written communication published in a newspaper, magazine or similar medium, or any letter, circular, or other written communication sent, given, or communicated to more than 35 persons who prior to such communication have not indicated an interest in purchasing the bonds, shall be made only by brokers and dealers as described in paragraph (d)(2)(i) of this section, and not by the issuer or any of its affiliates.

(3) Upon partial payment, a certificate for the amount then outstanding may be issued in substitution for the original certificate.

(e) *False or misleading statements.* No insured institution shall, directly or indirectly, in connection with the offer, sale, or issuance of mortgage-backed bonds pursuant to this section, make any statement (1) that is false or misleading with respect to any material fact or (2) that omits to state any material fact (i) necessary in order to make the statements made, in light of the circumstances under which they were made, not false or misleading or (ii) necessary to correct any earlier statement that has subsequently become false or misleading.

(f) *Applicability of other provisions.* (1) Section 563.4 shall not be applicable to mortgage-backed bonds which are issued pursuant to this section.

(2) The accumulation, accrual or payment of any return on a mortgage-backed bond issued pursuant to this section shall not be affected by any provision of § 563.13.

7. Revise § 563.13(b)(1) and add a new (b)(4) as follows:

**§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.**

* * * * *

(b) *Net worth requirements*—(1) *Minimum required amounts.* After the fiscal year in which a certificate of insurance is issued, each insured institution shall build up its net worth so that, as of the close of business on the annual closing date following each anniversary of the date of insurance of accounts, such net worth shall be at least equal to the greater of (i) the applicable Federal insurance reserve account requirement, plus an amount equal to 20 percent of the institution's scheduled items, plus the additional amount required by paragraph (b)(4) of this section, or (ii) the amount determined under the Asset Composition and Net Worth Index set forth in paragraph (b)(2) of this section, as adjusted by multiplying such amount by a fraction of which the numerator is the applicable Federal insurance reserve percentage (from the table set forth in paragraph (a)(1) of this section) and the denominator is 5.00, plus the additional amount provided for in paragraph (b)(4) of this section.

* * * * *

(4) Each insured institution shall also have an additional amount of net worth equal to 5 percent of the unpaid principal amount of all outstanding secured borrowings (other than a borrowing from a Federal Home Loan Bank or a State-chartered central reserve institution) with an original stated maturity in excess of one year.

* * * * *

8. Revise § 563.31(a) as follows:

**§ 563.31 Other insurance or guaranty.**

(a) An insured institution shall not acquire any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by Title IV of the National Housing Act. As used in this section, the term "accounts" shall have the same meaning as the term "withdrawable or repurchasable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act, except that the term "accounts" shall not include mortgage-backed bonds or subordinated debt securities.

* * * * *



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(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1266, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-10768 Filed 4-23-75;8:45 am]

## Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-GL-52]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Control Zone and Transition Area

On Page 5542 of the FEDERAL REGISTER dated February 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.171 and 71.181 of part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Escanaba, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., June 19, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348], and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois, on April 1, 1975.

JOHN M. CYROCKI,
*Director, Great Lakes Region.*

In § 71.171 (39 FR 354), the following control zone is amended to read:

ESCANABA, MICHIGAN

Within a 5-mile radius of Delta County Airport Latitude 45°43'25" N., Longitude 87°05'56" W.); within 3 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east and west of the VORTAC.

In § 71.181 (39 FR 440), the following transition area is amended to read:

ESCANABA, MICHIGAN

That airspace extending from 700 feet above the surface within a 8 mile radius of the Delta County Airport (Latitude 45°43'-26" N., Longitude 87°05'56" W.); that airspace extending from 1200 feet above the surface within a 19-mile radius of Escanaba VORTAC, excluding that portion which overlies the Marquette, Michigan transition area and that portion south of the 45°45' parallel.

[FR Doc.75-10650 Filed 4-23-75;8:45 am]

[Airspace Docket No. 74-GL-55]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Control Zone and Transition Area

On page 5543 of the FEDERAL REGISTER dated February 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.171 and 71.181 of part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Ironwood, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been receive and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., June 19, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348], and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois, on April 1, 1975.

JOHN M. CYROCKI,
*Director, Great Lakes Region,*

In § 71.171 (39 FR 354), the following control zone is amended to read:

IRONWOOD, MICHIGAN

Within a 6½-mile radius of Gogebic County Airport (Latitude 46°31'32" N., Longitude 90°07'54" W.); within 3 miles each side of the Ironwood VORTAC 258° radial, extending from the 6½-mile radius zone to 8 miles west of the VORTAC.

In § 71.181 (39 FR 440), the following transition area is amended to read:

IRONWOOD, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Gogebic County Airport (Latitude 46°31'32" N., Longitude 90°07'54" W.); within 3 miles each side of the 272° radial, extending from the 13-mile radius to 15 miles west of the Ironwood VORTAC and that airspace extending upward from 1200 feet above the surface within a 24-mile radius of the Ironwood VORTAC excluding the portion in the State of Wisconsin.

[FR Doc.75-10649 Filed 4-23-75;8:45 am]

[Airspace Docket No. 75-GL-6]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Transition Area

On Page 7944 of the FEDERAL REGISTER dated February 24, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Detroit Lakes, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 19, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348], and of Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on April 1, 1975.

JOHN M. CYROCKI,
*Director, Great Lakes Region.*

In § 71.181 (39 FR 440), the following transition area is revised to read:

DETROIT LAKES, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Detroit Lakes Municipal Airport (Latitude 46°49'34" N., Longitude 95°53'06" W.); within 3 miles each side of the Detroit Lakes VOR 315° radial extending from the 5-mile radius area to 7½ miles northwest of the VOR; within 3 miles each side of the 145° radial extending from the 5-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Detroit Lakes VOR 318° radial extending from the VOR to 18½ miles northwest; within 4½ miles southwest and 9½ miles northeast of the VOR 146° radial extending from the VOR to 18½ miles southeast, excluding that portion which overlies the Fargo, North Dakota transition area.

[FR Doc.75-10648 Filed 4-23-75;8:45 am]

## Title 17—Commodity and Securities Exchanges

### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8752]

### PART 271—INTERPRETIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND RULES AND REGULATIONS THEREUNDER

#### Division of Investment Management Regulation Interpretive Position Relating to Rule 22c-1

The Securities and Exchange Commission today called attention to an interpretive position its Division of Investment Management Regulation has taken relating to Rule 22c-1 (17 CFR 270.22c-1) promulgated under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) ("Act").

Rule 22c-1 requires that redeemable investment company securities shall not be redeemed by a registered investment company except at a price based on the net asset value next computed after receipt of a tender of such security for redemption. However, the question has arisen as to the applicability of the Rule in merger situations where many state statutes provide for payment to a shareholder objecting to the merger.

Such statutes typically provide that a shareholder who objects to the merger in writing prior to the shareholder vote on the proposed merger and who does not vote in favor of the merger may, for a specified period of time after the effective date of the merger ("demand period"), make a written demand upon the surviving corporation for payment in exchange for his stock. Upon receipt of such a demand, the corporation is required to pay the shareholder the fair value of his stock computed as of the effective date of the merger.

The procedure contemplated by these statutes would require, in effect, a redemption based on net asset value computed as of a number of days prior to the shareholder's redemption. For example, a shareholder of an open-end company about to merge into another open-end company could file an objection to the merger, not vote for the merger, and tender a demand for payment or do nothing depending on the subsequent performance of the surviving corporation during the demand period. If the net asset value of the surviving corporation increases during the demand period, the shareholder could do nothing and remain a shareholder in the surviving corporation; if the net asset value declines, he could make a written demand for payment and receive an amount based on the net asset value of the merged corporation at the effective date of the merger. To the extent that payment by the surviving corporation exceeds the net asset value which the stock represents in the surviving corporation at the time of the written demand, the interests of the other shareholders are diluted.

In adopting Rule 22c-1 (Investment Company Act Release No. 5519, October 16, 1968 (25 FR 16332)), the Commission stated that the rule was intended to eliminate, as much as possible, dilution resulting from the redemption or repurchase of securities at a price above their net asset value and speculative trading practices which are unfair to the other shareholders of an investment company issuing redeemable securities. These are precisely the practices which the procedure contemplated by the aforementioned state statutes would make possible. Indeed, since the requirements of Rule 22c-1 would provide a fair price for a dissenting shareholder while protecting the interests of the majority shareholders, its operation in this area would be in consonance with the policy behind the state statutes to a greater extent than the mechanical operation of the statutes themselves.

Therefore, it is the position of the Division of Investment Management Regulation that adherence to such state statutory procedures by registered investment companies issuing redeemable securities would constitute a violation of Rule 22c-1. In this connection, it is the view of the Division that Rule 22c-1 supersedes such state statutes. Section 50 of the Act states, "• • • nothing in this title shall affect the jurisdiction of • • • any State or political subdivision of any State, over any person, security, or transaction *insofar as such jurisdiction does not conflict with any provision of this title or any rule, regulation, or order hereunder*" (emphasis added).

Dated: April 10, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10730 Filed 4-23-75;8:45 am]





## Title 18—Conservation of Power and Water Resources

### CHAPTER III—DELAWARE RIVER BASIN COMMISSION

### PART 401—RULES OF PRACTICE AND PROCEDURE

#### Public Access to Records and Information; Correction

On March 28, 1975 (40 FR 14056) the Delaware River Basin Commission published regulations in accordance with the Freedom of Information Act, as amended. These regulations were erroneously incorporated as Subpart F §§ 401.71–401.89). To correctly incorporate the Commission's Freedom of Information provisions into the Code of Federal Regulations the following changes are made:

1. Subpart F (§§ 401.71–401.89) appearing at 40 FR 14056, March 28, 1975 is correctly designated as Subpart G (§§ 401.91–401.109).

2. In the text of Subpart G, all internal references to §§ 401.71–401.89 are amended to §§ 401.91–401.109 respectively.

3. The Subpart F (§§ 401.81–401.87) appearing at 39 FR 25474, July 11, 1974, remains in effect as Subpart F.

4. Subpart G (§§ 401.91–401.94) appearing at 40 FR 14056, March 28, 1975, is correctly redesignated as Subpart H (§§ 401.111–401.114).

(Sec. 14.2, Delaware River Basin Compact, Pub. L. 87-328, 75 Stat. 688; Pub. L. 93-502, as amended)

Dated: April 18, 1975.

W. BRINTON WHITALL,
*Secretary,*
*Delaware River Basin Commission.*

[FR Doc.75-10691 Filed 4-23-75;8:45 am]

## Title 24—Housing and Urban Development

### CHAPTER V—OFFICE OF ASSISTANT SECRETARY OF COMMUNITY PLANNING AND DEVELOPMENT

[Docket No. R-75-292]

### PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

#### Submission of Applications

*Correction*

In FR Doc. 75-9814, appearing on page 16663 in the issue for Monday, April 14, 1975, in § 570.300(a), in the 11th line, the date reading "cember 1, 1975;" should be changed to read "cember 1, 1974;".

### CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-558]

### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

#### Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in the order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:





§ 1914.4 Status of participating communities.



PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

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§ 1914.4 Status of participating communities.

| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| Alabama | Dale | Ozark, city of | Apr. 17, 1975. Emergency | May 24, 1974 | | |
| California | Placer | Roseville, city of | do | Aug. 2, 1974 | | |
| Colorado | Bent | Las Animas, city of | do | Jan. 9, 1974 | | |
| Indiana | Lawrence | Bedford, city of | do | Feb. 15, 1974 | | |
| Iowa | Blackhawk | Gilbertville, city of | do | Mar. 22, 1974 | | |
| Kentucky | Nicholas | Unincorporated areas | do | Oct. 18, 1974 | | |
| Do | Warren | Bowling Green, city of | do | May 31, 1974 | | |
| Do | Breckinridge | Cloverport, city of | do | Feb. 1, 1974 | | |
| Maine | Kennebec | Farmingdale, town of | do | Aug. 2, 1974 | | |
| Maryland | Allegany | Frostburg, city of | do | Sept. 20, 1974 | | |
| Do | Frederick | Myersville, town of | do | Dec. 6, 1974 | | |
| Mississippi | Tishomingo | Burnsville, city of | do | Mar. 22, 1974 | | |
| Missouri | St. Charles | O'Fallon, city of | do | Feb. 1, 1974 and Dec. 6, 1974 | | |
| Missouri (E) | Cole | Jefferson City, city of | Apr. 23, 1971. Emergency. Dec. 31, 1971. Suspension. Apr. 11, 1975. Reinstated. | Mar. 16, 1974 | | |
| Nebraska | Cass | Nehawka, village of | Apr. 17, 1975. Emergency | Sept. 6, 1974 | | |
| Do | Valley | North Loup, village of | do | Nov. 22, 1974 | | |
| New Jersey | Monmouth | New Shrewsbury, borough of | do | Apr. 12, 1974 | | |
| Ohio | Stark | Canton, city of | do | Dec. 17, 1973 | | |
| Do | Scioto | New Boston, village of | do | May 31, 1974 | | |
| Oregon | Hood River | Unincorporated areas | do | | | |
| Do | Linn | Sweet Home, city of | do | Jan. 23, 1974 | | |
| Pennsylvania | Susquehanna | Lanesboro, borough of | do | Dec. 20, 1974 | | |
| Do | Berks | Windsor, township of | do | Jan. 23, 1974 | | |
| Do | York | Spring Grove, borough of | do | May 3, 1974 | | |
| Do | Crawford | Troy, township of | do | Nov. 1, 1974 | | |
| Do | Beaver | New Brighton, borough of | do | Mar. 1, 1974 | | |
| Do | Centre | Burnside | do | Nov. 8, 1974 | | |
| Do | Washington | Coal Center, borough of | do | May 3, 1974 | | |
| Do | Schuylkill | Coal Dale, borough of | do | do | | |
| Do | Westmoreland | Export, borough of | do | June 28, 1974 | | |
| Do | Berks | Fleetwood, borough of | do | Dec. 28, 1973 | | |
| Do | Luzerne | Jeddo, borough of | do | Jan. 17, 1975 | | |
| Do | Armstrong | South Buffalo, township of | do | Nov. 8, 1974 | | |
| South Carolina | Florence | Florence, city of | do | May 31, 1974 | | |
| Texas | Harris | South Houston, city of | do | June 28, 1974 | | |
| Vermont | Orange | Fairlee, town of | do | Feb. 15, 1974 | | |
| West Virginia | Putnam | Poco, town of | do | Mar. 29, 1974 | | |
| Do | Hardy | Wardensville, town of | do | do | | |
| Do | Tucker | Parsons, town of | do | Feb. 8, 1974 | | |
| Wisconsin | Ozaukee | Hortonsville, village of | do | Nov. 29, 1974 | | |
| Do | Dane | McFarland, village of | do | Dec. 17, 1973 | | |
| Do | Washington | Hartford, city of | do | Jan. 9, 1974 | | |
| Do | Adams | Friendship, village of | do | May 3, 1974 | | |
| Do | Columbia | Fall River, village of | do | Apr. 5, 1974 | | |
| Wyoming | Weston | New Castle, city of | do | Aug. 30, 1974 | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 11, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75-10306 Filed 4-23-75;8:45 am]





## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. FI-559]

### List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Where two dates appear in the column marked effective date of identification, the first listing refers to the initial identification of areas having special flood hazards, and the second date refers to additional areas identified. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Arizona | Yavapai | Cottonwood, town of. | H 040096 A 01 through H 040096 A 02 | Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7008, 718 West Glenrosa, Phoenix, Ariz. 85001. | Mayor, Town Hall, Town of Cottonwood, Cottonwood, Ariz. 86326. | June 7, 1974. May 2, 1975. |
| Arkansas | Benton | Gentry, city of | H 050324 01 | Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204. | Mayor, City Hall, City of Gentry, Gentry, Ark. 72734. | May 2, 1975. |
| Do | do | Gravett, city of | H 050327 01 | do | Mayor, City of Gravett, City Hall, Gravett, Ark. 72736. | Do. |
| Do | do | Lowell, city of | H 050342 01 through H 050342 02 | do | Mayor, City of Lowell, City Hall, Lowell, Ark. 72745. | Do. |
| Do | Columbia | McNeil, city of | H 050343 01 | do | Mayor, City Hall, City of McNeil, McNeil, Ark. 71752. | Do. |
| Do | Franklin | Branch, city of | H 050393 01 through H 050393 02 | Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204. | Town Mayor, City Hall, City of Branch, Branch, Ark. 72928. | Do. |
| California | San Mateo | Colma, town of | H 060316 A 01 through H 060316 A 02 | Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012. | Town Mayor, Town of Colma, Town Hall, Colma, Calif. 94014. | Do. |
| Do | Yuba | Wheatland, city of. | H 060460 01 | do | Mayor, City of Wheatland, City Hall, Wheatland, Calif. 95692. | Do. |
| Colorado | Clear Creek | Empire, town of. | H 080212 01 | Colorado Water Conservation, Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203. | Town Mayor, Town Hall, Town of Empire, Empire, Colo. 80438. | Do. |
| Do | Teller | Victor, town of | H 080226 01 | do | Town Mayor, Town Hall, Town of Victor, Victor, Colo. 80860. | Do. |
| Florida | Brevard | Indialantic, town of. | H 125115 B 01 | Department of Community Affairs, 2571 Executive Center Circle, East Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304. | Town Manager, Town of Indialantic, 216 Fifth Ave., Indialantic, Fla. 32901. | Aug. 18, 1975. May 2, 1975. |
| Idaho | Gooding | Hagerman, city of | H 160139 01 | Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707. | Mayor, City Hall, City of Hagerman, Hagerman, Idaho 83332. | May 2, 1975. |
| Do | Twin Falls | Filer, city of | H 160167 01 | do | City Administrator, City of Filer, City Hall, Filer, Idaho 83328. | Do. |
| Do | Custer | Mackay, city of | H 160177 01 | do | Mayor, City Hall, City of Mackay, Mackay, Idaho 83251. | Do. |
| Do | Payette | Payette, city of | H 160184 01 | do | Mayor, City Hall, City of Payette, Payette, Idaho 83661. | Do. |
| Iowa | Louisa | Oakville, town of | H 190313 01 | Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319. | Town Manager, Town Hall, Town of Oakville, Oakville, Iowa 52646. | Do. |
| Louisiana | Webster Parish | Springhill, city of | H 220238A 01 through H 220238A 02 | State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804. | Mayor, City Hall, City of Springhill, Springhill, La. 71075. | Mar. 15, 1974. |
| Do | De Soto Parish | Grand Cane, village of. | H 220291 01 | do | Village President, Village of Grand Cane, Grand Cane, La. 71032. | May 2, 1975. |
| Do | Union Parish | Farmerville, town of. | H 220325 01 through H 220325 02 | do | Town Manager, Town Hall, Town of Farmerville, Farmerville, La. 71241. | Do. |



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| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Do. | Union Parish | Marion, village of. | H 220038 01 | do. | Village President, Village of Marion, Marion, La. 71260. | Do. |
| Missouri | Nodaway | Parnell, city of. | H 200033 01 | Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101. | Mayor, City of Parnell, City Hall, Parnell, Mo. 64475. | Do. |
| Do. | Callaway | New Bloomfield, city of. | H 290548 01 | do. | Mayor, City of New Bloomfield, City Hall, New Bloomfield, Mo. 65063. | Do. |
| Do. | Cole | Centertown, village of. | H 290625 01 | do. | Village President, Village of Centertown, Centertown, Mo. 65023. | Do. |
| Do. | Livingston | Chula, city of. | H 290028 01 | do. | Mayor, City of Chula, City Hall, Chula, Mo. 64635. | Do. |
| Do. | Lafayette | Odessa, city of. | H 290669 01 through H 290669 02 | do. | Mayor, City Hall, City of Odessa, Odessa, Mo. 64076. | Do. |
| Do. | Pettis | Lamonte, city of. | H 290701 01 | do. | Mayor, City Hall, City of Lamonte, Lamonte, Mo. 65337. | Do. |
| Do. | Dallas | Buffalo, city of. | H 290739 01 | do. | Mayor, City Hall, City of Buffalo, Buffalo, Mo. 65622. | Do. |
| Do. | St. Louis | Maplewood, city of | H 295366B 02 | do. | Building Commissioner, City of Maplewood, Maplewood, Mo. 63143. | Nov. 23, 1973. May 2, 1975. |
| Montana | Madison | Ennis, town of. | H 300044A 01 | Montana Department of Natural Resources, and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601. | Town Manager, Town Hall, Town of Ennis, Ennis, Mont. 59729. | Mar. 15, 1974. May 2, 1975. |
| Do. | Jefferson | Whitehall, town of. | H 300120 01 | do. | Town Manager, Town Hall, Town of Whitehall, Whitehall, Mont. 59759. | May 2, 1975. |
| Do. | Mineral | Superior, town of. | H 300128 01 | do. | Town Mayor, Town Hall, Town of Superior, Superior, Mont. 59872. | Do. |
| Do. | Broadwater | Townsend, city of. | H 300131 01 | do. | Mayor, City Hall, City of Townsend, Townsend, Mont. 59644. | Do. |
| Nebraska | Valley | Arcadia, village of. | H 310244 01 | Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509. | Village President, Village of Arcadia, Arcadia, Nebr. 68815. | Do. |
| Do. | Nance | Belgrade, village of. | H 310249 01 | do. | Village President, Village of Belgrade, Belgrade, Nebr. 68623. | Do. |
| Do. | Custer | Merna, village of. | H 310302 01 | do. | Village President, Village of Merna, Merna, Nebr. 68856. | Do. |
| Do. | Greeley | Scotia, village of. | H 310316 01 | do. | Village President, Village of Scotia, Scotia, Nebr. 68875. | Do. |
| Do. | Fillmore | Shickley, village of. | H 310317 01 | do. | Village President, Village of Shickley, Shickley, Nebr. 68436. | Do. |
| Do. | York | Waco, village of. | H 310331 01 | do. | Village President, Village of Waco, Waco, Nebr. 68460. | Do. |
| Do. | Furnas and Harlan. | Oxford, village of. | H 310396 01 | do. | Village President, Village of Oxford, Oxford, Nebr. 68967. | Do. |
| Do. | Boyd | Spencer, village of. | H 310999 01 | do. | Village President, Village of Spencer, Spencer, Nebr. 68777. | Do. |
| Do. | Holt | Stuart, village of. | H 314400 01 | do. | Village President, Village of Stuart, Stuart, Nebr. 68780. | Do. |
| Nevada | Lincoln | Callente, city of. | H 320015 A 01 | Division of Water Resources, Department of Conservation and Natural Resources, Nye Bldg., Carson City, Nev. 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701. | City Council, City of Callente, Callente, Nev. 89008. | Mar. 28, 1974. May 2, 1975. |
| New Mexico | Chaves | Dexter, town of. | H 350112 01 | State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501. | Town Council, Town of Dexter, Dexter, N. Mex. 88230. | May 2, 1975. |
| North Carolina | New Hanover | Carolina Beach, town of. | H 375347 B 01 | North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611. | Office of Town Clerk, Town of Carolina Beach, P.O. Box 347, Carolina Beach, N.C. 28428. | May 26, 1972. |
| North Dakota | Williams | Grenora, city of. | H 380177 01 | State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501. | Mayor, City of Grenora, City Hall, Grenora, N. Dak. 58845. | May 2, 1975. |
| Do. | Ward | Kenmare, city of. | H 380234 01 | do. | Mayor, City Hall, City of Kenmare, Kenmare, N. Dak. 58746. | Do. |
| Ohio | Butler | Middletown, city of. | H 390040 A 01 through H 390040 A 07 | Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215. | Mayor, City Hall, City of Middletown, Middletown, Ohio 45042. | June 21, 1 |





| State | County | Location | Map No. | State map repository | Local map repository | Effective date of identification of areas which have special flood hazards |
|---|---|---|---|---|---|---|
| Oklahoma | Dewey | Leedey, town of. | H 400298 01 | Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105. | Town Council, Town of Leedey, Leedey, Okla. 73654. | May 2, 1975. |
| South Dakota | Minnehaha | Dell Rapids, city of. | H 460059 01 through H 460059 02 | South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501. | Office of the Municipal Finance Office, City Hall, City of Dell Rapids, Dell Rapids, S. Dak. 57022. | Do. |
| Do. | Turner | Davis, town of. | H 460086 01 | do. | Mayor, Town of Davis, City Hall, Davis, S. Dak. 57021. | Do. |
| Texas | Blanco | Blanco, city of. | H 480050 A 01 | Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701. | Mayor, City Hall, City of Blanco, Blanco, Tex. 78606. | Do. |
| Do. | Palo Pinto | Mingus, city of. | H 480518 01 | do. | Mayor, City Hall, Mingus, Tex. 76463. | Do. |
| Do. | Parmer | Friona, city of. | H 480623 A 01 | do. | Mayor, City Hall, Friona, Tex. 79035. | Do. |
| Do. | Ward | Wickett, city of. | H 480647 A 01 | do. | Mayor, City of Wickett, Wickett, Tex. 79788. | June 28, 1974. May 2, 1975. |
| Do. | Carson | Skellytown, town of. | H 480728 01 through H 480728 02 | do. | Town Council, Town of Skellytown, Skellytown, Tex. | May 2, 1975. |
| Do. | Concho | Eden, village of. | H 480763 01 | do. | Village Clerk, Village of Eden, Eden, Tex. 76837. | Do. |
| Do. | Ellis | Red Oak, town of. | H 480803 01 | do. | Town Council, Town of Red Oak, Red Oak, Tex. 75154. | Do. |
| Do. | Lamb | Earth, city of. | H 480895 01 | do. | Mayor, City Hall, Earth, Tex. 79031. | Do. |
| Do. | Lampasas | Lometa, town of. | H 480900 01 | do. | Town Council, Town of Lometa, Lometa, Tex. 76853. | Do. |
| Do. | Taylor | Merkel, city of. | H 481016 01 | do. | Mayor, City Hall, Merkel, Tex. 79536. | Do. |
| Do. | Travis | Pflugerville, city of. | H 481028 01 | do. | Mayor, City Hall, Pflugerville, Tex. 78660. | Do. |
| Do. | Wood | Alba, town of. | H 481090 01 | do. | Town Council, Town of Alba, Alba, Tex. 75410. | Do. |
| Do. | Hays | Kyle, city of. | H 481108 01 through H 481108 02 | do. | Mayor, City Hall, Kyle, Tex. 78640. | Do. |
| Do. | San Patricio | Ingleside, city of. | H 485480 B 01 | do. | Mayor, City of Ingleside, Ingleside, Tex. 78362. | June 26, 1971. |
| Do. | Nueces | Robstown, city of. | H 485503 B 03 through H 485503 B 04 | do. | Mayor, City Hall, City of Robstown, Robstown, Tex. 78380. | July 10, 1971. Apr. 18, 1975. |
| Washington | Whitman | Colton, town of. | H 530244 01 | Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501. | Town Council, Town of Colton, Colton, Wash. 99113. | May 2, 1975. |
| Do. | Stevens | Springdale, town of. | H 530264 01 | do. | Town Council, Town of Springdale, Springdale, Wash. 99173. | Do. |
| Do. | Grant | Warden, town of. | H 530304 01 through H 530304 02 | do. | Town Council, Town of Warden, Warden, Wash. 98857. | May 2, 1975. |
| Wisconsin | Trempealeau, village of. | Trempealeau, village of. | H 535384 11 01 | Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701. | Village President, Village of Trempealeau, Trempealeau, Wis. 54661. | Dec. 12, 1972. |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: April 4, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75–10307 Filed 4–23–75;8:45 am]

## Title 42—Public Health

### CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### SUBCHAPTER D—GRANTS

### PART 59—GRANTS FOR FAMILY PLANNING SERVICES

### Subpart C—Grants for Family Planning Services Training

ELIGIBILITY

On January 16, 1975, there was published in the FEDERAL REGISTER (40 FR 2823) a notice of proposed rulemaking setting forth the proposed amendment to Part 59, Subpart C of Title 42 of the Code of Federal Regulations, § 59.203(b), to authorize the Secretary in particular cases to approve support of a training program whose duration is longer than 3 months.

No unfavorable comments have been received, and the proposed amendment is hereby adopted without change and is set forth below, effective upon publication in the FEDERAL REGISTER.

Dated: April 2, 1975.

THEODORE COOPER,
*Acting Assistant Secretary for Health.*

Approved: April 21, 1975.

CASPAR W. WEINBERGER,
*Secretary.*

Paragraph (b) of § 59.203 is revised to read as follows:

§ 59.203 Eligibility.

* * * * *

(b) *Eligible projects.* Grants pursuant to section 1003 of the Act and this subpart may be made to eligible applicants for the purpose of providing programs, not to exceed three months in duration, for training family planning or other health services delivery personnel in the skills, knowledge, and attitudes necessary for the effective delivery of family planning services: *Provided*, That the Secretary may in particular cases approve support of a program whose duration is longer than three months where





he determines (1) that such program is



Pools 9 and K will be open to ice fishing

the ensuing week stems from the produc-

(i) District 1: 1,400,000 cartons;

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he determines (1) that such program is consistent with the purposes of this subpart and (2) that the program's objectives cannot be accomplished within three months because of the unusually complex or specialized nature of the training to be undertaken.

[FR Doc.75-10724 Filed 4-23-75;8:45 am]

## Title 49—Transportation

### SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-108]

### PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

**Delegations to the Federal Highway and National Highway Traffic Safety Administrators**

The purpose of this amendment is to delegate jointly to the Federal Highway and National Highway Traffic Safety Administrators certain functions vested in the Secretary by the Federal-Aid Highway Amendments of 1974 (Pub. L. 93-643, January 4, 1975, 88 Stat. 2281), which previously were delegated solely to the Federal Highway Administrator (40 FR 14764-65, April 2, 1975).

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.48, subparagraphs (25) and (32) of paragraph (b) are amended, to read as follows:

• • • • •

**§ 1.48 Delegations to Federal Highway Administrator.**

• • • • •

(b) Administer the following sections of title 23, United States Code:

• • • • •

(25) 141, with the concurrence of the National Highway Traffic Safety Administrator as the section relates to certification of the enforcement of speed limits;

• • • • •

(32) 154; subsections (a), (b), and (d) with the concurrence of the National Highway Traffic Safety Administrator;

2. In § 1.51 paragraph (l) is added, to read as follows:

**§ 1.51 Delegations of National Highway Traffic Safety Administrator.**

• • • • •

(l) Administer the following sections of title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits; and

(2) 154(a), (b) and (d).

*Effective date:* This amendment is effective April 24, 1975.

(Sec. 9(e) Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on April 10, 1975.

WILLIAM T. COLEMAN, JR.,
*Secretary of Transportation.*

[FR Doc.75-10687 Filed 4-23-75;8:45 am]

## CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket 74-33; Notice 2]

### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

**Protection From Steering Control System**

This notice amends Standard No. 203, *Impact protection from the steering control system*, 49 CFR 571.203, to exclude from its requirements some passenger cars which meet the frontal barrier crash requirements of Standard No. 208, *Occupant crash protection*, 49 CFR 571.208.

The NHTSA proposed this exclusion of vehicles from the requirements of Standard No. 203 at the request of General Motors, to permit development of an air cushion restraint system at the driver's position as a means of meeting the frontal barrier crash protection requirements (S5.1) of Standard No. 208 (39 FR 34062, September 23, 1974). General Motors sought the exclusion because its modification to the steering control system to incorporate the air cushion system and accept higher loads exerted during a crash makes conformity of the column with Standard No. 203 difficult and sometimes impossible.

Comments were received from General Motors Corporation and Volvo of America Corporation, in support of the proposal, Renault, Inc., Peugeot, Inc., and Mercedes-Benz of North America, Inc., supported the proposal and suggested that the exception be extended to passive restraint systems that incorporate seat belts. These comments argue that the use of passive belts will be high and that the protection offered by Standard No. 203 would in nearly all cases be redundant to that of Standard No. 208.

As a general matter, the NHTSA has maintained that the redundant occupant crash protection offered by standards (e.g., Standard No. 212, *Windshield retention*) is justified for those situations where the primary occupant crash protection system fails, or multiple collisions occur. Redundant protection is particularly justified in the case of passive seat belts because of the greater likelihood that seat belt protection will be rendered inoperative by an occupant than will crash-deployed protection.

In this case, the NHTSA has made the limited determination that the redundant protection offered by Standard No. 203 is not justified where it directly interferes with development of a more advanced, convenient, and effective restraint system. In contrast, it is obvious that passive systems which utilize belt assemblies do not require modifications of steering control systems and there is, therefore, no reason to sacrifice the redundant protection. These petitions to expand the scope of the proposed exception are accordingly denied.

American Motors Corporation has suggested that an exception not be granted in this case until future requirements of Standard No. 208 are established, and that General Motors' developmental work be undertaken on the basis of a temporary exemption under 49 CFR Part 555. This approach has not been adopted by the NHTSA. In light of the financial commitments that might be involved, this agency has concluded that General Motors is entitled to the assurance that their developments on advanced Standard No. 208 systems will not be barred by Standard No. 203 in the future.

In consideration of the foregoing, paragraph S2 (application) in Standard No. 203 (49 CFR 571.203) is amended to read as follows:

**§ 571.203 Standard No. 203; Impact protection for the driver from the steering control system.**

• • • • •

S2. *Application.* This standard applies to passenger cars. However it does not apply to vehicles that conform to the frontal barrier crash requirements (S5.1) of Standard No. 208 (§ 571.208) by means other than seat belt assemblies.

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*Effective date:* May 27, 1975. Because this amendment relieves a restriction, it is found for good cause shown that an effective date sooner than 180 days from the date of its publication in the FEDERAL REGISTER is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51).

Issued on April 17, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75-10623 Filed 4-23-75;8:45 am]

## Title 50—Wildlife and Fisheries

### CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

### PART 33—SPORT FISHING

**Erie National Wildlife Refuge**

The following special regulation is issued and is effective during the period May 15, 1975 through December 31, 1975.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Pennsylvania, is permitted on areas designated by signs as open to fishing in accordance with State regulations. Boats are permitted in Lake Creek above Sugar Lake and above and below the Pool 9 dike where designated by signs. Fishing in Pools 9 and K is permitted from July 1 to September 15 only. Pools 9 and K will be open to ice fishing at the discretion of the refuge manager by daily permit only. All fishing areas are delineated on maps available at refuge headquarters or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 17, 1975.

[FR Doc.75-10678 Filed 4-23-75;8:45 am]





## Title 7—Agriculture

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 349]

### PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

**Limitation of Handling**

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Apr. 25-May 1, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

**§ 907.649 Navel Orange Regulation 349.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues strong. Prices f.o.b. averaged $3.58 per carton on a reported sales volume of 1,311 carlots last week, compared with an average f.o.b. price of $3.57 per carton and sales of 1,288 carlots a week earlier. Track and rolling supplies at 544 cars were the same amount as last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 22, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 25, 1975, through May 1, 1975, are hereby fixed as follows:

(i) District 1: 1,400,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

Dated: April 23, 1975.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 75-10974 Filed 4-23-75;11:59 am]

### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

**Limitation of Handling**

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Apr. 25-May 1, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

**§ 908.795 Valencia Orange Regulation 493.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing







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opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to improve particularly for smaller sizes. Prices f.o.b. averaged $2.84 per carton on a reported sales volume of 160 carlots last week, compared with an average f.o.b. price of $2.63 per carton and sales of 96 carlots a week earlier. Track and rolling supplies at 47 cars were down 40 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 22, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 25, 1975, through May 1, 1975, are hereby fixed as follows:

(i) District 1: 89,456 cartons;
(ii) District 2: 132,535 cartons;
(iii) District 3: 250,000 cartons.

(2) As used in this section, "handled", "District 1", "District 2", and "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: April 23, 1975.

CHARLES R. BRADER,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75-10978 Filed 4-23-75;8:45 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### [ 32 CFR Part 155 ]

### INDUSTRIAL PERSONNEL SECURITY CLEARANCE PROGRAM

### Notice of Proposed Rulemaking

Pursuant to Executive Order 10865, Safeguarding Classified Information Within Industry, dated February 20, 1960,[1] as amended by Executive Order 10909, dated January 17, 1961,[1] Part 155 is being revised.

Part 155 establishes the policy, practices, and procedures to be followed in adjudicating and making security clearance determinations in the cases of employees in private industry who require access to classified defense information.

This part has not been updated during the past nine (9) years except for few very minor changes. During this period, relevant judicial decisions, legislative enactment of the Freedom of Information Act of 1967 as amended in 1974 and the Privacy Act of 1974, and experience in the practical application of the 1966 Part 155 in the adjudication of Industrial Security Clearance cases have established the justification and necessity for the revised part.

Public comment on the proposed revision may be submitted on or before May 27, 1975 to the Deputy Assistant Secretary of Defense (Security Policy), OASD(C), The Pentagon, Washington, D.C. 20301.

The proposed amendment to Part 155 reads as follows:

Sec.
155.1 Purpose.
155.2 Definitions.
155.3 Applicability and scope.
155.4 Standard and policy.
155.5 Criteria.
155.6 Administration.
155.7 Practices and procedures.
155.8 Suspension actions in security violation cases.
155.9 Reimbursement for loss of earnings.
155.10 Pending and reopened cases.
155.11 Effective date.

AUTHORITY: (10 U.S.C. 133; 5 U.S.C. 301); Executive Order 10865, 25 FR 1563, 3 CFR 401 (1959–1963 Comp.); Executive Order 10901, 26 FR 508, 3 CFR 437 (1959–1963 Comp.).

### § 155.1 Purpose.

In accordance with Executive Order 10865, as amended by E.O. 10909, this part establishes the standard and criteria for making security clearance determinations when persons employed in private industry require access to classified defense information, and sets forth policy, practices and procedures which shall be followed for cases arising under the DoD Industrial Personnel Security Clearance Program (hereinafter referred to as the Program).

### § 155.2 Definitions.

(a) *Agencies* refers to Executive Departments and agencies outside of the Department of Defense which have agreed to process industrial personnel security clearances under this part.

(b) *Agency case.* A case arising out of the release of classified information to or within industry by an Agency.

(c) *Agency head.* The head of any of the Agencies in paragraph (a) of this section.

(d) *Applicant.* A person eligible to have the status of his clearance determined under this part.

(e) *Contractor.* An industrial, educational, commercial, or other organization which has executed a Department of Defense Security Agreement.

(f) *Counsel.* Attorney or personal representative duly appointed by applicant as provided under § 155.7(c).

(g) *Department counsel.* The attorney duly appointed by the Department of Defense to represent the Department in all proceedings in an applicant's case.

(h) *Department of Defense components* includes the Military Departments and Defense Agencies and, as appropriate, their subordinate organizations.

(i) *Drug abuse.* The illegal, wrongful or improper use of any narcotic substance, marijuana or dangerous drugs, or the illegal or wrongful possession, transfer or sale of the same.

(j) *Hearing examiner.* An official designated by the Department of Defense to conduct hearings and make determinations under the Program.

(k) *Hearing.* A proceeding convened and conducted by an Examiner in accordance with this Directive for the purpose of determining an applicant's eligibility for a clearance.

(l) *Judicial notice* is the acceptance of material as true without requiring proof for purposes of a procedure under this Directive. The Examiner may take judicial notice of any Federal, State, or municipal statute or adjudicative regulation, official report of a legislative committee, or of any adjudicative fact not subject to reasonable dispute in that it is either: (1) Generally known within the territorial jurisdiction, or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. When a determination rests on judicial notice of a material fact not appearing in the evidence of record, applicant or Department Counsel is entitled, on timely request, to an opportunity to show the contrary.

(m) *Relevant evidence.* Evidence having any tendency to make the existence of any fact of consequence to the determinations of the action more probable or less probable than it would be without the evidence.

(n) *Security clearance or clearance.* An authorization for a contractor or person employed by a contractor to have access to specified levels of classified defense information provided his duties so require.

(o) *Statement of reasons.* A statement issued by the Department of Defense setting out the reasons why an applicant's security clearance should be denied, suspended, or revoked.

### § 155.3 Applicability and Scope.

(a) The provisions of this Part are applicable to all Department of Defense components.

(b) By mutual agreement, the provisions of this part also extend to other Agencies which include:

(1) Department of State;
(2) Department of Treasury;
(3) Department of Interior;
(4) Department of Agriculture;
(5) Department of Commerce;
(6) Department of Labor;
(7) Department of Health, Education and Welfare;
(8) Department of Transportation;
(9) Environmental Protection Agency;
(10) Federal Aviation Administration;
(11) Federal Energy Administration;
(12) General Services Administration;
(13) National Aeronautics and Space Administration;
(14) National Science Foundation;
(15) Small Business Administration;

and such other Agencies as may agree to process industrial security clearance cases under the provisions of this part.

(c) All applicants within the United States and its possessions who require access to classified defense information and all U.S. citizens who require NATO security clearance in their employment by foreign contractors in NATO countries shall as a minimum be investigated in accordance with the standards set forth in 30 FR 11533.

(d) This part applies to cases in which the applicant is eligible to be considered for a clearance and a Department of Defense activity has recommended either: (1) That such clearance be denied or revoked, or (2) that such clearance be suspended under § 155.8(a).

(e) In cases where an applicant's clearance has been suspended or a Statement of Reasons issued, the subsequent

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termination of employment will not affect the applicant's right to pursue these procedures.

(f) The Program may be extended to other cases at the direction of the Assistant Secretary of Defense (Comptroller) or his designee.

(g) The Program does not extend to cases involving access to communications analysis material or information, to cases in which a clearance is administratively withdrawn without prejudice upon a finding that the applicant is not eligible, or to cases in which an interim clearance is withdrawn during an investigation.

§ 155.4 Standard and policy.

(a) Access to classified information shall be granted or continued only to those applicants who have been determined eligible based upon a finding that to do so is clearly consistent with the national interest.

(b) In the course of an investigation, interrogation, examination, or hearing, the applicant may be requested to answer relevant questions or to authorize others to release relevant information about himself. The applicant is expected to give full, frank, and truthful answers to relevant questions and to authorize others to furnish relevant information. The applicant may elect on constitutional or other grounds not to comply; however, his refusal or failure to furnish or authorize the furnishing of relevant and material information may prevent the Department of Defense from reaching the affirmative finding required by paragraph (a) of this section, in which event any security clearance then in effect shall be suspended by the Assistant Secretary of Defense (Comptroller), or his designee, and the further processing of his case discontinued.

(c) Inquiries to the applicant or to others concerning an applicant will be limited to matters relevant to a determination whether granting access to classified information is clearly consistent with the national interest and shall not be directed to the applicants opinions about: (1) Religious beliefs and affiliations; (2) racial matters; (3) political candidates or parties other than those included in § 3155.5(c); and (4) the constitutionality or wisdom of legislative policies. Because religious and racial matters may be serious stress areas for many applicants where § 155.5(j) is in issue, limitations (1) and (2) herein are not binding on psychiatrists or psychologists performing mental examinations or evaluations of applicants; however, responses to such questions as may be asked under such circumstances shall be evaluated only as to the bearing they may have on the thought processes of present or past mental condition. Neither religious beliefs nor racial matters shall be basis for refusing to grant or continue access to classified information.

(d) Determinations under this part shall be in terms of the national interest and shall in no sense be determinations as to the loyalty of the applicant; nor shall they be considered a bar to employment in a position not requiring access to classified information.

(e) The facts, circumstances and conduct as determined under § 155.5 may, in the light of all the surrounding conditions, be the basis for denying or revoking a clearance. The facts, circumstances and conduct vary in implication, degree of seriousness, and significance depending upon all the factors in a particular case. Therefore, the ultimate determination must be an overall common sense one based upon all the information which properly may be consideerd under this Part including, but not limited to, such factors as the following: the seriousness of the facts, circumstances and conduct, the implications, the recency, the motivations, the extent to which the conduct was voluntary and undertaken with knowledge of the circumstances involved, and to the extent that it can be estimated and is appropriate in a particular case, the probability that it will continue in the future.

§ 155.5 Criteria.

The criteria for determining eligibility for a clearance shall relate, but not be limited, to the following:

(a) The attempt or commission of any act of sabotage, espionage, treason, sedition, or anarchy, or conspiring with, or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, sedition or anarchy.

(b) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or with an espionage agent or other representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(c) Any membership or activity knowingly in sympathy with or in support of any foreign or domestic organization, association, movement, group or combination of persons who instigate, conspire or foment the commission of acts to deny other persons their rights under the Constitution of the United States or who seek to alter the form of Government of the United States by force or violence or by other unconstitutional means.

(d) Intentional, unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by law.

(e) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(f) Wilful violation or disregard of security regulations.

(g) Any deliberate misrepresentations, falsifications or omission of material facts from a personnel security questionnaire or personal history statement, or in testimony or evidence adduced during the course of a hearing.

(h) Any criminal, infamous, dishonest, or notoriously disgraceful conduct, habitual or episodic use of intoxicants to excess, drug addiction, drug abuse, or sexual perversion.

(i) Facts, circumstances or conduct reflecting activity of a reckless, irresponsible or wanton nature which indicates such poor judgment, unreliability or untrustworthiness as to suggest that the applicant might fail to safeguard classified information entrusted to his care and use or might disclose classified information to unauthorized persons or otherwise assist such persons, whether deliberately or inadvertently, in activities inimical to the national interest.

(j) Any illness, including any mental condition, of a nature which, in the opinion of competent medical authority, may cause significant defect in the judgment or reliability of the applicant with due regard to the transient or continuing effect of the illness and the medical findings in such cases.

(k) Any facts or circumstances which furnish reason to believe that the applicant may be subjected to coercion, influence, or pressure which may be likely to cause action contrary to the national interest. Such facts may include but are not limited to the presence of a close relative of the applicant or of the applicant's spouse in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas of such a nation, under circumstances permitting coercion or pressure to be brought on the applicant through such relatives which may be likely to cause action contrary to the national interest. The term close relative includes parents, brothers, sisters, offspring, and spouse.

(l) Excessive indebtedness, recurring financial difficulties, unexplained affluence or repetitive unexplained absences from places of employment or official duty.

(m) Refusal by the applicant, without satisfactory subsequent explanation, to answer questions before a Congressional Committee, Federal or State Court, or Federal administrative body, regarding charges of his alleged disloyalty or other conduct relevant to his security eligibility.

§ 155.6 Administration.

(a) The Assistant Secretary of Defense (Comptroller) or his designee shall provide policy and procedural guidance for the Program and is responsible for its administration, including the organization and composition of the various boards and staffs, and the establishment of field offices. The Assistant Secretary of Defense (Comptroller), or his designee, may issue supplemental instructions and guidance as may be desirable for efficient and equitable operation of the Program or to accomplish the objectives set out in Executive Order 10865, as amended by E. O. 10909, January 17, 1961. Supplemental instructions and guidance affecting the procedural or substantive rights of an applicant under this Part shall be issued as numbered publications entitled "Personnel Clearance Memorandums" and shall be published in the FEDERAL REGISTER.

(b) An Office shall be established in the Office of the Assistant Secretary of Defense (Comptroller) to administer the Program and shall include an Administrative Staff, Department Counsel, Screening Board, Field Offices, and an Appeal Board.

(c) DoD components designated to support boards, staffs, and field offices will provide, from resources available to the designated DoD component, financing, personnel and personnel spaces, office facilities, and related administrative support.

(d) The Assistant Secretary of Defense (Comptroller), or his designee, is authorized to issue in appropriate cases, invitations and travel orders to persons to appear and testify who have provided oral or written statements adverse to the applicant relating to a controverted issue. The Assistant Secretary of Defense (Comptroller), or his designee, is authorized to issue instructions regarding the issuance of travel orders, payment of travel expenses, and reimbursement for actual expenses as provided by section 6 of Executive Order 10865, as amended by E. O. 10909, January 17, 1961.

(e) Screening Board members will be designated by the Assistant Secretary of Defense (Comptroller) or his designee. The Screening Board will be divided into panels of three members each; one member of each panel will be designated as chairman. In an agency case, the Agency Head may appoint one member from his agency to such a panel.

(f) Hearing Examiners, who must be qualified civilian attorneys, will be designated by the Assistant Secretary of Defense (Comptroller) or his designee. A single Examiner will be assigned to each case. Examiners will be assigned to such locations as will best serve the needs of the Program.

(g) Department Counsel, who must be qualified civilian attorneys, will be designated by the Assistant Secretary of Defense (Comptroller), or his designee, to act as counsel for the Department of Defense in cases in which hearings are held. Department Counsel will present the Department's case at the hearing and will conduct examinations and cross-examinations of those persons testifying, as appropriate. Other functions of Department Counsel include: (1) Providing advice and assistance to the Screening Board as required, and (2) taking appeals to and arguing cases before the Appeal Board on behalf of the Department. Department Counsel will not participate in the deliberations or determinations of any of the Boards, nor present any argument or other representation to an Examiner or to the Appeal Board with respect to any case pending before such Examiner or Board unless the applicant involved in provided with advance notice and reasonable opportunity to be heard.

(h) Appeal Board members will be designated by the Assistant Secretary of Defense (Comptroller) or his designee. The Appeal Board will be divided into panels of three members each. One member of each panel will be designated as chairman. The chairman and at least one other member of the panel shall be qualified civilian attorneys. In an agency case, the Agency Head may appoint one member from his Agency to such a panel.

(i) The Screening Board, the Hearing Examiners, and the Appeal Board shall fulfill their responsibilities as defined herein under the administrative authority, direction and control of the Assistant Secretary of Defense (Comptroller). The Assistant Secretary of Defense (Comptroller), or his designee, shall exercise the administrative authority, direction and control of the Program so as to assure the Board Members and Examiners render impartial and independent findings, judgments, and determinations in security clearance cases.

§ 155.7 Practices and procedures.

(a) *Screening board.* (1) Where a Department of Defense Component recommends that an industrial security clearance be denied or revoked, the applicants case and the recommendation of the Defense Component will be referred to the Screening Board. As an interim measure, where a determination is made that the applicants continued access to classified information, pending action by the Screening Board, would constitute an immediate threat to the national interest, an existing clearance will be suspended. This interim suspension authority is limited to statutory appointees and the Deputy Director for Contract Administration Services, Defense Supply Agency; however, where there is significant evidence of espionage or sabotage, emergency suspension action may be taken by an authorized subordinate after consulting with appropriate investigative agency officials. The Assistant Secretary of Defense (Comptroller), or his designee, shall be notified promptly of all suspension actions taken under this subsection together with the basis therefor.

(2) With respect to any case pending before it, the Screening Board may direct: (i) Further investigation, specifying the particular matters to be investigated; (ii) written interrogatories; (iii) interviews with the applicant or other persons; (iv) a medical examination of the applicant; or (v) recommend to the Assistant Secretary of Defense (Comptroller), or his designee, the suspension of the applicants clearance pending further proceedings.

(3) Determinations of the Screening Board will be made by majority vote.

(4) Where the Screening Board determines that clearance at the level requested is clearly consistent with the national interest, a written determinination will be prepared, the Defense Component concerned notified, and any outstanding suspension rescinded.

(5) Where the Screening Board determines that the case does not warrant a favorable determination, it will prepare a Statement of Reasons informing the applicant of the grounds upon which his clearance may be denied or revoked. The Statement of Reasons shall be as comprehensive and detailed as the national security permits. For suspension actions in security violation cases, see § 155.8.

(6) The Statement of Reasons shall be forwarded to the applicant by the Assistant Secretary of Defense (Comptroller), or his designee, with a letter of instructions clearly outlining subsequent actions required of the applicant, including information on his right to counsel and right to appeal.

(b) *Applicant's answer to the statement of reasons.* (1) To be entitled to a hearing the applicant must submit to the assigned Examiner within twenty (20) days after receipt of the Statement of Reasons a detailed written answer under oath or affirmation which shall admit or deny specifically each allegation and each supporting fact contained in the Statement of Reasons. A general denial or other similar answer is not sufficient. The answer must be sufficiently responsible to permit the Department of Defense to determine the issues that are controverted. Where an applicant is without knowledge or information sufficient to form a belief as to the truth of an allegation contained in the Statement of Reasons, he may, after setting out fully the circumstances, so state and it may have the effect of a denial, upon showing that he has made reasonable inquiries as to the matters alleged and has been unable to obtain the requisite information or knowledge.

(2) An applicant who answers the Statement of Reasons as prescribed above is entitled to a hearing before an Examiner. He may appear in person and be represented by counsel of his own choosing as provided in paragraph (c) of this section. He shall have a reasonable time to prepare for the hearing. At the hearing he may present evidence in his own behalf and may cross-examine adverse witnesses either orally or in writing as hereinafter provided.

(3) Where the applicant answers the Statements of Reasons but does not request a hearing, the Examiner assigned to the case will make a determination based upon a file of all relevant material which could be adduced at a hearing including the applicants answer. Department Counsel will prepare the file of relevant material and provide the applicant with copies of all material included in the file except the information excluded from release under (f) (4) and (5) of this section. Whenever information under (f) (4) and (5) of this section is to be considered by the Examiner, the applicant shall be furnished with as comprehensive and detailed a summary of information as national security permits. The applicant will be given a reasonable time to submit documentary information in rebuttal, in explanation or in





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mitigation of the material in the file to be considered by the Examiner. The Examiner shall rule upon the admissibility of all file material submitted by Department Counsel and the documentary evidence submitted by the applicant.

(4) Should the applicant not answer the Statement of Reasons or fail to submit a responsive answer as required under subparagraph (b)(1) of this paragraph, the case will be returned by the Examiner to the Assistant Secretary of Defense (Comptroller), or his designee, who shall deny issuance of clearance and revoke any outstanding clearance held by the applicant. The applicant will be notified of the action taken and advised of the provisions under § 155.8, for reopening and reconsidering his case.

(c) *Counsel for applicant.* (1) The applicant may appear before any Examiner or any Appeal Board and be heard in person, with or without counsel.

(2) Any member of the Bar of any State, the District of Columbia or any territory of the U.S., in good standing, is authorized to appear and represent an applicant.

(3) Applicant shall have the privilege to select and appoint any responsible person of his choice to act as his personal representative. A person, other than a member of the Bar, who has been designated as a personal representative for an applicant and has accepted the position, shall certify that he has read, understands and will comply with the rules of practice and procedure as set forth in this Part.

(4) All counsel and personal representatives shall conduct themselves in a manner consistent with orderly process and due regard for judicial decorum in all dealings with the Directorate for Industrial Security Clearance Review.

(5) Any counsel or personal representative who shall violate any rule of conduct or procedure under this Directive, an order of the Examiner or the Appeal Board, or

(i) Has failed to conform to standards of ethical conduct required of practitioners at the Bar of any Court,

(ii) Is lacking in character or professional integrity, or

(iii) Displays toward the Boards or any Hearing Examiners conduct which if displayed toward any court of the United States or any of its territories or the District of Columbia, would be cause for censure, suspension or disbarment, may be censured, suspended or disqualified from representing applicants in proceedings under this Part. Before any member of the Bar or personal representative shall be censured, suspended, or disqualified, charges shall be preferred against such practitioner and he shall be afforded an opportunity to be heard thereon. Upon recommendation of the Examiner or Appeal Board, suspension or disqualification of applicant's counsel or personal representative and his reinstatement shall be made by the Assistant Secretary of Defense (Comptroller), or his designee.

(d) *Examiner and prehearing procedures.* (1) Upon the issuance of a Statement of Reasons to an applicant, his case shall be assigned to an Examiner. The Examiner at the time of the case assignment shall be provided only with a copy of the Statement of Reasons and the transmittal correspondence sent to the applicant. All other evidence received and considered by the Examiner shall consist only of the information made part of the record in conformity with this part. Except for the Statement of Reasons which is issued to the applicant, the original of any pleading including the applicant's answer to the Statement of Reasons shall be filed with the Examiner for the record.

(2) The Examiner shall rule upon all prehearing issues including the sufficiency of the answer to the Statement of Reasons. The Examiner may require pleadings or arguments on prehearing conferences.

(3) The Examiner may require a prehearing conference with applicant, his counsel or personal representative and Department Counsel in the interest of efficiency and orderly proceedings.

(4) The Examiner may allow prehearing discovery consistent with the provisions of paragraph (e) of this section.

(5) Parties to the proceedings shall serve each other with a copy of any pleading or communication addressed to the Examiner. If the applicant fails to comply with this requirement, the Examiner shall provide a copy of any such pleading or communication to Department Counsel.

(6) Upon the failure of an applicant or his counsel to comply with an order of the Examiner, the proceeding shall be discontinued and the case referred to the Assistant Secretary of Defense (Comptroller), or his designee, for appropriate action to suspend any outstanding clearance held by the applicant. Resumption of the hearing shall occur upon satisfactory compliance with the order. A suspended clearance may be reinstated by the Assistant Secretary of Defense (Comptroller), or his designee, for good cause.

(7) Department Counsel is authorized to consult directly with the applicant or his counsel for the purpose of reaching agreement with respect to matters in issue. Stipulations entered into shall be binding upon the applicant and the Department Counsel for the purpose of these proceedings, except that such stipulations shall not be binding on the Examiner unless accepted by him.

(8) The applicant is responsible for producing witnesses and other evidence in his own behalf at the hearing. Upon request, the Department Counsel and the Examiner may provide assistance upon a showing that it is practicable and necessary.

(9) Department Counsel is responsible for producing witnesses and information relied upon by the Department to establish those facts alleged in the Statement of Reasons which have been controverted. All Department of Defense Components shall cooperate fully with Department Counsel so that the Department's responsibilities under this subsection may be fulfilled.

(10) The applicant who requests and is granted a hearing will be notified of the time and place of the hearing by the Examiner to whom the case is assigned. Normally the hearing will be held in the city where the Examiner's office is located, but to the extent that it is practical the hearing may be held elsewhere for the convenience of the applicant or other good cause. Postponements or continuance of the hearings shall be at the discretion of the Examiner and shall be granted only for good cause.

(11) Where an applicant fails to appear at the time and place set for a hearing without good cause, or fails to agree to a hearing date, the Examiner shall return the case to the Assistant Secretary of Defense (Comptroller), or his designee, for appropriate action to suspend any outstanding clearance held by the applicant and advise the applicant thereof. Reinstatement of a suspended clearance or of the proceedings may be made by the Assistant Secretary of Defense (Comptroller), or his designee, for good cause.

(e) *Hearing.* (1) The purpose of a hearing under the Program is to ascertain all the relevant facts in the case in order that a fair and impartial determination may be reached. Any relevant material, oral or documentary evidence may be received and technical rules of evidence shall be relaxed to the extent of permitting a full evidentiary record; otherwise, the Federal Rules of Evidence shall apply as a guide. The rules of procedure and evidence governing administrative hearings under the Administrative Procedures Act are not applicable to hearings under this Part.

(2) The Examiner shall be the presiding officer of the hearing and responsible for its decorum and management. The hearing will be conducted in an orderly manner. Unless the applicant specifically requests and is granted an open hearing, a hearing may be attended only by the Examiner, the applicant and his counsel, authorized personnel of the Department of Defense and necessary clerical personnel. Unless the Examiner specifically rules otherwise, a person expected to testify at the hearing may not be present prior to testifying. The Examiner may limit the number of spectators to meet the physical capacity of the hearing room. Should a spectator impair the orderly progress of the hearing, the Examiner is authorized to exclude him from the hearing room.

(3) Should the conduct of the applicant or counsel impair the orderly progress of the hearing or should the Examiner's rulings be ignored or flouted deliberately, the Examiner is authorized in his discretion to recess the hearing forthwith pending satisfactory assurances to him by the applicant and counsel that the rulings of the Examiner will be followed, and he may take appropriate action under (c)(5) of this section.

(4) After a hearing has been convened and the Statement of Reasons and the applicant's answer thereto have been entered into the record, the applicant shall have the right to make a general opening statement and to present his case.

(5) Preliminary questions concerning the competency or qualifications of a person to be a witness, the existence of a privilege or the admissibility of evidence shall be determined by the Examiner.

(6) The Examiner shall notify all witnesses testifying that section 1001 of Title 18, United States Code, is applicable and that it makes it a criminal offense punishable by a maximum of five years imprisonment, $10,000 fine, or both, knowingly and willfully to make a false statement or representation to any department or agency of the United States as to any matter within the jurisdiction of any department or agency of the United States. Written interrogations unless otherwise ordered by the Examiner may be answered subject to and with an awareness of the provisions of section 1001, Title 18, United States Code.

(7) The Examiner may require the applicant to respond to relevant questions, to undergo a medical examination, or to authorize the release of relevant information in the possession of other parties. Should the applicant refuse, the Examiner may refer the case to the Assistant Secretary of Defense (Comptroller), or his designee, for action in accordance with the provisions of § 155.4(b).

(8) When appropriate, the Examiner may amend the Statement of Reasons on motion of the applicant or Department Counsel, or on his own motion, to make it conform to the information presented and enter the amendment into the record. When such amendments are made, the Examiner will grant the applicant such additional time as the Examiner deems appropriate to answer such amendments and present evidence pertaining thereto.

(9) The Examiner may recess the hearing at the request of the applicant or his counsel, Department Counsel, or upon his own motion.

(10) A verbatim transcript (in triplicate) will be made of the hearing and made a permanent part of the record. The transcript will not include information introduced in accordance with provisions of (f)(4) and (5) of this section. The applicant will be furnished without cost one copy of the transcript, less the exhibits. Corrections will be allowed by the Examiner solely for the purpose of conforming the transcript to the actual testimony.

(11) Whenever the Examiner concludes that he requires additional information in making a determination, he may request that a further investigation or examination be conducted. Information thus developed shall be made available to the Examiner subject to the provisions of this part.

(f) *The case record.* (1) The record of a case shall consist of all information presented in accordance with this part by the DoD and by or on behalf of the applicant. Irrelevant, immaterial, and unduly repetitious material shall be excluded in the discretion of the Examiner.

(2) Information adverse to the applicant on any controverted issue may not be made a part of the hearing record unless: (i) The information or a summary thereof has been made available to the applicant, and (ii) he either offers no objection to its presentation, or is afforded an opportunity to cross-examine the persons supplying the information either orally or in writing. The foregoing restrictions do not apply to information received and considered under (3), (4), (5), and (6) of this paragraph.

(3) Records compiled in the regular course of business, or other physical evidence other than investigative reports, may be made a part of the record in the cases subject to rebuttal without authenticating witnesses, provided that such information has been furnished by an investigative agency pursuant to its responsibilities in connection with assisting the Secretary of Defense, or the Agency Head concerned, to safeguard classified information within industry pursuant to Executive Order 10865.

(4) Records compiled in the regular course of business or other physical evidence other than investigative reports, relating to a controverted issue, which, because they are classified, may not be inspected by the applicant, may be received and considered provided the Assistant Secretary of Defense (Comptroller), as designee of the Secretary of Defense, or when applicable, of the Agency Head concerned has: (i) Made a preliminary determination that such physical evidence appears to be material, and (ii) determines that failure to receive and consider such physical evidence would, in view of the level of access sought, be substantially harmful to the national security. Information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency involved shall be considered.

(5) A written or oral statement adverse to the applicant on a controverted issue may be received and considered without affording an opportunity to cross-examine the person making the statement only in the circumstances described in either of the following:

(i) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national interest.

(ii) The Assistant Secretary of Defense (Comptroller) as designee of the Secretary of Defense, or when applicable, of the Agency Head, has preliminarily determined, after considering the information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and has determined that failure to receive and consider such statement would, in view of the level of access sought, be substantially harmful to the national security, and that the person who furnished the information cannot appear to testify (*a*) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the applicant, or (*b*) due to some other cause determined by the Secretary of Defense, or, when appropriate, by the Agency Head concerned, to be good and sufficient.

(6) A written or oral statement relating to the characterization in the Statement of Reasons of any organization or individual other than the applicant may be received and considered without affording the applicant an opportunity to cross-examine the person making the statement irrespective of whether the statement is adverse to the applicant or relates to a controverted issue.

(7) Whenever physical evidence or statements are received and considered under (4) and (5) of this paragraph, the applicant will be furnished with as comprehensive and detailed a summary of the information or physical evidence as the national security permits. Certificates evidencing the determinations required by these sections will be entered into the hearing record. Appropriate consideration shall be accorded by officials charged with making determinations under this Directive to the fact that the applicant did not have an opportunity to cross-examine the person or persons who provided the information, or to inspect the physical evidence.

(g) *Determinations.* (1) Following the hearing, or after all evidence has been received in an administrative proceeding without a hearing as provided under (b)(3) of this section, the Examiner will determine whether it is clearly consistent with the national interest to grant or continue the applicant's clearance at a specific level, or he may impose a suspension consistent with the provisions of § 155.8. He will make findings of fact for or against the applicant with respect to each allegation in the Statement of Reasons and provide reasons in support of the said findings of fact. The Examiner's determination shall be based on grounds set out in the Statement of Reasons and upon information placed in the record in conformity with this part. Where the Examiner's determination is adverse to the applicant, the Examiner shall also determine whether any clearance then held by the applicant should be suspended or limited pending appeal under this part.

(2) A copy of the Examiner's determination shall be furnished directly to the applicant and Department Counsel: *Provided*, In those cases in which information was received and considered under paragraphs (f)(4) and (f)(5), a copy of the determination, less any deletions required in the interest of national security, will be furnished to the applicant. In





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be considered only where (1) the appli-

## DEPARTMENT OF AGRICULTURE

line of the second paragraph should have

the absence of timely appeal under paragraph (h) of this section, this determination constitutes the final decision in the case.

(h) *Appeals.* (1) Within 10 days after receiving the Examiner's determination, the applicant or Department Counsel may appeal by filing a Notice of Appeal with the Appeal Board.

(2) Appeals may be made either in person or by filing a brief. No further testimony or other evidence shall be received. A brief shall state with particularity the specific issues involved in the appeal, cite the relevant portions of the record and set out the reasons why the determination should be reversed. Where an appeal is made in person, the appellant shall file with the Appeal Board, prior to the scheduled appeal hearing, a written statement identifying the issues to be considered before the Appeal Board. Appellant shall send copies of documents filed with the Appeal Board to appellee who may file a statement in reply.

(3) The Chairman shall preside at oral argument before the Board, and shall be charged with the responsibility of establishing orderly procedures and maintaining decorum. He may, upon the showing of good cause and at his discretion within the limits of space available, permit and prescribe conditions for the attendance of spectators during oral argument. Upon failure of a spectator to conduct himself in a proper manner, the Chairman may revoke the permission, and expel the offender from the room. Should the conduct of applicant or his counsel interfere with the orderly procedure of the oral argument, or should any ruling of the Chairman be deliberately ignored or flouted, the Chairman is empowered, after due warning, to recess the proceeding until such time as the Board has received satisfactory assurances that the conduct will not be repeated, and he may take appropriate action under (c) (5) of this section.

(4) The Appeal Board may recommend to the Assistant Secretary of Defense (Comptroller), or his designee, that a case be returned to the Examiner with instructions (i) to take further testimony or other evidence, or (ii) for further investigation.

(5) Appeal Board deliberations will be made in executive session and the Board's determination arrived at by majority vote. The Board will prepare a written determination setting forth whether it is clearly consistent with the national interest to grant or continue a clearance to a specific level. The determination will include findings for or against the applicant with respect to each allegation in the Statement of Reasons.

(6) In those cases in which information was received and considered under (f) (4) and (5) of this section, and the Appeal Board's determination is adverse to the applicant, the case record, together with the determinations of the Examiner and the Appeal Board, will be referred to the Secretary of Defense or the appropriate Agency Head, who, following his personal review of the case, will make a final determination.

(7) The determination of the Appeal Board will be made only on the record considered by the Examiner and the determination shall be final except as provided in paragraph (5) of this section. The applicant and Department Counsel will be furnished with a copy of all final determinations made by the Board including the Board's findings with respect to each allegation in the Statement of Reasons; *Provided*, In those cases in which information was received and considered under (f) (4) and (5) of this section, a copy of the determination, less any deletions required in the interest of national security, will be furnished to the applicant.

(8) No provision of this part shall be construed as conferring a right upon an applicant to appeal from a final determination to the Secretary of Defense, to the Assistant Secretary of Defense (Comptroller) or to the Agency Head.

(9) Nothing contained in this part shall be deemed to limit or affect the responsibility and powers of the Secretary of Defense or of an Agency Head to deny or revoke a clearance when the security of the nation so requires. This authority may be exercised only where he determines personally that the provisions of this part cannot be invoked consistently with the national security. Such determinations shall be conclusive.

**§ 155.8 Suspension actions in security violation cases.**

(a) In any case alleging (1) willful, unauthorized use or release of classified information or documents; (2) willful appropriation or retention of classified documents for personal use or for the use of others; or (3) willful concealment of the loss or compromise of classified documents or information, in which the circumstances do not, in the opinion of the Screening Board, warrant revocation of an existing clearance, the Board shall make a separate finding whether the allegations are established by a preponderance of the evidence. In each case where it so finds, the Screening Board, after consideration of the seriousness of the willful act and in light of all the surrounding circumstances, may recommend to the Assistant Secretary of Defense (Comptroller), or his designee, the suspension of an existing clearance for a period of time not to exceed one year, and shall set out in writing its reasons therefor.

(b) The applicant will be informed of the proposed suspension and will be furnished a copy of the Statement of Reasons. He will be afforded twenty (20) calendar days to give notice of intent to contest the proposed suspension by submitting a responsive answer to the Statement of Reasons. The answer must comply in all respects with the requirements set out in § 155.7(b) (1).

(1) Where the applicant fails to give timely and proper notice of intent to contest the proposed suspension, it shall be ordered into effect.

(2) Where the applicant gives timely and proper notice of intent to contest the proposed suspension, the case shall be referred to a Hearing Examiner for hearing and determination. The hearing shall be governed by the provisions of this Directive to the extent applicable. The Examiner may adopt, modify, or reject the recommendation of the Screening Board. The applicant may appeal the Examiner's determination as provided under § 155.7(h).

(c) Upon expiration of the period prescribed in any suspension ordered under this part, the applicant may apply for reinstatement of his clearance by filing the necessary forms.

**§ 155.9 Reimbursement for loss of earnings.**

(a) An applicant may be reimbursed for a loss of earnings resulting directly from the suspension, revocation, or denial of his clearance, *Provided*, (1) A final determination thereafter is made that it is clearly consistent with the national interest to grant him a clearance for access to classified information at least equal to that which was suspended, revoked, or denied, and (2) it is found to be fair and equitable for the Department of Defense to reimburse the applicant for all or a part of the loss of earnings.

(b) It shall be considered fair and equitable, except as hereinafter provided, to reimburse any applicant who has sufferred loss of earnings as a result of suspension, revocation, or denial of clearance when that clearance is, in the course of the timely exhaustion of remedies by the applicant, granted or restored. A claim for reimbursement may be denied when:

(1) The subsequent determination to grant the clearance depends upon material facts withheld by the applicant, or where circumstances have changed since the suspension, revocation, or denial and the grant or restoration of the clearance; or

(2) The suspension, revocation, or denial follows the applicant's failure to comply with procedural requirements.

(c) Claims for reimbursement in Department of Defense cases shall be initiated by a petition filed by the applicant with the Assistant Secretary of Defense (Comptroller). The petition shall contain a detailed statement why fairness and equity require reimbursement, including the basis for the assertion that the loss of earnings is attributable to the suspension, denial, or revocation of the clearance, and shall identify the alleged errors of fact or judgment involved.

(d) Claims for reimbursement in Agency cases shall be initiated by a petition filed by the applicant with the Agency concerned. At the request of the Agency Head concerned, the Department of Defense under its procedures will review the petition and furnish that Agency with a recommendation with respect to the merits of the petition. However, the Department of Defense is not responsible for payment of such claims.

(e) When a case has been reopened under § 155.10, and thereupon a determination favorable to the applicant is made, a request for reimbursement may be considered only where (1) the applicant exhausted all of the administrative remedies available in the original proceeding, (2) the applicant made a full and complete disclosure during the original proceeding, and (3) the determination to grant or restore the clearance is not based upon circumstances occuring after the final denial or revocation.

(f) The amount of reimbursement shall not exceed the difference between the earnings of the applicant at the time of the suspension, revocation, or denial, whichever is earlier, and the interim net earnings. No reimbursement shall be allowed for any period of undue delay resulting from the applicant's acts or failure to act. Any payment shall be in full satisfaction of any further claim against the United States, the Department of Defense, and the Departments and Agencies referred to in § 155.3(b), arising out of the suspension, revocation, or denial of a clearance. Any claim shall be forever barred unless it is filed within one year after the date such claim first accrues, or within one year of the final disposition of the case, whichever is later.

(g) Approved claims against the Department of Defense shall be forwarded to the Department of the Army for payment from "Claims, Defense" Appropriation, in the same manner that Federal tort claims are currently processed under 26 FR 11089.

**§ 155.10 Pending and reopened cases.**

(a) All cases pending before the Screening Board, the Examiners and the Appeal Board will be processed to a final determination under this part.

(b) Any person whose clearance has been denied or revoked under this Program or any predecessor program, may have his eligibility for a clearance reconsidered upon a showing of newly discovered evidence or other good cause. The request for reconsideration shall set out fully the grounds therefor. The Assistant Secretary of Defense (Comptroller), or his designee, in his discretion, shall grant or deny such requests for reconsideration.

(c) Where a clearance previously has been granted under this Program, and a Department component or Agency received additional derogatory information which was not considered at the time the case was decided, it shall refer the information to the Deputy Director for Contract Administration Services, or to the Federal Bureau of Investigation for appropriate action.

**§ 155.11 Effective date.**

This part is effective on May 30, 1975.

MAURICE W. ROCHE,
*Director, Correspondence and Directives OASD (Comptroller).*

APRIL 21, 1975.

[FR Doc.75-10723 Filed 4-23-75;8:45 am]





## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[ 7 CFR Part 68 ]**

**REQUIRED INFORMATION ON CERTIFICATES**

**Miscellaneous Amendments**

On January 17, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 3007) to amend certain sections of the regulations under the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624), pertaining to the inspection of rice, dry beans, peas, lentils, hay, and straw.

A trade group requested an extension of the time to submit written data, views, or arguments. In view of the request, notice is hereby given that the period for filing written data, views, or arguments on the proposed rulemaking is extended to June 16, 1975.

Opportunity is hereby afforded all interested parties to submit written data, views, or arguments with respect to the proposal to the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 16, 1975. All submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., on April 18, 1975.

E. L. PETERSON,
*Administrator,*
*Agricultural Marketing Service.*

[FR Doc.75-10703 Filed 4-23-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

**[ 21 CFR Parts 334, 335, 336, 337 ]**

**OVER-THE-COUNTER DRUGS**

**Proposal to Establish Monographs for OTC Laxative, Antidiarrheal, Emetic, and Antiemetic Products**

*Correction*

In FR Doc. 75-6855, appearing at page 12902, in the issue for Friday, March 21, 1975, the following corrections should be made:

1. On page 12903, in the third column labeled "Marketed Products" in the paragraph beginning "Alophen Pills", the product now reading "DeS-S" should read "D-S-S" and the second reference to "Geriplex FS" should be deleted.

2. On page 12928, in the second column, after the eleventh line "all adsorbents, kaolin may interfere with" should be inserted.

3. On page 12933, in the second column under "I. Data Pertinent for Antidiarrheal Ingredient Evaluation", the last line of the second paragraph should have the phrase "The drug should" deleted and "and effectiveness" added in its place.

4. In the third column on page 12939, § 334.22 of the table of contents should read "Miscellaneous laxative."

5. On page 12941, in the third column, paragraph 6 the first line should read "(6) For products containing more than".

6. On page 12943 in the third column, under Part 337, Subpart C should read "[Reserved]", instead of [Revised].

7. On page 12944 in the third column after the twelfth line the date "July 18, 1975" should be added.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 75-GL-19]

**DESIGNATION OF TRANSITION AREA**

**Proposed Rule Making**

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Georgetown, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 27, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Brown County Airport, Georgetown, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Georgetown, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes



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to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

GEORGETOWN, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brown County Airport (Latitude 38°52'55" N., Longitude 83°52'58" W.); and within 3 miles either side of the 162° bearing from the airport extending from the 5-mile radius to 8 miles southeast of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on April 1, 1975.

JOHN M. CYROCKI,
*Director, Great Lakes Region.*

[FR Doc.75-10651 Filed 4-23-75;8:45 am]

## ACTION

### [ 45 CFR Part 1221 ]

### RETIRED SENIOR VOLUNTEER PROGRAM

### Cost Sharing

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations to add a new Part 1221. This provides regulations to implement section 211(b) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402, as amended by section 4 of An Act to Amend Title VII of the Older Americans Act, Pub. L. 93-351, 87 Stat. 358 section 211(b)), as amended prescribes the annual percentage limitations for required local contribution for grants under the Retired Senior Volunteer Program (RSVP). It also provides for exceptions for such limitations in case of demonstrated need.

Inquiries may be addressed and comments and views concerning the proposed new part may be submitted to ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Attention: Associate Director for Domestic and Anti-Poverty Operations. All comments received on or before May 27, 1975, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1221 to Chapter XII of Title 45 of the Code of Federal Regulations to read as follows:

### PART 1221—RETIRED SENIOR VOLUNTEER PROGRAM—COST SHARING

Sec.
1221.1 Introduction.
1221.2 RSVP Cost Sharing Schedule.
1221.3 Procedure for Exception to the RSVP Cost Sharing Schedule.
1221.4 Failure to Meet Annual Required Contribution.
1221.5 Administratively Altered Budget Periods.

AUTHORITY: Sec. 211(b) of Pub. L. 93-113, 87 Stat. 402 as amended by section 4 of Pub. L. 93-351, 87 Stat. 358.

§ 1221.1 Introduction.

Section 201(b) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402 (the Act), as amended by section 4 of An Act to Amend Title VII of the Older Americans Act, Pub. L. 93-351, 87 Stat. 358, prescribes the annual percentage limitations of required local contribution for grants under the Retired Senior Volunteer Program (RSVP). Required local contribution may not exceed the following annual percentages of approved project budgets: 10 percent in the first year; 20 percent, the second; 30 percent, the third; 40 percent, the fourth and 50 percent in any subsequent years. Section 211(b) also provides that the Director of ACTION may make exceptions to these limitations in cases of demonstrated need.

§ 1221.2 RSVP Cost Sharing Schedule.

(a) The following RSVP cost-sharing schedule identifies for each budget period, normally one year, the required percentage of local contribution to approved project budgets of RSVP project sponsors as well as the Federal contribution:

| Budget period | Federal | Local (non-federal) |
|---|---|---|
| 1 | 90 | 10 |
| 2 | 80 | 20 |
| 3 | 70 | 30 |
| 4 | 60 | 40 |
| 5 and beyond | 50 | 50 |

Local contributions may voluntarily exceed the annual required local contribution in any year. However, such voluntary contributions shall not be a consideration for receiving, nor determining the size of, any RSVP initial or continuation grant.

(b) Exceptions may be made by the Director to these non-Federal cost-sharing requirements in unusual situations, with consideration given to the financial capabilities of the grant applicant, the availability of community support for RSVP and availability of other qualified applicants. Applicants will be required to substantiate the need for an exception. The need for continuation of an exception will be evaluated annually based on the merits and progress of a project and the best interests of Senior Volunteers, the community in which they serve, and ACTION.

(c) An RSVP continuation grant shall not be awarded to a sponsor unable to meet the agreed to cost-sharing commitment for the preceding budget period. Time for meeting the commitment, however, may be extended or waived by ACTION under exceptional circumstances.

§ 1221.3 Procedure for exception to RSVP Cost-Sharing Schedule.

A written request to the appropriate ACTION Regional Office for an exception to the RSVP Cost-Sharing Schedule will be transmitted by the Regional Director to the Associate Director of ACTION for Domestic and Anti-Poverty Operations together with a recommendation on the request and all supporting data. The request will be evaluated and a decision made by a National Exceptions Review Board, comprised of the Deputy Associate Director of ACTION for Older Americans Volunteer Programs, the Director of the Budget Division of ACTION, and the General Counsel for ACTION or their designated representatives. All requests will be acted on within two weeks after receipt of the request for an exception. The grant applicant will be advised in writing of the decision by the Review Board and reasons for the decision.

§ 1221.4 Failure to meet annual required contribution.

(a) If by the end of the third quarter of a budget period a sponsor is unable to meet the current cost-sharing commitment, a continuation grant award may be considered only when:

(1) A full effort has been made by the sponsor to carry out the cost-sharing plan approved by the current grant award, and the circumstances causing the deficiency are found by the ACTION Regional Director to be the result of unusual or unforeseen circumstances, and

(2) There is reason to believe the deficiency, in addition to the required local share for the new budget period, can be fully made up before the end of the third quarter of a new budget period, and

(3) The project achievements and the project potential clearly merit special consideration.

(b) If at the end of a budget period, it first appears there has been a failure of the RSVP sponsor to provide or obligate the non-Federal share of the RSVP budget, it constitutes a breach of the conditions of the grant. As a consequence, the ACTION Regional Director will:

(1) Request the RSVP sponsor to identify:

(i) Why the commitment was not met, and identify specific efforts made to obtain the required non-federal contribution.

(ii) The anticipated sources and amounts of local support for continuation of the project in the new budget period.

(iii) The kind of technical assistance requested from ACTION to improve the sponsor's capacity to develop local resources in support of RSVP.

(2) After review of this information:

(i) Choose to waive all or part of the unmet cost-sharing commitment,

(ii) Disallow the Federal support for which there was insufficient cost-sharing funds and require the sponsor to reimburse ACTION for the amount disallowed,

(iii) Accept sponsor's offer to add the non-Federal deficiency to the budget of a continuation grant, specifying which budget categories will be increased and by what amounts, or

(iv) Initiate suspension and/or termination proceedings under Part 1206.





§ 1221.5 Administratively altered budget periods.

(a) The budget period for RSVP grants may be shortened or lengthened by ACTION for administrative purposes. If the current budget period is shortened, the sponsor is obligated to honor his cost-sharing commitment, but only as a percentage of the total grant funds expended. The sponsor's cost-sharing commitment for a subsequent continuation grant shall be in accordance with the RSVP Cost-Sharing Schedule, except that the percentage may be reduced for a budget period by one percentage point for each month the sponsor's previous budget period was shortened.

(b) If during the first four years of a project, the budget period is lengthened to more than twelve months, the percentage of the sponsor's cost sharing obligation will remain the same.

Issued in Washington, D.C. on April 21, 1975.

JOHN L. GANLEY,
*Deputy Director, ACTION.*

[FR Doc.75-10715 Filed 4-23-75;8:45 am]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 369, 378a, 389 ]

[EDR-276C, SPDR-37C, ODR-8C; Docket No. 26810]

### SPECIAL EVENT CHARTERS

### Supplemental Notice of Proposed Rule Making

APRIL 21, 1975.

In notice of proposed rule making, EDR-276/SPDR-37/ODR-8, June 18, 1974,[1] the Board gave notice that it was considering the adoption of a new Part 369 of its special regulations, and amendments of various other regulations, which would authorize the operation of charters limited to groups of persons having the common purpose of attending a particular event. The new class of charter was proposed to be designated "Special Event Charters" (SEC's).

Thereafter the Board gave notice that it had under consideration the adoption of a new Part 378a of its regulations that would authorize one-stop inclusive tour charters (OTC's): EDR-281/SPDR-38/ODR-9, 39 FR 39572 (November 8, 1974), as revised by EDR-281B/SPDR-38B/ODR-9B, 40 FR 17039.

In general, new Part 378a as now proposed would authorize the operation of tours that would in all cases include round-trip charter air transportation to one or more destination points, sleeping accommodations for each night of the tour, and transportation for tour participants traveling together between all places on the itinerary. The minimum duration of OTC's is proposed to be seven days except in the case of "North American" OTC's, in which case the minimum duration is proposed to be four days. (For purposes of computing minimum duration, the proposed OTC rules provide that the first day shall be the day the originating flight takes off; the last day shall be the day the returning flight lands. The proposed definition of a "North American" charter is set forth in § 378a.2.) Passenger lists would be required to be filed 30 days prior to the departure of each OTC, except in the case of North American OTC's, in which case the period would be 15 days. The proposed OTC rule would include a minimum price provision, although alternative formulas for determining such price are under consideration.

The proposed SEC rule, as set forth in EDR-276/SPDR-37/ODR-8, would also require a tour "package" arranged by an authorized tour organizer, and would, in various other respects, overlap the special charter rule which we are now considering to make generally available for one-stop tours. We have therefore tentatively concluded that there is no longer any adequate purpose to be served in considering adoption of a separate set of rules to apply to "special event charters." Our adoption of an OTC rule along the general lines which we have now proposed would largely obviate the need for having special rules apply to one-stop tour charters which happen to be based on "special events." Accordingly, instead of a separate SEC rule, we believe it would suffice to consider making special provisions, within the context of an OTC rule, for those "special event" tour charters which cannot meet the minimum-stay requirements of the OTC rules, i.e., for "special event" tours which are of less than four days' duration, in North American markets, and of less than seven days in all other markets. Furthermore, in connection with altering the status of the SEC from that of a separate and independent charter rule to that of an exception engrafted onto a more general charter rule, we have also tentatively concluded to revise some of the particular conditions and restrictions which we had originally proposed for SEC's.

The SEC provisions we now propose to adopt are described below.

(a) *The special event.* Travel would be restricted to those persons desiring to attend a "special event," which must be a specific and significant event, and may, for example, be of a sporting, social, religious, educational, cultural, or political nature, although it would not necessarily have to fit squarely into one of these categories.

The event itself could not extend over ten days in duration. This restriction, which was originally proposed to help ensure that SEC's are used for travel to bona fide events and not as a pretext for point-to-point transportation, seems even more suitable now, since travel to events of longer duration should be arranged to conform to the general OTC rules. On the other hand, comments received in response to the SEC Notice have tentatively persuaded us that we should not impose two other restrictions we originally proposed, namely prohibitions on the eligibility of events sponsored by persons in the tourist industry and on events whose primary purpose is the promotion of tourism. We believe that both these restrictions would prove extremely difficult to enforce, and enforceability, of course, is, along with discrimination, one of the reasons we have sought to devise specialized charter rules to replace "prior affinity" charters. Moreover, these requirements do not really bear on the question of whether an event should be regard as "special." If an event is sufficiently significant so as to attract the attendance of persons from considerable distances, then the fact that its promoters were motivated by a desire to attract tourists to the event site would not appear to decrease its significance.

(b) *Ground package.* We propose that the ground package required here be essentially the same as that for an ordinary OTC: Baggage handling and all necessary ground transportation must be included. In addition, an SEC package would be required to include tickets or other documents needed for admission to the event for each day of the charter, to the extent that attendance at the event would be feasible on that day. If the charter does not involve an overnight stay, sleeping accommodations will not be required. The charter organizer may provide additional items as part of the ground package at his option.

Although SPDR-37 specified that the SEC price must include charges for the air transportation, each of the elements of the ground package, and compensation to the organizer, we did not prescribe any price minimum. We continue to believe that no minimum price will be necessary, in view of the other restrictions on SEC operations. Nevertheless, we specifically invite comment on the question of whether a minimum package price, such as we are proposing to require for ordinary OTC's, would also appropriate for charters operated under these SEC rules. Comments favoring the imposition of a minimum price restriction are requested to discuss whether a price minimum should also apply to one-day charters (which would not require sleeping accommodations), and, if so, what it should be.

(c) *Trip duration.* SPDR-37 proposed that the maximum duration of an SEC be limited to seven days for North American charters and ten days elsewhere. These maximums were imposed to further ensure that SEC's would not be used for point-to-point air transportation. As discussed above, we now propose that North American SEC's should be limited to a maximum of three days, and that for all other SEC's the maximum should be six days.

We continue to propose, as we did in SPDR-37, that arrival at the event destination be no more than 36 hours prior to the commencement of the special event, and that the return flight depart no more than 36 hours after the termination of the event. Comments received on this point have suggested both that we shorten this period (to prevent "extraneous touring") and that we lengthen it (to avoid such operational difficulties as airport congestion and to allow more

[1] 39 FR 22430, June 24, 1974.



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time for participation in pre- and post-event activities). We have retained the

per well lease exemption of 10 CFR 210.32

Various questions have arisen with re-



and "released" crude oil of that subpart

Comments should be identified on the

statement will be given the opportunity,

time for participation in pre- and post-event activities). We have retained the 36-hour restriction because we feel that this is sufficient time to overcome most operational problems, but that a shorter period might needlessly cut too close.

(d) *Statement of authorization.* We propose to adopt the requirements of proposed § 369.40, § 369.41, and Appendix B of SPDR-37, mandating that no charter for special events be operated unless specific approval is first obtained from the Board, in the form of a Statement of Authorization.[1] As stated in SPDR-37, we believe that this requirement would be an important means of ensuring that SEC's are in fact used for the purposes for which they are intended, and of preventing undue diversion from scheduled service, and we continue to regard it as such.

Pending a final determination of this rule making we will be receptive toward petitions for waiver of such provisions of our existing charter rules as might otherwise preclude operation of charter flights to bona fide special events. The operation described in such waiver petition should be along the lines outlined above and in EDR-276/SPDR-37/ODR-8.

Since we are proposing herein to consider adoption of particular revised provisions for SEC's within the context of the revised proposed rules for OTC's, in the separate proceeding which is pending in Docket 27135, any further comments or reply comments on the SEC rule proposal should be submitted for our consideration in the OTC rule making proceeding in the manner, and within the times, specified in EDR-281B/SPDR-38B/ODR-9B, i.e., May 16, 1975, for initial comments, and June 2, 1975, for reply comments.

The within amendments to the Board's regulations, as proposed to be revised, are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, 416(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-10763 Filed 4-23-75;8:45 am]

[1] We are not proposing any change in proposed § 369.41(b), which would require that applications for statements of authorization be filed at least 30 days before operation of the charter, unless good cause is shown for late filing. Nor are we proposing to make the provisions of proposed § 378a.25(b) (requiring the filing of OTC passenger lists) applicable to Special Event Charters.

## FEDERAL ENERGY ADMINISTRATION

[ 10 CFR Parts 210, 212 ]

### GAS WELLS

**Applicability of Stripper Well Lease Exemption; Inclusion of Condensate in the Definition of "Crude Oil"; Proposed Rulemaking and Public Hearing**

The Federal Energy Administration hereby gives notice of its intention to reconsider the issue of whether the stripper well lease exemption of 10 CFR 210.32 is applicable to condensate produced from gas wells and of a proposal to amend the definition of "crude oil" in 10 CFR 212.31 to clarify the extent to which condensate from non-associated (or gas-well) gas, as well as from associated (or oil-well) gas, is included in that term.

FEA Ruling 1974-28 (39 FR 44414, December 24, 1974) held that the stripper well lease exemption of 10 CFR 210.32 is inapplicable to gas wells. The present definition of crude oil in 10 CFR 212.31, which governs the meaning of that term for purposes of the FEA Mandatory Petroleum Price Regulations, expressly includes lease condensate recovered in associated (i.e., oil-well) production, and thereby appears to exclude lease condensate recovered in non-associated (i.e., gas-well) production. This definition of the term "crude oil" was adopted with the January 10, 1975 Clarifications to the Definitions of Covered Products (40 FR 2795, January 16, 1975).

With respect to FEA Ruling 1974-28, the FEA continues to believe that the ruling accurately reflects the intent of Congress in promulgating the stripper well lease exemption as part of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159), and that the ruling comports with the meaning of the term "stripper well," as it had been used and understood by the industry at the time the stripper well lease exemption was enacted by Congress.

Comments received since the issuance of Ruling 1974-28 have indicated, however, that at least some producers had been treating gas-well condensate produced from properties where production of condensate has been 10 barrels or less per well per day in the preceding calendar year as exempt from price and allocation regulations because of the stripper well lease exemption, and have urged that the statutory exemption is sufficiently broad to encompass such production. Numerous statements have also been received by FEA asserting that exempt prices for gas-well condensate are an important factor in maintaining production from marginal gas wells.

In light of these considerations, the FEA has concluded that the factual and legal bases of Ruling 1974-28 should be reconsidered, and that a rulemaking proceeding, with full opportunity for comment by interested parties, is the appropriate context for reconsideration of this important issue.

The FEA has also received numerous requests for clarification of the extent to which various types of condensate are considered as crude oil for purposes of the price regulations, and has concluded that this related issue should also be reviewed and clarified in a rulemaking proceeding.

Various questions have arisen with respect to the proper treatment under the price regulations of what is generally known as "condensate." Condensate occurs in nature as the heavy hydrocarbon portion of natural gas in the reservoir, and is mechanically separated from natural gas as a liquid through a process of retrograde condensation, involving pressure reduction, sometimes accompanied by a reduction in temperature as well. In some cases, condensate is separated from natural gas by conventional lease separation facilities ("surface separators") at the well-head, and in other cases by a single mechanical separator ("field facility") located centrally and servicing two or more wells, and in either case is typically referred to as "lease condensate". In yet other cases, condensate is not separated from natural gas until it reaches a mechanical separator device similar to a surface separator or field facility, but located at a gas processing plant ("inlet separator" or "scrubber") and, in that case, the condensate is referred to as "plant condensate". Condensate can generally be distinguished from the lighter natural gas liquid products (e.g., propane, butane, and natural gasoline), whether fractionated or in a mixed stream of natural gas liquids, which are incapable of being separated from natural gas by mechanical means and can only be recovered from natural gas at a processing plant by absorption, adsorption, or extraneous refrigeration processes.

The FEA has tentatively concluded that condensate should, as a general matter, be treated as crude oil under Subpart D of its price regulations, rather than as natural gas liquids or natural gas liquid products under Subpart K of its price regulations. This view is based on the following factual considerations, and comments as to these matters are specifically requested. Generally, lease condensate is produced, separated, stored, and tendered at the lease, or at off-lease gathering and separating systems, through facilities that are essentially identical to those used in the production of crude oil, and lease condensate has traditionally and historically been marketed and priced as crude oil. Lease condensate is generally used by refiners in the same was as crude oil. These patterns exist both as to condensate recovered in associated and non-associated production, whether by lease separators or by central field facilities.

FEA also believes that there may be a similar basis for considering plant condensate to be crude oil, but comments are requested specifically as to whether plant condensate has traditionally and historically been gathered, priced, and refined as crude oil, or whether its treatment has been more analogous to that of natural gas liquids, so that FEA can better determine whether plant condensate is properly treated as crude oil (under Subpart D) or as natural gas liquids (under Subpart K). To the extent that condensate is treated as crude oil, subject to Subpart D, the price rules for "new" and "released" crude oil of that subpart would, of course, be applicable.

The FEA believes that its determination as to the extent to which condensate is to be considered as crude oil, rather than as natural gas liquids, for purposes of its price regulations is related to, but not necessarily determinative of, its decision as to the applicability of the statutory stripper well lease exemption to condensate produced from gas wells. There are further relevant considerations to be taken into account in determining whether the Congress intended to extend the stripper well least exemption to condensate produced from gas wells.

As was pointed out in Ruling 1974-28, a price exemption for condensate from gas wells is not particularly well suited as a means of maintaining condensate production from marginal gas wells, since a gas well producing large and profitable quantities of natural gas could well be yielding only small amounts of condensate. Exempt prices for such condensate would clearly not be needed as an incentive to continued condensate production from such wells. As stated above, however, FEA has received numerous statements indicating that application of the stripper well lease exemption is essential to maintain production from marginal gas wells. Comments are specifically requested, therefore, as to the impact that a determination on the applicability of the stripper well lease exemption to gas-well condensate would have, both in terms of continuing condensate and natural gas production, and in terms of the volumes of condensate that would qualify as exempt if the stripper well lease exemption were applicable to gas-well condensate.

The FEA is aware that there has been considerable uncertainty both with respect to the stripper well lease exemption issue and to the treatment of condensate generally, and that the industry may well have been treating gas-well condensate as qualifying for the stripper well lease exemption, for example, in the good faith belief that this was permitted under FEA regulations.

In connection with the reconsideration of Ruling 1974-28 and the clarification of the definition of crude oil, therefore, the FEA specifically solicits comments as to what industry practice has been in these respects, and as to what impact the rules adopted herein would have, in light of the fact that such rules will necessarily be retroactive to the extent that they either interpret the scope of the statutory stripper well lease exemption, or serve to clarify past regulations.

In recognition of the need to clarify promptly uncertainties that will exist during the pendency of this proceeding, the FEA will undertake to resolve these issues as expeditiously as possible. Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box CV, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Clarifications to the Definition of Crude Oil." Fifteen copies should be submitted. All comments received by Thursday, May 15, 1975 before 4:30 p.m., e.d.t., and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination. The public hearing in this proceeding will be held at 9:30 a.m., e.d.t., on Tuesday, May 20, 1975 at the Federal Building, Room 2105, 2000 M Street, NW, Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., on Monday, May 12, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through May 16, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Thursday, May 15, 1975 and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M Street, NW, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on Monday, May 19, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., Friday, May 16, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10 Code of Federal Regulations, as described above.

Issued in Washington, D.C. April 18, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel*

[FR Doc.75-10619 Filed 4-18-75;5:33 pm]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Parts 556, 563 ]

[75-300]

### FEDERAL SAVINGS AND LOAN SYSTEM

**Federal Savings and Loan Insurance Corporation; Proposed Amendment Relating to Guarantees of Borrowings**

APRIL 2, 1975.

The following outline regarding the amendments proposed herein is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the proposed regulations.





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I. Proposed Statement of Policy—not to authorize Federal associations to engage in surety arrangements except as an incident to the exercise of other authorized powers

II. Guarantees of Borrowings Within the Debt Limits (§ 563.8)

A. Present regulation—no mention of guarantees of borrowings in the borrowing limitations

B. Proposed change—guarantees of outside borrowings to be included in borrowing limits after a phase-in period

1. Reciprocal guarantees of conforming MBBs to be included at 50 percent of their contingent liability

III. Net Worth Requirements for Guarantees of Borrowings (§ 563.13(b))

A. Present regulation—no mention of guarantees of borrowings in the net worth requirements

B. Proposed change—5 percent net worth to be required for guarantees of outside secured borrowings with maturities of more than one year

IV. Reason for the Proposal—a guarantee of a borrowing is a contingent liability of the guarantor and may result in a borrowing if called upon by the creditor.

The Federal Home Loan Bank Board considers it desirable to propose to issue a new statement of policy at § 556.7 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) regarding Board authorization of surety arrangements, to amend paragraphs (a) (2) and (3) of § 563.8 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) and to add a new § 563.8(e) thereto for the purpose of applying the limitation upon borrowing to guarantees of certain borrowings, and to amend § 563.13(b)(4) of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the purpose of applying net worth requirements to guarantees of certain borrowings. By a companion Resolution (Resolution No. 75-299; April 2, 1975), the Board amends the rules and regulations for the Federal Savings and Loan System and the rules and regulations for Insurance of Accounts pertaining to limitations on secured borrowings and the issuance of mortgage-backed debt securities.

Section 5(b) of the Home Owners' Loan Act of 1933, as amended by subsection (e) of section 101 of Pub. L. 93-495 (approved October 28, 1974; effective date November 27, 1974) and as implemented in part by the Board in paragraph § 545.24-3(b)(3) of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), provides that, to such extent as the Board may authorize by regulation or by advice in writing, a Federal savings and loan association may be surety (as defined by the Board). The proposed new statement of policy at § 556.7 would state that the Board would not grant authorization to Federals to engage in the suretyship business except as a proper incident to the exercise of their other powers.

An activity in connection with which Federal associations may apply to the Board for permission to be surety is an issuance of mortgage-backed bonds together with other associations, where in connection with the issuance the group of issuers want to reciprocally guarantee each other's bonds; in such a case, the participating Federal associations would apply to the Board for authority to be sureties as an incident to the exercise of their authority to borrow.

The proposed amendments to § 563.8 (a) (2) and (3) would provide that guarantees of borrowings would be included within the limitations upon borrowings. The Board believes such inclusion to be desirable because a guarantee is a contingent liability of the guarantor-association and may result in a borrowing if called upon by the creditor. A proposed new paragraph (e) would be added to the section, the first part of which would define as a guarantee any contingent liability arising from an agreement to be guarantor or surety or to give bond or security with respect to another's borrowing, except that a guarantee of a mortgage-backed bond issued pursuant to § 563.8-2 would be counted at only half of its amount if it constituted part of a reciprocal surety agreement with other insured institutions which are issuing mortgage-backed bonds pursuant to § 563.8-2, (§ 563.8-2, "Issuance of mortgage-backed bonds"; adopted by the Board by Resolution No. 75-299, cited above.) The second part of proposed new § 563.8(e) would provide that guarantees of borrowings which were in existence before the amendments proposed by this Resolution became effective would not be included in the borrowing limitations until November 23, 1975, or for the period of their terms, whichever is shorter.

The proposed revision of § 563.13(b)(4) would provide that guarantees of secured borrowings with original stated maturities in excess of one year from sources other than a Federal Home Loan Bank or State-chartered central reserve institution shall have, in addition to the amount of net worth currently required under § 563.13(b)(1), net worth equal to 5 percent of the outstanding amount of such guarantees.

Accordingly, the Board hereby proposes to amend §§ 563.8(a) (2) and (3) and 563.13(b)(4), and to add new §§ 556.7 and 563.8(e), to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552 by May 23, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

## PART 556—STATEMENTS OF POLICY

1. Add a new § 556.7 to read as follows:

§ 556.7 Suretyship.

The Board will not authorize a Federal association to be surety under § 545.24-3 (b) (3) of this chapter unless such activity would be properly incident to the exercise of other powers authorized for such association.

## PART 563—OPERATIONS

2. Amend § 563.8 by revising paragraphs (a) (1), (2) and (3) and adding a new paragraph (e) to read as follows:

§ 563.8 Limitation upon borrowing.

(a) Except as the Corporation may otherwise permit by advice in writing, no insured institution shall borrow in excess of the amount authorized by the law under which such insured institution operates. Within the foregoing limit, an insured institution may borrow amounts not exceeding in the aggregate the following percentages of the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates:

(1) 50 percent of such paid-in and credited amount for all borrowings;

(2) A portion of the amount authorized in paragraph (a) (1) of this section not to exceed 10 percent of such paid-in and credited amount for all borrowings and guarantees of such borrowings from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution; *Provided*, That mortgage-backed bonds which are not in conformity with § 563.8-2 (except such mortgage-backed bonds in existence before May 23, 1974, for the period of their loan terms or until November 23, 1975, whichever is shorter), and guarantees of such borrowings, shall not constitute more than 5 percent of such paid-in and credited amount; and

(3) A portion of the amount authorized in paragraph (a) (1) of this section not to exceed 5 percent of such paid-in and credited amount, in addition to the amount authorized in paragraph (a) (2) of this section, for mortgage-backed bonds which are in conformity with § 563.8-2 and guarantees of such borrowings;

* * * * *

(e) (1) As used in this section, the term "guarantees of such borrowings" means the contingent liability arising from an agreement to be guarantor or surety or to give bond or security with respect to any borrowing by another insured institution or any service corporation or any other entity or individual; *Provided*, That only 50 percent of the amount of any such guarantee arising with respect to mortgage-backed bonds issued pursuant to § 563.8-2 shall be counted as a borrowing under this section if such guarantee is part of a reciprocal "surety" (as the quoted term is defined in § 545.24-3(a) of this chapter) agreement among a group of insured institutions which are issuing such mortgage-backed bonds.

(2) Guarantees in existence before [the effective date of this amendment] shall not be included within the percentage limitations of this section for the period of their terms or until November 23, 1975, whichever period is shorter.





3. Revise § 563(b) (4) to read as follows:

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

* * * * *

(b) *Net worth requirements.*

* * * * *

(4) Each insured institution shall also have an additional amount of net worth equal to 5 percent of the unpaid principal amount of all outstanding secured borrowings with original stated maturities in excess of one year and "guarantees of such borrowings", as defined in § 563.8(e)(1) (other than borrowings from a Federal Home Loan Bank or a State-chartered central reserve institution).

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.75-10767 Filed 4-23-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 275 ]

[Release IA-451, File No. S7-555]

### INVESTMENT ADVISER DISCLOSURE AND RECORDKEEPING REQUIREMENTS

#### Extension of Comment Period

The Securities and Exchange Commission ("Commission") has extended from April 30, 1975 until May 31, 1975 the period for submission of comments by interested persons on proposed Rule 206(4)-4 under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) ("Act") and proposed new paragraph (14) of Rule 204-2(a) (17 CFR 275.204-2(a)) under the Act.

Notice of the proposed rules was published on March 5, 1975 in Release No. IA-442 and in the FEDERAL REGISTER on March 14, 1975, 40 FR 11897. Proposed Rule 206(4)-4 would require an investment adviser to provide clients and prospective clients with a written disclosure statement containing specified information relating to, among other things, the adviser's services, method of operation, and fee arrangements, and qualifications of advisory personnel. Proposed paragraph (14) of Rule 204-2(a) would require investment advisers to maintain a copy of such written statements, and any amendments or revisions thereof, in their books and records.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 16, 1975.

[FR Doc.75-10760 Filed 4-23-75;8:45 am]

### [ 17 CFR Parts 270, 275 ]

[Release IA-462, IC-8760, File No. S7-554]

### VARIABLE LIFE INSURANCE EXEMPTIVE RULES

#### Extension of Comment Period

The Securities and Exchange Commission ("Commission") has received a request for an extension of the due date for comments on its notice of intention to propose an exemptive rule for variable life insurance under section 6(e) [15 U.S.C. 80a-6(e)] of the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] ("Investment Company Act"). An exemptive rule under section 6(e) would exempt issuers of certain variable life insurance contracts, and affiliated persons thereof, from certain provisions of the Investment Company Act.

In view of the request that the comment period be extended, the Commission has authorized an extension until Monday, June 2, 1975, of the due date for submitting comments. The Commission desires a prompt determination with respect to its notice of intention to propose an exemptive rule under section 6(e), but believes that this extension is appropriate and will not result in undue delay. Notice of the intention to propose an exemptive rule under section 6(e) was published on February 27, 1975 in Investment Company Act Release No. 8691 and Investment Advisers Release No. 440 and in the FEDERAL REGISTER issue of March 12, 1975 (40 FR 11614).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 16, 1975.

[FR Doc.75-10761 Filed 4-23-75;8:45 am]

### [ 17 CFR Parts 270, 275 ]

[Release No. IA-453, IC-8761, File No. 4-149]

### VARIABLE LIFE INSURANCE EXEMPTIVE RULES

#### Extension of Comment Period

The Securities and Exchange Commission ("Commission") has received a request for an extension of the due date for comments on its proposal to rescind Rule 3c-4 (17 CFR 270.3c-4) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) ("Investment Company Act") and Rule 202-1 (17 CFR 275.202-1) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) ("Investment Advisers Act") (hereinafter collectively referred to as the "rules"). These rules exempt issuers of certain variable life insurance contracts, and affiliated persons thereof, from the provisions of the Investment Company and Investment Advisers Acts.

In view of the request that the comment period be extended the Commission has authorized an extension until Monday, June 2, 1975 of the due date for submitting comments. The Commission desires a prompt determination with respect to its proposal to rescind these rules, but believes that this extension is appropriate and will not result in undue delay. Notice of the proposal to rescind the rules was published on February 27, 1975 in Investment Company Act Release No. 8690 and Investment Advisers Act Release No. 439 and in the FEDERAL REGISTER issue of March 12, 1975 (40 FR 11613).[1]

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 16, 1975.

[FR Doc.75-10762 Filed 4-23-75;8:45 am]

[1] The original period for comment was extended from March 31, 1975 to April 18, 1975 on March 5, 1975. See Investment Company Act Release No. 8706, Investment Advisers Act Release No. 443.



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# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

### Agency for International Development

### ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

#### Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on May 19, 1975, from 2 p.m. to 5 p.m., in Room 5951, New State Building, 21st and Virginia Avenue NW., Washington, D.C.

The purpose of the meeting will be to examine and comment upon the structure, functions and objectives of the Advisory Committee on Voluntary Foreign Aid, the experience and role of A.I.D. and voluntary agencies in Indochina and such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

The session will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mrs. Harriett S. Crowley will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC 202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance.

Dated: April 17, 1975.

HARRIETT S. CROWLEY,
*Acting Assistant Administrator for Population and Humanitarian Assistance.*

[FR Doc.75-10700 Filed 4-23-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Customs Service

[CLA 74-028786]

### STANDARD NEWSPRINT PAPER

#### Proposed Revision of Basis Weight

APRIL 14, 1975.

Notices of a proposal to revise downward to 24.5 pounds the minimum basis weight of standard newsprint paper were published in the FEDERAL REGISTER of August 29, 1973 (38 FR 23341), and November 5, 1973 (38 FR 20455). Comment periods were provided for, and additional time was allowed so that interested parties could submit comments.

Standard newsprint paper is classifiable under the free provision of item 252.65, Schedule 2, Subpart B, Tariff Schedules of the United States (TSUS). The specifications for standard newsprint paper are set out in Treasury Decision 56349, dated January 22, 1965, as amended by Treasury Decision 68-265 (20), dated October 22, 1968. The basis weights are specified as 28½ pounds to 35 pounds per ream of 432,000 square inches. The test for determining whether a paper is classifiable as standard newsprint paper under item 252.65, TSUS, is whether at the time of its importation the paper is of that class or kind chiefly used in the United States in the printing of newspapers.

Substantial evidence was not submitted to the Commissioner of Customs that paper with basis weights lower than 28½ pounds, but conforming in all other respects to the specifications set out in the referenced Treasury decisions, is chiefly used in the United States in printing newspapers. Of 121 letters received from publishers of newspapers, only a few contained information that lighter weight papers are or were actually used to print newspapers. Accordingly, after very careful consideration of the representations received and other pertinent available material, it has been determined the claim of the change in chief use has not been established.

[SEAL] VERNON D. ACREE,
*Commissioner of Customs.*

[FR Doc.75-10701 Filed 4-23-75;8:45 am]

### Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 11]

### S & H INSURANCE CO.

#### Surety Companies Acceptable on Federal Bonds; Change of Name

Martin Insurance Company, a California corporation, has formally changed its name to S & H Insurance Company, effective November 15, 1974. Documents evidencing the change of name are on file in the Treasury.

A new certificate of authority as an acceptable surety on Federal bonds, dated November 15, 1974, has been issued by the Secretary of the Treasury to S & H Insurance Company, Los Angeles, California, under sections 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1974 (39 FR 26366, July 18, 1974), to the company under its former name, Martin Insurance Company. The underwriting limitation of $219,000 previously established for the company remains unchanged.

The change in name of Martin Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the certificate of authority issued by the Secretary of the Treasury.

Certificates of authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the Circular, when issued, may be obtained from Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 18, 1975.

JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[FR Doc.75-10769 Filed 4-23-75;8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Army

### CONSTRUCTION OF MILITARY FAMILY HOUSING

#### Aliamanu Military Reservation, Oahu, Hawaii, Filing of Final Environmental Impact Statement With Council on Environmental Quality

APRIL 17, 1975.

In compliance with the National Environmental Policy Act of 1969, the Army is filing with the Council on Environmental Quality a final environmental impact statement concerning the construction of 2600 military housing units in the Aliamanu Military Reservation, Oahu, Hawaii.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested individuals may obtain copies from the Office of the U.S. Army Engineer Division, Pacific Ocean, ATTN: PODEDMP, Building 230, Fort Shafter, APO San Francisco 96558. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E-676, Pentagon Building, Washington, D.C. 20310. (Telephone: (202) 694-1163).

CHARLES R. FORD,
*Deputy Assistant Secretary of the Army (Civil Works).*

[FR Doc.75-10662 Filed 4-23-75;8:45 am]





### Department of the Navy

### NAVAL RESEARCH ADVISORY COMMITTEE

#### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee will hold a closed meeting on May 22 and 23, 1975, at the Woods Hole Oceanographic Institution, Woods Hole, Massachusetts. The agenda will consist of matters which are classified in the interest of national security, including various matters pertaining to the committee's general mission to advise on whether research and development efforts being conducted by the Department of the Navy are adequate in relation to the problems to be solved. The Secretary of the Navy for that reason has determined in writing that this meeting of the Naval Research Advisory Committee should be closed to the public because it is concerned with matters listed in section 552(b)(1) of title 5, U.S.C.

WILLIAM O. MILLER,
*Rear Admiral, JAGC, U.S. Navy, Deputy Judge Advocate General.*

APRIL 18, 1975.

[FR Doc.75-10754 Filed 4-23-75;8:45 am]

### Office of the Secretary

### DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

#### Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that closed meetings of a Panel of the DIA Scientific Advisory Committee will be held at Pomponio Plaza, Rosslyn, Virginia on:

Monday, 19 May 1975
Tuesday, 29 May 1975

The entire meetings commencing at 0900 hours on 19 May and 1300 hours on 29 May are devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to continue work on a study of specialized intelligence data requirements and U.S. ability to meet these requirements.

MAURICE W. ROCHE,
*Director, Correspondence and Directives OASD (Comptroller).*

APRIL 21, 1975.

[FR Doc.75-10653 Filed 4-23-75;8:45 am]

### DEPARTMENT OF DEFENSE WAGE COMMITTEE

#### Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 13 May 1975 at 9:45 a.m. in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 USC 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense, (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence, (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

Dated: April 21, 1975.

MAURICE W. ROCHE,
*Director, Correspondence and Directives OASD (Comptroller).*

[FR Doc.75-10722 Filed 4-23-75;8:45 am]

## DEPARTMENT OF JUSTICE

### Law Enforcement Assistance Administration

### NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

#### Change of Meeting

This is to provide notice of change of meeting for the Juvenile Delinquency Task Force to the National Advisory Committee on Criminal Justice Standards and Goals.

The Juvenile Delinquency Task Force will now meet only for one day, Saturday, May 3. The meeting will be held at the Quality Inn Motel, Capitol Hill, 415 New Jersey Avenue NW., Washington, D.C. The meeting will convene at 8:30 a.m. and will be open to the public.

This will be the first meeting of the Task Force. Discussion will focus upon the functions and duties to be performed by the Task Force as well as a discussion of the Task Force subject matter.

For further information, contact William T. Archey, Acting Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue NW., Washington, D.C.

GERALD H. YAMADA,
*Attorney-Advisor, Office of General Counsel.*

[FR Doc.75-10699 Filed 4-23-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### IOWA TRIBE OF OKLAHOMA AND IOWA TRIBE OF KANSAS AND NEBRASKA

#### Plan for the Use and Distribution of Iowa Judgment Funds Awarded in Docket 135 Before the Indian Claims Commission

APRIL 14, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use of distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of March 21, 1972, 86 Stat. 86, in satisfaction of an award granted to the Iowa Tribe of Oklahoma and the Iowa Tribe of Kansas and Nebraska in Indian Claims Commission Docket 135. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated January 20, 1975, and was received by both the Senate and the House of Representatives on January 23, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on March 24, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of March 21, 1972, 86 Stat. 86, in satisfaction of the award granted to the Iowa Tribe of Oklahoma and the Iowa Tribe of Kansas and Nebraska, in Docket 135, shall be used and distributed, including all interest accrued, less attorney fees and litigation expenses, as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall divide the judgment funds in Docket 135 in terms of 61.29 percent to the Iowa Tribe of Kansas and Nebraska and 38.71 percent to the Iowa Tribe of Oklahoma.

IOWA TRIBE OF KANSAS AND NEBRASKA

The funds apportioned to the Kansas-Nebraska Iowas (61.29 percent) shall be used in the following manner:

(a) Twenty (20) percent of such funds, and interest accrued thereon, shall be set aside for a land purchase program, subject to Secretarial approval.

(b) The Secretary shall make a per capita distribution of eighty (80) percent of such







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funds, and interest accrued thereon, in a sum as equal as possible to each tribal member who was born on or prior to and is living on the effective date of this plan. The membership roll shall be brought current under existing tribal procedures.

(c) The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money accounts (IIM) and handled under 25 CFR 104.5. The per capita shares belonging to minors shall be segregated from the tribal funds and invested and administered by the Secretary until he determines whether the minors' funds shall be deposited in either separate IIM accounts or be placed in a trust as developed and approved by the Secretary. During this interim period, minors who will have reached the age of 18 years within six months from the effective date of the plan, shall have their shares, including the principal and interest earned, withdrawn from the segregated minors' fund account, and placed in separate IIM accounts for them. In order to administratively accomplish this, the Secretary shall determine and prepare a list of such minors. This same procedure shall continue for each succeeding six-month period, until such time as the method of handling the minors' funds is determined. The expenditure of funds in any separate IIM accounts established for minors shall be subject to 25 CFR 104.4. Upon a minor's reaching 18 years of age, both principal and investment income accruing to the per capita share shall be paid out unless the former minor is a legal incompetent, in which case the funds shall be handled under 25 CFR 104.5. Expenditure of funds from any trust for minors which may be established shall be made pursuant to the provisions of such trust. Per capita payments of deceased individual beneficiaries shall be distributed pursuant to the Departmental Indian probate regulations in 43 CFR Part 4, Subpart D.

(d) Should any unclaimed or undeliverable per capita shares be restored to the Iowa Tribe pursuant to the Act of September 22, 1961, 75 Stat. 581[4], funds representing such shares shall be made available for general tribal purposes.

IOWA TRIBE OF OKLAHOMA

The funds apportioned to the Oklahoma Iowa (38.71 percent) shall be used in the following manner:

(a) Twenty (20) percent of such funds, and interest accrued thereon, shall be added to the existing Tribal Assistance Program, effective as of May 18, 1973, pursuant to Resolution No. I-72-A, which was adopted by the Tribal Business Committee on October 26, 1972.

(b) The Secretary shall make a per capita distribution of eighty (80) percent of such funds, and interest accrued thereon, in a sum as equal as possible to each tribal member who was born on or prior to and is living on the effective date of this plan. The Secretary, in arranging for the per capital payments to be made, shall withhold sufficient shares for individuals whose entitlement to tribal membership may be in question. Those shares shall be held at interest in separate individual Indian money accounts pending determination of enrollment appeals. The amount of any shares not used to pay successful appellants may be used for any purposes that are authorized by the tribal governing body and approved by the Secretary.

(c) As soon as possible, the Iowa Tribe of Oklahoma shall post or cause to be posted copies of the proposed tribal membership roll for a period of 30 days, during which time any person may appeal the inclusion or omission of any name on or from the roll. The deadline for filing appeals will be midnight of the last day of said 30-day period. Appeals shall be handled in accordance with procedures established under 25 CFR Part 42—Enrollment appeals.

(d) The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money accounts (IIM) and handled under 25 CFR 104.5. The per capita shares belonging to minors shall be deposited in separate IIM accounts. The expenditure of funds in any separate IIM accounts for minors shall be subject to 25 CFR 104.4. Upon a minor's reaching 18 years of age, both principal and investment income accruing to the per capita shall be paid out unless the former minor is a legal incompetent, in which case the funds shall be handled under 25 CFR 104.5. Per capita payments of deceased individual beneficiaries shall be distributed pursuant to the Departmental Indian probate regulations in 43 CFR Part 4, Subpart D.

(e) The unclaimed or undeliverable per capita shares of funds of the Iowa Tribe of Oklahoma two years from the date of the administrative directive for the payment of such shares to tribal members, shall be restored to the tribe and may be used for general tribal purposes.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-10694 Filed 4-23-75;8:45 am]

## KIKIALLUS TRIBE OF INDIANS

### Plan for the Use and Distribution of Kikiallus Judgment Funds Awarded in Docket 263 Before the Indian Claims Commission

APRIL 10, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972 (86 Stat. 1498), in satisfaction of the award granted to the Kikiallus Tribe of Indians in Indian Claims Commission Docket 263. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated November 11, 1974, and was received by the House of Representatives on November 18, 1974, and by the Senate on November 19, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on February 18, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of October 31, 1972 (86 Stat. 1498), in satisfaction of the award granted to the Kikiallus Tribe of Indians in Indian Claims Commission Docket 263 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter referred to as "Secretary") shall publish rules and regulations in the FEDERAL REGISTER governing Kikiallus enrollment procedures. Pursuant to such rules and regulations, the Secretary shall prepare a roll, based on the 1919 Roblin Roll and any other records which are acceptable to him, of all the lineal descendants of the Kikiallus Tribe, as it existed in 1859, born on or prior to and living on the approval date of this plan. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of the judgment fund principal and its accrued interest, in a sum as equal as possible, to each Kikiallus descendant on this roll.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-10697 Filed 4-23-75;8:45 am]

## LOWER SKAGIT TRIBE OF INDIANS

### Plan for the Use and Distribution of Lower Skagit Judgment Funds Awarded in Docket 294 Before the Indian Claims Commission

APRIL 15, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of March 21, 1972 (86 Stat. 86), in satisfaction of the award granted to the Lower Skagit Tribe of Indians in Indian Claims Commission Docket 294. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated November 11, 1974, and was received by the House of Representatives on November 18, 1974, and by the Senate on November 19, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on February 18, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of March 21, 1972 (86 Stat. 86) in satisfaction of the award granted to the Lower Skagit Indians in Docket 294 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter referred to as "Secretary") shall publish rules and regulations in the FEDERAL REGISTER governing Lower Skagit enrollment procedures. Pursuant to such rules and regulations, the Secretary shall prepare a roll, based on the 1919 Roblin Roll and any other records which are acceptable to him, of all the lineal descendants of the Lower Skagit Tribe as it existed in 1859 born on or prior to and living on the approval date of this plan; provided, that a Skagit ancestor accepted as proof of Upper Skagit descent for inclusion on the Upper Skagit payment roll prepared pursuant to the Act of June 23, 1971 (85 Stat. 83), shall not be accepted as proof of Lower Skagit ancestry. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of the judgment fund principal and its accrued interest, in a sum as equal as possible, to each eligible Lower Skagit descendant named on this roll.





The shares of living competent adults shall be paid directly to them. The shares belonging to minors, persons under legal disability and deceased persons shall be invested as Individual Indian Money until paid under appropriate safeguards, as determined by the Secretary, to the minor or legal incompetent or distributed in accordance with Departmental regulations governing estates (43 CFR 4.200-4.297), whichever is applicable.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-10695 Filed 4-23-75;8:45 am]

## LUMMI TRIBE OF INDIANS

### Plan for the Use and Distribution of Lummi Tribe of Indian Judgment Funds Awarded in Docket 110 Before the Indian Claims Commission

APRIL 10, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972 (86 Stat. 1498), in satisfaction of the award granted to the Lummi Tribe of Indians in Indian Claims Commission Docket 110. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated November 18, 1974, and was received by the House of Representatives on November 21, 1974, and by the Senate on December 9, 1974, neither House of Congress having adopted a resolution disapproving it, the plan became effective on March 3, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of October 31, 1972 (86 Stat. 1498), in satisfaction of the award granted to the Lummi Tribe of Indians in Docket 110 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be held and continued to be invested by the Secretary of the Interior pursuant to 25 U.S.C. 162a, until such time as a further plan for the use and distribution of the funds is approved by the Congress.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-10696 Filed 4-23-75;8:45 am]

## TUSCARORA NATION

### Plan for the Use and Distribution of Tuscarora Nation Judgment Funds Awarded in Docket 321 Before the Indian Claims Commission

APRIL 17, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of July 1, 1973, 87 Stat. 99, in satisfaction of an award granted to the Tuscarora Nation in Indian Claims Commission Docket 321. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 21, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on September 11, 1974, and by the Senate on September 4, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on December 18, 1974, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Tuscarora Nation in Docket 321 before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be held and continued to be invested by the Secretary of the Interior pursuant to 25 U.S.C. 162a until such time as a specific plan for the use and distribution of the funds is approved by the Congress.

DANIEL MCDONALD,
*Acting Deputy Commissioner of Indian Affairs.*

[FR Doc.75-10698 Filed 4-23-75;8:45 am]

## Bureau of Land Management

[Group 551]

## ARIZONA

### Filing of Plats of Survey

APRIL 18, 1975.

Plats of survey of lands described below accepted on November 14, 1974, will be officially filed in the Arizona State Office, 3022 Federal Building, Phoenix, Arizona 85025, effective 10 a.m., on June 9, 1975:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 14 E.

1. A supplemental plat of Tracts 42, 43, and 44 in the unsurveyed portions of this township based on the plat of mineral segregations in sections 13 and 14 accepted November 14, 1974, and the approved mineral survey records.

The above tracts aggregate 39.16 acres.

Since the above described lands are withdrawn by the Tonto National Forest they are not subject to disposition under the general public land laws by reason of the official filing of this plat. The supplemental plat was prepared at the request of the Department of Agriculture, Forest Service, to accommodate Forest Exchange application A 1523.

2. A dependent resurvey of a portion of the south boundary of T. 1 N., R. 14 E., a dependent resurvey of a portion of the west boundary of T. 1 N., R. 15 E., the establishment of the corners for a portion of the east boundary and the survey of a portion of the subdivisional lines in T. 1 N., R. 14 E.

Sec. 13, lots 1 to 7, inclusive;
Sec. 14, lots 1 to 8, inclusive;
Sec. 15, lots 1 to 7, inclusive, W½NE¼, NW¼, N½SW¼;
Sec. 22, lots 15 to 18, inclusive;
Sec. 23, lots 1 and 2;
Sec. 24, lot 1;
Sec. 25, lots 2, 3, and 4;
Sec. 26, lots 1 to 5, inclusive;
Sec. 27, lots 1 to 4, inclusive;
Sec. 35, lots 1 to 7, inclusive;
Sec. 36, lots 1 to 13, inclusive.

The area described above aggregates 1,311.25 acres.

3. All the surveyed and resurveyed land ranges from mountainous in most areas to nearly level. The elevation varies from 3,425 feet to 5,250 feet above sea level. The soil is rocky throughout the township with gravelly loam along bottom of most of the washes. The vegetation consists of oak brush, manzanita, catclaw and cacti.

4. Subject to valid existing rights, title will pass to the State of Arizona under the provisions of the Enabling Act upon acceptance of the plat of survey for the following described lands:

T. 1 N., R. 14 E.,
Sec. 36, lots 1 to 13, inclusive.

The area described aggregates 225.62 acres.

5. The lands described in paragraph 2, exclusive of sec. 36, subject to any existing valid rights, will be open to filing of petition, application, and selection under the public land laws, including the mining and mineral leasing laws effective 10 a.m., June 9, 1975.

CHARLES G. BAZAN, JR.,
*Chief, Branch of Records and Data Management.*

[FR Doc.75-10675 Filed 4-23-75;8:45 am]

[Colorado 228]

## WESTERN SLOPE GAS CO.

### Pipeline Application

APRIL 17, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for an amendment to its right-of-way number C-228 to permit the construction of a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 100 W.,
Sections 19 and 30, Mesa County
T. 8 S., R. 101 W.,
Section 24, Mesa County

The pipeline is an addition to Western Slope Gas Company's natural gas transmission system in Mesa County, Colorado. The purpose of this project is to enable the applicant to meet increasing demands for natural gas.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms





and conditions; to allow interested Development Administration, [illegible]



[illegible] in the National Capital Region and to

The members of the Advisory Commit-

V40180 APR 24 75 XUM

and conditions; to allow interested parties to comment on the application; and to allow any person asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objection must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after the publication of this notice.

EVERETT K. WEEDIN,
*Chief, Branch of Land Operations.*

[FR Doc.75-10676 Filed 4-23-75;8:46 am]

## MULTIPLE USE ADVISORY BOARD; COEUR D'ALENE, DISTRICT

### Meeting Date Change

Pursuant to the requirements of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Coeur d'Alene District Multiple Use Advisory Board Meeting scheduled for May 8, 1975, has been changed to May 29, 1975, at 9 a.m., at the Holiday Inn, Coeur d'Alene, Idaho. The agenda for the meeting will include election of officers, presentation of the North Idaho and Elk City Management Framework Plans, Mineral Ridge Bald Eagle Wildlife Habitat Plan, Lower Salmon River Visitor Management Plan, Timber Sale Plan, and programs for Fiscal Year 1976.

The meeting is open to the public. Interested persons will have an opportunity at the end of committee business to make oral presentations to the committee or file written statements. Such requests should be made to the official listed below at least three days prior to the meeting.

Further information concerning this meeting may be obtained from BLM District Manager Larry Woodard, 1808 North Third Street, Coeur d'Alene, Idaho 83814. His telephone number is 208-664-8231. Minutes of the meeting will be available for public inspection and copying two weeks after the meeting at the BLM District Office in Coeur d'Alene, Idaho and the BLM Resource Area Headquarters in Cottonwood, Idaho.

LARRY L. WOODARD,
*District Manager.*

[FR Doc.75-10677 Filed 4-23-75;8:45 am]

[Serial No. I-7435]

## IDAHO

### Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 16, 1975.

Notice of an application, Serial No. I-7435, for withdrawal and reservation of lands was published as FR Doc. No. 74-2518 on page 3977 of the issue for January 31, 1974. The Energy Research and Development Administration, formerly known as the Atomic Energy Commission, has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be at 10 a.m. on May 16, 1975 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 26 E.,
Secs. 19, 20, 21, 28, 29, 30, 31 and 32.
T. 15 S., R. 25 E.,
Secs. 23, 24, 25, 26 and 27.
T. 15 S., R. 26 E.,
Secs. 6, 7, 18, 19 and 30.
T. 16 S., R. 25 E.,
Secs. 25 and 26.
T. 16 S., R. 26 E.,
Secs. 19, 20, 21, 22 and 23.

The areas described aggregate 13,311.50 acres.

VINCENT S. STROBEL,
*Chief, Branch of L&M Operations.*

[FR Doc.75-10674 Filed 4-23-75;8:45 am]

[NM 25173]

## NEW MEXICO

### Notice of Application

APRIL 16, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 10 W.
Sec. 30, Lots 7 and 10.

This pipeline will convey natural gas across 0.085 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75-10755 Filed 4-23-75;8:45 am]

[NM Misc. No. 25]

## NEW MEXICO

### Order Opening Lands to Entry

APRIL 18, 1975.

1. Pursuant to section 3 of the Recreation and Public Purposes Act of 1926, 68 Stat. 175, as amended, 43 U.S.C. Sec. 869.2 (1964), the following described patented lands have reverted back to the United States, such reversion being evidenced by various deeds recorded in records of Chaves and Otero Counties, New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 14 S., R. 10 E.
Sec. 22, NW¼NE¼, S½SE¼SW¼NE¼, N½NE¼NW¼SE¼ and NE¼NW¼NW¼SE¼.
T. 16 S., R. 10 E.
Sec. 5, NE¼SW¼ and SE¼.
T. 10 S., R. 25 E.
Sec. 33, S½N½ and N½SE¼.
T. 9 S., R. 24 E.
Sec. 26, SE¼SW¼;
Sec. 35, NE¼NW¼.

The areas described aggregate 572.50 acres in Chaves and Otero Counties.

2. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law the above described lands will at 10 a.m. on June 20, 1975, be open to all forms of appropriation under the public land laws. All valid applications received at or prior to 10 a.m. on June 20, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, PO Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75-10756 Filed 4-23-75;8:45 am]

[NM 25209]

## NEW MEXICO

### Notice of Application

APRIL 18, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Anadarko Production Company has applied for a 3 inch and 4 inch water supply pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 27 E.
Sec. 11, E½E½ and NW¼NE¼.

These pipelines will convey water across 1.003 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.75-10757 Filed 4-23-75;8:45 am]





## SHOSHONE DISTRICT MULTIPLE USE ADVISORY BOARD

### Meeting; Correction

APRIL 16, 1975.

In FR Doc. 75-9826 appearing at page 17047 in the issue of Wednesday, April 16, 1975, the scheduled date of the Shoshone District Multiple Use Advisory Board meeting is corrected to May 29, 1975.

CHARLES J. HASZIER,
*District Manager.*

[FR Doc.75-10698 Filed 4-23-75;8:45 am]

## National Park Service

## CRATER LAKE MASTER PLAN

### Notice of Public Workshop

Notice is hereby given that a public workshop will be held to discuss master plan alternatives for Crater Lake. Out of the meeting will come an environmental assessment of the alternatives for the master plan of Crater Lake National Park.

The first workshop will be held on May 12 at 7 p.m. in the Winema Motel, 1111 Main Street, Klamath Falls, Oregon. A second workshop will be held on May 13 at 7 p.m. in the Public Service Building, 920 Southwest Sixth Street, Portland, Oregon. A third workshop will be held on May 14 at 7 p.m. in the Oregon State University Extension Service Auditorium, 1301 Maple Grove Drive, Medford, Oregon.

A workshop material packet can be obtained by phoning one of the National Park Service offices at Klamath Falls (503-882-7387), Portland Field Office (503-234-4478), Crater Lake National Park (503-594-2211), or the Pacific Northwest Regional Office (206-442-4590).

Dated: April 14, 1975.

EDWARD J. KURTZ,
*Acting Regional Director, Pacific Northwest Region.*

[FR Doc.75-10751 Filed 4-23-75;8:45 am]

## NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, May 12, 1975, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. Gary E. Everhardt (Chairman)
Director, National Park Service
Washington, D.C.
Mr. George M. White
Architect of the Capitol
Washington, D.C.
General Mark W. Clark
Chairman, American Battle Monuments Commission
Washington, D.C.
Mr. J. Carter Brown
Chaiman, Fine Arts Commission
Washington, D.C.
Chairman, National Capital Planning Commission
Washington, D.C.
Honorable Walter E. Washington
Mayor of the District of Columbia
Washington, D.C.
Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to consider sites for relocation of the Major General George C. Meade Memorial.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202-426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: April 14, 1975.

JOHN A. TOWNSLEY,
*Acting Director, National Capital Parks.*

[FR Doc.75-10752 Filed 4-23-75;8:45 am]

## WESTERN REGIONAL ADVISORY COMMITTEE

### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a field trip and public meeting of the Western Regional Advisory Committee will be held in Yosemite National Park. The field trip will be on May 16, 1975, beginning at 8:30 a.m. and leaving from the Ahwahnee Hotel, Yosemite. A public meeting will be held at 9 a.m., P.d.t., on May 17, 1975, in the auditorium of the Yosemite Valley Visitor Center.

The purpose of the Western Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Western Region of the National Park Service.

The members of the Advisory Committee are as follows:

Lewis S. Eaton, Fresno, California (Chairman)
Ben Avery, Phoenix, Arizona
David W. Ballie, Jr., Lihue, Kauai, Hawaii
Ed Fike, Las Vegas, Nevada
Bernard Fontana, Tucson, Arizona
Jean Ford, Las Vegas, Nevada
Jack Walston, San Francisco, California
Todd Watkins, Bishop, California

The single item on the agenda will be general discussion of the Yosemite National Park Master Plan process and the current status of the issues and problems of Yosemite.

The field trip will provide the committee with an onsite orientation of the programs, problems and master plan considerations pertinent to Yosemite. The meeting will be open to the public. Any member of the public will also be able to file with the Committee a written statement concerning the Yosemite Master Plan.

Due to a lack of space only the Advisory Committee Members and associated National Park Service personnel will be provided transportation for the field trip.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Ray C. Foust, Executive Assistant to the Regional Director, Western Regional Office, at Area Code 415-556-8227.

Minutes of the meeting will be available for public inspection eight weeks after the meeting at the Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California, and Yosemite National Park.

HOWARD H. CHAPMAN,
*Regional Director, Western Region.*

APRIL 14, 1975.

[FR Doc.75-10750 Filed 4-23-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service

## MALHEUR NATIONAL FOREST GRAZING ADVISORY BOARD

### Meeting

The Malheur National Forest Grazing Advisory Board will meet at 1:30 p.m., May 13, 1975 at Malheur Forest Headquarters, 139 NE Dayton, John Day, Oregon, 97845.

The purpose of this meeting is to elect officers, report on current situation of each allotment on its own policy, other old business, recommendations on 1975 grazing applications for temporary permits, and other new business.

The meeting will be open to the public. Persons who wish to attend should notify Ellis J. Callantine, 139 NE Dayton, John Day, Oregon, 97845, Phone 503-575-1731. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at any







Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Parklawn Building, Room 16C-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3673.

Purpose: The Committee reviews and evaluates research and demonstration grant applications and contract proposals in the field of alcohol abuse and alcoholism and makes recommendations to the Director, National Institute on Alcohol Abuse and Alcoholism, with respect to their technical merit and relevance to program objectives.

Agenda: The meeting will be open to the public on May 15 from 9 a.m. to 10 a.m. to discuss administrative matters. Attendance by the public will be limited to space available. The meeting will be closed to the public on May 15 from 10 a.m. to adjournment and on May 16 for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications and proposals and the discussions could reveal personal information concerning individuals associated with the applications and proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Agenda items are subject to change as priorities dictate.

Summaries of the meeting may be obtained upon request from the Committee Management Officer, Room 16C-20, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3673.

Dated: April 17, 1975.

JOHN D. PORTERFIELD,
*Committee Management Officer, National Institutes of Health.*

[FR Doc.75-10753 Filed 4-23-75;8:45 am]

## Office of the Secretary

## SECRETARY'S ADVISORY COMMITTEE ON ANIMAL WELFARE

### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Secretary's Advisory Committee on Animal Welfare will meet on May 15, 1975, in Room 1010, Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, from 9 a.m. to 5 p.m.

The Committee was established to advise the Secretary of Agriculture on matters relating to the implementation of the Animal Welfare Act (Pub. L. 89-544, 80 Stat. 350, as amended by Pub. L. 91-579, 84 Stat. 1560, 7 U.S.C. 2131 et seq.).

The meeting will be open to the public. Persons may participate in the meeting as time permits, at the discretion of the Chairman.

Written statements may be filed before the meeting or may be submitted for the consideration of the Committee after the meeting, addressed to the Secretary's Advisory Committee on Animal Welfare, Animal and Plant Health Inspection Service, Federal Building, Room 870, 6505 Belcrest Road, Hyattsville, Md. 20782.

Summary minutes of the meeting will be available for public inspection at the Animal and Plant Health Inspection Service, Federal Building, Room 870, 6505 Belcrest Road, Hyattsville, Md. 20782.

Done at Washington, D.C., this 21st day of April 1975.

J. PHIL CAMPBELL,
*Under Secretary.*

[FR Doc.75-10754 Filed 4-23-75;8:45 am]

## Packers and Stockyards Administration

## CHEROKEE STOCKYARDS, INC.

### Deposting

It has been ascertained, and notice is hereby given, that the livestock market operated by Cherokee Stockyards, Inc., Cherokee, Iowa, is no longer subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

The last date for which this market was found to be subject to the Act was March 31, 1975.

Done at Washington, D.C., this 17th day of April 1975.

PACKERS AND STOCKYARDS ADMINISTRATION,
*By Edward Hoyle, Director, Livestock Marketing Division.*

[FR Doc.75-10758 Filed 4-23-75;8:45 am]

## Soil Conservation Service

## CHEROKEE CREEK WATERSHED PROJECT, ARKANSAS

### Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Public Law 91-190, 42 U.S.C. 4332(2)(C); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Cherokee Creek Watershed Project, Boone County, Arkansas.

The proposed action is for flood prevention, agricultural water management, and recreation.

The final environmental impact statement may be examined at the following locations:

Soil Conservation Service, Federal Building, Room 3416, 700 West Capitol Avenue, Little Rock, Ark. 72201.

Soil Conservation Service, Federal Building, Room 2301, 5100 Clayton Road, Milan, Calif. 94552.

Soil Conservation Service, Federal Building, Room 5301, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Copies are available to fill requests before the meeting date in the time period the Soil Conservation Service practices such requests.

Dated: April 17, 1975.

JOHN A. GUTTMAN,
*Acting Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10759 Filed 4-23-75;8:45 am]

## Food and Nutrition Service

## CHILD NUTRITION PROGRAMS

### Special Milk Program; Eligibility Guidelines

On March 26, 1975, there was published in the FEDERAL REGISTER (40 FR 13450) a notice of proposed rulemaking with respect to the Special Milk Program for Children. The proposed rulemaking would amend the regulations governing the Special Milk Program for Children (7 CFR Part 1040) to provide for the establishment of eligibility guidelines for free milk.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed rulemaking. Due consideration has been given to all such comments received.

Accordingly, the regulations governing the Special Milk Program for Children (7 CFR Part 1040) are hereby amended as follows:

1. Section 1040.2 is amended by adding a new paragraph (n) to read as follows:

§ 1040.2 Definitions.

(n) "Eligibility guidelines" means the family size and income standards established annually by the Secretary for use in determining which children are eligible for free milk.

2. Section 1040.3 is amended by adding a new paragraph (d) to read as follows:

§ 1040.3 Eligibility.

(d) Eligibility guidelines for free milk. The Secretary shall annually prescribe eligibility guidelines for free milk. Such guidelines shall be based on family size and income and shall be adjusted annually to reflect changes in the Consumer Price Index. In addition, the guidelines shall be designed to result in the certification of children who are members of households which meet the criteria for free milk established by the State agency.

3. Section 1040.9 is amended by adding a new paragraph (d) to read as follows:

§ 1040.9 Free milk.

(d) Eligibility guidelines. Each State agency shall establish criteria for free milk which are consistent with the eligibility guidelines prescribed by the Secretary.

4. Section 1040.10 is amended by adding a new paragraph (d) to read as follows:

§ 1040.10 Application and eligibility determination.

(d) Eligibility guidelines. Each State agency shall establish criteria for free milk which are consistent with the eligibility guidelines prescribed by the Secretary.

Effective date. These amendments shall become effective July 1, 1975.

(Sec. 3, 76 Stat. 537, 42 U.S.C. 1772)

Dated: April 21, 1975.

RICHARD L. FELTNER,
*Assistant Secretary for Food and Consumer Services.*

[FR Doc.75-10760 Filed 4-23-75;8:45 am]

## Rural Electrification Administration

## ALLEGHENY ELECTRIC COOPERATIVE, INC.

### Notice of Loan Application

Notice is hereby given that Allegheny Electric Cooperative, Inc., has applied for a loan in the amount of $1,000,000 from the Rural Electrification Administration pursuant to the Rural Electrification Act of 1936, as amended, to finance the construction of 69 miles of 69 kV transmission line and associated facilities in Bedford, Fulton, and Huntingdon Counties, Pennsylvania.

Any person desiring to comment on the environmental aspects of the proposed project may submit such comments in writing to the Administrator, Rural Electrification Administration, Washington, D.C. 20250, within 30 days from the date of this notice. Comments received within the 30-day period will be considered in the Administrator's environmental impact appraisal.

Dated: April 17, 1975.

DAVID A. HAMIL,
*Administrator, Rural Electrification Administration.*

[FR Doc.75-10761 Filed 4-23-75;8:45 am]

## Soil Conservation Service

## CHEROKEE CREEK WATERSHED PROJECT, ARKANSAS

### Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Public Law 91-190, 42 U.S.C. 4332(2)(C); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Cherokee Creek Watershed Project, Boone County, Arkansas.

The proposed action is for flood prevention, agricultural water management, and recreation.

The final environmental impact statement may be examined at the following locations:

Soil Conservation Service, Federal Building, Room 3416, 700 West Capitol Avenue, Little Rock, Ark. 72201.

Soil Conservation Service, Federal Building, Room 2301, 5100 Clayton Road, Milan, Calif. 94552.

Soil Conservation Service, Federal Building, Room 5301, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Copies are available to fill requests before the meeting date in the time period the Soil Conservation Service practices such requests.

Dated: April 17, 1975.

JOHN A. GUTTMAN,
*Acting Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-10759 Filed 4-23-75;8:45 am]

## Food and Nutrition Service

## CHILD NUTRITION PROGRAMS

### Special Milk Program; Eligibility Guidelines

On March 26, 1975, there was published in the FEDERAL REGISTER (40 FR 13450) a notice of proposed rulemaking with respect to the Special Milk Program for Children. The proposed rulemaking would amend the regulations governing the Special Milk Program for Children (7 CFR Part 1040) to provide for the establishment of eligibility guidelines for free milk.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed rulemaking. Due consideration has been given to all such comments received.

Accordingly, the regulations governing the Special Milk Program for Children (7 CFR Part 1040) are hereby amended as follows:

1. Section 1040.2 is amended by adding a new paragraph (n) to read as follows:

§ 1040.2 Definitions.

(n) "Eligibility guidelines" means the family size and income standards established annually by the Secretary for use in determining which children are eligible for free milk.

2. Section 1040.3 is amended by adding a new paragraph (d) to read as follows:

§ 1040.3 Eligibility.

(d) Eligibility guidelines for free milk. The Secretary shall annually prescribe eligibility guidelines for free milk. Such guidelines shall be based on family size and income and shall be adjusted annually to reflect changes in the Consumer Price Index. In addition, the guidelines shall be designed to result in the certification of children who are members of households which meet the criteria for free milk established by the State agency.

3. Section 1040.9 is amended by adding a new paragraph (d) to read as follows:

§ 1040.9 Free milk.

(d) Eligibility guidelines. Each State agency shall establish criteria for free milk which are consistent with the eligibility guidelines prescribed by the Secretary.

4. Section 1040.10 is amended by adding a new paragraph (d) to read as follows:

§ 1040.10 Application and eligibility determination.

(d) Eligibility guidelines. Each State agency shall establish criteria for free milk which are consistent with the eligibility guidelines prescribed by the Secretary.

Effective date. These amendments shall become effective July 1, 1975.

(Sec. 3, 76 Stat. 537, 42 U.S.C. 1772)

Dated: April 21, 1975.

RICHARD L. FELTNER,
*Assistant Secretary for Food and Consumer Services.*

[FR Doc.75-10760 Filed 4-23-75;8:45 am]

## Rural Electrification Administration

## ALLEGHENY ELECTRIC COOPERATIVE, INC.

### Notice of Loan Application

Notice is hereby given that Allegheny Electric Cooperative, Inc., has applied for a loan in the amount of $1,000,000 from the Rural Electrification Administration pursuant to the Rural Electrification Act of 1936, as amended, to finance the construction of 69 miles of 69 kV transmission line and associated facilities in Bedford, Fulton, and Huntingdon Counties, Pennsylvania.

Any person desiring to comment on the environmental aspects of the proposed project may submit such comments in writing to the Administrator, Rural Electrification Administration, Washington, D.C. 20250, within 30 days from the date of this notice. Comments received within the 30-day period will be considered in the Administrator's environmental impact appraisal.

Dated: April 17, 1975.

DAVID A. HAMIL,
*Administrator, Rural Electrification Administration.*

[FR Doc.75-10761 Filed 4-23-75;8:45 am]

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time unless otherwise stated by presiding officer at beginning of meeting.

TOM KIERNS,
*Acting Forest Supervisor.*

APRIL 16, 1975.

[FR Doc.75-10753 Filed 4-23-75;8:45 am]

## Office of the Secretary

### NORTHERN CHEYENNE RESERVATION IN MONTANA

#### Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Northern Cheyenne Indian Reservation in Montana has been materially increased and become acute because of excessive snowfall creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on April 18, 1975.

EARL L. BUTZ,
*Secretary.*

[FR Doc.75-10704 Filed 4-23-75;8:45 am]

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

### PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

#### Open Meeting

*Correction*

In FR Doc. 75-10183, in the issue for Friday, April 18, 1975, appearing on page 17302, the room number in the last paragraph now reading 11017 should be changed to read 11C17.

### Office of Trade Adjustment Assistance

### ALGY SHOES, INC.

#### Notice of Petition and Hearing

A petition was filed on April 24, 1975, by Algy Shoes, Inc., of Everett, Massachusetts, under section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR, Part 350, 40 FR 14921 (April 3, 1975) (the "regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner claims that imported articles classified in items 700.20, 700.45 and 700.55 of the Tariff Schedules of the United States Annotated (TSUSA) are like or directly competitive with footwear for women produced by the firm.

A public hearing on the matter has been requested by the petitioner and will be held beginning at 10 a.m., e.d.t., on May 9, 1975, in Conference Room D, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. Requests for appearances at the hearing conforming to § 350.40 of the regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice. Briefs or written statements in support of, or in opposition to, the petition will be accepted in lieu of appearance at the hearing, if received by the close of business of the tenth calendar day following the publication of this notice, provided that such briefs and written statements evidence that the person submitting such briefs and written statements has a substantial interest in the proceedings, as described in § 350.40(b) of the regulations. Such written submissions from persons exhibiting a substantial interest shall be given the same effect as an appearance at the hearing, as set forth in § 350.44 of the regulations. Section 350.24 of the regulations, dealing with confidential business information, shall be applicable to any such written submissions. Briefs or written statements submitted shall be subject to public inspection, together with the Petition Form DIB-345P, in Room 3011, U.S. Department of Commerce, Washington, D.C. (except for information submitted and accepted in confidence), subject to the provisions of § 350.43 of the regulations.

The hearing shall be conducted as follows: Petitioner or his representative shall have up to one hour for an initial oral statement and presentation of evidence, following which each person scheduled to appear at the hearing shall be permitted thirty (30) minutes within which to make an oral statement, submit evidence and comment on the views and evidence received from petitioner or its representative. After all parties scheduled to appear at the hearing have been heard, petitioner or its representative shall be permitted another fifteen (15) minutes within which to make a further statement, during which petitioner shall be permitted to comment upon the views and evidence received from other parties appearing at the hearing, and upon any written submission in lieu of appearance from persons evidencing a substantial interest in the proceedings. Questions may be addressed to persons appearing at the hearing by the Department official presiding at the hearing or other Department representatives, but no other persons shall be permitted to address questions.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance)

HAROLD A. BRATT, JR.
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-10874 Filed 4-23-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Alcohol, Drug Abuse, and Mental Health Administration

### NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

#### Meeting

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble the month of May 1975:

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

May 19–20, 9:30 a.m. Conference Room G, Parklawn Bldg., Rockville, Maryland. Open—May 20. Closed—May 19. Contact David G. Orchard, Parklawn Bldg., Rm. 16–86, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4703.

Purpose: Advises the Secretary, Department of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: May 19, the Council will conduct a final review of grant applications for Federal assistance, and this session will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552 (b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. App. I).

May 20 will be devoted to discussions pertaining to the "National Planning and Resources Development Act of 1974." Additional agenda items may be added as priorities dictate.

Substantive program information may be obtained from the contact person listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Council members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6–C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, telephone (301) 443–3306.





Dated: April 21, 1975.

CAROLYN T. EVANS,
*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc.75-10654 Filed 4-23-75;8:45 am]

## Food and Drug Administration

[FDA-225-75-4039]

### ARTX TELECOMMUNICATION EQUIPMENT

#### Memorandum of Understanding With the Florida Department of Agriculture and Consumer Services

Pursuant to the notice published in the FEDERAL REGISTER of October 8, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Florida Department of Agriculture and Consumer Services on March 12, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Florida Department of Agriculture & Consumer Services, Div. of Inspection, Bur. of Food Grades & Standards, Rm. 216, Mayo Building, Tallahassee, Florida 32304.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive termfnals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency:* Florida Department of Agriculture & Consumer Services, Division of Inspection, Bureau of Food Grades & Standards, Room 218, Mayo Building, Tallahassee, Florida 32304.

V. *Liaison Officers.* For Florida Dept. of Agriculture & Consumer Services: Dr. George M. Rose, Chief, Food Grades & Standards Sect. Address: Rm. 218, Mayo Bldg., Tallahassee, FL 32304. Telephone No.: (904) 488–3951.

For FDA: Adam J. Trujillo, Director, Orlando District. Address: 7200 Lake Ellenor Drive, Orlando, FL 32809. Telephone No.: (305) 855–0900.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Florida Dept. of Agriculture and Consumer Services, Bureau of Food Grades and Standards, Div. of Inspection:

Dated: March 5, 1975.

G. M. ROSE,
*Chief, Bureau of Food Grades & Standards, Division of Inspection.*

Approved and accepted for the Food and Drug Administration:

Dated: March 12, 1975.

M. D. KINSLOW,
*Regional Food and Drug Director, Atlanta Field Office.*

*Effective date.* This memorandum of understanding became effective March 12, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.10657 Filed 4-23-75;8:45 am]

[FDA-225-75-4018]

### ARTX TELECOMMUNICATION EQUIPMENT

#### Memorandum of Understanding With the Idaho Department of Health and Welfare

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Idaho Department of Health and Welfare (Environmental Services Division) on February 11, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE IDAHO DEPARTMENT OF HEALTH AND WELFARE (ENVIRONMENTAL SERVICES DIVISION) AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Environmental Services Division, Department of Health and Welfare, State House, Boise, Idaho 83720.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.







Approved and accepted for the Maryland

In addition to terminal-sharing, it is neces- thirty (30) day advance written notice to

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In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Dr. James A. Bax, Director, Idaho Department of Health and Welfare, State House, Boise, Idaho 83720.

V. *Liaison Officers.* For Idaho Department of Health and Welfare (Environmental Services Division): Carroll E. Despain, Chief, Milk & Food Quality. Address: Idaho Department of Health and Welfare, State House, Boise, Idaho 83720. Telephone No.: (208) 384–2344.

For FDA: J. Kenneth Kinney, Federal-State Liaison Officer. Address: 5003 Federal Office Bldg., Seattle, WA 98174. Telephone No.: (206) 442–5304.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Department of Health and Welfare:

Dated: February 11, 1975.

DR. JAMES A. BAX,
*Director, Department of Health and Welfare.*

Approved and accepted for the Food and Drug Administration:

Dated: January 24, 1975.

JAMES W. SWANSON,
*Regional Fod and Drug Director, Seattle Field Office, Region X*

*Effective date.* This memorandum of understanding became effective February 11, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10661 Filed 4–23–75;8:45 am]

[FDA–225–75–4024]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Maryland Department of Health and Mental Hygiene

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Maryland Department of Health and Mental Health Hygiene on March 28, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE (ENVIRONMENTAL HEALTH ADMINISTRATION) AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Environmental Health Administration, 201 West Preston Street, Baltimore, MD 21201.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Maryland Department of Health & Mental Hygiene, Environment of Health Administration, 201 West Preston Street, Baltimore, MD 21201.

V. *Liaison Officers.* For Terminal Agency: Howard Ellingsen, Manager of Terminal Operations. Address: 201 West Preston Street, Baltimore, MD 21201. Telephone No.: (301) 383–2733.

For FDA: Lawrence M. Carter, Supervisory Investigator. Address: 2nd & Chestnut Streets, Room 900, Philadelphia, PA 19106. Telephone No.: (301) 962–3590.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Maryland Department of Health and Mental Hygiene, on behalf of Environmental Health Administration:

Dated: March 18, 1975.

NEIL SOLOMON, M.D.,
*Secretary of Health and Mental Hygiene.*

Approved and accepted for the Food and Drug Administration:

Dated: March 28, 1975.

T. C. MARAVICLIA,
*Regional Food and Drug Director, Region III.*

*Effective date.* This memorandum of understanding became effective March 28, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10656 Filed 4–23–75;8:45 am]

[FDA–225–75–4040]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the New York State Department of Agriculture and Markets

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the New York State Department of Agriculture & Markets on March 4, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the New York State Department of Agriculture and Markets, Building 8, State Campus, Albany, New York 12226.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* New York State Department of Agriculture & Markets, Building 8, State Campus, Albany, New York 12226.

V. *Liaison Officers.* For New York State Department of Agriculture & Markets: James L. Burnes, Director of Administration. Address: Building 8, State Campus, Albany, New York 12226. Telephone No.: (518) 457–6999.

For FDA: Edward G. Seibert, Compliance Officer. Address: 599 Delaware Avenue, Buffalo, N.Y. 14202. Telephone No.: (716) 842–6906.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the New York State Department of Agriculture & Markets:

Dated: March 4, 1975.

FRANK WALKLEY,
*Commissioner, Department of Agriculture and Markets.*

Approved and accepted for the Food and Drug Administration:

Dated: February 11, 1975.

CLIFFORD G. SHANE,
*Regional Food and Drug Director, Region II.*

*Effective date.* This memorandum of understanding became effective March 4, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10660 Filed 4–23–75;8:45 am]

[FDA–225–75–4009]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Oklahoma State Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Oklahoma State Department of Health on January 30, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA–rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE OKLAHOMA STATE DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the offices of the Consumer Protection Service, Department of Health, N.E. 10th & Stonewall, Oklahoma City, Oklahoma.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that





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Approved and accepted for the B.I. Dept.



III. *Substance of Agreement.* A. The Food

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proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Oklahoma State Department of Health, Consumer Protection Service, Northeast 10th St. & Stonewall, Oklahoma City, Oklahoma 73105.

V. *Liaison Officers.* For Oklahoma State Department of Health: Mr. Lloyd Parham, Chief, Consumer Protection Service. Address: Northeast 10th St. & Stonewall, Oklahoma City, Oklahoma 73105. Telephone No.: (405) 271–6243.

For FDA: J. L. Perrin, Prog. Mgr. for Intergovt. Relations. Address: 3032 Bryan St., Dallas, TX 75204. Telephone No.: (214) 749–3951.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Oklahoma State Department of Health:

Dated: January 30, 1975.

W. F. GISLER,
*Comptroller, Oklahoma State Department of Health.*

Approved and accepted for the Food and Drug Administration:

Dated: January 21, 1975.

JAMES E. ANDERSON,
*Acting Regional Food and Drug Director.*

*Effective date.* This memorandum of understanding became effective January 30, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10658 Filed 4–23–75;8:45 am]

[FDA–225–75–4017]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Rhode Island Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Rhode Island Department of Health on January 30, 1975. The purpose of the memorandum is to establish the procedure and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE RHODE ISLAND DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Division of Drug Control, 304 Health Building, 75 Davis Street, Providence, Rhode Island 02908.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

11. Receive and transmit messages for FDA personnel stationed in Rhode Island.

IV. *Name and Address of Terminal Agency.* Rhode Island Department of Health, Room 401, 75 Davis Street, Providence, Rhode Island 02908.

V. *Liaison Officers.* For Rhode Island Department of Health: Joseph J. Cahill, Drug Control Administrator. Address: 75 Davis Street, Room 304, Providence, Rhode Island 02908. Telephone No.: (401) 277–2837.

For FDA: Richard J. Davis. Address: Boston, Mass. Telephone No.: 223–5067.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the R.I. Dept. of Health:

Dated: January 30, 1975.

JEAN M. MAYNARD, M.D.,
*Acting Director.*

Approved and accepted for the Food and Drug Administration.

Dated: January 30, 1975.

A. J. BEEBE, Jr.,
*Regional Food and Drug Director.*

*Effective date.* This Memorandum of Understanding became effective January 30, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10655 Filed 4–23–75;8:45 am]





[FDA–225–75–4006]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With South Dakota Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the South Dakota Department of Agriculture on January 31, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Room 101, State Office Building #1, Pierre, South Dakota.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* South Dakota Department of Agriculture, Division of Agriculture Regulations & Inspection, Office Building No. 1, Pierre, South Dakota 57501.

V. *Liaison Officers.* For South Dakota Department of Agriculture: Rodger Pearson, Director, Division of Agricultural Regulations & Inspections. Address: Office Building No. 1, Pierre, South Dakota 57501. Telephone No.: (606) 224–3375.

For FDA: John R. Vodneck, Program Analyst. Address: Room 500, U.S. Customhouse, Denver, Colorado 80202. Telephone No.: (303) 837–4915.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the South Dakota Department of Agriculture:

Dated: January 31, 1975.

WILLIAM H. SCHRODER,
*Secretary of Agriculture, State of South Dakota.*

Approved and accepted for the Food and Drug Administration:

Dated: January 23, 1975.

E. PITT SMITH,
*Deputy Regional Food and Drug Director.*

*Effective date.* This memorandum of understanding became effective January 31, 1975.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10659 Filed 4–23–75;8:45 am]

### Office of Education

## NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

### Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the meeting of the National Advisory Council for Career Education will be held on May 14, 1975, from 7 p.m. to 10 p.m. and May 15, 1975 from 9 a.m. to 4:30 p.m. at 1200 19th Street, NW., Room 823, Washington, D.C.

The National Advisory Council for Career Education is established under section 406 of the Education Amendments of 1974, Pub. L. 93–380. (88 Stat. 552, 553). The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406. The Council with the assistance of the Commissioners shall conduct a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submit to Congress, not later than November 1, 1975, a report on such survey. The report should include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b) of section 406.

The meeting of the Council shall be open to the public. The proposed agenda includes:



V 40 180 APR 24 75 XUM V

*May 14*—NIE Efforts in Career Education
*May 15*—Current and Future Legislation Survey
Consideration of Commission Studies
Council Mission

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of Career Education located in Room 3100—7th and D Streets SW., Washington, D.C. 20202).

JOHN LINDIA,
*Deputy Director*
*for Career Education.*

[FR Doc.75-10766 Filed 4-23-75;8:45 am]

## COMMUNITY EDUCATION ADVISORY COUNCIL

### Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Community Education Advisory Council will be held May 15 and 16, 1975, at the U.S. Office of Education, 400 Maryland Avenue, SW, Room 4173, Washington, D.C. The Thursday meeting will begin at 8:30 a.m. and end at 5 p.m. The Friday meeting will begin at 8:30 a.m. and end at 12 p.m.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools. In the fiscal year ending June 30, 1975, the Advisory Council shall be responsible for advising the Commissioner regarding the establishment of policy guidelines and regulations for the operation and administration of the Community Schools Act.

In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Consideration of Proposed Regulations.
(2) Procedures for Evaluation.
(3) Future Business and Administrative Matters.

Records shall be kept of all council proceedings and shall be available for public inspection in Room 4177-E, Federal Office Building No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on April 18, 1975.

JULIE ENGLAND,
*Special Assistant to the*
*U.S. Commissioner of Education.*

[FR Doc.75-10624 Filed 4-23-75;8:45 am]

## FULBRIGHT-HAYS TRAINING GRANTS

### Criteria for Funding Applications for Fiscal Year 1975

On pages 43415 and 43416 of the FEDERAL REGISTER of December 13, 1974, there was published a notice to set forth criteria for funding applications for Fiscal Year 1975 for financial assistance under section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(6)). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and only typographical and technical corrections have been made. The proposed criteria are hereby adopted as are set forth below.

*Effective date.* The Notice of Proposed Rule Making was transmitted to Congress on December 9, 1974 pursuant to section 431(d) of the General Education Provisions Act. (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such action having been taken. Therefore these criteria shall become effective April 24, 1975.

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Hays Training Grants—Doctoral Dissertation Research Abroad)

Dated: March 28, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 21, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health,*
*Education, and Welfare.*

A. The Commissioner of Education and the Board of Foreign Scholarships will evaluate applications on the basis of the following criteria for each of the following programs:

1. DOCTORAL DISSERTATION RESEARCH ABROAD PROGRAM

(a) Academic qualifications of the candidate;
(b) Soundness and feasibility of the project;
(c) Preference will be given to foreign languages and areas that are critical to the national interest, for which adequate instruction has not been widely available in the United States, and for which there exists a shortage of trained personnel.

2. FACULTY RESEARCH ABROAD PROGRAM

(a) Relevance of the proposed project to the U.S. educational institution's educational goals and to its plans for developing programs in foreign languages and area studies;
(b) The project's potential impact on foreign languages and area studies in American education;
(c) The project's relevance to contemporary issues and problems significantly related to the national interest;
(d) Scholarly qualifications of the candidate, and his previous opportunities for research abroad;
(e) The extent to which direct experience abroad is necessary to complete the project and the effectiveness with which host country resources would be utilized;
(f) Soundness and feasibility of the project.

3. GROUP PROJECTS ABROAD PROGRAM

(a) The potential impact of the project on the development of foreign language and area studies programs in American education;
(b) The project's relevance to the applicant institution's educational goals and its relationship to the institution's program development in foreign languages and area studies;
(c) The extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which host country resources would be utilized;
(d) Preference to projects concerning foreign languages and geographic areas which are of special concern to the national interest and for which adequate instruction has not been widely available in the United States;
(e) The factors set forth in section 100a.26 of the General Provisions for the Office of Education (45 CFR 100a.26).

4. FOREIGN CURRICULUM CONSULTANTS PROGRAM

(a) Potential impact on the applicant institution's plans for developing its foreign language and area studies programs;
(b) Potential effective use of the results of the consultant's work following the completion of the project;
(c) Appropriateness of the consultant's duties and the approximate allocation of time among the duties;
(d) Number of faculty, students, and members of the relevant community who are expected to be affected by the consultant's activities;
(e) Likelihood that educational institutions other than the grantee will share in the consultant's services and the extent to which such institutions have participated in helping define the nature of these services;
(f) Adequacy of the arrangements made for coordinating the consultant's work under the supervision of a project director.
(g) The factors set forth in section 100a.26 of the General Provisions for the Office of Education (45 CFR 100a.26).

(22 U.S.C. 2452(b)(6))

B. In addition to the criteria set forth in Paragraph A for the Doctoral Dissertation Research Abroad and the Faculty Research Abroad programs, the Board of Foreign Scholarships will consider the professional and personal references for individual applicants and employment or other records for individual applicants which are readily available from other governmental agencies, including law enforcement agencies.

(22 U.S.C. 2452(b)(6))

[FR Doc.75-10726 Filed 4-23-75;8:45 am]

## National Institutes of Health
## NATIONAL EYE INSTITUTE

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, on June 9, 1975, in Building 31, Conference Room #8, National Institutes of Health, Bethesda, Maryland. This meeting will convene and be open to the public from 9 a.m. to 9:45 a.m. for reporting of items of general interest by the Institute Director and discussion of the guidelines for the National Eye Institute research training program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:45 a.m. to adjournment for the review, discussion and evaluation of academic investigator awards and of individual and institutional applications under the National Research Services Awards program. The closed portion of the meeting involves solely the internal expression of views and judgments of such applications which contain detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Information Officer, National Eye Institute, National Institutes of Health, Building 31, Room 6A-27, Bethesda, Maryland 20014, telephone (301) 496-5248, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William F. Raub, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496-4903.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health)

Dated: April 14, 1975.

SUZANNE L. FREMEAU,
*Committee Management*
*Officer, NIH.*

[FR Doc.75-10672 Filed 4-23-75;8:45 am]

## NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases, June 12-13, 1975, Conference Room 7, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. to 4 p.m. on June 12, 1975 to review and discuss the inactivated *Mycoplasma pneumoniae* vaccine field trial and from 9 a.m. to 3 p.m. on June 13, 1975 to review and discuss the streptococcal program. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 4 p.m. to 5 p.m. on June 12, 1975 for the review, discussion, evaluation, and making of recommendations pertaining to two contract proposals on *Mycoplasma pneumoniae* vaccines. The meeting will be closed to the public from 3 p.m. to adjournment on June 13, 1975 for the review, discussion, evaluation and making of recommendations pertaining to one contract proposal on streptococcal vaccines. These contract proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with these contract proposals.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-34, phone 496-5717, will furnish summaries of the meeting and roster of committee members. Mrs. Martha Mattheis, Executive Secretary of the Infectious Disease Committee, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A-10, phone 496-5105, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health)

Dated: April 10, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-10671 Filed 4-23-75;8:45 am]

## NATIONAL INSTITUTE OF DENTAL RESEARCH

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on June 19-20, 1975, from 9 a.m. to adjournment, in Building 31-C, Conference Room 6, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 1 p.m. on June 19, 1975, for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on June 19 from 1 p.m. to 5 p.m., and on June 20 from 9 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Janet Lynn McMahan, Council Secretary, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C-35, Bethesda, Maryland 20014 (telephone 301-496-3571), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.325, National Institutes of Health)

Dated: April 14, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-10673 Filed 4-23-75;8:45 am]

## Office of the Secretary

## SURVEY OF PERSONS IN LONG-TERM CARE INSTITUTIONS

### Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the results of activities associated with the HEW project entitled, "Design Task for a Survey of Persons in Long-Term Care Institutions."

The Design Task was initiated as part of the Federal interest in the institutionalized long-term care population from a programmatic and policy point of view. The purpose was to update and expand the scope of the 1967 National Survey of Institutionalized Adults conducted by the Social Security Administration and to develop survey instruments for data collection which would enhance policy research on the entire spectrum of the long-term care population. The final report includes a review of previous studies, identification of issues of current concern, a proposed sample design, survey instrumentation, and pretest results.

The proposed variables of stratification in the sample design are facility type and facility size. The six institutional facility types are psychiatric care, physically handicapped, mentally handicapped, children's facilities, nursing homes, and other facilities. The proposed size categories are small (under 100 beds), medium (100-499 beds), and large (500 or more beds).

Three separate survey instruments were developed for the institutionalized persons survey: one to collect information about the facility, one for the resident, and one for the resident's family. The instruments are designed to be administered in a personal interview format.

A limited field test of the instrumentation was conducted for a sample of facilities, residents and families in the Washington, D.C. area.

A copy of this report will be filed and available as soon as possible from the National Technical Information Service,









U.S. Department of Commerce, Spring-

This notice shall be served upon the



be issued pursuant to 24 CFR 1710.45(b)

which shall be deemed to be true, and

V40180APR24751 XUM V

U.S. Department of Commerce, Springfield, Virginia 22152.

Dated: April 21, 1975.

WILLIAM A. MORRILL,
*Assistant Secretary for Planning and Evaluation.*

[FR Doc.75-10725 Filed 4-23-75;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Interstate Land Sales Registration

[Docket No. N-75-297]

### ASHUMET VALLEY

#### Hearing

In the matter of Ashumet Valley, OILSR No. 0-2518-25-17, Docket No. Y-1049.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Ashumet Valley Sales Corporation, Shepard Sumberg, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Ashumet Valley, located in Barnstable County, Massachusetts, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 24, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 29, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 22, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10705 Filed 4-23-75;8:45 am]

[Docket No. N-75-295]

### BREVARD PROPERTIES

#### Hearing

In the matter of Brevard Properties, OILSR No. 0-0149-09-43, Docket No. Y-800.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Brevard Investment Properties, Inc., Frederick T. Hyman, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Brevard Properties, located in Brevard County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 20, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 13, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10706 Filed 4-23-75;8:45 am]

[Docket No. N-75-306]

### BUFFALO HILLS

#### Hearing

In the matter of Buffalo Hills, OILSR No. 0-2723-41-22, Docket No. Y-997.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Condo-Mobile, Inc., Edgar L. Lash, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued March 5, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Buffalo Hills, located in Noble County, Ohio, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 24, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on May 29, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 22, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).





This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10707 Filed 4-23-75;8:45 am]

[Docket No. N-75-307]

### CAPE CANAVERAL HEIGHTS

#### Hearing

In the matter of Cape Canaveral Heights, OILSR No. 0-1849-09-545, Docket No. Y-915.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Cape Canaveral Heights Properties, Inc., Frederick T. Hyman, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Cape Canaveral Heights, located in Brevard County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on May 15, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 8, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10708 Filed 4-23-75;8:45 am]

[Docket No. N-75-300]

### JASPER VALLEY AT AMHERST

#### Hearing

In the matter of Jasper Valley at Amherst, OILSR No. 0-1515-34-28, Dooket No. Y-907.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Jasper Valley Development Corporation, Peter J. Flood, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued March 3, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.-125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Jasper Valley at Amherst, located in Amherst County, New Hampshire, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 2, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 23, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 8, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10709 Filed 4-23-75;8:45 am]

[Docket No. N-75-292]

### KING'S GATE

#### Hearing

In the matter of King's Gate, OILSR No. 0-2619-09-782, Docket No. Y-1062.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. King's Gate Camper's Holiday, Inc., Lynn A. Morey, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for King's Gate, located in Sarasota County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 14, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 7, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 30, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true,



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and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10710 Filed 4-23-75;8:45 am]

[Docket No. N-75-294]

## LAKE OF THE MENOMINEES

### Hearing

In the matter of Lake of the Menominees a/k/a Legend Lake, OILSR No. 0-1267-58-16, Docket No. Y-935.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Menominee Enterprises, Inc., Joseph E. Trechette, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued February 26, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Lake of the Menominees a/k/a Legend Lake, located in Menominee County, Wisconsin, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 19, 1975 at 10 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 12, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10711 Filed 4-23-75;8:45 am]

[Docket No. N-75-293]

## MEADOW WOOD FARMS

### Hearing

In the matter of Meadow Wood Farms, OILSR No. 0-1920-09-576, Docket No. Y-918.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Dade County Development Company, O'Neil Naples, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Meadow Wood Farms located in Marion County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 11, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on May 13, 1975, at 10 a.m.

5. The following time and proceedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 6, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10712 Filed 4-23-75;8:45 am]

[Docket No. N-75-298]

## SWISS ALPINE DEVELOPMENT CORP.

### Hearing

In the matter of Swiss Alpine Development Corporation, OILSR NO. 0-2778-26-53, Docket No. Y-995.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Swiss Alpine Development Corporation, Roy West Berg, President, its Officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Swiss Alpine, Swiss Alpine 2, located in Osceola County, Michigan, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on June 2, 1975, at 2 p.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 26, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an





order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 8, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10713 Filed 4-23-75;8:45 am]

[Docket No. N-75-296]

## WHISPERING OAKS

### Hearing

In the matter of Whispering Oaks, OILSR. No. 0-3499-18-19, Docket No. Y-1094.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Rolling Ridge Development Company, Inc., H. Sam Clark, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the statement of record and property report for Whispering Oaks, located in Miami County, Kansas, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 18, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on May 27, 1975 at 10:00 a.m.

5. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 20, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 7, 1975.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-10714 Filed 4-23-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

## VEHICLE IDENTIFICATION NUMBERS

### Public Availability

The purpose of this notice is to advise the public on procedures for obtaining vehicle identification numbers (VIN's) of motor vehicles subject to defect notification and recall campaigns.

The National Highway Traffic Safety Administration administers a defect reporting program under 49 CFR Part 573, "Defect Reports." Under this program, motor vehicle manufacturers are required to submit information reports and quarterly reports on safety related defect notification and recall campaigns.

Effective August 6, 1974, the Defect Reports regulation was amended to require the inclusion of vehicle identification numbers with the third quarterly report submitted to the NHTSA after a notification campaign is initiated. Only the VIN for each vehicle for which corrective measures have not been completed at the end of the third quarterly reporting period (approximately 6-9 months after a campaign is begun) are required to be submitted. VIN's for vehicles subject to the campaign which have been corrected by that time are not submitted.

The NHTSA believes that safety benefits can be realized by making publicly available the VIN lists which it receives. In order to effectively disseminate this information, the NHTSA has developed a computerized program which will maintain a VIN information system that will provide VIN information when requested in either of two modes: (1) Individual vehicle and (2) recall campaign. Persons obtaining the information should understand that the vehicle may have been corrected after the VIN number is submitted to the agency.

*Individual vehicle.* This method is designed primarily for requests for the recall status of one or a relatively few vehicles. Possible uses would be for a vehicle owner attempting to determine whether his vehicle is or has been subject to a campaign. The system would also be useful for a person purchasing or contemplating the purchase of a used vehicle, enabling him to determine whether the vehicle contained any uncorrected defects. Persons wishing to verify the recall status for individual vehicles must furnish the following information to the address listed below:

Name and address of person making the request.
Manufacturer of vehicle.
VIN of vehicle.

If the computer search indicates that the vehicle was subject to a recall campaign and was not corrected, the agency will furnish that information to the inquirer along with the recall campaign number (assigned by the agency to each campaign at its inception) and a brief reference to the nature of the campaign.

*Recall campaign.* The recall campaign method is designed for persons who wish to know VIN's of vehicles, subject to a particular campaign, which have not been corrected. Persons wishing to obtain this information must furnish the following information to the address listed below:

Name and address of person making the request.
Manufacturer of vehicle.
Recall campaign number.

A computer search will provide the VIN of every uncorrected vehicle in a given campaign, and if requested, will produce VIN's for uncorrected vehicles for every campaign by a given manufacturer. Information produced by this method will be available on ADP, magnetic tape, microfiche film, and photocopy of microfiche film.

*Address.* Persons wishing to obtain VIN information should write to:

Office of Consumer Services, National Highway Traffic Safety Administration, Washington, D.C. 20590.

Single or small numbers of VIN's will normally be mailed within 24 hours from receipt. Campaign or manufacturer listings will normally be mailed within 72 hours.

*Fees.* The fees charged for the production of VIN's are those established for the Department of Transportation for the reproduction of documents (49 CFR 7.85). They are as follows:

| | |
|---|---|
| First copy of each page of documents, by photocopy or similar method | $0.25 |
| Each additional copy of each page | .05 |
| Duplicate data tapes—each reel of tape or fraction thereof (where person wishing to obtain VIN information furnishes the necessary number of blank magnetic tapes, compatible for use in the Department of Transportation's computer system, either 7-track, 556 BPI, or 9-track, 1600 BPI, 2,400 ft long) | 36.00 |
| Duplicate data tapes—each reel of tape or fraction thereof (where the Department of Transportation furnishes the necessary number of blank magnetic tapes) | 50.60 |
| Microfiche copies, each standard size sheet (4 by 6 in) | .15 |
| Data processed records, each 1,000 lines or fraction thereof | 1.00 |

Charges will be waived for persons wishing to obtain VIN information regarding a single vehicle.

(Secs. 108, 112, 113, 119, Pub. L. 89-563, 80 Stat. 718; Sec. 102, Pub. L. 93-492, 88 Stat.





1470 (15 U.S.C. 1397), 1401, 1402, 1406, 1411-

School Bus Safety—Proposed Standard



vessel passage permits as a matter of routine

agencies is relevant, such State and local

ronmental issues raised will be documented in the environmental statements.

a part of DOT Order No. 5610.1B. Again

1470 (15 U.S.C. 1397), 1401, 1402, 1408, 1411–1420; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on April 17, 1975.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

[FR Doc.75–10622 Filed 4–23–75;8:45 am]

## NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

### Public Meeting; Detailed Agendas

As previously published in the FEDERAL REGISTER dated April 11, 1975, the National Motor Vehicle Safety Advisory Council is holding public meetings April 30 and May 1 in Washington, D.C., in room 2232 of the DOT Building, 400 Seventh Street SW. This second notice provides additional information on the agendas not available at the time of the first notice. Please note that the times of the meetings are given.

The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On April 30 at 9 a.m. in room 2232 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Status of Braking Standards for Cars and Trucks (FMVSS 105–75 & 121)
Status of Motorcycle Helmet Compliance Testing
Status Report on Motorcycle Safety Improvement Program
Status Report on Motorcycle Crash Studies
Effectiveness of Daytime Use of Motorcycle Headlights to Improve Safety
Advanced Training/Licensing Requirements for Motorcyclists
Status Report on Motorcyclist Helmet Laws
New Business/Future Meetings

Also at 9 a.m. in room 2234 the Consumer and Public Information Committee will meet with the following agenda:

Status Report on Consumer "Hot Line" Recommendation
New Consumer Information Program on Defects & Recalls
Anti-Odometer Tampering Program (Title IV—Motor Vehicle Information & Cost Savings Act of 1972)
New Business/Future Meetings

At 1 p.m. the Crashworthiness Committee will meet in room 2232 with the following agenda:

Status Report—Occupant Crash Protection Standard (FMVSS 208)
School Bus Safety—Proposed Standard
Status Report—Child Seating Systems (FMVSS 213)
Safety and the Trend Toward Smaller Cars
Is There Public Support for Moratorium on Auto Safety?
Mandatory Safety Belt Use Laws—Status Report
New Business/Future Meetings

On May 1 at 9 a.m. in room 2232 the full Council will meet with the following agenda:

Election of Council Chairman
Adoption of Council Minutes of November 14, 1974
Discussion and Approval of Revised Council Bylaws
Status Report on Effects of Energy Crisis on Highway Safety
Report of Accident Avoidance and Operating Systems Committee
Report of Consumer & Public Information Committee
Report of Crashworthiness Committee
Status Report on Fourth International Congress on Automotive Safety
New Business/Future Meetings

For further information contact the NHTSA Executive Secretary, room 5215, 400 Seventh Street SW., Washington, D.C. telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92–462, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: April 18, 1975.

WM. H. MARSH,
*Executive Secretary.*

[FR Doc.75–10689 Filed 4–23–75;8:45 am]

## Saint Lawrence Seaway Development Corporation

[Ref: SLS–2–5610.1B]

### ENVIRONMENTAL IMPACTS

By notice in the FEDERAL REGISTER of November 21, 1973, pursuant to guidelines of the Council on Environmental Quality (CEQ) appearing at 40 CFR Part 1500, published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550), the Saint Lawrence Seaway Development Corporation published proposed procedures for consideration of environmental impacts required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (January 1, 1970, Pub. L. 91–190, section 102(2)(C), 83 Stat. 853; 42 USC 4332(2)(C)). The published procedures implemented DOT Order No. 5610.1B, "Procedures for Considering Environmental Impacts", published in the FEDERAL REGISTER on November 1, 1973 (38 FR 30215) as proposed procedures. No comments were received on the Corporation's publication of the proposed procedures; however, in light of comments received by the Office of the Secretary of Transportation regarding DOT Order No. 5610.1B, that order was revised and republished in the FEDERAL REGISTER on September 30, 1974 (39 FR 35234). These comments were lengthy and it is deemed impractical to repeat them here.

In the Corporation's proposal, the attachments referred to were published as a part of DOT Order No. 5610.1B. Again, in this final publication, they are incorporated by reference, since they are lengthy and republication of identical material is unnecessary.

Accordingly, the Corporation's implementing order SLS–2–5610.1B is revised to read as appears below.

(68 Stat. 92–97, 33 U.S.C. 981–990, as amended; National Environmental Policy Act, (42 U.S.C. 4321 et seq.); Executive Order 11514, 35 FR 4247; 40 CFR Part 1500)

Issued: March 31, 1975.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
*Administrator.*

PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

1. *Purpose:* DOT Order 5610.1B establishes procedures for consideration of environmental impacts through preparation and use in decision making of detailed environmental impact statements which serve, where required, as the single vehicle for all environmental findings, determinations, and clearances on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. These procedures provide for implementation of DOT Order 5610.1B, and cancel "Procedures for Implementation of DOT Order 5610.1A".

2. *Scope:* These procedures provide instructions for implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190) (hereafter "NEPA"); section 2(b) and section 4(f) of the Department of Transportation Act of 1966 (Pub. L. 89–670) (hereafter "the DOT Act"); section 309 of the Clean Air Act of 1970 (Pub. L. 91–604), (hereafter "the Clean Air Act"); section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89–665) (hereafter "the Historic Preservation Act"); sections 303 and 307 of the Coastal Zone Management Act of 1972 (Pub. L. 92–583); section 662 of the Fish and Wildlife Coordination Act (Pub. L. 85–624); and various Executive Orders relating to environmental impacts.

3. *Policy:* It is the policy of the Department of Transportation, in compliance with court decisions, that Departmental officials must comply with both the procedures and the intent of NEPA. NEPA provides for the creation of a Council on Environmental Quality (CEQ). The environmental statement serves as the record of compliance with the policy, as well as the procedures, of NEPA and it should reflect a thorough review of all relevant environmental factors.

4. *Applicability:* The requirements in DOT Order 5610.1B calling for either a negative declaration or a statement pursuant to section 102(2)(C) of the NEPA apply to, but are not limited to, the following: all contracts, purchases, leases, construction, research and development involving construction, rulemaking and regulatory actions, certifications, licensing, permits, plans, legislative proposals, directives, program or budget proposals or actions (except for continuation of existing programs at approximately current levels, i.e. plus or minus 25%), and any renewals or reapprovals of the foregoing. Exceptions to the foregoing are: (1) administrative procurements (e.g., general supplies) and contracts for personal services; (2) normal personnel actions (promotions and hirings); (3) project amendments (e.g., increases in costs) which do not alter the environmental impact of the action; (4) legislative proposals not originating in DOT and relating to matters not the primary responsibility of DOT, (5) issuance of





vessel passage permits as a matter of routine Seaway procedures and (6) reports to Congress setting forth policy recommendations to be followed by proposed legislation. (See Definitional Guidelines, Attachment 1.)[1]

5. *Requirements:* a. All Office Heads are required to forward a description of proposed major programs and actions such as construction, waste disposal, regulations, operation of Federal facilities, etc., to the Chief Engineer for review at the time of the initial technical studies.

b. All such proposed programs received by the Chief Engineer will be reviewed, and within five days, a determination will be made of whether a section 102(2)(C) statement is required, or whether a declaration will be made that the proposed action will not have a significant impact on the environment. When a negative declaration is prepared, it need not be coordinated outside this agency.

c. When a determination is made that a section 102(2)(C) statement is required, the Chief Engineer shall prepare a draft statement.

6. *Research activities:* Guidance for Corporation officials engaged in major research and development programs is set forth in Attachment 3.[2]

7. *Preparation of environmental statements:* Guidelines for the form and content of environmental statements are set forth in Attachment 2.[3]

a. *Applications:* Applicants for permits will be required to submit, together with the original application, an environmental analysis of the proposed project. In all cases, the Chief Engineer will make an evaluation of the environmental issues and take responsibility for the scope and context of the draft and final environmental statements or negative declarations. Actions taken by the applicant prior to completion and review of the final application shall be limited to study and design and no actual construction or operating activities will be allowed.

b. *Actions Originating Within the Corporation:* In the case of proposals originating within the Corporation for an action to which these procedures are applicable, the originator of the proposal will state when forwarding the proposed program to the Chief Engineer for review whether or not the action, in his judgment, will require a 102(2)(C) statement.

8. A list shall be maintained in the Office of the Chief Engineer of actions for which environmental statements are being prepared and the current list shall be submitted quarterly to TES and CEQ. The list will be made available to the public upon request to the Technical Information Officer.

9. *Processing of draft environmental statement:*

a. *Federal Review:* (1) The draft 102(2)(C) statement shall be circulated by the Office of the Chief Engineer for comment to all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved (see Attachment 4),[4] and to interested parties (see paragraph 9e). Five copies of the draft statement shall also be sent to CEQ and two copies to TES for review. A time limit of not less than sixty days from the date of transmittal to CEQ shall be allowed for review.

b. *State or Local Review:* (1) Where review of the proposed action by State and local agencies is relevant, such State and local review shall be provided for as follows:

(a) Where review takes place prior to preparation of an environmental statement, comments of the reviewing agencies on the environmental effects of the proposed project are inputs to the environmental statement. These comments shall be attached to the draft statement when it is circulated for review and copies of the draft shall be sent to those that commented. Clearinghouses should be sent copies of the draft and final environmental statements.

(b) Comments shall be solicited from municipalities and counties on all projects located therein.

(2) Environmental statements on legislative proposals are not generally subject to State and local review. Similarly, budget proposals may be excluded from such review. The draft of the environmental statement for proposed legislation shall be cleared with TES and submitted by TGC–40 to the Office of Management and Budget for circulation in the normal legislative clearance process. The statement, and any comments received, shall be furnished to the Congress and made available to the public for consideration in connection with the proposed legislation. If the scheduling of congressional hearings on legislation does not allow adequate time for the completion of a final environmental statement, a draft environmental statement shall be furnished to the Congress and made available to the public, pending transmittal of the comments as received and the final text. Negative declarations shall be forwarded to the Congress, if requested.

c. *Scope of Statement:* The scope of the action covered by the statement should avoid segmentation of projects and be sufficiently broad that alternatives to the proposed action can be meaningfully evaluated.

d. *Negative Declarations:* Any proposal for action to which these procedures are applicable (in accordance with Item 4 of these Procedures) will include either a statement as required by section 102(2)(C) of NEPA or a declaration that the proposed action will not have a significant impact on the environment.

(1) Negative declarations need not be coordinated outside the Corporation, but must be made available to the public upon request.

(2) Negative declarations must be supported by sufficient documentation so that the basis for the determination that the proposed action does not have a significant impact on the environment is clear.

(3) However, if the Chief Engineer decides that an environmental statement is not necessary for a proposed action (a) which has been identified as normally requiring preparation of a statement; (b) which is similar to actions for which a statement has been prepared; (c) which has been previously announced to be the subject of a statement; or (d) for which a negative declaration has been made in response to a request from CEQ pursuant to Paragraph 13, the Chief Engineer shall assure that the negative declaration is carefully documented. Lists of such negative determinations, and any determinations made that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided in Paragraph 8 of this Order, for lists of statements under preparation.

e. *Citizen Involvement:* As soon as the decision is made by the Chief Engineer that an Environmental Statement is to be prepared, citizen involvement will be encouraged by solicitation of views through hearings, personal contact, press releases, notices in newspapers, etc. Lists will be developed of interested parties at the national, state and local levels. Citizen involvement and environmental issues raised will be documented in the environmental statements.

f. *Hearings:* The Chief Engineer will determine whether a public hearing is required, considering the magnitude of the costs, environmental impact, degree of interest evidenced by the public, the complexity of the issue and the extent to which public involvement already has been achieved through other means. If a public hearing is to be held, the draft statement or environmental analysis shall be made available to the public at least thirty days prior to the hearing. The notice of the hearing will indicate that the statement is available from the Technical Information Officer, Saint Lawrence Seaway Development Corporation, Administration Building, Massena, New York 13662.

g. *Interdisciplinary Approach:* The anticipated environmental impacts of proposed projects will be described in detail and shall reflect the utilization of a systematic interdisciplinary approach, not only in preparation of the impact statement, but also in the early planning stages of the proposed action.

h. *Lead Agency:* As required by DOT Order 5610.1B, where more than one agency directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement should be prepared for all Federal actions involved. Administrations and secretarial offices in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multiagency actions. Situations where a geographic or regionally focused statement would be desirable because of cumulative effects of multiagency actions should be brought to the attention of CEQ through TES. For projects serving and primarily involving land owned by or under the jurisdiction of another Federal agency, the owner agency may be the appropriate lead agency.

i. *Legislative Proposals:* As stated in DOT Order 5610.1B, before the Department submits or makes a favorable report on proposed legislation involving matters for which it is primarily responsible or proposes draft legislation to the Congress, the office which develops the Departmental position on the report or originates legislation shall, in accordance with OMB Bulletin 72–6, "Proposed Federal Actions Affecting the Environment", prepare, circulate, and file with CEQ an environmental statement or prepare a negative declaration.

10. *Utilization of comments:* Comments received from Federal, State and local agencies will accompany the draft statement through the normal internal project or program review process.

[1] Attachments to DOT Order No. 5610.1B, published in the FEDERAL REGISTER of September 30, 1974, are incorporated by reference.
[2] Ibid.
[3] Ibid.
[4] Ibid.



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11. *Final environmental impact statement:* a. *Preparation:* Draft statements shall be revised, as appropriate, reflecting comments received, issues raised through hearings, etc. Final statements shall conform to the guidelines for form and content in Attachment 2.

b. *Legal Review:* All Corporation final environmental statements shall be reviewed for legal sufficiency by the General Counsel.

c. *Internal Processing:* Final statements (two copies), together with all comments received from the responsible Federal, State, and local agencies and from private organizations, will be submitted to TES for concurrence. The final statement may be deemed concurred in by TES unless, within two weeks after its receipt, TES notifies the administration to the contrary, or unless it is an item requiring concurrence by other Secretarial Officers, in which case TES will transmit the coordinated decisions of the appropriate offices to this agency. When TES does not concur, the final statement will be returned with a statement of the reasons for non-concurrence.

d. *Availability, pending approval:* Proposed final statements may be made available to the public and Federal, State or local agencies pending final approval and filing with CEQ, if they carry a notification that the statement is not approved and filed.

e. *Decisions Reserved to the Secretary:* If an action requires the personal approval of the Secretary or Deputy Secretary, pursuant to a request by them or by TES, TGC, or the Corporation, the final environmental statement shall be accompanied by a brief cover memorandum requesting the Secretary's or Deputy Secretary's approval of the action. The memorandum shall have signature lines for the concurrence of the Assistant Secretary for Environment, Safety and Consumer Affairs, the General Counsel, and the Deputy Secretary and for the approval of the Secretary or Deputy Secretary.

f. *Availability of Statements to the President, the CEQ and the public:* After approval, the Chief Engineer will transmit five copies of each final statement to CEQ, which transmittal shall be deemed a transmittal to the President. The draft and final versions of the statements and the comments received will be made available to the public from the Technical Information Officer at the Saint Lawrence Seaway Development Corporation, Administration Building, P.O. Box 520, Massena, New York 13662, and will be furnished to the appropriate State and regional clearinghouses, unless the Governor designates some other point for receipt of this information. Notice of that designation is included in an OMB listing of clearinghouses. Draft and final statements shall be made available in public places such as libraries, and the offices of the Corporation. A copy of the final statement, with comments attached, should be sent, at the same time it is sent to CEQ, to the appropriate office of EPA, to all Federal, State, and local agencies and private organizations who commented substantially on the draft statement or requested copies of the final statement and to individuals who requested copies.

g. *Timing of Agency Decision:* Action to implement a proposed action other than Corporation proposals for legislation to Congress, budget proposals, or Corporation reports on legislation for which an environmental statement is required may not be taken sooner than ninety days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Corporation, made available to the public pursuant to these guidelines. Neither should such actions be taken sooner than thirty days after the final statement has been filed with CEQ.

Exceptions to these time periods may be made for emergency procurement or when advance public disclosure will result in significant added costs of procurement to the Corporation.

h. *Supplemental or Amended Statements:* Where substantial changes in a proposed action, or significant new information regarding an environmental impact comes to light, the Corporation should consult with CEQ, through TES, with respect to the need for recirculating the statement for the appropriate period.

12. *Determinations under section 4(f) of the DOT Act:* a. As indicated in Attachment 1, subparagraph 2.a.(1) to DOT Order 5610.1B, any action falling under the provisions of section 4(f) of the DOT Act will normally require the preparation of an environmental statement. In these cases, the statement shall include the material required by Paragraph 4 of Attachment 2.

b. If an environmental statement is not required, the material called for by Paragraph 4 of Attachment 2 shall be set forth in a separate document, accompanied by a negative declaration. The section 4(f) determination shall be reviewed for legal sufficiency by the Corporation's General Counsel. The document must reflect consultation with the Department of the Interior and, where appropriate, the Departments of Agriculture or Housing and Urban Development.

13. *Requests from the council on environmental quality:* CEQ, in fulfilling its responsibilities under NEPA and Executive Order 11514, may request reports and other information dealing with issues arising in connection with the implementation of NEPA. The Corporation will make every effort to be responsive to requests by CEQ for preparation or circulation of environmental statements. If it is determined a statement is not required, an assessment should be prepared setting forth the reasons for that determination and shall be made publicly available.

14. *Review of environmental statements prepared by other agencies:* Other agencies may consult with the Corporation in preparation of environmental statements. The purpose of Corporation review of and comment on environmental statements drafted by other agencies is to provide constructive assistance on proposals relating to functional areas of responsibility and expertise of the Corporation. The responsibility of the Chief Engineer will generally be limited to the provision of a competent and cooperative advisory and consultant service. Departmental review of statements prepared by other agencies will consider the environmental impact of the proposal on areas within this Department's functional area of responsibility or special expertise.

a. Comments should be organized in a manner consistent with the structure of the draft statement and may include alternatives or modifications that will enhance environmental quality or avoid or minimize adverse environmental impacts.

b. Corporation projects that are environmentally related to the proposed action should be indicated so interrelationships may be included in the final statement.

c. The nature of any monitoring effects during construction startup or operation phases may be suggested and encouraged to assist the sponsor, to the extent the Corporation may have expertise in establishment and operation of environmental monitoring.

d. *Receipt from other agencies:* Other agencies may consult with the Corporation and will be requested to forward the draft environmental statements directly to the Office of the Chief Engineer.

e. *Headquarters:* There are several types of matters that should be referred to Departmental headquarters for comment. These generally include the following:

(1) Actions with national policy implications;

(2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance;

(3) Legislation, regulations having national impacts, or national program proposals;

(4) Projects regarding the transportation of hazardous materials and natural gas and liquid-products pipelines;

(5) Water resource projects.

f. These items except for water resources projects which are referred to the Water Resources Coordinator, U.S. Coast Guard (GWS), should be referred to the Assistant Secretary for Environment, Safety, and Consumer Affairs and, where appropriate, to headquarters or operating administrations. When referring the above matters to headquarters, the Corporation is encouraged to prepare a proposed Departmental response.

g. *Regional Offices:* Requests for comments on draft environmental statements for projects of local or regional significance with no national implications should be answered in the Massena Office.

h. *Coordination:* When appropriate, the commenting office should provide for coordination of response with offices within the Department with special expertise in the subject matter.

i. *Timing and Format:* Response to requests for comments should be within the time limits set forth in the request. The receiving office will be responsible for submission of comments within the time specified except where it has requested a specific extension of time. Any comments should be concise and specific as to what change is desired in either the action proposed or in the environmental statement, or both. Any lengthy analysis should be preceded by a summary of the principal areas of comment and conclusions and/or recommendations.

j. *Copies:* The original and a courtesy copy of the comments should be furnished to the requesting agency, and a copy transmitted to TES–70 and five copies to CEQ.

[FR Doc.75–10684 Filed 4–23–75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 27758 et al; Order 75–4–96]

### ALLEGHENY AIRLINES, INC.

### Detroit-Boston Nonstop Route Proceeding, Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of April, 1975.

Application of Allegheny Airlines, Inc., Delta Air Lines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., and Trans World Airlines, Inc. [Docket Nos. 27758, 24957, 24946, 24874, 24932, 27636, 27670]

A number of applications for new nonstop authority in the Detroit-Boston market are pending before the Board.[1]

[1] Allegheny Airlines (Docket 24957); Delta Air Lines (Docket 24946); North Central Airlines (Docket 24874); Northwest Airlines (Docket 24932); and Trans World Airlines (Docket 27636). Allegheny has also filed an application under Subpart M for Detroit-Boston authority (Docket 27670) through the elimination of the one-stop restriction in condition (4) of its certificate for route 97. Answers in opposition to that application have been filed by North Central, Delta, American and Trans World Airlines. By Order 75–4–39, April 8, 1975, the Board, pursuant to § 302.1305(a) of its Procedural Regulations, stayed further procedural steps with respect to Allegheny's application pending further order of the Board.





In addition, North Central has filed a motion requesting an immediate hearing on its application for such authority.

Answers in support of North Central's motion were filed by Delta and Northwest, the City and Chamber of Commerce of Grand Rapids and County of Kent, the Massachusetts Port Authority,[2] the State of Wisconsin and the Wisconsin Department of Transportation, the Michigan Aeronautics Commission, the City and Chamber of Commerce of Detroit and Board of County Road Commissioners of Wayne County, the Bay Area Chamber of Commerce, the City and Chamber of Commerce of Kalamazoo, Brown County, Wisconsin and the City and Chamber of Commerce of Green Bay, the City and Chamber of Commerce of Lansing, Milwaukee County and the Air Services Division of the Metropolitan Milwaukee Association of Commerce, the Massachusetts Aeronautics Commission, the Midland Chamber of Commerce, the Tri-City Airport Commission, and the Greater Saginaw Chamber of Commerce.

In support of its motion, North Central argues, inter alia, that the market has experienced substantial and continued growth but is underserved by the incumbent carriers; that North Central will meet the needs of the market with four daily nonstop DC–9 round trips and first effective single-plane and single-carrier service between Boston and points beyond Detroit in Michigan, Indiana and Wisconsin;[3] and that its proposal will generate a $3.5 million operating profit and a $645,000 excess over the Subpart K return and tax requirement, with a de minimis amount of diversion.

American filed an answer in opposition to North Central's motion in which it contends generally that more nonstop service in the market would be unjustified by the needs of the market and that North Central's proposal would result in a loss of service in numerous smaller markets, an increase in North Central's subsidy need and substantial diversion from American. Allegheny filed an answer in which it agrees that the Board should consider the question of additional nonstop service in the Detroit-Boston market, but states that the solution is not to authorize a new carrier but to remove the stop restriction on Allegheny's service in the market. Trans World Airlines has filed an answer in which it takes no position on North Central's motion but points out that TWA has filed an application for Detroit-Boston authority and states that the Board should hear TWA's application in any proceeding involving Boston-Detroit nonstop routes.

Upon consideration of the above pleadings and of all relevant facts, we have decided to institute an investigation, to be set down for immediate hearing, for the purpose of considering the need for new nonstop service in the Detroit-Boston market. Accordingly, we are consolidating for hearing the applications of Allegheny, Delta, North Central, Northwest, and TWA, in Dockets 24957, 24946, 24874, 24932 and 27636, respectively,[4] insofar as those applications conform to the scope of the proceeding instituted herein.

Moreover, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should additional nonstop service be authorized. In its application in Docket 27670, Allegheny proposes two daily nonstop round trips and two one-stop round trips in addition to retaining some of its current two-stop service in the Boston-Detroit market. In view of the size of that market (216,220 O&D and connecting passengers in fiscal year 1974) and the level of existing service[5] it is unlikely that any other candidate for new Detroit-Boston nonstop authority would offer significantly more service.[6] Such a service change must be placed against the large overall level of traffic at Boston and Detroit. Boston is a large hub which ranked tenth among U.S. airports in air carrier passenger enplanements for fiscal year 1972. In 1973 there were 307,000 aircraft operations at Logan International Airport, with 313,000 projected for 1975 and 319,000 for 1976. Detroit ranked twelfth among U.S. airports in air carrier passenger enplanements in fiscal year 1972. In 1973 there were 663,000 aircraft operations at City, Metropolitan and Willow Run Airports, with 690,000 projected for 1975 and 727,000 for 1976.[7] Therefore, it is unreasonable to suppose on the face of the matter that authorization of new nonstop service in the Detroit-Boston market will lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

*Accordingly, it is ordered,* That:

1. A proceeding to be known as the Detroit-Boston Nonstop Route Proceeding, Docket 27758, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop air transportation between Boston, Massachusetts, and Detroit, Michigan?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

3. Insofar as they conform to the scope of the proceeding set forth in paragraph (2) above, the applications of Allegheny Airlines, Inc., in Docket 24957, Delta Air Lines, Inc., in Docket 24946, North Central Airlines, Inc., in Docket 24874, Northwest Airlines, Inc., in Docket 24932, and Trans World Airlines, Inc., in Docket 27636, be and they hereby are consolidated with the proceeding instituted by paragraph (1), above; to the extent not consolidated, the foregoing applications be they hereby are dismissed without prejudice;

4. The application of Allegheny Airlines in Docket 27670 be and it hereby is dismissed;

5. The motion of North Central Airlines for an immediate hearing be and it hereby is granted;

6. The motions of the Massachusetts Port Authority and of the City and Chamber of Commerce of Grand Rapids and the County of Kent to submit late-filed documents be and they hereby are granted; and

7. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed twenty days from the service date of this order and answers thereto shall be filed ten days thereafter.

[2] The Massachusetts Port Authority and the Grand Rapids and County of Kent parties accompany their answers with motions to submit late-filed documents, which motions will be granted.

[3] Grand Rapids-Lansing, Saginaw/Bay City, South Bend-Kalamazoo/Battle Creek, Milwaukee.

[4] Under these circumstances we will dismiss Allegheny's Subpart M application filed in Docket 27670.

[5] The Detroit-Boston market is currently served by three daily American nonstop round trips (with an extra nonstop in the eastbound direction), one daily American one-stop round trip and three daily Allegheny two-stop round trips. OAG, April 15, 1975.

[6] In its motion for expedited hearing, North Central proposes the addition of four daily nonstop round trips in the Detroit-Boston market.

[7] *Terminal Area Forecast, 1975–1985,* Department of Transportation, FAA Office of Aviation Economics, Aviation Forecast Division, July 1973, pages ix, ne 11, and GL 21. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)



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This order will be published in the Fed-



Dated at Washington, D.C., March 21,

Dated at Washington, D.C., March 21, additions and deletions to Procurement

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-10765 Filed 4-23-75;8:45 am]

[Docket No. 27216; Order 75-4-97]

## PACIFIC WESTERN AIRLINES, LTD.

### Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of April, 1975.

Application of Pacific Western Airlines, Ltd. for amendment of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

In this proceeding, Pacific Western Airlines, Ltd., an air carrier of Canada, seeks authority to add Vancouver, Canada as a coterminal point with Victoria on its Victoria-Seattle scheduled service route. The scheduled service permit was issued by Order 70-9-125, implementing Order 70-9-119. In addition to its limited scheduled service operations, Pacific Western operates primarily as a charter carrier with large aircraft. Its charter foreign air carrier permit was recently reissued in the standard form of Canadian large aircraft permits, authorizing operations between Canada and the United States, in accordance with the Nonscheduled Air Service Agreement between the United States and Canada, executed on May 8, 1974.[1] (Since the Nonscheduled Air Service Agreement only authorizes charter operations directly between the United States and Canada, the circle-tour charter authority previously contained in Pacific Western's charter permit, was reissued in the form of a separate permit.) Because of the duplication of charter authority existing under the applicant's charter permit, and the charter authority normally granted under scheduled route permits, the route permit issued to Pacific Western for operations between Victoria and Seattle did not include off-route charter authority. There was, nevertheless, no restriction imposed upon the on-route charter authority of the carrier which arises by virtue of the authorization to engage in foreign air transportation with respect to persons, property and mail between the points specified.

In his Recommended Decision served March 18, 1975, Administrative Law Judge William A. Kane, Jr. recommended that the applicant's permit be amended to add Vancouver to the route, as requested by the applicant. He further recommended that on-route charter authority be authorized between the new route segment Vancouver-Seattle, despite the fact that such authority would be duplicative of the charter authority held by the applicant under its standard form charter permit authorizing operations between Canada and the United States. Although Judge Kane noted that such grant would have no practical effect since the carrier had stated on the record that it had no plans to operate such on-route charters, he concluded that such authority should not be withheld because of the incongruous result of withholding such authority on the Vancouver-Seattle segment of the route while such authority was retained on the Victoria-Seattle segment. Judge Kane felt that, since the question of the applicant's on-route charter authority on the Victoria-Seattle segment was not an issue in this proceeding, granting of such ineffective on-route charter authority constituted the best means to avoid the otherwise incongruous result.

The Board tentatively finds that the public interest would not be served by granting further ineffective and duplicative on-route charter authority to the applicant between Vancouver and Seattle,[2] and that the incongruous result recited by the Administrative Law Judge is more appropriately resolved by deleting the similarly ineffective[3] and duplicative on-route charter authority presently held by Pacific Western between Victoria and Seattle. Accordingly, the Board tentatively finds that it is in the public interest to cancel such duplicative on-route charter authority held by Pacific Western, and that Pacific Western should be directed to show cause why such authority should not be deleted from the permit proposed to be issued herein.

*Accordingly, it is ordered,* That:

1. Pacific Western and any other interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein, and why, subject to the approval of the President pursuant to section 801 of the Federal Aviation Act, the Board should not cancel the authority presently held by Pacific Western pursuant to its scheduled route permit to perform on-route charters between Victoria, British Columbia, Canada and Seattle, Washington; and why the scheduled route permit issued in this proceeding should not exclude authority to perform on-route charters between the points on the specified route;

2. Any interested person having objections to the tentative findings and conclusions set forth herein, or to the exclusion of on-route charter authority from the foreign air carrier permit proposed to be issued herein, shall, within 15 days after the date of service of this order, file with the Board, and serve on the persons named in paragraph 5, a statement of objections together with statistical data and other materials and evidence relied upon to support the stated objections; [4]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order and issue a permit in accordance with the tentative findings and conclusions herein if it is determined that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event that no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. This order shall be served upon Pacific Western Airlines, Ltd., Bureau Counsel, and the Canadian Ambassador to the United States.

This order will be published in the FEDERAL REGISTER, and will be transmitted to the President of the United States.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-10764 Filed 4-23-75;8:45 am]

[1] Issued by Order 75-3-19, in implementation of Order 74-11-154, approved by the President on November 27, 1974.

[2] The Board has previously withheld such duplicative on-route charter authority in similar circumstances. See, Arrow Aviation, Ltd., Foreign Air Carrier Permit, Order 75-1-49.

[3] Judge Kane noted that the Board had, by Order 74-11-154, required prior approval of all on-route charter operations pursuant to such authority, and had indicated its intention to use that provision to insure that the carrier would not use its route permit to operate charters between the United States and Canada other than those authorized in their charter permits (Orders 74-6-30 and 74-11-154).

[4] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

## CIVIL RIGHTS COMMISSION

### ARIZONA STATE ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona State Advisory Committee will convene at 7 p.m., on May 29, 1975, Hunter Inn, 1245 24th Street, Phoenix, Arizona 85034–Conference Room #109.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80282.

The purpose of this meeting is to discuss Native Americans and the Administration of Justice in the areas off the reservations in Arizona-Discussion of: Schedule of hearings, place of hearings and SAC participation.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 21, 1975.

ISAIAH T. CRESWELL, JR.,
*Advisory Committee Management Officer.*

[FR Doc.75-10716 Filed 4-23-75;8:45 am]





### MICHIGAN STATE ADVISORY COMMITTEE

#### Amendment

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that the Meeting of the Michigan State Advisory Committee (SAC) of the Commission Published in the FEDERAL REGISTER on April 9, 1975 on page 16138 (FR Doc. 75-9228) is hereby amended to begin on April 30, 1975 with a meeting of the SAC's Community Development Subcommittee to be held in a room of the Detroit Heritage Hotel, Washington Boulevard and Grand Circus Park, Detroit, Michigan, Room number to be posted. The subcommittee's agenda will be to review a revised draft of the Advisory Committee report on its February 20, 1975 hearing in Livonia, Michigan. The subcommittee will take no final action.

Persons wishing to attend this meeting should contact the committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 18, 1975.

ISAIAH T. CRESWELL, JR.,
*Advisory Committee Management Officer.*

[FR Doc.75-10719 Filed 4-23-75;8:45 am]

### NEW JERSEY STATE ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on May 13, 1975, at Rutgers University, Labor Education Center, New Brunswick, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 21, 1975.

ISAIAH T. CRESWELL, JR.,
*Advisory Committee Management Officer.*

[FR Doc.75-10717 Filed 4-23-75;8:45 am]

### NEW YORK STATE ADVISORY COMMITTEE

#### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4 p.m., on May 20, 1975, at Phelps Stokes Fund, 10 E. 87 Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss follow-up to Poughkeepsie hearings, plans for Syracuse report and current developments in other committee projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 21, 1975.

ISAIAH T. CRESWELL, JR.,
*Advisory Committee Management Officer.*

[FR Doc.75-10718 Filed 4-23-75;8:45 am]

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROPOSED ADDITIONS AND DELETIONS TO PROCUREMENT LIST

The Committee, in its efforts to obtain more current information regarding the potential impact of its actions under Pub. L. 92-28, June 23, 1971, has revised its procedures for publishing proposed additions to or deletions from the Procurement List in the FEDERAL REGISTER. In the past, the "Notice of Proposed Addition" and "Notice of Proposed Deletion", as well as the comments received as a result of these notices, were considered to be valid for a period of about one year from the date of publication in the FEDERAL REGISTER.

Hereafter notices of proposed additions and deletions will be considered valid for a maximum of six months and will include an automatic cancellation date six months after the publication date.

Procurement List 1975, November 12, 1974 (39 FR 39964) pending on or before September 30, 1974 are cancelled.

Cancellation dates are established for the following notices containing proposed additions and deletions to Procurement List 1975 which are currently pending:

| Date published in FEDERAL REGISTER | Page No. | Date of Cancellation |
|---|---|---|
| Oct. 25, 1974 | 38021 | Apr. 25, 1975 |
| Nov. 22, 1974 | 40973 | May 22, 1975 |
| Dec. 10, 1974 | 43102 | June 10, 1975 |
| Jan. 3, 1975 | 831 | July 3, 1975 |
| Jan. 17, 1975 | 3034 | July 17, 1975 |
| Feb. 5, 1975 | 5390 | Aug. 5, 1975 |
| Feb. 14, 1975 | 6816 | Aug. 14, 1975 |
| Feb. 28, 1975 | 8592 | Aug. 28, 1975 |
| Mar. 7, 1975 | 10706 | Sept. 7, 1975 |
| Mar. 14, 1975 | 11936 | Sept. 14, 1975 |
| Mar. 21, 1975 | 12838 | Sept. 21, 1975 |
| Mar. 28, 1975 | 14113 | Sept. 28, 1975 |
| Mar. 31, 1975 | 14348 | Sept. 30, 1975 |
| Apr. 8, 1975 | 15931 | Oct. 8, 1975 |

Effective: April 24, 1975.

By the Committee.

C. W. FLETCHER,
*Executive Director.*

[FR Doc.75-10683 Filed 4-23-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/235; FRL-363-4]

### APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before June 23, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a



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minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 23, 1975.

Dated: April 17, 1975.

JOHN B. RITCH, Jr.,
*Director, Registration Division.*

APPLICATIONS RECEIVED (OPP-32000/235)

EPA File Symbol 218-AU. Allied Chem. Corp., Agricultural Dept., PO Box 1057R, Morristown NJ 07960. KEPONE "90" TECHNICAL. Active Ingredients: Decachlorooctahydro-1,3,4,metheno-2H-cyclobuta[cd] pentalen-2-one 90%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 218-AAG. Allied Chem. Corp., Agricultural Dept., PO Box 1057R, Morristown NJ 07960. KEPONE "85" TECHNICAL. Active Ingredients: Decachlorooctahydro - 1,3,4 - metheno-2H-cyclobuta[cd] pentalen-2-one 85%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 12264-A. Allstates Chem. Corp., PO Box 7416, Houston TX 77008. ALLSTATES DISINFECTANT, SANITIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 12264-I. Allstates Chem. Corp. ALLSTATES MINT FRAGRANCE 15 DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 12264-E. Allstates Chem. Corp. ALLSTATES MINT FRAGRANCE DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interm policy. PM31

EPA File Symbol 12264-G. Allstates Chem. Corp. ALLSTATES LEMON SCENT DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 12264-L. Allstates Chem. Corp. ALLSTATES LEMON SCENT 15 DISINFECTANT, DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 239-1281. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO DIBROM 8 EMULSIVE. Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 58%; Xylene 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 464-302. Dow Chem. USA, PO Box 1706, Midland MI 48640. DOW ESTERON 245 CONCENTRATE MULTI-USE BRUSH AND WEED KILLER. Active Ingredients: 2,4,5-Trichlorophenoxyacetic Acid, Propylene Glycol Butyl Ether Esters 92.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA Reg. No. 279-2924. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. THIODAN 3 E.C. INSECTICIDE. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 33.7%; Xylene base aromatic petroleum solvent 60.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM15

EPA File Symbol 1990-GTA. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. ATRAZINE TECH (BRAND OF TECHNICAL ATRAZINE). Active Ingredients: Technical Atrazine: [2-chloro-4-(ethylamine-6-(isopropylamino) - S - triazine] 92%; Related compounds 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 2393-ETT. Hopkins Agricultural Chem. Co., PO Box 584, Madison WI 53701. HOPKINS DIAZINON 14G GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl 0-(2-isopropyl - 6 - methyl - 4-pyrimidinyl) Phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 2393-ETI. Hopkins Agricultural Chem. Co. HOPKINS 10% DIAZINON GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 2393-ETT. Hopkins Agricultural Chem. Co. HOPKINS 2% DIAZINON GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 2393-ETO. Hopkins Agricultural Chem. Co. HOPKINS 5% DIAZINON GRANULAR INSECTICIDE. Active Ingredients: O,O-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) pohsphorothioate 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 21348-U. The Jomaps Co., PO Box 88583, Atlanta GA 30338. M-I SOLUTION "PREVENTS" MILDEW AND MOLD. Active Ingredients: Tetrachloroisophthalonitrile 0.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 11200-R. National Sanitary Supply Co., 14455 S. Broadway, PO Box 61126, Los Angeles CA 90061. D-FEN 30-40 DISINFECTANT CLEANER. Active Ingredients: Alkyl (60 C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium carbonate 3.0%. Method of Support: Application proceeds under 2 (b) of interim policy. PM31

EPA File Symbol 33576-GG. Olin Water Services, Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. OLIN 7021. Active Ingredients: Methylene bis(thiocyanate) 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 904-EUR. B. G. Pratt Div., Gabriel Chem, Ltd., 204 21st Ave., Paterson NJ 07509. PRATT L 2 SEVIN PLANT INSECTICIDE. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 21.5%. Method of Support: Application Proceeds under 2(c) of interim policy. PM12

EPA File Symbol 572-GNN. Rockland Chem. Co., PO Box 204, Passaic Ave., W. Caldwell NJ 07006. ROCKLAND WEED & FEED 18-6-6. Active Ingredients: Butoxypropyl ester of Silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 0.79%; Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 1.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1989-RL. Sanco Prod. Co., Div. of Sanitary Supply & Chem. Co., Inc., 1810 7th St., Macon GA 31206. LEMON ODOR DISINFECTANT. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.5%; Sodium Metasilicate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36531-E. Shamrock Chem. Co., PO Box 1132, Huntington WV 25714. MINT CLEAN-UP MINT ODOR D'SINFECTANT COEP. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36531-R. Shamrock Chem. Co., PO Box 1132, Huntington WV 25714. LEMON CLEAN-UP LEMON ODOR DISINFECTANT COEP. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 11656-LR. Western Farm Service, Inc., c/o Shell Chem. Co., Suite 200, 1025 Conn. Ave., NW, Washington DC 20036. POLY-SUL FUNGICIDE-INSECTICIDE-MITICIDE. Active Ingredients: Calcium polysulfide 29%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

[FR Doc.75-10785 Filed 4-23-75;8:45 am]

[OPP-32000/236; FRL 363-5]

## APPLICATIONS FOR PESTICIDE REGISTRATION

### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, DC 20460.





On or before June 23, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569, Office of Pesticide Programs, 401 M Street, SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 23, 1975.

Dated: April 17, 1975.

JOHN B. RITCH, Jr.,
*Director, Registration Division.*

APPLICATIONS RECEIVED (OPP-32000/236)

EPA Reg. No. 275-21. Abbott Labs., 14th & Sheridan Rd., North Chicago IL 60064. AMICAL-48. Active Ingredients: Dilodomethyl-para-tolyl sulfone 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 275-22. Abbott Labs. AMICAL-77. Active Ingredients: para-chlorophenyl diiodomethylsulfone 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 275-27. Abbott Labs. AMICAL-50. Active Ingredients: Diiodomethyl paratolyl sulfone 75%.Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 275-28. Abbott Labs. AMICAL-79. Active Ingredients: para-chlorophenyl diiodomethyl sulfone 75%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA Reg. No. 8590-447. Agway Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. AGWAY DIAZINON 10G. Active Ingredients: 0,0 - diethyl 0 - (2 - isopropyl-6-mathyl-4-pyrimidinyl) phosphorothioate 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 13967-R. Birsch Chemicals Ltd., Box 12175, Norfolk VA 23602. BIRSCH LEMON ODOR DISINFECTANT-CLEANER COEP. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA Reg. No. 475-176. Boyle-Midway Inc., South Ave., & Hale St., Crawford NJ 07016. BLACK FLAG TRIPLE ACTION BUG KILLER. Active Ingredients: Pyrethrins 0.30%; Technical Piperonyl Butoxide (equivalent to 1.20% (butylcarbityl) (6-propylpiperonyl) ether and 0.30% related compounds) 1.50%; Petroleum Distillates 4.20%. Method of Support: Application proceeds under 2(c) of interim policy, PM17.

EPA Reg. No. 239-432. Chevron Chemical Co., Ortho Div., 940 Hensley Way, Richmond CA 94801. TOXAPHENE 6 EMULSIVE INSECTICIDE. Active Ingredients: Toxaphene [Technical Chlorinated Camphene (Chlorine Content 67% to 69%)] 58%; Petroleum Distillate 29%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 4715-GUA. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. BEST 4 SERVIS BRAND DIAZ-A-NOL 14G GRANULAR INSECTICIDE. Active Ingredients: 0,0-diethyl 0-2-isopropyl - 4 - methyl - 6 - pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 121-RA. Cutter Laboratories, Inc., Regulatory Affairs Dept., 4th & Parker Sts., Berkeley CA 94710. CUTTER INSECT REPELLENT LOTION. Active Ingredients: N,N-Diethyl-meta-toluamide 33.25%; Other isomers 1.75%; Dimethyl Phthalate 13%; Di-n-propyl isocinchomeronate 1%; N-octyl bicycloheptene dicarboboximide 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 779-RNN. Faesy & Besthoff, Inc., 143 River Rd., Edgewater NJ 07020. F & B 4% DIAZINON DUST. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 779-RNR. Faesy & Besthoff, Inc., 143 River Rd., Edgewater NJ 07020. F & B 5% DIAZINON DUST. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 779-RNB. Faesy & Besthoff, Inc., 143 River Rd., Edgewater NJ 07020. F & B 5% DIAZINON DUST. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 1990-GTT. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. COOP ATRAZINE 80W 80% WETTABLE POWDER HERBICIDE. Active Ingredients: Atrazine (2-chloro-4-ethylamino - 6 - isopropylamino - s - triazine) 74.4%; Related compounds 5.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 33561-U. Hercules Inc., 910 Market St., Wilmington DE 19899. MB 131. Active Ingredients: 2,2-Dibromo-3-Nitrilopropionamide 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 35923-A. Kel-Glo Corp., 54 NE 73rd St., Miami FL 33138. 409 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 23.58%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-E. Kel-Glo Corp. 403 CAP'N CHARLIE BROWN'S ANTI-FOULING PAINT. Active Ingredients: Cuprous Oxide (Copper) 32.29%; Bis(Tributyltin) Adipate 0.85%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-G. Kel-Glo Corp. 412 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 20.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-I. Kel-Glo Corp. 407 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 21.36%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-L. Kel-Glo Corp. 410 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 21.32%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-R. Kel-Glo Corp. 404 CAP'N CHARLIE BROWN'S ANTI-FOULING PAINT. Active Ingredients: Copper 29.6%; Bis(Tributyltin) Adipate 0.78%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-T. Kel-Glo Corp. 408 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 21.31%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35923-U. Kel-Glo Corp. 411 TRI-TIN. Active Ingredients: Bis(Tributyltin) Adipate 21.32%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 2643-I. Northwest Products Co., 1515 "C" Ave., Sioux Falls SD 57104. NO-BAC 45. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 1.28%; Sodium carbonate 2.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 9779-5. Riverside Chemical Co., PO Box 171199, Memphis TN 38117. RIVERSIDE MALATHION 5. Active Ingredients: Malathion (0,0-dimethyl phosphorodithioate of diethyl mercaptosuccinate) 56.8%; Aromatic Petroleum Solvent 36.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 1989-RE. Sanitary Supply & Chemical Co., Inc., 1810 Seventh St., Macon GA 31206. DIAZINON ROACH SPRAY CONCENTRATE. Active Ingredients: Diazinon 5.0%; Petroleum Distillates 92.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 33734-E. J. R. Schneider Co., Inc., PO Box 878, Tiburon CA 94920. SCHNEIDER MICRO-CIDE I. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 201-GIU. Shell Chemical Co., A Div. of Shell Oil Co., 1 Shell Tower, Houston TX 77001. SHELL CYCLO SOL 31 HERBICIDE. Active Ingredients: Aromatic Petroleum naphtha 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 11687-TL. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL FUNGI-RHAP CU-75. Active Ingredients: Copper 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 11687-TU. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL MCPA ACID. Active Ingredients: 2-Methyl-4-Chlorophenoxyacetic Acid 98.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 550-OT. Van Waters & Rodgers, Box 3200, San Francisco CA 94119. HALOPHEN 68. Active Ingredients: Tetrachlorophenol 68%; Pentachlorophenol 32%. Method of Support: Application proceeds under 2(c) of interim policy. PM22





EPA Reg. No. 20954-1. Zoecon Corp., 975 California Ave., Palo Alto, CA 94304.

## COAL CONVERSION

uary 31, 1975 FEDERAL REGISTER (40 FR



[Docket No. 73-38]

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EPA Reg. No. 20954-1. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. ALTOSID SR-10. Active Ingredients: [Isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional new use. PM17

[FR Doc.75-10786 Filed 4-23-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### FOOD INDUSTRY ADVISORY COMMITTEE

#### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Food Industry Advisory Committee will meet Wednesday, May 14, 1975, at 10 a.m., in the Mayfair Room, Continental Plaza Hotel, 909 North Michigan Avenue, Chicago, Illinois.

The Committee was established to advise the Administrator, Federal Energy Administration, about food industry interests and problems as they relate to national energy conservation programs.

The agenda for the meeting is as follows:

1. Chairman's Report
2. Status of Conservation and Environment Programs
3. Task Force Reports:
   a. Natural Gas
   b. Transportation
   c. Foodservice Handbook
   d. Equipment Efficiency
   e. Retail Stores
   f. Industrial Education
   g. Government Regulations
4. New Business
   a. Natural Gas Priorities
   b. Energy Audit Program
5. General Discussion

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on April 22, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

[FR Doc.75-10944 Filed 4-23-75;9:49 am]

### COAL CONVERSION

#### Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Federal Energy Administration (FEA) has prepared a final environmental impact statement relating to FEA's program to implement section 2 of the Energy Supply and Environmental Coordination Act of 1974. That program will prohibit certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source, and require certain powerplants in the early planning process to be designed and constructed to be capable of using coal as their primary energy source, through the issuance of prohibition orders or construction orders, respectively.

Single copies of the final environmental impact statement may be obtained from the FEA, Office of Communications and Public Affairs, Room 220, Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202/964-3538), and from the FEA Regional Offices listed below:

REGION I

150 Causeway Street, Room 700, Boston, Massachusetts 02114

REGION II

26 Federal Plaza, Room 3206, New York, New York 10007

REGION III

1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102

REGION IV

1655 Peachtree Street, N.E., 8th Floor, Atlanta, Georgia 30309

REGION V

Federal Office Building, 175 West Jackson Blvd., Room A-333, Chicago, Illinois 60604

REGION VI

Corrigan Towers, 212 North St. Paul Street, Room 1720, Dallas, Texas 75201

REGION VII

Federal Office Building, Post Office Box 15000, 112 East 12th Street, Kansas City, Missouri 64106

REGION VIII

Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226

REGION IX

Barclay Bank Boulevard, 111 Pine Street, San Francisco, California 94111

REGION X

Federal Office Building, 909 First Avenue, Room 1151, Seattle, Washington 98104

Copies of the final environmental impact statement also will be available for public review in the FEA Information Access Reading Room, Room 206, Old Post Office Building, 12th and Pennsylvania Avenue, NW, Washington, D.C.

Pursuant to the Council on Environmental Quality's notice in the January 31, 1975 FEDERAL REGISTER (40 FR 4675), the Council has granted FEA's request for a waiver of ten days of the thirty-day period for circulation of the final environmental impact statement, in accordance with 40 CFR 1500.11(b).

Inquiries concerning the statement should be directed to Phyllis Becherman, Program Analyst, Office of Fuel Utilization, Federal Energy Administration, Room 6117, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, D.C. 20461 (202/961-8331).

Dated: April 22, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel,*
*Federal Energy Administration.*

[FR Doc.75-10835 Filed 4-22-75;11:23 am]

## FEDERAL MARITIME COMMISSION

[Docket No. 73-38]

### COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS, ET AL. v. AMERICAN MAIL LINES LTD., ET AL.

#### Amendment of Order on Submission of Environmental Memoranda

On February 10, 1975, the Commission issued an order on submission of environmental memoranda in this proceeding (40 FR 6823). Parties were granted 45 days to submit memoranda to the Commission which were to include "their evaluations and positions regarding predictable environmental effects resulting from the eventual resolution of this proceeding," using section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) as a guide in addressing issues. Considerable confusion has arisen among parties to this proceeding as to the thrust and effect of the language employed by the Commission in seeking environmental views from the parties. This amended order is issued to clarify both the wording and the purpose of the February 10, 1975 Order.

Said order included the following statement by the Commission:

The Commission believes that the nature of this proceeding renders any decision hereon a "major federal action significantly affecting the quality of the human environment."

The purpose of that statement was to appraise parties that the Commission was undertaking an environmental investigation in the subject proceeding to determine whether under NEPA an environmental impact statement is required; the word "believes" apparently inaccurately conveyed the impression to several parties that the Commission has rendered a final positive decision on the need for such a statement, without granting interested persons the opportunity to participate prior to making this threshold determination. Clearly such public participation is required under the law and was in fact being sought by the Commission in its order; the language used was designed only to notify the





parties that at that point in time the Commission believed that more likely than not an environmental impact statement would be required in the instant proceeding. No pre-judgment of that issue was intended, and the Commission regrets the confusion caused by its word choice.

In light of several comments received, the Commission additionally points out that nothing in its order of February 10, 1975, should be construed to mean that the Commission is shirking its duties and requiring the parties, rather than its own staff, to prepare draft environmental impact statements. The order clearly stated that memoranda submitted would be used "to aid the Commission in its environmental evaluation" (emphasis added). Upon consideration of all memoranda received and completion of its own investigation, the Commission will prepare a threshold assessment survey which determines if an environmental impact statement is required.

All environmental memoranda previously submitted in this proceeding will be considered by the Commission in its environmental assessment as though they were submitted for that purpose. However, in light of this clarification and amendment of the order, all parties will be granted 15 days to amend their comments or to submit new comments should they so choose. In addition, this amendment of order and a notice of intent to make an environmental assessment will be published in the FEDERAL REGISTER to serve further notice on the public that an environmental assessment is being made in this proceeding, in line with § 547.7 of the Commission's newly proposed rules for environmental protection (Docket No. 75-6, 40 FR 13005).

*Therefore, it is ordered,* That the February 10, 1975, order on submission of environmental memoranda is amended in the following manner:

(1) Both references to "section 102 (C)" of NEPA are amended to read "section 102(2)(C)."

(2) The word "renders" in the first sentence of the second paragraph is deleted and the words "may render" are substituted in its place.

*It is further ordered,* That this amended order as well as a notice of intent to make an environmental assessment in Docket No. 73-38 be published in the FEDERAL REGISTER; and

*It is further ordered,* That all parties of record in this proceeding are hereby granted 15 days to amend any environmental memoranda previously submitted in response to the original order or to submit new environmental memoranda if they so choose.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-10774 Filed 4-23-75;8:45 am]

[Docket No. 73-38]

### COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS, ET AL. v. AMERICAN MAIL LINES, LTD., ET AL.

#### Intent To Make an Environmental Assessment

The above referenced proceeding was instituted by complaint to determine whether certain activities of Respondents, namely the transport of cargo between Complainants' ports and Far East ports by rail to and from West Coast ports and then by water to and from Far East ports under through tariffs, commonly referred to as "miniland bridge" tariffs, and the solicitation through advertising for such carriage, among other things:

(1) Constitute diversion or attempted diversion of cargo from its naturally tributary ports;

(2) Are unlawful, unfair, unjustly discriminatory, anti-competitive, in restraint of trade, and illegal under sections 15, 16, 17 and 18 of the Shipping Act, 1916, and section 8 of the Merchant Marine Act of 1920;

(3) Are detrimental to commerce and the general public interest, and unfair, unjust, discriminatory, and unduly prejudicial to the ports represented by the Complainants and to the individuals and business concerns which are interested in and dependent upon said ports;

(4) Will unduly concentrate shipping services in other port areas contrary to the policies of Congress as set forth in its various Acts, including, inter alia, the Shipping Act of 1916 and section 8 of the Merchant Marine Act of 1920.

This proceeding is pending resumption of hearing scheduled for May 27, 1975. The Commission believes its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Consequently the possible environmental factors involved warrant consideration and evaluation before decision making is undertaken. It should be noted that parties to the proceeding have already had the opportunity to submit environmental memoranda to the Commission and have this day under separate order been granted additional time to amend said memoranda or submit new memoranda.

As the presiding Administrative Law Judge is cognizant of NEPA's requirements, it is assumed he will take note of this Notice, and, if necessary, alter the conduct of this proceeding as may be required.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major federal action significantly affecting the quality of the human environment. Written comments regarding possible environmental effects which may occur from the eventual resolution of this proceeding are invited. In conjunction with other actions taken by the Commission in this proceeding this day, such comments should be submitted within 15 days of the date of this order to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-10775 Filed 4-23-75;8:45 am]

[Docket Nos. 73-42, 73-61, 73-69, 74-4]

### BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, ET AL. v. SEATRAIN INTERNATIONAL, S.A.

#### Amendment of Order on Submission of Environmental Memoranda

On February 24, 1975, the Commission issued an order on submission of environmental memoranda in this proceeding (40 FR 8382). Parties were granted 45 days to submit memoranda to the Commission which were to include "their evaluations and positions regarding predictable environmental effects resulting from the eventual resolution of this proceeding," using section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) as a guide in addressing issues. Considerable confusion has arisen among parties to this proceeding as to the thrust and effect of the language employed by the Commission in seeking environmental views from the parties. This amended order is issued to clarify both the wording and the purpose of the February 24, 1975 order.

Said order included the following statement by the Commission:

The Commission believes that the nature of this proceeding renders any decision hereon a "major federal action significantly effecting the quality of the human environment."

The purpose of that statement was to appraise parties that the Commission was undertaking an environmental investigation in the subject proceeding to determine whether under NEPA an environmental impact statement is required; the word "believes" apparently inaccurately conveyed the impression to several parties that the Commission has rendered a final positive decision on the need for such a statement, without granting interested persons the opportunity to participate prior to making this threshold determination. Clearly such public participation is required under the law and was in fact being sought by the Commission in its order; the language used was designed only to notify the parties that at that point in time the Commission believed that more likely than not an environmental impact statement



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would be required in the instant proceeding. No pre-judgment of that issue was intended, and the Commission regrets the confusion caused by its word choice.

In light of several comments received, the Commission additionally points out that nothing in its Order of February 24, 1975, should be construed to mean that the Commission is shirking its duties and requiring the parties, rather than its own staff, to prepare draft environmental impact statements. The order clearly stated that memoranda submitted would be used "to aid the Commission in *its* environmental evaluation" (emphasis added). Upon consideration of all memoranda received and completion of its own investigation, the Commission will prepare a threshold assessment survey which determines if an environmental impact statement is required.

All environmental memoranda previously submitted in this proceeding will be considered by the Commission in its environmental assessment as though they were submitted for that purpose. However, in light of this clarification and amendment of the order, all parties will be granted 15 days to amend their comments or to submit new comments should they so choose. In addition, this amendment of order and a notice of intent to make an environmental assessment will be published in the FEDERAL REGISTER to serve further notice on the public that an environmental assessment is being made in this proceeding, in line with § 547.7 of the Commission's newly proposed rules for environmental protection (Docket No. 75-6, 40 FR 13005).

*Therefore, it is ordered,* That the February 24, 1975, order on submission of environmental memoranda is amended in the following manner:

(1) Both references to "section 102 (C)" of NEPA are amended to read "section 102(2)(C)."

(2) The phrase "may be required to" is added between the words "and" and "issue" in the first sentence of the second paragraph.

(3) The word "renders" in the first sentence of the third paragraph is deleted and the words "may render" are substituted in its place.

(4) The last sentence of the third paragraph is deleted and the following sentence substituted: "As the presiding Administrative Law Judge is cognizant of NEPA's statutory requirements it is assumed no Initial Decision will be rendered until such time as the Commission completes its Environmental Assessment and issues any statement associated therewith."

*It is further ordered,* That this amended order as well as a notice of intent to make an environmental assessment in Docket Nos. 73-42, 73-61, 73-69, 74-4 be published in the FEDERAL REGISTER; and

*It is further ordered,* That all parties of record in this proceeding are hereby granted 15 days to amend any environmental memoranda previously submitted in response to the original order or to submit new environmental memoranda if they so choose.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10771 Filed 4-23-75;8:45 am]

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[Dockets Nos. 73-42, 73-61, 73-69, 74-4]

## BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, ET AL. v. SEATRAIN INTERNATIONAL, S.A.

### Intent To Make an Environmental Assessment

The above referenced proceeding was instituted by complaint to determine whether certain activities of Respondent, namely the transport of cargo between Complainants' ports and European ports by rail to and from the Port of Charleston, South Carolina and then by water to and from ports under through tariffs, commonly referred to as "mini-land bridge" tariffs, among other things:

(1) Constitute diversion or attempted diversion of cargo from its naturally tributary ports;

(2) Are unlawful, unfair, unjustly discriminatory, and illegal under sections 16, 17 and 18 of the Shipping Act, 1916, and section 8 of the Merchant Marine Act of 1920;

(3) Are detrimental to commerce and the general public interest, and unfair, unjust, discriminatory, and unduly prejudicial to the ports represented by the Complainants and to the individuals and business concerns which are interested in and dependent upon said ports;

(4) Will unduly concentrate shipping services in Charleston contrary to the policies of Congress as set forth in its various Acts, including, inter alia, the Shipping Act of 1916 and section 8 of the Merchant Marine Act of 1920.

Hearings in this proceeding have been completed and briefs filed. Nonetheless, the Commission believes its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Consequently the possible environmental factors involved warrant consideration and evaluation before decision making is undertaken. It should be noted that parties to the proceeding have already had the opportunity to submit environmental memoranda to the Commission and have this day under separate order been granted additional time to amend said memoranda or submit new memoranda.

As the presiding Administrative Law Judge is cognizant of NEPA's requirements, it is assumed no initial decision will be rendered until such time as the Commission completes its environmental assessment and issues any statements associated therewith.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major federal action significantly affecting the quality of the human environment. Written comments regarding possible environmental effects which may occur from the eventual resolution of this proceeding are invited. In conjunction with other actions taken by the Commission in this proceeding this day, such comments should be submitted within 15 days of the date of this Order to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10772 Filed 4-23-75;8:45 am]

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[Docket No. 73-35]

## INTERMODAL SERVICE OF CONTAINERS AND BARGES AT THE PORT OF PHILADELPHIA

### Intent To Make an Environmental Assessment

The above referenced proceeding is an investigation to determine whether practices, past or present, by container or barge type of operators serving the Port of Philadelphia other than by direct ocean vessel calls, whether it be by rail, highway, or water:

(1) Violate section 14, Shipping Act, 1916, by making any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered or by discriminating against any shipper in the matter of cargo space accommodations or other facilities;

(2) Are authorized by approved agreements and, if so, whether the agreements, to the extent that they authorize such practices, should be disapproved, cancelled or modified pursuant to section 15, Shipping Act, 1916; or are in implementation of any other agreement between persons subject to the Shipping Act, 1916, which has not been filed with or approved by the Federal Maritime Commission as required by section 15 of the Shipping Act, 1916;

(3) Violate section 16, Shipping Act, 1916, by subjecting a person, locality or description of traffic to undue or unreasonable prejudice or disadvantage;

(4) Violate section 17, Shipping Act, 1916, by resulting, through the absorption of inland transportation costs, in demanding, charging or collecting rates or charges which are unjustly discriminatory between shippers or ports;

(5) Violate section 18, Shipping Act, 1916, or section 2 of the Intercoastal Shipping Act, 1933, by providing services not authorized by applicable tariffs;

(6) Are contrary to the policy of section 8, Merchant Marine Act, 1920;

(7) Are contrary to the provisions of section 205, Merchant Marine Act, 1936.

This proceeding is pending a second prehearing conference presently scheduled for May 13, 1975. No environmental





issues have been raised by the parties nor considered thus far in the proceeding.

Nonetheless the Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Consequently the environmental factors involved warrant consideration and evaluation before decision making is undertaken. As the presiding Administrative Law Judge is cognizant of NEPA's requirements, it is assumed he will take note of this notice, and, if necessary, alter this proceeding as may be required.

Therefore, notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will significantly affect the quality of the human environment. Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within 30 days of the date of this order to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10773 Filed 4-23-75;8:45 am]

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[Docket No. 75-11]

## SEQUOIA FORWARDERS CO.

### Order of Hearing on Petition for License as an Independent Ocean Freight Forwarder

Sequoia Forwarders Company (Sequoia), 933 N. Main Street, Salinas, California, filed an application for a license as an independent ocean freight forwarder, pursuant to section 44, Shipping Act, 1916. Sequoia is a partnership owned equally by Messrs. Joel R. Hayden and Ronald J. Rothermel.

During the course of the Commission's investigation of the applicant it was disclosed that the two partners of the applicant concern were also equal partners of Cal-West Produce Enterprises (Cal-West), a produce broker. Cal-West purchases produce on behalf of a client domiciled in a foreign country and receives a commission on those purchases. That produce moves in the export commerce of the United States.

The relationship of the owners of the applicant with a purchaser of shipments to foreign countries would appear to preclude the licensing of the applicant as it would appear to constitute a purchaser/forwarder relationship prohibited under section 44, Shipping Act, 1916, and the Commission's General Order 4. These provisions only permit licensing of persons who are not shippers or consignees or sellers or purchasers of shipments to foreign countries and are not directly or indirectly controlled by such shippers or consignees or by any person having a beneficial interest therein.

Pursuant to § 510.8 of the Commission's General Order 4 (46 CFR 510.8) the Commission, on March 7, 1975, advised the applicant of its intent to deny the application for the reasons set out hereinabove. In accordance with General Order 4, an applicant may, within 20 days of receipt of such advice request a hearing on the application.

By letter dated March 25, 1975, Sequoia through counsel requested the opportunity to show at a hearing that the denial of Sequoia's application is unwarranted.

*Now, therefore, it is ordered,* pursuant to section 44, Shipping Act, 1916, (46 USC 841b) § 510.8 of the Commission's General Order 4 (46 CFR 510.8), that a hearing is hereby ordered to afford Sequoia Forwarders Company the opportunity to demonstrate that the foregoing information and/or reasons do not warrant finding that the applicant does not qualify for a license as an independent ocean freight forwarder within the meaning of section 44, Shipping Act, 1916, and of the Commission's General Order 4 (46 CFR Part 510.).

*It is further ordered,* That Sequoia Forwarders Company be hereby made a petitioner in this proceeding pursuant to Rule 3(a) of the Commission's Rules of Practice and Procedure (46 CFR 502.41).

*It is further ordered,* That this proceeding be assigned for public hearing and an initial decision before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the presiding Administrative Law Judge on or before October 18, 1975.

*It is further ordered,* That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon petitioner.

*It is further ordered,* That any persons other than petitioner who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72).

*It is further ordered,* That all further notices issued by or on behalf of the Commission in this proceeding, including notice and time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-10770 Filed 4-23-75;8:45 am]

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# FEDERAL POWER COMMISSION

[Docket No. RI75-120]

## A. F. ROBERTS, JR.

### Petition for Special Relief

APRIL 17, 1975.

Take notice that on April 3, 1975, A. F. Roberts, Jr., (Petitioner), 5403 27th Street, Lubbock, Texas 79407, filed a petition for special relief in Docket No. RI75-120, pursuant to Order No. 481. Petitioner seeks a rate of 36 cents per Mcf with 1 cent annual escalation thereafter, for the sale of natural gas to El Paso Natural Gas Company, from the Shannon Estate "V" well No. 1 in section 10, Block 10, GC& SF RR Survey, Crockett County, Texas.

Petitioner and El Paso entered into an Amendatory Agreement dated March 21, 1975, which provides, inter alia, that upon receipt of Commission authorization herein satisfactory to petitioner, petitioner" * * * shall promptly thereafter commence and prosecute to completion the installation of * * * additional compression contemplated * * * necessary for the optimum recovery of gas from the wells located on Seller's properties."

Petitioner states that unless relief is granted, under the present conditions the operator has no choice except to plug the well inasmuch as it is uneconomical to continue operating at 18.5 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10641 Filed 4-23-75;8:45 am]

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[Docket Nos. RP72-110; RP74-92, and PGA 75-5a]

## ALGONQUIN GAS TRANSMISSION CO.

### Order Approving PGA Rate Increase and Denying Protest

APRIL 17, 1975.

On March 3, 1975, Algonquin Gas Transmission Company (Algonquin) tendered for filing a revised tariff sheet[1] providing for an $11,268,162 rate increase to track increased gas costs from its supplier, Texas Eastern Transmission Corporation (Texas Eastern).[2] Algonquin has requested an effective date of March 1, 1975, and waiver of § 154.38(d)(4) of the Commission regulations. The filing was noticed with March 25, 1975, being established as the deadline for protests or comments.

[1] Alternate Fourth Revised Sheet No. 10 of Algonquin's FPC Gas Tariff, First Revised Volume No. 1.

[2] Texas Eastern's increase, filed February 24, 1975, in Docket Nos. RP74-41 and PGA 75-6, was approved and made effective March 1, 1975, by order issued April 7, 1975.





Algonquin's filing is tendered pursuant



Service of Staff's Testimony, May 20, 1975.

a current increase of 14.01¢ per Mcf, November 30, 1974[1] in accordance with

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Algonquin's filing is tendered pursuant to authority of Commission Opinion No. 699–H issued December 4, 1974, which, in pertinent part provides:

(D) Notwithstanding the provisions of § 154.38(d)(4)(iv) of the regulations under the Natural Gas Act (18 CFR 154.38(d)(4)(iv)), any jurisdictional pipeline company having a purchase gas adjustment clause in effect on June 21, 1974, and thereafter, pursuant to § 154.38(d)(4), may file on or before March 3, 1975, a special rate increase to track the rates prescribed in § 2.56a (18 CFR 2.56(a)) effective as of the date of the filing provided such rates are in effect pursuant to filings made by natural gas producers pursuant to § 2.56a(j) on or before January 31, 1975.

On March 20, 1975, a customer group[3] filed a joint protest to Algonquin's proposed PGA increase claiming that the 45 day notice provision of section 17 of the General Terms and Conditions of Algonquin's tariff had been breached.[4] These protestants request that the Commission deny any waiver of the applicable notice periods and suspend the implementation of the rate increase until April 10, 1975. The customer group alleges that the failure of Algonquin to provide the section 17 notice will impose hardships on the customers in recovering these increased costs.

Section 17.6 of Algonquin's tariff reads as follows:

Seller shall file each adjustment at least 45 days prior to the proposed effective date, provided Texas Eastern has made its filing to permit such notice, but in any event Seller's filing shall be made within 15 days after receipt of notice from Texas Eastern of its rate change. (emphasis supplied)

Our reading of § 17.6 and its application to the instant controversy indicates that Algonquin's filing is consistent with the language of that section. Under the circumstances presented herein Algonquin acted within the terms of its tariff by filing its tracking rate increase some eight days after Texas Eastern's filing. Accordingly, we shall deny the customers' requested relief.

Our review of Algonquin's filing indicates that it conforms with the PGA filing requirements and that good cause exists to grant the requested waiver of § 154.38(d)(4). The rates effectuated herein shall be subject to change to reflect any adjustments in the underlying supplier rates. Such rate adjustments and/or refunds shall, of course, be governed by the provisions of Algonquin's PGA clause and § 154.38(d)(4) of the regulations.

*The Commission finds.* The PGA increase filed herein should be approved and the requested waiver granted, subject to conditions hereinafter ordered. The requested relief of the customer group should be denied.

*The Commission orders.* (A) Algonquin's Alternate Fourth Revised Sheet No. 10 of Algonquin's FPC Gas Tariff, First Revised Volume No. 1 is hereby approved and made effective March 1, 1975.

(B) Algonquin's requested waiver of § 154.38(d)(4) of our regulations is hereby granted.

(C) The rates effectuated herein shall be subject to change to reflect any adjustments in the underlying supplier rates.

(D) The requested relief of the customer group is hereby denied.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10626 Filed 4–23–75;8:45 am]

[Docket No. RI75–126]

## AMERICAN PETROFINA CO. OF TEXAS

### Petition for Special Relief

APRIL 17, 1975.

Take notice that on April 4, 1975, American Petrofina Company of Texas, (Petitioner), P.O. Box 2159, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI75–126 pursuant to § 2.76 of the Commission's General Policy and Interpretations. Petitioner seeks a rate increase in excess of the applicable area ceiling rate for the sale of natural gas to Northern Natural Gas Company (Northern) from the Hunt-Baggett Field, Crockett County, Texas under its FPC Gas Rate Schedule No. 39. Petitioner states that in order to continue production from the Baggett No. 1 "C" Well located in the E/2 of Section 33, Block F, G.C. & S.F. Ry. Co. Survey, Crockett County, Texas, that it must perform reworking and stimulation operations as they are necessary and economically prudent to promote the continued production from the Baggett No. 1 "C" Well. The proposed rate is 35 cents per Mcf for the gas sold and delivered to Northern from said well pursuant to an Agreement Amending Gas Purchase Contract dated September 18, 1974 between Petitioner and Northern. Petitioner states that the 35 cent rate would be sufficient to reimburse it for the money to be expended in the reworking operations.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10627 Filed 4–23–75;8:45 am]

[Docket No. E–9370]

## ARIZONA PUBLIC SERVICE CO.

### Supplement To Agreement

APRIL 17, 1975.

Take notice that on April 9, 1975, Arizona Public Service Company (APS), tendered for filing Supplement No. 11 to Agreement with Navajo Tribal Utility Authority (NTUA) which is APS Rate Schedule FPC No. 6. APS states that the Amendment permits the Tribe to obtain 13,125 Kilowatts plus 5,000 kilowatts from each of the first three units of the Navajo Generating Station located on the Navajo Reservation near Page, Arizona.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 75–10628 Filed 4–23–75;8:45 am]

[Docket No. E–9092]

## ARKANSAS-MISSOURI POWER CO.

### Further Extension of Procedural Dates

APRIL 17, 1975.

On April 8, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 29, 1974, as most recently modified by notice issued March 6, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, May 20, 1975.
Service of Intervenors Testimony, June 3, 1975.
Service of Company Rebuttal, June 17, 1975.
Hearing, July 1, 1975 (10 a.m. e.d.t.)

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10629 Filed 4–23–75;8:45 am]

[Docket No. RP74–4]

## CITIES SERVICE GAS CO.

### Conference

APRIL 18, 1975.

Take notice that on Tuesday, April 29, 1975, a conference of all interested persons in the above-referenced docket will be convened at 2 p.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (conferences, offers of settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendence at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.8 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Cities Service Gas Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10625 Filed 4–21–75;8:38 am]

[Docket Nos. RP72–155, RP73–104, RP74–22, RP74–23, RP74–57, and CP74–314]

## EL PASO NATURAL GAS CO.

### Tariff Sheets Tender

APRIL 17, 1975.

Take notice that on April 15, 1975, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, the following revised tariff sheets, to become effective April 1, 1975:

ORIGINAL VOLUME NO. 1

First Substitute Fourteenth Revised Sheet No. 3–B

THIRD REVISED VOLUME NO. 2

First Substitute Fourth Revised Sheet No. 1–D

ORIGINAL VOLUME NO. 2A

First Substitute Sixth Revised Sheet No. 1–C

El Paso states that the rates set forth on the tendered tariff sheets provide for a current increase of 14.01¢ per Mcf, effective as of April 1, 1975, and is comprised of annualized purchased gas cost increases equating to 5.27¢ per Mcf, plus 8.74¢ per Mcf representing the balance in Account 191 as of December 1, 1974. El Paso states that such increase results from the deletion of emergency and small producer purchases in excess of the Commission's Opinion No. 699–H nationwide rates included in El Paso's Purchased Gas Cost Adjustment ("PGAC") notice of change in rates filed with the Commission on February 24, 1975, and is 0.24¢ per Mcf below the PGAC increase of 14.25¢ per Mcf set forth in said February 24, 1975, filing. El Paso further states that such rates are consistent with the Commission's order issued March 31, 1975, in the captioned proceedings.

With regard to the increase of 8.2325¢ per Mcf applicable to certain sales subject to the PGAC—Clean High Pressure Gas contained in El Paso's Original Volume No. 2A tariff and included as a part of El Paso's February 24, 1975, filing, El Paso states that there were no emergency and small producer increases in excess of the Commission's Opinion No. 699–H rates associated with said proposed increase. Accordingly, Substitute First Revised Sheet No. 1–D to El Paso's Original Volume No. 2A tariff, tendered on February 24, 1975, filing should be designated effective as of April 1, 1975, by the Commission, without further adjustment. Further, El Paso states its tender of February 24, 1975, included First Revised Sheet No. 67–B to its Original Volume No. 1 tariff, providing modification of its PGAC provision to reflect increased purchased gas costs associated with changes in El Paso's gas purchase patterns, as well as changes occurring under the pricing provisions of its purchased gas contracts. The Commission order issued March 31, 1975, permitted El Paso to reflect in the rates to become effective on April 1, 1975, the changes resulting from the computation of purchased gas costs based on El Paso's changes in gas purchase patterns. Accordingly, tendered First Revised Sheet No. 67–B to Original Volume No. 1, should also be designated effective April 1, 1975.

El Paso states that the Commission order issued March 31, 1975, also permitted El Paso to file revised tariff sheets to become effective April 2, 1975, reflecting an amortization charge for increased special overriding royalty costs incurred during the period July 10, 1974, through December 1, 1974.[1] On February 28, 1975, El Paso tendered for filing certain tariff sheets to reflect an amortization charge to cover the period July 10, 1974, through November 30, 1974[2] in accordance with the Commission's order of February 24, 1975, which order permitted collection of an amortization charge respecting special overriding royalty costs.

El Paso states that the increased special overriding royalty cost applicable to the day of December 1, 1974, approximates $52,000 and would increase the amortization charge of 1.39¢ per Mcf proposed in El Paso's filing of February 28, 1975, by slightly less than .01¢ per Mcf. Rather than requiring a change in the rates to become effective on April 2, 1975, to reflect such amount, El Paso proposes that the rates reflected on its sheets tendered on February 28, 1975, be placed into effect on April 2, 1975, and that said $52,000 unamortized amount included as a part of the determination of any excess or deficient revenues collected during the amortization period in variance from the amount authorized to be collected by the Commission. Therefore, El Paso requests that the tariff sheets included in its February 28, 1975, filing[3] and reflecting both the 1.39¢ per Mcf amortization charge and the 14.25¢ per Mcf total PGAC adjustment, be made effective by the Commission on April 2, 1975.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket Nos. RP72–155, RP73–104, RP74–22, RP74–23, RP74–57 and CP74–314 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before May 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All propriate action to be taken but will not considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10630 Filed 4–23–75;8:45 am]

[Docket No. RP75–42–2]

## EL PASO NATURAL GAS CO. (COMMUNITY PUBLIC SERVICE CO.)

### Notice of Petition for Emergency Relief

APRIL 21, 1975.

Take notice that on March 27, 1975, Community Public Service Company

[1] See Order on Motion for Authorization to Collect Amortization Charge issued February 24, 1975, at Docket Nos. RP73–104, RP74–22, RP74–23, RP74–57 and CP74–314. By order issued March 19, 1975, the Commission amended its order of February 24, 1975, at Docket Nos. RP73–104, RP74–22, RP74–23, RP74–57 and CP74–314 by providing that the amortization charge for increased special overriding royalties be based upon increased costs incurred during the period July 10, 1974, through December 1, 1974.

[2] Second Substitute Fourteenth Revised Sheet No. 3–B to Original Volume No. 1; Second Substitute Fourth Revised Sheet No. 1–D to Third Revised Volume No. 2; Second Substitute Sixth Revised Sheet No. 1–C to Original Volume No. 2A.

[3] See note 2, supra.

[3] Bay State Gas Company, Boston Gas Company, Bristol and Warren Gas Company, Cape Cod Gas Company, Commonwealth Gas Company, The Connecticut Natural Gas Corp., Fall River Gas Company, The Hartford Electric Light Co., Town of Middleborough, Municipal Gas and Electric Department, New Bedford Gas and Edison Light Company, North Attleboro Gas Company, City of Norwich, Department of Public Utilities, Providence Gas Company, South County Gas Company, The Southern Connecticut Gas Company, and Tiverton Gas Company.

[4] More specifically, section 17.6, General Terms and Conditions, Algonquin Gas' FPC Gas Tariff, First Revised Volume No. 1, Original Sheet No. 129.





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(Petitioner), 501 West 6th Street, Fort Worth, Texas 76102, filed in Docket No. RP75–42–2 pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) a petition for temporary emergency relief from the curtailment provisions of El Paso Natural Gas Company's (El Paso) tariff for six-week periods, one in the fall and one in the spring of 1975, so as to enable Petitioner to obtain sufficient natural gas to operate its gas turbine generator at Lordsburg, New Mexico, all as more fully set forth in the petition, which is on file with the Commission and open to public inspection.

Petitioner states that its gas turbine generator must be operated during the periods from April 15 to June 1 and from September 1 to October 15, while its oil-fired steam turbine generator units are out of service for scheduled maintenance.

Petitioner requests approximately 3,900 Mcf per day for the operation of its gas turbine during the stated periods, when either of the oil turbines are out of service for maintenance purposes. Petitioner does not anticipate that it will need emergency relief of this type after 1975 because it is in the process of providing additional electric transmission facilities into the area, which will supply adequate power for emergencies such as the one described.

Petitioner further states that, if natural gas for its gas turbine generator is not provided, it will have no alternative other than to operate two steam units with substantial risk of failure of one or both until a 345 kilovolt line from Arizona is in service in late 1976. In the event of such failure, according to Petitioner, an extended electric outage in the service area would be the result.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10647 Filed 4–22–75;3:23 pm]

[Docket No. RP75–42–8 etc.]

## EL PASO NATURAL GAS CO.

### Petitions for Extraordinary Relief

APRIL 17, 1975.

Take notice that on April 9, 1975, petitions pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) for extraordinary relief from curtailment by El Paso Natural Gas Company (El Paso) relating to natural gas used for irrigation purposes were filed by the following petitioners in the following dockets:

West Texas Natural Gas Co. (West Texas), a Texas gas distributor, in Docket No. RP75–42–8;

City of Whiteface Gas Co. (Whiteface), a Texas gas distributor, in Docket No. RP75–42–9;

Magma Natural Gas Company (Magma), an Arizona gas distributor, in Docket No. RP75–42–10;

General Utilities, Inc. (GU), an Arizona Gas distributor, in Docket No. RP75–42–11;

City of Morton Gas Company (Morton), a Texas gas distributor, in Docket No. RP75–42–12;

Great Plains Natural Gas Company (Great Plains), a Texas gas distributor, in Docket No. RP75–42–13;

EMW Gas Association (EMW), a New Mexico gas distributor, in Docket No. RP75–42–14.

The mailing address for each petitioner is:

Lamb, Metzgar, Franklin & Lines, P.A., Attorneys and Counsellors at Law, 500 Second Street, NW, Albuquerque, New Mexico 87101.

All petitions are on file with the Commission and open to public inspection.

Each petition requests that the volumes of gas set forth in the petition as necessary to maintain viable agricultural operations be permanently exempted from curtailment, that the volumes of gas set forth in the petition be allowed as a supplement to the volumes of gas which otherwise would be available to the petitioner under its end-use profiles as set forth in the tariff sheets filed by El Paso, and that the supplement be sufficient to reflect the annualized effect of the annualized volumes necessary to supply the relief requested in the petition.

Except for West Texas, all petitioners, it is stated, receive all their gas from El Paso. In the West Texas petition, it is stated that only one of the systems served by West Texas has an alternate supply of gas from both El Paso and Northern Natural Gas Company.

Each petition states that there exists no alternative fuel capacity for the period specified in the petition. Each petition states further that there is no source of natural gas available to the petitioner other than from El Paso and that inquiry of the FEA and local fuel allocation agencies indicates that, while alternate fuels are available by reallocation, there exists no distribution system or capability by the end-users to utilize such fuel.

The relief requested in volumetric terms and in terms of the number of customers for each distributer is as follows:

| Distributor | Customers | Thousand cubic feet | |
|---|---|---|---|
| | | Peak day | Monthly |
| West Texas | 416 | 5,000 | 95,000 |
| Whiteface | 13 | 506 | 7,337 |
| Magma | 15 | 2,800 | 78,000 |
| GU | 155 | 1,171 | 24,380 |
| Morton | 42 | 1,400 | 28,067 |
| Great Plains | 252 | 7,586 | 180,755 |
| EMW | 130 | 3,000 | 69,500 |

The various petitions state the following prices for natural gas supplies per million Btu:

| | |
|---|---|
| West Texas | $0.52 |
| White face | .4811 |
| Magma: | |
| February | .6596 |
| April | .7787 |
| GU | .7668 |
| Morton | .5982 |
| Great Plains | .415838 |
| EMW | .6446 |

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petitions should on or before May 8, 1975, file with the Federal Power Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10647 Filed 4–23–75;8:45 am]

[Docket No. E–9373]

## ILLINOIS POWER CO.

### Filing of Interconnection Agreement

APRIL 17, 1975.

Take notice that on April 11, 1975, Illinois Power Company tendered for filing an Interconnection Agreement dated January 14, 1975, between Illinois Power Company and the City of Springfield, Illinois.

Illinois Power Company states that the proposed Interconnection Agreement would supersede an existing Surplus Power Contract between the City of Springfield and the City of Jacksonville, Illinois. The interest of the City of Jacksonville in that contract was assigned to Illinois Power Company as a part of its acquisition of the Jacksonville municipal electric system on February 13, 1974.

The proposed Interconnection Agreement includes Service Schedules A through F, which specify the types of service and rates of compensation contemplated. Both service and rates are the same as those contained in Illinois Power Company's Rate Schedule FPC No. 50, previously accepted for filing by the Commission. Also, the Agreement includes Appendix A, which sets forth the points of interconnection between the parties' systems and the facilities to be provided by each party.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10631 Filed 4–23–75;8:45 am]

[Docket Nos. E–9296, E–9297, and E–9298]

## IOWA PUBLIC SERVICE CO.

### Filing of Supplemental Data

APRIL 17, 1975.

Take notice that on April 7, 1975, Iowa Public Service Company (IPS) tendered for filing supplemental data intended to make complete its original filing of: (1) A Participation Unit Agreement between IPS and Interstate Power Company (Docket No. E–9296), (2) a Participation Unit Agreement between IPS and Nebraska Public Power District (Docket No. E–9297), and (3) a Firm Power and Participation Unit Agreement between IPS and Minnesota Power and Light Company (Docket No. E–9298); all three of which were originally tendered for filing on February 28, 1975. IPS tendered for filing this supplemental data in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10632 Filed 4–23–75;8:45 am]





[Docket No. CI75–586]

## MOBIL OIL CORP.

### Application

APRIL 17, 1975.

Take notice that on April 4, 1975, Mobil Oil Corporation (Applicant), Three Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CI75–586 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) and Southern Natural Gas Company (Southern) from the Eugene Island Block 330 Field, offshore Louisiana, on a best efforts basis, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authority to sell to United and Southern up to 35,000 Mcf of gas per day from the subject acreage at the nationwide rate prescribed by § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a), within the contemplation of § 2.70 of the general policy and interpretations (18 CFR 2.70). Applicant desires to commence the proposed sale on May 15, 1975, or on the date of Commission authorization, whichever is sooner, and to terminate on November 1, 1976, or thirty days after notice of termination is given after August 15, 1975.

Applicant states that the gas will be transported onshore through the existing facilities of a joint venture composed of United's and Southern's affiliates for the purpose of effecting ultimate delivery of the gas to United and Southern at onshore points. Thus, Applicant asserts, deliveries will effectively be made offshore to United and Southern with their affiliate serving as a conduit.

Applicant further states that its share of the Block 330 Field gas was subject to an advance payments agreement between Applicant and NI-Gas Supply, Inc. (NI-Gas), but that NI-Gas elected to terminate its rights to purchase gas from the present Block 330 Field by letter agreement with Applicant. Applicant states that it has executed an option agreement with Texas Eastern Transmission Corporation (Texas Eastern) extending to Texas Eastern the right to purchase Applicant's share of gas from the present Block 330 Field when Texas Eastern's facilities have been authorized and constructed. Applicant also states that the subject gas is currently being sold to United and Southern pursuant to a limited-term certificate which expires on May 15, 1975.

Applicant concludes upon the facts herein stated that the gas to be delivered hereunder is not otherwise available for a term longer than the period ending with the termination dates proposed in the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10633 Filed 4–23–75;8:45 am]

[Project No. 2752]

## NORTHERN LIGHTS, INC.

### Application for Preliminary Permit

APRIL 18, 1975.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Northern Lights, Inc. (correspondence to: Mr. William T. Nordeen, Manager, Northern Lights, Inc., Post Office Box 310, Sandpoint, Idaho 83864) for the proposed Kootenai River Hydroelectric Project No. 2752, to be located on the Kootenai River in the County of Lincoln, Montana.

According to the application, the proposed Kootenai River Hydroelectric Project would consist of: (1) A reservoir located immediately upstream of Kootenai Falls having a surface elevation of approximately 1,990 feet created by a low-gated spillway diversion structure; (2) a 1,600 foot canal conveying the water to a power intake; (3) two 28-foot diameter penstocks, each controlled by a tainter gate; (4) a powerhouse containing two 70 mW generating units; and (5) a 2,000 foot tailrace tunnel for returning the turbine discharge to the river at an elevation of approximately 1,900 feet. Northern Lights, Inc. estimates that the proposed project would be capable of generating 500,000,000 kWh annually. The Applicant would use the power from



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this proposed project to serve its present and future customers. Applicant states that it will not be able to obtain additional power from Bonneville Power Administration for future growth after 1983.

No construction is authorized under a preliminary permit; its function is to allow the applicant to conduct detailed studies to determine the feasibility of the proposed project.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10634 Filed 4-23-75;8:45 am]

[Docket No. RP75-89]

## NORTHERN NATURAL GAS CO.

### Proposed Changes in FPC Gas Tariff

APRIL 18, 1975.

Take notice that Northern Natural Gas Company (Northern) on April 11, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. Northern states that the proposed changes would increase revenues from jurisdictional sales by $69,821,425 annually, based on sales volumes and costs for the twelve months ended December 31, 1974, as adjusted for the Test Period. Northern states the principal reasons for the proposed rate increase are: (1) Increased costs of obtaining new gas supplies, (2) Increased costs associated with LNG storage facilities and leased storage arrangements to maintain peak day deliveries to high priority customers, (3) The loss of revenues from reductions in sales to electrical generating plants and other large volume interruptible low priority end use customers, (4) The need to increase revenues to provide a return of 10⅜ percent on its utility investment, (5) Increases in construction costs, wages, supplies, expenses and taxes, and (6) Increased annual depreciation expense.

Northern states that this filing also includes proposed tariff sheets whereby Northern proposes to provide a new "Emergency" service pursuant to Rate Schedule E-1. Northern states that this rate schedule will be available to gas utilities for the purchase of gas which is not otherwise available for purchase under Northern's other rate schedules for sale and delivery during emergency situations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before May 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10635 Filed 4-23-75;8:45 am]

[Docket No. RP74-88]

## NORTH PENN GAS CO.

### Filing of Settlement Agreement

APRIL 17, 1975.

Take notice that on April 7, 1975 North Penn Gas Company (North Penn) filed with the Commission a "Motion Submitting to Commission for Approval Stipulation and Agreement for Settlement of Rate Proceeding" and an enclosed Stipulation and Settlement Agreement. The Settlement Agreement contains a settlement as to rates and a proposed clause concerning the possible imposition of the Pennsylvania Gross Receipts Tax on certain jurisdictional sales made by North Penn.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 7, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10636 Filed 4-23-75;8:45 am]

[Docket Nos. RP72-154 and RP74-72; PGA No. 75-4a]

## NORTHWEST PIPELINE CORP.

### Filing of Revised Tariff Sheet

APRIL 17, 1975.

Take notice that on April 4, 1975, Northwest Pipeline Corporation (Northwest) tendered for filing a revised tariff sheet to its FPC Gas Tariff Original Volume No. 1. Northwest states that this filing is pursuant to the Commission order issued February 28, 1975 and eliminates the surcharge adjustment to recover the interest cost associated with increased purchased gas costs for the period November 1 through November 17, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10637 Filed 4-23-75;8:45 am]

[Docket No. E-9371]

## OHIO EDISON CO.

### Tendered Agreement

APRIL 17, 1975.

Take notice that on April 10, 1975, Ohio Edison Company (Company), tendered for filing a letter agreement dated January 20, 1975, between the Company and the Village of Grafton, Ohio, respecting wholesale service to Grafton supplementary to the service provided for in F.P.C. Rate Schedule No. 104.

The Company states that the letter agreement supplements the provisions of F.P.C. Rate Schedule No. 104 providing for a temporary additional service connection in Grafton through which a maximum of 750 KVA of capacity will be provided. The Company states further that the service is to be metered and billed separately from the other service now being provided and billing is to be in accordance with Ohio Edison Company's Municipal Resale Service Primary Voltage rates as opposed to the Transmission Voltage rate schedule under which the existing other service is now being provided to Grafton. According to the Company's filed statement the Village has agreed to pay Ohio Edison Company the cost of installing and removing the temporary facilities, amounting to about $3,100.00.

Ohio Edison also claims that the company's Municipal Resale Service Primary Voltage rate schedule for this new service to Grafton is identical to the rate schedules for Primary Voltage service to the Company's other municipal wholesale customers for such service.

The Company requests that the Commission waive its requirement for comparison of sales, services and revenues and a line diagram of the facilities to be installed in connection with this supplementary service in view of the temporary term and minor cost involved in providing this service, and in view of the rates applicable to such service being





standard rates for Primary Service approved by this Commission in Docket No. E-7705.

Service was commenced on December 20, 1974, prior to execution of the letter agreement of January 20, 1975. Accordingly, the Company requests that this supplement be permitted to become effective retroactively as of December 20, 1974, to provide a lawful basis of billing for service from the date it commenced to meet an urgent need of Grafton.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10638 Filed 4-23-75;8:45 am]

[Docket Nos. E-7718, E-8435]

## PENNSYLVANIA ELECTRIC CO.

### Filing of Motion To Terminate Proceedings Without Refund Obligation

APRIL 17, 1975.

On April 7, 1975, Pennsylvania Electric Company (Penelec) filed a motion to terminate the above referenced proceedings without refund obligation. Penelec notes that by letter ordered dated March 14, 1974, the Commission accepted for filing a revised fuel adjustment clause effective as of March 20, 1975, which conformed to Order No. 517. This meant that there is now a locked-in period from November 10, 1973, until, and including March 19, 1975, wherein the fuel clause issue remains to be resolved.

Penelec included in the instant filing comparisons of fuel clause revenues actually collected for the period November 10, 1973, to March 20, 1975, with revenues that would have been collected under the Order No. 517 fuel clause made effective as of March 20, 1975. The comparisons show that during the locked-in period Penelec would have collected $33,115 more under the revised clause than it actually collected under the previous clause. Penelec accordingly requests that this proceeding be terminated without any refund obligation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10640 Filed 4-23-75;8:45 am]

[Docket Nos. E-7718, E-8435]

## PENNSYLVANIA ELECTRIC CO.

### Proposed Rate Increase Under Gross Receipts Tax Adjustment Clause

APRIL 17, 1975.

Take notice that on April 10, 1975, Pennsylvania Electric Company (Penelec) tendered for filing a proposed change in rates and charges pursuant to a gross receipts tax adjustment provision in the contract for supplemental energy between Penelec and the Allegheny Electric Cooperative, Inc. (Allegheny). Penelec proposes to surcharge the rate for supplemental power and energy by a factor of 1.04712 which would be applied to 1972 revenues for sales to Allegheny of $4,001,939. The proposed effective date is May 10, 1975.

Copies of the filing were sent to Allegheny.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10639 Filed 4-23-75;8:45 am]

[Project 2101]

## SACRAMENTO MUNICIPAL UTILITY DISTRICT

### Certification of Settlement Agreement

APRIL 17, 1975.

Public notice is hereby given that, on October 8, 1974, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement concerning two separate transfers of lands within the project boundary for Upper American River Project No. 2101. Sacramento Municipal Utility District (SMUD) has pending before the Commission an application involving the two transfers.

The first transfer occurred in 1964 and was a land exchange with the U.S. Forest Service, Department of Agriculture (Forest Service). The second transfer occurred in 1968 and was a transfer of lands in partial settlement of a fire suppression suit brought by the U.S. Department of Justice.

By the terms of the settlement none of the parties object to the transfer of all of the project lands involved to the Forest Service, which will administer the lands in accordance with project purposes as set forth in the Federal Power Act and the license. SMUD's responsibilities as licensee would not be altered or diminished and its duties with respect to the transferred lands would continue under the license. Additionally, the transferred lands within the project boundary are necessary for the purposes of Project No. 2101, and any proposal for a use of these lands that would interfere with their use for project purposes must be formally approved by the Commission prior to any such use.

It is proposed the fully executed settlement agreement would resolve all outstanding issues in this proceeding which resulted from the Commission Order Providing for Hearing issued November 26, 1973.

Any person desiring to protest or comment on said settlement agreement should file comments with the Federal Power Commission, 825 North Capital Street NW, Washington, D.C. 20426, on or before May 5, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. A copy of the settlement agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10642 Filed 4-23-75;8:45 am]

[Docket No. RI75-127]

## TEXAS OIL AND GAS CORP.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 17, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds.* It is in the public interest and consistent with the Natural Gas Act, particularly sections 4 enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended

[1] Does not consolidate for hearing or dispose of the several matters herein.



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and their use be deferred as ordered below.

*The Commission orders.* (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf * Rate in effect | Cents per Mcf * Proposed increased rate | Rate in effect subject to refund in docket No. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI75-127.. | Texas Oil & Gas Corp | 29 | 18 | El Paso Natural Gas Co. (Colorado) (Rocky Mountain). | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |
| | do | [1] 31 | 6 | Northwest Pipeline Corp. (Colorado) (Rocky Mountain). | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |
| | do | 32 | 11 | El Paso Natural Gas Co. (Colorado) (Rocky Mountain). | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |
| | do | 36 | 9 | do | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |
| | do | 38 | 9 | do | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |
| | do | 114 | [2] 18 | Northwest Pipeline Corp. (Colorado) (Rocky Mountain). | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |
| | do | 115 | [4] 1 | do | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |
| | do | 116 | [3] 9 | do | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |
| | do | 33 | 10 | El Paso Natural Gas Co. (Colorado) (Rocky Mountain). | 1,530 | 3-21-75 | | 9-21-75 | 24.4807 | 25.5007 | |

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Sales under Rate Schedule No. 31 have been totally divested to Northwest Pipeline Corp.
[2] Filed as a supplement to Texas Oil & Gas Corp. Rate Schedule No. 36. Sales attributable to Northwest are now covered under Rate Schedule No. 116.
[3] Filed as a supplement to Texas Oil & Gas Corp. Rate Schedule No. 29. Sales attributable to Northwest are now covered under Rate Schedule No. 114.
[4] Filed as a supplement to Texas Oil & Gas Corp. Rate Schedule No. 32. Sales attributable to Northwest are now covered under Rate Schedule No. 115.

The proposed rate increases of Texas Oil & Gas Corp. exceed the applicable area ceiling rate in Opinion No. 658 and are suspended for five months.

[FR Doc.75-10578 Filed 4-23-75;8:45 am]

[Docket No. RP74-20 and RP74-83]

## UNITED GAS PIPELINE CO.

### Further Extension of Procedural Dates

APRIL 17, 1975.

On April 3, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 16, 1974, as most recently modified by notice issued March 14, 1975, in the above-designated matter. The motion states that the parties have been notified and have not objected.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony on unsettled issues in RP74-20, May 13, 1975.
Service of Intervenor's Testimony on Unsettled issues in both dockets, June 3, 1975.
Service of Company Rebuttal, June 17, 1975.
Hearing, July 8, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10644 Filed 4-23-75;8:45 am]

[Project No. 2716]

## VIRGINIA ELECTRIC AND POWER CO.

### Application for Approval of Revised Exhibit R (Recreational Use Plan)

APRIL 18, 1975.

Public notice is hereby given that under the Federal Power Act (16 U.S.C. 791a–825r) application for approval of Exhibit R (Recreational Use Plan), included initially in its application for major license filed on July 31, 1973, was amended by Virginia Electric and Power Company (Correspondence to: Mr. Stanley Ragone, Senior Vice President, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; copies to Arnold Quint, Esquire, Hunton, Williams, Gay & Gibson, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006) on February 14, and March 7, 1975, for the proposed Bath County Pumped Storage Project. The project would be located on Back Creek and Little Back Creek, tributaries of the Jackson River in the James River Basin, in Bath County, Virginia. The transmission lines would cross portions of Bath, Highland, Augusta and Rockbridge Counties, Virginia. The proposed project would affect the interests of interstate or foreign commerce and lands of the United States located in the George Washington National Forest.

The Exhibit R, as amended, provides for a recreation complex which would be developed by the Applicant downstream of the lower dam and would consist of two recreation ponds, hiking and nature trails, picnicking and camping facilities, and a visitors' center. The two recreation ponds would have a total of 87 surface acres and would have facilities for swimming, boating, and fishing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10643 Filed 4-23-75;8:45 am]

[Docket No. E-8619]

## WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

### Postponement of Hearing

APRIL 17, 1975.

Take notice that due to a schedule conflict of the Presiding Administrative Law Judge the hearing set for April 22, 1975, by notice issued February 11, 1975, in the above-designated matter, is postponed until May 20, 1975, at 10 a.m. (e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10645 Filed 4-23-75;8:45 am]

[Docket No. E-9198]

## WISCONSIN POWER AND LIGHT CO.

### Order Denying Rehearing

APRIL 18, 1975.

On February 19, 1975 we issued an Order in these proceedings in which we held, inter alia, that Wisconsin Power & Light's (WP&L) proposed rate increase would be barred under the *Mobile-Sierra* doctrine as to the following:

City of Stoughton FPC No. 59 Contract Expires 2-13-77.
City of Columbus FPC No. 66 Contract Expires 6-26-76.
City of Princeton FPC No. 68 Contract Expires 10-21-77.
City of Shullsburg FPC No. 104 Contract Expires 7-30-78.
Pioneer Power & Light FPC No. 60 Contract Expires 10-14-76.
Cross Plains Electric Co. FPC No. 67 Contract Expires 9-16-77.

On March 20, 1975 WP&L filed a petition for rehearing pursuant to § 1.34 of our rules of practice and procedure asking us to modify our foregoing finding that WP&L's unilateral filing was prohibited as to the above mentioned customers, and to provide in its place that the rate filing be permitted to become effective as to those customers on a prospective basis.

In support of its petition WP&L asserts that in Docket No. E-8158, on April 27, 1973, WP&L tendered for filing proposed rate increases for its cooperative wholesale customers under Rate Schedule W-2 and for its municipal wholesale customers under Rate Schedule W-3. These rate changes were accepted for filing and, by Order of the Commission dated June 26, 1973, were suspended until September 1, 1973.

WP&L states that although the customers in question were granted intervention in Docket No. E-8158, and had an opportunity to raise the Mobile-Sierra issue at that time, they did not do so. Furthermore, WP&L asserts that the Municipals and Cooperatives, as well as the Commission Staff, participated in settlement negotiations resulting in a Settlement Agreement that was noticed on April 24, 1974 and approved by Commission Order dated September 4, 1974.

The Agreement was allegedly supported by all parties and provides, in part:

> Cooperatives and Municipals waive any and all objections they may have under the Sierra-Mobile rule to the rate increase proposed herein and the additions and amendments to said tariffs and rate schedules and agree that all contracts for the purchase of energy and the tariffs and rate schedules thereunder shall be interpreted and modified, if required, to provide for the rate increase and amendments and additions to said tariffs and rate schedules proposed herein.

In its September 4, 1974, Order this Commission, in summarizing the provisions of the proposed settlement, noted the following:

> 4. *Mobile Sierra.* Cooperatives and Municipals waive any objections they may have under the *Mobile-Sierra* rule to this rate increase and to the proposed changes in the tariffs and rate schedules in this Stipulation and Agreement.

WP&L now states that the settlement agreement in Docket No. E-8158, entered into by Stoughton, Columbus, Princeton and Shullsburg constitutes an express waiver of any right to object to unilaterally filed rate-increases and, by its express terms, constituted a specific agreement on their part that their contracts were modified to permit such increased rates.

WP&L states that a stipulation in a settlement agreement is in the nature of a contract and may modify earlier contracts between the stipulating parties and that an agreement to amend a contract may be implied from the conduct of the parties. We would agree that the rate increase agreed to by the parties in the Docket No. E-8158 settlement modified the rates established in the earlier contracts. But the settlement, by its own terms, expressly limited the modification of the earlier contracts to the rate increase agreed to in Docket No. E-8158. Neither the agreement nor the subsequent Order approving the agreement issued September 4, 1974, refer to waiver of objections under the Mobile-Sierra rule as it may apply to any other (or future) unilaterally filed rate increase proposals except the rate increase proposed in Docket No. E-8158. Therefore, it is clear that the customers in question neither expressly nor impliedly waived any rights occurring under their general contracts other than their right to object, under the Mobile-Sierra rule, to the rate increase agreed to in the settlement of Docket No. E-8158.

Inasmuch as WP&L has brought forth no new evidence to contradict the clear and unambiguous language contained in the settlement Agreement, we shall deny WP&L's application for rehearing.

However, our review indicates that a waiver of the ninety-day notice requirement of the Commission's Regulations is appropriate as to each of WP&L's customers which have fixed rate, fixed term contracts with WP&L. Pursuant to Municipal Electric Utility Association of Alabama v. F.P.C.,[1] we will require that as each of the above-mentioned fixed rate contracts expires, WP&L will file with the Commission a superseding service agreement capable of serving as the notice of termination of contractual service required by 16 CFR 35.15 and an amended list of purchasers. Upon review of this material, we shall then make a determination whether additional data is necessary to demonstrate the continuing validity of the proposed rate, and, if necessary, we shall suspend extension of the rate schedule to the additional customers.

*The Commission finds.* (1) WP&L's Application for Rehearing filed on March 20, 1975, raises no facts or principles of law which would provide an appropriate basis for modification of the Commission's Order of February 19, 1975.

(2) Good cause exists to allow waiver of the 90 day notice requirement to permit WP&L to apply the rate increase proposed herein to Stoughton, Columbus, Princeton, Shullsburg, Pioneer Power & Light, and Cross Plains Electric Company on the date each of their respective contracts expire, subject to the condition as hereinafter ordered.

[1] 485 F. 2d 967 (D.C. Cir. 1973).

*The Commission orders.* (A) WP&L's Application for Rehearing filed March 20, 1975, is denied.

(B) A waiver of the ninety day notice requirement of the Commission's Regulations as to Stoughton, Columbus, Princeton, Shullsburg, Pioneer Power & Light, and Cross Plains Electric Co. is hereby granted on condition that, when each of their respective contracts expires, WP&L will file with the Commission, pursuant to Municipal Electric Utility Association of Alabama v. F.P.C., supra., a superseding service agreement capable of serving as the notice of termination of contractual service required by 16 CFR 35.15, and an amended list of purchasers.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10646 Filed 4-23-75;8:45 am]

## FEDERAL RESERVE SYSTEM

### BANK OF VIRGINIA CO.

#### Acquisition of Bank

Bank of Virginia Company, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank of Virginia-Shenandoah, Winchester, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 19, 1975.

Board of Governors of the Federal Reserve System, April 16, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-10663 Filed 4-23-75;8:45 am]

### COUNTRY AGENCIES AND INVESTMENTS, INC.

#### Acquisition of Bank

Country Agencies & Investments, Inc., Odessa, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 26.3 percent of the voting shares of Bunceton State Bank, Bunceton, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in







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writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 16, 1975.

Board of Governors of the Federal Reserve System, April 15, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10688 Filed 4-23-75;8:45 am]

## FIRST BANCGROUP-ALABAMA, INC.

### Order Approving Merger of Bank Holding Companies

First Bancgroup-Alabama, Inc., Mobile, Alabama ("FBA"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with United Alabama Bancshares, Inc., Birmingham, Alabama ("United", under the charter of Applicant and the name of First-United Bancgroup-Alabama, Inc.

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

FBA controls three banks with aggregate deposits of $351 million, representing approximately 4.4 percent of the total deposits in commercial banks in Alabama, and is the sixth largest multi-bank holding company in the State.[1] United controls three banks[2] with total deposits of $58 million, representing less than 1 percent of total deposits in the State, and is Alabama's seventh multi-bank holding company. Consummation of the proposed merger would result in FBA's control of approximately 5 percent of total deposits in the State's commercial banks, and the resulting organization would become the State's fifth largest multi-bank holding company, approximately one-half the size of the State's fourth largest banking organization.

FBA's present subsidiary banks are located in Mobile, Huntsville, and Foley, Alabama. United's present subsidiary banks are located in Huntsville, Eufaula, Dothan, and Bessemer, Alabama. While FBA and United each owns and controls a bank in Huntsville, United has committed to divest its Huntsville bank, thereby removing any adverse competitive effects that would result from the elimination of competition in the Huntsville area.[3] United's subsidiary bank in Eufaula (First National Bank of Eufaula with deposits of $14 million) is the second largest of seven banks competing in the Barbour County banking market and holds about 21 percent of the total deposits in that market. United's subsidiary bank in Dothan (City National Bank of Dothan with deposits of $22 million) is the third largest of seven banking organizations competing in the Houston County banking market and holds approximately 13 percent of the total deposits in that market. United's subsidiary bank in Bessemer (First Western Bank with deposits of $22 million) is the sixth largest of 12 banking organizations competing in the Jefferson County banking market and holds approximately 1 percent of the total deposits in that market.

Consummation of the proposed merger would not appear to have an adverse effect on existing competition since the distance separating FBA's subsidiary bank nearest to a subsidiary bank of United is approximately 97 miles, the distance between Huntsville and Bessemer and no subsidiary of FBA competes in any geographic market in which a subsidiary of United competes (other than in the Huntsville area). In addition, the relatively small sizes of FBA and United and the fact that United does not have a lead bank, suggest the absence of any development of competition between those organizations, absent consummation of the proposed merger. While FBA is capable of entering each of the relevant markets de novo, the low population per bank and personal income per bank office ratios in Barbour and Houston Counties,[4] and the number of larger holding companies presently represented in Jefferson County makes each of these markets unattractive for such entry in the near future. The proposed merger should result, however, in the develeopment of a new State-wide holding company with the financial resources to compete effectively with the State's largest bank holding companies.

The Board recognizes that consummation of the proposal would foreclose the possibility that United would expand to become a State-wide competitor of FBA. However, taking into account the time lag and financial resources necessary to establish competitive effectiveness through "foothold" or de novo entry, the Board does not view the record in this case as reflecting a probability that, absent this proposal, United would or could expand to become an effective State-wide competitor of FBA and the State's other bank holding companies in the reasonably foreseeable future. In prior orders involving mergers of bank holding companies, the Board has noted that a substantial adverse effect on potential competition occurs only where there is a probability rather than just a possibility that substantial competition would develop between the banking organizations involved absent the proposed affiliation.[5] Therefore, on the basis of the record, the Board concludes that consummation of the proposed transaction would not have significant adverse effects on existing or potential banking competition in any relevant area.

The financial condition and managerial resources and future prospects of FBA, its subsidiary banks and United appear satisfactory. The financial condition and managerial resources and future prospects of United's subsidiary banks appear generally satisfactory in light of the fact that FBA will be able to provide financial and managerial strength to those banks. These considerations are consistent with approval of the application. The primary banking needs of the areas served by both holding companies appear to be adequately met at the present time. However, consummation of the proposal would provide customers of United's banks immediate access to trust department services and investment advice. In addition, FBA intends to provide its new subsidiaries with a ready source for loan participations, as well as marketing services and computer facilities. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[6] effective April 16, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10664 Filed 4-23-75;8:45 am]

[1] Banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through November 30, 1974.

[2] United also controls The Bank of Huntsville, Huntsville, Alabama, which it has committed to divest by offering all the stock of the bank to United's shareholders in exchange for their shares of United or by a distribution of shares of the bank to United's shareholders as a dividend, or by both means. United shall take other measures necessary to ensure effective termination of its control of The Bank of Huntsville.

[3] It does not appear that severance of the relationship between United and The Bank of Huntsville (deposits of $40 million as of December 31, 1974) which has exhibited continuous and substantial growth since 1969 will weaken the competitive vitality of that bank; nor does it appear that The Bank of Huntsville would encounter serious problems in raising equity capital as an independent bank.

[4] The number of banks located in these counties has not increased in the last 5 years.

[5] See Board's order of February 16, 1973, approving merger of First Florida Bancorporation and United Bancshares of Florida, Inc., 59 Fed. Res. Bulletin, 183, at 184 (1973); and Board's Order of August 1, 1973, approving the merger of Atlantic Bancorporation and Citizens Bancshares of Florida, Inc., 59 Fed. Res. Bulletin 685, at 686 (1973).

[6] Voting for this action: Chairman Burns and Governors Mitchell, Holland, and Coldwell. Absent and not voting: Governors Sheehan, Bucher, and Wallich.





## FIRST NATIONAL BANKSHARES OF FLORIDA, INC.

### Acquisition of Bank

First National Bankshares of Florida, Inc., Pompano Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of First National Bank of New Smyrna Beach, New Smyrna Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 19, 1975.

Board of Governors of the Federal Reserve System, April 16, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10665 Filed 4-23-75;8:45 am]

## LANDMANDS CORP.

### Formation of Bank Holding Company

The Landmands Corporation, Kimballton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Landmands National Bank of Kimballton, Kimballton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 16, 1975.

Board of Governors of the Federal Reserve System, April 15, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10667 Filed 4-23-75;8:45 am]

## MOUNTAIN FINANCIAL SERVICES, INC.

### Formation of Bank Holding Company

APRIL 17, 1975.

Mountain Financial Services, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.5 percent of the voting shares of Northwest State Bank, Arvada, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Mountain Financial Services, Inc., Denver, Colorado has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to act as agent or broker for insurance directly related to extensions of credit by a bank or bank-related firm. Notice of the application was published on March 12, 1975 in The Arvada Citizen Sentinel, a newspaper circulated in Arvada, Colorado.

Applicant states that it would engage in insurance activities as agent or broker, for insurance directly related to the extension of credit by a bank or bank-related firm, such as credit life and credit accident and health insurance, and insurance protecting loan collateral. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 19, 1975.

Board of Governors of the Federal Reserve System, April 17, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10668 Filed 4-23-75;8:45 am]

## PEOPLES BANCORPORATION

### Formation of Bank Holding Company

Peoples Bancorporation, Hampton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 86.5 percent or more of the voting shares of Peoples Savings Bank, Elma, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 16, 1975.

Board of Governors of the Federal Reserve System, April 15, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10669 Filed 4-23-75;8:45 am]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposal

The following request for clearance of an application intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 16, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before May 12, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of new FCC Form 400-S, Supplemental Information for Trunked and Conventional Systems (806-821 MHz and 851-866 MHz Bands), required when making application for trunked or conventional systems of communications to operate in the 806-821 MHz and 851-866 MHz frequency bands in accordance with the provisions of Subpart S of Part 89 of the FCC rules and regulations. FCC Form 400-S will supplement FCC Form 400, Application for Radio Station Authorization in the Safety and Special Radio Services, in all cases except when the facility falls within the Chicago, Illinois, region in which case it will supplement FCC Form 425, Application for Radio Station Authorization. Respondent burden will vary according to the size and complexity of the system. The information and data required for conventional systems can be



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obtained and entered into the form within from one to two hours. For trunked systems, which are inherently more complex, the data may require an additional one to two hours to assemble. The FCC estimates that approximately 2,000 supplemental forms will be filed during the first year.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

[FR Doc.75-10748 Filed 4-23-75;8:45 am]

## REGULATORY REPORTS REVIEW

### Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 17, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

This notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before May 12, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of a revision to form FEA 101A, Owners of Stored Product Report. This report is required to be filed by all owners of propane and butane who are storing the product in a merchant storage facility. This report provides the means by which new or current owners of the product that is in merchant storage will report required identification and classification information to the merchant storage operator. Potential respondents are expected to number 1,000. Estimated response time is one-half hour per report.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

[FR Doc.75-10749 Filed 4-23-75;8:45 am]

## GENERAL SERVICES ADMINISTRATION

### FEDERAL PROPERTY MANAGEMENT REGULATIONS; TEMPORARY REGULATION F-336

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Alabama Public Service Commission (Docket No. 16966) involving the application of the South Central Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

DWIGHT A. INK,
*Acting Administrator of General Services.*

APRIL 14, 1975.

[FR Doc.75-10692 Filed 4-23-75;8:45 am]

### FEDERAL PROPERTY MANAGEMENT REGULATIONS; TEMPORARY REGULATION H-15

#### Delegation of Authority

1. *Purpose.* This regulation delegates to the Secretary of Defense authority to dispose of surplus real property at the Table Rock Lake project located on the White River in the States of Arkansas and Missouri to owners of adjoining privately owned property who have encroached thereon.

2. *Effective date.* The delegation of authority is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)), authority is delegated to the Secretary of Defense to determine that excess real property and related personal property under the control of the Department of the Army at the Table Rock Lake project located on the White River in the States of Arkansas and Missouri, which owners of adjoining privately owned lands have encroached upon in the development of their properties, is not required for the needs and responsibilities of Federal agencies, and where he considers such action appropriate, to dispose of that property by negotiated sale to the encroaching private property owners.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of the Army.

c. The authority conferred in this delegation shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, explanatory statements of the circumstances of the transactions, where required, shall be submitted to GSA for transmittal to the Committees on Government Operations of the Senate and House of Representatives as prescribed by Federal Property Management Regulations 101-47.304-12.

d. The Department of Defense, as the disposal agency, shall be responsible for (1) securing in accordance with FPMR 101-47.303-4 any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; and (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate.

e. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (PK), Washington, DC 20405.

4. *Effect on other issuances.* This delegation of authority does not affect existing delegations of authority to dispose of surplus real property previously granted to the Department of Defense. Instead, it is intended to supplement those delegations.

DWIGHT INK,
*Acting Administrator of General Services.*

APRIL 14, 1975.

[FR Doc.75-10670 Filed 4-23-75;8:45 am]

### REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

#### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural-Engineering Services, Region 1 for Tuesday, May 13, 1975 from 10 a.m. to 4 p.m., Room 711, John W. McCormack Post Office and Courthouse Building, Postoffice Square, Boston, Mass. 02109. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Supplemental Architect-Engineer open-end one year contract for selected projects in any one of the following states: Massachusetts, Connecticut, and Rhode Island. The proposed services would be used to supplement in-house design staff as may be required to meet Repair and Alterations program commitments.

Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), the meeting will not be open to the public.

Dated: April 14, 1975.

ALAN E. GORHAM,
*Acting Regional Administrator.*

[FR Doc.75-10686 Filed 4-23-75;8:45 am]





### REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

#### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural-Engineering Services Region 1, for Wednesday, May 14, 1975 from 10 a.m. to 4 p.m., Room 711, John W. McCormack Post Office and Courthouse Building, Postoffice Square, Boston, Mass. 02109. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Supplemental Architect-Engineer open-end one year contract for selected projects in any one of the following states: Maine, New Hampshire, and Vermont. The proposed services would be used to supplement in-house design staff as may be required to meet Repair and Alterations program commitments.

Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 54.S.C. 552(b)(5), the meeting will not be open to the public.

Dated: April 14, 1975.

ALAN E. GORHAM,
*Acting Regional Director.*

[FR Doc.75-10685 Filed 4-23-75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348-A, 50-364-A]

### ALABAMA POWER CO. (JOSEPH M. FARLEY UNITS 1 & 2)

#### Reconstitution of Board

Carl W. Schwarz, Esq., was a member of the Atomic Safety and Licensing Board established for the above proceeding. Mr. Schwarz, because of a schedule conflict, is unable to continue his service on this Board.

By Order of the Commission, Marshall E. Miller, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, has been appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Maryland, this 17th day of April 1975.

NATHANIEL H. GOODRICH,
*Chairman, Atomic Safety and Licensing Board Panel.*

[FR Doc.75-10733 Filed 4-23-75;8:45 am]

[Docket Nos. 50-458, 50-459]

### GULF STATES UTILITIES CO. (RIVER BEND UNITS 1 & 2)

#### Further Postponement of Hearing

On March 31, 1975, this Atomic Safety and Licensing Board ("the Board") issued a notice of additional hearing session, for a hearing session to be held April 17, 1975 in Bethesda, Maryland. That session was postponed by a notice of postponement issued by this Board on April 11, 1975, which also designated the place of the hearing to be St. Francisville, Louisiana. In response to another request of the NRC Regulatory Staff, and over the objection of counsel for the Applicant, the Board has agreed to further postpone the public hearing session from May 6 to May 20, 1975. The Staff has cited the last minute unavailability of a key witness as the reason for their need for a postponement. Accordingly, the additional public hearing session is now scheduled to start at 9 a.m. local time on May 20, 1975, at the following location:

Holiday Inn, U.S. 61 & State Route 10, St. Francisville, Louisiana 70775.

As set forth in this Board's February 28 notice of hearing, the issues being considered are those environmental and site suitability issues prescribed in the Commission's regulations concerning construction permits and pre-construction permit activities (10 CFR 50.10(e)(1), (e)(2)(ii)). The radiological health and safety issues will be considered at a separate public hearing session to be scheduled later.

All interested members of the public are invited to attend.

*It is so ordered.*

Issued at Bethesda, Maryland, this 18th day of April, 1975.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
*Chairman.*

[FR Doc.75-10739 Filed 4-23-75;8:45 am]

[Docket No. 50-263]

### NORTHERN STATES POWER CO.

#### Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota, and currently authorized for operation at power levels up to 1670 MWt.

The amendment would change the provisions of the Technical Specifications for the facility to incorporate operating limits based on the General Electric Thermal Analysis Basis in accordance with the licensee's application for license amendment dated March 12, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's rules and regulations.

By May 27, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 910—17th Street, NW, Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated March 12, 1975, (2) the nonproprietary General Electric Report NEDO-10958, and (3) the Commission's evaluation of the General Electric Report dated September, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. The license amendmen' and the Safety Evaluation, when issued, may be inspected at the above locations and a



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For the Nuclear Regulatory Commission) has issued Amendment No. 12 quests for leave to intervene in the above

copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of April, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
*Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.*

[FR Doc.75-10740 Filed 4-23-75;8:45 am]

## NUCLEAR ENERGY CENTER SITE SURVEY

### Public Meeting and Request for Public Comments

In the furtherance of the provisions of section 207 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) notice is hereby given that the NRC staff conducting the Nuclear Energy Center Site Survey (NECSS) will hold a 3-day public meeting commencing at 9 a.m., Monday, June 16, 1975 at the GSA Auditorium, GSA Building, first floor entrance, 18th & F Streets, NW., Washington, D.C. This public meeting is primarily for the purposes of receiving the views of interested persons. It will also include a briefing by the NRC staff on the conduct of the survey.

Section 207 of the Energy Reorganization Act of 1974 (the Act) directs the Nuclear Regulatory Commission to make a national survey to locate and identify possible nuclear energy center sites. The Act defines nuclear energy center sites as any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both, including, if appropriate, nuclear fuel reprocessing facilities, nuclear fuel fabrication plants, retrievable nuclear waste storage facilities and uranium enrichment facilities.

In addition, the survey will evaluate the environmental impact likely to result from construction and operation of such nuclear energy centers and will evaluate whether such centers will result in greater or lesser environmental impact than separate siting of the reactors and/or fuel cycle facilities. Finally, the survey will consider the use of Federally-owned property and other public use lands for energy center sites.

The Act directs the Nuclear Regulatory Commission to conduct the survey in cooperation with other interested Federal, State, and local agencies. It also requires that the views of interested persons, including electric utilities, citizens' groups, and others, shall be solicited and considered.

A report on the results of the survey will be published and transmitted to the Congress and the Council on Environmental Quality not later than October 11, 1975. The report will include the Commission's evaluation of the results of the survey and any conclusions and recommendations which the Commission may have concerning the feasibility and practicality of locating nuclear facilities on nuclear energy center sites.

As indicated previously in FEDERAL REGISTER Notice 40 FR 12717 (dated March 20, 1975), written expression of views is solicited. Comments should address matters significant to the concept of nuclear energy centers as compared to the dispersed siting of an equal number of nuclear facilities, or to the techniques for identification of possible sites. These should be sent to Mr. S. H. Smiley, Director, Office of Special Studies, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

In addition, persons who wish to present their views in person at the public meeting are encouraged to do so. A notice of intention to appear in person to present views, and a date and time preferred for the presentation of views should be submitted as soon as possible, but no later than June 9. The notice of intention should include an address and phone number. All persons desiring to present their views in person will be informed by the NRC staff of the date and time they have been scheduled to present their views. Unscheduled oral statements will also be accommodated to the extent possible during the course of the public meeting. Further information about the study or the public meeting can be obtained by calling the NECSS offices, (301) 427-6357.

The Chairman of the meeting will have the power to limit the amount of time to be allocated to each person desiring to make an oral presentation and to limit such presentation to matters pertinent to the purposes of the survey. Also, it is anticipated that the Chairman and the members of the panel may wish to ask questions of those who make presentations to clarify points not understood, in the interest of enhancing the value of the presentation to the conduct of the survey. Submittal of written statements in advance will facilitate this exchange and full understanding. Because of time limitations, the panel may not be able to respond to questions. The meeting will be transcribed, and the transcription will be placed in the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 18th day of April 1975.

For the Nuclear Regulatory Commission.

S. H. SMILEY,
*Director, Office of Special Studies.*

[FR Doc.75-10844 Filed 4-23-75;8:45 am]

[Docket Nos. 50-352 and 50-353]

## PHILADELPHIA ELECTRIC CO. (LIMERICK UNITS 1 & 2)

### Issuance of Amendments to Construction Permits and Notice of Availability of Atomic Safety and Licensing Appeal Board Decision

Notice is hereby given that pursuant to a decision issued by the Atomic Safety and Licensing Appeal Board on March 19, 1975, the Nuclear Regulatory Commission has issued Amendment No. 1 to Construction Permit No. CPPR 106 and Amendsylvania. The Decision amends the conCPPR 107 issued to the Philadelphia Electric Company for construction of the Limerick Generating Station, Units 1 and 2, located in Montgomery County, Pennsylvania. The Decision amends the construction permits by modifying one of the conditions for protection of the environment. Any decisions or actions taken by the Atomic Safety and Licensing Appeal Board in connection with this decision may be reviewed by the Commission.

A copy of the decision dated March 19, 1975, Amendment No. 1 to Construction Permit No. CPPR-106, Amendment No. 1 to Construction Permit CPPR-107, and the Nuclear Regulatory Commission's final environmental statement are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and in the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

The above noted documents are also available at the Office of Radiological Health, Department of Environmental Resources, Harrisburg, Pennsylvania 17105.

The Nuclear Regulatory Commission has found that the provisions of these amendments comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter 1 and has concluded that the issuance of these amendments will not be inimical to the common defense and security or to the health and safety of the public.

The record developed in the public hearing in the above captioned matter modified in certain respects the contents of the final environmental statement relating to the construction of the Limerick Generating Station, Units 1 and 2, prepared by the Nuclear Regulatory Commission. Pursuant to the provisions of § 51.52(b)(3) of 10 CFR Part 51, the final environmental statement is deemed modified to the extent that the conditions relating to environmental matters contained in the decision are different from those contained in the final environmental statement issued February 1974. As required by § 51.52(b)(3) of 10 CFR Part 51, a copy of the decision which modified the final environmental statement has been transmitted to the Council on Environmental Quality and distributed to the Environmental Protection Agency and other interested agencies and persons in accordance with § 51.26(c) of 10 CFR Part 51.

Single copies of the decision, Amendment No. 1 to Construction Permit No. CPPR-106, Amendment No. 1 to Construction Permit No. CPPR-107, and the final environmental statement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of April 1975.





For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
*Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.*

[FR Doc.75-10741 Filed 4-23-75;8:45 am]

[Docket No. 50-267]

## PUBLIC SERVICE CO. OF COLORADO

### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-34 issued to Public Service Company of Colorado which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment permits by-pass of the two-loop trouble scram when the reactor mode switch is in the "fuel loading" position.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 23, 1974, (2) Amendment No. 7 to License No. DPR-34, with Change No. 7 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of April, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
*Chief, Gas Cooled Reactors, Branch, Division of Reactor Licensing.*

[FR Doc.75-10742 Filed 4-23-75;8:45 am]

[Docket No. 50-206]

## SOUTHERN CALIFORNIA EDISON CO.

### Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment incorporates into the San Onofre Nuclear Generating Station, Unit 1, Technical Specifications reformatted Administrative Controls consistent with presently issued licenses. They relate to licensee staffing qualifications and management procedures involved with operating the facility. The revisions to the reporting requirements proposed by the licensee as part of the Administrative Controls have not been incorporated into the Technical Specifications since they are still under review.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated February 28, 1975, (2) Amendment No. 12 to License No. DPR-13, with Change No. 22 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this April 18, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
*Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.*

[FR Doc.75-10743 Filed 4-23-75;8:45 am]

[Docket Nos. 50-500-A and 50-501-A]

## TOLEDO EDISON CO., ET AL. (DAVIS-BESSE UNITS 2 & 3)

### Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the above proceeding.

This action is in reference to the "Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" published by the Commission in the above matter (40 FR 8395—February 27, 1975).

The members of the Board are:

Douglas Rigler, Esq., Chairman
Foley, Lardner, Hollabaugh & Jacobs
815 Connecticut Avenue, NW
Washington, D.C. 20006

John H. Brebbia, Esq., Member
Alston, Miller & Gaines
1776 K Street, NW
Washington, D.C. 20006

John M. Frysiak, Esq., Member
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dated at Bethesda, Maryland, this 9th day of April 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
*Acting Chairman.*

[FR Doc.75-10744 Filed 4-23-75;8:45 am]

## NATIONAL TRANSPORTATION SAFETY BOARD

[1480]

### AIRCRAFT ACCIDENT DATA

### Notice of Availability

The National Transportation Safety Board announces the release of the following publication:

Report No. NTSB-APA-75-1, "A Preliminary Statistical Analysis of Aircraft Accident Data, U.S. Civil Aviation, 1974", released April 17, 1975. The Safety Board found that fatal accident and fatality rates of U.S. airlines rose sharply in 1974, but similar rates in nonairline flying declined significantly. Also, for the fourth consecutive year and the eighth of the past 11 years, those supplemental carriers conducting civil and military contract passenger operations had no fatal accidents.

This report is available to the general public. Single copies may be obtained without charge by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594. Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

MARGARET L. FISHER,
*Federal Register Liaison Officer.*

APRIL 21, 1975.

[FR Doc.75-10747 Filed 4-23-75;8:45 am]

[657]

## RESPONSE TO SAFETY RECOMMENDATION

### Notice of Receipt

Pursuant to section 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)), the National Transportation Safety



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552-(b)(2), and (2) will examine per-

The Commission for good cause has

EUA requests that the proposed sale

Board announces the receipt of the following response to a safety recommendation:

71–M–28, issued 7 October 1971, to the Department of the Interior and the Department of Transportation and contained in the Safety Board's marine casualty report concerning explosions and fire on the C & K PLATFORM and fire on the M/V CARRYBACK in the Gulf of Mexico on 26 May 1970. Response dated 26 March 1975 from the United States Coast Guard states that the formulation of a comprehensive set of regulations for mobile drilling units is still in progress. Draft regulations, completed in February 1975, are under review. Regulations relating to lifesaving appliances on unmanned platforms were amended, effective March 28, 1975, by FEDERAL REGISTER, Vol. 40, No. 39 dated February 26, 1975.

Copies of this response may be obtained by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594. A $4.00 user-service charge for each response will be made, in addition to a charge of 10¢ per page for reproduction.

MARGARET L. FISHER,
*Federal Register Liaison Officer.*

APRIL 21, 1975.

[FR Doc.75–10746 Filed 4–23–75;8:45 am]

[1533, 1258B, 1444C, 1539]

## SAFETY RECOMMENDATIONS

### Notice of Availability

Pursuant to section 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)), the National Transportation Safety Board announces the release of the following safety recommendations:

I–75–1, issued April 13, 1975, recommends that the United States Railway Association explicitly evaluate the impact of the Final System Plan upon transportation safety, and that this safety analysis be a separate section of the Final System Plan when it is submitted to the Congress.

I–75–2, issued April 13, 1975, recommends that the Rail Services Planning Office, Interstate Commerce Commission, in carrying out its statutory mandate to evaluate the United States Railway Association's Preliminary System Plan, explicitly consider, in a separate section of its report, the impact of the suggested course of action upon transportation safety.

A–75–29, issued April 14, 1975, recommends that the Federal Aviation Administration issue an Advisory Circular for the guidance of all pilots and those persons authorized to give periodic flight reviews required by 14 CFR 61.57 and 14 CFR 61.58 to assure that pilots understand the effect of weight and balance on safe flight and are proficient in the computation of airplane weight and balance.

A–75–30 through 32, issued April 14, 1975, to the Federal Aviation Administration as a result of the Safety Board's investigation of an Air East, Inc., Beechcraft 99A crash at Johnstown-Cambria Airport, Johnstown, Pennsylvania, on January 6, 1974. Recommendations are that (1) the FAA, in conjunction with the Civil Aeronautics Board's consideration of an application for replacement service, certify the applicant's safety fitness based on an actual physical investigation of the proposed replacement operator's managerial and operational capability to provide a level of safety in the intended service equivalent to that required of the Certificate of Convenience and Necessity holder, applying safety standards similar to those in 14 CFR 121.59 and 121.61, with emphasis on § 121.59(b) (Class I); (2) when certificating or recertificating a replacement operator, apply standards equivalent to those applied in authorizing Part 121 operators to use small airplanes in scheduled service as provided by 14 CFR 121.9 (Class III); and (3) increase the effectiveness of procedures for surveillance of commuter airline operations by adopting procedures now employed in the surveillance of commuter airline operations by adopting procedures now employed in the surveillance of scheduled air carriers, including the assignment of the responsibility to the appropriate air carrier district offices (Class II).

A–75–33 and 34, also issued April 14, 1975, as a result of the Air East accident investigation, recommend that the Civil Aeronautics Board take the same actions indicated in safety recommendations A–75–30 and 31, above. (See items (1) and (2), Class I and Class III, respectively.)

A–75–41 and 42, issued April 15, 1975, to the Federal Aviation Administration. Recommendations are to (1) issue an Airworthiness Directive which will provide comprehensive design and installation specifications to assure that fixed type emergency locator transmitters will remain in their mounts (Class III), and (2) amend 14 CFR 37.200 to (a) require a battery test feature that will be easily accessible to the pilot and (b) provide for actuation of the devices under conditions approaching those encountered in actual accidents (Class III).

Single copies of these recommendations may be obtained without charge by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

MARGARET L. FISHER,
*Federal Register Liaison Officer.*

APRIL 21, 1975.

[FR Doc.75–10745 Filed 4–23–75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 21, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

#### NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Certification as to Use of Federally HEA Assisted Facilities Under Title VII OF/1965, OE 1308, other (see SF–83), institutions of postsecondary education, Caywood, D. P., 395–3443.

Food and Drug Administration, Patient Drug Labeling (Patient Package Inserts), FDABD0327, single-time, patients with hypertension, Dick Eisinger, 395–4716.

Office of the Secretary, Evaluation of Family Planning Services for Teenagers, OS 13–75, single-time, local Health Departments, public and private hospitals, universities, Reese, B. F., 395–5630.

ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency Survey Questionnaire/Reclassification Study, single-time, State or territorial water pollution control agencies, Weiner, N., 395–4890.

THE RENEGOTIATION BOARD

Renegotiation Board Notice ("Flyer" To Be Mailed to all Recipients of the Board's RB Form 1 Booklet), monthly, defense and aerspace contractors, Caywood, D. P., 395–3443.

#### EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Financial Status and Performance Report for Sec. 503 and 505, Title V–A, ESEA, OE–4439–1, annually, State education agencies, Caywood, D. P., 395–3443.

Statement of Intent To Participate in Title V, Part C, ESEA Program, OE–4533–1, annually, SEA's, Caywood, D. P., 395–3443.

Financial Status Report and Performance Report, Title V–C, Elementary and Secondary Education Act, OE–4533–2, annually, SEA's and LEA's, Caywood, D. P., 395–3443.

DEPARTMENT OF STATE

Department of State (Excl. Aid and Action), Statement of Nonreceipt of Passport, DSP–86, on occasion, passport applicants, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75–10818 Filed 4–23–75;8:45 am]

## PRESIDENTIAL CLEMENCY BOARD

### MEETINGS

APRIL 16, 1975.

Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held on May 8–10 and May 22–24, 1975. All meetings begin at 9 a.m., in the Old Executive Office Building, Washington, D.C.

These meetings will not be open to the public since (1) the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 552–(b)(2), and (2) will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.[1]

CHARLES E. GOODELL,
*Chairman.*

[FR Doc.75–10791 Filed 4–23–75;8:45 am]





## SECURITIES AND EXCHANGE COMMISSION

### AMERICAN STOCK EXCHANGE, INC.

#### Non-disapproval of Amendments to American Stock Exchange, Inc. Option Plan

Notice is hereby given that on April 17, 1975, the Commission considered and did not disapprove proposed amendments to rule 980 of the American Stock Exchange, Inc. ("Amex") pursuant to rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The amendment requires Amex members to accept exercise notices from customers until and, in general, prohibits members from accepting exercise notices after, 4:30 p.m. Chicago time, on the business day immediately prior to the expiration date for Amex listed options.

The Commission for good cause has found that prior notice and public procedure thereon would be unnecessary since (i) the amendment merely complements amendments to the Rules of the Options Clearing Corporation for which notice and opportunity for submission by interested persons of written data, views or arguments has been given, (ii) the Amex will solicit comments on the amendment from its members and (iii) prompt implementation of the amendment is in the public interest.

By the Commission.

Dated: April 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–10732 Filed 4–23–75;8:45 am]

### CHICAGO BOARD OPTIONS EXCHANGE, INC.

#### Non-disapproval of Amendments to Chicago Board Options Exchange, Inc. Option Plan

Notice is hereby given that on April 17, 1975, the Commission considered and did not disapprove proposed amendments to rule 11.1 of the Chicago Board Options Exchange, Inc. ("CBOE") pursuant to rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The amendment requires CBOE exchange members to accept exercise notices from customers until and, in general, prohibits members from accepting exercise notices after, 4:30 p.m. Chicago time, on the business day immediately prior to the expiration date for CBOE listed options.

The Commission for good cause has found that prior notice and public procedure thereon would be unnecessary since (i) the amendment merely complements amendments to the Rules of the Options Clearing Corporation for which notice and opportunity for submission by interested persons of written data, views or arguments has been given, (ii) the CBOE will solicit comments on the amendment from its members and (iii) prompt implementation of the amendment is in the public interest.

By the Commission.

Dated: April 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–10731 Filed 4–23–75;8:45 am]

### CONTINENTAL VENDING MACHINE CORP.

[File No. 500–1]

#### Suspension of Trading

APRIL 18, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 20, 1975 through April 29, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–10727 Filed 4–23–75;8:45 am]

### EASTERN UTILITIES ASSOCIATES

[70–5660]

#### Proposed Issue and Sale of Common Stock and Request for Exception from Competitive Bidding

APRIL 18, 1975.

Notice is hereby given that Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7 and 12(c) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes to issue and sell up to 310,000 shares of its common stock (par value $5.00 per share) ("stock"). The time of the offering and the exact number of shares to be sold are proposed to be fixed in the light of market conditions at the time of the sale.

EUA requests that the proposed sale of its stock be excepted from the competitive bidding requirements of Rule 50 pursuant to subsection (a)(5) thereof. As reasons for the requested exception, EUA states, among other things, that the offering may be too small to attract competitive bids from underwriters; that there have been only two public offerings of EUA common shares in the past 16 years, both of those issues being sold through rights offerings; and that EUA's recent earnings history may intensify these problems in obtaining competitive bids.

Proceeds from the sale of the stock will be applied first to the prepayment of the last installment on a note held by a bank from EUA in the principal amount of $3,400,000. Any excess of such proceeds will be applied to reduce EUA's outstanding short-term borrowings.

Fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 12, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–10728 Filed 4–23–75;8:45 am]

[1] Determination filed as part of the original.



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[File No. 500–1]

## INDUSTRIES INTERNATIONAL, INC.

### Suspension of Trading

APRIL 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 17, 1975 through April 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–10758 Filed 4–23–75;8:45 am]

[70–5853]

## OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

### Proposed Reimbursement by Parent to Subsidiary of Certain Costs of Subsidiary Allocable to Parent's Interest in Land

APRIL 18, 1975.

Notice is hereby given that Ohio Edison Company ("Ohio Edison") 47 North Main Street, Akron, Ohio 44308, a registered holding company and an electric utility company, and Pennsylvania Power Company ("Pennsylvania"), 1 East Washington Street, New Castle, Pennsylvania 16103, its electric utility subsidiary have filed an application-declaration and amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12 thereof and rules 43 and 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Edison proposes to pay Pennsylvania $266,373, plus interest on said amount at 8% from January 31, 1975 to date of payment. This amount represents Ohio Edison's portion of a total of $558,258 reimbursement sought by Pennsylvania, as of January 31, 1975, from the CAPCO Companies, a group consisting of three utility companies not subject to the Act and Ohio Edison and Pennsylvania. The reimbursement relates to land originally acquired by Pennsylvania to be used in a CAPCO Companies generating plant. $407,291 of the total reimbursement sought consists of Pennsylvania's land costs, taxes and related overheads. The balance, or $150,967, relates to interest on this amount accruing since August 28, 1969, the date on which it was decided that Pennsylvania's land would be part of the CAPCO project. The rate of interest applied is Pennsylvania's cost of funds used to finance construction, which is 8% since July 1, 1970, and 7% prior thereto. Ohio Edison's portion of the reimbursement represents its 44.97% ownership of the plant.

The fees and expenses to be paid, including legal fees, will not exceed $3,600. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 13, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as amended which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–10729 Filed 4–23–75;8:45 am]

[File No. 500–1]

## WESTGATE CALIFORNIA CORP.

### Suspension of Trading

APRIL 16, 1975.

In the matter of trading in securities of Westgate California Corporation, File No. 500–1.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 17, 1975 through April 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–10759 Filed 4–23–75;8:45 am]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 15; Amdt. 2]

### ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

#### Delegation of Authority

Delegation of Authority No. 15 (37 FR 20753), as amended (39 FR 1898) is hereby further amended to delegate audit and investigation authority to the Assistant Administrator for Administration. Actions taken by the Assistant Administrator for Administration under the provisions of Section 310 of the Small Business Investment Act of 1958, as amended, and Section 5(b)(11) of the Small Business Act, as amended, prior to the date hereof are hereby ratified.

Section E is added to Delegation of Authority No. 15 to read as follows:

E. *Investigation Authority.* To exercise in the name of the Administrator the powers conferred on the Administration by section 310 of the Small Business Investment Act of 1958, as amended, and section 5(b)(11) of the Small Business Act, as amended.

*Effective date:* March 15, 1975.

Dated: April 17, 1975.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75–10682 Filed 4–23–75;8:45 am]

[Delegation of Authority No. 12; Rev. 1, Amdt. 4]

### ASSOCIATE ADMINISTRATOR FOR FINANCE AND INVESTMENT

#### Delegation of Authority

Delegation of Authority No. 12, Revision 1 (38 FR 13063), as amended (38 FR 16001, 38 FR 26509, and 40 FR 8398), is further amended to effect the transfer of audit and investigation activities from the Associate Administrator for Finance and Investment to the Assistant Administrator for Administration. Paragraph I.D. is revised by deleting references to those activities and now reads as follows:

D. *Investment Activities.* 1. To take any and all actions necessary to carry out the provisions of Titles I, II, and III (with the exception of section 310 of Title III) of the Small Business Investment Act of 1958, as amended, and of the regulations thereunder as amended from time to time, including without limitation all necessary action in connection with the servicing, administration, collection, sale and liquidation of partially or fully disbursed loans, obligations and property (real, personal or mixed, tangible or intangible) held by or assigned to SBA and arising out of activities under said Act, and, in connection therewith, to accept or reject offers of settlement or of compromise for cash, credit, or property (real, personal, or mixed, tangible or intangible).

*Effective date:* March 15, 1975.

Dated: April 17, 1975.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75–10681 Filed 4–23–75;8:45 am]



[Delegation of Authority No. 13–A, Amdt. 1]

### CONTRACTING OFFICER, PROGRAM SUPPORT DIVISION

#### Delegation of Procurement Assistance

Delegation of Authority No. 13–A (37 FR 24716) is hereby amended to reflect realignment of 8(a) contracting functions within the Office of Business Development. As amended the delegation of authority reads as follows:

• • • • • •

B. *Contracting Officer, Program Support Division.* 1. To enter into contracts on behalf of the Small Business Administration with the United States Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts.

2. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract to be let by any such officer.

3. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts.

• • • • • •

*Effective date:* March 14, 1975.

HAROLD K. FLETCHER, *Associate Administrator, Procurement Assistance.*

[FR Doc.75–10680 Filed 4–23–75;8:45 am]

[Declaration of Disaster Loan Area 1129]

### RHODE ISLAND

#### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of Rhode Island;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the City of Westerly, Washington County, suffered damage or destruction resulting from a fire which occurred March 14, 1975.

Office: Small Business Administration
District Office
57 Eddy Street
Providence, Rhode Island 02903

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 16, 1975. EIDL applications will not be accepted subsequent to January 15, 1976.

Dated: April 15, 1975.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75–10679 Filed 4–23–75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26449]

### ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

#### Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmetal Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed, to publish the appended notice in a newspaper of general circulation in Tom Green, Schleicher, and Sutton Counties, Texas, on or before May 5, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 16th day of April 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

THE ATCHISON, TOPEKA AND SANTE FE RAILWAY COMPANY ABANDONMENT; TOM GREEN COUNTY, TEX.

The Interstate Commerce Commission hereby gives notice that by order dated April 16, 1975, it has been determined that the proposed abandonment of the Atchison, Topeka and Santa Fe Railway Company of its 64.8 mile line between S.N. Junction and Sonora, all in Tom Green, Schleicher, and Sutton Counties, Texas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are considered insignificant because adequate area highways exist that can handle any resulting increase in motor carrier traffic, no specific local development plans are dependent on the continued existence of the railroad, and the historic, safety, pollution, and ecological aspects of the proposed abandonment are absent or minimal.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75–10781 Filed 4–23–75;8:45 am]

[Notice 749]

### ASSIGNMENT OF HEARINGS

APRIL 21, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 123407, Sub 222, Sawyer Transport, Inc., now being assigned June 5, 1975 (1 day), at Chicago, Illinois, in a hearing room to be designated later.







eliminate the gateway of points in Cumland. The purpose of this filing is to

(d) From points in that part of Penn-

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F.D. 27890, Duff Truck Line, Inc., and Schroder's Express, Inc.—Notes, now being assigned April 29, 1975 (4 days), in Room 235 Federal Office Bldg., 85 Marconi Blvd., Columbus, Ohio.

MC 121673, Sub 1, Western Motor Freight, Inc., now assigned May 5, 1975, at Oklahoma City, Oklahoma, is cancelled and application dismissed.

MC 115654, Sub 29, Tennessee Cartage Co., Inc., now assigned May 6, 1975, at Lexington, Ky., is cancelled and reassigned on May 6, 1975, in Conference Room, 4th Floor, State Office Building, Frankfort, Kentucky.

MC 134477, Sub 88, Schanno Transportation, Inc., application dismissed.

MC 61592, Sub 332, Jenkins Truck Line, Inc., now being assigned May 7, 1975 (3 days), at Dallas, Texas in Room 5A15–17, Federal Building, 1100 Commerce Street.

MC 129631, Sub 44, Pack Transport, Inc., now assigned June 18, 1975, at Denver, Colorado, is postponed indefinitely.

MC 139986, Frank C. Scheer, D.b.a. Allstates Coach Service, now May 6, 1975, at Washington, D.C., is postponed indefinitely.

MC 138896, Sub 6, Ajax Transfer Company, continued to June 6, 1975 (2 weeks), at St. Paul, Minn., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10778 Filed 4-23-75;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 18, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 4, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 15821 (Sub-No. E1), (Correction), filed May 13, 1974, published in the FEDERAL REGISTER June 4, 1974. Applicant: GRAF BROS., INC., 111 State Street, Boston, Mass. 02109. Applicant's representative: Kenneth B. Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (a) beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 125 to junction U.S. Highway 202 and thence along U.S. Highway 202 to the New Hampshire-Massachusetts State line, on the one hand, and, on the other, points in Massachusetts (except those points north of a line from Swampscott over Massachusetts Highway 114 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 2, thence along Massachusetts Highway 2 to the Berkshire-Franklin County line, thence along the Berkshire-Franklin County line to the Massachusetts-Vermont State line; (b) between points in New Hampshire on, east, and south of U.S. Highway 202, on the one hand, and, on the other, points in Norfolk, Plymouth, Bristol, and Barnstable Counties, Mass. The purpose of this filing is to eliminate the gateway of Boston, Mass. The purpose of this correction is to expand the territorial description.

No. MC 29886 (Sub-No. E74), filed May 27, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles* and *new trucks*, in secondary movements, in driveaway service; (1) from those points in the Lower Peninsula of Michigan (except those in Berrien, Cass, St. Joseph, Van Buren, and Kalamazoo Counties, Mich.), those in North Carolina in and east of Stokes, Forsyth, Davie, Rowan, Cabarrus, and Union Counties, and those in West Virginia in, north, and east of Jackson, Kanawha, Boone, Wyoming, and McDowell Counties, to points in Colorado (Detroit, Mich.)*; (2) from points in the Lower Peninsula of Michigan (except those in Berrien County, Mich.), to points in Utah (Detroit, Mich.)*; (3) from those points in Ohio in and north of Van Wert, Allen, Harden, Marion, Moscow, Knox, Holmes, Tuscarawas, Carroll, and Jefferson Counties to points in Arkansas (Toledo, Ohio)*; (4) from those points in Ohio in and north of Mercer, Auglaize, Shelby, Champaign, Clark, Madison, Franklin, Licking, Muskingum, Guernsey, and Belmont Counties, Ohio, to points in Nebraska (Toledo, Ohio)*; and (5) from those points in Ohio in and north of Mercer, Auglaize, Shelby, Champaign, Union, Franklin, Licking, Muskingum, Guernsey, and Belmont Counties, to points in Kansas, Oklahoma, and Texas (Toledo, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E76), filed June 4, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movements, in driveaway service, from Chillicothe, Ohio, (1) to points in Colorado, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, South Dakota, Utah, and Wisconsin (Toledo, Ohio)*; and (2) to points in Arizona, New Mexico, and California (south Bend, Ind., and those points in Texas on and west of U.S. Highway 83)*; and *new trucks*, in secondary movements, in driveaway service, from Chillicothe, Ohio to points in Idaho, Oregon, and Washington, and from Indianapolis, Ind., to points in Oregon and Washington (Toledo, Ohio and Montana)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29934 (Sub-No. E1), filed May 31, 1974. Applicant: LO BIONDO BROS. MOTOR EXPRESS, INC., Box 160, Bridgeton, N.J. 08302. Applicant's representative: Michael R. Werner, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (1) from points in Camden, Gloucester, Salem, Cumberland, and Atlantic Counties, N.J., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Salem, N.J. (2) From points in Atlantic, Gloucester, Salem, and Cumberland, Counties, N.J., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Salem, N.J. (3) From points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 665 and Long Island, N.Y., to points in Maryland. The purpose of this filing is to eliminate the gateway of Salem, N.J. (5) From points in Camden, Gloucester, Cumberland, and Atlantic Counties, N.J., to points in Maryland. The purpose of this filing is to eliminate the gateway of Millville, N.J.

*Insecticides and fungicides* (1) from Middleport, N.Y., to Philadelphia, Pa., and points in Camden, Gloucester, Salem, and Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of points in Cumberland County, N.J. (2) From Middleport, N.Y., to points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 665 and Long Island, N.Y. The purpose of this filing is to eliminate the gateway of points in Cumberland County, N.J. (3) From Middleport, N.Y. to Philadelphia, Pa., and points in Camden, Gloucester, Salem, Cumberland, nd Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of Hammonton, N.J. *Equipment used in the application of insecticides and fungicides* (1) from Middleport, N.Y. to points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 665 and Long Island, N.Y. The purpose of this filing is to





eliminate the gateway of points in Cumberland County, N.J. (2) From Middleport, N.Y., to points in Camden, Gloucester, Salem, and Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of points in Cumberland County, N.J. *Fertilizer*, from Baltimore, Md. to points in Camden, Gloucester, Salem, and Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of Cumberland County, N.J.

*Canned, preserved or frozen foodstuffs* (1) from points in Cumberland, Gloucester, and Salem Counties, N.J., to points in Virginia. The purpose of this filing is to eliminate the gateway of Camden, N.J. (2) From points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 655 and Long Island, N.Y., to points in Virginia. The purpose of this filing is to eliminate the gateway of Camden, N.J. (3) From Newark, N.J., and New York, N.Y., to points in Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (4) From Wilmington, Del., to points in Virginia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (5) From Philadelphia, Pa. to points in Virginia. The purpose of this filing is to eliminate the gateway of points in Cumberland County, N.Y. *Frozen foods* (1) from points in Camden, Gloucester, Salem, Cumberland, and Atlantic Counties, N.J., to points in the District of Columbia, Pennsylvania, except Philadelphia, Rhode Island, Massachusetts, New York, except New York City, and Connecticut. The purpose of this filing is to eliminate the gateway of Camden, N.J. (2) From Philadelphia, Pa. to points in Pennsylvania, except Philadelphia, Rhode Island, Massachusetts, Connecticut and the District of Columbia. The purpose of this filing is to eliminate the gateway of Camden, N.J.

*Canned goods* (1) From Newark, N.J., to points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (2) From Philadelphia, Pa. to points in Connecticut and Columbia, Greene, Ulster, Dutchess, Sullivan, Orange, Putnam, Westchester, and Rockland Counties, N.Y. The purpose of this filing is to eliminate the gateway of points in Union County, N.J. within the Newark, N.J. Commercial Zone. (3) From points in Camden County, N.J. to Baltimore, Md. and Wilmington, Del. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (4) From points in Camden County, N.J. to Newark, N.J. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (5) From points in Camden County, N.J. to points in Connecticut and Columbia, Greene, Ulster, Dutchess, Sullivan; Orange, Putnam, Westchester, and Rockland Counties, N.Y. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. and Newark, N.J. (6) From points in the New York Commercial Zone as defined by the Commission in 1 M.C.C. 665 and those on Long Island, N.Y., to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of Salem County, N.J.

*Groceries* (1) from points in the New York Comercial Zone as defined by the Commission in 1 M.C.C. 665 and those on Long Island, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Salem County, N.J. (2) From Baltimore, Md., to points in Camden, Gloucester, and Atlantic Counties, N.J. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. *Metal and Metal Products* (1) betwen points in Camden and Gloucester Counties, N.J., on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Salem County, N.J. (2) Between points in Atlantic County, N.J., on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Salem County, N.J. (3) Between Atlantic, Camden, and Gloucester Counties, N.J., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of points in Salem County, N.J.

No. MC 64808 (Sub-No. E6), filed May 30, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* (a) from points in that part of Ohio on, south, and west of a line beginning at Cleveland, Ohio, and extending along Ohio Highway 14 to Deerfield, Ohio, thence along Ohio Highway 14A to junction Ohio Highway 173, thence along Ohio Highway 173 to Salem, Ohio, thence along Ohio Highway 45 to junction U.S. Highway 30, thence along U.S. Highway 30 to East Liverpool, Ohio, to points in that part of New York on and south of a line beginning at Port Jervis, N.Y., and extending along U.S. Highway 209 to Kingston, and thence along New York Highway 199 to the New York-Connecticut State line (except New York, N.Y.); (b) from points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction Ohio Highway 36, thence along Ohio Highway 36 to the Ohio-Indiana State line to points in that part of New York on and east of New York Highway 14 (except New York, N.Y.); (c) from points in that part of Washington, Greene, and Fayette Counties, Pa., on and south of Interstate Highway 70, and, on and west of U.S. Highway 219, to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Hancock, N.Y., and extending along New York Highway 17 to Deposit, N.Y., thence along New York Highway 8 to Utica, N.Y., thence along New York Highway 12 to Clayton, N.Y. (except New York, N.Y.);

(d) From points in that part of Pennsylvania bounded by a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, and thence along the Pennsylvania State line to the point of beginning, to points in Kentucky (except Louisville); (e) from points in McKean, Elk, Jefferson, and Clearfield Counties, Pa., located on and west of U.S. Highway 219 to points in that part of Kentucky located on and south of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 19 to junction Kentucky Highway 22, thence along Kentucky Highway 22 to the Kentucky-Indiana State line (except Louisville); (f) from points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion of U.S. Highway 219), thence along unnumbered highway (formerly portion of U.S. Highway 219), via East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Marylend State line, to points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line at or near Louisa, Ky.

(g) From points in that part of Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 62, thence along Pennsylvania Highway 62 to the Pennsylvania-New York State line, to points in that part of Kentucky on and south of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 23 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31W, thence along U.S. Highway 31W to



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junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Indiana State line at or near Henderson, Ky.; (h) from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence along U.S. Highway 6 to Kane, Pa., thence along unnumbered highway (formerly portion U.S. Highway 219), via East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, and thence along the Pennsylvania-New York State line to the point of beginning, to points in that part of Kentucky on and south of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 59 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Illinois State line;

(i) From points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence along U.S. Highway 6 to Kane, Pa., thence along unnumbered highway (formerly portion U.S. Highway 219), via East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, to points in that part of Kentucky on and west of a line beginning at the Kentucky-Illinois State line, and extending along U.S. Highway 45 to junction Kentucky Highway 97, and thence along Kentucky Highway 97 to the Kentucky-Tennessee State line; (j) from points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to Lake Erie, thence along Lake Erie to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line extending along U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence along U.S. Highway 6 to Kane, Pa., thence along unnumbered highway (formerly portion U.S. Highway 219), via East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, and Pennsylvania-West Virginia State line to junction U.S. Highway 19, to points in that part of Kentucky on and south of a line beginning at the Kentucky-Missouri State line and extending along Kentucky Highway 80 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line at or near Louisa, Ky.; and (k) from points in that part of Ohio on and east of a line beginning at East Liverpool, Ohio, and extending along Ohio Highway 7 to Shadyside, Ohio, to points in Ballard, Carlisle, Groves, Hickman, McCracken, and Fulton Counties, Ky. The purpose of this filing is to eliminate the gateways of Fairmont, W. Va., and Star City, W. Va.

No. MC 64808 (Sub-No. E16), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Milwaukee, Wis., to points in Maryland. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E17), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Milwaukee, Wis., to points in Allegheny, Fayette, Greene, Indiana, and Washington Counties, Pa., points in that part of Clearfield, Cambria, and Somerset Counties, Pa., on and west of U.S. Highway 219, and points in Westmoreland County, Pa., on and east of Pennsylvania Highway 711. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E18), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Columbus, Ohio, to points in Maryland. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E19), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising materials*, from Columbus, Ohio, to points in Fayette County, Pa., points in that part of Westmoreland County, Pa., on and east of Pennsylvania Highway 711, and points in that part of Cambria and Somerset Counties, Pa., on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E20), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburg, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and lime products* (except commodities in bulk), from York, Pa., to Fairmont, W. Va. The purpose of this filing is to eliminate the gateway of Grafton, W. Va.

No. MC 64808 (Sub-No. E21), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburg, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and lime products* (except commodities in bulk), from York and Thomasville, Pa., to points in Ohio (except points in Ashtabula, Lake, Geauga, Cuyohoga, Lorain, Medina, Summit, Portage, Trumbull, Mahoning, Stark, Columbiana, Carroll, and Jefferson Counties, Ohio). The purpose of this filing is to eliminate the gateway of Grafton and Fairmont, W. Va.

No. MC 64808 (Sub-No. E22), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in Virginia to points in Harrison, Wetzel, and Monongalia Counties, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E23), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on, north and east of a line beginning at the West Virginia-Virginia State line, and extending along U.S. Highway 50 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction U.S. Highway 60, and thence over U.S. Highway 60 to the Atlantic Ocean, to points in Upshur





County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E24), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on, east and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 250, thence over U.S. Highway 250 to Richmond, Va., thence over U.S. Highway 1 to junction U.S. Highway 460, thence over U.S. Highway 460, thence over U.S. Highway 460 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction U.S. Highway 220, thence over U.S. Highway 220 to the Virginia-North Carolina State line, to points in Barbour County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E25), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and south of U.S. Highway 60 to points in Preston County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E26), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 58 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction U.S. Highway 460, thence over U.S. Highway 460 to the Virginia-Kentucky State line, to points in Barbour County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E28), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 259 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 211, thence over U.S. Highway 211 to junction U.S. Highway 522, thence over U.S. Highway 522 to junction Virginia Highway 609, thence over Virginia Highway 609 to junction U.S. Highway 360, thence over U.S. Highway 360 to the Virginia-North Carolina State line, to points in Lewis County, W. Va. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E29), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in Bland, Carroll, Wythe, Grayson, Smyth, Washington, Russell, Tazewell, Buchanan, Dickenson, Cott, and Wise Counties, Va., to points in Allegany and Garrett Counties, Md. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E30), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in Virginia, to points in that part of Ohio on, north and east of a line beginning at the Ohio-Lake Erie border, and extending along Ohio Highway 58 to junction Ohio Highway 89, thence over Ohio Highway 89 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 250 at Wooster, Ohio, thence over U.S. Highway 250 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E31), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along Virginia Highway 91 to junction U.S. Highway 58, thence over U.S. Highway 58, thence over alternate U.S. Highway 58 to junction U.S. Highway 23, and thence over U.S. Highway 23 to the Virginia-Kentucky State line, to points in that part of Ohio on, north and west of a line beginning at the Ohio-Indiana State line and extending over U.S. Highway 30 to Delphos, Ohio, thence over U.S. Highway 30N to junction Ohio Highway 89, thence over Ohio Highway 89 to Lake Erie. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E32), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 301 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 39, thence along Virginia Highway 39 to the Virginia-West Virginia State line, to points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E33), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 220, thence along



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transporting: *Household goods*, as de-



Bldg., Pittsburgh, Pa. 15219. Authority

mont, W. Va. 26554. Applicant's repre-

U.S. Highway 220 to the West Virginia-Virginia State line, to points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion of U.S. Highway 219), thence along U.S. Highway 6 to Kane, Pa., thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E34), filed August 8, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer, plywood, and dimension stock), from points in that part of Virginia on and south of a line beginning at the Virginia-District of Columbia State line extending along U.S. Highway 211 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, to points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to Lake Erie. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E35), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from points in that part of Ohio on, south and east of a line beginning at Portsmouth, Ohio, and extending along U.S. Highway 23 to junction Ohio Highway 124, thence along Ohio Highway 124 to Jackson, Ohio, thence along Ohio Highway 93 to McArthur, Ohio, thence along U.S. Highway 50 to Athens, Ohio, and thence along Alternate U.S. Highway 50 to the Ohio-West Virginia State line, to points in New York (except New York, N.Y.). The purpose of this filing is to eliminate the gateway of Fairmont and Star City, W. Va.

No. MC 64808 (Sub-No. E36), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, as defined by the Commission*, (1) between points in Maryland, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, the lower Peninsula of Michigan and Ohio; (2) between points in Maryland, on the one hand, and, on the other, points in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction West Virginia Highway 16, and thence over West Virginia Highway 16 to the West Virginia-Virginia State line; and (3) between points in Allegany and Garrett Counties, Maryland, on the one hand, and, on the other, points in Bland, Carroll, Wythe, Grayson, Smyth, Washington, Russell, Tazewell, Buchanan, Dickenson, Scott, and Wise Counties, Va. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E38), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Barbour, Lewis, Preston, Randolph, Taylor, Upshur, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Illinois, Indiana, the lower Peninsula of Michigan, New Jersey, and New York, (2) between points in Barbour, Preston, Taylor, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Kentucky, and (3) between points in Lewis and Upshur Counties, W. Va., on the one hand, and, on the other, points in Kentucky (except points in that part of Kentucky north of a line beginning at Maysville, Ky., and extending along Kentucky Highway 11 to junction Kentucky Highway 32, and thence over Kentucky Highway 32 to Louisa, Ky.). The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E39), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Randolph County, W. Va., on the one hand, and, on the other, points in Kentucky (except points east and south of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 119 to Pikeville, Ky., thence over U.S. Highway 23 to junction Kentucky Highway 80, thence over Kentucky Highway 80 to junction Interstate Highway 75, and thence over Interstate Highway 75 to the Kentucky-Tennessee State line; (2) between points in Randolph County, W. Va., on the one hand, and, on the other, points in that part of Pennsylvania on and east of U.S. Highway 219 (except points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 70 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 83, thence over Interstate Highway 83, to the Pennsylvania-Maryland State line, and thence along the Pennsylvania-Maryland State line to the point of beginning; and (3) between points in Barbour, Lewis, Taylor, Upshur, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Pennsylvania east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Fairmont W. Va.

No. MC 64808 (Sub-No. E40), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Preston County, W. Va., on the one hand, and, on the other, points in that part of Pennsylvania on and east of U.S. Highway 219 (except points east of a line beginning at the Delaware-Pennsylvania State line and extending along Pennsylvania Highway 82 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 154, thence along Pennsylvania Highway 154 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, and thence along U.S. Highway 15 to the Pennsylvania-New York State line); (2) between points in Wetzle County, W. Va., on the one hand, and on the other, points in Virginia; and (3) between points in Taylor County, W. Va., on the one hand, and, on the other, points in Virginia (except points in that part of Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 15, and thence along U.S. Highway 15 to the Virginia-Maryland State line). The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E41), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,





transporting: *Household goods*, as defined by the Commission; (1) between points in Lewis County, W. Va., on the one hand, and, on the other, points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 259 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction U.S. Highway 360, and thence along U.S. Highway 360 to the Virginia-North Carolina State line; (2) between points in Preston County, W. Va., on the one hand, and, on the other, points in Virginia on and south of U.S. Highway 60; and (3) between points in Barbour County, W. Va., on the one hand, and, on the other, points in Virginia on, east, and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 250, thence along U.S. Highway 250 to Richmond, Va., thence along U.S. Highway 1 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E42), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Barbour County, W. Va., on the one hand, and, on the other, points in that part of Virginia on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 58 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-Kentucky State line; and (2) between points in Upshur County, W. Va., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 50 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 60, and thence along U.S. Highway 60 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Fairmont, W. Va.

No. MC 64808 (Sub-No. E43), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line and Pennsylvania-West Virginia State line to U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, and thence along the Pennsylvania-New York State line to the point of beginning, on the one hand, and, on the other, points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, and extending along Indiana Highway 46 to junction Interstate Highway 70, and thence along Interstate Highway 70 to the Indiana-Illinois State line, including points on the above-described highways; and (2) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the point of beginning, on the one hand, and, on the other, points in that part of Indiana on and south of Interstate Highway 74, including points on the above described highways. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E44), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Pennsylvania on, south, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 119, and thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of Michigan on and north of a line beginning at the Lake Michigan-Michigan border, and extending along Michigan Highway 46 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Illinois Highway 61, thence along Illinois Highway 61 to the Michigan-Lake Huron border. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E45), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Washington and Greene Counties, Pa., on the one hand, and, on the other, points in Anne Arundel, Baltimore, Baltimore City, Calvert, Caroline, Cecil, Charles, Dorchester, Harford, Kent, Prince Georges, Queen Annes, Somerset, St. Marys, Talbot, Wicomico, and Worcester Counties, Md.; and (2) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-West Virginia State line and extending along Pennsylvania Highway 68 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-Ohio State line, and thence along the Pennsylvania-Ohio State line and Pennsylvania-West Virginia State line to the point of beginning, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Kentucky-Illinois State line, and extending along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 100 at Alton, Ill., thence along Illinois Highway 100 to junction Illinois Highway 96, and thence along Illinois Highway 96 to Hamilton, Ill., including points on the above described highways. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E47), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, and thence along the Pennsylvania-West Virginia State line and the Pennsylvania-Maryland State line to the point of beginning, on the one hand, and, on the other, points in Indiana, including points on the above described highways. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E48), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,





transporting: *Household goods*, as de-

sentative: William J. Lavelle 2310 Grant

mission, between points in Arkansas, on



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transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, and thence along the Pennsylvania-West Virginia State line and Pennsylvania-Maryland State line to the point of beginning, on the one hand, and, on the other, points in Michigan (Lower Peninsula); and (2) between points in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Michigan (Lower Peninsula), on and north of Michigan Highway C–66. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E49), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Pennsylvania on, south, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along Interstate Highway 70 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in New Jersey; and (2) between points in that part of Pennsylvania on and west of U.S. Highway 219 and on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to the Pennsylvania-Lake Erie border, on the one hand, and, on the other, points in that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 29 to junction Virginia Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 220, and thence along U.S. Highway 220 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 64808 (Sub-No. E50), filed June 4, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 79, and thence along Interstate Highway 79 to the Pennsylvania-Lake Erie border, on the one hand, and, on the other, points in that part of Virginia on and south of a line beginning at the Virginia-District of Columbia State line and extending along U.S. Highway 211 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 33, and thence along U.S. Highway 33 to the Virginia-West Virginia State line; (2) between points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to the Pennsylvania-Lake Erie shore, on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-West Virginia State line; and

(3) Between points in Pennsylvania on and bounded by a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to the Pennsylvania-Lake Erie shore, on the one hand, and, on the other, points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 20 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

No. MC 66990 (Sub-No. E1), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., Tulsa, Okla. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lawrence County, Ill., on the one hand, and, on the other, points in that part of Michigan on or west of a line beginning at the Indiana-Michigan State line extending along U.S. Highway 27 to junction U.S. Highway 75, thence along U.S. Highway 75 to Lake Michigan. The purpose of this filing is to eliminate the gateway of points in the Chicago, Ill., commercial zone located in Indiana.

No. MC 66990 (Sub-No. E6), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lawrence County, Ill., on the one hand, and, on the other, points in New Jersey and New York. The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., Commercial Zone which are located in Indiana.

No. MC 66990 (Sub-No. E7), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lawrence County, Ill., and Chicago, Ill., on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points in Missouri within 25 miles thereof, and points in Kay County, Okla., and points within 50 miles thereof.

No. MC 66990 (Sub-No. E8), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 40 to the Arkansas-Tennessee State line, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E5), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., Tulsa, Okla. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lawrence County, Ill., on the one hand, and, on the other, points in that part of Michigan on or west of a line beginning at the Indiana-Michigan State line extending along U.S. Highway 27 to junction U.S. Highway 75, thence along U.S. Highway 75 to Lake Michigan. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E2), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., Tulsa, Okla. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 40 to the Arkansas-Tennessee State line, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E3), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., Tulsa, Okla. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lawrence County, Ill., on the one hand, and, on the other, points in that part of Michigan on or west of a line beginning at the Indiana-Michigan State line extending along U.S. Highway 27 to junction U.S. Highway 75, thence along U.S. Highway 75 to Lake Michigan. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.





No. MC 66990 (Sub-No. E4), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points within 25 miles thereof, points in Tulsa County, Okla., and points within 25 miles thereof, and points in Kay County, Okla., and points within 50 miles thereof.

No. MC 66990 (Sub-No. E9), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane, East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Kay County, Okla., and points within 50 miles thereof. The purpose of this filing is to eliminate the gateways of Lawrence County, Ill., and Joplin, Mo., and points in Missouri within 25 miles thereof.

No. MC 66990 (Sub-No. E10), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 401 Cedar Lane East Meadow, Long Island, N.Y. 11554. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E12), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Chicago, Ill., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Joplin, Mo., and points in Missouri within 25 miles thereof.

No. MC 66990 (Sub-No. E14), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Iowa, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E17), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 60 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Joplin, Mo., and points in Missouri within 25 miles thereof, and points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E18), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, Joplin, Mo., and points within 25 miles thereof, and points in Kay County, Okla., and points within 50 miles thereof. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E19), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E21), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E22), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.; Joplin, Mo., and points in Missouri within 25 miles thereof; points in Tulsa County, and points within 25 miles thereof; and points in Kay County, Okla., and points in Oklahoma within 50 miles thereof.

No. MC 66990 (Sub-No. E23), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan and Ohio, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E24), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Missouri within 25 miles thereof, and points in Kay County, Okla., and points within 50 miles thereof.

No. MC 66990 (Sub-No. E20), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N.







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Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E25), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Joplin, Mo., and points within 25 miles thereof, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in the Chicago, Ill., commercial zone, which are located in Illinois.

No. MC 66990 (Sub-No. E26), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 6 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 66990 (Sub-No. E28), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Kay County, Okla., and points within 50 miles thereof, and points in that part of Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., commercial zone which are located in Illinois, and points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E29), filed May 31, 1974. Applicant: MOVING CORPORTATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Texas on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., commercial zone which are located in Illinois, and points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 66990 (Sub-No. E30), filed May 31, 1974. Applicant: MOVING CORPORATION OF AMERICA, INC., 2001 N. Mingo Rd., Tulsa, Okla. 74116. Applicant's representative: Frances Jalet, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in the Chicago, Ill., commercial zone which are located in Illinois, and points within 50 miles of Kay County, Okla., which are within 25 miles of Tulsa County, Okla.

No. MC 73165 (Sub-No. E42), filed May 20, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron and brass valves and components and cast iron fire hydrants*, except those requiring special equipment. (1) from points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 80, to points in Georgia on and northeast of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 19 to the Florida-Georgia line, (2) from points in Mississippi on and north of U.S. Highway 78, to points in Georgia except those west and north of a line beginning at the Tennessee-Georgia line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama line, (3) from points in Mississippi on and south of U.S. Highway 80, and on and north of U.S. Highway 98, to points in Georgia on and north of U.S. Highway 280 from Columbus to McRae and thence over U.S. Highway 23 to the Georgia-Florida line, (4) from points in Mississippi on and south of U.S. Highway 98, to points in Georgia on and north of a line beginning at the Alabama-Georgia line and thence over U.S. Highway 78 to Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina line, (5) from points in Mississippi on and south of U.S. Highway 80, to points in Tennessee on and east of U.S. Highway 31 and 31W, (6) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, to points in Tennessee on and east of U.S. Highway 231.

(7) From points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, to points in Tennessee on and east of U.S. Highway 127, (8) from points in Mississippi on and southeast of Interstate Highway 59, to points in Tennessee on and east of Tennessee Highway 13, (9) from points in Mississippi on and south of U.S. Highway 80, to points in Alabama on and northeast of a line beginning at the Tennessee-Alabama line and thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia line, (10) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, and on and west of U.S. Highway 45A and 45, to points in Alabama on and east of U.S. Highway 431 from the Alabama-Tennessee line to Phoenix City, Ala. (11) from points in Mississippi on and north of U.S. Highway 82, to points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Florida line, and thence over U.S. Highway 231 to Montgomery, thence U.S. Highway 31 to Birmingham, (12) from points in Mississippi on and north of U.S. Highway 80, to points in Florida east of Florida Highway 51, (13) from points in Mississippi on and north of a line beginning at the Louisiana-Mississippi line, thence over Mississippi Highway 12 to Kocsicusko, thence over Mississippi Highway 14 to Mississippi-Alabama line, to points in Florida on and east of U.S. Highway 231, (14) from points in Mississippi on and north of U.S. Highway 78, to points in Florida, (15) from points in Georgia on and south of U.S. Highway 29, to points in Tennessee on and west of a line beginning at the Alabama-Tennessee line and thence over U.S. Highway 43 to Summertown, thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee line, (16) from points in Georgia, to points in Tennessee on and west of U.S. Highway 51.

(17) From points in Georgia on and south of U.S. Highway 80 to points in Tennessee on and west of Interstate Highway 65, (18) from points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, to points in Tennessee on and west of U.S. Highway 231, (19) from points in Georgia on and south of U.S. Highway 82 and on and west of Interstate Highway 75, to points in Tennessee on and west of Tennessee Highway 56, (20) from points in Georgia, to points in Alabama on and north of a line beginning at the Alabama-Mississippi line over U.S. Highway 82 to Birmingham and on and south of a line beginning at





the Alabama-Tuscaloosa, thence U.S. Highway 11 to Mississippi line over U.S. Highway 78 to Birmingham, (21) from points in Georgia on and north of U.S. Highway 78 and U.S. Highway 378, to points in Alabama on and west of a line beginning at the Alabama-Florida line, thence over Alabama Highway 41 to Selma, thence Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 78 to Alabama-Mississippi line, (22) from points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, to points in Alabama on and north of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi line, (23) from points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence over U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Baldwin, thence U.S. Highway 123 to Georgia-South Carolina line, to points in Florida on and west of Florida Highway 87.

(24) From points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and west of 231, (25) from points in Tennessee on and east of the Hatchie River and on and west of U.S. Highway 27, to points in Alabama on and south of U.S. Highway 80, (26) from points in Tennessee on and west of Tennessee Highway 56, to points in Florida, (27) from points in Tennessee on and east of Tennessee Highway 56 and on and west of U.S. Highway 27, to points in Florida on and west of a line beginning at the Alabama-Florida line over U.S. Highway 129 to Chiefland, thence U.S. Highway 98 to Lakeland, thence U.S. Highway 92 to St. Petersburg, (28) from points in Tennessee on and east of U.S. Highway 27, to points in Florida on and west of U.S. Highway 231, (29) from points in Georgia on and northwest of U.S. Highway 411 to points in Florida on and south of a line beginning at Sarasota, thence Florida Highway 72 to Arcadia, thence Florida Highway 70 to Ft. Pierce, (30) from points in Tennessee on and west of Interstate Highway 75, to points in Florida on and south of Florida Highway 60, (31) from points in Mississippi on and north of U.S. Highway 84, to points in Florida on and south of Florida Highway 60, (32) from points in Georgia on and north of U.S. Highway 80, to points in Louisiana east of the Mississippi River, (33) from points in Tennessee on and east of Tennessee Highway 69, to points in Louisiana, east of the Mississippi River (34) from points in Georgia, to points in Texas.

(35) From points in Mississippi, to points in Virginia, (36) from points in Tennessee on and east of U.S. Highway 231, to points in Texas, (37) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in Virginia on and east of a line beginning at the Virginia-North Carolina line over U.S. Highway 220 to Martinsville, thence U.S. Highway 58 to Clarksville, thence U.S. Highway 15 to the Virginia-Maryland line, (38) from points in Mississippi on and south of a line beginning at the Mississippi-Arkansas line, thence over Mississippi Highway 6 to Tupelo, thence over U.S. Highway 78 to the Mississippi-Alabama line, to points in West Virginia, (39) from points in Mississippi, and points in Tennessee on and south of the Hatchie River, to points in West Virginia on and east of U.S. Highway 219, (40) from points in Georgia on and west of U.S. Highway 27 from Columbus, Ga. to the Georgia-Florida line, to points in West Virginia, (41) from Chattanooga, Tenn., to points in Missouri and Iowa on and west of a line at the Missouri-Arkansas line, thence over Missouri Highway 17 to Mountain View, thence U.S. Highway 60 to Springfield, Mo., thence U.S. Highway 65 to Iowa Falls, Iowa, thence U.S. Highway 20 to Waterloo, thence U.S. Highway 63 to Iowa-Minnesota line, (42) from points in Georgia on and southwest of a line beginning at Columbus, Ga., thence over U.S. Highway 280 to Americus, thence over U.S. Highway 19 to Albany, thence over Georgia 133 to the Georgia-Florida line, to points in Kentucky on and west of Interstate Highway 75, and points in Ohio.

(43) From points in Georgia on and south of U.S. Highway 278 to points in Kentucky on and west of the Tennessee River (Kentucky Lake), Illinois, Missouri, and Wisconsin, (44) from points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 278 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Michigan, (45) from points in Georgia, to points in Iowa and Kansas, (46) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Greenwood, thence U.S. Highway 49E to Yazoo City, thence U.S. Highway 49 to Jackson, thence Interstate Highway 80 to Vicksburg, to points in Ohio, (47) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line, thence over Mississippi Highway 12 to Durant, thence U.S. Highway 51 to the Mississippi-Louisiana line, to points in Wisconsin, (48) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Columbus, thence U.S. Highway 45 to Meridian, thence Interstate Highway 59 to Mississippi-Louisiana line, to points in Wisconsin, Iowa, Kansas north of Interstate Highway 70 and west of U.S. Highway 81, and points in Illinois on and north of U.S. Highway 20.

(49) From points in Mississippi on and southeast of Interstate Highway 59, to St. Louis, Mo., and points in Kentucky on and east of U.S. Highway 231, (50) from points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Indiana on and northwest of a line beginning at the Indiana-Illinois line, thence over Interstate Highway 70 to Indianapolis, thence Interstate Highway 69 to Indiana-Michigan line, (51) from points in Georgia on and south of U.S. Highway 80, to points in Indiana on and west of Indiana Highway 3, (52) from points in Mississippi on and south of a line beginning at the Mississippi-Louisiana line thence over U.S. Highway 80 to Forest, thence Mississippi 21 to Shuqualak, thence U.S. Highway 45 to Columbus, thence Mississippi Highway 12 to Mississippi-Alabama line, to points in Indiana, (53) from points in Georgia, to points in Oklahoma, (54) from points in Tennessee on and east of Interstate Highway 75, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 73165 (Sub-No. E47), filed May 20, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, except those requiring special equipment, (1) from points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 80, to points in Georgia on and northeast of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 19 to the Florida-Georgia line, (2) from points in Mississippi on and north of U.S. Highway 78, to points in Georgia except those west and north of a line beginning at the Tennessee-Georgia line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama line, (3) from points in Mississippi on and south of U.S. Highway 80, and on and north of U.S. Highway 98, to points in Georgia on and north of a line beginning at the Alabama-Georgia line and thence over U.S. Highway 78 to Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina line.

(5) From points in Mississippi on and south of U.S. Highway 80, to points in Tennessee on and east of U.S. Highway 31 and 31W, (6) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, to points in Tennessee on and east of U.S. Highway 231, (7) from points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, to points in Tennessee on and east of U.S. Highway 127, (8) from points in Mississippi on and southeast of Interstate Highway 59, to points in Tennessee on and east of Tennessee Highway 13, (9) from points in Mississippi on and south of U.S. Highway 80, to points in Alabama on and northeast of a line beginning at the Tennessee-Alabama line and thence over







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Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia line, (10) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, and on and west of U.S. Highway 45A and 45, to points in Alabama on and east of U.S. Highway 431 from the Alabama-Tennessee line to Phenix City, Ala., (11) from points in Mississippi on and north of U.S. Highway 82, to points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Florida line, and thence over U.S. Highway 231 to Montgomery, thence U.S. Highway 31 to Birmingham, (12) from points in Mississippi on and north of U.S. Highway 80, to points in Florida east of Florida Highway 51.

(13) From points in Mississippi on and north of a line beginning at the Louisiana-Mississippi line, thence over Mississippi Highway 12 to Kosciusko, thence over Mississippi Highway 14 to Mississippi-Alabama line, to points in Florida on and east of U.S. Highway 231, (14) from points in Mississippi on and north of U.S. Highway 78, to points in Florida, (15) from points in Georgia on and south of U.S. Highway 29, to points in Tennessee on and west of a line beginning at the Alabama-Tennessee line and thence over U.S. Highway 43 to Summertown, thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee line, (16) from points in Georgia, to points in Tennessee on and west of U.S. Highway 51, (17) from points in Georgia on and south of U.S. Highway 80, to points in Tennessee on and west of Interstate Highway 65, (18) from points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, to points in Tennessee on and west of U.S. Highway 231, (19) from points in Georgia on and south of U.S. Highway 82 and on and west of Interstate Highway 75, to points in Tennessee on and west of Tennessee Highway 56, (20) from points in Georgia, to points in Alabama on and north of a line beginning at the Alabama-Mississippi line over U.S. Highway 82 to Tuscaloosa, thence U.S. Highway 11 to Birmingham and on and south of a line beginning at the Alabama-Mississippi line over U.S. Highway 78 to Birmingham.

(21) From points in Georgia on and north of U.S. Highway 78 and U.S. Highway 278, to points in Alabama on and west of a line beginning at the Alabama-Florida line, thence over Alabama Highway 41 to Selma, thence Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 78 to Alabama-Mississippi line, (22) from points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, to points in Alabama on and north of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi line, (23) from points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence over U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Baldwin, thence U.S. Highway 123 to Georgia-South Carolina line, to points in Florida on and west of Florida Highway 87, (24) from points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and west of 231, (25) from points in Tennessee on and east of the Hatchie River and on and west of U.S. Highway 27, to points in Alabama on and south of U.S. Highway 80, (26) from points in Tennessee on and west of Tennessee Highway 56, to points in Florida, (27) from points in Tennessee on and east of Tennessee Highway 56 and on and west of U.S. Highway 27, to points in Florida on and west of a line beginning at the Alabama-Florida line over U.S. Highway 129 to Chiefland, thence U.S. Highway 98 to Lakeland, thence U.S. Highway 92 to St. Petersburg.

(28) From points in Tennessee on and east of U.S. Highway 27, to points in Florida on and west of U.S. Highway 231, (29) from points in Georgia on and northeast of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 19 to the Florida-Georgia line, to points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 80, (30) from points in Georgia except those west and north of a line beginning at the Tennessee-Georgia line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama line, to points in Mississippi north of U.S. Highway 78, (31) from points in Georgia on and north of U.S. Highway 280 from Columbus to McRae and thence over U.S. Highway 23 to the Georgia-Florida line, to points in Mississippi on and south of U.S. Highway 80 and on and north of U.S. Highway 98, (32) from points in Georgia on and north of a line beginning at the Alabama-Georgia line and thence over U.S. Highway 78 at Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina line, to points in Mississippi on and south of U.S. Highway 98, (33) from points in Tennessee on and east of U.S. Highway 31 and 31W, to points in Mississippi on and south of U.S. Highway 80, (34) from points in Tennessee on and east of U.S. Highway 231, to points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, (35) from points in Tennessee on and east of U.S. Highway 127, to points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, (36) from points in Tennessee on and east of Tennessee Highway 13, to points in Mississippi on and southeast of Interstate Highway 59.

(37) From points in Tennessee on and west of a line beginning at the Alabama-Tennessee line, and thence over U.S. Highway 43 to Summertown, thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee line, to points in Georgia on and south of U.S. Highway 29, (38) from points in Tennessee on and west of U.S. Highway 51, to points in Georgia, (39) from points in Tennessee on and west of Interstate Highway 65, to points in Georgia on and south of U.S. Highway 80, (40) from points in Tennessee on and west of U.S. Highway 231, to points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, (41) from points in Tennessee on and west of Tennessee Highway 56, to points in Georgia on and south of U.S. Highway 82 and on and west of Interstate Highway 75, (42) from points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and south of a line beginning at Sarasota, thence Florida Highway 72 to Arcadia, thence Florida Highway 70 to Ft. Pierce, (43) from points in Tennessee on and west of Interstate Highway 75, to points in Florida on and south of Florida Highway 60, (44) from points in Mississippi on and north of U.S. Highway 84, to points in Florida on and south of Florida Highway 60, (45) from points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence U.S. Highway 82 to Waycross, thence U.S. Highway 84 to Brunswick, to points in Louisiana northwest of a line beginning at the Mississippi River, thence U.S. Highway 190 to Opelousas, thence U.S. Highway 167 to Abbeville, (46) from points in Georgia, to points in Louisiana on and northwest of a line beginning at the Louisiana-Texas line, thence U.S. Highway 90 to intersection with U.S. Highway 165, thence U.S. Highway 165 to Alexandria, thence Louisiana Highway 1 to Morganza, (47) from points in Georgia on and north of U.S. Highway 80, to points in Louisiana.

(48) From points in Tennessee on and east of U.S. Highway 31 and 31W, to points in Louisiana, (49) from points in Tennessee on and east of Tennessee Highway 69, to points in Louisiana, east of the Mississippi River, (50) from points in Georgia, to points in Texas, (51) from points in Mississippi, to points in Virginia, (52) from points in Tennessee on and east of U.S. Highway 231, to points in Texas, (53) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in Virginia on and east of a line beginning at the Virginia-North Carolina line over U.S. Highway 220 to Martinsville, thence U.S. Highway 58 to Clarksville, thence U.S. Highway 15 to the Virginia-Maryland line, (54) from points in Mississippi, to points in North Carolina and South Carolina, (55) from points in Tennessee on and south of the Hatchie River, to points in North Carolina and South Carolina, (56) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in North Carolina on and east of U.S. Highway 21, and points in South Carolina, (57) from points in Tennessee on and west of a line beginning at the Tennessee-Alabama line, thence over U.S. Highway 431 to Lewisburg, thence Tennessee Highway 50 to Centerville, thence Tennessee Highway 100 to Tennessee River, thence with Tennessee River to Tennessee-Kentucky line, to points in North Carolina and South Carolina on and east of U.S. Highway 1, (58) from points in Mississippi on and south of a line beginning at the Mississippi-Arkansas line, thence over Mississippi Highway 6 to Tupelo, thence over U.S. Highway 78 to the Mississippi-Alabama line, to points in West Virginia.

(59) From points in Mississippi, and points in Tennessee on and south of the Hatchie River, to points in West Virginia on and east of U.S. Highway 219, (60) from points in Georgia on and west of U.S. Highway 27 from Columbus, Ga., to the Georgia-Florida line, to points in West Virginia, (61) from points in Mississippi on and south of U.S. Highway 78, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland, (62) from Mississippi, to points in Pennsylvania on and east of U.S. Highway 219, and points in Maine, New Hampshire, Vermont, Massachusetts Rhode Island, Connecticut, New York, New Jersey, Delaware, and Maryland, (63) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in the U.S. on and east of a line beginning at Philadelphia, Pa., thence over Pennsylvania Turnpike Extension to Scranton, thence U.S. Highway 11 to Maple View, N.Y., thence New York Highway 104 to Oswego, N.Y., (64) from points in Tennessee and Georgia on and west of U.S. Highway 41 to Maine, (65) from points in Georgia on and west of U.S. Highway 27, to points in U.S. on and east of Interstate Highway 87, (66) from Chattanooga, Tenn., to points in Missouri and Iowa on and west of a line at the Missouri-Arkansas line, thence over Missouri Highway 17 to Mountain View, thence U.S. Highway 60 to Springfield, Mo., thence U.S. Highway 65 to Iowa Falls, Iowa, thence U.S. Highway 20 to Waterloo, thence U.S. Highway 63 to Iowa-Minnesota line.

(67) From points in Georgia on and southwest of a line beginning at Columbus, Ga., thence over U.S. Highway 280 to Americus, thence over U.S. Highway 19 to Albany, thence over Georgia Highway 133 to the Georgia-Florida line, to points in Kentucky on and west of Interstate Highway 75, and points in Ohio, (68) from points in Georgia on and south of U.S. Highway 278, to points in Kentucky on and west of the Tennessee River (Kentucky Lake), Illinois, Missouri, and Wisconsin, (69) from points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 278 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Michigan, (70) from points in Georgia to points in Iowa and Kansas, (71) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Greenwood, thence U.S. Highway 49E to Yazoo City, thence U.S. Highway 49 to Jackson, thence Interstate Highway 80 to Vicksburg, to points in Ohio, (72) from points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line, thence over Mississippi Highway 12 to Durant, thence U.S. Highway 51 to the Mississippi-Louisiana line, to points in Wisconsin, (73) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Columbus, thence U.S. Highway 45 to Meridian, thence Interstate Highway 59 to Mississippi-Louisiana line, to points in Wisconsin, Iowa, Kansas north of Interstate Highway 70 and west of U.S. Highway 81, and points in Illinois on and north of U.S. Highway 20, (74) from points in Mississippi on and southeast of Interstate Highway 59, to St. Louis, Mo., and points in Kentucky on and east of U.S. Highway 231.

(75) From points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Macon, thence U.S. Highway 80 to Savannah, to points in Indiana on and northwest of a line beginning at the Indiana-Illinois line, thence over Interstate Highway 70 to Indianapolis, thence Interstate Highway 69 to Indiana-Michigan line, (76) from points in Georgia on and south of U.S. Highway 80, to points in Indiana on and west of Indiana Highway 3, (77) from points in Mississippi on and south of a line beginning at the Mississippi-Louisiana line thence over U.S. Highway 80 to Forest, thence Mississippi Highway 21 to Shuqualak, thence U.S. Highway 45 to Columbus, thence Mississippi Highway 12 to Mississippi-Alabama line, to points in Indiana, (78) from Chattanooga, Tenn., to points in Minnesota, (79) from points in Georgia, to points in Minnesota, (80) from points in Mississippi on and east of a line beginning at Mississippi-Louisiana line, thence Interstate Highway 55 to Ridgeland, thence Natchez Trace to intersection with U.S. Highway 82, thence U.S. Highway 82 to Mississippi-Alabama line, to points in Minnesota, (81) from points in Mississippi on and south of U.S. Highway 80, to points in Minnesota on and east of Interstate Highway 35, (82) from points in Georgia, to points in Arkansas and Oklahoma, (83) from points in Tennessee on and east of Interstate Highway 75, to points in Arkansas on and south of Interstate Highway 40, and points in Oklahoma.

(84) From points in Mississippi on and east of a line beginning at the Mississippi-Louisiana line, thence with the Pearl River to Jackson, U.S. Highway 49 and U.S. Highway 49E to Greenwood, thence Mississippi Highway 7 to Oxford, thence Mississippi Highway 30 to intersection with U.S. Highway 45, thence U.S. Highway 45 to Mississippi-Tennessee line, to points in North Dakota, (85) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence U.S. Highway 45 to Tupelo, thence U.S. Highway 78 to Mississippi-Alabama line, to South Dakota, (86) from points in Mississippi on and east of Interstate Highway 59, to points in Nebraska, (87) from points in Georgia, to all points in Nebraska, North Dakota, and South Dakota, (88) from points in Tennessee on and southeast of a line beginning at the Alabama-Tennessee line, thence U.S. Highway 11 to Knoxville, thence U.S. Highway 70 to Tennessee-North Carfolina line, to South Dakota, North Dakota, and Nebraska, (89) from points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W, to points in Nebraska on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of facilities of Planet Corp. at Birmingham, Ala.

No. MC 73165 (Sub-No. E54), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment* and *parts, attachments and accessories* of material handling equipment, restricted to shipments originating at or destined to the plant sites of the Hyster Co., at Danville, Peoria, and Kewanee, Ill., and restricted against commodities in bulk, (1) between the facilities of Hyster Co., at Danville, Ill., on the one hand, and, on the other, points in South Carolina on and south of U.S. Highway 78, and (2) between the facilities of Hyster Co., at Peoria and Kewanee, Ill., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

No. MC 73165 (Sub-No. E56), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which consist of (1) equipment, materials and supplies used in the manufacture of mobile homes; (2) material handling equipment, and equipment, materials and supplies used in the manufacture of material handling equipment, and (3) parts, attachments, and accessories, used in connection with the commodities described in (1) and (2) above. Restriction: The authority granted herein is restricted against the transportation of commodities in bulk, (1) between points in Alabama, on the one hand, and, on the other, points in New Mexico, Colorado, Nebraska, South Dakota, North Dakota, Wyoming, Montana, Idaho, Washington, Oregon, Utah, Arizona, Nevada, and California. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

No. MC 73165 (Sub-No. E57), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, and trailer chassis and semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial or secondary movements, in truckaway service, except





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those requiring special equipment; (1) from points in Mississippi on and south of U.S. Highway 78, and on and north of U.S. Highway 90, to points in Georgia on and northeast of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 82 to Albany and thence over U.S. Highway 19 to the Florida-Georgia line, (2) from points in Mississippi on and north of U.S. Highway 78, to points in Georgia except those west and north of a line beginning at the Tennessee-Georgia line, thence over Georgia Highway 61 to Villa Rica and thence over U.S. Highway 78 to the Georgia-Alabama line, (3) from points in Mississippi on and south of U.S. Highway 80, and on and north of U.S. Highway 98, to points in Georgia on and north of U.S. Highway 280 from Columbus to McRae and thence over U.S. Highway 23 to the Georgia-Florida line.

(4) From points in Mississippi on and south of U.S. Highway 98, to points in Georgia on and north of a line beginning at the Alabama-Georgia line and thence over U.S. Highway 78 to Atlanta, and thence over U.S. Highway 278 to the Georgia-South Carolina line, (5) from points in Mississippi on and south of U.S. Highway 80, to points in Tennessee on and east of U.S. Highway 31 and 31W, (6) from points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, to points in Tennessee on and east of U.S. Highway 231, (7) from points in Mississippi on and north of U.S. Highway 82, and on and south of U.S. Highway 78, to points in Tennessee on and east of U.S. Highway 127, (8) from points in Mississippi on and southeast of Interstate Highway 59, to points in Tennessee on and east of Tennessee Highway 13, (9) from points in Mississippi on and south of U.S. Highway 80, to points in Alabama on and northeast of a line beginning at the Tennessee-Alabama line and thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 280 to the Alabama-Georgia line.

(10) From points in Mississippi on and north of U.S. Highway 80, and on and south of U.S. Highway 82, and on and west of U.S. Highway 45A and 45, to points in Alabama on and east of U.S. Highway 431 from the Alabama-Tennessee line to Phoenix City, Ala., (11) from points in Mississippi on and north of U.S. Highway 82, to points in Alabama on and south of U.S. Highway 78, and on and east of a line beginning at the Alabama-Florida line, and thence over U.S. Highway 231 to Montgomery, thence U.S. Highway 31 to Birmingham, (12) from points in Mississippi on and north of U.S. Highway 80, to points in Florida east of Florida Highway 51, (13) from points in Mississippi on and north of a line beginning at the Louisiana-Mississippi line, thence over Mississippi Highway 12 to Kosciusko, thence over Mississippi Highway 14 to Mississippi-Alabama line, to points in Florida on and east of U.S. Highway 231, (14) from points in Mississippi on and north of U.S. Highway 78 to points in Florida, (15) from points in Georgia on and south of U.S. Highway 29, to points in Tennessee on and west of a line beginning at the Alabama-Tennessee line and thence over U.S. Highway 43 to Summertown thence over Tennessee Highway 20 to the Tennessee River, thence following the Tennessee River to the Kentucky-Tennessee line, (16) from points in Georgia, to points in Tennessee on and west of U.S. Highway 51.

(17) From points in Georgia on and south of U.S. Highway 80, to points in Tennessee on and west of Interstate Highway 65, (18) from points in Georgia on and south of U.S. Highway 280 and U.S. Highway 341, to points in Tennessee on and west of U.S. Highway 231, (19) from points in Georgia on and south of U.S. Highway 82, and on and west of Interstate Highway 75, to points in Tennessee on and west of Tennessee Highway 56, (20) from points in Georgia, to points in Alabama on and north of a line beginning at the Alabama-Mississippi line over U.S. Highway 82 to Tuscaloosa, thence U.S. Highway 11 to Birmingham and on and south of a line beginning at the Alabama-Mississippi line over U.S. Highway 78 to Birmingham, (21) from points in Georgia on and north of U.S. Highway 78 and U.S. Highway 378, to points in Alabama on and west of a line beginning at the Alabama-Florida line, thence over Alabama Highway 41 to Selma thence Alabama Highway 22 to Clanton, thence over Interstate Highway 65 to Birmingham, thence over U.S. Highway 78 to Alabama-Mississippi line, (22) from points in Georgia on and south of U.S. Highway 82 and U.S. Highway 84, to points in Alabama on and north of a line beginning at the Alabama-Georgia line thence over U.S. Highway 411 to Birmingham, thence U.S. Highway 11 to Eutaw, thence Alabama Highway 14 to the Alabama-Mississippi line.

(23) From points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence over U.S. Highway 78 to Atlanta, thence U.S. Highway 23 to Baldwin, thence U.S. Highway 123 to Georgia-South Carolina line, to points in Florida on and west of Florida Highway 87, (24) from points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and west of 231, (25) from points in Tennessee on and east of the Hatchie River and on and west of U.S. Highway 27, to points in Alabama on and south of U.S. Highway 80, (26) from points in Tennessee on and west of Tennessee Highway 56, to points in Florida, (27) from points in Tennessee on and east of Tennessee Highway 56 and on and west of U.S. Highway 27, to points in Florida on and west of a line beginning at the Alabama-Florida line over U.S. Highway 129 to Chiefland, thence U.S. Highway 98 to Lakeland, thence U.S. Highway 92 to St. Petersburg, (28) from points in Tennessee on and east of U.S. Highway 27, to points in Florida on and west of U.S. Highway 231, (29) from points in Georgia on and northeast of U.S. Highway 411, to points in Florida on and south of a line beginning at Sarasota, thence Florida Highway 72 to Arcadia, thence Florida Highway 70 to Ft. Pierce, (30) from points in Tennessee on and west of Interstate Highway 75, to points in Florida on and south of Florida Highway 60.

(31) From points in Mississippi on and north of U.S. Highway 84, to points in Florida on and south of Florida Highway 60, (32) from points in Georgia on and north of a line beginning at the Georgia-Alabama line, thence U.S. Highway 82 to Waycross, thence U.S. Highway 84 to Brunswick, to points in Louisiana northwest of a line beginning at the Mississippi River, thence U.S. Highway 190 to Opelousas, thence U.S. Highway 167 to Abbeville, (33) from points in Georgia, to points in Louisiana on and northwest of a line beginning at the Louisiana-Texas line, thence U.S. Highway 90 to intersection with U.S. Highway 165, thence U.S. Highway 165 to Alexandria, thence Louisiana Highway 1 to Morganza, (34) from points in Georgia on and north of U.S. Highway 80, to points in Louisiana, (35) from points in Tennessee on and east of U.S. Highway 31 and 31W, to points in Louisiana, (36) from points in Tennessee on and east of Tennessee Highway 69, to points in Louisiana, east of the Mississippi River, (37) from points in Georgia, to points in Texas, except Dallas and Garland, (38) from points in Mississippi, to points in Virginia, except Richmond, (39) from points in Tennessee on and east of U.S. Highway 231, to points in Texas.

(40) From points in Tennessee on and west of U.S. Highway 45 and 45W, to points in Virginia on and east of a line beginning at the Virginia-North Carolina line over U.S. Highway 220 to Martinsville, thence U.S. Highway 58 to Clarksville, thence U.S. Highway 15 to the Virginia-Maryland line, (41) from points in Mississippi, to points in North Carolina and South Carolina, (42) from points in Tennessee on and south of the Hatchie River, to points in North Carolina and South Carolina, (43) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in North Carolina on and east of U.S. Highway 21, and points in South Carolina, (44) from points in Tennessee on and west of a line beginning at the Tennessee-Alabama line, thence over U.S. Highway 431 to Lewisburg, thence Tennessee Highway 50 to Centerville, thence Tennessee Highway 100 to Tennessee River, thence with Tennessee River to Tennessee-Kentucky line, to points in North Carolina and South Carolina on and east of U.S. Highway 1, (45) from points in Mississippi on and south of a line beginning at the Mississippi-Arkansas line, thence over Mississippi Highway 6 to Tupelo, thence over U.S. Highway 78 to the Mississippi-Alabama line, to points in West Virginia.

(46) From points in Mississippi, and points in Tennessee on and south of the Hatchie River, to points in West Virginia on and east of U.S. Highway 219; (47) from points in Georgia on and west of U.S. Highway 27 from Columbus, Ga., to the Georgia-Florida line, to points in West Virginia; (48) from points in Mississippi on and south of U.S. Highway 78,





to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, and Delaware; (49) from Mississippi, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and Delaware; (50) from points in Tennessee on and west of U.S. Highway 45 and 45W, to points in the U.S. on and east of a line beginning at Philadelphia, Pa., thence over Pennsylvania Turnpike Extension to Scranton, thence U.S. Highway 11 to Maple View, N.Y., thence New York Highway 104 to Oswago, N.Y., except points in Pennsylvania, New York and New Jersey; (51) from points in Tennessee and Georgia on and west of U.S. Highway 41 to Maine; (52) from points in Georgia on and west of U.S. Highway 27, to points in U.S. on and east of Interstate Highway 87, except points in New York; (53) from Chattanooga, Tenn., to points in Missouri on and west of a line at the Missouri-Arkansas line, thence over Missouri Highway 17 to Mountain View, thence U.S. Highway 60 to Springfield, Mo., thence U.S. Highway 65 to Iowa-Missouri line.

(54) From points in Georgia on and southwest of a line beginning at Columbus, Ga., thence over U.S. Highway 280 to Americus, thence over U.S. Highway 19 to Albany, thence over Georgia Highway 133 to the Georgia-Florida line, to points in Kentucky on and west of Interstate Highway 75; (55) from points in Georgia on and south of U.S. Highway 278, to points in Kentucky on and west of the Tennessee River (Kentucky Lake), and Missouri; (56) from points in Georgia, to points in Kansas; (57) from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence over U.S. Highway 82 to Columbus, thence U.S. Highway 45 to Meridian, thence Interstate Highway 59 to Mississippi-Louisiana line, to points in Kansas north of Interstate Highway 70 and west of U.S. Highway 81; (58) from points in Mississippi on and southeast of Interstate Highway 59 to St. Louis, Mo., and points in Kentucky on and east of U.S. Highway 231; (59) from Chattanooga, Tenn., to points in Minnesota; (60) from points in Georgia, to points in Minnesota; (61) from points in Mississippi on and east of a line beginning at Mississippi-Louisiana line, thence Interstate Highway 55 to Ridgeland, thence Natchez Trace to intersection with U.S. Highway 82, thence U.S. Highway 82 to Mississippi-Alabama line, to points in Minnesota; (62) from points in Mississippi on and south of U.S. Highway 80, to points in Minnesota on and east of Interstate Highway 35.

(63) From points in Georgia, to points in Arkansas and Oklahoma; (64) from points in Tennessee on and east of Interstate Highway 75, to points in Arkansas on and south of Interstate Highway 40, and points in Oklahoma; (65) from points in Mississippi, to Washington and Oregon; (66) from points in Mississippi on and east of a line beginning at the Mississippi-Louisiana line, thence with the Pearl River to Jackson, U.S. Highway 49 and U.S. Highway 49E to Greenwood, thence Mississippi Highway 7 to Oxford, thence Mississippi Highway 30 to intersection with U.S. Highway 45, thence U.S. Highway 45 to Mississippi-Tennessee line, to points in North Dakota, Wyoming, Montana, Idaho, and California; (67) from points in Mississippi on and north of a line beginning at Mississippi-Arkansas line, thence U.S. Highway 49 to Gulf of Mexico, to points in California; (68 from points in Mississippi on and east of a line beginning at the Alabama-Mississippi line, thence U.S. Highway 45 to Tupelo, thence U.S. Highway 78 to Mississippi-Alabama line, to Arizona, Utah, Nevada, New Mexico, Colorado, and South Dakota; (69) from points in Mississippi on and southeast of the line beginning at Tennessee-Mississippi line, thence U.S. Highway 45 to Tupelo, thence U.S. Highway 78 to Alabama-Mississippi line, to points in Arizona, Utah, and Nevada; (70) from points in Mississippi on and east of Interstate Highway 59, to points in Nebraska.

(71) From points in Georgia to all points in Nebraska, New Mexico, Arizona, Colorado, Utah, Nevada, South Dakota, North Dakota, Wyoming, Montana, Idaho, Washington, Oregon, and California; (72) from points in Tennessee, to points in Washington, Oregon, and California; (73) from points in Tennessee on and east of a line beginning at Tennessee-Alabama line, thence U.S. Highway 45 to Milan, thence U.S. Highway 79 to Tennessee-Kentucky line, to points in Arizona, Nevada, and Idaho; (74) from points in Tennessee on and east of U.S. Highway 31 and U.S. Highway 31W, to points in New Mexico, Utah, Wyoming, and Montana; (75) from points in Tennessee on and southeast of a line beginning at the Alabama-Tennessee line, thence U.S. Highway 11 to Knoxville, thence U.S. Highway 70 to Tennessee-North Carolina line, to Colorado, South Dakota, North Dakota, and Nebraska; (76) from points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W, to points in Nebraska on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 73165 (Sub-No. E58), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, except those requiring special equipment, and restricted against the transportation of commodities used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (1) from points in Georgia on and north of a line beginning at the Georgia-Florida State line, thence along Interstate Highway 75 to Cordele, thence along U.S. Highway 280 to Columbus, to points in Arkansas, (2) from points in Tennessee on and east of Interstate Highway 75, to points in Arkansas and Oklahoma, and (3) from points in Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 29 to Jasper, thence along Florida Highway 51 to the Gulf of Mexico, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 73165 (Sub-No. E59), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from points in South Carolina, to Kansas and Missouri, (2) from points in North Carolina, to points in Kansas, (3) from points in North Carolina, to points in Missouri on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 71 to Kansas City, thence along Interstate Highway 35 to the Missouri-Iowa State line, and (4) from points in North Carolina on and east of a line beginning at the North Carolina and South Carolina line, thence along U.S. Highway 1 to Raleigh, thence along U.S. Highway 64 to Atlantic Ocean, to points in Missouri. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 73165 (Sub-No. E65), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* (except in bulk used in air, water, and sewage systems and installations, which consists of material handling equipment, and equipment, materials, and supplies used in the manufacture of material handling equipment, and parts, attachments, and accessories, used in connection with material handling equipment) (1) between Memphis, Tenn., on the one hand, and, on the other, points in North Carolina; (2) between points in Tennessee on and west of U.S. Highway 45 and U.S. Highway 45E, on the one hand, and, on the other, points in South Carolina; (3) between points in Tennessee on and southwest of a line beginning at the Tennessee-Alabama line, thence Interstate Highway 65 to intersection with Tennessee Highway 99, thence Tennessee Highway 99 to Hohenwald, thence Tennessee Highway 20 to the Tennessee-Missouri line, on the one hand, and, on the other, points in Florida; (4) between points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W, on the one hand, and, on the other, points in Louisiana, Texas, Oklahoma, Kansas, Colorado, Utah, New Mexico, Arizona, California, Nevada, Wyoming, Montana, Idaho, Oregon, Washington, and points in Arkansas on and south of U.S. Highway 64.

(5) Between points in Tennessee on and east of Interstate Highway 65, on the



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one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80, and points in Louisiana east of the Mississippi River; (6) between points in Tennessee on and west of U.S. Highway 45 and U.S. Highway 45E, on the one hand, and, on the other, points in Georgia on and south of a line beginning at Georgia-Alabama line, thence U.S. Highway 29 to Atlanta, thence U.S. Highway 278 to the Georgia-South Carolina line; (7) between points in Mississippi on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 78 to Atlanta, thence U.S. Highway 278 to the Georgia-South Carolina line; (8) between points in Mississippi on and north of a line beginning at the Alabama-Mississippi line, thence U.S. Highway 78 to Tupelo, thence Mississippi Highway 6 to Clarksdale, thence Mississippi Highway 322 to Sherard and directly west to the Mississippi River, on the one hand, and, on the other, points in Florida; (9) between points in Mississippi on and south of U.S. Highway 82, and points in Louisiana east of the Mississippi River on the one hand, and, on the other, points in North Carolina and South Carolina; (10) between points in Mississippi on and south of U.S. Highway 80, on the one hand, and, on the other, points in Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, lower Michigan, and points in Kentucky on and east of Interstate Highway 75.

(11) Between points in Georgia on and north of a line beginning at the Alabama-Georgia line, thence U.S. Highway 78 to Atlanta, thence U.S. Highway 278 to the Georgia-South Carolina line, on the one hand, and, on the other, points in Louisiana, and Texas; (12) between points in Georgia, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 63; (13) between points in Georgia, on the one hand, and, on the other, points in Arkansas, New Mexico, Arizona, California, Oklahoma, Kansas, Colorado, Utah, Iowa, Minnesota, Nevada, Nebraska, Wyoming, South Dakota, North Dakota, Montana, Idaho, Oregon, and Washington; (14) between points in Florida, on the one hand, and, on the other, points in Texas on and north of U.S. Highway 80, and all points in Arkansas, Oklahoma, and New Mexico; (15) between points in Florida, on the one hand, and, on the other, points in Missouri, Kansas, Colorado, Utah, Iowa, Nevada, Wyoming, Minnesota, Arizona, Nevada, California, South Dakota, North Dakota, Montana, Idaho, Oregon, Washington, Illinois, Wisconsin, Indiana, Michigan, and points in Kentucky on and east of Interstate Highway 65; (16) between points in South Carolina, on the one hand, and, on the other, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, Colorado, Kansas, Utah, Nevada, Nebraska, Wyoming, Montana, Idaho, Oregon, Washington, Missouri, South Dakota, and North Dakota.

(17) Between points in North Carolina, on the one hand, and, on the other, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, Kansas, Colorado, Utah, Nevada, Nebraska, Wyoming, Montana, Idaho, Oregon, and Washington; (18) between points in Virginia, on the one hand, and, on the other, Arkansas, Oklahoma, Texas, New Mexico, Arizona, Colorado, Utah, Nevada, and points in Arkansas and Oklahoma on and south of Interstate Highway 40; (20) between points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, on the one hand, and, on the other, Texas, New Mexico, Arizona, California, and points in Arkansas on and south of Interstate Highway 40; (21) between points in Ohio on and east of Interstate Highway 71 and points in Kentucky on and east of Interstate Highway 75, on the one hand, and, on the other, points in Texas, New Mexico, Arizona, Colorado, and points in Arkansas on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

No. MC 73165 (Sub-No. E96), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas, on the one hand, and, on the other, points in Texas and Louisiana. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 73165 (Sub-No. E97), filed October 8, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas, on the one hand, and, on the other, points in Texas and Louisiana. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 73165 (Sub-No. E116), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment and parts, attachments and accessories*, used in connection therewith (except those of unusual value, household goods, commodities in bulk, and those requiring special equipment); and (2) *contractors' outfits and equipment*, which consists of material handling equipment and parts, attachments and accessories, used in connection therewith, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (except in connection with main or trunk pipelines); (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, (b) between points in Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Mont., thence along Montana Highway 22 through Hillside, Mont., to Jordan, Mont.

Thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 242 to the United States-Canada Boundary line, on the one hand, and, on the other, points in Kansas in and south of the Kansas Counties of Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Reno, Harvey, Butler, Greenwood, Coffey, Anderson, and Linn, (c) between points in North Dakota on and west of a line beginning at the United States-Canada Boundary line and extending along North Dakota Highway 30 to junction unnumbered highway at Lehr, N. Dak., and thence along unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota on and west of the Missouri River and on and north of U.S. Highway 14, on the one hand, and, on the other, points in Kansas in and south of the Kansas Counties of Stanton, Grant, Haskell, Meade, Clark, Kiowa, Barber, Kingman, Sedgwick, Butler, Elk, Wilson, Neosho, and Crawford. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 73165 (Sub-No. E116), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment and parts, attachments and accessories*, used in connection therewith (except those of unusual value, household goods, commodities in bulk, and those requiring special equipment); and (2) *contractors' outfits and equipment*, which consists of material handling equipment and parts, attachments and accessories, used in connection therewith,





(a) from points in Georgia to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Oklahoma, Nebraska, South Dakota, North Dakota, that part of Minnesota on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 169 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, that part of Iowa on and north of a line extending from the Minnesota-Iowa State line along U.S. Highway 169 to Ft. Dodge, Iowa, and thence along U.S. Highway 20 to the Iowa-Nebraska State line, that part of Kansas on and west of U.S. Highway 75, that part of Arkansas on and south of a line extending from the Missouri-Arkansas State line along U.S. Highway 65 to Conway, Ark., and thence along U.S. Highway 64 to the Arkansas-Tennessee State line, and that part of Texas on and west of U.S. Highway 59, (b) from points in Georgia on and south of a line extending from the Alabama-Georgia State line along Georgia Highway 20 to Cartersville, Ga., thence along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 78 to the Georgia-South Carolina State line to points in Kansas, Minnesota, Iowa, Missouri, Arkansas, and Wisconsin.

(c) From points in Georgia on and east of a line extending from the Georgia-Florida State line along U.S. Highway 41 to Henderson, Ga., and thence along Georgia Highway 26 to Columbus, Ga., to points in Texas east of U.S. Highway 59, (d) from points in Georgia on and south of a line extending from the Alabama-Georgia State line along U.S. Highway 278 to Atlanta, Ga., thence along U.S. Highway 23 to Macon, Ga., and thence along U.S. Highway 80 to Savannah, Ga., to points in Michigan, (e) from points in Georgia on and west of a line extending from Columbus, Ga., along U.S. Highway 27 to the Georgia-Florida State line to points in West Virginia, Vermont, New Hampshire and Maine, (f) from points in Mississippi to points in Vermont, New Hampshire, Maine, and that part of West Virginia on and east of U.S. Highway 219, (g) from points in Mississippi on and south of a line extending from the Mississippi-Arkansas State line along Mississippi Highway 6 to Tupelo, Miss., and thence along U.S. Highway 78 to the Mississippi-Alabama State line to points in West Virginia, (h) from points in Mississippi on and east of U.S. Highway 51 to points in Washington, Oregon, and that part of California on and north of Interstate Highway 80, (i) from points in Mississippi on and southeast of a line extending from the Mississippi-Alabama State line along Mississippi Highway 12 to Durant, Miss., and thence along U.S. Highway 51 to the Mississippi-Louisiana State line to points in Wisconsin and Michigan, (j) from points in Mississippi on and east of a line extending from the Mississippi-Alabama State line along U.S. Highway 82 to Columbus, Miss., thence along U.S. Highway 45 to Meridian, Miss., and thence along U.S. Highway 11 to the Mississippi-Louisiana State line to points in Iowa and that part of Kansas north of Interstate Highway 70 and west of U.S. Highway 81, and points in Minnesota, (k) from points in Mississippi on and east of U.S. Highway 11 to points in Nebraska, South Dakota, North Dakota, Wyoming, Montana, Idaho, Nevada, and California.

(l) From points in Tennessee on and west of U.S. Highway 45 and 45E, to points in Vermont, New Hampshire and Maine, (m) from Chattanooga, Tenn., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Oklahoma, Nebraska, South Dakota, North Dakota, Texas, that part of Minnesota on and west of a line extending along U.S. Highway 169 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, that part of Iowa on and north of a line extending from the Minnesota-Iowa State line along U.S. Highway 160 to Ft. Dodge, Iowa, and thence along U.S. Highway 20 to the Iowa-Nebraska State line, that part of Kansas on and west of U.S. Highway 75, and that part of Arkansas on and south of a line extending from the Missouri-Arkansas State line along U.S. Highway 65 to Conway, Ark., and thence along U.S. Highway 64 to the Arkansas-Tennessee State line, (n) from points in Tennessee on and east of Interstate Highway 65 to points in Washington, Oregon, Idaho, Utah, Nevada, California, Arizona, New Mexico, and Texas, (o) from points in Tennessee on and east of Interstate Highway 75 to Oklahoma and points in Arkansas on and south of Interstate Highway 40, and (p) from points in Tennessee on and southeast of a line extending from the Alabama-Tennessee State line along U.S. Highway 11 to Knoxville, Tenn., and thence along U.S. Highway 70 to the Tennessee-North Carolina State line to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Colorado. The purpose of this filing is to eliminate the gateways of those parts of Alabama within the Commercial Zone of Pelham within 10 miles of Birmingham, Ala.

No. MC 73165 (Sub-No. E117), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' outfits and equipment*, which consists of material handling equipment and parts, attachments and accessories, used in connection therewith, (a) from points in Florida on and north of a line beginning at St. Petersburg, Fla., and thence across Gandy Bridge to Tampa, Fla., thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along unnumbered highway to the Atlantic Seaboard to points in New Mexico, Arizona, Nevada, California, Utah, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, that part of Texas on and north of a line extending from the Texas-Oklahoma State line along U.S. Highway 281 to Wichita Falls, Tex., and thence along U.S. Highway 82 to the Texas-New Mexico State line, and that part of Oklahoma on and north of a line extending from the Oklahoma-Texas State line along U.S. Highway 277 to Oklahoma City, Okla., and thence along Interstate Highway 44 to the Oklahoma-Missouri State line, (b) from points in Florida in and east of Leon and Wakulla Counties, Fla., and on and north of the line described in (a) above to points in Texas, Oklahoma, and Arkansas, (c) from points in Florida in and west of Leon and Wakulla Counties, Fla., to points in West Virginia, Vermont, New Hampshire, and Maine, and (d) from points in Louisiana east of the Mississippi River to points in West Virginia, Vermont, New Hampshire, Maine, Michigan, Wisconsin, Minnesota, North Dakota, Montana, Washington, Oregon, and that part of Idaho on and north of U.S. Highway 12. The purpose of this filing is to eliminate the gateway of Pelham, Ala.

No. MC 73165 (Sub-No. E118), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, consisting of road building machinery and contractors' equipment, which because of size or weight require the use of special equipment or which are self-propelled articles each weighing 15,000 pounds or more, from Detroit, Mich., and Marion, Ohio, to points in Texas on and south of U.S. Highway 80, that part of New Mexico on and south of U.S. Highway 80, that part of Arizona on and south of Interstate Highway 10, and that part of California on and south of U.S. Highway 66 including all points in Los Angeles, Ventura, and Santa Barbara Counties, Calif. The purpose of this filing is to eliminate the gateway of Pelham, Ala.

No. MC 73165 (Sub-No. E119), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, (a) from Brownwood and Pampa, Tex., to points in West Virginia, Vermont, New Hampshire, and Maine, (b) from Brownwood, Tex., to points in Michigan on and south of U.S. Highway 10, including points in Huron, Sanilac, Tuscola, Bay, Saginaw, Lapeer, St. Clair, Genesee, Macomb, and Oakland Counties, Mich., (c) from Philadelphia, Exeter, and Lansdale, Penn., to points in Texas, New Mexico, Arizona, Nevada, California, that part of Utah in and



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south of Jaub, Utah, Carbon, and Grand Counties, Utah, and that part of Oklahoma on and south of Interstate Highway 40, (d) from Salem, Va., to points in Texas, Oklahoma, New Mexico, Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, Colorado, that part of Kansas on and west of U.S. Highway 81, and that part of Arkansas on and south of U.S. Highway 64, (e) from Gardena and Pomona, Calif., to points in West Virginia, Vermont, New Hampshire, Maine, and that part of Michigan on and south of U.S. Highway 10, including points in Huron, Sanilac, Tuscola, Bay, Saginaw, Lapeer, St. Clair, Genesee, Macomb, and Oakland Counties, Mich., (f) from Delaware, Canton, and Akron, Ohio and Detroit and Wayne, Mich., to points in Texas and New Mexico, on and south of U.S. Highway 80, that part of Arizona on and south of Interstate Highway 10, and that part of California on and south of U.S. Highway 66, including all points in Los Angeles, Ventura, and Santa Barbara Counties, Calif.

(g) From Atlanta, Ga., to points in the United States (except Alaska and Hawaii) in and west of Texas, Arkansas, Missouri, Iowa, Wisconsin, and Minnesota, and points in Michigan on and west of Interstate Highway 75 and U.S. Highway 27, (h) from Nashville, Tenn., to points in Oregon, Washington, Idaho, Utah, Nevada, California, Arizona, New Mexico, and Texas, (i) from Hialeah, Fla., to points in the United States (except Alaska and Hawaii) in and west of Texas, Arkansas, Missouri, Iowa, and Minnesota, and points in Michigan, Wisconsin, and West Virginia, and (j) from Dubuque, Iowa, to points in Georgia on and south of a line extending from the Alabama-Georgia State line along Georgia Highway 20 to Cartersville, Ga., thence along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 78 to the Georgia-South Carolina State line, all points in Florida, that part of Alabama extending from the Alabama-Mississippi State line along U.S. Highway 78 to Hamilton, Ala., and thence along U.S. Highway 278 to the Alabama-Georgia State line, and that part of Mississippi on and east of a line extending from the Alabama-Mississippi State line along U.S. Highway 82 to Columbus, Miss., and thence along U.S. Highway 45 to Meridian, Miss., and thence along U.S. Highway 11 to the Mississippi-Louisiana State line, and that part of Louisiana east of the Mississippi River, including the Commercial Zones of Baton Rouge and New Orleans, La. The purpose of this filing is to eliminate the gateways of Pelham, Ala., and the Commercial Zone of Pelham, Ala., within Jefferson County, Ala.

No. MC 73165 (Sub-No. E120), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, consisting of iron and steel articles, from points in North Carolina and South Carolina to points in New Mexico, Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, and Colorado. The purpose of this filing is to eliminate the gateway of Pelham, Ala.

No. MC 73165 (Sub-No. E121), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, consisting of iron and steel articles, except commodities which, because of size or weight, require the use of special equipment, from points in Florida to points in the United States (except Alaska and Hawaii) in and west of New Mexico, Colorado, Wyoming, and Montana. The purpose of this filing is to eliminate the gateways of Pelham, Ala., and points on the Tennessee River in Alabama.

No. MC 73165 (Sub-No. E122), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, consisting of iron and steel articles, from points in Alabama to points in the United States (except Alaska and Hawaii) in and west of New Mexico, Colorado, Wyoming, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateway of Pelham, Ala.

No. MC 73165 (Sub-No. E123), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts, attachments and accessories*, used in connection therewith, which consists of trailers, semi-trailers, and trailer chassis and semi-trailer chassis (except those designed to be drawn by passenger automobiles), in secondary movements, in truckaway service, (a) from points in North Carolina and South Carolina to points in the United States (except Alaska and Hawaii) in and west of Texas, Oklahoma, Colorado, Utah, and Idaho, (b) from points in Florida to points in the United States (except Alaska and Hawaii) in and west of New Mexico, Colorado, Kansas, Missouri, Iowa, Wisconsin, and Michigan, (c) from points in Florida in and east of Leon and Wakulla Counties, Fla., to points in Texas, Arkansas, and Oklahoma, (d) from points in Florida in and west of Leon and Wakulla Counties, Fla., to points in West Virginia, Vermont, New Hampshire, and Maine, (e) from points in Alabama to points in the United States (except Alaska and Hawaii) in and west of New Mexico, Colorado, Wyoming, South Dakota, and North Dakota, (f) from points in Louisiana east of the Mississippi River, including the cities of New Orleans and Baton Rouge, La., and all points in their respective commercial zones to points in West Virginia, Vermont, New Hampshire, Maine, Michigan, Wisconsin, Minnesota, North Dakota, Montana, Washington, Oregon, and that part of Idaho on and north of U.S. Highway 12. The purpose of this filing is to eliminate the gateway of points in the Commercial Zone of Pelham, Ala., within 10 miles of Birmingham, Ala.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10776 Filed 4-23-75;8:45 am]

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[Docket No. AB 43 (Sub-No. 3)]

## ILLINOIS CENTRAL GULF RAILROAD

### Abandonment of Dyersburg Branch, Tenn.

the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Madison, Crockett, and Dyer Counties, Tennessee, on or before May 5, 1975 and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in

Dated at Washington, D.C., this 16th day of April 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT DYERSBURG BRANCH BETWEEN ROBERTS AND DYERSBURG, IN MADISON, CROCKETT, AND DYER COUNTIES, TENNESSEE

The Interstate Commerce Commission hereby gives notice that by order dated April 16, 1974, it has been determined that the proposed abandonment of the 36.36 mile line of the Illinois Central Gulf Railroad Company between Roberts and Dyersburg, all in Madison, Crockett, and Dyer Counties, Tenn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because there are no specific land use plans which would be dependent on the continued existence of the subject line and the historic, safety, ecological, and other associated environmental impacts are either absent or minor. Abandonment would eliminate the need to replace the bridge over the North Fork Forked Deer River as an incident to the proposed Corps of Engineers flood control project.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-10782 Filed 4-23-75;8:45 am]

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[Notice 271]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 24, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 14, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75607. By order of March 17, 1975, the Motor Carrier Board approved the transfer to Wayne F. Barger and Maxine Kleine, a partnership, doing business as Barger Trucking Company, Hoffman, Ill., of the operating rights in Certificates No. MC 66724 and MC 66724 (Sub-No. 2), issued January 30, 1951, to Don Barger and Wayne F. Barger, a partnership, doing business as Barger Trucking Co., Hoffman, Ill., authorizing the transportation of general commodities, with exceptions, between Shattuc, Ill., and St. Louis, Mo., and between Carlyle, Ill., and Centralia, Ill., serving specified intermediate and off route points. Delmar O. Koebel, 109 West St. Louis St., Lebanon, Ill. 62254, attorney for applicants.

No. MC-FC-75687. By order entered March 21, 1975, the Motor Carrier Board approved the transfer to Joel A. Smith and Cecil H. Lane, doing business as Kings River Moving and Storage, Hanford, Calif., of that portion of the operating rights set forth in Certificate No. MC 126912, issued October 9, 1969, to Red Line Carriers, Inc., San Jose, Calif., authorizing the transportation of used household goods, between points in Fresno, Kings, and Tulare Counties, Calif., subject to certain specified restrictions. Leigh B. Morris, 21st Floor, 100 Bush St., San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75709. By order entered March 18, 1975, the Motor Carrier Board approved the transfer to Hoke Bus Lines, Inc., Troy, Ohio, of the operating rights set forth in Certificates Nos. MC 2072 (Sub-No. 5), and MC 2072 (Sub-No. 7), issued by the Commission September 29, 1966, and August 2, 1971, respectively, to Lake Shore System, Inc., Columbus, Ohio, authorizing the transportation of passengers and their baggage, and newspapers and express in the same vehicle with passengers, over specified routes, between specified points in Ohio; and passengers and their baggage, in charter and special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Allen, Athens, Auglaize, Belmont, Coshocton, Franklin, Fairfield, Guernsey, Harrison, Hocking, Jefferson, Licking, Logan, Meigs, Morgan, Muskingum, Perry, Pickaway, Ross, Union, and Washington Counties, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii). Lewis S. Witherspoon, 88 East Broad St., Suite 1330, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-75731. By order of March 27, 1975, the Motor Carrier Board approved the transfer to Ruth R. Holderried, Joseph E. Holderried, and Leo Donald Holderried, Jr., a partnership, doing business as Paul's Express, 198 Mill St., Westwood, Mass., of the operating rights in Certificate No. MC 17806 issued April 30, 1963 to Leo Donald Holderried, doing business as Paul's Express, 198 Mill St., Westwood, Mass., authorizing the transportation of general commodities, with exceptions, between points in Massachusetts within ten miles of Boston, including Boston.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-10779 Filed 4-23-75;8:45 am]

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[Notice No. 32]

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 18, 1975.

IMPORTANT NOTICE: The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive*







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*amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 107295 (Sub-No. 713) (Amendment), filed April 25, 1974, published in the FEDERAL REGISTER issue of November 1, 1974, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials, and related materials, supplies and accessories* incidental thereto and the manufacture thereof, including *lumber and wood products*, from points in Idaho, Oregon, and Washington, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsites and warehouse facilities of Boise Cascade Corporation.

NOTE.—The purpose of this republication is to add in the commodity description "lumber and wood products" and to amend the territorial description.

*HEARING:* July 16, 1975 (3 days) at 9:30 a.m. Local Time, at Chicago, Ill., in a hearing room to be later designated.

No. MC 200 (Sub-No. 273), filed April 2, 1975. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Bldg., 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C to Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of MBPXL Corporation, at Wichita, Kans., to points in Michigan, Ohio, Connecticut, Indiana, Illinois, Kentucky, Virginia, West Virginia, Maryland, Pennsylvania, Iowa, Nebraska, Maine, New Hampshire, Vermont, Rhode Island, New York, and New Jersey, restricted to traffic originating at the above named origin, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 2202 (Sub-No. 481), filed March 27, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Houston, Tex., and Jacksonville, Fla.: From Houston over Interstate Highway 10 (and also over U.S. Highway 90) to Lafayette, La., thence over U.S. Highway 167 to Opelousas, La., thence over U.S. Highway 190 to Baton Rouge, La., thence over U.S. Highway 61 to New Orleans, La., thence over U.S. Highway 90 (and also Interstate Highway 10) to Jacksonville, and return over the same route, serving all intermediate points, and serving the off route points of Gonzales, Fla.; Port Arthur and Port Neches, Tex.: Lemoyne and Calvert, Ala.; and the plant site of Dow Badische Company at or near Calvert, Ala.; (2) between the junction of Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., and the junction of Interstate Highway 12 and Interstate Highway 10 at or near Baton Rouge, La.: From the junction of Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., over Interstate Highway 12 to junction Interstate Highway 10 at or near Baton Rouge, La., and return over the same route, serving all intermediate points; (3) between the junction of U.S. Highway 190 and U.S. Highway 90 near Slidell, La., and Baton Rouge, La.: From the junction of U.S. Highway 190 and U.S. Highway 90 near Slidell, La., over U.S. Highway 190 to Baton Rouge, La., and return over the same route, serving all intermediate points; (4) between New Orleans, La., and Lafayette, La.: From New Orleans, La., over Interstate Highway 10 to Lafayette, La., and return over the same route, serving all intermediate points; (5) between Macon, Ga. and Tallahassee, Fla.: From Macon over Interstate Highway 75 to junction U.S. Highway 319 at or near Tifton, Ga., thence over U.S. Highway 319 to Tallahassee, and return over the same route, serving no intermediate points; and (6) between Tifton, Ga., and the junction of U.S. Highway 90 and Interstate Highway 75 at or near Lake City, Fla.: From Tifton over Interstate Highway 75 to junction U.S. Highway 90, and return over the same route, serving all intermediate points, and serving Tifton, Ga., for joinder purposes only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held on consolidated record with the similar application filed by Overnite Transportation Company in MC 109533 (Sub-No. 67) at Jacksonville, Fla.; New Orleans, La.; and Houston, Tex.

No. MC 8958 (Sub-No. 29), filed March 26, 1975. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Springs*, from the plantsite of Rockwell International, in Columbus, Ohio, to Kenosha, Wis.; Detroit, Mich.; and Metuchen, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 17812 (Sub-No. 3), filed March 3, 1975, published in the FEDERAL REGISTER issue of April 3, 1975, and republished as corrected this issue. Applicant: M. BURNS TRUCKING CO., a corporation, 1860 Fall River Ave., Seekonk, Mass. 02771. Applicant's representative: Robert J. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying, duplicating, and reproducing machines, parts, accessories and supplies* used in reproducing systems, between Reading, Lexington, and Seekonk, Mass., on the one hand, and, on the other, points in Washington and Newport Counties, R.I.

NOTE.—Applicant states the requested authority can be tacked with its existing authority in its lead certificate at Reading, Lexington, and Seekonk, Mass., to provide service between Washington and Newport Counties, R.I. and points in Massachusetts within 25 miles of Boston. The purpose of this correction is to indicate the correct counties in Rhode Island to be served by tacking. If a hearing is deemed necessary, applicant requests it be held at either Providence, R.I.; Boston, Mass.; or New Haven, Conn.

No. MC 19227 (Sub-No. 211), filed March 31, 1975. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and riding lawn mowers*, from the plantsite and facilities of Moridge Mfg. Inc., at or near

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.





Moundridge, Kans., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does specify location.

No. MC 22229 (Sub-No. 99), filed March 31, 1975. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, S.E., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of Driltech, Inc., at or near Alachua, Fla., as an off-route point in connection with carrier's otherwise authorized operation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 38227 (Sub-No. 9), filed February 19, 1975. Applicant: CRUTCHER TRANSFER LINE, INC., 600 Marrett Avenue, Louisville, Ky. 40208. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plantsite of the USM Corporation, Parker-Kalon Division, plantsite of Union Underwear Company, Inc., and the plantsite of Ingersoll-Rand Company, at or near Campbellsville, and Louisville, Ky.: From Campbellsville, Ky., over U.S. Highway 68 to Greensburg, Ky., thence over Kentucky Highway 61 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, Ky., and return, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville or Frankfort, Ky.

No. MC 44735 (Sub-No. 21), filed March 31, 1975. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, from the plantsite and warehouse facilities of Mid-Con, Inc., at or near Plattsmouth, Nebr., to points in Iowa, Illinois, Wyoming, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 46267 (Sub-No. 11), filed March 27, 1975. Applicant: SCOTT FREIGHT SERVICE CORP., 4740 Industrial Road, Fort Wayne, Ind. 46825. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): serving the plant and warehouse facility of Essex International, Inc., at or near Topeka, Ind., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 51312 (Sub-No. 14), filed March 28, 1975. Applicant: BOWLING GREEN TRANSFER INC., 530 South Maple Street, Bowling Green, Ohio 43402. Applicant's representative: Michael Spurlock, 9th Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods, as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between the plantsites and facilities of Young-Ottawa, Division of Gulf Western Manufacturing Company, at Bowling Green, Ohio, and at Ottawa and Topeka, Kans., on the one hand, and, on the other, points in Indiana, Illinois, Wisconsin, Kentucky, West Virginia, Michigan, Pennsylvania, New Jersey, New York, Ohio, Colorado, Florida, Georgia, Iowa, Kansas, Nebraska, North Carolina, Tennessee, Virginia, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 61396 (Sub-No. 282), filed March 21, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between the plantsite of the Southern California Chemical Company, located at or near Union, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, New York, New Jersey, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 61396 (Sub-No. 283), filed March 27, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lecompton, Conway, Hutchinson and Clay Center, Kans., to points in Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 73165 (Sub-No. 360) (Correction), filed January 21, 1975, published in the FEDERAL REGISTER issue of February 13, 1975, and republished as corrected this issue. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33d St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk motor vehicles, bodies, engines, and parts; compacted or crushed motor vehicles, bodies, engines and parts; and recycled nonferrous or ferrous articles and materials, metal articles, and materials and supplies* used in the production of recycled metal articles and recycled materials, (except in bulk, in tank or dump vehicles), between points in the United States in and east of Iowa, Wisconsin, Missouri, Oklahoma, and Texas, on the one hand, and, on the other, Huntsville, Ala.; Knoxville and Chattanooga, Tenn.; and Atlanta, Ga.; restricted against the transportation of shipments originating at or destined to the facilities of Shredded Steel Products Company.

NOTE.—The purpose of this republication is to correct the restriction in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 75816 (Sub-No. 7), filed March 31, 1975. Applicant: STONY'S TRUCKING CO., P.O. Box 277, 11550 Youngstown-Akron Rd., North Jackson, Ohio 44451. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge St., Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestressed concrete products*, from points in Belmont County, Ohio, to points in Pennsylvania and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wheeling, W. Va.; or Columbus, Ohio; or Washington, D.C.

No. MC 87103 (Sub-No. 14) (Amendment), filed November 4, 1974, published in the FEDERAL REGISTER issue of November 27, 1974, and republished as amended this issue. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, P.O. Box 6077, Akron, Ohio 44312. Applicant's representative: A. David Milliner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tires* which because of size and weight require special equipment, from the plantsites of The General Tire and Rubber Company located at Akron and Bryan, Ohio;



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to points in the United States, including Alaska but excluding Hawaii; and (2) *used tires* which because of size and weight require special equipment, between points in the United States, including Alaska but excluding Hawaii.

NOTE.—The purpose of this republication is to indicate the broadened request for authority in (1) and (2) above, and the deletion of the now duplicating request in Part (3) as previously published. Applicant holds contract authority in MC 119302 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio; or Washington, D.C.

No. MC 93980 (Sub-No. 60), filed March 20, 1975. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, P.O. Box 1119 (Raleigh Road), Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW. Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles in mixed loads with iron and steel, and iron and steel articles*, from Philadelphia, Pa., and its commercial zone, to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 95540 (Sub-No. 928), filed March 27, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, and Tennessee; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named origin, and destined to named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 95876 (Sub-No. 172), filed April 2, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Valves and cocks and related parts and accessories therefore*, from LaGrange, Ga., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies*, used in the manufacture and installation of valves and cocks, from points in the United States (except Alaska and Hawaii), to LaGrange, Ga.; Sartell, Minn.; and McMinnville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 100449 (Sub-No. 57), filed March 24, 1975. Applicant: MALLINGER TRUCK LINES, INC., Rural Route 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, restricted to traffic originating at the above named origin and destined to the above-named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted to traffic originating at the above-named states and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 100666 (Sub-No. 295), filed March 31, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products and roofing material* (except in bulk), from Wynnewood, Okla., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 107403 (Sub-No. 936), filed March 28, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, from Lima, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107818 (Sub-No. 78), filed March 31, 1975. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Florida, Georgia, Kentucky, and Tennessee; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from Alabama, Florida, Georgia, Kentucky, and Tennessee, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named origin, and destined to named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 110098 (Sub-No. 151), filed March 27, 1975. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren, P.O. Box 20380, San Antonio, Tex. 78220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products dealt in by wholesale and retail grocers*, from the facilities of Hunt-Wesson Foods at or near Fullerton, Hayward, Davis and Oakdale, Calif., to points in Oregon, Washington, and Idaho, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, or San Francisco, Calif.

No. MC 110098 (Sub-No. 152), filed March 26, 1975. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with commodities described in (a) above, from the plantsite and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Indiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to traffic originating at the above-named origin and destined to the above-named destinations; and (2) *commodities* as described in (1) (a) and (b) above and *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Michigan and Wisconsin, restricted to traffic originating at or destined to the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Omaha, Nebr.

No. MC 110098 (Sub-No. 153), filed March 27, 1975. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses and dairy products* as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from Sioux Falls, S. Dak., to points in Oklahoma, restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 111401 (Sub-No. 445), filed March 27, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid waste materials*, from points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Texas, to points in Creek County, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Tulsa, Okla.

No. MC 111545 (Sub-No. 211), filed February 24, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in, or used by agricultural equipment, industrial equipment, and lawn and leisure product dealers (except commodities in bulk), (a) From the facilities of Deere & Company in Black Hawk, Polk, and Wapello Counties, Iowa, to points in Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the named facilities of Deere & Company and traffic destined to points named; and (b) From the facilities of Deere & Company in Rock Island County, Ill., and Dubuque and Scott Counties, Iowa, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, and South Carolina, restricted to traffic originating at the facilities of Deere & Company and traffic destined to the points named (except traffic named moving in foreign commerce); and (c). From the facilities of Deere & Company in Dubuque and Scott Counties, Iowa, to points in Tennessee, restricted to traffic originating at the named facilities of Deere & Company and traffic destined to points named; and (2) *returned shipments* of the above named in (1), from destination points in (1) (a) through (c), to the facilities of Deere & Company named in (1) (a) through (c).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 111729 (Sub-No. 530), filed March 31, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds;* (2) *tapes; magnetic and paper;* (3) *microfilm, and microfilm containers and spools;* and (4) *parts and supplies relating to the microfilm industry*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds, from one consignor to one consignee on any one day, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Jackson, Miss.

No. MC 112520 (Sub-No. 304), filed March 27, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propellants explosives* (solids), *Class B explosives smokeless powder* for small arms water wet, in bulk, in tank vehicles, from points in Wakulla County, Fla., to points in Alabama and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tallahassee, Fla.; Atlanta, Ga.; or Washington, D.C.

No. MC 113267 (Sub-No. 319), filed March 24, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with commodities described in (a) above, from the plantsite and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the above-named origin and destined to the above-named destinations; and (2) *commodities* as described in (1) (a) and (b) above and *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plantsite and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., on the one hand, and, on the other, points in Illinois, Iowa, Michigan, and Wisconsin, restricted to traffic originating at or destined to the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 286), filed March 27, 1975. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½—8th Ave. N.E., Austin, Minn. 55912. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Arkansas, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New







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NOTE.—Common control may be involved.

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Hampshire, New York, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, West Virginia, Wisconsin, and Virginia, restricted to traffic originating at the above-named origin and destined to the above-named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Arkansas, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New Hampshire, New York, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, West Virginia, Wisconsin, and Virginia, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted to traffic originating at the above-named states and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn., or Des Moines, Iowa.

No. MC 113651 (Sub-No. 183), filed March 26, 1975. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Section A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs*, when moving with commodities described in (a) above, from the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the above origin and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 418), filed March 31, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with commodities described in (a) above from the plant site and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., to points in Alabama, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia and; (2) *commodities* as described in 1 (a) and (b) above and *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plant site and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., and points in Illinois, Iowa, Kansas, Michigan, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Dallas, Tex.

No. MC 114284 (Sub-No. 67), filed March 31, 1975. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., P.O. Box 82307, Stockyards Station, Oklahoma City, Okla. 73106. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs* when moving with commodities described in (a) above from the plant site and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., to points in Arizona, Arkansas, California, Colorado, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Washington, and points in Texas on and west of U.S. Highway 277 and; (2) commodities as described in 1 (a) and (b) above and *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plant site and storage facilities of Oscar Mayer & Co., located at or near Sherman, Tex., and points in Iowa and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests hearing on a consolidated record with other similarly filed applications.

No. MC 114457 (Sub-No. 229), filed March 24, 1975. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and products* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Millville (Cumberland County), N.J., to points in Iowa, Missouri, Nebraska, Minnesota, Wisconsin, North Dakota, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 230), filed March 24, 1975. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of glass containers, and *glass containers* (except commodities in bulk), from points in Colorado, Nebraska, Kansas, Iowa, Missouri, Wisconsin, Illinois, Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, New York, Maryland, Michigan, Delaware, New Jersey, Tennessee, Georgia, and Florida, to the plantsite of Midland Glass Company located at or near Shakopee, Minn., restricted to traffic originating at and destined to the named origins and destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 114965 (Sub-No. 57), filed March 27, 1975. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, P.O. Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from Lecompton, Conway, Hutchinson and Clay Center, Kans., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 114965 (Sub-No. 58), filed March 21, 1975. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from the Ringer Pipeline Terminal at or near Paola, Kans., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 116014 (Sub-No. 73), filed March 28, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are usually transported in dump vehicles, from points in Kentucky to points in Illinois, Indiana, Ohio, Kentucky, Tennessee, West Virginia and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 116763 (Sub-No. 312), filed March 28, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Olivia and Owatonna, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 117119 (Sub-No. 532), filed March 27, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic materials, supplies and equipment*, in vehicles equipped with mechanical refrigeration, between Teterboro, N.J., on the one hand, and, on the other, Salt Lake City, Utah; Glendale and Brisbane, Calif.; Denver, Colo.; Chicago, Ill.; Atlanta, Ga.; Milwaukee, Wis.; and Dallas, Tex.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 117119 (Sub-No. 531), filed March 27, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (2) *foodstuffs*, when moving with commodities described in (1) above, from the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the above origin and destined to above named destinations.

NOTE.—Common control, and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 117686 (Sub-No. 155), filed March 31, 1975. Applicant: HIRSCHBACH MOTOR LINES, INC., 500 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Fairmont, Minn., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Missouri, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.

No. MC 117815 (Sub-No. 241), filed March 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *foodstuffs* (except hides and commodities in bulk), (1) from the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa to points in Illinois, Indiana, Michigan, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) from the destination states in part (1) above to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted in (1) and (2) above to traffic originating at the named origins, and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul., Minn.

No. MC 117815 (Sub-No. 244), filed March 31, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Hudson, Iowa, to points in Illinois, Indiana, Wisconsin, Minnesota, and Michigan, restricted to traffic originating at the plantsites or facilities of and used by Land O'Lakes, Inc., and destined to points in the destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117883 (Sub-No. 201), filed March 27, 1975. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except commodities in bulk), from the plantsite and storage facilities of or utilized by Roman Meal Company, located at or near Decatur, Ind., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic originating at the above named origin point, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 158), filed March 28, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to the transportation of traffic for the account of Land O' Lakes, Inc., originating at plantsites and facilities of and used by Land O' Lakes, Inc., and destined to the above named destinations.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117940 (Sub-No. 159), filed March 31, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Iowa, to points in Minnesota and Wisconsin, restricted to the transportation of traffic for the account of Land O' Lakes, Inc., originating at the plantsites and facilities of and used by Land O' Lakes, Inc., and destined to the above named destinations.







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NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119118 (Sub-No. 39), filed March 27, 1975. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from South Volney, N.Y., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia; and (2) *materials, supplies and equipment* (except commodities in bulk), used in the manufacture, sale and distribution of malt beverages, and *returned empty malt beverage containers*, from points in the destination states named in (1) above, to South Volney, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 116564 and Sub No. 22, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119531 (Sub-No. 155), filed March 28, 1975. Applicant: SUN EXPRESS, INC., 1835 West Main Street, Zanesville, Ohio 43701. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers and container ends*, from Whitehouse, Ohio to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies* used in the manufacture of metal containers and container ends, from points in the United States (except Alaska and Hawaii), to Whitehouse, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119641 (Sub-No. 129), filed March 31, 1975. Applicant: RINGLE EXPRESS, INC., 450 East 9th Street, Fowler, Ind. 47944. Applicant's representative: Robert E. Smith, P.O. Box 2278, Colee Station, Fort Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor attachments, agricultural machinery, agricultural implements, grain storage bins, and parts therefor* when incidental to and moving in the same vehicle with said commodities, from Davenport, Iowa to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, Wisconsin, Tifton, Ga., Billings, Mont., Tarboro, N.C., and Dallas, Tex., restricted to shipments originating at the plant site and warehouse facilities of Long Mfg. Co., Inc., located at or near Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 119767 (Sub-No. 326), filed March 31, 1975. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa to points in Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, and St. Louis, Mo., restricted to the transportation of shipments originating at the plantsites and warehouse facilities of Land O'Lakes, Inc., located at or near Hudson, Iowa, and destined to points in the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119974 (Sub-No. 49), filed March 31, 1975. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance Street, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *foodstuffs* (except hides and commodities in bulk), from the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Ohio, Missouri, Nebraska, and Wisconsin; and (2) from the destination states in (1) above to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted in (1) and (2) above to traffic originating at the named origins, and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Washington, D.C.

No. MC 119988 (Sub-No. 79), filed March 24, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, bicycle parts, bicycle accessories and materials and supplies* used in the manufacturing and/or assembly of bicycles, bicycle parts and bicycle accessories, between Enid, Okla., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Oklahoma).

NOTE.—Applicant holds contract carrier authority in MC 140271 pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 123048 (Sub-No. 321), filed March 24, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson, P.O. Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements;* (2) *attachments and accessories* for (1) above; (3) *parts* for (1) and (2) above; (4) *materials, equipment and supplies* used in the manufacture, sale and/or distribution of the commodities described in (1), (2) and (3) above, between Forrest City, Ark., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.; Chicago, Ill.; or Washington, D.C.

No. MC 123872 (Sub-No. 44), filed March 31, 1975. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman, P.O. Box 2607, Hickory, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Virgina, and West Virginia; and (2) *meats, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hickory, or Charlotte, N.C., or St. Paul, Minn.

No. MC 124078 (Sub-No. 640), filed March 19, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, (a) from Memphis, Tenn., to points in Michigan and Pennsylvania; and (b) from Butler, Pa., to Memphis, Tenn.; and (2) *fuel oil*, in bulk, from Savannah, Ga., to Washington, Pa.; Morristown, Tenn.; and Richmond, Va.





NOTE.—Applicant holds contract carrier authority in MC 113832 Sub No. 66, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Atlanta, Ga.

No. MC 124170 (Sub-No. 52), filed March 31, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities*, from Port Newark, N.J., and points in the New York, N.Y. commercial zone, to points in Illinois, Wisconsin, Michigan, Indiana, Kentucky, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124417 (Sub-No. 12), filed March 28, 1975. Applicant: ALPHONSE AND VINCENT HINDERMAN, a partnership doing business as HINDERMAN BROTHERS, Box 327, Dickeyville, Wis. 53808. Applicant's representative: John Duncan Varda, 121 S. Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, (1) from the facilities of the Burlington and Northern Railroad, at or near Potosi, Wis., to Dickeyville, Wis.; and (2) from Dickeyville, Wis., to points in Minnesota, Iowa, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 124796 (Sub-No. 145), filed March 31, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, not frozen, (a) from Atlanta, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Mississippi, Louisiana, and Tennessee; (b) from Boston, Mass., to points in Maine, New Hampshire, Rhode Island, Vermont, and Connecticut; (c) from Charlotte, N.C., to points in Georgia, South Carolina, Tennessee, Virginia, West Virginia, and Kentucky; (d) from Chicago, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, and Ohio; (e) from Cleveland, Ohio, to points in Michigan, New York, Pennsylvania, and West Virginia; (f) from Frederick, Md., to points in Delaware, District of Columbia, Pennsylvania, Virginia, and West Virginia; (g) from Houston, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico and Oklahoma; (h) from Jersey City, N.J., to points in Connecticut, New York, Pennsylvania and Massachusetts; (i) from Kansas City, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, South Dakota, and Wyoming; (j) from Los Angeles, Calif., to points in Arizona, Nevada, New Mexico, Utah, Oregon, Washington, and Idaho; (k) from Oakland, Calif., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (l) from Tampa, Fla., to points in Georgia; and (2) *returned shipments*, of *foodstuffs*, not frozen, from the above described destinations to the above described origins, under a continuing contract or contract with The Clorox Company and its division and affiliates.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 126537 (Sub-No. 33), filed March 20, 1975. Applicant: KENT I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, a partnership, doing business as, TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between the plantsite of American Greetings Corporation, Laurel County, Ky., and Brigham City, Utah: From the plantsite of American Greetings Corporation (Laurel County), Ky., over American Greetings Road to junction with U.S. 25–E By-Pass, thence over U.S. 25–E By-Pass to junction with I–75, thence over I–75 to junction with I–64, thence over I–64 to Louisville, Ky., thence over I–65 to Indianapolis, Ind., thence over I–74 to junction with I–80, thence over I–80 to junction with U.S. 30, thence over U.S. Highway 30 to junction I–80, thence over I–80 to junction with U.S. Highway 189, thence over U.S. Highway 189 to junction with I–80, thence over I–80 to junction I–80 N, thence over I–80 N to junction with U.S. Highway 89, thence over U.S. Highway 89 to Brigham City, Utah, and return over the same route, serving no intermediate points and serving the junction of I–75 and U.S. Highway 150, the junction of I–25 and I–80 and Louisville, Ky., for purposes of joinder only; (2) between the plantsite of American Greetings Corporation near Danville, Ky., and Louisville, Ky.: From the plantsite of American Greetings Corporation near Danville, Ky., over U.S. Highway 150 to junction with U.S. Highway 127, thence over U.S. 127 to junction with Kentucky Highway 151, thence over Kentucky Highway 151 to junction with I–64, thence over I–64 to Louisville, Ky., and return over the same route, serving no intermediate points and serving Louisville, Ky., for purposes of joinder only; (3) between the junction of I–75 and U.S. Highway 150 and the plantsite of American Greetings Corporation near Danville, Ky.: From the junction of I–75 and U.S. 150 over U.S. Highway 150 to the plantsite of American Greetings Corporation near Danville, Ky., and return over the same route, serving no intermediate points and serving the junction of I–75 and U.S. Highway 150 for purposes of joinder only; and (4) between Louisville, Ky., and the junction of I–25 and I–80: From Louisville, Ky., over I–64 to its junction with Indiana Highway 135, thence over Indiana Highway 135 to its junction with U.S. Highway 460, thence over U.S. 460 to junction with U.S. 231, thence over U.S. 231 to junction with I–64, thence over I–64 to junction with Illinois Highway 1, thence over Illinois Highway 1 to junction with U.S. 460, thence over U.S. 460 to junction with U.S. Highway 45, thence over U.S. 45 to junction with I–64, thence over I–64 to junction with U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, Mo., thence over I–70 to junction with U.S. Highway 24, thence over U.S. Highway 24 to junction with I–70, thence over I–70 to Denver, Colo., thence over I–25 to junction with I–80, and return over the same route, serving no intermediate points and serving Louisville, Ky., and the junction of I–25 and I–80 for purposes of joinder only.

NOTE.—Applicant holds contract carrier authority in MC 129652, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Cleveland, Ohio.

No. MC 128663 (Sub-No. 1), filed March 28, 1975. Applicant: METALS TRANSPORT, INC., P.O. Box 350, New Brunswick, N.J. 08903. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, aluminum and non-ferrous metals, and iron, steel aluminum and non-ferrous articles;* and (2) *materials, supplies, and equipment* (except commodities in bulk) used in the distribution and sale of the commodities in (1) above, between New Brunswick, N.J., on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Wisconsin, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, and Kentucky, under a continuing contract or contracts with Morrison Steel Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 128862 (Sub-No. 21), filed March 27, 1975. Applicant: B. J. CECIL TRUCKING, INC., Box C, Claypool, Ariz. 85532. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper cathodes, copper cement, and coal*, between points in Arizona, restricted to traffic having a prior or subsequent movement by rail; (2) *shredded tin*, in







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bulk, from points in Maricopa County, Ariz., to points in Grand County and San Juan County, Utah; and (3) *copper cement*, from points in Grand County and San Juan County, Utah, to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Phoenix, or Tuscon, Ariz.

No. MC 133095 (Sub-No. 76), filed March 27, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rock Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in vehicles equipped with mechanical refrigeration, from the plant site of Cadbury Corporation, Humbolt Industrial Park, and Hazeltownship, Pa., to points in Detroit, Mich., Dallas, Tex., Denver, Colo., Salt Lake City, Utah, Kansas City, Kans., Kansas City, Mo., Chicago, Ill., Seattle, Wash., and Los Angeles, Emeryville, and Hayward, Calif.

NOTE.—Applicant holds contract carrier authority in MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133095 (Sub-No. 76), filed March 27, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rock Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in vehicles equipped with mechanical refrigeration, from the plant site of Cadbury Corporation, Humboldt Industrial Park, and Hazeltownship, Pa., to points in Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; and Los Angeles, Emeryville, and Hayward, Calif.

NOTE.—Applicant holds contract carrier authority in MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133148 (Sub-No. 12), filed March 25, 1975. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, Suite 1–M, Atlanta, Ga. 30341. Applicant's representative: Richard D. Cooper (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine* other than in bulk and in tank vehicles, from Atlanta, Ga., to points in Arkansas, Oklahoma, Kansas, Nebraska, and Iowa, under a continuing contract with Monarch Wine Company of Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 134538 (Sub-No. 4), filed March 24, 1975. Applicant: JOHN L. CLARK, Rural Free Delivery No. 3, Montpelier, Ohio 43543. Applicant's representative: Michael Marshall Briley, 1200 Edison Plaza, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, contained in piggy-back trailers loaded or empty, having an immediately prior or subsequent movement by rail, (1) between Montpelier, Ohio, on the one hand, and, on the other, points in Wood, Lucas, Erie, Ottawa, Henry, Sandusky, Paulding and Van Wert Counties, Ohio; (2) between Montpelier, Ohio, on the one hand, and, on the other, points in Lagrange, Steuben, Noble, De Kalb, Allen, and Whitley Counties, Ind.; and (3) between Montpelier, Ohio, on the one hand, and, on the other, points in Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, Monroe, Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, Allegan, Ionia, Kent, Ottawa, and Muskegon Counties, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 134922 (Sub-No. 117), filed March 24, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or rubber articles* (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in Massachusetts, Ohio, New York, New Jersey, and Chicago, Ill., to points in Arizona, Nevada, Oregon, Washington and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Little Rock, Ark.

No. MC 134922 (Sub-No. 118), filed March 31, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane, polyurethane foam and compounds* (except in bulk), from Cairo, Ill., to points in California, Arizona, Utah, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Little Rock, Ark.

No. MC 135032 (Sub-No. 14), filed March 27, 1975. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 Fourth St., Winona, Wis. 53105. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Iowa, to points in Minnesota and Wisconsin, restricted to traffic originated by and at the plantsites and facilities of Land O'Lakes, Inc., in Iowa, and to traffic destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135032 (Sub-No. 15), filed March 27, 1975. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from Hudson, Iowa, to points in Illinois, Missouri, Kansas, Nebraska, and Iowa, restricted to traffic originated by and at the plantsites and facilities of Land O'Lakes, Inc., in Iowa, and to traffic destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135032 (Sub-No. 16), filed March 27, 1975. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Hudson, Iowa, to points in Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to traffic originated by and at the plantsites and facilities of Land O'Lakes, Inc., in Iowa, and restricted to traffic destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135032 (Sub-No. 17), filed March 27, 1975. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin, to points in Illinois, Missouri, Kansas, Nebraska, and Iowa, restricted to traffic originated by and at the plant sites and facilities of Land O'Lakes, Inc. in Iowa and destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135744 (Sub-No. 5), filed March 28, 1975. Applicant: BARKO TRANSPORT, INC., P.O. Box 15751, Salt Lake City, Utah 84115. Applicant's representative: H. E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, in bulk, between points in Utah, Idaho, and Nevada, on the one hand, and, on the other, points in Texas, Arizona, Nevada, Utah, Idaho, Montana, California, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 135911 (Sub-No. 1), filed March 25, 1975. Applicant: CYCLES, INC., doing business as TWIN CITY HONDA, 1437 University Avenue, St. Paul, Minn. 55104. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *fertilizer*, in bags, *animal and poultry feed, and dried milk powder*, when moving in mixed loads with commodities subject to economic regulations under the Interstate Commerce Act, from Minneapolis, Minn., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; (2) *frozen poultry*, when moving in mixed loads with commodities subject to economic regulation under the Interstate Commerce Act, from Albert Lea, Minn., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; (3) *eggs*, when moving in mixed loads with commodities subject to economic regulations under the Interstate Commerce Act, from New Richland and Lakefield, Minn., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; (4) *dried milk powder*, when moving in mixed loads with commodities subject to economic regulation under the Interstate Commerce Act, from Pine Island, Minn., and Whitehall, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; (5) *butter*, from Mondovi, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; and (6) *cheese*, from Faribault, Minn., Plymouth, Kiel, Manitowoc, Monroe, Marshfield, Spencer, Woycena, and Greenwood, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif., restricted against commodities in bulk and limited to a transportation service to be performed under a continuing contract or contracts with Land O' Lakes, Inc., of Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139495 (Sub-No. 50), filed March 24, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture of irrigation systems (except in bulk and except those which because of size and weight require special equipment), from Quincy, Ill.; Beloit, Wis.; Mena, Ark.; and Columbus, Nebr., to points in Washington.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 51), filed March 26, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recycled non-ferrous metal scrap, slabs or ingots, aluminum dross, aluminum slag, silicone, metallic silicate, non-ferrous metal ingots or slabs* (except those which because of size and weight require the use of special equipment), from Chicago, Ill.; Cleveland, Ohio; and Long Beach, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 52), filed March 28, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture and furniture parts*, in cartons, (1) from Aurora, Ill., to points in California, Texas, Pennsylvania, New Jersey, Connecticut, and Maryland; and (2) from Hazelton, Pa., to points in California, Texas; and Aurora, Ill.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139763 (Sub-No. 2), filed March 24, 1975. Applicant: OAK HARBOR FREIGHT LINES, INC., 6314—7th Avenue, Seattle, Wash. 98108. Applicant's representative: Henry Vander Pol (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in King, Snohomish, Skagit, Island, and Whatcom Counties, Wash., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 140023 (Sub-No. 4), filed March 24, 1975. Applicant: COLUMBIA TRANSIT CORPORATION, 404 Walnut Street, Waldo, Ark. 71770. Applicant's representative: W. H. Boswell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, between points in Ouchita County, Ark.; and Webster Parish, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Little Rock or El Dorado, Ark.

No. MC 140134 (Sub-No. 1), filed March 24, 1975. Applicant: CALDARULO TRADING CO., 2840 South Ashland Street, Chicago, Ill. 60608. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shampoo, toilet preparations, buffing and polishing compounds, drugs, deodorants, advertising displays, sweetening compounds, sugar substitutes, vegetables, canned, dried, or evaporated, table sauces, soups, dessert preparations, beverages, flour, jellies, meat, cooked, and salad dressing preparations*, (1) from Chicago, Ill.; and its commercial zone, to Sparks, Nev.; and (2) from Sparks, Nev., to points in California, under a continuing contract or contracts with Alberto-Culver Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140535 (Sub-No. 2), filed April 1, 1975. Applicant: RAYMOND ADAMSON, P.O. Box 42, Gainesville, Mo. 65655. Applicant's representative: Turner White, 910 Plaza Towers, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic saw shavings, plastic grindings, and scrap plastic material*, from points in Texas, New Mexico, Colorado, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Kansas, Oklahoma, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Kentucky, Georgia, Indiana, Ohio, Pennsylvania, and Maryland, to Gainesville, Mo.; and (2) *recycled plastic material*, from Gainesville, Mo., to points in Texas, New Mexico, Colorado, Nebraska, South Dakota, North







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Dakota, Minnesota, Iowa, Kansas, Oklahoma, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Kentucky, Georgia, Indiana, Ohio, Pennsylvania, and Maryland, under a contract with Bryant Plastics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City or St. Louis, Mo.

No. MC 140593 (Sub-No. 2), filed March 26, 1975. Applicant: DONALD L. ELLIS, doing business as PACIFIC OWL EXPRESS, 20023 S. Mountain Road, Santa Paula, Calif. 93060. Applicant's representative: Donald Murchinson, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, including meat;* and (2) *restaurant supplies and equipment*, between Oxnard, Vernon or Northridge, Calif., or Sioux City, Iowa, on the one hand, and, on the other, Fairbanks, Alaska, under contract with Oxnard Produce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or Oxnard, Calif.

No. MC 140608 (Sub-No. 1), filed March 3, 1975. Applicant: BENTLEY W. WARREN, doing business as BENTLEY WARREN TRUCKING, Fernald Street, West Gloucester, Mass. 01930. Applicant's representative: Ignatius C. Goode, 22 N. Shetland Road, Danvers, Mass. 01923. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, in hydraulic dump trailers, (1) from Tewksbury, Mass., to Madbury and Portsmouth, N.H. and points in Connecticut, Massachusetts, New Jersey, Pennsylvania and Rhode Island; (2) from Madbury, N.H. to points in Connecticut, Massachusetts, N.J., Pennsylvania and Rhode Island; (3) from points in Maine and Vermont, to Boston, Everett and Tewksbury, Mass. and Madbury, N.H.; (4) from points in New Hampshire, to Boston, Everett and Tewksbury, Mass.; and (5) from points in Massachusetts, to Madbury, N.H.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 140709 (Sub-No. 2), filed March 28, 1975. Applicant: FANKHAUSER BROTHERS, INC., 139 Hillside, El Dorado, Kans. 67042. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, from the plantsite and/or storage facilities of Farmland Industries, Inc., located at or near Muncie, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140743 (Sub-No. 3), filed March 17, 1975. Applicant: GORSKI BULK TRANSPORT, INC., 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, to the plantsite of Joseph E. Seagram & Son, Inc., at Lawrenceburg, Ind., restricted to traffic originating at Waterloo, Ontario, Canada.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., Washington, D.C., or Detroit, Mich.

No. MC 140793 (Sub-No. 1), filed March 31, 1975. Applicant: JAMES J. OBROCHTA, an individual, 9 Concord Lane, Oakland, N.J. 07670. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and frozen desserts*, (1) from Lancaster, Pa., to points in New Jersey, New York, Connecticut, Rhode Island, and Massachusetts; and (2) from Chesapeake, Va., to points in the District of Columbia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, under a continuing contract or contracts with Schrafft's Ice Cream Company, Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140799, filed March 24, 1975. Applicant: TAILOR TRANSPORTATION COMPANY, INC., 2237 State Street, Bettendorf, Iowa 52722. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and feed processing equipment and machinery; air pollution control equipment and machinery; pneumatic conveying systems, and parts* of the above commodity, from Bettendorf, Iowa, to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Tailor and Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140800, filed March 20, 1975. Applicant: COLONIAL TRANSPORTATION, INC., East Arrowhead Drive, McMinnville, Tenn. 37110. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, brake drums, disk brakes and parts thereto, and parts, materials, equipment and supplies*, used in the manufacture of the above commodities, between Lexington, McMinnville, Memphis, and Humboldt, Tenn., on the one hand, and, on the other, Corinth, Miss., and St. Louis, Mo., under a continuing contract or contracts with Gould, Inc., Century Electric Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 140801, filed March 21, 1975. Applicant: KLEIN'S TOWING SERVICE, INC., 6 Noel Circle, Harrison, N.Y. 10528. Applicant's representative: John L. Alfano and Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and dollies* (except house trailers designed to be drawn by passenger automobiles) by the use of Wrecker equipment only, (1) Between points in Connecticut, New Jersey and New York; and (2) Between points in (1) above, on the one hand, and, on the other, points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140820, filed March 28, 1975. Applicant: A & R TRANSPORT, INC., P.O. Box 413, Streator, Ill. 61364. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric and phosphoric acid*, in bulk, from Depue, Ill., to Peru, and Hennepin, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140821, filed March 28, 1975. Applicant: H. D. WALLS, doing business as, H. D. WALLS TRUCKING, P.O. Box 399, Ridgely, Md. 21660. Applicant's representative: J. Michael May, Suite 20, 1459 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, (1) from Queen Anne, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia; and (2) from Greenwood, Delaware, to Queen Anne, Md., under a continuing contract with Fox Foods, Inc., Division of Kane-Miller Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baltimore, Md., or Washington, D.C.

PASSENGER APPLICATIONS

No. MC 61799 (Sub-No. 3), filed March 27, 1975. Applicant: CONESTOGA TRANSPORTATION COMPANY, a corporation, 825 East Chestnut Street, Lancaster, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Lancaster County, including the city of Lancaster, Pa., and extending to points in Florida, Tennessee, South Carolina, Vermont, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lancaster, Pa.

No. MC 102538 (Sub-No. 19), filed March 31, 1975. Applicant: YELLOW COACH LINES, INCORPORATED, P.O. Box 287, Bristol, Va. 24201. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, from points in Sullivan, Carter and Washington Counties, Tenn., and the City of Bristol, Va., and Washington County, Va., to points in the United States, including Alaska, in special operations in round-trip and sightseeing tours, and special operations in all-expense round-trip and sightseeing tours.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bristol, Va.

No. MC 112108 (Sub-No. 3), filed March 26, 1975. Applicant: LEPRECHAUN LINES, INC., Route 32, P.O. Box 2628, Newburgh, N.Y. 12550. Applicant's representative: J. G. Dail, Jr., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in one-way and round trip charter operations, beginning and ending at points in Dutchess County, N.Y. (except Beacon, Beekman, Dover, East Fishkill, Fishkill, La Grange, Pawling, Union Vale, and Wappinger, N.Y.); points in Columbia County, N.Y., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Poughkeepsie, N.Y.

No. MC 117324 (Sub-No. 4), filed March 24, 1975. Applicant: FORT DODGE TRANSPORTATION COMPANY, a corporation, P.O. Box 901, East Highway 20, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in round-trip charter and special operations, beginning and ending at Fort Dodge, Iowa, and points within 50 miles of Fort Dodge, and extending to points in the United States, including Alaska, but excluding Hawaii, Minnesota, Wisconsin, Illinois, Nebraska, Missouri, Arkansas, Colorado, California, New York, Louisiana, South Dakota, and the District of Columbia; (2) *Passengers and their baggage*, in round-trip special operations, (a) beginning and ending at Fort Dodge, Iowa, and points within 50 miles of Fort Dodge, which applicant is presently authorized to serve in round-trip charter operations in Certificate No. MC 117324, and extending to points in Alaska, Minnesota, Wisconsin, Illinois, Nebraska, Missouri, Arkansas, Colorado, California, New York, Louisiana, South Dakota, and the District of Columbia; (b) beginning and ending at all authorized service points on applicant's regular route located between Fort Dodge and Spirit Lake, Iowa, which applicant is presently authorized to serve in round-trip charter operations in Certificate No. MC 117324 Sub 2, and extending to points in the United States, including Alaska, but excluding Hawaii; (3) *Passengers and their baggage*, in round-trip charter and special operations, beginning and ending at all authorized service points on applicant's regular route located between Spirit Lake, Iowa, and Worthington, Minn., as authorized in Certificate No. MC 117324 Sub 3, and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 140341 (Sub-No. 2), filed March 26, 1975. Applicant: WESTERN BUS LINES OF B. C. LTD., 944—8th Street, Kamloops, British Columbia, Canada. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round-trip charter operations, from points in Yale County, B. C. (Kamloops), beginning and ending at Sumas and Oroville, Wash., at or near the International Boundary line between the United States and Canada and extending to points in Washington, Oregon, Idaho, Nevada and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 140797, filed March 26, 1975. Applicant: BLUE & GREY TRANSIT, INC., State Highway 35, South Amboy, N.J. 08879. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express*, in the same vehicle with passengers, Between New York, N.Y., and Green Haven, N.Y.: From New York over city streets to Interstate Highway 87, thence over Interstate Highway 87 to junction Interstate 287, thence over Interstate Highway 287 to junction Interstate Highway 684, thence over Interstate Highway 684 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction New York Highway 52, thence over New York Highway 52 to junction New York Highway 216, thence over New York Highway 216 to Green Haven, N.Y., and return over the same route serving the intermediate points of Yonkers, White Plains and Stormville, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10608 Filed 4-23-75;8:45 am]

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[Notice 45]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 21, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Sub-No. 55TA), filed April 4, 1975. Applicant: LOVELACE TRUCK SERVICE, INC., 2225 Wabash Ave., Terre Haute, Ind. 47807. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of Central Illinois Public Service Co., Power Plant at or





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Mitchell, Ind. 47446. Applicant's repre- 59192. Applicant's representative: J. E

near Newton, Ill., as an off-route point in connection with regular route operations, between Terre Haute, Ind., and St. Louis, Mo., for 180 days. Supporting shipper: Central Illinois Public Service Co., 607 East Adams, Springfield, Ill. 60701. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 41849 (Sub-No. 31TA), filed April 14, 1975. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. 63110. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fired clay aggregate*, from the plantsites of Arkansas Lightweight Aggregate Corporation, located at or near West Memphis and England, Ark., to points in Cape Girardeau, Sikeston, St. Louis and Poplar Bluff, Mo., and points in Jefferson, St. Louis, and St. Charles, Mo., for 180 days. Supporting shipper: Arkansas Lightweight Aggregate Corporation, P.O. Box 323, West Memphis, Tenn. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 111201 (Sub-No. 22TA), filed April 14, 1975. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, P.O. Box 90818, East Point, Ga. 30044. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, other than alcoholic, from the plant and warehouse facilities of Shasta Beverages in Jefferson Parish, La., to points in Louisiana, Mississippi, Alabama, Florida, Tennessee, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Shasta Beverages, Kenner Jefferson Parish, La. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 114896 (Sub-No. 27TA), filed April 11, 1975. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mockingbird Lane, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dangerous drugs*, from points in New York, N.Y., Somerville, N.J., to points in St. Louis, Mo., for 180 days. Supporting shipper: Mallinckrodt, Inc., P.O. Box 5439, St. Louis, Mo. 63147. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 115268 (Sub-No. 11TA), filed April 14, 1975. Applicant: DAYTON TRANSPORT CORPORATION, P.O. Box 338, Dayton, Va. 22821. Applicant's representative: Francis J. Ortman, 1100 Seventeenth St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, except petrochemicals, in bulk, from Montvale terminal, Montvale, Roanoke County, Va., and Richmond, Va., to points in Virginia west of U.S. Highway 21 traversing West Virginia for operating convenience only, for 180 days. Supporting shipper: None. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave. SW., Roanoke, Va. 24011.

No. MC 115311 (Sub-No. 175TA), filed April 10, 1975. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fibreboard, and pulpboard, and materials, accessories and supplies utilized in the installation thereof*, from the plantsite and storage facilities of Donn Products, Inc., at Norcross (Peachtree Corners), Ga., to points in Alabama, North Carolina, South Carolina, Virginia, and Tennessee, for 180 days. Supporting shipper: Donn Products, Inc., 3015 Jones Ferry Road, Peachtree Corners Industrial Park, Norcross, Ga. 30071. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga.

No. MC 123048 (Sub-No. 322TA), filed April 10, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 31st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tents and tent pavilions;* and (2) *materials, equipment and supplies to be used on conjunction therewith*, between points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at and destined to facilities utilized by HDO Productions, Inc., for 180 days. Supporting shipper: HDO Productions, Inc., 1520 Berkeley Road, Highland Park, Ill. 60035. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 644TA), filed April 15, 1975. Applicant: SHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Erie, Pa., to points in New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Huron Cement, 17515 West Nine Mile Road, Southfield, Mich. 48075. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124328 (Sub-No. 80TA), filed April 11, 1975. Applicant: BRINK'S INCORPORATED, 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: Chandler L. van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, between points in New York, N.Y., Newark, N.J., Chicago, Ill., and Kellogg, Idaho, for 180 days. Supporting shipper: First National City Bank, Precious Metals Storage Dept., 399 Park Ave., New York, N.Y. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128375 (Sub-No. 132TA), filed April 14, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and personal care products and related items, and materials and supplies used in the manufacture and distribution thereof*, between Ada, Mich., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, South Dakota, Nebraska, points in Iowa on and west of U.S. Highway 65, Georgia, Kansas, Colorado, Utah, Nevada, California, Arizona, New Mexico, Texas, Oklahoma, and Missouri (except St. Louis and its commercial zone), under continuing contract with Amway Corporation, for 180 days. Supporting shipper: Frank W. Quinn, Manager of Transportation, Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Bldg. & Court House, Lincoln, Nebr. 68508.

No. MC 138607 (Sub-No. 4T4), filed April 14, 1975. Applicant: P&N TRUCK SERVICE, INC., 2821 Orindale Road, Klamath Falls, Oreg. 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Vancouver, Wash., to points in Oregon, for 180 days. Supporting shippers: Kremers Distributing Co., Bend, Oreg., Rougue Valley Beverage Co., Medford, Oreg., Falstaff Brewing Corporation, San Francisco, Calif., Cascade Distributing Co., Albany, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140834TA, filed April 9, 1975. Applicant: TURNER TRANSPORTATION, INC., Route 2, South 2nd St., Mitchell, Ind. 47446. Applicant's representative: Alki E. Socpelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in driveaway service, between the Carpenter Body Works, Inc., at Mitchell, Ind., on the one hand, and, on the other, points in Illinois, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Vermont, Wisconsin, and the District of Columbia, for 180 days. Supporting: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Frances Sterling, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 140843TA, filed April 14, 1975. Applicant: CARLSON TRANSPORT, INC., P.O. Box 20214, Billings, Mont. 59102. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt, liquid natural asphalt, liquid road oil, petroleum asphalt cement—liquid, bulk roofing asphalt, dust control spray oil, residual fuel oils and distributor service for spreading the above products*, in bulk, in tank vehicles, from refineries located at or near Billings, Cut Bank, Great Falls, Kevin and Laurel, Mont., to points in Idaho, Washington, and Wyoming; and from the refinery located at or near Cody, Wyoming, to points in Colorado, Idaho, Montana, Utah, and Washington, for 180 days. Supporting shipper: Husky Oil Company, 600 South Cherry St., Denver, Colo. 80222. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10777 Filed 4-23-75;8:45 am]





[NOTICE #41]

## TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

| Temporary authority application | Final action or certificate or permit | Date of action |
|---|---|---|
| Exhibitors Service Co., MC-647 Sub-9 | MC-647 Sub-10 | Feb. 13, 1975 |
| Kroblin Refrigerated Xpress, Inc., MC-30844 Sub-370 | MC-30844 Sub-374 | May 22, 1974 |
| Tri-Borough Transportation Corp., MC-49849 Sub-1 | MC-49849 Sub-2 | May 28, 1974 |
| Schneider Transport, Inc., MC-51146 Sub-313 | MC-51146 Sub-335 | May 24, 1974 |
| Main Express & Storage Co., MC-54444 Sub-3 | MC-54444 Sub-4 | Oct. 1, 1974 |
| D.b.a., Hudson Bus Lines, MC-66007 Sub-28 | MC-66007 Sub-27 | Feb. 24, 1975 |
| D.b.a., John B. Barbour Trucking Co., MC-105984 Sub-11 | MC-105984 Sub-12 | May 31, 1974 |
| Pre-Fab Transit Co., MC-107295 Sub-641 | MC-107295 Sub-640 | May 24, 1974 |
| Matlack, Inc., MC-107403 Sub-829 | MC-107403 Sub-835 | June 26, 1974 |
| Ruan Transport Corp., MC-107496 Sub-802 | MC-107496 Sub-874 | May 24, 1974 |
| Goldway Express, Inc., MC-107983 Sub-16 | MC-107983 Sub-17 | May 28, 1974 |
| Kansas-Arizona Motor Express, Inc., MC-109307 Sub-16 | MC-109307 Sub-15 | June 26, 1974 |
| W. S. Hatch, MC-109689 Sub-249, 250, 252 | MC-109689 Sub-248 | Jan. 17, 1975 |
| J. E. Lammert Transfer, Inc., MC-110589 Sub-21 | MC-110589 Sub-27 | Nov. 1, 1974 |
| Bankers Dispatch Corp., MC-114533 Sub-269 | MC-114533 Sub-277 | May 24, 1974 |
| Nationwide Carriers, Inc., MC-114789 Sub-34 | MC-114789 Sub-35 | Feb. 7, 1975 |
| Paulson Truck Lines, Inc., MC-115130 Sub-4 | MC-115130 Sub-5 | Jan. 10, 1975 |
| Mark Trucking, Inc., MC-115814 Sub-10 | MC-115814 Sub-11 | Oct. 24, 1974 |
| Commercial Furniture Distributors, Inc., MC-116935 Sub-14 | MC-116935 Sub-11 | May 28, 1974 |
| Bulk Transport, Inc., MC-117430 Sub-43 | MC-117430 Sub-45 | May 24, 1974 |
| Hirschbach Motor Lines, Inc., MC-117686 Sub-150 | MC-117686 Sub-49 | Mar. 3, 1975 |
| Container Transit, Inc., MC-118989 Sub-81 | MC-118989 Sub-83 | May 28, 1974 |
| Container Transit, Inc., MC-118989 Sub-96 | MC-118989 Sub-88 | Do. |
| Caravan Refrigerated Cargo, Inc., MC-119789 Sub-142 | MC-119789 Sub-135 | Do. |
| Kenan Transport Co., Inc., MC-124306 Sub-14 | MC-124306 Sub-15 | Dec. 9, 1974 |
| Roy S. Sargeant, Inc., MC-124073 Sub-6 | MC-124073 Sub-7 | June 28, 1974 |
| Grim Bros. Trucking Co., MC-124854 Sub-11 | MC-124854 Sub-12 | May 24, 1974 |
| Claremont Motor Lines, Inc., 123613 Sub-8 | MC-123613 Sub-9 | May 23, 1974 |
| L. Woods & Sons Transport Ltd., MC-125497 Sub-18 | MC-125497 Sub-19 | May 19, 1974 |
| Hofer, Inc., MC-128007 Sub-60 | MC-128007 Sub-61 | Feb. 20, 1975 |
| Skyline Transport, Inc., MC-128642 Sub-9 | MC-128642 Sub-11 | May 29, 1974 |
| D.b.a. Schremp Bros., MC-133115 Sub-3 | MC-133115 Sub-4 | Oct. 17, 1974 |
| George Appel, MC-133796 Sub-10 | MC-133796 Sub-17 | May 24, 1974 |
| William A. Long, MC-134139 Sub-5 | MC-134139 Sub-6 | Do. |
| Lanter Refrigerated Distributing Co., MC-134551 Sub-2 | MC-134551 Sub-3 | Dec. 9, 1974 |
| D.b.a. H & H Trucking Co., MC-134502 Sub-3 | MC-134502 Sub-4 | May 24, 1974 |
| D.b.a. Bennett & White, MC-134869 Sub-2 | MC-134869 Sub-3 | Do. |
| Dubose Trucking Co., Inc., MC-135065 Sub-6 | MC-135065 Sub-7 | June 28, 1974 |
| Fred W. Moholland, MC-135609 Sub-3 | MC-135609 Sub-4 | Do. |
| LTL Perishables, Inc., MC-135874 Sub-21 | MC-135874 Sub-13 | Feb. 18, 1975 |
| Kirk A. Jefferis, MC-136309 | MC-136309 Sub-1 | May 31, 1975 |
| Milton Transportation, Inc., MC-136343 Sub-17 | MC-136343 Sub-19 | Jan. 16, 1975 |
| Del-Val Coach, Inc., MC-136729 | MC-136729 Sub-1 | June 24, 1974 |
| P & M Transport, Inc., MC-136939 Sub-19 | MC-136939 Sub-2 | May 29, 1974 |
| Charles Branham Trucking, MC-138733 Sub-1 | MC-138733 Sub-2 | Feb. 6, 1975 |
| Boyd Trucking Co., Inc., MC-138770 | MC-138770 Sub-1 | May 24, 1974 |



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| Temporary authority application | Final action or certificate or permit | Date of action |
|---|---|---|
| Eastern Washington Distributing Co., Inc., MC–136758 Sub-1 | MC–136758 Sub-2 | Feb. 6, 1975 |
| D.b.a. AAA United Limousine Service, MC–138141 Sub-1 | MC–138141 Sub-2 | Aug. 20, 1974 |
| D.b.a. Merchandise Pickup & Delivery, Inc., MC–138436 | MC–138436 Sub-1 | Feb. 28, 1975 |
| Lakeview Economy Farm Service, Inc., MC–138599 Sub-1 | MC–138599 Sub-2 | Oct. 21, 1974 |
| Carolina Western Xpress, Inc., MC–138635 Sub-1 | MC–138635 Sub-3 | Jan. 29, 1975 |
| Hiram E. Blue, Jr., MC–139063 Sub-1 | MC–139063 Sub-2 | Apr. 7, 1975 |

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10617 Filed 4–23–75;8:45 am]

[Notice 42]

## TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

| Temporary authority application | Final action or certificate or permit | Date of action |
|---|---|---|
| Barnet's Express, Inc., MC–17051 Sub-10 | MC–17051 Sub-11 | May 13, 1974 |
| D.b.a. The Waggoners, MC–26396 Sub-119 | MC–26396 Sub-124 | Mar. 21, 1975 |
| The Mason & Dixon Tank Lines, Inc., MC–61403 Sub-227 | MC–61403 Sub-229 | Do. |
| Hunt Transportation, Inc., MC–82841 Sub-114 | MC–82841 Sub-120 | June 17, 1974 |
| Hunt Transportation, Inc., MC–82841 Sub-128 | MC–82841 Sub-131 | Dec. 27, 1974 |
| E. B. Law & Son, Inc., MC–106278 Sub-34 | MC–106278 Sub-36 | Aug. 20, 1974 |
| Refrigerated Transportation Co., Inc., MC–107515 Sub-843 | MC–107515 Sub-845 | July 16, 1974 |
| Home Transportation Co., MC–111545 Sub-200 | MC–111545 Sub-203 | Mar. 20, 1975 |
| Erickson Transport Corp., MC–113908 Sub-280, 281 | MC–113908 Sub-287 | Feb. 25, 1975 |
| Maybelle Transport Co., MC–114106 Sub-98 | MC–114106 Sub-99 | June 20, 1974 |
| Barrett Mobile Home Transport, Inc., MC–116073 Sub-271 | MC–116073 Sub-282 | Feb. 14, 1975 |
| Hahn Truck Line, Inc., MC–117765 Sub-172 | MC–117765 Sub-174 | Feb. 20, 1975 |
| Easley Hauling Service, Inc., MC–118038 Sub-5 | MC–118038 Sub-6 | Sept. 25, 1974 |
| Baker Hi-Way Express, Inc., MC–119411 Sub-36 | MC–119411 Sub-37 | July 18, 1974 |
| Jack Jordan, Inc., MC–124251 Sub-31 | MC–124251 Sub-30 | Dec. 13, 1974 |
| Petroleum Carrier Corporation of Florida, MC–126736 Sub-70 | MC–126736 Sub-69 | Sept. 3, 1974 |
| Ray L. Krail, MC–128645 Sub-5, 6 | MC–128645 Sub-7 | May 2, 1974 |
| Arthur Shelley, MC–129171 Sub-9 | MC–129171 Sub-12 | Feb. 25, 1975 |
| Reeves Transportation Co., MC–129537 Sub-9 | MC–129537 Sub-8 | Mar. 13, 1973 |
| Frederick L. Bultman, Inc., MC–129863 Sub-8 | MC–129863 Sub-9 | Mar. 7, 1975 |
| Peter P. Burkel, Jr., MC–134299 Sub-1 | MC–134299 Sub-2 | Do. |
| Direct Service, Inc., MC–134783 Sub-2 | MC–134783 Sub-3 | May 23, 1974 |
| D.b.a. Hilton Head Island Transportation Center, MC–135754 Sub-2 | MC–135754 Sub-1 | May 3, 1974 |
| J. B. Hunt Transport, Inc., MC–135797 Sub-5 | MC–135797 Sub-11 | June 5, 1974 |
| Coyote Truck Line, Inc., MC–136318 Sub-15 | MC–136318 Sub-17 | July 23, 1974 |
| Milton Transport, Inc., MC–136343 Sub-9 | MC–136343 Sub-10 | Dec. 2, 1974 |
| Foley Warehousing, Inc., MC–136483 | MC–136483 Sub-1 | June 28, 1974 |
| D.b.a. CMC Furniture Transport, Co., MC–136498 | MC–136498 Sub-3 | July 1, 1974 |
| Moore Transportation Co., Inc., MC–138104 Sub-13 | MC–138104 Sub-16 | Mar. 25, 1975 |
| Frank D. Corbin, MC–138115 Sub-3 | MC–138115 Sub-4 | Apr. 9, 1975 |
| T/T Trucking, Inc., MC–138376 Sub-1 | MC–138376 Sub-2 | June 7, 1974 |
| D.b.a. D & M Transport, MC–138404 Sub-3 | MC–138404 Sub-4 | Dec. 27, 1974 |
| Forest Transport Corp., MC–138602 Sub-1 | MC–138602 Sub-2 | Apr. 8, 1974 |
| Paradise Transfer & Storage Co., Inc., MC–138984 Sub-1 | MC–138984 Sub-2 | Aug. 22, 1974 |
| Pete King Corp., MC–139119 | MC–139119 Sub-1 | May 2, 1974 |
| D.b.a. Apache Truck Line, MC–139453 Sub-4 | MC–139453 Sub-3 | Mar. 5, 1975 |
| Raymond Boyce Honeycutt, MC–139597 Sub-1 | MC–139597 Sub-2 | Jan. 16, 1975 |
| Eskelson Trucking, Inc., MC–139804 Sub-1 | MC–139804 Sub-2 | Mar. 21, 1975 |
| D.b.a. Klutts Construction, MC–139972 | MC–139972 Sub-1 | Feb. 20, 1975 |

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10783 Filed 4–23–75;8:45 am]

[Notice 272]

## MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 24, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75721. By application filed April 18, 1975, GENERAL MOVERS, INC., P.O. Box 392, E. St. Louis, IL 62202, seeks temporary authority to lease the operating rights of FASGO MOTOR EXPRESS, INC., P.O. Box 432, E. St. Louis, IL 62202, and MODERN TRUCK LINES, INC., P.O. Box 49, E. St. Louis, IL 62202, under section 210a(b). The transfer to GENERAL MOVERS, INC., of the operating rights of FASGO MOTOR EXPRESS, INC., and MODERN TRUCK LINES, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10780 Filed 4–23–75;8:45 am]



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THURSDAY, APRIL 24, 1975

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PART II

# ENVIRONMENTAL PROTECTION AGENCY

■

## ELECTROPLATING POINT SOURCE CATEGORY

### Interim Effluent Limitations and Guidelines, and Proposed Performance and Pretreatment Standards

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ing subcategory (Subpart D), coatings operation (2.0 gal/sq ft-operation) for automated establishment size groups

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 361-3]

# PART 413—ELECTROPLATING POINT SOURCE CATEGORY

## Interim Regulations

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On March 28, 1974, EPA promulgated a regulation adding Part 413 to Chapter 40 of the Code of Federal Regulations (39 FR 11510). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the electroplating manufacturing point source category. The regulation set forth below will amend 40 CFR Part 413—electroplating manufacturing point source category—by revising §§ 413.10, 413.11, and 413.12 of Subpart A to change the name, expand the applicability thereof to include cadmium, tin, lead, aluminum, and iron in addition to the original coverage of copper, nickel, chromium, and zinc, and revise the definitions; and by adding effluent limitations and guidelines for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available for existing sources for the electroplating of precious metals subcategory (Subpart B), electroplating of specialty metals subcategory (Subpart C), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical milling and etching subcategory (Subpart F), pursuant to sections 301 and 304(b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, and 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form amendments to Subpart A and limitations for existing sources and standards of performance for new point sources and pretreatment standards for existing sources and new sources for Subparts B, D, E, and F.

(a) Legal Authority. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practical control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304 (b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304 (b) of the Act, for the electroplating of common metals (Subpart A), electroplating of precious metals subcategory (Subpart B), electroplating of specialty metals subcategory (Subpart C), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The reports or "Development Documents" referred to below provide, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) Summary and Basis of Interim Final Effluent Limitations and Guidelines for Existing Sources and Proposed Standards of Performance and Pretreatment Standards for New Sources.

(1) General methodology. The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the electroplating of common metals subcategory (Subpart A), electroplating of precious metals subcategory (Subpart B), electroplating of specialty metals subcategory (Subpart C), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.





(i) Categorization. Process differences, type of basis material, product design, raw materials used, size and age of facility, number of employees, geographic location, quantity of work processed, waste characteristics, water use, and treatment technologies were the factors considered as a basis for categorization. The wastes produced by processing common basis materials are similar. A single facility can process almost all basis materials without significant change in the raw materials consumed or the waste treatment technique adapted for control of any surface dissolution appearing at end-of-pipe discharge. Furthermore, the basis materials selected for most consumer products are frequently interchanged. Thus, type of basis material does not form a basis for subcategorization.

Raw materials consumed do not provide a basis for subcategorization because practical waste treatment technology identified in Section VII of the "Development Documents" is applicable to all of the usual procedures and solutions used in electroplating.

Geographic location is not a basis for subcategorization. Natural and climatic conditions such as rainfall do not affect electroplating or metal finishing processes.

Predominant among waste water constitutents are the metal cations or complexes thereof and ions that occur in cleaning, pickling, or processing baths such as phosphates, and chlorides and metal complexing agents. These constituents are common to the electroplating and finishing of all the considered metals and do not constitute reason for subcategorization.

Water use constitutes one basis of subcategorization. Waste water from electroplating processes is derived from the rinses following preplating, plating and post plating operations. The factors with the greatest influence on the volume of water used are the kinds of rinsing techniques (i.e., spray, single stage, series, and countercurrent), and shape and complexity of the part. The quantity of water required in these rinsing steps of each of the processes (the median value) has been estimated to be 80 l/sq m-operation (2.0. gal/sq ft-operation) for the electroplating of precious and common metals subcategory, 60 l/sq m-operation (1.5 gal/sq ft-operation) for the anodizing subcategory, 12 l/sq m-operation (.3 gal/sq ft-operation) for the coatings subcategory, and 90 l/sq m-operation (2.5 gal/sq ft-operation) for the etching and milling subcategory. Since it is not known from the existing data base the extent to which the above mentioned factors influence the water use, they have been expanded to the 65th percentile, 160 l/sq m-operation (4.0 gal/sq ft-operation) for the common and precious metals subcategories, 90 l/sq m-operation (2.5 gal/sq ft-operation) for the anodizing subcategory, 80 l/sq m-operation (2.0 gal/sq ft-operation) for the coatings subcategory, and 120 l/sq m-operation (3.0 gal/sq ft-operation) for the etching and milling subcategory. Section IV of the Development Documents explains in detail how these values were derived. The Agency believes that the water use factors are generous and take into account the larger volumes of water which may be required for rinsing complex parts. However, the Agency solicits additional data on the water requirement for rinsing and how this requirement is related to the shape of the part and rinsing technique.

Basic process differences constitute a second basis for subcategorization. Electroplating was separated from metal finishing processes because electroplating always requires the action of an electrical current to deposit a metallic coating on the basis material acting as an electrode. Metal finishing processes may or may not require a current and may or may not deposit a metallic coat on the basis material. The processes of anodizing, coatings, chemical etching and milling are significantly different as to warrant separate subcategories. Anodizing, usually performed on aluminum, converts the surface of the object to the metal oxide. The object serves as the anode. Coatings refer principally to chromating, phosphating, and immersion plating. Each of these processes applies a thin protective coat on the treated object. An electrical current may or may not be applied. Chemical etching and milling involve the dissolution of the basis material.

Treatment technologies constitute the third basis for subcategorization. Due to the greater dollar values of the precious metals, great strides have been taken by the industry to recover and reuse these metals. Such recovery methods as evaporation, ion exchange, and reverse osmosis are capable of reducing the concentrations of the metals in the treated stream to below detectable limits. Thus, the electroplating point source category has been subcategorized by differences in processes, water use, and treatment technologies.

Size and age of facility, and number of employees engaged in electroplating do not directly constitute a basis for subcategorization for purposes of waste water treatment. The nature, basic principles and waste characteristics of electroplating are the same in all facilities regardless of size and age. Only the quantity of waste per unit time will differ.

The number of employees engaged in electroplating does not offer a basis for subcategorization, because the amount of work that can be processed depends upon the degree of automation. However, since the number of employees appears to be highly correlated to sales, it does relate to a variance in the requirements for best practicable control technology currently available for small installations.

Based upon data contained in the Economic Analysis of Proposed Guidelines and a report prepared by Booz-Allen and Hamilton, Inc., three alternative non-automated establishment size groups were considered in developing the general variance for small platers, a 1–4 man shop, a 5–9 man shop, and a 10–19 man shop. It was concluded that few independent shops with less than 10 employees could afford to install physical-chemical treatment. While it was also apparent that a significant number of shops in the 10 to 20 employee size group would face adverse impacts due to 1977 requirements, the pollution potential created by granting a variance to this size group was felt to be larger than the benefits of alleviating the adverse economic impact. This flow could be expected to contain 2.0 kg/day (4.4 lbs/day) of each metal plated and total cyanide. A total flow of 400,000 l/day (100,000 gal/day) could be discharged from a shop in this size category. Hence, after extensive deliberation, the variance was established at the 10 employee size level. However, it should be realized that this variance is not guaranteed to small platers. State and local authorities have the option of imposing stricter standards on any electroplating or metal finishing facility.

(ii) Waste characteristics. Waste water comes from the pretreatment steps of acid pickling, alkaline cleaning, sensitizing, activation, etc., the electroplating and metal finishing steps, and the post-treatment steps of coloring and protective coating, and includes constituents from the basis material being finished as well as from the components in the processing solution. Predominant among the waste water constituents are the metal ions that occur in cleaning, pickling, or processing baths such as phosphates and chlorides, and various organic compounds. These constituents are common to the processes in these subcategories.

(iii) Origin of waste water pollutants. Waste water results from rinsing to remove films of processing solution from the surface of work pieces at the site of each operation, rinsing away spills, washing the air that passes through ventilation ducts so as to remove spray from the air before it is exhausted, dumps of spent solutions, washing of equipment, and cooling water used in heat exchangers to cool solutions in metal finishing processes. Approximately 90 percent of the water consumed is in rinsing. That used as cooling water is usually recycled for rinsing. Operating solutions to be dumped are slowly trickled into the rinse waters prior to treatment.

(iv) Treatment and control technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Best practicable control technology currently available is based upon the average of the best water use and concentrations achieved by the application of the recommended treatment technology.



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The 1977 standard emphasizes treatment facilities at the end of a manufacturing process but include control technologies within the process itself. More specifically, the standard emphasizes the use of chemical methods at end-of-line combined with the best practicable within process control technology to conserve rinse water and reduce the amount of treated waste water discharged.

Chemical treatment methods include destruction of cyanide by oxidation, reduction of hexavalent chromium to the trivalent form, neutralization and coprecipitation of metals as hydroxides or hydrated oxides with settling and clarification to remove suspended solids prior to discharge. By optimum choice of pH and efficient clarification, it is possible to achieve a significant reduction in the pollutional load. The above technology has been widely practiced by many plants for over 25 years.

Having identified the technology for end-of-process treatment and recognizing the technical and practical limitations on removal of metals by this technology, further reduction in the quantity of pollutants discharged must be achieved by reduction in the volume of waste water which results principally from rinsing. Some of these controls, designed to minimize dragout of concentrated solutions or to reclaim as much dragout as possible are normal practice within the industry.

According to good practice, reclaim tanks and/or still rinses are being used and all evaporation losses are made up of the reclaimed solutions. Dragout reclaimed does not contribute to the raw waste load normally discharged from remaining rinses. Further reduction in rinse water can be achieved by use of a stagnant rinse for bath recovery or by multiple-tank countercurrent rinsing. Also, the use of advanced recovery techniques, such as evaporation, concentrate rinse water sufficiently to allow reclaim of the electroplating solution. These advanced recovery techniques are in common use for recovering the precious metals.

The best available technology economically achievable is the use of inprocess and end-of-process control and treatment to achieve no discharge of pollutants. By the use of inprocess controls to reduce the volume of waste water, it becomes economical to use end-of-process treatment designed to recover water and reuse the water within the plant. Solid wastes are disposed of by scavengers or to landfill. Some plants have been able to eliminate liquid effluent on one or more lines, using evaporation and feeding the brine back to the plating bath. One plant is using a system to eliminate liquid effluent by subjecting it to reverse osmosis after clarification. The concentrate from the reverse osmosis unit is evaporated to dryness.

In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of that part of section 301(b) requiring achievement by not later than July 1, 1983 of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable.

The appropriateness of these regulations which require no discharge of process wastewater pollutants as the 1983 standard has been questioned. The Agency desires to receive new data and information on how recovery and reuse techniques can be applied to achieve the no discharge limitation. The Agency is considering promulgating a regulation which takes into account the position of the small plater and desires to receive information concerning the economic impact of a no discharge standard on the small, independent electroplater.

The best available demonstrated control technology for this industry, like the best practicable control technology currently available, emphasizes the use of chemical treatment at end-of-pipe combined with best inprocess controls to conserve rinse water. However, due to the ability of an electroplater to optimize operating conditions in a new facility, the water usage can be substantially reduced. Some new installations of the industry are already achieving this. Data indicate that the exclusive use of countercurrent rinsing can reduce water to 10 to 20 l/sq m-operation. This is well below that required for new source performance standards.

Solid waste control must be considered. Clarifier underflow or sludge contains typically 1 to 2 percent solids and can be pumped to a lagoon. Metal ions in the liquid associated with the sludge can percolate through porous soil and become a potential source of groundwater contamination. Impervious lagoons require evaporation into the atmosphere. However, where precipitation exceeds evaporation, other methods of disposing of sludge must be employed.

Lagooning can be avoided by dewatering the sludge to a semi-dry or dry condition. Several devices are available for dewatering sludge. Rotary vacuum filters will concentrate sludge containing 4 to 8 percent solids to 20 to 25 percent solids. Centrifuges can attain similar reductions and have the advantage of occupying less space. Pressure filters will produce a filtrate with less than 3 mg/l of suspended solids so that return to a clarifier is not needed. The filter cake contains 20 to 25 percent solids. Plate and frame presses and automated tank type pressure filters are also feasible. The latter can achieve a cake with a solids concentration as high as 60 percent. Filter cakes are easily collected and hauled to landfills.

Some firms offer a proprietary service for solidifying sludge by addition of chemical fixing agents. The fixing process appears to insolubilize the heavy metal ions so that in leaching tests only a fraction of a mg/l is found in solution. A fill is produced that is similar to dried clay.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or nonhazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous, where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials, where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) Cost estimates for control of waste water pollutants. The capital costs for a treatment facility involving reduction of hexavalent chromium to trivalent chromium, destruction of cyanides and coprecipitation of metal hydroxides are estimated at $70,000 per 1,000 sq ft per hour of production and are linear for the 100 to 10,000 sq ft per hour range. The operating costs (including capital costs and depreciation) have been estimated at $11 per 1,000 sq ft processed. The minimum complete treatment plant, which includes cyanide destruction, chromium reduction, coprecipitation, and clarification, costs from $23,000 to $34,000. A minimum installation of cyanide destruction specified for small platers costs about $9,100. It is expected that a 5-man shop will pay between $36,000 and $65,000, a 10-man shop between $52,000 and $87,000, a 20-man shop between $70,000 and $100,000 and a 45-man shop between $150,000 and $190,000 for a waste treatment system.

(vi) Energy requirements and nonwater quality environmental impacts. Energy requirements for best practicable control technology currently available are low. The main expense is electricity for pumps, mixers, and control instruments—approximately 5 percent of the total expense. In looking at 18 different facilities employing chemical treatment,





the total electric cost was $75,330. The electrical energy required for treating $2.27 \times 10^9$ l/hr by a reverse osmosis unit for 4,000 hours per year is $6,400. The volume/year processed by the 18 plants is $3.96 \times 10^9$ liters. The total electrical cost for processing this water by reverse osmosis is $279,200. For best available technology economically achievable, energy costs would be the sum of chemical treatment and reverse osmosis costs, $354,530. The ratio of $354,530/$75,330 is 4.70. On this basis, one would expect a system of no discharge will increase the use and cost of energy five-fold.

(vii) Economic impact analysis. This analysis does not apply to electroplating operations covered by Phase I regulations published March 28, 1974 (i.e., platers of copper, nickel, chromium and zinc). A summary of economic impact for these operations was provided with the electroplating Phase I effluent guidelines. However, the economic relief clause for small platers provided under these interim final regulations is being extended to the aforementioned Phase I operations and supersedes a similar provision in the regulations published March 28, 1974. This modification should result in a larger number of small shops qualifying for the less stringent treatment requirements permitted under the economic relief clause. Hence, it is expected that adverse economic impacts will be reduced from those levels reported in the economic impact summary accompanying the effluent limitations guidelines published March 28, 1974.

A precise analysis of economic impact on captive installations covered by these regulations is not possible due to data limitations. Estimates of the total number of establishments vary widely and in most cases parent firms do not maintain separate financial records for captive plating shops. It is believed that there are between 2,000 and 22,000 captive plating operations covered by these regulations.

Analysis indicates that plating costs comprise a small portion of value of shipments. One contractor states:

> In terms of estimated value of plating as a percentage of total value of shipments, the heating equipment industry (SIC 3433) had the highest proportion, 6.8 percent.
>
> For most industries, the estimated value of plating as a percent of value of shipments was less than one percent.

The last point would indicate that for most industries (at the 4-digit SIC level) the value of electroplating in the final product is of minor importance.

However, it does not necessarily follow that pollution control impacts would also be minor." (Appendix A (page 5) Draft Final Report—"Review of Economic Analysis of the Electroplating Industry," Booz-Allen and Hamilton, Inc., January 16, 1975.)

For example, metal fasteners may be a product where pollution control requirements may have significant impacts. The value of this product is small and the cost of plating is a large percentage of the cost of producing the finished goods.

Nevertheless, based upon the limited information available to the Agency, it is anticipated that adverse impacts on captive establishments will not be substantial and are likely to be lower than on job shops. The Agency solicits information relating to economic impacts of these regulations on captive operations.

The economic analysis is based on the conservative assumption that few plants in the metal finishing industry have installed best practicable control technology currently available. In many cases, existing equipment can be upgraded at a fraction of the cost of a totally new facility. However, in all cases, full costs have been presumed to be necessary to meet 1977 guidelines. To the extent this is incorrect, total industry costs have been overstated.

A significant percentage of the establishments which are direct discharging are expected to close by 1977. The majority of these impacts occur in shops with less than 20 employees, primarily due to the fact that many plants in the size group do not have sufficient funds to support the cost of waste treatment. However, a large number of firms with less than 10 employees will be subject to less stringent limitations than those applicable to larger plants. This will greatly reduce their capital and annual cost requirements. Currently, such modified limitations for small plants are available only under the 1977 standards, but the Agency is reviewing the implications of including similar provisions in the 1983 standards.

Between 15 and 30 plants, or 2 to 3 percent of all plants in the industry (7 to 12 percent of direct dischargers) may close as the result of 1977 requirements. In addition, it is estimated that another 110 to 115 shops will not be able to meet 1983 treatment costs. Rather than make the substantial investment necessary for 1983 guidelines, these firms probably would close in 1977. Thus, in total, approximately 120 to 140 platers or 13 to 15 percent of all plants in the industry (57 to 65 percent of all firms which direct discharge) may shut down in 1977. The affected firms represent approximately 2,200 to 2,800 employees and about 11 to 14 percent of total industry sales.

However, if less stringent limitations for 1983 are established for small platers with less than 10 employees, spillover impacts would be ameliorated. (Spillover closures are closures occurring in 1977 and resulting from 1983 requirements.) Under these circumstances, a total of 70 to 80 shops are expected to close in 1977 (including 1977 and 1983 impacts) or 7 to 9 percent of all firms in the industry. A total of 1,750 to 1,790 jobs would be eliminated.

Most of the establishments which do not close in 1977 will either join a municipal system (if possible), or perhaps expand to a size where it is economic to install in-plant waste treatment. Assuming that pretreatment costs in 1983 do not rise above 1977 levels, it will not be economic for a small direct discharger to install 1983 treatment if the firm is competing against a municipal discharger. If 1983 pretreatment standards require treatment levels similar to best available treatment, then this analysis will require revision.

The large, low cost producers should be able to pass on their 1977 pollution control costs through price increases ranging from 12 to 16 percent. However, some small firms with less than 20 employees may face high production costs and high treatment costs in relation to sales and will be unable to recover full treatment expenditures at the market price.

No additional adverse impacts are anticipated in 1983. Although investment and annual costs are significant for 1983, industry prices are not expected to rise. This is due to the fact that most firms will be on municipal systems by 1983 and it is assumed that pretreatment costs will not increase between 1977 and 1983. The few plants that remain as direct dischargers will probably be located in isolated markets or other specialized services. In such instances, it is expected that price increases comparable to 1977 increases could be obtained to recover the incremental costs for 1983 requirements.

In spite of the potential closures and price increases required for 1977 limitations, industry volume is expected to grow by 10 percent over the period from 1973 to 1977. This growth is expected to come from new plants as well as expansion of existing plants. 1977 and 1983 requirements should have a negligible effect on regional or local economies, or on the balance of trade.

The reports entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the Precious and Other Metals Segment of the Electroplating Manufacturing Point Source Category" and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Metal Finishing Segment of the Electroplating Manufacturing Point Source Category" detail the analyses undertaken in support of the interim final regulation set forth herein and are available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.



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than 7800 liters per hour (2061 gallons

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the electroplating manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Department of Interior; (4) Department of Commerce; (5) Department of Defense; (6) Department of the Treasury; (7) Water Resources Council; (8) Atomic Energy Commission; (9) Office of Management and Budget; (10) National Association of Metal Finishers; (11) Metal Finishers Suppliers Association; (12) American Electroplating Society; (13) Institute of Printed Circuits; (14) Alberta Plating Works, Inc.; (15) American Hot Dip Galvanizers; (16) American Society of Mechanical Engineers; (17) Hudson River Sloop Restoration, Inc.; (18) The Conservation Foundation; (19) Environmental Defense Fund, Inc.; (20) Natural Resources Defense Council; (21) The American Society of Civil Engineers; (22) Water Pollution Control Federation; (23) National Wildlife Federation; (24) American Institute of Chemical Engineers; (25) New England Interstate Water Pollution Control Commission.

The following responded with comments: States of Kentucky, Nebraska, Wisconsin, Connecticut, California, Virginia, North Carolina, Illinois, Texas and Indiana; Jacob Hay Company; The Harshaw Chemical Company; Mac Dermid, Inc.; Aircraft Radio and Control; Western Electric; Lancy Laboratories; BASF Wyandotte Corporation; Frederick Gumm Chemical Company, Inc.; Aldoa Company; Lea-Ronal, Inc.; Automation Plating Corporation; American Electroplaters' Society; U.S. Water Resources Council; National Association of Metal Finishers; Metal Finishers Suppliers' Association; American Institute of Chemical Engineers; Department of Defense; and Department of Interior.

The primary issues raised in the development of the interim final effluent limitations guidelines and the treatment of these issues herein are as follows:

(1) A common criticism was that area plated does not present a workable basis for the guidelines. It is very difficult, if not impossible, for an electroplater to determine the area plated.

While it is true that many installations do not presently maintain area plated records, many have stated that such a method of record keeping would be viable. Some are currently maintaining records on this basis. In a recent survey of 100 electroplating plants in New England requesting area plated data, 25 plants maintained and supplied records of area plated, 25 supplied necessary amperage and plating time data for calculating the area plated, and 15 stated that the information could be obtained with some research and would be supplied shortly. Also, suppliers of plating equipment design their lines in terms of area plated. When an electroplater purchases a line, the capacity is given in area plated. Section 308 of the Act authorizes the Administrator to require the owner or operator of any point source to establish and maintain records to determine compliance with effluent limitations. Paragraphs (b) of §§ 413.12 and 413.15 have been added to this regulation to provide the plater various means for determining the area plated.

(2) A common criticism was that the definitions of "sq m" and "sq ft" were not clear. These definitions have been revised and should be construed to mean the unmasked area exposed to the processing solution. This may include areas not specifically intended for reception of the coating. For example, the metallic portions of racks and barrels and the inside of tubular parts such as handlebars if unmasked and unplugged will also qualify as "sq m" or "sq ft" to be used in computing allowable effluent discharges. Facilities which immerse large amounts of masked area may warrant special consideration.

(3) A common criticism was that the fluoride and cadmium limits cannot be reached using the proposed technology. The contractor's draft document put forth standards based on concentrations of 5 mg/l for fluoride and 0.1 mg/l for cadmium and a flow of 80 l/sq m-operation. The fluoride standard is now based on a concentration of 29 mg/l and the cadmium standard is based on 0.3 mg/l and higher flows for each subcategory as identified in 2(1). It is believed that these limitations are generous and can be practicably achieved by all dischargers.

(4) A common criticism was that none of the plants surveyed is able to achieve all the limitations simultaneously. The guidelines are a product of the concentration of each parameter expressed in mg/l and the water use expressed in l/sq m-operation. Although many plants are meeting the concentration standards and many are meeting the water use standard, no plant was able to meet the product of the two on all parameters. The contractor's draft development document postulated guidelines which had a water use factor of 80 l/sq m. The water use factor (as previously described) and some of the concentration factors (i.e. cadmium, fluoride, aluminum and phosphate) have been revised to allow greater discharges. It is felt that this more closely represents best practicable control technology currently available.

(5) A common criticism was that a large segment of the industry wet tumbles the basis material, but no mention of this was made in the draft document. Several metal finishing processes, including wet tumbling, were not covered in the draft document, and are not subject to these regulations. Regulations for these segments will be developed at a later date when a more extensive data base has been established.

(6) A common criticism was that water use for pre and post treatment steps was not considered. The methodology used in the formulation of the regulations involved the development of a water use which intrinsically took into account the volume contributed by two to four cleaning and pickling steps. Questions have been raised about the appropriateness of not including a separate allowance for pretreatment steps. The Agency solicits additional data on the contributions made by the pretreatment steps to the volume of the waste stream, to take into account an additional water use which might be associated with an unusually large number of pretreatment steps.

The definition of operation for the calculation of effluent discharges has been expanded to include other steps in the electroplating process which are significant contributors of water. In Subparts A and B, the electroless plating on nonmetallic materials for the purpose of providing a conductive surface on the basis material, post plating steps of chromating, phosphating, and coloring, which form an integral step of the electroplating line and stripping where conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts may be included under the term "operation" for the purpose of calculating effluent discharges.

(7) A common criticism was that the effluent limitations as proposed would impose a severe economic hardship on the small plater. If small shops employ chemical treatment with good water use, they can meet the guidelines as proposed. Hence, an exemption or relaxation of the standards based on size is warranted only from an economic or administrative standpoint and not on the basis of technical feasibility of waste treatment. After an analysis of additional data supplied by the industry and a re-evaluation of the economic impact of the guidelines, it was determined that the minimum cost for effective physical-chemical waste treatment may create an economic burden on the very small plater. On the basis of this further analysis, the best practicable control technology currently available for electroplating of common metals subcategory (Subpart A), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical etching and milling subcategory (Subpart F), for installations with a total employment of less than 11 persons, with a discharge of waste water generated from the electroplating or metal finishing process of less





than 7800 liters per hour (2061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee) was determined to be destruction of any cyanide present in the discharge equalization and pH adjustment. This exemption does not include precious metal platers.

8) A common criticism was that from theoretical solubility curves of metal hydroxides, the concentration basis of the effluent regulations cannot be simultaneously achieved during coprecipitation.

The concentration levels of the regulations were not derived from solubility curves of the individual hydroxides. They were developed from actual plant performance. From the data available, it appears that the presence of other metal ions in solution have synergistic effects which decreases the solubility of metal hydroxides. If a plant can document that the presence of other metal ions has an opposite effect, i.e., increased solubility of metal hydroxides, a variance may be warranted.

(9) A common criticism was that a daily maximum twice the thirty day average is insufficient to allow for the variation in treatment plant efficiency. The recommended treatment technology for the electroplating industry is a physical-chemical one. It is not dependent upon the vagaries of a biological process. For the latter, a one day variation of 1.5 from the thirty day maximum has been consistently achievable. Thus, a factor of 2 for the physical-chemical system is quite generous. See Section IX of the Development Documents for a detailed explanation of this. Moreover, a waste water treatment system is an integral part of an industrial plant. Its maintenance must be considered as equal in importance to the maintenance of any step requisite to the production of an item. Thus, should it cease proper functioning, the shutdown of a particular process as a method of checking an erratic discharge shall be required.

(10) A common criticism was that it was unclear which parameter should be monitored. There are many parameters listed under each subcategory. However, an electroplater should not be required to monitor for a parameter if it is not present in the waste stream. If any processing changes are made, a reevaluation of the pollutants present should be made.

(11) A common criticism was that it was unclear as to how the guidelines should be applied. Several examples showing plant situations have been added to the end of Section IX in the Development Documents to clarify application of the guidelines.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train* et. al. (Civ. No. 1609–73 (which requires the promulgation of regulations for this industry category no later than December 26, 1974. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitation on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before May 27, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 413 is hereby amended as set forth below.

Dated: April 9, 1975.

JOHN QUARLES,
*Acting Administrator.*

**Subpart A—Electroplating of Common Metals Subcategory**

Sec.
413.10 Applicability: description of the electroplating of common metals subcategory.
413.11 Specialized definitions.
413.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**Subpart B—Electroplating of Precious Metals Subcategory**

413.20 Applicability: description of the electroplating of precious metals subcategory.
413.21 Specialized definitions.
413.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**Subpart C—Electroplating of Specialty Metals Subcategory [Reserved]**

413.30 [Reserved]
413.31 [Reserved]
413.32 [Reserved]

**Subpart D—Anodizing Subcategory**

413.40 Applicability: description of the anodizing subcategory.
413.41 Specialized definitions.
413.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**Subpart E—Coatings Subcategory**

413.50 Applicability: description of the coatings subcategory.
413.51 Specialized definitions.
413.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**Subpart F—Chemical Etching and Milling Subcategory**

Section
413.60 Applicability: description of the chemical etching and milling subcategory.
413.61 Specialized definitions.
413.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92–500.

## Subpart A—Electroplating of Common Metals Subcategory

The name of Subpart A is revised to read as follows: Electroplating of Common Metals Subcategory.

Section 413.10 is revised to read as follows:



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**§ 413.10 Applicability; description of the electroplating of common metals subcategory.**

The provisions of this subpart are applicable to discharges of pollutants resulting from the process in which a ferrous or nonferrous basis material is electroplated with copper, nickel, chromium, zinc, tin, lead, cadmium, iron, aluminum or any combination thereof.

Section 413.11 is revised to read as follows:

**§ 413.11 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area plated expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the electroplating process which is followed by a rinse and in which a metal is electrodeposited on a basis material.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

Section 413.12 is revised to read as follows:

**§ 413.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can effect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 160 | 80 |
| Nickel | 160 | 80 |
| Cr, Total | 160 | 80 |
| CrVI | 16 | 8 |
| Zinc | 160 | 80 |
| CN, Total | 160 | 80 |
| CN, A | 16 | 8 |
| Fluoride | 6400 | 3200 |
| Cadmium | 96 | 48 |
| Lead | 160 | 80 |
| Iron | 320 | 160 |
| Tin | 320 | 160 |
| Phosphorus | 320 | 160 |
| TSS | 6400 | 3200 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 32.7 | 16.4 |
| Nickel | 32.7 | 16.4 |
| Cr, Total | 32.7 | 16.4 |
| CrVI | 3.3 | 1.6 |
| Zinc | 32.7 | 16.4 |
| CN, Total | 32.7 | 16.4 |
| CN, A | 3.3 | 1.6 |
| Fluoride | 1308 | 654 |
| Cadmium | 19.2 | 9.6 |
| Lead | 32.7 | 16.4 |
| Iron | 65.4 | 32.7 |
| Tin | 65.4 | 32.7 |
| Phosphorus | 65.4 | 32.7 |
| TSS | 1308 | 654 |
| pH | Within the range 6.0 to 9.5. | |

(b) The post plating steps of chromating, phosphating and coloring, if followed by a rinse, may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| CN, A | 16 | 8 |
| CN, Total | 160 | 80 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |
| (English units) pounds per million square feet per operation | | |
| CN, A | 3.3 | 1.6 |
| CN, Total | 32.7 | 16.4 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |

(f) Pursuant to section 308 of the Act, a point sources subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

5. Part 413 is further amended by adding the Electroplating of Precious Metals Subcategory (Subpart B), the Anodizing Subcategory (Subpart D), the Coatings Subcategory (Subpart E) and the Chemical Milling and Etching Subcategory (Subpart F) to read as follows:

## Subpart B—Electroplating of Precious Metals Subcategory

**§ 413.20 Applicability; description of the electroplating of precious metals on ferrous and nonferrous materials subcategory.**

The provisions of this subpart are applicable to discharges resulting from the process in which a ferrous or nonferrous basis material is plated with gold, silver, iridium, palladium, platinum, rhodium, ruthenium or combination thereof.

**§ 413.21 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.





(b) The term "sq m" ("sq ft") shall mean the area plated expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the electroplating process which is followed by a rinse and in which a metal is electrodeposited on a basis material.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

**§ 413.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Silver | 16 | 8 |
| Gold | 16 | 8 |
| CN, A | 16 | 8 |
| CN, Total | 160 | 80 |
| Cr, Total | 160 | 80 |
| CrVI | 16 | 8 |
| Iridium | 16 | 8 |
| Osmium | 16 | 8 |
| Palladium | 16 | 8 |
| Platinum | 16 | 8 |
| Rhodium | 16 | 8 |
| Ruthenium | 16 | 8 |
| Phosphorus | 320 | 160 |
| TSS | 6400 | 3200 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Silver | 3.3 | 1.6 |
| Gold | 3.3 | 1.6 |
| CN, A | 3.3 | 1.6 |
| CN, Total | 32.7 | 16.4 |
| Cr, Total | 32.7 | 16.4 |
| CrVI | 3.3 | 1.6 |
| Iridium | 3.3 | 1.6 |
| Osmium | 3.3 | 1.6 |
| Palladium | 3.3 | 1.6 |
| Platinum | 3.3 | 1.6 |
| Rhodium | 3.3 | 1.6 |
| Ruthenium | 3.3 | 1.6 |
| Phosphorus | 65.4 | 32.7 |
| TSS | 1308 | 654 |
| pH | Within the range 6.0 to 9.5. | |

(b) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(c) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step and forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Pursuant to section 308 of the Act, point sources subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

## Subpart C—Electroplating of Specialty Metals Subcategory [Reserved]

## Subpart D—Anodizing Subcategory

**§ 413.40 Applicability; description of the anodizing subcategory.**

The provisions of this subpart are applicable to discharges resulting from the anodizing of ferrous or nonferrous materials.

**§ 413.41 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area acted upon by the anodizing process expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the anodizing process which is followed by a rinse and in which a protective film is deposited on the object which acts as an anode.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

**§ 413.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of



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this subpart after application of the best practicable control technology currently available:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 90 | 45 |
| Nickel | 90 | 45 |
| Cr, Total | 90 | 45 |
| CrVI | 9 | 4.5 |
| Zinc | 90 | 45 |
| CN, Total | 90 | 45 |
| CN, A | 9 | 4.5 |
| Fluoride | 3600 | 1800 |
| Cadmium | 54 | 27 |
| Iron | 180 | 90 |
| Tin | 180 | 90 |
| Phosphorus | 180 | 90 |
| TSS | 3600 | 1800 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 18.4 | 9.2 |
| Nickel | 18.4 | 9.2 |
| Cr, Total | 18.4 | 9.2 |
| CrVI | 1.8 | .92 |
| Zinc | 18.4 | 9.2 |
| CN, Total | 18.4 | 9.2 |
| CN, A | 1.8 | .92 |
| Fluoride | 738 | 369 |
| Cadmium | 8.8 | 4.4 |
| Iron | 36.8 | 18.4 |
| Tin | 36.8 | 18.4 |
| Phosphorus | 36.8 | 18.4 |
| TSS | 738 | 369 |
| pH | Within the range 6.0 to 9.5. | |

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| CN, A | 9 | 4.5 |
| CN, Total | 90 | 45 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |
| (English units) pounds per million square feet per operation | | |
| CN, A | 1.8 | .92 |
| CN, Total | 18.4 | 9.2 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.5. | |

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

### Subpart E—Coatings Subcategory

**§ 413.50 Applicability; description of the coatings subcategory.**

The provisions of this subpart are applicable to discharges resulting from the chromating, phosphating or immersion plating on ferrous or nonferrous materials.

**§ 413.51 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area acted upon by the coating process expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the coating process which is followed by a rinse and in which a protective film is deposited on the basis material.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

**§ 413.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 90 | 40 |
| Nickel | 90 | 40 |
| Cr, Total | 80 | 40 |
| CrVI | 8 | 4 |
| Zinc | 80 | 40 |
| CN, Total | 80 | 40 |
| CN, A | 8 | 4 |
| Fluoride | 3600 | 1800 |
| Cadmium | 48 | 24 |
| Iron | 160 | 80 |
| Tin | 160 | 80 |
| Phosphorus | 160 | 80 |
| TSS | 3600 | 1800 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 16.4 | 8.2 |
| Nickel | 16.4 | 8.2 |
| Cr, Total | 16.4 | 8.2 |
| CrVI | 1.6 | .82 |
| Zinc | 16.4 | 8.2 |
| CN, Total | 16.4 | 8.2 |
| CN, A | 1.6 | .82 |
| Fluoride | 646 | 323 |
| Cadmium | 9.8 | 4.9 |
| Iron | 32.8 | 16.4 |
| Tin | 32.8 | 16.4 |
| Phosphorus | 32.8 | 16.4 |
| TSS | 646 | 323 |
| pH | Within the range 6.0 to 9.5. | |

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:





| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| CN, A | 8 | 4 |
| CN, Total | 80 | 40 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |
| (English units) pounds per million square feet per operation | | |
| CN, A | 1.6 | .82 |
| CN, Total | 16.4 | 8.2 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

### Subpart F—Chemical Etching and Milling Subcategory

**§ 413.60 Applicability; description of the chemical etching and milling subcategory.**

The provisions of this subpart are applicable to discharges resulting from the chemical milling or etching of ferrous or nonferrous materials.

**§ 413.61 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "sq m" ("sq ft") shall mean the area acted upon by the etching or milling process expressed in square meters (square feet).

(c) The term "operation" shall mean any step in the chemical etching or milling process which is followed by a rinse and in which some portion of the basis material is removed.

(d) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

**§ 413.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 120 | 60 |
| Nickel | 120 | 60 |
| Cr, Total | 120 | 60 |
| CrVI | 12 | 6 |
| Zinc | 120 | 60 |
| CN, Total | 120 | 60 |
| CN, A | 12 | 6 |
| Fluoride | 4800 | 2400 |
| Cadmium | 72 | 36 |
| Iron | 240 | 120 |
| Tin | 240 | 120 |
| Phosphorus | 240 | 120 |
| TSS | 4800 | 2400 |
| pH | Within the range 6.0 to 9.5. | |

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (English units) pounds per million square feet per operation | | |
| Copper | 24.6 | 12.3 |
| Nickel | 24.6 | 12.3 |
| Cr, Total | 24.6 | 12.3 |
| CrVI | 2.4 | 1.2 |
| Zinc | 24.6 | 12.3 |
| CN, Total | 24.6 | 12.3 |
| CN, A | 2.8 | 1.9 |
| Fluoride | 984 | 492 |
| Cadmium | 14.8 | 7.4 |
| Iron | 49.2 | 24.6 |
| Tin | 49.2 | 24.6 |
| Phosphorus | 49.2 | 24.6 |
| TSS | 984 | 492 |
| pH | Within the range 6.0 to 9.5. | |

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meter per operation | | |
| CN, A | 9 | 4.5 |
| CN, Total | 90 | 45 |
| Flow | Equalize | |
| ph | Within the range 6.0 to 9.0. | |
| (English units) pounds per million square feet per operation | | |
| CN, A | 1.8 | .92 |
| CN, Total | 18.4 | 9.2 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

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## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 413 ]

[FRL 361-4]

## ELECTROPLATING MANUFACTURING POINT SOURCE CATEGORY

### Standards of Performance for New Sources and Pretreatment Standards for Existing and New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources, standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On March 28, 1974, EPA promulgated a regulation adding Part 413 to Chapter 40 of the Code of Federal Regulations (39 FR 11510). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the electroplating manufacturing point source category. The regulation proposed below will amend 40 CFR Part 413—electroplating manufacturing point source category by deleting § 413.13(b) and revising §§ 413.14, 413.15, and 413.16 of electroplating of common metals subcategory (Subpart A) and adding §§ 413.23, 413.24, 413.25, and 413.26 to the electroplating of precious metals subcategory (Subpart B), §§ 413.43, 413.44, 413.45, and 413.46 to the anodizing subcategory (Subpart D), §§ 413.53, 413.54, 413.55, and 413.56 to the coating subcategory (Subpart E) and §§413.63, 413.64, 413.65, and 413.66 to the chemical etching and milling subcategory (Subpart F), pursuant to sections 301, 304 (b) and (c), 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available for the above listed subparts.

(a) Legal Authority. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the electroplating of common metals (Subpart A), electroplating of precious metals subcategory (Subpart B), electroplating of specialty metals subcategory (Subpart C), anodizing subcategory (Subpart D), coatings subcategory (Subpart E), and chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The reports or "Development Documents" referred to below provide, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the electroplating manufacturing category. The regulation proposed herein amends the standards of performance applicable to new sources for the electroplating of common metals subcategory (Subpart A), and sets forth the standards of performance applicable to new sources for the electroplating of precious metals subcategory (Subpart B), the anodizing subcategory (Subpart D), the coatings subcategory (Subpart E) and the chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 413.16 proposed below amends the pretreatment standard for new sources within the electroplating of common metals subcategory (Subpart A) and §§ 413.26, 413.46, 413.56, and 413.66, proposed below, provide pretreatment standards for new sources within the precious metals plating subcategory (Subpart B), the anodizing subcategory (Subpart D), the coatings subcategory (Subpart E) and the chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Section 413.14 proposed below amends the proposed pretreatment standards for the electroplating of common metals subcategory (Subpart A) and §§ 413.24, 413.44, 413.54, and 413.64 proposed below provide pretreatment standards for existing sources within the electroplating of precious metals subcategory (Subpart B), the anodizing subcategory (Subpart D), and the coatings subcategory (Subpart E) and the chemical etching and milling subcategory (Subpart F) of the electroplating manufacturing point source category.

(b) Summary and Basis of Proposed Effluent Limitations for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the electroplating of common metals subcategory (Subpart A), the electroplating of precious metals subcategory (Subpart B), the anodizing subcategory (Subpart D), the coatings subcategory (Subpart E) and the chemical etching and milling subcategory (Subpart F), which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 413.14, 413.24, 413.44, 413.54, and 413.64 of the regulation proposed below are intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The reports entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the Metal Finishing Segment of the Electroplating Manufacturing Point Source Category" and the "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the Precious and Other Metals Segment of the Electroplating Manufacturing Point Source Category" detail the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation. A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the electroplating of common metals, electroplating of precious metals, anodizing, coatings and chemical etching and milling subcategories being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before May 27, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: April 9, 1975.

JOHN QUARLES,
*Acting Administrator.*

## PART 413—ELECTROPLATING POINT SOURCE CATEGORY

### Subpart A—Electroplating of Common Metals Subcategory

Sec.
413.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.14 Pretreatment standards for existing sources.
413.15 Standards of performance for new sources.
413.16 Pretreatment standards for new sources.

### Subpart B—Electroplating of Precious Metals Subcategory

413.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.24 Pretreatment standards for existing sources.
413.25 Standards of performance for new sources.
413.26 Pretreatment standards for new sources.

### Subpart C—Electroplating of Specialty Metals Subcategory [Reserved]

### Subpart D—Anodizing Subcategory

413.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.44 Pretreatment standards for existing sources.
413.45 Standards of performance for new sources.
413.46 Pretreatment standards for new sources.

### Subpart E—Coatings Subcategory

413.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.54 Pretreatment standards for existing sources.
413.55 Standards of performance for new sources.
413.56 Pretreatment standards for new sources.

### Subpart F—Chemical Etching and Milling Subcategory

413.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.64 Pretreatment standards for existing sources.
413.65 Standards of performance for new sources.
413.66 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307 (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317 (c)), 86 Stat. 816 et seq.; Pub. L. 92–500.







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**Subpart A—Electroplating of Common Metals Subcategory**

Part 413 is proposed to be amended as follows:

Subpart A is amended by revising §§ 413.13, 413.14, 413.15, and 413.16 as follows:

**§ 413.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

**§ 413.14 Pretreatment standards for existing sources.**

The pretreatment standard under section 307(b) of the Act for a source within the common metals plating subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| | (Metric units) milligrams per square meters per operation | |
| Copper | 160 | 80 |
| Nickel | 160 | 80 |
| Cr, Total | 160 | 80 |
| CrVI | 16 | 8 |
| Zinc | 160 | 80 |
| CN, Total | 160 | 80 |
| CN, A | 16 | 8 |
| Fluoride | 6400 | 3200 |
| Cadmium | 96 | 48 |
| Lead | 160 | 80 |
| Iron | 320 | 160 |
| Tin | 320 | 160 |
| Phosphorus | 320 | 160 |
| TSS | 6400 | 3200 |
| pH | Within the range 6.0 to 9.5. | |

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| | (English units) pounds per million square feet per operation | |
| Copper | 32.7 | 16.4 |
| Nickel | 32.7 | 16.4 |
| Cr, Total | 32.7 | 16.4 |
| CrVI | 3.3 | 1.6 |
| Zinc | 32.7 | 16.4 |
| CN, Total | 32.7 | 16.4 |
| CN, A | 3.3 | 1.6 |
| Fluoride | 1308 | 654 |
| Cadmium | 19.2 | 9.6 |
| Lead | 32.7 | 16.4 |
| Iron | 65.4 | 32.7 |
| Tin | 65.4 | 32.7 |
| Phosphorus | 65.4 | 32.7 |
| TSS | 1308 | 654 |
| pH | Within the range 6.0 to 9.5. | |

(b) The post plating steps of chromating, if followed by a rinse, phosphating and coloring may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the electroplating process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

| Effluent Characteristic | Effluent Limitations: Maximum for any one day | Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| CN, A | 16 | 8 |
| CN, Total | 160 | 80 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |
| (English units) pounds per million square feet per operation | | |
| CN, A | 3.3 | 1.6 |
| CN, Total | 32.7 | 16.4 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0 | |

(f) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.14(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.15 Standards of performance for new sources.**

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 80 | 40 |
| Nickel | 80 | 40 |
| Cr, Total | 80 | 40 |
| CrVI | 8 | 4 |
| Zinc | 80 | 40 |
| CN, Total | 80 | 40 |
| CN, A | 8 | 4 |
| Fluoride | 3200 | 1600 |
| Cadmium | 48 | 24 |
| Lead | 80 | 40 |
| Iron | 160 | 80 |
| Tin | 160 | 80 |
| Phosphorus | 160 | 80 |
| TSS | 3200 | 1600 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 16.4 | 8.2 |
| Nickel | 16.4 | 8.2 |
| Cr, Total | 16.4 | 8.2 |
| CrVI | 1.6 | 0.8 |
| Zinc | 16.4 | 8.2 |
| CN, Total | 16.4 | 8.2 |
| CN, A | 1.6 | 0.8 |
| Fluoride | 654 | 327 |
| Cadmium | 9.6 | 4.8 |
| Lead | 16.4 | 8.2 |
| Iron | 32.7 | 16.4 |
| Tin | 32.7 | 16.4 |
| Phosphorus | 32.7 | 16.4 |
| TSS | 654 | 327 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.15(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.16 Pretreatment standards for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source





within the common metals plating subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 80 | 40 |
| Nickel | 80 | 40 |
| Cr, Total | 80 | 40 |
| CrVI | 8 | 4 |
| Zinc | 80 | 40 |
| CN, Total | 80 | 40 |
| CN, A | 8 | 4 |
| Fluoride | 3,200 | 1,600 |
| Cadmium | 48 | 24 |
| Lead | 80 | 40 |
| Iron | 160 | 80 |
| Tin | 160 | 80 |
| Phosphorus | 160 | 80 |
| TSS | 3,200 | 1,600 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 16.4 | 8.2 |
| Nickel | 16.4 | 8.2 |
| Cr, Total | 16.4 | 8.2 |
| CrVI | 1.6 | 0.8 |
| Zinc | 16.4 | 8.2 |
| CN, Total | 16.4 | 8.2 |
| CN, A | 1.6 | 0.8 |
| Fluoride | 654 | 327 |
| Cadmium | 9.6 | 4.8 |
| Lead | 16.4 | 8.2 |
| Iron | 32.7 | 16.4 |
| Tin | 32.7 | 16.4 |
| Phosphorus | 32.7 | 16.4 |
| TSS | 654 | 327 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.16(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**Subpart B—Electroplating of Precious Metals Subcategory**

Subpart B is amended by adding §§ 413.23, 413.24, 413.25 and 413.26 as follows:

**§ 413.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

**§ 413.24 Pretreatment standards for existing sources.**

The pretreatment standard under section 307(b) of the Act for a source within the precious metals plating subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Silver | 16 | 8 |
| Gold | 16 | 8 |
| CN, A | 16 | 8 |
| CN, Total | 160 | 80 |
| Cr, Total | 160 | 80 |
| CrVI | 16 | 8 |
| Iridium | 16 | 8 |
| Osmium | 16 | 8 |
| Palladium | 16 | 8 |
| Platinum | 16 | 8 |
| Rhodium | 16 | 8 |
| Ruthenium | 16 | 8 |
| Phosphorus | 320 | 160 |
| TSS | 6,400 | 3200 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Silver | 3.3 | 1.6 |
| Gold | 3.3 | 1.6 |
| CN, A | 3.3 | 1.6 |
| CN, Total | 32.7 | 16.4 |
| Cr, Total | 32.7 | 16.4 |
| CrVI | 3.3 | 1.6 |
| Iridium | 3.3 | 1.6 |
| Osmium | 3.3 | 1.6 |
| Palladium | 3.3 | 1.6 |
| Platinum | 3.3 | 1.6 |
| Rhodium | 3.3 | 1.6 |
| Ruthenium | 3.3 | 1.6 |
| Phosphorus | 65.4 | 32.7 |
| TSS | 1308 | 654 |
| pH | Within the range 6.0 to 9.5. | |

(b) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(c) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.24(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.25 Standards of performance for new sources.**

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Silver | 8 | 4 |
| Gold | 8 | 4 |
| CN, A | 8 | 4 |
| CN, Total | 80 | 40 |
| Cr, Total | 80 | 40 |
| CrVI | 8 | 4 |
| Iridium | 8 | 4 |
| Osmium | 8 | 4 |
| Palladium | 8 | 4 |
| Platinum | 8 | 4 |
| Rhodium | 8 | 4 |
| Ruthenium | 8 | 4 |
| Phosphorus | 160 | 80 |
| TSS | 3200 | 1600 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Silver | 1.6 | 0.8 |
| Gold | 1.6 | 0.8 |
| CN, A | 1.6 | 0.8 |
| CN, Total | 16.4 | 8.2 |
| Cr, Total | 16.4 | 8.2 |
| CrVI | 1.6 | 0.8 |
| Iridium | 1.6 | 0.8 |
| Osmium | 1.6 | 0.8 |
| Palladium | 1.6 | 0.8 |
| Platinum | 1.6 | 0.8 |
| Rhodium | 1.6 | 0.8 |
| Ruthenium | 1.6 | 0.8 |
| Phosphorus | 32.7 | 16.4 |
| TSS | 654 | 327 |
| pH | Within the range 6.0 to 9.5. | |



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(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.25(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.26 Pretreatment standards for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the precious metals plating subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Silver | 8 | 4 |
| Gold | 8 | 4 |
| CN, A | 8 | 4 |
| CN, Total | 80 | 40 |
| Cr, Total | 80 | 40 |
| CrVI | 8 | 4 |
| Iridium | 8 | 4 |
| Osmium | 8 | 4 |
| Palladium | 8 | 4 |
| Platinum | 8 | 4 |
| Rhodium | 8 | 4 |
| Ruthenium | 8 | 4 |
| Phosphorus | 180 | 80 |
| TSS | 3200 | 1600 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Silver | 1.6 | 0.8 |
| Gold | 1.6 | 0.8 |
| CN, A | 1.6 | 0.8 |
| CN, Total | 16 | 8.2 |
| Cr, Total | 16 | 8.2 |
| CrVI | 1.6 | 0.8 |
| Iridium | 1.6 | 0.8 |
| Osmium | 1.6 | 0.8 |
| Palladium | 1.6 | 0.8 |
| Platinum | 1.6 | 0.8 |
| Rhodium | 1.6 | 0.8 |
| Ruthenium | 1.6 | 0.8 |
| Phosphorus | 32 | 16.4 |
| TSS | 654 | 327 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.26(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**Subpart D—Anodizing Subcategory**

Subpart D is amended by adding §§ 413.43, 413.44, 413.45 and 413.46 as follows:

**§ 413.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

**§ 413.44 Pretreatment standards for existing sources.**

The pretreatment standard under section 307(b) of the Act for a source within the anodizing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

| Pollutant or Pollutant Property | Pretreatment Standards: Maximum for any one day | Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 90 | 45 |
| Nickel | 90 | 45 |
| Cr, Total | 90 | 45 |
| CrVI | 9 | 4.5 |
| Zinc | 90 | 45 |
| CN, Total | 90 | 45 |
| CN, A | 9 | 4.5 |
| Fluoride | 3600 | 1800 |
| Cadmium | 54 | 27 |
| Iron | 180 | 90 |
| Tin | 180 | 90 |
| Phosphorus | 180 | 90 |
| TSS | 3600 | 1800 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) lb/1000 lb of product | | |
| Copper | 18.4 | 9.2 |
| Nickel | 18.4 | 9.2 |
| Cr, Total | 18.4 | 9.2 |
| CrVI | 1.8 | .92 |
| Zinc | 18.4 | 9.2 |
| CN, Total | 8.4 | 9.2 |
| CN, A | 1.8 | .92 |
| Fluoride | 738 | 369 |
| Cadmium | 8.8 | 4.4 |
| Iron | 36.8 | 18.4 |
| Tin | 36.8 | 18.4 |
| Phosphorus | 36.8 | 18.4 |
| TSS | 738 | 369 |
| pH | Within the range 6.0 to 9.5. | |

(b) The post plating steps of chromating, phosphating and coloring, if followed by a rinse, may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| CN, A | 9 | 4.5 |
| CN, Total | 90 | 45 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |
| (English units) pounds per million square feet per operation | | |
| CN, A | 1.8 | .92 |
| CN, Total | 18.4 | 9.2 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |





(f) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.44(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.45 Standards of performance for new sources.**

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

| Pollutant or Pollutant Property | Pretreatment Standards: Maximum for any one day | Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 45 | 23 |
| Nickel | 45 | 23 |
| Cr, Total | 45 | 23 |
| CrVI | 4.5 | 2.3 |
| Zinc | 45 | 23 |
| CN, Total | 45 | 23 |
| CN, A | 4.5 | 2.3 |
| Fluoride | 1800 | 900 |
| Cadmium | 27 | 14 |
| Iron | 90 | 45 |
| Tin | 90 | 45 |
| Phosphorus | 90 | 45 |
| TSS | 1800 | 900 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 9.2 | 4.6 |
| Nickel | 9.2 | 4.6 |
| Cr, Total | 9.2 | 4.6 |
| CrVI | .92 | .46 |
| Zinc | 9.2 | 4.6 |
| CN, Total | 9.2 | 4.6 |
| CN, A | .92 | .46 |
| Fluoride | 369 | 185 |
| Cadmium | 4.4 | 2.2 |
| Iron | 18.4 | 9.2 |
| Tin | 18.4 | 9.2 |
| Phosphorus | 18.4 | 9.2 |
| TSS | 369 | 185 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.45(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.46 Pretreatment standards for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the anodizing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

| Pollutant or Pollutant Property | Pretreatment Standards: Maximum for any one day | Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 45 | 23 |
| Nickel | 45 | 23 |
| Cr, Total | 45 | 23 |
| CrVI | 4.5 | 2.3 |
| Zinc | 45 | 23 |
| CN, Total | 45 | 23 |
| CN, A | 4.5 | 2.3 |
| Fluoride | 1800 | 900 |
| Cadmium | 27 | 14 |
| Iron | 90 | 45 |
| Tin | 90 | 45 |
| Phosphorus | 90 | 45 |
| TSS | 1800 | 900 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 9.2 | 4.6 |
| Nickel | 9.2 | 4.6 |
| Cr, Total | 9.2 | 4.6 |
| CrVI | .92 | .46 |
| Zinc | 9.2 | 4.6 |
| CN, Total | 9.2 | 4.6 |
| CN, A | .92 | .46 |
| Fluoride | 369 | 185 |
| Cadmium | 4.4 | 2.2 |
| Iron | 18.4 | 9.2 |
| Tin | 18.4 | 9.2 |
| Phosphorus | 18.4 | 9.2 |
| TSS | 369 | 185 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.46(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**Subpart E—Coatings Subcategory**

Subpart E is amended by adding §§ 413.53, 413.54, 413.55, and 413.56 as follows:

**§ 413.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section which may be discharged by a publicly owned treatment works by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

**§ 413.54 Pretreatment standards for existing sources.**

The pretreatment standard under section 307(b) of the Act for a source within the coatings subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

| Pollutant or Pollutant Property | Pretreatment Standards: Maximum for any one day | Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 80 | 40 |
| Nickel | 80 | 40 |
| Cr, Total | 80 | 40 |
| CrVI | 8 | 4 |
| Zinc | 80 | 40 |
| CN, Total | 80 | 40 |
| CN, A | 8 | 4 |
| Fluoride | 3600 | 1800 |
| Cadmium | 48 | 24 |
| Iron | 160 | 80 |
| Tin | 160 | 80 |
| Phosphorus | 160 | 80 |
| TSS | 3600 | 1800 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 16.4 | 8.2 |
| Nickel | 16.4 | 8.2 |
| Cr, Total | 16.4 | 8.2 |
| CrVI | .82 | .41 |
| Zinc | 16.4 | 8.2 |
| CN, Total | 16.4 | 8.2 |
| CN, A | 1.6 | .82 |
| Fluoride | 646 | 323 |
| Cadmium | 9.8 | 4.9 |
| Iron | 32.8 | 16.4 |
| Tin | 32.8 | 16.4 |
| Phosphorus | 32.8 | 16.4 |
| TSS | 646 | 323 |
| pH | Within the range 6.0 to 9.5. | |

(b) The post plating steps of chromating, phosphating and coloring, if followed by a rinse, may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvag-



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ing improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| CN, A | 8 | 4 |
| CN, Total | 80 | 40 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |
| (English units) pounds per million square feet per operation | | |
| CN, A | 1.6 | .82 |
| CN, Total | 16.4 | 8.2 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |

(f) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.54(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.55 Standards of performance for new sources.**

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 40 | 20 |
| Nickel | 40 | 20 |
| Cr, Total | 40 | 20 |
| CrVI | 4 | 2 |
| Zinc | 40 | 20 |
| CN, Total | 40 | 20 |
| CN, A | 4 | 2 |
| Fluoride | 1800 | 900 |
| Cadmium | 24 | 12 |
| Iron | 80 | 40 |
| Tin | 80 | 40 |
| Phosphorus | 80 | 40 |
| TSS | 1800 | 900 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 8.2 | 4.1 |
| Nickel | 8.2 | 4.1 |
| Cr, Total | 8.2 | 4.1 |
| CrVI | .82 | .41 |
| Zinc | 8.2 | 4.1 |
| CN, Total | 8.2 | 4.1 |
| CN, A | .82 | .41 |
| Fluoride | 323 | 161 |
| Cadmium | 4.9 | 2.5 |
| Iron | 16.4 | 8.2 |
| Tin | 16.4 | 8.2 |
| Phosphorus | 16.4 | 8.2 |
| TSS | 323 | 161 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.55(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.56 Pretreatment standards for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the coatings subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

| Pollutant or Pollutant Property | Pretreatment Standards: Maximum for any one day | Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 40 | 20 |
| Nickel | 40 | 20 |
| Cr, Total | 40 | 20 |
| CrVI | 4 | 2 |
| Zinc | 40 | 20 |
| CN, Total | 40 | 20 |
| CN, A | 4 | 2 |
| Fluoride | 1800 | 900 |
| Cadmium | 24 | 12 |
| Iron | 80 | 40 |
| Tin | 80 | 40 |
| Phosphorus | 80 | 40 |
| TSS | 1800 | 900 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 8.2 | 4.1 |
| Nickel | 8.2 | 4.1 |
| Cr, Total | 8.2 | 4.1 |
| CrVI | .82 | .41 |
| Zinc | 8.2 | 4.1 |
| CN, Total | 8.2 | 4.1 |
| CN, A | .82 | .41 |
| Fluoride | 323 | 161 |
| Cadmium | 4.9 | 2.5 |
| Iron | 16.4 | 8.2 |
| Tin | 16.4 | 8.2 |
| Phosphorus | 16.4 | 8.2 |
| TSS | 323 | 161 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.56(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

### Subpart F—Chemical Etching and Milling Subcategory

Subpart F is amended by adding §§ 413.63, 413.64, 413.65, and 413.66 as follows:

**§ 413.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.





**§ 413.64 Pretreatment standards for existing sources.**

The pretreatment standard under section 307(b) of the Act for a source within the chemical etching and milling subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

| Pollutant or Pollutant Property | Pretreatment Standards: Maximum for any one day | Pretreatment Standards: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 120 | 60 |
| Nickel | 120 | 60 |
| Cr, Total | 120 | 60 |
| CrVI | 12 | 6 |
| Zinc | 120 | 60 |
| CN, Total | 120 | 60 |
| CN, A | 18 | 9 |
| Fluoride | 4800 | 2400 |
| Cadmium | 72 | 36 |
| Iron | 240 | 120 |
| Tin | 240 | 120 |
| Phosphorus | 240 | 120 |
| TSS | 4800 | 2400 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 24.6 | 12.3 |
| Nickel | 24.6 | 12.3 |
| Cr, Total | 24.6 | 12.3 |
| CrVI | 2.4 | 1.2 |
| Zinc | 24.6 | 12.3 |
| CN, Total | 24.6 | 12.3 |
| CN, A | 3.8 | 1.9 |
| Fluoride | 984 | 492 |
| Cadmium | 14.8 | 7.4 |
| Iron | 49.2 | 24.6 |
| Tin | 49.2 | 24.6 |
| Phosphorus | 49.2 | 24.6 |
| TSS | 984 | 492 |
| pH | Within the range 6.0 to 9.5. | |

(b) The post plating steps of chromating, phosphating and coloring, if followed by a rinse, may be included under the term "operation" for the purpose of calculating effluent discharges, providing such steps are an integral part of the plating line.

(c) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Electrolysis plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceding the actual electroplating step, forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(e) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of waste water generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| CN, A | 9 | 4.5 |
| CN, Total | 90 | 45 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |
| (English units) pounds per million square feet per operation | | |
| CN, A | 1.8 | .92 |
| CN, Total | 18.4 | 9.2 |
| Flow | Equalize | |
| pH | Within the range 6.0 to 9.0. | |

(f) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.64(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.65 Standards of performance for new sources.**

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) milligrams per square meters per operation | | |
| Copper | 60 | 30 |
| Nickel | 60 | 30 |
| Cr, Total | 60 | 30 |
| CrVI | 6 | 3 |
| Zinc | 60 | 30 |
| CN, Total | 60 | 30 |
| CN, A | 9 | 5 |
| Fluoride | 2400 | 1200 |
| Cadmium | 36 | 18 |
| Iron | 120 | 60 |
| Tin | 120 | 60 |
| Phosphorus | 120 | 60 |
| TSS | 2400 | 1200 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 12.3 | 6.2 |
| Nickel | 12.3 | 6.2 |
| Cr, Total | 12.3 | 6.2 |
| CrVI | 1.2 | .06 |
| Zinc | 12.3 | 6.2 |
| CN, Total | 12.3 | 6.2 |
| CN, A | 1.9 | 0.9 |
| Fluoride | 492 | 246 |
| Cadmium | 7.4 | 3.7 |
| Iron | 24.6 | 12.3 |
| Tin | 24.6 | 12.3 |
| Phosphorus | 24.6 | 12.3 |
| TSS | 492 | 246 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.65(a) of his subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

**§ 413.66 Pretreatment standards for new sources.**

The pretreatment standard under section 307(c) of the Act for a new source within the chemical etching and milling subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR §§ 128.121, 128.122, 128.132 and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be dis-



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charged to a publicly owned treatment

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charged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

| Pollutant or pollutant property | Pretreatment standards | |
|---|---|---|
| | Maximum for any one day | Average of daily values for thirty consecutive days shall not exceed— |
| (Metric units) milligrams per square meters per operation | | |
| Copper | 60 | 30 |
| Nickel | 60 | 30 |
| Cr, Total | 60 | 30 |
| CrVI | 6 | 3 |
| Zinc | 60 | 30 |
| CN, Total | 60 | 30 |
| CN, A | 9 | 5 |
| Fluoride | 2400 | 1200 |
| Cadmium | 36 | 18 |
| Iron | 120 | 60 |
| Tin | 120 | 60 |
| Phosphorus | 120 | 60 |
| TSS | 2400 | 1200 |
| pH | Within the range 6.0 to 9.5. | |
| (English units) pounds per million square feet per operation | | |
| Copper | 12.3 | 6.2 |
| Nickel | 12.3 | 6.2 |
| Cr, Total | 12.3 | 6.2 |
| CrVI | 1.2 | 0.6 |
| Zinc | 12.3 | 6.2 |
| CN, Total | 12.3 | 6.2 |
| CN, A | 1.9 | 0.9 |
| Fluoride | 492 | 246 |
| Cadmium | 7.4 | 3.7 |
| Iron | 24.6 | 12.3 |
| Tin | 24.6 | 12.3 |
| Phosphorus | 24.6 | 12.3 |
| TSS | 492 | 246 |
| pH | Within the range 6.0 to 9.5. | |

(b) Pursuant to section 308 of the Act, the owner or operator of a point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.66 for the purpose of determining compliance with the effluent limitations in § 413.15(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

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# ENVIRONMENTAL PROTECTION AGENCY

■

## POULTRY PROCESSING PRODUCTS

## Proposed Performance and Pretreatment Standards

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## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 432 ]

[FRL 361-5]

## POULTRY PROCESSING PRODUCTS POINT SOURCE CATEGORY

### Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On February 28, 1974, EPA promulgated a regulation adding Part 432 to Chapter 40 of the Code of Federal Regulations (39 FR 7894). That regulation established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the meat products point source category. The regulation proposed below will amend 40 CFR Part 432—Meat Products Point Source Category by adding thereto the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart L), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500; (the Act).

(a) Legal authority. (1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart L), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) of the meat products point source category.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the meat products category. The regulations proposed herein set forth the standards of performance applicable to new sources for the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart L), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) of the meat products point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 432.116, 432.126, 432.136, 432.146, and 432.156, proposed below, provide pretreatment standards for new sources within the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart L), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) of the meat products point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.

(1) General methodology. The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achieveable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.





The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR Part 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, § 432.116, § 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the chicken processor subcategory (Subpart K), turkey processor subcategory (Subpart N), fowl processor subcategory (Subpart M), duck processor subcategory (Subpart N), and the further processing subcategory (Subpart O) of the meat products point source category.

(i) Categorization. As is discussed in detail in the Development Document cited below, these segments of the meat products industry were derived following analyses of a number of factors. Among these factors were type of raw material, waste water characteristics, final product, production process, and age and size of plants. The five subcategories discussed herein as a group represent those operations which process poultry products and (except for further processing only plants) slaughter animals at the site. Any given plant will thus be accomplishing the dressing, processing or rendering of poultry products or by-products in a manner related to these procedures at a slaughterhouse or packinghouse where livestock are slaughtered.

With regard to the factors for consideration in deriving subcategories, the various poultry processing plants may be discretely segmented on the basis of differences in raw waste water characteristics due to a combination of differences in finished products, manufacturing processes and raw material. Analyses with respect to the factors of treatability of wastes, size, age, and location of plants substantiated the selected subcategories. Accordingly, the poultry processor segment of the meat products industry was subcategorized as follows: (1) Chicken processor (Subpart K), (2) turkey processor (Subpart L), (3) fowl processor (Subpart M), (4) duck processor (Subpart N), and further processing (Subpart O). The nomenclature of each of the subcategories is reasonably mutually exclusive. It is important to recognize, however, that for each of the first four subcategories, plants may accomplish a range of activities from slaughtered and dressed "ice pack" products to cut, breaded and packaged products. By-product rendering may also be accomplished at these plants. Plants performing so-called "further processing" do not slaughter or dress poultry; rather the final products are any of a number of cut, ground, chopped, breaded, frozen and packaged items using any poultry type slaughtered at some other plant.

(ii) Waste characteristics. Regardless of distinct differences in source as discussed below, raw waste waters from all subcategories are readily amenable to measurement and characterization by the pollutant parameters, biochemical oxygen demand, suspended solids, oil and grease, nutrients and coliform bacteria. As may be expected, these parameters are the same as those used to describe wastes from slaughterhouses, packinghouses, meat processors, and renderers. Because of the protein, processing materials and bone substances in the source materials, raw waste waters also contain various forms of nitrogen and phosphorus and dissolved solids. The data did not reveal the presence of heavy metals in the raw wastes from poultry processors.

(iii) Origin of waste water pollutants. Raw waste water discharges from each of the subcategories contain meat and product residues, animal fats, and other residues normally discharged as a part of process or plant cleanup. As would be expected for those plants which slaughter, it is the slaughtering and evisceration activity which contributes most of the raw waste load due to blood and offal drainage. The number and type of additional product or by-product production processes also contribute, but to a lesser extent. The variety of processes practiced at further processing plants each contribute to waste water discharges (e.g. cooking, breading, grinding, and stuffing).

(iv) Treatment and control technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Specific technology currently being utilized by plants in all subcategories involves materials recovery (usually part of in-process primary treatment to recover useable by-product grease or solids) and biological treatment and control concepts. The treatment systems range from simple anaerobic-aerobic lagoon operations through an array of mechanically aerated modifications to the simple lagoons including activated sludge with extended aeration and final clarification. This range of technology was evaluated and the performance of all concepts was found to be resulting in high quality effluents. Best practicable control technology currently available (BPCTCA) has been rather clearly documented as biological treatment and for several plants this treatment mode is already meeting the limitations. The various subcategories of poultry processing plants include treatment using at least anaerobic-aerobic lagoons. More capital intensive biological systems such as activated sludge treatment would achieve the same or better performance, and would thus be an additional alternative within BPCTCA. Those plants not meeting the limitations are estimated to require modifications to existing facilities in the form of additional anaerobic lagoons or equivalent (i.e. modifications such as mechanical aeration or additional aerobic treatment). For example, some plants have treatment using aerated-aerobic lagoons but overall performance of the treatment at these plants is well below accepted norms for this treatment system (about 70 percent efficiency in BOD removal compared with 90 percent for well designed and operated facilities). In this case, the addition of an anaerobic chamber may be reasonably expected to upgrade overall treatment efficiencies to required levels.

Best available technology economically achievable (BATEA) is substantially the same for all subcategories. Principal modifications to BPCTCA to achieve BATEA are in treatment and controls to remove the nutrient parameters phosphorus and ammonia. Further significant reductions in organic load and suspended solids would also be required. The nutrient controls are not now being practiced by plants in the subcategories; rather, the technology is defined on the basis of substantial experience on municipal wastes (filtration and nitrification), and reasonably well documented success using other specific treatment processes such as microstrainers, and ammonia control by stripping or ion exchange. Reductions in the organic load (expressed as BOD) and suspended solids are commensurate with levels at or near to reductions already achieved by several plants in the industry segments discussed herein and are further in accord with data on performance for some plants in the red meat processing, processor, and renderer segments of the meat products industry.

With the exception of requirements to control ammonia in the various subcategories, technology for new source performance standards (NSPS) is the same as that described for BPCTCA for all subcategories. The biological treatment systems for the best plants are already achieving the ammonia levels required; the addition of refined ammonia control systems would not appear to be necessary. The addition of mechanical aeration with controlled sludge return to an otherwise total lagoon system is one possible course of action.

(v) Cost estimates for control of waste water pollutants. Total investment cost to the plants within all subcategories for achieving limitations for best practicable control technology currently available is estimated to be about $17.6 million. Costs per individual plant for the types of treatment modifications described above will range from less than $112,000 for small (24,000 birds per day) chicken processor to $185,000 for large plants in



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any subcategory. Such costs are to be



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lishing the maximum discharge allow-

of the industry data leads to some dif-

any subcategory. Such costs are to be considered incremental to previous outlays since no information is available to indicate that any plants are discharging raw wastes; rather, all plants that are discharging have some type of treatment in place. Thus, the per-plant costs reflect estimates of capital expenses required to improve these existing facilities. In some cases this cost will be effectively zero since housekeeping and operational improvements may resolve any difficulty without capital expenditures.

(vi) Energy requirements and nonwater quality environmental impacts. Incremental increases in total energy consumption for meeting BPCTCA is estimated to be about 1.1 percent of normal energy consumption for poultry processing plants.

Any sludges requiring ultimate disposal in landfills would be compatible organic nutrient sources, and readily managed. Odor problems of any significance could not be identified.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical compodition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be non-hazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(vii) Economic impact analysis. Pollution control costs to the poultry processing segment amount to about 20.0 percent of the average annual capital expenditures (about $60.0 million) for the period 1970–72. Additional operating costs will amount to about 1.0 cent per bird for chicken, turkey, and fowl processers and about 3.0 cents per bird for duck processors. Plants in the further processor subcategory will encounter operating expenditures of less than 0.2 cents per pound of finished product. With specific regard to economic impact, the level of capital expenditures required to meet BPCTCA is estimated to cause about 27 (small and very small) plants to close at a loss of 3.0 percent of the industry production.

The analysis incorporated estimates to overcome difficulties encountered in analyzing multi-species plants and vertically integrated companies (i.e., those with both poultry growing and processing operations). Both a lack of specific data and inconsistencies in available information lead to the necessity to deal with plants as essentially discrete, single bird operations. However, additional information on these operations is requested to assist the Agency in verifying projections regarding both multi-species and integrated plants.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are estimated to be (considerably) less than these amounts. Nevertheless, the Agency has reviewed and identified the projected effect on prices of poultry product processors and estimates that the increase will range between 0.1 and 1.0 percent for BPT and 0.5 and 1.5 percent for BAT.

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines POULTRY PROCESSING INDUSTRY" contains estimates of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which meat processing or rendering plants are located, and international trade. In addition, the Development Document describes, in section VIII, the cost and energy consumption implications of the proposed regulations.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Poultry Processor Segment of the Meat Products Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. Copies of this document are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). Supplementary analyses prepared for EPA of the possible economic effects of the proposed regulation are also available for inspection at these locations. An additional limited number of copies of all reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia, 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the meat products point source category. All participating agencies have been informed of project developments. Initial drafts of the Development Documents were sent to all participants and comments were solicited on those reports. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) other public agencies, interest groups, and associations: Ohio River Valley Sanitation Commission; Delaware River Basin Commission; U.S. Department of the Interior; U.S. Department of Commerce; U.S. Department of Health, Education, and Welfare; Water Resources Council; U.S. Department of Agriculture; The Conservation Foundation; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; American Institute of Chemical Engineers; National Broiler Council; Long Island Duck Farmers Cooperative; Southeastern Poultry and Egg Association; Institute of American Poultry Industries; Poppy Food Company, and Valchris, Inc.

The following responded with comments: Effluent Standards and Water





Quality Information Advisory Committee; State of Maine; State of Michigan; State of Texas; Water Resources Council; State of Delaware; State of Minnesota; State of North Carolina; State of Georgia; U.S. Department of the Interior; Rockingham Poultry; National Broiler Council; Cornell University; Long Island Duck Farmers Cooperative; Southeastern Poultry and Egg Institute; Poultry and Egg Institute of America; Swift and Company; U.S. Department of Health, Education, and Welfare; U.S. Department of Agriculture; and Delaware River Basin Commission.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A number of commenters expressed concern about apparent inconsistencies between the guidelines and water quality standards, e.g., grease limitations reflecting concentrations below those found in stream standards or nutrient limitations reflecting concentrations higher than stream standards.

This issue is the same as has been raised in response to nearly all previously proposed or promulgated effluent regulations. Sections 301, 304(b), and 306 of the Federal Water Pollution Control Act clearly require effluent standards to be based primarily upon technological capability independent of considerations of effects of pollutants on ambient water quality. These technology based standards comprise the minimal level of effluent reduction permissible. If more stringent levels of control must be instituted to comply with water quality standards in particular locations, section 301(b)(1)(C) requires that these levels be achieved.

(2) A number of commenters contended that analytical test results were so highly variable that it would not be possible to set effluent limitations at a single level.

The Agency agrees that variation in analytical test results can occur, particularly between different laboratories, between concurrent samples or between split portions of the same sample. However, extensive experience throughout the Agency shows that as long as strict analytical and quality control procedures are followed from the point of actual sampling through to the final test results, any variation in test results will fall within acceptable statistical error for a given pollutant. Moreover, under conditions reflecting proper test procedures, any such errors clearly average out over time so that there is a high degree of confidence that true or actual values are represented. It is precisely because of the variability inherent in both the performance of waste water control facilities and pollutant testing that effluent limitations are expressed as an average for any period of 30 consecutive days. Over this time frame any normal analytical test variability can be expected to have no significant effect particularly for well designed and operated waste water treatment facilities. And by establishing the maximum discharge allowable for any given day as double the 30 day average, the Agency has accounted for the variability in performance of treatment systems and the analytical procedures.

(3) While most of the comments which addressed the subject of costs showed general agreement with the level of the estimates provided in the draft Development Document, there was concern that costs were excessive for BATEA limitations.

A number of poultry processing plants are already achieving substantial reductions in one or more of the nutrient parameters by a combination of in-plant controls and waste water treatment. Nevertheless, the Agency agrees that costs for nutrient controls are quite high and that there is some uncertainty as to the necessary technology for nitrate removal even though advances in denitrification concepts have been dramatic. Moreover, at least some of the raw waste loads of these pollutants are being removed incidental to efficient biological treatment.

With respect to ammonia, however, the Agency believes that the parameter should be among those with a specific limitation. In addition to air stripping methods, refinements in biological treatment by adding aeration with controlled sludge recycle or other steps to enhance nitrification of ammonia will make it likely that ammonia limits can be met at reasonable expense.

In view of the above, limitations for nitrates, Kjeldahl nitrogen and phosphorus have been deleted for the present time; ammonia limitations have been retained. The Agency's efforts to obtain additional reliable information on the subject of denitrification with respect to poultry processors and other segments of the meat industry will continue.

(4) Several comments referred to apparent inconsistencies among statistics on the number of plants in the industry particularly between those reported in the Development Document and those presented in the economic impact analysis.

The statistics in question have been reviewed in detail, but the apparent inconsistency has not been fully resolved. Insofar as total production is concerned, it is clear that the industry and other sources have provided the Agency with data on operations representing over 55% of the total poultry production in 1973. As a consequence, it appears that a high reliability exists in descriptions of processes, water use, waste loads, and treatment capabilities. On the other hand, differing methods of reporting and grouping by major data sources (U.S. Departments of Commerce and Agriculture) make it difficult to ascertain, for example, whether a "poultry processor" is a plant in SIC code 2016 or 2017 (poultry dressing or poultry processing respectively) or in SIC 2038 (frozen specialties). Moreover, the specific plant data reported by the industry trade associations seems to more clearly portray current actual conditions, but extrapolation of the industry data leads to some differences with other statistical sources. The Agency encourages the submission of any suggestions or additional information on this question.

(5) The comment was made that most duck processors are integrated with feedlots and may have a common waste water control system which may require different consideration from a non-integrated facility. As is discussed in the Development Document, available data indicates that many of the duck processors are directly associated with an onsite feedlot, and that waste water controls provided for the feedlot are also utilized for the processing waste water. The Agency has carefully considered the relationship between effluent limitations as proposed herein and those promulated for duck feedlots (40 CFR Part 412, Subpart B, 39 FR 5704). It appears that the circumstances of several duck processors associated with feedlots are somewhat different from processors operating alone. As a result, it is apparent that any effluent restrictions should be so derived to properly account for waste load contributions from both the feedlot and the processor. While the small number of operations does not appear to warrant a specific separate regulation or new subcategory for the few operations affected, the Agency has concluded that the effluent limitation for a combined feedlot/processor should be developed on an additive basis. Thus, in the event that waste streams from the feedlot and processor are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled for each separate component or waste source shall not exceed the specified limitation for that waste source. For parameters regulated by only one of the potentially applicable regulations, the ultimate limitation should be derived on a flow-proportioned basis. For example, the pollutant "total suspended solids" is not controlled by an effluent limit for a duck feedlot, but is specified for a duck processor. In this instance, the portion (determined by respective flow volumes) of suspended solids attributable to the processor in the combined effluent must not exceed the limitation specified for a duck processor in §§ 432.140 through 432.146 below.

These concepts apply to the effluent limitations developed for BPCTCA, BATEA, and NSPS. Note that the feedlot component of a combined facility must achieve "no discharge of pollutants" (except for overflows due to excessive rainfall as specified) under BATEA and NSPS; as a result, the effluent limit for an integrated facility will be identical to that for the non-integrated facility. In each case, the normal discharge would be due to the processing facility only.

(6) The objection has been raised that the extent of vertical integration within the poultry processing industry renders the economic impact analysis independable and misleading. Specifically, it has been pointed out that: (a) The profitability calculations for sample firms are based on live poultry prices, which the commentor asserts are artificial and are only accounting transfer costs—not free



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market prices, and (b) profits are meaningful only within the context of the entire integrated firm and not on a plant or department basis.

Research has indicated that many integrated companies do know, within a reasonable degree of accuracy, how much profit is derived from each segment of the integrated operation. Moreover a significant percentage of poultry processing is handled by non-integrated firms, for which the live poultry prices are not artificial. The financial profiles for typical plants, developed for the economic impact analysis, were checked against financial data for non-integrated firms. Discussions with a number of plant managers of integrated and non-integrated firms indicated that the assumptions and the conclusions of the analysis were both reasonable and accurate.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic studies referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received by May 27, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In consideration of the foregoing, 40 CFR Part 432 is hereby proposed to be amended as follows.

Dated: April 7, 1975.

JOHN QUARLES,
*Acting Administrator.*

## PART 432—MEAT PRODUCTS POINT SOURCE CATEGORY

Subpart K—Chicken Processor Subcategory

Sec.
432.110 Applicability; description of the chicken processor subcategory.
432.111 Specialized definitions.
432.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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432.114 Reserved.
432.115 Standards of performance for new sources.
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Subpart L—Turkey Processor Subcategory

432.120 Applicability; description of the turkey processor subcategory.
432.121 Specialized definitions.
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432.124 Reserved.
432.126 Standards of performance for new sources.
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Subpart M—Fowl Processor Subcategory

432.130 Applicability; description of the fowl processor subcategory.
432.131 Specialized definitions.
432.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.134 Reserved.
432.135 Standards of performance for new sources.
432.136 Pretreatment standards for new sources.

Subpart N—Duck Processor Subcategory

432.140 Applicability; description of the duck processor subcategory.
432.141 Specialized definitions.
432.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.144 Reserved.
432.145 Standards of performance for new sources.
432.146 Pretreatment standards for new sources.

Subpart O—Further Processing Subcategory

432.150 Applicability; description of the further processing subcategory.
432.151 Specialized definitions.
432.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
432.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
432.154 Reserved.
432.155 Standards of performance for new sources.
432.156 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500.

### Subpart K—Chicken Processor Subcategory

**§ 432.110 Applicability; description of the chicken processor subcategory.**

The provisions of this subpart are applicable to discharges resulting from the production of slaughtered and dressed chickens and any cutting, further processing or rendering also conducted at the same plant site by a chicken processor.

**§ 432.111 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "chicken processor" shall mean an operation that produces primarily broilers or other young chickens dressed whole or cut up, fresh or frozen, and including any further processing into canned, breaded, or cooked products, or rendering of by-products.

(c) The term "LWK" (live weight killed) shall mean the total weight of the total number of birds slaughtered during the time to which the effluent limitations apply, i.e., during any one day or any period of thirty consecutive days.

(d) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendering operation composed of poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

(e) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh or frozen poultry meat products.

**§ 432.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials,





manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| $BOD_5$ | 0.092 | 0.46 |
| TSS | 1.24 | 0.62 |
| Oil and grease | 0.40 | 0.20 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml | |
| (English units) lb/1000 lb of LWK | | |
| $BOD_5$ | 0.92 | 0.46 |
| TSS | 1.24 | 0.62 |
| Oil and grease | 0.40 | 0.20 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$BOD_5 \text{ kg/kkg (lb/1000 lb) } LWK = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$TSS \text{ kg/kkg (lb/1000 lb) } LWK = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) } LWK = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$BOD_5 \text{ kg/kkg (lb/1000 lb) } LWK = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$TSS \text{ kg/kkg (lb/1000 lb) } LWK = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) } LWK = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

**§ 432.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| $BOD_5$ | 0.60 | 0.30 |
| TSS | 0.68 | 0.34 |
| Oil and grease | 0.40 | 0.20 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| (English units) lb/1000 lb of LWK | | |
| $BOD_5$ | 0.60 | 0.30 |
| TSS | 0.68 | 0.34 |
| Oil and grease | 0.40 | 0.20 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| Milligrams per liter—effluent | | |
| Ammonia | 8.0 | 4.0 |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$BOD_5 \text{ kg/kkg (lb/1000 lb) } LWK = \frac{0.07}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$TSS \text{ kg/kkg (lb/1000 lb) } LWK = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) } LWK = \frac{0.05}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$BOD_5 \text{ kg/kkg (lb/1000 lb) } LWK = \frac{0.15}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$TSS \text{ kg/kkg (lb/1000 lb) } LWK = \frac{0.18}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) } LWK = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

**§ 432.114 [Reserved]**

**§ 432.115 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| $BOD_5$ | 0.92 | 0.46 |
| TSS | 1.24 | 0.62 |
| Oil and grease | 0.40 | 0.20 |
| Ammonia | 0.40 | 0.20 |
| pH | Within the range 6.0 to 9.0. | |
| fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| (English units) lb/1000 lb of LWK | | |
| $BOD_5$ | 0.92 | 0.46 |
| TSS | 1.24 | 0.62 |
| Oil and grease | 0.40 | 0.20 |
| Ammonia | 0.40 | 0.20 |
| pH | Within the range 6.0 to 9.0. | |
| fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive



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an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}_5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}_5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

### § 432.116 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the chicken processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.-121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

| Pollutant or pollutant property: | *Pretreatment standard* |
|---|---|
| $BOD_5$ | No limitation. |
| TSS | Do. |
| Oil and grease | Do. |
| pH | Do. |
| Fecal coliform | Do. |

## Subpart L—Turkey Processor Subcategory

### § 432.120 Applicability; description of the turkey processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of slaughtered and dressed turkeys and any cutting, further processing or rendering also conducted seasonally or concurrently at the same site by a turkey processor.

### § 432.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "turkey processor" shall mean an operation which produces primarily dressed whole or cut up turkeys, fresh or frozen, and including any further processing into canned, breaded or cooked products or rendering of by-products.

(c) The term "LWK" (live weight killed) shall mean the total weight of the total number of birds slaughtered during the time to which the effluent limitations apply, i.e., during any one day or any period of thirty consecutive days.

(d) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendering operation composed of poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

(e) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh or frozen poultry meat products.

### § 432.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| **(Metric units) kg/kkg of LWK** | | |
| $BOD_5$ | 0.78 | 0.39 |
| TSS | 1.14 | 0.57 |
| Oil and grease | 0.28 | 0.14 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| **(English units) lb/1000 lb of LWK** | | |
| $BOD_5$ | 0.78 | 0.39 |
| TSS | 1.14 | 0.57 |
| Oil and grease | 0.28 | 0.14 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}_5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}_5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

### § 432.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:





(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| **(Metric units) kg/kkg of LWK** | | |
| $BOD_5$ | 0.42 | 0.21 |
| TSS | 0.48 | 0.24 |
| Oil and grease | 0.28 | 0.14 |
| **(English units) lb/1000 lb of LWK** | | |
| $BOD_5$ | 0.42 | 0.21 |
| TSS | 0.48 | 0.24 |
| Oil and grease | 0.28 | 0.14 |
| **Milligrams per liter—effluent** | | |
| Ammonia | 8.0 | 4.0 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}_5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.07}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.05}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}_5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

### § 432.124 [Reserved]

### § 432.125 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| **(Metric units) kg/kkg of LWK** | | |
| $BOD_5$ | 0.78 | 0.39 |
| TSS | 1.14 | 0.57 |
| Oil and grease | 0.28 | 0.14 |
| Ammonia | 0.28 | 0.14 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| **(English units) lb/1000 lb of LWK** | | |
| $BOD_5$ | 0.78 | 0.39 |
| TSS | 1.14 | 0.57 |
| Oil and grease | 0.28 | 0.14 |
| Ammonia | 0.28 | 0.14 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}_5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD}_5\ \text{kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

### § 432.126 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the turkey processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128,122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

| Pollutant or pollutant property: | *Pretreatment standard* |
|---|---|
| $BOD_5$ | No limitation. |
| TSS | Do. |
| Oil and grease | Do. |
| pH | Do. |
| Fecal coliform | Do. |

## Subpart M—Fowl Processor Subcategory

### § 432.130 Applicability; description of the fowl processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of slaughtered and dressed whole or cut up mature chickens, layers, geese or capons and any further processing or rendering also conducted at the same plant site by a fowl processor.

### § 432.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "fowl processor" shall mean a plant that slaughters and dresses primarily mature chickens, geese or capons and produces whole or cut up fresh or frozen birds, and including any further processing into canned, breaded or cooked products or rendering of by-products.

(c) The term "LWK" (live weight killed) shall mean the total weight of the total number of birds slaughtered during the time to which the effluent limitations apply, i.e., during any one day or any period of thirty consecutive days.

(d) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendering operation composed of poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

(e) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh or frozen poultry meat products.

### § 432.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to



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such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| BOD5 | 1.22 | 0.61 |
| TSS | 1.44 | 0.72 |
| Oil and grease | 0.30 | 0.15 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| (English units) lb/1000 lb of LWK | | |
| BOD5 | 1.22 | 0.61 |
| TSS | 1.44 | 0.72 |
| Oil and grease | 0.30 | 0.15 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

### § 432.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically available.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| BOD5 | 0.46 | 0.23 |
| TSS | 0.54 | 0.27 |
| Oil and grease | 0.15 | 0.15 |
| (English units) lb/1000 lb of LWK | | |
| BOD5 | 0.46 | 0.23 |
| TSS | 0.54 | 0.27 |
| Oil and grease | 0.15 | 0.15 |
| Milligrams per liter—effluent | | |
| Ammonia | 8.0 | 4.0 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.07}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.05}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

### § 432.134 [Reserved]

### § 432.135 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| BOD5 | 1.22 | 0.61 |
| TSS | 1.44 | 0.72 |
| Oil and grease | 0.30 | 0.15 |
| Ammonia | 0.30 | 0.15 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| (English units) lb/1000 lb of LWK | | |
| BOD5 | 1.22 | 0.61 |
| TSS | 1.44 | 0.72 |
| Oil and grease | 0.30 | 0.15 |
| Ammonia | 0.30 | 0.15 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

### § 432.136 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the fowl processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

| Pollutant or pollutant property: | *Pretreatment standard* |
|---|---|
| BOD5 | No limitation. |
| TSS | Do. |
| Oil and grease | Do. |
| pH | Do. |
| Fecal coliform | Do. |

## Subpart N—Duck Processor Subcategory

### § 432.140 Applicability; description of the duck processor subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of slaughtered and dressed ducks, whole or cut up, and any further processed products or rendered by-products by a duck processor.

### § 432.141 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "duck processor" shall mean an operation which slaughters and dresses ducks, whole or cut up, fresh or frozen and including any further processing into canned, breaded, or cooked products or rendering of by-products.

(c) The term "LWK" (live weight killed) shall mean the total weight of the total number of birds slaughtered during the time to which the effluent limitations apply, i.e., during any one day or any period of thirty consecutive days.

(d) The term "raw material" or as abbreviated herein, "RM" shall mean the basic input materials to a rendering operation composed of poultry trimmings, bones, meat scraps, dead animals, feathers and related usable by-products.

(e) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh or frozen poultry meat products.

### § 432.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| BOD5 | 1.54 | 0.77 |
| TSS | 1.80 | 0.90 |
| Oil and grease | 0.52 | 0.26 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| (English units) lb/1000 lb of LWK | | |
| BOD5 | 1.54 | 0.77 |
| TSS | 1.80 | 0.90 |
| Oil and grease | 0.52 | 0.26 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

### § 432.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:











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| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| BOD5 | 0.75 | 0.39 |
| TSS | 0.92 | 0.46 |
| Oil and grease | 0.52 | 0.26 |
| (English units) lb/1000 lb of LWK | | |
| BOD5 | 0.75 | 0.39 |
| TSS | 0.92 | 0.46 |
| Oil and grease | 0.52 | 0.26 |
| Milligrams per liter—effluent | | |
| Ammonia | 8.0 | 4.0 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.07}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.05}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.18}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

**§ 432.144 [Reserved]**

**§ 432.145 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) For a processor subject to the provisions of this subpart which does no by-product rendering or further processing as part of plant activities, the following limitations shall apply:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of LWK | | |
| BOD5 | 1.54 | 0.77 |
| TSS | 1.80 | 0.90 |
| Oil and grease | 0.52 | 0.26 |
| Ammonia | 0.52 | 0.26 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| (English units) lb/1000 lb of LWK | | |
| BOD5 | 1.54 | 0.77 |
| TSS | 1.80 | 0.90 |
| Oil and grease | 0.52 | 0.26 |
| Ammonia | 0.52 | 0.26 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

(b) For a processor which does conduct by-product rendering, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.15}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.17}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg RM}} \times \frac{\text{kkg RM}}{\text{kkg LWK}}$$

(c) For a processor which does conduct further processing, the following formulae should be used to derive an additive adjustment to the effluent limitation set forth in paragraph (a) of this section for each parameter shown.

$$\text{BOD5 kg/kkg (lb/1000 lb) LWK} = \frac{0.30}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{TSS kg/kkg (lb/1000 lb) LWK} = \frac{0.35}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

$$\text{Oil and grease kg/kkg (lb/1000 lb) LWK} = \frac{0.10}{\text{kkg FP}} \times \frac{\text{kkg FP}}{\text{kkg LWK}}$$

**§ 432.146 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act for a source within the duck processor subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

| Pollutant or pollutant property: | *Pretreatment standard* |
|---|---|
| BOD5 | No limitation. |
| TSS | Do. |
| Oil and grease | Do. |
| pH | Do. |
| Fecal coliform | Do. |

## Subpart O—Further Processing Subcategory

**§ 432.150 Applicability; description of the further processing subcategory.**

The provisions of this subpart are applicable to discharges resulting from the manufacture of canned, breaded, ground, chopped, diced poultry products from purchased whole or cut carcasses of any poultry type by a further processing plant.

**§ 432.151 Specialized definitions.**

For the purpose of this subpart:

(a) Except as provided below the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "further processing" shall mean an operation which utilizes purchased whole or cut up poultry for the production of cooked, canned, ground, chopped, diced, or breaded fresh or frozen products.

(c) The term "finished product" or as abbreviated herein, "FP" shall mean the final manufactured product as cooked, canned, ground, chopped, diced, breaded, fresh, or frozen poultry meat products.

**§ 432.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of





such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of finished product | | |
| BOD5 | 0.60 | 0.30 |
| TSS | 0.70 | 0.35 |
| Oil and grease | 0.20 | 0.10 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| (English units) lb/1000 lb of finished product | | |
| BOD5 | 0.60 | 0.30 |
| TSS | 0.70 | 0.35 |
| Oil and grease | 0.20 | 0.10 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

**§ 432.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of finished product | | |
| BOD5 | 0.30 | 0.15 |
| TSS | 0.36 | 0.18 |
| Oil and grease | 0.26 | 0.13 |
| (English units) lb/1000 lb of finished product | | |
| BOD5 | 0.30 | 0.15 |
| TSS | 0.36 | 0.18 |
| Oil and grease | 0.26 | 0.13 |
| Milligrams per liter—effluent | | |
| Ammonia | 8.0 | 4.0 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

**§ 432.154 [Reserved]**

**§ 432.155 Standards of performance for new sources.**

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

| Effluent characteristic | Effluent limitations: Maximum for any one day | Effluent limitations: Average of daily values for thirty consecutive days shall not exceed— |
|---|---|---|
| (Metric units) kg/kkg of finished product | | |
| BOD5 | 0.60 | 0.30 |
| TSS | 0.70 | 0.35 |
| Oil and grease | 0.20 | 0.10 |
| Ammonia | 0.20 | 0.60 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |
| (English units) lb/1000 lb of finished product | | |
| BOD5 | 0.60 | 0.30 |
| TSS | 0.70 | 0.35 |
| Oil and grease | 0.20 | 0.10 |
| Ammonia | 0.20 | 0.10 |
| pH | Within the range 6.0 to 9.0. | |
| Fecal coliforms | Maximum at any time 400 mpn/100 ml. | |

**§ 432.156 Pretreatment standards for new sources.**

The pretreatment standards under section 307(c) of the Act for a source within the further processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by point source subject to the provisions of this subpart.

| Pollutant or pollutant property: | *Pretreatment standard* |
|---|---|
| BOD5 | No limitation. |
| TSS | Do. |
| Oil and grease | Do. |
| pH | Do. |
| Fecal coliform | Do. |

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# rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 7—Agriculture

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 689]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 27–May 3, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.989 Lemon Regulation 689.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is mixed—good on all sizes of choice grade and fair to easier on most sizes of first grade fruit. Average f.o.b. price was $6.07 per carton the week ended April 19, 1975 compared to $5.98 per carton the previous week. Track and rolling supplies at 140 cars were up 31 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 22, 1975.

(b) *Order.* (1) The quantity of lemons in California and Arizona which may be handled during the period April 27, 1975, through May 3, 1975, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1975.

CHARLES R. BRADER,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75–11044 Filed 4–24–75;8:45 am]

## Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75–WE–17–AD; Amdt. 39–2189]

### PART 39—AIRWORTHINESS DIRECTIVES

#### AiResearch Model TFE731–2 and –3 Series Engines

Amendment 39–2144 (40 FR 134–7), AD 75–07–10, requires an inspection, and replacement as necessary with improved parts, of the transfer gearbox assembly on AiResearch Model TFE731–2 and –3 Series engines. This action is required because several failures have occurred in the transfer gearbox bearing support and associated gears which can result in complete engine power loss. After issuing Amendment 39–2144, the agency determined that the manufacturer had incorporated the improved parts into production. Therefore, the AD is being amended to take note of this. Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2144 (40 FR 13477), AD 75–07–10, is amended as follows: Revise paragraph (B) in its entirety to read:

(B) The inspections required by paragraph (A) above, are not required if the engine is equipped with a transfer gearbox assembly, P/N 3070093–3, designated as Series 1, Change 2 or Series 3, and may be discontinued on engines equipped with Series 1 Transfer Gearbox Assemblies when the bearing support, P/N 3070217–1, is replaced with an improved bearing support, P/N 3070217–3, per AiResearch Service Bulletin TFE731–72–3020, dated February 27, 1975, or later FAA-approved revisions. Bearing supports, P/N 3070217–1, which are removed from service shall be rendered unserviceable.

This amendment becomes effective May 1, 1975.



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(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on April 17, 1975.

ROBERT H. STANTON,
*Director,*
*FAA Western Region.*

[FR Doc.75-10839 Filed 4-24-75;8:45 am]

[Airspace Docket No. 75-GL-2]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Control Zone

On Pages 5543 and 5543 of the FEDERAL REGISTER dated February 6, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Waukesha, Wisconsin.

Interested persons were given 30 days to submit written comments, objections and arguments concerning the proposed amendment. Two comments were received. The Air Transport Association concurred with the proposal. The other from Mr. G. D. Nichols, Fixed Base Operator at Capitol Drive Airport, requested the airport be eliminated from the zone for ease of VFR operations in and out of Capitol Drive Airport. This can be done without derogation of the controlled airspace required for the Waukesha County Airport. Accordingly, the proposed amendment is hereby adopted subject to the minor change as set forth below.

This amendment shall be effective 0901 G.m.t., June 19, 1975.

In view of the foregoing, the proposed amendment is hereby adopted as follows:

In § 71.171 (40 FR 354), the following control zone is added:

WAUKESHA, WISCONSIN

Within a 5-mile radius of the Waukesha County Airport (Latitude 43°02'25" N., Longitude 88°14'00" W.); excluding a one-mile radius of Capitol Drive Airport (Latitude 43°05'15" N., Longitude 88°10'40" W.); within 2½ miles each side of the 272° bearing from the airport extending from the 5-mile radius area to 5.5 miles west. This control zone shall be effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on April 16, 1975.

R. O. ZIEGLER,
*Acting Director,*
*Great Lakes Region.*

[FR Doc.75-10840 Filed 4-24-75;8:45 am]

[Airspace Docket No. 75-SW-12]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Winnfield, La., transition area.

On March 10, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 11003) stating the Federal Aviation Administration proposed to designate the Winnfield, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

WINNFIELD, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winnfield NDB (latitude 31°57'46" N., longitude 92°39'25" W.); within 3 miles each side of a 276° bearing from the Winnfield NDB extending from the 5-mile radius area to 8 miles west of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 16, 1975.

ALBERT H. THURBURN,
*Director,*
*Southwest Region.*

[FR Doc.75-10841 Filed 4-24-75;8:45 am]

[Docket No. 14556; Amdt. No. 965]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective June 19, 1975.*

Bastrop, La.—Morehouse Memorial Arpt., VOR/DME-A, Amdt. 3.
Delta Junction, Alaska—Allen AAF, VOR Rwy 18 (TAC), Amdt. 5.
Galesburg, Ill.—Galesburg Municipal Arpt., VOR Rwy 2, Amdt. 4.
Galesburg, Ill.—Galesburg Municipal Arpt., VOR Rwy 20, Amdt. 5.
Louisville, Ky.—Bowman Field, VOR Rwy 19, Orig.
Louisville, Ky.—Bowman Field, VOR Rwy 24, Orig.
Monmouth, Ill.—Monmouth Municipal Arpt., VOR-A, Amdt. 1.
Monroe, La.—Monroe Municipal Arpt., VOR Rwy 4, Amdt. 15.
Newport, Oreg.—Newport Municipal Arpt., VOR-A, Orig.
Newport, Oreg.—Newport Municipal Arpt., VOR/DME Rwy 16, Amdt. 3.
Woodward, Okla.—West Woodward Arpt. VOR/DME-A, Orig.

• • • *effective June 5, 1975.*

Gaithersburg, Md.—Montgomery County Airpark, VOR Rwy 14, Orig.
Greenwood/Wonder Lake, Ill.—Galt Field, VOR-A, Amdt. 1.
Keene, N.H.—Dillant-Hopkins Arpt., VOR Rwy 2, Amdt. 4.
Newton, Kans.—Newton City-County, VOR TAC Rwy 35, Amdt. 4.
Orlando, Fla.—Orlando Jetport at McCoy Arpt., VOR Rwy 18L & 18R, Amdt. 3.
Orlando, Fla.—Orlando Jetport at McCoy VOR Rwy 18L & 18R, Amdt. 3.
Waseca, Minn.—Waseca Municipal Arpt., VOR-A, Amdt. 1.

• • • *effective May 8, 1975.*

Warsaw, Ind.—Warsaw Municipal Arpt., VOR Rwy 18, Amdt. 2.
Warsaw, Ind.—Warsaw Municipal Arpt., VOR Rwy 36, Amdt. 2.

• • • *effective May 1, 1975.*





Louisville, Ky.—Bowman Field, VOR Rwy 1, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective June 19, 1975.*

Anchorage, Alaska—Anchorage Int'l. Arpt., LOC Rwy 6L, Amdt. 3.

• • • *effective May 8, 1975.*

Warsaw, Ind.—Warsaw Municipal Arpt., SDF Rwy 18, Orig.

• • • *effective May 1, 1975.*

Syracuse, N.Y.—Syracuse Hancock Int'l Arpt., LOC (BC) Rwy 10, Amdt. 16, canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective June 19, 1975.*

Delta Junction, Alaska—Allen AAF, NDB-A, Amdt. 1.
Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., NDB Rwy 18, Amdt. 2.
Monroe, La.—Monroe Municipal Arpt., NDB Rwy 4, Amdt. 10.

• • • *effective June 5, 1975.*

Newton, Kans.—Newton City-County Arpt., NDB Rwy 17, Amdt. 3.
Waseca, Minn.—Waseca Municipal Arpt., NDB Rwy 16, Amdt. 2.

• • • *effective May 15, 1975.*

Worcester, Mass.—Worcester Municipal Arpt., NDB Rwy 29, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective June 19, 1975.*

Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., ILS Rwy 18, Amdt. 2.
Monroe, La.—Monroe Municipal Arpt., ILS Rwy 4, Amdt. 13.

• • • *effective June 5, 1975.*

Keene, N.H.—Dillant-Hopkins Arpt., ILS Rwy 2, Amdt. 6.

• • • *effective May 1, 1975.*

San Antonio, Tex.—San Antonio Int'l. Arpt., ILS Rwy 30L, Orig.
Syracuse, N.Y.—Syracuse Hancock Int'l. Arpt., ILS Rwy 10, Orig.

• • • *effective April 15, 1975.*

Orlando, Fla.—Herndon Arpt., ILS Rwy 7, Amdt. 11.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective June 5, 1975.*

Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., RNAV Rwy 13, Amdt. 1.
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., RNAV Rwy 31, Amdt. 1.
Clinton, Iowa—Clinton Municipal Arpt., RNAV Rwy 21, Orig.
Newton, Kans.—Newton City-County Arpt., RNAV Rwy 17, Orig.
Newton, Kans.—Newton City-County Arpt., RNAV Rwy 35, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on April 17, 1975.

JAMES M. VINES,
*Chief,*
*Aircraft Programs Division.*

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-10842 Filed 4-24-75;8:45 am]

## Title 20—Employees' Benefits

## CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

## PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965——)

### Supplementary Medical Insurance Benefits; Premiums

On April 19, 1974, there was published in the FEDERAL REGISTER (39 FR 13972) a notice of proposed rulemaking with proposed amendments to Subparts B and I, Regulations No. 5. The proposed amendments are required by the following provisions of Pub. L. 92-603: (1) section 201, which extends Medicare coverage to persons under age 65 who have been entitled to a disability benefit for 24 consecutive months; (2) section 202, which permits enrollment for hospital insurance benefits under Part A at a substantial premium by certain uninsured individuals age 65 or older, not otherwise eligible; (3) section 206, which provides for automatic enrollment in the supplementary medical insurance program (SMI) of certain persons who become entitled to hospital insurance; (4) section 260, which requires that any period during which the law previously in effect prevented an individual from enrolling (or reenrolling) should not count against him in determining how much his premium is to be increased for late enrollment (or reenrollment); and (5) section 299I, which extends Medicare coverage to individuals with end-stage renal disease who meet certain eligibility requirements. Interested parties were given the opportunity to submit on or before May 20, 1974, comments, views, or objections in writing with regard to the proposed amendments.

The only comments received were submitted by the Ohio Department of Public Welfare. That Department suggested that the regulations state more clearly which persons can be automatically enrolled in SMI (as referred to in the notice of proposed rulemaking) and which persons can be enrolled for hospital insurance at a substantial premium. The first of these suggested changes has been carried out in § 405.210(b), which deals with "automatic enrollment," by making that term the subsection's heading. The second suggested change which concerns the eligibility requirements for enrolling in premium hospital insurance is being adopted in Regulations No. 5, Subpart A (Hospital Insurance Benefits). These proposed regulations were published in the FEDERAL REGISTER on January 30, 1975 (40 FR 4440) under notice of proposed rulemaking.

Section 405.205 of the regulations contains the requirement that an individual, to be entitled to SMI must be (1) a resident citizen or (2) a resident alien lawfully admitted for permanent residence who has continuously resided in the United States for the 5 years immediately preceding the month he applies for enrollment. These requirements are derived from section 1836 of the Social Security Act. However, the Department of Health, Education, and Welfare has been enjoined from applying section 1836, as written, to certain aliens under the decision of a three-judge Federal Court in *Diaz* v. *Weinberger*, 361 F. Supp. 1 (S.D. Fla., 1973). Under that court's decision, the Department has not been applying the permanent residence and 5-year residency requirements to exclude otherwise eligible aliens. The requirements for aliens were the subject of argument before the United States Supreme Court on January 13, 1975 in *Weinberger* v. *Diaz*. However, the Court did not issue a decision in the case, but rather set it for reargument in the fall term. Accordingly, a footnote has been included in § 405.205 to indicate that that part of the regulation implementing section 1836(2)(B) of the Act will not be applied so long as the Department is subject to the three-judge court's order.

Accordingly, the amendments are adopted with minor editorial changes and the changes noted above.

(Secs. 1102, 1818, 1837, 1838, 1871, 49 Stat. 647, as amended, 86 Stat. 1374, 79 Stat. 304, 305, 331, as amended; 42 U.S.C. 1302, 1395i-2, 1395p, 1395q, 1395hh.)

*Effective date:* These amendments shall be effective May 27, 1975.

Dated: April 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

J. B. CARDWELL,
*Commissioner of Social Security.*

Approved: April 21, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are amended as follows:

1. Section 405.205 is revised to read as follows:

§ 405.205 Eligibility requirements for enrollment.

An individual is eligible for enrollment in the supplementary medical insurance plan (unless excluded under § 405.206) if he either:

(a) Is entitled to hospital insurance under Part A of title XVIII of the Act





(see §§ 405.102–405.106 of this chapter);



cation establishing his entitlement to § 405.221 Individual enrollment; coverage

(iii) Any months in or before a period

Commissioner is unaware of any poly-

2. Part 9 is amended in Subpart C by

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(see §§ 405.102–405.106 of this chapter); or

(b) Has attained age 65 and is a resident of the United States and is either a citizen, or an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under the regulations in this part.[1]

2. Section 405.210 is revised to read as follows:

**§ 405.210 Individual enrollment; enrollment procedures.**

(a) *What constitutes enrollment.* To enroll in the supplementary medical insurance program, an eligible individual (see § 405.205) must:

(1) File with the Administration, during a period of enrollment (see §§ 405.211 through 405.214) open to such individual, a written request for enrollment, signed by him or on his behalf; or

(2) Be deemed to have enrolled in accordance with the provisions of paragraph (b) of this section.

(b) *Automatic enrollment.* Any individual who is eligible to enroll in the supplementary medical insurance plan by reason of entitlement to hospital insurance (see paragraph (a) of § 405.205) and whose initial enrollment period under § 405.212 begins after March 31, 1973, and who is residing in the United States, exclusive of Puerto Rico, shall, unless he timely declines such insurance in accordance with paragraph (c) of this section, be deemed to have enrolled in the supplementary medical insurance plan, pursuant to the following:

(1) He will be deemed to have enrolled for supplementary medical insurance in the third month of his initial enrollment period if:

(i) He was entitled to monthly insurance benefits under sections 202 or 223 of the Act on the first day of his initial enrollment period, or

(ii) He becomes entitled to monthly insurance benefits under section 202, by filing application and meeting all other requirements therefor during the first 3 months of such period, or

(iii) He is entitled to hospital insurance by reason of end-stage renal disease under sections 226 (c) and (f) of the Act.

(2) An individual who is not deemed to have enrolled under paragraph (b)(1) of this section, and who first files application establishing his entitlement to hospital insurance in the last 4 months of his initial enrollment period, will be deemed to have enrolled for supplementary medical insurance in the month in which such application was filed.

(3) An individual who is not deemed to have enrolled under paragraphs (b)(1) or (b)(2) of this section, and who first files application establishing his entitlement to hospital insurance benefits after his initial enrollment period, will be deemed to have enrolled for supplementary medical insurance on the first day of the then current or immediately succeeding general enrollment period, whichever is earlier.

(c) *Opportunity to decline deemed enrollment.* Every person who has not actually requested enrollment but is deemed to have enrolled under paragraph (b) of this section will be given opportunity to decline such deemed enrollment as follows: he will be mailed notice of his deemed enrollment and advised by such notice that he may decline supplementary medical insurance and will be deemed not to have enrolled if he files with the Administration, before his coverage begins or, if later, within a specified period (not less than 2 calendar months) after the month in which such notice is mailed to him, his signed statement that he does not wish such insurance.

3. Section 405.213 is amended by designating the existing material therein as paragraph (a) and adding thereto the following new paragraph:

**§ 405.213 Individual enrollment; general enrollment periods.**

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section and of § 405.214, an individual eligible to enroll for premium hospital insurance under section 1818 of the Act (42 U.S.C. 1395i–2) on or before May 31, 1973, who enrolls for such insurance between December 1, 1972, and August 31, 1973, inclusive, may enroll for supplementary medical insurance at the same time.

4. Section 405.214 is amended by adding thereto a new paragraph (d), as follows:

**§ 405.214 Individual enrollment; limitation on enrollment and reenrollment.**

* * * * *

(d) *Separate continuous period of eligibility.* Each period throughout which an individual has been entitled to hospital insurance and which terminated before the month he attained age 65 shall be considered to be a separate continuous period of eligibility, and shall be deemed not to have existed for purposes of determining his enrollment rights under this section during a subsequent separate continuous period of eligibility.

5. Section 405.221 is amended by adding thereto a new paragraph (e), as follows:

**§ 405.221 Individual enrollment; coverage period beginning date.**

* * * * *

(e) *Enrollment between December 1, 1972, and August 31, 1973, inclusive.* An individual who is enrolled for supplementary medical insurance between December 1, 1972, and August 31, 1973, inclusive, pursuant to § 405.213(b) will have supplementary medical insurance coverage beginning on the same date as his premium hospital insurance coverage unless his supplementary medical insurance coverage would begin earlier under paragraph (c) or (d) of this section.

6. Section 405.223 is amended by adding thereto a new paragraph (e), as follows:

**§ 405.223 Individual enrollments; State enrollments, manner and time of termination of enrollment and coverage period.**

* * * * *

(e) *Termination of hospital insurance before individual attains age 65.* If an enrollee's hospital insurance entitlement terminates before the month in which he attains age 65, his medical insurance coverage period, if it has not previously ended pursuant to paragraph (a) or (b) of this section, will terminate on the same date as his hospital insurance entitlement (see § 405.103(b)).

7. Section 405.902 is amended by revising paragraph (b) to read as follows:

**§ 405.902 Amount of premiums.**

* * * * *

(b) *Enrollment after initial enrollment period.* In the case of an individual who first enrolls after the close of his initial enrollment period (not including an enrollment under the "good cause" provisions discussed in § 405.224) or reenrolls after termination of his supplementary medical insurance coverage (see § 405.214), the monthly premium, as determined under paragraph (a) of this section will be increased by 10 percent for each full 12 months in the following total (no increase is made for a fractional portion of 12 months):

(1) The number of months which elapsed between the close of his initial enrollment period and the close of the general enrollment period in which he first enrolled plus, in the case of an individual who enrolls for the second time, (2) the number of months which elapsed after the end of his initial period of coverage and the close of the general enrollment period (see § 405.213) in which he thereafter enrolled, but excluding from such total:

(i) The 3 months January through March 1968 for any person who enrolled during the first general enrollment period, October 1967 through March 1968; or

(ii) Any months prior to January 1973 during which he was precluded from enrolling or reenrolling by the 3-year limitation on enrollment or reenrollment which was in effect until the enactment of section 260 of the Social Security Amendments of 1972, Public Law 92–603; or

(iii) Any months in or before a period of coverage under a Federal-State agreement (see §§ 405.222(d) and 405.904(d)); or

(iv) In the case of an individual under age 65, any month prior to his current continuous period of entitlement to hospital insurance and in the case of an individual age 65 or older, any month before the month he attained age 65 (see § 405.214(d)).

* * * * *

*Example 4:* X attained age 65 in August 1966 and enrolled during his initial enrollment period. His coverage was terminated effective June 30, 1968, for nonpayment of premiums. He reenrolls in March 1973. For purposes of computing any applicable premium increase, he will not be charged any months after March 1971 (the end of the last general enrollment period during which he was eligible to reenroll under the law in effect prior to October 30, 1972) through December 1972. Therefore, he will be charged 36 months (July 1968–March 1971 plus January 1973–March 1973) and his premiums for his second period of coverage will be increased 30 percent.

* * * * *

[FR Doc.75-10879 Filed 4-24-75;8:45 am]

[1] Section 1836(2)(B) of the Social Security Act provides that an otherwise eligible alien may enroll for supplementary medical insurance if he has been lawfully admitted for permanent residence in the United States and has continuously resided in the United States for the 5 years immediately preceding the month he applies for enrollment. The Department of Health, Education, and Welfare has been enjoined by a three-judge court in *Diaz v. Weinberger*, 361 F. Supp. 1 (S.D. Fla., 1973) from applying these requirements. Pending a decision of the United States Supreme Court on appeal in this case, the Department will continue to follow the order of the three-judge court.





## Title 21—Food and Drugs

## CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### SUBCHAPTER A—GENERAL

### PART 8—COLOR ADDITIVES

### PART 9—COLOR CERTIFICATION

### D&C Green No. 6

The Commissioner of Food and Drugs, having evaluated the data in a petition (2C0104) filed by Davis & Geck Division, American Cyanamid Co., Pearl River, NY 10965, and other relevant material, concludes that D&C Green No. 6 is safe under the conditions prescribed in this order for use as a dyeing agent for polyglycolic acid surgical sutures for use in general and ophthalmic surgery, and that certification is necessary for the protection of the public health. Accordingly, by order below, the Commissioner amends the color additive listing for D&C Green No. 6 in § 8.4070 (21 CFR 8.4070) to provide for such use.

D&C Green No. 6 is currently listed in § 8.4070 for use in coloring polyethylene terephthalate surgical sutures. The Commissioner concludes that, in order to assure the safety of such use, it should be restricted to sutures complying with United States Pharmacopeia (U.S.P.) standards. Accordingly, the listing for use in polyethylene terephthalate surgical sutures is amended by the order below to restrict such use to U.S.P. sutures. This is consistent with the new listing for use of the color in polyglycolic acid surgical sutures, which is likewise restricted to use in U.S.P. sutures, and indeed is consistent with the color additive petition which led to the current version of § 8.4070, which proposed the use of the color in Dacron (polyethylene terephthalate) surgical sutures, U.S.P. The Commissioner is unaware of any polyethylene terephthalate surgical sutures colored with D&C Green No. 6 which do not meet the requirements of the U.S.P.

In considering this matter, it has come to the Commissioner's attention that the Food and Drug Administration regulations governing the use of D&C Green No. 6 are not entirely uniform in stating the identity and specifications for certification of the color. Accordingly, in order to achieve uniformity, by order below the Commissioner is also amending § 9.104 (21 CFR 9.104), which states the identity and specifications for certification of D&C Green No. 6 for use in D&C Lakes (21 CFR 9.280), so as to incorporate by reference the identity and specifications of § 8.4070. The identity terminology formerly employed by § 9.104 has become obsolete, and the specifications incorporated from § 8.4070 are more appropriate to assure safe use of the color. The provisional listing for the color, in § 8.501(b) (21 CFR 8.501(b)), is amended to cross reference § 8.4070 rather than § 9.104; however, the latter regulation, as amended, is continued in effect because of its incorporation in the regulation governing D&C Lakes (21 CFR 9.280).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 as amended; 21 U.S.C. 376 (b), (c), and (d)) and the transitional provisions accompanying the Color Additive Amendments of 1960 (sec. 203, 74 Stat. 404–407, 21 U.S.C. 376 note) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 8 and 9 are amended as follows:

1. Part 8 is amended:

**§ 8.501 [Amended]**

a. In Subpart—Provisional Regulations by amending the table in § 8.501(b) by revising the parenthetical phrase "(§ 9.104 of this chapter)" after the entry for D&C Green No. 6 to read "(§ 8.4070(a), (b) of this chapter)".

b. In Subpart E by revising paragraph (c) in § 8.4070 to read as follows:

**§ 8.4070 D&C Green No. 6.**

* * * * *

(c) *Uses and restrictions.* (1) D&C Green No. 6 may be safely used at a level, (i) not to exceed 0.75 percent by weight of the suture material for coloring polyethylene terephthalate surgical sutures, including sutures for ophthalmic use; and (ii) not to exceed 0.1 percent by weight of the suture material for coloring polyglycolic acid surgical sutures, including sutures for ophthalmic use.

(2) The dyed suture shall conform in all respects to the requirements of the U.S.P.

(3) When the sutures are used for the purposes specified in their labeling, the color additive does not migrate to the surrounding tissue.

(4) If the suture is a new drug, an approved new drug application, pursuant to section 505 of the act, is in effect for it.

* * * * *

2. Part 9 is amended in Subpart C by revising § 9.104 to read as follows:

**§ 9.104 D&C Green No. 6.**

The color additive D&C Green No. 6 shall conform in identity and specifications to the requirements of § 8.4070 (a) and (b) of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before May 27, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective May 28, 1975, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), (d), Pub. L. 717, 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), (d)); sec. 203 of Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: April 17, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10827 Filed 4-24-75;8:45 am]

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 364-2; FAP5H5077/R6]

### PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

### Subpart A—Food Additives Permitted in Food for Human Consumption

DIMETHYL PHOSPHATE OF 3-HYDROXY-*N*-METHYL-*CIS*-CROTONAMIDE

On March 28, 1975, notice was given (40 FR 14117) that Shell Chemical Co., 1025 Connecticut Ave., NW, Washington DC 20036, had filed a food additive petition (FAP 5H5077) with the Environmental Protection Agency (EPA). This petition proposed establishment of a food additive tolerance for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in concentrated tomato products at 2 parts per million resulting from the application of the insecticide to the raw agricultural commodity tomatoes. (A related document concerning the establishment of a





pesticide tolerance also appears in to-



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pesticide tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. It is concluded that the tolerance should be established.

Any person adversely affected by this regulation may, on or before May 27, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulations deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective April 25, 1975, Part 123, Subpart A, is amended by adding § 123.151 as set forth below.

(Sec. 409(c) (1) & (4), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c) (1) & (4)), transferred to the Administrator EPA in Reorganization Plan No. 3 of 1970 (35 FR 15623))

Dated: April 18, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

**§ 123.151 Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide.**

A tolerance of 2 parts per million is established for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in concentrated tomato products when present therein as a result of application of the insecticide to growing tomatoes.

[FR Doc.75-10806 Filed 4-24-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS AND RELATED PRODUCTS

## PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

### Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (96-786V) filed by Dean's Specialty Supply Co., Waseca, MN 56093 proposing safe and effective use of an additional tylosin premix in the manufacture of swine feed. The supplemental application is approved.

The Commissioner is amending Part 558 (formerly Part 135e, prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) to reflect the approval as set forth below. This amendment shall become effective April 25, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.625 (formerly § 135e.10) by revising paragraph (b) (16) to read as follows:

§ 558.625 Tylosin.

. . . . . .

(b) . . .

(16) To 024817: 5 and 10 grams per pound, paragraph (f) (1) (vi) (*a*) of this section.

. . . . . .

*Effective date.* This order shall be effective on April 25, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 18, 1975.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc.75-10828 Filed 4-24-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 366-1]

## PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

## PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

## PART 53—AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

### Corrections

In FR Doc. 75-3819 and FR Doc. 75-3820 appearing at pages 7042 and 7044 in the FEDERAL REGISTER of Tuesday, February 18, 1975, the following changes should be made:

A. The preamble to FR Doc. 75-3819 is corrected as follows:

1. On page 7042, the twentieth line of the second paragraph of the section entitled "Exceptions permitting continued use of existing methods" is corrected to read as follows: "Similar analyzers. Other comments con-".

2. On page 7043, the last sentence of the paragraph entitled "Designation of existing analyzers as reference or equivalent methods" is corrected to read as follows: "State and local agencies using analyzers identical to one designated as a reference or equivalent method under Part 53 may consider them covered by the designation, provided that the analyzers have not been modified".

B. FR Doc. 75-3820 is corrected as follows:

3. On page 7046, the fifteenth and sixteenth lines of the third paragraph of the section entitled "(3) *Public participation in cancellation proceedings and notice of certain action*" are corrected to read as follows: "will enable prospective purchasers to determine with relative ease whether".

4. On page 7050, the first sentence of footnote 1 of § 53.4 should be corrected by adding the designation, "(EPA 450/3-74-038)", immediately following the words, "in the EPA report", and immediately before the words, "Guideline Specifications".

5. On page 7050, the second sentence of footnote 1 of § 53.4 should be corrected by adding the designation, "(EPA 450/3-74-039)", immediately following the words, "report and titled", and immediately before the words, "Fully Proceduralized Instruction".

6. On page 7052, the first line of paragraph (d) of § 53.14 should be corrected by adding the word, "An", immediately before the words, "applicant who has received".

7. On page 7052, the seventh line of paragraph (c) of § 53.20 is corrected by adding the words, "or outside", immediately after the words, "a value higher than", and immediately before the words, "that specified constitutes".

8. On page 7052, the second word of the title of Table B-1 of § 53.20 is corrected to read: "SPECIFICATIONS".

9. On page 7052, the second word of the performance parameter of line 4 of Table B-1 of § 53.20 is corrected to read: "Equivalent".

10. On page 7052, item 6 in Table B-1 of § 53.20 is corrected to read:

| | | | |
|---|---|---|---|
| 6. Span drift, 24 hours | | | |
| 20 percent of upper range limit | Percent | ±20.0 | ±20.0 | ±10.0 | § 53.23(e). |
| 80 percent of upper range limit | do | ±8.0 | ±5.0 | ±2.5 | § 53.23(e). |

NOTE—The nominal range is specified at the lower and upper range limits in concentration units, for example, 0–0.5 p/m.

11. On page 7053, the footnote designation of the entry under the Generation column opposite Hydrogen chloride test gas in Table B-2 of § 53.22 is corrected to read: "Cylinder[1]".

12. On page 7053, the second line of the entry under the Generation column opposite Nitric oxide test gas in Table B-2 of § 53.22 is corrected by deleting the period immediately after the symbols, "100 p/m", and immediately before the symbol, "NO".

13. On page 7053, the second author of Reference 2 of Table B-2 of § 53.22 is corrected to read: "Rosenberg, E.".

14. On page 7054, the fifth line of § 53.22(f) is corrected by adding a comma immediately after the word, "spirometer", and immediately before the words, "bubble meter".

15. On page 7054, the note following § 53.23(a) is corrected to read as follows:

16. On page 7054, the units symbol, "(ppm)", in the second line of § 53.23(b) (2) (iv) is corrected to read: "(p/m)".

17. On page 7054, the equation in § 53.23(b) (v) is corrected to read:

$$S=\sqrt{\frac{\sum_{i=1}^{25}(r_i)^2-\frac{1}{25}\left(\sum_{i=1}^{25}r_i\right)^2}{24}}\ (p/m)$$

18. On page 7054, the symbol, "2×$S_o$", in the sixth line of § 53.23(c) (2) (iv) is corrected to read: "2$S_o$".

19. On page 7054, the designation, "footnote (c)", in the twenty-fifth line of § 53.23(d) (2) is corrected to read: "footnote (3)".

20. On page 7054, the twelfth item under the Analyzer type column opposite the pollutant, "CO", in Table B-3 of





§ 53.23(d) is corrected to read: "Gas chromatography with flame ionization detector".

21. On page 7054, the footnote designations, "(5)," of the fourteenth, fifteenth and sixteenth items under the column titled, "Carbon monoxide" and opposite the Pollutant, "CO", in Table B-3 of § 53.23(d) is corrected to read: "(4),".

22. On page 7055, the designation, "footnote (c)", in the third line of § 53.23 (d) (2) (xi) is corrected to read: "footnote (3)".

23. On page 7055, the equation in the first line of § 53.23(d) (2) (xi) (C) is corrected to read "IE=$R_I$−R".

24. On page 7055, the second word, "interferences", of the second line of § 53.23(d) (2) (xii) is corrected to read: "interference".

25. On page 7055, § 53.23(e) (7) is corrected by adding the following note immediately after the end of the section:

NOTE—If necessary, the beginning of the test days succeeding such maintenance or adjustment may be delayed as necessary to complete the service or adjustment operation.

26. On page 7056, the first entry, "zero gas", under the column heading, "Pollutant concentration", of § 53.23(e) (9) (i) is corrected to read: "zero air".

27. On page 7056, § 53.23(e) (9) (i) is corrected by deleting in its entirety the note immediately following the words, "from day to day.", at the end of this section and immediately preceding Table B-4.

28. On page 7056, the first line of § 53.23(e) (9) (vi) is corrected to read: "Measure test atmosphere $A_m$."

29. On page 7056, the point designated as, "$P_{10}$—0.95 ($P_{10}$—$L_8$)", in Figure B-1 of § 53.23(e) (8) is corrected to read: "$P_{10}$—0.05 ($P_{10}$—$L_2$)".

30. On page 7057, § 53.23(e) (9) (x) is corrected to read as follows:

(x) After the 12-hour zero drift test (step ix), sample test atmosphere $A_o$. A stable reading is not required.

31. On page 7057, the reduced type size of § 53.23(e) (9) (xix) through § 53.23(e) (9) (xxxii) has no significance.

32. On page 7057, § 53.23(e) (10) (i) (A) is corrected to read as follows:

(i) *Zero Drift.* (A) 12-hour. Examine the strip chart pertaining to the 12-hour continuous zero air test. Determine the minimum (Cmin.) and maximum (Cmax.) readings (in p/m) during this period of 12 consecutive hours, extrapolating the calibration curve to negative concentration units if necessary. Determine the 12-hour zero drift (12ZD) as 12ZD=$C_{max.}$—$C_{min.}$ (See Figure B-5 in Appendix A.)

33. On page 7057, in § 53.23(e) (10) (ii) (A) the symbol, "i", immediately following the words, "the *n*-th test day, and", and immediately preceding the words, "indicates the i-th reading", is corrected to read as follows: "i".

34. On page 7057, § 53.23(e) (10) (ii) (C) is corrected to read as follows:

(C) Both USD and MSD must be equal to or less than the respective specifications given in Table B-1 to pass the test for span drift.

35. On page 7057, the words, "95 percent", in the first and sixth lines of § 53.23(e) (10) (C) (v) are corrected to read as follows: "five percent".

36. On page 7061, the tenth line of § 53.30(c) is corrected to read as follows: "these specified ranges. However, at all".

37. On page 7061, the twelfth line of § 53.31(b) is corrected by deleting the word, "and", immediately after the words, "or less," and immediately preceding the words, "a deadband of not more".

38. On page 7062, the column headings of Table C-1 of § 53.32 titled, "concentration range" and "Maximum discrepancy specifications", are corrected to read as follows: "Concentration range, p/m" and "Maximum discrepancy specifications, p/m".

39. On page 7062, the entry, "0.40–0.50" for the high range of sulfur dioxide in Table C-1 of § 53.32 is corrected to read as follows: "High 0.30–0.50".

Dated: April 22, 1975.

WILSON K. TALLEY,
*Assistant Administrator for Research and Development.*

[FR Doc.75-10896 Filed 4-24-75;8:45 am]

[FRL 364-7]

SUBCHAPTER C—AIR PROGRAMS

## PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

### Delegation of Authority to State of Washington

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of Washington on February 28, 1975, EPA is today amending 40 CFR 60.4 *Address*. A notice announcing this delegation was published on April 1, 1975 (40 FR 14632). The amended § 60.4 is set forth below.

The Administrator finds good cause for making this rulemaking effective immediately as the change is an administrative change and not one of substantive content. It imposes no additional substantive burdens on the parties affected.

This rulemaking is effective immediately, and is issued under the authority of section 111 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6.

Dated: April 2, 1975.

ROGER STRELOW,
*Assistant Administrator for Air and Waste Management.*

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

### Subpart A—General Provisions

1. Section 60.4 is revised to read as follows:

§ 60.4 Address.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), 1 North Wacker Drive, Chicago, Illinois 60606.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 63108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 196 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

(b) Section 111(c) directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce standards of performance for new stationary sources located in such State. All information required to be submitted to EPA under paragraph (a) of this section, must also be submitted to the appropriate State Agency of any State to which this authority has been delegated (provided, that each specific delegation may except sources from a certain Federal or State reporting requirement). The appropriate mailing address for those States whose delegation request has been approved is as follows:

(A)–(Z) [reserved].
(AA)–(VV) [reserved].
WW–Washington: State of Washington, Department of Ecology, Olympia, Washington 98504.
(XX)–(ZZ) [reserved].
(AAA)–(DDD) [reserved].

[FR Doc.75-10797 Filed 4-24-75;8:45 am]

[FRL 364-8]

## PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

### Delegation of Authority to State of Washington

Pursuant to the delegation of authority for the national emission standards for



hazardous air pollutants (NESHAPS) to



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hazardous air pollutants (NESHAPS) to the State of Washington on February 28, 1975, EPA is today amending 40 CFR 61.04 *Address*. A Notice announcing this delegation was published on April 1, 1975 (40 FR 14632). The amended § 61.04 is set forth below.

The Administrator finds good cause for making this rulemaking effective immediately as the change is an administrative change and not one of substantive content. It imposes no additional substantive burdens on the parties affected.

This rulemaking is effective immediately, and is issued under the authority of section 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c-7.

Dated April 21, 1975.

ROGER STRELOW,
*Assistant Administrator for Air and Waste Management.*

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart A—General Provisions**

1. Section 61.04 is revised to read as follows:

**§ 61.04 Address.**

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), 1 North Wacker Drive, Chicago, Illinois 60606.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 63108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 196 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

(b) Section 112(d) directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce the national emission standards for hazardous air pollutants for stationary sources located in such State. All information required to be submitted to EPA under paragraph (a) of this section, must also be submitted to the appropriate State Agency of any State to which this authority has been delegated (provided, that each specific delegation may exempt sources from a certain federal or State reporting requirement). The appropriate mailing address for those States whose delegation request has been approved is as follows:

(A)–(Z) [reserved].
(AA)–(VV) [reserved].
WW–Washington: State of Washington, Department of Ecology, Olympia, Washington 98504.
(XX)–(ZZ) [reserved].
(AAA)–(DDD) [reserved].

[FR Doc.75-10798 Filed 4-24-75;8:45 am]

**SUBCHAPTER D—WATER PROGRAMS**

[FRL 356-7]

**PART 120—WATER QUALITY STANDARDS**

**Navigable Waters of the State of Idaho**

The purpose of this notice is to amend 40 CFR Part 120 to establish revised water quality standards for the State of Idaho pursuant to section 303(a) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1313; 86 Stat. 816 *et seq.*; Pub. L. 92-500 (the Act)).

Section 303(a) requires that a State adopt water quality standards for interstate and intrastate waters and submit such standards to the Administrator for approval. The Administrator shall approve such standards if he determines that such standards meet the applicable requirements of the Act.

EPA approval of the State of Idaho's water quality standards established pursuant to section 303(a) was given on August 26, 1973. However, public notice of the approval and the title of the document containing those standards has not yet appeared in the FEDERAL REGISTER. The first purpose of this notice is to reference those approved standards. The second purpose is to give notice of EPA approval of a recent revision of the Idaho water quality standards.

Authority for revising water quality standards is derived from section 303(c) of the Act. Section 303(c) also requires that the State submit any revised or new water quality standard to the Administrator for approval. The Administrator, shall approve the standard if he determines that such standard meets the requirements of the Act. Notice of approval is then published in the FEDERAL REGISTER, along with the text or reference to the document in which the revision or new water quality standard is contained.

On July 11, 1974, the State of Idaho amended their water quality standards for dissolved oxygen for the segment of the Snake River from American Falls Dam downstream to Lake Walcott from 90 percent of saturation or 6 mg/l, whichever is greater, to 6 mg/l. The action was taken by the State in response to a petition from the American Falls Reservoir District, following notice to the public and a public hearing held on May 29, 1974. The District proposes to rebuild an existing dam that is in an advanced state of structural failure. Low dissolved oxygen water released from the existing reservoir is presently naturally partially reaerated to near 90 percent of saturation during most of the year by the design features of the existing project. At times the minimum dissolved oxygen reaches 6 mg/l. This is sufficient to maintain the existing intensive trout sport fishery immediately below the dam and in the stream reach downstream. There is no evidence that trout spawning occurs in this area presently but recruitment comes from the reservoir.

The replacement dam project will alter the existing design features and natural reaeration will not occur. To compensate, the American Fals Reservoir District has proposed to supplement the low oxygen in released waters by adding oxygen that will be trucked to the project. During periods when the oxygen in released water would be below 6 mg/1, they would add oxygen to maintain this minimum level. The period of time of minimum oxygen will be lengthened somewhat from present conditions, but the trout sport fishery would continue to flourish and would be partially supported by releases of hatchery fish that are provided for in project mitigation.

Farming is the principal industry of the State of Idaho and particularly of the area served by the American Falls Reservoir. The economy of the region is highly dependent on irrigation water supplied by this reservoir. To add additional oxygen to maintain the higher 90% level would impose an unnecessary economic burden on the local economy.

Prior to the 1973 amendments to the Idaho water quality standards the dissolved oxygen general standard was 75 percent of saturation and 100 percent of saturation in spawning areas during spawning, hatching and fry stages of salmonid fishes. The 75 percent figure is approximately 6 mg/1 for that elevation and for the average temperature in the summertime. The 1973 revisions made a statewide general dissolved oxygen requirement of 6 mg/1 or 90 percent saturation, whichever is greater.

The basis for this action was the State's antidegradation policy which is incorporated in their water quality standards. The policy does allow lowering of the quality of waters if it is affirmatively demonstrated to the Idaho Department of Health and the Environmental Protection Agency that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in, such waters.

It has been determined by EPA that there is a social and economic need for this modification of the dissolved oxygen standards in the Snake and that it will have no significant effect on the trout fishery or any other present or potential uses of that stream. Therefore the revision meets the requirements of the Act, and EPA approves this revision of dissolved oxygen standards for the State of Idaho. However, because the standards revision is necessitated by the proposed dam construction, approval is contingent upon completion and operation of the project. This notice sets forth the water quality standards for the State of Idaho established pursuant to 303(a) and amended pursuant to 303(c), and will become effective immediately upon publication.

A copy of the standards may be found at EPA Headquarters, Room 805, East Tower, 401 M Street, SW., Washington, D.C. 20460 and at Region X, EPA, 1200 Sixth Avenue, Park Place Building, Seattle, Washington 98101.

**§ 120.10 [Amended]**

In consideration of the foregoing, § 120.10 of 40 CFR Part 120 is amended by deleting the paragraph entitled "Idaho," and a new § 120.115 is added to read as set forth below.

**§ 120.115 Idaho.**

Water quality standards for the State of Idaho are those established on June 28, 1973 and approved by the EPA August 28, 1973 for the navigable waters subject to its jurisdiction and which are contained in the document entitled "Water Quality Standards and Wastewater Treatment Requirements" except as qualified below:

The DO Standard shall apply to all flowing waterways with the exception of that segment of the Snake River between American Falls Dam and the backwaters of Lake Walcott. In that segment no wastewaters shall be discharged and/or no activity shall be conducted which, either alone or in combination with other wastewaters or activities, will cause the dissolved oxygen concentration to be less than 6 mg/1; the requirement for a DO concentration of 90 percent of saturation shall not apply to that segment.

This exception applies only if the proposed American Falls Dam Project is completed and begins operation upon completion. Furthermore, the exception becomes effective upon successful completion of the project.

(Sec. 303, Federal Water Pollution Control Act, as amended; 33 U.S.C. 1313; 86 Stat. 816 et seq.; Pub. L. 92-500)

Dated: April 17, 1975.

JOHN QUARLES,
*Acting Administrator.*

[FR Doc.75-10795 Filed 4-24-75;8:45 am]

**SUBCHAPTER E—PESTICIDE PROGRAMS**

[FRL 364-1; PP4F1515/R24]

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Dimethyl Phosphate of 3-Hydroxy-N-Methyl-Cis-Crotonamide**

On July 15, 1974, notice was given (39 FR 25973) that Shell Chemical Co., 1025 Connecticut Ave., NW, Washington, DC 20036, had filed a pesticide petition (PP 4F1515) with the Environmental Protection Agency. This petition proposed the establishment of a tolerance for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in or on the raw agricultural commodity tomatoes at 0.5 part per million. (A related document concerning the establishment of a food additive tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies. It is concluded that the tolerance established by amending § 180.296 will protect the public health.

Any person adversely affected by this regulation may, on or before May 27, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 25, 1975, Part 180, Subpart C, is amended by amending § 180.296 as follows.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: April 18, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

Section 180.296 is amended by revising the paragraph "0.5 part per million • • •" to read as follows.

**§ 180.296 Dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide; tolerances for residues.**

• • • • •

0.5 part per million in or on peanut hulls and tomatoes.

• • • • •

[FR Doc.75-10788 Filed 4-24-75;8:45 am]

[FRL 365-5; PP5F1524/R23]

**PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Ethephon**

On August 15, 1974, notice was given (39 FR 29417) that Amchem Products, Inc., Brookside Ave., Ambler PA 19002, had filed a petition (PP 5F1524) for pesticide tolerances with the Environmental Protection Agency (EPA). This petition proposed establishment of tolerances for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodities blackberries and peppers at 30 parts per million (ppm); blueberries at 20 ppm; grapes and lemons at 5 ppm; and tangerines and tangerine hybrids at 2 ppm.

Amchem Products, Inc., subsequently amended the petition by withdrawing the proposed tolerance for residues in or on grapes and by decreasing the proposed tolerances for residues in or on lemons from 5 to 2 ppm and tangerines and tangerine hybrids from 2 to 0.5 ppm.

The data submitted in the petition and other relevant material have been evaluated. The plant regulator is considered useful for the purpose for which tolerances are sought. The proposed tolerances are adequate to cover residues in or on the above raw agricultural commodities, and they will protect the public health. Furthermore, there is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in § 180.6(a)(3). Therefore, it is concluded that the tolerance should be established as set forth below.

Any persons adversely affected by this regulation may, on or before May 27, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 25, 1975, Part 180, Subpart C, is amended by amending § 180.300 as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: April 18, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

Part 180, Subpart C, § 180.300, is amended by adding the new paragraphs "30 parts per million • • •" and "20 parts per million • • •" after the introductory paragraph and by revising the paragraphs "2 parts per million • • •" and "0.5 part per million • • •" as follows:

**§ 180.300 Ethephon; tolerances for residues.**

• • • • •

30 parts per million in or on blackberries and peppers.

20 parts per million in or on blueberries.

• • • • •

2 parts per million in or on cantaloupes, pineapples, lemons, and tomatoes.

• • • • •

0.5 part per million in or on filberts, tangerines, and tangerine hybrids and walnuts.

• • • • •

[FR Doc.75-10787 Filed 4-24-75;8:45 am]







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[FRL 364-6; OPP-262819]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Methazole; Correction

In FR Doc. 75-8304 appearing on page 14083 in the issue for Friday, March 28, 1975, § 180.357 of Subpart C, should be corrected to read as follows:

**§ 180.357 Methazole, tolerances for residues.**

A tolerance is established for combined negligible residues of the herbicide methazole (2-(3,4-dichlorophenyl)-4-methyl-1,2,4-oxadiazolidine-3,5-dione) and its metabolites 1-(3,4-dichlorophenyl)-3-methylurea (DCPMU) and 3,4-dichlorophenylurea (DCPU) in or on cottonseed at 0.1 part per million.

Dated: April 18, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.75-10790 Filed 4-24-75;8:45 am]

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[FRL 364-3; PP4F1431/R22]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Butralin

On October 26, 1973, notice was given (38 FR 29645) that Amchem Products, Inc., Brookside Ave., Ambler, PA 19002, had filed a petition (PP 4F1431) with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for negligible residues of the herbicide butralin (formerly named dibutralin (N-sec-butyl-4-tert-2,6-dinitroaniline)) in or on cottonseed and soybeans at 0.1 part per million. Amchem subsequently amended the petition to propose a tolerance for negligible residues of butralin in or on soybean forage at 0.1 part per million as well.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. The tolerance as established will protect the public health.

Any person adversely affected by this regulation may, on or before May 27, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 25, 1975, Part 180, Subpart C, is amended by adding § 180.358 to read as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: April 18, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

**§ 180.358 Butralin, tolerances for residues.**

Tolerances are established for negligible residues of the herbicide butralin (4-(1,1-dimethylethyl)-N-(1-methylpropyl)-2,6-dinitrobenzenamine) in or on cottonseed, soybeans, and soybean forage at 0.1 part per million.

[FR Doc.75-10789 Filed 4-24-75;8:45 am]

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SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 363-1]

## PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

### Corrections

In FR Doc. 75-268 appearing on pages 1876 through 1878 in the issue of January 9, 1975, make the following changes:

1. On page 1876, paragraph (b) of § 427.82 is corrected in the eighth line of that paragraph by adding the word "process" immediately following the word "of" and immediately before the word "waste."

2. On page 1876, § 427.83 is corrected in the eighth line of that section by adding the word "process" immediately following the word "of" and immediately before the word "waste."

3. On page 1876, § 427.85 is corrected in the sixth line of that section by adding the word "process" immediately following the word "of" and immediately before the word "waste."

4. On page 1877, paragraph (b) of § 427.102 is corrected in the eighth line of that paragraph by adding the word "process" immediately following the word "of" and immediately before the word "waste."

5. On page 1877, § 427.103 is corrected in the eighth line of that section by adding the word "process" immediately following the word "of" and immediately before the word "waste."

6. On page 1877, § 427.106 is corrected in the sixth line of that section by adding the word "process" immediately following the word "of" and immediately before the word "waste."

7. On page 1878, the heading of the English units portion of the table appearing in § 427.112(b) now reads "(English units) lbs/MM std in ft of airs crubbed"; the heading should read: "(English units) lbs/MM std cu ft of air scrubbed."

8. On page 1878, § 427.115 is corrected in the sixth line of that section by adding the word "process" immediately following the word "of" and immediately before the word "waste."

Dated: April 14, 1975.

CHARLES L. ELKINS,
*Acting Assistant Administrator for Water and Hazardous Materials.*

[FR Doc.75-10793 Filed 4-24-75;8:45 am]

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[FRL 362-6]

## PART 428—RUBBER PROCESSING POINT SOURCE CATEGORY

### Tire and Synthetic Segment

On February 19, 1975, there was published in the FEDERAL REGISTER (40 FR 7109) a notice of proposed rulemaking setting forth certain amendments to the effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the tire and synthetic segment of the rubber processing point source category. Interested persons were given the opportunity to submit, not later than March 21, 1975, written comments and data concerning the proposed amendments.

One comment was received which stated that the 1959 date used to distinguish between older and newer tire and inner tube plants is arbitrary and not based on facts and that the date of October 18, 1972 would be more realistic.

The cutoff date of 1959 was established to differentiate between older and newer tire and inner tube plants. The date is based upon analysis of the information gathered during the development phase of the effluent limitations guidelines study for this industry subcategory. The Agency and its contractor obtained and considered information from the literature, industry permit applications, plant inspections and industry and trade association sources.

The 1959 cutoff date was included in the proposed regulations for this industry subcategory on October 11, 1973, FR 28224. No comments in opposition to the use of the date of 1959 were received as a result of the Agency's request for comments.

Based on this information the Agency concludes that a 1959 cutoff date is appropriate and provides a reasonable basis for distinguishing between older and newer plants in the subcategory.

The Agency recognizes that there are instances in which a specific plant may have fundamentally different factors from those used in establishing effluent limitations and guidelines for an industry subcategory. Provisions have been made in § 428.12 to account for such fundamentally different factors.

No other comments in objection have been received, and the proposed amendments are accordingly adopted without change and are set forth below, effective May 27, 1975.

Dated: April 17, 1975.

JOHN QUARLES,
*Acting Administrator.*

Part 428 of 40 CFR Chapter I is amended as follows:





### Subpart A—Tire and Inner Tube Plants Subcategory

1. Section 428.10 is revised to read as follows:

**§ 428.10 Applicability; description of the tire and inner tube plants subcategory.**

The provisions of this subpart are applicable to discharges of process wastewater pollutants resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.

2. Section 428.11 is amended by revising paragraph (c) and adding new paragraphs (d) and (e), as follows:

**§ 428.11 Specialized definitions.**

• • • • •

(c) The term "process waste water" shall mean, in the case of tire and inner tube plants constructed before 1959, discharges from the following: soapstone solution applications; steam cleaning operations; air pollution control equipment; unroofed process oil unloading areas; mold cleaning operations; latex applications; and air compressor receivers. Discharges from other areas of such plants shall not be classified as process waste water for the purposes of this section.

(d) Except as provided in paragraphs (c) and (e) of this section, the term "process waste water" shall have the meaning set forth in § 401.11(q) of this chapter.

(e) Water used only for tread cooling shall be classified as nonprocess waste water."

3. Section 428.12 is amended by designating the second paragraph as paragraph (a) and adding a new paragraph (b) as follows:

**§ 428.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.**

• • • • •

(b) All plants constructed before 1959 shall employ the best practicable maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess waste waters. The concentration of oil and grease in discharges of nonprocess waste water shall meet the following limitations:

(1) The average of daily values for 30 consecutive days shall not exceed 5 mg/l.

(2) The maximum for any one day shall not exceed 10 mg/l.

4. Section 428.13 is amended by designating the second paragraph as paragraph (a) and adding a new paragraph (b), as follows:

**§ 428.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.**

• • • • •

(b) All plants constructed before 1959 shall employ the best available maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess waste waters. The concentration of oil and grease in discharges of nonprocess waste waters shall meet the following limitations:

(1) The average of daily values for 30 consecutive days shall not exceed 5 mg/l.

(2) The maximum for any one day shall not exceed 10 mg/l.

### Subpart B—Emulsion Crumb Rubber Subcategory

5. Section 428.20 is revised to read as follows:

**§ 428.20 Applicability; description of the emulsion crumb rubber subcategory.**

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of emulsion crumb rubber, other than acrylonitrilebutadiene rubber.

**§ 428.21 [Amended]**

6. Subpart B is amended by deleting paragraph (b) of § 428.21.

### Subpart C—Solution Crumb Rubber Subcategory

**§ 428.31 [Amended]**

7. Subpart C is amended by deleting paragraph (b) of § 428.31.

### Subpart D—Latex Rubber Subcategory

**§ 428.41 [Amended]**

8. Subpart D is amended by deleting paragraph (b) of § 428.41.

[FR Doc.75-10794 Filed 4-24-75;8:45 am]

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Title 45—Public Welfare

## SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

## PART 80—NONDISCRIMINATION UNDER PROGRAMS RECEIVING FEDERAL ASSISTANCE THROUGH THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

### Miscellaneous Amendments; Correction

Federal Register Document 73-13285, published at 38 F.R. 17978 (1973) is corrected by certain changes in number 121 of Part 1 of Appendix A at page 17984 which read as follows:

121. Supplementary medical insurance benefits for the aged (Title XXIII, Part B, Social Security Act, 42 U.S.C. 1395j-1395w).

• • • • •

The corrected portion reads as follows:

121. Supplementary medical insurance benefits for the aged (Title XVIII, Part A, Social Security Act, 42 U.S.C. 1395c-1395i-2).

• • • • •

Approved: April 18, 1975.

THOMAS S. MCFEE,
*Deputy Assistant Secretary for Management Planning and Technology.*

[FR Doc.75-10894 Filed 4-24-75;8:45 am]

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Title 50—Wildlife and Fisheries

## CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Amagansett National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period May 1, 1975, through December 31, 1975.

**§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.**

NEW YORK

AMAGANSETT NATIONAL WILDLIFE REFUGE

Foot access along the refuge beachfront is permitted during daylight hours for the purpose of nature study, photography, and shell collecting. Interior access beyond the beachfront for the purpose of environmental education studies is permitted by Special Use Permit on a reservation basis. Permits may be obtained from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, or the Refuge Manager, Morton National Wildlife Refuge, R.D. 359, Noyac Road, Sag Harbor, Long Island, New York 11963. The use of motorized vehicles on the refuge is not permitted. Parking is limited to designated Town of East Hampton parking areas in accordance with town regulations. Pets are not permitted on the refuge.

The refuge, comprising 35.8 acres, is delineated on a map available from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director, U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10885 Filed 4-24-75;8:45 am]

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## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Chincoteague National Wildlife Refuge, Va.

The following special regulation is issued and is effective during the period May 1, 1975 through December 31, 1975.

**§ 28.28 Special regulations; public access, use and recreation; for individual wildlife refuge areas.**

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Entry into the refuge is permitted between the hours of 4 a.m. to 10 p.m. daily



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for the purposes of sightseeing, nature study, wildlife observation, photography, hiking, beachcombing, sunbathing, and fishing, including clamming and crabbing, as posted. Swimming and surfing are permitted along the entire refuge beach at the visitor's own risk. Entry into the refuge by boat is permitted only within the designated public use area at Tom's Cove Hook.

Operation of registered motor vehicles and bicycles is permitted on designated access roads, trails, and parking areas. Riding of horses and other saddle animals is permitted only along the shoulder of the access road to the Coast Guard crossover and thence along the beach southward from that point. Off-road travel by oversand vehicles is permitted only on designated routes within the public use area at Tom's Cove Hook. Pets must remain in vehicles at all times.

Fishermen who hold special overnight beach-fishing permits issued jointly by the Superintendent, Assateague Island National Seashore, and the Refuge Manager, Chincoteague National Wildlife Refuge, may remain on the refuge between the hours of 10 p.m. and 4 a.m. on the dates for which such permit is issued.

Organized youth-group and backpack camping is permitted by advance reservation only in National Park Service operated campsites located on the refuge. Permits may be obtained from the Superintendent, Assateague Island National Seashore.

Picnicking is permitted at Tom's Cove Hook in areas designated by the National Park Service.

The possession of any drugs or substances, or immediate precursors, identified in Schedules I, II, III, IV, or V of Part B of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the Act, is prohibited on the refuge unless such drugs or substances were obtained in accordance with law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself or another person or property, or may interfere with another person's enjoyment of the refuge is prohibited.

The refuge, comprising approximately 9,400 acres, is delineated on a map available from the Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Virginia 23336, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10880 Filed 4-24-75;8:45 am]

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Erie National Wildlife Refuge, Penn.

The following special regulation is issued and is effective during the period May 1, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Use of the picnic area is permitted on Saturdays and Sundays from 6:00 a.m. to 9:30 p.m. May 30 through October 15 and on weekdays by reservation.

The refuge area, comprising 7,761 acres, is delineated on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10888 Filed 4-24-75;8:45 am]

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective during the period May 1, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, hiking, and sight-seeing, during daylight hours. Pets are permitted on a leash not over 10 feet in length. Launching of boats and parking of boat trailers are permitted in designated areas.

The refuge area, comprising 4,794 acres, is delineated on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10884 Filed 4-24-75;8:45 am]

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Moosehorn National Wildlife Refuge, Maine

The following special regulations are issued and are effective during the period May 1, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes is permitted for the purpose of nature study, photography, hiking, and sight-seeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length.

The refuge area, comprising 22,666 acres, is delineated on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10884 Filed 4-24-75;8:45 am]

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Morton National Wildlife Refuge, N.Y.

The following special regulations are issued and are effective during the period May 1, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NEW YORK

MORTON NATIONAL WILDLIFE REFUGE

Entry by foot is permitted daily, during daylight hours, for the purpose of photography, nature study, and hiking. The entire refuge beach has no lifeguards. Swimming will be at the visitor's own risk. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available from the Refuge Manager, Rural Delivery Box 359, Noyac Road, Sag Harbor, Long Island, New York 11963, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10886 Filed 4-24-75;8:45 am]

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Presquile National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period May 1, 1975 through December 31, 1975.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Entry by foot is permitted for the purposes of wildlife trail use, nature study, wildlife observation, and photography. Access is gained by Government-owned and operated ferry only. Visitation is limited to organized groups such as school, civic, and church groups between the hours of 7:30 a.m. and 4 p.m. Monday through Friday except holidays. Vehicles may not be used by groups except when specifically authorized by the refuge manager. Pets, alcoholic beverages, overnight camping, and littering are not permitted.

Students and teachers engaged in scientific studies, under special use permit, may enter the refuge either by ferry or by boat and may visit the refuge as necessary providing that prior notice is given to the refuge manager.

Information about the refuge, comprising 1,329 acres, is available from the Refuge Manager, Presquile National Wildlife Refuge, Post Office Box 620, Hopewell, Virginia 23860, office located in 202 Tartan Building, 320 East Broadway, Hopewell, Virginia or the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10891 Filed 4-24-75;8:45 am]

## PART 28—PUBLIC ACCESS, USE, AND RECREATION

### Target Rock National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period May 1, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

NEW YORK

TARGET ROCK NATIONAL WILDLIFE REFUGE

Entry to the refuge is permitted by advanced reservation only, for the purpose of photography, nature study and hiking on roads, trails and the beach, from 9 a.m. to 5 p.m. daily. Entrance permits for specific dates are issued by mail upon request. Motor vehicles are limited to the designated parking area. Pets on a leash not exceeding 10 feet in length are permitted in the parking area only.

The refuge, comprising 80 acres, is delineated on a map available from the Refuge Manager, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10887 Filed 4-24-75;8:45 am]

## PART 33—SPORT FISHING

### Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective during the period May 15, 1975 through December 31, 1975.

§ 33.5 Special regulations; Sport Fishing, for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in Lake Champlain and the Missisquoi River from the Missisquoi National Wildlife Refuge, Vermont. The refuge is delineated on a map available at refuge headquarters, Swanton, Vermont and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Sport fishing shall be in accordance with all applicable state regulations, subject to the following special condition:

(1) Taking of fish by use of firearms is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10893 Filed 4-24-75;8:45 am]

## PART 33—SPORT FISHING

### Moosehorn National Wildlife Refuge, Me.

The following special regulation is issued and is effective during the period May 15, 1975 through December 31, 1975.

§ 33.5 Special regulations; Sport Fishing, for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Calais, Maine, is permitted on the areas designated by signs as open to fishing. These open areas, comprising 500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The use of boats without motors is permitted on Bearce, Conic, and Cranberry Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
*Regional Director,*
*U.S. Fish and Wildlife Service.*

APRIL 16, 1975.

[FR Doc.75-10892 Filed 4-24-75;8:45 am]







to add a new Subpart T to Part 86 of provided that the manufacturer's cam-

Interested persons are requested to

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# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 610 ]

### ALTERNATIVE THIOGLYCOLLATE MEDIUM FOR STERILITY TESTING

### Proposed Deletion

The Commissioner of Food and Drugs is proposing discontinuance of the use of Alternative Thioglycollate Medium in sterility testing of biological products that are viscid or turbid, comments by May 27, 1975.

The Food and Drug Administration is conducting a review of the existing regulations governing biological products to assure that the criteria of continued safety, purity, and potency established by the regulations are updated to reflect the most current scientific procedures. As part of this review, information concerning Alternative Thioglycollate Medium, a preparation used in the sterility testing of certain biological products, was collected by the Bureau of Biologics, Food and Drug Administration. The Commissioner concludes, after consideration of these data, that the use of Alternative Thioglycollate Medium in the sterility testing of bulk and final container biological products (21 CFR 610.12 (g)(5)) should be discontinued.

The biologics regulations currently require that all such products shall be tested for sterility using both Fluid Thioglycollate Medium and Soybean-Casein Digest Medium. The regulations also provide that where a product is normally viscid or turbid, Alternative Thioglycollate Medium may be used in place of Fluid Thioglycollate Medium.

Recent evidence collected by the Bureau of Biologics indicates that Alternative Thioglycollate Medium inhibits the growth of certain anaerobic microorganisms associated with the contamination of biological products, resulting in a possibility of false findings of sterility. Based on his assessment of this evidence, the Commissioner concludes that sterility tests conducted on viscid or turbid biological products using the Alternative Thioglycollate Medium are unreliable. Therefore, he is proposing to delete paragraph (g)(5) of § 610.12 to remove Alternative Thioglycollate Medium as a permissible medium for sterility testing of these licensed biological products. The Commissioner has been advised that, for these same reasons, Alternative Thioglycollate Medium will be deleted from the chapter on sterility tests for drugs in the edition of the United States Pharmacopeia to be published in the spring of 1975.

The Commissioner does not anticipate that producers of turbid or viscid biological products, who customarily use Alternative Thioglycollate Medium, will be substantially affected by this action since this proposal will require that such viscid or turbid products be tested in the same manner as all other biological products.

Pertinent background data and information on which the Commissioner relies in proposing this regulation are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 610 be amended in § 610.12 *Sterility* by deleting paragraph (g)(5) and redesignating existing paragraph (g)(6) through (10) as (g)(5) through (9).

Interested persons may, on or before May 27, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 18, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10826 Filed 4–24–75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 75–RM–12]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Mitchell, So. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before May 27, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The geographical area herein described is used extensively as a military training area and is designated an ATC Assigned Airspace Area. The FAA and the military have agreed to establish controlled airspace where possible to provide additional protection to military units using designated ATC Assigned Airspace Areas.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (40 FR 441) the description of the Mitchell, So. Dak., transition area is amended to add:

MITCHELL, SO. DAK.

• • • and that airspace southwest of Mitchell extending upward from 9500 MSL within the area bounded on the east by V159, on the south by V148 and the Nebraska/South Dakota state line, on the west by a line from latitude 43°00′ N, longitude 99°00′ W direct to latitude 44°00′ N, longitude 99°43′ W, and on the north by the Pierre, So. Dak. 1200-foot transition area and V120.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on April 25, 1975.

M. M. MARTIN,
*Director, Rocky Mountain Region.*

[FR Doc.75–10843 Filed 4–24–75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 85 ]

[FRL 352–4]

### CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

### Defect Reporting Regulations

Notice is hereby given that the Environmental Protection Agency proposes





to add a new Subpart T to Part 85 of Title 40 of the Code of Federal Regulations as set forth below.

EXPLANATORY STATEMENT

1. EXISTING STATUTORY AND REGULATORY PROVISIONS

Under section 208(a) of the Clean Air Act, the Administrator may require a manufacturer to: "make such reports, and provide such information as the Administrator may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this part or regulations thereunder • • •."

Section 207(a) provides that a manufacturer shall warrant to ultimate and subsequent purchasers that a vehicle or engine is "designed, built, and equipped so as to conform at the time of sale with applicable regulations under section 202" and is "free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations for its useful life • • •.

Section 207(c)(1) of the Act provides that the Administrator may order a manufacturer to recall certain vehicles or engines when he "determines that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under section 202, when in use throughout their useful life • • •."

Manufacturers are not presently required by statute or by regulation to report either information concerning emission-related defects they discover or their efforts to repair them. The proposed regulations would remedy this situation by prescribing procedures whereby the EPA would receive from manufacturers information concerning emission-related defects and advance notice of a manufacturer's plans to remedy such defects on his own initiative.

2. PROPOSED REGULATIONS; OVERVIEW

a. *Recall applicability.* The recall authority granted by the Act is one of the most powerful enforcement tools with which the goals of the Act may be achieved. In order that the purpose and the potential of the recall authority may be realized, the EPA is expanding its vehicle surveillance program. The proposed regulations would extend present surveillance to include the manufacturers themselves thereby substantially increasing the data base on emission-related defects and the visibility of the surveillance program to the manufacturers.

The EPA encourages manufacturers to remedy voluntarily emission-related defects which they discover and report to EPA. The proposed regulations simply require a manufacturer to report on voluntary campaigns he conducts. Based upon the reports received, the EPA would be able to evaluate the effectiveness of such a voluntary repair campaign. Formal EPA action would not be pursued provided that the manufacturer's campaign was effective.

b. *Emissions Warranty Applicability.* Section 207(a) of the Act (quoted above) requires manufacturers to warrant various defects under prescribed conditions. Under this warranty, the consumer bears the primary responsibility for obtaining warranty service. This entails demonstrating that a defect exists and that the defect causes emissions to exceed standards. The difficulty and expense in proving these points may, in many cases, prove an insurmountable burden to vehicle and engine owners and thereby substantially reduce the effectiveness of the emissions warranty.

The proposed regulations would provide information which would help foster greater use by consumers of the 207(a) warranty by reducing the technical burdens they face in utilizing it. When EPA determines that defects reported under these regulations would be covered by the emission warranty provisions of section 207(a), the determination would be announced to the public.

c. *Definition of "Defect".* A major issue raised by the proposed regulations is the meaning of the term "defect". The National Highway and Traffic Safety Act, 15 U.S.C. 1391 *et seq* (1970) "defines" defect as including "any defect in performance, construction, components, or materials • • •." Case law concerning the meaning of this and related terms sheds little light on their precise meaning and the "definitions" proffered by the opinions often make use of the term itself. Efforts by the EPA to find an acceptable, noncircular definition of the term have so far been without success. For the purpose of the proposed regulations, the term defect will be defined along the lines of the Highway Safety Act quoted above.

The term "defect" is further refined in the proposal by defining the phrase "emission-related defect" to mean a defect in a device or system listed in the Emission Control Systems List. Thus, the proposed regulations cover defects which may not, in every instance, cause a nonconformity with emission standards. This broad coverage is consistent with the surveillance function of the proposal.

Both the recall and warranty provisions of the Act apply to vehicles and engines for their useful lives. Components required by manufacturers to be replaced at intervals less than the useful life of the vehicle or engine in which they are used must function properly for the duration of the specified interval. The proposed regulations require defects determined to exist within such specified interval to be reported.

In determining whether a defect exists in a device or system, manufacturers would be expected to look at the designed performance level of a device or system. Failure to meet specified performance parameters (e.g., specified delay time in a spark delay valve or temperature range in temperature control valve) would be evidence that a device or system was defective.

Interested persons are requested to comment on the definition and scope of the term "defect" and are encouraged to submit workable alternative definitions. Comments should not only be directed at the definition itself but should both identify particular questions that an alternate definition would raise and propose a method of resolving such questions.

3. SPECIFIC PROVISIONS

There are four major provisions of the proposed regulations: (a) emission control system (ECS) list; (b) defect information report; (c) the ECS repair report; and, (d) the impact on other reporting obligations.

a. *Emissions Control Systems List.* The requirement to report emission control system defects (discussed below) is keyed to the determination that a defect exists in one of the emission control devices or systems contained in the list of emission control systems. The emission control systems list reflects those systems and devices which, if defective, would probably cause a vehicle or engine to fail to meet applicable emission standards.

The list is the same one used in the recently proposed Coverage of Motor Vehicle Certificate of Conformity Regulations, 39 FR 44246 *et seq.* (Monday, December 23, 1974). The decision to use this list for the Defect Reporting Regulations was prompted by the desire to avoid the potential for confusion which might result from the use of a different list and the knowledge that most manufacturers would have already reviewed the list in developing comments to the proposed Certificate of Conformity Regulations cited above. It is the express goal of the EPA to review the comments to the list in the context of the purposes of each of the proposals and, to the extent possible, to develop a single list which may serve both purposes.

Because of the importance of the emission control systems list, comments are particularly desired on this list. Specific comments should be directed both at the contents of the list and at whether systems and devices should be added or deleted.

b. *Defect Information Report.* Section 85.1902 of the proposed regulations would require a manufacturer to submit a defect information report when he determines that a specific defect exists in an item on the above described ECS list which was not corrected prior to the sale of an affected vehicle or engine to an ultimate purchaser, and which affects five or more vehicles or engines.

The term defect is defined to include defects in workmanship. The proposed regulations thus encompass "misbuilds" which occur during assembly. As used in this package, misbuild includes circumstances where an appropriate component is either not installed or is installed improperly, and circumstances in which the wrong part is installed. In each of the above cases, a defect information report would be required. Since an improperly assembled vehicle or engine may fail to







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conform to emission standards, it is not relevant to the purposes of this proposal whether the departure from the design specifications of a vehicle or engine was inadvertent or resulted from an order attributable to the manufacturer.

The imposition of these requirements is not intended to conflict with other policies and programs of the EPA. For example, a manufacturer would not have to submit a defect information report simply because he had initiated a running change. (See, Proposed Coverage of Motor Vehicle Certificate of Conformity Regulations). If associated with the running change is an effort to correct a defect in an emission control system in five or more vehicles or engines (in actual use), then the proposed regulations would require a manufacturer to submit a defect information report and an ECS repair report (described below) in addition to any other report required.

In designing the defect reporting requirement, a conscious effort was made to provide information for the recall and warranty programs at a minimum burden to manufacturers. The proposed regulations reflect this concern by requiring a manufacturer to report only specific defects which are determined to exist in five or more vehicles or engines sold to ultimate purchasers. There is very little data on which to base a forecast of the number of defect reports that such threshold number may produce. The industry presently operates under a statutory and regulatory mandate which requires that all safety-related defects which a manufacturer has determined to affect his vehicles or engines be reported to the NHTSA. The NHTSA receives approximately 20 such reports a month. It is difficult to determine from the NHTSA experience how many defect reports EPA might receive under these regulations. This is due to the inherent technical differences in most safety versus emission defects. Therefore, the initial threshold level is, necessarily somewhat arbitrary. The number five was selected (1) to communicate the Agency's position that not every defect should be reported; and (2) to generate comment on the basis of which rational adjustment can be made. The final threshold number will depend upon the comments directed at these particular provisions.

Comments should also be directed at the reporting criteria and should provide alternatives to the criteria proposed. In commenting upon the threshold number criterion (set at five in the proposal), interested persons should understand that the number is an "investigative" criterion and does not trigger enforcement action. Finally, comments should identify areas of potential burden which the requirements may impose and suggest means of reducing or alleviating those burdens consistent with the stated informational needs of EPA.

c. *Emission Control System (ECS) Repair Reports.* Section 85.1903 of the proposed regulations would require manufacturers to report to EPA information concerning repairs of emission control systems which they had initiated. For the purposes of the proposal, the phrase "emission control system repair" means a repair, adjustment, or modification of an emission-related defect in a vehicle or engine. An emission-related defect is a defect in device or system which appears in the emission control system list of Appendix VII. When an ECS repair is initiated and conducted, directed, or controlled by a manufacturer for the purpose of, or when such a repair results in, the correction of any emission-related defect in five or more vehicles or engines, an ECS repair report must be submitted.

The ECS repair report requirement is intended to limit the responsibility of a manufacturer to that of submitting repair reports for those campaigns which a manufacturer has initiated and controls. Thus, the presentation of a vehicle or engine for warranty work by an owner would not be reported because it was not initiated by the manufacturer. This point is further emphasized by the requirement that the repair campaign involve at least five vehicles or engines. The definition is broad enough to cover campaigns in which notification is made directly to owners as well as campaigns in which dealers are instructed to repair a particular defect in a class of vehicles or engines as they are brought to dealerships. (Since vehicles with known defects repaired under manufacturer instructions to dealers are repaired at the manufacturer's initiation, an ECS repair report would be required even if the repair were made under warranty. The issuance of such instructions to dealers clearly indicates an intent to repair vehicles and in all likelihood, the campaign would involve five or more vehicles).

There is little information available to indicate the frequency with which manufacturers initiate emission-related repair campaigns. Although a number of these repair efforts are presently being monitored by the EPA, not all such campaigns are brought to the Agency's attention.

It is the intention of EPA to encourage manufacturers to repair voluntarily emission-related defects which they determine to exist in vehicle or engines. In instances where a manufacturer elects to initiate an ECS repair campaign EPA would probably suspend investigation of the defect and asume a monitoring role. Further, EPA would take no subsequent enforcement action provided that our monitoring indicates that the campaign is designed and conducted in a manner that can reasonably be expected to remedy the defective vehicles or engines.

d. *Impact on Other Obligations.* Section 85.1907 of the proposed regulations provides that reporting under these regulations does not relieve the manufacturer of his duty under any other regulation to file reports or other documents nor will it obviate the need for approval of any modification to an ECS system where such approval is required by regulation (as, for example, in the case of a "running change").

This rule is proposed under the authority of section 301(a) of the Clean Air Act, as amended, 42 U.S.C. 1857g(a). The proposed regulations implement section 208(a) of the Clean Air Act, 42 U.S.C. 1857 f–6(a).

Written comments concerning the proposed regulations should be submitted in triplicate to:

Director
Mobile Source Enforcement Division (EG-340)
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

All written comments received by June 24, 1975 will be considered in the final rulemaking.

Dated: April 18, 1975.

RUSSELL E. TRAIN,
*Administrator.*

It is proposed to amend 40 CFR Part 85 as follows:

1. A new Subpart T, reading as follows, is added:

### Subpart T—Defect Reporting

Sec.
85.1901 Definitions.
85.1902 Defect Information Report.
85.1903 ECS Repair Report.
85.1904 Alternative report formats.
85.1905 Report codes.
85.1906 Report filing; record retention.
85.1907 Responsibility under other legal provisions preserved.

AUTHORITY: Sec. 301(a), Clean Air Act, as amended, 42 U.S.C. 1857g(a); sec. 208(a), Clean Air Act, 42 U.S.C. 1857f–6(a).

### Subpart T—Defect Reporting

**§ 85.1901 Definitions.**

For the purposes of this Subpart and unless otherwise noted:

(a) The term "defect" includes any defect in design, materials, or workmanship of a vehicle or engine.

(b) The phrase "emission-related defect" shall mean a defect in a device or system as enumerated in Appendix VII.

(c) The phrase "useful life" shall be given the meaning ascribed to it by section 202(d) of the Act and regulations promulgated thereunder.

(d) The phrase "ECS repair" shall mean a repair, modification, adjustment, or other change of any emission control system of a vehicle or engine which has been sold to an ultimate purchaser.

(e) The phrase "emission control system" or "ECS" includes those system, subsystems and components and parameters as enumerated in Appendix VII of this Part 85.

**§ 85.1902 Defect Information Report.**

(a) Commencing with the effective date of these regulations, and with respect to all 1972 and later model year vehicles and engines, a manufacturer shall file a defect information report whenever the manufacturer determines that a specific emission-related defect exists in five or more vehicles or engines unless the specific defect was corrected prior to the sale of such vehicles or engines to an ultimate purchaser.





(b) (1) Defect information reports required under paragraph (a) of this section shall be submitted not more than 5 working days after the defect determination is made. Items of information required by paragraph (c) of this section that are not available within that period shall be submitted as they become available.

(2) The manufacturer shall assign each report a number under § 85.1905 of this Subpart and should refer to this number in any subsequent communications regarding a report.

(c) Except as provided in paragraph (b) of this section, each defect report shall contain the following information in substantially the format outlined below:

(1) The manufacturer's corporate name.

(2) A brief description of the defect.

(3) A brief description of each class or category of vehicles or engines potentially affected by the defect including make, model, model year, and such other information as may be required to identify the vehicles or engines affected.

(4) For each class or category of vehicle or engine described in response to paragraph (c)(3) of this section, the following shall also be provided:

(i) The total number of vehicles or engines produced at the time the defect was determined to exist;

(ii) The number of vehicles or engines potentially affected by the defect (if necessary, give the best estimate);

(iii) The number of vehicles or engines in categories (i) and (ii) under the manufacturer's or his dealer's control;

(iv) The date the first potentially affected vehicle or engine was produced (if necessary, give the best estimate);

(v) The date the last potentially affected vehicle or engine was produced (if necessary, give the best estimate);

(vi) The address of the plant(s) at which the potentially defective vehicles were produced.

(5) A brief evaluation of the emissions impact of the defect.

(6) Any emissions data which relates to the defect.

(7) A description of the impact that such a defect may have on driveability or fuel economy.

(d) Any defect information report which will initially reports a defect apparently affecting less than 1000 vehicles or engines shall be supplemented with a subsequent report if the number of affected vehicles or engines is subsequently determined to exceed 1000. Such report shall be filled within five days of the revision of the affected vehicle or engine figure and shall contain:

(1) The defect information report number.

(2) Any information requested in paragraph (c) of this section which has been revised or changed since the original defect information report was filed.

**§ 85.1903 ECS Repair Report.**

(a) When an ECS repair is to be initiated and conducted, directed, or controlled by a vehicle or engine manufacturer and would result in the correction of any defect in the emission control system of 5 or more vehicles or engines, the manufacturer prior to the commencement of the ECS repair, shall submit an ECS repair report as prescribed by this section.

(b) Each ECS repair report shall contain the following information in substantially the format outlined below (items of information not available shall be designated "NA" and shall be included in the quarterly reports required by paragraph (d) of this section as they become available):

(1) The manufacturer's corporate name.

(2) A description of each class or category of vehicles or engines to receive the ECS repair.

(3) The number of vehicles in each such class or category which may be affected by the defect.

(4) A brief description of the defect to be repaired including the defect information report number.

(5) A brief description of the ECS repair.

(6) A description of the procedure to be used to implement the ECS repair campaign (i.e., whether owners will be notified or vehicles repaired when they are brought in for scheduled maintenance, etc.).

(7) The method by which vehicle or engine owners are to be identified and notified (when applicable).

(8) The number of vehicles or engines corrected to date.

(9) A copy of all communications transmitted to vehicle or engine owners which relate to the defect to be corrected.

(10) A copy of communications transmitted to those who are to perform the ECS repair which relate to the defect to be corrected.

(11) An estimate of the date by which the ECS repair campaign will be substantially completed.

(c) Unless otherwise specified by the Administrator, the manufacturer shall update the ECS repair report by submitting subsequent reports for six consecutive quarters commencing with the quarter in which the ECS repair actually begins. Such reports shall be submitted no later than 25 working days after the close of each calendar quarter. Each quarterly report shall contain:

(1) The number of vehicles or engines in each class or category which may be affected by the defect.

(2) The number of vehicles or engines corrected to date (expressed in absolute numbers and as a per centum of the number of vehicles or engines affected by the defect).

(3) A copy of any service bulletins transmitted to dealers which relate to the defect to be corrected and which have not previously been reported.

(4) A copy of all communications transmitted to vehicle or engine owners which relate to the defect to be corrected and which have not previously been reported.

(5) Any other information requested under paragraph (b) of this section which has not previously been reported, or which has changed since it was last reported.

(d) The manufacturer shall assign each report an ECS repair report number according to the provisions of § 85.1905 of this Subpart and shall refer to this number in any subsequent communications regarding an ECS repair report.

**§ 85.1904 Alternative report formats.**

(a) Any manufacturer may submit a plan for making either of the reports required by §§ 85.1902 and 85.1903 of this Subpart on computer cards, magnetic tape or other machine readable format. The proposed plan shall be accompanied by sufficient technical detail to allow a determination that data requirements of these sections will be met and that the data in such format will be usable by EPA.

(b) Upon approval by the Administrator of the proposed reporting system, the manufacturer may utilize such system until otherwise notified by the Administrator.

**§ 85.1905 Report codes.**

(a) Defect information reports shall be assigned an alpha-numeric code as described below (from left to right):

(1) The first two digits should be the last two digits of the model year of the vehicles or engines affected.

(2) The model year shall be followed by the first four letters of the manufacturer's corporate name.

(3) Following the manufacturer's name shall be a four digit number (beginning with 0001) which shall increase consecutively as defect information reports are filed.

(4) The four digit number shall be terminated with the capital letters "DIR". As an example, a code might appear as "73 ABCD 0001 DIR."

(b) Emission control system repair reports shall be assigned an alpha-numeric code as described in paragraph (a) (1) through (3) of this section. The four digit number described in paragraph (a) (3) of this section shall be followed by the capital letters "ECR".

**§ 85.1906 Report filing; record retention.**

(a) The reports required by §§ 85.1902 and 85.1903 of this Subpart shall be sent to: Director, Mobile Source Enforcement Division (EG340), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

(b) The information gathered by the manufacturer to compile the reports required by §§ 85.1902 and 85.1903 of this



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Subpart shall be retained for not less

(28) Transfer port(s). a. Configuration.

h. Enrichment system type and calibra-



4. Calibration of components.

a. Cam profile.

1. Starting system (e.g. choke).

Subpart shall be retained for not less than five years from the date of the manufacture of the vehicles or engines and shall be made available to duly authorized officials of the EPA upon request.

**§ 85.1907 Responsibility under other legal provisions preserved.**

The filing of any report under the provisions of this Subpart shall not affect a manufacturer's responsibility to file reports or applications, obtain approval, or give notice under any provision of law.

2. A new Appendix VII reading as follows is added to 40 CFR Part 85:

APPENDIX VII—LIGHT DUTY VEHICLE AND HEAVY DUTY ENGINE PARAMETERS AND SPECIFICATIONS

A. LIGHT DUTY VEHICLE PARAMETERS AND SPECIFICATIONS

I. BASIC ENGINE PARAMETERS—FOUR STROKE CYCLE RECIPROCATING ENGINES

1. Cylinder bore center-to-center dimension.
2. Centerline of crankshaft to centerline of camshaft dimension.
3. Centerline of crankshaft to the top of the cylinder block head face dimension.
4. Cylinder block configuration and material (including liners if applicable).
5. Combustion cycle.
6. Method of aspiration.
7. Displacement.
8. Bore and stroke.
9. Number of cylinders.
10. Compression ratio.
11. Surface to volume ratio.
12. Type of cylinder head and material.
13. Combustion chamber configuration.
14. Intake port area and configuration at cylinder head and manifold mating surface.
15. Exhaust port area and configuration at cylinder head and manifold mating surface.
16. Valves. a. Head diameter.
b. Type and material.
c. Seat angle and preparation.
d. Valve spring material and load.
e. Valve spring retainer and/or rotator configuration.
f. Valve stem seal type and material.
g. Location of valves.
h. Valve activation mechanism.
i. Number of valves per cylinder.
17. Intake manifold configuration and material.
18. Exhaust manifold configuration and material.
19. Piston and piston ring(s) configuration and material.
20. Exhaust system configuration and backpressure.
21. Camshaft timing. a. Cam profile.
b. Valve overlap.
22. Advertised H.P. at RPM.
23. Advertised Torque at RPM.
24. Governor descriptions.
25. Supercharger description.
26. Precombustion chamber configuration and material.

II. BASIC ENGINE PARAMETERS—TWO-STROKE CYCLE RECIPROCATING ENGINES

1–25. Same as Section I.
26. Intake port(s). a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
(27) Exhaust port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
(28) Transfer port(s). a. Configuration.
b. Location. c. Preparation. d. Timing in combustion cycle.
(29) Crankcase volume.
(30) Precombustion chamber configuration and material.

III. BASIC ENGINE PARAMETERS—ROTARY ENGINES

1. Major axis dimension.
2. Minor axis dimension.
3. Eccentricity dimension.
4. Width of rotor housing dimension.
5. Generating radius dimension.
6. Intake port(s)
a. Configuration.
b. Location.
c. Preparation.
d. Timing and overlap if exposed to combustion chamber.
7. Exhaust port(s). a. Configuration.
b. Location.
c. Preparation.
d. Timing and overlap if exposed to combustion chamber.
8. Housing configuration and material.
9. Combustion cycle.
10. Method of aspiration.
11. Number of spark plugs per rotor.
12. Displacement.
13. Rotor and seals. a. Number of rotors and seals per rotor.
b. Configuration and seal retention.
c. Materials.
14. Compression ratio.
15. Surface to volume ratio.
16. Combustion chamber configuration.
17. Intake manifold configuration and material.
18. Exhaust manifold configuration and material.
19. Advertised H.P. at RPM.
20. Advertised Torque at RPM.
21. Exhaust system configuration and backpressure.
22. Governor description.
23. Supercharger description.
24. Precombustion chamber configuration and material.

IV. AIR INLET SYSTEM

1. Air cleaner type and configuration.
2. Air inlet temperature control system.
3. Inlet fresh air pickup method.
4. Maximum allowable restriction.

V. FUEL SYSTEM

1. Carburetion. a. Number of carburetors.
b. Type.
c. Number of venturis per carburetor.
d. Venturi diameter.
e. Maximum air flow.
f. Fuel metering system type and calibration.
g. Enrichment system type and calibration.
h. Idle stop mechanism.
i. Starting system (e.g. choke).
j. Altitude compensation type and calibration.
k. Air-fuel flow specification (flow curve).
l. General compensation system type and calibration.
m. Component material.
n. Part number(s).
2. Fuel injection. a. Control parameters.
b. Basic type (mechanical, electronic, timed, continuous).
c. Point of injection.
d. Maximum air flow.
e. Throttle mechanism type and calibration if applicable.
f. Fuel shutoff system type and calibration.
g. Cold start enrichment system type and calibration.
h. Enrichment system type and calibration.
i. Idle speed specification and setting procedure.
j. Idle mixture specification and setting procedure.
k. Fuel rate at maximum horsepower (Diesel only).
l. Fuel rate at maximum torque (Diesel only).

VI. IGNITION SYSTEM

1. General type and description of operation.
2. Basic initial timing.
3. Spark advance specifications.
4. Spark plug. a. Heat range.
b. Gap.
c. Tip configuration.
5. Ignition wire material.
6. Dwell (if applicable).
7. Starting circuit description.
8. General compensating systems type and calibration.
9. Altitude compensating system.
10. Insulation and heat sink (if applicable) material.
11. Part number(s).

VII. COOLING SYSTEM

1. Thermostat calibration.
2. Capacity of coolant.
3. Water pump capacity.

VIII. ENGINE ACCESSORIES

1. Air conditioning system description and usage.
2. Power steering system description and usage.
3. Power brakes system description and usage.
4. Power takeoff component(s) description and usage.
5. Vacuum takeoffs.

IX. EXHAUST EMISSION CONTROL SYSTEM

1. System type (air injection, smoke control, EGR, etc.) and method of operation.
2. Component design and materials.
3. Location of component on vehicle.
4. Calibration of components.
5. Part number(s).

X. EVAPORATIVE EMISSION CONTROL SYSTEM

1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XI. CRANKCASE EMISSION CONTROL SYSTEM

1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XII. AUXILIARY EMISSION CONTROL DEVICES

1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XIII. EMISSION CONTROL RELATED WARNING SYSTEMS

1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibrations of components.
5. Part number(s).

XIV. DRIVELINE PARAMETERS

1. Torque convertor or clutch configuration and torque transfer performance.
2. Transmission. a. Automatic gear ratios and shift speeds.
b. Semiautomatic and manual gear ratios.
3. Differential and transfer case.
a. Number of wheels driving vehicle.
b. Axle ratio.
c. Special features that cause any changes to the torque transfer characteristics and quantifications of the additional horsepower requirements (e.g. overdrive).
4. Tires. a. Size.
b. Type.
5. Engine speed to vehicle speed relationship (N/V).

XV. VEHICLE PARAMETERS

1. Model.
2. Inertia weight class.
3. Curb weight average for model.
4. Roadload horsepower requirements.
5. Engine location in vehicle.
6. Fuel tank(s) configuration and material.
7. Fuel line(s) and hose size (including restrictors) and routing.

B. HEAVY DUTY ENGINE PARAMETERS AND SPECIFICATIONS

I. BASIC ENGINE PARAMETERS—FOUR STROKE CYCLE RECIPROCATING ENGINES

1. Cylinder bore center-to-center dimension.
2. Centerline of crankshaft to centerline of camshaft dimension.
3. Centerline of crankshaft to the top of the cylinder block head face dimension.
4. Cylinder block configuration and material (including liners if applicable).
5. Combustion cycle.
6. Method of aspiration.
7. Displacement.
8. Bore and stroke.
9. Number of cylinders.
10. Compression ratio.
11. Surface to volume ratio.
12. Type of cylinder head and material.
13. Combustion chamber configuration.
14. Intake port area and configuration at cylinder head and manifold mating surface.
15. Exhaust port area and configuration at cylinder head and manifold mating surface.
16. Valves. a. Head diameter.
b. Type and material.
c. Seat angle and preparation.
d. Valve spring material and load.
e. Valve spring retainer and/or rotator configuration.
f. Valve stem seal type and material.
g. Location of valves.
h. Valve activation mechanism.
i. Number of valves per cylinder.
17. Intake manifold configuration and material.
18. Exhaust manifold configuration and material.
19. Piston and piston ring(s) configuration and material.
20. Exhaust system configuration and backpressure.
21. Camshaft timing.





a. Cam profile.
b. Valve overlap.
22. Advertised H.P. at RPM.
23. Advertised Torque at RPM
24. Governor descriptions.
25. Supercharger description.
26. Precombustion chamber configuration and material.

II. BASIC ENGINE PARAMETERS—TWO-STROKE CYCLE RECIPROCATING ENGINES

1–25. Same as section I.
26. Intake port(s). a. Configuration.
b. Location.
c. Preparation
d. Timing in combustion cycle.
27. Exhaust port(s). a. Configuration.
b. Location.
c. Preparation
d. Timing in combustion cycle.
28. Transfer port(s) a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
29. Crankcase volume.
30. Precombustion chamber configuration and material.

III. BASIC ENGINE PARAMETERS—ROTARY ENGINES

1. Major axis dimension.
2. Minor axis dimension.
3. Eccentricity dimension.
4. Width of rotor housing dimension.
5. Generating radius dimension.
6. Intake port(s). a. Configuration.
b. Location.
c. Preparation.
d. Timing and overlap if exposed to combustion chamber.
7. Exhaust port(s). a. Configuration.
b. Location.
c. Preparation.
d. Timing and overlap if exposed to combustion chamber.
8. Housing configuration and material.
9. Combustion cycle.
10. Method of aspiration.
11. Number of spark plugs per rotor.
12. Displacement.
13. Rotor and seals. a . Number of rotors and seals per rotor.
b. Configuration and seal retention.
c. Materials.
14. Compression ratio.
15. Surface to volume ratio.
16. Combustion chamber configuration.
17. Intake manifold configuration and material.
18. Exhaust manifold configuration and material.
19. Advertised H.P. at RPM.
20. Advertised Torque at RPM.
21. Exhaust system configuration and backpressure.
22. Governor description.
23. Supercharger description.
24. Precombustion chamber configuration and materials.

IV. AIR INLET SYSTEM

1. Air cleaner type and configuration.
2. Air inlet temperature control system.
3. Inlet fresh air pickup method.
4. Maximum allowable restriction.

V. FUEL SYSTEM

1. Carburetion. a. Number of carburetors.
b. Type.
c. Number of venturis per carburetor.
d. Venturi diameter.
e. Maximum air flow.
f. Fuel metering system type and calibration.
g. Enrichment system type and calibration.
h. Idle stop mechanism.
i. Starting system (e.g. choke).
j. Altitude compensation type and calibration.
k. Air-fuel flow specification (flow curve).
l. General compensation system type and calibration.
m. Component material.
n. Part number(s).
2. Fuel injection. a. Control parameters.
b. Basic type (mechanical, electronic, timed, continuous).
c. Point of injection.
d. Maximum air flow.
e. Throttle mechanism type and calibration if applicable.
f. Fuel shutoff system type and calibration.
g. Cold start enrichment system type and calibration.
h. Enrichment system type and calibration.
i. Air-fuel flow specification (flow curve).
j. Altitude compensation type and calibration.
k. General compensation systems type and calibration.
l. Injector configuration and material.
m. Operating pressures.
n. Basic injector timing and advance characteristics.
o. Part number(s).
3. General. a. Fuel pump configuration and specifications.
b. Fuel control mechanisms and vents.
c. Altitude compensation type and calibration.
d. Idle speed specification and setting procedure.
e. Idle mixture specification and setting procedure.
f. Fuel rate at maximum horsepower (Diesel only).
g. Fuel rate at maximum torque (Diesel only).

VI. IGNITION SYSTEM

1. General Type and description of operation.
2. Basic initial timing.
3. Spark advance specifications.
4. Spark plug. a. Heat range.
b. Gap.
c. Tip configuration or glow plug.
5. Ignition wire material.
6. Dwell (if applicable).
7. Starting circuit description.
8. General compensating systems type and calibration.
9. Altitude compensating system.
10. Insulation and heat sink (if applicable) material.
11. Part number(s).

VII. COOLING SYSTEM

1. Thermostat calibration.
2. Capacity of coolant.
3. Water pump capacity.

VIII. ENGINE ACCESSORIES

1. Air conditioning system description and usage.
2. Power steering system description and usage.
3. Power brakes system description and usage.
4. Power takeoff component(s) description and usage.
5. Vacuum takeoffs.

IX. EXHAUST EMISSION CONTROL SYSTEM

1. System type (air injection, smoke control, EGR, etc.) and method of operation.
2. Component design and materials.
3. Location of component on vehicle.
4. Calibration of components.
5. Part number(s).

X. EVAPORATIVE EMISSION CONTROL SYSTEM

1. System type and method of operation.
2. Component design and materials.



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3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XI. CRANKCASE EMISSION CONTROL SYSTEM

1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XII. AUXILIARY EMISSION CONTROL DEVICES

1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XIII. EMISSION CONTROL RELATED WARNING SYSTEMS

1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibrations of components.
5. Part number(s).

[FR Doc.75-10800 Filed 4-24-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

[ 10 CFR Part 211 ]

### CRUDE OIL SUPPLIER/PURCHASER RELATIONSHIP RULE

**Proposed Rulemaking and Public Hearing**

The Federal Energy Administration hereby gives notice of a proposal to amend Part 211, Chapter II of Title 10 of the Code of Federal Regulations, to make certain modifications to the crude oil supplier/purchaser relationship rule (the "rule") set forth in 10 CFR 211.63.

Generally, FEA proposes to amend the rule to permit further awards of Federal royalty oil under the program administered by the Department of the Interior; to allow supplier/purchaser relationships to be terminated as to a reseller of crude oil under certain conditions; and to expand the coverage of the rule with respect to supplier/purchaser relationships for domestic crude oil instituted subsequent to December 1, 1973.

Under the rule, all supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on December 1, 1973, are required to be maintained for the duration of the mandatory petroleum allocation program, except purchases and sales made to comply with the program. The rule does not apply to the first sale of crude oil from a stripper well. Supplier/purchaser relationships under the rule may be terminated by the mutual consent of both parties and, as to relationships involving the sale of new or released crude oil, where the present purchaser refuses, after notice by the seller, to meet a bona fide offer by another purchaser at a higher lawful price.

The first amendment to the rule proposed hereby relates to royalty oil sales by the Department of the Interior (DOI) through the U.S. Geological Survey (USGS). As set forth in FEA Ruling 1974–22, DOI is effectively prohibited from directing deliveries of royalty oil to a firm if the royalty oil was not actually being received by that firm on or prior to December 1, 1973. Under Federal oil and gas leases and DOI regulations, DOI may elect to receive crude oil in lieu of cash for the royalty due and order the lessee of a Federal tract to deliver the Federal Government's royalty share of the production to any eligible firm designated by DOI. Payment is made directly to USGS by the recipient of the royalty oil. USGS has established procedures by which refiners that qualify as small business enterprises under the rules of the Small Business Administration may under certain conditions be awarded the right to purchase royalty oil. FEA has determined that the DOI royalty oil program is consonant with and indeed furthers the objectives of the Emergency Petroleum Allocation Act of 1973 and thus proposes to amend the rule to permit the implementation of royalty oil sale contracts the operation of which has been suspended by the rule.

The assumed supply levels (i.e., February through April 1974, crude runs with adjustments for supplies attributable to new capacity), with regard to which the purchase opportunities for refiner-buyers are calculated under the crude oil buy/sell list program set forth in 10 CFR 211.65, may be affected by either the loss or gain of royalty oil. FEA proposes to utilize the provisions of § 211.65(a)(4) to make any necessary adjustments to purchase opportunities of refiner-buyers.

FEA also proposes to amend § 211.63 to allow termination of a supplier/purchaser relationship with a reseller of crude oil with the consents of the firms selling to and purchasing from that reseller but without the consent (other than as required by any contract between any of the parties) of that reseller. This proposal, if adopted, will in effect permit the substitution of a new reseller for the present reseller where the present reseller does not have contract rights prohibiting such a substitution.

The purpose of this proposal is to promote efficiency in the transportation and marketing of crude oil by providing greater flexibility for producers and refiners to arrange for transportation and other services normally performed by resellers of crude oil on the most favorable terms available. In the proposed amendment, FEA has required the consents of the firms selling to and purchasing from the reseller as to which the substitution is being effected and has also provided that further purchasers shall not be required to purchase the crude oil subject to the supplier/purchaser relationship under less favorable terms and conditions by reason of any termination effected under the amendment. FEA's intent is that the proposal will permit termination only in cases when a new reseller would provide more economic and efficient services and will not permit any new reseller to effectively increase the cost of the crude oil resold to further purchasers.

Third, FEA proposes to amend paragraph (b) of § 211.63 and to add a new paragraph (c) thereto to provide that the rule covers supplier/purchaser relationships established after December 1, 1973, upon termination of relationships in effect on that date. Under the rule a supplier/purchaser relationship for crude oil that was subject to a December 1, 1973, relationship is not required to remain in effect when a new purchaser is substituted for the December 1, 1973 purchaser. This proposed amendment provides that the sale of crude oil which had been subject to a now terminated December 1, 1973 supplier/purchaser relationship establishes a new supplier/purchaser relationship subject to the rule as though the relationship had been in effect on December 1, 1973.

FEA also proposes to substitute the terms "new crude oil" and "released crude oil", respectively, for the present defined terms "new crude petroleum" and "released crude petroleum" in § 211.62, to conform to similar modifications being made under the price regulations.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

A public hearing on this proceeding will be held beginning at 9:30 a.m. on Tuesday, May 27, 1975, in Room 2105, 2000 M Street, NW., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, and must be received before 4:30 p.m., e.s.t., May 19, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through May 23, 1975.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., May 21, 1975 and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., May 26, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.





An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., May 23, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, FEA, Room 3400, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box CW, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Amendments to Crude Oil Supplier/Purchaser Relationship Rule". Fifteen copies should be submitted. All comments received by May 21, 1975, and all relevant information, will be considered before final action is taken on the proposed rulemaking.

Comments received in response to this notice will be available for public inspection after the comment period in the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it accordingly.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended by Pub. L. 93–511; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., on April 22, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

1. Section 211.62 is amended by deleting the definitions of "new crude petroleum" and "released crude petroleum" and by inserting definitions of "new crude oil" and "released crude oil" in the appropriate alphabetical order to read as follows:

§ 211.62 Definitions.

* * * * *

"New crude oil" means new crude petroleum as defined in § 212.72 of this chapter.

* * * * *

"Released crude oil" means released crude petroleum as defined in § 212.72 of this chapter.

* * * * *

2. Section 211.63 is revised to read as follows:

§ 211.63 Supplier/purchaser relationships.

(a) All supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on December 1, 1973, shall remain in effect for the duration of this program, except purchases and sales made to comply with this program; *provided, however,* That (1) any such supplier/purchaser relationship may be terminated by the mutual consent of both parties; (2) the provisions of this paragraph do not apply to the first sale of crude oil pursuant to § 210.32 of this chapter; (3) the provisions of this paragraph shall not apply to the seller of any new crude oil or released crude oil, if the present purchaser of such crude oil refuses, after notice by the seller, to meet any bona fide offer made by another purchaser to buy such crude oil at a lawful price above the price paid by the present purchaser; (4) the provisions of this paragraph shall not apply to the sale of any crude oil pursuant to Parts 225 and 225a, Chapter II of Title 30 of the Code of Federal Regulations; and (5) any such supplier/purchaser relationship with any firm which purchases crude oil from a supplier for the purposes of resale to another purchaser may be terminated with the consent of that supplier and of the purchaser of the crude oil from that firm (without, however, the consent of the firm whose supplier/purchaser relationship is terminated, other than as required by the terms of any contract in effect between any of the parties), on the conditions that the rights under this section of further purchasers of the crude oil from the firm whose supplier/purchaser relationship was terminated shall not be adversely affected and that such further purchasers shall not be required to purchase the crude oil under less favorable terms and conditions by virtue of any such termination.

(b) New crude oil and released crude oil produced and sold from a property from which new crude oil and released crude oil were not produced and sold in December 1973 may be sold in a first sale to any person.

(c) Once such a first sale of new crude oil and released crude oil referred to in paragraph (b) of this section has been made or the sale of any crude oil that has at any time been the subject of a supplier/purchaser relationship under paragraph (a) of this section is made to a person that was not the purchaser thereof on December 1, 1973, the seller shall continue to sell that crude oil to the purchaser thereof as though a December 1, 1973 supplier/purchaser relationship were established under the provisions of paragraph (a) of this section.

[FR Doc.75-10871 Filed 4-22-75;2:23 pm]

## FEDERAL RESERVE SYSTEM

**Board of Governors of the Federal Reserve System**

[ 12 CFR Part 202 ]

### CONSUMER CREDIT PROTECTION ACT

**Equal Credit Opportunity Act; Notice of Proposed Rulemaking**

The Board of Governors of the Federal Reserve System is proposing for comment regulations implementing the Equal Credit Opportunity Act which prohibits discrimination on the basis of sex or marital status with respect to any aspect of a credit transaction. These regulations are designed to provide guidance for all creditors and borrowers as to which acts and practices are prohibited and permitted within the meaning of the Act. The regulation applies to all creditors whether they are individuals, businesses, or governmental entities.

*Authority.* For the purpose of implementing the Equal Credit Opportunity Act (Pub. L. 93–495) which amends the Consumer Credit Protection Act (15 U.S.C. § 1601 et seq.), and pursuant to the authority of section 703 of the Equal Credit Opportunity Act, the Board of Governors of the Federal Reserve System proposes a new Part 202 (Regulation B).

Sec.
202.1 Authority, Scope, Purpose, Etc.
202.2 Definitions and Rules of Construction.
202.3 General Requirements.
202.4 Prohibited Discrimination.
202.5 Acts Permitted.

§ 202.1 Authority, scope, purpose, etc.

(a) *Authority, scope and purpose.* (1) This Part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to the Equal Credit Opportunity Act (Pub. L. 93–495; 88 Stat. 1521 et seq.). This Part applies to all persons who regularly extend, offer to extend, arrange for or offer to arrange for, the extension of credit as defined under paragraph (j) of § 202.2





for any purpose whatsoever and in any

this title in lieu of, but not in addition

collection procedures and number of au-



(t) *"Person"* means a natural person, a

creditor takes final action on a request

to fail to consider the credit history, when

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for any purpose whatsoever and in any amount.

(2) This Part implements the Act, the purpose of which is to require that financial institutions and others engaged in the extension of credit make that credit equally available to all creditworthy customers without regard to sex or marital status.

(b) *Administrative enforcement.* (1) As set forth more fully in section 704 of the Act, administrative enforcement of the Act and this Part with respect to certain creditors is assigned to the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board acting directly or through the Federal Savings and Loan Insurance Corporation, Administrator of the National Credit Union Administration, Interstate Commerce Commission, Civil Aeronautics Board, Secretary of Agriculture, Farm Credit Administration, Securities and Exchange Commission and the Small Business Administration.

(2) Except to the extent that administrative enforcement is specifically committed to other authorities, Section 704 of the Act assigns enforcement of the Act and this Part to the Federal Trade Commission.

(c) *Penalties and liabilities.* (1) Sections 706 (a) through (e) of the Act provide for civil liability for actual and punitive damages against any creditor who fails to comply with the Act and this Part. Section 706(b) places a $10,000 limitation on the amount of punitive damages an aggrieved applicant may seek in an individual capacity and Section 706(c) limits a creditor's class action liability for punitive damages to the lesser of $100,000 or 1 percent of the creditor's net worth at the time the action is brought. Section 706(d) provides that an aggrieved applicant may seek equitable relief in the nature of a permanent or temporary injunction, restraining order, or other action. Section 706(e) further provides for the awarding of costs and reasonable attorney's fees to an aggrieved applicant who brings a successful action under sections 706 (a) through (d).

(2) Section 706(f) relieves a creditor from civil liability resulting from any act done or omitted in good faith in conformity with any rule, regulation or interpretation by the Board, notwithstanding that after such act or omission has occurred, such rule, regulation or interpretation is amended, rescinded or otherwise determined to be invalid for any reason.

(3) Section 706(g) provides that, without regard to the amount in controversy, any action under this title may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation. Under section 705(e) an aggrieved applicant shall have the option of pursuing remedies under the provisions of this title in lieu of, but not in addition to, the remedies provided by the laws of any State or governmental subdivision relating to the prohibition of discrimination on the basis of sex or marital status with respect to any aspect of a credit transaction.

§ 202.2 Definitions and rules of construction.

For the purposes of this Part, unless the context indicates otherwise, the following definitions and rules of construction apply:

(a) *"Act"* refers to the Equal Credit Opportunity Act (Title VII of the Consumer Credit Protection Act);

(b) *"Account"* means an extension of credit;

(c) *"Advertisement"* means any commercial message in any newspaper, magazine, leaflet, flyer or catalog, on radio, television or public address system, in direct mail literature or other printed material, on any interior or exterior sign or display, in any window display, in any point-of-transaction literature or price tag, which is delivered or made available to an applicant or prospective applicant in any manner whatsoever;

(d) *"Applicant"* means any person who is solicited or applies for an extension of credit. The term includes, but is not limited to, any person to whom credit is or has been extended in any form;

(e) *"Application"* means a request by an applicant for an extension of credit which is made in accordance with ordinary procedures used by the creditor in connection with the type of credit requested. The term includes any information requested of the applicant before taking final action on the request for credit;

(f) *"Arrange for extension of credit"* means to provide or offer to provide credit, which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit:

(1) Receives or will receive a fee, compensation, or other consideration for such service, or

(2) Has knowledge of the credit terms and participates in the preparation of the application or contract documents required in connection with the extension of credit.

It does not include honoring a credit card or similar device where no finance charge is imposed at the time of that transaction;

(g) *"Authorized user"* means any person in addition to an obligor who is explicitly permitted to obtain credit by the terms of an agreement between a creditor and the obligor;

(h) *"Board"* means the Board of Governors of the Federal Reserve System;

(i) *"Condition of credit"* means any term, requirement or procedure instituted by a creditor which affects an applicant's rights or responsibilities including, but not limited to, credit ceilings, rates, security interests, contractual remedies, penalties, informational requirements, investigatory procedures, collection procedures and number of authorized users of an account;

(j) *"Credit"* means the right granted by a creditor to an applicant to defer payment of a debt, or to incur debt and defer its payment, or to purchase property or services and defer payment therefor;

(k) *"Credit card"* means any card, plate, coupon book or other single credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit;

(l) *"Creditor"* means any person who regularly extends credit, or arranges for the extension of credit, or offers to extend or arrange for the extension of such credit. The term includes assignees, transferees or subrogees of an original creditor who participate in the decision to extend credit in any form, but does not include a person whose only participation in a credit transaction is to honor a credit card;

(m) *"Discriminate"* means to treat one applicant differently from another;

(n) *"Extension of credit"* means the granting of credit in any form and includes, but is not limited to, credit granted in addition to any existing credit or credit limit; credit granted in the form of a credit card whether or not such card has been used; the refinancing of any credit; the consolidation of two or more obligations; the issuance of a new credit card in place of an expiring credit card or in substitution for an existing credit card; the continuing in force of a previously issued credit card; or the continuance, without any special effort to collect before maturity, of any existing credit or credit limit;

(o) *"Family account"* means credit extended pursuant to an agreement which provides that both one spouse, who is the sole obligor, and the other spouse, who is an authorized user, are entitled to use the account;

(p) *"Family expense statute"* means a principle of State law which provides that the needs of a family unit or any member thereof may be purchased by either spouse, and that each spouse is jointly and severally liable for any such obligation, regardless of whether one of them knew of or consented to the other's purchases or obligations;

(q) *"Legal name"* means any first and last name permitted under the law of the State in which an applicant resides; it may include, but is not limited to, a birth given surname retained by a married person and a combined surname adopted by married persons;

(r) *"Marital status"* means the state of being unmarried, married, divorced, separated or widowed as defined by applicable State law;

(s) *"Necessaries"* means a principle of State law which provides that purchases made by one spouse for the needs of a family unit or any member thereof are the legal liability of the other spouse, regardless of whether he or she knew of or consented to the particular purchase or obligation;





(t) *"Person"* means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, sole proprietorship, joint venture, partnership, cooperative or association;

(u) *"Standard of creditworthiness"* means a criterion used by a creditor to evaluate an applicant's or non-applicant spouse's willingness or ability to repay an obligation. Such standards may include, but are not limited to, occupation, income, assets, length of time in a particular job or profession, length of residence at a particular address or in a particular community, outstanding obligations and credit history; and

(v) *"State"* means any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

§ 202.3 General Requirements.

(a) *Applications.* (1) A creditor shall act on an application within the period of time said creditor generally requires to reach a credit decision, but in no event shall any creditor fail to act, or delay a decision on an application, in whole or in part, on the basis of sex or marital status. Where a creditor is unable to obtain adequate credit information concerning the applicant, a request by the creditor to the applicant for additional information shall not constitute delay under this section, provided that the creditor reaches a decision promptly after such information is made available or determined to be unavailable.

(2) A creditor may inquire as to marital status only where the inquiry meets the requirements of § 202.5 (b) and (c). No application may include any terms identifying the applicant's title, (such as Mr., Mrs., or Ms.) but may provide a blank space for insertion of such a title by any applicant who so desires.

(3) Every application shall:

(i) Use only terms which are neutral as to sex unless otherwise required by an enforcement agency enumerated in § 202.1(b) (1) and (2) for purposes of monitoring compliance with this Part;

(ii) Use only the terms "married", "unmarried" and "separated" where any inquiry as to marital status is permitted by § 202.5(b);

(iii) State that where an applicant applies for credit individually and does not rely on the creditworthiness of his or her spouse, the only information about the spouse that should be provided is that permitted by § 202.5(c) (1).

(iv) State that every applicant to whom credit is denied or terminated is entitled to a clear and meaningful statement in writing of the reasons for denial or termination if the applicant so requests.

(4) A creditor shall furnish any applicant who has applied for credit and to whom credit is denied or terminated, a clear and meaningful statement in writing of the reasons for the denial or termination of credit if the applicant so requests.

(b) *Preservation of records.* (1) For a period ending two years after the date a creditor takes final action on a request for credit, the creditor shall retain:

(i) The application and all other written information or facsimiles thereof used to evaluate the applicant;

(ii) A copy of any statement submitted by the applicant alleging discrimination prohibited by this Part; and

(iii) A copy of any statement furnished to the applicant pursuant to paragraph (a) (4) of this section.

(2) Any creditor who has actual notice that it is under investigation by an enforcement agency enumerated in § 202.1 (b) (1) and (2), or has been served with notice of an action filed pursuant to § 202.1(c), shall retain all information required to be retained under paragraph (b) (1) of this section in excess of two years if such agency or proceedings so require.

§ 202.4 Prohibited Discrimination.

(a) *General rule.* It shall be unlawful for any creditor to discriminate on the basis of sex or marital status with respect to any aspect of a credit transaction.

(b) *Acts prohibited.* Except as otherwise provided in this Part, prohibited discrimination within the meaning of this Act includes, but is not limited to, the following acts or practices by a creditor:

(1) To apply different standards of creditworthiness or conditions of credit with respect to any aspect of a credit transaction, in whole or in part, on the basis of sex or marital status;

(2) Standards of creditworthiness: To assign a value to sex or marital status in a credit scoring or point scoring plan;

(3) To request, require or use information about birth control practices, childbearing or childrearing intentions or capability in evaluating creditworthiness;

(4) To fail to consider alimony, child support or maintenance payments in the same manner as income from salary, wages or other source where the payments are received pursuant to a written agreement or court decree and the payments are likely to be consistently made in the future. Factors which a creditor may consider in making a determination of the likelihood of future payments include, but are not limited to, the length of time payments have been received; the regularity of receipt; whether full or partial payments have been made; and the credit history of the payor, where available to the creditor;

(5) To apply different standards of creditworthiness or conditions of credit, in whole or in part, on the basis of the sex or marital status of the sole or principal supporter of a family unit;

(6) To discount all or any part of the income of an applicant or, where applicable, the income of an applicant's spouse, in applying standards of creditworthiness or conditions of credit, in whole or in part, on the basis of sex or marital status;

(7) Where an applicant applies for credit independently of his or her spouse, to fail to consider the credit history, when available, of those family account(s) on which the applicant's spouse or former spouse is (or was) the sole obligor and the applicant is (or was) the authorized user, if the applicant would be denied credit without consideration of such information;

(8) To terminate credit or to impose new conditions of credit on an existing account because of a change in an applicant's marital status without evidence of any unfavorable change in the applicant's financial circumstances. A creditor may require that a new application be made after a change in marital status in order to ascertain whether the applicant's financial circumstances have changed; and may terminate credit or change the conditions of credit where warranted by the creditor's standards of creditworthiness only if the same policy is applied to both sexes upon like changes in marital status;

(9) To request, require or use any information concerning the spouse or former spouse of any applicant who applies for credit individually, and does not rely on the creditworthiness of his or her spouse or former spouse, other than the information allowed by § 202.5(c) (1);

(10) Conditions of credit: To fail to establish separate accounts for qualified married applicants who so request;

(11) To fail to extend credit to a qualified applicant in any legal name designated by the applicant, except where the creditor has reason to believe that the name is being used for purposes of fraud or misrepresentation. This shall not require a creditor to imprint more than one name on any or all of the credit cards issued for an account;

(12) To delay a decision, or to fail to act on an application, in whole or in part, on the basis of sex or marital status;

(13) To request or require the signature of a spouse or other person on a credit instrument or other document required as a condition of credit when the individual applicant meets the creditor's standards of creditworthiness without such a signature;

(14) To discourage an applicant from applying for credit, in whole or in part, on the basis of sex or marital status;

(15) To publish any advertisement, or engage in any solicitation which, in effect, discourages applicants because of sex or marital status from making an application or from expecting credit privileges or benefits which would otherwise be available. However, this shall not preclude the publication of affirmative advertising directed at a class of people which can be identified by sex or marital status, if such advertising clearly indicates that applications for credit will be evaluated without regard to sex or marital status;

(16) Reporting and maintenance of credit information: To furnish adverse credit information concerning an applicant based on the credit history of the applicant's spouse or former spouse except where the applicant is (or was) legally liable for, or an authorized user



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of, the spouse's or former spouse's accounts at the time the adverse credit experience occurs (or occurred);

(17) Twelve months after the effective date of this regulation, to fail to maintain records of accounts in the names of both spouses when such accounts authorize the use of credit by both spouses; and, when reporting information concerning such accounts to consumer reporting agencies or others, to fail to report all information in the names of both spouses.

**§ 202.5 Acts Permitted.**

(a) *General provisions.* (1) A creditor may request and consider any information about the financial obligations of an applicant including, but not limited to, those incurred pursuant to a written support agreement or court decree after separation or divorce.

(2) A creditor may inquire of an applicant as to the probable continuity of the applicant's ability to repay within the limitations of § 202.4(b)(3), and may consider the applicant's response in determining creditworthiness.

(3) The extension of credit to a married or separated applicant under a doctrine of "necessaries," a "family expense statute" or any other applicable State law which imposes liability upon either spouse for purchases made by, or credit extended to, the other spouse, does not constitute discrimination on the basis of sex or marital status.

(4) A creditor may limit the availability of "family accounts" to married applicants only where applicable State law includes a doctrine of "necessaries," a "family expense statute" or any other provision which imposes liability upon either spouse for credit purchases made by, or credit extended to, the other spouse.

(b) *Inquiry of marital status.* (1) a creditor may inquire as to the marital status of an applicant if the creditor routinely makes such an inquiry in extending credit, and if the inquiry is made for the purpose of ascertaining the creditor's rights and remedies, as set forth more fully in paragraph (b)(2) of this section herein, applicable to the particular extension of credit, and not for the purpose of discriminating on the basis of marital status.

(2) A creditor may inquire as to marital status in order to determine whether to:

(i) Allow the applicant to seek credit as an agent of a non-applicant spouse;

(ii) Apply the doctrine of "necessaries," a "family expense statute" or any other applicable State law which imposes liability upon either spouse for credit purchases made by, or credit extended to, the other spouse;

(iii) Request or require the joinder of both spouses, as set forth more fully in paragraph (e) of this section, in order to create a valid lien, pass clear title, waive inchoate rights to property or assign earnings; or

(iv) Apply community property laws, where relevant to the requested extension of credit, as set forth fully in paragraph (f) of this section.

(c) *Scope of permissible inquiries regarding a spouse.* (1) Where an applicant seeks credit and does not rely on the creditworthiness of a spouse, a creditor may request and consider only the following information with regard to the spouse:

(i) The name and home address of the non-applicant spouse;

(ii) Whether the spouses are separated; and

(iii) The obligee and amount of debts owed by the non-applicant spouse for which the property or income of the applicant is or may become liable under applicable State laws.

(2) Where an applicant seeks credit and relies on the creditworthiness of a non-applicant spouse, a creditor, whether applying the doctrine of agency, "necessaries," a "family expense statute" or any other applicable State law which imposes liability upon either spouse for credit purchases made by, or credit extended to, the other spouse, may request and consider only the following information with regard to marital status:

(i) The name and home address of the non-applicant spouse;

(ii) Whether the spouses are separated;

(iii) the employment, business address and income of the non-applicant spouse;

(iv) The obligee and amount of debts owed by the non-applicant spouse for which the property or income of the applicant is or may become liable under applicable State law; and

(v) Any other factors which, under the creditor's ordinary standards of creditworthiness, would affect a determination of the creditworthiness of the non-applicant spouse.

(3) A denial of credit because an applicant refuses to answer any inquiries concerning marital status which are permitted by this Part shall not constitute discrimination. An applicant's failure to answer such inquiries after a good faith effort to do so is not a refusal to answer for purposes of this section.

(d) *Treatment of exemptions of certain types of income from execution by creditors.* If any portion of a separated, divorced or widowed person's income is derived from a source which, under applicable federal or State law, is exempt from execution, a creditor may give consideration to such an exemption in determining the applicant's creditworthiness only if the creditor routinely considers such exemptions in evaluating creditworthiness, and if:

(1) Under applicable federal or State law, such income may not be assigned as security or collateral for an extension of credit; and

(2) The applicant's non-exempt income or property does not qualify the applicant for the requested extension of credit under the creditor's standards of creditworthiness.

(e) *Requests for signatures of both spouses in order to create a valid lien, pass clear title, waive inchoate rights to property or assign earnings.* (1) A creditor may request or require the signatures of both spouses only where both signatures are necessary under the applicable statutory or decisional law of a State in order to create a valid lien, pass clear title, waive inchoate rights to property or assign earnings, if such property or earnings are to be the basis or security for the transaction.

(2) Where the law of a State is unclear as to whether the signatures of both spouses are necessary to create a valid lien, pass clear title, waive inchoate rights to property or assign earnings, a creditor may request or require the signatures of both spouses if done in good faith reliance on a legal or similarly reliable opinion that there exists a reasonable probability that the signatures of both spouses are necessary.

(3) If, under applicable State law and this Part, the signatures of both spouses are necessary to create a valid lien, pass clear title, waive inchoate rights to property or assign earnings, and both signatures cannot be obtained, a denial of credit does not constitute discrimination where, under the creditor's standards of creditworthiness, credit cannot be extended in the amount sought without the particular security or collateral.

If a lesser amount of credit than originally sought by the applicant would be extended by the creditor without the signatures of both spouses, the creditor must so notify the applicant and give him or her the option of applying for a lesser amount of credit.

(f) *Request for signatures of both spouses in community property States where an extension of credit is sought by one spouse alone.*

(1) Where a spouse seeks unsecured credit individually or as a sole obligor who may designate other authorized users, a creditor is permitted to request or require the signatures of both spouses in a community property State only if:

(i) The applicable State law denies the applicant power to manage or control the particular portion of the community property which would be sufficient to satisfy the obligation created for the credit requested under the creditor's standards of creditworthiness; and

(ii) The applicant does not have sufficient separate property to make him or her worthy of the amount of credit sought without regard to any community property; and

(iii) The creditor does not choose to apply, or the applicable State law does not contain, the doctrine of "necessaries", a "family expense statute" or any other doctrine which imposes liability upon either spouse for purchases made by, or credit extended to, the other spouse.

(2) Where a spouse in a community property State seeks an extension of credit for which a security interest in property is required, the provisions of § 227.5(e) apply to determine the situations in which a creditor may request or require the signatures of both spouses in order to create a valid lien, pass clear title, waive inchoate rights to property or assign earnings.





(g) *Separate extension of credit to each spouse.* (1) A creditor may extend separate credit to each spouse if each applies for credit separately and voluntarily, any State law to the contrary notwithstanding.

(2) Where any state law is pre-empted by this section, each spouse is solely responsible for any such separate extension of credit. Where, in addition, the signatures of both spouses are necessary under the Act and paragraph (e) of this section in order to create a valid lien, pass clear title, waive inchoate rights to property or assign earnings, the creditor may require the signatures of both spouses without violating the Act or this Part.

(3) When each spouse separately and voluntarily applies for and obtains separate accounts with the same creditor, those accounts shall not be aggregated or otherwise combined for purposes of determining permissible finance charges or permissible loan ceilings under the laws of any State or of the United States. In any such case, however, the sum of the finance charges of the two separate accounts shall not exceed the finance charge which the creditor would have charged if the accounts had been combined, unless each spouse shall have separately and voluntarily requested a separate account in a separate, dated and signed personal statement which shall include a statement to the effect that the applicant knows that the separate account will require the applicant to pay a greater finance charge than if the accounts were combined. The use of printed or otherwise duplicated forms for such statements is prohibited unless the statement declares clearly and conspicuously and with greater prominence than any other portion of the statement, the fact that the applicant will pay a greater finance charge than if the accounts were combined.

(h) *Reevaluation of existing accounts.* A creditor may require that a new application be made in order to ascertain whether an applicant's financial circumstances have changed; and may terminate credit or change the conditions of credit where warranted by the creditor's standards of creditworthiness upon the occurrence of any of the following events only if the same policy is applied to both sexes on like occasions:

(1) A change in an applicant's marital status;

(2) Bankruptcy of an applicant's spouse;

(3) A denial of responsibility for an account by any party liable thereunder.

(i) A creditor shall apply ordinary standards of creditworthiness in determining whether:

(1) A particular applicant;

(2) The spouse of an applicant; or

(3) Both an applicant and his or her spouse together meet creditor's requirements for a particular requested extension of credit.

*Effective date:* The effective date of these Regulations shall be October 28, 1975.

*Notice and comments.* To aid in consideration of this proposal, a hearing will be held before available members of the Board on the terrace floor of its building on 20th and C Streets NW., Washington, D.C. on May 28 and 29, 1975, beginning at 10 a.m. The proceeding will consist of presentations of statements in oral or written form.

Any persons desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before May 14, 1975, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence, and the names and identity of witnesses who propose to appear.

Interested persons need not participate in the proceedings through oral presentation in order to have their views considered.

Interested persons are invited to submit relevant data, views, and arguments concerning this proposal. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 30, 1975. Such material will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information. All views previously expressed in written comments on the pending proposal are under consideration by the Board and are available for inspection and copying in Room 1020 of the Board's building. Anyone wishing to submit written comments on the issues to be considered at the hearing may do so at any time before the close of business on May 14, 1975.

This notice is published pursuant to section 553(b) of Title 5 United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 C.F.R. 262.2(a)).

By order of the Board of Governors, April 22, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-10846 Filed 4-24-75;8:45 am]

## COMMODITY FUTURES TRADING COMMISSION

**[ 17 CFR Part 1 ]**

### COMMODITIES OR COMMODITY FUTURES CONTRACTS; LEVERAGE CONTRACTS FOR GOLD AND SILVER; DOMESTIC SALES OF FOREIGN FUTURES CONTRACTS

**Antifraud Rules**

The Commodity Futures Trading Commission ("Commission") is considering the adoption of antifraud rules applicable to the following types of transactions:

(a) Transactions that involve any commodity and that are of the character of, or are commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty" or "decline guaranty";

(b) Transactions for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins that are executed pursuant to standardized contracts commonly known to the trade as margin accounts, margin contracts, leverage accounts or leverage contracts; and

(c) The solicitation or acceptance in the United States of orders for commodity futures contracts that are traded or executed upon boards of trade, exchanges or markets located outside the United States.

Under section 2(a)(1) of the Commodity Exchange Act ("Act"), 7 U.S.C. 2, as amended by section 201(b) of the Commodity Futures Trading Commission Act of 1974, Pub. L. 93-463, 88 Stat. 1395, the Commission has "exclusive jurisdiction" with respect to

> Accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'), and transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market designated pursuant to section 5 of this Act or any other board of trade, exchange, or market, and transactions subject to regulation by the Commission pursuant to section 217 of the Commodity Futures Trading Commission Act of 1974 • • •.

As Congress recently recognized: "In transactions covered in sections 201 and 217 of the Act [the CFTCA], it is incumbent that the Commission act as speedily as possible to exercise its regulatory prerogatives in these areas to prevent the creation of any possible gaps in regulation."[1]

The Commission views these proposed rules as interim measures and may adopt additional regulations in the three above-described areas after further study. If adopted, the instant rules may be combined into a single rule.

1. *Commodity Options.* Under sections 4c(b) and 8a(5) of the Act, 7 U.S.C. 6c(b) and 12a(5), the Commission has regulatory authority over any transaction that involves a commodity and that is "of the character of, or is commonly known to the trade as, an 'option', 'privilege,' 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty.'" Congress conferred this authority upon the Commission because "trading in • • • options relating to commodities or commodity futures • • • is now poorly regulated, if it is

[1] H. Rep. No. 94-122, 94th Cong., 1st Sess. 8 (1975).





regulated at all".[1] However, the Act's designation, section 4, 7 U.S.C. 6, refers



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regulated at all."* However, the Act's main antifraud provision, section 4b, may not apply to option transactions involving commodities or commodity futures contracts since those transactions are not made "on or subject to the rules of any contract market." Accordingly, unless and until the Commission adopts an antifraud rule applicable to these option transactions, the Commission may be unable to provide purchasers of these options with the degree of protection Congress clearly intended them to have.

Pursuant to the authority of sections 4c(b) and 8a(5) of the Act, the Commission proposes to adopt the following antifraud rule.

§ 1.____ Commodity options.

It shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce in, or in connection with, an order to make, or the making of, any transaction involving any commodity regulated under the Act but not specifically set forth in section 2(a)(1) of the Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974, which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty',

(a) To employ any device, scheme, or artifice to defraud,

(b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

The proposed rule is intended to apply to sales in the United States of foreign as well as domestic options.

2. *Leverage Contracts.* Under section 217(a) of the CFTCA, 88 Stat. 1405, and section 8a(5) of the Act, the Commission has authority to adopt rules designed to prevent fraud in connection with transactions for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins that are executed pursuant to a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract. However, as in the case of commodity options, the Act's main antifraud provision, section 4b, may not apply to such transactions because they are not made on or subject to the rules of any contract market. Since Congress clearly intended the Commission to regulate these transactions, the Commission considers it important that an antifraud rule applicable to such transactions become effective promptly. The text of the proposed rule is as follows:

§ 1.____ Leverage contracts.

It shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce in, or in connection with, an order to make, or the making of, any transaction for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins pursuant to a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract,

(a) To employ any device, scheme, or artifice to defraud,

(b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

3. *Domestic Sales of Foreign Futures Contracts.* While the Commission has a vital interest in the manner in which orders for commodity futures contracts are solicited or accepted in the United States, the Act's main antifraud provision may not apply if the futures contract in question is traded or executed upon a foreign market. As stated above, section 4b applies only to transactions made on or subject to the rules of a board of trade designated as a contract market, and the section of the Act that requires designation, section 4, 7 U.S.C. 6, refers to boards of trade located in the United States. Thus, in order to protect domestic purchasers of foreign futures contracts from fraudulent schemes, the Commission is considering the adoption of an antifraud rule that would read as follows:

§ 1.____ Domestic sales of foreign futures contracts.

It shall be unlawful for any person, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce in, or in connection with, any order to make, or the making of, any contract of sale of any commodity for future delivery that is traded or executed on any board of trade, exchange or market located outside the United States,

(a) To employ any device, scheme, or artifice to defraud,

(b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

Interested persons may participate in this proposed rulemaking by submitting evidence in written form to the Commission at the following address: Commodity Futures Trading Commission, Room 149–W, Administration Building, U.S. Department of Agriculture, 14th St. and Independence Ave., S.W., Washington, D.C. 20250. All comments received on or before May 16, 1975 will be considered before final action is taken on the proposals. The Commission considers this to be an appropriate notice period because of the nature of the rules and the urgent need to declare the proposed rules effective as soon as possible.

Issued in Washington, D.C. on April 24, 1975.

By the Commission.

WILLIAM T. BAGLEY,
*Chairman.*

[FR Doc.75–11115 Filed 4–24–75;11:25 am]

* Statement of Chairman Talmadge on consideration of the Conference Report on H.R. 13113, October 10, 1974, in *Senate Committee Print, The Commodity Futures Trading Commission Act of 1974*, 93d Cong., 2d Sess. 6 (1974). Cong. Rec., October 10, 1974, p. S18866.





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF DEFENSE

### Department of the Army

### MILITARY HISTORY RESEARCH COLLECTION ADVISORY COMMITTEE

#### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

**Name:** US Army Military History Research Collection Advisory Committee.
**Date:** 22, 23 May 1975.
**Place:** Upton Hall, Carlisle Barracks, Pennsylvania 17013.
**Time:** 1 p.m.–4:45 p.m., 22 May 1975, 9 a.m.–11:30 a.m., 23 May 1975.

Proposed Agenda:

1 p.m.–4:45 p.m., 22 May 1975: Review of Military History Research Collection activities.
9 a.m.–10 a.m., 23 May 1975: Continuation of review:
10 a.m.–11:30 a.m.: Executive session.

Purpose of Meeting: The committee will review the activities of the US Army Military History Research Collection (MHRC) activities during the past year based on reports and records and will formulate a recommendation to the Secretary of the Army for the advancement and development of MHRC. Meetings of the Advisory Committee are open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Committee Management officer in writing, at least 5 days prior to the meeting of their intention to attend the May 22 or 23 meetings.

Any person may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting. All communications regarding this Advisory Committee meeting should be addressed to:

LTC Charles Hanson, Advisory Committee Management Offices for the US Army Military History Research Collection, USAMHRC, Carlisle Barracks, Pennsylvania 17013.

Dated: April 17, 1975.

For the Chief of Military History.

DONALD A. ROBERTS,
*LTC, AD, Executive Officer, Plans, Programs and Administration.*

[FR Doc.75–10612 Filed 4–24–75;8:45 am]

### Office of the Secretary

### DEFENSE SCIENCE BOARD TASK FORCE ON ACCURACY

#### Meeting

The Defense Science Board Task Force on Accuracy will meet in closed session on 20 and 21 May 1975 at the Pentagon, Washington, D.C.

The meeting of the Task Force originally scheduled for 21 and 22 April 1975, at the Pentagon, Washington, D.C. as published in the FEDERAL REGISTER of April 3, 1975 (FR Doc 75–8699) has been cancelled.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the accuracy of U.S. and Soviet strategic offensive systems to determine the confidence that can be placed in our present estimates of accuracy and it will recommend an R&D program which can lead to improved accuracy.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
*Director, Correspondence and Directives, OASD (Comptroller).*

APRIL 22, 1975.

[FR Doc.75–10845 Filed 4–24–75;8:45 am]

## DEPARTMENT OF JUSTICE

### UNITED STATES v. AMERICAN TECHNICAL INDUSTRIES

#### Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Middle District of Pennsylvania in Civil Action No. 73–246, *United States of America* v. *American Technical Industries, Inc.* The complaint in this case alleges that the acquisition of Masterpiece, Inc. by American Technical Industries substantially lessened competition in the market for artificial Christmas trees. The proposed judgment perpetually enjoins ATI from acquiring any company engaged in the manufacture or sale of artificial Christmas trees, and enjoins ATI for ten years from acquiring from others any patent relating to artificial Christmas trees. ATI would also be compelled to license royalty free certain patents which it acquired from Masterpiece and to provide a manual to patent licensees describing its methods for manufacturing artificial Christmas trees. Public comment is invited on or before June 23, 1975. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to John J. Hughes, Chief, the Middle Atlantic Office, Antitrust Division, Department of Justice, 501 U.S. Custom House, Philadelphia, Pennsylvania 19106.

Dated: April 17, 1975.

THOMAS E. KAUPER,
*Assistant Attorney General, Antitrust Division.*

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

[CIVIL NO. 73–246]

In the matter of United States of America, Plaintiff, v. American Technical Industries, Inc. Defendant, Stipulation. Filed: December 3, 1975.

It is stipulated by and between the undersigned parties by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court at any time after the expiration of thirty (30) days following the date of filing of this Stipulation without any further notice to any party or other proceedings, either upon the motion of any party or upon the Court's own motion, provided that plaintiff has not withdrawn its consent as hereinafter provided.

2. The plaintiff may withdraw its consent hereto at any time within the said period of thirty (30) days by serving notice thereof upon the defendant and filing said notice with the Court.

3. In the event plaintiff withdraws its consent thereto, this Stipulation shall be of no effect whatever in this or any other proceeding and the making of the Stipulation



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shall not in any manner prejudice any con-

sidiaries including but not limited to Mas-



VI. Within ten (10) days of each of the

of Section 7 of the Clayton Act, as amended,

(2) Subsequent to the entry of the pro-

shall not in any manner prejudice any consenting party in any subsequent proceedings.

Dated: November 27, 1974.

For the Plaintiff:

THOMAS E. KAUPER,
*Assistant Attorney General.*

JOHN L. WILSON,

BADDIA J. RASHID,

ROGER L. CURRIER,

CHARLES F. B. MCALEER,

WALTER L. DEVANY,

NORMAN E. GREENSPAN,

JOHN J. HUGHES,
*Attorneys, Department of Justice, Antitrust Division, Department of Justice, 501 U.S. Custom House, Philadelphia, Pa. 19106.*

For the Defendant:

CHARLES H. MILLER,
*Marshal, Bratter, Greene, Allison & Tucker, 430 Park Avenue, New York, N.Y. 10022.*

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

[Civil No. 73-246]

In the matter of *United States of America*, Plaintiff, v. *American Technical Industries, Inc.*, Defendant. ***FINAL JUDGMENT.***

Plaintiff, the United States of America, having filed its complaint herein on May 7, 1973; defendant American Technical Industries, Inc. having filed its answer denying the substantive allegations of the complaint; a motion by plaintiff for preliminary injunction against the further commingling or transfer of the assets of Masterpiece, Inc. having been granted after a hearing thereon; and the parties by their respective attorneys having consented to the entry of this Final Judgment without trial and without this Final Judgment constituting any evidence against, or any admission by, any party in respect to any issue of fact or law herein;

Now therefore, without trial, and upon consent of the parties hereto it is hereby

*Ordered, adjudged and decreed* as follows:

I. This Court has jurisdiction of the subject matter hereof and the parties hereto. The complaint states claims upon which relief may be granted against the defendant under Section 7 of the Act of Congress of October 15, 1914 (15 U.S.C. § 18), commonly known as the Clayton Act, as amended.

II. As used in this Final Judgment:

(A) "Person" means any individual, partnership, firm, corporation, association or other business or legal entity;

(B) "Artificial Christmas tree" means any tree made of polyvinyl chloride, polyethylene or aluminum which is used indoors during the Christmas season; and

(C) "Patent" means any United States Letters Patent presently granted and any United States Letters Patent which may be granted on any Application which is on file in the United States Patent Office on the date of entry of this Final Judgment, and any division, continuance, reissue or extension of any such patent covering, in whole or in part, the design, manufacture or assembly of artificial Christmas trees or machines or equipment necessary for the design, manufacture or assembly of artificial Christmas trees.

III. The provisions of this Final Judgment applicable to the defendant shall also apply to its officers, directors, employees, and subsidiaries including but not limited to Masterpiece, Inc., now known as Masterpiece of Pennsylvania, Inc., its successors and assigns, and to any person in active concert or participation with any of them who receives actual notice of this Final Judgment by personal service or otherwise.

IV. American Technical Industries, Inc. is ordered and directed:

(A) To grant without charge to any applicant making written request therefor an unrestricted, nonexclusive, and royalty-free license for the design, manufacture, assembly, and sale in the United States of America of artificial Christmas trees or equipment to be used in the manufacture of artificial Christmas trees under the following patents and patent applications, which include all patents and patent applications owned or controlled by Masterpiece, Inc., now known as Masterpiece of Pennsylvania, Inc., and all American Technical Industries, Inc. patents or patent applications developed by Masterpiece, Inc. employees:

| Patent No. | Description | Granted | Expires |
|---|---|---|---|
| 3,223,454 | Apparatus for making brushes | Dec. 14, 1965 | Dec. 14, 1982 |
| 204,887 | Christmas tree | May 24, 1966 | May 24, 1980 |
| 3,278,364 | Artificial Christmas tree | Oct. 11, 1966 | Oct. 11, 1983 |
| 3,365,529 | Artificial tree limb tapering method | Jan. 23, 1968 | Jan. 23, 1985 |
| 3,459,243 | Fully automatic cross-limb attaching machine | Aug. 5, 1969 | Aug. 5, 1986 |
| 3,458,883 | Artificial tree limb tapering machine | ---do--- | Do. |
| 3,594,260 | Artificial shrubbery and method of manufacturing the same | July 20, 1971 | July 20, 1988 |
| 3,665,577 | Apparatus for manufacturing artificial shrubs | May 30, 1972 | May 30, 1986 |
| 3,746,601 | Artificial shrub suitable for indoor or outdoor use | July 17, 1973 | July 17, 1990 |

| Patent application Serial No. | Date filed | Description |
|---|---|---|
| 339,468 | Mar. 5, 1973 | Collapsible artificial shrub. |

Such license shall provide that the licensee is free to contest in any proceeding the validity and scope of the licensed patents. Any existing licensee under any of the above listed patents for the design, manufacture, assembly or sale of artificial Christmas trees in the United States of America shall have the right to apply for and receive a license under this Final Judgment in substitution for its existing license.

(B) To furnish promptly upon the granting of any license pursuant to section IV(A) hereof, to any licensee who makes written request therefor, one copy of a written manual accurately and completely describing the methods of manufacture employed by American Technical Industries, Inc. in the production of artificial Christmas trees under the patents licensed pursuant to said Section upon the payment by such licensee of a sum not in excess of $50.00.

(C) Within thirty (30) days of the entry of this Final Judgment to withdraw from and terminate all suits or proceedings for the infringement of any patent covered by section IV(A) of this Final Judgment if such suit is based on the design, assembly, manufacture or sale of artificial Christmas trees, provided that the obligation of American Technical Industries, Inc. to withdraw from or terminate any such suit shall be conditioned upon the withdrawal or termination of any counterclaim against American Technical Industries, Inc. or any of its subsidiaries.

(D) Within thirty (30) days of the entry of this Final Judgment to advise the United States Patent Office, Washington, D.C. for publication in the *Official Gazette of United States Patent Office*, that licenses described in section IV(A) of this Final Judgment are available on an unrestricted, nonexclusive and royalty-free basis to any person making written request therefor to American Technical Industries, Inc.

(E) Within thirty (30) days of the entry of this Final Judgment to advise by Certified Mail each domestic manufacturer of artificial Christmas trees known to American Technical Industries, Inc., and to advertise prominently once in each of the next issues of *Toys and Novelties* and *Toy & Hobby World*, two publications heretofore utilized by the defendant in advertising artificial Christmas trees that:

(1) The licenses described in section IV(A) of this Final Judgment are available on an unrestricted, nonexclusive and royalty-free basis to any person making written request therefor to American Technical Industries, Inc.; and

(2) The written manual described in Section IV(B) hereof is available to each licensee at a cost not in excess of $50.00.

Within ninety (90) days after the entry of this Final Judgment, a copy of each letter, the advertisement, and the completed manual will be furnished the plaintiff.

(F) Within ninety (90) days after the entry of this Final Judgment, American Technical Industries, Inc. shall furnish plaintiff an affidavit as to the fact and manner of its compliance with this Section IV.

V. American Technical Industries, Inc. is enjoined and restrained from:

(A) Instituting or threatening to institute any action, based on the design, assembly, manufacture or sale of artificial Christmas trees, for the infringement of any patent covered by Section IV(A) hereof if the claimed infringement occurred:

(1) Prior to the entry of this Final Judgment; or

(2) Subsequent to the entry of this Final Judgment unless prior written notice is given that a license is available pursuant to the provisions of this Final Judgment.

(B) Making any disposition of any patent which may deprive American Technical Industries, Inc. of the power or authority to grant licenses as required in Section IV(A) of this Final Judgment, unless the party or parties acquiring such rights from American Technical Industries, Inc. agree to be bound by this Final Judgment.

(C) Acquiring directly or indirectly for a period of ten (10) years from the date of entry of this Final Judgment ownership or control of any patent other than a patent whose inventor is an employee of American Technical Industries, Inc.

(D) Acquiring any assets or stock of any person engaged in the manufacture or sale of artificial Christmas trees in the United States provided, however, that this injunction does not apply to transactions between American Technical Industries, Inc. and any subsidiaries thereof and provided further that American Technical Industries, Inc. or any of its subsidiaries, may purchase, license or lease machinery hereafter perfected by any third party for the manufacture of artificial Christmas trees and sold by such third party in the regular course of its business and not as part of the disposition of any of its capital assets or the termination of its business on the same terms of purchase, lease or license as shall be available to all United States manufacturers of artificial Christmas trees.





VI. Within ten (10) days of each of the first nine (9) anniversary dates of this Final Judgment, American Technical Industries, Inc. shall file with the Antitrust Division copies of all requests for licenses under Section IV(A) hereof and the disposition of each such request and all requests for written manuals under Section IV(B) hereof and the disposition of each such request.

VII. For the purpose of securing or determining compliance with this Final Judgment:

(A) Any duly authorized representative or representatives of the Department of Justice shall, upon written request by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division and on reasonable notice to defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of defendant, which may have counsel present, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendant which relate to any matters contained in this Final Judgment;

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers or employees of defendant, who may have counsel present, regarding any such matters.

(B) Upon such written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, defendant shall submit such reports in writing with respect to any matters contained in this Final Judgment as from time to time may be requested.

No information obtained by the means provided for in this Section VII shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which plaintiff is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VIII. Jurisdiction of this cause is retained by the Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the modification of any of the provisions thereof, for the enforcement of compliance therewith and for the punishment of violations thereof.

Dated: ----------

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*United States District Judge.*

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

[Civil No. 73-246]

In the matter of UNITED STATES OF AMERICA, Plaintiff, v. AMERICAN TECHNICAL INDUSTRIES, INC., Defendant. *COMPETITIVE IMPACT STATEMENT.* Filed: April 17, 1975.

This Statement is made pursuant to the requirements of Section 5 of the Act of Congress of October 15, 1914, as amended, (15 U.S.C. § 16), commonly known as the Clayton Act.

I

NATURE AND PURPOSE OF THE PROCEEDING

1. This is a civil action instituted, May 7, 1973, against American Technical Industries, Inc. (hereinafter ATI) under Section 15 of the Act of Congress of October 15, 1914, as amended, (15 U.S.C. § 25), commonly known as the Clayton Act.

2. The purpose of the action is to prevent and restrain the continuing violation by ATI of Section 7 of the Clayton Act, as amended, (15 U.S.C. § 18). The violation arose from the acquisition of all of the stock of Masterpiece, Inc. (hereinafter Masterpiece) by ATI on July 19, 1971. The effect of this acquisition may be to substantially lessen competition or to tend to create a monopoly in the manufacture and sale of artificial Christmas trees in the United States.

II

THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

3. In 1970 approximately $38.9 million worth of artificial Christmas trees were sold in the United States by manufacturers and importers. The market was highly concentrated with the four leading artificial Christmas tree firms accounting for approximately 67.7 percent of total sales. ATI, the largest domestic manufacturer, had sales of approximately $12 million or 30.9 percent of the artificial Christmas tree market. Masterpiece ranked seventh with sales of approximately $1.6 million or 4.2 percent of the market. Both ATI and Masterpiece sold throughout the United States.

4. On July 29, 1971, ATI acquired all of the stock of Masterpiece. This acquisition increased ATI's share of the artificial Christmas tree market from 30.9 percent to 35.1 percent and gave ATI control over patents held by Masterpiece. These Masterpiece patents concerned the manufacture, design and assembly of artificial Christmas trees. One of the most important of the patents related to the design and manufacture of the "Mountain King" tree—a new and unique type of artificial Christmas tree, offering ease of assembly and great potential consumer appeal.

III

THE PROPOSED CONSENT JUDGMENT AND ITS ANTICIPATED EFFECTS ON COMPETITION

5. The proposed Consent Judgment provides that:

(a) ATI will grant to any person upon written request an unrestricted, nonexclusive and royalty-free license for the design, manufacture, assembly and sale in the United States of America of artificial Christmas trees or equipment to be used in the manufacture of artificial Christmas trees under all patents and patent applications owned or controlled by Masterpiece, Inc., now known as Masterpiece of Pennsylvania, Inc., and all American Technical Industries, Inc. patents or patent applications developed by Masterpiece, Inc. employees. (The term patent is defined in Section II (C) of the proposed Judgment and means patents and applications issued or on file as of the date of the Judgment.)

(b) ATI will furnish promptly to each licensee upon written request a written manual accurately and completely describing the methods of manufacture used by ATI under the patents covered by the proposed Judgment. The cost of the manual shall not exceed $50.00

(c) ATI will terminate all suits for infringement of any patent covered by the proposed Judgment if such suit is based on the design, assembly, manufacture or sale of artificial Christmas trees, provided the opposing party terminates all counter claims against ATI or its subsidiaries.

(d) ATI is enjoined from instituting or threatening to institute any patent infringement action based on the design, assembly, manufacture or sale of artificial Christmas trees under any patent covered by the proposed Judgment if the claimed infringement occurred:

(1) Prior to the entry of the proposed Judgment; or

(2) Subsequent to the entry of the proposed Judgment unless prior written notice is given that a license is available pursuant to the proposed Judgment.

(e) ATI is enjoined from acquiring for a period of 10 years from the date of entry of the proposed Judgment any patent relating to artificial Christmas trees other than a patent whose inventor is an employee of ATI or its subsidiaries.

(f) ATI is enjoined, in perpetuity, from acquiring the assets or stock of any company engaged in the manufacture or sale of artificial Christmas trees. This injunction does not apply to transactions between American Technical Industries, Inc. and any subsidiaries thereof. American Technical Industries, Inc. or any of its subsidiaries may purchase, license or lease machinery hereafter perfected by any third party for the manufacture of artificial Christmas trees and sold by such third party in the regular course of its business and not as part of the disposition of any of its capital assets or the termination of its business on the same terms of purchase, lease or license as shall be available to all United States manufacturers of artificial Christmas trees.

6. It is anticipated that the immediate dissemination of the technology represented by the patents on the terms contained in the proposed Judgment would strengthen the market position of existing competitors, increase the probability that potential competitors will enter the market, and eventually result in increased price competition for the class of trees covered by the patents. Further, it is believed that the proposed decree will dilute existing market dominance of ATI

IV

REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

7. Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent decree not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5 (a) of the Clayton Act, as amended, 15 U.S.C. 16 (a).

V

PROCEDURES AVAILABLE FOR THE MODIFICATION OF THE PROPOSED JUDGMENT

8. Within 60 days of the filing of the proposed Judgment with the District Court for the Middle District of Pennsylvania, Harrisburg, Pennsylvania any person may comment regarding the proposed Judgment in writing to:

The Middle Atlantic Office
Antitrust Division
United States Department of Justice
501 U.S. Custom House
Second and Chestnut Streets
Philadelphia, Pennsylvania 19106

9. After the entry of the proposed Judgment, jurisdiction is retained by the United States District Court for the Middle District of Pennsylvania, Harrisburg, Pennsylvania, to enable the parties to the Judgment to apply to the Court for modification of any of the provisions thereof.

VI

ALTERNATIVES TO THE PROPOSED JUDGMENT CONSIDERED BY THE UNITED STATES

10. *Divestiture of Masterpieces.* The United States considered the divestiture of Masterpiece as an alternative to the proposed Judgment. The United States believes that the immediate diffusion of the technology







(4) Official Leasing Maps: Bay City

forth in 43 CFR 3304.1 within the time

The lessee agrees that, if any site,

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represented by the patents under compulsory royalty-free licenses will restore competitive conditions to the artificial Christmas tree industry more effectively than the restoration of Masterpiece as a separate company. Full exploitation of the patents by numerous companies of the industry should result in (1) innovative technology based upon existing patents and (2) increased price competition. Furthermore the availability of royalty-free licenses should lower barriers to potential entrants and increase the desirability of market entry.

11. *Dedication to the Public of the "Mountain King" Trademark.* As an alternative to the proposed Judgment, the United States considered dedication of the trademark "Mountain King" in addition to the requirement of compulsory royalty-free licensing as a means of diluting ATT's market dominance. The United States believes that dedication of the trademark could cause confusion as to the source of manufacture of this type of artificial tree. The name, "Mountain King" does not appear to be necessary to permit licensees under the patents to compete effectively.

12. *Other Materials Relating to the Proposed Judgment.* The United States is submitting no materials or documents "which it considered determinative in formulating the proposal" pursuant to Section (b) of the Antitrust Procedures and Penalties Act. 15 U.S.C. 16(b).

Dated: April 17, 1975.

ROGER L. CURRIER,
WALTER L. DEVANY,
NORMAN E. GREENSPAN,
*Attorneys, Department of Justice,*
*Antitrust Division,*
*Department of Justice,*
*501 U.S. Customs House,*
*Philadelphia, Pa. 19106.*

[FR Doc.75-10813 Filed 4-24-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ES 01115]

### MICHIGAN (SURVEY GROUP 69)

### Filing of Plat of Survey

APRIL 18, 1975.

1. The plat of survey of the following described land, which was accepted on March 23, 1966, will be officially filed in the Eastern States Office, Silver Spring, Maryland, effective at 10 a.m. on May 26, 1975:

T. 42 N., R. 35 W., Michigan Meridian, Iron County, Michigan, Section 8: lot 8, containing 1.00 acre.

2. This plat represents the survey of an island in Stanley Lake which was not included in the original survey of the township as shown on the plat approved January 24, 1852.

3. The island's formation is in all regards similar to the opposite mainland. It is of rich, sandy loam over a large rock outcropping with a total elevation of 32 ft. above the water level of Stanley Lake. Timber consists of cedar, pine, birch, oak, maple, and larch; undergrowth, young trees, brush, vines and grasses.

4. The character of the island and the timber growth thereon attest to its existence in January 26, 1837, when Michigan gained statehood, and at all times since. Lot 8 of section 8 is 100 percent upland in character. It is, therefore, held to be public land.

5. Except for valid existing rights, this land will not be subject to application, petition, location, selection or to any other type of appropriation under any public land law, including the mining and mineral leasing laws, until a further order is issued.

6. All inquiries relating to this land should be sent to the Director, Eastern States, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LANE J. BOUMAN,
*Acting Director, Eastern States.*

[FR Doc.75-10883 Filed 4-24-75;8:45 am]

## OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

### Oil and Gas Lease Sales #38 and #38A, May 28, 1975 and July 29, 1975

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) and the regulations issued thereunder (43 CFR Part 3300).

2(a). Two sales of oil and gas leases in areas of the Outer Continental Shelf adjacent to the States of Louisiana and Texas are hereby announced. These sales are designated Sale #38 and Sale #38A. Sale #38 includes tracts 38–329 through 38–549 and tracts 38–568 through 38–630, all described in paragraph 13. Sale #38A includes tracts 38–1 through 38–328 and tracts 38–550 through 38–567, all described in paragraph 13.

BID FILING

2(b). Sealed bids will be received by the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113, either in person or by mail until 9:30 a.m., c.s.t. on May 28, 1975, for the oil and gas lease sale on tracts in Sale #38. Bids delivered in person to the Manager will be received at his office at the aforementioned address through 4:15 p.m., c.s.t. May 27, 1975, or at the Grand Ballroom, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112 between 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t. on May 28, 1975. Bids received by the Manager after 9:30 a.m., c.s.t. on that date will be returned to the bidders unopened. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager by 9:30 a.m., c.s.t. May 28, 1975. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR 3300.1, 3302.1, 3302.4, and 3302.5

2c. Sealed bids will be received by the Manager, Gulf of Mexico Outer Continental Shelf Officee, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113, either in person or by mail until 9:30 a.m., c.s.t. on July 29, 1975, for the oil and gas lease sale on tracts in Sale #38A. Bids delivered in person to the Manager will be received at his office at the aforementioned address through 4:15 p.m., c.s.t. July 28, 1975, or at the Tulane Room, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112 between 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t. on July 29, 1975. Bids received by the Manager after 9:30 a.m., c.s.t. on that date will be returned to the bidders unopened. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager by 9:30 a.m., c.s.t. July 29, 1975. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR 3300.1, 3302.1, 3302.4, and 3302.5.

3. A single bid in a sealed envelope must be submitted for each tract. The envelope for any tract in Sale #38 should be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract) not to be opened until 10 a.m., c.s.t. May 28, 1975." The envelope for any tract in Sale #38A should be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract) not to be opened until 10 a.m., c.s.t. July 29, 1975. A suggested bid form is shown in paragraph 15. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. Oil payment, overriding royalty, logarithmic or sliding scale bids may not be submitted. No bid for less than a full tract as listed in paragraph 13 will be considered. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

4. Bids submitted on all tracts to be offered at these sales must be on a cash bonus bid basis with a fixed royalty of 16⅔ percent. Leases which may be issued will provide for a yearly rental or minimum royalty of $3 per acre or fraction thereof. Companies submitting joint bids must express on the bid form the proportionate interest of each company participating in that joint bid in a percent to a maximum of five decimal places.

5. Each bidder must have submitted by 9:30 a.m., c.s.t. May 28, 1975, for any tract in Sale #38 or by 9:30 a.m., c.s.t. July 29, 1975, for any tract in Sale #38A, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on the Compliance Report Certification Form, Form 1140–8 (November 1973) and the Affirmative Action Representation Form, Form 1140–7 (December 1971).

6. Tracts being offered for lease may be located on the following official leasing maps:

(1) Outer Continental Shelf, Louisiana Leasing Maps—Set of 26. These maps may be purchased for $15 per set.

(2) Outer Continental Shelf, East Texas Leasing Maps—Set of 8. These maps may be purchased for $5 per set.

(3) Outer Continental Shelf, South Texas Leasing Maps—Set of 7. These maps may be purchased for $5 per set.





(4) Official Leasing Maps: Bay City NG–15–1, Garden Banks NG–15–2, New Orleans NH–15–12, Mobile South No. 1 NH–16–7, and Mobile South No. 2 NH–16–10. These five maps may be purchased for $2 each.

7. All maps and forms referred to above and copies of the lease form referred to in paragraph 12 of this notice, without the modifications and stipulations set out in that paragraph may be obtained from the Manager, Gulf of Mexico Outer Continental Shelf Office, at the above address.

BID OPENING

8a. Bids for any tracts in Sale #38 will be opened on May 28, 1975, at 10 a.m., c.s.t. in the Grand Ballroom, Braniff Place at the above address. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, May 28, 1975, that bid will be returned unopened to the bidder as soon thereafter as possible.

8b. Bids for all tracts in Sale #38A will be opened on July 29, 1975, at 10 a.m., c.s.t. in the Tulane Room, Braniff Place at the above address. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, July 29, 1975, that bid will be returned unopened to the bidder as soon thereafter as possible.

9. Any cash, checks, drafts or money orders submitted with a bid may be deposited in a suspense account during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

ACCEPTANCE OR REJECTION OF BIDS

10. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidders unless:

(1) The bidder has complied with all requirements of this notice and applicable regulations;

(2) His bid is the highest valid cash bonus bid; and

(3) The amount of the bid has been determined to be adequate by the United States.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof. The United States reserves the right to reject any bid submitted, including but not by way of limitation, the right to reject any bid for inadequacy even though the cash bonus is in the amount of $25 or more per acre or fraction thereof.

11. The successful bidders for tracts in these sales will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements set forth in 43 CFR 3304.1 within the time frame provided in 43 CFR 3302.5.

LEASE TERMS AND STIPULATIONS

12. Leases issued as a result of these sales will be on Form 3300–1 (February 1971), as modified in accordance with this paragraph, will contain one or more of the following stipulations and will exclude the following language from section 3(a)(1), paragraph 3, sentence 2 of Form 3300–1, "* * * and gas used for purposes of production from and operations upon the leased area or unavoidably lost * * *."

STIPULATION No. 1 (to apply to all leases resulting from these lease sales.)

(a) If the Supervisor, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as "cultural resource" may exist in the lease area, shall, within one year from the effective date of this lease, give the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall immediately upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation," the lessee shall conduct geophysical surveys to determine the potential existence of any cultural resource that may be affected by such operation. If such geophysical surveys show anomalies that suggest the potential existence of a cultural resource that may be adversely affected by any lease operation, the lessee shall: (1) Relocate the site of such operation so as not to adversely affect the anomaly identified; or (2) establish, to the satisfaction of the Supervisor, on the basis of an archaeological survey conducted by a qualified marine archaeologist using such survey equipment and techniques as deemed necessary by said archaeologist, either that such operation will not adversely affect the anomaly identified or that the potential cultural resource suggested by the occurrence of the anomaly does not exist.

All data obtained in the course of any geophysical or archaeological surveys conducted pursuant to the provisions hereof shall be submitted to the Supervisor with any application by the lessee for drilling or other activity, with copies to the Manager, Gulf of Mexico OCS Office, Bureau of Land Management. The Supervisor will prepare a final report, a copy of which shall be supplied to the lessee. Should the Supervisor determine in his report, contrary to the contentions of the lessee, that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.[1]

[1] Adversely affected sites which may be eligible for inclusion on the National Register of Historic Places will be handled according to procedures outlined in 36 CFR 800 (FEDERAL REGISTER, January 25, 1974).

The lessee agrees that, if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(b) Structures for drilling or production, including pipelines, shall be kept to the minimum necessary for proper exploration, development, and production and, to the greatest extent consistent therewith, shall be placed so as not to interfere with other significant uses of the Outer Continental Shelf including commercial fishing. To this end, no structure for drilling or production, including pipelines, may be placed on the Outer Continental Shelf until the Supervisor has found that the structure is necessary for the proper exploration, development and production of the lease area and that no reasonable alternative placement would cause less interference with other significant uses of the Outer Continental Shelf, including commercial fishing. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, including pipelines, showing how such placement and grouping will have the minimum practicable effect on other significant uses of the Outer Continental Shelf, including commercial fishing.

(c) The lessee shall have the pollution containment and removal equipment available as required by OCS Order No. 7, of August 28, 1969, as may be amended. After notification by the Operator to the Supervisor of a significant oil spill as defined by OCS Order No. 7, or an oil spill of any size or quantity which cannot be immediately controlled, the operator shall immediately deploy the appropriate equipment to the site of the oil spill, unless, because of weather and attendant safety of personnel the Supervisor shall modify this requirement.

(d) Upon request of the Supervisor, the geological and geophysical data acquired under this lease and the processed information derived therefrom after it has been processed for the lessee's own use or for delivery to any third party shall be submitted to the Supervisor within 30 days after request. Processed information is defined as data in analog or digital format, the form of which has, in order to facilitate interpretation, been changed through processing operations including, but not limited to, the application of corrections for known perturbing causes, the rearrangement of the data, filtration to remove erroneous signals and interference, and the combination and transformation of data elements. The intent of this provision is to obtain for the United States without cost the geological and geophysical information which the lessee processes for his own use or supplies to third parties. It is not intended to require the lessee to supply interpreted, as distinguished from processed, information.



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Without the consent of the lessee, the United States will not, for the life of this lease or until such time as the Supervisor determines that release of such material is required and necessary for the proper development of the field or area, disclose: (1) Any trade secrets and commercial or financial information which are privileged or confidential and which are received by the Department of the Interior pursuant to this lease; and (2) any geological and geophysical information and data, including maps, concerning wells, received by the Department of the Interior pursuant to this lease.

STIPULATION No. 2 (to apply to any lease resulting from these lease sales on that portion inside an arc of a circle having a radius of 20,064 feet and centered at X=3,742,875, Y=71,280 of the tract No. 38–564).

Drill cuttings and drilling muds must be disposed of by shunting the materials to the bottom through a downpipe that terminates an appropriate distance from the bottom as determined by the Supervisor; however, if the shunting method is not adequate to protect the unique character of the subject area, then the Supervisor will require barging the material a minimum of 10 miles from any 25 fathom isobath surrounding live reef-building corals before disposal. Should barging be the method selected, disposal sites must be approved by the Supervisor.

No garbage, untreated sewage, or other solid waste shall be disposed from vessels (work-boats, crew-boats, supply boats, pipe-laying vessels) involved with exploration and development operations within the area of the bank bounded by a line three miles from the 25 fathom isobath around live reef-building corals.

No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the leased area will have no significant adverse effect on the biotic community of high value reef sites on the Flower Garden Banks. As a part of the development plan, a reef monitoring program must be included.

The monitoring program will be designed to assess the effects of oil and gas exploration and development operations on the viability of the coral reefs. The development plan should indicate that the monitoring program will be conducted by qualified independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings to the Supervisor on an interim on-going basis, or immediately in case of imminent danger to the reefs resulting directly from drilling or other operations.

STIPULATION No. 3 (for the protection of low relief, offshore fishing banks, the following stipulation shall apply to leases resulting from these sales on tracts 38–8, 38–18, 38–59, 38–60, 38–62, 38–63, 38–64, 38–65, 38–70, 38–71, 38–72, 38–73, 38–74, 38–80, 38–85, 38–90, 38–91, 38–92, 38–95, 38–96, 38–116, 38–131, 38–132, 38–134, 38–203, 38–206, 38–227, 38–228, 38–231, 38–232, 38–254, 38–257, 38–285, 38–329, 38–335, 38–342, 38–343, 38–397, 38–401, 38–402, 38–403, 38–404, 38–426, 38–430, 38–431, 38–454, 38–458, 38–459, 38–464, 38–477, 38–500, 38–501, 38–502, 38–529, 38–530, 38–544, 38–545, 38–546, 38–547, 38–549, and 38–574).

The lessee agrees that, prior to any drilling activity or placement of any permanent production structures, he will submit as part of his exploration and/or development plan, geophysical or other data on seafloor features sufficient to prove to the Supervisor's satisfaction that conflict with any fishing activities in these areas will be kept to a minimum. Included in the exploration and/or development plan will be the bottom mapping of the proposed drilling sites. On the basis of proximity to topographic features, as determined from the data, these sites should be so located as to cause minimal conflict with any fishing activities in these areas. The aforementioned exploration and/or development plan must be submitted to the Supervisor for approval.

Drill cuttings and drilling muds must be disposed of by shunting the materials to the bottom through a downpipe that terminates an appropriate distance from the bottom or by other appropriate methods if determined by the Supervisor to be necessary to protect the unique character of the subject area.

No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and/or development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the lease area will have a minimal adverse effect upon any fishing activities on these tracts.

STIPULATION No. 4 (to apply to leases resulting from these lease sales on tracts 38–205, 38–209, 38–246, 38–248, 38–249, 38–370, 38–372, 38–518, 38–582, and 38–583).

All reservoirs underlying this lease which extend into a royalty bid lease, as indicated by drilling and other information, shall be operated and produced only under a unit agreement covering this royalty bid lease and approved by the Supervisor. Such a unit agreement shall provide for a fair and equitable allocation of production costs. The Supervisor shall prescribe the method of allocating production and costs in the event operators are unable to agree on such a method.

STIPULATION No. 5. (to apply to leases resulting from these lease sales on tracts 38–57, 38–66, 38–69, 38–70, 38–88, 38–89, 38–91, 38–92, 38–95, 38–96, 38–99, 38–101, 38–102, 38–105, and 38–106).

These blocks lie partially within the site of the proposed deepwater terminal and the anchorage area and fairway necessary to operations of the proposed terminal.

No structures, whether drilling or production, temporary or permanent, will be permitted within the confines of the areas described unless the proposed site is not approved or is abandoned or modified to such an extent as to render these restrictions unnecessary.

Within the area defined as follows: Beginning at a point at

(a) X=3,216,275.61
Y= −37,855.87

to (b) X=3,216,275.61
Y= 211,961.37

Thence within a circle bounded by a radius of 31,047 feet centered at

(c) X=3,217,190.70
Y= 242,994.88

to (d) X=3,228,436.01
Y= 214,055.99

to (e) X=3,228,436.01
Y= −36,274.37

to a point of beginning.

Coordinates are based on the Texas (Lambert) Plane Coordinate System, South Central Zone.

No pipeline right-of-way permits will be issued under the authority of the Department of the Interior within the circle described in the foregoing without the express permission of the federal agency having jurisdiction over deepwater terminals and the permittee for the terminal.

All pipeline right-of-way permits issued under the authority of the Department of the Interior which traverse the proposed fairway will be required to be buried to a minimum depth of 10 feet below the ocean floor.

TRACT DESCRIPTION

13. The tracts offered for bid are as follows:

OCS OFFICIAL LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5

(Approved July 16, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–1 | 437 | All | 5760 |
| 38–2 | 438 | (1) | 4125 |
| 38–3 | 451 | All | 5760 |
| 38–4 | 542 | All | 5760 |
| 38–5 | A–3 | All | 5760 |
| 38–6 | A–6 | All | 5760 |
| 38–7 | A–7 | All | 5760 |
| 38–8 | A–14 | All | 5760 |
| 38–9 | A–30 | All | 5760 |
| 38–10 | A–31 | All | 5760 |
| 38–11 | A–33 | All | 5760 |
| 38–12 | A–34 | All | 5760 |

OCS OFFICIAL LEASING MAP, BRAZOS AREA—SOUTH ADDITION, TEXAS MAP NO. 5B

(Approved Sept. 24, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–13 | A–50 | All | 5760 |
| 38–14 | A–51 | All | 5760 |
| 38–15 | A–57 | All | 5760 |
| 38–16 | A–58 | All | 5760 |
| 38–17 | A–59 | All | 5760 |
| 38–18 | A–60 | All | 5760 |
| 38–19 | A–77 | All | 5760 |
| 38–20 | A–87 | All | 5760 |
| 38–21 | A–88 | All | 5760 |
| 38–22 | A–100 | All | 5760 |
| 38–23 | A–101 | All | 5760 |
| 38–24 | A–111 | All | 5760 |
| 38–25 | A–112 | All | 5760 |
| 38–26 | A–113 | All | 5760 |
| 38–27 | A–124 | All | 5760 |
| 38–28 | A–125 | All | 5760 |
| 38–29 | A–126 | All | 5760 |
| 38–30 | A–128 | All | 5760 |
| 38–31 | A–129 | All | 5760 |
| 38–32 | A–131 | All | 5760 |





OCS OFFICIAL LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6

(Approved July 16, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–33 | 180 | All | 5760 |
| 38–34 | 192 | All | 5760 |
| 38–35 | 251 | (1) | 4830 |
| 38–36 | 273 | All | 5760 |
| 38–37 | 282 | All | 5760 |
| 38–38 | 283 | All | 5760 |
| 38–39 | 284 | All | 5760 |
| 38–40 | 302 | All | 5760 |
| 38–41 | 323 | All | 5760 |
| 38–42 | 324 | All | 5760 |
| 38–43 | 352 | All | 5760 |
| 38–44 | 383 | All | 5760 |
| 38–45 | 384 | All | 5760 |
| 38–46 | 392 | S½ | 2880 |
| 38–47 | A–34 | All | 5760 |
| 38–48 | A–35 | All | 5760 |
| 38–49 | A–38 | All | 5760 |
| 38–50 | A–39 | All | 5760 |
| 38–51 | A–49 | All | 5760 |
| 38–52 | A–51 | All | 5760 |
| 38–53 | A–52 | All | 5760 |
| 38–54 | A–53 | All | 5760 |
| 38–55 | A–54 | All | 5760 |
| 38–56 | A–55 | All | 5760 |
| 38–57 | A–68 | All | 5760 |
| 38–58 | A–69 | All | 5760 |
| 38–59 | A–60 | All | 5760 |
| 38–60 | A–61 | All | 5760 |
| 38–61 | A–62 | All | 5760 |
| 38–62 | A–77 | All | 5760 |
| 38–63 | A–78 | All | 5760 |
| 38–64 | A–79 | All | 5760 |
| 38–65 | A–80 | All | 5760 |
| 38–66 | A–81 | All | 5760 |
| (2) | | | |
| (2) | | | |
| 38–69 | A–85 | All | 5760 |
| 38–70 | A–86 | All | 5760 |
| 38–71 | A–87 | All | 5760 |
| 38–72 | A–88 | All | 5760 |
| 38–73 | A–89 | All | 5760 |
| 38–74 | A–90 | All | 5760 |
| 38–75 | A–91 | All | 5760 |
| 38–76 | A–92 | All | 5760 |
| 38–77 | A–104 | All | 5760 |
| 38–78 | A–105 | All | 5760 |
| 38–79 | A–106 | All | 5760 |
| 38–80 | A–107 | All | 5760 |
| 38–81 | A–110 | All | 5760 |

OCS OFFICIAL LEASING MAP, GALVESTON AREA—SOUTH ADDITION, TEXAS MAP NO. 6A

(Approved SEPT. 24, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–82 | A–117 | All | 5760 |
| 38–83 | A–121 | All | 5760 |
| 38–84 | A–137 | All | 5760 |
| 38–85 | A–138 | All | 5760 |
| 38–86 | A–139 | All | 5760 |
| 38–87 | A–140 | All | 5760 |
| 38–88 | A–141 | All | 5760 |
| 38–89 | A–142 | All | 5760 |
| 38–90 | A–144 | All | 5760 |
| 38–91 | A–145 | All | 5760 |
| 38–92 | A–146 | All | 5757 |
| 38–93 | A–147 | All | 5760 |
| 38–94 | A–170 | All | 5760 |
| 38–95 | A–171 | All | 5760 |
| 38–96 | A–172 | All | 5760 |
| 38–97 | A–173 | All | 5760 |
| 38–98 | A–174 | All | 5760 |
| 38–99 | A–175 | All | 5760 |
| 38–100 | A–185 | All | 5760 |
| 38–101 | A–201 | All | 5760 |
| 38–102 | A–202 | All | 5760 |
| 38–103 | A–203 | All | 5760 |
| 38–104 | A–204 | All | 5760 |
| 38–105 | A–205 | All | 5760 |
| 38–106 | A–206 | All | 5760 |
| 38–107 | A–227 | All | 5760 |
| 38–108 | A–228 | All | 5760 |
| 38–109 | A–238 | All | 5760 |
| 38–110 | A–239 | All | 5760 |
| 38–111 | A–240 | All | 5760 |

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7

(Approved July 16, 1954; Revised August 1955)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–112 | 50 | All | 5760 |
| 38–113 | 66 | All | 5760 |
| 38–114 | 68 | All | 5760 |
| 38–115 | 69 | All | 5760 |
| 38–116 | 70 | All | 5760 |
| 38–117 | 93 | All | 5760 |
| 38–118 | 109 | All | 5760 |
| 38–119 | 137 | All | 5760 |
| 38–120 | 139 | All | 5760 |
| 38–121 | 154 | S½ | 2880 |
| 38–122 | 173 | All | 5760 |
| 38–123 | 174 | All | 5760 |
| 38–124 | 175 | All | 5760 |
| 38–125 | 178 | All | 5760 |
| 38–126 | 179 | All | 5760 |
| 38–127 | 193 | All | 5760 |
| 38–128 | 194 | All | 5760 |
| 38–129 | 197 | All | 5760 |
| 38–130 | 198 | All | 5760 |
| 38–131 | 199 | All | 5760 |
| 38–132 | 200 | All | 5760 |
| 38–133 | A–155 | All | 5760 |

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—EAST ADDITION, TEXAS MAP NO. 7A

(Approved Jan. 23, 1967)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–134 | A–178 | All | 5760 |
| 38–135 | A–181 | All | 1480.17 |
| 38–136 | A–185 | All | 2919.46 |
| 38–137 | A–194 | All | 4358.76 |
| 38–138 | A–195 | All | 2918.04 |
| 38–139 | A–295 | All | 2880 |
| 38–140 | A–229 | All | 5760 |
| 38–141 | A–232 | All | 5760 |
| 38–142 | A–233 | All | 5760 |
| 38–143 | A–243 | All | 5760 |
| 38–144 | A–244 | All | 2913.50 |
| 38–145 | A–250 | All | 5760 |
| 38–146 | A–253 | All | 5760 |

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—SOUTH ADDITION, TEXAS MAP NO. 7B

(Approved Sept. 24, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–147 | A–443 | All | 5760 |
| 38–148 | A–466 | All | 5760 |
| 38–149 | A–492 | All | 5760 |
| 38–150 | A–493 | All | 5760 |
| 38–151 | A–494 | All | 5760 |
| 38–152 | A–495 | All | 5760 |
| 38–153 | A–501 | All | 5760 |
| 38–154 | A–508 | All | 5760 |
| 38–155 | A–522 | All | 5760 |
| 38–156 | A–565 | All | 5760 |
| 38–157 | A–581 | All | 5760 |

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA—EAST ADDITION—SOUTH EXTENSION, TEXAS MAP NO. 7C

(Approved Sept. 24, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–158 | A–284 | All | 5760 |
| 38–159 | A–293 | All | 4349 |
| 38–160 | A–294 | All | 2880 |
| 38–161 | A–310 | All | 2908 |
| 38–162 | A–311 | All | 4347 |
| 38–163 | A–318 | All | 5760 |
| 38–164 | A–319 | All | 5760 |
| 38–165 | A–331 | All | 2880 |
| 38–166 | A–333 | All | 5760 |
| 38–167 | A–347 | All | 5760 |
| 38–168 | A–380 | All | 5760 |
| 38–169 | A–400 | All | 5760 |

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–170 | 34 | (3) | 4506.16 |
| 38–171 | 38 | All | 5000 |
| 38–172 | 41 | W½ | 2500 |
| 38–173 | 54 | All | 5000 |
| 38–174 | 55 | All | 5000 |
| 38–175 | 60 | NW¼; S½ | 3750 |
| 38–176 | 61 | NE¼; S½ | 3750 |
| 38–177 | 63 | All | 5000 |
| 38–178 | 67 | All | 5000 |
| 38–179 | 70 | All | 5000 |
| 38–180 | 77 | All | 5000 |
| 38–181 | 80 | All | 5000 |
| 38–182 | 81 | All | 5000 |
| 38–183 | 82 | All | 5000 |
| 38–184 | 83 | All | 5000 |
| 38–185 | 93 | All | 5000 |
| 38–186 | 94 | All | 5000 |
| 38–187 | 96 | All | 5000 |
| 38–188 | 98 | All | 5000 |
| 38–189 | 99 | All | 5000 |
| 38–190 | 103 | All | 5000 |
| 38–191 | 105 | All | 5000 |
| 38–192 | 195 | All | 5000 |
| 38–193 | 196 | All | 5000 |
| 38–194 | 197 | All | 5000 |
| 38–195 | 198 | All | 5000 |
| 38–196 | 206 | All | 5000 |
| 38–197 | 212 | All | 5000 |
| 38–198 | 217 | All | 5000 |
| 38–199 | 220 | All | 5000 |
| 38–200 | 221 | All | 5000 |
| 38–201 | 222 | All | 5000 |
| 38–202 | 223 | All | 5000 |
| 38–203 | 231 | All | 5000 |
| 38–204 | 232 | All | 5000 |
| 38–205 | 239 | All | 5000 |
| 38–206 | 240 | All | 5000 |
| 38–207 | 243 | All | 5000 |
| 38–208 | 246 | All | 5000 |
| 38–209 | 254 | All | 5000 |
| 38–210 | 255 | All | 5000 |
| 38–211 | 261 | All | 5000 |
| 38–212 | 264 | All | 5000 |
| 38–213 | 277 | All | 5000 |
| 38–214 | 284 | All | 5000 |

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA-WEST ADDITION, LOUISIANA MAP NO. 1A

(Approved Nov. 15, 1955; revised Jan. 30, 1957)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38–215 | 160 | All | 1966.32 |
| 38–216 | 161 | All | 5000 |
| 38–217 | 290 | All | 5000 |
| 38–218 | 291 | All | 5000 |
| 38–219 | 318 | All | 5000 |
| 38–220 | 319 | All | 5000 |
| 38–221 | 327 | All | 5000 |
| 38–222 | 329 | All | 5000 |
| 38–223 | 330 | All | 5000 |
| 38–224 | 331 | All | 5000 |
| 38–225 | 332 | All | 5000 |
| 38–226 | 333 | All | 5000 |
| 38–227 | 339 | All | 3130.34 |
| 38–228 | 340 | All | 5000 |
| 38–229 | 345 | All | 5000 |
| 38–230 | 346 | All | 5000 |
| 38–231 | 355 | All | 5000 |
| 38–232 | 356 | All | 2226.34 |
| 38–233 | 357 | All | 1822.34 |
| 38–234 | 358 | All | 5000 |
| 38–235 | 359 | All | 5000 |
| 38–236 | 374 | All | 5000 |
| 38–237 | 375 | All | 5418.34 |
| 38–238 | 376 | All | 4514.35 |
| 38–239 | 377 | All | 5000 |
| 38–240 | 380 | All | 5000 |
| 38–241 | 405 | All | 5000 |
| 38–242 | 406 | All | 5000 |
| 38–243 | 407 | All | 5000 |
| 38–244 | 408 | All | 5000 |
| 38–245 | 409 | All | 5000 |
| 38–246 | 415 | All | 5000 |
| 38–247 | 423 | All | 5000 |
| 38–248 | 424 | All | 5000 |
| 38–249 | 425 | All | 5000 |
| 38–250 | 429 | All | 5000 |
| 38–251 | 431 | All | 5000 |
| 38–252 | 432 | All | 5000 |
| 38–253 | 433 | All | 5000 |



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OCS OFFICIAL LEASING MAP, WEST CAMERON AREA—SOUTH ADDITION, LOUISIANA MAP NO. 1B

(Approved Sept. 8, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-254 | 455 | All | 5000 |
| 38-255 | 460 | All | 5000 |
| 38-256 | 475 | All | 5000 |
| 38-257 | 490 | All | 5000 |
| 38-258 | 491 | All | 5000 |
| 38-259 | 493 | All | 5000 |
| 38-260 | 499 | All | 5000 |
| 38-261 | 513 | All | 5000 |
| 38-262 | 519 | All | 5000 |
| 38-263 | 560 | All | 5000 |
| 38-264 | 563 | All | 5000 |
| 38-265 | 584 | All | 5000 |
| 38-266 | 603 | All | 5000 |
| 38-267 | 608 | All | 5000 |
| 38-268 | 613 | All | 1434.38 |
| 38-269 | 618 | All | 5000 |

OCS OFFICIAL LEASING MAP, EAST CAMERON AREA, LOUISIANA MAP NO. 2

(Approved June 8, 1954; Revised Aug. 1, 1973)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-270 | 21 | (3) | 1284.63 |
| 38-271 | 22 | (3) | 3132.46 |
| 38-272 | 29 | All | 5000 |
| 38-273 | 32 | All | 5000 |
| 38-274 | 45 | All | 5000 |
| 38-275 | 48 | All | 5000 |
| 38-276 | 52 | All | 5000 |
| 38-277 | 53 | All | 5000 |
| 38-278 | 56 | All | 2450.60 |
| 38-279 | 57 | All | 5000 |
| 38-280 | 58 | All | 5000 |
| 38-281 | 70 | All | 5000 |
| 38-282 | 94 | All | 5000 |
| 38-283 | 95 | All | 5000 |
| 38-284 | 96 | All | 5000 |
| 38-285 | 97 | All | 5000 |
| 38-286 | 102 | All | 5000 |
| 38-287 | 117 | E½ | 2500 |
| 38-288 | 121 | All | 5000 |
| 38-289 | 122 | All | 5000 |
| 38-290 | 123 | All | 5000 |
| 38-291 | 131 | All | 5000 |
| 38-292 | 132 | All | 5000 |
| 38-293 | 135 | All | 5000 |
| 38-294 | 136 | All | 5000 |
| 38-295 | 137 | All | 5000 |
| 38-296 | 141 | All | 5000 |
| 38-297 | 142 | All | 5000 |
| 38-298 | 143 | W½ | 2500 |
| 38-299 | 158 | All | 5000 |
| 38-300 | 159 | All | 5000 |
| 38-301 | 164 | All | 1777.38 |
| 38-302 | 172 | All | 5000 |
| 38-303 | 184 | All | 5000 |
| 38-304 | 196 | All | 5000 |
| 38-305 | 197 | All | 5000 |
| 38-306 | 201 | All | 5000 |
| 38-307 | 206 | All | 5000 |
| 38-308 | 207 | All | 5000 |
| 38-309 | 208 | All | 5000 |
| 38-310 | 209 | All | 5000 |
| 38-311 | 210 | All | 5000 |
| 38-312 | 211 | All | 5000 |
| 38-313 | 213 | All | 5000 |
| 38-314 | 214 | All | 5000 |
| 38-315 | 215 | All | 5000 |
| 38-316 | 216 | All | 5000 |
| 38-317 | 221 | All | 5000 |
| 38-318 | 225 | All | 5000 |
| 38-319 | 232 | All | 5000 |

OCS OFFICIAL LEASING MAP, EAST CAMERON AREA—SOUTH ADDITION, LOUISIANA MAP NO. 2A

(Approved Sept. 8, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-320 | 254 | All | 5000 |
| 38-321 | 263 | All | 5000 |
| 38-322 | 274 | All | 5000 |
| 38-323 | 279 | All | 5000 |
| 38-324 | 295 | All | 5000 |
| 38-325 | 315 | All | 5000 |
| 38-326 | 316 | All | 5000 |
| 38-327 | 331 | All | 5000 |
| 38-328 | 377 | All | 5000 |

OCS OFFICIAL LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Geographic Grid Revised June 26, 1954; Revised July 22, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-329 | 21 | All | 4138.89 |
| 38-330 | 33 | All | 5000 |
| 38-331 | 34 | NE¼; E½NW¼; S½ | 4375 |
| 38-332 | 48 | All | 5000 |
| 38-333 | 50 | All | 4666.36 |
| 38-334 | 51 | All | 4577.34 |
| 38-335 | 73 | All | 5000 |
| 38-336 | 83 | All | 5000 |
| 38-337 | 84 | All | 5000 |
| 38-338 | 109 | All | 5000 |
| 38-339 | 117 | All | 5000 |
| 38-340 | 118 | All | 5000 |
| 38-341 | 122 | All | 4699.91 |
| 38-342 | 144 | All | 5000 |
| 38-343 | 146 | All | 5000 |
| 38-344 | 156 | All | 5000 |
| 38-345 | 159 | All | 5000 |
| 38-346 | 168 | All | 5000 |
| 38-347 | 175 | All | 5000 |
| 38-348 | 177 | All | 5000 |
| 38-349 | 178 | E½; N½W½; E½NW¼NW¼; S½NW¼SW¼; SW¼SW¼. | 4375 |
| 38-350 | 194 | S½ | 2500 |
| 38-351 | 202 | All | 5148.72 |
| 38-352 | 213 | All | 5000 |
| 38-353 | 222 | All | 5260.93 |
| 38-354 | 229 | All | 5000 |
| 38-355 | 230 | All | 5000 |
| 38-356 | 232 | All | 4925.79 |
| 38-357 | 233 | All | 5000 |
| 38-358 | 241 | All | 5317.03 |
| 38-359 | 242 | All | 5373.13 |
| 38-360 | 248 | All | 5000 |

OCS OFFICIAL LEASING MAP, VERMILION AREA—SOUTH ADDITION, LOUISIANA MAP NO. 3B

(Approved Sept. 8, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-361 | 266 | All | 5000 |
| 38-362 | 267 | S½ | 2500 |
| 38-363 | 276 | All | 5000 |
| 38-364 | 287 | All | 5000 |
| 38-365 | 299 | All | 5000 |
| 38-366 | 300 | All | 5000 |
| 38-367 | 302 | All | 5709.75 |
| 38-368 | 307 | All | 5000 |
| 38-369 | 310 | All | 5000 |
| 38-370 | 316 | All | 5000 |
| 38-371 | 327 | All | 5000 |
| 38-372 | 328 | All | 5000 |
| 38-373 | 334 | All | 4164.81 |
| 38-374 | 335 | All | 5000 |
| 38-375 | 354 | All | 5000 |
| 38-376 | 355 | All | 4128.72 |
| 38-377 | 397 | All | 5000 |
| 38-378 | 407 | All | 5000 |

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA, LOUISIANA MAP NO. 3A

(Approved Aug. 7, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-379 | 26 | All | 5000 |
| 38-380 | 40 | All | 5000 |
| 38-381 | 44 | All | 5000 |
| 38-382 | 45 | All | 5000 |
| 38-383 | 46 | All | 5000 |
| 38-384 | 47 | All | 5000 |
| 38-385 | 52 | All | 5000 |
| 38-386 | 60 | All | 5000 |

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA—SOUTH ADDITION, LOUISIANA MAP NO. 3C

(Approved Sept. 8, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-387 | 90 | All | 5000 |
| 38-388 | 92 | All | 5000 |
| 38-389 | 93 | All | 5000 |
| 38-390 | 94 | All | 2896.99 |

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA—SOUTH ADDITION, LOUISIANA MAP NO. 3C (CONTD)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-391 | 97 | All | 5000 |
| 38-392 | 98 | All | 5000 |
| 38-393 | 118 | All | 3185.01 |
| 38-394 | 120 | All | 2500 |
| 38-395 | 133 | All | 2500 |
| 38-396 | 150 | All | 3329.40 |
| 38-397 | 177 | All | 5000 |

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4

(Approved June 8, 1954; revised July 22, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-398 | 26 | All | 5000 |
| 38-399 | 41 | All | 5000 |
| 38-400 | 42 | All | 5000 |
| 38-401 | 52 | All | 5000 |
| 38-402 | 69 | All | 5000 |
| 38-403 | 70 | All | 5000 |
| 38-404 | 72 | All | 5000 |
| 38-405 | 134 | All | 5000 |
| 38-406 | 136 | All | 5000 |
| 38-407 | 148 | All | 5000 |
| 38-408 | 149 | All | 5000 |
| 38-409 | 155 | All | 5000 |
| 38-410 | 171 | All | 5000 |
| 38-411 | 185 | All | 5000 |
| 38-412 | 186 | All | 5000 |
| 38-413 | 197 | All | 5000 |
| 38-414 | 224 | All | 5000 |
| 38-415 | 225 | All | 5000 |
| 38-416 | 226 | All | 5000 |
| 38-417 | 229 | All | 5000 |
| 38-418 | 233 | All | 5000 |
| 38-419 | 234 | All | 5000 |
| 38-420 | 262 | All | 5000 |

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA—SOUTH ADDITION, LOUISIANA MAP NO. 4A

(Approved Sept. 8, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-421 | 297 | All | 5000 |
| 38-422 | 343 | All | 5000 |
| 38-423 | 364 | All | 5000 |
| 38-424 | 365 | All | 5000 |
| 38-425 | 372 | All | 5000 |
| 38-426 | 379 | All | 5000 |
| 38-427 | 384 | All | 5000 |

OCS OFFICIAL LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5

(Approved June 8, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-428 | 61 | All | 5000 |
| 38-429 | 65 | (3) | 1577.81 |
| 38-430 | 84 | All | 5000 |
| 38-431 | 85 | All | 5000 |
| 38-432 | 111 | All | 5000 |
| 38-433 | 118 | S½ | 2500 |
| 38-434 | 135 | All | 5000 |
| 38-435 | 136 | All | 5000 |
| 38-436 | 137 | All | 5000 |
| 38-437 | 146 | All | 5000 |
| 38-438 | 147 | All | 5000 |
| 38-439 | 184 | All | 5000 |
| 38-440 | 185 | All | 5000 |
| 38-441 | 190 | All | 5000 |
| 38-442 | 191 | All | 5000 |
| 38-443 | 213 | All | 5000 |
| 38-444 | 225 | S½ | 2500 |
| 38-445 | 234 | All | 5000 |
| 38-446 | 235 | All | 5095.58 |





OCS OFFICIAL LEASING MAP, SHIP SHOAL AREA—SOUTH ADDITION, LOUISIANA MAP NO. 5A

(Approved Sept. 8, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-447 | 236 | All | 5118.36 |
| 38-448 | 237 | All | 5000 |
| 38-449 | 238 | All | 5000 |
| 38-450 | 255 | All | 5000 |
| 38-451 | 257 | All | 5000 |
| 38-452 | 258 | All | 5000 |
| 38-453 | 259 | All | 5141.14 |
| 38-454 | 260 | All | 5163.92 |
| 38-455 | 262 | All | 5000 |
| 38-456 | 283 | All | 5000 |
| 38-457 | 294 | All | 5000 |
| 38-458 | 277 | All | 5000 |
| 38-459 | 290 | All | 5000 |
| 38-460 | 340 | All | 5000 |
| 38-461 | 341 | All | 5000 |
| 38-462 | 346 | All | 5000 |
| 38-463 | 347 | All | 5000 |
| 38-464 | 351 | All | 5000 |

OCS OFFICIAL LEASING MAP, SOUTH PELTO AREA, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954; Revised Dec. 9, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-465 | 13 | All | 5000 |

OCS OFFICIAL LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954; Revised Dec. 9, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-466 | 16 | (3) | 1564.37 |
| 38-467 | 17 | (3) | 1032.30 |
| 38-468 | 27 | S½SW¼; SE¼ | 1875 |
| 38-469 | 32 | All | 5000 |
| 38-470 | 33 | All | 3772.18 |
| 38-471 | 44 | All | 5000 |
| 38-472 | 45 | All | 5000 |
| 38-473 | 46 | All | 5000 |
| 38-474 | 62 | All | 5000 |
| 38-475 | 87 | All | 5000 |
| 38-476 | 90 | All | 5000 |
| 38-477 | 106 | All | 5000 |
| 38-478 | 107 | All | 5000 |
| 38-479 | 110 | All | 5000 |
| 38-480 | 124 | All | 5000 |
| 38-481 | 146 | All | 3772.18 |
| 38-482 | 147 | All | 5000 |
| 38-483 | 163 | All | 3772.18 |

OCS OFFICIAL LEASING MAP, SOUTH TIMBALIER AREA—SOUTH ADDITION, LOUISIANA MAP NO. 6A

(Approved Sept. 8, 1959; Revised July 22, 1968)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-484 | 212 | All | 5000 |
| 38-485 | 213 | All | 5000 |
| 38-486 | 218 | All | 5000 |
| 38-487 | 224 | All | 5000 |
| 38-488 | 225 | All | 5000 |
| 38-489 | 283 | All | 5000 |
| 38-490 | 284 | All | 5000 |
| 38-491 | 287 | All | 5000 |
| 38-492 | 288 | All | 5000 |
| 38-493 | 289 | All | 5000 |
| 38-494 | 308 | All | 5000 |

OCS OFFICIAL LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7

(Approved June 8, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-495 | 20 | All | 5000 |
| 38-496 | 24 | (3) | 3014.98 |
| 38-497 | 27 | All | 5000 |
| 38-498 | 31 | All | 5000 |
| 38-499 | 75 | All | 5000 |
| 38-500 | 82 | W½; SE¼ | 3760 |
| 38-501 | 83 | All | 5000 |

OCS OFFICIAL LEASING MAP, GRAND ISLE AREA—SOUTH ADDITION, LOUISIANA MAP NO. 7A

(Approved Sept. 8, 1959; Revised Mar. 7, 1961)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-502 | 91 | All | 5000 |
| 38-503 | 92 | All | 5000 |
| 38-504 | 100 | All | 4639.89 |

OCS OFFICIAL LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8

(Approved June 8, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-505 | 38 | All | 1796.21 |
| 38-506 | 39 | All | 5000 |
| 38-507 | 47 | All | 5000 |
| 38-508 | 48 | (3) | 4296.03 |
| 38-509 | 61 | All | 5000 |
| 38-510 | 62 | All | 5000 |
| 38-511 | 76 | All | 5000 |
| 38-512 | 100 | All | 5000 |

OCS OFFICIAL LEASING MAP, WEST DELTA AREA—SOUTH ADDITION, LOUISIANA MAP NO. 8A

(Approved Sept. 8, 1959; Revised Nov. 24, 1961)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-513 | 118 | All | 5080.60 |
| 38-514 | 119 | All | 5080.60 |
| 38-515 | 120 | All | 5000 |

OCS OFFICIAL LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9

(Approved June 8, 1954; Revised July 22, 1954; Revised May 11, 1973)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-516 | 32 | (3) | 3683.80 |
| 38-517 | 45 | (3) | 2460.55 |

OCS OFFICIAL LEASING MAP, SOUTH PASS AREA—SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 9A

(Approved Sept. 8, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-518 | 73 | All | 5000 |
| 38-519 | 86 | All | 5000 |
| 38-520 | 87 | All | 3540.45 |
| 38-521 | 88 | All | 3540.45 |

OCS OFFICIAL LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10

(Approved June 8, 1954; Revised July 22, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-522 | 18 | N½ [3] | 2485.38 |
| 38-523 | 30 | (3) | 2237.12 |
| 38-524 | 58 | NE¼; SE¼ [3] | 812.16 |
| 38-525 | 59 | S½ [4] | 2019.70 |
| 38-526 | 59 | S½; NE¼ [3] | 1466 |
| 38-527 | 72 | (3) | 486.78 |
| 38-528 | 74 | (3) | 1733.48 |
| 38-529 | 86 | All | 4994.55 |
| 38-530 | 87 | All | 4994.55 |
| 38-531 | 120 | All | 4994.55 |
| 38-532 | 121 | All | 4994.55 |
| 38-533 | 124 | All | 4994.55 |
| 38-534 | 125 | All | 4994.55 |

OCS OFFICIAL LEASING MAP, MAIN PASS AREA—SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A

(Approved Sept. 8, 1959)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-535 | 206 | All | 4994.55 |
| 38-536 | 209 | All | 4994.55 |
| 38-537 | 210 | All | 4994.55 |
| 38-538 | 252 | All | 4994.55 |
| 38-539 | 255 | All | 4994.55 |
| 38-540 | 256 | All | 4994.55 |
| 38-541 | 277 | All | 4994.55 |
| 38-542 | 278 | All | 4994.55 |
| 38-543 | 297 | All | 4560.81 |

Footnotes at end of table.

OCS OFFICIAL LEASING MAP, CHANDELEUR AREA, LOUISIANA MAP NO. 11

(Approved June 8, 1954; Revised July 22, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-544 | 24 | All | 5000 |
| 38-545 | 25 | All | 5000 |
| 38-546 | 31 | All | 5000 |
| 38-547 | 32 | All | 5000 |
| 38-548 | 33 | All | 5000 |
| 38-549 | 34 | All | 5000 |

OCS OFFICIAL LEASING MAP, BAY CITY NG-15-1

(Approved June 8, 1973)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-550 | N638 E63 | All | 5760 |
| 38-551 | N638 E64 | All | 5760 |
| 38-552 | N638 E84 | All | 5760 |
| 38-553 | N639 E61 | All | 4295.50 |
| 38-554 | N639 E62 | All | 5760 |
| 38-555 | N638 E63 | All | 5760 |
| 38-556 | N639 E64 | All | 5760 |

OCS OFFICIAL LEASING MAP, GARDEN BANKS NG 15-2

(Approved February 15, 1973)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-557 | N637 E89 | All | 4791.02 |
| 38-558 | N637 E90 | All | 4158.04 |
| 38-559 | N637 E91 | All | 5257.36 |
| 38-560 | N637 E101 | All | 5760 |
| 38-561 | N637 E111 | All | 5760 |
| 38-562 | N638 E91 | All | 2652.18 |
| 38-563 | N638 E111 | All | 5760 |
| 38-564 | N639 E92 | All | 2267.78 |
| 38-565 | N639 E93 | All | 3283.61 |
| 38-566 | N640 E110 | All | 5760 |
| 38-567 | N641 E110 | All | 1215.46 |

OCS OFFICIAL LEASING MAP, NEW ORLEANS NH-15-12

(Approved Feb. 15, 1973)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-568 | N643 E147 | All | 4256.60 |
| 38-569 | N644 E147 | All | 504.66 |
| 38-570 | N644 E162 | All | 5760 |
| 38-571 | N644 E163 | All | 5760 |
| 38-572 | N645 E162 | All | 5760 |
| 38-573 | N645 E163 | All | 5760 |
| 38-574 | N656 E165 | All | 3750.66 |

OCS OFFICIAL LEASING MAP, MOBILE SOUTH NO. 2 NH-16-10

(Approved Feb. 15, 1973)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-575 | N655 E48 | All | 5760 |
| 38-576 | N656 E48 | All | 5760 |
| 38-577 | N658 E46 | All | 3873.12 |
| 38-578 | N658 E61 | All | 5760 |
| 38-579 | N658 E62 | All | 5760 |
| 38-580 | N663 E63 | All | 2768.41 |
| 38-581 | N663 E64 | All | 5286.78 |
| 38-582 | N664 E64 | All | 2908.86 |

OCS OFFICIAL LEASING MAP, MOBILE SOUTH NO. 1 NH-16-7

(Approved Oct. 10, 1972; Revised Feb. 15, 1973; Revised Aug. 1, 1973)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-583 | N665 E65 | All | 2210.18 |
| 38-584 | N667 E75 | All | 5760 |
| 38-585 | N667 E76 | All | 5760 |
| 38-586 | N667 E77 | All | 5760 |
| 38-587 | N668 E74 | All | 5760 |
| 38-588 | N668 E75 | All | 5760 |
| 38-589 | N668 E76 | All | 5760 |
| 38-590 | N668 E77 | All | 5760 |
| 38-591 | N668 E78 | All | 5760 |
| 38-592 | N669 E74 | All | 5221.36 |
| 38-593 | N669 E75 | All | 5760 |
| 38-594 | N669 E76 | All | 5760 |





OCS OFFICIAL LEASING MAP, NORTH PADRE ISLAND AREA,



Haleakala National Park, P.O. Box 537, Flood Prevention RC&D Measure, Fen-

the recharter and extension of the Com-

V40181 APR 25 75 V XUM

OCS OFFICIAL LEASING MAP, NORTH PADRE ISLAND AREA, TEXAS MAP NO. 2

(Approved July 14, 1954)

| Tract No. | Block | Description | Acreage |
|---|---|---|---|
| 38-595 | 923 | (1) (2) | 615 |
| 38-596 | 934 | All [3] | 5760 |
| 38-597 | 935 | All [3] | 5760 |
| 38-598 | 936 | All [3] | 5760 |
| 38-599 | 937 | All [3] | 5760 |
| 38-600 | 938 | All [3] | 5760 |
| 38-601 | 937 | All [3] | 5760 |
| 38-602 | 938 | All [3] | 5760 |
| 38-603 | 939 | (1) (2) | 1785 |
| 38-604 | 944 | (1) (2) | 2365 |
| 38-605 | 945 | All [3] | 5760 |
| 38-606 | 946 | All [3] | 5760 |
| 38-607 | 947 | All [3] | 5760 |
| 38-608 | 944 | All [3] | 5760 |
| 38-609 | 945 | All [3] | 5760 |
| 38-610 | 946 | All [3] | 5760 |
| 38-611 | 947 | All [3] | 5760 |
| 38-612 | 948 | All [3] | 5760 |
| 38-613 | 957 | All [3] | 5760 |
| 38-614 | 958 | All [3] | 5760 |
| 38-615 | 959 | All [3] | 5760 |
| 38-616 | 957 | All [3] | 5760 |
| 38-617 | 958 | All [3] | 5760 |
| 38-618 | 959 | All [3] | 5760 |
| 38-619 | 956 | All [3] | 5760 |
| 38-620 | 957 | All [3] | 5760 |
| 38-621 | 968 | All [3] | 5760 |
| 38-622 | 978 | All [3] | 5760 |
| 38-623 | 979 | All [3] | 5760 |
| 38-624 | 977 | All [3] | 5760 |
| 38-625 | 1007 | (1) (2) | 5460 |
| 38-626 | 1008 | All [3] | 5760 |
| 38-627 | 1010 | All [3] | 5760 |
| 38-628 | 1010 | All [3] | 5760 |
| 38-629 | 1021 | All [3] | 5760 |
| 38-630 | 1022 | (1) (2) | 3675 |

NOTE.—There is a hiatus in the numbers of the tracts listed. Two of the tracts identified in the Final Environmental Impact Statement are not included in this notice.

[1] That portion seaward of the three marine leagues are.

[2] That portion located more than one foot seaward of the Third Supplemental Decree Line (404 U.S. 388 (Dec. 20, 1971)).

[3] Tract is in Zone 2 as that zone was defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

[4] That portion located in Zone 2 as that zone was defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956, and landward of the Third Supplemental Decree Line (404 U.S. 388 (Dec. 20, 1971)).

[5] That portion located in Zone 3 as that zone was defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956, and landward of the Third Supplemental Decree Line (404 U.S. 388 (Dec. 20, 1971)).

[6] Tracts 38-595 through 38-630 inclusive are covered in Environmental Impact Statement FES 75-63 (1975 Outer Continental Shelf Oil and Gas General Lease Offshore Texas OCS Sale No. 37, dated Nov. 26, 1974).

14. Some of the tracts offered for lease may fall in fairway areas (including the prolongations thereof) or anchorage areas, or both, or in areas where applications therefor are pending. For the location of those areas and operational restrictions which will or might be imposed, the District Engineer, Galveston District, and the District Engineer, New Orleans District, Corps of Engineers, U.S. Army should be consulted.

SUGGESTED BID FORM

15. It is suggested that bidders submit their bids in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the land of the Outer Continental Shelf specified below:

| Tract No. | Total amount bid | Amount per acre | Amount of cash bonus submitted with bid |
|---|---|---|---|
| | | | |

*Proportionate Interest of Company Submitting Bid*

N.O. Misc. No. _____ _____%

(Company)

(Address)

*Signature(Please type signer's name under signature)*

WITHDRAWAL OF TRACTS

16. The United States reserves the right to withdraw any tract from these sales prior to the issuance of a written acceptance of a bid for that tract.

GEORGE L. TURCOTT,
*Associate Director,*
*Bureau of Land Management.*

Approved: April 22, 1975.

JOHN C. WHITAKER,
*Under Secretary of the Interior.*

[FR Doc.75-10953 Filed 4-24-75;8:45 am]

## National Park Service

### GOLDEN GATE NATIONAL RECREATION AREA CITIZENS' ADVISORY COMMISSION

#### Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Citizens' Advisory Commission will be held at 9:30 a.m. on May 17, 1975 at Department of Public Health Building, 101 Grove Street, Room 300, San Francisco, California.

The purpose of the Golden Gate National Recreation Area Citizens' Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public on problems and programs pertinent to the National Park System in Marin and San Francisco counties.

Members of the Citizens' Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Mr. Ernest C. Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Mr. Joseph Caverly
Mr. Lambert Lee Choy
Mrs. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mrs. Amy Meyer
Mr. John R. Mitchell
Mr. Merrit Robinson
Mr. William Thomas
Mr. Gene Washington
Dr. Edgar Wayburn

The major items on the agenda will be:

1. Staff Report on Potential Additions to GGNRA/Pt. Reyes in Marin, San Mateo and Santa Cruz Counties.

2. Status Report on State Legislation Authorizing the Transfer of State Park Properties to the National Park Service in Marin and San Francisco Counties.

3. Status Report—Fort Mason Interim Use Proposals.

This meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the matters to be discussed. submit written statements may contact William J. Whalen, General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123, telephone 556-2920.

Minutes of the meeting will be available for public inspection by June 2, 1975 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco.

Dated.: April 15, 1975.

JOHN H. DAVIS,
*Acting Regional Director, Western Region.*

[FR Doc.75-10876 Filed 4-24-75;8:45 am]

### HALEAKALA NATIONAL PARK, HAWAII SEVEN POOLS DEVELOPMENT OPTIONS

#### Workshops

Notice is hereby given that the National Park Service will hold two public workshops on the Island of Maui, Hawaii, during May, 1975, to provide for public involvement and citizen participation in planning for the Seven Pools area, Haleakala National Park.

The workshops will be held in Hana, Maui, May 27, 1975, in the Helene Hall, at 7 p.m., and in Kahului, Maui, on May 29, 1975, in the Kahului Public Library, at 7 p.m.

Concurrent with these workshops will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these workshops and consultations is to provide for wide public involvement, including ideas, suggestions and comments from individuals and organizations on the concepts and composition of the development options and National Park management for the Seven Pools area prior to drafting a Development Concept Plan.

Anyone wanting additional information on the workshops, the National Park Service planning process, or wishing to submit comments on the development options may write to the Superintendent, Haleakala National Park, P.O. Box 537, Makawao, Maui, Hawaii 96768.

JOHN H. DAVIS,
*Acting Regional Director, Western Region, National Park Service.*

[FR Doc.75-10956 Filed 4-24-75;8:45 am]





### JOHN MUIR NATIONAL HISTORIC SITE, CALIF. MASTER PLAN ASSESSMENT

#### Intent To Hold Workshops

Notice is hereby given that the National Park Service will hold two public workshops in the San Francisco Bay Area during May 1975, to provide for public involvement and citizen participation in developing the Master Plan for John Muir National Historic Site, Martinez, California.

The workshops will be held in Martinez, California, May 22, 1975, in Room Number One, Martinez Junior High School, Court and Warren Streets, at 7:30 p.m., and in San Francisco, May 24, 1975, in the Conference Room, Headquarters Building Number 201, Golden Gate National Recreation Area, Fort Mason, at 1 p.m.

Concurrent with these workshops will be a series of consultations between members of the National Park Service and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these workshops and consultations is to provide for wide public involvement, including ideas, suggestions and comments from individuals and organizations on the concepts and composition of the Assessment for John Muir National Historic Site prior to drafting a Master Plan.

Anyone wanting additional information on the workshops, the National Park Service planning process, or wishing to submit comments on the Master Plan Assessment may write to the Superintendent, John Muir National Historic Site, 4202 Alhambra Avenue, Martinez, California 94553.

JOHN H. DAVIS,
*Acting Regional Director, Western Region, National Park Service.*

[FR Doc.75-10959 Filed 4-24-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Soil Conservation Service

### JAMESTOWN FLOOD PREVENTION RC&D MEASURE, TENN.

#### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council of Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jamestown Flood Prevention RC&D Measure, Fentress County, Tennessee.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Paul M. Howard, State Conservationist, Soil Conservation Service, USDA, 561 United States Courthouse, Nashville, Tennessee, 37203, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for flood prevention. The planned works of improvement include channel work on an intermittent stream to provide a 100-year level of flood protection. Other measure purposes are: (1) to minimize health hazards from disease vectors harbored in low lying areas of the flood plain; (2) to eliminate damages to property, roads, and streets due to flooding; (3) to enhance opportunities for economic development; and, (4) to improve the aesthetics of the flood plain area.

The environmental assessment file is available for inspection during regular business hours at the following location:

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tennessee 37203.

Single copies of the negative declaration are available on request from the above address.

No administrative action on implementation of the proposal will be taken until May 12, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

ROBERT E. WILLIAMS,
*Deputy Administrator for Field Services, Soil Conservation Service.*

APRIL 18, 1975.

[FR Doc.75-10811 Filed 4-24-75;8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

### COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

#### Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Thursday, June 5, 1975, at 9:30 a.m., in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. section 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Nomination and election of a new Chairman.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.







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In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974 as amended, September 23, 1974 (Civil Action No. 1838–73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2458, appearing in the issue of January 13, 1975).

Dated: April 22, 1975.

RAUER H. MEYER,
*Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.*

[FR Doc.75–10868 Filed 4–24–75;8:45 am]

## National Bureau of Standards

### COBOL CODING FORM

### Proposed Federal Information Processing Standard

Under the provisions of Pub. L. 89–306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP standards. A proposed Federal Information Processing Standard, COBOL Coding Form, is being recommended for Federal use. The development of the proposed standard form was accomplished through the cooperative efforts of FIPS Task Group 9 (COBOL) and the Interagency Reports and Standards Forms Division of the National Archives. It is based upon a review and analysis of numerous COBOL coding forms being used throughout the Federal Government.

Prior to the submission of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

**Dated: April 18, 1975.**

**Interested parties** may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, within 90 days from the date of this notice.

Dated: April 18, 1975.

RICHARD W. ROBERTS,
*Director.*

PROPOSED FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION ——————
DATE ——————
ANNOUNCING THE STANDARD FOR

COBOL CODING FORM

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111 (f) (2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306 (79 Stat. 1127), as implemented by Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations.

*Name of Standard.* COBOL Coding Form.

*Category of Standard.* Software, Documentation.

*Explanation.* This publication provides a standard COBOL Coding Form (SF– ) together with an explanation of its use and physical specifications. The standard form is based upon a review and analysis of numerous COBOL coding forms being used throughout the Federal Government. The development of the standard form was accomplished through the cooperative efforts of FIPS Task Group 9 (COBOL) under the auspices of the National Bureau of Standards and the Interagency Reports and Standards Forms Division of the National Archives.

*Approving Authority.* Secretary of Commerce.

*Maintenance Agency.* Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

*Related Documents.* a. Federal Information Processing Standards Publication 21, Federal Standard COBOL.

b. American National Standard X3.23–1974, COBOL.

c. Federal Information Processing Standards Publication 33, Character Set for Handprinting.

*Applicability.* The standard COBOL coding form is provided for use in the coding of COBOL source programs. It is also for use as an input document in the transcription of COBOL source programs to a medium acceptable to computer systems.

*Implementation Schedule.* This standard becomes effective upon publication. Federal departments and agencies, based upon their specific operational requirements, will develop and provide implementing instructions for the use of this standard within their organizations as appropriate.

*Specifications.* The standard COBOL Coding Form (affixed) is designed to accommodate the COBOL reference format, provide space for general identifying information and provide a guide for hand printed characters. (The form has been reduced to facilitate inclusion in this publication. The standard form will be 21.59 cm (8½ inches) by 35.56 cm (14 inches).)

a. *Heading Blocks.* The space in the heading blocks is provided to meet the minimal requirements of general use. Included is space to specify the Job Number, Program Name (Programmer Name, Organization Name, etc.), Installation, Page Number, Date, and Special Information and Instructions.

b. *Hand Printing Guide.* The programming subset of characters for hand printing as specified in FIPS Publication 33 is included as an aid. Only the COBOL character set is listed. The characters are listed in the ASCII collating sequence (low (left) to high (right)).

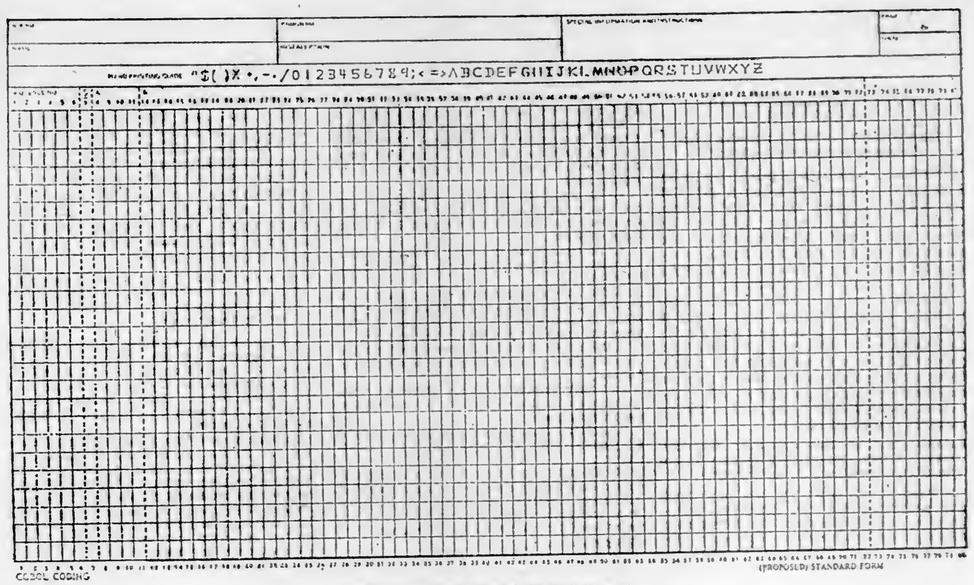
c. *Body.* The body of the standard COBOL coding form is designed to accommodate the reference format specifications contained in American National Standard X3.23–1974, section I, Paragraph 5.8. The four major sections of the reference format (sequence number, indicator area, area A and area B) are delineated by broken vertical lines.

Where to Obtain Copies. Copies of this publication are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Refer to Federal Information Processing Standards Publication ------ (FIPS PUB ------).

Copies of the Standard Form ------, COBOL Coding Form, are available as a GSA Federal Supply Stock Item, NSN ——————. The forms will be issued in units of 50 copies to a pad. Supplies and price information for Standard Form ------ should be obtained from the nearest GSA supply distribution facility.








[FR Doc.75–10652 Filed 4–24–75;8:45 am]

## COMMONALITY AND AUTOMATION IN BLOOD BANKING OPERATIONS

### Conference

The National Bureau of Standards will co-sponsor a Conference on Commonality and Automation in Blood Banking Operations on May 12–14, 1975. The purposes of the Conference are to promote the orderly introduction and application of automation to increase the safety, productivity and quality of blood banking operations; and to provide a mechanism to allow all interested parties to become aware of the automation program plans and to have the opportunity to participate in the effort, as appropriate. The Conference will focus on the blood banking community's automation requirements and the technology needed to satisfy those requirements.

Other co-sponsors of the Conference are the Committee for Commonality in Blood Banking Automation, made up of representatives of the American Association of Blood Banks, the American National Red Cross, and the Council of Community Blood Centers; the Bureau of Biologics, Food and Drug Administration; and the Division of Blood Diseases and Resources, National Heart and Lung Institute, National Institutes of Health.

The blood banking automation program was formed because considerations of safety and economics are exerting strong pressures toward automation of blood banking operations. It has already been demonstrated that automation can significantly reduce errors in blood product labelling and in the administration of blood products to patients. The Committee for Commonality believes that automation can also significantly increase the efficiency and reduce the costs associated with processing and distribution of blood and blood products, maintenance of operational records, billing and compilation of statistical information. The introduction of such automation is dependent initially upon the development and adoption of common, standardized codes and labels that are both human and machine readable.

The Conference will focus first on describing the nature of the problems facing the blood service complex; and presenting evaluations and recommendations of the Committee for Commonality relative to resolving these problems from the points of view of blood products labelling, the management of blood programs, the assignment of codes, the selection of machine-readable symbols for representing these codes, and transfusion safety. In the second part of the program, industrial groups will discuss the technical capabilities for meeting these requirements. There will also be demonstrations of various technologies relevant to the problem. The final part of the Conference will be an open session where all participants will have an opportunity to state their viewpoints and ask questions.

Although all interested parties are invited, the Conference should be of special interest to all segments of the blood banking community, manufacturers of blood banking supplies and equipment, manufacturers of labels, manufacturers of automatic marking and reading equipment, and manufacturers of associated computer equipment.

The Conference will be held in the Green Auditorium at the National Bureau of Standards, Gaithersburg, Maryland, starting at 10 am, May 12, 1975 with registration commencing at 9 am. Pre-registrations will be accepted until May 1, 1975; the fee is $30. Checks should be made payable to the Conference on Commonality and should be sent to the Committee for Commonality in Blood Banking Automation, Department S, 9312 Old Georgetown Road, Bethesda, Maryland 20014. Registration may be done each day of the conference until 10 am at a cost of $40.

Further information may be obtained by contacting the Conference Chairman, Dr. Leonard I. Friedman, telephone (301) 530–6040, or Mr. Zane Thornton, Deputy Director, Institute for Computer Sciences and Technology, National Bureau of Standards, telephone (301) 921–3155.

RICHARD W. ROBERTS,
*Director.*

APRIL 21, 1975.

[FR Doc.75–10820 Filed 4–24–75;8:45 am]



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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[FDA-225-75-4037]

### ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding with Colorado Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Colorado Department of Health on February 10, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE COLORADO DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Milk, Food, and Drug Section, 4210 East 11th Avenue, Denver, Colorado 80220.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Colorado Department of Health, Milk, Food, and Drug Section, 4210 East 11th Avenue, Denver, Colorado 80220.

V. *Liaison Officers.* For Colorado Department of Health: Orlen J. Wiemann, Chief, Milk, Food and Drug Section. Address: 4210 East 11th Avenue, Denver, Colorado 80220. Telephone No.: (303) 388-6111.

For FDA: John R. Vodneck, Program Analyst. Address: 500 U.S. Customhouse. Telephone No.: 837-4915.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Colorado Department of Health: Edward G. Dreyfus, M.D., M.P.H., Executive Director. Date: February 10, 1975.

Approved and accepted for the Food and Drug Administration: E. Pitt Smith, Deputy Regional Food and Drug Director. Date: February 5, 1975.

*Effective date.* This Memorandum of Understanding became effective February 10, 1975.

Dated: April 18, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner, for Compliance.*

[FR Doc.75-10834 Filed 4-24-75;8:45 am]

[FDA-225-75-4042]

### ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the District of Columbia Department of Environmental Services

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the District of Columbia Department of Environmental Services on February 18, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT OF COLUMBIA DEPARTMENT OF ENVIRONMENTAL SERVICES AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Environmental Health Administration, Room 733, 801 North Capitol St., N.E., Washington, D.C. 20004.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.





4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Department of Environmental Services, 415 12th Street, NW., Washington, D.C. 20004

V. *Liaison Officers.* For District of Columbia Department of Environmental Services: William J. Maisel, Environmental Health Administration. Address: Room 733, 801 N. Capitol St., NE., Washington, D.C. Telephone No.: (202) 629-3013.

For FDA: J. Donald Sherry, Director, Investigations Branch. Address: 900 Madison Avenue, Baltimore, Md. 21201. Telephone No.: (301) 962-4099.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the District of Columbia Dept. of Environmental Services: Bailus Walker, Director, Environmental Health Administration for DC Department of Environmental Services. Date: February 18, 1975 (2:30 p.m.).

Approved and accepted for the Food and Drug Administration: T. C. Maraviglia, Regional Food & Drug Director, FDA, Region III. Date: February 14, 1975.

*Effective date.* This Memorandum of Understanding became effective February 18, 1975.

Dated: April 18, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10833 Filed 4-24-75;8:45 am]

[FDA-225-75-4053]

### ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Kansas Department of Health and Environment

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Kansas Department of Health & Environment on March 31, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the office of the Bureau of Foods and Drugs, Bldg. 728, Kansas Department of Health & Environment, Forbes Air Force Base, Topeka, Kansas 66620.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Kansas Department of Health & Environment, Building 728, Forbes Air Force Base, Topeka, Kansas 66620.

V. *Liaison Officers.* For Terminal Agency: Mr. Evan Wright, Director, Bureau of Food and Drugs. Address: Building 728, Forbes Air Force Base, Topeka, Kansas 66620. Telephone No.: (913) 296-3708.

For FDA: Dwight F. Ringhausen, Asst. to Director for FSIA. Address: 1009 Cherry Street, Kansas City, Missouri 64106. Telephone No.: (816) 374-3817.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Kansas Dept. of Health and Environment: Dwight F. Metzler, Secretary of Health & Environment. Date: March 27, 1975.

Approved and accepted for the Food and Drug Administration: James A. Adamson, Deputy Regional Food & Drug. Director. Date: March 31, 1975.

*Effective date.* This Memorandum of Understanding became effective March 31, 1975.

Dated: April 18, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10837 Filed 4-24-75;8:45 am]

[FDA-225-75-4022]

### ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding with the Kentucky Department of Human Resources

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Kentucky Department of Human Resources on March 14, 1975. The purpose of the memorandum is to establish the procedures and guidelines for





the operation, maintenance, and protec-

8. Notify vendor (Western Union) of any

and protection of FDA-rented ARTX Tele-



IV. *Name and Address of Terminal Agency.*

cies. Although terminals will be placed in a

to be used for communication between state

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the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE KENTUCKY DEPARTMENT OF HUMAN RESOURCES (BUREAU OF HEALTH SERVICES) AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in Room 203, Office of Consumer Health Protection, Bureau for Health Services Building, 275 East Main Street, Frankfort, Kentucky 40601.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts.)

3. To provide for paper, tape, and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA.)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Kentucky Department of Human Resources, Bureau of Health Services, 275 East Main Street, Frankfort, Kentucky 40601.

V. *Liaison Officers.* For Kentucky Dept. of Human Resources: Shelby Johnson, Actg. Dir., Ofc. of Consumer Health Protection. Address: 275 East Main St., Frankfort, KY 40601. Telephone No.: (502) 564-3722.

For FDA: Hayward E. Mayfield, Director, Nashville District. Address: 297 Plus Park Blvd. Nashville, TN 37217. Telephone No.: (615) 749-5851.

VI. *Period of Agreements.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Kentucky Dept. of Human Resources: C. Leslie Dawson, Secretary, Department for Human Resources. Date: March 6, 1975.

Approved and accepted for the Food and Drug Administration: M. D. Kinslow, Regional Food and Drug Director, Region IV. Date: March 14, 1975.

*Effective date.* This Memorandum of Understanding became effective March 14, 1975.

Dated: April 18, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10832 Filed 4-24-75;8:45 am]

[FDA-225-75-4027]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Massachusetts Department of Public Health (Division of Food and Drugs)

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Massachusetts Department of Public Health (Division of Food and Drugs) on February 6, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH (DIVISION OF FOOD AND DRUGS) AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in Room 770, 600 Washington St., Boston, Massachusetts; Department of Public Health.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.





IV. *Name and Address of Terminal Agency.* Massachusetts Department of Public Health, Division of Food and Drugs, 600 Washington Street, Boston, Massachusetts 02111.

V. *Liaison Officers.* For Massachusetts Department of Public Health (Division of Food and Drugs): Dr. George A. Michael, Dir., Div. of Food and Drugs. Address: 600 Washington Street, Boston, Massachusetts 02111. Telephone No.: (617) 727-2670.

For FDA: Richard J. Davis. Address: Boston. Telephone No.: 223-5067.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Massachusetts Department of Public Health (Division of Food and Drugs): William J. Bicknell, Commissioner, Massachusetts State Department of Public Health. Date: February 6, 1975.

Approved and accepted for the Food and Drug Administration: A. J. Beebe, Reg. Food and Drug Director. Date: February 6, 1975.

*Effective date.* This Memorandum of Understanding became effective February 6, 1975.

Dated: April 18, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10836 Filed 4-24-75;8:45 am]

[FDA-225-75-4007]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Oregon Department of Human Resources, Health Division

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Oregon Department of Human Resources, Health Division on January 29, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE OREGON DEPARTMENT OF HUMAN RESOURCES HEALTH DIVISION AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in Room 925, State Office Building, 1400 S.W. 5th Ave., Portland, Oregon 97201.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities. (*Note: In your case there will be no need to share the terminal with any other agency at the present time.*) *A terminal is also being placed in the Oregon Department of Agriculture in Salem, Oregon.* It is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished. *This is not necessary for your agency since your agency will be the sole user of the terminal.*

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state. (*Not necessary for your agency*).

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user. (*Not necessary with your agency*).

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA).

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies. (*Not necessary.*)

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Oregon Department of Human Resources, Health Division, 1400 S.W. 5th Avenue, Portland, Oregon 97201.

V. *Liaison Officers.* For Oregon Dept. of Human Resources, Health Division: Mrs. Mary Lundy, Administrative Assistant. Address: Oregon Department of Human Resources, Health Division, 1400 S.W. 5th Ave., Portland, OR 97201. Telephone No.: (503) 229-5806.

For FDA: J. Kenneth Kinney, Federal-State Liaison Officer. Address: 5003 Federal Office Bldg., Seattle, WA 98174. Telephone No.: (206) 442-5304.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Oregon Department of Human Resources: Robert W. Oliver, Administrator, State Health Division. Date: January 29, 1975.

Approved and accepted for the Food and Drug Administration: James W. Swanson, Regional Food and Drug Director, Seattle Field Office, Region X. Date: January 24, 1975.

*Effective date.* This Memorandum of Understanding became effective January 29, 1975.

Dated: April 18, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10838 Filed 4-24-75;8:45 am]

## PANEL ON REVIEW OF BACTERIAL VACCINES AND TOXOIDS

### Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the renewal of the Panel on Review of Bacterial Vaccines and Toxoids by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond April 16, 1975.

Authority for this committee will expire April 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10829 Filed 4-24-75;8:45 am]

## PANEL ON REVIEW OF GASTROENTEROLOGY AND UROLOGICAL DEVICES

### Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the renewal of the Panel on



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Review of Gastroenterology and Urological Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond April 16, 1975.

Authority for this committee will expire April 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10830 Filed 4-24-75;8:45 am]

## PANEL ON REVIEW OF OBSTETRICAL AND GYNECOLOGY DEVICES

### Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the renewal of the Panel on Review of Obstetrical and Gynecology Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond April 16, 1975.

Authority for this committee will expire April 16, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10831 Filed 4-24-75;8:45 am]

[FAP 5A3027]

## PETROLITE CORP.

### Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Petrolite Corp., Bareco Division, P.O. Drawer K, Tulsa, OK 74115, has withdrawn its petition (FAP 5A3027), notice of which was published in the FEDERAL REGISTER of October 15, 1974 (39 FR 36885), proposing that § 121.1228 *Synthetic paraffin and succinic derivatives* (21 CFR 121.1228) be amended to provide for the safe use of synthetic petroleum wax meeting the definition and specifications prescribed in § 121.1239 *Petroleum wax, synthetic* (21 CFR 121.1239), as a substitute for the Fischer-Tropsch process synthetic paraffin described therein, in the preparation of synthetic paraffin, and succinic derivatives intended for use as coatings or components of coatings for fresh grapefruits, lemons, limes, muskmelons, oranges, sweet potatoes, and tangerines.

Dated: April 18, 1975.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc.75-10824 Filed 4-24-75;8:45 am]

[FAP 5H3037]

## VESTAL LABORATORIES

### Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H3037) has been filed by Vestal Laboratories, 4963 Manchester Ave., St. Louis, MO 63110 proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution containing *ortho*-phenylphenol, *ortho*-benzyl-*para*-chlorophenol, *para*-tertiary amylphenol, sodium *alpha*-alkyl($C_{12}$-$C_{18}$)-*omega*-hydroxy-poly(oxyethylene) sulfate with the poly(oxyethylene) content averaging one mole, potassium coconut oil soap, and isopropanol or hexylene glycol as a sanitizing solution for food processing equipment and utensils.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: April 18, 1975.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc.75-10825 Filed 4-24-75;8:45 am]

## Health Resources Administration

## FEDERAL HOSPITAL COUNCIL

### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of May 1975:

Name: Federal Hospital Council
Date and Time: May 22, 1975, 9:00 a.m.
Place: Conference Room E, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland
Open for entire meeting.

Purpose: Advises the Secretary and Administrator, Health Resources Administration, on matters relating to the administration of the hospital and medical facilities survey and construction program. Approves regulations for the administration of the Hospital and Medical Facilities Survey and Construction Act (Hill-Burton) prior to promulgation by the Administrator, HRA, and the Secretary.

Agenda: Agenda items include the following: discussion of progress in implementation of new legislation; report on monitoring activities by State agencies of reasonable volume of care assurances; discussion of HEW plan to monitor assurances; resume of responses to proposed regulation changes affecting billing provisions; presentations by individuals or groups having previously requested in writing an opportunity to be heard; and solicitation from Council of their reactions to any recommended changes in the regulations as proposed by the Department.

Anyone wishing to attend, obtain a roster of members or other relevant information should contact Mr. Henry S. Desjarlais, Parklawn Building, Room 12-21, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-1138.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation. Anyone wishing to attend, obtain a roster of members, or other relevant information should contact the person listed above.

Dated: April 15, 1975.

DANIEL F. WHITESIDE,
*Associate Administrator for Operations and Management.*

[FR Doc.75-10814 Filed 4-24-75;8:45 am]

## Office of Education

## ADVISORY COUNCIL ON BILINGUAL EDUCATION

### Public Meeting Change

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Advisory Council on Bilingual Education that was to be held on Monday, April 28, and on Tuesday, April 29, 1975 from 9 a.m. to 5 p.m. has been cancelled and has been rescheduled for Monday, May 12, and on Tuesday, May 13, 1975 from 9 a.m. to 5 p.m. The Council will meet on Monday, May 12, in the Office of Civil Rights Conference Room on the 5th Floor of the RKO Building located at the Government Center, Bulfinch Place, Boston, Massachusetts and on Tuesday, May 13, in the public Health Services Conference Room on the 14th Floor of the John F. Kennedy Federal Building located at the Government Center in Boston. Notice of the April 28 and 29 meeting appeared April 4, 1975 on page 15118 of FEDERAL REGISTER Volume 40.





Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building #3, 7th and D Streets, SW Washington, D.C. 20202

Signed at Washington, D.C. on April 18, 1975.

LEROY WALSER,
*Acting Director, Division of Bilingual Education.*

[FR Doc.75-10815 Filed 4-24-75;8:45 am]

## Office of Education

## FOREIGN LANGUAGE AND AREA STUDIES RESEARCH PROGRAM

### Extended Closing Date for Receipt of Proposals

Notice is hereby given that pursuant to the authority contained in section 602 of the National Defense Education Act of 1958, as amended, (20 U.S.C. 512) the Commissioner of Education is extending, for the reasons set forth below, the deadline date for the receipt of applications for contracts under the Foreign Language and Area Studies Program. The present deadline date of April 15, 1975 was set forth in the FEDERAL REGISTER of March 14, 1975 (40 FR 11931).

The Office of Education is for the first time treating proposals for contracts under this program as unsolicited proposals in accordance with Subpart 3-4.52 of the HEW Procurement Regulations (41 CFR 3-4.52). Because the solicitation procedures this year are new and generally unfamiliar to the field of interested applicants, numerous requests were received to extend the deadline date of April 15. In accordance with these requests, the Commissioner has decided to extend the deadline date for the receipt of applications to May 15, 1975. Therefore proposals for contracts under the Foreign Language and Area Studies Research Program must be received by the Office of Education Application Control Center on or before May 15, 1975.

A. *Proposals sent by mail.* A proposal sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.436. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposal was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The proposal is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education).

B. *Hand delivered proposals.* A proposal to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered proposals will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturday, Sundays or Federal holidays. Proposals will not be accepted after 4 p.m. on the closing date.

C. *Program information.* Information may be obtained from the Foreign Language and Area Research Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3928, 7th and D Streets, SW., Washington, D.C. 20202.

(Catalog of Federal Domestic Assistance Number 13.436, Higher Education—Foreign Language and Area Research Program)

Dated: April 18, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

[FR Doc.75-10895 Filed 4-24-75;8:45 am]

## NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

### Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Committee on the Handicapped will be held on May 19-21, 1975, 8:30 a.m., in Room 1134, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C.

The National Advisory Committee on the Handicapped is established under (20 U.S.C. 123g) section 448(b) of the General Education Provisions Act. The Committee is established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee shall be open to the public. The proposed agenda includes discussions regarding the status of the 1975 NACH Annual Report; reports from subcommittees; reports from members who attended NACH-oriented national conventions; a review of legislation affecting education of the handicapped; consideration of NACH organization; and a discussion of possible themes and areas of concentration for the 1976 Annual Report. Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the Deputy Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on April 18, 1975.

EDWIN W. MARTIN,
*Deputy Commissioner, Bureau of Education for the Handicapped.*

[FR Doc.75-10821 Filed 4-24-75;8:45 am]

## RESEARCH AND STUDIES COMMITTEE OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

### Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the Research and Studies Committee of the National Advisory Council on Adult Education will meet on May 10, 1975, from 10:00 a.m. to 4:00 p.m., Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C.

The National Advisory Council on Adult Education is established under section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public. The proposed agenda includes Research and Studies Committee program thrusts for FY-76, and a status report on the Council's position paper for the national clearinghouse on adult education.

Records shall be kept of the Research and Studies Committee proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004).

Signed at Washington, D.C. on April 21, 1975.

GARY A. EYRE,
*Executive Director, National Advisory Council on Adult Education.*

[FR Doc.75-10882 Filed 4-24-75;8:45 am]

## Office of the Secretary

## OFFICE OF ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT; OFFICE OF YOUTH DEVELOPMENT

### Statement of Organization and Functions

Part 1 of the Statement of Organization, Functions, and Delegation of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, Assistant Secretary for Human Development, is amended to revise Subchapter 1R20, Office of Youth Development, 38 FR 22669, August 23, 1973. These changes include revision of the functions and organizational structure of the Office



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In reviewing Warner & Swasey's peti-

of Youth Development. The revised portions of Chapter 1R20 read as follows:

1R20.00 *Mission.* The mission of the Office of Youth Development is to provide leadership within the Department of Health, Education, and Welfare to enable the Department to more effectively address the needs and concerns of youth. Specific leadership activities include the development and dissemination of information on youth needs and problems, the promotion of consumer involvement in programs which affect youth, and the coordination of strategies, goals, and programs with other Federal agencies serving youth.

Within the authorities delegated to it, the Office of Youth Development administers Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93–415, under which it makes grants and provides technical assistance to localities and nonprofit private agencies for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth outside the law enforcement structure and the juvenile justice system.

1R20.10 *Organization.* The Office of Youth Development consists of the following organizational elements which report directly to the Commissioner: (1) Office of the Commissioner, (2) Division of Runaway Youth Programs, (3) Division of Youth Activities, (4) Division of Planning, Research, and Development.

1R20.20 *Functions.*

A. *Office of the Commissioner.*—The Commissioner of the Office of Youth Development reports directly to the Assistant Secretary for Human Development. The Commissioner has direct responsibility for the overall administration of the Office which includes coordinating its organizational elements and developing its policies, procedures, objectives, goals, and priorities.

B. *Division of Runaway Youth Programs.*—This Division is concerned with the needs and problems of juveniles who have left home without the permission of their parents or guardians.

Its specific mission is to establish or strengthen runaway houses to provide temporary shelter and counseling services. In addition, the Division seeks to improve treatment of such juveniles through promulgation of model statutes regarding runaway youth and to discourage their inappropriate institutionalization through the development of community-based alternatives.

This Division has responsibility for developing policies, procedures, regulations, and priorities for funds appropriated under Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, as well as for montoring the implementation of the Act through the Regional Offices.

C. *Division of Youth Activities.*—The Division of Youth Activities is concerned with the conditions which adversely affect or concern young people. It facilitates communication and collaboration between youth, the Department, youth-servicing organizations, and other major public and private institutions which impact upon youth. It strives to involve youth in major governmental and public and private institutional policy-making and program development.

This Division provides technical assistance to youth groups and institutions which serve them. It further seeks to create new roles for youth. The Division also advocates the funding of youth-initiated proposals and encourages Departmental responsiveness to the needs and concerns of young people.

D. *Division of Planning, Research, and Development.*—The Division of Planning, Research, and Development is responsible for the conduct of the Office's planning activities and for the collection of data related to youth development.

The Division oversees the development of the Office's Forward, Research and Evaluation, Training and Technical Assistance Plans, and other planning efforts, including the operational planning system objectives. In conjunction with the Division of Runaway Youth Programs, it develops and oversees the evaluation of runaway houses which are funded by the Office of Youth Development. The Division, as a result of these evaluations, assesses the effectiveness of funded runaway houses in alleviating the problems of runaway youth and strengthening family relationships.

This Division has the responsibility for reviewing research and demonstration proposals in terms of quality, feasibility, and duplication of other research efforts. It also develops research project schedules and priorities, monitors funded research projects and reviews results for completeness and sufficiency, and coordinates reports and research findings. It also analyzes and synthesizes research and evaluation findings and disseminates them in usable form to program planning units, concerned professionals, community leaders, parents, and other interested parties.

Dated: April 18, 1975.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.75–10880 Filed 4–24–75;8:45 am]

## OFFICE OF HUMAN DEVELOPMENT; OFFICE FOR HANDICAPPED INDIVIDUALS

### Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to include: a revision to Subchapter 1R55, Office for Handicapped Individuals, Office of Human Development, published in the FEDERAL REGISTER on March 29, 1974 at 39 FR 11614.

This Subchapter is revised to reflect a name change for the Office for Handicapped Individuals which replaces the Office for the Handicapped in accordance with section 111(m) Rehabilitation Act Amendments of 1974, Pub. L. 93–516.

Revised Subchapter 1R55, Office for Handicapped Individuals reads as follows:

1R55.00 *Mission.* The Office for Handicapped Individuals (OHI) implements the provisions of section 405 of the Rehabilitation Act of 1973, by providing a focal point within the Office of Human Development (OHD) for review, coordination, information and planning related to policies, programs, procedures and activities within DHEW and other Federal agencies relevant to the physically and mentally handicapped.

1R55.10 *Organization.* The Office for Handicapped Individuals is under the direction of the Director, OHI, who reports directly to the Assistant Secretary for Human Development. The Office includes a staff of specialists who are responsible for planning and evaluation programs, coordination, and the dissemination of information related to problems affecting the handicapped.

1R55.20 *Functions.* The Office for Handicapped Individuals carries out its mission through the following functions:

1. Serves as the focal point in the Department for the consideration of issues and policies affecting the handicapped.

2. Prepares a long-range plan that includes projection for the provision of comprehensive services to handicapped individuals, and for programs of research, evaluation and training related to such services and individuals.

3. Analyzes on a continuing basis: program operations to determine consistency with applicable provisions of law; progress towards meeting the goals and priorities set forth in the long-range plan; and the effectiveness of all programs providing services to all handicapped individuals. Seeks the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary.

4. Encourages coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity and continuity in the provision of services for handicapped individuals by all programs.

5. Develops means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in educaton, health, employment, rehabilitation, architectural, housing and transportation barriers, and other areas so as to bring about full integration of all handicapped individuals into all aspects of society.

6. Provides a central clearinghouse for information and resource availability for handicapped individuals. This includes evaluation of information and data systems within the Department of Health, Education, and Welfare, other Departments and agencies of the Federal government, public and private agencies and organizations of other sources.

Dated: April 17, 1975.

JOHN OTTINA,
*Assistant Secretary for Administration and Management.*

[FR Doc.75–10881 Filed 4–24–75;8:45 am]





## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. EX75–14; Notice 2]

### HARNISCHFEGER CORP.

### Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to deny Harnischfeger Corp. a temporary exemption from 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, *Air Brake Systems.*

Notice of the petition was published on March 10, 1975, and an opportunity afforded for comment (40 FR 11019).

Harnischfeger manufactured approximately 922 motor vehicles in fiscal 1974. Of these, 303 were on/off highway, carrier-mounted hydraulic cranes and it is for such vehicles that the petition is made. Vendors have failed to supply equipment items necessary for conformance, and in the company's estimation it will require an exemption until September 1, 1976, to insure delivery and "to complete tests and implementing production schedules without disruption." Although the company had a net income exceeding $11,600,000 in the fiscal year ending October 31, 1974, it argued that a denial would cause a loss of $20,000,000, or one-fourth the 1975 budget of the Hydraulic Equipment Division which manufactures the vehicles. This reduction in output, from $50,000,000 to $30,000,000, could result in a corresponding reduction in work force of 350 people in the Cedar Rapids, Iowa, plant, causing hardship to personnel and the area.

Oshkosh Truck Corporation opposed the petition. No other comments were filed. Oshkosh argues that an exemption unfairly penalizes manufacturers who have worked in good faith to meet the standard.

Harnischfeger's petition covers two different types of crane carriers, Models T 250/300 and T 150/200. The former group of vehicles are advertised as having a top speed of 50 mph. Standard No. 121 has been amended (40 FR 8953) so that it no longer applies to a vehicle whose top speed does not exceed 45 mph, which has no cargo or passenger-carrying capacity, and which is equipped with all-wheel drive. The T 250/300 vehicles would come within the exclusion were their maximum speed reduced 5 mph. In that event neither compliance nor exemption from compliance would be necessary.

The T 150/200 models accounted for approximately 11½ percent of Harnischfeger's production in fiscal 1974 (107 units out of 922). According to petitioner "The 1975 fiscal year production rate has been 10 units/month. Perhaps one-half will be shipped to the export market."

Since vehicles manufactured for export do not have to meet Standard No. 121, the question is whether a cessation of production of five units a month, representing perhaps 6 percent of Harnischfeger's overall vehicle production, would cause substantial economic hardship. In light of Harnischfeger's net income of $11,645,639 in fiscal 1974, it is concluded that hardship has not been proven. The effect upon employment should be minimal as petitioner will be able to continue producing vehicles for the export market.

For the reasons discussed above the Administrator finds that a sufficient showing has not been made that compliance with 49 CFR 571.121, Motor Vehicle Safety Standard No. 121, would cause Harnischfeger Corporation substantial economic hardship, and its petition is denied.

(Sec. 3, Pub. L. 92–548, 36 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51).

Issued on April 21, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75–10906 Filed 4–24–75;8:45 am]

[Docket No. EX 75–10; Notice 2]

### WARNER & SWASEY CO.

### Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to deny the petition of The Warner & Swasey Company for temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems.*

Notice of the petition was published on March 10, 1975, in the FEDERAL REGISTER and an opportunity afforded for comment (40 FR 11019).

Warner & Swasey manufactured 491 trucks during 1974. The company seeks an exemption because it "has not received certain parts (primarily axles) necessary to begin manufacture of the vehicles at this time and may not receive such parts in sufficient quantity for up to six months after March 1, 1975." In addition, because of a 7-month strike during 1974 the company has been unable to exhaust its non-complying parts inventory before March 1, 1975, as it had intended to do. It anticipates that approximately 137 vehicles would be built while the exemption is in effect. The company had net sales of $181,427,000 in the first nine months of 1974, and its net income was $8,133,000. If the exemption is not granted, the company projects a loss in revenues of $7,557,816. In addition, the company would be forced to lay off 651 employees from 1 to 3 months, with a "total estimated loss of wages for the employees, families and communities affected [of] $841,122." Complying vehicles will be built at the end of the exemption period.

Oshkosh Truck Corporation was the sole commenter on the petition, recommending that it be denied. In the opinion of Oshkosh a temporary exemption would unfairly penalize those manufacturers who were able to comply by the effective date.

In reviewing Warner & Swasey's petition the NHTSA has determined that the company's need for an exemption is less than it initially appeared, and that only 44 vehicles are concerned rather than 137. These vehicles are 37 hydroscopic vehicles (H–300) whose undercarriages will be produced by the Duplex and Gradall Divisions and which will be completed by the Badger Division, and 7 25-ton crane carriers to be manufactured by the Duplex Division alone. Warner & Swasey had also listed 33 undercarriages separately resulting in an overcount. It has withdrawn its request covering 6 concrete pump chassis. Ten G–660 models to be produced by Gradall pursuant to a contract with the U.S. Navy are already excused from compliance by 49 CFR 571.7(c) which provides a blanket exemption for all military vehicles. Exemptions had also been requested for 44 additional G–660 models on the basis of inability to obtain parts. Information available to NHTSA indicates that parts necessary for conformance are now being shipped to Warner & Swasey.

The question thus is whether petitioner has demonstrated that compliance by the remaining 44 vehicles with Standard No. 121 would cause substantial economic hardship. The vehicles concerned were never intended to conform to Standard No. 121. The 25–A model vehicle will no longer be produced when the inventory is exhausted. This inventory for 7 vehicles is valued at $147,000. It appears that some if not all of this inventory could be used for replacement purposes, and in vehicles intended for export. The existence of the inventory is obviously attributable to a lack of demand for the vehicles rather than to compliance problems; four 25–A models were produced in 1974. The projected loss of revenues—$230,000—is thus speculative, and in light of the company's sales and net income ($181,427,000 and $8,133,000 respectively) for the first nine months of 1974, it is found that a denial would not create substantial economic hardship.

With respect to the H–300 models, Duplex has in inventory 15 undercarriages, and Gradall 18; Badger will complete 4 vehicles on undercarriages not included in the other divisional totals. Petitioner attributes the existence of the Gradall inventory to accumulation as a result of labor stoppages. The total inventory for 37 H–300 vehicles at $9,000 a vehicle is $333,000, and the projected loss of revenue, $2,755,000. Since a follow-on G–440 hydroscopic model will be produced and conforming parts are available for its manufacture, the inventory figure is the significant one and the NHTSA does not find in this instance that denial would cause the company substantial economic hardship. Finally, because of the narrowed scope of the exemption it is not possible to estimate whether a denial would still cause unemployment. However, because of the apparent availability of conforming parts the NHTSA anticipates that any effect upon petitioner's work force will be



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temporary in duration and limited in scope.

For the reasons discussed above the Administrator finds that a sufficient showing has not been made that compliance with 49 CFR § 571.121, Motor Vehicle Safety Standard No. 121, would cause The Warner & Swasey Company substantial economic hardship, and its petition is denied.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51).

Issued on April 21, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75-10905 Filed 4-24-75;8:45 am]

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### GEORGE ROGERS CLARK NATIONAL HISTORICAL PARK

#### Open Meeting

In the FEDERAL REGISTER of April 21, 1975 (40 FR 17626), notice was published for the regular meeting of the Advisory Council on Historic Preservation on May 7-8, 1975, at 9:30 a.m., in Room 2008 of the New Executive Office Building, 726 Jackson Place NW., Washington, D.C. At its meeting, the Advisory Council will, in accordance with section 106 of the National Historic Preservation Act, consider the effect of the proposed construction of a visitor center by the National Park Service at the George Rogers Clark National Historical Park, a property included in the National Register of Historic Places, and will discuss other matters relating to historic preservation. It is the purpose of this notice to advise that the executive session of that meeting, previously announced as closed, will be open to the public.

Agenda and additional information concerning the meeting and the submission of oral and written statements to the Council are available from the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005 (202) 254-3974.

Dated: April 21, 1975.

ROBERT R. GARVEY, JR.,
*Executive Director.*

[FR Doc.75-10867 Filed 4-24-75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 27111, etc.; Order 75-4-103]

### GREATER PEORIA AIRPORT AUTHORITY, ET AL.

#### Order Instituting an Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of April, 1975.

Petition of the Greater Peoria Airport Authority and the Peoria Association of Commerce for a service investigation, Docket No. 27111; applications of Continental Air Lines, Inc., Ozark Air Lines, Inc. for amendments of certificates of public convenience and necessity, Docket Nos. 25654 and 27262; the Peoria Service Investigation, Docket 27761.

On October 18, 1974, the Greater Peoria Airport Authority and the Peoria Association of Commerce (Peoria) petitioned the Board for an investigation of the need for an additional air carrier at Peoria and for improved service between Peoria, on the one hand, and (a) Chicago, Kansas City, Denver, and Los Angeles, (b) Atlanta, and (c) Detroit, Cleveland, and Cincinnati, on the other. In support of its petition, Peoria states that the air service it has been receiving, limited as it is to a single carrier—Ozark—whose authority is restricted, has been focused on Chicago and has not been commensurate with Peoria's needs. Peoria claims that its air service unjustly suffers compared to other cities of its size, due to the lack of multicarrier complementary service. In particular, Peoria supports its application for an investigation of its need for improved service in each of three directions. To the west, Peoria claims that 119,482 annual passengers would be available to support improved service. To the Detroit/Cleveland/Cincinnati areas Peoria claims that 52,721 passengers annually would be available to support single-plane service. To Atlanta, Peoria claims 26,014 annual O&D passengers reflecting Peoria's community of interest with southeast points.

On November 15, 1974, Continental Air Lines answered in support of Peoria's petition, stating that it would participate in any such investigation and would therein pursue its previously filed application (now in Docket 25654) to amend its certificate by adding Peoria as an intermediate point on segment 6 of route 29 to allow Continental to provide service between Peoria and Chicago, Kansas City, Denver, and Los Angeles-Ontario-Long Beach.[1]

Ozark Air Lines also answered Peoria's petition, stating, *inter alia*, that, while Peoria is receiving adequate service within the limitations of Ozark's current certificate, Peoria is correct in asserting its need for more direct service beyond Ozark's present certificate authority. Nevertheless, Ozark disputes the need for a general investigation of the scope proposed in Peoria's filings. The carrier points to its subpart M application in Docket 23117 as the better method of dealing with service between central Illinois points, including Peoria, and Denver/points west;[2] sees no justification for a new carrier in the Peoria-Kansas City market; points out that it has one-stop authority in the Peoria-Denver market via Sioux City and will offer one-stop Peoria-Denver and two-stop Champaign/Urbana-Denver service effective April 1, 1975;[3] argues that in the interests of expedition, neither Detroit/Cleveland authority[4] nor Los Angeles, Atlanta, or Cincinnati service ought to be considered here; and states that it will not oppose additional service to Chicago by another carrier provided that such a carrier will undertake a major share of the Peoria-Chicago service responsibility, freeing Ozark to reallocate its Chicago (O'Hare) slots to other service.

Requests for intervention have been filed by (and are herein granted to) the Metropolitan Airport Authority of Rock Island County, Illinois, the City and County of Denver, Colorado, the Public Utilities Commission of the State of Colorado, and the Illinois Department of Transportation.[5]

Upon consideration of the pleadings and relevant data of which we may take notice, we have decided to institute an investigation to consider the need for new or improved service between Peoria, on the one hand, and Chicago, Detroit, Cleveland, Kansas City, and Denver, on the other hand. Also in issue will be new or improved service between Springfield and Champaign/Urbana, on the one hand, and Detroit, Cleveland, and Denver, on the other. We will not, however, accede to the Peoria parties' request to include Peoria-Cincinnati, Peoria-Los Angeles, or Peoria-Atlanta service within the scope of the investigation.

As our basis for instituting an investigation at this time, we find that Peoria is a large and growing community with a metropolitan population of over a third of a million, situated in the midst of one of the nation's richest farming areas, and enjoying also a well-diversified industrial and commercial base. Peoria is a proven generator of air travel; its O&D passenger traffic recorded in the Board's surveys grew from 240 per day in 1960 to 685 per day in 1972. In the earlier year it was served by American and Trans World Airlines as well as by Ozark, but these two trunklines subsequently withdrew and for a number of years Ozark has been the community's sole certificated carrier. It is today the largest such one-carrier community in the United States, in terms of both metropolitan population and air traffic generation.[6]

Although Peoria's air service and traffic has grown apace during Ozark's period of service, and although Ozark today provides the community with nonstop and single-plane service to most of its major communities of interest, there are other such communities which are not served by Ozark, while between Peoria and still others of its significant communities of interest Ozark's authority is subject to hampering restrictions. Moreover, the civic parties complain that Ozark is not fully utilizing the authority it already has in some of Peoria's significant markets, and that load factors in the key Peoria-Chicago market are so high as to result in traveler inconvenience. Finally, there are grounds for believing that Peoria's overall air travel potential may now have developed to the point where the community could economically support the services of a second carrier and accordingly could begin to enjoy the undoubted advantages, competitive and otherwise, of two-carrier service. In view of all of the foregoing considerations (no one of which is by itself controlling), we conclude that an investigation of Peoria's further air service needs is warranted at this time.

Peoria in 1972 exchanged 130 true O&D passengers a day with Chicago, and a substantially larger volume of Peoria traffic moved to and from Chicago for connections.[7] In the recent month of November 1974, for example, an average of 565 passengers a day enplaned at Peoria on flights to Chicago. This indicates that the Peoria-Chicago market could probably support a second carrier. Moreover, inclusion of a Peoria-Chicago issue in the investigation will make it easier to consider certificating a new carrier at Peoria, since a route award stub-ending at Peoria would be of doubtful viability.[8]

Detroit and Cleveland ranked high in 1972 O&D traffic to and from Peoria and, moreover, would furnish additional gateways to other points in the east. Peoria's traffic exchanged with Kansas City is comparable with that of the two above-named points. Although Ozark holds nonstop authority in this market, and furnishes a limited amount of directionally imbalanced service, it appears that Kansas City is a logical point to include in any investigation of new service between Peoria and the west. Similarly, although Denver ranks somewhat lower than the foregoing cities in the O&D traffic it exchanges with Peoria, it would be a logical gateway for a substantial volume of Peoria traffic to and from points in the west and southwest. Moreover, both of the present applicant carriers seek new or improved authority between Peoria and Denver. For the foregoing reasons, nonstop authority between Peoria and Chicago, Detroit, Cleveland, Kansas City, and Denver will be included in the investigation.

We will not, however, include nonstop authority between Peoria and Los Angeles, Cincinnati, or Atlanta. Although Los Angeles ranks with Detroit, Cleveland, and Kansas City, and ahead of Denver, in its O&D traffic exchanged with Peoria, there are relatively few points beyond Los Angeles whose Peoria traffic could conveniently flow through that point. As a result, when potential tributary traffic is taken into account, Los Angeles ranks considerably behind Kansas City or Denver as a gateway for Peoria traffic to the west. Because of Los Angeles' great distance from Peoria, moreover, any nonstop service in the market would have to employ large, long-range aircraft, and even allowing for tributary traffic at both the Peoria and the Los Angeles ends, the economic potential for any such nonstop service would appear decidedly questionable for some time to come.

Neither Cincinnati nor Atlanta in 1972 exchanged as many as ten true O&D passengers a day with Peoria. Cincinnati's own Peoria traffic is clearly too small to warrant direct service; the point also does not appear to be a good potential gateway to the east or southeast, nor could it conveniently be served on the same flights as Detroit and/or Cleveland. While Atlanta would give access to a large number of points in the southeast, the total traffic between Peoria and all of these points is so modest that the viability of a Peoria-Atlanta direct service would appear to be quite doubtful, particularly since it could hardly be expected that all or even the bulk of Peoria's traffic to or from the southeast tributary points would actually use the very limited Altanta service which is the most that could be offered. Meanwhile, connecting service between Peoria and Atlanta and other major southeast points is available via St. Louis without excessive circuity, although the bulk of the traffic may well continue to prefer the more circuitous but also more frequent connecting service via Chicago.

We have decided to include in the investigation limited issues of service to Springfield and Champaign/Urbana. These two central Illinois communities have a combined metropolitan population approximately equal to Peoria's, and between them generate somewhat more air traffic. Springfield, of course, is the state capital and Champaign/Urbana is the site of the state university's main campus. The successful experience of Ozark's extension to New York and Washington from Peoria, Springfield, and Champaign/Urbana shows that combined traffic from all three of these central Illinois communities can support a greater volume of service than any one of them could alone.

Of course, if Ozark were awarded a new route segment from Peoria to the east or west, it could provide service between Springfield, Champaign/Urbana, and points on the new segment by tacking authorities over Peoria; but it seems desirable to at least put in issue a form of authority which would give the carrier maximum flexibility as to the order in which the central Illinois communities could be served on flights over such a new segment. Accordingly, we will consolidate into the investigation Ozark's applications in Dockets 27262 and 27418, thereby including issues of nonstop service between Springfield and Champaign/Urbana on the one hand and Detroit, Cleveland, and Denver on the other. We nevertheless intend that the principal focus of the investigation shall remain on Peoria's needs, and we do not anticipate awarding new or improved Springfield or Champaign/Urbana authority except in conjunction with corresponding Peoria authority.

Similarly, we do not intend the investigation to be drawn afield from Peoria's needs into focusing on issues of one-stop service between major communities to the east and west of Chicago, *e.g.*, between Chicago, Detroit, or Cleveland, on the one hand, and Kansas City, or Denver, on the other.[9] While we do not con-

[1] Originally filed on June 27, 1973. In this application Continental also requests that its certificate condition (6), which presently reads:

"(6) The holder shall serve Kansas City, Mo., and Chicago, Ill., on the same flight only when such flight originates or terminates at Los Angeles-Ontario-Long Beach, Calif., or a point west thereof."

be amended to account for the addition of Peoria, as follows:

"(6) All nonstop flights between Chicago, Illinois and Kansas City, Missouri shall originate or terminate at Los Angeles-Ontario-Long Beach, California or a point west thereof."

[2] Dated February 18, 1971, this subpart M application requests unrestricted authority not only in the Denver-Peoria and Champaign/Urbana markets but also in the Denver-Des Moines, Cedar Rapids/Iowa City, Davenport, and Moline markets.

[3] On December 16, 1974, Ozark filed an application (Docket 27262) for a certificate amendment and for an order to show cause why its Denver-Sioux City segment should not be extended to include Springfield and Peoria as intermediate points and Champaign/Urbana as the new eastern terminal point. An answer in support of Ozark's application was filed by the Champaign/Urbana parties. Answers in opposition were filed by Continental and Peoria. United, in its answer, states that it has no objections to Ozark's petition provided that restrictions are adopted to preclude new single-plane authority for Ozark in the Denver-New York/Washington markets and additional single-plane authority in the Denver-Chicago market. In connection with the above pleadings; we will grant the motion of the Champaign/Urbana parties to file an unauthorized document and a similar one filed by Ozark in connection with its consolidated reply to Peoria, Continental, and United.

[4] On January 17, 1975, Ozark applied (in Docket 27418) for amendment of its certificate so as to authorize a new route segment to link Peoria with Champaign/Urbana, Springfield, Ill., Detroit, Mich., and Cleveland, Ohio.

[5] The Greater Cincinnati Chamber of Commerce and the Kenton County Airport Board also have filed a petition for leave to intervene. Since we are not setting the issue of Peoria-Cincinnati service for hearing, we will deny that petition.

[6] Portland, Maine, which in 1972 generated slightly more O&D passengers than Peoria although its population was smaller, has had two certificated carriers since Air New England commenced its certificated operations earlier this year. We note, in this connection, that during Ozark's labor stoppage in the spring of 1973, Peoria was without certificated service altogether for several months.

[7] Of course, certification of new service at Peoria to additional destinations could be expected to divert some of this connecting traffic away from the Chicago gateway—in itself a desirable result—but the volume of connecting traffic via Chicago would undoubtedly continue to be quite large.

[8] In consideration of the congestion at Chicago's O'Hare Airport, and the possible competitive impact of any service awarded herein on Ozark's existing Peoria-Chicago service and United's Denver-Chicago service, we will specifically put in issue the possibility of restricting any new Peoria-Chicago authority granted by this proceeding to service at Midway Airport.

[9] Or, for that matter, between the western hubs and Washington or New York/Newark, a point raised by United in response to Ozark's show-cause request in Docket 27262.







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sider a specific pretrial restriction necessary at this stage, we would expect to make any new route awards in this proceeding in such a form (by imposing appropriate restrictions, if necessary) as would preclude such awards giving rise to a new service in any of the major city-pair markets cited above which was shown at the hearing to create potentially effective new competition for existing services of other carriers in these markets.

We will not, as Ozark requests, set its applications in Dockets 27262 and 27418 for separate hearing, nor will we proceed in Docket 27262 by show-cause order.[10] In our judgment a proceeding of the scope outlined herein will permit a more careful and comprehensive scrutiny of Peoria's additional service needs than would separate hearings limited to the above applications, even though the latter might be easier to complete quickly. Under other circumstances we might perhaps be able to improve Ozark's Peoria-Denver authority by show-cause procedures even in the face of a competing application by a carrier not serving Peoria, but in view of our overall objectives described above such action would be inappropriate here. Along with Ozark's applications in Dockets 27262 and 27418, we will consolidate herein Continental's application in Docket 25654 [11] to the extent it conforms to the issues in this investgation.

In setting down this relatively broad investigation of Peoria's additional service needs, we wish to emphasize that our present order is not intended to create any conclusive or semi-conclusive presumption that all or any part of the new or improved authority at issue herein will necessarily be granted. That judgment must await the outcome of the hearing. In the past the Board's preliminary screening process for route applications and petitions for service investigations has on occasion been perceived as being so rigorous that it has sometimes been assumed that the setting of a route case for hearing amounted virtually to a predetermination that the route or routes in issue should be awarded, so that the major question remaining for decision was thought to be the selection of a carrier or carriers to operate them.

Regardless of what may have been thought to be the Board's past policy,[12] we wish to make it clear that no such prejudgment is to be inferred from the present order, or from such other orders setting cases for hearing as we may adopt hereafter. As part of the continuing process of reappraising our responsibilities under the statute, and our route hearing policies in particular, we have concluded that we should refocus our preliminary screening process, so as to stress primarily the relative priority which various applications appear on the basis of the preliminary pleadings to deserve in relation to each other, and to defer even preliminary judgment on the ultimate merits of such applications, except insofar as they enter into the question of priorities. Accordingly, we emphasize again that nothing said in this order of investigation is to be construed as a predetermination in any way of the public convenience and necessity issues encompassed therein.

Finally, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should new service be authorized in any of the markets at issue.

In its application in Docket 27262, Ozark proposes service to Peoria along a Champaign/Urbana-Peoria-Denver routing. Compared to the Champaign/Urbana-Peoria-Sioux City-Denver service Ozark will offer starting April 1, 1975, Ozark's proposal in this case would actually reduce operations at Sioux City while maintaining the same level of operations at Champaign/Urbana, Peoria, and Denver.

Continental, in its application in Docket 25654, proposes to add a stop at Peoria on its existing Chicago-Kansas City-West segment 6. This service would add operations at Peoria. Nevertheless, much of Peoria's present west bound traffic backhauls to Chicago and Continental's operations at Peoria might well be offset by a resultant reduction in pressure for increased Peoria-Chicago service. Considering the level of service that will be offered even if no award is made in this case and the level of traffic which might be carried under an award of authority in the markets at issue here, it is doubtful that there will be a significant increase in the number of frequencies under any service authorized in this case.

The limited potential for increased frequencies as a result of this case must be placed against the large overall level of traffic at the cities involved. It is estimated that during FY 1976, Chicago, the nation's second largest air traffic hub in fiscal year 1972, will experience 921,000 aircraft operations (711,000 at O'Hare and 210,000 at Midway). Denver will experience 370,000 operations; Detroit 727,000 (City, Metropolitan, and Willow Run Airports); Cleveland 450,000 operations (at Burke Lakefront, Cuyahoga, and Hopkins Airports); Kansas City 446,000 (International and Municipal), and Peoria 200,000 operations.[13] It is, therefore, unreasonable to conclude on the face of the matter that authorization of any new service in the markets at issue in this case would lead to more than very minor environmental changes.

*Accordingly, it is ordered* That: 1. To the extent indicated in paragraphs 2 and 3 hereof, the petition of the Peoria parties be and it is hereby granted;

2. A proceeding to be known as the *Peoria Service Investigation*, Docket 27761, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter to be designated;

3. The proceeding instituted by paragraph 2 above shall include the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in first or additional nonstop air transportation between Peoria, Ill., on the one hand, and Chicago, Ill., Detroit, Mich., Cleveland, Ohio, Kansas City, Missouri, and Denver, Colo., on the other; and between Springfield and Champaign/Urbana, Ill., on the one hand; and Detroit, Cleveland, and Denver, on the other hand;

(b) If the answer to (a) is in the affirmative, which carrier or carriers should be authorized to engage in such service;

(c) What conditions, if any, should be placed on the operations of such carrier(s), including but not limited to a restriction requiring any new service between Peoria and Chicago to be provided through the Midway Airport;

4. Any new service authorized pursuant to this proceeding will be ineligible for subsidy;

5. Insofar as they conform to the scope of the proceeding set forth above, the applications of Continental Air Lines, Inc. in Docket 25654, and Ozark Air Lines, Inc. in Dockets 27262 and 27418, be and they hereby are consolidated with the proceeding instituted herein; to the extent not consolidated, the foregoing applications be and they hereby are dismissed without prejudice;

6. Ozark's application in Docket 23117 is hereby dismissed without prejudice;

7. Ozark's petition for order to show cause in Docket 27262 be and it hereby is denied;

8. Except to the extent granted herein, the petition of the Peoria parties in Docket 27114 be and it hereby is denied;

9. The motions of the Champaign and Urbana, Illinois, Chamber of Commerce and Ozark Air Lines, Inc. for leave to file otherwise unauthorized documents be and they hereby are granted;

10. The petition of the Metropolitan Airport Authority of Rock Island County, Illinois, the City and County of Denver, Colorado, with the Public Utilities Commission of the State of Colorado, and the Illinois Department of Transportation for leave to intervene be and they hereby are granted;

11. The petition of the Greater Cincinnati Chamber of Commerce and the Kenton County Airport Board for leave to intervene be and it hereby is denied; and

12. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed no later than twenty (20) days after the date of service of this order, and answers thereto shall be filed no later than ten (10) days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-10904 Filed 4-24-75;8:45 am]

[Docket No. 27621 etc.; Order 75-3-116]

## UNITED AIR LINES INC.

### Order of Suspension, Investigation, and Consolidation

*Correction*

In FR Doc. 75-8530 appearing on page 14977 in the issue for Thursday, April 3, 1975, the fifteenth line of the first column on page 14978, which now reads "are significant questions as to the legal-", should read "are significant questions as to the level".

## COMMISSION ON CIVIL RIGHTS

### MASSACHUSETTS

### Hearing on Public School Desegregation

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on June 16, 1975, at the U.S. Department of Transportation, Transportation Systems Center, Kendall Square, Cambridge, Massachusetts. An executive session, if appropriate, will be convened on May 27, 1975, at the John F. Kennedy Federal Building, Room 2003, Government Center, Boston, Massachusetts.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin particularly concerning public school desegregation and equal educational opportunity; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin particularly concerning public school desegregation and equal educational opportunity; and to disseminate information with respect to denials of equal protection of the law under the Constitution because of race, color, religion, sex, or national origin particularly concerning public school desegregation and equal educational opportunity.

Dated at Washington, D.C., April 22, 1975.

ARTHUR S. FLEMMING,
*Chairman.*

[FR Doc.75-11073 Filed 4-23-75;5:15 pm]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

### List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from April 14 through April 18, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability, (June 10, 1975.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3853.

FOREST SERVICE

*Final*

Cholla Project, Arizona, April 16: The statement refers to the proposed addition by the Arizona Public Service Company of two 250 MW coal-fired generating units to the existing 115 MW Cholla Plant near Joseph City, Arizona. A 500 KV transmission line, approximately 211 miles long, from the Cholla Plant to the Saguaro Plant near Red Rock is planned for construction. Adverse impacts include: the emission of 51.3 tons of $SO_2$, and 44.8 tons of NOx, and 6.4 tons of particulates per day; approximately 8,000 acres will be disturbed at the McKinley mine during the life of the project; and, construction will result in disturbance of soil, vegetation, and wildlife. Comments made by: CEQ, EPA, DOI, USDA, State and local agencies. (ELR Order No. 50570.)

Warren Planning Unit, Payette National Forest, Idaho and Valley Counties, Idaho, April 17: The statement refers to a proposed land use plan for the 352,000-acre Warren Planning Unit of the Payette National Forest. The plan identifies similar units of land and allocates these units to differing intensities of management. The land will be managed for wilderness characteristics, timber production, mineral exploration, domestic livestock grazing, and related objectives. Implementation of the plan would result in the loss of the wilderness option on 132,000 acres of potential wilderness area. The plan retains 35,500 acres to be managed as wilderness; an additional 126,000 acres would remain in primitive status. Comments made by: COE, USDA, EPA, DOI, DOC, State agencies, concerned citizens and organizations, and businesses. (ELR Order No. 50585.)

Red Rock Peak Unit, Salmon National Forest, Lemhi County, Idaho, April 18: The statement refers to a proposed land use plan for the 120,380 acre Redrock Unit of the Salmon National Forest. The planning area was divided into four management areas which will be managed for appropriate resource uses, protection needs, and management needs. Major environmental impact will be due to timber harvest, mining, and road construction. Of the 87,070 acres of inventoried lands within the unit, 17,414 acres (20%) will remain unroaded. Comments made by: HUD, EPA, DOI, State agencies, and concerned citizens. (ELR Order No. 50589.)

Spruce Budworm Suppression Addendum, several counties in Maine, April 15: The statement is an addendum to a final statement submitted to CEQ April 10, 1974. Proposed is the aerial spraying of a maximum of 3,500,000 acres of state and private woodlands with mexicarbate, fenitrothion and carbaryl to protect forests from damage by the spruce budworm, Choristoneura fumiferana (Clem.). The spraying may also be toxic to many other non-target insects, but effects are expected to be minimal. Comments made by: DOI, HEW, EPA, and State agencies. (ELR Order No. 50561.)

Sandia Mountains, Cibola National Forest, N. Mex., April 14: Management direction is proposed which places emphasis on protection of the soil and water resources, protection of key wildlife and unique vegetation areas, and protection of wilderness and scenic values. State Highway 536 will be reconstructed from State Highway 44 to the Crest Observation Platform, SH 44 in Las Huertas Canyon will be paved to a low-standard two-way road, and there will be no construction of new highways. Existing recreation sites in all Management Units will be retained and improved, and construction of new recreation sites will be limited to the projected average use demands by the year 1990. Comments made by: USDA, DOI, EPA, AHP, DOT, State and local agencies, and other groups. (ELR Order No. 50542.)

Boulder Mountain Unit, Dixie National Forest, Wayne and Garfield Counties, Utah, April 14: The statement refers to the land use plan for the 250,000 acre Boulder Mountain Planning Unit of the Dixie M.F. The Unit will be managed for the protection of its watersheds, for recreational uses, livestock grazing, timber production, wildlife resources, and related values. Of the nine inventoried roadless areas in the Unit, only one complete area (the 48,000 acre Boulder Top area) and



[10] As a result of our action herein, Ozark's subpart M application in Docket 23117 will become partially moot and will be dismissed without prejudice to the refiling of those portions not duplicated by Docket 27262. It would unduly extend the scope of this proceeding to include issues of improved Denver service for the Iowa communities included in the Docket 23117 application.

[11] In seeking to add Peoria as an intermediate point on its existing segment 6, Continental technically puts in issue nonstop authority between Peoria and Colorado Springs. We see no need at this point to exclude this very minor issue from the case, but will do so if it shows signs of complicating the issues to any material extent, since the volume of Peoria-Colorado Springs traffic would certainly not warrant any such complication. As previously stated, Peoria-Los Angeles nonstop authority will not be in issue. Continental's existing certificate conditions will be in issue only to the extent needed to allow it to provide the Peoria service at issue herein, without improving its authority in other unrelated markets.

[12] Although numerous past decisions could certainly be cited in which less than all (and sometimes none) of the new authority in issue was awarded.

[13] *Terminal Area Forecast*, 1975-1985, Department of Transportation, FAA Office of Aviation Economics, Aviation Forecast Division, July 1973. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)





parts of two other areas are recommended for special management. Comments made by: DOI, EPA, USDA, HEW, AHP, State and local

ARMY

Contact: Mr. George A. Gunney, Jr., Acting

supplemental environmental statement refers to authorization for acquisition of 2600 acres



Cucamonga Creek and Tributaries, San Bernardino and Riverside Counties, Calif., April 15: Proposed is a flood control project

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive

tion in small streams, temporary noise, dust, and other disturbances to residents and wildlife, and the visual impact of a taller

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parts of two other areas are recommended for special management. Comments made by: DOI, EPA, USDA, HEW, AHP, State and local agencies, and concerned citizens. (ELR order No. 50544.)

SOIL CONSERVATION SERVICE

*Draft*

Upper Bayou Nezpique Watershed, Evangeline and Allen Parishes, La., April 14: The project is for watershed protection, flood prevention, drainage, irrigation and recreation in the 214,200-acre Upper Bayou Nezpique Watershed. The floodway, dikes, 8 reservoir embankments and spillways, irrigation pool, sediment pools, borrow areas, and channel rights-of-way will require the loss of 74 agricultural acres and 2182 forested acres. One family of six persons will be displaced by construction. (ELR Order No. 50543.)

*Final*

Lye Creek Drain Watershed Project, Montgomery County, Ind., April 15: Proposed is a watershed protection, flood prevention, and drainage project on the Lye Creek Drain Watershed. Project measures will include land treatment, and 11.3 miles of channel work. Impact of the project will include the loss of 154 acres of grassland, the changing of 137 acres of wildlife habitat to cropland and forest, the commitment of 15 acres of woody habitat to channel work, and increased noise, air and water pollution during construction. Comments made by: DOD, HEW, DOI, DOT, EPA, State and local agencies. (ELR Order No. 50556.)

East Fork Pond River Watershed, Christian, Muhlenberg, and Todd Counties, Ky., April 15: The statement refers to the proposed East Fork Pond River Watershed protection and flood prevention project in Christian, Muhlenberg, and Todd Counties. Included in the project are two floodwater retarding structures and 15.8 miles of channel work. Adverse impacts are alteration of 82 acres of wildlife habitat, and disruption of aquatic and terrestrial ecological systems in the stream affected by channel work. Comments made by: COE, HEW, DOI, DOT, AHP, EPA, and one State agency. (ELR Order No. 50555.)

Norman-Polk Watershed, Norman and Polk Counties, Minn., April 17: The statement discusses a project for watershed protection, flood prevention, and drainage in Norman and Polk Counties. The plan includes land treatment and structural measures consisting of 28 miles of channel work and 6 grade stabilization structures. Adverse impacts are temporarily reduced soil fertility, removal of 252 cropland farm production, increased sediment and peak discharge into Red River. Comments made by: COE, HEW, DOI, DOT, EPA AHP, and State agencies. (ELR Order No. 50581.)

DEPARTMENT OF DEFENSE

*Final*

Rehabilitation of Eniwetok Atoll, Marshall Islands, April 16: The statement, prepared by the Defense Nuclear Agency with the assistance of the Atomic Energy Commission and the Department of the Interior, refers to the proposed clean-up of the island and the resettlement of the Eniwetok people. The island was used after World War II as a proving ground for modern weapons, including nuclear weapons, and clean-up will include the removal and disposal of materials which could pose radiation or other hazards. Among the adverse impacts of the action are a projected population increase which could result in overcrowding in future years; and expected fish kills from the blasting of ship channels in the lagoon (5 volumes). Comments made by: EPA, HEW, USCG, AEC, DOD, and AHP. (ELR Order No. 50580.)

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202–OX 4–4269.

*Final*

Aliamanu Military Reservation, Family Housing Project, Oahu County, Hawaii, April 18: The proposed action consists of construction of 1,600 housing units for Army personnel and 1,000 units for Navy personnel at Aliamanu Military Reservation under the FY74 and FY75 Family Housing Programs. The total development for housing of some 10,868 persons, includes facilities such as schools, parks, a small grocery store, and a fire station. Adverse effects include increased traffic congestion on adjacent road systems, the cost to the public for the construction of support facilities such as schools and busing, and the loss of an area of open space. Comments made by: DOT, HEW, EPA, DOI, USDA, USCG, State and local agencies. (ELR Order No. 50587.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–6861.

*Draft*

Napa River Flood Control Project, Napa County, Calif., April 16: The proposed flood control project entails channel wildening and realignment, dredging, riprap on portions of the riverbanks, and construction of concrete step-walls through the central urban area of the city of Napa, California. Acquisition of 577 acres of former tidelands will be used to mitigate permanent loss of fish and wildlife due to degradation, permanent removal of 10 buildings (3 residential and 7 commercial), temporary loss of foliage due to the removal of plant materials, and temporary construction disruption (including noise, traffic congestion and loss of recreational opportunity). (San Francisco District.) (ELR Order No. 50573.)

Salem Harbor Electrical Generating Sta., Unit 5, Massachusetts, April 17: Proposed is the addition of an 850-megawatt generating unit to the present capacity of 775 megawatts for the existing four units of the Salem Harbor Generating Station. For cooling the oil-fired steam-electric plant, an additional seawater intake and an offshore discharge for the fifth unit will be constructed. The temperature will rise in Salem Harbor and fish and planktonic organisms will be entraped in the intake mechanism. Other adverse effects would be the increase in the number of tankers in Salem Harbor and stack emissions from the oil-burning plant. (Waltham District.) (ELR Order No. 50586.)

Grand Haven Harbor, Shore Damage Mitigation, Ottawa County, Mich., April 18: Proposed is a project to mitigate shore erosion in the vicinity of Grand Haven Harbor that is attributable to the Federal navigation structures at the harbor. Sediment accumulation at the harbor mouth will serve as the unpolluted source of material for seven beach nourishment supply sites. The dredging will cause temporary benthic damage, displacement of fish, night-time nuisance light, exhaust emissions discharge, inconvenience during operations, and associated detraction from the recreational and aesthetic qualities of the area. (Detroit District.) (ELR Order No. 50590.)

Trimble Wildlife Area Replacement, Clinton and Clay Counties, Mo., April 14: This supplemental environmental statement refers to authorization for acquisition of 2600 acres of land for basic replacement of Trimble Wildlife Area and acquisition of 1500 acres of land in lieu of development in Andrew and Holt Counties, Missouri. Adverse effects of the land acquisition are relocation of 12 families, loss of a small amount of agricultural production, possible increases in crop depradations by wildlife, potential increase of insect pest species and temporary noise and air pollution. (Kansas City District.) (ELR Order No. 50550.)

Broken Bow Lake, Pine Creek Lake, Millwood Lake, Okla. and Ark., April 14: The project entails the operation and maintenance of Broken Bow and Pine Creek Lakes, Oklahoma, and Millwood Lake, Arkansas. Major project activities include the operation of reservoirs for flood control; municipal and industrial water supply; hydroelectric power generation; management of land and water resources; and operation and maintenance of project structures and facilities. Adverse impacts are soil erosion (due to heavy recreational use, traffic and wave action on the shoreline); damage or loss of vegetation (due to pool fluctuation and construction activity), and alterations of the natural environment through recreational development. (Tulsa District.) (ELR Order No. 50548.)

Delaware River, Adjacent Waterways, Maintenance, Pennsylvania and Delaware, April 14: This statement is a revision of a draft eis filed 31 March 1975. The proposed project is the construction of a 1300 foot diameter turning basin and the maintenance of a maneuvering area adjacent to the navigation channel in the vicinity of the Tioga Marine Terminal in Philadelphia. Maintenance dredging operations will increase turbidity and suspended sediment, thereby reducing the dissolved oxygen content in the water and killing some fish and waterfowl. Other adverse impacts are possible contamination of waters near the disposal site and problems associated with industrial growth. (Philadelphia District.) (ELR Order No. 50547.)

Lock Haven Flood Protection Project, Clinton County, Pa., April 14: The statement is a revised draft of an eis filed 5 July 1974. The proposed flood protection project consists of the construction of a wall and earth levee system along the west branch of the Susquehanna River and Bald Eagle Creek to protect the city of Lock Haven. Adverse environmental impacts include loss of an unrestricted view of the river, visual change to the setting of the historic Water Street District of Lock Haven, and loss of some trees. (Baltimore District.) (ELR Order No. 50549.)

Oceana Local Flood Protection Project (2), Wyoming County, W. Va., April 14: The statement is a revision of a draft eis filed with CEQ 12 July 1973. Proposed is the widening of 25,000 feet of channel for the purpose of flood control at Oceana. Two sediment retention basins will also be built. The project will displace 13 homes and outbuildings and destroy some vegetation and associated wildlife habitat. (Huntington District.) (ELR Order No. 50545.)

*Final*

Beaver Lake Project Operation, Arkansas, April 16: The statement evaluates the impacts of the operation and maintenance of Beaver Lake, a hydroelectric power generation, flood control, water supply, and recreation project near Rogers, Arkansas. Adverse impact includes that resulting from lake fluctuation and from heavy recreational use. (Little Rock District.) (61 pages.) Comments made by: USDA, DOI, EPA, DOC, and State agencies. (ELR Order No. 50576.)





Cucamonga Creek and Tributaries, San Bernardino and Riverside Counties, Calif., April 15: Proposed is a flood control project which will consist of a debris basin and 15 miles of channel works. There will be some loss of wildlife habitat due to development accelerated by the flood protection; 193 acres will be committed to the project. (Los Angeles District.) Comments made by: USDA, HEW, HUD, DOI, DOT, AHP, EPA, and State and local agencies. (ELR Order No. 50554.)

San Juan Harbor, Maintenance Dredging, Puerto Rico, April 16: The project consists of maintaining the authorized depths of San Juan Harbor navigation channels by the removal of shoaled materials. Approximately 3,190,000 cu. yds. of material will be removed and placed in upland and ocean disposal areas in scheduled FY–74 and FY–75 maintenance. Adverse impacts include the destruction of some benthic organisms, temporary turbidity and siltation caused by dredging, loss of vegetation in the upland disposal area, and some organisms will be covered at the offshore disposal site. (Jacksonville District.) Comments made by: USDA, DOC, HUD, DOT, EPA, FPC, DOI, and commonwealth agencies. (ELR Order No. 50575.)

North Fork of the Feather River, Plumas County, Calif. In the FEDERAL REGISTER of January 24, 1975, the abstract should have read "A total of 570 acres (336 agricultural and 234 residential) will be protected by the project" instead of "A total of 570 acres (336 agricultural and 234 residential) will be lost to the project" as printed.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, 202–755–0940.

*Draft*

North Lake Tahoe-Truckee River Basin, Supplement, Nevada, Placer, El Dorado Counties, Calif., April 15: The statement is a supplement to a final eis filed with CEQ 30 September 1974 and discusses seven environmental issues unresolved in the final statement. The review period will be 30 days from 15 April 1975. (17 pages.) (ELR Order No. 50562.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Ernest A. Sligh, Director, Environmental Impact Division, Federal Energy Administration, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202–961–6214.

*Final*

Coal Conversion Program, April 15: The statement analyses FEA's proposed strategy for the implementation of the Energy Supply and Environmental Coordination Act of 1974. The eis presents the methodology by which major fuel burning installations will be selected to receive an order prohibiting them from burning natural gas or petroleum products as their primary energy source. The procedures which may be used to select candidates are described, along with the impacts associated with differing degrees of program implementation. Impacts of the proposal include those generally associated with coal burning, and vary in degree from site to site. Comments made by: EPA, DOC, DLAB, TREA, USDA, State agencies, and private companies. (ELR Order No. 50560.)

In order to give the agency more time to review comments received on the draft, and in order to meet the statutory deadline for agency action by June 30, 1975, the Council has granted the agency's request for a waiver of a portion of the thirty day waiting period on the final statement. The waiting period after the final statement will be twenty rather than thirty days.

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202–343–4161.

*Final*

Alabama Army Ammunition Plant Disposal, Talladega County, Ala., April 15: Proposed is the disposal of 1,354 acres of land at the Alabama Army Ammunition Plant, Childersburg, Alabama. Disposal will be by negotiated sale to the Kimberly-Clark Company. The statement indicates that conveyance of the property would result in significant lessening of the impacts on the area with respect to air and water pollution. Comments made by: HEW, EPA, and DOI. (ELR Order No. 50553.)

Grosse Ile South Channel Range Light Disposal, Wayne County, Mich., April 15: Proposed is the disposal by GSA of the 20.66 acre Gross Ile South Channel Range Light property, through public sale under sealed bid. No adverse environmental impact is anticipated (31 pages). Comments made by: COE, EPA, and DOI. (ELR Order No. 50552.)

Interagency Motor Pool, Dallas, Tex., April 15: The proposed action consists of leasing space for the GSA Interagency Motor Pool which will most likely result in new construction. This facility will consist of 3,500 sq. ft. of net usable office and storage for 6 employees, and 166,000 sq. ft. of net usable parking area or 550 parking spaces. The facility will provide a service area which will include two 10,000 gallon underground gasoline tanks and an automatic drive-through carwash. There will be short-term construction inconveniences caused by the project. Comments made by: AHP, EPA, DOT, and State agencies. (ELR Order No. 50563.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

*Draft*

Tesuque Indian Pueblo, Santa Fe County, N. Mex., April 18: Proposed is the approval by the Secretary of the Interior of a 99-year lease for 1,342 acres and an option to lease an additional 4,100 acres between Sangre De Cristo Development Co., Inc., and the Tesque Indian Pueblo. A residential community will be developed for approximately 16,000 people. Impacts will consist of developing a population in an area having none, increased use of water, emissions from home heating systems, sewage discharges, and increased traffic exhaust emissions. (ELR Order No. 50588.)

BONNEVILLE POWER ADMINISTRATION

Hangman Creek Area Service (Supplement BPA FY 76), Spokane County, Wash., April 16: The proposed project is the construction of a substation near Hangman Creek, south of Spokane. Approximately 3 acres of grass and shrubs would be removed. Adverse effects of the project are siltation of the creek, some erosion and sedimentation, temporary disturbance to wildlife during construction, and decreased aesthetics due to the presence of the substation in a primarily recreational area. (ELR Order No. 50565.)

Seattle Area Reinforcement (Supplement BPA FY 76), King County, Wash., April 16: Proposed is the construction of 230-kV terminals at Covington and Maple Valley Substations and approximately 10 miles of double-circuit 230-kV line between Covington and Maple Valley Substations over the existing right-of-way. Adverse impacts include limitations on land use and productivity near the facility, loss of soil by erosion, some siltation in small streams, temporary noise, dust, and other disturbances to residents and wildlife, and the visual impact of a taller facility. (ELR Order No. 50566.)

Cheney-Four Lakes Area Svc. (Supplement BPA FY 76), Lincoln and Spokane Counties, Wash., April 16: The project proposes transproposed construction of approximately 26 miles of 230-kV transmission line from the Four Mounds Area west of Spokane to either Cheney or Four Lakes Substation and the proposed construction of a new substation in the Four Mounds area. Adverse effects are limitation on land use and productivity, including the elimination of timber growing and the restriction of construction of buildings on the right-of-way; erosion and siltation; removal of forest habitate and the resultant loss of wildlife; visual impact of the structures; and temporary construction disruption. (ELR Order No. 50567.)

Port Angeles Support (Supplement BPA FY 76), Clallam and Jefferson Counties, Wash., April 16: The project proposes transformer additions to Port Angeles Substation and replacement of approximately 27 miles of 115-kV line with new 230-kV line between Fairmount and Port Angeles Substations. The project's adverse effects include limitations on land use and productivity, erosion and siltation, removal of forest habitat with some loss of wildlife, visual impact of the structures, and temporary construction disturbances to residents and wildlife. (ELR Order No. 50568.)

Okanogan Area Svc. (Supplement BPA FY 76), several counties, Wash., April 16: This project entails the construction of a substation west of Okanogan, a 115-kV line between Okanogan and Tonasket and 230-kV line between Bridgeport and Okanogan. Adverse impacts are limitations on land use and productivity, permanent elimination of 4 acres of rangeland, removal of habitat for the required right-of-way with some loss of wildlife, some erosion and sedimentation, visual impacts, and temporary construction disruption. (ELR Order No. 50569.)

BUREAU OF OUTDOOR RECREATION

*Draft*

Proposed Rio Grande Wild and Scenic River, Brewster, Terrell, and Val Verde Counties, Tex., April 17: The statement concerns legislative action to include a 191.2-mile segment of the Rio Grande and a minimum of 9,600 acres of adjacent land in the National Wild and Scenic Rivers System. If Mexico has no objection, nor conflicting objectives for their side of the river, the plan will be implemented and the lands retained in their present condition. Commercial and residential use would be precluded and mineral extraction controlled (109 pages). (ELR Order No. 50584.)

BUREAU OF RECLAMATION

*Draft*

Anadromous Fish Passage, Savage Rapids Dam, Jackson and Josephine Counties, Oreg., April 15: Proposed is a Phase I plan to improve anadromous fish passage problems at Savage Rapids Dam on the Rogue River near Grants Pass, Oregon. The major improvement will be construction of a new fishway on the north side of the river. Construction disruption, lasting 20 months, will result. Phase II plans will be discussed in a separate eis. (ELR Order No. 50564.)

Central Utah Project, Jensen Unit, Uintah County, Utah, April 14: The statement concerns the construction and operation of the Jensen Unit to develop water to irrigate and to augment existing municipal supplies. About 520 acres of land would be inundated by Tyzack Reservoir. The major permanent impact would be scars along the aqueduct alignment which would resist restoration





measures. Salinity of the lower Colorado

Lincoln Home National Historic Site, Ill.,

*Final*



Bannock and Caribou Counties, Idaho

in 1975 vehicles equipped with catalytic

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measures. Salinity of the lower Colorado River is estimated to be increased 1.6 mg/l at Imperial Dam as a result of the project. (ELR Order No. 50551.)

*Final*

Fryingpan — Arkansas Project, several counties, Colo., April 16: The statement refers to the Fryingpan-Arkansas Project, major features of which include 6 dams and reservoirs, 18 diversion structures, 10 tunnels, 2 canals, 2 powerplants, 52 miles of transmission line, and 2 municipal and industrial water delivery conduits, with a total length of 266 miles. Purposes of the project include: the development of the regional and national economy through irrigation; development of hydroelectric power; water supply and quality improvement; and development of recreation facilities. A total of 39,279 acres will be required to accommodate all project features. The project will deplete the Colorado Basin of 70,000 acre-ft of water, thus increasing salinity. Comments made by: DOI, ASP, EPA, HUD, HEW, USDA, DOT, FPC, State and local agencies and concerned citizens. (ELR Order No. 50577.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

*Final*

Rock River, Wis., April 15: The statement considers the treatment of the waters of the Rock River drainage above the Indianford Dam with rotenone and antimycin, in order to remove carp and buffalo fish. The River will then be restocked with sport fish. Approximately 2,502 miles of stream are affected, along with 100,400 acres of marsh. All nontarget fish species and several species of clams will be lost throughout the project area. Comments made by: EPA, DOI, USDA, and University of Wisconsin. (ELR Order No. 50559.)

GEOLOGICAL SURVEY

*Draft*

OCS Exploration Regulations, April 16: The statement concerns proposed regulations prescribing policies and procedures under which geological and geophysical explorations may be conducted in the Outer Continental Shelf. Permits would be required for any explorations for OCS mineral resources and for scientific research involving the use of solid or liquid explosives or the OCS total of 300 feet. Adverse impacts from exploration include destruction of marine life, air and water pollution, and conflict with other uses of the OCS. (ELR Order No. 50578.)

NATIONAL PARK SERVICE

*Final*

Saguaro National Monument, Ariz., April 15: The statement refers to the proposed legislative designation of 42,000 acres within the Monument as wilderness, and the designation of an additional 27,100 acres as potential wilderness to be added by the Secretary of the Interior at such time that the lands qualify. There may be some restrictions placed upon visitor use of the area (101 pages). Comments made by: USDA, DOC, COE, DOI, DOT, State and local agencies and concerned citizens. (ELR Order No. 50558.)

Big Cypress National Fresh Water Reserve, Collier, Monroe, and Dade Counties, Fla., April 14: Proposed is the legislative establishment of Big Cypress National Fresh Water Reserve. The Federal Government will acquire legal interest in 570,000 acres of critical lands to protect the water quality, quantity, and flow regimen to the northwest portion of Everglades National Park, and to the estuarine regions in the Gulf of Mexico. The acquisition in arrested development and a loss in tax revenues. Comments made by: DOI, DOC, DOT, COE, USDA, EPA, and one State agency. (ELR Order No. 50548.)

Lincoln Home National Historic Site, Ill., April 15: The statement refers to a proposed master plan for the Lincoln Home National Historic Site. The plan involves the acquisition of 12.28 acres of land, restoration of the historic scene, and development of a visitor use facility. The land acquisition will include 30 improved tracts, and will result in the displacement of 148 people. Comments made by: COE, DOI, HUD, EPA, State and local agencies. (ELR Order No. 50557.)

Saguaro National Monument, Ariz., April 15: The statement refers to the proposed legislative designation of 42,000 acres within the Monument as wilderness, and the designation of an additional 27,100 acres as potential wilderness to be added by the Secretary of the Interior at such time that the lands qualify. There may be some restrictions placed upon visitor use of the area. Comments made by: USDA, DOC, COE, DOI, DOT, State and local agencies and concerned citizens. (ELR Order No. 50558.)

FEDERAL HIGHWAY ADMINISTRATION

*Draft*

Regal Street, Palouse Highway to 29th Avenue, Spokane, Spokane County, Wash., April 16: The proposed project is the construction of a 1-mile long, 4-lane arterial along Regal Street between the Palouse Highway and 29th Avenue in Spokane, Washington. Alternates 1 and 2 involve construction on undeveloped land which would result in a reduction of wildlife habitat; these alternates also demand fill to a maximum depth of 12 feet through a natural drainage area. Alternate 3 requires the use of highly developed property. Other adverse impacts include the relocation of as many as 5 families, 2 businesses, and 1 church and increased noise and air pollution. (ELR Order No. 50572.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

*Draft:*

SR 167, from SR 410 to SR 18, Washington, Pierce and King Counties, Wash., April 16: The proposed improvement involves the completion of a 8.71-mile section of SR 167, a fully-controlled access freeway with four lanes and four interchanges in the project area, from SR 410 to SR 18 in Washington state. The right-of-way requires 416 acres of agricultural and residential lands. Adverse impacts include the loss of these lands, the displacement of 9 families, the relocation of 3 streams, noise pollution, and heightened industrial and residential growth in the freeway area. (ELR Order No. 50571.)

County Trunk Highway "Q", Kenosha County, Wis., April 16: The statement concerns the construction of a 2-lane, 1.04 mile extension of C.T.H. "Q" from its present terminus at C.T.H. "H" to I-94. The project would require 54 acres of floodplain, marsh, and agricultural land for right-of-way (122 pages). (ELR Order No. 50579.)

*Final*

I-5, Stockton to Sacramento, Sacramento County, Calif., April 16: The project involves the construction of a 4.8 mile portion of I-5 between Stockton and Sacramento. The facility will be an initial 4 lane freeway entirely on new alignment. Adverse impacts consist of the loss of 228 acres of agricultural land, and the removal of approximately 2,200,000 cu. yds. of material from a borrow site (70 pages). Comments made by: DOI, EPA, DOT, USCG, COE, USDA, State and local agencies and organizations. (ELR Order No. 50574.)

*Final*

US 20-191, Madison and Fremont Counties, Idaho, April 17: The proposed project involves the construction of 21 miles of four lane US 20-191, beginning at Thornton and proceeding northward to Twin Groves. This is the only access from the west to Yellowstone National Park, and it carries a peak tourist load during the summer months. The amount of land to be used for right-of-way and the number of residences to be displaced will depend upon which of several alternate routes is chosen (202 pages). Comments made by: DOI, EPA, USDA, State and local agencies. (ELR Order No. 50583.)

Richland Avenue, Pennsylvania, York County, Pa., April 17: The proposed project is the construction of 0.9 miles of Richland Avenue in York. The project will displace one family. A Section 4(f) review will be filed to obtain 0.54 acres from Odion Park. Comments made by: USDA, DOC, HEW, HUD, DOI, DOT, EPA, OEO, COE, State and local agencies. (ELR Order No. 50582.)

Notice of availability of the draft environmental impact statement which appeared in the FEDERAL REGISTER of 11 April 1975 for "Listing of Atlantic Bluefin Tuna as a Threatened Species" was incorrectly dated March 31, 1975. The statement should have appeared in the FEDERAL REGISTER on April 4, 1975 dated March 28, 1975.

GARY L. WIDMAN,
*General Counsel.*

[FR Doc.75-10822 Filed 4-24-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 363-3]

### AREAWIDE WASTE TREATMENT

#### Management Planning Approvals; Area and Agency Designations

Pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972, notice is hereby given of approvals and disapprovals of designation of areawide waste treatment management planning areas and agencies for the period March 8, 1975, through April 4, 1975.

The following area and agency designations have been approved:

Middle Yellowstone Area of Montana (Middle Yellowstone Areawide Planning Organization, Red Lodge, Montana 59068).

Flathead and Lake Counties, Montana (Flathead Drainage 208 Project, Lake County Court House, Polson, Montana 59860).

Louisville, Kentucky (The Kentuckiana Planning and Development Agency, Suite 406, Old Louisville Trust Building, 208 South Fifth Street, Louisville, Kentucky 40202).

Ogden (Weber and Davis Counties), Utah (Weber River Water Quality Planning Council, 714 Municipal Building, Ogden, Utah 84401).

Boise (Ada and Canyon Counties), Idaho (Ada/Canyon Waste Treatment Management Committee, 525 W. Jefferson, Boise, Idaho 83702).

Salem, New Hampshire (Strafford-Rockingham Regional Council, 90 Washington Street, Dover, New Hampshire 03820).

Birmingham, Alabama (Birmingham Regional Planning Commission, 2112 11th Avenue South, Birmingham, Alabama 35205).

Tuscaloosa County, Alabama (West Alabama Planning and Development Council, P.O. Box 4169, Pocatello, Idaho 83201).





Bannock and Caribou Counties, Idaho (Southeast Idaho Council of Governments, P.O. 4169 Pocatello, Idaho 83201).

Columbia, South Carolina (Central Midland Regional Planning Council, 800 Dutch Square Boulevard, Suite 155, Dutch Plaza, Columbia, South Carolina 29210).

Orlando, Florida (East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida).

Washington, D.C. Metropolitan Area (Metropolitan Washington Council of Governments, 1225 Connecticut Avenue, Washington, D.C. 20036).

In addition, the designation of the Northeastern Oklahoma area and the Northeast Counties of Oklahoma Economic Development Association as a 208 area and agency respectively, was disapproved. The area does not appear to have complex water quality control problems. The municipal and industrial waste sources are widely dispersed and there is no complex interaction among the discharges. In addition, the State of Oklahoma has preempted the responsibility for planning for nonpoint sources of pollution.

JAMES L. AGEE,
*Assistant Administrator for Water and Hazardous Materials.*

APRIL 15, 1975.

[FR Doc.75-10806 Filed 4-24-75;8:45 am]

[FRL 356-2]

### FUELS AND FUEL ADDITIVES

#### Suspension of Enforcement of Regulations for Control of Lead Additives in Gasoline

On February 20, 1975, a notice was published in the FEDERAL REGISTER (40 CFR 7480) which stated that enforcement of regulations published by the Environmental Protection Agency (38 FR 33734, December 6, 1973) controlling the amount of lead additives in gasoline would be suspended. Enforcement was suspended because of a decision by the U.S. Court of Appeals for the District of Columbia Circuit on December 20, 1974 setting the regulations aside. Written opinions were issued by the Court on January 28, 1975.

On March 17, 1975, the Court granted the Agency's petition for rehearing of the case *en banc* and vacated the prior judgment and opinions. The rehearing date was subsequently set for May 30, 1975.

The regulations require a phased reduction in the average lead content of gasoline produced on a quarterly basis by each refinery. The reduction schedule was to have begun on January 1, 1975. As a result of the Court's action vacating the earlier judgment, the lead regulations are again in effect. However, EPA has decided to continue to suspend enforcement of the regulations until a decision is made by the Court after the rehearing. If a judgment is issued upholding the regulations, EPA will promptly publish further notice regarding the timing of resumption of enforcement.

The outcome of the litigation over the lead phasedown regulations has no effect on the regulations requiring general availability of unleaded gasoline for use in 1975 vehicles equipped with catalytic converters. Those regulations are being enforced.

Dated: April 18, 1975.

RUSSELL E. TRAIN,
*Administrator.*

[FR Doc.75-10805 Filed 2-24-75;8:45 am]

[FRL 362-7]

### INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

#### Effluent Guidelines and Standards; Reconsideration

On March 12, 1974, the Environmental Protection Agency promulgated effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources which are applicable to plants in certain segments of the inorganic chemical manufacturing category. (40 CFR Part 415; 39 FR 9612 et seq.) Subpart U of Part 415 applies to plants producing sulfuric acid by the sulfur burning process.

Subject to a provision authorizing a variance from the regulations specifying the degree of effluent reduction attainable by application of the best practicable control technology currently available (40 CFR 415.22), the regulations required that existing sulfur burning plants achieve no discharge of process waste water pollutants by July 1, 1977.

Subsequently, it was pointed out that some single-absorption sulfur burning plants may be required to install emission control devices in order to comply with ambient air quality standards on sulfur dioxide. It has been alleged that were wet scrubbing devices employed to comply with these air quality requirements, a purge stream may be generated which would constitute a potential source of waterborne waste for some types of scrubbers not present in double absorption plants or at single absorption plants not equipped with such a system.

The Agency believes that the data available to it at the time the regulations for sulfur burning plants were promulgated do not conclusively demonstrate that a no discharge standard is equally appropriate for all single absorption plants at which such emission control devices are operated. Accordingly, the Agency intends to reconsider the applicability of Subpart U of 40 CFR Part 415 to such plants. The purpose of this notice is to announce reconsideration and to solicit data necessary for the Agency to determine whether or not the regulations are appropriately applied to such plants, and if not, to develop all necessary modifications in the regulations.

During the past several months the Agency has assembled information on the performance of certain wet scrubbers and systems employed to treat the purge water stream. In order to supplement these data, the Agency specifically requests information on response to the following questions:

(1) The number of single absorption sulfur burning plants at which air emission control devices are now in operation or under construction.

(2) The type of control device involved, *e.g.*, a. Wellman-Lord scrubber, ammonia scrubber, lime/limestone scrubber, etc.

(3) The volume of purge generated per ton of acid produced.

(4) The pollutant characteristics of the untreated purge stream—*e.g.*, total suspended solids, total dissolved solids, sodium sulfite, COD, etc.

(5) The method employed for disposal of the purge—including recovery of sodium sulfate or other byproduct for sale, land disposal, or treatment, and discharge.

(6) The efficiency of the treatment system employed and the pollutants, and amounts, present in any stream discharged to surface waters.

(7) The cost of operation of any recovery disposal or treatment system, including fuel consumed.

Comments on the appropriateness of the Agency's reconsideration of the applicability of 40 CFR 415.22 to single absorption sulfuric acid plants at which air emission control devices are installed, and information in response to the above questions, may be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. All comments received on or before May 27, 1975, will be carefully considered.

Dated: April 17, 1975.

JOHN QUARLES,
*Acting Administrator.*

[FR Doc.75-10807 Filed 4-24-75;8:45 am]

[FRL 365-1]

### MARINE SANITATION DEVICE STANDARD FOR MICH.

#### Receipt of Petition

Notice is hereby given that a petition has been received from the State of Michigan that the Administrator, by regulation, completely prohibit the discharge from a vessel of any sewage (whether treated or not) into the Michigan waters of Lakes Michigan, Huron, Superior, Erie, and St. Clair, all waterways connected thereto, and all inland lakes. Such action is requested pursuant to section 312(f)(4) of Pub. L. 92-500. The petition states that the majority of the aforementioned waters are designated for both domestic water supply and for total body contact recreation uses which require very high-quality water.

Comments and views regarding this requested action may be filed within 45 days from the date of this notice. Such communications, or requests for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-451), Office of Water Planning and Standards, OWHM,





Room 737 East Tower, Waterside Mall,

25 U.S. Highway 22, Springfield, New Jersey

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Those wishing to participate but who

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Room 737 East Tower, Waterside Mall, Washington, D.C. 20460.

Dated: April 18, 1975.

RUSSELL E. TRAIN,
*Administrator.*

[FR Doc.75-10801 Filed 4-24-75;8:45 am]

[FRL 364-6]

## NEW JERSEY COMPLIANCE SCHEDULES

### Public Hearing

On March 17, 1975 (40 FR 12112), the Regional Administrator of Region II of the Environmental Protection Agency published proposed compliance schedules submitted by twelve (12) New Jersey corporate sources in compliance with the requirements of federal regulations codified at 40 CFR 52.1577. Each of the nineteen (19) schedules therein proposed provides for compliance with the terms of the New Jersey particulate control regulations (7:27 N.J.A.C. 6.1 *et seq.*) by or before July 31, 1975. In the notice of proposed rulemaking, the Regional Administrator announced his intention to hold public hearings on the compliance schedules proposed for approval, and indicated that such hearings will be held no earlier than May 27, 1975. The purpose of this notice is to establish the date, time, and location of these public hearings. This information follows:

NEW JERSEY

May 19, 1975 at 10 a.m., Newark College of Engineering, College Center—Room 312, 150 Bleecker Street, Newark, New Jersey, Hearing Officer: Paul Bermingham.

Persons wishing to participate in these public hearings should make their intentions known by notifying the Regional Administrator and supplying five (5) copies of their statements seven (7) days in advance of the hearing date. Notification and copies of such statements should be addressed to the attention of the hearing officer, as identified above, at the following address.

United States Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007, Room 1009.

Copies of the proposed compliance schedules to be considered at the public hearings are available for public inspection at the following offices during normal business hours:

United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

United States Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C. 20460.

New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, 5635 Westfield Avenue, Pennsauken, New Jersey 08110.

New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, Room 603, Health-Agriculture Bldg., Trenton, New Jersey 08625.

New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, 25 U.S. Highway 22, Springfield, New Jersey 07081.

Dated: April 21, 1975.

ROGER STRELOW,
*Assistant Administrator for Air and Waste Management.*

[FR Doc.75-10802 Filed 4-24-75;8:45 am]

[FRL 365-6]

## SCIENCE ADVISORY BOARD NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee of the Science Advisory Board will be held at 9 a.m. on May 15, 1975, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be (1) to consult the committee regarding the determination and documentation of adverse effects on the public health and welfare of nickel as an atmospheric pollutant and particularly on revisions of a draft titled, "Scientific and Technical Assessment Report on Nickel," External Review Draft, dated February 1975; (2) to brief the committee on and discuss measurement and atmospheric chemistry of "sulfates;" (3) to discuss and initiate committee involvement in peer review of research plans relating to the sulfur oxides/particulates complex; and (4) to discuss and initiate committee participation in the review and revision of existing air quality criteria. The agenda will also include (5) brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, Science Advisory Board (RD-673), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The telephone number is (703) 557-7720.

WILSON K. TALLEY,
*Assistant Administrator for Research and Development.*

APRIL 21, 1975.

[FR Doc.75-10897 Filed 4-24-75;8:45 am]

[FRL 359-4]

## STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE

### Establishment

This notice announces the establishment of the State-Federal FIFRA Implementation Advisory Committee which is determined to be in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law.

The Committee will provide advice and information to EPA regarding the impact on State regulatory programs of the Agency's plans and strategies for implementation of key provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This advice and information will assist the Agency in ensuring that such plans and strategies will facilitate coordination of Federal and State programs for the regulation of the sale and use of pesticides. Activities of the Committee will extend across the entire range of the Agency's duties and responsibilities under FIFRA with particular emphasis on pesticide registration, applicator training and certification, issuance of experimental use permits, and enforcement.

Copies of the committee charter will be filed with appropriate standing committees of the Congress and the Library of Congress as required by the Federal Advisory Committee Act of 1972.

Dated: April 18, 1975.

RUSSELL E. TRAIN,
*Administrator.*

[FR Doc.75-10804 Filed 4-24-75;8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### LIQUID METAL FAST BREEDER REACTOR PROGRAM

#### Public Hearing Concerning Proposed Final Environmental Statement

On Friday, January 17, 1975, the U.S. Atomic Energy Commission (AEC) issued a Proposed Final Environmental Statement on the Liquid Metal Fast Breeder Reactor (LMFBR) Program. A notice of the Statement's availability and a solicitation of written comments thereon was published in the FEDERAL REGISTER on January 24, 1975 (40 FR 3804). Comments were requested by April 9, 1975 (40 FR 7479).

The Energy Research and Development Administration (ERDA) began operation on January 19, 1975, in accordance with the Energy Reorganization Act of 1974 (Pub. L. 93-438) and Executive Order 11834 (40 FR 2971). At that time, ERDA assumed responsibility for AEC's research and developmental functions, including those associated with the LMFBR Program. Development of a Final Environmental Statement on the LMFBR Program is necessary before ERDA can or will make any final decisions with regard to the future of that Program. Before issuing a Final Environmental Statement, ERDA will review AEC's Proposed Final Environmental Statement and the comments received on it from Government agencies and others. In this connection, four ERDA officials not previously involved in the Statement's preparation have been appointed by the Administrator of ERDA to review the Proposed Final Environmental Statement and the comments received on it and to report to the Administrator on whether the issues relevant to a decision on the LMFBR Program are adequately treated in the Statement, whether the options in the Statements have been adequately evaluated, and whether all relevant options have been considered.

These officials are Robert W. Fri, Deputy Administrator; John M. Teem, Assistant Administrator for Solar, Geothermal and Advanced Energy Systems; S. William Gouse, Deputy Assistant Administrator for Fossil Energy; and James S. Kane, Deputy Assistant Administrator for Energy Conservation.

As part of this review, notice is hereby given that ERDA will conduct a public hearing in connection with the Proposed Final Environmental Statement, starting at 10 a.m. on May 27, 1975, in the auditorium of the General Services Administration, 18th and F Streets NW., Washington, D.C. Although substantial opportunities have already been afforded for the identification and public ventilation of the issues involved in the LMFBR Program, ERDA decided to hold this hearing in order to provide Government agencies and others an additional opportunity to present their views on the critical issues in a public forum before ERDA makes its own judgments. To further sharpen and focus the discussion, an ERDA staff statement summarizing and addressing the issues raised in the written comments on the Proposed Final Statement will be made available prior to the hearing to all hearing participants. In view of the extensive prior public proceedings on this matter and the current information available to the participants, it is believed that a nonadversary, legislative-type hearing will amply illuminate the critical issues for decision-making and that discovery, subpoena of witnesses, cross-examination, and similar formal procedures appropriate to a trial are not necessary for this purpose.

Accordingly, the procedures that will govern this public hearing are as follows:

Governmental agencies, organizations, and members of the general public are encouraged to become "full participants" in the proceeding by filing with W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, ERDA, Washington, D.C. 20545, not later than the close of business on May 19, 1975, a notice of intention to participate. The notice shall set forth: (1) the name and address of the participant; (2) the nature of the participant's interest in the proceeding, or his organizational affiliation; (3) the text of any statements to be presented at the hearing, or a reasonably detailed summary thereof; (4) the names and addresses of all witnesses to be produced at the hearing by the participant; and (5) the amount of time desired to complete the presentation. The Presiding Board will endeavor to schedule the full amount of time requested by full participants (those who file a timely notice) subject to the imposition of such reasonable time limits as will assure other full participants a meaningful opportunity to present their views.

Those wishing to participate but who do not file a timely notice as specified herein, may notify Mr. Pennington before the hearing or the Chairman of the Presiding Board during the hearing of their desire to make a presentation. Such parties shall be admitted as "limited participants" and shall be heard at such times as the Presiding Board shall permit for a period of not more than fifteen (15) minutes each, unless the Presiding Board, in its discretion, allows additional time.

The Presiding Board may, in its discretion, permit full participants and ERDA staff witnesses to submit written questions at the hearing and to submit written responses either at the hearing or before the close of the hearing record. In addition, the Presiding Board may, in its discretion, permit full participants, in their oral presentations, to propound questions relating to specific points of fact, and may request ERDA staff witnesses to respond to those questions either orally at the hearing or subsequently in writing before the close of the hearing record. The Presiding Board shall determine when the hearing record will close.

Participants may, but need not, be represented by counsel. Participants and their counsel will reference and produce, on request of the Presiding Board, the documents on which they rely.

Three members of the Presiding Board will constitute a quorum, if one of the members is the Chairman.

Consistent with the full and true disclosure of the facts, duplicative, redundant, irrelevant, or otherwise unproductive testimony will not be permitted and the Presiding Board will impose suitable restrictions to that end. The Presiding Board is authorized to take appropriate action to control the course of the hearing, including authority to maintain order; rule on offers of, and receive, evidence; dispose of procedural requests or similar matters; allocate among participants the time available for presentations; provide for consolidation of presentations, as appropriate; examine participants or witnesses; and hold conferences before or during the hearing for the purpose of delineating contested issues or for other purposes within the authority of the Presiding Board.

Copies of (1) AEC's Proposed Final Environmental Statement, (2) written comments received thereon by ERDA, (3) notices of intention to participate at the public hearing, and (4) ERDA staff's prepared statement responding to the written comments, will be available for inspection at the ERDA Public Document Room at 1717 H Street, NW., Washington, D.C. as well as at ERDA's Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; Nevada Operations Office, Las Vegas, Nevada; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

A transcript of the hearing will be made and a copy of the transcript, together with copies of all documents presented in connection with the hearing will constitute the record of the hearing. The record will be available for inspection at the locations listed above. Documents presented in connection with the hearing will be attached to the Final Environmental Statement if the proponent so requests and if such request is approved by the Presiding Board.

After the conclusion of the hearing, the Presiding Board will forward the record of the hearing to the Administrator together with its report as indicated above. These materials will be considered by the Administrator in connection with the issuance of the Final Environmental Statement and in his determinations concerning the future of the LMFBR Program.

Dated at Washington, D.C., this 21st day of April 1975.

JAMES L. LIVERMAN,
*Assistant Administrator for Environment and Safety.*

[FR Doc.75-11072 Filed 4-24-75;8:45 am]

## CIVIL SERVICE COMMISSION

### FEDERAL EMPLOYEES PAY COUNCIL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, May 21, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
*Advisory Committee Management Officer for the President's Agent.*

[FR Doc.75-10899 Filed 4-24-75;8:45 am]





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## FEDERAL ENERGY ADMINISTRATION

### OLD OIL ALLOCATION PROGRAM

### Entitlement Notice for January 1975

*Correction*

In FR Doc. 75–7025 appearing at page 12466 in the issue for Tuesday, March 18, 1975, certain figures listed in the table of the Appendix are incorrect and should be changed as follows:

Asiatic: Required to sell—"60,490" should read "60, 495".

Atlantic-Cement: Required to sell—"17,058" should read "17,059".

Delta: Issued—"908, 154" should read "608, 154".

## FEDERAL POWER COMMISSION

[Docket No. E–8851]

### ALABAMA POWER CO.

### Order Accepting for Filing

APRIL 18, 1975.

On March 19, 1975, Alabama Power Company (Applicant) tendered for filing a proposed revised fuel adjustment clause applicable to its Rate Schedules REA–1 (Cooperative customers), and MUN–1 (Municipal customers). The company alleges that this tendered clause is in conformance with the requirements set forth within our Order No. 517 at Docket No. R–479. If accepted, such fuel clause would replace that which was suspended and set for hearing by our order of July 18, 1974 at this docket. Applicant requests that its proposed revised fuel clause be permitted to become effective April 18, 1975, or the earliest date thereafter permitted by existing contracts with affected municipal and cooperative customers.

Notice of Applicant's tendered filing was issued on March 26, 1975, with protests and petitions to intervene due on or before April 16, 1975. On March 28, 1975, a joint[1] protest and motion to reject, was filed by several cooperative and municipal customers which also requested, in the alternative that the company's filing be suspended for the statutory maximum period of five months and set for hearing.

In support of their protest, intervenors allege that the proposed fuel clause does not comply with Order No. 517 in that (1) it is not clear whether § 35.14(2)(d) has been complied with in terms of including the credit provision related to the cost of fossil and nuclear fuel recovered through intersystem sales including the fuel costs related to economy energy sales and other energy sold on an economic dispatch basis; (2) Section 35.14 (a)(7) has not been complied with in that the company has not stated whether it purchases fuel from controlled sources; and (3) Section 35.14(a)(2) has not been complied with in that the company has not provided detailed cost support for its base cost of fuel.

Our analysis of the company's proposed fuel clause reveals that it is in substantial compliance with the requirements set forth in Order No. 517. However, it appears that the company has failed to exclude the cost of fossil and nuclear fuel recovered through intersystem sales including the cost related to economy energy sales. Based on this fact, and the fact that the resulting rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful, we shall accept the applicant's proposed fuel clause for filing, but suspend the use thereof for one day, to become effective April 20, 1975. Although by taking such action we deny the requests of the intervenors for rejection or five month suspension, they do retain the right to raise their allegations during the proceedings which we have previously established at this docket. Therefore, we shall consolidate the issues raised by Applicant's filing of March 19, 1975, with those previously set for hearing at this docket. Further, we shall delegate to the Presiding Judge the authority to establish an independent procedural schedule for purposes of gathering evidence and hearing this issue which will not cause any delay in that schedule which we have already established for the purpose of examining into the Applicant's general wholesale rate increase request.

*The Commission finds:*

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission accept Alabama Power's March 19, 1975, filing in Docket No. E–8851, and suspend its use for one day until April 19, 1975, subject to refund.

(2) Good cause does not exist to grant the motion to reject or suspend for the full statutory period filed by the intervenors.

(3) Good cause does exist to consolidate this proceeding with those established by our order of July 18, 1974, at this docket.

*The Commission orders:*

(A) Alabama Power's March 19, 1975, filing in Docket No. E–8851 is hereby accepted for filing, and the use thereof suspended for one day until April 19, 1975, subject to refund.

(B) The investigation instituted by our order of July 18, 1974, is hereby consolidated for decision with the proceeding instituted by this order.

(C) The Presiding Administrative Law Judge is hereby authorized to establish a procedural schedule for purposes of examining into the justness and reasonableness of Applicant's filing of March 19, 1975, which will not cause any delay in the proceedings heretofore established at this docket.

(D) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10848 Filed 4–24–75;8:45 am]

[1] Those parties joining in the protest are: Baldwin County Electric Membership Corporation; Clarke Washington Electric Membership Corporation; Coosa Valley Electric Cooperative, Inc.; Dixie Electric Cooperative, Inc.; Pea River Electric Cooperative, Inc.; Pioneer Electric Cooperative, Inc.; Tallapoosa River Electric Cooperative, Inc.; Wiregrass Electric Cooperative, Inc.; The Utility Boards of the Cities of Foley and Sylacauga; and the Cities of Alexander City; Dothan, Fairhope; LaFayette; Lanett; Luverne; Opelika; Piedmont; Troy and Tuskegee.

[Docket No. E–9081]

### ARIZONA PUBLIC SERVICE CO.

### Order Accepting for Filing and Instituting Investigation

APRIL 18, 1975.

On October 29, 1974, Arizona Public Service Company (APS) tendered for filing an "Agreement for the Transmission of Electric Power and Energy for Resale" (Agreement) with Arizona Electric Power Cooperative, Inc. (AEPCO).[1] Under the terms of the Agreement, APS would permit AEPCO to interconnect to the Round Valley Switching Station, owned by APS, in order to provide electric service to Mohave Electric Cooperative, Inc.

APS states that the subject Agreement includes a monthly transmission facilities charge as well as automatic adjustment clauses for changes in income tax, ad valorem tax, materials, supplies and labor. APS states further that these adjustment clauses, also contained in Rate Schedule FPC Nos. 50, 52, 57, 58 and 59, are currently the subject of Commission investigation in Docket Nos. E–8621, *et al.*

APS has requested an effective date of "early November, 1974" for this Agreement since, the Company states, AEPCO has requested that deliveries under the Agreement be commenced at that time. APS accordingly requests waiver of applicable Commission Regulations in order to permit the instant filing to be effective as of such time.

By letter dated October 30, 1974, AEPCO stated that it supports the instant filing and concurs in APS' request for the aforementioned effective date.

Notice of the instant filing was issued on November 7, 1974, with comments, protests, and petitions to intervene due on or before November 15, 1974. No comments, protests or petitions were received.

Preliminary review of the October 29, 1974, filing found it to be deficient with respect to certain requirements of the Commission's Regulations. Accordingly, the Commission Secretary, by letter dated December 3, 1974, informed APS of the deficiency, stating further that a filing date would not be assigned its submittal until the deficiency was cured. On March 20, 1975, APS submitted additional material which fulfills the filing requirements of the Commission's Regulations.

We believe that APS has shown good cause to grant waiver of our notice requirements in order to permit the instant Agreement to become effective as of the date the subject service was actually commenced. Nevertheless, our review of the aforementioned automatic adjustment provisions contained in the Agreement indicates that such provisions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept for filing the tendered Agreement and institute an investigation under section 206 of the Federal Power Act into the lawfulness of the automatic adjustment provisions contained in said Agreement. Because these provisions, as noted above, are currently the subject of investigation in Docket No. E–8621, *et al.*, the section 206 investigation herein ordered shall be consolidated with proceedings in that docket for purposes of hearing and decision.

*The Commission finds:*

(1) Good cause exists to grant APS' request for waiver of the notice requirements of our Regulations in order to permit the tendered Agreement to become effective as of the date the subject service was actually commenced.

(2) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission institute a section 206 investigation and hearing concerning the justness and reasonableness of the automatic adjustment clauses contained in the Agreement filed by APS on October 29, 1974.

(3) Good cause exists to consolidate the section 206 investigation ordered herein with proceedings in Docket No. E–8621, *et al.*

*The Commission orders:*

(A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act, a public hearing shall be held concerning the lawfulness of the automatic adjustment clauses contained in the Agreement filed on October 29, 1974, by APS.

(B) Because the automatic adjustment clauses contained in the Agreement filed by APS on October 29, 1974, are identical to those automatic adjustment clauses which are the subject of investigation in Docket No. E–8621, *et al.*, the section 206 investigation ordered herein shall be consolidated with proceedings in that docket for purposes of hearing and decision.

(C) APS' request for waiver of the notice requirements of the Commission's Regulations is hereby granted to permit the tendered Agreement to become effective as of the date the subject service was actually commenced.

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10849 Filed 4–24–75;8:45 am]

[1] This Agreement has been designated Arizona Public Service Company, Rate Schedule FPC No. 62.

[Docket No. CI75–592]

### CHEVRON OIL CO., WESTERN DIVISION

### Notice of Application

APRIL 18, 1975.

Take notice that on April 3, 1975, Chevron Oil Company, Western Division (Applicant), P.O. Box 599, Denver, Colorado 80201, filed in Docket No. CI75–592 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Skelly Oil Company (Skelly) from various fields in Lea County, New Mexico, all as more fully set forth in the application which is on file wth the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of gas to Skelly from Continental Oil Company operated Well Nos. 5 and 11, Lockhart A–27 lease, Well No. 1, Lockhart B–13A lease, and Well No. 1, Lockhart B–14A lease, Lea County, which sale has been made pursuant to a percentage-type contract. Applicant states that as oil wells, the casinghead gas therefrom is dedicated to Skelly, and as gas wells, the gas-well gas therefrom is dedicated to El Paso Natural Gas Company, under Applicant's FPC Gas Rate Schedule No. 24. Applicant states that it proposes to abandon the subject sale because the New Mexico Oil Conservation Commission has reclassified the wells from oil wells to gas wells; and, therefore, Skelly is no longer contractually entitled to the gas from the subject wells.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10850 Filed 4–24–75;8:45 am]

[Docket No. CP73–40 etc.]

### COLORADO INTERSTATE GAS CO. ET AL.

### Order Granting Interventions

APRIL 15, 1975.

In the matter of Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation, Docket No. CP73–340; Colorado Oil and Gas Corporation and Gas Producing Enterprises, Inc., Docket No. CI74–430; and Northern Natural Gas Company, Docket No. CP75–243.

Order granting interventions, consolidating proceedings, denying motion of Montana Public Service Commission for consolidation and local hearing, and setting further procedural dates.

This proceeding began with the application of Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG) in Docket No. CP73–340 for authority, *inter alia*, to construct and operate certain facilities to transport volumes of natural gas from the Bearpaw Mountain Area in North Central Montana to CIG's pipeline facilities in the Big Horn Basin of Wyoming and for authority to construct certain looping facilities in Wyoming. Formal hearings on this proposal were directed in our order of November 15, 1973, —— FPC ——. On February 11, 1975, the Montana Power Company (Montana Power), an intervener in these proceedings, moved for an order of the Commission dismissing the proceeding without prejudice to the filing of any modified application by CIG and a new application by Northern Natural Gas Company (Northern), which Montana Power indicates CIG had proposed on the record to file on January 15, 1975. What effect the motion of Montana Power had upon the diligence of CIG and Northern is difficult to know, but it does appear that on February 14, 1975, CIG and Northern executed a formal agreement and that CIG's awaited amendment in Docket No. CP73–340 and Northern's application in Docket No.









CP75–243 were filed February 24, 1975, that docket to raise cost limitations for



Agreement are on file with the Commis-

Applicant shall bear the burden of

fixed by order issued March 14, 1975, in

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CP75–243 were filed February 24, 1975, and February 25, 1975, respectively. Northern also requested consolidation of its application with CIG's amendment, a request which we judge to have merit under § 1.20(b) of the rules of practice and procedure and which we will accordingly grant in this order. With respect to the motion of Montana Power to dismiss without prejudice, there appears to be no purpose to be served by re-opening consideration of this motion and accordingly we simply note that it was denied after expiration of 30 days by operation of § 1.12(e) of our rules.

Under the amended proposal of CIG, in which Northern joins in applying for a related authorization in Docket No. CP75–243, reserves dedicated to CIG will be sold to Northern for transportation through existing Northern facilities in Montana certificated in Docket No. CP70–69 by Opinion No. 618, issued May 11, 1972, 47 FPC 1221. Northern will, in turn deliver to Natural Gas Pipeline Company of America for CIG's account a volume of natural gas equal to approximately ¾ of the Montana volumes tendered by CIG. CIG and Northern further request Commission approval of proposed rate and accounting treatment of certain costs and revenues associated the sale and resale proposal, the details of which we expect to be fully explained during the course of these proceedings. We continue in the belief, expressed in our original order in Docket No. CP73–340 on November 15, 1973, that in view of the issues presented and the requests for formal hearings by Montana Power and Montana Public Service Commission, the public interest requires a record in support of the proposal to transport natural gas from Montana.

On March 17, 1975, 40 FR 12156, joint notice of CIG's amendment and Northern's application was given in the FEDERAL REGISTER. Timely petitions to intervene alleging interests in these proceedings were submitted by the following:

Central Telephone & Utilities Corporation
Metropolitan Utilities District of Omaha
Minnesota Gas Company
Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)
Iowa Southern Utilities Company
Wisconsin Gas Company

We believe these interventions should be permitted. A number of petitioners, including Montana Power, Iowa Power and Light Company, Public Service Company of Colorado, and the Montana Public Service Commission (Montana PSC), have been granted intervention by our previous orders in Docket No. CP73–340, and their right to participate in the proceeding as consolidated herein need only be noted. The refiled Notice of Intervention of the Montana Public Service Commission requests consolidation of Northern Natural Gas Company, Docket No. CP75–55 and requests local hearings in Montana. In requesting consolidation of Northern application in Docket No. CP75–55, the Montana PSC indicates that the approval sought by Northern in that docket to raise cost limitations for budge-type facilities will, in the opinion of Montana PSC tend to allow Northern to enter into an exchange with CIG in Central Montana. It appears, however, that Northern has not and cannot use budget-type facilities will, in the opinion CP75–243, and that Northern has in fact not filed a budget-type application in Docket No. CP75–243. We are not persuaded, therefore, that the applications submitted by Northern in Docket Nos. CP75–55 and CP75–243 meet the test stated in § 1.20(b) of our rules of practice and procedure governing consolidations. Perhaps some further explanation by Montana PSC can persuade us, but on the basis of the facts presently before us we must decline consolidation of Northern's application in Docket No. CP75–55 with the present proceedings. With respect to Montana PSC's request for local hearings, we note that hearings were held in Great Falls, Montana at the request of Montana PSC and pursuant to our order in this docket issued April 11, 1974, —— FPC ——. The local hearings previously held in Great Falls were designed to afford to citizens of Montana an opportunity to testify concerning the transportation of natural gas from Montana. No additional reason for a local hearing is set forth in the pleadings now before us, and we must consequently decline the request of Montana PSC for further local hearings.

*The Commission finds:*

(1) Participation by the above named interveners may be in the public interest.

(2) The applications submitted in Docket Nos. CP73–340, CI74–430, and CP75–243 are appropriate for consolidation under § 1.20(b) of the rules of practice and procedure.

(3) The Motion of Montana Public Service Commission for consolidation of Docket No. CP75–55 with the present proceeding and for local hearings is without merit and should be denied.

*The Commission orders:*

(A) The above named petitioners are permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; *Provided, further,* That the admission of such interveners shall not be construed as recognition of the Commission that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The application of Northern Natural Gas Company in Docket No. CP75–243 is hereby consolidated with the proceeding in Docket Nos. CP73–340 and CI74–430 for hearing and decision.

(C) The applicants and supporting interveners shall file testimony and exhibits comprising their cases in chief on or before April 16, 1975.

(D) The Presiding Administrative Law Judge shall convene a prehearing conference April 21, 1975, for the purpose of establishing procedures for the orderly and expeditious resolution of the matters at issue in this consolidated docket.

(E) The motion of the Montana Public Service Commission for consolidation of the application of Northern Natural Gas Company in Docket No. CP75–55 with the instant proceedings and for local hearings in Montana is denied.

(F) Pursuant to the authority of the Natural Gas Act, and particularly Sections 4, 5, 7, and 15 thereof, a hearing will be held commencing June 9, 1975, at 10 (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the matters presented by the application in the consolidated docket.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10851 Filed 4–24–75;8:45 am]

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[Docket No. E–9380]

## CONSUMERS POWER CO.

### Proposed Tariff Change

APRIL 18, 1975.

Take notice that Consumers Power Company (Consumers) on April 14, 1975 tendered for filing a Contract for Electric Service between Consumers and Edison Sault Electric Company (Edison Sault) that, when effective, will cancel and supersede an existing Contract for Electric Service dated December 1, 1966 (as amended) between the same two parties. The new contract envisages that electric energy will be provided to Edison Sault at 138 kV, compared to 46 kV under the existing contract, and will become effective when construction by Edison Sault of 138 kV submarine cables across the Straits of Mackinac is completed. The rates to be charged by Consumers for power and energy under the new contract are the rates approved for 138 kV service by the Commission in its Order of August 30, 1974 in Docket No. E–7803. The new contract also increases the capacity reservation from 16,500 kW to 25,000 kW.

Copies of the filing were served on Edison Sault and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10852 Filed 4–24–75;8:45 am]





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[Docket No. RI75–129]

## C. CRADY DAVIS, ET AL.

### Order Setting Proceeding for Hearing and Providing for Interventions

APRIL 18, 1975.

On March 20, 1975, C. Crady Davis, *et al.* (Applicant) filed for a unilateral increase[1] from the 24.0 cents per Mcf Opinion No. 658[2] base ceiling rate to the 57 cents per Mcf Opinion No. 699–H[3] base ceiling rate for a sale of natural gas to Southern Union Gathering Company (Southern) in the San Juan Basin subarea of the Rocky Mountain Area.

Although Applicant's April 23, 1952 twenty-year term base contract with Southern has terminated by its own terms, the proposed rate is not acceptable under Opinion No. 699–H because Applicant has failed to negotiate a renewal contract covering the subject sales.[4] However, in a statement filed in support of its proposed rate increase, Applicant avers that Southern has refused to negotiate in good faith toward a renewal contract. Accordingly, Applicant contends that it should be allowed to charge Southern the current Opinion No. 699–H rate inasmuch as that opinion places an obligation on the buyer to bargain in good faith for a renewal contract.[5] Southern, in a statement filed March 7, 1975, contends, *inter alia,* that it has bargained in good faith with Applicant.

In light of the above, we find that a sufficient question has been raised concerning the applicability herein of the nationwide rate promulgated by Opinion No. 699–H to warrant a formal public hearing. Accordingly, we shall set this case for formal hearing on the limited issues: (1) whether Southern has been guilty of bad faith concerning the negotiation of a renewal contract with Applicant; (2) if so, whether Applicant is entitled to the nationwide rate as a result thereof, and (3) if so, what the appropriate effective date of said rate should be.

Applicant shall bear the burden of proof with respect to its claim that Southern has been guilty of bad faith concerning the negotiation of a renewal contract.

*The Commission finds:*

(1) Good cause exists to set for formal hearing the issues set forth in the body of this order.

(2) Good cause exists to allow a period for intervention.

*The Commission orders:*

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I) Docket No. RI75–129 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues set forth in the body of this order shall be held commencing on June 17, 1975, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicant and any intervenor supporting the application shall file their direct testimony and evidence on or before May 13, 1975. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 3, 1975. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before June 10, 1975. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) Notice of intervention or petitions seeking leave to intervene in this proceeding shall be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the rules of practice and procedure, 18 CFR 1.8 and 1.37(f), on or before May 6, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10853 Filed 4–24–75;8:45 am]

[1] To be designated as Supplement No. 14 to Applicant's FPC Gas Rate Schedule No. 1. Applicant's rate increase has been suspended for five months pursuant to Commission order issued April 17, 1975 in Docket No. RI75–129.

[2] Area Rates For The Rocky Mountain Area, Docket No. R–425, 49 F.P.C. 924 (1973).

[3] ---- F.P.C. ---- (December 4, 1974); 18 CFR 2.56a (hereinafter Opinion No. 699–H).

[4] For the nationwide just and reasonable rate promulgated in Opinion No. 699–H to be applicable to a sale once the base contract has terminated, a renewal contract must be entered into for the subject sale. *Id.* mimeo at 40–44.

[5] *Id.* at 42 n.94.

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[Docket No. E–8947]

## DELMARVA POWER AND LIGHT CO.

### Extension of Procedural Dates

APRIL 18, 1975.

On April 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 14, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, April 28, 1975.
Service of Intervenor's Testimony, May 12, 1975.
Service of Company Rebuttal, May 27, 1975.
Hearing, June 10, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–12854 Filed 4–24–75;8:45 am]

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[Docket No. G–4769 etc.]

## EL PASO NATURAL GAS CO.

### Payment of Refunds

APRIL 18, 1975.

Take notice that on April 11, 1975, El Paso Natural Gas Company ("El Paso") tendered for filing a Report of Refunds made on March 27, 1975, to its interstate pipeline system jurisdictional and non-jurisdictional keyed customers entitled thereto. El Paso states that such refunds were made in compliance with the Commission's letter order issued February 28, 1975, in the captioned dockets and in accordance with the Stipulation and Agreement dated November 1, 1963, approved by Commission order issued December 4, 1963, in Docket Nos. G–4769, et al., and the applicable provisions of Commission orders issued August 9, 1968, and March 18, 1974, in Docket Nos. AR61–1, et al., and AR64–1, et al., respectively.

El Paso further states that the refunds made encompass producer-supplier refunds, both principal and interest, aggregating $39,645,682.66, in conformity with Article IV of the Stipulation and Agreement dated November 1, 1963, approved at Docket Nos. G–4769, et al.

El Paso states that copies of the filing were served on all parties of record in Docket Nos. G–4769, et al., and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before May 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10855 Filed 4–24–75;8:45 am]







petitions or protests should be filed on

principal business office at Centerville,

Project and which are served through

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[Docket No. RP75-42-5]

## EL PASO NATURAL GAS CO. AND CENTRAL ARIZONA IRRIGATION GAS USERS ASSOCIATION

### Petition for Extraordinary Relief

APRIL 18, 1975.

Take notice that on April 7, 1975, Central Arizona Irrigation Gas Users Association (Petitioner), % James H. Green, Jr., 32 Luhrs Arcade, 11 West Jefferson St., Phoenix, Arizona 85003, filed in Docket No. RP75-42-5 pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78) a petition for extraordinary relief from the gas curtailment plan of El Paso Natural Gas Company (El Paso), or in the alternative for an order of the Commission directing El Paso to classify the irrigation gas used by Petitioner's members as process gas includable in curtailment priority 2, all as more fully set forth in the petition, which is on file with the Commission and open to public inspection.

Petitioner states that the natural gas engines used for irrigation pumping by its members are of such a large size, mostly 250 to 400 h.p., and of such a special design, that they either cannot be converted to an alternate fuel, or it is not technically feasible to do so, and that such engines should therefore, be classified as "process gas" users, includable in priority 2.

Petitioner asserts that if the gas used by its members' engines is not so classified, then the members of Petitioner have a need for extraordinary relief to avoid irreparable injury. Petitioner states that the facts which establish a need for extraordinary relief from curtailment for the irrigation gas users are set forth as a part of Petitioner's motion for reconsideration herein, and will be more fully presented at the time set for the presentation of evidence on the curtailment issue.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10856 Filed 4-24-75;8:45 am]

[Docket No. RP75-42-15]

## EL PASO NATURAL GAS CO. AND TUCSON GAS & ELECTRIC CO.

### Petition for Extraordinary Relief

APRIL 18, 1975.

Take notice that on April 11, 1975, Tucson Gas & Electric Company (Petitioner), P.O. Box 711, Tucson, Arizona 85702, filed in Docket No. RP75-42-15 pursuant to section 5 of the Natural Gas Act and § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78) a petition for extraordinary relief from the gas curtailment plan of El Paso Natural Gas Company (El Paso), or in the alternative for an order of the Commission determining that El Paso has incorrectly determined that none of the volumes of gas Petitioner delivers for irrigation purposes is classifiable as Priority 2 requirements pursuant to the definition of "process gas," all as more fully set forth in the petition, which is on file with the Commission and open to public inspection.

Petitioner states that it renders natural gas service to 141 irrigation pumping accounts and that its 1975 aggregate annual sales to such customers were approximately 1.2 million Mcf of gas. Petitioner avers that it is not technically feasible for its 141 irrigation accounts to convert their existing natural gas fueled pumping engines to an alternate fuel, since over 95 percent of the engines served by Petitioner cannot be converted to alternate fuel use except by total replacement or extensive rebuilding, since the sole viable long-term alternative to natural gas fueled irrigation engines in Petitioner's area is electric driven motors, which would cost at least $50 per horsepower, and since financing of conversion, if required and if financed, would require approximately two years to complete.

Petitioner requests sufficient gas to meet the demands of all its irrigation customers within the base volume limits established by the Commission order accompanying Opinion No. 697-A. Relief is requested for at least 24 months from the date of a final order of the Commission on the status of Petitioner's irrigation gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10857 Filed 4-24-75;8:45 am]

[Docket No. E-9381]

## FLORIDA POWER CORP.

### Interconnection Filing

APRIL 18, 1975.

Take notice that on April 14, 1975, Florida Power Corporation (Florida Power) tendered for filing (1) an interconnection agreement dated February 22, 1972 between Florida Power and the City of Sebring Utilities Commission and (2) a Letter of Commitment, also dated February 22, 1972, for firm interchange service under that contract. Florida Power states that both documents pertain to a high voltage interconnection that was energized on July 10, 1974 to replace a previous low voltage interconnection. Florida Power asks that both documents be permitted to become effective on July 10, 1974 and requests waiver of the 30 day notice requirement to permit such an effective date.

Florida Power states that the Service Schedules A, B, D, and E to the Interconnection Agreement tendered herewith for filing provide for various interconnection services (there is no Service Schedule C according to Florida Power). Florida Power states that in accordance with Service Schedule D, the Letter of Commitment tendered for filing provides for sale of firm interchange service by Florida Power to Sebring for a period ending November 30, 1975.

Florida Power states that the various service schedules to the enclosed Interconnection Agreement have negotiated rate provisions the same as those contained in others of Florida Power's interconnection agreements on file with the Commission. Florida Power states that the rates in the Interconnection Agreement and in the Letter of Commitment tendered herewith for filing are not based on special cost of service studies.

Florida Power states that since there is frequent variation in the amounts and type of interchange service furnished, projections of revenues under the various service schedules cannot be made with any degree of accuracy.

Florida Power states that the Interconnection Agreement tendered herewith for filing provides in § 2.2(3) for a charge of $176,000 to be paid by Sebring to Florida Power reflecting estimates of the costs relating to the 69 kv interconnections facilities furnished by Florida Power.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10858 Filed 4-24-75;8:45 am]





[Docket No. ID-1424]

## EDWIN I. HATCH

### Supplemental Application

APRIL 18, 1975.

Take notice that on April 14, 1975, Edwin I. Hatch (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director & Chairman, Georgia Power Company, Public Utility.
Director & Vice Pres., Southern Electric Generating Company, Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10860 Filed 4-24-75;8:45 am]

[Docket No. E-9377]

## IOWA SOUTHERN UTILITIES CO.

### Notice of Application

APRIL 18, 1975.

Take notice that on April 1, 1975, Iowa Southern Utilities Company (Applicant), filed an application pursuant to section 204 of the Federal Power Act and Commission regulations thereunder seeking authority to engage in negotiations with underwriters regarding the proposed issuance and sale of $15 million principal amount of First Mortgage Bonds and $6 million in Common Stock via negotiated underwriting.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

In its letter requesting permission to negotiate, the Applicant represented that because of the small size of the anticipated issue a private placement would be more beneficial to its shareholders and ratepayers. The Applicant further represents that no negotiations or contacts have been made relative to this financing as of this date and will not be made prior to receiving permission to do so from the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10859 Filed 4-24-75;8:45 am]

[Docket No. E-7002]

## DEPARTMENT OF THE INTERIOR ET AL.

### Request for Approval of Rates and Charges

APRIL 18, 1975.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Southeastern Power Administration (SEPA) and pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed a request with the Federal Power Commission on March 28, 1975 in Docket No. E-7002 for confirmation and approval of proposed Wholesale Firm Power Rate Schedules KP-1-B and JHK-1-B and Wholesale Power Rate Schedule KP-2-B applicable to the sale of electric power and energy generated at the John H. Kerr and Philpott Projects (Projects) located on the Roanoke River and Smith River, respectively, in the State of Virginia. The proposed rate schedules are designed to supersede SEPA's current rate schedules for the sale of such power and energy which the Commission approved by order issued on January 7, 1974 in Docket No. E-7002 for the period ending not later than June 30, 1975. The Secretary seeks approval of the proposed rates schedules for a five-year period beginning July 1, 1975 and ending June 30, 1980.

Proposed Wholesale Firm Power Rate Schedule KP-1-B is available to public bodies and cooperatives which operate within a 150 mile radius of the Kerr Project and which are served through the facilities of Virginia Electric and Power Company (VEPCO). It supersedes Wholesale Firm Power Rate Schedule KP-1-A and includes a demand charge of $1.25 per kW of contract demand and an energy charge of 5.00 mills per kWh. Rate Schedule KP-1-B is also applicable to the sale of deficiency energy purchased by SEPA from VEPCO in addition to the sale of firm power generated at the Projects.

Proposed Wholesale Firm Power Rate Schedule JHK-1-B is available to public bodies and cooperatives which operate within a 165 mile radius of the point of interconnection between the electric systems of VEPCO and Carolina Power & Light Company (CP&L) at the Virginia-North Carolina State line in the vicinity of the Kerr Project and which are served through the facilities of CP&L. It supersedes Wholesale Firm Power Rate Schedule JHK-1-A and proposes a demand charge of $1.25 per kW of contract demand and an energy charge of 5.00 mills per kWh.

Proposed Wholesale Power Rate Schedule KP-2-B is available to CP&L and VEPCO. It supersedes Wholesale Power Rate Schedule KP-2-A. The proposed rates for power and energy to CP&L and VEPCO are $1.25 per kW per month for dependable capacity and an amount for dump energy equal to 80% of the calculated saving to CP&L and VEPCO in the cost of fuel.

The proposed Wholesale Firm Power Rate Schedules KP-1-B and JHK-1-B reflect changes in the rates for capacity and energy for power sold to public bodies and cooperatives which will result in an increase of approximately 12 percent in power costs for such customers for Project power. Proposed Wholesale Rate Schedule KP-2-B reflects an increase in the charge for dependable capacity sold to VEPCO and CP&L amounting to 13.6 percent.

In support of the proposed rate schedules, the Secretary submitted to the Commission a Repayment Study, dated March 1975, prepared by SEPA for the purpose of showing that such rate schedules will produce revenues which, together with the revenues collected to date, will repay all costs associated with the production and transmission of electric power and energy generated at the Projects, including the amortization of the Projects' capital investment allocated to power, within 50 years from the commencement of full commercial operation of the Projects.

Proposed Wholesale Firm Power Rate Schedules KP-1-B and JHK-1-B and Wholesale Power Rate Schedule KP-2-B, together with the Repayment Study in support thereof, are on file with the Commission and available for public inspection. Any person desiring to make Comments or suggestions for the Commission's consideration with respect to said rate schedules should submit the same in writing on or before May 7, 1975 to the



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Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10861 Filed 4-24-75;8:45 am]

[Docket No. E-9379]

## NIAGARA MOHAWK POWER CORP.

### Tariff Filing

APRIL 18, 1975.

Take notice that Niagara Mohawk Power Corporation, on April 14, 1975, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation (Niagara) and Consolidated Edison Company of New York, Inc. (Con Edison), dated March 7, 1975.

The service to be rendered by Niagara provides for the transmission of power and energy between (a) Niagara's transmission connections with Rochester Gas and Electric Corporation (Rochester) and (b) Niagara's transmission connection with the Pleasant Valley 345 Kv substation.

Transmission capacity to be made available to Con Edison will be 150 megawatts. This capacity is to be made available continuously for the term of the agreement.

Copies of this filing were served upon the following:

Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10862 Filed 4-24-75;8:45 am]

[Docket No. CP75-286]

## NORTHWEST PIPELINE CORP.

### Application

APRIL 18, 1975.

Take notice that on April 7, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-286 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase the peak day vaporization capability at its liquefied natural gas (LNG) plant, and for the sale and delivery of vaporized LNG to be produced from such LNG facility, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

By this application, Applicant requests authorization to construct and operate facilities to increase the vaporized gas capacity at its LNG plant, in Benton County, Washington, which is presently under construction, from the presently authorized 150,000 Mcf per day to 225,000 Mcf per day, and for the sale and delivery of vaporized LNG to be produced at the plant to certain of its distributor customers. The volumes of vaporized LNG which Applicant proposes to sell and deliver and for which authorization is sought, is a peak day quantity of up to 207,716 Mcf for the 1976-77 heating season and up to 211,544 Mcf for the 1977-78 heating season. The seasonal quantity of 1,200,000 Mcf as proposed in Docket No. CP74-46[1] will remain unchanged. Applicant proposes that the withdrawal (seasonal) period will be the five consecutive months commencing November 1, 1976, and each November 1 thereafter, and will extend through the next succeeding March 31. The proposed service will be available on any day during the withdrawal period upon request of the participating customer, to the extent that the participating customer has all or a portion of its allocated seasonal quantity of LNG.

Applicant proposes allocations for the 1976-77 heating season and thereafter, as agreed upon between Applicant and its customers as follows:

| | Contract demand | | Seasonal quantity | |
|---|---|---|---|---|
| | Mcf | Therms | Mcf | Therms |
| 1976-77: | | | | |
| California-Pacific Utilities Co | 8,600 | 89,870 | 52,000 | 543,400 |
| Cascade Natural Gas Co | 51,200 | 535,040 | 416,000 | 4,347,200 |
| Intermountain Gas Co | 36,500 | 381,425 | 296,000 | 3,093,200 |
| Northwest Natural Gas Co | 28,708 | 300,000 | 58,392 | 610,200 |
| Southwest Gas Corp | 11,483 | 120,000 | 29,187 | 306,000 |
| Washington Natural Gas Co | 54,000 | 564,300 | 180,000 | 1,881,000 |
| Washington Water Power Co | 17,225 | 180,000 | 168,421 | 1,760,000 |
| Total | 207,716 | 2,170,635 | 1,200,000 | 12,540,000 |
| 1977-78 and thereafter: | | | | |
| California-Pacific Utilities Co | 8,600 | 89,870 | 52,000 | 543,400 |
| Cascade Natural Gas Co | 51,200 | 535,040 | 416,000 | 4,347,200 |
| Intermountain Gas Co | 36,500 | 381,425 | 296,000 | 3,093,200 |
| Northwest Natural Gas Co | 28,708 | 300,000 | 83,062 | 868,000 |
| Southwest Gas Corp | 11,483 | 120,000 | 41,531 | 434,000 |
| Washington Natural Gas Co | 54,000 | 564,300 | 142,996 | 1,494,200 |
| Washington Water Power Co | 21,053 | 220,000 | 168,421 | 1,760,000 |
| Total | 211,544 | 2,210,635 | 1,200,000 | 12,540,000 |

The application states that Applicant has a sufficient supply of natural gas during the summer months to meet the estimated firm requirements of its customers and also to meet the requirements of the LNG facility. To assure that the total authorized storage inventory is available at the outset of the heating season, Applicant states it will, to the extent necessary, curtail its interruptible sales during the summer months. Applicant estimates it will require 6,000 Mcf per day during the period April through October 1976 to liquefy for storage in order to have available at the outset of its 1976-1977 heating season its authorized inventory of 1,200,000 Mcf of LNG equivalent.

In order to provide the increased peak day service requested, Applicant proposes to construct an additional vaporizer and appurtenant facilities having a vaporization capacity of 75,000 Mcf per day. The estimated cost of the vaporizer and appurtenant facilities is $556,132 which cost will be met from funds on hand.

Applicant proposes to provide the LNG service proposed in Docket No. CP74-46 and the additional LNG servisce proposed herein under a new rate schedule to be designated LS-1. The demand rates applicable to such rate schedule will be designed so as to recover all the costs directly associated with the LNG plant, such as operation, maintenance, return and taxes. In addition, the commodity rate will recover the cost of gas and the cost of transportation and delivery of the vaporized LNG for the proposed level of operation. The cost delivered into Applicant's transmission system is estimated to be $3.69 per Mcf, $3.66 per Mcf and $3.55 per Mcf for the first, second and third years of operation, respectively.

Applicant states that the limited availability of natural gas from new gas supply sources with which to replace the declining deliverability of existing domestic supply sources will further restrict Applicant's ability to meet its firm contract obligation during the periods of high demand, thereby increasing the level of curtailment its customers are currently experiencing. Applicant further states that the increased development of the LNG facility, while not providing increased annual volumes, will provide additional peak day capability thereby assisting Applicant in meeting the high priority requirements of its customers.

[1] The Commission, by order dated March 19, 1974, issued to Applicant a certificate of public convenience and necessity authorizing the construction of facilities proposed in Docket No. CP74-46, but held in abeyance its authorization for the operation of the LNG facility, and the sale of vaporized LNG therefrom, pending Applicant's satisfying certain conditions set forth in said order.





Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10792 Filed 4-24-75;8:45 am]

[Docket No. CP74-160 etc.]

## PACIFIC INDONESIA LNG CO. AND WESTERN LNG TERMINAL CO.

### Amendments and Supplement to Applications and Consolidation of Proceedings

APRIL 18, 1975.

Take notice that on March 31, 1975, Pacific Indonesia LNG Company (PacIndonesia), 720 West Eighth Street, Los Angeles, California 90017, filed in Docket Nos. CP74-160 and CP74-207 amendments to its applications filed on November 30, 1973,[1] and February 15, 1974,[2] in the respective dockets pursuant to sections 3 and 7 of the Natural Gas Act for authorization to import liquefied natural gas (LNG) into the United States from the Republic of Indonesia, to construct and operate LNG terminal facilities, and to sell regasified LNG to Southern California Gas Company, (So Cal), which amendments change the pricing formula for the sale of gas to PacIndonesia's supplier in Indonesia and set forth arrangements for Western LNG Terminal Company rather than PacIndonesia to construct and operate terminal facilities in California for the receipt, storage and regasification of the LNG. Take further notice that on March 31, 1975, Western LNG Terminal Company (Western Terminal), 720 West Eighth Street, Los Angeles, California 90017, filed its Oxnard supplement to its application filed on September 17, 1974, in Docket No. CP75-83[3] for a conditioned certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities at three proposed locations in southern California, namely, Los Angeles Harbor, Oxnard, and Point Conception, to receive, unload, store and vaporize LNG and authorizing the construction of pipeline facilities for the transportation of such vaporized LNG in interstate commerce. The instant proposals are more fully set forth in the amendments and supplement which are on file with the Commission and open to public inspection.

By its application in Docket No. CP 74-160 PacIndonesia seeks authorization to import into the United States LNG from the Republic of Indonesia. The application states that natural gas is to be purchased from Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina), the State Oil and Gas Enterprise of the Republic of Indonesia, by Pacific Lighting International, S.A. (PLI), pursuant to a contract dated September 6, 1973. The application states that the natural gas is to be liquefied by Pertamina and then loaded onto ships, at which loading point PLI will take title. PLI will then sell said LNG to PacIndonesia who takes title on the high seas. The application further states that PacIndonesia has agreed in a precedent letter agreement with Pacific Lighting Marine Company (PL Marine) to execute a definitive LNG Shipping Agreement providing that PL Marine will furnish to PacIndonesia, by time charter or otherwise, LNG ships for transportation of the LNG to California. The LNG to be imported will be discharged by PL Marine at terminal facilities near Oxnard, California, proposed to be constructed and operated by PacIndonesia in its application in Docket No. CP74-207.[4] PacIndonesia intends to sell natural gas derived from this LNG import arrangement to SoCal for use on the latter's natural gas distribution system. The instant amendments reflect three basic changes in PacIndonesia's original proposals.

(1) PacIndonesia states that the Government of the Republic of Indonesia disapproved of the September 6, 1973, contract for the sale of Indonesian gas since in its opinion the contract pricing formula generally did not reflect the development of energy prices and specifically was not linked to the price of Indonesian crude oil. The pricing formula to which the Indonesian Government objected was submitted on February 15, 1974, by PacIndonesia in a supplement to its application.[5]

PacIndonesia states that Pertamina and PLI have entered into an amended contract, dated January 9, 1975, which provides for the following formula calculation of the price of gas:

$$P = Po \times \left(0.5 \frac{A}{\text{U.S. } \$11.00} + 0.5 \frac{I}{230.0}\right)$$

in which:

$P$ = the calculated Contract Sales Price, rounded to the forth decimal place;
$Po$ = U.S. $1.2500;
$A$ = the applicable Indonesian Crude Oil Price which shall be the average of the prices in U.S. dollars per barrel, f.o.b. Indonesia, of all Indonesian crude oils, actually sold for export and invoiced by Seller during the applicable period of computation, weighted for the volumes of each such crude oil so sold and invoiced.
$I$ = the applicable value obtained from the Code 05 Wholesale Price Index for Fuels and Related Products, and Power, with all component subgroups of the Code 05 Index included and weighted in the total Code 05 Index value as compiled by the U.S. Department of Labor, Bureau of Labor Statistics.

(2) PacIndonesia states that on January 9, 1975, an agreement was reached between PLI and Pertamina under which Pertamina, not PL Marine, will provide the shipping for the subject LNG if Pertamina is able to obtain shipping capacity within six months under terms and conditions which are satisfactory to the parties. PacIndonesia states that Pertamina is currently negotiating with shipping firms for satisfactory shipping arrangements which, if and when consummated, will be brought to the attention of the Commission in the form of an amendment to PacIndonesia's application.

(3) PacIndonesia states that it no longer intends to construct and operate the LNG terminal facilities near Oxnard, California. On September 17, 1974, Western Terminal filed an application in Docket No. CP75-83 for authority to construct and operate facilities at Oxnard similar to those facilities proposed by PacIndonesia. PacIndonesia states that the terminal service will be provided by Western Terminal pursuant to a contract between Western Terminal and PacIndonesia dated March 11, 1975.

[1] Notice of the application in Docket No. CP74-160 was published in the FEDERAL REGISTER on January 7, 1974 (39 FR 1817).

[2] Notice of the application in Docket No. CP74-207 was published in the FEDERAL REGISTER on March 7, 1974 (39 FR 8964).

[3] Notice of the application in Docket No. CP75-83 was published in the FEDERAL REGISTER on October 9, 1974 (39 FR 36387).

[4] By order issued April 8, 1974, the Commission consolidated the proceedings in Docket Nos. CP74-160 and CP74-207.

[5] Notice of the supplement to application was published in the FEDERAL REGISTER on March 14, 1974 (39 FR 9862).



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By its application of September 17, 1974, Western Terminal describes its terminal company concept and the required facilities. Western Terminal therein states that it would perform a service only, would not own any of the LNG or revaporized gas, and would not be in the business of selling such gas for resale purposes, although it would engage in the transportation of natural gas in interstate commerce. Further, in the application of September 17, 1974, Western Terminal states that it would make supplemental filings at the time agreements were entered into to provide terminal services and that the supplemental filings would set out the specific facilities required, cost estimates, tariff, financing, and other pertinent data.

By its order of December 23, 1974, the Commission expressed its intention to consolidate Western Terminal's supplemental filings reflecting specific terminaling contracts and facilities in Docket No. CP75–83 with the specific dockets to which they relate. With respect to the instant supplement the related dockets involve the proceedings in Docket No. CP74–160, *et al.*

Western Terminal states that on March 11, 1975, it entered into a definitive agreement to provide terminal service to PacIndonesia at the proposed Oxnard, California, site. Western Terminal states that the definitive agreement provides that Western Terminal will receive, unload, store and vaporize up to an annual quantity of approximately 217 trillion Btu of liquefied natural gas and redeliver during each contract year the resulting volumes requested and designated by PacIndonesia to SoCal at its La Vista Station near Somis, California.

Western Terminal states that its Oxnard facilities will be located on a 210-acre site, 60 miles northwest of Los Angeles. Western Terminal proposes to construct and operate facilities designed to receive LNG transported by ship, unload and transfer it into insulated storage tanks, and withdraw and vaporize it for delivery into gas transmission systems. The facilities will be capable of handling an average of 521,600 Mcf of natural gas per day, with a peaking capacity which will increase the total vaporization capacity to 1,000,000 Mcf per day. In addition, Western Terminal proposes to construct and operate pipelines from the Oxnard LNG Terminal to existing transmission facilities in southern California.

Specifically, Western Terminal proposes to lease from Oxnard Harbor District marine berthing and unloading facilities to accommodate and unload LNG ships of up to 165,000 cubic meters capacity.

Western Terminal also proposes to construct and operate the following:

(1) An LNG transfer system which will carry the LNG from the ships to the storage tanks. This system will consist of one 48-inch-diameter insulated cryogenic line and one 16-inch vapor-return line.

(2) Two tanks of 550,000 barrels each which will be required at the site to handle the PacIndonesia volumes. Each tank will have the following approximate dimensions: Diameter—240 feet; shell height—80 feet; overall height—129 feet.

(3) A vaporization plant which will consist of seawater vaporizers with a capacity of 521,600 Mcf of gas per day, an odorizing and metering system, and required peripheral equipment. It will be situated adjacent to the LNG storage tanks.

(4) Submerged-combustion gas-fired vaporizers will be installed to raise the total vaporization capacity of the terminal to 1,000,000 Mcf of gas per day. They will be used during peak load periods of SoCal and when the seawater vaporizers require maintenance.

(5) Two 9-foot diameter seawater exchange pipelines will be constructed between an adjoining electric generating station and the LNG plant.

(6) 12.2 miles of 42-inch pipeline to transport gas from the Oxnard LNG terminal. This line will tie into the existing gas transmission system of SoCal.

The supplement indicates that the total capital cost for the proposed facilities, including a provision for escalation, is estimated to be $259,734,000. Western Terminal proposes the issuance of first mortgage bonds by private sale and the sale of common stock to Pacific Lighting Corporation, its parent. Anticipated interm financing for capital improvements during the construction period will be provided by (1) construction loans from banks and from others, (2) open account advances from Pacific Lighting Corporation, and (3) the sale of common stock to Pacific Lighting Corporation. Western Terminal states that the actual financing plans and related costs will be determined by market conditions and other circumstances at the time of financing.

Western Terminal proposes to render its terminal services at the Oxnard facilities on a cost-of-service basis pursuant to its FPC tariff. Because the tariff and service agreement will provide the ultimate credit support for project financing (the project itself must contain the necessary financial ingredients to be self-supportive), Western Terminal requests that the proposed tariff be made effective 30 days after issuance of the certificate of public convenience and necessity requested herein.

The instant supplement and the applications in the proceeding in Docket No. CP74–160, *et al.*, appear to present common issues of fact and law and are, therefore, consolidated for hearing.

Any person desiring to be heard or to make any protest with reference to said amendments or supplement should on or before May 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a petition to intervene, notice of intervention or protest to the granting of the applications in the proceedings in Docket Nos. CP74–160 or CP74–207 need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10863 Filed 4–24–75;8:45 am]

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[Docket No. ID–1580]

## ROBERT SCHERER

### Supplemental Application

APRIL 18, 1975.

Take notice that on April 14, 1975, Robert Scherer (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director & President, Georgia Power Company, Public Utility.

Director, Southern Electric Generating Company, Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a petition to intervene, notice of intervention or protest to the granting of the applications in the proceedings in Docket Nos. CP74–160 or CP74–207 need not file again.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10864 Filed 4–24–75;8:45 am]

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[Docket No. ID–1653]

## HAL B. WANSLEY

### Supplemental Application

APRIL 18, 1975.

Take notice that on April 14, 1975, Hal B. Wansley (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:





Director & President, Georgia Power Company, Public Utility.

Director, Southern Electric Generating Company, Public Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10865 Filed 4–24–75;8:45 am]

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[Docket No. E–9378]

## WISCONSIN POWER & LIGHT CO.

### Filing of Letter Agreement

APRIL 18, 1975.

Take notice that on April 14, 1975, Wisconsin Power and Light Company tendered for filing a Letter Agreement dated January 6, 1975, between Wisconsin Public Service Corporation (WPS), Madison Gas and Electric Company (MGE,) Wisconsin Power and Light Company (WPL), and Wisconsin Electric Power Company (WE).

WPL states that the Letter Agreement provides for WPS, MGE, WPL, collectively, to supply WE with 150,000 kilowatts of Limited Term Power for the 24 month period beginning June 1, 1975, and ending May 31, 1977.

WPL further states that this reservation and sale of power by WPS, MGE, WPL, collectively, to WE is in accordance with Article 3 and Service Schedule A of the respective Interconnection Agreements of WPS, MGE, WPL with WE, dated December 23, 1969; June 3, 1965; and June 7, 1971, respectively, as amended effective May 1, 1973.

WPL states that no estimates of the quantities of energy to be exchanged are available.

WPL states that signed duplicate originals of the Letter Agreement have been provided to WPS, MGE, and WE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Paragraph 1.8 and Paragraph 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10866 Filed 4–24–75;8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[TA–131(b)–1, TA–503(a)–1, and 332–74]

### PRESIDENT'S LISTS OF ARTICLES WHICH MAY BE AFFECTED BY INTERNATIONAL TRADE NEGOTIATIONS

#### Hearing

On January 20, March 3, and April 2, 1975, the Commission issued public notices for the above-entitled investigations with respect to the President's list of articles which may be affected by international trade negotiations to be conducted under authority of section 101 of the Trade Act of 1974 (40 FR 3517, 10717) and the President's list of articles which may be designated as eligible articles for purposes of a generalized system of preferences set forth in title V of the Trade Act (40 FR 15456).

There follows the address of the hearing to be held in Augusta, Maine, on May 9 and 10, which was not available upon publication of the aforementioned notice of April 2.

Augusta Civic Center
Kennebec Room
Community Drive

By order of the Commission:

Issued: April 22, 1975.

KENNETH R. MASON,
*Secretary.*

[FR Doc.75–10903 Filed 4–24–75;8:45 am]

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

#### Meeting

APRIL 21, 1975.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C. on May 15 and 16, 1975.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, NW., Washington, D.C. The session of the proposed meeting on May 15, 1975 and the afternoon session on May 16, 1975, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on May 16, 1975 will convene at 9 a.m. and will be open to the public. The agenda for the morning session will be as follows:

I. Minutes of Previous Meeting.
II. Reports:
A. Summary of Recent Business and Introduction of New Staff Members;
B. Application Report;
C. Chairman's Grants;
D. Appropriation Hearings, 1. NFAH Appropriations, 2. Jobs Bill;
E. Report on American Issues Forum.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
*Advisory Committee Management Officer.*

[FR Doc.75–10816 Filed 4–24–75;8:45 am]

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## NATIONAL LABOR RELATIONS BOARD

### AREAS SERVED BY REGIONAL AND SUBREGIONAL OFFICES

#### Organization and Functions

The National Labor Relations Board amends the list of areas served by Regional and Subregional Offices to read as follows:

AREAS SERVED BY REGIONAL AND SUBREGIONAL OFFICES

(Listed in numerical order except that subregions appear directly under respective regions.)

Region 1. Boston, Massachusetts. Services Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and all Connecticut counties except Fairfield.

Region 2. New York, New York. Services Fairfield County in Connecticut and Bronx, New York, Orange, Putnam, Rockland, and Westchester Counties in New York.

Region 3. Buffalo, New York. Services all New York State counties except the metropolitan area counties serviced by Regions 2 and 29.

Persons may also obtain service at the resident office located in Albany, New York.

Region 4. Philadelphia, Pennsylvania. In Pennsylvania, services Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery,



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Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties; in New Jersey, services Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties; and in Delaware, services New Castle County.

Region 5. Baltimore, Maryland. Services Maryland and Virginia; the District of Columbia; Kent and Sussex Counties in Delaware; the city of Bristol in Sullivan County, Tennessee; and, in West Virginia, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton Counties.

Persons may also obtain service at the resident office located in Washington, D.C.

Region 6. Pittsburgh, Pennsylvania. In Pennsylvania, services Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Somerset, Venango, Warren, Washington, and Westmoreland Counties; in West Virginia, Barbour, Brooke, Doddridge, Hancock, Harrison, Lewis, Marion, Marshall, Monongalia, Ohio, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur, Webster, and Wetzel Counties.

Region 7. Detroit, Michigan. In Michigan, services Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford Counties.

Region 8. Cleveland, Ohio. In Ohio, services Allen, Ashland, Ashtabula, Auglaize, Belmont, Carroll, Champaign, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fulton, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Miami, Monrow, Muskingum, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Wayne, Williams, Wood, and Wyandot Counties.

Region 9. Cincinnati, Ohio. In Ohio, services Adams, Athens, Brown, Butler, Clark, Clermont, Clinton, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Lawrence, Madison, Meigs, Monroe, Montgomery, Morgan, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Vinton, Warren, and Washington Counties; services all counties in Kentucky except Daviess and Henderson; in Indiana, services Clark, Dearborn, and Floyd Counties; and in West Virginia, services Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pleasants, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Wayne, Wirt, Wood, and Wyoming Counties.

Region 10. Atlanta, Georgia. Services Georgia; in Tennessee, services Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Clay, Cocke, Cumberland, Fentress, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White Counties; in Alabama, services Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Madison, Marion, Marshall, Morgan, Perry, Pickens, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston Counties.

Persons may also obtain service at the resident office in Birmingham, Alabama.

Region 11. Winston-Salem, North Carolina. Services North Carolina and South Carolina.

Region 12. Tampa, Florida. In Florida, services Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Flagler, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla Counties.

Persons may also obtain service at the resident offices in Coral Gables and Jacksonville, Florida.

Region 13. Chicago, Illinois. Services Cook, Du Page, Kane, Lake and Will Counties in Illinois, and Lake County in Indiana.

Subregion 38. Peoria, Illinois. In Illinois, services Boone, Bureau, Carroll, Cass, Champaign, De Kalb, De Witt, Douglas, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kankakee, Kendall, Knox, La Salle, Lee, Livingston, Logan, Macon, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria, Piatt, Putnam, Rock Island, Sangamon, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Winnebago, and Woodford Counties; in Iowa, services Clinton, Des Moines, Dubuque, Jackson, Lee, Muscatine, Scott, and Louisa Counties.

Region 14. St. Louis, Missouri. In Illinois, services Adams, Alexander, Bond, Brown, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties; and in Missouri, services Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Independent City of St. Louis, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, St. Genevieve, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne Counties.

Region 15. New Orleans, Louisiana. Services Louisiana; in Mississippi, services Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Issaquena, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lincoln, Madison, Marion, Neshoba, Newton, Pearl River, Perry, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson, and Yazoo Counties; in Alabama, services Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Dallas, Escambia, Geneva, Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Pike, Russell, Washington, and Wilcox Counties; in the State of Florida, the counties of Bay, Calhoun, Escambia, Franklin, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, and Washington.

Region 16. Fort Worth, Texas. Services Oklahoma and the following counties in Texas: Anderson, Andrews, Angelina, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Brewster, Briscoe, Brown, Burnet, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kaufman, Kent, Kimble, King, Knox, Lamar, Lamb, Lampasas, Leon, Limestone, Lipscomb, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, McCulloch, McLennan, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Rains, Randall, Reagan, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Trinity, Upshur, Upton, Van Zandt, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

Persons may also obtain service at the resident office located in Tulsa, Oklahoma.

Region 17. Kansas City, Kansas. Services Nebraska and Kansas and the following counties in Missouri: Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Charlton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, St. Clair, Saline, Schuyle, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.

Region 18. Minneapolis, Minnesota. Services North Dakota, South Dakota, and Minnesota and the following counties in Iowa: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Linn, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright; and the following counties in the State of Wisconsin: Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Jackson, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn.

Region 19. Seattle, Washington. Services Alaska, Montana, Idaho, and Washington.

Subregion 36. Portland, Oregon. Services Oregon and Clark County in Washington.

Persons may also obtain service at the resident office located in Anchorage, Alaska.

Region 20. San Francisco, California. In Nevada, services Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe, White Pine; and the following counties in California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake Lasson, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties.

Subregion 37. Honolulu, Hawaii. Services Hawaii.

Region 21. Los Angeles, California. Services the following counties in California: Imperial, Orange, Riverside, and San Diego, and that portion of Los Angeles County lying east of Harbor Freeway and south of Pasadena Freeway (Arroyo Boulevard, U.S. Highway 66).

Region 22. Newark, New Jersey. In New Jersey, services Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties.

Region 23. Houston, Texas. In Texas, services Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy Kerry, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Montgomery, Newton, Nueces, Orange, Polk Real, Refugio, San Jacinto, San Patricio, Starr, Travis, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata, and Zavalla Counties.

Region 24. Hato Rey, Puerto Rico. Services Puerto Rico and the U.S. Virgin Islands.

Region 25. Indianapolis, Indiana. Services Indiana, with the exception of Lake, Clark, Dearborn, and Floyd Counties, and Daviess and Henderson Counties in Kentucky.

Region 26. Memphis, Tennessee. Services Arkansas and the following counties in Tennessee: Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Coffee, Crockett, Davidson, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marshall, Maury, Montgomery, Moore, Obion, Perry, Robertson, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, and Wilson; also services the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Layfayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha.

Persons may also obtain service at the resident offices in Little Rock, Arkansas, and in Nashville, Tennessee.

Region 27. Denver, Colorado. Services Wyoming, Colorado, and Utah.

Region 28. Phoenix, Arizona. Services Arizona and New Mexico, and Culberson, El Paso, and Hudspeth Counties in Texas.

Persons may also obtain service at the resident offices in Albuquerque, New Mexico, and in El Paso, Texas.

Region 29. Brooklyn, New York. In New York, services Kings, Nassau, Queens, Richmond, and Suffolk Counties.

Region 30. Milwaukee, Wisconsin. In Wisconsin, services the following counties: Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Door, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Oneida, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Vilas, Walworth, Waushara, Washington, Waukesha, Waupaca, Winnebago, and Wood; in Michigan, services the following counties: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

Region 31. Los Angeles, California. Services the following counties in California: Inyo, Kern, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura; that portion of Los Angeles County lying west of Harbor Freeway and north of Pasadena Freeway (Arroyo Boulevard, U.S. Highway 66); in Nevada, services Nye, Lincoln, and Clark Counties.

Persons may also obtain service at the resident office located in Las Vegas, Nevada.

Dated, Washington, D.C., April 21, 1975.

By direction of the Board.

JOHN C. TRUESDALE,
*Executive Secretary.*

[FR Doc.75-10810 Filed 4-24-75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-237]

### COMMONWEALTH EDISON CO.

### Issuance of Facility License Amendment

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-19 to the Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Dresden Nuclear Power Station Unit 2 located in Grundy County, Illinois. The amendment is effective as of its date of issuance.

The amendment allows the core spray and low pressure coolant injection (LPCI) systems to remain inoperable under specified conditions when the reactor is placed in the Refuel mode from a cold shutdown condition, in accordance with the licensee's application dated April 4, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 4, 1975, (2) Amendment No. 6 to License No. DPR-19 with Change No. 32, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois, 60451. A single copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of April 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
*Chief, Operating Reactors Branch #2, Division of Reactor Licensing.*

[FR Doc.75-10878 Filed 4-24-75;8:45 am]

## REGULATORY GUIDE

### Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.1, Revision 1, "Programs for Monitoring Radioactivity in the Environs of Nuclear Power Plants," describes a basis acceptable to the NRC staff for the design of preoperational and operational programs for monitoring levels of radiation and radioactivity in the environs of nuclear power plants. Revision 1 updates this guide for consistency with current NRC practice and other regulatory guides.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 4.1, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by June 23, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington,







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D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automotive distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 4 Regulatory Guides currently being developed include the following:

Cooling Water System—Protection of Aquatic Organisms (Entrapment).
Cooling Water System—Protection of Aquatic Organisms (Entertainment).
Cooling Water System—Protection of Aquatic Organisms (Cold Shock).
Effluent Monitoring Guide for $UF_6$ Conversion Facilities.
Effluent Monitoring Guide for Uranium Mills.
Effluent Monitoring Guide for Fuel Fabrication Facilities.
Effluent Monitoring Guide for Irradiated Fuel Reprocessing.
Analytical Models for Estimating Radioisotope Concentration in Different Water Bodies.
Methods for Estimating Atmospheric Dispersion of Gaseous Effluents from Routine Releases.
Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Boiling Water Reactors.
Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Pressurized Water Reactors.
Calculation of Annual Average Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Implementing Appendix I.
Irreversible and Irretrievable Commitments of Materials Resources.
Land Use Assessment—Agriculture.
Nuclear Power Stations—Guide to Terrestrial Studies.
Standard Format and Content of Site Certification Reports for Designated Sites.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland, this 17th day of April 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
*Acting Director,*
*Office of Standards Development.*

[FR Doc.75-10871 Filed 4-24-75;8:45 am]

## NATIONAL SCIENCE FOUNDATION

### ADVISORY PANEL FOR METALLURGY AND MATERIALS

#### Open Meeting

The Advisory Panel for Metallurgy and Materials will hold an open meeting at 9 a.m. on May 12 and 13, 1975, in Rm. 621, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel (formerly known as Advisory Panel for Engineering Materials) is to provide advice and recommendations for research in the area of metallurgy and materials. The Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

The agenda will include the following:

1. The general status of the programs.
2. Details of the Ceramic Program.
3. Future directions of research in this area.
4. The review process.
5. Rotation plan for panel members.

This meeting is open to the public. Anyone who plans to attend or would like more information about the Panel should contact Mr. C. A. Wert, Head, Metallurgy and Materials Section, Rm. 412, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7406.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
*Committee Management Officer.*

APRIL 22, 1975.

[FR Doc.75-10870 Filed 4-24-75;8:45 am]

### ADVISORY PANEL FOR NEUROBIOLOGY

#### Notice of Meeting

The Advisory Panel for Neurobiology will hold a meeting at 9 a.m. on May 13 and 14, 1975, in Rm. 642 at 1800 G Street, NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals that have been assigned to the Neurobiology Program. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. James H. Brown, Program Director, Neurobiology Program, Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4264.

FRED K. MURAKAMI,
*Committee Management Officer.*

APRIL 22, 1974.

[FR Doc.75-10869 Filed 4-24-75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 22, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Survey of Housing Energy Conservation, AHS-2 Supp, single-time, households in 461 PSU design, Sunderhauf, M. B., 395-4911.

Bureau of the Census:
General Revenue Sharing, RS-9-L9, annually, Government agencies, Ellett, C. A., 395-6172.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Family's Dwelling Unit Inspection Report, Section 8, Existing Housing, HUD 52579, on occasion, families participating in sec. 8 program, community and veterans affairs division, 395-3532.

Housing Management:
Application for Tenant Eligibility and Recertification, Section 8, Existing Housing, HUD 52659, on occasion, public housing agencies and owners, community and veterans affairs division, 395-3532.

Housing Management:
Report on Family Characteristics, Section 8, Existing Housing, HUD 52675, semi-annually, public housing agencies, community and veterans affairs division, 395-3532.

Housing Management:
Owner's Dwelling Unit Inspection Report, Section 8, Existing Housing, HUD 52580, on occasion, public housing agencies, community and veterans affairs division, 395-3532.

Housing Management:
Request for Lease Approval, Section 8, Existing Housing, HUD 52517, on occasion, families receiving certificates of participation, community and veterans affairs division, 395-3532.





DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:
Preliminary Prospectus for "Ridesharing: a Behavioral Study" and Sole Source Justification, single-time, sample of individuals from Washington urban area, Strasser, A., 395-3880.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

Fuel Additives Registration—Fuel Manufacturer, EPA 269, semi-annually, petroleum industry, Marsha Traynham, 395-4529.
Fuel Additives Registration—Additive Manufacturer, NAPCA-HQ, on occasion, petroleum industry chemical manufacturers, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:
Expenditures of United States Travelers in Mexico, BE-575, on occasion, U.S. residents visiting Mexico, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Application for Federal Assistance (nonconstruction programs) Title V, Part C, ESEA, OE-4533, annually, Sea's and Lea's Caywood, D.P., 395-3443.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:
Application for Survey of Islands or Omitted Public Lands, 9180-1, on occasion, individuals, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Coast Guard:
Report of Personal Injury or Loss of Life, CG-924E, on occasion, Marsha Traynham, 395-4529.

EXTENSIONS

DEPARTMENT OF TRANSPORTATION

Coast Guard:
Report of Vessel Casualty or Accident, CG-2692, on occasion, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75-10987 Filed 4-24-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18946; 70-5664]

### ARKANSAS-MISSOURI POWER CO.

#### Proposed Issuance and Sale of Short-Term Bank Notes; Exception From Competitive Bidding

APRIL 21, 1975.

In the matter of Arkansas-Missouri Power Company, 405 West Park Street, Blytheville, Arkansas 72315; (70-5664).

Notice is hereby given that the Arkansas-Missouri Power Company ("Arkansas-Missouri"), a wholly owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) thereunder regarding the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Arkansas-Missouri proposes to issue and sell, from time to time during the period commencing on the effective date of this declaration and continuing for one year thereafter, unsecured short-term promissory notes to the First National Bank of Memphis ("Bank") in an aggregate principal amount at any one time outstanding of not more than $3,500,000. The notes, to be issued by Arkansas-Missouri under a line of credit with the Bank, will be payable not more than 90 days from the date of issue and will bear interest, payable at maturity, on the unpaid principal amount thereof at the prime commercial loan rate of the Bank (currently 7½%) in effect at that time. The effective cost of borrowing is equivalent to the prime rate since there are no compensating balances required by the Bank. Any adjustments in the prime rate will become effective, for purposes of this issue, on the first business day of the month next following the month during which any change in the prime rate occurs. The notes will be prepayable in whole or in part at any time, without premium or penalty, at the option of Arkansas-Missouri. As the notes mature they will be renewed (but to mature not later than one year after the effective date of this declaration) or repaid out of funds then available to the company. Arkansas-Missouri currently intends to repay its outstanding short-term note obligations, including the notes to be issued pursuant to this declaration, out of funds generated from the company's operations or from the proceeds of permanent financing and/or the disposition of its natural gas properties.

On the effective date of this declaration Arkansas-Missouri plans to pay to the Bank a commitment fee of $52,500, equal to 1½% of the Bank's maximum commitment, which is non-refundable and not subject to line usage.

The net proceeds to be received by Arkansas-Missouri from the issuance and sale of the notes, together with funds generated by operations, will be applied to the company's 1975 construction program, which is expected to result in estimated expenditures of $6,810,000.

The expenses to be paid by Arkansas-Missouri in connection with the proposed transaction are estimated at $4,000. The declaration states that no State commission and no Federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 15, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-10900 Filed 4-24-75;8:45 am]

[Rel. No. 8764 812-3788]

### ICI NORTH AMERICA, INC.

#### Filing of Application

APRIL 21, 1975.

In the matter of ICI North America, Inc., Rollins Building, 1 Rollins Plaza, Wilmington, Delaware 19897 (812-3788).

Notice is hereby given that ICI North America, Inc. ("Applicant"), a Delaware Corporation, filed an application on March 31, 1975, and amendments thereto on April 10, 1975 and April 15, 1975, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), for an order of the Commission exempting Applicant from all provisions of the Act. All interested persons are referred to the application which is on file with the Commission for a statement of the representations made therein which are summarized below.

All of the Applicant's capital stock will be owned by Imperial Chemical Industries Limited ("ICI"), or a wholly owned subsidiary of ICI. As of December 31, 1974, ICI, a United Kingdom Corporation, and its consolidated subsidiaries (together the "ICI Group") had total assets of over £2 billion ($4.7 billion). The ICI Group is engaged in the manufacture of a wide range of products principally in the area of chemicals.

Applicant contends that its sole purpose is to provide a vehicle through which the ICI Group may obtain funds in the United States by public offerings of debt securities registered under the Securities Act of 1933 (the "1933 Act"). Initially, Applicant proposes to borrow, in this manner, within the United States, between $75 million and $150 million for use by the ICI Group on property and



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plant and other investments outside the United Kingdom.

These monies would be raised by a public offering by Applicant of between $75 and $150 million principal amount of debentures ("Debentures") to be issued under an indenture (the "Indenture"). Under the Indenture, the Debentures would be unconditionally guaranteed by ICI as to payment of principal, premium, if any, interest, and the making of sinking fund payments. The Debentures and such guaranty ("ICI Guaranty"), which will be endorsed thereon, will be registered under the 1933 Act. The Indenture will be qualified under the Trust Indenture Act of 1939 (the "Trust Indenture Act").

Applicant states that it will lend the proceeds of the public offering of the Debentures to ICI or to a wholly-owned subsidiary of ICI and that such loans will be repayable at such times and in such amounts as will enable Applicant to service the indebtedness represented by the Debentures. Applicant represents that repayment of any loan by it to a wholly-owned subsidiary of ICI will be guaranteed by ICI.

Because its only function will be to make loans to ICI or ICI wholly-owned subsidiaries, Applicant's only assets, other than its capital retained for the payment of expenses, will consist of amounts receivable from ICI or wholly-owned subsidiaries of ICI.

Applicant may make further public offerings of debt securities in the United States in the future. Any such securities would be guaranteed by ICI, the securities and the guarantee would be registered under the 1933 Act, an indenture with respect thereto would be qualified under the Trust Indenture Act, and the net proceeds of such offerings would be loaned to ICI or to wholly-owned subsidiaries of ICI under guarantees of repayment by ICI.

Section 3(a)(3) of the Act defines the term "investment company" to include any issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis." Since substantially all of Applicant's assets will consist of indebtedness to Applicant of ICI and its subsidiaries, Applicant may be deemed to be an investment company under the Act.

Applicant asserts that its sole business will be to lend monies to ICI and to wholly-owned subsidiaries of ICI and that it will not deal with its rights relating to such loans nor deal with or trade in securities. Applicant contends that because its debt securities will be guaranteed by ICI, which will own all of Applicant's outstanding shares of common stock, the purchase of Applicant's debt securities will be the equivalent of purchasing obligations of ICI. Applicant also represents that ICI is not an investment company as defined by section 3(a) of the Act and that ICI could issue debt securities directly without raising questions under the Act. Applicant states ICI chose Applicant to be its financing vehicle in order to facilitate the qualification of the debt securities for purchase by certain institutions. Applicant also contends that since any publicly offered debt securities of Applicant and the ICI guarantees on such securities will be registered under the 1933 Act, Applicant and ICI will be subject to the reporting requirements of the Securities Exchange Act of 1934.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed, in the event that the Commission grants the application, to the insertion in the Commission's order of the condition that the Applicant will file with the Commission, within 120 days after the close of each fiscal year of Applicant commencing with the first fiscal year in which it issues and sells any debt securities: (a) the data required by Item 1.08 (except with respect to information relating to persons under common control with the Applicant), 1.09, 1.10, 1.11 of Form N-1R adopted by the Act, and (b) an annual balance sheet, income and surplus statement, and a schedule of investments.

Notice is further given that any interested person may, not later than May 16, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 16, 1975 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10901 Filed 4-24-75;8:45 am]

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[File No. 81-164; ADMIN. PROC. FILE NO. 3-4653]

## WISCO HARDWARE CO.

### Notice of and Order for Hearing on Application

APRIL 17, 1975.

Notice is hereby given that Wisco Hardware Company ("the Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, ("the Act") for an order exempting the Applicant from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the effect of exempting the Applicant from sections 13 and 14 of the Act and any officer, director or ten percent beneficial owner from section 16 thereof.

Section 12(g) of the Act requires the registration of the securities of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, proxy solicitation, and other requirements of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states in part:

1. The Applicant is a corporation organized under the laws of the State of Wisconsin. The Applicant's most recent audited financial statements indicate that, as of November 30, 1973, the Applicant had total assets exceeding $2 million and 6,518 shares of common stock held of record by 701 persons. More recent financial statements, which are unaudited, show total assets as of September 30, 1974, to be approximately $1.5 million.

2. The Applicant operates a dealer-owned wholesale house which buys, warehouses, merchandises, finances, and distributes lines of general hardware, building materials and related merchandise to member and non-member retail dealers in Illinois, Iowa, Michigan, Minnesota, and Wisconsin. The Applicant also furnishes merchandising catalogs, operates trade shows, and conducts sales promotion programs. The Applicant seeks to reduce the cost of merchandise to dealer-members through the annual payment, if earned, of patronage refunds which are distributed to members in proportion to their contribution to the Applicant's gross profit.

3. Holding common stock in the Applicant is a prerequisite to membership, but continued membership is not required for subsequent ownership of such stock. If the Board of Directors cancels a dealer's membership, or if a member desires to sell or transfer his shares, the Applicant has a right to repurchase such stock at book value. In addition, no person may own or hold more than 25 shares of common stock.

4. The Applicant's activities are predominantly intra-state. The Applicant is incorporated and has its principal place of business in Wisconsin, and 605 of its common stockholders reside in that state.

5. The Applicant has furnished annual reports containing audited financial statements to stockholders in attendance at the Annual Stockholders Meeting. Because the audit report was not completed in time for the stockholders meeting on January 13, 1975, unaudited information was made available at that meeting.

6. No public market exists for the Applicant's common stock, and there is an absence of any trading interest in such securities. The common stock is not traded on an exchange, and no broker-dealer makes a market in the stock.

*It is ordered* pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of Wisco Hardware Company for an exemption from the provisions of sections 12(g) of that Act be held on May 28, 1975 at 10 a.m., at the offices of the Securities and Exchange Commission, 1100 L Street, Room 776, Washington, D.C. An Administrative Law Judge will be designated to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request as provided for by Rule 9(c) of the Commission's rules of practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration in this proceeding:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in the Applicant's securities justify the requested exemption;

2. Whether the nature and extent of the activities of the Applicant are such to justify the requested exemption;

3. Whether information which is or may be available to investors concerning the Applicant is adequate to justify the requested exemption;

4. Whether the relationship which exists between the Applicant and its stockholders and the limitations which have been placed on the ownership and transfer of the Applicant's stock provide adequate investor protection to justify the requested exemption; and

5. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.





It is further ordered that the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to Wisco Hardware Company and its attorney and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect to this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-10902 Filed 4-24-75;8:45 am]

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## DEPARTMENT OF LABOR

### Manpower Administration

### EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

### Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before May 9, 1975, to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 21st day of April, 1975.

BEN BURDETSKY,
*Deputy Assistant Secretary for Manpower.*

*Applications received during the week ending April 18, 1975*

| Name of applicant | Location of enterprise | Principal product or activity |
|---|---|---|
| G. H. Bass & Co | Wilton, Maine | Manufacture of shoes. |
| Valley Racquet Club Association | Morgantown, W. Va | Rental tennis courts. |
| Harvel Steel, Inc | Glen Allen, Ala | Fabrication of metal parts. |
| Rosato Clothing Manufactures, Inc | Tupelo, Miss | Manufacture of men's clothes. |
| Engineered Cast Metals (Tenant of town of Lincoln) | Lincoln, Ala | Manufacture of steel castings. |
| Talladega Nursing Home | Talladega, Ala | Nursing home. |
| Jimbo's Jumbos, Inc | Edenton, N.C | Roasting, salting, and packaging of peanuts. |
| Nu-Way Packing Co | Forest City, N.C | Meat processing. |
| 5 T C Co | Lucedale, Miss | Manufacture of audio-visual equipment; production of training films. |
| Main Street Corp | Worthington, Minn | Motel restaurant and lounge. |
| American Pallet Corp | Black River Falls, Wis | Manufacture of hardwood pallet. |
| Lincoln Haven Rest Homes, Inc | Lincoln, Mich | Nursing home. |
| Nu-Foods of Michigan, Inc | Edmore, Mich | Processed potato products. |
| Crestview Corp | Ortonville, Minn | Nursing home. |
| Telaleasing Enterprises, Inc | Ridgway, Ill | Telephone repair and remanufacturing. |
| Valley View Medicenter | Marksville, La | Nursing home. |
| Brownwood Motels, Inc | Brownwood, Tex | Motel and restaurant. |
| Republic Housing Corp | Duke, Okla | Manufacture of gypsum wallboard. |
| Wellsville Feed and Grain, Inc | Wellsville, Mo | Sale of grain, feed, and fertilizer. |
| Snowkluster, Inc | Breckenridge, Colo | Hotel. |
| Mansion Industries, Inc | Wasco, Calif | Growing of nursery plants. |
| Crystal River Associates | Glen Arbor, Mich | Resort hotel. |

[FR Doc.75-10809 Filed 4-24-75;8:45 am]





## INTERSTATE COMMERCE

MC 108207, Sub 409, Frozen Food Express



Inland Transportation Company, a cor-

parts and equipment therefor, from and

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## INTERSTATE COMMERCE COMMISSION

[Notice No. 750]

### ASSIGNMENT OF HEARINGS

APRIL 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139721, All World Travel, Inc., now assigned May 6, 1975, at *Newark, New Jersey* is canceled and reassigned May 6, 1975 (3 days), in Room 2340, William J. Green, Jr. Federal Building, 600 Arch Street, *Philadelphia, Pennsylvania.*

MC 95084, Sub 106, Hove Truck Line, now being assigned July 8, 1975 (3 days), at Omaha, Nebraska, in a hearing room to be designated later.

MC 134790 (Sub 4), Daniel C. Haffner, dba Haffner Trucking Service, now being assigned July 11, 1975 (1 day), at Omaha, Nebraska, in a hearing room to be designated later.

MC-F-12254, Economy Movers, Inc.—Control And Merger—Eckley Trucking and Leasing, Inc., MC 5227, Sub 15, Economy Movers, Inc., now being assigned July 14, 1975, at Omaha, Nebr., in a hearing room to be designated later.

MC-F-12311, Fast Interstate Express, Inc.—Purchase (Portion)—Harper Truck Line, Inc., now assigned June 2, 1975, at New Orleans, La., is cancelled and reassigned for hearing June 2, 1975, in the East Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

MC 139932, H & M Drayage Brokerage, Inc. now assigned June 4, 1975, at New Orleans, La., is cancelled and reassigned for hearing June 4, 1975, in the East Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

AB 46, Sub 3, Chicago, Rock Island, and Pacific Railroad Company, Abandonment Between Fairbury and Ruskin, in Thayer and Nuckolls Counties, Nebraska, now being assigned July 17, 1975 (2 days), at Hebron, Nebr., in a hearing room to be designated later.

MC 117574, Sub 254, Daily Express, Inc., now assigned June 17, 1975, at Chicago, Ill. Will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn St.

MC-C-8501, Short Freight Lines, Inc., and Van Haaren Specialized Carriers, Inc.—Investigation and Revocation of Certificates now assigned June 3, 1975, at Chicago, Illinois, will be held in hearing room 347A, 230 S. Dearborn St.

MC 41406, Sub 43, Artim Transportation System, Inc., now assigned June 4, 1975, at Chicago, Illinois, will be held in Room 347A, 230 S. Dearborn St.

MC-F-12264, Mayfield Transfer & Storage Co., Inc.—Purchase (Portion)—Fred Olson Motor Service Company, now assigned June 9, 1975, will be held in Room 347A, 230 S. Dearborn St.

MC 108207, Sub 409, Frozen Food Express, Inc., now assigned June 23, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn St.

MC 128270, Sub 8, Redlehs Interstate, Inc., now assigned June 18, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn St.

MC 42011, Sub 14, D. Q. Wise and Co., Inc., now assigned June 3, 1975, at Dallas, Texas, is cancelled and transferred to Modified Procedure.

MC 61592, Sub 321, Jenkins Truck Line, Inc. and MC 119493, Sub 110, Monken Co., Inc., now assigned June 5, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 114273, Sub 221, Cedar Rapids Steel Transportation, Inc., now assigned June 3, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 117940, Sub 141, Nationwide Carriers, Inc., now assigned June 4, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 107295, Sub 748, Pre-Fab Transit Co., now being assigned June 3, 1975 (1 day), at Dallas, Texas, in a hearing room to be designated later.

MC 14702, Sub 65, Ohio Fast Freight, Inc., MC 106603, Sub 136, Direct Transit Lines, Inc., MC 128247, Sub 26, Bursal Transport, Inc. and MC 128270 Sub 10, Redlehs Interstate, Inc., now assigned June 9, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 51146, Sub 397, Schneider Transport, Inc., MC 114457, Sub 206, Dart Transit Company, MC 118989, Sub 117, Container Transit, Inc., and MC 126276, Sub 103, Fast Motor Service, Inc., now assigned June 11, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 130261, International Weekends, Inc., now assigned May 21, 1975, at Boston, Massachusetts, is postponed to May 28, 1975, at Boston, Massachusetts, at 150 Causeway, 5th Floor.

MC 117119, Sub 522, Willis Shaw Frozen Express, Inc., now being assigned June 18, 1975, at Denver, Colorado, in a hearing room to be designated later.

MC 119619, Sub 77, Distributors Service Co., now being assigned June 18, 1975, at Denver, Colorado, in a hearing room to be designated later.

MC 111375, Sub 72, Pirkle Refrigerated Freight Lines, Inc., now being assigned June 18, 1975, at Denver, Colorado, in a hearing room to be designated later.

MC 134974, Sub 3, Be-Well Farms, Inc., now being assigned July 22, 1975 (1 day), at Boston, Mass., in a hearing room to be designated later.

MC 139561, Hub Bus Lines, Inc., now being assigned July 23, 1975 (3 days), at Boston, Mass., in a hearing room to be designated later.

MC 136647, Sub 17, Green Mountain Carriers, Inc., now being assigned July 28, 1975 (1 week), at Burlington, Vt., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10908 Filed 4-24-75;8:45 am]

## FOURTH SECTION APPLICATION FOR RELIEF

APRIL 22, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 12, 1975.

FSA No. 42978—*Pipeline Rates—Petroleum Products from the Southwest.* Filed by Williams Pipe Line Company (No. 3), for interested carriers. Rates on petroleum products, as described in the application, from points in Kansas, Oklahoma, and Nebraska, to points in Iowa and Illinois. Grounds for relief—Market and carrier competition. Tariff—Supplement 9 to Williams Pipe Line Company tariff No. 3, I.C.C. No. 4. Rates are published to become effective on May 18, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10907 Filed 4-24-75;8:45 am]

[Notice No. 273]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 25, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 15, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75645. By order of March 28, 1975, the Motor Carrier Board approved the transfer to J. W. Crowley, Dwayne Crowley, and Donald Crowley, a partnership, doing business as J. W. Crowley and Sons, Monticello, Utah, of the operating rights in Permit No. MC 34227 issued January 22, 1968, to Pacific Inland Transportation Company, a corporation, Cortez, Colo., authorizing the transportation of onions, carrots, and potatoes, from Duncan, Ariz., to Albuquerque, N. Mex., serving no intermediate points; agricultural commodities and canned goods, from Denver Colo., to Albuquerque, N. Mex., serving no intermediate points; potatoes, lettuce, peas, broccoli, and cauliflower, from Alamosa, Colo., to Albuquerque, N. Mex., serving no intermediate points, and from Del Norte, Colo., to Albuquerque, N. Mex., serving no intermediate points; canned grapefruit juice, grapefruit, oranges, and agricultural commodities, from Brownsville, Tex., to Albuquerque, N. Mex., serving no intermediate points; such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from Los Angeles, Calif., to Albuquerque, N. Mex., serving the intermediate points of Brawley and El Centro, Calif., restricted to the pickup of tomatoes, cantaloupes, and honeydew melons, and Phoenix, Ariz., restricted to pickup only, and from Albuquerque, N. Mex., to Gallup, N. Mex., serving no intermediate points, and grapefruit, oranges, bananas, pineapples, lemons, potatoes, onions, and peppers, from El Paso, Tex., to Albuquerque, N. Mex., serving the intermediate points of Socorro, N. Mex., for delivery only. Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-75716. By order entered March 21, 1975, the Motor Carrier Board approved the transfer to James E. Patterson, doing business as Worldwide Moving and Storage, Oxnard, Calif., of the operating rights set forth in Certificate No. MC 133711 (Sub-No. 1), issued February 25, 1971, to Patterson-Suer, Inc., doing business as World Wide Moving & Storage, Oxnard, Calif., authorizing the transportation of used household goods, between points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Santa Barbara and Ventura Counties, Calif.; between Oxnard and Port Hueneme, Calif., on the one hand, and, on the other, points in Los Angeles County, Calif., except points in the Los Angeles Harbor Commercial Zone, as defined by the Commission; and between points in Santa Barbara and Ventura Counties, Calif., subject to certain specified restrictions. James E. Patterson, 1131, Industrial Ave., Oxnard, Calif. 93030, representative for applicants.

No. MC-FC-75746. By order entered March 25, 1975, the Motor Carrier Board approved the transfer to Eaton Transfer, Inc., Greenfield, Ind., of the operating rights set forth in Certificate No. MC 81346, issued May 26, 1971, to William R. Brees, doing business as Eaton Transfer Co., Greenfield, Ind., authorizing the transportation of general commodities, with the usual exceptions, between Greenfield, Ind., and Indianapolis, Ind., over specified routes, serving all intermediate points; and household goods, between Greenfield, Ind., and points within 25 miles of Greenfield, on the one hand, and, on the other, points in Illinois, Kentucky, and Ohio. Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204, attorney for applicant.

No. MC-FC-75748. By order entered March 25, 1975, the Motor Carrier Board approved the transfer to Merit Service Industries, Inc., Kearny, N.J., of the operating rights set forth in Permit No. MC 116816 (Sub-No. 1), issued July 3, 1974, to Merit Trucking Corp., Kearny, N.J., authorizing the transportation of household appliances, air conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph, and television sets, and parts and equipment therefor, from and to specified points in New Jersey, New York, and Connecticut, under a continuing contract, or contracts, with certain specified shippers. Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528, attorney for applicants.

No. MC-FC-75782. By order entered April 17, 1975, the Motor Carrier Board approved the transfer to Sheldon Oil Company, Suisun, Calif., of the operating rights set forth in Certificate No. MC 135438, issued May 5, 1972, to Sheldon Transportation Company, Suisun, Calif., authorizing the transportation of residual fuel oils used in paving operations, asphalt, road oils, and road asphalt emulsions, in bulk, in tank vehicles, from points in Contra Costa, Alameda, Sacramento, and Solano Counties, Calif., to points in Washoe, Storey, Carson City, Douglas, Lyon, Mineral, Churchill, Pershing, Humboldt, and Lander Counties, Nev. Marvin Handler, 100 Pine St., Suite 2550, San Francisco, Calif. 94111, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10909 Filed 4-24-75;8:45 am]

[Notice 42]

## TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

| Temporary authority application | Final action or certificate or permit | Date of action |
|---|---|---|
| Roadway Express, Inc., MC-2202 Sub-455 | MC-2202 Sub-454 | Sept. 27, 1974 |
| Glenn McGlendon Trucking Co., Inc., MC-52704 Sub-105 | MC-52704 Sub-109 | Do. |
| Glen McGlendon Trucking Co., Inc., MC-52704 Sub-110 | MC-52704 Sub-113 | Do. |
| Herman Brothers, Inc., MC-61896 Sub-262 | MC-61896 Sub-264 | Do. |
| Ashton Trucking Co., MC-62538 Sub-19 | MC-62538 Sub-18 | Oct. 2, 1974 |
| Warehouse Transport, Inc., MC-71074 Sub-6 | MC-71074 Sub-5 | Do. |
| Bass Transportation Co., Inc., MC-87730 Sub-155 | MC-87730 Sub-57, 73, 82, 86, and 132. | Sept. 26, 1974 |
| Coastal Tank Lines, Inc., MC-102616 Sub-886 | MC-102616 Sub-803 | Sept. 27, 1974 |
| Morgan Drive-Away, Inc., MC-103993 Sub-786 | MC-103993 Sub-789 | Do. |
| Capital Transport Co., Inc., MC-104430 Sub-39 | MC-104430 Sub-40 | Do. |
| Chemical Leaman Tank Lines, Inc., MC-110525 Sub-1079 | MC-110525 Sub-1063 | Do. |
| Twin City Freight, Inc., MC-111496 Sub-14 | MC-111496 Sub-15 | Sept. 26, 1974 |
| Freeport Transport, Inc., MC-113666 Sub-66, 68, 69 71 | MC-113666 Sub-70 | Sept. 27, 1974 |
| Dart Transit Co., MC-114457 Sub-135 | MC-114457 Sub-138 | Do. |
| D.b.a. Cahlsten Truck Line, MC-115669 Sub-133, 135, 139 | MC-115669 Sub-136 | Do. |
| D & L Transport, Inc., MC-116273 Sub-163 | MC-116273 Sub-162 | |
| Pulley Freight Lines, Inc., MC-117815 Sub-220 | MC-117815 Sub-225 | Sept. 26, 1974 |
| Magill Truck Lines, Inc., MC-123649 Sub-4 | MC-123649 Sub-5 | Sept. 27, 1974 |
| Field Marketing Service, Inc., MC-129973 Sub-7 | MC-129973 Sub-9 | Do. |
| Commercial Cartage, Inc., MC-135234 Sub-5 | MC-135234 Sub-9 | Do. |
| Echo Trucking Co., MC-135513 Sub-7 | MC-135513 Sub-8 | Do. |
| Brownsberger Enterprises, Inc., MC-135660 Sub-7 | MC-135660 Sub-8 | Sept. 30, 1974 |
| Fry Trucking, Inc., MC-135725 Sub-8 | MC-135727 Sub-7 | Sept. 26, 1974 |
| Customized Parts Distribution, Inc., MC-136291 | MC-136291 Sub-1 | Sept. 30, 1974 |
| A & T Trucking, Inc., MC-136801 | MC-136801 Sub-1 | Do. |
| Robco Transportation, Inc., MC-136786 Sub-8 | MC-136786 Sub-4 | Sept. 27, 1974 |
| D.b.a. Preston Dobbs Truck Service, MC-138360 | MC-138360 Sub-1 | Sept. 26, 1974 |
| Elwood Lynch, MC-138384 Sub-3 | MC-138384 Sub-5 | Sept. 27, 1974 |
| Central Carrier Corp., MC-138426 Sub-1 | MC-138426 Sub 2 | Sept. 30, 1974 |
| Kelse McGary, MC-138885 | MC-138885 Sub-1 | Do. |

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10910 Filed 4-24-75;8:45 am]



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FRIDAY, APRIL 25, 1975

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PART II

# DEPARTMENT OF LABOR

## Occupational Safety and Health Administration

■

## AGRICULTURAL TRACTORS

### Roll-Over Protective Structures

V 40 81 APR 25 75 XUM

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

[6-74-2]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

## Roll-Over Protective Structures for Agricultural Tractors

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, Chapter XVII of Title 29, Code of Federal Regulations is hereby amended in the manner set forth below, in order to add a new Part 1928, "Occupational Safety and Health Standards for Agriculture," to include, in the new Part 1928, reference to the existing occupational safety and health standards applicable to agriculture, and to provide a new standard dealing with roll-over protective structures for agricultural tractors.

I. *Background.* Tractor roll-overs have been a major cause of employee injury and death on the farm. The Secretry of Labor recognized the need to deal with this problem when, in appointing the Standards Advisory Committee on Agriculture (hereafter referred to as "SACA") in June 1972, he made the area of roll-over protective structures (ROPS) a priority subject for a standard.

The SACA appointed a subcommittee on ROPS in July 1972. The subcommittee met in Washington, D.C. on October 18–19, 1972, and in Iowa City, Iowa on December 18–20, 1972. A final recommendation was presented by the subcommittee to the full committee on December 20, 1972, and was unanimously adopted by the full committee as its recommendation to the Assistant Secretary of Labor for Occupational Safety and Health.

On February 4, 1974 a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 4536) which contained a proposed new Part 1928 and a ROPS proposal which was substantially based on the recommendations of the SACA. The notice invited interested persons to submit written data, views and arguments concerning the proposal. Requests for an informal hearing were also invited. The proposal would have required all employee operated tractors of over 20 engine horsepower manufactured after a stated date and used in agricultural operations to be equipped with a seat belt and a ROPS that meet the test and performance requirements specified in the standard. The employer would have been required to assure that each employee used the seat belt. Following numerous requests for a hearing, a notice was published in the FEDERAL REGISTER on May 16, 1974 (39 FR 17448) scheduling an informal hearing on the proposal at four locations. One of the hearing dates and locations was subsequently changed. The hearing requests raised essentially six issues, which were specified in the notice of hearing as issues to be addressed at the hearing.

The informal public hearing was held on June 13, 1974 in Chicago, Illinois; on June 18, 1974 in Tallahassee, Florida; on June 20, 1974 in Washington, D.C.; and on June 25, 1974 in Boise, Idaho. Eleven written submissions were received by the SACA, and approximately 260 pages of testimony were received by the committee and subcommittee. In addition, over 670 written submissions were received in response to the proposal and approximately 770 pages of testimony and 123 exhibits were received at the hearing. The entire record encompassing these submissions was thoroughly reviewed and evaluated in reaching the determinations set forth below.

II. *The final standard.* (1) *Generally.* The final standard preserves the requirement contained in the proposal that all tractors manufactured after October 25, 1976 of over 20 engine horsepower used in agriculture be equipped with a seat belt and a ROPS that meet the test and performance requirements specified in the standard. However, the final standard, unlike the proposal, exempts from this requirement "low-profile tractors" while used in orchards, vineyards, hop yards and low-clearance buildings. Other tractors are also exempted while used in low-clearance buildings. In addition, tractors mounted with implements incompatible with a ROPS may be operated without a ROPS at the time of these usages. The final standard also requires the employer to ensure that all employees use the seat belt. In addition it requires employers to enforce prescribed operating rules whether or not a ROPS is required. Finally, each ROPS must contain a label which states, among other things, that the test and performance requirements contained in the standard have been met.

(2) *Issues involved in the proceeding.* The following issues were specified in the notice of hearing and were dealt with extensively at the hearing and in the written submissions.

(a) *Whether the proposed ROPS standard is reasonably necessary or appropriate to provide a safe place of employment.* This issue involves a determination of whether tractor roll-overs constitute a hazard from which employees should be protected, and if so, whether the ROPS systems proposed would prevent deaths and injuries from roll-overs.

Several major statistical studies of fatalities resulting from roll-overs have been made in the United States in recent years including the Department of Transportation study through 1969 (hereinafter referred to as "DOT study") (Exhibit (hereinafter "Exh.") 6) the National Safety Council study of 10 states for 1969–70 and 1971–72 (hereinafter referred to as "10 state study") analyzed in Exh. 7; and the National Safety Council data sheet, entitled "Concept of Development of Tractor Overturn Protection" (hereinafter referred to as "NSC data sheet") (Exh. 3). Several state studies were performed, but they are reflected in the DOT and NSC studies.

The DOT study indicates that roll-over tractor accidents are responsible for approximately 540 fatalities each year. The 10 state study indicates that the average annual death rate was 8.6 deaths per 100,000 tractors in 1971–72 and 8.5 deaths per 100,000 tractors in 1969–70. The NSC data sheet projects that for every 1000 reported roll-overs, 60 fatalities, 20 permanently disabling injuries and 450 temporarily disabling injuries will occur. It is therefore apparent that there are substantial hazards associated with tractor roll-overs.

There is virtually no dispute that a ROPS with a seat belt meeting the performance requirements of the final standard will significantly reduce the hazards associated with roll-overs. Dr. J. B. Liljedahl testified that because of their strength, ROPS protect employees against being crushed between the tractor and the ground in a tractor roll-over. In addition, a ROPS restricts most roll-overs to 90 degrees, thus reducing the likelihood of deaths or injuries resulting from roll-overs by preventing the tractor from fully rolling over on the employee. Finally, use of the required seat belt keeps the operator in the protective enclosure formed by the ROPS and prevents the operator from being thrown or jumping from the tractor, thus avoiding additional hazards such as the tractor rolling over the operator, or the operator being thrown into a stationary object. In Sweden, where ROPS are required, but seat belts are not required, 5 of the 8 reported fatalities resulting from roll-overs between 1959 and 1969 may well have been avoided if seat belts were in use when the roll-over occurred. (See Exh. 6, "Safety and Comfort Test Program—Swedish Approach".)

Moreover, the DOT study indicates that no known fatalities have occurred while using a ROPS in conjunction with a seat belt that met the ASAE and SAE standards upon which the OSHA standard is based (DOT study, p. 37). Similar findings have been made in other studies (see e.g., Hansen, "The Evolution of Tractor Design and Safety Features on Farm Tractors," DOT study p. 83; Kuhns, "Experiences with Anti-roll Bar Equipped Tractors," 1966 FIEI Engineering Seminar). Finally, tractor and ROPS manufacturers also agree that a ROPS which complies with the standard is an effective device for protecting the operator from fatality or serious injuries in a tractor upset. (See e.g., Deere & Co., Transcript (hereinafter "Tr.") I–123.)

Accordingly, it is concluded that a ROPS standard is reasonably necessary and appropriate to provide a safe place of employment.

(b) *Whether it is feasible to require ROPS in certain low clearance situations, such as in orchards, vineyards, hop yards, and in farm buildings and green-houses.* Initially it should be noted that although the SACA did not make specific recommendations as to exemptions from the ROPS requirements, it recognized that the record in the rulemaking proceeding





may establish the need for some exemptions (SACA, December 20, 1972, Tr. 47). Mmany growers testified that the trend in orchard growing is to plant dwarf trees close together so that the fruit can be harvested from the ground or with short ladders. Improved employee safety and increased efficiency in harvesting have resulted from the use of dwarf trees in orchards. This practice has caused many growers to use "low-profile" tractors, which are capable of moving around, under and between these trees without causing injury to the operator or damaging the trees (see e.g. Tr. III–150 and 151). In fact, other tractors, with or without a ROPS, are too high to avoid the low-hanging limbs of these dwarf trees. Growers suggested that application of the standard's ROPS requirement for "low-profile" tractors would increase the height of the vehicle and severely limit the "low-profile" tractor's ability to move under, around and between these dwarf trees. In essence, a ROPS requirement would effectively preclude the practice of dwarfing trees, thus creating hazards associated with the use of taller ladders. In addition, harvesting efficiency would be severely hampered. "Low-profile" tractors are also used in vineyards and hop yards, for essentially the same reasons they are used in orchards. Growers have argued that application of the ROPS requirements to them would also be unduly burdensome (see e.g. Tr. IV–147–155). Growers and manufacturers testified that "low-profile" tractors are less prone to roll-overs than field tractors because they are built low to the ground; have an extremely low center of gravity; and are generally driven at 2–3 miles per hour (e.g., Tr. I–100).

Attempts to develop a ROPS for low-profile tractors which provide adequate protection in the event of a roll-over, while allowing the tractor to operate normally around dwarf trees, vineyards and hop yards have thus far been unsuccessful (see e.g. Tr. I–129–130). Manufacturers have testified that there is presently no design or test procedure for such ROPS. The State of California, which will require the use of a ROPS on low-profile tractors, has authorized submission of low-profile ROPS designs to the State for approval, but none have been approved to date.

Those who favor requiring a ROPS on "low-profile" tractors argue that "low-profile" tractors are subject to roll-overs and should therefore not be exempted.

The accident statistics regarding roll-overs in orchards, vineyards and hop yards are, at best, meager. The DOT and NSC studies do not reflect the percentage of roll-overs in orchards. Nor do they reflect the type of tractor which was involved. The California study contains the only available statistics on roll-overs in orchards. Between January 1969 and April 1974 eight orchard fatalities resulting from roll-overs were reported. These statistics are of limited value because the type of tractor involved was not always available, and we do not know how many "low-profile" tractors were in use during that time and how many of the fatalities occurred in "low-profile" tractors.

After weighing all of the above considerations, we have decided to exempt "low-profile" tractors from the ROPS requirements of the standard while they are used in specified low clearance situations, and while their use is incidental to the work performed in such low clearance situations.

It is apparent that a definition of "low-profile tractor" is necessary. Such a definition, based on manufacturers' testimony received at the public hearings, and in post hearing comments, is included in the final rule in § 1928.51. We feel this definition will insure that exempted "low-profile" tractors will be relatively stable and provide some flexibility in the selection of tractors by employers. This, in combination with the operating instructions discussed below, will provide substantial roll-over protection for employee operators of "low-profile" tractors.

Several witnesses suggested that a ROPS is infeasible for tractors while they are used inside many farm buildings because entrances to many of these buildings are lower than tractors equipped with a ROPS. And, alteration of entrances and ceilings to accommodate a ROPS could threaten the structural integrity of some buildings. Considering that these tractors are often of the low-profile variety (Tr. I–43), that they are used at extremely low speeds when operating indoors and that substantial economic consequences would result if a ROPS were required in this situation (e.g. Tr. I–43, 53, 65), we have decided not to require a ROPS on low-profile tractors while they are used in such low-clearance situations, and while their use is incidental to the work performed therein.

A representative of the Society of American Florists and Ornamental Horticulturists testified (Tr. III–26–30) that low-profile tractors of over 20 horsepower are used in low clearance green-houses; that these tractors operate at minimal speeds; and that due to the narrow width of aisles, and the lack of slopes, ditches, embankments, or holes, the possibility of roll-over is extremely remote. There is no evidence of tractor roll-over occurring in this type of situation. Accordingly, we have decided not to require a ROPS on low-profile tractors while they are used in low clearance green-houses, and while their use is incidental to the work performed therein.

It should be noted that these exemptions (contained in § 1928.51(b)(5) (i) and (ii)) apply only during the uses specified therein or in uses incidental thereto. The ROPS requirements of the standard apply where a tractor, including a "low-profile" tractor, is operated by an employee in non-exempted situations even if that tractor is sometimes used in exempted situations. We recognize that this will make it necessary for employers either to confine the operation of such tractors by employees to the uses specified in § 1928.51(b)(5) (i) and (ii), or to remove the ROPS for the exempted uses and remount the ROPS for the non-exempted uses. While this requirement may be burdensome to some employers, we do not believe it appropriate to exempt a tractor while it is performing a typical agricultural function simply because certain of that tractor's uses are exempted. Rather, we believe it is necessary and appropriate to require a ROPS during all non-exempt uses except those merely incidental to the exempted use.

Although "low-profile" tractors are less prone to roll-overs than field tractors, they are nonetheless subject to roll-over when used in typical field operations. In short, the compelling safety and productivity considerations which led us to exempt the uses set forth in (b)(5) (i) and (ii) do not exist with respect to the non-exempted uses.

(c) *Whether ROPS should be required on tractors used in the vicinity of drainage canals.* This issue was raised primarily by sugar cane and citrus growers in the southeast. Several witnesses argued that a ROPS with seat belts would be more hazardous to an employee than no protection, because in the event of a roll-over into a drainage canal, the fastened seatbelt would prevent the employee from leaping free of the tractor and would in effect cause the employee to drown by trapping him underwater (see e.g. Tr. II–20–23). However, since a ROPS with a seat belt are apparently not used near drainage canals, no such incidents were reported. Other witnesses suggested that the danger from drowning when ROPS with a seat belt were used is far less than the chance of being crushed when no protection is provided, because the operator, upon landing in the canal, could unfasten the seat belt and escape (see Tr. III–64, IV–231). Moreover, the record evidence demonstrates that deaths have resulted from roll-overs into drainage canals where ROPS with a seat belt were not in use (see e.g. Ex. 104, Tr. IV–231). And, since these deaths occurred because the operator was trapped between the tractor and the mud, we believe a ROPS with a seat belt may well have have saved these operators' lives.

In weighing the known hazards of roll-overs into canals where a ROPS with a seat belt were not used, against the potential hazard of drowning because a seat belt is used, we have concluded that where tractors are used in the vicinity of drainage canals, the use of a ROPS with a seat belt is necessary and appropriate to protect operators from the hazards associated with roll-overs. Accordingly, we decline to exempt drainage canal usage from the requirements of the standard.

(d) *What type of labeling should be required on the ROPS.* The proposal would have required a label on each ROPS which indicates, among other things, the date the ROPS was manufactured and the type of test performed upon the ROPS. Several manufacturers objected to these requirements because there is no need to specify the date of the manufacture of the ROPS device, since the ROPS requirement is dependent upon the manufacture date of the tractor, not the ROPS. Moreover, they



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argued that a statement of the type of test performed is unnecessary because the label itself would indicate to the employer that the manufacturer was certifying that the tractor was equipped with a properly tested ROPS. They further contended that the date of manufacture of the tractor is unnecessary because it can easily be determined by the serial number. We have decided that since the date of manufacture of the ROPS device is irrelevant, the date of manufacture of the tractor can be determined from the serial number, and a listing of the types of tests performed on a ROPS model would serve no necessary purpose, it is proper to delete that part of the labeling requirements found in § 1928.51(d) (4) and (5) of the proposal and not to impose an obligation to list the date of manufacture of the tractor. However, the final standard, unlike the proposal, requires each ROPS label to contain a statement that the ROPS model was tested in accordance with the requirements of the standard.

(e) *What the effective date of the ROPS standard should be.* The proposed effective date for the ROPS standard, September 1, 1974, has already passed. In the written comments and at the hearings, manufacturers argued that a greater lead time was necessary in order to meet the anticipated increased demand for ROPS that will be generated if a final rule is promulgated. Lead times suggested ranged from 9 months to two years. In support of their suggestions for a longer lead time, manufacturers cited a steel shortage, the need for adding plant facilities for manufacture and storage of ROPS devices, and the need to retool. They testified that the special grade of steel necessary for making ROPS was in particularly short supply, and supplied documentation from steel suppliers indicating the impossibility of getting such steel without a substantial lead time. (See, e.g., Tr. I–78–157, Ex. 17, 17A, 16, Comment 679). No one disputed the manufacturers' claim. After a careful review of the relevant testimony, we believe that the manufacturers will be able to meet the increased demand generated by this standard in 18 months. Accordingly, all tractors manufactured after October 25, 1976, and operated by employees must be equipped with a ROPS and seat belt that meet the requirements of this standard.

(f) *Whether ROPS should be required on track-type tractors used in agricultural operations.* The proposal would have required a ROPS on track-type tractors. Many witnesses, primarily wheat growers from the Northwest, testified that track-type vehicles used in their normal crop tillage operations on steep hills are not prone to roll-overs; that there was little or no evidence of fatalities from such roll-overs in wheat farming; that heavy weight and low center of gravity made these tractors less susceptible to side roll-over; and that track type tractors are never used on roads, thus reducing a major source of roll-overs (e.g. Tr. IV–70–76, 185–188, 207). On the other hand, while there have been no statistical multi-state or national studies of track-type tractor roll-overs, the record evidence demonstrates that track-type tractors used in agriculture do, indeed, roll over. (See e.g. Tr. IV–177–178, 220, Ex. 104, SACA Subcommittee on ROPS, 12/19/72–22, 54–55). Moreover, it was demonstrated that track type tractors are generally used in operations which are too hazardous for wheel-type tractors, such as towing of heavy loads, use on steep hills, and packing of silage, as well as in construction and logging operations, where there is general agreement that a ROPS should be required (see e.g. Tr. IV–68, 71, 185, 186). Furthermore, hazards from deep ditches or during unloading of tractors via ramp from trucks are not demonstrably less for track-type tractors than for wheel-types. Finally, there was also evidence that most track-type vehicles are purchased with cabs for comfort reasons (primarily noise and weather protection) and that all cabs now manufactured meet the requirements of the standard anyway (e.g. Tr. I–101–102). After weighing all of the above considerations, we have decided not to exempt track-type tractors from the requirements of the standard.

(3) Several other issues arose at the hearing which merit some comment:

(a) *Whether a training program is necessary or appropriate.* It was suggested, particularly by the Farm and Industrial Equipment Institute, that a section should be added to the standard dealing with safe operating practices for tractors. The emphasis on training and education as a means of preventing accidents had been suggested by numerous witnesses and commenters (e.g., Dr. Liljedahl, Tr. I–28), and a new § 1928.51(d) has been added, requiring tractor operators to be trained as to the hazards associated with roll-overs and how to prevent roll-overs. This new paragraph will be effective on June 1, 1975, and will apply to all agricultural tractors used by employees, including those presently in use and those specifically exempted from the use of a ROPS by the provisions of the final rule.

(b) *Whether it is feasible to require ROPS where certain types of tractor mounted equipment is used.* Several manufacturers and employers (e.g. International Harvester, Tr. I–79–87; Green Giant Company, Tr. I–154–159) stated that mounted corn-pickers and cotton strippers, as well as other implements, are incompatible with a ROPS, because such implements are located where a ROPS would be attached. Testimony indicates that this mounted equipment provides roll-over protection, in that roll-overs to the rear and front are nearly impossible (Tr. 1–79–87, 96), while roll-overs to the side would normally be limited to 90 degrees. Balancing the need for protection against the impracticability of requiring a ROPS in this type of situation, we have decided to add § 1928.51(b)(5)(iii), which allows tractors to be operated without ROPS when certain types of equipment are mounted on that tractor. A list of such equipment, not intended to be all inclusive, is set forth in the standard. As with the other exemptions contained in paragraph (b)(5), the standard requires the reinstallation of the ROPS when the mounted equipment is removed from the tractor.

(c) *Whether zero degree static testing should be permitted.* Representatives of an independent ROPS cab manufacturer argued that the zero degree testing requirements contained in § 1928.52 (e)(1)(ii) and § 1928.53(e)(1)(ii) of the proposed standard were unduly restrictive and would cause them to discontinue the manufacture of ROPS because zero degree static testing was not permitted by the proposal. They further suggested that the static test at zero degrees was a "good simulation" of the average roll-over at that temperature; that this restriction penalized the small independent manufacturer of ROPS who does not have the facilities or financial resources to acquire the necessary tools and materials for dynamic testing of ROPS; that the construction ROPS standard (§ 1926.1001 (f)(2)(iv)) permits such testing; and that there is no good reason for the difference between the construction requirement and the proposed agricultural requirement with respect to this test. In addition, the one metal which need not be tested at zero degrees is difficult to obtain (Charpy V-notch material). It appears that these comments are meritorious, and the final rule has been changed to allow static zero degree testing.

(d) *Whether retrofitting should be required.* The proposal did not contain a retrofitting requirement. However, one witness and several commenters suggested that the final standard should contain a delayed retrofitting requirement for ROPS. They pointed to the California ROPS regulation which requires retrofitting on all tractors by 1978. However, several witnesses at the hearing testified that the frames of many older tractors would be incapable of supporting a ROPS during a roll-over, and that a retrofitting requirement would impose an unreasonable economic burden because ROPS would have to be custom made for many older tractors. No specific evidence was presented which shows that retrofitting is feasible. Also, the SACA subcommittee on ROPS did not include a retrofit provision in its recommendations to the Assistant Secretary. Its recommendations noted, among other things, that the uses of older tractors decline as the tractors get older; that a majority of the work is performed by newer tractors; and that the cost of retrofit would therefore not be justified. (e.g., SACA Subcommittee on ROPS, 12/19/72–128–133; SACA, 12/20/72–52–77)

Based upon the foregoing, we decline to require retrofitting at this time.

As proposed, we have added a new Part 1928, entitled "Occupational Safety and Health Standards for Agriculture." Inasmuch as agricultural operations are treated separately from general industry, we believe that it is appropriate to establish a separate part in Chapter





XVII of 29 CFR to include all occupational safety and health standards applicable to agricultural operations.

In addition, we have redesignated § 1910.267 (a) and (b), which reference the general industry standards that apply to agricultural operations, as § 1928.21 (a) and (b). Since this is merely a redesignation, with minor editorial changes, we find that rulemaking proceedings under section 6(b) of the Act or under 5 U.S.C. 553 are unnecessary.

Accordingly, upon consideration of the whole record of this proceeding, Chapter XVII of Title 29, Code of Federal Regulations, is hereby amended by adding a new Part 1928, by redesignating § 1910.267 (a) and (b), with minor editorial changes, as § 1928.21 (a) and (b), by adding a new standard on ROPS for agricultural tractors as §§ 1928.51, 1928.52, and 1928.53, and by inserting in § 1910.267 a reference to § 1928.21, reading as follows:

Subpart A—General

Sec.
1928.1 Purpose and scope.

Subpart B—Applicability of Standards

1928.21 Applicable standards in 29 CFR Part 1910.

Subpart C—Roll-Over Protective Structures

1928.51 Roll-over protective structures (ROPS) for tractors, used in agricultural operations.
1928.52 Protective frames for wheel type agricultural tractors-test procedures and performance requirements.
1928.53 Protective enclosures for wheel type agricultural tractors-test procedures and performance requirements.

AUTHORITY: Sec. 6 (b), Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12–71, 36 FR 8754.

### Subpart A—General

### § 1928.1 Purpose and scope.

This part contains occupational safety and health standards applicable to agricultural operations.

### Subpart B—Applicability of Standards

### § 1928.21 Applicable standards in 29 CFR Part 1910.

(a) The following standards in Part 1910 of this Chapter shall apply to agricultural operations:

(1) Temporary labor camps—§ 1910.142;

(2) Storage and handling of anhydrous ammonia—§ 1910.111 (a) and (b);

(3) Pulpwood logging—§ 1910.266;

(4) Slow-moving vehicles—§ 1910.145.

(b) Except to the extent specified in paragraph (a) of this section, the standards contained in Subparts B through S of Part 1910 of this title do not apply to agricultural operations.

### Subpart C—Roll-Over Protective Structures

### § 1928.51 Roll-over protective structures (ROPS) for tractors used in agricultural operations.

(a) *Definitions.* As used in this subpart—

*"Agricultural tractor"* means a two- or four-wheel drive type vehicle, or track vehicle, of more than 20 engine horsepower, designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.

*"Low profile tractor"* means a wheeled tractor possessing the following characteristics:

(1) The front wheel spacing is equal to the rear wheel spacing, as measured from the centerline of each right wheel to the centerline of the corresponding left wheel.

(2) The clearance from the bottom of the tractor chassis to the ground does not exceed 18 inches.

(3) The highest point of the hood does not exceed 60 inches, and

(4) The tractor is designed so that the operator straddles the transmission when seated.

*"Tractor weight"* includes the protective frame or enclosure, all fuels, and other components required for normal use of the tractor. Ballast shall be added as necessary to achieve a minimum total weight of 110 lb. (50.0 kg.) per maximum power take-off horsepower at the rated engine speed or the maximum gross vehicle weight specified by the manufacturer, whichever is the greatest. Front end weight shall be at least 25 percent of the tractor test weight. In case power take-off horsepower is not available, 95 percent of net engine flywheel horsepower shall be used.

(b) *General requirements.* Agricultural tractors manufactured after October 25, 1976, shall meet the following requirements:

(1) *Roll-over protective structure.* A roll-over protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in paragraph (b)(5) of this section, ROPS used on wheel type tractors shall meet the test and performance requirements of § 1928.52 or § 1928.53 of this part or § 1926.1002 of Part 1926, and ROPS used on track type tractors shall meet the test and performance requirements of § 1926.1001 of Part 1926.

(2) *Seatbelts.* (i) Where ROPS are required by this section, the employer shall:

(A) Provide each tractor with a seatbelt which meets the requirements of this paragraph;

(B) Ensure that each employee uses such seatbelt while the tractor is moving; and

(C) Ensure that each employee tightens the seatbelt sufficiently to confine the employee to the protected area provided by the ROPS.

(ii) Each seatbelt shall meet the requirements set forth in Society of Automotive Engineers Standard SAE J4C, 1965 Motor Vehicle Seat Belt Assemblies,[1] except as noted hereafter:

(A) Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat to accommodate a ride motion of the operator.

(B) The seatbelt anchorage shall be capable of withstanding a static tensile load of 1,000 pounds (453.6 kg) at 45 degrees to the horizontal equally divided between the anchorages. The seat mounting shall be capable of withstanding this load plus a load equal to four times the weight of all applicable seat components applied at 45 degrees to the horizontal in a forward and upward direction. In addition, the seat mounting shall be capable of withstanding a 500 pound (226.8 kg) belt load plus two time the weight of all applicable seat components both applied at 45 degrees to the horizontal in and upward and rearward direction. Floor and seat deformation is acceptable provided there is not structural failure or release of the seat adjusted mechanism or other locking device.

(C) The seatbelt webbing material shall have a resistance to acids, alkalies, mildew, aging, moisture, and sunlight equal to or better than that of untreated polyester fiber.

(3) *Protection from spillage.* Batteries, fuel tanks, oil reservoirs, and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator in the event of an upset.

(4) *Protection from sharp surfaces.* All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.

(5) *Exempted uses.* Paragraphs (b)(1) and (b)(2) of this section do not apply to the following uses:

(i) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and while their use is incidental to the work performed therein.

(ii) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein.

(iii) Tractors while used with mounted equipment which is incompatible with ROPS (e.g. cornpickers, cotton strippers, vegetable pickers and fruit harvesters).

(6) *Remounting.* Where ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this paragraph.

(c) *Labeling.* Each ROPS shall have a label, permanently affixed to the structure, which states

(1) Manufacturer's or fabricator's name and address;

(2) ROPS model number, if any;

(3) Tractor makes, models, or series numbers that the structure is designed to fit; and

(4) That the ROPS model was tested in accordance with the requirements of this Subpart.

[1] Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pa. 15096.



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(d) *Operating Instructions.* Every em- tective frame. Mounting connections of and most rearward position provided for



plied to the longitudinal side farthest section shall be driven tightly against (4) *Field upset test procedure.* (i) The

(d) *Operating Instructions.* Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Appendix A of this part and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.

**§ 1928.52 Protective frames for wheel type agricultural tractors—test procedures and performance requirements.**

(a) *Purpose.* The purpose of this section is to establish the test and performance requirements for a protective frame designed for wheel-type agricultural tractors to minimize the frequency and severity of operator injury resulting from accidental upsets. General requirements for the protection of operators are specified in § 1928.51.

(b) *Types of tests.* All protective frames for wheel type agricultural tractors shall be of a model which has been tested as follows:

(1) *Laboratory test.* A laboratory energy absorption test, either static or dynamic, under repeatable and controlled loading, to permit analysis of the protective frame for compliance with the performance requirements of this standard.

(2) *Field upset test.* A field upset test under controlled conditions, both to the side and rear, to verify effectiveness of the protective system under actual dynamic conditions. Such test may be omitted where:

(i) the analysis of the protective frame static energy absorption test results indicates that both $FER_{l,}$ and $FER_{l,}$ (as defined in paragraph (d) (2) (ii) of this section), exceed 1.15; or

(ii) the analysis of the protective frame dynamic energy absorption test results indicates that the frame can withstand an impact of 15 percent greater than the impact it is required to withstand for the tractor weight as shown in Figure C–7.

(c) *Description.*—(1) *Protective frame.* A protective frame is a structure comprised of uprights mounted to the tractor, extending above the operator's seat. A typical 2-post frame is shown in Figure C–1. (Figures C–1 through C–16 are contained in Appendix B.)

(2) *Overhead weather shield.* If an overhead weather shield is available for attachment to the protective frame, it may be in place during tests, providing it does not contribute to the strength of the protective frame.

(3) *Overhead falling object protection.* If an overhead falling object protection device is available for attachment to the protective frame, it may be in place during tests provided it does not contribute to the strength of the protective frame.

(d) *Test procedures.*—(1) *General.* (i) The tractor weight used shall be that of the heaviest tractor model on which the protective frame is to be used.

(ii) Each test required under this section shall be performed on a new protective frame. Mounting connections of the same design shall be used during each such test.

(iii) Instantaneous deflection shall be measured and recorded for each segment of the test. See paragraph (e) (1) (i) of this section for permissible deflection.

(iv) Seat reference point (*SRP*) in Fig. C–3) is that point where the vertical line that is tangent to the most forward point at the longitudinal seat centerline of the seat back, and the horizontal line that is tangent to the highest point of the seat cushion intersect in the longitudinal seat section. The seat reference point shall be determined with the seat unloaded and adjusted to the highest and most rearward position provided for seated operation of the tractor.

(v) Where the centerline of the seat is off the longitudinal center, the frame loading shall be on the side with the least space between the centerline of seat and the protective frame.

(vi) Low temperature characteristics of the protective frame or its material shall be demonstrated as specified in paragraph (e) (1) (ii) of this section.

(vii) Rear input energy tests (static, dynamic, or field upset) need not be performed on frames mounted to tractors having 4 driven wheels and more than one-half their unballasted weight on the front wheels.

(viii) Accuracy table:

| *Measurements* | *Accuracy* |
|---|---|
| Deflection of frame, inches (millimeters) | ±5 percent of deflection measured. |
| Vehicle weight, pounds (kilograms) | ±5 percent of the weight measured. |
| Force applied to frame, pounds force (newtons). | ±5 percent of force measured. |
| Dimensions of critical zone, inches (millimeters). | ±0.5 inch (12.5 millimeters). |

(2) *Static test procedure.* (i) The following test conditions shall be met:

(A) The laboratory mounting base shall be the tractor chassis for which the protective frame is designed, or its equivalent.

(B) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Fig. C–2 and C–3.

(C) If the protective frame is of a one or two upright design, mounting connections shall be instrumented with the necessary equipment to record the required force to be used in paragraph (d) (2) (iii) (E) and (J) of this section. Instrumentation shall be placed on mounting connections before installation load is applied.

(ii) The following definitions shall apply:

$W$ = Tractor weight (see § 1928.51 (a)) in lb. ($W'$ in kg.).
$E_{l,}$ = Energy input to be absorbed during side loading in ft-lb ($E'_{l,}$ in m-kg.).
$E_{l,} = 723 + 0.4\ W\ (E'_{l,} = 100 + 0.12\ W')$.
$E_{l,r}$ = Energy input to be absorbed during rear loading in ft-lb ($E'_{l,r}$ in m-kg.).
$E_{l,r} = 0.47\ W\ (E'_{l,r} = 0.14\ W')$.
$L$ = Static load, lbf [pounds force], (N) [newtons].
$D$ = Deflection under $L$, in. (mm).
$L$–$D$ = Static load-deflection diagram.
$L_{max}$ = Maximum observed static load.
Load Limit = Point on a continuous $L$–$D$ curve where observed static load is 0.8 $L_{max}$ on down slope of curve (refer to Fig. C–5).
$E_s$ = Strain energy absorbed by the frame, ft-lb (m-kg.). Area under $L$–$D$ curve.
$FER$ = Factor of energy ratio.

$$FER_{l,} = \frac{E_s}{E_{l,}}$$

$$FER_{l,r} = \frac{E_s}{E_{l,r}}$$

$P_s$ = Maximum observed force in mounting connection under static load, $L$ lbf (N).
$P_u$ = Ultimate force capacity of mounting connection, lbf (N).
$FSB$ = Design margin for mounting connection.

$$FSB = \frac{P_u}{P_s}$$

(iii) The test procedures shall be as follows:

(A) Apply the rear load in accordance with Fig. C–3 and record $L$ and $D$ simultaneously. Rear load application shall be uniformly distributed on the frame over an area perpendicular to the direction of load application, no greater than 160 sq. in. (1032 sq. cm.) in size, with the largest dimension no greater than 27 inches (686 mm). The load shall be applied to the upper extermity of the frame at the point which is midway between the center of the frame and the inside of the frame upright. If no structural cross member exists at the rear of the frame, a substitute test beam which does not add strength to the frame may be utilized to complete this test procedure. The test shall be stopped when:

(*1*) The strain energy absorbed by the frame is equal to or greater than the required input energy $E_{l,r}$ or;

(2) Deflection of the frame exceeds the allowable deflection (see paragraph (e) (1) (i) of this section) or;

(3) Frame load limit (see Figure C–5) occurs before the allowable deflection is reached in rear load.

(B) Using data obtained in paragraph (d) (2) (iii) (A) of this section, construct the $L$–$D$ diagram as shown typically in Fig. C–5.

(C) Calculate $E_{l,r}$.

(D) Calculate $FER_{l,r}$.

(E) Calculate $FSB$ where required by paragraph (d) (2) (i) (C) of this section.

(F) Apply the side load tests on the same frame and record $L$ and $D$ simultaneously. Side load application shall be at the upper extremity of the frame at a 90 degree angle to the center line of the vehicle. The side load shall be applied to the longitudinal side farthest from the point of rear load application. Apply side load $L$ as shown in Fig. C–2. The test shall be stopped when:

(*1*) The strain energy absorbed by the frame is equal to or greater than the required input energy $E_{l,}$ or;

(2) Deflection of the frame exceeds the allowable deflection (see paragraph (e) (1) (i) of this section) or;

(3) Frame load limit (see Figure C–5) occurs before the allowable deflection is reached in side load.

(G) Using data obtained in paragraph (d) (2) (iii) (F) of this section, construct the L–D diagram as shown typically in Fig. C–5.

(H) Calculate $E_{l,}$.

(I) Calculate $FER_{l,}$.

(J) Calculate $FSB$ where required by paragraph (d) (2) (i) (C) of this section.

(3) *Dynamic test procedure.* (i) The following test conditions shall be met:

(A) The protective frame and tractor shall be tested at the weight as defined in § 1928.51(a).

(B) The dynamic loading shall be accomplished by use of a 4410 lb. (2000 kg) weight acting as a pendulum. The impact face of the weight shall be 27±1 in. by 27±1 in. (686±25 mm by 686±25 mm) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm) of its geometric center. The weight shall be suspended from a pivot point 18 to 22 ft. (5.5–6.7 m) above the point of impact on the frame and shall be conveniently and safely adjustable for height (See Fig. C–6).

(C) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall have strength no less than, and elasticity no greater than, that of 0.50 in. (12.7 mm) steel cable. Points of attachment of restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15 to 30 degree angle between a restraining cable and the horizontal. For the impact from the rear, the restraining cables shall be located in the plane in which the center of gravity of the pendulum will swing, or alternatively, two sets of symmetrically located cables may be used at lateral locations on the tractor. For impact from the side, restraining cables shall be used as shown in Figures C–8 and C–9.

(D) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the manufacturer. With specified tire inflation, the restraining cable shall be tightened to provide tire deflection of 6 to 8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam no less than 6 x 6 in. (150 x 150 mm) cross section shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the base so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that it is at an angle of 25 to 40 degrees to the horizontal when it is positioned against the wheel rim. It shall have a length 20 to 25 times its depth and a width 2 to 3 times its depth. (See Figs. C–8 and C–9).

(E) Means shall be provided for indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Fig. C–4.

(F) No repairs or adjustments shall be made during the test.

(G) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(ii) $H$=Vertical height of center of gravity of 4410 lb. (2000 kg) weight in inches ($H'$ in mm). The weight shall be pulled back so that the height of its center of gravity above the point of impact is:

$H = 4.92 + 0.00190\ W$ or $H' = 125 + 0.170\ W'$) (Fig. C–7).

(iii) The test procedures shall be as follows:

(A) The frame shall be evaluated by imposing dynamic loading from the rear followed by a load to the side on the same frame. The pendulum swinging from the height determined by paragraph (d) (3) (ii) of this section shall be used to impose the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame is in line with the arc of travel of the center of gravity of the pendulum. Where a quick release mechanism is used, it shall not influence the attitude of the block.

(B) Impact at rear: The tractor shall be properly restrained in accordance with paragraphs (d) (3) (i) (C) and (d) (3) (i) (D) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum so that the pendulum is 20 degrees from the vertical prior to impact as shown in Fig. C–8. The impact shall be applied to the upper extremity of the frame at the point which is midway between the center line of the frame and the inside of the frame upright. If no structural cross member exists at the rear of the frame, a substitute test beam which does not add to the strength of the frame may be utilized to complete the test procedure.

(C) Impact at side: The blocking and restraining shall conform to paragraphs (d) (3) (i) (C) and (d) (3) (i) (D) of this section. The point of impact shall be at the upper extremity of the frame at a point most likely to hit the ground first and at a 90 degree angle to the center line of the vehicle as shown in Fig. C–9. The side impact shall be applied to the longitudinal side farthest from the point of rear impact.

(4) *Field upset test procedure.* (i) The following test conditions shall be met:

(A) The tractor shall be tested at the weight as defined in § 1928.51(a).

(B) The test shall be conducted on a dry, firm soil bank. The soil in the impact area shall have an average cone index in the 0 to 6 inch (0 to 152 mm) layer of not less than 150. Cone index shall be determined in accordance with American Society of Agricultural Engineers Recommendation ASAE R313.1, Soil Cone Penetrometer (1971).[1] The path of vehicle travel shall be 12±2 degrees to the top edge of the bank.

(C) An 18 in. (457 mm) high ramp as described in Fig. C–10 shall be used to assist in upsetting the vehicle to the side.

(D) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

(ii) Field upsets shall be induced to the rear and side.

(A) Rear upset shall be induced by engine power with the tractor operating in a gear to obtain 3 to 5 MPH (4.8 to 8.0 km per hour) at maximum governed engine rpm by driving forward directly up a minimum slope of 60°±5° as shown in Fig. C–11 or by an alternative equivalent means. The engine clutch may be used to aid in inducing the upset.

(B) To induce side upset, the tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 MPH (16 km per hour), or at maximum vehicle speed if under 10 MPH (16 km per hour), and over the ramp as described in paragraph (d) (4) (i) (C) of this section.

(e) *Performance requirements*—(1) *General requirements.* (i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed in these tests but shall not shatter or leave sharp edges exposed to the operator, or encroach on the dimensions shown in Figs. C–2 and C–3 as follows:

$d$=2 in. (51 mm) inside of frame upright to vertical center line of seat.
$e$=30 in. (762 mm) at the longitudinal centerline.
$f$=Not greater than 4 in. (102 mm) to rear edge of crossbar, measured forward of the seat reference point (*SRP*).
$g$=24 in. (610 mm) minimum.
$m$=Not greater than 12 in. (305 mm) measured from *SRP* to forward edge of crossbar.

(ii) The protective structure and connecting fasteners must pass the static or dynamic tests described in paragraphs (d) (2), (d) (3), or (d) (4) of this section at a metal temperature of 0 degrees fahrenheit or below, or exhibit Charpy V-notch impact strengths as follows:

[1] Copies may be obtained from American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, Michigan 49085.







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greater than 160 sq. in. (1032 sq. cm.) in

10 mm x 10 mm specimen: 8 ft.-lb. at −20° F.
10 mm x 7.5 mm specimen: 7 ft.-lb. at −20° F.
10 mm x 5 mm specimen: 5.5 ft.-lb. at −20° F.
10 mm x 2.5 mm specimen: 4 ft.-lb. at −20° F.

Specimens shall be longitudinal and taken from flat stock, tubular, or structural sections before forming or welding for use in the frame. Specimens from tubular or structural sections shall be taken from the middle of the side of greatest dimension, not to include welds.

(2) *Static test performance requirements.* In addition to meeting the requirements of paragraph (e) (1) of this section in both side and rear loads, $FER_{l\ell}$ and $FER_{lr}$ shall be greater than 1, and where the ROPS contains 1 or 2 upright frames only, *FSB* shall be greater than 1.3.

(3) *Dynamic test performance requirements.* The structural requirements will be met where the dimensions in paragraph (e) (1) of this section are adhered to in both side and rear loads.

(4) *Field upset test performance requirements.* The requirements of paragraph (e) (1) of this section shall be met in both side and rear upsets.

**§ 1928.53 Protective enclosures for wheel type agricultural tractors—test procedures and performance requirements.**

(a) *Purpose.* The purpose of this section is to establish the test and performance requirements for a protective enclosure designed for wheel type agricultural tractors to minimize the frequency and severity of operator injury resulting from accidental upset. General requirements for the protection of operators are specified in § 1928.51.

(b) *Types of tests.* All protective enclosures for wheel type agricultural tractors shall be of a model which has been tested as follows:

(1) *Laboratory test.* A laboratory energy absorption test, either static or dynamic, under repeatable and controlled loading, to permit analysis of the protective enclosure for compliance with the performance requirements of this standard.

(2) *Field upset test.* A field upset test under controlled conditions, both to the side and rear, to verify effectiveness of the protective system under actual dynamic conditions. This test may be omitted where:

(i) The analysis of the protective frame static energy absorption test results indicates that both $FER_{l\ell}$ and $FER_{lr}$ (as defined in paragraph (d) (2) (ii) of this section) exceed 1.15; or

(ii) The analysis of the protective frame dynamic energy absorption test results indicates that the frame can withstand an impact 15 percent greater than the impact it is required to withstand for the tractor weight as shown in Fig. C–7.

(c) *Description.* A protective enclosure is a structure comprising a frame and/or enclosure mounted to the tractor. A typical protective enclosure is shown in Figure C–12.

(d) *Test procedures*—(1) *General.* (i) The tractor weight used shall be that of the heaviest tractor model on which the protective enclosure is to be used.

(ii) Each test required under this section shall be performed on a protective enclosure with new structural members. Mounting connections of the same design shall be used during each test.

(iii) Instantaneous deflection shall be measured and recorded for each segment of the test. See paragraph (e) (1) (i) of this section for permissible deflection.

(iv) Seat reference point (*SRP*) in Fig. C–14) is that point where the vertical line that is tangent to the most forward point at the longitudinal seat centerline of the seat back, and the horizontal line that is tangent to the highest point of the seat cushion intersect in the longitudinal seat section. The seat reference point shall be determined with the seat unloaded and adjusted to the highest and most rearward position provided for seated operations of the tractor.

(v) Where the centerline of the seat is off the longitudinal center, the protective enclosure loading shall be on the side with least space between the centerline of the seat and the protective enclosure.

(vi) Low temperature characteristics of the protective enclosure or its material shall be demonstrated as specified in paragraph (e) (1) (ii) of this section.

(vii) Rear input energy tests (static, dynamic, or field upset) need not be performed on enclosures mounted to tractors having 4 driven wheels and more than one-half their unballasted weight on the front wheels.

(viii) Accuracy table:

| *Measurements* | *Accuracy* |
|---|---|
| Deflection of enclosure, inches (millimeters) | ±5 percent of deflection measured. |
| Vehicle weight, pounds (kilograms) | ±5 percent of the weight measured. |
| Force applied to frame, pounds force (newtons). | ±5 percent of force measured. |
| Dimensions of critical zone, inches (millimeters). | ±0.5 inch (12.5 millimeters). |

(ix) Where movable or normally removable portions of the enclosure add to structural strength, they shall be placed in configurations that contribute least to the structural strength during the test.

(2) *Static test procedure.* (i) The following test conditions shall be met:

(A) The laboratory mounting base shall be the tractor chassis for which the protective enclosure is designed or its equivalent.

(B) The protective enclosure shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions as specified in Figs. C–13 and C–14.

(ii) The following definitions shall apply:

$W$ = Tractor weight (see § 1928.51 (a)) in lb. ($W'$ in kg.).
$E_{t\ell}$ = Energy input to be absorbed during side loading in ft-lb ($E'_{t\ell}$ in m-kg.).
$E_{tr} = 723 + 0.4\ W\ (E'_{t\ell} + 100 + 0.12\ W')$.
$E_{tr}$ = Energy input to be absorbed during rear loading in ft-lb ($E'_{tr}$ in m-kg.).
$E_{t\ell} = 0.47\ W\ (E'_{t\ell} = 0.14\ W')$.
$L$ = Static load, lbf (N)
$D$ = Deflection under $L$, in. (mm).
$L$–$D$ = Static load-deflection diagram.
$L_{max}$ = Maximum observed static load.
Load Limit = Point on a continuous $L$–$D$ curve where observed static load is 0.8 $L_{max}$ on down slope of curve (refer to Fig. C–5)
$E_a$ = Strain energy absorbed by the protective enclosure, ft-lb (m-kg.). Area under $L$–$D$ curve.
*FER* = Factor of energy ratio.

$$FER_{t\ell} = \frac{E_a}{E_{t\ell}}$$

$$FER_{tr} = \frac{E_a}{E_{tr}}$$

(iii) The test procedures shall be as follows:

(A) When the protective frame structures are not an integral part of the enclosure, the direction and point of load application for both side and rear shall be the same as specified in § 1928.52 (d) (2).

(B) When the protective frame structures are an integral part of the enclosure, apply the rear load in accordance with Fig. C–14 and record $L$ and $D$ simultaneously. Rear load application shall be uniformly distributed on the frame structure over an area perpendicular to the load application, no greater than 160 sq. in. (1032 sq. cm.) in size with a largest dimension no greater than 27 in. (686 mm). The load shall be applied to the upper extremity of the structure at the point which is midway between the centerline of the protective enclosure and the inside of the protective structure. If no structural cross member exists at the rear of the enclosure, a substitute test beam which does not add strength to the structure may be utilized to complete this test procedure. The test shall be stopped when:

(*1*) The strain energy absorbed by the structure is equal to or greater than the required input energy $E_{tr}$; or

(2) Deflection of the structure exceeds the allowable deflection, (see paragraph (e) (1) (i) of this section) or;

(3) The structure load limit (see Fig. C–5) occurs before the allowable deflection is reached in rear load.

(C) Using data obtained in paragraph (d) (2) (iii) (B) of this section, construct the $L$–$D$ diagram for rear loads as shown typically in Fig. C–5.

(D) Calculate $E_{tr}$.

(E) Calculate $FER_{tr}$.

(F) When the protective frame structures are an integral part of the enclosure, apply the side load in accordance with Fig. C–13 and record $L$ and $D$ simultaneously. Static side load application shall be uniformly distributed on the frame over an area perpendicular to the direction of load application, and no





greater than 160 sq. in. (1032 sq. cm.) in size, with a largest dimension no greater than 27 in. (686 mm). Side load application shall be at a 90 degree angle to the center line of the vehicle. The center of side load application shall be located between a point "*k*", 24 in. (610 mm) forward; and point "*l*", 12 in. (305 mm) rearward of the seat reference point to best utilize the structural strength (see Fig. C–13). This side load shall be applied to the longitudinal side farthest from the point of rear load application. The test shall be stopped when:

(*1*) The strain energy absorbed by the structure is equal to or greater than the required input energy $E_{t\ell}$; or

(2) Deflection of the structure exceeds the allowable deflection (see paragraph (e) (1) (i) of this section); or

(3) The structure load limit (see Figure C–5) occurs before the allowable deflection is reached in side load.

(G) Using data obtained in paragraph (d) (2) (iii) (F) of this section construct the $L$–$D$ diagram for side load as shown typically in Fig. C–5.

(H) Calculate $FER_{t\ell}$.

(I) Calculate $FER_{tr}$.

(3) *Dynamic test procedure.* (i) The following test conditions shall be met:

(A) The protective enclosure and tractor shall be tested at the weight defined in § 1928.51(a).

(B) The dynamic loading shall be accomplished by use of a 4410 lb. (2000 kg) weight acting as a pendulum. The impact face of the weight shall be 27±1 in. by 27±1 in. (686±25 mm by 686±25 mm) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm) of its geometric center. The weight shall be suspended from a pivot point 18 to 22 ft. (5.5–6.7 m) above the point of impact on the enclosure and shall be conveniently and safely adjustable for height. (See Fig. C–6).

(C) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall have strength no less than, and elasticity no greater than that of 0.50 in. (12.7 mm) steel cable. Points of attachment of restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15 to 30 degree angle between the restraining cable and the horizontal. For the impact from the rear, the restraining cables shall be located in the plane in which the center of gravity of the pendulum will swing, or alternatively, two sets of symmetrically located cables may be used at lateral locations on the tractor. For the impact from the side, restraining cables shall be used as shown in Figures C–15 and C–16.

(D) The front and rear wheel tread sttings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the manufacturer. With specified tire inflation, the restraining cable shall be tightened to provide tire deflection of 6 to 8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam no smalled than 6 x 6 in. (150 x 150 mm) cross-section shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the base so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that it is at an angle of 25 to 40 degrees to the horizontal when its is positioned against the wheel rim. It shall have a length 20 to 25 times its depth and width 2 to 3 times its depth. (See Figs. C–15 and C–16.)

(E) Means shall be provided for indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Fig. C–4.

(F) No repairs or adjustments shall be made during the test.

(G) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(ii) $H$=Vertical height of center of gravity of 4410 lb. (2000 kg) weight in inches ($H'$ in mm). The weight shall be pulled back so that the height of its center of gravity above the point of impact is: $H = 4.92 + 0.00190\ W$ or ($H' = 125 + 0.107\ W'$). (Fig. C–7.)

(iii) The test procedures shall be as follows:

(A) The enclosure structure shall be evaluated by imposing dynamic loading from the rear followed by a load to the side on the same enclosure structure. The pendulum swinging from the height determined by paragraph (d) (3) (ii) of this section shall be used to impose the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the protective structure is in line with the arc of travel of the center of gravity of the pendulum. Where a quick release mechanism is used, it shall not influence the attitude of the block.

(B) Impact at rear: The tractor shall be properly restrained in accordance with paragraphs (d) (3) (i) (C) and (d) (3) (i) (D) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum so that the pendulum is 20 degrees from the vertical prior to impact as shown in Fig. C–15. The impact shall be applied to the upper extremity of the enclosure structure at the point which is midway between the center line of the enclosure structure and the inside of the protective structure. If no structural cross member exists at the rear of the enclosure structure, a substitute test beam which does not add to the strength of the structure may be utilized to complete the test procedure.

(C) Impact at side: The blocking and restraining shall conform to paragraphs (d) (3) (i) (C) and (d) (3) (i) (D) of this section. The center point of impact shall be at the upper extremity of the enclosure at a 90° angle to the centerline of the vehicle and located between a point "*k*", 24 in. (610 mm) forward, and a point "*l*", 12 in. (305 mm) rearward of the seat reference point, to best utilize the structural strength. (See Fig. C–13.) The side impact shall be applied to the longitudinal side farthest from the point of rear impact.

(4) *Field upset test procedure.* (i) The following test conditions shall be met.

(A) The tractor shall be tested at the weight as defined in § 1928.51(a).

(B) The test shall be conducted on a dry, firm soil bank. The soil in the impact area shall have an average cone index in the 0 to 6 in. (0 to 152 mm) layer of not less than 150. Cone index shall be determined in accordance with American Society of Agricultural Engineers Recommendation ASAE R313.1, Soil Cone Penetrometer (1971).[1] The path of vehicle travel shall be 12±2 degrees to the top edge of bank.

(C) An 18 in. (457 mm) high ramp as described in Fig. C–10 shall be used to assist in upsetting the vehicle to the side.

(D) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

(ii) Field upsets shall be induced to the rear and side.

(A) Rear upset shall be induced by engine power with the tractor operating in a gear to obtain 3 to 5 mph (4.8 to 8.0 km per hour) at maximum governed engine rpm, by driving forward directly up a minimum slope of 60°±5° as shown in Fig. C–11 or by an alternate equivalent means. The engine clutch may be used to aid in inducing the upset.

(B) To induce side upset, the tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 mph (16 km per hour), or at maximum vehicle speed if under 10 mph (16 km per hour), and over the ramp as described in paragraph (d) (4) (i) (C) of this section.

(e) *Performance requirements* — (1) *General requirements.*

(i) The protective enclosure structural members or other parts in the operator area may be deformed in these tests but shall not shatter or leave sharp edges exposed to the operator. They shall not encroach on a transverse plane passing through points *d* and *f* within the projected area defined by dimensions *d*, *e*, and *g* or on the dimensions shown in Figs. C–13, and C–14, as follows:

$d$ = 2 in. (51 mm) inside of protective structure to vertical centerline of seat.
$e$ = 30 in. (762 mm) at the longitudinal centerline.
$f$ = Not greater than 4 in. (102 mm) measured forward of seat reference point (*SRP*) at the longitudinal centerline as shown in Fig. C–14.

[1] Copies may be obtained from American Society of Agricultural Engineers, 2950 Nils Road, St. Joseph, Michigan 49085.



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$g$=24 in. (610 mm) minimum.



APPENDIX B—FIGURES C–1 to C–16

FRICTION COLLAR

$g$=24 in. (610 mm) minimum.
$h$=17.5 in. (445 mm) minimum.
$j$=2.0 in. (51 mm) measured from outer periphery of steering wheel.

(ii). The protective structure and connecting fasteners must pass the static or dynamic tests described in paragraphs (d)(2), (d)(3), or (d)(4) of this section at a metal temperature of 0 degrees fahrenheit or below, or exhibit Charpy V-notch impact strengths as follows:

10 mm x 10 mm specimen: 8 ft.-lb. at −20° F.
10 mm x 7.5 mm specimen: 7 ft.-lb. at −20° F.
10 mm x 5 mm specimen: 5.5 ft.-lb. at −20° F.
10 mm x 2.5 mm specimen: 4 ft.-lb. at −20° F.

Specimens shall be longitudinal and taken from flat stock, tubular, or structural sections before forming or welding for use in the protective enclosure. Specimens from tubular or structural sections shall be taken from the middle of the side of greatest dimension, not to include welds.

(iii) Glazing shall conform to the requirements contained in Society of Automotive Engineers Standard SAE J674, Safety Glazing Materials (1963).[2]

(iv) Two or more operator exits shall be provided and positioned to avoid the possibility of both being blocked by the same accident.

(2) *Static test performance requirements.* In addition to meeting the requirements of paragraph (e)(1) of this section in both side and rear loads, $FER_s$, and $FER_r$, shall be greater than 1.

(3) *Dynamic test performance requirements.* The structural requirements will be met where the dimensions in paragraph (e)(1) of this section are adhered to in both side and rear loads.

(4) *Field upset test performance requirements.* The requirements of paragraph (e)(1) of this section shall be met in both side and rear upsets.

APPENDIX A—EMPLOYEE OPERATING INSTRUCTIONS

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments, and holes.
3. Reduce speed when turning, crossing slopes, and on rough, slick, or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads, and around trees.
6. Do not permit others to ride.
7. Operate the tractor smoothly—no jerky turns, starts, or stops.
8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
9. When tractor is stopped, set brakes securely and use park lock if available.

[2] Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pa. 15096.

APPENDIX B—FIGURES C-1—C-16

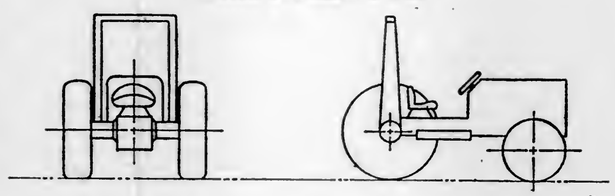

Fig. C-1 TRACTOR WITH TYPICAL PROTECTIVE FRAME

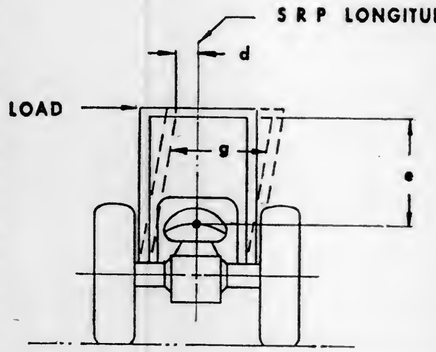


Fig. C-2 SIDE LOAD APPLICATION

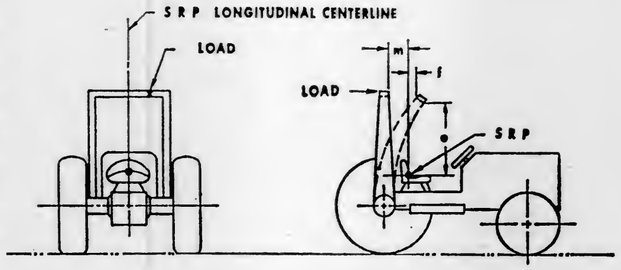


Fig. C-3 REAR LOAD APPLICATION





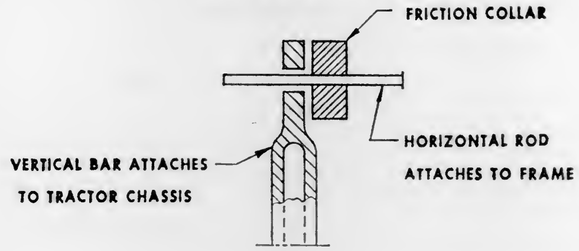


Fig. C-4 TYPICAL METHOD OF MEASURING DEFLECTION

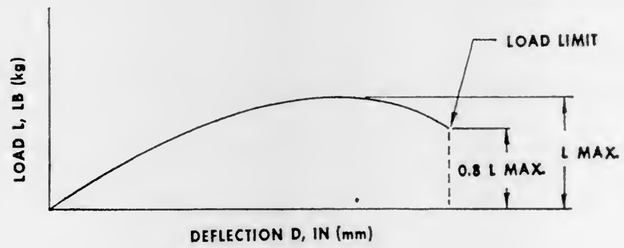


Fig. C-5 TYPICAL L-D DIAGRAM

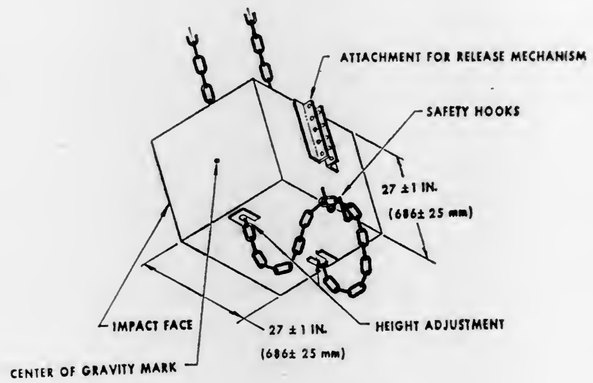


Fig. C-6 PENDULUM







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NOTATION OF FORMULAE

H = 4.92 + 0.00190 W OR (H' = 125 + 0.107 W')

W = TRACTOR WEIGHT AS DEFINED IN PARAGRAPH 3.2 IN POUNDS (W' = kg)

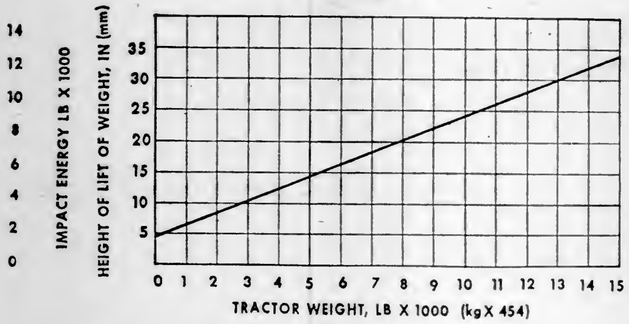


FIG. C-7 IMPACT ENERGY AND CORRESPONDING LIFT HEIGHT OF 4410 LB. (2000 kg) WEIGHT

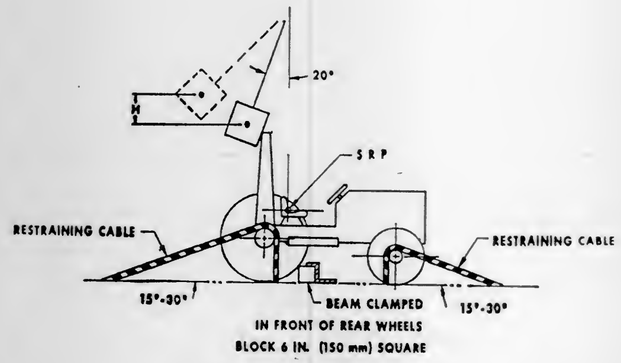


Fig. C-8 REAR IMPACT APPLICATION





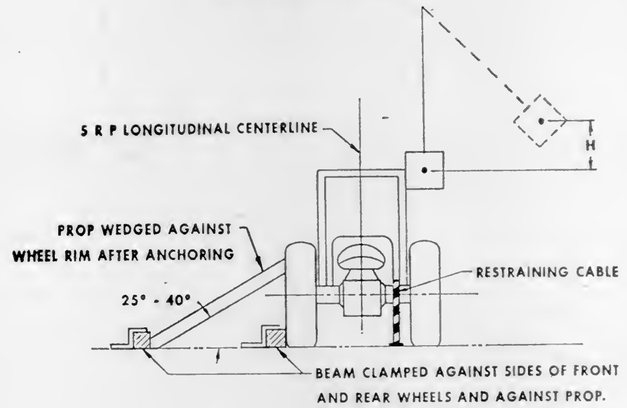


Fig. C-9 SIDE IMPACT APPLICATION

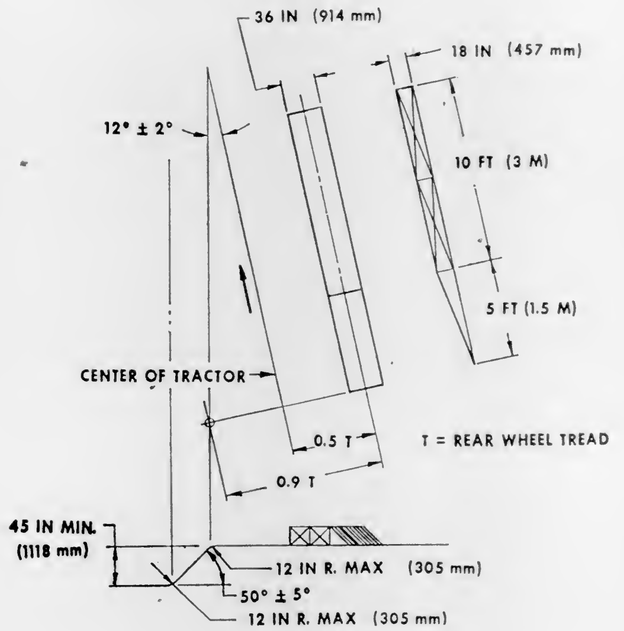


Fig. C-10 SIDE OVERTURN BANK AND RAMP



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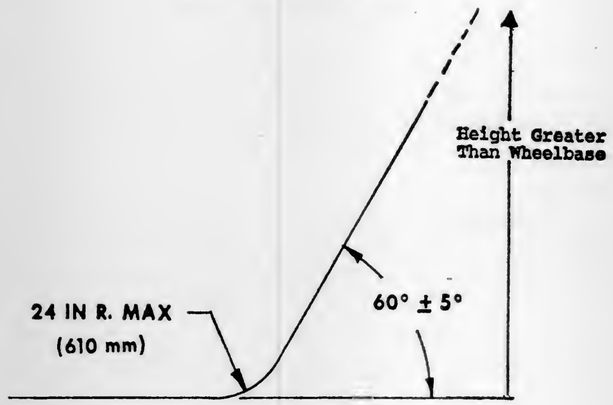


Fig. C-11 **TYPICAL REAR OVERTURN BANK**

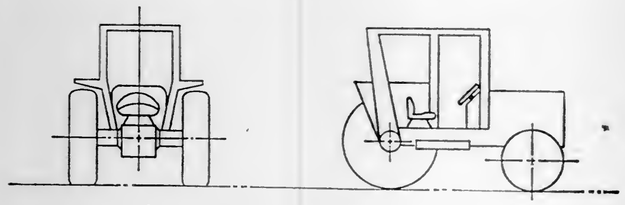

Fig. C-12 **TRACTOR WITH TYPICAL PROTECTIVE ENCLOSURE**

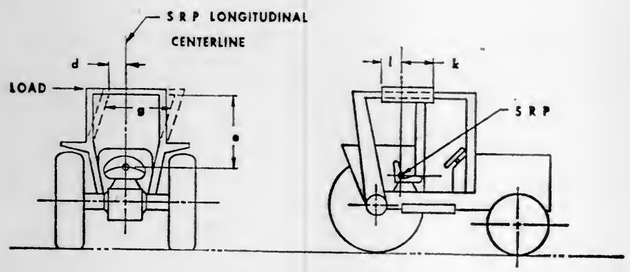


Fig. C-13 **SIDE LOAD APPLICATION**





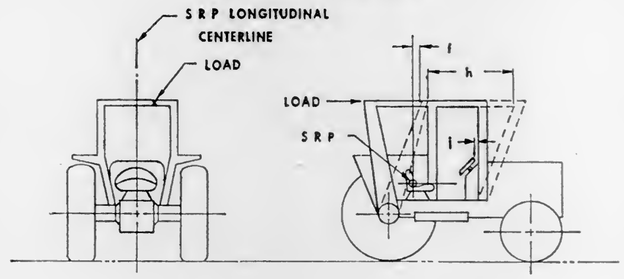


Fig. C-14 **REAR LOAD APPLICATION**

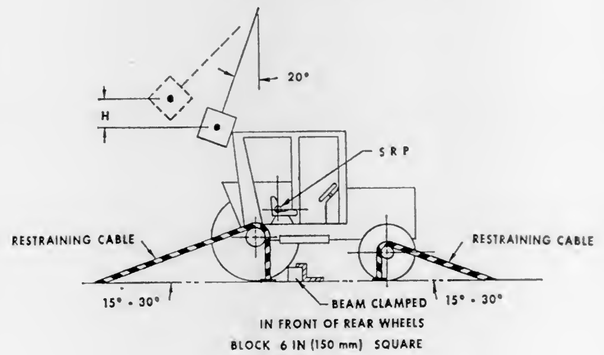


Fig. C-15 **REAR IMPACT APPLICATION**

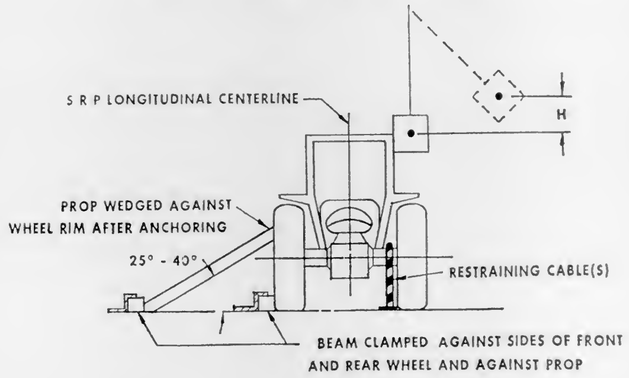


**FIG. C-16 SIDE IMPACT APPLICATION**



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In 29 CFR Part 1910, § 1910.267 is revised to read as follows:

**§ 1910.267 Agricultural operations.**

[These standards have been transferred to § 1928.21 of this chapter.]

***Effective date.*** This part becomes effective on June 1, 1975, except as noted in paragraph (b) of § 1928.51.

(Sec. 6(b), Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71, 36 FR 8754)

Signed at Washington, D.C. this 16th day of April 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register on April 21, 1975.

[FR Doc.75-10549 Filed 4-24-75;8:45 am]



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FRIDAY, APRIL 25, 1975
WASHINGTON, D.C.

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federal register

FRIDAY, APRIL 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 81

PART III

# DEPARTMENT OF LABOR

## Employment Standards Administration

■

## MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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## DEPARTMENT OF LABOR

### Employment Standards Administration

### MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

### General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Order 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

*Modifications and supersedeas decisions to general wage determination decisions.* Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276(a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

#### NEW GENERAL WAGE DETERMINATION DECISIONS

| | |
|---|---|
| Arkansas | AR–4083 |
| North Carolina | NC75–1049 |

#### MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

| | | |
|---|---|---|
| Arizona: | | |
| AZ75–5034 | | Mar. 14, 1975 |
| AZ75–5035; | AZ75–5036 | Mar. 21, 1975 |
| Arkansas: | | |
| AR75–4058 | | Feb. 28, 1975 |
| Florida: | | |
| FL75–1024 | | Feb. 21, 1975 |
| FL75–1037 | | Mar. 21, 1975 |
| Idaho: | | |
| ID75–5024 | | Feb. 21, 1975 |
| Illinois: | | |
| IL75–2043 | | Feb. 28, 1975 |
| IL75–2050 | | Mar. 14, 1975 |
| Iowa: | | |
| IA75–4039; | IA75–4040; IA75–4041; IA75–4042; IA75–4043 | Jan. 31, 1975 |
| Louisiana: | | |
| LA75–4033 | | Jan. 24, 1975 |
| Massachusetts: | | |
| MA75–2006 | | Jan. 17, 1975 |
| Minnesota: | | |
| MN75–2042 | | Feb. 21, 1975 |
| MN75–2059 | | Apr. 11, 1975 |
| Montana: | | |
| MT75–5012; | MT75–5017 | Feb. 7, 1975 |
| MT75–5029 | | Feb. 21, 1975 |
| New Jersey: | | |
| AR–2041 | | Sept. 13, 1974 |
| AR–2075 | | Nov. 15, 1974 |
| North Dakota: | | |
| ND75–5031 | | Feb. 28, 1975 |
| Ohio: | | |
| OH75–2056 | | Apr. 4, 1975 |
| Oklahoma: | | |
| AR–85 | | Dec. 6, 1974 |
| OK75–4069 | | Mar. 28, 1975 |
| Pennsylvania: | | |
| AR–2036 | | Sept. 20, 1974 |
| AR–2092 | | Nov. 29, 1974 |
| Texas: | | |
| TX75–4031 | | Jan. 24, 1975 |
| TX75–4078 | | Apr. 11, 1975 |
| Utah: | | |
| UT75–5026 | | Feb. 21, 1975 |
| Wisconsin: | | |
| AR–3152; AR–3154; AR–3155; AR–3158; AR–3159; AR–3160; AR–3161; AR–3162 | | Oct. 11, 1974 |
| Wyoming: | | |
| WY75–5028 | | Feb. 21, 1975 |

#### SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

| | | |
|---|---|---|
| Connecticut: | | |
| AR–3094, AR–3096, AR–3099, AR–3101 (CT75–2065); AR–3095, AR–3097, AR–3100 (CT75–2066) | | Aug. 16, 1974 |
| AQ–3097 (CT75–2067) | | Feb. 15, 1974 |
| CT75–2057 (CT75–2066) | | Apr. 4, 1975 |
| Massachusetts: | | |
| MA75–2005 (MA75–2072) | | Jan. 17, 1975 |
| Washington: | | |
| WA75–5040 (WA75–5045) | | Mar. 28, 1975 |

Signed at Washington, D.C. this 18th day of April, 1975.

RAY J. DOLAN,
*Assistant Administrator*
*Wage and Hour Division.*





Page 2

DECISION NO. AR75-4033

NEW DECISION

STATE: Arkansas
DECISION NO: AR75-4083
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)
COUNTY: Garland, & Hot Springs
DATE: Date of Publication

| | Basic Hourly Rates | Fringe Benefits Payments H&W | Pensions | Vacation | Apr. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS | $8.45 | .25 | .30 | | .02 |
| BOILERMAKERS | 8.00 | .50 | .76 | | .02 |
| BRICKLAYERS-Stonemasons | 6.40 | | | | .10 |
| CARPENTERS: | | | | | |
| Garland County and Northern 2/3 of Hot Springs County | 7.10 | | .30 | | |
| Carpenters | 7.35 | | .30 | | |
| Millwrights | 7.55 | | .30 | | |
| Remainder of Hot Springs County | | | | | |
| Carpenters | 7.63 | .35 | .25 | | .05 |
| Millwrights | 7.88 | .35 | .25 | | .05 |
| Millwrights | 7.88 | .35 | .25 | | .05 |
| CEMENT MASONS | 6.91 | .15 | | | .04 |
| ELECTRICIANS: | | | | | .04 |
| Electricians | 9.075 | | 1% | | .04 |
| Cable splicers | 9.20 | | 1% | | .03 |
| ELEVATOR CONSTRUCTORS: | | | | | 1/4% |
| Journeymen | 7.05 | .445 | .29 | 3%+a+b | 1/4% |
| Helpers | 70%JR | .445 | .29 | 3%+a+b | .02 |
| Helpers - probationary | 50%JR | | | | .02 |
| IRONWORKERS | 8.31 | .45 | .35 | | .04 |
| LABORERS: | | | | | .04 |
| Group I | 5.37 | .15 | .20 | | .04 |
| Group II | 5.62 | .15 | .20 | | .04 |
| Group III | 5.72 | .15 | .20 | | .04 |
| Group IV | 5.77 | .15 | .20 | | .04 |
| Group V | 5.87 | .15 | .20 | | .04 |
| Group VI | 6.02 | .15 | .20 | | |

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers (concrete and clay) and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Page 2

DECISION NO. AR75-4033

| | Basic Hourly Rates | Fringe Benefits Payments H&W | Pensions | Vacation | Apr. Tr. |
|---|---|---|---|---|---|
| LATHERS | $7.50 | | | | .02 |
| PLASTERERS | 7.40 | | | | .02 |
| PLUMBERS-Steamfitters | 7.70 | .35 | .20 | | .10 |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Group I | 8.70 | .25 | .25 | | |
| Group II | 7.86 | .25 | .25 | | |
| Group III | 7.48 | .25 | .25 | | |
| Group IV | 6.29 | .25 | .25 | | |
| Group V | 5.90 | .25 | .25 | | |

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over as rated by the manufacturer, and operators of all tower climbing cranes, and derricks required to work 25 feet or over from the ground

Group II - Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom grademls, scrapers or pulls in tandem, all above equipment irrespective of motive power, loaderman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

Group III - All bulldozers, all front end loaders, all sideboom, all push scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of size of motive power, all backfillers, all central mixing plants, mixers 10S and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all tuggy, cable, back scow, skiff, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator



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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Group IV - Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, forklifts, flytrucks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant engineer (dredge)

Group V - All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ROOFERS | $6.55 | | .05 | | |
| SHEET METAL WORKERS | 7.80 | .35 | .30 | | .02 |
| SPRINKLER FITTERS | 8.35 | .50 | .70 | | .08 |
| WELDERS - receive rate prescribed for craft performing operation to which welding is incidental. | | | | | |

FOOTNOTES: a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

b. Paid Holidays - A through F

PAID HOLIDAYS:

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day





NEW DECISION

STATE: North Carolina COUNTY: See below*
DECISION NUMBER: NC75-1049 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

* Chatham, Harnett, Lee and Moore

53-NC-1-H

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Air conditioning mechanic | $4.46 | | | | |
| Bricklayers | 5.50 | | | | |
| Carpenters | 4.14 | | | | |
| Cement masons | 3.74 | | | | |
| Drywall mechanics | 5.00 | | | | |
| Electricians | 4.85 | | | | |
| Glaziers | 3.64 | | | | |
| Laborers: | | | | | |
| Laborers | 2.50 | | | | |
| Mason tenders | 3.00 | | | | |
| Lathers | 6.00 | | | | |
| Painters, brush | 4.00 | | | | |
| Plumbers & pipefitters | 5.50 | | | | |
| Roofers | 4.05 | | | | |
| Sheet metal workers | 4.85 | | | | |
| Tile setters | 5.25 | | | | |
| Welders - rate for craft. | | | | | |
| Power Equipment Operators | | | | | |
| Buildozers | 3.75 | | | | |
| Forklifts | 3.00 | | | | |
| Front end loaders | 3.00 | | | | |
| Scrapers | 3.00 | | | | |
| Tractors | 3.50 | | | | |





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MODIFICATIONS P. 1

DECISION #AZ75-5034 - Mod. #2
(40 FR 12021 - March 14, 1975)
Statewide, Arizona

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Change: | | | | | |
| Boilermakers | $10.55 | .65 | 1.00 | .50 | .02 |
| Cement Masons: | | | | | |
| (Central and Southern Areas) | | | | | |
| Cement Masons | 8.665 | .60 | .65 | | .025 |
| Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine | 8.82 | .60 | .65 | | .025 |
| Ironworkers: | | | | | |
| (Central and Southern Area) | 10.08 | .88 | 1.325 | | .08 |
| (Northern Area) | 11.96 | .88 | 1.325 | | .08 |
| Plasterers (Phoenix Area): | | | | | |
| Zone A (0-35 miles from Phoenix) | 9.045 | .60 | .85 | | .035 |
| Zone B (35-60 miles from Phoenix) | 9.795 | .60 | .85 | | .035 |
| Zone C (60 miles and over from Phoenix) | 10.67 | .60 | .85 | | .035 |
| Roofers (Phoenix Area) | | | | | |
| Roofers and Waterproofers | 7.80 | .45 | .20 | | |
| Sheet Metal Workers: | | | | | |
| Zone Bases - from the Administration Building or City Hall in Flagstaff, Holbrook, Phoenix, Prescott and Yuma): | | | | | |
| Zone I (0-25 miles) | 9.43 | .40 | .56 | | .02 |
| Zone II (25-50 miles) | 10.08 | .40 | .56 | | .02 |
| Zone III (50 miles and over) | 11.93 | .40 | .56 | | .02 |

MODIFICATIONS P. 2

DECISION #AZ75-5035 - Mod. #1
(40 FR 12960 - March 21, 1975)
Maricopa County, Arizona

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Change: | | | | | |
| Boilermakers | $10.55 | .65 | 1.00 | .50 | .02 |
| Cement Masons | 8.665 | .60 | .65 | | .025 |
| Ironworkers | 10.08 | .88 | 1.325 | | .08 |
| Plasterers (Northern 3/4 of County): | | | | | |
| Zone A (0-35 miles from Phoenix) | 9.045 | .60 | .85 | | .035 |
| Zone B (35-60 miles from Phoenix) | 9.795 | .60 | .85 | | .035 |
| Zone C (60 miles and over from Phoenix) | 10.67 | .60 | .85 | | .035 |
| Roofers | 7.80 | .45 | .20 | | |
| Sheet Metal Workers: | | | | | |
| Zone 1 (0-25 miles from Phoenix) | 9.43 | .40 | .56 | | .02 |
| Zone II (25-50 miles from Phoenix) | 10.08 | .40 | .56 | | .02 |
| Zone III (50 miles and over from Phoenix) | 11.93 | .40 | .56 | | .02 |

DECISION #AZ75-5036 - Mod. #1
(40 FR 12966 - March 21, 1975)
Pima County, Arizona

| | | | | | |
|---|---|---|---|---|---|
| Change: | | | | | |
| Boilermakers | 10.55 | .65 | 1.00 | .50 | .02 |
| Cement Masons | 8.665 | .60 | .65 | | .025 |
| Ironworkers | 10.08 | .88 | 1.325 | | .08 |

DECISION NO. AR75-4058 - Mod. #3
(40 FR 8704 - February 28, 1975)
Pulaski County, Arkansas

| | | | | | |
|---|---|---|---|---|---|
| Change: | | | | | |
| Lathers | $7.50 | | | | .02 |
| Ironworkers | 8.31 | .45 | .35 | | .04 |
| Add: | | | | | |
| Marble, tile & terrazzo workers | 6.95 | | | | |









MODIFICATIONS P. 3

DECISION #FL75-1024 - Mod. #2
(40 FR-7801 - February 21, 1975)
Escambia, Okaloosa, Santa Rosa and Walton Counties, Florida

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Change: | | | | | |
| Millwrights | 8.90 | .30 | .35 | | |
| Add: | | | | | |
| Roofers | 4.50 | | | | |

DECISION #FL-1037 - Mod. #1
(40 FR-12971 - March 21, 1975)
Alachua County, Florida

| | | | | | |
|---|---|---|---|---|---|
| Change: | | | | | |
| Electricians: | | | | | |
| Wireman | 8.00 | .25 | 1% | | 1% |
| Cable splicers | 8.80 | .25 | 1% | | 1% |
| Soft floor layers | 7.42 | .39 | .30 | .30 | .03 |

MODIFICATIONS P. 4

DECISION #ID75-5024 - Mod. #2
(40 FR 7803 - February 21, 1975)
Statewide, Idaho

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Change: | | | | | |
| Line Construction (Area 2) | | | | | |
| Remaining Counties | | | | | |
| All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls: | | | | | |
| Groundman | $6.40 | .35 | 1% | | 3/4% |
| Equipment Operators | 7.74 | .35 | 1% | | 3/4% |
| Lineman | 8.50 | .35 | 1% | | 3/4% |
| Cable Splicers | 9.35 | .35 | 1% | | 3/4% |
| All power construction of 35.4 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality | | | | | |
| Groundman | 6.16 | .35 | 1% | | 3/4% |
| Equipment Operator | 7.22 | .35 | 1% | | 3/4% |
| Lineman | 8.02 | .35 | 1% | | 3/4% |
| Add: | | | | | |
| Glaziers: | | | | | |
| Bonner, Boundary, Kootenai, and Shoshone Counties | 7.455 | .31 | .10 | .545 | |
| Benewah, Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis, New Perce Cos. | 7.28 | .31 | .25 | .284b | |
| Soft Floor Layers: | | | | | |
| Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties | 7.89 | .25 | .40 | .31 | |
| Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding (Western 1/3 of County including Bliss), Owyhee, Payette, Idaho (South of the 46th Parallel), Valley, and Washington Counties | 6.00 | .25 | .10 | | .10 |









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| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #IL75-2043 - Mod. #1 (40 FR 8736 - February 28, 1975) Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry; Pope, Pulaski, Saline, Union, White & Williamson Counties, Illinois | | | | | |
| CHANGE: Electricians | $9.75 | .30 | 1%+.60 | | ½ of 1% |
| DECISION #IL75-2050 - Mod. #1 (40 FR 12029 - March 14, 1975) DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will Counties, Illinois | | | | | |
| ADD: Glaziers | 9.57 | .26 | .59 | | .01 |



| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #IA75-4039--MOD. #3 (40-FR-4836--January 31, 1975) Johnson County (City of Iowa City & abutting municipalities), Iowa | | | | | |
| CHANGE: Building Construction: | | | | | |
| Elevator Constructors | $8.74 | .445 | .29 | 3%+a | |

FOOTNOTE:
a. Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #IA75-4040--MOD. #3 (40-FR-4839--January 31, 1975) Linn County, Iowa | | | | | |
| CHANGE: Building Construction: | | | | | |
| Elevator Constructors | $8.74 | .445 | .29 | 3%+a | |

FOOTNOTE:
a. Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #IA75-4041--MOD. #3 (40-FR-4841--January 31, 1975) Polk County, Iowa | | | | | |
| CHANGE: Building Construction: | | | | | |
| Elevator Constructors | $8.73 | .445 | .29 | 3%+a | |

FOOTNOTE:
a. Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.







| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #IA75-4042--MOD. #3 (40-FR-4843--January 31, 1975) Pottawattamie County (City of Council Bluffs & the area within 3 miles from the city limits), Iowa | | | | | |
| CHANGE: Building Construction: | | | | | |
| Elevator Constructors | $9.275 | .445 | .29 | 3%+a | |

FOOTNOTE:
a. Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #IA75-4043--MOD. #3 (40-FR-4845--January 31, 1975) Scott County, Iowa | | | | | |
| CHANGE: Building Construction: | | | | | |
| Elevator Constructors | $8.985 | .445 | .29 | 3%+a | |

FOOTNOTE:
a. Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.



| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #IA75-4033 - Mod. #5 (40 FR 3898 - January 24, 1975) Statewide Louisiana | | | | | |
| Change: | | | | | |
| Electricians: | | | | | |
| Electricians: | | | | | |
| Zone 7 | $8.30 | .50 | 1% | | 1% |
| Cable splicers: | | | | | |
| Zone 7 | 8.80 | .50 | 1% | | 1% |
| Glaziers: | | | | | |
| Zone 5 | 6.50 | | .20 | | |
| Line Construction: | | | | | |
| Zone 7: | | | | | |
| Linemen; Operators | 8.30 | .50 | 1% | | 1% |
| Cable splicers | 8.80 | .50 | 1% | | 1% |
| Groundman | 6.50 | .50 | 1% | | 1% |
| Truck drivers (Building Construction): | | | | | |
| Zone 7: | | | | | |
| Group 1 | 4.95 | | | | |
| Group 2 | 5.18 | | | | |
| Group 3 | 5.69 | | | | |
| Group 4 | 5.55 | | | | |
| Group 5 | 5.98 | | | | |
| Group 6 | 6.06 | | | | |
| Group 7 | 6.33 | | | | |
| Group 8 | 6.50 | | | | |

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION NO.IA75-2006, Mod #1 (40 FR3112 - January 17, 1975) Franklin County, Massachusetts | | | | | |
| Change: | | | | | |
| Boilermakers | $10.00 | .60 | 10% | | .01 |
| Electricians: | | | | | |
| Howley, Monroe, Rowe | 9.14 | .45 | 1%+.49 | | .02 |
| Elevator constructors | 9.505 | .445 | .29 | 3%+a | .02 |
| Elevator constructors' helpers | 70%JR | .445 | .29 | 3%+a | .02 |
| Elevator constructors' helpers (prob) | 50%JR | .445 | .29 | 3%+a | .02 |
| Plasterers' tenders | 7.25 | .50 | .45 | | .10 |





XUM

MODIFICATIONS P. 9

DECISION #MN75-2042 - Mod. #2
(40 FR 7637 - February 21, 1975)
St. Louis County, Minnesota

CHANGE:
Laborers - Site Preparation, Excavation & Incidential Paving

| LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING NORTH OF T-55 | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLASS 1 | $ 6.83 | .20 | .15 | .25 | |
| CLASS 2 | 6.88 | .20 | .15 | .25 | |
| CLASS 3 | 7.08 | .20 | .15 | .25 | |
| CLASS 4 | 7.13 | .20 | .15 | .25 | |
| CLASS 5 | 7.18 | .20 | .15 | .25 | |
| CLASS 6 | 7.23 | .20 | .15 | .25 | |
| CLASS 7 | 7.33 | .20 | .15 | .25 | |
| CLASS 8 | 7.43 | .20 | .15 | .25 | |

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING - NORTH OF T-55

CLASS 1 Unskilled Laborers, Laborers; wrecking & demolition; Bricklayer tender; Drill runner helper; Landscape gardener; sod layer & nurseryman Pipehandler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stonemason tender
CLASS 2 Bituminous Shoveler; Bottom man (sewer, water or gas trench); Cement handler (bulk or bag); Chain saw man; Compaction equipment (hand operated); Concrete mixer operator (1 bag); Concrete Shoveler, tamper & puddler (paving) Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, truck, etc.); Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer man & paving busters; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint drawer; tunnel Laobrer ( Atmospheric pressure)
CLASS 3 Bituminous Tamper; Cofferdam work; Caisson work
CLASS 4 Drill Runner (heavy, including churndrill
CLASS 5 Bituminous Raker, Floater & Utility Man; Pipelayer (sewer,water, gas); Leadman
CLASS 6 Nozzleman (Gunite)
CLASS 7 Powderman
CLASS 8 Tunnel Miner







MODIFICATIONS P. 10

DECISION NO. MN75-2042 (CONT'D)

| LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING SOUTH OF T-55 | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CLASS 1 | $6.93 | .25 | .15 | .25 | |
| CLASS 2 | 7.03 | .25 | .15 | .25 | |
| CLASS 3 | 7.18 | .25 | .15 | .25 | |
| CLASS 4 | 7.23 | .25 | .15 | .25 | |
| CLASS 5 | 7.28 | .25 | .15 | .25 | |
| CLASS 6 | 7.33 | .25 | .15 | .25 | |
| CLASS 7 | 7.43 | .25 | .15 | .25 | |
| CLASS 8 | 7.53 | .25 | .15 | .25 | |

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING - SOUTH OF T-55

CLASS 1-Unskilled Laborer; Laborer wrecking and demolition; Bricklayer Tender; Drill Runner Helper; Landscape Gardner; Sod Layer & Nurseryman; Pipe Handler (water, gas or cast iron) Salamander Heater & Blower Tender; Stone Mason Tender
CLASS 2-Bituminous Shoveler; Bottom Man (sewer, water or gas trench) Cement Handler (Bulk or Bag) Cement Coverman (Batch Truck) Chain Saw Man; Compaction Equipment (Hand Operated) Concrete Mixer Operator (1 Bag Capacity); Concrete Shoveler; Tamper & Puddler (Paving); Concrete Vibrator Operator; Conduit Layer (Without Wiring) Dumper (Wagon Truck); Form Setter (Municipal Type curb and sidewalk) Form Setter (Paving) Jackhammer Man; Paving Buster; Kettleman (Bituminous or Lead); Mortar Mixer; Power Buggy Operator; Joint Sawer; Tunnel Laborer (Atmospheric Pressure)
CLASS 3-Bituminous Tamper; Cofferdam Work; Caisson Work
CLASS 4-Drill Runner (Heavy, Including Churn Drill)
CLASS 5-Bituminous Raker, Floater & Utility Man; Pipelayer (sewer, water & gas) Leadman
CLASS 6-Nozzleman
CLASS 7-Powderman
CLASS 8-Tunnel Miner







MODIFICATIONS P. 11

DECISION #MN75-2059 - Mod. #1
(40 FR 16472 - April 11, 1975)
Stearns County, Minnesota

CHANGE:
Power Equipment Operators:

| POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING E. OF THE WESTERN RIGHT-OF-WAY OF U. S. HWY. 15 | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| GROUP I | $12.05 | .35 | .25 | | |
| GROUP II | 8.76 | .35 | .25 | | |
| GROUP III | 8.50 | .35 | .25 | | |
| GROUP IV | 8.38 | .35 | .25 | | |
| GROUP V | 8.28 | .35 | .25 | | |
| GROUP VI | 7.60 | .35 | .25 | | |
| GROUP VII | 7.30 | .35 | .25 | | |

MODFICIATIONS P. 12

DECISION NO. MN75-2059 (Cont'd)

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING E. OF THE WESTERN RIGHT-OF-WAY OF U. S. HWY. 15
GROUP I Helicopter Pilot
GROUP II Crane with over 135' boom, excluding jib, dragline and/or other similar equipment w/shovel type controls 3 cu. yards. & over Mfg. rates capacity
GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 3½E, Derrick, Dragline and/ or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, Dredge Operator (power) & yds. & over, Grader or Motor Patrol Finishing (subgrade & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving op., Road Mile Op., Incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tarden, Scrapter, Tractor, Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over
GROUP IV Dual Tractor Op., Elevating Grader Op., Pumprete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer
GROUP V Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu yds., Hoists Engineer, Hydraulic Tree Planter, Launcherman, Locomotive,all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machine,s Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Highty Hite or similar type, Pick-up Sweeper 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power tak-off, Tractor Op., over 50 HP without power Take-off, trenching Machine Op., (sewer water, gas) Turnapull Op., (or similar type) Well Point Installation, Bituminous or Repair Mechanic

DECISION NO. MT75-2059 (Cont'd)

POWER EQUIPMENT OPERATORS (CONT'D)
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING E. OF THE WESTERN RIGHT-OF-WAY OF U. S. HWY. 15

GROUP VI Air compressor Op. 373 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. Spreader Op., Finishing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 1LS and under, Concrete saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader op. ( up to & include 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Ops., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Spacer Heater, Oiler, Self-Prop. Vib Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler



DECISION NO. MT75-2059 (Cont'd)

| POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING-REMAINDER OF CO. | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| GROUP I | $11.90 | .35 | .25 | | |
| GROUP II | 7.72 | .35 | .25 | | |
| GROUP III | 7.47 | .35 | .25 | | |
| GROUP IV | 7.33 | .35 | .25 | | |
| GROUP V | 7.25 | .35 | .25 | | |
| GROUP VI | 6.72 | .35 | .25 | | |
| GROUP VII | 6.32 | .35 | .25 | | |

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING REMAINDER OF CO.

GROUP I Helicopter Pilot

GROUP II Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 3LE, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mile Op., incl. power supply, Mucking Mach., incl. mucking operations Conmey or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP IV Dual Tractor Op., Elevating Grader Op., Pumperete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP V Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumprs or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & ballas Mach. Op., Tractor Op. over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (power, water,gas) Turnapull Op., (or similar type) well Point Installation, Dismantling or Repair Mechanic





DECISION NO. MT75-2059 (Cont'd)

POWER EQUIPMENT OPERATORS (CONT'D)
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING-REMAINDER OF CO.

GROUP VI Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach, Op., Spray Op., Concrete Mixer Op. 1bS and under, concrete saw op. (multi. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader op. (Motor Patrol), Gunite op. Gunall, Lead Greaser on truck or rack, Loader Op., PowerActuated Augars and Boring Mach. Op., Power Acutated Jacks op., Pumps op., Roller., Self-propelled Chip Spreader, Shouldering Mach. op., Stump Chipper., Tractor Op. (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helpers, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler



| DECISION #MT75-5012 - Mod. #4 (40 FR 6059 - February 7, 1975) Statewide, Montana<br>Change: | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Bricklayers: | | | | | |
| Cascade, Chouteau, Glacier, Pondera and Teton Counties | $9.15 | .40 | .30 | | |
| Electricians: | | | | | |
| Blaine, Hill, Liberty and Phillips Counties | | | | | |
| Electricians | 8.85 | | 1% | | 1/2% |
| Custer and Garfield Counties | 7.64 | | 1% | | 1/2% |
| Elevator Constructors | 8.04 | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers | 70%JR | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers (Prob.) | 50%JR | | | | |
| Marble Masons: | | | | | |
| Cascade, Chouteau, Glacier, Pondera and Teton Counties | 9.15 | .40 | .30 | | |
| Roofers | 6.94 | .425 | | | |
| Terrazzo Workers and Tile Setters: | | | | | |
| Cascade, Chouteau, Glacier, Pondera and Teton Counties | 7.50 | .40 | .30 | | |

| DECISION #MT75-5017 - Mod. #5 (40 FR 6081 - February 7, 1975) Statewide, Montana<br>Change: | | | | | |
|---|---|---|---|---|---|
| Electricians: | | | | | |
| Blaine, Hill, Liberty, and Phillips Counties | | | | | |
| Electricians | 8.85 | | 1% | | 1/2% |
| Custer and Garfield Counties | | | | | |
| Electrians | 7.64 | | 1% | | 1/2% |

MODIFICATIONS P. 17

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| **DECISION #MT75-5029 - Mod. #4** (40 FR 7841 - February 21, 1975) Cascade, Flathead, Glacier, Hill, Missoula, Sanders, and Valley Counties, Montana | | | | | |
| Change: | | | | | |
| Brickalyers: | | | | | |
| Cascade and Glacier Counties | $ 9.15 | .40 | .30 | | |
| Electricians: | | | | | |
| Hill County | | | | | |
| Electricians | 8.85 | 1% | | | 1/2% |
| Elevator Constructors | 8.04 | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers | 70%JR | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers (Prob.) | 50%JR | | | | |
| Marble Masons: | | | | | |
| Cascade and Glacier Counties | 9.15 | .40 | .30 | | |
| Terrazzo and Tile Setters: | | | | | |
| Cascade and Glacier Counties | 7.50 | .40 | .30 | | |
| **DECISION #AR-2041 - Mod. #5** (39 FR 33172 - September 13, 1974) Morrie County, New Jersey | | | | | |
| Change: Mod. #3 - 40 FR 16486 - April 11, 1975, to read: Mod. #4 | | | | | |
| **DECISION #AR-2075 - Mod. #4** (39 FR 40386 - November 15, 1975) Sussex County, New Jersey | | | | | |
| Change: Mod. #2 - 40 FR 16488 - April 11, 1975, to read: Mod. #3 | | | | | |

MODIFICATIONS P. 18

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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| **DECISION #ND75-5031 - Mod. #3** (40 FR 8747 - February 26, 1975) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota | | | | | |
| Change: | | | | | |
| (Excluding Walsh County) | | | | | |
| Elevator Constructors | $8.75 | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers | 70%JR | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers (Prob.) | 50%JR | | | | |
| **DECISION #OH75-2056 - Mod. #1** (40 FR 15301 - April 4, 1975) Statewide, Ohio | | | | | |
| Change: | | | | | |
| Carpenters & Piledrivermen | | | | | |
| Zone 1 Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, Ross & Scioto Counties | | | | | |
| Carpenters | $ 8.40 | .40 | .50 | | .03 |
| Piledrivermen | 8.65 | .40 | .50 | | .03 |
| Painters: | | | | | |
| Zone 17 Gallia, Lawrence, Meigs and Vinton Counties | | | | | |
| Brush | 8.45 | | | | |
| Spray | 8.75 | | | | |
| Power Equipment Operators: | | | | | |
| Zone 3 Remainder of State | | | | | |
| Class E | 6.54 | .46 | .80 | | .11 |
| Add: | | | | | |
| Linemen | | | | | |
| Zone 12 Cuyahoga County | | | | | |
| Traffic Signal and Street maintenance work: | | | | | |
| Lineman and Operator | 8.00 | .30 | 1% | | .25% |
| Groundman | 4.88 | .30 | 1% | | .25% |
| Truck Drivers: | | | | | |
| Zone 2 Remainder of State | | | | | |
| Asphalt oil spray bar man when operated from cab | 6.97 | a16.00 | a6.00 | | |





MODIFICATIONS P. 19

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| DECISION NO. AR-85 - Mod. #4 (39 FR 42801 - December 6, 1974) Garfield County, Oklahoma | | | | | |
| Change: FOOTNOTE (a) to read "1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. | | | | | |
| DECISION NO. OK75-4069 - Mod. #2 (40 FR 14257 - March 28, 1975) Muskogee, Adair and Cherokee Counties, Oklahoma | | | | | |
| Change: FOOTNOTE (a) to read "1st 6 mos. none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. | | | | | |
| **Decision #AR-2036 - Mod. #4** (39 FR 33988 - September 20, 1974) Butler & Fayette Counties, Pennsylvania | | | | | |
| Change: Roofers | $9.41 | .57 | 1.30 | | .06 |
| **Decision #AR-2092 - Mod. #3** (39 FR 41701 - November 29, 1974) Lackawanna, Wayne & Wyoming Counties, Pennsylvania | | | | | |
| Change: Modification # 2, in 40 FR 15281 to include Schuylkill County. | | | | | |

MODIFICATIONS P. 20

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| **DECISION #TX75-4031 - Mod. #3** (40 FR 3942 - January 24, 1975) Travis County, Texas | | | | | |
| Change: Bricklayers & stonemasons | $8.18 | .40 | .30 | | .03 |
| **DECISION #TX75-4078 - Mod. #1** (40 FR 16639 - April 11, 1975) El Paso County, Texas | | | | | |
| Change: | | | | | |
| Line Construction: | | | | | |
| Lineman-Technician; Equipment operators | 8.00 | .25 | 1% | | 1/2% |
| Cable splicers | 8.25 | .25 | 1% | | 1/2% |
| Groundman | 75%JR | .25 | 1% | | 1/2% |
| Groundman (less than 6 mos.) | 50%JR | .25 | 1% | | 1/2% |
| **DECISION #UT75-5026 - Mod. #3** (40 FR 7860 - February 21, 1975) Statewide, Utah | | | | | |
| Change: | | | | | |
| Elevator Constructors | $8.23 | .445 | .29 | 3%+a | |
| Elevator Constructors' Helpers | 70%JR | .445 | .29 | 3%+a | |
| Elevator Constructors' Helpers (Prob.) | 50%JR | | | | |







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MODIFICATIONS P. 22

| | Basic Hourly Rates | Fringe Benefits Payments H&W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3155 - Mod. #1 (39 FR 36829 - October 11, 1974) Columbia, Dane, Iowa & Sauk Counties, Wisconsin | | | | | |
| Changes: | | | | | |
| Asbestos Workers | $ 9.87 | .45 | .60 | | .03 |
| Boilermakers | 8.90 | .70 | 1.00 | | .02 |
| Boilermakers' helpers | 8.725 | .70 | 1.00 | | .02 |
| Elevator Constructors | 8.535 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 5.97 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers (Prob.) | 4.27 | | | | |
| Line Construction: | | | | | |
| Lineman | 8.01 | .35 | 1% | | .5% |
| Digger, Crane & Tractor Operator | 6.65 | .35 | 1% | | .5% |
| Winch truck or truck tractor | 5.52 | .35 | 1% | | .5% |
| Line truck w/o winch | 5.27 | .35 | 1% | | .5% |
| Experienced groundman | 5.03 | .35 | 1% | | .5% |
| Plumber | 8.89 | .30 | .40 | .35 | .5% |
| Sprinkler fitter | 9.40 | .30 | .40 | | .05 |



MODIFICATIONS P. 21

| | Basic Hourly Rates | Fringe Benefits Payments H&W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3152 - Mod. #1 (39 FR 36823 - October 11, 1974) Barron, Dunn, Polk & St. Croix Counties, Wisconsin | | | | | |
| Changes: | | | | | |
| Asbestos Workers | $ 9.02 | .51 | .65 | | .02 |
| Boilermakers | 8.90 | .70 | 1.00 | | .02 |
| Boilermakers' helpers | 8.725 | .70 | 1.00 | | .02 |
| Elevator Constructors | 8.75 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 6.125 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers (Prob.) | 4.375 | | | | |
| Line Construction: | | | | | |
| Lineman | 8.01 | .35 | 1% | | .5% |
| Equipment Operator | 6.65 | .35 | 1% | | .5% |
| Heavy Truck Driver | 5.52 | .35 | 1% | | .5% |
| Light Truck Driver | 5.27 | .35 | 1% | | .5% |
| Groundmen-experienced | 5.03 | .35 | 1% | | .5% |
| Groundmen - 1st six months | 4.35 | .35 | 1% | | .5% |
| Plumbers & Steamfitters | 8.20 | .45 | .45 | .65 | .5% |
| Sprinkler Fitters | 9.40 | .50 | .70 | .70 | .08 |
| Stone Masons | 7.58 | .25 | .20 | .50 | .03 |
| DECISION #AR-3154 - Mod. #1 (39 FR 36827 - October 11, 1974) Chippewa, Eau Claire, and Pepin Counties, Wisconsin | | | | | |
| Changes: | | | | | |
| Asbestos Workers | $ 9.02 | .51 | .65 | | .02 |
| Boilermakers | 8.90 | .70 | 1.00 | | .02 |
| Boilermakers' helpers | 8.725 | .70 | 1.00 | | .02 |
| Line Construction: | | | | | |
| Lineman | 8.01 | .35 | 1% | | .5% |
| Cable Splicers | 8.75 | .35 | 1% | | .5% |
| Heavy Truck driver | 5.52 | .35 | 1% | | .5% |
| Light truck driver | 5.27 | .35 | 1% | | .5% |
| Equipment Operator | 6.65 | .35 | 1% | | .5% |
| Groundmen - 1st 6 months | 4.35 | .35 | 1% | | .5% |
| Groundmen - thereafter | 5.03 | .35 | 1% | | .5% |
| Plumbers and Steamfitters | 8.20 | .45 | .45 | .65 | .5% |
| Stonemasons | 7.58 | .25 | .20 | .50 | .03 |





MODIFICATIONS P. 24

| | Basic Hourly Rates | Fringe Benefits Payments H&W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3159 - Mod. #2 (39 FR 36837 - October 11, 1974) Kenosha County, Wisconsin | | | | | |
| Changes: | | | | | |
| Asbestos Workers | $ 9.87 | .45 | .60 | | .03 |
| Boilermakers | 8.90 | .70 | 1.00 | | .02 |
| Boilermakers' helper | 8.725 | .70 | 1.00 | | .02 |
| Bricklayers & Stonemasons | 8.70 | .40 | .40 | | |
| Carpenters & soft floor layers | 9.16 | .40 | .50 | | .03 |
| Cement Masons | 8.40 | .40 | | | |
| Elevator Constructors | 9.185 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 6.43 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers (Prob.) | 4.59 | | | | |
| Ironworkers | 9.01 | .60 | .60 | .80 | .11 |
| Millwrights & Piledrivermen | 9.22 | .40 | .50 | | .03 |
| Plumbers & Steamfitters | 8.83 | .50 | .40 | .86 | |
| Sprinkler fitters | 9.40 | .30 | .40 | | .05 |
| Tile Setters | 7.44 | .40 | .40 | | |
| Laborers: | | | | | |
| Laborers and Mason Tenders | 6.31 | .40 | .40 | .50 | |
| Plaster tenders | 6.48 | .40 | .40 | .50 | |
| Air,electric & gas tool operator | 6.64 | .40 | .40 | .50 | |
| Jackhammer, fork lift operator gunnite man | 6.96 | .40 | .40 | .50 | |

MODIFICATIONS P. 23

| | Basic Hourly Rates | Fringe Benefits Payments H&W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3158 - Mod. #1 (39 FR 36835 - October 11, 1974) Juneau County, Wisconsin | | | | | |
| Changes: | | | | | |
| Asbestos Workers | $ 9.87 | .45 | .60 | | |
| Boilermakers | 8.90 | .70 | 1.00 | | |
| Boilermakers' helpers | 8.725 | .70 | 1.00 | | |
| Carpenters | | | | | |
| N. E. section of county above Camp Douglas | 7.30 | .25 | .40 | | |
| Carpenters | 7.80 | .25 | .40 | | |
| Piledrivermen | 7.90 | .25 | .40 | | |
| Millwrights | | | | | |
| Elevator Constructors (Eastern ½ of county) | 8.535 | .445 | .29 | 3%+a+b | |
| Elevator Constructors' helper | 5.97 | .445 | .29 | 3%+a+b | |
| Elevator Constructors' helper (prob.) | 4.265 | | | | |
| Plumbers and Steamfitters | 8.70 | .40 | .45 | | |
| Sprinkler fitters | 9.40 | .30 | .40 | | |
| Omit: | | | | | |
| Truck Drivers | | | | | |







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| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3160 - Mod. #1 (39 FR 36839 - October 11, 1974) La Crosse, Monroe and Vernon Counties, Wisconsin | | | | | |
| Change: | | | | | |
| Asbestos workers (23 mi radius around city of LaCrosse) | $ 8.56 | .45 | .60 | | .03 |
| (Remainder of County) | 9.87 | .45 | .60 | | .03 |
| Boilermakers | 8.90 | .70 | 1.00 | | .02 |
| Boilermakers' helpers | 8.725 | .70 | 1.00 | | .02 |
| Electricians | 9.37 | .31 | 1% | | |
| Elevator Constructors | 8.75 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 6.125 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers (Prob.) | 4.375 | | | | |
| Plumbers and Steamfitters | 8.70 | .40 | .45 | | .05 |
| Sprinkler Fitters | 9.40 | .30 | .40 | | .05 |
| Omit: | | | | | |
| Marble setters | | | | | |
| Roofers | | | | | |
| Terrazzo workers & Tile Setters | | | | | |



| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3161 - Mod. #1 (30 FR 36841 - October 11, 1974) Langlade, Lincoln & Marathon Counties, Wisconsin | | | | | |
| Change: | | | | | |
| Asbestos workers | $ 8.56 | .45 | .20 | .65 | .03 |
| Boilermakers | 8.90 | .70 | 1.00 | | .02 |
| Boilermakers' helpers | 8.725 | .70 | 1.00 | | .02 |
| Electricians | 8.27 | .29 | 1% | 1% | |
| Elevator constructors | 8.53 | .445 | .29 | 3%+a+b | .02 |
| Elevator constructors' helpers | 5.97 | .445 | .29 | 3%+a+b | .02 |
| Elevator constructors' helpers (Prob.) | 4.265 | | | | |
| Laborers: | | | | | |
| Mason tender, concrete worker, Building wrecker, form stripper, and scaffold builder | 6.10 | .30 | .25 | | |
| Air tool operator (jackhammer-men, vibrator) mortar mixers, kettlemen, concrete buster and gunnite men | 6.35 | .30 | .25 | | |
| Painters: | | | | | |
| Brush | 6.85 | | | | |
| Spray | 7.35 | | | | |
| Plumbers & Steamfitters | 9.16 | .35 | .20 | | |
| Roofers | 7.09 | | | d | |
| Sheet Metal Workers | 8.26 | .35 | .20 | | .02 |
| Sprinker fitters | 9.40 | .30 | .40 | | .05 |







| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| DECISION #AR-3162 - Mod. #1 (39 FR 6843 - October 11, 1974) Milwaukee, Ozaukee, Waukesha, and Washington Counties, Wisconsin | | | | | |
| Change: | | | | | |
| Asbestos workers | $ 9.87 | .45 | .60 | | .03 |
| Boilermakers | 8.90 | .70 | 1.00 | | .02 |
| Boilermakers' helpers | 8.725 | .70 | 1.00 | | .02 |
| Elevator Constructors | 9.185 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers | 6.43 | .445 | .29 | 3%+a+b | .02 |
| Elevator Constructors' helpers (Prob.) | 4.59 | | | | |
| Line Construction: | | | | | |
| Linemen | 8.01 | .35 | 1% | | .5% |
| Equipment Operator | 6.65 | .35 | 1% | | .5% |
| Truck driver w/winch | 5.52 | .35 | 1% | | .5% |
| Groundman - experienced | 5.03 | .35 | 1% | | .5% |
| Marble setters' helpers and Tile setters' helpers | 7.22 | .30 | .60 | .55 | |
| DECISION #WY75-5028 - Mod. #3 (40 FR 7887 - February 21, 1975) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming | | | | | |
| Change: | | | | | |
| Elevator Constructors | $ 9.01 | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers | 70%JR | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers (Prob.) | 50%JR | | | | |

SUPERSEDEAS DECISION

STATE: Connecticut
COUNTIES: *See below
DECISION NUMBER: CT75-2065
DATE: Date of Publication
Supersedes Decisions Nos.: AR-3094 dated August 16, 1974 in 39 FR 29730; AR-3096 dated August 16, 1974 in 39 FR 29739; AR-3099 dated August 16, 1974 in 39 FR 29752; and AR-3101 dated August 16, 1974 in 39 FR 29760
DESCRIPTION OF WORK: Building (including residential), Heavy and Highway Construction

| *Fairfield, Litchfield, New London, & Windham | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ASBESTOS WORKERS: Fairfield County; Litchfield County: Barkhamsted, Bethlehem, Bridgewater, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, New Milford, Plymouth, Roxbury, Sharon, Torrington, Warren, Washington, Watertown, Winchester, Woodbury, & Thomaston; New London County: Bozrah, Colchester, East Lyme, Franklin, Groton, Lebanon, Lyme, Montville, New London, Norwich, Old Lyme, Salem, Sprague, & Waterford; Windham County: Ashford, Chaplin, Eastford, Hampton, Scotland, & Windham | $9.09 | .60 | .53 | | |
| Litchfield County: Canaan, Colebrook, Norfolk, North Canaan, & Salisbury; Windham County: Woodstock | 9.50 | .44 | .45 | | .01 |
| New London County: Griswold, Ledyard, Lisbon, North Stonington, Preston, Stonington, & Voluntown; Windham County: Brooklyn, Canterbury, Killingly, Plainfield, Pomfret, Putnam, Sterling, & Thompson | 9.32 | .71 | .83 | | |
| BOILERMAKERS | 10.00 | .60 | 10% | | .01 |
| BRICKLAYERS; Cement masons: Finishers; Marble masons; Plasterers; Stonemasons; Terrazzo Workers; & Tile setters (Building Construction): Fairfield County: Bridgeport, Easton, Fairfield, Monroe, Southport, Stratford, & Trumbull | 9.40 | .50 | .50 | | |
| Fairfield County: New Canaan, Norwalk, Ridgefield, Weston, Westport, & Wilton | 9.37 | .50 | .50 | | |
| Fairfield County: Darien & Stamford | 9.60 | .53 | .25 | | |





DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| BRICKLAYERS (Cont'd): Fairfield County: Greenwich | $9.60 | .40 | .45 | | |
| Fairfield County: Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, & Sherman; Litchfield County: Bridgewater, Kent, New Milford, & Roxbury | 9.30 | .50 | .50 | | |
| Litchfield County: Plymouth & Terryville | 8.70 | .50 | .42 | | |
| Litchfield County: Bantam, Barkhamsted, Bethlehem, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, & Winsted | 9.45 | .50 | .50 | | |
| New London County | 9.45 | .50 | .50 | | |
| Litchfield County: Thomaston, Watertown, & Woodbury | 9.41 | .40 | .65 | | |
| BRICKLAYERS (Heavy and Highway Construction): Fairfield County, except Darien, Greenwich, & Stamford; Litchfield County, west of Housatonic River & New Milford | 8.50 | .50 | .50 | a | |
| Fairfield County: Darien & Stamford | 8.68 | .43 | .25 | a | |
| Fairfield County: Greenwich | 8.60 | .40 | .45 | a | |
| Litchfield County, east of Housatonic River; New London County & Windham County | 8.45 | .50 | .50 | a | |
| CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers (Building Construction): Fairfield County: Greenwich | 8.88 | .45 | .35 | .50 | .02 |
| Fairfield County: Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston, & Westport, & that part of Orange from Orange Center Road west to Milford & the Oyster River situated in Orange | 9.35 | .50 | .30 | b | $50.00p/y |









DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CARPENTERS (Cont'd): Fairfield County: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield County: Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, Norwalk, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, & Woodbury | $9.00 | .50 | .30 | | .05 |
| Litchfield County: Harwinton Plymouth, & Terryville | 9.30 | .50 | .30 | | .05 |
| Fairfield County: Shelton | 8.80 | .50 | .50 | c | |
| Litchfield County: Norris (South of Route #109), Northfield, Thomaston, & Watertown | 9.35 | .50 | .30 | d | .03 |
| New London County: Bozrah, East Lyme, Griswold, Groton, Lebanon, Ledyard, Lisbon, Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Preston, Salem Sprague, Stonington (North of Route #184), Voluntown, & Waterford; Windham County: Canterbury (South of Route #14), Colchester, Franklin & Scotland | 9.35 | .50 | .30 | | .01 |
| CARPENTERS (Heavy and Highway Construction): Fairfield County: Greenwich | 9.10 | .45 | .30 | e | .02 |
| Fairfield County: Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Sherman; Litchfield County: Bethlehem, Bridgewater, Kent, Morris, New Milford, Roxbury, Warren, Washington, & Woodbury | 9.10 | .45 | .30 | e | |



DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| CARPENTERS (Cont'd): New London County: Bozrah, Colchester, East Lyme, Griswold, Groton, Lebanon, Ledyard, Lisbon, Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, Waterford, Scotland (that portion south of Route #14); Windham County: Canterbury (south of Route #14 on the west proceeding easterly across Route #169 to the Canterbury-Plainfield town line) | $9.05 | .50 | .30 | e | .01 |
| Fairfield County: Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston, & Westport | 9.05 | .50 | .30 | e | $50.00p/y |
| Litchfield County: Barkhamsted, Canaan, Colebrook, Cornwall, Goshen, Litchfield, New Hartford, Norfolk, North Canaan, Salisbury, Sharon, Torrington, & Winchester | 9.05 | .50 | .30 | e | .04 |
| Fairfield County: Darien, New Canaan, Norwalk, Ridgefield, Stamford, & Wilton; Litchfield County: Harwinton, & Plymouth | 9.05 | .50 | .30 | e | .05 |
| Remainder of Fairfield, Litchfield, & Windham Counties | 9.05 | .50 | .30 | e | |
| ELECTRICIANS: Fairfield County: Norwalk, Weston, Westport, & Wilton Building construction | 9.29 | .43 | 1%+.30 | 6% | ½ of 1% |
| Residential construction | 5.30 | .43 | 1%+.30 | 6% | ½ of 1% |
| Fairfield County: Bethel, Bridgeport, Brookfield, Danbury, Easton, Fairfield, Monroe, New Fairfield, Newtown, Redding, Ridgefield, Shelton, Sherman, Stratford, & Trumbull; Litchfield County: Bridgewater, & New Milford | 9.90 | .58 | 1%+.30 | | ½ of 1% |

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DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ELECTRICIANS (Cont'd): | | | | | |
| Litchfield County: Plymouth | | | | | |
| Building construction | $9.62 | .55 | 1%+.50 | | ½ of 1% |
| Residential construction | 5.53 | .55 | 1%+.50 | | ½ of 1% |
| New London County: Bozrah, Colchester, Franklin, Griswold, Lebanon, Ledyard, Lisbon, Montville, North Stonington, Norwich, Preston, Salem, Sprague, Stonington, & Voluntown; Windham County | | | | | |
| Building construction | 9.95 | .75 | 1%+.45 | | ½ of 1% |
| Residential construction | 5.50 | .75 | 1%+.45 | | ½ of 1% |
| New London County: East Lyme, Groton, Lyme, New London, Old Lyme, & Waterford | 10.06 | .70 | 1%+.40 | | ½ of 1% |
| Litchfield County: Remainder of County | 9.55 | .47 | 1%+.60 | f | 1/8 of 1% |
| ELEVATOR CONSTRUCTORS | 9.50 | .445 | .29 | 2½%+g+h | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS | 6.65 | .445 | .29 | 2½%+g+h | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS (Prob.) | 4.75 | | | | |
| GLAZIERS: | | | | | |
| Fairfield County: Greenwich | 9.10 | .66 | 1.66 | .365 | .03 |
| Fairfield County (Remainder of County); Litchfield County | 9.53 | .95 | .47 | i | .01 |
| New London County; Windham County | 8.71 | .52 | .47 | i | |
| IRONWORKERS | 10.05 | .55 | .74 | j | .04 |
| LATHERS: | | | | | |
| Fairfield County: Bridgeport, Easton, Fairfield, Monroe, Redding, Ridgefield, Shelton, Stratford, Trumbull, Weston, Westport, & Wilton | 9.63 | .35 | .40 | | .01 |
| Fairfield County: Greenwich, New Canaan, Norwalk, & Stamford | 8.51 | .35 | .20 | .75 | .01 |
| Fairfield County: Bethel, Brookfield, Danbury, New Fairfield, Newtown, & Sherman; Litchfield County: Bethlehem, Bridgewater, Cornwall, Goshen, Harwinton, Litchfield, Morris, New Milford, North Canaan, Plymouth, Roxbury, Thomaston, Torrington, Warren, Washington, Watertown, & Woodbury | 8.71 | .25 | .15 | | .01 |

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DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LATHERS (Cont'd): | | | | | |
| Litchfield County: Barkhamsted, Colebrook, New Hartford, Norfolk, & Winchester; New London County: Bozrah, Colchester, East Lyme, Franklin, Groton, Lebanon, Lisbon, Lyme, Montville, Norwich, Old Lyme, Salem, Sprague, & Waterford; Windham County: Chaplin, Hampton, Scotland, & Windham | $9.65 | .35 | .30 | | .01 |
| New London County: Groton; Windham County: Danielson | 9.25 | .45 | .55 | | .01 |
| LEADBURNERS | 9.25 | .35 | | k | .01 |
| LINE CONSTRUCTION: | | | | | |
| Fairfield County: Darien, Greenwich, New Canaan, Stamford, & that portion of Norwalk west of Five Mile River | | | | | |
| Linemen | 9.33 | 3 3/4% | 6½%+1+m | 10% | ½ of 1% |
| Cable splicers | 9.33 | 3 3/4% | 6½%+1+m | 10% | ½ of 1% |
| Driver groundmen | 9.33 | 3 3/4% | 6½%+1+m | 10% | ½ of 1% |
| Fairfield County: Remainder of County; Litchfield County; New London County; & Windham County | | | | | |
| Linemen | 10.16 | .40 | 1% | n | 3/8 of 1% |
| Equipment operators | 9.48 | .40 | 1% | n | 3/8 of 1% |
| Driver groundmen | 7.32 | .40 | 1% | n | 3/8 of 1% |
| MARBLE SETTERS' HELPERS: | | | | | |
| Fairfield County: Darien, Greenwich, Norfolk, Stamford, & Westport | 7.33 | .74 | .88 | o | |
| MARBLE SETTERS' HELPERS; Terrazzo workers' helpers; & Tile setters' helpers: | | | | | |
| Fairfield County: Remainder of County; Litchfield County; New London County; & Windham County | 8.40 | .35 | .50 | | |
| PAINTERS: | | | | | |
| Bridge (All counties) | | | | | |
| Brush | 9.525 | .35 | .525 | | .01 |
| Spray | 13.025 | .35 | .525 | | .01 |
| Fairfield County: Greenwich | | | | | |
| Brush; Structural steel | 7.50 | .20 | .65 | .30 | |





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DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| PAINTERS (Cont'd): | | | | | |
| Fairfield County: Bridgeport, Easton, Fairfield, Southport, Stratford, & Trumbull | | | | | |
| Brush | 8.10 | .35 | .55 | p | |
| Spray | 10.10 | .35 | .55 | p | |
| Taper | 8.49 | .35 | .55 | p | |
| Fairfield County: Darien & Stamford | | | | | |
| Brush; Structural steel | 7.38 | .35 | .50 | | .01 |
| Spray | 10.50 | .35 | .50 | | .01 |
| Fairfield County: New Canaan, Norwalk, Weston, Westport, & Wilton | | | | | |
| Brush | 7.58 | .35 | .30 | | |
| Fairfield County: Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, Sandy Hook, & Sherman; Litchfield County: New Milford | | | | | |
| Brush | 8.65 | .35 | .25 | | |
| Paperhangers; Tapers | 8.00 | .35 | .25 | | |
| Structural steel | 9.15 | .35 | .25 | | |
| Epoxy | 10.15 | .35 | .25 | | |
| Residential | 7.00 | .35 | .25 | | |
| Fairfield County: Byram | | | | | |
| Brush | 7.80 | .45 | .45+.42 6/7 | | |
| Spray | 8.80 | .45 | .45+.42 6/7 | | |
| Steel & swing stage & boatswain chair | 8.91 3/7 | .45 | .45+.42 6/7 | | |
| Drywall taper | 8.60 | .45 | .45+.42 6/7 | | |
| Fairfield County: Monroe, & Shelton | | | | | |
| Brush | 8.50 | .35 | .55 | q | .01 |
| High & Tank | 9.00 | .35 | .55 | q | .01 |
| Structural steel | 9.50 | .35 | .55 | q | .01 |
| Spray | 12.00 | .35 | .55 | q | .01 |
| Windham County: Willimantic & Windham | | | | | |
| Brush; Tapers | 8.10 | .50 | .30 | | |
| Paperhangers | 8.45 | .50 | .30 | | |
| Riding steel, steamcleaning, sandblasting, tanks, towers, & hazardous work | 8.68 | .50 | .30 | | |
| Spray | 11.10 | .50 | .30 | | |

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DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| PAINTERS (Cont'd): | | | | | |
| Litchfield County: Bantan, Barkhamsted, Canaan; Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, New Hartford, Newfield, North Canaan, Plymouth, Salisbury, Sharon, Terryville, Torrington, Warren, Winchester, & Winsted | | | | | |
| Brush; Roller | $7.90 | .55 | .30 | | |
| Spray; High | 11.21 | .55 | .30 | | |
| New London County: Norwich; Windham County | | | | | |
| Brush | 8.25 | .35 | .60 | | .01 |
| Paperhanger | 8.55 | .35 | .60 | | .01 |
| Sign | 8.63 | .35 | .60 | | .01 |
| Taping | 8.65 | .35 | .60 | | .01 |
| Roller | 8.75 | .35 | .60 | | .01 |
| Spray | 9.05 | .35 | .60 | | .01 |
| Structural steel | 11.40 | .35 | .60 | | .01 |
| Spraying oil paint | 12.65 | .35 | .60 | | .01 |
| PLUMBERS: | | | | | |
| Litchfield County: Barkhamsted, & New Hartford; Windham County: Windham | 10.10 | .62 | .62 | | .20 |
| PLUMBERS; Steamfitters: | | | | | |
| Fairfield County: Greenwich | 9.75 | .30 | .50 | | |
| Fairfield County: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, & Trumbull | 9.39 | .55 | .50 | .38 | .01 |
| Fairfield County: Georgetown, Norwalk, South Norwalk, Weston, Westport, & Wilton | 9.00 | .55 | .50 | .36 | .02 |
| Fairfield County: Bethel, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, & Sherman; Litchfield County: Bridgewater, & New Milford | 9.65 | .55 | .50 | .40 | .02 |
| Fairfield County: Darien, New Canaan, & Stamford | 9.80 | .55 | .50 | 4% | .02 |
| Litchfield County: Canaan, & Torrington | 8.44 | .55 | .50 | r | |

DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| PLUMBERS (Cont'd): | | | | | |
| New London County: Bozrah, Colchester, East Lyme, Franklin, Griswold, Groton, Lebanon, Lisbon, Lyme, Montville (to Four Corners), New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, & Waterford; Windham County: entire county, except Windham | $9.29 | .40 | .50 | .275+s | |
| ROOFERS: | | | | | |
| Fairfield County, except that portion of Fairfield County bounded on the east by the eastern boundary of Greenwich; Litchfield County: Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, & Woodbury | 9.25 | .80 | .45 | | |
| Litchfield County: Bantam, Canaan, Colebrook, Cornwall, Cornwall Bridge, East Canaan, Falls Village, Gaylordsville, Goshen, Lakeside, Litchfield, Marbledale, Morris, New Hartford, New Preston, Norfolk, Northfield, Oakville, Pequabuck, Pine Meadow, Pleasant Valley, Plymouth, Riverton, Salisbury, Sharon, South Kent, Taconic, Terryville, Thomaston, Torrington, Washington Depot, Watertown, West Cornwall, West Goshen, Winchester Center, & Winsted; New London County; & Windham County | | | | | |
| Composition | 8.50 | .425 | .55 | .40 | |
| Slate & Tile | 9.00 | .425 | .55 | .40 | |
| Fairfield County: that portion of Fairfield County bounded on the east by the eastern boundary of Greenwich | | | | | |
| Slate & Tile | 8.84 | .50 | 2.20 | .63 | |
| Helpers | 7.10 | .50 | .80 | .80 | |





DECISION NO. CT75-2065

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| SHEET METAL WORKERS: | | | | | |
| Fairfield County; & Litchfield County | $11.04 | 6½% | 5% | | .02 |
| New London County; & Windham County | 8.70 | .50 | .51 | | .05 |
| SPRINKLER FITTERS | 9.46 | .50 | .70 | | .08 |
| STEAMFITTERS: | | | | | |
| Litchfield County: Barkhamsted, & New Hartford; Windham County: Windham | 10.10 | .62 | .62 | | .13 |
| TERRAZZO WORKERS' HELPERS: | | | | | |
| Fairfield County: Darien, Greenwich, Norwalk, Stamford, & Westport | 7.43 | .925 | .475 | | |
| TILE SETTERS' HELPERS: | | | | | |
| Fairfield County: Darien, Greenwich, Norwalk, Stamford, & Westport | 7.58 | 1.50 | .27 | | |





DECISION NO. CT75-2065

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. 7 paid holidays: A through F, & Good Friday. Employee must work 3 days during the work week in which the holiday falls, if sheduled, & if scheduled, the working day before & the working day after the holiday.
b. 4 paid holidays: B, C, D, & Good Friday. Employee must be employed 14 consecutive days immediately prior to the holiday.
c. 3 paid holidays: C, D, & E
d. 4 paid holidays: B, C, D, & E
e. 7 paid holidays: A through F, & Good Friday
f. The last 4 regular working hours prior to Christmas shall be a paid half day.
g. 6 paid holidays: A through F
h. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
i. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Columbus Day
j. The last 4 hours on Christmas Eve is a paid half day if employee has worked 5 consecutive days prior to Christmas Eve.
k. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.
l. 1% of the gross electrical labor payroll
m. Employer contributes $1.50 per day to a supplemental unemployment fund.
n. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & a floating holiday per year provided the employee has been employed for a period of 5 working days prior to the holidays & works the scheduled work days immediately preceding & following the holidays
o. 1 paid holiday: St. Patrick's Day
p. 2 paid holidays: C, & D providing the employee works the day before and the day after the holiday
q. 4 paid holidays: B, C, D, & E providing the employee works the day before and the day after the holiday
r. 1 paid holiday: D
s. 1 paid holiday: D



DECISION NO. CT75-2065

| LABORERS (Building, Heavy, & Highway Construction) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LABORERS (Building Construction): | | | | | |
| Laborers; Carpenters' tenders; & Wrecking laborers | $6.90 | .50 | .40 | | .05 |
| Jackhammer operators; Mason tenders; Mortar mixers; Pipe layers; Plasterers' tenders; & Power buggy | 7.15 | .50 | .40 | | .05 |
| Air track operators; Sandblasters; & Wagon drill operators | 7.40 | .50 | .40 | | .05 |
| Open Air Caisson, Cylindrical Work and Boring Crew: | | | | | |
| Top man | 6.90 | .50 | .40 | | .05 |
| Bottom man | 7.40 | .50 | .40 | | .05 |
| LABORERS (Heavy and Highway Construction): | | | | | |
| Laborers | 6.90 | .50 | .40 | | .05 |
| Adzeman; Asphalt raker; Bracers; Burners; Chain saw operator; Chippers; Concrete & power buggy operators; Concrete saw operator; Fence & guard rail erectors; Form setters; Mason tenders; Mortar mixers; Mulchers; Pipelayers; Pneumatic drill operators; Riprap & drywall builders; Stone spreaders; Stumpers; Tool operators; Tree toppers; Tree trimmers; Wagon drill operators; & all operations connected there with | 7.15 | .50 | .40 | | .05 |
| Air track operators; Block pavers; Curb setters; & Rammers | 7.40 | .50 | .40 | | .05 |
| Blasters; & Powdermen | 7.65 | .50 | .40 | | .05 |

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DECISION NO CT75-2065

| POWER EQUIPMENT OPERATORS (Building construction) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| POWER EQUIPMENT OPERATORS: | | | | | |
| Derrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; & Setting stone | $8.97 | .30 | .65 | a | |
| Dragline; Fork lift - over 4' lift; Front end loader - 7 cy. or over; Gradall; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull or drag material regardless of motive power or operation); Koehring scooper loader and/or hoe; Master mechanic; Shovel; & Tower crane | 8.86 | .30 | .65 | a | |
| Maintenance engineer | 8.76 | .30 | .65 | a | |
| Central mix operator; Coleman loader and screening plant or similar equipment; Combination hoe and loader over 1/4 yd.; Conveyors - regardless of motive power; Front end loader - 3 cy. up to 7 cy.; High pressure portable boiler; Joy drill - limited to joy heavy weight champion or equivalent; Mucking machine; Post hole digger; Pumpcrete machine; Rock boring machine; Vibratory hammer; Welder; & Well digger | 8.60 | .30 | .65 | a | |
| Compressor battery operator | 8.49 | .30 | .65 | a | |
| Asphalt spreader | 8.44 | .30 | .65 | a | |
| Bulldozer; Carry-all operators; Grader; & Scraper pan | 8.39 | .30 | .65 | a | |
| Combination hoe and loader machine Concrete mixer - 5 bags or over; Front end loader under 3 cy.; Powerstone spreader | 8.33 | .30 | .65 | a | |
| Air and steam valve | 8.31 | .30 | .65 | a | |
| Compressor; Generator; Pump and Well point | 8.21 | .30 | .65 | a | |

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DECISION NO CT75-2065

| POWER EQUIPMENT OPERATORS (Building construction) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| POWER EQUIPMENT OPERATORS (Cont'd): | | | | | |
| Fork lift not over 4'; & Steam Jenny | $8.23 | .30 | .65 | a | |
| Mechanical heater | 8.12 | .30 | .65 | a | |
| Roller | 8.18 | .30 | .65 | a | |
| Dinky machine; Power pavement breaker | 8.02 | .30 | .65 | a | |
| Fireman (High pressure) | 7.91 | .30 | .65 | a | |
| Oiler | 7.54 | .30 | .65 | a | |
| Crane with boom, excluding jib, over 150' - $.25 extra | | | | | |
| Crane with boom, excluding jib, over 200' - $.50 extra | | | | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday





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DECISION NO. CT75-2065

| POWER EQUIPMENT OPERATORS (Heavy and Highway construction) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| POWER EQUIPMENT OPERATORS: | | | | | |
| Class 1 | $9.57 | .40 | .70 | a | .05 |
| Class 2 | 9.45 | .40 | .70 | a | .05 |
| Class 3 | 9.17 | .40 | .70 | a | .05 |
| Class 4 | 9.00 | .40 | .70 | a | .05 |
| Class 5 | 8.88 | .40 | .70 | a | .05 |
| Class 6 | 8.72 | .40 | .70 | a | .05 |
| Class 7 | 8.55 | .40 | .70 | a | .05 |
| Class 8 | 8.17 | .40 | .70 | a | .05 |
| Class 9 | 8.25 | .40 | .70 | a | .05 |
| Class 10 | 8.57 | .40 | .70 | a | .05 |
| Class 11 | 8.86 | .40 | .70 | a | .05 |
| Class 12 | 7.86 | .40 | .70 | a | .05 |
| Class 13 | 8.15 | .40 | .70 | a | .05 |
| Crane with 150' boom - $.25 extra | | | | | |
| Crane with 200' boom - $.50 extra | | | | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday

CLASSIFICATIONS:
Class 1: Erecting and handling structural steel; Front end loader (7 cy. or over)
Class 2: Piledriver; Power shovel and crane; Dragline; Gradall; Trenching machine; Lighter derrick; Paver (concrete); Derrick (stiff leg and guy); Steel pile sheeting; Koehring loader (skooper); Master mechanic
Class 3: Drill (Joy heavy weight champion or equivalent); Side boom; loader (Euclid); Mucking machine; Pumpcrete; Rock and earth boring machine; Post and well digger; Hammer (vibratory); Central mix; Combination hoe & loader (over 1/4 yd)
Class 4: Asphalt spreader
Class 5: Front end loader (3 yds. or over); Grader; Power stone spreader; Combination hoe and loader
Class 6: Asphalt roller; Bulldozer; Carryall; Maintenance engineer; Concrete mixer (5 bags and over); Welder
Class 7: Front end loader (under 3 yds.); Roller power chipper; Fork lift; Finishing machine; Asphalt plant; Power pavement breaker; Dinky machine
Class 8: Compressor; Pump
Class 9: Fireman (high pressure)
Class 10: Well point system
Class 11: Compressor battery
Class 12: Oiler
Class 13: Batch plant; Bulk cement plant

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DECISION NO. CT75-2065

| TRUCK DRIVERS (Building, Heavy, and Highway Construction) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| TRUCK DRIVERS: | | | | | |
| Class 1 | $6.57 | a | b | c | |
| Class 2 | 6.67 | a | b | c | |
| Class 3 | 6.77 | a | b | c | |
| Class 4 | 6.72 | a | b | c | |
| Class 5 | 6.82 | a | b | c | |
| Class 6 | 6.87 | a | b | c | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. $16.80 per week for employees employed over 16 hours and $.42 per hour for employees employed less than 16 hours during the week
b. $23.00 per week for employees employed over 16 hours and $.575 per hour for employees employed less than 16 hours during the week
c. 7 paid holidays: A through F, and Good Friday provided the employee has 31 calendar days' service and is available for work the day preceding and following the holiday

CLASSIFICATIONS:
Class 1: Two axle trucks; Helpers
Class 2: Three axle trucks; Two axle ready mix
Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons
Class 4: Three axle ready-mix
Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids)
Class 6: Heavy duty trailer-40 tons and over

SUPERSEDEAS DECISION

STATE: Connecticut COUNTIES: *See below
DECISION NUMBER: CT75-2066 DATE: Date of Publication
Supersedes Decisions Nos.: AR-3095 dated August 16, 1974 in 39 FR 29735; AR-3097 dated August 16, 1974 in 39 FR 29743; AR-3100 dated August 16, 1974 in 39 FR 29756; and CT75-2057 dated April 4, 1975 in 40 FR 15289
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| *Hartford, Middlesex, New Haven, & Tolland | | | | | |
| ASBESTOS WORKERS: Hartford County: Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, Southington, South Windsor, West Hartford, Wethersfield, & Windsor; Middlesex County; New Haven County; & Tolland County: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Tolland, Vernon, & Willington | $9.92 | .60 | .53 | | |
| Hartford County: East Granby, Enfield, Granby, Hartland, Suffield, & Windsor Locks; Tolland County: Somers, Stafford, & Union | 9.50 | .44 | .45 | | .01 |
| BOILERMAKERS | 10.00 | .60 | 10% | | .01 |
| BRICKLAYERS; Cement masons; Finishers; Marble masons; Plasterers; Stonemasons; Terrazzo workers; & Tile setters (Building Construction): Hartford County: Avon, Bloomfield, Burlington, Enfield, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, Rocky Hill, Simsbury, South Windsor, Suffield, Thompsonville, West Hartford, Wethersfield, Windsor, Windsor Locks; Tolland County: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington | 9.60 | .50 | .25 | | |
| Hartford County: Berlin, Kensington, New Britain, Newington, Plantsville, & Southington; New Haven County: Meriden | 9.15 | .50 | .50 | | |





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DECISION NO CT75 2066

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| BRICKLAYERS (Cont'd): Hartford County: Canton | $9.45 | .50 | .50 | | |
| Middlesex County; & Windham County | 9.458 | .50 | .50 | | |
| New Haven County: Bethany, Branford, East Haven, Guilford, Hamden, Madison, New Haven, Orange, West Haven, Woodbridge, part of Milford, and parts of Cheshire | 9.35 | .50 | .50 | | |
| New Haven County: Ansonia, & Derby | 9.10 | .50 | .50 | a | |
| Hartford County: Bristol, & Plainville | 8.70 | .50 | .42 | | |
| Hartford County: Marion; New Haven County: Beacon Falls, Middlebury, Mixville, Naugatuck, Prospect, Waterbury, & Wolcott | 9.41 | .40 | .65 | | |
| New Haven County: Devon to the Orange town line and the Indian River in Milford | 9.40 | .50 | .50 | | |
| BRICKLAYERS (Heavy and Highway Construction): New Haven County: Milford | 8.50 | .50 | .50 | b | |
| Hartford County; Middlesex County; New Haven County, except Milford; & Tolland County | 8.45 | .50 | .50 | b | |
| CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers (Building construction): New Haven County: Milford | 9.35 | .50 | .30 | c | $50.00p/y |
| Hartford County: Avon, East Granby, East Hartland, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Rocky Hill, Simsbury, South Windsor, Suffield, Thompsonville, Unionville, West Hartford, Wethersfield, Windsor, Windsor Locks; Tolland County: Bolton, Ellington, Rockville, Somers, Stafford, Tolland, Union, & Vernon | 9.31 | .50 | .30 | | .05 |
| Hartford County: Berlin, Bristol, Canton, East Berlin, Kensington, Marion, Milldale, New Britain, Newington, Plainville, & Southington; Middlesex County; New Haven County: Meriden, & Wallingford | 9.30 | .50 | .30 | | .05 |

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DECISION NO. CT75-2066

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| CARPENTERS (Cont'd): New Haven County: Bethany, Branford, East Haven, Guilford, Hamden, Madison, New Haven, North Branford, North Haven, South Cheshire, West Haven, & Woodbridge | $9.30 | .50 | .30 | | |
| New Haven County: Ansonia, Derby, Orange, Oxford, & Seymour | 8.80 | .50 | .50 | d | |
| New Haven County: Beacon Falls, Bethany (to the firehouse), Cheshire (west of Route #10 from Southington to Hamden line), Middlebury, Naugatuck, Prospect, Southbury, Waterbury, & Wolcott | 9.35 | .50 | .30 | e | .03 |
| CARPENTERS (Heavy and Highway construction): New Haven County: Milford, Orange (west of Orange Center Road and north of Route #1 and that part of Orange south of Route #1 and west of the Oyster River) | 9.05 | .50 | .30 | f | $50.00p/y |
| Hartford County: Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, South Windsor, Southington, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks; Middlesex County: Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Killingworth, Middlefield, Middletown, Old Saybrook, Portland, & Westbrook; New Haven County: Meriden, & Wallingford; Tolland County: Bolton, Ellington, Somers, Stafford, & Tolland | 9.05 | .50 | .30 | f | .05 |
| Remainder of New Haven County & Tolland County | 9.05 | .50 | .30 | f | |





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DECISION NO CT75-2066

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ELECTRICIANS: New Haven County: Milford | $9.90 | .58 | 1%+.30 | | ½ of 1% |
| Hartford County: Berlin, Bristol, New Britain, Newington, Plainville, & Southington | 9.62 | .55 | 1%+.50 | | ½ of 1% |
| Hartford County: Suffield, & Thompsonville | 8.29 | .48 | 1%+.15 | .43 | g |
| Hartford County: Hartland; New Haven County: Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, & Wolcott | 9.55 | .57 | 1%+.60 | h | 1/8 of 1% |
| Hartford County: Remainder of County; Middlesex County: Cromwell, Middlefield, Middletown, & Portland; Tolland County | 9.95 | .75 | 1%+.45 | | ½ of 1% |
| Middlesex County: Centerbrook, Chester, Clinton, Cobalt, Deep River, Durham, East Hampton, Essex, Haddam, Higganum, Ivoryton, Middle Haddam, Moodus, Old Saybrook, Rockfall, & Westbrook; New Haven County: Ansonia, Branford, Cheshire, Derby, Guilford, Madison, Meriden, New Haven, North Branford, North Haven, Northford, Orange, South Britain, & Wallingford | 10.06 | .70 | 1%+.40 | | ½ of 1% |
| ELEVATOR CONSTRUCTORS | 9.50 | .445 | .29 | 2½%+i+j | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS | 6.65 | .445 | .29 | 2½%+i+j | .02 |
| ELEVATOR CONSTRUCTORS' HELPERS (Prob.) | 4.75 | | | | |
| GLAZIERS: New Haven County, except Wallingford | 9.53 | .95 | .47 | k | .01 |
| Hartford County; Middlesex County; New Haven County: Wallingford; Tolland County | 8.71 | .52 | .47 | | |
| IRONWORKERS | 10.05 | .55 | .74 | l | .04 |

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DECISION NO. CT75-2066

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LATHERS: | | | | | |
| Hartford County: Bristol, Southington; New Haven County: Beacon Falls, Bethany, Cheshire, Meriden, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, & Wolcott | $8.71 | .25 | .15 | | .01 |
| Hartford County: Avon, Berlin, Bloomfield, Burlington, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, South Windsor, West Hartford, Windsor, & Windsor Locks; Middlesex County: Cromwell, East Haddam, East Hampton, Middlefield, Middletown, & Portland; Tolland County: Andover, Bolton, Columbia, Coventry, Hebron, Mansfield, & Vernon | 9.65 | .35 | .30 | | .01 |
| Hartford County: Broad Brook, Enfield, Hazardville, Melrose, Suffield, Thompsonville, & Warehouse Point; Tolland County: Crystal Lake, North Somers, Somers, Stafford, Stafford Springs, Staffordville, & Union | 8.45 | .45 | .25 | | .01 |
| Middlesex County: Chester, Clinton, Deep River, Durham, Essex, Haddam, Killingworth, Old Saybrook, & Westbrook; New Haven County: Ansonia, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, Wallingford, West Haven, & Woodbridge | 9.57 | .50 | .30 | | .01 |
| LEADBURNERS | 9.25 | .35 | | m | .01 |



DECISION NO. CT75-2066

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LINE CONSTRUCTION: | | | | | |
| Linemen | $10.16 | .40 | 1% | n | 3/8 of 1% |
| Equipment operators | 9.48 | .40 | 1% | n | 3/8 of 1% |
| Driver groundmen | 7.32 | .40 | 1% | n | 3/8 of 1% |
| MARBLE SETTERS' HELPERS; Terrazzo workers' helpers; & Tile setters' helpers | 8.40 | .35 | .50 | | |
| PAINTERS: | | | | | |
| Bridge: | | | | | |
| Brush | 9.525 | .35 | .525 | | .01 |
| Spray | 13.025 | .35 | .525 | | .01 |
| New Haven County: Milford (up to Gulf Street) | | | | | |
| Brush | 8.10 | .35 | .55 | o | |
| Taping | 8.49 | .35 | .55 | o | |
| Spray | 10.10 | .35 | .55 | o | |
| Hartford County: Avon, Bloomfield, Broad Brook, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Rocky Hill, Poquonock, Simsbury, South Windsor, Suffield, South Manchester, West Hartford, West Simsbury, Wethersfield, Windsor, & Windsor Locks; Tolland County: Andover, Ashford, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Rockville, Stafford, Somers, Tolland, Union, Vernon, & Willington | | | | | |
| Brush; Tapers | 8.10 | .50 | .30 | | |
| Paperhangers | 8.45 | .50 | .30 | | |
| Riding steel, steamcleaning, sandblasting, tank, towers, & hazardous work | 8.68 | .50 | .30 | | |
| Spray | 11.10 | .50 | .30 | | |









DECISION NO. CT75-2066

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| PAINTERS (Cont'd): | | | | | |
| Hartford County: Berlin, Bristol, Burlington, East Berlin, Forestville, Hartland, Kensington, Milldale, New Britain, Newington, Plainville, Plantsville, Southington, & Unionville; New Haven County: Cheshire, Guilford, Madison, Meriden, & Wallingford; Middlesex County: Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Higganum, Ivoryton, Killingworth, Middlefield, Middletown, Moodus, Norfolk, Portland, Saybrook, & Westbrook | | | | | |
| Brush; Roller | $7.90 | .55 | .30 | | |
| Spray; High | 11.21 | .55 | .30 | | |
| New Haven County: Ansonia, Beacon Falls, Derby, Oxford, & Seymour | | | | | |
| Brush | 8.50 | .35 | .55 | p | .01 |
| High; Tank | 9.00 | .35 | .55 | p | .01 |
| Structural steel | 9.50 | .35 | .55 | p | .01 |
| Spray | 12.00 | .35 | .55 | p | .01 |
| New Haven County: Bethany, Branford, East Haven, Hamden, Milford (south on Gulf Street and north on North Street), New Haven, North Branford, North Haven, Orange, West Haven, Woodbridge, & Woodmont | | | | | |
| Brush | 8.20 | .35 | .40 | | .02 |
| Tapers | 8.55 | .35 | .40 | | .02 |
| Paperhangers | 8.70 | .35 | .40 | | .02 |
| Spray | 10.80 | .35 | .40 | | .02 |
| New Haven County: Middlebury, Naugatuck, Prospect, Roxbury, Southbury, Thomaston, Washington, Waterbury, Watertown, Wolcott, & Woodbury; Tolland County: Remainder of County | | | | | |
| Brush | 8.25 | .35 | .60 | | .01 |
| Paperhanger | 8.55 | .35 | .60 | | .01 |
| Sign | 8.63 | .35 | .60 | | .01 |
| Taping | 8.65 | .35 | .60 | | .01 |
| Roller | 8.75 | .35 | .60 | | .01 |
| Structural steel | 9.05 | .35 | .60 | | .01 |
| Spraying oil paint | 11.40 | .35 | .60 | | .01 |
| Spraying epoxy | 12.65 | .35 | .60 | | .01 |



DECISION NO. CT75-2066

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| PLUMBERS: | | | | | |
| Hartford County: Avon, Bloomfield, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks; Middlesex County: Chester, Cromwell, Deep River, East Haddam, East Hampton, Haddam, Maromas (Atomic River Project), Middlefield, Middletown, & Portland; Tolland County: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington | $10.10 | .62 | .62 | | .20 |
| PLUMBERS; Steamfitters: | | | | | |
| New Haven County: Milford | 9.39 | .55 | .50 | .38 | .01 |
| Hartford County: Berlin, Bristol, East Berlin, Kensington, New Britain, & Plainville | 9.20 | .55 | .50 | q | |
| Middlesex County: Clinton, Killingworth, & Westbrook; New Haven County: Branford, Derby, East Haven, Guilford, Hamden, Madison, New Haven, North Branford, North Haven, Orange, West Haven, & Woodbridge | 9.50 | .55 | .50 | .38+r | .02 |
| Middlesex County: Essex, Ivoryton, & Saybrook | 9.29 | .40 | .50 | .275+s | |
| ROOFERS: | | | | | |
| New Haven County: Ansonia, Beacon Falls, Bethany, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, Middlebury, Naugatuck, New Haven, North Branford, North Haven, Orange, Oxford, Seymour, Union City, West Haven, & Woodbridge | 9.25 | .80 | .45 | | |





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DECISION NO. CT75-2066

| | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ROOFERS (Cont'd): | | | | | |
| Hartford County; Middlesex County; New Haven County: Cheshire, Meriden, Prospect, Wallingford, & Wolcott; & Tolland County | | | | | |
| Composition | $8.50 | .425 | .55 | .40 | |
| Slate, Tile | 9.00 | .425 | .55 | .40 | |
| SHEET METAL WORKERS | 8.70 | .50 | .51 | | .05 |
| SPRINKLER FITTERS | 9.46 | .50 | .70 | | .08 |
| STEAMFITTERS: | | | | | |
| Hartford County: Avon, Bloomfield, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, & Windsor Locks; Middlesex County: Chester, Cromwell, Deep River, East Haddam, East Hampton, Haddam, Maromas (Atomic River Project), Middlefield, Middletown, & Portland; Tolland County: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, & Willington | 10.10 | .62 | .62 | | .13 |



PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. 2 paid holidays: D, & Good Friday
b. 7 paid holidays: A through F, & Good Friday. Employee must work 3 days during the work week in which the holiday falls, if scheduled, and if scheduled, the working day before and the working day after the holiday.
c. 4 paid holidays: B, C, D, & Good Friday. Employee must be employed 14 consecutive days immediately prior to the holiday.
d. 3 paid holidays: C, D, & E
e. 4 paid holidays: B, C, D, & E
f. 7 paid holidays: A through F, & Good Friday
g. $30.00 per man per week
h. The last 4 regular working hours prior to Christmas Day shall be a paid half day.
i. 6 paid holidays: A through F
j. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
k. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Columbus Day
l. The last 4 hours on Christmas Eve is a paid half day if employee has worked 5 consecutive days prior to Christmas Eve
m. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.
n. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & a floating holiday per year provided the employee has been employed for a period of 5 working days prior to the holidays & works the scheduled work days immediately preceding & following the holidays
o. 2 paid holidays: C, & D providing the employee works the day before and the day after the holiday
p. 4 paid holidays: B, C, D, & E providing the employee works the day before and the day after the holiday
q. Paid holidays: D, and the Friday after Thanksgiving is a paid half day, and December 24, provided it falls on a working day, is a paid half day.
r. 3½ paid holidays: C, D, E, and the half day Friday after Thanksgiving
s. 1 paid holiday: D





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| LABORERS (Building, Heavy, & Highway Construction) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| LABORERS (Building Construction): | | | | | |
| Laborers; Carpenters' tenders; & Wrecking laborers | $6.90 | .50 | .40 | | .05 |
| Jackhammer operators; Mason tenders; Mortar mixers; Pipe layers; Plasterers' tenders; & Power buggy | 7.15 | .50 | .40 | | .05 |
| Air track operators; Sandblasters; & Wagon drill operators | 7.40 | .50 | .40 | | .05 |
| Open Air Caisson, Cylindrical Work and Boring Crew: | | | | | |
| Top man | 6.90 | .50 | .40 | | .05 |
| Bottom man | 7.40 | .50 | .40 | | .05 |
| LABORERS (Heavy and Highway Construction): | | | | | |
| Laborers | 6.90 | .50 | .40 | | .05 |
| Adzeman; Asphalt raker; Bracers; Burners; Chain saw operator; Chippers; Concrete & power buggy operators; Concrete saw operator; Fence & guard rail erectors; Form setters; Mason tenders; Mortar mixers; Mulchers; Pipelayers; Pneumatic drill operators; Riprap & drywall builders; Stone spreaders; Stumpers; Tool operators; Tree toppers; Tree trimmers; Wagon drill operators; & all operations connected there with | 7.15 | .50 | .40 | | .05 |
| Air track operators; Block pavers; Curb setters; & Rammers | 7.40 | .50 | .40 | | .05 |
| Blasters; & Powdermen | 7.65 | .50 | .40 | | .05 |



DECISION NO. CT75-2066

| POWER EQUIPMENT OPERATORS (Building construction) | Basic Hourly Rates | Fringe Benefits Payments: H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| POWER EQUIPMENT OPERATORS: | | | | | |
| Derrick; Hoisting engineer 2 drums and over; Hoisting structural steel; Pile driver; & Setting stone | $8.97 | .30 | .65 | a | |
| Dragline; Fork lift - over 4' lift; Front end loader - 7 cy. or over; Gradall; Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull or drag material regardless of motive power or operation); Koehring scooper loader and/or hoe; Master mechanic; Shovel; & Tower crane | 8.86 | .30 | .65 | a | |
| Maintenance engineer | 8.76 | .30 | .65 | a | |
| Central mix operator; Coleman loader and screening plant or similar equipment; Combination hoe and loader over 1/4 yd.; Conveyors - regardless of motive power; Front end loader - 3 cy. up to 7 cy.; High pressure portable boiler; Joy drill - limited to joy heavy weight champion or equivalent; Mucking machine; Post hole digger; Pumpcrete machine; Rock boring machine; Vibratory hammer; Welder; & Well digger | 8.60 | .30 | .65 | a | |
| Compressor battery operator | 8.49 | .30 | .65 | a | |
| Asphalt spreader | 8.44 | .30 | .65 | a | |
| Bulldozer; Carry-all operators; Grader; & Scraper pan | 8.39 | .30 | .65 | a | |
| Combination hoe and loader machine; Concrete mixer - 5 bags or over; Front end loader under 3 cy.; Powerstone spreader | 8.33 | .30 | .65 | a | |
| Air and steam valve | 8.31 | .30 | .65 | a | |
| Compressor; Generator; Pump and Well point | 8.21 | .30 | .65 | a | |



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~~POWER EQUIPMENT OPERATORS~~
(Building construction)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| POWER EQUIPMENT OPERATORS (Cont'd): | | | | | |
| Fork lift not over 4'; & Steam Jenny | $8.23 | .30 | .65 | a | |
| Mechanical heater | 8.12 | .30 | .65 | a | |
| Roller | 8.18 | .30 | .65 | a | |
| Dinky machine; Power pavement breaker | 8.02 | .30 | .65 | a | |
| Fireman (High pressure) | 7.91 | .30 | .65 | a | |
| Oiler | 7.54 | .30 | .65 | a | |
| Crane with boom, excluding jib, over 150' - $.25 extra | | | | | |
| Crane with boom, excluding jib, over 200' - $.50 extra | | | | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday







DECISION NO. CT75-2066

POWER EQUIPMENT OPERATORS
(Heavy and Highway construction)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Class 1 | $9.57 | .40 | .70 | a | .05 |
| Class 2 | 9.45 | .40 | .70 | a | .05 |
| Class 3 | 9.17 | .40 | .70 | a | .05 |
| Class 4 | 9.00 | .40 | .70 | a | .05 |
| Class 5 | 8.88 | .40 | .70 | a | .05 |
| Class 6 | 8.72 | .40 | .70 | a | .05 |
| Class 7 | 8.55 | .40 | .70 | a | .05 |
| Class 8 | 8.17 | .40 | .70 | a | .05 |
| Class 9 | 8.23 | .40 | .70 | a | .05 |
| Class 10 | 8.57 | .40 | .70 | a | .05 |
| Class 11 | 8.86 | .40 | .70 | a | .05 |
| Class 12 | 7.86 | .40 | .70 | a | .05 |
| Class 13 | 8.15 | .40 | .70 | a | .05 |
| Crane with 150' boom - $.25 extra | | | | | |
| Crane with 200' boom - $.50 extra | | | | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday

CLASSIFICATIONS:
Class 1: Erecting and handling structural steel; Front end loader (7 cy. or over)
Class 2: Piledriver; Power shovel and crane; Dragline; Gradall; Trenching machine; Lighter derrick; Paver (concrete); Derrick (stiff leg and guy); Steel pile sheeting; Koehring loader (skooper); Heater mechanic
Class 3: Drill (Joy heavy weight champion or equivalent); Side boom; loader (Euclid); Mucking machine; Pumpcrete; Rock and earth boring machine; Post and well digger; Hammer (vibratory); Central mix; Combination hoe & loader (over 1/4 yd)
Class 4: Asphalt spreader
Class 5: Front end loader (3 yds. or over); Grader; Power stone spreader; Combination hoe and loader
Class 6: Asphalt roller; Bulldozer; Carryall; Maintenance engineer; Concrete mixer (5 bags and over); Welder
Class 7: Front end loader (under 3 yds.); Roller power chipper; Fork lift; Finishing machine; Asphalt plant; Power pavement breaker; Dinky machine
Class 8: Compressor; Pump
Class 9: Fireman (high pressure)
Class 10: Well point system
Class 11: Compressor battery
Class 12: Oiler
Class 13: Batch plant; Bulk cement plant







DECISION NO. CT75-2066

TRUCK DRIVERS
(Building, Heavy, and Highway Construction)

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| TRUCK DRIVERS: | | | | | |
| Class 1 | $6.57 | a | b | c | |
| Class 2 | 6.67 | a | b | c | |
| Class 3 | 6.77 | a | b | c | |
| Class 4 | 6.72 | a | b | c | |
| Class 5 | 6.82 | a | b | c | |
| Class 6 | 6.87 | a | b | c | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. $16.80 per week for employees employed over 16 hours and $.42 per hour for employees employed less than 16 hours during the week
b. $23.00 per week for employees employed over 16 hours and $.575 per hour for employees employed less than 16 hours during the week
c. 7 paid holidays: A through F, and Good Friday provided the employee has 31 calendar days' service and is available for work the day preceding and following the holiday

CLASSIFICATIONS:
Class 1: Two axle trucks; Helpers
Class 2: Three axle trucks; Two axle ready mix
Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons
Class 4: Three axle ready-mix
Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids)
Class 6: Heavy duty trailer-40 tons and over





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SUPERSEDEAS DECISION

STATE: Connecticut COUNTY: Hartford
DECISION NO.: CT75-2067 DATE: Date of Publication
Supersedes Decision No. AQ-3096 dated February 15, 1974 in 39 FR 5961
DESCRIPTION OF WORK: Residential construction (consisting of single family homes and garden type apartments up to and including 4-Stories)

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| BRICKLAYERS | $7.95 | | | | |
| CARPENTERS | 5.89 | | | | |
| CEMENT MASONS | 7.09 | | | | |
| ELECTRICIANS: | | | | | |
| Berlin, Bristol, New Britain, Newington, Plainville, & Southington | 5.53 | .55 | 1%+.50 | | ½ of 1% |
| Remainder of County | 5.50 | .75 | 1%+.45 | | ½ of 1% |
| LABORERS: | | | | | |
| Laborers | 4.65 | | | | |
| Mason tenders | 5.00 | | | | |
| Pipelayers | 6.85 | | | | |
| Asphalt rakers | 6.95 | | | | |
| PAINTERS | 5.85 | | | | |
| PILEDRIVERMEN | 8.49 | | | | |
| PLUMBERS | 6.66 | | | | |
| ROOFERS | 6.15 | | | | |
| ROOFERS' HELPERS | 5.0% | | | | |
| SHEET METAL WORKERS | 5.00 | | | | |
| SOFT FLOOR LAYERS | 5.54 | | | | |
| STEAMFITTERS | 7.75 | | | | |
| TILE SETTERS | 6.75 | | | | |
| TRUCK DRIVERS | 5.30 | | | | |
| POWER EQUIPMENT OPERATORS: | | | | | |
| Bulldozer | 6.62 | | | | |
| Oiler | 7.54 | .30 | .65 | a | |
| Shovel | 7.55 | | | | |
| Roller | 7.95 | | | | |
| Pump | 8.21 | .30 | .65 | a | |
| Grader | 8.39 | .30 | .65 | a | |
| Loader | 8.60 | .30 | .65 | a | |
| Backhoe, Crane, & Gradall | 8.86 | .30 | .65 | a | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTE:
a. 7 paid holidays: A through F, and Good Friday





SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Essex
DECISION NO.: MA75-2072 DATE: Date of publication
Supersedes Decision No. MA75-2005, dated January 17, 1975 in 40 FR 3107.
DESCRIPTION OF WORK: Building construction,(excluding single family homes and garden type apartments up to and including 4 stories), heavy, highway, and marine construction.

| BUILDING, HEAVY, & HIGHWAY CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Asbestos workers | $9.66 | .65 | .80 | | .01 |
| Boilermakers | 10.00 | .60 | 10% | | .01 |
| Bricklayers; Stonemasons: Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, N.Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield | 9.30 | .50 | .85 | | .05 |
| Remainder of County | 9.45 | .60 | .60 | | .05 |
| Carpenters; Soft floor layers: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, Newburyprot, Rowley, Salisbury, W.Newbury, Lynn, Lynnfield, Nahant, Saugus, and Swampscott | 9.45 | .60 | .50 | | .07 |
| Andover, Lawrence, Methuen, N. Andover, and W. Andover: | | | | | |
| On contracts over $1,500,000 | 9.13 | .60 | .50 | | .02 |
| Contracts from $1,000,000 to $1,500,000 | 8.68 | .60 | .50 | | .02 |
| From $500,000-$1,000,000 | 8.22 | .60 | .50 | | .02 |
| From $200,000-$500,000 | 7.30 | .60 | .50 | | .02 |
| Up to $200,000 | 6.85 | .60 | .50 | | .02 |
| Remainder of County | 9.05 | .35 | .50 | | |
| Cement masons; plasterers: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, N.Andover, Salisbury, & West Salisbury | 8.05 | .385 | .30 | | |
| Danvers, Lynn, Lynnfield, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott, and Topsfield | 9.30 | .50 | .85 | | .05 |
| Remainder of County | 9.45 | .60 | .60 | | .05 |
| Electricians: Andover, Lawrence, Methuen, and North Andover | 9.72 | .25 | 1%+.20 | | .02 |
| Lynn, Lynnfield, Nahant, Saugus, and Swampscott | 10.10 | .50 | 1%+.95 | | .05 |
| Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & W.Newbury | 9.63 | .35 | 1%+.20 | | .02 |
| Remainder of County | 9.55 | .48 | 1%+.20 | | .02 |

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DECISION NO. MA75-2072

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Elevator constructors | 10.105 | .445 | .29 | 3%+a+b | .02 |
| Elevator constructors' helpers | 70%JR | .445 | .29 | 3%+a+b | .02 |
| Elevator constructors' helpers(prob) | 50%JR | .445 | .29 | 3%+a+b | .02 |
| Glaziers | 9.20 | .45 | .56 | | .03 |
| Ironworkers | 9.29 | .55 | 1.40 | | .06 |
| Laborers (Building): Laborers; carpenter tenders; cement finisher tenders; wrecking laborers | 7.00 | .50 | .45 | | .10 |
| Jackhammer ops; pavement breakers; wagon drills, asphalt rakers; carbide core drilling machines; chain saw ops; pipelayers; barco type jumping tampers; laser beam ops; concrete pump ops; mason tenders; mortar mixers; ride-on motorized buggy ops | 7.25 | .50 | .45 | | .10 |
| Air track; block pavers; rammers; curb setters | 7.50 | .50 | .45 | | .10 |
| Blaster; powdermen | 7.75 | .50 | .45 | | .10 |
| Open air caisson; cylindrical work and boring crew: | | | | | |
| Laborers; top man | 7.00 | .50 | .45 | | .10 |
| Helper | 7.12 | .50 | .45 | | .10 |
| Bottom man | 7.75 | .50 | .45 | | .10 |
| Driller | 7.87 | .50 | .45 | | .10 |
| Lathers | 9.25 | .45 | .55 | | .05 |
| Leadburners | 9.25 | .35 | | c | .01 |
| Line Construction: | | | | | |
| Linemen | 10.26 | .30 | 1% | d | 3/8of1% |
| Equipment operators | 9.62 | .30 | 1% | d | 3/8of1% |
| Driver groundman | 7.60 | .30 | 1% | d | 3/8of1% |
| Groundman | 6.39 | .30 | 1% | d | 3/8of1% |
| Marble setter; terrazzo workers | 9.05 | .70 | .80 | | |
| Marble setters' helpers | 8.65 | .60 | .25 | | |
| Millwrights | 9.38 | .60 | .50 | | .07 |
| Painters: | | | | | |
| Essex, Gloucester, Manchester, & Rockport: | | | | | |
| Brush | 6.20 | .30 | | | |
| Spray | 6.65 | .30 | | | |
| Roller | 6.50 | .30 | | | |
| Amesbury, Andover, Beverly, Boxford, Danvers, Georgetown, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynn, Lynnfield, Marblehead, Merrimac, Methuen, | | | | | |

-continued-

DECISION NO MA75-2072

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Middleton, Newbury, Newburyport, N.Andover, Peabody, Rowley, Salem, Salisbury, Saugus, Swampscott, Topsfield, Wenham, W.Newbury: | | | | | |
| New construction: | | | | | |
| Brush; tpaers | $8.76 | .62 | .85 | | .04 |
| Sandblasters; Spray | 9.76 | .62 | .85 | | .04 |
| Steel | 10.88 | .62 | .85 | | .04 |
| Repaint | 8.01 | .62 | .85 | | .04 |
| Piledrivermen | 9.50 | .50 | .50 | | |
| Plasterers' Tenders: | | | | | |
| Lynn, Lynnfield, Nahant, Saugus, and Swampscott | 7.25 | .50 | .45 | | .10 |
| Plumbers; Steamfitters: | | | | | |
| Andover, Georgetown, Groveland, Lawrance, Methuen, & N.Andover | 9.14 | .53 | .50 | | .05 |
| Lynn, Lynnfield, Nahant, Saugus, and Swampscott: | | | | | |
| Plumbers | 10.25 | .70 | .60 | | .03 |
| Steamfitters | 10.36 | .66 | .85 | | .05 |
| Remainder of County | 9.20 | .55 | .47 | | .05 |
| Roofers: | | | | | |
| Haverhill and Lawrence | 6.70 | | | | |
| Remainder of County | 9.20 | .55 | .80 | | .05 |
| Sheet metal workers | 9.63 | .71 | .75 | | .06 |
| Sprinkler fitters | 9.63 | .50 | .70 | | .08 |
| Terrazzo workers' helpers | 8.65 | .60 | .25 | | .05 |
| Tile setters | 9.05 | .70 | .80 | | |
| Tile setters' helpers | 7.94 | .40 | .25 | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 1% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 Paid Holidays: A through F

c. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheudled work days immediately preceding and following the holiday.

d. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.

e. 9 Paid Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day.







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| BUILDING CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Power Equipment Operators: | | | | | |
| CLASS I | $10.36 | .75 | .65 | a | .02 |
| CLASS II | 10.24 | .75 | .65 | a | .02 |
| CLASS III | 8.65 | .75 | .65 | a | .02 |
| CLASS IV | 9.44 | .75 | .65 | a | .02 |
| CLASS V | 7.66 | .75 | .65 | a | .02 |
| CLASS VI | 8.12 | .75 | .65 | a | .02 |

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumporete machines, asphalt plant (on side), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks

CLASS II Boom over 150' including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom over 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour; Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanic maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tempers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A- New Year's Day; B-Memorail Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.



| HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Group 1 | $10.36 | .75 | .65 | a | .02 |
| Hourly premium for boom lenghts including Jib | | | | | |
| Over 150 feet + $ .45 | | | | | |
| Over 185 feet + .80 | | | | | |
| Over 210 feet + 1.15 | | | | | |
| Over 250 feet + 1.75 | | | | | |
| Over 295 feet + 2.50 | | | | | |
| Group 2 | 10.24 | .75 | .65 | a | .02 |
| Group 3 | 8.65 | .75 | .65 | a | .02 |
| Group 4 | 9.44 | .75 | .65 | a | .02 |
| Group 5 | 7.66 | .75 | .65 | a | .02 |
| Group 6 | 8.12 | .75 | .65 | a | .02 |

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumperete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wollpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)



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HEAVY & HIGHWAY CONSTRUCTION

| LABORERS: | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Class I | $7.00 | .50 | .45 | | .10 |
| Class II | 7.25 | .50 | .45 | | .10 |
| Class III | 7.50 | .50 | .45 | | .10 |
| Class IV | 7.75 | .50 | .45 | | .10 |

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen



TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. | Others |
|---|---|---|---|---|---|---|
| Station wagons, panel trucks and pick-up trucks | $6.80 | .485 | .575 | a+b | | |
| Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers. | 6.95 | .485 | .575 | a+b | | |
| Three axle equipment and tiremen | 7.00 | .485 | .575 | a+b | | |
| Four and five axle equipment | 7.10 | .485 | .575 | a+b | | |
| Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics | 7.20 | .485 | .575 | a+b | | |
| Specialized earth moving equipment over 35 tons | 7.45 | .485 | .575 | a+b | | |
| Trailers for earth moving equipment, (double hookup) | 7.70 | .485 | .575 | a+b | | |

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.





MARINE CONSTRUCTION

| POWER EQUIPMENT OPERATORS | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| GROUP I | $ 9.81 | .60 | .60 | a | .02 |
| GROUP II | 10.81 | .60 | .60 | a | .02 |
| GROUP III | 9.76 | .60 | .60 | a | .02 |
| GROUP IV | 9.69 | .60 | .60 | a | .02 |
| GROUP V | 8.22 | .60 | .60 | a | .02 |
| GROUP VI | 8.96 | .60 | .60 | a | .02 |
| GROUP VII | 7.30 | .60 | .60 | a | .02 |
| GROUP VIII | 7.73 | .60 | .60 | a | .02 |
| GROUP IX | 8.125 | .60 | .60 | a | .02 |

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generatore, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permansnt plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic sawa, generatore, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.



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SUPERSEDEAS DECISION

STATE: Washington
COUNTIES: Statewide
DECISION NUMBER: WA75-5054
DATE: Date of Publication
Supersedes Decision No. WA75-5040 dated March 28, 1975, in 40 FR 14272
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ASBESTOS WORKERS: | | | | | |
| Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties | $10.11 | .51 | .75 | | |
| Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties | 9.96 | .50 | .80 | | .10 |
| Remaining Counties | 9.65 | .44 | .80 | | |
| BOILERMAKERS | 8.90 | .65 | 1.00 | .50 | .02 |
| BRICKLAYERS: | | | | | |
| Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County | 9.16 | .55 | .50 | | .04 |
| Benton, Franklin, and Walla Walla Counties | 9.20 | .40 | .50 | | |
| Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam) | 8.27 | .45 | .40 | .25 | |
| Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties | 9.02 | .55 | .35 | | .02 |
| Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County | 9.42 | .50 | .55 | | .08 |
| Grant County and that portion of Adams County including the City of Othello | 8.25 | .45 | | | |
| Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties | 8.75 | .50 | .50 | | |







DECISION NO WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| BRICKLAYERS: (Cont'd) | | | | | |
| Grays Harbor, Lewis, Mason, Thurston, and Northern portion of Pacific County | $8.45 | .55 | .30 | | |
| Pierce County | 8.94 | .55 | .45 | | .02 |
| San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties | 9.10 | .45 | .45 | | |
| CARPENTERS: | | | | | |
| All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima) | | | | | |
| Carpenters | 8.34 | .50 | .55 | | .045 |
| Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator | 8.49 | .50 | .55 | | .045 |
| Shingler (wood or composition) | 8.54 | .50 | .55 | | .045 |
| Boom Men; Carpenters (Creosoted material) | 8.59 | .50 | .55 | | .045 |
| Piledriver (creosoted material) | 8.74 | .50 | .55 | | .045 |
| Millwright and Machine Erector | 8.84 | .50 | .55 | | .045 |
| All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties | | | | | |
| Carpenters | 8.15 | .50 | .60 | .20 | .02 |
| Carpenters on Creosoted material | 8.25 | .50 | .60 | .20 | .02 |
| Sawfilers; Stationary power saw; Floor finisher; Floor layer; Shingles; Floor sander and other stationary power woodworking tools | 8.28 | .50 | .60 | .20 | .02 |
| Millwrights and machine erectors; Piledrivers; Bridge, dock and wharf builders | 8.65 | .50 | .60 | .20 | .02 |
| Acoustical Workers | 8.31 | .50 | .60 | .20 | .02 |
| Boommen | 8.35 | .50 | .60 | .20 | .02 |
| Drywall Applicators | 8.15 | .50 | .60 | .20 | .02 |





DECISION NO WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| CARPENTERS: (Cont'd) | | | | | |
| Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties | | | | | |
| Carpenters; Form stripper; Manhole builders; Acoustical applicators | $7.79 | .55 | .65 | .35 | .03 |
| Piledrivermen, bridge, dock and wharf builders | 7.89 | .55 | .65 | .35 | .03 |
| Floor layers; Floor finishers; Stationary power saw operator | 7.94 | .55 | .65 | .35 | .03 |
| Boomman | 7.99 | .55 | .65 | .35 | .03 |
| Millwrights; Machine Erectors | 8.04 | .55 | .65 | .35 | .03 |
| Drywall Applicator | 7.79 | .55 | .65 | .35 | .03 |
| CEMENT MASONS: | | | | | |
| Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties | 8.23 | .45 | .60 | | .04 |
| Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (Western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion) San Juan, Skagit, Snohomish, and Whatcom Counties | 8.32 | .55 | .60 | | .01 |
| Clark, Cowlitz, Klitkitat, Pacific (southern portion), Skamania and Wahkiakum Counties | 7.14 | .35 | .35 | .20 | .03 |
| Lewis, Pierce, Thurston and the City of Auburn in King County | 8.25 | .50 | .65 | | .02 |
| ELECTRICIANS: | | | | | |
| Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties | | | | | |
| Electricians | 8.05 | .35 | 17+.40 | | .02 |
| Cable Splicers | 8.45 | .35 | 17+.40 | | .02 |







DECISION NO WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ELECTRICIANS: (Cont'd) | | | | | |
| Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties | | | | | |
| Electricians | $8.95 | .35 | 17+.40 | | .02 |
| Cable Splicers | 9.85 | .35 | 17+.40 | | .02 |
| Chelan, Douglas, Grant and Okanogan Counties | | | | | |
| Electricians | 8.95 | .35 | 17+.40 | | .02 |
| Cable Splicers | 9.85 | .35 | 17+.40 | | .02 |
| Clallam, Jefferson, King and Kitsap Counties | | | | | |
| Electricians | 9.45 | .25 | 17+.40 | | .03 |
| Cable Splicers | 10.395 | .25 | 17+.40 | | .03 |
| Clark, Klickitat and Skamania Counties | | | | | |
| Electricians | 9.60 | .45 | 17+.40 | | .02 |
| Cable Splicers | 10.35 | .45 | 17+.40 | | .02 |
| Cowlitz and Wahkiakum Counties | | | | | |
| Electricians | 8.86 | .25 | 17 | 5% | .02 |
| Cable Splicers | 9.75 | .25 | 17 | 5% | .02 |
| Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties | | | | | |
| Electricians | 8.92 | .45 | 17+.45 | .36 | .04 |
| Cable Splicers | 9.81 | .45 | 17+.45 | .36 | .04 |
| Island, San Juan, Skagit, Snohomish and Whatcom Counties | | | | | |
| Electricians | 8.93 | .45 | 17+.40 | | .01 |
| Cable Splicers | 9.82 | .45 | 17+.40 | | .01 |
| ELEVATOR CONSTRUCTORS: | | | | | |
| Adams, Asotin, Benotn, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties | | | | | |
| Elevator Constructors | 8.975 | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers | 70%JR | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers (Prob.) | 50%JR | | | | |

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DECISION NO. WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| ELEVATOR CONSTRUCTORS: (Cont'd) | | | | | |
| Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties | | | | | |
| Elevator Constructors | $ 9.275 | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers | 70%JR | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers (Prob.) | 50%JR | | | | |
| Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties | | | | | |
| Elevator Constructors | 7.47 | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers | 70%JR | .445 | .29 | 3%+a | .02 |
| Elevator Constructors' Helpers (Prob.) | 50%JR | | | | |
| GLAZIERS: | | | | | |
| Adams, (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane, and Stevens Counties | 7.455 | .31 | .10 | .545 | |
| Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties | 7.47 | .31 | .35 | .53 | |
| Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Cos. | 7.08 | .31 | .55 | .50 | |
| Asotin, Garfield, and Whitman Cos. | 7.28 | .31 | .25 | .28+b | |
| Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos. | 8.05 | .22 | .40 | b | .02 |
| Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties | 7.20 | .26 | .30 | 6.5% | .01 |
| Kittitas and Yakima Counties | 6.41 | .25 | .25 | | |



DECISION NO WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| IRONWORKERS: | | | | | |
| Statewide except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties | | | | | |
| Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen | $ 9.15 | .48 | .80 | | .05 |
| Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties | | | | | |
| Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen | 8.90 | .48 | .80 | | .05 |
| LATHERS: | | | | | |
| Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties | 7.93 | .40 | | | |
| Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties | 7.50 | .40 | | | |
| Pierce County | 7.25 | .40 | .50 | | .02 |
| MARBLE SETTERS: | | | | | |
| Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam Area in Okanogan County | 9.16 | .35 | .40 | | .04 |
| Benton, Franklin, and Walla Walla Counties | 9.20 | .40 | .50 | | |
| Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam) | 8.27 | .45 | .40 | .25 | |
| Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties | 9.02 | .55 | .35 | | .02 |









DECISION NO. WA75-5954

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| MARBLE SETTERS: (Cont'd) | | | | | |
| Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County | $ 9.42 | .50 | .55 | | .08 |
| Grant County and that portion of Adams County including the City of Othello | 8.25 | .45 | | | |
| Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties | 7.25 | .50 | .50 | | |
| Grays Harbor, Lewis, Mason, Thurston and Northern half of Pacific Counties | 8.45 | .55 | .30 | | |
| Pierce County | 8.94 | .55 | .45 | | .02 |
| San Juan, Skagit, (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties | 9.10 | .45 | .45 | | |
| MARBLE, TILE AND TERRAZZO WORKERS HELPERS: | | | | | |
| All Counties east of the Cascade Mountain Range in Washington | 6.55 | | | | |
| Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiamum Counties) | 7.17 | .55 | | | |
| MASON TENDERS: | | | | | |
| Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers) | 7.05 | .60 | .80 | | .07 |



DECISION NO. WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| PAINTERS: | | | | | |
| Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties | | | | | |
| Brush | $ 8.46 | .31 | .60 | | .02 |
| Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper | 8.71 | .31 | .60 | | .02 |
| Swing Stage work or high rate (over 30') | 8.81 | .31 | .60 | | .02 |
| Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples | 8.86 | .31 | .60 | | .02 |
| Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties | | | | | |
| Brush | 7.77 | .35 | .45 | .30 | .03 |
| Spray; High towers, ground to 100' | 8.02 | .35 | .45 | .30 | .03 |
| High work over 100'; High towers, ground to 300' | 8.27 | .35 | .45 | .30 | .03 |
| High towers, ground to over 300' | 8.77 | .35 | .45 | .30 | .03 |
| Drywall Tapers | 7.81 | .40 | .40 | .50 | .06 |
| Grays Harbor, Island, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties | | | | | |
| Brush; Drywall Tapers | 7.75 | .40 | .49 | | .02 |
| Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material | 8.00 | .40 | .49 | | .02 |
| Clallam and Jefferson Counties | | | | | |
| Brush | 7.50 | | | | |
| Spray, Steel, Sandblasting, and bitumastic | 7.75 | | | | |

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DECISION NO. WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| PAINTERS: (Cont'd) | | | | | |
| Kittitas and Yakima Counties | | | | | |
| Brush | $7.95 | .31 | .45 | | .02 |
| Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning | 8.20 | .31 | .45 | | .02 |
| Swing Stage over 30' high Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting | 8.30 | .31 | .45 | | .02 |
| | 8.35 | .31 | .45 | | .02 |
| PLASTERERS: | | | | | |
| Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties | 8.48 | .40 | | | |
| Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties | 6.80 | .40 | | | |
| Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties | 8.41 | .45 | .70 | | .04 |
| Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties | 8.50 | .50 | .60 | | .01 |
| Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties | 7.25 | .40 | .50 | | .02 |
| PLASTERERS' TENDERS: | | | | | |
| All Counties and portions of Counties East of the 120th Meridian | 7.35 | .45 | .65 | | .02 |

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DECISION NO. WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| PLUMBERS: | | | | | |
| Chellan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of 119°30' W. Long.), Jefferson and Okanogan (except the area lying between 119°30' W. Long. and south of 48°30' N. Lat.) Counties | $9.61 | .58 | .95 | .75 | .06 |
| Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County Northward to the Canadian border), Kittitas (south of 47° 15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' N. Lat.) Counties | 10.11 | .33 | .85 | .62 | .10 |
| Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line)Cos. | 9.60 | .33 | .85 | .60 | .10 |
| Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line. | 9.37 | .70 | 1.00 | | .08 |







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DECISION NO WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| ROOFERS: | | | | | |
| Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties | $ 7.64 | .50 | .30 | | .01 |
| Asotin and Garfield Counties | 8.25 | | | | |
| Benton, Franklin, Kittitas, Klickitat, and Yakima Counties Roofers; Kettlemen; Waterproofers; Shinglers; Spraying | 8.25 | .30 | .30 | | |
| Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties | | | | | |
| Roofers; Waterproofers | 8.45 | .30 | .20 | | |
| Slate and Tile Roofers | 8.70 | .30 | .20 | | |
| Clark, and Skamania Counties Roofers | 7.80 | .45 | .75 | | |
| Handling or irritating material (coal, tar or epoxy) in unconfined area | 8.30 | .45 | .75 | | |
| Handling of irritating material (coal, tar or epoxy) in confined area | 8.55 | .45 | .75 | | |
| SHEET METAL WORKERS: | | | | | |
| Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties | 9.95 | .32 | .50 | | |
| Clallam, Jefferson, Kitsap and Mason Counties | 9.28 | .37 | .50 | .60 | .03 |
| Clark and Skamania Counties Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and and Wahkiakum Counties | 8.27 | .55 | .41 | .57 | .04 |
| | 9.45 | .37 | .77 | .47 | .02 |
| King County | 9.78 | .47 | .50 | | .02 |
| Island and Snohomish Counties | 9.68 | .47 | .60 | | .01 |
| Whatcom, Skagit and San Juan Cos. | 9.56 | .52 | .60 | | .02 |

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DECISION NO. WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| SOFT FLOOR LAYERS: | | | | | |
| Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties | $ 7.89 | .25 | .40 | .31 | |
| Benton, Franklin and Walla Walla Counties | 7.00 | .25 | .40 | .46 | |
| Clallam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties | 8.49 | .41 | .65 | | .05 |
| Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties | 7.735 | .45 | .45 | c | .05 |
| Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties | 8.39 | .41 | .65 | | .05 |
| Yakima and Kittitas Counties | 7.43 | .25 | .25 | .23 | |
| SPRINKLER FITTERS: | | | | | |
| Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos. | 10.88 | .50 | .70 | | .07 |
| Remaining Counties | 9.40 | .50 | .70 | | .08 |
| TERRAZZO WORKERS: | | | | | |
| Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co. | 8.80 | .50 | .40 | | |
| Benton, Franklin and Walla Walla Counties | 9.20 | .40 | .50 | | |
| Chelan, Douglas, Okanogan (except area of Grand Coulee Dam) | 8.27 | .45 | .40 | | .25 |
| Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties | 8.75 | .55 | .35 | | |
| Grant County and that portion of Adams County including the City of Othello | 8.25 | .45 | | | |

DECISION NO. WA75-5054

| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| TERRAZZO WORKERS: (Cont'd) | | | | | |
| Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties | $ 7.25 | .50 | .50 | | |
| Grays Harbror, Lewis, Nason and Thurston Counties | 8.45 | .55 | .30 | | |
| Pierce County | 8.68 | .55 | .45 | | .02 |
| San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties | 9.10 | .45 | .45 | | |
| TILE SETTERS: | | | | | |
| Adams (except that portion incl. the City of Othello), Asotin, Columbia, Perry, Crafield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co. | 8.80 | .50 | .40 | | |
| Benton, Franklin, and Walla Walla Counties | 8.53 | .40 | .50 | | |
| Chelan, Douglas, Okanogan (except area of Grand Coulee Dam) | 8.27 | .45 | .40 | .25 | |
| Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties | 8.75 | .55 | .35 | | .04 |
| Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County | 7.84 | .35 | .35 | .25 | |
| Grant County and that portion of Adams County including the City of Othello | 8.25 | .45 | | | |
| Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos. | 7.25 | .50 | .50 | | |
| Grays Harbor, Lewis, Mason and Thurston Counties | 7.65 | .40 | .30 | | .02 |
| Pierce County | 8.68 | .55 | .45 | | .02 |
| WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental. | | | | | |



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*STATEWIDE -
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

| LINE CONSTRUCTION | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| Cable Splicers; Leadman Pole Sprayer | $ 11.12 | .35 | 1% | .10 | 1/2% |
| Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder | 10.04 | .35 | 1% | .10 | 1/2% |
| Tree Trimmer | 9.06 | .35 | 1% | .10 | 1/2% |
| Line Equipment Man | 8.65 | .35 | 1% | .10 | 1/2% |
| Head Groundman (chipper); Head Groundman; Powderman; Jackhammer man | 7.56 | .35 | 1% | .10 | 1/2% |
| Groundman; Tree Trimmer Helper | 7.12 | .35 | 1% | .10 | 1/2% |

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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| LABORERS (Area 1) | | | | | |
| (All Counties and portions of Counties East of the 120th Meridian) | | | | | |
| Group 1 | $ 6.85 | .45 | .65 | | .02 |
| Group 2 | 7.00 | .45 | .65 | | .02 |
| Group 3 | 7.10 | .45 | .65 | | .02 |
| Group 4 | 7.15 | .45 | .65 | | .02 |
| Group 5 | 7.20 | .45 | .65 | | .02 |
| Group 6 | 7.25 | .45 | .65 | | .02 |
| Group 7 | 7.30 | .45 | .65 | | .02 |
| Group 8 | 7.50 | .45 | .65 | | .02 |
| Group 9: | | | | | |
| Class A | 6.90 | .45 | .65 | | .02 |
| Class B | 6.95 | .45 | .65 | | .02 |
| Class C | 7.35 | .45 | .65 | | .02 |
| Class D | 7.40 | .45 | .65 | | .02 |
| LABORERS (Area 2) | | | | | |
| (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County) | | | | | |
| Group 1 | 6.90 | .60 | .80 | | .06 |
| Group 2 | 7.00 | .60 | .80 | | .06 |
| Group 3 | 7.05 | .60 | .80 | | .06 |
| Group 4 | 7.10 | .60 | .80 | | .06 |
| Group 5 | 7.15 | .60 | .80 | | .06 |
| Group 6 | 7.20 | .60 | .80 | | .06 |
| Group 7 | 7.25 | .60 | .80 | | .06 |
| Group 8 | 6.95 | .60 | .80 | | .06 |
| Group 9 | 7.00 | .60 | .80 | | .06 |
| Group 10 | 7.10 | .60 | .80 | | .06 |
| Group 11 | 7.20 | .60 | .80 | | .06 |
| Group 12 | 7.25 | .60 | .80 | | .06 |
| Group 13 | 7.35 | .60 | .80 | | .06 |
| LABORERS (Area 3) | | | | | |
| (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Counties) | | | | | |
| Group 1 | 6.40 | .60 | .80 | .25 | .07 |
| Group 2 | 6.55 | .60 | .80 | .25 | .07 |
| Group 3 | 6.70 | .60 | .80 | .25 | .07 |
| Group 4 | 6.85 | .60 | .80 | .25 | .07 |



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| | Basic Hourly Rates | Fringe Benefits Payments | | | |
|---|---|---|---|---|---|
| | | H & W | Pensions | Vacation | App. Tr. |
| LABORERS (Area 4) | | | | | |
| (Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties West of the 120th Meridian) | | | | | |
| Group 1 | 6.65 | .60 | .80 | | .06 |
| Group 2 | 6.75 | .60 | .80 | | .06 |
| Group 3 | 6.80 | .60 | .80 | | .06 |
| Group 4 | 6.85 | .60 | .80 | | .06 |
| Group 5 | 6.90 | .60 | .80 | | .06 |
| Group 6 | 6.95 | .60 | .80 | | .06 |
| Group 7 | 7.00 | .60 | .80 | | .06 |
| Group 8: | | | | | |
| Class A | 6.70 | .60 | .80 | | .06 |
| Class B | 6.75 | .60 | .80 | | .06 |
| Class C | 6.85 | .60 | .80 | | .06 |
| Class D | 6.95 | .60 | .80 | | .06 |
| Class E | 7.00 | .60 | .80 | | .06 |
| Class F | 7.10 | .60 | .80 | | .06 |

| POWER EQUIPMENT OPERATORS (AREA 1) | Basic Hourly Rates ZONE 1 | Basic Hourly Rates ZONE 2 | Basic Hourly Rates ZONE 3 | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|---|---|
| (All Counties and portions of Counties East of the 120th Meridian) | | | | | | | |
| Group 1 | $7.50 | $8.00 | $8.45 | .65 | .75 | | .03 |
| Group 2 | 7.80 | 8.30 | 8.75 | .65 | .75 | | .03 |
| Group 3 | 8.35 | 8.85 | 9.30 | .65 | .75 | | .03 |
| Group 4 | 8.50 | 9.00 | 9.45 | .65 | .75 | | .03 |
| Group 5 | 8.65 | 9.15 | 9.60 | .65 | .75 | | .03 |
| Group 6 | 8.90 | 9.40 | 9.85 | .65 | .75 | | .03 |
| Group 7 | 9.15 | 9.65 | 10.00 | .65 | .75 | | .03 |

*ZONE 1: Within a 15 mile radius from the Center of the following Cities: Moses Lake, Pasco, Spokane and Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named cities.
*ZONE 3: Over a 45 mile radius from the center of the above named cites.

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| POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Group 1 | $8.32 | .60 | .90 | | .11 |
| Group 2 | 8.42 | .60 | .90 | | .11 |
| Group 3 | 8.53 | .60 | .90 | | .11 |
| Group 4 | 8.58 | .60 | .90 | | .11 |
| Group 5 | 8.60 | .60 | .90 | | .11 |
| Group 6 | 8.65 | .60 | .90 | | .11 |
| Group 7 | 8.66 | .60 | .90 | | .11 |
| Group 8 | 8.70 | .60 | .90 | | .11 |
| Group 9 | 8.72 | .60 | .90 | | .11 |
| Group 10 | 8.85 | .60 | .90 | | .11 |
| Group 11 | 8.88 | .60 | .90 | | .11 |
| Group 12 | 8.91 | .60 | .90 | | .11 |
| Group 13 | 8.96 | .60 | .90 | | .11 |
| Group 14 | 8.98 | .60 | .90 | | .11 |
| Group 15 | 9.00 | .60 | .90 | | .11 |
| Group 16 | 9.03 | .60 | .90 | | .11 |
| Group 17 | 9.06 | .60 | .90 | | .11 |
| Group 18 | 9.10 | .60 | .90 | | .11 |
| Group 19 | 9.17 | .60 | .90 | | .11 |
| Group 20 | 9.18 | .60 | .90 | | .11 |
| Group 21 | 9.23 | .60 | .90 | | .11 |
| Group 22 | 9.28 | .60 | .90 | | .11 |
| Group 23 | 9.50 | .60 | .90 | | .11 |
| Group 24 | 9.54 | .60 | .90 | | .11 |
| Group 25 | 9.59 | .60 | .90 | | .11 |
| Group 26 | 9.67 | .60 | .90 | | .11 |
| Group 27 | 9.89 | .60 | .90 | | .11 |
| Group 28 | 10.09 | .60 | .90 | | .11 |
| Group 29 | 10.20 | .60 | .90 | | .11 |
| Group 30 | 10.22 | .60 | .90 | | .11 |
| Group 31 | 10.50 | .60 | .90 | | .11 |







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| POWER EQUIPMENT OPERATORS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Group 1 | $7.30 | .55 | .85 | .35 | .05 |
| Group 2 | 7.44 | .55 | .85 | .35 | .05 |
| Group 3 | 7.54 | .55 | .85 | .35 | .05 |
| Group 4 | 7.70 | .55 | .85 | .35 | .05 |
| Group 5 | 7.72 | .55 | .85 | .35 | .05 |
| Group 6 | 7.80 | .55 | .85 | .35 | .05 |
| Group 7 | 7.86 | .55 | .85 | .35 | .05 |
| Group 8 | 7.96 | .55 | .85 | .35 | .05 |
| Group 9 | 8.02 | .55 | .85 | .35 | .05 |
| Group 10 | 8.08 | .55 | .85 | .35 | .05 |
| Group 11 | 8.10 | .55 | .85 | .35 | .05 |
| Group 12 | 8.16 | .55 | .85 | .35 | .05 |
| Group 13 | 8.24 | .55 | .85 | .35 | .05 |
| Group 14 | 8.40 | .55 | .85 | .35 | .05 |
| Group 15 | 8.56 | .55 | .85 | .35 | .05 |
| Group 16 | 8.74 | .55 | .85 | .35 | .05 |
| Group 17 | 8.88 | .55 | .85 | .35 | .05 |
| Group 18 | 9.06 | .55 | .85 | .35 | .05 |
| Group 19 | 9.20 | .55 | .85 | .35 | .05 |
| **POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING)** (All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat County) | | | | | |
| Group 1 | 8.24 | .60 | .90 | | .07 |
| Group 2 | 8.34 | .60 | .90 | | .07 |
| Group 3 | 8.68 | .60 | .90 | | .07 |
| Group 4 | 7.73 | .60 | .90 | | .07 |
| Group 5 | 8.78 | .60 | .90 | | .07 |
| Group 6 | 9.10 | .60 | .90 | | .07 |
| Group 7: | | | | | |
| (a) | 9.49 | .60 | .90 | | .07 |
| (b) | 10.04 | .60 | .90 | | .07 |
| **DREDGING (AREA 2)** (All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County) | | | | | |
| Group 1 | 8.24 | .60 | .90 | | .07 |
| Group 2 | 8.34 | .60 | .90 | | .07 |
| Group 3 | 8.68 | .60 | .90 | | .07 |





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| DREDGING (AREA 2) (Cont'd) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern Portion of Pacific County) and all of Kittitas and Yakima Counties | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Group 4 | $8.73 | .60 | .90 | | .07 |
| Group 5 | 8.78 | .60 | .90 | | .07 |
| Group 6 | 9.10 | .60 | .90 | | .07 |
| Group 7: | | | | | |
| (a) | 9.49 | .60 | .90 | | .07 |
| (b) | 10.04 | .60 | .90 | | .07 |
| **DREDGING (AREA 3)** (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties) | | | | | |
| Group 1 | 8.40 | .55 | .85 | .35 | .05 |
| Group 1A | 9.06 | .55 | .85 | .35 | .05 |
| Group 2 | 8.04 | .55 | .85 | .35 | .05 |
| Group 3 | 7.80 | .55 | .85 | .35 | .05 |
| Group 4 | 7.54 | .55 | .85 | .35 | .05 |
| **TRUCK DRIVERS (AREA 1)** (All Counties and portions of Counties East of the 120th Meridian) | | | | | |
| Group 1 | 7.60 | .82 | .65 | | |
| Group 2 | 7.65 | .82 | .65 | | |
| Group 3 | 7.70 | .82 | .65 | | |
| Group 4 | 7.80 | .82 | .65 | | |
| Group 5 | 8.00 | .82 | .65 | | |
| Group 6 | 8.05 | .82 | .65 | | |
| Group 7 | 8.10 | .82 | .65 | | |
| Group 8 | 8.15 | .82 | .65 | | |
| Group 9 | 8.25 | .82 | .65 | | |
| Group 10 | 8.30 | .82 | .65 | | |
| Group 11 | 8.60 | .82 | .65 | | |
| Group 12 | 8.75 | .82 | .65 | | |
| Group 13 | 8.90 | .82 | .65 | | |
| Group 14 | 9.05 | .82 | .65 | | |







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| TRUCK DRIVERS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties) | Basic Hourly Rates | Fringe Benefits Payments H & W | Pensions | Vacation | App. Tr. |
|---|---|---|---|---|---|
| Group 1 | $ 8.39 | .80 | .65 | | .09 |
| Group 2 | 8.44 | .80 | .65 | | .09 |
| Group 3 | 8.49 | .80 | .65 | | .09 |
| Group 4 | 8.60 | .80 | .65 | | .09 |
| Group 5 | 8.66 | .80 | .65 | | .09 |
| Group 6 | 8.70 | .80 | .65 | | .09 |
| Group 7 | 8.71 | .80 | .65 | | .09 |
| Group 8 | 8.77 | .80 | .65 | | .09 |
| Group 9 | 8.82 | .80 | .65 | | .09 |
| Group 10 | 8.84 | .80 | .65 | | .09 |
| Group 11 | 8.87 | .80 | .65 | | .09 |
| Group 12 | 8.97 | .80 | .65 | | .09 |
| Group 13 | 8.99 | .80 | .65 | | .09 |
| Group 14 | 9.03 | .80 | .65 | | .09 |
| Group 15 | 9.15 | .80 | .65 | | .09 |
| Group 16 | 9.19 | .80 | .65 | | .09 |
| Group 17 | 9.31 | .80 | .65 | | .09 |
| Group 18 | 9.36 | .80 | .65 | | .09 |
| Group 19 | 9.52 | .80 | .65 | | .09 |
| Group 20 | 9.68 | .80 | .65 | | .09 |
| Group 21 | 9.84 | .80 | .65 | | .09 |
| **TRUCK DRIVERS (AREA 3)** (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties) | | | | | |
| Group 1 | 7.23 | .45 | .65 | .30 | .03 |
| Group 2 | 7.28 | .45 | .65 | .30 | .03 |
| Group 3 | 7.33 | .45 | .65 | .30 | .03 |
| Group 4 | 7.38 | .45 | .65 | .30 | .03 |
| Group 5 | 7.43 | .45 | .65 | .30 | .03 |
| Group 6 | 7.53 | .45 | .65 | .30 | .03 |
| Group 7 | 7.63 | .45 | .65 | .30 | .03 |
| Group 8 | 7.73 | .45 | .65 | .30 | .03 |
| Group 9 | 7.83 | .45 | .65 | .30 | .03 |
| Group 10 | 8.00 | .45 | .65 | .30 | .03 |
| Group 11 | 8.10 | .45 | .65 | .30 | .03 |
| Group 12 | 8.20 | .45 | .65 | .30 | .03 |
| Group 13 | 8.30 | .45 | .65 | .30 | .03 |
| Group 14 | 8.40 | .45 | .65 | .30 | .03 |

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LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder, Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 4" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Snake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include aqueeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher; Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler



LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3" inch piston or larger and out-of-the-hole drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Nonolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman, Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker; hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vibrators, Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt





LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brusher Burners and Cutter; Car and Truck Loaders; Carpenter Tender; Change-house man or Dry Shack Men, Choker Setters; Clean Up Laborers; Concrete Laborers; Crusher Feeders; Culvert, hand labor; Curing, concrete; Demolition, Wrecking, and Moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading Spotters; Material yard man (including electrical); Pittsburgh Chipper Operator or similar types; Powderman Helper; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Skipmen; Signalmen; Slopers, Spraymen; Stake Chaser-Stake Setter-Grade Checker; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman-Crusher (aggregate when used)



LABORERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same); applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete rock, etc.): Concrete Power Buggyman; Demolition and wrecking charred materials; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or mixers of all materials of an irritating nature (including cement and lime); Manhole Builders; Power Tool Operator, includes but not limited to: Chipping Guns, Dry Pack Machine, Jackhammer, Paving Breakers, Post Hole Digger, (air, gas, or electric); Tampers, Vibrating Screed, Vibrators (less than 4" in diameter); Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Sewer Timbermen; Timber Buckers and Fallers, Brush Cutters (power saw); Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (under - ground)

Group 3: Asphalt Rakers; Bit Grinder ; Concrete Saw Operator; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Gunite Nozzleman; High Scalers, Strippers and Drills (covers work in swinging stages, chairs, or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping), Powdermen; Power Saw Operators (bucking and falling merchantable logs); Pumpcrete Nozzlemen; Sandblasting (dry); Sewer Pipe Layers; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator, Tunnel-Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster, Welder; Laser Beam (pipe Laying)

Group 4: Tunnel Miners; Tunnel Powderman; Laser Beam (Tunnel)

LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, Faller and Bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Faller and Bucker (hand); Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Power Buggy Tampers (multiple and self-propelled)



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LABORERS (AREA 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more-gas, deisel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-porpelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar





POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx or Diamond); Elevating Belt-type Loader (Euclid, Barber Green, or similar); Elevating Grader-type Loader (Dunor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing Pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machiner (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 2")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade



POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (Heavy Duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)



POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, and overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon, and Concrete and pump crete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (Blaw Knox, Cedarpids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapull's, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dunor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case, and similar type 60 h.p. and under)

Group 18: Dull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)



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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scarpers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)



POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 30: Cranes (Crawler, Truck type, Floating, Locomotive, Whirley, either 3 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant Conveyor Operator; Crusher Feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Parts Man (tool room); Pump (under 4 inches); Railroad Equipment (Brakeman and Switch Man); Self-propelled Scaffolding Operator (on job site)

Group 2: Auger Oiler; Blade Operator (pulled type); Combination Guardrail Machines Oiler; Crane (truck crane oiler - driver 25 ton capacity or over: and Fireman, all equipment: and A-Frame Truck, single drum: and Tugger or Coffin type Hoist); Drill Helper; Floating Equipment Boatman; Fork Lift or Lumber Stacker Operator (on construction job site); Grade Checker; Grade Oiler (required to check grade); Helicopter Radioman (ground); Repairman Helper (H.D.); Roller Operator (grading of base rock - not asphalt); Shovel Fireman; Tar Pot Fireman (including power agitated); Temporary Hosting Plant Operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom Operator (self-propelled - on construction job site); Compressor Operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor Operator, Mixer Box - CTB, Dry Batch, etc., Cement Hog, Concrete Saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork Lift (Ross Carrier, on construction job site); Hydraulic Pipe Press Operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad Equipment (Motorman and Ballast Jack Tamper); Seeder Machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping Machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)





POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Asphalt Screed Operator; Compactor (self-propelled - including Vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete Screed Operator; Concrete Mixer (single drum under five bag capacity); Floating Equipment Firemen; Fork Lift (over 5 tons); Helicopter Hoist Operator; Hydra Hammer or similar; Locomotive (under 40 tons); Lull Hi-lift Operator; Oiler (service, greaser); Pavement Breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt Extrusion Machine; Chip Spreading Machine; Compactor (Wagner Pactor or similar type - without blade); Concrete Batch Plant quality control; Concrete (Power Jumbo Operator - Setting Slip Forms etc., in tunnels); Concrete (Slip Form Pumps - power driven Hydraulic Lifting Device for concrete forms); Crane (Hoist - single drum and Elevator Operator); Lime Spreading Machine; Pulva Mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor Operator (Rubber-tired 50 h.p. flywheel and under); Trenching Machine (maximum digging capacity 3 feet depth)

Group 6: Asphalt Paver; Asphalt Burner and Reconditioner (any type); Concrete Pavement Grinder and/or Grooving Machine Operator (riding type); Concrete (Cast-in-place Pipe Laying Machine and Maginnis Internal Full Slab Vibrator Operator); Concrete Finishing Machine (Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type); Concrete Curb Machine (mechanical berm, curb and/or gutter); Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Finishing Machine; Concrete Spreader; Loaders (rubber-tired, 2½ cu. yards and under); Rock Spreaders, self-propelled

Group 7: Asphalt Plant Operator (any type); Asphalt Roller Operator (any mix); Beltcrete Operator; Concrete, Cement Pump (Fuller-Kenyon and similar); Concrete Grouting Machine; Concrete Mixer (single drum, five bag capacity and over); Crane (A-frame Truck double drum, and Boom Truck); Drill (Churn drill and Earth boring machine); Hydraulic Backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating Grader, tractor towed requiring operators on grader); Pot Rammer; Pumpcrete (any type); Railroad Equipment (Ballast regulator, Ballast Tamper multi-purpose, Track Liner, Tie Spacer, Shuttle Car, Locomotive - 40 ton and over)

Group 8: Concrete Batch Plant and/or Wet Mix Operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment generator, shovel, dragline, clamshell, backhoe, skooper, etc.); Generator Operator; Loader (belt loaders, Kolman and Ko Cal types)



POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 9: Boring Machine; Bulldozer; Clearing Equipment (including Log Skidders, Chippers, Incinerators, and Stump Splitters); Compactor, with blade; Concrete Cooling Machine; Cranes (Chicago Boom and similar types, Lift Slab Machine, Boom type Lifting Device - 5 ton capacity or less, and Cherry Picker or similar type crane - Hoist - 5 ton capacity or less); Crusher Plant Operator; Drill Cat; Drill Doctor (including Bit Grinder); Grizzley Operator; Guardrail Punch Operator; Guardrail Auger Operator; Hammer Operator; Heater and Planer Operator (surface); Hydraulic Backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine Tool; Mechanic (H.D.); Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Side-boom Cats; Stationary Drag Scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching Machine (maximum digging capacity over 3 feet depth)

Group 10: Barge Operator (self-unloading); Bulldozer (twin engine-TC 12 and similar); Cable-plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired-Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack Operator (elevating barges)

Group 11: Concrete Mixer Mobile Operator; Concrete Breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail Machine Combination (i.e., Puncher, Auger, etc.); Mucking Machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blade Operator; Concrete Batch Plant and/or Wet Mix (3 or more units); Hoist Operator (two or more drums); Loader (elevating - Athey and similar type); Piledriver Operator (not crane type); Reinforced Tank Banding Machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper: and Self-loading, Paddle wheel, Auger type: and Twin engine: and Scraper with push-pull attachments); Shield Operator (tunnel)

Group 13: Backfilling Machine; Blade Operator, finish; Blade Operator (externally controlled by electronic, mechanical hydraulic means); Blade Operator (multi-engine); Cableway (up to 25 tons); Concrete Paving Road Mixer; Crane (over 25 ton to and including 40 ton); Derrick (under 100 tons); Floating Equipment Piledriver; Floating Clamshell (under 3 cu. yds.); Floating Crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (Stiffleg, Guy Derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)



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POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 14: Crane, - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock Hound Operator

Group 16: Auto Grader or "Trimmer" Operator; Bulldozer (Tandem, Quad-nine and similar type); Cableway (25 tons and over); Concrete Slip Form Paver (automatic); Concrete Canal Line Operator; Crane (over 40 tons and including 100 tons); Floating Clamshell (3 cu. yds. and over); Floating Crane (Derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with Tandem Scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator (under 750 cu. yds. per hour); Whirley (80 tons and under)

Group 17: Canal Trimmer; Crane (over 100 tons to and including, 200 tons); Floating Crane (Derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

Group 18: Band Wagons (in conjunction with wheel excavator); Crane (over 200 tons); Floating Crane (150 tons but less than 250 tons); Wheel Excavator (over 705 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating Crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1 and 2)
(DREDGING)

Group Descriptions for Areas 1 and 2 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards



POWER EQUIPMENT OPERATORS(AREA 3)
(DREDGING)

Group Descriptions for Area 3 Covering Statewide Washington

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate.

Group 3: Tenderman (Boatman, attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit Mixers and trucks hauling concrete (over 3 yds. to 6 yds.); Water tank truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)





TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump trucks - side, end and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water Wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment



TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards



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TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Transit mix and wet or dry mix trucks - over 7 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity) - over 1,600 gallons to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle carrier (used in loading, unloading and transporting or materials on job site); Distributor Driver or Leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: Over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)



[FR Doc.75-10680 Filed 4-24-75;8:45 am]

federal register

FRIDAY, APRIL 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 81

PART IV

# OFFICE OF MANAGEMENT AND BUDGET

■

## BUDGET RESCISSIONS AND DEFERRALS

Reports to Congress

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## OFFICE OF MANAGEMENT AND BUDGET

### BUDGET RESCISSIONS AND DEFERRALS

Reports to Congress

Five of the reports contained herein budget deficit within reasonable bounds.



SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

## OFFICE OF MANAGEMENT AND BUDGET

### BUDGET RESCISSIONS AND DEFERRALS

**Report to Congress**

TO THE CONGRESS OF THE UNITED STATES:

I herewith report four new proposed rescissions and six new deferrals as required by the Congressional Budget and Impoundment Control Act of 1974. In addition, I am transmitting two supplementary reports which revise deferral reports made to the Congress in previous special messages.

Five of the reports contained herein are withholdings in the fourth quarter of funds authorized under the Continuing Resolution for the Department of Health, Education, and Welfare. Resolution of two of these items might be better served by action upon the Administration's appropriation request for health planning and emergency school aid in the Second 1975 Supplemental Appropriation bill now pending before the Congress.

The items I am submitting in this special message, along with other actions I have already proposed, provide a means of restraining budget outlays and thereby can help hold the fiscal year 1976 budget deficit within reasonable bounds. When I signed the tax reduction bill on March 29, 1975, I noted that the estimated 1976 deficit had reached about $60 billion and was threatening to go as high as $100 billion. Such an enormous deficit could generate another inflationary spiral and might well choke off any economic recovery. I will continue to resist every attempt to add to the deficit.

The details of the rescission and deferral reports are attached.

GERALD R. FORD.

THE WHITE HOUSE,
*April 18, 1975.*





SUMMARY OF PROPOSED
RESCISSIONS AND DEFERRALS
($ in thousands)

| Report # | Item | Budget Authority |
|---|---|---|
| | **Rescissions:** | |
| | Health, Education, and Welfare: | |
| | Health Services Administration: | |
| R75-83 | Health Services | 1,623 |
| | Alcohol, Drug Abuse and Mental Health Administration: | |
| R75-84 | Alcohol, Drug Abuse and Mental Health | 14,250 |
| | Health Resources Administration: | |
| | Health Resources: | |
| R75-85 | D.C. Medical Facilities Construction | 2,000 |
| R75-86 | Health Manpower/Health Facilities | 220,450 |
| | Subtotal, Rescissions | 238,323 |
| | **Deferrals:** | |
| | Defense - Military: | |
| D75-155 | Procurement of Weapons and Tracked Combat Vehicles, Army | 200 |
| D75-156 | Procurement of Ammunition, Army | 66,349 |
| D75-157 | Other Procurement, Army | 6,200 |
| D75-32B | Shipbuilding and Conversion, Navy | 1,793,590 |
| D75-158 | Family Housing, Defense | 41,314 |
| | Defense - Civil: | |
| D75-37C | Wildlife Conservation, Military Reservations | 437 |
| | Health, Education, and Welfare: | |
| | Health Resources Administration: | |
| D75-159 | Health Resources | 81,439 |
| | Office of Education: | |
| D75-160 | Emergency School Aid | 161,493 |
| | Subtotal, Deferrals | 2,151,022 |
| | Total, Rescissions and Deferrals | 2,389,345 |





SUMMARY OF PROPOSED



Rescission Proposal No.: R75-83

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SUMMARY OF PROPOSED
RESCISSIONS AND DEFERRALS

($ in thousands)

| | Budget Authority |
|---|---|
| Total rescissions and deferrals (included in tenth special message) | 2,389,345 |
| Amounts previously reported (for these items) | 1,245,192 |
| Change: | +1,144,153 |
| Consisting of: | |
| New items | (+595,318) |
| Amounts previously reported | (+548,835) |





Rescission Proposal No.: R75-83

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

| | | |
|---|---|---|
| **Agency** Department of Health, Education, and Welfare | New budget authority (P.L. 94-7 ) | $ 919,997,000 |
| **Bureau** Health Services Administration | Other budgetary resources | -- |
| **Appropriation Title & Symbol** Health Services 7550350 (see activities below) | Total budgetary Resources | 919,997,000 |
| | Amount proposed for rescission | 1,623,000 |

Justification

| Program/Activity | Total Budgetary Resources | Amount Proposed for Rescission |
|---|---|---|
| Other Health Services Programs | $ 618,982,000 | -- |
| Community Health Centers | 200,400,000 | $1,080,000 |
| Family planning | 100,615,000 | 543,000 |
| Total | $ 919,997,000 | $1,623,000 |

The proposed rescission of $1.6 million in funds made available for evaluation of community health centers ($1,080,000) and family planning ($543,000) activities reflects a reduction in the original scope of evaluation within the Health Services Administration (HSA). In 1975, a total of $21 million was made available for evaluation of all health programs, including $5.5 million for HSA programs. As part of overall reductions in spending for contract and evaluation activity, HSA has identified a total of $1.6 million in evaluation projects. The funds proposed for rescission would be for new evaluation projects and do not represent a reduction in commitment levels. Moreover, the Department has not ordinarily used all of the funds initially planned for evaluation on evaluation activities. Funds not so used have been applied to program operations.

Estimated Effects

Of the $1,080,000 proposed rescission for community health centers, only three projects totaling $150,000 would be funded in 1975 if the rescission is not adopted. These projects were intended to evaluate the impact of community health centers on health status of enrollees and the impact of program management improvements. Within HEW's authority to reprogram funds set aside for program evaluation, the remaining $930,000 would be reprogrammed to program operations, given the absence of appropriate evaluation projects for funding.

Of the $543,000 proposed rescission for family planning services, only nine projects, totaling $395,000, would be funded in 1975 if the rescission is not adopted. These projects would have evaluated the impact of integrating family planning services with other health delivery programs, the impact of family planning services on recipients, and an analysis of clinic patterns and family planning training programs. These subjects have, of course, been studied in the past. The remaining $148,000 would, likewise, be reprogrammed to program operations in the absence of appropriate evaluation projects for funding.

The highest priority evaluation projects will be funded in 1975 within the amounts currently available. Thus, this proposed rescission will not have a significant adverse effect on program operations in 1975.

| Total FY 1975 Outlays | Dollars in millions |
|---|---|
| FY 1976 Budget (current estimate) | 258 |
| Without rescission | 258 |
| With rescission (current estimate) | 257 |
| (Effect of action on 1976 outlays | -1) |





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE



Rescission Proposal No.: R75-34

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Appropriations provided for activities under section 314(e) of the Public Health Service Act for fiscal year 1975 in Public Law 93-324, as amended, are rescinded in the amount of $1,080,000.

Appropriations provided for activities under Title X of the Public Health Service Act for fiscal year 1975 in Public Law 93-324, as amended, are rescinded in the amount of $543,000.





Rescission Proposal No.: R75-34

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

| | | |
|---|---|---|
| Agency Department of Health, Education, and Welfare | New budget authority (P.L. 94-7 ) | $ 14,250,000 |
| Bureau Alcohol, Drug Abuse, and Mental Health Administration | Other budgetary resources | 27,144,000 |
| Appropriation Title & Symbol Alcohol, Drug Abuse, and Mental Health - 7551361 (General Mental Health Community Programs-Construction of Centers) | Total Budgetary Resources | 41,394,000 |
| | Amount proposed for rescission | 14,250,000 |

Justification

With the proposed rescission, a total of $27,144,000 remains available to this program from prior year appropriations. The 626 community mental health centers supported under the CMHC program have sufficiently demonstrated the concept of community-oriented mental health and social service delivery. This narrow categorical construction program is not needed to assure the ongoing delivery of such services. Moreover, the CMHC construction program inequitably singles out a few selected communities for facility construction subsidies limited to the provision of mental health and social services rather than the entire spectrum of integrated health and social services.

There is nationally an excess of hospital beds and no apparent shortage of office space to serve as consultation space for such services. The States, localities, and private sources, within their overall priorities, should be able to support any future construction necessary for this purpose. Such facilities can be financed through long-term loans from the private capital markets.

Estimated Effects:

During the current fiscal year, a total of 191 construction awards would have been made without this rescission, from resources totalling $41,394,000. Of this amount, $13,370,000 and 57 projects represent FY 1973 appropriation restorations: $13,774,000 and 68 projects relate to other prior-year balances carried forward into 1975; and $14,250,000 and 66 projects represent resources authorized under the continuing resolution. The last item is proposed for rescission, leaving a proposed 1975 operating level of 125 projects and $27,144,000. The funds proposed for rescission would normally not be obligated until 1976 due to a backlog of unobligated prior year appropriations and, accordingly, the outlay savings will occur at the end of 1976 and beginning of 1977.

| Total 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 Budget (Current estimate) | 21 |
| Without rescission | 21 |
| With rescission | 21 |
| (Effect of acuon on 1976 outlays | ---) |





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE



Rescission Proposal No.: R75-85

V 40 81 APR 25 75 XUM V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Appropriations provided for construction under section 201 of the Community Mental Health Centers Act for fiscal year 1975 in Public Law 93-324, as amended, are rescinded in the amount of $14,250,000.





Rescission Proposal No.: R75-85

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

| | | |
|---|---|---|
| Agency Department of Health, Education, and Welfare | New budget authority (P.L. ) | $ |
| Bureau Health Resources Administration | Other budgetary resources | 18,261,331 |
| Appropriation Title & Symbol Health Resources 75X0712 (D.C. Medical Facilities Construction) | Total Budgetary Resources | 18,261,331 |
| | Amount proposed for rescission | 2,000,000 |

Justification

The funds proposed for rescission were appropriated in 1972 under the authority of the District of Columbia Medical Facility Act (P.L. 90-457). These funds were intended to be used for the planning of future hospital construction projects. This legislation has since expired and all construction funds appropriated pursuant to this act have been allocated to various hospitals within the District of Columbia. In allowing this Act to expire, the Congress recognized the inequity of singling out medical facilities of the District of Columbia for special Federal construction subsidies, beyond the support to which they are entitled under assistance programs generally available.

In view of the fact that this legislation has not been extended and additional funds for construction purposes are not available, the $2 million of planning funds remaining from prior appropriations is proposed for rescission.

Estimated Effects

Since authorizing legislation has expired and since all construction funds have been allocated, the $2 million available for planning future construction projects is no longer required. This proposed rescission will have no effect on projects currently under construction which have been funded under this program. There will be no impact on outlays.

| Total FY 1975 Outlays | Dollars in millions |
|---|---|
| FY 1976 Budget (current estimate) ..... | 14 |
| Without rescission ..... | 14 |
| With rescission (current estimate) ..... | 14 |
| (Effect of action on FY 1976 outlays ..... | -0-) |





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE



Rescission Proposal No.: R75-86

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The unobligated balance of funds appropriated for grants under the authority of the District of Columbia Medical Facilities Construction Act of 1968 (P.L. 90-457) is rescinded in the amount of $2,000,000.





Rescission Proposal No.: R75-86

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

| | |
|---|---|
| Agency Health, Education, and Welfare | New budget authority (P.L. 93-517,) 93-554, and 94-7 $ 806,568,000 |
| Bureau Health Resources Administration | Other budgetary resources 717,697,000 |
| Appropriation Title & Symbol<br>Health Resources - 7550712<br>75X0712 | Total Budgetary Resources 1,524,265,000 |
| | Amount proposed for rescission 220,450,000 |

Justification:

| Program/Activity | Total Budgetary Resources | Amount Proposed for Rescission |
|---|---|---|
| Nursing Institutional Assistance | | |
| Capitation Grants | 34,343,000 | 34,343,000 |
| Financial Distress Grants | 4,750,000 | 4,750,000 |
| Student Assistance | | |
| Traineeships | 13,016,000 | 13,016,000 |
| Public Health | 20,520,000 | 20,520,000 |
| Allied Health | 33,821,000 | 33,821,000 |
| Health Facilities Construction | | |
| Health Teaching Facilities | 114,000,000 | 114,000,000 |
| Total Affected by Rescission | $220,450,000 | $220,450,000 |
| Other HRA Activities | 586,118,000 | |
| Unobligated Balances Available, Start of Year | 717,697,000 | |
| Total Budgetary Resources | 1,524,265,000 | |

Health Professions - Nursing

The proposed rescission of nurse training funds reflects the conclusion that across-the-board Federal subsidies of nurse training institutions and nursing students is not warranted. The overall supply of registered nurses has increased from 504,000 in 1959 to 777,000 in 1973, and is projected to reach more than 1 million by 1980. These numbers reflect the near doubling in the enrollments of nurse training programs from 1960 to 1972--from 119,000 to 213,000. These increases demonstrate both the general attractiveness of the nursing profession to substantial numbers of the Nation's youth, and the responsiveness of the nursing labor market to the demand for persons with these skills and training. Furthermore, nursing is an undergraduate field, and nursing students can and should look for financial assistance to the general purpose student aid programs made available through the U.S. Office of Education--especially guaranteed loans and basic educational opportunity grants for finan-





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cially hard-pressed students. These general purpose student assistance programs were not available when the nurse training authorities first were adopted. Now that they are available they should be used to support nursing students as well as those in other undergraduate fields.

Public Health

This proposed rescission reflects the conclusion that continued categorical Federal institutional and student subsidies for post-baccalaureate public health training are not warranted on the basis of either compelling social need or basic equity. Graduate training in public health is for most students an avenue to enhanced professional stature and increased earning power. Students in schools of public health should be expected to bear the costs necessary to obtain the benefits from their advanced educational experience. It is difficult to identify convincing reasons for continuing to single out, from among the universe of other socially useful disciplines (e.g., law, economics, public administration), the field of graduate public health education for categorical Federal subsidies. Graduate students in public health training are eligible for benefits from the needs-based educational assistance programs administered by the Office of Education.

Allied Health

Given the relatively low costs of allied health training and the sufficient economic incentives already present, continued categorical Federal subsidies to institutions and students in the allied health field are no longer warranted. The allied health occupations include more than 2.7 million workers, and in recent years comprise the fastest growing segment of health workers--increasing in number by 75% from 1960 to 1970. Allied health work involves training mostly at the pre-baccalaureate level, directed toward meeting locally perceived labor market needs. As such any need for tax support is appropriately the responsibility of State and local governments. More than 2,500 allied health training programs are in existence in U.S. junior and senior colleges, most of which were founded and operate without Federal subsidy. Students in the allied health field are entitled, just as are students in all other fields of undergraduate study, to the needs-based educational assistance provided generally under the programs of the Office of Education (e.g., subsidized loans and basic educational opportunity grants).

Health Teaching Facilities Construction

The proposed rescission is based on a determination that there is no compelling need for further Federal construction grant support for expanding the capacity of U.S. health teaching facilities. Current projections indicate continued significant expansion of the aggregate supply of health professionals, due in large part to the significant increases already experienced in the numbers of enrollments and graduates in U.S. health professions schools. From 1965 to 1974, for example, medical school enrollments and the number of graduates each grew by 56 percent--enrollments from 32,428 to 50,477; and graduates from 7,409 to 11,580. These increases foreshadow continued major growth in the aggregate supply of health professionals. Current projections indicate that from 1970 to 1985 the physician supply will increase by over 60 percent, dentists by almost 40 percent, and registered nurses by almost 75 percent.







Estimated Effects:

Health Professions - Nursing

The proposed rescission would remove the need to obligate amounts authorized under the Continuing Resolution for two forms of institutional assistance, capitation and financial distress grants. Approximately 1,100 of the Nation's 1,400 nurse training programs would be effected by this action, involving per-student capitation awards of about $200. On the average, such capitation grants now cover less than 10 percent of the annual educational costs of participating nursing programs. These costs can be offset by increased revenues from other sources, including, for example, increased tuition payments, just as they are for most other occupations. Only about 60 (4 percent) of the 1,400 nursing programs would be affected by the rescission of the financial distress funds, with the average amount of assistance being less than $80,000 per institution. Other sources of revenue would have to be used, as they are for most other occupations, to meet the schools' funding requirements. The proposed rescission also would eliminate the amounts authorized for traineeship grants, used to pay tuition and stipends for students in graduate nursing programs. Approximately 3,000 trainees would be affected by this action, with an average annual assistance level of $4,300 per student.

Public Health

The proposed rescission would remove the need to obligate amounts authorized under the Continuing Resolution for the following activities: formula and project grants to public health schools, and traineeship grants used to make tuition payments for and provide stipends and allowances to graduate students in public health. An estimated 18 schools of public health would be affected, involving approximately 57 projects and almost 12,000 trainees.

Allied Health

The proposed rescission would remove the need to obligate amounts authorized under the Continuing Resolution for the following activities: project grants to allied health professions training programs, and traineeship grants used to make tuition payments for and provide stipends and allowances to graduate students in the allied health fields. An estimated 470 grants would be affected by this action, as well as over 5,000 allied health graduate trainees.

Health Teaching Facilities Construction

The proposed rescission of $114,000,000 would avoid further grant funding in FY 1975 for the renovation or construction of teaching facilities. Approximately 70 facilities, and an estimated 2,500 first-year student places, would be affected by this action.

| Total FY 1975 Outlays | Dollars in millions |
|---|---|
| FY 1976 Budget (current estimate) | $167 |
| Without rescission | 209 |
| With rescission (current estimate) | 167 |
| (Effect of action on FY 1976 outlays | -33) |



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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE



Deferral No.: D75-155

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Appropriations provided for "Health resources" for fiscal year 1975 in Public Law 93-324, as amended, are rescinded in the amount of $220,450,000.





Deferral No.: D75-155

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of Defense | New budget authority (P.L. 93-437 ) | $ 339,800,000 |
| Bureau | Other budgetary resources | 816,386,814 |
| Appropriation Title & Symbol | Total Budgetary Resources | 1,156,186,814 |
| Procurement of Weapons and Tracked Combat Vehicles, Army appropriations | Amount to be deferred part of year | |
| | Amount to be deferred for entire year | 200,000 |

Justification

These procurement appropriations are available for obligation for three years. Numerous program increases and decreases have occurred that have resulted in funds being unprogrammed at this time. Release of these deferred funds will be contingent upon additional program developments, cost increases, or transfers pursuant to section 834 of the Department of Defense Appropriation Act, 1975.

The following multi-year appropriation is currently being deferred under provisions of the Anti-Deficiency Act (31 U.S.C. 665), which authorize the establishment of reserves for contingencies.

| | | |
|---|---|---|
| Procurement of Weapons and Tracked Combat Vehicles, Army | 215/72033 | $200,000 |

Estimated Effects

Of total budgetary resources of $1,156 million, all but $200 thousand have been made available to meet program requirements. Deferral of $200 thousand will have no program or budgetary impact, since these funds could not be even if made available. Rather, the deferral of these multi-year funds assures availability of funds in the future.

| Total 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 Budget (February transmittal) | $420 |
| Without Deferral (current estimate) | 420 |
| With Deferral (revised estimate) | 420 |
| (Effect of action on 1976 outlays | -0-) |



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Deferral No.: D75-156



Deferral No.: D75-157

Deferral No.: D75-156

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of Defense | New budget authority<br>(P.L. 93-437 ) | $ 692,749,000 |
| Bureau | Other budgetary resources | 2,859,821,646 |
| Appropriation Title & Symbol<br>Procurement of Ammunition, Army appropriations | Total Budgetary Resources | 3,552,570,646 |
| | Amount to be deferred part of year | |
| | Amount to be deferred for entire year | 66,349,000 |

Justification

These procurement appropriations are available for obligation for three years. Reduced inventory requirements for certain types of ammunition have resulted in $66.3 million being unprogrammed at this time. Release of these deferred funds will be contingent upon additional program developments, cost increases, or transfers pursuant to section 834 of the Department of Defense Appropriation Act, 1975.

The following multi-year appropriation is currently being deferred under provisions of the Anti-Deficiency Act (31 U.S.C. 665), which authorize the establishment of reserves for contingencies.

| | | |
|---|---|---|
| Procurement of Ammunition, Army | 215/72034 | $66,349,000 |

Estimated Effects

Of total budgetary resources of $3,552 million, $3,486 million have been made available to meet program requirements. Deferral of $66.3 million will have no program or budgetary impact, since these funds could not be obligated even if made available. Rather, the deferral of these multi-year funds assures availability of funds in the future.

Total 1975 Outlays

| | Dollars in millions |
|---|---|
| 1976 Budget (February transmittal) | $673 |
| Without Deferral (current estimate) | 673 |
| With Deferral (revised estimate) | 673 |
| (Effect of action on 1976 Outlays | -0-) |





Deferral No.: D75-157

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of Defense | New budget authority<br>(P.L. 93-437 ) | $ 643,200,000 |
| Bureau | Other budgetary resources | 540,044,180 |
| Appropriation Title & Symbol<br>Other Procurement, Army appropriations | Total Budgetary Resources | 1,183,244,180 |
| | Amount to be deferred part of year | |
| | Amount to be deferred for entire year | 6,200,000 |

Justification

These procurement appropriations are available for obligation for three years. Numerous program increases and decreases have occurred that have resulted in funds unprogrammed at this time. Release of these deferred funds will be contingent upon additional program developments, cost increases, or transfers pursuant to section 834 of the Department of Defense Appropriation Act, 1975.

The following multi-year appropriation is currently being deferred under provisions of the Anti-Deficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

| | | |
|---|---|---|
| Other Procurement, Army | 215/72035 | $6,200,000 |

Estimated Effects

Of total budgetary resources of $1,183 million, $1,177 million have been made available to meet program requirements. Deferral of $6.2 million will have no program or budgetary impact as these funds could not be obligated even if made available. Rather, the deferral of these multi-year funds assures availability of funds in the future.

Total 1975 Outlays

| | Dollars in millions |
|---|---|
| 1976 Budget (February transmittal) | $391 |
| Without Deferral (current estimate) | 391 |
| With Deferral (revised estimate) | 391 |
| (Effect of action on 1976 Outlays | -0-) |







Deferral No.: D75-32B

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Deferral No.: D75-32B

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 10.4(C) OF P.L. 93-344

—

This supplementary message further modifies Deferral No. D75-32 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365; which was amended by Deferral No. D75-32A transmitted in the special message of December 27, 1974, and printed as House Document 94-17.

Total budgetary resources have increased by a net of $414,868,278 reflecting changes in estimated reimbursable orders and transfers of prior year balances. The increase in the amount deferred is due to the increase in reimbursable orders.





Deferral No.: D75-32B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of Defense | New budget authority<br>(P.L. 93-437 ) | $ 3,059,000,000 |
| Bureau | Other budgetary resources | 5,224,466,136* |
| Appropriation Title & Symbol<br><br>Shipbuilding and Conversion, Navy appropriations | Total Budgetary Resources | 8,283,466,136* |
| | Amount to be deferred part of year | |
| | Amount to be deferred for entire year | 1,793,590,000* |

Justification*

Due to the long period of time required to build ships, the Congress makes appropriations available for five-year periods.

Since these funds are, by law, made available beyond the current year, they are not fully apportioned in the current year. The unapportioned amount is withheld and released as the program develops and additional funds are required. The amounts deferred are to be released contingent upon the development of program needs that arise in current and future years.

Total budgetary resources have increased by a net of $414,868,278, reflecting changes in estimated reimbursable orders and transfers of prior year balances. The increase in the amount deferred is due to the increase in reimbursable orders.

The following multi-year appropriations are currently being deferred under provisions of the Anti-Deficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

| | | |
|---|---|---|
| Shipbuilding and Conversion, Navy | 173/71611 | $ 80,000,000 |
| Shipbuilding and Conversion, Navy | 174/81611 | 347,990,000 |
| Shipbuilding and Conversion, Navy | 175/91611 | 1,365,600,000 |
| | | $1,793,590,000 |

Estimated Effects*

Of total budgetary resources of $8.3 billion, $6.5 billion have been made available to meet program requirements. Deferral of $1.8 billion will have no program or budgetary impact, since these funds could not be obligated even if made available. Rather, the deferral of these multi-year funds assures availability of funds in future years to meet continuing program requirements.

*Revised from previous submission



V 40 81 APR 25 75 XUM



Total 1975 Outlays — Dollars in Millions



Deferral No.: D75-158

| Total 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 Budget (February transmittal) | $2,358.0 |
| Without deferral (current estimate) | 2,358.0 |
| With deferral (revised estimate) | 2,358.0 |
| (Effect of action on 1976 outlays | -0-) |





Deferral No.: D75-158

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of Defense | New budget authority<br>(P.L. 93-636 ) | $ 1,142,360,000 |
| Bureau | Other budgetary resources | 514,934,953 |
| Appropriation Title & Symbol<br>Family Housing, Defense appropriations | Total Budgetary Resources | 1,657,294,953 |
| | Amount to be deferred part of year | |
| | Amount to be deferred for entire year | 41,314,000 |

Justification

Due to the long period of time required to construct family housing units, the Congress makes appropriations for this purpose available until expended. The funds have been deferred due to cost savings in certain construction projects, inability to award certain other projects within statutory cost limitations, and increased availability of off-base housing which has eliminated the need for on-base housing at some installations. These funds will be apportioned in 1976 for their original purpose -- construction of family housing -- but not necessarily at the original base.

The following no-year appropriation is currently being deferred under provisions of the Anti-Deficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

| | | |
|---|---|---|
| Family Housing, Defense | 97X0700 | $41,314,000 |

Estimated Effects

Of total budgetary resources of $1,657 million, $1,616 million have been made available to meet program requirements. Deferral of $41.3 million will have no program or budgetary impact as these funds could not be obligated even if made available.

Total 1975 Outlays

| | Dollars in Millions |
|---|---|
| 1976 Budget (February transmittal) | $1,077.3 |
| Without Deferral (current estimate) | 1,077.3 |
| With Deferral (revised estimate) | 1,077.3 |
| (Effect of action on 1976 Outlays | -0-) |



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Deferral No. D75-37C



Deferral No.: D75-37C

Deferral No. D75-37C

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 1014(C) OF P.L. 93-344

This supplementary message modifies D75-37B transmitted in the special message of Total budgetary resources have increased by $14,000 because receipts are now expected to be greater than previously estimated. Total budgetary resources amount to $1,281,532, of which $844,245 have been apportioned.





Deferral No.: D75-37C

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of Defense | New budget authority<br>(16 U.S.C. 670 f (a)) | $ 765,000* |
| Bureau | Other budgetary resources | 516,532 |
| Appropriation Title & Symbol<br><br>Wildlife Conservation, etc., Military Reservations appropriations | Total Budgetary Resources | 1,281,532* |
| | Amount to be deferred part of year | |
| | Amount to be deferred for entire year | 437,287* |

Justification*

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law, to carry out a program of natural resource conservation.

Apportionments have been made for all known program requirements. The balance of the funds is being deferred under the provisions of the Anti-Deficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project,and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months.

Total budgetary resources have increased by $14,000 because receipts are now expected to be greater than previously estimated. Amounts will be apportioned as program requirements are identified.

| | | |
|---|---|---|
| Wildlife Conservation, etc., Military Reservations, Army | 21X5095 | $374,545 |
| Wildlife Conservation, etc., Military Reservations, Navy | 17X5095 | 38,312 |
| Wildlife Conservation, etc., Military Reservations, Air Force | 57X5095 | 24,430 |
| | | $437,287 |

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

*Revised from previous submission



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Deferral No.: D75-159

| Total 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 Budget (February transmittal) | $.9 |
| Without Deferral (current estimate) | .9 |
| With Deferral (revised estimate) | .9 |
| (Effect of action on 1976 Outlays | -0-) |





Deferral No.: D75-159

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency Department of Health, Education and Welfare | New budget authority (P.L. 94-7) | $ 98,339,000 |
| Bureau Health Resources Administration | Other budgetary resources | --- |
| Appropriation Title & Symbol Health Resources - 7550712 (Comprehensive Health Planning - Section 314(b) Areawide Grants; Regional Medical Programs) | Total Budgetary Resources | 98,339,000 |
| | Amount to be deferred part of year | $ 81,439,000 |
| | Amount to be deferred for entire year | --- |

Justification:

| Program/Activity | Total Budgetary Resources | Amount Proposed for Deferral |
|---|---|---|
| Comprehensive Health Planning - Section 314(b) Areawide Grants | $ 23,750,000 | $ 6,850,000 |
| Regional Medical Programs | 74,589,000 | 74,589,000 |
| Total | $ 98,339,000 | $ 81,439,000 |

This deferral of funds that would be available through the last quarter of fiscal year 1975 is proposed pending enactment of the Second Supplemental Appropriation bill now before the Congress.

Estimated Effects:

Comprehensive Health Planning
Federal funding support for the operations of the Areawide Comprehensive Health Planning Agencies 314(b) has been provided through April 30, 1975 from available prior year funds. The FY 1975 supplemental appropriation currently before the Congress contains $16,900,000 to provide for the transitional costs of the 314(b) agencies from May through December 1975, at which time the new planning agencies are to be operational under the recently enacted Health Planning and Resources Development Act, P.L. 93-641. The $23,750,000 available under the Continuing Resolution spending authority represents a full year's operating cost for these agencies, and thus exceeds the funding requirements for this activity by $6,850,000, the amount proposed for deferral. Deferral of the $6,850,000 will have no effect upon current program activities.



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Regional Medical Programs:

This proposal represents a deferral of Continuing Resolution spending authority until the Congress completes action on the Second Supplemental Appropriation bill. The Continuing Resolution provides $74,589,000, whereas the President has proposed a budget level of $12 million for costs associated with the transition of RMP into the new health planning program. The Conference Committee report on the Continuing Resolution states that: "It is not expected that the full amount of $75 million authorized by the Continuing Resolution for 1975 will be obligated." All fifty-three RMP's have sufficient funds from prior year appropriations to maintain operations until June 30, 1975. Deferring the $74,589,000 until the Supplemental Appropriation bill is approved will have no effect on current program activities.

| Total 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 Budget (current estimate)..... | 2 |
| Without deferral..... | 2 |
| With deferral (revised estimate).... | 2 |
| (Effect of action on 1976 outlays... | ---) |





Deferral No.: D75-160

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health, Education, and Welfare | New budget authority (P.L. _____) $ 236,493,000 |
| Bureau Office of Education | Other budgetary resources --- |
| Appropriation Title & Symbol Emergency School Aid 7550275 | Total Budgetary Resources 236,493,000 |
| | Amount to be deferred part of year 161,493,000 |
| | Amount to be deferred for entire year --- |

Justification:

This deferral of annual funds is proposed to allow time for the President and the Congress to reach agreement on the nature of the program and on a final funding level under the Second Supplemental Appropriation bill now pending before the Congress.

This program supports activities of local Education Agencies that are in the process of desegregating for the purposes of meeting the educational needs incident to elementary and/or secondary school desegregation, encouraging voluntary elimination of minority group isolation in elementary and secondary schools, and overcoming educational disadvantages that are the result of minority group isolation. In addition, funds are provided for rendering technical assistance in the preparation, adoption, and implementation of desegregation plans for public schools and provides services and training for people to deal with the special educational problems occasioned by desegregation.

Currently, this program's major portion of support is spread over all the States on a State apportionment formula basis. Thus, without regard to need, funds are made available to all States. The Administration has proposed substantive legislation, the Desegregation Assistance Act, to permit funding to be targeted on those areas where the need, both programmatically and financially, is greatest.

Estimated Effect

The amount identified represents a deferral of a portion of continuing resolution spending authority until the Congress completes action on the Second Supplemental Appropriation bill. The proposed deferral of $161,493,000 represents the difference between the continuing resolution authorized spending level of $236,493,000 and the President's proposed budget level of $75,000,000. This deferral will not prevent the ultimate obligation of the funds if the reduction proposal affecting this appropriation is not executed as proposed. Since this is a forward funded program, outlays in the current fiscal year will not be affected by this proposal.



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The estimated effects described above with regard to the timing of obligations and the readiness of the Office of Education to obligate funds are accurate despite statements to the contrary by the General Accounting Office in recent letters from the Comptroller General to the Speaker of the House and the President of the Senate. Contrary to the GAO letter, obligations in fiscal year 1974 for the Emergency School Aid program were not made in the third quarter, but rather in the fourth quarter. Allocation of funds was made to the regional offices in the third quarter of fiscal year 1974, but obligations did not occur until the fourth quarter. Also, contrary to the GAO letter, Office of Education officials estimate that all emergency school aid funds can be obligated by June 30 of this fiscal year.

| Total 1975 Outlays | Dollars in millions |
|---|---|
| 1976 Budget (current estimate)... | $207 |
| Without Deferral ..... | $207 |
| With Deferral ..... | $207 |
| (Effect on 1976 Outlays) ..... | $--- |

[FR Doc.75-10872 Filed 4-24-75;8:45 am]





## BUDGET RESCISSIONS AND DEFERRALS

### Report to Congress

TO THE CONGRESS OF THE UNITED STATES:

As required by the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), I am transmitting nine supplementary reports that revise deferral reports sent to the Congress in the fall of 1974. I am also transmitting herewith reports on one new rescission and two new deferrals for the fiscal year 1975.

GERALD R. FORD.

THE WHITE HOUSE,
*April 18, 1975.*



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SUMMARY OF PROPOSED



page 2

SUMMARY OF PROPOSED
RESCISSIONS AND DEFERRALS
($ in thousands)

| Report # | Item | Budget Authority |
|---|---|---|
| | Rescissions: | |
| | Transportation: | |
| | Federal Highway Administration: | |
| R75-82 | Railroad-Highway Crossings Demonstration Projects: | |
| | Appropriations | 1,000 |
| | Transfer | (10,443) |
| | Subtotal, Rescissions | 1,000 |
| | Deferrals: | |
| | Agriculture: | |
| | Agricultural Research Service: | |
| D75-11A | Construction | 770 |
| | Defense - Military: | |
| D75-33A | Military construction, all | 634,321 |
| | Defense - Civilian: | |
| D75-37B | Wildlife conservation, Military reservations | 432 |
| | Health, Education, and Welfare: | |
| | Indian Health Services Administration: | |
| D75-153 | Indian Health Facilities | 1,000 |
| | National Institutes of Health: | |
| D75-40B | Buildings and facilities | 7,806 |
| D75-41A | Scientific activities overseas | 15,148 |
| | Interior: | |
| | Bureau of Land Management: | |
| D75-13A | Oregon and California grant lands | 17,029 |
| | Fish and Wildlife Service: | |
| D75-56A | Federal aid in fish restoration and management | 6,077 |
| D75-57A | Federal aid in wildlife restoration | 18,791 |
| | Transportation: | |
| | Federal Highway Administration: | |
| D75-17A | Federal aid highways | 9,136,486 |
| | Treasury: | |
| | Office of the Secretary: | |
| D75-154 | State and local government fiscal assistance trust fund | 93,420 |
| | Subtotal, Deferrals | 9,931,280 |
| | Total, Rescissions and Deferrals | 9,932,280 |







SUMMARY OF PROPOSED
RESCISSIONS AND DEFERRALS
($000)

| | Budget Authority |
|---|---|
| Total rescissions and deferrals (as above) | $ 9,932,280 |
| Amounts previously reported (for these items) | $10,963,734 |
| Change: | $-1,031,454 |
| Consisting Of: | |
| New items | ($ 95,420) |
| Amounts previously reported | ($-1,126,874) |







V 40-81 APR 25 75 XUM V

Rescission No. R75-82

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

| | |
|---|---|
| Agency<br>Department of Transportation | New budgetary resources $_____ |
| Bureau<br>Federal Highway Administration | Unobligated balance from prior years $ 4,750,137 |
| | Total $ 4,750,137 |
| Appropriation Title & Symbol<br>Railroad-Highway Crossings Demon. Projects 69X 0557 | Amount proposed for rescission<br>Appropriation $ 1,000,000<br>Transfer ($10,443,000) |

Coverage

The rescission proposed here reaches portions of two appropriations: (1) from P.L. 93-98, a direct appropriation of $6,000,000; and (2) from P.L. 93-391, an $11,000,000 transfer of obligation authority. The amounts proposed for rescission consist of $1,000,000 of the $6,000,000 appropriation and $10,443,000 of the $11,000,000 transfer authority. The latter rescission will permit the $10,443,000 to return to the parent program, Federal-aid Highways, where it will be available for the broader purposes for which originally enacted.

Justification

Section 163 of the Federal-Aid Highways Act of 1973 specifies certain cities as sites for "demonstration projects" for the removal of railroad-highway crossings. As discussed in the Department of Transportation's recent report to the Congress on this program, these projects are the narrow categorical programs which are unduly hindering State and local governments in the execution of the highway program. See House Document No. 94-11 for a detailed analysis regarding the merits of these projects (see attached excerpts).

However, to assist these cities and states to evaluate the costs and benefits of proceeding with the projects, all projects will be provided funds for the Federal share of the cost of planning and engineering the projects. This approach will permit reasoned judgments by the states and cities as to whether to proceed with the projects using state or local funds or Federal grants under currently authorized programs. Furthermore, it will provide valuable insights and comparative data into the planning process and differing problems which may arise in these projects. If the states so elect, construction work can be financed from funds from one or more of the following national programs authorized under the Federal-Aid Highway Act of 1973: Urban System, Urban Extensions, Rail-Highway Crossings, Federal-aid Safer Roads and Off-System Roads.







The rescission of the $10,443,000 transfer authority returns these funds to the Federal-Aid Highway accounts from which they were derived. Favored earmarking for specific cities is removed and the returned earmarked funds are restored to all the states for the broader national safety programs as originally provided for in the Highway Act.

Estimated Effect

These projects could be accomplished using regular grant funds if the states so elect. However, depending on State and local priorities and the results of the planning/engineering phase, these projects may be deferred or not done at all.

The effect on outlays will reduce the 1975 and 1976 estimates by $500,000 in each year. The $10,443,000 transferred from the Federal-Aid Highways Safety Construction programs will remain available for obligation under these broader programs.

| 1975 Outlays | ($ in millions) |
|---|---|
| 1976 Budget (current estimate)--with rescission | 0.5 |
| Without rescission | 1.0 |
| (Effect on 1976 outlays | - 0.5) |



V 40 81 APR 25 75 XUM

Federal-Aid Highway Act of 1973
Sec. 163 Railroad-Highway Crossings Demonstration Projects

| | Engineering Cost | Amount Committed to Construction | 1974 (P.L. 93-98) Appropriation | | | 1974 & 1975 1/ Transfer Authority | |
|---|---|---|---|---|---|---|---|
| | | | Appropriated | Retain | Rescind | Retain | Rescind |
| Elko, Nev. | $ 700,000 | | $1,700,000 | $ 700,000 | $1,000,000 | -- | -- |
| Lincoln, Neb. | 500,000 | $550,000 | 700,000 | 700,000 | -- | $ 350,000 | -- |
| Wheeling, W. Va. | 700,000 | | 600,000 | 600,000 | -- | 100,000 | -- |
| Others | 5,325,000 | | 3,000,000 | 3,000,000 | -- | 2,325,000 | $10,443,000 |
| Total | $ 7,225,000 | $550,000 | $6,000,000 | $5,000,000 | $1,000,000 | $2,775,000 | $10,443,000 |

1/ 1974 Transfer Authority: $ 2,218,000 (P.L. 93-305)
1975 Transfer Authority: $11,000,000 (P.L. 93-391)

Total Transfer Authority $13,218,000





Excerpts from House Document 94-11, Dept. of Trans. "Annual Report on Railroad-Highway Demonstration Projects" (Chapter VIII, pages 14 and 15).

The Federal-Aid Highway Act of 1973 authorized railroad-highway demonstration projects in 12 cities. Four of these projects involve the elimination of a single crossing, while the remaining eight will alleviate more widespread railroad-community conflicts by the relocation and consolidation of railroad facilities within the city.

The extent of planning done prior to passage of the Federal legislation varied widely between cities.

Progress made during the first year of the railroad-highway demonstration projects involved primarily the establishment of policies and administrative procedures at the Federal, State and local levels and the initiation of preliminary engineering work in the various cities. Procedures for implementing the projects were issued by FHWA in January 1974. Prior to enactment of the Federal-Aid Highway Act of 1973, a few of the demonstration project cities had special local agencies with authority for administering a railroad relocation project. In other cases, the city or county is administering the project with the assistance of the appropriate State highway organization. The requirements of Subsection 163(a), in regard to the authority of three cities to administer their projects, have been satisfied.

A total of $90 million was authorized for these projects with $15 million specified for fiscal year 1974, $25 million specified for fiscal year 1975 and $50 million specified for fiscal year 1976. The initial appropriation for these projects was $6 million from the fiscal year 1974 authorization. The remaining $9 million was not appropriated and has now lapsed. Two later appropriations for these projects, totalling $13,218,000, were derived by transfer of funds authorized by Sections 203 and 230 of the Highway Safety Act of 1973. These funds are adequate to advance the projects through fiscal year 1975.

The best current estimate of the total cost of these projects is $148 million. This cost can be expected to increase.

Federal funds have been allotted for preliminary engineering work in each of the cities. Most of the local agencies have necessarily retained consultant engineers to assist in preparation of environmental impact studies, analysis of various alternates, development of preliminary plans, and preparation for public hearings. An overall conceptual plan can be selected and more reliable cost estimates developed when these studies and hearings are completed and there is agreement among the various involved parties.

The projects involving a single crossing should be completed within 3 or 4 years. However, the more complex railroad relocation projects will require several more years to complete.

*Further Federal assistance*

Because of the special-interest, categorical nature of these projects, it is recommended that no additional funds for these or any other specific demonstration projects be authorized or appropriated. Designation of specific demonstration projects subverts the right of the States to select and initiate projects. Rather, these projects should be advanced from regular Federal-aid funds, Federal community development funds, or State/local sources.

*Appropriations by transfer*

Of the total $19,218,000 appropriated for these projects to date, $13,218,000 has been derived by transfer from funds authorized for expenditure on highway safety improvements under Sections 203 and 230 of the Highway Safety Act of 1973.

The practice of deriving appropriations for these projects by transfer of funds authorized for other Federal-aid highway programs is not considered in the best interests of either these projects or the programs from which the funds are derived.

In the case of transferring 203 and 230 funds, this makes funds which were intended for highway safety available for urban railroad relocation, which is not primarily a safety program.

Future appropriations, if any, should be direct appropriations.

*Earmarked appropriations*

All three appropriations made for these projects have either by the language of the Act itself or by statement of committee intent, earmarked some of the appropriated funds for specific projects. If these cities are not in a position to spend these funds for some time due to unanticipated delays, the funds cannot be used for the timely advancement of other demonstration projects.

If these projects are continued, greater flexibility in advancing these 12 projects would be afforded by appropriations not earmarked for specific cities.



V 40181 APR 25 75 XUM V



DEPARTMENT OF TRANSPORTATION



Deferral No. D75-11A

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

Railroad-Highway Crossings Demonstration Projects

Appropriations under this head in the "Department of Transportation and Related Agencies Appropriation Act, 1974" are rescinded in the amount of $1,000,000, of which $667,000 is to be restored to the Highway Trust Fund.

Appropriations under this head for fiscal year 1975 by transfer from amounts available for obligation under Sections 203 and 230 of the Highway Safety Act of 1973 are rescinded in the amount of $10,443,000.





Deferral No. D75-11A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-11 transmitted in the special message of September 20, 1974, and printed as House Document No. 93-361. This deferral was submitted initially for information purposes only, as the determination to withhold this budget authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

The amount deferred remains $770,000 as reported previously. The present proposal also reflects an increase of $5,429,793 from $4,556,000 to $9,985,793, in the total budgetary resources. This increase is due to the enactment of P.L. 93-563, which provided additional appropriations of $6,420,000, and a decrease of $990,207 in the amount estimated, in the deferral report, to be brought forward on July 1, 1974.



V 40 81 APR 25 75 XUM



D75-11A



2

Deferral No.: D75-11A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| **Agency** Department of Agriculture | New budget authority (P.L. 93-563) | $ 6,420,000* |
| **Bureau** Agricultural Research Service | Other budgetary resources | 3,565,793* |
| **Appropriation Title & Symbol** Agricultural Research Service (Construction) 12X1400 | Total Budgetary Resources | 9,985,793 |
| | Amount to be deferred part of year | |
| | Amount to be deferred for entire year | 770,000 |

Justification

At the present time, the research facilities of the ARS are not fully utilized - a recent review indicated that the 3,352 laboratories operated nationwide are staffed at 85% of their capacity in terms of scientific man-years, 73% with ARS personnel and 12% with non-ARS personnel.

Although this situation is due, in part, to efforts to hold down Federal employment, it also is due to the agency's efforts to optimize such staffing by terminating projects which have served their purpose and relocating and consolidating similar lines of work at the various locations.

The Department, with the support of the Congress, is continuing to improve utilization by further sharing of the resources with other Federal agencies.

In view of this situation and the need to continue efforts to hold down Federal employment and budgetary costs during the fiscal year 1975, the use of funds for the following projects have been deferred through June 30, 1975:

1. Beckley, West Virginia; $700,000 for construction of a soil and water research laboratory.
2. Ithaca, New York; $40,000 for planning a soil and water conservation research facility.
3. Albany, California; $15,000 for updating the planning of a wool research laboratory. Initial planning has been completed.
4. Riverside, California; $15,000 for updating the planning of a soil and water conservation laboratory. Initial planning has been completed.

Estimated Effects

No significant impact. Outlay savings would be approximately $250,000 annually over a three-year period or until the year the construction is initiated.

* Revised from previous report.





2

| Total 1975 Outlays* | Dollars in Millions |
|---|---|
| 1976 Budget (current estimate) | 4.4 |
| With deferral | 4.4 |
| Without deferral | 4.5 |
| (Effect on 1976 outlays | -.5) |

* Revised from previous report.



V 40 81 APR 25 75 XUM

Deferral No.: D75-33A

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 1014(C) OF P.L. 93-344

This supplementary message modifies Deferral No. D75-33 transmitted in the special message of October 4, 1974, and printed as House Document 93-365.

Total budgetary resources available in these accounts have increased by $1,927,235,000 reflecting enactment of the 1975 Military Construction Appropriation Bill (Public Law 93-636). The total amount to be deferred part of the year for military construction accounts is $634,321,109 It is anticipated that these funds will be apportioned during this fiscal year, as project designs and coordination are completed.





Deferral No.: D75-33A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of Defense | New budget authority<br>(P.L. 93-636 ) | $ 1,927,235,000* |
| Bureau | Other budgetary resources | 1,738,599,076 |
| Appropriation Title & Symbol<br>Military Construction Appropriations | Total Budgetary Resources | 3,665,834,076* |
| | Amount to be deferred part of year | 634,321,109 * |
| | Amount to be deferred for entire year | |

Justification

These funds are deferred due to project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies.

Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination. It is anticipated that these funds will be apportioned before June 30.

The following amounts in the listed no-year appropriations are currently deferred under provisions of the Anti-Deficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

| | | |
|---|---|---|
| Military Construction, Army | 21X2050 | $ 107,197,663 |
| Military Construction, Navy | 17X1205 | 295,770,220 |
| Military Construction, Air Force | 57X3300 | 93,865,051 |
| Military Construction, Defense Agencies | 97X0500 | 38,012,549 |
| Military Construction, Army National Guard | 21X2085 | 16,505,935 |
| Military Construction, Air National Guard | 57X3830 | 14,974,410 |
| Military Construction, Army Reserve | 21X2086 | 39,635,804 |
| Military Construction, Naval Reserve | 17X1235 | 27,144,551 |
| Military Construction, Air Force Reserve | 57X3730 | 1,214,926 |
| | | $ 634,321,109 |

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated at this time, even if they were made available.

| Total 1975 Outlays | Dollars in millions |
|---|---|
| 1976 Budget (February transmittal) | 1,457.0 |
| Without deferral | 1,457.0 |
| With deferral | 1,457.0 |
| (Effect of action on 1976 outlays | --- ) |

*Revised from previous submission.



V 40 81 APR 25 75 XUM

Deferral No. D75-37B

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 1014(C) OF P.L. 93-344

This supplementary message modifies D75-37A transmitted in the special message of November 13, 1974, printed as House Document No. 93-387 and Senate Document No. 94-9.

Total budgetary resources have increased by $94,000 because receipts are now expected to be greater than previously estimated. Of the revised budgetary resources of $1,267,532, a total of $835,245 has been made available for obligation and the remaining $432,287 is deferred pending identification of additional program requirements.





Deferral No.: D75-37B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of Defense | New budget authority<br>(16 U.S.C. 670 f (a)) | $ 751,000* |
| Bureau | Other budgetary resources | 516,532 |
| Appropriation Title & Symbol<br>Wildlife Conservation, etc., Military Reservations appropriations | Total Budgetary Resources | 1,267,532* |
| | Amount to be deferred part of year | --- |
| | Amount to be deferred for entire year | 432,287* |

Justification*

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances which are generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law, to carry out a program of natural resource conservation.

Apportionments have been made for all known program requirements. The balance of the funds are being deferred under the provisions of the Anti-Deficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months.

Total budgetary resources have increased by $94,000 because receipts are now expected to be greater than previously estimated. Amounts will be apportioned as program requirements are identified.

| | | |
|---|---|---|
| Wildlife Conservation, etc., Military Reservations, Army | 21X5095 | $374,545 |
| Wildlife Conservation, etc., Military Reservations, Navy | 17X5095 | 33,312 |
| Wildlife Conservation, etc., Military Reservations, Air Force | 57X5095 | 24,430 |
| | | $432,287 |

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

| 1975 Outlays | Dollars in millions |
|---|---|
| 1976 Budget (Current Estimate) | 0.9 |
| Without deferral | 0.9 |
| With deferral (Current Estimate) | 0.9 |
| (Effect of action on 1976 outlays | ---) |

*Revised from previous report.





D75-153



2

V 40 81 APR 25 75 V XUM

Deferral No.: D75-153

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency Department of Health, Education, and Welfare | New budget authority (P.L. 93-404 ) | $ 57,431,000 |
| Bureau Health Services Administration | Other budgetary resources | 5,919,359 |
| Appropriation Title & Symbol | Total Budgetary Resources | 63,350,359 |
| | Amount to be deferred part of year | --- |
| | Amount to be deferred for entire year | 1,000,000 |

Justification

P.L. 93-404, the Department of Interior and Related Agencies Appropriation Act, 1975, appropriated $57,431,000 for Indian Health Facilities. Of this amount, $1 million was added by the Congress for initiation of construction of the new Acoma-Laguna-Cononcito hospital at Acomita, New Mexico.

In the Conference Report on H.R. 16027, the conferees recognized that $1 million would not be sufficient to complete the project and urged HEW to submit a supplemental budget request for the balance of the costs. The total costs in 1976 are estimated at $6.5 million.

As part of efforts to control overall Federal spending, however, the Administration is attempting to avoid requesting supplemental funds whenever there is the possibility of accomplishing programmatic responsibilities within existing resources. At HEW's request, the start-up funds have been placed in reserve for contingencies under provisions of the Anti-deficiency Act (31 U.S.C. 665) pending a review of whether or not savings will materialize to permit construction of the entire facility within the 1975 and 1976 budget levels. Rather than initiating first phase construction without the availability of the total funds, and risking increased costs and community expectations for immediate completion, a more viable approach is to defer the available funds until the funds can be made available for construction of the entire facility.

Estimated Effects

Indian Health Service beneficiaries in the Acomita community currently receive health care at an outpatient clinic located on the reservation and inpatient care at the IHS hospital at Albuquerque, New Mexico. Deferral of these funds will result in the delay of the new hospital at least through 1976. Although reservation beneficiaries will have to continue to travel to Albuquerque for inpatient care, no beneficiaries will be adversely affected. The quality of care now being provided to this group of beneficiaries will continue to be the best that IHS can provide.





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| 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 budget (current estimate) | 54.8 |
| without deferral | 54.8 |
| with deferral (current estimate) | 54.8 |
| (Effect of action on 1976 outlays | -- ) |



V 40 81 APR 25 75 XUM

Deferral No. D75-40B

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-40A transmitted in the special message of December 27, 1974, printed as House Document No. 94-17.

The amounts previously reported for budgetary resources have been adjusted upward to reflect the appropriation of $3,000,000 in the Labor-HEW Appropriations Act of 1975 [P.L. 93-517]. The amount deferred has been increased to $7,806,433, reflecting the routine reserve of a portion of the additional funds pending completion of plans for several construction projects.





Deferral No.: D75-40B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency Department of Health, Education, and Welfare | New budget authority (P.L. 93-517) | $ 3,000,000 |
| Bureau National Institutes of Health | Other budgetary resources | 20,419,276 * |
| Appropriation Title & Symbol | Total Budgetary Resources | 23,419,276 * |
| NIH/Buildings and Facilities 75X0838 | Amount to be deferred part of year | -- |
| | Amount to be deferred for entire year | 7,806,433 * |

Justification:*
Appropriation Act language for fiscal years 1970 through 1974 for the Department of Health, Education, and Welfare authorized funds for NIH Buildings and Facilities to "remain available until expended." These funds were appropriated for miscellaneous repairs and improvements and planning of Federal facilities for the National Institutes of Health.

The funds have always been apportioned to HEW as plans are developed for their use. HEW does not anticipate that all of the plans will be ready for funding in 1975. Part of the amount to be obligated in 1976 is for the second phase of the design of the Environmental Health Sciences Center in North Carolina. In addition, funds for waste handling facilities on the National Institutes of Health campus will be deferred in 1976 pending completion of feasibility studies to determine what types of facilities are needed. The balance of the amount to be obligated in 1976 is for the Tri-Service Incinerator whose construction has been delayed pending the outcome of environmental litigation and for utilities extensions on the NIH campus for which plans will not be fully developed during 1975. The deferred funds have been placed in reserve under provisions of the Antideficiency Act (31 U.S.C. 665) that authorizes the establishment of reserves for contingencies.

Estimated Effects:*
The delay in obligation of these funds is one of routine financial administration and no deleterious effects are anticipated. This deferral was anticipated in the 1975 budget and has as its objective prudent management of funds. This deferral has no impact upon outlays as funds would not be obligated, even if available, until plans for their use are finalized. The deferral will have no adverse effects on the purpose, objectives or scope of NIH programs.

| 1975 Outlays | Dollars in millions |
|---|---|
| 1976 Budget (current estimate)..... | 8.3 |
| Without deferral..... | 8.3 |
| With deferral (current estimate)..... | 8.3 |
| (Effect of action upon 1976 outlays.. | --- ) |

*Revised from previous submission.



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Deferral No.: D75-41A

Deferral No. D75-41A

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-41 transmitted in the special message of October 4, 1974 and printed in House Document No. 93-365. This deferral was submitted initially for information purposes only because the determination to withhold this budget authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

The revised report reflects an increase in total budgetary resources available for obligation. The increase results from larger than anticipated unobligated balances carried forward from FY 1974. The amount to be deferred for the entire year has increased from $14.6 million to $15.1 million as a result of the increase in total budgetary resources. In addition, the amount reported as deferred for part of the year in the previous report has been made available for obligation.





Deferral No.: D75-41A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | |
|---|---|
| Agency Department of Health, Education, and Welfare | New budget authority (P.L. --- ) $ --- |
| Bureau Office of the Assistant Secretary for Health | Other budgetary resources 29,172,046 |
| Appropriation Title & Symbol | Total Budgetary Resources 29,172,046** |
| *75X1102--Scientific Activities overseas (Special Foreign Currency Program) | Amount to be deferred part of year -0- |
| | Amount to be deferred for entire year 15,148,000** |

Justification:

Appropriation Acts for the Department of Health, Education, and Welfare have authorized funds for the Scientific Activities Overseas Program to "remain available until expended." Funding for this program comes from foreign currencies owned by the United States that have been determined by the Treasury Department to be in excess of normal U.S. needs in the countries concerned. There are now seven countries (Egypt, Burma, Guinea, India, Pakistan, Poland, and Tunisia) that the Treasury Department has designated "excess currency" countries in accord with its internal Treasury Department guidelines. The Treasury Department releases these funds to the Department of Health, Education, and Welfare (HEW) to use for scientific research projects in those countries and the funds remain available to HEW until expended.

The amount of funds to be obligated during 1975 and the amount to be deferred to 1976 was determined after a careful review of the scientific merit of project proposals in the limited number of excess currency countries. HEW has decided which research projects in those countries will contribute to U.S. scientific needs and thus should be funded. The amount being deferred is in excess of current program requirements and is thus reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

HEW is currently spending at the optimum rate. If HEW were required to spend the deferred funds in 1975, it would be hard-pressed to find worthwhile uses for them.

| 1975 Outlays | Dollars in millions |
|---|---|
| 1976 Budget (current estimate)..... | 10.3 |
| Without deferral..... | 10.3 |
| With deferral (current estimate)..... | 10.3 |
| (Effect of action on 1976 outlays..... | --- ) |

* Appropriation Symbol prior to FY 1975 "75X0837".
** Revised from previous submission.







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Deferral No. D75-13A

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-13 transmitted in the special message of September 20, 1974, and printed as House Document No. 93-361. This deferral was submitted initially for information purposes only, as the determination to withhold these funds from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

The amount previously reported as deferred has been reduced $6,663,609 reflecting the following. The amount previously shown as new budget authority has been reduced by $9,000,000 reflecting a downward revised estimate of FY 1975 timber receipts. The amount previously shown under other budgetary resources has increased by $2,766,091 as a result of the actual unobligated balance being carried forward being higher than earlier estimated. FY 1975 obligations are increased by $429,700 to finance pay increases effected in October 1974.





Deferral No.: D75-13A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency: Department of the Interior | New budget authority (P.L. _____) | $ 38,200,000* |
| Bureau: Bureau of Land Management | Other budgetary resources | 11,508,788* |
| Appropriation Title & Symbol | Total Budgetary Resources | 49,708,788* |
| 14X5136 Oregon and California Grant Lands | Amount to be deferred part of year | 0 |
| | Amount to be deferred for entire year | 17,029,088* |

*Justification: Annual appropriation language in recent years consistently provides that 25 percent of current year receipts from Oregon and California grant lands be used to fund this account. The account provides for management, development, and protection of Federal Oregon and California grant lands, including the construction, and maintenance of roads. The President's budget estimated 25 percent of 1975 receipts to be $28,750,000, and a program was designed to obligate that amount. The budget predicted that $5,243,000 of unobligated balances from prior years would be carried into FY 1975 and a like amount would be carried into FY 1976.

Subsequent to preparation of the budget, $3,500,000 planned for use in 1974 was deferred until 1975 and, because of pay increases effected by Executive Order 11811 in October 1974, $429,700 has been made available for increased pay costs; thus, the current estimate of 1975 obligations is $32,679,700. The 1975 budget authority estimate has been revised by the Department of the Interior to $38,200,000 because of a new estimate of sawtimber prices. The program plan for use of the funds has not been changed. Therefore, the total amount now expected to be deferred through FY 1975 is $17,029,088.

The program plan remains the same as budgeted because the management, protection, and development opportunities are largely independent of sawtimber prices. Because budget authority is based on current year receipts, the budget authority available for a year is never finally known until the end of the year. For these reasons, carryovers are retained as a cushion for the possibility that receipts turn out to be lower than anticipated. Failure to do this could result in over programming. As receipts estimates are changed after submission of the President's budget, the program level is held relatively constant as a matter of sound management practice and the changes in funding are accounted for by adjusting the amount deferred. This may either be an increase or decrease in the amount deferred. This is a reserve for contingencies (31 U.S.C. 665).

Estimated Effects: Obligation in FY 1975 of all the deferred funds would result in $12 million of expenditures in 1975. The remainder would be expended in 1976.

| 1975 Outlays | Dollars in Millions |
|---|---|
| Current estimate (as shown in 1976 budget) | 26.6 |
| Without deferral | 38.6 |
| With deferral (current estimate) | 26.6 |
| (Effect of action on 1976 outlays | 0) |

*Revised from previous submission.





Deferral No. D75-56A



Deferral No.: D75-56A

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Deferral No. D75-56A

SUPPLEMENTARY REPORT
Report Pursuant to Sec. 1014(C) of P.L. 93-344

This supplementary report modifies Deferral No. D75-56 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as the apportionment that placed funds in reserve was made prior to enactment of the Congressional Budget and Impoundment Act of 1974. Since that previous report, an action has been taken with respect to that deferral, which now places it under the provision of the Act.

The current apportionment decreases the amount in reserve by $846,884. This reflects a decrease in total budgetary resources of $746,884 due to a decrease in actual receipts from previous estimates, and a decrease in the unobligated balance brought forward. An additional $100,000 has been made available for obligation from the amount previously in reserve.





Deferral No.: D75-56A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| **Agency** Interior<br>Fish and Wildlife Service | **New budget authority**<br>(P.L.16 USC 777 et.seq.) | $ 18,188,692* |
| **Bureau**<br>Fish and Wildlife Service | **Other budgetary resources** | 4,998,424* |
| **Appropriation Title & Symbol**<br>Federal Aid in Fish Restoration and Management (Receipt Limitation) 14X5138 | **Total Budgetary Resources** | 23,187,116* |
| | **Amount to be deferred part of year** | |
| | **Amount to be deferred for entire year** | 6,077,116* |

Justification

A permanent appropriation of revenue accruing from a tax imposed on fishing rods, creels, reels, artificial lures, baits and flies is used to reimburse States for up to 75% of the costs of fish restoration and management projects (16 U.S.C. 777, et seq.).

The deferred funds are the unobligated balances anticipated after estimated reimbursements to the States are made in 1975. Two factors may cause fluctuations in the amount of reimbursement made in a given year. First, States frequently do not have sufficient funds to meet Federal grant matching requirements. Second, project reports must be submitted to the Fish and Wildlife Service for their review before reimbursements can be made. These reports may be inadequate or not submitted. For these reasons, revenue frequently exceeds obligations, and the excess revenue is reserved for contingencies for use in the following year under provisions of the Anti-Deficiency Act (31 USC 665).

Estimated Effects

Further reimbursements will be made to the States if matching funds are provided and other legal requirements are met. The amount in reserve simply reflects the excess of revenue after reimbursements are made. Thus, this deferral has no programmatic, fiscal or budgetary effect.

| 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 Budget (current estimate)------- | 16.0 |
| Without deferral---------- | 16.0 |
| With deferral---------- | 16.0 |
| (Effect of action upon 1976 outlays------- | 0 ) |

* Revised from previous report



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Deferral No. 75-57A

SUPPLEMENTARY REPORT
Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary report modifies Deferral No. D75-57 transmitted in the special message of October 4, 1974, and was printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as the apportionment which placed funds in reserve was made prior to enactment of the Congressional Budget and Impoundment Act of 1974. Since that previous report, an action has been taken with respect to that deferral which now places it under the provisions as of the Act.

The current apportionment makes available for obligation $584,187 of the amount reported in reserve previously, for use by the agency in the last quarter of the fiscal year. This action reflects a decrease in the unobligated balance brought forward and an increase in receipts (actual) above the prior receipt estimates. The amount now in budgetary reserve is $18,790,813.





Deferral No.: D75-57A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| **Agency** Interior | New budget authority (P.L. 16 USC 669) | $ 56,854,672* |
| **Bureau** Fish and Wildlife Service | Other budgetary resources | 14,836,141* |
| **Appropriation Title & Symbol** | Total Budgetary Resources | 71,690,813* |
| Federal Aid in Wildlife Restoration 14X5029 | Amount to be deferred part of year | |
| | Amount to be deferred for entire year | 18,790,813* |

Justification: Cost sharing assistance is provided to States and territories for wildlife restoration projects from permanent appropriations equal to 11% of the excise tax on the manufacture of firearms and ammunition (16 U.S.C. 669b).

States and territories receive assistance if they can provide the matching funds and if other program requirements are met. The 1975 program level of $52,900,000 is the estimate of Federal funds needed to match funds which the States are likely to obligate in the current fiscal year. The reserve simply reflects the fact that there are now more receipts in this permanent account than can be utilized by the recipients in the fiscal year, and, thus, will remain unobligated at the close of the current fiscal year. This deferral action was taken under the authority of the Anti-Deficiency Act (31 U.S.C. 665).

Estimated Effects: Because funds are available for use whenever State or territorial programs qualify, the reserve does not have any programmatic, fiscal, or budgetary effect. Similarly, disapproval of this deferral would have no budgetary, fiscal, or programmatic effect since the funds could not be used unless the recipients' programs qualify to receive funds.

| 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 Budget (current estimate) | 47.7 |
| Without deferral | 47.7 |
| With deferral (current estimate) | 47.7 |
| (effect of action upon 1976 outlays | 0 ) |

*Revision to previous report.





Deferral No. D75-17A



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Deferral No. D75-17A

Supplementary Report

Report pursuant to Sec. 1014(c) of P. L. 93-344

This supplementary message revises Deferral No. 75-17 transmitted in the special message of September 20, 1974, and printed as House Document No. 93-361.

This revision reflects a $1,591,103,986 decrease in the amount deferred through June 30, 1975, for the Federal-aid Highways account of the Department of Transportation resulting in a decrease in deferrals from $10,727,590,427 to $9,136,486,441. The revised deferral reflects the additional authorizations of the Federal-Aid Highway Amendments of 1974 ( Public Law 93-643 )and adjustments in fiscal year obligations. The new Off-Systems Roads funds which will be administered as a categorical grant program within the Federal-aid Highways program have been included in this deferral. In addition, the deferral notes the changed economic conditions since the initial report and the release of an additional $2 billion.





Deferral No. D75-17A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | |
|---|---|
| Agency<br>Department of Transportation | New budget authority (P.L. 93-87 & 93-643) $6,710,000,000 |
| Bureau<br>Federal Highway Administration | Other budget resources 9,026,486,441 |
| Appropriation Title & Symbol | Total Budgetary Resources 15,736,486,441 |
| Federal-aid Highways<br>69-20X8102 | Amount to be deferred part of year ____ |
| Highway Safety Construction<br>69X8018 | Amount to be deferred for entire year 9,136,486,441 |
| Off-System Roads<br>69X0502 | |

Coverage

This revised deferral report covers three accounts, that fund grants to the states for the construction, reconstruction, and improvement of highways. The Federal-Aid Highways Amendments of 1974 (P.L. 93-643) increased contract authority available for certain Federal-aid programs, and established the Off-System Roads program for the first time. The purpose of this revision is to recognize funding provided in P.L. 93-643, show the additional release of $2.0 billion for obligation, and reflect the changed economic conditions since submission of the earlier deferral. The Federal Highway Administration is currently developing regulations that will permit the states to use the Off-System Roads fund in a manner similar to that of categorical grant programs within the Federal-aid Highways account. States will be free, at their option, to use their share of the amounts released for obligation in 1975 in any combination of Federal-aid Highways projects and Off-System Roads projects.

Included within the $9.1 billion deferral of obligational authority is $6.7 billion of FY 1976 authority that became available for obligation on apportionment by the Secretary of Transportation in December, 1974, and January, 1975.

Justification

Since 1967, the Executive Branch has been controlling the rate at which highway authorizations are made available for obligation. Recognizing the impact that Federal taxing and spending policies



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have on the national economy, control of highway spending has been one of many tools used by the Executive Branch to influence the performance of the economy. Since the first deferral of highway authorizations through the present deferral, each President has made additional funds available when such actions were consistent with the national economic policy.

To control inflation, it will be necessary to continue to defer some spending and avoid unnecessary and excessive program increases. Even with these actions the budget deficit is estimated to reach levels unprecedented in peacetime. This makes it essential that we show restraint in the highway program and continue to defer, at this time, the obligation of $9.1 billion in available authorizations.

The release of $2 billion in highway funds should utilize unused capacity of the highway construction industry in the nation. The industry could not effectively respond to releases in excess of that sum, and further inflationary pressures would result. The year ending June 30, 1974, saw a 38 percent increase in highway bid prices. With the recent release of $2 billion, the rate of price increase is not expected to exceed that of the economy as a whole. However, release of the $9.1 billion will surely lead to a return to rapid price increases in the construction industry.

With respect to the amounts still deferred in this program, the Administration plans to submit legislation shortly which will address annual Federal spending levels for highways. It is the Administration's view that with a stable economy, levels lower than those authorized in recent years are in order. Working with the Congress, we hope to produce a Federal highway program for the remainder of the decade that will be in balance with overall national transportation needs, which, in turn, will help resolve any problems relating to reserved authorities.

In reaching an understanding on highway program funding levels for the future, the longer range impact of excessive highway spending should be kept in perspective. First, highway construction requires relatively large amounts of scarce petroleum resources. Second, over the long run, increased highway capacity over that required for efficiency, generates additional automobile travel, which again utilizes scarce petroleum resources. While it is clear that as a nation we must continue to maintain our road network, it will be necessary to temper any expansion of the highway system with the critical need to conserve petroleum resources and minimize dependence on foreign fuel sources.





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Estimated Effects

With the $2 billion additional release already made, outlays are projected to increase by $50 million in 1975, $1 billion in 1976, $150 million in the transition quarter, and $400 million in 1977. Complete release would have the effect of further increasing outlays by $420 million in 1976, $270 million in the transition quarter, and $750 million in 1977.

Since the states will eventually receive all apportioned funds in every program category (no apportioned Federal-aid Highways funds have permanently lapsed due to Executive deferrals), Congressional allocations among programs and states are preserved.

| 1975 Outlays | ($ in millions) |
|---|---|
| 1976 Budget | 4,516 |
| Current Estimate (including $2B Release)-- | |
| with deferral | 4,566 |
| without deferral | 4,566 |
| (Effect on 1976 outlays | -420M) |





D75-154

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Deferral No.: D75-154

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

| | | |
|---|---|---|
| Agency<br>Department of the Treasury<br>Bureau<br>Office of the Secretary<br>Appropriation Title & Symbol<br>State and Local Government Fiscal Assistance Trust Fund 20 X 8111 | New budget authority (1973-5) (P.L. 92-512) | $ 20,554,230,000 |
| | Other budgetary resources | |
| | Total Budgetary Resources | 20,554,230,000 |
| | Amount to be deferred part of year | - |
| | Amount to be deferred for entire year | 93,419,866 |

Justification

To insure the integrity of the Trust Fund and to eliminate the prospect of recurring recomputations of entitlements of all 39,000 governments for prior entitlement periods, the Office of Revenue Sharing has established an Obligated Adjustment Reserve equal to one-half of one percent of the amounts appropriated for each entitlement period.

This cumulative reserve is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust Fund for prior entitlement periods. The amount retained in the Trust Fund as Obligated Adjustment Reserve will be reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust Fund. The reduction will be made by paying the excess amount to recipients as part of a regular distribution.

Estimated Effects

This account is not apportioned on an SF 132 because it is a trust fund, exempted from apportionment. The administrative reserve is treated as obligated in Treasury's accounts. The only effect is to postpone distribution (expenditure) of the amount of the reserve until necessary adjustments and corrections have been identified.

| Total 1975 Outlays | Dollars in Millions |
|---|---|
| 1976 Budget (current estimate) | 6,176 |
| Without deferral | 6,269 |
| With deferral (current estimate) | 6,176 |
| (Effect of action upon 1976 outlays | 0) |

[FR Doc.75-10873 Filed 4-24-75;8:45 am]



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federal register

April 28, 1975—Pages 18389–18539

MONDAY, APRIL 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 82

Pages 18389–18539

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# presidential documents

## Title 3—The President

Proclamation 4369 • April 24, 1975

**Agreement on Trade Relations Between the United States of America and the Socialist Republic of Romania**

*By the President of the United States of America*

### A Proclamation

Pursuant to the authority vested in me by the United States Constitution, I, as President of the United States of America, acting through duly empowered representatives, entered into negotiation with duly empowered representatives of the Socialist Republic of Romania looking toward the conclusion of an agreement governing trade relations between the United States of America and the Socialist Republic of Romania;

The aforesaid negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93-618, January 3, 1975; 88 Stat. 1978);

An "Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania," including the annexes thereto, in the English and Romanian languages, was signed on April 2, 1975, by duly empowered representatives of the Governments of the United States of America and the Socialist Republic of Romania, respectively, and is hereto annexed; [1]

The said Agreement is in conformity with the requirements relating to bilateral commercial agreements as specified in section 405(b) of the Trade Act of 1974 (88 Stat. 1978, 2061);

It is provided in Article XII of the said Agreement that it shall enter into force on the date of exchange of written notices of acceptance by the Governments of the United States of America and the Socialist Republic of Romania; and

It is provided in section 405(c) of the Trade Act of 1974 (88 Stat. 1978, 2061) that a bilateral commercial agreement providing nondiscriminatory treatment to the products of countries heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress by the adoption of a concurrent resolution of approval, referred to in section 151 of the Trade Act of 1974 (88 Stat. 1978, 2001); of the extension of nondiscriminatory treatment to the products of the country concerned;

[1] Filed with the Office of the Federal Register as part of the original.



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NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 404(a) of the Trade Act of 1974, do hereby proclaim as follows:

(1) This Proclamation shall become effective and said agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the Socialist Republic of Romania in accordance with the terms of the said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XII of the said Agreement, all of the foregoing to follow the adoption by the House of Representatives and the Senate, in accordance with the procedures set forth in section 151 of the said Act, of a concurrent resolution of approval of the extension of nondiscriminatory treatment to the products of the Socialist Republic of Romania, to the end that the same and every part of the said Agreement may be observed and fulfilled with good faith by the United States of America and the citizens thereof and all other persons subject to the jurisdiction thereof as of the date of its entry into force; and

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "Rumania" as of the effective date of this proclamation and a notice thereof shall be published in the Federal Register promptly thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord one thousand nine hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-11170 Filed 4-24-75;1:01 pm]

EDITORIAL NOTE: For the texts of the President's message to Congress and letter to the Speaker of the House and President of the Senate concerning the U.S.-Romanian trade agreement, see the Weekly Compilation of Presidential Documents (vol. 11, no. 17).





Executive Order 11854 • April 24, 1975

**Waiver Under the Trade Act of 1974 With Respect to the Socialist Republic of Romania**

By virtue of the authority vested in me by section 402(c)(1) of the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978, 2057), and having made the report to the Congress required by that provision, I hereby waive the application of subsections (a) and (b) of section 402 of said Act with respect to the Socialist Republic of Romania.

Gerald R. Ford

THE WHITE HOUSE,
*April 24, 1975.*

[FR Doc.75-11171 Filed 4-24-75;1:01 pm]

EDITORIAL NOTE: For the texts of the President's message to Congress and letter to the Speaker of the House and President of the Senate concerning the U.S.-Romanian trade agreement, see the Weekly Compilation of Presidential Documents (vol. 11, no. 17).



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Memorandum of March 31, 1975

## Finding and Determination Under Sections 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as Amended—Egypt

[Presidential Determination No. 75-12]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
*Washington, March 31, 1975.*

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Find, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Egypt for the sale, under Title I of the Act, of 300 thousand metric tons of wheat/wheat flour (wheat grain equivalent) is in the national interest of the United States; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to Egypt of wheat/wheat flour in furtherance of such an agreement is in the national interest of the United States.

This Determination shall be published in the *Federal Register*.

Gerald R. Ford

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

Egypt is central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In response to current Egyptian needs, it is proposed to export to that country 300 thousand metric tons of wheat/wheat flour (wheat grain equivalent) financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480). Added to previous allocations, the total amount of wheat/wheat flour (wheat grain equivalent) provided to Egypt under Title I in FY-75 will be 600 thousand metric tons. This amount is based on Egypt's needs for not more than one fiscal year.

In order to enter into an agreement with the Government of Egypt for such a sale under Title I, it is necessary that the President find and determine that such sales would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). However, if such activities are limited to furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic agricultural or food commodities, sales agreements may be made if the President finds they are in the national interest of the United States. Section 103(d)(4) also prohibits sales of commodities under Title I to Egypt



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unless the President determines such sales are in the national interest of the United States.

The considerations noted above, however, make the proposed sale important to the national interest of the United States notwithstanding the prohibitions contained in Sections 103(d) (3) and (4) of P.L. 480.

Section 410 of P.L. 480 prohibits sales under Title I of P.L. 480 to a country in violation of Section 620(e) of the Foreign Assistance Act of 1961, as amended, which concerns expropriation or nationalization of property of Americans without taking appropriate steps to discharge its obligations under international law. Egypt agreed to the establishment of a Joint Committee to discuss compensation of American nationals and, on July 15, Secretary Kissinger determined that such an agreement constituted appropriate steps under Section 620(e). The Department is currently verifying and developing valid United States claims for negotiation in the Joint Committee. Therefore, no waiver of that provision is required to permit this additional sale of wheat/wheat flour to Egypt under Title I of P.L. 480.

[FR Doc.75-11173 Filed 4-24-75;2:09 pm]





# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

## PART 0—COMMISSION ORGANIZATION

### Copies of Materials on Inspection

1. The Commission recently awarded a contract for the duplication of Commission records to Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tele.: 202-452-1422). It is therefore appropriate to amend § 0.465 of the Rules, to identify the new copy contractor.

2. Authority for the amendment to the Rules set forth below is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in § 0.231(d) of the rules and regulations, 47 CFR 0.231 (d). Because the amendments are strictly informational and editorial in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. In view of the foregoing, Part 0 of the rules and regulations is hereby amended effective May 2, 1975 as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 17, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
*Acting Executive Director.*

In Part O of Chapter I of Title 47 of the Code of Federal Regulations, § 0.465 (a) is revised to read as follows:

**§ 0.465 Request for copies of materials which are available, or made available, for inspection.**

(a) The Commission annually awards a contract to a commercial firm to make copies of Commission records and offer them for sale to the public. The contract is awarded on the basis of the lowest cost to the public. Currently, the contractor is Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20006 (Tele.: 202-452-1422). Except as provided in paragraphs (b) and (c) of this section and in § 0.467, requests for copies of the records listed in §§ 0.453 and 0.455, and those made available for inspection under § 0.461, should be directed to the contractor.

• • • • •

[FR Doc.75-10991 Filed 4-25-75;8:45 am]

[Docket No. 19513; FCC 75-417]

## PART 73—RADIO BROADCAST SERVICES
## PART 76—CABLE TELEVISION SERVICES

### Sponsorship Identification Rules

1. This proceeding was begun on May 17, 1972, when the Commission adopted a notice of proposed rule making (37 FR 10583; 34 F.C.C. 2d 1104) proposing amendments of the "Sponsorship Identification" rules for the broadcast services and for cable television service. The Commission here considers that notice and the comments responsive thereto.[1]

2. The sponsorship identification rules of the Commission implement section 317 of the Communications Act of 1934, as amended.[2] Broadly speaking, these rules are designed to assure that all broadcast matter for which any money, service or other valuable consideration is provided by a person or group to the station broadcasting it shall be announced at the time of broadcast as having been paid for or furnished by that person or group.[3] Although the rules apply to all kinds of broadcast matter—that which advertises commercial products or services, political broadcasts, and broadcasts involving controversial issues of public importance—the present proceeding deals primarily with the rules as they apply to political broadcasts and broadcasts involving controversial issues of public importance.

3. The Notice proposed two principal amendments. The first deals with the type of identification required for political and controversial issue broadcasts. This proposal was made as a result of an interpretation given to existing rules by the court in "United States v. WHAS, Inc.," 385 F. 2d 784 (6th Cir. 1967). The second proposal concerns a relaxation of the present list retention requirements for noncommercial broadcast matter. This proposal is based on a petition for declaratory ruling filed by Marcus Cohn, Esquire, a communications attorney, which it was decided should be treated as a petition for rule making (RM-1381). These proposals are discussed below.

THE WHAS DECISION

4. In the 1963 campaign for the Democratic nomination for Governor of Kentucky, the two leading candidates were A. B. "Happy" Chandler, a former Governor and U.S. Senator, and Edward T. Breathitt. Television Station WHAS-TV, Louisville, carried a television program entitled "The Chandler Years in Review," critical of Mr. Chandler's past record and thus designed to promote the candidacy of his opponent, Mr. Breathitt. This program was nominally sponsored, and the time paid for, by "The Committee for Good Government," and was so announced over WHAS-TV. However, in reality this Committee was only a straw entity for the Breathitt campaign organization, and that organization was not announced, although WHAS-TV was aware of the fact. The Commission held that WHAS-TV was liable for forfeiture under Section 504 of the Communications Act, for violation of § 73.654(f) of the rules. (*WHAS, Inc.*, 40 F.C.C. 190 (1964)). That section reads as follows (emphasis added):

(f) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

5. WHAS asserted its right to a district court trial upon the matter, and in April 1966 the U.S. District Court (W.D. Ky.) ruled for WHAS, holding in substance that the Commission's Rules do not re-

[1] Comments and/or reply comments were filed by the following: Columbia Broadcasting System (CBS); National Broadcasting Company, Inc. (NBC); National Association of Broadcasters (NAB); National Association of Educational Broadcasters (NAEB); Metromedia, Inc. (Metromedia); Storer Broadcasting Company (Storer); and five broadcasters (including some multiple owners) and the Radio Television News Directors Associations filing jointly (Joint Comments); Cohn & Marks, a communications law firm; Black Hawk Broadcasting Company (Black Hawk); and Friends of the Earth (FOE).

[2] Section 317 applies, by its terms, only to broadcast stations. However, sponsorship identification rules have also been adopted for cable television systems insofar as they engage in origination cablecasting.

[3] Both the Act and the rules also require that such announcements be made if the consideration is paid not to the station but to others, e.g., to an employee of the station, and the station is notified of such payment as required by Section 508 of the Act.



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quire a station to announce the name the material broadcast. We believe it clear



1149; 33 Fed. Reg. 18032). In December

to amend paragraph (d) to apply in the case of "broadcast matter which is or

connection with the broadcasting of such program: *Provided, however,* That only one

the proposed new combined paragraph (e) without the "or should have known"

quire a station to announce the name of the candidate the broadcast is intended to support, in addition to the party sponsoring the program—here the Committee for Good Government ("United States v. WHAS, Inc.," 253 F. Supp. 603 (1966)). This decision was appealed to the U.S. Court of Appeals which affirmed the lower court. ("United States v. WHAS, Inc.," 385 F. 2d 784 (6th Cir. 1967)). The Court of Appeals opinion was somewhat more explicit as to the theory used in construing the rules. It relied heavily on paragraph (g) of § 73.654 (paragraph (f) of the radio rules), which reads as follows (emphasis added):

(g) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for, or furnished, either in whole or in part, or for which material or services referred to in paragraph (d) of this section are furnished, by a corporation, committee, association, or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association, or other unincorporated group. In each case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at the studios or general offices of one of the television broadcast stations carrying the program in each community in which the program is broadcast. Such lists shall be kept and made available for a period of 2 years.

This Court concluded that this section is more particularly applicable to the facts of the situation involved than is the preceeding paragraph quoted earlier above, and that paragraph (g) required simply that:

In the case of any program • • • which is sponsored, by a committee • • • the announcement required by this section shall disclose the name of such • • • committee. (385 F. 2d 784, 787)

The Court stated that it did not by any means wish to preclude the FCC from adopting a rule requiring a station to make reasonable efforts to go beyond a named "sponsor" to find and announce the real party in interest; but

Whatever the difficulties may be, it seems obvious to us that the Commission should seek to face and resolve them in a published Regulation rather than relying on the intuition of its licensees. (*Id.* at 788)

Thus the Court, although differing with us as to the meaning to be given to the rules as written, clearly indicated its view that Section 317 of the Communications Act, which the "sponsorship identification" rules are designed to implement, could encompass the requirement which the Commission contended the rules did in fact contain.

6. Because of the "WHAS" decision, this proceeding was instituted to revise the rules in question. As stated in the Notice, our purpose was

• • • to clear up any misunderstanding about whether the statute and rules require a licensee, who knows or has reason to know the facts, to adequately identify the person or persons paying for or furnishing the material broadcast. We believe it clear that the requirement for full and fair descriptions of the person or persons paying for or furnishing the consideration for the matter broadcast is reasonable and dictated by the public interest; and that where a political broadcast is presented, promoting one candidate directly or through criticism of his opponent, by a committee which is really a campaign instrumentality for a candidate or a political organization, the public should be made plainly aware of the latter fact. The public's basic right to know by whom it is being informed, particularly as to a political matter or controversial public issue, is too basic to need lengthy discussion here. (34 F.C.C. 2d at 1105)

7. Additionally, we observed in the Notice that there might be some uncertainty about the meaning of the term "sponsored" under the "WHAS" decision, and we accordingly proposed to dispel this by defining the word "sponsor" for purposes of the sponsor identification rules. We stated in the Notice that the effect of "WHAS" was to allow a licensee that knew or should have known that the committee had not paid for the broadcast time and had not prepared the material broadcast to be announced as the sponsor of the program. Paragraph (g) of the rule on which the Court relied contained the words "sponsored, paid for, or furnished." Since the Court in its decision used the word "sponsored," (see para. 5, supra) it may be that the Court was careful to select that word in the belief that "sponsored" could mean merely lending the name of the committee to the program that was broadcast without paying for or preparing material for the broadcast. Viewed in that light, the court may then have decided that paragraph (g) was applicable to the set of facts before it. To make clear that such meaning is not intended to attach to the term "sponsor," we proposed to define the term, for purposes of the present rules, to mean "paid for" in accordance with accepted usage.

THE LIST RETENTION REQUIREMENT

8. As indicated above, paragraph (g) of the sponsorship identification rules for television (paragraph (f) in the radio rules) provides that for other than advertising of commercial products or services, identification announcements must be made of the name of a "sponsoring" corporation, committee, association, or other unincorporated group. That paragraph also provides that in such cases the station must require that a list of the chief executive officers or members of the executive committee, or of the board of directors of the corporation, committee, association or other group shall be made available for public inspection at the studios or general offices of one of the television broadcast stations carrying the broadcast material in each community in which the material is broadcast.

9. Although this list retention requirement had been in the sponsorship identification rules since they were first adopted in 1944, attention appears to have been drawn to it when by Order adopted November 26, 1968, a two-year retention period was specified (FCC 68-1149; 33 Fed. Reg. 18032). In December 1968, Marcus Cohn, Esquire, filed a formal Petition for Declaratory Ruling which we decided to treat as a petition for rule making (RM-1381). That petition, averring that the retention provision is unclear and overly broad, set forth a list of five situations concerning which it asked whether lists of officers, etc., would have to be retained. In response to that petition, we stated the following in the Notice:

• • • [W]e are of the view that with respect to getting and maintaining lists of groups furnishing other than commercial material, the rule in its present form may well be too broad and unduly burdensome on stations. It appears simply unimportant for the public to be able to ascertain the names of officers and directors of the Red Cross, United Givers Fund, the American Cancer Society and similar groups, just because they furnish material for broadcast, such material often of a completely non-controversial nature. Therefore, we believe that the petition is essentially correct in urging that this requirement should be limited to material covered by paragraph (d) of the rules—that relating to political broadcasts or controversial issues of public importance.[4] (34 F.C.C. 2d at 1107)

10. While we thus proposed to relax the list retention provision, we expressed the view that insofar as the Cohn petition requested a relaxation of the announcement requirements such a relaxation was not warranted. Thus, although we proposed that list retention not be required for groups in certain types of cases, identifying announcements of such groups would still be required.

11. Moreover, although proposing to relax the rule in the manner mentioned above, we also proposed to tighten it in one respect. Under the present television rule the lists must be kept only in one TV station in each community in which the material has been televised. (A similar rule applies to the radio services.) We proposed to amend the rule to require that the lists be maintained at each station that telecast the material.

12. Present paragraph (d), referred to in the quotation above (see para. 9 and footnote 4 supra), requires identification announcements in the case of "any political program or any program involving the discussion of controversial issues." In proposing to amend the list retention requirement we also proposed to amend paragraph (d) to apply in the case of "broadcast matter which is or relates to a political broadcast or does or may involve the discussion of public controversial issues." The list retention requirement in the proposal was to be applied to material covered by the proposed revision to paragraph (d).

[4] Paragraph (d) of the present rules reads as follows: (d) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, either at the beginning or conclusion of the program.





THE PROPOSAL

13. Although the sponsorship identification rules are identical for all of the broadcast services, the paragraph designations for § 73.654 (television) differ in some respects from those for §§ 73.119, 73.289 and 73.789 (radio). Thus while paragraph (d) is the same for all services, paragraphs (f) and (g) for television correspond to paragraphs (e) and (f) for radio. In the Notice we proposed to combine the rules for the different broadcast services into one new section in Subpart H, and substitute for the present sections of the rules a cross reference to the combined rule. (We also proposed to amend the cable television sponsorship identification rules to accord with the revisions proposed for the broadcast services.)

14. In order to prevent future interpretations like that which the court made in the "WHAS" case and to relax the list retention requirement, we proposed a single paragraph (e) in the combined rule to replace paragraphs (f) and (g) in the television rule and paragraphs (e) and (f) of the radio rules. The separate paragraph describing the requirements for committees was thus eliminated and portions thereof were combined with the paragraph treating the agency situation. We also proposed to add a new subparagraph (a)(1) defining the word "sponsored," and proposed paragraph (d) in the combined rule to replace paragraph (d) of the existing rules. The new paragraph (d) contained the revised language mentioned above (see para. 12). The text of the proposed new paragraphs (a)(1), (d), and (e) was as follows (the other paragraphs of the combined new rule were to reflect, unchanged, the contents of the corresponding paragraphs of the present rules):[5]

• • • • •

(a)(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

• • • • •

(d) In the case of broadcast matter which is or relates to a political broadcast or does or may involve the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such matters, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or services are used that such films, records, transcription, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, either at the beginning or conclusion of the program.

(e) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or should be known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is or relates to a political broadcast, or a matter which is or may be a controversial issue of public importance and the person or persons paying for or furnishing the program matter belong to a committee, association or other unincorporated group, the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association, or other unincorporated group shall be made available for public inspection at the studios or general offices of the station. Such lists shall be kept and made available for a period of two years.

• • • • •

15. A discussion of the arguments of commenting parties follows, together with our evaluation of them and our decision as to the rules to be adopted.

OR SHOULD BE KNOWN

16. Present paragraph (f) of the television rule and paragraph (e) of the radio rules require a disclosing announcement when a party is acting on behalf of another if "such fact is known" to the station. The proposal would require such an announcement when "such fact is known or should be known" to the station. CBS argues that the phrase "or should be known" is unnecessary because the present requirement in conjunction with the requirement of diligence provided by paragraph (b) of the rules (and by section 317 of the Act) adequately insures that there will be effective disclosure. Paragraph (b) of the rules (which repeats the statutory language) reads as follows:

(b) The licensee of each • • • broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program matter for broadcast, information to enable such licensee to make the announcement required by this section.

In addition to believing the new phrase to be unnecessary, CBS states that it is confusing and asks whether it will be possible for a licensee to have exercised "reasonable diligence" and still be in a position where he "should have known" of the existence of an agency relationship. CBS concludes that because the new language is unnecessary and confusing it is counter-productive to the purpose of this proceeding which is to clarify the rule. Moreover, it is stated, the proposed new combined paragraph (e) without the "or should have known" language suffices to eliminate the ambiguities which resulted from the "WHAS" decision.

17. NBC avers that the added language substitutes vagueness for precision. It states that it would place an impossible burden on the licensee because it will no longer be able to accept at face value a statement that a group is a sponsor if on hindsight the Commission could decide that the licensee should have known who the real party in interest was. It asks how far a licensee must penetrate the political fund-raising process to ferret out the person or group whom the Commission will deem to be the "principal" of the "agent." In addition, it argues that such a requirement would increase the administrative burdens of the agency. In lieu of the language objected to, NBC suggests that the Commission give consideration to achieving its objective not by a rule that would impose investigative burdens on licensees but by a practical requirement that would directly associate announcements with candidates whom the announcements are intended to support, a requirement which appears in the NBC political broadcast manual. It states that in recent years that manual has contained a requirement that if there is a political broadcast in support of a specific candidate and the candidate's name is not included in the name of the sponsoring group, the sponsorship identification must state the name of the sponsoring group and must also state that the broadcast is on behalf of a named candidate unless the sponsoring group is a recognized branch of a registered political party. Finally, NBC also avers that the proposed "or should be known" language may be in contravention of the Communications Act. In this regard it observes that the District Court in the "WHAS" case did not limit its ruling solely to its interpretation of the Commission rules, but went further, stating:

3. A licensee dealing with an established and responsible advertising agency is not required to independently investigate the actual role of a political committee whose name is furnished by the agency to the licensee as the 'sponsor' of a political telecast. The use of such committees, desirable or undesirable as it may be, has long been countenanced by those in the Federal and State Governments having authority therefor and I find no basis for substituting the Commission as a self-annointed [sic] arbiter of political morality through a novel interpretation of the Commission's Rules and Regulations. (253 F. Supp. 603, 606 (W.D. Ky. 1966))

18. Storer is of the view that the new language would create unreasonable burdens of both compliance and enforcement. Like NBC, it argues that the language would place an impossible burden on licensees of deciding how far they must go behind each transaction without risking future criticism based on hindsight and additional information that was not reasonably available at the time of the transaction. It states that a station would no longer be entitled to rely

[5] The underscored language in the proposed new paragraphs is that toward which commenting parties directed most of their arguments.



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on formal certifications by a person or group placing the order. It is of the view

paragraph (e) from the proposed "such fact is known or should be known" to

paragraph (b) is redundant, we are of the view that the importance of empha-



such a report in connection with ascertaining the true sponsors of programs.

the democratic mode for attaining elective office. Active participants are a med-

33. Finally, as to our proposal that such lists be kept for public inspection at

on formal certifications by a person or group placing the order. It is of the view that the new language goes beyond the statutory reasonable diligence test of section 317(c) of the Act. (Metromedia appears to hold a similar view.) It points out that a licensee would have to distinguish between supporters who are formally allied with a candidate and supporters who are in fact independent of the candidate; and that it would have to decide whether a broadcast that is critical of one candidate supports an opposing candidate to a degree sufficient to impute an agency/principal relationship. As to burdens of enforcement, it states that such a rule would require time and money to investigate and to process at a decisional level and that the Commission would have an impossible burden or proving what a station "should have known." It states that aside from the *WHAS* case there has been little controversy as to this subject and it is questionable whether there is a need for such an undertaking. It therefore suggests that the Commission should delete the "should be known" language from the proposed rule or at the most adopt the alternative suggested by NBC.[6]

19. Black Hawk suggests that the language be changed to provide that if the station knew or suspected that a party was contracting with the station on behalf of another it would have the responsibility of reviewing all facts at its disposal so that the announcement would disclose the principal.

20. NAB agrees that broadcast licensees should make every reasonable effort to ascertain the identity of a person or group behind an organizational name and announce the name of the person or group if it is clear that the name of the organization does not fully and fairly disclose the true identity of the persons paying for the broadcast. However, it believes that the "should be known" language is abstract and subjective and that it is a stricter standard than that of reasonable diligence provided for in the Act and in paragraph (b) of the rules and questions whether the Commission can adopt rules that require a higher standard than the enabling legislation. NAB agrees with the proposed combining of two paragraphs to overcome the effect of the "WHAS" decision, but states that the proposed "should have known" language is unnecessary to achieve this end since in the "WHAS" case the licensee knew that the group was an instrumentality of the candidate. In any event, NAB states that if the Commission wishes to clarify the rule further it should adopt language which incorporates the reasonable diligence standard of paragraph (b) of the rules. It suggests, therefore, that the Commission give consideration to changing the language in paragraph (e) from the proposed "such fact is known or should be known" to "such fact is known or by the exercise of reasonable diligence as specified in paragraph (b) could be known."

21. Finally, FOE expresses the view that the proposed language is an attempt to impose a "reasonableness" standard of conduct, but it believes that some of the obligations imposed on licensees remain murky. Therefore, it suggests that "is known or should be known" be changed to "is known to the station, through use of the Sponsorship Identification Report or otherwise, or should be known to the station." The Sponsorship Identification Report is a report suggested by FOE to ensure that licensees obtain correct information and to aid the Commission in enforcing its rules. FOE suggests a rule providing that before broadcasting any matter furnished for broadcast which does or may require sponsorship identification as provided for in the rules, each licensee be required to obtain from all parties who provide such matter a completed Sponsorship Identification Report containing information concerning the true identity of persons paying for the matter included in the broadcast. It also submits a list of questions which it believes would be approriate to appear on such a form.

22. We now turn to a discussion of the foregoing arguments. As mentioned above, NBC argues that the Commission has no authority to require licensees to go behind an ostensible sponsor to search out the real sponsor of a political broadcast. In support it cites the position of the District Court in the "WHAS" case (see para. 17, supra). However, we note that the Court of Appeals, in affirming the decision of the District Court, stated:

> In affirming that decision we are by no means precluding the FCC from adopting a Regulation calculated to require a station to make reasonable efforts to go beyond a named "sponsor" for a political program in order to ascertain the real party in interest for purposes of announcement. (385 F.2d at 788)

We accordingly dismiss that argument without further comment.

23. As to the question of whether the "or should be known" standard is a more stringent one than the "reasonable diligence" standard of the Act and of paragraph (b) of the rule, and one which is vague and which imposes an impossible burden upon the licensee, it was not our intent to create a different standard. Rather, we intended that the proposed language be read in connection with the reasonable diligence requirement of paragraph (b). It was inserted in proposed paragraph (e) to stress the importance of attempting to ascertain the true identity of a party on whose behalf payment is being made, and was meant to be understood (much as NAB suggests it be changed to read) "by the exercise of reasonable diligence as specified in paragraph (b) should be known." Although it may be argued that placing such language in paragraph (e) when a reasonable diligence standard already exists in paragraph (b) is redundant, we are of the view that the importance of emphasizing the duty of licensees to look beyond ostensible sponsors warrants such repetition.

24. Concerning any burden that this duty might place on licensees, what we said in our recent Fairness Report (48 F.C.C. 2d 1, 8 (1974)) is equally applicable here:

> [W]e find it difficult to believe that these policies add significantly to the overall administrative burdens involved in operating a broadcast station. It is obvious that any form of governmental regulation will impose certain costs or burdens of administration on the industry affected. The point is not whether some burden is involved, but rather whether that burden is justified by the public interest objective embodied in the regulation. Broadcasters are licensed to act as trustees for a valuable public resource and, in view of the public's paramount right to be informed, some administrative burdens must be imposed on the licensee in this area. These burdens simply run with the territory.

25. We are aware that problems may arise concerning whether a broadcast critical of one candidate is necessarily supportive of an opposing candidate, and concerning situations where the source of funds for a broadcast is claimed to be independent of a candidate. However, it suffices to recognize that there are differences depending on whether a sponsor of a political broadcast in some way is allied with the opposing candidate and that there may be different degrees of relationship.[7] In those instances, a licensee must exercise reasonable diligence to ascertain the facts. We do not require more of him. But we do not condone less. (See S. Rept. 1857, 86th Cong., 2d Sess., p. 6.)[8] See also Albuquerque Broadcasting Co., 40 F.C.C. 1 (1946) and Identification on Broadcast Station, 40 F.C.C. 2d (1950).

26. Since our primary concern here is with political broadcasts, and since use of a Sponsorship Identification Report suggested by FOE goes far beyond that to all kinds of broadcasts, we believe that proposal, and others made by FOE, are outside the scope of this proceeding and do not here discuss the possible use of

[6] Storer mentions that the NBC alternative does not entirely eliminate problems since, for example, it would still be necessary to make judgments as to whether a program critical of one candidate is "on behalf of" another.

[7] It is because we recognize that there are degrees of relationship and in some cases no relationship at all, as in the case where the source of funds for a broadcast is actually independent of a candidate supported in the broadcast, that we do not adopt the suggestion of NBC that the sponsorship identification shall always contain the name of the sponsoring group and state that the broadcast is on behalf of a named candidate. However, we find no fault with the practice of NBC in such cases. We note, too, that as to broadcasts critical of one candidate being supportive of another candidate, this was exactly the situation in the WHAS case.

[8] "The term 'reasonable diligence' would require the licensee to take appropriate steps to secure such information, but it would not place a licensee in the position of being an insurer, nor does this condition permit a licensee to escape responsibility for sponsorship announcements by inactivity on his part."—statement of Senate Interstate and Foreign Commerce Committee.





such a report in connection with ascertaining the true sponsors of programs.

27. In view of the foregoing, we are changing the disputed language, to read "such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known." As is evident, this change is that suggested by NAB.

OR RELATES TO * * * OR MAY BE

28. The Notice did not specifically comment on the phrases "or relates to" a political broadcast or "may be" a controversial issue of public importance, for the reason that no change in substance of present paragraph (d) was intended. The purpose was to make the rule state what the Commission already had interpreted the sponsorship rule to mean as concerns political and controversial issue broadcasts. Section 317 was not implemented by a rule until 1944 and then only because of abuses as concerns broadcasts of political and controversial issues. The "relates to" language was intended to reflect the Commission's interpretations to the effect that a broadcaster should be especially diligent in complying with the Act and rule as concerns political broadcasts in order that the listening public will be fully and fairly given information. See, for example, Identification on Broadcast Station, 40 F.C.C. 2, 4 (1950); Wichita Television Corporation, Inc., 40 F.C.C. 40, 42 (1959); see also Revella M. Bone, 40 F.C.C. 86, 87 (1960).

29. Similarly, there was no intent on the part of the Commission to change the substance of paragraph (d) of the present rule concerning broadcast matter involving controversial issues. Cohn & Marks and NBC read "may be" a controversial issue in effect to say "may become" controversial. This, indeed, would be burdensome. We wish to make it clear that the same criteria as to controversial issues apply both to the sponsorship identification rule before us here and the Fairness Doctrine. What we said in the Fairness Report (48 F.C.G. 2d at 11–12) concerning the determination of what is "controversial" and of "public importance" is equally applicable to making a sponsorship identification and complying with the list retention requirements as concerns a controversial issue of public importance. In view of the apparent confusion that the proposed language change has caused, we have decided not to adopt the "related to" or "may be" language. The rule will therefore speak only in terms of political broadcasts and broadcasts involving controversial issues.

30. Some parties question the need for a list retention requirement. It is appropriate to discuss the purpose of that provision and in particular why it should be preserved for political and controversial issues broadcasts. The list retention requirement is fundamental to the objective of preserving the audience's right to know by whom it is being persuaded. Political campaigns are periodic, and often hectic, manifestations coincident to the democratic mode for attaining elective office. Active participants are a medley of office seekers, supportive or opposition groups, political parties, and many others. Attention is focused on controversial issues. Frequently, except for the political party, the groups and organizations are temporary and short-lived, while at the same time there are many candidates for different offices, all vying for support with the result that the public may be confused as to the identity of the persuader. With respect to a controversial issue, if it is not part of the political campaign, the public often lacks knowledge of the true identities of the protagonists. The lists retention requirement is designed to make information available about the sponsor's identity at the source of the broadcast, should someone desire it, while at the same time minimizing the amount of time that need be used for identification.

31. Some parties question the utility of the list retention requirement. It is variously alleged that there have been few requests to see lists, that the list retention requirement is only marginally useful, and that the continued burden is not offset by any public benefit that may be derived. One party even questions constitutionality. These issues are not before us as they woud be if the list retention requirement were being proposed for the first time. What is before us is a proposal to make list retention less stringent while still maintaining the requirement for those instances where we feel there is a high public interest in protecting the public's right to know.

32. It is urged that the lists retention requirement has an inhibitory effect and is particularly detrimental to a licensee's journalistic function in selecting, editing, and broadcasting newsworthy material. Thus, it is said that the listing requirement distorts the journalistic judgment about newsworthiness because of the need to obtain necessary list requirement data since broadcast material frequently comes only from interested parties who have no knowledge of the record keeping requirements. In the circumstances, it is suggested that there be an exemption from the record keeping requirements for bona fide newscasts and news documentaries in the fashion that Section 315 of the Act exempts such broadcasts. In the First Report and Order in Docket No. 19260 (Fairness Doctrine), 36 F.C.C. 2d 40, 53–4 (1972), we discussed the matter of requiring identification announcements for such broadcasts and held that they were required under the rules. For similar reasons, we hold now that the list retention requirement as well as the announcement requirement should apply to such broadcasts.[9]

[9] However, as we pointed out in a footnote on page 53 of the First Report and Order in Docket No. 19260, the disclosure requirement is not applicable to "mere mimeographed news releases or typed advance copies of speeches," as contrasted to audio or video tape or film, since Example 11 of House Report 1800 (86th Cong., 2d Sess.) states that no disclosure announcement is required when "news releases are furnished to a station by Government, business, labor, and civic organizations, and private persons, with respect to their activities * * *." On the same principle, we believe that lists of the members of the executive committees or boards of directors of organizations furnishing such material need not be retained.

33. Finally, as to our proposal that such lists be kept for public inspection at each station, it is urged that this should not be the case for network programming. Thus, it is suggested by NBC that it would be simpler for one network-owned station to obtain and maintain the lists, which would then be available to any affiliate that requests the information. It is said that to do this would accord with other regulations where an exception is made for network broadcasts, e.g., Section 73.670(b) which pertains to program information for the composite week. CBS states that since it originates in separate network facilities rather than at a station, it prefers that record retention be at its headquarters. We think there is merit to these suggestions and accordingly the rule will permit lists for network originated programs to be maintained at the headquarters offices of the network or at the place designated by the originating station as the location of its public inspection file (Section 1.526).

MISCELLANEOUS MATTERS

34. *Definition of "sponsored."* As previously mentioned, to dispel uncertainty that may have been created by the "WHAS" decision as to the meaning of the term "sponsored" we proposed to define it in the rule as "paid for." Parties commenting on this did not object to such an amendment. However, Metromedia was of the view that this might cause some confusion because in the instance where no charge is made by a licensee for the broadcast of material, it could air the material for a political candidate or as to a controversial issue and no announcement would be required since the licensee was not paid for the use. However, we would point out that under the provisions of paragraph (d) of the rule, if the material were furnished by a party for political or controversial broadcasts as an inducement to the station, an announcement would be required.

35. *Program.* Although the present rules contain the terms "political program" and "program involving the discussion of public controversial issues," we have changed the word "program" to read "matter" throughout the rule. This is in accord with the language in section 317(a)(1) of the Act which says "[a]ll matter broadcast * * * shall be * * * announced * * *" and is also consistent with our interpretation in Westinghouse Broadcasting Co., 40 F.C.C. 28 (1958).

36. *Consolidation of present rules into one rule.* There was no objection to this proposal and some parties affirmatively endorsed it. Accordingly, the consolidation will be carried out. A new rule will





thus appear in Subpart H of Part 73 of

§ 73.1212 Sponsorship identification;



(h) Any announcement required by

material or service has been furnished

(1) Maintain a list showing the name,

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thus appear in Subpart H of Part 73 of the Rules. For the current sponsorship identification rules in the subparts pertaining to each of the broadcast services the present text will be deleted, and substituted therefor will be a cross reference to the rule in Subpart H.

37. *Cable television rules.* No parties filed comments on the sponsorship identification rules insofar as they pertain to origination cablecasting. We see no reason why the rules for such cablecasting should be different from those for broadcasting, for the consideration of keeping the public informed about those who try to persuade it would appear to be the same in both cases. Accordingly, we are amending Section 76.221 of the rules to conform with the new combined rule adopted today for broadcasting.[38]

38. *Editorial changes.* In addition to the foregoing amendments, in carrying over the language of the present rules to the combined rule we have made a few editorial changes when they appeared warranted.

39. Accordingly, *It is ordered,* That the Commission rules and regulations are amended as indicated in the attached Appendix. Authority for this action may be found in sections 4(i), 303(r), and 317(e) of the Communications Act of 1934, as amended effective May 30, 1975.

40. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: April 17, 1975.

Released: April 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

The Commission rules and regulations are amended as follows:

1. Section 73.119 and headnote are amended to read as follows:

**§ 73.119 Sponsorship identification.**

See § 73.1212.

2. Section 73.289 and headnote are amended to read as follows:

§ 73.289 Sponsorship identification.

See § 73.1212.

3. Section 73.654 and headnote are amended to read as follows:

§ 73.654 Sponsorship identification.

See § 73.1212.

4. Section 73.789 and headnote are amended to read as follows:

§ 73.789 Sponsorship identification.

See § 73.1212.

5. New § 73.1212 is added to read as follows:

[38] A single exception is that paragraph (c) which pertains to reports made under Section 508 of the Act (which applies only to broadcasters) will not be made applicable to cable television.

**§ 73.1212 Sponsorship identification; list retention; related requirements.**

(a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce (1) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) by whom or on whose behalf such consideration was supplied: *Provided, however,* That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

(b) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) The licensee of each broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, information to enable such licensee to make the announcement required by this section.

(c) In any case where a report has been made to a broadcast station as required by section 508 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such broadcast station, an appropriate announcement shall be made by such station.

(d) In the case of any political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a station as an inducement for broadcasting such matter, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such station in connection with the transmission of such broadcast matter: *Provided, however,* That in the case of any broadcast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the broadcast.

(e) The announcement required by this section shall, in addition to stating the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the location specified by the licensee under § 1.526 of this Chapter. If the broadcast is originated by a network, the list may, instead, be retained at the headquarters office of the network or at the location where the originating station maintains its public inspection file under § 1.526 of this chapter. Such lists shall be kept and made available for a period of two years.

(f) In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purpose of this section and only one such announcement need be made at any time during the course of the broadcast.

(g) The announcement otherwise required by section 317 of the Communications Act of 1934, as amended, is waived with respect to the broadcast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:

(1) Maintain a list showing the name, adress, and (where available) the telephone number of each advertiser;

(2) Attach the list to the program log for the day when such broadcast was made; and

(3) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.





(h) Any announcement required by section 317(b) of the Communications Act of 1934, as amended, is waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE: The waiver heretofore granted by the Commission in its Report and Order adopted November 16, 1960 (FCC 60–1369; 40 F.C.C. 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654, the predecessor television rule, went into effect.

(i) Commission interpretations in connection with the provisions of the sponsorship identification rules are contained in the Commission's Public Notice, entitle "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 F.C.C. 141), as modified by Public Notice, dated April 21, 1975 (FCC 75–418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports.

6. Section 76.221 and headnote are revised to read as follows:

**§ 76.221 Sponsorship identification; list retention; related requirements.**

(a) When a cable televison system engaged in origination cablecasting presents any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such system, the system, at the time of the cablecast, shall announce (1) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) by whom or on whose behalf such consideration was supplied: *Provided, however,* That "service or other valuable consideration" shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a cablecast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the cablecast.

(1) For the purposes of this section, the term "sponsored" shall be deemed to have the same meaning as "paid for."

(b) Each system engaged in origination cablecasting shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for cablecasting, information to enable such system to make the announcement required by this section.

(c) In the case of any political origination cablecast matter or any origination cablecast matter involving the discussion of public controversial issues for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a system as an inducement for cablecasting such matter, an announcement shall be made both at the beginning and conclusion of such cablecast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such system in connection with the transmission of such cablecast matter: *Provided, however,* That in the case of any cablecast of 5 minutes' duration or less, only one such announcement need be made either at the beginning or conclusion of the cablecast.

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a system on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the origination cablecasting material is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the matter, the system shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the local office of the system. Such lists shall be kept and made available for a period of two years.

(e) In the case of origination cablecast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the cablecast.

(f) The announcement otherwise required by this section is waived with respect to the origination cablecast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the system shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list.

(g) The announcements required by this section are waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

NOTE: The waiver heretofore granted by the Commission in its Report and Order, adopted November 16, 1960 (FCC 60–1369; 40 F.C.C. 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654(e), the predecessor television rule, went into effect.

(h) Commission interpretations in connection with the provisions of the sponsorship identification rules for the broadcasting services are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Indentification Rules," dated May 6, 1963 (40 F.C.C. 141), as modified by Public Notice, dated April 21, 1975 (FCC 75–418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports. The interpretations made for the broadcasting services are equally applicable to origination cablecasting.

[FR Doc.75–10992 Filed 4–25–75;8:45 am]

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[Docket No. 20187; RM–1901; FCC 75–427]

## PART 73—RADIO BROADCAST SERVICES

### FM Broadcast Stations; Table of Assignment

1. The Commission has before it the notice of proposed rulemaking in this docket, adopted September 9, 1974, 39 FR 33239, proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) by assigning Channel 272A to Bullhead City, Arizona, as its first FM channel assignment. The only commenting party is petitioner, Albert C. Freeman.

2. Bullhead City, an unincorporated place with a population of less than 1,000, is located in Mohave County (pop. 24,857). All mileage separation requirements are satisfied by this proposal. Petitioner has adduced evidence to indicate that the public interest would be furthered if a first local aural service were available at Bullhead City. The Director of the County's Emergency Services Division stated in a letter that the FM assignment is necessary in order that natural and attack emergency bulletins can be broadcast to the community. Presently Bullhead City receives local news from daytime-only AM Station KSFE, Needles, California, approximately 20 miles away. Approval of the Mexican authorities has been secured with respect to petitioner's proposal.

3. We believe that Channel 272A should be assigned to Bullhead City, Arizona. Such an assignment is technically feasible and in the public interest.

4. In view of the foregoing and pursuant to authority contained in sections





4(i), 303 (g) and (r), and 307(b) of the

KZUL, which is licensed to Mr. Murphy

Released: April 22, 1975.



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4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective May 30, 1975, the FM Table of Assignments, § 73.202(b) of the rules is amended to read as follows for the city listed below:

| City: | Channel No. |
|---|---|
| Bullhead City, Ariz. | 272A |

(Secs. 4, 303, 307, 48 Stat., as amended, 1068, 1082, 1083; (47 U.S.C. 154, 303, 307))

5. *It is further ordered*, that this proceeding is terminated.

Adopted: April 17, 1975.

Released: April 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10993 Filed 4-25-75;8:45 am]

[Docket No. 20186; RM-1979, 2047; FCC 75-428]

## PART 73—RADIO BROADCAST SERVICES

### FM Broadcast Stations; Table of Assignment

1. On September 9, 1974, in response to a petition filed by Mr. Lee R. Shoblom requesting the assignment of FM Channel 257A to Parker, Arizona, and a petition filed by Mr. Rick Murphy (supplemented) requesting the assignment of FM Channel 258 to Parker, Arizona, the Commission adopted a Notice of Proposed Rule Making (39 FR 33240) in the above-entitled matter which proposed to assign FM Channel 257A or, in the alternative, FM Channel 258 to Parker, Arizona. Timely comments were received from both Mr. Shoblom and Mr. Murphy.[1]

2. Parker, Arizona (pop. 1,948)[2] is located in Yuma County (pop. 60,827). It has one daytime-only AM station, KZUL, which is licensed to Mr. Murphy through O M Broadcasting, Inc. No FM channel is assigned to the community although provision is made for the use of educational FM Channel 211A in Parker in the U.S.-Mexico FM Agreement.

3. Parker is approximately 100 miles north of the U.S.-Mexico border and 140 miles west-northwest of Phoenix. It is located within the Colorado River Indian Reservation and acts as a support community for Parker Dam on the Colorado River. The pleadings indicate that the community's economy is basically made up of funds from recreational activities (on Lake Havasu and Lake Moovalya) and agriculture (on 51,000 of the 100,000 acres of the Indian Reservation). Community facilities include a museum, a library, 21 motels, 19 churches, three elementary schools and one high school.[3]

4. Our Notice stated that because of the U.S.-Mexico FM Agreement both proposed channel assignments for Parker would be submitted to the Mexican Government for its concurrence in their assignment. By letter of January 28, 1975, the Mexican Government has advised us that it has no objection only to the assignment of Channel 257A to Parker. Because of this, most of the material presented by Mr. Murphy on behalf of the assignment of Channel 258 to Parker has been made moot and therefore is not discussed herein.

5. In light of the presentations of both Mr. Shoblom and Mr. Murphy, as well as the absence of any contradictory pleadings, we find that Parker, Arizona, is a community which can support and profit from a first local FM service. Such a station will be able to provide entertainment, news and public affairs programming, both in daytime and nighttime hours, to an area which clearly can benefit from such local presentations.

6. Authority for the action taken herein is contained in Sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing facts and findings *it is ordered*, That effective May 30, 1975, the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, is amended, insofar as the city listed below is concerned, to read as follows:

| City | Channel No. |
|---|---|
| Parker, Arizona | 257A |

8. *It is further ordered*, That the petition of Mr. Rick Murphy requesting the assignment of Channel 258 to Parker, Arizona, RM-2047, is denied.

9. *It is further ordered*, That this proceeding (Docket No. 20186, RM-1979 and RM-2047) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 16082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: April 17, 1975.

Released: April 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10994 Filed 4-25-75;8:45 am]

[Docket No. 20049; RM-2158; FCC 75-429]

## PART 73—RADIO BROADCAST SERVICES

### FM Broadcast Stations; Table of Assignment

1. The Commission has before it for consideration the notice of proposed rulemaking and order to show cause adopted May 9, 1974 (39 FR 17866), proposing that the FM Table of Assignments (§ 73.202 of the Commission's Rules and Regulations) be amended by deleting Channel 240A at Falmouth, Massachusetts, assigning Channel 240A to Marshfield, Massachusetts, and assigning Channel 224A to Tisbury, Massachusetts. The commenting parties are petitioner Marshfield Broadcasting Company (Marshfield) and Wasque Corporation (Wasque), licensee of WVOI-FM, Tisbury, Massachusetts.

2. Marshfield, Massachusetts (pop. 15,223),[1] is located in Plymouth County (pop. 333,314), 32 miles southeast of Boston. Marshfield has no local broadcast facilities. Plymouth County is served by three AM stations (one daytime-only and two unlimited-time), and three FM stations—WBET-FM, Brockton, Mass., Channel 249A; WPLM-FM, Plymouth, Mass., Channel 256; WBIM-FM, Bridgewater, Mass., educational channel 218.

3. Petitioner urges the assignment of Channel 240A to Marshfield, Mass., as a first FM channel assignment. To accomplish this, petitioner proposes the deletion of Channel 240A, presently occupied by the Wasque Corp. operating at Tisbury,[2] and assigning Channel 224A to Tisbury as a replacement. Petitioner avers that Marshfield needs a local aural facility in order to coalesce its largely commuter work force. Some 80 percent of the Marshfield workers are described as being employed in and around the Boston area. Petitioner would like to improve communication of local events. Only one weekly newspaper is available to residents of Marshfield covering its activities.[3]

4. The Notice suggested that before Wasque initiate operations on Channel 240A,[4] it consider the instant proposal

[1] On February 5, 1975, Mr. Murphy late filed supplemental pleadings which bring to our attention a letter of Mr. Shoblom to Mr. Charles Clark of Western Cable TV dated November 14, 1974. Mr. Murphy maintains that because that letter indicates an interest by Mr. Shoblom in the establishment of an FM translator at Parker it proves Mr. Shoblom has misrepresented to the Commission by making the statement in his pleadings, that he would apply for the use of Channel 257A on its assignment to Parker and construct a station if granted a construction permit. Mr. Shoblom's responses of February 20 and February 21, 1975, indicate that he is clearly interested in applying for Channel 257A on its assignment to Parker and that he was only exploring the possibility of establishing a FM translator in the community in the event the Commission did not find it in the public interest to assign FM Channel 257A to Parker. Mr. Shoblom is licensee of FM Station KBAS and AM Station KFWJ both at Lake Havasu City, Arizona. It is our finding that both Mr. Shoblom and Mr. Murphy are acting in good faith in this proceeding and that they are both eligible to apply for FM Channel 257A assigned today to Parker.

[2] Population figures cited are from the 1970 U.S. Census.

[3] For a more detailed descriptive presentation of Parker and its surrounding area see the Notice of Proposed Rule Making in this proceeding and the pleadings of Mr. Shoblom and Mr. Murphy.

[1] All population figures are from the 1970 U.S. Census.

[2] Channel 240A is assigned to Falmouth, Mass. but under the 10-mile rule (Section 73.203(b) of the Commission's Rules), Wasque was given permission to construct its station at a site in Tisbury, Mass., 8 miles away. Channel 270, also assigned to Falmouth, is licensed to serve Falmouth.

[3] Marshfield has more than doubled its 1960 U.S. Census total of 6,748 and claims to have over 21,000 persons at present.

[4] A construction permit was issued January 16, 1974. Subsequently, Wasque commenced operation on July 19, 1974.





although it need not await the outcome of this proceeding and any cost required for a change in channels would be absorbed by the petitioner. Further, Wasque was asked to show cause why its permit should not be modified to specify operation on Channel 224A at Tisbury to implement the instant proposal.

5. Wasque opposes the proposal herein and wishes full reimbursement for all reasonable costs incurred in the change of channels.[4] However, it waives its right to a hearing on the proposed modification. Petitioner asserts that because it filed its petition well before Wasque became a permittee of Station WVOI-FM and because Wasque's opposition to the instant proposal delayed its disposition, greater conversion costs have been incurred. Hence, it suggests that Wasque be required to bear half of the costs. However, petitioner has announced that it stands ready to pay the entire amount of reimbursement if required to do so by the Commission. We note and petitioner acknowledges that at the time its petition was originally filed (March 1973) Wasque was on file as an applicant for Channel 240A. Thus, equitable considerations favor Wasque, which has acted in accordance with Commission rules by proceeding to construct its station while maintaining its opposition to the instant petition. We adhere to our statements in the Notice and shall expect the benefitting permittee of the assignment of Channel 240A to Marshfield, Mass., to reimburse Wasque for legitimate and necessary out-of-pocket expenses.[5]

6. Wasque expresses some doubt as to the availability of sites for a transmitter in the Marshfield area due to local zoning laws, environmental impact considerations, and its own experiences in securing a site, and requests that petitioner demonstrate that a site is available before its petition is approved. However, the Commission policy in this regard, as petitioner correctly points out in its reply comments, is to avoid involvement in local zoning matters absent a showing that no transmitter site is available by reason of an adverse zoning decision. Cf. *Southold, N.Y.*, 39 FR 40171 (1974).

7. We note that the assignment of Channel 240A to Marshfield can be made consistent with our mileage separation requirements provided the transmitter site is located at least one and one-half miles southeast of Marshfield on Black Mountain. Likewise Channel 224A may be assigned to Tisbury without short spacing if the present site is retained or optional sites to the south or southeast are secured. Petitioner has reaffirmed its intention to apply for a construction permit if the proposed channel is assigned to Marshfield.

8. Assignment of Channel 240A to Marshfield rather than to Tisbury would represent a more efficient utilization of the frequency spectrum. It is the only channel that can be assigned to Marshfield under the present Table of Assignments while several channels remain available for assignment to Tisbury. By deleting Channel 240A from Falmouth, Channel 242 becomes available for assignment in Southeastern Massachusetts as an additional Class B channel. Channel 242 is presently precluded from use in this area. The preclusive effect of assigning Channel 240A to Marshfield is considerably less. Although co-channel preclusion would affect 28 communities in the area, 21 have at least three alternate channels available. Of the remaining seven communities, Marshfield is the largest. No preclusion occurs on the six adjacent channels. At Tisbury, the assignment of Channel 224A will only have preclusive effect on the co-channel—its use will be precluded in 14 communities, all of which have alternate channels available for assignment. Furthermore, due to the existence of a Class B channel assignment to Falmouth, intermixture will be eliminated there if Channel 240A is deleted. We are informed that Canada has no technical objections to the proposed assignments.

9. Accordingly, in view of the foregoing, and pursuant to authority contained in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That, effective May 30, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations is amended as concerns Marshfield, Falmouth, and Tisbury, Massachusetts to read as follows:

| City: | Channel No. |
|---|---|
| Marshfield, Mass. | 240A |
| Falmouth, Mass. | 270 |
| Tisbury, Mass. | 224A |

10. *It is further ordered*, That effective May 30, 1975, and pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by the Wasque Corporation for Station WVOI-FM, Tisbury, Massachusetts, is modified to specify operation on Channel 224A in lieu of Channel 240A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than May 30, 1975, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by June 20, 1975, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WVOI-FM on Channel 224A at Tisbury, Massachusetts.

(c) The licensee may continue to operate on Channel 240A under its outstanding authorization until it is ready to operate on Channel 224A, or the Commission sooner directs. Ten days prior to commencing operation on Channel 224A, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 224A until the Commission specifically authorizes him to do so.

11. *It is further ordered*, That the Secretary of the Commission is directed to send a copy of this *Report and Order* by certified mail, return receipt requested, to the Wasque Corporation, licensee of WVOI-FM.

12. Authority for the actions taken herein is found in Sections 4(i), 303(g) and (r), 307(b) and 310(a) of the Communications Act of 1934, as amended.

13. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307.))

Adopted: April 17, 1975.

Released: April 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-10995 Filed 4-25-75;8:45 am]

[4] Wasque's license, issued August 8, 1974, was conditioned upon "* * * whatever action the Commission takes concerning rule making petition RM-2158." (BLH-6321). Its license renewal date was April 1, 1975.

[5] See *Circleville, Ohio*, 8 F.C.C. 2d 159 (1967); *Kenton and Bellefontaine, Ohio*, 3 F.C.C. 2d 598 (1966).

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Title 49—Transportation

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1159; Amdt. 3]

## PART 1033—CAR SERVICE

### Chicago and North Western Transportation Co.

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 22nd day of April, 1975.

Upon further consideration of Service Order No. 1159 (38 FR 30559; 39 FR 15131 and 38381), and good cause appearing therefor:

*It is ordered*, That § 1033.1159 *Service Order No. 1159.* (Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company).

Service Order No. 1159 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., April 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)



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*It is further ordered*, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-11069 Filed 4-25-75;8:45 am]

## Title 7—Agriculture

## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 348, Amdt. 1]

## PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 18–24, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 348 (40 FR 17149). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), and (ii) of § 907.648 (Navel Orange Regulation 348 (40 FR 17149) are hereby amended to read as follows:

(i) District 1: 1,488,000 cartons;
(ii) District 2: 262,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1975.

CHARLES R. BRADER,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75-10977 Filed 4-25-75;8:45 am]

[Valencia Orange Regulaton 494, Amdt. 1]

## PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 18–24, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 494 (40 FR 17150). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(iii) of § 908.794 (Valencia Orange Regulation 494 (40 FR 17150)) are hereby amended to read as follows:

(1) * * *

(iii) District 3: 275,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1975.

CHARLES R. BRADER,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75-10978 Filed 4-25-75;8:45 am]

## Title 9—Animals and Animal Products

## CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

## PART 79—SCRAPIE IN SHEEP

### Area Released From Quarantine

This amendment eliminates De Kalb County in Illinois as an area quarantined because of the existence of scrapie in sheep under the regulations in 9 CFR Part 79, as amended. Therefore, the restrictions pertaining to the interstate movement of sheep from and through quarantined areas, as contained in 9 CFR Part 79, as amended, will not apply to this area. No area in Illinois remains under quarantine.

Accordingly, Part 79, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

§ 79.2 [Deleted]

(Secs. 6 and 7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3, 4 and 11, 76 Stat. 130, 132; (21 U.S.C. 111, 115, 117, 120, 121, 123–126, 134b, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141.))

*Effective date.* The foregoing amendment shall become effective April 23, 1975.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of scrapie in sheep, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23rd day of April 1975.

PIERRE A. CHALOUX,
*Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.75-11045 Filed 4-25-75;8:45 am]

### SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

## PART 113—STANDARD REQUIREMENTS

### Miscellaneous Amendments

On March 12, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 11587.

These amendments either clarify, correct, or eliminate where justified, certain Standard Requirements for evaluating live virus biological products containing live avian encephalomyelitis virus, avian pox virus, bronchitis virus, fowl laryngotracheitis virus, Newcastle disease virus, and Marek's disease virus prescribed in §§ 113.160, 113.161, 113.162, 113.163, 113.164, and 113.165. These changes are being made in response to a review of the Standard Requirements in these regulations by a joint committee composed of Veterinary Services personnel and representatives of poultry biologics producers.

A comment was received objecting to the challenge procedure for testing Newcastle Disease Vaccine. This comment was in direct conflict with the recommendations of the joint committee, other poultry biologics producers, and Veterinary Services personnel. Therefore, the comment was not accepted.

One suggestion received would limit the number of embryos in the virus-recovery test used to evaluate bronchitis virus. Another would limit the type of chickens to be used in the safety test for laryngotracheitis vaccine. Both suggestions would impose unwarranted restrictions and were not considered acceptable.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of Part 113 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted printing errors:

The true names of biological products in the headings for §§ 113.160, 113.161, 113.162, 113.163, 113.164, and 113.165 should be capitalized.

The fifth and sixth line in § 113.163(b) should be reversed. The spelling of laryngotracheitis should be corrected in § 113.163(d)(2)(iv).

The size of type used in the last part of § 113.164(d)(2)(iv) should be the same as the rest of the regulations.

1. § 113.160 is amended by revising paragraphs (b), (c)(1), (c)(2)(i), and (ii), and (d); by revising the introductory portion of paragraph (e); by revising paragraph (e)(1)(i); and by adding paragraph (e)(3) to read:

§ 113.160 Avian Encephalomyelitis Vaccine.

* * * * * *

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(c) * * *

(1) Avian encephalomyelitis susceptible chickens all of the same age (eight weeks or older) and from the same source, shall be used. Twenty or more chickens shall be used as vaccinates for each method of administration recommended on the label. Ten additional chickens of the same age and from the same source shall be held as unvaccinated controls.

(2) * * *

(i) For each dilution, inoculate at least 10 embryos, 5 or 6 days old, in the yolk sac with 0.2 ml each. Twenty similar embryos obtained from the same source shall be kept as uninoculated negative controls. Disregard all deaths during the first 48 hours post-inoculation.

(ii) Eggs for each dilution shall be kept in separate containers and allowed to hatch. Sufficient precaution shall be taken to assure that chickens from each dilution remain separated. To be a valid test, at least 75 percent of the uninoculated eggs shall hatch.

* * * * * *

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements in § 113.135 and the requirements prescribed in this paragraph.

(1) Final container samples from each serial shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

(2) *Safety test.* Final container samples of completed product shall be tested for safety as follows:

(i) At least 25 AE susceptible birds (6 to 10 weeks of age) shall be vaccinated with the equivalent of 10 doses by each of all routes recommended on the label and be observed each day for 21 days.

(ii) If unfavorable reactions attributable to the biological product occur during the observation period, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated, except that, if the test is not repeated, the serial shall be unsatisfactory.

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{2.6}$ $EID_{50}$ per dose.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section. Each serial and subserial shall meet the applicable requirements prescribed in § 113.135, except paragraph (c), in paragraph (d)(1) of this section, and in this paragraph.

(1) *Virus titration.* * * *

(i) For release, desiccated samples shall be incubated at 37° C for not less than 7 days before preparation for use in the virus titration test. A serial or subserial which does not contain at least $10^{2.6}$ $EID_{50}$ per dose of avian encephalomyelitis virus shall not be released.

* * * * * *

(3) *Safety test.* The prechallenge portion of the immunogenicity test in this paragraph shall be the safety test. If unfavorable reactions occur which are attributable to the vaccine, the serial or subserial is unsatisfactory.

2. § 113.161 is amended by revising paragraphs (a), (c)(2), and (d)(1); by adding paragraphs (d)(1)(i) and (ii); by revising paragraph (d)(2) and the







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introductory portion of paragraph (e); and by adding paragraph (e)(3) to read:

**§ 113.161 Avian Pox Vaccine.**

• • • • • •

(a) The Master Seed Virus shall meet the applicable requirements prescribed in § 113.135, except paragraph (c) and shall meet the requirements prescribed in this section.

• • • • • •

(c) • • •

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity test is conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each bird used in the test. At least three appropriate (not to exceed tenfold) dilutions shall be used and the test conducted as follows:

• • • • • •

(d) • • •

(1) *Safety test.* Final container samples of completed product shall be tested for safety as follows:

(i) At least 25 fowl pox susceptible birds shall be vaccinated with the equivalent of 10 doses by each of all routes recommended on the label and be observed each day for 14 days.

(ii) If unfavorable reactions attributable to the biological product occur during the observation period, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated, except that, if the test is not repeated, the serial shall be unsatisfactory.

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{2.5}$ $EID_{50}$ per dose.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the requirements prescribed in § 113.36, § 113.135, except paragraph (c), and in this paragraph.

• • • • • •

(3) *Safety test.* The pre-challenge period of the immunogenicity test provided in paragraph (e)(2) of this section shall be the safety test. If any of the chickens become sick or die due to causes attributable to the product, the serial is unsatisfactory.

3. Section 113.162 is amended by revising the introductory portion of § 113.162; by revising paragraphs (b) and (c); by revising the introductory portion of paragraph (d); and by revising paragraph (d)(1), the introductory portion of (d)(3); and by revising paragraph (d)(3)(iii) to read:

**§ 113.162 Bronchitis Vaccine.**

Bronchitis Vaccine shall be prepared from virus-bearing cell culture fluids or embryonated chicken eggs. Only Master Seed Virus which has been established as pure, safe, and immunogenic in accordance with the requirements in paragraphs (a), (b), and (c) of this section shall be used for preparing the production seed virus for vaccine production. All serials shall be prepared from the first through the fifth passage from the Master Seed Virus.

• • • • • •

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(c) Each lot of Master Seed Virus used for vaccine production shall be tested for immunogenicity and the selected virus dose to be used shall be established as follows:

(1) Bronchitis susceptible chickens, all of the same age and from the same source, shall be used in the virus-recovery test. For each method of administration recommended on the label for each serotype against which protection is claimed, twenty or more chickens shall be used as vaccinates. Ten additional chickens for each serotype against which protection is claimed shall be held as unvaccinated controls.

(2) A geometric mean titer of the dried vaccine produced from the highest passage of the Master Seed Virus shall be established before the immunogenicity tests are conducted. Each vaccinate shall receive a predetermined quantity of vaccine virus. Five replicate virus titrations shall be conducted on an aliquot of the vaccine virus to confirm the amount of virus administered to each chicken used in such tests. At least three appropriate (not to exceed tenfold) dilutions shall be used and the test conducted as follows:

(i) For each dilution, inject at least five embryos, 9 to 11 days old, in the allantoic cavity with 0.1 ml each. Deaths occurring during the first 24 hours shall be disregarded, but at least four viable embryos in each dilution shall survive beyond 24 hours of a valid test. After 5 to 8 days incubation, examine the surviving embryos for evidence of infection.

(ii) A satisfactory titration shall have at least one dilution with between 50 and 100 percent positives and at least one dilution with between 50 and 0 percent positives.

(iii) Calculate the $EID_{50}$ by the Spearman-Karber or Reed-Muench method.

(3) Twenty-one to twenty-eight days post-vaccination, all vaccinates and controls shall be challenged by eye-drop with virulent bronchitis virus. A separate set of vaccinates and controls shall be used for each serotype against which protection is claimed. Each challenge virus shall be approved or provided by Veterinary Services and shall titer at least $10^{4.5}$ $EID_{50}$ per ml.

(i) Tracheal swabs shall be taken once, 5 days post-challenge, from each control and vaccinate. Each swab shall be placed in a test tube containing 3 ml of tryptose phosphate broth and antibiotics. The tube and swab shall be swirled thoroughly and if they are to be stored, be immediately frozen and be stored at below −40° C pending egg evaluation. For each chicken swab, at least five chicken embryos 9 to 11 days old shall be inoculated in the allantoic cavity with 0.2 ml each of broth from each tube.

(ii) All embryos surviving the third day post-inoculation shall be used in the evaluation, except that, if a swab is not represented by at least four embryos, the test of that swab is invalid and the results inconclusive. A tracheal swab shall be positive for virus recovery when any of the embryos in a valid test show typical infectious bronchitis virus lesions, such as but not limited to, stunting, curling, kidney urates, clubbed down, or death during the 4 to 7 day post-inoculation period. If less than 20 percent of the embryos which survive the third day post-inoculation die during the 4 to 7 day post-inoculation period and show no gross lesions typical of infectious bronchitis, they may be disregarded.

(iii) If less than 90 percent of the controls are positive for virus recovery, the test is inconclusive and may be repeated.

(iv) If less than 90 percent of the vaccinates are negative for virus recovery, the Master Seed Virus is unsatisfactory.

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years and each 5 years thereafter unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed Virus shall be granted by Veterinary Services.

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements in § 113.135 and the requirements prescribed in this paragraph, except that, if the vaccine contains more than one virus type, bulk samples taken from each type prior to mixing shall be used in the virus identity tests prescribed in § 113.135(c). The additional requirements in this paragraph shall also be met.

(1) Final container samples from each serial shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

• • • • • •

(3) *Virus titer requirements.* A virus titration shall be conducted on final container of completed product from each serial and subserial using the procedure prescribed in paragraph (c)(2) of this section, and in this paragraph.

• • • • • •

(iii) To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{2.5}$ $EID_{50}$ per dose.

4. § 113.163 is amended by revising the introductory portion of paragraph (b); by revising paragraph (d), and the introductory portion of paragraph (e); and by revising paragraph (e)(3) to read:

**§ 113.163 Fowl Laryngotracheitis Vaccine.**

• • • • • •

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly. Each lot shall also be tested for safety as follows:

• • • • • •

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements in § 113.135 and the requirements prescribed in this paragraph.

(1) Final container samples from each serial shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

(2) *Safety test.* Live virus vaccines prepared under special license shall be tested for safety as provided in the filed Outline of Production. Final container samples of completed product from each serial of modified live virus vaccine shall be tested for safety as provided in this paragraph.

(i) Twenty-five 3 to 4 week old laryngotracheitis susceptible chickens shall be injected intratracheally with 0.2 ml of vaccine rehydrated at the rate of 30 mls for 1,000 doses. Chickens shall be observed each day for 14 days. Deaths shall be counted as failures. Two-stage sequential testing may be conducted if the first test (which then becomes stage one) has five, six, or seven failures.

(ii) The results shall be evaluated according to the following table:

*Cumulative totals*

| Stage | Number of chickens | Failures for satisfactory serials | Failures for unsatisfactory serials |
|---|---|---|---|
| 1 | 25 | 4 or less | 8 or more. |
| 2 | 50 | 10 or less | 11 or more. |

(iii) If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated or in lieu thereof, the serial declared unsatisfactory.

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method provided in paragraphs (c) (2) or (3) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{2.5}$ $EID_{50}$ per dose for chicken embryo origin vaccine and $10^{2.5}$ $EID_{50}$ or $10^{2.5}$ $TCID_{50}$ per dose for tissue culture origin vaccine.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements prescribed in § 113.135, except paragraph (c), in paragraph (d)(1) of this section and the requirements prescribed in this paragraph.

• • • • • •

(3) *Safety test.* Live virus vaccines prepared under special license shall be tested for safety as provided in the filed Outline of Production. Final container samples of completed product from each serial or one subserial of modified live virus vaccine shall be tested for safety in ten or more susceptible chickens obtained from the same source and hatch as those used in the immunogenicity test prescribed in paragraph (e)(2) of this section. Each shall be injected intratracheally with 0.2 ml of the vaccine prepared for use as recommended on the label and observed each day for 14 days. If more than 20 percent of the chickens die during the observation period the serial or subserial is unsatisfactory.

5. § 113.164 is amended by revising paragraphs (b), (c)(3), (d), and the introductory portion of paragraph (e); by revising paragraphs (e)(2)(iii) and (e)(3)(i) and (ii); and by deleting paragraphs (e)(3)(iii) and (iv) to read:

**§ 113.164 Newcastle Disease Vaccine.**

• • • • • •

(b) Each lot of Master Seed Virus shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the virus judged accordingly.

(c) • • •

(3) Twenty to twenty-eight days postvaccination, all vaccinates and controls shall be challenged intramuscularly with at least $10^{4.5}$ $EID_{50}$ of virus per chicken and observed each day for 14 days. Challenge virus shall be provided or approved by Veterinary Services.

• • • • • •

(d) After a lot of Master Seed Virus has been established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements in § 113.135, except § 113.34, and the requirements prescribed in this paragraph.

(1) Final container samples from each serial shall be tested for pathogens by the chicken embryo inoculation test prescribed in § 113.37, except that, if the test is inconclusive because of a vaccine virus override, the test may be repeated and if the repeat test is inconclusive for the same reason, the chicken inoculation test prescribed in § 113.36 may be conducted and the vaccine judged accordingly.

(2) Safety test: Final container samples of completed product from each serial shall be tested to determine whether the vaccine is safe for use in susceptible young chickens. Vaccines recommended for use in chickens 10 days of age or younger shall be tested in accordance with paragraphs (d)(2)(i), (ii), and (iii) of this section.

(i) Twenty-five susceptible chickens, 5 days of age or younger, properly identified and obtained from the same source and hatch, shall be vaccinated by the eye drop method with the equivalent of 10 doses of vaccine and the chickens observed each day for 21 days. Severe respiratory signs or death shall be counted as failures. Two-stage sequential testing may be conducted if the first test (which then becomes stage one) has 3 failures.

(ii) The results shall be evaluated according to the following table:

*Cumulative totals*

| Stage | Number of chickens | Failures for satisfactory serials | Failures for unsatisfactory serials |
|---|---|---|---|
| 1 | 25 | 2 or less | 4 or more. |
| 2 | 50 | 5 or less | 6 or more. |

(iii) If unfavorable reactions occur which are not attributable to the prod-







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uct, the test shall be declared inconclusive and may be repeated.

(iv) Vaccines not recommended for use in chickens 10 days of age or younger shall be tested for safety as follows:

Each of twenty-five 3 to 5 week old Newcastle disease susceptible chickens shall be vaccinated as recommended on the label with the equivalent of ten doses and observed each day for 21 days. If any of the birds show severe clinical signs of disease or death during the observation period due to causes attributable to the product, the serum is unsatisfactory.

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c) (2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of 0.7 logs greater than that used in such immunogenicity test but not less than $10^{6.5}$ $EID_{50}$ per dose.

(e) Until a lot of Master Seed Virus is established as prescribed in paragraphs (a), (b), and (c) of this section, each serial and subserial shall meet the applicable requirements prescribed in § 113.-135, except paragraph (c) and § 113.34, in paragraphs (d) (1) and (2) of this section and the requirements prescribed in this paragraph.

. . . . . .

(2) • • •

(iii) Twenty to twenty-eight days postvaccination, the vaccinates and the controls shall be challenged intramuscularly with at least $10^{6.5}$ $EID_{50}$ Newcastle disease virus provided or approved by Veterinary Services. The chickens shall be observed each day for 14 days.

. . . . . .

(3) • • •

(i) Vaccines recommended for use in chickens 10 days of age or younger shall be tested in accordance with paragraphs (d) (3) (i), (ii), and (iii) of this section.

(ii) For vaccines not recommended for use in chickens 10 days of age or younger, the pre-challenge period of the immunogenicity test provided in subparagraph (e) (2) of this section shall be the safety test. If any of the birds show severe clinical signs of disease or death during the observation period due to causes attributable to the product, the serial is unsatisfactory.

6. Paragraph (d) of § 113.165 is revised to read:

§ 113.165 Marek's Disease Vaccine.

. . . . . .

(d) Test requirements for release: Except for the virus identity tests in § 113.-135(c), each serial and subserial shall meet the applicable requirements prescribed in § 113.135. Final container samples of completed product shall also meet the requirements in paragraphs (d) (1), (2), and (3) of this section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(37 Stat. 9 CFR, 151–158 U.S.C.)

*Effective date.* These amendments take effect May 30, 1975.

Done at Washington, D.C., this 21st day of April 1975.

J. M. HEJL,
*Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.75-11046 Filed 4-25-75;8:45 am]

Title 10—Energy

## CHAPTER II—FEDERAL ENERGY ADMINISTRATION

## PART 207—COLLECTION OF INFORMATION

### Authorized Energy Information; Collection and Procedure

On January 6, 1975, the Federal Energy Administration issued a notice of proposed rulemaking (40 FR 2212, January 10, 1975) to establish Subpart A of Part 207 of Chapter II of Title 10 of the Code of Federal Regulations, which would set forth the manner in which energy information that the FEA is authorized to obtain by the Energy Supply and Environmental Coordination Act of 1974 (ESECA) will be collected.

Fifteen written comments were received in response to the notice of proposed rulemaking. All comments received have been considered, and several modifications to the proposed regulations have been made that reflect FEA's consideration of these comments as well as other information available to FEA.

Section 207.3(f), as proposed, would require FEA officers or employees, prior to entering a business premise or facility to inspect the facility, or to examine books or records, to present appropriate credentials and a written notice from the Administrator. That section has been amended to make explicit that the notice must "reasonably describe" the premise or facility to be inspected, the stock to be inventoried or sampled, or the books, records, papers or other documents to be examined or copied.

Several comments requested that the regulations specify procedures by which confidentiality of energy information would be determined. Section 207.4(b) has been amended to require the Administrator, to the maximum extent practicable, by ruling or otherwise, to inform respondents who provide energy information to FEA under this subpart as to whether such information will be made available to the public pursuant to requests under the Freedom of Information Act, 5 U.S.C. 552.

Several comments addressed the issue of how requests for exceptions and similar requests should be filed. A new § 207.9 has been added which specifically references the provisions of Part 205 relating to filing of applications for exceptions and exemptions, and requests for interpretations, as well as those provisions relating to rulings and rulemakings.

In addition, a new § 207.6 has been added providing that FEA may issue notices of probable violation, remedial orders and remedial orders for immediate compliance in the event that it has reason to believe, or finds that a violation of the requirements of the subpart has occurred, is occurring, or is about to occur.

A number of comments were received which requested FEA to coordinate data gathering on the petroleum industry between federal agencies, in order to reduce the reporting burden on individual companies. The Federal Reports Act (Chapter 35 of Title 44, United States Code) provides procedures for reviewing reporting requirements imposed by federal agencies to reduce unnecessary, duplicative reporting burdens; this authority is placed in the Office of Management and Budget and the General Accounting Office. In addition, pursuant to FEA's legislative mandate under the Federal Energy Administration Act of 1974 to collect and evaluate energy information, FEA has been providing assistance to other federal agencies to attempt to ensure that Federal energy data requirements are not unnecessarily burdensome, and to improve the quality and timeliness of energy data.

Several comments requested that the regulations require reasonable notice be given before FEA inspection of facilities and records. While FEA will give reasonable notice where feasible, such notice may be inconsistent in some instances with the purposes of the inspection. This amendment has, therefore, not been adopted.

One comment requested that costs for collecting and reporting energy information be included in product cost. The regulations contained in Part 207 do not deal with calculation of product cost and therefore do not provide an appropriate vehicle for consideration of such an amendment.

Several comments stated that the regulations were excessively general, and that terms should be defined more specificity will be provided in individual rules, orders, questionnaires and other means of gathering information concerning, for example, the type of information required, the showing of confidentiality that must be made, and the method by which the information will be gathered.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Subpart A of Part 207 of Chapter II, Title 10 of the Code of Federal Regulations is established as set forth below, effective immediately.

Issued in Washington, D.C. April 23, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*





Part 207 is added to read as follows:

**Subpart A—Collection of Information Under the Energy Supply and Environmental Coordination Act of 1974**

Sec.
207.1 Purpose.
207.2 Definitions.
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207.6 Notice of probable violation and remedial order.
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207.8 Judicial actions.
207.9 Exceptions, exemptions, interpretations, rulings and rulemakings.

AUTHORITY: Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93-319; E.O. 11790, 39 FR 23185.

**Subpart A—Collection of Information Under the Energy Supply and Environmental Coordination Act of 1974**

### § 207.1 Purpose.

The purpose of this subpart is to set forth the manner in which energy information which the Administrator is authorized to obtain by sections 11 (a) and (b) of ESECA will be collected.

### § 207.2 Definitions.

As used in this subpart:

"Administrator" means the Federal Energy Administrator of his delegate.

"Energy information" includes all information in whatever form on (1) fuel reserves, exploration, extraction, and energy resources (including petrochemical feedstocks) wherever located; (2) production, distribution, and consumption of energy and fuels, wherever carried on; and (3) matters relating to energy and fuels such as corporate structure and proprietary relationships, costs, prices, capital investment, and assets, and other matters directly related thereto, wherever they exist.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"EPAA" means the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159).

"FEA" means the Federal Energy Administration.

"Person" means any natural person, corporation, partnership, association, consortium, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States.

"United States," when used in the geographical sense, means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

### § 207.3 Method of collecting energy information under ESECA.

(a) Whenever the Administrator determines that:

(1) Certain energy information is necessary to assist in the formulation of energy policy or to carry out the purposes of the ESECA of the EPAA; and

(2) Such energy information is not available to FEA under the authority of statutes other than ESECA or that such energy information should, as a matter of discretion, be collected under the authority of ESECA;

He shall require reports of such information to be submitted to FEA at least every ninety calendar days.

(b) The Administrator may require such reports of any person who is engaged in the production, processing, refining, transportation by pipeline, or distribution (at other than the retail level) of energy resources.

(c) The Administrator may require such reports by rule, order, questionnaire, or such other means as he determines appropriate.

(d) Whenever reports of energy information are requested under this Subpart, the rule, order, questionnaire, or other means requesting such reports shall contain (or be accompanied by) a recital that such reports are being requested under the authority of ESECA.

(e) In addition to requiring reports, the Administrator may, at his discretion, in order to obtain energy information under the authority of ESECA:

(1) Sign and issue subpoenas in accordance with the provisions of § 205.8 of this chapter for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(2) Require any person, by rule or order, to submit answers in writing to interrogatories, requests for reports or for other information, with such answers or other submissions made within such reasonable period as is specified in the rule or order, and under oath; and

(3) Administer oaths.

Any such subpoena or rule or order shall contain (or be accompanied by) a recital that energy information is requested under the authority of ESECA.

(f) For the purpose of verifying the accuracy of any energy information requested, acquired, or collected by the FEA, the Administrator, or any officer or employee duly designated by him, upon presenting appropriate credentials and a written notice from the Administrator to the owner, operator, or agent in charge, may—

(1) Enter, at reasonable times, any business premise of facility; and

(2) Inspect, at reasonable times and in a reasonable manner, any such premise or facility, inventory and sample any stock of energy resources therein, and examine and copy books, records, papers, or other documents, relating to any such energy information.

Such written notice shall reasonably describe the premise or facility to be inspected, the stock to be inventoried or sampled, or the books, records, papers or other documents to be examined or copied.

### § 207.4 Confidentiality of energy information.

(a) Information obtained by the FEA under authority of ESECA shall be available to the public in accordance with the provisions of Part 202 of this chapter. Upon a showing satisfactory to the Administrator by any person that any energy information obtained under this subpart from such person would, if made public, divulge methods or processes entitled to protection as trade secrets or other proprietary information of such person, such information, or portion thereof, shall be deemed confidential in accordance with the provisions of section 1905 of title 18, United States Code; except that such information, or part thereof, shall not be deemed confidential pursuant to that section for purposes of disclosure, upon request, to (1) any delegate of the FEA for the purpose of carrying out ESECA or the EPAA, (2) the Attorney General, the Secretary of the Interior, the Federal Trade Commission, the Federal Power Commission, or the General Accounting Office, when necessary to carry out those agencies' duties and responsibilities under ESECA and other statutes, and (3) the Congress, or any Committee of Congress upon request of the Chairman.

(b) Whenever the Administrator requests reports of energy information under this subpart, he may specify (in the rule, order or questionnaire or other means by which he has requested such reports) the nature of the showing required to be made in order to satisfy FEA that certain energy information contained in such reports warrants confidential treatment in accordance with this section. He shall, to the maximum extent practicable, either before or after requesting reports, by ruling or otherwise, inform respondents providing energy information pursuant to this subpart of whether such information will be made available to the public pursuant to requests under the Freedom of Information Act (5 U.S.C. 552).

### § 207.5 Violations.

Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of this subpart or any order issued pursuant thereto is a violation of the FEA regulations stated in this subpart.

### § 207.6 Notice of probable violation and remedial order.

(a) *Purpose and scope.* (1) This section establishes the procedures for determining the nature and extent of violations of this subpart and the procedures for issuance of a notice of probable violation, a remedial order or a remedial order for immediate compliance.

(2) When the FEA discovers that there is reason to believe a violation of any provision of this subpart, or any order issued thereunder, has occurred, is continuing or is about to occur, the FEA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The FEA may commence such proceeding by serving a notice of probable violation or by issuing a remedial order for immediate compliance.

(b) *Notice of probable violation.* (1) The FEA may begin a proceeding under this subpart by issuing a notice of probable violation if the FEA has reason to



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believe that a violation has occurred, is



proceedings provided for in Part 205 of this chapter. The appeal must be filed

be issued in accordance with the proce-

that the manufacturer's estimates were

rower that may be outstanding before

believe that a violation has occurred, is continuing, or is about to occur.

(2) Within 10 days of the service of a notice of probable violation, the person upon whom the notice is served may file a reply with the FEA office that issued the notice of probable violation at the address provided in § 205.12 of this chapter. The FEA may extend the 10-day period for good cause shown.

(3) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of probable violation. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, it appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant documents shall be submitted with the reply.

(4) The reply shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations, and decisions on appeals and exceptions relied upon to support the particular position taken.

(5) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of Subpart M of Part 205 of this chapter.

(6) If a person has not filed a reply with the FEA within the 10-day period provided, and the FEA has not extended the 10-day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of probable violation.

(7) If the FEA finds, after the 10-day period provided in § 207.6(b)(2), that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a remedial order would not be appropriate, it shall notify, in writing, the person to whom a notice of probable violation has been issued that the notice is rescinded.

(c) *Remedial order.* (1) If the FEA finds, after the 10-day period provided in § 207.6(b)(2), that a violation has occurred, is continuing, or is about to occur, the FEA may issue a remedial order. The order shall include a written opinion setting forth the relevant facts and the legal basis of the remedial order.

(2) A remedial order issued under this subpart shall be effective upon issuance, in accordance with its terms, until stayed, suspended, modified or rescinded. The FEA may stay, suspend, modify or rescind a remedial order on its own initiative or upon application by the person to whom the remedial order is issued. Such action and application shall be in accordance with the procedures for such proceedings provided for in Part 205 of this chapter.

(3) A remedial order may be referred at any time to the Department of Justice for appropriate action in accordance with § 207.7.

(d) *Remedial order for immediate compliance.* (1) Notwithstanding paragraphs (b) and (c) of this section, the FEA may issue a remedial order for immediate compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds:

(i) There is a strong probability that a violation has occurred, is continuing or is about to occur;

(ii) Irreparable harm will occur unless the violation is remedied immediately; and

(iii) The public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under paragraphs (b) and (c) of this section.

(2) A remedial order for immediate compliance shall be served promptly upon the person against whom such order is issued by telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the relevant facts and the legal basis for the remedial order for immediate compliance, including the findings required by subparagraph (1) of this paragraph.

(3) The FEA may rescind or suspend a remedial order for immediate compliance if it appears that the criteria set forth in subparagraph (1) of this paragraph are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under paragraph (b) of this section.

(4) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in subparagraph (1) of this paragraph are satisfied, the FEA may issue a remedial order for immediate compliance, even if the 10-day period for reply specified in § 207.6(b)(2) of this part has not expired.

(5) At any time after a remedial order for immediate compliance has become effective the FEA may refer such order to the Department of Justice for appropriate action in accordance with § 207.7 of this part.

(e) *Remedies.* A remedial order or a remedial order for immediate compliance may require the person to whom it is directed to take such action as the FEA determines is necessary to eliminate or to compensate for the effects of a violation.

(f) *Appeal.* (1) No notice of probable violation issued pursuant to this subpart shall be deemed to be an action of which there may be an administrative appeal.

(2) Any person to whom a remedial order or a remedial order for immediate compliance is issued under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with the procedures for such appeal provided in subpart H of Part 205 of this chapter. The appeal must be filed within 10 days of service of the order from which the appeal is taken.

§ 207.7 Sanctions.

(a) *General.* (1) Penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of this subpart or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this subpart relating to criminal fines and civil penalties.

(b) *Criminal penalties.* Any person who willfully violates any provision of this subpart or any order issued pursuant thereto shall be subject to a fine of not more than $5,000 for each violation. Criminal violations are prosecuted by the Department of Justice upon referral by the FEA.

(c) *Civil penalties.* (1) Any person who violates any provision of this subpart or any order issued pursuant thereto shall be subject to a civil penalty of not more than $2,500 for each violation. Actions for civil penalties are prosecuted by the Department of Justice upon referral by the FEA.

(2) When the FEA considers it to be appropriate or advisable, the FEA may compromise and settle, and collect civil penalties.

§ 207.8 Judicial actions.

(a) *Enforcement of subpoenas; contempt.* Any United States district court within the jurisdiction of which any inquiry is carried on may, upon petition by the Attorney General at the request of the Administrator, in the case of refusal to obey a subpoena or order of the Administrator issued under this subpart, issue an order requiring compliance. Any failure to obey such an order of the court may be punished by the court as contempt.

(b) *Injunctions.* Whenever it appears to the Administrator that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order issued under this subpart, the Administrator may request the Attorney General to bring a civil action in the appropriate district court of the United States to enjoin such acts or practices and, upon a proper showing, a temporary restraining order or preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any provision of such order or regulation, the violation of which is prohibited by section 12(a) of ESECA, as implemented by this subpart.

§ 207.9 Exceptions, exemptions and interpretations, rulings and rulemaking.

Applications for exceptions, exemptions or requests for interpretations relating to this subpart shall be filed in accordance with the procedures provided in Subparts D, E and F, respectively, of Part 205 of this chapter. Rulings shall





be issued in accordance with the procedures of Subpart K of Part 205 of this chapter. Rulemakings shall be undertaken in accordance with the procedures provided in Subpart L of Part 205 of this chapter.

[FR Doc.75-11012 Filed 4-23-75;3:50 am]

## Title 49—Transportation

### CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 70-27; Notice 14]

### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

#### Hydraulic Brake Systems

This notice amends Standard No. 105-75, *Hydraulic brake systems*, 49 CFR 571.105-75, to make it applicable only to passenger cars equipped with hydraulic brake systems. This amendment has the effect of withdrawing the standard's applicability to multipurpose passenger vehicles (MPV's), trucks, and buses equipped with hydraulic brake systems.

The National Highway Traffic Safety Administration (NHTSA) proposed a 4-month delay of the standard as it applies to passenger cars and indefinite delay as it applies to other hydraulic-braked vehicles (40 FR 10483, March 6, 1975). Manufacturers responded to the proposed 4-month delay for passenger cars with objections to technical features of the standard, the costs of mid-year changes, and NHTSA's estimate of the standard's safety benefits. While consideration of these issues continues, a decision has been made to withdraw the standard's applicability to trucks, buses, and MPV's.

NHTSA proposed withdrawal of the standard because of uncertainty that the particular performance levels established for trucks, MPV's, and buses by Standard No. 105-75 were justified in view of their costs. It is clear that truck braking is in many cases substantially poorer than passenger car braking, and that the generally longer stopping distances and the greater severity of truck accidents justify a safety standard for these vehicles. At the same time, the costs of meeting Standard No. 105-75 in all truck, bus, and MPV model lines are substantial and NHTSA is not prepared to conclude that they are justified in view of achievable safety benefits.

The Center for Auto Safety (CFAS) questioned NHTSA's right to propose withdrawal of a promulgated rule in response to manufacturer cost objections without publication of the agency's evaluation of the submitted cost data. As authority, CFAS cites the newly-enacted cost information provisions of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1402).

In this case manufacturers submitted costs for light- to medium-duty trucks that ranged from $54 to $775 per unit (depending on model configuration) to attain compliance with the standard. NHTSA compared these figures with independently-gathered detailed cost and mark-up information and substantiated that the manufacturer's estimates were accurate. This material has been formally compiled as required by the Act and has been made public in the docket (70-27; Notice 12).

CFAS, the Consumer's Union, Ms. Susan P. Baker of Johns Hopkins University, the Insurance Institute for Highway Safety, and the Permanente Medical Group stressed the importance of a brake standard for these vehicles. NHTSA agrees and intends to issue interim requirements for MPV's, trucks, and buses equipped with hydraulic brake systems. However, NHTSA concludes that the Standard 105-75 requirements in their present form cannot be justified for trucks, buses, and MPV's on the basis of the data available at this time.

In consideration of the foregoing, Standard No. 105-75 (49 CFR 571.105-75) is amended so that S3, *Application*, reads as follows:

§ 571.105-75 Standard No. 105-75; Hydralic brake systems (Effective Sept. 1, 1975).

. . . . .

S3. *Application.* This standard applies to passenger cars equipped with hydraulic service brake systems.

. . . . .

*Effective date:* September 1, 1975. Because the effective date of the standard for trucks, buses, and MPV's was less than 180 days after the date of publication of this amendment in the FEDERAL REGISTER, it is found for good cause shown that an effective date less than 180 days from the date of publication is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51).

Issued on April 25, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75-11228 Filed 4-25-75;11:09 am]

## Title 12—Banks and Banking

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 75-331]

### PART 563—OPERATIONS

#### Documentation of Loans to One Borrower

APRIL 10, 1975.

The following outline regarding the amendment adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions in the regulations.

I. *Present Regulation.* Requires that records be maintained by an insured institution whenever a real estate loan to any one borrower is made in an amount which, when added to the total outstanding balance of its other loans to the borrower, exceeds $100,000.

II. *Amended Regulation.* Increases the amount of real estate loans to one borrower that may be outstanding before records must be maintained by an insured institution from $100,000 to $250,000 or 2% of the institution's net worth, whichever is greater, but in all cases where such outstanding loans exceed $1,000,000.

III. *Reason for the Amendment.* The increase will help alleviate the record keeping burden of insured institutions.

The Federal Home Loan Bank Board considers it desirable to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by revising § 563.9-3(c) for the purpose of alleviating the record keeping burden imposed upon insured institutions.

The present § 563.9-3(c) requires that records be maintained by an insured institution whenever a real estate loan to any one borrower is made in an amount which, when added to the total outstanding balance of its other loans to the borrower, exceeds $100,000. Such records include documentation showing the loan was made within the regulatory limitation of being the lesser of 10% of the institution's withdrawable accounts or an amount equal to the institution's net worth.

Under this amendment the amount of real estate loans to one borrower that may be outstanding before the maintenance of records and documentation becomes necessary is increased from $100,000 to $250,000 or 2% of net worth, whichever is greater. However, in all cases where the total balance of loans outstanding to one borrower exceeds $1,000,000, the records of the insured institution must include documentation showing that subsequent loans to such borrower were within the regulation limitation of being the lesser of 10% of the institution's withdrawable accounts or an amount equal to the institution's net worth.

Accordingly, the Board hereby amends said § 563.9-3 by revising paragraph (c) thereof to read as set forth below, effective April 28, 1975.

Since the above amendments relieve restrictions, the Board hereby finds that notice and public porcedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendments will become effective as hereinbefore set forth.

§ 563.9-3 Loans to one borrower.

. . . . .

(c) *Determination by institution; maintenance of records.* If an insured institution or service corporation affiliate thereof make a loan to any one borrower, as defined in paragraph (a) of this section, in an amount which, when added to the total balances of all outstanding loans on the security of real estate owed to such institution and its service corporation affiliates by such borrower, exceeds $250,000 or 2% of the net worth of



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such institution, whichever is greater, but in all cases where such outstanding loans exceed $1,000,000, the records of such institution or its service corporation affiliate with respect to such loan shall include documentation showing that such loan was made within the limitations of paragraph (b) of this section; for the purpose of such documentation such institution or service corporation affiliate may require, and may accept in good faith, a certification by the borrower identifying the persons, entities, and interests described in the definition of one borrower in paragraph (a) of this section.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071))

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-10989 Filed 4-25-75;8:45 am]

[Reg. M]

## PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

### Interpretation of Foreign Bank

Under section 25 of the Federal Reserve Act (12 U.S.C. 601), member banks may, with prior Board permission, directly or indirectly acquire and hold stock or other evidences of ownership in one or more foreign banks, and, notwithstanding the provisions of section 23A of the Federal Reserve Act (12 U.S.C. 371c), make loans or extensions of credit to or for the account of such banks in the manner and within the limits prescribed by the Board of Governors by general or specific regulation or ruling.

In several recent applications filed with the Board by member banks under section 25 of the Federal Reserve Act, the issue has arisen as to whether particular foreign institutions can be considered as foreign banks for the purposes of section 25 of the Act and §§ 213.4 and 213.5 of this part (Regulation M) which implement the relevant provisions of section 25. In the Board's judgment, a foreign bank for purposes of section 25 of the Act should be interpreted to mean, with certain limited exceptions described in the following interpretation, foreign institutions that are principally engaged in a commercial banking business. In applying this test, however, the Board has adopted certain minimum criteria which have to be met in every case under section 25 unless a specific exception adopted by the Board applies.

Part 213 of Title 12 is amended by adding the following new section:

**§ 213.105 Interpretation of foreign bank for purposes of section 25 of the Federal Reserve Act.**

(a) Under the third paragraph of section 25 of the Federal Reserve Act, as amended (12 U.S.C. 601), any national banking association[1] possessing a capital and surplus of $1,000,000 or more may file application with the Board for permission, upon such conditions and under such regulations as may be prescribed by the Board, "to acquire and hold, directly or indirectly, stock or other evidences of ownership in one or more banks organized under the law of a foreign country or a dependency or insular possession of the United States and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board shall be incidental to the international or foreign business of such foreign bank; and, notwithstanding the provisions of section 23A of the Federal Reserve Act (12 U.S.C. 371c), to make loans or extensions of credit to or for the account of such bank in the manner and within the limits prescribed by the Board by general or specific regulation or ruling."

(b) Pursuant to its authority under the third paragraph of section 25 of the Federal Reserve Act, the Board has promulgated § 213.4 of this part (Regulation M), which sets forth appropriate conditions and limitations on a member bank's acquisition and holding, directly or indirectly, of the stock or other evidences of ownership in one or more foreign banks, and § 213.5 of this part which allows a member bank, which holds directly or indirectly[2] stock or other evidences of ownership in a foreign bank, to make loans or extensions of credit to or for the account of such foreign bank without regard to the provisions of section 23A of the Federal Reserve Act (12 U.S.C. 371c).

(c) In several recent applications filed with the Board by member banks under section 25 of the Act, the issue has arisen as to whether particular foreign institutions can be considered as foreign banks for the purposes of section 25 of the Act and §§ 213.4 and 213.5 of this part. While the Board has by regulation defined the term "foreign bank" to mean a bank organized under the law of a foreign country and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board, shall be incidental to the international or foreign business of such foreign bank,[3] such definition imposes the statutory limitation on activities in the United States that can be conducted by a foreign bank, the shares of which are owned by a member bank, and does not define as a threshold matter which foreign institutions can be considered as foreign banks eligible for investment and Board exemption from the provisions of section 23A under section 25 of the Act.

(d) Congress in the third paragraph of section 25 of the Act has imposed incorporation and other requirements intended to ensure that a foreign bank acquired under that section is not engaged in a domestic banking business. Congress did not, however, specify in section 25 the criteria a foreign institution must satisfy in order to be considered a foreign bank for purposes of that section.[4] The third paragraph of section 25 was enacted in 1966 in order to give member banks organizational flexibility in conducting their banking operations abroad. Prior to its enactment, the Board had interpreted the "stock purchase" prohibitions of section 5136 of the Revised Statutes as preventing member banks from acquiring directly the shares of foreign banks. Thus, until that time, member banks were limited to conducting their banking operations abroad either through branches established under section 25 or through agencies, branches or subsidiaries of their Edge or Agreement Corporations established, respectively, under section 25(a) or section 25 of the Federal Reserve Act. Because the laws of some foreign countries prevented the establishment of branches and because the holding of shares of foreign banks through Edge or Agreement Corporation subsidiaries resulted in an unnecessary layering of organizational relationships, the enactment of the third paragraph of section 25 essentially was intended to allow member banks to hold directly the shares of foreign banks, instead of holding them indirectly through their Edge or Agreement Corporation subsidiaries.[5] The provision in that paragraph which gives the Board the power to waive the restrictions of section 23A on loans or extensions of credit from a member bank to its foreign bank affiliate was supported by the Board because section 23A in such circumstance tends to restrict normal correspondent banking relationships between banks and their foreign bank affiliates.

(e) In the Board's judgment, a foreign bank for purposes of section 25 of the Act and §§ 213.4 and 213.5 of this part should be interpreted to mean, with certain limited exceptions hereinafter described, a foreign institution that is principally engaged in a commercial banking business. The Board believes that such an interpretation is consonant with the limited purposes of section 25 and accords with Congress' intent in enacting that section. This interpretation will apply both for purposes of determining permissible investments for member banks under § 213.4 of this part and for purposes of the regulatory exemption from the provisions of section 23A under § 213.5 of this part. In adopting this interpretation, however, the Board has determined that, in general, certain minimum criteria should be met in every case. Accordingly, in order for a foreign institution to be considered as principally engaged in a commercial banking business, the institution must, at least, receive deposits to a substantial extent in the regular course of its business, and also have the power to accept deposits that the depositor has a legal right to withdraw on demand. In addition, the Board believes that for a foreign institution to be considered as a foreign bank under section 25, the institution should also be supervised, regulated, examined or otherwise recognized as a commercial bank by the appropriate bank supervisory or monetary authority of either the country of its organization or the country of its principal banking operations.

(f) The Board has also determined, however, that notwithstanding the above test and minimum criteria, foreign institutions organized for the sole purpose of holding the shares of a foreign bank, or organized for the sole purpose of performing nominee, fiduciary, or other banking services incidental to the activities of a foreign branch or banking affiliate of a member bank may be considered as foreign banks for purposes of section 25 and §§ 213.4 and 213.5 of this part. The Board may recognize other exceptions to the criteria adopted in this general interpretation if it determines that any such exception would not be inappropriate under section 25 of the Federal Reserve Act and this part (Regulation M).

(Interprets and applies 12 U.S.C. 601)

By order of the Board of Governors, April 21, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-11031 Filed 4-25-75;8:45 am]

[1] Paragraph 20 of section 9 of the Federal Reserve Act (12 U.S.C. 335) also makes the provisions of section 25 applicable to State member banks.

[2] Whether through a corporation operating under section 25 of the Act or organized under section 25(a) of the Act, or otherwise.

[3] Section 213.2 of this part.

[4] While the term "bank" is defined in section 1 of the Federal Reserve Act (12 U.S.C. 221), that definition "* * * State bank, banking association, and trust company" is not applicable in the context of section 25.

[5] See 112 Cong. Rec. 11866 (1966) (remarks of Senator Robertson).





## Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75-WE-29-AD; Amdt. 39-2191]

## PART 39—AIRWORTHINESS DIRECTIVES

### Certain Hughes 369H Series Helicopters

The "four-on-the-floor" passenger interior of the Hughes Model 369H Series Helicopters defined by Hughes Drawing 369H90035 has provisions for two aft facing seats which are not designed to adequately protect the occupants from injury in accordance with Civil Air Regulation 6.26(a), effective December 20, 1956 (re-codified as FAR 27.561(b)(1)). Since this condition is likely to exist in other helicopters of the same type design, an airworthiness directive is being issued to require installation of a head restraint and protective padding to protect the occupant in a minor crash landing.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulation is amended by adding the following new airworthiness directive:

HUGHES. Applies to Model 369H Series Helicopters certificated in all categories, configured with "four-on-the-floor" passenger interior in accordance with Hughes Drawing 369H90035.

Compliance required as indicated unless already accomplished.

To provide adequate protection for the occupants of the aft facing seats, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this ad, install two conspicuous placards worded, "DO NOT OCCUPY FOR TAKEOFF AND LANDING". The placards must be located on the aft face of the forward divider, facing aft, centered on divider, above each seat cushion.

(b) Placards may be removed upon installation of a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region, which provides the required occupant head and back support.

This amendment becomes effective May 2, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on April 17, 1975.

LYNN L. HINK,
*Acting Director,*
*FAA Western Region.*

[FR Doc.75-10967 Filed 4-25-75;8:45 am]

[Airworthiness Docket No. 75-WE-30-AD; Amdt. 39-2192]

## PART 39—AIRWORTHINESS DIRECTIVES

### Lockheed L-1011-385-1 Series Airplanes

The hydraulic dampers on the flight control surfaces of elevator, outboard ailerons and the rudder on Lockheed-California Company L-1011-385-1 airplanes have experienced loss of hydraulic fluid which could result in degradation to the required damping levels. When any of the above control surfaces become unrestrained as a result of hydraulic or mechanical failures this degradation to the required damping levels could result in dangerous flutter causing a possible damage or loss of the control surface and/or the associated lifting surface. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections, servicing and replacement of the hydraulic dampers on Lockheed-California Company L-1011-385-1 Series airplanes, incorporating hydraulic dampers identified by Part Number 672470-101, -103, -105.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L-1011-385-1 series airplanes certificated in all categories with hydraulic dampers identified by Part Number 672470-101, -103, -105.

To prevent occurrence of dangerous flutter which could result in damage or loss of elevators, outboard allerons and rudder control surfaces, and/or the associated lifting surface accomplish the following:

(a) Within 300 flight hours of the effective date of this AD unless previously accomplished within 300 hours flight time prior to the effective date of this AD, and at intervals not to exceed 500 flight hours thereafter, accomplish the inspections, servicing and replacement of dampers if required, on the elevators of aircraft with Serial Number 193X-1102 and subsequent, per Lockheed Alert Service Bulletin 093-27-A126, dated March 28, 1975 or later FAA-approved revisions.

(b) Within 500 flight hours of the effective date of this AD, and at intervals not to exceed 500 flight hours thereafter, accomplish the inspections, servicing and replacement of dampers as required on the outboard allerons per Lockheed Alert Service Bulletin 093-27-A126, dated March 28, 1975, or later FAA-approved revisions.

(c) Within 1500 flight hours after the effective date of this AD, and at intervals not to exceed 1500 flight hours thereafter, accomplish the inspections, servicing and replacement of dampers as required on the rudder per Lockheed Alert Service Bulletin 093-27-A126, dated March 28, 1975, or later FAA-approved revisions.

(d) If damper replacement is required per instructions of above Lockheed Alert Service Bulletin 093-27-A126, dated March 28, 1975, or later FAA-approved revisions, replace the damper with (-105) damper configuration only, as defined in the Lockheed Service Bulletin 093-27-088, Revision No. 1 dated February 28, 1974, or later FAA-approved revisions.

(e) Equivalent inspections and replacements may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Airplanes may be flown to a base for the accomplishment of the inspections required by the AD, per FAR's 21.197 and 21.199.

This amendment becomes effective May 2, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))



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Issued in Los Angeles, California, on



[Airspace Docket No. 73-WA-11]

*Area D.* That airspace extending upward

Part 223,[1] Part 224,[2] Part 227,[3] and Part

nature, the Board finds that notice and

V

Issued in Los Angeles, California on April 17, 1975.

LYNN L. HINK,
*Acting Director,*
*FAA Western Region.*

[FR Doc.75-10968; Filed 4-25-75;8:45 am]

[Airspace Docket No. 75-SO-8]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Federal Airways; Addendum

On April 14, 1975, Federal Register Document 75-9561 was published in the FEDERAL REGISTER (40 FR 16650) amending Part 71 of the Federal Aviation Regulations effective 0901 GMT, June 19, 1975, by amending V-179 airway north of Dublin, Ga. The alignment of this airway until June 19, 1975, is from Dublin via Sinclair, Ga., to Hampton, Ga. FEDERAL REGISTER Document 75-9561 amends the airway as proposed in the notice of proposed rule making on February 25, 1975 (40 FR 8108) from Dublin to Sinclair, but retention of the existing segment without change from Sinclair to Hampton was inadvertently omitted. In addition, the Atlanta, Ga., VORTAC radial to describe the airway turning point at Sinclair was incorrectly specified as the Atlanta 116° radial, when it should have been the Atlanta 117° radial. Action to make these corrections is taken herein. The retention of that portion of V-179 between Sinclair and Hampton does not require notice and public procedure since no change to the airway configuration is made or intended, and none was proposed in the notice of proposed rule making. Since the airway change of one degree at Sinclair is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. Since it is necessary that aeronautical charts reflect these changes on the original effective date of FEDERAL REGISTER Document 75-9561, this amendment is being made effective April 28, 1975.

In consideration of the foregoing, effective April 28, 1975, F.R. Doc. 75-9561 is amended, as hereinafter set forth.

§ 71.121 [Amended]

In § 71.121, item 3 is revised to read as follows:

"V-129 is revised to read: 'From Dublin, Ga., via INT of Dublin 312° and Atlanta, Ga., 117° radials; to INT of Atlanta 117° and Macon, Ga., 331° radials.'"

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 22, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and*
*Air Traffic Rules Division.*

[FR Doc.75-10969 Filed 4-25-75;8:45 am]

[Airspace Docket No. 73-WA-11]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation of Terminal Control Area at Kansas City, Missouri

On November 29, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 41539) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Kansas City, Mo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Several comments were received and given due consideration.

The United States Air Force objected to the proposed establishment of a TCA at Kansas City. The basis for their objection was that aircraft would fly south of the proposed TCA airspace and thus overfly Richards-Gebaur Air Force Base GCA traffic pattern. The GCA traffic pattern to Runway 18 at Richards-Gebaur has a 2600-foot MSL altitude for the downwind leg and the base leg altitude is 2,300 feet MSL. This traffic pattern extends seven to nine miles north-northeast of the Air Force Base. Although the 20-mile radius of the Kansas City International Airport crosses approximately 8 miles north of the Richards-Gebaur Runway 18 extended center line, the floor of this TCA airspace is 4,000 feet MSL. Additionally, the surface area proposed for the Kansas City TCA only extends 6 miles south of Kansas City International Airport; therefore, an aircraft could overfly the GCA traffic pattern by 1,400 feet or fly up to 13 miles north of the GCA traffic pattern without penetrating the proposed Kansas City TCA.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. Notice 73-WA-11 asked for input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. Several comments received opposed the TCA concept and not the design of a TCA airspace configuration.

One of the major objections received to the Kansas City TCA was that the purchase of the equipment required to fly in TCA airspace would create a financial burden on air taxi and commuter airlines operating into Kansas City International Airport. In response to similar objections we have eliminated the requirement for altitude encoding equipment within Group II TCAs. Additionally, ATC authorization is feasible for occasional individual or continuing operations by advance coordination with the control facility.

The owner of the private-use Humphrey Airport asked to be excluded from the TCA surface area. Due to the low volume of traffic and closeness of Humphrey Airport to Kansas City International Airport an exclusion would be impracticable; however, the Kansas City approach control will issue authorization to operate within the TCA surface area under the provisions of FAR 91.24(c)(2) on a continuing basis outlined in a Letter of Agreement.

A fixed base operator at Farris Airport stated that the TCA will deny use of airspace that they have used for years. However, no recommended changes were made to the proposed configuration. The Farris Airport is approximately 17 NM N.W. of Kansas City International Airport and underlies the TCA by approximately three miles. The base of the TCA in this area is 4,000 feet MSL. For training operations requiring flight above 4,000 feet MSL it is not considered that a flight of slightly more than three miles to avoid the TCA is unreasonable.

The compression of the airspace over Fairfax, Kansas City Municipal, and Noah's Ark Airports was the major objection stated in one letter. The base of Area C is approximately 2,200 feet above Kansas City Municipal and Fairfax Airports. This is considered adequate for traffic pattern requirements. The base of Area B over Noah's Ark Airport provides approximately 1,700 feet of clearance between the TCA base and the surface. An average 800-foot (above ground level) traffic pattern would be about 900 feet below the base of the TCA.

The Air Transport Association (ATA) endorsed the adoption of the TCA as proposed in the notice of proposed rule making.

In consideration of the foregoing, § 71.401(b) (40 FR 640) of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 1, 1975, by adding the Kansas City Group II Terminal Control Area as follows:

KANSAS CITY, MISSOURI, TERMINAL CONTROL AREA

*Primary Airport*

Kansas City International Airport (Lat. 39° 18'18" N., Long. 94°42'40" W.)

*Boundaries*

*Area A.* That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of the Noah's Ark Airport (Lat. 39°13'50" N., Long. 94°48' 15" W.).

*Area B.* That airspace extending upward from 2,400 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding Area A, that airspace within a 2-mile radius of the Fairfax Airport (Lat. 39°08'49" N., Long. 94°36'09" W.) and that airspace within a 1½-mile radius of the Sherman Army Airfield (Lat. 39°22'15" N., Long. 94°54'45" W.).

*Area C.* That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding Area A and Area B.

*Area D.* That airspace extending upward from 4,000 feet MSL to an including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport excluding Area A, Area B and Area C.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c))).

Issued in Washington, D.C., on April 21, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and*
*Air Traffic Rules Division.*

[FR Doc.75-10970 Filed 4-25-75;8:45 am]





## CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-904, Amdt. 5]

### SUBCHAPTER A—ECONOMIC REGULATIONS

## PART 224—ACCESS TO AIRCRAFT FOR SAFETY PURPOSES; FREE TRANSPORTATION FOR SECURITY GUARDS AND FOR CERTAIN FEDERAL AVIATION ADMINISTRATION, NATIONAL TRANSPORTATION SAFETY BOARD AND NATIONAL WEATHER SERVICE EMPLOYEES

### Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 22, 1975.

By ER-903, issued contemporaneously, the Board is, among other things, consolidating Part 224 into Part 223.[1] Part 224 is, therefore, being repealed.

Since repeal is nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary, and repeal may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby repeals Part 224 of the Economic Regulations (14 CFR Part 224), effective April 22, 1975.

(Sec. 204 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-11024 Filed 4-25-75;8:45 am]

[Reg. ER-903]

## PART 223—FREE AND REDUCED-RATE TRANSPORTATION

### Consolidation, Recodification, and Revision

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. April 22, 1975.

At present there are four parts of the Board's Economic Regulations governing free and reduced-rate transportation: Part 223,[1] Part 224,[2] Part 227,[3] and Part 233.[4] Despite its title, Part 223, like Parts 224 and 233 and unlike Part 227, does not deal with tariffs concerning free or reduced-rate transportation. As a step toward reducing the number of parts in the regulations and composing the regulations into a more logical arrangement, the Board is hereby consolidating Parts 224 and 233 into Part 223. This is being accomplished by designating the present provisions of Part 223, as amended herein,[5] as Subpart A, the provisions of Part 224 as Subpart B, and the provisions of Part 233 as Subpart C. In addition, the title of Part 223 is being revised to reflect the fact that it does not deal with tariffs. Editorial changes are also being made in the titles of certain sections of former Part 224.

In addition, the title and content of § 223.9 (Effect on other regulations) is being deleted as superfluous. The new § 223.9 (Free transportation on inaugural flights) constitutes a revision of § 399.34 (Free transportation on inaugural flights in overseas and foreign air transportation with "new type" aircraft). Section 399.34 is being deleted from Part 399 (Statements of General Policy) and transferred to § 223.9, since the provision constitutes particular policy under § 223.8, rather than general policy. The revision of former § 399.34 as set forth in new § 223.9 is nonsubstantive in nature. Essentially, it merely deletes reference to examples of "new type" aircraft appearing in §§ 399.34(b) (1) and (2).

There follows a cross-reference table showing the relationship between former sections of Parts 224 and 233 and the new sections as they appear in Subparts B and C.

| Former sec.: | New sec. |
|---|---|
| 224.1 | 223.22 |
| 224.2 | 223.23 |
| 224.2a | 223.21 |
| 224.3 | 223.24 |
| 224.4 | 223.25 |
| 233.1 | 223.31 |
| 233.2 | 223.32 |

Since the amendments to Part 223 being made herein are nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary, and the amendments may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby recodifies, revises, and republishes Part 223 (14 CFR Part 223), as set forth below, effective April 22, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

### Subpart A—General Provisions


Sec.
223.1 Definitions.
223.2 Persons to whom free and reduced-rate transportation may be furnished.
223.3 Passes to be issued.
223.4 Form of pass.
223.5 Carrier's records.
223.6 Carrier's rules.
223.7 Filing of list of affiliates.
223.8 Application for authority to carry other persons.
223.9 Free transportation on inaugural flights.
223.10 Transportation of empty mail bags.

Subpart B—Free Transportation for Security Guards and for Certain Federal Aviation Administration, National Transportation Safety Board, and National Weather Service Employees

223.21 Security guards.
223.22 Safety inspectors.
223.23 Traffic controllers, aircraft communicators and aviation weather forecasters.
223.24 Requests for access to aircraft and free transportation.
223.25 Responsibility of agencies.

Subpart C—Free Travel for Postal Employees

223.31 Postal employees to be carried free.
223.32 Issuance of credentials and authorization of travel by Postal Service.


AUTHORITY: Secs. 204, 403, 404; 405(j), 407, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445), 760, 766 (as amended by 83 Stat. 103), 771; 49 U.S.C. 1324, 1373, 1374, 1375, 1377, 1386; sec. 2 of the Postal Reorganization Act, 84 Stat. 767, 39 U.S.C. 5007.

### Subpart A—General Provisions

§ 223.1 Definitions.

As used in this part, unless the context otherwise requires:

An "affiliate" of a carrier means a person:

(a) Who controls such carrier, or is controlled by such carrier or by another person who controls or is controlled by such carrier, and

(b) Whose principal business in purpose or in fact is:

(1) The holding of stock in one or more carriers, or

(2) Transportation by air or the sale of tickets therefor, or

(3) The operation of one or more airports, one or more of which are used by such carrier or by another carrier who controls or is controlled by such carrier or who is under common control with such carrier by another person, or

(4) Activities devoted to the transportation by air conducted by such carrier

[1] Retitled "Free and Reduced-Rate Transportation."

[2] Tariffs of Air Carriers: Free and Reduced-Rate Transportation.

[3] Access to Aircraft for Safety Purposes; Free Transportation for Security Guards and for Certain Federal Aviation Administration, National Transportation Safety Board, and National Weather Service Employees.

[4] Tariffs of Air Carriers and Foreign Air Carriers: Reduced Rate for Furloughed Military Personnel and Immediate Families of Military Personnel.

[5] Transportation of Mail: Free Travel for Postal Employees.

[6] In addition to the revision noted subsequently, § 223.1 (Definitions) is being rearranged to place the definitions in alphabetical order without paragraph designations and a definition of "air carrier" has been added. And former § 223.2a is redesignated § 223.10.







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or by another carrier which controls or is controlled by such carrier or which is under common control with such carrier by another person.

"Air carrier" means the holder of a certificate of public convenience and necessity issued pursuant to section 401 of the Act.

"Carrier" means: (a) An air carrier or (b) a foreign air carrier which holds a permit issued under section 402 of the Act.

"Control," within the meaning of this section, means the beneficial ownership of more than 40 percent of outstanding voting capital stock unless as to the specific case, the Board shall have determined in a proceeding pursuant to section 408 of the Act that control does not exist; such control may be direct or by or through one or more intermediate subsidiaries likewise controlled or controlling through beneficial ownership of more than 40 percent of outstanding voting capital stock.

"Domestic group familiarization tour" means a tour organized and controlled by one or more air carriers for the purpose of promoting the sale of air transportation by familiarizing a group of travel agents with tourist attractions, accommodations, and recreational facilities in a particular area within the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands.

"Free transportation" means the carriage by a carrier of any person or property (other than property owned by such carrier) in air transportation without compensation therefor; "reduced-rate transportation" means such carriage for a compensation less than that under the rate, fare, or charge published in the tariffs of such carrier, on file with the Board and otherwise applicable to such carriage.

"Pass" means a written authorization issued by a carrier for free or reduced-rate transportation of persons or property; "term pass" means such an authorization effective for a designated period, not to exceed three years; "trip pass" means such an authorization for a single one-way trip or round trip (whether the return trip is made via the same route as the outbound trip or a different one) between designated points.

"Travel agent" means a person (a) who is employed full time in a travel agency, (b) who has been in the continuous employment of such agency at least 12 months, and (c) who devotes his employment time in the agency primarily to the promotion and sale of transportation and related services.

**§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.**

In addition to the persons specified in subparts B and C of this part:

(a) Any carrier may provide free or reduced-rate transportation to any or all classes of persons specifically mentioned in section 403(b) of the Act;

(b) Any carrier engaged in overseas or foreign air transportation may provide free or reduced-rate overseas or foreign air transportation to:

(1) Directors, officers, and employees and members of their immediate families, of any affiliate of such carrier, the name of which affiliate currently is included in the list of affiliates filed by such carrier pursuant to § 223.7 of this part;

(2) Directors, officers, and employees and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mail by air, or conducting transportation by air, in a foreign country; and

(3) Other persons to whom such carrier is required to furnish free or reduced-rate transportation by law or government directive or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest: *Provided, however,* That the foregoing provision shall not be applicable to free or reduced-rate overseas or foreign air transportation pursuant to a law or government directive that requires the furnishing of such transportation to the general public or any segment thereof, and that the Board may without prior notice direct the carrier to file a tariff covering such transportation if the Board finds that the law or government directive in question requires the provision of such transportation.

(c) Any carrier authorized to carry persons in overseas or foreign air transportation may provide such authorized transportation free of charge to bona fida technical representatives of companies which have been engaged in the manufacture and/or development and/or testing of a particular type of aircraft or aircraft equipment, on condition that: [1]

(1) Such transportation is for purposes of technical in-flight observation of such aircraft or equipment necessary in the interest of safety and/or improved efficiency and reliability of the operation of such aircraft or equipment;

(2) Such transportation is provided only when such representatives are engaged in specific technical in-flight observation of the carrier's aircraft or equipment or is provided by the same carrier for the purpose of necessary transit incidental to such duty; and

(3) Such transportation is reported in a statement addressed to the attention of the Bureau of Economics, Civil Aeronautics Board, Washington, D.C. 20428, and forwarded so as to be received by the Board within ten (10) days after the end of the calendar month in which such transportation took place. Such statement shall list the name of each person provided such free transportation, his company affiliation, the specific nature of the observations made, the particular equipment or component of the aircraft observed, the reasons in-flight observation was deemed necessary, and the dates, flights and points between which such free transportation was provided.

(d) Any carrier authorized to engage in interstate transportation is hereby exempted from section 403 of the Act to the extent necessary to enable it to provide such transportation free of charge for the persons and purposes described in paragraph (c) of this section in accordance with the conditions and requirements set forth therein.[1]

(e) Any air carrier not otherwise authorized to carry persons is hereby exempted from the provisions of section 401 of the Act to the extent necessary to enable it to carry persons in accordance with paragraphs (c) and/or (d) of this section.[1]

(f) Any air carrier authorized to engage in interstate or overseas air transportation of passengers or foreign air transportation of passengers to points in Canada is hereby exempted from section 403 of the Act and Part 221 of the Board's Economic Regulations to the extent necessary to enable it to provide free or reduced-rate transportation to travel agents on domestic group familiarization tours between points on its certificated routes within the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands, or from points on its certificated routes in Canada to points on its certificated routes within the stated domestic areas, subject to the following conditions:

(1) The tour shall provide a specific group orientation program, shall include familiarization meetings with local tourist-promotion agencies such as chambers of commerce or tourist bureaus, and may include sightseeing tours of the area and trips by surface transportation as part of the overall familiarization tour of the area.

(2) The tour shall be limited to a minimum of 1 day in addition to time spent in air transportation and a maximum of 7 days' total time, and no more than 4 days shall be spent at any point; *Provided, however,* That tours to the Trust Territory of the Pacific Islands which originate in the continental United States, Puerto Rico, the Virgin Islands, or Canada shall be limited to a maximum of 12 days' total time.

(3) No stopovers shall be permitted except as part of the overall group familiarization tour.

(4) No part of the tour shall consist of transportation by any means to, be directed toward promoting travel to, or in any manner include or provide for visits to, points outside the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands.

(5) The group shall consist of not less than 15 travel agents.

(6) Substantially all of the group's time during normal working hours shall be devoted to the basic familiarization program, and no more than 10 percent of the group's time may be devoted to familiarization with the carrier's facilities.

(7) The carrier shall file with the Board's Bureau of Economics 20 days before commencement of the tour a notice setting forth the number of travel agents participating, the routings over which the agents will travel, a full description of ground arrangements, and the program of activities scheduled.

(8) The carrier shall file with the Board's Bureau of Economics 30 days after completion of the tour a notice setting forth the names of the travel agents who participated in the tour and the names and addresses of the agencies they represent, and a statement:

(i) That all the conditions of § 223.2 (f) and of a domestic group familiarization tour, as defined in § 223.1, have been complied with;

(ii) That the tour was conducted in accordance with information contained in the notice pursuant to § 223.2(f)(7); and

(iii) That each travel agent participating met the requirements of a travel agent, as defined in § 223.1 of this part.

**§ 223.3 Passes to be issued.**

No carrier shall furnish any free or reduced-rate transportation unless a pass therefor has been issued, except that passes need not be issued:

(a) For necessary free transportation of the carrier's own flight personnel in the performance of their official duties;

(b) For free or reduced-rate transportation of persons injured in aircraft accidents or physicians and nurses attending such persons, or traveling with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation;

(c) For the free transportation of persons pursuant to subparts B or C of this part.

**§ 223.4 Form of pass.**

No carrier shall issue any form of pass other than a "term" or "trip" pass. Every pass shall be issued upon the express condition that it is subject to suspension or cancellation for the abuse of the privileges accorded thereunder, and must show on its face, at least, the name of the person or persons who, or whose property, is entitled to receive free or reduced-rate transportation. Each pass must bear either the signature in ink of an official whose title is contained in the list referred to in § 223.6(a), or the facsimile signature of such an official and the countersignature and title in ink of some other official or responsible subordinate whose title is contained in the list referred to in § 223.6(b), who is authorized by said official to countersign passes on his behalf, and before it is presented for transportation such pass must bear the signature in ink of the person to whom issued: *Provided,* That regular tickets or bills of lading, stamped with a suitable notation, may be used as trip passes, and when so used need not conform to the provisions of this section as to form.

**§ 223.5 Carrier's records.**

Each carrier shall maintain in its general offices a record of all passes issued by it and used for transportation over its routes and shall comply with the applicable record-retention provisions of Parts 214 and 249 of this subchapter, as amended. Such record shall be maintained in the form of a register, freely accessible and convenient for examination, and shall contain the following information: The type of pass; dates of issuance and expiration; number; to whom issued, including name, address, and eligibility under the Act and under this part; privileges accorded thereunder; points between which transportation is authorized, or in the case of "term" passes, the route number of system or particular points, as may be appropriate; and the name of the official upon whose authorization the pass was issued. Regular tickets or bills of lading, under certain conditions, may be used as trip passes and need not conform to the provisions of § 223.4 as to form. However, records of such tickets or bills of lading, when used as trip passes for free or reduced-rate transportation, shall be kept in accordance with the above provisions of this section. All correspondence or memoranda relating to free or reduced-rate transportation shall be retained and made a part of the carrier's records. In the case of the reduced-rate transportation, the records shall show the amount of the charged assessed or assessable.

**§ 223.6 Carrier's rules.**

Each carrier shall file with the Board three copies of all instructions to its employees, and of all company rules and regulations, governing its practices in connection with the issuance and interchange of passes. If no instructions, rules, or regulations are in effect, then three copies of a general statement by an appropriate official of the carrier, comprehensively describing its practices in connection with the issuance and interchange of passes must be filed. Each carrier's rules and regulations or statement referred to in this section shall include lists showing (a) the titles of its officials upon whose authorizations passes may be issued, (b) the title of other officials or responsible subordinates who are authorized by said officials to countersign passes on their behalf and the extent of the authority granted them, and (c) the titles of persons who are authorized to request passes from other carriers. Three copies of any change in any such instructions, rules, regulations, or statement of practices must be filed with the Board within 30 days after the effective date of such change.

**§ 223.7 Filing of list of affiliates.**

Before issuing any pass to directors, officers, employees, or members of their immediate families, of any of its affiliates, each carrier shall file with the Board a list containing all of such carrier's affiliates and showing the exact relationship of each such affiliate to such carrier as respects control and principal business. Any change in such list must be filed with the Board within 15 days after such change is effective: *Provided,* That an affiliate not previously included in any list filed with the Board must be included in a new list prior to the issuance of any pass to any person authorized to receive such pass by reason of such affiliation.

**§ 223.8 Application for authority to carry other persons.**

Any carrier desiring special authorization under section 403(b) of the Act to furnish free or reduced-rate overseas or foreign air transportation to a person or persons to whom the carrier would not otherwise be authorized to furnish such transportation under section 403(b) or this part, or who are not listed in the carrier's rules filed with the Board pursuant to § 223.6, may apply to the Board, by letter or other writing, for such authorization. The application shall state the identity of the person or persons to whom, and the points between which, such transportation is to be furnished, the time or approximate time of departure, and the carrier's reasons for desiring to furnish such transportation. The application shall contain a definite statement that the carrier is willing and intends to furnish such transportation if authority to do so is granted by the Board. No transportation for which approval is requested therein shall be furnished by the carrier unless and until such approval is received by the carrier.

**§§ 223.9 Free transportation on inaugural flights.**

The following general standards will be used in deciding applications, under § 223.8 of this part, for permission to furnish free transportation in overseas and foreign air transportation on so-called "inaugural flights" with a new type of aircraft.

(a) *Free transportation permissible.* Free transportation may be authorized on an aircraft type that is being introduced for the first time by a carrier on its system of routes or a part thereof as hereinafter set forth. Free transportation on such flights may be authorized even though the type of aircraft involved may have been on the market and in use by other carriers for a number of years.

(b) *Types of aircraft.* (1) For purposes of this section, aircraft are classified according to the aircraft type certificate issued by the Administrator of the Federal Aviation Administration pursuant to section 603(a) of the Act. Variations of a basic model of aircraft covered by a single type certificate are considered a single type.

(2) With respect to aircraft for which the Administrator may issue type certificates in the future, all aircraft covered by a single type certificate will be regarded as of the same type in the Board's consideration of proposals to furnish

[1] Every carrier providing such transportation should also comply with applicable regulations of the Federal Aviation Administration, e.g., regulations pertaining to admission of persons to the aircraft flight deck.





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free transportation on inaugural flights. of, on the other hand, involving trans- panied by the statement in writing pre-



(b) The promulgation of such internal

1. Amend the Table of Sections as

These provisions supersede the regula-

free transportation on inaugural flights.

(3) With respect to aircraft of foreign manufacture not certificated by the Administrator, each basic type of aircraft and all its variations shall be regarded as one type.

(c) *Geographical areas.* (1) Some carrier's operations are virtually worldwide in scope and these carriers generally maintain operating divisions or areas. For equitable reasons, therefore, the Board is establishing three "geographical areas" and will consider a carrier's system having routes in more than one of these areas to be divided into separate parts coincident with such areas.

(2) In the case of a carrier having a multi-area system, as above described, inaugural flights may be permitted in each geographical area at the time a new type of aircraft is introduced in service by the carrier in such area. If an inaugural flight is operated over routes of the carrier in two or more geographical areas, such flight will be considered as a separate inaugural flight in each of the geographical areas in which such flight is operated.

(3) A carrier having both overseas and foreign routes in the same area will be permitted inaugural flights in such area to the same extent as a carrier having only overseas, or only foreign, routes in such area.

(4) "Geographical areas" shall be considered to be as follows:

Area 1. The area encompassed by the routes of any given carrier between:

(a) Points in any State of the United States, or the District of Columbia, on the one hand, and points in Puerto Rico, the Virgin Islands, or the Canal Zone, on the other;

(b) Points in one and points in any other of the following territories and possessions: Puerto Rico, Virgin Islands, and the Canal Zone;

(c) Points in any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone, on the one hand, and any other points outside thereof on the North American and South American continents, Greenland, Bermuda, Cuba, Haiti, Dominican Republic, Jamaica, Netherlands Antilles, Trinidad and Tobago, Bahamas, Leeward Islands, or Windward Islands, on the other.

Area 2. The area encompassed by the routes of any given carrier between:

Points in any State of the United States, the District of Columbia, or any territory or possession of the United States, on the one hand, and

(a) points in Europe, Africa, Iceland, Ascension Island, Azores, Canary Islands, and Madeira, and

(b) points beyond Europe or Africa in Asia or Australasia, involving transportation over the Atlantic Ocean, on the other.

Area 3. The area encompassed by the routes of any given carrier between:

(a) Points in any State of the United States, the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Asia or Australasia and points intermediate thereto that are not in the United States, or a territory or possession thereof, on the other hand, involving transportation over the Pacific Ocean; or

(b) Points in any State of the United States, or the District of Columbia, on the one hand, and points in a territory or possession of the United States located in the Pacific Ocean, on the other, which involves transportation over the Pacific Ocean; or

(c) Points in a territory or possession of the United States, on the one hand, and points in any other territory or possession of the United States located in the Pacific Ocean, on the other, which involves transportation over the Pacific Ocean.

§ 223.10 Transportation of empty mail bags.

Any carrier authorized to engage in foreign air transportation may transport in foreign air transportation empty air mail bags from any country to the country of origin of such bags, free of charge, on a voluntary, space available basis.

**Subpart B—Free Transportation for Security Guards and for Certain Federal Aviation Administration, National Transportation Safety Board, and National Weather Service Employees**

§ 223.21 Security guards.

Every air carrier shall carry, without charge, on any aircraft which it operates any duly authorized person who has been assigned to the duty of guarding such aircraft against unlawful seizure, sabotage or other unlawful interference.

§ 223.22 Safety inspectors.

Every air carrier shall carry, without charge, on any aircraft which it operates any duly authorized official or employee of the National Transportation Safety Board or of the Federal Aviation Administration who has been assigned to the duty of inspecting during flight such aircraft, its engines, propellers, appliances, route facilities, operational procedures, or airman competency.

§ 223.23 Traffic controllers, aircraft communicators, and aviation weather forecasters.

Any air carrier may carry without charge on any aircraft which it operates any traffic controller or aircraft communicator of the Federal Aviation Administration or any aviation weather forecaster of the National Weather Service (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with the problems affecting inflight use of air traffic control and communications and weather forecast services provided by the U.S. Government: *Provided, however,* That no request for free transportation under this section shall be made for the same individual upon any one air carrier more than once in each calendar year (round trips are regarded as one trip for the purposes of this section) unless the individual is an air traffic controller who is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration or unless the request for such additional transportation is accompanied by the statement in writing prescribed in § 223.24(c).

§ 223.24 Requests for access to aircraft and free transportation.

Access to aircraft and free transportation shall not be granted to persons eligible under this part unless the following conditions have been complied with: *Provided, however,* That such conditions shall not apply to security guards referred to in § 223.21, who shall only be required to present to the appropriate agents of the air carrier such credentials as may be prescribed by the Administrator of the Federal Aviation Administration.

(a) The person to be transported shall present to the appropriate agents of the air carrier credentials or a certificate indicating that he is entitled to request access to aircraft or free transportation and signed by the Chairman, National Transportation Safety Board, the Administrator of the Federal Aviation Administration, or the Director, National Weather Service, or any official on their staff they may designate, and signed also by the person presenting such credentials or certificate.

(b) The person to be transported shall deliver to the appropriate agents of the air carrier, in duplicate, a properly executed "Request for Access to Aircraft or Free Transportation" (U.S. Government Standard Form No. 160).

(c) When free transportation requested pursuant to § 223.23 involves more than one free trip within a calendar year by the same individual on the same carrier, the person to be transported, unless he is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration, shall, at the time of performance of each such additional trip, present to the appropriate agent of the air carrier a statement in writing by the Administrator of the Federal Aviation Administration, or the Director, National Weather Service, or any official on their staff they may designate, that the additional trip or trips by the person named, between the points designated and on the type of aircraft specified therein, is solely for the purpose specified in § 223.23 and is essential to the effective performance of Federal Aviation Administration or National Weather Service functions.

(d) The air carrier shall insert the tariff value of the transportation to be furnished on each "Request for Access to Aircraft or Free Transportation," shall retain one copy of each such request, and on or before the 10th day of each month each air carrier shall forward one copy of all such requests received by it during the second preceding calendar month to the Bureau of Economics, Civil Aeronautics Board, Washington, D.C. 20428.

§ 223.25 Responsibility of agencies.

The Federal Aviation Administration, the National Transportation Safety Board, and the National Weather Service shall be responsible for:

(a) The issuance of proper credentials or certificates to personnel eligible thereunder; and

(b) The promulgation of such internal rules as may be required to obtain compliance by such personnel with this part.





**Subpart C—Free Travel for Postal Employees**

§ 223.31 Postal employees to be carried free.

Every air carrier transporting the mails shall carry, on any flight that it operates and without charge therefor, persons on duty in charge of the mails or traveling to or from such duty, upon the exhibition of their credentials.

§ 223.32 Issuance of credentials and authorization of travel by Postal Service.

With regard to free air travel by the persons described in § 223.31, the Postmaster General shall be responsible for:

(a) The issuance of proper credentials for such persons and

(b) the authorization of travel by such persons, subject to such rules and regulations as he may prescribe.

[FR Doc.75-11023 Filed 4-25-75;8:45 am]

[Reg. ER-905]

## PART 233—TRANSPORTATION OF MAIL; FREE TRAVEL FOR POSTAL EMPLOYEES

**Repeal of Part**

By ER-903, issued contemporaneously, the Board is, among other things, consolidating Part 233 into Part 223.[1] Part 233 is, therefore, being repealed.

Since repeal is nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary, and repeal may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby repeals Part 233 of the Economic Regulations (14 CFR Part 233), effective April 22, 1975.

(Sec. 204 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-11025; Filed 4-25-75;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-65; Amdt. 44]

## PART 399—STATEMENTS OF GENERAL POLICY

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. April 22, 1975.

In ER-903, issued contemporaneously, the Board is amendeding Part 223[1] of the Economic Regulations. Included in the amendments is the revision of § 399.34[2] and its transfer to new § 223.9. Section 399.34 is, therefore, being deleted.

Since this amendment is nonsubstantive in nature, the Board find that notice and public procedure thereon are unnecessary, and the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 (14 CFR Part 399)

1. Amend the Table of Sections as follows:

Subpart C—Policies Relating to Rates and Tariffs

• • • • • •

Sec.
399.33 Domestic coach policy.
399.34 [Reserved]
399.35 Free or reduced-rate transportation of persons in foreign air transportation by United States flag air carriers.

• • • • • •

2. Delete and reserve § 399.34 as follows:

§ 399.34 [Reserved]

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-11026 Filed 4-25-75;8:45 am]

**Title 15—Commerce and Foreign Trade**

## CHAPTER XX—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

**Trade Policy Committees**

Regulations regarding the Office of the Special Representative for Trade Negotiations, describing the Trade Policy Committee, creating and setting out the functions of the trade Policy Committee Review Group and the Trade Policy Staff Committee, and establishing rules which govern the submission of information to and the conduct of public hearings by that committee.

Regulations are promulgated herein which supersede and replace those currently set forth at 15 CFR Ch. XX, Parts 2001, 2002, and 2003.[3] These regulations set out certain terms of reference for the Office of the Special Representative for Trade Negotiations, describe the functions of the Trade Policy Committee which was created by Executive Order 11846[4] pursuant to the authority of section 242(a) of the Trade Expansion Act of 1962, as amended,[5] create and set out the functions of the Trade Policy Committee Review Group which replaces the Trade Executive Committee, create and set out the functions of the Trade Policy Staff Committee which replaces the Trade Staff Committee and the Trade Information Committee, and establish the rules which govern the conduct of public hearings and the receipt of information by the Trade Policy Staff Committee. The Office of the Special Representative for Trade Negotiations considers these regulations to be procedural in nature and, hence, exempt from the requirements of 5 U.S.C. 553. Accordingly, the regulations are final as published herein. The Office of the Special Representative for Trade Negotiations nevertheless invites comments on the regulations on or before May 28, 1975, and will consider carefully any comments received.

These provisions supersede the regulations currently set forth at 15 CFR 2001 through 2003 and Appendix A.

**PART 2001—CREATION, ORGANIZATION, AND FUNCTIONS**

Sec.
2001.0 Scope and purpose.
2001.1 Creation and location.
2001.2 Organization.
2001.3 Functions.

AUTHORITY: The provisions set forth herein are issued under Pub. L. 93-618, 88 Stat. 1978; 76 Stat. 902, 19 U.S.C. 1872, as amended; E.O. 11846 of March 27, 1975, 40 FR 14291, March 31, 1975.

§ 2001.0 Scope and purpose.

This chapter sets out terms of reference of the Office of the Special Representative for Trade Negotiations (hereinafter the "Office"), and the procedures whereby it carries out its general responsibilities under the trade agreements program.

One of the primary purposes of these regulations is to inform the public of the unit known as the Trade Policy Staff Committee, which replaces and assumes the functions formerly performed by The Trade Staff Committee and the Trade Information Committee. One of the functions of the Trade Policy Staff Committee is to afford an opportunity for interested parties to present oral and written statements concerning the trade agreements program and related matters.

§ 2001.1 Creation and location.

(a) The Office was established as an agency in the Executive Office of the President by Executive Order 11075 of January 15, 1963 (28 FR 473), as amended by Executive Order 11106 of April 18, 1963 (28 FR 3911), and Executive Order 11113 of June 13, 1963 (28 FR 6183). The Office subsequently was reestablished as an agency in the Executive Office of the President by section 141 of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978, hereinafter referred to as the "Trade Act"), and was delegated certain functions under the Trade Act by Executive Order 11846 of March 27, 1975.[6]

(b) The Office is located at 1800 G Street NW., Washington, D.C. 20506.

§ 2001.2 Organization.

(a) The Office is headed by the Special Representative for Trade Negotiations (hereinafter, the "Special Representative") as provided in section 141(b)(1) of the Trade Act. The Special Representative reports directly to the President and the Congress as described in §2001.3 (a)(2) below, and has the rank of Ambassador Extraordinary and Plenipotentiary.

(b) The Office also consists of two Deputy Special Representatives for Trade Negotiations (hereinafter "Deputy Special Representatives") as provided in section 141(b)(2) of the Trade Act, each of whom holds the rank of Ambassador, and of a professional and nonprofessional staff.

(c) The Trade Policy Committee, an interagency committee composed of the

[1] Retitled "Free and Reduced-Rate Transportation."

[2] Free transportation on inaugural flights in overseas and foreign air transportation with "new type" aircraft.

[1] 36 FR 23620, December 11, 1971.

[2] March 27, 1975, 40 FR 14291, March 31, 1975.

[3] 76 Stat. 902, 19 U.S.C. 1872; Pub. L. 93-618, 88 Stat. 1978, section 602(b).

[4] 40 FR 14291, March 31, 1975.

[5] 76 Stat. 902, 19 U.S.C. 1872; Pub. L. 93-618, 88 Stat. 1978, section 602(b).





heads of specified Executive departments

(8) performs the functions of the



referred to as the "Review Group"). The

Special Representative or his designee:

be furnished by the International Trade

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heads of specified Executive departments and offices, was established by section 3 of Executive Order 11846 (see Appendix), as authorized by section 242(a) of the Trade Expansion Act of 1962, as amended, under the chairmanship of the Special Representative for Trade Negotiations, as provided by section 141(c)(1)(E) of the Trade Act. Two subordinate bodies of the Trade Policy Committee, the Trade Policy Committee Review Group, and the Trade Policy Staff Committee, provided for in §§ 2002.1 and 2002.2 respectively, are established by, and under the direction and administrative control of the Special Representative.

**§ 2001.3 Functions.**

(a) The Special Representative:

(1) except where otherwise provided by statute, Executive order, or instructions of the President, is the chief representative of the United States for each negotiation under the trade agreements program as defined in Section 1 of Executive Order 11846, and participates in other negotiations which may have a direct and significant impact on trade;

(2) reports directly to the President and the Congress, and is responsible to the President and the Congress, with respect to the administration of the trade agreements program as defined in section 1 of Executive Order 11846;

(3) advises the President and the Congress with respect to tariff and nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements program;

(4) performs the functions of the President under section 102 of the Trade Act concerning notice to, and consultation with, Congress, in connection with agreements on nontariff barriers to, and other distortions of, trade, and prepares for the President's transmission to Congress all proposed legislation and other documents necessary or appropriate for the implementation of, or otherwise required in connection with, trade agreements (except that where implementation of an agreement on nontariff barriers to, and other distortions of trade requires a change in a domestic law, the department or agency having the primary interest in the administration of such domestic law prepares and transmits to the Special Representative any proposed legislation necessary for such implementation);

(5) is responsible for making reports to Congress with respect to the matters set forth in (1) and (2) above and prepares, for the President's transmission to Congress, the annual report on the trade agreements program required by section 163(a) of the Trade Act;

(6) is chairman of the Trade Policy Committee, and designates the chairman of the Trade Policy Committee Review Group and the Trade Policy Staff Committee, which are provided for in part 2002 of these regulations;

(7) is responsible for the preparation and submission of any Proclamation which relates wholly or primarily to the trade agreements program;

(8) performs the functions of the President under section 131(c) of the Trade Act concerning requests for, and receipt of, advice from the International Trade Commission with respect to modifications of barriers to (and other distortions of) international trade;

(9) performs the functions of the President under section 132 of the Trade Act with respect to advice of departments of the Federal Government and other sources, and under section 133 of the Trade Act with respect to certain public hearings;

(10) performs the functions of the President under section 135 of the Trade Act with respect to advisory committees, (including functions under the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, which are applicable to such committees, except that of reporting annually to Congress), and, acting through the Secretaries of Commerce, Labor, and Agriculture, as appropriate, performs the functions of the President in establishing and organizing general policy advisory committees and sector advisory committees under section 135(c) of the Trade Act;

(11) determines ad valorem amounts and equivalents pursuant to sections 601 (3) and (4) of the Trade Act, taking into account advice from the International Trade Commission and in consultation with the Trade Policy Committee;

(12) requests, where appropriate, information from the International Trade Commission in connection with import relief findings or actions under sections 202(d) and 203(i) (1) and (2) of the Trade Act;

(13) acting through the Trade Policy Staff Committee provided for in part 2002.2, as appropriate, provides opportunities for the presentation of views, under sections 301(d)(1) and 301(e)(1) of the Trade Act, with respect to unfair or unreasonable foreign trade practices and United States actions in response thereto;

(14) at the request of a complainant, made in accordance with part 2003.3 of these regulations, under section 301(d)(2) of the Trade Act, or of an interested person under section 301(e)(2), provides for appropriate public hearings by the Trade Policy Staff Committee on alleged foreign restrictions, acts, policies, or practices under section 301(d)(2), and on any action by the United States with respect to the import treatment of any foreign product or the treatment of any foreign service under section 301(e)(2);

(15) requests, where appropriate, the views of the International Trade Commission as to the probable impact on the economy of the United States of any action under section 301(a) of the Trade Act;

(16) is responsible, in consultation with the Secretary of State, for the administration of the generalized system of preferences under Title V of the Trade Act;

(17) is responsible for such other functions as the President may direct.

(b)(1) each Deputy Special Representative shall have as his principle function the conduct of trade negotiations under this Act, and shall have such other functions as the Special Representative may direct;

(2) a Deputy Special Representative, designated by the Special Representative, is chairman of the Trade Policy Committee Review Group provided for in part 2002.1;

(3) a Deputy Special Representative, designated by the Special Representative, is chairman of the Adjustment Assistance Coordinating Committee established by section 281 of the Trade Act.

## PART 2002—OPERATION OF COMMITTEES

Sec.
2002.0 Trade Policy Committee.
2002.1 Trade Policy Committee Review Group.
2002.2 Trade Policy Staff Committee.
2002.3 Participation by other agencies.

AUTHORITY: The provisions set forth herein are issued under Pub. L. 93-618, 88 Stat. 1978; 76 Stat. 902, 19 U.S.C. 1872, as amended; E.O. 11846 of March 27, 1975, 40 FR 14291, March 31, 1975.

**§ 2002.0 Trade Policy Committee.**

(a) The Trade Policy Committee was created by section 3 of Executive Order 11846 of March 27, 1975 (40 FR 14291, March 31, 1975), as authorized by section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872), as amended by section 602(b) of the Trade Act.

(b) The Trade Policy Committee is composed of:

(1) The Special Representative for Trade Negotiations, Chairman;
(2) The Secretary of State;
(3) The Secretary of the Treasury;
(4) The Secretary of Defense;
(5) The Attorney General;
(6) The Secretary of the Interior;
(7) The Secretary of Agriculture;
(8) The Secretary of Commerce;
(9) The Secretary of Labor;
(10) The Assistant to the President for Economic Affairs;
(11) The Executive Director of the Council on International Economic Policy.

In addition, the Committee may invite the participation in its activities of any agency or office not listed above when matters of interest to such agency or office are under consideration.

(c) The Trade Policy Committee meets at such times and with respect to such functions as the President or the Chairman of the Committee directs. It has the functions conferred by the Trade Expansion Act of 1962, as amended, upon the interagency organization referred to in section 242 thereof, as amended, the functions delegated to it by the provisions of Executive Order 11846 (see Appendix), and such other functions as the President or the chairman may from time to time direct. Recommendations and advice of the Committee are submitted to the President by the chairman.

**§ 2002.1 Trade Policy Committee Review Group.**

(a) The Trade Executive Committee, established by regulations appearing at 36 FR 23620, December 11, 1971 (15 CFR 2002.1), is abolished and there is hereby established as a subordinate body of the Trade Policy Committee the Trade Policy Committee Review Group (hereinafter referred to as the "Review Group"). The Review Group consists of a Deputy Special Representative, designated by the Special Representative, as chairman, and of high level officials designated from their respective agencies or offices by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State and Treasury. The Special Representative or the Deputy Special Representative, as appropriate, and each head of an agency or office, may designate from his respective agency or office high level officials to serve as alternate members of the Review Group in the event the regular member is unable to attend any meeting of the Review Group.

(b) The Review Group performs the following functions unless such functions are assigned to a different body by the Special Representative or his designee:

(1) coordinates interagency activities concerning the trade agreements program and related matters;

(2) recommends policies and actions, and transmits appropriate materials, to the Special Representative concerning the trade agreements program and related matters, or, when appropriate, approves such policies and actions; and

(3) as appropriate, reviews and approves recommendations of the Trade Policy Staff Committee on policies and actions concerning any proposed trade agreements, the trade agreements program, and related matters.

(4) performs such other functions as the Special Representative or a Deputy Special Representative may from time to time direct.

**§ 2002.2 Trade Policy Staff Committee.**

(a) The Trade Staff Committee and the Trade Information Committee, established by regulations appearing at 36 FR 23620, December 11, 1971 (15 CFR 2002.2, and 2002.3, respectively) are abolished and there is hereby established as a subordinate body of the Trade Policy Committee and the Trade Policy Review Group the Trade Policy Staff Committee (hereinafter referred to as "the Committee"). The Committee consists of a chairman designated by the Special Representative from his Office, and of senior trade policy staff officials designated from their respective agencies or offices by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury and by the Chairman of the International Trade Commission. Each Secretary or head of an agency or office and the Chairman of the Commission may designate from his respective agency officials to serve as alternate members of the Committee in the event the regular member is unable to attend any meeting of the Committee. The Special Representative may from time to time designate officials from his agency other than the chairman, to serve as acting chairmen of the Committee. The representative of the International Trade Commission shall be a nonvoting member of the Committee.

(b) The Committee performs the following functions unless such functions are assigned to a different body by the Special Representative or his designee:

(1) monitors the trade agreements program, reviews the information received pursuant to subparagraphs 2 through 7 below, and transmits summaries of such information together with recommendations of action to the Special Representative, or through him to the Trade Policy Review Group or the Trade Policy Committee, concerning the trade agreements program and related matters, or when appropriate approves such policies and actions.

(2) obtains information and advice from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State and the Treasury, from the Office of the Special Representative for Trade Negotiations, and from such other sources as the Special Representative, a Deputy Special Representative, or the Chairman of the Committee may deem appropriate concerning any proposed trade agreement and other aspects of the trade agreements program and related matters, and concerning the Generalized System of Preferences in accordance with Title V of the Trade Act;

(3) provides an opportunity, by the holding of public hearings and by such other means as the Special Representative, the Deputy Special Representative or the Chairman of the Committee deems appropriate, for interested persons to present their views concerning any article on a list published pursuant to section 131 of the Trade Act, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to a proposed trade agreement.

(4) provides an opportunity, by the holding of public hearings and by such other means as the Special Representative, a Deputy Special Representative, or the Chairman of the Committee deems appropriate, for any interested party to present by oral or written statement his views concerning articles being considered for designation as eligible articles for purposes of the Generalized System of Preferences;

(5) provides an opportunity, by the holding of public hearings upon request by an interested party, and by such other means as the Special Representative, a Deputy Special Representative or the Chairman of the Committee deems appropriate, for any interested party to present by oral or written statement his views concerning foreign trade restrictions, acts, policies, and practices, and United States actions in response thereto;

(6) provides an opportunity where deemed appropriate by the Special Representative, the Deputy Special Representative, or the Chairman, by the holding of public hearings upon request by an interested party, and by such other means as the Special Representative, the Deputy Special Representative or the Chairman deems appropriate, for any interested party to present an oral or written statement concerning any other aspect of the trade agreements program and related matters;

(7) Reviews all materials required to be furnished by the International Trade Commission to the President through the Special Representative, and transmits such materials, together, where appropriate with recommendations of action with respect thereto, to the Special Representative or a Deputy Special Representative.

(8) issues regulations governing the conduct of its public hearings and the performance of such of its other functions as it deems necessary;

(9) performs such other functions as the Special Representative or the Deputy Special Representative may from time to time direct.

**§ 2002.3 Participation by other agencies.**

The chairman of the Trade Policy Committee, the Trade Policy Committee Review Group, and the Trade Policy Staff Committee may invite the participation in the activities of their committees of any other agencies when matters of interest to such agencies are under consideration.

## PART 2003—REGULATIONS OF TRADE POLICY STAFF COMMITTEE

Sec.
2003.0 Office, mailing address, telephone number, and hours.
2003.1 Notice of public hearings.
2003.2 Testimony and submission of written briefs.
2003.3 Requests for public hearings under section 301(d) or section 301(e).
2003.4 Presentation of oral testimony at public hearings.
2003.5 Information open to public inspection.
2003.6 Information exempt from public inspection.

AUTHORITY: The provisions set forth herein are issued under Pub. L. 93-618, 88 Stat. 1978; 76 Stat. 902, 19 U.S.C. 1872, as amended; E.O. 11846 of March 27, 1975, 40 FR 14291, March 31, 1975.

**§ 2003.0 Office, mailing address, telephone number, and hours.**

(a) The office of the Committee is at Room 729, 1800 G Street NW, Washington, D.C. 20506.

(b) All communications to the Committee should be addressed to the "Secretary, Trade Policy Staff Committee, Office of the Special Representative for Trade Negotiations, Room 729, 1800 G Street, NW, Washington, D.C. 20506."

(c) The telephone number of the office of the Committee is (202) 395-3395.

(d) The regular hours of the office of the Committee are from 9 a.m. to 5:30 p.m. on each business day, Monday through Friday.

**§ 2003.1 Notice of public hearings.**

The Committee shall publish in the FEDERAL REGISTER a notice of a proposed public hearing, the subject matter of the proposed public hearing, the period during which written briefs may be submitted, the period during which requests may be submitted to present oral testimony, and the time and place of the proposed public hearing, in the following instances:





(a) Upon publication of lists of articles

**§ 2003.3 Requests for public hearings**

quest does not conform to the require-



SEC. 2. *The Special Representative for*

(11) The Executive Director of the Coun-

functions of the President under Section 133

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(a) Upon publication of lists of articles by the President under section 131(a), or sections 503(a) and 131(a), of the Trade Act as a result of which public hearings are required to be held by section 133 of the Trade Act with respect to any matter relevant to a proposed trade agreement, or with respect to any matter relevant to the granting of generalized tariff preferences for the listed articles;

(b) Upon the receipt by the Committee of a request, made by an interested party in accordance with part 2003.3, for a public hearing under sections 301(d)(2), 301(e)(2), or the last paragraph of 301(e) of the Trade Act with respect to certain trade practices of foreign governments, or actions in response to such foreign trade practices;

(c) Upon instructions of the Special Representative.

**§ 2003.2 Testimony and submission of written briefs.**

(a) Participation by an interested party in a public hearing announced under part 2003.1 shall require the submission of a written brief before the close of the period announced, in the public notice for its submission. Such brief may be, but need not be, supplemented by the presentation of oral testimony in accordance with part 2003.4.

(b) A written brief by an interested party concerning any aspect of the trade agreements program or any related matter not subject to paragraph (a) of this section, and submitted pursuant to a public notice shall be submitted before the close of the period announced in the public notice for its submission.

(c) A written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position. It shall be submitted in not less than twenty (20) copies which shall be legibly typed, printed, or duplicated.

(d) In order to assure each party an opportunity to contest the information provided by other interested parties, the Committee will entertain rebuttal briefs filed by any party within a time limit specified by the Committee. Rebuttal briefs shall conform, in form and number, to the provisions of paragraph (c) of this section. Rebuttal briefs should be strictly limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing and should be as concise as possible.

(e) A written brief by an interested party concerning restrictions, acts, policies, or practices of foreign governments referred to in section 301(a) of the Trade Act, or concerning any other aspect of the trade agreements program or any related matter not subject to paragraph (a) or paragraph (b) of this section may be submitted at any time.

(f) The requirements in subparts (a) through (d) may be waived by the Special Representative, the Deputy Special Representative, or the Chairman of the Committee for reasons of equity and the public interest.

**§ 2003.3 Requests for public hearings under sections 301(d) or 301(e).**

(a) A request by a complainant for a public hearing under section 301(d)(2) of the Trade Act may be submitted in writing concurrently with or subsequent to the submission of a written brief as described in part 2003.2(e).

(b) A request by an interested person for a public hearing under section 301(e)(2) may be made in writing at any time following the publication in the FEDERAL REGISTER of a notice of intention by the President to take action under section 301(a) of the Trade Act;

(c) A request by an interested person for a public hearing under the last paragraph of section 301(e) of the Trade Act may be made in writing within a reasonable time following the taking of an action by the President under section 301(a) of the Trade Act, or following an announcement in the FEDERAL REGISTER that such action has been taken, whenever the President has taken such action prior to the conduct of public hearings as authorized by the last paragraph of section 301(e).

(d) A request for a public hearing under sections 301(d) or 301(e) shall state briefly the interest of each applicant and the position to be taken by each applicant. It shall be submitted in not less than twenty (20) copies which shall be legibly typed, printed, or duplicated.

(e) After receipt of a request for a public hearing under sections 301(d) or 301(e) of the Trade Act, the Secretary of the Committee will notify the applicant whether his request meets the requirements of this part, and if so, the time and place for the public hearing and for his appearance, and the amount of time allotted for his oral testimony. If the request does not meet the requirements of this part, the Secretary of the Committee will so notify the applicant together with the reasons therefor.

**§ 2003.4 Presentation of oral testimony at public hearings.**

(a) A request by an interested party to present oral testimony at a public hearing shall be submitted in writing before the close of the period announced in the public notice for its submission, and shall state briefly the interest of the applicant and the position to be taken by the applicant. Such request will be granted only if a written brief has been prepared and submitted in accordance with §§ 2003.2 and 2033.3. The requirements of this subpart may be waived by the Special Representative, the Deputy Special Representative or the Chairman of the Committee for reasons of equity and the public interest.

(b) After receipt and consideration of a request to present oral testimony at a public hearing, the Secretary of the Committee shall notify the applicant whether the request conforms to the requirements of § 2003.4(a), and if so, the time and place for the hearing and for his appearance, and the amount of time allotted for his oral testimony, and if not, will give the reasons why the request does not conform to the requirements.

(c) In presenting testimony, the interested party should supplement the information contained in the written brief, and should be prepared to answer questions relating to such information.

(d) A stenographic record shall be made of every public hearing.

**§ 2003.5 Information open to public inspection.**

With the exception of information subject to part 2003.6, an interested party may, upon request, inspect at the office of the Committee:

(1) Any written request, brief, or similar submission of information;

(2) Any stenographic record of a public hearing;

(3) Other public written information concerning the trade agreements program and related matters.

**§ 2003.6 Information exempt from public inspection.**

(a) The Committee shall exempt from public inspection business information submitted by an interested party if the Committee determines that such information concerns or relates to trade secrets and commercial and financial information the disclosure of which is not authorized by the interested party furnishing such information and is not required by law.

(b) A party requesting that the Committee exempt from public inspection business information submitted in writing shall clearly mark each page "BUSINESS CONFIDENTIAL" at the top.

(c) The Committee may deny a request that it exempt from public inspection any particular business information if it determines that such information is not entitled to exemption under § 2003.6(a). In the event of such denial, the party submitting the particular business information will be notified of the reasons for the denial and will be permitted to withdraw his submission.

FREDERICK B. DENT,
*Special Representative for Trade Negotiations.*

APPENDIX A

ADMINISTRATION OF THE TRADE AGREEMENTS PROGRAM

Text of Executive Order No. 11846 of March 27, 1975 (40 FR 14291).

By virtue of the authority vested in me by the Trade Act of 1974, hereinafter referred to as the Act (Public Law 93-618, 88 Stat. 1978), the Trade Expansion Act of 1962, as amended (19 U.S.C. 1801), Section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *The Trade Agreements Program.* The "trade agreements program" includes all activities consisting of, or related to, the negotiation or administration of international agreements which primarily concern trade and which are concluded pursuant to the authority vested in the President by the Constitution, Section 350 of the Tariff Act of 1930, as amended, the Trade Expansion Act of 1962, as amended, or the Act.





SEC. 2. *The Special Representative for Trade Negotiations.*

(a) The Special Representative for Trade Negotiations, hereinafter referred to as the Special Representative, in addition to the functions conferred upon him by the Act, including Section 141 thereof, and in addition to the functions and responsibilities set forth in this Order, shall be responsible for such other functions as the President may direct.

(b) The Special Representative, except where otherwise expressly provided by statute, Executive order, or instructions of the President, shall be the chief representative of the United States for each negotiation under the trade agreements program and shall participate in other negotiations which may have a direct and significant impact on trade.

(c) The Special Representative shall prepare, for the President's transmission to Congress, the annual report on the trade agreements program required by Section 163(a) of the Act. At the request of the Special Representative, other agencies shall assist in the preparation of that report.

(d) The Special Representative, except where expressly otherwise provided or prohibited by statute, Executive order, or instructions of the President, shall be responsible for the proper administration of the trade agreements program, and may, as he deems necessary, assign to the head of any Executive agency or body the performance of his duties which are incidental to the administration of the trade agreements program.

(e) The Special Representative shall consult with the Trade Policy Committee in connection with the performance of his functions, including those established or delegated by this Order, and shall, as appropriate, consult with other Federal agencies or bodies. With respect to the performance of his functions under Title IV of the Act, including those established or delegated by this Order, the Special Representative shall also consult with the East-West Foreign Trade Board.

(f) The Special Representative shall be responsible for the preparation and submission of any Proclamation which relates wholly or primarily to the trade agreements program. Any such Proclamation shall be subject to all the provisions of Executive Order No. 11030, as amended, except that such Proclamation need not be submitted to the Director of the Office of Management and Budget.

(g) The Secretary of State shall advise the Special Representative, and the Committee, on the foreign policy implications of any action under the trade agreements program. The Special Representative shall invite appropriate departments to participate in trade negotiations of particular interest to such departments, and the Department of State shall participate in trade negotiations which have a direct and significant impact on foreign policy.

SEC. 3. *The Trade Policy Committee.* (a) As provided by Section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872), as amended by Section 602(b) of the Act, there is established the Trade Policy Committee hereinafter referred to as the Committee. The Committee shall be composed of:

(1) The Special Representative, who shall be Chairman.
(2) The Secretary of State.
(3) The Secretary of the Treasury.
(4) The Secretary of Defense.
(5) The Attorney General.
(6) The Secretary of the Interior.
(7) The Secretary of Agriculture.
(8) The Secretary of Commerce.
(9) The Secretary of Labor.
(10) The Assistant to the President for Economic Affairs.
(11) The Executive Director of the Council on International Economic Policy.

Each member of the Committee may designate an officer of his agency, whose status is not below that of an Assistant Secretary, to serve in his stead, when he is unable to attend any meetings of the Committee. The Chairman, as he deems appropriate, may invite representatives from other agencies to attend the meetings of the Committee.

(b) The Committee shall have the functions conferred by the Trade Expansion Act of 1962, as amended, upon the inter-agency organization referred to in Section 242 thereof, as amended, the functions delegated to it by the provisions of this Order, and such other functions as the President may from time to time direct. Recommendations and advice of the Committee shall be submitted to the President by the Chairman.

(c) The recommendations made by the Committee under Section 242(b)(1) of the Trade Expansion Act of 1962, as amended, with respect to basic policy issues arising in the administration of the trade agreements program, as approved or modified by the President, shall guide the administration of the trade agreements program. The Special Representative or any other officer who is chief representative of the United States in a negotiation in connection with the trade agreements program shall keep the Committee informed with respect to the status and conduct of negotiations and shall consult with the Committee regarding the basic policy issues arising in the course of negotiations.

(d) Before making recommendations to the President under Section 242(b)(2) of the Trade Expansion Act of 1962, as amended, the Committee shall, through the Special Representative, request the advice of the Adjustment Assistance Coordinating Committee, established by Section 281 of the Act.

(e) The Committee shall advise the President as to what action, if any, he should take under Section 337(g) of the Tariff Act of 1930, as amended by Section 341 of the Act, relating to unfair practices in import trade.

(f) The Trade Expansion Act Advisory Committee established by Section 4 of Executive Order No. 11075 of January 15, 1963, is abolished and all of its records are transferred to the Trade Policy Committee.

SEC. 4. *Trade Negotiations Under Title I of the Act.*

(a) The functions of the President under Section 102 of the Act concerning notice to, and consultation with, Congress, in connection with agreements on nontariff barriers to, and other distortions of, trade, are hereby delegated to the Special Representative.

(b) The Special Representative, after consultation with the Committee, shall prepare, for the President's transmission to Congress, all proposed legislation and other documents necessary or appropriate for the implementation of, or otherwise required in connection with, trade agreements; provided, however, that where implementation of an agreement on nontariff barriers to, and other distortions of, trade requires a change in a domestic law, the department or agency having the primary interest in the administration of such domestic law shall prepare and transmit to the Special Representative the proposed legislation necessary or appropriate for such implementation.

(c) The functions of the President under Section 131(c) of the Act with respect to advice of the International Trade Commission and under Section 132 of the Act with respect to advice of the departments of the Federal Government and other sources, are delegated to the Special Representative. The functions of the President under Section 133 of the Act with respect to public hearings in connection with certain trade negotiations are delegated to the Special Representative, who shall designate an interagency committee to hold and conduct any such hearings.

(d) The functions of the President under Section 135 of the Act with respect to advisory committees and, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (86 Stat. 770, 5 U.S.C. App. I), except that of reporting annually to Congress, which are applicable to advisory committees under the Act are delegated to the Special Representative. In establishing and organizing general policy advisory committees or sector advisory committees under Section 135(c) of the Act, the Special Representative shall act through the Secretaries of Commerce, Labor and Agriculture, as appropriate.

(e) The functions of the President with respect to determining ad valorem amounts and equivalents pursuant to Sections 601 (3) and (4) of the Act are hereby delegated to the Special Representative. The International Trade Commission is requested to advise the Special Representative with respect to determining such ad valorem amounts and equivalents. The Special Representative shall seek the advice of the Commission and consult with the Committee with respect to the determination of such ad valorem amounts and equivalents.

(f) Advice of the International Trade Commission under Section 131 of the Act, and other advice or reports by the International Trade Commission to the President or the Special Representative, the release or disclosure of which is not specifically authorized or required by law, shall not be released or disclosed in any manner or to any extent not specifically authorized by the President or by the Special Representative.

SEC. 5. *Import Relief and Market Disruption.*

(a) The Special Representative is authorized to request from the International Trade Commission the information specified in Sections 202(d) and 203(i) (1) and (2) of the Act.

(b) The Secretary of the Treasury, in consultation with the Secretary of Commerce or the Secretary of Agriculture, as appropriate, is authorized to issue, under Section 203(g) of the Act, regulations governing the administration of any quantitative restrictions proclaimed in order to provide import relief and is authorized to issue, under Section 203(g) of the Act or 352(b) of the Trade Expansion Act of 1962, regulations governing the entry, or withdrawal from warehouses for consumption, of articles pursuant to any orderly marketing agreement.

(c) The Secretary of Commerce shall exercise primary responsibility for monitoring imports under any orderly marketing agreement.

SEC. 6. *Unfair Trade Practices.*

(a) The Special Representative, acting through an interagency committee which he shall designate for such purpose, shall provide the opportunity for the presentation of views, under Sections 301(d)(1) and 301(e)(1) of the Act, with respect to unfair or unreasonable foreign trade practices and with respect to the United States response thereto.

(b) The Special Representative shall provide for appropriate public hearings under Section 301(e)(2) of the Act; and, shall issue regulations concerning the filing of requests for, and the conduct of, such hearings.

(c) The Special Representative is authorized to request, pursuant to Section 301(e)(3) of the Act, from the International Trade Commission, its views as to the probable im-



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pact on the economy of the United States

**Title 17—Commodity and Securities**

Rule 19b-3 under the Exchange Act



regulatory environments.' Therefore, in

Of course, the exemption would termi-

it is in the public interest to facilitate

pact on the economy of the United States of any action under Section 301(a) of the Act.

SEC. 7. *East-West Foreign Trade Board.* (a) In accordance with Section 411 of the Act, there is hereby established the East-West Foreign Trade Board, hereinafter referred to as the Board. The Board shall be composed of the following members and such additional members of the Executive branch as the President may designate:

(1) The Secretary of State.
(2) The Secretary of the Treasury.
(3) The Secretary of Agriculture.
(4) The Secretary of Commerce.
(5) The Special Representative for Trade Negotiations.
(6) The Director of the Office of Management and Budget.
(7) The Executive Director of the Council on International Economic Policy.
(8) The President of the Export-Import Bank of the United States.
(9) The Assistant to the President for Economic Affairs.

The President shall designate the Chairman and the Deputy Chairman of the Board. The President may designate an Executive Secretary, who shall be Chairman of a working group which will include membership from the agencies represented on the Board.

(b) The Board shall perform such functions as are required by Section 411 of the Act and such other functions as the President may direct.

(c) The Board is authorized to promulgate such rules and regulations as are necessary or appropriate to carry out its responsibilities under the Act and this Order.

(d) The Secretary of State shall advise the President with respect to determinations required to be made in connection with Sections 402 and 409 of the Act (dealing with freedom of emigration) and Section 403 (dealing with United States personnel missing in action in Southeast Asia), and shall prepare, for the President's transmission to Congress, the reports and other documents required by Sections 402 and 409 of the Act.

(e) The President's Committee on East-West Trade Policy, established by Executive Order No. 11789 of June 25, 1974, as amended by Section 6(d) of Executive Order No. 11808 of September 30, 1974, is abolished and all of its records are transferred to the Board.

SEC. 8. *Generalized System of Preferences.* (a) The Special Representative, in consultation with the Secretary of State, shall be responsible for the administration of the generalized system of preferences under Title V of the Act.

(b) The Committee, through the Special Representative, shall advise the President as to which countries should be designated as beneficiary developing countries, and as to which articles should be designated as eligible articles for the purposes of the system of generalized preferences.

SEC. 9. *Prior Executive Orders.* (a) Executive Order No. 11789 of June 25, 1974, and Section 6(d) of Executive Order No. 11808 of September 30, 1974, relating to the President's Committee on East-West Trade Policy are hereby revoked.

(b)(1) Sections 5(b), 7, and 8 of Executive Order No. 11075 of January 15, 1963, are hereby revoked effective April 3, 1975; (2) the remainder of Executive Order No. 11075, and Executive Order No. 11106 of April 18, 1963 and Executive Order No. 11113 of June 13, 1963, are hereby revoked.

GERALD R. FORD

THE WHITE HOUSE,
*March 27, 1975.*

[FR Doc.75-1101 Filed 4-25-75;8:45 am]

## Title 17—Commodity and Securities Exchanges

## CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-11368, IA-455 File No. S7-560]

## PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

### Adoption of Temporary Exemption From the Advisers Act and the Rules and Regulations Thereunder for Certain Brokers and Dealers (S7-560)

Notice is hereby given that the Securities and Exchange Commission hereby adopts temporary Rule 206A-1(T) [17 CFR 275.206A-1(T)] under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 et seq.] ("Advisers Act") to exempt until August 31, 1975, certain registered brokers and dealers from the provisions of the Advisers Act and the rules and regulations thereunder. The temporary rule, which will become effective on May 1, 1975, the effective date of Rule 19b-3 [17 CFR 240.19b-3] under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.] ("Exchange Act"),[1] is adopted pursuant to the authority granted to the Commission by sections 206A, 202(a)(11), 211(a) and 211(b) [15 U.S.C. 80b-6A, 80b-2(a)(11), 80b-11(a) and 80b-11(b)] of the Advisers Act.[2]

Rule 19b-3 under the Exchange Act will prohibit any national securities exchange from adopting or retaining any rule that requires, or from otherwise requiring, its members to charge fixed rates of commission for transactions executed on, or by the use of the facilities of, such exchange after the applicable effective dates. As a result of the elimination of fixed commission rates on exchange transactions, some broker-dealers may determine that one appropriate response to the new competitive environment would be to charge separately for research and other investment advice furnished to customers. Excluded from the definition of investment adviser is "any broker or dealer whose performance of such [investment advisory] services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor." Separate charges for research and other investment advice, however, would clearly constitute "special compensation" within the meaning of section 202(a)(11)(C) [15 U.S.C. 80b-2(a)(11)(C)] so that such brokers and dealers would become "investment advisers," as defined in section 202(a)(11) of the Advisers Act.[3] Unless otherwise exempt, an investment adviser who makes "use of the mails or any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser" must register with the Commission and comply with the provisions of the Advisers Act.

In the course of the Commission's consideration of Rule 19b-3 under the Exchange Act, comments were directed to the possible impact of competitive rates on brokers and dealers. There was little public comment, however, with regard to the application of the Advisers Act to brokers and dealers. Furthermore, comments can more readily and more usefully be made in light of some experience with the actual implementation of competitive rates.

The Commission also is aware that those brokers and dealers who have long relied on the exclusion provided by section 202(a)(11)(C) of the Advisers Act may not be familiar with the provisions of the Advisers Act or its possible impact upon their advisory activities. In any event, it is appropriate temporarily to relieve brokers and dealers from dealing simultaneously with new business and

[1] Securities Exchange Act Release No. 11203 (Jan. 23, 1975) [40 FR 7394 (Feb. 20, 1975)].

[2] Section 206A of the Advisers Act provides as follows:

The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Section 202(a)(11) of the Advisers Act provides, in relevant part, as follows:

"Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities; but does not include * * * (C) any broker or dealer whose performance of such services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor * * * or (F) such other persons not within the intent of this paragraph, as the Commission may designate by rules and regulations or order.

Section 211(a) and (b) of the Advisers Act provides as follows:

(a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in this title. For the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters.

(b) Subject to the provisions of the Federal Register Act and regulations prescribed under the authority thereof, the rules and regulations of the Commission under this title, and amendments thereof, shall be effective upon publication in the manner which the Commission shall prescribe, or upon such later date as may be provided in such rules and regulations.

[3] *See* Investment Advisers Act Release No. 2 (Oct. 28, 1940).





regulatory environments.[4] Therefore, in order to provide for a thorough consideration by the Commission and by the public of questions related to the applicability of the Advisers Act of brokers and dealers, the Commission has determined to exempt temporarily certainly brokers and dealers from the provisions of the Advisers Act for a period extending from May 1, 1975, to August 31, 1975. That period should be sufficient to allow such brokers and dealers to develop and test new pricing practices after May 1, 1975, without need to comply with the Advisers Act, and to become familiar with the provisions of that Act and interpretations thereunder and to consider their possible interaction with brokerage practices. The Commission welcomes suggestions for further action.[5]

The Commission does not believe that the temporary exemptive rule being adopted is necessary or appropriate with respect to broker-dealers who are already registered under the Advisers Act, since no adjustment period would be needed by those already subject to that Act; nor will the rule be applicable to any broker-dealer who is an investment adviser to an investment company registered or required to be registered under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.]. Similarly, any person who becomes registered as a broker-dealer after May 1, 1975 (except as a successor pursuant to Rule 15b1-3 [17 CFR 240.15b1-3] under the Exchange Act) should be able to comply at the same time with all applicable requirements of both the Exchange Act and Advisers Act without undue difficulty.[6]

Of course, the exemption would terminate prior to August 31, 1975, as to any person who chooses to effect voluntary registration under the Advisers Act as an investment adviser.

Broker-dealers entitled to the temporary exemption afforded by Rule 206A-1(T) would not be subject to the antifraud provisions of the Advisers Act and the rules thereunder. Nevertheless, notwithstanding the temporary exemption, as a result of a broker-dealer's providing investment advisory services to a customer, there may arise a relationship of special trust and confidence which, under applicable law, would impose upon the broker-dealer the high standards inherent in a fiduciary relationship.[7]

The text of Rule 206A-1(T) [Sec. 275.206A-1(T)] is as follows:

*Sec. 275.206A-1(T), Temporary Exemption for Certain Broker-Dealer/Investment Advisers.*

Any person who is registered as a broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934 on May 1, 1975, and is not then registered as an investment adviser pursuant to section 203 of the Investment Advisers Act of 1940 (or any successor, within the meaning of Rule 15b1-3 under the Securities Exchange Act of 1934, to such broker or dealer) shall be temporarily exempt from the provisions of the Act and the rules and regulations thereunder until August 31, 1975; *Provided, however,* That this exemption shall not be applicable to any such person (a) whose broker-dealer registration is withdrawn, suspended, cancelled or revoked, or (b) who acts as an investment adviser, as defined in section 2(a)(20) of the Investment Company Act of 1940, to any investment company registered or required to be registered under that Act.

The Commission finds that the adoption of Rule 206A-1(T) is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act since it will provide an exemption from a statutory requirement for a class of persons registered under and subject to the provisions of the Exchange Act. The Commission further finds, in accordance with the requirements of the Administrative Procedure Act,[8] that notice of Rule 206A-1(T) prior to its adoption and public procedure thereon are impracticable and unnecessary and publication for 30 days prior to its effective date may be omitted, since the rule grants an exemption from statutory requirements which otherwise would be applicable and since it is in the public interest to facilitate the transition to competitive public commission rates on May 1, 1975, pursuant to Rule 19b-3 under the Exchange Act. Accordingly, Rule 206A-1(T) shall become effective on May 1, 1975.

Any communications and suggestions to the Commission concerning the performance of advisory services by broker-dealers should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All communications should refer to File No. S7-560, and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
*Secretary.*

APRIL 23, 1975.

[FR Doc.75-11205 Filed 4-25-75;8:45 am]

[4] For example, if a broker-dealer determines to charge separately for investment advice on or shortly after May 1, 1975, the time required for the preparation and filing of Form ADV (the application for registration as an investment adviser), as well as the thirty day period which must elapse, in the absence of acceleration, before registration becomes effective, might impede prompt implementation of the broker-dealer's decision. Similarly, a reasonable period may be necessary to permit the broker-dealer to institute internal procedures to facilitate compliance with those recordkeeping and other regulatory requirements under the Advisers Act which are different from those imposed by the Exchange Act.

[5] The Commission pointed out in Securities Exchange Act Release No. 11203 (Jan. 23, 1975), at page 42, that as a result of implementing Rule 19b-3 under the Exchange Act, "Questions relating to the definition of investment adviser under the Investment Advisers Act of 1940 may require analysis based on experience with competitive commission rates."

[6] The Commission also has proposed Rule 206(3)-1 [17 CFR 275.206(3)-1] (Investment Advisers Act Release No. 448 (Mar. 31, 1975) [40 FR 14762 (Apr. 2, 1975)]) which would exempt under certain circumstances dually registered investment advisers/broker-dealers from Section 206(3) with respect to publicly distributed written materials, publicly made oral statements, or responses to specific requests for statistical information where no opinions or estimates are given. The adoption of Rule 206A-1(T) does not affect the Commission's consideration of proposed Rule 206(3)-1. The proposed rule would apply to investment adviser/broker-dealers who will not qualify for the temporary exemption under Rule 206A-1(T). It also would continue to apply after the temporary exemption expires.

[7] *See, e.g., Chasins v. Smith, Barney & Co., Inc.*, 438 F. 2d 1167 (2d Cir. 1971); *In the Matter of Arleen W. Hughes*, 27 S.E.C. 629 (1948), *aff'd sub nom. Hughes v. S.E.C.*, 174 F. 2d 969 (D.C. Cir. 1949); *Cant v. A. G. Becker & Co., Inc.*, 374 F. Supp. 36 (N.D. Ill. 1974).

[8] 5 U.S.C. 551 et seq. (1970).

## Title 21—Food and Drugs

## CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 25—DRESSINGS FOR FOOD

### French Dressing Standard of Identity; Optional Use of Colorants and Declaration of Optional Ingredients; Confirmation, Extension of Effective Date

The Food and Drug Administration issued an order, published in the FEDERAL REGISTER of November 8, 1974 (39 FR 39554) amending the standard of identity for french dressing (21 CFR 25.2) to allow optional use of any safe and suitable color additive(s) which will impart the traditionally expected color to the dressing. On the initiative of the Commissioner of Food and Drugs, the order also included a provision that all optional ingredients must be declared by their common or usual name on the label, thereby providing consumers with more complete knowledge of what the food contains.

In this order, the Commissioner is confirming the January 7, 1975 effective date for the part of the order allowing optional use of color additives in french dressing. However, he is extending the effective date to June 30, 1975 for the labeling requirements.

An inquiry was received concerning the January 7, 1975 effective date of the new labeling requirement for this standard. Since the standard now requires all ingredients to be declared in the ingredient statement, thereby necessitating significant label revisions, and only 60 days were provided to effect this change, the Commissioner of Food and Drugs is of the opinion that it would be in keeping with the "Uniform Effective Date for New Food Labeling Regulations" notice, published in the FEDERAL REGISTER of November 14, 1974 (39 FR 40184), to provide for the effective date of the label changes made to comply only with § 25.2(e) of the french dressing standard to be extended to June 30, 1975. The labeling of french dressings that are reformulated to incorporate safe and suitable color ad-





ditives (other than paprika) pursuant

abuse have been published in the Fed-

provide notice of proposed rulemaking



the State Department of Public Health

then only for knowing, negligent, willful

2. A new § 1952.174 is added to Sub-

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ditives (other than paprika) pursuant to § 25.2(d)(2) shall declare such color additives at the time the product is first introduced in interstate commerce.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective January 7, 1975.

In regard to compliance with the order, if labeling changes are to be made to comply only with § 25.2(e) the time for compliance is extended to June 30, 1975. However, a manufacturer who has changed his formulation to take advantage of the new safe and suitable color additive provision (§ 25.2(d)(2)) shall declare such color additives on the label of the newly formulated product in accordance with the applicable sections of 21 CFR Part 1 at the time such product is first introduced in interstate commerce.

Dated: April 16, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc 75-10960 Filed 4-25-75;8:45 am]

SUBCHAPTER C—COSMETICS

## PART 701—COSMETIC LABELING

### Designation of Ingredients on Packaged Labels; Correction

In FR Doc. 75-5330 appearing in the FEDERAL REGISTER for Monday, March 3, 1975, § 701.3(o)(3) in the third column of page 8923 is corrected in the 14th line by adding the word "not" between "that are" and "misleading". As corrected, the line reads: "that are not misleading, declaring the other".

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10961 Filed 4-25-75;8:45 am]

## CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

## PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

### Peyote; Statement of Policy and Interpretation

"Peyote," as it is used in the "Comprehensive Drug Abuse Prevention and Control Act of 1970," section 202(c), Schedule I (c)(12); 21 USC 812 (hereinafter the "Act"); and as used in 21 CFR 1308.11(d)(12), is the common name of the plant presently classified botanically as *Lophophora Williamsii Lemaire*.

Specialized findings of fact describing the plant, its chemical constituents, its method of use, and its potential for abuse, have been published in the Federal Register (35 FR 14789, September 23, 1970).

Consistent with those findings, it has been, and it continues to be the policy of the Administrator, that all parts of the plant *Lophophora Williamsii Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or extracts, fall within the meaning of the term "peyote" as used in the Act and in 21 CFR 1308.11(d)(12).

Therefore, in furtherance of this interpretation, and in accordance with section 552(a)(1)(D) of the Administrative Procedure Act (5 USC 552 (a)(1)(D)); and under the authority vested in the Attorney General by section 201(a) of the Controlled Substances Act of 1970 (21 USC 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100(b) of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that § 1308.11(d)(12) be revised to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

| | |
|---|---|
| (12) Peyote | 7415 |

Meaning all parts of the plant presently classified botanically as *Lophophora Williamsii Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or extracts.

(Interprets 21 USC 812(c), Schedule I(c)(12))

*Effective date.* This order is effective on April 28, 1975.

Dated: April 22, 1975.

JOHN R. BARTELS, Jr.,
*Administrator, Drug Enforcement Administration.*

[FR Doc.75-10990 Filed 4-25-75;8:45 am]

## Title 29—Labor

## CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

## PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

### National Fire Protection Association; Mailing Address Change

Pursuant to authority in sections 6 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657), in Secretary of Labor's Order No. 12–71 (36 FR 8754), and in 29 CFR Part 1911, Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended as set forth below.

The correction is necessitated by a change of mailing address made by the National Fire Protection Association, which organization is referred to in several sections of Part 1910.

Since this correction makes no change in the standards, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation therein, nor any delay in the effective date under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 or 5 U.S.C. 553.

Accordingly, Part 1910 is amended as follows:

§§ 1910.40, 1910.100, 1910.116, 1910.165b, 1910.171, 1910.184, 1910.254 [Amended]

Sections 1910.40, 1910.100, 1910.116, 1910.165b, 1910.171, 1910.184, and 1910.254 of Title 29 of the Code of Federal Regulations are hereby amended by correcting the address of the National Fire Protection Association to read as follows:

National Fire Protection Association
470 Atlantic Avenue
Boston, Massachusetts 02210

This amendment is effective April 26, 1975.

(Secs. 6, 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754)

Signed at Washington, D.C. this 18th day of April, 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-10937 Filed 4-25-75;8:45 am]

## PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

### California Plan Supplements; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this title. On May 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and of the adoption of Subpart K of Part 1952 describing the plan. On December 7, 1973, and March 4, 1974, the State of California submitted supplements to the plan involving developmental changes (see Subpart B of 29 CFR Part 1953 and State initiated changes (see Subpart E of 29 CFR Part 1953). On April 26, 1974, a notice was published in the FEDERAL REGISTER (39 FR 14723) concerning the submission of these supplements to the Assistant Secretary of Labor for Occupational Safety and Health and the fact that the question of approval was in issue before him.

The supplements include:

a. Legislation, "Assembly Bill No. 150," approved by the Governor and filed with the Secretary of State on October 2, 1973 authorizing complete implementation of the basic State plan;

b. Interagency agreements between the State's designated agency (the State Department of Industrial Relations) and the State Department of Public Health and the State Fire Marshal to foster the accomplishment of the plan's objectives;

c. A description of the significant differences between the enacted legislation and the legislation originally proposed in the plan;

d. A description of the organization and operation of the State's consultative service program; and

e. A change in the State's developmental schedule for completion of a revision of its standards from May 1, 1974 to October 31, 1975.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning these supplements. Interested persons were also afforded an opportunity to request an informal hearing with respect to the supplements.

2. *Issues.* Comments were received from interested persons and organizations, including the California Chamber of Commerce, the California Manufacturers Association, the Pacific Gas and Electric Company, and Glen Springer Associates. There were no requests for a hearing.

The major substantive comments concerned the legislation (A.B. 150), insofar as it responded to a commitment by California to remove sanctions against employees for violations of standards from the current provisions of the California Labor Code (See California Approval Notice (38 FR 10717)). These general provisions were repealed (sections 6315 and 6414) insofar as they constituted broad employee sanctions for violations of standards or orders. California did retain a potential employee sanction against any person removing or interfering with safety devices. These provisions are not considered employee sanctions that would interfere with the effectiveness of the State's enforcement program. (See Oregon decision 38 FR 19368).

In addition, California amended its pre-existing criminal misdemeanor employee sanction so as to limit its applicability to knowing, negligent, willful and/or repeated violations of standards by employers and those employees functioning in management or supervisory positions (sections 6423 and 6425).

There were no other substantive comments relevant to the plan changes as submitted.

3. *Decision.* In order to maintain the effective enforcement program required by the Act and 29 CFR Part 1902, an employee sanction must meet the following requirements: (1) it must be applicable only in clearly defined situations, and (2) it must not relieve the employer of his primary responsibility for occupational safety and health, including his obligation to take all possible steps to insure that employees' actions do not violate the standards. (See Oregon decision, 37 FR 28628, and Iowa decision, 38 FR 9368).

California's employee sanction, as outlined above, meets these criteria. Charges would only be placed against those employees in a supervisory capacity and then only for knowing, negligent, willful and/or repeated violations of standards. The law also contains special discrimination protections for employees. Section 6311 of A.B. 150 prohibits employers from discharging employees who refuse to violate safety and health standards where there is a serious violation or a real and apparent hazard to employees.

In order to ensure that the employer's primary responsibility for safety and health is not diminished, California's legislation authorizes civil penalties as well as criminal misdemeanor charges against the employer. It is particularly important to retain the employer's overall obligation to protect employee safety and health in cases where supervisory employees are subject to prosecution so as not to shift the burden of compliance with standards to these employees. Such a result would be inconsistent with the implementation of the Federal Act where actions of supervisory employees are imputed to the employer because of his obligation to provide a safe place of employment. See generally "Secretary of Labor v. Cameron Brothers Construction Co." 3 CCH Para. 16,395 August 9, 1973; "Secretary of Labor v. Maher Distribution Center" 3 CCH Para. 16,814 October 25, 1973. Accordingly, by letter dated March 6, 1975, from Steven A. Jablonsky California has provided assurances that appropriate citations will be issued to employers even where a criminal prosecution against a supervisory employee is contemplated.

In light of the apparently limited and restricted scope of this sanction and the availability of employment discrimination protections to employees, its inclusion in the California plan is not considered to undermine the effectiveness of the State's program. The actual implementation of the criminal sanctions, particularly as they relate to the employers' responsibility and/or employee discrimination protections, will be carefully reviewed during the continuous evaluation of the State plan. In addition, records will be kept and evaluated on the impact of the 10-day notice to employer requirement of section 6311 on implementation of this employee protection contained in that section.

After careful consideration of the plan supplements and the comments submitted regarding them, the supplements incorporated as part of the approved plan and under which the State has been carrying on its approved plan, are hereby approved under 29 CFR Part 1953.

Accordingly, Subpart K of 29 CFR Part 1952 is hereby amended, effective immediately, as set forth below.

1. Paragraph (b) of § 1952.173 is revised as follows:

§ 1952.173 Developmental schedule.

* * * * *

(b) By October 31, 1975, present standards will be amended or new standards promulgated which are as effective and comprehensive as those set forth in Chapter XVII of this Title 29 of the Code of Federal Regulations;

* * * * *

2. A new § 1952.174 is added to Subpart K of Part 1952 to read as follows:

§ 1952.174 Completed developmental steps.

(a)(1) In accordance with § 1952.173(a), the California Occupational Safety and Health Act (Assembly Bill No. 150) was enacted in September 1973 and filed with the California Secretary of State October 2, 1973.

(2) The following difference between the program described in § 1952.170(a) and the program authorized by the State law is approved: Authority to grant or deny temporary variances rests with the Division of Industrial Safety, and such authority for permanent variances is with the Occupational Safety and Health Standards Board. The Board hears appeals from the Division of Industrial Safety's decisions on temporary variances.

(b) In accordance with § 1952.173(d) formal interagency agreements were negotiated and signed between the Department of Industrial Relations and the State Department of Health (June 28, 1973) and between the State Department of Industrial Relations and the State Fire Marshal (August 14, 1973).

(c) In accordance with § 1952.173(f), a program of consultation with employers and employees was fully functioning in January 1974.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 18th day of April 1974.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-10938 Filed 4-25-75;8:45 am]

## PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

### Oregon Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Under § 1954.3 of this chapter, guidelines and procedures are provided for the exercise of discretionary concurrent Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it meets the following requirements: enacted enabling legislation, approved State standards, has a sufficient number of qualified enforcement personnel, and provisions for review of enforcement actions. In making









determinations as to whether and to



## PART 1952—APPROVED STATE PLANS

Creel, North Carolina Commissioner of

North Carolina plan supplements out-

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determinations as to whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Under § 1954.3(f) of this chapter, notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities will be published in the FEDERAL REGISTER.

2. *Notice of Oregon operational agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that a determination has been made that Oregon has met the following conditions for operational status:

(1) Enactment of the Oregon Safe Employment Act of 1973 (hereinafter called OSEA) (Senate Bill No. 44, ORS Chapter 654, effective July 1, 1973) and proposed as completion of a developmental step September 17, 1974, (39 FR 33423);

(2) Promulgation of State standards covering all issues as defined by Subparts B through R of 29 CFR Part 1910 found by the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) to provide overall protection equal to the comparable Federal standards in such issues;

Promulgation of revisions and additions to existing State standards covering issues defined by Subparts F, I, K, M, and N of 29 CFR Part 1910 and approval by the Assistant Regional Director that the standards are at least as effective as the comparable Federal standards in accordance with 29 CFR 1953.4, effective October 25, 1974 (39 FR 38066);

Promulgation of State standards covering issues defined by Subpart S of 29 CFR Part 1910 and approval by the Assistant Regional Director, effective January 16, 1975 (40 FR 2885);

Promulgation of other necessary revisions and additions to State standards to cover all other issues was completed by October 4, 1974, including standards contained in 29 CFR Parts 1918 and 1926 and §§ 1910.109 and 1910.-142 which in the professional judgment of the Assistant Regional Director provides overall protection equal to the comparable Federal standards in such issues.

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system; namely, seventy-seven (77) safety inspectors and eight (8) health inspectors as of July 1, 1974.

(4) A review and appeals system in the Hearing Division of the Workmen's Compensation Board, providing the mechanism for employer and employees to contest enforcement actions and/or abatement dates, in operation since December 20, 1973, under temporary rules and regulations promulgated effective that date, subsequently replaced by permanent rules promulgated effective April 15, 1974 (Oregon Administrative Rules, Chapter 436, sections 85-005 to 85-915).

(5) State enforcement since August 1, 1973, of the State standards, monitored under Subpart C of 29 CFR Part 1954, including two on-site evaluations;

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since July 1, 1974, of rights and responsibilities under OSEA by requiring display in all work places covered by the plan of a State poster recommended for approval by the Assistant Regional Director under Subpart F of 29 CFR Part 1953;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, effective July 1, 1974 (Oregon Administrative Rules, Chapter 436, Sections 46-700 to 46-750);

(3) Responding to complaints filed with or referred to the Oregon Workmen's Compensation Board for violation of the prohibition against employer discrimination against employees for exercising their rights under Oregon Safe Employment Act (Section 14, ORS 654.-062(5)(a));

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective January 23, 1975, and incorporated as part of the Oregon plan has been entered into between M. Keith Wilson, Chairman, Oregon Workmen's Compensation Board, and James W. Lake, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement authority under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered by Subparts B through S of 29 CFR Part 1910, including 29 CFR Parts 1915 through 1918 and Part 1926, where State standards are in effect and operational, except those areas listed below retained and/or exercised by the Federal government under the Act.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6 (c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards contained in the issues covered by Subpart B, Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States, including dry docks and marine railways; and investigation and inspection for the purpose of evaluation of the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of January 23, 1975, Subpart D of 29 CFR Part 1952 is hereby amended, as set forth below:

Section 1952.107 is revised to read as follows:

**§ 1952.107 Level of Federal enforcement.**

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Oregon effective January 23, 1975, and based on a determination that Oregon is operational in the issues covered by the Oregon occupational safety and health plan, the U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Federal standards promulgated subsequent to the agreement where necessary to protect employees as in the case of standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926, until such time as Oregon shall have adopted equivalent standards in accordance with 29 CFR Part 1953, Subpart C; Federal standards contained in the issues covered by Subpart B, Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including dry docks and marine railways; complaints about violations of section 11(c) of the Act (29 U.S.C. 660(c)); and investigation and inspection for the purpose of evaluation of the Oregon plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make prompt recommendation for resumption of the appropriate level of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in the State of Oregon.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 17th day of April 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-10940 Filed 4-25-75;8:45 am]





## PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

### North Carolina; Completion of Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act ) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On February 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 3041) of the approval of the North Carolina Plan for occupational safety and health and of the adoption of Subpart I of Part 1952 describing the plan and containing the approval decision. On May 3, 1973, and January 2, 1975, the State submitted supplements to the plan involving developmental changes, as provided for in Subpart B of 29 CFR Part 1953. The supplements contain the Occupational Safety and Health Act of North Carolina which was enacted by the General Assembly on May 1, 1973, and became effective on July 1, 1973, and the North Carolina Safety and Health poster for private employers which is to be posted at all covered workplaces in the State. In addition, a notice was published in the FEDERAL REGISTER on March 11, 1975, concerning the approval of the revised North Carolina standards by the Assistant Regional Director of the Occupational Safety and Health Administration, Region IV (40 FR 11420).

2. *Issues.* (a) *Legislation.* In accordance with commitments expressed in the approved plan and 29 CFR Part 1952.153 (a), the State's enabling legislation, the Occupational Safety and Health Act of North Carolina (S.B. 342, Chapter 295) (hereinafter referred to as OSHANC) was enacted by the General Assembly in a form identical to that proposed and approved in Subpart I of Part 1952. Subsequent implementation of OSHANC revealed a potentially critical problem in the interpretation of section 5(g) and section 11(d)(1) of OSHANC dealing with an employee's right to file a workplace complaint. Section 5(g) provides that any employee or "authorized representative of employees" who believes a workplace hazard to exist shall have the right to request an inspection by the Commissioner of Labor. Section 11(d)(1) provides that any employee or "an employee representative of employees" may request such an inspection. In practice, section 11(d)(1) was interpreted by the State to mean that complaints from employee representatives could be accepted only if the representative were actually an employee of the employer concerned, thus precluding a union representative not an employee or family member from filing a complaint on behalf of an employee. This interpretation severely limited the North Carolina employee complaint right and appeared not at least as effective as the Federal provision. By letter dated May 23, 1974, from W. C. Creel, North Carolina Commissioner of Labor, to John H. Stender, Assistant Secretary of Labor for Occupational Safety and Health, North Carolina provided assurance that section 5(g) of OSHANC would be interpreted as controlling and "all seemingly valid complaints submitted by employees or their representatives" would be honored. This assurance has been accepted subject to close monitoring of State performance to assure that full employee rights to file workplace complaints either individually or through an authorized representative are provided.

(b) *Poster.* The North Carolina Safety and Health poster contains provisions notifying employees of their obligations and protections under the OSHANC, their right to request inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under both Federal and State laws and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur. Since OSHANC section 23 extends coverage to State and local government employees in a manner at least as effective as but with somewhat different enforcement provisions than in the private sector, this poster is intended solely for the information of employers and employees in the private sector.

3. *Location of the plan and its supplements for inspection and copying.* A copy of these supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street NE., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, North Carolina Department of Labor, 11 West Edenton Street, Raleigh, North Carolina 27611.

4. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that (1) the North Carolina enabling legislation was enacted in a form identical to that contained in the approved plan and does not constitute any change from the plan as approved, (2) the North Carolina poster incorporates all of the provisions required under 29 CFR 1952.10 (a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036, November 5, 1974). Accordingly, it is felt that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the North Carolina plan supplements outlined above are approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a)(2), posting of the North Carolina poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition Subpart I of 29 CFR Part 1952, for the reasons stated in 4 above, is hereby amended effective April 28, 1975, to reflect completion of several developmental steps by adding a new section, § 1952.154 as follows:

**§ 1952.154 Completed developmental steps.**

(a) In accordance with § 1952.153(a) the Occupational Safety and Health Act of North Carolina (S.B. 342, Chapter 295) was enacted by the State legislature on May 1, 1973, and became effective on July 1, 1973.

(b) In accordance with § 1952.153(b), the North Carolina occupational safety and health standards identical to Federal standards (thru 12-3-74) have been promulgated and approved, as revised, by the Assistant Regional Director on March 11, 1975 (40 FR 11420).

(c) In accordance with § 1952.153(p) and the requirements of 29 CFR 1952.10, the North Carolina poster for private employers was approved by the Assistant Secretary on April 17, 1975.

(Secs. 8(g), Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 17th day of April 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-10939 Filed 4-25-75;8:45 am]

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Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-241]

PART 82—BOUNDARY LINES OF INLAND WATERS

Strait of Juan de Fuca, Haro Strait and Strait of Georgia

*Correction*

In FR Doc. 75-9923, appearing at page 17023 in the issue of Wednesday, April 16, the last line of § 82.120(b) should read "32° W."

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 342-5]

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

Prohibitions and Requirements

*Correction*

In FR Doc. 75-9803 appearing at page 17124 in the issue for Wednesday, April



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16, 1975, codification errors appear in

(1) (ii), (iii), (v), (vi) effective July 1,

reviewed by the Agency to verify adher-



570(c)(4) refers to schedules approved

Part 52 of Chapter I, Title 40, Code of

16, 1975, codification errors appear in references made to § 15.20 in paragraph (b)(5) of the preamble and in §§ 15.5(a)(4) and 15.20 (a)(2), (4), and (c).

These errors are due to the fact that the internal paragraphs of § 15.20 as published were edited to conform to the codification of the Code of Federal Regulations, but references to these internal paragraphs were overlooked. These references are corrected here to conform to the correct codification of § 15.20.

As corrected, paragraph (b)(5) of the preamble and §§ 15.5(a)(4) and 15.20 (a)(2), (4), and (c) should read as set forth below:

(5) A commenter suggested that where a facility is listed for reasons other than a court adjudication (§ 15.20(a)(1)(iii) or (vi)), the facility could be subjected to an indefinite listing. A provision was included under § 15.20(c) of the regulations limiting such listing to one year unless a basis for listing under § 15.20 (a)(1)(i), (ii), (iv), or (v) is established by the Director before the one year elapses.

**§ 15.5 Exemptions.**

(a) • • •

(4) *Exclusion.* The foregoing exemptions shall not apply to a proposed contractor whose facility is listed on the basis of § 15.20(a)(1)(i) and (iv). Utilization of such a facility through the award of a Federal contract is barred by section 306(a) of the Air Act and section 508(a) of the Water Act where a conviction has been obtained pursuant to section 113(c)(1) of the Air Act and section 309(c) of the Water Act.

• • • • •

**§ 15.20 List of violating facilities.**

(a) • • •

(2) *Listing proceedings.* No facility shall be listed until there has been notification to the owner, and where appropriate, the operator, by the Director of his intent to place the facility on the List and the basis therefor, and the representatives of the facility have been afforded an opportunity to confer with the Director and present orally or in writing, and with assistance of counsel, data or information relating to the proposed placement of the facility on the List. Prior to listing on the basis of § 15.20(a)(1)(ii), (iii), (v), or (vi) the Director must determine that there is adequate evidence of continuing or recurring noncompliance with clean air or water standards at the facility. Upon request from the Assistant Administrator for Enforcement, EPA, the Director shall defer listing of a facility. The Director's determination to list shall be in writing and shall summarize the basis for his action.

• • • • •

(4) *Effective date.* The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a)(1)(i) or (iv) effective immediately. The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a)(1)(ii), (iii), (v), (vi) effective July 1, 1975.

• • • • •

(c) *Removal of facility from List.* If a conviction, order, judgment, decree, other form of civil ruling, or finding which has constituted the basis for consideration of listing a facility is reversed or otherwise modified to remove such basis, or if the Assistant Administrator for Enforcement, EPA requests removal, the facility shall be removed promptly from such listing by the Director effective upon receipt of notification of the reversal, modification, or request. Requests for removal of facilities from the List for any other basis including a request from a Governor shall be addressed to the Director. Such request shall be in writing and must contain appropriate evidence that the condition which gave rise to the listing has been corrected. Alternatively, for facilities listed under §§ 15.20(a)(1)(ii), (iii), (v), and (vi) above, the written request to de-list may be based upon an approved plan of compliance which will ensure the condition which gave rise to the listing will be corrected. Facilities listed on the basis of § 15.20(a)(1)(iii) and (vi) shall be removed from the List one year after the initial date of the listing unless the Director determines theretofore that a basis for listing under § 15.20(a)(1)(i), (ii), (iv), or (v) has been established. In the event the request for removal is denied, a hearing pursuant to § 15.21 shall be granted by the Director, if requested within ten (10) days of receipt of a notice of denial.

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SUBCHAPTER C—AIR PROGRAMS

[FRL 354-5]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Georgia: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On October 3, 1974 (39 FR 35681) the Administrator noted that the State had included in its submittal on August 2, 1974, a number of schedules which had not received a public hearing. These schedules, in the form of temporary operating permits, were subsequently resubmitted on November 7, 1974, after notice and public hearing; additional temporary operating permits were submitted for the first time on the date. On October 8, 1974, Georgia submitted a number of temporary operating permits for sources previously subject to consent orders. Their compliance schedules were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, notice of hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the Georgia implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on December 23, 1974 (39 FR 44239). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Georgia Air Quality Control Section in Atlanta, and at the Agency's Freedom of Information Center in Washington, D.C.; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The Georgia Air Quality Control Section provided information on a number of schedules which had been changed since the Administrator's proposal of December 23, 1974. Those for which final compliance dates had been extended have been deleted from the listing given below. Also, a number of minor corrections have been made in the listings.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, NE
Atlanta, Georgia 30309

Air Quality Control Section
Environmental Protection Division
Department of Natural Resources
270 Washington Street, SW
Atlanta, Georgia 30334

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air qaulity standards. Accordingly, they are hereby approved. (The date August 2 [1974] entered below under 40 CFR 52.-





570(c)(4) refers to schedules approved by the Administrator on January 22, 1975 (40 CFR 3413); through the Agency's error, no entry corresponding to this approval action was made under "Identification of Plan" at that time.)

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in the State of Georgia and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857-c5(a)))

Dated: April 18, 1975.

JOHN QUARLES,
*Acting Administrator.*

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

**Subpart L—Georgia**

1. Section 52.570 is amended by adding paragraph (c)(4) as follows:

**§ 52.570 Identification of plan.**

• • • • •

(c) • • •

(4) August 2, October 8, and November 7, 1974, by the Director of the Environmental Protection Division of the Department of Natural Resources.

2. Section 52.576 is amended by inserting new lines in the table of paragraph (a) as follows:

**§ 52.576 Compliance schedules.**

(a) • • •



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| | Rule or regulation | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|

V

| Source | Location | Regulation involved | Date of adoption | Effective | Final compliance date |
|---|---|---|---|---|---|
| American Coach Co., conical burner, permit No. 2451-005-1565-T. | Milledgeville, Baldwin County. | 391-3-1-.02 (2)(L). | Oct. 29, 1974 | Immediately | Dec. 31, 1974 |
| American Cyanamid Co., kaolin clay processing facilities, permit No. 3295-094-1669-T. | Anderson, Sumter County. | 391-3-1-.02 (2)(N). | do | do | Nov. 30, 1974 |
| American Industrial Clay Co., kaolin clay processing facilities, permit No. 3295-150-1231-T. | Sandersville, Washington County. | 391-3-1-.02 (2)(N), 391-3-1-.02 (2)(P). | do | do | Dec. 31, 1974 |
| Associated Rubber Co., facility for the reclaiming of rubber, permit No. 2080-071-1259-T. | Tallapoosa, Haralson County. | 391-3-1-.02 (2)(A). | do | do | July 1, 1975 |
| Augusta Building Supply, ready mix concrete facility, permit No. 3278-121-1423-T. | Augusta, Richmond County. | 391-3-1-.02 (2)(N). | do | do | Do. |
| Babcock and Wilcox Co., kaolin clay processing facility, permit No. 3295-121-1719-T. | Hephzibah, Richmond County. | 391-3-1-.02 (2)(N). | do | do | Jan. 1, 1975 |
| Bainbridge Tie & Lumber Co., lumber company—open burning of waste, permit No. 2421-043-1800-T. | Fowlstown, Decatur County. | 391-3-1-.02 (2)(A). | do | do | Dec. 31, 1974 |
| Balfour Lumber Co., conical burner only, permit No. 2421-136-1696-T. | Thomasville, Thomas County. | 391-3-1-.02 (2)(L). | do | do | Do. |
| Bostwick Gin, cotton gin, permit No. 0724-104-1474-T. | Bostwick, Morgan County. | 391-3-1-.02 (2)(Q). | do | do | Aug. 15, 1974 |
| Burgess Pigment Co., kaolin clay processing facilities, permit No. 3295-150-1661-T. | Sandersville, Washington County. | 391-3-1-.02 (2)(N), 391-3-1-.02 (2)(P). | do | do | Aug. 1, 1974 |
| C. & S. Block, Inc., concrete block facility, permit No. 3271-155-1722-T. | Dalton, Whitfield County. | 391-3-1-.02 (2)(N). | do | do | July 1, 1975 |
| Colnuta Talc Co., Inc., talc processing facility, permit No. 3295-105-1682-T. | Chatsworth, Murray County. | 391-3-1-.02 (2)(N). | do | do | Aug. 31, 1974 |
| Collins Ready Mix Concrete, Inc., ready mix concrete facility, permit No. 3273-018-1345-T. | Jackson, Butts County. | 391-3-1-.02 (2)(N). | do | do | Sept. 30, 1974 |
| Columbia Nitrogen Corp., granular fertilizer manufacturing plant, permit No. 2871-011-1341-T. | Macon, Bibb County. | 391-3-1-.02(2)(R), 391-3-1-.02(2)(N). | do | do | Dec. 31, 1974 |
| Columbia Nitrogen Corp., sulfuric acid plant, permit No. 2871-035-1360-T. | Moultrie, Colquitt County. | 391-3-1-.02(2)(N). | do | do | Do. |
| Coastal Timber Lands, Inc., conical burner, permit No. 2421-084-1598-T. | Gray-Jones County. | 391-3-1-.02(2)(L). | do | do | Do. |
| Dave T. Brown Lumber Co., lumber wastes, open burning, permit No. 2421-041-1761-T. | Trenton, Dade County. | 391-3-1-.02(2)(A). | do | do | Do. |
| E. C. Carter Gin Co., cotton gin, permit No. 0724-016-1587-T. | Portal, Bulloch County. | 391-3-1-.02(2)(Q). | do | do | Aug. 15, 1974 |
| J. U. Barber Lumber Co., Inc., conical burner, permit No. 2421-099-1587-T. | Luthersville, Meriwether County. | 391-3-1-.02(2)(L). | do | do | Dec. 31, 1974 |
| V. Albert Brown Lumber Co., conical burner, permit No. 2421-150-1810-T. | Warthen, Washington County. | 391-3-1-.02(2)(L). | do | do | Do. |
| W. C. Bradley Co., cotton gin, permit No. 0724-128-1583-T. mix concrete facility, permit No. 3271-092-1706-T. | Omaha, Stewart County. Lowndes County. | 391-3-1-.02(2)(Q). (N). | do | do | Aug. 15, 1974 |
| Concrete Industries, Inc., concrete products facility, permit No. 3271-047-1709-T. | Albany, Dougherty County. | 391-3-1-.02(2)(N). | do | do | Do. |
| Cornell-Young Co., ready mix concrete facility, permit No. 3273-011-1602-T. | Macon, Bibb County. | 391-3-1-.02(2)(N). | do | do | Aug. 30, 1974 |
| Cornell-Young Co., ready mix concrete facility, permit No. 3273-011-1601-T. | do | 391-3-1-.02(2)(N). | do | do | May 15, 1975 |
| Damascus Lumber Co., lumber company—open burning of wastes, permit No. 2421-048-1789-T. | Damascus, Early County. | 391-3-1-.02(2)(A). | do | do | Dec. 31, 1974 |
| Davis Lumber Co., lumber company—open burning of wastes, permit No. 2421-047-1744-T. | Albany, Dougherty County. | 391-3-1-.02(2)(A). | do | do | Do. |
| Day Co's., conical burner only, permit No. 2421-120-1697-T. | Cuthbert, Randolf County. | 391-3-1-.02(2)(L). | do | do | Dec. 15, 1974 |
| Del-Cook Lumber Co., conical burner No. 1, conical burner No. 2, permit No. 2421-037-1736-T. | Adel, Cook County. | 391-3-1-.02 (2)(L) | do | do | Dec. 31, 1974 |
| Eagle-Picher Industries; zinc and manganous oxide line, permit No. 2875-115-1707-T. | Cedartown, Polk County. | 391-3-1-.02 (2)(E) | do | do | Feb. 15, 1975 |
| Espy Materials, Inc., ready mix concrete facility, permit No. 3273-025-1595-T. | Savannah, Chatham County. | 391-3-1-.02 (2)(Q) | do | do | Jan. 31, 1975 |
| Feed Seed and Farm Supplies, Inc., feed mill, permit No. 2048-124-1549-T. | Sylvania, Screven County. | 391-3-1-.02 (2)(N) | do | do | Do. |





| Source | Location (county) | Rule or regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Freeman Lumber Co., conical burner, permit No. 2443-158-1594-T. | Toomsboro, Wilkinson County. | 391-3-1-.02 (2)(L) | do | do | Dec. 31, 1974 |
| Freeport Kaolin Co., kaolin clay processing facilities, permit No. 3295-158-1672-T. | Gordon, Wilkinson County. | 391-3-1-.02 (2)(N) | do | do | July 1, 1975 |
| General American Transportation Corp., sandblasting of railroad cars, disposal of paint residue and spray painting of railroad cars, permit No. 3743-148-1622-T. | Waycross, Ware County. | 391-3-1-0.2 (2)(N) | do | do | Dec. 15, 1974 |
| General Refractories Co., kaolin clay processing facilities, permit No. 3295-005-1635-T. | Stevens Pottery, Baldwin County. | 391-3-1-.02 (2)(P), 391-3-1-.02(2)(N) | do | do | Feb. 28, 1975 |
| Georgia Crate and Basket, conical burner only, permit No. 2440-136-1702-T. | Thomasville, Thomas County. | 391-3-1-.02 (2)(L) | do | do | Dec. 31, 1974 |
| Georgia Kaolin Co., kaolin clay processing facilities, permit No. 3295-143-1244-T. | Dry Branch, Bibb County. | 391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N) | do | do | Dec. 1, 1974 |
| Georgia Kaolin Co., kaolin clay bulk terminal facilities, permit No. 3295-025-1717-T. | Savannah, Chatham County. | 391-3-1-.02 (2)(N) | do | do | July 31, 1975 |
| Georgia Marble Co., calcium carbonate, permit No. 3281-061-1668-T. | Whitestone, Pickens County. | 391-3-1-.02 (2)(N) | do | do | Do. |
| Georgia Talc Co., Inc., aluminum hydrate processing facility, permit No. 3295-105-1711-T. | Chatsworth, Murray County. | 391-3-1-.02 (2)(N) | do | do | Sept. 30, 1974 |
| Georgia Tennessee Mining & Chemical Co., fullers earth clay processing plant No. 8 facilities, permit No. 3295-081-1267-T. | Wrens, Jefferson County. | 391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N) | do | do | Sept. 1, 1974 |
| Gold Kist Fertilizer, superphosphate and granular fertilizer manufacturing plant, permit No. 2871-040-1328-T. | Cordele, Crisp County. | 391-3-1-.02 (2)(F), 391-3-1-.02(2)(N) | do | do | Dec. 31, 1974 |
| Griffin Gin & Supply Co., Inc.; cotton gin, permit No. 0724-130-1581-T. | Meigs, Thomas County. | 391-3-1-.02 (2)(Q) | do | do | Aug. 15, 1974 |
| Hallman Wood Products, Inc., conical burner, permit No. 2411-117-1607-T. | Eatonton, Putnam County. | 391-3-1-.02 (2)(L) | do | do | Dec. 31, 1974 |
| Hardwoods of Georgia Inc., lumber company—open burning of wastes, permit No. 2421-038-1790-T. | Raymond, Coweta County. | 391-3-1-.02 (2)(A) | do | do | Do. |
| Harris Cement Products, Inc., concrete products facility, permit No. 3272-008-1703-T. | Cartersville, Barlow County. | 391-3-1-.02 (2)(N) | do | do | Sept. 30, 1974 |
| Harris Lumber Co., conical burner, permit No. 2421-038-1586-T. | Ballground, Cherokee County. | 391-3-1-.02 (2)(L) | do | do | Dec. 31, 1974 |
| Harrison Lumber Co., conical burner, permit No. 2421-147-1585-T. | Monroe, Walton County. | 391-3-1-.02 (2)(L) | do | do | Do. |
| Hatcher Feed Mills, Inc.; feed mill, permit No. 2048-102-1457-T. | Forsyth, Monroe County. | 391-3-1-.02 (2)(N) | do | do | Jan. 31, 1975 |
| Heart of Georgia Peanut & Gin Co., cotton gin, permit No. 0724-116-1567-T. | Hawkinsville, Pulaski County. | 391-3-1-.02 (2)(Q) | do | do | Aug. 15, 1974 |
| Hogan-Scarboro Corp., conical burner, permit No. 2434-87-1589-T. | Dudley, Laurens County. | 391-3-1-.02 (2)(L) | do | do | Dec. 31, 1974 |
| Homerville Pole Co., conical burner, permit No. 2411-32-1559-T. | Homerville, Clinch County. | 391-3-1-.02 (2)(L) | do | do | Do. |
| Hopeful Peanut and Milling Co., feed mill, permit No. 2048-125-1551-T. | Camilla, Mitchell County. | 391-3-1-.02 (2)(N) | do | do | Jan. 31, 1975 |
| J. M. Huber Corp., kaolin clay processing facilities, permit No. 3295-081-1657-T. | Wrens, Jefferson County. | 391-3-1-.02 (2)(N) | do | do | June 1, 1975 |
| Irvin Lumber Co., lumber company—open burning of wastes, permit No. 2421-154-1745-T. | Cleveland, White County. | 391-3-1-.02 (2)(A) | do | do | Dec. 31, 1974 |
| Jackson Ready Mix Concrete, Inc., ready mix concrete facility, permit No. 3273-078-1627-T. | Commerce, Jackson County. | 391-3-1-.02 (2)(N) | do | do | May 15, 1975 |
| Jones Concrete Co., ready mix concrete facility, permit No. 3273-137-1626-T. | Tifton, Tift County. | 391-3-1-.02 (2)(N). | do | do | Do. |
| M. C. Jones Lumber Co., Inc., conical burner only, permit No. 2421-134-1701-T. | Milan, Telfair County. | 391-3-1-.02 (2)(L). | do | do | Dec. 31, 1974 |
| Howard Q. Kennedy Co., feed mill, permit No. 2048-135-1537-T. | Parrott, Terrell County. | 391-3-1-.02 (2)(N). | do | do | Jan. 31, 1975 |
| Frank G. Lake Sawmill, conical burner, permit No. 2421-079-1616-T. | Monticello, Jasper County. | 391-3-1-.02 (2)(L). | do | do | Dec. 31, 1974 |
| Thiele Kaolin Co., kaolin clay processing facilities, permit No. 3295-062-1654-T. | Stapleton, Jefferson County. | 391-3-1-.02 (2)(N). | do | do | June 1, 1975 |
| Thiele Kaolin Co., kaolin clay processing facility, permit No. 3295-150-1640-T. | Sandersville, Washington County. | 391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N). | do | do | Dec. 31, 1974 |
| Thomason Lumber Co., Inc., conical burner, permit No. 2421-153-1609-T. | Dalton, Whitfield County. | 391-3-1-.02 (2)(L). | do | do | Do. |
| Thor Mining Co., fullers earth processing facilities, permit No. 3295-136-1716-T. | Ochlocknee, Thomas County. | 391-3-1-.02(2)(P), 391-3-1-.02(2)(N) | do | do | Sept. 15, 1974 |







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| Source | Location (county) | Rule or regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Transvaal Inc., cuprous chloride, Permit No. 2819-033-1564-T. | Powder Springs, Cobb County. | 391-3-1-.02(2)(A) | do | do | June 16, 1975 |
| Tucker Concrete Co. Inc., ready mix concrete facility, permit No. 3273-044-1752-T. | Tucker, Dekalb County. | 391-3-1-.02(2)(N) | do | do | June 15, 1975 |
| Waverly Mineral Products Co., fullers earth processing facilities, permit No. 3295-136-1361-T. | Meigs, Thomas County. | 391-3-1-.02(2)(P), 391-3-1-.02(2)(N) | do | do | Feb. 1, 1975 |
| Wrightsville Lumber Co., lumber company—open burning of wastes, permit No. 2421-083-1743-T. | Wrightsville, Johnson County. | 391-3-1-.02(2)(A) | do | do | Dec. 31, 1974 |
| Young Harris College, 4-90 horsepower coal fired boilers. Permit No. 2221-139-1481-T. | Young Harris, Towns County. | 391-3-1-.02(2)(D) | do | do | June 1, 1975 |
| Wilson & Sons, ready mix concrete facility, permit No. 3273-033-1521-T. | Marietta, Cobb County. | 391-3-1-.02(2)(N) | do | do | Apr. 30, 1975 |
| Longleaf Industries Inc., conical burner only, permit No. 2421-128-1692-T. | Lumpkin, Stewart County. | 391-3-1-.02(2)(L) | do | do | Dec. 31, 1974 |
| Macon Prestressed Concrete Co., prestressed concrete facility, permit No. 3272-011-1710-T. | Macon, Bibb County. | 391-3-1-.02(2)(N) | do | do | May 30, 1975 |
| Mathis-Akins Concrete Block Co., concrete products facility, permit No. 3272-011-1713-T. | do | 391-3-1-.02(2)(N) | do | do | Do. |
| Mathis-Akins Concrete Block Co., ready mix concrete facilities, permit No. 3273-076-1712-T. | Warner Robins, Houston County. | 391-3-1-.02(2)(N) | do | do | Do. |
| Mayo Products Co., anhydrous sodium metasilicate products, permit No. 2819-033-1699-T. | Smyrna, Cobb County. | 391-3-1-.02(2)(E), 391-3-1-.02(2)(N) | do | do | July 22, 1975 |
| Meredith Pole and Timber Co., Inc., open burning of wastes, permit No. 2411-005-1741-T. | Fitzgerald, Ben Hill County. | 391-3-1-.02(2)(A) | do | do | Dec. 31, 1974 |
| NVF Co.—Hartwell Division, homade burner, permit No. 3441-073-1778-T. | Hartwell, Hart County. | 391-3-1-.02(2)(L) | do | do | Do. |
| New Riverside Ochre Co., barite and ochre processing facility, permit No. 2816-068-1705-T. | Cartersville, Bartow County. | 391-3-1-.02(2)(N) | do | do | Feb. 28, 1975 |
| Norman Park Gin Warehouse, cotton gin, permit No. 0724-035-1573-T. | Norman Park, Colquitt County. | 391-3-1-.02(2)(Q). | do | do | Aug. 15, 1974 |
| Oil-Dri Corp. of Georgia, fullers earth processing facilities, permit No. 3295-136-1354-T. | Ochlocknee, Thomas County. | 391-3-1-.02(2)(P), 391-3-1-.02(2)(N) | do | do | Aug. 1, 1974 |
| Omega Farm Supply Inc., cotton gin, permit No. 0724-137-1645-T. | Omega, Tift County | 391-3-1-.02(2)(Q) | do | do | Sept. 1, 1974 |
| Putnam Lumber Co., conical burner, permit No. 2421-117-1668-T. | Eatonton, Putnam County. | 391-3-1-.02(2)(L) | do | do | Dec. 31, 1974 |
| Rockmart Gin Co., cotton gin, permit No. 0724-115-1705-T. | Rockmart, Polk County. | 391-3-1-.02(2)(Q) | do | do | Aug. 15, 1974 |
| Royster Co., superphosphate and granular fertilizer manufacturing plant, permit No. 2871-029-1343-T. | Athens, Clarke County. | 391-3-1-.02(2)(N) | do | do | Dec. 31, 1974 |
| Royster Co., granular fertilizer manufacturing plant, permit No. 2871-011-1342-T. | Macon, Bibb County. | 391-3-1-.02(2)(N) | do | do | Do. |
| Sardis Lumber Co., open burning of wastes, permit No. 2421-017-1739-T. | Sardis, Burke County. | 391-3-1-.02(2)(A) | do | do | Do. |
| R. D. Sharpe Lumber Co., open burning of wastes, permit No. 2421-082-1738-T. | Millen, Jenkins County. | 391-3-1-.02(2)(A) | do | do | Do. |
| Shirley Feed & Seed Service, feed mill, permit No. 2048-078-1568-T. | Commerce, Jackson County. | 391-3-1-.02(2)(N) | do | do | Jan. 31, 1975 |
| Southeast Schokbston Inc., concrete products facility, permit No. 3272-059-1532-T. | Lavonia, Franklin County. | 391-3-1-.02(2)(N) | do | do | Sept. 1, 1974 |
| Southern Crate and Veneer Co., conical burner only, permit No. 2449-011-1703-T. | Macon, Bibb County. | 391-3-1-.02(2)(L) | do | do | Dec. 31, 1974 |
| Southern Talc Co., talc, barite and aluminum hydrate processing facility, permit No. 3295-105-1644-T. | Chatsworth, Murray County. | 391-3-1-.02(2)(N) | do | do | Aug. 15, 1974 |
| Southwire Co., nickel sulfate plant, permit No. 3357-022-1639-T. | Carrollton, Carroll County. | 391-3-1-.02(2)(A) | do | do | Oct. 15, 1974 |





| Source | Location (county) | Rule or regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Southern Wood Piedmont Co., conical burner only, permit No. 2491-121-1715-T. | Augusta, Richmond County. | 391-3-1-.02(2)(L) | do | do | Dec. 31, 1974 |
| Stowe-Woodward Co., open burning of solvents, permit No. 3552-126-1629-T. | Griffin, Spalding County. | 391-3-1-.02(2)(A) | do | do | Sept. 1, 1974 |
| Sullivan Lumber Co., conical burner only, permit No. 2421-152-1685-T. | Preston, Webster County. | 391-3-1-.02(2)(L) | do | do | Dec. 31, 1974 |
| Taylor Gin and Warehouse, cotton gin, permit No. 0724-035-1543-T. | Doerun, Colquitt County. | 391-3-1-.02(2)(Q) | do | do | Aug. 15, 1974 |
| Continental Can Co. Inc., conical burner, permit No. 2421-557-1781-T. | Washington, Wilks County. | 391-3-1-.02(2)(L) | do | do | Dec. 31, 1974 |
| Great Southern Paper Co., No. 2 lime kiln, permit No. 2631-049-2218-T. | Cedar Springs, Early County. | 391-3-1-.02(2)(E) | do | do | Nov. 1, 1974 |
| Greater Southern Paper Co., No. 1 dissolving tank with gas reinjection, No. 2 dissolving tank with mesh pad, permit No. 2631-049-2216-T. | Cedar Springs, Early County. | 393-3-1-.02(2)(E) | do | do | Jan. 1, 1975 |
| Greater Southern Paper Co., Nos. 1 and 2 recovery boiler and electrostatic precipitator, permit No. 2631-049-2215-T. | do | 391-3-1-.02(2)(E) | do | do | Oct. 31, 1974 |
| Owens Illinois, Inc., Riley boiler, permit No. 2631-092-1861-T. | Valdosta, Lowndes County. | 391-3-1-.02(2)(D) | do | do | Jan. 1, 1975 |
| Owens Illinois, Inc., No. 1 C.E. boiler, No. 2 C.E. boiler, permit No. 2631-092-1860-T. | do | 391-3-1-.02(2)(D) | do | do | Do. |
| Owens Illinois, Inc., Nos. 1, 2, and 3 lime kiln, permit No. 2631-092-1859-T. | do | 391-3-1-.02(2)(E) | do | do | Nov. 30, 1974 |
| Owens Illinois, Inc., No. 3 dissolving tank, permit No. 2631-092-1858-T. | do | 391-3-1-.02(2)(E) | do | do | Do. |
| Owens Illinois, Inc., No. 3 recovery, permit No. 2631-092-1856-T. | do | 391-3-1-.02(2)(E). | do | do | Dec. 1, 1974 |
| Owens Illinois, Inc., facility for the surface treatment of glass products with $SnCl_4$, permit No. 3221-060-1769-T. | Hapeville, Fulton County. | 391-3-1-.02(2)(F) | do | do | Dec. 1, 1974 |
| Owens Illinois, Inc., glass furnace E, permit No. 3221-060-1768-T. | Hapeville, Fulton County. | 391-3-1-.02(2)(E) | do | do | Oct. 1, 1974 |
| Engelhard Minerals & Chemicals Corp., sulphuric acid byproducts plant, permit No. 2819-043-2339-T. | Attapulgus, Decatur County. | 391-3-1-.02(2)(P), 391-3-1-.02(2)(N) | do | do | May 1, 1975 |
| Engelhard Minerals & Chemicals Corp., fuller earth processing facilities, permit No. 3295-043-1723-T. | do | 391-3-1-.02(2)(P), 391-3-1-.02(2)(N) | do | do | July 31, 1975 |
| Southern States Phosphate & Fertilizer, 2 contact sulfuric acid plants, permit No. 2819-025-1446-T. | Savannah, Chatham County. | 391-3-1-.02(2)(J) | do | do | Dec. 31, 1974 |
| Southern States Phosphate & Fertilizer, granular fertilizer manufacturing plant, normal superphosphate manufacturing plant, permit No. 2871-025-1445-T. | do | 391-3-1-.02(2)(R) | do | do | Do. |
| Cities Service Co., sulfuric acid plant, aluminum manufacturing plant, permit No. 2819-121-1443-T. | Augusta, Richmond County. | 391-3-1-.02(2)(J) | do | do | Do. |
| Anderson Construction Co., ready mix concrete facility, permit No. 3273-030-1504-T. | Fort Gaines, Clay County. | 391-3-1-.02(2)(N). | Oct. 29, 1974 | do | July 1, 1975 |
| Augusta Foundry Inc., induction furnace, permit No. 3321-121-1550-T. | Augusta, Richmond County. | 391-3-1-.02(2)(Q). | do | do | Apr. 30, 1975 |
| Baxley Ready Mix, ready mix concrete facility, permit No. 3273-100-1529-T. | Baxley, Appling County. | 391-3-1-.02(2)(N). | do | do | July 1, 1975 |
| Brunswick Pulp and Paper Co., power boilers No. 1, 2, 3, and 4, permit No. 2631-063-1882-T. | Brunswick, Glynn County. | 391-3-1-.02(2)(D). | do | do | Apr. 1, 1975 |
| Brunswick Pulp and Paper Co., No. 4 lime kiln, permit No. 2631-063-1880-T. | do | 391-3-1-.02(2)(E). | do | do | Jan. 1, 1975 |
| Cedartown Block and Concrete Co., ready mix concrete facility, permit No. 3273-115-1971-T. | Cedartown, Glynn County. | 391-3-1-.02(2)(N). | do | do | July 1, 1975 |
| Concrete Industries Inc., ready mix concrete, permit No. 3273-137-1953-T. | Tifton, Tift County. | 391-3-1-.02(2)(N). | do | do | Do. |



V 40 182 APR 28 75 XUM A



Dated: April 25, 1975



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| Source | Location (county) | Rule or regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| Concrete Industries, Inc., ready mix concrete facility, permit No. 3273-136-1519-T. | Thomasville, Thomas County. | 391-3-1-.02 (2)(N) | do | do | Do. |
| Cope Rendering Co., Inc., rendering plant with the exception of fuel burning equipment covered under separate permits, permit No. 2977-035-1574-T. | Moultrie, Colquitt County. | 391-3-1-.02 (2)(A)) | do | do | Nov. 30, 1974 |
| Costal Timberlands Inc., conical burner, permit No. 2421-084-1598-T. | Gray, Jones County | 391-3-1-.02 (2)(L) | do | do | Dec. 31, 1974 |
| Creasy Brothers, Paving Contractors, hot mix asphalt plant, permit No. 2951-016-1788-T. | Statesboro, Bulloch County. | 391-3-1-.02 (2)(K) | do | do | Oct. 1, 1974 |
| Cyprus Industrial Minerals Co., Nos. 96 and 97 kaolin clay processing facilities, permit No. 3295-143-2029-T. | Jeffersonville, Twiggs County. | 391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N) | do | do | Jan. 1, 1975 |
| Cyprus Industrial Minerals Co., kaolin clay No. 53 processing facilities, permit No. 3295-150-2031-T. | Sandersville, Washington County. | 391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N) | do | do | Dec. 15, 1974 |
| Dekalb General Hospital, Morse Boulger heavy duty destructor, permit No. 8062-044-2036-T. | Decatur, Dekalb County. | 391-3-1-.02 (2)(C) | do | do | May 1, 1975 |
| Design Concrete, Inc., ready mix concrete facility, permit No. 3273-057-1604-T. | Rome, Floyd County | 391-3-1-.02 (2)(N) | do | do | July 1, 1975 |
| Engelhard Minerals & Chemicals Inc., catalyst processing facilities, permit No. 439-043 P201-T. | Attapulgus, Decatur County | 391-3-1-.02 (2)(P) | do | do | July 31, 1975 |
| Engelhard Minerals and Chemicals Corp., kaolin clay processing facilities, permit No. 3295-150-1981-T. | Oconee, Washington County. | 391-3-1-.02 (2)(P),(N) | do | do | July 31, 1975 |
| Evans Concrete Products Co., Inc., ready mix concrete facility, permit No. 3273-054-1528-T. | Claxton, Evans County. | 391-3-1-.02 (2)(N) | do | do | July 1, 1975 |
| Georgia Dimension Co., conical burner only, permit No. 2425-053-1695-T | Adrian, Johnson County | 391-3-1-.02 (2)(L) | do | do | Dec. 31, 1974 |
| Georgia Kraft Co., recovery No. 1 and 2 with electrostatic precipitator, permit No. 2631-011-1819-T. | Macon, Bibb County. | 391-3-1-.02 (2)(E) | do | do | Feb. 28, 1975 |
| Georgia Kraft Co., No. 4 smelt tank with demister pads, permit No. 2631-057-1809-T. | Rome, Floyd County. | 391-3-1-.02 (2)(E) | do | do | May 1, 1975 |
| Georgia Kraft Co., No. 2 smelt tank with demister pads, permit No. 2631-057-1807-T. | Rome, Floyd County. | 391-3-1-.02(2)(E) | do | do | Do. |
| Georgia Kraft Co., No. 1 smelt tank with demister pads, permit No. 2631-057-1806-T. | do | 391-3-1-.02(2)(E) | do | do | Do. |
| Gold Kist Fertilizer, Clya. superphosphate and granular fertilizer manufacturing plant, permit No. 2971-051-1845-T. | Clyo, Effingham County. | 391-3-1-.02(2)(F) | do | do | Dec. 31, 1974 |
| Golden's Foundry & Machine Co., foundry, permit No. 3321-106-1793-T. | Columbus, Muscogee County. | 391-3-1-.02(2)(G) | do | do | Jan. 1, 1975 |
| Haralson Gin Co., cotton gin, permit No. 0724-071-2041-T. | Haralson, Coweta County. | 391-3-1-.02(2)(Q) | do | do | July 1, 1975 |
| ITT Rayonier Inc., No. 1, 2, 3 recovery, permit No. 2631-151-1805-T. | Jesup, Wayne County. | 391-3-1-.02(2)(E) | do | do | Jan. 1, 1975 |
| Jack Davis Concrete Inc., concrete products facility, permit No. 3271-141-1872-T. | LaGrange, Troupe County. | 391-3-1-.02(2)(N) | do | do | Sept. 30, 1974 |
| Ledbetter Bros., Inc., hot mix asphalt plant, permit No. 2951-008-1976-T. | White, Bartow County. | 391-3-1-.02(2)(K) | do | do | July 1, 1975 |
| Ledbetter Bros. Inc., hot mix asphalt plant, permit No. 2951-057-1966-T. | Rome, Floyd County. | 391-3-1-.02 (2)(K) | do | do | Oct. 1, 1974 |
| Lewis Gin and Warehouse, cotton gin, permit No. 0724-035-1805-T. | Moultrie, Colquitt County. | 391-3-1-.02 (2)(Q) | do | do | Sept. 30, 1974 |
| Liberty Concrete Products, ready mix concrete facility, permit No. 3273-069-1523-T. | Midway, Liberty County. | 391-3-1-.02 (2)(N) | do | do | July 1, 1975 |
| Lyons Concrete Products, Inc., ready mix concrete facility, permit No. 3273-138-1998-T. | Lyons, Toombs County. | 391-3-1-.02 (2)(N) | do | do | Do. |
| M. & M. Super Markets, Inc., fire engineers model 1 660D-1 incinerator, permit No. 5411-025-2012-T. | Savannah, Chatham County. | 391-3-1-.02 (2)(C) | do | do | Feb. 15, 1975 |
| M. & M. Super Markets, Inc., fire engineers incinerator, permit No. 5411-025-2013-T. | do | 391-3-1-.02 (2)(C) | do | do | Do. |
| Masonry Products, Inc., concrete block facility, permit No. 3271-022-1696-T. | Carrollton, Carroll County. | 391-3-1-.02 (2)(N) | do | do | July 1, 1975 |





| Source | Location (county) | Rule or regulation involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| McCleskey Mills, Inc., cotton gin, permit No. 0724-129-1965-T. | Americus, Sumter County. | 391-3-1-.02(2) (Q). | do | do | Jan. 5, 1976 |
| Mullite Co. of America, kaolin clay processing facility No. 1, permit No. 3295-129-2027-T. | Andersonville, Sumter County. | 391-3-1-.02(2) (N). | do | do | Jan. 1, 1975 |
| Mullite Co. of America, kaolin clay processing facility No. 2, permit No. 3295-129-2028-T. | do | 391-3-1-.02(2) (N). | do | do | Feb. 1, 1975 |
| Muscogee Lumber Co., conical burner, permit No. 2421-106-1806-T. | Columbus, Muscogee County. | 391-3-1-.02(2) (L). | do | do | Sept. 16, 1974 |
| Norman W. Paschall Co., picking and blending operation, permit No. 2294-056-1678-T. | Peachtree City, Fayette County. | 391-3-1-.02(2) (N). | do | do | Jan. 31, 1975 |
| Phillips Concrete Block Co., Inc., concrete block facility, permit No. 3271-056-1945-T. | Fayetteville, Fayette County. | 391-3-1-.02(2) (N). | do | do | July 1, 1975 |
| Phillips Concrete Block Co., Inc., ready mix concrete facility, permit No. 3273-056-1944-T. | do | 391-3-1-.02(2) (N). | do | do | Do. |
| Rosebud Manufacturing Co., waste disposal incinerator, permit No. 2341-138-1904-T. | Vidalia, Toombs County. | 391-3-1-.02(2) (C). | do | do | Do. |
| Smith-Sheppard Concrete Co., Inc., ready mix concrete facility, permit No. 3273-150-1999-T. | Sandersville, Washington County. | 391-3-1-.02 (2)(N) | do | do | July 1, 1975 |
| Southern Pipe and Supply Co./ Vidalia Concrete Block Co., concrete pipe facility, permit No. 3272-138-1997. | Vidalia, Toombs County. | 391-3-1-.02 (2)(N) | do | do | Do. |
| Southern Pipe and Supply Co./ Vidalia Concrete Block Co., ready mix concrete facility, permit No. 3273-138-1996-T. | do | 391-3-1-.02 (2)(N) | do | do | Do. |
| Steed Concrete, Inc., ready mix concrete facility, permit No. 3273-099-2019-T. | Fitzgerald, Ben Hill County. | 391-3-1-.02 (2)(N) | do | do | Jan. 31, 1975 |
| Stephens Gin and Bonded Warehouse, cotton gin, permit No. 0724-140-2061-T. | Soperton, Treutlen County. | 391-3-1-.02 (2)(Q) | do | do | Jan. 28, 1975 |
| Swainsboro Concrete Products Co., Inc., ready mix concrete facility, permit No. 3273-053-1525-T. | Swainsboro, Emanuel County. | 391-3-1-.02 (2)(N) | do | do | July 1, 1975 |
| W. G. Dunn, cotton gin, permit No. 0724-135-1475-T. | Parrott, Terrell County. | 391-3-1-.02 (2)(Q) | do | do | Aug. 15, 1974 |
| Whitley Concrete Co., ready mix concrete facility, permit No. 3273-044-1968-T. | Decatur, De Kalb County. | 391-3-1-.02 (2)(N). | do | do | Dec. 15, 1974 |
| Cyprus Industrial Minerals Co., kaolin clay processing facilities No. 51 and No. 52, permit No. 3295-150-2030-T. | Sandersville, Washington County. | 391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N). | do | do | Oct. 1, 1974 |
| Georgia Marble Co., marble, dolomite and calcium carbonate processing operation, permit No. 3281-061-1614-T. | Whitestone, Pickens County. | 391-3-1-.02 (2)(N). | do | do | July 1, 1975 |
| Georgia Tennessee Mining Chemical Co., fullers earth clay processing facilities, permit No. 3295-081-1265-T. | Wrens, Jefferson County. | 391-3-1-.02 (2)(P), 391-3-1-.02 (2)(N). | do | do | Sept. 1, 1974 |
| M. C. Jones Lumber Co., conical burner only, permit No. 2421-134-1701-T. | Milan, Telfair County. | 391-3-1-.02 (2)(L). | do | do | Dec. 31, 1974 |
| Toccoa Foundry and Machine Co., Inc., electric arc furnace shotblast system with fabric filter, permit No. 3325-127-1552-T. | Toccoa, Stephens County. | 391-3-1-.02 (2)(O). | do | do | June 30, 1975 |

[FR Doc.75-10796 Filed 4-25-75; 8:45 am]

[FRL 367-2]

## PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

### Correction

On April 16, 1975, EPA published final regulations implementing section 306 of the Clean Air Act, section 508 of the Federal Water Pollution Control Act, and Executive Order 11738 (see 40 FR 17124). The regulations set forth provisions under § 15.4 to be included in contracts, grants, and loans. Specifically, under § 15.4(c)(2), there is a requirement that all contractors, and likewise grantees and borrowers, agree to comply with the inspection, monitoring, entry, reports, and information provisions of section 114 of the Clean Air Act and section 508 of the Federal Water Pollution Control Act. However, this provision was qualified by being made applicable only after the award of the contract, grant, or loan. Considering this provision is an acknowledgement of requirements already mandated by law, the qualification is not appropriate for inclusion in the regulations. Therefore, the following amendment is made to the regulations:

§ 15.4 [Amended]

Section 15.4(c)(2) is amended by deleting the phrase "after the award of the contract" from the end of the section.

Effective date: This amendment shall become effective on May 16, 1975.

Dated: April 25, 1975.

SHELDON MEYERS,
*Director,*
*Office of Federal Activities.*

[FR Doc.75-11218 Filed 4-25-75; 9:42 am]

[FRL 366-4]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Ship and Barge Vapor Recovery

On November 6, 1973, the Administrator promulgated a final regulation requiring recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region, 40 CFR 52.2287 (38 FR 30633). The purpose of the regulation is to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in that region.

The regulation was challenged by a number of companies subject to it, but was held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas, et al., v. EPA,* 499 F.2d 289, 316–17, 321. Petitions for rehearing were filed, but they were denied by the Court on February 19, 1975. Second petitions for rehearing were filed, but they too were denied, along with various motions for stay, by the Court on April 3, 1975. The mandate of the Court is expected to issue on April 23, 1975. At that time, it is likely that all of the sources subject to the regulation will be in violation, since three of the interim compliance dates have already passed.

The Agency is currently engaged in an investigation of whether those subject to the regulation have been proceeding with maximum good faith efforts to develop the equipment to comply since the promulgation of the regulation in November 1973. It is the Administrator's intention to establish new compliance dates, both interim and final, when he has sufficient information to determine whether each source subject to the regulation has met the obligation of "good faith" efforts. This information on past efforts is also essential to deciding both the extent of any extensions and whether any further requirements must be added to the regulation to insure that maximum efforts will be made to comply.

In the meantime, the Agency has decided to suspend those interim compliance dates which have already passed, namely § 52.2287(c) (1), (2), and (3). This action formalizes the position that enforcement discretion will be exercised, and means that no source will have enforcement action taken against it at the present time for violation of those interim dates. On the other hand, this notice does not suspend the final compliance date of May 31, 1975, in § 52.2287 (c)(4) at this time, because to do so might lead some to conclude that they have no obligation to continue to make maximum good faith efforts to comply with the regulation. This notice also does



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not relieve such persons of the obligation to comply with the regulation.

Effective date: This regulation is effective on April 28, 1975.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5))

Dated: April 25, 1975.

RUSSELL E. TRAIN,
*Administrator.*

[FR Doc.75-11219 Filed 4-25-75; 9:42 am]

[FRL 366-5]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Ship and Barge Vapor Recovery

On November 6, 1973, the Administrator promulgated a final regulation requiring recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region, 40 CFR 52.2287 (38 FR 30633). The purpose of the regulation is to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in that region.

The regulation was challenged by a number of companies subject to it, but was held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas, et al., v. EPA,* 499 F.2d 289, 316–17, 321. Petitions for rehearing were filed, but they were denied by the Court on February 19, 1975. Second petitions for rehearing were filed, but they too were denied, along with various motions for stay, by the Court on April 3, 1975. The mandate of the Court is expected to issue on April 23, 1975. At that time, it is likely that all of the sources subject to the regulation will be in violation, since three of the interim compliance dates have already passed.

The Agency is currently engaged in an investigation of whether those subject to the regulation have been proceeding with maximum good faith efforts to develop the equipment to comply since the promulgation of the regulation in November 1973. It is the Administrator's intention to establish new compliance dates, both interim and final, when he has sufficient information to determine whether each source subject to the regulation has met the obligation of "good faith" efforts. This information on past efforts is also essential to deciding both the extent of any extensions and whether any further requirements must be added to the regulation to insure that maximum efforts will be made to comply.

In the meantime, the Agency has decided to suspend those interim compliance dates which have already passed, namely § 52.2287(c) (1), (2), and (3). This action formalizes the position that enforcement discretion will be exercised, and means that no source will have enforcement action taken against it at the present time for violation of those interim dates. On the other hand, this notice does not suspend the final compliance date of May 31, 1975, in § 52.2287 (c)(4) at this time, because to do so might lead some to conclude that they have no obligation to continue to make maximum good faith efforts to comply with the regulation. This notice also does not relieve such persons of the obligation to comply with the regulation.

Effective date: This regulation is effective on April 28, 1975.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5))

Dated: April 25, 1975.

RUSSELL E. TRAIN,
*Administrator.*

[FR Doc.75-11220 Filed 4-25-75; 9:42 am]

[FRL 366-6]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Ship and Barge Vapor Recovery

On November 6, 1973, the Administrator promulgated a final regulation requiring recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region, 40 CFR 52.2287 (38 FR 30633). The purpose of the regulation is to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in that region.

The regulation was challenged by a number of companies subject to it, but was held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas, et al., v. EPA,* 499 F.2d 289, 316–17, 321. Petitions for rehearing were filed, but they were denied by the Court on February 19, 1975. Second petitions for rehearing were filed, but they too were denied, along with various motions for stay, by the Court on April 3, 1975. The mandate of the Court is expected to issue on April 23, 1975. At that time, it is likely that all of the sources subject to the regulation will be in violation, since three of the interim compliance dates have already passed.

The Agency is currently engaged in an investigation of whether those subject to the regulation have been proceeding with maximum good faith efforts to develop the equipment to comply since the promulgation of the regulation in November 1973. It is the Administrator's intention to establish new compliance dates, both interim and final, when he has sufficient information to determine whether each source subject to the regulation has met the obligation of "good faith" efforts. This information on past efforts is also essential to deciding both the extent of any extensions and whether any further requirements must be added to the regulation to insure that maximum efforts will be made to comply.

In the meantime, the Agency has decided to suspend those interim compliance dates which have already passed, namely § 52.2287(c) (1), (2), and (3). This action formalizes the position that enforcement discretion will be exercised, and means that no source will have enforcement action taken against it at the present time for violation of those interim dates. On the other hand, this notice does not suspend the final compliance date of May 31, 1975, in § 52.2287 (c)(4) at this time, because to do so might lead some to conclude that they have no obligation to continue to make maximum good faith efforts to comply with the regulation. This notice also does



contracts (required by § 55.04(a)) to assure meeting State implementation plan requirements. Where action has been taken by the source evidences a decision (made prior to March 15, 1974) to comply with the applicable requirements of the State implementation plan, the source is eligible for an order under section 119. Such action may include, but is not limited to, the placing of orders for equipment or the initiation of construction. Sources which have not taken such action by March 15, 1974, are not eligible for orders under section 119. Sources which have taken such action by March 15, 1974, are eligible for orders under section 119 if they meet the other criteria of section 119 and the regulations. Sources which have taken such action by March 15, 1974, and which have been issued orders under section 119 are eligible for exemptions under section 119 if they meet the other criteria of section 119 and the regulations. Sources which have taken such action by March 15, 1974, and which have been issued orders under section 119 and which have been granted exemptions under section 119 are eligible for extensions of the compliance dates in those orders if they meet the other criteria of section 119 and the regulations.

Relation to FEA Proceedings

Under section 119 of the Clean Air Act, as amended, the Administrator of EPA is required to consult with the Administrator of the Federal Energy Administration (FEA) concerning any order issued under section 119. Under section 119(c)(2)(A), the Administrator of EPA is required to consult with the Administrator of FEA concerning any exemption granted under section 119. Under section 119(c)(2)(B), the Administrator of EPA is required to consult with the Administrator of FEA concerning any extension of the compliance dates in those orders if they meet the other criteria of section 119 and the regulations.

Under section 119 of the Clean Air Act, as amended, the Administrator of EPA is required to consult with the Administrator of the Federal Energy Administration (FEA) concerning any order issued under section 119. Under section 119(c)(2)(A), the Administrator of EPA is required to consult with the Administrator of FEA concerning any exemption granted under section 119. Under section 119(c)(2)(B), the Administrator of EPA is required to consult with the Administrator of FEA concerning any extension of the compliance dates in those orders if they meet the other criteria of section 119 and the regulations.

Under section 119 of the Clean Air Act, as amended, the Administrator of EPA is required to consult with the Administrator of the Federal Energy Administration (FEA) concerning any order issued under section 119. Under section 119(c)(2)(A), the Administrator of EPA is required to consult with the Administrator of FEA concerning any exemption granted under section 119. Under section 119(c)(2)(B), the Administrator of EPA is required to consult with the Administrator of FEA concerning any extension of the compliance dates in those orders if they meet the other criteria of section 119 and the regulations.

not relieve such persons of the obligation to provide information on their efforts since November 1973, pursuant to section 114 of the Clean Air Act. The suspension will be in effect until May 30, 1975, by which time the Administrator plans to announce further actions regarding the regulation, as noted above.

(Sec. 301, Clean Air Act, 42 U.S.C. 1857g)

Dated: April 23, 1975.

RUSSELL E. TRAIN,
*Administrator.*

[FR Doc.75-11049 Filed 4-25-75;8:45 am]

[FRL 353-3]

## PART 55—ENERGY RELATED AUTHORITY

### Temporary Suspensions, Compliance Date Extensions, and One Year Postponements for Power Plant Shut Downs; Requirements

On September 10, 1974 (39 FR 32624), pursuant to section 119 of the Clean Air Act, (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246) the Administrator proposed regulations setting forth requirements for fuel-burning sources eligible for compliance date extensions under the Energy Supply and Environmental Coordination Act of 1974 (ESECA). Requirements for temporary suspensions and one year postponements for power plant shut downs under ESECA were also proposed on that date.

Interested parties participated in the rulemaking by commenting both orally and in writing on the proposed regulations to EPA. Eleven letters, some with multiple comments, were received by the Agency. Copies of the comments received are available for public inspection at the EPA Office of Public Affairs, 401 M Street SW, Washington, D.C. 20460. The comments have been considered and, where determined by the Administrator to be appropriate, the final regulations set forth below reflect changes to the proposed regulations. The principal revisions to the proposed regulations and the Agency's responses to the major comments are summarized below.

#### APPLICABILITY

In § 55.01(a), persons subject to the regulations are described as: (1) any fuel-burning stationary source eligible to apply for a compliance date extension; (2) any person eligible for a temporary suspension, (3) any electric generating power plant which is eligible to apply under section 119(i) of the Clean Air Act for a one-year postponement of any State Implementation Plan (SIP) requirement and (4) any fuel-burning stationary source which is issued an order by the Federal Energy Administrator (FEA) under section 2(a) of ESECA.

In § 55.01(b) of the regulations set forth below, a new category of fuel-burning stationary sources has been included among those sources which may qualify for a compliance date extension. That category includes any source which voluntarily converted to coal after March 15, 1974, and which is issued an order by FEA under section 2 of ESECA. Under section 119(c)(1) of the Clean Air Act, any source which is issued a section 2 FEA order is eligible for a compliance date extension if such source converts to the use of coal as its primary energy source on or after September 15, 1973. Another category was considered for eligibility. That category includes any source which is issued a section 2 order by FEA and which is presently burning coal but which is subect to compliance schedule(s) to convert to natural gas or oil to comply with air pollution requirements. This was rejected because Congress specifically limited eligibility for compliance date extensions to those sources which convert to coal. Page 33 of the Conference Report (No. 93-1085) submitted with ESECA states: "The compliance date extension provision is only applicable to plants or installations which began conversion from petroleum products or natural gas to coal voluntarily between September 15, 1973, and March 15, 1974, or converted from petroleum products or natural gas to coal as a result of an order under section 2." (Emphasis added.)

One commentator requested that the phrase "• • •" and which has converted to coal • • •" be deleted from § 55.01(c)(2) of the proposed regulations since it would apparently require that a source have completed conversion to coal before it could be eligible to apply for a temporary suspension. Since in most cases the Administrator would have to grant a temporary suspension of the applicable fuel or emission limitations before conversion to coal could be completed, the phrase "and which has converted to coal" has been omitted from the final regulations. Once an application for a temporary suspension is approved, the suspension will be granted to take effect at the time of completion of conversion to coal.

One commentator requested that the Administrator clarify one point concerning temporary suspensions issued because of the unavailability of types or amounts of fuels (§ 55.01(c)(1)). The Administrator is not required, under section 119(b) of the Clean Air Act, to impose a primary standard condition on a suspension granted because of the unavailability of fuels. Therefore, the possibility exists that primary ambient air quality standards will be exceeded because a suspension is granted under § 55.01(c)(1). However, the Administrator is authorized to impose on any temporary suspension such interim requirements as are reasonable and practicable. An interim requirement that the cleanest fuel available be burned or supplied would be reasonable and practicable in most cases. Use of the cleanest fuel available could in some cases assure that national ambient air quality standards are met even though applicable fuel and emission limitations are suspended.

#### RELATION TO FEA PROCEEDINGS

One commentator objected to the fact that the proposed regulations provide for many categories of information to be submitted to EPA after a coal conversion order has been issued by FEA, even though that information may already have been submitted to EPA to aid FEA in deciding whether a coal conversion order should be issued in the first place. The regulations set forth below now provide that if this information was previously submitted to EPA in connection with advice given to FEA on whether to issue a conversion order, it need not be resubmitted. An update of the initial submittal will be required where changes have taken place since the information was provided by the source.

#### COMPLIANCE DATE EXTENSIONS

Some commentators suggested that a source which voluntarily "began conversion" to the use of coal as its primary energy source should not be required to apply for a compliance date extension as is a source which is subject to an FEA section 2 order. Since the source has voluntarily converted to coal, there is no reason to require the submittal of an application. Therefore, the final regulations, at § 55.04(b), provide that sources in this category must apply within 90 days if they choose to apply for a compliance date extension but they are not required to apply. If such sources do not receive compliance date extensions, they will continue to be subject to all applicable air pollution requirements. Eligible sources which are issued FEA orders are required, at § 55.04(a), to submit within 90 days either (1) an application for a compliance date extension or (2) a certification of the date by which the source can burn coal and comply with all applicable air pollution requirements without a compliance date extension. This requirement is necessary to eliminate unnecessary delays in achieving compliance with air pollution requirements and to enable EPA to make certifications and notifications to FEA which are required under section 119(d) of the Clean Air Act. In the case of voluntary conversions where no orders are issued, no such certifications or notifications to FEA are required.

One commentator expressed the opinion that the requirement for submittal of information under paragraphs (a) and (b) of § 55.04 within 90 days with a maximum 30 day extension of such time under § 55.04(j) was too restrictive. The final regulations have been changed to allow for subsequent 30 day extensions where good cause exists for such extensions.

Some commentators requested additional time for the submittal of information under paragraphs (a) and (b) of § 55.04 where plan revisions are contemplated or expected in accordance with section 4 of ESECA (§ 110(a)(3)(B) of the Clean Air Act). Sources are hesitant to commit themselves to long-term





contracts (required by § 55.04(a)) to assure meeting State implementation plan requirements where States are in the process of revising those requirements. The final regulations provide for additional time if the Governor of the State in which the affected sources are located certifies to the Administrator, within 90 days after the effective date of these regulations (or within 90 days after FEA issues an order under section 2 of ESECA, if such order is issued after the effective date of these regulations), that he is considering making a recommendation for a State implementation plan revision which is consistent with section 110(a)(3)(B) of the Act, and that additional time is necessary to formulate such recommendation and to implement it. Also, a projected timetable for the completion of such a process will be required to assure that delays associated with such revisions will be kept to the minimum necessary. The projected timetable may hinge upon the date of receipt of a recommendation from the Administrator under section 110(a)(3)(B) of the Act.

One commentator asked whether EPA could issue a compliance date extension to a source which does not apply for one. This question arose because the proposed regulation would have required EPA simply to approve, disapprove or modify a submitted plan for compliance. The approach adopted in the proposed regulations is preserved in § 55.04(d) below. It should be noted, however, that although EPA does not intend to issue compliance date extensions on its own motion, the Agency will use its enforcement authority under § 113 of the Clean Air Act to insure that application and compliance plan requirements imposed by ESECA and these regulations will be met. Should a source fail to make a required application or submittal, EPA will take appropriate action against such source to obtain all necessary information and, where appropriate, to impose the conditions, limitations and requirements which would otherwise accompany a compliance date extension.

One commentator suggested that the criteria in § 55.04(b) for determining whether a source began conversion to coal should include the following: "Conducting engineering, coal supply availability and compliance studies, which can be sufficiently documented, which were in good faith aimed at enabling such source to use coal as its primary energy source but which by virtue of the unavailability of adequate quantity and compatibility of coal or other extenuating circumstances were unable to submit a formal application as specified in (3)(i)(D) (reference to the proposed regulations) of this section." The final regulations, like the proposed regulations, do not limit the criteria to be used in determining whether a source began conversion during the specified period. The actions listed at § 55.04(b)(1)(i) through (iv) are merely illustrative of those steps towards conversion which will be considered in determining whether action taken by the source evidences a decision (made prior to March 15, 1974) to convert to coal. Initiation of the feasibility studies described by the commentator almost by definition is preliminary to any such decision and would not by itself qualify as such action.

Section 55.04(c), in accordance with section 119(c)(2)(B) of the Clean Air Act, specifies that the contracts or other obligations which are to be submitted as part of the plan for compliance date extensions must be approved before entered into (except that a contract or obligation entered into before June 22, 1974 may be approved after entered into). If the Administrator should disapprove a contract because it does not satisfy the requirements of § 55.04(c), the source would be required to submit new or additional contracts or obligations which will satisfy those requirements. The date for entering into contracts or obligations which is specified by the source in its plan for compliance will be the date which, assuming the Administrator has approved such contracts or obligations within 90 days of submittal, the contract or obligation will become legally binding on the parties to it. The source may specify in its plan for compliance that the date for entering contracts and obligations will hinge upon the date of the Administrator's approval (e.g., within five days after the Administrator notifies the source of his approval of the contract or obligation).

Section 55.04(a)(5) requires a source which is applying for a compliance date extension to make a showing that such source is not able to burn coal which is available to such source in compliance with all applicable air pollution requirements. Under section 119(c)(2)(A)(i) of the Clean Air Act and § 55.01(b)(3) of these regulations, the Administrator may issue a compliance date extension only if he finds that the source cannot comply without an extension. Therefore, the showing required by § 55.04(a)(5) is critical to a preliminary finding of eligibility. The regulations do not specify the evidence which will be required to enable the Administrator to make the necessary finding because the demonstration of inability to comply will vary considerably depending on the air pollution requirement and the source in question. The appropriate EPA regional office will provide guidance upon request to sources which are in doubt as to the information which should be submitted as part of the showing of inability to comply. In most cases, however, an enumeration of the air pollution requirements which cannot be met without an extension, a description of the pollution characteristics of the coal which is available to such source, the time which will be required to enable the source to utilize such coal and the time required to install any necessary continuous emission reduction systems will be sufficient. Since other provisions of the regulations require that this information be submitted as part of the source's application, the showing required by § 55.04(a)(5) should in most cases impose no additional burden on a source which is applying for an extension.

Several commentators suggested that the proposed regulations did not provide sufficient explanation and guidance for the affected source. Specific questions on the compliance date extension provisions and EPA's answers are as follows:

Q. On what basis will the Administrator determine that a source can burn coal and comply with all applicable air pollution requirements without a compliance date extension? How long will it take to make this determination?

A. Section 55.04(a)(1) of the final regulations requires a source which is eligible for an extension (but which is not applying for the extension because it can burn coal and comply with all applicable air pollution requirements) to submit to EPA within 90 days after FEA issues a section 2 order: (1) a list of all applicable air pollution requirements together with a certification of the date (before July 1, 1975) that the source will be able to burn coal in compliance with all applicable requirements without an extension and (2) a plan for compliance which specifies the steps the source will take to comply. If the Administrator, after reviewing the information submitted and other appropriate information which is available to him, determines that the source can be in compliance while burning coal, EPA will notify FEA that the source will be able, on and after July 1, 1975, to burn coal without an extension. Procedures to be followed to coordinate the efforts of both FEA and EPA under ESECA are being developed and will undoubtedly provide that the required notifications be made as soon as possible, within a reasonable time. Under § 55.04(a)(5), eligible sources which are applying for compliance date extensions must submit, within 90 days after the effective date of these regulations or within 90 days after an FEA section 2 order is issued to the source, evidence to show that coal cannot be burned in compliance with all applicable air pollution requirements. If the Administrator determines, after review of this evidence and other information available to him, that coal can be burned without an extension, no extension can be issued. EPA's decision on the application must be made within 60 days of its submission.

Q. What factors will the Administrator consider in establishing a primary standard condition on a compliance date extension?

A. The final regulations, at § 55.04(e), reflect a change from the proposed regulations to allow the source the option of submitting proposed primary standard conditions with its plan for compliance. As defined in section 119 of the Clean Air Act, a primary standard condition must be emission limitations, requirements respecting pollution characteristics of coal or other enforceable measures for the purpose of assuring throughout the period of a suspension or extension that the burning of coal by such source will not result in emissions which cause





or contribute to concentrations of any

ministrator to consider the cost of fuels

#### OTHER COMMENTS



(4) Any fuel burning stationary source which is issued an order by the Administrator pursuant to section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA).

tection Agency or his authorized representative.

Administrator pursuant to this part shall be submitted in duplicate and addressed

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or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant. Specific conditions could include (1) a requirement for permanent emission reduction which would be less than the reduction called for under the applicable State implementation plan (e.g., 50 percent reduction where the plan calls for 90-percent reduction), (2) a sulfur in fuel requirement which would be higher than that required under the plan (e.g., 2 percent sulfur fuel where the plan calls for 1 percent) or (3) an intermittent control system (e.g., switching to cleaner fuels during adverse meteorological conditions). All primary standard conditions must be legally enforceable.

Q. What factors will the Administrator consider in determining whether to approve a plan for compliance?

A. A plan for compliance must show final compliance as soon as practicable but in no case later than December 31, 1978, except that, in the case of a source for which continuous emission reduction systems are required for sulfur related emissions, compliance must be as soon as practicable but no later than January 1, 1979. EPA will review each plan based on these criteria. The plan will be approved, disapproved or modified based on the information available to the Administrator as to what is "as soon as practicable" in each case. In any event, the application for an extension, the conditions to be imposed thereon and the findings associated therewith are subject to public hearing and comment before the Administrator's decision is rendered (section 119(c)(4) of the Clean Air Act).

Q. The Clean Air Act and these regulations require that contracts for a long-term supply of coal be submitted for the Administrator's approval as part of the plan for compliance. What is considered a long-term supply of coal?

A. In western and midwestern States, long term contracts of from 5–15 years are relatively common and would be considered approvable. In eastern seaboard areas where oil and coal are both commonly used, shorter coal contracts (6 months—1 year) are more common. Because sources receiving compliance date extensions will usually be committed to burning coal for more than one year, a contract term longer than that now customary in the east will be required. "Long-term" is not defined strictly, however, since flexibility is necessary to deal with varying market conditions in different geographical areas.

One commentator suggested that an agreement to re-convert to oil upon the expiration of an FEA order should be an acceptable plan for compliance for sources subject to FEA orders. Section 119(c)(2)(B) of the Clean Air Act does not allow for this option. One of the purposes of the Energy Supply and Environmental Coordination Act was to encourage long-term (permanent) commitments to coal.

TEMPORARY SUSPENSIONS

One commentator suggested that the final regulations should allow the Administrator to consider the cost of fuels in considering an application for a temporary suspension based on the unavailability of fuels. The Conference Report (No. 93–1085) of the House of Representatives on ESECA at pages 31–32 states: "Persons who would be eligible for this type of suspension include, but are not limited to, those to whom conforming fuels are unavailable because of strikes, embargoes, accidents, allocation rules, or orders under the Emergency Petroleum Allocation Act or under section 2(d) of this Act, or exchange orders under section 119(j) of the Clean Air Act." Cost of fuels is not mentioned.

Another commentator suggested that EPA should continue to process and grant temporary suspensions without awaiting promulgation of these regulations. EPA has been processing applications for suspensions as they are received.

Another commentator requested further explanation of the conditions on temporary suspensions, such as steps to prevent imminent and substantial endangerment to public health and reporting requirements under § 55.05(d). Specific regulations have been developed by State and local agencies under State implementation plans to handle emergency situations. Also, EPA has authority to act in emergency situations under section 303 of the Clean Air Act. EPA will require reports on a periodic basis. Such reports should include information on the availability of conforming fuel and any relevant measured air quality data. Specific conditions and interim requirements will be tailored to the person granted a suspension and will be set forth in writing for each persons granted a suspension.

PROPOSED CLEAN AIR ACT AMENDMENTS

In accordance with section 119 of the Clean Air Act, these regulations require a source which is located in a region where primary standards are being exceeded for a particular pollutant to meet the State implementation plan requirements for that pollutant at the time of conversion. This requirement is known as the "regional limitation."

Analysis by FEA and EPA indicates that the regional limitation may hamper the coal conversion program by precluding the utilization of coal by a number of sources located in regions where regional limitations apply until control equipment can be installed or low sulfur coal obtained. Since protection of the health-related primary standards is required as a condition of extensions, the Administrator believes the regional limitation requirement can be deleted from the Act without risk to public health. Accordingly, the Administrator supports the proposed amendment submitted to the Congress by the President on January 30, 1975, which would delete the regional limitation.

Furthermore, the Administrator supports the other proposed amendments to section 119 of the Clean Air Act, which if enacted into law by the Congress will make the coal conversion program easier to administer.

OTHER COMMENTS

It was mentioned in the preamble to the proposed regulations (39 FR 32625) that the Administrator may require the submission of data from sources which may receive an FEA order. The Administrator will ask for these data only when FEA is seriously considering a section 2 order for a specific plant.

In the preamble to the proposed regulations (39 FR 32625), it was indicated that EPA could certify, after making a finding under section 119(d)(3)(B) of the Clean Air Act, to FEA a period during which the FEA section 2 order would be inapplicable for sources which voluntarily began conversion to coal. This was an error to the extent that such sources do not receive FEA orders.

These regulations are issued under authority of sections 113, 114, 119 and 301 (a) of the Clean Air Act, 42 U.S.C. 1857 et seq. The Administrator finds that good cause exists for making these regulations effective immediately since they are procedural in nature and since some of their provisions are intended for use in the event of an emergency resulting from unavailability of types and amounts of fuel.

Dated: April 22, 1975.

RUSSELL E. TRAIN,
*Administrator.*

A new Part 55 is added to Chapter I, Title 40, Code of Federal Regulations, as follows:

**Subpart A—Compliance Date Extensions, Temporary Suspensions, and One Year Postponements for Power Plant Shut Down**

Sec.


55.01 Applicability.
55.02 Definitions.
55.03 Address.
55.04 Compliance date extensions.
55.05 Temporary suspensions.
55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.
55.07 Petitions by air pollution control agencies.
55.08 One year postponement for power plant shut down.
55.09 General requirements.


AUTHORITY: Secs. 113, 114, 119, and 301, Clean Air Act (42 U.S.C. 1857 et seq.), as amended, Pub. L. 91–604, 84 Stat. 1676, and Pub. L. 93–319, 88 Stat. 246.

**Subpart A—Compliance Date Extensions, Temporary Suspensions and One Year Postponements for Power Plant Shut Down**

§ 55.01 Applicability.

(a) The provisions of this part apply to:

(1) Any fuel-burning stationary source which is eligible to apply for a compliance date extension.

(2) Any person to whom a stationary source fuel or emission limitation applies and who is eligible for a temporary suspension of such limitation.

(3) Any electric generating power plant which is eligible to apply, under section 119(l) of the Act, for a one-year postponement of any requirement of an applicable implementation plan, and





(4) Any fuel burning stationary source which is issued an order by the Administrator of the Federal Energy Administration under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93–319, 88 Stat. 246).

(b) The Administrator shall issue a compliance date extension to any fuel-burning stationary source:

(1) Which is eligible to apply for a compliance date extension because:

(i) Such source is prohibited from using petroleum products or natural gas by reason of an order which is issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974; or

(ii) Such source began conversion as defined in § 55.04(b) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, and has not been issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974;

(2) Which, on or after September 15, 1973, converts to the use of coal as its primary energy source;

(3) Which the Administrator finds will not be able to burn coal (which is available to such source) in compliance with all applicable air pollution requirements without a compliance date extension;

(4) Which the Administrator finds will be able during the period of the compliance date extension to comply with all primary standard conditions applicable to such source, and with any regional limitation if applicable to such source; and

(5) Which has submitted to the Administrator a plan for compliance for such source which the Administrator has approved.

(c) The Administrator may, for any period beginning on or after June 22, 1974, and ending on or before June 30, 1975, temporarily suspend any stationary source fuel or emission limitation as it applies to any person:

(1) If the Administrator finds that such person will be unable to comply with any such limitation during such period solely because of unavailability of types or amounts of fuels (unless such unavailability results from an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974), or

(2) If such person is a source which is described in subparagraphs (b) (1) and (2) of this section and the Administrator finds that the source will be able to comply during the period of the suspension with all primary standard conditions which will be applicable to such source.

§ 55.02 Definitions.

As used in this part, all terms not defied herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857, et seq., as amended by Pub. L. 91–604, 84 Stat. 1676, and Pub. L. 93–319, 88 Stat. 246).

(b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "Stationary source" or "source" means any building, structure, facility, or installation which emits or may emit any air pollutant, including any person who owns, leases, operates, controls, or supervises any such building, structure, facility, or installation.

(d) "Primary standard condition" means an emission limitation, requirement respecting pollution characteristics of coal or any other enforceable measure for control of emissions prescribed by the Administrator (after consultation with appropriate States) for each source to which a suspension under § 55.01(c)(2) will apply, and for each source to which a compliance date extension under § 55.01(b) will apply, for the purpose of assuring (throughout the period that the suspension or extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

(e) "Regional limitation" means the requirement that a source which is located in an air quality control region in which a national primary ambient air quality standard for an air pollutant is being exceeded in that region, may not emit such pollutant in amounts which exceed any emission limitation (and may not violate any other requirement) which applies to such source, under the applicable implementation plan for such pollutant.

(f) "Coal" means coal or coal derivatives.

(g) "Air pollution requirement" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Act (except for any requirement prescribed under section 119(c) or (d), section 110(a)(2)(F)(v), or section 303 of the Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic).

(h) "Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Act (other than section 119, section 111(b), section 112 or section 303 of the Act) or contained in any applicable implementation plan (other than a requirement imposed pursuant to section 110(a)(2)(F)(v) of the Act), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade or pollution characteristic.

(i) "Person" includes (in addition to the meaning given that term in section 302(e) of the Act) a fuel supplier.

§ 55.03 Address.

All requests, reports, applications, submittals, and other comunications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate regional office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), Federal Building, 230 South Dearborn, Chicago, Illinois 60604.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 64108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 916 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

§ 55.04 Compliance date extensions.

(a) Any source which is eligible to apply for a compliance date extension under § 55.01(b)(1)(i) shall submit within 90 days after such source becomes eligible because of an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, if such source is issued an order after the effective date of these regulations, or within 90 days after the effective date of these regulations if such source is issued an order prior to the effective date of these regulations (subject to the provisions of paragraph (j) and (k) of this section), to the Administrator the following:

(1) If the source is not applying for a compliance date extension because it is able to burn coal in compliance with all applicable air pollution requirements without a compliance date extension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date (before July 1, 1975) that the source will be able to burn coal and comply with each applicable air pollution requirement without a compliance date extension, and

(ii) If not now in compliance, a plan for compliance which includes a description of and incremental dates for taking the steps necessary to comply by the date specified in paragraph (a)(1)(i) of this section;

(2) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, either:



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(i) A plan for compliance which includes as a minimum:

(A) The date by which the source will submit contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(i)(B) of this section.

(B) The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) to provide for obtaining a long-term supply of coal which enables such source to achieve the emission reduction required by paragraph (a)(2)(i)(E) of this section,

(C) The date by which on-site construction or installation or process modifications, if necessary, will be initiated,

(D) The date by which on-site construction or installation of necessary process modifications is to be completed,

(E) The date (which is as soon as practicable but not later than December 31, 1978) by which the source will be in compliance with each air pollution requirement (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which was in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date),

(F) A provision by which the source agrees to notify the Administrator in writing no later than ten days after each requirement, specified under paragraph (a)(2)(i) (B), (C), (D) and (E) of this section, has been satisfied, and

(G) A provision by which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to the health of persons; or

(ii) A plan for compliance which includes as a minimum:

(A) The date by which the source will submit contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(ii)(B) of this section,

(B) The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) to provide for a long-term supply of coal and continuous emission reduction systems necessary to permit the source to burn such coal and achieve the degree of emission reduction required by paragraph (a)(2)(ii)(E) of this section.

(C) The date by which on-site construction or installation of continuous emission reduction systems will be initiated,

(D) The date by which on-site construction or installation of continuous emission reduction systems is to be completed,

(E) The date (which is as soon as practicable, but not later than December 31, 1978; except that, in the case of a source for which a continuous emission reduction system is required for sulfur-related emissions, the date which is as soon as practicable, unless otherwise specified by the Administrator, but not later than January 1, 1979) by which the source will be in compliance with each air pollution requirement (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which was in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date),

(F) A provision by which the source agrees to notify the Administrator in writing, no later than ten days after each requirement, specified under para. (a)(2)(ii) (B), (C), (D), and (E) of this section, has been satisfied, and

(G) A provision by which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to the health of persons;

(3) If the source is eligible to apply for a compliance date extension for any State or local law or regulation which is not a part of the applicable implementation plan and is unable to burn coal in compliance with such air pollution requirements without a compliance date extension, a plan for compliance which includes a description of any incremental dates for taking the steps necessary to comply with such State or local law or regulation;

(4) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, process and emissions data for purposes of determining any necessary primary standard conditions including as a minimum:

(i) For those sources which are required to submit to the Federal Power Commission the FPC Form 67 and Form 423:

(A) Verification of all data listed on the FPC Form 67 and Form 423 which are accurate,

(B) Correction of all data on the FPC Form 67 and Form 423 which are inaccurate and inclusion of any missing data,

(C) Notification of pending removal from service of any unit or units prior to January 1, 1980,

(D) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979,

(E) For each new unit, projected operating and design data as required in Part I of the FPC Form 67,

(F) Listing of expected changes in average operating conditions and seasonal cycle of load use resulting from conversion to use of coal as the source's primary energy source, and

(G) Specification of the location of the source giving coordinates in the Universal Transverse Mercator System (UTMS), or longitude and latitude coordinates; or

(ii) For all sources except those identified in para. (a)(4)(i) of this section:

(A) Completion of all applicable sections of OMB Form 158-R75, "Air Pollutant Emissions Report", which can be obtained at the addresses listed in § 55.03, including:

(i) In section I, the source location in UTMS or latitude-longitude coordinates,

(ii) In sections II, V, and VI, required information on the source both prior to conversion to coal, and as projected after conversion to coal, and

(iii) In all sections, all available data for projected new units,

(B) Notification of pending removal from service of any unit or units prior to January 1, 1980, and

(C) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979;

(5) If the source is unable to burn coal in compliance with all applicable air pollution requirements without a compliance date extension, a showing that the source is not able to burn coal which is available to such source in compliance with all applicable air pollution requirements;

(b) Any source which is eligible and which chooses to apply for a compliance date extension under § 55.01(b)(1)(ii) of this part must apply by submitting, within 90 days after the effective date of these regulations (subject to the provisions of paragraphs (j) and (k) of this section), to the Administrator the same information as is required under paragraphs (a) (2), (3), (4), and (5) of this section along with evidence to support a determination by the Administrator that such source began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974. A source began conversion if:

(1) During the period beginning on September 15, 1973, and ending on March 15, 1974, the source took affirmative action to convert, such as:

(i) Entering a long-term contract binding on such source for obtaining coal; or

(ii) Entering a contract binding on such source for obtaining equipment or facilities to enable such source to use coal as its primary energy supply on a permanent basis; or

(iii) Expending sums in amounts necessary to undertake a complete and permanent conversion to coal; or

(iv) Formal application to the proper legal authorities for a variance from applicable implementation plan requirements to enable such source to burn coal; and

(2) The Administrator finds that the action taken under subparagraph (1) of this paragraph evidences:

(i) A decision made prior to March 15, 1974, to convert to coal as a result of the unavailability of an adequate supply of fuels required for compliance with the applicable implementation plan; and

(ii) A good faith effort to expeditiously carry out such decision.





(c) The contracts or obligations referred to in paragraphs (a)(2)(i)(B) and (a)(2)(ii)(B) of this section, which are required to be submitted under paragraphs (a) and (b) of this section, shall be submitted to the Administrator for his approval before they become effective except that a contract or obligation which became effective before June 22, 1974, shall be submitted for approval after it became effective.

(1) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal shall include, as a minimum, the following:

(i) Unless specifically waived by the Administrator upon timely application by the source, provisions which reasonably insure performance by the supplier despite fluctuation in coal prices and other changes in market conditions (for example: reasonable price escalation clauses, requirements for performance bonds, commitments to subject price disputes to arbitration, provision for liquidated damages, provision for alternative performance by delivery of conforming coal produced by other suppliers, or other incentives or disincentives);

(ii) A description (including the average sulfur, ash, and heat content, and the limits of expected variations) of the grade and quality of the coal to be supplied which shall be sufficient to permit the Administrator to determine that the burning of such coal, together with the use of any other emission reduction measures to be specified in the compliance schedule, would enable the source to achieve the emission reduction requird by subdivision (a)(2)(i)(E) or (a)(2)(ii)(E) of this section;

(iii) A statement of the quantity of the coal to be supplied and/or delivered which is sufficient to enable the source to achieve the emission reduction required by subdivision (a)(2)(i)(E) or (a)(2)(ii)(E) of this section;

(iv) A provision (or separate contract or obligation) to assure transportation and delivery of such coal to the source; and

(v) A provision specifying the term during which such coal shall be supplied and/or delivered.

(2) A contract (or other obligation enforceable against such source) to provide for obtaining a continuous emission reduction system shall include, as a minimum, the following:

(i) An identification of the type of system to be installed; and

(ii) A statement of the control efficiencies to be achieved by such systems and the conditions under which such control efficiency will be met, including the quality and grade of coal required.

(3) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal or to provide for obtaining continuous emission reduction systems shall include, as a minimum, the following:

(i) The signatures of the parties to the contract (or obligation) or other evidence of firm commitment;

(ii) For such contracts (or obligations) entered after June 22, 1974, a provision that the Administrator's written approval is a condition precedent to the contract (or obligation);

(iii) Deadlines for performance which insure that the schedule for compliance as required by subparagraph (a)(2) and paragraph (b) of this section will be met;

(iv) A requirement that the supplier, vendor, or other party contracting with the source shall report to the source, at regular intervals, on progress toward or status of performance of such party's obligations, any existing or anticipated problems which would prevent or delay such performance, and any steps being taken to remedy such problems; and

(v) A requirement that whenever the supplier, vendor, or other party contracting with the source encounters or anticipates problems which could prevent or delay performance of such party's obligations, such party shall immediately report all relevant circumstances and any remedial steps to the source.

(d) The Administrator shall approve, disapprove or modify any plan for compliance submitted as required by paragraph (a)(2) and paragraph (b) of this section and shall approve or disapprove any contract submitted as required by paragraph (c) of this section within 60 days after such plan or contract is submitted.

(e) The Administrator shall set forth any necessary primary standard condition, regional limitation and any interim requirements which the Administrator determines are reasonable and practicable as conditions of any plan for compliance. A source may submit, as a part of its plan for compliance, a proposal for legally enforceable limitations, requirements, or other measures which will assure (throughout the period that the compliance date extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant. Such proposal is subject to the Administrator's approval, disapproval or modification.

(f) The Administrator may require the monitoring of ambient air concentrations in the vicinity of the source as a condition of any compliance date extension.

(g) Six months after the Administrator issues a compliance date extension, and every six months thereafter, the source shall submit a report to the Administrator which details the source's progress toward achieving compliance with all applicable air pollution requirements.

(h) If a compliance date extension is issued to a source, such source shall not, during the period of the extension, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source, except as provided under section 119(d)(3) of the Act.

(i) A source may, upon the expiration of a compliance date extension, apply for and receive from the Administrator a one-year postponement of the application of any requirement of an applicable implementation plan under the conditions set forth and in the manner provided by section 110(f) of the Act.

(j) Upon timely application by the source, the Administrator may postpone for 30 days the time allowed for the submittal of information required under paragraphs (a) or (b) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause has been shown for such postponement. Subsequent 30 day postponements may be granted if a showing is made that good cause continues to exist.

(k) The Administrator may permit a later submittal of the information required under paragraphs (a) or (b) of this section where the Governor of the State in which the source is located certifies to the Administrator, within the time permitted for such submittal, that he is considering recommending a State implementation plan revision which is consistent with section 110(a)(3)(B) of the Act, that additional time is necessary to formulate and act upon such recommendation, and that a projected timetable for the completion of the revision process will be provided to the Administrator. Such a timetable may be dependent upon receipt of the Administrator's recommendation under section 110(a)(3)(B) of the Act.

(l) The Administrator may, where reasonable and appropriate, require the submittal of contracts at the same time information is submitted as required by paragraphs (a) or (b) of this section.

(m) Any source which is eligible for a compliance date extension under § 55.01(b)(1)(i) but whose application for such extension is denied because the Administrator has determined that such source can meet all air pollution requirements without a compliance date extension, shall submit to the Administrator, within 30 days after such denial of a compliance date extension, the information required under paragraphs (a)(1)(i) and (ii) of this section.

(n) If the Administrator finds that a source has failed to apply for a compliance date extension in order to avoid an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, he may take appropriate action under section 113 of the Act to assure a prompt submittal of the information required under paragraphs (a)(2) through (6) of this section.

(o) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Administrator of the Federal Energy Administration of the consequences of issuing an order to such source under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to



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the Administrator unless the informa- during comparable periods of the previ- stationary source fuel or emission limita-



(1) A certification of the date that the ministrator to postpone the applicability 5D of this title have been eliminated

V

the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

(p) Any compliance date extension issued by the Administrator shall not become effective until after the actual conversion from petroleum products or natural gas to coal.

**§ 55.05 Temporary suspensions.**

(a) Any person (including a public officer or public agency) may apply to the Administrator for a temporary suspension under § 119(b) of the Act. The conditions of eligibility for a temporary suspension are set forth in § 55.01(c) of this part.

(b) The Administrator may act on his own motion in issuing a temporary suspension.

(c) The Administrator shall issue a temporary suspension to any person for whom an application has been filed and which is eligible under § 55.01(c)(2) if he determines (after considering the risk to public health and welfare, whether the issuance of a suspension will assist in meeting the essential needs of the United States for fuels and other appropriate factors) that issuance of a suspension to such person would be consistent with the purposes of the Energy Supply and Environmental Coordination Act of 1974.

(d) Any temporary suspension issued by the Administrator shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to:

(1) Submission of such reports as the Administrator determines may be necessary.

(2) Such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and

(3) In the case of a person who is eligible for a suspension under § 55.01(c)(1), requirements that the suspension shall be inapplicable for any period during which fuels which would enable compliance with the suspended stationary source fuel or emission limitations are in fact reasonably available (as determined by the Administrator) to such person.

(e) A source described in § 55.01(c)(2) which applies for a suspension must submit emissions data, information on the fuel and emission reduction measures to be employed during the time the suspension is applicable, and air quality data in order to enable the Administrator to prescribe any necessary primary standard condition on the suspension.

(f) In the case of a source which applies to the Administrator for a suspension under § 55.01(c)(1), the source shall submit with the application the following information as a minimum:

(1) Present fuel inventory, by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Comparison of present supplies and storage capacity with the inventories during comparable periods of the previous two years;

(3) A statement of the source's understanding of the reasons that types or amounts of fuel which would enable compliance are not available or documentation of the reasons given by traditional fuel suppliers for being unable to meet the source's needs;

(4) Names of suppliers contacted, dates of contact, and quantity and quality (including sulfur, ash and heat content) of fuel sought; and

(5) Description of fuel demands.

(g) In the case of a fuel supplier which applies to the Administrator for a suspension under § 55.01(c)(1), the fuel supplier shall submit the following information as a minimum:

(1) Present fuel inventory by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Comparison of present supplies and storage capacity with the inventories during comparable periods of the previous two years;

(3) Description of the fuel demands of the customers of the supplier located in the air quality control region(s) for which the supplier is requesting a suspension;

(4) Documentation of the reasons for the supplier's inability to provide adequate supplies of fuel which would permit compliance with applicable stationary source fuel or emissions limitations;

(5) Documentation which evidences efforts made by the supplier to obtain fuels which would permit compliance with applicable stationary source fuel or emission limitations.

(h) Any source which is issued an order (which will not apply after June 30, 1975) by the Administrator of the Federal Energy Administration under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall submit within 90 days after such source is issued such order (or within 90 days after the effective date of these regulations, if such order is issued prior to the effective date of the regulations) to the Administrator the following:

(1) If the source is not applying for a temporary suspension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement without a temporary suspension, and

(ii) A plan for compliance which includes the necessary steps the source must take to comply with each applicable air pollution requirement.

(2) If the source is applying for a temporary suspension:

(i) A certification of the date by which the source will be able to burn coal without emitting any pollutant in amounts which cause or contribute to concentrations in excess of any national primary ambient air quality standard for such pollutant, and

(ii) A plan for compliance which includes the necessary steps the source must take to comply with applicable stationary source fuel or emission limitations.

(i) If any source which is not subject to an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 applies for a temporary suspension because it began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, then the source shall submit the information required in paragraph (h)(2) of this section and evidence to support a determination by the Administrator in accordance with paragraph (b) of section 55.04 that such source began conversion during such time.

(j) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (h) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement. Subsequent 30 days postponements may be granted.

(k) The Administrator may suspend, postpone or modify the requirements for submittal of information under paragraphs (f) and (g) of this section if he finds that a widespread shortage of types or amounts of fuels exists and that such shortage is of such severity that expedited procedures under this section are necessary and desirable.

(l) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Administrator of the Federal Energy Administration of the consequences of issuing an order to such source under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

(m) Any temporary suspension issued by the Administrator to a source which is eligible for such suspension under § 55.01(c)(2) of this part shall not become effective until after the actual conversion from petroleum products or natural gas to coal.

**§ 55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.**

(a) Any source which has been issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 and which is not eligible to apply for a compliance date extension under § 55.01(b) of this part or cannot qualify for a temporary suspension under § 55.01(c) shall submit, within 90 days after such source is issued such order (or within 90 days after the effective date of these regulations, if such order is issued prior to the effective date of these regulations) to the Administrator the following:





(1) A certification of the date that the source will be able to burn coal and comply with all applicable air pollution requirements, and

(2) A plan for compliance which includes the necessary steps the source must take to comply with all applicable air pollution requirements.

(b) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (a) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement. Subsequent 30 day postponements may be granted.

(c) If any item of information required to be submitted by a source under this section has previously been submitted to the Administrator to enable him to advise the Federal Energy Administrator of the consequences of issuing an order to such source under section 2 of the Energy Supply and Environmental Coordination Act of 1974, then such source is not required to resubmit such information to the Administrator unless the information previously submitted is no longer accurate, in which case an update of the initial submittal must be provided by the source.

**§ 55.07 Petitions by air pollution control agencies.**

(a) Any air pollution control agency may petition the Administrator to modify any primary standard condition in order to assure (throughout the period of a compliance date extension or a temporary suspension) that the source will not emit any air pollutant to a degree which causes or contributes to concentrations in excess of any national primary ambient air quality standard for such pollutant.

(b) Any air pollution control agency may petition the Administrator to certify to the Federal Energy Administrator that an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall not be in effect for any period during which the burning of coal by a source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public

(c) The Administrator may on his own motion initiate the proceedings referred to in paragraphs (a) and (b) of this section.

**§ 55.08 One year postponement for power plant shutdown.**

(a) At any time prior to the date on which an electric generating power plant is required to comply with an applicable implementation plan requirement, such power plant may apply (with the concurrence of the Governor of the State in which such plant is located) to the Administrator to postpone the applicability of such requirement for not more than one year. Such postponement shall commence on the final date for compliance with the implementation plan in effect at the time of application for postponement (except that no such postponement shall apply for more than one year after the applicable date for attainment of the primary standard for the pollutant involved).

(b) Any electric generating power plant is eligible for a postponement under paragraph (a) of this section if:

(1) Because of the age and condition of the plant, the plant is to be taken out of service permanently not later than January 1, 1980, according to the power supply plan (in existence on January 1, 1974) of the owner or operator of such plant,

(2) A certification to that effect has been filed by the owner or operator of the plant with the Administrator and the Federal Power Commission, and

(3) The Federal Power Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements.

(c) If the Administrator determines, after considering the risk to public health and welfare which may be associated with a postponement under paragraph (a) of this section, that compliance with any requirement of an applicable implementation plan is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for the costs of such compliance, and other appropriate factors, then the Administrator shall grant a postponement of any such requirement.

(d) The Administrator shall, as a condition of any postponement under paragraph (a) of this section, prescribe such interim requirements as are practicable and reasonable in light of the criteria in paragraph (c) of this section.

**§ 55.09 General requirements.**

The Administrator may require the submittal of any additional information, including emissions data for any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), which is reasonably necessary to implement this part and section 119 of the Act.

[FR Doc.75-11038 Filed 4-25-75;8:45 am]

## Title 41—Public Contracts and Property Management

### CHAPTER 5—GENERAL SERVICES ADMINISTRATION

### Internal GSA Procurement Regulations

To simplify the internal GSA procurement regulations system Chapters 5C and 5D of this title have been eliminated (39 FR 26288, July 18, 1974; 39 FR 7789, Feb. 28, 1974) and Chapter 5 will be eliminated after the portions having continuing applicability are incorporated in Chapters 5A and 5B. In this regard, Chapter 5A has incorporated the portions of Chapter 5 having applicability to contracts for supplies and services (other than contracts for construction, building services, and space acquisition) and, accordingly, Chapter 5 is hereafter inapplicable to such contracts. The portions of Chapter 5 having applicability to contracts for construction, building services, and space acquisition will remain in effect until incorporated in Chapter 5B. A subsequent Federal Register notice will be published to announce the cancellation of Chapter 5 in its entirety.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

*Effective date.* This regulation is effective April 28, 1975.

Dated: March 7, 1975.

M. J. TIMBERS,
*Commissioner, Federal Supply Service.*

[FR Doc.75-10951 Filed 4-25-75;8:45 am]

## Title 29—Labor

### CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

### PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

### Deletion of Standard Concerning Number of Lavatories for Industrial Employment

On June 27, 1974, the occupational safety and health standards contained in 29 CFR Part 1910 were republished in the FEDERAL REGISTER (39 FR 23502). The purpose of the republication was to incorporate in one place all changes made to the standards up to June 3, 1974.

The republication included the requirement for a minimum number of lavatories for industrial employment, contained in Table J-2 of 29 CFR 1910.-141(d)(2)(i), which had been promulgated pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593; 29 U.S.C. 655) on May 3, 1973, (38 FR 10930). However, this standard was challenged under section 6(f) of the Act (84 Stat. 1597; 29 U.S.C. 655) by a petition filed in the United States Court of Appeals for the Second Circuit. On October 4, 1973, that court, in the case of "Associated Industries of New York State, Inc. v. United States Department of Labor et. al." (487 F. 2d 342), vacated that portion of § 1910.141(d)(2)(i) Table J-2 setting a minimum number of lavatories for industrial usage. Therefore, it is decided to delete from Part 1910 that portion of Table J-2 vacated by the Court.

I find that the reasons stated above constitute good cause for making this change effective immediately. Accordingly, this amendment is effective April 28, 1975.



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§ 1910.141 [Amended]

Accordingly, pursuant to authority in sections 6 and 8(g) of the Act (84 Stat. 1593, 1600, 29 U.S.C. 655, 657) and Secretary of Labor's Order No. 12–71 (36 FR 8754), Part 1910 of Title 29 of the Code of Federal Regulations is amended by deleting from § 1910.141(d)(2)(i) that portion of Table J–2 reading as follows:

| | | |
|---|---|---|
| Industrial—factories, warehouses, loft buildings, and similar establishments: | | |
| 1 to 100 | 1 | fixture for each 10 employees. |
| Over 100 | 1 | fixture for each additional 15 employees. |

(Secs. 6, 8(g), Pub. L. 91–596, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754)

Signed at Washington, D.C., this 23rd day of April, 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75–11174 Filed 4–25–75; 8:45 am]

## Title 46—Shipping

## CHAPTER IV—FEDERAL MARITIME COMMISSION

### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 34, Docket No. 75–9]

### PART 550—FILING OF TARIFFS BY TERMINAL BARGE OPERATORS IN PACIFIC SLOPE STATES

### Provisions Adopted

By notice of proposed rulemaking filed April 7, 1975 (40 FR 15401–15402) the Commission gave notice that it was considering the addition of a new Part 550 of Title 46 which will establish regulations covering the filing of tariffs by terminal barge operators in Pacific Slope States in the foreign and domestic commerce of the United States.

The rulemaking was initiated in response to the enactment by Congress of Pub. L. 93–605 which adds a new section 3 to the Shipping Act, 1916. This legislation requires the filing of rates and charges for the barging and affreighting of containers and containerized cargoes by barge between points in the United States solely with the Federal Maritime Commission under certain specific circumstances and in accordance with rules and regulations to be promulgated by the Commission within 120 days of its enactment.

Written comments on the proposed rule were received from two interested parties. Both commentators objected to the provisions in § 550.2 which require the filing of separate tariffs in accordance with the Commission's G.O. 13 (46 CFR 536) with respect to cargo moving in the foreign commerce of the United States and Tariff Circular 3 (46 CFR 531) with respect to cargo moving in the domestic offshore commerce of the United States.

Pointing out that the service and rates offered by a terminal barge operator will be identical in both trades, the commentators are of the view that only one tariff filing would be needed to meet the requirements of section 3 of the Shipping Act, 1916. To this end, they favor the tariff filing requirements found in G.O. 13.

The Commission, after due consideration of these comments, is of the opinion that in this instance strict adherence to the form of the tariff filing requirements of Tariff Circular 3 is not required particularly in view of the very limited application of this rule. Therefore, for purposes of this Part, terminal barge operators, while still subject to all applicable provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, in their capacities as common carriers by water either in the foreign commerce or in domestic commerce, need conform only to the tariff filing requirements of G.O. 13.

Both commentators have indicated that they have not handled any cargoes moving in the domestic offshore trades and therefore initial compliance with this Part will require only a tariff filing with respect to their foreign commerce operations. When, and if, domestic cargo is handled, a duplicate tariff with appropriate covering letter should be filed with the Commission. As water carriers carrying cargo in the domestic offshore trades, terminal barge operations will, however, be expected to comply with all required regulations where applicable.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 3, 18(a), 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 1160, 817 and 841(a)), and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), Title 46 CFR is amended by the addition of a new Part 550 reading as follows:

Sec.
550.1 Scope
550.2 Tariff Filing Requirements
550.3 Effective Date

AUTHORITY: Sec. 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 3, 18(a), 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 1160, 817, and 841(a)), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844).

§ 550.1 Scope.

(a) The rules and regulations set forth in this Part cover the filing of tariffs by terminal barge operators in Pacific Slope States in the foreign and domestic commerce of the United States.

(b) Terminal barge operators moving containers or containerized cargo by barge between points in the Continental United States shall file a schedule of their rates, charges and services solely with the Federal Maritime Commission where:

(1) The cargo is moving between a point in a foreign country or a noncontiguous State, territory, or possession and a point in the United States,

(2) The transportation by barge between points in the United States is furnished by a terminal operator as a service substitute in lieu of a direct vessel call by the common carrier by water transporting the containers or containerized cargo under a through bill of lading,

(3) Such terminal operator is a Pacific Slope State municipality, or other public body or agency subject to the jurisdiction of the Federal Maritime Commission, and the only one furnishing the particular circumscribed barge service on January 2, 1975.

(4) Such terminal operator is in compliance with the rules and regulations of the Federal Maritime Commission for the operation of such barge service.

(c) The terminal operator providing such service shall be subject to the provisions of the Shipping Act, 1916.

§ 550.2 Tariff Filing Requirements.

(a) Terminal barge operators subject to this Part shall comply with the tariff filing requirements of General Order 13 (46 CFR 536) with respect to the publication of rates, charges and services for cargo moving in the foreign and/or domestic offshore commerce of the United States.

(b) Terminal barge operators while exempt from the tariff filing form requirements of Tariff Circular 3 (46 CFR 531) with respect to their operations as water carriers carrying cargo in the domestic offshore trades, shall comply with all other required regulations, where applicable.

(c) Tariff(s) filed pursuant to § 550.2(a) shall specifically provide that the rates charged are based upon factors normally considered by a regular commercial operator in the same service.

§ 550.3 Effective date.

This Part shall become effective on May 2, 1975. Any completely new tariff or completely reissued tariff made on or after said date must comply in all respects with this Part.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75–11055 Filed 4–25–75; 8:45 am]





# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[ 50 CFR Part 81 ]

### CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE AND PLANTS

### Cooperation with the States

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884), it is proposed to add a new Part 81, Title 50, Code of Federal Regulations, as set forth below.

The purpose of this proposed rulemaking is to formalize procedures governing applications by States for Federal financial assistance under Section 6 of the Act, "Cooperation with the States." This includes criteria for approval of grants-in-aid to the States.

This proposed rulemaking states the policies and procedures of the U.S. Fish and Wildlife Service to be followed in the consideration of application for financial assistance under section 6. At present, the U.S. Fish and Wildlife Service has no funds appropriated for this purpose. States having applied for or entered into a Cooperative Agreement with the U.S. Fish and Wildlife Service will be notified as soon as such funds become available.

Similar regulations have been published by the National Marine Fisheries Service in 50 CFR Part 225.

Written comments, views, and objections may be made with respect to these proposed regulations to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, on or before June 27, 1975. Also, if any person feels that he may be adversely affected by the proposed regulations, he may file objections thereto and request a public hearing on or before June 12, 1975.

LYNN A. GREENWALT,
*Director,*
*U.S. Fish and Wildlife Service.*

APRIL 21, 1975.

### PART 81—CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE AND PLANTS—COOPERATION WITH THE STATES

Sec.
81.1 Definitions.
81.2 Cooperation with the States.
81.3 Cooperative Agreement.
81.4 Allocation of funds.
81.5 Information for the Secretary.
81.6 Project Agreement.
81.7 Availability of funds.
81.8 Payments.
81.9 Assurances.
81.10 Submission of documents.
81.11 Divergent opinions over project merit.
81.12 Contracts.
81.13 Inspection.
81.14 Comprehensive plan alternative.

AUTHORITY: Endangered Species Act of 1973, section 6(h), 87 Stat. 884, 16 U.S.C. 1531–43, Pub. L. 93–205.

§ 81.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Agreements.* Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and containing provisions found in section 6(d)(2) of the Act.

(2) A Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

(b) *Conserve, conserving, and conservation.* The use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(c) *Endangered species.* Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).

(d) *Fish or wildlife.* Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(e) *Plant.* Any member of the plant kingdom, including seeds, roots, and other parts thereof.

(f) *Program.* A State-developed plan for the conservation and management of all species of fish and wildlife that exist in the wild in that State during any part of their life which are endangered or threatened, which includes goals, objectives, strategies, action, and funding necessary to be taken to accomplish the objectives on an individual basis.

(g) *Secretary.* The Secretary of the Interior or his authorized representative.

(h) *Species.* This term includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(i) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(j) *State agency.* The State agency or agencies, department, board, commission, or other governmental entity which is responsible for the management and conservation of fish or wildlife resources within a State.

(k) *Threatened species.* Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.

(l) *Project.* A subsantial undertaking to conserve the various species of fish or wildlife and plants facing extinction.

(m) *Act.* The Endangered Species Act of 1973, Pub. L. 93–205, 16 U.S.C. 1531 et seq.

(n) *Project segment.* An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(o) *Resident species.* For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

§ 81.2 Cooperation with the States.

The Secretary is authorized by the Act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that:

(a) Authority resides in the State agency to conserve resident species of fish



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and wildlife determined by the State agency or the Secretary to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the Act, for all resident species of fish and wildlife in the State which are deemed by the Secretary to be endangered or threatened, and has furnished a copy of such plan and program together with all pertinent details, information, and data requested to the Secretary;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species of fish and wildlife as endangered or threatened.

**§ 81.3 Cooperative Agreement.**

Upon determination by the Secretary that a State program is adequate and active, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Project Agreement can be approved for endangered or threatened species projects. It must be reconfirmed annually to reflect new laws, species lists, rules or regulations, and programs, and to demonstrate that the program is still active and adequate. Further, such agreement must contain:

(a) The actions that are to be taken by the Secretary and the State;

(b) The benefits that are expected to be derived in connection with the conservation of endangered or threatened species;

(c) The estimated cost of these actions; and

(d) The share such costs to be borne by the Federal Government and by the State.

**§ 81.4 Allocation of funds.**

The Secretary shall allocate funds, appropriated for the purpose of carrying out Section 6, to various State programs using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of the Act;

(c) The number of endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and

(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

**§ 81.5 Information for the Secretary.**

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement with the Secretary pursuant to Section 6(c) of the Act.

**§ 81.6 Project Agreement.**

(a) Subsequent to the establishment of a Cooperative Agreement pursuant to § 81.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Project Agreement. Such agreements' continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

(b) The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of time necessary to accomplish the objectives, and both the Federal and State costs.

(c) To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that it has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A-95 (as revised).

(d) The Project Agreement will follow approval of the Application for Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.

(e) The form and content for both the Application for Federal Assistance and the Project Agreement are provided in the Federal Aid Manual.

**§ 81.7 Availability of funds.**

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

**§ 81.8 Payments.**

The payment of the Federal share of costs incurred in the conduct of activities included under a Project Agreement shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 66⅔ percent of the program costs as stated in the agreement; except, the Federal share may be increased to 75 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Federal Management Circular 74-7.

(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State agencies. Payments shall be made only to the State office or official designated by the State agency and authorized under the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State agency.

**§ 81.9 Assurances.**

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Federal Management Circular 74-7.

**§ 81.10 Submission of documents.**

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the U.S. Fish and Wildlife Service.

**§ 81.11 Divergent opinions over project merits.**

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

**§ 81.12 Contracts.**

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Federal Management Circular 74-7. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

**§ 81.13 Inspection.**

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

**§ 81.14 Comprehensive plan alternative.**

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Application for Federal Assistance will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the Cooperative Agreement described in § 81.3, above.

[FR Doc.75-11033 Filed 4-25-75;8:45 am]





## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 984 ]

### WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

### Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480; 40 FR 12481). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 984 (7 CFR Part 984; 39 FR 35377; 35999), regulating the handling of walnuts grown in California, Oregon, and Washington. The marketing agreement and order (hereinafter referred to collectively as the "order"), are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a recommendation of the Walnut Marketing Board.

The order was amended October 1, 1974. The amendment, among other things, changed the Board's procedures for voting by mail and telegram, added provisions requiring handlers to report walnut receipts from growers, deleted provisions on reports of controlled walnuts, inshell volume regulation, and deferment of time in meeting a surplus obligation, and replaced setaside requirements for surplus walnuts with holding requirements. The proposal recognizes these changes in the order.

The proposal also changes some of the provisions in the subpart so they more accurately reflect current industry operating practices, and simplifies and reorganizes other provisions.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 12, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480; 40 FR 12481) is as follows:

1. Add a new § 984.445 to read as follows:

**§ 984.445 Procedures for voting by mail or telegram.**

Whenever the Board votes upon any proposition by mail or telegram at least six members or alternates acting as members must vote and one dissenting vote shall prevent its adoption. Each proposition to be voted upon by either of these methods shall specify a time limit for members to vote, after which the alternates shall be given the opportunity to vote.

2. Revise § 984.450 to read as follows:

**§ 984.450 Minimum kernel content requirements for surplus.**

(a) *For inshell walnuts.* Any lot of shelled walnuts withheld from handling to meet any part or all of a handler's surplus obligation shall have a certified kernelweight of not less than 10 percent of the inshell weight of the lot. No inshell lot may be exported unless it meets the minimum requirements for merchantable inshell walnuts effective pursuant to § 984.50(a).

(b) *For shelled walnuts.* Any lot of shelled walnuts withheld from handling to meet any part or all of a handler's surplus obligation shall have a certified kernelweight of kernels 6/64's of an inch or larger, of not less than 10 percent of the total weight of the lot. This minimum kernel size requirement shall not apply to any lot of walnut meal certified by the designated inspection service as having been derived from chopping, slicing, or dicing merchantable shelled walnuts. No shelled lot may be exported unless it meets the minimum requirements for merchantable shelled walnuts effective pursuant to § 984.50(b).

3. Revise § 984.451 and the section heading to read as follows:

**§ 984.451 Inspection and certification of inshell and shelled walnuts.**

(a) The inspection service for handlers in the State of California shall be the DFA of California. For handlers in the States of Oregon or Washington, the inspection service shall be the Oregon State Department of Agriculture, Federal-State Shipping Point Inspection Service.

(b) Inspection of all shelled walnuts shall be made on the premises of the handler prior to moving them to any other location.

(c) Each handler shall make each container of each lot of walnuts accessible for sampling and sealing or stamping in connection with the inspection and certification of any lot of inshell or shelled walnuts.

(d) Inshell and shelled walnuts for export pursuant to 984.56(b) shall be inspected and certified within 60 days of shipment from the handler's plant.

**§ 984.454 [Deleted]**

4. Delete § 984.454.

5. Revise § 984.456 to read as follows:

**§ 984.456 Designation of agents for export of surplus walnuts.**

Any handler may be designated an agent of the Board to export merchantable surplus walnuts upon execution of an "Export Agreement for Surplus Walnuts" furnished by the Board setting forth the terms and conditions for export sales.

6. Add a new § 984.458 to read as follows:

**§ 984.458 Transfer of excess surplus credits.**

Any handler who desires to transfer excess surplus credits to another handler shall submit a request to the Board for such transfer on WMB Form No. 17 signed by both handlers. The request shall show (a) the name of the handler requesting the transfer, (b) the name of the handler to whom the transfer is to be made, and (c) the quantity of credits to be transferred.

**§ 984.460 [Deleted]**

7. Delete § 984.460.

**§ 984.461 [Deleted]**

8. Delete § 984.461.

9. Revise § 984.462 to read as follows:

**§ 984.462 Surplus pool.**

Each lot of surplus walnuts delivered to the Board for pooling and disposition shall be separately weighed by a public weighmaster either upon removal from the handler's premises or in transit to Board storage facilities or diversion point. A tare weight of 1 pound shall be used for bags and tare weights for other containers shall be actual weights. Such tare weights shall be used in determining net weight. A copy of each weighmaster certificate shall be forwarded to the Board by the handler.

**§ 984.464 [Amended]**

10. In paragraph (b) of § 984.464 "WCB" is deleted and "WMB" is inserted in lieu thereof.

11. Revise § 984.471 to read as follows:

**§ 984.471 Reports of handler carryover.**

Reports of handler carryover as of August 1, January 1, and April 1 of each marketing year shall be submitted to the Board on WMB Form No. 4 for inshell walnuts and on WMB Form No. 5 for shelled walnuts, on or before August 15, January 15, and April 15 respectively, of that marketing year.

12. Revise § 984.472 to read as follows:

**§ 984.472 Reports of merchantable walnuts handled.**

(a) *Inshell.* Reports of merchantable inshell walnuts handled during a month shall be submitted to the Board on WMB Form No. 6 not later than the 5th day of the following month. Such reports shall include all shipments during the preceding month and shall show (1) the quantity shipped, (2) whether they were shipped into domestic or export chan-



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nels, and (3) for exports, the quantity

(a) The names and addresses of the

(d) No change in the degree of loss of



Origin-Destination Survey (§ 234.8).

**§ 234.8 Reporting of schedule arrival**

Washington, D.C. 20460. Three copies of

nels, and (3) for exports, the quantity by country of destination. If a handler makes no shipments during any month he shall submit a report marked "None." If a handler has completed his shipments for the season he shall mark the report "Completed" and he shall not be required to submit any additional WMB Form No. 6 reports during the remainder of that marketing year.

(b) *Shelled.* Reports of merchantable shelled walnuts handled during a month shall be submitted to the Board on WMB Form No. 9 not later than the 5th day of the following month. Such reports shall include all shipments during the preceding month and shall show (1) the quantity shipped and (2) whether they were shipped into domestic or export channels. If a handler makes no shipments during any month he shall submit a report marked "None". If a handler has completed his shipments for the season he shall mark the report "Completed" and he shall not be required to submit any additional WMB Form No. 9 reports during the remainder of that marketing year.

(c) *Reports of walnuts purchased from growers for manufacturing or for retail sale.* Reports of walnuts purchased directly from growers by handlers who are manufacturers or retailers shall be submitted to the Board on WMB Form No. 6 for inshell walnuts and on WMB Form No. 9 for shelled walnuts, not later than the 5th day of the month following the month in which the walnuts were purchased. Such reports shall show the quantity of walnuts purchased and the quantity inspected and certified as merchantable walnuts.

13. Revise § 984.473 to read as follows:

**§ 984.473 Report of walnut receipts.**

Each handler shall file a report of his walnut receipts from growers on or before January 15 of each marketing year on forms supplied by the Board.

14. Revise § 984.474 to read as follows:

**§ 984.474 Reports of shipment of walnuts between States of production.**

Any shipment of walnuts between the States of California, Oregon, and Washington for sale or delivery to a handler shall be reported to the Board on WMB Form No. 15 upon receipt by the receiving handler.

15. Revise § 984.476 to read as follows:

**§ 984.476 Declaration of privilege.**

Declarations of intentions to handle shall be on WMB Form No. 10.

16. Revise § 984.480 to read as follows:

**§ 984.480 Books and other records.**

Each handler shall maintain true and complete records of all inshell and shelled walnuts and walnut material, by categories, received, held, or disposed of by him. The records shall be maintained in such form as to permit verification of all transactions involved and shall be made available during normal business hours to authorized representatives of the Board or the Secretary of Agriculture. These records shall include the following:

(a) The names and addresses of the persons from whom received, and the quantities received from each such person;

(b) The names and addresses of the persons to whom disposal is made, and the quantities disposed of to each such person;

(c) The quantities used by the handler for such purposes as manufacturing, production of oil, and livestock feeding; and

(d) The quantities held on August 1, January 1, and April 1 of each marketing year.

Dated: April 22, 1975.

CHARLES R. BRADER,
*Acting Director,*
*Fruit and Vegetable Division.*

[FR Doc.75-10976 Filed 4-25-75;8:45 am]

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Agricultural Stabilization and Conservation Service (Agriculture Adjustment)

**[ 7 CFR Part 760 ]**

**BEEKEEPER INDEMNITY PAYMENT PROGRAM (1974–1977)**

**Proposed Amendment Program**

Notice is hereby given that the Agricultural Stabilization and Conservation Service, under authority of section 804 of the Agriculture Act of 1970, 84 Stat. 1382, 7 U.S.C. 135b, as amended by the Agriculture and Consumer Protection Act of 1973, 87 Stat. 237, 7 U.S.C. 135b, is considering amending the beekeeper indemnity payment program regulations, 7 CFR, Part 760, section 105(d) to improve administration of the program.

This proposed amendment would change the date after which no change in the degree of loss of bees will be recognized each year from November 1 to October 1. Also, it is proposed that the period during which no payment will be made for any loss of queen nuclei be changed from October 1 and December 31 each year to July 1 and December 31 each year.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. Each person submitting comments, suggestions, or objections regarding the proposed amendment shall include his name and address and shall give reasons for any suggested changes in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Deputy Administrator, Programs, during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27 (b)).

All comments received before May 30, 1975, will be considered before final action is taken on this proposal.

It is proposed that Part 760, section 105(d) be revised to read as follows:

**§ 760.105 Proving loss of bees.**

* * * * *

(d) No change in the degree of loss of bees which occurs after October 1 each year will be recognized and no payment will be made for any loss of queen nuclei which occurs between July 1 and December 31 each year.

Effective date: April 28, 1975.

Signed at Washington, D.C. on April 22, 1975.

GLENN A. WEIR,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.75-11047 Filed 4-25-75;8:45 am]

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## CIVIL AERONAUTICS BOARD

**[ 14 CFR Part 234 ]**

[EDR-284; Docket No. 27765]

**PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS: REALISTIC SCHEDULING REQUIRED**

**Proposed Expansion of Designated Domestic Passenger Flights Reported on CAB Form 438**

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 234 of the Economic Regulations (14 CFR Part 234) which would increase the number of designated domestic passenger flights reported on CAB Form 438 from the top 100 to the top 200 city pairs and would eliminate the exclusion of city pairs less than 200 miles apart.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 28, 1975, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., upon receipt thereof.

Dated: April 22, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

EXPLANATORY STATEMENT

Part 234 of the Board's Economic Regulations requires certificated route air carriers to report, on CAB Form 438, on-time performance data with respect to the top 100 city pairs, exclusive of those less than 200 miles apart, as ranked in the revenue-passenger listing found in the Domestic Section of the Origin-Destination Survey (§ 234.8). reporting requirement was initially adopted, effective May 1, 1959, for a one-year experimental period and specified the reporting, by certificated air carriers, of all nonstop and one-stop trips.[1] Subsequent revisions extended this requirement[2] and in 1961 limited the provisions of Part 234 to the reporting of only the top 100 city pairs, excluding those less than 200 miles apart.[3] The revisions were intended to reduce the burden imposed on the industry and the Board, but without substantially reducing the value of the reported data since the Board's staff, at that time, felt that data on only the top 100 city pairs was sufficient for its needs.

We believe that publication of information reported on Form 438 has provided a strong inducement for air carriers to publish schedules which they can meet and to meet the schedules they publish. By providing an objective measure of on-time performance we feel that these figures have promoted healthy competition among carriers in providing a service feature which we consider to be truly beneficial to the public. Additionally, the reporting requirement has made it possible for users of air services to compare performance of competing air carriers.

Since 1961, however, there has been an increased public awareness of air carrier performance creating a need for on-time performance data for city pairs not in the top 100 and for those excluded because they are less than 200 miles apart. Additionally, we feel that the city pairs now reported are no longer as representative of the total system as they once were and, therefore, not adequate for evaluating air carrier on-time performance. This can be seen by the examination of origin and destination (O&D) passengers which shows that the expansion of service to city pairs not in the top 100 has increased to the point where the 261st market (BOS–ORL) carried the same average number of O&D passengers in 1973 as did the 100th market in 1961.

We have, therefore, tentatively concluded that the information reported is no longer sufficient for the purposes for which it was intended and we are now proposing to modify Part 234 of the Economic Regulations by (1) increasing the number of designated domestic flights reported on CAB Form 438 from the top 100 to the top 200 city pairs and (2) eliminating the exclusion of the reporting of city pairs less than 200 miles apart.

It is proposed to amend Part 234 of the Economic Regulations (14 CFR Part 234) as follows:

Amend paragraph (a) of § 234.8 *Reporting of schedule arrival performance*, the amended paragraph to read as follows:

[1] ER-251, January 29, 1959.
[2] ER-300, April 18, 1960.
[3] ER-337, September 20, 1961.

**§ 234.8 Reporting of schedule arrival performance.**

(a) Each certificated route air carrier scheduling nonstop passenger flights between any of the 200 top-ranking pairs of points in terms of revenue-passenger volume as set forth in Table 6 "Domestic City-Pair Summary: Top-Ranked 1000 City Pairs in Terms of Number of Passengers" in the Board's "Domestic Origin-Destination Survey of Airline Passenger Traffic" shall, with respect to any such flights for each month, file in duplicate with the Board a "Monthly Report of Schedule Arrival Performance on Designated Passenger Flights," CAB Form 438.[1] The same information may be submitted on any comparable form prepared on automatic data processing equipment. Such substitute form shall be subject to Board approval and shall be submitted in duplicate and contain the same column headings arranged in the same sequence as CAB Form 438. During any period that a carrier's obligation to provide service between a pair of points is suspended by the Board, the report need not be filed for such pair of points. The report shall be filed within 45 days of the end of the month which it covers and shall be certified to be correct by a responsible officer of the reporting carrier.

* * * * * *

[FR Doc.75-11022 Filed 4-25-75;8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

**[ 40 CFR Part 180 ]**

[FRL 364-4; OPP-300001]

**PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**Proposed Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations**

The Administrator of the Environmental Protection Agency has received requests to exempt certain additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. Based on the data submitted with the requests and a review of the history of use as well as the available information on the chemistry and toxicity of these substances, it has been found that these substances are useful as adjuvants and, when used in accordance with good agricultural practice, the amendment to the regulation as proposed will protect the public health.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 423, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the document. The comments must be received on or before May 28, 1975 and should bear a notation indicating the subject [OPP-300001]. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

It is proposed that Part 180, § 180.1001, be amended as set forth below.

Dated: April 18, 1975.

EDWIN L. JOHNSON,
*Deputy Assistant Administrator for Pesticide Programs.*

It is proposed that Part 180, § 180.1001, be amended by 1) revising the items "D & C Red No. 17 * * *" and "Methyl violet 2B * * *" in paragraph (d); 2) alphabetically inserting new items in paragraphs (c), (d), and (e); and 3) making the consequent editorial changes as follows.

**§ 180.1001 Exemptions from the requirement of a tolerance.**

* * * * * *

(c) * * *

| Inert ingredients | Limits | Uses |
|---|---|---|
| * * * | * * * | * * * |
| Alkanoic and alkenoic acids, mono- and diesters of $\alpha$-hydro-$\omega$-hydroxypoly(oxyethylene) with molecular weight range of 200 to 6,000. | | Emulsifiers. |
| * * * | * * * | * * * |
| Beeswax | | Coating agent. |
| * * * | * * * | * * * |
| Calcium salt of partially dimerized rosin, conforming to title 21, sec. 121.1179. | | Coating agent. |
| Calcium silicate | | Solid diluent, carrier. |
| * * * | * * * | * * * |
| Coumarone-indene resin, conforming to title 21, sec. 121.1050. | For use on citrus only. | Component of coating agent. |
| * * * | * * * | * * * |
| Fatty acids, conforming to title 21, sec. 121.1070. | | Binder, defoaming agent, lubricant. |
| * * * | * * * | * * * |
| Petrolatum, conforming to title 21, sec. 121.1166. | | Coating agent. |
| * * * | * * * | * * * |
| Petroleum naphtha, conforming to title 21, sec. 121.1206(d). | | Component of coating agent. |
| Petroleum wax, conforming to title 21, sec. 121.1156(d). | | Coating agent. |
| * * * | * * * | * * * |
| Polysorbate 65, conforming to title 21, sec. 121.1008. | | Emulsifier. |
| * * * | * * * | * * * |
| Salts of fatty acids, conforming to title 21, sec. 121.1071. | | Binder, emulsifier, anticaking agent. |
| * * * | * * * | * * * |

[1] CAB Form 438 can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.











for public comment on this Malvern pro- for consideration as well. They, like the Little Rock-Benton proposal in RM-2000,

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| Inert ingredients | Limits | Uses |
|---|---|---|
| Sodium hypochlorite | | Bleaching agent, disinfectant. |
| . . . | . . . | . . . |
| Sperm oil conforming to title 21, sec. 121.1179). | | Coating agent. |
| . . . | . . . | . . . |

(d) . . .

| Inert ingredients | Limits | Uses |
|---|---|---|
| . . . | . . . | . . . |
| D & C Red No. 17, technical grade. | | Dye. |
| . . . | . . . | . . . |
| Methyl violet 2B | | Dye. |
| . . . | . . . | . . . |

(e) . . .

| Inert ingredients | Limits | Uses |
|---|---|---|
| Alkanoic and alkenoic acids, mono- and diesters of α-hydro-ω-hydroxypoly (oxyethylene) with molecular weight range of 200 to 6,000. | | Emulsifiers. |
| . . . | . . . | . . . |

[FR Doc.75-10799 Filed 4-25-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 19879; RM-2020, etc.]

### FM BROADCAST STATIONS

### Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Little Rock, Benton, Batesville and Mountain View, Arkansas. Also Cherokee Village, Dardanelle, Dumas, Fayetteville, Lonoke, Malvern, Morrilton, Pine Bluff, Russellville, Sheridan and Van Buren, Arkansas, and Neosho, Missouri), Docket No. 19879 RM-2020, RM-2064, RM-2113, RM-2177, RM-2226, RM-2264, RM-2288, RM-2299, RM-2305, RM-2313, RM-2381, RM-2404, RM-2487, RM-2527.

1. In this proceeding, instituted by notice of proposed rule making, released November 27, 1973 (FCC 73-1217, 38 FR 32946), comments were invited on conflicting and interrelated proposals of petitioners for assignment of FM channels to Little Rock (RM-2020), Mountain View (RM-2064 and RM-2226) and Batesville (RM-2113), Arkansas,[1] and on five alternative assignment plans which we proposed for consideration to resolve the conflicts and permit FM assignments to be made to all three communities if found to be warranted.[2] The cut-off dates specified in the notice for filing comments in the proceeding were January 5, 1974, for initial comments (and counterproposals) and January 15, 1974, for reply comments (including comments on counterproposals). However, upon request, these cut-off dates were extended to February 11, 1974, for comments (and counterproposals) and to February 25, 1974, for reply comments (including comments on counterproposals) by three successive orders.[3]

2. Before us in this proceeding are the aforementioned proposals for Little Rock, Benton, Mountain View, and Batesville and those advanced for other Arkansas communities as counterproposals in comments timely filed prior to the extended expiration date for initial comments (February 11, 1974) or in petitions for rule making filed by that due date for comments which have been incorporated for consideration as counterproposals herein (RM-2305, Morrilton, Arkansas, and RM-2313, Pine Bluff, Arkansas) because of their conflicts with the proposals and counterproposals under consideration. The purpose of this further notice is to consolidate for consideration with the foregoing proposals and counterproposals, and invite comments on the relative merits of, a number of FM assignment proposals for other Arkansas communities (and Neosho, Missouri) which would not normally be appropriate for consideration herein since some of them were advanced in comments and petitions for rule making filed after the February 11, 1974, cut-off date specified for their acceptance for consideration as counterproposals herein and others of them conflict or are interrelated only to these untimely proposals because proposed assignments to the same community or to communities in close proximity are involved. We attach great significance to observance of our "cut-off" procedures in these FM rule making proceedings and would not normally open them to the receipt and consideration of proposals and comments which are not timely filed before the applicable expiration date specified for their acceptance, however meritorious, both in fairness to parties whose filings are timely and in consideration of the difficulties thereby created in exercising our regulatory responsibilities. Nevertheless, we have decided that there is justifiable reason for not adhering to the cut-off requirement in this proceeding.

3. The compelling reason for our decision to waive cut-off requirements with respect to the additional proposals lies in our recognition that, due to the defective Public Notice which we inadvertently gave on January 11, 1974 (Report No. 893), to an FM assignment proposal for Morrilton, Arkansas (RM-2305),[4] interested parties did not have adequate notice to alert them to an FM assignment proposal for Morrilton in RM-2305 which the Public Notice stated would be considered as a counterproposal in this proceeding, to any conflict of the Morrilton proposal with proposals of their own, or to any need or reason to participate in this proceeding by the submission of comments and counterproposals before the February 11, 1974, due date for submission of counterproposals because of an assignment proposal for Morrilton. The Morrilton proposal involved substituting Channel 226 for Channel 269A at Malvern, Arkansas, and reassignment of Channel 269A to Morrilton. The Public Notice given to the petition and proposal for Morrilton did not, as it should have, inform that the petitioner proposed Channel 269A for assignment to Morrilton. Instead, the Notice only stated that the petitioner requested the substitution of Channel 226 for Channel 269A at Malvern, Arkansas, and advised that this proposal for Malvern would be treated as a counterproposal herein, with the time for public comment on this Malvern proposal (including counterproposals) governed by the applicable cut-off dates in this proceeding.

4. Our failure to give notice of the Morrilton Channel 269A proposal in our public notice of January 11, 1974, appears to have been prejudicial to interested parties who state that they were misled by the public notice into beleiving that only the channel substitution proposal for Malvern was being incorporated for consideration into this proceeding and that they discovered, after some time (long after the cut-off dates for comments and counterproposals), that the petitioner in RM-2305 proposed the assignment of Channel 269A to Morrilton. They state that had they been aware of the Morrilton Channel 269A proposal or alerted to the fact that it was being incorporated for consideration as a counter proposal in this proceeding that they would have filed comments and counterproposals thereto prior to the cut-off dates for their consideration herein. We feel that this charge is justified, especially since if notice of the Morrilton Channel 269A proposal had been properly given on January 11, 1974, interested parties would have had ample time—until February 11, 1974—to file initial comments and countrproposals for consideraion with the Morrilton and other proposals herein. Consequently, in the circumstances, we believe it would be arbitrary, unfair and adverse to the public interest not to waive our cut-off requirements and to accept for consideration herein all comments and counterproposals conflicting with the Morrilton Channel 269A proposal in RM32-05 despite their latness.[5]

5. Having reached this decision and considering that the untimely Dardanelle counterproposal and other proposals of its proponent, besides conflicting with the Morrilton proposal and others under consideration herein (i.e., Little Rock-Benton proposal in RM-2020), also conflict or are interrelated to FM assignment proposals of other petitions, we have further decided that it is also necessary and desirable, in the interests of fairness and the public interest, to include those proposals herein for consideration as well. They, like the proposals we are considering herein, also with one exception (Neosho, Missouri), involve FM assignment proposals for Arkansas communities and, aside from technical conflicts and their interrelationship with other of these proposals and those under consideration herein, also appear of possible merit. Further, the Arkansas communities for which FM assignments are proposed in these conflicting and interrelated proposals are so located that they encompass a large part of the state. Consequently, we also are convinced that the overall public interest will be served by considering them all together herein in reaching a decision on how best to make a fair, efficient and equitable distribution of the FM channels which could be assigned to this area.

6. We therefore shall consider herein in conjunction with the Little Rock, Benton, Mountain View and Batesville FM assignment proposals upon which we instituted rule making herein (Footnotes 1, 2, supra) and the comments received on them in response to the notice, and here advance for comments, the additional FM assignment proposals which are briefly discussed individually below.[6] However, since we have reservations about some of these proposals because of their technical conflicts with others we are considering herein, the proximity of some of the communities for which assignments are proposed, as well as for other reasons, as indicated in our discussion of them, this action inviting comments should not be construed as a present Commission view, even tentatively, that any or all of them should be adopted.

7. In our discussion of the proposals below, no attempt is made to set forth all the pertinent data furnished by their proponents concerning the communities and areas involved or their supporting arguments, and it need not be resubmitted to be considered in our evaluation of them. Since the proposals are many, and the showings furnished by their proponents appear adequate but for a few exceptions, to warrant consideration of them with the other proposals herein, at this stage in the proceeding, we feel it is sufficient to identify and discuss these proposals only to the extent necessary to inform of certain problems we have with them or of additional information needed to evaluate them and to permit meaningful comments on them vis-a-vis each other. All population figures given in discussing these proposals are from the 1970 U.S. Census, except as otherwise noted.

8. Cherokee Village, Arkansas. Proponent, Betty McCutchen Wetenkamp (Wetenkamp), in comments timely filed herein and specifically directed to the Little Rock-Benton proposal in RM-2020 (Footnote 1, supra), alternatively proposes assignment of Channel 296A or Channel 265A to Cherokee Village for a first FM assignment and first local aural broadcast service, for which she states she would apply to serve Cherokee Village and also the surrounding area in which the communities of Hardy, Ash Flat, Salem and Horseshoe Bend are located. These communities are also without a local aural broadcast service and of them, only Salem, which is assigned Channel 240A (unused), has an FM assignment. Channel 265A is also proposed for assignment to Cherokee Village as a "drop-in" by the Dardanelle proponent in a proposed assignment plan to resolve conflicts between its Dardanelle proposal and the Morrilton proposal in RM-2305, as well as other proposals herein. (See Dardanelle, para. 16 herein.)

9. Cherokee Village (population, 1,300), which Wetenkamp states came into being in 1954 and now has a population of 2,850,[7] is located in northern Arkansas in Sharp County (population, 8,233) except for a small portion of the community which is located in Fulton County (population, 7,699), approximately 115 miles northeast of Little Rock and 35 miles north of Batesville. Salem (population, 1,277), the county seat of Fulton County, is located about 15 miles northwest of Cherokee Village. Both Hardy (population, 692) and Ash Flat (population, 211), are located in Sharp County, with Hardy a few miles northeast of Cherokee Village and Ash Flat, a few miles to the south of the community. Horseshoe Bend (population, 321)[8] is located in Izard County (population, 7,381) about 10 miles southwest of Cherokee Village. Wetenkamp states that the residents of Cherokee Village and these communities are involved in intermixed civic, social, religious, business and other activities and that a Class A facility at Cherokee Village would be able to respond to broadcast needs of all these communities.

10. The Wetenkamp engineering showing indicates that her Cherokee Village Channel 296A proposal, while not mutually exclusive with the Little Rock Channel 295 proposal (requiring a change in the Benton Channel 296A assignment) in RM-2020, would reduce the area meeting spacing requirements east of Little Rock where a transmitter site for a Litte Rock Channel 295 station could be located. In view thereof, Wetenkamp proposes that either her Cherokee Village Channel 296A proposal be adopted instead of the Little Rock Channel 295 proposal in RM-2020 (her first choice) or that both of these proposals be adopted, not withstanding that her Cherokee Village Channel 296A proposal would restrict the area where Channel 295 would be technically feasible for use for a Little Rock station. Her alternative

[1] In RM-2020, petitioner (Carroll D. Caldwell) proposes the assignment of Channel 296 to Little Rock as a fifth Class C FM assignment by replacing Channel 296A with Class C Channel 226 at Benton, Arkansas.

In RM-2064, the petitioner (James A. Pearson) proposes the assignment of Channel 224 to Mountain View as a first FM assignment.

In RM-2226, the petitioner (Preston Grace, Jr.) proposes the assignment of Class C Channel 226 to Mountain View as a first FM assignment.

In RM-2113, the petitioner (Joe Biard) proposes the assignment of Class C Channel 226 to Batesville as a first FM assignment.

[2] The conflicts stem from the fact that the Channel 226 proposals of the petitioners for Benton, Mountain View and Batesville are mutually exclusive because of minimum mileage separation requirements. These alternative plans all assume that Channel 295 would be assigned to Little Rock and that Channel 226 would replace Channel 296A at Benton. They would additionally (I) assign either one of two channels (224A or 249A) to Mountain View and Batesville; or (II) or (III), assign Class C Channel 277 to either Mountain View or Batesville; or (IV), assign Channel 277 to Mountain View and either Channel 249A or 228A to Batesville; or (V) assign Channel 224A to Mountain View and Channel 277 to Batesville. (As the Notice noted, spacing requirements would require use of a site 16 miles east of Little Rock for a Little Rock Channel 296 operation; use of a site 13 miles south of Benton for a Benton Channel 226 operation; and use of a site 13 miles southwest or 20 miles west of Batesville for a Batesville Channel 277 station.)

[3] By Order, released December 28, 1973, 39 Fed. Reg. 1283, the cut-off dates for comments and reply comments were first extended to expire on January 18 and February 8, 1974, respectively, in response to a request of Joe Biard, petitioner in RM-2113 (Batesville). By Order, released January 18, 1974, 39 Fed. Reg. 3573, the due dates for comments and reply comments herein were further extended to expire on January 28 and February 13, 1974, respectively, at the request of Preston Grace, Jr., petitioner in RM-2064 (Mountain View). The third extension, extending the comment and reply comment time to and including February 11, and February 25, 1974, respectively, was granted by Order, released January 31, 1974, 39 Fed. Reg. 4670, at the request of Arkansas Media Ventures, a prospective applicant for a Little Rock station.

[4] RM-2305, filed January 7, 1974, the petitioner, J. C. Willis, licensee of Station KVOM(AM), Morrilton, requests rule making to assign Channel 269A to Morrilton for a first FM assignment by substituting Channel 226 for Channel 269A (unused) at Malvern, Arkansas, and treatment of its proposal as a counterproposal herein. The proposal conflicts with the Little Rock, Benton, Batesville and Mountain View proposals upon which our prior Notice invited comments and was timely filed (before February 11, 1974) for consideration as a counterproposal herein.

[5] These include the (a) Reply Comments and Counterproposal tendered for filing herein on September 10, 1974, by Central Arkansas Broadcasting Company, Inc., licensee of FM Station KWKK, Channel 272A, Dardenelle, Arkansas, in which a change in the Dardenelle Channel 272A assignment conflicting with the assignment proposed for Morrilton in RM-2305 is proosed, as well as an assignment plan to resolve the conflict between its Dardanelle proposal and the Morrilton proposal and also between and among other conflicting proposals under consideration herein (see para. 11, Dardanelle, herein); and (b) Reply Comments and Request to Accept Same, tendered for filing herein on November 4, 1974, as concerns RM-2305 (Morrilton), by Arkansas Television Company, licensee of Station KTHV, Channel 11, Little Rock, regarding a possible second harmonic interference problem which it fears that the Morrilton RM-2305 proposal would create.

[6] These proposals include those which were advanced as counterproposals in comments timely filed in response to the prior Notice herein and in petitions for rule making which have previously been incorporated for consideration herein as counterproposals.

[7] Since no source for this figure was given, it should be supplied.

[8] Wetenkamp states that Horseshoe Bend now has a population of 1,200. The source for this figure should also be supplied.







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Channel 265A proposal appears technically feasible and would not appear to require any changes in existing assignments or to conflict with the Little Rock Channel 295 proposal (RM–2020) or the others we are considering herein. While Wetenkamp states that she prefers Channel 296A to Channel 265A for a Cherokee Village assignment because of a claimed greater potential for service because of the location of co-channel and adjacent channel stations, this is not a decisive factor normally in making assignments since, due to the advent of new stations and site changes of existing stations, the potential of any channel for service in light of this factor may change.

11. Dardanelle, Arkansas. Proponent, Central Arkansas Broadcasting Company, Inc. (Central Arkansas), licensee of a daytime-only AM station (KCAB) and FM Station KWKK, Channel 272A, the only aural broadcast stations at Dardanelle, requests the substitution of Class C Channel 271 for Channel 272A at Dardanelle, as well as a concomitant change in Station KWKK's operating frequency. Its proposal is advanced in reply comments untimely tendered for filing herein on September 10, 1974, as a counterproposal to the conflicting Morrilton Channel 269A proposal in RM–2305 (see Morrilton, para. 34 herein) upon which public notice was inadvertently not given and which, in the circumstances, we have accepted for consideration herein (see paras. 3–5, supra).

12. Dardanelle (population, 3,297) is located in west central Arkansas in Yell County (population, 14,208), approximately 55 miles northwest of Little Rock and 24 miles west of Morrilton. Central Arkansas's FM station (KWKK) occupies Channel 272A, the only FM channel assigned to Dardanelle.

13. The Central Arkansas engineering showing indicates that Channel 271 could be assigned to Dardanelle in conformance with minimum mileage separation requirements if used at a site six miles west of Dardanelle that meets spacing requirements with respect to Station KBTM–FM, Channel 270, Jonesboro, Arkansas, which is 148 miles (150 miles required) from the Dardanelle reference point, and with respect to the Malvern Channel 269A assignment (the Malvern and Dardanelle reference points are 62 miles apart as compared to the required 65). The transmitter site proposed by Central Arkansas on Mount Nebo, approximately six miles west of Dardanelle, would satisfy mileage separation requirements for a Channel 271 operation. Its coverage showing for a Dardanelle Channel 271 station at the proposed Mount Nebo site, using Roanoke Rapids-Goldsboro, N.C. criteria [9] for determining service to unserved and underserved areas, shows that the station would provide a first FM service to an area of 175 square miles containing 1,399 persons and a second such service to an area of 855 square miles containing 3,673 persons. The showing also indicates that a maximum facility Class C station at Dardanelle would serve 220,000 persons in 9,160 square miles whereas a maximum Class A facility would serve 32,305 persons in 650 square miles, and that a Dardanelle Channel 271 operation at the Mount Nebo site, operating with power of 100 kilowatts at an antenna height of 1,300 feet above average terrain, would provide 60 dBu service to 187,695 more persons in 8,510 more square miles than Station KWKK could provide on Channel 272A using maximum facilities.

14. Central Arkansas also claims justification for a wide coverage Class C instead of a Class A assignment and station at Dardanelle because of the past and future anticipated growth of Dardanelle and the primary coverage area for a Dardanelle station, which includes Pope County (population 28,607), as well as Yell County; because its Channel 271 proposal would create no significant preclusion [10]; because an undesirable intermixture of Class C and Class A assignments would be created in this area if a proposal to assign a Class C channel to Russellville, Arkansas [11], located across the Arkansas River from Dardanelle is granted and Dardanelle is not likewise provided with a Class C instead of a Class A assignment; and because its proposal is technically feasible and if adopted as part of the overall assignment plan it proposes other conflicting proposals for FM assignments under consideration herein could also be satisfied.

15. Central Arkansas's Channel 271 proposal for Dardanelle conflicts with the proposal in RM–2305 to assign Channel 269A to Morrilton (see Morrilton, para. 34 herein) since, with Morrilton and Dardanelle located only about 24 miles from each other, the 65-mile separation required between these proposed assignments to Dardanelle and Morrilton could not be met. The Dardanelle Channel 271 proposal also conflicts with the proposal to assign Channel 272A to Sheridan, discussed in para. 53 herein, since these communities are located only about 78 miles apart and a separation of 105 miles would be required for these proposed adjacent channel assignments at Dardanelle and Sheridan.

16. Central Arkansas also advances with its Dardanelle proposal an assignment plan which it developed for resolving the conflict between its Dardanelle Channel 271 proposal and the Morrilton and Sheridan proposals, as well as the conflicts between other proposals under consideration herein and those of other petitioners. Its assignment plan proposes the following:

Dardanelle—Substitute Channel 271 for Channel 272A.
Little Rock—Substitute Channel 282 for Channel 279, occupied by Station KKYK, and make the same change in Station KKYK's operating frequency. With that change, Channel 226 could be assigned to Little Rock and is proposed. (The substitution would also free Channel 278 for assignment to Morrilton and Channel 276A for assignment to Sheridan with site restrictions.)
Pine Bluff—Assign Channel 257A.
Morrilton—Assign Channel 278.
Mountain View—Assign Channel 224A.
Batesville—Assign Channel 298.
Cherokee Village—Assign Channel 265A.
Dumas—Assign Channel 296A.
Sheridan—Assign 276A.

17. Under this Central Arkansas assignment plan, Channel 296A at Benton would not be disturbed. As previously mentioned, the Dardanelle Channel 271 proposal would require use of a transmitter site for a Dardanelle operation six miles west of Dardanelle to meet spacing requirements to Channel 269A at Malvern and to Channel 270, occupied by Station KBTM, at Jonesboro. The Batesville Channel 298 proposal would require use of a transmitter site for a Batesville operation 13 miles west of Batesville to meet the spacing requirement to Channel 300, occupied by Station KFIN, Jonesboro.

18. While the Central Arkansas assignment plan would resolve the spacing conflicts between its Dardanelle Channel 271 proposal and the proposals for Morrilton and Sheridan discussed in para. 15, its proposal therein to substitute Channel 282 for Channel 279 at Little Rock conflicts with a proposal in RM–2299 for substitution of Channel 281 for Channel 280A at Fayetteville, Arkansas (see Fayetteville, para. 23 herein) since, with these communities located only about 138 miles apart, the 150-mile required separation between these proposed Little Rock and Fayetteville adjacent channel assignments could not be met.

19. There is also a proposal in RM–2288 to assign Channel 242 to Russellville, Arkansas (see Russellville, para. 45 herein) which, although not in technical conflict with Central Arkansas's Dardanelle Channel 271 proposal, may nevertheless be incompatible therewith for another reason. Since Russellville is located only about five miles north of Dardanelle and the area is not one of high population density, the Dardenelle and Russellville proposals for wide coverage Class C assignments raise a question as to whether Class C assignments would be warranted to two communities in such proximity. In view thereof, we believe that these proposals should be considered jointly and that their proponents should address themselves to this question in further comments on their respective proposals.

20. *Dumas, Arkansas.* Alan W. Eastham, a partner licensee of Station KDDA, a daytime-only AM operation at Dumas, in letter comments timely filed herein

[9] 9 F.C.C. 2d 672 (1967).

[10] Central Arkansas points out that only on Channels 269A and 272A would areas be precluded from a possible assignment by its proposal and that Sheridan, Arkansas (population, 2,480) is the only community of significant size in these areas where other channel assignments are not possible. A request for rulemaking for assignment of Channel 272A to Sheridan has been received (see Sheridan, para. 53 herein).

[11] RM–2288, filed August 29, 1973, requesting rule making to assign Class C Channel 242 to Russellville. (See Russellville, para. 45 herein.)





in opposition to the Little Rock Channel 295 proposal in RM–2020 (Footnote 1, supra), informs of the interest of the KDDA Radio partnership in establishing an FM station at Dumas and of their intent to seek the assignment of Channel 296A to Dumas by formal petition for rule making in the near future for use for that purpose, if the conflicting proposal to assign Channel 295 to Little Rock is not adopted. The proposed assignment plan of the Dardanelle proponent (see Dardanelle, para. 16, supra) also would assign Channel 296A as a "drop-in" to Dumas as a first FM assignment. Although Eastham does not request that his Dumas Channel 296A proposal be treated as a counterproposal herein, since we are opening up this proceeding to consider conflicting and interrelated proposals for FM assignments to communities in a wide area of Arkansas, we believe that the competing needs of Dumas, as well as other communities in this area, for FM assignment, should be considered together, and this further notice will provide added opportunity for proponents of FM assignments for them to submit their proposals for consideration along with the others we are considering herein and to demonstrate their worth.

21. Dumas (population, 4,600) is located in southeastern Arkansas in Desha County (population, 18,761), approximately 75 miles southeast of Little Rock. Eastham states that Dumas has had an estimated 44 percent population increase (2,000 persons) since 1970. Since he does not inform of his source for this estimate or provide other demographic data concerning Dumas and the area, it should be furnished. The only aural broadcast station in Desha County other than Station KDDA at Dumas at present is Station KVSA, also an AM daytime-only operation, located in McGehee, Arkansas (population, 4,683), approximately 20 miles southeast of Dumas. McGehee also has an unused FM assignment, Channel 272A, the only such assignment in Desha County.

22. The engineering showing accompanying the Eastham comments indicates that Channel 296A could be assigned to Dumas in conformance with mileage separation requirements without requiring any change in existing assignments, and Eastham states that Channel 296A is the only FM channel available which could be so assigned to Dumas. The assignment of Channel 296A to Dumas, however, would conflict with the proposal in RM–2020 to assign Channel 295 to Little Rock since, with Little Rock and Dumas located only about 78 miles from each other, the required 105-mile separation between a Little Rock Channel 295 assignment and a Dumas Channel 296A assignment could not be met.

23. Fayetteville, Arkansas (RM–2264) (RM–2299). In RM–2264, filed September 19, 1973, and concerning which public notice was given November 5, 1973 (Report No. 885), the petitioner, Vernon B. Fitzhugh, Fayetteville, Arkansas, proposes the assignment of Class C Channel 300 to Fayetteville for a third FM assignment (first Class C). To resolve a conflict between his proposal and a proposal in RM–2177 for assignment of Channel 300 to Neosho, Missouri, for a first FM assignment, he also proposes the assignment of Channel 257A to Neosho (see Neosho, para. 60, below). If the proposed Class C assignment to Fayetteville is made, Fitzhugh states that he will apply for use of the channel, either as an individual or through a corporation he may form, to provide a new FM service to Fayetteville and the area.

24. In RM–2299, filed September 27, 1973, and concerning which public notice was given January 11, 1974 (Report No. 893), the petitioner, Kessler Mountain Broadcasting Co., Inc., licensee of FM Station KNWA, operating on Channel 280A, Fayetteville, requests the substitution of Class C Channel 281 for Channel 280A at Fayetteville.

25. Fayetteville (population, 30,729), the seat of Washington County (population, 77,370), is located in northwest Arkansas, approximately 45 miles northeast of Fort Smith, Arkansas, 138 miles northwest of Little Rock, and is the largest city in this area. The petitioner in RM–2264 (Fitzhugh) informs that a special census certified in October, 1972, indicates an increase in Fayetteville's population to 31,915 (3.9 percent) and that on April 27, 1973, the United States Office of Management and Budget designated Fayetteville-Springdale [12] as a Standard Metropolitan Statistical Area (population, 136,400), which includes all of Washington County and of Benton County, which adjoins Washington County on the north. The petitioner in RM–2299 (Kessler) also states that the Fayetteville Chamber of Commerce estimates that by 1975 Fayetteville's population will be between 35,000 and 50,000 persons. There are two daytime-only AM stations (KFAY and KHOG) and two commercial FM stations at Fayetteville which operate on Channels 221A (KKEG) and 280A (KNWA), the only FM channels assigned. The city also has a noncommercial educational station (KUAF), licensed to the Board of Trustees of the University of Arkansas, whose main campus is in Fayetteville.

26. The Fitzhugh proposal in RM–2264 to assign Channel 300 to Fayetteville would be technically feasible and require no changes in existing assignments. His preclusion showing indicates that a Fayetteville Channel 300 assignment would foreclose future assignments only on Channel 300; that there would be no preclusion on the six adjacent channels; and that there are no communities without Class C assignments located within the precluded area of a size to normally warrant assignment of a Class C channel. His coverage showing indicates that a Fayetteville Class C Channel 300 station, operating with 100 kilowatts and antenna height to 530 feet above average terrain, would provide a first FM service to 4,211 persons in an area of 270 square miles and a second FM service to 21,679 persons in an area of 1,635 square miles.

27. The Fitzhugh proposal to assign Channel 257A to Neosho, Missouri, in RM–2264 is advanced to remove the conflict between his Fayetteville Channel 300 proposal and the proposal in RM–2177 to assign Channel 300 to Neosho. Since these two communities are located only about 60 miles apart, the required 180-mile separation for Channel 300 assignments to both communities could not be met. His showing indicates that Channel 257A would meet spacing requirements for assignment to Neosho if used at a site at least two miles southwest of Neosho to meet the required 65-mile separation from Station KWTO–FM (Channel 254), Springfield, Missouri. He urges that the assignment of Channel 257A to Neosho and of Class C Channel 300 to Fayetteville would be in keeping with our FM assignment policies due to the relative populations and importance of the two communities. However, while Neosho (population 7,517) would not normally qualify for a Class C assignment under our assignment policies, Fayetteville also would not normally qualify for a third FM assignment since it has less than 50,000 population. In addition, we would not normally assign a wide coverage Class C channel to a community with two occupied Class A assignments because of the adverse effects upon competition resulting from such intermixture of assignments in the absence of a compelling showing of need for an additional local service that could not be met with an available Class A channel.

28. The proposal in RM–2299 to substitute Channel 281 for Channel 280A at Fayetteville is also technically feasible and would require no change in existing assignments. The Kessler preclusion showing indicates that use of Class C channel 281 instead of Channel 280A at Fayetteville would foreclose future assignments on Channels 280A and 282. There are four Oklahoma communities of a size to be assigned a Class A channel normally which would be foreclosed the use of Channel 280A, i.e., Heavener (population, 2,566); Wilberton (population, 2,280); Stigler (population, 2,347); and Quinton (population, 1,262). The preclusion on Channel 282 would occur in a limited area in which Marshall, Arkansas (population, 1,397), is the only community with a population greater than 1,000 without an FM assignment, and it is not of a size to qualify for a Class C assignment normally. The petitioner should show whether there are any other Class A channels which would be available for assignment to these communities. From the Kessler coverage showing, it appears that the gain in coverage of its Fayetteville FM station should Channel 281 be substituted for its Channel 280A operating frequency, esti-

[12] Springdale (1970 population, 16,783) is also located in Washington County about eight miles to the north of Fayetteville. Fitzhugh points out that the 1972 special census conducted in the Fayetteville-Springdale area indicated a total population of 50,615 for the two cities.



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proposals for Benton, Mountain View, cussing the Dardanelle Channel 271 pro- proposal (requiring the reassignment of

mated on the basis of Station KNWA operating at its present site with power of 25 kilowatts and antenna height of 510 feet above average terrain, would amount to 68,033 persons in an area of 1,981 square miles. It also indicates that Station KNWA operating on Channel 281 would be able to provide a first FM service to 1,912 persons in an area of 140 square miles and a second such service to 21,823 persons in an area of 794 square miles.[12]

29. As previously pointed out in discussing the Dardanelle proposal and proposed assignment plan of Central Arkansas above, Kessler's proposal to substitute Channel 281 for Channel 280A at Fayetteville would conflict with Central Arkansas's proposal to substitute Channel 282 for Channel 279 at Little Rock in light of the distance of these communities from each other (138 miles) and spacing requirements (150 miles). Since this Little Rock proposal of Central Arkansas is being advanced for comments and considered herein, it is necessary and desirable, we believe, to consider Kessler's conflicting Fayetteville Channel 281 substitution proposal with that proposal in this proceeding.

30. The Fitzhugh proposal to assign Channel 300 to Fayetteville (RM–2264), while not in technical conflict with Kessler's Fayetteville Channel 281 proposal (RM–2299) or other proposals herein, should nevertheless, be considered with the Kessler proposal in this proceeding also since they involve the same community and raise a question as to whether the public interest would be served by adopting both proposals which would intermix Class A and Class C assignments at Fayetteville by changing one of the two occupied Class A assignments to a Class C assignment and adding a second Class C assignment, leaving Fayetteville with one Class A and two Class C assignments, or by adopting one of them, leaving Fayetteville intermixed with one Class A and one Class C assignment or two Class A and one Class C assignments. Since Fitzhugh's Fayetteville Channel 300 proposal and the Neosho Channel 300 proposal in RM–2177 are mutually exclusive, these conflicting proposals, as well as Fitzhugh's Channel 257A proposal for Neosho to remove the conflict between them, need to be considered together herein also.

31. Lonoke, Arkansas (RM–2404). The petitioner, Lowell Stephen Jumper, North Little Rock, Arkansas, in RM–2404, filed June 24, 1974, requests the assignment of Channel 292A to Lonoke for a first FM assignment and a first aural broadcast service for which, if assigned, he states he would promptly apply. Public notice of the proposal was given on July 1, 1974 (Report No. 916). Supporting letters from the Mayor of Lonoke, its Superintendent of Schools, the Lonoke Chamber of Commerce, and business and church officials at Lonoke accompanied the petition.

32. Lonoke (population 3,140) is located in central Arkansas in Lonoke County (population, 26,249), approximately 20 miles east of Little Rock and 40 miles north of Pine Bluff. There are no aural broadcast stations in operation in Lonoke County, and no FM channels are assigned.

33. The engineering statement accompanying the Jumper petition indicates that Channel 292A would be technically feasible for assignment and use at Lonoke in conformance with mileage separation requirements without requiring any change in existing assignments and that no other Class A channel is available which could be assigned to Lonoke on the same "drop-in" basis. The proposed Lonoke Channel 292A assignment would, however, conflict with the Little Rock Channel 295 proposal in RM–2020 and also with an alternative proposal in RM–2313 to assign Channel 295 to Pine Bluff which conflicts with the Little Rock Channel 295 proposal (see Pine Bluff, para. 40 herein) since the required 65-mile separation between a Lonoke Channel 292A assignment and either a Little Rock or Pine Bluff Channel 295 assignment could not be met with Lonoke located only about 20 miles from Little Rock and 40 miles from Pine Bluff. Since we are considering these conflicting Little Rock and Pine Bluff proposals herein, as well as other alternative proposals for both communities, including the proposal for Little Rock advanced by the Dardanelle proponent in the proposed assignment plan discussed in para. 16, above, we are of the view that this Channel 292A proposal for Lonoke should also be considered together with the Little Rock and Pine Bluff proposals.

34. Morrilton, Arkansas (RM–2305). J. C. Willis, licensee of Station KVOM, a daytime-only AM operation, Morrilton, proposes assignment of Channel 269A to Morrilton for a first FM assignment by substituting Channel 226 for Channel 269A (unused) at Malvern in a pleading which it timely filed herein on January 7, 1974, requesting rule making on the proposal and its treatment as a counterproposal herein.[14] If the assignment is made, Willis states that he will promptly apply for its use for a Morrilton station. The assignment plan advanced by the Dardanelle proponent (see Dardanelle, para. 16, supra) to resolve the conflict between its Dardanelle Channel 271 proposal and Willis's Channel 269A proposal for Morrilton alternatively proposes assignment of Channel 278 to Morrilton.

35. Morrilton (population, 6,814), the seat of Conway County (population, 16,805) is located in west central Arkansas, approximately 40 miles northwest of Little Rock and 24 miles east of Dardanelle. The only aural broadcast station in Conway County is Willis's daytime-only AM station at Morrilton (KVOM). No FM channels are presently assigned in Conway County. Malvern (population, 8,739), the seat of Hot Spring County (population, 21,963), is located approximately 35 miles southwest of Little Rock and 18 miles southwest of Benton. Station KBOK, a daytime-only AM operation, is Malvern's only broadcast outlet, and it is the only aural broadcast station now in operation in Hot Spring County. Channel 269A, Malvern's sole FM assignment and the only FM assignment in Hot Spring County, although assigned in 1963, is still unoccupied.

36. The Willis engineering showing indicates that Channel 269A would be technically feasible for assignment to Morrilton if the unused Malvern Channel 269A assignment is changed to Channel 226 and that no other channel could be assigned to Morrilton that would not require an existing FM station to change frequency. It also appears from his preclusion study that there are no cities of any size in the areas precluded on Channel 269A and that his proposal would have no adverse preclusion effects of significance. Willis urges that his Channel 269A proposal for Morrilton would make for more efficient use of Channel 269A in this area since by substituting Channel 226 for Channel 269A at Malvern and reassigning Channel 269A to Morrilton, Channel 269A could then also be assigned to communities south of Malvern, such as Fordyce, Arkansas (population, 4,837).

37. As was pointed out in discussing the Dardanelle Channel 271 proposal, the Willis proposal to assign Channel 269A to Morrilton is mutually exclusive with that Dardanelle proposal since the location of these communities is such (approximately 24 miles apart) that spacing requirements could not be met for a Channel 269A assignment at Morrilton and a Channel 271 assignment at Dardanelle (65 miles required).

38. The Willis proposal to replace Channel 269A with Channel 226 at Malvern so that Channel 269A could be assigned to Morrilton is also mutally exclusive with the conflicting proposals in RM–2020 (Litle Rock-Benton), RM–2226 (Mountain View) and RM–2113 (Batesville) for assignment of Channel 226 to Benton (in replacement of Channel 269A), Mountain View, and Batesville, respectively, since the 180-mile separation required for these proposed Class C Channel 226 asignments could not be met with Malvern located only about 18 miles southwest of Benton, 110 miles southwest of Mountain View and 120 miles southeast of Batesville. While aware that these conflicting Channel 226

[12] If the Fayetteville Channel 281 substitution proposal in RM–2299 and the Fayetteville Channel 300 proposal in RM–2264 should both be adopted, the gain in first and second FM service would be altered. Since the proposed use of Channel 281 at Fayetteville would encompass a smaller area, the gain in first service could be calculated. However, there would be an anomally in the gain of second service. This may be due to the different location used for Station KKEG, operating on Channel 221A, Fayetteville, as well as the difference in the manner the population data was determined.

[14] As previously mentioned in para. 4, supra, the public notice (Report No. 893) given on January 11, 1974, to the Willis petition and proposal inadvertently made no mention of his Channel 269A proposal for Morrilton and only stated that he proposed the substitution of Channel 226 for Channel 269A at Malvern.





proposals for Benton, Mountain View and Batesville conflict with his Channel 226 proposal for Malvern, Willis observes that, as the prior notice on these proposals indicated, unlike his Malvern Channel 226 proposal, the Benton Channel 226 proposal in RM–2020 would require use of a transmitter site approximately 13 miles south of Benton to meet spacing requirements and that several other FM channels (Channels 224A, 249A or 277) could be assigned to Mountain View or to Batesville instead of Channel 226. (Since Mountain View and Batesville are located only about 27 miles apart, spacing requirements would not permit co-channel FM assignments to both communities.)

39. Pine Bluff, Arkansas (RM–2313). KCLA, Incorporated, licensee of AM Station KCLA, a Class IV unlimited-time operation, Pine Bluff, proposes assignment of either Channel 295 or Channel 298 to Pine Bluff as a third Class C assignment by substituting Channel 269A for Channel 296A at Benton and Channel 257A for Channel 269A at Malvern in RM–2313, filed January 28, 1974. Public notice, given on February 11, 1974 (Report No. 896), concerning this petition, announced that these proposals were being incorporated herein for consideration. An alternative proposal to assign Channel 295 to Little Rock-Pine Bluff on a hyphenated basis is also advanced in comments received from Thomas C. White, a proponent of a proposal to assign FM Channel 298 to Shreveport, Louisiana, which was not adopted in the recently concluded proceeding in Docket No. 19690 as part of his plan for resolving possible conflicts among the FM proposals for Arkansas communities in this docket and those for Louisiana communities in Docket No. 19690.[15] As previously mentioned in discussing the Dardanelle Channel 271 proposal, an alternative proposal to assign Channel 257A to Pine Bluff is also advanced as part of the proposed assignment plan of the Dardanelle Channel 271 proponent. The Little Rock Channel 295 proposal in RM–2020, which conflicts with KCLA's Channel 295 proposal for Pine Bluff, would be accomplished by substituting Channel 226 for Channel 296A at Benton. The Morrilton Channel 269A proposal in RM–2305, which conflicts with KCLA's proposal to substitute Channel 269A for Channel 296A at Benton, would assign Channel 226 to Malvern in place of Channel 269A and reassign Channel 269A to Morrilton.

40. Pine Bluff (population, 57,389), the seat of Jefferson County, which is coextensive with the Pine Bluff Standard Metropolitan Statistical Area (population, 85,329), with an Urbanized Area population of 60,907, is the largest city in southeast Arkansas, located approximately 42 miles southeast of Little Rock. Pine Bluff is served by five AM stations, three of which are Class IV operations (KCAT, KOTN, KCLA) and two are daytime-only operations (KADL and KOTN). Pine Bluff also has two Class C FM stations which operate on Channels 222 (KOTN–FM) and 235 (KADL–FM), the only FM channels assigned to Pine Bluff. KCLA urges that because the nighttime service of its local Class IV AM station is very restricted because of interference, there is a distinct need for another nighttime aural broadcast service to serve the entire Pine Bluff Urbanized Area. As the notice informed, Benton (population, 16,499), the seat of Saline County (population, 36,107) is located approximately 20 miles southwest of Little Rock. It has two daytime-only AM stations and one Class A FM assignment (296A), for which an application is pending. Data concerning Malvern is furnished in the discussion of the Morrilton proposal in RM–2305 (see para. 35 above).

41. KCLA's alternative proposal to assign Channel 295 to Pine Bluff would appear to be technically feasible if Channel 295 is used at a transmitter site about seven miles northeast of Pine Bluff which meets spacing requirements (65-mile separation) to Station KXOW–FM, Channel 292A, Hot Springs, Arkansas, provided that the Benton Channel 296A assignment is also deleted or changed. KCLA's proposal to effectuate its Pine Bluff Channel 295 proposal by deleting Channel 269A from Malvern and reassigning Channel 269A to Benton in place of Channel 296A also appears technically feasible. Its proposal to replace the Malvern Channel 269A assignment with Channel 257A, however, is not technically feasible since, with Station KMAG, Channel 256, Fort Smith, Arkansas, only about 74 miles from Malvern, separation requirements (105 miles) would not permit the assignment and use of Channel 257A at Malvern. We therefore do not propose to consider this proposed substitute (Channel 257A) for Channel 269A at Malvern, and KCLA should, in further comments on its Pine Bluff Channel 295 proposal (requiring the reassignment of Channel 269A from Malvern to Benton in replacement of Channel 296A at Benton) show whether another FM channel would be technically feasible as a replacement for Channel 269A at Malvern. Also, in view of the fact that the Malvern Channel 269A assignment, although made in 1963, is still vacant, questions are raised as to whether it is likely that the Malvern FM assignment or another in replacement of it would be used to meet any need and demand for a local FM service in the foreseeable future and as to whether deletion of Channel 269A from Malvern without replacement might be warranted in the public interest to serve a present need and demand for FM service elsewhere. Comments directed to these questions are invited from KCLA and other parties herein, and particularly from interested parties at Malvern.

42. KCLA's alternative Channel 298 proposal for Pine Bluff is not appropriate for consideration in this proceeding since it is mutually exclusive with the conflicting Channel 298 proposals for Ruston (RM–2144) and Shreveport (RM–2002), Louisiana, which were under consideration in Docket No. 19690. While the KCLA Channel 298 proposal for Pine Bluff could have been timely advanced for consideration with those proposals in Docket No. 19690, it is now too late to do so. The proceeding in Docket 19690 was terminated with our release of a Second Report and Order on March 6, 1975 (FCC 75–248), ___ F.C.C. 2d ___, assigning, inter alia, Channel 298 to Ruston, Louisiana, after careful consideration of all the comments and conflicting and alternative proposals. Absent strong overriding reasons which have not been advanced by KCLA, we believe that there is no public interest justification for now considering other proposals in this proceeding which would conflict with the new Ruston Channel 298 assignment, such as KCLA's alternative Channel 298 proposal for Pine Bluff, since this could serve to delay the advent of a needed first service at Ruston.

43. As for the preclusionary impact of its Pine Bluff proposals, KCLA merely states that the impact study furnished by the petitioner in RM–2020 in support of his Little Rock Channel 295 proposal is applicable. Since that study is discussed in para. 12 of our prior notice, we need not do so again here. However, it is incumbent upon the Pine Bluff Channel 295 proponent also to submit the information requested therein concerning the communities and any others in the "precluded" areas for its Pine Bluff Channel 295 proposal as well. In addition, a coverage showing should be submitted showing the area and population that a station on the proposed Pine Bluff Channel 295 assignment would serve as compared to a Class A station. A showing should also be made in accordance with the procedure outlined in Roanoke Rapids-Goldsboro, North Carolina, 9 F.C.C. 2d 672 (1967), showing the area and population, if any, which would re-

[15] White's proposed assignment plan would, in addition to assigning Channel 295 to Little Rock-Pine Bluff on a hyphenated basis, substitute Channel 269A for Channel 296A at Benton; substitute Channel 257A for Channel 269A at Malvern; assign Channel 296A to Morrilton; assign Channel 226 or Channel 249A to Mountain View; and assign Channel 277 or Channel 249A to Batesville. KCLA also suggests the same proposed assignments for Benton, Malvern, Morrilton, Mountain View and Batesville with its Channel 295 proposal for Pine Bluff in reply comments. As for the White Little Rock-Pine Bluff Channel 295 hyphenation proposal, which KCLA, as well as other parties, do not appear to find objectionable, we are of the view that it does not warrant inclusion with the additional proposals upon which we are inviting comments herein since Little Rock and Pine Bluff would not warrant a hyphenated FM assignment under usual criteria, and no persuasive reason is given by White or other parties why they nevertheless should be considered for one. We also observe that other of the proposals in the White plan are not technically feasible, i.e., the Malvern Channel 257A proposal (see para. 41 above), and the Morrilton Channel 296A proposal, which would not meet spacing requirements (105 miles) if Channel 295 were to be assigned to Little Rock-Pine Bluff on a hyphenated basis or to either community since Morrilton is only about 40 miles from Little Rock and 78 miles from Pine Bluff.



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ceive a first or second FM service therefrom as compared to a Class A station.

44. Since spacing requirements (180 miles) could not be met for co-channel 295 assignments at Little Rock and Pine Bluff, which are located only about 42 miles apart, the Little Rock Channel 295 proposal in RM-2020 is mutually exclusive with KCLA's Pine Bluff Channel 295 proposal in RM-2313. The Lonoke Channel 292A proposal in RM-2404 is also mutually exclusive with both of these Little Rock and Pine Bluff Channel 295 proposals since spacing requirements (65 miles) could not be met between Channel 292A at Lonoke and Channel 295 at either Little Rock or Pine Bluff with Lonoke located only about 20 miles from Little Rock and 40 miles from Pine Bluff. The Morrilton Channel 269A proposal in RM-2305 which would require the deletion of Channel 269A from Malvern, would also conflict with KCLA's proposal to move Channel 269A from Malvern to replace Channnel 296A at Benton since spacing requirements (180 miles) would not permit Channel 269A assignments both to Morrilton and Benton considering the distance between these communities (40 miles). The alternative proposal to assign Channel 257A to Pine Bluff, advanced in the proposed assignment plan of the Dardanelle Channel 271 proponent, should also be considered with KCLA's Pine Bluff Channel 295 proposal and these conflicting proposals. While this Class A proposal would create an inter-mixture of classes of FM assignments at Pine Bluff since its present assignments are both Class C channels, a situation which we try to avoid in making assignments in order to create equal opportunities among stations for competition, we have nevertheless found it necessary and desirable to do so in a number of cases in order to meet the competing needs of communities for FM assignments and service with the available channels. In assessing the merits of a Class A as opposed to a Class C assignment for a third local FM service at Pine Bluff, it would be helpful to know whether, if a Class A channel were assigned, it would be likely to be used. Comments directed to this question from KCLA, as well as from others who may be interested in establishing an additional local FM service at Pine Bluff, are invited.

45. Russellville, Arkansas (RM-2288) (RM-2487). In discussing the Dardanelle Channel 271 proposal above, mention was made of a Class C assignment proposal for Russellville in RM-2288 which we felt should be considered therewith because of the close proximity of the two communities and the question of whether, in the circumstances, Class C assignments to both communities would be warranted. The Russellville proposal referred to would assign Class C Channel 242 to Russellville for a first FM assignment. It is advanced by Horne Industries, Inc. (Horne), in a petition for rule making (RM-2288), filed August 20, 1973, concerning which Public Notice was given on December 4, 1973 (Report No. 869). If the proposed assignment is made to Russellville, Horne states that it will apply for its use promptly.

46. A proposal to assign Channel 265A to Russellville is also advanced by Jerry L. Ragsdale (Ragsdale) in a petition (RM-2487) filed on November 26, 1974, concerning which Public Notice was given on December 9, 1974 (Report No. 932). Ragsdale also states that he will promptly apply for the proposed Class A assignment if it is made to Russellville. His Class A proposal for Russellville should be considered with the Horne Class C proposal for Russellville since these proposals, in addition to involving the same community, raise a question as to whether two FM channels of different classes should be assigned to Russellville, as well as whether a Class C or Class A assignment there would be warranted.

47. There is also a proposal to assign Channel 244A to Van Buren, Arkansas, advanced in RM-2381 (see Van Buren, para. 56, below) which we have decided should be considered with the Russellville Channel 242 proposal in RM-2288 because of possible conflict between these proposals unless antenna sites meeting spacing requirements could be utilized by stations on the proposed Russellville Channel 242 and Van Buren Channel 244A assignments. The site problem is discussed in paragraph 49 below.

48. Russellville (population, 11,750), the seat of Pope County (population, 28,607) is located approximately 59 miles northwest of Little Rock, five miles north of Dardanelle across the Arkansas River, and 70 miles due east of Fort Smith, Arkansas. The only aural broadcast outlet at Russellville is AM Station KARV, a Class IV unlimited-time operation. Station KWKK, which operates on Channel 272A at Dardanelle, is the nearest FM station.

49. In RM-2288, Horne's engineering exhibit indicates that Channel 242 could meet separation requirements for assignment to Russellville without affecting any other FM assignment if used at a site at least 15 miles northwest of the community to meet the 65-mile separation requirement with respect to Station KBHF-FM (Channel 244A), Hot Springs, Arkansas. Horne avers that numerous sites would be available in this area for a Russellville Channel 242 operation, and it submitted information to verify that, operating from a contemplated site atop a mountain 15 miles northwest of Russellville, the required coverage (70 dBu) could be provided to Russellville. However, should Channel 244A be assigned to Van Buren, as proposed in RM-2381 (see Van Buren, para. 56 below), the possible number of transmitter sites meeting spacing requirements for a Russellville Channel 242 operation would be reduced. The site contemplated by Horne for a Russellville Channel 242 operation (15 miles north of Russellville) is but 63.66 miles from the site contemplated by the proponent in RM-2288 for a Van Buren Channel 244A operation, and a 65-mile separation is required. Also, since these Russellville Channel 242 and Van Buren Channel 244A proposals were received, the Channel 243 station (KRAV) at Tulsa, Oklahoma, has been authorized to move its transmitter site 6.77 miles closer to Russellville and Van Buren, a distance of 103.92 miles (105-mile separation required) from the Van Buren reference point, thus requiring a Van Buren Channel 244A station to locate its site either east or southeast of Van Buren to meet spacing requirements and severely restricting the possible transmitter sites meeting spacing requirements which would be available for the proposed Russellville Channel 242 station. Therefore, Horne should furnish additional data to indicate the availability of a transmitter site for its proposed Channel 242 operation which will meet separation requirements and still provide the requisite coverage over Russellville.

50. Horne's preclusion study for its Russellville Channel 242 proposal in RM-2288 indicates that preclusion would occur on Channels 240A, 241, 242 and 244A, that Channels 239, 243 and 245 are already precluded by existing assignments, and that there are no communities with populations over 1,000 persons in the Channel 240A preclusion area. The preclusion occurring on Channel 241 affects only the community of Hampton, Arkansas (population, 1,011), which has no AM or FM outlets or FM assignment. The preclusion occurring on Channel 242 affects only one community with a population over 1,000 persons: Harrison, Arkansas (population, 7,239), which is assigned Class C Channel 275, occupied by Station KHOZ-FM. The preclusion occurring on Channel 244A affects 10 Arkansas communities with populations over 1,000 persons. These include Clarksville (population, 4,616), Paris (population, 3,646), Booneville (population, 3,239), Ozark (population, 2,593), Waldron (population, 2,132), Greenwood (population, 2,032), Alma (population, 1,613), Charleston (population, 1,497), Mulberry (population, 1,340) and Huntsville (population, 1,287). Of these communities, only three have AM stations (Clarksville, Station KLYR; Paris, Station KCCL; and Ozark, Station KZRK), all daytime-only operations. Two of them have FM assignments. Clarksville is assigned Channel 224A, which is occupied by Station KLYR-FM. Paris is assigned Channel 237A, which has not yet been put to use. While the Horne showing indicates that Class A assignments other than Channel 244A would be available for Huntsville, Ozark, and Waldron, they were not specified and data showing the particular channels other than Channel 244A which would be available for them and the other of these communities lacking FM assignments should be supplied.

51. The Horne coverage showing for its Russellville Channel 242 proposal indicates that 26,707 persons would be within the 1 mV/m contour of a Russellville Class A station as compared to 91,797 persons within the 1 mV/m contour of a Russellville Class C station located 15 miles northwest of the community. However, no information is furnished as to





the area and population, if any, which would receive a first or second FM service from the proposed Class C Channel 242 assignment, and it should be supplied.

52. In RM-2487, Ragsdale's engineering showing for his Channel 265A proposal for Russellville indicates that Channel 265A would be technically feasible for assignment to Russellville and would not affect existing assignments if used at a transmitter site about two miles west of Russellville to meet the required 65-mile separation from Station KGMR-FM, Jacksonville, Arkansas. It is noted that Ragsdale's engineering statement, which says that Channel 224A, occupied by Station KLYR-FM, Clarksville, some 22 miles from Russellville, is the nearest FM assignment to Russellville, overlooked the Dardanelle Channel 272A assignment, occupied by Station KWKK, some five miles south of Russellville.

53. Sheridan, Arkansas (RM-2527). A request for the assignment of Channel 272A to Sheridan for a first FM assignment is advanced by Ralph Sanders in a petition for rule making, received on September 11, 1974, in which he states that he will promptly apply for use of the requested channel to serve Sheridan if it is assigned. Since, as pointed out in discussing the Dardanelle Channel 271 proposal in para. 15 above, with Dardanelle only about 78 miles from Sheridan, spacing requirements (105-mile separation required) would not permit the proposed Channel 272A assignment at Sheridan and the proposed Channel 271 assignment at Dardanelle, it is necessary to consider these Sheridan and Dardanelle proposals jointly herein. It should also be noted that the proposed assignment plan of the Dardanelle proponent to resolve conflicts between its Channel 271 proposal for Dardanelle and other proposals (see para. 16, above) would make it possible to assign Channel 276A but not Channel 272A to Sheridan.

54. Sheridan (population, 2,480), the seat of Grant County (population, 9,711), is located approximately 32 miles south of Little Rock and 20 miles northeast of Pine Bluff. There are no aural broadcast stations in Grant County, and no FM channels have been assigned. While Sheridan and other communities in the county are served by the Little Rock and Pine Bluff stations, it is claimed that an FM station at Sheridan would meet a distinct need at Sheridan and in Grant County for a local source of local news, public service programs, support for the schools and commercial advertising.

55. The Sanders engineering showing indicates that Channel 272A could be assigned to Sheridan in conformance with mileage separation requirements without affecting any existing assignment and that, in the event that Central Arkansas's proposal to substitute Channel 271 for Channel 272A (KWKK) at Dardanelle is ultimately denied, it would be technically feasible for adoption.

56. Van Buren, Arkansas (RM-2381). A proposal to assign Channel 244A to Van Buren for a first FM assignment is advanced by William L. Pharis and Bert Denson, d/b as Crawford County Broadcasters, in a petition for rule making (RM-2381), filed April 29, 1974, concerning which public notice was given on May 22, 1974 (Report No. 910). If the proposed assignment is made, they state that they, either individually or in association with others, intend to apply for its use to serve Van Buren. As stated in our discussion of the Russellville proposals, this Van Buren proposal is being included herein for consideration because of its possible conflict with the Russellville Channel 242 proposal in RM-2288 due to the fact that transmitting site placement is so critical to the technical feasibility of the Russellville Channel 242 proposal.

57. Van Buren (population, 8,373), the seat of Crawford County (population, 25,677), is located approximately 8 miles from the Arkansas-Oklahoma border and is adjacent to Fort Smith, Arkansas (population, 62,802). Van Buren is also within the Fort Smith Urbanized Area (population 75,517) and the Fort Smith SMSA (population, 104,914). The proponents advise that special 1974 census figures indicate that since 1970 Van Buren's population has increased to 10,300 and Crawford County's population to 29,000. At present Van Buren has only AM Station KFDF, a daytime-only operation, for a local outlet, and no FM channels are assigned in Crawford County. However, Crawford County, including Van Buren, is served by the four Fort Smith AM stations, three of which are unlimited-time operations and one a daytime-only operation, and by the four Fort Smith FM stations, three of which are Class C stations and the other, a Class A station.

58. The engineering statement of the proponents indicates that Channel 244A would be technically feasible for assignment to Van Buren without requiring any changes in existing assignments However, since it was filed, FM Station KRAV, Channel 243, Tulsa, Oklahoma, has been authorized to relocate its transmitter at a site which is but 103.92 miles from the Van Buren reference point. As a result, in order to meet the required 105-mile separation from Station KRAV, a Van Buren Channel 244A station would be required to use a site either east or southeast of the community. This requirement would appear to pose no problem for a Van Buren channel 244A station in meeting spacing requirements with respect to existing stations or city coverage requirements for Van Buren. However, as pointed out in discussing the Russellville Channel 242 proposal, the site required for a Van Buren Channel 244A operation would further limit and severely restrict the site possibilities for the proposed Russellville Channel 242 operation in RM-2288 which would meet spacing requirements and coverage requirements for serving Russellville.

59. Since Van Buren is located contiguous to the large city of Fort Smith which has eight aural broadcast stations, including four FM stations which operate on the Class A and the three Class C channels assigned, the proponent's Channel 244A proposal for Van Buren raises a question as to whether assignment of a fifth FM channel to this area, and within the Fort Smith Urbanized Area, for a first fulltime local aural outlet at Van Buren would be warranted. In view thereof, the proponents of the Van Buren Class A proposal should supplement their showing with a preclusion study to enable us to evaluate its preclusionary effect upon new assignments to other communities with competing needs for FM outlets.

60. Neosho, Missouri (RM-2177). A request for the assignment of Class C Channel 300 to Neosho, Missouri, for a first FM assignment is made by KBTN, Inc., licensee of AM Station KBTN (daytime-only), Neosho, in the petition for rule making which it filed on April 9, 1973, and as to which Public Notice was given on April 16, 1973 (Report No. 862). Since, as pointed out in our prior discussion herein of the Fayetteville FM assignment proposals, KBTN's proposal to assign Channel 300 to Neosho is mutually exclusive with the Fitzhugh proposal in RM-2264 to assign Channel 300 to Fayetteville in light of spacing requirements (180-mile separation required) and the distance of these communities from each other (approximately 60 miles), it should be considered jointly with that conflicting Fayetteville proposal herein. The alternative Channel 257A assignment proposal for Neosho which is also advanced by Fitzhugh in RM-2264 to remove the conflict between his Fayetteville Channel 300 proposal and KBTN's Neosho Channel 300 proposal and which has heretofore been discussed with his Fayetteville proposal should also be considered with these conflicting Neosho and Fayetteville Channel 300 proposals.

61. Neosho (population, 7,517), the seat of Newton County (population, 32,901) is located in southwestern Missouri, approximately 170 miles south of Kansas City, Missouri, 150 miles northwest of Little Rock, and 60 miles northwest of Fayetteville. KBTN's daytime-only AM station (KBTN) is the only aural broadcast outlet at Neosho and in Newton County and no FM channels have been assigned in the county. KBTN also states that McDonald County (populaion, 12,357) which adjoins Newton County on the south and Barry County (population, 19,597), which adjoins Newton County on the east, both in Missouri, also have no AM or FM stations and that the proposed Channel 300 station at Neosho would provide a first FM service to an extensive and populated area. While not mentioned by KBTN, it appears from the 1970 U.S. Census Reports that Joplin, Missouri (population, 39,256), which is located approximately 15 miles north of Neosho, although mostly situated in Jaspar County (population, 79,852), which adjoins Newton County on the north, also has a part of the city, containing some 2,216 residents, in Newton County. Joplin has four AM stations, only one of which is a daytime-only operation, and two Class C FM station which operate on the two FM channels assigned to the



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city, Channel 223 (KSYN) and Channel 273 (KPCG).

62. It appears from the KBTN engineering affidavit that Channel 300 would be technically feasible for assignment to Neosho without affecting any other assignment. Its preclusion study indicates that the preclusion resulting from the proposed Neosho Channel 300 assignment would be the same as for the conflicting proposed Fayetteville Channel 300 assignment in RM-2264, discussed in paragraph 26, supra. Its coverage showing indicates that a Neosho station, operating from the contemplated KBTN site 13 miles west of the city with power of 100 kilowatts and antenna height of 450 feet would provide a first FM service of 100 kilowatts and antenna height of to 1,175 persons in an area of 51 square miles and a second FM service to 28,065 persons in an area of 410 square miles. It also shows that a Neosho station, operating from a site in Neosho (post office) with the same Class C facilities, would provide a first FM service to a population of 7,172 in an area of 143 square miles and a second FM service to a population of 15,465 persons in an area of 271 square miles. Since Neosho would normally qualify for a Class A assignment rather than a wide coverage Class C assignment and is located near the much larger city of Joplin which has two Class C stations, a showing, based on the procedure outlined in Roanoke Rapids and Goldsboro, North Carolina, should be made of the area and population that a station on the proposed Class C assignment would serve as compared to a Class A station. Comments are also desired from KBTN and others who may be interested in establishing a local FM service at Neosho as to the likelihood that a Class A assignment would be used in the event such an assignment were to be made to Neosho.

63. In view of the foregoing, the Commission proposes to consider the following amendments to the FM Table of Assignments, Section 73.202(b) of its Rules, with respect to the communities listed below, together with those which were proposed for the named communities (Little Rock, Benton, Mountain View and Batesville) in the notice of proposed rulemaking herein (FCC 73-1217, 38 Fed. Reg. 32946):

| City | Channel No. Present | Channel No. Proposed [1] |
|---|---|---|
| Batesville, Ark. | | 298 [a] |
| Benton, Ark. | 296A | 269 [b] |
| Cherokee Village, Ark. | | 265A or 296A [c] |
| Dardanelle, Ark. | 272A | 271 [d] |
| Dumas, Ark. | | 296A [e] |
| Fayetteville, Ark. | 221A, 269A | 221, 287 [f], 300 [g] |
| Little Rock, Ark. | 231, 233, 253, 279 | 226 [h], 231, 239, 253, 282 [i] |
| Lonoke, Ark. | | 292A [j] |
| Malvern, Ark. | 269A | 226 [k] |
| Morrilton, Ark. | | 269A [l], or 276 [m] |
| Mountain View, Ark. | | 224A [n] |
| Pine Bluff, Ark. | 233, 256 | 222, 235, 297 [o], 295 [p] |
| Russellville, Ark. | | 242 [q], 285A [r] |
| Sheridan, Ark. | | 272A [s], 276A [t] |
| Van Buren, Ark. | | 244A [u] |
| Neosho, Mo. | | 267A [v], or 280 [w] |

[1] See Appendix I below for notes (a) through (w) on proposed assignments.

64. Since the Fayetteville proponent in RM-2299 and Central Arkansas, the Dardanelle proponent, propose a change in the assignments upon which they operate Station KNWA at Fayetteville and Station KWKK at Dardanelle, they may be deemed to consent to the modification of their licenses for these stations should their assignment proposals be adopted. We therefore do not find it necessary to issue orders to show cause to them why their licenses should not be modified if required should their assignment proposals be adopted. However, we do find it desirable at this time to serve an Order to Show Cause on the licensee of Station KKYT, Channel 279, Little Rock. This will bring to its attention the assignment plan proposed by the Dardanelle proponent to resolve the conflict between its Dardanelle Channel 271 proposal and the Morrilton Channel 269A and Channel 272A proposals which would require the substitution of Channel 282 for Channel 279 at Little Rock (see Dardanelle, para. 16, supra) and require Station KKYK to change its operating frequency, and provide it with opportunity to indicate whether it consents to or is opposed to the proposed change in the Little Rock Channel 279 assignment and Station KKYT's operating frequency, with the understanding that it would receive reimbursement for the reasonable costs of the changeover from the licensees or permittees on the new assignments thus made possible.

65. *Accordingly, it is ordered,* That, pursuant to section 316 of the Communications Act of 1934, as amended, Snider Corporation, licensee of Station KKYK, Little Rock, Arkansas, shall show cause why its license should not be modified to specify operation on Channel 282 instead of Channel 279 at Little Rock; this order being made with the understanding that Snider Corporation will receive reasonable reimbursement of expenses incurred in the change of channel of operation of Station KKYK at Little Rock from the licensees or permittees on the new assignments thus made possible.

66. Pursuant to § 1.87 of the Commission's rules and regulations, the licensee of Station KKYK, may, not later than June 13, 1975, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Snider Corporation may, not later than June 13, 1975, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Snider Corporation to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Snider Corporation will be deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission if the channel changes referred to in paragraphs 63 and 64 above requiring a change in the Little Rock Channel 279 assignment are found to be in the public interest.

67. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are incorporated herein.

68. Interested parties may file comments on or before June 13, 1975, and reply to such comments on or before July 2, 1975.

69. *It is further ordered,* That the Secretary of the Commission shall send a copy of this further notice of proposed rule making and order to Show Cause by certified mail, return receipt requested, to Snider Corporation, 1001 Spring Street, Little Rock, Arkansas 72202, the party to whom the Order to Show Cause is directed.

Adopted: April 18, 1975.

Released: April 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

APPENDIX I

Batesville ---
[a] Proposed in assignment plan of Dardanelle Channel 271 proponent. To meet spacing requirements, a site 13 miles west of Batesville would be required.

Benton ---
[b] Proposed in RM-2213 to implement Pine Bluff Channel 295 proposal. Would require deletion or change in Malvern Channel 269A assignment.

Cherokee Village ---
[c] Alternative proposals of Cherokee Village proponent.

Dardanelle ---
[d] Proposed by Dardanelle proponent (Central Arkansas). To meet spacing requirements, a site approximately six miles west of Dardanelle would be required.

Dumas ---
[e] Proposed by Dumas proponent and in assignment plan of Dardanelle Channel 271 proponent.

Fayetteville ---
[f] Proposed in RM-2299.

[g] Proposed in RM-2264.

Little Rock ---
[h] Proposed in assignment plan of Dardanelle Channel 271 proponent.

[i] Proposed in RM-2404.

Lonoke ---

Malvern ---
[k] Proposed in RM-2305 to implement Morrilton Channel 269A proposal. (Proposal to implement Pine Bluff proposal in RM-2313 by substituting Channel 257A for 269A at Malvern is technically infeasible and is not proposed.)

Morrilton ---
[l] Proposed in RM-2305.

[m] Proposed in assignment plan of Dardanelle Channel 271 proponent.

Mountain View ---
[n] Proposed in assignment plan of Dardanelle Channel 271 proponent.





APPENDIX I—Continued

Pine Bluff ---
[o] Proposed in assignment plan of Dardanelle Channel 271 proponent.

[p] Alternative proposal in RM-2313. To meet spacing requirements a site five miles northeast of Pine Bluff would be required (assuming Benton and Malvern assignments are deleted or changed).

Russellville ---
[q] Proposed in RM-2288. Spacing requirements would require a site at least 15 miles northwest of Russellville.

[r] Proposed in RM-2487. Spacing requirements would require use of a site approximately two miles west of Russellville.

Sheridan ---
[s] Proposed in RM-2527.

[t] Suggested as part of proposed assignment plan of Dardanelle Channel 271 proponent.

Van Buren ---
[u] Proposed in RM-2381. Spacing requirements would require use of a site outside of Van Buren to the east or southeast.

Neosho, Missouri ---
[v] Proposed in RM-2264 to remove conflict with Fayetteville Channel 300 proposal.

[w] Proposed in RM-2177. Spacing requirements would require use of a site at least two miles southwest of Neosho.

[Docket No. 19879; RM's-2020, 2064, 2113, 2226, 2177, 2264, 2288, 2299, 2305, 2313, 2381, 2404, 2487, and RM-2527]

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the further notice of proposed rule making to which this Appendix is attached.

2. Showings required. Comments are invited on the proposals discussed in the further notice of proposed rule making to which this Appendix is attached. Proponents will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposals in this further notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. Comments and reply comments; service. Pursuant to applicable procedures set out in Section 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the further notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. Number of copies. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M. Street NW., Washington, D.C.

[FR Doc.75-11002 Filed 4-25-75;8:45 am]

## [47 CFR Part 73]

[Docket No. 20434; RM 2424]

## FM BROADCAST STATION; TABLE OF ASSIGNMENT

### Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed July 22, 1974, by KXOJ, Incorporated, proposing assignment of Channel 265A to Sapulpa, Oklahoma, as its first FM assignment.

(b) In order to adopt this proposal, Channel 285A would have to be substituted for unoccupied and unapplied for Channel 265A at Bristow, Oklahoma. This, in turn, would require that Channel 232A be substituted for Channel 285A at Okmulgee, Oklahoma (Okmulgee County). Brewer Communications, Inc. has been granted a construction permit for a station (KBEV) on Channel 285A at Okmulgee. That construction permit, however, was conditioned on the outcome of this rule making proceeding.

2. *Demographic Data.* (a) *Location:* Sapulpa, the seat of Creek County, is located approximately 12 miles southwest of Tulsa, Oklahoma. Although Creek County is included in the Tulsa Standard Metropolitan Statistical Area, Sapulpa is not considered to be within the Tulsa Urbanized Area.

(b) *Population:* 1970 Census: Sapulpa —15,159; Creek County—45,532; Bristow —4,653; Okmulgee—15,180; Okmulgee County—35,358.

(c) *Present local broadcast service:* Local service is provided by petitioner's daytime-only Class II AM Station KXOJ.

(d) Petitioner alleges that Sapulpa is a developing community. It states that the community "has long been a manufacturing center," with two large glass manufacturing plants comprising its major basic industry. It also states that the community attracts 100,000 tourists annually. Sapulpa's city manager, in a letter supporting the request, stated that the city needs a nighttime radio station in order that the population may be alerted to natural and manmade disasters. These factors indicate sufficient need and economic strength to justify the assignment.

3. *Preclusions:* Because of Sapulpa's proximity to Tulsa, we request that petitioner submit, in its comments, a preclusion study and information which indicates whether alternative channel assignments are available to the communities, if there are any, within the precluded areas.[1]

4. *Additional considerations:*

(a) We note that petitioner fails to state that it would apply for a license to operate on Channel 265A should it be assigned to Sapulpa. In order to comply with Commission policy, we request that petitioner and any other person come forward and affirmatively state that intention.

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

| City | Channel No. Present | Channel No. Proposed |
|---|---|---|
| Sapulpa, Okla. | | 265A |
| Bristow, Okla. | 265A | 285A |
| Okmulgee, Okla. | 285A | 232A |

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attachment and are incorporated herein.

7. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 15, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of

[1] *Additional FM Assignments,* 8 FCC 2d 70 (1967).



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1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rulemaking to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-10998 Filed 4-25-75;8:45 am]

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[ 47 CFR Part 73 ]

[Docket No. 20435; RM-2398]

## FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

### Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed June 12, 1974, by Family Radio, Inc., licensee of AM Station WIZM, LaCrosse, Wisconsin, proposing assignment of Channel 269A to LaCrosse, as its fourth FM assignment. Petitioner must state in its comments that it will apply for a construction permit if the channel is assigned and, if authorized, will build the station promptly.

(b) This channel may be assigned without affecting any existing FM assignment. The transmitting antenna for a station operating on Channel 269A must be located approximately 3 miles east of the community.

2. *Demographic Data.* (a) *Location:* LaCrosse, the seat of LaCrosse County, is located approximately 170 miles northwest of Milwaukee, Wisconsin, and 125 miles southeast of Minneapolis, Minnesota.

(b) *Population:* 1970 Census: LaCrosse—51,153; LaCrosse County—80,468; LaCrosse Standard Metropolitan Statistical Area—80,468; LaCrosse Urbanized Area—63,373.

(c) *Present local broadcast service:* Local service is provided by 3 AM stations (all of which are unlimited-time) and 3 FM stations (two of which are Class A).

(d) *Economic conditions:* Petitioner alleges sufficient economic and social data to justify making a fourth FM assignment.

3. *Preclusion.* Adoption of petitioner's proposal would cause preclusion on the co-channel. West Salem, Wisconsin (pop. 2,180), is the only community with a population in excess of 1,000 persons located within the preclusion area. West Salem, located approximately 10 miles northeast of La Crosse, could receive service from the proposed assignment, and now can receive service from the La Crosse Class C FM assignment. Moreover, Channel 269A could be used at West Salem under the 10-mile rule (Rules and Regulations, § 73.203(b)).

4. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| LaCrosse, Wis. | 227, 240A, 285A | 227, 240A, 269A, 285A |

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attachment and are incorporated herein.

6. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 15, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*





1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, *it is proposed to amend* the FM Table of Assignments, Section 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-10996 Filed 4-25-75;8:45 am]

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[ 47 CFR Part 73 ]

[Docket No. 20437; RM 2434]

## FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

### Notice of Proposed Rule Making

1. *Petitioner, Proposal and Comments.* (a) Petition for rule making filed August 5, 1974, by Grays Harbor Broadcasting Co., licensee of AM Station KGHO and KGHO–FM, Hoquiam, Washington, proposing the substitution of Channel 241 or Channel 237A for Channel 280A at Hoquiam.

(b) Channel 241 may not be assigned to Hoquiam because of short-spacing with the co-channel assigned to North Vancouver, British Columbia, Canada, approximately 166 miles distant (required spacing is 190 miles). Channel 237A can be assigned without affecting any existing FM assignments.

(c) The channel substitution is requested by the licensee of Channel 280A because it alleges that there is mutual interference between its station and Station KDUX–FM, Channel 284A, assigned to Aberdeen, Washington, and operating at Ocean Shores, Washington, 12 miles west of Hoquiam.

2. *Demographic Data.* (a) Location: Hoquiam is located 50 miles west of Olympia, Washington, and 150 miles north of Salem, Oregon, in Grays Harbor County. Aberdeen is located 4 miles east of Hoquiam in Grays Harbor County.

(b) Population—1970 Census: Hoquiam 10,466; Aberdeen 18,489; Grays Harbor County 59,553. Ocean Shores data is unavailable.

(c) Present aural services: Hoquiam has two local broadcast stations, AM Station KGHO and KGHO–FM. Aberdeen has 2 AM stations, and Ocean Shores has an FM station, KDUX–FM.

3. *Preclusion Considerations.* Adoption of petitioner's proposal would cause preclusion only on co-channel 237A. The preclusion would affect three communities in Grays Harbor County with populations greater than 2,000 persons and having no AM or FM assignments—Elma (pop. 2,227), Montesano (pop. 2,847) and Central Park (pop. 2,720). Channels 221A and 257A are available for assignment to these communities.

4. *Additional Comments.* Petitioner requests the proposed substitution to alleviate mutual interference caused by close spacing of petitioner's signal with the signal of KDUX–FM (4 channels or 800 kHz). It appears that the receivers cannot differentiate between the two signals and choose the stronger of the two in areas of overlap. Since an alternate channel, which will eliminate the interference problem, is available and is usable in a restricted area near Hoquiam and since the substitution will free Channel 280A for reassignment, we feel that petitioner's preliminary showing is in the public interest. Since Hoquiam is within 250 miles of the Canada-United States border, Canadian approval of the proposal is required according to the Working Agreement under the Canada-United States FM Agreement of 1947. Also because petitioner is requesting a modification of its license, it is unnecessary to issue an Order to Show Cause under the provisions of Section 316 of the Communications Act of 1934, as amended, in the event the Commission grants the proposed substitution.

5. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Hoquiam, Wash. | 280A | 237A |

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attachment and are incorporated herein.

7. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 15, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

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1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of proposed rule making to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *notice of proposed rule making* to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

[FR Doc.75-10999 Filed 4-25-75;8:45 am]



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[47 CFR Part 73]

[Docket No. 20438; RM-2401]

## FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

### Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed June 19, 1974, by Rainbow Associates, proposing the assignment of Channel 269A to Snowmass Village, Colorado, as a first FM assignment.

(b) This channel may be assigned without affecting any existing FM assignments.

(c) A comment in opposition to the proposal has been filed by Recreation Broadcasting of Aspen, Inc., licensee of FM Station KSPN, Aspen, Colorado.

2. *Demographic Data.* (a) *Location.* Snowmass Village is located near the town of Aspen, Colorado, in Pitkin County.

(b) *Population.* (1970 U.S. Census). Snowmass Village—unknown; Pitkin County, 6,185.

(c) *Present aural services.* Snowmass Village has no local aural broadcast stations but receives service from AM Station KSNO (Class III, daytime-only), and FM Station KSPN, Channel 249A, both operating in Aspen.

(d) *Economic conditions.* Petitioner informs us that Snowmass Village is a relatively new community evolved from recent condominium development. The village is popular as a ski resort and attracts many tourists during the year. Pitkin County also shows marked revitalization as a result of recent interest in skiing. Recreation Broadcasting of Aspen, Inc., indicates that Snowmass Village has about 400 residents and that municipal services are provided by the county and by the city of Aspen.

3. *Preclusion considerations.* Adoption of petitioner's proposal would cause preclusion on Channels 268, 269A and 270 affecting five communities with populations greater than 1,000 persons and having no FM assignment: Rifle (pop. 2,150),[1] Meeker (pop. 1,597), Paonia (pop. 1,161), Orchard Mesa (pop. 5,824) and Fruita (pop. 1,822). It is noted that Channel 269A may be assigned to both Meeker and Fruita as an alternate channel while Channel 276A is available for assignment at Paonia and Channel 288A may be assigned to Rifle. Orchard Mesa is located less than 5 miles from Grand Junction, Colorado, which is assigned FM Stations KREX-FM, Channel 222 and KQIX-FM, Channel 226.

4. *Comments.* Recreation Broadcasting of Aspen, Inc., alleges that Snowmass Village could not financially support its own FM station and the area is already adequately served. It further alleges that the prospects for growth in the future are dim since the Pitkin County Commission Board has resolved to restrict growth by means of zoning. It is Commission policy, however, to defer consideration of allegations concerning economic impact until the application stage as a *Carroll* issue.[2]

5. Accordingly, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Snowmass Village, Colo | | 269A |

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

7. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 1, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALTER E. JOHNSON,
*Chief, Broadcast Bureau.*

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *notice of proposed rulemaking* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which the Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-11000 Filed 4-25-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20364; RM-2336]

## FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

### Order Extending Time for Filing Comments and Reply Comments

1. On February 19, 1975, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on March 4, 1975, 40 FR 8964. The dates for filing comments and reply comments are presently April 17 and May 6, 1975, respectively.

2. On April 11, 1975, counsel for Mr. Lawrence N. DeBeau, licensee of Station WDBI-FM, Tawas City, Michigan, requested that the time for filing comments be extended to and including May 2, 1975. Counsel states that Mr. DeBeau will be in attendance at the NCTA Convention through April 17 and considering this and the pressure of other commitments he is unable to prepare comments by the deadline date. This request was not timely filed.

3. Late-filed requests, according to § 1.46 of the rules will be considered in cases of last-minute emergencies which could not have been anticipated by the party requesting the extension. The instant filed request is truly questionable. Requests of this kind are not only unfair to other parties who contemplate filing comments on the date specified in the

[1] All population data are taken from the 1970 U.S. Census.

[2] "Carroll Broadcasting Co. v. F.C.C.," 258 F. 2d 440 (D.C. Cir. 1958).





Notice but are disruptive of the Commission's processes. In this instance we are granting the request, but parties are on notice that it is our intent to adhere strictly to the provisions of Section 1.46 (b). As we stated in the Order which adopted that new section, favorable action on late-filed requests will be limited to bona fide emergencies.

4. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including May 2 and May 16, 1975, respectively.

5. This action is taken pursuant to au- and 303(r) of the Communications Act of 1934, as amended, and § 0.281 and § 1.46 of the Commission's rules and regulations.

Adopted: April 15, 1975.

Released: April 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc.75-11001 Filed 4-25-75;8:45 am]

[47 CFR Parts 81, 83]

[Docket No. 20444; RM No. 2430]

## FREQUENCY DESIGNATIONS IN THE PORTS OF NEW YORK AND NEW ORLEANS

### Notice of Proposed Rule Making

1. Notice of proposed rulemaking is hereby given.

2. The Commission has been requested by the Commandant, U.S. Coast Guard, to make three frequencies in the 156–162 MHz band of the Maritime Mobile Services available for exclusive use for the Vessel Traffic System (VTS) effective January 1, 1976, in a Coast Guard designated VTS in the New York area and July 1, 1976, in a Coast Guard designated VTS in the New Orleans area. The Commandant states the action is requested to implement Title I of the "Ports and Waterways Safety Act of 1972" (Public Law 92-340, 86 Stat. 424, 46 U.S.C. 1551).

3. The designation of the subject frequencies for VTS use in the New York and New Orleans port areas would not prevent the use of the frequencies outside these port areas for routine communications, as provided for elsewhere in our rules on a non-interference basis to VTS communications. Distress calls on VTS frequencies, as is the case on all maritime frequencies, will not be precluded in the VTS protected areas, as provided for in § 83.232. The New Orleans VTS radio protection area will consist of a rectangle between north latitudes 27°30′ and 31°30′ and west longitudes 87°30′ and 92°. The New York VTS radio protection area will consist of a rectangle between north latitudes 40° and 42° and west longitude 71° and 74°30′.

4. The Coast Guard radio concept for the VTS is, generally, that within a designated area, irregular in shape, and known as a VTS "controlled area," the use of the specified VTS radio channels will be under the control of the Coast Guard and may not be used for other than VTS purposes. The VTS "controlled area" will lie within a larger, specified area identified as a VTS radio "protected area," which will usually be square or rectangular in shape. It is proposed that there be no use of the specified VTS radio channels for any purpose in the area outside the "controlled area" but within the radio "protected area." The specified VTS radio channels may be used outside the "protected area" for normally authorized purposes as provided in our rules; i.e., commercial, port operations, etc., since the "protected area" is sufficiently larger than the smaller "controlled area" to insure that under most circumstances, routine communications outside the "protected area" will not interfere with communications inside the "controlled area." In short, the plan provides for a radio communications "buffer zone" around the smaller "controlled area."

5. We anticipate enforcement problems with this system as a result of interference from at least the following sources:

(1) Foreign ships. The "protected area" extends well into international waters.

(2) Stations outside of the "protected area" resulting from varying propagation characteristics.

(3) Stations inside the "controlled area" using the frequencies for other than VTS communications in direct violation of the proposed rules.

The Coast Guard advises us, however, that these problems should, under the system they are designing, be minimal, and that they expect to be able to adequately control the use of radio in the system. Notwithstanding these possible frequency use control problems, it appears there is no alternative but to propose these rule changes, since the action requested by the Coast Guard is necessary to implement the provisions of recently enacted legislation for Vessel Traffic Systems. We conclude, therefore, that the request of the Coast Guard is necessary and reasonable and in the public interest and that appropriate rule changes, as herein proposed, should be issued. If unacceptably adverse operational problems arise under the system, as described above, we will attempt to overcome them as they occur.

6. Coast stations authorized to operate in the VTS protected areas on the VTS frequencies, or authorized to operate outside the protected areas on the frequencies and likely to cause interference to VTS communications, will be required to change to non-VTS channels prior to the effective date of the rule changes proposed herein.

7. The proposed amendments to the Commission's rules, as set forth below, are issued pursuant to authority contained in sections 4(i) and 303 (b), (c), (d), (h) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 30, 1975, and reply comments on or before June 10, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: April 17, 1975.

Released: April 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

Parts 81 and 83 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 81.356(a), a condition of use designator 1 is added for Channel 12 (156.600 MHz) and Channel 14 (156.700 MHz) under Port Operations, and for Channel 11 (156.550MHz) under commercial; and new paragraph (b)(1) is added to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 MHz.

* * * * * *

(b) * * *

(1) Available for use in U.S. Coast Guard designated controlled port areas only for Vessel Traffic System (VTS) communications, and for use outside VTS radio protected areas described in § 81.357 for communications permitted elsewhere in these rules only on a noninterference basis to VTS communications, as provided for in § 81.357.

* * * * *

2. A new § 81.357 is added as follows:

§ 81.357 Frequencies available for use in Vessel Traffic Systems.

(a) In Coast Guard designated Vessel Traffic Systems (VTS) control areas located within the radio protected areas specified and described in paragraph (b) below, and effective the dates indicated, the only use for the frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz is for VTS under U.S. Coast Guard control.

(b) The U.S. Coast Guard designated radio protection areas for VTS purposes are as follows:

(1) New York, effective January 1, 1976: The rectangle between north latitudes 40° and 42° and west longitudes 71° and 74° 30′.



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(2) New Orleans, effective July 1, 1976: The rectangle between north latitudes 27° 30′ and 31° 30′, and west longitudes 87.30° and 92°.

(c) The use of the frequencies shown in paragraph (a) of this section are permitted in areas outside the Coast Guard radio protection areas in accordance with the uses permitted elsewhere in this Part provided there is no interference to VTS communications within the designated protection areas.

3. In § 83.351(a), a condition of use designator 58 is added for the frequencies 156.550 MHz, 156.600 MHz and 156.700 MHz, and a new paragraph (b) (58) is added to read as follows:

**§ 83.351 Frequencies available.**

• • • • •

(b) • • •

(58) Available for use in U.S. Coast Guard designated controlled port areas only for Vessel Traffic System (VTS) communications, and for use outside VTS radio protected areas described in Section 83.361 for communications permitted elsewhere in these rules, only on a noninterference basis to VTS communications, as provided for in Section 83.361.

• • • • •

4. A new § 83.361 is added as follows:

**§ 83.361 Frequencies available for use in Vessel Traffic Systems.**

(a) In Coast Guard designated Vessel Traffic Systems (VTS) control areas located within the radio protected areas specified and described in paragraph (b) of this section, and effective the dates indicated, the only use for the frequencies 156.55 MHz, 156.6 MHz and 156.7 MHz is for VTS under U.S. Coast Guard control.

(b) The U.S. Coast Guard designated radio protection areas for VTS purposes are as follows:

(1) New York, effective January 1, 1976: The rectangle between north latitudes 40° and 42°, and west longitudes 71° and 74°30′.

(2) New Orleans, effective July 1, 1976: The rectangle between north latitudes 27°30′ and 31°30′, and west longitudes 87.30° and 92°.

(c) The use of the frequencies shown in paragraph (a) of this section are permitted in areas outside the Coast Guard, radio protection areas in accordance with the uses permitted elsewhere in this part, provided there is no interference to VTS communications within the designated VTS protection areas.

[FR Doc.75-11003 Filed 4-25-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20436; RM-2399]

### FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

#### Notice of Proposed Rule Making

1. *Petitioner, proposal and comments.* (a) Petition for rule making filed June 14, 1974, by Straw Broadcasting Co. (Straw), licensee of AM Station KKOK, Lompoc, California, proposing the assignment of Channel 265A to Lompoc, as a second FM assignment.

(b) The channel may be assigned without affecting any existing FM assignments.

2. *Demographic Data.* (a) *Locations:* Lompoc is located approximately 120 miles northwest of Los Angeles in Santa Barbara County.

(b) *Population:* (1970 Census)—Lompoc 25,284; Santa Barbara County 264,324.

(c) *Present aural services:* Local service is provided by 3 AM stations—KLOM (Class III, daytime-only), KNEZ (Class III, unlimited-time), and KKOK (Class III, daytime-only), licensed to petitioner, and 1 FM station KLOM-FM, Channel 224A.

(d) *Economic conditions:* Petitioner informs us that Lompoc is a center for military, aerospace, defense and mining industries with Vandenburg Air Force Base situated adjacent to the Lompoc Valley area. The city, incorporated in 1888, presently has a city council-administrator form of government providing full municipal services.

3. *Preclusion considerations.* Adoption of petitioner's proposal would cause preclusion on Channels 262, 265A, and 267. The area precluded from use of Channel 262 is too small to be considered significant. Preclusion occurring on Channel 265A covers a relatively large area to the north and affects several cities which include Santa Maria and San Luis Obispo. The affected area precluded on Channel 267 is restricted to a limited area along the California coast, to the north and south of Lompoc. Petitioner mentions that a number of FM channels remain available for the communities located within the precluded areas but no specific channels are listed. For the most part, communities in the precluded area which do not presently have FM assignments receive FM service from stations operating in nearby communities.

4. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Lompoc, Calif. | 224A | 224A, 265A |

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attachment and are incorporated herein.

6. Interested parties may file comments on or before June 16, 1975, and reply comments on or before July 7, 1975.

Adopted: April 15, 1975.

Released: April 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

### APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rulemaking to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested





parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-10997 Filed 4-25-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

### MARKUP ON RETAIL SALES OF GASOLINE TO REFLECT INCREASED NONPRODUCT COSTS

#### Further Public Hearing, Anchorage, Alaska

On February 20, 1975, the Federal Energy Administration issued a notice of a proposal to review the amount which may be added to the retail selling price of gasoline to reflect increased nonproducts costs of retail dealers. The notice appeared at 40 FR 8109, February 25, 1975. In that notice, the FEA requested written comment; and particularly financial and economic data, which would support either maintenance of the 3 cent increment presently allowed or an upward or downward adjustment in that amount.

On April 12, 1975, the FEA issued a notice of intent to hold a public hearing in Washington, D.C. in this matter on Thursday, April 24, 1975, prior to making any tentative decision based on written comment submitted. The notice appeared at 40 FR 15401, April 7, 1975.

Subsequent to the issuance of the notice of public hearings in Washington, D.C., the FEA received a request from certain retail sellers of gasoline in Alaska to hold the hearing, in part, in Anchorage. The applicants maintain that nonproduct cost increases in Alaska exceed those experienced nationally or on any other local or regional basis. The applicants point out that the cost of travel between Alaska and Washington, D.C. by those wishing to make oral presentations is a substantial deterrent to participation in this matter and that the public interest will be best served by holding the hearing, in part, in Anchorage.

The FEA has concluded that the combination of possible unusual non-product cost increases in Alaska, and the distance between various points in Alaska and Washington, D.C., make it necessary and appropriate that the public hearing be held, in part, in Alaska in order to obtain representative views from affected parties in Alaska.

The public hearing in this matter will therefore be extended in order to receive oral comment from interested persons beginning at 9:30 a.m., Alaska standard time, on Thursday, May 15, 1975, and will be continued, if necessary, on Friday, May 16, 1975, in the Conference Room, Federal Building, 605 W. 4th Avenue, Anchorage, Alaska.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make a written request for an opportunity to make oral presentation. Such a request should be directed to FEA, Room G-11, Federal Building, 605 W. 4th Avenue, Anchorage, Alaska 99501, and must be received by 4:30 p.m., a.s.t., on Wednesday, May 7, 1975. Requests may be hand delivered to this address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a telephone number where he may be contacted through Tuesday, May 13, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., a.s.t., Friday, May 9, 1975, and must submit 25 copies of his statement to FEA, Room G-11, Federal Building, 605 W. 4th Avenue, Anchorage, Alaska 99501 before 4:30 p.m., a.s.t., on Wednesday, May 14, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of any person presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given an opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the intial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to FEA, Room G-11, Federal Building, Anchorage, Alaska, before 4:30 p.m., a.s.t., Monday, May 12, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., April 24, 1975.

ROBERT E. MONTGOMERY, JR.,
*General Counsel,*
*Federal Energy Administration.*

[FR Doc.75-11195 Filed 4-24-75;4:31 pm]

## FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. RM75-19]

### END USE RATE SCHEDULES

#### Utilization and Conservation of Natural Resources; Time for Responding to Comments

APRIL 18, 1975.

Take notice that on February 20, 1975, notice was given of proposed rulemaking (40 FR 8571, February 28, 1975) in the above-designated matter. Comments were due by April 30, 1975. Due to the nature of these comments, a time for filing responding comments may be beneficial. Therefore, such responding comments may be filed on or before May 21, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-10928 Filed 4-25-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 271]

[IC Release No. 8757]

### VALUATION OF SHORT TERM DEBT INSTRUMENTS OWNED BY REGISTERED INVESTMENT COMPANIES INCLUDING MONEY MARKET FUNDS

#### Notice of Proposed Interpretation

The Commission is publishing this release to inform the public of a position which it proposes to take regarding the standardization of procedures for valuation of short term debt instruments owned by registered investment companies, including "money market" funds.[1]

VALUATION OF PORTFOLIO SECURITIES

The Commission is aware that many investment companies, including some of the money market funds, value short

[1] Money market funds are mutual funds whose investment policy is to invest in short term debt instruments. Such funds seek to provide a vehicle to permit investors to take advantage of higher short term rates earned on large investments by a pooling of money to permit purchase of larger denomination instruments than could normally be bought by the average small investor. The professional management provided by these funds has also attracted investments from corporations and non-profit institutions. Thirty-six money market funds had effective registration statements as of March 24, 1975 with 12 more in the process of registration. Total assets under management on December 31, 1974, amounted to $2,434 billion constituting approximately 7.2% of the assets managed by the industry generally (compared to 0.2% as of December 31, 1973).



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term debt instruments[1] in their portfolios on an amortized cost basis. For the reasons discussed below, the Commission believes it would be desirable to discontinue this valuation method.

MONEY MARKET FUND VALUATION METHODS

Section 2(a)(41) [15 U.S.C. 80a–2(a)(41)], as here relevant, and Rule 2a–4 (17 CFR 270.2a–4) under the Investment Company Act of 1940 ("The Act") [15 U.S.C. 80a et seq.] require that the assets of registered investment companies be valued (1) at market value, if quotations are readily available, or (2) if quotations are not readily available, at fair value as determined in good faith by the board of directors.

The Commission's attention has been directed to possible different interpretations of this rule in connection with the valuation methods employed by the money market funds.[2] Market quotations are not readily available for many money market instruments in these funds' portfolios because they are generally held to maturity, thereby eliminating a meaningful secondary market.[3] Fair value for these instruments must therefore be determined in good faith by the board of directors.

A number of money market funds determine the fair value of their securities by "marking to market," that is, obtaining a "quote" on the particular instrument or one of comparable quality from the issuer or dealer.[4] Due to the nature of the secondary market for many money market instruments, these quotes are merely estimates of the instruments' market value with reference to current money market rates and are not bids or actual last sale prices of securities similar in all respects to the portfolio security. Nevertheless, "marking to market" has proven to be a generally workable method of valuation for securities without readily available market quotations.

Other funds use the amortized cost valuation technique. This involves valuing a security at its cost on the date of purchase and thereafter assuming a constant proportional increase in value until maturity, regardless of the impact of fluctuating interest rates on the market value of the instrument. While this method provides certainty in valuation, it may result in periods during which the value of a fund's portfolio, as determined by amortized cost, is significantly higher or lower than the price the fund would receive if it liquidated the portfolio at prevailing market prices.

DEFICIENCIES OF AMORTIZED COST VALUATION

The Commission believes that it is undesirable to determine value by a mechanical or automatic formula with no reference to market value and no judgmental input on the part of the directors. As the Commission has previously indicated,

> No single standard for determining "fair value . . . in good faith" can be laid down, since fair value depends upon the circumstances of each individual case. As a general principle, the current "fair value" of an issue of securities being valued by the Board of Directors would appear to be the amount which the owner might reasonably expect to receive for them upon their current sale.[5]

In summary, amortized cost appears to be a less desirable method of valuation because its mechanical approach may, in many instances, fail to approximate value. Although cognizant of the difficulty involved in valuing short term debt securities having a less active secondary market, it appears to the Commission that, on balance, "marking to market" would be more appropriate under the circumstances.

An additional benefit of discontinuing the amortized cost valuation method will be an improvement in the ability of investors to compare the reported yield of one fund against another. At the present time, as a consequence of different funds using different valuation methods, two funds with similar portfolios may report significantly dissimilar yields. It is desirable to standardize the method of valuation in order to provide investors with the information necessary to make accurate comparisons between funds.

CALCULATION OF RATE OF RETURN

A separate but related problem associated with money market funds is their lack of uniformity with respect to calculation of rate of return. This has resulted in funds with similar portfolios and similar valuation methods reporting significantly different yields. Since money market funds are often bought and sold on the basis of yields, this lack of uniformity may not permit investors to make accurate comparisons of one fund against another.

The Statement of Policy, under the Securities Act of 1933,[6] provides that investment companies may represent rate of return on the basis of past or historical results. Although this is appropriate for most mutual funds, in the case of money market funds the Commission is of the tentative view that it would be more appropriate when calculating and publishing yield for quotation purposes that yield be determined by a "forward looking" rate reflecting the best estimate of future performance, i.e. yield to average life. Yield to average life is based on the current prices of the portfolio securities instead of their original cost and thus will fluctuate daily as interest rates change. It is the rate of return which would be received by investors if all the securities currently in the portfolio valued at market were held to maturity, redeemed at par value, and the proceeds then distributed to shareholders. This concept has not been used by mutual funds but has long been used in pricing and quoting long term debt instruments. The Commission expects at an early date to publish for comment a proposed amendment to the Statement of Policy in order to clarify this issue.

Interested persons are requested to submit their views and comments on the above proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, no later than May 23, 1975. All material should be designated "Proposal to Standardize Portfolio Valuation by Certain Investment Companies".

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

APRIL 15, 1975.

[FR Doc.75–10982 Filed 4–25–75;8:45 am]

[1] These "money market" instruments include Treasury bills, securities issued or guaranteed by the U.S. Government, repurchase agreements for government securities, certificates of deposit, letters of credit, commercial paper, and banker's acceptances.

[2] Although this valuation problem has arisen in the context of money market funds, the principles described herein are generally applicable to all investment companies.

[3] However, government obligations, such as Treasury bills, have an active secondary market.

[4] Some funds obtain market "quotes" by using an interpolation procedure which values non-marketable securities with reference to similar marketable securities.

[5] Accounting for Investment Securities by Registered Investment Companies, Investment Company Act Rel. No. 6295, p. 5 (Dec. 23, 1970), 35 FR 19986 (Dec. 31, 1970).

[6] Statement of Policy as amended (November 5, 1957) (17 CFR Parts 231 and 271).

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### [ 29 CFR Parts 1910, 1926 ]

[Docket No. S–102]

### GROUND FAULT CIRCUIT PROTECTION

### Revocation of Standard; Correction

In FR Doc. 75–8937 appearing at pages 15390–15392 in the issue of April 7, 1975, the date in the first paragraph of section IV at page 15392, the middle of the second column relating to the submission of "written data, views and arguments," reading "May 7, 1975," should read June 6, 1975.

Signed at Washington, D.C. this 18th day of April, 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75–10936 Filed 4–25–75;8:45 am]





## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### [ 49 CFR Part 571 ]

[Docket No. 73–20; Notice 5]

### MOTOR VEHICLE SAFETY STANDARDS

### Fuel System Integrity; Correction

In FR Doc. 75–9760 appearing at page 17036 in the issue of April 16, 1975, S5.4 should read as follows:

S5.4 *Schoolbuses with a GVWR greater than 10,000 pounds.* Each schoolbus with a GVWR greater than 10,000 pounds manufactured on or after April 1, 1976, shall meet the requirements of S6.5.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); § 202, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 22, 1975.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

[FR Doc.75–11071 Filed 4–25–75;8:45 am]

### [ 49 CFR Part 571 ]

[Docket No. 75–7; Notice 01]

### HYDRAULIC BRAKE SYSTEMS

### Applicability to School Buses

This notice proposes an amendment of Standard No. 105–75, *Hydraulic brake systems*, 49 CFR 571.105–75, that would extend its applicability to school buses and would establish new performance levels for this category of vehicle.

The Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93–492, mandate the issuance of Federal motor vehicle safety standards for several aspects of school bus performance, including vehicle operating systems (15 U.S.C. 1392(l)(1)(A)). Prior to these amendments, continuing Congressional interest and voluminous mail from the public emphasized the high level of importance that society places on the protection of children from death and injury. The NHTSA has undertaken research and testing of current school bus braking system performance at its Safety Research Laboratory (SRL) and under contract with Dynamic Sciences, Inc. (Contract HS–046–3–694).

Until recently, the NHTSA intended that Standard No. 105–75 would apply to all buses equipped with hydraulic brake systems, as well as to trucks, multipurpose passenger vehicles (MPV's), and passenger cars. This agency reevaluated the advisability of implementation of the standard for trucks, buses, and MPV's and in a notice of March 6, 1975, proposed that the standard not apply to these vehicles (40 FR 10483). The NHTSA also determined that the standard is reasonable and appropriate as a whole, and proposed that the standard apply to passenger cars with only a 4-month delay.

In the discussions and public meetings which have accompanied rulemaking on hydraulic brake systems, several persons suggested that appropriate interim standards for trucks, buses, and MPV's could be developed by adapting the requirements of Society of Automotive Engineers (SAE) truck braking standards (J992b and J786a) to make them consistent with the testing protocol found in Standard No. 105–75. Such an approach would establish as minimum requirements for all vehicles the performance found in many of today's better-designed vehicles. In addition, an objective test procedure would be provided in place of the less complete SAE demonstration procedures.

Without making a determination concerning a general braking standard for all non-passenger-cars equipped with hydraulic brakes, the NHTSA tentatively concludes that the performance and equipment requirements of Standard No. 105–75, modified in large part to reflect SAE levels of performance, would be appropriate for school buses, an area of particular safety concern to Congress and the general public. Such a combination of Standard No. 105–75 and SAE performance levels would ensure the swift implementation of many important braking characteristics on a mandatory basis (e.g., split service brake system, brake failure warning indicator, split master cylinder reservoir).

Because school buses have distinctive duty cycles and because many school bus operators are women, this agency has found that at least two features of the SAE practices would be inappropriate for a school bus standard. In one area, the 200-pound permissible pedal force value used in meeting SAE deceleration levels is not representative of the strength of many adult females who can be expected to operate school buses of all sizes (HSRI Report No. HuF–6, NBS Technical Note 557, October, 1970, "The Brake Pedal Force Capability of Adult Females"). NHTSA concludes that a 150-pound maximum pedal force value is a more appropriate brake control limit for school buses. Current school bus designs which do not provide this level of performance can be improved at minimal expense and without basic modification of the brake system by an increase of brake booster capacity.

A second area of SAE procedure which does not adequately reflect school bus usage is the fade and recovery test sequence. As confirmed by the National School Transportation Association at the recent NHTSA public meeting on hydraulic brake performance, the typical stop-and-go duty cycle of school buses can cause unacceptable brake fade under conditions of normal use. Accordingly, the NHTSA considers that the Standard No. 105–75 fade and recovery requirements are appropriate for school buses. NHTSA's own limited testing of school buses (at SRL and Dynamic Sciences) indicates that they generally can meet the Standard No. 105–75 performance requirements.

As a general matter, the high speed stopping distance requirements proposed for use in this standard are adapted from SAE requirements. However, the National Conference on School Transportation, the State of California, and the Bureau of Motor Carrier Safety have established low-speed stopping requirements that are more stringent than projected SAE standards would be. This agency finds that low speed stopping should be kept consistent with levels already established. Therefore, the proposed low speed stopping requirements depart from the SAE standard.

Several aspects of braking system performance regulated by Standard No. 105–75 are not addressed by SAE truck and bus braking performance standards. No lightly-loaded stopping distance requirement appears in the SAE standards, but operations under lightly-loaded conditions are common for school buses. The proposed standard incorporates a lightly-loaded stopping distance requirement which previous NHTSA tests indicate is generally achievable by present school buses.

SAE truck and bus braking performance standards contain no requirements comparable to the "inoperative power" requirements of Standard No. 105–75. Minimum braking performance in the event of power system failure is particularly important in school buses, and the proposed standard accordingly incorporates inoperative power requirements equivalent to the partial failure performance requirements. This level is sufficiently moderate that the NHTSA finds unnecessary the specification of optional failed-power requirements (e.g., S5.1.3.2, S5.1.3.4) as is the case with passenger cars.

Unlike the SAE standards, this proposal requires split service brake systems. These systems are already required by the National Conference on School Transportation and various states and educational agencies, and are available as standard equipment or options in the range of trucks and MPV's used for school buses. The requirement is therefore not expected to necessitate major redesign or expense. Standard No. 105–75 also requires a split master cylinder reservoir and a "pressure loss" warning that have not been required before, but which manufacturers have prepared in anticipation of implemention of Standard No. 105–75 for September 1, 1975. The NHTSA concludes that these improvements can be made standard in school buses at minimal cost. It is noted that the Vehicle Equipment Safety Commission has proposed an audible as well as visual signal of low brake fluid level, which is a more stringent requirement than that proposed here.



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In nearly all cases, the proposed re- average control force for the baseline replaced by the numbers 65, 110, 144,

In nearly all cases, the proposed requirements for school buses are more lenient than the corresponding passenger car requirements. In some cases, however, lighter school buses are held to passenger cars standards. In general, the lighter vehicles are held to passenger cars standards only where it is clear that they can achieve equivalent performance levels without substantial cost. An example is the parking brake grade holding requirement.

In consideration of the foregoing, it is proposed that Standard No. 105–75 (49 CFR 571.105–75) be amended as follows:

§ 571.105–75 [Amended]

1. Section S3 would be amended to read:

S3. *Application.* This standard applies to passenger cars and school buses equipped with hydraulic service brake systems.

2. The second sentence of S5.1.1.2 would be amended by deletion of the phrase "or other vehicle with a GVWR of 10,000 pounds or less".

3. The second sentence of S5.1.1.3 would be deleted.

4. In S5.1.1.4, the second sentence of the first paragraph and the first sentence of the second paragraph would be amended by deletion of the phrase "or other vehicle with a GVWR of 10,000 pounds or less".

5. Section S5.1.3 and its subsections would be amended so that the options S5.1.3.2, S5.1.3.3, and S5.1.3.4 would be available only to passenger cars.

6. Section S5.1.4.1 would be amended to read:

S5.1.4.1 The control force used for the baseline check stops or snubs shall be not less than 10 pounds, nor more than 60 pounds, except that the control force for a vehicle with a GVWR of 10,000 pounds or more may be between 10 pounds and 90 pounds.

7. Section S5.1.4.3 would be amended by deletion of the present S5.1.4.3(b) and S5.1.4.3(c) and the addition of a new S5.1.4.3(b) to read:

S5.1.4.3 • • •

(b) Each vehicle with a GVWR of more than 10,000 pounds shall be capable of making five recovery snubs from 40 mph to 20 mph at 10 fpsps for each snub, with a control force application that falls within the following maximum and minimum limits:

(1) A maximum for the first four recovery snubs of 150 pounds, and for the fifth snub, of 20 pounds more than the average control force for the baseline check (but in no case more than 100 pounds); and

(2) A minimum of 10 pounds or 40 percent (whichever is greater) less than the average control force for the baseline (but in no case less than 5 pounds).

8. Section S5.1.5.1 would be amended to read:

S5.1.5.1 The control force used for the baseline check stops or snubs shall be not less than 10 pounds, nor more than 60 pounds, except that the control force for a vehicle with a GVWR of 10,000 pounds or more may be between 10 and 90 pounds.

9. S5.1.5.2 would be amended so that S5.1.5.2(a) refers to vehicles with a GVWR of 10,000 pounds or less, and S5.1.5.2(b) would be amended to read:

S5.1.5.2 • • •

(b) After being driven for 2 minutes at a speed of 5 mph in any combination of forward and reverse directions through a trough having a water depth of 6 inches, each vehicle with a GVWR of more than 10,000 pounds shall be capable of making five recovery stops from 30 mph at 10 fpsps for each stop with a control force application that falls within the following maximum and minimum limits:

(1) A maximum for the first four recovery stops of 150 pounds, and for the fifth stop, of 60 pounds more than the average control force for the baseline check (but in no case more than 110 pounds); and

(2) A minimum of 10 pounds or minus 40 percent (whichever is greater) less than the average control force for the baseline check (but in no case less than 5 pounds).

10. Section S5.1.6 would be amended by replacing the word "vehicle" with the the words "passenger car".

11. Section S5.2 would be amended to require a maximum control force of 125 pounds for a foot-operated system and 90 pounds for a hand-operated system in the case of passenger cars, and 150 pounds for a foot-operated system and 125 pounds for a hand-operated system in the case of a school bus.

12. Section S5.2.1 would be amended to refer to a vehicle with a GVWR of 10,000 pounds or less, and S5.2.3 would be amended to refer to a vehicle with a GVWR of more than 10,000 pounds.

13. S6.1.2 would be amended to delete vehicles, trucks, and buses other than school buses, and S6.2 would be deleted.

14. The text of S7.5 and S7.10 (and their subsections) would be amended as appropriate to refer only to passenger cars,

15. In Table II, the numbers in Columns I(b), II(b), and III(b) that correspond to vehicle test speeds of 30, 35, 40, 45, 50, 55, and 60 mph would be replaced by the numbers 65, 110, 144, 182, 225, 272, and 323. In column IV(b), the numbers corresponding to those test speeds would be replaced by the numbers 194, 264, 345, 436, 538, 651, and 775.

16. In Table II, the numbers in Columns I(c), II(c), and III(c) that correspond to vehicle test speeds of 30, 35, 40, 45, 50, 55, and 60 mph, would be replaced by the numbers 81, 132, 173, 218, 264, 326, and 388. In column IV(c), the numbers corresponding to those test speeds would be replaced by the numbers 218, 312, 388, 490, 605, 732, and 872.

17. In Table III, reference to vehicles other than passenger cars and values appropriate for such vehicles, would be deleted.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Proposed effective date: September 1, 1976. The "Motor Vehicle and Schoolbus Safety Amendments of 1974" mandate that standards on operating systems of school buses become effective no later than October 27, 1976, and NHTSA concludes that September 1, 1976, is the most appropriate date for introduction of this standard, particularly in the case of small school buses whose model changeover occurs in September.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 202, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 25, 1975.

ROBERT L. CARTER,
*Associate Administrator*
*Motor Vehicle Programs.*

[FR Doc.75–11229 Filed 4–25–75;11:09 am]





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF THE TREASURY

### Secretary of the Treasury

### EMPLOYEE BENEFIT PLANS

### Exemption Procedure Under Section 408 (a) of the Employee Retirement Income Security Act of 1974

CROSS REFERENCE: For a document issued jointly by the Secretary of Labor and the Secretary of the Treasury, on exemption procedures under the Employee Income Security Act of 1974, see FR doc. 75–11192, *infra*.

## DEPARTMENT OF LABOR

### Labor-Management Services Administration

### EMPLOYEE BENEFIT PLANS

### Exemption Procedure Under Section 408(a) of the Employee Retirement Income Security Act of 1974

Section 408(a) of the Employee Retirement Income Security Act of 1974 (Public Law 93–406, hereinafter "the Act") provides that the Secretary of Labor may grant exemptions from the prohibited transaction restrictions of sections 406 and 407(a) of the Act and directs the Secretary to establish an exemption procedure with respect to such restrictions. Section 4975(c)(2) of the Internal Revenue Code of 1954 (hereinafter "the Code"), added by section 2003 of the Act, provides that the Secretary of the Treasury or his delegate may grant exemptions from the prohibited transaction restrictions of section 4975(c)(1) of the Code and directs the Secretary or his delegate to establish an exemption procedure with respect to such restrictions.

Under section 3003(b) of the Act, the Secretary of Labor and the Secretary of the Treasury are directed to consult and coordinate with each other with respect to the establishment of rules applicable to the granting of exemptions from the prohibited transaction restrictions of the Act and the Code. Under section 3004 of the Act, the Secretaries are authorized to jointly develop rules appropriate for the efficient administration of the Act, particularly with a view toward avoiding or reducing duplication of effort, conflicting or overlapping requirements, and the burden of compliance. Pursuant to sections 3003(b) and 3004 of the Act, the following exemption procedure is being issued jointly by the Secretary of Labor and the Secretary of the Treasury, through their designated delegates, under section 408(a) of the Act and section 4975(c)(2) of the Code. This joint procedure, insofar as it relates to exemptions under section 408(a) of the Act, shall be known as "ERISA Procedure (ERISA Proc.) 75–1" and, insofar as it relates to exemptions under section 4975(c)(2) of the Code, shall be known as "Revenue Procedure (Rev. Proc.) 75–26."

This prohibited transaction exemption procedure consists of rules of agency procedure and practice, and is therefore excepted under 5 U.S.C. 553(b)(3)(A) of the Administrative Procedure Act from the ordinary notice and comment provisions for agency rule making. It is further found to be contrary to the public interest to delay the issuance of this procedure. Accordingly, comments shall not be solicited or evaluated prior to publication, and the procedure is effective immediately on April 28, 1975.

CROSS REFERENCE: For a document issued by the Internal Revenue Service concerning the exemption procedure set forth below, see TIR–1367, issued April 25, 1975.

Section 1. *Purpose.* The purpose of this procedure is to set forth the general procedures of the Department of Labor and the Internal Revenue Service for the processing of applications for exemption under section 408(a) of the Employee Retirement Income Security Act of 1974 (Public Law 93–406), hereinafter referred to as "the Act", and section 4975(c)(2) of the Internal Revenue Code of 1954 as added by the Act.

Section 2. *Background and definitions.* .01 Section 408(a) of the Act provides that the Secretary of Labor may grant a conditional or unconditional exemption respecting any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by sections 406 and 407(a) of the Act.

Section 4975(c)(2) of the Code provides that the Secretary of the Treasury or his delegate may grant a conditional or unconditional exemption respecting any disqualified person or transaction, or class of disqualified persons or transactions, from all or part of the restrictions imposed by section 4975(c)(1) of the Code.

.02 The Secretary of Labor has delegated his functions under section 408(a) of the Act to the Assistant Secretary of Labor for Labor-Management Relations.

.03 The Secretary of the Treasury has delegated his functions under section 4975(c)(2) of the Code to the Commissioner of Internal Revenue.

.04 Unless otherwise provided in this procedure, the term "Secretary" shall mean the Assistant Secretary of Labor for Labor-Management Relations and the Commissioner of Internal Revenue collectively.

.05 If an exemption or application for an exemption relates solely to section 408(a) of the Act, the term "Secretary" shall mean the Assistant Secretary of Labor for Labor-Management Relations.

.06 If an exemption or application for exemption relates solely to section 4975(c)(2) of the Code, the term "Secretary" shall mean the Commissioner of Internal Revenue.

.07 The terms "party in interest" and "disqualified person" include a fiduciary.

.08 Each application considered by the Secretary will be assigned an identifying number. Such number may be referred to in lieu of the description required by § 4.06(12) of this procedure.

Section 3. *Persons who may apply for exemptions.* .01 An exemption proceeding under this procedure may be initiated by either Secretary on his own motion.

.02 An exemption proceeding under this procedure shall be initiated by the Secretary upon the application of:

(1) Any party in interest or disqualified person with respect to a plan, who is or may be a party to the prohibited transaction or transactions for which an exemption is sought; or

(2) In the case of an application for exemption with respect to a class of fiduciaries, class of disqualified persons, or class of transactions, in addition to any person described in paragraph (1) above, an association or organization representing parties in interest or disqualified persons who may be parties to such prohibited transaction or transactions.

.03 An application by or for a person described in 3.02(1) or 3.02(2) must be signed by the applicant or by his authorized representative. If the application is signed by a representative of the applicant, he must be:

(1) an attorney who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Internal Revenue Service a written declaration that he is currently qualified as an attorney and he is authorized to represent the principal;

(2) a certified public accountant who is duly qualified to practice in any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Internal Revenue Service a written declaration that he is currently qualified as a certified public accountant and he is authorized to represent the principal; or

(3) a person, other than an attorney or certified public accountant, enrolled to practice before the Internal Revenue



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Service, and who files with the Internal Revenue Service a written declaration that he is currently enrolled (including in the declaration either his enrollment number or the expiration date of his enrollment card) and that he is authorized to represent the principal. (See Treasury Department Circular No. 230, Revised, C.B. 1965–2, 1171, as amended, C.B. 1967–1, 433 and C.B. 1970–2, 644, for the rules on who may practice before the Internal Revenue Service.) The above requirements do not apply to an individual representing his full time employer, or to a bona fide officer, administrator, trustee, etc., representing a corporation, trust, estate, association, or organized group, including a labor organization.

.04 An application for exemption relating to an individual transaction will not ordinarily be considered separately if a class exemption which would encompass the individual transaction either (1) has been the subject of an exemption proceeding or (2) is under consideration by the Secretary.

Section 4. *Instructions to applicants.* .01 If an exemption is sought under both section 408(a) of the Act and section 4975(c)(2) of the Code, two copies of the application shall be filed with: Exemption Application (Dual), Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216 and two copies shall be filed with: Internal Revenue Service, Attention E:EP:T, 1111 Constitution Avenue NW Washington, D.C. 20224.

.02 If an exemption is sought solely under section 408(a) of the Act and not under 4975(c)(2) of the Code, two copies of the application shall be filed with: Exemption Application, Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216.

.03 If an exemption is sought with respect to an individual retirement account described in section 408(a) of the Code, or an individual retirement annuity described in section 408(b) of the Code, or any other transaction covered solely by section 4975(c)(1) of the Code and not under section 406 or 407(a) of the Act, two copies of the application shall be filed with: Internal Revenue Service, Attention: E:EP:T, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

.04 Any exemption application which is filed solely under section 408(a) of the Act with respect to a transaction which would also be prohibited under the corresponding provisions of section 4975(c)(1) of the Code, and any application which is filed solely under section 4975(c)(2) of the Code with respect to a transaction which would also be prohibited under the corresponding provisions of section 406 of the Act, shall be treated as an application for exemption under both section 408(a) of the Act and section 4975(c)(2) of the Code.

.05 An application submitted under this procedure shall contain all of the information specified in subsection .06 if such application is for an exemption other than for a class of transactions, class of fiduciaries, or class of disqualified persons. If the application is for a class of transactions, class of fiduciaries, or class of disqualified persons, the application need contain only the information required under paragraphs (4) through (10), (16), and (17) of subsection .06. If any of the information specified in subsection .06 cannot be furnished, an explanation of why it cannot be furnished shall be provided.

.06 Information to be submitted with application for exemption:

(1) The name and type of plan or plans (e.g. pension, profit-sharing, or welfare plan);

(2) The Employer Identification Number (EIN), the Plan Number (PN) used by the plan in reporting to the Internal Revenue Service on Form 4848, and the WP number, if one was assigned under the Welfare and Pension Plans Disclosure Act;

(3) The estimated number of plan participants;

(4) A detailed description of the transaction and the fiduciary or disqualified person, or class thereof, for which an exemption is requested;

(5) The possible violation or violations of the prohibited transaction provisions for which exemptions are requested;

(6) Whether such transaction or transactions have been already entered into or are transactions which the parties intend to enter into if the exemption is granted;

(7) Whether the transaction or transactions are customary for the industry or class involved;

(8) The hardship or economic loss, if any, which would result to the person or persons on whose behalf the exemption is sought, to the plan, and to its participants and beneficiaries from denial of the application;

(9) At the option of the applicant, a draft setting forth the exemption proposed by the applicant;

(10) A statement explaining why such exemption would be:

(a) Administratively feasible;

(b) In the interest of the plan or plans which would be affected if the exemption were granted and of their participants and beneficiaries; and

(c) Protective of the rights of the participants and beneficiaries of the affected plan or plans;

(11) Whether, to the best knowledge of the applicant, the plan or trust has ever been found by the appropriate Secretary or by a court to have violated the exclusive benefit rule of section 401(a) of the Code, or to have engaged in a prohibited transaction under section 503 (b) of the Code or corresponding provisions of prior law, section 4975(c)(1) of the Code, or sections 406 or 407(a) of the Act;

(12) Whether, to the best knowledge of the applicant, any relief under section 408(a) of the Act or section 4975 (C)(2) of the Code has been requested by, or provided to, the applicant or any of the parties on behalf of whom the exemption is sought and, if so, a description of such relief (see § 2.08 of this procedure);

(13) Whether, to the best knowledge of the applicant, the applicant or any of the parties to the transaction sought to be exempted is currently, or has been within the last five years, a defendant in any lawsuit concerning such person's conduct as a fiduciary, party in interest, or disqualified person with respect to any plan;

(14) Whether, to the best knowledge of the applicant, the affected plan or plans have experienced any reportable events under section 4043 of the Act;

(15) Whether, to the best knowledge of the applicant, a notice of intent to terminate has been filed respecting the affected plan or plans under section 4041 of the Act;

(16) With respect to the notification of interested persons in accordance with section 7 of this procedure, the applicant shall include the following:

(a) A description of the interested persons to whom notice will be provided;

(b) The manner by which such notice will be provided; and

(c) The time period within which such notice will be given (see § 7.03 of this procedure);

(17) A certification by the applicant that, to the best of the applicant's knowledge, the application is accurate and complete.

Section 5. *Conferences.* .01 The applicant shall indicate whether a conference is desired in the event the Secretary contemplates not granting the requested exemption. Any such conference shall be held in Washington, D.C.

.02 If more than one applicant has requested an exemption with respect to the same or similar classes of transactions, and the Secretary contemplates not granting the exemption, and if more than one applicant has requested a conference, such conferences will be scheduled, insofar as possible, as a joint conference with all such applicants present.

.03 An applicant is entitled to only one conference. If an application falls within § 4.01 of this procedure, such conference shall be a joint conference with representatives of both the Department of Labor and the Internal Revenue Service.

.04 In any case in which a hearing is held, an applicant shall not be entitled to a conference.

Section 6. *Publication of notice in the* FEDERAL REGISTER. .01 Before granting an exemption under this procedure, the Secretary shall publish notice of the pendency of such exemption in the FEDERAL REGISTER, stating the earliest date upon which a decision may be entered.

.02 The notice shall provide that any interested person may, within the period of time specified therein, submit to the Secretary in writing any comments relating to the proposed exemption, including a statement of the nature of the person's interest in the matter.

.03 Where the exemption involves one or more transactions described in section 406(b) of the Act or section 4975(c)(1) (E) or (F) of the Code, between a plan and a fiduciary, the notice shall also provide that any interested person may, within the period of time specified therein, request that a hearing be held, stating the reasons for requesting such a hearing and the nature of the person's interest in the matter.

Section 7. *Notification of interested persons.* .01 If a notice is published in the FEDERAL REGISTER in accordance with section 6 of this procedure, the applicant shall give adequate notice to interested persons of the pendency of the exemption. If the Secretary deems the notice that the applicant proposes to give to interested persons pursuant to § 4.06(16) of this procedure to be inadequate, the Secretary shall, prior to the publication of the pendency of the exemption, specify in writing to the applicant the notice that would be considered to be adequate, and shall secure the applicant's written confirmation that such notice will be provided.

.02 The notice specified in § 4.06(16) shall not be considered adequate unless:

(1) It contains a copy of the notice of pendency of such exemption published in the FEDERAL REGISTER in accordance with § 6.01 of this procedure;

(2) It timely informs interested persons of their right to comment (and in the case of transactions prohibited by section 406(b) of the Act or section 4975 (c)(1)(E) or (F) of the Code, of their right to request a hearing), within the period set forth in the notice of the pendency of the exemption; and

(3) In the case of a plan or plans, any of the participants of which are members of one or more employee organizations within the meaning of section 3(4) of the Act, it provides such organizations a copy of such notice.

.03 No exemption will be granted unless the applicant provides evidence satisfactory to the Secretary that adequate notice was timely provided to interested persons.

Section 8. *Inaccuracies, changes of fact, and documentation.* .01 If any material fact contained in the application or any documents or testimony adduced by the applicant in support thereof is discovered by the applicant to be inaccurate, or if any such fact substantially changes, the applicant shall promptly notify the Secretary in writing and, in the case of an inaccuracy, shall include a statement of the reasons for such inaccuracy.

.02 The Secretary may require the applicant to provide such documentation as is considered necessary to verify the statements contained in the application.

Section 9. *Effect of exemptions.* .01 An exemption which is granted shall be effective to the extent and under the conditions described in such exemption. Except in the case of an exemption granted with respect to a class of fiduciaries or disqualified persons, or class of transactions, an exemption may be relied upon only by the parties so exempted or the parties to the transaction so exempted.

.02 The Secretary may at any time revoke or limit an exemption. Before ordering any such revocation or limitation, the Secretary shall give the applicant and any persons who filed comments or testified at a hearing with respect to the application for exemption at least 30 days notice of the proposed revocation or limitation, including the reasons therefor, and an opportunity to comment with respect to such revocation or limitation.

.03 Except in rare or unusual circumstances, any revocation or limitation of an exemption will not be given retroactive effect, if the party or parties covered by the exemption have relied in good faith upon the exemption, and such retroactive revocation or limitation would result in significant injury to them. Retroactive revocation or limitation may be ordered, however, with respect to one or more parties covered by the exemption where there has been a misstatement or omission of a material fact with respect to the exemption. In addition, retroactive revocation or limitation may be ordered where there has been a substantial change in a material fact with respect to the exemption and such change has not been reported as required by § 8.01 of this procedure; but such revocation or limitation will not be made retroactive prior to the time of such substantial change of material fact.

Section 10. *Public inspection.* Applications for exemption (including documents submitted in support of such applications) and all comments and records of hearings and conferences (if any) pertaining thereto shall be open to public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue, NW, Washington, D.C. 20224, except that applications submitted under § 4.02 of this procedure shall be open to public inspection at the Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216.

Section 11. *Effective date.* This procedure is effective April 28, 1975.

Signed at Washington, D.C. this 24th day of April, 1975.

PAUL J. FASSER, JR.,
*Assistant Secretary of Labor for Labor-Management Relations.*

[FR Doc.75-11192 Filed 4-24-75;4:06 pm]

## DEPARTMENT OF DEFENSE

### Corps of Engineers

### ILLINOIS

### Application

APRIL 18, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 USC 185), Wolverine Pipeline Company has applied for a fuel-carrying pipeline right-of-way in, through, and across the following U.S. Government-owned lands, said lands being a part of Joliet Army Ammunition Plant, Illinois:

WILL COUNTY, ILLINOIS

T. 34 N., R. 9 E.,
Sec. 23 and 24.
and
T. 34 N., R. 10 E.,
Sec. 18, 19 and 20.

The pipeline, in its entirety, will convey petroleum from Joliet, Illinois, to Hammond, Indiana.

The purpose of this notice is to inform the public that the Corps of Engineers will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Those persons who desire to make comments or objections should state their views in detail and send them to the District Engineer, Omaha District, Corps of Engineers, 6014 U.S.P.O. & Courthouse, Omaha, Nebraska 68102, within 30 days of the date of publication of this notice.

RUSSELL A. GLENN,
*Colonel, Corps of Engineers*
*District Engineer.*

[FR Doc.75-11019 Filed 4-25-75;8:45 am]

## DEPARTMENT OF JUSTICE

### Antitrust Division

### UNITED STATES V. NORRIS INDUSTRIES

### Written Comments Upon Consent Judgment and Department of Justice Responses Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the following written comments on the proposed judgment filed with the United States District Court in the Central District of California in Civil Action No. 73-1036, United States of America v. Norris Industries, Inc., were received by the Department of Justice and are published herewith, together with Justice's responses to the comments.

Dated: April 22, 1975.

THOMAS E. KAUPER,
*Assistant Attorney General*
*Antitrust Division.*

INSTITUTE FOR PUBLIC INTEREST REPRESENTATION,
GEORGETOWN UNIVERSITY LAW CENTER,
*Washington, D.C., February 28, 1975.*

U.S. Department of Justice,
*Antitrust Division,*
*Washington, D.C. 20530.*

Re *United States of America v. Norris Industries, Inc.*, Civil Action No. 73-1036 WPG Proposed Consent Decree: Competitive Impact Statement.

GENTLEMEN: These comments are submitted by the writer personally pursuant to Section 2(d) of the Antitrust Procedures and Penalties Act, which provides that "the United States shall receive and consider written comments relating to the proposal for the consent judgment." Contrary to the implication in the Competitive Impact Statement (hereinafter CIS) cited above, these comments may be filed whether or not the









PST company, may have the undesirable

Sec. 33, NW¼, NE¼SW¼, W½SE¼.

office of the Bureau of Reclamation

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commentator believes "that the proposed judgment should be modified."

The argument of the United States in the above CIS concedes that although "the prayer for relief in this case sought divestiture of all of the stock or assets acquired" from PST, the "proposed settlement would permit Norris to retain PST plant two, if it promptly sells plant one." The CIS seeks to justify this compromise because it will result in *"prompt* restoration of PST as a competitor in those lines of commerce where it and Norris were direct and substantial competitors prior to the acquisition." [Emphasis added.]

By its terms, defendant has 18 months from the date the decree becomes effective (4½ years from the date the Complaint was filed) to divest. To put it politely, it is not accurate to characterize this time period as "prompt."

Reasons for the compromise settlement given in the CIS include the following:

"Many general considerations are involved in every enforcement decision. Here, for example, an appraisal of the time and effort that would be required for a trial on the merits was obviously a factor. Also, the proof of a potential competition case, such as is involved in industrial cylinders, is significantly more difficult than for a case involving existing competition. Moreover, Norris' past inability to successfully manufacture industrial cylinders compounded these problems and was a factor in gauging the likelihood of success on this part of the case."

This justification is too vague as to be of assistance to the Court. Specifically, the justification does not gauge the likelihood of success at trial. Rule 11 of the Federal Rules of Civil Procedure provides that when an attorney files a complaint he believes that "there is good ground to support it." The CIS, notably, does not state that there is no longer good ground to support the Complaint's prayer for divestiture.

I urge the Antitrust Division to file an amended CIS. If it decides not to do so, I respectfully suggest that the Court should decline to approve the proposed judgment.

Respectfully submitted,

VICTOR H. KRAMER.

U.S. DEPARTMENT OF JUSTICE,
*Washington, D.C., April 21, 1975.*

VICTOR H. KRAMER, *Esquire, Institute For Public Interest Representation, Georgetown University Law Center, 600 New Jersey Ave. NW., Washington, D.C. 20001.*

Re: *United States v. Norris Industries, Inc.*

DEAR MR. KRAMER: Thank you for your letter of February 28, 1975 commenting upon the Competitive Impact Statement ("CIS") filed in connection with the proposed settlement of *United States of America* v. *Norris Industries, Inc.*

Your letter raises two basic points. First, you state that "it is not accurate to characterize" the 18 month time period for divestiture as "prompt."[1] We disagree. First, the 18 month period is the maximum allowable time for divestiture. It could take place sooner, however. In any case, transactions of this nature usually require some months to complete, as you know. Also, without this settlement, it would probably have taken at least one year to complete discovery and other pretrial procedures, to try the case, to submit post-trial briefs and findings and to receive a decision from the court. Then there was a possibility that an appeal would have been taken to the Court of Appeals and perhaps the Supreme Court. After completion of the appellate process and assuming that the government prevailed, the district court would still have to allow a reasonable time for divestiture, probably 18 months or more. Thus, under these circumstances, we believe that divestiture under the consent decree would indeed be prompt.

Second, you state that although Rule 11 of the Federal Rules of Civil Procedure provides that an attorney believe "there is good ground to support" a pleading, the CIS does not state that there is no longer good grounds to suppport the complaint's prayer for divestiture, or specifically gauge the likelihood of success at trial. The government believes that the complaint is supported now and was supported when it was filed. But there were problems with this case, as with almost all cases, and these problems (which are stated in the CIS) required that a realistic appraisal of the case reflect the possibility that after the lengthy and expensive process of litigation, the government might receive no better relief, or even less relief, than through this settlement.

Thus, we believe that the CIS fully Complies with the requirements of the Antitrust Procedures and Penalties Act, and does not require the amendments which you suggest.

Sincerely yours,

THOMAS E. KAUPER,
*Assistant Attorney General, Antitrust Division,*

By HUGH P. MORRISON, Jr.
*Chief, Special Trial Section.*

[1] You also state that the 18 month period would end 4½ years after the complaint was filed. Divestiture would in fact be completed in 3½ years. The complaint was filed in May 1973.

UNITED STEEL WORKERS OF AMERICA,
PRESSED STEEL TANK LOCAL NO. 1569,
A.F.L.-C.I.O.

*March 24, 1975.*

Mr. HUGH MORRISON, *Chief*
*Special Trial Section,*
*Anti-Trust Division,*
*Department of Justice,*
*Washington, D.C. 20530.*

Dear Mr. MORRISON: The United States Justice Department, pursuant to the Anti-Trust procedures and Penalties Act, and Norris Industries Inc. have recently entered into a consent decree directly related to the Pressed Steel Tank Company in Milwaukee, Wisconsin. The consent decree demands that Norris Industries divest themselves of what is termed "Plant Number One" within eighteen months of entry of this judgment. The decree offers an alternate, that being Norris Industries must divest themselves of Pressed Steel Tank Company in its entirety within thirty-six months of final judgement.

Top level management of the Pressed Steel Tank Company have indicated it is the intention of Norris Industries to sell Plant Number One, which houses 430 employees, and retain Plant Number Two which houses 190 employees. While the consent decree may seem fundamental and conducive to cylindrical tank competition, it has done nothing for the employees except complicate their lives and has created a demoralizing "monster". It must be pointed out that this long established company has been exposed to sale at least two times in the past eight years. Each sale has subjected the employees to the trials and tribulations of not knowing whether or not the labor agreement would remain in full force and effect, not knowing what to look forward to with new management and all the other insecurities inherent to and associated with such transactions.

Generally speaking, the employees at Pressed Steel Tank are "long term" rather than the sojourn variety. As members of Local #1569, chartered in 1942, they have stood shoulder to shoulder a good number of times during labor disputes to achieve an enviable position in our society and a more than respectable labor agreement. It would be remiss not to say that the eminent sale has already adversely affected their lives. The circumstances surrounding this divestiture are more complex and demanding as compared to past sales, due to the fact it will undoubtedly create a division of local union members, finances, property and due to different profit margins on the products the negotiating abilities will vary and the end result will be dissimilar labor agreements. In the past these employees have always *shared* the fruits of their *togetherness.* It is inconceivable that erosion of the bargaining unit of Local #1569, United Steelworkers of America, could be accomplished with just one stroke of a pen.

It must be pointed out that when Norris Industries initially purchased Pressed Steel Tank Company in 1970, management was well aware of the possibility of a Sherman Anti-Trust suit against them. Norris Industries has plants in California and other states producing the same type tanks manufactured at Plant Number One. The compelling reason for purchase was to attain the "know-how" and to enter into the more marketable, less competitive high pressure tank business. The Company, in spite of the above mentioned presumption entered into a purchase agreement which now could conceivably have an adverse affect on the lives of over six-hundred members of Local #1569.

Upon reviewing the cylinder sales and volume data provided in the FEDERAL REGISTER, dated February 21, 1975, I do not believe these figures bear out the Justice Department's contention that potential competition has been lessened as the result of Norris Industries' acquisition of Pressed Steel Tank Company.

It is my understanding that a consent decree is not final and binding on either party for a period of sixty days after issuance pending intervention by interested parties. That being a fact, I am asking, on behalf of the total membership of Local #1569 that the Justice Department withdraw of its consent to the proposed final judgment. If it is not possible to withdraw its consent, it is the wish of the members that it be modified to reflect all inclusive and total divesture of Pressed Steel Tank Company from Norris Industries Inc.

It is with sincere interest that the Justice Department review their position in this matter and consider the above request.

Sincerely & fraternally yours,

JACK E. HUDSON,
*President,*
*Local #1569, U.S.W.A.*

RODNEY J. KLEMETT,
*Recording Secretary,*
*Local #1569, U.S.W.A.*

U.S. DEPARTMENT OF JUSTICE,
*Washington, D.C., April 21, 1975.*

JACK E. HUDSON, *President, Rodney J. Klemett, Recording Secretary, United Steel Workers of America, Local No. 1569, 1310 N. 37th Place, Milwaukee, Wisconsin 53208.*

DEAR MESSRS. HUDSON AND KLEMETT: Thank you for your letter of March 24, 1975 regarding the proposed consent decree in *United States* v. *Norris Industries, Inc.*

Your letter states that divestiture by Norris of PST plant one, instead of the entire PST company, may have the undesirable effect of dividing your union local.

While we do not know whether your union's rules would require this result, we still believe that entry of the proposed consent decree is in the public interest. The competitive impact statement sets out the many factors which we considered before entering into this settlement.

Although the settlement may have a temporary effect upon your local, we must stress that the purpose of our suit against Norris was to restore competition. The proposed consent decree will accomplish this promptly and with minimal expense and risk. We believe that restoration of competition will in the long-run benefit all who deal with this industry.

Sincerely yours,

THOMAS E. KAUPER,
*Assistant Attorney General, Antitrust Division.*

By HUGH P. MORRISON, Jr.,
*Chief, Special Trial Section.*

[FR Doc.75-10975 Filed 4-25-75;8:45 am]





## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Colorado 22447]

### ROCKY MOUNTAIN NATURAL GAS COMPANY, INC.

### Notice of Pipeline Application

APRIL 18, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain National Gas Company, Inc., Box 700, Glenwood Springs, Colorado 81601, has applied for a right of way for an 8⅝ inch o.d. natural gas pipeline, approximately 20 miles long, across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 96 W.,
Sec. 27, S½SW¼;
Sec. 28, NW¼, SE¼, NE¼;
Sec. 29, N½SE¼;
Sec. 30, E½SW¼, SW¼SW¼, N½SE¼;
Sec. 31, lot 4 (in the SW¼SW¼).
T. 9 S., R. 97 W.,
Sec. 15, NW¼SE¼, SW¼NE¼;
Sec. 25, SW¼, SE¼SE¼;
Sec. 26, N½SE¼, SE¼SE¼;
Sec. 36, NE¼NW¼, E½SE¼;
T. 8 S., R. 97 W.,
Sec. 6, NE¼, E½NW¼SE¼;
Sec. 20, NE¼NW¼.
T. 7 S., R. 97 W.,
Sec. 8, NW¼SW¼, SW¼SW¼ (lots 5 and 6);
Sec. 17, lot 8 (SW¼SW¼);
Sec. 19, NW¼SE¼;
Sec. 30, W½SE¼, SE¼SE¼;
Sec. 31, NE¼, SE¼.
T. 6 S., R. 97 W.,
Sec. 4, lot 2 (NW¼NE¼), SW¼SE¼;
Sec. 9, E½;
Sec. 16, NE¼;
Sec. 28, E½NE¼.
T. 3 S., R. 97 W.,
Sec. 3, lot 4 (NW¼NW¼), SW¼NW¼, W½SW¼;
Sec. 9, SE¼;
Sec. 10, NW¼;
Sec. 16, E½, SE¼SW¼;
Sec. 21, W½;
Sec. 28, W½;
Sec. 33, NW¼, NE¼SW¼, W½SE¼.
T. 2 S., R. 97 W.,
Sec. 21, SE¼;
Sec. 27, SW¼SW¼;
Sec. 28, E½;
Sec. 33, E½E½;
Sec. 34, NW¼NW¼.

The facility will enable applicant to supply natural gas needed in the area through which the pipeline will go and to transport it to applicant's customers.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

EVERETT K. WEEDIN,
*Chief, Branch of Land Operations.*

[FR Doc.75-11032 Filed 4-25-75;8:45 am]

### Bureau of Reclamation

### JENSEN UNIT, CENTRAL UTAH PROJECT

### Public Hearings

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the authorized Jensen Unit of the Central Utah Project. This statement (INT DES 75-22, dated April 14, 1975) was made available to the public on April 23, 1975.

The draft environmental statement deals with the construction of a northeastern Utah water resource project that would develop water for irrigation in the vicinity of Jensen, Utah, and municipal water to augment existing supplies to Vernal and nearby Ashley Valley towns. It would also provide fish and wildlife, recreation, and flood control benefits. Tyzack Dam, reservoir, aqueduct, and Burns pumping plant are main features of the unit.

A public hearing will be held in Vernal, Utah, to receive comments relating to the draft environmental statement. The hearing will be held in the auditorium of the Vernal Junior High School, 721 West 100 South, at Vernal, Utah, beginning at 7 p.m., May 28, 1975. The hearing will continue until all applicants have been heard.

The draft environmental statement is available for public review in the regional office of the Bureau of Reclamation, Room 7223, Federal Building, 125 South State Street, P.O. Box 11568, Salt Lake City, Utah 84111; or at the Utah Activities Office, 168 West 100 North, P.O. Box 1338, Provo, Utah 84601. Individual copies of the statement may be obtained without charge by writing to the Regional Director, Salt Lake City. A copy of the statement has also been made available at the Uintah County Library in Vernal, Utah, for public inspection.

Individual oral statements at the hearing will be limited to 10 minutes. Any person desiring additional time must secure prior approval. An oral statement may be supplemented by a written statement which may be submitted to the hearing officer at the time of presentation of the oral statement or may be mailed to the regional office of the Bureau of Reclamation in Salt Lake City. Each organization wishing to present oral testimony will be limited to one individual unless prior approval is obtained. Approval for additional time or witnesses must be obtained from the Regional Director. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524-5592, prior to 4:30 p.m., May 23, 1975. Speakers will be scheduled according to the time mentioned in their letter or telephone request whenever possible. Any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the schedued speakers. Written comments from those unable to attend the hearing or those wishing to supplement their oral presentation at the hearing may be submitted to the Regional Director until June 6, 1975, for inclusion in the hearing record.

Dated: April 23, 1975.

G. G. STAMM,
*Commissioner of Reclamation.*

[FR Doc.75-10983 Filed 4-25-75;8:45 am]

### Fish and Wildlife Service

### COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS

### Report on Emergency Use of M-44 Devices During February 1975

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of February. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in



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accordance with 40 CFR 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER notice of June 20, 1974 (39 FR 2216G).

Actual M–44 use for February 1975 is as follows:

*M–44 emergency use—February 1975*

| State | Number of counties | Number of ranches | Number of cattle, sheep and goats protected | No. M–44's used |
|---|---|---|---|---|
| Arizona | 3 | 17 | 1,415 | 210 |
| California | 1 | 4 | 2,023 | 31 |
| Idaho | 1 | 1 | 500 | 10 |
| Montana | 21 | 35 | 26,934 | 911 |
| New Mexico | 8 | 19 | 10,532 | 559 |
| Oklahoma | 8 | 17 | 1,204 | 174 |
| Oregon | 5 | 22 | 2,952 | 193 |
| Texas | 30 | 172 | 66,638 | 1,661 |
| Utah | 5 | 7 | 7,455 | 104 |
| Wyoming | 8 | 45 | 50,734 | 794 |
| Total | 90 | 339 | 170,387 | 4,647 |

One or more coyotes were taken with this device on 116 of the 339 emergency areas, but losses were not necessarily halted in each case. During this month, 307 coyotes were taken by this device. Other species taken with the device during this period include 68 foxes, 13 feral dogs, 1 raccoon, 28 skunks, 12 opossums, and 1 ringtail cat.

All of the above use of M–44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained Service personnel in accordance with the Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M–44 Device for the Control of Depredating Canids, as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

LYNN A. GREENWALT,
*Director,*
*Fish and Wildlife Service.*

APRIL 22, 1975.

[FR Doc.75–11034 Filed 4–25–75;8:45 am]

## FRESH WATER CRUSTACEANS

### Review of Status

On September 9, 1974, the Department of the Interior received a petition from the National Speleological Society, Inc. of Washington, D.C., which is affiliated with the American Association for the Advancement of Science seeking inter alia, a Departmental review of the status of 67 freshwater crustaceans for the purposes of determining whether these species should be listed, pursuant to Section 4 of the Endangered Species Act of 1973, as endangered or threatened species.

On October 17, 1974, a notice was published in the FEDERAL REGISTER (39 FR 37078–79) that the Department of the Interior was reviewing the status of 61 molluscs and crustaceans, including 10 for which the National Speleological Society of Washington, D.C., is currently petitioning. Notice is hereby given, pursuant to Section 4(c)(2) of the Act, that the National Speleological Society, Inc. of Washington, D.C., has presented sufficient evidence to warrant a review of the remaining 57 species (most of which occur in caves or springs) to determine whether they should be proposed for listing as either endangered species or threatened species. The species to be reviewed are as follows:

| Common name | Scientific name | Where found |
|---|---|---|
| Scud | *Allocrangonyx hubrichti* | Missouri. |
| Do | *Allocrangonyx pellucidus* | Oklahoma. |
| Do | *Apocrangonyx aratus* | Virginia. |
| Do | *Apocrangonyx laciftugus* | Illinois. |
| Norton's cave scud | *Apocrangonyx nortoni* | Tennessee. |
| Subtle cave scud | *Apocrangonyx subtilis* | Illinois, Missouri. |
| Scud | *Bactrurus hubrichti* | Missouri, Kansas, Oklahoma. |
| Do | *Crangonyx anomalus* | Indiana, Ohio, Kansas. |
| Do | *Crangonyx antennatus* | Tennessee, Virginia, Alabama. |
| Bobb's cave scud | *Crangonyx bobbi* | Florida. |
| Miner cave scud | *Crangonyx minor* | Iowa, Indiana, Illinois. |
| Packard's cave scud | *Crangonyx packardi* | Indiana, Kentucky. |
| Diminutive scud | *Gammarus sp.* | Texas. |
| Noel's scud | do | New Mexico. |
| Bousfield's scud | *Gamnarus bousfieldi* | Kentucky. |
| Scud | *Gammarus acherondites* | Illinois. |
| Pecos scud | *Gammarus pecos* | Texas. |
| Texas cave sprimp | *Palaemonetis antrorum* | Do. |
| Florida cave shrimp | *Palaemonetes cummingi* | Florida. |
| Alabama cave shrimp | *Palaemias alabamae* | Alabama. |
| Kentucky cave shrimp | *Palaemias ganteri* | Kentucky. |
| Palm Springs cave crayfish | *Procambarus acherontis* | Florida. |
| Scud | *Stygobromus exilis* | Kentucky, Tennessee, Alabama. |
| Do | *Stygobromus heteropodus* | Missouri. |
| Do | *Stygobromus hubbsi* | Oregon. |
| Iowa scud | *Stygobromus iowae* | Iowa. |
| Scud | *Stygobromus mackinii* | Virginia, Tennessee. |





| Common name | Scientific name | Where found |
|---|---|---|
| Do | *Stygobromus onodagensis* | Missouri. |
| Do | *Stygobromus pistalis* | Wisconsin. |
| Do | *Stygobromus smithi* | Alabama. |
| Oregon cave scud | *Stygobromus oregonensis* | Oregon. |
| Grady's cave scud | *Stygobromus gradyi* | California. |
| Hars's cave scud | *Stygobromus harai* | Do. |
| Wengerot's cave scud | *Stygobromus wengerorum* | Do. |
| MacKenzie's cave scud | *Stygobromus mackenzici* | Do. |
| Arizona cave scud | *Stygombromus arizonensis* | Arizona. |
| Allegheny cave scud | *Stygonecles allegheniensis* | New York, Maryland, Pennsylvania. |
| Balcome's cave scud | *Stygonecles balconis* | Texas. |
| Barr's cave scud | *Stygonecles barri* | Missouri. |
| Bifurcated cave scud | *Stygonecles bifurcatus* | Texas. |
| Bowman's cave scud | *Stygonecles bowmani* | Oklahoma. |
| Clanton's cave scud | *Stygonecles clantoni* | Kansas, Missouri. |
| Cooper's cave scud | *Stygonecles cooperi* | West Virginia. |
| Scud | *Stygonecles dejectus* | Texas. |
| Do | *Stygonecles elatus* | Arkansas. |
| Do | *Stygonecles emarginatus* | Maryland, West Virginia. |
| Do | *Stygonecles flagellatus* | Texas. |
| Do | *Stygonecles gracilipes* | Maryland, Virginia, West Virginia. |
| Do | *Stygonecles hadenoecus* | Texas. |
| Do | *Stygonecles longipes* | Do. |
| Mountain cave scud | *Stygonecles montanus* | Arkansas. |
| Morrison's cave scud | *Stygonecles morrisoni* | West Virginia, Virginia. |
| Ozark cave scud | *Stygonecles ozarkensis* | Oklahoma, Missouri, Arkansas. |
| Peck's cave scud | *Stygonecles pecki* | Texas. |
| Scud | *Stygonecles reddelli* | Do. |
| Spring cave scud | *Stygonecles spinatus* | West Virginia. |
| Scud | *Stygonecles tenuis* | Connecticut, Maryland, Washington, District of Columbia, Virginia. |

The Department is seeking the views of the Governors of the States of Indiana, Ohio, Kentucky, Tennessee, Virginia, Alabama, Pennsylvania, Maryland, Florida, Iowa, Illinois, Texas, New Mexico, Oklahoma, Missouri, Oregon, Wisconsin, California, Arizona, New York, Connecticut, Kansas, West Virginia, Arkansas, and the Mayor of Washington, D.C., on the issues presented by the petition.

All other interested parties are hereby invited to submit factual information concerning this review of the status of these species. Such information should be sent to "Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240." These views and recommendations together with the evidence presented and available to the Secretary and that provided with the petition of the National Speleological Society, will be reviewed to determine whether sufficient evidence is available to support the action requested by the petition.

LYNN A. GREENWALT,
*Director.*

APRIL 21, 1975.

[FR Doc.75–11035 Filed 4–25–75;8:45 am]

## MARINE MAMMAL PERMIT

### Receipt of Amendments

A permit to take Pacific Walrus for scientific research was issued to Dr. G. Carleton Ray and Dr. Francis H. Fay, on July 3, 1974, pursuant to the Marine Mammal Protection Act of 1972. A notice containing the application for the permit was published in the FEDERAL REGISTER on April 16, 1974 (39 FR 13692), soliciting public comment for a period of 30 days. A notice of issuance of the permit was published on July 12, 1974 (39 FR 25674).

The permittee has submitted a request for significant amendments to the permit. Published herewith is a copy of the terms of the permit, and the permittee's request for amendments. This request is being considered pursuant to § 13.23 of Fish and Wildlife regulations, Title 50 of the Code of Federal Regulations (see 39 FR 1162).

FSF/LE–ENF 7–02

Date: JULY 3, 1974.

Permittees:
Dr. G. Carleton Ray
Department of Pathobiology
Johns Hopkins University
615 North Wolfe Street
Baltimore, Maryland 21205

Dr. Francis H. Fay
Department of Wildlife and Fisheries
University of Alaska
Fairbanks, Alaska 99701

MARINE MAMMAL SCIENTIFIC RESEARCH PERMIT NO. SR MM–3

Effective: July 1, 1974.
Expires: August 15, 1974.

*1.* In accordance with section 101 of the Marine Mammal Protection Act of 1972, and the regulations issued thereunder, and pursuant to the letter of application submitted on March 18, 1974, by Dr. G. Carleton Ray, Johns Hopkins University, and Dr. Francis H. Fay, University of Alaska, the permittees or their authorized agents are authorized:

*TO TAKE*—by means of immobilizing drugs, for the purpose of attaching radio tags, using surgical techniques, or by means of a "limpet" device, ten (10) PACIFIC WALRUS (*Odobenus rosmarus*), on Round Island, Alaska;

*TO TAKE*—twenty (20) dead PACIFIC WALRUS, found on beaches on Round Island, Alaska, for the purpose of conducting a research program.

All of the activities authorized in this permit must be carried out in accordance with and for the purposes described in the application, and subject to all conditions and requirements of this permit, the applicable regulations, and applicable State and Federal law.

*2.* In the course of this research program every reasonable effort must be made not to harass any other fish or wildlife.

*3.* No more than five (5) people associated with this research program can be on Round Island, Alaska, at any given time.

*4.* All takings permitted under this permit shall be included in a written report to the Director, Fish and Wildlife Service, Washington, D.C. 20240, at the close of this project.

*5.* This permit must be in the possession of the persons to whom it is issued, or an authorized agent of such person, during

(i) The time of the authorized tagging or taking;

(ii) The period of any transit of such person or agent which is incidental to such taking;

(iii) Any other time while any Pacific Walrus, or their parts, taken under this permit, is in the possession of such person or agent.

*6.* A duplicate copy of this permit must be physically attached to the container, package, enclosure, or other means of containment, in which the walrus, or their parts, are placed for purposes of storage, transit, supervision or care.

*7.* The granting of this permit acknowledges receipt of a permit fee of fifty dollars.

C. R. BAVIN,
*Chief,*
*Division of Law Enforcement.*

SCHOOL OF HYGIENE AND PUBLIC HEALTH,
THE JOHN HOPKINS UNIVERSITY,
DEPARTMENT OF PATHOBIOLOGY,
*Baltimore, Md. February 11, 1975.*

DIRECTOR,
*Bureau of Sport Fisheries & Wildlife,*
*Department of the Interior,*
*Washington, D.C. 20240*

DEAR SIR: This letter is written for two reasons; (1) to request an extension to permit No. SR MM–3 issued 3 July 1974 and (2) to request an addition to our permit which would allow the collection of skin samples of walruses, taken from animals killed in the native harvest of that species.

Attached are: (*1*) our request for permit dated 18 March 1974, (*2*) the permit from Alaska Fish and Game dated 12 July 1974, (*3*) your permit No. SR MM–3, and (*4*) a copy of our "Report on Pacific Walrus Investigations" 14–21, July 1974 and sent to you on 1 August 1974. Rather than write a new and separate permit request, I will note the following changes in our original request in hopes that an extension of *Permit No. SR MM–3, can be issued by this means.*

First the applicants are Dr. G. Carleton Ray, Dr. Douglas Wartzok, and Mr. T. J. Eley, Jr. all of the above address. You already have my data. Those for Dr. Wartzok and Mr. Eley are:

| | Dr. Wartzok | Mr. Eley |
|---|---|---|
| Date of birth | May 10, 1942 | Mar. 31, 1947. |
| Height | 6 ft. | 6 ft. |
| Weight | 160 lbs. | 175 lbs. |
| Color of hair | Red | Dark brown. |
| Color of eyes | Blue | Brown. |
| Sex | Male | Male. |

The purpose, justification, and use of the animals for radio tagging are all identical to our previous application. However, we would like to request that the place be altered to include the entire range of walruses throughout the Bering and Chukchi Seas. As logistics become available, we would like the permission to apply radio tags to animals wherever they occur, either with the aid of research vessels as in 1974, or the aid of the U.S. Coast Guard or natives as in previous years research on walrus (see below).

The radio tags to be used are slightly lighter and smaller editions of the ones described in our previous permit application. However, we have now settled on the "limpet" device which as you will see by our report worked reasonably well. We are not going to use any immobilization techniques. We are



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aging the range resource and construct- Forest Supervisor, Ozark-St. Francis 1969; Part 1500 of the Council on En-

now entering a second generation of limpets which also will be fired pyrotechnically, but which will have modified barbs that will be fired at angles to each other so as to prevent the limpet from becoming detached. The barbs will in no case be so long that they will penetrate through the blubber and into the musculature. The purpose is that they penetrate only through the skin to the extent necessary for firm attachment.

In conclusion, for purposes of this permit we would like to request a three year extension and the total number of animals would be ten per year, that is thirty animals to be tagged. We are currently attempting to locate a boat which will help us radio tag in the Round Island area. The personnel involved will be myself, Dr. Wartzok, and a graduate student Mr. Thomas J. Eley, Jr. We may require from 1 to 3 assistants in addition to that number, bringing the total personnel from 3 to 6. Should we not be able to find a boat for transport to and radio tagging around Round Island, then we will have to depend on icebreakers and/or other ship support for radio tracking walruses in the annual sea ice of the Bering and Chukchi Seas. A scarcity of such logistic support makes it impossible for us at this time to give further information.

The second matter concerns obtaining skin samples. One of the requirements of our research is to estimate the thermal flux to and from skin of walruses. This research will be done totally by observational methods from Round Island, from icebreakers, or from Eskimo skin boats over the next three years. No "taking" is contemplated for this thermal-sensing research so we presume that no permit will be necessary for that aspect. However, in order to fulfill the requirements involved in estimates of thermal flux we will need to collect some skin samples from walruses. For this purpose we would like further to apply for a permit to collect approximately 1 dozen skin samples from walruses which have been killed during native subsistence hunting. The initial place where we will work will be Gambell, St. Lawrence, Alaska and the time will be May of 1975. In other years we may wish to work from other native villages. The collector of these specimens will be Mr. Thomas J. Eley, Jr. of this institute. Please note that Dr. F. H. Fay of the University of Alaska has also applied for a permit to collect walrus anatomy. Possibly, we could obtain our specimens from him.

I trust that this information will be sufficient, but in case not we will be happy to supply additional information.

Sincerely,

G. CARLETON RAY,
*Associate Professor.*

In keeping with the spirit of the Marine Mammal Protection Act of 1972, this notice is being published to allow public comment on the request for amendments. Interested persons may comment on these amendments by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 28, 1975, will be considered.

Dated: April 21, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.*

[FR Doc.75-10916 Filed 4-25-75;8:45 am]

### Office of Hearings and Appeals

[Docket No. M 75-83]

### EASTOVER MINING CO. NO. 4

**Petition for Modification of Application of Mandatory Safety Standard; Correction**

A notice appeared in 40 FR 8235 on Wednesday, February 26, 1975, bearing the heading "Bell Company". The correct heading should read as set forth above. The reference to "Bell Company" in the second paragraph should read "Eastover Mining Company No. 4."

JAMES R. RICHARDS,
*Director,*
*Office of Hearings and Appeals.*

APRIL 18, 1975.

[FR Doc.75-11036 Filed 4-25-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### ENVIRONMENTAL IMPACT STATEMENTS

**Notice of Status**

The purpose of this document is to give public notice concerning the status of plant protection and quarantine programs of the Department as they relate to environmental impact statements on continuing programs. Pursuant to the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321, et seq.) and Executive Order 11514 (35 FR 4247) of March 7, 1970, in providing timely public information on Federal plans and programs with environmental impact, notice is hereby given that on March 25, 1975, the Animal and Plant Health Inspection Service provided the Council on Environmental Quality with the following status report:

Plant Protection and Quarantine Programs has prepared or collaborated in the preparation of environmental impact statements for the following activities in 1972 and 1973: Airport treatment programs, boll weevil diapause program, gypsy moth, grasshoppers, imported fire ant, and witchweed. The 1975 final addendum to the gypsy moth statement has been reviewed and revised and should be submitted shortly. An addendum to the imported fire ant statement, USDA-APHIS-ADM-73-2, was submitted January 10, 1975.

The pesticide use proposed for 1975 on these programs has been reviewed by the Program Review Panel of the Federal Working Group on Pest Management. Only minor comments were received and will not materially affect the planned pest work.

The statement for airport treatment programs, USDA-APHIS-PPQ-ADM-73-1, is still current and no significant changes are contemplated.

The statement for the cooperative boll weevil diapause control program, USDA-APHIS-PPQ-ADM-72-4, describes our current plans with the following exceptions. In the original plan, aldicarb (Temik) was applied infurrow at planting time in the trap plots at 1 pound per acre and 4 to 6 weeks later as a sidedress treatment at 2 pounds per acre. In the 1975 plan, aldicarb will not be used. It is estimated the base acreage to be treated with malathion in 1975 will be about 175,000 acres. In the statement it is approximately 100,000 acres.

The statement for grasshopper control, USDA-APHIS-PPQ-72-2, is essentially the same for 1975. It is estimated about 1 million acres could be treated in Colorado, Montana, New Mexico, Oklahoma, Texas, and Wyoming. Last year approximately 850,000 acres were treated in 6 Western States.

The statement for witchweed control is still current except for the use of ethylene gas on about 18,000 acres. This will involve the use of one application applied by injection to cultivated land at a rate of 1½ pounds per acre. A wide range of agricultural crops may be planted on the treated lands. An exemption from tolerance for residues of ethylene has been obtained for corn, cotton, soybeans, and peanuts from the Environmental Protection Agency under Pesticide Petition Number 4E1457. An exemption from tolerance has been requested for other crops planted in the witchweed area.

In the event nonregistered pesticides are required in the above programs, their use will be carried out in accordance with the applicable sections of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Done at Washington, D.C., this 22nd day of April 1975.

JAMES O. LEE, JR.,
*Acting Deputy Administrator, Animal and Plant Health Inspection Service.*

[FR Doc.75-10979 Filed 4-25-75;8:45 am]

### Forest Service

### FORKS UNIT PLAN

**Availability of Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Forks Unit Plan, Ouachita National Forest, Hot Springs, Ark., USDA-FS-R8-FES (ADM.)-75-5.

The proposed action is to manage, administer and utilize the forest resources of the Forks Unit. The 75,813 acre Unit is in Garland, Montgomery, Yell and Perry Counties, Arkansas. Actions involved are the management of human resources, environmental protection, natural resource management, and protection and administration of the Forks Unit. Major actions are regenerating commercial timber stands on approximately 6,900 acres, thinning timber on approximately 13,700 acres, increasing wildlife habitat, providing minimum demand for expected recreation users, managing the range resource, and constructing 81 miles of road by timber purchasers.

This final environmental statement was transmitted to CEQ April 21, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., NW., Rm. 804
Atlanta, GA 30309

USDA, Forest Service
Fourche Ranger District
Box 458
Danville, Ark. 72833

Jessieville Ranger District
Hot Springs National Park
Arkansas 71901

Oden Ranger District
Oden, Ark. 71935

A limited number of single copies are available upon request to Forest Supervisor Alvis Owen, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71901.

THOMAS W. SEARS,
*Acting Regional Environmental Coordinator.*

APRIL 21, 1975.

[FR Doc.75-10948 Filed 4-25-75;8:45 am]





### OZARK-ST. FRANCIS NATIONAL FORESTS, ARK.

**Vegetation Management With Herbicides; Availability of Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Vegetation Management with Herbicides on the Ozark-St. Francis NFs in Arkansas, USDA-FS-R8-DES-ADM-75-18.

The environmental statement concerns the use of heribcides 2,4-D, 2,4,5-T, Silvex, and Picloram for temporary reduction and control of target plant species on approximately 18-22,000 acres per year. The proposed action will increase the productivity yield and quality of the forests timber, range and wildlife, and resources.

The draft environmental statement was transmitted to CEQ on April 18, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., NW., Room 804
Atlanta, Georgia 30309

USDA, Forest Service
Forest Supervisor
Ozark-St. Francis NFs
P.O. Box 1008
Russellville, Arkansas 72801

A limited number of single copies are available upon request to Larry Henson, Forest Supervisor, Ozark-St. Francis NFs, Box 1008, Russellville, Arkansas 72801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Larry Henson, Forest Supervisor, Ozark-St. Francis NFs, Box 1008, Russellville, Arkansas, 72801. Comments must be received by June 16, 1975, in order to be considered in the preparation of the final environmental statement.

DAVID F. JOLLY,
*Regional Environmental Coordinator.*

APRIL 18, 1975.

[FR Doc.75-10947 Filed 4-25-75;8:45 am]

### WALLOWA-WHITMAN NATIONAL FOREST GRAZING ADVISORY BOARD

**Notice of Meeting**

The Wallowa-Whitman National Forest Grazing Advisory Board will meet at 10 a.m., June 20, 1975, at the Range and Wildlife Habitat Laboratory in La-Grande, Oregon. The purpose of this meeting is to discuss direction and emphasis in the range program on the Forest, financial direction and outlook, permit reissuance including fee billing procedures, Project Inform, possible use of vacant areas on the Forest, and other subjects that may come before the meeting.

The meeting will be open to the public. Persons who wish to attend should notify the Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814, or telephone 503-523-6391. Written statements may be filed with the committee before or after the meeting.

Public participation will be scheduled following dispatch of regularly scheduled business.

Dated: April 21, 1975.

A. G. OARD,
*Forest Supervisor, Pacific Northwest Region.*

[FR Doc.75-11017 Filed 4-25-75;8:45 am]

### Soil Conservation Service

### EAST FORK POND RIVER WATERSHED PROJECT, KENTUCKY

**Availability of Final Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the East Fork Pond River Watershed Project, Christian, Muhlenberg, and Todd Counties, Kentucky, USDA-SCS-EIS-WS-(ADM)-74-1(F)KY.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, 2 floodwater retarding structures, and 15.8 miles of channel work for flood prevention. Channel work includes enlarging and, where necessary, realigning the unmodified natural stream. Continuous flow occurs within the channel during some seasons of the year but is usually dry during the summer months.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA
333 Waller Avenue
Lexington, Kentucky 40504

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 17, 1975.

WILLIAM B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.75-11018 Filed 4-25-75;8:45 am]

## DEPARTMENT OF COMMERCE

### National Bureau of Standards

### FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

**Notice of Meeting**

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10 a.m. to 4 p.m. on Wednesday, June 18, 1975, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of four work-groups which are addressing the areas of Problem Definition, Benchmark Program Transferability, Preliminary Benchmarking Guidelines, and Workload Definition.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National



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effective period of performance three (3)

Bureau of Standards, Washington, D.C. 20234 (Phone 301–921–3485).

Dated: April 22, 1975.

RICHARD W. ROBERTS,
*Director.*

[FR Doc.75–11014 Filed 4–25–75;8:45 am]

## National Oceanic and Atmospheric Administration

### CONSUMER AND TRADE EDUCATION AND PROMOTION OF INSPECTED FISHERY PRODUCTS

#### Statement of Interest and Intent

APRIL 21, 1975.

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, operates a voluntary, fee-for-service, seafood inspection program relating to the inspection, grading, and certification of fishery products and processing plants, as authorized by the Agricultural Marketing Act of 1946, as amended, 7 U.S.C. 1622, 1624, and the Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742(e). The fishery products inspection program has been operating since 1958. Revised regulations (Part 260, Title 50 Code of Federal Regulations) for the conduct of this program by the Department of Commerce became effective December 3, 1971.

In 1972, the Department of Commerce, Office of Audits, conducted a review of the fishery products inspection program. One of the key observations made in the report was that most consumers of fishery products probably assume or believe that all fish products are under mandatory inspection, as are meat, poultry and eggs under laws and regulations administered by the United States Department of Agriculture. This is not the case, although the Department of Commerce, various segments of the seafood industry and others have supported the need for mandatory seafood inspection on numerous occasions in the past in testimony before Congress. It was recommended, therefore, that the Department of Commerce "increase consumer education regarding the functions of the voluntary fishery inspection service in assuring the availability of quality fishery products."

Furthermore, in a 1974 NMFS survey of all known processors of fishery products, NMFS determined that many processors were not familiar with its fishery product inspection program and its benefits.

The Director of NMFS concluded, therefore, that a need exists to expand its ongoing educational program into a broad-scale effort to inform both the trade and the general public of the availability of the fishery products inspection program and of the availability and benefits of inspected products so identified with an inspection mark on the product label.

The Director has already intensified efforts to inform the trade of the availability and benefits of the various inspection services offered under the inspection program.

Further, a national consumer educational campaign is planned to begin in October 1975, and will use all mass communication media (public service time), as well as exhibitions at conventions, pamphlets, and printed material for distribution to consumer organizations. The objective of the consumer educational program will be to provide the general public with information on the availability and advantages of inspected products.

At this stage, it would be highly useful to establish the widest possible communication between NMFS and interested parties. Therefore, the Director, NMFS, invites written views concerning the need for and appropriateness of this kind of an educational program, types of educational materials needed, and suggestions for methods of implementing the program from all parties with an interest in consumer and trade education, including the general public, regarding the inspection program and inspected fishery products.

All comments should be submitted in writing to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235, on or before May 30, 1975.

JACK W. GEHRINGER,
*Acting Director,*
*National Marine Fisheries Service.*

[FR Doc.75–11020 Filed 4–25–75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[75–126 FDA–225–75–4021]

### ARTX TELECOMMUNICATION EQUIPMENT

#### Memorandum of Understanding With the North Dakota State Laboratories and Consumer Affairs

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the North Dakota State Laboratories and Consumer Affairs on January 27, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE NORTH DAKOTA STATE LABORATORIES & CONSUMER AFFAIRS AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in Laboratories Division, Lock Box 937, Bismarck, North Dakota 58501.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* North Dakota State Laboratories & Consumer Affairs, Lock Box 937, Bismarck, North Dakota 58501.

V. *Liaison Officers.* For North Dakota State Laboratories & Consumer Affairs: Mr. Orvin Foss, Office Manager. Address: North Dakota State Laboratories & Consumer Affairs, Lock Box 937, Bismarck, North Dakota 58501. Telephone No.: (701) 224–2486.

For FDA: John R. Vodneck, Program Analyst. Address: Room 500, U.S. Customhouse, Denver, Colorado 80202. Telephone No.: (303) 837–4915.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the North Dakota State Laboratories & Consumer Affairs: Ailsa Simonson, Director. Date: January 27, 1975.

Approved and accepted for the Food and Drug Administration: E. Pitt Smith, Deputy Regional Food & Drug Director. Date: *January 23, 1975.*

*Effective date.* This Memorandum of Understanding became effective January 27, 1975.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10963 Filed 4–25–75;8:45 am]

[75–125 FDA–225–75–4040]

### ARTX TELECOMMUNICATION EQUIPMENT

#### Memorandum of Understanding With the Wisconsin Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Wisconsin Department of Agriculture on January 28, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE WISCONSIN DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Agriculture Building, 801 West Badger Road, Madison, Wisconsin 53713.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Wisconsin Department of Agriculture, 801 West Badger Road, Madison, Wisconsin 53713.

V. *Liaison Officers.* For Wisconsin Dept. of Agriculture: N. E. Kirschbaum, Admin., Food & Standards Division. Address: Wisconsin Dept. of Agriculture, 801 West Badger Rd., Madison, WI 53713. Telephone No.: (608) 256–2227.

For FDA: Marlin V. Bergerson, Consumer Safety Officer. Address: DHEW/PHS/Food & Drug Administration, 240 Hennepin Ave., Minn., MN 55401. Telephone No.: (612) 725–2121.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Wisconsin Department of Agriculture: N. E. Kirschbaum, Administrator, Food & Standards Division. Date: January 28, 1975.

Approved and accepted for the Food and Drug Administration: Anthony C. Celeste, Acting Regional Food and Drug Director, Region V. Date: January 21, 1975.

*Effective date.* This Memorandum of Understanding became effective January 28, 1975.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75–10964 Filed 4–25–75;8:45 am]

[75–124FDA–225–75–4019]

### ARTX TELECOMMUNICATION EQUIPMENT

#### Memorandum of Understanding With the Texas State Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Texas State Department of Health on January 27, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS STATE DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Division of Food and Drugs, Texas State Department of Health, 1100 West 49th Street, Austin, Texas 78756.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.





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The VA will review its reporting procedures fare, proposes, subject to satisfactory Care is representative of such doctors in

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Texas State Department of Health, Division of Food and Drugs, 1100 West 49th Street, Austin, Texas 78756.

V. *Liaison Officers.* For Texas State Dept. of Health: James M. Doughty, Dir., Division of Food & Drugs.

Address: Texas State Dept. of Health
Division of Food and Drugs
1100 W. 49th St.
Austin, TX 78756.

Telephone No.: (512) 454-3781.

For FDA: J. L. Perrin, Prog. Mgr. for Intergovt. Relations.

Address: 3032 Bryan St.
Dallas, TX 75204.

Telephone No.: (214) 749-3951.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Texas State Department of Health: J. E. Peavy, M.D., Commissioner of Health. Date: January 27, 1975.

Approved and accepted for the Food and Drug Administration: James E. Anderson, Acting Regional Food and Drug Director. Date: January 21, 1975.

*Effective date.* This Memorandum of Understanding became effective January 27, 1975.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10965 Filed 4-25-75;8:45 am]

## PRODUCTION OF IODINE-123 FOR APPLICATION IN NUCLEAR MEDICINE

### Public Meeting

The Food and Drug Administration (FDA), under the Public Health Service Act, has the authority to conduct research studies and issue information on the protection of the public health from radiation hazards. Research studies have indicated that Iodine-123 can replace Iodine-131 in diagnostic nuclear medicine procedures and reduce significantly the radiation dose to the patient. To further such dose reductions, the Food and Drug Administration will hold a public meeting to discuss the practicality of producing Iodine-123 in sufficient quantities to replace Iodine-131 in diagnostic nuclear medicine. Topics to be discussed include the logistics of processing and distributing this nuclide as a radiopharmaceutical, its clinical application, and dosimetric characteristics.

Recommendations resulting from this meeting may lead to the development of a voluntary guideline through which the Commissioner of Food and Drugs will offer guidance concerning radiation exposure. Such a voluntary guideline could be useful in encouraging the reduction of radiation doses resulting from diagnostic nuclear medicine procedures. The guideline would be implemented through educational programs and cooperative activities with professional organizations, manufacturers and distributors, and State radiation control agencies.

The public meeting will be held at 9 a.m. on May 19 and 20, 1975 at the Bureau of Radiological Health, in Rm. 416, 12720 Twinbrook Parkway, Rockville, MD. Interested persons are invited to participate. A detailed agenda will be available upon request and will be distributed at the meeting.

Documentation of views by interested individuals and organizations as to the dimensions of the problem of production, distribution, and application would be especially helpful. Observations and position statements will be accepted for consideration for 30 days following the May 19-20, 1975 meeting.

Dated: April 21, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10962 Filed 4-25-75;8:45 am]

[75-225 FDA-225-75-5011]

## MEDICAL DEVICE EXPERIENCE DATA

### Memorandum of Understanding With the Veterans Administration

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Veterans Administration on March 19, 1975. The purpose of the memorandum is to establish procedures for exchanging medical device experience data. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE VETERANS ADMINISTRATION AND THE FOOD AND DRUG ADMINISTRATION

The Veterans Administration (hereinafter called VA) and the Food and Drug Administration (hereinafter called FDA) hereby jointly agree to the terms and conditions as described herein.

*Purpose.* To establish procedures for exchanging medical device experience data.

*Background.* The VA and FDA have a mutual responsibility to the patient for assuring that medical devices and diagnostic products are safe, efficacious and that the health community is advised of any unsafe or ineffective devices or diagnostics. To carry out this responsibility, the VA and FDA agree that it would be mutually beneficial to utilize their respective information systems by coordinating reports of medical device and diagnostic product experiences. The VA can provide the FDA with medical device experience data from its hospital system. In addition, VA can provide technical expertise in the identification and resolution of medical device and diagnostic product problems.

This information will be of great value in the identification of health and safety hazards, the collection of historical data for trend analysis and the exchange of general data to benefit patient care and the health community.

I. *Definition of Work.* A telephone and teletype link will be established between the VA Marketing Center at Hines, Illinois, and FDA/Bureau of Medical Devices and Diagnostic Products, Rockville, Maryland. The VA's Department of Data Management will work as a liaison with FDA/BMDDP in establishing this communications link. This system will be used by both parties for the transmission of data concerning medical device and diagnostic product problems, especially those requiring immediate investigations, warning, or recalls. This exchange of information will also serve as a base upon which future working relationships can be built.

FDA and VA at a time designated by the VA, will develop and conduct an education and awareness program intended to acquaint VA health personnel with the opportunity to report, and the procedures for reporting, medical device and diagnostic product problems encountered in the VA hospital system.

Subsequent to the establishment of the communications interface, the VA and FDA will develop and pilot test the concept of a project manager: where selected VA hospital personnel are identified and assigned responsibility for the identification, generation, and transmission to FDA of medical device and diagnostic product problems encountered at their respective stations.





The VA will review its reporting procedures which involve product malfunctions, patient incidents, safety hazards, product defects, and other related matters. The objective of this review is to develop improved procedures for identifying and collecting product problem experience data within the VA, thereby facilitating exchange of information between the two parties.

The VA and FDA will share any cost(s) involved in establishing a communications interface. Each agency will also absorb its respective transmission and personnel costs.

To insure proper coordination between the two agencies, the on-going liaison responsibility for these programs will be assigned to the Director, Bureau of Medical Devices and Diagnostic Products (FDA), and the VA's Chief Medical Director, or designees. Once the system is established, the Director, Supply Service or Manager, VA Marketing Center, as appropriate, will serve as the liaison with FDA/BMDDP. Conversely, the Director, Bureau of Medical Devices and Diagnostic Products, or designee, will serve as liaison with the VA.

II. *Name and Address of Participating Agencies.* Veterans Administration, Department of Medicine and Surgery, Washington, DC 20420, and Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, 5600 Fishers Lane, Rockville, Maryland 20852.

III. *Liaison Officers.*

A. Mr. Donald P. Whitworth, Director, Supply Service, Department of Medicine and Surgery, The Veterans Administration, Washington, D.C. 20420. Telephone: (202) 389-2314.

B. Mr. Chester T. Reynolds, Division of Compliance (HFK-100), Bureau of Medical Devices and Diagnostic Products, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852. Telephone: (301) 443-4627.

IV. *Period of Agreement.* This agreement, when accepted by both parties, covers an indefinite period of time, and may be modified by mutual consent of both parties or terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Veterans Administration: Donald P. Whitworth, Director, Supply Service. Date: March 19, 1975.

Approved and accepted for the Food and Drug Administration: Sam D. Fine, Associate Commissioner for Compliance. Date: March 3, 1975.

*Effective date.* This Memorandum of Understanding became effective March 19, 1975.

Dated: April 17, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-10966 Filed 4-25-75;8:45 am]

### Office of the Secretary

### ARKANSAS

### Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Arkansas Foundation For Medical Care for the State of Arkansas, which area is designated a Professional Standards Review Organization area in 42 CFR 101.6.

The Secretary has determined that the Arkansas Foundation For Medical Care is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Arkansas, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Arkansas. As stipulated in its Articles of Incorporation, the principal officers of the Arkansas Foundation For Medical Care are:

NAME AND OFFICE HELD

1. C. C. Long, M.D.
   President
2. William S. Orr, Jr., M.D.
   Vice Chairman
3. Elvin Shuffield, M.D.
   Secretary
4. Kenneth R. Duzan, M.D.
   Treasurer

The official address of the corporation is 216 North Twelfth Street, Fort Smith, Arkansas 72901.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Arkansas who objects to the Secretary entering into an agreement with the Arkansas Foundation for Medical Care on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health relation institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,180 doctors of medicine and osteopathy are engaged in active practice in the State of Arkansas. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Arkansas Foundation for Medical Care is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-11061 Filed 4-25-75;8:45 am]

### CALIFORNIA

### Notice to Physicians Regarding Intention To Enter into Agreement Designating Professional Standards Review Organization, PSRO Area III

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the North Bay PSRO for PSRO Area III, which area is designated a Professional Standards Review Organization area in 42 CFR 101.7.

The Secretary has determined that the North Bay PSRO is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of California, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III of the State of California. As stipulated in its Articles of Incorporation, the principal officers of the North Bay PSRO are:

NAME AND OFFICE HELD

1. John McGee, M.D.
   Director
2. Ellis Mitchell, M.D.
   Director
3. Gerald Hill, M.D.
   Director

The official address of the corporation is 4460 Redwood Highway, San Rafael, California 94901.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of California who objects to the Secretary entering into an agreement with the North Bay PSRO on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine





or osteopathy (i.e., direct patient care



process, and completion of required changes in the organizational structure

for Medical Care, Inc. is representative of such doctors in such area.

York 10022. All such objections must include the physician's address, the loca-

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or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,235 doctors of medicine and osteopathy are engaged in active practice in PSRO Area III of the State of California. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the North Bay PSRO is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-11059 Filed 4-25-75;8:45 am]

## IDAHO

### Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Idaho Professional Review Organization for the State of Idaho, which area is designated a Professional Standards Review Organization area in 42 CFR 101.16.

The Secretary has determined that the Idaho Professional Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Idaho, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in the State of Idaho. As stipulated in its Articles of Incorporation, the principal officers of the Idaho Professional Review Organization are:

NAME AND OFFICE HELD

1. Howard E. Adkins, M.D.
President
2. John B. Meyers, M.D.
Vice President
3. Lloyd S. Call, M.D.
Secretary-Treasurer

The official address of the corporation is 411 West Bannock Street, Boise, Idaho 83702.

Any licensed doctor of medicine or osteopathy engaged in active practice in the State of Idaho who objects to the Secretary entering into an agreement with the Idaho Professional Review Organization on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 879 doctors of medicine and osteopathy are engaged in active practice in the State of Idaho. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Idaho Professional Review Organization is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-11056 Filed 4-25-75;8:45 am]

## MARYLAND

### Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for Area III

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Montgomery County, Maryland, Medical Care Foundation, Inc., for PSRO Area III, which area is designated a Professional Standards Review Organization area in 42 CFR 101.24.

The Secretary has determined that the Montgomery County, Maryland, Medical Care Foundation, Inc., is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Maryland, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Maryland. As stipulated in its Articles of Incorporation, the principal officers of the Montgomery County, Maryland, Medical Care Foundation, Inc. are:

NAME AND OFFICE HELD

1. Horace W. Bernton, M.D.
President
2. John P. Nassou, M.D.
Vice President
3. Joseph O'Neill, M.D.
Secretary
4. Michael M. Healy, M.D.
Treasurer

The official address of the corporation is 2446 Reedie Drive, Wheaton, Maryland 20902.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Maryland who objects to the Secretary entering into an agreement with the Montgomery County, Maryland, Medical Care Foundation, Inc,, on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,410 doctors of medicine and osteopathy are engaged in active practice in PSRO Area III of the State of Maryland. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Montgomery County, Maryland, Medical Care Foundation, Inc. is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-11060 Filed 4-25-75;8:45 am]

## MARYLAND

### Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for Area VII

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Delmarva Foundation for Medical Care, Inc. for PSRO Area VII, which area is designated a Professional Standards Review Organization area in 42 CFR 101.24.

The Secretary has determined that the Delmarva Foundation for Medical Care, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Maryland, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area VII of the State of Maryland. As stipulated in its Articles of Incorporation, the principal officers of the Delmarva Foundation for Medical Care, Inc. are:

NAME AND OFFICE HELD

1. Joseph H. Cutchin, Jr., M.D.
President
2. James L. Clifford, M.D.
Vice President
3. Peter W. Rieckert, M.D.
Secretary
4. Aubrey C. Smoot, M.D
Treasurer

The official address of the corporation is P.O. Box 987, Easton, Maryland 21601.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VII of the State of Maryland who objects to the Secretary entering into an agreement with the Delmarva Foundation for Medical Care, Inc. on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 361 doctors of medicine and osteopathy are engaged in active practice in PSRO Area VII of the State of Maryland. In the event that more than 10 per centum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Delmarva Foundation for Medical Care, Inc. is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-11057 Filed 4-25-75;8:45 am]

## PENNSYLVANIA

### Notice to Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for Area VI

Notice is hereby given, in accordance with section 1152(f) of the Social Security Act and 42 CFR 100.104, that the Secretary of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Allegheny Professional Standards Review Organization for PSRO Area VI, which area is designated a Professional Standards Review organization area in 42 CFR 101.42.

The Secretary has determined that the Allegheny Professional Standards Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated according to the laws of the State of Pennsylvania, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in the PSRO Area VI of the State of Pennsylvania. As stipulated in its Articles of Incorporation, the principal officers of the Allegheny Professional Standards Review Organization are:

NAME AND OFFICE HELD

1. James R. Dornenburg, M.D.
Chairman
2. Michael P. Levis, M.D.
Vice Chairman
3. Donald J. Valentine
Secretary-Treasurer

The official address of the corporation is Suite 450, One Allegheny Square, Pittsburgh, Pennsylvania 15212.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VI of the State of Pennsylvania who objects to the Secretary entering into an agreement with the Allegheny Professional Standards Review Organization on the grounds that this organization is not representative of the doctors in such area may, on or before May 28, 1975, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office, his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility or other health related institution, and/or medical or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 3,239 doctors of medicine and osteopathy are engaged in active practice in PSRO Area VI of the State of Pennsylvania. In the event that more than 10 percentum of such doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Allegheny Professional Standards Review Organization is representative of such doctors in such area.

Dated: April 18, 1975.

HENRY E. SIMMONS,
*Acting Deputy Assistant Secretary for Health, Director, Office of Professional Standards Review.*

[FR Doc.75-11058 Filed 4-25-75;8:45 am]

## CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

### Meeting

The Child and Family Development Research Review Committee will meet on Tuesday, May 27, 1975 through Friday, May 30. The meeting will be held daily from 9 a.m. to 5 p.m. in Room 5549, Office of Child Development, 400 Sixth Street, SW, Washington, D.C., and will be closed to the public except for the opening remarks. The purpose of the Committee is to review applications for research and demonstration projects in the areas of child development and child welfare and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Acting Director, Office of Child Development, followed by the review of research and demonstration proposals concerned with child abuse and neglect, child development and the family, and children at risk and the child welfare system which have been submitted to the Office of Child Development for the award of grants. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted





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invasion of personal privacy. These are matters listed in 5 U.S.C. 552(b) (4), (5), and (6).

A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755-7758

Date: April 10, 1975.

BARBARA ROSENGARD,
*Executive Secretary.*

[FR Doc.75-11062 Filed 4-25-75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 26494; Agreement C.A.B. 25004 Agreement C.A.B. 25006 R-1 through R-28; order 75-4-79[1]]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

**Passenger Fares Between the Pacific and Europe/Middle East/Africa Direct and Via the Western Hemisphere; Erratum**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of April 1975.

Change heading of column in finding paragraph 2 to read Agreement C.A.B. 25006, which appears on pages 2, 3, and 4.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

APRIL 18, 1975.

[FR Doc.75-11021 Filed 4-25-75;8:45 am]

[Docket No. 25280, Agreement C.A.B. 25051, 25052, R-1 and R-2, 25053, 25061, 25062, order No. 75-4-30]

### TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

**Specific Commodity Rates**

Issued under delegated authority, April 4, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted pursuant to the provisions of IATA Resolution 590 dealing with specific commodity rates and reflect unprotested filings by various carriers.

With respect to air transportation as defined by the Act, the agreements propose revisions to the specific commodity rate structures applicable over the Atlantic and Pacific. We will approve these revisions, outlined in the attachment hereto, which reflect reductions from otherwise applicable general cargo rates.

[1] Published at 40 FR 17630, 4-21-75.

Jurisdiction will be disclaimed on those portions of the agreements involving rates wholly between foreign points, which are not combinable with rates to/from U.S. points.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

(1) It is not found that Agreements C.A.B. 25051; C.A.B. 25052, R-1 and R-2; and C.A.B. 25053 are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered; and

(2) It is not found that Agreements C.A.B. 25061 and C.A.B. 25062 affect air transportation within the meaning of the Act.

Accordingly, *It is ordered*, That:

1. Agreements C.A.B. 25051; C.A.B. 25052, R-1 and R-2; and C.A.B. 25053 be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. Jurisdiction be and hereby is disclaimed with respect to Agreements C.A.B. 25061 and C.A.B. 25062.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

| IATA commodity item No.[1] | Specific commodity rate: Cents per kilogram | Specific commodity rate: Minimum weight (kilograms) | Market |
|---|---|---|---|
| AGREEMENT C.A.B. 25061 | | | |
| 0006 | [2] 101 | 250 | Fukuoka to Guam. |
| | [2] 51 | 500 | |
| AGREEMENT C.A.B. 25052 | | | |
| 2102 | 123 | 1,000 | Tel Aviv to New York. |
| 2094 [3] | 74 | 4,000 | Auckland to Los Angeles. |
| AGREEMENT C.A.B. 25053 | | | |
| The following rates have been deleted: | | | |
| 0006 | [2] 68 | 250 | Okinawa to Guam. |
| | [2] 71 | 250 | Osaka to Guam. |
| | [2] 71 | 250 | Tokyo to Guam. |

[1] See applicable tariffs for commodity descriptions.
[2] Based on 02lb rate 1 U.K. pence = USD .02605.
[3] New description—natural wool yarn.

AGREEMENT C.A.B. 25053

NEW COMMODITY DESCRIPTIONS

| Item No. | Description |
|---|---|
| 4702 | Machines for processing metal, textiles, plastic, wood, stone, leather, hides, food, beverages, tobaccos. Machines for abrading, grinding, cutting, polishing, binding, drilling, moulding, postage franking, packaging, riveting, welding, cleaning, washing, dyeing, drying, sprinkling liquids, heating, cooling, well drilling, excavating, conveying, weighing, papermaking. Aircraft arresting, catapulting and retrieving machines. Bearings, ball, needle, pivot, radial, roller, shaft, thrust, castings, forgings including rolled shapes, cetrifuges. Coin operated machines. Compressors. Construction machines. Cutlery and razor blades. Gaskets. Metal hand tools. Pumps. Taps and dies. Anchors, bolts, nails, nuts, screws and/or studs made of brass, copper, iron, or steel. Casters and glides. Valve and pipe fittings, washers. Welding electrodes/rods/wire, welding paste/powder and welding apparatus—excluding steamship and/or motorship machine parts, N.E.S. |
| 6857 | Plastic articles used in animal husbandry. |
| 9558 | Suitcases, overnight bags, briefcases, attache cases, handbags, purses, and wallets. |

COMMODITY DESCRIPTIONS DELETED

1535 Betel leaves.
3126 Razor blades.
3952 Valves for atomizers.
4262 Bicycles.
4752 Compressor parts.
4785 Printing press rollers.
6108 Bloodserum.
8433 Photographic films, unexposed.
9002 Costume jewelry.

[FR Doc.75-11027 Filed 4-25-75;8:45 am]

## COMMISSION ON CIVIL RIGHTS

### DELAWARE STATE ADVISORY COMMITTEE

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) will convene at 12 noon on May 23, 1975, at YMCA—11th and Washington Streets, Wilmington, Delaware 19807.

Persons wishing to attend this meeting should contact the Commiteee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20037.

The purpose of this meeting is to plan follow-up to conference on equal employment opportunity.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 23, 1974.

ISAIAH T. CRESWELL, JR.,
*Advisory Committee Management Officer.*

[FR Doc.75-10980 Filed 4-25-75;8:45 am]





### MARYLAND STATE ADVISORY COMMITTEE

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 8 p.m. on May 15, 1975, Social Security Building, Room G-20, 6401 Security Boulevard, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20037.

The purpose of this meeting is to hear subcommittee reports and to discuss issues to be raised in a meeting with Secretary Dunlap, DOL, regarding an affirmative action plan for Baltimore.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 23, 1975.

ISAIAH T. CRESWELL, JR.,
*Advisory Committee Management Officer.*

[FR Doc.75-10981 Filed 4-25-75;8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CZECHOSLOVAK SOCIALIST REPUBLIC

**Certain Cotton Textile Products**

APRIL 23, 1975.

On August 29, 1969, the United States Government concluded a comprehensive bilateral cotton textile agreement with the Government of the Czechoslovak Socialist Republic concerning exports of cotton textile products from the Czechoslovak Socialist Republic to the United States over a two-year period beginning on May 1, 1969. The bilateral agreement was extended for an additional two-year period beginning May 1, 1971 and was further extended for four years beginning May 1, 1973. Among the provisions of the agreement, as extended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit a specific limit on Category 26 (other than duck) for the agreement year beginning on May 1, 1975.

Accordingly, there is published below a letter of April 23, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in Category 26 (other than duck) produced or manufactured in the Czechoslovak Socialist Republic which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning May 1, 1975 and extending through April 30, 1976, be limited to the designated level. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

UNITED STATES DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS, WASHINGTON, D.C. 20230

APRIL 23, 1975.

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20229*

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective May 1, 1975 and for the twelve-month period extending through April 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 26 (other than duck)[1], produced or manufacured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,340,095 square yards.

Cotton textile products in Category 26 (other than duck)[1], produced or manufactured in the Czechoslovak Socialist Republic and which have been exported prior to May 1, 1975, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period May 1, 1974 to April 30, 1975. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on Category 26 (other than duck)[1] may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Czechoslovak Socialist Republic and with respect to imports of cotton textile products from the Czechoslovak Socialist Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

[FR Doc.75-11043 Filed 4-25-75;8:45 am]

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320.01 through 04, 06, 08, 321.01 through 04, 06, 08, 322.01 through 04, 06, 08, 326.01 through 04, 06, 08, 327.01 through 04, 06, 08, 328.01 through 04, 06, 08.

### MACAU

**Cotton, Wool and Man-Made Fiber Textile Products**

APRIL 23, 1975.

On August 14, 1973, there was published in the FEDERAL REGISTER (38 FR 21962) a letter dated August 6, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in Macau and exported from Macau for which Macau had not issued a visa. One of the requirements is that each visa include the signature of an official authorized to issue visas. Macau has requested that Dr. Jose Francisco Cadorio Ferreira Lino be authorized to issue visas replacing Dr. Jose Correia Montenegro. The list of authorized officials was previously amended on March 6, 1975 (40 FR 11636).

Accordingly, there is published below a letter of April 23, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of August 6, 1973, effective on April 30, 1975. A facsimile of the signature of the newly-designated official is filed as part of the original document with the Office of the Federal Register. A complete list of officials currently authorized to issue visas for cotton, wool and man-made fiber textile products exported to the United States from Macau is enclosed with the letter to the Commissioner of Customs.

ALAN POLANSKY,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

UNITED STATES DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS, WASHINGTON, D.C. 20230

APRIL 23, 1975

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20229*

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of August 6, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, and



V 40182 APR 28 75 XUM A V



131–132; and man-made fiber textile prod-

Street North, Suite 610, Arlington, Vir-

that the Environmental Advisory Com-



8. Further discussion of committee organization.

has reviewed and commented in writing on Federal agency actions impacting the

of the statement, and the source of the EPA review as set forth in Appendix VI.

131–132; and man-made fiber textile products in Categories 200–243, produced or manufactured in Macau for which Macau had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Macau official authorized to issue visas. The directive of August 6, 1973 was previously amended by directive of March 6, 1975.

Under the provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements of December 22, 1972, as amended, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of August 6, 1973 is further amended, effective on April 30, 1975, to authorize Dr. Jose Francisco Cadorio Ferreira Lino to issue visas in place of Dr. Jose Correia Montenegro, who will no longer sign. A complete list of Macau officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*

MACAU OFFICIALS CURRENTLY AUTHORIZED TO ISSUE VISAS FOR COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Dr. Jose Francisco Cadorio Ferreira Lino
Dr. Armando Gil Lopes de Campos
Mrs. Olivia Maria dos Remedios Cesar

[FR Doc.75-11442 Filed 4-25-75;8:45 am]

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1975

#### Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities and Military Resale Items to Procurement List 1975, November 12, 1974 (39 FR 39964).

Class 6530:
Urinal, incontinent
6530-00-512101
6530-00-290-8292.

| Item No.: | Description |
|---|---|
| 481 | Auto whisk. |
| 482 | Auto whisk kit. |
| 483 | Snow brush. |
| 484 | White wall brush. |
| 485 | Chamois. |
| 486 | Ice-scraper-squeegee. |
| 487 | Bug-away. |
| 491 | Auto sponge. |
| 494 | Tuff line auto tow strap. |

Comments and views regarding these proposed additions may be filed with the Committee on or before May 28, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
*Executive Director.*

[FR Doc.75-10945 Filed 4-25-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### CONSUMER AFFAIRS SPECIAL IMPACT ADVISORY COMMITTEE

#### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs Special Impact Advisory Committee will meet Thursday, May 15, 1975 at 9 a.m., Room 3400, 12th and Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide FEA with diversified knowledge and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Electric utility rates.
2. Three-Cent retail dealer margin.
3. Citizen energy platform.
4. Old business.
5. New business.
6. Staff progress report.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office. Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on April 23, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

[FR Doc.75-10984 Filed 4-23-75;2:00 pm]

### ENVIRONMENTAL ADVISORY COMMITTEE

#### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet on Wednesday, May 21, 1975 at 9 a.m., Departmental Auditorium, Conference Room B, Constitution Avenue between 12th and 14th Streets, NW., Washington, DC.

The Committee was established to provide advice and information to the Federal Energy Administration concerning environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. Review of FEA draft environmental impact statement on the Energy Independence Act.
2. Reports and review of recommendations from task forces in the following areas:
   a. OCS development/energy facility siting.
   b. Coal leasing and mining.
   c. Fuel economy and emission standards.
   d. Energy conservation.
   e. Air quality.
3. New business.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, DC.

Issued at Washington, DC on April 23, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

[FR Doc.75-10986 Filed 4-23-75;2:00 am]

### STATE REGULATORY ADVISORY COMMITTEE

#### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the State Regulatory Advisory Committee will meet Friday, May 16, 1975, at 10 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with advice and information concerning its plans and programs which are related to the responsibilities of State regulatory commissions.

The agenda for the meeting is as follows:

1. Committee organization.
2. Discussion of utility programs.
   a. Administration's proposals.
   b. Other proposals.
   c. Joint FEA/Regulatory Commission cooperative studies.
3. Further discussion of committee organization.
4. Discussion of state regulatory problems.
   a. Consumerism.
   b. Conservation.
   c. Energy Development.
5. Potential state affirmative actions independent of the Federal Government.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on April 23, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

[FR Doc.75-10985 Filed 4-23-75;2:00 pm]





## ENVIRONMENTAL PROTECTION AGENCY

[FRL 366-3]

### CHEVRON CHEMICAL CO.

#### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAB 5H5081) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in raisins at 10 parts per million resulting from use of the insecticide in a proposed experimental program involving application to growing grapes.

Dated: April 15, 1975.

JOHN B. RITCH, Jr.,
*Director,*
*Registration Division.*

[FR Doc.75-11040 Filed 4-25-75;8:45 am]

[FRL 363-8]

### ENVIRONMENTAL IMPACT STATEMENTS

#### Availability of Review Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of March 1, 1975 and March 31, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as set forth in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix II contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: April 21, 1975.

SHELDON MEYERS,
*Director,*
*Office of Federal Activities.*

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Mar. 1 and 31, 1975*

| Identifying No. | Title | General nature of comments | Source for copies of comments |
|---|---|---|---|
| Department of Agriculture: | | | |
| D-AFS-B82001-ME | Cooperative spruce budworm suppression 1974 project, Aroostock, Piscataquis, Penobscott, and Washington Counties, Maine. | LO-1 | B |
| D-AFS-J65005-CO | Timber management plan for Routt National Forest, Colo. | ER-2 | I |
| D-AFS-J65012-CO | Timber management plan for medicine Bow National Forest, Colo. | ER-2 | I |
| D-AFS-L61014-WY | Timber management plan for Bighorn National Forest, Wyo. | ER-2 | I |
| D-AFS-L61016-ID | Land use plan for the South Fork Salmon River planning unit, Payette and Boise National Forests, Idaho. | LO-2 | K |
| D-AFS-L65003-AK | Latouche Island Timber sale, Chugach National Forest, Cordova, Alaska. | LO-1 | K |
| D-SCS-B36002-ME | Twenty-five Mile Stream watershed project, Waldo, Kennebec, Penobscot, and Somerset Counties, Maine. | ER-2 | B |
| D-SCS-D36009-WV | North and South Mill Creek subwatershed of the Potomac River watershed, Grant, Pendleton, and Hardy Counties, W. Va. | ER-2 | D |
| D-SCS-E36014-GA | Big Mortar-Snuff Box Swamp watershed, Long and McIntosh Counties, Ga. | ER-2 | E |
| D-SCS-G36013-NM | Cottonwood-Walnut Creek watershed, Chaves and Eddy Counties, N. Mex. | LO-2 | G |
| D-SCS-H36008-NB | Long Branch watershed, Nebr. | 3 | H |
| D-SCS-H36010-MO | Little Black watersheds, Butler, Carter and Ripley Counties, Mo. | ER-2 | H |
| Corps of Engineers: | | | |
| DS-COE-A32476-OO | Replacement Gallipolis Locks and Dam, Ohio River, Ohio and W. Va. | LO-1 | D |
| D-COE-B35001-ME | Frenchboro Harbor dredging, Long Island, Maine | LO-1 | B |
| D-COE-C36001-NJ | Proposed Con Edison-Long Island Lighting Co. power transmission cable, Long Island Sound, Hempstead Harbor, N.Y. | ER-2 | C |
| D-COE-C36001-NJ | Construction permits for proposed fuel oil storage terminal in Hudson River, Weehawken Cove, Hudson County, N.J. | 3 | C |
| D-COE-C36010-NY | Flood control project for Chappaqua, N.Y. | ER-2 | C |
| D-COE-C35008-NJ | Mayer Corp., Pebble Beach, Indianola complex residential lagoon development permit application, Ocean City, N.J. | ER-2 | C |
| D-COE-D35005-VA | Maintenance dredging Chincoteague Harbor and Refuge, Accomack County, Va. | LO-1 | D |
| D-COE-E36013-MS | Flood control, Mississippi River and tributaries, Yazoo River Basin, Miss. | ER-2 | E |
| D-COE-F36004-MI | Holland Harbor, mitigation of shore damage from navigation structures, Michigan. | LO-1 | F |
| D-COE-F32014-MI | Maintenance dredging, Monroe Harbor, Mich. | ER-2 | F |
| D-COE-F32016-MI | Sterling State Park Harbor, Monroe County, Mich. | ER-2 | F |
| D-COE-F32017-MN | Lutsen and Beaver Bay Harbors, Cook and Lake Counties, Minn. | ER-2 | F |
| D-COE-F32018-OH | Huron Harbor, Ohio operations and maintenance project, Erie County, Ohio. | EU-2 | F |







Category 2—Insufficient Information. EPA Category 3—Inadequate. EPA believes that

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V
XUM

| Identifying No. | Title | General nature of comments | Source for copies of comments |
|---|---|---|---|
| D-COE-F35008-OH | Toledo Harbor, maintenance dredging of polluted sediments, Ohio. | ER-2 | F |
| D-COE-G32012-TX | Maintenance dredging, Freeport Harbor, Tex. | LO-2 | G |
| D-COE-G32013-LA | Mermentau River, Gulf of Mexico navigation channel, Federal assumption of maintenance, Louisiana. | ER-2 | G |
| D-COE-G36020-TX | Aubrey Lake, supplement, Cooke County, Tex. | LO-1 | G |
| D-COE-H34003-MO | County Line Lake, James River Basin, Mo. | 3 | H |
| D-COE-H36012-MO | St. Johns Bayou and New Madrid Floodway, New Madrid, Scott and Mississippi Counties, Mo. | LO-1 | H |
| D-COE-L26001-AK | Lost River mining project, Lost River, Alaska | LO-2 | K |
| D-COE-L36015-OO | Lower granite project, Snake River, Wash. and Idaho | LO-2 | K |
| D-COE-L36018-OR | Siuslaw and Umpqua Estuary dredging, Smith River, Douglas and Lane Counties, Oreg. | LO-1 | K |
| Department of Commerce: | | | |
| D-NOA-L81004-WA | Proposed NOAA western regional headquarters facility development, Sand Point, King County, Wash. | LO-1 | K |
| Energy Resources Development Agency: | | | |
| D-ERD-A00109-NJ | Tokamak fusion test reactor facilities, Princeton Plasma Physics Laboratory, Princeton, N.J. | ER-2 | A |
| Federal Energy Administration: | | | |
| LD-FEA-A07086-CO | Coal conversion program, Energy Supply and Environmental Coordination Act of 1972, Sec. 2. | ER-2 | A |
| Federal Power Commission: | | | |
| D-FPC-K35072-CA | California aqueduct project, No. 2426, California | 3 | J |
| General Services Administration: | | | |
| D-GSA-E81004-AL | Proposed disposal of a portion of the former Alabama Army Ammunition Plant, Childersburg, Talladega, County, Ala. | LO-2 | E |
| Department of Housing and Urban Development: | | | |
| D-HUD-C85002-NJ | Potter urban renewal project, NJR-11 and the north Edison No. 2 urban renewal project, NJR-61, Edison Township, Middlesex County, N.J. | LO-2 | C |
| D-HUD-E85005-FL | Tampa neighborhood development program, areas 1 and 4, Tampa, Fla. | ER-2 | E |
| D-HUD-K80001-CA | City of San Francisco community development block grant, San Francisco, Calif. | LO-1 | J |
| RD-HUD-A86078-OO | Flood plain management regulations of the national flood insurance program. | ER-2 | A |
| Department of the Interior: | | | |
| D-BOR-F00001-MN | Minnesota Memorial Hardwood Forest, land acquisition, Minnesota. | ER-2 | F |
| D-IBR-L36014-WA | Columbia Basin project, Washington | LO-2 | K |
| Nuclear Regulatory Commission: | | | |
| D-ALC-A06146-TN | Hartsville nuclear plants of the Tennessee Valley Authority, Dockets Nos. 50-518, 50-519, 50-520, 50-521, Smith and Trousdale Counties, Tenn. | ER-2 | A |
| D-AEC-A06147-OR | Pebble Springs Nuclear Plant, units 1 and 2, Portland General Electric Co., Dockets Nos. 50-514 and 50-515, Gilliam County, Oreg. | 3 | A |
| D-AEC-A06929-OO | Wide-scale use of plutonium powered cardiac pacemakers. | LO-2 | A |
| D-NRC-A06148-WA | Skagit nuclear power project, units 1 and 2, Puget Sound Power and Light Co., Dockets Nos. STN 50-522, 50-523, Skagit County, Wash. | ER-2 | K |
| Department of Transportation: | | | |
| DA-DOT-A11101-KS | I-435, Johnson and Wyandotte Counties, Kans. | LO-1 | H |
| D-FHW-B40099-MA | Center city service link to I-291, Chicopee-Holyoke, Mass. | ER-2 | B |
| D-FHW-C40011-NY | Interstate Route 88, New York | LO-2 | C |
| D-FHW-D40010-MD | I-83, Gay St. to fleet, Baltimore, Md. | ER-2 | D |
| D-FHW-D40002-MD | I-83, Boston St. to Ponea St., I-95 and I-83 interchange, Baltimore, Md. | ER-2 | D |
| D-FHW-D40011-MD | I-83, Fleet St. to Boston St., Baltimore, Md. | ER-2 | D |
| D-FHW-G40024-TX | Loop 1, from RM 2244 southwest of Austin, south to U.S. 290 W., Travis County, Tex. | ER-2 | G |
| D-FHW-G40026-LA | LA-3026, Pineville, Rapids Parish, Tioga Highway, La. | ER-2 | G |
| D-FHW-G40027-TX | Development leading to completion of an increment of beltway 8, north as a controlled access facility, TX-45 and U.S. 59, Harris County, Tex. | ER-2 | G |
| D-FHW-H40018-IA | Freeway 592, Polk and Warren Counties, Iowa | ER-2 | H |
| D-FHW-L40018-OR | Powers Highway, OR-242, Coos County, Oreg. | LO-1 | K |
| Tennessee Valley Authority: | | | |
| D-TVA-E06001-TN | Hartsville Nuclear Plant, construction and operation, 4 units, Smith and Trousdale Counties, Tenn. | ER-2 | E |
| U.S. Water Resources Council: | | | |
| D-WRC-B99001-00 | New England River Basin Commission plan for Long Island Sound, Conn. and N.Y. | LO-1 | B |

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

*Environmental Impact of the Action.*—LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action. ER—Environmental Reservations.

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts. EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

*Adequacy of the Impact Statement*—Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.





Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Mar. 1 and 31, 1975*

| Identifying No. | Title | General nature of comments | Source for copies of comments |
|---|---|---|---|
| Department of Agriculture: | | | |
| F-AFS-A60088-MN | Land exchange proposed by Inland Steel Co., Superior National Forest, Minn. | EPA had no major objections to the project as proposed. EPA has recommended that Inland Steel Co. formulate plans for the reclamation of strip-mined land and waste-rock disposal areas. | F |
| F-AFS-A65103-MT | Upper Fisher planning unit, Montana. | EPA had no objections to this plan but feels that a continuous buffer zone along the wilderness boundary will better protect wilderness values. | I |
| F-AFS-A65101-CA | Timber management plan, Shasta-Trinity National Forest, Calif. | EPA had no objections to the proposed project | J |
| F-REA-F08002-MN | 230 kV transmission line, Canadian border to Hibbing, Minn. | do | F |
| F-SCS-A36393-MI | Indian Creek watershed, Lapeer, Sanilac and Tuscola Counties, Mich. | do | F |
| Corps of Engineers: | | | |
| F-COE-A30075-SC | Hunting Island Beach, public beach restoration, Beaufort County, S.C. | do | E |
| Department of Agriculture: | | | |
| F-AFS-A60088-MN | Land exchange proposed by Inland Steel Co., Superior National Forest, Minn. | EPA had no major objections to the project as proposed. EPA has recommended that Inland Steel Co. formulate plans for the reclamation of strip-mined land and waste-rock disposal areas. | F |
| F-AFS-A65103-MT | Upper Fisher planning unit, Montana. | EPA had no objections to this plan but feels that a continuous buffer zone along the wilderness boundary will better protect wilderness values. | I |
| F-AFS-A65104-CA | Timber management plan, Shasta-Trinity National Forest, Calif. | EPA had no objections to the proposed project | J |
| F-REA-F08002-MN | 230 kV transmission line, Canadian border to Hibbing, Minn. | do | F |
| F-SCS-A36393-MI | Indian Creek watershed, Lapeer, Sanilac and Tuscola Counties, Mich. | do | F |
| Corps of Engineers: | | | |
| F-COE-A30075-SC | Hunting Island Beach, public beach restoration, Beaufort County, S.C. | do | E |
| F-COE-A32410-AL | Dauphin Island Bay, maintenance dredging, navigation, Mobile County, Ala. | do | E |
| F-COE-A34104-SC | Cooper River re-diversion project, Charleston Harbor, S.C. | do | E |
| F-COE-A35116-MI | Modification of Ludington Harbor and Channel at Ludington, Mich. | EPA generally had no objections to the project as proposed. | P |
| F-COE-A39075-KS | Onaga Dam and Lake project, Vermillion Creek, Kans. | EPA had no objections to the proposed project. However, concern was expressed regarding possible degradation of reservoir water quality as a result of current high coliform counts in Vermillion Creek and the potential for development of eutrophic conditions in the proposed reservoir. | H |
| Department of Transportation: | | | |
| F-CGD-A50124-FL | Proposed south erosstown expressway project, dual fixed bridges and approaches across the Hillsborough River, Tampa, Hillsborough County, Fla. | EPA generally had no objections to the proposed project. However, EPA recommended that an air quality supplement to the final EIS be prepared to further discuss the expected impact of the project on the attainment and maintenance of the standard for photochemical oxidants. | E |
| F-CGD-A52066-NY | Proposed New York vessel traffic system for the Port of New York, Hudson River and Long Island Sound, N.Y. | EPA had no objections to the project as proposed | C |
| F-FAA-A51851-FL | Bay County Airport, Panama City, Fla. | EPA generally had no objections to the proposed project. However, EPA recommended that a supplement be issued addressing EPA's points of concern expressed in the draft EIS comment letter. | E |
| F-FHW-A42079-MN | I-35, interchange west of Owatonna at Bridge St., Steele County, Minn. | EPA generally had no objections to the proposed project. | F |
| NF-FHW-F40015-IL | Federal aid I-55, Lawndale to McLean and Logan Counties, Ill. | EPA had no objections to the decision to issue a negative declaration. The determination was made based upon the noise analysis and the precautions to be followed along the Kickapoo Creek. | F |



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APPENDIX III.—*Final environmental impact statements for which comments were issued between Mar. 1 and 31, 1975*—Continued

| Identifying No. | Title | General nature of comments | Source for copies of comments |
|---|---|---|---|
| General Services Administration: | | | |
| F-GSA-E81002-TN.. | Federal youth center for correctional treatment programs, Memphis, Shelby County, Tenn. | EPA had no objections to the project as proposed. | E |

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Mar. 1 and 31, 1975*

| Identifying No. | Title | Source of review |
|---|---|---|
| Department of Agriculture: | | |
| F-AFS-A61225-00... | Management plan for the Cohutta Mountains planning unit, Chattahoochee National Forest, Tenn., Cherokee National Forest, Ga. | E |
| F-AFS-A65087-MO.. | Cedar Creek purchase unit Clark National Forest, Mo. | H |
| F-AFS-A65093-OR.. | Gifford Pinchot National Forest timber management plan 1975–1984, Oregon.. | K |
| F-AFS-J08002-WY.. | Boulder Lake country estates subdivision, transmission powerline, Wyoming.. | I |
| F-AFS-L61003-ID... | Proposed land use plan, mountain home planning unit, Boise National Forest, Idaho. | K |
| F-AFS-L61010-WA.. | Soleduck planning unit, Washington | K |
| F-REA-J08000-CO.. | Bayfield to Pagosa Springs, 115 kV transmission lines, Basalt to Aspen and snowmass tapline, Colo. | I |
| F-SCS-A36340-TX.. | San Felipe Creek watershed project, Val Verde County, Tex. | G |
| F-SCS-A36406-WA.. | Newman Lake watershed project, Spokane County, Wash. | K |
| Corps of Engineers: | | |
| F-COE-A30041-LA.. | New Orleans to Venice, hurricane protection, Louisiana | G |
| F-COE-A32294-FL.. | Intracoastal waterway, Jacksonville to Miami, Fla. | E |
| F-COE-A32501-AK.. | Operation and maintenance of the Dillingham small-boat harbor, Dillingham, Alaska. | K |
| F-COE-A35105-VA.. | Maintenance dredging of Parker Creek, Parker County, Va. | D |
| F-COE-A36263-CA.. | Alameda Creek flood control, Alameda County, Calif. | J |
| Department of Defense: | | |
| F-USN-A11039-VA.. | Improvement and addition of ship berthing spaces, Naval Station, Norfolk, Va. | D |
| F-USN-A11050-TT.. | Farallon de Medinilla Bombardment Range, Mariana Islands, Trust Territory. | J |
| General Services Administration: | | |
| F-GSA E81001-SC.. | Federal Building and Courthouse, Columbia, S.C. | E |
| Department of Transportation: | | |
| F-FAA-A51872-WA.. | Seattle-Tacoma International Airport, Seattle, King County, Wash. | K |
| F-FHW-A42012-IA.. | Freeway 592, Marion, Mahaska Counties, Iowa | H |
| F-FHW-A42217-SC.. | Beaufort County, U.S. 278, improvements, Hilton Head Island Bridge, S.C.... | E |
| F-FHW-A42228-ND | ND-14, Lake Metigoshe W., Bottineau County, N. Dak. | I |
| F-FHW-A42240-MS.. | Yazoo City bypass, U.S. 49 W., Yazoo County, Miss. | E |
| F-FHW-A42295-FL.. | FL-84, Broward County, Fla. | E |
| F-FHW-A42350-LA.. | LA-67, Clinton-Mississippi State Line Highway, East Feliciana Parish, La.... | G |
| NF-FHW-A41138-NC. | New connector between U.S. 29–601 and I-85, Salisbury, Rowan County, N.C.. | E |
| NF-FHW-A42056-SC. | Improvement of U.S. 221 from I-85 to Chesnee, Spartanburg County, S.C.... | E |
| F-FHW-G40013-TX | Loop 436, U.S. 59, Panola County, Tex. | G |

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Mar. 1 and 31, 1975*

| Identifying No. | Title | General nature of comments | Source for copies of comments |
|---|---|---|---|
| Department of Agriculture: | | | |
| A-AFS-A65112-00... | Outline of Forest Service plans for implementing the Forest and Rangeland Renewable Resources Planning Act of 1974. | EPA generally had no objections and commended the Forest Service for involving the public at an early stage in the planning process. EPA's comments were intended to insure that certain considerations would be taken into account when the Forest Service prepares the "Renewable Resource Assessment." | A |
| Corps of Engineers: | | | |
| R-COE-A39113-00.. | 33 CFR P. 265, Planning Assistance to States, Proposed Policies and Procedures. | EPA generally had no objections to the proposed regulations. However, EPA suggested modifications to several sections especially in the areas of air and land use impact. | A |
| R-COE-A82161-00.. | 33 CFR P. 273, Aquatic Plant Control Program. | EPA had no objections to the proposed regulations. However, EPA did suggest modification to several sections of the regulations to strengthen them from an environmental point of view. | |
| Federal Energy Administration: | | | |
| R-FEA-A09082-00.. | 10 CFR P. 215, Power Generator Fuel Regulation-Petroleum Sulfer Content: Public Hearing. | EPA was unable to adequately address all of the environmental impacts of this proposal. However, several language changes were suggested where appropriate. A more thorough review of this proposal awaits the completion of our review of forthcoming FEA revisions to 10 CFR P. 211.22(C). | A |





APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Mar. 1 and 31, 1975*—Continued

| Identifying No. | Title | General nature of comments | Source for copies of comments |
|---|---|---|---|
| Department of Health, Education, and Welfare: | | | |
| R-FDA-A09007-00.. | 21 CFR Pts. 121, 2620, Authorization of the use of Acrolonitrile/Styrene Copolymer in Disposable Beverage Containers. | EPA generally had no objections to the proposed action. However, EPA recommends a full environmental analysis for every substance used or intended for use in disposable beverage containers. | A<br>A |
| Department of Housing and Urban Development: | | | |
| R-HUD-A86082-00.. | 24 CFR Pts. 1910, 1911, National Flood Insurance Program. | The proposed regulations represent significant improvement over present practices involving flood plain management and flood disaster relief. Modifications were offered which would further the long-term goals of achieving more responsible use and management of flood plains and for providing a means for the purchase of flood insurance at affordable rates. | A |
| Department of the Interior: | | | |
| R-IGS-A01022-00.... | 30 CFR Pts. 211, 216, Coal Mining Operating Regulations. | EPA generally had no objections to the proposed regulations. However, EPA recommended that if more stringent Federal standards are promulgated in accordance with new Federal authority, the regulations should provide that those stricter standards will apply to lands governed by the subject regulations. | A |
| R-IGS-A02015-00.... | Notice, OCS subsea production equipment, Gulf of Mexico, Mafia area. | EPA expressed reservations concerning the use of subsea production systems particularly in the case of deepwater tracts where the increased use of subsea completions is predicted and where more sophisticated drilling equipment would be required if it became necessary to drill a relief well. | A |
| R-IGS-A02058-00.... | Notice, proposed revision of OCS order No. 8, Gulf of Mexico area, "Platforms, structures and associated equipment. | EPA generally had no objections to the proposed regulation. However, EPA recommends that the review of the proposed order be made concurrent with the proposed OCS order No. 7. | A |
| R-IGS-A02067-00.... | Notice, proposed OCS orders for the Gulf of Alaska. | EPA's review noted an apparent deficiency in accounting for the potential hazards that offshore drilling would impose upon the unique and fragile biota endemic to the Gulf of Alaska area. EPA recommended that the proposed orders be revised in consideration of several specific recommendations provided by EPA. | A |
| R-IGS-A02068-00.... | Notice, intention to develop an OCS order on systems design analysis. | EPA commended the Geological Survey for undertaking the initiative in developing an OCS order on systems design analysis. Specific comments related to the applicability to existing facilities compliance with all applicable environmental standards, and the applicability of new-source performance standards, for gas turbines and stationary internal combustion engines. | A |
| R-DOI-A99006-00... | Notice, water resources-use and management policy statement. | EPA expressed concern over the lack of specificity in the policy statement particularly regarding decisionmaking criteria. The Agency also expressed the need for the policy guidance regarding the interface with land resources policy. Several specific recommendations were made pertaining to the guidelines. It was recognition of the need to protect fishery resources and water quality in States supporting prior appropriation doctrines. | A |
| Interstate Commerce Commission: | | | |
| R-ICC-A82080-00... | 49 CFR Pt. 1090, Motor Carriers of Property. | A reduction in circuity limitations has been proposed. The immediate environmental impact on air quality is accurately stated: The long-term indirect impact on air quality is unknown because interregional trading patterns have a substantial influence on the growth and economic development of small and moderate-size cities. | A |
| Nuclear Regulatory Commission: | | | |
| R-AEC-A09080-00.. | 10 CFR Pts. 19 and 20, Radiation Protection-Implementation of NCRP recommendations for Lower Radiation Exposure Levels for Fertile Women. | EPA generally had no objections to the proposed regulations. However, EPA suggested that NRC cite more complete statistical data in the preamble to include the medical category of occupationally exposed persons. Further, in implementing the proposed policy, NRC should give special consideration to groups with a significant percentage of fertile women. | A |
| R-AEC-A09081-00.. | 10 CFR Pt. 40, Use of Depleted Uranium in Industrial Products or Devices. | EPA generally had no objections to the proposed regulations. EPA recommends that NRC closely follow the activities of general and specific licensees to determine whether the regulation is being satisfactorily implemented. | A |



APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-10803 Filed 4-25-75;8:45 am]

[FRL 366-5; OPP-180036]

## NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Receipt of Application for Specific Exemption To Use Carbofuran on Potatoes

On March 26, 1975, the New Jersey Department of Environmental Protection applied to the Environmental Protection Agency (EPA) for a specific exemption to use carbofuran (Furadan) on potatoes. It is anticipated that approximately 15,000 pounds each of the granular and the flowable formulations will be needed to treat some 5,000 acres of potatoes grown in New Jersey. Treatment is to start in April and end in August. This specific exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice does not indicate a decision by this Agency on the application. Interested parties may review the application in the Office of the Director, Registration Division (WH-567), Office of





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Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: April 21, 1975.

JAMES L. AGEE,
*Assistant Administrator for Water and Hazardous Materials.*

[FR Doc.75-11041 Filed 4-25-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### 1979 WARC CONFERENCE WORKING GROUP

### Cable Television Related Services; Meetings

APRIL 14, 1975.

In preparation for the 1979 World Administrative Radio Conference (WARC), two conference preparatory working groups under the Cable Television Bureau will be meeting at the Commission during the week of May 12th, 1975.

The Satellite Distribution Working Group, headed by A.M. Rutkowski will meet on Tuesday, May 13, 1975, at 10 a.m. in Room 6131. The Radio Relay Working Group, headed by Raymond E. Daly will meet on Tuesday, May 13, 1975, at 2 p.m. in Room 6331. Both meetings will be held at the Commission's offices at 2025 M St. NW, Washington, D.C. The meetings will be for the purpose of examining the projected requirements for the transmission of analog and digital information ancillary to cable television and similar distributive/collective broadband communications systems. The working groups will be organized and appropriate task forces established for developing requirements for spectrum allocations made evident.

Numerous service-oriented working groups have been formed by the Commission to investigate the spectrum needs of the United States to the year 2000. The outputs of the various groups will be channeled to one or more of four functional committees which will examine spectrum requirements and give recommendations based on these requirements to the FCC Steering Committee. The Steering Committee, composed of representatives of each of the Commission's Bureaus and Offices, will be responsible for formulating the Commission's basic spectrum recommendations for use at the 1979 Conference.

Members of industry and the public may participate as observers at the Working Group level of activity. Persons wishing to attend the above meetings who have not previously registered for WARC participation may complete their registration forms at the time of the meetings. Persons wishing additional information should communicate with: A. M. Rutkowski, Rm. 6216, FCC, Washington, D.C. 20554, telephone 202-632-9797.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-11006 Filed 4-25-75;8:45 am]

[Report No. 750]

### COMMON CARRIER SERVICES INFORMATION [1]

### Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 21, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21302-CD-P-75, Edward C. Smith d.b.a. AnsweRite Professional Telephone Service (KIY581), C.P. for additional facilities to operate on 454.050 MHz at Loc. #2: 2.38 miles N. of Hwy. 50 & 420, Christmas, Florida.

21447-OD-P-75, Minnesota Communications Corporation (KSV993), C.P. to replace transmitter and change antenna system operating on 158.70 MHz located at 120 South 6th Street, Minneapolis, Minnesota.

21448-OD-P-75, Cass County Telephone Company (New), C.P. for a new 2-way station to operate on 152.54 MHz to be located Behind Dial Bldg. on Front Street, Virginia, Illinois.

21449-CD-AL-(2)-75, Communication Specialists Co., Inc. Consent to Assignment of License from Communication Specialists Co., Assignee to Mobile Telephone Company, Inc., Assignee. Stations: KOP296, Astoria, Oregon & KOP297, The Dalles, Oregon.

21450-CD-AL-75, David W. Gustafson. Consent to Assignment of License from David W. Gustafson, Assignor to Answer Iowa, Inc., Assignee. Station: KFJ900, Duluth, Minnesota.

21451-CD-P-(9)-75, South Central Bell Telephone Company (KKJ448), C.P. to change antenna system operating on 152.60 & 152.63 MHz and for additional facilities to operate on 454.375, 454.400, 454.450, 454.500, 454.550, 454.600, 454.650 MHz, located at 333 North 6th Street, Baton Rouge, Louisiana.

21453-CD-P-(4)-75, W.L. & R.L. Meadow d.b.a. Jacksonville Radio Dispatch Service (KIB388), C.P. to change antenna system operating on 454.025, 454.250, 152.09 & 152.21 MHz, located at 1510 Montana Avenue, Jacksonville, Florida.

21454-CD-MP-75, Southern Message Service, Inc. (KUC982) (Air-Ground), C.P. to change antenna system and change transmitter operating on 454.675 & 454.750 MHz located at Beck Bldg., Travis & Edwards Street, Shreveport, Louisiana, at Loc. #2.

21455-CD-P-75, Southern Message Service, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at corner of Front & Pujo Streets, Lake Charles, Louisiana.

21456-CD-P-75, Tri-County Telephone Company, Inc. (New), C.P. for a new 1-way signaling station to operate on 152.84 MHz to be located at Harrison & Water Streets, Linden, Indiana.

21457-CD-AP-75, David M. Crouch d.b.a. Cactus Communications, Consent to Assignment of Permit from Cactus Communications, Assignor to Cactus Communications, Inc., Assignee. Station: KUS217, Devine, Texas.

Major Amendment

21141-C2-P-74, Answering by Birken, Inc. (New), Billings, Montana. Amend to relocate antenna site to Lat. 45°45'31" N., Long. 108°27'05" W. Also to increase effective radiated power. All other particulars to remain as reported on PN #696 dated April 8, 1974.

21142-C2-P-74, Answering by Birken, Inc. (KOP295), Billings, Montana. Amend to relocate antenna site to Lat. 45°45'31" N., Long. 108°27'05" W. All other particulars to remain as reported on PN #695 dated April 8, 1974.

Corrections

Edward C. Smith d.b.a. Answerite Professional Telephone Service, file number 21648-C2-P-(4)-74, which was put on PN July 8, 1974 and amended on July 22, 1974 should have been and is now considered a major amendment to file number 20147-C2-P-(2)-74.

21629-C2-P-(3)-74, Comex, Inc. (KCI295), Correct PN #707 dated July 1, 1974 to read: C.P. to add antenna location #7 to operate on 43.22 and 43.58 MHz to be located at North Peak, Mt. Ascutney, Vermont and control antenna location to operate on 459.325 to be located at Uncanoonuc Mountain near Goffstown, New Hampshire.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).





6383-C2-P-68, Bell Telephone Company of Pennsylvania (New), Philadelphia, Pennsylvania. Correct PN #746 dated March 24, 1975, to include a request to delete proposed locations Nos 4, 5, 6, & 7 as reported on PN #402-1 dated August 28, 1966.

Informatives

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations by reason of potential electrical interference.

New Jersey

7587-C2-P-73, Tra-Mar Communications (New), Hainesville, New Jersey.

21085-C2-P-(3)-74, Lehigh Valley Mobile Telephone Co. (New), Montana, New Jersey.

Vermont 43.58 MHz

21580-C2-P-74, Charles Rotkin d.b.a. Northeast Comms (New), Berlin, Vermont. Lat. 44°11'52" N., Long. 72°27'06" W.

21629-C2-P-(3)-74, Comex, Inc. (KCI295), Mt. Ascutney, Vermont. Lat. 43°26'40" N., Long. 72°27'13" W.

New Jersey

8950-C2-P-72, Empire Paging (KRS674), Trenton, New Jersey.

8737-C2-P-(2)-72, Radio Broadcasting Co. (KGB874), Philadelphia, Pa.

821-C2-P-(5)-73, Airsignal International (KGC596), Philadelphia, Pa.

579-C2-P-(2)-73, Empire Paging (New), Pine Hill & Milmay, New Jersey.

RURAL RADIO SERVICE

60315-CR-P-75, Upper Peninsula Telephone Company (New), C.P. for a new central office-fixed station to operate on 152.51 MHz to be located at 0.5 mile NE. of Toivola, Michigan.

60316-CR-P-75, Upper Peninsula Telephone Company (New), C.P. for a new rural subscriber-fixed station to operate on 157.77 MHz to be located at Windigo Inn., Isle Royale, Michigan.

60317-CR-P-75, Upper Peninsula Telephone Company (New), C.P. for a new rural subscriber-fixed station to operate on 157.77 MHz to be located at Rock Harbor Lodge, Isle Royale, Michigan.

60618-CR-P-75, Upper Peninsula Telephone Company (New), C.P. for a new rural subscriber-fixed station to operate on 157.77 MHz to be located at Mott Island, Isle Royale, Michigan.

POINT TO POINT MICROWAVE RADIO SERVICE:

3256-CF-P-75, The Mountain States Telephone and Telegraph Company (KPS46), 302 West Callender, Livingston, Montana. Lat. 45°39'37" N., Long. 110°33'43" W. C.P. to change alarm center location, antenna system, power and frequencies 6390.0H and 11075V MHz to 11605V MHz toward Bozeman Radio, Montana on azimuth 268°25'.

3267-CF-P-75, Same (KPS45), Bozeman Radio, 11.5 Miles East of Bozeman, Montana. Lat. 45°39'19" N., Long. 110°48'22" W. C.P. to change antenna system, power and frequency 11525V MHz to 11155V MHz toward Livingston, Montana on azimuth 88°14'; delete frequencies 6076.6H and 6049.0H MHz; change polarization from Horizontal to Vertical on frequency 10955 MHz toward Bozeman, Montana.

3256-CF-P-75, Same (KVH80), 114 South Willson Avenue, Bozeman, Montana. Lat. 45°40'40" N., Long. 111°03'15" W. C.P. to change antenna system, power and transmitter; delete frequency 6241.7H MHz; change polarization from Horizontal to Vertical on frequency 11405 MHz toward Bozeman Radio, Montana.

3262-CF-R-75, New York Telephone Company (WJM69), Albany, New York. Renewal of Radio Station License (Developmental) expiring April 12, 1975. Term: April 12, 1976 to April 12, 1976.

3263-CF-R-75, Same (WJM70), Troy, N.Y. Renewal of Radio Station License (Developmental) expiring April 12, 1975. Term: April 12, 1975 to April 12, 1976.

3280-CF-P-75, General Telephone Company of the Northwest, INC. (KTF52), 509 S. Howard Street, Moscow, Idaho. Lat. 46°43'-51" N., Long. 116°59'31" W. C.P. to add frequency 11685V MHz toward Paradise Ridge, Idaho on azimuth 167°16'.

3281-CF-P-75, Same (KTF53), Paradise Ridge, 3.8 Miles SE. of Moscow, Idaho. Lat. 46°40'42" N., Long. 116°58'29" W. C.P. to add frequency 11156V MHz toward Moscow, Idaho on azimuth 347°16'.

3284-CF-P-75, General Telephone Company of Florida. (KII88), Corner of Zack and Morgan Streets, Tampa, Florida. Lat. 27°-57'01" N., Long., 82°27'24" W. C.P. to add frequency 4070.0V MHz toward Wimauma, Florida on azimuth 155°33'.

3285-CF-P-75, Same (KIO65), Corner of Pine Place and Bamboo Lane, Sarasota, Florida. Lat. 27°20'06" N., Long. 82°32'10" W. C.P. to add frequency 4030.0V MHz toward Verna, Florida on azimuth 57°57'.

3286-CF-P-75, Same (WIU84), 2.4 Miles on an azimuth or 276° from Wimauma, Florida. Lat. 27°42'57" N., Long. 82°20'13" W. C.P. to add frequency 4030.0V MHz toward Verna, Florida on azimuth 172°35'; add 4030.0V MHz toward Tampa, Florida on azimuth 335°37'.

3267-CF-P-75, Same (WIU85), Verna, 10.9 Miles on an azimuth of 135° FTN from Parrish, Florida. Lat. 27°27'59" N., Long. 82°18'02" W. C.P. to add frequency 4070.0V MHz toward Wimauma, Florida on azimuth 352°36'; add 4070.0V MHz toward Sarasota, Florida on azimuth 238°03'.

3267-CF-P-75, The Mountain States Telephone and Telegraph Company (WPX83), Crow Valley Hill, 12 Miles NW. of Briggsdale, Colorado. Lat. 40°45'24" N., Long. 104°27'58" W. C.P. to add frequency 2178.-0H MHz toward a new point of communication at Briggsdale, Colorado on azimuth 139°14'.

3301-CF-R-75, The Pacific Telephone and Telegraph Company (KMQ44), located in any temporary location within the territory of the Grantee. Renewal of Radio Station License (Developmental) expiring May 29, 1975. Term: May 29, 1975 to May 29, 1976.

3004-CF-P-75, Continental Telephone Company of Minnesota (New), Near Lake Kabetogama, 10 Miles East of Ray (Koochiching) Minnesota. Lat 48°26'40" N., Long. 93°02'55" W. C.P. for a new station on frequency 2112.0V MHz toward International Falls, Minnesota on azimuth 305°26'; 2128.0H MHz toward a new point of communication at Ash River Falls, Minnesota on azimuth 104°37'.

3005-CF-P-75, Same (WAX92), ¾ Mile East of International Falls, Minnesota. Lat. 48°-35'55" N., Long. 93°22'33" W. C.P. to add frequency 2162.0V MHz toward a new point of communication at Lake Kabetogama, Minnesota on azimuth 125°13'.

3311-CF-P-75, Northwestern Bell Telephone Company (KAK53), 409 First Avenue North, Fargo, North Dakota. Lat. 46°52'39" N., Long. 96°47'05" W. C.P. to change power and modify transmitters from frequencies 6197.2V and 10955V MHz toward Leonard, North Dakota, from Western Electric, TM-1 and TL-2 to Western Electric, TM-B1 and TL-A2.

3312-CF-P-75, Same (KTG62), 0.3 Mile North of Leonard, North Dakota. Lat. 46°39'28" N., Long. 97°14'31" W. C.P. to change power and modify transmitters for frequencies 5974.8V and 11405V MHz toward Fargo, North Dakota, from Western Electric, TM-1 and TL-2 to Western Electric, TM-B1 and TL-A2.

3313-CF-P-75, Arvig Telephone Company (New), 1.8 Miles North of Ash River Falls, Minnesota. Lat. 48°24'16" N., Long. 92°-49'10" W. C.P. for a new station on frequency 2178.0H MHz toward a new point of communication at Lake Kabetogama, Minnesota on azimuth 284°47'.

3298-CF-P-75, Western Union Telegraph Company (KNG31), Ritz Tower Building, 13th & Chancellor Streets, Philadelphia, Pennsylvania. Lat. 39°56'55" N., Long. 75°09'46" W. C.P. to change frequency 6256.5V MHz to 6197.2H towards Pittsgrove, New Jersey on azimuth 184°12'.

Corrections

3226-CF-P-75, Southern Pacific Communications Company (New), Correct station location to read: Edgerly, Louisiana. Lat. 30°13'59" N., Long. 93°30'27" W. Public Notice dated 4-14-75.

2435-CF-P-75, Microwave Transmission Corporation (WAN96), 8.6 Miles South of Pomeroy, Washington. Lat. 46°20'52" N., Long. 117°36'06" W. C.P. to add 6034.2V MHz toward Bald Butte, Washington on azimuth 50°58'.

2436-CF-P-75, Same (New), Bald Butte, 2.4 Miles East, ½ mile North of Johnson, Washington. Lat. 46°38'02" N., Long. 117°-05'14" W. C.P. for a new station on 6315.9V MHz toward Moscow, Idaho and Pullman, Washington on azimuths 27°00' and 330°-00', respectively.

NOTE: A waiver of 21.701(i) is requested by Microwave Transmission Corp.

[FR Doc.75-11007 Filed 4-25-75;8:45 am]

[Docket No. 20407, etc.; File No. BP-19047 etc.]

### GILBERT BROADCASTING CORP. ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Gilbert Broadcasting Corp., Newark, N.J., Docket No. 20407, File No. BP-19047; Community Group for North Jersey Radio, Inc., Newark, N.J., Docket No. 20408, File No. BP-19079; Sound Radio, Inc., Newark, N.J., Docket No. 20409; File No. BP-19080; Fidelity Voices, Inc., Newark, N.J., Docket No. 20410, File No. BP-19081; W. M. E. D. Associates, Inc., Newark, N.J., Docket No. 20411, File No. BP-19083; Venture III Corp., Newark, N.J., Docket No. 20412, File No. BP-19086; Request: 1430 kHz, 5 kW, DA-2, U (Deleted facilities of WNJR, Newark, New Jersey), for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek regular authority to operate the facilities of WNJR, Newark, New Jersey.

2. Examination of the applications and amendments filed by the Gilbert Broadcasting Corporation [Gilbert] and Sound Radio, Inc. [Radio], indicates that Gilbert and Radio are financially qualified. However, the financial material on file for Community Group for North Jersey Radio, Inc. [Community], Fidelity Voices, Inc. [Fidelity], W. M. E.



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D. Associates, Inc. [WMED], and Venture III Corporation [Venture] is not sufficiently current to provide a basis for findings of financial qualifications. Accordingly, an appropriate issue will be specified.

3. The Commission requires broadcast applicants to determine the composition of their communities, to consult with community leaders and a random sample of members of the general public to ascertain community problems. Applicants are then required to propose program features, including length, duration and time segments, to meet the problems which have been ascertained. Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507, 36 FR 4092 (1971).

4. The positions in the community of some of the individuals classified by Fidelity as community leaders have not been indicated. Thus, it cannot be determined whether those individuals are indeed community leaders. Fidelity has also filed pages containing notes of what appear to be the records of interviews of members of the general public. On the basis of these pages, it cannot be determined whether these consultations represent a true random sampling of members of the general public.

5. WMED states that its consultations with members of the general public were conducted by local college students. It is not indicated that those students have any former or prospective connection with the applicant other than in their capacity of interviewers in connection with the survey. The students were trained and supervised by a corporate principal with the assistance of a Research Associate for the Rutgers Department of Urban Studies. It does not appear that this group would be a professional research service within the meaning of answer 11(b) of the Primer. An issue will be specified to permit Fidelity and WMED to clarify the ascertainment efforts.

6. Except as indicated by the issues specified below, the applicants are qualified to operate the facilities of station WNJR, Newark, New Jersey, as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Community Group for North Jersey Radio, Inc., Fidelity Voices, Inc., W. M. E. D. Associates, and Venture III Corporation are financially qualified to operate as proposed.

2. To determine the efforts made by Fidelity Voices, Inc., and W. M. E. D. Associates, Inc., to ascertain the community problems of the area to be served and the means by which the applicants propose to meet those problems.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 16, 1975.

Released: April 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc.75-11004 Filed 4-25-75;8:45 am]

## RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

### Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Service (RTCM) meetings scheduled for the future are as follows:

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service", notice of 30th meeting, Wednesday, May 14, 1975—9:30 a.m. (all-day meeting). Conference Room A205, 1229 20th Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Continue preparation of SSB receiver standards.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 U.S. Highway #1, Elizabeth, N.J. 07202 Phone: (201) 527-0600.

Special Committee No. 68, "Marine Radiotelephone Operator Education," notice of 6th meeting, Wednesday, May 14, 1975—1:30 p.m., Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Progress reports on incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Massachusetts 02173. Phone: (617) 862-6600 (Ext. 414).

To: Special Committee No. 65 "Ship Radar." Subject: Notice of 37th meeting.

Date/Time: Wednesday, May 14, 1975—1:30 p.m.

Location: Conference Room 6331, 2025 M Street NW., Washington, D.C.

*Collision Avoidance Working Group:* The Collision Avoidance Working Group will hold a meeting on Wednesday, May 14, 1975, beginning at 9:30 a.m., in Conference Room 6331, 2025 M Street, N.W., Washington, D.C.

If other Working Group meetings are scheduled, Group members will be notified.

AGENDA FOR SC-65 COMMITTEE MEETING

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-65 Summary Record. March 19, 1975. Paper 52-75/SC 65-185.*
4. Progress Reports: a. Collision Avoidance Working Group; b. Reliability Working Group.
5. Small Boat Radar Specifications—Paper 43-75/SC 65-184.
6. Transponder Specifications—Paper 109-74/SC 65-168.*
7. Other business.
8. Establishment of next meeting date. (Proposed June 18, 1975.)

*Note:* Meeting Room location is subject to change. Check at Room 6331 first.

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554. Phone: (202) 632-7197.

RTCM Executive Committee, notice of May meeting, Thursday, May 15, 1975—9:30 a.m., Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of Minutes.
4. Committee Reports.
5. Status Reports on Other Committees.
6. Review of Terms of Reference for Special Committees.
7. Status report on "Federal Advisory Committee Act" requirements.
8. Report of Finance Committee.
9. Report on 1975 St. Louis Assembly Meeting.
10. Summary Reports and Announcements.
11. New business.
12. Establishment of next meeting date.

To comply with the advance meeting notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each meeting are available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat (Phone: (202) 632-6490).

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-11006 Filed 4-25-75;8:45 am]

* For approval at this meeting.





[Interpretation 33 Restated, FCC 75-418]

## SPONSORSHIP IDENTIFICATION RULES

### Applicability

APRIL 21, 1975.

In 1963, the Commission revised the sponsorship identification rules for the broadcast services (34 F.C.C. 829) thereby implementing section 317 of the Communications Act of 1934 as amended by Pub. L. 86-752 (74 Stat. 889, 895-6). By *Report and Order*, adopted April 17, 1975, in Docket No. 19513 these rules were amended (and consolidated as new § 73.1212) effective May 30, 1975 (FCC 75-417).

When the 1963 revision was made, the Commission adopted a public notice, entitled "Applicability of Sponsorship Identification Rules," which contained illustrative interpretations (40 F.C.C. 141). These, except for Interpretation 33, are consistent with the amended rule.

To reflect the provisions of § 73.1212, Interpretation 33 is revised to read as follows:

33. A station broadcasts an announcement or other material on behalf of a candidate for public office or on behalf of the proponents or opponents of a bond issue (or any other controversial issue of public importance). The station announces a "disclaimer" or states that the matter "was a paid political announcement." Such announcement per se does not comply with the sponsorship identification rule. The rule does not require that either of these types of announcement be made but rather that identification announcement be made which fully and fairly discloses the true identity of the person or persons or entity by whom or on whose behalf payment was made or promised, or from whom or on whose behalf services or other valuable consideration was furnished. If the station knows or by the exercise of reasonable diligence could know that a person or persons or entity is acting on behalf of another, the announcement(s) shall identify the person(s) or entity on whose behalf such action is being taken. If the entity on whose behalf such action is being taken is a corporation, committee, association, or other group, the announcement(s) shall divulge the name of such group. Additionally, a station broadcasting any matter on behalf of such group shall make available for public inspection at the place which the station has designated that its file is available for inspection under Section 1.526 of the rules (the station's main studio or other accessible place in the community of the station's license) a list of the chief executive officers, members of the executive committee, or members of the board of directors of that entity. If the broadcast is network originated, the list may be retained at the network's headquarters office or at the location where the originating station maintains its public inspection file under § 1.526.

The *Report and Order* in Docket No. 19513 also amends the sponsorship identification rules for origination cablecasting (§ 76.221) to conform to the new § 73.1212 for broadcasting. The interpretations of the 1963 public notice as modified by the present public notice are applicable to origination cablecasting as well as to the broadcast services.

Action by the Commission April 17, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, and Washburn.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-11010 Filed 4-25-75;8:45 am]

## AQUARIUM THERMOSTATS

### FCC Finds New Interference Source

APRIL 15, 1975.

The newest and most novel source of interference to radio reception has just been detected by the FCC—thermostats on fish aquarium heaters.

Investigating public complaints of interference, Commission experts have found a new cause to be undesirable radiation emitted at the thermostat, or from power lines supplying the house or store, or from power lines supplying other buildings from the same transformer.

The interference does not appear directly related to the age of the thermostats, the FCC said, because it has found some new units emitting more radiation than older ones. (The FCC defines radiation as the emission of radio frequency energy that may cause undesirable and harmful interference to broadcast and other radio service reception.)

So far, Commission engineers said, commercially available power line filters have not been effective in eliminating thermostat interference.

The complaints on thermostats that unintentionally emit radio frequency energy are but one category in an increasing number of public complaints received for investigation.

Because of this trend, the FCC today alerted the public, and particularly manufacturers and sellers, that incidental radiation devices—for example, thermostats, electric shavers, vacuum cleaners, electric mixers, etc.—are subject to § 15.15 of the rules:

§ 15.15 Operating requirements: Incidental radiation device.

An incidental radiation device shall be operated so that the radio frequency energy that is radiated does not cause harmful interference. In the event that harmful interference is caused, the operator of the device shall promptly take steps to eliminate the harmful interference.

In the past, the FCC considered this regulation adequate, since interference from such devices was not a major problem and could be corrected easily. However, because of the improved sensitivity of communication equipment and the proliferation of electrical devices in recent years, interference complaints have increased substantially.

Therefore, the Commission said, the FCC position of merely requiring that all such equipment be operated on a non-interference basis may have to be re-evaluated, particularly in light of national and international concern over interference.

"In view of the above," the FCC said, "the Commission expects manufacturers of such equipment to take measures to eliminate or substantially reduce the level of such interfering radiation.

"If the Commission finds that voluntary efforts by industry are not effective, it may be forced to initiate a rulemaking proceeding to establish legal requirements to control the interference potential of the devices mentioned."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-11009 Filed 4-25-75;8:45 am]

[Dockets Nos. 20252, 20253; File Nos. BP-19550, BP-19595; FCC 75R-165]

## JULIE P. MINER AND ALBERT L. CRAIN

### Construction Permits; Memorandum Opinion and Order Enlarging Issues

1. This proceeding, which was designated for hearing by Order, 39 FR 45075, published December 30, 1974, involves the mutually exclusive applications of Julie P. Miner (KDXU) (Miner) and Albert L. Crain (Crain) [40 F.R. 14118] for a new standard broadcast station at St. George, Utah. Presently before the Review Board is a petition to enlarge issues, filed January 14, 1975, by Miner, seeking the addition of financial Suburban, network affiliation, Section 1.580, programming and misrepresentation issues against Crain.[1]

2. *Financial Issue.* Crain amended its financial proposal subsequent to the filing of the instant petition to enlarge issues. As a result of the acceptance of this amendment,[2] many of Miner's allegations, most notably those concerning cost estimates, have been mooted. However, Miner's allegations relating to availability of funds retain their vitality and will therefore be considered. According to his amended financial plan, Crain proposes that his first-year revised construction and operation costs of $130,823 will be met by available funds of $324,600, the latter consisting of "cash on hand" of $25,000 "by the time the application is granted", a $63,000 bank loan, $24,000 in operating profits from two broadcast stations owned by Crain,[3] the sale of Station WMSO should additional funds be required,[4] and, finally, anticipated revenues of $87,600 from the

[1] Also before the Board are the following related pleadings: (a) Opposition, filed February 19, 1975, by Crain; (b) errata to (a), filed February 20, 1975, by Crain; (c) Broadcast Bureau's comments, filed February 19, 1975; (d) errata to (c), filed February 21, 1975, by the Broadcast Bureau; and (e) reply, filed March 3, 1975, by Miner.







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proposed first-year operation. Miner's allegations question the availability of several of the funds relied upon by Crain. First, Miner avers that the most recent Crain balance sheet, which reflects all of the applicant's assets, indicates that Crain has less than $20,000 in current assets. Second, Miner alleges that a review of the financial statements of Crain's presently owned stations indicates that neither can generate the anticipated profits upon which he intends to rely. Miner further contends that Crain cannot rely upon the proposed sale of Station WMSO because it is not an "easily liquidatable [sic] current asset", and also because the WMSO transmitter site and equipment, both of which are already subject to a $40,000 mortgage, are specified as part of the required security for Crain's proposed bank loan. Finally, Miner asserts that Crain has not supplied an adequate basis for reliance upon anticipated revenues.[4]

3. The Review Board will add an availability of funds issue. As an initial matter, we note that Crain's February 15, 1975, balance sheet reflects that he has only approximately $10,000 in current assets over current liabilities. Second, we agree that Crain has failed to demonstrate that he can rely upon $24,000 in operating profits from his presently owned stations. As we recently noted in Erwin O'Conner Broadcasting Co., 37 FCC 2d 983 at 991, 25 RR 2d 782 at 792 (1972), an applicant may not rely on cash flow from existing stations when it "has supplied no balance sheets, operating statements or other financial statements which would enable [the Commission] to determine whether the cash flow generated by these stations would in fact be available for the construction and operation of the proposed station." See also Bexar Broadcasting Co., Inc., 14 FCC 2d 916, 14 RR 2d 477 (1968). Similarly, Crain's estimate of anticipated revenues from the proposed station is unsupported by evidence as to its source or likelihood, other than Crain's broadcast experience, which cannot be considered as having probative weight in this regard. See e.g., Erwin O'Conner Broadcasting Co., supra; Tri-Cities Broadcasting Corp., 10 FCC 2d 490, 11 RR 2d 609 (1967); and Ultravision Broadcasting Company, 1 FCC 2d 544, 5 RR 2d 343 (1965). Next, although Crain states in his recent amendment that he has recently received an offer to purchase Station WMSO for $160,000, the Board is of the opinion that he has not provided adequate documentation of the liquidity of this asset. And, in this regard, it is well established that fixed assets, in the absence of proof of marketability or liquidity, afford no reasonable assurance that the estimated proceeds from the sale will, in fact, be available. See, e.g., Seaboard Broadcasting Corp., 24 FCC 2d 259, 19 RR 2d 538 (1970); Vista Broadcasting Company, Inc., 18 FCC 2d 636, 16 RR 2d 838 (1969); and Miami Broadcasting Corporation, FCC 67R-327, 9 FCC 2d 694. Of greater importance, however, is the fact that Crain's contingent proposal to sell Station WMSO, if necessary, is clearly inconsistent with his proposed bank loan arrangement, since the station's transmitter site and equipment are required security for the proposed bank loan. As a consequence, Crain's contingent or secondary reliance on the proceeds of the sale of the station must be disallowed. In sum, after deducting some $15,000 in projected available cash on hand, the $87,600 in projected revenues from the proposed station, the $24,000 in operating profits from existing stations, and the $125,000 from the proposed sale of Station WMSO, we find that Crain has established the availability of approximately some $74,000 to meet estimated first-year expenses of approximately $131,000. Therefore, an issue inquiring into availability of the additional funds needed, i.e., $57,000, will be specified.

4. *Suburban Issue.* Next, Miner criticizes numerous aspects of Crain's ascertainment showing. First, petitioner contends that, contrary to the requirements of the Primer, Q. & A. 9,[5] Crain has failed to submit the sources of information from which it determined the demographic composition of St. George. Miner next asserts that Crain's ascertainment showing is defective in that he failed to explain his "apparent decision" not to serve a considerable number of major communities within his proposed service contours. Miner also alleges that 50 percent of Crain's contacts with community leaders were conducted by telephone and that, while telephone contacts are not per se unacceptable, such a high percentage of telephone contacts calls into question whether or not Crain has, in fact, established a "meaningful dialogue" with the leaders. In any event, petitioner alleges that the community leader survey itself is suspect because in reporting its efforts in this regard Crain failed to denote the positions of leadership held by numerous interviewees or else listed persons who do not appear to qualify as community leaders. Further, states petitioner, even though Crain's demographic data indicates that there are agricultural and manufacturing groups in the area, he has failed to conduct any interviews with the leaders of these groups.[7] Thus, Miner concludes that a Suburban issue is warranted, citing Bangor Broadcasting Corp., 50 FCC 2d 222, 32 RR 2d 409 (1974).

5. The Review Board will add the requested Suburban issue. As an initial matter, the Board agrees with Miner that the demographic data supplied by Crain is insufficiently detailed to adequately demonstrate the composition of the proposed city of license.[8] The data submitted is extremely sketchy, and, in our view, appears deficient on its face since no civic, cultural or public service organizations are listed. As a result, it is impossible to determine whether a representative cross-section of community leaders has been consulted. However, the Board also finds difficulties in the limited community leader showing submitted. Thus, although Crain's original application (Exhibit 5(e)(1)) lists contacts with approximately 90 persons, the list does not indicate which of these persons interviewed were community leaders and few persons are identified by title or position. As a result, it is impossible to determine to what extent contacts with community leaders actually were conducted. Nor do we believe that Crain's November 12, 1974, amendment serves to adequately cure this deficiency.[9] For example, of the eight persons interviewed under the headings of "commerce/business" and "agriculture" in this amendment only one is clearly designated as a leader and Crain has given no indication of why the other seven should be considered community leaders.[10] Moreover, it is apparent that Crain has failed to consult with leaders of ascertained groups within its proposed community of license. Thus, although there is a junior college, and numerous womens' groups in the community,[11] Crain does not appear to have contacted any leaders of these groups. Next, while it is true that telephone contacts are not per se unacceptable, Lexington County Broadcasters, Inc., 40 FCC 2d 694, 27 RR 2d 416 (1973), we believe that where, as here, an extremely high percentage of the community leader contacts were via telephone, a question is raised as to the meaningfulness of the dialogue between the interviewees and

[1] The amendment was accepted by the Presiding Judge by Order, FCC 75M-504, released March 17, 1975.

[2] Crain is the licensee of Stations KBSN, Crane, Texas, and WMSO, Collierville, Tennessee.

[3] Crain estimates that a "conservative" valuation of the station would be $125,000 and that he recently received an offer of $160,000 but rejected it due to the requirement of "unusual warranties."

[4] Miner notes that Crain's estimate of these revenues is based solely on Crain's "experience in the ownership and operation of broadcast station. . . ."

[5] *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[6] We do, however, disagree with petitioner's statement that Crain has failed to provide the source of his demographic data. By amendment dated September 14, 1974, Crain states that the data relied upon came from the 1970 U.S. Census and the 1969 Census of Agriculture.

[7] Petitioner also asserts that Crain has failed to interview student leaders, Indians, womens' groups, diverse religious leaders and cultural organizations, all of which, according to Miner, are also present in the area.

[8] This amendment indicates interviews with "leaders" of the following groups: city government, law enforcement, religious, commerce/business, agriculture, education, eleemosynary organizations, and "U.S.A."

[9] The generalized titles are, respectively: businessman, contractor, farmer and rancher. The one specific designation is the manager of the Chamber of Commerce.

[10] These include such groups as Rotarianes, Lady Lions, and other ladies auxiliarys. And, in this connection we again point out that while certain interviewees are listed as members of these groups Crain has not adequately demonstrated their leadership therein, see St. Cross Broadcasting, Inc., 39 FCC 2d 1067, 1068, 26 RR 2d 1311, 1312-13 (1973).





the proposed station's decision making personnel.[12] Finally, we note that the Primer, Q. & A. 6, requires that, if an applicant chooses not to serve a major city within its service contours, a showing must be submitted explaining why. Thus, while a number of petitioner's criticisms of Crain's survey of the outlying area can be excused on the basis that the communities involved are for the most part extremely small, we do believe that Crain should be required to explain why he apparently has not ascertained the needs of Cedar City, a relatively large community (8,948) within Crain's proposed service contour. Accordingly, the requested Suburban issue will be added.

6. Network Affiliation Issue. Miner requests a network affiliation issue, contending that since ABC already has an affiliate in St. George, Crain will not be able to obtain an ABC network affiliation as proposed in its application.[13] As a related matter, Miner suggests that this unavailability has "special significance" in light of Crain's reliance on such programming to effectuate his proposal to broadcast public affairs programming relating to national and regional issues. In our view, while it now appears that Crain will not be able to obtain the ABC affiliation, Crain and the Broadcast Bureau are correct in concluding that this apparent unavailability does not so seriously affect Crain's proposed operation as to require an evidentiary inquiry. Thus, although Crain does propose to rely on this affiliation as a source of news, he also lists seven other sources to facilitate his news operations, including, e.g., national wire services, the Inter-Mountain News Network, wire services of Arizona and Nevada newspapers and mailing lists. Absent some showing that these sources are insufficient to effectuate the Crain proposed programming, the requested issue will be denied.

7. *Programming Issue.* In support of the requested programming issue, Miner asserts that although Crain proposes to broadcast a total of 25% of "other" programs exclusive of entertainment and sports, Crain's listing of programs, falls far short of that percentage. Miner also alleges that "current practices in the broadcast industry" make Crain's proposal to broadcast ABC network public affairs programming between 10 and 11 a.m., "unrealistic", and, in any event, continues petitioner, Crain would have to obtain permission from ABC for delayed broadcasting and to do so would necessitate additional operational costs. The requested issue will be denied. First, it appears that Miner has misinterpreted the purpose of Crain's listing of proposed programs,[14] which was in response to a programming requirement of Part I of Section IV-A, which requires a showing of typical and illustrative programs to be broadcast to meet ascertained community needs and interests, rather than a breakdown by percentages of the applicant's entire proposed programming as called for by Part III of that Section. KOWL, Inc., 49 FCC 2d 962, 31 RR 2d 1589 (1974). Finally, aside from the fact that Miner's allegations as to Crain's use of ABC network programming are procedurally defective (in that they are highly speculative and not supported by the required affidavits), we have previously concluded that the unavailability of network programming in toto is not so serious as to raise a question as to Crain's effectuation of his proposal, paragraph 6, supra. Accordingly, we conclude that no further inquiry is warranted.

8. *Misrepresentation Issue.* Miner charges Crain with numerous misrepresentations. First, Miner alleges that, contrary to Crain's statement that he will employ four full-time and three part-time employees, it now appears that there will be five full-time employees.[15] And, in this regard, petitioner notes that Crain initially stated that he would not be required to submit an equal employment opportunity program since only four employees would be utilized full-time.[16] Further, petitioner states that Paul Jensen no longer resides in St. George and, therefore, will not be available for employment at Crain's proposed station. Next, Miner charges that Crain's application is internally inconsistent with respect to who conducted Crain's ascertainment surveys, since the original application indicated that most interviews were conducted on a personal basis, but a later amendment stated that 50 percent of the interviews were conducted by telephone. Third, Miner alleges that Crain submitted to the Commission, on January 5 and April 29, 1974, identical balance sheets reflecting, inter alia, the financial status of Crain's two radio stations; in petitioner's opinion, this identity in statements is "unreasonable, if not impossible" in view of the passage of time. In this connection, Miner urges that Crain has "juggled" the statements of his expenses and revenues and contends that, while Crain initially indicated $100,000 in potential funds from the sale of one of his broadcast stations, it is significant that no application for such a sale has been filed with the Commission.

9. The Review Board will not add the requested issue. Although it is apparent from Crain's amendments to his application (see note 15, supra) that five employees, rather than the four initially proposed by Crain, will be employed full-time, there is no basis for assuming that Crain misrepresented the nature of his initial proposal when submitted to the Commission. Moreover, no motive for deception is apparent since although the addition of another full-time employee would ordinarily require submission of an equal employment opportunity program, it apparently would not here. Thus, Section VI of the application form states that such program need not be filed if the area to be served has such an insignificant number of relevant minorities that a program would not be meaningful and Crain has filed a statement to that effect as required by the section. Nor do petitioner's remaining allegations support addition of the requested issue. First, as explained by Crain, Ms. Jensen will return to St. George in the event Crain's application be successful. Next, with respect to the ascertainment surveys, we agree with the Bureau that Crain's statement that 50% of the interviews were conducted by telephone was apparently made in reference to the later amendments, rather than the original showing and, thus, does not constitute an inconsistency. Third, as to the submission of identical sheets, we note that the difference in dates is less than two months, that the numbers used are rounded off to increments of $100 and, in the absence of a specific and adequately supported allegation of a substantial change, we do not believe that this raises a serious enough question to warrant an evidentiary inquiry as to misrepresentation.[17] Finally, Miner's allegations of "juggling" of finances by Crain are totally unsupported and, as a result, must be regarded as sheer speculation.

10. *Section 1.580 issue.*[18] In support of this issue, Miner notes that although Crain published the location of his public file on February 7, 14 and 21, 1974, it was not until May 23, 1974, and then only in response to a request from the Commission, that Crain notified the Commission of the dates of publication. Thus, in petitioner's view, an appropriate issue should be added in order to inquire into Crain's non-compliance with Section 1.580.[19] The Review Board disagrees. First, while Crain apparently

[11] And, we agree with petitioner that this is particularly so here because Crain is not presently a member of the proposed community of license. See Centreville Broadcasting Co., 50 FCC 2d 261, 32 RR 2d 261 (1974).

[12] In response to question 20 of Section IV-A of FCC Form 301, which asks whether the applicant will be affiliated with a national, regional or special radio network, Crain states "ABC, Entertainment, if available."

[13] In this regard, we note that the Bureau takes the position that Crain has failed to indicate the duration, frequency or time segment of a number of his proposed programs as required by Primer, Q. & A. 29. However, we believe that Crain's amendment, dated September 14, 1974, adequately reveals that information.

[14] Miner points to Crain's amendments, dated November 15 and 22, 1974, wherein Crain indicated that, in addition to himself and his son, Paula Jensen, June Crain and Dave Stone will be full-time employees.

[15] Part VI of FCC Form 301 states that such a program "need not be filed if the station has less than five fulltime employees • • •."

[16] Nor do we consider the fact that Crain has not yet filed an application for sale with the Commission a sufficient basis to raise a question regarding his intent to sell should it become necessary in order to finance his proposal.

[17] Section 1.580(h) of the Commission's Rules requires, *inter alia*, that within seven days of local publication of the location of the public file, the applicant must file a statement with the Commission indicating the dates of publication.

[18] Miner also notes that by letter of May 23, 1974, Crain stated that the required proof of publication was sent to the Commission on March 1, 1974. However, argues Miner, in the absence of supporting evidence, this statement should not be accepted.





violated the requirement of Rule 1.580, on file with the Commission. Section



*It is further ordered*, That there shall

APPENDIX A

Order No. 1 (revised) section 7.04(g)

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violated the requirement of Rule 1.580, we do not believe that the two-month delay is so significant as to warrant an evidentiary inquiry. Also, in explanation, Crain states that he initially requested the newspaper to send proof of publication to the Commission and it was not until the FCC inquiry that Crain realized the required proof of publication had not been mailed. More importantly, in our review, it is undisputed that notice of the location of the public file was published in accordance with the rules, and, therefore, no injury to the public or parties resulted. Therefore, we conclude that no useful purpose would be served by further inquiry. Cf. Edward G. Atsinger, III, 29 FCC 2d 443, 21 RR 2d 1039 (1971); and Harry D. Stephenson and Robert K. Stephenson, 18 FCC 2d 337, 16 RR 2d 678 (1969).

11. *Accordingly, it is ordered*, That the petition to enlarge issues, filed January 14, 1975, by Julie P. Miner (KDXU) is granted to the extent indicated herein, and is denied in all other respects; and

12. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

1. To determine whether Albert L. Crain has available additional funds in an amount of approximately $57,000 to construct and operate his proposed station, and in light thereof, whether Albert L. Crain is financially qualified; and

2. To determine the efforts made by Albert L. Crain to ascertain the community needs and interests of the area to be served and the means by which he proposes to meet those needs and interests.

13. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the issues added herein shall be on Albert L. Crain.

Adopted: April 18, 1975.

Released: April 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-11006 Filed 4-25-75;8:45 am]

## FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1554]

### ALVAREZ SHIPPING CO., INC.

#### Order of Revocation

By letter dated March 11, 1975, Alvarez Shipping Co., Inc., 3960 Third Avenue, Bronx, New York 10457 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1554 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 8, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Section 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Alvarez Shipping Co., Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(g) (dated 9/15/73);

*It is ordered*, That Independent Ocean Freight Forwarder License No. 1554 of Alvarez Shipping Co., Inc be returned to the Commission for cancellation.

*It is further ordered*, That Independent Ocean Freight Forwarder License No. 1554 be and is hereby revoked effective April 8, 1975.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served upon Alvarez Shipping Co., Inc.

ROBERT S. HOPE,
*Managing Director.*

[FR Doc.75-11051 Filed 4-25-75; 8:45 am]

### ATLANTIC FAR EAST LINES, INC. (ORIENT OVERSEAS LINE)

#### Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-40 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,046.

Whereas, Atlantic Far East Lines, Inc. and/or Chinese Maritime Trust, Ltd. and/or Orient Overseas Line, Inc. (Orient Overseas Line) c/o Orient Overseas Services, Inc., 510 Montgomery Street, San Francisco, California 94111, have ceased to operate the passenger vessels Oriental Jade and Oriental Pearl,

*It is ordered*, That Certificate (Performance) No. P-40 and Certificate (Casualty) No. C-1,046 covering the Oriental Jade and Oriental Pearl be and are hereby revoked effective April 22, 1975.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served on the Certificants.

By the Commission April 22, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11053 Filed 4-25-75;8:45 am]

[Docket No. 74-36 (Sub. No. 1)]

### MATSON NAVIGATION CO.

#### Proposed Increases in Auto Rates; Order of Investigation and Suspension

Effective April 25, 1975, Matson Navigation Co. (Matson) proposes to increase its rates on automobiles and related commodities[1] moving between the U.S. Pacific Coast and Hawaii. The increase will be accomplished by first melding the current bunker surcharge of 9.3 percent into the existing rate and then increasing the resulting rate by 3 percent in the case of autos and 8 percent on buses, fire trucks and trailers.

Matson's rates on these commodities are currently the subject of Docket No. 74-36—Matson Navigation Company—Increase in Rates on Motor Vehicles in the U.S. Pacific Coast/Hawaiian Trade, in which the Commission is considering the reasonableness of a 15 percent increase in Matson's rates on autos, buses, fire trucks and trailers which became fully effective[2] on January 1, 1975. Financial exhibits sponsored by Matson and by an accountant from the Commission's staff in that case contain widely different figures with respect to the profitability of Mateon's auto carriage. The hearings in that proceeding have been concluded and the case remains only to be argued on brief.

The Motor Vehicle Manufacturers Association of the United States Inc. (MVA) filed a protest to the proposed increases, requesting suspension and investigation. The protest states that Matson has increased its rates on autos a total of some 40 percent in the period January, 1971 through January, 1975 and contends that further increases would be unjust and unreasonable.

Upon consideration of the protest and in view of the pending litigation in Docket No. 74-36, the Commission is of the opinion that the subject increases should be suspended and made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under sections 18(a) and 22 of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing,

Therefore, *It is ordered*, That pursuant to the authority of Sections 18(a) and 22 of the Shipping Act, 1916, as amended, and Sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended, an investigation is hereby ordered into the lawfulness of the proposed increases for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made part of this investigation;

*It is further ordered*, That pursuant to section 3 of the Intercoastal Shipping Act, 1933, the tariff matter listed in Appendix A to this order is hereby suspended and the use thereof deferred to and including August 25, 1975, unless otherwise ordered by this Commission.

[1] See Appendix A hereto for a listing of the pertinent tariff items.

[2] Matson originally filed a 25 percent increase to become effective on September 1, 1974 of which the Commission permitted 12 percent to become effective. Matson then voluntarily replaced the 25 percent increase with a 15 percent increase which went into effect at the end of the suspension period on January 1, 1975.





*It is further ordered*, That there shall be filed immediately with this Commission by Matson Navigation Company consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall fully reproduce this order and shall state that the aforesaid matter is suspended and may not be used until August 26, 1975, unless otherwise authorized by this Commission and that the suspended matter may not be changed except to the extent authorized by the next following paragraph until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission;

*It is further ordered*, That Matson is hereby authorized to reissue pages 12-B, 13 and 14 to its tariff FMC-F No. 145, upon one day's notice, to publish the rate on its:

(1) Item No. 8 as $50.28;
(2) Item No. 10 as $28.29; and
(3) Item No. 35 as $25.46.

Such rates to remain in effect to and including August 25, 1975, unless otherwise ordered by this Commission;

*It is further ordered*, That pursuant to section 16, First of the Shipping Act, 1916, as amended, a determination shall be made as to whether Matson, by the subject increases, is proposing to subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of that section;

*It is further ordered*, That Matson Navigation Company be named as respondent in this proceeding and that the Motor Vehicle Manufacturer's Association of the United States be named as complainant;

*It is further ordered*, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence not later than October 21, 1975;

*It is further ordered*, That (1) a copy of this order be forthwith served upon the respondent and complainant herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondent, complainant and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(l) of the Commission's Rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

APPENDIX A

MATSON TARIFF FMC-F NO. 143

1st Revised Page 2
2nd Revised Page 7
9th Revised Page 9

MATSON TARIFF FMC-F NO. 145

Item 8 on 4th Revised Page 12-B
Item 10 on 6th Revised Page 13
Item 35 on 10th Revised Page 14

[FR Doc.75-11050 Filed 4-25-75;8:45 am]

### MITSUI O.S.K. LINES (PASSENGER), LTD.

#### Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-89 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,085.

Whereas, Mitsui O.S.K. Lines (Passenger), Ltd., c/o Mitsui O.S.K. Lines, Ltd., Suite 2211, One World Trade Center, New York, New York 10048, has ceased to operate the passenger vessel M. S. Brazil Maru; and

Whereas, Certificate (Performance) No. P-89 and Certificate (Casualty) No. C-1,085 issued to Mitsui O.S.K. Lines (Passenger), Ltd. and Mitsui O.S.K. Lines, Ltd. have been returned for revocation.

*It is ordered*, That Certificate (Performance) No. P-89 and Certificate (Casualty) No. C-1,085 applying to the M. S. Brazil Maru are hereby revoked effective April 22, 1975.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission, April 22, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11062 Filed 4-25-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 587]

### VALENCIA BAXT EXPRESS, INC.

#### Order of Revocation

By letter dated March 25, 1975, Valencia Baxt Express, Inc., GPO Box 2379, San Juan, Puerto Rico 00936 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 587 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 15, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Section 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Valencia Baxt Express, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g), (dated 9/15/73):

*It is ordered*, That Independent Ocean Freight Forwarder License No. 587 of Valencia Baxt Express, Inc. be returned to the Commission for cancellation.

*It is further ordered*, That Independent Ocean Freight Forwarder License No. 587 be and is hereby revoked effective April 15, 1975.

*It is further ordered*, That a copy of this Order be published in the FEDERAL REGISTER and served upon Valencia Baxt Express, Inc.

ROBERT S. HOPE,
*Managing Director.*

[FR Doc.75-11054 Filed 4-25-75;8:45 am]

[Docket No. 73-35]

### INTERMODAL SERVICE OF CONTAINERS AND BARGES AT THE PORT OF PHILADELPHIA

#### Possible Violations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933; Erratum

On April 21, 1975, the Commission issued a Notice of Intent to Make an Environmental Assessment in this proceeding. In the first sentence of the final paragraph of said Notice, the phrase "constitute a major federal action significantly affecting" should be substituted for the words "significantly affect."

By the Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11049 Filed 4-25-75;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. E-8884]

### CAROLINA POWER AND LIGHT CO.

#### Order Granting Interventions and Denying Motion To Modify Fuel Adjustment Clause

APRIL 21, 1975.

On July 1, 1974, the Carolina Power and Light Company (CP&L) tendered for filing changes in its rates for wholesale service. CP&L's filing was noticed by the Commission on July 10, 1974, with protests and petitions to intervene due on or before July 19, 1974.

An untimely petition to intervene was jointly filed on March 21, 1975, by Rufus L. Edmisten, Attorney General of North Carolina, on behalf of the using and consuming public of the State of North Carolina (UCP), and the Greater Asheboro Electrical Conservation Association (GAECA). Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

In addition, UCP and GEACA filed a motion to restrict the amount of money to be collected under CP&L's currently effective fuel adjustment clause so as to allow "only a 75 percent recovery for a period of at least 60 days". Such an action would be consistent with a similar action taken by the North Carolina Utilities Commission (NCUC) on February 3, 1975, in an Order Limiting Monthly



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Charges Under Automatic Fossil Fuel Adjustment Clause



are on file with the Commission and are Docket No. RP75-90 a Petition pursuant

Any person desiring to be heard or to

Charges Under Automatic Fossil Fuel Adjustment Clauses on Residential Customers, (NCUC) Docket Nos. E–2, SUB 234, et al. In our Order issued August 26, 1974, we ordered a hearing on the proposed rate increase filed by CP&L. One of the issues at that hearing and in this proceeding is the propriety of CP&L's fuel adjustment clause. Until a complete record is developed on this issue, we do not believe it would be appropriate to summarily modify CP&L's fuel adjustment clause. Accordingly, we shall deny the motion to UCP and GEACA without prejudice to their right to raise these issues in the proceedings in this docket.

*The Commission finds.* (1) It is desirable and in the public interest to allow the above-named petitioners to intervene.

(2) UCP and GAECA's motion to restrict amounts collected under CP&L's fuel adjustment clause should be denied.

*The Commission orders.* (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) UCP and GAECA's motion to restrict amounts collected under CP&L's fuel adjustment clause is hereby denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10917 Filed 4–25–75;8:45 am]

[Docket Nos. CP73–340, CI74–430, CP75–243]

## COLORADO INTERSTATE GAS CO., ET AL.

### Extension of Time

APRIL 18, 1975.

In the matter of Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, Docket No. CP73–340; Colorado Oil and Gas Corporation and Gas Producing Enterprises, Inc., Docket No. CI74–430; and Northern Natural Gas Company, Docket No. CP75–243.

On April 16, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, Colorado Oil and Gas Corporation and Gas Producing Enterprises, Inc., and Northern Natural Gas Company filed a motion to extend the procedural date fixed by order issued April 15, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing supporting testimony in the above matter is extended to April 28, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10918 Filed 4–25–75;8:45 am]

[Docket No. RP75–47–3]

## COLUMBIA GAS TRANSMISSION CORP., ET AL.

### Order Denying Motion To Hold Proceeding in Abeyance, Terminating Proceeding and Cancelling Hearing

APRIL 21, 1975.

Teledyne Ohio Steel (Teledyne) on February 27, 1975, pursuant to § 1.12 of the Commission's rules of practice and procedure, filed a motion to hold this proceeding in abeyance and to postpone indefinitely the hearing scheduled to be held upon its request for extraordinary relief from the currently effective curtailment procedures of Columbia Gas Transmission Corporation (Columbia). West Ohio Gas Company (West Ohio), Teledyne's distributor supplier, has deferred action upon the filing of certain information required of distributors by Commission Order No. 467–C pending a Commission ruling upon Teledyne's motion.

By order issued February 12, 1975, the Commission set for public hearing commencing March 6, 1975, the matters raised by Teledyne's request for extraordinary relief. In response to Teledyne's telegram request of February 26, 1975, the Commission Secretary's Notice issued March 3, 1975, postponed all procedural dates set forth in the aforesaid order pending further action of the Commission.

In its motion, Teledyne states that the curtailment level imposed by West Ohio was reduced from fifty percent to fifteen percent, effective February 20, 1975, as a result of mild weather conditions among other factors, and claims that it has initiated several conservation measures, including the conversion of all possible functions to fuel oil as an energy source. Teledyne asserts that it still faces a long range emergency because of anticipated future natural gas curtailments that cannot be quantified at the present time.

We have fully considered Teledyne's apprehension that it may again be confronted with additional gas curtailment due to the continuing nation-wide natural gas shortage. However, we also must be cognizant of the fact that natural gas shortages in a given area, together with other factors relating thereto, are in an ever-varying state of change from the standpoint of the overall depth of curtailment deemed necessary by each individual distributor and the impact of such curtailment upon a particular industry or class of consumer. We therefore deem it appropriate in the interest of orderly and expeditious processing of requests for relief from curtailment to dismiss the instant petition for extraordinary relief without prejudice to any future filing by Teledyne if warranted.

Pursuant to Notice published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before January 25, 1975. On February 14, 1975, petitions for leave to intervene out of time were filed by Union Carbide Corporation and Chas. Taylor Sons Company; and on February 26, 1975, by the Cities of Charlottesville and Richmond, Virginia. In light of our decision to dismiss without prejudice Teledyne's subject petition, the aforementioned petitions to intervene have been rendered moot.

*The Commission orders.* (A) Teledyne's motion to hold this proceeding in abeyance filed on February 27, 1975, is hereby denied for the reasons set forth in the recital above.

(B) The proceeding relating to Columbia Gas Transmission Corporation (West Ohio Gas Company and the Ohio Public Utilities Commission) in Docket No. RP75–47–3, which involves Teledyne's request for extraordinary relief, is hereby terminated; and the formal hearing that was scheduled to commence in this proceeding on March 6, 1975 (prior to postponement), by the Commission's order of February 12, 1975, is cancelled.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10919 Filed 4–25–75;8:45 am]

[Docket No. E–8522]

## DELMARVA POWER AND LIGHT CO.

### Compliance Filing

APRIL 21, 1975.

Take notice that on April 7, 1975, Delmarva Power and Light Company (Delmarva) tendered for filing a Third Supplemental Power Supply Agreement in compliance with a Commission order issued March 26, 1975, in the above-captioned docket. The following rate schedules were tendered on April 7, 1975:

Rate Schedule FPC No. 33 and Supplement 2 of Delmarva Power and Light Company.
Rate Schedule FPC No. 10 and Supplement 2 of Delmarva Power and Light Company of Maryland.
Rate Schedule FPC No. 5 and Supplement 2 of Delmarva Power and Light Company of Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing





are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10920 Filed 4–25–75;8:45 am]

[Docket No. RP75–20]

## MISSISSIPPI RIVER TRANSMISSION CORP.

### Further Extension of Procedural Dates

APRIL 22, 1975.

On April 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 31, 1974, as most recently modified by notice issued February 27, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony exclusive of depreciation, June 3, 1975.
Service of Intervenor's Testimony, June 23, 1975.
Service of Company Rebuttal, July 15, 1975.
Hearing, July 29, 1975 (10:00 a.m., e.d.t.).

The procedural dates regarding depreciation issues are deferred pending Commission action on Staff's motion filed March 21, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10921 Filed 4–25–75;8:45 am]

[Docket No. E–9161]

## MONONGAHELA POWER CO. ET AL.

### Extension of Procedural Dates

APRIL 21, 1975.

On April 8, 1975, Monongahela Power Company, The Potomac Edison Company, West Penn Power Company filed a motion to extend the procedural dates fixed by order issued March 10, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Companies' Direct Testimony, June 13, 1975.
Service of Staff's Testimony, August 8, 1975.
Service of Intervenor's Testimony, August 22, 1975.
Service of Company Rebuttal, September 5, 1975.
Hearing, September 16, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10922 Filed 4–25–75;8:45 am]

[Docket No. RP75–90]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Petition

APRIL 21, 1975.

Take notice that on April 15, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. RP75–90 a Petition pursuant to section 16 of the Natural Gas Act, § 1.7 of the Commission's rules of practice and procedure and § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act requesting that the Commission issue an order permitting Petitioner periodically to adjust its rates to reflect costs associated with certain payments made to facilitate exploration, development and production, all as more fully set forth in the Petition, which is on file with the Commission and open to public inspection.

Petitioner by this Petition seeks to obtain authorization of a procedure for the timely recoupment of the costs of certain gas supply programs. Petitioner states that it has incurred and will incur costs under two letter agreements with Exxon Company, U.S.A. under which Exxon has granted Petitioner the exclusive right to negotiate for the purchase of 20 percent of Exxon's interest in gas reserves in Prudhoe Bay, Alaska (Prudhoe Bay Agreement) and a continuing option to purchase 20 percent or 40 percent of Exxon's interest in gas reserves underlying certain blocks in the Gulf Coast, offshore Louisiana and offshore Texas (Gulf Coast Agreement). It is estimated that substantial additional supplies on the order of 2 Tcf could become available to Petitioner as a result of these arrangements. Petitioner will make semi-annual payments to Exxon that will approximate that interest expense that would be applicable if Exxon were to borrow funds to finance exploration, development and production costs incurred in Prudhoe Bay and on the Gulf Coast. The first payment under the Prudhoe Bay Agreement of $2,196,104 was made on March 27, 1975. The first payment under the Gulf Coast Agreement of $258,715 is due on April 14, 1975. Subsequent payments are to be made to Exxon semi-annually, on May 1 and November 1 of each year. After first deliveries of gas or December 31, 1982, whichever is earlier, payments under the Prudhoe Bay Agreement shall be reduced to zero over a five-year period. A similar provision for reduction and termination of the payments is included in the Gulf Coast Agreement. Petitioner proposes to make a semi-annual unit adjustment in its rates to reflect these semi-annual payments to Exxon.

Petitioner states that the Gulf Coast Agreement also provides for inclusion of Excess Royalty Reimbursement, Deregulation, Area and National Rate and Btu Adjustment provisions in existing gas purchase contracts between Petitioner and Exxon, and Exxon has agreed to undertake a work program of at least $4 million in fields currently attached to Petitioner's system to develop additional reserves and to increase deliverability.

Petitioner states that the Exxon arrangements will facilitate the exploration for and development of new gas reserves while placing the burden and risk of financing on Exxon and that the adjustment proposed in the Petition will result in a lower cost to the interstate consumer than traditional advance payments.

Any person desiring to be heard or to make any protest with reference to said Petition should on or before May 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this Petition if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the relief requested in the Petition is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Petitioner to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–10923 Filed 4–25–75;8:45 am]

[Docket No. CI75–433]

## SKELLY OIL CO.

### Order Setting Matter for Hearing and Establishing Procedures

APRIL 21, 1975.

On January 24, 1975, Skelly Oil Company (Applicant) filed an application pursuant to section 7(c) of the Natural Gas Act for a limited term certificate of public convenience and necessity for a period of one year with pregranted abandonment authorizing the sale of natural gas for resale in interstate commerce to Natural Gas Pipeline Company of America (Natural) from the Forty Niner Ridge Unit, Well No. 1 in Eddy County, New Mexico. The Applicant proposes to sell the gas at a rate of 65.0 cents per Mcf (at 14.65 psia) subject to upward and downward Btu adjustments.

Applicant commenced an emergency sale of the gas on January 14, 1975, at the proposed rate pursuant to § 159.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29). At the expiration of the 60-day emergency sale period (March 15, 1975), Applicant terminated the sale of the subject gas to Natural pending Commission action on the instant application.



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Applicant proposes to initiate such



petitions or protests should be filed on or

On July 23, 1974, we issued six orders

## FEDERAL RESERVE SYSTEM

Applicant proposes to initiate such sale for one year within contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Pursuant to a letter agreement adopted by Applicant and Natural on November 11, 1974, the period for such one-year sale was to have commenced on March 15, 1975, (the end of the 60-day emergency period) provided, Commission authorization for the limited term sale had been issued on or before such date. Applicant proposes to sell an estimated daily quantity of 4,000 Mcf of gas per day.

In support of its limited term certificate application, Applicant initially stated that such sale would be on a temporary limited term basis pending Applicant's determination whether or not it will utilize the subject gas for its own use. In support of the proposed price, Applicant contended that such price was justified in order to enable interstate pipeline companies to negotiate for additional supplies of gas which will help offset curtailment and which might not otherwise be available to the interstate market for long term dedication. More specifically, Applicant stated that Natural is in need of the limited term gas to aid it in assuring the maintenance of adequate service on its pipeline system and thereby, minimize curtailment of service to its customers. Finally, Applicant states given increasing public demand and need for increased gas exploration and rising costs incurred in finding and producing such gas, the public convenience and necessity requires issuance of a certificate at the price and terms proposed.

In Opinion No. 699–B (52 FPC ) which reinstated the limited term certificate provisions of § 2.70(b)(3) of the Commission's general policy and interpretations, the Commission stated that applicants for limited term certificates "will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market, and that the supply of gas is available for the limited period for which certification is sought" (mimeo, page 6). By letter dated February 20, 1975, Applicant was requested to supplement its application in accordance with Opinion No. 699–B to demonstrate by substantial evidence these required facts.

In response, Applicant on March 6, 1975, filed an amendment to its original application. In the amendment Applicant specifically stated that the subject gas may be available for only a one year period due to the fact that applicant is currently conducting a feasibility study regarding the possible construction of a manufacturing facility in New Mexico which would require utilization of natural gas from the subject well.[1] In addition, on the question of whether the proposed rate of sale under the limited term certificate was the lowest price at which that particular supply of gas could be purchased on the interstate market, Applicant stated it would accept the nationwide rate as established in Opinion No. 699–H subject to adjustment during the course of the one year sale but not to exceed the contract rate of 65.0 cents per Mcf.

No affiliation of record exists between Applicant and Natural.

After due notice of the application in the FEDERAL REGISTER on February 12, 1975 (40 FR 6540) Natural filed a Petition to Intervene in the instant proceeding within the period designated for such filings which expired on February 21, 1975. No further protests or petitions to intervene to the granting of the instant application have been filed as of this date of issuance. Based upon the pleadings before us, we believe that justification for the limited period for which the certificate of sale is sought as well as other public interest issues should be established by substantial evidence in a formal record. Accordingly, we will set this application for a formal hearing.

*The Commission finds.* (1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be the subject of a formal evidentiary hearing in accordance with the procedures as set forth below.

(2) The participation of Natural Gas Pipeline Company of America in this proceeding may be in the public interest.

*The Commission orders.* (A) Pursuant to the authority of the Natural Gas Act and particularly sections 7 and 15 thereof, the Commission's rules of practice and procedures, and the regulations under the Natural Gas Act, a public hearing shall be held on June 17, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Skelly Oil Company in their application (as amended) filed on January 24, 1975.

(B) On or before June 3, 1975, Skelly Oil Company and any supporting party shall file with the Commission and serve on all parties including Commission Staff, their testimony and exhibits in support of their positions.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—see Delegation of Authority (18 CFR 3.5(d))—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure, and the purpose expressed in this order.

(D) Natural Gas Pipeline Company of America is hereby permitted to intervene in this proceeding subject to the rules and regulations of this Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting its asserted rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it may be aggrieved by any order entered by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10924 Filed 4–25–75;8:45 am]

[1] As of this date Applicant has not informed this Commission whether such study has been completed and if so whether Applicant's Board of Directors has approved such project.

[Project No. 344]

## SOUTHERN CALIFORNIA EDISON CO.

### Extension of Time

APRIL 18, 1975.

On April 10, 1975, the Agua Caliente Band of Mission Indians filed a motion to extend the date for filing statements of fact and of law in support of their position as required by ordering paragraph (B) of the order issued March 3, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing testimony in support of the above matter shall be filed on or before May 17, 1975. Statements of fact and law in reply to the aforementioned testimony may be filed on or before June 16, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10925 Filed 4–25–75;8:45 am]

[Docket Nos. RP72–121, PGA75–5c]

## SOUTHWEST GAS CORP.

### Filing Revised Tariff Sheets

APRIL 21, 1975.

Take notice that on April 2, 1974, the Southwest Gas Corporation (SGC) tendered for filing a Ninth Revised Sheet No. 3A constituting Original PGA01 and supporting schedules to be substituted for Ninth Revised Sheet No. 3A and supporting schedules of the filing by letter dated March 3, 1975. SGC states that the filing is intended to constitute a complete replacement and is filed in substitution for the previous filing.

SGC states the reason for this filing is to reflect the change made by the Northwest Pipeline Corporation (Northwest) in Docket No. RP72–154, PGA75–4a. In that docket, Northwest filed for a .011 cents per therm reduction.

SGC states that this filing is to change the rates of SGC under its Purchase Gas Adjustment Clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

SGC requests that this Commission permit the correction noted therein and allow the enclosed substitute tariff sheet to become effective on April 1, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 204.26, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10926 Filed 4–25–75;8:45 am]





[Docket No. RI75–6]

## SUN OIL CO.

### Order Denying Reconsideration of Order Setting Date for Hearing

APRIL 21, 1975.

On March 27, 1975, Sun Oil Company (Sun) filed a petition for reconsideration of our order in Docket No. RI75–6, issued on February 28, 1975, that set this proceeding for hearing. More specifically, Sun requested that the Commission grant its petition for special relief filed in the instant Docket on July 2, 1974, pursuant to § 2.76[1] of the Commission's general policy and interpretations. In the alternative, Sun requested that we continue the hearing set in our February 28, 1975 order to June 2, 1975, with Sun's testimony and evidence to be filed on May 1, 1975. By Commission Notice of March 25, 1975, in this Docket, Sun was granted the requested continuance; the hearing was reset for June 2, 1975, with Sun's evidence to be served by May 1, 1975, the Commission Staff's evidence to be served by May 15, 1975, and rebuttal to be served by May 22, 1975.

Sun's petition for special relief requested a rate increase from 13.5 cents per Mcf, 14.65 psia, to 35.0 cents per Mcf, 14.65 psia, with an annual 1 cent per Mcf escalation for sales of natural gas produced from its interest in eight wells in the Bradshaw Field, Hamilton County, Kansas, to Kansas-Nebraska Gas Company, Inc., under Sun's F.P.C. Gas Rate Schedule No. 419.

For support of its petition, Sun relies largely on a showing made in a previous proceeding on a petition for (abandonment or in the alternative) special relief filed by LVO Corporation (LVO) in Docket No. CI74–19 concerning LVO's interest in a group of wells in the Bradshaw Field, 80 in number, which included seven of the eight wells involved in Sun's petition. In that proceeding, which culminated April 22, 1974, by way of Commission approval of a settlement, LVO was granted rate relief similar to that sought here by Sun. Also, in December 1974, Sun filed some cost and reserve data in further support of its petition.

On July 23, 1974, we issued six orders[2] with reference to petitions for special relief. All stated that the producer applicant who seeks special relief must furnish not only opinion evidence on the cost of the project and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. These orders also indicated that special relief applicants without adequate notice of this requirement might supplement their applications to include the necessary data.

An examination of Sun's petition for special relief and additional data subsequently filed by Sun in support thereof has raised a question of whether there is a sufficient data basis for this Commission to find that the increased rate sought by Sun is just and reasonable.

Sun's reliance on the LVO case with regard to the seven of its wells in which LVO also has an interest is not adequate, in itself, to support Sun's petition. The record in the LVO case, which was prior to the emphasis on underlying data, as noted in the six orders referred to above, was not developed in accordance with current standards. Also, the LVO case dealt with average costs and reserves of an interest in 80 wells. Sun's rate, which would be based on costs and reserves of seven of those 80 wells (and one other) could be far different from LVO's. And since Sun was not a party to the LVO case, its particular situation was not determined therein. See Commission order of April 1, 1975, in Mobil Oil Corporation, Docket No. RI75–40, wherein the Commission denied a petition for reconsideration by Mobil, similar to Sun's, under circumstances almost identical to those obtaining here, with regard to Mobil's interest in two of the 80 wells involved in the LVO case.

Sun has suggested that if its petition for reconsideration is denied, a consolidated hearing should be held including its petition with Mobil's petition referred to above. Since these cases are entirely separate, except for the fact that LVO owns an interest in most of the wells of both petitions, the Commission can see no reason for a consolidated hearing.

For the reasons discussed above, we conclude that reconsideration of our order issued February 28, 1974, should be denied.

*The Commission orders.* (A) Sun's Petition For Reconsideration Of Order Setting Date For Hearing filed March 27, 1975, is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10927 Filed 4–25–75;8:45 am]

[1] Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R–458, 49 FPC 992 (issued April 12, 1973), 18 CFR 2.76.

[2] C.K. Oil Company, Docket No. RI74–234; Cities Service Oil Company, et al., Docket Nos. RI–74–142; et al., Dinero Oil Company, Docket No. RI74–220; Sun Oil Company, Docket No. RI74–236; Sun Oil Company, Docket No. RI74–237; Terra Resources, Inc., Docket No. RI74–240.

## FEDERAL RESERVE SYSTEM

### MIDWEST BANCSHARES, INC.

#### Order Denying Formation of Bank Holding Company

Midwest Bancshares, Inc., Poplar Bluffs, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent of the voting shares of Dexter National Bank, Dexter, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Comptroller of the Currency, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Missouri for the purpose of becoming a bank holding company through the acquisition of Bank. With deposits of $8 million, Bank holds approximately 15.1 percent of the total deposits held by commercial banks in the relevant banking market (approximated by Stoddard County) and is the third largest of the market's six banks.[1] Inasmuch as this proposal represents merely a reorganization of existing ownership interests, and since Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significantly adverse effect upon either actual or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes that a holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the Applicant in each case with this consideration in mind. In connection with this proposal, Applicant will incur acquisition debt which it proposes to service over a twelve-year period primarily through dividends from Bank. In the Board's view, the projected earnings of Applicant over the debt-retirement period appear to be somewhat optimistic in view of Bank's previous earnings and, even if actually realized, would not provide Applicant with the financial flexibility necessary to meet its annual debt service requirements while maintaining adequate capital at Bank.[2] Furthermore,

[1] All banking data are as of June 30, 1974, unless otherwise indicated.

[2] In a letter dated March 4, 1975 to the Board, the Comptroller of the Currency indicated that he was not recommending approval of the application because Bank's past earnings history and capital structure made it seem unlikely that the annual debt service requirements and the anticipated growth in business volume would be met by Bank's projected net earnings.



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the financial requirements imposed upon Applicant as a result of the debt could prevent it from resolving any unforeseen problems that may arise and thereby impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of the above and other facts of record, the Board is of the view that it would not be in the public interest to approve the formation of a bank holding company with an initial debt structure that could result in impairing Bank's overall financial condition. Accordingly, the Board concludes that the considerations relating to the banking factors weigh against approval of the application.

As indicated above, the proposed formation essentially involves the reorganization of the ownership interest of Bank without any significant changes in Bank's operations or the services offered to customers of Bank. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of all of the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial conditions and prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[1] effective April 17, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-10948 Filed 4-25-75;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Holland, and Coldwell. Absent and not voting: Governors Sheehan, Bucher, and Wallich.

## ATLAS TOWING COMPANY AND CRISS CONCRETE CO.

### Request for Determination and Order, Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) by Atlas Towing Company and Criss Concrete Co., both of Parkersburg, West Virginia.

Atlas Towing and Criss Concrete, bank holding companies within the meaning of section 2(a) of the Act by reason of their ownership of, respectively, 44 per cent of the voting shares of stock of Mountain State Bank, Parkersburg, West Virginia, and 33 per cent of the voting shares of Williamstown National Bank, Williamstown, West Virginia, seek a Board determination that their status as bank holding companies has terminated.

Atlas Towing has transferred all of its shares of Mountain State Bank to the estate of Adrian V. Criss. Criss Concrete has transferred 1,200 shares of Williamstown National Bank to the same estate, thereby reducing its ownership of shares of that bank to less than 25 per cent. The bank holding companies seek a determination pursuant to section 2(g)(3) of the Act that they are not capable of controlling the estate of Adrian V. Criss notwithstanding that Adrian V. Criss, Jr., and L. D. Sisler, officers and directors of both Atlas Towing and Criss Concrete are also trustees of the estate of Adrian V. Criss.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

*It is ordered,* That, pursuant to section 2(g)(3) of the Act, an opportunity be and hereby is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 23, 1975. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, like reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which said person wishes to give testimony at such oral hearing. The Board subsequently will designate a time and place for any hearing ordered, and will give notice of such hearing to the transferor, the transferee, and all persons who have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

By order of the Board of Governors, April 22, 1975.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc.75-11028 Filed 4-25-75;8:45 am]

## FIRST SECURITY CORP.

### Order Conditionally Approving Acquisition of Securities-Intermountain, Inc.

First Security Corporation, Salt Lake City, Utah, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and §225.4(b)(2) of the Board's regulation Y, to acquire all of the common[1] shares of Securities-Intermountain, Inc., Portland, Oregon ("Simco"),[2] a mortgage company that engages in the making and acquiring, for its own account and for the account of others, loans and other extensions of credit and the servicing of such loans for itself and for others; acting as an insurance agent, through a wholly-owned subsidiary, with respect to insurance directly related to said extensions of credit and insurance otherwise sold as a matter of convenience to borrowers, and participating as an investment adviser to a real estate investment trust through a 20 percent ownership interest in Bancorp Management Advisors, Inc. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3), (5), and (9)(ii)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 37544). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls eight subsidiary banks[3] with aggregate deposits of $1.4 billion.[4] It is the largest bank holding company in Utah, holding 29.4 percent of that State's commercial bank deposits. Through certain of its nonbanking subsidiaries, Applicant also engages in mortgage banking and acting as agent for credit life and credit disability insurance directly related to extensions of credit by subsidiaries of the holding company.

Simco, with a mortgage servicing portfolio of approximately $199 million (as of March 30, 1974), engages in a full range of mortgage banking activities including the origination, sale and servicing of all types of mortgage loans. Its main office is located in Portland, Oregon, and it operates three offices in the State of Washington and two offices in the State of California. It appears that consummation of the acquisition would not eliminate a significant amount of actual competition between Applicant and Simco since they are not significant direct competitors of one another in any mortgage banking market. Applicant's mortgage and banking subsidiaries operate primarily in the States of Utah, Idaho, Colorado, and New Mexico, while Simco operates in the States of Washington, Oregon, and California. Approximately $10 million, or 2.8 percent, of Applicant's $365 million servicing portfolio are mortgages on properties located in Washington, Oregon, and California and $1 million, or less than .5 percent, of Simco's servicing portfolio of $199 million represent mortgages on properties in markets served by mortgage and banking subsidiaries of Applicant. Furthermore, the markets served by Simco do not appear so concentrated that entry by Applicant through de novo expansion would produce such important benefits as to warrant denial of this proposal. Simco's market share does not exceed 1.4 percent in any market and it competes with numerous large commercial banks and large mortgage companies in each market in which it operates. On the basis of the facts of record, any elimination of actual and probable future competition between Applicant and Simco resulting from consummation of the proposed acquisition appears minimal.

Simco, indirectly, through Intermountain Insurance Agency ("Agency"), its subsidiary, also engages in the sale of homeowner's mortgage redemption, credit accident and health and other insurance directly related to extensions of credit by Simco to customers of Simco and to Simco itself. To some extent, Agency is currently engaged in activities impermissible for bank holding companies insofar as Agency derives 39 percent of its aggregate insurance premium income from the sale of "convenience" insurance. Applicant states that Agency has terminated solicitation of such "convenience" insurance, that prior to consummation of the proposed transaction, the sale of such "convenience" insurance will be terminated and existing policies will be terminated without renewal upon their expiration date. Thereafter, Applicant indirectly would only engage in the sale of insurance in accordance with Regulation Y and the Board's interpretation relating thereto.

Additionally, Simco is engaged in land development activities through three wholly-owned subsidiaries: Corley Mortgage Company, Inland Homes, Inc., and River View Homes, Inc. Land development activities are not permissible for bank holding companies under Regulation Y.[5] Applicant states that it would dispose of the impermissible land development holdings[6] of the three subsidiaries within six months of the date of consummation of the proposal, if the instant application is approved by the Board. The Board's action herein is conditioned upon such disposition.

Simco also participates with U.S. Bancorp, Portland, Oregon ("Bancorp"), a bank holding company, through Simco's 20 percent ownership interest in Bancorp Management Advisors, Inc. ("BMA"), Portland, Oregon, in the management of a real estate investment trust, U.S. Bancorp Realty and Mortgage Trust, Portland, Oregon, and in the making or acquisition of commercial and mortgage loans, The remaining 80 percent of the equity in BMA is held directly and indirectly by Bancorp. In its Order of January 31, 1972 denying Bancorp's application to acquire shares of Simco, the Board found that an affiliation of the two companies would eliminate substantial existing competiton in two geographic markets and adversely affect potential competition in a third geographic market. Thereafter, BMA was formed and the mutual interest of Bancorp and Simco was established.

The Board has recognized that joint ventures require cooperation between venturers and that, where two venturers are competitors of one another, such cooperation may decrease competition in markets in which the two meet in direct competition.[7] That principle appears applicable to the instant application, and the Board concludes that the performance of investment advisory services by Simco through BMA gives rise to a serious possibility of decreased competition,[8] a possible adverse effect not outweighed by any benefit to the public that may be reasonably expected to derive from such performance.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests or other adverse effect on the public interest. Applicant states that affiliation with Simco should increase the financial resources available to Simco and thereby enable it to increase the availability of credit to its customers. Simco has experienced steady losses of its market shares since 1970. Applicant expects to reverse those losses. Thus, the Board regards public benefits considerations as lending slight weight toward approval of that portion of the application that does not relate to BMA. As to that portion of the application contemplating the indirect acquisition of shares of BMA, the Board finds that no benefit to the public may reasonably be expected to derive therefrom.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of the portion of this proposal not related to BMA can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved to the extent it contemplates the acquisition of shares of Simco, but is denied to the extent the application contemplates the indirect acquisition of shares of BMA. This determination is subject to the condition that the Agency's premium income which is not directly related to an extension of credit or directly related to the provision of other financial services be reduced to less than 5 per cent of the premium income of Agency in accordance with the Board's Regulation Y, that Applicant dispose of the aforementioned impermissible land development holdings within six months of the consummation of this proposal and that Simco dispose of all shares of BMA prior to consummation of the proposal. The approval further is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to authority delegated hereby.

By order of the Board of Governors,[9] April 21, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-11029 Filed 4-25-75;8:45 am]

[1] It is proposed that all outstanding preferred shares of Securities-Intermountain, Inc. would be retired prior to consummation of the proposed acquisition.

[2] An application by U.S. Bancorp to acquire Simco was denied by the Board on January 31, 1972 (37 FR 2858).

[3] Applicant controls six banks in Utah, one in Idaho, and one in Wyoming. The banks in Idaho and Wyoming were owned by Applicant at the time of enactment of the Holding Company Act and are "grandfathered".

[4] Unless otherwise indicated, all financial data are as of June 30, 1974.

[5] Board's Order of April 15, 1974, approving applications of the Fort Worth National Corporation, Fort Worth, Texas, and Shawmut Association, Inc., Boston, Massachusetts, 60 Fed. Res. Bulletin 382, 384 (1974), 39 F.R. 14255, 14256 (1974).

[6] The prospect of decreased competition resulting from the BMA joint venture is not limited to the area of competition between Simco and Bancorp. Bancorp is the largest banking organization in Oregon; Applicant is the largest banking organization in Utah. Both are substantial banking organizations in the Northwestern United States. In the past, the two organizations have evidenced an inclination toward cooperation at least in the area of provision of data processing services, having filed, but subsequently withdrawn, an application to engage in that activity in a joint venture. The instant application suggests that an inclination toward cooperation may still exist.

[7] 12 CFR 225.126.

[8] The term "impermissible land development holdings" as used herein includes raw land, income-producing real property irrespective of whether construction has been completed and single family dwelling units in various stages of construction.

[9] Voting for this action: Vice-Chairman Mitchell and Governors Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governors Sheehan and Coldwell.





Board to be closely related to banking (12 CFR 225.4(a)(8)).

Request for clearance of a new tariff filing requirement. Filing of Tariffs by



Written comments on the proposed SEC questionnaire are invited from all

gram Relating to the International Energy Program which I have approved

Gulf Oil Corporation[1]
P.O. Box 1166

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Board to be closely related to banking (12 CFR 225.4(a)(6)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 1571). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is the third largest banking organization in New Jersey with approximately 7 per cent of the total deposits in commercial banks in the State. Applicant controls eight banks with aggregate deposits of approximately $1.4 billion.[2] Company, organized in 1968, has total assets of $1.9 million.[3] Company's leasing activities involve to equal extents both direct and vendor-originated leases. Most of its direct leases involve printing presses and machine tools, while the vendor-originated leases are in the office machine field. Most of Company's leases are of equipment valued under $25,000. Company operates primarily in the Metropolitan New York area market, approximated by southeastern New York State, the northern Counties of New Jersey, and the southern Counties of Connecticut. Applicant also engages in leasing activity in the same market through a department of its lead bank, Midlantic National Bank and also through Midlantic Commercial Corporation, a subsidiary. Through Midlantic National Bank Applicant held approximately $6.5 million in leasing receivables. Midlantic Commercial Co. commenced operations de novo in August, 1974. Although some existing and future competition would therefore be eliminated as a result of this proposal, in view of the large number of competitors and the intensity of competition in the New York market, such a reduction in competition as would occur would not be significant.

There is no evidence in the record that consummation of the proposed transaction would result in undue concentration of resources, conflicts of interests, unsound banking practices, unfair competition, or other adverse effects. Furthermore, it appears that Company, as a subsidiary of Midlantic Commercial Co., will be able to offer its present and future customers a wider range of financial services than it is currently providing.

Based upon the foregoing and other considerations reflected in the record, the Board finds necessary to assure compliance with section (8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y (12 CFR 225.4(c)) and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to authority delegated hereby.

By order of the Board of Governors,[4] effective April 18, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-11030 Filed 4-25-75;8:45 am]

[1] Non-lease equipment financing constitutes less than 10 percent of Company's volume and is a method of financing the same types of equipment as that leased by Company.

[2] Banking data are as of June 30, 1974.

[3] Company data are as of December 31, 1973.

[4] Voting for this action: Governors Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Chairman Burns and Governors Mitchell and Sheehan.

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 18, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before May 16, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL MARITIME COMMISSION

Request for clearance of an extension (no change) of a statistical survey, Form 283, Schedules A, B, C, for Quarterly Reports of Loss and Damage Claims. The survey will require vessel operating common carriers by water (VOCC) and nonvessel operating common carriers by water (NVOCC) to file quarterly reports with the Commission. Respondent burden is estimated to be 60 hours per response for VOCC's and one hour for NVOCC's.

Request for clearance of a new tariff filing requirement, Filing of Tariffs by Common Carriers by Water in the Domestic Offshore Trades of the United States. The proposal to amend Title 46 CFR 531.5 will require that carriers publishing rates and charges (where the level of such rates and/or charges is relative to the capacity of the container/trailer utilized), on shipments transported in containers/trailers must specify the capacity of the container/trailer to which said rate and/or charge applies. Implementation of this rule is expected to resolve problems regarding container capacities faced by the military, as well as commercial shippers. Potential respondents are common carriers by water in the domestic offshore trades of the United States and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission. Respondent burden is estimated to average 14.4 hours per response.

Request for clearance of amendment 2 to the Commission's General Order 11 (46 CFR 512), Non-Vessel Operating Common Carriers: Balance Sheet and Income Statement Reports. The amendment requires that financial and operating data be filed with this Commission by non-vessel operating common carriers by water in domestic offshore trades (except persons engaged exclusively in the carriage of used household goods) and required by the International Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission. The estimated respondent burden is 16 hours per response.

Request for an extension (no change) of a reporting requirement, Shippers' Request and Complaints, as required by 46 CFR 527. Each conference and each other body with ratemaking authority under an approved agreement shall file with the Commission the quarterly report covering all shippers' requests and complaints received during the preceding 3-month period or pending at the beginning of such period, such report to include prescribed information for each request and complaint. The respondent burden is estimated to be ten hours per response.

NORMAN F. HEYL,
*Regulatory Reports,*
*Review Officer.*

[FR Doc.75-11015 Filed 4-25-75;8:45 am]

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposal

The following request for clearance of a questionnaire intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on April 22, 1975. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.





Written comments on the proposed SEC questionnaire are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed questionnaire, comments (in triplicate) must be received on or before May 16, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

SECURITIES AND EXCHANGE COMMISSION

Request for clearance of a new questionnaire to conduct a survey of State securities qualification and examination requirements. The purpose of this survey is to determine the acceptability of a State's securities qualification and examination requirements as being a satisfactory alternative to the Commission's general securities examination as provided in 17 CFR 240.15b8-1. The burden is estimated to average 2 man hours per response.

NORMAN F. HEYL,
*Regulatory Reports*
*Review Officer.*

[FR Doc.75-11016 Filed 4-25-75;8:45 am]

## GENERAL SERVICES ADMINISTRATION

### VOLUNTARY AGREEMENT AND PROGRAM; INTERNATIONAL ENERGY PROGRAM

#### Request to Oil Companies for Participation and Company Acceptances

Pursuant to section 708 of the Defense Production Act of 1950, as amended, a request, substantially as set forth below, was made by the Administrator of General Services to certain oil companies proposed by the Administrator, Federal Energy Administration, for participation in the Voluntary Agreement and Program Relating to the International Energy Program. The Agreement as approved by the Administrator of General Services, together with letters from the Administrator, Federal Energy Administration, recommending approval, from the Attorney General approving the Agreement and proposed participants, and from the Administrator of General Services to the Administrator, Federal Energy Administration, forwarding to him the approved Agreement, was published in 40 FR 16041 on April 8, 1975. A correction to the notice of April 8 appeared in 40 FR 16718 on April 14, 1975. The request to participate has been accepted by the companies listed herein.

TEXT OF REQUEST BY ADMINISTRATOR OF GENERAL SERVICES TO OIL COMPANIES

"Pursuant to Section 708(b) of the Defense Production Act and the authority vested in me by Section 501 of Executive Order 10480 and Section 3 of Executive Order 11725, I am requesting you and the affiliates designated by you to enter into the Voluntary Agreement and Program Relating to the International Energy Program which I have approved pursuant to Section 708(a) of the Defense Production Act and the aforesaid executive orders, and to undertake the actions contemplated therein. I find such participation and action to be in the public interest as contributing to the national defense of the United States for the reasons set out in Section 1 of the Agreement.

"Ten days prior notice of this request has been given to the Chairman of the Federal Trade Commission and the Attorney General, and the Attorney General has approved the making of this request. A copy of the Attorney General's letter approving this request and indicating that such request is sufficient to provide the immunity provided by Section 708 is enclosed.

"You may accept this request and become a participant in this Agreement by advising me and the Administrator of the Federal Energy Administration in writing of such acceptance. This request and its acceptance will be published in the FEDERAL REGISTER.

"As confirmed by the Attorney General's letter, this request and its acceptance will be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act of the United States with respect to such acts and omissions to act by your company and designated affiliates within the scope of the Voluntary Agreement. Your attention, however, is invited to the Attorney General's limitation to a period of thirty days of his approval with respect to coverage of affiliates. In this regard, the Administrator of the Federal Energy Administration, as sponsor of the Agreement, will carry out the procedures described in the Attorney General's letter. The affiliates, if any, designated by you and hereby addressed in this request are as in the Attachment hereto."

ACCEPTANCES AS OF APRIL 18, 1975, BY COMPANIES AND DESIGNATED AFFILIATES

Amerada Hess Corporation [1]
1185 Avenue of the Americas
New York, New York 10036

Continental Oil Company [2]
High Ridge Park
Stamford, Connecticut 06904

Exxon Corporation [3]
1251 Avenue of the Americas
New York, New York 10020

Getty Oil Company [4]
3810 Wilshire Boulevard
Los Angeles, California 90010

Gulf Oil Corporation [5]
P.O. Box 1166
Pittsburgh, Pennsylvania 15230

Marathon Oil Company [6]
539 South Main Street
Findlay, Ohio 45840

Mobil Oil Corporation [7]
150 East 42nd Street
New York, New York 10017

Murphy Oil Corporation [8]
200 Jefferson Avenue
El Dorado, Arkansas 71730

Skelly Oil Company
1701 Pennsylvania Avenue, NW
Suite 525
Washington, D.C. 20006

Standard Oil Company of California [9]
225 Bush Street
San Francisco, California 94104

Standard Oil Company (Indiana) [10]
200 East Randolph Drive
Chicago, Illinois 60601

Sun Oil Company [11]
240 Radnor-Chester Road
St. Davids, Pennsylvania 19087

[1] Amerada Hess Shipping Corporation; Hess Oil Virgin Islands Corporation; Hess Pipeline Company; Hess Shipping Corporation; Berkshire Oil Company; Amerada Hess Corporation of Abu Dhabi; Amerada Petroleum Corporation of Libya; Amerada Petroleum Corporation of Norway; Amerada Hess Norwegian Exploration A/S; Amerada Petroleum Corporation of the United Kingdom Limited; Amerada Exploration Limited; Amerada Hess Abu Dhabi Trading Company; Amerada Hess Export Company.

[2] Douglas Oil Company; Coastal Oil Company; Kayo Oil Company.

[3] Esso Europe Incorporated; Esso Eastern Incorporated; Esso Inter-America Incorporated; Creole Petroleum Corporation.

[4] Getty Oil Company (Eastern Operations), Inc.; Hemisphere Transportation Corporation.

[5] Gulf Oil Company-Eastern Hemisphere; Gulf Oil Trading Company; Gulf International Trading Company.

[6] Marathon International Oil Company; Marathon Trading and Shipping Company.

[7] Mobil Chemical Company; Mobil Domestic International Sales Corporation; Mobil Export Corporation; Mobil Intra-West Trading Company; Mobil Marine Transport Inc.; Mobil Petroleum Company Inc.; Mobil Sales and Supply Corporation; Mobil Shipping and Transportation Company; Mobil Trading and Supply Corporation; Pinnacle Trading Company Inc.; Mobil East Inc.; Mobil Europe Inc.; Mobil South Inc.

[8] *Member Country Affiliates:* Mobil Oil AB Sweden; Mobil Oil Aktiengesellschaft in Deutschland; Mobil Oil A/S Norge; Mobil Oil Austria Aktiengesellschaft; Mobil Oil B.V.; Mobil Oil Canada, Ltd.; Mobil Oil Company (Ireland) Limited; Mobil Oil Company Limited; Mobil Oil de Espana S.A.; Mobil Oil Italiana Societa per Azioni; Mobil Oil New Zealand Limited; Mobil Sekiyu Kabushiki Kaisha; Mobil Oil A/S.

[9] Murphy Eastern Oil Company; Murphy Oil Trading Company (Eastern); Murphy Oil Trading Company (Western).

[10] Chevron Oil AG; Chevron Oil A.S.; Chevron Asphalt Company; Chevron Oil Bahamas Ltd.; Chevron Canada Ltd.; Chevron Erdoel Deutschland G.M.B.H.; Chevron International Oil Company Inc.; Chevron International Oil Company Ltd.; Chevron Investments (Netherlands) Inc.; Chevron Marine Corp.; Chevron Navigation Corp.; Chevron Oceanic Inc.; Chevron Oceanic (Middle East) Inc.; Chevron Oil Company; Chevron Oil Company AB; Chevron Oil Europe Inc.; Chevron Oil (Ireland) Ltd.; Chevron Oil Italiana-S.p.A.; Chevron Oil Sales Company; Chevron Oil Trading Company; Chevron Oil (U.K.) Ltd.; Chevron Shipping Company; Chevron Tankers (Nederland) B.V.; Eastern Transport Corp.; International Bitumen Emulsions Corp.; Overseas Tank Ship Corp.; S.A. Chevron Oil Belgium N.V.; Standard Oil Company of British Columbia Ltd.

[11] Amoco Oil Company; Amoco Production Company; Amoco International Oil Company; Amoco Overseas Oil Company; Amoco Shipping Company.

[12] Sun Oil Company of Pennsylvania; Sun Oil Company (Delaware); Sun Oil International, Inc.; Sun Oil Trading Company; Sun Oil Trading Limited; Sun Oil Company of Canada Limited.





Texaco, Inc.[1]



Engineering

minerals, these deposits be outleased by

12, 1975, from 10 a.m.-5:30 p.m. Colum-

applicant's request for withdrawal of this

(NIPSCO) has already purchased a sizeable

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Texaco, Inc.[1]
135 East 42nd Street
New York, New York 10017
Union Oil Company of California[2]
Union Oil Center, Box 7600
Los Angeles, California 90051

COMPANIES DECLINING THE REQUEST

Cities Service Company
P.O. Box 300
Tulsa, Oklahoma 74102

Dated: April 22, 1975.

LESLIE W. BRAY, Jr.,
*Director, Office of Preparedness, General Services Administration.*

[FR Doc.75-10949 Filed 4-25-75;8:45 am]

[Wildlife Order 125; D-Calif-527D]

## PORTION-SIERRA ARMY DEPOT, HERLONG, LASSEN COUNTY, CALIF.

### Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated December 4, 1974, the property comprising approximately 510 acres of unimproved land identified as a portion of Sierra Army Depot, Herlong, Lassen County, California, has been conveyed to the State of California.

2. The above described property was conveyed for wildlife purposes in accordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: April 18, 1975.

W. A. MEISEN,
*Acting Commissioner, Public Buildings Service.*

[FR Doc.75-10952 Filed 4-25-75;8:45 am]

[FPMR Temp. Reg. H-16]

## SECRETARY OF THE INTERIOR

### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to outlease oil and gas deposits in approximately 1,560 acres of the Laredo Air Force Base, Laredo, Texas, that is being conveyed to the City of Laredo for airport use.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Background.* The Geological Survey report of December 13, 1974, estimates that this property contains oil and gas deposits in significant quantities. The Secretary of the Interior recommends that because of the short supply of such minerals, these deposits be outleased by the Bureau of Land Management, Department of the Interior, to control development as quickly as possible. It is considered that the best interest of the Government would be served by GSA's delegating authority to the Department of the Interior to outlease the oil and gas deposits in this property since the Department of the Interior has expertise and experience in developing and leasing of such deposits.

4. *Delegation.* a. Pursuant to the authority vested in me by sections 203 and 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484, 486(d)), authority is delegated to the Secretary of the Interior to outlease the oil and gas deposits in the approximately 1,560 acres of the Laredo Air Force Base, Laredo, Texas, that is being conveyed to the City of Laredo for airport purposes. Any proposed mineral exploration will require prior approval from the Chief, Houston Airports District Office, Federal Aviation Administration. When the Department of the Interior has completed the disposal of all the oil and gas that is commercially saleable, it shall notify GSA that the project has been completed.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. This authority shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, the Department of the Interior, as the disposal agency, shall be responsible for (1) securing in accordance with FPMR 101-47.303-4 any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate; and (4) ensuring that lands that are disturbed or damaged are restored after removal of the oil and gas is completed.

d. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (PK), Washington, DC 20405.

Dated: April 17, 1975.

ARTHUR F. SAMPSON,
*Administrator of General Service.*

[FR Doc.75-10950 Filed 4-25-75;8:45 am]

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on May 12, 1975, from 10 a.m.-5:30 p.m., Columbia Plaza Office Building, 11th floor conference room, 2401 E Street NW., Washington, D.C.

A portion of this meeting will be open to the public on May 12 from 10 a.m.-12 p.m. on a space available basis. Accommodations are limited. During the open session there will be a discussion on the graphic material from Interstate Commerce Commission and Overseas Private Investment Corporation.

The remaining session of this meeting from 1 p.m.-5:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Adivsory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.75-10819 Filed 4-25-75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

### ATOMIC SAFETY AND LICENSING BOARD TO RULE ON PETITIONS

#### Establishment

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

DAIRYLAND POWER COOPERATIVE
(LACROSSE BOILING WATER REACTOR)

Docket No. 50-409

This action is in reference to the "Notice of Consideration of Proposed Modification to Facility Irradiated Fuel Storage Pool", published by the Commission in the above matter (40 FR 11650—March 12, 1975).

The members of the Board are:

Frederic J. Coufal, Esq., Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James C. Lamb, III, Member
Department of Environmental Sciences and Engineering
University of North Carolina,
Chapel Hill, North Carolina 27514

Frederick J. Shon, Member
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dated at Bethesda, Md. this 18th day of April 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
*Chairman.*

[FR Doc.75-10955 Filed 4-25-75;8:45 am]

[Docket No. 50-482A]

## KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

### Announcement of Hearing Date

APRIL 22, 1975.

The appeal taken by the applicants from the Licensing Board's March 27, 1975 memorandum and order granting the petition of the Kansas Electric Cooperatives for leave to intervene in this antitrust proceeding is calendared for oral argument at 10:00 a.m. on Thursday, May 15, 1975, in the Appeal Panel Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

Each side is allotted a total of 90 minutes for the presentation of argument. The appellees' time shall be equally divided between the Kansas Electric Cooperatives and the NRC staff unless those parties decide between themselves upon some other division. The applicants may reserve a reasonable portion of their time for rebuttal. Any such rebuttal is to be strictly confined to a response to points made during the course of the arguments of the appellees.

Each party shall notify the Secretary to this Board, by letter mailed no later than May 6, 1975, of the name(s) of counsel who will present oral argument on its behalf.

*It is so ordered.*

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
*Secretary to the Appeal Board.*

[FR Doc.75-10956 Filed 4-25-75;8:45 am]

[Docket No. 50-408]

## NEW YORK UNIVERSITY

### Notice of Withdrawal of Application for Facility License

The New York University, by letter dated March 26, 1975, has requested withdrawal of its application for licenses to construct and operate a TRIGA Mark 1 reactor facility on the University's campus located in Bronx, New York. A copy of the letter of withdrawal is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. The Nuclear Regulatory Commission grants the applicant's request for withdrawal of this application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 21, 1972 (37 FR 7933).

Dated at Bethesda, Maryland, this April 18, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
*Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.*

[FR Doc.75-10957 Filed 4-25-75;8:45 am]

[Docket No. P-505-A]

## PUBLIC SERVICE COMPANY OF INDIANA, INC.

### Receipt of Attorney General's Advice and Time for Filing Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated April 15, 1975, a copy of which is attached as Appendix A.[1]

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 28, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
*Chief, Office of Antitrust and Indemnity, Nuclear Reactor Regulation.*

[FR Doc.75-10954 Filed 4-25-75;8:45 am]

APPENDIX A

PUBLIC SERVICE COMPANY OF INDIANA, INC. MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2 NUCLEAR REGULATORY COMMISSION DOCKET NO. P-505-A

APRIL 15, 1975.

You have requested our advice pursuant to the provisions of the Atomic Energy Act of 1954, as amended, in connection with the above-cited application.

*The Facility.* Marble Hill Nuclear Generating Station will be located at a site in Southeastern Indiana and will consist of two nuclear units each with a net electrical output of 1150 megawatts (MW). Unit No. 1 is scheduled to begin operation in 1983, with the second unit coming on line in the following year. The total cost of the project is estimated to approach $2 billion. Public Service Company of Indiana (PSI) will construct and operate the facility. However, Northern Indiana Public Service Company (NIPSCO) has already purchased a sizeable ownership interest in the plant, and as many as four municipal and cooperative bulk power suppliers may ultimately enter into agreements providing for their ownership participation in the facility.

*The Applicant.* PSI, headquartered in Plainfield, Indiana, serves nearly 500,000 retail customers in central and southern Indiana. Applicant, with a most recent peak load of over 2,900 MW, is the largest electric utility in the State of Indiana. PSI's generation capability currently exceeds 3,500 MW which allows for the maintenance of a substantial reserve level. Applicant's peak load is projected to double in the next 10 years. To meet this increase, PSI has planned or has under construction additional generating capacity which will increase its dependable system capacity to 8,485 MW by 1984.

Applicant is a member of the Kentucky-Indiana Power Pool (KIPP), along with Indianapolis Power & Light Company, Kentucky Utilities Company and East Kentucky Rural Electric Cooperative Corporation. This power pool pursues a one-system approach in the planning and installing of generating units and certain interconnecting transmission facilities. In addition to KIPP, PSI has interconnection agreements with various other adjacent electric power suppliers providing for various power exchange arrangements. Applicant is also a party to East Central Area Reliability Coordination Group (ECAR).

Thirty-nine municipally-owned and nine cooperatively-owned electric distribution systems rely on PSI to meet their entire bulk power supply requirements; another five municipals and eight cooperatives are partial wholesale customers.

*Results of Antitrust Review.* In the course of our antitrust review, the Department received certain allegations, the general import of which was that Applicant has used its dominant position in generation and transmission in its service area to restrain the competitive opportunities for smaller systems with respect to bulk power supply. For its part, Applicant denied these allegations and denied that its bulk power supply policies and practices have been or are inconsistent with the antitrust laws. In order to eliminate any questions as to the policies that it intends to follow in the future, Applicant has formalized its policies in a Statement of Bulk Power Supply Policies. These policies are set out in the attachment to the letter of Applicant's President, dated March 18, 1975, which is attached hereto. Applicant has also indicated its willingness to have this Statement incorporated in the license for Marble Hill Nuclear Generating Station.

In our opinion, the effectuation of these bulk power supply policies would moot all relevant issues as to which allegations of anticompetitive conduct on the part of Applicant were made to the Department. The implementation of these policies should provide competitors of Applicant with reasonable opportunities to maintain and further develop competitive sources of bulk power supply. Since the Company is agreeable to having the Commission include this Statement of Bulk Power Supply Policies as conditions to the license, and since we believe the Company has already taken steps to implement these policies, we conclude that an antitrust hearing will not be necessary with respect to the instant application, if the Commission issues a license so conditioned.

ATTACHMENT

PUBLIC SERVICE COMPANY OF INDIANA, INC.

MARCH 18, 1975.

Public Service Company of Indiana, Inc., is herewith submitting to the United States Department of Justice a Statement of Bulk Power Supply Policies. The Company is will-

[1] Texaco Export Incorporated; Texaco Operations (Europe) Limited; Texaco Overseas Petroleum Company; Texaco Indonesia Corporation.

[2] Unocal Ltd.; Unocal Kuwait Company Ltd.; Unocal (Japan) Ltd.; Union Oil Company of Canada Ltd.; Union Oil Company of Indonesia; Union Oil Company of Iran; Pure Oil Company of Venezuela.

[1] Appendix A filed as part of original document.







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ing to have the Statement made a condition of any construction permit or operating license issued by the Nuclear Regulatory Commission for construction or operation of the Company's proposed Marble Hill Nuclear Generating Station, Units 1 and 2. Our agreement that these policies may be included in the License is made on the understanding that the Attorney General will advise the NRC that no antitrust hearing is necessary in connection with the licensing of these units.

PUBLIC SERVICE COMPANY OF INDIANA, INC.

STATEMENT OF BULK POWER SUPPLY POLICIES

I. *Definitions.* (a) "Applicable area" means those counties in the State of Indiana and any other state in which, now or in the future, Licensee has electrical facilities.

(b) "Bulk power" means electric capacity and any attendant energy supplied or made available by one electric utility to another for resale.

(c) "Licensee" means Public Service Company of Indiana, Inc., any successor corporation, or any assignee of this Licensee.

(d) "Neighboring entity" means a financially responsible private or public corporation, governmental agency or authority, municipality, rural electric membership corporation or cooperative, person, or lawful association of any of the foregoing, which owns, controls or operates or in good faith proposes to own, control, or operate facilities for the generation of electricity, which meets each of the following criteria: (1) its existing or proposed facilities are technically feasible of interconnection with those of Licensee; (2) its existing or proposed facilities are fully or partially within the applicable area; (3) it is, or upon commencement of operations will be, subject to regulation with respect to rates and/or service under the laws of the State of Indiana or any other state in which Licensee may serve, or under the Federal Power Act, or it is legally exempted from such regulation; and (4) it is authorized to transact business and operate as a public utility under the laws of the State of Indiana or any other state in which Licensee may serve, or it is not legally required to obtain such authority.

(e) "Neighboring distribution system" means a financially responsible private or public corporation, governmental agency or authority, municipality, rural electric membership corporation or cooperative, person, or lawful association of any of the foregoing, which engages or in good faith proposes to engage in the distribution of electric energy at retail, whose existing or proposed facilities are technically feasible of connection with those of Licensee, and which meets each of the criteria numbered (2) through (4) in subparagraph (d) above.

(f) "Cost" means any administrative, general, operation and maintenance expenses, taxes, capital costs and a fair and reasonable return on Licensee's investment, which are properly allocable to the particular service or transaction and the facilities involved in the transaction.

II. *Interconnections.* (a) Licensee will enter into written agreements to interconnect and operate in parallel with any neighboring entity.

(b) Interconnection agreements will not be limited to lower voltages when higher voltages are requested and available.

(c) Interconnection agreements shall provide for the necessary operating procedures and control equipment as required for safe and prudent operation of the interconnected systems.

(d) The cost of interconnection will be mutually negotiated and shared on the basis of benefits derived from the interconnection by each party after consideration of the various transactions for which the interconnection facilities are to be utilized.

(e) Interconnection agreements will not embody provisions which impose limitations upon the use or resale of capacity and energy sold or exchanged pursuant to the agreement except as may be necessary to protect the reliability of Licensee's system.

(f) Interconnection agreements will not prohibit the parties from entering into other interconnections or coordination agreements, but may include appropriate provisions to assure that (1) Licensee receives sufficient notice of such additional interconnection or coordination to protect the reliability of its system, (2) the parties jointly consider and mutually agree upon such measures, if any, as are reasonably necessary for safety and for the protection of the reliability of Licensee's system, and (3) Licensee is fully compensated for any additional costs incurred or expenditures made resulting from such other interconnections or coordination agreements.

III. *Reserve Coordination.* (a) Licensee and its neighboring entities with which it interconnects shall jointly establish and mutually agree in writing upon a level of minimum reserves to be installed or provided as necessary to maintain a total reserve margin sufficient, as determined by probability calculations and prudent engineering judgment, to provide adequate reliability of power supply to the interconnected systems. The reserve responsibility thus determined shall be calculated as a percentage of the estimated annual peak load (adjusted to exclude purchases of firm power) of the interconnected systems. No party to the interconnection shall be required to install or provide more than such percentage as its minimum reserve margin. No party to the interconnection shall be required to provide reserve capacity for that portion of its estimated annual peak load which is met through firm power purchases.

(b) Licensee will sell emergency power to any neighboring entity which maintains the minimum reserve margin established pursuant to paragraph (a) above. Licensee shall engage in such transactions if and when capacity and energy are available for such transactions from its own generating resources or from those of interconnected electric systems, but only to the extent that it can do so without impairing service to its customers. Emergency power shall be furnished to the fullest extent available from the supplying party and desired by the party in need and at rates which compensate Licensee for its cost.

(c) The parties to reserve coordination transactions pursuant to this section shall maintain such amounts of operating reserves as may be adequate to avoid the imposition of unreasonable demands on any other party(ies) in meeting the normal contingencies of operating their systems. However, in no circumstances shall a party's operating reserve requirement exceed its minimum reserve margin.

(d) Licensee, if it has generating capacity in excess of the amount called for by its own reserve criteria, will offer, on terms which enable Licensee to recover its costs, any such excess to a neighboring entity to meet such entity's own minimum reserve margin.

(e) Licensee shall prepare with neighboring entities who request to do so, joint maintenance schedules and shall engage in sales of maintenance power and energy when it can reasonably do so.

(f) Licensee shall file the agreements for such coordination with the Federal Power Commission, and that agency shall have jurisdiction over the rates and charges contained in such agreements.

IV. *Other Power Exchanges.* Licensee currently has on file, and may hereafter file, with the Federal Power Commission interconnection agreements with neighboring entities providing for the sale and purchase of short-term capacity and energy, limited-term capacity and energy, long-term capacity and energy, economy energy, and other forms of capacity and energy. Licensee will, on a fair and equitable basis, enter into an interconnection agreement with any neighboring entity providing for the same or like capacity and energy transactions. In order to facilitate the making of such transactions, Licensee will respond promptly to inquiries of neighboring entities concerning the availability of all such forms of capacity and energy from its system. Licensee shall file the agreements providing for such sales of capacity and energy with the Federal Power Commission, and that agency shall have jurisdiction over the rates and charges contained in such agreements. Nothing herein shall be construed to require Licensee to enter into a fixed rate interconnection agreement.

V. *Wholesale Power Sales.* Licensee will sell power on a full or partial requirements basis to any neighboring distribution system at rates which fully compensate Licensee for its costs. Wholesale power sales agreements shall not restrict use or resale of power sold pursuant to such agreements except as may be necessary to protect the reliability of Licensee's system. Such power will not be delivered at lower voltages when higher voltages are requested and available. Licensee shall not be required to make any such sale if it does not have available sufficient generation or transmission to provide the requested service or if the sale would impair its ability to render adequate and reliable service to its current customers. Licensee shall file the agreements providing for such sales with the Federal Power Commission, and that agency shall have jurisdiction over the rates and charges contained in such agreements.

VI. *Transmission Services.* (a) Licensee will provide transmission service for bulk power transactions (1) between two or among more than two neighboring entities in the applicable area with whom, now or in the future, it is interconnected, (2) between a neighboring entity with whom, now or in the future, it is interconnected and a neighboring distribution system(s) with whom, now or in the future, it is connected, and (3) between any neighboring entity or neighboring distribution system(s) and any other electric system engaging in bulk power supply outside the applicable area between whose facilities Licensee's transmission lines and the transmission lines of other electric systems form a continuous electrical path, provided that (i) permission to utilize such transmission lines of other electric systems has been obtained by the proponent of the arrangement, and (ii) the arrangements can be reasonably accommodated from a technical standpoint.

Any neighboring entity or neighboring distribution system requesting such transmission service shall give reasonable advance notice to Licensee of its schedule and requirements. Licensee shall not be required to provide transmission service if to do so would impair Licensee's system reliability, it being recognized that while some transmission facilities may be operated fully loaded, other transmission facilities may be for emergency use and operated either unloaded or partially loaded.

Such transmission service shall be on terms that fully compensate Licensee for its costs. Where a neighboring entity or neighboring distribution system has made a contribution in aid of construction pursuant to Section VI(b) below, the transmission rate for such entity or distribution system shall be adjusted accordingly to reflect Licensee's reduced capital investment.

(b) Licensee shall include in its planning and construction programs such increases in the capacity of its existing or planned transmission facilities as may be required for the transactions referred to in paragraph (a) of this Section VI, provided any neighboring entity or neighboring distribution system gives Licensee sufficient advance notice as may be necessary to accommodate its requirements from a technical standpoint. This section shall not be construed to require Licensee to construct new transmission lines for the sole benefit of a neighboring entity or neighboring distribution system. Licensee shall not be required to increase the transmission capacity of its existing or planned transmission facilities if to do so would impair its system reliability or if the neighboring entity or neighboring distribution system requesting the construction of increased transmission capacity fails to make a nonrefundable contribution in aid of construction to Licensee equal to the difference between the estimated cost of the transmission facilities Licensee would construct for its own use and the estimated cost of the transmission facilities Licensee would construct for the use of itself and the neighboring entity or neighboring distribution systems within a reasonable time prior to the construction of the facilities.

(c) Licensee shall file the agreements providing for such transmission services with the Federal Power Commission, and that agency shall have jurisdiction over the rates and charges for such services.

VII. *Access to Nuclear Generation.* (a) Licensee will afford any neighboring entity or neighboring distribution system that has made a request prior to January 1, 1975 an opportunity to participate in the ownership of Marble Hill Generating Station, Units 1 and 2, up to a reasonable amount in kilowatts. This participation shall be on a basis that will fully compensate Licensee for its costs incurred and to be incurred. Licensee shall provide promptly any requesting entity with sufficient financial data to enable such entity to make a feasibility study as to its participation.

(b) Licensee will afford any neighboring entity or neighboring distribution system that makes a timely request an opportunity to participate in the ownership of or to purchase a portion of the output, whichever the requesting party elects, from any other nuclear generating unit of Licensee up to a reasonable amount in kilowatts. Licensee shall mail to all nonaffiliated adjacent electric utility systems, no later than the date of its public announcement of the proposed construction of any such unit(s), sufficient financial data to enable an electric utility system to make a feasibility study as to its participation and shall promptly furnish such information to any other entity or distribution system which requests such information. A request for participation with respect to such nuclear units shall be deemed timely if made within 180 days after the public announcement by Licensee of the proposed construction of such units.

(c) As to participation in the Marble Hill Nuclear Units, any neighboring entity or neighboring distribution system making a timely request for participation must enter into a legally binding and enforceable agreement by December 1, 1975. As to any other nuclear unit Licensee may construct, any neighboring entity or neighboring distribution system making a timely request for participation must enter into a legally binding and enforceable agreement within one year after Licensee's public announcement of the proposed construction of such unit(s). In the event Licensee fails to provide sufficient financial data to a requesting entity as required in Section VII(b) above, the time period within which that requesting entity must enter into a legally binding and enforceable agreement shall be extended for a period equal to the time which elapses between the date on which such data is requested and the date sufficient financial data is in fact furnished.

(d) Licensee may require the inclusion in any agreement provided for in Section VII(c) above of provisions for (1) payment at the time of the signing of the agreement of not more than 10% of the estimated cost of participation in any such generating units and associated transmission facilities, and (2) additional pro rata payments thereafter as Licensee becomes obligated to expend funds for the planning or construction of said units and facilities. Any funds received by Licensee in advance of an actual expenditure shall be held in escrow until they are needed to reimburse Licensee. All interest earned on the escrow account shall inure to the benefit of the party(ies) who advanced the funds. In the event any participant fails to meet fully its financial commitment with respect to a nuclear unit, such participant shall only be entitled to participate in that nuclear unit in an amount equal to the relationship its total payments up to that point bear to Licensee's total investment in the facility.

(e) Licensee shall transmit power from the Marble Hill Units or any future nuclear unit it may own or operate to any neighboring entity or neighboring distribution system which is a participant in that unit, in accord with the requirements of Section VI of these commitments.

VIII. *Interpretation with Other Laws.* The foregoing commitments are to be implemented and applied in a manner consistent with Federal, state, and local laws, judicial decisions, regulations, and orders, and nothing contained herein shall be deemed to authorize or require any violation of such laws, regulations, decisions or orders. All rates, charges, conditions, terms and practices are and will be subject to the acceptance and/or approval of any regulatory agencies or courts having jurisdiction over them.

IX. *General.* (a) This statement of commitments is not intended to affect in any way the franchises, certificates of public convenience and necessity, or other rights of Licensee or of any neighboring entity or of any neighboring distribution system to render electric service in the State of Indiana.

(b) Nothing herein shall be construed as a waiver by Licensee of its right to contest whether or not and the extent to which a particular factual situation may be covered by this statement of commitments or preclude the Licensee from contesting an alleged act of unfair competition.

(c) Licensee does not intend by this statement of commitments to become a common carrier.

(d) Licensee recognizes that the carrying out of some of the commitments expressed herein in particular circumstances may not be in the mutual interest of the Licensee and a neighboring entity or neighboring distribution system. Nothing herein is intended to preclude Licensee and a neighboring entity or neighboring distribuiton system from reaching an agreement which extends, varies, or supplements the provisions of the foregoing paragraphs in a manner not inconsistent with the broad principles expressed herein.

(e) The foregoing is intended to be a complete statement of Licensee's commitments.

Plainfield, Indiana, March 18, 1975.

PUBLIC SERVICE COMPANY OF INDIANA, INC.
HUGH A. BARKER,
*President.*

[FR Doc.75-10954 Filed 4-25-75;8:45 am]





[Docket Nos. 50-524, 50-525, 50-526, 50-527]

## ALABAMA POWER CO.

### Alan R. Barton Nuclear Plant, Units 1, 2, 3 and 4, Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction and operation of the Alan R. Barton Nuclear Plant, Units 1, 2, 3 and 4, to be located in Chilton and Elmore Counties, Alabama, approximately 15 miles southeast of Clanton, along the west side of the Coosa River, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Clanton Public Library, 100 First Avenue, Clanton, Alabama. The Draft Statement (NUREG-75/029) is also being made available at the Alabama Development Office, State Office Building, Montgomery, Alabama, the Birmingham Regional Planning Commission, 2112 Eleventh Avenue South, Birmingham, Alabama, and the Central Alabama Regional Planning Commission, 303 Washington Avenue, Montgomery, Alabama.

Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Alabama Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on December 20, 1974 (39 FR 41063).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by June 16, 1975. Comments by Federal, State and local officials, or other persons, received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Clanton Public Library, 100 First Avenue, Clanton, Alabama. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the



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Requests for an opportunity to present such material orally at a future meeting

ary 18, 1963, as amended, consistent

and contained in sections 2 (a), (d), (e),

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U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland this 23rd day of April, 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
*Chief, Environmental Projects Branch 3, Division of Reactor Licensing.*

[FR Doc.75-11144 Filed 4-25-75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### LABOR ADVISORY COMMITTEE ON STATISTICS

#### Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Labor Advisory Committee on Statistics to be held in Room 10103, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Tuesday, May 20, 1975 at 10 a.m.

The purpose of the meeting is to obtain advice on the content of several important Federal statistical programs and on possible improvements in Federal statistical programs. The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
*Assistant to the Director for Administration.*

[FR Doc.75-10988 Filed 4-25-75;8:45 am]

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 23, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Farmers Home Administration, Study To Assess Attitudes of Moderate-Income, Small Town Families Toward Basic Housing Alternatives (in Iowa), single-time, households in 48 small towns of Iowa, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Sample Refinement—FLSA Exemption Studies, BLS 3064, single-time, non-farm business establishments, Strasser, A., and Caywood, D. P., 395-3880.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Quarterly Cumulative Report of Clients in Special Target groups, SRS-RSA 10, quarterly, State VR agencies, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF JUSTICE

Departmental and other, Summary and Certification Sheet, LEEP-5, quarterly, educational institutions, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Special Project Grant Under Title V, Section 506, of the Elem. and Sec. Educ. Act of 1965, OE4439, on occasion, State education agency regional commissions, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75-11146 Filed 4-25-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

### ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

#### Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings on May 15 and 16, 1975 at 500 North Capitol Street, Washington, D.C. 20549, Room 776 beginning at 8:30 a.m. Initial notice of this rescheduled meeting was published in the FEDERAL REGISTER on April 21, 1975.

The summarized agenda for the meeting is as follows:

1. Review of status of securities legislation.
2. Meetings and reports of working groups on:
   a. Displacement and the Limit Order Book (Messrs. Heller, Lovelace, McCulley, Pickard, Stone).
   b. Access to the System (Messrs. Gardiner, Jefferies, Myers, Rohatyn, Yearley).
3. Review of progress on summary report.
4. Further work on system operating characteristics.

The Committee will also conduct open meetings on June 19 and 20, 1975 in Atlanta, Georgia. The summarized agenda for and the location of the June meetings will be published in the FEDERAL REGISTER at least fifteen days prior to the date of the meetings.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-11013 Filed 4-25-75;8:45 am]

## OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

### LABOR POLICY AND LABOR SECTOR ADVISORY COMMITTEES

#### Establishment of Committees

CROSS REFERENCE: For a document issued jointly by the Office of the Secretary, Department of Labor, and the Office of the Special Representative for Trade Negotiations, on the establishment of labor policy and labor sector advisory committees, see FR Doc. 75-10929 *infra*.

## VETERANS ADMINISTRATION

### MEDICAL DEVICE EXPERIENCE DATA

#### Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a notice of a Memorandum of Understanding with the Department of Health, Education, and Welfare, Food and Drug Administration, see FR Doc. 75-10966, supra.

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

#### Request for Information

The Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), herein requests information related to agricultural noise exposure.

The Committee requests information, preferably documented, concerning the following:

1. Educational or motivational programs for hearing conservation in an agricultural environment.
2. Information regarding the availability and effectiveness of audiometric surveillance programs in rural areas.
3. Experience in the construction industry regarding hearing loss of tractor operators.
4. Information from the manufacturers and/or users of farm harvesting and processing equipment and chain saws concerning noise exposure to operators of such equipment and recommended measures to prevent possible hearing loss.
5. Information from manufacturers who make tractor cabs (other than tractor manufacturers) and users of these cabs concerning the noise reduction capabilities of such cabs.
6. The harmful effects, if any, of noise exposure, other than hearing loss.

Any interested persons desiring to submit such information to the Committee should submit it by May 15 if possible to the Committee Management Officer, whose address and phone numbers are:

Ms. Jeanne Ferrone
Committee Management Office
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, NW, Room 200
Washington, D.C. 20210
Phone: 202/961-2248, 2487





Requests for an opportunity to present such material orally at a future meeting should be submitted to the same office.

Signed at Washington, D.C., this 18th day of April, 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-10941 Filed 4-25-75;8:45 am]

### Office of the Secretary

[Secretary of Labor: Order 4-75]

### ASSISTANT SECRETARY FOR MANPOWER

#### Delegation of Authority and Assignment of Responsibilities for Manpower Programs

1. *Purpose.* This Order delegates to the Assistant Secretary for Manpower, except as herein provided, the authority vested in the Secretary of Labor for organizing and conducting manpower programs, and assigns commensurate responsibilities.

2. *Directives affected.* a. The authorities delegated herein are subject to the provisions of Secretary's Orders (S.O.) 3-73, 27-73, and 24-74 pertaining to procurement and contracting authority; S.O. 27-72 pertaining to emergency preparedness and disaster relief; and departmental policies and procedures pertaining to administrative, organizational, and management processes.

b. Secretary's Orders 20-71, 21-71, 21-72, 25-73, 26-73, and 7-74 are hereby canceled.

c. The provisions of paragraph 4b of this Secretary's Order supersede paragraph 3a of S.O. 2-71.

3. *Background.* This Secretary's Order consolidates into one Order all of the authority delegated and the responsibilities assigned to the Assistant Secretary for Manpower for manpower programs.

4. *Delegation of authority and assignment of responsibility.* a. *The Assistant Secretary for Manpower* is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the Department's manpower policies, programs, and activities, including functions to be performed by the Secretary of Labor under:

(1) The Wagner-Peyser Act of 1933, as amended. 29 U.S.C. 49 et seq.

(2) Titles III, IX, XII, and relevant sections of Titles VII and XI of the Social Security Act of 1935, as amended, and Chapter 85 of Title 5 of the U.S.C. relating to unemployment compensation for Federal employees and ex-servicemen and ex-servicewomen. 5 U.S.C. 8501-8525.

(3) The Federal Unemployment Tax Act. 26 U.S.C. 3301 et seq.

(4) Title V of the Vietnam Era Veterans' Readjustment Assistance Act of 1972, as amended. 38 U.S.C. 2001-2013, Chs. 41 and 42, except for the administration of affirmative action requirements under section 2012 assigned to the Assistant Secretary for Employment Standards.

(5) The Immigration and Nationality Act, as amended. 8 U.S.C. 1101 et seq.

(6) The trade adjustment assistance provisions of the Trade Expansion Act of 1962 (Pub. L. 87-794), 19 U.S.C. 1931-1978, and Executive Order 11075 of January 18, 1963, as amended, consistent with the provisions of Secretary's Order 19-66, and the Trade Act of 1974 (Pub. L. 93-618), as it relates to the functions of the Secretary after certification of eligibility of a group of workers to apply for adjustment assistance.

(7) The Manpower Development and Training Act of 1962, as amended (Pub. L. 87-415), including the authority to review determinations pursuant to 29 CFR section 20.51(f) of the Secretary's Regulations implementing the Act. 42 U.S.C. 2571 et seq.

(8) The Public Works and Economic Development Act of 1965, as amended (Pub. L. 89-136), as it relates to Department of Labor responsibilities. 42 U.S.C. 3121, 3161, 3241-3245.

(9) The Public Works Acceleration Act of 1962 (Pub. L. 87-658). 40 U.S.C. 462, 42 U.S.C. 1492, 2641 et seq.

(10) The National Apprenticeship Act of 1937 (50 Stat. 663). 29 U.S.C. 50.

(11) The D.C. Apprenticeship Act (Pub. L. 89-387).

(12) The Farm Labor Contractor Registration Act of 1963, as amended (Pub. L. 88-582), as it relates to providing for the receipt of applications for registration, forwarding applications to the appropriate Employment Standards Administration office, and entering into agreements with Federal or State agencies to utilize the services and facilities of such agencies to assist in the registration of farm labor contractors and to allocate or transfer funds or otherwise to pay or to reimburse such agencies for expenses in connection therewith.

(13) Manpower aspects of the Appalachian Regional Development Act of 1965 (Pub. L. 89-4).

(14) The Economic Opportunity Act (EOA) of 1964, as amended, (42 U.S.C. 2701 et seq.) as provided for in, and consistent with, the delegation of authority from the Director of the Office of Economic Opportunity dated June 29, 1973, and approved by the President July 6, 1973, to wit: parts A, B, and E of Title I; section 232 as necessary or appropriate to contract or provide financial assistance for pilot or demonstration projects and for research in the field of manpower training, labor force participation and assistance for migrant and other seasonally employed farmworkers and their families; part B of Title III and those powers and authorities under Title II [except sections 221 and 222 (a)(3)] and Title VI of the act to the extent deemed necessary or appropriate to exercise the powers and authorities cited in this paragraph and to administer grants and contracts made or entered into by the Office of Economic Opportunity prior to the effective date of the June 29, 1973, delegation of authority for EOA activities; together with the authority provided under Title IX of such Act as it relates to evaluation and evaluative research for EOA programs.

(15) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), except the suspension or termination of financial assistance. 42 U.S.C. 2000d-2000d-4, 2000h-4.

(16) Executive Order 11000 of February 16, 1962, as related to manpower and contained in sections 2 (a), (d), (e), (g), and (j), section 3, and section 4(a) of the Order, except that such authority and responsibility are subject to the overall supervision and guidance of the Assistant Secretary for Administration and Management who serves as the Department's Mobilization Planning Coordinator.

(17) Section 504 of the Rehabilitation Act of 1973, as it relates to Manpower programs or activities receiving financial assistance.

(18) Defense Manpower Policy No. 4, Revised—Placement of Procurement and Facilities in Sections and Areas of High Unemployment.

(19) Manpower aspects of the Vocational Education Act of 1963 and the Vocational Education Amendments of 1968, 20 U.S.C. 1241.

(20) Executive Order 10582 of December 17, 1954—Implementing the Buy American Act.

(21) Executive Order 10651 of January 6, 1956—Providing for the Screening of the Ready Reserve of the Armed Forces.

(22) Exemplary Rehabilitation Certificates Act of 1966 (Pub. L. 89-690), 29 U.S.C. 601 et seq.

(23) Part C, Title IV of the Social Security Act, as amended (Pub. L. 90-248).

(24) Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577). 40 U.S.C. 531 et seq., 42 U.S.C. 4201 et seq.

(25) The provisions of section 240 of the Disaster Relief Act of 1970 (Pub. L. 91-606) relating to disaster unemployment assistance, and section 407 of the Disaster Relief Act of 1974 (Pub. L. 93-288).

(26) The provisions of the Federal-State Extended Unemployment Compensation Act of 1970 (Title II of the Employment Security Amendments of 1970). (Pub. L. 91-373).

(27) The Emergency Employment Act of 1971 (Pub. L. 92-54).

(28) The Rural Industrialization Assistance Certification provisions of the Rural Development Act of 1972 (Pub. L. 92-419).

(29) The Age Discrimination in Employment Act of 1967 (Pub. L. 90-202), including: undertaking studies concerning the needs and abilities of older workers and their potentials for continued employment and contribution to the economy; undertaking or promoting research with a view to reducing barriers to the employment of older persons, and the promotion of measures for utilizing their skills, including publishing and otherwise making available to employers, professional societies, the various media of communication, and other interested persons the findings of such research studies; helping employers and workers find ways of meeting problems arising from the impact of age on employment other than the administrative and enforcement activities (including conciliation) delegated to the Assistant Secretary for Employment Standards; undertaking an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and preparing







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for the Assistant Secretary for Employment Standards a report of findings, pursuant to section 5 of the Act, and undertaking other studies and preparing appropriate recommendations to the Assistant Secretary for Employment Standards concerning the Act; and promoting employment of older workers through the public service system and through cooperative effort (including regional, State and local agencies and employers, labor organizations, and employment agencies), the development of facilities of public and private associations for expanding the opportunities and potentials of older persons.

(30) The Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93–203). 29 U.S.C. 801 et seq.

(31) Title IX of the Older Americans Act of 1965 (Pub. L. 89–73), as amended (Pub. L. 93–29).

(32) The Emergency Unemployment Compensation Act of 1971 (Pub. L. 92–224) and the Emergency Unemployment Compensation Act of 1974 (Pub. L. 93–572).

(33) The Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567).

b. *The Assistant Secretary for Manpower* is also delegated the authority to carry out the following departmental liaison and committee representative duties:

(1) Liaison to the National Security Council on draft deferment policies; chairing the interdepartmental group monitoring the operation of the regulations implementing these policies.

(2) Liaison to the Department of Agriculture on rural development matters.

(3) Representative on the Co-op Month Steering Committee.

(4) Member of the National Council on Federal Disaster Assistance.

(5) Member on the Interagency Council on Corrections.

c. *The Assistant Secretary for Manpower* in carrying out the authority and responsibility delegated under this Order shall perform the above functions in accordance with existing governmental and departmental regulations.

d. *The Assistant Secretary* is delegated authority for making organizational changes within policies established by the Secretary.

(e) *The Solicitor of Labor* shall have responsibility for providing legal advice and assistance to all officers of the Department relating to the delegations of authority referenced and applicable laws, Executive Orders, and regulations pertaining thereto.

5. *Reservation of authority.* The following functions are reserved to the Secretary:

a. Submission of reports and recommendations to the President, the Congress, the National Commission for Manpower Policy, and, as appropriate, to the Director, Office of Economic Opportunity, concerning the statutes and Executive Orders listed in paragraph 4a of this Order.

b. Entering into agreements with the Secretary of Health, Education, and Welfare, and the Director, Office of Economic Opportunity, concerning the administration of the statutes and Executive Orders listed in paragraph 4a (14) and (29).

c. Those functions required of the Secretary as a member of the National Commission for Manpower Policy.

d. The determination of conformity and compliance questions.

6. *Redelegation of authority.* The authority herein delegated to the Assistant Secretary for Manpower and the responsibilities assigned by this Order may be further redelegated.

7. *Effective date.* This Order is effective immediately.

Signed at Washington, D.C. on this 16th day of April, 1975.

JOHN T. DUNLOP,
*Secretary of Labor.*

[FR Doc.75–10942 Filed 4–25–75;8:45 am]

[TA–W–10]

## BROWN SHOE CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 17, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America, AFL–CIO on behalf of the former workers of Brown Shoe Company, Newport, Arkansas (TA–W–10). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart D of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of April 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75–10931 Filed 4–25–75;8:45 am]





[TA–W–8]

## MAGNAVOX CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 16, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers (AFL–CIO), on behalf of the workers and former workers of the Jefferson City and Greenville, Tennessee plants of the Magnavox Company, Ft. Wayne, Indiana (TA–W–8). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with television receivers, and radio-phonograph-tape deck combination sets produced by the Magnavox Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of April 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75–10932 Filed 4–25–75;8:45 am]

[TA–W–7]

## RCA CORP.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 16, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical Radio and Machine Workers, AFL–CIO on behalf of the workers and former workers of the Mountaintop, Pennsylvania plant of the RCA Corporation, New York, New York (TA–W–7). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transistors and other semi-conductor devices produced by RCA Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of April, 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75–10933 Filed 4–25–75;8:45 am]

[TA–W–11]

## TRW INCORP.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 21, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers, AFL–CIO, on behalf of the workers and former workers of the Philadelphia, Pennsylvania Division of TRW Incorporated, Cleveland, Ohio (TA–W–11). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with carbon composition resistors produced by TRW Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW, Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of April 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75–10934 Filed 4–25–75;8:45 am]



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[TA–W–5]

resentative (STR), having jointly deter- bor and the Special Representative for



for Trade Negotiations hereby establish mittee will meet at irregular intervals at

| Committee No: | Industry |
|---|---|

[TA-W-5]

## UTICA CUTLERY CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 14, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steel Workers of America, AFL-CIO, on behalf of the workers and former workers of the Utica Cutlery Company, Utica and New York Mills, New York (TA-W-5). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel table flatware produced by the Utica Cutlery Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 8, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of April 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-10935 Filed 4-25-75;8:45 am]

## LABOR POLICY AND LABOR SECTOR ADVISORY COMMITTEES

### Establishment of Committees

I. *Establishment of Advisory Committees.—A. Establishment.* The Secretary of Labor, hereafter the Secretary, and the Special Representative for Trade Negotiations, hereafter the Special Representative (STR), having jointly determined, after consultation with the Director, Office of Management and Budget, that it is in the public interest in connection with the performance of duties imposed on the Secretary and the Special Representative by the Trade Act of 1974 (Public Law 93-618, 88 Stat. 1978) and the implementing Executive Order 11846, respectively, hereby establish the Labor Policy Advisory Committee for Multilateral Trade Negotiations and the following Labor Sector Advisory Committees, pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), to advise the Secretary and the Special Representative:

1. Labor Sector Advisory Committee on Electrical and Electronic Equipment and Supplies, and Non-electrical Machinery.
2. Labor Sector Advisory Committee on Textile, Apparel and Leather Products and Miscellaneous Manufacturing Industries.
3. Labor Sector Advisory Committee on Food and Agricultural Products and Chemical, Plastic and Rubber Products.
4. Labor Sector Advisory Committee on Services.
5. Labor Sector Advisory Committee on Lumber, Wood and Paper Products, and Stone, Clay and Glass Products.
6. Labor Sector Advisory Committee on Transportation Equipment and Primary and Fabricated Metal Products.

B. Duties, functions, and administrative provisions of the Labor Policy and Labor Sector Advisory Committees are indicated in the following Charters for the Labor Policy Advisory Committee and the Labor Sector Advisory Committees.

II—*Charter for Labor Policy Advisory Committee for Multilateral Trade Negotiations*—A. *Establishment.* Pursuant to section 135(c)(1) of the Trade Act of 1974 (Public Law 93-618, 88 Stat. 1978) and the implementing Executive Order 11846, whereby certain duties and responsibilities of the President relating to the advisory functions of the general policy advisory committees have been delegated to the Special Representatives for Trade Negotiations, acting through the Secretary of Labor, the Secretary and the Special Representative hereby establish the Labor Policy Advisory Committee for Multilateral Trade Negotiations.

B. *The Committee's objectives and the scope of its activity.* To provide general policy advice on the negotiations, and on other factors relevant to positions of the U.S. in the negotiations.

C. The period of time necessary for the Committee to carry out its purposes: Beginning as soon as practical after January 3, 1975 and ending as soon as practical after January 3, 1980.

D. *The agency (agencies) or official(s) to whom the Committee reports.* The Secretary of Labor and the Special Representative for Trade Negotiations.

E. *The agency responsible for providing the necessary support for the Committee.* The Bureau of International Labor Affairs, U.S. Department of Labor.

F. *A description of the duties for which the Committee is responsible—*

1. to advise, consult with, and make recommendations to the Secretary of Labor and the Special Representative for Trade Negotiations, jointly, on issues and general policy matters concerning labor and the trade negotiations.
2. to maintain continuous liaison with the ongoing work of the Labor Sector Advisory Committees; to review and advise on the Sector Committees' recommendations.
3. to provide reports on trade agreements to the President, the Congress, and the Office of the Special Representative for Trade Negotiations at the conclusion of negotiations for each trade agreement.
4. to perform such other advisory functions relevant to the trade negotiations as may be required by the Special Trade Representative or the Secretary of Labor and the Special Representative for Trade Negotiations, jointly, or their designees.
5. to issue a report to the Congress as soon as is practical after January 3, 1980, giving advice as to whether the trade agreements entered into serve the economic interests of the U.S.
6. the advisory functions described under (a), (b), and (d) above shall be performed both in connection with the preparatory phase of the negotiations and with respect to developments arising during the course of the negotiations.

G. *The estimated annual operating costs in dollars and man-years for the Committee.* $30,000 which includes 1 man-year of staff support.

H. *The estimated number and frequency of Committee meetings.* The Committee will meet at irregular intervals at the call of the STR or the Secretary and the Special Representative acting jointly depending on such factors as level of activity during the negotiations, the needs of the Secretary and the Special Representative, the nature and volume of reports required by statute of the Committee, as well as additional reports that may be provided by the Committee for the consideration of the Secretary and the Special Representative.

I. *Membership.* The Committee shall consist of approximately 55–60 members from the U.S. labor community, appointed by the Special Representative and the Secretary, acting jointly. Members will serve at the discretion of the Secretary and the Special Representative. A Chairman shall be elected by the members at the first meeting.

J. *The Committee's termination date.* After issuing its final report to the Congress, as soon as practical after January 3, 1980.

III. CHARTER FOR LABOR SECTOR ADVISORY COMMITTEE ON ELECTRICAL AND ELECTRONIC EQUIPMENT AND SUPPLIES, AND NON-ELECTRICAL MACHINERY

A. *Establishment.* Pursuant to section 135(c)(2) of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978) and the implementing Executive Order 11846, whereby certain duties and responsibilities of the President relating to the advisory functions of the sector advisory committees have been delegated to the Special Representative for Trade Negotiations, acting through the Secretary of Labor, the Secretary and the Special Representative for Trade Negotiations hereby establish the Labor Sector Advisory Committee on Electrical and Electronic Equipment and Supplies, and Non-Electrical Machinery.

B. *The Committee's objectives and the scope of its activity.* To provide technical advice and information on particular product sectors and services, and advice on other factors relevant to positions of the U.S. in the trade negotiations.

C. *The period of time necessary for the Committee to carry out its purposes.* Beginning as soon as practical after January 3, 1975 and ending as soon as practical after January 3, 1980.

D. *The agency (agencies) or official(s) to whom the Committee Reports.* The Secretary of Labor and the Special Representative for Trade Negotiations.

E. *The Agency responsible for providing the necessary support for the Committee.* The Bureau of International Labor Affairs, U.S. Department of Labor.

F. *A description of the duties for which the Committee is responsible.*

1. to advise, consult with, and make recommendations to the Secretary of Labor and the Special Representative for Trade Negotiations, jointly, on negotiating issues of concern to workers employed in sectors with which the Committee is concerned.
2. to provide information and recommendations regarding the effect of the negotiations on workers employed in the electrical and electronic equipment and supplies, and non-electrical machinery sector and to issue a report to the Congress as soon as practical after January 3, 1980 giving advise as to whether the trade agreements entered into serve the economic interests of the U.S. and provide for equity and reciprocity within the sector represented by the Committee.
3. to maintain continuous liaison with the Labor Policy Advisory Committee for Multilateral Trade Negotiations (LPAC).
4. to provide reports on trade agreements to the President, the Congress, and the Office of the Special Representative for Trade Negotiations at the conclusion of negotiations for each trade agreement.
5. to perform such other advisory functions relevant to the trade negotiations as may be required by the STR or the Secretary of Labor and the Special Representative for Trade Negotiations jointly or their designees.
6. the advisory functions described under (a), (b), (c), and (e) above shall be performed both in connection with the preparatory phase of the negotiations and with respect to developments arising during the course of the negotiations.

G. *The estimated annual operating costs in dollars and man-years for the Committee.* $16,500 which includes two-thirds man-year of staff support.

H. *The estimated number and frequency of Commitee meetings.* The Committee will meet at irregular intervals at the call of the STR or the Secretary and the Special Representative acting jointly depending on such factors as level of activity in the negotiations, the needs of the Secretary and the Special Representative, the nature and volume of reports required by statute of the Committee, as well as additional reports that may be provided for the consideration of the Secretary and the Special Representative.

I. *Membership.* The Committee shall consist of approximately six members from the U.S. labor community, appointed by the Special Representative and the Secretary, acting jointly. Members will serve at the discretion of the Secretary and the Special Representative. A Chairman shall be elected by the members at the first meeting.

J. *The Committee's termination date.* After issuing its final report to the Congress, as soon as practical after January 3, 1980.

IV. *Other Charters.* The following committees will have charters substantially the same as above:

1. Labor Sector Advisory Committee on Textile, Apparel and Leather Products and Miscellaneous Manufacturing Industries
2. Labor Sector Advisory Committee on Food and Agricultural Products and Chemical, Plastic and Rubber Products
3. Labor Sector Advisory Committee on Services
4. Labor Sector Advisory Committee on Lumber, Wood and Paper Products, and Stone, Clay and Glass Products
5. Labor Sector Advisory Committee on Transportation Equipment and Primary and Fabricated Metal Products

Signed at Washington, D.C. on this 21st day of April 1975.

JOHN T. DUNLOP,
*Secretary of Labor.*

FREDERICK B. DENT,
*Special Representative for Trade Negotiations.*

[FR Doc.75-10929 Filed 4-25-75;8:45 am]

## Wage and Hour Division

[Administrative Order No. 638]

### INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

### Appointment To Investigate Conditions and Recommend Minimum Wage Rates; Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

| Committee No: | Industry |
|---|---|
| 126 | Metal, machinery, transportation equipment, and allied products; and electrical, instrument and related products industries in Puerto Rico. |
| 127-A | Men's and boys' clothing and related products industry in Puerto Rico. |
| 127-B | Hosiery Industry in Puerto Rico. |
| 127-C | Leather, leather goods, and related products industry in Puerto Rico. |
| 127-D | Gloves and mittens industry in Puerto Rico. |
| 128-A | Women's and children's underwear and women's blouse industry in Puerto Rico. |
| 128-B | Hankerchief, scarf and art linen industry in Puerto Rico. |
| 128-C | Corsets, brassieres, and allied garments industry in Puerto Rico. |
| 128-D | Children's dress and related products industry in Puerto Rico. |
| 128-E | Women's outerwear, needlework, and miscellaneous fabricated textile products industry in Puerto Rico. |
| 128-F | Sweater and knit swimwear industry in Puerto Rico. |

2. These industries are defined as follows:

a. The metal, machinery, transportation equipment, and allied products industry in Puerto Rico is defined as follows: The mining and other extraction of metal ore and the processing of such ore into metal; the manufacture (including repair) of any product except furniture or part made chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment and ordnance: *Provided, however,* That the industry shall not include the production of any basic material other than metal; the further processing of any basic material other than metal except when done by an establishment producing from such material a product of this industry or sub-assembly of such product, and any activity included in the jewelry and miscellaneous products manufacturing industry, the electrical, instrument, and related products industry, or the furniture and fixtures and lumber and wood products industry as defined in the wage orders for those industries in Puerto Rico.

b. The electrical, instrument, and related products industry in Puerto Rico is defined as follows: The manufacture, assembling, and repair of machinery, apparatus, equipment, and supplies for the generation, storage, transmission, transformation, and utilization of electrical









energy; and the manufacture, assembly, and repair of instruments, lenses, appa-

g. The women's and children's underwear and women's blouse industry in

synthetic material in sheet form is the basic component: *Provided, however,*



Following this hearing, Industry Committee No. 128-D will immediately con-

classifications, the industry committee shall consider, among other relevant fac-

ination of a gateway will not operate to stay commencement of the proposed op-

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energy; and the manufacture, assembly, and repair of instruments, lenses, apparatus, and equipment for scientific, professional, industrial measurement, photographic, ophthalmic, musical, and horological purposes: *Provided, however,* That the industry shall not include industrial and commercial machinery powered by electric motors; measuring-and-dispensing pumps; ophthalmic frames; or any activity included in the stone, clay and glass products and nonmetallic mining industry in Puerto Rico.

c. The men's and boys' clothing and related products industry in Puerto Rico is defined as follows: The manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of handmade straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico; the military hats and caps industry in Puerto Rico; or in the women's and children's underwear and women's blouse industry in Puerto Rico.

d. The hosiery industry in Puerto Rico is defined as the manufacture and processing of hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

e. The leather, leather goods, and related products industry in Puerto Rico is defined as follows: The curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the women's outerwear, needlework, and miscellaneous fabricated textile products industry; the rubber footwear industry; the non-rubber footwear industry; the gloves and mittens industry; or the rubber and fabricated plastic products industry, as defined in the wage orders for those industries in Puerto Rico.

f. The gloves and mittens industry in Puerto Rico is defined as: The manufacture from any material of gloves and mittens made by knitting, crocheting, cutting, sewing, embroidering, or other processes: *Provided, however,* That the industry shall not include the manufacture of sport and athletic gloves and mitts, or the manufacture of rubber or molded plastic gloves and mittens.

g. The women's and children's underwear and women's blouse industry in Puerto Rico is defined as follows: The knitting or manufacture from woven or knit fabric, of women's, missess', girls', boys' size 6X or under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, and neckwear (including collar and cuff sets but excluding scarves); *Provided, however,* that the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

h. The handkerchief, scarf, and art linen industry in Puerto Rico is defined as follows: The manufacture of plain, scalloped, or ornamental handkerchiefs and scarves; the manufacture of art linen, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials; *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

i. The corsets, brassieres, and allied garments industry in Puerto Rico is defined as follows: The manufacture of corsets, brassieres, brassiere pads, girdles, foundation garments, sanitary belts, surgical or abdominal supports, and all similar body-supporting garments.

j. The children's dress and related products industry in Puerto Rico is defined as follows: The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, bibs, sportswear, and play apparel for infants three years of age or under; and clothing and accessories for dolls: *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embrodery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

k. The women's outerwear, needlework, and miscellaneous fabricated textile products industry in Puerto Rico is defined as follows:

The manufacture from any material of women's and girls' outerwear (except scarves, blouses, and girls' dresses) and all other apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the textile mill products industry; or any of the other apparel industries in Puerto Rico as defined in the wage orders for those industries in Puerto Rico.

l. The sweater and knit swimwear industry in Puerto Rico is defined as follows:

The manufacture of men's, women's, misses', boys' and girls' knit sweaters, sport shirts, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

a. Convene the above-appointed industry committees;

b. Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico.

c. Give notice of the hearings to be held by the several committees at the times and place indicated. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 126 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, July 7, 1975.

Industry Committee No. 127–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Tuesday, October 14, 1975.

Following this hearing Industry Committee No. 127–B will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 127–C will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 127–D will immediately convene to conduct its investigation and begin its public hearing.

Industry Committee No. 128–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Tuesday, October 28, 1975.

Following this hearing, Industry Committee No. 128–B will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 128–C will immediately convene to conduct its investigation and begin its public hearing.





Following this hearing, Industry Committee No. 128–D will immediately convene to conducts its investigation and begin its public hearing.

Following this hearing, Industry Committee No. 128–E will immediately convene to conduct its investigation and begin its public hearing.

Following this hearing Industry Committee No. 128–F will immediately convene to conduct its investigation and begin its public hearing.

The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, P.R.

4. The rate or rates recommended by the committees shall not exceed the rates prescribed by section 6(a) of the Act, namely, $2.10 an hour for the period ending December 31, 1975, and $2.30 an hour after December 31, 1975, for those classifications covered before the Fair Labor Amendments of 1966; nor those rates prescribed by section 6(b) of the Act, namely, $2 an hour for the period ending December 31, 1975; $2.20 an hour during the year beginning January 1, 1976, nor $2.30 an hour after December 31, 1976, for those classifications brought under the Act by the Fair Labor Standards Amendments of 1966.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing i.e. June 27, 1975 for matters to be considered by Industry Committee 126; October 4, 1975 for matters to be considered by Industry Committees No. 127–A, 127–B, 127–C and I27–D; and October 18, 1975 for matters to be considered by Industry Committees No. 128–A, 128–B, 128–C, 128–D, 128–E and 128–F.

Signed at Washington, D.C., this 22nd day of April 1975.

JOHN T. DUNLOP,
*Secretary of Labor.*

[FR Doc.75-10943 Filed 4-25-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Letter Notices

APRIL 21, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 8, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 73165 (Sub-No. E48), filed May 20, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing, and fittings*, (1) from points in Texas to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, (2) from points in Texas on and southeast of a line beginning at Texarkana, thence along U.S. Highway 67 to Ft. Worth, thence along U.S. Highway 81 to the United States-Mexico border, to points in South Dakota, North Dakota, and Montana, (3) from points in Louisiana on and southeast of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 80 to Shreveport, thence along U.S. Highway 71 to Alexandria, thence along U.S. Highway 167 to Abbeville, thence along Vermillion River to the Gulf of Mexico, to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, and (4) from points in Louisiana, to points in South Dakota, North Dakota, and Montana. The purpose of this filing is to eliminate the gateway of Gilmer, Tex.

No. MC 73165 (Sub-No. E52), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and pipe fittings*, except commodities which because of size or weight require special equipment, (1) from Coshocton, Ohio, to points in Mississippi (any point on the Tennessee River in Tennessee or Alabama*), (2) from Coshocton, Ohio, to points in Texas except those north of Interstate Highway 40 (Louisiana*), and (3) from Coshocton, Ohio, to points in Arizona and New Mexico on and south of Interstate Highway 40, and points in California on and south of U.S. Highway 50 (Shreveport, La., and Gilmer, Tex.*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 76065 (Sub-No. E2), filed May 27, 1974. Applicant: EHRLICH-NEWMARK TRUCKING CO., 505–509 W. 37th St., New York, N.Y. 10018. Applicant's representative: Norman Weiss, 2 W. 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments;* (1) between Baltimore, Md., and points in Baltimore, Carroll, Frederick, Howard,





and south of a line beginning at the irregular routes, transporting: *Prefab-*



Florida, Georgia, Louisiana, Maine, Mis- operate as a *common carrier*, by motor Clovis, Portales, Lovington, and Hobbs,

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Montgomery, and Prince Georges Counties, Md., on the one hand, and, on the other, points in New Jersey on and north of New Jersey Highway 33 (points in Middlesex County, N.J.)*; (2) between the District of Columbia, on the one hand, and, on the other, points in New Jersey within the New York, N.Y., commercial zone (New York, N.Y.)*; (3) between Newport News and Richmond, Va., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the New York-New Jersey State line, thence along New Jersey Highway 284 to junction Sussex County Highway 565, thence along Sussex County Highway 565 to junction New Jersey Highway 15, thence along New Jersey Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 280, thence along Interstate Highway 280 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Business Highway 1, thence along U.S. Business Highway 1 to the Hudson River; and (4) from points in Delaware on and north of Delaware Highway 310 to Newport News, Portsmouth, and Richmond, Va. (Baltimore, Md.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 95540 (Sub-No. E662), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., N.E., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration (except in bulk) from those points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 116 to junction U.S. Highway 182, thence along U.S. Highway 182 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction Texas Highway 49, thence along Texas Highway 49 to junction Texas Highway 11, thence along Texas Highway 11 to junction County Road 125, thence along County Road 125 to the Texas-Louisiana State line, to those points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 95 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Florida.

No. MC 95540 (Sub-No. E822) (Correction), filed December 1, 1974, published in the FEDERAL REGISTER December 26, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from South Edmeston, N.Y., to those points in Tennessee on and south of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 411 to its junction with Tennessee Highway 39, thence along Tennessee Highway 39 to its junction with Tennessee Highway 30, thence along Tennessee Highway 30 to its junction with U.S. Highway 705, thence along U.S. Highway 705 to its junction with U.S. Highway 70N, thence along U.S. Highway 70N to its junction with Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga. The purpose of this correction is to correct the elimination point.

No. MC 106920 (Sub-No. E70) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER February 20, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 224 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Indiana-Michigan State line, thence along the Indiana-Michigan State line to Lake Michigan, thence along Lake Michigan to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 32, thence along Indiana 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line, thence along the Indiana-Ohio State line to the point of origin, to those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio. The purpose of this correction is to clarify the territorial destination points.

No. MC 107295 (Sub-No. E224), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 148, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, (1) from points in Alabama to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wyoming, and points in that part of Texas in and west of Fannin, Collin, Dallas, Ellis, Hill, McLennan, Bell, Williamson, Travis, Hays, Comal, Bexar, Atascosa, McMullen, Duval, Jim Hogg, and Starr Counties (Fine Bluff, Ark.*); (2) from points in Alabama to points in Indiana, Iowa, Michigan, and points in that part of Ohio in and north of Hamilton, Warren, Clinton, Fayette, Pickaway, Fairfield, Perry, Muskingum, Guernsey, Harrison, Carroll and Columbiana Counties (points in Illinois*); (3) from points in Alabama to points in that part of New York in and north of Broome, Delaware, Schoharie, Albany, and Rensselaer Counties, and points in that part of Pennsylvania in and west of Fayette, Westmoreland, Indiana, Cambria, Blair, Centre, Union, Montour, Columbia, Luzerne, Lackawanna, and Susquehanna Counties (points in Illinois and Ohio*); and (4) from points in that part of Alabama in and west of Jacks, Marshall, Blount, Jefferson, Shelby, Chilton, Autauga, Dallas, Wilcox, Monroe, and Escambia Counties to points in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont (points in Illinois and Washington Court House, Ohio*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 107295 (Sub-No. E225), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building*, complete, knocked down or in sections, (1) from points in Mississippi to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, points in that part of Oklahoma in and west of Washington, Tulsa, Creek, Lincoln, Oklahoma, Grady, Comanche, and Tillman Counties, and points in that part of Texas in and west of Wilbarger, Knox, Stonewall, Fisher, Mitchell, Sterling, Reagan, Crockett, and Terrell Counties. The purpose of this filing is to eliminate the gateway of Pine Bluff, Ark.

No. MC 107403 (Sub-No. E98), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, (1) from points in New Jersey north of New Jersey Highway 33, to points in Alabama, Florida, Georgia, Louisiana, Missouri, North Carolina, Tennessee, and Virginia, and (2) from Camden, N.J., to points in Alabama,





Florida, Georgia, Louisiana, Maine, Missouri, North Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateways of Delaware City, Del., and Lower Pottsgrove Township, Pa.

No. MC 107403 (Sub-No. E99), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from Camden, Edgewater, Dundee, N.J., and points in New Jersey north of New Jersey Highway 33, to points in Arkansas, Iowa, Kansas, Nebraska, Oklahoma, and Missouri. The purpose of this filing is to eliminate the gateway of Johnstown and Pittsburgh, Pa., Circleville, Ohio.

No. MC 107403 (Sub-No. E588), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the facilities of National Cement at Ragland, Ala., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Longview, Ala.

No. MC 107403 (Sub-No. E591), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from those points in Pennsylvania, Ohio, Maryland and West Virginia which are within 150 miles of Monongahela, Pa., to points in Arkansas, Iowa, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateways of Circleville, Ohio and Pataskala, Ohio.

No. MC 107515 (Sub-No. E510), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, fresh and cured meats, frozen foods, and fresh fruits and vegetables*, from Memphis, Tenn., to points in North Carolina, those in Virginia on or east of U.S. Highway 52, and to Beckley, W. Va. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E511), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed yeast, dry yeast, malt syrups and dough enriching compounds*, in vehicles equipped with mechanical refrigeration, from Pekin, Ill., to South Carolina, and that portion of North Carolina on and east of a line beginning at the North Carolina State line on Interstate Highway 85 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E512), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ft. Dodge, Iowa, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways of Anniston, Ala., and Atlanta, Ga.

No. MC 109064 (Sub-No. E6) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 10, 1974. Applicant: TEX-O-KA-N TRANSPORTATION CO., INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, over irregular routes; (1) between points in that part of Texas on and east of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, Tex., on the one hand, and, on the other, points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to junction U.S. Highway 54, thence along U.S. Highway 54 to Tucumcari, N. Mex., thence along New Mexico Highway 18 to the Texas-New Mexico State line; New Mexico on and east of a line from the New Mexico-Oklahoma State line over New Mexico Highway 18 via Clayton, N. Mex., to junction New Mexico Highway 18 and U.S. Highway 54, thence along U.S. Highway 54 to Tucumcari, N. Mex., thence along New Mexico Highway 18 to Clovis, Portales, Lovington, and Hobbs, N. Mex., to the Texas-New Mexico State line;

(2) between Alvin, Tex., and Raton, N. Mex.; (3) between Baytown, Tex., on the one hand, and, on the other, Albuquerque, Farmington, Gallup, Las Vegas, Lordsburg, Los Alamos, Raton, Santa Fe, Socorro, and Tucumcari, N. Mex.; (4) between Cleveland, Deer Park, Clute, Pasadena, and Seabrook, Tex., on the one hand, and, on the other, Farmington, Gallup, and Raton, N. Mex.; (5) between Dayton, Tex., on the one hand, and, on the other, Albuquerque, Alamogordo, Farmington, Gallup, Las Cruces, Las Vegas, Lordsburg, Los Alamos, Raton, Santa Fe, Socorro, and Tucumcari, N. Mex.; (6) between Galveston, Tex., on the one hand, and, on the other, Albuquerque, Farmington, Gallup, Las Vegas, Lordsburg, Los Alamos, Raton, and Tucumcari, N. Mex.; (7) between Houston, Tex., and Farmington, N. Mex.; (8) between LaPorte, Tex., on the one hand, and, on the other, Albuquerque, Farmington, Gallup, Las Vegas, Lordsburg, Los Alamos, Raton, Santa Fe, and Tucumcari, N. Mex.; (9) between Texas City, Tex., on the one hand, and, on the other, Albuquerque, Farmington, Gallup, Las Vegas, Lordsburg, Los Alamos, Raton, and Tucumcari, N. Mex.; and (10) between points in Chambers, Jefferson, and Orange Counties, Tex., on the one hand, and, on the other, points in New Mexico. Restriction: The above operations are restricted to the transportation of traffic from or to actual oilfields. The purpose of this filing is to eliminate the gateway of points in Louisiana. The purpose of this correction is to correct the territorial descriptions.

No. MC 111320 (Sub-No. E1), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Massachusetts, on the one hand, and, on the other, points in that part of Ohio west of Ohio Highway 77. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E2), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maine, Massachusetts, New Hampshire and Vermont, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S.





Highway 129, thence along U.S. High-



to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

of U.S. Highway 250, on the one hand, and, on the other, points in Illinois. The

Gresh (same as above). Authority sought

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Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E3), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maine, New Hampshire, Vermont, and Massachusetts, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E4), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E5), filed filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Rhode Island, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E6), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of Connecticut on, north, and east of a line beginning at the New York-Connecticut State line, thence along Interstate Highway 85 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to Long Island Sound, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E7), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles*, (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Pennsylvania on and north of a line beginning at Lake Erie, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E8), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 25E to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E9), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of Pennsylvania on and north of Interstate Highway 80, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E11), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Pennsylvania, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, (except from Cedar Rapids, Iowa), Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E12), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of Pennsylvania on and north of Interstate Highway 80, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E13), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought





to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on and east of Interstate Highway 77 on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E14), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 2 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Arkansas State line, thence along Missouri Highway 5 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri Iowa State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E15), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 14, thence along West Virginia Highway 14 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kansas and Iowa (except from Cedar Rapids, Iowa). The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E16), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on and east of U.S. Highway 250, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E17), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of West Virginia on and east of U.S. Highway 250, on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 17 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E18), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in Colorado, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E19), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building and contractors' vehicles or machinery*, in driveaway or truckaway service, between points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 19 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E20), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 21 to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E21), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 256, thence along New York Highway 256 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to Lake Ontario, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E22), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to junction New York Highway 98, thence along New York Highway 98 to Lake Ontario and on and north of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 6 to the New York-Connecticut State line, on the one hand, and, on the other, points



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in that part of Tennessee on and north of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 11W to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E24), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E25), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E26), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, and on and north of a line beginning at the New York-New Jersey State line, thence along U.S. Highway 6 to the New York-Connecticut State line, on the one hand, and, on the other, points in that part of West Virginia on and south of West Virginia Highway 7. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E27), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on, north, and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 16 to Lake Erie, and, on and north of a line beginning at Hale Eddy, N.Y., thence along New York Highway 17 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E28), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New York on, east, and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E29), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of Vermont on and north of U.S. Highway 4, on the one hand, and, on the other, points in that part of Maryland on and west of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to Sparrows Point, Md. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E30), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, and on and north of a line beginning at the New York-New Jersey State line, thence along Interstate Highway 84 to the New York-Connecticut State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E52), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 69 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E53), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at Lake Erie, thence along





U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E54), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on, north, east of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to the Michigan-Ohio State line, on the one hand, and, on the other, points in that part of Mississippi on and north of a line beginning at the Mississippi-Arkansas State line, thence along an imaginary line directly east to Clarksdale, Miss., thence along Mississippi Highway 6 to junction U.S. Highway 76, thence along U.S. Highway 76 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E55), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Illinois-Missouri State line, thence along Missouri Highway 19 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E56), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E58), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 224 to junction U.S. Highway 68, thence along U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E59), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 60 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E60), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on, west, and north of a line beginning at Lake Erie, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 60 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E61), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment*, and *parts* thereof, in driveaway and truckaway service, between points in that part of Ohio on and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 250, thence along U.S. Highway 250 to Lake Erie, on the one hand, and, on the other, points in that part of Tennessee on and south of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.





No. MC 111320 (Sub-No. E67), filed

PORT, INC., P.O. Box 668, Hudson, Ohio

thence along U.S. Highway 17 to junc-



vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defec-*

*motor vehicles* (except passenger auto-

No. MC 111320 (Sub-No. E91), filed

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No. MC 111320 (Sub-No. E67), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road build- or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Connecticut, New Jersey and Rhode Island, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E68), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles, and other types of motor vehicles*, (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New Jersey on and north of New Jersey Highway 33 on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E69), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles*, (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Delaware and Maryland, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E71), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Connecticut and Rhode Island, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E72), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Connecticut on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E74), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Maine, on the one hand, and, on the other, points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E79), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of Massachusetts, on and north of Interstate Highway 90, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E80), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Vermont, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E81), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Maine, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E82), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Maine, on the one hand, and, on the other, points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 340, thence along U.S. Highway 340 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E83), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Virginia on and west of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 17 to junction U.S. Highway 340, thence along U.S. Highway 340 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.





No. MC 111320 (Sub-No. E84), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Vermont, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E85), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New Hampshire, on the one hand, and, on the other, points in that part of Pennsylvania on and west of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E86), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of Maryland on and west of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the District of Columbia. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E87), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Maine, Massachusetts, New Hampshire, Vermont, on the one hand, and, on the other Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC 111320 (Sub-No. E89), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Connecticut and Rhode Island, on the one hand, and, on the other, points in that part of Tennessee on and west of U.S. Highway 127. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E90), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Connecticut, New Jersey, Rhode Island, Maryland, and Delaware, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E91), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Connecticut, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-West Virginia State line, thence along U.S. Highway 23 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E92), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maryland, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E93), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in New Jersey, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E94), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Connecticut, on the one hand, and, on the



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other, points in that part of Ohio on and vehicle, over irregular routes, transport- ton, to points in Ohio. The purpose of



County, Ky., within 5 miles thereof, to

No. MC 112822 (Sub-No. E124), filed

ginning at Lake Superior and extending

other, points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Interstate Highway 271 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 139, thence along Ohio Highway 13 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 139, thence along Ohio Highway 139 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E95), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Rhode Island, on the one hand, and, on the other, points in that part of Ohio on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E96), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Kentucky, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E97), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Delaware, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E98), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Maryland, on the one hand, and, on the other, points in that part of Ohio on, west, and north of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 98, thence along Ohio Highway 98 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E111), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of Virginia north and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in that part of Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 28 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E112), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment and parts thereof*, in driveaway and truckaway service, between points in Virginia, on the one hand, and, on the other, points in Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Colorado. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E113), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in Arizona, California, Utah, Idaho, Montana, Nevada, Oregon, and Washington, to points in Ohio. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111320 (Sub-No. E114), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregualr routes, transporting: *New self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, from points in New Mexico, to points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio.

No. MC 111956 (Sub-No. E26) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 14, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15219. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from points in Allegheny, Fayette, Greene, and Washington Counties, Pa., to points in Delaware, New Jersey (except points in Ocean and Monmouth Counties and points in those parts of Mercer, Middlesex, Union and Essex Counties on and south of U.S. Highway 1), New York, Indiana, and the Lower Peninsula of Michigan, and *Materials and Supplies* (except commodities in bulk) used in the production, sale, distribution and transportation of paper partitions, from points in Delaware, New Jersey (except points in Ocean and Monmouth Counties and points in those parts of Mercer, Middlesex, Union and Essex Counties on and south of U.S. Highway 1), New York, Indiana, and the Lower Peninsula of Michigan, to points in Allegheny, Fayette, Greene and Washington Counties, Pa. The purpose of this filing is to eliminate the gateway of Donora, Pa. The purpose of this filing is to correct the territorial destinations.

No. MC 112617 (Sub-No. E118), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., and points in Marshall County, Ky., within 5 miles thereof, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn., and Doe Run, Ky.

No. MC 112822 (Sub-No. E119), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Tulsa, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions*, in bulk, in tank vehicles, and *dry urea fertilizer*, and *dry ammonium nitrate fertilizer*, in bulk, and in bags, from the plant site of Cominco American Incorporated, about six miles northwest of Beatrice, Nebr., to points in Arkansas, Kentucky, Louisiana, Mississippi, Tennessee, and those in Texas east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States–Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the plant site of Solar Nitrogen Chemicals, Inc., at or near Atlas, Mo.

No. MC 112822 (Sub-No. E120), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Arkansas and Iowa, and those in Nebraska north and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 30 to junction U.S. Highway 281 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateways of the plant site of Chevron Chemical Co., at or near Sugar Creek, Mo.

No. MC 112822 (Sub-No. E122), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* derived from petroleum from those points in Missouri south of U.S. Highway 36, and west of a line beginning at Macon, Mo., and extending along U.S. Highway 63 to Jefferson City, Mo., thence along U.S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U.S. Highway 66 to Springfield, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in Nebraska and those in Kansas on and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Leavenworth, Kans.

No. MC 112822 (Sub-No. E124), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Cominco American, Inc., about six miles northwest of Beatrice, Nebr., to points in Indiana, Michigan, and Illinois (except those in Carroll, Stephenson, and Jo Daviess Counties). The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E131), filed May 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Illinois, Indiana, Michigan, and those in Wisconsin east of a line beginning at Lake Superior and extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E132), filed May 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company, located at or near Hoag, Nebr., to points in Indiana and Illinois (except those in Rock Island and Mercer Counties), and those in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company, at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E136), filed May 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia, liquid ammonium nitrate, liquid urea, liquid nitrate acid, liquid sulphuric acid, and liquid fertilizer solutions*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Illinois, Indiana, and Michigan, and those in Wisconsin east of a line beginning at Lake Superior and extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company, at South River (Marion County), Mo.

No. MC 114019 (Sub-No. E212) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, lanterns, lamp burners, metal tubes, and bottle caps*, (1) from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, to points in Pennsylvania, on and east of U.S. Highway 219 to its junction with Interstate Highway 80 and points on and south of Interstate Highway 80 to the Pennsylvania-Ohio border; (2) from points in West Virginia on and east of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 18 to junction U.S. Highway 33 to the West Virginia–Virginia State line and Ashland and Louisville, Ky. The purpose of this filing is to eliminate the gateway of East Liverpool, Ohio. The purpose of this correction is to redescribe the territorial destinations.

No. MC 114211 (Sub-No. E1252), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled* farm machinery and parts thereof, from points in North Dakota points in that part of Minnesota located on and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, thence along Iowa Highway 9





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to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line to points in New York, Massachusetts, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1253), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural and parts thereof*, from points in that part of Colorado located on and south of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 287 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, thence along the Colorado-Kansas State line to junction Colorado Highway 96, thence along Colorado Highway 96 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, and points in that part of Kansas located on and west of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 36 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction Kansas Highway 96, thence along Kansas Highway 96 to points in New York, Massachusetts, Connecticut, points in that part of Pennsylvania located on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 321.

Thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 248, thence along Pennsylvania Highway 248 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line, and points in that part of New Jersey located on and north of a line beginning at the Pennsylvania-New Jersey State line, thence along Interstate Highway 78 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 35, thence along New Jersey Highway 35 to junction New Jersey Highway 36, thence along New Jersey Highway 36 to Highland Beach, N.J., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1254), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, and finishing machinery* (except self-propelled motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), *equipment* designed for use in conjunction with the above (except tank semitrailers and hod buggies), and *parts* and *attachments* (except hod buggies), for the foregoing, from points in Washington, Oregon, Idaho, Montana, points in North Dakota located on and west of a line beginning at the United States-Canada International Boundary line, thence along North Dakota Highway 1 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 11, thence along North Dakota Highway 11 to junction North Dakota Highway 55, thence along North Dakota Highway 55 to the North Dakota-Minnesota State line, points in that part of South Dakota located on and west of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 16 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line, points in that part of Nebraska located on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385.

Thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Wyoming State line, points in that part of Wyoming located on and north of a line beginning at the Nebraska-Wyoming State line, thence along Interstate Highway 80 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line, points in that part of Utah located on and west of a line beginning at the Wyoming-Utah State line, thence along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, points in that part of Nevada located on and north of a line beginning at the Arizona-Nevada State line, thence along U.S. Highway 91 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line, and points in that part of California located on and north of a line beginning at the Nevada-California State line, thence along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 91, thence along California Highway 91 to junction California Highway 55, thence along California Highway 55 to Newport Beach, Calif., to points in New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, and Virginia, restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1255), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, and finishing machinery* (except self-propelled sweepers, those motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and commodities moving in driveaway service), *equipment* designed for use in conjunction with the above (except tank semitrailers and hod buggies), for the foregoing commodities, from points in Washington, Oregon, California, Idaho, Nevada, Utah, Montana, Wyoming, points in that part of North Dakota located on and west of a line beginning at the United States-Canada International Boundary line, thence along North Dakota Highway 1 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 11, thence along North Dakota Highway 11 to junction North Dakota Highway 55, thence along North Dakota Highway 55 to the North Dakota-Minnesota State line, points in that part of South Dakota located on and west of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 16 to junction Interstate





Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line, points in that part of Nebraska located on and north and west of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 61, thence along Nebraska Highway 61, to junction Interstate Highway 80.

Thence along Interstate Highway 80 to junction Interstate Highway 80S, thence along Interstate Highway 80S to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nebraska-Colorado State line, points in that part of Colorado located on and north and west of a line beginning at the Nebraska-Colorado State line, thence along Interstate Highway 80S to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, and points in that part of Arizona located on and north and east of a line beginning at the New Mexico-Arizona State line, thence along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Arizona Highway 79, thence along Arizona Highway 79 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line, to points in that part of Virginia located on and north of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 60, thence along U.S. Highway 60 to Virginia Beach, Va., and points in New York, Pennsylvania, Massachusetts, Connecticut, Delaware, and Rhode Island, restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1256), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment* (except self-propelled sweepers, those motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), *equipment* designed for use in conjunction with the above (except tank trailers and hod buggies), from points in South Dakota, points in that part of Minnesota located on and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, points in that part of Iowa located on and north and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 281 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line, points in that part of Nebraska located on and north and west of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction U.S. Highway 83.

Thence along U.S. Highway 83 to the Nebraska-Kansas State line, points in that part of Kansas located on and north and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 83 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line and points in that part of Colorado located on and north and west of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Colorado Highway 96, thence along Colorado Highway 96 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line to points in New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, points in that part of Pennsylvania located on and north and east of a line beginning at the Ohio-Pennsylvania State line, thence along Pennsylvania Highway 68 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, and points in that part of Virginia located on and east of a line beginning at the West Virginia-Virginia State line, thence along Virginia Highway 127 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Virginia Highway 30, thence along Virginia Highway 30 to junction Virginia Highway 33, thence along Virginia Highway 33 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 60, thence along U.S. Highway 60 to Virginia Beach, Va., restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1257), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, roadmaking machinery, and contractors' equipment* (except self-propelled sweepers, those motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), *equipment* designed for use in conjunction with the above (except tank trailers and hod buggies), from points in South Dakota, points in that part of Iowa located on and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 281 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line, points in that part of Minnesota located on and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, and points in that part of Nebraska located on and north of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence





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equipment), from points in that part of

filing is to eliminate the gateways of



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along U.S. Highway 26 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Wyoming State line, to points in New York, Massachusetts, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, restricted against the transportation of self-propelled rollers, from Minneapolis, Minn., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1258), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self propelled-farm machinery and parts thereof* (except those commodities which because of size or weight requires the use of special equipment), from points in Wyoming to points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and points in that part of Virginia located on and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 52 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in South Dakota, Nassau, Minn., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1259), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except those commodities which because of size or weight, require the use of special equipment), from points in that part of Nebraska located on, north, and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 281 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line to points in New York, Pennsylvania, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateways of points in South Dakota, Nassau, Minn., and Minneapolis, Minn.

No. MC 114211 (Sub-No. 1260), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except those commodities which because of size or weight, require the use of special equipment), from points in that part of South Dakota located on and north of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line to points in New York, Pennsylvania, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateway of Nassau, Minn., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1261), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except commodities requiring special equipment), from Omaha, Nebr., to points in Massachusetts and Connecticut. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1262), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, contractors' equipment and supplies*, from Omaha, Nebr., to points in Massachusetts and Connecticut. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1263), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Garden City, Kans., to points in Massachusetts, points in that part of Connecticut located on and east of a line beginning at the New York-Connecticut State line, thence along Interstate Highway 84 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Connecticut Highway 58, thence along Connecticut Highway 58 to Bridgeport, Conn., and points in that part of New York on and east of a line beginning at Sodus Point, N.Y., thence along New York Highway 14 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to junction New York Highway 97, thence along New York Highway 97 to junction New York Highway 52, thence along New York Highway 52 to junction Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line, restricted against transportation to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1264), filed March 21, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* (except those commodities which because of size or weight requires the use of special equipment, from points in that part of Nebraska located on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Nebraska Highway 44, thence along Nebraska Highway 44 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 25, thence along Nebraska Highway 25 to the Nebraska-Kansas State line to points in Massachusetts, Rhode Island, Connecticut, points in that part of New York located on and west of a line beginning at Ogdenburg, N.Y., thence along New York Highway 68 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 30, thence along New York Highway 30 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction U.S. Highway 209, thence along U.S. Highway 209 to the New York-Pennsylvania State line, and points in that part of New Jersey located on and east of a line beginning at the New York-New Jersey State line, thence along New Jersey Highway 32 to junction New Jersey Highway 94, thence along New Jersey Highway 94 to junction US. Highway 206, thence along U.S. Highway 206 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction New Jersey Turnpike, thence along New Jersey Turnpike to junction Atlantic City Expressway, thence along Atlantic City Expressway to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to Cape May, N.J. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., Council Bluffs, Iowa, and Minneapolis, Minn.

No. MC 114457 (Sub-No. E97), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods containers*, from points in Illinois, Indiana, Michigan and Wisconsin, to points in Montana, North Dakota and points in South Dakota except points in Buffalo, Jerauld, Sanborn, Miner Lake, Moody, Brule, Aurora, Davison, Hanson, McCook, Minnehaha, Gregory, Charles Mix, Douglas, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties, S. Dak. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.





No. MC 114457 (Sub-No. E98), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned good containers* and *container closures*, from points in Lake and Will Counties, Ill., to points in Montana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E102), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from points in Minnesota to points in West Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114457 (Sub-No. E103), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in North Dakota, to points in that part of Wisconsin in and south of Price, Rusk, Barron, St. Croix, Vilas, Forest, Florence, and Marinette Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E104), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in Illinois to points in South Dakota, except points in McCook, Minnehaha, Hutchinson, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E105), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies used by a canning factory*, from points in that part of Wisconsin in and north of Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown and Kewaunee Counties, to points in that part of Kansas in and west of Nemaha, Jackson, Shawnee, Wabaunsee, Lyon, Greenwood, Elk, and Chautauqua Counties. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E106), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Illinois in and south of Whiteside, Ogle, DeKalb, Kane, and Cook Counties, to points in Polk, Burnett, and Douglas Counties, Wis. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E107), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Montana in and north of Mineral, Missoula, Flathead, Teton, Cascade, Judith Basin, Fergus, Petroleum, Garfield, Prairie, and Wibaux Counties, to points in that part of Kansas in and east of Nemaha, Jackson, Shawnee, Osage, Lyon, Greenwood, Elk, and Chautauqua Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E108), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies used by a canning factory*, from points in that part of Wisconsin in and south of Price, Rusk, Barron and St. Croix Counties, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E109), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of South Dakota in and north of Grant, Codington, Hamlin, Clark, Beadle, Hand, Hyde, Hughes, Stanley, Haakon, Jackson, and Pennington Counties, to points in that part of Iowa in and east of Howard, Chickasaw, Bremer, Black Hawk, Benton, Iowa, Keokuk, Jefferson, and Van Buren Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E110), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Iowa in and west of Worth, Cerro Gordo, Franklin, Hardin, Marshall, Jasper, Marion, Lucas, and Wayne Counties to points in that part of Wisconsin in and north of St. Croix, Dunn, Eau Claire, Clark, Marathon, Shawano, Oconto, and Door Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E111), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories*, and *materials and supplies used by a canning factory* from points in Minnesota, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC 114457 (Sub-No. E129), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in Missouri, except points in Atchison County, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E130), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Wisconsin in and west of Pierce, St. Croix, Barron, Sawyer, and Ashland Counties, to points in Missouri. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E131), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to



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operate as a *common carrier*, by motor

MC 135519 Sub 5, Anthony G. Ayala, dba

resulting from approval of the applica-



the transfer to Hostetter Hauling, Inc.

cally noted, each applicant states that

N.W. Third, Oklahoma City, Okla.

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuff*, from points in that part of Iowa in and east of Howard, Chickasaw, Bremer, Black Hawk, Benton, Iowa, Washington, Jefferson, and Van Buren Counties, to points in that part of South Dakota in and north of Grant, Codington, Clark, Beadle, Hand, Hyde, Hughes, Stanley, Haakon, and Pennington Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11063 Filed 4-25-75;8:45 am]

[Notice No. 751]

## ASSIGNMENT OF HEARINGS

APRIL 23, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 95540 Sub 916, Watkins Motor Lines, Inc., now being assigned July 15, 1975 (2 days) at Chicago, Ill. in a hearing room to be later designated.

MC 107496 Sub 975, Ruan Transport Corporation, now being assigned July 17, 1975 (2 days) at Chicago, Ill. in a hearing room to be later designated.

MC 95876 Sub 159, Anderson Trucking Service, Inc., now being assigned July 21, 1975 (1 week) at Chicago, Ill. in a hearing room to be later designated.

MC 14702 Sub 66, Ohio Fast Freight, Inc., now being assigned hearing July 8, 1975 (1 day) at Columbus, Ohio; in a hearng room to be deagnated later.

MC-C-8339, Quick Air Freight, Inc., Et Al.-v-Mt. Vernon Aviation, now being assigned continued hearing July 9, 1975 (3 days) at Columbus, Ohio; in a hearing room to be designated later.

MC-F-12090, Cedar Rapids Steel Transportation, Inc.—Purchase—The Kinnison Trucking Company; MC 114273 Sub 158, Cedar Rapids Steel Transportation, Inc. and MC 114273 Sub 228, Cedar Rapids Steel Transportation, Inc., now being assigned continued hearing July 14, 1975 (1 week) at Columbus, Ohio; in a hearing room to be designated later.

MC 110563 Sub 101, Smith's Transfer Corporation, now being assigned July 7, 1975 (1 week) at Madison, Wisconsin, in a hearing room to be later designated.

MC 113855 Sub 268, International Transport, Inc., now being assigned July 15, 1975 (2 days), at San Francisco, California; in a hearing room to be designated later.

MC 139974, Louie Austin, dba Austin Truck Service, now being assigned July 17, 1975 (2 days), at San Francisco, California; in a hearing room to be designated later.

MC 139134 Sub 2, Kennedy Motors, Inc., now being assigned July 21, 1975 (2 days), at Seattle, Washington; in a hearing room to be designated later.

MC 135519 Sub 5, Anthony G. Ayala, dba Queen City Trucking, now being assigned July 23, 1975 (3 days), at Seattle, Washington; in a hearing room to be designated later.

MC 52658 Sub 112, Convoy Company, now being assigned July 28, 1975 (1 week), at Anchorage, Alaska; in a hearing room to be designated later.

MC-C-8523, Mexicoach, Inc. V. Greyhound Lines, Inc., Et Al, now being assigned July 15, 1975 (2 days) at Los Angeles, Ca.; in a hearing room to be designated later.

MC 74321 Sub 109, B. F. Walker, Inc., now being assigned July 17, 1975 (1 day) at Los Angeles, Ca.; in a hearing room to be designated later.

MC 139425 Sub 1, Harold E. Rich, now being assigned July 18, 1975 (1 day) at Los Angeles, Ca.; in a hearing room to be designated later.

MC 72243 Sub 48, The Aetna Freight Lines, Incorporated; MC 106497 Sub 104, Parkhill Truck Company and MC 113855 Sub 304, International Transport, Inc., now being assigned July 21, 1975 (3 days) at Denver, Colorado; in a hearing room to be designated later.

MC 113459 Sub 91, H. J. Jeffries Truck Line, Inc., now being assigned July 24, 1975 (2 days) at Denver, Colorado; in a hearing room to be designated later.

MC-F-12303, Dudley's Transcontinental Movers, Inc., Et Al—Purchase—Trans-World Movers, Inc.; MC 564 Sub 11, Dudley's Transcontinental Movers and MC 112070 Sub 10, Gray Moving & Storage, Inc., now being assigned July 28, 1975 (1 week) at Denver, Colorado; in a hearing room to be designated later.

MC 95876 Sub 149, Anderson Trucking Service, Inc., MC 107456 Sub 20, Harry L. Young & Sons, Inc., MC 108119 Sub 40, E. L. Murphy Trucking Co., MC 113855 Sub 258, International Transport, Inc., MC 123407 Sub 134, Sawyer Transport, Inc., and MC 129681 Sub 24, Widing Transportation, Inc., continued to June 9, 1975 (2 weeks), at the LaSalle Hotel, 10 N. LaSalle St., Chicago, Ill.

MC 109397 Sub 306, Tristate Motor Transit Co., MC 111397 Sub 109, Davis Transport, Inc., 11977 Sub 309, Ligon Specialized Hauler, Inc., and MC 126899 Sub 80, Usher Transport, Inc., now being assigned July 22, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Ex Parte No. 306, Valuation of Common Carrier Pipelines, now being assigned June 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Valuation Docket No. 1423, Williams Brothers Pipe Line Company (1971, 1972, 1973 Reports), now being assigned June 3, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11067 Filed 4-25-75;8:45 am]

[Notice No. 275]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 28, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 19, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75603. By order of April 8, 1975, the Motor Carrier Board approved the transfer to Jerry Steward Trucking, Inc., Cedar Falls, Iowa, of that portion of the operating rights in Certificate No. MC 117815 (Sub-No. 2) issued May 25, 1961, authorizing the transportation of animal and poultry feed and animal and poultry feed ingredients, between Des Moines, Iowa, and points within two miles thereof, on the one hand, and, on the other, points in Wisconsin; animal and poultry feed, from Des Moines, Iowa, to points in Illinois, Minnesota, Nebraska, Missouri, and South Dakota; and feed ingredients and rejected shipments of animal and poultry feed, from points in Illinois, Minnesota, Nebraska, and South Dakota, to Des Moines, Iowa. Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC-FC-75631. By order of April 11, 1975, the Motor Carrier Board approved the transfer to Lyle Bros., Inc., Duluth, Minn., of the operating rights in Certificates Nos. MC 116078, MC 116078 (Sub-No. 1), and MC 116078 (Sub-No. 2) issued November 8, 1957, December 26, 1961, and June 13, 1967, to William J. Lyle and John Lyle, a partnership, doing business as Lyle Brothers Auto Parts Company, Duluth, Minn., authorizing the transportation of wrecked or disabled motor vehicles and tractors for replacement thereof, in truckaway service, between Duluth, Minn., and points in Cook, Lake, St. Louis, Carlton, Aitkin, and Itasca Counties, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, North Dakota, and Wisconsin. Robert E. Toftey, 700 Lonsdale Building, Duluth, Minn. 55802, attorney for applicants.

No. MC-FC-75739. By order of April 11, 1975, the Motor Carrier Board approved the transfer to Tony Carna, Jr., doing business as T. C. Trucking, Edinburg, Pa., of the operating rights in Certificate No. MC 135323 issued December 2, 1971, to M & M Trucking Co., a corporation, Bessemer, Pa., authorizing the transportation of dry cement, between points in Ohio, restricted to the transportation of traffic having an immediately prior movement by rail; and cement, from Bessemer, Pa., to points in Ohio, and from points in Lake County, Ohio, to points in Indiana and those in described areas of New York, West Virginia, and Kentucky. Samuel P. Delisi, 530 Grant Building, Pittsburgh, Pa. 15219 and John A. Pillar, 1122 Frick Building, Pitteburgh, Pa. 15219, attorneys for applicants.

No. MC-FC-75741. By order of April 11, 1975, the Motor Carrier Board approved the transfer to Hostetter Hauling, Inc., Lancaster, Pa., of the operating rights in Certificate No. MC 128954 issued January 15, 1968, to Ezra Melvin Hostetter and Nelson M. Hostetter, a partnership, doing business as Hostetter's Hauling, Lancaster, Pa., authorizing the transportation of livestock, other than ordinary (except horses), and personal effects of their attendants, and supplies and equipment used in the care and exhibition of such animals, between points in Pennsylvania, Maryland, New York, Virginia, West Virginia, Ohio, New Jersey, Delaware, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii). John W. Frame, Registered Practitioner, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011, representative for applicants.





No. MC-FC-75742. By order of April 11, 1975, the Motor Carrier Board approved the transfer to Jacob B. Brunner, doing business as Brunner Truck Lines, Hiawatha, Kans., of the operating rights in Certificate No. MC 10495 issued September 18, 1974, to Amos G. Goslin, doing business as Kickapoo Trucking, Horton, Kans., authorizing the transportation of livestock, agricultural commodities, feed, farm machinery and parts, petroleum products, in containers, and numerous other specified commodities, to and from, and between, named points in Kansas and Missouri. Samuel Schuetz, 103 South Sixth, Hiawatha, Kans. 66434, attorney for applicants.

No. MC-FC-75753. By order entered April 7, 1975 the Motor Carrier Board approved the transfer to Fink's Fast Freight, Inc., Millersville, Pa., of Certificate of Registration No. MC-121327 (Sub-No. 1), issued July 10, 1974, to Roderick G. Dahlhammer, York, Pa., evidencing a right to engage in transportation in interstate or foreign commerce, of property between State Hill and Graybill, York County, Pa. James D. Campbell, Jr. Six N. Third, P.O. Box 361, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-75764, By order of April 17, 1975 the Motor Carrier Board approved the transfer to Dale E. Johnson, Wayne, Nebr., of the operating rights in Permit No. MC 134041 (Sub-No. 2) issued November 10, 1970 to Wayne Motor Express, Inc., Wayne, Nebr., authorizing the transportation of prefabricated buildings from Wayne, Nebr. to points in South Dakota and described portions of Minnesota and Iowa. John V. Addison, Wayne, Nebr., 68787, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11065 Filed 4-25-75;8:45 am]

[Notice No. 46]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 23, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provide for under the new rules of Ex Parte No. MC 67, (49 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 52460 (Sub-No. 171TA), filed April 11, 1975. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, in containers, from Memphis, Tenn., to points in Chillicothe, Mo., for 180 days. Supporting shipper: Leonard Distributing Company, Bernie B. Leonard, Owner, 100 Elm Street, Chillicothe, Mo. 64601. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 52460 (Sub-No. 172TA), filed April 16, 1975. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Kansas, restricted to traffic originating at/and destined to named points, for 180 days. Supporting shipper: H. L. Dennison, GTM, Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Marie Spillars. Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 114569 (Sub-No. 120TA), filed April 16, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Champaign, Ill., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Kraft Foods Division of Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: Robert P. Ameine, District Supervisor, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg,.Pa. 17108.

No. MC 124813 (Sub-No. 128TA), filed April 15, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal, bone meal, blood meal, and tankage* (1) from Cedar Rapids, Clinton, and Des Moines, Iowa, to points in Illinois and Missouri and (2) from Lynn Center, Rochelle, Mason City, and East St. Louis, Ill., to points in Iowa and Missouri, for 180 days. Supporting shipper: American Commodity Corporation, P.O. Box 699, Marshall, Mo. 65340. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 135797 (Sub-No. 38TA), filed April 15, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods, and recreational equipment*, from the plantsite and warehouse facilities of Gym-Dandy, Inc., Bossier City, La., to points in Arkansas (except Little Rock, Ark.), Iowa, Kansas, Mississippi, and Oklahoma, for 180 days. Supporting shipper: Gym-Dandy, Inc., P.O. Box 5637, Bossier City, La. 71010. Send protests to: William H. Land, Jr., District Supervisor, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136008 (Sub-No. 53TA), filed April 11, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1559, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk, in tank vehicles), from the N.C.R. Association Refinery at



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McPherson, Kans., and the Derby Refinery at Wichita, Kans., and the C.R.A. Inc. Refinery at Coffeyville, Kans., to the plantsite of Great Lakes Carbon Corp., near Kremlin, Okla., for 180 days. Supporting shipper: Great Lakes Carbon Corp., George R. Gunter, V.P. & Director of Transportation, 299 Park Avenue, New York, N.Y. 10017. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136220 (Sub-No. 17TA), filed April 11, 1975. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 N.E. Woodland, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke* (except in bulk, in tank vehicles), from the N.C.R. Association Refinery at McPherson, Kans., and the Derby Refinery at Witchita, Kans., and the C.R.A., Inc., Refinery at Coffeyville, Kans., to the plantsite of Great Lakes Carbon Corp., near Kremlin, Okla., for 180 days. Supporting shipper: Great Lakes Carbon Corp., George R. Gunter, V. P. & Director of Transportation, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 139078 (Sub-No. 1TA), filed April 8, 1975. Applicant: MIDCOAST TRUCKING, 107 Roosevelt Avenue, Belleville, N.J. 07019. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products*, from Totowa, N.J., to points in Chicago, Ill.; *Ingredients and containers* used in the manufacture and transportation of fresh bakery products, from Chicago, Ill., to points Totowa, N.J., for 150 days. Supporting shipper: S. B. Thomas, Inc., 930 N. Riverview Drive, Totowa, N.J. 07512. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139849 (Sub-No. 1TA), filed April 16, 1975. Applicant: ACTIVE TRUCK LINE, INC., 15666 Slover Avenue, Fontana, Calif. 92335. Applicant's representative: Milton White (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel, structures* knock down and or assembled, not complete and or completed, some of which by reason of size or weight may require special handling and or equipment, from the facilities of Duncan Fabricators, Bloomington, Calif., to job sites at Kremmling and Yoakum Counties, Colo., and Tucson, Rillitio, Maricopa, Globe, Ajo, Clarkdale and Phoenix, Ariz., for 180 days. Supporting shipper: Duncan Fabricators, Inc., 10365 Allen Street, Bloomington, Calif. 92316. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commision, Room 1312 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139935 (Sub-No. 2TA), filed April 15, 1975. Applicant: WOLF TRUCKING, INC., Ault, Colo. 80610. Applicant's representative: Robert C. Burroughs, 115 Second Avenue, Ault, Colo. 80610. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, green and salted, sheep and cattle skins only*, from Torrington, Wyo., to points in Dallas, Laredo, Amarillo, and Houston, Tex.; Oakland, Calif., and Long Beach, Calif., for 90 days. Supporting shipper: John Rueb Associates, Inc., doing business as Bi-Pro Co., Bi-Pro Co., Torrington, Wyo. 82240. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 140301 (Sub-No. 2TA), filed April 15, 1975. Applicant: EMORY SHUPE, doing business as SHUPE TRUCKING, 24 Montvale Road, Newark, Del. 19711. Applicant's representative: Samuel H. Lewis, 1226 King Street, Wilmington, Del. 19801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel drums, plastic containers and fibre drums*, from points in Delaware, to points in Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Maryland, Virginia, Rhode Island, Kentucky, Georgia, Tennessee, Ohio, and Michigan, for 180 days. Supporting shipper: Container Corporation of America, 5000 Flat Rock Road, Philadelphia, Pa. 19127. Send protests to: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 140739 (Sub-No. 1TA), filed April 11, 1975. Applicant: HUNSAKER OVERLAND TRANSIT, INC., doing business as H.O.T. LINES, INC., P.O. Box 11683, Phoenix, Ariz. 85061. Applicant's representative: Harold E. Mesirow, 1225 19th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cable, electric, brass, bronze or copper*, from Phoenix, Ariz., to points in the United States, for 180 days. Supporting shippers: Continental Copper & Steel Industries, CCS/Hatfield Wire & Cable Group, 12 Commerce Drive, Cranford, N.J. Tomes Wire & Cable Co., 4645 W. Van Buren, Phoenix, Ariz. Send Protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No., MC 140763 (Sub-No. 1TA) (Correction), filed April 7, 1975, published in the FEDERAL REGISTER issue of April 18, 1975, and republished as corrected this issue. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, processed, or dealt in by rubber product manufacturers and supplies incident to the conduct of such business* (except commodities in bulk), between the plantsite of The B. F. Goodrich Company at Oneida, Tenn., and the warehouse sites of The B. F. Goodrich Company at Columbus, Ohio, under continuing contract with The B. F. Goodrich Company, Akron, Ohio, for 180 days. Supporting shipper: The B. F. Goodrich Company, 500 South Main St., Akron, Ohio 44318. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 Federal Bldg., 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to correct the territorial description.

No. MC 140848 TA, filed April 14, 1975. Applicant: ELMER E. FRIESEN AND VIRGINIA M. FRIESEN, doing business as ELMER E. FRIESEN, Box 354, Mountain Lake, Minn. 56159. Applicant's representative: F. H. Kroger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and mortar mixing machines, hydraulic cylinders, pumps, and parts for and components of such commodities*, between Mountain Lake and Burnsville, Minn., on the one hand, and, on the other, ports of entry on the United States-Canada Boundary at Noyes, Minn., and Pembina, N. Dak., and thence to or from Winnipeg, Manitoba, Canada; *Foundry core compounds, foundry molding sand treating compounds, foundry cupola patching compounds and silicon briquetts*, (except in bulk, in tank vehicles), from Minneapolis, Minn., to ports of entry on the United States-Canada Boundary at Noyes, Minn., and Pembina, N. Dak., and thence to Winnipeg, Manitoba, Canada, for 180 days. Supporting shipper: Monark Industries, Incorporated, P.O. Box 429, Winnipeg R3C 3E4 Manitoba, Canada. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11064 Filed 4-25-75;8:45 am]





[Notice No. 274]

## MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 28, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-75815. By application filed April 16, 1975, SEVERANCE MOVING & TRUCKING CO., INC., 7 Walnut Hill Park, Woburn, MA 01801, seeks temporary authority to lease the operating rights of MUNROE AND ARNOLD-MERRITT EXPRESS, INC., P.O. Box 510, Salem, MA 01970, under section 210a (b). The transfer to SEVERANCE MOVING & TRUCKING CO., INC., of the operating rights of MUNROE AND ARNOLD-MERRITT EXPRESS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11066 Filed 4-25-75;8:45 am]

[Notice No. 44]

## TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

| Temporary authority application | Final action or certificate or permit | Date of action |
|---|---|---|
| L & M Express Co., Inc., MC-46630 Sub-74 | MC-44630 Sub-73 | Oct. 23, 1974 |
| Interstate Dress Carriers, Inc., MC-50307 Sub-65 | MC-50307 Sub-66 | Oct. 9, 1974 |
| Spector Freight System, Inc., MC-69116 Sub-150 | MC-69116 Sub-153 | Oct. 8, 1974 |
| H. A. Daub, Inc., MC-95173 Sub-15 | MC-95173 Sub-16 | Oct. 9, 1974 |
| Watkins Motor Lines, Inc., MC-95540 Sub-847 | MC-95540 Sub-860 | Oct. 24, 1974 |
| Watkins Motor Lines, Inc., MC-95540 Sub-849 | MC-95540 Sub-852 | Do. |
| Watkins Motor Lines, Inc., MC-95540 Sub-858 | MC-95540 Sub-862 | Do. |
| Parkhill Truck Co., MC-106497 Sub-77 | MC-106497 Sub-79 | Oct. 9, 1974 |
| Schilli Motor Lines, Inc., MC-106674 Sub-118 | MC-106674 Sub-117 | Do. |
| Interstate Express, Inc., MC-108973 Sub-9 | MC-108973 Sub-10 | Oct. 7, 1974 |
| Chemical Leaman Tank Lines, MC-110525 Sub-1078, 1080 | MC-110525 Sub-1082 | Oct. 23, 1974 |
| Erickson Transport Corp., MC-113908 Sub-276, 279, 282 | MC-113908 Sub-289 | Oct. 10, 1974 |
| Kentucky Western Truck Lines, Inc., MC-114989 Sub-17 | MC-114989 Sub-18 | Oct. 8, 1974 |
| Willis Shaw Frozen Express, MC-117119 Sub-485 | MC-117119 Sub-498 | Oct. 10, 1974 |
| D & T Trucking Co., Inc., MC-117644 Sub-30 | MC-117644 Sub-31 | Oct. 7, 1974 |
| M. Brenger & Co., Inc., MC-118142 Sub-46 | MC-118142 Sub-49 | Oct 8, 1974 |
| J. E. Fortin Transport, Inc., MC-119103 Sub-2 | MC-119103 Sub-3 | Oct. 7, 1974 |
| Jim Tiona, Jr., MC-118535 Sub-57 | MC-118535 Sub-58 | Oct. 10, 1974 |
| Dudley Trucking Co., Inc., MC-119917 Sub-37 | MC-119917 Sub-36 | Oct. 8, 1974 |
| Bulter Trucking Co., MC-123744 Sub-12 | MC-123744 Sub-13 | Oct. 10, 1974 |
| Mountain Pacific Trucking Corp., MC-125650 Sub-6 | MC-125650 Sub-7 | Oct. 9, 1974 |
| Heyl Truck Lines, Inc., MC-133119 Sub-22 | MC-133119 Sub-23 | Oct. 8, 1974 |
| Modular Transportation Co., MC-134071 Sub-5 | MC-134071 Sub-4 | Mar. 14, 1975 |
| North Star Transport, Inc., MC-134145 Sub-40, 41 | MC-134145 Sub-42 | Oct. 10, 1974 |
| Cahoon Farms Trucking, Inc., MC-134366 Sub-2 | MC-134366 Sub-3 | Oct. 7, 1974 |
| American Transport System, MC-134460 Sub-9 | MC-134460 Sub-7 | Oct. 8, 1974 |
| Joe Brown Co., Inc., MC-136008 Sub-11 | MC-136008 Sub-13 | Oct. 7, 1974 |
| D.b.a. Kennedy's Transfer, MC-136024 sub-1 | MC-136024 Sub-2 | Oct. 8, 1974 |
| D.b.a. Koral Sales, Inc., MC-136698 | MC-136008 Sub-1 | Do. |
| L & M Produce and Truck Lines, MC-138000 Sub-1 | MC-138000 Sub-2 | Do. |
| J. T. R. Trucking Co., Inc., MC-138437 | MC-138437 Sub-1 | Oct. 7, 1974 |
| Cavalier Transportation Co., Inc., MC-138639 | MC-138639 Sub-1 | Oct. 8, 1974 |
| D.b.a. Jerry Atkinson Co., MC-138834 Sub-1 | MC-138834 Sub-2 | Mar. 14, 1975 |
| CMR Parcel Service, Inc., MC-138937 | MC-138937 Sub-1 | Oct. 8, 1974 |
| R. W. Steele Trucking Co., MC-139116 Sub-1 | MC-139116 | Oct. 9, 1974 |

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11070 Filed 4-25-75;8:45 am]

[Notice AB 69]

## WESTERN MARYLAND RAILWAY CO. AND THE BALTIMORE AND CUMBERLAND VALLEY RAILROAD EXTENSION CO.

### Abandonment Near Shippensburg, Cumberland and Franklin Counties, Pa.

APRIL 21, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served February 28, 1975, applicant was required to publish a notice in the Borough of Chambersburg and Carlisle in Franklin and Cumberland County, Pa., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sections 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the February 28, 1975, order and subsequent notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11068 Filed 4-25-75;8:45 am]



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# SLIP LAWS

94th Congress, 1st Session
1975

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April 29, 1975—Pages 18541–18750

# federal register

TUESDAY, APRIL 29, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 83

Pages 18541–18750

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**NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.**

**List of Public Laws**

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 4—Accounts

### CHAPTER III—COST ACCOUNTING STANDARDS BOARD

### PART 303—RELEASE OF INFORMATION FEE SCHEDULES

#### Adoption of Revisions

On page 4445 of the FEDERAL REGISTER of January 30, 1975, revisions to §§ 303.5 and 303.9 of Part 303 were published as proposed rules. The revisions implemented Pub. L. 93–502 which amended 5 U.S.C. 552 known as the Freedom of Information Act.

Comments received in response to the January 30 publication have been considered but no change has been made in the revisions as published at that time. Accordingly, adoption of the revisions is hereby confirmed. The revisions, the effective date of which was February 19, 1975, are set forth below.

(84 Stat. 796 Sec. 108; 50 U.S.C. App. sec. 2168)

ARTHUR SCHOENHAUT,
*Executive Secretary.*

1. Section 303.5 *Fees for copying* is revised as follows:

**§ 303.5 Fees for copying.**

(a) The fee for searching for and duplicating Board records shall be $5.00 for each full hour of time required. No charge will be made for fractions of an hour.

(b) Any inquiry that appears to involve a total of more than 10 hours of search and duplication time will not be regarded as a request for information under this Part 303 unless this part is specifically cited or the inquirer specifically agrees to accept costs necessary to cover the estimated number of hours involved.

(c) Notwithstanding the foregoing, no charge or a reduced charge will be made whenever the Executive Secretary of the Cost Accounting Standards Board determines that a waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

2. Section 303.9 *Refusal to make record available* is revised as follows:

**§ 303.9 Refusal to make record available.**

(a) Where the material requested is not in being, is not a record, is an exempted record, or is otherwise unavailable, the request will be denied. The person making the request will be informed within 10 working days after receipt of the request for the material of the denial and the reason therefor.

(b) Not more than 20 days after a request for a record is denied pursuant to paragraph (a) of this section, the person making the request may appeal the denial to the Chairman, Cost Accounting Standards Board, who will make determinations on such appeals. The appeal shall be by letter, and shall identify the material requested and denied in the same manner as it was identified in the initial request; shall indicate the dates of the request and denial; and shall indicate the expressed basis for the denial. In addition, the letter of appeal shall state briefly and succinctly the reasons why the record should be made available.

(c) The Chairman may consult with others in making his determination, and shall by letter inform the requester, within 20 business days after receipt of the appeal, whether the requested material will be made available in whole or in part. If the request is denied in whole or in part, the basis for denial will be stated.

*Effective date.* The amendment shall become effective February 19, 1975.

[FR Doc.75–11107 Filed 4–28–75;8:45 am]

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

#### Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Director, Bureau of East-West Trade is excepted under Schedule C.

Effective on April 29, 1975, § 213.3314 (m) (20) is added as set out below.

**§ 213.3314 Department of Commerce.**

* * * * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(20) One Confidential Assistant to the Director, Bureau of East-West Trade.

* * * * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–11085 Filed 4–28–75;8:45 am]

## Title 9—Animals and Animal Products

### CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

### PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

#### Area Released From Quarantine

This amendment excludes a portion of Suffolk County in New York from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area. No areas in the continental United States remain under quarantine.

Accordingly, Part 82, Title 9, Code of Federal Regulations is hereby amended in the following respect:

**§ 82.3 [Amended]**

In § 82.3, paragraph (a) (1) relating to the State of New York is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

*Effective date.* The foregoing amendment shall become effective April 24, 1975.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.



V 40183 APR 29 75 A XUM

Done at Washington, D.C., this 24th day of April, 1975.

J. M. Hejl,
*Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.75-11169 Filed 4-28-75;8:45 am]

## CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

### SUBCHAPTER A—MANDATORY MEAT INSPECTION

### PART 317—LABELING, MARKING DEVICES AND CONTAINERS

### PART 319—DEFINITION AND STANDARDS OF IDENTITY OR COMPOSITION STANDARD OF COMPOSITION FOR BOCKWURST

*Statement of Considerations.* On June 14, 1973, there appeared in the Federal Register (38 FR 15628) a notice of proposed rulemaking under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), to amend the Federal meat inspection regulations (9 CFR Part 319) to provide a standard of composition for product labeled "Bockwurst." The proposal was announced in an effort to insure that products labeled "Bockwurst" contain those ingredients and reflect the distinguishing characteristics that have been traditionally associated with products identified with that name. Data pertinent to the proposed amendment were developed from observations of industry practices, product formula information submitted with requests for label approvals, and recommendations from members of the meat industry and State government officials.

Interested persons were afforded opportunity to submit data, views, and arguments concerning the proposal. A total of 10 written comments were submitted on the proposal. Four represented the views of State meat inspection program officials. The remainder were from processors, consumers, a supplier to the meat trade, and a meat processing trade organization. The comments expressed general agreement with the provisions of the proposed standard, although some suggested additional items for consideration as ingredients of the product.

One suggestion received in the comments was to permit the use of "modern forms" of whole eggs and egg whites as ingredients of "Bockwurst" since eggs for manufacturing are as readily available in frozen or dried form as they are as fresh eggs, and are used in all three forms in the commercial production of many varieties of foods. Upon review of this point, the Department's records do indicate that the egg products are used as claimed and whites are present in some recipes used to prepare "Bockwurst." Therefore, the standard has been revised to incorporate this suggestion. The required whole eggs refer to dried or frozen eggs, as well as fresh eggs. Egg whites (fresh, dried, or frozen) are an optional ingredient.

Another comment suggests that calcium reduced dried skim milk be permitted in "Bockwurst" and cited as support: (1) Its frequent usage in meat food products such as sausage and similar items. (2) Its acceptability by USDA for use on the same basis as nonfat dry milk. In view of these points, calcium reduced dried skim milk has been included in the standard as an ingredient for use on the same basis as "milk." Consistent with this reasoning dried milk has similarly been included.

A federally inspected establishment serving a geographic area of large volume "Bockwurst" consumption objected to the mandatory use of milk in the proposed standard. This opposition was based on the long time practice by the firm of using water in the product's preparation rather than milk. To provide product composition versatility so consumers can be supplied with familiar products, the standard has been changed to require the mandatory use of milk or water, or a combination thereof.

Some of the comments recommended that limited amounts of bread or soy protein concentrate be included in the standard as optional ingredients of "Bockwurst" and that they be identified by prominent labeling. The comments pointed out that the bread ingredient would contribute to the preparation of a product with characteristics unique and familiar to consumers in certain marketing areas, while the use of soy protein concentrate was urged on the basis of being a common ingredient of many meat and poultry products that would enhance the nutrition of Bockwurst without otherwise affecting the product provided it is used at a reduced level.

Records of the Department indicate that the other binders authorized by the meat inspection regulations for use in sausage products are included in the formulas of bockwurst prepared by some federally inspected establishments. There does not appear to be any reason for discontinuing such preparation practices. Accordingly, the standard for bockwurst contains provisions for the optional use, within limits, of bread, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein. For the most part, the limits reflect longstanding industry practice in the preparation of this product. Further, at various times in the past, the Department has considered officially recognizing and permitting the 3½ percent limit, or 2 percent in the case of isolated soy protein, with respect to these binders. These limits prescribed herein for binders are in keeping with the Department's policy for their use in a number of other meat products for which standards have been promulgated or that are approved on the basis of containing common or usual ingredients. A prominent statement, such as "cereal added," will be required by the standard to be present on labels in conjunction with the product name when these binders are included as bockwurst ingredients.

Through oversight, the Department failed to indicate in the proposal that bockwurst may be prepared in other forms as well as in a casing. This error has been corrected by deleting any references to specific forms in which the product may be prepared.

In the proposal, it was provided that the meat ingredient must be "frozen or fresh (unfrozen) meat." This has been reworded to read "fresh or fresh frozen meat." This represents no change in policy, but merely clarifies that only fresh meat, whether or not in a frozen state, may be used.

Careful consideration of all comments and other available information indicated that it is in the public interest to amend the Department's meat inspection regulations and provide a standard of composition and labeling requirements for products labeled "Bockwurst."

Accordingly, 9 CFR, Parts 317 and 319 of the meat inspection regulations are amended as follows:

1. A new subparagraph (33) is added to § 317.8(b) to read as follows:

**§ 317.8 False or misleading labeling or practices generally; prohibitions and requirements for labels and containers.**

* * * * *

(b) * * *

(33) When bread, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, or isolated soy protein is added in bockwurst as permitted in § 319.281 of this subchapter, there shall appear on the label in a prominent manner and contiguous to the product name, the name of such added ingredient, e.g., "Bread Added," "Cereal Added," or "Soy Protein Concentrate Added," as the case may be.

2. The heading of Subpart L, Part 319, is amended to read as set forth below. The Table of Contents is also amended to reflect this new heading.

**Subpart L—Meat Specialties, Puddings and Nonspecific Loaves**

3. A new § 319.281 is added to Part 319 to read as follows and the Table of Contents to Part 319 is amended to reflect this new heading:

**§ 319.281 Bockwurst.**

(a) Bockwurst is an uncured, comminuted meat food product which may or may not be cooked. It contains meat, milk or water or a combination thereof, eggs, vegetables, and any of the optional ingredients listed in paragraph (b) of this section; and is prepared in accordance with the provisions of paragraph (a) (1), (2), (3), and (4) of this section.

(1) Meat shall constitute not less than 70 percent of the total weight of the product and shall consist of pork or a mixture of pork and veal, pork and beef, or pork, veal, and beef. Such meat shall be fresh or fresh frozen meat.

(2) The "milk" may be fresh whole milk, dried milk, nonfat dry milk, calcium reduced dried skim milk, or any combination thereof.

(3) "Eggs" refer to whole eggs that are fresh, frozen, or dried.





(4) "Vegetables" refer to onions, chives, parsley, and leeks, alone or in any combination.

(b) Bockwurst may contain one or more of the following optional ingredients:

(1) Pork fat.
(2) Celery, fresh or dehydrated.
(3) Spices, flavorings.
(4) Salt.
(5) Egg whites, fresh, frozen, or dried.
(6) Corn syrup solids, corn syrup, or glucose syrup with a maximum limit of 2 percent individually or collectively, calculated on a dry basis. The maximum quantities of such ingredients shall be computed on the basis of the total weight of the ingredients.
(7) Autolyzed yeast extract, hydrolyzed plant protein, milk protein hydrolysate, and monosodium glutamate.
(8) Sugars (sucrose and dextrose).
(9) Cereal, bread, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3½ percent of total weight of all the ingredients, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3½ percent of any one or more of the other ingredients permitted in this subparagraph. Bockwurst containing any of the ingredients permitted by this subparagraph shall be labeled in accordance with § 317.8(b) (33) of this subchapter.

(c) If bockwurst is cooked or partially cooked, the composition of the raw mix from which it is prepared shall be used in determining whether it meets the requirements of this section.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

It does not appear that further public participation and rulemaking proceedings on these amendments would make additional information available to the Department which would substantially affect this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice or other public rulemaking proceedings on these amendments are impracticable and unnecessary.

The foregoing amendments shall become effective June 2, 1975.

Done at Washington, D.C., on: April 23, 1975.

F. J. Mulhern,
*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc.75-11168 Filed 4-28-75;8:45 am]

## Title 10—Energy

## CHAPTER II—FEDERAL ENERGY ADMINISTRATION

## PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

### Limitation on Use of Propane and Butane for Refinery Fuel

On December 19, 1974, the Federal Energy Administration issued an emergency amendment to the Mandatory Petroleum Allocation Regulations (39 FR 44405, December 24, 1974) which, among other things, restricted the amount of propane and butane which a refiner could use for refinery fuel without FEA approval. No comment period was afforded prior to the effective date of the amendment but written comments were invited and a public hearing was held on January 9, 1975. Fifteen written comments were received and ten firms made oral presentations at the public hearing.

In view of the comments received and FEA's analysis of the impact of the refinery fuel limitations since December 19, FEA has decided to revoke those portions of the December 19 amendment which place a limit on the use of the propane and butane content of natural gas liquids and refinery gas used for refinery fuel. The limitation on the use of propane and butane subject to allocation under Subparts D and E for refinery fuel is, however, retained.

In analyzing the impact of the December 19 amendment, FEA found that to the extent natural gas curtailments exceed the curtailment imposed during the base period (thereby necessitating use of greater volumes of propane and butane as alternative fuels), the restrictions placed on refineries by the amendment could result in plant production decline and shut-down as natural gas supplies are curtailed beyond base period experience. Also, the amendment would result in decreased refinery throughout if a change in production methods or output mix resulted in either greater need for refinery fuel or greater production of propane and butane contained in refinery fuel as a consequence of the refining process. Furthermore, lack of propane and butane stripping facilities at several refineries made the limitations imposed by the amendment unduly restrictive. Finally, since the amendment restricted all propane and butane used for refinery fuel regardless of whether it is non-specification grade, a refinery might have had to curtail production so as not to exceed the use limitation (or else flare the product) to the extent non-specification grade propane and butane production exceeds that of the base period.

The revocation of certain parts of the December 19 amendment should not be construed as evidence of a lessening interest on FEA's part that propane and butane not be utilized for refinery fuel. As will be noted in the Policy Statement which follows, FEA retains its concern that traditional users of propane and butane other than refineries be afforded adequate supplies of these products including those new propane and butane users other than refineries who, primarily because of natural gas curtailments, are faced for the first time with a need for propane and butane as alternative fuels where no substitute for a gaseous fuel is feasible.

The amendment issued today excludes the propane and butane content of natural gas liquids and refinery gas from the refinery fuel use limitation but retains the limitation for synthetic natural gas feedstock use, gas utility use or any industrial use other than refinery fuel use. The limitation on refinery fuel use of commercial grade propane and butane will remain the same as for other industrial uses—100 percent of base period use except for purposes of increasing inventories as permitted by §§ 211.86(g) and 211.96(e). Finally, conforming changes have been made in the definitions of "propane" and "butane" in § 211.51.

Statement of Policy Regarding Use of Propane and Butane for Refinery Fuel

FEA strongly favors those measures designed to maximize propane and butane supplies to meet the increased needs of traditional users (excluding refineries) and to meet the needs of users (excluding refineries) who, primarily because of natural gas curtailments, are faced for the first time with a need for commercial grade propane and butane as alternative fuels where no substitute for a gaseous fuel is feasible. These users of commercial propane and butane must not be deprived of these products through the diversion of the propane/butane content of natural gas liquids and refinery gas into refinery fuel prior to the stage at which commercial propane and butane is extracted. Consequently, FEA will be sensitive to decreasing yields of commercial propane and butane by refiners following today's exclusion of the propane/butane content of natural gas liquids and refinery gas from the refinery fuel use limitation.

FEA will continue to limit the use of commercial grade propane and butane for refinery fuel. A refiner is entitled to receive one hundred (100) percent of its base period use of commercial propane and butane and in addition may accumulate in inventory up to one hundred twenty (120) percent of the volumes used during the base period. These provisions are the same as those applicable to all other industrial users, including petrochemical producers. By including refiners within these limits on use and accumulation, FEA intends that no refiner shall use commercial grade propane and butane disproportionately to other firms who look to the refiner as their supplier of propane and butane. This limitation has the effect of limiting the use by refiners of surplus commercial propane and butane unless FEA approval is obtained.

There is ample evidence that natural gas curtailments will increase during the years ahead. FEA believes all industrial users of natural gas should be taking immediate steps to convert their natural gas energy systems to liquid- or solid-fueled systems. FEA strongly discourages plans to convert from natural gas to propane or butane systems except where a gaseous fuel is technically the only alternative fuel source. Refineries are in a unique position to make use of liquid-fueled energy systems because of the ready availability of such products at refineries and because they can convert to use of these fuels.



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FEA will closely monitor the demand/supply situation for propane and butane during the months ahead. If conditions so warrant, FEA will propose a rulemaking which will reimpose the limitations on the use of the propane and butane content of natural gas liquids and refinery gas for refinery fuel. As part of such rulemaking, FEA may propose that no relief be granted to a refinery from the limitations unless there is evidance that the refinery is converting to non-gaseous fuels to operate its energy systems. The fact that propane and butane are less expensive refinery fuels than liquid petroleum alternatives will not be considered to be an adequate reason for deterring reimposition of the limitations on the use of the propane and butane content of natural gas liquids and refinery gas for refinery fuel.

FEA may also propose other measures to insure adequate supplies of propane and butane for traditional and new uses. FEA will welcome comments during the coming months regarding other approaches to achieve the goals set forth in this statement. Comments should be submitted to Executive Communications, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Box CX, Washington, D.C. 20461 and should be marked: "For allocation Regulation Development, Office of Regulatory Programs; Refinery Fuel Use Limitations." There is no deadline for submitting such comments.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective May 1, 1975.

Issued in Washington, D.C., April 24, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel,*
*Federal Energy Administration.*

1. Section 211.10 is amended by revising paragraph (g)(8) to read as follows:

§ 211.10 Supplier's method of allocation.

. . . . . .

(g) *Allocation fractions greater than one.* . . .

(8) *Limitation on purchaser's rights including special restrictions on propane and butane.* (i) Unless directed by FEA no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of an allocated product which exceed one hundred (100) percent of the end-user's or wholesale purchaser-consumer's current requirements, *provided*, That (A) no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept or use quantities of propane or butane (including the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use for synthetic natural gas feedstock use, gas utility use or any industrial use (other than for refinery fuel use) except for the purpose of increasing inventories for such uses to the levels allowed under § 211.86(g) or § 211.96(e), and *provided further*, That (B) no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept or use quantities of propane or butane (excluding the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use for refinery fuel use, except for the purpose of increasing inventories for such use to the levels allowed under § 211.86(g) or § 211.96(e).

(ii) Suppliers and wholesale purchasers shall comply with § 211.87 and § 211.97 in the purchase of surplus propane and butane.

. . . . . .

2. Section 211.51 is amended by revising the definitions of "butane" and "propane" to read as follows:

§ 211.51 Definitions.

. . . . . .

"Butane" means the chemical $C_4H_{10}$ in its commercial forms, including (a) both normal butane and iso-butane and mixtures of these two isomers; (b) propane-butane mixes containing ten (10) percent by weight or less of propane; and (c) other mixtures containing ten (10) percent by weight or less of propane but containing ten (10) percent by weight or more of butane. Excluded from the definition are mixtures containing butane (other than propane-butane mixes) when such mixtures are used for refinery fuel use.

. . . . . .

"Propane" means the chemical $C_3H_8$ in its commercial form including propane-butane mixes and other mixtures in which propane constitutes greater than ten (10) percent of the mixture by weight. Excluded from the definition are mixtures containing propane (other than propane-butane mixes) when such mixtures are used for refinery fuel use.

. . . . . .

[FR Doc.75-11208 Filed 4-25-75;8:45 am]

## Title 13—Business Credit and Assistance

### CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

### PART 302—DESIGNATION OF AREAS

#### Grant and Loan Program

Part 302 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

The purpose of this amendment is to make a technical change in EDA's designation under the Community Services Act of 1974.

1. Section 302.9 is revised to read as follows:

§ 302.9 Standards for recognition of redevelopment areas designated under the Community Services Act of 1974.

Areas selected for assistance under 742(b)(1), of the Community Services Act of 1974 will be deemed redevelopment areas within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of Title I and Title II of that Act, and shall be deemed to have met the overall economic development program requirements of section 202(b)(10) of such Act.

(Sec. 701, Pub. L. 89-136 (August 26, 1965); (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10-4, April 1, 1970 (35 FR 5970))

*Effective date.* This regulation becomes effective on April 29, 1975.

Dated: April 22, 1975.

WILMER D. MIZELL,
*Assistant Secretary*
*For Economic Development.*

[FR Doc.75-11184 Filed 4-28-75;8:45 am]

## Title 14—Aeronautics and Space

### CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-11-AD; Amdt. 39-2190]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Beech Model 18 Airplanes

AD 72-20-5 (Amendment 39-1526), as amended by Amendment 39-1632 and AD 73-18-4 (Amendment 39-1708) are Airworthiness Directives (AD) applicable to Beech Model 18 series airplanes which require repetitive inspections and modifications to the center section truss wing spar prior to May 1, 1975, and the outer wing panel prior to September 10, 1975. As a result of these inspections, service history, subsequent evaluations, analysis of X-rays and the aircraft structure, the FAA has determined that the airframe wing structure is life limited and is issuing a notice of proposed rule making (NPRM) that would establish a safe life limit for the basic wing structure of these aircraft. In the interim to assure the continued airworthiness of these aircraft pending development of a final rule under the NPRM, this AD is being issued applicable to all Beech Model 18 series airplanes. The AD includes those aircraft which have accumulated or subsequently accumulate 1,500 hours' time in service since the x-ray submissions required by ADs 72-20-5 and 73-18-4 as well as those aircraft not previously covered. It will require inspections of the elliptical front spar lower cap of the wing center section, outer wing panel and the upper spar cap at station 90 for the detection of cracks and the submission of X-rays to the manufacturer for evaluation.





Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to all Beech 18 series airplanes including all military counterparts thereof and those Beech Model 18 airplanes modified in accordance with Supplemental Type Certificates.

To prevent possible wing failure, in order to detect cracks in the elliptical front spar lower cap of the wing center section, outer wing panel and upper spar cap at station 90:

(a) For those aircraft to which ADs 72-20-5 and 73-18-4 were applicable, within 1,550 hours' time in service since the last X-ray submission for evaluation or within 50 hours' time in service after the effective date of this AD, whichever occurs later, and

(b) On all other aircraft for which X-rays have not been submitted for evaluation, within 50 hours' time in service after the effective date of this AD, accomplish the following:

A. Unless previously modified, modify the lower wing skin in accordance with Figure (1) or Figure (2) of an FAA-approved equivalent to facilitate the inspections specified in Paragraph B.

B. (1) Inspect the front spar lower cap of the wing center section and outer wing panel on each side of the airplane by methods specified below, including inspection sites reinforced by Beech Aircraft Corporation Kits 18-4024, 791 or 792:

| Wing station | Site (see fig. 3) | Method (see para. C) |
|---|---|---|
| 90 (upper and lower spar cap). | Tips of welds at clevis tangs, upper and lower surfaces of cap. | Visual, X-ray and either magnetic particle or penetrant. |
| 81, 78, 64, and 57. | Tips of welds at gussets, upper surface of cap. | Do. |
| 48 | Outboard ends of splice in cap, upper and lower surface of cap. | Do. |
| 30 | Tips of welds at wing splice plate, fore and aft surfaces of cap. | Do. |
| 45 to 48 | Tip of weld around cluster upper surface of cap. | Do. |
| 61 | Lower surface of spar cap below tube cluster, as seen from wheel well. | Do. |
| 102 and 111 | Tips of the weld as shown in figs. 5 and 6. | Do. |

(2) Temporarily move clamps and other equipment as necessary to eliminate interference with the above inspections. Removal of spar cap finish is not necessary.

(3) Flex the wing when specified by Paragraph C by applying and relieving a 75 to 100 pound upward force at or near the wing tip on the (left or right) side being inspected. This may be done by hand.

(4) Load the wing on the side being inspected when specified by Paragraph C by applying 75 to 100 pound upward force at the junction of wing rib number 10 and the front spar. Place material such as lumber under and along the number 10 rib so as to distribute the force.

C. (1) Accomplish visual inspection before and after cleaning, and while the wing is being flexed. Use a flashlight or other illumination and a low power magnifying device.

(2) When the magnetic particle method is chosen, conduct the inspection while the wing is either flexed or loaded. Conduct the inspection before magnetism is induced and again while magnetism across the inspection site is induced by a Magnaflux Corp. Model Y-5 or YM-5 yoke or when any equivalent is used in accordance with the manufacturer's instructions.

(3) When the penetrant method is chosen, perform the inspection while the wing is being flexed. Use either dye or fluorescent materials in accordance with the penetrant manufacturer's instructions.

(4) For each site where X-ray inspection is specified by Paragraph B, accomplish X-ray inspection while the wing is loaded. Figures 4, 5 and 6 are aids to the following instruction. Place fine grain film (such as GAF 800, Dupont NDT-65 or Kodak AA) sandwiched between lead screens of 0.005 inch thickness on the upper surface of the spar cap (over an inspection site) with identification symbols for at least the site (e.g. LWS 81, RWS 81, etc.), date, and airplane registration number. Proper identification of the inspection site is critical to the evaluation of the X-rays. The left side of the aircraft (left wing) is the side to the left of the pilot when facing forward. For upper wing station 90, the plate is to be placed on the lower surface of the upper spar cap with the X-ray source located approximately 36 inches above the wing. Secure a steel penetrameter of 0.005 inch thickness to the lower surface of the spar cap at a location clear of the inspection site. Position the X-ray source approximately 36 inches from and generally below the film so that the center of the X-ray beam will be perpendicular to the major axis of the elliptical spar cap and perpendicular to the spanwise centerline of the spar cap at each inspection site. Use a flashlight and a protractor level as necessary to see that aiming of the X-ray beam compensates for wing dihedral and nose up attitude. At those areas covered by aluminum skin, a locally fabricated jig may be used to position the X-ray source. Expose film so that density of the radiograph of the spar cap material near the inspection site is 1.5 to 2.8 on the densitometer or National Bureau of Standards density scale. View film to see that the inspection site, the 0.010 inch diameter hole in the penetrameter, and its entire outline are plainly shown. Using a low power magnifying device, examine the inspection site portion of each radiograph for faint indications of cracks in spar cap material transverse to the spanwise centerline.

D. On those aircraft modified by incorporating STC SA895SW, SA962EA, SA1192WE, SA1533WE, SA832SW, SA643CE, SA3009WE, SA3010WE, SA814SO, SA1582SW, SA2000WE, or any other such modification approved by the Chief, Engineering and Manufacturing Branch/Division, FAA, prior to performing the inspections required by Paragraphs B and C, remove the strap assemblies in accordance with procedures specified by the manufacturer or STC holders as applicable and inspect all components of the strap assembly for defects such as cracks, corrosion, fretting, etc. If defects are found in these components as a result of any such inspections, prior to further flight, replace the defective components with new airworthy parts.

E. Upon completion of the above inspections within 48 hours transmit, by most rapid means, copies of all the X-rays to Beech Aircraft Corporation, Wichita, Kansas 67201. Evaluation of the inspection facility findings will be transmitted to the sender by Beech Aircraft Corporation.

F. If a crack is found as a result of inspections required by Paragraphs B and C of this AD, the aircraft shall not be returned to service until authorized in writing by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. In addition, written notification must be sent to the Chief, Engineering and Manufacturing Branch, FAA, Central Region, stating the location and length of any cracks discovered during inspections required by this AD, and the total operating time of the airplane at the time of the discovery. (Reporting approved by the Office of the Management and Budget under OMB No. 04-R0174.)

Currently effective Beech Aircraft Corporation's Service Bulletins 64-15, 64-16, 64-17, and 66-10 and MIL-STD-453 consider this subject, but this AD takes precedence in any conflicting detail.

This amendment becomes effective May 1, 1975.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on April 17, 1975.

C. R. MELUGIN, Jr.,
*Director, Central Region.*



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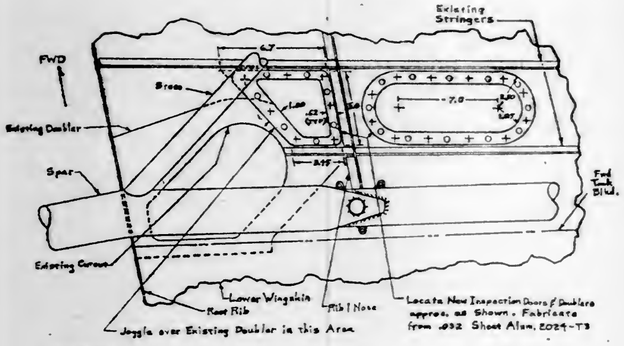
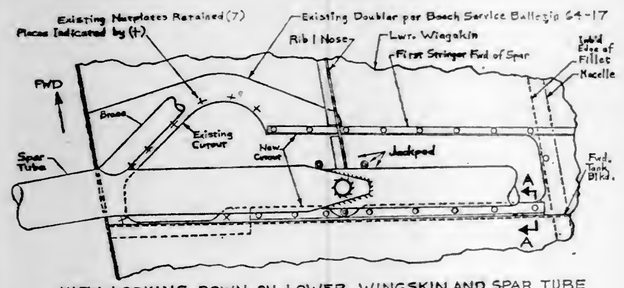



OPERATIONS:
Drill #40 (.098) holes thru new doors, wingskin & doublers as shown by (O) 19 places (approx. 2¼" spaces).
Attach (#) nutplates to doublers with countersunk AD3 rivets. (MK1000-3 Nutplates Recommended).
Attach doublers to skin with AD4 rivets shown by (+) 19 places (approx. 2.4" spaces).
Install doors on lower side with #10 screws 19 places.

RH Wing Shown - LH Opposite

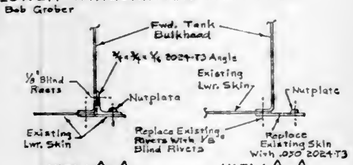
VIEW LOOKING DOWN ON LOWER WINGSKIN & SPAR
(Upper Wingskin Omitted for Clarity)

FIGURE 1




VIEW LOOKING DOWN ON LOWER WINGSKIN AND SPAR TUBE
by Bob Grober

Attach MK1000-3 Nutplates (or equiv.) (17 places) as shown by (O). Cut inspection door from .032 2024-T3 Alum. Allow ½" edge margin around all screws (min). Install door on lower side with #10 screws (25 places); cut three holes for jackpad access. Inspection door not shown.

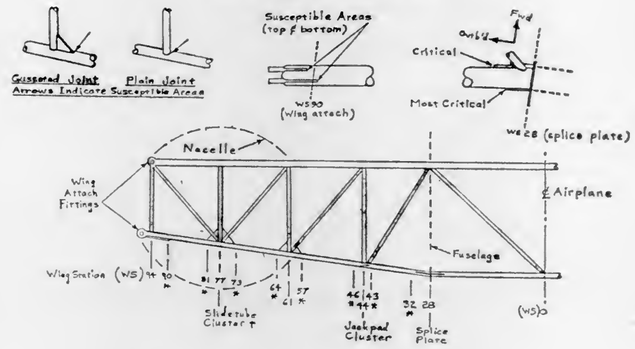



VIEW A-A VIEW A-A
OPTIONAL MEANS OF ATTACHING INSPECTION PLATE AFT EDGE

FIGURE 2



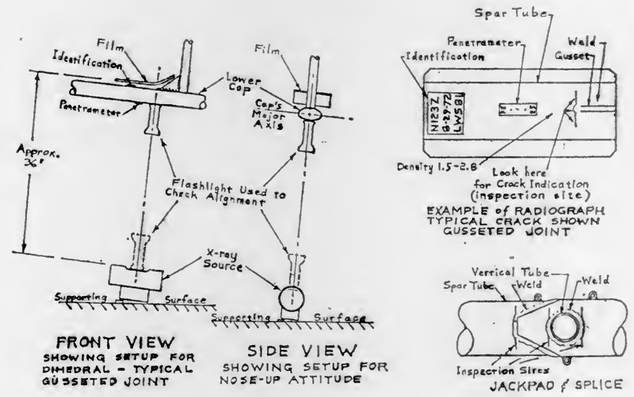





Half of Main Spar Center Section Truss

* INDICATES AREAS TO BE INSPECTED PER THIS A.D.
† SEE AD 64-21-1, part (k) and AD 64-21-3, part (b).

FIGURE 3




FRONT VIEW SHOWING SETUP FOR DIHEDRAL - TYPICAL GUSSETED JOINT

SIDE VIEW SHOWING SETUP FOR NOSE-UP ATTITUDE

EXAMPLE of RADIOGRAPH TYPICAL CRACK SHOWN GUSSETED JOINT

JACKPAD & SPLICE

FIGURE 4







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FIGURE 6

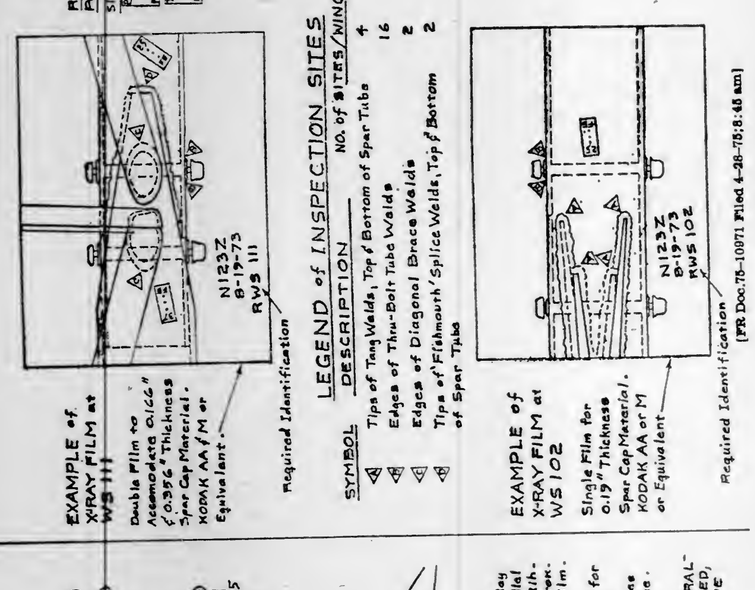
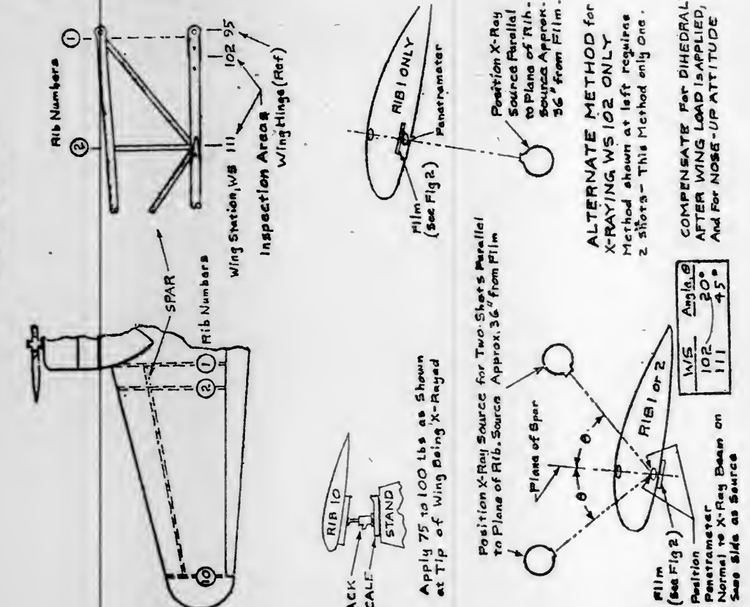



FIGURE 5




FEDERAL REGISTER, VOL. 40, NO. 83—TUESDAY, APRIL 29, 1975



[Airspace Docket No. 75-EA-15]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of Transition Area

*Correction*

In FR Doc. 75-10518 appearing on page 17836 in the issue of Wednesday, April 23, 1975, in the third column, first amendatory paragraph, fifteenth line, the figures reading "78°52'60"" should read "78°52'00" ".

[Airspace Docket No. 75-NE-7]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Alteration of VOR Federal Airways

On March 5, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 10194) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would:

1. Extend V-39 from Gardner, Mass., to Chester, Mass.
2. Alter V-58 between Ellenville, N.Y., Intersection and Hartford, Conn.
3. Revoke V-146 between Pawling, N.Y., and Putnam, Conn.
4. Revoke the 4-mile segment of V-433 north of V-167.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 14, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307, 39 FR 40848) is amended as follows:

1. In V-39 "From Gardner, Mass., Concord, N.H.;" is deleted and "From Chester, Mass.; Gardner, Mass.; Concord, N.H.;" is substituted therefor.

2. In V-58 "Pawling, N.Y.; Hartford, Conn.;" is deleted and "INT Lake Henry 078° and Kingston, N.Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford;" is substituted therefor.

3. In V-146 "Pawling, N.Y.," is deleted.

4. In V-433 "INT Bridgeport 015° and Hartford, Conn., 280° radials" is deleted and "INT Bridgeport 015° and Hartford, Conn., 268° radials" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 22, 1975.

F. L. CUNNINGHAM,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.75-11181 Filed 4-28-75;8:45 am]

## Title 21—Food and Drugs

## CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 18—MILK AND CREAM

### Order Staying Sour Cream Dressing Standard and Confirming Certain Related Standards

The Commissioner of Food and Drugs is staying, pending a public hearing, the effective date of the standard of identity for sour cream dressings (21 CFR 18.570) and confirming the effective date for standards of certain other related products.

In the FEDERAL REGISTER of May 7, 1974 (39 FR 15993), the Commissioner issued an order establishing additional standards of identity for sour cream, sour half-and-half, and related products in 21 CFR Part 18.

The order provided that any person who would be adversely affected could at any time on or before June 6, 1974, file written objections to the order and, if desired, request a hearing on the specific provisions objected to.

One response was filed objecting to specific provisions of the order and requesting a public hearing. This response was filed by a food manufacturer who objected to adoption of the standard of identity for sour cream dressing, § 18.570, asserting that the firm markets a line of pourable dressings with which it has established a strong market position and that, for reasons stated in the response, the firm will be adversely affected if § 18.570 is adoptd as ordered.

The Commissioner has carefully considered the objection and finds that it raises a substantial issue of fact that warrants a public hearing. Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), the Commissioner hereby announces that those provisions of the May 7, 1974 order that established a standard of identity for sour cream dressing, § 18.570, are stayed by the objection filed, pending a public hearing that is to be included in the public hearing on certain provisions of the standards of identity for milk and cream (21 CFR Part 18) as announced in the FEDERAL REGISTER of December 5, 1974 (39 FR 42351). A date for this public hearing has not yet been set. In the meantime, compliance with stayed § 18.570 will be permitted even though such compliance is not required.

No objections were received to the other provisions of the May 7, 1974 order, which established standards of identity for sour cream (§ 18.550), acidified sour cream (§ 18.555), sour half-and-half (§ 18.560), acidified sour half-and-half (§ 18.565), and sour half-and-half dressing (§ 18.575). Due to the delay in promulgating this order and in the interest of fairness, the Commissioner concludes that the date for mandatory compliance with these regulations should be extended.

Therefore, the effective date of these regulations is confirmed as follows: Compliance with the order of May 7, 1974, including any labeling changes required, may have begun on July 8, 1974, and all products shipped in interstate commerce after June 30, 1975 shall comply with the regulations, except for § 18.570 which is stayed by this order.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended, 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371).)

Dated: April 22, 1975.

WILLIAM F. RANDOLPH,
*Acting Association Commissioner for Compliance.*

[FR Doc.75-11111 Filed 4-28-75;8:45 am]

### SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

## PART 522—IMPLANTATION OR INJECTIBLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

### Prednisolone Sodium Phosphate

The Commissioner of Food and Drugs has evaluated a new animal drug application (98-288V) filed by Anthony Veterinary Products Co., El Monte, CA 91732, proposing safe and effective use of prednisolone sodium phosphate injection for rapid glucocorticoid and/or antiinflammatory treatment of dogs. The application is approved; effective April 29, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 522 (formerly 135b prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) is amended by adding § 522.1883 to read as follows:

**§ 522.1883 Prednisolone sodium phosphate injection, sterile.**

(a) *Specifications.* Each milliliter contains 20 milligrams of prednisolone sodium phosphate (equivalent to 14.88 milligrams of prednisolone) in sterile aqueous solution.

(b) *Sponsor.* See No. 000864 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) It is used in the treatment of dogs when a rapid adrenal gulcocorticoid and/or antiinflammatory effect is necessary.

(2) It is administered intravenously in a dosage a 2½ to 5 milligrams of prednisolone sodium phosphate per pound of body weight, initially for shock and shock-like states, fellowed by equal maintenance doses at 1, 3, 6, or 10 hour intervals as determined by the condition of the animal. If permanent use is required, oral therapy (tablets) may be substituted. If therapy is to be withdrawn after prolonged use, reduce daily dose gradually over a number of days.

(3) Do not use in viral infections. Except in emergency therapy, do not use with tuberculosis, chronic nephritis,



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Cushing's disease, or peptic ulcers. With infections, use appropriate antibacterial therapy with, and for at least 3 days after, discontinuance of use and disappearance of all signs of infection.

(4) Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

*Effective date.* This order shall be effective on April 29, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: April 18, 1975.

C. D. VAN HOUWELING,
*Director,*
*Bureau of Veterinary Medicine.*

[FR Doc.75-11112 Filed 4-28-75;8:45 am]

## Title 24—Housing and Urban Development

### CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-310]

### PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

#### List of Communities; Correction

On July 12, 1974, in 39 FR 25649, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Davenport, Scott County, Iowa, as an eligible community and included Map No. H 190242 11 which indicates that Lot 9 of Imperial Park East Subdivision, 3119 Jersey Ridge Road, Davenport, Iowa, as recorded in Plat Book "D", Page 3, Section 19-78-4 in the office of the County Auditor of Scott County, Iowa, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective June 21, 1974, Map No. H 190242 11 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 14, 1975.

J. ROBERT HUNTER,
*Acting Federal*
*Insurance Administrator.*

[FR Doc.75-11138 Filed 4-28-75;8:45 am]

### PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

#### List of Communities; Correction

On January 8, 1973, in 38 FR 1011, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Tulsa, Oklahoma, as an eligible community and included Map No. H 405381 16, which indicates that Lots No. 1, 2, 3, and 4 of Block No. 1 of the subdivision called Young Plaza Second, Tulsa, Oklahoma, as recorded in Plat Number 3377, in the office of the County Clerk of Tulsa County, Oklahoma, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above properties are within Zone C, and are not within the Special Flood Hazard Area. Accordingly, effective August 17, 1971, Map No. H 405381 16, is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 14, 1975.

J. ROBERT HUNTER,
*Acting Federal*
*Insurance Administrator.*

[FR Doc.75-11139 Filed 4-28-75;8:45 am]

## Title 40—Protection of the Environment

### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER C—AIR PROGRAMS

[FRL 350-1]

### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

#### Puerto Rico: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved the implementation plan submitted by the Commonwealth of Puerto Rico for attainment and maintenance of national ambient air quality standards. On September 10, December 6, 1973, February 7, June 11 and September 6, 1974, proposed revisions to the approved plan were submitted by Puerto Rico in the form of compliance schedules covering sources located in the Commonwealth. Set forth below are regulations approving twenty-seven of these compliance schedules.

These compliance schedules were adopted by Puerto Rico after notice and public hearings in conformity with the requirements of 40 CFR 51.4, 51.6 and 51.15 as certified by supporting documents submitted by the Puerto Rico Environmental Quality Board. The Regional Administrator determined that these schedules could not be approved as originally submitted by the Commonwealth and requested that additional information be supplied relating to the technical validity of the abatement measures adopted, to the procedures employed in adoption of these schedules by the Commonwealth, and to the enforceability of their terms. This information was received by EPA on February 1 and 12, March 13, 15, and 20, June 11 and September 6, 1974. The Regional Administrator thereupon found these schedules to be approvable as consistent with the requirements of the Clean Air Act, 40 CFR Part 51, and Puerto Rico's approved control strategies. The Regional Administrator therefore proposed approval of these schedules in the FEDERAL REGISTER of December 17, 1974 (39 FR 43640). The comments of interested persons were invited during the thirty-day period following publication of this proposed rulemaking. No comments were received, and the thirty-day period established in the FEDERAL REGISTER of December 17, 1974 has since expired.

The date indicated for final compliance in many of these schedules will have passed by the time of their final approval. This fact is attributable to delays occasioned by the necessity of ministering to infirmities existing in the schedules at the time of their initial submission.

This is considered appropriate inasmuch as each schedule reflects the consensus of EPA and the Puerto Rico Environmental Quality Board as to the abatement actions to be taken, and the date by which compliance should be achieved.

Each of these schedules established a new date by which the source involved must comply with the applicable emission limitation provisions of the federally-approved state implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date". In no case does this compliance date fall beyond the April 30, 1975 date established in Puerto Rico's implementation plan for attainment of relevant ambient air quality standards, nor is relaxation of any emission limitation involved. Achievement of ambient air quality standards by the attainment date is therefore not jeopardized by approval of these schedules.

In many cases, the schedule includes incremental steps toward compliance, with specific dates set for achieving these steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule, including any interim dates, becomes federally-enforceable upon its approval by the Administrator. Copies of the schedules and the state implementation plan are available for public inspection at the following locations:

U.S. Environmental Protection Agency
Air Facilities Branch
Region II
26 Federal Plaza
New York, New York 10007

Environmental Quality Board
1550 Ponce de Leon Avenue
Santurce, Puerto Rico 00910

U.S. Environmental Protection Agency
Freedom of Information Center
401 M Street, SW.
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region II Air Facilities Branch at the New York address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved as revisions to the state implementation plan pursuant to § 110 of the Clean Air Act and 40 CFR 51.8.

This action is effective immediately. The Administrator finds that good cause exists for making his approval action immediately effective since these schedules are already in effect under local law in the Commonwealth of Puerto Rico and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: April 23, 1975.

RUSSELL E. TRAIN,
*Administrator.*

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart BBB—Puerto Rico

1. Section 52.2720 is amended by revising paragraph (c) as follows:

§ 52.2720 **Identification of plan.**

* * * * *

(c) Supplemental information was submitted by the Commonwealth of Puerto Rico Environmental Quality Board on:

(1) April 5, 9 and 17, May 30, June 18, and September 10, 1973, and on February 1 and 12, 1974.

(2) December 6, 1973, and on February 7, March 13, 15 and 20, June 11 and September 6, 1974.

2. Section 52.2724 is amended by adding thereto, at paragraph (a), a list of compliance schedules as follows:

§ 52.2724 **Compliance schedules.**

* * * * *

(a) * * *

| Source | Location | Regulations involved | Date of adoption | Effective date | Final compliance date |
|---|---|---|---|---|---|
| * | * | * | * | * | * |
| Union Carbide Grafito, Inc. | Yabucoa | 5.1; 5.2 | Feb. 22, 1974 | Immediately | June 30, 1974 |
| Hormigonera Mayagueçana | San Sebastian | 5.1; 5.2 | Aug. 3, 1973 | do | Sept. 30, 1973 |
| Do | Yauco | 5.1; 5.2 | do | do | Do. |
| Do | San German | 5.1; 5.2 | do | do | Do. |
| Do | Cabo Rojo | 5.1; 5.2 | do | do | Do. |
| Do | Mayagues | 5.1; 5.2 | do | do | Do. |
| Do | Ansaco | 5.1; 5.2 | do | do | Do. |
| San Juan Cement Company, Inc. | Dorado | 5.1; 5.2; 5.5 | Feb. 22, 1974 | do | July 31, 1974 |
| Rexach Concrete Corp. | Bayamon | 5.1; 5.2 | do | do | June 1, 1973 |
| Puerto Rico Chemical Corp. | Arecibo | 7.1 | Jan. 23, 1974 | do | June 1, 1974 |
| Rexach Asphalt Corp. | Rio Piedras | 5.1; 5.2; 5.5 | May 20, 1974 | do | Nov. 15, 1974 |
| Sabari Estates, Inc. | Ponce | 5.1; 5.2; 5.5 | Feb. 22, 1974 | do | Feb. 28, 1974 |
| Ramos Hermanos, Inc. | Bayamon | 5.1; 5.2; 5.5 | do | do | Sept. 25, 1973 |
| Terrazos Poncenos | Ponce | 5.1; 5.5; 5.2 | Sept. 21, 1973 | do | June 6, 1973 |
| Ponce Ready-Mix, Inc. | do | 5.1; 5.2 | Feb. 22, 1974 | do | Aug. 30, 1973 |
| Ready Mix Concrete, Inc. | Carolina | 5.1; 5.2; 5.5 | do | do | Sept. 15, 1973 |
| Illumination Products, Inc. | Hato Rey | 5.5; 7.4; 8 | May 20, 1974 | do | Jan. 31, 1974 |
| Coop. Cafeteros de Ponce | Ponce | 5.1; 5.2; 5.5 | Feb. 22, 1974 | do | May 31, 1974 |
| Conrado Forestier, Inc. | Mayagues | 5.1; 5.2; 5.5 | Aug. 3, 1973 | do | Aug. 31, 1973 |
| Best Contracting Corp. | Rio Piedras | 5.1; 5.2; 5.5 | Feb. 22, 1974 | do | Mar. 22, 1973 |
| Cantera Ferrer, Inc. | Bayamon | 5.1; 5.2; 5.5 | do | do | Sept. 25, 1973 |
| Tito Castro Ready Mix | Santa Isabel | 5.1; 5.2 | July 26, 1973 | do | Aug. 22, 1973 |
| Ponce Concrete | Ponce | 5.5; 5.2; 5.1 | Feb. 22, 1974 | do | Nov. 10, 1973 |
| Abbot Chemical | Barceloneta | 8 | Sept. 4, 1974 | do | Apr. 30, 1975 |
| Cafe Crema Garrido | Caguas | 5.5.3; 8 | Aug. 27, 1974 | do | Mar. 31, 1975 |
| Asfalto Mayagueçana, Inc. | Mayagues | 5.1; 5.2 | Sept. 21, 1973 | do | Sept. 30, 1973 |
| Hormigonera Mayagueçana | Agundilla | 5.1; 5.2 | Aug. 3, 1973 | do | Do. |

[FR Doc.75-11037 Filed 4-28-75;8:45 am]

## Title 45—Public Welfare

### CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### PART 151—RIGHT TO READ PROGRAM

#### Reading Academy Program

Pursuant to the authority contained in the Cooperative Research Act (20 U.S.C. 331a(a)), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, is amending Part 151 of Title 45 of the Code of Federal Regulations by adding a new Subpart E governing grants for reading academies to read as set forth below. The Reading Academy program has also been designed to be consistent with section 723 of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1963), which specifically authorizes reading academies and under which authority the Academy program will be carried out in Fiscal Year 1976.

The Reading Academy program will provide exemplary reading assistance and instruction for functionally illiterate out-of-school youths and adults not reached through other reading programs. Grants for Reading Academy programs may be made to State and local educational agencies, institutions of higher education, community organizations, and non-profit organizations.

According to a 1970 Harris survey, approximately 18 million adult Americans are functionally illiterate, lacking even minimal reading skills. Of this number, it is estimated that 1.5 million are totally illiterate. An analysis of the limited literature available on functionally illiterate youths and adults reveals that this group is the most difficult to recruit into educational programs and, once recruited, the most difficult to retain. Many come into an educational program with a feeling of failure and are easily discouraged. It is hypothesized, however, that given highly personalized instruction and educational counseling, a significant number of these youths and adults can be helped to attain a functional level of literacy.

The following regulations set out the funding requirements and application criteria which will be used in awarding grants under this program. Information on allowable costs and project duration is also provided. Following the regulations, in an appendix, are guidelines for the Reading Academy program which provide guidance, suggestions, and recommendations for meeting the funding requirements and application criteria set out in the regulations.

As required by section 431(a) of the General Education Provisions Act and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in







parentheses on the line following the text of the section.

(Catalog of Federal Domestic Assistance Number 13.533—Right to Read—Elimination of Illiteracy)

providing for the collection, verification, and analysis of data to measure the



or State programs, and business and industry.

or no English-speaking ability. (10 points)

*Part 7—Unit Task Force.*

7.1 Composition.



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parentheses on the line following the text of the section.

In accordance with section 431(b)(2)(A) of the General Education Provisions Act, it is the practice of the Office of Education to provide opportunity for interested parties to take part in its rule-making process. However, this notice is given without such opportunity based upon the Commissioner's finding, in accordance with 5 U.S.C. 533(b)(3)(B) that public comment upon a proposed rule would be impracticable in view of the time pressures which dictate publication of a final rule at this time. Such finding is premised on the reasons set forth in the following paragraph.

Federal funds governed by this notice are available for obligation only through June 30, 1975. If a general notice of proposed rule making were issued at this time to be followed by a 30-day comment period, the only circumstance under which a final rule could be made effective in time to govern grant awards would be if no substantive changes were made in the final rule. This is because if no such changes were made, statutory time periods governing the effectiveness of rules (including the thirty day period in section 431(b)(1) of the General Education Provisions Act and the forty-five day period for Congressional review in section 431(d) of the General Education Provisions Act) could run from the date of a proposed rule. However, if a proposed rule were issued and substantive changes were then made in the final rule, the statutory time periods would run from the date of the final rule, and (given the time required to prepare a final rule following a public comment period) the rule could not be made effective in time to govern awards which must be made within this fiscal year. Therefore, the Department would not be in a position to make any substantive changes on the basis of any public comments offered on a proposed rule, and the opportunity for public comment is impracticable for this notice.

Although these regulations are being published in final form, public comment on the regulations is nevertheless invited for purposes of future policy-making and regulating with respect to the Reading Academy Program. Any comments should be addressed to the Director, Right to Read Program, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

*Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. The section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.533—Right to Read—Elimination of Illiteracy)

Dated: April 9, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 23, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education and Welfare*

Subpart E—Reading Academy Program

Sec.
151.50 Scope and purpose.
151.51 Definitions.
151.52 Funding requirements.
151.53 Evaluation criteria.
151.54 Allowable costs.
151.55 Project duration.

AUTHORITY: Sec. 431(d), General Education Provisions Act, as amended, (20 U.S.C. 1232(d)).

## Subpart E—Reading Academy Program

### § 151.50 Scope and purpose.

(a) This subpart governs applications for grants from State and local educational agencies, institutions of higher education, and community organizations and other non-profit organizations to support exemplary reading assistance and instruction for functionally illiterate out-of-school youths and adults.

(b) Grants under this subpart will support the development and installation of such activities in facilities to be known as reading academies.

(20 U.S.C. 381a(a))

### § 151.51 Definitions.

As used in this subpart,

"Adult" means an individual over the age of 18.

"Functional illiteracy" means the absence of reading skills necessary to enable individuals to function effectively in society.

"Participant" means an individual enrolled in an academy program for the purpose of receiving reading instruction.

"Service area" means the area to be served by a project funded pursuant to this subpart.

"Youth" means an individual between the ages of 16 and 18.

(20 U.S.C. 331a(a))

### § 151.52 Funding requirements.

(a) With respect to reading assistance and instruction activities proposed to be carried out in the project, an application submitted under this subpart must set forth: (1) Specific and measurable project objectives which will contribute to the elimination of functional illiteracy of adults and youths within the service area; (2) a proposed time frame for accomplishing such objectives; (3) an explanation of proposed procedures and strategies for accomplishing such objectives; and (4) an evaluation compenent providing for the collection, verification, and analysis of data to measure the extent to which such objectives are accomplished by the project.

(b) An applicant for assistance pursuant to this subpart must possess demonstrated experience in providing reading instruction to youths and adults.

(c) The Commissioner will approve an application submitted under this subpart only upon his determination that the requirements in paragraphs (a) and (b) of this section are satisfied and that the application:

(1) Describes project components involving the use of innovative methods, systems, materials, or programs which show promise of overcoming the reading deficiencies of adults and youths in need of reading instruction and of making the project worthy of replication in other communities;

(2) Defines the geographic area to be served ("service area"), which may be a city, county, regional area, or a smaller area within such units, and provides demographic and educational data supporting the need for a functional literacy program in the service area;

(3) Describes a system which the applicant either has in place or will develop for the identification and recruitment, as participants in the project, of youths and adults in need of reading instruction;

(4) Provides for development and implementation of an exemplary staffing plan that would:

(i) Provide one-to-one or individualized instruction to participants, and

(ii) Offer instruction at locations and times convenient to the participants; for example, through decentralized facilities or satellite academies;

(5) Provides for utilization of materials suitable for youths and adults which are related to their expressed needs and interests, e.g., concerning employment tasks, consumer information, health and welfare services, and current events;

(6) Describes a strategy to involve community and service organizations in the elimination of illiteracy in the service area;

(7) Designates a project director and/or other staff with experience in, and knowledge of, adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, and community resources;

(8) Describes administrative arrangements whereby the project director assumes responsibility for all project activities; and

(9) Provides for the establishment of a unit task force which will play an active role in planning and implementing the project and will include representatives from the applicant agency, out-of-school youths and adults from the potential target population, representatives from community groups, other Federal or State programs, and business and industry.





### § 151.53 Evaluation criteria.

In evaluating project proposals under this subpart, the Commissioner will seek to identify a small number of exemplary projects and will evaluate proposals in accordance with the following criteria and point system totaling 200 points:

(a) The criteria set forth in § 100a.26 (b) of this chapter (the Office of Education General Provisions Regulations); (10 points)

(b) The extent to which the project is designed to achieve high quality (beyond meeting minimum requirements) with respect to each of the requirements set forth in § 151.52 (total of 100 points), assigning 35 points to paragraph (a) of § 151.52, 5 points to paragraph (b) of § 151.52, and 5 points to each of the subparagraphs under paragraph (c) of § 151.52, except that subparagraph (2) of paragraph (c) of § 151.52 will be assigned 15 points, and subparagraph (4) of paragraph (c) of § 151.52 will be assigned 10 points;

(c) The relationship of projected costs to both the numbers of functionally illiterate youths and adults to receive reading assistance and instruction and to the quality and intensity of the instruction to be offered (for example, one low-cost approach that might be considered could be the utilization of volunteers as tutors) (20 points) and

(d) The extent to which:

(1) Appropriate procedures will be used for measuring the achievement of the participants; (5 points)

(2) The applicant plans to develop materials and provide assistance designed to meet the individual needs of participants; (5 points)

(3) The applicant proposes to use innovative materials and approaches to train tutors and other instructional personnel; (10 points)

(4) The applicant will provide periodic in-service training for tutors and supervisory staff; (5 points)

(5) The applicant will carry out the project in cooperation with other local programs concerned with adult education and, where appropriate, will utilize volunteers from such programs as VISTA, the Retired Senior Citizens Program, college work-study programs, and community service organizations; (10 points)

(6) The applicant will establish working relationships with such programs as manpower programs under the Comprehensive Employment and Training Act of 1974 and the Neighborhood Youth Corps as part of its recruitment strategy; (5 points)

(7) The applicant plans to provide appropriate supportive services to tutors or other instructional personnel in any decentralized, satellite or branch academies; (20 points)

(8) The applicant proposes to utilize materials that reflect the language and heritage of those participants of limited or no English-speaking ability. (10 points)

(20 U.S.C. 331a(a))

### § 151.54 Allowable costs.

Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles set forth in appendices to sub-chapter A of this chapter, subject to the following restrictions:

(a) A maximum of 5 percent of funds may be spent on equipment in the first year.

(b) Although there are no established limits to the amounts of assistance provided under a grant, it is anticipated that grants will generally range from $30,000 to $80,000 per year depending on the size of the service area, the number of adults and youths proposed to be served, the scope and nature of the proposed project, and relative local costs.

(20 U.S.C. 331a(a))

### § 151.55 Project duration.

(a) Projects may be for up to three years duration.

(b) Grants will be made for twelve-month periods and decisions on refunding will be made yearly on the basis of the extent to which the grantee has satisfactorily performed under the previous grant period, and the availability of funds. A budget for the first twelve-month period must be developed. Tentative projected budgets for subsequent years must also be developed, if projects of more than one year's duration are planned.

(20 U.S.C. 331a(a))

APPENDIX—MANUAL OF GUIDELINES RIGHT TO READ READING ACADEMY PROGRAM

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(AUTHORITY: Section 2(a)(1) of Pub. L. 83-531 as amended.

CHAPTER I—INTRODUCTION

*Part 1—Guidelines.*

1.1 *Scope of guidelines.* (a) These guidelines are recommendations and suggestions for meeting the funding requirements and evaluation criteria for reading academy programs under the Cooperative Research Act (20 U.S.C. 331a(a)). The legal requirements include the Act and the regulations (Subpart E of 45 CFR Part 151). The guidelines are not to be construed as requirements; however, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

Projects which do not come within these guidelines will not be prejudiced. Projects are not subject to termination proceedings or audit exceptions for conduct which is recommended or suggested in the guidelines.

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is the Act (20 U.S.C. 331a(a)) and the guideline affects § 151.52 of the regulation (45 CFR 151.52), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 331a(a)) (45 CFR 151.52). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

CHAPTER II—GENERAL INFORMATION FOR THE APPLICANT

*Part 1—General Information.*

1.1 *General.* The Reading Academy program provides grants to State and local educational agencies, institutions of higher education, and community and other non-profit organizations to provide exemplary reading assistance and instruction to functionally illiterate out-of-school youths and adults not reached through other reading programs. The instruction is to be provided in facilities to be known as reading academies. While there is a variety of ways that an applicant may plan for, and then implement, a reading academy, the following suggestions and guidelines are intended to provide assistance which may help in developing a project to meet the requirements, or in implementing a funded project.

(20 U.S.C. 331a(a)) (45 CFR 151.50)

*Part 2—Planning.*

2.1 *General planning information.* The regulations set out several requirements concerning description of the proposed project of an applicant which can be met only if adequate planning has been done in developing the application.



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In planning, it is generally helpful to go through the following steps:

(a) Identification of the problem (needs assessment);

(b) Analysis of community resources;

(c) Community involvement;

(d) Establishing objectives and strategies to meet them; and

(e) Staff development.

(20 U.S.C. 331a(a)) (45 CFR 151.52(a)(1))

2.2 *Identification of the problem.* To determine the numbers and characteristics of youths and adults with reading problems in a given area, and therefore the type of reading academy program which will best meet the problems, the following types of information are relevant:

(a) The number of adults and youths (out-of-school) who have not finished elementary and secondary school;

(b) The number of youths and adults who may be defined as functionally illiterate;

(c) The age range and sex of target groups (between 16–20, 21–35, over 35);

(d) The ethnic backgrounds of the target groups;

(e) The non-English speaking populations;

(f) The estimated income levels of target groups (below $3,800, $3,800 to $7,200, and so forth);

(g) Their employment profiles (number of full time, part time, and unemployed, whether skilled, semi-skilled, unskilled);

(h) Identification of the neighborhoods where the target population lives.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c)(2)).

2.3 *Community resources.* Knowledge of what educational services are available to adults in their communities is helpful in determining how a reading academy should be structured to supplement existing services or to build bridges between agencies and services. Information may be obtained by making an inventory of community agencies, service organizations, local business and industry, State agencies, local and federally funded programs; and by identifying which agencies might be helpful in identifying and recruiting participants and/or serving as sources of volunteers; providing materials and facilities; providing publicity; offering special expertise in training volunteers or having the capability of sponsoring or housing reading academy branches in neighborhood facilities convenient to participants.

(20 U.S.C. 331a(a)) (45 CFR 151.53(d)(5) and (6)).

2.4 *Community involvement.* Involving diverse segments of the community in the planning, development, and operation of a project increases the possibilities for greater project success. Applicants are encouraged to consider the development of an effective structure of involvement entailing extensive planning on the part of each applicant (and follow-up planning by each grantee). Recognition of the competence and interest of a variety of groups both within and outside of formal educational institutions in planning and operating project activities may result in programs which can best meet the needs of the target population and sustain the interest and support of the community. As one means of ensuring community involvement the regulations require establishment of a unit task force. Further guidance on the unit task force is provided in Part 7 of these guidelines.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c)(6) and (c)(9))

2.5 *Establishment of objectives.* (a) Section 151.52(a) of the regulations requires the applicant, having identified the needs of functionally illiterate youths and adults in a given area, to develop objectives that relate to the overall project activities. A number of provisions in the regulations also concern the meeting of participants' individual needs (§§ 151.52(c)(4)(i), 151.53(c) (1) and (2)). To do this, it is suggested that participants in a project be involved with their tutors in the formulation of their own learning objectives. Objectives allow participants and staff to see what behaviors must be demonstrated for successful completion of the program, in addition to allowing them to evaluate their own progress toward the successful accomplishment of the objectives. For the project director and for the teachers, the objectives serve to identify problems encountered by the learners at various stages, providing the opportunity for revision of the learning approaches utilized. Furthermore, clearly-stated objectives for individual participants make it possible to evaluate learner progress as well as the effectiveness of the instructional design.

(b) With respect to overall project objectives called for in § 151.52(a) of the regulations, objectives in three areas might be identified: operational objectives, instructional objectives, and product objectives:

(1) Operational objectives refer to the goals for the processes that are necessary to carry out the project, such as recruitment and teaching of participants and recruitment and training of volunteer and other teaching and administrative staff.

(2) Instructional objectives refer to the goals for changes in students' (and staff members') cognitive and affective behavior (see Part 4—Instructional Program).

(3) Product objectives refer to goals in developing such material items as criterion-referenced tests, curriculum guides, or reading materials. It is useful to set out time schedules for the production of materials.

The effectiveness of the instructional program is likely to be directly related to the clarity of the operational objectives and the instructional objectives. The operational objectives, in addition to reflecting the total program planning design and the process necessary to carry out the program, are based upon the applicant or grantee agency's philosophy about adult education. The instructional objectives specify the observable results by which the projects activities can be measured. The instructional objectives set the stage for the specific behavioral objectives which will be achieved by the participants. Clarity of the objectives will also facilitate the selection of instructional materials.

(20 U.S.C. 331a(a)) (45 CFR 151.52 (a) and (c)(1) and (2); 151.52.(c)(2))

2.6 *Staff development.* The regulations set out several requirements designed to ensure that staff have adequate experience and expertise with adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, and knowledge of community resources. While any one person may not have all of the above experience or expertise, the staff as a whole should have such experiences, which should be enhanced by further training. The regulations do require that the project director assume responsibility for all aspects of the program.

(20 U.S.C. 331a(a)) (45 CFR 151.52 (b), (c)(7), and (8), and 151.53(d) (4) and (5))

*Part 3—Participant Recruitment and Retention.*

3.1 *Recruitment.* The regulations require development and implementation of an exemplary system to identify and recruit participants. The identification and recruitment of youths and adults who are functionally illiterate are sensitive and a complicated tasks. Due to the social stigma attached to illiteracy, individuals are often shy to admit that they cannot read. Many have developed a whole series of protective mechanisms to hide their disability from family and friends. In the past the school failed to serve them adequately; consequently they are suspicious of educational programs. It may be that the best way to identify and approach potential participants is to reach them indirectly through community organizations. Communication with community, youth, and social organizations will help to establish awareness of the program. Other agencies such as social service agencies, State employment agencies, and the Department of Motor Vehicles might be encouraged to refer to the academy those persons they have identified as in need of basic reading instruction. In some communities, staff may have to organize door-to-door recruitment campaigns. Volunteers from local organizations have proven in the past to be very effective in such recruitment campaigns. Obviously, it is important to plan well in advance the types of recruitment strategies that are appropriate for a particular service area, to implement these plans as soon as possible after the receipt of the grant award, and to allow time for recruitment. Applicants and grantees are encouraged to consider whether special emphasis might be given to plans for the participation of out-of-school youths, as experience has shown that this group is the most difficult to recruit into literacy programs and the most difficult to retain once enrolled.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c) (3) and (6) and 151.53(c) (6))

3.2 *Participant retention.* Attracting functionally illiterate youths and adults to the reading academy project is only part of the effort needed to have a successful project. Keeping their interest with a relevant and interesting curriculum is another, and providing supportive services may be a necessary third element of a successful program. Out-of-school youths and adults come to reading programs with a variety of problems. For them, learning is never easy; they are quickly discouraged and need continual encouragement. Many are unemployed and looking for work. Some are employed in physically exhausting labor. Others must rely on public transportation or the generosity of friends in order to reach the academy. An applicant may have a more successful program if the staff is able to anticipate these and other problems which might cause the participant to drop out. Experience with successful adult literacy programs indicates that a project may need to include a referral service to appropriate social service and health agencies, provide help in cutting through red tape to gain a much needed service and, at times, provide minimal funds to offset the cost of transportation. In very isolated areas where public transportation does not exist, some projects have found that it is necessary to provide transportation to the instructional site. Applicants are encouraged to consider and provide for these elements as appropriate.

*Part 4—Instructional Program.*

4.1 *Program.* The regulations require that an exemplary program of reading assistance be developed for teaching the functionally illiterate youth and adult target population. It is hoped that programs will be planned to provide participants with opportunities for immediate reading success, with practice of reading and related skills, and with positive reinforcement. A more successful program may result where supervisory and teaching staff have an understanding of the process of reading development for adults, of how to assess a participant's reading ability, a working knowledge of available instructional print and other media materials suitable for adults, and the ability to exercise creativity in developing instructional programs. A program more relevant to the needs and interests of the target population may be developed if representatives of the target population and the community are involved in planning and implementing the project.

The Right to Read Office does not advocate any one method or set of instructional materials; rather it advocates that instruction be tailored to meet the needs of the individual learner. As a means of facilitating individualization, applicants are urged to adopt a diagnostic/prescriptive approach to instruction. This approach requires that each individual be diagnosed to determine the strengths and the needs he or she has regarding reading. Following the diagnosis, it is then necessary to prescribe a program of experiences utilizing appropriate materials and activities which will meet the needs which have been identified. Participant needs will dictate what kinds of materials should be used in the instructional process; since participants' needs will likely be varied, a variety of materials at different levels of difficulty may be required to provide necessary individualized instruction.

If English as a second language is a component of the instructional program, the participants should be given ample opportunity for practice of oral English.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c) (1) and (5), and 151.53(d) (2), (7), and (8))

4.2 *Materials.* Choosing appropriate learning materials is an important part of the program. More learning is likely to take place if the materials are relevant to the backgrounds and immediate reading needs and interests of participants and if the staff understands how the materials are to be used (and any prerequisites necessary to their use). Both commercially-produced materials (adopted or adapted) and relevant teacher-made materials may be used together. The materials, whether commercially produced or teacher-made, should be realistic, practical, functional, usable, and reflective of the needs and interests of the participants.

Whenever appropriate, the native language and culture of the participants should be used as an integral part of the instructional program. Instruction is more meaningful if focused around real-life coping skills such as consumer education and consumer rights, the world of work, job application skills, job or vocation-related skills, and so forth. Teachers may also use a variety of materials such as newspapers, cooking recipes, various types of application forms, signs, or any other printed materials that are interesting and relevant to the adult and youth participants.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c) (1) and (5), and 151.53(d) (2) and (7)).

*Part 5—Evaluation.*

5.1 *General.* The regulations require an evaluation component for each project providing for the collection, verification, and analysis of data to measure the extent to which the project objectives are accomplished and procedures for measuring the achievement of participants. Both process (formative) and impact (summative) evaluation should be conducted. Process evaluation can be defined as a timely examination of project activities that actually occur with a view to see (1) how they correspond with what was promised, (2) to what extent the activities appear to be effective and (3) how they can be improved by modification. Within this system, as each modification is implemented, the cycle would start again. In its simplest form, process evaluation can be defined as a management information system. Impact evaluation examines the final results and asks whether the objectives were achieved.

(20 U.S.C. 331a(a)) (45 CFR 151.52(a) and 151.53(d)(1))

*Part 6—Project Director and Staff.*

6.1 *Staff.* The regulations require that (1) the project director and his or her staff have specified experiences and expertise in the areas of adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, and knowledge of community resources and (2) the applicant develop a system whereby the project director assumes responsibility for directing the project and all of its activities, including communication, programming, and evaluation. The following discussion presents some practical considerations which may be helpful in meeting these requirements.

An enormous part of the responsibility for the program rests with the project director, and it is important that he or she spend a major part of his or her time on the project. A suitable candidate for the position of project director should be identified during the planning stage prior to submission of the application so that he or she may be hired as soon as approval is granted and, if possible, be involved in the planning of the program. Other staff, paid and volunteer, should be chosen to complement the experience and expertise of the project director as well as to carry out training and/or teaching functions. In areas with high concentrations of participants of limited or no English speaking ability, the applicant is encouraged to actively recruit project staff who speak the same language as the participants and who are of the same ethnic background as the participants. The director is responsible for all project activities, evaluations and communication concerning the project. It is important to establish efficient internal and external communication systems so that feedback to and by project staff, participants and the community is timely and continuous. A determination should also be made as to which reports should be prepared about the program for the Office of Education according to the General Provisions Regulations (45 CFR Part 100a, Subparts P–R) and what communications might be desirable for informing the public about the existence of the program, its services, and accomplishments.

NOTE: Grantees will be provided with instructions and format for submission of required Office of Education reports.

(20 U.S.C. 331a(a))(45 CFR 151.52(c) (7) and (8), and 151.53d(8))

6.2 *Volunteers.* (a) General. A review of the literature of volunteers in adult literacy programs and Right to Read program experience suggests that functionally illiterate youths and adults need instruction that is frequent, intensive, and personal. The limited financial resources available to the academy program necessitates that a project use imaginative schemes to insure that an academy offers this type of instruction. One effective way to stretch program funds is to enlist the aid of volunteers. Volunteer tutors, when given appropriate training and support, have been particularly effective in working with adults in reading programs.

Projects which put strong emphasis on the use of volunteers will need to develop detailed plans that include volunteer recruitment, preservice and inservice training, placement of volunteers and supportive services. The guidelines below present recommendations for projects which choose to make use of volunteer staff.

(b) *Recruitment.* If a project determines that it will rely on volunteer tutors, it should estimate the total number and types of volunteers it will need in order to form a resource pool of tutors and then set recruitment goals. Any plan to recruit volunteers should include identification of sources of volunteers (such as service organizations and college work study programs), establish working relationships with these groups, and launch a public awareness program through the media. The recruitment strategy should be designed to continue through the duration of the project and should take into account the traditionally high turnover rate of volunteers in the early part of any project.

(c) *Responsibilities.* It is helpful if job descriptions for volunteers are written and used as a basis for any recruitment campaign. These descriptions might include some indication of the type of commitment that will be expected from a volunteer. For example, "A tutor will teach reading to an individual adult, a minimum of three hours a week for thirty weeks," or "The tutor will participate in x number of preservice training sessions and periodic inservice training sessions".

(d) *Training.* Objectives for the training of volunteers should be clearly stated. Generally, they would include both affective and cognitive behaviors. The training should develop an awareness of, and a sensitivity to, the needs of the target population, orientation to the community and its resources, some basic reading instructional approaches and skills, and a familiarity with the instructional materials. The training program goal is to lead to the establishment of a helping relationship between the tutor and the professional staff. This preservice training sequence could be anywhere from 15 to 45 hours in length and might be followed by inservice training and supportive service offered once the volunteer tutor is in the field. Regularly scheduled contact between the tutor and the professional staff of the academy is important. In-service training needs will be as varied as the number and types of volunteers and participants involved in the program. General training sessions should be directed toward the resolution of problems common to all literacy programs; the informal follow-up services should concentrate on the resolution of specific problems.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c) (4) and (6), and 151.53 (c) and (d)(7))

*PART 7—The Unit Task Force.*

7.1 *Composition.* The regulations require that a unit task force be established consisting of representatives from the applicant agency, out-of-school youths and adults from the potential target population, representatives from community groups, other Federal or State programs, and business and industry. Some points that might be considered in selecting members of the unit task force are:

(a) Special care might be taken to select youths who have demonstrated leadership among their peer groups.

(b) Community groups which might be involved include social agencies, adult education programs, local action groups, the public library, youth organizations, labor unions and municipal agencies.

(c) Federal and State programs might include Adult Basic Education, the Model Cities Program, manpower training programs, Neighborhood Youth Corps, State employment agencies and volunteer organizations, particularly those sponsored by Federal programs (such as the retired senior citizens programs and VISTA).

It is important to keep in mind that while the unit task force should be large enough to represent diverse groups and interests, it





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should not be so large that its size limits [illegible] center would also provide a wide variety of [illegible]



submitted to ACTION on or before Feb- States Code. A determination has been search or work under the guise of a re-

should not be so large that its size limits efficient operation. For some projects, a unit task force and several sub-unit task forces might be established. For instance, if several neighborhood facilities are used to provide reading instruction, different sub-unit task forces for each neighborhood facility might be established so that more grassroots involvement and identification is obtained.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c)(9))

7.2 *Responsibilities.* The following are examples of functions which might be performed by the unit task force to satisfy the regulation requirement that it play an active role in planning and implementing the project:

(a) Assistance in program planning including the identification of the target population, the assessment of needs, and the selection of project activities and priorities;

(b) Recruitment of volunteers and assistance in the mobilization of community resources;

(c) Assistance in staff development programs for project staff and volunteers;

(d) Assistance in identifying agencies which might serve as sponsors of locations for neighborhood reading academies;

(e) Assistance in the dissemination of information about the project throughout the community;

(f) Coordination of the project with other community groups, with professional organizations, and with public and private agencies.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c)(9))

CHAPTER III—A MODEL: ACADEMY CENTERS AND SATELLITES

*PART 1—The Model*

1.1 *General.* Several of the funding requirements and evaluation criteria suggest and support the development of a model for a reading academy project. In short summary they are: that low-cost individualized instruction be provided at locations and times convenient to participants; that the community be involved, perhaps by providing community or neighborhood facilities; that because of the difficulty in reaching the target populations, the staff be knowledgeable about providing instruction in non-school settings and in recruiting volunteers to work with participants. A model is therefore suggested which would include an academy center where planning, programming, staff recruitment, training and evaluation would be conducted, and satellite academies which would be located in facilities in neighborhoods convenient to potential participants where instruction would actually be provided. Volunteer tutors would provide the one-to-one instruction and would individualize attention and assistance to participants.

This model is not given as the exclusive approach to meeting the requirements and criteria contained in the regulations, but as one possible approach recommended for consideration by applicants.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c) (3), (4), (6), and (7) and 151.53(d) (2) and (7))

1.2 *Academy Centers.* Under the model, the reading academy grantee would be responsible not only for carrying out an instructional program for youths and adults in a centralized reading academy, but also for developing a network of neighborhood-based or satellite academies staffed by trained volunteers who would provide instruction in the neighborhoods of the target population. The academy center would be responsible for developing a comprehensive volunteer system which would include recruitment and training of volunteers and placement of volunteer tutors in satellite academies. The academy center would also provide a wide variety of supportive services to the volunteer once he or she starts tutoring an adult, whether the instruction occurs at the center or in a neighborhood satellite academy. Such service might include help for the tutors in material selection, in diagnostic testing and instructional prescription. The center would provide specific services to participants such as education counseling, referral service to appropriate social service or health agencies, and job placement. The academy center, as part of its effort to launch neighborhood-based academies or satellites, would work with various community groups, neighborhood councils and with branch libraries to identify appropriate places to house the instructional programs which are convenient to the target population. It would also mobilize a variety of community resources to support the academy.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c) (3), (4), (6), and (7) and 151.53(d) (2) and (7))

1.3 *Satellites.* The satellite academies would take instruction to the places that are most suitable, convenient and easily accessible to the adult participants. They could be housed in libraries, community centers, homes, places of employment, schools, YMCA's or in a variety of other appropriate facilities. The center might adopt any one of a number of strategies to implement the satellite concept. It could establish a satellite academy or a network of academies as a direct outgrowth of its own operation and carry the full responsibility for its management. Under this arrangement the center would identify and obtain community facilities but without further commitment from an organization. In communities with already established literacy programs, the center might establish a cooperative arrangement whereby it would provide certain specified professional services. In other communities the center could work through local organizations which would be willing to sponsor an academy, provide facilities and serve as a source of volunteers. Whichever arrangements are made for the establishment of a satellite academy, it would have a coordinator who would be responsible for recruiting participants who live in the neighborhood, scheduling sessions with tutors and participants, maintaining a communication link between the tutor and participants, keeping records (attendance, progress charts, test scores), storage of instructional materials, and making sure that facilities are available as scheduled.

(20 U.S.C. 331a(a)) (45 CFR 151.52(c) (3), (4), (6), and (7), and 151.53(d) (2) and (7))

[FR Doc.75-11142 Filed 4-28-75;8:45 am]

## PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

### Special Allowances

Paragraph (c)(3) of § 177.4, Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Pub. L. 91-95) is amended to provide for the payment of such an allowance for the period January 1, 1975, through March 31, 1975, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

*Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232 (d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Section 177.4(c)(3) is amended as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

• • • • • • •

(c) Special allowances. • • •

(3) Special allowances are authorized to be paid as follows: • • •

(xxiii) For the period January 1, 1975, through March 31, 1975, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 2¼ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program)

Dated: April 14, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 23, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

[FR Doc.75-11171 Filed 4-28-75;8:45 am]

## CHAPTER XII—ACTION

## PART 1215—INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

The provisions contained herein establish regulations for this Agency with regard to the dissemination of records, documents and other information in conformity with the Public Information Act, 5 USC 522 as amended by Pub. L. 93-502, 88 Stat. 1561.

On January 22, 1975 a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 3462) proposing to add a new Part 1215 to Part 45 of the Code of Federal Regulations to provide rules and regulations for the production, inspection and copying of records and documents. Notice was given that inquiries, comments or views concerning the proposed subpart were to be submitted to ACTION on or before February 18, 1975. The following comments have been received to this date:

A. A comment suggested that "unit heads" who have initial responsibility for determining whether a document will be produced might not have the appropriate expertise to make such a determination. The comment suggested it might be better policy to place such decision-making power in the hands of the General Counsel. It is the position of the Agency that the provisions of § 1215.9(i) are adequate. The language indicates that no denial shall be made without consultation with the General Counsel's office. The policy of the Act clearly is to provide for the broadest possible access to agency records. It is only in the event that the unit head determines initially that the material should not be furnished that any question arises under the policy of the Act. At that point, the unit head must consult the General Counsel's office to obtain advice as to whether or not the document or record sought is or can be exempt under the provisions of the Freedom of Information Act and the regulations herein published. It is anticipated that the large majority of requests will be granted without the necessity of referral to the General Counsel for a legal opinion.

B. Another comment indicates that there should be greater definition in § 1215.2(b) to provide that documents which have impact upon an employee's right to privacy, and presumably the right to privacy of any other individual, be excluded in the definition. It is the position of the Agency that the definitions under § 1215.2 are not the appropriate place to introduce such material. The provisions of § 1215.3(e) provide for deletion of material which might invade personal privacy with regard to records generally available. In addition, § 1215.5 (f) exempts material from disclosure which would "amount to a clearly unwarranted invasion of the privacy of any person to whom the information pertains." It is felt that these two provisions are sufficient to prevent the production of information which might invade the personal privacy of any employee, volunteer or other individual.

C. A comment indicated that requests for information made to Peace Corps overseas posts are not mentioned specifically in the regulation. This oversight is corrected by the addition of § 1215.6 (j) to indicate that United States citizens residing abroad may make a request to the Director of any Peace Corps post and that such request shall either be complied with at post, or forwarded to the National office for determination in the event the record is either not available at the post or in the event that in the opinion of the Peace Corps Director involved the information requested should not be produced.

D. A comment inquired as to whether a "current index" had been compiled under the provisions of § 1215.3(d) and whether or not such index will be published in accord with the provisions of section 552(a)(2) of Title V of the United States Code. A determination has been made that publication of such index would be unnecessary and impractical but that a current index will be maintained and all or any portion thereof will be furnished at the cost of duplication to any person requesting same. Section 1215.3(d) has been amended accordingly.

E. Several comments have requested information as to a definition of interagency or intra-agency memoranda or letters as specified in § 1215.5(e). It is the position of the Agency that further explanation of these terms would be difficult and unnecessary. As indicated in paragraph (e) what is intended to be included in the exempt category of this subsection are those documents which are used or useful in making ultimate policy determinations and decisions. A decision not to disclose any such document would not only have to be based upon the exemption but the deciding official would also have to find that the disclosure of the document would be inimical to the public interest in accordance with the provisions of subsection (i) of this section. The purpose and intent of this exemption as outlined in several decisions is to protect the decision-making process from invasion and to protect the confidentiality of advice received by decision-making officials. The exemption is and should be narrowly construed to achieve these purposes, and these alone. It is doubtful that any list of examples could be given which would be sufficiently comprehensive and to which there would not be exceptions.

F. A comment received as to § 1215.7 (b) indicates that it is impossible for the Agency to have "readily available in its Regional Offices" all materials generally available in the Central Records Room because of the time limitations involved in any request, the section has been amended to indicate that if a record is not available in the region the requester will be instructed to transmit his request to either appropriate Regional Office which maintains such records or to the Director of Administrative Services in the Washington headquarters.

G. A comment suggested that approval of the furnishing of documents at no charge or at reduced charge should be delegable by the Deputy Director and in accord, § 1215.10(b)(5) has been amended to provide the Deputy Director may delegate this function.

H. A comment pointed out that the Agency maintains small offices at the State level which do have some records and documents and that requests might be directed to the State office. A new paragraph (k) has been added to § 1215.6 which deals with this area.

I. A comment pointed out that the Agency publishes many brochures, flyers, etc. and that while they are generally available, some are out of print. Section 1215.3 has been amended by adding thereto a subsection (f) to indicate that the Agency will not be responsible for recreating material or for creating records which do not exist, i.e. doing research or work under the guise of a request for documents or records.

J. A comment received with respect to § 1215.5 stated that the language thereof which indicates that the exemption category includes rules and regulations "relating to personnel management and operations" is ambiguous in that it is allegedly not clear whether the section applies only to personnel operations or to operations generally. It is the position of the Agency that the language in this subparagraph very clearly includes only matters related to personnel operations and personnel management and not to any other operations in fields other than personnel.

K. A comment with respect to § 1215.5 (d) raises a question as to whether the words, "given in confidence" contained in the first sentence of the section are not violative of the ruling in "National Parks and Conservation Assoc. v. Morton," 498 F.2d 765, 770 (D.C. Cir. 1974). It is the Agency's position that the context of the sentence and the paragraph makes it clear that the quoted language "given in confidence" merely indicates that as a threshold matter the information received must have been received in confidence and that the language is not violative or contrary to the ruling in the above-cited case.

(1) A comment with respect to § 1215.5 (f) objects to language in the second sentence of the subsection relating to, "other files or materials containing private or personal information." The comment suggests the word "similar" should be substituted for the word "other", on the grounds that the word "other" is too broad. It is the position of the Agency that the rule of *ejusdem generis* is applicable here and that the plain language of this section is appropriate and sufficiently limited to satisfy the provisions of the law.

The same comment also questions the language in this section relating to the disclosure of material "which would violate a pledge of confidentiality and amount to a clearly unwarranted invasion in the privacy of any person to whom the information might pertain," on the ground that the language relating to a violation of a pledge of confidentiality would extend the exemption more broadly than is permitted by the law. The commentator feels that withholding of documents on the grounds of a pledge of confidentiality alone would be improper. It is the position of the Agency that the conjunctive word "and" makes it clear that it is only when a pledge of confidentiality is involved together with an unwarranted invasion of privacy that the exemption applies. The comment would be valid only if the disjunctive "or" had been used. The language of this section was chosen on the ground that applicants for volunteer service are told that material provided by them, and their application forms, will be kept confidential and it was felt that this pledge of confidentiality should be properly noted in the exemption.

M. A comment was received to § 1215.9 which has been renumbered § 1215.6





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which suggests that the provisions of

tive Services as the "Director". Section

(a) All final opinions and orders made



(a) Records required to be withheld

physical safety of law enforcement

ACTION. Such appeal shall be in writing

which suggests that the provisions of paragraph (b) be amended to provide that when a request is sent to an office which does not have the requested material, that office should itself forward the request to the proper office and then should notify the requester. The request would then be deemed received by the Agency when actually received in the appropriate office. The Agency does not agree with the proposed change in this case since the section makes it clear that the requester may request the office to which he made the original request to forward such request. In any event, the requester has the option of resubmitting the request to the proper office or requesting the office to which he made the original request to do the forwarding. In many cases such initial request may have to be restated or amended and it is felt the section adequately handles this matter.

N. A comment received with respect to § 1215.9(c) (now § 1215.6(c)) complains that the provision of 15 calendar days from receipt of initial denial within which to file an appeal is "ultra vires" and should be deleted from the regulation as not provided for in the Freedom of Information Act. The Agency rejects this restrictive construction of the Act which would evidently permit nothing but perhaps laches or estoppel to toll the time within which a person might file an appeal from an adverse ruling. It is the position of the Agency that this regulation is amply justified. While it is true there is no specific limitation, the Act does anticipate reasonable regulations by agencies. ACTION feels it is not unreasonable to provide that appeals from initial denials must be brought within 15 days. If the 15-day limitation does indeed work any hardship in any individual case it can and will be extended.

O. A comment received with respect to § 1215.10(b) (3) objected that the amount of $25 fixed in such subsection should be changed to $15 and that the requirement that a requester be notified promptly after receipt of the initial request that the cost of reproduction might be the excess of such amount be changed to five days after receipt of request. It is the position of the Agency that the amounts are reasonable and an absolute time limit of five days given the vagaries of the mail system would not be appropriate in this case.

P. A comment as to § 1215.10(b) (2) suggests that requesters be advised in the event that it appears that search is not likely to produce records responsive to the request in order that such requester be not charged for such useless search service. While the Agency does not believe that such a provision should be placed in the regulations, it certainly is and will be the policy of the Agency to advise any requester of any such fact before expending valuable time in a useless search.

Q. Various minor changes have been made such as the designation of the Regional Directors in this country as "Domestic Regional Directors" and a redesignation of the Chief of Administrative Services as the "Director". Section 1215.9 relating to methods of requesting records and appeals from denials has been moved and becomes § 1215.6.

In consideration of the above, Part 1215 of Chapter XII, Title 45 of the Code of Federal Regulations is amended as set forth below. The effective date of these amendments shall be April 29, 1975.

Sec.


1215.1 Purpose.
1215.2 Definitions.
1215.3 Records generally available.
1215.4 Availability of records.
1215.5 Records which may be exempt from disclosure.
1215.6 Manner of requesting records—Appeals.
1215.7 Authority to release and certify records.
1215.8 Location of records.
1215.9 Identification of records.
1215.10 Schedule of fees.


AUTHORITY: Sec. 412, Pub. L. 93-113, 87 Stat. (5 U.S.C. 552).

### § 1215.1 Purpose.

The purpose of this part is to prescribe rules for the inspection and copying of opinions, policy statements, staff manuals, instructions, and other records of ACTION pursuant to 5 U.S.C. 552.

### § 1215.2 Definitions.

As used in this part, the following definitions shall apply:

(a) "The Agency" means ACTION.

(b) "Records" includes all books, papers, maps, photographs, or other documentary material or copies thereof, regardless of physical form or characteristics, made in or received by ACTION and preserved as evidence of its organization, functions, policies, decisions, procedures, operations or other activities, but does not include books, magazines, or other materials acquired solely for library purposes and available to any officially designated library or the agency.

(c) "Identifiable" means, in the context of a request for a record, one which is reasonably described in a manner sufficient to permit the location of the material requested.

(d) "Unit" means an office of the Agency headed by a senior official who shall be responsible for making initial determinations of availability of documents or records requested hereunder. The head of any such Unit may delegate his responsibility hereunder to his Deputy or some other official during any absence of such official. At present, the units of the Agency for the purposes hereof consist of, the Office of the Director; the Office of Domestic and Anti-Poverty Operations; the Office of International Operations; the Office of Policy and Planning; the Office of Administration and Finance; the Office of General Counsel; the Office of Congressional Affairs; the Office of Minority Affairs; the Office of Recruitment and Communications, the ten domestic regional offices, and the three regional offices in the Office of International Operations.

### § 1215.3 Records generally available.

The agency will make promptly available to any member of the public the following documents:

(a) All final opinions and orders made in the adjudication of cases;

(b) Statements of policy and interpretation adopted by the office which have not been published in the FEDERAL REGISTER;

(c) Administrative staff manuals and instructions to the staff which affect a member of the public;

(d) A current index, which shall be updated at least quarterly covering so much of the foregoing materials as may have been issued, adopted or promulgated after July 4, 1967 is maintained by the Agency and copies of same or any portion thereof shall be furnished upon request at a cost not to exceed the cost of duplication. The Agency deems further publication of such index in the FEDERAL REGISTER both unnecessary and impractical.

(e) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, the Agency may delete identifying details from materials furnished under this section.

(f) Brochures, flyers and other similar material shall be furnished to the extent that same are available copies of any such brochures and flyers which are out of print shall be furnished upon request at the cost of duplication, provided, however, that in the event no copy exists, the Agency shall not be responsible for reprinting the same.

(g) The Agency will not be required to create or compile selected items from its file and records or to provide a requester with statistical or other data unless such data has been compiled by the Agency and is available in the form of a record in which event such record shall be made available as provided in this part.

### § 1215.4 Availability of records.

All records of ACTION, in addition to those ordinarily maintained and disseminated under § 1215.3 hereof requested under 5 U.S.C. 522(a)(3) and reasonably described in any request therefor shall be made promptly available upon request of any member of the public for inspection or copying upon compliance with procedures established in this part except to the extent that a determination is made, in accord with the procedures set forth herein, that a record is exempt from disclosure, and should be withheld in the public interest. All publications and other documents heretofore provided by ACTION in the normal course of business will continue to be made available upon request to the appropriate unit of the agency. No charge will be made for such documents unless necessary by reason of the fact that such document is no longer in print in which case the charge shall not exceed the cost of duplication as set forth herein.

### § 1215.5 Records which may be exempt from disclosure.

The following categories are examples of records maintained by ACTION which, under the provisions of 5 U.S.C. 552(b) may be exempted from disclosure:





(a) Records required to be withheld under criteria established by an Executive Order in the interest of national defense or foreign policy and which are in fact properly classified pursuant to any such Executive Order. Included in this category are records required by Executive Order No. 11652, as amended, to be classified in the interest of national defense or foreign policy.

(b) Records related solely to internal personnel rules and practices. Included in this category are internal rules and regulations relating to personnel management and operations which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Agency.

(c) Records specifically exempted from disclosure by statute.

(d) Information of a commercial or financial nature including trade secrets given in confidence. Included in this category are records containing commercial or financial information obtained from any person and customarily regarded as privileged and confidential by the person from whom they were obtained.

(e) Interagency or intra-agency memoranda or letters which would not ordinarily be available by law to a party in litigation with the Agency. Included in this category are memoranda, letters, interagency and intra-agency communications and internal drafts, opinions and interpretations prepared by staff or consultants and records of deliberations of staff, ordinarily used in arriving at policy determinations and decisions.

(f) Personnel, medical and similar files. Included in this category are personnel and medical information files of staff, volunteer applicants, former volunteers, and volunteers, lists of names and home addresses, and other files or material containing private or personal information, the public disclosure of which would violate a pledge of confidentiality and amount to a clearly unwarranted invasion of the privacy of any person to whom the information pertains.

(g) Investigatory files. Included in this category are files compiled for the enforcement of all laws, or prepared in connection with government litigation and adjudicative proceedings, provided however, that such records shall be made available to the extent that their production will not (1) interfere with enforcement proceedings; (2) deprive a person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity of a confidential source, and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful security intelligence investigation, confidential information furnished by a confidential source; (5) disclose investigative techniques and procedures; or (6) endanger the life or physical safety of law enforcement personnel.

(h) In the event any document or record requested hereunder shall contain material which is exempt from disclosure under this section, any reasonably segregable portion of such record shall, notwithstanding such fact, and to the extent feasible, be provided to any person requesting same, after deletion of the portions which are exempt under this section.

(i) Documents or records determined to be exempt from disclosure hereunder may nonetheless be provided upon request in the event it is determined that the provision of such document would not violate the public interest or the right of any person to whom such information might pertain, and that disclosure is not prohibited by law or Executive Order.

### § 1215.6 Manner of requesting records—Appeals.

(a) Requests under the Freedom of Information Act (5 U.S.C. 552) for access to ACTION records may be filed in person or by mail with the Director of Administrative Services of the aforesaid at ACTION headquarters, 806 Connecticut Avenue NW., Washington, D.C. 20525. Requests for records of a domestic regional or state office may be filed in person or by mail with the records officer of the respective Domestic Regional Office. All requests and the envelope in which they are sent must be plainly marked "FOI Request". Personal requests will be received from between 10 a.m. and 4 p.m., Monday through Friday, except for official holidays.

(b) Requested records which are reasonably described shall either be made available within ten working days after receipt of any such request or a written notice that the request cannot be complied with shall be provided to the person making such request within such 10 day period. Any such notice of inability to comply shall specify the reasons for refusal and the right of the person making such request to appeal such adverse determination. In the event a request for a record or document is made to a Regional Records Officer of the Agency or to the Director of Administrative Services, and such office does not have the requested material, the requester shall be immediately so notified. Such notice shall specify the Regional or other office of the Agency where such material is to be found or where it is normally maintained. The requester may then resubmit his request, or request the office which provides the notice to forward the original request to the proper Domestic Regional Office or the central office as may be appropriate. The request shall be deemed received when actually received by the appropriate office.

(c) Upon receipt of a notice of failure to comply, a person making a request for information, records, or documents may, within 15 calendar days from the receipt of such notice, appeal such adverse determination to the Deputy Director of ACTION. Such appeal shall be in writing and shall specify the date upon which the notice of failure or refusal to comply was received by the person making such request. The Deputy Director shall make determination with respect to such appeal within 20 working days after receipt of such appeal. Notice of such determination shall be provided to the person making the request in writing. If the original denial of the request for records is upheld in whole or in part, such notice shall include notification of the right of the person making such request to have judicial review of the denial and appeal as provided under the Freedom of Information Act (5 U.S.C. 552).

(d) The time limits specified above for initial compliance, and appeal from a refusal to comply, may be extended by the Agency upon written notice to the person making such request which notice shall set forth the reasons for such extension and the date upon which determination is expected. Such extension may be applied at either the initial stage or the appellate stage, or both, provided that the aggregate of such extensions shall not exceed ten working days. Circumstances justifying an extension shall include the following:

(1) Time necessary to search and collect requested records from segments of the agency separate from the office processing the request;

(2) Time necessary to search, collect and appropriately examine a voluminous number of records demanded in a single request; or

(3) Time necessary for consultation with another agency having a substantial interest in the determination of the request, or among two or more components of the agency which have an interest in the subject matter of the request.

(e) The time limits provided in this section are mandatory and a person requesting records shall be deemed to have exhausted his administrative remedies with respect to such request in the event the Agency fails to comply within the said applicable time limit provisions as extended in accord with this section. In unusual circumstances in which additional time is necessary to collect and review the records requested, the Act provides that a court of appropriate jurisdiction may allow the agency additional time for such purpose. Alternatively, the Agency and the person making such request may agree as to a reasonable time for completion of Agency work upon such request.

(f) Any notification of denial of any request for record under this subsection shall set forth the names and titles or positions of the person primarily responsible for the denial of such request.

(g) Upon receipt of a request for a record or document the Director of the Office of Administrative Services or the Regional Records Officer will promptly make an initial determination as to whether the request for the record reasonably describes such record with sufficient specificity to determine the unit of the Agency to which such request should





be referred. Upon making such initial determination, he shall immediately refer

as possible. State Directors shall not deny any request for information which

records room shall be the ACTION library, the location of which may change



have produced the record such as VISTA, Peace Corps, or UYA.

an estimate of cost from the Director of Administrative Services who shall

in Washington, D.C., on the 9th day of April 1975.

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be referred. Upon making such initial determination, he shall immediately refer such request to the head of the unit concerned. Upon receipt of the request the head of the unit shall promptly determine whether the description of the record contained in the request is sufficient to permit its identification and production.

(h) If the Director of Administrative Services, the Regional Records Officer or the head of the unit concerned determines that the description contained in the request is not sufficient to reasonably describe the record requested, the requester shall be so advised and shall be permitted to amend the request to provide any additional information which would better identify the record. The requester shall be provided with appropriate assistance from the head of the unit concerned, the Director of Administrative Services, the Regional Records Officer or any member of their staff. A request which is amended in accord herewith shall be deemed to have been received by the Agency on the date of receipt of the amended request.

(i) If the head of the unit concerned determines that the record requested is reasonably described so as to permit its identification, he shall make it available unless he determines, after consultation with the General Counsel, that (1) the record is exempt from disclosure and (2) it should be withheld in the public interest or to protect the rights of persons to whom the information pertains. When such a determination is made the requester shall be immediately notified in writing as provided herein.

(j) ACTION/Peace Corps offices overseas are not responsible for maintenance of any indexes, documents, or records other than materials normally kept and maintained in such offices. Insofar as they do have any materials, they will make them available upon written or oral request of citizens of the United States who are present in their respective countries addressed to the Director, Peace Corps, c/o American Embassy in the applicable country. Such requests shall be treated informally and as expeditiously as possible. In the event any such request is received for information which might be exempt from disclosure under the provisions of § 1215.5 hereof, a copy of the material and the request together with any recommendation shall be forwarded to the Director of Administrative Services for reference to the Associate Director for International Operations and the General Counsel. Such a request shall be considered received upon receipt in the office of the Director of Administrative Services.

(k) ACTION maintains offices in most States, usually in the State capitol. These offices are not responsible for maintaining indexes, reading rooms, or other records or documents other than those normally kept and maintained in such offices. Insofar as they do have any materials, they will make them available upon written or oral request directed to the State Director. Such requests shall be treated informally and as expeditiously as possible. State Directors shall not deny any request for information which reasonably describes the material sought without the approval of the Regional Director and the Office of General Counsel. In the event the State Director determines and is advised that requested information should be withheld, he shall inform the requester to make a formal request to the proper Regional Office or the Director of Administrative Services, for appropriate determination. Requests made to other domestic ACTION offices or facilities shall be handled in the same manner.

**§ 1215.7 Authority to release and certify records.**

(a) Authority is hereby delegated to the Director of Administrative Services, Office of Administration and Finance, to furnish, pursuant to these regulations, copies of records to any person entitled thereto, and upon request to provide certified copies thereof for use in judicial proceedings or other official matters as provided below.

(b) The Director of Administrative Services and his deputy, are hereby designated to act as authentication officers. When the authentication officer is unavailable, any other person within such office delegated by the Director may act in his place and stead. The authentication officer is hereby authorized to sign and initial certificates of authentication for and in the name of the Director of ACTION. The form of authentication shall be as follows:

> In testimony whereof, I _____, Director of ACTION, have hereunder caused my name to be subscribed by the authentication officer of said agency at _____ this _____ day of _____, 19__.
>
> _____
> *Director of ACTION.*
>
> By _____,
> *Authentication Officer, ACTION.*

(c) The authentication officer is also hereby authorized to issue such statements, certificates, or other documents as may be required in connection with judicial proceedings or other official matters to show that, after thorough search of ACTION records, a requested record has not been found (See Rule 44(b), Federal Rules of Civil Procedure).

(d) Each Domestic Regional Director of ACTION shall designate a records officer who shall have the same authority as the Director of Administrative Services with respect to documents and records kept and maintained in Regional or State offices. Such records officers shall be responsible to the Director of Administrative Services for such reports as he may require with respect to the production and copying of records.

**§ 1215.8 Location of Records.**

(a) The Agency will maintain a central records room at its headquarters in Washington, D.C. The headquarters of ACTION is presently located at 806 Connecticut Avenue NW., Washington, D.C. The present location of the central records room shall be the ACTION library, the location of which may change from time to time. The specific location of the library may be determined by requesting such information from the ACTION receptionist in the Office of the Director of ACTION.

(b) The Agency has domestic regional offices in the following places:

Region I
John W. McCormack Federal Building
Room 1420
Boston, Massachusetts 02109

Region II
26 Federal Plaza
New York, New York 10007

Region III
320 Walnut Street
Philadelphia, Pennsylvania 19106

Region IV
730 Peachtree Street, NE.
Atlanta, Georgia 30308

Region V
1 North Wacker Drive
Chicago, Illinois 60606

Region VI
212 No. St. Paul Street
Dallas, Texas 75201

Region VII
Two Gateway Center
4th & State Street
Kansas City, Kansas 66101

Region VIII
Prudential Plaza Building
1050 17th St.
Denver, Colorado 80202

Region IX
100 McAllister Street
San Francisco, California 94102

Region X
1601 Second Avenue
Seattle, Washington 98101

Although it may not always be feasible in these offices to set aside rooms for the exclusive or primary use of the public, every reasonable effort will be made to accommodate members of the public who wish to use regional office facilities for the purpose of inspecting and copying records. The office will also endeavor to maintain and have readily available in its regional offices general materials relating to the Agency available in the central records room. The Regional Records Officer shall receive and handle requests submitted pursuant to this part.

**§ 1215.9 Identification of records.**

(a) In order for the Agency to locate records and make them available it is necessary that it be able to identify the specific records sought. Persons wishing to inspect or secure copies of records should therefore seek to describe and identify them as fully and as accurately as possible. In cases where requests are submitted which are not sufficient to permit identification, the records officer receiving the request will endeavor to assist the person seeking the records in filling in necessary details.

(b) Among the kinds of information which a person seeking records should try to provide in order to permit an identification of a record are the following:

(1) The unit or program of the Agency which may be responsible for or may have produced the record such as VISTA, Peace Corps, or UYA.

(2) The specific event or action, if any, and if known, to which the record refers.

(3) The date of the record or the period to which it refers or relates if known.

(4) The type of record, such as an application, a contract, a grant or a report.

(5) Personnel of the office who may have prepared or have knowledge of the record.

(6) Citation to newspapers or publications which are known to have referred to the record.

**§ 1215.10 Schedule of fees.**

(a) It is the policy of ACTION to encourage the widest possible distribution of information concerning programs under its jurisdiction. To the extent practicable, that policy will be applied under this part so as to permit requests for inspection or copies of records to be met without substantial cost to the person making the request. If a request for information does not involve substantial search time or reproduction costs, the information will be furnished without charge as a service to the public.

(b) The following charges will be made for any copies requested by a requester:

(1) Copies made by photostat or otherwise (per page)—$.10.

(2) Search services shall be charged for at the rate of $5 per hour. Such charge may be made whether or not the search is successful in producing the record requested.

(3) In the event a request for documents or records is received which does not state that the requestor will pay any and all reasonably necessary costs, or costs up to an amount specified in such request, and the head of the unit or the Director of Administrative Services determines that the anticipated cost for search and duplication of the records requested will be in excess of $25, or in excess of the limit specified in the request, the Director of Administrative Services shall so advise the requester promptly after receipt of the initial request. Such notification shall specify the anticipated cost of search and reproduction of the records requested. The requester may thereafter amend his request to specify fewer documents, or agree to accept the estimate of anticipated costs, in which case the request shall be deemed received by the Agency upon the date of the requester's response. A requester may, prior to making a request, ask for an estimate of cost from the Director of Administrative Services who shall promptly respond to such request.

(4) Payment shall be made to the Director of Administrative Services by cash or personal check, money order, etc., payable to ACTION. A receipt for any fees will be provided upon request.

(5) A requester may ask in his original request, or subsequently, that documents requested be furnished without charge or at a reduced charge. Upon receipt of such request the Director of Administrative Services shall refer such request to the Deputy Director or such official as he may designate who shall promptly determine whether such request should be complied with. Such request shall be complied with in event that it is determined that a waiver or reduction of fees is in the public interest because the furnishing of the documents or records requested will primarily benefit the general public. When such a request has been included in a request for documents or records or has been made subsequent thereto, the request shall not be deemed to have been received until a determination on the question of waiver or reduction has been made, provided however, that such determination shall be made within five working days from the date of receipt of any such request. A request for waiver or reduction of fees shall specify the amount of reduction requested and the reasons which cause the requester to feel that the public interest would be served by a waiver or reduction of fees.

Issued at Washington, D.C. on April 23, 1975.

JOHN L. GANLEY,
*Deputy Director.*

[FR Doc.75-11098 Filed 4-28-75;8:45 am]





## Title 49—Transportation

### CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 35129 (Sub-No. 4)]

### PART 1249—REPORTS OF MOTOR CARRIERS

### Quarterly Financial Reports of Class I Common and Contract Motor Carriers of Property-Selected Items From Statement of Financial Position

At a General Session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 9th day of April 1975.

Past experience shows that in order for the Commission to properly monitor the financial condition of Class I motor carriers of prperty under ur Early Warning Program, it is necessary that we obtain certain balance sheet information not presently reported quarterly. The selected items are shown in the enclosed appendix.[1]

Because the selected information is readily available from the accounting records and is reported annually to the Commission, the addition of page 11 to Form QFR is not considered burdensome or controversial. Therefore, rulemaking proceedings under section 553 of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary.

Wherefore, and for good cause appearing:

*It is ordered*, That quarterly report Form QFR for Class I Common and Contract Motor Carriers of Property is hereby revised as shown in the appendix to this order.

*It is further ordered*, That the prescribed amendment shall be effective for all quarters beginning with the first quarter in 1975 following receipt of the requisite clearance of the General Accounting Office.

*It is further ordered*, That service of this order shall be made on all Class I common and contract motor carriers of property; and to the Governor of every state and to the Public Utilities Commission or boards of each state having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(49 U.S.C. 304.320)

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-11204 Filed 4-28-75;8:45 am]

[1] Filed as part of the original document.



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these aircraft. As these ADs were issued, and that exceeding the service lives pro- Missouri 64106. All communications re-

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 993 ]

### DRIED PRUNES PRODUCED IN CALIFORNIA

### Proposed Increases in Expenses of the Prune Administrative Committee and Rate of Assessment for 1974–75 Crop Year

Notice is given of a proposal to increase the expenses of the Prune Administrative Committee, and rate of assessment, previously established (39 FR 37479) for the 1974–75 crop year. The proposal is pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Prune Administrative Committee.

On October 22, 1974, an action was published in the FEDERAL REGISTER (39 FR 37479) approving expenses of the Committee in the amount of $136,710, and a rate of assessment of $1.20 per ton, for the 1974–75 crop year. The approved expenses and assessment rate are set forth in § 993.325 of Subpart—Budget of Expenses and Rate of Assessment (7 CFR 993.325; 39 FR 37479). It now appears likely that the Committee will exceed these expenses and it is therefore proposed that they be increased to $154,100. In order to obtain sufficient funds to meet the proposed increase, it is also proposed that the assessment rate for the 1974–75 crop year be increased to $1.28 per ton.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than May 15, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 993.325 to read as follows:

**§ 993.325 Expenses of the Prune Administrative Committee and rate of assessment for the 1974–75 crop year.**

(a) *Expenses.* Expenses in the amount of $154,100 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1974, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.28 per ton of salable prunes handled by him as the first handler thereof.

Dated: April 24, 1975.

CHARLES R. BRADER,
*Acting Director,*
*Fruit and Vegetable Division.*

[FR Doc.75–11167 Filed 4–28–75;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Insurance Administration

[ 24 CFR Part 1917 ]

[Docket No. FI–569]

### NATIONAL FLOOD INSURANCE PROGRAM

### Proposed Flood Elevation Determination

Notice of proposed Flood Elevation Determination for the Borough of Somerset, Somerset County, Pennsylvania.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for Somerset, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Mr. John Kane's Office, 340 West Union Street, Somerset.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William C. James, 340 West Union Street, Somerset, Pennsylvania 15501. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or July 28, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

| Source of flooding and location | Elevation feet above mean sea level | Width in feet from bank of stream to 100-yr flood boundary facing downstream: Left | Right |
|---|---|---|---|
| Coxes' Creek: | | | |
| Pennsylvania Turnpike | 2,106 | 25 | 325 |
| Turnpike Interchange | 2,105 | 240 | 480 |
| Center Ave. | 2,104 | 280 | 660 |
| Saylor St. | 2,104 | (1) | 810 |
| East Main St. | 2,100 | 680 | 750 |
| Parsons Run: | | | |
| Garrett St. (Extended) | 2,100 | 750 | 1,310 |
| Columbia Ave. | 2,104 | 540 | 310 |
| Edgewood Ave. | 2,099 | 600 | 1,000 |

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 16, 1975.

J. ROBERT HUNTER,
*Acting Federal*
*Insurance Administrator.*

[FR Doc.75–11140 Filed 4–28–75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75–CE–12–AD]

### BEECH 18 SERIES AIRPLANES

### Proposed Airworthiness directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to all Beech 18 Series airplanes, including all military counterparts thereof and those modified under Supplemental Type Certificate (STC). Over the years, several ADs have been issued which require inspections at designated areas of the spar structure on





these aircraft. As these ADs were issued, the number of required inspections and the detail of the instructions for those inspections has constantly increased. At the present time, AD 72–20–5 (Amendment 39–1526), as amended by Amendment 39–1632, requires spar strengthening modifications of the wing center section to be completed by May 1, 1975. AD 73–18–4 (Amendment 39–1708) requires spar strengthening modifications for the outer wing panel to be completed by September 10, 1975. When those modifications are accomplished, ADs 72–20–5 and 73–18–4 were to be no longer applicable.

The foregoing actions were predicated on the assumption that the structure of these aircraft was sufficiently substantiated by the incorporation of excessive strength provisions into the design. Although this concept is still considered to be correct, at the time of certification of this aircraft there was no specific requirement for a fatigue analysis or fatigue testing because little was known of the loading patterns to be expected in service. Although the state of the art in this regard has progressed, the best test is service experience. Service experience is particularly important in this instance inasmuch as the first Model 18's were built in 1936 and the average age of a Model 18 is in excess of 20 years. During the 20-year life these aircraft have been subjected to varying degrees of usage and maintenance, some of which may have been abusive. The airworthiness directive action to date which provided for periodic inspections at various wing stations and modifications of the wing structure in order to prevent structural failure of the spar and wing separation no longer appears adequate. While sound in concept, they have not been completely effective in practice. In addition, the spar strengthening modifications do not incorporate failsafe or safe life design concepts of the current regulatory requirements. Since there exist no reliable means of detecting fatigue damage before its occurrence, it is essential that the fatigue crack damage be detected as soon after it occurs as is physically possible. The previously mentioned ADs were attempts to achieve this goal. Experience has now shown that the desired goal is not being fully achieved. The manufacturer has now furnished engineering data and analyses regarding permissible safe life parameters for the basic wing of the Model 18. On the basis of reports received as the result of these ADs, inspections, service history, subsequent evaluations, and analysis of X-rays and the aircraft structure, the FAA and the manufacturer now believe it is essential that a safe life or a fatigue life be established for the basic wing. Based upon these reports and on a review of the type certification records, service experience and limited test data applicable to this airplane, the FAA has determined that the wing structure is service-life limited and that exceeding the service lives proposed in this AD could result in in-flight fatigue failure of the wing with catastrophic results. Since this condition is likely to exist or develop in other airplanes of the same type design, this proposed AD requires the retirement of the aircraft wing components before exceeding the specified service life.

Accordingly, an AD applicable to all Beech 18 series airplanes is being proposed that establishes fatigue or safe life for the basic wing configuration. The life limits proposed in this AD are the result of computations based upon the basic stress data supplied by the manufacturer utilizing current FAR criteria and DOT/FAA report AFS–120–73–2 methods. As best can be determined, such factors as residual stresses, stress concentration due to welding, gussets, welded tube design, etc., have been considered. In addition, existing documented service history, fatigue cracks, failures, previous inspections, etc., have all been taken into consideration.

Since many of these aircraft have been modified without consideration of the effects of fatigue, this AD proposes to limit the aircraft fatigue life of all aircraft based upon original design, gross weight and stress/G data. No credit can be given for wing modifications until a full evaluation of each wing modification can be accomplished. The STC holders must submit adequate design and stress data to the Chief, Engineering and Manufacturing Branch, Central Region, in order to obtain an extension of the proposed life limits. Sufficient engineering data is not presently available to permit the establishment of greater safe lives for those aircraft modified in accordance with AD 73–18–4.

It is recognized that a number of these airplanes are approaching, and the majority have exceeded, the service life limits proposed herein.

As a result of the multitude of unknowns regarding the usage to which these airplanes have been subjected and the quality of inspection performed on them, as well as the uncertain fatigue characteristics of several of the STC modifications, an adopted Rule AD is being issued simultaneously with this proposed AD which will require a one-time inspection of the spar and spar modification components and submission of X-rays for evaluation on all aircraft. This inspection is to provide for the continued airworthiness of these aircraft pending development of a final rule under this notice of proposed rule making.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted by application to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before June 30, 1975 will be considered before action is taken upon the proposed rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

BEECH. Applies to all Beech 18 Series airplanes including all military counterparts thereof and those Beech Model 18 airplanes modified in accordance with Supplemental Type Certificates.

Compliance: Required as indicated.

To prevent possible fatigue failure of the primary aircraft wing structure, accomplish the following:

(a) Except as provided in paragraph (c), before the accumulation of the total hours time-in-service specified in Column B for wing components of the various aircraft weights specified in Column A, or within 100 hours' time-in-service after the effective date of this AD, whichever occurs later, comply with paragraph (b).

| *A. Certified maximum gross weight* | *B. Life limit hours time-in-service* |
|---|---|
| 6,700 pounds | 8,000 hours. |
| 7,850 pounds | 2,500 hours. |
| 9,500 to 10,200 pounds | 1,500 hours. |

(b) Replace the wing center section and outboard wing panel with a part approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, that has accumulated less time-in-service than the service life specified in Column B in (a) above. Thereafter, continue to replace wing components in accordance with the life limit hours' time-in-service specified in Column B in (a) above.

(c) A service life specified in Paragraph (a) may be extended if the wing center section and outboard wing panel are modified in accordance with an STC modification for which a specific service life beyond the accumulated service life of the aircraft's wing components has been approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Issued in Kansas City, Missouri, on April 17, 1975.

C. R. MELUGIN, JR.,
*Director, Central Region.*

[FR Doc.75–10972 Filed 4–28–75;8:45 am]

## Hazardous Materials Regulations Board

[ 49 CFR Part 179 ]

[Docket HM–109: Notice 75–3]

### TANK CAR HEAD SHIELDS

### Notice of Proposed Rulemaking

*Correction*

In FR Doc. 75–10500 appearing at page 17855 in the issue of Wednesday, April 23, 1975, in § 179.100–23 (a)(5) the fifth line from the bottom now reading "mounted on at least a ¾ inch thick" should read, "mounted on at least a ⅜ inch thick".



## DEPARTMENT OF LABOR

### Occupational Safety and Health

Safety and Health Act of 1970 (Act), (84 Stat. 1593; 29 U.S.C. 655), Secretary of

Safety and Health by the end of April 1975. Therefore, in order to provide for



# notices

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[ 29 CFR Part 1910 ]

[Docket No. OSH-50]

### CARCINOGENS; 4,4'-METHYLENE BIS 2-CHLOROANILINE

### Proposed Standard; Extension of Time To File Post-Hearing Comments

On February 3, 1975, notice was published in the FEDERAL REGISTER (40 FR 4932), of a proposed standard for 4,4'-Methylene bis (2-chloroaniline) pursuant to the authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (Act), (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911.

In accordance with that notice, an informal public hearing was held, under section 6(b) of the Act and 29 CFR Part 1911, on April 1 and 2, 1975. At the conclusion of that hearing, the presiding Administrative Law Judge set April 24, 1975, as the final date for filing post-hearing comments.

Subsequent to the conclusion of the hearing, the Occupational Safety and Health Administration (OSHA) has received assurances that additional relevant information will be submitted by the National Institute for Occupational Safety and Health by the end of April 1975. Therefore, in order to provide for receipt of that, and other relevant, information and to allow a reasonable period for public comment, notice is hereby given that the period for filing post-hearing comments on the proposal for 4,4'-Methylene bis (2-chloroaniline) will be extended to May 30, 1975.

(Secs. 6, 8(g), Pub. L. 91-596, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754))

Signed at Washington, D.C., this 24th day of April 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-11175 Filed 4-28-75;8:45 am]





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[Public Notice CM-5/40]

### SHIPPING COORDINATING COMMITTEE

### Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Thursday, May 22, 1975, in Room 6200 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C. The meeting will be open to the public.

The purpose of this meeting is to discuss preparations for the thirty-fourth session of the Intergovernmental Maritime Consultative Organization (IMCO) Council, scheduled to meet in London June 2-6, 1975. At its thirty-fourth session, the IMCO Council will consider, among other things, the following items:

The reports of the IMCO Maritime Safety Committee, Marine Environment Protection Committee, Legal Committee, Facilitation Committee, and Committee on Technical Cooperation;

Reports on the outcome of the International Conference on Safety of Life at Sea, 1974, the International Legal Conference on the Carriage of Passengers and their Luggage on Board Ships, 1974, and the International Conference on the Establishment of an International Maritime Satellite System, 1975;

Personnel and financial matters;

Long-term work program of the Organization;

Preparations and provisional agenda for the ninth regular session of the IMCO Assembly;

Report of the Ad Hoc Working Group to Study Proposals for Amending the IMCO Convention.

Further information on this Shipping Coordinating Committee meeting may be obtained from the Committee's Chairman, Richard K. Bank, Director, Office of Maritime Affairs, Department of State, 20520, telephone (area code 202) 632-0704.

Members of the public may submit written comments to the Chairman prior to May 16. The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

RICHARD K. BANK,
*Chairman,*
*Shipping Coordinating Committee.*

APRIL 22, 1975.

[FR Doc.75-11095 Filed 4-28-75;8:45 am]

[Public Notice CM-5/39]

### STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

### Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on May 15, 1975 at 10:00 a.m. in Room 752 of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telephone (including maritime mobile) operations and tariffs.

The agenda of the May 15 meeting concerns continuation of previously commenced (see 39 FR 29391, 8/15/74) preparatory activities looking to participation in scheduled meetings of the joint working party of CCITT Study Groups I and II—maritime service. The joint working party held its first meeting January 27-February 4, 1975 to continue development of responses for maritime mobile service accounting and operational procedures which were referred to it by the World Maritime Administrative Radio Conference of 1974.

The meeting will be open to the public and comments will be entertained in accordance with the instructions of the Chairman.

Members of the general public who desire to attend the meeting on May 15 will be admitted up to the limit of the capacity of the meeting room.

Dated: April 18, 1975.

RICHARD T. BLACK,
*Chairman,*
*U.S. National Committee.*

[FR Doc.75-11096 Filed 4-28-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### VINYL CLAD FENCE FABRIC FROM CANADA

### Tentative Negative Determination; Antidumping

Information was received on September 27, 1974, that vinyl clad fence fabric from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an Antidumping Proceeding Notice which was published in the FEDERAL REGISTER on October 29, 1974, on page 38117.

I hereby make a tentative determination that vinyl clad fence fabric from Canada is not being, nor is likely to be, sold at less than fair value within the meaning of the section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based:

An analysis of information from all sources reveals that for fair value purposes the proper basis of comparison is between the purchase price and the adjusted home market price of identical merchandise.

Purchase price was calculated on the basis of a packed f.o.b. delivered to U.S. customer price. Deductions were made for freight, Customs duties, brokerage charges, cash discounts, quantity discounts, and selling commissions, and an addition was made for the Canadian federal sales tax included in the home market price of identical merchandise.

Home market price was based on the packed f.o.b. delivered to Canadian customer price, with deductions for freight and cash discounts, and adjustments for quantity discounts and selling commissions. Packing costs were identical in both markets.

Using the above criteria, purchase price was found to be greater than the home market price of the imported merchandise.

In accordance with §§ 153.33(a) and 153.37, Customs regulations (19 CFR 153.33(a), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than May 9, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or argument should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before May 29, 1975.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs regulations (19 CFR 153.33).

[SEAL] DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

APRIL 24, 1975.

[FR Doc.75-11206 Filed 4-28-75;8:45 am]



V 40 183 APR 29 75 XUM

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### SCIENTIFIC ADVISORY BOARD

#### Meeting

APRIL 24, 1975.

The USAF Scientific Advisory Board Study Group on Management and Support of Air Force Command, Control and Communications will hold a meeting on 15 May 1975, from 8:30 a.m. to 5 p.m. at Headquarters, Air Force Systems Command, Andrews Air Force Base, Maryland.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552(b) (1), (4) and (5). The Study Group will meet in Executive Session to review information provided in previous meetings and to develop a consensus on the pertinent issues. These discussions will include classified and proprietary information and involve planning for future activities of the Group.

For further information, contact the Scientific Advisory Board Secretariat on 202-697-8845.

JACK R. BENSON,
*Colonel, USAF,*
*Director of Administration.*

[FR Doc.75-11099 Filed 4-28-75;8:45 am]

### Department of the Navy

### NAVAL RESEARCH ADVISORY COMMITTEE

#### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given of a closed meeting of the Secretary of the Navy Oceanographic Advisory Committee scheduled for Wednesday and Thursday, May 28 and 29, 1975. The meeting will commence at 9:00 a.m. on both days, at the facilities of the Oceanographer of the Navy, 200 Stovall Street, Alexandria, Virginia. The purpose of the meeting is to solicit the advice of the committee concerning various ocean science, ocean operations, and ocean engineering programs being conducted by the Navy in connection with the national defense effort, which are classified in the interest of national security.

The meeting will be closed to the public as authorized by section 10(d) of the Act because the Secretary of the Navy has determined in writing that the meeting will be concerned with matters listed in section 552(b)(1) of title 5, United States Code.

WILLIAM O. MILLER,
*Rear Admiral, JAGC, U.S. Navy,*
*Acting Judge Advocate General.*

APRIL 21, 1975.

[FR Doc.75-11087 Filed 4-28-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### YANKTON SIOUX TRIBE

#### Plan for Use and Distribution of Judgment Funds Awarded in Docket 332-B Before Indian Claims Commission

APRIL 21, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972, 86 Stat. 1518, in satisfaction of an award granted to the Yankton Sioux Tribe in Indian Claims Commission Docket 332-B. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated October 1, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on October 3, 1974, and by the Senate on October 8, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on February 7, 1975, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of October 31, 1972 (86 Stat. 1518), in satisfaction of the award granted to the Yankton Sioux Tribe in Docket 332-B before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior shall make a per capita distribution of eighty (80) percent of the judgment fund principal, and its accrued interest, in a sum as equal as possible to each member of the Yankton Sioux Tribe who was born on or prior to and is living on the approval date of this plan.

The shares of living competent adults shall be paid directly to them. The shares belonging to minors, legal incompetents and deceased persons shall continue to be invested as individual Indian money or disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200-4.297), whichever is applicable.

The programing aspect of this plan shall consist of the utilization of twenty (20) percent of the judgment fund principal, and its accrued interest, for the following purposes, all subject to the review and approval of the Secretary: (1) Land Purchase and Development Fund (10 percent); (2) Higher Education Fund (2½ percent); (3) Elderly and Handicapped Fund (2½ percent); (4) Community Development Fund (2½ percent); and (5) Miscellaneous Fund (2½ percent).

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-11092 Filed 4-28-75;8:45 am]





### Fish and Wildlife Service

### ENDANGERED SPECIES PERMIT

#### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* Dr. Robert W. McFarlane, Savannah River Ecology Laboratory, Post Office Drawer E, Aiken, South Carolina 29801.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Request permission to band (with USF&W Service bands and colored plastic bands) Red-cockaded Woodpeckers, Dendrocopos borealis

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Robert W. McFarlane
Savannah River Ecology Laboratory
P.O. Drawer E
Aiken, South Carolina 29801
tel. FTS 803-642-2472

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'8" WEIGHT: 145
DATE OF BIRTH: 26 Dec 1933
COLOR HAIR: brown COLOR EYES: blue
PHONE NUMBER WHERE EMPLOYED: see above
SOCIAL SECURITY NUMBER: 224-38-1715
OCCUPATION: Ornithologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Savannah River Ecology Laboratory
Institute of Ecology
University of Georgia

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Savannah River Plant of the U.S. Energy Development and Research Administration
Aiken, South Carolina

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Master Banding Permit 20528

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)
no action taken pending approval of this permit.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: 15 May 1975
11. DURATION NEEDED: Three years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Robert W McFarlane
DATE: 5 March 1975

3-200 10/74 Robert W. McFarlane

The 200,000 acre Savannah River Plant (SRP) of the U.S. Energy Research and Development Administration currently harbors a small population of the endangered Red-cockaded Woodpecker, *Dendrocopos borealis*. The exact size of the population is unknown but a brief survey indicates that it may be diminishing. Most of the SRP is forested and actively managed for pulp and timber production by the U.S. Forest Service.

It has recently been established that several active colonies of Red-cockaded Woodpeckers are within or adjacent to timber units which are to be harvested (including clearcutting) in accordance with current management practices. The U.S. Forest Service has located and mapped all known Red-cockaded Woodpecker cavity trees but these data are several years old and some of the colonies are not presently occupied by woodpeckers. There are no estimates of the total population of birds, past or present.

I propose to capture and band, with a unique combination of one aluminum service band and three colored plastic bands, as many birds as possible. This will allow individual recognition of each bird in the field and greatly facilitate population estimates and the correlation of observed feeding behavior, foraging range, and clan relationship with the sex and age of the bird as determined at the time of banding.

Extended observations of individual birds will permit a more accurate estimation of territory size and the extent of foraging in specific areas. With this information it is hoped that appropriate guidelines for forest management as it affects this species can be established.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 29, 1975, will be considered.

Dated: April 21, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75-10911 Filed 4-28-75;8:45 am]

### ENDANGERED SPECIES PERMIT

#### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* Lion Country Safari, Inc. Post Office Box 16066, State Road 80, West Palm Beach, Florida 33406; Mr. Harry Shuster, President, Mr. W. W. Dredge, Vice President.



V 40 R 29 75 APR XUM



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

guna Hills, California to Lion Country



OMB NO. 42-R1670

to provide data on population structure, population levels, home range, nesting

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Ship 6 tigers in interstate commerce in the course of a commercial activity for breeding. From LCS, Inc. - Laguna Hills, California to Lion Country Safari - West Palm Beach, Florida

3. APPLICANT: (If name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
LION COUNTRY SAFARI, INC.
P.O. Box 16066 - St. Rd. 80
West Palm Beach, Florida 33406
Phone: (305) 793-8084
Harry Shuster, Pres., WW Dredge, Vice Pres.

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.

| HEIGHT | WEIGHT |
|---|---|
| DATE OF BIRTH | COLOR HAIR / COLOR EYES |
| PHONE NUMBER WHERE EMPLOYED / SOCIAL SECURITY NUMBER | |
| OCCUPATION | |

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
African Wildlife Preserve & Tourist Attraction.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
W.W. Dredge
(714) 837-1200 Vice President

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Florida

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
LION COUNTRY SAFARI, INC.
St. Road 80
West Palm Beach, Florida
Fenced in wooded area.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list licenses or permit number(s))
PRT-6-4X-752

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document(s))

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ 500.00 ea. animal - 12-11-74

10. DESIRED EFFECTIVE DATE: A.S.A.P

11. DURATION NEEDED:

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.23

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not print) — DATE: 3-20-75
W.W. Dredge / Vice President & Corp. Admin. Officer

17.23(A):
1. Tiger (*Panthera tigris*), six (6), 1½ years, 2.4 (two males, 4 females).
2. Consignor—Lion Country Safari, Inc.—Laguna Hills, California: Original Origin—3 tigers, 1.2, Baltimore Zoo; 1 tiger, 1.0, Washington Park, Indiana; 2 tigers, 0.2, Big Bell Ranch, California.
3. Transport 6 tigers 2.4 from Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California to Lion Country Safari, Inc., P.O. Box 16066, W.P.B., Florida 33406, for the purpose of propagation, commercial use.
4. 10 acre wooded area with a 12 ft. perimeter fence and a 8 ft. inner dividing fence with an electrical fence charger hooked up to fence. Numerous shade trees with a lake 200 ft. x 200 ft. New cement block huts 6 guage fence wire a run about 24 ft. x 24 ft. Total hut area is 44 ft. x 12 ft. Water supply is well water. Septic tank for drainage.
5. The wildlife to be transported to LCS Florida was born in captivity.
6. The tigers are already purchased and property of LCS—we would like to transfer them to Lion Country Safari, Inc. Florida.
7. Again the tigers are not being imported but transferred from LCS, Calif. to Florida.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 29, 1975, will be considered.

Dated: April 21, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75-10912 Filed 4-28-75;8:45 am]

## ENDANGERED SPECIES PERMIT
### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* Dr. James A. Kushlan, Everglades National Park, Post Office Box 279, Homestead, Florida 33030.





OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Capture, mark, release and radio track American alligators in Everglades National Park to obtain information on population biology for preservation of species in the Park.

3. APPLICANT: (If name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. James A. Kushlan
Everglades National Park
P O Box 279
Homestead, Fla. 33030
(305) 247-6211 ext. 33

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.

| HEIGHT | WEIGHT |
|---|---|
| 5'8" | 135 |
| DATE OF BIRTH: 11 Oct 47 | COLOR HAIR: Br / COLOR EYES: Br |
| PHONE NUMBER WHERE EMPLOYED: (305) 247-6211 | SOCIAL SECURITY NUMBER: 266-88-6898 |
| OCCUPATION: Research biologist | |

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Everglades National Park
Homestead, Fla. 33030

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N/A

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Biological research in Everglades National Park, Fla.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list licenses or permit number(s))
Scientific collecting permit 4-SC-736-9/Banding permit 20247

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document(s))
Fla. state permit. Will apply to amend applicants permit, if approved.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: 15 April 1975

11. DURATION NEEDED: 5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.23(a) 1, 3, 4

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not print) — DATE: 11 Feb 1975
James A. Kushlan

DIRECTOR,
*U.S. Fish and Wildlife Service, U.S. Department of the Interior, Interior Bldg., Washington, D.C. 20240.*

DEAR SIR: I have enclosed an application for a permit to conduct a biological research program on the American Alligator in Everglades National Park. This study is necessary for the preservation of this species in the Park. Thank you for your consideration.

Sincerely,

JAMES A. KUSHLAN,
*Research Biologist.*

DR. JAMES A. KUSHLAN,
*Everglades National Park, Homestead, Fla. 33030*

CFR 17.23(a) 1:
Common name—American alligator
Scientific name—*Alligator mississippiensis*
Number covered—less than 200 animals per year
Age and sex—all ages, both sexes

CFR 17.23(a) 3:
This program will study the population biology of the American alligator in Everglades National Park, its purpose is to provide data on population structure, population levels, home range, nesting success and habitat use, and information on the role of the alligator in the southern Everglades. Its result will be information which will enable the Park Service to protect and preserve this species as part of the Everglades system in Everglades National Park.

Nest sites, nesting success and population levels will be censused by aerial and ground observation. Five study areas will be set up to include residential ponds and surrounding marshes. Resident and newly hatched alligators in each area will be individually marked with plastic tags inserted through dorsal scutes. Their activity and range will be monitored throughout the year. Observations on the interactions of individuals will be made. Radio transmitters will be attached to less than 40 individuals each year and their movements monitored from airplanes and on the ground. All captured animals will be released immediately after tagging.

CFR 17.23(a) 4:
Study will be conducted in Everglades National Park, Homestead, Florida.

CFR 17.23(a) 5, 6, 7:
N/A.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 29, 1975, will be considered.

Dated: April 21, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75-10913 Filed 4-28-75;8:45 am]

## ENDANGERED SPECIES PERMIT
### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* Knoxville Zoological Park, 915 Beaman Street, Post Office Box 1631, Knoxville, Tennessee 37901; Guy L. Smith III, Director.



V 40183 APR 29 75 XUM





Zoological Park, we have operated and de- new veterinary clinic will accommodate the U.S. Fish and Wildlife Service, Post Office

OMB NO. 42-R1610

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Exchanging One Male Jaguar Cub (Panthera onca) from Knoxville Zoological Park, Knoxville, Tennessee with One Male Jaguar (Panthera onca) from the Gladys Porter Zoo, Brownsville, Texas.
Purpose of this exchange is to gain a new blood line for breeding at the Knoxville Zoological Park.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Knoxville Zoological Park
915 Beaman Street
P. O. Box 1631
Knoxville, Tennessee 37901
(615) 523-6561

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological Park owned and operated by the City of Knoxville. Purpose is for exhibiting animals for general public and for conservation and education and research of these animals.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
(615)
Guy L. Smith III, Director 523-6561
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
---

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Knoxville Zoological Park
Knoxville, Tennessee

In Exchange With

Gladys Porter Zoo
Brownsville, Texas
(Interstate Commerce)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdiction and type of document)
---

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ 50.00

10. DESIRED EFFECTIVE DATE: As Soon As Possible

11. DURATION NEEDED: One Day (24 hrs)

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.1, 23.13 etc.) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001

SIGNATURE (In ink) — DATE: 3/12/75
Guy L. Smith III

3-200
16-714

DIRECTOR,
*U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.*

DEAR SIR: Please consider the following information as an application for a permit to exchange one (1) male Jaguar Cub, *Panthera onca*, an endangered species, from the Knoxville Zoological Park, with one (1) male Jaguar from the Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520. This request in in accordance with Public Law 93-205, as specifically indicated in Paragraph 17.23, 50 CFR 17.

The following information is the applicant's name and address: Mr. Guy L. Smith III, Director, Knoxville Zoological Park, 915 Beaman Street, P.O. Box 1631, Knoxville, Tennessee 37901.

This application for a permit to obtain an endangered species is a request for exchanging the following: One male Jaguar cub, scientific name *Panthera onca*, from the Knoxville Zoological Park, age: five (5) months with one male Jaguar, scientific name *Panthera onca*, from the Gladys Porter Zoo, age: thirteen (13) months.

The information which follows on the next four (4) pages is a detailed description of the purpose of our application.

The Knoxville Zoological Park is requesting a permit to exchange one (1) male Jaguar Cub, *Panthera onca*, for one (1) male Jaguar, *Panthera onca*, with the Gladys Porter Zoo in Brownsville, Texas. The purpose for this exchange is to gain a new blood lins for breeding at the Knoxville Zoological Park.

The Knoxville Zoological Park, opened to the public since 1948, covers an area of 77 acres. Under the renovation now underway at the Knoxville Zoological Park, the zoo is all professionally designed to house animals for display and study. One of the primary objectives of the Knoxville Zoological Park is propagation of the following animals: African Lion, Siberian Tiger, Sumatran Tiger, Jaguars and Leopards (see Exhibit I, Page 1).

In 1971 the Knoxlle Zoological Park began the program of acquiring animals of the above species (see Exhibit I, Pages 2–5). It was the decision to purchase and, or acquire young animals so they would become acclimated to the East Tennessee climate and become accustomed to the working staff and the terrain. To date, the Knoxville Zoological Park has successfully bred and received offspring from all of our big cats which have reached sexual maturity (see Exhibit I, Pages 6–9).

Our extensive program on breeding activities of big cats is being assisted by an instructor from the Zoology Department from the University of Tennessee, Mr. Ed Pavlik (see Exhibit II, Pages 1–2). We are also including a research paper in conjunction with the Knoxville Zoological Park's birth control program which was written by Dr. Pavlik (see Exhibit II, Pages 2a–2o). The Knoxville Zoological Park has worked closely with the University of Tennessee and has developed several meaningful programs with various colleges (see Exhibit II, Page 3).

Knoxville Zoological Park boasts one of the youngest and yet most qualified staffs. An attempt was made in our initial personnel selection to achieve a well-integrated staff with a wide range of abilities. It is our basic philosophy that the needs of a modern, progressive zoological park require certain technical skills and knowledge acquired through more formal channels of academic levels. At the same time, it is also felt that there is a great need at other levels of operation for the less formal and more practical skills and abilities involved in animal keeping. Attached is a list of our institutional staff including duties and qualifications. This list should more than illustrate what is meant by "integrated staff" (see Exhibit II, Pages 4a–4k).

The educational programs of the Knoxville Zoological Park are directly coordinated by the Curator of Education and are operated by a volunteer staff which presents guided tours for schools, presentations at schools, guided tours for groups, and lectures for general audiences. Zoo visitations have increased at an extremely rapid rate of speed over the past two years. Last year, 1974, over 400,000 people visited the Knoxville Zoological Park. The Appalachian Zoological Society (see Exhibit II, Page 5) which was formed in the latter part of 1971 with about 30 members, is one of the greatest promotional aids for the Zoo. With a two year goal of 8000, the Society today has over 800 members. They handle the Docent programs (see Exhibit II, Pages 6–7) and also have a monthly publication called Zoo View (see Exhibit II, Page 8).

The recording system at the Knoxville Zoological Park is greatly facilitated by the daily reports submitted from all zoo areas by Technicians, Senior Keepers and Keepers. The composite of each animal's individual file consists of information gained from this input. There are four (4) Technicians employed on a full-time basis and under the direct supervision of the Zoologist. Each Technician has a bachelor's degree from an accredited college or university in one of the biological sciences. Through their background of educational knowledge, each Technician is capable of supplying professional and technical views to help accommodate the individual animal record keeping system. A permanent record file is kept active in the zoo office on the entire animal inventory. These files are kept current by the Curator of Education and are open for inspection at all times.

Twenty-four hour security is maintained at the Knoxville Zoological Park by uniformed, commissioned officers (see Exhibit III, Page 1). With help from City of Knoxville Police who patrol streets surrounding the zoo perimeter, security is enforced to its fullest.

In our current $4,000,000.00 expansion which is still underway here at the Knoxville Zoological Park, we have operated and designed enclosures with the philosophy that we will operate a zoo for animals in their natural habitat. As a result, all of our large cats are either in extremely large enclosures with a natural habitat environment, or they will be moved into this type of enclosure at some time in the near future. All of these enclosures are now under construction. As of this writing, construction is underway for the Jaguars and Leopards. Bengal Tigers and African Lions have been housed in very large enclosures for the past year. Under these natural environments, animals are more easily bred.

The Jaguar from the Knoxville Zoological Park will be shipped to Brownsville, Texas from Knoxville, Tennessee by way of commercial airline. It will be transported in an Airborne crate measuring 16' x 18' x 24'. The construction is all heavy gauge aluminum with rivets instead of nails or screws. Ventilation holes are located high on the crate sides for ventilation without draft. The door of the crate is designed with bars for better circulation and the inside of the crate has been treated to prevent discoloration of the Jaguar's coat. The Jaguar will have an ample water supply during the trip which will last only a few hours. A supply of food will accompany the Jaguar on the trip in case of any delay on route.

The policy of the Knoxville Zoological Park permits the zoo to group animals only in areas designed in conjunction with the animal's natural social habitat (see Exhibit III, Page 2). The male Jaguar acquired from the Gladys Porter Zoo in Brownsville, Texas will be housed at the Knoxville Zoological Park in a circular enclosure located in a field environment. The diameter of the whole enclosure measures 51 feet. Blueprints of the field enclosure and den area are attached (see Exhibit III, Pages 3–5). Also included is the blueprint of our present Jaguar housing facility (see Exhibit III, Pages 5a–5b) and the facilities for the Jaguar cubs (see Exhibit III, Page 5c).

Sanitation practices at the Knoxville Zoological Park are a daily routine (see Exhibit III, Page 6). The Zoo's own maintenance department is supported by other principal municipal departments when needed. All enclosures are disinfested at least once a week, and each animal is checked daily on its eating habits.

Diet for the Jaguar (see Exhibit III, Page 6) will consist of frozen feline *Zu-Preem* or a similar diet of its equal (see Exhibit III, Page 7). This feline diet contains multiple proteins including horse meat, eggs, livers, fish flour and rice. The Jaguar will be watered regularly and checked on its eating habits daily.

Medical care for all of the animals at the Knoxville Zoological Park is handled by Dr. William H. Montgomery, a licensed veterinarian (see Exhibit III, Page 8). The Jaguar will receive medical check-ups at regular intervals while at the Knoxville Zoological Park. Dr. Montgomery is available at all times for any type of emergency. He is also responsible for diet control for the animals.

Each animal in the zoo is on a balanced diet and are checked on a regular basis. Any changes in the hair coats are noted and discerned as to whether they are natural seasonal changes. Each animal is also checked periodically for internal parasites. These checks are the responsibility of the staff zoologist, and if he needs help in determining the identity of a particular parasite, he calls in the added assistance of the zoo veterinarian. The Zoologist does all flotation work at the zoo and will eventually have a laboratory especially for this type work in the new veterinary clinic. This clinic is now under construction (see Exhibit III, Page 9). Also, the new veterinary clinic will accommodate the lab work we are now having to send to the state laboratory or local hospitals.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Very truly yours,

GUY L. SMITH III,
*Zoo Director.*





Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 29, 1975, will be considered.

Dated: April 21, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75-10914 Filed 4-28-75;8:45 am]

OMB NO. 42-R1610

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
to collect endangered fish species from Colorado River system between Glen Canyon and Hoover dams for scientific research.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Royal Dallas Suttkus, Tulane Univ., Systematic & Environmental Biology Lab., Box 46-B, Belle Chasse, La. 70037
( 504 ) 394-1711

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'10" | WEIGHT: 165
DATE OF BIRTH: 11 May 1920 | COLOR HAIR: Gray | COLOR EYES: Green
PHONE NUMBER WHERE EMPLOYED: (504) 394-1711 | SOCIAL SECURITY NUMBER: 287-12-3075
OCCUPATION:
Professor of Biology
Curator-in-charge of Vertebrate Collections & Director of Systematic & Environmental Biology Laboratory

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
(a) scientific collecting in Colorado River system in Grand Canyon area
(b) interstate shipment of specimens from Arizona to Tulane University, Louisiana.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO *
(If yes, list license or permit number)
renewal requested as collaborator (WOC) Grand Canyon Nat'l Park

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Requested renewal for Arizona permit. Research proposal submitted to Grand Canyon Nat'l Park.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
Request waiver as collaborator

10. DESIRED EFFECTIVE DATE: 22 April 1975

11. DURATION NEEDED: 31 Dec. 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13, 23 etc.) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Royal D. Suttkus — DATE: 12 March 1975

3-200
16-714

* Will forward copy when available.



## ENDANGERED SPECIES PERMIT

### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

*Applicant:* Dr. Royal Dallas Suttkus, Tulane University, Systematic & Environmental Biology Lab., Box 46-B, Belle Chasse, Louisiana 70037.

V 40183 APR 29 75 A XUM

17.23(a):

(1) *Gila cypha* Humpback Chub.
*Ptychocheilus lucius* Squawfish.
*Plagopterus argentissimus* Woundfin.

Sample not to exceed (25) specimens (inclusive of all age groups and both sexes) of each species at any one collecting site at any one time. The qualifications are stated so that if a species is found at a particular site additional samples can be taken at other seasons to obtain life history data.

To my knowledge no recent specimens of either *Ptychocheilus lucius* or *Plagopterus argentissimus* have been taken from the main channel of the Colorado River in Arizona in recent years and there are only a few documented records of *Gila cypha* from the same area in recent years. Thus, my request of (25) specimens is indeed being over-optimistic but I would like to be able to keep a research-size sample should I discover an extant population and am able to devise a method of capture other than chemicals or explosives.

(2) Not applicable.

(3) I have made six float trips down the Colorado River between Lees Ferry (River Mile 0) and Temple Bar on Lake Mead (River Mile 312) from September 1970 to the present time.

My scientific interests are multiple. I have been interested in the status of native versus introduced fishes in the above mentioned section of the Colorado River as well as elsewhere in the entire state of Arizona. I have some specific systematic interests with the suckers and the minnows.

As of last fall I have been in correspondence with Dr. Roy Johnson, Research Scientist for Grand Canyon National Park. Dr. Roy Johnson, Research Scientist, Grand Canyon National Park, Box 129, Grand Canyon, Arizona 86023, (602) 638-2411.

Dr. Johnson visited Tulane University last December to discuss a cooperative research investigation in the inner gorge of the Colorado Canyon. I have submitted a tentative proposal and have agreed to make an initial boat trip in April–May, 1975 to coordinate our activities. I will be responsible for fishes and other vertebrate groups. In brief, the objective of the study is to obtain base-line data on status of animals and plants with reference to human activities (float trips and camping). All specimens will be considered as research material and will be deposited at Tulane University, National Museum of Natural History in Washington, D.C., and as yet an undetermined amount at the Grand Canyon National Park Museum. All fish collections will be transported to Tulane University, processed and studied by the applicant and Dr. Glenn H. Clemmer. We have agreed to submit a preliminary report to the Grand Canyon National Park immediately after June, 1976 and a final report as soon thereafter as feasible.

Of course, all specimens will be available for loan to the scientific community at the completion of our study.

(4) Tulane University has one of the largest research collections of fishes in the United States. We now have over 93,000 cataloged lots which total more than 2 million specimens. All specimens are stored in isopropyl alcohol, in glass-top clamp jars and each jar has a complete label (high quality parchment paper). Types and rare and endangered species are housed in a separate fireproof room within the building. The fish range is housed in a renovated World War II ammunition storage bunker which has survived many hurricanes, including Betsy and Camille, without any damage whatsoever. (See enclosed reprint, "Type Specimens of fishes in the Tulane University collection with a brief history of the collection").

Address of research fish collection: Tulane University, Hebert Center, Systematic & Environmental Biology Lab., Route 1, Box 46–B, Belle Chasse, Louisiana 70037, (504) 394–1711.

(5) Not applicable.
(6) Not applicable.
(7) Not applicable.
(b) Not applicable.

An indication of my sincerity of interests with regards to the perpetuation of animal and plant species may be ascertained from the following listing of recent activities.

September 1974—Attended endangered vertebrate sympoolum in Tallahassee, Florida.

October 1974—Attended Chihuahuan Desert symposium in Alpine, Texas.

November 1974—Attended Desert Fishes Council meeting in Las Vegas, Nevada.

1973–1974—Attended several meetings in Jackson, Mississippi (see enclosed report, "A preliminary list of rare and threatened vertebrates in Mississippi").

March 1975—Attended endangered and threatened plants and animals of Alabama symposium at Tuscaloosa, Alabama. Results will be published.

All travel, food and room concerning these meetings have been at my personal expense. Dr. Clemmer and I submitted status sheets to your office for the Bayou Darter. *Etheostoma rubrum* and the Frecklebelly Madtom, *Noturus munitus*. I promise to forward all species status information to your office with regards to the species that will be covered by permit.

Respectfully submitted,

ROYAL D. SUTTKUS,
*Professor of Biology.*

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 29, 1975, will be considered.

Dated: April 21, 1975.

LOREN K. PARCHER,
*Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service*

[FR Doc.75–10915 Filed 4–28–75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### OKLAHOMA GRAIN INSPECTION POINT

#### Grain Standards

*Statement of considerations.* The Enid Grain Inspection Company, Enid, Oklahoma, is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79 (f)). The Enid Grain Inspection Company has been providing official inspection service for more than 25 years at Enid, Oklahoma, as a designated inspection point and is presently providing official sampling service at Catoosa and Wagoner, Oklahoma. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency, or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)).

The Enid Grain Inspection Company now plans to locate one or more of its licensed grain inspectors at Catoosa, Oklahoma, and has requested that its assignment be amended in accordance with section 26.99(b) of the regulations (7 CFR 26.99(b)) to add Catoosa, Oklahoma, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Enid Grain Inspection Company to add Catoosa, Oklahoma, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than May 29, 1975. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on April 24, 1975.

E. L. PETERSON,
*Administrator, Agricultural Marketing Service.*

[FR Doc.75–11193 Filed 4–28–75;8:45 am]

### Commodity Credit Corporation

### GRAINS AND SIMILARLY HANDLED COMMODITIES

#### Final Date for Redemption of Warehouse-Storage Loans Made Under 1974 CCC Loan Programs

Unless demand is made earlier by CCC, warehouse-storage loans under 1974 loan programs on the commodities listed in the table below mature and are due and payable on the dates indicated. Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, That CCC will not acquire title to any commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamp) not later than the final date for repayment of such commodity. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the loan value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable loan rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amount specified in the Warehouse Note and Security Agreement and in the loan program regulations.

Amounts due the producer will be paid to the producer by the appropriate county ASCS office.

| | Maturity date | Final date of repayment |
|---|---|---|
| Barley: | | |
| In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming | May 31, 1975 | June 2, 1975 |
| In all other States | Apr. 30, 1975 | Apr. 30, 1975 |
| Corn | July 31, 1975 | July 31, 1975 |
| Dry edible beans: In all States | Apr. 30, 1975 | Apr. 30, 1975 |
| Flaxseed: | | |
| In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin | May 31, 1975 | June 2, 1975 |
| In all other States | Apr. 30, 1975 | Apr. 30, 1975 |
| Grain sorghum: | | |
| In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina Uvalde, Val Verde, and Waller | do | Do. |
| In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above | June 30, 1975 | June 30, 1975 |
| In all States except Texas and Oklahoma | July 31, 1975 | July 31, 1975 |
| Honey: In all States | June 30, 1975 | June 30, 1975 |
| Oats: | | |
| In Alaska, Idaho, Michigan, Minnesota, Montana, North Dakota, Washington, Wisconsin, and Wyoming | May 31, 1975 | June 2, 1975 |
| In all other States | Apr. 30, 1975 | Apr. 30, 1975 |
| Rice: In all States | do | Do. |
| Rye: In all States | do | Do. |
| Soybeans: In all States | June 30, 1975 | June 30, 1975 |
| Tung oil: In all States | Oct. 31, 1975 | Oct. 31, 1975 |

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended (15 U.S.C. 714b, c; 7 U.S.C. 1441, 1447, 1421, 1425))

Effective date: April 28, 1975.

Signed at Washington, D.C., on April 22, 1975.

GLENN A. WEIR,
*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc.75–11046 Filed 4–26–75;8:45 am]

### Forest Service

### ROCK CREEK ADVISORY COMMITTEE

#### Cancellation of Regular Meeting

The meeting of the Rock Creek Advisory Committee originally scheduled for May 20, 1975, has been cancelled. This was in accordance with the wishes of the members of the Committee.

Instead, the meeting will be held June 17th. (Regular notice of the June meeting will be submitted later in May.)

ROBERT W. DAMON,
*Forest Supervisor, Deerlodge National Forest.*

[FR Doc.75–11186 Filed 4–28–75;8:45 am]

### VEGETATION MANAGEMENT USING SELECTIVE HERBICIDES

#### Gifford Pinchot, Mt. Baker-Snoqualmie and Olympic National Forests, Washington; Availability of Draft Addendum

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft addendum to the final environmental statement for vegetation management using selective herbicides on the Gifford Pinchot, Mt. Baker-Snoqualmie, and Olympic National Forests, Washington, for the period July 1, 1975 through June 30, 1976. USDA–FS–R6–DES(Adm) 75–16.

The draft addendum concerns a proposed use of herbicides 2,4–D, 2,4,5–T, 2,4,5–TP, Amitrole–T, atrazine, picloram, dicamba and MSMA to reduce the competition from native vegetation where it hampers forest management activities in Washington. The proposed uses of the herbicides are for reforestation site preparation, release of conifers, right-of-way maintenance, maintenance of physical facilities, range improvement work, thinning and weeding of conifer plantations.

This draft addendum was transmitted to CEQ on April 21, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th & Independence Ave. SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW. Pine Street
Portland, Oregon 97208

Gifford Pinchot National Forest
500 West 12th Street
Vancouver, Washington 98660

Mt. Baker-Snoqualmie National Forest
1601 2d Avenue Building
Seattle, Washington 98101

Olympic National Forest
Federal Building
Olympia, Washington 98501

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the draft addendum have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Written comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Mr. T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by June 21, 1975 in order to be considered in the preparation of the final addendum.

H. W. PARKER,
*Acting Regional Environmental Coordinator, Planning, Programming and Budgeting.*

APRIL 21, 1975.

[FR Doc.75–11185 Filed 4–28–75;8:45 am]

### Soil Conservation Service

### CHIPPEWA AND LONG PRAIRIE HEADWATERS FISH AND WILDLIFE DEVELOPMENT WESMIN RC&D PROJECT, MINN.

#### Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973), and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974), the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the Chippewa and Long Prairie Headwaters Fish and Wildlife Development WesMin RC&D Project, Douglas, Grant,





V 40 I 83 APR 29 75 XUM

Otter Tail and Pope Counties, Minnesota, USDA-SCS-EIS-RCD - (ADM) - 75-1-(D)-MN.

The EIS concerns a plan for public water-based fish and wildlife development, improvement in wildlife habitat, and improve water quality for water-based recreational activities. The planned works of improvement provide for 89 carp barrier control structures.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA
200 Federal Building & U.S. Courthouse
316 North Robert Street
St. Paul, Minnesota 55101

Copies of the draft EIS have been sent for comments to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge or special expertise on environmental impacts.

Comments concerning the proposed action or request for additional information should be addressed to Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Building & U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.

Comments must be received on or before June 3, 1975 in order to be considered in the preparation of the final environmental impact statement.

Dated: April 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

ROBERT E. WILLIAMS,
*Acting Deputy Administrator for Field Services, Soil Conservation Service.*

[FR Doc.75-11074 Filed 4-28-75;8:45 am]

## TOWN OF LIVINGSTON FLOOD PREVENTION (RC&D) MEASURE, LA.

### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.6(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Town of Livingston Flood Prevention RC&D Measure, Livingston Parish, Louisiana.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Alton Mangum, State Conservationist, Soil Conservation Service, USDA, Post Office Box 1630, 3737 Government Street, Alexandria, Louisiana 71301, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for flood prevention. The planned works of improvement include enlarging 22,700 feet of existing earthen channels and 1500 feet of new channel, installing 25 grade stabilization and erosion structures and vegetation to control erosion of channel sideslopes.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
3737 Government Street
Alexandria, Louisiana 71301

No administrative action on implementation of the proposal will be taken on or before May 14, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

Dated: April 18, 1975.

ROBERT E. WILLIAMS,
*Acting Deputy Administrator for Field Services, Soil Conservation Service.*

[FR Doc.75-11075 Filed 4-28-75;8:45 am]

# DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

## TOWN & COUNTRY SHOES, INC.

### Petition for Determination

A petition was filed on April 21, 1975, by Town & Country Shoes, Inc., of St. Louis, Missouri, under section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR, Part 350, 40 FR 14921 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 700.20, 700.41, 700.45, 700.55, 700.68, 700.70, 700.80, 700.83 and 700.85 of the Tariff Schedules of the United States Annotated (TSUSA) are like or directly competitive with footwear for women produced by the firm.

Any party having a substantial interest in the subject matter in the proceedings (as described in § 350.40(b) of the regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

HAROLD A. BRATT, JR.,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-11105 Filed 4-28-75;8:45 am]

## Maritime Administration

[Docket No. S-445]

## PRAIRIE SHIPPING INC.

### Application

Notice is hereby given that Prairie Shipping Incorporated, an Illinois corporation, has filed an application with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act) requesting operating-differential subsidy on three new (to be constructed) bulk-container-roll on/roll off vessels of approximately 33,000 deadweight tons each. Such vessels would provide approximately two sailings per month from the Great Lakes during open navigation, and Montreal (utilizing rail service from/to various United States points) during the winter season, to North European Continental ports in the carriage of cargoes in the foreign oceanborne commerce of the United States.

Any person having an interest in the granting of such application and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of United States registry for carriage of cargoes, between U.S. Great Lakes ports and North European Continental ports, in the foreign oceanborne commerce of the United States is inadequate, must, on or before May 12, 1975, notify the Board's Secretary, in writing, of his interest and his position and file petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201).

Each such statement of interest and petition to intervene shall state whether a hearing is requested under 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held with respect to the applicant identified hereinabove, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry, for movement of cargoes between U.S. Great Lakes ports and North European Continental ports, in the foreign oceanborne commerce of the United States is inadequate and whether, in the accomplishment of the purpose and policy of the Act, additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated April 24, 1975.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
*Secretary.*

[FR Doc.75-11194 Filed 4-28-75;8:45 am]





## National Oceanic and Atmospheric Administration

## SEA GRANT ADVISORY PANEL

### Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I (Supp. II, 1972), notice is hereby given of the meeting of the Sea Grant Advisory Panel on Wednesday and Thursday, May 28 and 29, 1975. The meeting will commence at 9 a.m. on both days in the National Marine Fisheries Service, Oxford Laboratory, Oxford, Maryland 21654. The meeting both days will be open to the public.

The agenda for the meeting will be as follows:

MAY 28, 1975

9 a.m. Preliminary remarks describing new offices, and introduction of a new panel member, R. Abel.
9:15 a.m. A. Institutional Proposal Discussion, SG Staff and panel. University of Rhode Island, Massachusetts Institute of Technology, University of Miami, Oregon State University, University of Michigan, University of Hawaii, Texas A&M University, University of Georgia, Louisiana State University, University of Wisconsin, University of California, University of Delaware.
B. Coherent Area Projects Discussion, SG Staff and panel. University of Alaska, University of South Carolina, Woods Hole Oceanographic Institution.
C. Sea Grant College Candidates, SG Staff and panel. The following universities are eligible on the basis of time to be considered for status as Sea Grant Colleges as of June 30, 1975: University of Michigan, University of Miami, University of North Carolina, University of Southern California, Massachusetts Institute of Technology, University of Delaware, Louisiana State University.
5 p.m. Adjourn.

MAY 29, 1975

9 a.m. Discussion of Dr. White's activities on behalf of Sea Grant: (1) Report to NACOA, (2) Preparation of Issue Paper.
9:45 a.m. Sea Grant National Projects.
11 a.m. Methods to improve Sea Grant Director's participation in policy formulation and planning of a national program.
12 noon. Lunch.
1 p.m. Discussion with Sea Grant Directors.
4 p.m. Adjourn.

Inquiries or statements should be addressed to:

Arthur G. Alexiou
Executive Secretary
Sea Grant Advisory Panel
National Oceanic and Atmospheric Administration (SG)
6010 Executive Boulevard
Rockville, Maryland 20852
Telephone (202) 634-4128

Dated: April 25, 1975.

R. L. CARNAHAN,
*Acting Assistant, Administrator for Administration, National Oceanic and Atmospheric Administration.*

[FR Doc.75-11233 Filed 4-28-75;8:45 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[FAP 5B3058]

## EASTMAN CHEMICAL PRODUCTS, INC.

### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3058) has been filed by Eastman Chemical Products, Inc., Kingsport, TN 37662, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of poly(tetramethylene terephthalate) as articles or components of articles intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the Office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: April 18, 1975.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc.75-11114 Filed 4-28-75;8:45 am]

[FAP 5H3035]

## VESTAL LABORATORIES

### Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H3035) has been filed by Vestal Laboratories, 4963 Manchester Ave., St. Louis, MO 63110 proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution containing *n*-alkyl ($C_{14}$-$C_{18}$) benzyl - dimethylammonium chloride, sodium metaborate, α-terpineol and α-(*p*-1,1,3,3-tetramethylbutyl) phenyl]-*omega* - hydroxypoly(oxyethylene) produced with one mole of the phenol and 4-14 moles ethylene oxide as a sanitizing solution for food processing equipment and utensils.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during hours, Monday through Friday.

Dated: April 18, 1975.

HOWARD R. ROBERTS,
*Acting Director, Bureau of Foods.*

[FR Doc.75-11113 Filed 4-28-75;8:45 am]

## Office of Education

## RIGHT TO READ READING ACADEMY PROGRAM

### Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the Cooperative Research Act, Pub. L. 83-531, as amended, 20 U.S.C. 331, applications are being accepted for new grants under the Right to Read Reading Academy Program. Applications must be received by the U.S. Office of Education Application Control Center on or before June 3, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.533. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The Application was sent by registered or certified mail not later than May 30, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The Application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the General Regulations for Right to Read (45



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CFR Part 151, Subpart A; published in

Notice is hereby given that: On Febru-

type of matter and the docket number as



6. If the Developer desires a hearing

letter dated on or about November 15,

2. As authorized by 15 U.S.C. 1715,

CFR Part 151, Subpart A; published in the FEDERAL REGISTER on June 20, 1974 at 39 FR 22147). Regulations governing the Reading Academy Program are published in final form in this issue of the FEDERAL REGISTER (45 CFR 151, Subpart E), and will govern the operation of the program.

D. *Program information and forms.* Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2108, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy)

(20 U.S.C. 331a(a)(1))

Dated: April 16, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

[FR Doc.75-11143 Filed 4-28-75;8:45 am]

## National Institutes of Health

### NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

#### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases, National Institute of Arthritis, Metabolism, and Digestive Diseases, May 13-14, 1975, from 9 a.m. to 5 p.m., in Building 1, Wilson Hall, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on May 13 and 14. The Commission will consider for their relevance to the fifteen items in section 3(g) of the Act the findings available either from published reports or from expert testimony to be solicited by the Commission chairman.

Any member of the public wishing to secure a copy of the pertinent section of the Act should request it from Mr. Victor Wartofsky, address below.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.846 National Institutes of Health)

Dated: April 21, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, National Institutes of Health.*

[FR Doc.75-11240 Filed 4-28-75;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Interstate Land Sales Registration

[Docket No. N-75-315]

#### BUENA VISTA ESTATES

#### Order of Suspension

In the matter of Buena Vista Estates, OILSR No. 0-2133-44-122, Land Sales Enforcement Division Docket No. Y-758.

Notice is hereby given that: On February 14, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Amos Pemberton, President, Towngreen, Inc., an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11119 Filed 4-28-75;8:45 am]

[Docket No. N-75-316]

#### CLEARWATER FARMS

#### Order of Suspension

In the matter of Clearwater Farms, OILSR No. 0-2726-02-559, Land Sales Enforcement Division Docket No. Y-516.

Notice is hereby given that: On January 30, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Roy L. Sikes, President, Sikes Development Company, an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11120 Filed 4-28-75;8:45 am]

[Docket No. N-75-322]

#### FOREST HILL ACRES

#### Order of Suspension

In the matter of Forest Hill Acres, OILSR No. 0-2022-09-610, Land Sales Enforcement Division Docket No. Y-626.

Notice is hereby given that: On February 5, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Dr. Gaudencio E. Castro, President, Universal Properties, Inc., an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11121 Filed 4-28-75;8:45 am]

[Docket No. N-75-318]

#### HICKORY HILLS

#### Order of Suspension

In the matter of Hickory Hills, OILSR No. 0-3162-15-32, Land Sales Enforcement Division Docket No. Y-656.

Notice is hereby given that: On February 7, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon William C. Weaver, President, Lan-Dev. Corporation, an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11122 Filed 4-28-75;8:45 am]

[Docket No. N-75-314]

#### INDIAN LAKE ESTATES

#### Order of Suspension

In the matter of Indian Lake Estates, OILSR No. 0-2852-04-558, Land Sales Enforcement Division Docket No. Y-562.

Notice is hereby given that: On February 3, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Jeff Dennis,





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General Partner, Indian Lake Estates, an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11123 Filed 4-28-75;8:45 am]

[Docket No. N-75-321]

## KEYSTONE SHORES & ESTATES

### Order of Suspension

In the matter of Keystone Shores & Estates a/k/a Seabreeze, OILSR No. 0-2984-56-69, Land Sales Enforcement Division Docket No. Y-1017.

Notice is hereby given that: On February 18, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon A. P. Sereno, Vice President, Dillingham Development Company, an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11124 Filed 4-28-75;8:45 am]

[Docket No. N-75-317]

## LA CONTENTA

### Order of Suspension

In the matter of La Contenta, Unit I, Tract 210, OILSR No. 0-1293-04-237, Land Sales Enforcement Division Docket No. Y-546.

Notice is hereby given that: On January 30, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon John D. Cheistie, Secretary, La Contenta, an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.





3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11125 Filed 4-28-75;8:45 am]

[Docket No. N-75-311]

## LITTLE SIOUX VILLAGE

### Order of Suspension

In the matter of Little Sioux Village, OILSR No. 0-3099-16-12, Land Sales Enforcement Division Docket No. Y-658.

Notice is hereby given that: On February 7, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Richard G. Neuman, President, Little Sioux Village, Inc., an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11126 Filed 4-28-75;8:45 am]

[Docket No. N-309]

## MORAINE CAMPLANDS RESORT SUBDIVISION

### Hearing

In the matter of Moraine Camplands Resort Subdivision, OILSR No. 0-3461-44-253, Docket No. 75-10, Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Country Estates Realty Corporation, Frank R. Nickel, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Moraine Camplands Resort Subdivision, located in Butler County, Pennsylvania, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 17, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on June 18, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 11, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 18, 1975.

By the Secretary.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-11134 Filed 4-28-75;8:45 am]



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[Docket No. N-75-324]

amendment to pleading, offer of settle- ferred to in the third paragraph of said



Land Sales Administrator may make an 24 CFR 1710.45(b)(2), the Order of Sus- [Docket No. N-75-312]

[Docket No. N–75–324]

## MT. SHASTA FOREST

### Order of Suspension

In the matter of Mt. Shasta Forest, OILSR No. 0–0392–04–50, Land Sales Enforcement Division Docket No. Y–532.

Notice is hereby given that: On January 30, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Albert Rosen, President, Technology Development, Inc., an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45 (b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75–11127 Filed 4–28–75;8:45 am]

[Docket No. N–75–313]

## SERENE LAKE ESTATES

### Order of Suspension

In the matter of Serene Lake Estates, Units 1 & 2, OILSR No. 0–3106–04–579, Land Sales Enforcement Division Docket No. Y–563.

Notice is hereby given that: On February 3, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Joel H. Prescott, General Partner, Serene Lake Estates, an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706 (e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75–11128 Filed 4–28–75;8:45 am]

[Docket No. N–75–319]

## SUNWARD HO RANCHES

### Order of Suspension

In the matter of Sunward Ho Ranches, OILSR No. 0–1718–02–326, Land Sales Enforcement Division Docket No. Y511.

Notice is hereby given that: On January 30, 1975, the Department of Housing and Urban Development Office of Interstate Land Sales Registration, attempted to serve upon Jay L. Snook, President, Terra-Firm, Inc., an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75–11129 Filed 4–28–75;8:45 am]

[Docket No. N–75–310]

## VILLAGE OF HONEY CREEK

### Order of Suspension

In the matter of Village of Honey Creek, OILSR No. 0–1704–42–15, Land Sales Enforcement Division Docket No. Y–739.

Notice is hereby given that: On February 14, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon M. Vernon Deise, President, RLM Corporation, an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75–11130 Filed 4–28–75;8:45 am]

[Docket No. N–75–312]

## WALNUT MOUNTAIN

### Order of Suspension

In the matter of Walnut Mountain, OILSR No. 0–3161–10–61, Land Sales Enforcement Division Docket No. Y–643.

Notice is hereby given that: On February 7, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon William A. Fulton, President, William Fulton Company, Inc., an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706 (e) and 24 CFR 1710.45(b)(2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen day after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165.







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Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11131 Filed 4-28-75;8:45 am]

[Docket No. N-75-320]

## WINONA FOREST

### Order of Suspension

In the matter of Winona Forest, OILSR No. 0-0862-34-10, Land Sales Enforcement Division Docket No. Y-711.

Notice is hereby given that: On February 12, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Philip W. Emery, President, Winona Forest Corporation, an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706 (e) and 24 CFR 1710.45(b) (2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b) (2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b) (2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11132 Filed 4-28-75;8:45 am]

[Docket No. N-75-323]

## WINTER PARK VILLAGE

### Order of Suspension

In the matter of Winter Park Village, OILSR No. 0-1287-05-83, Land Sales Enforcement Division Docket No. Y-576.

Notice is hereby given that: On February 3, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Peter R. Rathvon, President, Winter Park Village, Inc., an Order of Suspension by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b) (2), the Order of Suspension is being issued as follows:

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b) (2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b) (2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C.

By the Secretary.

JOHN R. MCDOWELL,
*Acting Interstate Land Sales Administrator.*

[FR Doc.75-11133 Filed 4-28-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. EX 75-17; Notice 1]

## GILLIG BROS.

### Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Gillig Bros of Hayward, California, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Petitioner manufactured 235 buses in the 12-month period from April 1, 1974 through March 31, 1975. The company wishes to complete 42 school buses whose chassis were manufactured before March 1, 1975 with nonconforming axle systems. Gillig had been under the impression that since the chassis were manufactured before the effective date of the standard vehicles completed after March 1, 1975 did not have to comply with Standard No. 121. Efforts and plans to conform were based upon this mistaken assumption and, although it has begun to receive complying parts, denial of permission to complete the 42 buses would allegedly create hardship. The cost to modify 40 two-axle buses is estimated at $5,110 for each vehicle. Modification costs for the two three-axle buses would be $6,845 each, with total conformance costs of $216,090 for all vehicles. The retail price of each vehicle would rise by the amount of the per vehicle modification cost. If the petition is denied, the company anticipates a net loss before taxes of $150,000 occasioned by retrofit costs and loss of sales. The company had a net income of $476,961 in fiscal 1974. Denial would also allegedly result in a layoff of 100 to 150 persons in the interim while conforming chassis were produced for its body line. The company believes that an exemption would not compromise safety since it already provides "superior" braking performance: "All other school bus manufacturers in the U.S.A. with capacity similar to Gillig's offer 650 to 700 sq. in. of braking surface compared to Gillig's 960 sq. in. of braking surface. Only one other school bus manufacturer provides an equal braking surface and none provide a larger braking surface." Gillig seeks an exemption until July 1, 1975.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Gillig Bros described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below:

*Comment closing date.* May 9, 1975.

*Proposed effective date.* Date of issuance of exemption.

(Sec. 3 Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 25, 1975.

ROBERT L. CARTER,
*Associate Administrator, Motor Vehicle Programs.*

[FR Doc.75-11358 Filed 4-28-75;8:45 am]





## ACTION

### NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Voluntary Service Advisory Council.

Date: May 22, 1975.

Place: ACTION, 806 Connecticut Avenue, NW., Washington, D.C., Room 522.

Time: 1:30 pm.

Purpose of the meeting: To discuss the work of each of the Council's committees and to continue preparations for the Annual Report of the Advisory Council.

Meeting of the Advisory Council is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Council Executive Officer in writing at least five days prior to the meeting, of their intention to attend the meeting.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Executive Officer may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Ms. Elizabeth Allemang, Advisory Council Executive Officer, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

ELIZABETH ALLEMANG,
*Staff Assistant, Office of the Director.*

[FR Doc.75-11097 Filed 4-28-75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 26654; Order 75-4-115]

## REEVE ALEUTIAN AIRWAYS, INC.

### Final Service Mail Rates

Issued under delegated authority, April 24, 1975.

By Order 75-4-34, April 8, 1975, all interested persons, and particularly Reeve Aleutian Airways, Inc., and the Postmaster General, were directed to show cause why the Board should not amend Order 71-7-111, July 20, 1971, so as to provide for surcharges to cover the increased costs for fuel, subject to the terms and conditions as set forth in Order 71-7-111.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any person. All persons have therefore waived the right to a hearing and all other procedural steps short of a final rate.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's procedural regulations, 14 CFR Part 302, and the authority duly delegated by the Board in its Organizational regulations, 14 CFR 385.16(g):

*It is ordered*, That:

1. The fair and reasonable final rates of compensation to be paid to Reeve Aleutian Airways, Inc., by the Postmaster General, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of mail by aircraft over its intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith, per great-circle mail ton-mile are: (a) $0.7036 effective from May 1 through June 30, 1974; (b) $0.7203 effective from July 1 through September 30, 1974; and (c) $0.7303 effective on and after October 1, 1974;

2. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General; and

3. This order shall be served upon Reeve Aleutian Airways, Inc., and the Postmaster General.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75-11187 Filed 4-28-75;8:45 am]

[Docket No. 27772; Order 75-4-114]

## TRANS WORLD AIRLINES, INC.

### Order of Investigation and Suspension Regarding Youth, Senior Citizen and Family Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23rd day of April 1975.

By tariff revisions[1] marked to become effective April 24, 1975, Trans World Airlines, Inc. (TWA) proposes to establish reduced fares for youths, senior citizens, and families which would be available in all of its markets within the 48 contiguous states for approximately nine months. The youth and senior citizen fares would be offered on a one-way standby basis, while the family fares would apply only on a round-trip basis and with provision for reservations. All three fares afford a one-third discount from the regular coach fare, with the discount for families applying to the spouse or children 2-21 years of age accompanying the full-fare paying head of the family. A more detailed description of the proposed fares together with TWA's discussion of each is set forth in Appendix A.[2]

In support of its proposal, TWA alleges that the present decline in air travel

[1] Revisions to Airline Tariff Publishers Company, Inc., Agent, Tariff C.A.B. Nos. 142 and 202.

[2] Filed as part of the original document.





combined with escalating costs make it essential that air carriers use every pos-

sented to rebut this presumption. DOT states that the carrier has failed to

been lost to the industry and will continue to be lost despite the simultaneous



family fares were 21.1 percent generative. In the instant case, TWA assumes

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

cepted service the position of Deputy Director, Bureau of East-West Trade, Of-

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combined with escalating costs make it essential that air carriers use every possible method of increasing revenues. It contends that in the present economic environment a limited offering of youth, senior citizen, and family fares will provide significant revenue increases, create consumer savings, and reduce the level of further fare level increases.

TWA acknowledges that fares of the type it now proposes were found unjustly discriminatory in Phase 5 (Discount Fares) of the "Domestic Passenger-Fare Investigation (DPFI)", but contends that that finding was based on an economic environment entirely different from that now facing the industry, and was bottomed on the premise that the fares ultimately burdened normal-fare passengers. The carrier alleges that the fares it proposes will not burden any passenger, will benefit present and newly generated passengers, and will harm no one.

The carrier alleges that whenever short-term promotional fares meet the profit-impact test as its proposed fares do, such fares will reduce the cost that would otherwise have to be covered by regular passengers; and that the long-run considerations which prompted the Board to disapprove the fares under review in Phase 5 are not appropriate here because the fares it proposes are limited to a 9½-month period thereby mooting any possibility of carriers adding capacity to accommodate passengers traveling at the fares proposed. Finally, TWA contends that the Board found that, when a fare serves a significant economic purpose, it need not be found unjustly discriminatory, and that the fares it proposes do serve an important and pressing economic purpose. TWA estimates that the proposed fares will improve its 1975 revenues, net of increased cost, by about $8,000,000.

Complaint against TWA's proposal have been filed by the National Association of Motor Bus Owners (NAMBO), the American Society of Travel Agents (ASTA), Eastern Air Lines, Inc. (Eastern), United Air Lines, Inc. (United), and the Department of Transportation (DOT).[1] In addition, the Council on Wage and Price Stability (Council) has filed an answer in support of the complaints.[2]

All complainants assert that the discount fares proposed by TWA are *prima facie* discriminatory, and that no legally cognizable justification has been presented to rebut this presumption. DOT states that the carrier has failed to supply any substantial "overriding considerations" which the Board in its Phase 5 decision held were indispensable to overcome a *prima facie* case of fare discrimination while the Council on Wage and Price Stability contends that the facts presented by TWA justify price reductions, but do not justify price discriminations. NAMBO asserts that the Board and the courts could not be more explicit in condemning *ad hominem* discount fares, and that the determination of which groups of persons should receive preferential fares was made by the Congress and it remains in the hands of Congress whether or not TWA may wish it so.

ASTA asserts that it is opposed to the granting of discounts on the basis of discriminatory personal characteristics of the potential passenger, but should the Board decide to reverse itself on the matter of special discounts available to youths or senior citizens, it requests that the Board not permit the fares on a standby basis. It contends that prior experience has demonstrated that the standby feature created tremendous problems for other travelers and for airline and airport personnel, as well as travel agents.

United alleges that the large group of discount fares which recently became effective will provide the stimulus and vehicle to place the industry back on a sound developmental-fare basis. It contends that further reductions in fares will not help but rather will hinder, and thus, even under the exception to *prima facie* discrimination, the TWA fares remain unjustly discriminatory. United further alleges that the proposed fares will expose United and the rest of the industry to considerable revenue dilution, which for itself alone would amount to $22,000,000 during the duration of the fares. The carrier asserts that TWA's incremental costing approach is inappropriate because it estimates adding almost a half million passengers to its system in 9½ months on top of that from a plethora of discount fares already approved, and that at some point the layering of one promotional fare upon another prevents the carriers from handling each new increment of generated passengers on an incremental cost basis.

In answer to the complaints, TWA alleges, *inter alia*, that the Board recognized in Phase 5 that during periods of excessive capacity, discount fares can play a role in helping fill empty seats until fleet size and schedules come into balance with traffic demands. With respect to the alleged understatement of costs, TWA essentially argues that present staffing and procedures are adequate to handle the additional traffic to be carried under the proposal and that costs claimed by the complainants simply will not be incurred. TWA asserts that United has failed to put forth any probative evidence to suggest the proposition that the Bicentennital excursion fares will attract significant numbers of youth, senior citizen and family traffic, traffic that has been lost to the industry and will continue to be lost despite the simultaneous availability of other excursion-type fares.[3]

Upon consideration of the tariff proposal, the complaints and answer thereto, and all other relevant matters, the Board finds that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the proposal pending investigation.

Central to the Board's Phase 5 decision on whether the age and status discrimination inherent in youth and family fares was justified was the finding of the Court of Appeals that "the rule of equality is the very core and essence of the fare structure in the transportation industry, and it should not be rendered a meaningless phrase by the use of spurious justifications for unjustly discriminatory rates."[4] The Court went on to say that equality of treatment is paramount, and factors alleged to justify departure from the rule of equality are to be weighed in light of that pervasive requirement. (emphasis added). The Court also held that justification which the Board could consider is limited to those factors which Congress has by statute deemed material, and those factors which regulatory practice in the transportation industry has, through experience, found relevant. Factors related to the status of the traffic and unrelated to transportation may not be considered, nor can the Board take into consideration matters involving broad social policies, such as special treatment for any particular age group, or encouragement of families as a favored social grouping.

In its Phase 5 decision, the Board made a careful evaluation of the developmental considerations which the court has held can justify a discrimination if found to be of substantial importance to the system as a whole. On the basis of very comprehensive evidence, the Board concluded that developmental benefits which could be ascribed to youth and family fares were simply not adequate.

The Board specifically found in Phase 5 that the traffic development which could reasonably be attributed to the youth and family fares was too insubstantial to warrant their inherent discrimination. The record there indicated that while youth and family fares accounted for 6.3 and 11.5 percent, respectively, of total coach traffic, generated traffic represented only 3.27 and 2.63 percent. The foregoing statistics were based on the Board's findings that youth fares were 54.6 percent generative, and that family fares were 21.1 percent generative. In the instant case, TWA assumes the same 54.6 percent generation factor for youth fares, and 30 and 50 percent generation factors, respectively, for family fares and senior citizens. Using TWA's estimate of generated traffic, we calculate that generated youth, senior citizen, and family fare traffic will represent 2.92, 1.67 and 1.71 percent, respectively, of TWA's total coach traffic for 1975. This accepts the traffic generation estimated by TWA (annualized since the fares are effective for 9½ months), and no growth in total coach traffic over 1974. Accordingly, it would appear that the "developmental" benefits which could be expected from the proposed fares are no better and are, in fact, less than those which the Board found in Phase 5 to be "too insubstantial" to warrant the discrimination.

Moreover, we note that the discount-fare environment during the time youth and family fares were studied was substantially different from that existing today. Today there are many more discount fares than there were in earlier years which provide substantially more attractive dollar savings. Consequently, we would expect that the generative effect of youth, senior citizen, and family fares in today's discount-fare environment to be significantly less than it was in earlier years, and what generation there would be could well be at the expense of existing discount fares with the result that their profitability would be placed in jeopardy with no net benefit from the special TWA fares. In any event, we are not persuaded that the short-term traffic stimulus needed by the industry cannot be achieved through the use of discount fares which are available to all members of the general public.

What remains, then, is the argument that the proposed fares will promote traffic and thereby increase TWA's profits during a time of economic recession. However, the courts and the Board have consistently held that promotional considerations alone can not sustain the legality of otherwise unjustly discriminatory fares. Since the proposal fails on this issue we do not find it necessary to deal with TWA's estimate of the economic results of the fares. In summary, favoritism in travel for youths (and by implication senior citizens) and families has been found illegal after extensive consideration by the Board and the courts and nothing presented by TWA in the instant case persuades us otherwise.[5]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, and 1002 thereof,

*It is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix B attached hereto,[6] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix B hereto are suspended and their use deferred to and including July 22, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order of special permission of the Board;

3. The motion by the United States Department of Transportation for leave to file a late document is hereby granted;

4. Except to the extent granted herein, the complaints in Dockets 27643, 27657, 27658, and 27661 are hereby dismissed;

5. The proceeding ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

6. Copies of this order will be filed in the aforesaid tariffs and served upon Allegheny Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., the American Society of Travel Agents, the National Association of Motor Bus Owners, the United States Department of Transportation, and the Council on Wage and Price Stability, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,[6]
*Secretary.*

[FR Doc. 75-11191 Filed 4-28-75;8:45 am]

[1] DOT's complaint was late filed and was accompanied by a motion to accept an otherwise unauthorized document. We will grant the motion.

[2] We would remind the Council and all other parties that the time for filing complaints against a proposal is on the complaint date. Departure fom this procedural regulation is both unfair to the proposing carrier, particularly since there is no provision in the Board's rules of practice for an answer to an answer, and hinders the orderly dispatch of the matter under consideration by the Board within the tight schedule mandated by the statutory provision for filing tariffs.

[3] TWA argues that because the Bicentennial fares are limited to markets over 750 miles; contain minimum- and maximum-stay requirements; and are priced 12.5 to 20 percent higher than TWA's senior citizen standby fares the Bicentennial excursion fares are not a substitute for senior citizen fares as claimed.

[4] Transcontinental Bus System, Inc. vs. C.A.B., 383 F. 2d 466 (C.A.B. 5, 1967).

[5] We distinguish the circumstances here from those that prompted the Board to approve IATA transatlantic youth fares. There the Board concluded that the Canadian residency requirement most likely could not or would not be enforced; that the U.S. carriers stood to lose substantial revenue ($19.4 million) through diversion of U.S. youth traffic to adjacent Canadian gateways; and that in these circumstances they should be permitted to compete for that traffic on an equal footing.

[6] Filed as part of the original document.

[6] Concurring statement of Minetti and West, Members, filed as part of the original document.





## CIVIL SERVICE COMMISSION

### DEPARTMENT OF COMMERCE

#### Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of East-West Trade, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11082 Filed 4-28-75;8:45 am]

### DEPARTMENT OF THE TREASURY

#### Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Enforcement, Office of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11083 Filed 4-28-75;8:45 am]

### DEPARTMENT OF AGRICULTURE

#### Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary for Real Property, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11076 Filed 4-28-75;8:45 am]

### DEPARTMENT OF COMMERCE

#### Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the expected service the position of Solicitor, Patent Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11077 Filed 4-28-75;8:45 am]



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## DEPARTMENT OF DEFENSE

## DEPARTMENT OF DEFENSE

### Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Principal Deputy Assistant Secretary, Office of the Principal Deputy, OASD (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11076 Filed 4-28-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of General Counsel, Office (for Standards and Enforcement) and General Counsel, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11079 Filed 4-28-75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Communications Commission to fill by noncareer executive assignment in the excepted service the position of Executive Director, Office of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11080 Filed 4-28-75;8:45 am]

## NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

### Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the National Commission on Libraries and Information Science to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11081 Filed 4-28-75;8:45 am]

## SMALL BUSINESS ADMINISTRATION

### Title Change in Noncareer Executive Assignment

By notice of September 19, 1973, FR Doc. 73-19949 the Civil Service Commission authorized the Small Business Administration to fill by noncareer executive assignment the position of Assistant Administrator for Planning, Research and Analysis. This is notice that the title of this position is now being changed to Assistant Administrator for Advocacy, Planning, and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11084 Filed 4-28-75;8:45 am]

## FIRE PROTECTION AND PREVENTION SERIES, CLEAR AIR FORCE STATION, ALASKA

### Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has established special minimum salary rates and rate changes as follows:

[Table No. 011]

Occupational coverage: GS-081-4/7, Fire Protection and Prevention Series.

Geographic coverage: Clear Air Force Station, Alaska.

Effective date: First day of the first pay period beginning on or after April 27, 1975.

PER ANNUM RATES

| Grade | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|---|
| GS-4 | $9,367 | $9,620 | $9,873 | $10,126 | $10,379 | $10,632 | $10,885 | $11,138 | $11,391 | $11,644 |
| GS-5 | 10,198 | 10,481 | 10,764 | 11,047 | 11,330 | 11,613 | 11,896 | 12,179 | 12,462 | 12,745 |
| GS-6 | 10,797 | 11,093 | 11,389 | 11,685 | 12,001 | 12,317 | 12,633 | 12,949 | 13,265 | 13,581 |
| GS-7 | 11,222 | 11,573 | 11,924 | 12,275 | 12,626 | 12,977 | 13,328 | 13,679 | 14,030 | 14,381 |

Under provisions of section 3-26, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11086 Filed 4-28-75;8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

#### Establishment of Restraint Levels

APRIL 24, 1975.

On February 27, 1975, the United States Government requested the Government of Haiti to enter into consultations under Articles 3 and 6 of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, concerning exports to the United States of man-made fiber textile products in Categories 214, 219, 228 and 229, produced or manufactured in Haiti. Public notice of this request was published in the FEDERAL REGISTER on March 3, 1975 (40 FR 8850). Market disruption information relating to each of the aforementioned categories was published in the FEDERAL REGISTER on March 14, 1975 (40 FR 11933), and public comment and/or submission of additional information was invited by April 14, 1975.

Since no solution has been mutually agreed upon, the United States Government, in furtherance of the objectives of, and under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, including Articles 3 and 6, is establishing restraints at the following levels for the period beginning on February 27, 1975 and extending through February 26, 1976:

| Category: | 12-month level of restraint |
|---|---|
| 214 | 294, 432 dozen pairs. |
| 219 | 239, 420 dozen. |
| 228 | 139, 532 dozen. |
| 229 | 86, 937 dozen. |

These restraints do not apply to man-made fiber textile products in Categories 214, 219, 228 or 229, produced or manufactured in Haiti and exported to the United States prior to February 27, 1975.

There is published below a letter of April 24, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that, effective on April 29, 1975, the amounts of man-made fiber textile products in Categories 214, 219, 228 and 229, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning on February 27, 1975, be limited to the designated levels.

ALAN POLANSKY,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.*





COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
*Department of the Treasury*
*Washington, D.C. 20229*

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on April 29, 1975, and for the twelve-month period beginning on February 27, 1975 and extending through February 26, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption, of man-made fiber textile products in Categories 214, 219, 228 and 229, produced or manufactured in Haiti, in excess of the following levels of restraint:

| Category: | 12-month level of restraint [1] |
|---|---|
| 214 | 294, 432 dozen pairs. |
| 219 | 239, 420 dozen. |
| 228 | 139, 532 dozen. |
| 229 | 86, 937 dozen. |

[1] The levels of restraint have not been adjusted to reflect any entries made on or after February 27, 1975.

Entries of man-made fiber textile products in Categories 214, 219, 228 and 229, produced or manufactured in Haiti and which have been exported to the United States from Haiti prior to February 27, 1975, shall not be subject to this directive.

Man-made fiber textile products in Categories 214, 219, 228 and 229 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of these categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.*

[FR Doc.75-11106 Filed 4-28-75;8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### HIGH ENERGY PHYSICS ADVISORY PANEL

#### Meeting

On May 16-17, 1975, there will be a meeting of the High Energy Physics Advisory Panel at the Stanford Linear Accelerator Center in the Orange Room of the Central Laboratory. Below is that portion of the agenda for this meeting which will be open to the public. Practical considerations may require changes in the agenda or schedule.

FRIDAY, MAY 16, 1975

9:15 a.m.—Presentation of Proposed New Facilities.

9:15 a.m.—Positron-Electron Tandem Ring Accelerator at Deutsches Elektronen-Synchrotron. Electrons and Positrons in Collisions Project at Rutherford High Energy Laboratory.

9:30 a.m.—Intersecting Storage Accelerator at Brookhaven National Laboratory.

10:30 a.m.—Positron Electron Project at Stanford Linear Accelerator Center.

2 p.m.—Electron-Positron Colliding Beam Facility at Cornell Electron Synchrotron.

3:30 p.m.—Energy Doubler/Saver Project at Fermi National Accelerator Laboratory.

5 p.m.—Protons on Protons and Electrons Project and the High Energy Fixed Target at Fermi National Accelerator Laboratory.

SATURDAY, MAY 17, 1975

9 a.m.—Report of the Subpanel on Research and Program Balance.

9:15 a.m.—Report on Russian High Energy Physics Program.

9:45 a.m.—Report on New Orleans Seminar and Planning for. U.S. Participation in the Very Big Accelerator Study Group.

In addition to the above items, the Panel plans to hold two (2) executive sessions. The first is scheduled on Friday morning prior to the beginning of the open session, the second will begin at 10:30 a.m. on Saturday and continue throughout the end of the meeting.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than May 2, 1975, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Robert M. Woods, Jr., Division of Physical Research, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Executive Secretary of the Panel. His telephone number is Area Code 301-973-3624.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the U.S. Energy Research and Development Administration's Public Document Room, 1717 H Street, NW., Washington, D.C., upon payment of all charges required by law.

R. G. ROMATOWSKI,
*Advisory Committee Management Officer.*

[FR Doc.75-11093 Filed 4-28-75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 365-8; OPP-32000/237 & 238]

### RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before June 30, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his





right to have the Administrator deter-

EPA File Symbol 14929-R. Ball Chem. Co., 10818 Briggs Rd., Cleveland OH 44111.

EPA File Symbol 11694-UO. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106.



EPA File Symbol 36724-R. Machemco, 60 Kathryn Dr., Marietta GA 30060. POOL-

chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides

EPA File Symbol 36404-E. Nisseho-Iwai American Corp., 624 S. Grand Ave., Los Angeles

V40183 APR 29 75 XUM V

right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternative available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 30, 1975.

Dated: April 22, 1975.

JOHN B. RITCH, JR.,
*Director,*
*Registration Division.*

APPLICATIONS RECEIVED (OPP–32000/237)

EPA File Symbol 150–UL. Anderson Chem. Co., PO Box 1941, Litchfield MN 55355. AN-SAN-SOFT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 3.3%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 3.3%; Isopropyl Alcohol 1.5%; Ethyl Alcohol 1.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 150–UT. Anderson Chem. Co. COUNT-MINUS V. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.0%; Phosphonic Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 150–UA. Anderson Chem. Co. STAPH MINUS II. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 2.25%; N-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 1317–IA. An-Fo Mfg. Co., 3129 Elmwood Ave., Oakland CA 94601. DAIRY-DU CHLORINE SANITIZER-BLEACH CLEANER-DEODORIZER. Active Ingredients: Sodium Hypochlorite 8.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 960–ENU. Balcom Chem., Inc., PO Box 667, Greeley CO 80631. CLEAN CROP CHLORATE–3 HARVEST AID. Active Ingredients: Sodium Chlorate 26%. Method of Support: Application proceeds under 2 (c) of interim policy. PM25.

EPA File Symbol 14929–R. Ball Chem. Co., 10815 Briggs Rd., Cleveland OH 44111. BALL–CO 700–R RESIDUAL INSECTICIDE. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.209% of (butyl-carbityl) (6-propylpiperonyl) ether and 0.052% of related compounds) 0.261%; Petroleum Distillate 8.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 35910–R. Samuel Birnbaum, 3601 Carmel Ave., Irvine CA 92664. COMPLETE RAT-MOUSE KILLER. Active Ingredients: 2-Pivalyl-1,3-Indandione 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 6926–T. Carl Pool Lab., Inc., PO Drawer 249, Elmendorf TX 78112. CARL POOL GARDEN WORM SPRAY DIPEL. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 I.U.'s per mg. At least 6.75 billion viable spores per gram 0.86%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 4313–LI. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. THRIFTY LEMON DISINFECTANT. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 4.0%; Ethanol 1.0%; Essential oils 0.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 419–RIU. Cenol Co., Div. of Burgess Vibrocrafters, Inc., PO Box 177, Libertyville IL 60048. CENOL ROACH & HOUSEHOLD INSECT SPRAY. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide, Technical (Equivalent to 0.208% (Butylcarbityl) (6-propylpiperonyl) Ether and 0.052% related compounds) 0.26%; 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.50%; Petroleum Distillates 99.12%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 239–2186. Chevron Chem. Co., 940 Hensley St., Ortho Div., Richmond CA 94804. ORTHO PARAQUAT CL. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional use. PM25.

EPA File Symbol 34282–A. Dickler Chem. Labs, Inc., 4201 Torresdale Ave., Philadelphia PA 19124. RINSE DISINFECTANT-SANITIZER DEODORIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 8789–A. Dixie Chem. Co., PO Box 5188, Jacksonville FL 32207. KONTROL-A-BUG ROACH & ANT SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.208% (butylcarbityl) (6-propylpiperonyl) ether and to 0.052% related compounds) 0.260%; Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 11694–AO. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. INSTANT MILDEW REMOVER. Active Ingredients: Calcium Hypochlorite 4.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 11694–UO. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. BROMENOL 4 GRANULAR VEGETATION BRUSH AND WEED KILLER. Active Ingredients: Bromacil (5-Bromo-3-sec-butyl-6-methyluracil) 4.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 36394–R. Dytex Chem. Co., Inc., 1280 High St., Central Falls RI 02863. DYCLORINE POR SWIMMING POOL CHLORINATION. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 30276–R. Engineered Chem. of FL, 9713 Palm River Rd., E. Tampa FL 33610. CIGOMINT DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 26%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 9687–RN. Engineering Co., Oda Chem., Chagrin Falls, OH 44022. N-MIL–SAN. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 635–268. E–Z–Flo Chem. Co., Div. Kirsto Co., PO Box 808, Lansing MI 48906. E–Z–FLO ROTENONE 1 D. Active Ingredients: Rotenone 1.0%; Other Cube Resins 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM17.

EPA File Symbol 279–GNNA. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. PYRENONE DIAZINON STABLE EMULSION INSECTICIDE. Active Ingredients: O,O-Diethyl O-(2-Isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.208% (butylcarbityl) (6-propylpiperonyl) ether and 0.052% related compounds) 0.260%; Petroleum Distillate 0.208%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 34774–E. Hertz Poola, 7206 N. Western Ave., Oklahoma City OK 73116. ALGI–RID. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 8790–UL, High Point Mills, Inc., 1225 Lehigh Station Rd., Henrietta NY 14467. TURF LINE ARTHRO–BAN TRIPLE ACTION 3 FORMULA CONTAINS BENEFIN. Active Ingredients: Chlorpyrifos, O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 0.70%; Benefin, N-butyl - N-ethyl-a,a,a-trifluoro-2,6-dinitro-p-toluidine 0.53%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 1021–RGLT. McLaughlin Gormely King Co., 8810 10th Ave. N., Minneapolis MN 55427. ESBIOL INTERMEDIATE 2019. Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d - 2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one 7.74%; Other isomers 0.60%; Piperonyl butoxide, technical (Equivalent to 15.00% (butylcarbityl) (6-propylpiperonyl) ether and 4.00% related compounds) 20.00%; N-octyl bicycloheptene dicarboximide 18.34%; Petroleum distillate 5.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.





EPA File Symbol 36724–R. Machemco, 60 Kathryn Dr., Marietta GA 30060. POOLSIDE 2001. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 35912–R. S. H. Mack and Co., Inc., PO Box 844, 1667 E. Dearborn St., Aurora IL 60507. MAXCIDE 700. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 34967–E. Matcote Co., Inc., PO Box 10762, Houston TX 77018. "MATCOTE ANTI-FOUL 5–947". Active Ingredients: Tri-n-butyltin Fluoride 12.32%; Bix(Tri-n-butyltin) oxide 2.79%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 7161–L. National Solvent Corp., 956 W. Smith Rd., Medina OH 44256. NASCO WATER REPELLENT & PENTA WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 4.47%; Other chlorophenols and Related Compounds 0.52%; Mineral Spirits 84.55%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 11465–G. Rowco, Inc., Rt. 13, Box 741, San Antonio TX 78218. ROWCHEM BRUSH CONTROL MIXTURE T. Active Ingredients: Butoxy Propyl ester of 2,4,5-trichlorophenoxyacetic acid 68.29%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 8848–EO. Safeguard Chem. Corp., 789 E. 144 St., Bronx NY 10454. BLACK JACK PROFESSIONAL STRENGTH FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, technical (Equivalent to 0.80% (butylcarbityl) (6-propylpiperonyl) ether and 0.20% other related compounds) 1.00%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum Distillate 7.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 2724–EAO. Thuron Indus., 12200 Denton Dr., Dallas TX 75234. STARBAR F–140. Active Ingredients: Dichlorvos (2,2-dichlorovinyl dimethyl phosphate) 17.5%. Method of Support: Application proceeds under 2(a) of interim policy. Submitted March 12. PM15.

EPA File Symbol 2724–EAO. Thuron Indus., 12200 Denton Dr., Dallas TX 75234. STARBAR F–140. Active Ingredients: Dichlorvos (2,2-dichlorovinyl dimethyl phosphate) 17.5%. Method of Support: Application proceeds under 2(a) of interim policy. Submitted March 25. PM15.

EPA File Symbol 7182–U. 3M Co., 3M Center, Bldg. 230–3, St. Paul MN 55101. 3M BRAND DISINFECTING AND STERILIZING SOLUTION. Active Ingredients: Glutaraldehyde 2%. Method of Support: Application proceeds under 2(a) of interim policy. PM33.

EPA File Symbol 1386–LOR. Universal Cooperatives, Inc., PO Box 836, Alliance OH 44601. UNICO MILL & FOOD PLANT SPRAY. Active Ingredients: Pyrethrins 0.20%; Piperonyl Butoxide, Technical (Equivalent to 0.8% of (butylcarbityl) (6-propylpiperonyl) ether and 0.2% of related compounds) 1.00%; Petroleum Distillate 98.80%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 15265–A. Wausau Chem. Corp., PO Box 953, 2001 N. River Dr., Wausau WI 54401. ALGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Change in method of support from 2(b) to 2(c). PM24.

EPA File Symbol 35500–R. Western Stockmen's Supply, PO Box 1027, Nampa ID 83651. STAY STRONG FX GRUB & FLY CONTROL SALT. Active Ingredients: Ronnel [0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate] 6.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

APPLICATIONS RECEIVED (OPP–32000/238)

EPA Reg. No. 960–179. Balcom Chemicals, Inc., PO Box 667, Greeley CO 80631. BALCOM TOXAPHENE 6 E.C. Active Ingredients: Toxaphene (Technical Chlorinated Camphene containing 67–69% Chlorine) 60%; Xylene 35%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional uses. PM 12.

EPA File Symbol 16037–R. Chemco Products Co., Inc., 2626 E. Wisconsin Ave., Appleton WI 54911. CHEMCO 333. Active Ingredients, n-Alkyl (C14, C12, C16) dimethyl benzyl ammonium chlorides 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 1021–RGLN. McLaughlin Gormley King Co., 8810 Tenth Ave. N, Minneapolis MN 55427. ESBIOL INTERMEDIATE 2017. Active Ingredients: d-trans-chrysanthemum monocarboxylic acid ester of d-2- allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one 6.15%; Other isomers 0.48%; Piperonyl butoxide, technical (Equivalent to 14.78% (butylcarbityl) (6-propylpiperonyl) ether and 3.6% related compounds) 18.47%; N-octyl bicloheptene dicarboximide 18.47%; Petroleum distillate 25.42%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 527–OG. Midland Laboratories Inc., 210–220 Jones St., Dubuque IA 52001. ML SANIDET SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 6020–RT. MOM Chemical Co., Inc., 7775 NW. 66th St., Miami FL 33166. WHISP SUPER DISINFECTANT-DEODORIZER-MILDEWCIDE. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chlorides 2.50%; Alkyl (C14 58%, C16 26%, C12 14%) dimethyl benzyl ammounium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammounium bromide 1.25%; Sodium carbonate 1.00%; Ethylenediaminetetracetic acid, tetrasodium salt 0.38%; Essential oils 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 9591–EI. Nationwide Products, Inc., PO Box 3027, Hamilton OH 45013. NATIONWIDE EXTERMINATING "FOGGER". Active Ingredients: Pyrethrins 0.40%; O–Isopropoxyphenyl methylcarbamate 1.00%; Related Compounds 0.03%; Piperonyl Butoxide Technical (Equivalent to 3.20% of (Butylcarbityl) (6-Propylpiperonyl) Ether and 0.80% related compounds) 4.00%; 2,2-Dichlorovinyl Dimethyl Phosphate 0.47%; Petroleum Distillates 9.036%. Method of Support: Application proceeds under 2(c) of interim policy. PM 12.

EPA File Symbol 36404–E. Nissho-Iwai American Corp., 624 S. Grand Ave., Los Angeles CA 90017. STAR–CHLON. Active Ingredients: Calcium Hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 5131–L. Parkhurst Farm & Garden Supply, 301 N. White Horse Pike, Hammonton NJ 08037. PARKHURST'S SEVIN 5 DUST. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 36307–R. Research Laboratories, 207 Lodi St., Hackensack NJ 07602. MESS–GO. Active Ingredients: Para dibutyl phenoxy ethoxy ethyl dimethyl benzyl ammonium chloride monohydrate 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA Reg. No. 359–177. Rhodia Inc., Agricultural Div., 23 Belmont Dr., Somerset NJ 08873. RHODIA 2,4-D LOW VOLATILE ESTER 4L Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 70.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM23.

EPA Reg. No. 400–89. Untroyal Chemical, Div. of Untroyal, Inc., Amity Rd., Bethany CT 06526. OMITE–6E AGRICULTURAL MITICIDE. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 68.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM13.

[FR Doc.75–10898 Filed 4–28–75;8:45 am]

## FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY

### AD HOC INTERAGENCY COORDINATING COMMITTEE FOR ASTRONOMY

#### Open Workshop

The Ad Hoc Interagency Coordinating Committee on Astronomy (ICCA) will hold a workshop on Tuesday, May 27, 1975 for the presentation of views on a report on Solar Astronomy being prepared by a Task Force of ICCA.

The ICCA was established by the Federal Council for Science and Technology on November 7, 1974 to provide improved coordination of ground-based and space-based astronomy programs of the Federal Government agencies. Membership of ICCA consists of Federal agencies with astronomy programs, and agencies with programs which impact upon the astronomy programs of others.

Copies of the draft report on Solar Astronomy will be available after May 12, and may be requested from:

Ms. Swart
Code 680 Goddard Space Flight Center
Greenbelt, Maryland 20771
Telephone 301–982–4701 (or 4702)

Interested scientists are invited to the workshop, and the general public is invited on a space-available basis. Scientists desiring to present views should notify:

Ms. Janis Cleveland
National Science Foundation
Astronomy Section
1800 G Street NW.
Washington, D.C. 20550
Telephone 202–632–4188

It will aid in the scheduling of the presentations if the notification includes



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gap between higher and lower rated commodities, which have been the subject of

alleging the need for greater revenues

Matson's Pacific Coast/Hawaii Trade for

an indication as to which sections of the report are to be addressed. Comments must be relevant to the Task Force's report. Participation may be limited by the time available at the discretion of the chairman of the workshop. Representative scientists may be designated if desired to present their colleagues' as well as their own views. Written comments will be received by mail up to the date of the workshop; comments on the oral presentations may be submitted by the public in writing on the next day to Ms. Cleveland (address above).

The workshop will be held:

Tuesday, May 27, 1975
9 a.m., Room 543
National Science Foundation
1600 G Street NW.
Washington, D.C. 20550

It will adjourn at the conclusion of the oral presentations, but in any event not later than 4 p.m. that day. This workshop is not a meeting within the provisions of the Federal Advisory Committee Act.

Dated: April 23, 1975.

ROBERT FLEISCHER,
*Executive Secretary for Ad Hoc Interagency Coordinating Committee for Astronomy.*

[FR Doc.75-11110 Filed 4-28-75;8:45 am]

## FEDERAL MARITIME COMMISSION

### CONFERENCES IN TRADES TO, FROM AND BETWEEN UNITED STATES ATLANTIC AND GULF PORTS AND PORTS IN CENTRAL AND SOUTH AMERICA AND CARIBBEAN

#### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 9, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Wade S. Hooker, Jr., Esquire
Casey, Lane & Mittendorf
26 Broadway
New York, New York 10004

Agreements to modify the respective organic agreements of the following six members of the Associated Latin American Freight Conferences have been assigned the agreement numbers shown:

| | |
|---|---|
| Atlantic & Gulf/West Coast of South America Conference | 2744-37 |
| East Coast Colombia Conference | 7590-23 |
| United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference | 6190-30 |
| United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference—Oil Companies Contract Agreement (Proprietary Cargo) | 6870-18 |
| West Coast South America Northbound Conference | 7890-12 |
| Leeward & Windward Islands & Guianas Conference | 7540-26 |

These agreements (1) amend the intermodal provisions of the conferences to allow any member line, subject to certain limitations and notice requirements, to establish intermodal through rates and services and (2) provide for indefinite approval of the intermodal provisions.

By order of the Federal Maritime Commission.

Dated April 24, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11188 Filed 2-28-75;8:45 am]

### PORT OF REDWOOD CITY AND LEVIN METALS CORP.

#### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. J. Di Pietro, Port Manager
Port of Redwood City
775 Harbor Boulevard
Redwood City, California 94063

Agreement No. T-3081 between the Port of Redwood City (Port) and Levin Metals Corporation (Levin) provides for the ten-year lease (with a ten-year renewal option) to Levin of land consisting of approximately 14 acres as well as the preferential nonexclusive right to use Wharf No. 3 of the Port. The premises will be used by Levin for operation of a scrap metal processing, shredding, handling, loading and shipping facility, and other purposes incidental thereto. As compensation, Port will receive a basic rental payment plus all terminal tariff charges. The agreement entitles Levin to reductions in the tariff charges, provided that the combined payments of rental and tariff assessments paid by Levin during any 12-month period exceed a certain dollar amount, as further specified in the agreement.

By order of the Federal Maritime Commission.

Dated: April 24, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11190 Filed 4-28-75;8:45 am]

[Docket No. 73-22 (Sub. No. 1)]

### MATSON NAVIGATION CO.

#### General Rate Increase in the Hawaiian Trade; Investigation

Effective April 25, 1975, Matson Navigation Company (Matson) proposes to increase rates in its Pacific Coast/Hawaii Trade by an average of some 5 percent. In addition, the carrier proposes to meld into its rate structure the 9.3 percent fuel surcharge which is currently in effect. These increases are accomplished by first melding the 9.3 percent fuel surcharge into the existing rates and then applying either a 3 percent or an 8 percent increase, the latter depending upon whether the currently effective rate (including fuel surcharge) produces $900 gross revenue per container. Rates generating less than $900 will be increased by 8 percent while those items generating $900 or more will be increased 3 percent. In some instances, increases which would have otherwise been at the 8 percent level will be held to 3 percent due, according to Matson, to the effective rates having been recently increased (e.g., household goods, automobiles and paper products). Matson alleges that this methodology was used in an attempt to narrow the dollar gap between higher and lower rated commodities which has been widening in recent years because of general rate increases.

Exceptions to the general increase are found in the rates on eastbound bulk sugar and molasses which move under Matson's Tariffs FMC-F Nos. 138 and 151.

Pursuant to amendment 1 to General Order 11 (46 CFR 512.3(d)) Matson filed financial and operating data in connection with its general increase which generally support Matson's alleged need for additional revenues.

Protests to the increase were filed by the Motor Vehicle Manufacturers Association, the Hawaiian Container Corporation, Cal-Wood Door, Hawaiian Flour Mills, Inc., Hunt-Wesson Foods and the Industrial Traffic Association of Hawaii. These protests allege generally that the subject increase is unreasonable and will be detrimental to the shipping public; that the incorporation of the fuel surcharge will eliminate the possibility that rates will be reduced if fuel prices decrease; that the two-tier increase will result in discrimination against lower rated commodities; that Matson does not need all of the revenue that will be generated by its subject tariff actions; and that the increase is discriminatory to the westbound shipper in that no increase has been applied to eastbound sugar and molasses.

Matson filed a reply to the protests disputing most of the allegations set forth therein and pointing out that its data show that Matson will achieve a rate of return of 8.63% on rate base in the Hawaiian Trade in the twelve months after the increase becomes effective.

In 1973, Matson filed a general increase in rates which is currently the subject of Docket No. 73-22—Matson Navigation Co.,—Proposed Changes in Rates Between U.S. Pacific Coast and Hawaii. On April 18, 1975, the Commission granted a motion by Matson to modify the order instituting proceeding so as to exclude from its scope the rate increase scheduled to become effective on April 25, 1975.

Matson is a wholly-owned subsidiary of Alexander and Baldwin Inc. (A&B). As shown by A&B's annual report to the Securities and Exchange Commission (Form 10-K) for the calendar year 1974, A&B (through a division known as Hawaiian Commercial and Sugar Company) and another wholly-owned subsidiary, McBryde Sugar Company, Ltd. produced about 23 percent of Hawaii's 1974 raw sugar crop. Matson carries bulk sugar from the Hawaiian Islands to Crockett, California for California and Hawaiian Sugar Company (C&H), a sugar refining and marketing cooperative corporation of which A&B owns about 22 percent. C&H is the only shipper and consignee of bulk sugar in Matson's service and appears to be the only shipper of bulk molasses. In view of these intercorporate relationships, the failure of Matson to propose increases in its sugar and molasses rates at a time when it is alleging the need for greater revenues gives rise to questions of preference to cargo in which Matson and its parent have a financial interest.

Upon consideration of all of the above, the Commission is of the opinion that the subject general rate increase and the specific failure to increase rates on eastbound sugar and molasses should be made the subject of a public investigation and hearing to determine whether such proposed actions are unjust, unreasonable or otherwise unlawful under the Shipping Act, 1916 and/or the Intercoastal Shipping Act, 1933, and, good cause appearing,

*Therefore, it is ordered*, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, as amended, and section 4 of the Intercoastal Shipping Act, 1933, as amended, an investigation is hereby ordered into the lawfulness of the tariff matter listed in Appendix A hereto[1] for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made a part of this investigation;

*It is further ordered*, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether the general increase coupled with Matson's failure to increase rates on bulk sugar and molasses will result in any undue or unreasonable preference or advantage to any particular person, locality or description of traffic in any respect whatsoever, or will subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever;

*It is further ordered*, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether, by applying an 8 percent increase to lower rated commodities and a 3 percent increase to higher rated commodities, Matson is proposing to subject lower rated commodities to any undue or unreasonable prejudice or disadvantage;

*It is further order*, That all of the material which is now or which becomes part of the record in Docket No. 73-22—Matson Navigation Co.,—Proposed Changes in Rates Between U.S. Pacific Coast and Hawaii, shall be available for use by any party to this proceeding in the same manner and for the same purposes as if it were introduced into the record herein. All references to Exhibits or Transcript pages from that proceeding shall be prefixed by the caption "73-22";

*It is further ordered*, That as part of this investigation, a determination be made whether, under the facts developed herein, the carriage of bulk sugar and molasses by Matson should be considered common carriage, and whether the revenues and expenses associated therewith should be treated as part of Matson's Pacific Coast/Hawaii Trade for ratemaking purposes;

*It is further ordered*, That Matson Navigation Company be named as respondent in this proceeding and that the Motor Vehicle Manufacturer's Association of the United States, Hawaiian Container Corporation, Cal-Wood Door, Hawaiian Flour Mills, Inc., Hunt-Wesson Foods and the Industrial Traffic Association of Hawaii be named as complainants;

*It is further ordered*, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence not later than October 21, 1975,

*It is further ordered*, That (1) a copy of this order be forthwith served upon the respondent and complainants herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondent, complainants and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11189 Filed 4-28-75;8:45 am]

[1] Filed as part of the original document.

## FEDERAL POWER COMMISSION

[Docket No. E-8524]

### BLACKSTONE VALLEY ELECTRIC CO.

#### Filing of Supplemental Agreements

APRIL 22, 1975.

Take notice that on April 16, 1975, Blackstone Valley Electric Company (BVE) tendered for filing certain supplemental agreements to the agreements relating to the sharing of certain transmission facilities filed in the captioned docket. BVE states that the supplemental agreements are in compliance with the Commission's order herein issued March 17, 1975, and that they are of the same form as the agreements submitted with the Settlement Agreement except that certain minor changes have been made to reflect the sale of one transmission line by Narragansett Electric Company to BVE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C.





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20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and

City claims it is impossible to characterize the 11 kV load transfer service as

The Commission by its order of February 26, 1975, did not decide that the



| Designation | Description |
|---|---|
| Supp. No. 5 to | Presiding examiner's |

[Docket No. E-9267]

### ELECTRIC ENERGY, INC.

The new agreement also provides for additional services to be made available

20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11147 Filed 4-28-75;8:45 am]

[Docket No. E-9256]

## CLEVELAND ELECTRIC ILLUMINATING CO.

### Order Denying Rehearing

APRIL 22, 1975.

On January 31, 1975, Cleveland Electric Illuminating Company (CEI) tendered for filing a proposed revision to its existing rate schedule revising the rates and charges to the City of Cleveland, Ohio (City), for CEI's 11 kV "load transfer service" to City's Municipal Electric Light Plant (MELP) for the period March 3, 1975 through the date the 138 kV interconnection between the two parties is scheduled to be operational. The proposed changes according to CEI would increase revenues from jurisdictional sales and service by $303,752 for the month of March, 1975.

CEI stated that the proposed increase is justified because the 15.2 mills/kWh rate prescribed by the Federal Power Commission in Opinion No. 644 and accompanying order issued January 11, 1973 in Docket Nos. E-7631, et al. "for Load Transfer Service is in fact less than half of CEI's clearly demonstrable incremental or out of pocket, costs associated with supplying the service." CEI claims that this is due primarily because of increased fuel costs subsequent to the issuance of Opinion No. 644 and CEI's conversion of two plants from coal to oil-fired.

Notice of this filing was issued February 7, 1975, with protests and petitions to intervene due on or before February 21, 1975.

On February 21, 1975, City filed a Petition to Intervene, Protest and Motion to Reject or Suspend for the Maximum Period the proposed revision. The Commission by Order dated February 28, 1975, suspended the proposed rates and charges for one day, to become effective March 4, 1975, set the proposed rates and charges for hearing and established the procedural dates relating to them, and denied City's motion to reject.

On March 31, 1975, City filed an Application for Rehearing of the Commission Order dated February 28, 1975.

City claims it is impossible to characterize the 11 kV load transfer service as "an integral part of coordination and interchange arrangements in the nature of power pooling transactions" under § 35.13 (b)(4)(ii) of the Commission's regulations since there are no elements of a power pooling transaction present in this agreement, nor has CEI asserted or provided support for this conclusion in their submittal.

City's claim that there are no elements of power pooling fails to recognize the distinction made in the Commission order of February 28, 1975 that the present rate was designed to meet a temporary emergency situation, was never intended to supply firm service, and is in the nature of a pooling transaction. Quoting from Page 3 of the order: "Such service is clearly of a temporary emergency nature and was never intended to provide a firm energy supply to the City. Thus, CEI is pooling its overall energy supply in such a manner so as to assist City in meeting its day-to-day requirements". By the nature of the data requested in § 35.13(b)(4)(iii) of the regulations. It is clear that such data is useful in testing full and partial requirement firm and transmission service. These services are generally for an extended period of time and the utilities rendering such services include the loads associated with this service in their long term planning. This is not characteristic of the temporary emergency, non-firm 11 kV load transfer service. Other services are generally grouped in the broad category of services comprising an integral part of coordination and interchange arrangements in the nature of power pooling transactions. The latter services cover a wide range of contractual arrangements. The cost support for which varies depending on the nature of the service involved. Thus § 35.13(b)(4)(ii) of the regulations provides that increases in rates in these latter services shall be supported by the cost data identified in § 35.12(b)(2) of the regulations. The cost data requirements of § 35.12(b)(2) are very general in nature. For example, § 35.12(b)(2)(ii) requires "A summary statement of all cost (whether fully distributed, incremental or other) computations involved in arriving at the derivation of the level of the rate, in sufficient detail to justify the rate . . ." The 11 kV load transfer service is properly characterized as being included within these latter services. CEI properly submitted the data required by § 35.12(b)(2).

City claims that the Commission's ruling that § 35.12(b)(2) rather than § 35.13 governs the rate filing constitutes a prejudgment by the Commission, without evidence and prior to hearing, of one of the issues to be heard, namely, whether the rate for the load transfer service may be established on an incremental cost basis. City claims that this is a denial of due process of law, and is at odds with the Commission's Opinion No. 644 and accompanying order issued January 11, 1973.

The Commission by its order of February 28, 1975, did not decide that the rate for the 11 kV load transfer service may, or will, be set on an incremental cost basis. The Commission only decided that, according to its duly and lawfuly promulgated regulations, CEI has filed the necessary data to be given a filing date and to have the proposed rates and charges accepted for filing subject to Commission suspension power. The order allowed the rates to go into effect after a one day suspension subject to refund and established a hearing for determination of the lawfulness and reasonableness of the proposed rates and charges. The City can raise at the hearing the issue of on what basis the proposed rates and charges should be set. The City can file whatever evidence it feels is appropriate to determine the justness and reasonableness of the proposed rates and charges and will have opportunity at the hearing to present evidence and cross examine witnesses. CEI has the burden of proof of showing that its proposed rates and charges are just and reasonable. The present rates established by Opinion No. 644 and the accompanying order issued January 11, 1973, were not developed by utilizing a fully allocated cost study supported by statements A through O but were supported by cost data other than fully distributed system costs.

The City claims that the Commission erred in its order issued February 28, 1975 in stating that a permanent 138 kV synchronous interconnection was scheduled to be operational by March 15, 1975. The order merely recites that CEI alleged, not the Commission, that March 15, 1975, was the operational date as follows on page 2: "This latest rate was established pending completion of a permanent 138 kV synchronous interconnection scheduled to be operational, *according to CEI*, by March 15, 1975." (Emphasis added) When the permanent 138 kV interconnection is operational, there will no longer be any need for the 11 kV load transfer service. The proposed rates for the 11 kV load transfer service are in effect subject to refund.

*The Commission finds:* The alleged errors and grounds for rehearing raise no new issues of fact or law which justify granting rehearing.

*The Commission orders:* (A) City's Application for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

ATTACHMENT A

RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS—E-9255, CLEVELAND ELECTRIC ILLUMINATING CO., OTHER PARTY: CITY OF CLEVELAND, OHIO

| *Designation* | *Description* |
|---|---|
| Supp. No. 5 to rate schedule FPC No. 7. | Presiding examiner's initial decision in consolidated proceeding. (Dockets Nos. E-7631, E-7633, E-7713.) Issued: July 12, 1972. |
| Supps. Nos. 1 to 5 to rate schedule FPC No. 7. | Ordering paragraphs of Commission opinion and order in interconnection proceeding in opinion No. 644. (Dockets Nos. E-7631, E-7633, E-7713.) Issued: Jan. 11, 1973. |
| Supps. Nos. 2 to 5 to rate schedule FPC No. 7. | Transmittal letter revising rates established by opinion No. 644. Dated: Jan. 31, 1975. Filed: Jan. 31, 1975. |
| Exhibit A to supps. Nos. 2 to 5 to rate schedule FPC No. 7. | Comparison of revenues under present and proposed rates. Filed: Jan. 31, 1975. |

[FR Doc.75-11148 Filed 4-28-75;8:45 am]

[Docket No. RI75-128]

## CRA, INTERNATIONAL, INC.

### Petition for Special Relief

APRIL 22, 1975.

Take notice that on April 10, 1975, CRA International Inc., (Petitioner), 5416 South Yale Avenue, Tulsa, Oklahoma 74135, filed a petition for special relief in Docket No. RI75-128 pursuant to Order No. 481 and § 2.76 of the Commission's general policy and interpretations. Petitioner seeks a rate increase to 51.86 cents per Mcf for the sale of natural gas to Tennessee Gas Pipeline Company from the Trans-Tex Field (No. Louise), Brooks County, Texas under its FPC Gas Rate Schedule No. 1, Supplement No. 25. Petitioner states that its objective is to obtain an increase in price for its Trans-Tex Field gas where compression is required in order to increase ultimate gas recovery and deplete the reservoirs.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 75-11149 Filed 4-28-75;8:45 am]



[Docket No. E-9267]

## ELECTRIC ENERGY, INC.

### Order Accepting Proposed Agreements and Rate Increase for Filing, Granting Motion for Waiver of Notice Requirements, Instituting Investigation, and Establishing Procedures

APRIL 23, 1975.

On February 18, 1975,[1] Electric Energy, Incorporated (EEI), tendered for filing (1) Modification No. 11 to its Contract No. AT-(40-1)-1312 (Contract) with the Energy Research and Development Administration (ERDA) which is the successor to the Atomic Energy Commission (AEC), and (2) Amendment No. 5, entitled Interim Supplemental and Surplus Power Agreement, Amendment No. 5 (Agreement), between EEI and its Sponsors.[2] The Contract and Agreement supersede the terms of the current agreement negotiated between EEI and the AEC in 1953, which govern the sale of surplus power and energy available from EEI's 1000 MW Joppa Plant, which was constructed to provide 735 MW of firm power to the AEC's gaseous diffusion facility at Paducah, Kentucky. The Contract provides for the delivery of 735 MW of power from April 1, 1975 through December 31, 1989, except for the months of June through September, 1975, 1976 and 1977, when only 235 MW is to be delivered.

The tendered agreements would result in additional charges to ERDA of $64,976 and to the Sponsors of $860,442, for the twelve month period ending March 31, 1976. EEI states in its tendered filing that the primary reason for the projected increase in revenues is an increase in the return on equity capital. EEI is limited to a 10 percent return on equity under the current contract. Our analysis indicates that the proposed increase in return to common equity to a level of 13 percent will result in an overall rate of return of only 5.49 percent. The proposed contracts would also change the allocation arrangement of power and energy from the current method under which ERDA has the right to the first 735 MW, with the remainder to be made available to the Sponsors, to a plan under which ERDA and the Sponsors have an equal right to specific percentages of the Joppa Plant output. The company states that this change in plant participation accounts for the larger projected increase in charges to the Sponsors. Under the new agreement, ERDA will also benefit from non-operating income of EEI, an item previously used to decrease charges to the Sponsors.

The new agreement also provides for additional services to be made available to ERDA, such as economy energy, additional power and make-up power, which may be beneficial to ERDA in that the opportunity to purchase energy at a lower cost than that produced at the Joppa Plant is not provided under the current agreement.

Also included within the terms of the proposed agreement is a provision for ERDA to pay a surcharge during the period August 1, 1980 through December 31, 1989, in consideration for the extension of delivery of 500 MW of power beyond December 31, 1979. Using the formula provided by the company for computing the surcharge, our analysis reveals that EEI will receive approximately $42.5 million during the period that the surcharge is effective. EEI contends that such surcharge constitutes satisfaction of and compliance with the requirements of the present agreement which provides for a "partial reimbursement for costs incurred by the Sponsoring Companies" pursuant to the cancellation and consequent reinstatement of the 500 MW of power during the term of the current agreement. The company states further that the surcharge provision was arrived at and agreed to through negotiations between the parties.

Notice of EEI's tendered filing was issued on February 24, 1975 with comments, protests and petitions to intervene to be filed on or before March 13, 1975. No responses to such notice have been received.

On March 24, 1975, EEI filed a motion at this docket requesting waiver of the thirty day notice requirement of § 35.3 (a) of the Commission's regulations so as to allow implementation of the proposed agreements and associated rate schedules on April 1, 1975. Notice of the filing of such motion was issued on March 28, 1975 with responses due on or before April 14, 1975. No responses have been received.

Upon consideration of EEI's tendered filing and subsequent motion, we are of the opinion that the filing should be accepted, effective April 1, 1975, as proposed. However, our review indicates further, that the proposed surcharge, to be effective during the 1980's may be excessive, unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful within the meaning of the Federal Power Act. Accordingly, we shall direct that a hearing be held to determine the lawfulness of such surcharge provision and the level of rates to be charged pursuant to such provision.

*The Commission finds:* (1) Good cause exists to accept for filing and make effective as of April 1, 1975, those agreements and associated rate schedules tendered by EEI on February 18, 1975 as supplemented by additional data tendered by letter dated March 21, 1975.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 206, 307, 308 and 309

[1] See Attachment A for Rate Schedule Designations.

[1] EEI completed its submittal by tendering additional information by letter dated March 21, 1975.

[2] EEI is sponsored by Union Electric Company, Illinois Power Company, Kentucky Utilities Company, and Central Illinois Public Service Company.

[3] For designations of Modification 11 and Amendment No. 5, see Appendix A, attached.



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thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed provisions and rates and charges relating to the proposed surcharge contained within EEI's filing of February 18, 1975, as completed on March 21, 1975.

(3) Good cause exists to grant EEI's motion of March 24, 1975, requesting waiver of the thirty day notice requirement set forth at § 35.3(a) of the Commission's regulations.

*The Commission orders:* (A) EEI's motion of March 24, 1975 requesting waiver of the thirty day notice requirement set forth at § 35.3(a) of the Commission's regulations is hereby granted.

(B) EEI's proposed Contract and Agreement, and associated rate schedules as tendered on February 18, 1975, and completed on March 21, 1975, are hereby accepted for filing and permitted to become effective on April 1, 1975, as proposed.

(C) Pursuant to the authority of the Federal Power Act, particularly sections 206, 307, 308, and 309 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on November 18, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of EEI's proposed surcharge.

(D) On or before August 19, 1975, EEI shall serve its case-in-chief, including testimony and exhibits in support of its proposed surcharge. The Commission Staff shall serve its prepared testimony and exhibits on or before September 23, 1975. Any intervenor evidence shall be served on or before October 14, 1975. Company rebuttal evidence shall be served on or before November 4, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-11150 Filed 4-28-75;8:45 am]

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[Docket No. CP75-292]

## FLORIDA GAS TRANSMISSION CO.

### Application

APRIL 22, 1975.

Take notice that on April 10, 1975, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP75-292 an application pursuant to section 7 of the Natural Gas Act, as implemented by §§ 157.7(b) and 157.7(g) of the Commission's regulations thereunder (18 CFR 157.7(b) and 157.7(g)), for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing July 1, 1975, and operation of facilities to enable Applicant to take into its certificated system natural gas purchased from producers thereof and for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the same period, and operation of field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is (1) to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system and (2) to enable Applicant to construct and abandon field gas compression and related facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed gas purchase facilities will not exceed $12,000,000, with no single onshore project expenditure to exceed $1,500,000 and no single offshore project expenditure to exceed $2,500,000 and that the total cost of its proposed construction, relocation, removal or abandonment of field compression facilities will not exceed $3,000,000, with no single project to exceed $500,000. Applicant states that these costs will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-11151 Filed 4-28-75;8:45 am]

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[Docket No. CP75-227]

## MONTANA-DAKOTA UTILITIES CO.

### Postponement of Hearing

APRIL 21, 1975.

On April 21, 1975, Staff Counsel filed a motion to postpone the hearing date fixed by order issued March 28, 1975, as most recently modified by notice issued April 7, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed to April 30, 1975, at 9 a.m. (e.d.t.).

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-11152 Filed 4-28-75;8:45 am]

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[Docket No. RP71-135; PGA75-10]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Purchased Gas Cost Adjustment to Rates and Charges

APRIL 22, 1975.

Take notice that Natural Gas Pipeline Company of America (Natural) on April 6, 1975, tendered for filing Twenty-third Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1 to become effective June 1, 1975, pursuant to the Purchased Gas Cost Adjustment Clause (PGA Clause) provision contained in its Tariff. Natural proposes to increase its rates to reflect changes in the cost of gas purchased from producer suppliers and to recover accumulated deferred purchased gas costs as of February 28, 1975. Natural states that the Deferred Purchased Gas Cost Account balance as of February 28, 1975 was adjusted to eliminate the cost changes and recoveries applicable to changes that were filed for and made effective February 5, 1975 in Natural's Special One-Time PGA filing pursuant to Opinions 699-G and 699-H.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the





Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-11153 Filed 4-28-75;8:45 am]

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[Docket Nos. RP61-8, RP65-50, RP67-21, and RP68-17]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Report of Refunds

APRIL 22, 1975.

Take notice that on April 15, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing a report of refunds in the above-captioned dockets. Natural states that the refunds are a result of a settlement with the Internal Revenue Service respecting certain depreciation deductions for the tax years 1962 through 1968. Natural further states that this settlement triggers refund obligations under rate settlements in the captioned dockets.

Natural states that copies of the refund report were mailed to its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-11154 Filed 4-28-75;8:45 am]

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[Docket No. RI75-116]

## NORTHEAST BLANCO DEVELOPMENT CORP.

### Order Granting Rehearing, Setting Proceeding for Hearing, and Providing for Interventions

APRIL 22, 1975.

On March 26, 1975, Northeast Blanco Development Corp. (Blanco) filed an application for rehearing of the Commission order issued February 28, 1975, in the above-captioned docket requesting that the Commission grant rehearing and accept its Notices of Rate Change filed on January 29, 1975 as Supplement Nos. 11 and 12 to Blanco's FPC Gas Rate Schedule No. 1.

On October 21, 1974, the date of expiration of its March 18, 1953 basic contract with El Paso Natural Gas Company (El Paso) covering sales of natural gas from certain fields in the San Juan Basin Area, Blanco filed for a unilateral increase, designated as Supplement No. 9 to its FPC Gas Rate Schedule No. 1, from its then effective rate of 29.33 cents per Mcf to the Opinion No. 699 [1] base rate of 43 cents per Mcf.

Inasmuch as the sale was not covered by Opinion No. 699 and the proposed rate exceeded the applicable area rate ceiling set by Opinion No. 658,[2] the Commission, in an order issued on November 19, 1974 in Docket No. RI75-69, suspended Blanco's proposed increase for five months until April 21, 1975.

On January 29, 1975, Blanco filed two separate Notices of Rate Change. The first, designated as Supplement No. 11 to Blanco's FPC Gas Rate Schedule No. 1, requested the Opinion No. 699-H [3] just and reasonable base rate of 50 cents per Mcf [4] for the retroactive locked-in period of October 20 to December 31, 1974 set by Docket No. RI75-69. The second notice, Supplement No. 12, sought the post-January 1, 1975, Opinion No. 699-H nationwide just and reasonable base rate of 51 cents per Mcf.[5]

By Commission order issued February 28, 1974, in Docket No. RI75-116, Blanco's rate increase filing for the locked-in period of October 20, to December 31, 1974, was rejected inasmuch as the suspension order in Docket No. RI75-69 prohibited a change in the suspended rate (the underlying rate in Docket No. RI75-116) and good cause had not been shown for waiver of this prohibition or for granting the increase retroactively.

However, Blanco's rate increase filing for the 51 cent Opinion No. 699-H nationwide rate was suspended for the statutory five month period commencing on April 21, 1975, the date the underlying rate under suspension in Docket No. RI75-69 will become effective subject to refund. The proposed 51 cent rate was suspended because it exceeded the ceiling rate under Opinion No. 658 and because the sale was not covered by Opinion No. 699, as amended.

In its application for rehearing filed herein, Blanco avers that it has been unable to negotiate a renewal contract with El Paso covering the subject sales because El Paso has refused to bargain in good faith.[6] Accordingly, Blanco contends that it should be allowed to collect the nationwide rate provided for in Opinion No. 699 inasmuch as the Commission in Opinion No. 699-H indicated that a failure of the purchaser to bargain in good faith could provide a basis for Commission action to remedy the situation.[7]

In light of the above, we find that a sufficient question has been raised concerning the applicability of the nationwide rate herein to warrant rehearing of our order issued February 28, 1975, in Docket No. RI75-116. Accordingly, we shall grant rehearing and set this case for formal hearing on the limited issues: (1) Whether El Paso has been guilty of bad faith concerning the negotiation of a renewal contract with Blanco; (2) if so, whether Blanco is entitled to the nationwide rate as a result thereof; and (3) if so, what the appropriate effective date of said rate should be.

Blanco shall bear the burden of proof with respect to its claim that El Paso has been guilty of bad faith concerning the negotiation of a renewal contract.

*The Commission finds:* Good cause exists to grant rehearing of the Commission order issued on February 28, 1975, in Docket No. RI75-116.

*The Commission orders:* (A) Rehearing of the Commission's order of February 28, 1975, in Docket No. RI75-116 is granted.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), Docket No. RI75-116 is set for hearing and disposition.

(C) A public hearing on the issues set forth in the body of this order shall be held commencing on June 24, 1975, 10 a.m. (edt) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(D) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(E) Blanco and any intervenor supporting the application shall file their direct testimony and evidence on or before May 13, 1975. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(F) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before June 10, 1975. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

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[1] ____ F.P.C. ____ (June 21, 1974) (hereinafter Opinion No. 699).

[2] Area Rate For The Rocky Mountain Area, Docket No. R-425, 49 F.P.C. 924 (1973).

[3] ____ F.P.C. ____ (December 4, 1974), 18 CFR 2.56a (hereinafter Opinion No. 699-H).

[4] The total rates sought by Blanco, after BTU, tax, and liquid adjustment are 61.6717 and 62.8852 cents per Mcf, respectively, pursuant to Suplement Nos. 11 and 12 to its FPC Gas Rate Schedule No. 1.

[5] *See* 18 CFR 2.56a(s)(3).

[6] For the nationwide just and reasonable rate promulgated in Opinion No. 699-H to be applicable to a sale once the base contract has been terminated, a renewal contract must be entered into for the subject sale. *See* Opinion No. 639-H, mimeo at 40-44.

[7] *Id*, mimeo at 43.



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(G) All rebuttal testimony and evidence shall be served on or before June 17, 1975. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(H) Notice of intervention or petitions seeking leave to intervene in this proceeding shall be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the rules of practice and procedure, 18 CFR §§ 1.8 and 1.37(f), on or before May 6, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11155 Filed 4-28-75;8:45 am]

[Docket No. CP75-285]

## NORTHERN NATURAL GAS CO.

### Application

APRIL 22, 1975.

Take notice that on April 1, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-285 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove one 1,080 HP turbine compressor unit from its Redfield Storage Field (Redfield) located in Dallas County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently has seven compressor units with a total of 10,240 compressor horsepower installed at Redfield. Applicant claims that there is a need to reduce the operating pressure in the Redfield reservoir which reduces the volumes of gas proposed to be stored at Redfield and, in turn, reduces the compressor horsepower requirements. Applicant estimates the peak day volume of gas requiring compression at Redfield during 1975 will be 350,000 Mcf during the injection season and 370,000 Mcf during the withdrawal season, with declining volumes expected thereafter. (The estimated peak day withdrawal volume is that volume which could be available during the early part of the withdrawal season, if needed). Applicant states that it has 1,080 horsepower in excess of the 9,160 horsepower required to compress the volumes to be injected into and withdrawn from Redfield. Thus, Applicant proposes to abandon and remove one of the 1,080 HP turbine units from Redfield to be retired to stock for relocation and installation elsewhere on its system when required. Applicant states that no service will be terminated as a result of the proposed abandonment. Applicant states that it has need for compressor horsepower elsewhere on its system to reduce gathering line pressure in order to maintain deliverability and satisfy contractual pressure obligations and to take into its system additional supplies of natural gas purchased from fields located in the general area of its existing system.

The estimated cost of removing the Redfield compressor unit is $11,000 which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11156 Filed 4-28-75;8:45 am]

[Docket No. CP75-287]

## NORTHWEST PIPELINE CORP.

### Application

APRIL 22, 1975.

Take notice that on April 7, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-287 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in the seasonal and daily volumes of storage service sales by Applicant to certain of its customers, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authorization to increase from 8,500,000 Mcf to 9,300,000 Mcf the seasonal volume of natural gas which is authorized to sell and deliver pursuant to its FPC Rate Schedule SGS-1. Applicant further requests that it be authorized to sell and deliver on a firm basis the 60,000 Mcf per day of SGS-1 service heretofore authorized on a best efforts basis for the 1974-75 heating season, thereby increasing from 240,000 Mcf per day to 300,000 Mcf per day the maximum daily quantity Applicant is authorized to sell and deliver pursuant to Rate Schedule SGS-1. The authorization requested is for the period commencing October 16, 1975, and each October 16 thereafter and continuing through each succeeding April 15.

The application states that Applicant, as successor in interest to El Paso Natural Gas Company, is a principal party to the Gas Storage Agreement dated June 25, 1970, as amended, between Applicant, Washington Natural Gas Company (Washington Natural) and Washington Water Power Company (Water Power). The agreement provides, inter alia, that Washington Natural, the designated operator of Jackson Prairie Storage Project (Jackson Prairie), accept for underground storage volumes of natural gas to be delivered by Applicant and upon request of Applicant, the withdrawal of such quantities of working gas as are required by Applicant to meet the contract demand and seasonal quantities in its then effective gas storage service agreements pursuant to which Applicant provides storage service to certain of its customers.

Applicant states that Washington Natural has filed an application in Docket No. CP75-110 requesting authorization to construct and operate the facilities necessary to increase the capability of the Jackson Prairie Storage Project so as to deliver, commencing with the 1975-76 heating season, up to 300,000 Mcf daily and 9,300,000 Mcf during any seasonal period commencing with October 16 and continuing through the next succeeding April 15.

Applicant proposes that for the 1975-76 season and thereafter, the contract demand including the 60,000 Mcf per day of additional firm deliverability and the additional 800,000 Mcf seasonal quantity would be as follows:





| | Contract demand | | Seasonal quantity | |
|---|---|---|---|---|
| | M/ft³ | Therms | M/ft³ | Therms |
| California-Pacific Utilities Co. | 4,229 | 44,400 | 131,094 | 1,370,000 |
| Cascade Natural Gas Co. | 26,714 | 280,500 | 827,700 | 8,650,000 |
| Intermountain Gas Co. | 22,314 | 234,300 | 691,830 | 7,230,000 |
| Northwest Natural Gas Co. | 37,076 | 389,300 | 1,149,223 | 12,010,000 |
| Peoples Natural Gas Division of Northern Natural Gas Co. | 724 | 7,600 | 22,008 | 230,000 |
| Southwest Gas Co. | 8,942 | 93,900 | 277,498 | 2,900,000 |
| Washington Natural Gas Co. and Washington Water Power Co., jointly | 200,001 | 2,100,000 | 6,200,638 | 64,800,000 |
| Total | 300,000 | 3,150,000 | 9,300,000 | 97,190,000 |

Applicant states that, although it will not require any additional investment in new facilities to perform the proposed service, it will be required to share in one-third of the investment required to increase the storage capacity in the Jackson Prairie Storage Project. Applicant's share of the additional facilities proposed by Washington Natural is $883,800, plus $323,280 for Applicant's proportionate share of the cost of 1,200,000 Mcf of additional cushion gas required to provide the increased storage service. Applicant further states that its present demand charge for SGS-1 service will recover the fixed costs attributable to the additional facility costs and that its present commodity charge for such service will recover Applicant's cost of purchased gas plus an amount to recover the transmission costs associated with the delivery and sale of the seasonal quantity. Applicant shows an average purchased gas cost of 80.82 cents per Mcf, incremental revenues associated with the additional storage service proposed of $1,175,000 per year for the first three years of such service and excess revenues over cost of service of $265,000, $274,000, and $283,000, respectively, for the first three years of service.

Applicant asserts that the limited availability of natural gas from new gas supply sources with which to replace the declining deliverability of existing domestic supply sources will further restrict Applicant's ability to meet its firm contract obligation during periods of high demand, thereby increasing the level of curtailment its customers are currently experiencing. Applicant further asserts that the increased development of storage capability, while not providing increased annual volumes, will provide additional seasonal and peak day capability, thereby assisting Applicant in meeting the high priority requirements of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11166 Filed 4-28-75;8:45 am]

[Docket No. CP75-294]

## NORTHWEST PIPELINE CORP.

### Application

APRIL 22, 1975.

Take notice that on April 10, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-294 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale to, the transportation for and the exchange of natural gas with Mountain Fuel Supply Company (Mountain Fuel), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Pursuant to a Gas Purchase, Transportation and Exchange Agreement dated February 17, 1975, Applicant proposes to deliver approximately 6,000 Mcf of gas per day from the Barrel Springs Area, Carbon County, Wyoming, to Mountain Fuel at a point on Mountain Fuel's 10-inch pipeline located in Carbon County, Wyoming. Mountain Fuel will receive for exchange such volumes as are delivered by Applicant and will redeliver equivalent volumes, subject to Mountain Fuel's option to purchase 25 percent of the volumes delivered for exchange, at an existing point of interconnection between the facilities of Applicant and Mountain Fuel in Sweetwater County, Wyoming. Applicant will be charged an initial rate of four cents (4 cents) per Mcf by Mountain Fuel as a transportation charge for the gas to be delivered in exchange by Mountain Fuel to Applicant. In addition to the purchased cost of gas,[1] Applicant will charge Mountain Fuel in its proposed sale its cost-of-service, the initial rate to be 16½ cents per Mcf, including return on its investment in gathering, compression, treating and transmission facilities. Applicant indicates that the parties will attempt to balance the exchange gas to the extent possible, monthly and on a Btu basis.

To effect the exchange, Applicant states that it intends to construct the necessary gathering and transmission facilities under the budget-type certification requested in Docket No. CP75-107.[2]

Applicant further states that it proposes the subject exchange because the gas available to Applicant in the Barrel Springs area is proximate to Mountain Fuel's system and relatively distant from Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to inter-

[1] Applicant states it has entered into gas purchase contracts with American Resources Management Corp., small producer certificate applicant in Docket No. CS75-100 and the Kemmerer Coal Company, small producer certificate applicant in Docket No. CS75-163. The contracts according to Applicant, served for an initial rate of 55 cents per Mcf, adjusted for Btu.

[2] Applicant, on February 14, 1975, filed in Docket No. CP75-107, its Petition to amend the Order issued January 2, 1975, to increase total and single project cost of budget-type gas purchase facilities. The petition to amend was filed to permit Applicant to construct facilities at the higher annual and single project costs provided by Order No. 522, issued January 16, 1975, in Docket No. RM75-2.



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vene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11157 Filed 4–28–75;8:45 am]

[Docket No. CI75–406]

## PHILLIPS PETROLEUM CO.

### Extension of Procedural Dates

APRIL 21, 1975.

On April 18, 1975, Phillips Petroleum Company filed a motion for reconsideration of the procedural dates filed by notice issued April 16, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above-matter are modified as follows:

Service of supporting testimony, May 19, 1975.
Hearing, June 5, 1975. (10 a.m., e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11158 Filed 4–28–75;8:45 am]

[Docket No. E–8882]

## PUBLIC SERVICE COMPANY OF COLORADO

### Extension of Procedural Dates

APRIL 22, 1975.

On April 22, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued March 6, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony, May 6, 1975.
Service of intervenor's testimony, May 13, 1975.
Service of company rebuttal (unchanged), May 20, 1975.
Hearing (unchanged), June 3, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11159 Filed 4–28–75;8:45 am]

[Docket No. CP75–293]

## SOUTHERN NATURAL GAS CO.

### Application

APRIL 22, 1975.

Take notice that on April 10, 1975, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75–293 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas transmission facilities located in Main Pass Block 80, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to abandon 3.25 miles of 4½-inch pipeline connecting Main Pass Block 80 with Main Pass Block 69. Applicant states that the line proposed to be abandoned was installed under Applicant's budget-type certificate issued on July 1, 1968 (40 FPC 6), in order to receive gas from Shell Oil Company sold under Shell's temporary certificate in Docket No. CI69–242. Applicant explains that it later constructed more permanent facilities pursuant to the Commission's order of January 17, 1969 (41 FPC 59), to receive Shell's gas. Applicant states that the subject line has been maintained as a standby gas supply facility which Applicant believed could be of benefit in attaching new gas supplies in the area. Applicant claims that the subject line has been damaged due to outside forces and that it would not be economical to repair and maintain the line as there now appears little likelihood for attaching new reserves through the use of this line. Applicant proposes to remove and salvage a certain portion of the subject line and to abandon the balance in place. Applicant estimates the cost of removal will be $3,100 and the value of the facilities to be salvaged will be $1,016.

Applicant states that no service is presently bejng rendered through use of the subject facilities and that the proposed abandonment will have no effect on Applicant's pipeline system operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11160 Filed 4–28–75;8:45 am]

[Docket No. CI75–594]

## TEXACO, INC.

### Petition for Declaratory Order

APRIL 22, 1975.

Take notice that on April 8, 1975, Texaco Inc. (Texaco), P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CI75–594 pursuant to section 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) a petition for a declaratory order to resolve Texaco's question of whether a lessee by making an interstate gas sale, can commit more than its real property interest (i.e., its rights under its lease), thereby both encumbering forever the real estate and imposing upon the nonparticipating mineral fee owner the obligations of section 7 of the National Gas Act, as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The petition indicates that on August 7, 1925, Gulf Production Company, the corporate predecessor of Gulf Oil Corporation (Gulf), as lessee, executed a 50–year fixed term oil and gas lease with Goldsmith, et al., lessors. The petition further indicates that by the terms of said lease Gulf obtained the exclusive right of exploiting 19,840 acres of land in Ector County, Texas, and producing oil and gas therefrom and that the leasehold estate expires on August 7, 1975, whereupon the mineral rights shall revert to the reversionary mineral interest owners. Texaco states that it acquired a reversionary mineral interest ownership in the aforesaid property in Ector County, Texas, when on May 4, 1929, Goodman et. al., conveyed to Texaco (then The Texas Company) one-fourth of the oil, gas and other moinerals, and a like interest in the royalties under any lease, in the property.

Texaco states that Gulf is currently selling gas from the aforementioned properties to Phillips Petroleum Company (Phillips) under a casinghead gas sales contract and that Phillips sells, from the tailgate of its Goldsmith Plant in Ector County, Texas, the residue gas to El Paso Natural Gas Company (El Paso) under Phillip's FPC Rate Schedule Nos. 7, 32, 33, 497, and 483. Texaco states that, as a royalty owner, it is in no way a party to either the present contract by which Gulf sells production from





the aforementioned property to Phillips or to the residue gas sales contracts under which Phillips sells gas from the Goldsmith Plant to El Paso.

Texaco states that the question it raises in the instant petition is identical to a question raised by El Paso in its petition for declaratory order in Docket No. CP75–209.[1] Texaco alleges that based on the facts presented by El Paso in its petition in Docket No. CP75–209 the reversioners therein, including Exxon Corporation and Mineral Interest Owners, are in the same legal position as is Texaco in the instant factual setting. Texaco states that it adopts the legal arguments made in the pleadings of Exxon Corporation and Mineral Interest Owners, dated March 3, 1975, in the proceeding in Docket No. CP75–209, but reserves its right to file formal briefs in the instant proceeding should the Commission desire further argument.

In the event that the Commission issues a declaratory order without giving the parties an opportunity for further briefing, Texaco requests that the Commission expressly hold that no abandonment authorization is needed upon termination of Gulf's oil and gas leasehold estate, and that Texaco's reversionary mineral interest is unencumbered by previous actions taken and commitments made by Gulf and by Phillips with respect to gas produced from Gulf's terminated leasehold estate.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11161 Filed 4–28–75;8:45 am]

[Docket No. RP75–19]

## TEXAS GAS TRANSMISSION CORP.

### Extension of Procedural Dates

APRIL 22, 1975.

On April 17, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 30, 1974, as most recently modified by notice issued March 10, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

[1] Notice of El Paso's petition was published in the FEDERAL REGISTER on February 7, 1975 (40 FR 5818).

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, June 30, 1975.
Service of intervenor's and staff's reply, July 29, 1975.
Service of company rebuttal, August 12, 1975.
Hearing, August 19, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11162 Filed 4–28–75;8:45 am]

[Dockets Nos. RP69–41 et al. and RP71–75]

## TEXAS GAS TRANSMISSION CORP.

### Report of Refunds

APRIL 22, 1975.

Take notice that on December 2, 1974, Texas Gas Transmission Corporation, (Texas Gas), submitted a report of refunds made to its jurisdictional sales customers covering refunds applicable to the period January 10, 1971, through March 31, 1972. The company states that the refund checks were mailed to their customers on November 27, 1974. The company's filing indicates that such refunds totaled $1,376,577.86 and had been deferred pending completion of appeals of the Commission's Opinion Nos. 598 and 598–A.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11163 Filed 4–28–75;8:45 am]

[Docket No. E–9385]

## UNION ELECTRIC CO.

### Filing of Letter Agreement and Request for Waiver

APRIL 22, 1975.

Take notice that on April 17, 1975 the Union Electric Company (Union) tendered for filing a letter agreement between Union and the Missouri Utilities Company (Missouri) dated February 21, 1975. Union states that the letter agreement provides (1) for Missouri to construct a 161 kV line from their existing Stoddard Substation to their new Richland Substation, providing an additional point of delivery between the parties; (2) for Union to construct a new 161 kV line from the existing Rivermines-Cape line to the new Wedekind Substation to be constructed by Missouri; (3) for the modification of certain provisions of the December 9, 1968 letter agreement between the parties relating to supply to Charmin Products Company (Supplement No. 7 to Rate Schedule FPC No. 47) to recognize the effect on the parties' systems of the new Wedekind Substation; and (4) for the temporary supply of a portion of Citizens Electric Corporation's load through facilities of Missouri.

Union further states that inasmuch as this filing was delayed until the parties could incorporate all desired provisions into one document, a waiver of the thirty day notice requirement of this Commission's rules and regulations is requested to allow an effective date of March 14, 1975 (the in-service date for the Richland Substation).

Union additionally states that copies of this filing have been sent to Missouri, Cape Girardeau, Missouri, and to the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11164 Filed 4–28–75;8:45 am]

[Docket No. E–9200]

## UPPER PENINSULA POWER CO.

### Extension of Procedural Dates

APRIL 22, 1975.

On April 18, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued January 30, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony, June 24, 1975.
Service of intervenor's testimony, July 8, 1975.
Service of company rebuttal, July 22, 1975.
Hearing, August 5, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11165 Filed 4–28–75;8:45 am]



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## FEDERAL RESERVE SYSTEM

### ARIZONA EQUITIES, INC.

#### Acquisition of Bank

Arizona Equities, Inc., Scottsdale, Arizona, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 3.4 per cent or more of the voting shares of The Arizona Bank, Phoenix, Arizona. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 22, 1975.

Board of Governors of the Federal Reserve System, April 21, 1975.

[SEAL] GRIFFITH L. GARWOOD,
*Assistant Secretary of the Board.*

[FR Doc. 75-11088 Filed 4-28-75;8:45 am]

### FIRST NATIONAL CHARTER CORP.

#### Order Approving Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Aurora Bank, Aurora, Missouri ("Bank").

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of § 265.2(f)(24) of the rules regarding delegation of authority.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Missouri, controls 15 banks with aggregate deposits of $810.9 million, representing 5.42 percent of the commercial deposits in the State.[1] Acquisition of Bank would increase Applicant's share of deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

[1] All banking data are as of June 28, 1974, and reflect bank holding company formations and acquisitions approved by the Board to March 21, 1975.

Bank (1974 year-end deposits of $17.2 million) is the second largest of nine banking organizations in the relevant banking market[2] with 20.6 percent of the deposits in commercial banks in the market. The largest bank in the market controls 21.6 percent of total deposits therein. Applicant's two nearest banking subsidiaries, neither of which compete in the relevant banking market, are located in Springfield and Cassville, 30 and 31 miles from Aurora, respectively, and it appears that no significant competition exists between them and Bank. In addition, it appears unlikely that any future competition would develop between Bank and Applicant's banking subsidiaries because of the distance involved, the presence of intervening banking offices, and Missouri's restrictive banking laws. Further, it appears unlikely that Applicant would enter the market *de novo* because the area is not considered at this time particularly attractive for such an alternative means of entry. On the basis of the record, this Reserve Bank concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are satisfactory and, therefore, financial factors are consistent with approval. Affiliation with Applicant should enable Bank to offer expanded banking services, including agricultural loans and trust services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

[SEAL] JOHN F. ZOELLNER,
*Vice President.*

APRIL 16, 1975.

[FR Doc.75-11089 Filed 4-28-75;8:45 am]

[2] The relevant market is approximated by Lawrence County, the northern quarter of Barry County, and a small portion of northwestern Stone County.

### MIDLANTIC BANKS INC.

#### Order Approving Acquisition of Great Eastern Leasing Corp.

Midlantic Banks Inc., West Orange, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to acquire through its subsidiary, Midlantic Commercial Corporation, all of the voting shares of Great Eastern Leasing Corporation, New York, New York ("Company"), a company that engages in the activity of full pay-out leasing and equipment financing.[1] Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(6)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 1571). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is the third largest banking organization in New Jersey with approximately 7 per cent of the total deposits in commercial banks in the State. Applicant controls eight banks with aggregate deposits of approximately $1.4 billion.[2] Company, organized in 1968, has total assets of $1.9 million.[3] Company's leasing activities involve to equal extents both direct and vendor-originated leases. Most of its direct leases involve printing presses and machine tools, while the vendor-originated leases are in the office machine field. Most of Company's leases are of equipment valued under $25,000. Company operates primarily in the Metropolitan New York area market, approximated by southeastern New York State, the northern Counties of New Jersey, and the southern Counties of Connecticut. Applicant also engages in leasing activity in the same market through a department of its lead bank, Midlantic National Bank and also through Midlantic Commercial Corporation, a subsidiary. Through Midlantic National Bank Applicant held approximately $6.5 million in leasing receivables. Midlantic Commerical Co. commenced operations *de novo* in August, 1974. Although some existing and future competition would therefore be eliminated as a result of this proposal, in view of the large number of competitors and the intensity of competition in the New York market, such a reduction in competition as would occur would not be significant.

There is no evidence in the record that consummation of the proposed transaction would result in undue concentration of resources, conflicts of interests, unsound banking practices, unfair competition, or other adverse effects. Furthermore, it appears that Company, as a subsidiary of Midatlantic Commercial Co., will be able to offer its present and future customers a wider range of financial services than it is currently providing.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with section 4(c)(8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y (12 CFR 225.4(c)) and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to authority delegated hereby.

By order of the Board of Governors,[4] effective April 18, 1975.

[SEAL] THEODORE E. ALLISON,
*Secretary of the Board.*

[FR Doc.75-11090 Filed 4-28-75;8:45 am]

[1] Non-lease equipment financing constitutes less than 10 per cent of Company's volume and is a method of financing the same types of equipment as that leased by Company.

[2] Banking data are as of June 30, 1974.

[3] Company data are as of December 31, 1973.

[4] Voting for this action: Governors Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Chairman Burns and Governors Mitchell and Sheehan.





## FEDERAL TRADE COMMISSION

[Docket No. 8909]

### XEROX CORP.

#### Consent Agreement With Analysis To Aid Public Comment

Hearing date: June 4, 1975.

Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34, 40 FR 15236, April 4, 1975), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited on or before June 16, 1975. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14), 40 FR 15236, April 4, 1975. Comments should be directed to:

Office of the Secretary
Federal Trade Commission
6th & Pennsylvania Ave. NW.
Washington, D.C. 20580.

The Commission will hold a public hearing beginning at 9:30 a.m., on Wednesday, June 4, 1975, in Room 532 of the Federal Trade Commission Building, devoted to the question of whether or not it should make final the consent order in this matter. Persons desiring to make oral presentations should notify the Secretary, Federal Trade Commission, Washington, D.C. 20580, on or before May 9, 1975. The Secretary will allocate available time among parties who have made a request to appear. Oral presentations should be confined to subject matter which cannot be suitably presented in written format. After 60 days, the Commission will again review the consent order in light of the hearing and comments received and will decide whether or not it should be made final.

#### XEROX CORPORATION

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The agreement herein, by and between Xerox Corporation, a corporation, by its duly authorized officer, the respondent in the above-capitioned proceeding, and its attorneys, and counsel for the Federal Trade Commission is entered into in accordance with the Commission's rule governing consent order procedure. In accordance therewith the parties hereby agree that:

1. Respondent Xerox Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at High Ridge Park, in the City of Stamford, State of Connecticut.

2. Respondent has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violations of section 5 of the Federal Trade Commission Act and has filed an answer to said complaint denying said charges. Subsequently, the Commission withdrew this matter from adjudication pursuant to § 2.34(d) of the Commission's rules, and the parties engaged in negotiations which resulted in this agreement. This agreement supersedes a prior Agreement Containing Consent Order to Cease and Desist dated October 5, 1974, which was rejected by the Commission.

3. Respondent admits all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of this proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it will be placed on the public record for a period of 60 days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within 30 days after the 60 day period, comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate. The Commission may, at any time pending final acceptance of this order, require hearings on the relief requirements provided by this order.

6. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the complaint.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34(b) of the Commission's rules, the Commission may, without further notice to the respondent, (1) issue its decision containing the following order in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or this agreement may be used to vary or contradict the terms of the order.

8. Respondent has read the order contemplated hereby and understands that once this order has been issued, respondent will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

ORDER

I

*It is ordered,* That the following definitions shall apply in this order:

A. "XEROX" means respondent Xerox Corporation, its SUBSIDIARIES (except RANK XEROX and FUJI XEROX), successors and assigns and its directors, officers, employees, agents and representatives. "RANK XEROX" means Rank Xerox Limited, a corporation organized and existing under the laws of the United Kingdom. "FUJI XEROX" means Fuji Xerox Company Limited, a corporation organized and existing under the laws of Japan. "RANK XEROX" and "FUJI XEROX" each includes the SUBSIDIARIES, successors and assigns of said corporations and their directors, officers, employees, agents and representatives.

B. "PERSON" means any individual, partnership, firm, association, corporation or other legal or business entity [other than the Commission, XEROX, RANK XEROX, FUJI XEROX, The Rank Organisation Limited (so long as it is a party to a joint venture with XEROX relating to OFFICE COPIER PRODUCTS), Fuji Photo Film Co., Ltd. (so long as it is a party to a joint venture with XEROX or RANK XEROX relating to OFFICE COPIER PRODUCTS),





laws of the State of New York, and its SUBSIDIARIES [illegible]



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and any foreign government (or any entity whose ownership is controlled thereby)], their SUBSIDIARIES, successors and assigns, and directors, officers, agents and representatives.

C. "SUBSIDIARY" means a PERSON more than fifty percent (50%) or, at the option of the LICENSEE with respect to its SUBSIDIARIES, at least twenty percent (20%) of whose outstanding shares or stock, representing the right (other than as affected by events of default) to vote for the election of directors or other managing authority, are now or hereafter owned or controlled, directly or indirectly, by XEROX, RANK XEROX, FUJI XEROX or PERSON, as the case may be, but such PERSON shall be deemed to be a SUBSIDIARY only so long as such ownership or control exists.

D. "LICENSEE" means any PERSON licensed by XEROX, RANK XEROX and/or FUJI XEROX pursuant to the terms of Paragraph II of this order, including all AFFILIATES of such PERSON. AFFILIATE means (1) any PERSON and SUBSIDIARIES thereof, engaged in the development, manufacture, use, lease or sale of OFFICE COPIER PRODUCTS at least fifty percent (50%) or, at the option of the LICENSEE, at least twenty percent (20%) of whose outstanding shares or stock, representing the right (other than as affected by events of default) to vote for the election of directors or other managing authority, are now or hereafter owned or controlled, directly or indirectly, by the licensed PERSON; and (2) any PERSON and SUBSIDIARIES thereof, which now or hereafter own or control, directly or indirectly, more than fifty percent (50%) or, at the option of the LICENSEE, at least twenty percent (20%) of the outstanding shares or stock, representing the right (other than as affected by events of default) to vote for the election of directors or other managing authority of the licensed PERSON, but only so long as such ownership or control exists.

E. "PATENT" means some, all or any portion of all patents (including utility models, design patents, certificates of addition and the like), and all patents resulting from continuations-in-part, divisions, renewals, reissues and extensions based on said patents or the applications therefor, but only insofar as it relates to an OFFICE COPIER PRODUCT.

F. "ISSUED" means published and either issued, granted, sealed or registered.

G. "CORRESPONDING PATENTS" means two or more PATENTS, each of which has ISSUED in a different country, is entitled to the same priority date (or could have been if timely filed) and is based upon the same conception and reduction to practice.

H. "PRESENT PATENT" means a United States or FOREIGN PATENT ISSUED on or before the date of issuance of this order and all CORRESPONDING PATENTS regardless of the date they are ISSUED.

I. "FUTURE PATENT" means a United States or FOREIGN PATENT other than a PRESENT PATENT ISSUED on a patent application having an effective filing date prior to three years after the date of issuance of this order or ISSUED during the six years following the date of issuance of this order, and all CORRESPONDING PATENTS, regardless of the date they are ISSUED.

J. "FOREIGN PATENT" means a PATENT ISSUED by a country other than the United States.

K. "XEROX PATENT" means a PATENT which is owned or controlled by XEROX, RANK XEROX or FUJI XEROX or under which one or more of them has the power to grant licenses or sublicenses to PERSONS. XEROX' power to comply with this order with respect to PATENTS owned or controlled by RANK XEROX or FUJI XEROX, or under which they have the power to grant licenses or sublicenses, is confirmed in the undertakings of RANK XEROX and FUJI XEROX which have been submitted to the Commission.

L. "ORDER PATENT" means a PRESENT or FUTURE XEROX PATENT except one licensed pursuant to Paragraph X(b) of this order.

M. A "PATENT OF THE LICENSEE" means a PATENT which is owned or controlled by a LICENSEE, or a PATENT under which such LICENSEE has the power to grant licenses or sublicenses.

N. "IMPROVEMENT PATENT" means a PATENT or an invention which, if practiced, would infringe a licensed PATENT and which IMPROVEMENT PATENT is owned or controlled by the licensee of such PATENT or is one under which such licensee has the power to grant licenses or sublicenses. Determination of what is an IMPROVEMENT PATENT shall be made by reference to a licensed United States PATENT, if any, or if there is no such United States PATENT, by reference to the licensed FOREIGN PATENT.

O. "OFFICE COPIER" means a machine for the convenient reproduction of an original document and accessories physically attached to such machine. The term "OFFICE COPIER" refers to all xerographic and non-xerographic office copiers, including but not limited to polychromatic color office copiers, high speed office copiers (such as the Xerox Model 9200), hybrid offset office copiers (such as the AMCD) and office copiers adapted to receive micro input as well as hard copy input, but does not include specialized use copiers (such as engineering drawing and microfilm copiers), or offset, stencil, or spirit duplicator machines.

P. "OFFICE COPIER PRODUCT" means an OFFICE COPIER and parts, components, raw materials and consumable supplies for use therein, including but not limited to photosensitive elements, refined selenium, metal alloys for machine parts, toner, developer, paper, and containers (such as toner cartridges) for consumable supplies.

Q. "ROYALTY-BEARING PRODUCT" means (1) an OFFICE COPIER, (2) toner, developer, paper, and similar consumable supplies, (3) containers (such as toner cartridges) for consumable supplies and (4) photosensitive elements, any of which are covered by a licensed PATENT other than one which is royalty-free.

R. "NET REVENUES" shall mean the total revenues received by the licensee from the lease or sale, as the case may be, of a ROYALTY-BEARING PRODUCT, or in the case of a lease of a ROYALTY-BEARING PRODUCT, at the option of the licensee, the published selling price for such ROYALTY-BEARING PRODUCT. Any of the following items, or any comparable items, may be deducted from the aforesaid total revenues or published selling price when they are separately stated on the invoice:

(a) Packing costs.

(b) Actual transportation and insurance costs from place of shipment to point of installation.

(c) Excise, sales, use and property taxes.

(d) Import and export duties and taxes.

(e) The fair market value of replacement parts and components which are not covered by a licensed PATENT.

(f) The fair market value of consumable supplies which are not covered by a licensed PATENT whether or not they are in a licensed container.

(g) Actual credit to customers on account of any ROYALTY-BEARING PRODUCT which is not accepted by the customer.

(h) Costs of servicing or repairing the ROYALTY-BEARING PRODUCT excluding the costs of parts or components covered by a licensed PATENT.

To the extent that the amounts charged for the above items can be verified by referring to separate bona fide offers of such services or products, or to separate documents as in the case of taxes or duties, such amounts need not appear on the invoice.

S. "POLYCHROMATIC COLOR OFFICE COPIER PRODUCT" means an OFFICE COPIER PRODUCT specially adapted to produce multicolor copy.

T. "KNOW-HOW" means all written materials used by Xerox Corporation in manufacturing, refurbishing, reconditioning, retrofitting and servicing its OFFICE COPIER PRODUCTS which Xerox Corporaton is not specifically prohibited by a legally enforceable obligation from disclosing, including but not limited to blueprints, drawings, formulae, manuals, process descriptions, production methods, specifications, quality control and test standards and computer programs.

U. "COMMERCIALLY AVAILABLE" means generally available for immediate sale or lease to consumers in an area at least as large as an area served by at least one sales branch of the seller or lessor and on publicly announced terms.

V. "IBM" means International Business Machines Corporation, a corporation organized and existing under the





laws of the State of New York, and its SUBSIDIARIES, successors and assigns, and directors, officers, employees, agents and representatives.

W. "UNITED STATES" means the United States of America, its territories or possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

II

*It is further ordered,* That XEROX shall forthwith grant or cause to be granted to any PERSON making written application to XEROX at any time under this order a non-exclusive license for the full unexpired term under any, some, or all ORDER PATENTS, to make, have made, use or vend any, some or all of the following: (1) OFFICE COPIERS (including the right to have made parts, components and raw materials for use therein), (2) toner, developer and paper, (3) toner, developer, paper and similar consumable supplies which may be used in future OFFICE COPIERS, (4) containers (such as toner cartridges) for consumable supplies, and (5) photosensitive elements. However, at XEROX' option exercised on a non-discriminatory basis, the effective date of licenses pertaining to POLYCHROMATIC COLOR OFFICE COPIER PRODUCTS may be up to three years from the date of issuance of this order for PRESENT PATENTS and three years from the date the PATENT is ISSUED for FUTURE PATENTS. Nothing in any license granted pursuant to the terms of this order shall be deemed to prohibit a LICENSEE from using a licensed OFFICE COPIER in conjunction with any other device for use in addition to the convenient reproduction of an original document.

III

XEROX, RANK XEROX and FUJI XEROX shall agree not to sue any LICENSEE, or customers or suppliers of the LICENSEE, for PATENT infringement or royalties with respect to any OFFICE COPIER, photosensitive element, toner, developer, paper or container (such as toner cartridges) for consumable supplies manufactured by or for the LICENSEE prior to the date of issuance of this order, or to maintain any such suit.

IV

*It is further ordered,* That no license of an ORDER PATENT granted pursuant to the terms of this order shall contain or be conditioned upon any restriction, except as hereinafter provided: A. The LICENSEE may, at his option, designate up to a total of three ORDER PATENTS which shall be licensed or sublicensed royalty-free; provided, however, that, in each country, the LICENSEE may substitute another ORDER PATENT as royalty-free for any ORDER PATENT previously designated as royalty-free which the LICENSEE has discontinued using in that country. On ORDER PATENTS other than the three designated as royalty-free by the LICENSEE, XEROX may, in its sole discretion, charge a royalty not to exceed ½% per PATENT up to a maximum accumulated royalty of 1½% of the LICENSEE'S NET REVENUES for each ROYALTY-BEARING PRODUCT which is manufactured, leased or sold by or for the LICENSEE. With respect to any ROYALTY-BEARING PRODUCT of the LICENSEE which the LICENSEE uses or consumes himself, the royalty shall be computed on the basis of the NET REVENUES that would have been received by the LICENSEE in an ordinary commercial transaction. The royalty shall be computed separately for each ROYALTY-BEARING PRODUCT on the basis of ORDER PATENTS subject to royalty which are used in such ROYALTY-BEARING PRODUCT. In no event shall more than three royalty-free PATENTS apply to any one ROYALTY-BEARING PRODUCT at any one time irrespective of the number of licenses granted by XEROX with respect to such ROYALTY-BEARING PRODUCT. For the purpose of this Paragraph IV A, a PATENT and all CORRESPONDING PATENTS in all countries shall count as one PATENT. The LICENSEE need not take a license under any CORRESPONDING PATENT.

B. XEROX may require that a LICENSEE agree not to sue XEROX, RANK XEROX or FUJI XEROX, or their customers or suppliers, for PATENT infringement or royalties with respect to any OFFICE COPIER, photosensitive element, toner, developer, paper or container (such as toner cartridges) for consumable supplies manufactured by or for them prior to the date of issuance of this order, or to maintain any such suit.

C. To the extent the LICENSEE has the power to grant licenses or sublicenses, XEROX may require the grant to XEROX, RANK XEROX and FUJI XEROX of a non-exclusive license for the full unexpired term under any, some, or all PATENTS OF THE LICENSEE to make, have made, use or vend any, some or all of the following: (a) OFFICE COPIERS (including the right to have made parts, components, and raw materials for use therein), (b) toner, developer, and paper, (c) toner, developer, paper, and similar consumable supplies which may be used in future OFFICE COPIERS, (d) containers (such as toner cartridges) for consumable supplies, and (e) photosensitive elements, as hereinafter provided in this Paragraph IV C.

(1) XEROX may (at any time) require the license of one PATENT OF THE LICENSEE to XEROX, RANK XEROX and FUJI XEROX for each XEROX PATENT licensed to the LICENSEE in excess of the first three ORDER PATENTS licensed to the LICENSEE but in so doing XEROX may not require the license of (a) a greater number of PRESENT PATENTS OF THE LICENSEE than the number of XEROX PRESENT PATENTS licensed to the LICENSEE, or (b) a greater number of FUTURE PATENTS OF THE LICENSEE than the number of XEROX FUTURE PATENTS licensed to the LICENSEE. Notwithstanding the foregoing, for purposes of determining how many PRESENT PATENTS or FUTURE PATENTS OF THE LICENSEE which XEROX, RANK XEROX and FUJI XEROX are entitled to license, the LICENSEE shall have the right, if exercised at the time of first receipt of a license from XEROX under Paragraph II of this order, to have the first three ORDER PATENTS licensed from XEROX count, at the LICENSEE'S option, as XEROX PRESENT PATENTS, or as XEROX FUTURE PATENTS or as any combination of XEROX PRESENT PATENTS and XEROX FUTURE PATENTS, irrespective of the actual character of such ORDER PATENTS. For the purpose of determining the number of PATENTS under this Paragraph IV C(1), (a) a PATENT and all CORRESPONDING PATENTS in all countries shall count as one PATENT, and (b) the substitution of a previously unlicensed ORDER PATENT shall count as an additional PATENT unless the PATENT for which substitution is made was dedicated, revoked, disclaimed, or has expired or lapsed, or was held invalid or unenforceable. XEROX, RANK XEROX and FUJI XEROX need not take a license under any CORRESPONDING PATENT. A LICENSEE shall have no obligation to grant a license to XEROX, RANK XEROX or FUJI XEROX in any country in which, by reason of governmental action, XEROX has been prevented from granting or causing to be granted a PATENT license requested pursuant to this order. XEROX shall have no obligation to grant licenses in any country in which, by reason of governmental action, the LICENSEE is prevented from granting licenses ot XEROX, RANK XEROX or FUJI XEROX pursuant to the terms of this Paragraph IV C(1).

(2) The license of PRESENT PATENTS OF THE LICENSEE shall not become effective until four years after the date of issuance of this order or four years after an OFFICE COPIER PRODUCT (of the LICENSEE or its licensee) using an invention covered by the PATENT first becomes COMMERCIALLY AVAILABLE, whichever is later. The license of FUTURE PATENTS OF THE LICENSEE shall not become effective until four years after the date the FUTURE PATENT OF THE LICENSEE is ISSUED or four years after an OFFICE COPIER PRODUCT (of the LICENSEE or its licensee) using an invention covered by the PATENT first becomes COMMERCIALLY AVAILABLE, whichever is later. This Paragraph IV C(2) shall not apply to IBM, except that IBM may require that the effective date of licenses pertaining to POLYCHROMATIC COLOR OFFICE COPIER PRODUCTS not become effective for up to three years from the date of issuance of this order for PRESENT PATENTS and three years from the date IBM's FUTURE PATENTS are ISSUED. With respect to CORRESPONDING FUTURE PATENTS the date such PATENTS are ISSUED shall be the date that the first such CORRESPONDING FUTURE PATENT is ISSUED.



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(3) XEROX may (at any time) require the immediate license to XEROX, RANK XEROX and FUJI XEROX of any of the PRESENT or FUTURE PATENTS OF THE LICENSEE (a) which would be infringed by a XEROX, RANK XEROX or FUJI XEROX OFFICE COPIER manufactured by any of them following the date of issuance of this order if the invention covered by the PATENT is the same as that embodied in an OFFICE COPIER manufactured by any of them prior to the date of issuance of this order, or (b) which would be infringed by a XEROX, RANK XEROX or FUJI XEROX OFFICE COPIER PRODUCT which any of them makes COMMERCIALLY AVAILABLE during the six years following the date of issuance of this order if the invention of the PATENT was embodied in a device which, as of the first publication or public use anywhere in the world of the invention covered by the PATENT OF THE LICENSEE or application therefor (i) actually had been built and incorporated in an engineering model or prototype model of the OFFICE COPIER by XEROX, RANK XEROX or FUJI XEROX and (ii) was part of a XEROX, RANK XEROX or FUJI XEROX funded product program. As used in this Paragraph IV C(3), "engineering model" means the first complete assembly of all the sub-assemblies of the OFFICE COPIER; and "prototype model" means the product development stage which follows the engineering model, if any. Licenses granted pursuant to this Paragraph IV C(3) shall not be subject to the provisions of Paragraph IV C(1) (except that they shall count for the LICENSEE as PATENTS licensed to XEROX, RANK XEROX and FUJI XEROX if and when they become entitled to a license pursuant to that Paragraph) or Paragraph IV C(2), but shall be subject to all other provisions of this order. The burden of establishing the right to a license under this Paragraph IV C(3) shall be on XEROX.

(4) XEROX may require a LICENSEE to grant to XEROX, RANK XEROX, and FUJI XEROX a non-exclusive license under all IMPROVEMENT PATENTS on XEROX PATENTS licensed to the LICENSEE. Such licenses shall not be subject to the provisions of Paragraph IV C(1) (except that IMPROVEMENT PATENTS OF THE LICENSEE shall count for the LICENSEE as PATENTS licensed to XEROX, RANK XEROX, and FUJI XEROX if and when they become entitled to a license pursuant to that Paragraph) but shall be subject to all other provisions of this order.

(5) XEROX shall grant to the LICENSEE a non-exclusive license under all XEROX IMPROVEMENT PATENTS on PATENTS licensed to XEROX. Such licenses shall be subject to all the provisions of this order except that they shall not count for XEROX as PATENTS licensed by XEROX, RANK XEROX, and FUJI XEROX for purposes of Paragraph IV C(1).

(6) The LICENSEE may charge XEROX, RANK XEROX and FUJI XEROX a reasonable royalty for PATENTS licensed to any or all of them pursuant to this order, computed on the basis of the NET REVENUES of XEROX, RANK XEROX, and FUJI XEROX for each ROYALTY-BEARING PRODUCT which they manufactured, leased or sold. With respect to any ROYALTY-BEARING PRODUCT of XEROX, RANK XEROX and FUJI XEROX, which they use or consume themselves, the royalty shall be computed on the basis of the NET REVENUES that would have been received in an ordinary commercial transaction. The royalty shall be computed separately for each ROYALTY-BEARING PRODUCT on the basis of the PATENTS which are used in such ROYALTY-BEARING PRODUCT.

(7) XEROX, RANK XEROX, and FUJI XEROX may require that they be permitted to sublicense any PERSON in which they own, directly or indirectly, 50 percent or less, but not less than 20 percent of the voting stock if such PERSON makes its PRESENT and FUTURE PATENTS available for licensing pursuant to Paragraph II of this order. All such PERSONS shall be identified to anyone making written request, and a list of all such PERSONS current as of the date of issuance of this order shall be filed on the public record of the Commission. Any changes in said list shall be filed with the Commission within 30 days after they occur.

(8) A license to XEROX pursuant to this Paragraph IV C shall contain the provisions specified in Paragraphs IV H and IV I of this order and may contain the provisions specified in Paragraphs IV D, IV E, IV F, IV G, and IV J of this order.

(9) If XEROX grants a license under ORDER PATENTS either pursuant to the terms of Paragraph II of this order or otherwise, the license agreement shall contain the irrevocable convenant of the licensee (a) to license such of its PATENTS as are licensed to XEROX on reasonable terms and conditions to any other PERSON who is entitled to a license from XEROX pursuant to Paragraph II of this order, provided (i) that such license need not be effective prior to the effective date of the licensee's license to XEROX and (ii) that the licensee may require the license to itself of its licensee's PATENTS or IMPROVEMENT PATENTS; (b) to submit the reasonableness of the terms and conditions of its license to such PERSON to arbitration as provided in Paragraph VIII of this order if so requested by such PERSON; and (c) if XEROX' licensee is domiciled in the UNITED STATES to submit papers to the Commission and permit the Commission to suspend the arbitration and resolve dispute as provided in Paragraph VIII C of this order. Within 60 days following execution of a license agreement subject to this Paragraph IV C(9), XEROX shall submit to arbitration and resolve the dispute as provided in Paragraph VIII C of this order. Within 60 days following execution of a license agreement subject to this Paragraph IV C(9), XEROX shall submit to the Commission a copy thereof in camera.

D. Reasonable provisions may be made for the retention of books and records and for periodic royalty reports by the licensee to the Manager of Patent Licensing of the licensor, and for inspection of such books and records by an independent auditor or any other person reasonably acceptable to both the licensor and the licensee who shall report to said Manager only the amount of the royalty due and payable. The Manager of Patent Licensing of the licensor shall not disclose the content of said periodic royalty reports to any director, officer, employee, agent or representative of the licensor other than the members of his staff and employees necessarily involved in recording and depositing checks in a routine manner, who shall be similarly bound, unless the royalty owed is not timely paid. In the event that the licensor does not have a Manager of Patent Licensing, a mutually agreeable employee of the licensor shall be designated in his stead.

E. Notwithstanding any other provision of this order, any party taking a sublicense under the terms of this order may be required to reimburse the sublicensor for any payments it is legally required to make and does make to the original licensor on account of activities of the sublicensee under any sublicense granted pursuant hereto.

F. Reasonable provisions may be made for cancellation of the license granted to the licensee upon failure of the licensee to make the reports, pay the royalties, or permit the inspection of his books and records as hereinbefore provided, and, upon a wrongful act of the LICENSEE respecting the restrictions on use or disclosure of KNOW-HOW contained in Paragraph VII of this order, for XEROX to apply to the Commission for leave to cancel said license, in which event the decision of the Commission shall be final and non-appealable by either XEROX or the LICENSEE.

G. The license may be non-transferable.

H. The license must provide that the licensee may cancel the license in whole or as to any specified PATENTS at any time by giving 30 days notice in writing to the licensor; however, the licensor shall have the option to continue in effect any right granted to the licensor pursuant to Paragraph IV C of this order.

I. The license must provide for the arbitration specified in Paragraph VIII of this order and for suspension thereof pursuant to Paragraph VIII C of this order.

J. In granting a license pursuant to Paragraph II of this order, there shall be no discrimination by XEROX, RANK XEROX, FUJI XEROX or any PERSON in the royalty charged as among royalty-paying LICENSEES who procure the same rights under the same





PATENTS; but nothing herein contained shall prevent XEROX, RANK XEROX FUJI XEROX or any PERSON from negotiating non-exclusive licenses and cross-licenses outside the terms (except Paragraph IV C(9) of this order) of this order with anyone who so elects.

V

*It is further ordered*, That nothing herein shall be deemed to prevent any LICENSEE or applicant for a license from attacking in any proceeding or controversy the validity, scope or enforceability of any PRESENT or FUTURE PATENT, nor shall this order be construed as imputing any validity, enforceability or value to any such PATENT.

VI

*It is further ordered*, That XEROX shall allow each PERSON who is a licensee of a XEROX PATENT on the date of issuance of this order to obtain a license pursuant to the terms of this order; however, XEROX, RANK XEROX and FUGI XEROX shall have the right to continue in effect any industrial property rights under the terms previously granted to XEROX, RANK XEROX or FUJI XEROX by the licensee, and such licensee shall have the right to continue in effect any industrial property rights under the terms previously granted to the licensee by XEROX, RANK XEROX or FUJI XEROX.

VII

*It is further ordered*, That: A. During the period ending five years after the date of issuance of this order, XEROX shall make available to LICENSEES of United States ORDER PATENTS under a license pursuant to the terms of this order who make written application therefor all KNOW-HOW (1) in existence on the date of issuance of this order or (2) made available to any other UNITED STATES manufacturer (except a supplier to XEROX) or UNITED STATES marketer of OFFICE COPIER PRODUCTS for use in connection with such PRODUCTS during the five year period. The delivery of the KNOW-HOW requested shall begin within 30 days and shall be completed within 120 days after the initial application therefor is received by XEROX; the response to subsequent requests shall be completed within a reasonable period of time. Such KNOW-HOW shall be of such a nature as to enable one skilled in manufacturing electro-mechanical office machinery and in the technologies embodied in OFFICE COPIER PRODUCTS or comparable technologies to manufacture, refurbish, recondition and service Xerox Corporation's OFFICE COPIER PRODUCTS. Upon written application, XEROX shall provide written clarification respecting such KNOW-HOW where such clarification is reasonably necessary. XEROX may make a reasonable charge for the cost of collecting and duplicating KNOW-HOW which it discloses and for the time spent in clarification. At the option of such LICENSEE, XEROX shall disclose KNOW-HOW pertaining to photosensitive elements, supplies, raw materials and particular OFFICE COPIER models and shall limit its charge to such KNOW-HOW. XEROX may require the LICENSEE to agree that all KNOW-HOW disclosed to the LICENSEE by XEROX shall be considered a XEROX trade secret and to undertake, in good faith, to use the KNOW-HOW only in connection with the manufacture in the UNITED STATES of OFFICE COPIER PRODUCTS by or for the LICENSEE and not to disclose or permit the disclosure of the KNOW-HOW to anyone other than a supplier who is or will be manufacturing in the UNITED STATES and who enters into a similar agreement and undertaking respecting disclosure and use, unless the LICENSEE can establish that such KNOW-HOW (1) was previously known to the LICENSEE prior to the disclosure by XEROX, or (2) is or becomes part of the public domain through no wrongful act of LICENSEE, or (3) is subsequently otherwise legally acquired by LICENSEE, or (4) was or is disclosed by XEROX to third parties on a non-confidential basis.

B. Commencing 120 days after the date of issuance of this order XEROX shall make available to KNOW-HOW licensees a list of the PERSONS whose KNOW-HOW XEROX claims to be prohibited from disclosing. Such list shall be subject to the restrictions on use and disclosure of KNOW-HOW provided in this Paragraph VII. XEROX need not make KNOW-HOW available to IBM.

VIII

*It is further ordered*, That: A. Upon receipt of a written application for a PATENT license or for a PATENT license and disclosure of KNOW-HOW under the terms of this order, XEROX shall advise the applicant in writing of the terms of such license and/or KNOW-HOW disclosure. If a dispute arises between XEROX and a LICENSEE or applicant regarding their respective rights under this order (except where certain matters are specifically referable to the Commission as provided in Paragraph IV F of this order), and if the parties to the dispute are unable to resolve it within 90 days after the existence of such dispute is communicated in writing to XEROX or to the LICENSEE or applicant, the dispute shall be determined by arbitration pursuant to this Paragraph VIII. Notwithstanding the provisions of Paragraph V of this order, no dispute between XEROX and a LICENSEE or applicant with respect to the validity, enforceability, infringement or scope of any PATENT shall be subject to arbitration pursuant to this order.

B. Unless otherwise agreed to by the parties, arbitration shall be held at a location in the UNITED STATES designated by the LICENSEE or applicant and in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The award of the arbitrator shall be final and binding on both parties. The arbitrator shall, upon a proper showing, issue protective orders and/or receive evidence in camera in the same manner as an Administrative Law Judge of the Federal Trade Commission.

C. Within 10 days after the initiation of arbitration, XEROX shall notify the Commission of the parties to the arbitration, the name of the arbitrator, and the nature of the dispute. XEROX shall notify the Commission of the dates of arbitration hearings and other arbitration proceedings, if any, as soon as possible. Copies of all papers in the nature of pleadings shall be served upon the Commission, and the Commission or its designee shall have the right to attend any arbitration proceeding. The Commission may, in its sole discretion, at any time before evidence has been submitted, suspend the provisions of this Paragraph VIII respecting arbitration and itself resolve any or all disputes subject thereto. The Commission will not assert any claim that XEROX has violated this order with respect to the subject matter of the arbitration where XEROX has complied with the award of the arbitrator.

D. Pending the completion of any negotiation, arbitration or Commission action respecting a dispute subject to this Paragraph VIII, XEROX and the applicant shall enter into a license, and XEROX shall make disclosure of KNOW-HOW, pursuant to the terms of this order with respect to the matters not in dispute. Upon conclusion of any negotiation, arbitration or Commission action, the disputed license or KNOW-HOW disclosure may provide for such adjustments as the parties agree to or as the arbitrator or Commission, as the case may be, deems appropriate.

IX

*It is further ordered*, That for the period ending six years after the date of issuance of this order, XEROX shall make available (a) English language translations of all ORDER PATENTS issued after the date of issuance of this order to XEROX, RANK XEROX, and FUJI XEROX by France, The Federal Republic of Germany, Japan, and The Netherlands, and (b) copies of all English language CORRESPONDING PATENTS at a reasonable charge not to exceed the cost of reproduction and, if the translation is made at the instance of the requesting PERSON, the cost of translation.

X

*It is further ordered*, That for the period ending 10 years after the date of issuance of this order, XEROX shall not, directly or indirectly, acquire from any PERSON (including The Rank Organisation Limited and Fuji Photo Film Co., Ltd.) any exclusive rights, whether by license or otherwise to any PATENTS or know-how for use in OFFICE COPIER PRODUCTS except those (a) resulting from the work of XEROX, RANK XEROX, or FUJI XEROX employees, XEROX, RANK XEROX OR FUJI XEROX consultants, or research organizations doing sponsored research for XEROX, RANK XEROX or FUJI XEROX, or (b) under which XEROX grants or causes to be granted to any



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PERSON making written application a non-exclusive, royalty-free, unrestricted license to make, have made, use or vend OFFICE COPIER PRODUCTS under such PATENT or know-how. Any exclusive rights acquired by XEROX in accordance with part (a) of this Paragraph X shall be on such terms as will permit XEROX to comply with the licensing provisions of Paragraph II of this order. This Paragraph X shall not apply to any acquisition or exclusive license of a FOREIGN PATENT or of the right to use the know-how in a foreign country by RANK XEROX or FUJI XEROX.

XI

*It is further ordered,* That XEROX shall not dispose or permit the disposition of any PATENTS or rights thereunder so as to deprive it of the power to grant or cause to be granted the licenses required by this order.

XII

*It is further ordered,* That for the period ending 10 years after the date of issuance of this order XEROX shall not, directly or indirectly, acquire any interest in a PERSON (including The Rank Organisation Limited and Fuji Photo Film Co. Ltd.) engaged in the manufacture, sale, lease or development of OFFICE COPIERS, or toner, developer, paper or photosensitive elements used in OFFICE COPIERS or form a joint venture involving any such products with any such PERSON (except The Rank Organisation Limited or Fuji Photo Film Co. Ltd. so long as either is a party to a joint venture with XEROX or RANK XEROX relating to OFFICE COPIER PRODUCTS). This Paragraph shall not apply (1) to the acquisition by XEROX of an interest in or joint venture with any PERSON in which at the time of the acquisition or joint venture it had a stock interest, other than a PERSON in which XEROX had such an interest by reason of an investment in employee funds such as pension or retirement plans (XEROX shall promptly file with the Commission a list of the PERSONS in which it has a stock interest as of the date of issuance of this order and to which this exception is to apply. Said list shall be updated as part of the annual compliance reports required by Paragraph XIX of this order.), or (2) to any acquisition by RANK XEROX or FUJI XEROX of a PERSON not engaged in the manufacture, sale, lease or development of OFFICE COPIERS but who is engaged in the manufacture, sale, lease or development, solely outside of the UNITED STATES, of toner, developer, paper or photosensitive elements used in OFFICE COPIERS, or to the formation of a joint venture by RANK XEROX or FUJI XEROX involving any such products with any such PERSON, or (3) to a joint venture involving new capacity for the production of paper with a PERSON other than one engaged in the manufacture, sale, lease or development of OFFICE COPIERS, or toner, developer or photosensitive elements used in OFFICE COPIERS, or (4) to the acquisition by XEROX of an interest in any PERSON the sole purpose of which is an investment in employee funds such as pension or retirement plans. Such acquisitions, however, shall not be deemed immune or exempt from the provisions of the antitrust laws (including the Federal Trade Commission Act) by reason of anything contained in this order.

XIII

*It is further ordered,* That during the period ending 10 years after the date of issuance of this order, XEROX shall not, directly or indirectly, make contracts in the United States restricting employees working in its OFFICE COPIER PRODUCTS business from in the future working for any other PERSON, provided that XEROX may make contracts which prohibit the use or disclosure of trade secrets and confidential information as prohibited by XEROX' present form of "Proprietary Information and Conflict of Interest Agreement" which has been submitted to the Commission.

XIV

*It is further ordered,* That during the period commencing on a date not later than nine months after the date of issuance of this order and ending 5 years after said commencement date, XEROX shall not, directly or indirectly, utilize in the UNITED STATES any price plan for the sale or lease of an OFFICE COPIER which depends upon the customer purchasing or leasing one or more additional OFFICE COPIERS of a different model. Any minimum qualifying level for a pricing plan or price schedule respecting any OFFICE COPIER shall be based solely on volume, revenues, number of OFFICE COPIERS, or the like, of the same model.

XV

*It is further ordered,* That: A. During the period ending 10 years after the date of issuance of this order, XEROX shall, in addition to instructing its employees in the UNITED STATES not to comment on the quality of competitive toner or developer, place a notice in a location conspicuous to the key operator on each OFFICE COPIER sold or leased by it in the UNITED STATES stating the following: "Xerox Corporation manufactures and distributes toner and developer for use in this machine. Other suppliers may also provide toner and developer for this machine. It may be necessary to adjust the machine to accommodate toner or developer which is provided by either XEROX or any other supplier."

B. In the event that XEROX shall publish reasonable specifications for the toner and developer used in a particular machine, XEROX (1) may include the following additional statement in the aforementioned notice: "The toner and developer used in this machine must comply with specifications published by Xerox Corporation.", (2) shall promptly notify all suppliers of toner and developer, who request such notification, of any changes in such specifications, and shall promptly notify a supplier when his toner or developer does not comply with such specifications in a letter signed by an officer of XEROX, and (3) may not require suppliers of toner or developer for XEROX' OFFICE COPIERS to provide to XEROX' customers a certification that the toner or developer supplied by them meets such specifications.

C. XEROX shall promptly notify all suppliers of toner and developer, who request such notification, of changes in XEROX OFFICE COPIERS which may affect the useability of the toner and developer in such OFFICE COPIERS.

D. Nothing herein contained shall prevent XEROX from advising a customer, in a letter signed by an officer of XEROX, that a non-XEROX toner or developer is not useable in a particular XEROX OFFICE COPIER, provided that XEROX simultaneously advises the supplier of such toner or developer in a letter signed by an officer of XEROX, that (1) in the opinion of XEROX, the supplier's toner or developer is not useable in a particular OFFICE COPIER model, and (2) disputes regarding the useability of the toner and developer are subject to arbitration pursuant to this order. Disputes regarding the useability of non-XEROX toner and developer or the reasonableness of XEROX specifications shall be subject to arbitration in accordance with Paragraph VIII (b) and (c) of this order.

E. XEROX may not, directly or indirectly, require in the UNITED STATES that it be the sole supplier of toner or developer for leased or sold OFFICE COPIERS; however, it may impose such a requirement with respect to a new model during the six months from the date such model first becomes COMMERCIALLY AVAILABLE. For purposes of this Paragraph XV, "new model" includes collectively the basic OFFICE COPIER model and all subsequent models not embodying material variations in the xerographic processor thereof.

XVI

*It is further ordered,* That during the period ending 10 years after the date of issuance of this order, (1) XEROX shall not in the UNITED STATES take orders or announce that it will take orders for the sale or lease of an OFFICE COPIER more than three months prior to the time when it is reasonably expected to be COMMERCIALLY AVAILABLE, (2) XEROX shall not promote any new OFFICE COPIER in any area of the United States more than three months prior to the time that XEROX reasonably expects such new OFFICE COPIER to be first COMMERCIALLY AVAILABLE in that area except for national advertising which includes a statement that the model is available only in the areas where XEROX reasonably expects such model to be COMMERCIALLY AVAILABLE, and (3) at the time XEROX announces that it will take orders for the lease of an OFFICE COPIER in the United States, it shall also announce the selling price of such OFFICE COPIER.





XVII

*It is further ordered,* That within 30 days after the date of issuance of this order and annually thereafter until the expiration of all FUTURE PATENTS, XEROX shall submit for publication in the Official Gazette of the United States Patent Office a notice (1) identifying by number, title, date of issue and category of subject matter (to an extent acceptable to the Commission) all United States PATENTS which it is empowered to license together with all FOREIGN PATENTS based on the patent application from which each United States PATENT originates; (2) stating that XEROX shall grant licenses under (a) its ORDER PATENTS to make, have made, use and vend OFFICE COPIER PRODUCTS under the terms of this order, and (b) patents required to be licensed pursuant to the terms of Paragraph X of this order, if any; (3) stating that XEROX shall disclose KNOW-HOW to a licensee of its United States ORDER PATENTS for use in connection with the manufacture of OFFICE COPIER PRODUCTS in the UNITED STATES under the terms of this order; and (4) stating that a copy of this order and a list of PATENTS licensed to XEROX which are subject to the provisions of Paragraph II and IV C(9) of this order, if any, are available from XEROX upon written request. Beginning 30 days following the date of issuance of this order, and until the expiration of all XEROX FUTURE PATENTS, XEROX shall send a copy of this order and of the current edition of such notice to each person who inquires as to the availability of a license for OFFICE COPIER PRODUCTS, or to whom XEROX has offered such a license at any time after January 1, 1970.

XVIII

*It is further ordered,* That XEROX notify the Commission at least 30 days prior to any proposed change in the respondent, RANK XEROX or FUJI XEROX which may affect compliance obligations arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other such change.

XIX

*It is further ordered,* That XEROX shall file with the Commission reports, in writing, setting forth in detail the manner and form in which it intends to comply, is complying, and has complied with this order. Said reports shall be filed 60 days and 180 days after the date of issuance of this order, and yearly thereafter on the anniversary date of the order during the period in which XEROX has obligations under this order, and shall contain such information and documents as are requested by the Bureau of Competition or the Commission relating to compliance with this order.

## ANALYSIS OF CONSENT ORDER

APRIL 16, 1975.

The Commission has accepted a consent order in settlement of its complaint against Xerox Corporation. This order supersedes a prior Agreement Containing Consent Order to Cease and Desist dated October 5, 1974, which was rejected by the Commission on February 25, 1975.

The central purpose of this order is to eliminate the fundamental sources of Xerox's dominance of the multi-billion dollar office copier industry—its vast patent portfolio, its manufacturing know-how, and its Machine Utilization Plan (MUP) pricing. The present order contains significant changes from the previous order to more effectively accomplish this purpose.

The following is the Bureau of Competition's analysis and explanation of the terms of the consent order, including summaries of the significant differences between this order and the previous order. The most important changes are:

1. A flat five-year prohibition on Xerox utilizing any pricing plan which makes the price of one copier model dependent upon the sale or lease of another copier model. Thus, Xerox would be prohibited from continuing to lease copiers under MUP in which different Xerox copier models are leased together under a high overall qualifying minimum.

2. Xerox must forgive all past infringement liability owed by any person taking a license under the order.

3. Xerox must pay reasonable royalties for all patents Xerox licenses under the order, although the royalty it can collect for licensing of its own patents is still limited to ½ percent per patent up to a maximum of 1½ percent per product.

4. Xerox's right to require licensees to license to Xerox has been further restricted in the following manner:

(a) Licensees may license up to three Xerox patents without being required to license any patents to Xerox.

(b) Cross-licenses thereafter, if any, will be on a patent-for-patent basis.

(c) The provision requiring persons who are suppliers to licensees of office copier products to cross-license Xerox [Paragraph III B (8) of the previous order] has been deleted.

(d) Xerox's right to license patents of its licensees is conditioned upon the power of the licensees to grant licenses. Thus, licensees with exclusive licenses can obtain licenses from Xerox without being required to grant licenses to Xerox.

5. With limited exceptions, Xerox's cross-licenses from licensees will be effective only after the lapse of four years from the actual commercial availability of the licensee's product using the patent under which Xerox is to be licensed, or issuance of the patent, whichever is later.

In the following analysis of the proposed order, each paragraph of the order is set out in full text and then analyzed separately. Definitions in most cases are noted in connection with substantive sections where explanation is appropriate. To assist in comparing this order with the previous order, changes in paragraph numbers and additions of new paragraphs from the previous order have been noted in the analysis.

This analysis cannot be substituted for a careful reading of the proposed order. The order itself cannot be modified or otherwise affected by this analysis.

### PARAGRAPH I—[DEFINITIONS]

TEXT

*"It is ordered,* That the following definitions shall apply in this order:

"A. 'XEROX' means respondent Xerox Corporation, its SUBSIDIARIES (except RANK XEROX and FUJI XEROX), successors and assigns and its directors, officers, employees, agents and representatives. 'RANK XEROX' means Rank Xerox Limited, a corporation organized and existing under the laws of the United Kingdom. 'FUJI XEROX' means Fuji Xerox Company Limited, a corporation organized and existing under the laws of Japan. 'RANK XEROX' and 'FUJI XEROX' each includes the SUBSIDIARIES, successors and assigns of said corporations and their directors, officers, employees, agents and representatives.

"B. 'PERSON' means any individual, partnership, firm, association, corporation or other legal or business entity [other than the Commission, XEROX, RANK XEROX, FUJI XEROX, The Rank Organisation Limited (so long as it is a party to a joint venture with XEROX relating to OFFICE COPIER PRODUCTS), Fuji Photo Film Co., Ltd. (so long as it is a party to a joint venture with XEROX or RANK XEROX relating to OFFICE COPIER PRODUCTS), and any foreign government (or any entity whose ownership is controlled thereby)], their SUBSIDIARIES, successors and assigns and directors, officers, agents and representatives.

"C. 'SUBSIDIARY' means a PERSON more than fifty percent (50%) or, at the option of the LICENSEE with respect to its SUBSIDIARIES, at least twenty percent (20%) of whose outstanding shares or stock, representing the right (other than as affected by events of default) to vote for the election of directors or other managing authority, are now or hereafter owned or controlled, directly or indirectly, by XEROX, RANK XEROX, FUJI XEROX or PERSON, as the case may be, but such PERSON shall be deemed to be a SUBSIDIARY only so long as such ownership or control exists.

"D. 'LICENSEE' means any PERSON licensed by XEROX, RANK XEROX and/or FUJI XEROX pursuant to the terms of Paragraph II of this order, including all AFFILIATES of such PERSON. AFFILIATE means (1) any PERSON and SUBSIDIARIES thereof, engaged in the development, manufacture, use, lease or sale of OFFICE COPIER PRODUCTS at least fifty percent (50%) or, at the option of the LICENSEE, at least twenty percent (20%) of whose oustanding shares or stock, representing the right (other than as affected by



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events of default) to vote for the election of directors or other managing authority, are now or hereafter owned or controlled, directly or indirectly, by the licensed PERSON; and (2) any PERSON and SUBSIDIARIES thereof, which now or hereafter own or control, directly or indirectly, more than fifty percent (50%) or, at the option of the LICENSEE, at least twenty percent (20%) of the outstanding shares or stock, representing the right (other than as affected by events of default) to vote for the election of directors or other managing authority of the licensed PERSON, but only so long as such ownership or control exists."

ANALYSIS OF PARAGRAPHS I C AND I D

*Paragraph I C* (definition of subsidiary) and *Paragraph I D* (definition of licensee) have been changed so as to give licensees the option of obtaining licenses from Xerox for those subsidiaries or affiliates in which they own or control at least 20 percent of the stock. Thus, the licensee's right to obtain licenses for their subsidiaries and affiliates is the same as Xerox's. Also, for purposes of consistency, the word "person" was substituted in place of "corporation, company, partnership or other entity" in both Paragraph I C and Paragraph I D.

TEXT

"E. 'PATENT' means some, all or any portion of all patents (including utility models, design patents, certificates of addition and the like), and all patents resulting from continuations-in-part, divisions, renewals, reissues and extensions based on said patents or the applications therefor, but only insofar as it relates to an OFFICER COPIER PRODUCT.

"F. 'ISSUED' means published and either issued, granted, sealed or registered."

ANALYSIS OF PARAGRAPH I F [NEW]

*Paragraph I F* is a new definition which was added to reflect the fact that the term "issued patent" did not encompass patent procedures in some foreign countries where patents are not "issued," but, instead, are "published and either issued, granted, sealed or registered."

TEXT

"G. 'CORRESPONDING PATENTS' means two or more PATENTS, each of which has ISSUED in a different country, is entitled to the same priority date (or could have been if timely filed) and is based upon the same conception and reduction to practice."

ANALYSIS OF PARAGRAPH I G [NEW]

*Paragraph I G* is a new definition which was added to help resolve issues concerning the correspondence of a patent in one country with a patent in another country.

TEXT

"H. 'PRESENT PATENT' means a United States or FOREIGN PATENT ISSUED on or before the date of issuance of this order and all CORRESPONDING PATENTS regardless of the date they are ISSUED.

"I. 'FUTURE PATENT' means a United States or FOREIGN PATENT other than a PRESENT PATENT ISSUED on a patent application having an effective filing date prior to three years after the date of issuance of this order or ISSUED during the six years following the date of issuance of this order, and all CORRESPONDING PATENTS, regardless of the date they are ISSUED.

"J. 'FOREIGN PATENT' means a PATENT ISSUED by a country other than the United States.

"K. 'XEROX PATENT' means a PATENT which is owned or controlled by XEROX, RANK XEROX or FUJI XEROX or under which one or more of them has the power to grant licenses or sublicenses to PERSONS. XEROX' power to comply with this order with respect to PATENTS owned or controlled by RANK XEROX or FUJI XEROX, or under which they have the power to grant licenses or sublicenses, is confirmed in the undertakings of RANK XEROX and FUJI XEROX which have been submitted to the Commission.

"L. 'ORDER PATENT' means a PRESENT or FUTURE XEROX PATENT except one licensed pursuant to Paragraph X(b) of this order."

ANALYSIS OF PARAGRAPH I L [PREVIOUSLY PARAGRAPH I J]

*Paragraph I L* defines an order patent as a present or future Xerox patent, except an acquired patent licensed pursuant to Paragraph X(b) [previously Paragraph IX]. It has been made more precise by referring specifically to that portion of Paragraph X which refers to such acquisitions, i.e., Paragraph X(b).

TEXT

"M. A 'PATENT OF THE LICENSEE' means a PATENT which is owned or controlled by a LICENSEE, or a PATENT under which such LICENSEE has the power to grant licenses or sublicenses.

"N. 'IMPROVEMENT PATENT' means a PATENT on an invention which, if practiced, would infringe a licensed PATENT and which IMPROVEMENT PATENT is owned or controlled by the licensee of such PATENT or is one under which such licensee has the power to grant licenses or sublicenses. Determination of what is an IMPROVEMENT PATENT shall be made by reference to a licensed United States PATENT, if any, or if there is no such United States PATENT, by reference to the licensed FOREIGN PATENT."

ANALYSIS OF PARAGRAPH I N [PREVIOUSLY PARAGRAPH I L]

*Paragraph I N* has been clarified by having the determination of what is an improvement patent made by reference to United States patents, if any, or if there is no United States patent, by reference to the licensed foreign patent.

TEXT

"O. 'OFFICE COPIER' means a machine for the convenient reproduction of an original document and accessories physically attached to such machine. The term 'OFFICE COPIER' refers to all xerographic and non-xerographic office copiers, including but not limited to polychromatic color office copiers, high speed office copiers (such as the Xerox Model 9200), hybrid offset office copiers (such as the AMCD) and office copiers adapted to receive micro input as well as hard copy input, but does not include specialized use copiers (such as engineering drawing and microfilm copiers), or offset, stencil, or spirit duplicator machines.

"P. 'OFFICE COPIER PRODUCT' means an OFFICE COPIER and parts, components, raw materials and consumable supplies for use therein, including but not limited to photosensitive elements, refined selenium, metal alloys for machine parts, toner, developer, paper, and containers (such as toner cartridges) for consumable supplies.

"Q. 'ROYALTY-BEARING PRODUCT' means (1) an OFFICE COPIER, (2) toner, developer, paper, and similar consumable supplies, (3) containers (such as toner cartridges) for consumable supplies and (4) photosensitive elements, any of which are covered by a licensed PATENT other than one which is royalty-free.

"R. 'NET REVENUES' shall mean the total revenues received by the licensee from the lease or sale, as the case may be, of a ROYALTY-BEARING PRODUCT, or in the case of a lease of a ROYALTY-BEARING PRODUCT, at the option of the licensee, the published selling price for such ROYALTY-BEARING PRODUCT. Any of the following items, or any comparable items, may be deducted from the aforesaid total revenues or published selling price when they are separately stated on the invoice:

(a) Packing Costs.

(b) Actual transportation and insurance costs from place of shipment to point of installation.

(c) Excise, sales, use and property taxes.

(d) Import and export duties and taxes.

(e) The fair market value of replacement parts and components which are not covered by a licensed PATENT.

(f) The fair market value of consumable supplies which are not covered by a licensed PATENT whether or not they are in a licensed container.

(g) Actual credit to customers on account of any ROYALTY-BEARING PRODUCT which is not accepted by the customer.

(h) Costs of servicing or repairing the the ROYALTY-BEARING PRODUCT excluding the costs of parts or components covered by a licensed PATENT.

To the extent that the amounts charged for the above items can be verified by referring to separate *bona fide* offers of such services or products, or to separate





documents as in the case of taxes or duties, such amounts need not appear on the invoice.

"S. 'POLYCHROMATIC COLOR OFFICE COPIER PRODUCT' means an OFFICE COPIER PRODUCT specially adapted to produce multicolor copy.

"T. 'KNOW-HOW' means all written materials used by Xerox Corporation in manufacturing, refurbishing, reconditioning, retrofitting and servicing its OFFICE COPIER PRODUCTS which Xerox Corporation is not specifically prohibited by a legally enforceable obligation from disclosing, including but not limited to blueprints, drawings, formulae, manuals, process descriptions, production methods, specifications, quality control and test standards and computer programs."

ANALYSIS OF PARAGRAPH I T [PREVIOUSLY PARAGRAPH I R]

The definition of know-how has been clarified to include the know-how used in "retrofitting" and to include computer programs as part of the written materials used by Xerox.

TEXT

"U. 'COMMERCIALLY AVAILABLE' means generally available for immediate sale or lease to consumers in an area at least as large as an area served by at least one sales branch of the seller or lessor and on publicly announced terms.

"V. 'IBM' means International Business Machines Corporation, a corporation organized and existing under the laws of the State of New York, and its SUBSIDIARIES, successors and assigns, and directors, officers, employees, agents and representatives.

"W. 'UNITED STATES' means the United States of America, its territories or possessions, the District of Columbia, and the Commonwealth of Puerto Rico."

PARAGRAPH II—[MANDATORY LICENSING]

TEXT

*"It is further ordered,* That XEROX shall forthwith grant or cause to be granted to any PERSON making written application to XEROX at any time under this order a non-exclusive license for the full unexpired term under any, some or all ORDER PATENTS to make, have made, use or vend any, some or all of the following: (1) OFFICE COPIERS (including the right to have made parts, components and raw materials for use therein), (2) toner, developer, paper and similar consumable supplies which may be used in future OFFICE COPIERS, (3) containers (such as toner cartridges) for consumable supplies, and (4) photosensitive elements. However, at Xerox' option exercised on a non-discriminatory basis, the effective date of licenses pertaining to POLYCHROMATIC COLOR OFFICE COPIER PRODUCTS may be up to three years from the date of issuance of this order for PRESENT PATENTS and three years from the date the PATENT is ISSUED for FUTURE PATENTS. Nothing in any license granted pursuant to the terms of this order shall be deemed to prohibit a LICENSEE from using a licensed OFFICE COPIER in conjunction with any other device for use in addition to the convenient reproduction of an original document."

ANALYSIS OF PARAGRAPH II

*A. Subject Matter Scope of License*[1]. Xerox must license all patents[2] pertaining to office copiers, including non-xerographic copiers and high speed office copiers, such as the Model 9200. However, Xerox may license patents relating to color copiers on a non-discriminatory basis with a lag in the effective date of the license of up to three years from the date of the order for present patents, and three years from the date of issuance with respect to future patents. Color copying is new to the marketplace, is currently of limited use, and has an uncertain future.

The lag provision of the previous order has been modified to cover only color copier patents. Thus, all references to photoelectrophoretic office copiers, which were also subject to a lag in the previous order, have been deleted, including the definition of photoelectrophoresis. [Paragraph I P of the previous order]. Licensees will be able to license photoelectrophoretic patents for black-and-white copying without a lag.

The scope of Paragraph II has been modified by changing the definition of "office copier" [Paragraph I O, previously Paragraph I M] to include licenses to patents pertaining to office copiers adapted to receive micro input, as well as hard copy input, and to clarify that it includes licenses to hybrid-offset copiers, such as the AMCD. Also, Paragraph II of the order makes it clear that licensees may use a licensed office copier in conjunction with the use of other devices, even though the added device would give the copier a specialized use in addition to its office copier use.

The scope of Paragraph II (1) has been clarified to insure that licensees have the right, as part of their license agreement with Xerox, to have made parts, components and raw materials for use in their office copiers. Thus, Xerox licensees may have suppliers manufacture intermediate components and parts and raw materials used in the licensee's office copier.

The scope of Paragraph II (2) has been modified to make it clear that Xerox must license all patents to toner, developer and paper, and also to similar consumable supplies which may be used in future office copiers.

Paragraph II (3), a new provision, requires Xerox to license toner cartridges separately.

[1] The order has been clarified so that the scope of the license granted or caused to be granted by Xerox is the same as the scope of the license, if any, granted by the licensee to Xerox, Rank Xerox and Fuji Xerox pursuant to Paragraph IV. The definition of office copier product [Paragraph I P previously Paragraph I N] and royalty-bearing product [Paragraph I Q previously Paragraph I O] have been changed. These paragraphs have also been changed to reflect the changes which have been made in Paragraph II.

[2] The definition of a "patent" is contained in Paragraph I E.

Finally, the word "replacement," which had modified "photosensitive elements" has been deleted in Paragraph II (4) [Previously Paragraph II (3)] so that manufacturers of photosensitive elements may obtain licenses for original equipment manufacturing. This also makes it clear that manufacturers of coated paper, which contains a consumable photoconductor, can obtain a separate license.

*B. Geographic Scope of the License.* The geographic scope of the consent order license is world-wide. Rank Xerox and Fuji Xerox have confirmed Xerox's power to grant world-wide licenses in separate undertakings which are contained in the public record of this proceeding.

*C. Time Period of the Licenses.* The order encompasses all existing patents, patents issued in the next six years, and patents issued on pending applications or applications filed within three years after the date of the order, no matter when the patent is actually issued. The license must be issued for the full unexpired term of the patent.

PARAGRAPH III—[IMMUNITY FROM SUIT FOR LICENSEES]

TEXT

"XEROX, RANK XEROX and FUJI XEROX shall agree not to sue any LICENSEE, or customers or suppliers of the LICENSEE, for PATENT infringement or royalties with respect to any OFFICE COPIER, photosensitive element, toner, developer, paper or container (such as toner cartridges) for consumable supplies manufactured by or for the LICENSEE prior to the date of issuance of this order, or to maintain any such suit."

ANALYSIS OF NEW PARAGRAPH III AND NEW PARAGRAPH IV B

Paragraph III requires Xerox, Rank Xerox and Fuji Xerox to give immunity from suit for past infringement respecting office copier products[3] to any person who becomes a Xerox licensee under the terms of the order. Paragraph IV B permits Xerox to condition its licenses on the agreement of licensees that they will give a similar immunity from suit to Xerox, Rank Xerox and Fuji Xerox.

The requirement that Xerox grant immunity for past infringement to any person who takes a license should assist competitors, since Xerox, Rank Xerox and Fuji have a number of pending infringement suits. In addition, the existence of Xerox's massive patent structure has had an in terrorem effect on many competitors which have been manufacturing office copiers without a license to Xerox patents. Pursuant to Paragraph IV B of the order, Xerox may require that reciprocal immunity for past infringement be granted to Xerox, Rank Xerox, or Fuji Xerox.

[3] The immunity from suit includes an agreement not to institute suits for past infringement or royalties, or to maintain any such suits.



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PARAGRAPH IV—[RESTRICTIONS IN LICENSES]

TEXT

"IT IS FURTHER ORDERED that no license of an ORDER PATENT granted pursuant to the terms of this order shall contain or be conditioned upon any restriction, except as hereinafter provided:"

PARAGRAPH IV A—[ROYALTIES]

"The LICENSEE may, at his option, designate up to a total of three ORDER PATENTS which shall be licensed or sublicensed royalty-free; provided, however, that, in each country, the LICENSEE may substitute another ORDER PATENT as royalty-free for any ORDER PATENT previously designated as royalty-free which the LICENSEE has discontinued using in that country. On ORDER PATENTS other than the three designated as royalty-free by the LICENSEE, XEROX may, in its sole discretion, charge a royalty not to exceed ½% per PATENT up to a maximum accumulated royalty of 1½% of the LICENSEE'S NET REVENUES for each ROYALTY-BEARING PRODUCT which is manufactured, leased or sold by or for the LICENSEE. With respect to any ROYALTY-BEARING PRODUCT of the LICENSEE which the LICENSEE uses or consumes himself, the royalty shall be computed on the basis of the NET REVENUES that would have been received by the LICENSEE in an ordinary commercial transaction. The royalty shall be computed separately for each ROYALTY-BEARING PRODUCT on the basis of ORDER PATENTS subject to royalty which are used in such ROYALTY-BEARING PRODUCT. In no event shall more than three royalty-free PATENTS apply to any one ROYALTY-BEARING PRODUCT at any one time irrespective of the number of licenses granted by XEROX with respect to such ROYALTY-BEARING PRODUCT. For the purpose of this Paragraph IV A, a PATENT and all CORRESPONDING PATENTS in all countries shall count as one PATENT. The LICENSEE need not take a license under any CORRESPONDING PATENT."

ANALYSIS OF PARAGRAPH IV A—[PREVIOUSLY PARAGRAPH III A]

Paragraph IV A specifies the royalty arrangements permitted. Xerox must license royalty-free up to three patents designated by the licensee. The maximum royalty on patents in addition to the royalty-free patents, is ½% per patent up to 1½% of the licensee's net revenues for each office copier product.[4] Only three royalty-free patents may apply to any particular royalty-bearing product, so that various parties in a chain of distribution cannot cumulate their separate rights to royalty-free patents in order to obtain licensing rights to more than three royalty-free patents per office copier product.

The previous order was changed in the following manner:

1. Licensees pay royalties based on their net revenues.[5] Thus, licensee's revenues derived from non-patented items, such as service, freight, taxes, insurance, etc. have been excluded from the royalty base.

2. The fair market value of consumable supplies which are not covered by a licensed patent, whether or not included in a licensed container, is excluded from the royalty base.[6] Thus, for example, the value of toner in a toner cartridge would not be included in the royalty base.

3. Licensees who lease royalty bearing products have the option of having net revenues computed on the basis of either the published selling price of the royalty bearing product, or on the lease basis.[7] Since net revenues arising from lease transactions may be higher than those received from sale transactions because of the cost of financing lease transactions, the existence of this new option may result in licensees paying lower royalties than would have been possible under the previous order.

4. Licensees may purchase office copier products from other licensees. To insure that the result of such purchases do not cause a licensee to pay more than 1½% in royalties, there is a new provision that accumulated royalties may not exceed the 1½% maximum.

5. To make it clear that a licensee cannot be required to pay royalties on all corresponding patents, even though it believes some of the corresponding patents are invalid, the provision has been revised to state that a licensee need not take a license under any corresponding patent. A similar provision applicable to licenses by Xerox, Rank Xerox and Fuji Xerox has been inserted in IV C (1).

6. It has been made clear that licensees may obtain additional patent licenses at any time.

PARAGRAPH IV B—[IMMUNITY FROM SUIT FOR XEROX, RANK XEROX AND FUJI XEROX]

TEXT

"B. Xerox may require that a LICENSEE agree not to sue XEROX, RANK XEROX, or FUJI XEROX, or their customers or suppliers, for PATENT infringement or royalties with respect to any OFFICE COPIER, photosensitive element, toner, developer, paper or container (such as toner cartridges) for consumable supplies manufactured by or for them prior to the date of issuance of this order, or to maintain any such suit."

ANALYSIS OF PARAGRAPH IV B—[PREVIOUSLY PART OF PARAGRAPH III B (6)]

See pp. 15-16, supra.

PARAGRAPH IV C—[CROSS-LICENSING]

TEXT

"C. To the extent the LICENSEE has the power to grant licenses or sublicenses, XEROX may require the grant to XEROX, RANK XEROX and FUJI XEROX of a non-exclusive license for the full unexpired term under any, some or all PATENTS OF THE LICENSEE to make, have made, use or vend any, some or all of the following: (a) OFFICE COPIERS (including the right to have made parts, components, and raw materials for use therein), (b) toner, developer, paper, and similar consumable supplies which may be used in future OFFICE COPIERS, (c) containers (such as toner cartridges) for consumable supplies, and (d) photosensitive elements, as hereinafter provided in this Paragraph IV C."

ANALYSIS OF PARAGRAPH IV C—[PREVIOUSLY III B]

Paragraph IV C contains the provisions governing Xerox's ability to require cross-licensing. That right has been fenced in so that Xerox does not obtain an advantage over its competitors. First, licensees may license up to three Xerox patents without being required to license any patents to Xerox. To the extent that Xerox may obtain cross-licenses thereafter, it may do so only on a patent-for-patent basis. Second, Xerox's right to license patents is conditioned upon the licensee's power to grant licenses. Licensees who have issued exclusive licenses to others can obtain licenses from Xerox without being required to re-negotiate their other licenses, and thus they may obtain licenses from Xerox without a cross-licensing obligation. Third, the provision requiring office copier products suppliers of licensees to license to Xerox [Paragraph III B(8) of the previous order] has been deleted. Fourth, the order has a provision which provides that, with minor exceptions, competitors have a four-year period of exclusive use of a copier in the marketplace before a cross-license to Xerox becomes effective. Also, all patent licenses to Xerox are on a reasonable royalty basis. Fifth, the order eliminates the funnelling effect which would occur if Xerox were able to obtain access to patents not accessible to its competitors by requiring Xerox's licensees to agree to license others under all patents cross-licensed to Xerox. Patents licensed pursuant to this provision are licensed on a reasonable royalty basis. Sixth, Xerox may not require the cross-license of future patents if the licensee takes only present Xerox patents, and all cross-licensing is on a strictly patent-for-patent basis.

PARAGRAPH IV C(1)—[LIMITATION OR NUMBER OF PATENTS SUBJECT TO CROSS-LICENSE]

TEXT

"(1) XEROX may (at any time) require the license of one PATENT OF THE LICENSEE to XEROX, RANK XEROX and FUJI XEROX for each XEROX PATENT licensed to the LICENSEE in excess of the first three ORDER PATENTS licensed to the LICENSEE but in so doing XEROX may not require the license of (a) a greater number of PRESENT PATENTS OF THE LICENSEE than the number of XEROX PRESENT PATENTS licensed to the LICENSEE, or (b) a greater number of FUTURE PATENTS OF THE LICENSEE than the number of XEROX FUTURE PATENTS licensed to the LICENSEE. NOTWITHSTANDING the foregoing, for purposes of determining how many PRESENT PATENTS or FUTURE PATENTS of the LICENSEE which XEROX, RANK XEROX or FUJI XEROX are entitled to license, the LICENSEE shall have the right, if exercised, at the time of first receipt of a license from XEROX under Paragraph II of this order, to have the first three ORDER PATENTS licensed from XEROX count, at the LICENSEE's option, as XEROX PRESENT PATENTS, or as XEROX FUTURE PATENTS or as any combination of XEROX PRESENT PATENTS and XEROX FUTURE PATENTS, irrespective of the actual character of such ORDER PATENTS. For the purpose of determining the number of PATENTS under this Paragraph IV C(1), (a) a PATENT and all CORRESPONDING PATENTS in all countries shall count as one PATENT, and (b) the substitution of a previously unlicensed ORDER PATENT shall count as an additional PATENT unless the PATENT for which substitution is made was dedicated, revoked, disclaimed, or has expired or lapsed, or was held invalid or unenforceable. XEROX, RANK XEROX and FUJI XEROX need not take a license under any CORRESPONDING PATENT. A LICENSEE shall have no obligation to grant a license to XEROX, RANK XEROX or FUJI XEROX in any country in which, by reason of governmental action, XEROX has been prevented from granting or causing to be granted a PATENT license requested pursuant to this order. XEROX shall have no obligation to grant licenses in any country in which, by reason of governmental action, the LICENSEE is prevented from granting licenses to XEROX, RANK XEROX or FUJI XEROX pursuant to the terms of this Paragraph IV C(1)."

ANALYSIS OF PARAGRAPH IV C (1)—[PREVIOUSLY PARAGRAPH III B (1)]

*Paragraph IV C(1)* distinguishes between present and future patents.[8] It provides that Xerox may require the cross-license of present patents only if the licensee licenses present Xerox patents, and of future patents only if the licensee licenses future Xerox patents. However, the order has been modified to provide that the right of Xerox to obtain any patents of the licensee does not arise until after the licensee has licensed more than three Xerox patents. At the time of first obtaining a license from Xerox, the licensee has the option of applying the three patent exclusion to either Xerox present patents or Xerox future patents, or a combination of Xerox present and Xerox future patents. Thus, for example, a licensee licensing four Xerox patents (two of which are present and two of which are future) could, under the order, designate the Xerox patents licensed as three future patents which would then entitle Xerox to cross-license one present patent of the licensee, and no future patents of the licensee.

For the purposes of this part of the order, present patents and future patents are counted separately, so that no matter how many present patents are licensed, the licensee cannot be required to cross-license future patents; and no matter how many future patents are licensed, Xerox does not, by reason of such licenses, obtain access to present patents of the licensee. Within the separate groups of present patents and future patents, in addition to the three patent exclusion, Xerox may require access only to as many patents of the licensee as the licensee has licensed from Xerox. This is a change from the previous order which had provided that the license of four or more Xerox present patents entitled Xerox to license all of the licensee's present patents. A similar provision also applied to future patents. The result of changing this provision to licensing only on a patent-for-patent basis is to limit the number of patents for which Xerox is entitled to obtain a license.

The order has been clarified to provide that the substitution by the licensee of a previously unlicensed patent shall not count as an additional patent, if the patent for which substitution was made was dedicated, revoked, disclaimed, or has expired or lapsed, or was held invalid or unenforceable.

A further change from the previous order is the elimination of the obligation to license to Xerox, Rank Xerox or Fuji Xerox, in any country in which Xerox has been prevented, by reason of governmental action, from granting or causing to be granted a patent license requested pursuant to this order. A similar provision respecting the licensee's ability to grant cross-licenses also applies to Xerox's obligation to license or cause the granting of a license.

PARAGRAPH IV C (2)—[EFFECTIVE DATE OF CROSS-LICENSES TO XEROX DELAYED]

TEXT

"(2) The license of PRESENT PATENTS OF THE LICENSE shall not become effective until four years after the date of issuance of this order or four years after an OFFICE COPIER PRODUCT (of the LICENSEE or its licensee) using an invention covered by the PATENT first becomes COMMERCIALLY AVAILABLE, whichever is later. The license of FUTURE PATENTS OF THE LICENSEE shall not become effective until four years after the date the FUTURE PATENT OF THE LICENSEE is ISSUED or four years after an OFFICE COPIER PRODUCT (of the LICENSEE or its licensee) using an invention covered by the PATENT first becomes COMMERCIALLY AVAILABLE, whichever is later. This Paragraph IV C (2) shall not apply to IBM, except that IBM may require that the effective date of licenses pertaining to POLYCHROMATIC COLOR OFFICE COPIER PRODUCTS not become effective for up to three years from the date of issuance of this order for PRESENT PATENTS and three years from the date IBM's FUTURE PATENTS are ISSUED. With respect to CORRESPONDING FUTURE PATENTS the date such PATENTS are ISSUED shall be the date that the first such CORRESPONDING FUTURE PATENT is ISSUED."

ANALYSIS OF PARAGRAPH IV C(2)—[PREVIOUSLY PARAGRAPH III B(2)]

*Paragraph IV C(2)* provides that Xerox's license of a licensee's patents dates from the lapse of four years following the first commercial availability of the licensee's product using the patent under which Xerox is to be licensed, or issuance of the patent, whichever is later.[9] This is a change from the previous order in which the effective date of a license ran from the issuance of the patent. The consequence of the change will be to lengthen the period of time in which licensees have exclusive rights to their patents, since commerical use of a product embodying an invention usually occurs long after issuance of the patent covering the invention. A further change is the deletion from this paragraph of a phrase from the previous order which dated the lag period from the licensee's first infringement after the date of issuance of the order.

Paragraph IV C (2) assures the licensee of a lengthy period of time in which it can exploit the advantage of being the first firm to market a copier embodying the new development. The period of time will be at least four years from commercial availability, which itself may be some years following issuance of the patent embodying the invention in the office copier product. This period is generally the most valuable period of a patent, since it is in this period that exclusive use of a new development may enable a competitor to capture a large share of the market. This is particularly true in high technology industries, such as the office copier industry.

[4] "Office copier product" is defined in Paragraph I F (previously Paragraph I N).

[5] "Net revenues" is defined in Paragraph I R (new).

[6] Paragraph I R (f).

[7] Paragraph I R.

[8] A "present patent" is one issued on or before the date of the order [Paragraph I H of the order, previously Paragraph I F], and a "future patent" is one which is issued during the six years following the date of the order or which is issued on an application filed within the three years following the date of the order [Paragraph I J of the order, previously Paragraph I G]. Since patents are issued at different times in different countries, Paragraph I H provides that present patents include those issued anywhere before the date of the order and all corresponding patents, even if issued later; and Paragraph I H provides that future patents are those issued after the date of the order, and the patents, other than present patents, corresponding thereto.

[9] The lag provision is not applicable to IBM, except as to color copier products, for which IBM's lag is the same three-year period as is Xerox's.







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PARAGRAPH IV C (3)—[CROSS-LICENSE RESPECTING PRODUCTS DEVELOPED BEFORE FIRST PUBLICATION OR PUBLIC USE OF LICENSEE'S PATENT]

TEXT

"(3) XEROX may (at any time) require the immediate license to XEROX, RANK XEROX and FUJI XEROX of any of the PRESENT or FUTURE PATENTS OF THE LICENSEE (a) which would be infringed by a XEROX, RANK XEROX or FUJI XEROX OFFICE COPIER manufactured by any of them following the date of issuance of this order if the invention covered by the PATENT is the same as that embodied in an OFFICE COPIER manufactured by any of them prior to the date of issuance of this order, or (b) which would be infringed by a XEROX, RANK XEROX or FUJI XEROX OFFICE COPIER PRODUCT which any of them makes COMMERCIALLY AVAILABLE during the six years following the date of issuance of this order if the invention of the PATENT was embodied in a device which, as of the first publication or public use anywhere in the world of the invention covered by the PATENT OF THE LICENSEE or application therefor (i) actually had been built and incorporated in an engineering model or prototype model of the OFFICE COPIER by XEROX, RANK XEROX or FUJI XEROX and (ii) was part of a XEROX, RANK XEROX or FUJI XEROX funded product program. As used in this Paragraph IV C (3), 'engineering model' means the first complete assembly of all the sub-assemblies of the OFFICE COPIER; and 'prototype model' means the product development stage which follows the engineering model, if any. Licenses granted pursuant to this Paragraph IV C (3) shall not be subject to the provisions of Paragraph IV C (1) (except that they shall count for the LICENSEE as PATENTS licensed to XEROX, RANK XEROX and FUJI XEROX if and when they become entitled to a license pursuant to that Paragraph) or Paragraph IV C (2), but shall be subject to all other provisions of this order. The burden of establishing the right to a license under this Paragraph IV C (3) shall be on XEROX."

ANALYSIS OF PARAGRAPH IV C (3)—[PREVIOUSLY PARAGRAPH III B (3)]

*Paragraph IV C (3)* enables Xerox to obtain cross-licenses of patented inventions made commercially available within six years after issuance of the order regardless of the number of patents licensed from Xerox, without a lag, if Xerox can show it had independently developed its invention before the first publication or first public use[14] anywhere of its licensee's patent on the same invention. This provision has been clarified to provide that it shall not apply to abandoned inventions and that its shall apply only when the device had actually been built and incorporated in an engineering model or prototype model of an office copier which is part of a funded Xerox product program. Another change is the requirement that patents licensed to Xerox pursuant to this provision shall count as patents licensed to Xerox pursuant to Paragraph IV C (1). [Previously Paragraph III B (1)]. The burden of proving entitlement to a license pursuant to this provision is on Xerox.

Paragraph IV C (3) also provides that if an existing office copier product of Xerox, Rank Xerox or Fuji Xerox embodies an invention covered by a patent of the licensee, Xerox may obtain an immediate cross-license at a reasonable royalty, regardless of the limitations of Paragraph IV C (1). This is a change from the previous order, which had granted Xerox an immunity from suit with respect to such products.[14]

PARAGRAPHS IV C (4) AND IV C (5)—[IMPROVEMENT PATENTS]

TEXT

"(4) XEROX may require a LICENSEE to grant to XEROX, RANK XEROX, and FUJI XEROX a non-exclusive license under all IMPROVEMENT PATENTS on XEROX PATENTS licensed to the LICENSEE. Such licenses shall not be subject to the provisions of Paragraph IV C (1) (except that IMPROVEMENT PATENTS OF THE LICENSEE shall count for the LICENSEE as PATENTS licensed to XEROX, RANK XEROX, and FUJI XEROX if and when they become entitled to a license pursuant to that Paragraph) but shall be subject to all other provisions of this order.

"(5) XEROX shall grant to the LICENSEE a non-exclusive license under all XEROX IMPROVEMENT PATENTS on PATENTS licensed to XEROX. Such licenses shall be subject to all the provisions of this order except that they shall not count for XEROX as PATENTS licensed by XEROX, RANK XEROX, and FUJI XEROX for purposes of Paragraph IV C (1)."

ANALYSIS OF PARAGRAPHS IV C (4) AND C (5)—[PREVIOUSLY PARAGRAPHS III B (4) AND III B (5)]

*Paragraphs IV C (4) and C (5)* provide that both Xerox and its licensees can obtain the license-back of improvement patents, regardless of when the improvement patent issues, even if the improvement patent is not applied for or issued within the time specified for present and future patents. In addition, Xerox may obtain the license-back of improvement patents even if, under Paragraph IV C (1), Xerox would not have the right to license the patent. However, unlike the previous order, improvement patents licensed to Xerox shall count as patents, if and when Xerox becomes entitled to a license, for purposes of Paragraph IV C (1). In contrast, licensees can obtain a license of improvement patents from Xerox without the license counting as a patent license which entitles Xerox to obtain a license from the licensee. This will further limit the obligation of a licensee to license its patents to Xerox. Paragraph IV C (4) also provides that the lag period applies to the license to Xerox of improvement patents based on licensed Xerox future patents, as well as on licensed present patents. This is a change from the previous order which had provided that the lag period applied only to the license of improvement patents on licensed present patents.

PARAGRAPH IV C (6)—[ROYALTIES PAYABLE BY XEROX FOR CROSS-LICENSES]

TEXT

"(6) The LICENSEE may charge XEROX, RANK XEROX and FUJI XEROX a reasonable royalty for PATENTS licensed to any or all of them pursuant to this order, computed on the basis of the NET REVENUES of XEROX, RANK XEROX, and FUJI XEROX for each ROYALTY-BEARING PRODUCT which they manufactured, leased or sold. With respect to any ROYALTY-BEARING PRODUCT of XEROX, RANK XEROX and FUJI XEROX, which they use or consume themselves, the royalty shall be computed on the basis of the NET REVENUES that would have been received in an ordinary commercial transaction. The royalty shall be computed separately for each ROYALTY-BEARING PRODUCT on the basis of the PATENTS which are used in such ROYALTY-BEARING PRODUCT."

ANALYSIS OF PARAGRAPH IV C (6)—[PREVIOUSLY PARAGRAPH III B (6)]

*Paragraph IV C(6)* provides that licensees may charge reasonable royalties on cross-licenses to Xerox on the same base as is required under Paragraph IV A for licenses by Xerox, except that Xerox is not entitled to any royalty-free licenses.

The requirement that Xerox pay reasonable royalties will have two salutary effects. First, it will discourage Xerox from taking cross-licenses since the cost might be quite high, and second, if Xerox does take a license, the licensee will obtain large sums of money from royalties based on Xerox's substantial sales.

PARAGRAPH IV C (7)—[CROSS-LICENSES TO BE MADE AVAILABLE FOR MINORITY SUBSIDIARIES]

TEXT

"(7) XEROX, RANK XEROX and FUJI XEROX may require that they be permitted to sublicense any PERSON in which they own, directly or indirectly, 50% or less, but not less than 20% of the voting stock if such PERSON makes its PRESENT and FUTURE PATENTS available for licensing pursuant to Paragraph II of this order. All such PERSONS shall be identified to anyone making written request, and a list of all such

[14] This provision was clarified to include "first public use" as well as "first publication."

[15] Paragraph IV B permits Xerox to condition the grant of an order license on the licensee's grant of an immunity to Xerox for past infringement, and Paragraph III requires Xerox to forgive all past infringement of licensees.





PERSONS current as of the date of issuance of this order shall be filed on the public record of the Commission. Any changes in said list shall be filed with the Commission within 30 days after they occur."

ANALYSIS OF PARAGRAPH IV C(7)—[PREVIOUSLY PARAGRAPH III B(7)]

Paragraph IV C(7) enables Xerox to pass the benefit of a cross-license to subsidiaries in which it has at least a 20% interest. Modification of the definitions of "person" (Paragraph I B), "subsidiary" (Paragraph I C), and "licensee" (Paragraph I D), gives Xerox's licensees the option of passing the benefit of licenses from Xerox to subsidiaries and affiliates in which they have at least a 20% interest. In addition, the provision provides that Xerox make public a list of all such "persons" and notify the Commission of any changes within 30 days after they occur.

PARAGRAPH IV C(8)—[ADDITIONAL PROVISIONS IN CROSS-LICENSES]

TEXT

"(8) A license to XEROX pursuant to this Paragraph IV C shall contain the provisions specified in Paragraphs IV H and IV I of this order and may contain the provisions specified in Paragraphs IV D, IV E, IV F, IV G, and IV J of this order."

ANALYSIS OF PARAGRAPH IV C(8)[16]—[PREVIOUSLY PARAGRAPH III B(9)]

Paragraph IV C(8) provides that the provisions which Xerox may include in its licenses under the order may also be included in cross-licenses to Xerox.

PARAGRAPH IV C (9)—[CROSS-LICENSED PATENTS TO BE MADE AVAILABLE TO OTHER PERSONS]

TEXT

"(9) If XEROX grants a license under ORDER PATENTS either pursuant to the terms of Paragraph II of this order or otherwise, the license agreement shall contain the irrevocable covenant of the licensee (a) to license such of its PATENTS as are licensed to XEROX on reasonable terms and conditions to any other PERSON who is entitled to a license from XEROX pursuant to Paragraph II of this order, provided (i) that such license need not be effective prior to the effective date of the licensee's license to XEROX and (ii) that the licensee may require the license to itself of its licensee's PATENTS or IMPROVEMENT PATENTS; (b) to submit the reasonableness of the terms and conditions of its license to such PERSON to arbitration as provided in Paragraph VIII of this order if so requested by such PERSON; and (c) XEROX' licensee is domiciled in the UNITED STATES to submit

[16] The previous order provision III B(8) has been deleted. That provision had required the person who designed and manufactured a product to submit to the cross-licensing obligation if the actual licensee was merely a marketer of the product.

papers to the Commission and permit the Commission to suspend the arbitration and resolve the dispute as provided in Paragraph VIII C of this order. Within 60 days following execution of a license agreement subject to this Paragraph IV C (9), XEROX shall submit to the Commission a copy thereof in camera."

ANALYSIS OF PARAGRAPH IV C(9)—[PREVIOUSLY PARAGRAPH II B(10) AND PARAGRAPH III B(11)]

Past patent orders allowing cross-licensing have been criticized for permitting the respondent to "funnel" its competitor's technology back through itself, thereby giving it the advantage of access to the technology of many firms, which those firms might not make available to each other. The order eliminates the funnelling effect by requiring in Paragraph IV C(9) that Xerox may only take a cross-license if the licensee irrevocably agrees to license those patents to others as well. It provides that only patents which are licensed to Xerox need be licensed to others.

The principal difference between the previous order and this order is the consolidation of previous Paragraphs III B (10) and III B(11). Specifically, this order permits licenses to others to be on reasonable terms and conditions, e.g. reasonable royalties, whereas the previous order restricted royalty rates to ½% per patent with a 1½% per product maximum. Thus, the full value of licensed patents may be demanded. Licensees may negotiate the length of the lag period on such licenses; however, the effective date of the license need not be effective prior to the effective date of the licensee's license to Xerox. Also, the provision is clarified to permit licensees to require the license to itself of its licensee's patents or improvement patents.

The order does not preclude Xerox from entering into licenses "outside the terms of the order" if the licensee does not wish to insist on all of its rights under the order. By allowing freedom to negotiate "outside the order" in an environment in which competitors have the leverage of their rights under the order, the order establishes minimum standards of conduct for Xerox and its cross-licensing licensees and also maintains the flexibility of a free market. However, the order permits Xerox to negotiate "outside the order" agreements only if patents cross-licensed to Xerox in such an agreement also are available to Xerox's competitors.

Controversies over the reasonableness of the terms and conditions are subject to arbitration, which, as in the case of the arbitration to which Xerox must submit, may be suspended by the Commission, which may then resolve the dispute itself. However, submission to Commission jurisdiction is required only of domestic firms; foreign companies may limit their obligation solely to private arbitration. The latter provision recognises the reluctance of foreign companies to submit to United States Government regulation and avoids potential jurisdictional disputes.

This paragraph is optional; Xerox has agreed that the Commission may include it or not, as the Commission, in its sole discretion, determines to be in the public interest.

PARAGRAPH IV D—[ROYALTY REPORTS]

TEXT

"D. Reasonable provisions may be made for the retention of books and records and for periodic royalty reports by the licensee to the Manager of Patent Licensing of the licensor, and for inspection of such books and records by an independent auditor or any person reasonably acceptable to both the licensor and the licensee who shall report to said Manager only the amount of the royalty due and payable. The Manager of Patent Licensing of the licensor shall not disclose the content of said periodic royalty reports to any director, officer, employee, agent or representative of the licensor other than the members of his staff and employees necessarily involved in recording and depositing checks in a routine manner, who shall be similarly bound, unless the royalty owed is not timely paid. In the event that the licensor does not have a Manager of Patent Licensing, a mutually agreeable employee of the licensor shall be designated in his stead."

ANALYSIS OF PARAGRAPH IV D—[PREVIOUSLY PARAGRAPH III C]

Licenses may provide for royalty payments and royalty reports. Confidential information of the licensee is protected by requiring that books be inspected only by neutral parties and that royalty reports be sent to a person concerned only with patent matters. The latter may not disclose the royalty reports to anyone other than his staff or the employees involved in recording and depositing checks.

PARAGRAPH IV E—[SUBLICENSE]

TEXT

"E. Notwithstanding any other provision of this order, any party taking a sublicense under the terms of this order may be required to reimburse the sublicensor for any payments it is legally required to make and does make to the original licensor on account of activities of the sublicensee under any sublicense granted pursuant hereto."

ANALYSIS OF PARAGRAPH IV E—[PREVIOUSLY PARAGRAPH III D]

If a license which must be granted pursuant to the order is, in fact, a sublicense, the sublicensor may require the licensee to make reimbursement for payments made to its licensor by reason of its licensee's activities under the sublicense. Xerox has only one extant license under which it will be required to sub-license pursuant to the order.

PARAGRAPH IV F—[CANCELLATION OF LICENSE BY XEROX]

TEXT

"F. Reasonable provisions may be made for cancellation of the license





granted to the licensee upon failure of

vent XEROX, RANK XEROX, FUJI

such PRODUCTS during the five year



standards and formulae.[18] The know-how will be made available at a reason-

under this order (except where certain matters are specifically referable to the

nical issues. Examples of disputes which might be arbitrated are (1) whether

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granted to the licensee upon failure of the licensee to make the reports, pay the royalties, or permit the inspection of his books and records as hereinbefore provided, and, upon a wrongful act of the LICENSEE respecting the restrictions on use or disclosure of KNOW-HOW contained in Paragraph VII of this order, for XEROX to apply to the Commission for leave to cancel said license, in which event the decision of the Commission shall be final and non-appealable by either XEROX or the LICENSEE."

ANALYSIS OF PARAGRAPH IV F—[PREVIOUSLY PARAGRAPH III E]

Xerox or the licensee may cancel a license for nonpayment of royalties. Xerox may also cancel the license for non-compliance with the licensee's obligations respecting non-disclosure of Xerox know-how. The latter provision for cancellation, however, can be invoked only in the case of a "wrongful act" by the licensee and then only with prior Commission approval.

PARAGRAPH IV G—[PREVIOUSLY III F] [LICENSE NON-TRANSFERABLE]

TEXT

"G. The license may be non-transferable."

PARAGRAPH IV H—[LICENSEE MAY CANCEL LICENSE]

TEXT

"H. The license must provide that the licensee may cancel the license in whole or as to any specified PATENTS at any time by giving 30 days notice in writing to the licensor; however, the licensor shall have the option to continue in effect any right granted to the licensor pursuant to Paragraph IV C of this order."

ANALYSIS OF PARAGRAPH IV H—[PREVIOUSLY III G]

The first portion of the Paragraph IV H is a typical cancellation provision. The second portion, allowing retention of rights granted by the cancelling party, is an adjunct of the provisions allowing cross-licensing.

PARAGRAPH IV I—[PREVIOUSLY PARAGRAPH III H] [LICENSE PROVISION FOR ARBITRATION]

TEXT

"I. The license must provide for the arbitration specified in Paragraph VIII of this order and for suspension thereof pursuant to Paragraph VIII C of this order."

PARAGRAPH IV J—[PREVIOUSLY PARAGRAPH III I] ["OUTSIDE THE ORDER" LICENSE PERMITTED]

TEXT

"J. In granting a license pursuant to Paragraph II of this order, there shall be no discrimination by XEROX, RANK XEROX, FUJI XEROX or any PERSON in the royalty charged as among royalty-paying LICENSEES who procure the same rights under the same PATENTS; but nothing herein contained shall prevent XEROX, RANK XEROX, FUJI XEROX or any PERSON from negotiating non-exclusive licenses and cross-licenses outside the terms (except Paragraph IV C (9) of this order) of this order with anyone who so elects."

PARAGRAPH V—[LEAR CLAUSE]

TEXT

*"It is further ordered,* That nothing herein shall be deemed to prevent any LICENSEE or applicant for a license from attacking in any proceeding or controversy the validity, scope or enforceability of any PRESENT or FUTURE PATENT, nor shall this order be construed as imputing any validity, enforceability or value to any such PATENT.

ANALYSIS OF PARAGRAPH V—[PREVIOUSLY PARAGRAPH IV]

In "Lear, Inc. v. Adkins," 395 U.S. 653 (1969), the Supreme Court held that licensors of patents may not extract an agreement from their licensees not to attack the validity of the licensed patent. Paragraph V makes it clear that the Commission does not sanction any different rule for licenses granted pursuant to the order.

PARAGRAPH VI—[BENEFITS TO EXISTING LICENSEES]

TEXT

*"It is further ordered,* That XEROX shall allow each PERSON who is a licensee of a XEROX PATENT on the date of issuance of this order to obtain a license pursuant to the terms of this order; however, XEROX, RANK XEROX and FUJI XEROX shall have the right to continue in effect any industrial property rights under the terms previously granted to XEROX, RANK XEROX or FUJI XEROX by the licensee, and such licensee shall have the right to continue in effect any industrial property rights under the terms previously granted to the licensee by XEROX, RANK XEROX or FUJI XEROX."

ANALYSIS OF PARAGRAPH VI—[PREVIOUSLY PARAGRAPH V]

Paragraph VI requires Xerox to make the benefits of the order available to existing licensees. Xerox, however, need not give up whatever rights to use the licensee's technology it has obtained in its few existing cross-licensees.

Paragraph VII—[KNOW-HOW]

TEXT

*"It is further ordered,* That: A. During the period ending five years after the date of issuance of this order, XEROX shall make available to LICENSEES of United States ORDER PATENTS under a license pursuant to the terms of this order who make written application therefor all KNOW-HOW (1) in existence on the date of issuance of this order or (2) made available to any other UNITED STATES manufacturer (except a supplier to XEROX) or UNITED STATES marketer of OFFICE COPIER PRODUCTS for use in connection with such PRODUCTS during the five year period. The delivery of the KNOW-HOW requested shall begin within 30 days and shall be completed within 120 days after the initial application therefor is received by XEROX; the response to subsequent requests shall be completed within a reasonable period of time. Such KNOW-HOW shall be of such a nature as to enable one skilled in manufacturing electro-mechanical office machinery and in the technologies embodied in OFFICE COPIER PRODUCTS or comparable technologies to manufacture, refurbish, recondition and service Xerox Corporation's OFFICE COPIER PRODUCTS. Upon written application, XEROX shall provide written clarification respecting such KNOW-HOW where such clarification is reasonably necessary. XEROX may make a reasonable charge for the cost of collecting and duplicating KNOW-HOW which it discloses and for the time spent in clarification. At the option of such LICENSEE, XEROX shall disclose KNOW-HOW pertaining to photosensitive elements, supplies, raw materials and particular OFFICE COPIER models and shall limit its charge to such KNOW-HOW. XEROX may require the LICENSEE to agree that all KNOW-HOW disclosed to the LICENSEE by XEROX shall be considered a XEROX trade secret and to undertake, in good faith, to use the KNOW-HOW only in connection with the manufacture in the UNITED STATES of OFFICE COPIER PRODUCTS by or for the LICENSEE and not to disclose or permit the disclosure of the KNOW-HOW to anyone other than a supplier who is or will be manufacturing in the UNITED STATES and who enters into a similar agreement and undertaking respecting disclosure and use, unless the LICENSEE can establish that such KNOW-HOW (1) was previously known to the LICENSEE prior to the disclosure by XEROX, or (2) is or becomes part of the public domain through no wrongful act of LICENSEE, or (3) is subsequently otherwise legally acquired by LICENSEE, or (4) was or is disclosed by XEROX to third parties on a non-confidential basis.

B. Commencing 120 days after the date of issuance of this order XEROX shall make available to KNOW-HOW licensees a list of the PERSONS whose KNOW-HOW Xerox claims to be prohibited from disclosing. Such list shall be subject to the restrictions on use and disclosure of KNOW-HOW provided in this Paragraph VII. XEROX need not make KNOW-HOW available to IBM."

ANALYSIS OF PARAGRAPH VII—[PREVIOUSLY PARAGRAPH VI]

Paragraph VII requires Xerox to reveal to all persons who obtain a license from Xerox all written know-how in existence, as of the date of the order, relating to the manufacturing, refurbishing, retrofitting, reconditioning and servicing of its office copier products. Know-how includes all of Xerox's blueprints, drawings, specifications, test





standards and formulae.[12] The know-how will be made available at a reasonable charge not exceeding the cost of collecting and duplicating the know-how. In addition, upon application Xerox must provide written clarification where clarification is reasonably necessary.

The order requires that these materials must be sufficient to enable one skilled in the art of manufacturing electromechanical equipment and in the technologies pertinent to office copiers or comparable technologies to manufacture Xerox's copiers. Know-how is available only for use in manufacturing in the United States except to the extent the licensee can show that material is in the public domain, or is otherwise known to the licensee. Know-how need not be made available to IBM.

A sentence was added to this provision which requires Xerox to begin delivering know-how within 30 days and to complete delivery within 120 days after the initial request for know-how is received. Responses to subsequent requests must be completed within a reasonable period of time. Thus, Xerox is required to make its know-how available "forthwith" after the issuance of the order so that licensees will have immediate access to the know-how.

Other aspects of the know-how provisions include the following:

1. The licensee need not pay for the entire know-how package of all Xerox know-how. Subpackages of know-how pertaining to specific copier models, to photosensitive elements, and to particular supplies will be available.
2. Know-how is available only to licensees of Xerox's United States patents
3. The know-how need be disclosed only during the five years following the order, and it need be current only as of the date of the order or of subsequent disclosures, if any, to competitors in the United States.
4. Xerox need not disclose know-how which it is prohibited by a legally enforceable obligation from disclosing. This clause protects the trade secrets of Xerox suppliers who have disclosed know-how, in confidence, to Xerox in connection with supplying products to Xerox. Under the order Xerox must make a list of such suppliers available to licensees, so that the latter will be able to seek the know-how on their own.
5. Under Paragraph IV E, Xerox may apply to the Commission for cancellation of the patent license of a licensee who has committed a "wrongful act" respecting its obligations to keep know-how confidential or use it only in the United States.

PARAGRAPH VIII—[ARBITRATION]

TEXT

*"It is further ordered,* That: "A. Upon receipt of a written application for a PATENT license or for a PATENT license and disclosure of KNOW-HOW under the terms of this order, XEROX shall advise the applicant in writing of the terms of such license and/or KNOW-HOW disclosure. If a dispute arises between XEROX and a LICENSEE or applicant regarding their respective rights under this order (except where certain matters are specifically referable to the Commission as provided in Paragraph IV F of this order), and if the parties to the dispute are unable to resolve it within 90 days after the existence of such dispute is communicated in writing to XEROX or to the LICENSEE or applicant, the dispute shall be determined by arbitration pursuant to this Paragraph VIII. Notwithstanding the provisions of Paragraph V of this order, no dispute between XEROX and a LICENSEE or applicant with respect to the validity, enforceability, infringement or scope of any PATENT shall be subject to arbitration pursuant to this order.

"B. Unless otherwise agreed to by the parties, arbitration shall be held at a location in the UNITED STATES designated by the LICENSEE or applicant and in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The award of the arbitrator shall be final and binding on both parties. The arbitrator shall, upon a proper showing, issue protective orders and/or receive evidence in camera in the same manner as an Administrative Law Judge of the Federal Trade Commission.

"C. Within 10 days after the initiation of arbitration, XEROX shall notify the Commission of the parties to the arbitration, the name of the arbitrator, and the nature of the dispute. XEROX shall notify the Commission of the dates of arbitration hearings and other arbitration proceedings, if any, as soon as possible. Copies of all papers in the nature of pleadings shall be served upon the Commission, and the Commission or its designee shall have the right to attend any arbitration proceeding. The Commission may, in its sole discretion, at any time before evidence has been submitted, suspend the provisions of this Paragraph VIII respecting arbitration and itself resolve any or all disputes subject thereto. The Commission will not assert any claim that XEROX has violated this order with respect to the subject matter of the arbitration where XEROX has complied with the award of the arbitrator.

"D. Pending the completion of any negotiation, arbitration or Commission action respecting a dispute subject to this Paragraph VIII, XEROX and the applicant shall enter into a license, and XEROX shall make disclosure of KNOW-HOW, pursuant to the terms of this order with respect to the matters not in dispute. Upon conclusion of any negotiation, arbitration or Commission action, the disputed license or KNOW-HOW disclosure may provide for such adjustments as the parties agree to or as the arbitrator or Commission, as the case may be, deems appropriate."

ANALYSIS OF PARAGRAPH VIII—[PREVIOUSLY PARAGRAPH VII]

Paragraph VIII provides that all disputes between Xerox and applicants for licenses, or between Xerox and licensees, must be resolved by arbitration, so that the Commission is not burdened with litigation involving highly complex technical issues. Examples of disputes which might be arbitrated are (1) whether Xerox had actually developed a device prior to first publication of the licensee's patent for purposes of Paragraph IV C (3); (2) whether a licensee is entitled to clarification of know-how pursuant to Paragraph VII; and (3) whether the royalty payable for machines used by the licensee is accurately computed under Paragraph IV B.

The Commission retains the power to resolve disputes between itself and Xerox. In addition, under Paragraph VIII C, the Commission may suspend operation of the arbitration clause, either generally or as to specific disputes, at any time before evidence has been submitted to an arbitrator. Thus, if arbitration appears not to be serving the public interest, the Commission may return resolution of disputes to its own cognizance.

Arbitration is to be pursuant to the Rules of the American Arbitration Association. Paragraph VIII B adds that the arbitrator must grant protective orders and receive evidence in camera under the standards applied in Commission proceedings.

Regardless of how long a negotiation or dispute settlement takes, under Paragraph VIII D, Xerox must issue licenses and make disclosure of know-how with regard to matters not in dispute.

This paragraph has been modified by providing in Paragraph VIII A that disputes between Xerox and a licensee or applicant, with respect to patent infringement and patent scope, be excluded from arbitration, since they overlap with validity issues which had been excluded from arbitration by the previous order.

PARAGRAPH IX—[TRANSLATION OF FOREIGN PATENTS]

TEXT

*"It is further ordered,* That for the period ending six years after the date of issuance of this order, XEROX shall make available (a) English language translations of all ORDER PATENTS issued after the date of issuance of this order to XEROX, RANK XEROX, and FUJI XEROX by France, The Federal Republic of Germany, Japan, and The Netherlands, and (b) copies of all English language CORRESPONDING PATENTS at a reasonable charge not to exceed the cost of reproduction and, if the translation is made at the instance of the requesting PERSON, the cost of translation."

ANALYSIS OF PARAGRAPH IX—[PREVIOUSLY PARAGRAPH VIII]

Paragraph IX requires Xerox to make available translations of foreign patents issued by France, Germany, The Netherlands and Japan. In addition, this provision has been changed by requiring Xerox to furnish copies of all English language corresponding patents. Xerox may charge only for the cost of copying, and of translation if the translation was made at the request of the applicant.

[12] "Know-how" is defined in Paragraph I T [previously Paragraph I R].



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PARAGRAPH X—[ACQUISITION OF PATENTS OR KNOW-HOW]

TEXT

*"It is further ordered,* That for the period ending 10 years after the date of issuance of this order, XEROX shall not, directly or indirectly, acquire from any PERSON (including The RANK Organisation Limited and Fuji Photo Film Co., Ltd.) any exclusive rights, whether by license or otherwise to any PATENTS or know-how for use in OFFICE COPIER PRODUCTS except those (a) resulting from the work of XEROX, RANK XEROX or FUJI XEROX employees, XEROX, RANK XEROX or FUJI XEROX consultants, or research organizations doing sponsored research for XEROX, RANK XEROX or FUJI XEROX, or (b) under which XEROX grants or causes to be granted to any person making written application a non-exclusive, royalty-free, unrestricted license to make, have made, use or vend OFFICE COPIER PRODUCTS under such PATENT or know-how. Any exclusive rights acquired by XEROX in accordance with part (a) of this Paragraph X shall be on such terms as will permit XEROX to comply with the licensing provisions of Paragraph II of this order. This Paragraph X shall not apply to any acquisition or exclusive license of a FOREIGN PATENT or of the right to use the know-how in a foreign country by RANK XEROX or FUJI XEROX."

ANALYSIS OF PARAGRAPH X—[PREVIOUSLY PARAGRAPH IX]

Paragraph X imposes a 10-year moratorium on the acquisition of office copier product patents or exclusive licenses, even from Xerox's joint venture partners, Rank Organisation and Fuji Photo Film Co., Ltd. The patent acquisition prohibition, however, does not apply to acquisitions from consultants or companies doing sponsored research for Xerox, to acquisitions of foreign patents by Rank Xerox and Fuji Xerox, or to patents under which Xerox grants royalty-free, totally unrestricted licenses. A sentence has been added to this provision requiring that exclusive licenses issued to Xerox shall be on such terms as will enable Xerox to comply with the licensing provisions of Paragraph II of this order. Also, the provision has been changed to make it applicable to acquisitions of know-how as well as of patents.

PARAGRAPH XI—[PREVIOUSLY PARAGRAPH X] [DISPOSITION OF PATENTS]

TEXT

*"It is further ordered,* That XEROX shall not dispose or permit the disposition of any PATENTS or rights thereunder so as to deprive it of the power to grant or cause to be granted the licenses required by this order."

PARAGRAPH XII—[ACQUISITIONS OF COMPETITORS]

TEXT

*"It is further ordered,* That for the period ending 10 years after the date of issuance of this order XEROX shall not, directly or indirectly, acquire any interest in a PERSON (including The Rank Organisation Limited and Fuji Photo Film Co. Ltd.) engaged in the manufacture, sale, lease or development of OFFICE COPIERS, or toner, developer, paper or photosensitive elements used in OFFICE COPIERS or from a joint venture involving any such products with any such PERSON (except The Rank Organisation Limited or Fuji Photo Film Co. Ltd. so long as either is a party to a joint venture with XEROX or RANK XEROX relating to OFFICE COPIER PRODUCTS). This paragraph shall not apply (1) to the acquisition by XEROX of any interest in or joint venture with any PERSON in which at the time of the acquisition or joint venture it had a stock interest, other than a PERSON in which XEROX had such an interest by reason of an investment in employee funds such as pension or retirement plans (XEROX shall promptly file with the Commission a list of the PERSONS in which it has a stock interest as of the date of issuance of this order and to which this exception is to apply. Said list shall be updated as part of the annual compliance report required by Paragraph XIX of this order), or (2) to any acquisition by RANK XEROX or FUJI XEROX of a PERSON not engaged in the manufacture, sale, lease or development of OFFICE COPIERS but who is engaged in the manufacture, sale, lease or development, solely outside of the UNITED STATES, of toner, developer, paper or photosensitive elements used in OFFICE COPIERS, or to the formation of a joint venture by RANK XEROX or FUJI XEROX involving any such products with any such PERSON, or (3) to a joint venture involving new capacity for the production of paper with a PERSON other than one engaged in the manufacture, sale, lease or development of OFFICE COPIERS, or toner, developer or photosensitive elements used in OFFICE COPIERS, or (4) to the acquisition by XEROX of an interest in any PERSON the sole purpose of which is an investment in employee funds such as pension or retirement plans. Such acquisitions, however, shall not be deemed immune or exempt from the provisions of the antitrust laws (including the Federal Trade Commission Act) by reason of anything contained in this order."

ANALYSIS OF PARAGRAPH XII—[PREVIOUSLY PARAGRAPH XI]

Paragraph XII imposes a 10-year moratorium on the acquisition of, or the entering into joint ventures with, companies engaged in the office copier business. The company acquisition ban does not apply to acquisitions of a further interest in companies in which Xerox already has an interest at the time of acquisition (i.e. subsidiaries and foreign joint ventures) or to acquisitions by Rank Xerox and Fuji Xerox of persons engaged in the manufacture, sale, lease or development outside the United States of office copier products, other than office copiers.

The following minor changes in this paragraph have been made:

(a) Xerox is required to file with the Commission a list of the companies in which it has an interest and to which the prohibitions of this paragraph do not apply. The list shall be updated as part of Xerox's annual compliance report.

(b) The exception to the prohibitions of this paragraph was clarified to exclude Xerox's interests resulting from investment in employee funds, such as retirement or pension plans.

(c) The phrase "photoconductive plates" in XII (2) has been changed to "photosensitive elements."

(d) The reference to antitrust laws in the last sentence has been modified to include Section 5 of the Federal Trade Commission Act.

PARAGRAPH XIII—[EMPLOYEE CONTRACTS]

TEXT

*"It is further ordered,* That during the period ending 10 years after the date of issuance of this order, XEROX shall not, directly or indirectly, make contracts in the UNITED STATES restricting employees working in its OFFICE COPIER PRODUCTS business from in the future working for any other PERSON, provided that XEROX may make contracts which prohibit the use or disclosure of trade secrets and confidential information as prohibited by XEROX' present form of "Proprietary Information and Conflict of Interest Agreement" which has been submitted to the Commission."

ANALYSIS OF PARAGRAPH XIII—[PREVIOUSLY PARAGRAPH XII]

Paragraph XIII prohibits Xerox for 10 years from preventing its employees from working for other companies. However, Xerox may prohibit the disclosure of confidential information, and it is specifically permitted to use its current employee form.

PARAGRAPH XIV—[PACKAGE PRICING]

TEXT

*"It is further ordered,* That during the period commencing on a date not later than nine months after the date of issuance of this order and ending 5 years after said commencement date, XEROX shall not, directly or indirectly, utilize in the UNITED STATES any price plan for the sale or lease of an OFFICE COPIER which depends upon the customer purchasing or leasing one or more additional OFFICE COPIERS of a different model."

ANALYSIS OF PARAGRAPH XIV—[PREVIOUSLY PARAGRAPH XIII]

Paragraph XIV, which is effective for five years, is directed at Xerox's "Machine Utilization Plan" ("MUP") pricing, under which Xerox copiers with disparate usage patterns are "packaged leased" to the detriment of competitors whose copiers compete in less than all usages. This paragraph prohibits Xerox from leasing or selling copiers under a pricing plan which requires a customer





to purchase or lease one or more different model Xerox office copiers. This provision is different from the previous order which had required Xerox to break its present products into discrete, smaller groups, each of which was to have a completely separate pricing plan. The absolute prohibition of group pricing will mean that the new entrants, all of whom have one or, at most, two plain paper copiers, will be able ot market their copiers on a model-by-model basis. Thus, Xerox will lose its ability to use the superior competitive strength of some copiers to protect its more vulnerable copiers.

PARAGRAPH XV—[DISPARAGEMENT]

TEXT

*"It is further ordered,* That: A. During the period ending 10 years after the date of issuance of this order, XEROX shall, in addition to instructing its employees in the UNITED STATES not to comment on the quality of competitive toner or developer, place a notice in a location conspicuous to the key operator on each OFFICE COPIER sold or leased by it in the UNITED STATES stating the following: "Xerox Corporation manufactures and distributes toner and developer for use in this machine. Other suppliers may also provide toner and developer for this machine. It may be necessary to adjust the machine to accommodate toner or developer which is provided by either Xerox or any other supplier."

B. In the event that XEROX shall publish reasonable specifications for the toner and developer used in a particular machine XEROX (1) may include the following additional statement in the aforementioned notice: "The toner and developer used in this machine must comply with minimum specifications published by Xerox Corporation", (2) shall promptly notify all suppliers of toner and developer, who request such notification, of any changes in such specifications, and shall promptly notify a supplier when his toner or developer does not comply with such specifications in a letter signed by an officer of XEROX, and (3) may not require suppliers of toner or developer for XEROX' OFFICE COPIERS to provide to XEROX' customers a certification that the toner or developer supplied by them meets such specifications.

C. XEROX shall promptly notify all suppliers of toner and developer, who request such notification, of changes in XEROX OFFICE COPIERS which may affect the usability of the toner and developer in such OFFICE COPIERS.

D. Nothing herein contained shall prevent XEROX from advising a customer, in a letter signed by an officer of XEROX, that a non-XEROX toner or developer is not usable in a particular XEROX OFFICE COPIER, provided that XEROX simultaneously advises the suppliers of such toner or developer, in a letter signed by an office of XEROX, that (1) in the opinion of XEROX, the supplier's toner or developer is not usable in a particular OFFICE COPIER model, and (2) disputes regarding the usability of the toner or developer are subject to arbitration pursuant to this order. Disputes regarding the usability of non-XEROX toner and developer or the reasonableness of XEROX' specifications shall be subject to arbitration in accordance with Paragraph VIII (b) and (c) of this order.

E. XEROX may not, directly or indirectly, require in the UNITED STATES that it be the sole supplier of toner or developer for leased or sold OFFICE COPIERS; however, it may impose such a requirement with respect to a new model during the six months from the date such model first becomes COMMERCIALLY AVAILABLE. For purposes of this Paragraph XV, "new model" includes collectively the basic office copier model and all subsequent models not embodying material variations in the xerographic processor thereof.

ANALYSIS OF PARAGRAPH XV—[PREVIOUSLY PARAGRAPH XIV]

Paragraph XV provides that for 10 years Xerox must instruct its employees not to comment on the quality of the toner and developer products sold by competitors for use in Xerox leased or sold equipment. Xerox must also place a prominent notice on each machine stating that competitive toner and developer are available and that their use, as well as the use of Xerox toner or developer,[14] may require adjustment of the machine. Also, the order prohibits Xerox from tying toner and developer to copier rental or sale, except during the six month break-in period immediately following introduction of the model. This is a change from the one-year period allowed in the previous order.

The following changes in Paragraph XV were also made:

(1) Upon request, Xerox shall promptly notify toner and developers suppliers of changes made by Xerox in its copiers which affect the usability of toner or developer.

(2) If Xerox is ultimately able to publish reasonable specifications, it shall notify toner and developers suppliers when their products do not comply with the specifications.

(3) The order permits Xerox to advise customers that a non-Xerox toner or developer is not usable in a particular copier. However, Xerox must also simultaneously notify the supplier of such toner and developer that the particular toner or developer was not usable.

(4) Disputes regarding either the usability of toner or developer or of the reasonableness of Xerox's specifications are made subject to arbitration in accordance with Paragraph VIII (b) and (c) of the order.

(5) Xerox is prohibited from requiring that non-Xerox suppliers of toners and developers certify to Xerox's customers that their toner and developer comply with Xerox's specifications. Currently Xerox requires such a certification with regard to toner and developer used in its Model 9200, its newest machine. Thus, Xerox would be prohibited from continuing to require non-Xerox suppliers of toner and developer to certify that their toner and developer comply with Xerox's specifications.

PARAGRAPH XVI—[PREMATURE ANNOUNCEMENT AND PREMATURE PROMOTION]

TEXT

*"It is further ordered,* That during the period ending 10 years after the date of issuance of this order, (1) XEROX shall not in the UNITED STATES take orders or announce that it will take orders for the sale or lease of an OFFICE COPIER more than three months prior to the time when it is reasonably expected to be COMMERCIALLY AVAILABLE, (2) XEROX shall not promote any new OFFICE COPIER in any area of the United States more than three months prior to the time that XEROX reasonably expects such new OFFICE COPIER to be first COMMERCIALLY AVAILABLE in that area except for national advertising which includes a statement that the model is available only in the areas where XEROX reasonably expects such model to be COMMERCIALLY AVAILABLE, and (3) at the time XEROX announces that it will take orders for the lease of an OFFICE COPIER in the United States, it shall also announce the selling price of such OFFICE COPIER."

ANALYSIS OF PARAGRAPH XVI—[PREVIOUSLY PARAGRAPH XV]

Paragraph XVI provides that Xerox shall not take orders or announce that it will take orders for a new model more than three months before expected commercial availability[15] of the model. The previous order had prohibited this conduct for six months prior to expected commercial availability.

This provision has also been revised in the following respects: Xerox is prohibited from promoting any new office copier in the United States prior to three months before its expected commercial availability. Xerox may engage in national advertising before products are commercially available throughout the country so long as it includes a statement as to the areas where Xerox expects the model to be commercially available.

A further addition in this provision is a requirement that Xerox announce a selling price for an office copier at the same time it announces it will take orders for the lease of an office copier.

PARAGRAPH XVII—[NOTICE PROVISIONS]

TEXT

*"It is further ordered,* That within 30 days after the date of issuance of this order and annually thereafter until the expiration of all FUTURE PATENTS,

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[14] This phrase represents a change from the previous order.

[15] "Commercially available" is defined in Paragraph I U [previously Paragraph I S] as "generally available for immediate sale or lease to consumers in an area or at least as large an area served by at least one sales branch of the seller or lessor and on publicly announced terms."



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XEROX shall submit for publication in ... poration, the creation or dissolution of ... is estimated at 30 minutes per report. Because a purchaser may have more



whether an industry in the United States ... an industry in the United States is being ... could afford a basis for an affirmative

XEROX shall submit for publication in the Official Gazette of the United States Patent Office a notice (1) identifying by number, title, date of issue and category of subject matter (to an extent acceptable to the Commission) all United States PATENTS which it is empowered to license together with all FOREIGN PATENTS based on the patent application from which each United States PATENT originates; (2) stating that XEROX shall grant licenses under (a) its ORDER PATENTS to make, have made, use and vend OFFICE COPIER PRODUCTS under the terms of this order, and (b) patents required to be licensed pursuant to the terms of Paragraph X of this order, if any; (3) stating that XEROX shall disclose KNOW-HOW to a licensee of its United States ORDER PATENTS for use in connection with the manufacture of OFFICE COPIER PRODUCTS in the UNITED STATES under the terms of this order; and (4) stating that a copy of this order and a list of PATENTS licensed to XEROX which are subject to the provisions of Paragraph II and IV C(9) of this order, if any, are available from XEROX upon written request. Beginning 30 days following the date of issuance of this order, and until the expiration of all XEROX FUTURE PATENTS, XEROX shall send a copy of this order and of the current edition of such notice to each person who inquires as to the availability of a license for OFFICE COPIER PRODUCTS, or to whom XEROX has offered such a license at any time after January 1, 1970."

ANALYSIS OF PARAGRAPH XVII—[PREVIOUSLY PARAGRAPH XVI]

Under Paragraph XVII, Xerox must send a copy of the order to every person to whom it offered any type of license since 1970, a group which includes most active participants in the industry, and to persons who inquire about a license. Xerox must also make available a list of patents under which it is licensed and which, consequently, must be licensed, pursuant to Paragraph IV C(9) of the order. A change from the previous order is a requirement that the list of Xerox patents include the number, title, date of issuance and subject matter of the patents and a list of all foreign patents based on the patent application from which each United States patent originates. In addition, annually, for at least the next 23 years, Xerox must place a notice of its obligations under the order in the Official Gazette of the United States Patent Office, a periodical which is carefully reviewed by patent attorneys.

PARAGRAPH XVIII—[PREVIOUSLY PARAGRAPH XVII] [CHANGE IN CORPORATE STRUCTURE]

TEXT

*"It is further ordered,* That XEROX notify the Commission at least 30 days prior to any proposed change in the respondent, RANK XEROX or FUJI XEROX which may affect compliance obligations arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other such change."

PARAGRAPH XIX—[PREVIOUSLY PARAGRAPH XVIII COMPLIANCE REPORTS]

*"It is further ordered,* That XEROX shall file with the Commission reports, in writing, setting forth in detail the manner and form in which it intends to comply, is complying, and has complied with this order. Said reports shall be filed 60 days and 180 days after the date of issuance of this order, and yearly thereafter on the anniversary date of the order during the period in which XEROX has obligations under this order, and shall contain such information and documents as are requested by the Bureau of Competition or the Commission relating to compliance with this order."

Issued by Commission direction of April 15, 1975.

CHARLES A. TOBIN,
*Secretary.*

[FR Doc.75-11172 Filed 4-28-75;8:45 am]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 22, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before May 12, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW, Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

This is a request for clearance of Surplus Propane/Butane Purchase Report, FEA-P109-S-O. This is a new report to be filed by wholesale purchasers for each purchase of surplus propane or butane. This report identifies the supplier and the amount and price of surplus product purchased.

Potential respondents are estimated to be a maximum of 8,000 Wholesale-Purchasers having to file quarterly, although considerably less than this number may actually purchase surplus product and be required to report. Respondent burden is estimated at 30 minutes per report. Because a purchaser may have more than one supplier and make more than one purchase of surplus product, it is possible that a single purchaser may be required to complete several of the reports.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

[FR Doc.75-11118 Filed 4-28-75;8:45 am]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. G-21]

### SECRETARY OF DEFENSE AND CHAIRMAN, ATOMIC ENERGY COMMISSION

#### Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in transportation regulatory proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1975.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

| Number | Date | Subject |
|---|---|---|
| G-6 | Oct. 16, 1969 | Delegation of Authority to Secretary of Defense—Regulatory Proceeding. |
| G-7 | Mar. 19, 1970 | Delegation of Authority to Chairman, Atomic Energy Commission—Regulatory Proceeding. |
| G-10 | June 25, 1971 | Delegation of Authority to Chairman, Atomic Energy Commission—Regulatory Proceeding. |

ARTHUR F. SAMPSON,
*Administrator of General Services.*

APRIL 20, 1975.

[FR Doc.75-11091 Filed 4-28-75;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-1]

### BUTADIENE ACRYLONITRILE RUBBER FROM JAPAN

#### Commission Does Not Determine "No Reasonable Indication of Injury"

On March 24, 1975, the United States International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201 (b) of the Antidumping Act of 1921, as amended, an antidumping investigation was being initiated with respect to butadiene acryonitrile rubber from Japan, and that, pursuant to section 201(c) of the Act, information developed during the summary investigation led to the conclusion that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such butadiene acrylonitrile rubber from Japan into the United States. Accordingly, the Commission on March 28, 1975, instituted an inquiry, No. AA1921-Inq.-1, under section 201(c)(2) of the Act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on April 11, 1975. Public notice of the institution of the inquiry and hearing was duly given by posting copies of the notice at the Secretary's office in the Commission in Washington, D.C., and at the Commission's office in New York City, and by publishing the original notice in the FEDERAL REGISTER of April 3, 1975 (40 FR 15012-15013).

The Treasury Department instituted its investigation after receiving a complaint on November 24, 1974, from Uniroyal, Inc., of Naugatuck, Conn. Treasury's notice of its antidumping proceeding was published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13532).

On the basis of its inquiry with respect to imports of butadiene acrylonitrile rubber from Japan apparently sold at less than fair value, the Commission[1] does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

STATEMENT OF REASONS OF CHAIRMAN BEDELL, VICE CHAIRMAN PARKER AND COMMISSIONER LEONARD[2]

Although the statute does not appear to require a statement of reasons for a negative determination, we believe it is appropriate to do so, particularly since this is the first proceeding under section 201(c)(2) of the Antidumping Act, 1921, as amended by section 321 of the Trade Act of 1974.

This inquiry is before the Commission at this time because the Secretary of the Treasury, acting pursuant to the provisions of aforesaid section 201(c)(2) of the Antidumping Act, as amended, advised the U.S. International Trade Commission on March 24, 1975, that on the basis of "summary investigation," he believes there is substantial doubt whether

[1] Chairman Bedell, Vice Chairman Parker and Commissioners Leonard and Moore constitute the majority in this determination. Commissioners Abiondi and Minchew dissent, determining there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established.

[2] Commissioner Moore determined that there is a reasonable indication that an industry in the United States is likely to be injured.

[3] Commissioner Moore concurs in the result.



an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of butadiene acrylonitrile rubber from Japan into the United States.

Section 201(c)(2) of the Antidumping Act, under which the Commission's present inquiry is being made, provides as follows:

(2) If, in the course of making a determination under paragraph (1), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication, based upon whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination and any investigation under subsection (b) then in progress shall be terminated.

The criteria established by the foregoing provision of law are expressed in the negative and in terms of a determination that, if made by the Commission, would result in the termination of the "investigation under subsection (b) then in progress" by the Secretary of the Treasury. It is also noted that, under these circumstances, an affirmative determination that there is "no reasonable indication" of injury under the act results in a termination of the proceedings before the Department of the Treasury, while a negative determination that there is not "no reasonable indication" of injury under the Act permits the Treasury proceeding to continue.

In approaching the Commission's responsibility under section 201(c)(2), we are cognizant of the statement contained in the Senate Committee Report[4] which accompanied the legislation to the effect that the Committee desired to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade. We do not believe, however, that by virtue of the amendment to the Antidumping Act there was any intent that the amendment be used to weaken—or to deny U.S. industry—the protection of the Antidumping Act, by aborting a full investigation in the absence of a clear and convincing showing that there is "no reasonable indication" that a full investigation might develop facts which could afford a basis for an affirmative injury determination under the Act.

The inquiry made by the Commission, which under the statute is required to be completed within a period of 30 days, has not established evidence which, in our judgment, would warrant a determination that there is "no reasonable indication" of injury or likelihood of injury from possible less-than-fair-value imports that would result in the termination of the less-than-fair-value investigation being conducted by the Department of the Treasury. While there is some evidence which might tend to give rise to doubts as to possible injury or likelihood of injury, such as a low level of market penetration and price increases by domestic sellers, such information is far from conclusive. The inquiry by the Commission discloses the existence of evidence which indicates a possibility of injury or possibility of likelihood of injury. The evidence, in our judgment, is certainly sufficient to negate a determination at this time that "there is no reasonable indication" of injury or likelihood of injury from possible less-than-fair-value imports.

The record before the Commission indicates that virtually all the U.S. imports of butadiene acrylonitrile rubber from Japan in 1974 were possibly sold at less than fair value and that the apparent less-than-fair-value margins were significant. There is also some evidence obtained from both domestic producers and importers which tends to show that Japanese imports undersell the comparable domestic product in the U.S. marketplace. There is also some evidence to indicate that imported Japanese products are being sold below cost and that sales have been lost to Japanese imports. The evidence, while not conclusive, certainly indicates the possibility of injury or likelihood of injury and, in our judgment, is sufficient to preclude a determination that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of imports from Japan possibly sold at less than fair value.

We have, therefore, made a negative determination.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF COMMISSIONERS ABLONDI AND MINCHEW

On March 24, 1975, the Assistant Secretary of the Department of the Treasury advised that information developed during a summary antidumping investigation with respect to butadiene acrylonitrile rubber from Japan "had led to the conclusion that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of importation of this merchandise into the United States." It is now the responsibility of the U.S. International Trade Commission under section 201(c) of the Antidumping Act of 1921 as amended by section 321 of the Trade Act of 1974 to determine whether "there is no reasonable indication that an industry in the United States is being or is

[4] Report No. 93-1298, 93rd Cong., 2d sess., p. 171, of the Committee on Finance of the United States Senate which accompanied H.R. 10710, the bill which became the Trade Act of 1974.



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## NUCLEAR REGULATORY

It is essential to close such portions of ing, will be permitted both before and

likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States."

The relevant statutory language in section 321 of the Trade Act of 1974, which amends section 201(c) of the Antidumping Act of 1921, reads in part—

(2) If, in the course of making a determination under paragraph (1), the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication, based upon whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination and any investigation under subsection (b) then in progress shall be terminated.

On the basis of the data available from the Department of the Treasury, the Commission hearing record, and data obtained by our staff, we have concluded that there is no reasonable indication that an industry in the United States is being or is likely to be injured by reason of the importation of butadiene acrylonitrile rubber from Japan which allegedly has been sold at LTFV.

Section 201(c)(2) of the Antidumping Act of 1921 is new legislation as a result of amendments made by section 321 of the Trade Act of 1974. The instant case represents our first effort in discharging our responsibilities as set out in this new section.

The legislative intent in the enactment of section 201(c)(2) is clearly stated at page 171 of Senate Report No. 93–1298 as follows:

The amendment is designed to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade.

If we are to give meaningful effect to the expressed intent of the Congress, we should eliminate investigations under section 201(a) when such investigations appear to be unnecessary because there is no reasonable indication that a domestic industry is being or is likely to be injured.

In our opinion, the continued investigation of this case is, at this time, unnecessary.

Under section 201(c)(2) we must assume, for the purpose of making our determination, the existence of LTFV sales. Accordingly, our jurisdiction in this case is limited to a determination of whether there is no reasonable indication of an injury or likelihood thereof to a domestic industry by reason of such sales. As stated on page 179 of the Senate report, supra

• • • the Act is primarily concerned with the situation in which the margin of dumping contributes to underselling the U.S. product in the domestic market resulting in injury or likelihood of injury to a domestic industry.

In the instant case, while there is evidence of underselling, the margin of such underselling is apparently on the decline and does not appear to have had sufficient impact to cause an injury or the likelihood thereof. Some of the price margins were attributed to the discount sales made to small customers unable to obtain similar discounts from domestic producers owing to the small quantity of their purchases.

Evidence also indicates that market advances made by the importer occurred during a period of short supply. In any event, the market penetration of LTFV sales is not significant and is insufficient to indicate injury or the likelihood therof at this time.

The domestic nitrile rubber industry is a concentrated industry in which four major producers are responsible for more than 90 percent of domestic production and two producers for the remainder. During the period of LTFV sales, the investigation revealed that prices among the domestic producers have been consistently the same and have, in fact, been rising.

We do not foreclose the possibility that an injury to this industry or the likelihood of such injury by reason of the importation of this merchandise might develop at some future date. Suffice to say that section 201(c)(2) does not require the Commission to make a determination of this possibility.

While our determination, if it represented the majority vote in this case, would have resulted in a termination of this investigation, it should be noted that there is no statutory prohibition nor any regulation or proposed regulation of Treasury that would prevent the domestic industry from filing a new petition at any time in the future should evidence of injury or its likelihood be developed.

By order of the Commission.

KENNETH R. MASON,
*Secretary.*

[FR Doc.75–11182 Filed 4–28–75;8:45 am]

## NATIONAL SCIENCE FOUNDATION

### ADVISORY PANEL FOR ANTHROPOLOGY

#### Meeting

The Advisory Panel for Anthropology will hold a meeting from 9 a.m. to 5 p.m. on May 15 and 16, 1975, in Rm. 338 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92–463.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For further information about this Panel, please contact Dr. Iwao Ishino, Program Director for Anthropology, Rm. 206, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4208.

Dated: April 23, 1975.

FRED K. MURAKAMI,
*Committee Management Officer.*

[FR Doc.75–11109 Filed 4–28–75;8:45 am]

### INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

#### Meeting

The International Decade of Ocean Exploration Proposal Review Panel will hold a meeting from 8:30 a.m. to 5 p.m. on May 15 and 16, 1975, in Rm. 1214 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92–463.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b) (4), (5) and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For further information about this Panel, please contact Mr. Feenan D. Jennings, Head, International Decade of Ocean Exploration, Rm. 1214, National Science Foundation, Washington, D.C. 20550, telephone 202/632–7356.

Dated: April 23, 1975.

FRED K. MURAKAMI,
*Committee Management Officer.*

[FR Doc.75–11108 Filed 4–28–75;8:45 am]





## NUCLEAR REGULATORY COMMISSION

### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON WASHINGTON PUBLIC POWER SUPPLY SYSTEM NUCLEAR POWER PLANTS 1 & 4 (WPPSS 1 & 4)

#### Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on WPPSS 1 & 4 will hold a meeting on May 16, 1975 in the Columbia Room, Hanford House Hotel, Richland, Washington. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Washington Public Power Supply System for a permit to construct these nuclear power plants. The facility will be located about 2.5 miles west of the Columbia River on the Energy Research and Development Administration's Hanford Reservation. The plant is approximately 10 miles northeast of the city of Richland, Washington.

The agenda for the subject meeting shall be as follows:

*Friday, May 16, 1975, 9:00 a.m. until the conclusion of business.* The Subcommittee will hear presentations by representatives of the NRC Staff and the Washington Public Power Supply System (WPPSS) and will hold discussions with these groups pertinent to its review of the application of the WPPSS for a permit to construct the WPPSS 1 & 4 Nuclear Power Plants.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than May 9, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 10 a.m. and 11 a.m. on May 16.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time alloted, can be obtained by a prepaid telephone call on May 13 to the Office of the Executive Secretary of the Committee (telephone 202/634–1413, Mr. R. Muller) between 8:15 a.m. and 5 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 20, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and within approximately nine days at the Richland Public Library, Swift and Northgate Streets, Richland, Washington, 99352. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202/547–6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 after August 18, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: April 23, 1975.

JOHN C. HOYLE,
*Advisory Committee Management Officer.*

[FR Doc.75–11145 Filed 4–28–75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 24, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C.



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20502, (202 395-4529), or from the re-

on such exchange and otherwise than on

change Act of 1934, trading in such se-



Whereas, the Small Business Admin-

WEDNESDAY, MAY 21

Occupational Safety and Health

20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Special Seed Acreage Survey—Alaska, single-time, seed producers, Hulett, D. T., 395–4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education:
Local Advisory Panel Questionnaire, NIE 114, semi-annually, participants in educational satel. demonstrations, Planchon, P., 395–3898.

EXTENSIONS

SELECTIVE SERVICE SYSTEM

Availability of Registrants, SSS 117, monthly, Marsha Traynham, 395–4529.
Monthly Report of Availability of Class I–O Registrants, SSS 157, monthly, Government agencies, Marsha Traynham, 395–4529.
Transfer for Armed Forces Examination, SSA–230, on occasion, SSS registrants, Marsha Traynham, 395–4529.
Report of Orig Information (Registrant Status Change), SSS 119, on occasion, registrants, Marsha Traynham, 395–4529.
Application for Voluntary Induction, SSS–254, on occasion, individuals, Marsha Traynham, 395–4529.
"Induction and Medical Determinations" (excluding medical specialist), SSS 205, monthly, registrants, Marsha Traynham, 395–4529.
Application of Volunteer for Alternate Service, SSS 151, on occasion, I–O registrants, Marsha Traynham, 395–4529.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Sheep and Lamb Feeder Inquiries, quarterly, sheep producers, Marsha Traynham, 395–4529.

DEPARTMENT OF DEFENSE

Defense Supply Agency: Request for Assignment of Federal Supply Code for Manufacturer, on occasion, Marsha Traynham, 395–4529.
Defense Supply Agency: Sloath Control Record, on Order but Undelivered Report and Report of Unordered Product, DD 1886, Monthly, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75–11097 Filed 4–28–75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

### AMERICAN AGRONOMICS CORP.

#### Suspension of Trading

APRIL 22, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 23, 1975 through May 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–11176 Filed 4–28–75;8:45 am]

[File No. 500–1]

### BBI, INC.

#### Suspension of Trading

APRIL 23, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 24, 1975 through May 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–11177 Filed 4–28–75;8:45 am]

[File No. 500–1]

### GENERAL REFRACTORIES CO.

#### Suspension of Trading

APRIL 22, 1975.

The capital stock of General Refractories Company being traded on the New York and Philadelphia-Baltimore-Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of General Refractories Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 11:30 a.m. (e.d.t.) on April 22, 1975 through midnight (e.d.t.) on May 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–11178 Filed 4–28–75;8:45 am]

[File No. 500–1]

### ROYAL PROPERTIES INC.

#### Suspension of Trading

APRIL 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 23, 1975 through May 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–11179 Filed 4–28–75;8:45 am]

[File No. 500–1]

### WINNER INDUSTRIES, INC.

#### Suspension of Trading

APRIL 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from April 22, 1975 through midnight (e.d.t.) on May 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75–11180 Filed 4–28–75;8:45 am]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1130]

### WISCONSIN

#### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of Wisconsin;





Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Jefferson, Ozaukee and Waukesha Counties and adjacent affected areas, suffered damage or destruction resulting from flooding beginning on or about March 20, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

OFFICE

Small Business Administration, District Office, 122 West Washington Avenue, Room 713, Madison, Wisconsin 53703.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 16, 1975. EIDL applications will not be accepted subsequent to January 16, 1976.

Dated: April 16, 1975.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.75–11094 Filed 4–28–75;8:45 am]

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

### LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

#### Meetings and Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on May 20, 21 and 22 in Room 4454, General Accounting Office Building, 441 G Street NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

TUESDAY, MAY 20

9:30 a.m.—Committee on Manpower and Employment.

1. Program Proposals in 1976 Budget Submission.
2. Local area unemployment estimates.
3. Analysis of the Current Employment-Unemployment Situation.
4. Special Studies.
5. Net Spendable Earnings—Current status.
6. Improvement in Bureau's Manpower Supply Estimates.

WEDNESDAY, MAY 21

1:30 p.m.—Committee on Occupational Health and Safety Statistics.

1. Discussion of Alternative Questions for Inclusion in the Varying Section of the 1975 Survey.
2. Matters Relating to Recordkeeping:
   a. Status of proposal for employee access to information on the log.
   b. Discussion of desirability of issuing guidelines for distinguishing between first aid and medical treatment.
   c. Demonstration of audio aid on recordkeeping.
3. Research Activities.
4. State Programs—Grants and Performance.

WEDNESDAY, MAY 21

1:30 p.m.—Committee on Foreign Labor and Trade.

Description of developments, current status, and organizational arrangements of BLS programs relating to foreign labor and trade:

1. International comparison of productivity, labor costs and employment.
2. The trade statistics monitoring system.
3. Import-Export Price Indexes.
4. Training Foreign Statisticians.

WEDNESDAY, MAY 21

3:30 p.m.—Committee on Productivity, Technology and Growth.

1. Brief Report on Status of Selected Productivity Programs.
2. Economic Growth:
   a. Interim Revisions in the 1980 and 1985 projections.
   b. Manpower Impact of Federal programs.

THURSDAY, MAY 22

9:30 a.m.—Committee on Wages and Industrial Relations.

1. Review of work in progress.
2. Review of the quarterly release on bargaining settlements.
3. Review of 1975–76 studies relating to Fair Labor Standards Act.
4. Preview of the 1974 union membership study.
5. Union wage scales.
6. Area wage studies: Expanding the scope of these studies to all industries, including government.
7. Employment Cost Index.

THURSDAY, MAY 22

1:30 p.m.—Committee on Prices and Living Conditions.

1. Developments in the Consumer Price Index Revision Program:
   a. The Selection of the Item Sample.
   b. The Selection of the Outlet Sample.
   c. The Techniques of Price Collection.
   d. The Treatment of Housing Services for Homeowners.
2. Progress Report on the International Price Competitiveness Program.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 961–2247.

Signed at Washington, D.C. this 22d day of April 1975.

JULIUS SHISKIN,
*Commissioner of Labor Statistics.*

[FR Doc.75–11100 Filed 4–28–75;8:45 am]

### Occupational Safety and Health Administration

### STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

#### Change in Location of Meeting

The May 20–22, 1975, meeting of the Standards Advisory Committee on Coke Oven Emissions, announced in the FEDERAL REGISTER on Monday, April 14, 1975, (40 FR 16735) will be held in the South Scott Room of the Gramercy Inn, 1616 Rhode Island Avenue, NW., Washington, D.C., instead of being held at the previously announced location. The meeting is scheduled to begin at 10 a.m. on May 20, and will continue at 9 a.m. on May 21 and 22 in the same location.

In all other respects the details of the April 14, 1975, notice of meeting remain the same. Any questions may be addressed to:

Ms. Jeanne Ferrone
Committee Management Office
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street NW., Room 200
Washington, D.C. 20210
Phone 202–961–2248

Signed at Washington, D.C. this 22nd day of April 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75–11101 Filed 4–28–75;8:45 am]

### Office of the Secretary

[TA–W–12]

### ALGY SHOES, INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 21, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America, AFL–CIO, on behalf of the workers and former workers of Algy Shoes, Incorporated, Everett, Massachusetts (TA–W–12). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with footwear for women produced by Algy Shoes, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the



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Docket No. AB–71, Baltimore and Annapolis

The Interstate Commerce Commission and Continental Europe. Grounds for re-

firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 22nd day of April 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-11102 Filed 4-28-75;8:45 am]

[TA-W-13]

### SCHWARTZ AND BENJAMIN, INC.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On April 21, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America, AFL-CIO, on behalf of the workers and former workers of Schwartz and Benjamin, Incorporated, Lynn, Massachusetts (TA-W-13). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with footwear for women produced by Schwartz and Benjamin, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of April 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-11103 Filed 4-28-75;8:45 am]

[TA-W-9]

### VULCAN CORP.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On April 16, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Lawrence, Massachusetts plant of Vulcan Corporation, Cincinnati, Ohio (TA-W-9). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with plastic heels, poly vinyl chloride and urethane soles for women's footwear produced by Vulcan Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of April, 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-11104 Filed 4-28-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 752]

### ASSIGNMENT OF HEARINGS

APRIL 24, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 124004 Sub 28, Richard Dahh, Inc. now being assigned July 22, 1975, at Chicago, Ill. in a hearing room to be later designated.

MC 43963 Sub 8, Chief Truck Lines, Inc., now being assigned July 23, 1975, (1 day), at Chicago, Ill. in a hearing room to be later designated.

MC 41404 Sub 118, Argo-Collier Truck Lines Corporation, now being assigned July 24, 1975 (2 days), at Chicago, Ill. in a hearing room to be later designated.

MC 128030 Sub 90, The Stout Trucking Co., Inc., now being assigned July 28, 1975 (2 days), at Chicago, Ill. in a hearing room to be later designated.

MC 124170 Sub 47, Frostways, Inc. and MC 124170 Sub 48, Frostways, Inc., now being assigned July 30, 1975 (3 days), at Chicago, Ill. in a hearing room to be later designated.

MC 103926 Sub 36, W. T. Mayfield Sons Trucking Co., now being assigned June 17, 1975 (1 day), at Miami, Florida; in a hearing room to be designated later.

MC 140396 Sub 1, Avtec Services, Inc., now being assigned June 18, 1975 (2 days), at Miami, Florida; in a hearing room to be designated later.

MC 107107 Sub 440, Alterman Transport Lines, Inc., now being assigned June 20, 1975 at Miami, Florida; in a hearing room to be designated later.

MC 140094, Latin Express Service, Inc., now being assigned June 23, 1975 (1 week), in Miami, Florida; in a hearing room to be designated later.

MC 139721, All World Travel, Inc., now assigned May 6, 1975 at Philadelphia, Pa., is postponed to June 10, 1975 (3 days), in Room 3240 William J. Green, Jr. Federal Building, 600 Arch St., Philadelphia, Pa.

MC F 12336, Atl, Inc.—Purchase—Associated Truck Lines, Inc., now assigned May 20, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C., is cancelled, and transferred to Modified Procedure.

MC 115162 Sub 303, Poole Truck Lines, Inc., application dismissed.





Docket No. AB-71, Baltimore and Annapolis Railroad Company Abandonment of Operations Between Clifford Junction, Baltimore City and Annapolis, in Baltimore and Anne Arundel Counties Maryland, has been continued to May 20, 1975 (2 days) at Baltimore, Maryland; in Room 207, Appraisers Stores Building, 103 S. Gay Street.

I&SM 28454, Guaranteed Service, Pacific Intermountain Express, now being assigned June 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S 9037, Advancement of Charges, Freight Forwarders Tariff Bureau, Inc., now being assigned June 10, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S 9034, Coal, Harris, West Virginia to Hyco, North Carolina now being assigned July 21, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35533 Sub 4, Petroleum Products, Southwest and Midwest, Williams Pipe Line, and FSA 42952, Pipeline Rates—Petroleum Products From the Southwest, now being assigned June 24, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-11201 Filed 4-28-75;8:45 am]

[AB 18 (Sub-No. 11)]

### CHESAPEAKE AND OHIO RAILWAY CO.

**Abandonment Car Float Service Between Newport News and Norfolk, Virginia**

APRIL 25, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Quality Act of 1969, 42 U.S.C. 4321 et seq.; and good cause appearing therefor:

*It is ordered,* That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in the Cities of Norfolk, Portsmouth, Chesapeake, Suffolk, and Virginia Beach, Virginia, on or before May 8, 1975 and certify to the Commission that this has been accomplished.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated April 17, 1975, it has been determined that the proposed abandonment by the Chesapeake and Ohio Railway Company of its car float service between Newport News and Brooke Avenue Yard, Norfolk, a distance of approximately 13 miles, and approximately 2.42 miles of track in Brooke Avenue Yard, Norfolk, all in Norfolk County, Va., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are insignificant because (1) nearby (Newport News-Sewell Point) car float service will continue to be available upon abandonment at Brooke Avenue Yard, (2) rail traffic affected by the transfer of operations will be minimal, and (3) degradation of the affected area's environment will be minimal, if any.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 23, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-11203 Filed 4-28-75;8:45 am]

### FOURTH SECTION APPLICATION FOR RELIEF

APRIL 24, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General rules of practice (49 CFR 1100.40) and filed on or before May 14, 1975.

FSA No. 42979—*Joint Water-Rail Container Rates—Seatrain International, S. A.* Filed by Seatrain International, S. A., (No. 17), for itself and interested rail carriers. Rates on general commodities, from rail terminals on the U.S. Pacific Coast, to ports in the United Kingdom and Continental Europe. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-11197 Filed 4-28-75;8:45 am]

[AB 35 (Sub-No. 1)]

### LOS ANGELES AND SALT LAKE RAILROAD COMPANY AND UNION PACIFIC RAILROAD CO.

**Abandonment Portion of Anaheim Branch Line, Orange County, California**

APRIL 25, 1975.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

*It is ordered,* That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Orange County, California, on or before May 8, 1975, and certify to the Commission that this has been accomplished.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated April 17, 1975, it has been determined that the proposed abandonment of the .71 mile line of the Los Angeles and Salt Lake Railroad Company and the Union Pacific Railroad Company, all in La Habra, Orange County, California, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment with the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, the environmental effects of the proposed abandonment are considered insignificant because no traffic movements would be affected since the line is currently not utilized, no development plans are dependent on the





continuation of the line, and no major eco-

9th, Des Moines, Iowa 50309. Send pro-

No. MC 116325 (Sub-No. 69TA), filed



Commerce Commission, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix,

ate as a *common carrier* by motor vehicle, over irregular routes, transporting:

date of the order in that proceeding pending its disposition. The matters re-

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continuation of the line, and no major ecological, or other environmental impacts are involved. In addition, abandonment is consistent with La Habra's plans to incorporate a portion of the line and a Spanish style station into Portola Park.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 23, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-11200 Filed 4-28-75;8:45 am]

[Notice No. 47]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 24, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant; or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field offices to which protests are to be transmitted.

No. MC 107295 (Sub-No. 762TA), filed April 18, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos building panels, shingles, and siding*, from Manville, N.J., to points in Illinois, Iowa, and Nebraska, for 180 days. Supporting shipper: Carl E. Arthur, Manager of Architectural Products, Stetson Building Products, 510 S.W. 9th, Des Moines, Iowa 50309. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 112617 (Sub-No. 324TA), filed April 17, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cupric chloride*, in bulk, in tank vehicles, from Jasper, Ind., to points in Cleveland, Ohio and Elyria, Ohio, for 180 days. Supporting shipper: Dave Dodson, Buyer, Kimball Piano and Organ Co., 1038 E. 15th Street, Jasper, Ind. 47546. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 112617 (Sub-No. 325TA), filed April 17, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Sturgis, Ky., to points in Illinois, Indiana, and Kentucky, for 180 days. Supporting shipper: Edward O'Nan, Circle "O" Farm Services, Sturgis, Ky. 42459. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 113666 (Sub-No. 91TA) (Correction), filed April 2, 1975, published in the FEDERAL REGISTER issue of April 16, 1975, and republished as corrected this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories, refractory products, materials, and supplies used in the production and installation of refractory products, and brick*, from points in Wellsville, St. Louis and Mexico, Mo., Somerset, Pa., and Woodville, Ohio, to ports of entry on the International Boundary line between the United States and Canada, located in Maine, New Hampshire, Vermont, New York, Michigan, and Minnesota, restricted to transportation of the commodities in foreign commerce, for 180 days. Supporting shippers: Wellsville Firebrick Company, Wellsville, Mo. 63384. Burlington Steel Division of Slater Steel Industries, Ltd. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222. The purpose of this republication is to include Burlington Steel Division of Slater Steel Industries, Ltd., as a supporting shipper.

No. MC 116325 (Sub-No. 69TA), filed April 18, 1975. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and lumber*, from Macks Creek, Mo., to points in Illinois and Indiana, for 180 days. Supporting shipper: Chet's Manufacturing Company, Macks Creek, Mo. 65786. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 135884 (Sub-No. 7TA), filed April 18, 1975. Applicant: STEVE CALDWELL, Route 1, Box 36, Adams, Oreg. 97810. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or packaged, baby formula, soy beans, powdered soy milk and vegetable protein*, from points in Knox County, Ohio to points in Hayward and Riverside, Calif., and Portland, Oreg., for 180 days. Supporting shipper: General Conference Corporation of Seventh-Day Adventists, doing business as Loma Linda Foods, 11503 Pierce Street, Riverside, Calif. 92505. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136669 (Sub-No. 5TA), filed April 17, 1975. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 515, Dakota City, Nebr. 68731. Applicant's representative: John F. Roeser, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from Amarillo, Tex., to points in Emporia, Kans., for 180 days. Supporting shipper: Iowa Beef Processors, Inc., John K. Webber, Supervisor, Transportation Research, P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136818 (Sub-No. 9TA), filed April 14, 1975. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene plastic granules*, from Plaquemine, La., to points in Malad City, Idaho, and points in Fallon, Nev., for 180 days. Supporting shipper: Oneida Manufacturing Company, P.O. Box 147, Malad City, Idaho 83252. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.





No. MC 138884 (Sub-No. 2TA), filed April 17, 1975. Applicant: CONDOR CORPORATION, R.F.D. No. 2, Dixfield, Maine 04224. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood furniture stock, uncrated*, from Shipper's Plant at Andover, Maine, to Customers of Shipper, located in the States of New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and North Carolina, for 180 days. Supporting shipper: Andover Wood Products, Box 38, Andover, Maine 04216. Send protests to: Donald G. Weiler, District Supervisor, Room 305, 76 Pearl Street, Portland, Maine 04111.

No. MC 139887 (Sub-No. 2TA), filed April 17, 1975. Applicant: G. E. BAXTER TRANSPORT, INC., 1521 Fifth Avenue, Los Angeles, Calif. 90019. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (other than those designed to be drawn by passenger automobiles), *chassis, cargo containers, and trailer parts and articles used in the manufacture of trailers when moving in trailers of shippers*, between points in Lycoming County, Bucks County, Columbia County, and Carbon County, Pa., Orange County, N.Y., and Putnam County, W. Va., on the one hand, and on the other, points in the United States, including Alaska but excluding Hawaii, for 180 days. Supporting shipper: Strick Corporation, 13231 Lakeland Road, Santa Fe Springs, Calif. 90670. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1312 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140535 (Sub-No. 3TA), filed April 17, 1975. Applicant: RAYMOND ADAMSON, P.O. Box 42, Gainesville, Mo. 65655. Applicant's representative: Turner White, 910 Plaza Towers, 1736 East Sunshine, Springfield, Mo. 65804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from Gainesville, Mo., to points in Shreveport, La., Madison, Wisconsin; Little Rock, Ark.; and Bastrop, Tex. for 180 days. Supporting shipper: Bryant Plastics, Inc., Gainesville, Mo. 65655. Send Protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 61406.

No. MC 140813 (Sub-No. 1TA), filed April 16, 1975. Applicant: MOUNTAIN SUN TRANSPORT, INC., Rt. 1, Box 282, Morgan, Utah 84050. Applicant's representative: Elwood Zaugg (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Flour, bran, shorts, milled grain products, prepared cereals, and prepared poultry and animal feeds*, from points in Utah to statewide service in the following states: California, Arizona, Nevada, Oregon, Washington, Idaho, Wyoming, Montana, Colorado, and New Mexico, for 180 days. Supporting shipper: Gilt Edge Flour Mills, Inc., P.O. Box 161, Richmond, Utah 84333. Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11198 Filed 4-28-75;8:45 am]

[Notice No. 277]

## MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75820. By application filed April 21, 1975, JOHNSON BROTHERS TRUCKING CO., 501 E. Spring St., Herndon, Va. 22070, seeks temporary authority to lease the operating rights of BARBEE HAULING, INC., 4201 Enterprise Rd., Mitchellville, Md. 20716, under section 210a(b). The transfer to JOHNSON BROTHERS TRUCKING CO., of the operating rights of BARBEE HAULING, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11199 Filed 4-28-75;8:45 am]

[Notice No. 276]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 29, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 19, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75343. By order of April 11, 1975, the Motor Carrier Board, on reconsideration, approved the transfer to Pageant Tours and Leisure Tours, Inc., Salt Lake City, Utah, of License No. MC-12705 issued May 12, 1970, to Gary A Mitchell, doing business as Pageant Bus Tours, Salt Lake City, Utah, authorizing the holder to engage in operations as a broker in connection with the transportation of passengers and their baggage, in special and charter operations, in round-trip all-expense tours, beginning and ending at points in Arizona and Idaho, and extending to points in Salt Lake County, Utah; beginning and ending at points in Sale Lake County, Utah, and extending to points in the United States, except points in Hawaii; and beginning and ending at points in Idaho, and extending to points in the United States, including Alaska, but excepting Hawaii. Don E. Hammill, Esq., 250 East Broadway, Suite 100, Salt Lake City, Utah 84111.

No. MC-FC-E75625. By order of April 8, 1975, the Motor Carrier Board approved the transfer to O'Donnell Movers, Inc., Lynn, Mass., of the operating rights in Certificate No. MC-4756 issued September 28, 1949, to John J. O'Donnell, doing business as John J. O'Donnell & Sons, Lynn, Mass., authorizing the transportation of household goods as defined by the Commission, between Lynn, Mass., and points in Massachusetts within 10 miles thereof, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, and those in the New York, N.Y., Commercial Zone as defined by the Commission. Morris J. Gordon, 60 Lewis Street, Lynn, Mass. 01902, attorney for applicants.

No. MC-FC-75710. By order entered 4.18.75, the Motor Carrier Board approved the transfer to John D. Tonkovich & Son, Inc., Shadyside, Ohio, of the operating rights set forth in Certificates Nos. 123618 and MC-123618 (Sub-No. 1), issued May 23, 1962, and March 6, 1973, respectively, to Kenneth Pedeleose and Robert Pedeleose, doing business as Pedeleose Brothers, Bellaire, Ohio, authorizing the transportation of cement block, sand and gravel, from Bellaire, Ohio, to Washington, Pa., and points within 15 miles thereof, and to points in West Virginia; and coal, from points in Belmont County, Ohio, to points in Marshall and Ohio Counties, W. Va. James Duvall, 2200 West Bridge St., P.O. Box 97, Dublin, Ohio 43017, attorney for applicants.

No. MC FC 5715. By order of April 9, 1975, the Motor Carrier Board approved the transfer to William R. Schulze, doing business as Pacific Moving and Storage Co., San Carlos, (Sub-No. 2) issued February 10, 1970, to Dwayne W. Hibbard.



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doing business as Hibbard Moving and Storage Company, Redwood City, Calif., authorizing the transportation of used household goods, between points in Marin, Contra Costa, Alameda, San Mateo, Santa Clara, and San Francisco Counties, Calif. Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC FC 75749. By order entered April 3, 1975, the Motor Carrier Board approved the transfer to P & B General Storage Warehouse, Inc., New York, N.Y., of the operating rights set forth in Certificate No. MC-42364, issued March 18, 1958, to Kel-Mar Van Corp., New York, N.Y., authorizing the transportation of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia; and household goods as defined by the Commission, between New York, N.Y., on the one hand, and, on the other points in Rhode Island. Harold Sacks, 19 West 44th St., New York, N.Y. 10036, attorney for applicants.

No. MC FC 75754. By order entered April 7, 1975, the Motor Carrier Board approved the transfer to Pete J. Kooyman, doing business as Pete Kooyman Trucking, Stockton, Calif., of the operating rights set forth in Certificate of Registration No. MC-99375 (Sub-No. 1), issued April 17, 1974, to Sacramento Freight Lines, Inc. (James E. Cussen, Trustee in Bankruptcy), Sacramento, Calif., evidencing a right to engage in transportation in interstate or foreign commerce of numerous specified commodities, between specified points in California. Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, Calif. 94111, attorney for applicants.

No. MC FC 75757. By order of April, 1975, the Motor Carrier Board approved the transfer to Coronado Trucking Company, Inc., Edgewater, Fla., of the operating rights in Permit No. MC-136273 issued June 13, 1973, to Kenneth G. May and Orville L. Howard, a partnership, doing business as Coronado Trucking Co., Edgewater, Fla., authorizing the transportation of paints and paint materials, from Edgewater, Fla., to all points in 19 states, and materials and supplies used in the manufacture, production, and distribution of paints and paint materials, from all points in 11 states to Edgewater, Fla., under continuing contract with Coronado Paint Co., of Edgewater, Fla. William J. Monheim, 15942 Whittier Boulevard, Whittier, Calif. 90609, registered practitioner for applicants.

No. MC FC 75763. By order of April 18, 1975 the Motor Carrier Board approved the transfer to St. Louis Freight Lines, Inc., St. Louis, Mich., of the operating rights in Certificates No. MC 117165 (Sub-No. 5), MC 117165 (Sub-No. 10), MC 117165 (Sub-No. 13), MC 117165 (Sub-No. 16), MC 117165 (Sub-No 20), MC 171165 (Sub-No. 21), MC 117165 (Sub No. 22), MC 117165 (Sub-No. 26), MC 117165 (Sub-No. 27), MC 117165 (Sub-No. 28), MC 117165 (Sub-No. 31), MC 117165 Sub-No. 33) and MC 117165 (Sub-No. 35) issued July 23, 1968, January 26, 1968, January 25, 1968, January 25, 1968, May 28, 1968, January 26, 1968, January 26, 1968, July 30, 1968, June 20, 1969, February 12, 1971, February 18, 1971, June 7, 1971, December 29, 1971 and August 31, 1972 respectively to C. J. Davis, doing business as St. Louis Freight Lines, St. Louis, Mo., authorizing the transportation of various commodities from and to specified points and areas in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Martin J. Leavitt, P.O. Box 400, Northville, Mich., 48167, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11200 Filed 4-28-75;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 23, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2304 (Sub-No. E2), filed March 6, 1975. Applicant: THE KAPLAN TRUCKING CO., 2900 Chester Ave., Cleveland, Ohio 44114. Applicant's representative: Mr. John P. McMahon, Columbus Center, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel products;* (1) between points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., points in New York, Pennsylvania, West Virginia, Ohio, points in that part of Michigan on and south of Michigan Highway 21, points in that part of Indiana on and north of U.S. Highway 30, and points in that part of Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Kentucky within 10 miles of the confluence of the Ohio and Licking Rivers at or near Covington, Ky. (Norwood and Lima, Ohio)*; (2) between points in that part of Ohio located on and east of a line beginning at Toledo, Ohio, thence along U.S. Highway 24 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Illinois on and north of Interstate Highway 70 (Lima, Ohio)*.

(3) Between points in that part of Ohio located on and west of a line beginning at Cleveland, Ohio, thence along U.S. Highway 42 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in that part of Indiana located on, west, and south of a line beginning at Gary, Ind., thence along Interstate Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line (Lima, Ohio)*; (4) from points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., New York, and Pennsylvania to Chicago and Peoria, Ill., Evansville and Connersville, Ind., Grand Rapids, Mich., points in Indiana on and north of U.S. Highway 40, and points in Michigan on U.S. Highway 10 between Detroit and Saginaw, Mich., including Detroit and Saginaw (Salem, Ohio)*; (5) from points in that part of Ohio located on and south of a line beginning at the Pennsylvania-Ohio State line, thence along Ohio Highway 5 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line and points in West Virginia on and north of Interstate Highway 70 to points in that part of Indiana on and north of a line beginning at the Ohio-Indiana State line, thence along Indiana Highway 67 to junction Indiana Highway 18, thence along Indiana Highway 18 to the Indiana-Illinois State line, and Chicago and Peoria, Ill., Grand Rapids, Mich., and points in Michigan on U.S. Highway 10, between Detroit and Saginaw, Mich., including Detroit and Saginaw (Salem, Ohio)*;

(6) From Chicago, Ill., to points in Pennsylvania, New York, points in West Virginia on and north of U.S. Highway 50, and points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., on the one hand, and, on the other, points in that part of Indiana located on and west of Gary, Ind., thence along Interstate Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line and points in that part of Illinois located on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 24 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Illinois-Missouri State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both (Lima, Ohio, and Philadelphia, Pa.)*; (7) between Baltimore, Md., on the one hand, and, on the other, points in that part of Indiana located on and west of Gary, Ind., thence along Interstate Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State line and points in that part of Illinois located on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 24 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Illinois-Missouri State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both (Lima, Ohio, or Philadelphia, Pa.)*; (8) between Wilmington, Del., on the one hand, and, on the other, points in Indiana, Illinois, and points in Michigan on and south of Michigan Highway 21, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both (Lima, Ohio, or Philadelphia, Pa.)*;

(9) Between points in that part of New Jersey on and south of New Jersey Highway 33, on the one hand, and, on the other, points in that part of Pennsylvania located on and south of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, points in that part of New York on and west of Interstate Highway 81, points in that part of West Virginia located on and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction Interstate Highway 64, thence along Interstate Highway 64 to the West Virginia-Kentucky State line, points in Michigan on and south of Michigan Highway 21, and points in Ohio, Indiana, and Illinois, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both (Lima, Ohio, or Philadelphia, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 2304 (Sub-No. E3), filed March 6, 1975. Applicant: THE KAPLAN TRUCKING CO., 2900 Chester Ave., Cleveland, Ohio 44114. Applicant's representative: John P. McMahon, Columbus Center, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel mill products*, which because of size, weight, or bulk, require the use of flat-bottom equipment, or equipment having sides not exceeding 36 inches in height, minimum 10,000 pounds each from anyone consignor, from points in that part of Ohio located on and north of a line beginning at the Pennsylvania-Ohio State line, thence along Interstate Highway 76 to junction Interstate Highway 71 to Cleveland, Ohio, points in Pennsylvania on and north of Interstate Highway 80, points in New York, and points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., to points in that part of Indiana on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of points in Cuyahoga County, Ohio.

No. MC 5470 (Sub-No. E9), filed May 20, 1974. Applicant: TAJON, INC., Rural Delivery No. 5 P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, scrap metal, alloys, and silicon metals*, in dump vehicles, from Baltimore, Md., to points in Alabama on, north and west of a line beginning at the Alabama-Georgia border, thence along Interstate Highway 85 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida border, Arkansas, Louisiana, Mississippi, Missouri, and points in Tennessee on and west of U.S. Highway 127. The purpose of this filing is to eliminate the gateway of that part of Ohio on and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 23 to Waldo, Ohio, thence along Ohio Highway 98 to Bucyrus, Ohio, thence along Ohio Highway 4 to Sandusky, Ohio.

No. MC 5470 (Sub-No. E12), filed May 20, 1974. Applicant: TAJON, INC., Rural Delivery No. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, scrap metals, alloys, silicon metals, and ores*, in dump vehicles, between points in Arkansas, Louisiana, Mississippi (except ores from and to points in Tishomingo County), Missouri, points in Tennessee on and west of a line beginning at the Tennessee-Alabama border, thence north on U.S. Highway 431 to Fayetteville, Tenn., thence north on State Route 50 to State Route 55 to McMinnville, Tenn., thence north on State Route 42 to the Tennessee-Kentucky border (except ores from and to points in Wayne and Hardin Counties), and Wisconsin, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of railhead in Ashtabula County (Conneaut), Ohio, and Erie, Pa.

No. MC 5470 (Sub-No. E13), filed May 20, 1974. Applicant: TAJON, INC., Rural Delivery No. 5 P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities as are susceptible of being unloaded by dumping, in dump trucks*, between Branchton, Pa., on the one hand, and, on the other, points in West Virginia (except points in Monongalia, Marion, Preston, Taylor, Tucker, and Grant Counties, W. Va., and points in West Virginia east of the aforenamed counties). The purpose of this filing is to eliminate the gateway of any railhead in Mahoning County (Youngstown), Ohio.

No. MC 5470 (Sub-No. E15), filed May 20, 1974. Applicant: TAJON, INC., Rural Delivery No. 5 P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, in dump vehicles, from any railhead in Braddock, Allegheny County, Pa. to points in West Virginia on and west of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 60 to Charleston, W. Va., thence north on Interstate Highway 77 to the West Virginia-Ohio border. The purpose of this filing is to eliminate the gateway of points in Ohio within the radius of 60 miles of such railhead (Van Coram, Ohio).

No. MC 5470 (Sub-No. E19), filed May 20, 1974. Applicant: TAJON, INC., Rural Delivery 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 E. Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, scrap metal, ores, silicon metals*, and *alloys*, in dump vehicles, between points in Arkansas, Missouri, and Wisconsin, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateways of a railhead in Conneaut (Ashtabula County), Ohio, and points in Pennsylvania within 60 miles of such railhead (Erie, Pa.).

No. MC 5470 (Sub-No. E20), filed May 20, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, scrap metal, alloys, ores*, and *silicon metals*, in dump vehicles, between points in Arkansas,







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points in Alabama (except ores from and to points in Colbert and Lauderdale Counties), on and north of a line beginning at the Alabama-Georgia State line, thence along Interstate Highway 85 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line, Louisiana, Mississippi (except ores from and to points in Tishomingo County), Missouri, points in Tennessee on and west of Interstate Highway 65 (except ores from and to points in Wayne and Hardin Counties), and Wisconsin, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of a railhead in Conneaut (Ashtabula County), Ohio, and points in Pennsylvania within 60 miles of such railhead (Erie, Pa.).

No. MC 5470 (Sub-No. E21), filed May 20, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, alloys, silicon metals*, and *ores*, in dump vehicles, between points in Arkansas, Alabama (except ores from and to points in Colbert and Lauderdale Counties), Louisiana, Mississippi (except ores from and to points in Tishomingo County), Missouri, points in Tennessee on and west of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to the Tennessee-Kentucky State line (except ores from and to points in Wayne and Hardin Counties), and Wisconsin, on the one hand, and, on the other, points in Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of a railhead in Conneaut (Ashtabula County), Ohio, and points in Pennsylvania within 60 miles of such railhead (Erie, Pa.).

No. MC 5470 (Sub-No. E27), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 216137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a*common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, scrap metal*, and *silicon metals*, in dump vehicles, between points in Wisconsin, on the one hand, and, on the other, points in Maryland (except Baltimore and points in its commercial zone as defined by the Commission). The purpose of this filing is to eliminate the gateways of a railhead in Conneaut (Ashtabula County), Ohio, and points in Pennsylvania within 60 miles of such railroad (Erie, Pa.).

No. MC 5470 (Sub-No. E30), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 216137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, scrap metal, alloys*, and *ores*, in dump vehicles, between points in Arkansas, Louisiana, Missouri, points in Tennessee on and west of Interstate Highway 65 (except ores from and to points in Wayne and Hardin Counties), and Wisconsin, on the one hand, and, on the other, points in New Jersey (except points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties). The purpose of this filing is to eliminate the gateways of a railhead in Conneaut (Ashtabula County), Ohio, and points in Pennsylvania within the radius of 60 miles of such railhead (Erie, Pa.).

No. MC 5470 (Sub-No. E31), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, in dump vehicles, from West Elizabeth, Pa., to points in Kentucky, Illinois, Indiana, Michigan, and points in West Virginia on, west, and south of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 19, thence along U.S. Highway 60 at a point near Lookout, W. Va., thence along U.S. Highway 60 to Charleston, thence along Interstate Highway 77 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of points in Ohio (Vancoram) within 60 miles of any railhead in Allegheny County (West Elizabeth), Pa.

No. MC 5470 (Sub-No. E34), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, petroleum coke, coal tar pitch*, and *pitch prell*, in dump vehicles, between Follansbee, W. Va., on the one hand, and, on the other, Niagara Falls, N.Y. The purpose of this filing is to eliminate the gateways of any railhead in Ashtabula County (Conneaut), Ohio, and points in Pennsylvania within 60 miles of such railhead (Erie, Pa.).

No. MC 5470 (Sub-No. E40), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are usually transported in dump trucks, between New Kensington, Pa., on the one hand, and, on the other, points in New York on and west of U.S. Highway 15 and on and north of Interstate Highway 90 (from Buffalo, N.Y., to junction Interstate Highway 90 and U.S. Highway 15). The purpose of this filing is to eliminate the gateways of the railhead of Butler (Butler County), Pa., and Ashtabula County, Ohio.

No. MC 5470 (Sub-No. E41), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, scrap metal, alloys*, and *ores*, in dump vehicles, between Arkansas, Alabama (except ores from and to points in Colbert and Lauderdale Counties), Louisiana, Mississippi (except ores from and to points in Tishomingo County), Missouri, points in Tennessee on and west of U.S. Highway 129 beginning at the Tennessee-North Carolina State line, thence north to Knoxville, Tenn., thence along Interstate Highway 75 to the Tennessee-Kentucky State line (except ores from and to points in Wayne and Hardin Counties), Rome and Atlanta, Ga., Tampa, and Tallahassee, Fla., and Wisconsin, on the one hand, and, on the other, points in New York on, north, and west of a line beginning at the New York-Pennsylvania State line on New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateways of any railhead in Ashtabula County (Conneaut), Ohio, and points in Pennsylvania within 60 miles of such railhead (Erie, Pa.).

No. MC 5470 (Sub-No. E56), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand, filter sand*, and *sandblast sand*, in bulk, in dump vehicles, from points in Morgan County, W. Va., to that part of Michigan in and east of Bay, Saginaw, Gratiot, Clinton, Eaton, Calhoun, and Branch Counties. The purpose of this filing is to eliminate the gateways of any railhead in Trumbull County, Ohio, and points in Ohio within 60 miles of such railhead (Garrettsville, Ohio).

No. MC 5470 (Sub-No. E57), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from points in New York (except those points east and south of a line beginning at the New York-Pennsylvania State line, thence along Interstate Highway 81 to Binghamton, N.Y., thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line), to points in Kentucky. The purpose of this filing is to eliminate the gateways of Erie, Pa., and Portsmouth, Ohio.

No. MC 5470 (Sub-No. E58), filed May 29, 1974. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, between points in New York on and north of Interstate Highway 90 to points in West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Erie, Pa.

No. MC 25869 (Sub-No. E1), filed May 5, 1974. Applicant: NOLTE BROS. TRUCK LINE, INC., P.O. Box 7184, South Omaha, Nebr. 68107. Applicant's representative: Irwin Schwartz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and except liquid commodities in bulk, in tank vehicles); (1) from the facilities of Cornland Dressed Beef Co., at or near Lexington and Minden, Nebr., to points in Wisconsin (Council Bluffs, Iowa, and Saunders County, Nebr.)*; (2) from the facilities of Cornland Dressed Beef Co., at or near Lexington and Minden, Nebr., to points in Illinois (except Chicago, Ill., and points in its commercial zone, and Rock Island, Moline, and East Moline, Ill.) (points in Council Bluffs, Iowa, that are in the Omaha, Nebr., commercial zone)*; (3) from the facilities of Platte Valley Packing Co., at Dawson County, Nebr., to St. Louis, Mo. (Council Bluffs, Iowa, and Saunders County, Nebr.)*; (4) from Council Bluffs, Iowa, to St. Louis, Mo. (Saunders County, Nebr.)*; and (5) from the facilities of Platte Valley Packing Co., at Dawson County, Nebr., to points in Illinois (except Chicago, Ill., and its commercial zone, Rock Island, Moline and East Moline, Ill.) (points in Council Bluffs, Iowa, in the Omaha, Nebr., commercial zone). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E20) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER, March 19, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *New buses and truck chassis*, in driveaway service, from Lansing, Mich., to points in Arkansas, Colorado, Montana, Nevada, North Dakota, Oklahoma, and Utah, those in Kansas on and west of U.S. Highway 59, those in Nebraska on and west of U.S. Highway 183, those in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line, and Joplin, Mo. (Indiana, except Ft. Wayne, and Toledo, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include (3) above.

No. MC 31462 (Sub-No. E332) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER, February 6, 1975. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 66 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of Burlington, Iowa and points within 50 miles. The purpose of this filing is to correct the sub number which was previously published as Sub-No. 322.

No. MC 51146 (Sub-No. E15) (Correction), filed November 2, 1974, published in the FEDERAL REGISTER, March 27, 1975. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (54) *Paper and paper products* (except commodities in bulk), from points in Pennsylvania on and within an area bordered on the west by U.S. Highway 219, on the north by Interstate Highway 80, on the east by the New Jersey-Pennsylvania State line, and on the south by U.S. Highway 30, to points in Alabama on and west of a line beginning at the junction of the Alabama-Tennessee State line and U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to Birmingham, thence along U.S. Highway 31 to junction Alabama Highway 22, thence along Alabama Highway 22 to Selma, thence along Alabama Highway 41 to the Alabama-Florida State line (the plant site of Laminated and Coated Products Division, of St. Regis Paper Co., at Troy, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the highway descriptions above. The remainder of this letter-notice remains as previously published.

No. MC 51146 (Sub-No. E18), filed May 23, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers, container ends*, utilized by food business houses (except commodities in bulk), from points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota (except points in Winona, Olmsted, Mower, Fillmore, and Houston Counties, Minn.), points in South Dakota on, north and west of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 16 to the intersection of South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line, points in Wyoming on and north of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to the intersection of Wyoming Highway 789, thence along Wyoming Highway 789 to the intersection of Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line, points in Utah on and west of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to the intersection of U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, points in Nevada on and north of U.S. Highway 91, and

No. MC 60437 (Sub-No. E2), filed May 25, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 44359. Applicant's representative: Allan L. Timmerman (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed fruit products*, from Winchester, Va., to points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 655, Delaware (except Dover), Maryland, New Jersey, Ohio, Pennsylvania, Virginia (except Clarke, Culpeper, Fauquier, Frederick, Greene, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties), West Virginia (except Grant, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties), and the District of Columbia; and (2) *Canned fruit, canned fruit products, and canned tomato juice and puree*, from Winchester, Va., to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia (except Clarke, Culpeper, Fauquier, Frederick, Greene, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties), West Virginia (except Grant, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Inwood, N.J.

No. MC 83835 (Sub-No. E30), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Iron and steel articles*, when transported as, machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture,







processing, storage, transmission, and distribution of natural gas and petro-

2100, thence along Texas Highway 2100 to junction Texas Highway 146, thence

discovery, development, production, re-



wells; (B) *Tubing*, other than oilfield tubing, when transported as, commodi-

Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40,

north of highways beginning at the Oklahoma-Arkansas State line extend-

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processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (b) *Iron and steel articles*, when transported as, machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way;

(c) *Iron and steel articles*, when transported as, commodities which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, mainstringing and picking up thereof; and (d) *Iron and steel articles*, when transported as, earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells.

(1) from points in Colorado, Utah, points in New Mexico on and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 285 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Arizona State line, and points in Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 180 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 71, thence along Texas Highway 71 to junction Texas Highway 261, thence along Texas Highway 261 to junction Texas Highway 29, thence along Texas Highway 29 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 1960, thence along Texas Highway 1960 to junction Texas Highway 2100, thence along Texas Highway 2100 to junction Texas Highway 146, thence along Texas Highway 146 to the Texas-Gulf of Mexico line, to points in Mississippi on and south of a line beginning at the Mississippi-Louisiana State line extending along Interstate Highway 20 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Mississippi-Alabama State line, (2) from points in Texas on and south of a line beginning at the Texas-New Mexico State line extending along Texas Highway 13 to junction U.S. Highway 290.

Thence along U.S. Highway 290 to junction Texas Highway 1960, thence along Texas Highway 1960 to junction Texas Highway 2100, thence along Texas Highway 2100 to junction Texas Highway 146, thence along Texas Highway 146 to the Texas-Gulf of Mexico line, to points in Mississippi, (3) from points in Oklahoma on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 283 to the Oklahoma-Kansas State line, to points in Mississippi on and south of a line beginning at the Mississippi-Louisiana State line extending along Mississippi Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Mississippi Highway 42, thence along Mississippi Highway 42 to the Mississippi-Alabama State line, (4) from points in New Mexico on and south and west of a line beginning at the New Mexico-Arizona State line extending along U.S. Highway 180 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line, to points in Mississippi on and north of a line beginning at the Mississippi-Alabama State line extending along Interstate Highway 20, to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Mississippi Highway 28, thence along Mississippi Highway 28 to the Mississippi-Louisiana State line, (5) from points in New Mexico to points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line extending along Interstate Highway 20 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Mississippi Highway 28, thence along Mississippi Highway 28 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Baytown, Tex., Kansas, and Oklahoma.

No. MC 83835 (Sub-No. E33), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (a) between all points in Alaska, on the one hand, and, on the other, points in Colorado, Illinois, Louisiana, Missouri, Nebraska, and Texas, (b) between all points in Alaska, on the one hand, and, on the other, points in South Dakota on and south of highways beginning at the South Dakota-Wyoming State line extending along U.S. Highway 18 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction Interstate Highway 90.

Thence along Interstate Highway 90 to junction to the South Dakota-Minnesota State line extending along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 53, thence along Utah Highway 53 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 24, thence along Utah Highway 24 to junction Utah Highway 95, thence along Utah Highway 95 to junction Utah Highway 261, thence along Utah Highway 261 to U.S. Highway 163, thence along U.S. Highway 163 to the Utah-Arizona State line; and points in Wyoming on and south of highways beginning at the Wyoming-Colorado State line extending along Wyoming Highway 789 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line. The purpose of this filing is to eliminate the gateway of Kansas and Oklahoma.

No. MC 83835 (Sub-No. E41), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Tubing*, other than oilfield tubing, when transported as, earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or





wells; (B) *Tubing*, other than oilfield tubing, when transported as, commodities which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof.

(C) *Tubing*, other than oilfield tubing, when transported as, machinery, equipment, materials, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; (1) from points in Louisiana to points in Arizona, (2) from points in Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Gulf of Mexico line, to points in Alabama, Florida, North Carolina, South Carolina, Virginia, Georgia, and points in Mississippi on and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Mississippi-Alabama State line, (3) from points in Texas on and east of a line beginning at the Texas-Louisiana State line extending along U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 94, thence along Texas Highway 94 to junction Interstate Highway 45, thence along Interstate Highway 45 to the Texas-Gulf of Mexico line, to points in Arizona, and (4) from points in Texas on and south of a line beginning at the Texas-Gulf of Mexico State line extending along Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Texas-New Mexico State line, to points in Tennessee on and east of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of the facilities of Gulf States Tube at Rosenberg, Tex.

No. MC 83835 (Sub-No. E49), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Metal tubing and pipe*, when transported as: Commodities which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (B) *Metal tubing and pipe*, when transported as: Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the including the stringing and picking up

(C) *Metal tubing and pipe*, when transported as: Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) and the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (D) *Metal tubing and pipe*, when transported as: Machinery, equipment, materials, and supplies used in or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; (1) from points in Oklahoma on and north of highways beginning at the Oklahoma-Arkansas State line extending along U.S. Highway 59 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to junction Oklahoma Highway 12, thence along Oklahoma Highway 12 to junction Interstate Highway 35, to the Oklahoma-Texas State line, to points in Alabama; (2) from points in Colorado, to points in Ohio on and east of highways beginning at the Ohio-Lake Erie line; extending along Interstate Highway 71, to the Ohio-Kentucky State line; (3) from points in Colorado on and south of highways beginning at the Colorado-Kansas State line and extending along Interstate Highway 70 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line, to points in Ohio.

(4) From points in Louisiana on and west of highways beginning at the Gulf of Mexico-Cameron, La. line extending along Louisiana Highway 27 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 117, thence along Louisiana High way 117 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Louisiana Highway 3, thence along Louisiana Highway 3 to the Arkansas-Louisiana State line, to points in New York; (5) from points in Louisiana on and west of highways beginning at the Louisiana-Gulf of Mexico line near Creole, La., extending along Louisiana Highway 27 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Louisiana-Arkansas State line, to points in Michigan; (6) from points in Arkansas on and west of highways beginning at the Arkansas-Louisiana State line extending along U.S. Highway 167 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 24, thence along Arkansas Highway 24 to junction Arkansas Highway 53, thence along Arkansas Highway 53 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Missouri State line, to points in Upper Michigan; (7) from points in Louisiana on and west of highways beginning at the Louisiana-Arkansas State line extending along U.S. Highway 71 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 14, thence Louisiana Highway 14 to Louisiana Highway 27, thence along Louisiana Highway 27 to the Louisiana-Gulf of Mexico line, to points in Penn-







or from holes or wells, (A) between points operations at well or hole sites, and (d) junction Interstate Highway 90, thence

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sylvania on and east of highways beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 219 to the Pennsylvania-New York State line.

(8) From points in Colorado on and south of highways beginning at the Colorado-Oklahoma State line extending along U.S. Highway 287 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado Highway 101, thence along Colorado Highway 101 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line, to points in Lower Michigan; (9) From points in Arkansas on and west of highways beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 70 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line, to points in New York on and east of highways beginning at the Atlantic Ocean-New York line extending along U.S. Highway 9 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 206, thence along New York Highway 26 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 51, thence along New York Highway 51 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to the New York-Canada line. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 93318 (Sub-No. E1), filed May 31, 1974. Applicant: JOE D. HUGHES, INC., P.O. Box 9643, Houston, Tex. 77015. Applicant's representative: Chauncey White, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe in connection with main pipe lines, (2) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the drilling of water wells, (3) *machinery, equipment, materials*, and *supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, (4) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells.

(A) Between points in Alabama, on the one hand, and, on the other, points in Colorado, (B) between points in Alabama, one the one hand, and, on the other, points in Montana, (C) between points in Alabama, on the one hand, and, on the other, points in Wyoming, (D) between points in Alabama, on the one hand, and, on the other, points in Utah, (E) between points in Florida, on the one hand, and, on the other, points in Colorado, (F) between points in Montana, on the one hand, and, on the other, points in Montana, (G) between points in Florida, on the one hand, and, on the other, points in Utah, (H) between points in Florida, on the one hand, and, on the other, points in Wyoming, (I) between points in Georgia, on the one hand, and, on the other, points in Colorado, (J) between points in Georgia, on the one hand, and, on the other, Montana, (K) between points in Georgia, on the one hand, and, on the other, points in Utah, and (L) between points in Georgia, on the one hand, and, on the other, points in Wyoming; (5) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking thereof, (6) *earth drilling machinery and equipment, machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells.

(A) Between points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line extending along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Alabama, on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 82 to Tuscaloosa, thence along Interstate Highway 20 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line; (7) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipe lines), (8) *earth drilling machinery and equipment, machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells.

(A) Between points in Kansas, south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 54 to Ft. Scott, Wichita, Pratt, Liberal, and to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Colorado west of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Colorado-Wyoming State line; (9) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (10) *earth drilling machinery and equipment, machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into





or from holes or wells, (A) between points in Kansas, on the one hand, and, on the other, points in Florida.

(B) Between points in Kansas, on and west of a line beginning at the Kansas-Oklahoma State line extending along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 78 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-South Carolina State line; (11) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (12) *earth drilling machinery and equipment, machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (A) between points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to the Kansas-Nebraska State line, and points in Mississippi on and south of a line beginning at the Mississippi-Arkansas State line extending along U.S. Highway 82 to the Mississippi-Alabama State line.

(13) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipe line), (14) *earth drilling machinery and equipment, machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (A) between points in Kansas on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the United States-Canada International Boundary line extending along Interstate Highway 15 to junction U.S. Highway 91.

Thence along U.S. Highway 91 to the Montana-Idaho State line, (B) between Liberal, Kans., on the one hand, and, on the other, points in Montana on and east of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Montana-North Dakota State line, (C) between points in Kansas on, east, and south of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Utah, south and west of a line beginning at the Utah-Colorado State line extending along Interstate Highway 70 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Utah-Nevada State line, (D) between points in Kansas on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 54, to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to Liberal and to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Wyoming-Colorado State line extending along Wyoming Highway 789, thence along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 187.

Thence along U.S. Highway 187 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Wyoming-Idaho State line, (E) between Liberal, Kans., on the one hand, and, on the other, points in Wyoming on and north of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line; (15) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipe lines), (16) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the drilling of water wells, (17) *machinery, equipment, materials*, and *supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way.

(18) *Earth drilling machinery and equipment, machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (A) between points in Louisiana, on the one hand, and, on the other, points in Colorado, Montana, and Utah, (B) between points in Mississippi, on the one hand, and, on the other, points in Colorado, Montana, and Utah; (19) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipe lines).

(20) *Machinery and equipment*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling,



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production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, (4) *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (A) between points in Alabama, on the one hand, and, on the other, points in Colorado, (B) between points in Alabama, one the one hand, and, on the other, points in Montana, (C) between points in Alabama, on the one hand, and, on the other, points in Wyoming, (D) between points in Alabama, on the one hand, and, on the other, points in Utah, (E) between points in Florida, on the one hand, and, on the other, points in Colorado, (F) between points in Montana, on the one hand, and, on the other, points in Montana, (G) between points in Florida, on the one hand, and, on the other, points in Utah, (H) between points in Florida, on the one hand, and, on the other, points in Wyoming, (I) between points in Georgia, on the one hand, and, on the other, points in Colorado, (J) between points in Georgia, on the one hand, and, on the other, Montana, (K) between points in Georgia, on the one hand, and, on the other, points in Utah, and (L) between points in Georgia, on the one hand, and, on the other, points in Wyoming; (5) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking thereof, (6) *earth drilling machinery and equipment, machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells.

(A) Between points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line extending along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Alabama, on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 82 to Tuscaloosa, thence along Interstate Highway 20 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line; (7) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipe lines), (8) *earth drilling machinery and equipment, machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into



other, points in Wyoming on and east of a line beginning at the Montana-Wyo-

sion, and distribution of natural gas and petroleum and their products and by-

bama Highway 278 to the Alabama-Georgia State line. The purpose of this

production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction plant (including refining, manufacturing, and processing plant), sites or storage sites, (21) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the drilling of water wells, (22) *machinery, equipment, materials,* and *supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, (23) *earth drilling machinery and equipment, machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of pipelines, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (A) between points in Louisiana, on the one hand, and, on the other, points in Wyoming.

(B) Between points in Mississippi, on the one hand, and, on the other, points in Wyoming; (24) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof; (25) *earth drilling machinery and equipment, machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; between points in New Mexico, on the one hand, and, on the other, points in Alabama, Florida, and Georgia; (26) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipe lines).

(27) *Earth drilling machinery and equipment, machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (A) between points in New Mexico on and east of a line beginning at the New Mexico-Texas State line along Interstate Highway 10 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 70, thence along U.S. Highway 70 to the New Mexico-Texas State line near Clovis, N. Mex. (except Las Cruces, N. Mex., to Pueblo, Colo.), on the one hand, and, on the other, points in Colorado, on, north, and east of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 50 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-Wyoming State line (exclusive of Pueblo, Colo., to Las Cruces, N. Mex.), (B) between points in New Mexico on, south, and east of a line beginning at the New Mexico-Arizona State line extending along Interstate Highway 10 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction New Mexico Highway 39, thence along New Mexico Highway 39 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line (except Las Cruces, N. Mex., to Butte, Mont.), on the one hand, and, on the other, points in Montana, on and south of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to junction U.S. Highway 12.

Thence along U.S. Highway 12 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Idaho State line (exclusive of Butte, Mont., to Las Cruces, N. Mex.); (28) *machinery, equipment,* materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (29) *earth drilling machinery and equipment, machinery, equipment, supplies,* and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico and Mississippi.

(30) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main pipe lines; (31) *earth drilling machinery and equipment, machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (A) between points in New Mexico on and east of a line beginning at the New Mexico-Texas State line extending along New Mexico Highway 18 to Hobbs, thence along U.S. Highway 70 to Clovis, thence along New Mexico Highway 18 to New Mexico Highway 39, thence along New Mexico Highway 39 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Utah on and north of a line beginning at the Utah-Colorado State line extending along U.S. Highway 40 to junction U.S. Highway 189.

Thence along U.S. Highway 189 to junction U.S. Alternate Highway 50, thence along U.S. Alternate Highway 50 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nevada-Colorado State line, (B) between points in New Mexico on, south, and east of a line beginning at the New Mexico-Arizona State line extending along Interstate Highway 10 to Las Cruces, thence along U.S. Highway 70 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction New Mexico Highway 39, thence along New Mexico Highway 39 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line, on the one hand, and, on the





other, points in Wyoming on and east of a line beginning at the Montana-Wyoming State line extending along Wyoming Highway 114 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Wyoming-Colorado State line, (C) between points in Oklahoma, on the one hand, and, on the other, points in Colorado on and west of a line beginning at the Colorado-Wyoming State line extending along U.S. Highway 87 to junction Interstate Highway 25 to Fort Collins, Denver, Colorado Springs, Pueblo, Trinidad, and to the Colorado-New Mexico State line, (D) between points in Oklahoma, on the one hand, and, on the other, points in Utah and Wyoming.

(E) Between points in Oklahoma on, west, and south of a line beginning at the Oklahoma-Kansas State line extending along Interstate Highway 35 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Montana-Wyoming State line extending along US. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Montana Highway 16, thence along Montana Highway 16 to junction Montana Highway 200, thence along Montana Highway 200 to the North Dakota-Montana State line; (32) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (A) between points in Mississippi on and south of Interstate Highway 20 to and points in Kansas (Louisiana) *, (B) between points in Mississippi and points in New Mexico (Louisiana) *.

(C) Between points in Mississippi on and south of Interstate Highway 20 and points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 75 to the Indian Nation Turnpike, thence along the Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Kansas-Texas State line (Louisiana) *; (33) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (34) *earth drilling machinery and equipment, machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (35) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (A) between points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 64, thence along U.S. Highway 64 to Enid, thence along U.S. Highway 81 to Oklahoma City, thence along U.S. Highway 270 to Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, and points in Mississippi.

(35) *Earth drilling machinery and equipment, machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (36) *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (A) between points in Oklahoma, on the one hand, and, on the other, points in Florida and Georgia, (B) between points in Oklahoma west and south of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 75 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, points in Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 78 to junction Alabama Highway 278, thence along Alabama Highway 278 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Texas (unless otherwise indicated by an asterisk).

No. MC 95540 (Sub-No. E546), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., N.E., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Melton, Pa., to all points in Florida on and west of a line beginning at the Florida-Alabama State line on U.S. Highway 231, thence along U.S. Highway 231 to Panama City and the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E637), filed May 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Saltsburg, Pa., to all points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 106920 (Sub-No. E57) (Correction), filed June 3, 1974. Published in the FEDERAL REGISTER February 10, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products,* 48 M.C.C. 628, from points in Texas on and west of a line beginning at the Texas-Mexico International Boundary line and extending along U.S. Highway 80 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 27, thence along Interstate Highway 27 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Oklahoma State line, to points in Kentucky bounded on the west of a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 64 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennesee State line and on the east by a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 27 to junction Kentucky Highway 617, thence along Kentucky Highway 617 to junction U.S. Highway 62, thence along



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U.S. Highway 62 to junction Kentucky Highway 165, thence along Kentucky Highway 165 to junction Kentucky Highway 32, thence along Kentucky Highway 32 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 106920 (Sub-No. E103) (Correction), filed June 3, 1974. Published in the FEDERAL REGISTER March 18, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from those points in Missouri on or north of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 16, thence along Missouri Highway 16 to the Illinois-Missouri State line to those points in Georgia on or east of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Georgia Highway 56, thence along Georgia Highway 56 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 107295 (Sub-No. E62) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER, March 10, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof and *equipment* and *materials* incidental to the erection and completion of such buildings; (3) from points in Pennsylvania to points in Colorado, Idaho, Louisiana, Nevada, New Mexico, South Dakota, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of (3) Washington Court House, Ohio. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 107295 (Sub-No. E69) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER, March 13, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof; (9) from points in that part of Indiana located in, east, and north of Vigo, Clay, Greene, Lawrence, Washington, and Clark Counties to points in that part of South Carolina located in and east of Barnwell, Orangeburg, Calhoun, Sumter, Lee, Darlington, and Marlboro Counties. The purpose of this filing is to eliminate the gateways of points in Ohio and Lumberton, N.C. The purpose of this partial correction is to correct a typographical error. The remainder of this letter-notice remains as previously published.

No. MC 107295 (Sub-No. E201) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER, March 26, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and accessories* used in connection therewith (except in bulk), from the plant site of Philip Carey Company located at Lockland, Ohio, to points in North Dakota, South Dakota, Nebraska, Colorado, and to points in that part of New Mexico located in, south, and west of Quay, Guadalupe, Torrance, Socorro, Sierra, and Dona Ana Counties, restricted to the transportation of shipments originating at the above-named plant site. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa. The purpose of this correction is to correct the "E" number, previously published E20.

No. MC 107295 (Sub-No. E226), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 148, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated* buildings, complete, knocked down, or in sections; (1) from points in that part of Texas in and east of Maverick, Uvalde, Bandera, Kerr, Gillespie, Llano, San Suba, Mills, Comanche, Erath, Palo Pinto, Jack, and Montague Counties to points in that part of Minnesota on and north of Yellow Medicine, Renville, Sibley, Le Sueur, Rice, and Goodhue Counties (Pine Bluff, Ark.)*; (2) from points in that part of Texas in and west of Wichita, Archer, Young, Stephens, Eastland, Brown, McCulloch, Mason, Kimble, Kerr, Bandera, Uvalde, and Maverick Counties to points in that part of Mississippi in Warren, Hinds, Rankin, Scott, Newton, and Lauderdale Counties (Pine Bluff, Ark.)*; (3) from points in Texas to points in Iowa and that part of Missouri in, north, and east of Atchison, Nodaway, Gentry, Daviess, Livingston, Chariton, Howard, Boone, Callaway, Gasconade, Crawford, Iron, Wayne, Stoddard, and New Madrid Counties (points in Arkansas); and (4) from points in that part of Texas in and east of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampassas, Burnet, Blanco, Kendall, Bandera, Uvalde, and Maverick Counties to points in that part of North Dakota in and north of Divide, Burke, Mountrail, Ward, McHenry, Pierce, Wells, Stutsman, Barnes, Ransom, and Richland Counties (points in Arkansas and Wapello County, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107295 (Sub-No. E227), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections; (1) from points in Illinois to points in that part of Arizona in and south of Yuma, Maricopa, Gila, Graham, and Greenlee Counties, points in that part of California in and south of Santa Barbara, Keens, and San Bernardino Counties, and points in that part of New Mexico in and south of Catron, Socorro, Lincoln, Chaves, and Lea Counties (Pine Bluff, Ark.)*; (2) from points in Illinois to points in Idaho, Montana, Nevada, Utah, and Wyoming (points in Wapello County, Iowa)*; (3) from points in that part of Illinois in and north of Randolph, Perry, Franklin, Hamilton, and White Counties to points in Colorado, North Dakota, and South Dakota (points in Wapello County, Iowa)*; (4) from points in Illinois to points in Delaware, Maryland, New Jersey, points in that part of Virginia in and east of Alleghany, Botetourt, Bedford, Campbell, Charlotte, and Mecklenburg Counties, points in that part of West Virginia in and east of Wood, Wilt, Calhoun, Braxton, Webster, Greenbrier, and Monroe Counties, and the District of Columbia (points in Ohio)*; (5) from points in that part of Illinois in and north of Randolph, Perry, Franklin, Hamilton, and White Counties to points in North Carolina (points in Ohio)*; and (6) from points in that part of Illinois in and north of Adams, Brown, Cass, Sangamon, Christian, Moultrie, Douglas, and Edgar Counties to points in that part of South Carolina in and east of Lancaster, Kershaw, Richland, Calhoun, Orangeburg, and Barnwell Counties (points in Ohio and Lumberton, N.C.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107403 (Sub-No. E681) (Correction), filed January 31, 1975, published in the FEDERAL REGISTER, March 27, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050





Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles (except cement and liquefied petroleum gas), from the Flexi-Flo terminal of Penn Central at Rochester, N.Y., to those points in Ohio, West Virginia, Pennsylvania, and Maryland within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateways of points in the Pennsylvania Counties of Warren, McKean, Potter, and Erie within 150 miles of Monongahela, Pa. The purpose of this correction is to correct the "E" number, previously published as E861.

No. MC 107515 (Sub-No. E502), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except in bulk, from Amarillo, Tex., to Virginia and West Virginia; (2) *meats, meat products, meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except in bulk, from Burris, Tex., to all points in Virginia and West Virginia, and that portion of Kentucky on and east of a line beginning at Maysville, Ky., thence along Kentucky Highway 11 to the Kentucky-Ohio State line; (3) *meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except in bulk, from Palestine, Tex., to Virginia and West Virginia; (4) *meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, except in bulk, from Paris, Tex., to Virginia; and (5) *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plant site of Western Beef Co., at Pampa, Tex., which are utilized by Armour & Co., to Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E503), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Crookston, Minn., to South Carolina, and that portion of North Carolina on and east of a line beginning at the North Carolina-South Carolina State line extending along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 401, thence along U.S. Highway 401 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., and Atlanta, Ga.

No. MC 107515 (Sub-No. E504), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, except in bulk, in vehicles equipped with mechanical refrigeration, from Chino, Calif., to all points in Virginia, West Virginia, North Carolina, and South Carolina, and that portion of Kentucky on and east of U.S. Highway 27, restricted to the transportation of traffic originating at the plant site and storage facilities of Swift Fresh Meats at Chino, Calif. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Pensacola, Fla.

No. MC 107515 (Sub-No. E507), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050 Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, (1) from points in Florida on and east of U.S. Highway 319 to points in Oregon, Washington, and those in California on, west or north of a line beginning at Morro Bay and extending along California Highway 41 to junction California Highway 46, thence along California Highway 46 to junction California Highway 155, thence along California Highway 155 to junction California Highway 178, thence along California Highway 178 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 190, thence along California Highway 190 to junction California Highway 127, thence along California Highway 127 to the Nevada-California State line, and (2) from points in Florida on, south and east of a line beginning at Clearwater and extending along Florida Highway 60 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Florida Highway 44, thence along Florida Highway 44 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Florida-Georgia State line and Duval County, Fla., to points in California on or west of U.S. Highway 395. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Bristol, Va.-Tenn.

No. MC 107515 (Sub-No. E550) (Correction), filed January 27, 1975, published in the FEDERAL REGISTER, April 7, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meat*, in vehicles equipped with mechanical refrigeration, from Nogales, Ariz., to Maryland, Delaware, District of Columbia, New Jersey, Connecticut, Massachusetts, and points in that part of New York on, south, or east of a line beginning at Lake Ontario and extending along New York Highway 98 to junction New York Highway 16, thence along New York Highway 16 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C. The purpose of this correction is to correct the "E" number, previously published as E55.

No. MC 107515 (Sub-No. E555), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in vehicles equipped with mechanical refrigeration), from the plant site and warehouse facilities of the Pillsbury Company at or near Terre Haute, Ind., to points in Arizona, California, New Mexico, Oregon, Washington, Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 107515 (Sub-No. E557), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in vehicles equipped with mechanical refrigeration), from Jacksonville, Ill., to points in Nevada on or south of Interstate Highway 15, points in California on, south, or west of a line beginning at the Nevada-California State line and extending along Interstate Highway 80 to junction Interstate Highway 5, thence along Interstate Highway 5 to the California-Oregon State line, and to points in Washington and Oregon on or west of Interstate Highway 5. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC 107515 (Sub-No. E559), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum,



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Suite 375, 3379 Peachtree Rd. NE., At-

irregular routes, transporting: *Used*,

but including *self-propelled road build-*



the FEDERAL REGISTER, July 26, 1974. Ap-

Highway 20 to junction U.S. Highway 15,

No. MC 111320 (Sub-No. E126) (Cor-

Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Noblesville, Ind., to points in California, Oregon, Arizona, and New Mexico, restricted against the transportation of frozen meats from Nashville, Tenn., to Hillsboro, Oreg., and further restricted against the transportation of frozen citrus products from points in Florida to points in Colorado, Idaho, Montana and Wyoming. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC 111320 (Sub-No. E62) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 24, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Kentucky, on the one hand, and, on the other, points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E63) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 24, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along Interstate Highway 75 to junction Kentucky Highway 461, thence along Kentucky Highway 461 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E64) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 24, 1974. Applicant: KEEN TRANSPORT, INC., P.O. 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Tennessee, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E65) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 24, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Connecticut, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, along U.S. Highway 127 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E66) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 24, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New Jersey, on the one hand, and, on the other, points in Tennessee on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E75) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 24, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Vermont, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E76) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 29, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in Massachusetts on and north of a line from Boston along Interstate Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Massachusetts-New York State line, on the one hand, and, on the other, points in North Carolina on and south of a line from the Atlantic Ocean along U.S. Highway 421 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 40, thence along U.S. Highway 40 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E76) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 29, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in New Hampshire, on the on hand, and, on the other, points in North Carolina on and south of a line from the Atlantic Ocean along U.S. Highway 117 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction North Carolina Highway 561, thence along North Carolina Highway 561, to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E77) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, July 29, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in North Carolina, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E78) (Correction), filed May 31, 1974, published in





the FEDERAL REGISTER, July 26, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway or truckaway service, between points in Maine, on the one hand, and, on the other, points in Virginia west of a line from the North Carolina-Virginia State line, along U.S. Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 111320 (Sub-No. E99) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, January 22, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in New Jersey, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at Lake Erie, thence along Interstate Highway 77 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 111320 (Sub-No. E100) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, January 22, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at Lake Ontario, thence along New York Highway 98 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description and territorial description.

No. MC 111320 (Sub-No. E101) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, January 22, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but includign self-propelled road building and contractors' vehicles or machinery, in driveaway and truckaway service, between points in that part of New York on and east of a line beginning at Lake Ontario, thence along New York Highway 98 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description and territorial description.

No. MC 111320 (Sub-No. E107) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, January 22, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road building equipment, and parts thereof*, in driveaway and truckaway service, between points in that part of New York north of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along Interstate Highway 75 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lorain, Ohio. The purpose of this correction is to correct the territorial descriptions.

No. MC 111320 (Sub-No. E126) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER, January 16, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery*, in driveaway and truckaway service, between points in that part of New York, on and east of a line beginning at Lake Ontario, thence along New York Highway 78 to junction New York Highway 16, thence along New York Highway 16 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description and to omit the exception.

No. MC 111320 (Sub-No. E129) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER, January 16, 1975. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective trucks, trailers, and other types of motor vehicles* (except passenger automobiles), but including *self-propelled road building and contractors' vehicles or machinery* in driveaway and truckaway service, between points and places in New York, on the one hand, and, on the other, Arizona, California, Florida, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y. The purpose of this correction is to correct the commodity description and to omit the exception.

No. MC 111785 (Sub-No. E1), filed May 29, 1974, Applicant: BURNS MOTOR FREIGHT, INC., Rural Free Delivery No. 1, U.S. Highway 219 No., P.O. Box 149, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden posts*, and *wooden rails*, (a) from points in the lower peninsula of Michigan to points in North Carolina, South Carolina, Georgia, and Virginia, (b) from points in the lower (copy from (b) and (c) of attached letter) (points in West Virginia, and Newell, W. Va.)*. (2) *Lumber*, from points in Cuyahoga County, Ohio, to points in Alabama, Arkansas, Iowa, Maryland, New Jersey, Tennessee, Georgia, South Carolina, Virginia, North Carolina, (points in West Virginia)*, (3)



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*Lumber* and *wooden pallets*, from Cam-

U.S. Highway 77 to Pauls Valley, Okla.,

No. MC 112822 (Sub-No. E160), filed



Highway 60 to junction Texas Highway

St. Clair, Saline, Sangamon, Schuyler,

picking up of pipeline materials or equip-

Scott, Stark, Tazewell, Union, Warren,

ment, and restricted to commodities

*Lumber* and *wooden pallets*, from Cambridge, Ohio to points in Alabama, Maryland, New Jersey, Georgia, South Carolina, Virginia, North Carolina, Connecticut, Delaware, Massachusetts, New Hampshire, New York, Rhode Island and Vermont, (points in W. Va.)*. (4) *Wooden pallets*, from points in Cuyahoga County, Ohio, to points in Virginia, Alabama, North Carolina, South Carolina, Louisiana, and Tennessee. (points in West Virginia, points in Tucker County, W. Va.)*.

(5) *Lumber*, except plywood and veneer, from points in Highland County, W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, New Hampshire, New Jersey, New York, those points in North Carolina on and east of U.S. Highway 301, and points in Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain, and Transylvania Counties, N.C., Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Wisconsin, Ohio, and points in West Virginia (except those in and east of Monongalia, Marion, Harrison, Doddridge, Lewis, Webster, and Pocahontas Counties. (Martington, W. Va.). (6) *Lumber*, from points in Garrett County, Md., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Maryland, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin and Ohio (points in West Virginia, points in Tucker County, W. Va.). (7) *Wooden pallets*, from points in West Virginia to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin and Ohio (points in Tucker County, W. Va.). (8) *Lumber*, from points in West Virginia to points in Louisiana (points in West Virginia). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 112822 (Sub-No. E125), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* from points in Michigan and those in Michigan and those in Wisconsin on and east of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 53 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line, to those points in Oklahoma bounded by a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to El Reno, Okla., thence along U.S. Highway 66 to Oklahoma City, Okla., thence along U.S. Highway 77 to Pauls Valley, Okla., thence along Oklahoma Highway 19 to Ada, Okla., thence along Oklahoma Highway 12 to Calvin, Okla., thence along U.S. Highway 270 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, and thence along the Oklahoma-Arkansas, Oklahoma-Missouri, and Oklahoma-Kansas State line to points of beginning. The purpose of this filing is to eliminate the gateway of South River, Mo. (Marion County).

No. MC 112822 (Sub-No. E137), filed May 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia fertilizer, and nitrogen fertilizer* solutions, in bulk, in tank vehicles, *urea*, and *ammonium nitrate*, except for use as an explosive, in bulk and in bags, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Colorado, Minnesota, Montana, North Dakota, South Dakota, and New Mexico (except Lea and Eddy Counties, N. Mex.). The purpose of this filing is to eliminate the gateway of the plant site of Solar Nitrogen Chemicals, Inc., at or near Atlas, Mo.

No. MC 112822 (Sub-No. E138), filed May 22, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Arkansas, Kentucky, Louisiana, Mississippi, Tennessee, and those in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 60 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of the plant site of Solar Nitrogen Chemicals, Inc., at or near Atlas, Mo.

No. MC 112822 (Sub-No. E149), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles, equipped with mechanical refrigeration, from those points in California on and north of Interstate Highway 80 to points in Oklahoma and Colorado (except those in Mesa, Delta, Garfield, Moffat, and Routt Counties, Colo.). The purpose of this filing is to eliminate the gateway of Idaho.

No. MC 112822 (Sub-No. E160), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from those points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending along Oklahoma Highway 99 to junction Interstate Highway 40, to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 112822 (Sub-No. E182), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from those points in Texas on, east, and north of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction 287, thence along U.S. Highway 81 to U.S. Highway 287, thence along U.S. Highway 287 to Ft. Worth, thence along U.S. Highway 287 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Colorado.

No. MC 112822 (Sub-No. E204), filed June 5, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from those points in Minnesota on, south and east of a line beginning at Lake Superior and extending along U.S. Highway 61 to Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-Iowa State line, to those points in Montana on, south and east of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Idaho-Montana State line. The purpose of this filing is to eliminate the gateways of Iowa and Nebraska.

No. MC 112822 (Sub-No. E214), filed June 5, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid anhydrous ammonia fertilizer, liquid aqua ammonia fertilizer, and liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Arkansas, Louisiana, Mississippi, Tennessee, and those in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along U.S.





Highway 60 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line (except those in Harris County, Tex.). The purpose of this filing is to eliminate the gateway of the plant site of Solar Nitrogen Chemicals, Inc., at or near Atlas, Mo.

No. MC 112822 (Sub-No. E217), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, in vehicles equipped with mechanical refrigeration, from the plantsite of Frozen Foods, Inc., located about 4 miles from La Junta, Colo., to those points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 40 to junction Illinois Highway 127, to junction Illinois Highway 154, to junction Illinois Highway 150, to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of the facilities of Stilwell Foods at Stilwell, Okla.

No. MC 113495 (Sub-No. E1), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery, and construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted against the transportation of commodities which are transported on trailers, between points in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Adams, Alexander, Bond, Brown, Calhoun, Carroll, Cass, Christian, Clinton, Fayette, Franklin, Fulton, Greene, Hancock, Henderson, Henry, Jackson, Jefferson, Jersey, Johnson, Knox, Logan, Macon, Macoupin, Madison, Marion, Mason, Massac, McDonough, Menard, Mercer, Monroe, Montgomery, Morgan, Peoria, Perry, Pike, Pope, Pulaski, Randolph, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Stark, Tazewell, Union, Warren, Washington, Whiteside, and Williamson Counties, Ill. The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E3), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery*, and *construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Kentucky (except points in Ballard, Boone, Bracken, Calloway, Campbell, Carlisle, Carroll, Crittenden, Fulton, Gallatin, Grant, Graves, Henderson, Henry, Hickman, Kenton, Livingston, McCracken, Marshall, Oldham, Owen, Pendleton, Trimble, and Union Counties), on the one hand, and, on the other, points in Barry, Barton, Bates, Benton, Buchanan, Butler, Camden, Carter, Cass, Cedar, Christian, Clay, Dade, Dallas, Douglas, Dunklin, Greene, Henry, Hickory, Howell, Jackson, Jasper, Johnson, Laclede, Lawrence, McDonald, Mississippi, New Madrid, Newton, Oregon, Ozark, Pemiscot, Platte, Polk, Ripley, St. Clair, Webster, and Wright Counties, Mo. The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E4), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery*, and *construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cocke, Cumberland, Davidson, DeKalb, Fentress, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Montgomery, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Smith, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, White, and Wilson Counties, Tenn., on the one hand, and, on the other, points in Missouri and points in Arkansas (except points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Craighead, Crittenden, Cross, Desha, Drew, Jackson, Jefferson, Lafayette, Lee, Lincoln, Lonoke, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, St. Francis, Union, and Woodruff Counties). The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E5), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery*, and *construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Adair, Allen, Barren, Bell, Clay, Clinton, Cumberland, Harlan, Knox, Laurel, Leslie, Letcher, McCreary, Metcalfe, Monroe, Perry, Pulaski, Russell, Wayne, and Whitley Counties, Ky., on the one hand, and, on the other, points in Alexander, Jackson, Johnson, Massac, Pulaski, and Union Counties, Ill. The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E6), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery*, and *construction equipment*, the transportation



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of which, because of size or weight, requires the use of special equipment (ex-

Grundy, Kane, Kankakee, Kendall, Lake, La Salle, McHenry, and Will Coun-

Authority sought to operate as a *com-*



Madison, Maries, McDonald, Miller, Mississippi, Moniteau, Morgan, New Madrid,

picking up of pipeline materials or equipment. Restricted to commodities

products, in bulk, in tank vehicles, and except coal. Restriction: Restricted

of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Adams, Bond, Brown, Calhoun, Cass, Christian, Clinton, Fayette, Franklin, Fulton, Greene, Hancock, Henderson, Henry, Jefferson, Jersey, Johnson, Knox, Logan, Macoupin, Madison, Marion, Massac, Mason, McDonough, Menard, Mercer, Montgomery, Morgan, Peoria, Perry, Pike, Rock Island, Sangamon, Schuyler, Scott, Stark, Tazewell, Warren, Washington, and Williamson Counties, Ill., on the one hand, and, on the other, points in Tennessee (except points in Campbell, Claiborne, Clay, Dyer, Fentress, Grainger, Hancock, Hawkins, Jackson, Lake, Lauderdale, Macon, Morgan, Obion, Overton, Pickett, Scott, Tipton, and Union Counties). The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E7), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery*, and *construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Bedford, Benton, Bradley, Cannon, Carroll, Cheatham, Chester, Coffee, Crockett, Davidson, Decatur, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Madison, Marion, Marshall, Maury, McNairy, Montgomery, Moore, Obion, Perry, Rutherford, Sequatchie, Shelby, Stewart, Tipton, Warren, Wayne, Weakley, Williamson, and Wilson Counties, Tenn., on the one hand, and, on the other, points in Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, McHenry, and Will Counties, Ill. The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E8), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery, and construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Mecklenburg County, N.C., on the one hand, and, on the other, points in Vanderburgh County, Ind. The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E9), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery, and construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and related machinery, tools, parts, and supplies moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Crockett, Dyer, Fayette, Hardeman, Haywood, Lake, Madison, Obion, Shelby, and Tipton Counties, Tenn., on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E12), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery*, and *construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing and picking up of pipeline materials or equipment); (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and *related machinery, tools, parts*, and *supplies* moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Kentucky (except points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall, and McCracken Counties), on the one hand, and, on the other, points in Arkansas (except points in Arkansas, Ashley, Chicot, Clay, Craighead, Crittenden, Cross, Desha, Drew, Greene, Lee, Lincoln, Mississippi, Monroe, Phillips, Poinsett, and St. Francis Counties). The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E13), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which because of size or weight requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment). (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith, except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal. Restrictions: Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment. Restricted to commodities which are transported on trailers between points in the following counties in West Virginia: Greenbrier, McDowell, and Mercer, Monroe and Summers, on the one hand, and on the other, points in the following counties in Illinois: Alexander, Johnson, Massac, Pulaski, and Union Counties; and points in the following counties in Missouri: Barry, Barton, Bates, Benton, Bollinger, Buchanan, Butler, Caldwell, Camden, Cape, Girardeau, Carroll, Carter, Cass, Cedar, Christian, Clay, Clinton, Cooper, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Greene, Henry, Hickory, Howell, Iron, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence,





Madison, Marles, McDonald, Miller, Mississippi, Moniteau, Morgan, New Madrid, Newton, Oregon, Ozark, Pemiscot, Pettis, Phelps, Platte, Polk, Pulaski, Ray, Reynolds, Ripley, St. Clair, Saline, Scott, Shannon, Stoddard, Stone, Taney, Texas Vernon, Webster, and Wayne Counties. The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220 and points in Kentucky west of Tennessee River.

No. MC 113495 (Sub-No. E14), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which because of size or weight requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment). (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith, except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal. Restriction: Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment. Restricted to commodities which are transported on trailers, between points in the following counties in West Virginia: Berkeley, Grant, Greenbrier, Hampshire, Hardy, Jefferson, McDowell, Mercer, Mineral, Monroe, Morgan, Pendleton, Pocahontas, Randolph, Summers, Tucker, and Wyoming Counties, on the one hand, and on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220 and points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E19), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment). (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and supplies moving in connection therewith, except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal. Restriction: Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment. Restricted to commodities which are transported on trailers, from points in Ohio, to points in the following counties in Tennessee: Anderson, Blount, Bradley, Claiborne, Cocke, Grainger, Hamblen, Hamilton, Jefferson, Knox, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sevier and Union Counties. The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220.

No. MC 113495 (Sub-No. E20), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment). (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith, except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal. Restriction: Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment. Restricted to commodities which are transported on trailers from points in the following counties in Ohio: Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrison, Jefferson, Lake, Mahoning, Monroe, Noble, Portage, Stark, Summit, Trumbull, Tuscarawas, and Washington Counties, to points in the following counties in Tennessee: Bledsoe, Coffee, Cumberland, Franklin, Grundy, Marion, Van Buren, and Warren Counties. The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220.

No. MC 113495 (Sub-No. E21), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment). (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith, except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal. Restriction: Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment. Restricted to commodities which are transported on trailers; from points in the following counties in Ohio: Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Delaware, Erie, Geauga, Guernsey, Harrison, Holmes, Huron, Jefferson, Knox, Lake, Licking, Lorain, Lucas, Mahoning, Marion, Medina, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Washington, Wayne, Wood, and Wynadot Counties, to points in the following counties in Kentucky: Bell, Harlan, Knott, Leslie, Letcher, and Perry Counties. The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220.

No. MC 113495 (Sub-No. E22), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment). (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith, except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal. Restriction: Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment. Restricted to commodities which are transported on trailers; from points in the following counties in Ohio (except points in Adams, Brown, Butler, Claremont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Mercer, Miami, Montgomery, Pike, Preble, Scioto, and Warren Counties), to that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 226 to Rockingham, North Carolina and thence along U.S. Highway 1 to the North Carolina-South Carolina State line (except points in Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain, and Transylvania Counties). The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11196 Filed 4-28-75;8:45 am]



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TUESDAY, APRIL 29, 1975
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PART II

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Assistant Secretary for Housing Production and Mortgage Credit

■

# SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM; SUBSTANTIAL REHABILITATION

V 40 183 APR 29 75 XUM V



Title 24—Housing and Urban Development

to provide assistance payments with re-

8. Many comments proposed that the



13. Comments objected to the requirement of § 880.117(b) that the Owner

This prohibition is retained in order to avoid the conflict of interest which

competitive ranking and selection have been retained to provide an opportunity

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–75–304]

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM—NEW CONSTRUCTION

The Department of Housing and Urban Development (HUD), gave notice on December 30, 1974, at 39 FR 45169 that it was amending Title 24 of the Code of Federal Regulations by adding a new Part 1273 to Chapter VIII, effective January 1, 1975.

HUD is renumbering all Parts of Chapter VIII. The regulations below change from Part 1273 to Part 880. All references below are to the new Part numbers.

Part 880 sets forth the essential elements of the Housing Assistance Payments Program for New Construction, including the roles and responsibilities of HUD, public housing agencies (PHAs), developers, Owners and Eligible Lower- and Very Low-Income Families, the basis for determining the amount of housing assistance payments, and the prescribed contracts.

Proposed regulations for the Section 8 New Construction Program were published for comment on November 19, 1974. The comment period was limited to fifteen days because of the statutory requirement that the regulations be made effective by January 1, 1975. In the December 30, 1974, publication of the final regulations HUD solicited additional comments for a period of 30 days.

HUD has received 15 responses to the December 30, 1974, publication. All comments were carefully considered and changes have been made to the regulations, as set forth below, based on these and earlier comments. A discussion of the principal changes and of the more recurrent and significant comments is set forth below. It includes comments in response to the November 19, 1974, publication and the December 30, 1974, publication.

1. To facilitate understanding and referencing, §§ 1273.103 (Basic Policies) and 1273.218 (Project Operation) have been renumbered to give separate section numbers to the paragraphs within them (see §§ 880.103–880.123 and 880.218–880.227, respectively).

2. Some comments pertained to other regulations. For example, comments concerning Fair Market Rents pertain to regulations relating to such rents, 24 CFR Part 888. Similarly, comments concerning computation of income for purposes of determining eligibility and amount of Gross Family Contribution pertain to the regulations concerning these determinations, 24 CFR Part 889.

3. Comments objected to the definition of "new construction," as set forth in § 880.101(b), as being too restrictive. Some urged that recently-completed housing be eligible under Part 880 provided that no more than 40 percent of the units are occupied. HUD's authority to provide assistance payments with respect to newly-constructed housing is limited by section 8(b)(2) of the United States Housing Act of 1937 (USHAct), which states, "the Secretary is authorized to make assistance payments pursuant to contracts with owners or prospective owners who agree to construct or substantially rehabilitate housing." (emphasis added). Under this provision, housing which is not constructed pursuant to an Agreement to Enter into a Housing Assistance Payments Contract (Agreement) may not be eligible under Part 880. Such housing may be eligible, however, under the Section 8 Existing Housing Program, 24 CFR Part 882, which provides for the use of recently-completed housing under certain circumstances (see 24 CFR, § 882.125).

4. A definition of "Minimum Property Standards" for New Construction has been added to § 880.102. The term means HUD's Minimum Property Standards or others which the Secretary finds are equivalent to or exceed HUD's standards.

5. Many comments argued that § 880.105(a) should be modified to provide for a separate fee to the Owner for the cost of administration. These comments pointed out that the owner has additional administrative responsibilities, such as making determinations of Family eligibility and amount of the Gross Family Contribution, beyond his management and maintenance duties, which should be compensated for. In HUD's opinion, the Owner should meet all of his costs on the basis of Contract Rents comparable to rents charged for unassisted units. Although an Owner may have duties under this program which exceed those for unassisted housing, he has compensating advantages in payment assurances provided for temporary vacancies, long-term commitments covering increases in costs, and reliability of housing assistance payments backed up by the commitment of the U.S. Government.

6. Comments suggested that additional assurances should be provided in §§ 880.105 and 880.106 concerning increases in housing assistance payments. The sections have been revised so that whenever a HUD-approved estimate of required housing assistance payments for a fiscal year exceeds the maximum commitment under the Housing Assistance Payments Contract (Contract) or the Annual Contributions Contract (ACC), respectively, and would cause the amount in the Project Account to be less than 40 percent of the maximum commitment, HUD will take additional steps authorized by section 8(c)(6) of USHAct to assure that housing assistance payments will be increased within a reasonable period of time.

7. Comments recommended that the 60-day limit on payments to Owners for vacant units (see §§ 880.107(b) and 880.107(c)) be eliminated. The limit is required by section 8(c)(4) of the USH Act which states, "• • • payments may be made with respect to unoccupied units for a period not exceeding 60 days."

8. Many comments proposed that the amount of housing assistance payments for vacant units be increased from 80 to 100 percent of the Contract Rent for such units. Some comments challenged the legal authority of HUD to limit the payments and others expressed doubt that the Contract would provide adequate security without 100 percent coverage. In the regulations published on December 30, 1974, HUD responded to similar prior comments by increasing the percentage from 70 to 80. Section 8(c)(4) of the USH Act does not require assistance payments for vacant units, but only authorizes such payments as permissible. Therefore HUD should attempt to implement this provision with the least amount of Federal expenditure. HUD has concluded that a further increase would reduce the incentive of the Owner to keep the Contract units under lease and is not necessary to provide adequate security to the Owner.

9. Section 880.108(b), which deals with the reasonableness of initial Contract Rents, has been modified to indicate that where tax-exempt financing is used, Contract Rents may be reduced appropriately to reflect any resulting savings. The interest savings from the tax-exempt financing is the result of favorable tax treatment by the Federal Government which provides the subsidy. Section 880.108(c), which related to Contract Rents for HUD-insured projects, has been deleted (see also paragraphs 21 and 22(b) of this preamble).

10. Comments objected to the fact that the Contract term with respect to a project owned by, or financed by a loan guarantee from, a State or local agency could be limited to less than 40 years, the maximum authorized under section 8 for such a project. The comments pointed out that such a limitation could make financing difficult to obtain. In response to these comments, § 880.109(b) has been modified to provide that the total Contract term for such projects will be related to the term of the financing, not to exceed 40 years for any dwelling unit.

11. Some comments argued that the provision which authorizes special additional adjustments, § 880.110(c), is too restrictive of the types of costs for which adjustments may be provided. Some comments proposed that special additional adjustments cover all costs not covered by the automatic annual adjustments. The statutory authority for these adjustments (section 8(c)(2)(B) of the USH Act) is restricted to "real property taxes, utility rates or similar costs." The regulations also limit special adjustments to real property taxes, utilities and similar costs and defines "similar costs" to mean "assessments, and utilities not covered by regulated rates." This definition is consistent with the types of costs specifically enumerated in the statutory provision.

12. In response to comments, HUD has eliminated the provision in § 880.111(a) that housing developed for use in this program should correspond to the predominant housing structure and density patterns of the locality.





13. Comments objected to the requirement of § 880.117(b) that the Owner maintain at least 30 percent occupancy of Contract units by Very-Low Income Families. It was suggested that the requirement be eliminated at least for small projects and not be applied on a project-by-project basis. Section 8(c)(7) of the USHAct requires that 30 percent of the Families assisted under section 8 be Very-Low Income Families. Flexibility is permitted for projects developed under the Housing Finance and Development Agencies Program, 24 CFR Part 883, in which the required percentage may vary among projects provided the average for all projects administered by the agency is 30 percent. For projects under the other section 8 programs, the only administratively feasible method of complying with the statute is to apply the 30 percent requirement to each project.

14. Several comments objected that the definitions of "large family" and "very large family", as used in § 880.118 for purposes of identifying those Families for whom housing assistance payments will equal the difference between 15 percent of gross income and the Gross Rent, is too restrictive. The term "large family" is defined as a family which includes six or more minors (other than head of household or the spouse) and the term "very large family" is defined as a family which includes eight or more such members. The comments indicated concern that Families which do not fall within one of these defined categories may be required to pay 25 percent of their gross income toward Gross Rent. This concern is based upon a misunderstanding. HUD has published separate interim regulations covering the determination of Gross Family Contribution (see 40 FR 15541; 24 CFR Part 889). These regulations provide for allowances based on the number of minors (and other factors) to be deducted from the Family's income and for determining the amount of contribution by applying a percentage (25 percent) to the income after making this deduction. Consequently, the amount of the required Gross Family Contribution will take into account the number of minors. The minimum amount will be 15 percent of the Family income before allowances. Many families which do not fall within one of the categories for which a 15 percent contribution rate is required by the USH Act will qualify for the 15 percent rate under this method. Therefore, HUD has limited the definitions of Families who automatically qualify for the 15 percent rate to those in extremely difficult circumstances. HUD believes that this method provides the needed flexibility for differences in size of Family, is administratively feasible, and is responsive to the statutory requirements.

15. Many comments objected to § 880.119(b), the provisions which prohibit the entity which is responsible for administering the Contract (e.g., the PHA in the case of a Private-Owner/PHA Project) from performing the management and maintenance for the same projects. This prohibition is retained in order to avoid the conflict of interest which would exist if the entity which is the Contract administrator, and therefore responsible for enforcement of compliance with management and maintenance requirements, were itself the entity whose compliance must be evaluated and enforced. The regulations pursuant to § 880.124(b) permit the conversion of a Private-Owner/PHA Project to a Private-Owner Project (i.e., the transfer of the responsibility of administering the Contract from the PHA to HUD). After such conversion, the PHA would no longer be precluded from providing management and maintenance services.

16. New §§ 880.120(b) and 880.121(b) have been added to clarify (a) the rights of HUD and, where appropriate, the rights and obligations of the PHA for determinations of Owner defaults under the Contract and the taking of corrective action, and (b) in the case of a Private-Owner/PHA Project, the rights of the Owner in the event of failure of the PHA to comply with the Contract. (See also Sections 2.16 and 2.17 of the ACC and Sections 2.7 and 2.9 of the Contract.)

17. A new § 880.125, relating to projects for which the interim and permanent financing is provided by a public agency or other entity from the proceeds of the sale of bonds or notes, has been added. This section requires HUD approval of financing documents and submission of certifications by the financing agency concerning, among other things, the projected borrowing and lending rates and the spread, if any, between these rates. It also requires the financing agency to certify that any spread between the actual borrowing and lending rates will be no greater than the projected spread nor greater than the spread allowed for the borrowing as a whole under applicable Department of Treasury regulations regarding arbitrage or applicable HUD regulations under section 11(b) of the USHAct. The financing agency must also certify that the terms of financing, amount of obligations issued with respect to the project, and use of funds raised will be in compliance with applicable Treasury and HUD regulations. Section 880.125 also requires recoupment of savings in financing cost to the Owner where the interest cost of the interim financing is less than the anticipated cost of the debt service under the permanent financing. It requires reduction in the Contract Rents where the amount of actual debt service is lower than the anticipated debt service on which the Contract Rents were based; and it clarifies the status of the Contract in the event of foreclosure and assignment or sale.

18. Comments suggested that the procedures under which Preliminary Proposals are invited and selected (see §§ 880.203–880.208) be changed so that HUD may negotiate with developers without advertising for proposals and making selections on a competitive basis. The provisions requiring the published Invitation for Preliminary Proposals and competitive ranking and selection have been retained to provide an opportunity for all interested parties to submit Preliminary Proposals, to encourage the submission of approvable Proposals with reasonable Contract Rents, and to provide a broad range of Proposals from which those which best satisfy the goals of the section 8 program may be selected.

19. A new § 880.203(d) permits selection of an Owner for a site that has been predetermined or preapproved by HUD as a site specifically designated for a section 8 project, such as an urban renewal site identified for such use.

20. Sections 880.204(c)(14) and 880.208(g)(3) have been modified to permit an Owner to submit, simultaneously with the submission of the Preliminary Proposal or at any time prior to Notification of Selection or Nonselection, a Final Proposal or a Final Proposal and the architect's certification (in accordance with § 880.211(b)).

21. Section 880.207(a), which concerns processing of a HUD–FHA mortgage insurance application in advance of the section 8 Preliminary and Final Proposals, has been modified so that the Contract Rents which may be approved for the section 8 program will at least equal the previously approved rents which were used in processing the mortgage insurance application.

22. Section 880.207(b) which concerns concurrent processing of HUD–FHA mortgage insurance applications and section 8 Preliminary and Final Proposals has been modified (a) to permit the submission of an application for Firm Commitment (in lieu of the Conditional Commitment) under the applicable mortgage insurance program, with the Final Proposal; and (b) so that the rents of those units scheduled for assisted occupancy, when projected for the purpose of determining a mortgage limitation based on the debt service criteria, may be less than but may not exceed the Contract Rents set forth in the approved Final Proposal.

23. Section 880.208(a), which sets forth procedures for initial screening of Preliminary Proposals by HUD, has been clarified and modified to permit rejection without further evaluation if the Preliminary Proposal does not include or is deficient in identification of the proposed site, description of the proposed housing, or the proposed Contract Rents.

24. Section 880.209(a)(2), relating to contents of Final Proposal, has been revised to permit general floor plan and elevation drawings at a scale of ⅛ inch per foot rather than ¼ inch per foot.

25. Section 880.215(c), relating to changes from the approved Final Proposal, has been revised so that changes or modifications required by changes in local codes or ordinances, subsequent to the execution of the Agreement, may be reflected in increases in the Contract Rents if HUD approval is obtained prior to incorporation of such changes in the project.

A Finding of Inapplicability with respect to the National Environmental



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Policy Act of 1969 has been made with

Part and if the Owner certifies and



Lower-Income Family. A family whose

Policy Act of 1969 has been made with respect to these regulations. A copy of this finding is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

These regulations are effective April 29, 1975.

Accordingly, 24 CFR Part 880 is amended by revising the title to read as set forth above and by amending the entire text to read as follows:

**Subpart A—Applicability, Scope and Basic Policies**


Sec.
880.101 Applicability and scope.
880.102 Definitions.
880.103 Demonstration of need for new construction projects; compliance with Section 213 of HGD Act.
880.104 Preference for certain types of projects.
880.105 Maximum total Annual Contract Commitment and Project Account (Private-Owner or PHA-Owner Projects).
880.106 Maximum total ACC Commitment and Project Account (Private-Owner/PHA Projects).
880.107 Housing assistance payments to owners.
880.108 Initial Contract Rents.
880.109 Term of Housing Assistance Payments Contract.
880.110 Rent adjustments.
880.111 Types of housing and property standards.
880.112 Site and neighborhood standards.
880.113 Relocation.
880.114 Other Federal requirements.
880.115 Financing.
880.116 Security and utility deposits.
880.117 Establishment of Income Limit Schedules; 30 Percent Occupancy by very Low-Income Families.
880.118 Establishment of amount of Housing Assistance Payments.
880.119 Responsibilities of the Owner.
880.120 Responsibility for Contract Administration, and Defaults (Private-Owner and PHA-Owner Projects).
880.121 Responsibility for Contract Administration, and Defaults (Private-Owner/PHA Projects).
880.122 Rights of Owner if PHA Defaults under Agreement (Private-Owner/PHA Projects).
880.123 Separate Project requirement.
880.124 Conversions.
880.125 Projects financed with proceeds from sale of Bonds or Notes.

Subpart B—Project Development and Operation

880.201 Allocations of Contract Authority to Field Offices.
880.202 Determination of number and types of units to be assisted.
880.203 Invitations for preliminary proposals.
880.204 Contents of Developer's Packet.
880.205 Contents of Preliminary Proposal.
880.206 Submission of Preliminary Proposals.
880.207 Proposals involving HUD-FHA Mortgage Insurance.
880.208 Screening and Evaluation of Preliminary Proposals.
880.209 Final Proposals.
880.210 Evaluation of Final Proposals.
880.211 Owner's acceptance of notification and submission of Architect's Certification.
880.212 Annual Contributions Contract and Agreement (Private-Owner/PHA Projects).
880.213 Submission of estimates of required Annual Contributions (Private-Owner/PHA Projects).
880.214 Preparation and execution of Agreement (Private-Owner and PHA-Owner Projects).
880.215 Construction period.
880.216 Project completion.
880.217 Execution of Housing Assistance Payments Contract.
880.218 Marketing.
880.219 Lease requirements.
880.220 Termination of tenancy.
880.221 Maintenance, operation and inspections.
880.222 Reexamination of Family Income, Composition, and extent of exceptional medical or other unusual expenses.
880.223 Overcrowded and underoccupied units.
880.224 Adjustment of allowance for utilities and other services.
880.225 Continued Family Participation.
880.226 Inapplicability of Low-Rent Public Housing Model Lease and Grievance Procedures.
880.227 Reduction of number of Contract Units for failure to lease to Eligible Families.
880.228 HUD review of Contract Compliance.
880.229 PHA reporting requirements. [Reserved]


APPENDICES

NOTE—Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD New Construction Handbook.

I. Agreement to enter into Housing Assistance Payments Contract-Private-Owner or PHA-Owner Project.
II. Housing Assistance Payments Contract-Private-Owner or PHA-Owner Project.
III. Annual Contributions Contract-Private-Owner/PHA Project.
IV. Agreement to enter into Housing Assistance Payments Contract-Private-Owner/PHA Project.
V. Housing Assistance Payments Contract-Private-Owner/PHA Project.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Sec. 5(b), U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f)

**Subpart A—Applicability, Scope and Basic Policies**

**§ 880.101 Applicability and scope.**

(a) The policies and procedures contained herein are applicable to the making of Housing Assistance Payments on Behalf of Eligible Families leasing newly constructed housing pursuant to the provisions of section 8 of the U.S. Housing Act of 1937 ("Act").

(b) For the purpose of this part, "new construction" shall mean newly constructed housing for which, prior to the start of construction, an Agreement to Enter into Housing Assistance Payments Contract is executed between the Owner and the Department of Housing and Urban Development ("HUD") or the Public Housing Agency. However, housing already under construction may be eligible for participation if all subsequent actions are in compliance with this Part and if the Owner certifies and demonstrates to the satisfaction of HUD that:

(1) At the date of application to HUD, a substantial amount of construction (generally at least 25 percent) remains to be completed; and

(2) At the date of application to HUD, the project cannot be completed without a commitment for assistance under this Part; and

(3) At the time construction was initiated, all of the parties reasonably expected that the project would be completed without assistance under this Part.

(c) Conversions of section 23 projects to the section 8 program will be permitted where appropriate, provided that all parties (including HUD) agree to the terms and conditions.

**§ 880.102 Definitions.**

*Agreement to enter into Housing Assistance Payments Contract ("Agreement").* (a) In the case of a Private-Owner Project or a PHA-Owner Project, a written agreement between the Owner and HUD that, upon satisfactory completion of the housing in accordance with the HUD-approved Final Proposal, HUD will enter into a Housing Assistance Payments Contract with the Owner. (See Appendix I to this part.)

(b) In the case of a Private-Owner/PHA Project, a written agreement between the private Owner and the PHA, approved by HUD, that, upon satisfactory completion of the housing in accordance with the HUD-approved Final Proposal, the PHA will enter into a Housing Assistance Payments Contract with the private Owner. (See Appendix IV to this part.)

*Allowance for utilities and other services ("Allowance").* An amount determined or approved by HUD as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. In the case of a proposal under which the Families must pay directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

*Annual Contributions Contract ("ACC").* In the case of a Private-Owner/PHA Project, a written agreement between HUD and the PHA to provide annual contributions to the PHA with respect to the project. (See Appendix III to this part.)

*Contract.* See definition of Housing Assistance Payments Contract.

*Contract Rent.* The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

*Decent, Safe, and Sanitary.* Housing is Decent, Safe, and Sanitary at project completion if the dwelling units and related facilities are accepted by HUD as





meeting the requirements of the Agreement. (See § 880.216.) Housing continues to be Decent, Safe, and Sanitary if it is being maintained in a condition substantially the same as that on acceptance, in all pertinent respects, including the following:

(a) Condition of the exterior (including the grounds) and the interior of the structure and of the housing unit;

(b) Operating condition of sanitary facilities and of solid and liquid waste disposal facilities;

(c) Operating condition of kitchen facilities, including range and refrigerator, sink, and space for storage of food and for storage of utensils and dishes;

(d) Operating condition of heating, lighting and ventilating equipment and/or other facilities; and

(e) Size, number of rooms, and furnishability in relation to the size and type of Family in occupancy in accordance with any applicable State or local codes.

*Eligible Family ("Family").* A Family which qualifies as a Lower-Income Family and which meets the other requirements of the Act and this part. The term Family includes an elderly, handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

*Fair Market Rent.* (a) The rent, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately developed and owned, newly constructed rental housing of modest (non-luxury) nature with suitable amenities and sound architectural design meeting the objectives of the HUD Minimum Property Standards.

(b) Separate Fair Market Rents will be established for dwelling units by various sizes (number of bedrooms) and types (e.g., elevator, row, detached, mobile homes; housing designed for the elderly or handicapped shall be a separate type for this purpose).

(c) The Fair Market Rents will be published in the FEDERAL REGISTER, and, in order to allow for the period of construction, computation of the published Fair Market Rents will include HUD's estimate of anticipated rent increases during an appropriate future period as stated in the publication. Accordingly, for any given project for which the scheduled construction time will be less than such future period, an appropriate reduction will be made in determining the approvable Contract Rent.

(d) The Fair Market Rent, minus the amount of any applicable Allowance for Utilities and Other Services payable directly by the Family, shall be the maximum amount that can be approved as the Contract Rent, except that the maximum approvable amount may be lower as stated in paragraph (c) of this definition and may be higher or lower as provided in § 880.108.

*Final Proposal.* A proposal to provide newly constructed housing submitted in response to a HUD notification of selection of Preliminary Proposal.

*Gross Family Contribution.* The portion of the Gross Rent payable by an Eligible Family, i.e., the difference between the amount of the housing assistance payment payable on behalf of the Family and the Gross Rent.

*Gross Rent.* The Contract Rent plus any Allowance for Utilities and Other Services.

*HCD Act.* The Housing and Community Development Act of 1974.

*Housing Assistance Payments Contract ("Contract").* (a) In the case of a Private-Owner Project or a PHA-Owner Project, a written contract between the Owner and HUD for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix II to this part.)

(b) In the case of a Private-Owner/PHA Project, a written contract between the private Owner and the PHA, approved by HUD, for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix V to this part.)

*Housing Assistance Payment on Behalf of Eligible Family.* The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 880.118.)

*HUD.* The Department of Housing and Urban Development or its designee.

*Income.* Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

*Invitation for Preliminary Proposals—New Construction ("Invitation for Preliminary Proposals").* A notice published by HUD inviting the submission of Preliminary Proposals in accordance with this Part. (See Sec. 880.203.)

*Lease.* A written agreement between an Owner and an Eligible Family for the leasing of a Decent, Safe, and Sanitary dwelling unit in accordance with the applicable Contract, which agreement is in compliance with the provisions of this Part.

*Local Housing Assistance Plan.* A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan which contains the elements set forth in section 104(a)(4) of the HCD Act and which is approved by the Secretary as meeting the requirements of section 213 of that Act.

*Lower-Income Family.* A family whose Income does not exceed 80 percent of the median Income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish Income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low Incomes, or other factors.

*Minimum Property Standards.* HUD Minimum Property Standards or standards which the Secretary finds are equivalent to or exceed such HUD standards.

*New Communities.* New community developments approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

*Owner.* Any private person or entity, including a cooperative, or a PHA, having the legal right to lease or sublease newly constructed dwelling units.

*PHA-Owner Proposal and PHA-Owner Project.* A proposal for a project under this Part (and the resulting project) to be owned by a PHA throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the PHA and HUD.

*Preliminary Proposal.* A proposal to provide newly constructed housing submitted in response to a HUD Invitation for Preliminary Proposals.

*Private-Owner/PHA Proposal and Private-Owner/PHA Project.* A proposal for a project under this Part (and the resulting project) to be owned by a private Owner throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the private Owner and the PHA pursuant to an ACC between the PHA and HUD.

*Private-Owner Proposal and Private-Owner Project.* A proposal for a project under this Part (and the resulting project) to be owned by a private Owner throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the private Owner and HUD.

*Project Account.* The account established and maintained in accordance with §§ 880.105 or 880.106.

*Public Housing Agency ("PHA").* Any State, county, municipality, or other governmental entity or public body, (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families.

*Secretary.* The Secretary of Housing and Urban Development.

*Very Low-Income Family.* A family whose Income does not exceed 50 percent of the median Income for the area, as determined by HUD, with adjustments for smaller or larger families.

**§ 880.103 Demonstration of need for new construction projects; compliance with Section 213 of HCD Act.**

(a) New construction projects shall be permitted only where: (1) HUD determines that there is not and there is not



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likely soon to be an adequate supply of



ments with respect to vacant units under shorter term shall be determined by veloped for elderly disabled or handicap-

likely soon to be an adequate supply of existing housing which, with the aid of housing assistance payments provided under the Section 8 Housing Assistance Payments Program—Existing Housing, can meet the needs of Eligible Families, or (2) the proposed project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary including priorities for New Communities.

(b) No proposal for section 8 housing may be approved unless HUD requirements implementing sections 213(a), (b), and (c) of the HCD Act have been satisfied.

**§ 880.104 Preference for certain types of projects.**

(a) *20 Percent Projects.* Assistance payments may be made with respect to up to 100 percent of the dwelling units in any structure or project. However, within the category of projects that are not designed for use primarily by the elderly and the handicapped and which involve the construction of more than 50 units, a preference will be provided for projects in which housing assistance will be limited to 20 percent or less of the units. (See § 880.108(e)(1).)

(b) *Three or more bedroom Projects.* Where the need for dwelling units of three or more bedroom size ("large dwelling units") is shown, each HUD field office shall be responsible, to the extent feasible, for inviting and selecting proposals which in the aggregate will achieve the goal of providing a number of large dwelling units equal to at least 20 percent of all the assisted units approved under the Section 8 Housing Assistance Payments Program, without undue concentration of such large dwelling units in any one location.

**§ 880.105 Maximum total Annual Contract Commitment and Project Account (Private-Owner or PHA-Owner Projects).**

(a) *Maximum Total Annual Contract Commitment.* The maximum total annual housing assistance payments that may be committed under the Contract shall be the total of the Gross Rents for all the Contract units in the project.

(b) *Project Account.* In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum annual Contract commitment per year exceeds amounts paid under the Contract for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the purposes of (i) housing assistance payments, and (ii) other costs specifically authorized or approved by the Secretary.

(2) Whenever a HUD-approved estimate of required housing assistance payments for a fiscal year exceeds the maximum annual Contract commitment, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum annual Contract commitment, HUD shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

**§ 880.106 Maximum Total ACC Commitment and Project Account (Private-Owner/PHA Projects).**

(a) *Maximum Total ACC Commitment.* The maximum total annual contribution that may be contracted for in the ACC for a project shall be the total of the Gross Rents for all the Contract units in the project, plus a fee for the regular costs of PHA administration. HUD-approved preliminary costs for administration (including administrative costs in connection with PHA activities related to relocation of occupants) shall be payable out of this total.

(b) *Project Account.* In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum ACC commitment per year exceeds amounts paid under the ACC for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the purposes of (i) housing assistance payments and (ii) other costs specifically authorized or approved by the Secretary.

(2) Whenever a HUD-approved estimate of required Annual Contribution exceeds the maximum ACC commitment then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum ACC commitment, HUD shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

**§ 880.107 Housing assistance payments to owners.**

(a) *General.* Housing assistance payments shall be paid to Owners for units under lease by Eligible Families, in accordance with the Contract and as provided in this section. These housing assistance payments will cover the difference between the Contract Rent and the portion of said rent payable by the Family as determined in accordance with the HUD-established schedules and criteria. No section 8 assistance may be provided for any unit occupied by an Owner; however, cooperatives are considered rental housing rather than owner-occupied housing for this purpose.

(b) *Vacancies During Rent-up.* If a Contract unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, in accordance with the procedure set forth in § 880.217(b): *Provided,* That the Owner (1) commenced marketing and otherwise complied with § 880.215(f), (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to HUD or the PHA, as the case may be.

(c) *Vacancies After rent-up.* (1) If an Eligible Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days; *provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct. (See also § 880.116.) The Owner shall not be entitled to any payment under this paragraph (c)(1) unless he: (i) Immediately upon learning of the vacancy, has notified HUD or the PHA, as the case may be, of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs (b)(2) and (b)(3) of this section.

(2) If the Owner evicts an Eligible Family, he shall not be entitled to any payment under paragraph (c)(1) of this section unless the request for such payment is supported by a certification that (i) he gave such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it had 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction was not in violation of the Lease or the Contract or any applicable law.

(d) *Prohibition of double compensation for vacancies.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 880.116).





**§ 880.108 Initial Contract Rents.**

(a) *Fair Market Rent Limitation.* The sum of the initial Contract Rents and any Allowances for Utilities and Other Services shall not exceed the Fair Market Rents for newly constructed rental housing, except that they may be exceeded (1) by up to 10 percent if the field office director determines that special circumstances warrant such higher rents and the higher rents meet the test of reasonableness in paragraph (b) of this section, or (2) by up to 20 percent, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan, and that such higher rents meet the test of reasonableness in paragraph (b) of this section.

(b) *Reasonableness of Rents.* In any case, the Contract Rents as proposed must be determined by HUD to be reasonable in relation to the quality, location, amenities, and management and maintenance services of the project, and proposed rents shall be subject to reduction if they are found to be higher than such reasonable rents. Appropriate reductions to reflect any savings where tax-exempt financing is involved may be made.

**§ 880.109 Term of Housing Assistance Payments Contract.**

(a) A Contract may be for an initial term of not more than five years, with an option solely in the Owner to renew for additional terms of not more than five years each, provided that the total Contract term, including renewals, shall not exceed 20 years for any dwelling unit.

(b) In the case of a Contract under which housing assistance payments are made with respect to a project owned by, or financed by a loan or loan guarantee from, a State or local agency, the total Contract term may be equal to the term of such financing but may not exceed 40 years for any dwelling unit.

(c) In the case of mobile homes, the initial Contract term for any mobile home shall be for not more than five years, subject to renewal for additional terms of not more than five years each, as may be mutually agreed upon by the Owner and HUD or, in the case of a Private-Owner/PHA Project, by the Owner and the PHA with the approval of HUD: *Provided,* That the total Contract term for any mobile home shall not exceed 20 years. For purposes of this paragraph (c), the term "mobile home" means the original mobile home and any replacement(s), combined. In the case of any project under this paragraph (c), notwithstanding the maximum total allowable term per unit stated therein, a shorter term shall be determined by HUD where appropriate, taking into account the amount of the capital expenditures reasonably required for the project, the reasonable period and rate of amortization for the financing, and the approved rents to the Owner.

(d) If the project is completed in stages, the dates for the initial and the renewal terms shall be separately related to the units in each stage: *Provided, however,* That the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, may not exceed the overall maximum term allowable for any one unit, plus two years.

**§ 880.110 Rent adjustments.**

(a) *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this paragraph, up to the maximum amount authorized under the Contract. (See §§ 880.105 and 880.106.)

(b) *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by HUD at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by HUD where utilities are paid directly by Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by HUD. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the Contract Rents on the effective date of the Contract.

(c) *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to HUD financial statements which clearly support the increase.

(d) *Overall Limitation.* Notwithstanding any other provisions of this part, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by HUD.

**§ 880.111 Types of Housing and Property Standards.**

(a) Newly constructed single-family houses, mobile homes and multifamily structures may be utilized in this program. Congregate housing may be developed for elderly disabled, or handicapped Families and individuals. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. High-rise elevator projects for Families with children may not be utilized unless HUD determines there is no practical alternative.

(b) Participation in this program requires compliance with (1) Minimum Property Standards, (2) in the case of mobile homes, the American National Standards Institute Standard No. A-119.1, or applicable State standards, in accordance with applicable HUD regulations as to certification and standards issued pursuant to Title I of the National Housing Act, 24 CFR 201.520-1, (3) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (4) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly or handicapped, (5) HUD requirements pertaining to noise abatement and control, and (6) applicable State and local laws, codes, ordinances, and regulations.

**§ 800.112 Site and Neighborhood Standards.**

Proposed sites for new construction projects must be approved by HUD as meeting the following standards:

(a) The site shall be adequate in size, exposure and contour to accommodate the number and type of units proposed; and adequate utilities (water, sewer, gas and electricity) and streets shall be available to service the site.

(b) The site and neighborhood shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

(c) The site shall not be located in:

(1) An area of minority concentration unless (i) sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration, or (ii) the project is necessary to meet overriding housing needs which cannot otherwise feasibly be met in that housing market area. (An "overriding need" may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color, religion, creed, sex, or national origin renders sites outside areas of minority concentration unavailable.)

(2) A racially mixed area if the project will cause a significant increase in the proportion of minority to nonminority residents in the area.

(d) The site shall promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

(e) The site shall be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank back-ups, sewage hazards,



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families qualify as Lower-Income Fami-

plicable Allowance for Utilities and Other

part, as directed by HUD). HUD may

or mudslides; harmful air pollution, smoke or dust; excessive noise, vibration, or vehicular traffic; rodent or vermin infestation; or fire hazards. The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable elements predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

(f) The site shall comply with any applicable conditions in the Local Housing Assistance Plan, approved by HUD.

(g) The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unsubsidized, standard housing of similar market rents.

(h) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, shall not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(i) The project may not be built on a site which has occupants unless the relocation requirements referred to in § 880.113 are met.

(j) The project may not be built in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

### § 880.113 Relocation.

(a) In the evaluation or selection of Preliminary Proposals, consideration shall be given to whether there are site occupants who would have to be displaced, whether there is a feasible plan for relocation of site occupants, the degree of hardship which displacement might cause, and the availability of funding for relocation payments and assistance. Greater weight shall be given to proposals which do not require displacement, or, where displacement is required, which will involve the least amount of hardship.

(b) In the case of a PHA-Owner Project, no Agreement shall be executed for housing which is to be constructed on a site which has occupants unless the Agreement provides that, pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the PHA undertakes liability for (1) the provision of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Act; (2) the provision of relocation assistance programs offering the services described in section 205 of the Act; and (3) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons. The Agreement shall provide that the PHA will provide full funding for the required relocation payments and assistance unless other commitments, satisfactory to HUD, have been made for the funding of such payments and assistance. (In the case of a Private-Owner Project or a Private Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

### § 880.114 Other Federal requirements.

(a) *Equal Opportunity requirements.* Participation in this program requires compliance with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and section 3 of the Housing and Urban Development Act of 1968; and (2) all rules, regulations, and and requirements issued pursuant thereto.

(b) *National Environmental Policy Act.* Participation in this program requires compliance with the National Environmental Policy Act and all rules, regulations, and requirements issued pursuant thereto.

(c) *Clean Air Act and Federal Water Pollution Control Act.* Participation in this program requires compliance with the Clean Air Act and the Federal Water Pollution Control Act and all rules, regulations, and requirements issued pursuant thereto.

(d) *Davis-Bacon Wage Rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any new construction project with nine or more assisted units.

### § 880.115 Financing.

(a) *Types.* Any type of financing may be utilized, including, but not limited to, the types listed below.

(1) Conventional loans from commercial banks, savings banks, savings and loan associations, pension funds, insurance companies or other financial institutions.

(2) Mortgage insurance programs under the National Housing Act (see § 880.207). (With respect to any obligation secured by a mortgage insured under section 221(d)(3) of the National Housing Act and issued by a public agency as mortgagor in connection with the financing of a project assisted under section 8, the interest paid on such obligation shall be included in gross income for purposes of Chapter I of the Internal Revenue Code of 1954.)

(3) Section 202 of the Housing Act of 1959.

(4) Title V of the Housing Act of 1949.

(5) Financing by tax-exempt bonds or other obligations. Where the project is owned by a non-profit corporation which is an agency or instrumentality of a PHA, and the financing is provided by the nonprofit corporation or the PHA, the project will be considered as a PHA-Owner Project.

(b) *Use of Contract as Security for Financing.* (1) An Owner may pledge, or offer as security for any loan or obligation, an Agreement or Contract entered into pursuant to this part: *Provided, however,* That such security is in connection with a project constructed pursuant to this part, and the terms of the financing or any refinancing have been approved by HUD. It is the Owner's responsibility to request such approval in sufficient time before he needs the financing to permit review of the method and terms of the financing and the instrument of pledge, offer or other assignment that HUD is requested to approve. Where the methods and terms of financing require, the Contract Rents may be reduced in accordance with § 880.108(b).

(2) Any pledge of the Agreement, Contract, or ACC, or payments thereunder, shall be limited to the amounts payable under the Contract or ACC in accordance with its terms.

(3) In the event of foreclosure, including foreclosure by HUD, and in the event of assignment or sale agreed to by HUD or made to HUD, housing assistance payments shall continue in accordance with the terms of the Contract.

### § 880.116 Security and utility deposits.

(a) An Owner may require Families to pay a security deposit in an amount equal to one month's Gross Family Contribution. If a Family vacates its unit, the Owner, subject to State and local laws, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from HUD or the PHA, as appropriate, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(b) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(c) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

### § 880.117 Establishment of income limit schedules; 30 percent occupancy by very low-income families.

(a) HUD will establish schedules of Income limits for determining whether





families qualify as Lower-Income Families and Very Low-Income Families.

(b) In the initial renting of Contract units, the Owner shall lease at least 30 percent to Very Low-Income Families and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of Contract units by Very Low-Income Families.

### § 880.118 Establishment of amount of Housing Assistance Payments.

The amount of Housing Assistance Payment on Behalf of Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (a) no less than 15 percent nor more than 25 percent of the Family's Income and (b) the Gross Rent, taking into consideration the Income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large Very Low-Income Family or a very large Lower-Income Family or a Family with exceptional medical or other unusual expenses, the amount of the housing assistance payment shall be the difference between 15 percent of the Family's Income and the Gross Rent. The term large Family means a Family which includes six or more minors (other than the head of the Family or spouse). The term very large Family means a Family which includes eight or more minors (other than the head of the Family or spouse).

### § 880.119 Responsibilities of the Owner.

(a) The Owner shall be responsible (subject to post-review or audit by HUD or the PHA, as the case may be) for management and maintenance of the project. These responsibilities shall include but not be limited to:

(1) Payment for utilities and services (unless paid directly by the Family), insurance and taxes;

(2) Performance of all ordinary and extraordinary maintenance;

(3) Performance of all management functions including the taking of applications, selection of Families including verification of Income and other pertinent requirements, and determination of eligibility and amount of Family contribution in accordance with HUD-established schedules and criteria;

(4) Collection of Family rents;

(5) Termination of tenancies, including evictions;

(6) Preparation and furnishing of information required under the Contract;

(7) Reexamination of Family Income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(8) Redeterminations of amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria as a result of an adjustment by the PHA or HUD, as appropriate, of any applicable Allowance for Utilities and Other Services; and

(9) Compliance with equal opportunity requirements.

(b) Subject to HUD approval, any private Owner may contract with any private or public entity to perform for a fee the services required by paragraph (a) of this section, provided that such contract shall not shift any of the Owner's responsibilities or obligations. However, no entity which is responsible for administration of the Contract (for example, a PHA in the case of a Private-Owner/PHA Project) may contract to perform management and maintenance of the project: *Provided, however,* That this prohibition shall not preclude management by the PHA in the event it taken possession as the result of foreclosure or assignment in lieu of foreclosure. (See, however, § 880.124(b) which permits conversion of a Private-Owner/PHA Project to a Private-Owner Project.)

### § 880.120 Responsibility for contract administration, and defaults (private-owner and PHA-owner projects).

(a) *Contract Administration.* HUD is responsible for administration of the Contract. HUD may contract with another entity for the performance of some or all of its Contract administration functions.

(b) *Defaults by Owner.* The Contract shall contain a provision to the effect (1) that if HUD determines that the Owner is in default under the Contract, HUD shall notify the Owner of the actions required to be taken to cure the default and of the remedies to be applied by HUD including abatement of housing assistance payments and recovery of overpayments, where appropriate; and (2) that if he fails to cure the default, HUD has the right to terminate the Contract or to take other corrective action.

### § 880.121 Responsibility for contract administration, and defaults (private-owner/PHA projects).

(a) *Contract Administration.* The PHA is primarily responsible for administration of the Contract, subject to review and audit by HUD.

(b) *Defaults by PHA and/or Owner.* (1) The ACC and the Contract shall contain a provision to the effect that in the event of failure of the PHA to comply with the Contract with the Owner, the Owner shall have the right, if he is not in default, to demand that HUD determine, after notice to the PHA giving it a reasonable opportunity to take corrective action, whether a substantial default exists, and if HUD determines that such a default exists, that HUD assume the PHA's rights and obligations under the Contract and carry out the obligations of the PHA to the Owner.

(2) The ACC shall contain a provision to the effect that if the PHA fails to comply with any of its obligations (including specifically failure to enforce its rights under the Contract, in the event of any default by the Owner, to achieve compliance to the satisfaction of HUD or to terminate the Contract in whole or in part, as directed by HUD), HUD may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that there is a substantial default and require the PHA to assign to HUD all of the PHA's rights and interests under the Contract. In such case, HUD will continue to pay annual contributions in accordance with the terms of the ACC and the Contract.

(3) The Contract shall contain a provision to the effect (i) that if the PHA determines that the Owner is in default under the Contract, the PHA shall notify the Owner, with a copy to HUD, of the actions required to be taken to cure the default and of the remedies to be applied by the PHA including abatement of housing assistance payments and recovery of overpayments, where appropriate; and (ii) that if he fails to cure the default, the PHA has the right to terminate the Contract or to take other corrective action, in its discretion or as directed by HUD. If the PHA is the lender, the Contract shall also provide that HUD has an independent right to determine whether the Owner is in default and to take corrective action and apply appropriate remedies, except that HUD shall not have the right to terminate the Contract without proceeding in accordance with paragraph (b)(2) of this section.

### § 880.122 Rights of owner if PHA defaults under agreement (private-owner/PHA projects).

The ACC and the Agreement shall contain a provision to the effect that in the event of failure of the PHA to comply with the Agreement with the Owner, the Owner shall have the right, if he is not in default, to demand that HUD determine, after notice to the PHA giving it a reasonable opportunity to take corrective action, whether a substantial default exists, and if HUD determines that such a default exists, that HUD assume the PHA's rights and obligations under the Agreement, and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

### § 880.123 Separate project requirement.

(a) In the case of a Private-Owner Project or a PHA-Owner Project, each Agreement and Contract shall constitute a separate project.

(b) In the case of a Private-Owner/PHA Project, such project may not include more than one type of section 8 assistance, shall be processed with a separate ACC List and ACC Part I and shall be assigned a separate project number. All new construction units to be placed under a single Contract shall comprise a separate project. However, the field office director may designate as a single project the units to be covered by two or more such Contracts for new construction projects where:

(1) The units are placed under ACC on the same date; and

(2) Such consolidation is necessary in the interest of administrative efficiency.





### § 880.124 Conversions.

the projected spread nor greater than the spread allowed for the borrowing as

ect is permanently financed, the financ-



gram with respect to new construction by publishing Invitations for Preliminary

and guidelines and shall indicate any modifications of the HUD requirements

(2) HUD regulations and other requirements implementing section 3 of the

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§ 880.124 Conversions.

(a) *Conversion of Private-Owner Project to Private-Owner/PHA Project.* HUD may request the Owner of a Private-Owner Project and an appropriate PHA to agree, if they are willing, to a conversion of any such project to a Private-Owner/PHA Project if HUD determines that such conversion would promote efficient project administration.

(b) *Conversion of Private-Owner/PHA Project to Private-Owner Project.* The private Owner and the PHA, in the case of a Private-Owner/PHA Project, may request HUD to agree to a conversion of any such project to a Private-Owner Project. HUD shall agree to such conversion if it determines it to be in the best interest of the project.

§ 880.125 Projects financed with proceeds from sale of bonds or notes.

(a) *Applicability of this section.* The provisions of this section shall apply where the interim and permanent financing for a project is to be provided by a public agency or other entity including a PHA ("financing agency") from the proceeds of the sale of bonds or notes.

(b) *Submission of Financing Documents to HUD.* (1) Before HUD may approve a Final Proposal which is to be financed in a manner subject to this section, the financing agency shall submit to the appropriate HUD field office or offices copies of the documents relating to the method of financing of the project, such documents to include the bond resolution or indenture, loan agreement, regulatory agreement, note, and mortgage or deed of trust and other related documents, if any, including the "official statement" or "prospectus" if available at that time, or as soon as it is available. After prompt review, HUD shall notify the financing agency that the documents are acceptable or, if unacceptable, shall request clarification or changes. In the event a financing agency which has obtained HUD approval of its financing documents proposes substantive changes in the documents, whether by way of amendment, replacement or supplementation, such changes must be submitted to HUD for prior approval.

(2) The financing agency shall also submit a certification specifying (i) its projected rate (net interest cost) of the borrowing from which funds will be used for financing (interim and permanent) the project, (ii) the projected rate at which interim financing will be provided to the Owner for the project, (iii) the projected capital cost of the project and the projected rate and the term of the permanent financing to be provided to the Owner for the project, (iv) the projected monthly debt service for such permanent financing on which the Contract Rents are based, and (v) the spread, if any, between the projected rate of borrowing and the projected rate of lending to the Owner. The financing agency shall also certify (vi) that the spread, if any, between its actual rate of borrowing and the actual rate of lending to the Owner for the project will not be greater than the projected spread nor greater than the spread allowed for the borrowing as a whole under the Department of Treasury regulations regarding arbitrage if the borrowing is subject to these regulations, or the HUD regulations under section 11 (b) of the United States Housing Act of 1937 (24 CFR, 811.101) if the borrowing is by a PHA under that § 811.101, and (vii) that the terms of the financing, the amount of the obligations issued with respect to the project, and the use of the funds raised will be in compliance with applicable Department of Treasury regulations regarding arbitrage or HUD regulations in § 811.101. The term "spread" means the difference between the net interest cost on financing agency obligations issued in connection with a project and the effective rate of interest (i.e., including the servicing charge) payable by the Owner.

(3) The financing agency shall retain in its files, and make available for HUD inspection, the documentation relating to its financing of section 8 projects, including any certifications of compliance with the applicable Department of Treasury or HUD regulations.

(c) *Recoupment of Savings in Financing Cost.* (1) In the event that the interim financing is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing for any period of three months, after such first year, is less than the anticipated debt service under the permanent financing on which the Contract Rents were based, an appropriate amount reflecting the savings in financing cost shall be credited by HUD to the Project Account pursuant to § 880.105 or § 880.106, as appropriate, and withheld from housing assistance payments to the Owner. If during the course of the same year there is any period of three months in which the financing cost is greater than the anticipated debt service under the permanent financing, an adjustment shall be made so that only the net amount of savings in financing cost for the year is credited by HUD to the Project Account and withheld from housing assistance payments to the Owner as aforesaid (no increased payments shall be made to the Owner on account of any net excess for the year of actual interim financing cost over the anticipated debt service under the permanent financing). Nothing in this paragraph (c) shall be construed as requiring a reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with § 880.110.

(2) The computation and recoupment under this paragraph (c) may be made on an annual or on a quarterly or other periodic basis, but in any event no later than as of the end of each fiscal year; *Provided, however,* That if recoupment is to be made less often than quarterly, the amounts of recoupment shall be computed on at least a quarterly basis and the funds deposited in a special account from which withdrawals may be made only with the authorization of HUD or other entity administering the Contract.

(d) *Adjustment to reflect actual cost of permanent financing.* After the project is permanently financed, the financing agency shall submit a certification as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents, or the Contract Rents currently in effect, shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum ACC or Contract commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

(e) *Use of Contract as security for financing.* (1) An Owner or financing agency may pledge, or offer as security for any loan or obligation, an Agreement or Contract entered into pursuant to this part, and a financing agency may pledge ACC payments as security for housing assistance payments pursuant to the Contract: *Provided, however,* That such security is in connection with a project constructed pursuant to this part, the terms of the financing or any refinancing have been approved by HUD in accordance with this section, and the financing agency has submitted a certification that the terms and conditions of the financing for the particular project are consistent with those specified in the documents which were approved by HUD. Any such pledge shall be limited to the amounts payable under the Contract or ACC in accordance with its terms.

(2) In the event of foreclosure, or assignment or sale to the financing agency in lieu of foreclosure, or in the event of assignment or sale agreed to by the financing agency and approved by HUD (which approval shall not be unreasonably delayed or withheld), housing assistance payments shall continue in accordance with the terms of the Contract.

## Subpart B—Project Development and Operation

§ 880.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the Section 8 Housing Assistance Payments Program for metropolitan areas and for nonmetropolitan areas in conformance with section 213 (d) of the HCD Act.

§ 880.202 Determination of number and types of units to be assisted.

Each field office shall, after considering the contents of any Local Housing Assistance Plans and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing. The field office will also determine an appropriate schedule for advertising for Preliminary Proposals—New Construction.

§ 880.203 Invitations for preliminary proposals.

(a) *Publication.* The HUD field office shall initiate implementation of its program with respect to new construction by publishing Invitations for Preliminary Proposals—New Construction in accordance with the schedule established by the field office. Such publications shall be at least once a week on the same day or days of each of two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which proposals are desired. As promptly as possible, HUD will also notify minority media, business concerns included in HUD's registery of Section 3 businesses for the applicable political jurisdictions, minority organizations involved in housing and community development, and fair housing groups. In addition, to the extent feasible, HUD may notify appropriate PHAs, the chief executive officer of the appropriate unit(s) of general local government, trade journals, and other non-minority media. Copies of each Invitation shall be available in the HUD field office.

(b) *Contents of invitation.* The Invitation shall state the geographic area or areas in which the housing is to be constructed; the number of units in each area; the deadline for receipt of Preliminary Proposals by HUD; such other basic information as the field office may wish to specify; and the fact that detailed information, guidelines, standards and procedures are contained in a Developer's Packet which may be obtained by interested parties from the field office. The Invitation shall also state that Preliminary Proposals may be submitted by private Owners or PHA Owners for direct contracting with HUD, or by PHAs on behalf of private Owners with whom the PHA proposes to contract pursuant to an ACC with HUD.

(c) *Deadline for receipt of Preliminary Proposals.* The deadline (date and time) for receipt of Preliminary Proposals by HUD shall allow a reasonable time but, in any event, no less than 35 calendar days after the date of the first publication in a newspaper of general circulation.

(d) *Preapproved Sites.* Notwithstanding the foregoing provisions of this section, in the case of a site that has been predetermined or preapproved by HUD for a project under this Part, such as an urban renewal site which has been specifically designated for such use—if the unit of general local government so requests—the Owner may be selected by the local governmental agency in accordance with the applicable procedures (e.g., the developer of an urban renewal site), unless he has already been so selected by the agency, or he may be selected by HUD after advertising for Preliminary Proposals solely for that site.

§ 880.204 Contents of Developer's Packet.

The Developer's Packet shall:

(a) Include a copy of the applicable regulations, required HUD forms, and HUD standards. Where the field office determines that mobile homes are appropriate or that there is an interest on the part of developers to utilize mobile homes, the Developer's Packet shall include the appropriate HUD standards and guidelines and shall indicate any modifications of the HUD requirements and procedures under this part, including those relating to the site and site improvements, the type or types of units, and the special Fair Market Rents published for the area involved.

(b) Include the following information for each geographic area specified in the Invitation.

(1) The number of units for elderly and nonelderly occupancy and the number to be specially designed for elderly (including handicapped) occupancy.

(2) The number of units by unit size (bedrooms per unit) and the fact that a proposal may be for any number of units up to that amount.

(3) The type of housing, if any, which is unacceptable (e.g., high-rise elevator structures for Families with children, mobile homes where HUD has determined that such housing is inappropriate).

(4) Special requirements, if any, as to location, density, and site planning; in the case of New Communities, identification of the proposed site, including location map, dimensions, unusual site features, if any, zoning, and the minimum price for the site.

(5) Any special requirements for housing for the elderly (including the handicapped) pursuant to section 209 of the HCD Act, and any special requirements for the handicapped pursuant to the standards established by HUD under Pub. L. 90–480.

(6) Any special requirements or restrictions that may be necessary for compliance with provisions of the Local Housing Assistance Plan, if any, and the name, address, and title of the official of the unit of general local government to whom inquiries may be made concerning such Plan.

(7) The specific type(s) of utility and method(s) of distribution (utility combination) required, and a statement that, if another combination is proposed, a comparative analysis of utility costs supporting the proposed combination must be included in the Proposal.

(8) The specific management and maintenance services required to be provided by the Owner. Such services shall include all services typically provided in the area for the type of housing contemplated.

(9) The Fair Market Rents for newly constructed rental housing applicable to the structure types and unit sizes requested.

(10) Initial term of the Contract, and number of renewal options, if any.

(c) Include statements as to:

(1) Equal opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for five or more units); an assurance of compliance with Title VI of the Civil Rights Act of 1964; an assurance of compliance with Executive Order 11063 and Title VIII of the Civil Rights Act of 1968, including regulations and guidelines pursuant thereto; and certifications required pursuant to Executive Order 11246.

(2) HUD regulations and other requirements implementing section 3 of the Housing and Urban Development Act of 1968, requiring that, to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

(3) HUD relocation requirements.

(4) HUD requirements implementing the National Environmental Policy Act.

(5) Governmental requirements implementing the Clean Air Act and the Federal Water Pollution Control Act.

(6) HUD requirements implementing the Flood Disaster Protection Act of 1973.

(7) The requirement, if a project will contain nine or more Contract units, that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act.

(8) The prescribed HUD form showing the identity of the Owner, the developer, the builder, the architect, and the managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest.

(9) The requirement that the Owner submit evidence of capability to provide the required management and maintenance services or, if the proposal is for 15 or more units, evidence of management capability and a proposed management plan and a certification by the Owner and the management agent, if any, in a format acceptable to HUD.

(10) The fact that if the Owner intends to pledge, or offer as security for any loan or obligation, an Agreement or Contract, he is responsible for submitting to HUD a request for such approval in sufficient time before he needs the financing to permit review of the method and terms of the financing and the instrument of pledge, offer or other assignment; and that if the request is made after approval of the Final Proposal, the Contract Rents may be reduced where the methods and terms of financing require. (See § 880.115.)

(11) Other requirements which the HUD field office determines to be necessary.

(12) Where copies of HUD Minimum Property Standards and any other applicable standards, guidelines and criteria may be obtained.

(13) The number of copies of the Preliminary Proposal to be submitted to HUD.

(14) The fact that an Owner may submit simultaneously with the submission of the Preliminary Proposal, or at any time prior to Notification of Selection or Nonselection, a Final Proposal or a Final Proposal and the architect's certification in accordance with § 880.211 (b).





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(15) The fact that HUD may determine not to select or approve any or all

Owner intends to pledge or offer the Agreement and/or Contract as security

will not be less than the previously approved rents which were used in process-



ment prior to the execution of the

pleted until the response periods referred

sisted persons in areas containing a high

(15) The fact that HUD may determine not to select or approve any or all Preliminary Proposals submitted.

**§ 880.205 Contents of preliminary proposal.**

Each Preliminary Proposal shall include or indicate the following:

(a) Identification of the proposed site, including a map showing the location of the site and the racial composition of the neighborhood, sketch of site plan, dimensions, unusual site features, if any, and zoning (however, only a sketch of the site plan is required for a New Communities project).

(b) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the site(s) (however, only the proposed price is required for a New Communities project).

(c) A description of the proposed housing including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms), living area and composition for each size of unit, and special amenities or features, if any; and sketches of the buildings and unit plans.

(d) The Contract Rent per unit, by size and structure type.

(e) The equipment to be included in the Contract Rent.

(f) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not included in the Contract Rent, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(g) A showing that the proposal meets any special requirements or restrictions necessary for compliance with the provisions of the Local Housing Assistance Plan, if any.

(h) Whether the proposed project will displace site occupants. If so, the proposal shall state the number of families, individuals, and business concerns to be displaced (identified by race or minority group status, and whether they are owners or renters), and shall show that there is a feasible plan for relocation and how necessary relocation payments, if any, will be funded.

(i) Equal Employment Opportunity Certification, using the prescribed form.

(j) The identity of the Owner, developer, builder (if known), and architect (if known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(k) Whether the Owner intends to provide management services or to contract with a managing agent. In the latter case, provide the identity of the managing agent, if known, and the other information as specified in paragraph (j) of this section.

(l) The proposed method and terms of financing, if available, and whether the Owner intends to pledge or offer the Agreement and/or Contract as security for any loan or obligation (see § 880.115 (b)). If the Owner proposes to utilize FHA mortgage insurance, the prescribed FHA form should be completed and submitted with the Preliminary Proposal.

(m) Whether the Owner proposes to limit the number of assisted units to 20 percent of the dwelling units in the project.

**§ 880.206 Submission of Preliminary Proposals.**

(a) Preliminary Proposals shall be submitted to HUD on or before the published deadline date and time for opening, in the number of copies specified in the Developer's Packet. Proposal documents shall be sealed in an inner envelope marked "Sealed Proposal—Open on (date and time specified in the Invitation)". This sealed proposal shall be submitted in an outer envelope or package which shall show the name of the locality, be addressed to the HUD field office, and be clearly and distinctively marked "Section 8 Housing Assistance Payments Program—New Construction Preliminary Proposal."

(b) Submission of Preliminary Proposals shall be by hand delivery or certified mail. Any Preliminary Proposal received by HUD after the deadline date and time shall not be accepted but shall be returned unopened. No Preliminary Proposal shall be opened by HUD until the deadline.

**§ 880.207 Proposals involving HUD–FHA mortgage insurance.**

(a) *Advance Mortgage Insurance Processing.* This paragraph (a) applies to Owners who apply for HUD–FHA mortgage insurance prior to the submission of a Preliminary Proposal under this Part. Such an Owner may apply for a Site Appraisal and Market Analysis Letter (SAMA Letter), a Conditional Commitment, or a Firm Commitment for mortgage insurance by submitting an application on the prescribed form with supporting exhibits and the required fee. Such an application will have to meet all applicable mortgage insurance criteria and underwriting standards without modification and without reliance upon housing assistance payments under this Part, or, in the alternative, approval for mortgage insurance shall be conditioned upon subsequent approval of a Section 8 proposal for the same project. If a SAMA Letter, Conditional Commitment, or Firm Commitment, whichever is applicable, is issued, and if prior to expiration thereof the Owner submits a Preliminary Proposal under this part which is consistent with the proposal as approved for mortgage insurance, such proposal will nevertheless be subject to review and evaluation in accordance with the procedures under this part; however, if the Preliminary Proposal is selected in accordance with the procedures under this part, further processing will be coordinated in accordance with paragraph (b) of this section to the extent applicable, and the rents which may be approved for such a Preliminary Proposal will not be less than the previously approved rents which were used in processing the mortgage insurance application: *Provided*, That they are otherwise approvable in accordance with this part.

(b) *Concurrent Processing.* The provisions of this paragraph (b) apply where the Preliminary Proposal indicates an intention to finance a project with a HUD–FHA insured mortgage. Such a Preliminary Proposal will not be selected under this part unless it meets the market and site acceptability criteria of the applicable mortgage insurance program except as modified by this paragraph. The processing of such a proposal for mortgage insurance will be integrated with the Section 8 review and evaluation process. Selection by HUD of such a Preliminary Proposal for preparation of a Final Proposal will be made only where HUD has also determined that the proposal will qualify for mortgage insurance subject to a satisfactory demonstration by the Owner of his capability to complete the project, and subject to subsequent determinations of site value, the loan amount and credit approval.

(1) A Section 8/HUD–FHA mortgage insurance project will be required to meet the marketability test of the applicable mortgage insurance program; provided, however, that the number of units in the proposal for which housing assistance payments are to be made available will be considered as an addition to the effective demand for unassisted rental units. As in the case of any other market analysis for market rate unassisted mortgage insurance programs, the supply of suitable vacant existing units, units under construction, and units in process must be subtracted from the estimate of total effective demand. Consequently, Section 8/HUD–FHA insured units could be added to a market in which supply and demand are in equilibrium or in which there is an undersupply of rental units, but could not be added to a market in which there is an oversupply of rental units in the same competitive range of market rents as the proposed Section 8/HUD–FHA insured project.

(2) After selection of a Preliminary Proposal which involves HUD–FHA mortgage insurance the Owner will be required to submit, with the Final Proposal, an application for HUD–FHA Conditional or Firm Commitment with the required fee under the applicable mortgage insurance program. Such Final Proposals will not be approved under Section 8 unless they also qualify for issuance of a HUD–FHA Conditional or Firm Commitment under the applicable mortgage insurance program. The HUD notification of approval of the Final Proposal will be accompanied by a HUD–FHA Conditional or Firm Commitment for HUD–FHA mortgage insurance. The Owner's acceptance of HUD's notification of approval of the Final Proposal will constitute concurrent acceptance of the conditions and terms of the HUD–FHA Conditional or Firm Commitment for mortgage insurance. The Owner will be required to obtain a Firm Commitment prior to the execution of the Agreement.

(3) The rents of those units scheduled for assisted occupancy, when projected for the purpose of determining a mortgage limitation based on the debt service criterion, shall not exceed the Contract Rents set forth in the approved Final Proposal.

(c) *Delayed Mortgage Insurance Processing.* Where an Owner does not indicate in his Preliminary Proposal that he intends to utilize HUD–FHA mortgage insurance and applies for HUD–FHA mortgage insurance after HUD approval of the Preliminary Proposal under this part, he risks (1) having his approved proposal rejected for HUD–FHA mortgage insurance and (2) having lower rents approved under the mortgage insurance program than the rents set forth in the approved proposal under this part.

**§ 880.208 Screening and evaluation of preliminary proposals.**

(a) *Initial Screening.* Promptly after the deadline date for receipt of Preliminary Proposals, HUD will screen all the proposals to determine which are complete and responsive and eligible for further processing. If the Proposal does not include, or is deficient with respect to, identification of the proposed site, description of the proposed housing, or the proposed Contract Rents, it shall be rejected. If the Proposal lacks, or is deficient with respect to, any of the other required elements, the HUD field office shall give the Owner the shortest reasonable time (generally not to exceed 10 days) to supply the omitted items or remedy the deficiency.

(b) *A–95 Clearance; Notice to Unit of General Local Government.* (1) Promptly after the deadline date for receipt of proposals (or after the appropriate later date for proposals completed pursuant to paragraph (a) of this section), the HUD field office will, for each complete and responsive Preliminary Proposal which is subject to A–95 clearance, send a copy of the proposal to the appropriate A–95 Clearinghouse for review, inviting a response within 34 days from the date of the letter of transmittal.

(2) Within 10 working days after the deadline date for receipt of proposals (or after the appropriate later date for proposals completed pursuant to paragraph (a) of this section), the HUD field office shall, for purposes of compliance with section 213 of the HCD Act, forward, under cover of a letter in the appropriate prescribed form, a copy of each complete and responsive Preliminary Proposal to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed housing is to be located. The cover letter will invite a response within 30 days from the date the letter and the copy of the proposal are received.

(c) *Evaluation of Preliminary Proposals by HUD.* HUD may begin its evaluation promptly after the deadline date, but no selection or ranking may be completed until the response periods referred to in paragraph (b) of this section have ended. Each Preliminary Proposal will be evaluated by HUD on the basis of all pertinent factors under this part including, but not limited to, the best combination of rent, site, design and previous experience of the proposed Owner and on the basis of comments, if any, received during the response periods from the appropriate A–95 Clearinghouse and the unit of general local government.

(d) *Selection where approvable proposals do not exceed number of units advertised.* For each geographic area HUD will determine which Preliminary Proposals, in its judgment, can be developed into Final Proposals meeting the requirements of the Developer's Packet. If the units covered by approvable Preliminary Proposals could all be accommodated in the number of units (by unit size) specified in the Invitation, no ranking in accordance with paragraph (e) of this section is necessary. The field office shall determine whether the results of a tentative selection would result in an undue concentration of assisted persons in areas containing a high proportion of low income persons. If so, the field office shall make such revisions in the tentative selections as it may determine to be necessary.

(e) *Selection where approvable Proposals exceed number of units advertised.* If the units covered by acceptable Preliminary Proposals cannot all be accommodated by the number of units (by unit size) specified in the Invitation, HUD will proceed as follows:

(1) Proposals consisting of projects to be developed entirely or predominantly for the elderly shall be listed in rank order and a second rank listing shall be established for projects to be developed entirely or predominantly for the non-elderly.

(2) With respect to the listing of proposals for elderly housing, the HUD field office will identify for selection the highest ranking proposals in descending order which will most nearly provide the number of units of elderly housing called for in the Invitation.

(3) With respect to the listing of proposals for the non-elderly housing, the HUD field office will identify for selection the highest ranking proposals in descending order which collectively will most nearly provide the number and sizes of units of non-elderly housing called for in the Invitation: *Provided, however*, That if there is a Preliminary Proposal for construction of more than 50 units of non-elderly housing which indicates that assistance will be limited to 20 percent or less of the units to be constructed, this proposal shall be given priority over the lowest ranking proposal(s) identified for selection which is for more than 50 units and which is for generally the same number and sizes of units.

(4) The field office shall determine whether the combined results of the tentative selections from both listings would exceed the number and sizes of units called for in the Invitation or would result in an undue concentration of assisted persons in areas containing a high proportion of low income persons. If so, the field office shall make such revisions in the tentative selections as it may determine to be necessary.

(f) *Use of Residual Units.* For any residual number of units, HUD may publish another Invitation for Proposals, but this shall not delay the further processing of those Preliminary Proposals submitted and selected as a result of the prior Invitation.

(g) *Notification of Selection.* (1) With respect to those Preliminary Proposals which have been selected in accordance with this section, HUD will notify the Owners, on a prescribed form, and request them to submit within a reasonable time (to be specified in the notification) a Final Proposal in accordance with the requirements of the provisions of § 880.209. The notification shall specify:

(i) The Contract Rents that will be acceptable to HUD where these are lower than the Contract Rents proposed by the Owner, and the reason for the reduction;

(ii) The estimate of the amount of relocation payments, where applicable; and

(iii) Other special conditions or requirements, if any

(2) The notification will request the Owner to return a copy of the notification with an indication of his acceptance thereof by a specified date. If the Owner does not accept the notification by the date specified, HUD may rescind the notification and select another approvable proposal.

(3) If the Owner has already submitted a Final Proposal (see § 880.204(c)(14)), the notification will state that upon acceptance of the notification by the Owner, HUD will evaluate the Final Proposal in accordance with § 880.210.

(h) *Notification of Nonselection.* Owners whose Preliminary Proposals were not selected by HUD shall be sent a letter notifying them of such determination.

**§ 880.209 Final proposals.**

(a) *Contents of Final Proposal.* Each Final Proposal shall indicate or include the following:

(1) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the site(s) (however, only the proposed price is required for a New Communities project).

(2) A description of the proposed housing together with preliminary drawings and plans, and the outline specifications on the prescribed form. Preliminary drawings and plans shall include: Site layout based on the topographical information available from existing records and the known subsurface soil conditions; landscape plans; unit plans, at the scale of ¼ inch per foot; and general floor plans, and elevation drawings for each typical building, at the scale of ⅛ inch per foot.

(3) The Contract Rent per unit, by size and structure type.

(4) The equipment to be included in the Contract Rent.







(5) The utilities and services to be included in the Contract Rent and those

insurance, an application for a Conditional or Firm Commitment on the pre-

and proceed in accordance with § 880.210 (c)(3).



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(5) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not so included, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(6) In the case of a PHA-Owner Project, a statement that the PHA undertakes liability for (i) the provision of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; (ii) the provision of relocation assistance programs offering the services described in section 205 of the Act; (iii) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons; and (iv) full funding of the required relocation payments and assistance unless other commitments, satisfactory to HUD, have been made for the funding of such payments and assistance. In the latter case, the PHA shall specify such other commitments. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(7) Submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for five or more units), a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and certifications required pursuant to Executive Order 11246.

(8) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(9) The identity of the Owner, developer, builder, architect, and managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(10) Submission of evidence of management capability and a proposed management plan and a certification by the Owner and the management agent, if any, in a format acceptable to HUD; or, if the proposal is for less than 15 units, evidence of capability of providing the required management and maintenance services. If the Owner proposes to contract with another entity, including a PHA, for management and/or maintenance services for the project, he shall include a copy of the proposed contract(s).

(11) Submission of the form of Lease the Owner proposes to use, which shall be in accordance with § 880.219.

(12) The proposed method and terms of financing and whether the Owner intends to pledge or offer the Agreement and/or Contract as security for any loan or obligation (see § 880.115(b)). If the Owner intends to utilize FHA mortgage insurance, an application for a Conditional or Firm Commitment on the prescribed form shall be completed and submitted with the prescribed fee with the Final Proposal unless this was previously done.

(13) Evidence that the proposed construction is permissible under the applicable zoning, building, housing and other codes, ordinances or regulations; or a statement of the proposed action to make the construction permissible and that such action will be successfully completed prior to the architect's certification pursuant to § 880.211(b).

(14) The anticipated time required for completion of the project after the Agreement is signed (if the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage).

(b) *Consistency with Preliminary Proposal.* The Final Proposal shall be consistent with the Preliminary Proposal. Any material deviations from the Preliminary Proposal in the Final Proposal will cause reconsideration by HUD of such Final Proposal and may result in its rejection.

### § 880.210 Evaluation of final proposals.

(a) *Evaluation of Final Proposals by HUD.* Each Final Proposal will be evaluated by HUD to determine that the provisions of this Part have been complied with and that such Final Proposal is consistent with the Preliminary Proposal.

(b) *Clarifications or Modifications.* HUD may request clarification of individual items, additional information, or modifications of the Final Proposal.

(c) *HUD Determination.* HUD shall notify the Owner (and the PHA, if applicable) that the Final Proposal is:

(1) Approved.

(2) Approvable only if specified deficiencies are corrected and that HUD will approve the Final Proposal if it receives within a specified time evidence of such necessary corrections.

(3) Not approved. If a Final Proposal is not approved or if the conditions for approval under paragraph (c)(2) of this section are not met, HUD shall so advise the Owner and may request the preparation of a Final Proposal(s) with respect to the highest ranking Preliminary Proposal(s) not previously selected, or may issue another Invitation for Preliminary Proposals.

(d) *Notification.* The appropriate A-95 Clearinghouses and the unit of general local government shall be notified by HUD of its final action.

### § 880.211 Owner's acceptance of notification and submission of architect's certification.

(a) *Owner's Acceptance.* Upon receipt by the Owner of the notification of approval of the Final Proposal, the Owner shall return to HUD a copy indicating his acceptance within the time prescribed in such notification (copy to the PHA, if applicable). If the Owner does not accept the notification by the date specified, HUD may rescind the notification and proceed in accordance with § 880.210(c)(3).

(b) *Architect's Certification.* (1) Before an Agreement may be entered into (or, where applicable, an ACC and an Agreement), the Owner shall submit to HUD the architect's certification on the prescribed form. Such certification shall be made by the architect responsible for the preparation of the working drawings and specifications.

(2) The architect's certification shall state that, to the best of the architect's knowledge, belief, and professional judgment, (i) the working drawings and specifications are consistent with the approved Final Proposal (including any modifications required by HUD in its review of the Final Proposal), and (ii) the proposed construction in accordance with these plans and specifications is permissible under the applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials. This certification shall also cover compliance with the appropriate Minimum Property Standards and other standards, guidelines and criteria applicable pursuant to § 880.111(b), except that in the case of mobile homes the architect shall furnish certification by the manufacturer that the mobile homes will comply with the American National Standards Institute Standard No. A-119.1, or applicable State standards, in accordance with applicable HUD regulations as to certification and standards issued pursuant to Title I of the National Housing Act, 24 CFR 201.520-1.

(3) One copy of the certified working drawings and specifications shall be submitted with the architect's certification to HUD; provided, however, that receipt and retention by HUD of these working drawings and specifications shall not denote or constitute HUD review or approval of such drawings or specifications.

(4) If the Owner fails to submit the certification by the date specified in the notification, HUD shall rescind the notification (and may proceed in accordance with § 880.210(c)(3)) unless it determines that a reasonable extension of time should be granted.

### § 880.212 Annual Contributions Contract and Agreement (Private-Owner/PHA Projects).

(a) *Preparation of ACC.* After receipt of the architect's certification with the working drawings and specifications, the HUD field office shall prepare the ACC, shown as Appendix III. The ACC shall be transmitted to the PHA for execution and returned to HUD. This transmittal shall advise the PHA that it must simultaneously submit for HUD approval its Initial Estimate of Required Annual Contributions (Preliminary Costs) and an Estimate of Total Required Annual Contributions (see § 880.213).

(b) *Preparation of Agreement.* The Agreement shall be prepared by the HUD field office at the time the ACC is prepared (see § 880.214), and shall conform to the prescribed form shown as Appendix IV to this part. The Agreement shall include all required information and required attachments.





(c) *Execution of ACC and Agreement.* After receipt of the PHA-executed ACC, accompanied by the Estimates of Required Annual Contributions, HUD shall review the Estimates and, if approved, execute the ACC. HUD shall then transmit a fully executed copy of the ACC to the PHA, together with four copies of the unexecuted Agreement. After execution of the Agreement by the PHA and the Owner, all copies shall be returned by the PHA to HUD for approval. HUD shall return three copies to the PHA, retaining one copy for its records.

### § 880.213 Submission of estimates of required annual contributions (private-owner/PHA projects).

(a) *Initial Submission.* An allowance may be provided for preliminary costs incurred by the PHA prior to the beginning of the first fiscal year. When the ACC is executed by the PHA, it shall submit an Initial Estimate of Required Annual Contributions (Preliminary Costs) together with an Estimate of Total Required Annual Contributions on the prescribed forms. This submission includes estimates of costs of administration and non-expendable equipment up to the beginning of the first fiscal year.

(b) *First Fiscal Year Submission.* Not earlier than 150 and not later than 90 days prior to the estimated date of the beginning of the first fiscal year, the PHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) covering the estimated amount required for the first fiscal year for housing assistance payments and for the fee for administration together with an Estimate of Total Required Annual Contributions.

(c) *Subsequent Fiscal Year Submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the PHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) and an Estimate of Total Required Annual Contributions, with supporting documentation, for any requested changes in the amount of housing assistance payments and the fee for administration.

(d) *Revisions of Estimates.* Any of the above Estimates may be revised to reflect changes in circumstances and available data.

(e) *HUD Approval.* All Estimates of Required Annual Contributions and any revisions thereto submitted by the PHA shall be subject to HUD approval.

### § 880.214 Preparation and execution of agreement (Private-Owner and PHA-Owner Projects).

After receipt of a copy of the accepted notification, the architect's certification and the working drawings and specifications, the HUD field office shall prepare the Agreement in the prescribed form shown as Appendix I to this part. The Agreement shall include all required information and required attachments. HUD shall transmit to the Owner three copies of the unexecuted Agreement. After the Owner executes all copies of the Agreement, he shall return them to HUD. HUD shall execute the Agreement, returning one copy to the Owner and retaining two copies for its records.

### § 880.215 Construction period.

(a) *Timely performance of work.* After execution of the Agreement, the Owner shall promptly proceed with construction as provided in the Agreement. In the event the work is not so commenced, diligently continued, and/or completed, HUD (or the PHA with HUD approval, as appropriate) shall have the right to rescind the Agreement, or take other appropriate action.

(b) *Delays.* Although extensions of time may be granted for the reasons specified in the Agreement, no increases in Contract Rents may be granted on that account.

(c) *Changes.* The Owner shall submit for HUD approval any changes from the approved Final Proposal which would materially reduce or alter his obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. HUD may condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior HUD approval, HUD may determine that Contract Rents shall be reduced or that the Owner shall remedy the deficiency as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications except those required by changes in local codes or ordinances made subsequent to execution of the Agreement, and then only if HUD approval is obtained prior to incorporation of any such changes in the project.

(d) *Inspection of HUD-FHA Insured Projects.* For projects financed with HUD-FHA insured mortgages, required HUD inspection procedures shall be followed including compliance with equal opportunity requirements.

(e) *Equal Opportunity Review.* Equal opportunity review may be conducted with any scheduled HUD inspection or at any other time deemed advisable by HUD.

(f) *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days prior to the estimated completion date. The Owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of any units which he anticipated will be vacant on the effective date of the Contract. At the time the Contract is executed (see § 880.217), the Owner will be required to submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units, pursuant to Sec. 880.107(b) only if he has fully complied with the requirements of that section and of this paragraph.

### § 880.216 Project completion.

(a) *Notification of Completion.* The Owner shall notify HUD (with a copy to the PHA in the case of a Private-Owner/PHA Project) when the work is completed and shall submit to HUD the evidence of completion described in paragraph (b) of this section.

(b) *Evidence of Completion.* Completion of the project shall be evidenced by furnishing HUD with all of the following:

(1) A set of as-built drawings.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) The project has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by HUD in accordance with the Agreement; and

(v) He has complied with the provisions of the Agreement relating to the payment of not less than prevailing wage rates and that to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, HUD, or the PHA (if applicable), the Owner shall be required to place a sufficient amount in escrow, as determined by HUD, to assure such payments.

(4) A certification by the registered architect responsible for inspection of construction that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) The project has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified); and



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(iv) The project has been constructed in accordance with applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials.

(c) *Review and Inspection.* (1) Within ten working days of the receipt of the evidence of completion, HUD shall review the evidence of completion for compliance with paragraph (b) of this section.

(2) Within the same time period, a HUD representative (accompanied by a PHA representative, if applicable) shall inspect the project in a manner sufficient to enable the inspector to report that he has inspected the observable elements and features of the project in accordance with professional standards of care and judgment and that, on the basis of the inspection, the project has been completed in accordance with the Agreement and that there are no observable conditions inconsistent with the evidence of completion, including the certifications of the Owner and the design or inspecting architects. If the inspection discloses defects or deficiencies, the inspector shall report these with sufficient detail and information for purposes of paragraphs (e)(1) and (2) of this section.

(d) *Acceptance.* If HUD determines from the review and inspection that the project has been completed in accordance with the Agreement, the project shall be accepted.

(e) *Acceptance where defects or deficiencies reported.* If the project is not acceptable under paragraph (d) of this section, the following shall apply:

(1) If the only defects or deficiencies are punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete the items within a reasonable time to the satisfaction of HUD (and the PHA, if applicable), HUD may, upon 30 days notice to the Owner (and the PHA, if applicable), terminate the Contract and/or exercise its other rights thereunder or, if the Contract is with a PHA, cancel its approval of the Contract and require its termination and/or exercise its other rights under the Contract and the ACC.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, HUD shall determine whether and to what extent the defects or deficiencies can be corrected, what corrections are essential to permit HUD to accept the project, whether and to what extent a reduction of Contract Rents will be required as a condition to acceptance of the project, and the extension of time required for the remaining work to be done. The Owner (and the PHA, if applicable) shall be notified of HUD's determinations and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

(f) *Notification of Nonacceptance.* If HUD determines that, based on the review of the evidence of completion and inspection, the project cannot be accepted, the Owner shall be promptly notified of this decision and the reasons.

(g) *Arbitration.* In the event the Owner disputes HUD determinations, he may submit the controversy to third-party arbitration at his expense, provided that the arbitration is advisory only.

(h) *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

### § 880.217 Execution of Housing Assistance Payments Contract.

(a) *Time of Execution.* Upon acceptance of the project by the Government pursuant to § 880.216, the Contract shall be executed first by the Owner and then by HUD, or, in the case of a Private-Owner/PHA Project, executed by the Owner and the PHA and then approved by HUD.

(b) *Unleased Units.* At the time of execution of the Contract, HUD (or the PHA, as appropriate) shall examine the lists of dwelling units leased and not leased, referred to in § 880.215(f), and shall determine whether or not the Owner has met his obligations under that section with respect to any unleased units. HUD (or the PHA, as appropriate) shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to this paragraph shall be furnished to HUD in the case of a Private-Owner/PHA Project.

### § 880.218 Marketing.

(a) *Compliance with Equal Opportunity requirements.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's HUD-approved Affirmative Fair Housing Marketing Plan, if required, and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(b) *Eligibility, selection and admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family, in accordance with schedules and criteria established by HUD.

(2) For every family that applies for admission, the Owner and the applicant shall complete and sign the form of application prescribed by HUD, except that if there are no vacant units and the Owner's waiting list is such that there would be an unreasonable length of time before the applicant could be admitted, the Owner may advise the applicant that the Owner is not accepting applications for that reason. The Owner shall retain copies of all completed applications together with any related correspondence for three years. For each Family selected for admission, the Owner shall submit one copy of the completed and signed application to the HUD field office (in the case of Private-Owner/PHA Projects, the Owner simultaneously shall send a copy of the form to the PHA). Housing assistance payments will not be made on behalf of an admitted Family until after this copy has been received by the HUD field office (or, in the case of Private-Owner/PHA Projects, until the copy has been received by the PHA with a certification by the Owner that he has sent a copy to HUD).

(3) If the Owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable but the Owner does not have a suitable unit to offer, the Owner shall place such Family on his waiting list and so advise the Family.

(4) If the Owner determines that the applicant is eligible on the basis of Income and family composition and is otherwise acceptable and if the Owner has a suitable unit, the Owner and the Family shall enter into a Lease. Such Lease shall be on the form of Lease included in the Owner's approved Final Proposal and shall otherwise be in conformity with the provisions of this Part.

(5) Records on applicant families and approved Families shall be maintained by the Owner so as to provide HUD with racial, ethnic and gender data and shall be retained by the Owner for three years.

(6) In the case of a PHA-Owner project, (i) if the PHA places a Family on its waiting list, it shall notify the Family of the approximate date of availability of a suitable unit insofar as such date can be reasonably determined, and (ii) if the PHA determines that an applicant is ineligible on the basis of income or family composition, or that the PHA is not selecting the applicant for other reasons, the PHA shall promptly send the applicant a letter notifying him of the determination and the reasons and that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant shall not be admitted, the PHA shall so notify the applicant in writing and such notice shall inform the applicant that he has the right to request a review by HUD of the PHA's determination. The procedures of this subparagraph do not preclude the applicant from exercising his other rights if he believes he is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the letter, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.





### § 880.219 Lease requirements.

The Lease shall contain all required provisions specified in paragraph (b) of this section and none of the prohibited provisions listed in paragraph (c) of this section and shall otherwise conform to the form of Lease included with the Owner's approved Final Proposal.

(a) *Term of Lease.* The term of the Lease shall be for not less than one year. The Lease may (or, in the case of a Lease for a term of more than one year, shall) contain a provision permitting termination upon 30 days advance written notice by either party.

(b) *Required Provisions.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporate in full in the Lease between ---------- (Lessor) and ---------- (Lessee) for the following dwelling unit: ----------
In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $---------- per month.

b. Of the total rent, $---------- shall be payable by or at the direction of the Department of Housing and Urban Development ("HUD") as housing assistance payments on behalf of the Lessee and $---------- shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, in accordance with HUD-established schedules and criteria; or by reason of adjustment by HUD, or the PHA, if appropriate, of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

d. The Lessor shall provide the following services and maintenance: [Here insert the complete list as contained in the approved Final Proposal.]

Lessor ----------
By ----------
Date ----------
Lessee ----------
Date ----------

(c) *Prohibited Provisions.* Lease clauses which fall within the classifications listed below shall not be included in any Lease.

(1) *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

(2) *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

(4) *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

(5) *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(6) *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(7) *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

(8) *Tenant Chargeable with Costs of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.).

### § 880.220 Termination of tenancy.

The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in § 880.107(c)(1).

### § 880.221 Maintenance, operation and inspections.

(a) *Maintenance and operation.* The Owner shall maintain and operate the project so as to provide Decent, Safe, and Sanitary housing and he shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(b) *Inspection prior to occupancy.* Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by HUD, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept on file by the Owner for at least three years.

(c) *Periodic inspections.* HUD (or the PHA, as appropriate) will inspect or cause to be inspected each Contract unit and related facilities at least annually and at such other times (including prior to initial occupancy and rerenting of any unit) as HUD (or the PHA) may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. HUD (or the PHA) will take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner and the Family of its determination.

(d) *Units not decent, safe, and sanitary.* If HUD (or the PHA, as appropriate) notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, HUD (or the PHA) may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and HUD (or the PHA) does not have other section 8 funds for such purposes, HUD (or the PHA) may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if:

(1) The unit is restored to Decent, Safe, and Sanitary condition;

(2) The Family is willing to and does move back to the restored dwelling unit; and

(3) A deduction is made for the expenses incurred by the Family for both moves.

### § 880.222 Reexamination of Family Income, composition, and extent of exceptional medical or other unusual expenses.

Reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the Owner at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of the Gross Family Contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

### § 880.223 Overcrowded and underoccupied units.

If HUD or the PHA, as the case may be, determines that a Contract unit assisted under this Part is not Decent, Safe, and Sanitary by reason of increase in Family size, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for



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occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, HUD (or the PHA) will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of § 880.107(c)(1).

**§ 880.224 Adjustment of allowance for utilities and other services.**

HUD or the PHA, as the case may be, shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling units in the project, on grounds of changes in utility rates or other change of general applicability to all units in the project. If HUD (or the PHA) determines that an adjustment should be made, HUD (or the PHA) shall prescribe the amount of the adjustment and direct the Owner to make promptly a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payment.

**§ 880.225 Continued family participation.**

A Family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except that if the Family (a) wishes to vacate its unit at the end of the Lease term (or prior thereto but in accordance with the provisions of the Lease), or (b) is required to move for reasons other than violation of the Lease on the part of the Family, and if the Family wishes to receive the benefit of housing assistance payments in another approvable unit, the Family should give reasonable notice of the circumstances to HUD or to the PHA, as appropriate, so that HUD or the PHA may have the opportunity to consider the Family's request.

**§ 880.226 Inapplicability of low-rent public housing model lease and grievance procedures.**

Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are applicable only to PHA-Owner Projects under the Section 8 Housing Assistance Payments Program.

**§ 880.227 Reduction of number of contract units for failure to lease to eligible families.**

(a) If at any time, beginning six months after the effective date of the Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract units leased or available for leasing by Eligible Families, HUD (or the PHA at the direction of HUD, as appropriate) may on 30 days notice reduce the number of Contract units to not less than the number of units under lease or available for leasing by Eligible Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

(b) At the end of the initial term of the Contract and of each renewal term, HUD (or the PHA at the direction of HUD, as appropriate) may, by notice to the Owner, reduce the number of Contract units to not less than (1) the number of units under lease or available for leasing by Eligible Families at that time, or (2) the average number of units so leased or available for leasing during the last year, whichever is the greatest number, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

(c) HUD will agree to an amendment of the ACC or the Contract, as appropriate, to provide for subsequent restoration of any reduction made pursuant to paragraph (a) or (b) of this section if HUD determines that the restoration is justified as a result of changes in demand and in the light of the Owner's record of compliance with his obligations under the Contract and if annual contributions contract authority is available; and HUD will take such steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance (see §§ 880.105 and 880.106).

**§ 880.228 HUD review of contract compliance.**

HUD will review project operation at such intervals as it deems necessary to ensure that the Owner is in full compliance with the terms and conditions of the Contract. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

**§ 880.229 PHA reporting requirements.**

[Reserved]

APPENDIX I—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT NEW CONSTRUCTION PRIVATE-OWNER OR PHA-OWNER PROJECT

PART I

This Agreement to Enter into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government") and _____ ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of improvements and land, as described in the approved Final Proposal; and

Whereas, the Owner and the Government propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible Lower-Income Families ("Families") to occupy units in said project; and

Whereas, the Owner is also the developer, or, if the developer is other than the Owner, the developer's name is _____

Now, therefore, the parties hereto agree as follows:

1.1 *Significant dates; contents of Agreement.*

a. *Time for Completion of Project.* The time for completion of the project (see Section 1.2a) is _____ calendar days after the effective date of this Agreement.

b. *Date for Commencement of Work.* The date for commencement of work (see Section 1.2b) is _____, 19__.

c. *Contents of Agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal, including, among other things, the architect's certification, the Affirmative Fair Housing Marketing Plan (if required), evidence of management capability, and management program (if required);

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The schedule of completion in stages, if applicable;

Exhibit D: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: (Specify additional exhibits, if any. If none, insert "None".)

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the Government and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of Completion.*

a. *Time for Completion.* The project shall be completed in accordance with Section 1.4 no later than the end of the period stated in Section 1.1a, or in stages as provided for in Exhibit C which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than the date stated in Section 1.1b the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the Government reserves the right to rescind this Agreement or take other appropriate action. The Owner shall report to the Government the date work was commenced and shall thereafter furnish the Government with periodic progress reports (quarterly unless more frequent reporting is required by the Government).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the Government, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increase in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Construction Period.*

a. *Changes.* The Owner shall submit for Government approval any changes from Exhibit A which would materially reduce or alter his obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. The Government may condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior Government approval, the Government may determine that Contract Rents shall be reduced or that the Owner shall remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications except those required by





changes in local codes or ordinances made subsequent to execution of the Agreement, and then only if Government approval is obtained prior to incorporation of any such changes in the project.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days prior to the estimated completion date. The Owner shall notify the Government of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the Government of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to Section 1.6b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that section.

1.4 *Project Completion.*

a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The Owner shall be solely responsible for completion of the project.

b. *Notification of Completion.* The Owner shall notify the Government when the work is completed and shall submit to the Government the evidence of completion described in paragraph c of this Section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the Government with all of the following:

(1) A set of as-built drawings.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) The project has been completed in accordance with the requirements of this Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified); and

(iv) The project has been constructed in accordance with applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials.

d. *Review and Inspection.* (1) Within ten working days of the receipt of the evidence of completion, the Government shall review the evidence of completion for compliance with paragraph c of this Section.

(2) Within the same time period, a Government representative shall inspect the project in a manner sufficient to enable the inspector to report that he has inspected the observable elements and features of the project in accordance with professional standards of care and judgment and that, on the basis of the inspection, the project has been completed in accordance with the Agreement and that there are no observable conditions inconsistent with the evidence of completion, including the certification of the Owner and the design or inspecting architects. If the inspection discloses defects or deficiencies, the inspector shall report these with sufficient detail and information for purposes of paragraphs f(1) and (2) of this Section.

e. *Acceptance.* If the Government determines from the review and inspection that the project had been completed in accordance with the Agreement, the project shall be accepted.

f. *Acceptable Where Defects or Deficiencies Reported.* If the project is not acceptable under paragraph e, the following shall apply:

(1) If the only defects or deficiencies are punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete the items within a reasonable time to the satisfaction of the Government, the Government may, upon 30 days notice to the Owner, terminate the Contract and/or exercise its other rights thereunder.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, the Government shall determine whether and to what extent the defects or deficiencies can be corrected, what corrections are essential to permit the Government to accept the project, whether and to what extent a reduction of Contract Rents will be required as a condition to acceptance of the project, and the extension of time required for the remaining work to be done. The Owner shall be notified of the Government's determinations, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

g. *Notification of Nonacceptance.* If the Government determines that, based on the review of the evidence of completion and inspection, the project cannot be accepted, the Owner shall be promptly notified of this decision and the reasons.

h. *Arbitration.* In the event the Owner disputes the Government determinations, he may submit the controversy to third-party arbitration at his expense: *Provided*, That the arbitration is advisory only.

i. *Completion in Stages.* If the project is to be completed in stages, the procedures of this Section shall apply to each stage.

1.5 *Execution of Housing Assistance Payments Contract.*

a. *Time of Execution.* Upon acceptance of the project by the Government pursuant to §§ 1.3 and 1.4, the Contract shall be executed first by the Owner and then by the Government.

b. *Completion in Stages.* If completion is in stages, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract Rents shall be shown in Exhibit A–1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the Government, and Exhibits A–2, A–3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the Contract, the Government shall examine the lists of dwelling units leased and not leased, referred to in Section 1.3b, and shall determine whether or not the Owner has met his obligations under that section with respect to any unleased units. The Government shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract.

d. *Contract Rents.* The Contract Rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except as provided in Section 1.3a and in paragraph f of this Section (where applicable).

e. *No Changes in Contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than as provided in this Agreement.

f. *Adjustment of Contract Rents to Reflect Actual Cost of Permanent Financing.*[2] (The provisions of this paragraph shall apply if the project is permanently financed prior to project completion; if the permanent financing does not occur until after project completion, the adjustments contemplated by this paragraph f will be made in accordance with the comparable provisions contained in the Contract). After the project is permanently financed, the Financing Agency shall submit a certification to the Government as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum Contract commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

1.6 *Government Assurance to Owner.*

The execution of this Agreement by the Government signifies that the faith of the United States is solemnly pledged to the payment of housing assistance payments pursuant to the Contract and that funds have

[1] Strike this paragraph if the project involves fewer than nine Contract units.

[2] Delete this paragraph unless the project is subject to 24 CFR 880.125.



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been obligated by the Government for such payments.

1.7 *Relocation Requirements.*[3]

[Alternative provisions—incorporate alternative 1 or 2, as applicable.]

*Alternative 1—For projects which were without site occupants as of the date indicated in this alternative.* The Owner hereby certifies that the site of the project was without occupants as of the date of the Government notification to the Owner requesting the Owner to submit a Final Proposal.

*Alternative 2—For projects which do not qualify for alternative 1.*

a. *Owner Compliance with Relocation Act.* The Owner agrees that pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, it undertakes liability for (1) the provision of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Act; (2) the provision of relocation assistance programs offering the services described in section 205 of the Act; and (3) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons.

b. *Relocation Payments Other than by Owner.* The Government has determined that satisfactory commitments have been made for the funding of relocation payments required by sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as follows:

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c. *Relocation Payments by Owner.* If paragraph b is inapplicable, the following shall apply:

(1) The maximum potential amount of all relocation payments as estimated by the Government is $----------.

(2) The Owner has deposited this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the Government for the purpose of meeting relocation payments.

(3) The Owner hereby voluntarily undertakes liability for all relocation payments and agrees that, if the funds in the escrow account shall prove to be insufficient to meet all such relocation payments, he will deposit such additional amounts as the Government determines to be necessary for such purpose.

(4) When the Government determines that there is no longer any potential liability for relocation payments, any balance in the escrow account shall be paid to the Owner.

(5) The Owner agrees to hold harmless and to idemnify the Government for any costs incurred under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the relocation of site occupants, and the Owner further agrees that the Government shall have the right to be reimbursed for any such costs by withholding from housing assistance payments payable to the Owner.

*Effective Date.* This Agreement shall be effective as of the date of execution by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

[3] Strike this section in the case of a Private-Owner Project.

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By ----------

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(Official Title)

Date----------, 19--

Owner ----------

By ----------

(Official Title)

Date----------, 19--

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT NEW CONSTRUCTION PRIVATE-OWNER OR PHA-OWNER PROJECT

PART II

2.1 *Training, employment, and contracting opportunities for businesses and lower-income persons.*[4]

a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

[4] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $500,000 or less.





2.2 *Equal Employment Opportunity.*[5]

a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees, and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for security compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by HUD or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation in Equal Opportunity Compliance Reviews.*

The Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.*

If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[6]

In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities.

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing Wage Rates.*[7]

a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this

[5] As used in Section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

[6] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $100,000 or less.

[7] As used in Sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike Sections 2.6 through 2.11 if the project involves fewer than nine Contract units.



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Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics include a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR, 5.5(c) shall also be subject to the provisions of paragraph g(2) of this Section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 *Submittal of payrolls and related reports.*

a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under Section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under Section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 *Disputes concerning wage rates and classifications of labor.*

a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 *Wage claims and adjustments.*

In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 *Contract Work Hours and Safety Standards Act—Overtime Compensation.*

a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of $10 for each calendar





day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this Section.

2.11 *Termination; Debarment; Subcontracts.*

a. A breach of the provisions of the foregoing Sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR, Section 5.6.

b. The Owner shall insert in any subcontracts Sections 2.6 (and with respect to Section 2.6g(2), copies of 29 CFR 5a.4, 5a.5, 5a.6 and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these Sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 *Disputes.*

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement between the Department of Housing and Urban Development field office and the Owner may be submitted by the Owner to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this Section, the Owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This Section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section: *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 *Interest of Members, Officers, or Employees of Public Housing Agency, Members of Local Governing Body, or other Public Officials.*

No member, officer, or employee of the Public Housing Agency ("PHA"), no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

2.14 *Interest of Member of or Delegate to Congress.*

No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.15 *Nonassignability.*

a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the Government; *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different developer from the one named in the preamble of this Agreement, except with the prior consent of the Government.

c. The Owner agrees that the approved developer has not made, and will not make, except with the prior consent of the Government, any assignment or transfer in any form of the developer's contract to construct the project, or of any part thereof, or any of the developer's interests therein.

d. The Owner agrees to notify the Government promptly of any proposed action covered by paragraph a or b or c of this Section. The Owner further agrees to request the written consent of the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

e. For the purpose of this section, a transfer of stock in the Owner or developer in whole or in part, by a party holding ten percent or more of the stock of said Owner or developer, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or developer or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the construction contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX II—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING ASSISTANCE PAYMENTS CONTRACT, NEW CONSTRUCTION, PRIVATE-OWNER OR PHA-OWNER PROJECT

PART I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government"), and ---------- ("Owner"), pursuant to the United States Housing Act of 1937 ("Act"), 42 U.S.C. 1437, et seq., and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, et seq.

The parties hereto agree as follows:

1.1 *Significant dates and other items; contents of contract.*

a. *Effective Date of Contract.* The effective date of this Contract is ----------, 19--. (This date shall be no earlier than the date of execution by the Government.)

b. *Initial Term of Contract.* The initial term of this Contract (see Section 1.4a) shall be -- years [not to exceed five years], beginning with the effective date of this Contract and ending ----------, 10--.

c. *Number and Length of Optional Additional Terms.* The number and length of optional additional terms (see Section 1.4a) shall be ----- terms of -- years each [not to exceed five years each].

d. *Maximum Total Term of Contract.* The maximum total term of this Contract, including renewals (see Section 1.4a) shall be -- years. (Insert 20, except that (1) in the case of a project owned by, or financed by a loan or loan guarantee from, a State or local Agency, insert the number, not to exceed 40, which will provide a term ending with the scheduled maturity date for the last payment under such financing, and (2) in the case of a mobile homes project, insert number as authorized by the Government pursuant to 24 CFR 830.109, not to exceed 20.)

e. *Fiscal Year.* The ending date of each Fiscal Year (see Section 1.4b) shall be ---------- (insert March 31, June 30, September 30, or December 31, as determined by the Government).

f. *Maximum Housing Assistance Commitment.* The maximum amount of the commitment for housing assistance payments under this Contract (see Section 1.5a) is $---------- per annum.

g. *Contents of Contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The project description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: (Specify additional exhibits, if any. If none, insert "None.")

This Contract including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's Warranties.*

a. *Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenantable condition and that the project has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract. The Owner and the Government agree that the continuation of this Contract shall be subject to the conditions set forth in Section 1.4f of the Agreement.

1.3 *Families to be housed; Government Assistance.*

a. *Families to be housed.* The Contract Units are to be leased by the Owner to eligible Lower-Income Families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *Government assistance.* (1) The Government hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

(2) If there is an Allowance for Utilities and Other Services and if such Allowance exceeds the Gross Family Contribution, the Owner shall pay the Family the amount of such excess on behalf of the Government upon receipt of funds from the Government for that purpose.



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1.4 *Term of Contract; Fiscal Year.*

a. *Term of Contract.* (Alternative provisions—incorporate alternative 1, 2, or 3, as applicable.)

*Alternative 1—General.* The initial term of this Contract shall be as stated in Section 1.1b. This Contract may be renewed, at the sole option of the Owner, for the number and length of additional terms stated in Section 1.1c: *Provided,* That the total Contract term for any unit, including renewals, shall not exceed the number of years stated in Section 1.1d. Renewal shall be automatic unless the Owner notifies the Government, no later than 60 days prior to the expiration of the current term, of its intention not to renew. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage: *Provided, however,* That the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term stated in Section 1.1d, plus two years.

*Alternative 2—for mobile homes project.* In the case of mobile homes, the initial term of this Contract for each mobile home shall be as stated in Section 1.1b. This Contract shall be renewed, as may be mutually agreed upon by the Owner and the Government, with respect to any mobile home, for the number and length of additional terms as stated in Section 1.1c: *Provided,* That the total Contract term for any mobile home, including renewals, shall not exceed the number of years stated in Section 1.1d. Renewals shall become effective only if either party gives written notice, no later than 60 days prior to the expiration of the current term, of his desire to renew, and the other party concurs or fails to object before the expiration of the current term. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the mobile homes in each stage: *Provided, however,* That the total Contract term for the mobile homes in all stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term stated in Section 1.1d, plus two years. For purposes of this paragraph a, the term "mobile home" means the original mobile home and any replacement(s), combined.

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on the date stated in Section 1.1e: *Provided, however,* That the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in Section 1.5a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Maximum Housing Assistance Commitment; Project Account.*

a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other Contract between the Government and the Owner, the Government shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of the amount per annum stated in Section 1.1f: *Provided, however,* That this amount shall be reduced commensurately with any reduction in the number of Contract Units or in the Contract Rents or pursuant to any other provisions of this Contract.

b. *Project Account.* In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum Contract commitment per year exceeds amounts paid under the Contract for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this Section to cover increases in Contract Rents or decreases in Family Incomes (see Section 1.8). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government in accordance with law.

(2) Whenever the Government approved estimate of the required Annual Contribution exceeds the maximum contract commitment then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum Contract commitment, the Government shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

1.6 *Housing Assistance Payments to Owners.*

a. *General.* (1) Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will cover the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria.

(2) The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family Income, Family composition, or extent of exceptional medical or other unusual expenses, in accordance with the Government-established schedules and criteria; or by reason of adjustment by the Government of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract: *Provided,* That the Owner (1) commenced marketing and otherwise complied with Section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, if any, requesting the Public Housing Agency ("PHA") and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the Government.

c. *Vacancies After Rent-up.* (1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days: *Provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also Section 1.9b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (i) immediately upon learning of the vacancy, has notified the Government of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this section.

(2) If the Owner evicts a Family, he shall not be entitled to any payment under paragraph c(1) of this section unless the request for such payment is supported by a certification that (1) he gave such Family a written notice of the proposed eviction stating the grounds and advising the Family that it had 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction was not in violation of the Lease or the Contract or any applicable law.

d. *Limitation on Payments for Vacant Units.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.9b of this Contract).

e. *Government not obligated for Family Rent.* The Government has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with Section 1.9b of this Contract. The financial obligation of the Government is limited to making housing assistance payments on behalf of Families in accordance with this Contract.

f. *Owner's monthly requests for payments.* (1) The Owner shall submit monthly requests to the Government for housing assistance payments. Each such request shall set forth: (i) The name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or the number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit (or, where appropriate, the amount to be paid the Family in accordance with § 1.3b(2)); and (v) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling units are in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.





(4) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

g.[1] *Recoupment of savings in financing cost.* (1) In the event that the interim financing is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing for any period of three months, after such first year, is less than the anticipated debt service under the permanent financing on which the Contract Rents were based, an amount reflecting the savings in financing cost, computed in accordance with paragraph g(2) of this section, shall be credited by the Government to the Project Account, and withheld from housing assistance payments to the Owner. If during the course of the same year there is any period of three months in which the financing cost is greater than the anticipated debt service under the permanent financing, an adjustment shall be made so that only the net amount of savings in financing cost for the year is credited by the Government to the Project Account and withheld from housing assistance payments to the Owner as aforesaid (no increased payments shall be made to the Owner on account of any net excess for the year of actual interim financing cost over the anticipated debt service under the permanent financing). Nothing in this paragraph g shall be construed as requiring a reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with Section 1.8.

(2) The computation and recoupment under this paragraph g may be made on an annual or on a quarterly or other periodic basis, but in any event no later than as of the end of each Fiscal Year: *Provided, however,* That if recoupment is to be made less often than quarterly, the amounts of recoupment shall be computed on at least a quarterly basis and the funds deposited in a special account from which withdrawals may be made only with the authorization of HUD. The manner of computing the amount of recoupment shall be as follows:

(i) Determine the amount by which the interest cost for the interim financing for the period in question is less than the anticipated debt service under the permanent financing on which the Contract Rents were based;

(ii) Determine what percentage the amount found under paragraph g(2)(i) of this section is of the aggregate Contract Rents for all Contract Units for the period in question;

(iii) Apply the percentage found in paragraph g(2)(ii) of this section to the aggregate Contract Rents for those Contract Units which are included in the Owner's claim(s) for housing assistance payments for the period in question; and

(iv) The amount found in paragraph g(2)(iii) of this section shall be credited to the Project Account and withheld from the next housing assistance payment or payments to the Owner.

1.7 *Maintenance, Operation and Inspection.*

a. *Maintenance and operation.* The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the Government determines that the Owner is not meeting any of these obligations, the Government shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection.* (1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept on file by the Owner for at least three years.

(2) The Government shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy and rerenting of any unit) as may be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The Government shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner and the Family of its determination.

c. *Units not decent, safe, and sanitary.* If the Government notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the Government may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the Government does not have other section 8 funds for such purposes, the Government may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if: (1) The unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

d. *Notification of abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The Government shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the Government determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family size, or that a Contract Unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the Government will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of Section 1.6c(1).

1.8 *Rent Adjustments.*

a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this section, up to the maximum amount authorized under Section 1.5a of this Contract.

b. *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

d. *Overall Limitation.* Notwithstanding any other provisions of this Contract, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government establishing the effective date of the adjustment.

e. *Incorporation of Rent Adjustment.* Any adjustment in Contract Rents shall be incorporated into Exhibit A by a date addendum to the exhibit establishing the effective date of the adjustment.

1.[2] *Adjustment to Reflect Actual Cost of Permanent Financing.* This paragraph f shall apply if the project is not permanently financed until after the effective date of the Contract. After the project is permanently financed, the Financing Agency shall submit a certification to the Government as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the Contract Rents currently in effect shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum Contract commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

1.9 *Marketing and Leasing of Units.*

a. *Compliance with Equal Opportunity.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security and Utility Deposits.* (1) The Owner may require Families to pay a security deposit in an amount equal to one month's Gross Family Contribution. If a Family vacates it unit, the Owner, subject to State and local law, may utilize the deposit as re-

[1] Delete this paragraph unless the project is subject to 24 CFR 880.125.

[2] Delete this paragraph unless the project is subject to 24 CFR 880.125.



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imbursement for any unpaid rent or other

and complaints by applicants in accordance

with respect to the several stages appears on



monthly requests for housing assistance payments.

or part of this Contract or to any benefits which may arise therefrom.

tion of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

imbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from HUD, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease or if the amount owed is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(2) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(3) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

c. *Eligibility, selection and admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. In the initial renting of the Contract Units, the Owner shall lease at least 30 percent to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government. In connection with the reexamination, the Owner shall determine what percentage of Families in occupancy are Very Low-Income Families. If there are fewer than 30 percent Very Low-Income Families in occupancy, the Owner shall report the fact to the Government and shall adopt changes in his admission policies to achieve, as soon as possible, at least 30 percent occupancy by such Families.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a Government determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable Government requirements and shall maintain records and furnish such copies or other information as may be required by the Government.

f. *Government Review; Incorrect Payments.* In making housing assistance payments to Owners, the Government will review the Owner's determinations under this Section. If as a result of this review, or other reviews, audits or information received by the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.10 *Termination of Tenancy.*

The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in Section 1.6c.

1.11 *Reduction of Number of Contract Units for Failure To Lease to Eligible Families.*

a. *After First Year of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the Government may on 30 days notice reduce the number of Contract Units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the Government may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

c. *Restoration of Units.* The Government will agree to an amendment of the Contract to provide for subsequent restoration of any reduction made pursuant to paragraph a or b of this Section if the Government determines that the restoration is justified as a result of changes in demand and in the light of the Owner's record of compliance with his obligations under this Contract and if annual contributions contract authority is available; and the Government will take such steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance (see Section 1.5).

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Owner: _____
By: _____
(*Official title*)
Date: _____, 19__
United States of America, Secretary of Housing and Urban Development,
By: _____
(*Official title*)
Date: _____, 19__

(If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.)

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

STAGE 1

This Contract is hereby executed with respect to the units described in Exhibit A–1.

*Effective date.* The effective date of this Contract is _____, 19__. (Insert date which shall be no earlier than the date of execution by the Government.)

Owner: _____
By: _____
(*Official title*)
Date: _____, 19__
United States of America, Secretary of Housing and Urban Development,
By: _____
(*Official title*)
Date: _____, 19__

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

STAGE 2

This Contract is hereby executed with respect to the units described in Exhibit A–2.

*Effective date.* The effective date of this Contract is _____, 19__. (Insert date which shall be no earlier than the date of execution by the Government.)

Owner: _____
By: _____
(*Official title*)
Date: _____, 19__
United States of America, Secretary of Housing and Urban Development,
By: _____
(*Official title*)
Date: _____, 19__

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

STAGE 3

This Contract is hereby executed with respect to the units described in Exhibit A–3.

*Effective date.* The effective date of this Contract is _____, 19__. (Insert date which shall be no earlier than the date of execution by the Government.)

Owner: _____
By: _____
(*Official title*)
Date: _____, 19__
United States of America, Secretary of Housing and Urban Development,
By: _____
(*Official title*)
Date: _____, 19__

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

HOUSING ASSISTANCE PAYMENTS CONTRACT

NEW CONSTRUCTION

PRIVATE-OWNER OR PHA-OWNER PROJECT

PART II

2.1 *Nondiscrimination in Housing.*

a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of,





monthly requests for housing assistance payments.

2.7 *Default by the Owner.*

a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the Government that a default has occurred, the Government shall notify the Owner of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the Government, the Government shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance.

c. The availability of any remedy under this Contract shall not preclude the exercise of any other remedy available under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.8 *Disputes.*

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement between the Department of Housing and Urban Development field office and the Owner may be submitted by the Owner to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulant, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this Section, the Owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.9 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body or Other Public Officials.*

No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.10 *Interest of Member of or Delegate to Congress.*

No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.11 *Assignment, sale, or foreclosure.*

a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the Government; *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the Government promptly of any proposed action covered by paragraph a of this section. The Owner further agrees to request the written consent of the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

c. For the purpose of this section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract or the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

d. In the event of foreclosure, including foreclosure by the Government, and in the event of assignment or sale agreed to by the Government or made to the Government, housing assistance payments shall continue in accordance with the terms of the Contract.

(If the project is subject to 24 CFR 880.125, paragraph d above shall be stricken and the following shall be used instead:

d. In the event of foreclosure, or assignment or sale to the financing agency in lieu of foreclosure, or in the event of assignment or sale agreed to by the financing agency and approved by the Government (which approval shall not be unreasonably delayed or withheld), housing assistance payments shall continue in accordance with the terms of the Contract.)

APPENDIX III—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM MASTER SECTION 8 ANNUAL CONTRIBUTIONS CONTRACT #_____

This Annual Contributions Contract (ACC) is entered into on the ____ day of _____, 19__, (the date of execution by the Government) by and between the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437, et seq.), herein called the "Act", and the Department of Housing and Urban Development Act (42 U.S.C. 3531), and _____ (herein called the "PHA"), which is a "public housing agency" as defined in the Act. In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

0.1 *Project or Projects.* The PHA is undertaking to provide Decent, Safe, and Sanitary housing for Families (as defined in Section 2.1) pursuant to section 8 of the Act by means of Housing Assistance Payments Contracts ("Contracts") with Owners (as defined in Section 2.1). Such undertaking may involve an agreement for the use of housing to be constructed ("New Construction"), an agreement for the use of existing housing to be substantially rehabilitated ("Substantial Rehabilitation"), or the use of existing housing without substantial rehabilitation ("Existing Housing"). In each instance, the numbers and sizes of dwelling units with respect to which a certain maximum Annual Contributions commitment is made shall constitute a Project hereunder and shall be identified by a stated Project number.

0.2 *Part I and Part II of this Annual Contributions Contract.*

(a) Certain provisions of the ACC, principally those which are specifically applicable to a designated Project, are contained in Part I. Separate forms of Part I are used for different types of Projects (i.e., New Construction, Substantial Rehabilitation, and Existing Housing). A separate Part I, on the applicable form thereof, has been executed with respect to each Project hereunder, and each such Part I, so executed, constitutes a part of this ACC.

(b) The remaining provisions of this ACC, which are applicable to all Projects hereunder, are contained in Part II, which, although not separately executed, constitutes a part of this ACC.

0.3. *Fiscal Year.* Except for the first Fiscal Year of each Project, there shall be one Fiscal Year for all Projects hereunder. Such established Fiscal Year shall be the 12-month period ending _____ of each calendar year. The first Fiscal Year for each Project shall be as provided in the Part I applicable to such Project.

0.4. *Schedule of Projects.* Attached to this Master Section 8 ACC, as Attachment A, is a list identifying each ACC Part I and ACC Part I amendment by project number, date, and ACC List number and date.

PHA: _____
By: _____
Date: _____
THE GOVERNMENT
By: _____
Date: _____

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM ANNUAL CONTRIBUTIONS CONTRACT

PART I—NEW CONSTRUCTION PROJECT NO. _____

Effective Date _____
(Date of execution by the Government of this ACC Part I)
ACC List Number and Date _____

1.1. *The Project.* The PHA proposes to enter into a Housing Assistance Payments Contract ("Contract") with respect to newly constructed dwelling units pursuant to an Agreement to Enter into Housing Assistance Payments Contract ("Agreement") executed prior to the commencement of construction. The numbers and sizes of units will be as follows:

| *Size of unit* | *Number of units* |
|---|---|

The PHA shall enter into an Agreement and Contract in accordance with the numbers and sizes of units specified above. The PHA shall not enter into any Agreement or Contract or take any other action which will result in a claim for an Annual Contribution in respect to the Project in excess of



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the total amount or any sublimitation stated

ceipts shall be available for Project Expendi-

*ever,* That the first Fiscal Year for the Project

the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government and the said Department, either of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training, Employment, and Contracting Opportunities for Businesses and Lower-Income Persons.*[3]

a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20 (b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in Equal Opportunity Compliance Reviews.*

The Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.*

If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[4]

In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to section 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Reports and Access to Premises and Records.*

a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the Government.

b. The Owner shall permit the Government or any of its duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the

[3] Strike this Section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are $500,000 or less.

[4] Strike this section if the Contract Rents on the effective date of this Contract, over the maximum total term of this Contract, are $100,000 or less.





the total amount or any sublimitation stated in Section 1.4(a).

1.2. *Authorization of Actions by PHA.* In order to carry out the Project, the PHA is authorized to (a) enter into an Agreement, (b) enter into a Contract, (c) make housing assistance payments on behalf of Families, and (d) take all other necessary actions, all in accordance with the forms, conditions and requirements prescribed or approved by the Government: *Provided, however,* That neither the PHA nor the Government shall assume any obligation beyond that provided in the Government-approved Agreement and Contract.

1.3 *Term of Contract and ACC.*

(a) *Term of Contract.* [Alternative provisions—incorporate alternative 1 or 2, as applicable.]

*Alternative 1—General.* The total Contract term for any unit, including all renewals, shall not exceed ---------- years. (Insert 20 unless the project is owned by, or financed by a loan or loan guarantee from, a State or local agency. In the latter case, insert number, not to exceed 40, which will provide a term ending with the scheduled maturity date for the last payment under such financing.) If the Project is completed in stages, the total Contract term for the units in all stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the first sentence of this paragraph (a), plus 2 years.

*Alternative 2—For mobile homes projects.* The total Contract term for any mobile home unit, including all renewals, shall not exceed ---------- years. (Insert number as authorized by the Government pursuant to 24 CFR 880.109, but in no event more than 20.) If the Project is completed in stages, the total Contract term for the mobile home units in all stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the first sentence of this paragraph (a), plus 2 years. For purposes of this paragraph (a), the term "mobile home" means the original mobile home and any replacement(s), combined.

(b) *Term of ACC.* This ACC shall remain in effect so long as the Contract is in effect but in no event shall the term of the ACC exceed ---------- years from the beginning of the first Fiscal Year. (Insert number specified in the first sentence of paragraph (a) of this section, plus two years.)

1.4. *Annual Contributions.*

(a) Notwithstanding any other provisions of this ACC (other than paragraph (c) of this Section) or any provisions of any other contract between the Government and the PHA, the Government shall not be obligated to make any Annual Contribution or any other payment with respect to any Fiscal Year in excess of:

(1) $---------- per year for housing assistance payments under the Contract; or

(2) $---------- per year for other Project Expenditures; or

(3) A total of $---------- per year for all Project Expenditures in respect to the Project (Maximum ACC Commitment);

*Provided, however,* That these amounts shall be reduced commensurately with any reduction in the number of Contract Units or in the Contract Rents under the Contract or pursuant to any other provision of this ACC or the Contract.

(b) Subject to the maximum dollar limitations in paragraph (a) of this section, the Government shall pay for each Fiscal Year an Annual Contribution to the PHA in respect to the Project in an amount equal to the sum of the following (subject to reduction by the amount of any Project Receipts other than Annual Contributions, which Receipts shall be available for Project Expenditures):

(1) The amount of housing assistance payments payable during each Fiscal Year (see Section 1.5) by the PHA pursuant to the Contract, as authorized in Section 1.2.

(2) The allowance, in the amount approved by the Government, for preliminary costs of administration.

(3) The allowance, in the amount approved by the Government, for the regular costs of administration, including costs of Government-required audits of Owners and the PHA.

(c) In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the Maximum ACC Commitment per year exceeds amounts paid under the ACC for any year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum Annual Contribution otherwise payable for any Fiscal Year may be increased by such amount, if any, as may be required for increases reflected in the estimate of required Annual Contribution applicable to such Fiscal Year as approved by the Government in accordance with Section 2.11. Any amount remaining in said account after payment of the last Annual Contribution with respect to the Project shall be applied by the Government in accordance with law.

(2) Whenever the Government approved estimate of the required Annual Contribution, exceeds the Maximum ACC Commitment then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such Maximum ACC Commitment, the Government shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

(d) The Government will make periodic payments on account of each Annual Contribution upon requisition therefor by the PHA in the form prescribed by the Government. Each requisition shall include certifications by the PHA that housing assistance payments have been or will be made only:

(1) In accordance with the provisions of the Contract as such provisions apply respectively to (i) units under lease by Families and (ii) units not under lease by Families; and

(2) With respect to units which the PHA has inspected or caused to be inspected, pursuant to Section 2.4 of Part II of this ACC, within one year prior to the making of such housing assistance payments.

(e) Following the end of each Fiscal Year, the PHA shall promptly pay to the Government, unless other disposition is approved by the Government, the amount, if any, by which the total amount of the periodic payments during the Fiscal Year exceeds the total amount of the Annual Contribution payable for such Fiscal Year in accordance with this Section.

1.5 *Fiscal Year.* The Fiscal Year for the Project shall be the Fiscal Year established by Section 0.3 of this ACC: *Provided, however,* That the first Fiscal Year for the Project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the Maximum ACC Commitment may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.6. *Periodic Adjustment of Contract Rents.* The Contract may provide for periodic adjustments in the Contract Rents chargeable by the Owner and commensurate increases in amounts of housing assistance payments up to the maximum amount authorized for housing assistance payments under Section 1.4(a) of this ACC.

1.7 *Affirmative Fair Housing Marketing Regulation.* The PHA shall require the Owner to comply with the Affirmative Fair Housing Marketing Regulation (subject to any exceptions therein) including the submission for Government approval of an Affirmative Fair Housing Marketing Plan and compliance with such approved Plan, as if the Owner were expressly subject to said Regulation.

1.8 *Expeditious Carrying Out of Project.* The PHA shall proceed expeditiously with the Project. If the PHA fails to proceed expeditiously, and no Agreement with the Owner has yet been entered into, the Government, by notice to the PHA, may terminate or reduce its obligation hereunder with respect to the Project. If an Agreement has been entered into, and the PHA or the Owner is not proceeding expeditiously with the Project, the Government will take appropriate action, including the Governmental action provided for in the Agreement.

1.9 *Responsibility for Administration of Contract.* The PHA is primarily responsible for administration of the Contract, subject to review and audit by the Government.

PHA: ----------

By: ----------

Date: ----------

The Government,

By: ----------

Date: ----------

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

TERMS AND CONDITIONS CONSTITUTING PART II OF AN ANNUAL CONTRIBUTIONS CONTRACT BETWEEN PUBLIC HOUSING AGENCY AND THE UNITED STATES OF AMERICA

2.1. *Definitions.*

(a) "Families" means lower-income Families (including "Very Low-Income Families") and includes Families consisting of a single person in the case of Elderly Families and Displaced Families and includes the remaining member of a tenant family.

(b) "Elderly Families" means Families whose heads (or their spouses), or whose sole members, are persons who are at least 62 years of age or are under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or are handicapped. The term Elderly Families includes two or more elderly, disabled, or handicapped individuals living together, or one or more such individuals living together with another person who is determined under regulations of the Secretary of Housing and Urban Development ("Secretary") to be a person essential to their care or well being.

(c) "Displaced Families" means Families displaced by governmental action, or Families whose dwellings have been extensively damaged or destroyed as a result of a disaster





declared or otherwise formally recognized



to be paid by the affected Family and the

participation in or be denied the benefits of

pended in whole or in part, and the con-

the making of a good faith effort, as defined

or authorized to sign checks or certify

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declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) "Lower-Income Families" means Families whose Incomes do not exceed 80 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish Income limits higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family Incomes, or other factors.

(e) "Very Low-Income Families" means Families whose Incomes do not exceed 50 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(f) "Income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary.

(g) "Owner" means the person or entity, including a cooperative, with which the Agreement and Contract are entered into.

(h) "Rent" or "rental" means, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(i) "Project Receipts" with respect to each Project means the Annual Contributions payable hereunder and all other receipts, if any, accruing to the PHA from, out of, or in connection with such Project.

(j) "Project Expenditures" with respect to each Project means all costs allowable under Section 1.4(b), Part I of this ACC, with respect to such Project.

(k) "Substantial Default" means the occurrence of any of the events listed in Section 2.16.

2.2 *Lower-Income Housing Use; Compliance with Act and Regulations.*

The PHA shall use the Annual Contribution solely for the purpose of providing Decent, Safe, and Sanitary dwellings for Families in compliance with all applicable provisions of the Act and all regulations issued pursuant thereto.

2.3 *Eligibility and Amount of Housing Assistance Payments.*

(a) The PHA shall comply with the Income limits established by the Government, and with the requirements of the Government pursuant to section 8(c)(7) of the Act that at least 30 percent of the Families assisted in all its Projects under its Master Section 8 ACC shall be Very Low-Income Families.

(b) The PHA shall comply or assure compliance with the schedules and criteria established by the Government with respect to the amounts of housing assistance payments made on behalf of Families.

(c) The PHA shall make or cause to be made periodic reexaminations of the Income, composition, and extent of exceptional medical or other unusual expenses of Families for whom housing assistance payments are being made, for the purpose of confirming or adjusting, in accordance with the applicable schedules established by the Government, the amount of rent payable by the Family and the amount of housing assistance payment.

(d) The PHA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on ground of changes of general applicability. If the PHA determines that an adjustment should be made, the PHA shall prescribe the amount of the adjustment and notify the Owner accordingly, and the PHA shall cause the Owner to make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of housing assistance payment.

(e) Prior to the approval of eligibility of a Family by the PHA or the Owner, as the case may be, and thereafter on the date established for each reexamination of the status of such Family, the PHA or the Owner, as the case may be, shall review or cause to be reviewed a written application, signed by a responsible member of such Family, which application shall set forth all data and information necessary for a determination of the amount, if any, of housing assistance payment which can be made with respect to the Family.

2.4 *Inspections.*

(a) The PHA shall require, as a condition for the making of housing assistance payments, that the Owner maintain the assisted dwelling units and related facilities in Decent, Safe, and Sanitary condition.

(b) The PHA shall inspect or cause to be inspected dwelling units and related facilities prior to commencement of occupancy by Families, and thereafter at least annually, adequate to assure that Decent, Safe, and Sanitary housing accommodations are being provided and that the agreed-to services are being furnished.

2.5 *Nondiscrimination in Housing.*

(a) The PHA shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act and the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program or be otherwise subjected to discrimination. The PHA shall, by contractual requirement, covenant, or other binding commitment, assure the same compliance on the part of any subgrantee, contractor, subcontractor, transferee, successor in interest, or other participant in the program or activity, such commitment to include the following clause:

This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the (contractor or other) to comply therewith inures to the benefit of the United States, the said Department and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the (contractor or other).

(b) The PHA shall incorporate or cause to be incorporated into all Housing Assistance Payments Contracts a provision requiring compliance with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations issued pursuant thereto.

(c) The PHA shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any Project or in the use or occupancy thereof, nor deny to any Family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease or rent any dwelling in any such housing suitable to its needs. No person shall automatically be excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

2.6 *Equal Employment Opportunity.*

(a) The PHA shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The PHA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, creed, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b)(1) The PHA shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this contract, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(A) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the PHA setting forth the provisions of this Equal Opportunity clause.

(B) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(C) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the PHA advising the said labor union or workers' representative of the contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(D) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(E) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(F) In the event of the contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(G) The contractor will include the portion of the sentence immediately preceeding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States."

(2) The PHA agrees that it will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

(3) The PHA further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction conracts pursuant to the Executive Order and and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.7. *Training, Employment, and Contracting Opportunities for Businesses and Lower Income Persons.*

(a) The project assisted under this ACC is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the Project area and contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the contracts pursuant to the Executive Order

(b) Notwithstanding any other provision of this ACC, the PHA shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 FR 29230, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this ACC. The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the Project;





the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations in all contracts for work in connection with the Project. The PHA certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

(c) Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this ACC shall be a condition of the Federal financial assistance provided to the Project, binding upon the PHA, its successors and assigns. Failure to fulfill these requirements shall subject the PHA, its contractors and subcontractors, its successors, and assigns to the sanction specified by this ACC and to such sanctions as are specified by 24 CFR 135.135.

(d) The PHA shall incorporate or cause to be incorporated into any contract pursuant to this contract such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Housing and Urban Development Act, as amended. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.8. *Cooperation In Equal Opportunity Compliance Reviews.* The PHA shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.9 *Clean Air Act and Federal Water Pollution Control Act.* The PHA shall incorporate or cause to be incorporated, into any contract for construction or substantial rehabilitation, such clause or clauses as are required by the Government for compliance with the regulations issued by the Environmental Protection Agency pursuant to the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and Executive Order 11738. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.10 *Labor Standards.* The PHA shall incorporate or cause to be incorporated into any contract for construction or substantial rehabilitation of nine or more dwelling units, such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Copeland Act, the Davis-Bacon Act, and the Contract Work Hours and Safety Standards Act. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.11 *Estimates of Required Annual Contribution.* The PHA shall from time to time submit to the Government estimates of required annual contribution at such times and in such form as the Government may require. All estimates and any revisions thereof submitted under this Section shall be subject to Government approval.

2.12 *Insurance and Fidelity Bond Coverage.* For purposes of protection against hazards arising out of or in connection with the administrative activities of the PHA in carrying out the Project, the PHA shall carry adequate (a) comprehensve general liability insurance, (b) workmen's compensation coverage (statutory or voluntary), (c) automobile liability insurance against property damage and bodily injury (owned and nonowned), and (d) fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

2.13 *Books of Account and Records; Reports.*

(a) The PHA shall maintain complete and accurate books of account and records, as may be prescribed from time to time by the Government, in connection with the Projects, including records which permit a speedy and effective audit, and will among other things fully disclose the amount and the disposition by the PHA of the Annual Contributions and other Project Receipts, if any.

(b) The books of account and records of the PHA shall be maintained for each Project as separate and distinct from all other Projects and undertakings of the PHA, except as authorized or approved by the Government.

(c) The PHA shall furnish the Government such finaucial, operating, and statistical reports, records, statements, and documents at such times, in such form, and accompanied by such supporting data, all as may reasonably be required from time to time by the Government.

(d) The Government and the Comptroller General of the United States, or his duly authorized representatives, shall have full and free access to the Projects and to all the books, documents, papers, and records of the PHA that are pertinent to its operations with respect to financial assistance under the Act, including the right to audit, and to make excerpts and transcripts from such books and records.

(e) The PHA shall incorporate or cause to be incorporated in all Contracts the following clauses:

PHA AND GOVERNMENT ACCESS TO PREMISES AND OWNER'S RECORDS

(1) The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA and the Government.

(2) The Owner shall permit the PHA or the Government or any of their duly authorized representatives, to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments.

(f) The PHA shall be responsible for engaging and paying the auditor for the making of audits as required by the Government, but the PHA shall be compensated under this ACC for the cost of such audits.

2.14. *General Depositary Agreement and General Fund.*

(a) The PHA shall maintain one or more agreements, which are herein collectively called the "General Depositary Agreement," in the form prescribed by the Government, with one or more banks (each of which shall be, and continue to be, a member of the Federal Deposit Insurance Corporation) selected as depositary by the PHA. Immediately upon the execution of any General Depositary Agreement, the PHA shall furnish to the Government such executed or conformed copies thereof as the Government may require. No such General Depositary Agreement shall be terminated except after 30 days notice to the Government.

(b) All monies received by or held for account of the PHA in connection with the Projects shall constitute the General Fund.

(c) The PHA shall, except as otherwise provided in this ACC, deposit promptly with such bank or banks, under the terms of the General Depositary Agreement, all monies constituting the General Fund.





(d) The PHA may withdraw monies from

ment may, after notice to the PHA giving it

Act and all regulations issued pursuant



a. A default by the Owner under this Contract shall result if:

the project, during his tenure or for one year thereafter, shall have any interest, di-

parties hereto, and neither party is bound by any representations or agreements of any

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(d) The PHA may withdraw monies from the General Fund only for (1) the payment of Project Expenditures, and (2) other purposes specifically approved by the Government. No withdrawals shall be made except in accordance with a voucher or vouchers then on file in the office of the PHA stating in proper detail the purpose for which such withdrawal is made.

(e) If the PHA (1) in the determination of the Government, is in Substantial Default, or (2) makes or has made any fraudulent or willful misrepresentation of any material fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted to the Government as a basis for this ACC or as an inducement to the Government to enter into this ACC, the Government shall have the right to require any bank or other depositary which holds any monies of the General Fund, to refuse to permit any withdrawals of such monies: *Provided, however,* That upon the curing of such Default the Government shall promptly rescind such requirement.

2.15 *Pooling of Funds under Special Conditions and Revolving Fund.*

(a) The PHA may deposit under the terms of the General Depositary Agreement monies received or held by the PHA in connection with any other housing project developed or operated by the PHA pursuant to the provisions of any contract for annual contributions, administration, or lease between the PHA and the Government.

(b) The PHA may also deposit under the terms of the General Depositary Agreement amounts necessary for current expenditures of any other project or enterprise of the PHA, including any project or enterprise in which the Government has no financial interest; *Provided, however,* That such deposits shall be lump-sum transfers from the depositaries of such other projects or enterprises, and shall in no event be deposits of the direct revenues or receipts of such other projects or enterprises.

(c) If the PHA operates other projects or enterprises in which the Government has no financial interest, it may, from time to time, withdraw such amounts as the Government may approve from monies on deposit under the General Depositary Agreement for deposit in and disbursement from a revolving fund provided for the payment of items chargeable in part to the Projects and in part to other projects or enterprises of the PHA: *Provided, however,* That all deposits in such revolving fund shall be lump-sum transfers from the depositaries of the related projects or enterprises and shall in no event be deposits of the direct revenues or receipts.

(d) The PHA may establish petty cash or change funds in reasonable amounts, from monies on deposit under the General Depositary Agreement.

(e) In no event shall the PHA withdraw from any of the funds or accounts authorized under this Section 2.15 amounts for the Projects or for any other project or enterprise in excess of the amount then on deposit in respect thereto.

2.16 *Defaults by PHA and/or Owner.*

(a) *Rights of Owner if PHA Defaults under Agreement or Contract.* (The provisions of this paragraph (a) shall not apply to any Existing Housing Project.)

(1) In the event of failure of the PHA to comply with the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

(2) In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

(3) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(a) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(4) The provisions of this Section 2.16(a) are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the PHA giving it a reasonable opportunity to take corrective action, make a determination whether a Substantial Default exists under paragraph (a)(1) or (a)(2) of this section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a)(1) or (a)(2) to carry out the obligations of the PHA to the Owner, and (iii) proceed against the Government by suit at law or in equity.

(5) The provisions of paragraphs (a) (1), (3) and (4) of this Section shall be included in the Agreement and the provisions of paragraphs (a) (2), (3) and (4) of this section shall be included in the Contract.

(b) *Rights of Government if PHA Defaults Under ACC, Agreement, or Contract.*

(1) If the PHA defaults in the observance or performance of the provisions of Section 2.4; fails to comply with its obligations under any duly issued Certificate of Family Participation in accordance with its terms; fails to comply with the requirements of Sections 2.5, 2.6, 2.7 or 2.8; defaults in the performance or observance of any other term, covenant, or condition of this ACC or of any term, covenant, or condition of any Contract or Agreement; fails, in the event of any default by the Owner, to enforce its rights under the Agreement or Contract by way of action to achieve compliance to the satisfaction of the Government or to terminate the Agreement or Contract in whole or in part, as directed by the Government; or fails to comply with the applicable provisions of the Act and all regulations issued pursuant thereto; the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder as to the Project. Upon the occurrence of a Substantial Default with respect to any Project, the PHA shall, if the Government so requires, assign to the Government all of its rights and interests under the Agreement or Contract, including any funds, and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC and of such Contracts until reassigned to the PHA.

(2) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(b) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(c) *Rights of PHA and Government if Owner Defaults under Contract. (New Construction and Substantial Rehabilitation Projects.* For New Construction and Substantial Rehabilitation projects, the Contract shall contain the following provisions:

a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provisions of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

c. (The provisions of this paragraph c shall apply only if the PHA is the lender.) Notwithstanding any other provisions of this Contract, in the event the Government determines that the Owner is in default of his obligations under the Contract, the Government shall have the right, after notice to the Owner and the PHA giving them a reasonable opportunity to take corrective action, to abate or terminate housing assistance payments and recover overpayments in accordance with the terms of the Contract. In the event the Government takes any action under this Section, the Owner and the PHA hereby expressly agree to recognize the rights of the Government to the same extent as if the action were taken by the PHA. The Government shall not have the right to terminate the Contract except by proceeding in accordance with Section 2.16(b) of the ACC.

(d) *Rights of PHA if Owner Defaults under Contract (Existing Housing Projects).* For Existing Housing projects, the Contract shall contain the following provisions:





a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provisions of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

2.17 *Remedies Not Exclusive and Non-Waiver of Remedies.* The availability of any remedy provided for in this ACC or in the Contract shall not preclude the exercise of any other remedy under this ACC or the Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.18 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.*

(a) Neither the PHA nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement in connection with any Project, in which any member, officer, or employee of the PHA or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the PHA was activated, or any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project during his tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee of the PHA, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the PHA and such disclosure is entered upon the minutes of the PHA, the PHA, with the prior approval of the Government, may waive the prohibition contained in this subsection: *Provided, however,* That any such present member, officer, or employee of the PHA shall not participate in any action by the PHA relating to such contract, subcontract, or arrangement.

(b) The PHA shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of its subcontracts, the following provisions:

No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or any proceeds or benefits arising therefrom.

(c) The provisions of the foregoing subsections (a) and (b) of this Section 2.18 shall not be applicable to the General Depository Agreement, or utility service the rates for which are fixed or controlled by a governmental agency.

2.19 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this ACC or to any benefits which may arise therefrom.

APPENDIX IV—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT NEW CONSTRUCTION PRIVATE-OWNER/PHA PROJECT

PART I

This Agreement to Enter into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the _____ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and _____ ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of improvements and land, as described in the approved Final Proposal; and

Whereas, the Owner and the PHA propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible Lower-Income Families ("Families") to occupy units in said project; and

Whereas, the PHA has entered into an Annual Contributions Contract dated _____, 19--, with the United States of America acting through the Department of Housing and Urban Development ("Government") with respect to Project No. _____ ("ACC"), under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act for the purpose of making housing assistance payments; and

Whereas, the Owner is also the developer, or, if the developer is other than the Owner, the developer's name is _____

Now therefore, the parties hereto agree as follows:

1.1 *Significant Dates; Contents of Agreement.*

a. *Time for Completion of Project.* The time for completion of the project (see Section 1.2a) is _____ calendar days after the effective date of this Agreement.

b. *Date for Commencement of Work.* The date for commencement of work (see Section 1.2b) is _____, 19--.

c. *Contents of Agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal including, among other things, the architect's certification, the Affirmative Fair Housing Marketing Plan (if required), evidence of management capability, and management program (if required);

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The Annual Contributions Contract;

Exhibit D: The schedule of completion in stages, if applicable;

Exhibit E: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the PHA and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of Completion.*

a. *Time for Completion.* The project shall be completed in accordance with section 1.4 no later than the end of the period stated in Section 1.1a, or in stages as provided for in Exhibit D which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than the date stated in Section 1.1b the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the PHA reserves the right, subject to Government approval, to rescind this Agreement or take other appropriate action. The Owner shall report to the PHA the date work was commenced and shall thereafter furnish the PHA with perodic progress reports (quarterly unless more frequent reporting is required by the PHA).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the PHA, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increases in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Construction Period.*

a. *Changes.* The Owner shall submit for PHA and Government approval any changes from Exhibit A which would materially reduce or alter his obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of Contract Rents. If such changes are made without prior approval by the PHA and the Government, the Owner may be required to reduce the Contract Rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications except those required by changes in local codes or ordinances made subsequent to execution of the Agreement, and then only if Government approval is obtained prior to incorporation of any such changes in the project.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days prior to the estimated completion date. The Owner shall notify the PHA of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the PHA of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to Section 1.7b of the Contract only







1.7 *Authority of the PHA.*

Owner certifies and agrees that he is under

provided to the project, binding upon the

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if he has fully complied with the requirements of this paragraph and the provisions of that Section.

1.4 *Project Completion.*

a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The Owner shall be solely responsible for completion of the project.

b. *Notification of Completion.* The Owner shall notify the Government, with a copy to the PHA, when the work is completed and shall submit to the Government the evidence of completion described in paragraph c of this Section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the Government with all of the following:

(1) A set of as-built drawings.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) The project has been completed in accordance with the requirements of this Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) There has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by the PHA and the Government in accordance with Section 1.3a; and

(v)[1] He has complied with the provisions of Sections 2.6 through 2.11 of this Agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner or the PHA or the Government, the Owner shall be required to place a sufficient amount in escrow, as determined by the Government, to assure such payments.

(4) A certification by the registered architect responsible for inspection of construction that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) The project has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified); and

(iv) The project has been constructed in accordance with applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials.

d. *Review and Inspection.* (1) Within ten working days of the receipt of the evidence of completion, the Government shall review the evidence of completion for compliance with paragraph c of this section.

(2) Within the same time period, a Government representative accompanied by a PHA representative shall inspect the project in a manner sufficient to enable the inspector to report that he has inspected the observable elements and features of the project in accordance with professional standards of care and judgment and that, on the basis of the inspection, the project has been completed in accordance with the Agreement and that there are no observable conditions inconsistent with the evidence of completion, including the certifications of the Owner and the design or inspecting architects. If the inspection discloses defects or deficiencies, the inspector shall report these with sufficient detail and information for purposes of paragraphs f (1) and (2) of this Section.

e. *Acceptance.* If the Government determines from the review and inspection that the project has been completed in accordance with the Agreement, the project shall be accepted.

f. *Acceptance Where Defects or Deficiencies Reported.* If the project is not acceptable under paragraph e, the following shall apply:

(1) If the only defects or deficiencies are punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete the items within a reasonable time to the satisfaction of the Government and the PHA, the Government may, upon 30 days notice to the Owner and the PHA, cancel its approval of the Contract and require its termination and/or exercise its other rights under the Contract and the ACC.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, the Government shall determine whether and to what extent the defects or deficiencies can be corrected, what corrections are essential to permit the Government to accept the project, whether and to what extent a reduction of Contract Rents will be required as a condition to acceptance of the project, and the extension of time required for the remaining work to be done. The Owner and the PHA shall be notified of the Government's determinations, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

g. *Notification of Nonacceptance.* If the Government determines that, based on the review of the evidence of completion and inspection, the project cannot be accepted, the Owner shall be promptly notified of this decision and the reasons.

h. *Arbitration.* In the event the Owner disputes the Government determinations, he may submit the controversy to third-party arbitration at his expense; *Provided*, That the arbitration is advisory only.

i. *Completion in Stages.* If the project is to be completed in stages, the procedures of this Section shall apply to each stage.

1.5 *Execution of Housing Assistance Payments Contract.*

a. *Time of Execution.* Upon acceptance of the project by the Government pursuant to Sections 1.3 and 1.4, the Contract shall be executed by the Owner and the PHA and shall then be approved by the Government.

b. *Completion in Stages.* If completion is in stages, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract Rents shall be shown in Exhibit A-1 of the Contract. Thereafter upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the PHA and approved by the Government, and Exhibits A-2, A-3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the Contract, the PHA shall examine the lists of dwelling units leased and not leased, referred to in Section 1.3b, and shall determine whether or not the Owner has met his obligations under that section with respect to any unleased units. The PHA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished to the Government.

d. *Contract Rents.* The Contract Rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except as provided in Section 1.3a and in paragraph f of this Section (where applicable).

e. *No Changes in Contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than as provided in this Agreement.

f.[2] *Adjustment of Contract Rents to Reflect Actual Cost of Permanent Financing.* (The provisions of this paragraph shall apply if the project is permanently financed prior to project completion; if the permanent financing does not occur until after project completion, the adjustments contemplated by paragraph f will be made in accordance with the comparable provisions contained in the Contract.) After the project is permanently financed, the Financing Agency shall submit a certification to the Government as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum ACC commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

1.6 *Government Assurance to Owner.* The approval of this Agreement by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the PHA in the performance of its obligations under the Contract. The Government and the PHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of annual contributions payable thereunder for housing assistance payments except as authorized in the ACC and the Contract.

[1] Strike this paragraph if the project involves fewer than nine Contract units.

[2] Delete this paragraph unless the project is subject to 24 CFR, 880.126.





1.7 *Authority of the PHA.*

The PHA warrants that it is a "public housing agency" as defined in section 3(6) of the Act and that it is in fact and in law authorized to execute this Agreement.

*Effective date.* This Agreement shall be effective as of the date of approval by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Approved: _____

United States of America, Secretary of Housing and Urban Development.

By: _____

_____

(Official Title)

Date: _____, 19____

PHA: _____

By: _____

_____

(Official Title)

Date: _____, 19____

Owner: _____

By: _____

_____

(Official Title)

Date: _____, 19____

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT, NEW CONSTRUCTION, PRIVATE-OWNER/PHA PROJECT

PART II

2.1 *Training, Employment, and Contracting Opportunities for Businesses and Lower-Income Persons.*[3]

a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 *Equal Employment Opportunity.*[4]

a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the

[3] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $500,000 or less.

[4] As used in Section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.



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said rules, regulations, or orders, this contract may be canceled, terminated, or sus-

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[5]

in providing benefits under a plan or program described in section 1(b)(2)(B) of the



ject to the provisions of paragraph g(2) of this section. Apprentices and trainees shall

ing to the laborers or mechanics affected, and records which show the costs antici-

b. In the event of any violation of the clause set forth in paragraph a of this Sec-

said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by Law.

(7) The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by HUD or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation in Equal Opportunity Compliance Reviews.*

The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.*

If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[5]

In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing Wage Rates.*[6]

a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that the agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR 5.2(c) shall also be subject to the provisions of paragraph g(2) of this section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of the Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 *Submittal of payrolls and related reports.*

a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under Section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under Section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 *Disputes concerning wage rates and classifications of labor.*

a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 *Wage Claims and Adjustments.*

In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 *Contract Work Hours and Safety Standards Act—Overtime Compensation.*

a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this section.

2.11 *Termination; debarment; subcontracts.*

a. A breach of the provisions of the foregoing Sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR 5.6.

b. The Owner shall insert in any subcontracts Sections 2.6 (and with respect to Section 2.6g(2), copies of 29 CFR, 5a.4, 5a.5, 5a.6 and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these Sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 *Failure or Inability of PHA to comply with Agreement.*

The following provisions of the ACC are hereby made a part of this Agreement:

a. *Rights of Owner if PHA Defaults Under Agreement or Contract.*

(1) In the event of failure of the PHA to comply with the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

* * * * *

(3) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(a) will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(4) The provisions of this Section 2.16(a) are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the PHA giving it a reasonable opportunity to take corrective action,

[5] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments contract, over the maximum term of said Contract, are $100,000 or less.

[6] As used in Sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike Sections 2.6 through 2.11 if the project involves fewer than nine Contract units.











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make a determination whether a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a)(1) or (a)(2) to carry out the obligations of the PHA to the Owner, and (iii) proceed against the Government by suit at law or in equity.

2.13 *Disputes.*

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement of the PHA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Agreement and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of question of law in connection with decisions rendered under paragraphs a and b of this section; *Provided, however*, That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.14 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.*

No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

2.15 *Interest of Member of or Delegate to Congress.*

No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.16 *Nonassignability.*

a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government: *Provided, however*, That in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different developer from the one named in the preamble of this Agreement, except with the prior consent of the PHA and the Government.

c. The Owner agrees that the approved developer has not made, and will not make, except with the prior consent of the PHA and the Government, any assignment or transfer in any form of the developer's contract to construct the project, or of any part thereof, or any of the developer's interests therein.

d. The Owner agrees to notify the PHA and the Government promptly of any proposed action covered by paragraph a or b or c of this section. The Owner further agrees to request the written consent of the PHA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

e. For the purpose of this Section, a transfer of stock in the Owner or developer in whole or in part, by a party holding ten percent or more of the stock of said Owner or developer, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or developer or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the construction contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX V—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING ASSISTANCE PAYMENTS CONTRACT, NEW CONSTRUCTION, PRIVATE-OWNER/PHA PROJECT

PART I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the _____ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and _____ ("Owner"), and approved by the United States of America acting through the Department of Housing and Urban Development ("Government"), pursuant to the Act and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, et seq.

The parties hereto agree as follows:

1.1 *Significant Dates and Other Items; Contents of Contract.*

a. *Effective Date of Contract.* The effective date of this Contract is _____, 19__. [This date shall be no earlier than the date approved by the Government.]

b. *Initial Term of Contract.* The initial term of this Contract (see Section 1.4a) shall be _____ years [not to exceed five years], beginning with the effective date of this Contract and ending _____, 19__.

c. *Number and Length of Optional Additional Terms.* The number and length of optional additional terms (see Section 1.4a) shall be _____ terms of _____ years each [not to exceed five years each].

d. *Maximum Total Term of Contract.* The maximum total term of this Contract for any unit, including renewals (see Section 1.4a), shall be _____ years. (Insert 20, except that (1) in the case of a project owned by, or financed by a loan or loan guarantee from, a State or local agency, insert the number, not to exceed 40, which will provide a term ending with the scheduled maturity date for the last payment under such financing, and (2) in the case of a mobile homes project, insert number as authorized by the Government pursuant to 24 CFR 880.109, not to exceed 20.)

e. *Fiscal Year.* The ending date of each Fiscal Year (see Section 1.4b) shall be _____ (insert March 31, June 30, September 30, or December 31, as determined by the Government).

f. *Annual Contributions Contract.* The Annual Contributions Contract applicable to this Contract ("ACC") (see Section 1.5a) is the ACC dated _____ with respect to Project No. _____.

g. *Maximum Housing Assistance Commitment.* The maximum amount of the commitment for housing assistance payments under this Contract (see Section 1.6a) is $_____ per annum. [Enter amount specified in the ACC for housing assistance payments.]

h. *Contents of Contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The project description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's Warranties.*

a. *Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenantable condition and that the project has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract. The Owner and the PHA agree that the continuation of this Contract shall be subject to the conditions set forth in Section 1.4f of the Agreement.

1.3 *Families to be Housed; PHA Assistance.*

a. *Families To Be Housed.* The Contract Units are to be leased by the Owner to eligible Lower-Income Families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *PHA Assistance.* (1) The PHA hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

(2) If there is an Allowance for Utilities and Other Services and if such Allowance





exceeds the Gross Family Contribution, the Owner shall pay the Family the amount of such excess on behalf of the PHA upon receipt of funds from the PHA for that purpose.

1.4 *Term of Contract; Fiscal Year.*

a. *Term of Contract.*

(Alternative provisions—Incorporate alternative 1, 2, or 3, as applicable.)

*Alternative 1—General.* The initial term of this Contract shall be as stated in Section 1.1b. This Contract may be renewed, at the sole option of the Owner, for the number and length of additional terms stated in Section 1.1c: *Provided*, That the total Contract term for any unit, including renewals, shall not exceed the number of years stated in Section 1.1d. Renewal shall be automatic unless the Owner notifies the PHA, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; *Provided, however*, That the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term stated in Section 1.1d, plus two years.

*Alternative 2—For mobile homes project.* In the case of mobile homes, the initial term of this Contract for each mobile home shall be as stated in Section 1.1b. This Contract shall be renewed, as may be mutually agreed upon by the Owner and the PHA with the approval of the Government, with respect to any mobile home, for the number and length of additional terms as stated in Section 1.1c; *Provided*, That the total Contract term for any mobile home, including renewals, shall not exceed the number of years stated in Section 1.1d. Renewals shall become effective only if either party gives written notice, no later than 60 days prior to the expiration of the current term, of his desire to renew, and the other party concurs or fails to object before the expiration of the current term. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the mobile homes in each stage; *Provided, however*, That the total contract term for the mobile homes in all stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term stated in Section 1.1d, plus two years. For purposes of this paragraph a, the term "mobile home" means the original mobile home and any replacement(s), combined.

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on the date stated in Section 1.1e; *Provided, however*, That the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in Section 1.6a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Annual Contributions Contract.*

a. *Identification of Annual Contributions Contract.* The PHA has entered into an Annual Contributions Contract with the Government, as identified in Section 1.1f, under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act for the purpose of making housing assistance payments. A copy of the ACC shall be provided upon request.

b. *PHA Pledge of Certain ACC Payments.* The PHA hereby pledges to the payment of housing assistance payments pursuant to this Contract the portion of annual contributions payable under the ACC for such housing assistance payments. The PHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of such annual contributions, except as authorized in the ACC and this Contract.

c. *Government Approval of Housing Assistance Payments Contract.* The approval of this Contract by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the PHA in the performance of its obligations under the Contract.

1.6 *Maximum Housing Assistance Commitment; Project Account.*

a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other contract between the PHA and the Owner, the PHA shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of the amount per annum stated in Section 1.1g: *Provided, however*, That this amount shall be reduced commensurately with any reduction in the number of Contract Units or in the Contract Rents or pursuant to any other provision of the ACC or this Contract.

b. *Project Account.* As provided in the ACC, in order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the Maximum ACC Commitment per year exceeds amounts paid under the ACC for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this Section to cover increases in Contract Rents or decreases in Family Incomes (see Section 1.9). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government in accordance with law.

(2) Whenever the Government approved estimate of the required Annual Contribution exceeds the Maximum ACC Commitment then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such Maximum ACC Commitment, the Government shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

1.7 *Housing Assistance Payments to Owners.*

a. *General.* (1) Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will cover the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria.

(2) The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family Income, Family composition, or extent of exceptional medical or other unusual expenses, in accordance with the Government-established schedules and criteria; or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, provided that the Owner (1) commenced marketing and otherwise complied with Section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contracting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the PHA.

c. *Vacancies After Rent-up.* (1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days: *Provided, however*, That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also Section 1.10b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (1) immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take actions specified in paragraphs b(2) and b(3) of this section.

(2) If the Owner evicts a Family, he shall not be entitled to any payment under paragraph c(1) of this section unless the request for such payment is supported by a certification that (i) he gave such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it had 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction was not in violation of the Lease or the Contract or any applicable law.

d. *Limitation on Payments for Vacant Units.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.10b of this Contract).

e. *PHA Not Obligated for Family Rent.* The PHA has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with Section 1.10b of this Contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of Families in accordance with this Contract.





1. *Owner's Monthly Requests for Payments.*

if recoupment is to be made less often than

for the vacated dwelling unit if (1) the unit



1.8 *Adjustment to Reflect Actual Cost of Permanent Financing.* This paragraph f shall

(3) The Owner shall make a reexamination of Family Income composition, and the ex-

reduction made pursuant to paragraph a or b of this Section if the Government deter-

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*f. Owner's Monthly Requests for Payments.* (1) The Owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (i) The name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or the number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit (or, where applicable, the amount to be paid the Family in accordance with Section 1.3b(2)); and (v) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling units are in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the PHA or the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(4) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

*g. Recoupment of Savings in Financing Cost.* (1) In the event that the interim financing is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing for any period of three months, after such first year, is less than the anticipated debt service under the permanent financing on which the Contract Rents were based, an amount reflecting the savings in financing cost, computed in accordance with paragraph g(2) of this section, shall be credited by the Government to the Project Account, and withheld from housing assistance payments to the Owner. If during the course of the same year there is any period of three months in which the financing cost is greater than the anticipated debt service under the permanent financing, an adjustment shall be made so that only the net amount of savings in financing cost for the year is credited by the Government to the Project Account and withheld from housing assistance payments to the Owner as aforesaid (no increased payments shall be made to the Owner on account of any net excess for the year of actual interim financing cost over the anticipated debt service under the permanent financing). Nothing in this paragraph g shall be construed as requiring a reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with Section 1.9.[1]

(2) The computation and recoupment under this paragraph g may be made on an annual or on a quarterly or other periodic basis, but in any event no later than as of the end of each Fiscal Year; *Provided, however,* That if recoupment is to be made less often than quarterly, the amounts of recoupment shall be computed on at least a quarterly basis and the funds deposited in a special account from which withdrawals may be made only with the authorization of the PHA. The manner of computing the amount of recoupment shall be as follows:

(i) Determine the amount by which the interest cost for the interim financing for the period in question is less than the anticipated debt service under the permanent financing on which the Contract Rents were based;

(ii) Determine what percentage the amount found under paragraph g(2)(i) of this section is of the aggregate Contract Rents for all Contract Units for the period in question;

(iii) Apply the percentage found in paragraph g(2)(ii) of this Section to the aggregate Contract Rents for those Contract Units which are included in the Owner's claim(s) for housing assistance payments for the period in question; and

(iv) The amount found in paragraph g(2)(iii) of this section shall be credited to the Project Account and withheld from the next housing assistance payment or payments to the Owner.

1.8 *Maintenance, Operation and Inspection.*

*a. Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the PHA determines that the Owner is not meeting any of these obligations, the PHA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

*b. Inspection.* (1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept on file by the Owner for at least three years.

(2) The PHA shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy and rerenting of any unit) as may be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner and the Family of its determination.

*c. Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA does not have other section 8 funds for such purposes, the PHA may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

*d. Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The PHA shall promptly notify the Family of any such abatement.

*e. Overcrowded and Underoccupied Units.* If the PHA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family size, or that a Contract Unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the PHA will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of Section 1.7c(1).

1.9 *Rent Adjustments.*

*a. Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this section, up to the maximum amount authorized under Section 1.6a of this Contract.

*b. Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

*c. Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

*d. Overall Limitation.* Notwithstanding any other provisions of this Contract, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government.

*e. Incorporation for Rent Adjustment.* Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit establishing the effective date of the adjustment.

[1] Delete this paragraph unless the project is subject to 24 CFR 880.125.





*1.[2] Adjustment to Reflect Actual Cost of Permanent Financing.* This paragraph f shall apply if the project is not permanently financed until after the effective date of the Contract. After the project is permanently financed, the Financing Agency shall submit a certification to the Government as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the Contract Rents currently in effect shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The Maximum ACC Commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

1.10 *Marketing and Leasing of Units.*

*a. Compliance with Equal Opportunity.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

*b. Security and Utility Deposits.*

(1) The Owner may require Families to pay a security deposit in an amount equal to one month's Gross Family Contribution. If a Family vacates its unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease, or if the amount owed is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(2) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(3) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

*c. Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. In the initial renting of the Contract Units, the Owner shall lease at least 30 percent to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family Income composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government. In connection with the reexamination, the Owner shall determine what percentage of Families in occupancy are Very Low-Income Families. If there are fewer than 30 percent Very Low-Income Families in occupancy, the Owner shall report the fact to the Government and shall adopt changes in his admission policies to achieve, as soon as possible, at least 30 percent occupancy by such Families.

*d. Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a PHA determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

*e. Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable PHA or Government requirements and shall maintain records and furnish such copies or other information as may be required by the PHA or the Government.

*f. Review; Incorrect Payments.* In making housing assistance payments to Owners, the the PHA or the Government will review the Owner's determinations under this section. If as a result of this review, or other reviews, audits or information received by the PHA or the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the PHA or the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.11 *Termination of Tenancy.*

The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in Section 1.7c.

1.12 *Reduction of Number of Contract Units for failure to lease to Eligible Families.*

*a. After First Year of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the PHA, with Government approval, may on 30 days notice reduce the number of Contract units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

*b. At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the PHA, with Government approval, may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

*c. Restoration of Units.* The Government will agree to an amendment of the ACC to provide for subsequent restoration of any reduction made pursuant to paragraph a or b of this Section if the Government determines that the restoration is justified as a result of changes in demand and in the light of the Owner's record of compliance with his obligations under this Contract and if annual contributions contract authority is available; and the Government will take such steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance (See Section 1.6).

WARNING: 18 U.S.C. 101 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

*Approved:*_____

United States of America, Secretary of Housing and Urban Development,

By: _____

_____

*(Official title)*

Date: _____, 19__

Owner: _____

By: _____

*(Official title)*

Date: _____, 19__

PHA: _____

By: _____

*(Official title)*

Date: _____, 19__

(If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.)

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

STAGE 1

This Contract is hereby executed with respect to the units described in Exhibit A–1.

*Effective date.* The effective date of this Contract with respect to the units described in Exhibit A–1 is _____, 19__. (Insert date which shall be no earlier than the date of approval by the Government.)

*Approved:*_____

United States of America, Secretary of Housing and Urban Development,

By: _____

_____

*(Official title)*

Date: _____, 19__

Owner: _____

By: _____

*(Official title)*

Date: _____, 19__

PHA: _____

By: _____

*(Official title)*

Date: _____, 19__

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

STAGE 2

This Contract is hereby executed with respect to the units described in Exhibit A–2.

*Effective date.* The effective date of this Contract with respect to the units described in Exhibit A–2 is _____, 19__. (Insert

[2] Delete this paragraph unless the project is subject to 24 CFR, Section 880.125.



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date which shall be no earlier than the date of approval by the Government.)

*Approved:* ----------

United States of America, Secretary of Housing and Urban Development,

By: ----------

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*(Official title)*

Date: ----------, 19--

Owner: ----------

By: ----------

*(Official title)*

Date: ----------, 19--

PHA: ----------

By: ----------

*(Official title)*

Date: ----------, 19--

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

STAGE 3

This Contract is hereby executed with respect to the units described in Exhibit A–3.

*Effective date.* The effective date of this Contract with respect to the units described in Exhibit A–3 is ----------, 19-- (Insert date which shall be no earlier than the date of approval by the Government.)

Approved: ----------

United States of America, Secretary of Housing and Urban Development,

By: ----------

---

*(Official title)*

Date: ----------, 19--

Owner: ----------

By: ----------

*(Official title)*

Date: ----------, 19--

PHA: ----------

By: ----------

*(Official title)*

Date: ----------, 19--

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING ASSISTANCE PAYMENTS CONTRACT, NEW CONSTRUCTION, PRIVATE-OWNER/PHA PROJECT

PART II

2.1 *Nondiscrimination in Housing.*

a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government, of the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training Employment, and Contracting Opportunities for Businesses and Lower-Income Persons.*[3]

a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 F.R. 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction by this Contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in Equal Opportunity Compliance Reviews.*

The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.*

If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[4]

In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *PHA and Government Access to Premises and Owner's Records.*

a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA or the Government.

b. The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 *Failure or inability of PHA to comply with Contract.*

The following provisions of the ACC are hereby made a part of this Contract:

(a) *Rights of Owner if PHA Defaults Under Agreement or Contract.*

• • • • •

(2) In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

(3) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(a) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(4) The provisions of this Section 2.16(a) are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the PHA giving it a reasonable opportunity to take corrective action, make a determination whether a Substantial Default exists under paragraph (a)(1) or (a)(2) of this section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a)(1) or (a)(2) to carry out the obligations of the PHA to the Owner, and (iii) proceed against the Government by suit at law or in equity.

2.8 *Rights of PHA and Government if Owner Defaults.*

a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

c. (The provisions of this paragraph c shall apply only if the PHA is the lender.) Notwithstanding any other provisions of this Contract, in the event the Government determines that the Owner is in default of his obligations under the Contract, the Government shall have the right, after notice to the Owner and the PHA giving them a reasonable opportunity to take corrective action, to abate or terminate housing assistance payments and recover overpayments in accordance with the terms of the Contract. In the event the Government takes any action under this section, the Owner and the PHA hereby expressly agree to recognize the rights of the Government to the same extent as if the action were taken by the PHA. The Government shall not have the right to terminate the Contract except by proceeding in accordance with Section 2.16(b) of the ACC.

2.9 *Remedies not exclusive and Non-Waiver of Remedies.*

The availability of any remedy under this Contract or the ACC shall not preclude the exercise of any other remedy under this Contract or the ACC or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.10 *Disputes.*

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the PHA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with the decisions rendered under paragraphs a and b of this section: *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.11 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body or Other Public Officials.*

No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.12 *Interest of Member of or Delegate to Congress.*

No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.13 *Assignment, Sale, or Foreclosure.*

a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government; *Provided, however,* that in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole gen-

[3] Strike this Section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are $500,000 or less.

[4] Strike this section if the Contract Rents on the effective date of this Contract, over the maximum total term of this Contract, are $100,000 or less.





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eral partner shall not be considered an as-

method or means, whether by increased capi-

(If the project is subject to 24 CFR 880.125,

eral partner shall not be considered an assignment herein.

b. The Owner agrees to notify the PHA and the Government promptly of any proposed action covered by paragraph a of this section. The Owner further agrees to request the written consent of the PHA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

c. For the purpose of this Section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract or the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

d. In the event of foreclosure, including foreclosure by the Government, and in the event of assignment or sale agreed to by the Government or made to the Government, housing assistance payments shall continue in accordance with the terms of the Contract.

(If the project is subject to 24 CFR 880.125, paragraph d above shall be stricken and the following shall be used instead:

d. In the event of foreclosure, or assignment or sale to the financing agency in lieu of foreclosure, or in the event of assignment or sale agreed to by the financing agency and approved by the Government (which approval shall not be unreasonably delayed or withheld), housing assistance payments shall continue in accordance with the terms of the Contract.)

DAVID M. DEWILDE,
*Acting Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.*

[FR Doc.75-11116 Filed 4-28-75;8:45 am]



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PART III

# ENVIRONMENTAL PROTECTION AGENCY

■

## APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Air Quality Standards

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TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

[FRL 370-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Quality Standards

On February 3, 1971, the Environmental Protection Agency published in the FEDERAL REGISTER (36 FR 2292) national primary and secondary ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide. All States were required, prior to the



first NEDC criticized the basic approach of State AQMAs as well as non-AQMA that the existing State implementation

## TITLE 40—PROTECTION OF ENVIRONMENT

### Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

[FRL 341-1]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Maintenance of National Ambient Air Quality Standards

On July 10, 1974, the Administrator proposed in the FEDERAL REGISTER (39 FR 25330), a list of areas that have the potential for violation of specified national ambient air quality standards by 1985 for all States except those in EPA's Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin). In the FEDERAL REGISTER of August 12, 1974 (39 FR 28906), the Administrator proposed a similar list for the Region V States. The identification of these "air quality maintenance areas" (AQMAs) is required under 40 CFR 51.12 (e) and (f), published in the FEDERAL REGISTER of June 18, 1973 (38 FR 15834) and subsequently amended on May 8, 1974 (39 FR 16343). The preamble to the July 10, 1974, proposal contains detailed background information concerning the Administrator's proposed identification of these areas and their relationship to the implementation planning process; the reader is referred to that preamble for this information.

The action below presents the final identification of AQMAs for the States of Alabama, Alaska, Georgia, Hawaii, Idaho, Louisiana, Maine, Mississippi, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Vermont, and Washington, and for Guam, Puerto Rico, Virgin Islands, and American Samoa. Also, this action presents a partial AQMA list for Iowa.

The Administrator is taking the following actions on these States: (a) Approval of the supplemental information that the States submitted to the Administrator under 40 CFR 51.12(e) and which the Administrator has determined to be adequate and in accordance with EPA's Guidelines for Designation of Air Quality Maintenance Areas, which information contains either the list of areas identified by the States or a justification why there are no such areas.

(b) Disapproval of plans for which States did not submit adequate supplemental information containing either a list of areas identified pursuant to 40 CFR 51.12(e) or a justification why there are no such areas.

(c) Identification of areas that have the potential for violation of a national standard by 1985. In some cases, such identifications include, where applicable, the Administrator's own area identification, in addition to the areas identified by the States and approved by the Administrator. Where the Administrator disapproves a State's plan because of an inadequate submittal, the Administrator either identifies AQMAs or indicates that there are no such areas under 40 CFR 51.12 (e) and (f).

The Administrator is reviewing the AQMA lists submitted by the other States and will publish lists for those States at a later time, along with the remainder of the AQMAs for Iowa. These AQMA lists are being published later than the August 16, 1974, date for publication specified in the May 8, 1974, FEDERAL REGISTER notice referred to above because the task of area identification provided to be more difficult and time-consuming than had previously been anticipated. The Administrator regrets the delay but believes that a more appropriate list of AQMAs will result from the additional time and effort expended.

For the areas identified by the Administrator under 40 CFR 51.12 (e) and (f), the States are required to submit a detailed analysis of the impact on air quality of projected growth. Where the analysis indicates that the national air quality standards will not be maintained, the States must also submit plans containing measures to ensure maintenance of national standards during the ensuing 10-year period. The AQMA identification-analysis-plan development procedure must be repeated at least every 5 years to ensure continuing maintenance of national standards.

The Administrator has prepared and distributed to the States the available volumes in a series of guidelines to assist the States in identifying AQMAs, performing their AQMA analyses, and developing their AQMA plans. These are the Guidelines for Air Quality Maintenance Planning and Analysis. The constituent volumes include:

Volume 1—Designation of Air Quality Maintenance Areas (Revised)
Volume 2—Plan Preparation
Volume 3—Control Strategies
Volume 4—Land Use and Transportation Considerations
Volume 5—Case Studies in Plan Development
Volume 6—Overview of Air Quality Maintenance Area Analysis
Volume 7—Projecting County Emissions
Volume 8—Computer-Assisted Area Source Emissions Gridding Procedure
Volume 9—Evaluating Indirect Sources
Volume 10—Reviewing New Stationary Sources
Volume 11—Air Quality Monitoring and Data Analysis
Volume 12—Applying Atmospheric Simulation Models to Air Quality Maintenance Areas
Volume 13—Allocating Projected Emissions to Sub-County Areas.

EPA issued an earlier version of Volume 1 to the States in January 1974; the revised version merely incorporates the errata and suppiments to the earlier version. This document describes techniques for the States to use in identifying potential problem areas. Additional volumes in this guidelines series may be issued as the need arises. The Guidelines documents may be inspected at any of EPA's Regional Offices and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. The documents can also be obtained for a nominal fee from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151. The Administrator will propose revisions to 40 CFR Part 51 concerning the detailed requirements for preparation, adoption, and submission of AQMA analyses and plans at a later time.

All States were required, prior to the submission of identified areas, to conduct one or more public hearings on the AQMA identification and technical supporting material. Where a State held no such hearing, the Administrator has held a hearing on this matter.

In addition to soliciting public comment on the list of proposed AQMAs, the Administrator, acting through his Regional Administrators, forwarded a copy of the proposed AQMA list to the Governors of States for which AQMAs were proposed under Office of Management and Budget's (OMB) Circular A-95, Part IV (published in the FEDERAL REGISTER of November 28, 1973, 38 FR 32874) which requires that:

> Prior to the designation or redesignation (or approval thereof) of any planning and development district or region under any Federal program, Federal agency procedures will provide a period of 30 days for the Governor(s) of the State(s) in which the district or region will be located to review the boundaries thereof and comment upon its relationship to planning and development districts or regions established by the State.

Frequently, the boundaries of AQMAs will not conform to sub-State planning and development districts because of the general lack of confinement of air pollution problems to such districts.

#### INTERSTATE AQMAS

EPA's Guidelines for Designation of Air Quality Maintenance Areas state:

> The AQMA should include all of the territory which shares a common air envelope and a common aggregation of sources. This will usually be an urbanized area plus some adjoining areas which are now undeveloped but which are expected to develop in the next 10 years or so. It may include satellite communities which are now separated from the central urbanized area but will, in 10–20 years, become part of the central urbanized area and thus share the air resource.

If an "air envelope" that has the potential for failing to maintain a national standard within 10 years is an interstate area, the Administrator has designated the area as an "interstate AQMA." Under the forthcoming proposed air quality maintenance requirements in 40 CFR 51, the agency responsible for implementing national standards in any portion of an interstate AQMA would have to furnish any available data (with the exception of confidential source-specific parameters) on emissions, air quality, control strategy development, growth projections, and AQMA plan development to other State or local agencies having similar responsibilities in other portions of the AQMA.

#### COMMENTS ON PROPOSED AQMA DESIGNATION

Under the description of actions being taken on individual States below, the Administrator indicates the nature of comments received and provides a response. The Natural Resources Defense Council, Inc. (NRDC), commented about aspects of EPA's air quality maintenance program that are not specific to individual States, however, so the Administrator will respond to these comments separately.





First, NRDC criticized the basic approach of 40 CFR 51.12, which requires that new maintenance measures be developed only in those areas designated as AQMAs. NRDC argued that such a scheme would violate section 107 of the Clean Air Act, which requires that each State have a plan that provides for maintenance "within each air quality control region in such State."

The scheme of 40 CFR 51.12 is fully consistent with section 107. The new measures that will be developed in accordance with the AQMA plan process will be supplements to implementation plans that already have State-wide measures designed to assist in ensuring air quality maintenance. Every plan is required to have stationary and indirect source review regulations which are applicable on a State-wide basis. Both the Federal Motor Vehicle Control Program and the New Source Performance Standards will also help ensure maintenance of the ambient standards throughout each State. The approach of requiring supplemental maintenance measures only for those areas that have been analyzed to have the potential for violating the standards is, in the Administrator's judgment, entirely rational and fully defensible from a legal viewpoint. The Administrator recognizes that air pollution control agencies have limited financial and manpower resources and does not feel it would be prudent to divert such resources from critical areas to areas that have only remotely possible problems.

NRDC also criticized the emphasis on analysis of Standard Metropolitan Statistical Areas (SMSAs) contained in EPA's Guidelines for Designation of Air Quality Maintenance Areas. NRDC pointed out that non-SMSA areas may also present a potential for violating the standards.

It was not EPA's intent to foreclose the consideration of non-SMSAs. EPA emphasized SMSA analysis in the Guidelines under the assumption that in the lesser-developed areas of the country, the maintenance provisions that are applicable State-wide (such as the new source review procedures and the others mentioned above) would generally suffice. It was therefore EPA's intent that SMSAs be considered as a minimum.

Since States may not have fully considered non-SMSA areas in the designation process, however, the Administrator intends to propose, in amendments to 40 CFR 51 concerning air quality maintenance, an additional requirement that each State plan contain a procedure for monitoring land development in all areas of the State. When an area has undergone or is expected to undergo an amount of growth to the extent that the area has the potential for violation of a standard over the subsequent 10-year period, the State would then be required to designate the area as an AQMA. When the Administrator officially publishes the area as an AQMA, the area would then be subject to the air quality maintenance requirements for analysis and plan development under § 51.12. All areas of the State, AQMAs as well as non-AQMA areas, would be subject to the proposed development monitoring regulations since a significant amount of development in an AQMA might jeopardize a standard for a pollutant for which that AQMA was not designated. The Administrator will develop guidance that States may follow in establishing such a procedure.

Finally, whenever the Administrator discovers that any area of a State fails to maintain an air quality standard after attainment, he will call for a plan revision to include whatever additional measures as may be necessary to ensure maintenance of the standards.

The proposed regulations would also require a procedure to monitor continuously, for each area of the State (possibly by county), parameters that are indicative of growth and development such as population, housing and building starts, employment, and earnings. For States that already have their own system for tracking various kinds of development, the Administrator encourages those States to incorporate their systems into the proposed development tracking procedure.

The Administrator wishes to emphasize that this proposed new requirement for tracking growth and development will not require any kind of permit system. It would not be intended as a system to conduct pre-construction review of individual developments but merely as a device to be used to refine the designation of AQMAs. The Administrator will invite comments on this requirement at the time he proposes it.

NRDC also contends that the 10-year analysis period required under 40 CFR 51.12 is arbitrary and inadequate and that EPA should require detailed projections of anticipated activity over a minimum of 20 years. At present, there are limitations in accuracy inherent in projecting emissions and air quality. Thus it is the Administrator's judgment that a 10-year analysis and planning period should be the minimum requirement for AQMAs, at least until more accurate emission and air quality projection techniques are developed that would make longer projection periods more feasible. The Administrator encourages States to consider in their AQMA analyses and plans the effects of development over periods longer than 10 years if adequate data concerning such development is available and of a sufficient reliability and if there is a reasonable degree of confidence in the techniques used to project emissions and air quality.

NRDC alleges that the initial exclusion criteria for carbon monoxide and photochemical oxidants in EPA's Guidelines for Designation of Air Quality Maintenance Areas excuse any area from developing a maintenance plan merely upon a showing that the standards for these pollutants will be attained by 1985, although the Clean Air Act requires attainment no later than 1975 or, with a two-year extension, 1977.

Both the CO and the oxidant exclusion criteria were based on the assumption that the existing State implementation plans, including the transportation control strategies, would be sufficient to attain the national ambient air quality standards by at least 1977. This assumption, although implicit, was not actually stated in the Guidelines document. Any growth in vehicle usage between 1977 and 1985 would then be countered by the replacement of older vehicles by newer vehicles that would meet the Federal motor vehicle emission control standards of section 202 of the Clean Air Act. Where it is shown that a plan is unable to attain the air quality standards by the attainment date, EPA may call for a plan revision under section 110(a)(2)(H) of the Clean Air Act calling for such measures as may be necessary to ensure the attainment and maintenance of the national standards.

NRDC also questions the representativeness of automobile emission factors used in the Guidelines for Designation of Air Quality Maintenance Areas. The initial designation criteria and the methods used to project emissions made use of the automobile emission factors in Compilation of Air Pollution Emission Factors (EPA document AP-42, Second Edition, April 1973). Data from EPA's testing of in-use vehicles indicate that the CO emission rates from 1972 model year vehicles are higher than emissions predicted by AP-42.[1] The data presented in the Guidelines document were the best available to EPA at that time; the data from EPA's testing program were not available at the time of publication of the Guidelines document because the test program was incomplete.

NRDC referred to vehicle emission data from 1972–1974 model years gathered in Houston, Texas, as indicative of actually measured emission rates versus rates predicted by AP-42. The data to which NRDC referred, however, was raw data and, as yet, unverified as to accuracy. Vehicles from five other cities besides Houston were tested in this testing program, and only a relatively small population of vehicles were tested in each. Furthermore, the data from three of the six cities has not yet been summarized. Because of these uncertainties, it is the Administrator's position that it is not statistically valid to draw even tentative conclusions at this time regarding emissions for an entire class of vehicles from the results in one test city. Where the Administrator discovers that a substantial number of any class or category of vehicles or engines do not conform to EPA's emission limitations, he may notify the manufacturer of those vehicles of the nonconformity and require the manufacturer to submit a plan to correct the nonconformity under the terms provided in section 207(c) of the Act.

[1] Williams, Marcia E., et al. Automobile Exhaust Emission Surveillance-Analysis of the FY 72 Program. U.S. Environmental Protection Agency, Office of Air and Water Programs, Office of Mobile Source Air Pollution Control, Certification and Surveillance Division, Ann Arbor, Michigan 48105. February 1974. (EPA-460/2-74-001.)



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NRDC also argued that tampering

ESECA. EPA is revising AP-42 to account for these delays.

bama 36104, and at the office of EPA Region IV, 1421 Peachtree, St. NE., At-



vironmental Protection Division, Georgia Department of Natural Resources, 19

public comments were received either as a result of the State public hearing or

Iowa Department of Environmental Quality, 3920 Delaware Avenue, P.O. Box

NRDC also argued that tampering with automobile emission control devices and the use of "defeat devices" (which inactivate emission control systems in cold weather) were not taken into account and therefore AP–42 emission factors would further underestimate future automobile emissions. EPA is revising AP–42 concerning highway vehicle emissions. A draft copy of preliminary revisions has been circulated to EPA's Regional Offices and State air pollution control agencies. The revisions reflect not only results of in-use vehicle test programs but also data on catalyst-equipped vehicles (prototype and certification vehicles). Although the results to be published in AP–42 do not reflect effects due to "defeat devices," they do reflect "tampering" with control systems of in-use vehicles. Ford Motor Company, the only automobile manufacturer that employed such devices, stopped using these devices two-thirds of the way through their 1973 production year. It is the Administrator's judgement that the increase in emissions from the total motor vehicle population due to the defeat devices is not significant.

NRDC argued that motor vehicle emission factors in AP–42, which are based on the federal emission test procedure, fail to account for problems in locations where "cold-starts" of vehicles predominate, such as center-city streets in the afternoon rush hours. NRDC states that the cold-start effect is exacerbated by the low ambient temperatures experienced during winter in many major cities and that the federal test procedure ignores such temperatures, resulting in an underestimation of emissions in downtown areas that experience such low temperatures. It is true that the emission factors do not reflect the impact of low ambient temperature cold start emissions. They do, however, reflect cold starts at higher ambient temperatures, since they are based on results of the federal test procedures,[1] and thus are not as inaccurate as NRDC implies. The Administrator has been aware of the impact of variation in ambient temperature on the magnitude and duration of cold-start emissions. Assessing this problem is not simple since the trend toward fast-acting chokes and uncertainty in designs of future engines can substantially alter the problem's impact. EPA is currently analyzing emission data on cold starts at low ambient temperatures and will incorporate such data into AP–42 at the conclusion of this analysis.

Also, the current version of AP–42 does not account for the fact that emission standards for carbon monoxide and hydrocarbons have been suspended for another two years: one year (to 1977) as a result of the enactment of the Energy Supply and Environmental Coordination Act (ESECA) of 1974 and another year (to 1978) as a result of the Administrator's granting of a discretionary suspension, which is permitted under ESECA. EPA is revising AP–42 to account for these delays.

The emission factors that will appear in the revised AP–42 include the most reliable data currently available on deterioration of emission control devices. For future model year vehicles, the determination of the effect of deterioration still requires estimation, since the gathering of truly representative deterioration data requires a statistically developed test program of in-use vehicles. This is obviously impossible to do for vehicles that have not yet been designed, let alone manufactured.

The Administrator expects the States to use the revised AP–42 emission factors, when available, for the development of AQMA analyses and plans. The revised emission factors are also to be used for developing analyses and, where necessary, plans for areas that are designated as AQMAs by the Administrator in the future.

The Administrator does not intend the AQMA identifications below to be irrevocable. New air quality data, changes in emission factors resulting from suspensions of automobile emission standards, better emission projection techniques, and other factors may cause the Administrator to require the States to re-evaluate the identified AQMAs and other areas. Such re-evaluation may lead to additions or deletions of areas or pollutants or changes in area boundaries.

### Summary of State Actions

The Administrator is taking action on 21 State plans in the rulemaking below. He is approving 14 State plans under the air quality maintenance provisions of 40 CFR 51.12(e) and disapproving 3. The action does not affect 4 plans in States without SMSAs, and the Administrator does not identify any AQMAs in these 4 States. A total of 43 AQMAs are being identified for at least one pollutant. Of these, 39 are identified for particulate matter, 14 for sulfur dioxide, 3 for carbon monoxide, 11 for photochemical oxidants, and none for nitrogen dioxide.

A discussion of specific actions relating to each State is presented below.

### Alabama

On April 4, 1974, the Administrator received a report from the Alabama Air Pollution Control Commission identifying three areas in the State—Birmingham, Gadsden and Mobile—as AQMAs. A public hearing on the contents of the report was held by the State in Montgomery on May 8, 1974, and the Alabama Air Pollution Control Commission, Division of Air Pollution Control, officially submitted their identifications on June 17, 1974. The Administrator proposed a list of AQMAs in the Federal Register of July 10, 1974 (39 FR 25330). No comments were received on this proposal. EPA has reviewed the materials submitted by the State and is approving the identifications as submitted.

The State submission and EPA's technical support documentation may be inspected at the office of the Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104, and at the office of EPA Region IV, 1421 Peachtree, St. NE., Atlanta, Georgia 30309.

Information as to other locations in the State where the report may be reviewed is available from both of the above offices.

### Alaska

The State of Alaska did not provide information to the Administrator for the identification of AQMAs in Alaska. Therefore, EPA carried out the necessary analysis; no areas with a potential for exceeding national ambient air quality standards were identified. EPA held a public hearing on July 17, 1974, in Anchorage, Alaska, at which time EPA's proposal not to designate any AQMAs was discussed. No public comments were received either as a result of the public hearing or the notice of proposed rulemaking published on July 10, 1974 (39 FR 25330).

EPA's analysis of emission data and growth factors for the Anchorage Standard Metropolitan Statistical Area and the Fairbanks, Alaska, urban area indicated that particulate standards may be exceeded in 1985, but only because of fugitive dust from natural sources. Carbon monoxide standards in Fairbanks are expected to be maintained if the federally promulgated transportation control plan is implemented because the Federal Motor Vehicle Emission Control Program is expected to more than offset any growth in emissions due to growth in vehicle-miles travelled. After discounting the effects of fugitive dust and taking account of the anticipated impact of the control strategy for achieving the secondary particulate standard, the Administrator has determined that additional maintenance provisions for the Alaska implementation plan will not be necessary at this time. Technical support material relevant to this determination is available for public inspection at the EPA, Region X Office, 1200 Sixth Avenue, Seattle, Washington 98108.

### Georgia

On May 17, 1974, the Administrator received the official AQMA identification material for the State of Georgia from the Georgia Department of Natural Resources, Environmental Protection Division. The Atlanta and Savannah areas were identified as AQMAs. A public hearing on this material was held by the State in Atlanta on April 25, 1974.

In the Federal Register of July 10, 1974 (39 FR 25330), the Administrator identified as AQMAs not only those areas identified by the State, but also Catoosa and Walker Counties as part of the Chattanooga Interstate AQMA. No comments were received on this proposal. EPA has reviewed all AQMA identification materials and is approving the identifications as submitted, and is also identifying the Georgia portion of the Chattanooga Interstate area as discussed above.

The State submission and EPA's technical support documentation on which these identifications are based, are available for public inspection at the office of the Air Quality Control Section, Environmental Protection Division, Georgia Department of Natural Resources, 19 Hunter Street, S.W., Atlanta, Georgia 30334, and at the office of EPA Region IV, 1421 Peachtree St. NE., Atlanta, Georgia 30309.

Information as to other locations where the designation material may be reviewed is available from both of the above offices.

[1] 40 CFR Part 85—Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines.





### Hawaii

The State of Hawaii has taken no action to identify AQMAs, and therefore, the Administrator, based on an analysis performed according to the Guidelines for Designation of Air Quality Maintenance Areas, proposed the identification of the City and County of Honolulu as an AQMA for particulate matter in the Federal Register of July 10, 1974 (39 FR 25330).

A public hearing was conducted by EPA on the proposed identifications on August 20, 1974 in Honolulu. Testimony was presented that questioned the growth factors used by EPA to project emissions of particulate matter. Growth factors based on a source-by-source study of emissions were presented that indicated a lower growth rate. These growth factors have been accepted by EPA as superior to the Bureau of Economic Analysis projection parameters used by EPA in making the original analysis. A recalculation of the projected ambient particulate concentration for 1985, using the lower growth factors presented at the public hearing, indicates that the national ambient air quality standards will be maintained through 1985. On the basis of this determination, the Administrator does not identify any AQMAs in Hawaii. Copies of the hearing record and the technical support document are available for inspection during normal business hours at the Office of EPA, Region IX, located at 100 California Street, San Francisco, California 94111, and the Pacific Islands Office, U.S. EPA, 1000 Bishop Street, Suite 601, Honolulu, Hawaii 96813.

### Idaho

The State of Idaho determined that there were no areas within the State with a potential for exceeding national ambient air quality standards through 1985. The State analysis of emissions data and growth factors indicated that particulate standards may be exceeded in 1985, but this would be due to fugitive dust from natural sources. After discounting the effects of natural fugitive dust and taking account of the anticipated impact of the existing programmed control strategy for achieving the secondary particulate standard, the State determined that additional maintenance provisions for the Idaho implementation plan will not be necessary at this time; hence no AQMAs were proposed for designation by the State.

The States' findings were subject to a public hearing on June 3, 1974, in Boise, Idaho. The State's recommendations were submitted to EPA on June 11, 1974 by the Idaho Department of Environmental and Community Services. No public comments were received either as a result of the State public hearing or the Federal notice of proposed rulemaking published on July 10, 1974 (39 FR 25330).

EPA has reviewed the State submittal and concurs with the State analysis. Documentation of this review and concurrence is presented in technical support material available for public inspection at the EPA, Region X Office, 1200 Sixth Avenue, Seattle, Washington 98108.

### Iowa

On June 7, 1974, the Administrator received AQMA identification material for the State of Iowa from the Governor's Office. A public hearing was held by the State in Des Moines on April 24, 1974.

The Administrator proposed to approve the State's identification on July 10, 1974 (39 FR 25330). Copies of the identification material were made available for public inspection at EPA's regional office in Kansas City, Missouri, and at the office of the Iowa Department of Environmental Quality (DEQ) in Des Moines, Iowa.

Written comments were solicited from the public. One comment submitted stated that Polk County, which contains Des Moines, should not be identified as an AQMA for carbon monoxide. This comment was based on the conclusion that quantitative estimates of air quality based on the Guidelines for Designation of Air Quality Maintenance Areas were below the air quality standards. The State identification material agreed with this conclusion; however, the DEQ did not believe that certain growth factors were adequately taken into account in the methods presented in the guidelines. Upon identification of Polk County for CO, the DEQ will conduct more detailed projects of ambient air quality to determine if a problem exists. If further analysis indicates that the ambient air quality standard for carbon monoxide will be maintained, then no plan will be developed pursuant to 40 CFR 51.12(g).

Another comment stated that the AQMAs proposed for identification do not fit the State-established planning and development districts. However, as was noted in that comment, Part IV of OMB Circular A–95 allows for the provision of clear justification for not conforming to State designated planning and development districts. The fact that air pollution problems are by nature not confined to specific areas clearly justifies not identifying these AQMAs in conformity with sub-State planning and developing districts.

After review of the State's submittal, the Administrator is hereby approving the State's identification of three areas in the State as AQMAs.

The identifications of Council Bluffs, Davenport and Dubuque as potential interstate AQMAs are being withheld temporarily pending further review of adjacent areas in the bordering states. The State submittal and EPA's technical support documentation are available for public inspection at the office of the Iowa Department of Environmental Quality, 3920 Delaware Avenue, P.O. Box 3326, Des Moines, Iowa 50316, and at the office of EPA, Region VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

### Louisiana

The State of Louisiana did not submit a list of identified AQMAs to EPA. The Louisiana Air Control Commission held public hearings in Lake Charles, Baton Rouge, and New Orleans during the period of June 4–6, 1974. On June 6, 1974, the Commission concluded that no air quality maintenance areas would be identified. This action reportedly was based on an analysis which covered air sampling data, growth factors, compliance schedule improvements, and other related factors. Because no official submission of AQMA material was made under § 51.12(e) of this chapter, the Administrator is disapproving the State plan.

Consequently, EPA made an analysis of the SMSAs in Louisiana in accordance with the guidelines for designation and proposed identification of three areas in the Federal Register of July 10, 1974 (39 FR 25330). The Baton Rouge and New Orleans areas were proposed for photochemical oxidants on the basis of high oxidant concentrations, projected growth to 1985, and indications that there was significant transport of oxidants between the two areas. The Shreveport area was proposed for particulate matter on the basis of concentrations exceeding a national standard in 1972 and the projection that such standard would be exceeded also in 1985.

A public hearing was held by EPA in New Orleans on August 15, 1974. Testimony was presented that questioned the identification of the Shreveport area as an AQMA. High particulate readings from one air sampler were said to be affected unduly by a municipal incinerator located nearby. However, when an older unit at this incinerator was shut down, particulate concentrations were still sufficiently high that the annual primary and secondary standards were exceeded for 1974 through August. New emissions data submitted by the State were not sufficiently complete to be useful in new projections. Thus, the identification of the Shreveport area for particulate matter is made in this promulgation. The comprehensive analysis to follow should allow the State to determine the main sources of particulate matter and the control strategies available to bring concentrations within the secondary standard during the 1975–1985 period.

Following the hearing, the State submitted revised emissions data on hydrocarbons for the Baton Rouge and New Orleans areas. Ambient air quality data on oxidants previously submitted by the State, which had been used by EPA in its projections, were found to be invalid by the State. Also, testimony by the State indicated that high oxidant readings in neither of these cities are associated with wind direction from the other. The revised emissions and ambient data have



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now been utilized by EPA in making another analysis of these areas with reference to photochemical oxidants. In EPA's judgment identification for oxidants is not required for each area.

EPA has carefully reviewed its analysis, the record of the public hearing of August 15, and all comments sent directly to the Regional Office. All of these have been evaluated and considered in making the official identification herein.

The analysis and submittal of the State, as well as EPA's technical support documentation are available for inspection during normal business hours at the U.S. Environmental Protection Agency, Region VI, Air Program Branch, 1600 Patterson Street, Dallas, Texas 75201 and at the Louisiana Health and Human Resources Administration, Air Control Division, State Office Building, New Orleans, Louisiana 70160. A copy of the transcript of the public hearing held by EPA, and other comments received, are also available for inspection at the U.S. EPA Region VI Office.

### Maine

On April 16, 1974, the Administrator received from Maine an unofficial submittal indicating that the Portland and Lewiston-Auburn SMSAs were evaluated following the EPA guidelines and that no potential violation of a national ambient air quality standard within the next 10 year period was found. The Governor of Maine officially submitted an AQMA proposal on June 26, 1974, which was substantially unchanged from the unofficial submittal of April 16, 1974. Because Maine did not formally submit this material to EPA in time for the publication on July 10, 1974, of the proposed list of AQMAs, the Administrator proceeded with his own evaluation of the two areas. As a result of the Administrator's evaluation, the list of AQMAs proposed in the FEDERAL REGISTER of July 10, 1974 (39 FR 25330), also indicated no need for AQMA designation for Maine. No comments were received pertaining to that proposed rulemaking. Therefore, the Administrator is not identifying any areas as AQMAs in the State of Maine. The State submittal and the technical support documentation upon which this action is based are available for public inspection during normal business hours at the Department of Environmental Protection, Bureau of Air Quality Control, Vickery-Hill Building, Chapel Street, Augusta, Maine 04330, and the offices of EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

### Mississippi

On March 14, 1974, the Administrator received AQMA identification material from the Mississippi Air and Water Pollution Control Commission, Division of Air Pollution Control. A public hearing was held by the State in Jackson on April 25, 1974. The State evaluated the Jackson, Gulfport and Biloxi areas and determined that none of these areas present the potential for a violation of a national ambient air quality standard within 10 years. The Administrator proposed that no AQMAs should be identified for Mississippi in the FEDERAL REGISTER of July 10, 1974 (39 FR 25330). In the one comment received during the 30-day comment period, the Governor concurred in the proposal to not identify any AQMAs in the State. EPA has reviewed the identification material and is approving the material as submitted.

The State submittal and EPA's technical support documentation on which this action is based are available for public inspection at the office of the Division of Air Pollution Control, Mississippi Air and Water Pollution Control Commission, Robert E. Lee Building, Sixth Floor, E. Griffith and N. Lamar Streets, Jackson, Mississippi 39205, and at the office of EPA Region IV, 1421 Peachtree St., N.E., Atlanta, Georgia 30309.

Information as to other locations where the designation material may be reviewed is available from both of the above offices.

### North Carolina

On April 1, 1974, the Administrator received AQMA identification material for the State of North Carolina from the North Carolina Department of Natural and Economic Resources, Division of Environmental Management, proposing to identify the Asheville, Charlotte-Gastonia, Greensboro, Raleigh-Durham, and Winston-Salem areas as AQMAs. A public hearing was held by the State in Raleigh on March 20, 1974. The Administrator proposed the State-submitted list of AQMAs in the FEDERAL REGISTER of July 10, 1974 (39 FR 25330). In the one comment received, the Governor indicated that Durham County was inadvertently omitted from the proposed identifications although the State submittal indicated that Durham County should have been included.

On November 22, 1974, the North Carolina Department of Natural and Economic Resources, Division of Environmental Management, submitted additional material deleting the Asheville and Raleigh-Durham AQMAs and removing Gaston County from the Charlotte-Gastonia AQMA (which is now being called the Charlotte AQMA). In EPA's judgment these deletions are justified because monitoring data originally used for AQMA identification were unduly influenced by major sources that will be controlled. Recalculation of projected air quality indicates that 1985 concentrations in these areas will not violate the national ambient air quality standards. The Administrator is approving the identifications as submitted and modified by the State.

The State submittals and technical support documentation on which this action is based are available for public inspection at the office of the Division of Environmental Management, North Carolina Department of Natural and Economic Resources, Post Office Box 27687, 216 West Jones Street, Raleigh, North Carolina 27611, and at the office of EPA Region IV, 1421 Peachtree St., NE., Atlanta, Georgia 30309.

Information as to other locations where the identification material may be reviewed is available from both of the above offices.

### Oklahoma

The State of Oklahoma did not submit to the EPA a formal list of AQMA identifications prior to the July 10, 1974 (39 FR 25330), proposal. However, the July 10, 1974, action proposed AQMAs which were under consideration by Oklahoma. Oklahoma held hearings for AQMA designations in Tulsa on May 21, 1974, and in Oklahoma City on May 31, 1974.

The only comment received in the Regional office on the EPA-proposed identifications of AQMAs in Oklahoma was from the Association of Central Oklahoma Governments (ACOG). This comment expressed continuing support for identification of the area of the Central Oklahoma AQMA as presented by the State at the public hearing in Oklahoma City on May 31, 1974, namely, the modified area of the "central urban boundary," as defined by ACOG. The position of ACOG on this point was emphasized to the State at the public hearing. Because of the irregular and complex boundaries involved, and the lengthy legal description, EPA proposed an area with more regular boundaries, which presumably would facilitate the required analysis of air quality and expected growth in the area; EPA is identifying this area as proposed.

On July 30, 1974, the Governor of Oklahoma notified EPA of his concurrence with the identification of the Tulsa AQMA and the Central Oklahoma AQMA as proposed by EPA, with two exceptions. The first of these originated from the fact that the Oklahoma State Department of Health had performed an extensive review of air quality data for the Central Oklahoma Air Quality Control Region (which includes the proposed Central Oklahoma AQMA) and had found no violations of national ambient air quality standards for $SO_2$ in 1972. The original data used by the State in its submittal was apparently in error. A subsequent analysis performed by Oklahoma to project $SO_2$ concentrations for 1985, using the correct air quality values, indicated that the air quality standards for $SO_2$ would not be exceeded through 1985. The second exception consisted of correcting a clerical error in the description of the Central Oklahoma AQMA which resulted in only a part of the City of Norman being included. After an investigation of the validity of these two exceptions, EPA has, in the action below identified AQMAs differently from the July 10, 1974, proposal to take account of these comments.

The Governor's July 30, 1974, communication constituted an official submittal of identifications of AQMAs by Oklahoma. In view of this, a public hearing on the proposed identifications, which had been scheduled to be held by EPA in Oklahoma City, was cancelled. It is the Administrator's determination that the State has followed proper procedures in making its submittal, and the two State hearings met the requirements





to provide opportunity for public comment.

The Environmental Protection Agency has carefully reviewed the identifications of AQMAs as submitted by the State of Oklahoma and has prepared its own analysis. All comments made at the State public hearings as well as that submitted directly to the Regional Office have been evaluated and considered in making the official identifications herein. The Administrator is approving the State submittal and providing an official list of AQMAs for Oklahoma. The analysis and submittal of the State, as well as EPA's technical support documentation, are available for inspection at the U.S. Environmental Protection Agency, Region VI, Air Program Branch, 1600 Patterson Street, Dallas, Texas 75201, during regular working hours and at the following other locations:

Air Quality Service
Oklahoma State Department of Health
NE. 10th and Stonewall
Oklahoma City, Oklahoma 73105

Air Quality Section
Oklahoma City-County Health Department
921 NE. 23rd Street
Oklahoma City, Oklahoma 73105

Air Pollution Control Division
Tulsa City-County Health Department
4616 East 15th Street
Tulsa, Oklahoma 74112

### Oregon

The State of Oregon identified the urbanizing portions of the following Standard Metropolitan Statistical Areas in Oregon as possible AQMAs:

1. Portland, Oregon-Vancouver, Washington (Columbia Region Association of Governments, 1970 Portland-Vancouver Metropolitan Transportation Study Area) and
2. Eugene-Springfield, Oregon (Eugene-Springfield Urban Service Area).

The State also identified the urbanizing portion of Jackson County, identified as the Bear Creek Valley Land Use Planning Area, as a possible AQMA. This planning area includes the cities of Medford and Ashland.

In addition, the Oregon submittal identified the Longview-Kelso, Washington—St. Helens, Oregon interstate area as a possible AQMA. However, prior to Washington's public hearing on AQMAs, agreement was reached by Oregon and Washington not to officially identify this area as a distinct AQMA. Instead, Oregon and Washington decided to conduct comprehensive studies of the entire Portland - Vancouver - Longview interstate area and, if necessary, develop a control strategy for maintenance of standards for the Longview-Kelso area as part of the Portland-Vancouver AQMA.

The State of Oregon's findings were subject to public hearings on April 12, 1974, in Portland, Oregon, and on April 15, 1974, in Eugene, Oregon. The State's identifications were submitted to EPA on May 1, 1974, by the Department of Environmental Quality and a supplement to those identifications was submitted on September 16, 1974. The EPA has reviewed the State analysis and concurs with the State identifications. The basis for this concurrence is presented in technical support documentation available for public inspection at the EPA, Region X Office, 1200 Sixth Avenue, Seattle, Washington 98108.

No public comments were received either as a result of the State public hearing or the Federal notice of proposed rulemaking published on July 10, 1974, (39 FR 25330). Comments received from the Governor were in support of the designated areas as originally proposed. This action reflects no substantive change from the proposed action. It is noted, however, that the boundaries of the AQMAs subject to this rulemaking are now defined in terms of specific planning areas rather than by a listing of political jurisdictions as was done in the proposal.

### Rhode Island

On April 11, 1974, the Administrator received AQMA identifications for the State of Rhode Island from the Rhode Island Department of Health. A public hearing was held on this submittal by the State on April 10, 1974. EPA proposed the AQMAs submitted by the State in the FEDERAL REGISTER of July 10, 1974 (39 FR 25330). After review of the State's submittal, the Administrator is approving the State's identification of the Metropolitan Providence area, as modified by a letter from Governor Noel dated September 6, 1974, as an AQMA for the specified pollutants. The State submittal and technical support documentation upon which this approval is based are available for public inspection at the offices of EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, and the offices of the Division of Air Pollution Control, Room 204, Health Building, Providence, Rhode Island 02908. Comments were received from the Governor's office pertaining to the July 10, 1974, proposed rulemaking publication of this designation in the FEDERAL REGISTER. It was recommended by the Governor's office and upon consideration, agreed to by the Administrator, that the following cities and towns be added to the AQMA because of anticipated levels of population concentration and industrial development: Coventry, Cumberland, East Greenwich, Johnston, Lincoln, Middleton, Newport, North Kingstown, North Smithfield, Portsmouth, Smithfield, Tiverton, West Warwick, and Woonsocket. The city of Providence was left out of the July 10, 1974, proposed rulemaking due to a typographical error and has been added to the designated area.

### South Carolina

On March 22, 1974, the Administrator received AQMA identification material for the State of South Carolina from the South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control, proposing to designate the Charleston and Greenville areas as AQMAs.

A public hearing was held by the State in Columbia on March 20, 1974. The Administrator proposed as AQMAs the areas submitted by the State in the FEDERAL REGISTER of July 10, 1974 (39 FR 25330). The one comment received on the proposal was from the Governor, who indicated that the boundaries of the Air Quality Maintenance Areas proposed in the July 10, 1974, FEDERAL REGISTER did not conform to the boundaries as delineated in the State submittal. Accordingly, the descriptions of the areas identified herein have been changed to correspond with those of the State-identified areas; these areas include portions of Greenville County and contiguous portions of Charleston and Berkeley Counties. EPA is approving the State's AQMA identifications as submitted.

The State submittal and EPA's technical support documentation on which this action is based are available for public inspection at the office of the Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29211, and the office of EPA Region IV, 1421 Peachtree St., NE., Atlanta, Georgia 30309.

Information as to other locations where the designation material may be reviewed is available from both of the above offices.

### Texas

The Governor of the State of Texas officially submitted a list of identified AQMAs to EPA on May 30, 1974. This followed seven State public hearings held on the identifications in the cities of Austin, Beaumont, Corpus Christi, Dallas, El Paso, Houston, and San Antonio on April 10 and 11, 1974. Five areas were identified as AQMAs, four of these for particulate matter and one area for particulate matter and sulfur dioxide. The State did not make any identifications for photochemical oxidants, pointing out that the State's transportation control plans, upon which the AQMA identification criteria were based, were then involved in litigation between the State and EPA.

In the EPA proposal of July 10, 1974, all of the State designations were included. Also, the following additions and changes were made: (1) The Beaumont, Corpus Christi, Dallas-Fort Worth, Houston-Galveston, El Paso, San Antonio, and Austin areas were proposed as AQMAs for photochemical oxidants on the basis that transportation control plans had been promulgated for these areas or that it was deemed that a photochemical oxidant control strategy was required; (2) sulfur dioxide was listed for the El Paso area on the basis that very high concentrations of sulfur dioxide had been measured in the vicinity of a nonferrous smelter; (3) the Houston and Galveston areas were combined into a single AQMA because it was thought that any problems of sulfur dioxide in the two areas were interrelated, and because a transportation control plan had been promulgated for the entire region.

Four public hearings on the complete proposal of designations of AQMAs in Texas were held by EPA in the cities of Dallas, El Paso, San Antonio, and Hous-



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for that pollutant were located there in Punta-Cabillon, Barceloneto, Arecibo,

ton during the period of August 16–22, 1974. Written comments were also received directly in the Regional Office. All of these comments have been evaluated and considered in arriving at the official designations promulgated below. Those comments which have resulted in major changes to the proposed package are discussed in the following paragraphs.

The State and other organizations have contended that the Houston and Galveston areas should not be combined into a single AQMA. Testimony was given that, although sulfur dioxide emissions in the Houston area are about four times those of the Galveston area, ambient concentrations of sulfur dioxide in Houston do not show violations of standards. (However, the land area of the Houston SMSA is approximately 16 times that of the Galveston SMSA). Additionally, it was claimed that because of wind direction and other factors, emissions of sulfur dioxide in Houston do not ordinarily affect Galveston, although conflicting testimony indicated a strong probability of wind-borne transport of emissions. EPA received opposition from the State, the County of Galveston, the Houston Chamber of Commerce, and several local governments in the region to the combining of the Houston and Galveston areas into one AQMA on the grounds that the Houston area does not have to be identified as an AQMA for $SO_2$, but the Galveston area does. EPA has therefore considered the matter and concluded that the areas should be separated. Consequently the Houston area is being designated for particulate matter and photochemical oxidants, and the Galveston area is being designated for particulate matter, photochemical oxidants and sulfur dioxide. Each of these areas consists of a complete SMSA.

The State and representatives of the smelters (American Smelting and Refining Company, ASARCO) presented testimony in opposition to the designation of El Paso County for sulfur dioxide. The testimony indicated that the violation of the air quality standard was caused by one source, and the State was presently developing a revised control strategy and regulation limiting emissions from that source. Thus, the designation of El Paso County does not include sulfur dioxide because it is more appropriate to develop a control strategy for the one plant than to develop a control strategy for the entire area through an air quality maintenance plan.

EPA has re-examined the proposed AQMA identifications for photochemical oxidants in the light of a recent court decision. Based upon this re-examination, the Administrator is not identifying the Austin area as an AQMA for photochemical oxidants. If the Administrator discovers, based upon further investigation, that this area has the potential for failing to maintain the national standard for photochemical oxidants, he will identify this area as an AQMA.

According to a report performed under contract for EPA, no additional oxidant control measures are necessary for Corpus Christi; present stationary source regulations and Federal motor vehicle controls are expected to provide sufficient reduction of emissions of hydrocarbons for attainment by 1975 and maintenance thereafter through 1985. Thus, the Corpus Christi area is not being identified for photochemical oxidants.

The Administrator approves the State's submittal with the addition of photochemical oxidant as a designated pollutant for the following AQMAs: Beaumont, Dallas-Fort Worth, El Paso, Galveston, Houston, and San Antonio.

The analysis and submittal of the State as well as EPA technical support documentation are available for inspection during normal business hours at the U.S. EPA, Region VI, Air Programs Branch, 1600 Patterson Street, Dallas, Texas 75201, and the Texas Air Control Board, 8520 Shoal Creek Blvd., Austin, Texas 78758. Copies of the transcript of the public hearings held by EPA and other comments received are also available for inspection at the U.S. EPA Region VI office.

### Vermont

The State of Vermont did not submit any material to EPA that identifies AQMAs. The EPA document, Guidelines for Designation of Air Quality Maintenance Areas, however, required that States consider, as a minimum, the SMSAs within their jurisdiction. Since the State of Vermont does not contain any SMSAs, Vermont did not submit any material concerning AQMAs, and in Administrator does not identify any areas under § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of national ambient air quality standards within 10 years. No comments were received pertaining to the July 10, 1974, proposed rulemaking of this action in the Federal Register.

### Washington

The State of Washington identified the urbanizing portions of the following Standard Metropolitan Statistical Areas in Washington as possible AQMAs:

1. Seattle-Everett and Tacoma, Washington (Washington State Department of Highways Seattle Tacoma Urban Area—1972).
2. Spokane, Washington (Spokane Regional Planning Conference Study Area).
3. Portland, Oregon-Vancouver, Washington (Columbia Region Association of Governments 1970 Portland-Vancouver Metropolitan Transportation Study Area).

The State's findings were subject to a public hearing on May 29, 1974, in Lacey, Washington. The State's adopted identifications were submitted to EPA on May 31, 1974, by the Washington Department of Ecology.

EPA has reviewed the State analysis and concurs with the State identifications. The basis for this concurrence is presented in the technical support documentation available for public inspection at the EPA, Region X Office, 1200 Sixth Avenue, Seattle, Washington 98108.

No public comments were received either as a result of the State public hearing or the Federal notice of proposed rulemaking published on July 10, 1974 (39 FR 25330). Comments received from the Governor supported the boundaries of the designated areas as published in the EPA proposal. This action reflects no substantive changes from the proposed action. It is noted however that the boundaries of the AQMAs addressed by this rulemaking are now defined in terms of specific planning areas rather than by a listing of political jurisdictions as was done in the proposal.

### Guam

Guam did not submit any material to EPA that identifies AQMAs. The EPA document, Guidelines for Designation of Air Quality Maintenance Areas, however, required that States consider, as a minimum, the SMSAs within their jurisdiction. Since Guam does not contain any SMSAs, Guam did not submit any material concerning AQMAs, and the Administrator does not identify any areas pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of national ambient air quality standards within 10 years. No comments were received pertaining to the July 10, 1974, proposed rulemaking of this action in the Federal Register.

### Puerto Rico

On July 10, 1974 (39 FR 25330), the Administrator proposed a list of four areas in the Commonwealth of Puerto Rico for AQMA identification. These areas were determined to have the potential for violating particulate matter standards during the period of 1975–1985. The Administrator's proposal was based on a May 5, 1974, submission from the Governor of Puerto Rico. The proposed AQMAs were the subject of a Puerto Rico Environmental Quality Board (EQB) public hearing on April 18, 1974. The Administrator approves Puerto Rico's submission but is adding other areas and pollutants to the AQMA list for Puerto Rico. The Natural Resources Defense Council (NRDC) has presented detailed comments concerning the EPA proposal that affected the Administrator's AQMA identification. These comments are answered below.

Because of a lack of adequate data upon which to base its AQMA identifications, EPA employed a contractor to determine whether any additional areas should be identified. The contractor's task involved a detailed analysis of the four Standard Metropolitan Statistical Areas (SMSAs) in Puerto Rico to determine which areas should be identified as AQMAs.

Several monitoring stations had been operating throughout the San Juan and Ponce SMSAs for the calendar year of 1970. However, there were no stations existing in Mayaguez or Caguas for that period. For this reason, EPA used air pollution dispersion models and a 1970 emission inventory to compute 1970 air quality levels for the Mayaguez and Caguas SMSAs. In addition, the Ponce sulfur dioxide air quality was estimated by modeling since no monitoring stations





for that pollutant were located there in 1970. In reviewing the results of the dispersion model for Caguas, Mayaguez and Ponce, it is the Administrator's opinion that the values predicted by the contractor for 1970 underestimate the actual air quality concentration.

After predicting ambient air concentrations for the four SMSAs, a proportional ("roll-forward") technique was applied by the contractor to arrive at 1975 and 1985 air quality. For Caguas and Mayaguez, particulate matter concentrations are expected to increase by approximately three times between 1970 and 1985. It is the Administrator's belief that, even though air quality levels are predicted to be below the national standard for these two SMSAs, further detailed analysis should be performed because of the paucity of air quality data. As a result, the Administrator has determined that these two SMSAs should be identified as AQMAs for particulate matter and be subject to further intensive review and analysis.

Growth in emissions of sulfur oxides are expected in the San Juan and Ponce SMSAs according to data developed by the contractor. Therefore, the Administrator has determined that these areas should also be identified as AQMAs for sulfur oxides.

The areas of Guayanilla and Peneulas are areas of high industrial activity and have been identified as AQMAs for particulate matter. The lack of adequate air quality data for sulfur dioxide should not preclude their identification for sulfur oxides; because of the high degree of industrialization in these areas and the current and projected growth rate of sulfur oxide emissions, the Administrator has concluded that Guayanilla and Peneulas should also be identified as AQMAs for sulfur oxides.

NRDC suggested that the Administrator identify as AQMAs for sulfur oxides the areas of Guanica and Dorado. Upon review of these areas, the Administrator concurs with the position taken by NRDC and this notice contains the identification of Guanica and Dorado as AQMAs for sulfur oxides. Additional material submitted by NRDC shows that, in the vicinity of the municipalities of Utuado, Lares, and Adjuntas, extraction of copper through open pit mining will occur. It is expected that particulate emissions from the extraction process will approach 2,600 tons/day. In addition, the smelting process will cause the emission of approximately 80 tons/day of sulfur dioxide. Based on this information, the Administrator has determined that the potential situation in these municipalities clearly dictates a need to identify these municipalities as air quality maintenance areas for both particulate matter and sulfur oxides.

NRDC has also brought to the Administrator's attention the fact that location approvals have been granted for the construction of large heavy industrial parks in six municipalities. The municipalities are: Yabucoa, Guyama, Punta-Cabillon, Barceloneto, Arecibo, and Aguadillo. The Administrator has concluded that there exists a potential for violation of ambient air quality standards due to the planned industrialization of these areas, and, consequently, this notice identifies all of the above mentioned municipalities as air quality maintenance areas for both particulate matter and sulfur oxides.

The technical support documentation supports the above-mentioned identifications and the Administrator's technical judgments; the State submittal and technical support documentation are available for review during normal business hours at the offices of EPA Region II, 26 Federal Plaza, Room 908, New York, N.Y. 10007.

### U.S. Virgin Islands

The U.S. Virgin Islands did not submit any material to EPA that identifies AQMAs. The EPA document, Guidelines for Designation of Air Quality Maintenance Areas, however, required that States consider, as a minimum, the SMSAs within thier jurisdiction. Since the U.S. Virgin Islands does not contain any SMSAs, the Virgin Islands did not submit any material concerning AQMAs, and the Administrator does not identify any areas under § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of national ambient air quality standards within 10 years. No comments were received pertaining to the July 10, 1974, proposed rulemaking of this action in the Federal Register.

### American Samoa

American Samoa did not submit any material to EPA that identifies AQMAs. The EPA document, Guidelines for Designation of Air Quality Maintenance Areas, however, required that States consider, as a minimum, the SMSAs within their jurisdiction. Since American Samoa does not contain any SMSAs, American Samoa did not submit any material concerning AQMAs, and the Administrator does not identify any areas under § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of national ambient air quality standards within 10 years. No comments were received pertaining to the July 10, 1974, proposed rulemaking of this action in the Federal Register.

### Availability of State Submittals and Technical Support Documentation

State submittals and technical support documentation (including the Administrator's evaluation of State-submitted AQMA material) for the list of AQMAs will be available for public inspection during normal business hours at the Freedom of Information Center, EPA, Room 206, 401 M Street, SW., Washington, D.C. 20460, and at each of the Regional Offices listed below. Each Regional Office will have only the material for the States within its respective region.

| Region | States | Address |
|---|---|---|
| I | Maine, Rhode Island, Vermont. | John F. Kennedy Federal Bldg., Room 2303, Boston, Mass. 02203. |
| II | Puerto Rico, Virgin Islands. | 26 Federal Plaza, New York, N.Y. 10007. |
| IV | Alabama, Georgia, Mississippi, North Carolina, South Carolina. | 1421 Peachtree St. NE., Atlanta, Ga. 30309. |
| VI | Louisiana, Oklahoma, Texas. | 1600 Patterson St., Suite 1100, Dallas, Tex. 75201. |
| VII | Iowa | 1735 Baltimore Ave., Kansas City, Mo. 64108. |
| IX | Hawaii, American Samoa, Guam. | 100 California St., San Francisco, Calif. 94111. |
| X | Alaska, Idaho, Oregon, Washington. | 1200 6th Ave., Seattle, Wash. 98101. |

The Administrator finds good cause for making this rulemaking effective immediately in order that the affected States may begin at once to develop detailed air quality maintenance area analyses and plans if they have not already begun to do so.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 1857c–5, 1857g(a)).)

Dated: April 22, 1975.

RUSSELL E. TRAIN,
*Administrator.*

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

### Subpart B—Alabama

§ 52.50 [Amended]

1. Section 52.50 is amended by inserting the date "June 17, 1974" in proper chronological order in paragraph (c)(2).

2. Subpart B is amended by adding § 52.59 as follows:

§ 52.59 Maintenance of national standards.

(a) The areas listed below which were identified by the State of Alabama are hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Birmingham Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Jefferson County.
Walker County.

(2) Gadsden Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Etowah County.



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(2) May 17, 1972, March 6, 1973, and chapter as having the potential for vio- dioxide, carbon monoxide, and photo-

(3) Mobile Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Mobile County.

**Subpart C—Alaska**

3. Subpart C is amended by adding § 52.95 as follows:

**§ 52.95 Maintenance of national standards.**

(a) The requirements of § 51.12(e) of this chapter are not met because the State neither identified areas of the State which have the potential for violation of the national air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) Pursuant to the requirements of § 51.12 (e) and (f) of this chapter, the Administrator has determined that there are no areas in the State having the potential for violation of the national ambient air quality standards within 10 years.

**Subpart L—Georgia**

4. Section 52.570 is amended by adding a new paragraph (c)(4) as follows:

**§ 52.570 Identification of plan.**

• • • • •

(c) • • •

(4) May 17, 1974, by the Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

5. Subpart L is amended by adding § 52.580 as follows:

**§ 52.580 Maintenance of national standards.**

(a) The areas listed below are hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Atlanta Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Clayton County
Cobb County
De Kalb County
Fulton County
Gwinnett County

(2) Savannah Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Chatham County

(3) Chattanooga Interstate Air Quality Maintenance Area (Georgia Portion).

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Catoosa County
Walker County

**Subpart M—Hawaii**

6. Subpart M is amended by adding § 52.631 as follows:

**§ 52.631 Maintenance of national standards.**

(a) The requirements of § 51.12(e) of this chapter are not met because the State neither identified areas of the State that have the potential for violation of the national air quality standards within 10 years nor provided a justification that there are no such areas in the State.

(b) Pursuant to the requirements of § 51.12 (e) and (f) of this chapter, the Administrator has determined that there are no areas in the State having the potential for violation of the national ambient air quality standards within 10 years.

**Subpart N—Idaho**

7. Section 52.670 is amended by adding paragraph (c)(3) as follows:

**§ 52.670 Identification of plan.**

• • • • •

(c) • • •

(3) June 11, 1974, by the Idaho Department of Environmental and Community Services.

8. Subpart N is amended by adding § 52.682 as follows:

**§ 52.682 Maintenance of national standards.**

(a) Pursuant to the requirements of § 51.12, paragraphs (e) and (f), of this chapter, the Administrator, in agreement with the State of Idaho, has identified no areas that have the potential for violation of the national ambient air quality standards within 10 years.

**Subpart Q—Iowa**

§ 52.820 [Amended]

9. Section 52.820 is amended by inserting the date "June 7, 1974," in chronological order in paragraph (c)(2).

10. Subpart Q is amended by adding § 52.832 as follows:

**§ 52.832 Maintenance of national standards.**

(a) The areas listed below which were identified by the State of Iowa are hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within ten years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Cedar Rapids Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Linn County.

(2) Des Moines Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Carbon monoxide and particulate matter.

(ii) Geographical composition of area:

Polk County.

(3) Waterloo Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Black Hawk County.

**Subpart T—Louisiana**

11. Subpart T is amended by adding § 52.982 as follows:

**§ 52.982 Maintenance of national standards.**

(a) The requirements of § 51.12(e) of this chapter are not met because the State neither identified areas of the State which have the potential for violation of air quality standards within ten years nor provided a justification that there are no such areas in the State.

(b) The area listed below is hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of a national ambient air quality standard within 10 years. The identified area consists of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Shreveport Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Bossier Parish
Caddo Parish
Webster Parish

**Subpart U—Maine**

12. Section 52.1020 is amended by adding paragraph (c)(3) as follows:

**§ 52.1020 Identification of plan.**

• • • • •

(c) • • •

(3) June 26, 1974.

13. Subpart U is amended by adding § 52.1028 as follows:

**§ 52.1028 Maintenance of national standards.**

(a) Pursuant to the requirements of § 51.12, paragraphs (e) and (f), of this chapter, the Administrator, in agreement with the State of Maine, has identified no areas that have the potential for violation of the national ambient air quality standards within 10 years.

**Subpart Z—Mississippi**

14. In § 52.1270, paragraph (c)(2) is revised to read as follows:

**§ 52.1270 Identification of plan.**

• • • • •

(c) • • •





(2) May 17, 1972, March 6, 1973, and March 14, 1974.

15. Subpart Z is amended by adding § 52.1279 as follows:

**§ 52–1279 Maintenance of national standards.**

(a) Pursuant to the requirements of § 51.12, paragraphs (e) and (f), of this chapter, the Administrator, in agreement with the State of Mississippi, has identified no areas that have the potential for violation of the national ambient air quality standards within 10 years.

**Subpart II—North Carolina**

§ 52.1770 [Amended]

16. Section 52.1770 is amended by inserting the dates April 1, and November 22, 1974, in proper chronological order in paragraph (c).

17. Subpart II is amended by adding § 52.1777 as follows:

**§ 52.1777 Maintenance of national standards.**

(a) The areas listed below which were identified by the State of North Carolina are hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Charlotte Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Mecklenburg County.

(2) Greensboro Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Guilford County.

(3) Winston-Salem Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Forsyth County.

**Subpart LL—Oklahoma**

**§ 52.1920 [Amended]**

18. Paragraph (c)(2) is amended by adding the date "July 30, 1974," in proper chronological sequence.

19. Subpart LL is amended by adding § 52.1927 as follows:

**§ 52.1927 Maintenance of national standards.**

(a) The areas listed below which were identified by the State of Oklahoma are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of a national ambient air quality standard within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Central Oklahoma Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

Oklahoma County
That part of Canadian County east of Range 6W
That part of Cleveland County north of Township 7N.

(2) Tulsa Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

Tulsa County
That part of Rogers County south of Township 23N and west of Range 16E
That part of Wagoner County north of Township 17N and west of Range 16E
That part of Creek County north of Township 16N and east of Range 10E
That part of Osage County south of Township 23N and east of Range 10E.

**Subpart MM—Oregon**

20. Section 52.1970 is amended by revising paragraph (c) to read as follows:

**§ 52.1970 Identification of plan.**

• • • • •

(c) Supplemental information was submitted on:

(1) May 3 and October 26, 1972, and April 13 and September 21, 1973, and

(2) August 10, 1972, February 9, May 30, June 8, 22, and 25, July 17, and August 3, 20, and 27, 1973, and May 1, and September 16, 1974, by the Department of Environmental Quality.

21. Subpart MM is amended by adding § 52.1986 as follows:

**§ 52.1986 Maintenance of national standards.**

(a) The areas listed below, which were determined by the State of Oregon, are hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Portland-Vancouver Interstate Air Quality Maintenance Area (Oregon Portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, carbon monoxide, and photochemical oxidants.

(ii) Geographical composition of area:

The Columbia Region Association of Governments 1970 Portland-Vancouver Metropolitan Transportation Study Area. (A complete geographical description of the area is presented in a map of the 1970 Portland-Vancouver Metropolitan Study Area prepared by the Columbia Region Association of Governments and available for inspection at the Freedom of Information Center, U.S. EPA, Room 206, 401 M Street SW., Washington, D.C.; the U.S. EPA Oregon Operations Office, 1234 SW. Morrison Street, Portland, Oregon; and the U.S. EPA Region X Office, 1200 Sixth Avenue, Seattle, Washington.)

(2) Eugene-Springfield Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Lane Regional Air Pollution Authority Control Area "C". (This area is defined in the Lane Regional Air Pollution Authority Rules and Regulations dated August 2, 1972, and available for inspection at the Freedom of Information Center, U.S. EPA, Room 206, 401 M Street SW., Washington, D.C.; the U.S. EPA Oregon Operations Office, 1234 SW. Morrison Street, Portland, Oregon; and the U.S. EPA Region X Office, 1200 Sixth Avenue, Seattle, Washington.)

(3) Medford-Ashland Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

The Bear Creek Urban Regional Land Use Planning Area. (A complete geographical description of the area is presented in a map of the Bear Creek Urban Regional Land Use Planning Area prepared by the county engineer of Jackson County, Oregon (revised 1973) and is available for inspection at the Freedom of Information Center, U.S. EPA, Room 206, 401 M Street SW., Washington, D.C.; the U.S. EPA Oregon Operations Office, 1234 SW. Morrison Street, Portland, Oregon; and the U.S. EPA Region X Office, 1200 Sixth Avenue, Seattle, Washington.)

**Subpart OO—Rhode Island**

22. In § 52.2070, paragraph (c) is revised to read as follows:

**§ 52.2070 Identification of plan.**

• • • • •

(c) Supplemental information was submited on:

(1) February 9 and February 29, 1972, April 24, 1973, and April 11, 1974 by the Rhode Island Department of Health.

(2) September 6, 1974.

• • • • •

23. Subpart OO is amended by adding § 52.2082 as follows:

**§ 52.2082 Maintenance of national standards.**

(a) The area listed below, which was identified by the State of Rhedoe Island, is hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified area consists of the territorial



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area encompased by the boundaries of



(i) Pollutant for which the area is identified: Particulate matter, sulfur dioxide, carbon monoxide, and photochemical oxidants.

(ii) Geographical composition of area:

(4) Mayaguez Air Quality Maintenance Area.

potential for violation of national ambient air quality standards within 10

area encompassed by the boundaries of the given jurisdictions.

(1) Metropolitan Providence Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, and photochemical oxidants.

(ii) Geographical composition of area:

In Kent County: the city of Warwick and the towns of Coventry, East Greenwich, and West Warwick.

In Newport County: the city of Newport and the towns of Middletown, Portsmouth and Tiverton.

In Providence County: the cities of Central Falls, Cranston, East Providence, Pawtucket, Providence, and Woonsocket; the towns of Cumberland, Johnson, Lincoln, North Providence, North Smithfield, and Smithfield.

In Washington County: the town of North Kingston.

### Subpart PP—South Carolina

24. In § 52.2120, paragraph (c)(4) is revised to read as follows:

**§ 52.2120 Identification of plan.**

• • • • •

(c) • • •

(4) August 16, 1973, and March 14 and 22, 1974, by the South Carolina Department of Health and Environmental Control.

25. Subpart PP is amended by adding § 52.2129 as follows:

**§ 52.2129 Maintenance of national standards.**

(a) The areas listed below which were identified by the State of South Carolina are hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Charleston Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

The contiguous portions of Charleston and Berkeley Counties lying within the boundary of a line described as follows: Starting at the intersection of U.S. 17 and Church Creek, and proceeding thence northward to the intersection of the Ashley River and the Dorchester County line, northeastward to the intersection of U.S. 52 and State Highway 9, eastward to the intersection of Durham Creek and West Branch Cooper River, southward along the Cooper River to Red Bank Landing, eastward to the town of Cainhoy, southward along State Highway 41 to its intersection with U.S. 17, and westward along U.S. 17 to and ending at Church Creek.

(2) Greenville Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

The portion of Greenville County lying within the boundary of a line described as follows: Starting at the intersection of U.S. 25 By-Pass and State Highway 253, and proceeding thence northeastward along Highway 253 to the intersection with State Highway 46, southeastward to the intersection of State Highway 291 and U.S. 29, northeastward along U.S. 29 to the Greenville-Spartanburg County Line, southward along the County line for 2½ miles, southwestward in an arc paralleling U.S. 29 to an intersection with I-385, southeastward along I-385 to its intersection with I-85, southwestward along I-85 to its intersection with U.S. 25 By-Pass, and northwestward along U.S. 25 By-Pass to and ending at State Highway 253.

### Subpart SS—Texas

**§ 52.2270 [Amended]**

26. Paragraph (c)(2) is amended by adding the date May 30, 1974 in proper chronological sequence.

27. Subpart SS is amended by adding § 52.2302 as follows:

**§ 52.2302 Maintenance of national standards.**

(a) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857(h)(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Beaumont Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

| | |
|---|---|
| Hardin County | Orange County |
| Jefferson County | |

(2) Corpus Christi Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

| | |
|---|---|
| Nueces County | San Patricio County |

(3) Dallas-Fort Worth Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

| | |
|---|---|
| Collin County | Kaufman County |
| Dallas County | Parker County |
| Denton County | Rockwall County |
| Ellis County | Tarrant County |
| Hood County | Wise County. |
| Johnson County | |

(4) Galveston Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter, photochemical oxidants, and sulfur dioxide.

(ii) Geographical composition of area:

Galveston County.

(5) Houston Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and photochemical oxidants.

(ii) Geographical composition of area:

| | |
|---|---|
| Brazoria County | Liberty County |
| Fort Bend County | Montgomery County |
| Harris County | Waller County. |

(6) San Antonio Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Photochemical oxidants.

(ii) Geographical composition of area:

| | |
|---|---|
| Bexar County | Guadalupe County. |
| Comal County | |

(7) El Paso Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Photochemical oxidants.

(ii) Geographical composition of area:

El Paso County.

### Subpart UU—Vermont

28. Subpart UU is amended by adding § 52.2379 as follows:

**§ 52.2379 Maintenance of national standards.**

(a) Based upon the information available to him and in accordance with the EPA publication, Guidelines for Designation of Air Quality Maintenance Areas, the Administrator does not identify any areas pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the national ambient air quality standards within 10 years.

### Subpart WW—Washington

29. Section 52.2470 is amended by revising paragraph (c) to read as follows:

**§ 52.2470 Identification of plan.**

• • • • •

(c) Supplemental information was submitted on:

(1) January 28, May 5, July 19, and September 11, 1972, and February 15, April 13, and October 11, 1973, and

(2) December 12, 1972, July 31, 1973, and May 31, 1974, by the State of Washington Department of Ecology.

30. Subpart WW is amended by adding § 52.2496 as follows:

**§ 52.2496 Maintenance of national standards.**

(a) The areas listed below which were determined by the State of Washington are hereby identified by the Administrator pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdictions or described area including the territorial area of all municipalities (as defined in Section 302(f) of the Clean Air Act, 42 U.S.C. 1857(h)(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Puget Sound Air Quality Maintenance Area.





(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

The Washington State Department of Highways Seattle-Tacoma Urban Area-1972. (A complete geographical description of the area is presented in a map of the Seattle-Tacoma Urban Area-1972 prepared by the Washington State Highway Department and available for inspection at the Freedom of Information Center, U.S. EPA, Room 206, 401 M Street SW., Washington, D.C.; the U.S. EPA Region X Office, 1200 Sixth Avenue, Seattle, Washington; and the Washington Department of Ecology Headquarters Office, St. Martin's College, Olympia, Washington.)

(2) Spokane Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Spokane Regional Planning Conference Study Area—1968. (A complete geographical description of the area is presented in the Spokane Metropolitan Area Regional Comprehensive Plan Map, dated October 22, 1968, prepared by the Spokane Regional Planning Conference and available for inspection at the Freedom of Information Center, U.S. EPA, Room 206, 401 M Street SW., Washington, D.C.; the U.S. EPA Region X Office, 1200 Sixth Avenue, Seattle, Washington; and the Washington Department of Ecology Headquarters Office, St. Martin's College, Olympia, Washington.)

(3) Portland-Vancouver Interstate Air Quality Maintenance Area (Washington Portion).

(i) Pollutants for which the area is identified: Particulate matter, sulfur dioxide, carbon monoxide, and photochemical oxidants.

(ii) Geographical composition of area:

The Columbia Region Association of Governments—1970 Portland-Vancouver Metropolitan Transportation Study Area. (A complete geographical description of the area is presented in a map of the 1970 Portland-Vancouver Metropolitan Study Area prepared by the Columbia Region Association of Governments and available for inspection at the Freedom of Information Center, U.S. EPA, Room 206, 401 M Street SW., Washington, D.C.; the U.S. EPA Region X Office, 1200 Sixth Avenue, Seattle, Washington; and the Washington Department of Ecology Headquarters Office, St. Martin's College, Olympia, Washington.

### Subpart AAA—Guam

31. Subpart AAA is amended by adding § 52.2674 as follows:

**§ 52.2674 Maintenance of national standards.**

(a) Based upon the information available to him and in accordance with EPA publication, Guidelines for Designation of Air Quality Maintenance Areas, the Administrator does not identify any areas pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of national ambient air quality standards within 10 years.

### Subpart BBB—Puerto Rico

32. Paragraph (c) of § 52.2720 is revised to read as follows:

**§ 52.2720 Identification of plan.**

• • • • •

(c) Supplemental information was submitted on:

(1) April 5, 9, and 17, May 30, June 18, and September 10, 1973, and on February 1 and 12, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board;

(2) May 5, 1974.

33. Subpart BBB is amended by adding § 52.2728 as follows:

**§ 52.2728 Maintenance of national standards.**

(a) The areas listed below are hereby identified by the Administrator pursuant to § 51.12 (e) and (f) of this chapter as having the potential for violation of the specified air quality standards within 10 years. The identified areas consist of the territorial area encompassed by the boundaries of the given jurisdiction or described area including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited.

(1) Ponce Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur oxides.

(ii) Geographical composition of area:

Ponce Municipality
Juana Diaz Municipality
Villalba Municipality

(2) San Juan Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur oxides.

(ii) Geographical composition of area:

San Juan Municipality
Bayamon Municipality
Rio Grande Municipality
Carolina Municipality
Catano Municipality
Guaynabo Municipality
Loiza Municipality
Toa Baja Municipality
Trujillo Alto Municipality

(3) Caguas Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Caguas Municipality
Gurabo Municipality
San Lorenzo Municipality

(4) Mayaguez Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Particulate matter.

(ii) Geographical composition of area:

Mayaguez Municipality
Hormigueros Municipality
Anasco Municipality

(5) Guanica Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Sulfur oxides.

(ii) Geographical composition of area:

Guanica Municipality

(6) Dorado Air Quality Maintenance Area.

(i) Pollutant for which the area is identified: Sulfur oxides.

(ii) Geographical composition of area:

Dorado Municipality

(7) Guayanilla-Penuelas Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur oxides.

(ii) Geographical composition of area:

Guayanilla Municipality
Penuelas Municipality

(8) Lares-Utuado-Adjuntas Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur oxides.

(ii) Geographical composition of area:

Lares Municipality
Utuado Municipality
Adjuntas Municipality

(9) Aguadilla Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur oxides.

(ii) Geographical composition of area:

Aguadilla Municipality

(10) Arecibo-Barceloneta Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur oxides.

(ii) Geographical composition of area:

Arecibo Municipality
Barceloneta Municipality

(11) Guayama Air Quality Maintenance Area.

(i) Pollutants for which the area is identified: Particulate matter and sulfur oxides.

(ii) Geographical composition of area:

Guayama Municipality

(12) Yabucoa Air Quality Maintenance Area.



V 40 183 AP PR 29 75 XUM

(i) Pollutants for which the area is identified: Particulate matter and sulfur oxides.

(ii) Geographical composition of area:

Yabucoa Municipality

### Subpart CCC—U.S. Virgin Islands

34. Subpart CCC is amended by adding § 52.2778 as follows:

**§ 52.2778 Maintenance of national standards.**

(a) Based upon information available to him and in accordance with the EPA publication, Guidelines for Designation of Air Quality Maintenance Areas, the Administrator does not identify any areas pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of national ambient air quality standards within 10 years.

### Subpart DDD—American Samoa

35. Subpart DDD is amended by adding § 52.2826 as follows:

**§ 52.2826 Maintenance of national standards.**

(a) Based upon the information available to him and in accordance with EPA publication, Guidelines for Designation of Air Quality Maintenance Areas, the Administrator does not identify any areas pursuant to § 51.12, paragraphs (e) and (f), of this chapter as having the potential for violation of national ambient air quality standards within 10 years.

[FR Doc.75-11183 Filed 4-28-75;8:45 am]



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TUESDAY, APRIL 29, 1975
WASHINGTON, D.C.

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TUESDAY, APRIL 29, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 83

PART IV

# COUNCIL ON ENVIRONMENTAL QUALITY

## ENVIRONMENTAL IMPACT STATEMENTS

### List of Statements Received

V 40 83 APR 29 75 XUM



COUNCIL ON ENVIRONMENTAL

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Administrative Actions Requiring Statements

The following list, filed with the Council by the Department of Health, Education, and Welfare pursuant to Council Guideline 40 CFR 1500.6(e) indicates those administrative actions that HEW has determined will require the preparation of environmental impact statements under NEPA.







NEPA MONTHLY REPORT

DATE: 2/4/75

PAGE 1 OF 1

FROM: Director, Office of Environmental Affairs
Department of Health, Education and Welfare

MONTH OF: JANUARY 1975

DRAFT ENVIRONMENTAL IMPACT STATEMENTS CURRENTLY UNDER PREPARATION

| Author. No. | Federal Asst. # | Description of Proposed Action | Environment(s) Affected (City & State | Date for Completion |
|---|---|---|---|---|
| 21 CFR 6.1(b) | N/A | Food Additive Petitions - Plastic Barrier Bottles for Carbonated Soft Drink and Beer Use | National | 3/31/75 |
| 21 CFR 6.1(b) | N/A | Food Additive Regulations for Use of Animal Wastes as Animal Feed | National | 6/1/75 |
| PL 81-152, 40 USC 484 | 13.606 | Transfer of Naval Well Field and Pipeline owned by U. S. Navy | Key West, Florida | 3/31/75 |
| PL 91-296 | 13.607 | Construction of laboratory, office space and support facilities at the U. S. Public Health Service Research Park | Research Triangle Park, North Carolina | 4/30/75 |
| PL 81-152 | 13.606 | The Commonwealth of Massachusetts has requested permission to demolish certain buildings on the site of the former Springfield Armory, which is listed on the National Register of Historic Places | Springfield, Massachusetts | 4/30/75 |
| PL 90-345 | | St. Joseph's Infirmary | Atlanta, Georgia | 1975 |









XUM 57 92 RRA 38104

REGION III

MARGINAL IMPACT STATEMENTS ISSUED

1974

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| PL 91-157, PL 89-4 | 13.220 and 13.231 | Adrian Hospital - replacement, relocation and expansion of an 89-bed general hospital | Punxsutawney, Jefferson County, Pennsylvania | 9/10/74 |
| PL 91-296 | 13.220 | Somerset Co. Health Center - replace, relocate and expand the existing inadequate facility | Westover, Somerset Co. Maryland | 9/26/74 |
| PL 91-296 | 13.220 | Evelyn G. Frederick Health Center - Construction of new outpatient facility | Millersburg, Dauphin Co. Pennsylvania | 10/7/74 |

REGION IV

MARGINAL IMPACT STATEMENTS ISSUED

1974

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| 1/ | 13.559 | Shelby State Community College - Phase II Construction | Memphis, Tennessee | 7/30 |
| 2/ | 13.[illegible] | Elizabeth City State University Addition to Physical Education Building | Elizabeth City, N. C. | 7/15 |
| 3/ | 13.[illegible] | University of Kentucky Medical Center - [illegible] | Lexington, Kentucky | 7/31 |
| 4/ | 13.[illegible] | Tyler Holmes Memorial Hospital - [illegible] square foot addition to existing Hospital | Winona, Mississippi | 7/31 |
| 5/ | 13.[illegible] | Union Street Area Vocational Education Center - Alteration of existing Buildings | Montgomery, Alabama | 7/31 |
| 6/ | 13.[illegible] | Area Vocational Educational Center - Additions and alterations to existing Buildings | Marion, Alabama | 7/31 |
| 7/ | 13.[illegible] | Center for Disease Control - Clifton Rd.- 3 Rabies Lab Addition | Atlanta, Georgia | 7/31 |

1/ PL 88-641; PL 89-329; PL 89-752; PL 90-575; 20 USC 701
2/ [illegible]
3/ [illegible] and 78-311 as amended by PL 91-158
4/ [illegible] as amended by PL 91-296; 41 USC 291
5/ [illegible] 20 USC 1241 to 1391, 82 Stat 1064-1094
6/ Public Health Service Act as amended, Sections 301, 311, 315 and 361-369

-1-





1974

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| 1/ | 13.220 | Memorial Medical Center- 9,300 square foot addition to existing Hospital | Savannah, Georgia | 9/10 |
| 1/ | 13.220 | Hall County Hospital - Renovation, modernation and expansion of existing Hospital | Gainesville, Georgia | 9/17 |
| 2/ | 13.606 | Hunter Army Airfield - Surplus Property Transfer | Savannah, Georgia | 9/17 |
| 1/ | 13.220 | York General Hospital - 2,600 square foot addition to existing Hospital | Rock Hill, S. C. | 9/17 |
| 1/ | 13.220 | Cobb Memorial Hospital - Addition and renovation of existing Hospital | Royston, Georgia | 9/13 |
| 3/ | 13.200 | Temporary Monkey Breeding Facility - Fenced area | Lawrenceville, Ga. | 9/18 |
| 1/ | 13.220 | Scott County Health Center - New Health Center | Forest, Mississippi | 9/18 |
| 1/ | 13.220 | Coweta General Hospital - Addition and modernization of existing Hospital | Newnan, Georgia | 9/19 |
| 1/ | 13.220 | Cabarrus County Health Center - Replacement Health Center | Concord, N. C. | 9/25 |
| 1/ | 13.220 | Glynn-Brunswick Memorial Hospital - Addition to existing Hospital | Brunswick, Georgia | 9/23 |

1/ PL 88-443 as amended by PL 91-296; 42 USC 291
2/ PL 81-152; 40 USC 484
3/ Public Health Service Act as amended; Sections 301, 311, 315 and 361-369

1974

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| 1/ | 13.220 | George County Hospital - General Renovation and Alteration to existing Hospital. | Lucedale, Mississippi | 10/15 |
| 1/ | 13.220 | Buford General Hospital - 20 Bed Addition to existing Hospital | Buford, Ga. | 10/15 |
| 1/ | 13.220 | Lloyd Nolen Hospital - 6,000 square foot addition to Existing Hospital | Fairfield, Alabama | 10/15 |
| 1/ | 13.220 | Pineville Community Hospital - Third Floor Addition to existing Hospital | Pineville, Kentucky | 10/24 |
| 1/ | 13.220 | Ephraim McDowell Memorial Hospital - Addition to existing Hospital | Danville, Ky. | 10/30 |
| 1/ | 13.220 | Northwest Rehabilitation Center New Laboratory Building at existing Center | Clarksdale, Mississippi | 10/31 |

1/ PL 88-443 as amended by PL 91-296; 42USC291

-2-





1974

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|---|---|---|---|---|
| 1/ | 13.[illegible] | [illegible] square foot addition to existing Hospital | [illegible] | [illegible] |
| 2/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 3/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 4/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 5/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 6/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 7/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 8/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 9/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 10/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 11/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 12/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 13/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 14/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 15/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 16/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
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| 19/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 20/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 21/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 22/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
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| 34/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 35/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 36/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 37/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
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| 42/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
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| 51/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
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| 71/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 72/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 73/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 74/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 75/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 76/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 77/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 78/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
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| 98/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 99/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
| 100/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |



MARGINAL IMPACT STATEMENTS ISSUED

REGION V

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| 1/ | 13.[illegible] | [illegible] Addition to existing Hospital | [illegible] | [illegible] |
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1974

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affectnd (City & State) | Date of Issuanc |
|---|---|---|---|---|
| 1/ | 13.220 | John Knox Manor Nursing Home Addition to Existing Retirement Home | Montgomery, Alabama | 11/18 |
| 1/ | 13.220 | Grady Memorial Hospital Addition over existing First Floor | Atlanta, Georgia | 11/20 |
| 1/ | 13.220 | Wesley Manor Nursing Home Addition to Existing Building | Dothan, Alabama | 11/20 |
| 1/ | 13.220 | Columbus County Hospital Replacement Hospital | Whiteville, North Carolina | 11/29 |
| 1/ | 13.220 | Wayne General Hospital Replacement 80 Bed Hospital | Waynesboro, Mississippi | 11/14 |
| 1/ | 13.220 | Polk General Hospital Addition to Existing Hospital | Cedartown, Georgia | 12/3 |
| 1/ | 13.220 | Elberton-Elbert County Hospital Addition to Existing Hospital | Elberton, Georgia | 12/4 |
| 1/ | 13.220 | S. C. Dept. of Health and Environment New Laboratory Building on Existing Health Center Property | State Park, S. C. | 12/6 |
| 1/ | 13.220 | Bayfront Medical Center Laboratory Addition to Existing Building | St. Petersburg, Florida | 12/11 |
| 1/ | 13.220 | Gilchrist County Health Center Addition to Existing Building | Trenton, Florida | 12/13 |
| 1/ | 13.220 | Memorial Hospital Satellite Clinic New Clinic | Pembroke Pines, Florida | 12/13 |
| 1/ | 13.220 | Forrest County Health Center Replacement Health Center | Hattiesburg, Miss. | 12/13 |
| 1/ | 13.220 | Williamsburg County Memorial Hospital New Outpatient Facility | Hemmingway, S. C. | 12/13 |

1974

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| 1/ | 13.220 | Comprehensive Rehabilitation Center New Center | Columbia, S. C. | 12/13 |
| 1/ | 13.220 | G. H. Lanier Memorial Nursing Home Second Story Addition | Langdale, Alabama | 12/18 |
| 1/ | 13.220 | Nash County Health Center Addition to Existing Building | Nashville, N. C. | 12/18 |

1/ PL 88-443 as amended by PL 91-296; 42 USC 291





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REGION V

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| 1/ | 13.220 | Lakeview Memorial Hospital - Expansion of existing facility and necessary remodeling in the existing facility. | Danville, Illinois | 8/19/74 |
| 2/ | 13.40 | Ingham County Library - Construction of library on 1/2 acre site. | Haslett, Michigan | 8/2/74 |
| 2/ | 13.40 § | City of Novi Public Library - Construction of library. | Novi, Michigan | 8/22/74 |
| 2/ | 13.40 § | Marysville Public Library - Construction of library, 6,000 sq. ft., on approximately 22 acres. | Marysville, Michigan | 8/22/74 |
| 2/ | 13.40 § | Portage Public Library - Construction of library, 10,000 sq. ft., on 2 acre site. | Portage, Michigan | 8/22/74 |
| 1/ | 13.220 | Branch County Human Services Building - construction of one-story, 22,450 s.f. structure to house the Health Department, Department of Social Services, and Mental Health Services. | Coldwater, Michigan | 9/26/74 |
| 1/ | 13.220 | Mercy Hospital - project intends to replace an existing obsolescent nursing structure and expand the following areas - diagnostic and treatment, administrative and service. | Cadillac, Michigan | 9/26/74 |
| 3/ | 13.339 | University of Minnesota - construction of two structures as the Animal Sciences Veterinary Medicine Phase 1 Facility | St. Paul, Minn. | 10/25/74 |

1/ PL 88-443 as amended by PL 91-296; 42 USC 291
2/ PL 91-600; 20 USC 351-355e2
3/ PL 92-157; 42 USC; Section 770 Public Health Service Act

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| 1/ | 13.220 | Proviso Township Mental Health Center - Purchase and remodeling of two story office building for use as a community mental health center | Westchester, Ill. | 11/11/74 |
| 1/ | 13.220 | Central Michigan Community Hospital - Expansion and remodeling of existing facility. | Mt. Pleasant, Mich. | 11/11/74 |
| 1/ | 13.220 | West Michigan Shared Hospital Laundry - Erection and equipment of a shared hospital laundry. | Grand Rapids, Mich. | 11/11/74 |
| 1/ | 13.220 | Detroit General Hospital - Construction of replacement facility. | Detroit, Michigan | 12/9/74 |
| 1/ | 13.220 | DePaul Rehabilitation Hospital - Construction of two-story plus ground floor addition to existing facility. | Milwaukee, Wisconsin | 12/9/74 |

1/ PL 88-443 as amended by PL 91-296; 42 USC 291



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MARGINAL IMPACT STATEMENTS ISSUED

REGION VI



REGION VIII

MARGINAL IMPACT STATEMENTS ISSUED — REGION VI

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date Issue |
|---|---|---|---|---|
| Fed. Prop & Admin. Serv. Act of 1949 | 13.606 | Proposed conversion of Federal surplus property at Red River Army Depot to multi-purpose demonstration and instructional farm by Texarkana Community College | Texarkana, Texas | 7/11/74 |
| P.L. 81-152 | 13.606 | Proposed conversion of Federal Surplus Real Property at Barksdale Air Force Base Communications Annex, Daingerfield Independent School District. | Daingerfield, Texas | 8/7/74 |
| PL 81-152 | 13.606 | Proposed conversion of Federal Surplus Real Property at Fort Wolters, Texas into College Campus by Weatherford College. | Mineral Wells Area, Texas | 9/5/74 |
| PL 81-152 | 13.606 | Proposed conversion of Federal Surplus Property at Red River Army Depot to vocational/agricultural component by Redwater Independent School District | Redwater, Texas | 10/18/74 |
| PL 81-152 | 13.606 | Proposed construction of an off-site driving range in El Paso, Texas | El Paso, Texas | 10/74 |
| PL 81-152 | 13.606 | Proposed construction of a Community College Campus in El Paso, Texas | El Paso, Texas | 11/11/74 |
| Federal Prop & Admin Serv Act of 1949, as amended | 13.606 | Proposed conversion of Federal surplus property at the Veterans Administration Hospital, Amarillo, Tx. to agricultural research use by Texas A&M Univ. | Amarillo, Texas | 11/8/74 |
| Fed. Prop & Admin Serv Act of 1949 | 13.606 | Proposed construction of Mental Health and Mental Retardation Facilities in northeast El Paso | El Paso, Texas | 11/19/74 |
| PL 81-152 | 13.606 | Proposed construction of an Educational Service Center | San Antonio, Texas | 11/19/74 |

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| PL 81-152 | 13.606 | Proposed utilization of surplus land as outdoor learning center at present and as site for school plant in future | El Paso, Texas | 12/5/74 |

REGION VII

MARGINAL IMPACT STATEMENTS ISSUED

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| P.L. 91-296 | 13.253 | Proposed construction of a 50 bed general hospital on 10 acres of a 23 acre site. The remainder of the 23 acres to be utilized for future development of a health related facilities. | Alliance, Nebraska | July, 1974 |







MARGINAL IMPACT STATEMENTS ISSUED — REGION VIII

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| P.L. 152 | | Proposed land transfer (6.14 acres) to State of South Dakota for use and benefit of S. Dak. State University | Brookings, S. Dak. | 7/2/74 |
| PL 92-158 | | Curricula changes from a 3-year diploma program to a 4-year baccalaureate program demands the construction of a new facility designed expressly for this purpose (Mary College Nursing Building) | Bismarck, North Dakota | 7/18/74 |
| PL 91-296 | | Crippled Children's Hospital School - Construction of dormitory unit to replace 32 non-conforming beds. | Jamestown, N. Dak. | 8/13/74 |
| PL 81-815 | 13.477 | New Elementary School - Addition to existing elementary school in order to provide additional teaching space and administrative space | Bekoma, N. Dak. | 8/13/74 |
| PL. 90-576 | 13.493 | San Juan Basin Voc-Tech School To build an addition of 11,400 sq. ft. to existing structure in order to house shop and classroom facilities for Auto Body, Building Trades | Cortez, Colorado | 8/13/74 |

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| PL 88-164 | | Northeastern Mental Health Center - Construction of free-standing out-patient mental health center | Aberdeen, S. Dak | 9/20/74 |
| PL 90-575 | 13.459 | Lamar Community College - Construction of an indoor arena building | Lamar, Colorado | 5/13/74 |
| Title VI | 13.459 | Colorado Mountain College - Construction of a photo laboratory addition to existing building. | Glenwood Springs, Colo. | 9/12/74 |
| Title VI | 13.459 | Colorado Mountain College - Construction of a library as a separate building. | Glenwood Springs, Colo | 9/11/74 |
| Title VI | 13.459 | Aims College - Construction of a physical education building. | Greeley, Colo. | 9/10/74 |
| PL 92-158 | | College of Nursing - Construction of new free-standing College of Nursing Building to provide adequate instructional facilities for Baccalaureate Curriculum. | Grand Forks, N. Dak. | 10/8/74 |
| PL 90-576 | | Davis County Area Vocational Center, Construction of a vocational shop facility precast concrete building for the Davis County Area Vocational Center | Farmington, Utah | 10/1/74 |
| PL91-296 | N/A | Replacement of 98 bed nonconforming hospital with modern 100 bed facility | Rock Springs, Wyoming | 11/11/74 |
| PL91-600 | 13.408 | Construction of a new library building | Rocky Ford, Otero County, Colorado | 11/11/74 |







| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| PL 81-152 | 13.606 | Proposed utilization of surplus land as outdoor learning center at present and as site for school plant in future | El Paso, Texas | 12/5/74 |

REGION VII

MARGINAL IMPACT STATEMENTS ISSUED

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| P.L. 91-296 | 13.253 | Proposed construction of a 50 bed general hospital on 10 acres of a 23 acre site. The remainder of the 23 acres to be utilized for future development of a health related facilities. | Alliance, Nebraska | July, 1974 |







| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| PL 88-164 | | Northeastern Mental Health Center - Construction of free-standing out-patient mental health center | Aberdeen, S. Dak | 9/20/74 |
| PL 90-575 | 13.459 | Lamar Community College - Construction of an indoor arena building | Lamar, Colorado | 5/13/74 |
| Title VI | 13.459 | Colorado Mountain College - Construction of a photo laboratory addition to existing building. | Glenwood Springs, Colo. | 9/12/74 |
| Title VI | 13.459 | Colorado Mountain College - Construction of a library as a separate building. | Glenwood Springs, Colo | 9/11/74 |
| Title VI | 13.459 | Aims College - Construction of a physical education building. | Greeley, Colo. | 9/10/74 |
| PL 92-158 | | College of Nursing - Construction of new free-standing College of Nursing Building to provide adequate instructional facilities for Baccalaureate Curriculum. | Grand Forks, N. Dak. | 10/8/74 |
| PL 90-576 | | Davis County Area Vocational Center, Construction of a vocational shop facility precast concrete building for the Davis County Area Vocational Center | Farmington, Utah | 10/1/74 |
| PL91-296 | N/A | Replacement of 98 bed nonconforming hospital with modern 100 bed facility | Rock Springs, Wyoming | 11/11/74 |
| PL91-600 | 13.408 | Construction of a new library building | Rocky Ford, Otero County, Colorado | 11/11/74 |





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| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuanc |
|---|---|---|---|---|
| P. L. 91-296 6/30/70 | None - Hill-Burton | Construction of a 30-bed Northern Box Elder Nursing Home | Tremonton, Utah | 12/3/74 |
| P. L. 91-600 | 13.408 | Construction of an addition to the preschl Fremont County Public Library | Lander, Wyoming | 12/3/74 |
| Higher Educ. Act of 1965 | 13.459 | Construction of a physical education facility on the present Aims College campus | Greeley, Colorado | 12/3/74 |
| Higher Educ. Act of 1965 | 13.459 | Construction of a new library building on the present Colorado Mountain Junior College campus | Glenwood Springs, Colorado | 12/3/74 |
| Higher Educ. Act of 1965 | 13.459 | Construction of an indoor arena on the present Lamar Community College campus | Lamar, Colorado | 12/3/74 |

MARGINAL IMPACT STATEMENTS ISSUED

REGION IX

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| PL 81-815 | 13.477 | Construction of Elementary School Facilities, Sacaton School District | Sacaton, Arizona | 7/16/74 |
| PL 92-318 | 13.458 | Construction of a new Academic Facility, U.C. Santa Cruz | Santa Cruz, Calif. | 7/18/74 |
| PL 92-318 | 13.464 | Construction of a new library addition, UC Santa Cruz | Santa Cruz, Calif. | 7/19/74 |
| PL 92-318 | 13.458 | Construction of a new Science Bldg. Azusa Pacific College | Azusa, Calif. | 7/26/74 |
| PL 92-157 | 13.340 | Construction of Medical Teaching Facilities U.C. San Diego | La Jolla, Calif. | 8/12/74 |
| PL 91-600 | 13.408 | Construction of a Centralized Processing Center (former Pohukaina School) | Honolulu, Hawaii | 8/23/74 |
| PL 81-152 | 13.606 | Transfer of one off-site FAA Vortac Bldg. to the Amargosa Elementary School | Pahrump, Nevada | 8/23/74 |
| PL 81-152 | 13.606 | Transfer of 49.49 acres of land and 9 buildings, Los Angeles Unified School District | Los Angeles, Calif. | 8/23/74 |
| PL 81-815 | 13.477 | Construction of High School Facilities | Wheatland, Calif. | 9/3/74 |
| PL 81-152 | 13.606 | Transfer of land to State of Hawaii Dept. of Education (Makalapa Naval Reservation and the Makalapa Elementary School) | Honolulu, Hawaii | 9/6/74 |
| PL 81-152 | 13.606 | Transfer of land to University of Calif. (Portion Naval Supply Center, Point Loma, and the University of Calif.) | San Diego, Calif. | 9/11/74 |
| PL 91-600 | 13.408 | Construction of a library | Yerrington, Nevada | 9/20/74 |





| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| PL 91-600 | 13.408 | Construction of Community Library | Camp Verde, Arizona | 10/2/74 |
| TITLE VI | 13.220 | Construction of a Public Health Center and Outpatient Facility | Fallon, Nevada | 10/2/74 |
| PL 92-318 | 13.458 | Construction of two-story administration and general purpose classroom facility, Southern California College | Costa Mesa, Calif. | 10/10/74 |
| PL 91-600 | 13.408 | Construction of public library | Casa Grande, Arizona | 10/11/74 |
| PL 92-158 | 13.369 | Construction of a single building for nursing facilities, Shasta College | Redding, Calif. | 10/16/74 |
| PL 81-815 | 13.477 | Construction of an elementary school | Duncan, Arizona | 10/16/74 |
| PL 81-815 | 13.477 | Construction of high school facilities, | Sierra Vista, Arizona | 10/21/74 |
| Title VI | 13.220 and 13.253 | Expansion of existing outpatient facilities | Wahiawa, Hawaii | 10/23/74 |
| PL 81-152 | 13.606 | Transfer of 8 acres of land to the Institute of Human Behavior | Oakland, Calif. | 10/29/74 |

| Author. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuance |
|---|---|---|---|---|
| PL 86-121 | 11.429 | Construction of Domestic Water Supply & Waste Disposal Facilities | Woodsfords, Alpine County, California | 11/4/74 |
| PL 81-815 | 13.477 | Construction of an elem. school addition, El Mirage School | Existing campus, El Mirage, Maricopa County, Arizona | 11/8/74 |
| PL 81-815 | 13.477 | Construction of elem. school facilities for Fallbrook Union School District | Camp Pendleton, San Diego County, California | 11/8/74 |
| PL 92-318 | 13.459 | Construction of new two-story classroom building, Orange Coast Community College | Existing campus, Costa Mesa, Orange County, California | 11/8/74 |
| PL 91-600 | 13.408 | Construction of a central library building | Marysville, Yuba County, CA. | 11/19/74 |
| PL 91-600 | 13.408 | Construction of a two-story building to serve as a community library | Fairfield, Solano County, California | 11/20/74 |
| PL 81-152 | 13.606 | Transfer of 17.99 acres of land to the Fairfield - Suisun Unified School District | Fairfield, Solano County, California | 11/22/74 |
| PL 81-152 | 13.606 | Transfer of 13.14 acres and improvements to the Travis Unified School District | Travis Air Force Base, Solano County, California | 11/22/74 |
| PL 81-152 | 13.606 | Transfer of 2.5 acres of land and 6 buildings to Torrance Unified School District | Torrance, Los Angeles County, California | 11/5/74 |
| PL 93-[illegible] | 13.240 | Construction of ambulatory health care facility | Pacoima, Los Angeles County California | 11/8/74 |
| PL 92-318 | 13.458 | construction of theatre arts building, CALIF. STATE COLLEGE, DOMINGUEZ HILLS, CARSON, CALIFORNIA | existing campus in Carson, California (Los Angeles County) | 12/23/74 |
| Title II, Sec. 242 NHA (FHA) | 14.128 | Modernization and expansion of Outpatient clinic, Community Hospital, San Gabriel, Ca. | San Gabriel, California (Los Angeles County) | 12/19/74 |





REGION X

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REGION X

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| uthor. No. | Fed. Asst. Cat. No. | Description of Proposed Action | Environment(s) Affected (City & State) | Date of Issuanc |
|---|---|---|---|---|
| PL 86-121 | 13.229 | Proposed Project for the Construction of Individual Water Supply and Waste Disposal Facilities (70 homes) | Yakima Indian Reservation Washington | 9/74 |
| PL 860 121 | 13.229 | Proposed project for the Construction of Individual Water Supply and Waste Disposal Facilities ( for 22 homes on the reservation) | Warm Springs Indian Reservation, Oregon | 10/74 |
| PL 86-121 | 13.229 | Proposed project for the Construction of a New Water Source, and Water Distribution and Waste Collection Facilities for the New Housing Site (50 unit) | Quileute Indian Reservation, Clallam County, Washington | 10/74 |
| PL 88-164 | 13.240 | Proposed Construction of a Replacement Mental Health Center | Seattle, Washington | 12/74 |
| PL 93-120 | 13.228 | Replacement Community Health Facility | Bethel, Alaska | 12/74 |

[FR Doc.75-10823 Filed 4-28-75;8:45 am]

GARY L. WIDMAN,
*General Counsel.*



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84

April 30, 1975—Pages 18751–18975

# federal register

WEDNESDAY, APRIL 30, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 84

Pages 18751–18975

PART I

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**Daily List of Public Laws**

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. Subsequent lists appear each day in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.J. Res. 375..... Pub Law 94–17
Veterans Administration; Federal Election Commission, additional appropriations, 1975
(April 24, 1975; 89 Stat. 79)
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Nuclear Regulatory Commission, supplemental appropriation authorization, 1975
(April 25, 1975; 89 Stat. 80)





# rules and regulations

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel

## CHAPTER I—CIVIL SERVICE COMMISSION

## PART 213—EXCEPTED SERVICE

### Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary to the Confidential Assistant to the Secretary is reestablished under Schedule C.

Effective on April 30, 1975, § 213.3313 (a) (28) is added as set out below:

**§ 213.3313 Department of Agriculture.**

(a) *Office of the Secretary.* • • •

(28) One Private Secretary to the Confidential Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–11288 Filed 4–29–75;8:45 am]

## PART 213—EXCEPTED SERVICE

### Commodity Futures Trading Commission

Section 213 is amended to show that the Commodity Futures Trading Commission is a newly established independent agency and that the following positions are excepted under Schedule C: one position of Secretary to the Chairman, one position of Administrative Assistant to the Chairman, one position of Administrative Assistant to each of four Commissioners, and one position of Public Information Officer.

Effective on April 30, 1975, § 213.3379 is added as set out below.

**§ 213.3379 Commodity Futures Trading Commission.**

(a) One Secretary and one Administrative Assistant to the Chairman.

(b) One Administrative Assistant to each of four Commissioners.

(c) One Public Information Officer.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–11289 Filed 4–29–75;8:45 am]

## PART 213—EXCEPTED SERVICE

### Community Services Administration

Part 213 is amended to show (1) a headnote change from Office of Economic Opportunity to Community Services Administration, (2) its establishment as an independent agency, and (3) its transfer out of the Executive Office of the President. Part 213 is also amended to show that the following positions are no longer excepted under Schedule B: Not to exceed 35 positions at GS–9 through GS–15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. In addition, Part 213 is amended to show that one position of Associate Director for Congressional Relations and one position of Associate Director for Public Affairs are excepted under Schedule C. Part 213 is further amended to show that the following positions are no longer excepted under Schedule C: two positions of Special Assistant to the Director, one position of Deputy Associate Director for Congressional Relations, one position of Confidential Secretary to the Special Assistant to the Director, one position of Confidential Secretary to the Associate Director for Public Affairs, one position of Congressional Relations Specialist, and one position of Deputy Associate Director for Human Rights.

Effective on April 30, 1975:

§ 213.3203 [Revoked]

1. Section 213.3203 is revoked.

§ 213.3303 [Amended]

2. Section 213.3303(k) is revoked.

3. Sections 213.3273 and 213.3373 are added as set out below:

**§ 213.3273 Community Services Administration.**

(a) Seven Regional Directors.

(b) [Reserved]

(c) One Chief, Research and Plans Division.

**§ 213.3373 Community Services Administration.**

(a) *Office of the Director.* (1) One Assistant Director for Plans, Research, and Evaluation.

(2) One Executive Assistant to the Director.

(3) One Confidential Assistant to the Director.

(4) One Confidential Secretary and one Private Secretary to the Director.

(5) One Confidential Assistant to the Special Assistant to the Director.

(b) *Office of Operations.* (1) One Special Assistant to the Assistant Director.

(2) One Confidential Staff Assistant to the Assistant Director.

(3) One Chief, State and Local Government Division.

(c) *Office of Program Review.* (1) One Special Assistant to the Associate Director.

(2) One Planning and Review Advisor to the Associate Director.

(3) One Chief, Private Resources Division.

(4) One Coordinator, Rural Affairs Program.

(5) One Coordinator, Youth Affairs Program.

(d) *Office of Congressional Relations.* (1) The Associate Director.

(2) One Confidential Advisor to the Associate Director.

(e) *Office of Public Affairs.* (1) The Associate Director.

(2) Two Confidential Assistants to the Associate Director.

(f) *Office of General Counsel.* (1) One Confidential Secretary to the General Counsel.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–11290 Filed 4–29–75;8:45 am]

## PART 213—EXCEPTED SERVICE

### Department of Justice

Section 213.3310 is amended to show that one additional position of Confidential Assistant to the Attorney General is excepted under Schedule C.

Effective on April 30, 1975, § 213.3310 (a) (4) is amended as set out below.

**§ 213.3310 Department of Justice.**

(a) *Office of the Attorney General.* • • •

(4) Two Confidential Assistants to the Attorney General.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75–11291 Filed 4–29–75;8:45 am]

## PART 213—EXCEPTED SERVICE

### National Credit Union Administration

Section 213.3357 is amended to show that one position of Legislative Liaison Officer is excepted under Schedule C.

Effective on April 30, 1975, § 213.3357 (c) is added as set out below:

**§ 213.3357 National Credit Union Administration.**

• • • • • •

(c) One legislative Liaison Officer.





[5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954– ... DIVISION ... Civil Service ... Part 213 ... Excepted Service ... Department of Agriculture ... Section 213.3313 ... Effective on April 30, 1975, § 213.3313 (a) (28) ... § 213.3313 Department of Agriculture. (a) Office of the Secretary. • • • (28) One Private Secretary to the Confidential Assistant to the Secretary. (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218) UNITED STATES CIVIL SERVICE COMMISSION, [SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners. [FR Doc.75–11288 Filed 4–29–75;8:45 am] PART 213—EXCEPTED SERVICE Commodity Futures Trading Commission Section 213 is amended to show that the Commodity Futures Trading Commission is a newly established independent agency and that the following positions are excepted under Schedule C: one position of Secretary to the Chairman, one position of Administrative Assistant to the Chairman, one position of Administrative Assistant to each of four Commissioners, and one position of Public Information Officer. Effective on April 30, 1975, § 213.3379 is added as set out below. § 213.3379 Commodity Futures Trading Commission. (a) One Secretary and one Administrative Assistant to the Chairman. (b) One Administrative Assistant to each of four Commissioners. (c) One Public Information Officer. (5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218) UNITED STATES CIVIL SERVICE COMMISSION, [SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners. [FR Doc.75–11289 Filed 4–29–75;8:45 am] PART 213—EXCEPTED SERVICE Community Services Administration Part 213 is amended to show (1) a headnote change from Office of Economic Opportunity to Community Services Administration, (2) its establishment as an independent agency, and (3) its transfer out of the Executive Office of the President. Part 213 is also amended to show that the following positions are no longer excepted under Schedule B: Not to exceed 35 positions at GS–9 through GS–15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. In addition, Part 213 is amended to show that one position of Associate Director for Congressional Relations and one position of Associate Director for Public Affairs are excepted under Schedule C. Part 213 is further amended to show that the following positions are no longer excepted under Schedule C: two positions of Special Assistant to the Director, one position of Deputy Associate Director for Congressional Relations, one position of Confidential Secretary to the Special Assistant to the Director, one position of Confidential Secretary to the Associate Director for Public Affairs, one position of Congressional Relations Specialist, and one position of Deputy Associate Director for Human Rights. Effective on April 30, 1975: § 213.3203 [Revoked] 1. Section 213.3203 is revoked. § 213.3303 [Amended] 2. Section 213.3303(k) is revoked. 3. Sections 213.3273 and 213.3373 are added as set out below: § 213.3273 Community Services Administration. (a) Seven Regional Directors. (b) [Reserved] (c) One Chief, Research and Plans Division. § 213.3373 Community Services Administration. (a) Office of the Director. (1) One Assistant Director for Plans, Research, and Evaluation. (2) One Executive Assistant to the Director. (3) One Confidential Assistant to the Director. (4) One Confidential Secretary and one Private Secretary to the Director. (5) One Confidential Assistant to the Special Assistant to the Director. (b) Office of Operations. (1) One Special Assistant to the Assistant Director. (2) One Confidential Staff Assistant to the Assistant Director. (3) One Chief, State and Local Government Division. (c) Office of Program Review. (1) One Special Assistant to the Associate Director. (2) One Planning and Review Advisor to the Associate Director. (3) One Chief, Private Resources Division. (4) One Coordinator, Rural Affairs Program. (5) One Coordinator, Youth Affairs Program. (d) Office of Congressional Relations. (1) The Associate Director. (2) One Confidential Advisor to the Associate Director. (e) Office of Public Affairs. (1) The Associate Director. (2) Two Confidential Assistants to the Associate Director. (f) Office of General Counsel. (1) One Confidential Secretary to the General Counsel. (5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218) UNITED STATES CIVIL SERVICE COMMISSION, [SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners. [FR Doc.75–11290 Filed 4–29–75;8:45 am] PART 213—EXCEPTED SERVICE Department of Justice Section 213.3310 is amended to show that one additional position of Confidential Assistant to the Attorney General is excepted under Schedule C. Effective on April 30, 1975, § 213.3310 (a) (4) is amended as set out below. § 213.3310 Department of Justice. (a) Office of the Attorney General. • • • (4) Two Confidential Assistants to the Attorney General. (5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp. p. 218) UNITED STATES CIVIL SERVICE COMMISSION, [SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners. [FR Doc.75–11291 Filed 4–29–75;8:45 am] PART 213—EXCEPTED SERVICE National Credit Union Administration Section 213.3357 is amended to show that one position of Legislative Liaison Officer is excepted under Schedule C. Effective on April 30, 1975, § 213.3357 (c) is added as set out below: § 213.3357 National Credit Union Administration. • • • • • • (c) One legislative Liaison Officer.



CHAPTER I—AGRICULTURAL MARKET- ... same manner as, and is applicable only

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[5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218]

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11292 Filed 4-29-75;8:45 am]

## PART 213—EXCEPTED SERVICE

### Miscellaneous Revocation

Subpart C of Part 213 is amended to show that under the provisions of § 213.3101b, 1 position is no longer excepted under Schedule C.

Section 213.3304 *Department of State*, is amended by revoking paragraph (a) (18) as set forth below.

**§ 213.3304 Department of State.**

(a) *Office of the Secretary.* • • •

(18) [Revoked]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

[FR Doc.75-11293 Filed 4-29-75;8:45 am]

## Title 7—Agriculture

## SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

## PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

### Revisions of Delegations of Authority

Part 2, Subtitle A, Title 7, the Code of Federal Regulations is amended to revise the delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs to reflect broader responsibilities under the rural environmental programs; assistance to Agricultural Marketing Service for certain activities; the transfer of functions of the Export Marketing Service to the Foreign Agricultural Service and other minor editorial changes. Because the changes concern rules of the agency organization, procedure, and practice, the prior notice, public rulemaking procedure, and effective date requirements are omitted as unnecessary.

### Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries, and Directors

1. Section 2.21, paragraph (a) is amended by revising subparagraphs (3), (5), (10), (14), (21), (23), (28), (29), and (30) and by revoking and reserving subparagraph (11) to read as follows:

**§ 2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.**

• • • • •

(a) • • •

(3) Administer the rural environmental programs (except Great Plains program) and diversion programs under Title X of the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 et seq.) and under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

• • • • • •

(5) Administer the beekeeper indemnity payment program under section 804 of the Agricultural Act of 1970, as amended (7 U.S.C. 135b note).

• • • • • •

(10) Conduct refinancing operations pursuant to section 304 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094) and administer assigned responsibilities and functions under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1959, as amended (50 U.S.C. App. 2251 et seq.)

(11) [Reserved]

• • • • • •

(14) Administer the feed grain program under section 105 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441 note).

• • • • • •

(21) Administer the upland cotton program under section 103 of the Agricultural Act of 1949, as amended (7 U.S.C. 1444) and the extra long staple cotton program under section 101 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441 (f)).

• • • • • •

(23) Administer the wheat program under section 107 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445a).

• • • • • •

(28) Administer procurement, processing, handling, distribution, disposition, transportation, payment, and related services on surplus removal and supply operations, under section 5 (b), (c), and (d) of the CCC Charter Act (15 U.S.C. 714c (b), (c), and (d)), section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 14331), section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), the Act of August 19, 1958, as amended (7 U.S.C. 1431 note), and section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a), except as specified in §§ 2.17(d) and 2.21(d), and assist the Agricultural Marketing Service in the procurement, handling, payment and related services under section 32 of the Act of August 23, 1935, as amended (7 U.S.C. 612c), and the National School Lunch Act of 1946, as amended (42 U.S.C. 1755).

(29) Administer commodity procurement and supply, transportation (other than from point of export except for movement to trust territories or possessions), handling, payment, and related services in connection with programs under title II of Pub. L. 480 (7 U.S.C. 1721–1725), and payment and related services for the Foreign Agricultural Service with respect to export subsidy and barter operations, operations under title I of Public Law 480, and the export credit sales program.

(30) Administer wool and mohair programs under section 704 of the National Wool Act of 1954, as amended (7 U.S.C. 1783), and under the authority of section 708 of that Act (7 U.S.C. 1787), conduct producer referendums, withhold funds (for advertising and promotion) from payments made to producers under section 704, and transfer such funds to the person or agency designated by the Assistant Secretary for Marketing and Consumer Affairs.

• • • • • •

2. Section 2.22 is amended by revoking and reserving paragraph (a) (5) as follows:

**§ 2.22 Reservations of authority.**

• • • • • •

(a) Related to agricultural stabilization and conservation.

• • • • • •

(5) [Reserved]

• • • • • •

### Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

3. Section 2.65, paragraph (a) is amended by revising subparagraphs (3), (5), (10), (14), (21), (23), (28), (29), and (30) and by revoking and reserving subparagraph (11) to read as follows:

**§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.**

(a) Delegations. • • •

(3) Administer the rural environmental programs (except the Great Plains program) and diversion programs under Title X of the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 et. seq.) and under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g et seq.).

• • • • • •

(5) Administer the beekeeper indemnity payment program under section 804 of the Agricultural Act of 1970, as amended (7 U.S.C. 135b note).

• • • • • •

(10) Conduct refinancing operations pursuant to section 304 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094) and administer assigned responsibilities and functions under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1959, as amended (50 U.S.C. App. 2251 et seq.)

(11) [Reserved]

• • • • • •

(14) Administer the feed grain program under section 105 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441 note).

• • • • • •

(21) Administer the upland cotton program under section 103 of the Agricultural Act of 1949, as amended (7 U.S.C. 1444) and the extra long staple cotton program under section 101 of the Agricultural Act of 1949, as amended (7 U.S.C. 1441(f)).

• • • • • •

(23) Administer the wheat program under section 107 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445a).

• • • • • •

(28) Administer procurement, processing, handling, distribution, disposition, transportation, payment, and related services on surplus removal and supply operations, under section 5(b), (c), and (d) of the CCC Charter Act (15 U.S.C. 714c (b), (c), and (d)), section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), section 210 of the Agricultural Act of 1956 (7 U.S.C. 1859), the Act of August 19, 1958, as amended (7 U.S.C. 1431 note), and section 709 of the Food and Agriculture Act of 1965, as amended (7 U.S.C. 1446a), except as specified in §§ 2.17(d) and 2.21(d), and assist the Agricultural Marketing Service in the procurement, handling, payment, and related services under section 32 of the Act of August 23, 1935, as amended (7 U.S.C. 612c), and the National School Lunch Act of 1946, as amended (42 U.S.C. 1755).

(29) Administer commodity procurement and supply, transportation (other than from point of export except for movement to trust territories or possessions), handling, payment, and related services in connection with programs under title II of Pub. L. 480 (7 U.S.C. 1721–1725), and payment and related services for the Foreign Agricultural Service with respect to export subsidy and barter operations, operations under title I of Pub. L. 480, and the export credit sales program.

(30) Administer wool and mohair programs under section 704 of the National Wool Act of 1954, as amended (7 U.S.C. 1783), and under the authority of section 708 of that Act (7 U.S.C. 1787), conduct producer referendums, withhold funds (for advertising and promotion) from payments made to producers under section 704, and transfer such funds to the person or agency designated by the Assistant Secretary for Marketing and Consumer Services.

• • • • • •

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953 (5 U.S.C. Appendix)).

*Effective date:* April 30, 1975.

For Subpart C:

Signed at Washington, D.C., on April 23, 1975.

EARL L. BUTZ,
*Secretary of Agriculture.*

For Subpart H:

Signed at Washington, D.C., on April 23, 1975.

CLAYTON YEUTTER,
*Assistant Secretary for International Affairs and Commodity Programs.*

[FR Doc.75-11238 Filed 4-29-75;8:45 am]





## CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES)

## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Subpart—United States Standards for Grades of Frozen Broccoli

*Correction*

In FR Doc. 75-8824 appearing at page 15890 in the issue for Tuesday, April 8, 1975 make the following correction:

Under § 52.637(a) (9), in the seventh line of Table IV, under the heading "Defect" change the figure in parenthesis from "(1.0 cm)" to read "(1.9 cm)".

## CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 4; Docket No. AO-160-A50]

## PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

### Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1004.85.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order, including provisions constituting the Advertising and Promotion Program, is approved or favored by at least two-thirds of the producers who participated in referenda and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

*It is therefore ordered*, That on and after the effective date hereof, the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

### Subpart—Order Regulating Handling

GENERAL PROVISIONS


| Sec. | |
|---|---|
| 1004.1 | General provisions. |


DEFINITIONS


| | |
|---|---|
| 1004.2 | Middle Atlantic marketing area. |
| 1004.3 | Route disposition. |
| 1004.4 | Plant. |
| 1004.5 | [Reserved] |
| 1004.6 | [Reserved] |
| 1004.7 | Pool plant. |
| 1004.8 | Nonpool plant. |
| 1004.9 | Handler. |
| 1004.10 | Producer-handler. |
| 1004.11 | Dairy farmer. |
| 1004.12 | Producer. |
| 1004.13 | Producer milk. |
| 1004.14 | Other source milk. |
| 1004.15 | Fluid milk product. |
| 1004.16 | [Reserved] |
| 1004.17 | Filled milk. |
| 1004.18 | Exempt milk. |







| Sec. | |
|---|---|
| 1004.19 | [Reserved] |


AUTHORITY: The provisions of this subpart issued under secs. 1–19, 48 Stat. 31, as

to a retail or wholesale outlet (including



shipments are made to a plant(s) reg-

(e) Subject to the conditions of sub-

products are shipped during the month to a plant qualified under § 1004.7

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Sec.
1004.19 [Reserved]
1004.20 Cooperative association.

HANDLER REPORTS

1004.30 Reports of receipts and utilization.
1004.31 [Reserved]
1004.32 Other reports.

CLASSIFICATION OF MILK

1004.40 Classes of utilization.
1004.41 Shrinkage.
1004.42 Classification of transfers and diversions.
1004.43 General rules.
1004.44 Classification of producer milk.
1004.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1004.50 Class prices.
1004.51 Basic formula price.
1004.52 Location differentials to handlers.
1004.53 Announcement of class prices and producer butterfat differential.
1004.54 Equivalent prices or indexes.

UNIFORM PRICES

1004.60 Pool obligation of each pool handler.
1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.
1004.62 Announcement of weighted average price and uniform prices for base milk and excess milk.

PAYMENTS FOR MILK

1004.70 Producer-settlement fund.
1004.71 Payments to the producer-settlement fund.
1004.72 Payments from the producer-settlement fund.
1004.73 Payments to producers and to cooperative associations.
1004.74 Butterfat differential.
1004.75 Location differentials to producers and on nonpool milk.
1004.76 Payments by a handler operating a partially regulated distributing plant.
1004.77 Adjustment of accounts.
1004.78 [Reserved]
1004.79 Direct delivery differential.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1004.85 Assessment for order administration.
1004.86 Deduction for marketing services.

BASE-EXCESS PLAN

Sec.
1004.90 Base milk.
1004.91 Excess milk.
1004.92 Computation of base for each producer.
1004.93 Base rules.
1004.94 Relinquishing a base.
1004.95 Announcement of base.

ADVERTISING AND PROMOTION PROGRAM

1004.110 Agency.
1004.111 Composition of the Agency.
1004.112 Term of office.
1004.113 Selection of Agency members.
1004.114 Agency operating procedure.
1004.115 Powers of the Agency.
1004.116 Duties of the Agency.
1004.117 Advertising, research, education, and promotion program.
1004.118 Limitation of expenditures by the Agency.
1004.119 Personal liability.
1004.120 Procedure for requesting refunds.
1004.121 Duties of the market administrator.
1004.122 Liquidation.

AUTHORITY: The provisions of this subpart issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

## Subpart—Order Regulating Handling

### GENERAL PROVISIONS

**§ 1004.1 General provisions.**

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

### DEFINITIONS

**§ 1004.2 Middle Atlantic marketing area.**

"Middle Atlantic marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of the following places, including piers, docks and wharves and territory within such boundaries occupied by government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) The District of Columbia.

(b) The State of Delaware.

(c) In the State of Maryland:

(1) The counties of:

| | |
|---|---|
| Anne Arundel. | Kent. |
| Baltimore. | Montgomery. |
| Calvert. | Prince Georges. |
| Caroline. | Queen Annes. |
| Carroll. | Somerset. |
| Cecil. | St. Marys. |
| Charles. | Talbot. |
| Dorchester. | Washington. |
| Frederick. | Wicomico. |
| Harford. | Worcester. |
| Howard. | |

(2) The city of Baltimore.

(d) In the State of New Jersey:

(1) The counties of:

| | |
|---|---|
| Atlantic. | Cumberland. |
| Burlington. | Gloucester. |
| Camden. | Mercer. |
| Cape May. | Salem. |

(2) In Ocean County:

(i) The townships of:

| | |
|---|---|
| Eagleswood. | Ocean. |
| Lacey. | Stafford. |
| Long Beach. | Union. |
| Little Egg Harbor. | |

(ii) The boroughs of:

| | |
|---|---|
| Barnegat Light. | Ship Bottom. |
| Beach Haven. | Tuckerton. |
| Harvey Cedars. | |

(e) In the State of Pennsylvania, the counties of:

| | |
|---|---|
| Adams. | Juniata. |
| Bucks. | Lancaster. |
| Chester. | Lebanon. |
| Cumberland. | Montgomery. |
| Dauphin. | Perry. |
| Delaware. | Philadelphia. |
| Franklin. | York. |
| Fulton. | |

(f) In the State of Virginia:

(1) The counties of:

| | |
|---|---|
| Arlington. | Loudoun. |
| Fairfax. | Prince William. |

(2) The cities of:

| | |
|---|---|
| Alexandria. | Fairfax. |
| Falls Church. | |

**§ 1004.3 Route disposition.**

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery through a distribution depot, by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

**§ 1004.4 Plant.**

"Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, processing or packaging of milk or milk products (including filled milk). However, a separate facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck or only as a distribution depot for fluid milk products in transit for route distribution shall not be included under this definition.

**§ 1004.5 [Reserved]**

**§ 1004.6 [Reserved]**

**§ 1004.7 Pool plant.**

Except as provided in paragraph (f) of this section, "pool plant" means a plant (except a producer-handler plant or the plant of a handler pursuant to § 1004.9 (e)) specified in paragraphs (a) through (e) of this section.

(a) A plant from which during the month a volume not less than 50 percent of its receipts described in subparagraph (1) or (2) of this paragraph is disposed of as Class I milk (except filled milk) and a volume not less than 10 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area;

(1) Milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.12, by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) and from a cooperative in its capacity as a handler pursuant to § 1004.9(c); or

(2) In the case of a plant with no receipts described in subparagraph (1) of this paragraph, receipts of fluid milk products (other than filled milk) from other plants.

(b) Any plant not meeting the conditions of paragraph (a) of this section from which during the month a quantity of fluid milk products (other than filled milk) not less than the applicable percentage (as specified in subparagraph (1) of this paragraph) of such plant's receipts of milk from dairy farmers (including milk diverted as produce milk pursuant to § 1004.12 by either the plant operator or by a cooperative association) and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) is moved to a plant(s) meeting the percentage disposition requirements specified in paragraph (a) of this section with respect to its total receipts of fluid milk products (other than filled milk) from dairy farmers, cooperative associations as handlers pursuant to § 1004.9(c) and from other plants. However, a plant shall not qualify pursuant to this paragraph in any month in which a greater proportion of its qualifying





shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 50 percent for any month of September through February; and

(ii) 40 percent for any month of March through August.

(c) A reserve processing plant which was a pool plant under this paragraph in the month immediately preceding the effective date of this order, which does not meet the conditions for pool status pursuant to paragraph (a) or (b) of this section shall continue to hold such status in each consecutive succeeding month in which:

(1) It is owned and operated by a handler who also operates a plant qualified pursuant to paragraph (a) of this section;

(2) The plant does not qualify as a pool plant pursuant to the provisions of another Federal order;

(3) The plant, in combination with a distributing plant of such handler, meets the performance standards of paragraph (a) of this section;

(4) No plant of such handler is a means for qualification of any other plant for pooling pursuant to paragraph (b) of this section; and

(5) The handler notifies the market administrator each month, at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator, with respect to any receipts from dairy farmers delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

(d) A reserve processing plant operated by a cooperative association at which milk from dairy farmers is received if the total of fluid milk products (except filled milk) transferred from such cooperative association plant(s) to, and the milk of member producers physically received at, pool plants pursuant to § 1004.7(a) is not less than 50 percent of the total milk of member producers during the month: *Provided*, That in the case of a cooperative association that owns and operates both a reserve processing plant and a pool plant pursuant to § 1004.7(a), the provisions of this paragraph shall have been met so long as the volume of the cooperative's member milk pooled at the reserve processing plant does not exceed the volume of sales of Class I milk (except filled milk) from the cooperative's pool distributing plant, plus the milk of member producers received directly at pool plants pursuant to § 1004.7(a) of other handlers during the month, and provided further that a cooperative operating a pool reserve processing plant qualified pursuant to this paragraph shall notify the market administrator each month, at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator, with respect to any receipts from member dairy farmers delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

(e) Subject to the conditions of subparagraph (1) of this paragraph, a plant that was qualified pursuant to paragraph (b) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify pursuant to said paragraph (b):

(1) The automatic pooling status of any plant pursuant to this paragraph shall be canceled beginning on the first day of any month during the March through August period in which another supply plant is qualified for pooling through shipments to the same plants through which such automatic pooling status was acquired.

(f) A plant specified in subparagraph (1) or (2) of this paragraph shall, except as provided in §§ 1004.32(e) and 1004.71(c), be exempt from the provisions of this part:

(1) Any plant qualified pursuant to paragraph (a) of this section which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant as route disposition in the Middle Atlantic marketing area than is so disposed of in a marketing area regulated pursuant to such other order; or

(2) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to paragraphs (a) or (b) of this section.

**§ 1004.8 Nonpool plant.**

"Nonpool plant" means a plant other than a pool plant. The following categories of nonpool plants are further defined:

(a) "Other order plant" means a plant that is fully subject to the pricing and payment provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a plant which is not a pool plant, a producer-handler plant, an other order plant, or the plant of a handler pursuant to § 1004.9(e), from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a plant which is not a pool plant, a producer-handler plant, an other order plant, or the plant of a handler pursuant to § 1004.9(e), from which fluid milk products are shipped during the month to a plant qualified under § 1004.7.

**§ 1004.9 Handler.**

"Handler" means any person described in paragraphs (a) through (f) of this section. Any person in his capacity as the operator of a pool plant or a cooperative association in its capacity as a handler pursuant to paragraph (b) or (c) of this section shall be a "pool handler".

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; or

(4) An other order plant.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.12 for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another person in a tank truck owned and operated by or under contract to such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator in writing prior to the first day of the month that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests based on samples taken at the farm. Milk for which the cooperative association is qualified pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler.

(e) A governmental agency in its capacity as the operator of a plant with route disposition in the marketing area.

(f) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

**§ 1004.10 Producer-handler.**

"Producer-handler" means any person who operates a dairy farm and a plant with route disposition in the marketing area, and who meets the conditions of paragraphs (a), (b), and (c) of this section:

(a) The sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants;

(b) The quantity of fluid milk products received from pool plants during the month does not exceed 10,000 pounds; and

(c) Such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.



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(d) Sections 1004.40 through 1004.45, 1004.50 through 1004.54, 1004.60 through 1004.67, 1004.70 through 1004.79, 1004.85 and 1004.86, 1004.90 through 1004.95, and 1004.110 through 1004.122 shall not apply to a producer-handler.

**§ 1004.11 Dairy farmer.**

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant. A dairy farmer shall be a "dairy farmer for other markets" with respect to milk reported pursuant to § 1004.7(c)(5) or the proviso of paragraph (d) of said § 1004.7.

**§ 1004.12 Producer.**

Subject to the conditions of paragraph (e) and the exceptions of paragraph (f) of this section, "producer" means any person described in paragraphs (a) through (d) of this section.

(a) A dairy farmer with respect to milk which is received at a pool plant pursuant to § 1004.7 (a), (b), (c) or (e) directly from the farm including milk received at a pool plant pursuant to § 1004.7(c) as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e).

(b) A dairy farmer with respect to milk which is received at a pool plant pursuant to § 1004.7(d): *Provided,* That such milk is received directly from the farm of one who is a member of the cooperative operating the plant or is received as milk diverted from a pool plant pursuant to § 1004.7 (a), (b) or (e).

(c) A dairy farmer with respect to milk received by a cooperative association in its capacity as a handler pursuant to § 1004.9(c).

(d) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant) in accordance with the conditions of subparagraphs (1) and (2) of this paragraph.

(1) During any month of March through August.

(2) Not more than 10 days production during any month of September through February unless all of the diversions of member and nonmember milk, as the case may be, are pursuant to subdivision (i) or (ii), respectively, of this subparagraph and they fall within the limits prescribed thereunder. If a handler diverting milk pursuant to this subparagraph diverts milk of any dairy farmer in excess of the limits prescribed such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant.

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 25 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 25 percent of the total of such nonmember milk delivered to such handler during the month.

(e) Milk which is diverted in accordance with the provisions of this section shall be deemed to have been received by the handler for whose account it is diverted at a pool plant at the location of the plant from which it is diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.75 and the direct-delivery differential pursuant to § 1004.79, milk which is diverted in the manner described in subparagraph (1), (2), or (3) of this paragraph shall be treated as though received at the location of the plant to which diverted.

(1) Diverted from a pool plant at which no location adjustment credit is applicable to a plant at which a location adjustment credit is applicable.

(2) Diverted from a pool plant at which a location adjustment credit is applicable to a plant at which a greater location adjustment credit is applicable.

(3) Diverted from a pool plant in the direct-delivery zone to a plant outside such direct-delivery zone.

(f) This definition shall not include a:

(1) Producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Dairy farmer for other markets;

(3) Government agency which is a handler pursuant to § 1004.9(e);

(4) Dairy farmer with respect to milk reported as milk diverted to an other order plant if any portion of such dairy farmer's milk so moved is assigned to Class I under the provisions of such other order; or

(5) Dairy farmer with respect to milk physically received at a pool plant as diverted milk from an other order plant if all of the milk so received from such dairy farmer is assigned to Class II and the milk is treated as producer milk under the provisions of such other order.

**§ 1004.13 Producer milk.**

"Producer milk" means any skim milk or butterfat contained in milk:

(a) Received at a pool plant pursuant to § 1004.7 (a), (b), (c) or (e) directly from the farm including milk received at a pool plant pursuant to § 1004.7(c) as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e).

(b) Received at a pool plant pursuant to § 1004.7(d): *Provided,* That such milk is received directly from the farm of one who is a member of the cooperative operating the plant or is received as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e).

(c) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.9(c); or

(d) Diverted to a nonpool plant in accordance with the provisions of § 1004.12.

**§ 1004.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.9(c);

(b) Receipts (including any Class II product produced in the handler's plant during a prior month) in a form other than as a fluid milk product which are reprocessed, converted, or combined with another product during the month; and

(c) Receipts in a form other than a fluid milk product for which the handler fails to establish a disposition.

**§ 1004.15 Fluid milk product.**

"Fluid milk product" means milk, skim milk (including concentrated and reconstituted milk or skim milk), buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, and (except ice cream, ice cream mixes, ice milk mixes, milkshake mixes, eggnog, yogurt, condensed or evaporated milk, and any product which contains 6 percent or more nonmilk fat [or oil]) any mixture in fluid form of cream and milk or skim milk containing less than 10 percent butterfat: *Provided,* That when the product is modified by the addition of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of unmodified product of the same nature and butterfat content.

**§ 1004.16 [Reserved]**

**§ 1004.17 Filled milk.**

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

**§ 1004.18 Exempt milk.**

"Exempt milk" means bulk fluid milk products received at a pool plant or a partially regulated distributing plant from the plant of a handler pursuant to § 1004.9(e) for processing and packaging and for which an equivalent quantity of packaged fluid milk products is returned to such handler during the month.

**§ 1004.19 [Reserved]**

**§ 1004.20 Cooperative association.**

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in





making collective sales of or marketing milk or milk products for its members; and

(c) Has its entire activities under the control of its members.

HANDLER REPORTS

**§ 1004.30 Reports of receipts and utilization.**

(a) On or before the eighth day after the end of each month each handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own production);

(ii) Receipts of fluid milk products from other pool plants and milk received from a cooperative association for which it is a handler pursuant to § 1004.9(c); and

(iii) Receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(c) Each producer-handler and each handler pursuant to § 1004.9(e) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(d) On or before the eighth day after the end of each month, each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.9 (b) or (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants; and

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler.

**§ 1004.31 [Reserved]**

**§ 1004.32 Other reports.**

(a) Each pool handler shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant, his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The average butterfat content of such milk; and

(iv) The net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, if applicable, the date on which the changes took place, and the farm and plant location involved.

(c) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.76(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(d) On or before the 20th day after the end of the month, each handler pursuant to § 1004.9(f) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transaction as the market administrator may prescribe.

(e) Each handler operating a plant described in § 1004.7(f) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of other reports specified in this section or in § 1004.30) and allow verification of such reports by the market administrator.

CLASSIFICATION OF MILK

**§ 1004.40 Classes of utilization.**

Subject to the conditions set forth in §§ 1004.41 through 1004.44, all skim milk and butterfat required to be reported by a handler pursuant to §§ 1004.30 and 1004.32 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat;

(1) Disposed of as a fluid milk product except as provided in paragraph (b) (2), (3), or (7) of this section;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the market administrator such advance notice of intent to dump as the market administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.41(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.9(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lots from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk product in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers for other markets pursuant to § 1004.11 and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of 1 percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.9(c);

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.41(b)(2);

(7) Disposed of in bulk fluid milk products to manufacturing establishments such as bakeries, candy factories, soup factories, and similar establishments at which fluid milk products were used only in the manufacture of food products other than milk products; and

(8) In skim milk represented by the nonfat milk solids added to a fluid milk product for fortification which is in excess of the volume included within the fluid milk product definition pursuant to § 1004.15.

**§ 1004.41 Shrinkage.**

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.40(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1004.40(b)(5).



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**§ 1004.42 Classification of transfers and**

quested by the market administrator for

(5) For purposes of this paragraph



which in the immediately preceding

decreased a like amount. In such case the

announced for the month pursuant to

**§ 1004.42 Classification of transfers and diversions.**

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e) to a pool plant pursuant to § 1004.7 (c) or (d), or transferred from a pool plant or by a cooperative association as a handler pursuant to § 1004.9(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers (or by the handler if such transaction is between two pool plants of the same handler) in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2), and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.44(a)(5), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.44(a)(9) or (10), and the corresponding steps of § 1004.44(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant or delivered by a cooperative association in the capacity as a handler pursuant to § 1004.9(c) to a handler pursuant to § 1004.9(e);

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is not an other order plant, a producer-handler plant, or the plant of a handler pursuant to § 1004.9(e), unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided*, That if on inspection of the books and records of the nonpool plant the market administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(e) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.40.

**§ 1004.43 General rules.**

(a) Each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.9 (b) and (c) and was not received at a pool plant.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

**§ 1004.44 Classification of producer milk.**

After making the computations pursuant to § 1004.43, the market administrator each month shall determine the classification of milk received from producers by each cooperative association handler pursuant to § 1004.9 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.9(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.40(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of exempt milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5)(vi) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining, or 2 percent of such receipts; and

(ii) From Class I milk the remainder of such receipts;

(4) Except for the first month this order is effective, with respect to plants which in the immediately preceding month were unregulated plants, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.11 and from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts (other than exempt milk) of fluid milk products from a handler pursuant to § 1004.9(e);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.9(c), and in receipts in bulk from other order plants; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in remaining receipts of fluid milk products in bulk from an other order plant which are in excess of similar movements to such plant, if such receipts were classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products not subtracted pursuant to subparagraph (4) of this paragraph) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and from other order plant(s) if not classified or priced pursuant to the order regulating such plant, that were not subtracted pursuant to subparagraph (6) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in remaining receipts of fluid milk products in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar movements to the same plant, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.45(b); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case, the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) according to the classification assigned pursuant to § 1004.42(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

**§ 1004.45 Market administrator's reports and announcements concerning classification.**

The market administrator shall make the following reports and announcements concerning classification:

(a) On or before the 15th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in





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the same ratio as all producer milk re- 0.12 times the simple average of the ing class prices or other purposes is not

to § 1004.44(a)(9) and the correspond- (4) Subtract the total value of excess which it is a handler pursuant to § 1004.9

the same ratio as all producer milk received by such handler during such month;

(b) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(c) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(d) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

### Class Prices

**§ 1004.50 Class prices.**

Subject to the provisions of § 1004.52 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the basic formula price for the month.

| Month: | Amount |
|---|---|
| January | +$0.05 |
| February | +.04 |
| March | −.03 |
| April | −.07 |
| May | −.10 |
| June | −.09 |
| July | +.05 |
| August | +.12 |
| September | +.08 |
| October | +.08 |
| November | +.08 |
| December | +.08 |

**§ 1004.51 Basic formula price.**

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

**§ 1004.52 Location differentials to handlers.**

(a) For that milk received from producers and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) at a pool plant located 55 miles or more by shortest highway distance from the city hall in Philadelphia, Pa., and also 75 miles or more by the shortest highway distance from the nearer of the zero milestone in Washington, D.C., or the city hall in Baltimore, Md. (all such distance to be determined by the market administrator), and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate of 1.5 cents per 10-mile distance or fraction thereof that such plant location is from the nearest of such basing points.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.9(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and from dairy farmers for other markets pursuant to § 1004.11. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply: *Provided*, That for the purposes of this paragraph, transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

**§ 1004.53 Announcement of class prices and producer butterfat differential.**

On or before the fifth day of each month the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(a) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(b) The Class II price for the preceding month; and

(c) The producer butterfat differential for the preceding month.

**§ 1004.54 Equivalent prices or indexes.**

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

### Uniform Prices

**§ 1004.60 Pool obligation of each pool handler.**

The net pool obligation of each pool handler for each pool plant, and of each cooperative association handler pursuant to § 1004.9 (b) and (c) with respect to milk which was not received at a pool plant, shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.9(c) and allocated pursuant to § 1004.44(a)(11) and the corresponding step of § 1004.44 (b) and the quantity of producer milk in each class, as computed pursuant to § 1004.44(c), by the applicable class prices (adjusted pursuant to § 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.44(a)(12) and the corresponding step of § 1004.44(b) by the applicable class prices adjusted by the applicable differentials pursuant to §§ 1004.52, 1004.74, and 1004.79;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(7) and the corresponding step of § 1004.44(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(4) and the corresponding step of § 1004.44(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.44(a)(5) and the corresponding step of § 1004.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1004.44 (a)(5)(v) and (vi) and the corresponding step of § 1004.44(b) the Class I price shall be adjusted to the location of the transferor plant but not less than the Class II price; and

(e) Add an amount equal to the value at the Class I price of skim milk and butterfat assigned to Class I pursuant





to § 1004.44(a)(9) and the corresponding step of § 1004.44(b) (excluding receipts from partially-regulated distributing plants for which disposition a specific allocation is made to Federal order receipts from this or any other order) adjusted for the location of the nearest plant from which such types of receipts were received.

**§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.**

(a) For each month the market administrator shall compute the weighted average price per hundredweight of milk received from producers as follows:

(1) Combine into one total the values computed pursuant to § 1004.60 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments pursuant to § 1004.71 for the preceding month;

(2) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.75;

(3) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to subparagraph (1) of this paragraph by 5 cents;

(4) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk included pursuant to subparagraph (1) of this paragraph; and

(ii) The total hundredweight for which a value is computed pursuant to § 1004.60(e);

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

(b) For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(1) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to paragraph (a) of this section as follows:

(i) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents;

(ii) Multiply the remaining hundredweight quantity of excess milk by the Class I price less 5 cents; and

(iii) Add together the resulting amounts.

(2) Divide the total value of excess milk obtained in subparagraph (1) of this paragraph by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations of subparagraphs (1) through (4) of paragraph (a) of this section subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.61(a)(5)(ii) by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in subparagraph (2) of this paragraph by the hundredweight of excess milk, from the amount computed pursuant to subparagraph (3) of this paragraph;

(5) Divide the amount calculated pursuant to subparagraph (4) of this paragraph by the total hundredweight of base milk for handlers included in these computations: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (6) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to subparagraph (1) of this paragraph, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraph (5) of this paragraph. The resulting figure shall be the uniform price for base milk.

**§ 1004.62 Announcement of weighted average price and uniform prices for base milk and excess milk.**

On or before the 13th day of each month, the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the weighted average price and uniform prices for base milk and excess milk computed pursuant to § 1004.61 for the preceding month.

### Payments for Milk

**§ 1004.70 Producer-settlement fund.**

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1004.71, 1004.76 and 1004.77 and out of which he shall make all payments from such fund pursuant to §§ 1004.72 and 1004.77: *Provided*, That the market administrator shall offset the payment due to a handler against payment due from such handler.

**§ 1004.71 Payments to the producer-settlement fund.**

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.60 for such handler;

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.9(c) at the applicable uniform price(s) pursuant to § 1004.61 adjusted by location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.9 (c), the amount due from other handlers pursuant to § 1004.73(d), exclusive of differential butterfat values; and

(2) The value at the weighted average price plus 5 cents, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.75(b) (not to be less than the value of the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.60(e).

(c) Each handler operating a plant specified in § 1004.7(f)(1) if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

**§ 1004.72 Payments from the producer-settlement fund.**

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.71(b) exceeds the amount computed pursuant to § 1004.71(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

**§ 1004.73 Payments to producers and to cooperative associations.**

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraphs (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month at not less than the uniform price for base milk computed pursuant to § 1004.61(b)(3) through (6) with respect to base milk received from such producer and not less than the excess price determined pursuant to







(b) An amount computed as follows: such lesser amount as the Secretary may

**§ 1004.91 Excess milk.**

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§ 1004.61(b) (1) and (2) for excess milk received from such producers subject to the following adjustments: *Provided*, That such payment shall be at not less than the weighted average price with respect to milk received from producers, also subject to the following-adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.74; and

(iv) Less the location differential received pursuant to § 1004.75: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.72 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler; and

(d) Each handler who receives milk from a cooperative association handler pursuant to § 1004.9(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a) (1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to §§ 1004.74 and 1004.75, less the amount of partial payment on such milk.

(e) In making payments to producers pursuant to paragraph (a) (2) of this section, or to a cooperative association pursuant to paragraph (b) of this section, each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to such producer is required under paragraph (a) (2) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payment due such producer; and

(6) The net amount of the payment to the producer.

### § 1004.74 Butterfat differential.

In making the payments to producers and cooperative associations required pursuant to § 1004.73, each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

### § 1004.75 Location differentials to producers and on nonpool milk.

(a) Subject to the exception pursuant to § 1004.12(d), for that milk received from producers and from cooperative association handlers pursuant to § 1004.9 (c) at a pool plant located 55 miles or more from the city hall in Philadelphia, Pa., and also at least 75 miles from the nearer of the zero milestone in Washington, D.C., or the city hall in Baltimore, Md. (all distances to be the shortest highway distance as determined by the market administrator), the uniform price for base milk computed pursuant to § 1004.61(b) shall be reduced 1.5 cents for each 10 miles distance or fraction thereof that such plant is from the nearest of such basing points.

(b) For purposes of computations pursuant to §§ 1004.71 and 1004.72 the weighted average price shall be reduced at the rate set forth in paragraph (a) of this section applicable at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.60(e).

### § 1004.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1004.30(b) and 1004.32(c) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant, a cooperative association as a handler pursuant to § 1004.9 (b), or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1004.60(e) and a credit in the amount specified in § 1004.71 (b) (2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1004.30(b) and 1004.32(c) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1004.7(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.





(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants; cooperative associations in their capacity as handlers pursuant to § 1004.9(b), and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), less the value of such skim milk at the Class II price.

### § 1004.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

### § 1004.78 [Reserved]

### § 1004.79 Direct-delivery differential.

For producer milk received at a plant located within 55 miles of the city hall in Philadelphia, Pa., the handler in making payments to producers and cooperative association handlers pursuant to § 1004.9(c), in addition to any amounts required by other provisions of this part, shall pay 6 cents per hundredweight of milk so received.

## Administrative Assessment and Marketing Service Deduction

### § 1004.85 Assessment for order administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.9(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant) with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.9 (c), and milk transferred in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1004.44(a) (5) and (9) and the corresponding step of § 1004.44(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants, cooperative associations as handlers pursuant to § 1004.9(b), and other order plants assigned to such disposition.

### § 1004.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, making payments directly to producers for milk (other than milk of his own production) pursuant to § 1004.73(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1004.73(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

## Base-Excess Plan

### § 1004.90 Base milk.

"Base milk" means milk received from a producer by a pool handler which is not in excess of such producer's daily base computed pursuant to § 1004.92 multiplied by the number of days in such month on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for purposes of this paragraph.

### § 1004.91 Excess milk.

"Excess milk" means milk received from a producer by a pool handler which is in excess of base milk received from such producer during the month.

### § 1004.92 Computation of base for each producer.

For each month of the year, the market administrator shall compute, subject to the rules set forth in § 1004.93, a base for each producer described in paragraphs (a) through (e) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 153 (by 154 in the case of a producer on every-other-day delivery schedule who delivered August 1) less the number of days, if any, during the applicable base-forming period of August through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a) through (e) of this section under which such producer's base is computed: *Provided*, That in no event shall the number of days used to compute a producer's base pursuant to this section be less than 120.

(a) For any producer, except as provided in paragraphs (b) through (f) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of August through December;

(b) Except as provided in paragraph (c) of this section, for any producer whose milk was received at a plant which first became a pool plant after the beginning of the preceding August–December period, which plant was a pool plant for at least 120 days during such period, the quantity of milk receipts to be used in the computation of such producer's base shall be the total pounds of milk received from such dairy farmer at such plant during the entire August–December period.

(c) For any producer who on August 1 was an Order 2 (New York-New Jersey) producer and who held such status in all or part of the 2 months of August and September and who otherwise was a producer only under this part for all of the remaining August through December period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer by pool handlers under both orders throughout the August–December period.

(d) For any producer whose milk was received during the preceding August through December period at a plant which became a pool plant pursuant to § 1004.7(a) during or after such August through December period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such August–December period by pool handlers as producer milk and at such plant as a nonpool plant.

(e) For any producer whose milk, in the initial month of operation of this extended order, is received at a plant



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which becomes a pool plant pursuant to § 1004.7(b) for such month on the basis

That in the case of a base established jointly, if a copy of the partnership

### § 1004.111 Composition of the Agency.

Each cooperative association or com-



(2) Following the closing date for nominations, the market administrator

(h) Provide for the bonding of all persons handling Agency funds in an

December, March, June, or September for milk to be marketed during the en-

which becomes a pool plant pursuant to § 1004.7(b) for such month on the basis of qualifying shipments to a plant(s) which was not a pool plant in the immediately preceding month but is a pool plant(s) pursuant to § 1004.7(a) in such initial month, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during the immediately preceding August–December period (1) as producer milk by pool handlers and (2) as direct receipts at such transferor (nonpool) plant.

(f) Any producer who made no qualifying milk deliveries during the base-forming period of August through December, or who relinquishes his established base pursuant to § 1004.94, shall have a base reflecting the percentage of his average daily deliveries of producer milk each month as set forth in the following table. A new base is earned on the basis of his milk deliveries during the subsequent August through December period.

| Month: | *Percentage of production as base* |
|---|---|
| January and February | 60 |
| March through June | 50 |
| July | 60 |
| August through November | 70 |
| December | 60 |

§ 1004.93 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraphs (a) through (e) of § 1004.92 (except as provided in paragraph (f) of said section) shall be effective for the subsequent months of March through February, inclusive.

(b) A base computed pursuant to paragraphs (a) through (e) of § 1004.92 may be transferred only in its entirety to another dairy farmer and only upon discontinuance of milk production because of the entry into military service of the baseholder.

(c) Base transfers shall be accomplished only through written application to the market administrator on forms prescribed by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, except as provided in paragraph (e) of this section, the entire base only is transferrable and only upon receipt of such application signed by all joint holders.

(d) If a producer operates more than one farm and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.9 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm; *Provided*, That if such farms and herds are combined into one dairy farm, the separate bases may be combined into one base subject to approval of the market administrator.

(e) Only one base shall be allocated with respect to milk produced by one or more persons where a dairy farm is jointly owned or operated: *Provided*, That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interest of the partners in the base is filed with the market administrator before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right or to transfer in conformity with the provisions of paragraph (b) or (c) of this section (including transfer to a partnership of which he is a member). Such termination of partnership shall become effective as of the end of any month during which an application for such division of base signed by each member of such partnership is received by the market administrator.

(f) Two or more producers with bases may combine such bases upon the formation of a bona fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (e) of this section.

(g) Subject to approval by the market administrator, the name of the baseholder may be changed to that of another member of the baseholder's immediate family but only under circumstances where the base would be applicable to milk production from the same herd and on the same farm.

§ 1004.94 Relinquishing a base.

A producer holding an established base can, upon notification to the market administrator, relinquish his established base and be paid pursuant to the provisions of § 1004.92(f) beginning with the first day of the month in which such notification is received by the market administrator and extending until March 1, next.

§ 1004.95 Announcement of base.

On or before February 25 of each year, the market administrator shall notify each producer, the handler receiving his milk and the cooperative association of which he is a member of the daily base established by such producer.

ADVERTISING AND PROMOTION PROGRAM

§ 1004.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1004.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1004.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1004.113(b) is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1004.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1004.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1004.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1004.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.





(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1004.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1004.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1004.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1004.110 and 1004.117.

§ 1004.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committee as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1004.110 and 1004.117;

(c) Keep minutes, books, and records and submit books and records or examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1004.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1004.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1004.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1004.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1004.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of 5 cents per hundredweight.

§ 1004.121 Duties of the market administrator.

Except as specified in § 1004.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.113(c);

(b) Set aside the amounts subtracted under § 1004.61(a)(3) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraph (3) of this paragraph; payments, if any, to producers or States pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1004.61(a)(3).



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(3) After the end of each calendar



will be charged against and deducted

§ 213.13 Allocations; refiners; District

the above schedule; however, no person

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1004.120 or make payment to any State on behalf of any producer for which specific authorization has been received pursuant to § 1004.120 (d). Such refund or payment, as the case may be, shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1004.110 through 1004.122).

(d) Audit the Agency's records of receipts and disbursements.

**§ 1004.122 Liquidation.**

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1004.70.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective with respect to marketings on and after June 1, 1975.

Signed at Washington, D.C., on April 25, 1975.

RICHARD L. FELTNER,
*Assistant Secretary.*

[FR Doc.75-11319 Filed 4-29-75;8:45 am]

## Title 10—Energy

## CHAPTER II—FEDERAL ENERGY ADMINISTRATION

## PART 213—OIL IMPORT REGULATIONS

### Allocations for the Period Beginning May 1, 1975

Under the Mandatory Oil Import Program established pursuant to Proclamation No. 3279, as amended, the next allocation period for imports not subject to license fees under section 3(a)(1)(i)–(ii) of the Proclamation will commence on May 1, 1975. Section 8 of the Proclamation provides that for this allocation period, the maximum levels of imports subject to allocation and license, to which license fees under section 3(a)(1)(i)–(ii) shall not be applicable, shall be reduced to eighty percent (80%) of the levels established during the calendar year 1973. In accordance with Proclamation No. 3279, as amended, on March 31, 1975, the Federal Energy Administration (FEA) issued proposed amendments to Part 213 of Chapter II, Title 10 of the Code of Federal Regulations, to provide for the commencement of the next allocation period, and to reduce accordingly the levels of fee-exempt allocations (40 FR 14948, April 3, 1975).

Eighteen written comments were submitted, and additional oral presentations were made at the public hearing. Several companies expressed the concern that in light of Canada's announced intention to reduce exports to the United States from the current 800,000 bbl./day to 650,000 bbl/day on July 1, and to phase out such exports entirely by 1983, allocations of available Canadian imports for the period beginning May 1 should give preference to Canadian-dependent refiners over historic importers with alternate sources of supply. FEA has been aware of the potential problem posed to Canadian-dependent refiners for some time, but has made a preliminary determination that the Mandatory Oil Import Program is not the appropriate vehicle for any solution. Rather, FEA is considering the adoption of a regulation under the Emergency Petroleum Allocation Act of 1973, providing for a program to allocate Canadian imports among domestic refiners. On April 18, 1975, FEA issued a notice of hearing and request for comments to provide it with information relative to such a program. It is expected that if such a program is implemented, the regulations issued today will be amended to conform to allocations of Canadian imports under the Emergency Petroleum Allocation Act.

In connection with the reduced availability of Canadian imports, as well as the lower domestic demand due to conservation and the current recession, some companies suggested amendment of § 213.26 and § 213.33, which provide that where a person fails to utilize all of the Canadian imports specified in his allocation prior to the end of the allocation period, the Director of Oil Imports shall reduce his allocation. However, these sections also provide that the Director need not make such reductions to the extent that a person "demonstrates to the satisfaction of the Director that such failures were without such person's fault and were beyond his control." Hence, where full utilization of an allocation is prevented by the Canadian government's curtailment of supply, or by a decline in demand traceable to economic conditions, allocation holders will not be penalized.

In response to other comments, FEA is revising § 213.34 (Allocations of No. 2 fuel oil—District I) in order to avoid inequitable treatment of importers who held allocations in the allocation period January 1, 1973 through December 31, 1973, but not in the period May 1, 1974 through April 30, 1975. As proposed, § 213.34 provided that allocations for the next allocation period would be based on an applicant's allocation for the period beginning May 1, 1974. As revised, § 213.34 provides that allocations for the next allocation period shall be based on the applicant's allocation for the period January 1, 1973 through December 31, 1973.

Finally, the deadline for applications for allocations has been changed from April 21 to April 29, in order to provide time for submitting an application after the appearance of these amendments.

[Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, P.L. 87-794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 38 FR 35103, Proclamation No. 4341, 40 FR 3956, and Proclamation No. 4355, 40 FR 10437]

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., April 24, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel,*
*Federal Energy Administration.*

1. Section 213.5 is amended by revising paragraph (a) to read as follows:

**§ 213.5 Applications for allocations and licenses.**

(a) Applications for all allocations not subject to license fee of imports of crude oil, unfinished oils, or finished products for the allocation period May 1, 1975 through April 30, 1976, except for applications made pursuant to § 213.10, must be filed with the Director in such form as he may prescribe, not later than April 29, 1975.

* * * * *

2. Section 213.9 is amended by revising paragraphs (a), (b), and (f) to read as follows:

**§ 213.9 Allocations; petrochemical plants; Districts I–IV and District V.**

(a) For the allocation period May 1, 1975 through April 30, 1976, each eligible person with a petrochemical plan in Districts I–IV shall receive an allocation not subject to license fee but subject to supplemental fee of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in these districts during the calendar year 1974 multiplied by 11.2 percent × .80.

(b) For the allocation period May 1, 1975 through April 30, 1976, each eligible person with a petrochemical plant in District V shall receive an allocation not subject to license fee but subject to supplemental fee of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the calendar year 1974, multiplied by 11.9 percent × .80.

* * * * *

(f) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175, interim allocations were made for the allocation period January 1, 1973 through December 31, 1973 to all persons who had received an allocation under former section 9 of Oil Import Regulation 1 (now § 213.9) for the allocation period January 1, 1972 through December 31, 1972. To the extent that such interim allocations were not charged against and deducted from the regular allocation made to a person pursuant to former section 9 for the allocation periods starting January 1, 1973 and extending through April 30, 1975, such interim allocation





will be charged against and deducted from the allocation made under this section for the period May 1, 1975 through April 30, 1976.

3. Section 213.12 is amended by revising paragraphs (a), (b), and (e) to read as follows:

**§ 213.12 Allocations; refiners; Districts I–IV and the Virgin Islands.**

(a) For the allocation period May 1, 1975 through April 30, 1976, the Director shall make allocations not subject to license fee but subject to supplemental fee as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended, of imports into Districts I–IV among eligible persons having refinery capacity in these districts or the Virgin Islands. With respect to the Virgin Islands qualified refinery inputs shall be limited to crude oil charged to the refinery.

(b) Each eligible applicant shall receive an allocation not subject to license fee but subject to supplemental fee of imports of crude oil based on refinery inputs for the calendar year ending December 31, 1974. The allocation shall be computed according to the following schedule:

| Average barrels per day input | Percent of input | | Number of days |
|---|---|---|---|
| 0 to 10,000 | 21.7 | | |
| 10 to 30,000 | 13.0 | | |
| 30 to 100,000 | 7.6 | | |
| 100,000 plus | 3.8 | × | 366 |

In addition, any imports of crude oil available for allocation pursuant to this section but not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

* * * * *

(e) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175, interim allocations were made for the allocation period January 1, 1973, through December 31, 1973, to all persons who had received an allocation under section 213.12 for the allocation period January 1, 1972, through December 31, 1972. To the extent that such interim allocations were not charged against and deducted from the regular allocation made to a person pursuant to section 213.12 for the allocation periods starting January 1, 1973, and extending through April 30, 1975, such interim allocation will be charged against and deducted from the allocation made under this section for the period May 1, 1975, through April 30, 1976.

* * * * *

4. Section 213.13 is amended by revising paragraphs (a), (b), and (e) to read as follows:

**§ 213.13 Allocations; refiners; District V, Guam, and American Samoa.**

(a) For the allocation period May 1, 1975, through April 30, 1976, the Director shall allocate, as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended, imports into District V among eligible persons having refinery capacity in that district, Guam or American Samoa. With respect to Guam or American Samoa, qualified refinery inputs shall be limited to crude oil charged to the refinery.

(b) Each eligible applicant shall receive an allocation not subject to license fee but subject to supplemental fee of imports of crude oil based on refinery inputs for the calendar year ending December 31, 1974. The allocation shall be computed according to the following schedule:

| Average barrels per day input | Percent of input | | Number of days |
|---|---|---|---|
| 0 to 10,000 | 67.5 | | |
| 10 to 30,000 | 16.9 | | |
| 30,000 plus | 5.6 | × | 366 |

In addition, any imports of crude oil available for allocation pursuant to this section but not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

* * * * *

(e) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175, interim allocations were made for the allocation period January 1, 1973 through December 31, 1973 to all persons who had received an allocation under section 213.13 for the allocation period January 1, 1972 through December 31, 1972. To the extent that such interim allocations were not charged against and deducted from the regular allocation made to a person pursuant to section 213.13 for the allocation periods starting January 1, 1973 and extending through April 30, 1974, such interim allocation will be charged against and deducted from the allocation made under this section for the period May 1, 1975 through April 30, 1976.

* * * * *

5. Section 213.15 is amended by revising paragraph (d) to read as follows:

**§ 213.15 Allocations of residual fuel oil—District I.**

* * * * *

(d) For the allocation period May 1, 1974 through April 30, 1975, each eligible applicant under this section shall receive an allocation not subject to license fee but subject to supplemental fee of imports of residual fuel oil into District I to be used as fuel in District I computed according to the following formula:

$$\left[\frac{\text{Applicant's average B/D allocation made pursuant to § 213.15 for the allocation period May 1, 1974 through Apr. 30, 1975}}{\text{Average B/D allocations made pursuant to § 213.15 to all applicants for the allocation period May 1, 1974 to Apr. 30, 1975.}}\right] \times 2{,}320{,}000 \text{ B/D}$$

* * * * *

6. Section 213.16 is amended by revising paragraph (a) to read as follows:

**§ 213.16 Finished products.**

(a) For the allocation period May 1, 1975 through April 30, 1976, there is allocated to the Department of Defense 16,000 average barrels per day of imports of finished products not subject to license fee but subject to supplemental fee into Districts I–IV and 6,000 average barrels per day of imports of finished products not subject to license fee but subject to supplemental fee into District V. For the same allocation period, there is allocated 15,000 average barrels per day of imports of finished products not subject to license fee but subject to supplemental fee into Districts I–IV pursuant to Section 9 of Proclamation No. 3279, as amended, as that relates to the long-term allocation in subparagraph (5) of paragraph (k) of Section 11 of the Proclamation.

* * * * *

7. Section 213.20 is amended by revising paragraph (a)(2) as follows:

**§ 213.20 Allocations of crude oil and unfinished oils—Puerto Rico.**

(a) * * *

(2) For the allocation period May 1, 1975 through April 30, 1976, each eligible applicant under this paragraph shall receive an allocation not subject to license fee but subject to supplemental fee to import crude and unfinished oils into Puerto Rico computed according to the following formula:

$$\left[\frac{\text{Applicant's allocation pursuant to § 218.20(a) not subject to license fees of imports of crude and unfinished oils into Puerto Rico for the allocation period May 1, 1974 to Apr. 30, 1975, expressed in B/D.}}{\text{Total allocations pursuant to § 213.20(a) not subject to license fees of imports of crude and unfinished oils into Puerto Rico for the allocation period May 1, 1974 to Apr. 30, 1975, expressed in B/D.}}\right] \times 181{,}777 \text{ B/D}$$

* * * * *

8. Section 213.21 is amended by revising paragraph (a)(2) and paragraph (b)(2) to read as follows:

**§ 213.21 Allocations of finished products—Puerto Rico.**

(a) * * *

(2) For the allocation period May 1, 1975 through April 30, 1976, each eligible





application under this paragraph shall receive an allocation not subject to license fee but subject to supplemental fee to import residual fuel oil into Puerto Rico, other than residual fuel oil to be used as fuel in Puerto Rico, into Puerto Rico computed according to the following formula:

$$\left[\frac{\text{Applicant's allocation pursuant to § 213.20(a) not subject to license fees of imports of residual fuel oil into Puerto Rico for the allocation period May 1, 1974 to Apr. 30, 1975, expressed in B/D.}}{\text{Total allocations pursuant to § 213.20(a) not subject to license fees of imports of residual fuel oil into Puerto Rico for the allocation period May 1, 1974 to Apr. 30, 1975, expressed in B/D.}}\right] \times 181{,}777 \text{ B/D}$$

(b) * * *

(2) For the allocation period May 1, 1975 through April 30, 1976 shall be reduced by the



**§ 213.32 Allocations of low sulphur residual fuel oil—District V.**

* * * * *

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an allocation not subject to license fee but subject to supplemental fee to im-

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application under this paragraph shall receive an allocation not subject to license fee but subject to supplemental fee to import finished products, other than residual fuel oil to be used as fuel in Puerto Rico, into Puerto Rico, computed according to the following formula:

$$\left[\frac{\text{Applicant's allocation pursuant to § 213.21(a) not subject to license fees of imports into Puerto Rico of finished products (other than residual fuel oil to be used as fuel in Puerto Rico) for the allocation period May 1, 1974 to Apr. 30, 1975, expressed in B/D.}}{\text{Total allocations pursuant to § 213.21(a) not subject to license fees of imports into Puerto Rico of finished products (other than residual fuel oil to be used as fuel in Puerto Rico) for the allocation period May 1, 1974 to Apr. 30, 1975, expressed in B/D.}}\right] \times 1,150 \text{ B/D}$$

(b) • • •

(2) For the allocation period May 1, 1975 through April 30, 1976, each eligible applicant under this paragraph shall receive an allocation not subject to license fee but subject to supplemental fee to import residual fuel oil to be used as fuel in Puerto Rico, into Puerto Rico, computed according to the following formula:

$$\left[\frac{\text{Applicant's allocation pursuant to § 213.21(b) not subject to license fees of imports into Puerto Rico of residual fuel oil to be used as fuel in Puerto Rico for the allocation period May 1, 1974 to Apr. 30, 1975, expressed in B/D.}}{\text{Total allocations pursuant to § 213.21(b) not subject to license fees of imports into Puerto Rico of residual fuel oil to be used as fuel in Puerto Rico for the allocation period May 1, 1974 to Apr. 30, 1975, expressed in B/D.}}\right] \times 1,319 \text{ B/D}$$

• • • • •

9. Section 213.28 is revised as follows:

**§ 213.28 Canadian imports—Districts I–IV.**

(a) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) To be eligible for an allocation of imports under this section, a person must have in Districts I–IV a facility capable of processing Canadian imports.

(c) The Director shall, in accordance with the terms of paragraph (d)(1) of this section make allocations for the allocation period May 1, 1975 through April 30, 1976 of not to exceed 677,600 average barrels daily of Canadian imports into Districts I–IV.

(d)(1) The Director shall make allocations not subject to license fees but subject to supplemental fee of Canadian imports to eligible applicants who received allocations of such imports for the period May 1, 1974 through April 30, 1975 pursuant to § 213.33 or from the Oil Import Appeals Board under § 213.26, or from both. Each such applicant shall be entitled to an allocation of Canadian imports calculated in accordance with the following formula:

$$\left[\frac{\text{Sum of each eligible applicant's allocation of Canadian imports for the allocation period May 1, 1974 to Apr. 30, 1975, pursuant to § 213.33 and § 213.26, expressed in B/D.}}{\text{Sum of all allocations of Canadian imports for the allocation period May 1, 1974 to Apr. 30, 1975 pursuant to § 213.33 and § 213.26, expressed in B/D.}}\right] \times 667,600 \text{ B/D}$$

(2) The Director shall issue before May 1, 1976 to each eligible applicant a license equal to one-half of the allocation calculated pursuant to paragraph (d)(1) of this section. Such licenses shall expire on October 31, 1975 unless extended by the Director. The Director shall issue before November 1, 1975 a second license to each eligible applicant equal to the remainder of the allocation calculated pursuant to paragraph (d)(1) of this section. Such licenses shall expire on April 30, 1976.

(e)(1) Except as provided for in paragraph (e)(2) of this section a person who imports Canadian imports must process all such imports in his own facility. For the purpose of this paragraph, blending by mechanical means does not constitute processing.

(2)(i) Canadian imports may be exchanged on a barrel for barrel basis for other Canadian imports but each person receiving crude oil or unfinished oils in the exchange must process the crude oil or unfinished oil received in his own facilities. Settlements, credits, monetary, or accounting adjustments reflecting the relative values of the oils involved in the exchange are permissible.

(ii) Canadian imports which are sold to meet the requirements of regulations published by the Federal Energy Administration shall not be subject to the provisions of paragraph (e) of this section.

(f) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of imports specified in the allocation, or if he fails to process all such imports (or Canadian imports received in exchange for such imports) in his facilities before July 1, 1976, or if he fails to meet the requirement of paragraph (e) of this section, then any allocation of Canadian imports for Districts I–IV to which such person may otherwise be entitled for the first allocation period beginning after April 30, 1976 shall be reduced by the Director by the amount of Canadian imports which such person has failed to import, or by the amount of Canadian imports and exchanged oil which such person has failed to process in his facilities before July 1, 1976 or by the amount of Canadian imports by which he failed to meet the requirements of paragraph (e) of this section, except that the Director need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Director that such failures were without such person's fault and were beyond his control, or (2) such person on or before September 1, 1975, in writing relinquishes all or part of an allocation made under this section and returns to the Director licenses issued thereunder.

(g) Any allocation relinquished by a person pursuant to paragraph (f) of this section shall be reallocated to all eligible applicants in the same proportion that each received an allocation under paragraph (d)(1) of this section.

(h) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, not later than July 15, 1975, (1) the total quantity of Canadian imports which that person imported during the period May 1, 1974 through April 30, 1975, pursuant to an allocation made under § 213.33 and (2) the quantity of such imports that were processed in his facilities before July 1, 1975. The amount so reported and certified shall be subject to verification by the Director. If a person to whom an allocation is made under this section fails to file by July 15, 1975 the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received.

(i) An allocation made pursuant to this section shall not be sold, assigned or otherwise transferred.

(j) An application for an allocation under this section shall be made by letter or telegram to the Director, Oil Imports, P.O. Box 7414, Washington, D.C. 20044, unless an application has been previously filed. Applications must have been received by April 29, 1975. An application must contain the following information which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of Canadian imports and other qualified imports processed in each such facility during the calendar year ending December 31, 1974.

10. Section 213.32 is amended by revising paragraph (d) to read as follows:





**§ 213.32 Allocations of low sulphur residual fuel oil—District V.**

• • • • •

(d) For the allocation period May 1, 1975 through April 30, 1976, each eligible applicant under this section shall receive an allocation not subject to license fee but subject to supplemental fee to import low sulphur residual fuel oil into District V to be used as fuel in District V computed according to the following formula:

$$\left[\frac{\text{Applicant's average B/D allocation made pursuant to § 213.32 for the allocation period May 1, 1974 through Apr. 30, 1975}}{\text{Average B/D allocations made pursuant to § 213.32 to all applicants for the allocation period May 1, 1974 through Apr. 30, 1975}}\right] \times 60,480 \text{ B/D}$$

• • • • •

11. Section 213.34 is amended by revising paragraphs (b) and (e) to read as follows:

**§ 213.34 Allocations of No. 2 fuel oil—District I.**

• • • • •

(b) For the allocation period May 1, 1975 through April 30, 1976, 40,000 barrels per day of imports of No. 2 fuel oil, which is manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, will be available for allocations in District 1 to eligible persons having qualified terminal inputs of No. 2 fuel oil in this district.

• • • • •

(e) For the allocation period May 1, 1975 through April 30, 1976, each eligible applicant under this section shall receive an allocation of imports not subject to license fee but subject to supplemental fee into District I of No. 2 fuel oil according to the following formula:

$$\left[\frac{\text{Applicant's average barrels per day allocation of No. 2 fuel oil into District I made pursuant to § 213.34 or § 213.26 for the allocation period Jan. 1, 1973 through Dec. 31, 1973.}}{\text{Total of all allocations expressed in barrels per day of No. 2 fuel oil into District I made pursuant to § 213.34 or § 213.26 for the allocation period Jan. 1, 1973 through Dec. 31, 1973.}}\right] \times 40,000 \text{ B/D}$$

• • • • •

12. Section 213.36 is amended by revising paragraphs (a), (c), and (d) to read as follows:

**§ 213.36 Canadian imports, District V.**

(a) For the allocation period May 1, 1975, through April 30, 1976, the Director shall allocate, as provided in paragraph (c) of this section, approximately 224,000 average barrels daily of Canadian imports into District V among eligible persons having refinery capacity in this district.

• • • • •

(c)(1) The Director shall make allocations not subject to license fee but subject to supplemental fee of Canadian imports to each eligible applicant for the allocation period beginning May 1 of each year on the basis of the pro rata share of the allocation of Canadian imports into District V made to each applicant for the calendar year 1973, relative to the total of all allocations of Canadian imports made to all applicants for the calendar year 1973.

(2) The Director shall issue before May 1, 1975 to each eligible applicant a license equal to one-half of the allocation calculated pursuant to paragraph (c)(1) of this section. Such licenses shall expire on October 31, 1975 unless extended by the Director. The Director shall issue before November 1, 1975 a second license to each eligible applicant equal to the remainder of the allocation calculated pursuant to paragraph (c)(1) of this section. Such licenses shall expire on April 30, 1976.

(d) Each eligible applicant desiring an allocation under this section shall make application by letter to the Director by April 29, 1975. Such applications shall include the location of the facility in which the Canadian imports will be processed and shall be signed by an officer of the company.

• • • • •

13. Section 213.37 is amended by revising paragraphs (a) and (c) to read as follows:

**§ 213.37 Mexican imports; Districts I–IV and District V.**

(a) For the allocation period May 1, 1975 through April 30, 1976, the Director shall allocate, as provided in paragraph (c) of this section, approximately 26,000 average barrels daily of Mexican imports into Districts I–IV and District V.

• • • • •

(c) The Director shall make allocations not subject to license fee but subject to supplemental fee to each eligible applicant for the allocation period May 1, 1975 through April 30, 1976 and subsequent allocation periods on the basis of the pro rata share of Mexican imports made by each applicant during the calendar year 1972, relative to the total of all Mexican imports made by all applicants during the calendar year 1972.

• • • • •

14. Section 213.38 is amended by revising paragraph (c) to read as follows:

**§ 213.38 Imports of Canadian natural gas products—Districts I–IV.**

• • • • •

(c) For the allocation period May 1, 1975 through April 30, 1976, the Director shall make allocations not subject to license fee but subject to supplemental fee to eligible applicants in accordance with the following formula:

$$\left[\frac{\text{Eligible applicant's imports of Canadian natural gas products in 1973}}{\text{Total of Canadian natural gas products imported by all eligible applicants in 1973}}\right] \times 90,400 \text{ B/D}$$

[FR Doc.75-11220 Filed 4-25-75;10:13 am]

## PART 213—OIL IMPORT REGULATIONS

### Election Procedure for Refiners Located in United States Territories and Foreign Trade Zones

On April 3, 1975, the Federal Energy Administration (FEA) issued regulations implementing Proclamation No. 4355, amending Proclamation No. 3279, as amended, which established the Mandatory Oil Import Program (40 FR 16047, April 9, 1975). Section 2 of Proclamation No. 4355 (Section 3(a)(5) of Proclamation No. 3279, as amended) provided that effective February 1, 1975:

> In order to ensure that refiners located in territories of the United States and in foreign trade zones are treated not less favorably than other United States refiners, the Administrator shall by regulation determine at what point crude oil, unfinished oils and finished products shipped into United States territories and foreign trade zones shall become subject to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(iii) [of Proclamation No. 3279, as amended].

FEA's regulations implementing this provision provided that refiners located in United States territories and foreign trade zones could elect to continue their present treatment, under which supplemental fees were assessed at the time that product enters United States customs territory, or, they could elect to incur the fee at the time that feedstock is run to still in the refiner's refinery. Refiners were required to elect one of these options by April 24, 1975, and elections once made would be irrevocable.

However, shortly before the deadline for election, FEA determined that its regulations did not completely carry out the mandate of Proclamation No. 4355, to provide equality between domestic and offshore refiners, with respect to the transition from refiners' present treatment to their treatment under the concept of "runs to stills". This is because domestic refiners could have imported, and did import, large quantities of crude oil during January when no fee attached. This crude could be placed in inventory and run in February. Moreover crude received in February could be placed in bond, thus further deferring fees while refiners used up their pre-February inventory. However, offshore refiners with crude in inventory prior to February 1, would, under the "run to stills" concept, have incurred the fee when that pre-February crude was run. In order to determine the best means of removing this inequity, and because FEA's determination would be material to the choice of option, FEA extended the deadline to April 28, 1975.

In accordance with Proclamation No. 3279, as amended by Proclamation No. 4355, FEA hereby amends § 213.35 of its regulations to remove the foregoing inequity, and to permit the affected refiners to make an informed election by April 28, 1975. Such election shall be



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retroactive to February 1, 1975, the effective date of Proclamation No. 4355.

Under the amended regulation, refiners electing to be treated under the "runs to stills" concept shall be assessed supplemental fees on crude oil or unfinished oil as feedstocks run to stills in the refiner's refinery during each calendar month (less adjustment for exports), except that runs to stills from feedstocks which were in the refiner's storage tanks prior to February 1, 1975 shall not be subject to the supplemental fees. For the purpose of establishing the quantity of feedstocks in the refiner's tanks prior to February 1, refiners are required to certify the quantity of feedstocks in the closing inventory in their tanks as of January 31. Refiners' certifications will be subject to verification by FEA. Under this amendment, the cash flow and competitive positions of offshore refiners relative to domestic refiners can be brought into parity.

FEA has concluded that since an emergency exists, the foregoing amendment must be made effective immediately. The cash flow and competitive position of at least one offshore refiner is already strained, and if implementation of this amended regulation were delayed it could cause serious financial hardship to the refiner involved.

Accordingly, the provisions of sections 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), with respect to notice and opportunity to comment are hereby waived upon a finding that strict compliance would seriously injure the public health, safety, and welfare. However, FEA will receive public comments on the amendment issued today. Interested persons are invited to submit written data, views, or arguments with respect to the revision and amendments to Executive Communications, Room 3309, Federal Energy Administration, Box CZ, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Amendment of Election Procedures for Offshore Refiners." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., May 19, 1975, will be considered by the Federal Energy Administration in evaluating the revision and amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public has already received opportunity to comment on the regulations implementing Proclamation No. 4355, prior to their issuance on April 3, 1975.

The review provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974 which provide for submission of proposed rules for comment by the Administrator of the Environmental Protection Agency are also hereby waived for a period of 14 days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. The basis of this finding is set forth above.

Since this amendment affects a very small number of refiners, and a correspondingly small amount of commerce, FEA has determined that it is not "likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses." Therefore, the requirement of section 7(i)(1)(C) of the Federal Energy Administration Act of 1974 to afford the public an opportunity for oral presentation of views, data, and arguments is hereby deemed not to apply in this case.

[Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, P.L. 87–794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 38 FR 35103, Proclamation No. 4341, 40 FR 3956, and Proclamation No. 4355, 40 FR 10437].

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective February 1, 1975.

Issued in Washington, D.C. April 28, 1975.

ROBERT E. MONTGOMERY, JR.,
*General Counsel,*
*Federal Energy Administration.*

Section 213.35 is amended in paragraph (a)(9)(i) as follows:

**§ 213.35 Allocation and fee paid licenses for imports of crude oil, unfinished oils, and finished products.**

(a) • • •
(9) • • •

(i) For refiners electing to be treated under this paragraph (a)(9)(i), supplemental fees shall be assessed on crude oil or unfinished oil as feedstocks run to stills in the refiner's refinery during each calendar month, less any shipments from the refinery for consumption outside United States customs territory, except that runs to stills from feedstocks which were in the refiner's storage tanks prior to February 1, 1975 shall not be subject to the supplemental fees. For the purpose of establishing the quantity of feedstocks in the refiner's tanks prior to February 1, 1975, each refiner electing to be treated under this paragraph (a)(9)(i) shall certify to the Director the quantity of feedstocks in the closing inventory in the refiner's tanks as of January 31, 1975. Such certification shall be subject to verification by representatives of the Federal Energy Administration. In those cases where sales are made to the Department of Defense F.O.B. the Virgin Islands or a foreign trade zone, such sales may be deducted from runs to stills in determining the liability of the refiner. The Department of Defense is liable for payment of supplemental fees if the material purchased is imported into United States customs territory. No later than ten (10) days after the close of each month, the refiner shall certify to the Director runs to stills of crude oil or unfinished oils and shipments from the refinery for consumption outside United States customs territory during the preceding month. Payment of the supplemental fee shall be made by the refiner by the last day of the month following the month the feedstocks are run to stills. Effective May 1, 1975 and each month thereafter, each refiner must file a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the applicable fee multiplied by the total number of barrels processed by the refiner in the last month but one preceding the month for which the bond is posted.

• • • • • •

[FR Doc.75–11423 Filed 4–28–75;3:48 pm]

## Title 12—Banks and Banking

## CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

## PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

### Investment in Variable Amount Note

This amendment is issued pursuant to the authority conferred in section 1(j) of Pub. L. 87–722, 76 Stat. 668, 12 U.S.C. 92a. Notice of the proposed rule making was published in the FEDERAL REGISTER (40 FR 4151, Jan. 28, 1975). A number of comments were received following publication and have been given consideration.

This amendment differs from the proposed amendment in that its scope is more limited. As proposed, the amendment would have prohibited banks from investing trust funds collectively on a short-term basis in a variable amount note if a bank or a bank holding company, or an affiliate of a bank or a bank holding company, were the borrower. It was decided that this proposal needlessly discriminated against all of a particular class of borrowers. The examination process can be utilized to correct investments in borrowers of this class which are subject to objection. Accordingly, in order to facilitate the policing of these notes by the examiners of this Office, the Regulation as now promulgated requires that each bank which is collectively investing its trust department funds in such a note maintain that note on its premises, and not mix such funds with trust department funds of other banks. It should be noted that banks may not lend trust funds through this type of a note to their own affiliates under any circumstances.

This amendment will become effective July 1, 1975. Variable amount note arrangements which do not conform to this amended regulation should be terminated by that date. Banks which will have some difficulty terminating notes by that time should apply to the Comptroller for an extension thereof under the authority of 12 CFR 9.18(c)(5).





Part 9 of 12 CFR is amended by redesignating paragraph (c)(2) of § 9.18 as paragraph (c)(2)(i), by adding a semicolon and the word "or" in lieu of the period at the end thereof, and by adding a new paragraph (c)(2)(ii). Changes in the text are as follows:

**§ 9.18 Collective investment.**

• • • • • •

(c) • • •

(2) (i) In a single real estate loan, a direct obligation of the United States, or an obligation fully guaranteed by the United States, or in a single fixed amount security, obligation or other property, either real, personal or mixed, of a single issuer; or

(ii) On a short-term basis in a variable amount note of a borrower or prime credit: *Provided,* That such note shall be maintained by the bank on its premises and may be utilized by it only for investment of moneys held in its trust department accounts: *Provided further,* That the bank owns no participation in the loans or obligations authorized under paragraphs (c)(2)(i) or (ii) hereof, and has no interest in any investment therein except in its capacity as fiduciary.

Dated: April 25, 1975.

[SEAL] JAMES E. SMITH,
*Comptroller of the Currency.*

[FR Doc.75–11285 Filed 4–29–75;8:45 am]

## CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 75–304]

### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

## PART 526—LIMITATIONS ON RATE OF RETURN

### Amendment Relating to Application of Early Withdrawal Penalty

SUMMARY

APRIL 2, 1975.

The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions in the regulation.

I. *Existing regulation.* Requires noninsured member institutions to impose a penalty for early withdrawals from certificate accounts opened on or after November 1, 1973.

II. *Proposed amendment.* A. Would have prohibited the imposition of a penalty for withdrawals from single-ownership certificate accounts by the executor or administrator thereof following the account holder's death for accounts opened on or after the effective date of the proposal.

B. Would have permitted the waiver of the required penalty for such withdrawals for accounts opened before the proposal's effective date.

III. *Final amendment.* A. Permits waiver of required penalty:

1. from single-ownership certificate accounts made by the deceased account holder's personal representative (including an executor or administrator), and

2. from single-ownership testamentary accounts by the beneficiary following the owner's death.

B. Such penalties may be waived with respect to all such accounts opened on or after November 1, 1973.

By Resolution No. 74–297, dated April 12, 1974, the Board proposed to amend Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) by amending § 526.7 thereof to permit waiver of early withdrawal penalties in certain circumstances, as discussed below. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on April 23, 1974 (39 FR 14358–59), with an invitation for interested persons to submit written comments by May 22, 1974. By two companion Resolutions (Resolution Nos. 74–298 and 74–299; April 12, 1974), the Board also proposed collateral amendments to the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) and the rules and regulations for Insurance of Accounts (12 CFR Part 563).

Section 526.7 requires a member institution which is not an insured institution to impose a penalty on a withdrawal before maturity from a certificate account issued on or after November 1, 1973—the effective date of § 526.7. The proposal would have amended said § 526.7 by adding new language thereto. The first additional provision would have prohibited such a member institution from penalizing such a withdrawal from a single-ownership certificate account issued on or after the effective date of the proposal by an executor or administrator of the estate of the deceased owner of such account. The second additional provision would have permitted such a member institution to waive the required penalty in connection with an early withdrawal from a single-ownership certificate account issued before the effective date of the proposal (but on or after November 1, 1973) by an executor or administrator of the estate of the deceased owner of such account.

The amendments to § 526.7 adopted by this resolution differ from the proposal in three respects. First, waivers are permissible with respect to single-ownership testamentary accounts as well as regular single-ownership accounts. Testamentary accounts are described in § 564.4 as revocable trust accounts and include Totten trust accounts and payable on death accounts. A withdrawal from a single-ownership testamentary account would have to be made by the beneficiary of the account. The amendment does not specify any time period with which a withdrawal by a beneficiary would have to be made. However, as the waiver of the penalty is permissive a member institution could require that any such withdrawal be made within a specified period following the account holder's death.

Second, withdrawals from non-testamentary single-ownership accounts could be made by any personal representative of the deceased owner of such account—not just the executor or administrator. The more general term "personal representative" is intended to include executors and administrators as well as individuals representing small estates where there is no executor or administrator.

Third, member institutions may waive the penalty imposed pursuant to § 526.7 for any of these two types of certificate accounts issued on or after November 1, 1973. In addition, the amendments redesignate present § 526.7 as § 526.7(a); the amendments adopted by this resolution are set forth in new § 526.7(b).

Accordingly, on the basis of its consideration of all relevant material presented by interested persons and otherwise available and after consulting with the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board hereby amends § 526.7 to read as set forth below, effective May 2, 1975.

**§ 526.7 Penalty for early withdrawal.**

(a) With respect to each certificate account issued on or after November 1, 1973 (except as provided in paragraph (b) of this section), each member institution which is not an insured institution shall impose the following conditions on withdrawal from such an account before the expiration of its fixed or minimum term or qualifying period: (1) The account holder shall receive interest or dividends from the date of issuance of such account on the amount withdrawn at a rate not in excess of the rate being paid on regular accounts; and (2) the account holder shall also pay a penalty in an amount not less than the lesser of (i) the interest or dividends at such rate for 90 days (3 months) on the amount withdrawn or (ii) all interest or dividends at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

(b) Such a member institution need not penalize a withdrawal of all or any portion of a certificate account opened on or after November 1, 1973, before the expiration of the fixed or minimum term or qualifying period of such account if (1) such account is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and the withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, or (2) such account is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof.

(Sec. 5B, 47 Stat. 727, as amended; (12 U.S.C. §§ 1425b, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75–11339 Filed 4–29–75;8:45 am]





[No. 75–305]



penalty for withdrawals from single- accounts and payable on death accounts, the withdrawal is made by the personal

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[No. 75-305]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

## PART 545—OPERATIONS

### Amendments Relating to Application of Early Withdrawal Penalty

APRIL 2, 1975.

SUMMARY

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions in the regulations.

I. *Existing regulations.* Require Federal associations to impose a penalty for early withdrawals from certificate accounts.

II. *Proposed amendments.* A. Would have prohibited the imposition of a penalty for withdrawals from single-ownership certificate accounts by the executor or administrator thereof following the account holder's death for accounts opened on or after the effective date of the proposal.

B. Would have permitted the waiver of the required penalty for such withdrawals for accounts opened before the proposal's effective date.

III. *Final amendments.* A. Permit waiver of required penalty:

1. From single-ownership certificate accounts made by the deceased account holder's personal representative (including an executor or administrator), and

2. From single-ownership testamentary accounts by the beneficiary following the owner's death.

B. Such penalties may be waived with respect to all such accounts, regardless of when opened.

By Resolution No. 74-298, dated April 12, 1974, the Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by amending §§ 545.1-4 and 545.3-1 thereof to permit waiver of early withdrawal penalties in certain circumstances, as discussed below. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on April 23, 1974 (39 FR 14359), with an invitation for interested persons to submit written comments by May 22, 1974. By two companion Resolutions (Resolution Nos. 74-297 and 74-299; April 12, 1974), the Board also proposed collateral amendments to the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) and the rules and regulations for Insurance of Accounts (12 CFR Part 563).

Sections 545.1-4 and 545.3-1 require Federal associations to impose a penalty on a withdrawal before maturity from fixed-term savings deposits and certificate accounts. The proposal would have amended said §§ 545.1-4 and 545.3-1 by adding new language thereto to prohibit a Federal association from penalizing a withdrawal before maturity from a single-ownership fixed-term deposit or certificate account issued on or after the effective date of the amendment by an executor or administrator of the estate of the deceased owner of such deposit or account. This additional language would also have permitted a Federal association to waive the required penalty in connection with an early withdrawal from a single-ownership fixed-term savings deposit or certificate account issued before the effective date of the amendment by an executor or administrator of the estate of the deceased owner of such deposit or account.

The amendments to §§ 545.1-4 and 545.3-1 adopted by this Resolution differ from the proposal in three respects. First, waivers are permissible with respect to single-ownership testamentary accounts as well as regular single-ownership accounts. Testamentary accounts are described in § 564.4 as revocable trust accounts and include Totten trust accounts and payable on death accounts. A withdrawal from a single-ownership testamentary account would have to be made by the beneficiary of the account. The amendment does not specify any time period within which a withdrawal by a beneficiary would have to be made. However, as the waiver of the penalty is permissive a Federal association could require that any such withdrawal be made within a specified period following the account holder's death.

Second, withdrawals from non-testamentary single-ownership accounts could be made by any personal representative of the deceased owner of such account—not just the executor or administrator. The more general term "personal representative" is intended to include executors and administrators as well as individuals representing small estates where there is no executor or administrator.

Third, Federal associations may waive the penalty imposed pursuant to §§ 545.1-4 or 545.3-1 for any of these two types of certificate accounts regardless of when issued.

Accordingly, on the basis of its consideration of all relevant material presented by interested persons and otherwise available and after consulting with the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board hereby amends §§ 545.1-4 and 545.3-1 as set forth below, effective May 2, 1975.

1. Amend § 545.1-4(f)(4) as follows:

**§ 545.1-4 Other savings deposits.**

* * * * * * *

(f) *Withdrawal prior to expiration of term.* (1) Except as provided in paragraph (f)(4) of this section, in the event of withdrawal of all or any portion of a fixed-term savings deposit prior to the expiration of its term—

* * * * * * *

(4) A Federal association need not penalize a withdrawal of all or any portion of a fixed-term savings deposit prior to the expiration of its term if (i) such deposit is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, or (ii) such account is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof.

* * * * * * *

2. Amend § 545.3-1(c) (3) and (6) as follows:

**§ 545.3-1 Distribution of earnings at variable rates.**

* * * * * * *

(c) *Form of certificate.* * * *

(3) Except as provided in paragraph (c)(6) of this section, in the event of withdrawal of all or any portion of a certificate account issued pursuant to paragraph (b)(3) of this section prior to the completion of the time eligibility period set forth in the certificate evidencing such account—

* * * * * * *

(6) A Federal association need not penalize a withdrawal of all or any portion of a certificate account issued pursuant to paragraph (b)(3) of this section prior to the completion of its time eligibility period if (i) such account is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and the withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, or (ii) such account is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof.

* * * * * * *

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary.*

[FR Doc.75-11340 Filed 4-29-75;8:45 am]

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[No. 75-306]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

## PART 563—OPERATIONS

### Amendments Relating to Application of Early Withdrawal Penalty

SUMMARY

APRIL 2, 1975.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions in the regulations.

I. *Existing regulations.* Require insured institutions to impose a penalty for early withdrawals from certificate accounts.

II. *Proposed amendments.* A. Would have prohibited the imposition of a penalty for withdrawals from single-ownership certificate accounts by the executor or administrator thereof following the account holder's death for accounts opened on or after the effective date of the proposal.

B. Would have permitted the waiver of the required penalty for such withdrawals for accounts opened before the proposal's effective date.

III. *Final amendments.* A. Permit waiver of required penalty:

1. From single-ownership certificate accounts made by the deceased account holder's personal representative (including an executor or administrator), and

2. From single-ownership testamentary accounts by the beneficiary following the owner's death.

B. Such penalties may be waived with respect to all such accounts, regardless of when opened.

By Resolution No. 74-299, dated April 12, 1974, the Board proposed to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by amending §§ 563.3-1 and 563.3-2 thereof to permit waiver of early withdrawal penalties in certain circumstances, as discussed below. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on April 23, 1974 (39 FR 14359-60), with an invitation for interested persons to submit written comments by May 24, 1974. By two companion resolutions (Resolution Nos. 74-297 and 74-298; April 12, 1974), the Board also proposed collateral amendments to the regulations for the Federal Home Loan Bank System (12 CFR Part 526) and the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545).

Sections 563.3-1 and 563.3-2 require insured institutions to impose a penalty on a withdrawal before maturity from fixed-rate, fixed-term accounts and certificate accounts. The proposal would have amended said §§ 563.3-1 and 563.3-2 by adding new language thereto to prohibit insured institutions from penalizing a withdrawal before maturity from a single-ownership fixed-rate, fixed-term account or certificate account issued on or after the effective date of the amendment by an executor or administrator of the estate of the deceased owner of such account. This additional language would also have permitted an insured institution to waive the required penalty in connection with an early withdrawal from a single-ownership fixed-rate, fixed-term account or certificate account issued before the effective date of the amendment by an executor or administrator of the estate of the deceased owner of such account.

The amendments to §§ 563.3-1 and 563.3-2 adopted by this resolution differ from the proposal in three respects. First, waivers are permissible with respect to single-ownership testamentary accounts as well as regular single-ownership accounts. Testamentary accounts are described in § 564.4 as revocable trust accounts and include Totten trust accounts and payable on death accounts. A withdrawal from a single-ownership testamentary account would have to be made by the beneficiary of the account. The amendment does not specify any time period within which a withdrawal by a beneficiary would have to be made. However, as the waiver of the penalty is permissive, an insured institution could require that any such withdrawal be made within a specified period following the account holder's death.

Second, withdrawals from non-testamentary single-ownership accounts could be made by any personal representative of the deceased owner of such account—not just the executor or administrator. The more general term "personal representative" is intended to include executors and administrators as well as individuals representing small estates where there is no executor or administrator.

Third, insured institutions may waive the penalty imposed pursuant to §§ 563.3-1 and 563.3-2 for any of these two types of certificate accounts, regardless of when issued.

Accordingly, on the basis of its consideration of all relevant material presented by interested persons and otherwise available and after consulting with the Board of Governors of the Federal Reserve Board and the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board hereby amends §§ 563.3-1 and 563.3-2 as set forth below, effective May 2, 1975.

1. Amend § 563.3-1(d)(4) as follows:

**§ 563.3-1 Fixed-rate, fixed-term accounts.**

* * * * * * *

(d) *Withdrawal prior to expiration of term.* * * *

(4) An insured institution need not penalize a withdrawal of all or any portion of a fixed-rate, fixed-term account prior to the expiration of its term if (i) such account is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and the withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, or (ii) such account is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof.

* * * * * * *

2. Amend § 563.3-2(d)(3) as follows:

**§ 563.3-2 Certificates evidencing other accounts.**

* * * * * * *

(d) *Provisions relating to early withdrawal.* * * *

(3) An insured institution need not penalize a withdrawal of all or any portion of a certificate account prior to the completion of its time eligibility period if (i) such account is a "single-ownership account" (as the quoted term is used in § 564.3 of this chapter) and the withdrawal is made by the personal representative (including an executor or administrator) of the deceased owner of such account, or (ii) such account is a single-ownership "testamentary account" (as the quoted term is used in § 564.4 of this chapter) and the withdrawal is made by the beneficiary of such account following the death of the owner thereof.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
*Assistant Secretary*

[FR Doc.75-11341 Filed 4-29-75;8:45 am]

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Title 14—Aeronautics and Space

## CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-906; Amdt. 40]

## PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

### Reasonable Level of Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 25, 1975.

By EDR-262, January 15, 1974, the Board initiated a full-scale review of minimum rates applicable to Logair and Quicktrans domestic cargo charter air transportation services performed for the Department of Defense (DOD), as procured by the Military Airlift Command (MAC). Prospective interim final rates were proposed and established effective January 15, 1974, by ER-853,[1] based on reported operating results for the year ended September 30, 1973.

The interim final rate concept, as established by the Board, calls for continued monitoring of recurring reports of annual operations in order to maintain fair and reasonable prospective compensation for MAC contract services pending completion of the full-scale review.[2] Accordingly, the Board adopted ER-888[3] further amending the interim domestic MAC final rates to reflect rate adjustments indicated by the reported results for fiscal year 1974. An analysis of Logair/Quicktrans operations by Overseas National Airways, Inc. (ONA) and Saturn Airways, Inc. (Saturn) for calendar year 1974 has now been completed, the results of which are set forth in the attached appendices. Adjustments to the reported expense and investment data have been made consistent with our treatment in the prior determinations for interim final rate amendments. ONA's reported results for operations with L-188 aircraft have been eliminated from the rate considerations since the

[1] Adopted May 17, 1974.
[2] See ER-819, August 28, 1973, at 11.
[3] November 14, 1974.





carrier has sold all its L-188 aircraft.[1] Quicktrans operations. The high per-



tion of final adjusted interim rates, as

APPENDIX A

V 40184 APR 30 75 XUM V

carrier has sold all its L–188 aircraft.[4]

The adjusted reported returns on investment for calendar year 1974 operations, as set out in Appendix C, were as follows: 5.84 and 7.19 percent for Saturn's L–100 Logair and Quicktrans operations, respectively; 18.04 and —46.48 percent for Saturn's L–188 Logair and Quicktrans services, respectively; and 8.88 percent for ONA's DC–9 Logair services. Accordingly, as set forth in Appendix B, Saturn requires revenue increases of $1,382,590 and $766,450, respectively, for its L–100 Logair and Quicktrans operations and $83,131 for its L–188 Quicktrans services to achieve the recognized level of 10.5 percent return on investment. Similarly, additional revenues of $196,272 are required for the common-rated DC–9/L–188 Logair services. Therefore, increases are required in the current linehaul rates for Logair and Quicktrans services with L–100 aircraft of 12.43 and 8.69 percent, respectively; and, 1.59 and 57.60 percent, respectively, for DC–9/L–188 Logair and Quicktrans operations. The high percentage increase for the DC–9/L–188 Quicktrans rate is apparently due to the considerably reduced volume of services being contracted by MAC for this domestic cargo operation with this aircraft type, providing a small operational base to spread the carrier's fixed operating costs.[5] No adjustment is being made herein to the DC–8/61/63 rates established in ER–853 and retained in ER–888.

The amendments reflecting the foregoing increases are to be effective seven calendar days after adoption of this rule, in conformance with the procedure followed in ER–888. Interested persons may file petitions for reconsideration of the within amendments. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 on or before May 14, 1975. Copies of any petitions filed will be available for inspection and copying in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C. The filing of petitions shall not operate to stay the effective date of the within amendment. Any action taken in response to such petitions will be effective prospectively.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendments effective on less than thirty (30) days' notice. Also in order to eliminate retroactive application of final adjusted interim rates, as more fully set forth in ER–879, October 22, 1974, we find that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective May 2, 1975, as follows:

Amend the table of rates § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

• • • • •

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

| Aircraft type | Linehaul rate per course-flown statute mile | | Rate per directed landing |
|---|---|---|---|
| | Logair | Quicktrans | |
| DC–9–30 | $1.8441 | $2.0017 | $150 |
| L–188C | | | |
| L–100–20/30 | 2.6229 | 2.6825 | 150 |
| DC–8–61/63 | 4.3262 | 4.3779 | 275 |

• • • • •

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

Effective: May 2, 1975.

Adopted: April 25, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[4] For domestic minimum MAC rate purposes, services performed with L–188 and DC–9 aircraft are common rated. In ER–888, results for operations with L–188 aircraft were not included in the data base on the basis that this aircraft type had been eliminated from the fiscal year 1975 MAC domestic procurement program. However, Saturn has received a contract for operations with L–188 aircraft, and accordingly, the results of its operations with this aircraft type have been included in the present adjustments.

[5] While the percentage increase is large, the related revenue impact is only $83,000.





APPENDIX A

DOMESTIC MAC OPERATIONS—*Current and proposed linehaul rates based on reported results—year ended Dec. 31, 1974*

| Aircraft type | Current linehaul rates per course-flown statute mile [1] | | Percentage increase required based on reported results | | Amended linehaul rates per course-flown statute mile | |
|---|---|---|---|---|---|---|
| | Logair | Quicktrans | Logair | Quicktrans | Logair | Quicktrans |
| DC–9–30 | $1.8152 | $1.7079 | 1.59 | 57.60 | $1.8441 | $2.6917 |
| L–188C | | | | | | |
| L–100–20/30 | 2.3329 | 2.4680 | 12.43 | 8.69 | 2.6229 | 2.6825 |

[1] As established in ER–888.

APPENDIX B

*MAC Domestic Carriers—Computed revenues and required rate adjustment—year ended Dec. 31, 1974*

| | Revenue plane miles | Directed landings | Computed revenues [1] (In thousands of dollars) | | | Net operating income (in thousands of dollars) | | | Percent revenue increase required | Percent linehaul rate increase required [4] |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | Linehaul | Directed landing | Total | Reported [2] | Recognized requirement [3] | Required increase | | |
| Saturn: | | | | | | | | | | |
| L–100 Logair | 4,766,676 | 8,023 | 11,120 | 1,203 | 12,324 | 1,055 | 2,438 | 1,383 | 11.22 | 12.43 |
| L–100 Quicktrans | 3,572,996 | 6,118 | 8,818 | 918 | 9,736 | 1,137 | 1,904 | 766 | 7.87 | 8.69 |
| L–188 Logair | 2,214,530 | 6,175 | 4,020 | 926 | 4,946 | 340 | 198 | (142) | (2.87) | (3.54) |
| L–188 Quicktrans | 84,508 | 121 | 144 | 18 | 162 | (66) | 17 | 83 | 51.23 | 57.60 |
| Overseas: | | | | | | | | | | |
| DC–9 Logair | 4,654,859 | 9,877 | 8,450 | 1,482 | 9,931 | 1,989 | 2,329 | 340 | 3.42 | 4.03 |
| Common-rated service: [5] | | | | | | | | | | |
| L–188 Logair/DC–9 Logair | 6,809,389 | 16,052 | 12,469 | 2,408 | 14,877 | 2,329 | 2,267 | 196 | 1.33 | 1.59 |

[1] Based on rates established in ER–888.
[2] See appendix C.
[3] See appendix D.
[4] Required operating income increase as a percent of computed linehaul revenues per ER–888 rates.
[5] Logair services—performed with DC–9 and L–188 aircraft.
NOTE: Totals may not add due to rounding.

APPENDIX C

*MAC Domestic Carriers—Adjusted operating results year ended Dec. 31, 1974*

[In thousands of dollars]

| | Computed revenues [1] | Reported operating expenses | Depreciation expense adjustment [2] | Other adjustments [3] | Adjusted operating expenses | Net operating income | Interest expense | Income taxes (tax at 48 percent) | Net income after taxes and before interest | Percent return on investment [4] |
|---|---|---|---|---|---|---|---|---|---|---|
| Saturn: | | | | | | | | | | |
| L–100 Logair | 12,324 | 11,601 | | (333) | 11,269 | 1,055 | 737 | 153 | 903 | 5.84 |
| L–100 Quicktrans | 9,736 | 8,668 | | (70) | 8,599 | 1,137 | 573 | 271 | 866 | 7.19 |
| L–188 Logair | 4,946 | 4,694 | (88) | | 4,606 | 340 | 348 | | 340 | 18.04 |
| L–188 Quicktrans | 162 | 235 | (7) | | 228 | (66) | 12 | | (66) | (46.48) |
| Overseas: DC–9 Logair | 9,931 | 8,212 | (130) | (133) | 7,942 | 1,989 | (131) | 1,018 | 971 | 8.88 |
| Common-rated service: [5] L–188 Logair/DC–9 Logair | 14,877 | 12,906 | (224) | (133) | 12,548 | 2,329 | 216 | 1,018 | 1,311 | 10.23 |

[1] Pursuant to ER–888 multielement rates. The appropriate linehaul and direct landing rates were applied to reported revenue-miles flown and directed landings, respectively.
[2] Regulatory depreciation expense for flight equipment adjusted to reflect reduction in recognized investment related to recognized aircraft utilization.
[3] Operating expenses reduced by 2.81 percent for L–100 Logair, 0.79 percent for L–100 Quicktrans and 0.72 percent for DC–9 as per ER–733.
[4] On adjusted average investment, appendix D.
[5] Logair services—performed with DC–9 and L–188 aircraft.
NOTE: Totals may not add due to rounding.

APPENDIX D

*MAC DOMESTIC CARRIERS.—Recognized return on adjusted investment, year ended Dec. 31, 1974*

| | Recognized daily utilization ER–733 | As reported—Year ended Dec. 31, 1974 | | | Adjusted aircraft days assigned | Percentage change days assigned | Reported average investment | Adjustment for recognized utilization | Other adjustments [3] | Adjusted average investment | Recognized return on investment [4] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Daily aircraft utilization | Revenue hours | Aircraft days assigned | | | | | | | |
| Saturn: | | | | | | | | | | | |
| L–100 Logair | 9.0 | 9.2 | 15,673.3 | 1,697 | 1,742 | | $15,513,097 | | $(69,809) | $15,443,288 | $2,437,605 |
| L–100 Quicktrans | 8.5 | 8.9 | 12,157.5 | 1,367 | 1,430 | | 12,094,261 | | (47,168) | 12,047,093 | 1,903,757 |
| L–188 Logair | 7.5 | 5.7 | 7,822.0 | 1,276 | 976 | (23.40) | 2,366,480 | $(479,482) | | 1,886,998 | 198,135 |
| L–188 Quicktrans | 7.0 | 5.0 | 258.6 | 52 | 37 | (29.04) | 185,664 | (43,846) | | 141,818 | 17,221 |
| Overseas: | | | | | | | | | | | |
| DC–9 Logair | 8.0 | 7.2 | 10,913.7 | 1,524.3 | [1] 1,364.2 | (10.50) | 12,108,285 | (1,174,700) | | 10,933,585 | 2,329,058 |

[1] Reported revenue hours divided by the recognized utilization in ER–733.
[2] Average invested capital reduced by 0.45 percent for L–100 in Logair Service and 0.39 percent for L–100 in Quicktrans Service, as per ER–733.
[3] 10.5 percent return plus provision for taxes computed at 48 percent.

[FR Doc.75–11308 Filed 4–29–75;8:45 am]



V 40 84 APR 30 75 A XUM V

## Title 17—Commodity and Securities Exchanges

### CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

### PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

### Provisional Designations of Boards of Trade as Contract Markets; Provisional Registration of Futures Commission Merchants and Floor Brokers

*Correction*

In FR Doc. 75–10285 appearing at page 17406 in the FEDERAL REGISTER of Friday, April 18, 1975 the following correction should be made.

On page 17408, third column, the line below the authority citation should read, "Issued: April 17, 1975".

## Title 20—Employees' Benefits

### CHAPTER VIII—JOINT BOARD FOR THE ENROLLMENT ACTUARIES

### PART 900—STATEMENT OF ORGANIZATION

Title 20, CFR, is hereby revised by the addition of a new Chapter VIII, entitled Joint Board for the Enrollment of Actuaries, and the inclusion in such Chapter of a Part 900, entitled Statement of Organization, under the Employee Retirement Income Security Act of 1974, as set forth below.

Part 900 of Chapter VIII of Title 20, CFR, reads as follows:

Sec.
900.1 Basis.
900.2 Establishment.
900.3 Composition.
900.4 Meetings.
900.5 Staff.
900.6 Offices.
900.7 Delegations of Authority.

AUTHORITY: Sec. 3041–2, Pub. L. 93–406, 93d Congress, 1st Sess., 88 Stat. 829, 1002 (29 U.S.C. 1241–2).

§ 900.1 Basis.

This Statement is issued by the Joint Board for the Enrollment of Actuaries (the Joint Board) pursuant to the requirement of section 552 of Title 5 of the United States Code that every agency shall publish in the FEDERAL REGISTER a description of its central and field organization

§ 900.2 Establishment.

The Joint Board has been established by the Secretary of Labor and the Secretary of the Treasury pursuant to section 3041 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1241). Bylaws of the Board have been issued by the two Secretaries.[1]

[1] Copy filed with the Office of the Federal Register. Copies may also be obtained from the Executive Director of the Board.

§ 900.3 Composition.

Pursuant to the Bylaws, the Joint Board consists of three members appointed by the Secretary of the Treasury and two appointed by the Secretary of Labor. The Board elects a Chairman from among the Treasury Representatives and a Secretary from among the Department of Labor Representatives. The Pension Benefit Guaranty Corporation may designate a non-voting representative to sit with, and participate in, the discussions of the Board. All decisions of the Board are made by simple majority vote.

§ 900.4 Meetings.

The Joint Board meets on the call of the Chairman at such times as are necessary in order to consider matters requiring action. Minutes are kept of each meeting by the Secretary.

§ 900.5 Staff.

(a) The Executive Director advises and assists the Joint Board directly in carrying out its responsibilities under the Act and performs such other functions as the Board may delegate to him.

(b) Members of the staffs of the Departments of the Treasury and of Labor, by arrangement with the Joint Board, perform such services as may be appropriate in assisting the Board in the discharge of its responsibilities.

§ 900.6 Offices.

The Joint Board does not maintain offices separate from those of the Departments of the Treasury and Labor. Its post office address is Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

§ 900.7 Delegations of authority.

As occasion warrants, the Joint Board may delegate functions to the Chairman or the Executive Director, including the authority to receive applications and to give notice of actions. Any such delegation of authority is conferred by resolution of the Board.

DONALD S. GRUBBS, JR.,
*Chairman, Joint Board*
*for the Enrollment of Actuaries.*

[FR Doc.75–11216 Filed 4–25–75;10:12 am]

## Title 24—Housing and Urban Development

### CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–562]

### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any comunity currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

• • • • •





| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| • | • | • | • | • | • | • |
| Alabama | Baldwin | Bay Minette, city of | April 23, 1975, Emergency | | | |
| Do | Talladega | Childersburg, city of | do | June 14, 1974 | | |
| Georgia | Newton | Covington, city of | do | | | |
| Alabama | Geneva | Hartford, city of | do | June 28, 1974 | | |
| Colorado | Teller | Woodland Park, town of | do | June 7, 1974 | | |
| Florida | Osceola | St. Cloud, city of | do | June 28, 1974 | | |
| Do | Polk | Winter Haven, city of | do | Aug. 16, 1974 | | |
| Do | Seminole | Oviedo, city of | do | Jan. 23, 1974 | | |
| Idaho | Kootenai | Rathdrum, city of | do | | | |
| Illinois | Grundy | Coal City, village of | do | Mar. 8, 1974 | | |
| Do | La Salle | Ottawa, city of | do | Apr. 5, 1974 and Jan. 3, 1975 | | |
| Do | Du Page | Westmont, village of | do | May 17, 1974 | | |
| Kansas | Cloud | Concordia, city of | do | | | |
| Maine | Androscoggin | Livermore Falls, town of | do | Feb. 15, 1974 | | |
| New York | Warren | Lake George, village of | do | Apr. 12, 1974 | | |
| Do | Oneida | Marcy, town of | do | Sept. 20, 1974 | | |
| Ohio | Washington | Macksburg, village of | do | Aug. 23, 1974 | | |
| Oregon | Yamhill | Dundee, town of | do | June 28, 1974 | | |
| South Dakota | Union | Unincorporated areas | do | | | |
| Tennessee | Hawkins | Church Hill, city of | do | May 10, 1974 | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 16, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance*
*Administrator.*

[FR Doc.75–11136 Filed 4–29–75;8:45 am]

[Docket No. FI 568]

### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration, HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special hazards that is located within any community currently participating in the National Flood Insurance Program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. Therefore notice and public procedure under 5 U.S.C. 553(b) are impracticable, unnecessary, and contrary to the public interest.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • •







As to simulation of altitude effects by

Part 85, Title 40 of the Code of Federal

In § 85.377–6, paragraph (b) is added

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| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| • | • | • | • | • | • | • |
| Indiana | Hancock | Unincorporated areas | Apr. 21, 1975, Emergency | | | |
| Do | Grant | Matthews, town of | do | Dec. 28, 1973 | | |
| Do | Newton | Unincorporated areas | do | Jan. 3, 1975 | | |
| Iowa | Jackson | Bellevue, city of | do | Mar. 29, 1974 | | |
| Kansas | Jefferson | Perry, city of | do | Dec. 7, 1973 | | |
| Maine | York | South Berwick, town of | do | Aug. 9, 1974 | | |
| Minnesota | Dakota | Lilydale, city of | Apr. 9, 1971. Emergency. Feb. 9, 1973. Regular. Jan. 15, 1975. Suspension. Apr. 9, 1975. Reinstated. | Feb. 9, 1973 | | |
| Missouri | Cass | Unincorporated areas | Apr. 21, 1975. Emergency | | | |
| Do | New Madrid | North Lilbourn, village of | do | | | |
| New Jersey | Hudson | East Newark, borough of | do | June 28, 1974 | | |
| Do | Bergen | Tenafly, borough of | do | Jan. 16, 1974 | | |
| New York | Oneida | Trenton, town of | do | Aug. 30, 1974 | | |
| Do | Westchester | Pound Ridge, town of | do | May 24, 1974 | | |
| Do | Sullivan | Lumberland, town of | do | Sept. 13, 1974 | | |
| North Carolina | Union | Monroe, city of | do | Sept. 20, 1974 | | |
| North Dakota | Billings | Medora, city of | do | Nov. 29, 1974 | | |
| Ohio | Cuyahoga | Berea, city of | do | Feb. 1, 1974 | | |
| Do | do | Brook Park, city of | do | June 7, 1974 | | |
| Do | Champaign | Urbana, city of | do | do | | |
| Oklahoma | Mayes | Pryor Creek, city of | do | | | |
| Do | Tulsa | Unincorporated areas | do | | | |
| Pennsylvania | Potter | Abbott, township of | do | Dec. 20, 1974 | | |
| Do | Delaware | Aston, township of | do | Oct. 25, 1974 | | |
| Do | Schuylkill | East Union, township of | do | Nov. 15, 1974 | | |
| Do | Sullivan | Forksville, borough of | do | Aug. 16, 1974 | | |
| Do | Schuylkill | Foster, township of | do | Jan. 31, 1975 | | |
| Do | York | Hopewell, township of | do | Dec. 27, 1974 | | |
| Do | Butler | Harmony, borough of | do | | | |
| Do | Chester | Kennett Square, borough of | do | Dec. 28, 1973 | | |
| Do | York | Manheim, township of | do | Dec. 27, 1974 | | |
| Do | Schuylkill | Norwegian, township of | do | Jan. 10, 1975 | | |
| Do | do | Rush, township of | do | Nov. 22, 1974 | | |
| Do | Lawrence | Union, township of | do | Jan. 24, 1975 | | |
| South Dakota | Sanborn | Unincorporated areas | do | | | |
| Tennessee | Davidson | Goodlettsville, city of | do | | | |
| Do | Macon | Red Boiling Springs, city of | do | June 7, 1974 | | |
| Texas | Nueces | Bishop, city of | do | Feb. 1, 1974 | | |
| Virginia | Lee | Charles, town of | do | | | |
| West Virginia | Marion | Monongah, town of | do | May 31, 1974 | | |
| Do | Kanawha | Nitro, city of | do | Mar. 15, 1974 | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 16, 1975.

J. ROBERT HUNTER,
*Acting Federal Insurance Administrator.*

[FR Doc.75-11135 Filed 4-29-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 357-1]

## PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

### Certification of New Light Duty Diesel-Powered Trucks Intended for Initial Sale at High Altitude—1977 Model Year

The purpose of these regulations is to establish the certification procedures for light duty diesel-powered trucks offered for sale in high altitude regions in the Nation.

On October 22, 1974 (39 FR 37609), EPA published the final rulemaking concerning the control of emissions from light duty diesel-powered trucks. Specifically deleted from those regulations were the certification procedures for new light duty diesel-powered trucks offered for sale at high altitude. These procedures, although included in the notice of proposed rulemaking published on January 25, 1974 (39 FR 3276) were deleted from the final rulemaking for two reasons. First, the agency was in the process of formulating a consistent set of high altitude regulations for light duty gasoline-fueled vehicles, light duty trucks and light duty diesel-powered vehicles which were not scheduled for completion until after the light duty diesel truck regulations were published. Second, the light duty diesel truck regulations were applicable to the 1976 model year and the certification procedures for high altitude vehicles do not take effect until the 1977 model year.

The January 25, 1974 notice of proposed rulemaking afforded an opportunity for the public to comment on the high altitude certification procedures applicable to light duty diesel-powered trucks. Since comments on those high altitude procedures were received and reviewed, the agency finds no reason for issuing a new notice of proposed rulemaking on this subject.

Several comments on high altitude certification procedures for light duty diesel-powered trucks were received and considered in the formulation of this final rulemaking. The comments and their disposition are as follows:

1. International Harvester Corporation requested that emission data vehicles be selected for high altitude testing only from engine families in which vehicles are sold in significant numbers at high altitude.

The Agency emphasizes that where both applicable and possible, regulations should be consistent for all vehicle types. The same revisions were made to the high altitude certification procedures for light duty diesel-powered trucks that were previously made to regulations applicable to other light duty vehicles. These regulations contain test requirements for high altitude vehicles which cannot be reduced below the technically supportable sound minimums specified. Thus IHC's comment was not incorporated into the final regulations.

2. International Harvester Corporation suggested that since diesel engines operate by direct injection into cylinders, high altitude conditions can be simulated by restricting the inlet air and evacuating the exhaust. IHC requested that such simulation be allowed for mileage accumulation and emission data tests.

The requirement for mileage accumulation at high altitude has been deleted for reasons stated in the preamble of the October 18, 1974 high altitude regulations (39 FR 37299). IHC's request for simulation of altitude conditions for mileage accumulation is therefore no longer necessary.





As to simulation of altitude effects by simple intake throttling and evacuation of exhaust gas, such a procedure provides only an estimate of exhaust emission levels. The regulations therefore make no provisions for simulation techniques other than those that provide for equivalent barometric pressures for emission data testing.

3. Perkins Engines, Inc. commented that their emission control system is extremely sensitive to adjustments of the injection system and therefore high risk is involved should the owner attempt to carry out modifications for altitude operation in accordance with instructions printed in an operator's handbook or manual.

EPA acknowledges Perkins' concern that adjustments of the injection system by vehicle owners may not be performed with the same precision as would be obtained by an expert trained in such adjustments. However, the purpose of a requirement to publish such instructions as are necessary to modify a vehicle so that it meets emission standards, should the vehicle be permanently transferred from one altitude region to another, is to notify the vehicle purchaser of the special maintenance needs and not to require that untrained owners perform such maintenance themselves. The Agency deems it proper to require that such instructions be published, and cannot support deletion of such a requirement solely because the subject maintenance may be difficult to perform.

4. Perkins also requested a deferment of the high altitude provisions based on considerations of cost and time required to develop systems to meet the standards at high altitude.

The January 25, 1974 notice of proposed rulemaking specified that beginning with the 1976 model year, vehicles which are sold at high altitude must be certified for compliance with emissions standards at high altitude. Both the regulations promulgated today and those promulgated on October 18, 1974, specify that the high altitude certification procedures will not begin until the 1977 model year, due to considerations outlined in the preamble to the October 18, 1974 regulations. No further delay in the implementation of the regulations for light duty diesel-powered trucks is deemed necessary or appropriate by the Agency.

The regulations promulgated herein require manufacturers to certify new light duty disel-powered trucks designed for initial sale at high altitudes to comply with emission standards at those altitudes. Trucks which are not so certified may not be legally sold at high altitudes.

These amendments are applicable to light duty diesel-powered trucks beginning with the 1977 model year, are issued under the authority of sections 206 and 301 of the Clean Air Act as amended (42 U.S.C. 1857f–5, 1857g) and are effective May 30, 1975.

Dated: April 24, 1975.

RUSSELL E. TRAIN,
*Administrator.*

Part 85, Title 40 of the Code of Federal Regulations as applicable to 1977 and later model year light duty diesel-powered trucks, is amended as follows:

1. In § 85.302, paragraph (a) is revised. As amended, the section reads as follows:

**§ 85.302 Definitions.**

(a) • • •

(24) "High altitude" means any elevation over 1,219 meters (4,000 feet).

(25) "High altitude conditions" means a test altitude of 1,585 meters (5,200 feet), plus or minus 274 meters (900 feet), or equivalent observed barometric test conditions of 83.48 kPa (24.72 inches Hg), plus or minus 2.77 kPa (0.82 inches Hg).

• • • • • •

2. In § 85.303, the following abbreviation is added to the list of abbreviations:

**§ 85.303 Abbreviations.**

• • • • • •

kPa—Kilopascal(s).

• • • • • •

3. In § 85.377–4, paragraph (b) is added to read as follows:

**§ 85.377–4 Required data.**

• • • • • •

(b)(1) Emission data on such vehicles tested in accordance with the applicable test procedures of this subpart and in such numbers as therein specified, which will show their emissions after zero kilometers (zero miles), and 6,436 kilometers (4,000 miles) of operation.

(2) Emission data on those vehicles selected under § 85.377–5(b)(5) and tested in accordance with the applicable test procedures of this subpart and in such numbers as therein specified, which shall be tested at zero kilometers (zero miles) at any altitude, and under high altitude conditions after 6,436 kilometers (4,000 miles) of operation at any altitude.

• • • • • •

4. In § 85.377–5, paragraphs (b)(5) and (b)(6) are added to read as follows:

**§ 85.377–5 Test vehicles.**

• • • • • •

(b) *Emission data vehicles.* • • •

(5) The Administrator will also select one vehicle for each engine-system combination within an engine family for which vehicles are to be sold to ultimate purchasers at high altitude.

(6) The Administrator may combine testing requirements for any vehicle selected under paragraph (b)(5) of this section with the testing requirements for any similar vehicle in the same engine-system combination selected under paragraphs (b)(2), (3), or (4) of this section by requiring a vehicle selected for testing under paragraphs (b)(2), (3), or (4) of this section to be modified (if necessary) after mileage accumulation and emission testing for the purpose of demonstrating compliance in accordance with § 85.377–4(b)(2).

• • • • • •

In § 85.377–6, paragraph (b) is added to read as follows:

**§ 85.377–6 Maintenance.**

• • • • • •

(b)(1) Adjustment of engine idle speed on emission data vehicles may be performed once before the 6,436 kilometer (4,000 mile) test point. Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

(2) Maintenance on emission data vehicles selected under § 85.377–5(b)(5) and permitted to be tested for purposes of § 85.377–4(b)(2) under the provisions of § 85.377–5(b)(6) may be performed in conjunction with emission control system modifications at the 6,436 kilometer (4,000 mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 85.377–38(a)(3) and (4).

(3) Maintenance on those emission data vehicles selected under § 85.377–5(b)(5) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than intended by the original design may be performed in conjunction with the emission control system modifications at the 6,436 kilometer (4,000 mile) test point, and shall be approved in advance by the Administrator.

• • • • • •

6. In § 85.377–7, paragraph (a) is added to read as follows:

**§ 85.377–7 Mileage accumulation and emission measurements.**

• • • • • •

(a)(1) Emission data vehicles: Each emission data vehicle shall be driven 6,436 kilometers (4,000 miles) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers (zero miles) and 6,436 kilometers (4,000 miles).

(2) The emission data vehicle(s) selected for testing under § 85.377–5(b)(5) shall be driven 6,436 kilometers (4,000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6,436 kilometers (4,000 miles) under high altitude conditions.

(3) The emission data vehicle(s) selected for testing under § 85.377–5(b)(5) and permitted to be tested for purposes of § 85.377–4(b)(2) under the provisions of § 85.377–5(b)(6) shall be driven 6,436 kilometers (4,000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6,436 kilometers (4,000 miles) under both low and high altitude conditions. For the purposes of this subparagraph, low altitude means any elevation less than 549 meters (1,800 feet).

• • • • • •

7. In § 85.377–30 paragraphs (a) and (b) are added to read as follows:



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**§ 85.377–30 Certification.**

should indicate the proper transmission



That the language of the proposed sec-

The Agency recognizes that not all

ceived; a transcript of the proceedings

records required to be kept by producers

**§ 85.377–30 Certification.**

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.306(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section. The certificate will state which vehicles are certified for sale at high altitude.

(a)(2) • • •

(a)(3) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, or delivers for introduction into commerce at high altitude locations any motor vehicle subject to the regulations under the Act which is not covered by a certificate of conformity issued under this subpart, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for use at a high altitude location.

(a)(4) For the purpose of paragraph (a)(3) "high altitude location" means the intended location of registration, licensing, or titling of such motor vehicle by the ultimate purchaser, such location identified by name and altitude.

(a)(5) For the purpose of paragraph (a)(3) determination of "high altitude location" shall rest with the U.S. Geological Survey, as published in that Agency's 1:250,000 scale series of topographic maps for the United States.

(b)(1) • • •

(i) A test vehicle selected under §§ 85.377–5(b)(2) or (4) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system combination to be sold below 1,219 meters (4,000 feet) in elevation.

(ii) A test vehicle selected under §§ 85.377–5(b)(3) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination to be sold below 1,219 meters (4,000 feet) in elevation.

(iii) • • •

(iv) A test vehicle selected under § 85.377–5(b)(5) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

• • • • • •

8. In § 85.377–35, paragraph (a) is added to read as follows:

**§ 85.377–35 Labeling.**

(a) • • •

(4) • • •

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including, but not limited to, low and high idle speeds, initial injection timing, valve lash, and aneroid adjustment, if any, as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation.

(v) • • •

(vi) The altitude at which the vehicle is intended for sale to the public as specified by a certificate of conformity under § 85.377–30(a).

• • • • • •

9. In § 85.377–38, paragraph (a) is added to read as follows:

**§ 85.377–38 Maintenance instructions.**

(a) • • •

(3) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(4) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

• • • • • •

[FR Doc.75–11313 Filed 4–29–75;8:45 am]

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[FRL 337–1]

SUBCHAPTER E—PESTICIDE PROGRAMS

## PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

## PART 172—EXPERIMENTAL USE PERMITS

### Revocation and Addition

On March 27, 1974, notice was published in the FEDERAL REGISTER (39 FR 11306) proposing regulations to establish a new part 172 of Chapter 1 of Title 40 of the Code of Federal Regulations and revoke § 162.17 pursuant to the authority of section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983). The intent of this rulemaking is to revise present procedures with respect to the use of pesticides for experimental purposes so as to conform to the provisions of FIFRA, as amended.

Written comments on the proposed regulations were invited and received from interested parties. As a result of these written comments and in an effort to clarify the intent of the regulations, certain changes were made and the revised draft widely distributed for public discussion. An informal public meeting was held on August 27, 1974 at which comments on this revised draft were received; a transcript of the proceedings was made. All of the written comments received pertaining to section 5 are on file with the Agency. The modifications made between the proposed regulations of March 27, 1974, and this final rulemaking are described below.

*Subpart A—§ 172.1 Definitions.* In the proposed regulations, the term "participant" included any person who supervises the use of an experimental use pesticide at the application site and any person who has given permission for an experimental use pesticide to be used on his property. Several commenters correctly indicated that these two functions will not necessarily be performed by the same person. Accordingly, for purposes of clarification, the new term "cooperator" was developed. It includes within its scope the latter of the above functions, i.e., granting permission for an experimental use pesticide to be used on one's property. It is intended that, as between the cooperator and participant, the participant is to be the one responsible for the day-to-day supervision of testing programs within his particular area.

The phrase "value for pesticide purposes" has been added to clarify § 172.3, which is discussed below.

*§ 172.2 General.* Several commenters raised questions regarding the restrictions on sale of experimental use pesticides. The comments fell into two categories: (a) Industry suggested that a more permissive sale provision be adopted and (b) certain environmental groups desired that sale be prohibited entirely. Both these alternatives have been rejected; however, several word changes were necessitated by the introduction of the new terms "participant" and "cooperator." As was stated in the preamble to the proposed regulations, the intent of these regulations is to prevent the unmonitored and unregulated introduction of experimental pesticides into the environment. EPA has determined that absolute prohibition on sale could needlessly burden pesticide development. There is no environmental or human health reason why a participant or cooperator in an experimental program should not compensate the developer. Sale itself has not caused problems. Rather, the problem has centered on the imprecise sale limitations of current regulations. To solve this problem without imposing an unnecessary burden on research programs, these regulations will limit sale or distribution only to participants and cooperators in experimental programs and prohibit resale or other retail sale or other distribution. Such a restriction should provide an adequate safeguard to prevent a manufacturer from carrying on a market program with an experimental pesticide. Further, permits are intended to authorize the use of only enough experimental pesticide to gather data to support registration.

*§ 172.3 Scope of requirements.* Most of the commenters objected to the language of proposed § 172.3(a). The objections fell into two general categories: (1)





That the language of the proposed section was so restrictive that experimental work would be stifled and (2) that certain users and independent researchers would be precluded from conducting preliminary testing to determine value for pesticide purposes.

These objections were the result of misunderstandings as to the purpose of proposed § 172.3(a). This section was not intended to limit the issuance of experimental use permits to certain persons or to create exceptions to experimental use permit requirements. Rather, this section defines the scope of the requirement for an experimental use permit within the meaning of "pesticide" as defined in the Act. The scope of the requirement for an experimental use permit, set forth in these regulations, is not different from the requirements of the regulation at 40 CFR 162.17(a) promulgated under the 1947 FIFRA.

The development of an effective pesticide, culminating in registration, is a multi-stage process. The statutory scheme of FIFRA, as amended, recognizes this. Initial testing of a substance is for the purpose of determining its value for pesticidal purposes or its toxicity or other properties. This testing, among agricultural researchers, for example, would include laboratory screening for pesticidal activity, laboratory and greenhouse screening for spectra of activity, and limited outdoor testing to determine pesticidal activity under environmental use conditions. When the researcher desires to do large plot testing to accumulate information necessary to register a pesticide under section 3, the Act requires that an experimental use permit be secured. At this stage, the researcher will have determined that the substance has value for pesticidal purposes and will reasonably expect to receive benefit in pest control from its use. The substance, therefore, falls within the statutory definition of "pesticide," section 2(a) of FIFRA, as amended, and, accordingly, the provisions of section 5 are applicable.

In order to clarify this progression of events, Section 172.3(a) has been rewritten. Where a substance or mixture of substances is being tested for the sole purpose of determining whether or not it has pesticidal value for some intended use, and the user does not intend to derive pest control or other economic benefit from the testing, this substance would not come within the definition of pesticide and would therefore not be subject to the Act. It is the reasonable purpose and expectation of the user, as indicated by his actions, that is determinative. In order to make this determination more predictable, the Agency has established several categories of research test use, which will be presumed to be for the purpose of establishing the pesticidal value of the substance. If a research test use falls outside the established categories, then it will be presumed that the sole purpose of the test is not to determine pesticidal value and an experimental use permit will normally be required.

The Agency recognizes that not all situations can be covered in the presumptions. Provision is made, at § 172.3(b), for persons to request an Agency determination of whether testing may be conducted without a permit if they are uncertain as to whether a permit is required. Furthermore, the Agency will give consideration to the amendment of these regulations to add more examples of tests presumed to be for the purposes outlined in § 172.3(a), upon receipt of information indicating a need for such an amendment.

Questions have been raised as to the applicability of this section to registered pesticides. It is the Agency view that use of a registered pesticide in a test being conducted for a purpose not set forth on the label and where the purpose of the test is within the meaning of the first sentence of § 172.3(a), is not a pesticidal use within the meaning of the Act. Therefore, for this limited purpose and for such purposes only, the product would not be considered a pesticide and an experimental use permit would not be required.

*§ 172.4 Applications.* (a) *Time for submission.* The proposed regulations indicated that the Agency would require at least 90 days to process applications for experimental use permits. Several commenters indicated that a 30 or 60 day limit would be more appropriate. The Agency recognizes the importance of processing applications in a timely manner and has established special procedures for the review of applications. Because of the heavy workload in implementing the new law, the Agency cannot guarantee that applications will be acted upon in any specified period of time. In any event, applications will be processed as expeditiously as possible.

(b) *Contents of applications.* Several commenters indicated that the proposed regulations would have effectively precluded anyone from obtaining a permit other than the manufacturer or producer of the product. This was not the intent of the Agency. Therefore, this section has been reorganized to make a distinction between registered and non-registered products. The purpose of this change is to provide for and even encourage experimental testing by third parties, particularly on the minor or specialty use area.

Each application for an experimental use permit will be required to submit the information or data outlined in § 172.4(b)(1) and, where appropriate, § 172.4(b)(2). An applicant for a permit to test an unregistered pesticide will, in addition, be required to comply with § 172.4(b)(3).

The purpose of this section is to require the applicant to submit sufficient data so that the Agency can effectively evaluate the proposed use of an experimental pesticide. The same criteria will be applicable regardless of whether the pesticide is a chemical or biological agent.

*§ 172.5 The permit.* A new subsection (e) has been added to this part. It provides a cross reference to the Section 8 regulations at 40 CFR 169 pertaining to records required to be kept by producers of pesticides.

*§ 172.6 Labeling.* As with § 172.4, several commenters indicated that the proposed regulations on labeling of experimental use pesticides would have effectively precluded issuance of permits to persons other than the manufacturer of a product. Therefore, this section, too, has been reorganized to make a distinction between labeling necessary for experimental use of a registered and non-registered product. Subsection (a) lists specifically all the information normally required on the label of an experimental use pesticide. The new subsection (b) gives the Administrator discretion to approve on a case-by-case basis the supplemental labeling necessary for experimental use of a product already registered for another use.

*§ 172.7 Importation of technical material.* This section is a new provision designed to make clear that technical chemicals being imported for experimental purposes do not need to be registered if an experimental use permit has been requested. The applicant assumes all responsibility for storage and disposition of the materials should the Agency deny the permit request, including, if necessary, disposal in a manner protective of public health and the environment.

*§ 172.8 Program surveillance and report of data.* Several commenters indicated that filing the immediate shipment reports required by the proposed regulations would be excessively burdensome. It is not the shipment data, per se, that the Agency was interested in but, rather, the time and location of the pesticide application. Accordingly, this provision has been deleted. All the information, including the shipment data, will now be required in the quarterly report. The quarterly reports shall indicate only what has transpired during the reporting period. Duplicative filing is not necessary. If no progress has been made during a period, the permittee must indicate this in his quarterly report.

EPA has the responsibility to monitor experimental programs to detect any unforeseen effects or failure by program participants to adhere to permit conditions. Consequently, a new § 172.8(e), has been added to assure that EPA has notification of proposed application dates, times, and locations so as to be able to monitor use as deemed necessary in particular cases.

Several commenters maintained that 90 days would not be sufficient time within which to prepare a final report. In response, the Agency has extended the time allowed to 180 days and provided that the data obtained under an experimental use permit may be submitted as a portion of an application for registration. It is hoped that these changes will facilitate the registration process and ensure complete reporting of the results of the programs conducted under experimental use permits without requiring duplicate submission.



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The inspection provision at § 172.4(b)(5)(ii) of the proposed regulations has been transposed to paragraph (f) of this section. There is no change in substance from the proposed version. Several commenters suggested that EPA officials give notice before inspection. While it is contemplated that notice will normally be given before inspection, the Agency reserves the right to inspect without notice if circumstances warrant. The regulations provide that all inspection will be conducted at reasonable times.

*§ 172.9 Renewal.* There has been no change in this section. A commenter suggested that the Agency limit the number of renewals that would be granted to two so as to prevent indefinite renewals as a substitute for full registration. This suggestion has been rejected. The number of prior permits is not relevant to the grant or denial of an experimental use permit. A permit will be renewed provided the program still falls within the scope of bona fide experimental research and meets the requirements of these regulations. Indefinite renewals as a substitute for full registration will, of course, not be permitted.

*§ 172.10 Refusals to issue and revocation.* In response to several commenters the time within which to contest the refusal to issue or revocation of an experimental use permit has been extended from ten days after notification of such refusal or revocation to twenty days after receipt of such notification.

The language of section (a) and (b) has been modified to reflect more exactly the language of section 5(e) of the Act.

*§ 172.11 Publication.* The proposed regulations provided that the Administrator could in his discretion publish notice of the receipt of an application for an experimental use permit and would be required to publish notice of the issuance of such a permit. There was extensive comment on this provision. Generally, it fell into two categories: (1) That notice of the receipt of an application for an experimental use permit should be mandatory and not merely discretionary and (2) that the entire section should be deleted because of concern that publication of receipt of an application for an experimental use permit or of issuance of an experimental use permit would adversely affect research through possible loss of competitive advantage. These final regulations retain the provision for mandatory notice of issuance of an experimental use permit and discretionary notice of receipt of an application for an experimental use permit with opportunity for comment by interested persons. Language to clarify the contents of these notices has been included. In addition, language has been added to explicitly state in the regulations, that the Administrator may also within his discretion, issue notice of intent to call a public hearing prior to issuance of the experimental use permit.

There is neither a legal requirement nor a legal prohibition of FEDERAL REGISTER notice on experimental use permits. Notice of the issuance of an experimental use permit assures that the public will be informed of what experimental pesticides are actually being used. Notice, within the discretion of the Administrator, of the receipt of an application for an experimental use permit, with opportunity for public comment and/or a public hearing, authorizes the Administrator to solicit comment prior to acting on an application for experimental use of a pesticide when he determines that the application is of significant public interest. Unless the application is of such significance, industry's research plans will not be made known to their competitors until the experimental use permit has been granted. This scheme is in accord with the general EPA policy of disclosure.

*Subpart B—State Issuance of Permits.* This part of the regulations is, of necessity, intertwined with regulations pursuant to Section 24(c). Among other things, the scope of a State experimental permit program will be determined by the definition of "special local needs." Specific regulations covering the state issuance of permits will be issued for comment at the time the Section 24(c) regulations are proposed.

*Effective date.* Pursuant to section 4(d) of the Administrative Procedures Act, 5 U.S.C. Sec. 553(d), the effective date of a regulation must be at least 30 days after its publication, unless the Agency finds "good cause" for specifying an earlier date. The Agency finds that in this case there is good cause for providing that these regulations are effective immediately upon publication. Any delay in the effectiveness of the regulations may interfere with the orderly research efforts of pesticide development by creating confusion as to the Agency's current requirements for experimental permits under the amended FIFRA. In addition, the Act requires that the regulations were to have been promulgated by October 21, 1973. Any further delay in the promulgation of the regulations would needlessly frustrate this Congressional mandate. Finally, the Agency notes that the final regulations do not differ substantially or materially from the proposed regulations, which were published more than thirty days prior to the publication of the final regulations. The changes which have been made in these regulations were explained to all interested parties at a public meeting held in Washington, D.C. on August 27, 1974. The Agency therefore declares that these regulations are effective upon publication with the following exceptions:

1. Temporary permits issued pursuant to 40 CFR 162.17 will remain in effect until their expiration date subject to §§ 172.2, 172.5, 172.7, 172.8, 172.9 and 172.10. Applications for renewal of temporary permits issued pursuant to 40 CFR 162.17 received after the date of publication of these regulations will be granted if the requirements of § 172.9 are met.

2. Applications for temporary permits or renewals pending on the date of publication of these regulations will continue to be processed under 40 CFR 162.17.

3. Experimental testing of a pesticide currently being conducted by Federal and State agencies will be allowed to continue for the period necessary to complete such testing, such as remainder of the growing season, but in no event shall such testing be conducted wihout an experimental use permit after December 31, 1975. Federal and state agencies planning to initiate new testing must meet the requirements of these regulations.

4. Permit applications received after the date of publication of these regulations will be processed in accordance with the new requirements herein. To the extent that additional information is needed with respect to any such application, the applicant will be promptly notified. EPA will attempt to minimize the delays involved in this transition from the existing to the new regulations.

RUSSELL E. TRAIN,
*Administrator.*

Dated: April 24, 1975.

§ 162.17 [Revoked]

1. Title 40 of the Code of Federal Regulations is hereby amended by revoking § 162.17.

2. A new Part 172 is added as follows:

**Subpart A**

Sec.
172.1 Definitions.
172.2 General.
172.3 Scope of requirement.
172.4 Applications.
172.5 The permit.
172.6 Labeling.
172.7 Importation of technical material.
172.8 Program surveillance and reporting of data.
172.9 Renewals.
172.10 Refusals to issue and revocation.
172.11 Publication.

**Subpart B—State Issuance of Experimental Permits [Reserved]**

AUTHORITY: Sections 5, 24 and 25(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 983, 997).

**Subpart A**

§ 172.1 Definitions.

For the purposes of this Part, the following terms shall be defined as listed below:

(a) The term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

(b) The term "applicant" means any person who applies for an experimental use permit, pursuant to section 5 of the Act.

(c) The term "cooperator" means any person who grants permission to a permittee or a permittee's designated participant for the use of an experimental use pesticide at an application site owned or controlled by the cooperator.





(d) The term "experimental animals" means individual animals or groups of animals, regardless of species, intended for use and used solely for research purposes and does not include animals intended to be used for any food purposes.

(e) The term "participant" means any person acting as a representative of the permittee and responsible for making available for use, or supervising the use or evaluation of, an experimental use pesticide to be applied at a specific application site.

(f) The phrase "value for pesticide purposes" means that characteristic of a substance or mixture of substances which produces an efficacious action on a pest.

(g) The term "permittee" means any applicant to whom an experimental use permit has been granted.

Terms defined in the Act and not explicitly defined herein are used herein with the meaning given in the Act.

§ 172.2 General.

(a) Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 983), and except as herein provided by § 172.3, any person wishing to accumulate information necessary to register under section 3 of the Act and the regulations thereunder (1) a pesticide not registered with this Agency or (2) a registered pesticide for a use not previously approved in the registration of the pesticide may apply to the Administrator at any time for an experimental use permit.

(b) Pesticides under experimental use permits may not be sold or distributed other than through participants and, if sold or distributed through participants, may be used only at an application site of a cooperator and in accordance with the terms and conditions of the experimental use permit.

§ 172.3 Scope of requirement.

(a) A substance or mixture of substances being put through laboratory or greenhouse tests, or limited replicated field trials to confirm such tests, or other tests, in which the purpose is only to determine its value for pesticide purposes or to determine its toxicity or other properties, and from which the producer, applicator or any other person conducting the test does not expect to receive any benefit in pest control from its use, is not considered a pesticide within the meaning of the Act and no experimental use permit will be required. This purpose will be presumed for the following types of tests.

(1) *Land use.* Tests conducted on a cumulative total of not more than 10 acres involving use of a particular substance or mixture of substances against a particular pest, provided that any food or feed crops involved in, or affected by, such tests (including but not limited to, crops subsequently grown on such land which may reasonably be expected to contain residues of such substance or mixture) shall be destroyed or consumed only by experimental animals unless a tolerance or exemption from tolerance has been established.

(2) *Aquatic use.* Tests conducted on a total of not more than one surface-acre of water involving use of a particular substance or mixture of substances against a particular pest, provided that (i) waters which are involved in, or which are affected by, such tests will not be used for irrigation purposes, drinking water supplies or body contact recreational activities and (ii) that no such tests may be conducted in any waters which contain, or which affect, any fish, shellfish or other plants or animals taken for recreation or commercial purposes and used for food or feed unless a tolerance or exemption from tolerance has been established.

(3) *Animal treatments.* Tests conducted only on experimental animals. No animals may be tested if they may be used in food or feed unless a tolerance or exemption from tolerance has been established.

(b) The above examples are not meant to be all inclusive nor to preclude testing in larger areas or larger numbers of units if the intended use falls within the meaning of § 172.3(a). Tests which do not come within the above examples will not be presumed to fall within the meaning of § 172.3(a) and the presumption will be that the test requires an experimental use permit. The Registration Guidelines specify, by way of further example, testing which requires an experimental use permit. The Agency will give consideration to the amendment of these regulations to add more examples of tests presumed to be for the purposes outlined in § 172.3(a) upon receipt of information indicating a need for such an amendment. Persons intending to conduct tests who are uncertain as to whether the testing may be conducted without a permit may submit a request for determination to the Registration Division. Such a request shall include the information listed in § 172.4(b)(1)(ii) and (iii) and in the case of an unregistered product, the information in § 172.4(b)(3)(i).

(c) Use of a registered pesticide in a test being conducted to determine its pesticidal value for a use not set forth on the label and where the requirements of § 172.3(a) above are met shall not require an experimental use permit.

(d) No experimental use permit is required for a substance or mixture of substances being put through tests for the sole purpose of gathering data required for approval of such substance or mixture under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301) as:

(1) A "new drug" (21 U.S.C. sec. 321(p) and sec. 355),

(2) A "new animal drug" (21 U.S.C. sec. 321(w) and sec. 360(b) or

(3) An "animal feed" (21 U.S.C. sec. 321(x)) containing a "new animal drug" (21 U.S.C. sec. 360(b).

Paragraph (d) of this section shall not apply when a purpose of such test is to accumulate information necessary to register a pesticide under section 3 of the Act.

§ 172.4 Applications.

(a) *Time for submission.* An application or request for amendment to an existing permit shall be submitted in triplicate to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460, as far as possible in advance of the intended date of shipment or use. Applications will be processed as expeditiously as possible.

(b) *Contents of applications.* (1) *General requirements.*

(i) The name and address of the applicant;

(ii) The registration number of the product, if registered;

(iii) The purpose or objectives of the proposed testing; a description in detail of the proposed testing program including test parameters; a designation of the pest organism(s) involved; the amount of pesticide product proposed for use; the crops, fauna, flora, sites, modes, dosage rates, and situation of application on or in which the pesticide is to be used; the States in which the proposed program will be conducted; the number of acres, number of structural sites, or number of animals by State to be treated or included in the area of experimental use; the proposed dates or period(s) during which the testing program is to be conducted; and the manner in which supervision of the program will be accomplished;

(iv) The name, street address, telephone number, and qualifications of all participants in the program (whether or not in the employ of the applicant). A permit must be amended to add or change participants;

(v) The name and street address of all cooperators, if available at the time an application is submitted or as soon thereafter as available;

(vi) A description and the specific results of any appropriate prior testing of the product conducted by the applicant to determine toxicity and effects in or on target organisms at the site of application; and to determine phytotoxicity and other forms of toxicity or effects on nontarget plants, animals, and insects at or near the site of application; and to determine adverse effects on the environment;

(vii) The proposed method of storage and disposition of any unused experimental use pesticide and its containers; and

(viii) Such other additional pertinent information as the Administrator may require.

(2) *Requirement for tolerance.* If the experimental use pesticide is to be used in such a manner that any residue can reasonably be expected to result in or on food or feed, the applicant must:

(i) Submit evidence that a tolerance or exemption from the requirement of a tolerance has been established for residues of the pesticide in or on such food or feed under Section 408 of the Federal Food, Drug, and Cosmetic Act, or a regulation promulgated under Section 409 of that Act; or



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(ii) Submit a petition proposing establishment of a tolerance or an exemption from the requirement of a tolerance under section 408, or a regulation under Section 409, of the Federal Food, Drug, and Cosmetic Act; or

(iii) Certify that the food or feed derived from the experimental program will be destroyed or fed only to experimental animals for testing purposes, or otherwise disposed of in a manner which will not endanger man or the environment. The method of such destruction or disposition shall be provided in the application for the permit.

(3) *Additional requirements for unregistered pesticide products.* (i) A complete confidential statement of composition for the formulation to be tested giving the name and percentage by weight of each ingredient, active and inert;

(ii) Chemical and physical properties of each active ingredient of the formulation to be tested, including, but not limited to, the manufacturing or laboratory processes and analytical methods suitable for determining the active ingredients in the formulation;

(iii) Appropriate date, if available, on the rate of decline of residues on the treated crop or environmental site or other information for determination regarding entry of persons into treated areas; and

(iv) Results of toxicity tests and other data relevant to the product's potential for causing injury to the users or other persons who may be exposed, including any available epidemiological information as to man.

§ 172.5 The permit.

(a) *Issuance.* The Experimental Use Permit shall be issued when the Administrator determines that the conditions of Section 5 of the Act, and the regulations thereunder, have been met subject to such terms and conditions as the Administrator determines are warranted.

(b) *Duration.* Permits will be effective for a specified period of time, normally one year, depending upon the crop or site to be tested and the requirements of the testing program submitted. The applicant should propose a suitable duration of the permit commensurate with the program submitted. Permits and associated temporary tolerances may be renewed, extended, or amended upon request if circumstances warrant.

(c) *Limitations.* The quantity of a pesticide allowed by a permit may be less than requested if it is determined that the available information on efficacy, toxicity or other hazards, the need for data, or the adequacy of program supervision does not justify the quantity of the pesticide requested. Other limitations may also be placed in the permit if necessary for the protection of the public health and the environment.

(d) *Additions.* With respect to an experimental use pesticide containing any chemical or combination of chemicals not included in any previously registered pesticides, the Administrator may require that additional studies be conducted during the permit period to gather data to support the establishment of tolerances and/or registration. To the extent practicable, the applicant will be notified of any such requirements before or at the time an experimental use permit is issued.

(e) *Maintenance of records.* All producers of pesticides produced pursuant to an experimental use permit shall maintain records in accordance with Part 169.

§ 172.6 Labeling.

(a) *Contents.* Except as provided by (b) below, all pesticides shipped or used under an experimental use permit shall be labeled with directions and conditions for use which shall include the following:

(1) The prominent statement, "For Experimental Use Only";

(2) The Experimental Use Permit number;

(3) The statement, "Not for sale to any person other than a participant or cooperator of the EPA-approved Experimental Use Program";

(4) The name, brand, or trademark;

(5) The name and address of the permittee, producer, or registrant;

(6) The net contents;

(7) An ingredient statement;

(8) Warning or caution statements;

(9) Any appropriate limitations on entry of persons into treated areas;

(10) The establishment registration number, except in those cases where application of the pesticide is made solely by the producer; and

(11) The directions for use, except that the Administrator may approve the use of the experimental program as labeling provided that such program is to be distributed with the product.

(b) *Supplemental labeling.* In the case of a registered pesticide, the Administrator may, at his discretion, permit a pesticide to be used under an experimental use permit with supplemental labeling as approved by him.

§ 172.7 Importation of technical material.

Technical materials may be imported without registration in sufficient quantities to formulate a pesticide for which an Experimental Use Permit has been requested if the application for such permit states that such importation will occur.

§ 172.8 Program surveillance and reporting of data.

(a) The permittee shall supervise the test program and evaluate the results of testing at each site of application. It will further be the responsibility of the permittee to report immediately to the Administrator, or to any person designated by him, any adverse effects from use of, or exposure to, the pesticide.

(b) The permittee shall submit the following reports to the Registration Division during the experimental program.

(1) Unless otherwise directed, reports shall be submitted every three months from the date of the permit and shall include the following:

(i) Name and street address of the shipper of any pesticide covered by the permit and place or places from which shipped;

(ii) Name and street address of consignee;

(iii) Amount of each shipment;

(iv) Total quantities of the pesticide shipped and used during the reporting period;

(v) Total quantities of technical material imported to formulate pesticides covered by the permit;

(vi) List of States into which shipments were made; and

(vii) Summaries of the progress made and data obtained during the report period.

(2) A final report shall be submitted within 180 days after the expiration of the permit, unless a request for extension of time is approved, and shall include:

(i) All data gathered during the testing program; field notes need not be submitted but must be maintained and submitted upon request;

(ii) A description of the disposition of any pesticide containers and any unused pesticides including amounts disposed of and the method and site of disposition; and

(iii) The method of disposition of affected food and/or feed.

The data under paragraph (b)(2)(i) of this section above may be submitted as part of an application for registration submitted within 180 days after the expiration of the permit, provided that the final report shall include a statement that such application has been made, and the date of such application.

(c) In addition to the reporting requirements provided for elsewhere in this Part, in the case of any meat-producing animals or birds that receive a direct treatment or application of any experimental use pesticide, the name and location of the packing plant where the animals will be processed shall be sent to the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Washington, D.C. 20250, at least 10 days before the animals are to be shipped for slaughter. This requirement may be waived, on request, by the USDA. These provisions do not exempt treated food-producing animals and their products from compliance with other applicable inspection requirements.

(d) Failure to submit required reports may constitute grounds for revocation of the permit.

(e) For the purpose of supervising the use of experimental use pesticides, the Agency may require the permittee or any participant to give reasonable advance notification of the intended dates, times, and sites on which such experimental use pesticide will be applied.

(f) The permittee or participants in the experimental use program will permit any authorized representative of the Agency, upon presentation of official identification, entry, at any reasonable time, to any premises involved in the testing program to inspect and to determine whether there has been compliance with the terms and conditions of the permit.

§ 172.9 Renewals.

Applications for renewal of experimental use permits and temporary tolerances, to provide for additional testing, shall be submitted prior to expiration of the permit. Requirements for renewals are the same as for applications under § 172.4, except that information previously submitted may be incorporated by reference.

§ 172.10 Refusals to issue and revocation.

(a) *Refusal.* At any time that the Administrator determines that an experimental use permit is not justified, or that the issuance of such a permit would cause unreasonable adverse effects on the environment, or that for any other reason provided for under the law a permit shall not be issued, he shall notify the applicant in writing.

(b) *Revocation.* The Administrator may revoke an experimental use permit if he finds that its terms or conditions are being violated or that its terms or conditions are inadequate to avoid unreasonable adverse effects on the environment, or if new evidence is obtained which demonstrates that the tolerance will be inadequate to protect the public health, or for failure to meet any other provision of Part 172. The Administrator will notify the permittee in writing of such revocation. The permittee shall notify all participants of such revocation as soon as possible after he receives notice of revocation. The revocation of a permit shall not preclude the Administrator from initiating civil or criminal sanctions for the violations of the permit conditions or otherwise as authorized by law.

(c) *Hearing.* In the event that an applicant for an experimental use permit wishes to contest the refusal to issue an experimental use permit, or an experimental use permittee wishes to contest the revocation of any such permit, he shall, within twenty days after receipt of notice of such refusal or revocation, file with the Administrator a written request for an opportunity to confer with the Administrator or his designee. Within twenty days after such conference, the applicant or permittee will be notified of the Administrator's final decision.

§ 172.11 Publication.

(a) *Notice of receipt of an experimental use permit application.* The Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the experimental use permit may be of regional or national significance. This notice shall include:

(1) The active ingredients,

(2) Use pattern(s),

(3) Quantity of pesticide,

(4) Total acreage,

(5) Location of area of application,

(6) A statement soliciting comments from any interested persons regarding the application.

(b) *Public hearing.* The Administrator may hold a public hearing, and publish notice in the FEDERAL REGISTER of the date and location of the hearing, when he determines that there is sufficient interest in the application to warrant a hearing, based upon the comments received in response to the Notice of Receipt of an Application, or that a hearing would otherwise be in the public interest.

(c) *Issuance of experimental use permit.* The Administrator shall give prompt notice in the FEDERAL REGISTER of the issuance of an experimental use permit. The notice shall include:

(1) The active ingredients,

(2) Use pattern(s),

(3) Quantity of pesticide,

(4) Total acreage,

(5) Location of area of application,

(6) A statement indicating where the experimental use permit is available for public inspection.





## Subpart V—State Issuance of Experimental Permits [Reserved]

[FR Doc. 75-11314 Filed 4-29-75;8:45 am]

## Title 41—Public Contracts and Property Management

## CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 146]

## PART 1-1—GENERAL

### Procurement of Items Using Jewel Bearings

This amendment of the Federal Procurement Regulations amends § 1-1.319 to prescribe procedures for use in ordering jewel bearings and related items from the William Langer Jewel Bearing Plant for use in the performance of requirements and indefinite delivery contracts when such contracts authorize more than one ordering activity to place orders upon the contractor.

Section 1-1.319 is amended by revising paragraph (c)(1)(v). As revised the paragraph reads as follows:

§ 1-1.319 Procurement of items using jewel bearings.

* * * * * *

(c) *Policy.* (1) * * *

(v) In the case of requirements contracts (see § 1-3.409(b)) and indefinite quantity contracts (see § 1-3.409(c)) which authorize more than one activity to place orders upon the contractor. It is not practicable for a contractor to place an order with the Plant within 90 calendar days after the effective date of his contract for the entire amount of jewel bearings and related items that will be required for the performance of the contract. Where such contracts are involved, the clause in § 1-1.319(e) may be changed by modifying paragraphs (b) and (c) to provide for procurement, on a quarterly or other periodic basis, of an amount of jewel bearings and related items equal to the amount (by type and size) of jewel bearings and related items actually used by the contractor in the performance of the contract during the period immediately preceding the ordering date. In addition, jewel bearings and related items so obtained shall be placed in the contractor's inventory for use in the performance of current or future Government contracts or for use in commercial production. Contracts which provide for periodic ordering on an actual use basis shall not be subject to the equitable adjustment provisions of paragraph (e) of the clause in § 1-1.319(e). Accordingly, the clause may be further modified to delete paragraph (e).

* * * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This amendment is effective August 4, 1975, but may be observed earlier.

Dated: April 23, 1975.

DWIGHT A. INK,
*Acting Administrator of General Services.*

[FR Doc.75-11211 Filed 4-29-75;8:45 am]

[FPR Amdt. 145]

## COST ACCOUNTING STANDARDS

This amendment of the Federal Procurement Regulations implements revised Cost Accounting Standards Board (CASB) rules and regulations (39 FR 44389, December 24, 1974) regarding an exemption from CASB requirements for certain contracts and subcontracts of $500,000 or less. The amendment (1) adds the additional exemption, (2) authorizes retroactive application under certain circumstances, and (3) adds an additional solicitation notice containing an appropriate Certificate of Exemption. The exemption is applicable to both negotiated national defense and negotiated nondefense contracts. The Cost Accounting Standards clause is amended to provide the same exemption for subcontracts. References to the above actions are made in Parts 1-4, 1-7, and 1-15. Under this new exemption authority:

(a) Contractors whose CAS covered contract(s) or subcontract(s) individually do not exceed $500,000 as of January 1, 1975, are exempt for new contract(s) or subcontract(s) of $500,000 or less;

(b) Contractors with existing CAS covered contract(s) or subcontract(s) individually in excess of $500,000 as of January 1, 1975, are not exempt for new contract(s) or subcontract(s) of $500,000 or less, unless the new contract or subcontract is awarded after receipt of notification of final acceptance of all items or work under existing contract(s) or subcontract(s) in excess of $500,000;

(c) A contractor may elect to accept the CAS clause when awarded the first contract or subcontract after January 1, 1975, of $500,000 or less which otherwise would be exempt under the criteria;







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if he does so, he will continue to be subject to the clause for all new contracts and subcontracts in excess of $100,000 until such time as he has received notification of final acceptance of all items or work on any contracts or subcontracts containing the CAS clause;

(d) However, a contractor who does not elect to accept the CAS clause for those contracts of $500,000 or less exempt under the optional criteria (c. above) cannot thereafter make such an election to accept the CAS clause for new awards of $500,000 or less until such time as he is no longer performing any work for which he has previously accepted the new exemption, i.e., until he has received notice of final acceptance of all items or work under his exempted contracts or subcontracts.

## PART 1–3—PROCUREMENT BY NEGOTIATION

1. The table of contents for Part 1–3 is amended to change the entry for § 1–3.1203 to read, as follows:

Sec.
1–3.1203 Applicability of cost accounting standards and prime contractor disclosure statement(s).

2. Section 1–3.1203 is amended to change the caption of the section, to add a new paragraph (a)(1)(vi), and add a new paragraph (h), as follows:

**§ 1–3.1203 Applicability of cost accounting standards and prime contractor disclosure statement(s).**

(a) • • •
(1) • • •

(vi) In addition, paragraph (h) of this section sets forth conditions under which contracts of $500,000 or less can be exempted and requires an additional notice to be inserted in solicitations.

• • • • •

(h) *Exemption for contracts of $500,000 or less and additional notice for solicitations.* (1) In addition to the exemptions in paragraphs (a)(1) and (a)(2) of this § 1–3.1203, the requirements of this section shall not be applicable to any contract or subcontract of $500,000 or less, unless it is awarded to a contractor, who, on the date of such award, (i) has already received a contract or subcontract in excess of $500,000 and (ii) has not received notification of final acceptance of all items of work to be delivered on that contract or subcontract and on all other contracts or subcontracts awarded after January 1, 1975, which were subject to the Cost Accounting Standards clause. For this purpose, an intracorporate transfer shall be considered to be a subcontract. Notwithstanding this exemption, any contractor entitled to an exemption under this provision may elect to comply with the Cost Accounting Standards clause prescribed by § 1–3.1204. The contractor may elect to comply in connection with the receipt of its first contract or subcontract awarded after January 1, 1975, which but for this provision would be subject to the clause. A contractor who does not elect to comply with the clause in connection with the receipt of the first contract or subcontract, may thereafter make such an election only if it receives a contract or subcontract of the type described, at a time when it has no other contract or subcontract of that type on which notification of final acceptance of all items or work to be delivered has not been received. Retroactive exemption of existing contracts entered into prior to January 1, 1975, where the circumstances are such that these existing contracts would have been exempt if awarded after that date is authorized, provided the contracting officer determines that the Government receives adequate consideration for deletion of the Cost Accounting Standards clause from the contract(s). In the event a contractor was awarded a prime contract containing the Cost Accounting Standards clause prior to January 1, 1975, and must award a subcontract of $500,000 or less subsequent to January 1, 1975, such subcontract may be exempted in accordance with this paragraph (h) provided the contractor obtains from the subcontractor the substance of the Certificate of Exemption established in this paragraph (h)(2).

(2) *Additional notice for solicitations.* In addition to the notice for solicitations entitled "Disclosure Statement—Cost Accounting Practices and Certification," the following notice will be inserted in all solicitations that contain that notice as required by paragraph (a)(3) of this section:

COST ACCOUNTING STANDARDS—EXEMPTION FOR CONTRACTS OF $500,000 OR LESS—CERTIFICATION

If this proposal is expected to result in the award of a contract of $500,000 or less and the offeror is otherwise eligible for an exemption, he shall indicate by checking the box below that the exemption to the Cost Accounting Standards clause (FPR § 1–3.1204) under the provisions of 4 CFR 331.30(b)(8) (see FPR § 1–3.1203(h)) is claimed. Where the offeror fails to check the box, he shall be given the opportunity to make an election in writing to the Contracting Officer prior to award. Failure to check the box below or make such an election shall mean that the offeror cannot claim the exemption to the Cost Accounting Standards clause or that the offeror elects to comply with such clause.

[ ] Certificate of Exemption for Contracts of $500,000 or Less.

The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 4 CFR 331.30(b)(8) and certifies that he has received notification of final acceptance of all items or work on (i) any prime contract or subcontract in excess of $500,000 which contains the Cost Accounting Standards clause, and (ii) any prime contract or subcontract of $500,000 or less awarded after January 1, 1975, which contains the Cost Accounting Standards clause. The offeror further certifies he will immediately notify the contracting officer in writing in the event he is awarded any other contract or subcontract containing the Cost Accounting Standards Clause subsequent to the date of this certificate but prior to the date of any award resulting from this proposal.

3. Section 1–3.1204 is amended to revise introductory material and paragraph (d)(2) of the clause as follows:

**§ 1–3.1204 Contract clause.**

Insert the following clause in all negotiated contracts exceeding $100,000 unless the procurement is exempted under § 1–3.1203(a)(1), (a)(2), or (h)(1):

COST ACCOUNTING STANDARDS

• • • • • •

(d) • • •

(2) Prices set by law or regulation, and except that the requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to accept the Cost Accounting Standards clause by reason of § 331.30(b) of Title 4, Code of Federal Regulations (4 CFR 331.30(b)) or § 1–3.1203(a)(2) of Title 41, Code of Federal Regulations (41 CFR 1–3.1203(a)(2)).

However, • • •

• • • • • •

## PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

4. Subsection 1–4.410–5 is amended to revise paragraph (d) as follows:

**§ 1–4.410–5 Uniform clauses for utility service contracts.**

• • • • •

(d) *Cost accounting standards.* Where applicable, insert the two notices for solicitations as set forth in § 1–3.1203(a)(3) and (h)(2) in negotiated solicitations under the conditions contained in Subpart 1–3.12. Where applicable, incorporate the contract clause set forth in § 1–3.1204 in negotiated contracts under the conditions contained in Subpart 1–3.12. Note that as provided in § 1–3.1203, the notice and clause shall not be used when the price is set by law or regulation.

## PART 1–7—CONTRACT CLAUSES

5. Section 1–7.103–27 is amended to revise paragraph (a) as follows:

**§ 1–7.103–27 Cost Accounting Standards.**

(a) Insert the two notices for solicitations as set forth in § 1–3.1203(a)(3) and (h)(2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

• • • • •

6. Section 1–7.203–23 is amended to revise paragraph (a) as follows:

**§ 1–7.203–23 Cost Accounting Standards.**

(a) Insert the two notices for solicitations as set forth in § 1–3.1203(a)(3) and (h)(2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

• • • • •

7. Section 1–7.602–16 is amended to revise paragraph (a) as follows:

**§ 1–7.602–16 Cost Accounting Standards.**

(a) Insert the two notices for solicitations as set forth in § 1–3.1203(a)(3) and (h)(2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

• • • • •





8. Section 1–7.702 is amended to revise paragraph (c)(3) as follows:

**§ 1–7.702 Solicitation instructions and conditions for transportation contracts.**

• • • • •

(c) • • •

(3) *Cost accounting standards.* Insert the two notices for solicitations set forth in § 1–3.1203(a)(3) and (h)(2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

## PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

9. Section 1–15.109 is revised as follows:

**§ 1–15.109 Definitions.**

As used in this part, except with respect to those contracts exempted under §§ 1–3.1203(a)(1), (a)(2), or (h)(1), the words and phrases shall have the meanings prescribed by the Cost Accounting Standards Board. For convenience, CASB definitions are set forth in § 1–3.1220.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This amendment is effective January 1, 1975.

Dated: April 11, 1975.

DWIGHT A. INK,
*Acting Administrator of General Services.*

[FR Doc.75–11210 Filed 4–29–75;8:45 am]

## Title 45—Public Welfare

## CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 103—BILINGUAL VOCATIONAL TRAINING

### Grant and Contract Awards

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 4, 1975 at 40 FR 8955, setting forth the proposed regulations governing the award of grants and contracts to eligible applicants in order to develop bilingual vocational training programs under the Vocational Education Act of 1963 (20 U.S.C. 1241 through 1393f) as amended by section 841 of the Education Amendments of 1974, Pub. L. 93–380.

Interested persons were invited to submit written comments, suggestions, or objections regarding these proposed regulations on or before April 3, 1975. One comment was received which asked whether the Commissioner would award the full cost of bilingual vocational training programs or projects.

In accordance with § 103.42, the Commissioner will award grants or contracts for the cost of developing and operating programs "in an amount equal to the total sums expended by the applicant for the purposes set forth in that application." The plain meaning of this provision is that the Commissioner will pay the entire cost of the program or project. No change has been made in § 103.42.

The regulations, therefore, are issued as originally published without change as set forth below.

Pursuant to section 192(b) of the Vocational Education Act, these regulations were submitted to the Secretary of Labor for approval prior to the notice of proposed rulemaking in the FEDERAL REGISTER at 40 FR 8955. Since there are no changes being made to the notice of proposed rulemaking, there is no need to resubmit the final regulations to the Secretary of Labor for approval.

*Effective date.* The notice of proposed rulemaking was transmitted to Congress on February 24, 1975, pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The time period set forth therein has expired without such action having been taken. Therefore, these regulations shall become effective upon April 30, 1975.

(Catalog of Federal Domestic Assistance No. 13.558 Bilingual Vocational Training.)

Dated: April 16, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 24, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

1. Section 103.1 is revised to read as follows:

**§ 103.1 Applicability.**

The regulations to this part apply to grants and contracts made by the U.S. Commissioner of Education for research and training programs under section 131(a) of Part C, for exemplary programs and projects under section 142(c) of Part D, for curriculum development programs under section 189 of Part I, and for bilingual vocational training under section 191 of Part J of the Vocational Education Act of 1963, as amended.

2. Two new definitions are added to § 103.3 to read as follows:

**§ 103.3 Definitions.**

• • • • •

"Bilingual vocational training" means training or retraining which is conducted as part of a program designed to prepare individuals of limited English-speaking ability for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies, by regulation, to be generally considered professional which requires a baccalaureate or higher degree; bilingual vocational training includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; the training of persons engaged as, or preparing to become, instructors in a bilingual vocational training program; travel of students and vocational training personnel while engaged in a bilingual vocational training program; and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land. (20 U.S.C. 1248(14))

• • • • • •

"Postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated or left elementary or secondary school. (20 U.S.C. 1248(15))

• • • • •

3. A new Subpart E is added to read as follows:

Subpart E—Bilingual Vocational Training

Sec.
103.41 Purpose.
103.42 Eligible programs and projects.
103.43 Eligible applicants.
103.44 Applications for grants or contracts.
103.45 Review of applications.
103.46 Criteria.

### Subpart E—Bilingual Vocational Training

**§ 103.41 Purpose.**

In order to insure that vocational training programs are available to persons in all communities of the United States whose language as normally used is other than English, and in order to find new ways to assist such persons to fill the critical need for more and better trained personnel in occupational categories vital to both the persons and the economy, funds available to the Commissioner pursuant to Part J of the Act may be used for making grants or contracts for bilingual vocational training programs. (20 U.S.C. 1393)

**§ 103.42 Eligible programs and projects.**

Funds available under section 193 of Part J of the Act may be used by the Commissioner to award grants or contracts for the cost of developing and operating programs or projects designed to carry out the purpose set forth in § 103.41 in an amount equal to the total sums expended by the applicant for the purposes set forth in that application. Such programs include:

(a) Bilingual vocational training programs for persons who have completed or left elementary or secondary school and who are available for training programs by the agencies and institutions enumerated in § 103.43;

(b) Bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

(c) Training allowances for participants in bilingual vocational training programs subject to the same conditions



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and limitations as set forth in the De-

priority to applications which rank highest

when necessary for project or



CHAPTER V—NATIONAL HIGHWAY TRAF-

fect. The usual reason given is that the

tions 112, 113, and 158 of the Act (15

and limitations as set forth in the Department of Labor Regulations 29 CFR § 95.34.

(20 U.S.C. 1393(d))

**§ 103.43 Eligible applicants.**

(a) The following categories of agencies or institutions are eligible for grants or contracts under this subpart:

(1) Local educational agencies;

(2) State educational agencies;

(3) Postsecondary educational institutions;

(4) Private nonprofit vocational training institutions; and

(5) Nonprofit educational or training organizations especially created to serve a group whose language as normally used is other than English.

(b) Private for-profit agencies and organizations are only eligible for contracts.

(20 U.S.C. 1393(c))

**§ 103.44 Applications for grants or contracts.**

(a) All applications shall be submitted to the Commissioner through the State board and shall include the comments of the State board.

(b) Each application shall:

(1) Provide that the activities and services for which assistance under this part is sought will be administered by or be under the supervision of the applicant; and

(2) Set forth a program of such size, scope and design as will make a substantial contribution toward carrying out the programs described in § 103.42.

(20 U.S.C. 1393(e))

**§ 103.45 Review of applications.**

(a) The Commissioner of Education will not approve any application for a grant or contract under this subpart until:

(1) Such application has been reviewed in accordance with such procedures as the Commissioner may establish; and

(2) Such review will take into account the requirements set forth in § 103.44 (b)).

(b) Where feasible the Commissioner should consult with the State board to achieve equitable distribution of assistance in the State.

(20 U.S.C. 1393(f))

**§ 103.46 Criteria.**

Criteria for the selection of applicants shall be those set forth in § 100a.26(b) of this chapter and those in Appendix D to this part.

4. Appendix D is added to read as follows:

APPENDIX D—BILINGUAL VOCATIONAL TRAINING PROGRAMS CRITERIA FOR FISCAL YEAR 1975

In granting of awards from funds available for the program, the Commissioner will give priority to applications which rank highest on the basis of the criteria in the Office of Education's General Provisions Regulations (45 CFR 100a.26(b)) together with the additional criteria in this Appendix. Certain points will be given to applications which propose programs in the priority areas described below.

A. *Program Priority.* Priority will be given to bilingual vocational training programs or projects which serve persons:

(a) Who have left or completed elementary or secondary school;

(b) Who are of limited English-speaking ability;

(c) Who, because of this handicap, are unable to be employed in gainful employment suited to their needs, interests and abilities; and

(d) Who are from areas having a concentration of persons of limited English-speaking ability higher than the national average.

B. *Application review criteria.* Criteria will be utilized by the reviewers in reviewing formally transmitted applications in Fiscal Year 1975. These criteria are consistent with § 100a.26, Review of Applications, in the Office of Education's General Provisions Regulations, published on November 6, 1973 at 39 FR 30654 (45 CFR 100a.26(b)). Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criteria. The criteria and maximum weights for each criterion are as follows:

| *Criteria:* | *Maximum score* |
|---|---|
| (1) *Priority Area*—Application is focused on the announced priority area. | 15 |
| (2) *Need*—Application clearly defines the needs for the project or program and delineates the training required to be responsive to those needs. | 15 |
| (3) *Objectives*—The objectives of the proposed project or program are sharply defined, clearly stated, capable of being attained by the proposed procedures and provisions are made for adequate evaluation of the project or program. | 15 |
| (4) *Plan*—The application clearly describes the general scope and design for the project or program. The procedures specify in detail how each objective will be accomplished, and an adequate project management plan is available. If appropriate, include inservice training, evaluation procedures and dissemination plans. | 20 |
| (5) *Results*—The proposed results of the training are identified and described. | 10 |
| (6) *Personnel*—The qualifications and experience of personnel are appropriate for the proposed project or program. | 10 |
| (7) *Institutional Commitment*—The application shows reasonable evidence of commitment to provide adequate curriculum facilities, equipment and provides documented assurance of support from cooperating institutions and agencies when necessary for project or program success. | 5 |
| (8) *Budget*—The estimated cost is reasonable in relation to anticipated results, and the size, scope, and duration of the project or program are reasonable. | 10 |

[FR Doc.75-11299 Filed 4-29-75;8:45 am]

## Title 49—Transportation

### CHAPTER I—DEPARTMENT OF TRANSPORTATION

### SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-22; Amdt. 171-29]

### PART 171—GENERAL INFORMATION AND REGULATIONS

**Matter Incorporated by Reference**

The purpose of this amendment to the Hazardous Materials Regulations is to update the reference to sections VIII (Division I) and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

On December 17, 1974, the Board published a notice of proposed rule making, Docket HM-22; Notice 74-13 (39 FR 43638) proposing to make the above change. No comments have been received in this docket.

In consideration of the foregoing, 49 CFR Part 171 is amended by revising paragraph (d) (1) of § 171.7 to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * * *

(d) * * *

(1) ASME Code means sections VIII (Division I) and IX of the 1974 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through June 30, 1974.

* * * * * *

Effective date: May 30, 1975. However, immediate compliance with the regulations, as amended herein, is authorized.

(18 U.S.C. 831-835; Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); Title VI and Sec. 902(h) of Pub. L. 85-726 (49 U.S.C. 1421-1431, 1472(h)))

Issued in Washington, D.C. on April 23, 1975.

R. P. SKULLY,
*Board Member, for the Federal Aviation Administration.*

ROBERT A. KAYE,
*Board Member, for the Federal Highway Administration.*

R. H. WRIGHT,
*Alternate Board Member, for the Federal Railroad Administration.*

J. V. CAFFREY,
*Alternate Board Member, for the United States Coast Guard.*

[FR Doc.75-11241 Filed 4-29-75;8:45 am]





## CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-20; Notice 6]

### PART 555—TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY STANDARDS

This notice amends 49 CFR 555.10(b) to clarify that information made available for public inspection shall include all submitted materials that are specifically required by § 555.6. The amendment is effective May 30, 1975.

This amendment pertains to agency practice and is clarifying and interpretative in nature. Accordingly, pursuant to 5 U.S.C. 553(b), it is found that notice of proposed rulemaking is unnecessary.

Currently § 555.10(b) states that "Information made available for inspection shall not include materials not relevant to the petition that are to be withheld from the public in accordance with sections 112 and 113 of the Act (15 U.S.C. 14017, 1402) and section 552(b) of Title 5 of the United States Code."

Some petitioners for temporary exemptions on hardship grounds have requested that confidential treatment be given such items as estimated price increases that would be caused by compliance, projected balance sheets and income statements for the fiscal year following denial of a petition, or the efforts to be taken to achieve compliance while the exemption is in effect. The usual reason given is that the information could be harmful to the petitioner in the hands of its competitors. The NHTSA has uniformly denied such requests if they involve materials that the regulation specifically requires to be submitted. These materials are necessary for a determination by the NHTSA of whether the statutory basis for exemption exists. This agency finds that all materials it requests pursuant to the regulation, and which are used in its own decisions, should be available for inspection in the docket by members of the public who wish to reach their own conclusion on the merits of the petition. Materials submitted gratuitously will, of course, be withheld from availability for inspection, if the petitioner requests it and if it is a matter that may be withheld in accordance with sections 112, 113, and 158 of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing, 49 CFR 555.10(b) is amended to read:

§ 555.10 Availability for public inspection.

* * * * * *

(b) Information made available for inspection shall include all submitted materials that are specifically required by § 555.6, but shall not include materials not relevant to the petition for which confidentiality is requested, and may be granted, in accordance with sections 112, 113, and 158 of the Act (15 U.S.C. 1401, 1402, and 1418) and section 552(b) of Title 5 of the United States Code.

*Effective date.* May 30, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, 15 U.S.C. 1410, sec. 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1407; delegation of authority at 49 CFR 1.51.)

Issued on April 24, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75-11361 Filed 4-29-75;8:45 am]

### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

**Air Brake Systems; Correction**

In FR Doc. 75-7346, appearing at page 12797 in the issue of Friday, March 21, 1975, on page 12798, the amendatory action numbered "3" is incorrect and is withdrawn.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51).

Issued on April 25, 1975.

JAMES B. GREGORY,
*Administrator.*

[FR Doc.75-11359 Filed 4-29-75;8:45 am]



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# proposed rules



(d) Encourage new or more effective approaches to the organization and de-

§ 57.2604 Application.

tion purposes, that the requirement of this paragraph should be waived on an

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 180 ]

### PLANT VARIETY PROTECTION

### Limits of Reciprocity

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service proposes to amend the regulations and rules of practice (7 CFR pt. 180) for the administration of the Plant Variety Protection Act.

*Statement of considerations.* Section 43 of the Plant Variety Protection Act (7 U.S.C. 2403), and § 180.5(a) of the regulations and rules of practice (7 CFR 180.5(a)) under the act provide that protection under the act, may by regulation, be limited to nationals of the United States, except where this limitation would violate a treaty and except that nationals of a foreign state in which they are domiciled shall be entitled to so much of the protection here afforded as is afforded by said foreign state to nationals of the United States for the same genus and species.

The plant variety protection afforded by the Republic of South Africa to nationals of the United States does not appear to be equal to the protection afforded under the Plant Variety Protection Act. In order that applicants from the Republic of South Africa, their agents, and other interested persons may be informed with respect to the reciprocity limits recognized under section 43 of the act and § 180.5 of the regulations and rules of practice, an amendment is proposed as follows:

Section 180.5(a) would be amended by adding subparagraph (3) as follows:

**§ 180.5 General requirements.**

(a) • • •

(3) A certificate of plant variety protection issued to a national of the Republic of South Africa shall (i) expire in 15 years or less, pursuant to sections 42(b) and 83(b) of the Plant Variety Protection Act, from the date of issue of the certificate in the United States (ii) be applicable only for seed-reproduced species considered of economic importance and protectable in the Republic of South Africa (a list of such species may be obtained by writing to the Plant Variety Protection Office, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782 or to the Division of Seed Control, Hamilton Street, Private Bag 179, Pretoria, South Africa 0001) and (iii) not include a specification that the variety is to be sold by variety name only as a class of certified seed.

Any person who wishes to submit written data, views, or arguments concerning this proposal may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by May 30, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.276).

Done at Washington, D.C. on April 24, 1975.

JOHN C. BLUM,
*Associate Administrator.*

[FR Doc.75-11318 Filed 4-29-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Public Health Service

[ 42 CFR Part 57 ]

### GRANTS FOR HEALTH MANPOWER EDUCATION INITIATIVE PROJECTS

### Notice of Proposed Rulemaking

Notice is hereby given that the Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart AA to Part 57 of Title 42, Code of Federal Regulations, as set forth in tentative form below, entitled "Grants for Health Manpower Education Initiative Projects."

The purpose of this new subpart is to establish regulations implementing section 774(a) of the Public Health Service Act (42 U.S.C. 295f-4(a)), which authorizes the Secretary of Health, Education, and Welfare to award grants to public or nonprofit private health or educational entities for projects to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the regulations may be presented in writing, preferably in triplicate, to the Director, Bureau of Health Resources Development, Health Resources Administration, 9000 Rockville Pike, Building 31, Room 5C02, Bethesda, Maryland 20014.

All comments received in response to this notice will be available for public inspection at the Office of Grants Policy, Bureau of Health Resources Development, Health Resources Administration, 9000 Rockville Pike, Building 31, 4C07, Bethesda, Maryland 20014 on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than May 30, 1975, will be considered.

It is therefore proposed to add a new Subpart AA to Part 57 as set forth below:

Dated: April 7, 1975.

THEODORE COOPER,
*Acting Assistant Secretary for Health.*

Approved: April 24, 1975.

CASPAR W. WEINBERGER,
*Secretary.*

**Subpart AA—Grants for Health Manpower Education Initiative Projects**

Sec.
57.2601 Applicability.
57.2602 Definitions.
57.2603 Eligibility.
57.2604 Application.
57.2605 Project requirements.
57.2606 Evaluation and grant awards.
57.2607 Grant payments.
57.2608 Expenditure of grant funds.
57.2609 Nondiscrimination.
57.2610 Inventions or discoveries.
57.2611 Publications and copyright.
57.2612 Grantee accountability.
57.2613 Applicability of 45 CFR Part 74.
57.2614 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); sec. 774(a), as amended, 85 Stat. 446, (42 U.S.C. 295f-4(a)).

**§ 57.2601 Applicability.**

The regulations of this subpart are applicable to the award of grants to public or nonprofit private health or educational entities under section 774(a) of the Public Health Service Act to assist in meeting the costs of projects to:

(a) Encourage the establishment or maintenance of programs to alleviate shortages of health personnel in areas designated by the Secretary as health personnel shortage areas through training or retraining such personnel in facilities located in such areas or to otherwise improve the distribution of health personnel by geographic area or by specialty group;

(b) Provide training programs leading to more efficient utilization of health personnel;

(c) Initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers, administrators, specialists, and paraprofessionals (particularly physicians' assistants, dental therapists, and pediatric nurse practitioners);





(d) Encourage new or more effective approaches to the organization and delivery of health services (including emergency medical services) through training individuals in the use of the team approach to delivery of health services (including emergency medical services) and otherwise;

(e) Assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out any of the above purposes; or

(f) Provide for (1) the discovery, collection, development or confirmation of information for, (2) the planning, development, demonstration, establishment, or maintenance of, or (3) the alteration or renovation of existing facilities for, any of the purposes described above.

**§ 57.2602 Definitions.**

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Council" means the National Advisory Council on Health Professions Education (established by section 725 of the Act).

(d) "Budget period" means the interval of time into which the project period is divided for budgetary purposes, as specified in the grant award document.

(e) "Project period" means the total time for which support for a project has been approved, as specified in the grant award document.

(f) "Health or educational entity" means a public agency or organization or a private nonprofit organization which has the provision of health or educational programs as one of its major functions.

(g) "Nonprofit" as applied to any health or educational entity means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures or may lawfully inure, to the benefit of any private shareholder or individual.

(h) "Health personnel shortage areas" means areas designated by the Secretary as having a need for and shortage of persons trained in the health professions, based upon consideration of, among other pertinent factors: (1) The latest reliable statistical data available to him regarding numbers of health professions practitioners and the population to be served by such practitioners; (2) inaccessibility of medical services to the residents of the area; and (3) particular local health problems.

**§ 57.2603 Eligibility.**

To be eligible for a grant under this subpart an applicant shall:

(a) Be a public or nonprofit private health or educational entity; and

(b) Be located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

**§ 57.2604 Application.**

Each eligible health or educational entity desiring a grant award under this subpart shall submit an application in such form and at such time as the Secretary may prescribe.[1] The application shall contain a full description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require. Such application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and the terms and conditions of any award.

**§ 57.2605 Project requirements.**

To be considered for approval under this subpart, an application shall, at a minimum, meet each of the following requirements:

(a) Propose a project to improve the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system by promoting one or more of the purposes specified in section 774(a) of the Act.

(b) Provide evidence (including, as appropriate, supporting statistical data) satisfactory to the Secretary of the need for the particular type of project proposed.

(c) Describe the current efforts being made in the geographical area of the proposed project to meet the need set forth in paragraph (b) of this section, including the applicant's own efforts to meet such need.

(d) Set forth measurable objectives for the proposed project which are consistent with the purposes of section 774 (a) of the Act, including specific objectives for alleviating health manpower shortages, improving distribution of health personnel by area or specialty group, and promoting interdisciplinary team training.

(e) Provide a detailed plan for achieving the stated objectives of the proposed project.

(f) Describe the collaborative arrangements if any, required for the conduct of the project, indicating whether such arrangements have been accomplished or are proposed as an objective of the project.

(g) With respect to any proposed training program, provide evidence satisfactory to the Secretary that, where such exist, the proposed program meets relevant standards and guidelines established by appropriate:

(1) Accrediting bodies recognized by the Commissioner of Education, or

(2) Federal or State agencies, or

(3) Professional associations; unless the Secretary determines, for demonstration purposes, that the requirement of this paragraph should be waived on an application by application basis.

(h) Provide evidence satisfactory to the Secretary that the applicant will have available adequate qualified faculty, staff, equipment, and facility resources, including an appropriate setting or settings for the clinical experience required for the conduct of any proposed program.

(i) Describe a methodology for evaluating the proposed project in relation to the stated objectives, both general and specific.

(j) Provide a detailed budget for the proposed project, including the applicant's share of the costs.

(k) Describe the existing financial resources available to the applicant to assure the sound establishment and continued maintenance of the proposed project.

(l) Describe the extent to which the applicant has sought or obtained funds available under other Federal programs and from non-Federal sources for the conduct of the proposed project.

(m) Provide a timetable for carrying out the activities of the proposed project, including a plan for continuing them beyond the project period.

**§ 57.2606 Evaluation and grant awards.**

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will, in his judgment, best promote the purposes of section 774(a) of the Act, taking into consideration, among other pertinent factors:

(1) The degree to which the project plan adequately provides for the elements set forth in § 57.2605;

(2) The potential effectiveness of the proposed project in carrying out such purposes;

(3) The local and national needs which the particular project proposes to serve;

(4) The quality of the staff and faculty which the proposed project will have available for providing any training program;

(5) The administrative and managerial capability of the applicant to carry out the proposed project; and

(6) The soundness of the fiscal plan for assuring effective utilization of grant funds and the potential of the project to continue on a self-sustaining basis.

(b) With respect to grants made in the fiscal year ending June 30, 1975, funding priority will be accorded to the following projects:

(1) To establish training programs for health professions students and students in physician extender programs (e.g., physicians' assistants and nurse practitioners) in designated health personnel shortage areas, as defined in § 57.2602(h), in order to improve the distribution of health personnel by geographic area or by specialty group.

(i) For purposes of this section, "health professions students" means students who are pursuing a course of study leading to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy,

[1] Applications and instructions may be obtained from the Special Programs Staff, Bureau of Health Resources Development, Health Resources Administration, Department of Health, Education, and Welfare, 9000 Rockville Pike, Bethesda, Maryland 20014.



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doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of veterinary medicine or an equivalent degree.

(2) To train health professions students, nursing students, public health students, and students in auxiliary health fields (such as physicians' assistants, dental therapists, physical therapists, dietitians, and nurse practitioners) in the use of the interdisciplinary team approach to the delivery of primary health care services. For purposes of this paragraph "delivery of primary health care services" means the provision of health services characterized by the delivery of first contact medicine, the assumption of longitudinal responsibility for the patient regardless of the presence or absence of disease, and the integration of the physical, psychological and social aspects of health care to the limits of the capability of the health personnel. Primary care shall include the fields of general practice, family practice, general internal medicine, general pediatrics, and general obstetrics and gynecology.

(c) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the direct costs of the project, plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the actual indirect costs. Such award may include an estimated provisional amount for indirect costs or designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary. *Provided however*, That for the first year of the project, such amount may not exceed 90 percent of the total cost of the project; for the second year of the project, such amount may not exceed 75 percent of such cost; and for the last year of the project, such amount may not exceed 60 percent of such cost.

(d) All grants shall be in writing, shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee. The maximum period for which a project may receive grant support under this subpart shall be three years.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make an additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application at such times and in such form as the Secretary may dictate.

**§ 57.2607 Grant payments.**

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement of expenses incurred or to be incurred in the performance of the project to the extent he determines such payments are necessary to promote prompt initiation and advancement of the approved project..

**§ 57.2608 Expenditure of grant funds.**

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 774(a) of the Act, the regulations of this subpart, the terms and conditions of the award and the cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during a subsequent budget period of the project period. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

**§ 57.2609 Nondiscrimination.**

(a) Attention is called to the requirements of section 799A of the Act and 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VII of the Act to, or for the benefit of, any entity unless the application for the grant loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(e) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

**§ 57.2610 Inventions or discoveries.**

Any grant award pursuant to this subpart is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate, at such times and in such manner as he may determine necessary to carry out such Department regulations.

**§ 57.2611 Publications and copyright.**

(a) *State and local governments.* Where the grantee is a State or local government, as those terms are defined in 45 CFR 74.3, the Department of Health, Education, and Welfare copyright requirements set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this subpart.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government, as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under this subpart, subject, however, to a royalty free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.





**§ 57.2612 Grantee accountability.**

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including income earned from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in 45 CFR 74.3, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as so defined, royalties shall be accounted for as follows:

(i) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(ii) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the cost of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1-420, Department of Health, Education, and Welfare Grants Administration Manual.[1]

(c) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraphs (a) and (b) of this section; (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided by law.

**§ 57.2613 Applicability of 45 CFR Part 74.**

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this subpart:

SUBPART

- A General
- B Cash Depositories
- C Bonding and Insurance
- D Retention and Custodial Requirements for Records
- F Grant Related Income
- G Matching and Cost Sharing
- K Grant Payment Requirements
- L Budget Revision Procedures
- M Grant Closeout, Suspension, and Termination
- O Property
- Q Cost Principles

**§ 57.2614 Additional conditions.**

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interest of the public health, or the conservation of grant funds.

[FR Doc.75-11301 Filed 4-29-75;8:45 am]

[1] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[ 33 CFR Part 117 ]

[CGD 75 088]

### BACK BAY OF BILOXI, MISSISSIPPI

### Drawbridge Operations

At the request of the Mississippi State Highway Department, the Coast Guard is considering establishing regulations for the semi-high level bascule span bridge on Interstate 110 across the Back Bay of Biloxi, mile 3.0, Biloxi, Mississippi, which would require at least 6 hours notice at all times prior to the bridge being opened. This bridge has a horizontal clearance of 132 feet and a vertical clearance of 60 feet above mean high water. This clearance will accommodate almost all vessel traffic. Since the completion of the bridge, the draw has been opened once in the last 10 months for the passage of a vessel.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, Louisiana 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before June 10, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new paragraph (i) (20–b) immediately after paragraph (i) (20–a) of § 117.245 to read as follows:

**§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

. . . . . .

(i) . . .

(20–b) *Back Bay of Biloxi, Mile 3.0.* The draw shall open on signal if at least 6 hours notice is given.

. . . . . .

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: April 23, 1975.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.75-11222 Filed 4-29-75;8:45 am]

[ 33 CFR Part 117 ]

[CGD 75 076]

### LAKE OKEECHOBEE, FLORIDA

### Drawbridge Operations

At the request of the Florida Department of Transportation, the Coast Guard is considering revising the regulations for the State Road 717 drawbridge across the navigation channel between Torry Island and Lake Shore near Belle Glade, Florida, to require that the draw open on signal from 7 a.m. to 6 p.m., Monday through Thursday, and 7 a.m. to 7 p.m., Friday through Sunday. The draw is presently required to open on signal from 7 a.m. to 7 p.m. This change is being considered because there are infrequent requests for openings from 6 p.m. to 7 p.m., Monday through Thursday (there were three such openings in 1974).



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Interested persons may participate in



2 hours notice is given. The draw is pres-

(3) When the draw cannot open or

ton, Washington and Lewiston, Idaho.

Standard No. 108 *Lamps, Reflective De-*

tice, therefore, represents the tentative

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before May 29, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising paragraph (h)(28) of § 117.245 to read as follows:

**§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

. . . . . .

(h) . . .

(28) *Belle Glade Dike Bridge, Fla.* State Road 717 across the navigation channel, Lake Okeechobee between Torry Island and Lake Shore near Belle Glade, Florida. From 6 p.m. to 7 a.m., Monday through Thursday, and from 7 p.m. to 7 a.m., Friday through Sunday, the draw need not open for passage of vessels. At all other times the draw shall open on signal.

. . . . . .

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: April 23, 1975.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.75-11225 Filed 4-29-75;8:45 am]

[ 33 CFR Part 117 ]

[CGD 75 086]

**PEACE RIVER, FLORIDA**

**Drawbridge Operations**

At the request of the Florida Department of Transportation, the Coast Guard is considering revising the regulations for the U.S. Highway 41, Barron Collier Bridge across the Peace River, Mile 2.0 to require that from 10 p.m. to 6 a.m. the draw open on signal if at least 2 hours notice is given. The draw is presently required to open on signal at all times. This change is being considered because of infrequent openings of the draw during this period (there were 14 during 1974).

Interested persons may participate in this proposed rule making by submitting written data; views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before June 3, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all comunications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new paragraph (i)(2-c) immediately after paragraph (i)(2-b) of § 117.245 to read as follows:

**§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.**

. . . . . .

(i) . . .

(2-c) *Peace River, Florida, U.S. Highway 41 Bridge (Barron Collier Bridge).* The draw shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw shall open on signal if at least 2 hours notice is given.

. . . . . .

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: April 23, 1975.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.75-11223 Filed 4-29-75;8:45 am]

[ 33 CFR Part 117 ]

[CGD 75-099]

**SNAKE RIVER AND CLEARWATER RIVER AT LEWISTON, IDAHO AND CLARKSTON, WASHINGTON**

**Drawbridge Operations**

The flooding of Lower Granite Dam on the Snake River permits slack water navigation on the Snake River to Clarkston, Washington and Lewiston, Idaho. In preparation for navigation the vertical lift mechanism on the Interstate Bridge, across the Snake River at mile 139.6 has been reactivated. The new navigation clearance will provide 160 feet horizontal, 13 feet vertical (closed) and 45 feet vertical (open). The Camas-Prairie railroad bridge across the Clearwater River at mile 0.6 is being rebuilt. The new vertical span will provide a horizontal clearance of 232 feet and 7 feet vertical (closed) and 60 feet vertical (open). AA vertical clearances are measured from the normal pool level (738' above MSL).

At the request of the Washington State Highway Commission and the Union Pacific Railroad Company, the Coast Guard is considering revising the regulations for these bridges. Present regulations require the owners of both bridges to open the draws of the bridges on signal. The proposed regulations would require at least 30 minutes notice from 6 a.m. to 10 p.m., and notification prior to 9:3$ p.m. from any opening from 10 p.m. to 6 a.m. for the railroad bridge. The highway bridge would open on signal if at least 2 hours notice is given prior to times listed in the regulation.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Washington 98104. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before June 10, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.761 and a new § 117.762 immediately after § 117.760 to read as follows:

**§ 117.761 Clearwater River at Lewiston, Idaho.**

(a) *Camas Prairie Railroad Bridge, Mile 0.6.* From 6 a.m. to 10 p.m. the draw shall open on signal if at least 30 minutes notice is given to the Camas Prairie Railroad, Lewiston, Idaho. From 10 p.m. to 6 a.m. the draw shall open on signal if notice is given before 9:30 p.m.

(b) *Signals.* (1) The opening signal is two long blasts of a whistle, horn or other sound producing device.

(2) The acknowledging signal from the draw tender when the draw shall open is two long blasts.





(3) When the draw cannot open or must close immediately, the draw tender shall sound four short, rapid blasts which are repeated until acknowledged by the same signal from the vessel.

(4) A white flag by day or a white light at night swung in full circles at arm's length in full sight of and facing the drawbridge may be used in conjunction with sound signals.

(5) This bridge is equipped with an FM radiotelephone station and when communications have been established between the draw tender and an approaching vessel, the request for bridge opening and answering acknowledgment may be given by radiotelephone and sound and visual signals may be omitted.

(c) The owner of or agency controlling a bridge shall keep a copy of these regulations conspicuously posted, on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time.

**§ 117.762 Snake River at Lewiston, Idaho and Clarkston, Washington.**

(a) *Idaho/Washington Interstate Highway Bridge, Mile 139.6.* If at least 2 hours notice is given to the Washington State Department of Highways, the draw shall open on the following time schedule:

*March 15 to November 15:*
5 a.m.
6 a.m.
9 a.m.
10 a.m.
2 p.m.
3 p.m.
7 p.m.
8 p.m.
9 p.m.

*November 16 to March 14:*
9 a.m.
10 a.m.
2 p.m.
3 p.m.

(b) The owner of or agency controlling the bridge, shall keep a copy of these regulations conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: April 23, 1975.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.75-11224 Filed 4-29-75;8:45 am]

**National Highway Traffic Safety Administration**

[ 49 CFR Part 571 ]

[Docket No. 75-8; Notice 1]

**LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT**

**Rectangular Headlamps**

This notice proposes an amendment of 49 CFR § 571.108 Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* that would allow use of four-lamp rectangular headlamp systems indefinitely, rather than ending September 1, 1976. The notice also requests comments on the advisability of a two-lamp rectangular system.

Motor Vehicle Safety Standard No. 108 was amended on November 30, 1973 (38 FR 33084) to specify requirements for rectangular headlamps that may be used as an option in a four-headlamp system until September 1, 1976. The amendments represented an interim solution rather than a final decision on the issues of rectangular headlamps and appropriate dimensions for them.

The agency stated its expectation that the world motor vehicle industry in 1974 and 1975, working through international standard organizations and trade and professional associations, would arrive at a consensus for one set of requirements for rectangular headlamps, including dimensions. The Administrator, after review, would then announce a final decision on the matter: whether to remain with the requirements and dimensions adopted in 1973, to propose and adopt others, or to revoke the option. A decision was also announced "that no petitions [would] be entertained for variant headlamp dimensions or system configurations before the end of that period, to avoid multiplying stock items and disrupting supply channels."

Ford Motor Company has petitioned for rulemaking to delete the August 31, 1976 termination date for Type 1A and Type 2A rectangular headlamps. It states that two major headlamp producers plan to produce the rectangular headlamps, and concludes that the design is being standardized. Ford argues that NHTSA's concern over aftermarket supply problems can best be alleviated by action that does not favor the single vehicle manufacturer presently using the lamps:

The problem of aftermarket supply will be aggravated greatly if the Administrator decides, later in 1975, to obsolete the lamps of many vehicles on the road. Further, to orphan these vehicles and to obsolete a number of expensive manufacturing facilities by cancelling a perfectly acceptable design is unreasonable and does not contribute in any way to safety.

The NHTSA has tentatively decided to grant Ford's petition. The use of rectangular headlamp systems to date has not resulted in any problems of safety, so far as this agency knows. The lamps have been tested and approved by the American Association of Motor Vehicle Administrators. The government of Canada now permits rectangular headlamps identical to those of Standard No. 108, and has not adopted a termination date. With an increase in the number of manufacturers of rectangular headlamps, availability should be improved, the competitive base broadened, and the unit cost decreased. Finally, the agency understands that the new mechanical aimer required for mechanically aiming rectangular headlamps is also being furnished in sufficient quantities. This notice, therefore, represents the tentative final decision of the Administrator, to propose the continuation of the present four-lamp rectangular headlamp system indefinitely.

Since November 30, 1973, when the final rule was published, the population of small passenger cars using two-headlamp systems has increased, and it is apparent that passenger cars in forthcoming model years are likely to be smaller, on the average. The Administrator requests comments also on the advisability of proposing an amendment to Standard No. 108 that would allow a single two-lamp rectangular system.

In consideration of the foregoing it is proposed that paragraph S4.1.1.21 of 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 be amended by deleting the phrase "manufactured between January 1, 1974 and September 1, 1976" and substituting the phrase "manufactured on or after January 1, 1974."

Interested persons are invited to submit written data, views, and arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted. All comments received on or before the closing date indicated below will be considered and will be available in room 5108 for examination both before and after the closing date. To the extent possible comments filed after the closing date will be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The National Highway Traffic Safety Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

*Comment closing date:* June 30, 1975.

*Proposed effective date:* Date of publication of final rule in the FEDERAL REGISTER.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 501.8 and 1.51.)

Issued on April 25, 1975.

ROBERT L. CARTER,
*Associate Administrator, Motor Vehicle Programs.*

[FR Doc.75-11360 Filed 4-29-75;8:45 am]

**ENVIRONMENTAL PROTECTION AGENCY**

[ 40 CFR Part 52 ]

[FRL 367-4]

**STATE OF DELAWARE**

**Proposed Revisions to State Implementation Plan; Correction**

On March 31, 1975 (40 FR 14340), the Regional Administrator of EPA Region





III announced receipt of amendments to

[ 40 CFR Part 52 ]

and Walnut Streets, Philadelphia, Penn-



June 30, 1975, filing date need not be an-

ments or evidence which they believe

According to long standing precedent,

V40184 APR 30 75 XUM V

III announced receipt of amendments to the Delaware State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards, to be proposed as a SIP revision. In accordance with the requirements of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans, the Regional Administrator provided a 30-day public comment period.

The amendments consist of changes to Regulations I through XX of the Delaware Regulations Governing the Control of Air Pollution, for the purpose of updating, clarifying, and streamlining these regulations. The aforementioned FEDERAL REGISTER notice incorrectly stated the nature of some of these changes. The corrections consist of the following:

(1) Regulation II, *Regulations and Permits*, Section 5, *Complex Sources*, inadvertently included as part of the package of amendments to the Delaware SIP, is hereby withdrawn from further consideration as a revision to the State Implementation Plan.

(2) The major deletions also included the following sections originally contained in Regulation II:

Section 9—*Public Hearing on Suspended or Revoked Operating Certificate.*
Section 10—*Permits, Certificates Surrendered*
Section 13—*Disclosure of Information*

(3) Because of deletion of Regulation XIV, *Dumps and Sanitary Landfills*, Regulation XV through XX have been renumbered Regulations XIV through XIX respectively.

(4) The date of submittal should read "January 16, 1975," instead of "Janable during normal business hours at the

Because of these corrections and additions, comments with respect to these regulations will be accepted up to May 30, 1975.

Copies of the amendment are available during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Delaware Department of Natural Resources and Environmental Control, Tatnall Building, Lockerman Street and Legislative Avenue, Dover, Delaware 19901.

Freedom of Information Center, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments should be addressed to Howard Heim, Chief, Air Planning Branch, Division of Air and Hazardous Materials, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106 (Att: AH001DE).

(42 U.S.C. 1857c-5)

Dated: April 23, 1975.

A. R. MORRIS,
*Acting Regional Administrator.*

[FR Doc.75-11315 Filed 4-29-75;8:45 am]

[ 40 CFR Part 52 ]

[FRL 367-3]

## STATE OF MARYLAND

### Implementation Plan; Proposed Revision

On January 30, 1975, the State of Maryland submitted to the Administrator a proposed revision to the Maryland State Implementation Plan for the attainment and maintenance of national ambient air quality standards. The proposal consists of a request to grant an exception to the Bethlehem Steel plant at Sparrows Point from Maryland's process weight regulation [10.03.38.03E(2)] and testing procedures program [10.03.35.06A (1)]. The purpose of this exception request is to allow construction of a new sintering plant at the facility. The State of Maryland justifies this request for the following reasons:

(1) The new sintering plant represents a replacement of an existing operation which the company is unable to bring into compliance, rather than an additional source of pollution.

(2) The new sintering plant will result in a substantial reduction in emissions for this particular operation.

(3) The new sintering plant will comply with Maryland's grain loading requirement of 0.03 grains/standard cubic foot.

(4) The control device selected will produce minimum hydrocarbon and sulfur trioxide emissions, as well as provide the necessary particulate emission reduction determined necessary to meet standards.

The State of Maryland submitted proof that a public hearing with adequate public notice was held on August 26, 1974, in Baltimore, Maryland, pursuant to 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

This notice is to advise the public of receipt of this request for an exception, and to request public comment on them. Only comments received before May 30, 1975, will be considered.

The Administrator's decision to approve or disapprove this exception request by the State of Maryland will be based on whether or not it meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and the requirements pursuant to 40 CFR Part 51.

Copies of the proposed revision, and the analysis on which it is based, are available for public inspection during normal business hours at the offices of the Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106; at the offices of the Maryland Bureau of Air Quality Control, 201 West Preston Street, Baltimore, Maryland, 21201; and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. All comments should be addressed to Howard Heim, Chief, Air Planning Branch, Division of Air and Hazardous Materials, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106 (ATT: AH003Md).

(42 U.S.C. 1857 c-5)

Dated: April 22, 1975.

DANIEL J. SNYDER,
*Regional Administrator.*

[FR Doc.75-11316 Filed 4-29-75;8:45 am]

## FEDERAL POWER COMMISSION

[ 18 CFR Part 3, Part 260 ]

[Docket No. RM75-24]

### CONTINUING INVESTIGATION OF ACTIVITIES OF NATURAL GAS PRODUCERS AND PRODUCING AFFILIATES

### Extension of Time for Comments and Denying Motion for Conference

APRIL 23, 1975.

Take notice that on March 13, 1975, the Commission issued a notice of proposed rulemaking in Docket No. RM75-24 (published March 21, 1975, 40 FR 12817) instituting a proceeding to consider rules and regulations providing for systematic collection of data and information concerning producer and producing affiliate expenditures, exploration and development activities, reserve additions, production and revenues. Comments on the proposed rulemaking were due to be filed on or before April 30, 1975.

On April 7, 1975, Exxon Corporation (Exxon) filed a motion, joined in by separate motions of The California Company, A Division of Chevron Oil Company (Calco) on April 11, 1975, Gulf Oil Corporation (Gulf), and the Shell Oil Company on April 14, 1975, and the Amoco Production Company on April 17, 1975, that requested the date for the submission of comments be postponed until three weeks following a proposed conference to be held among all parties on a suggested date of May 14, 1975. Additionally, the movants requested the date proposed for the submission of the form itself, June 30, 1975, be changed to September 30, 1975.

In its original notice, the Commission stated that, if in comments the parties should request a conference, the Staff would consider such an option. The present requests would substantially alter the procedure set forth in the above referenced notice, and we do not believe such a change to be beneficial. The motions are, therefore, denied. The request for additional time for submission of comments is granted. Accordingly, comments on the proposed rulemaking will be due on or before May 14, 1975. Following the submission of comments the Staff will exercise its discretion with respect to holding a conference.

Since Form 64 would not be required to be submitted until after the comments filed are considered and an order issued promulgating the relevant sections of our regulations, movants request with respect to an extension of the





June 30, 1975, filing date need not be answered at this time.

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11281 Filed 4-29-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 275 ]

[Release Nos. 34-11324, IA-448 File No. S7-559]

### EXEMPTION OF INVESTMENT ADVISERS REGISTERED AS BROKER-DEALERS WITH RESPECT TO CERTAIN INVESTMENT ADVISORY SERVICES

### Proposed Rulemaking

*Correction*

In FR Doc. 75-8740 appearing at page 14782 in the FEDERAL REGISTER of Wednesday, April 2, 1975 the following correction should be made: In § 275.206 (3)-1, in the sixth line of the "Note", the word "an" should read "any".

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Chapter X ]

[Ex Parte No. 289]

### REMITTANCE OF DEMURRAGE CHARGES BY COMMON CARRIERS OF PROPERTY BY RAIL

### Notice of Proposed Further and Amended Rulemaking and Order

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 28th day of March 1975.

In the original notice of proposed rulemaking and order in this proceeding, dated October 12, 1972, the Interstate Commerce Commission ordered the institution of a proceeding under the provisions of Part I of the Interstate Commerce Act (49 U.S.C. 1 et seq.), including 1(4), 1(5), 1(6), 1(10), 1(11), 1(13), 1(14), 1(15), 1(17), 1(21), 6(7), 13(4) and 15(1), thereof, the National Transportation Policy (49 U.S.C. preceding section 1), and the Administrative Procedure Act, 5 U.S.C. 553 and 559, to determine whether the facts and circumstances required or warranted the adoption of the following proposed regulation, or other regulations of similar purport applicable to common carriers of property by railroad subject to the Interstate Commerce Act:

> The non-owning railroad, on whose lines a car is being detained under demurrage, shall remit to the railroad car owner all demurrage charges collected in excess of $10 per car per day.

The Commission is now issuing an interim report adopting the principle of the proposed rule and reopening the proceeding for further evidence concerning its costs, benefits, and feasibility of implementation. Although participants are not precluded from advancing any arguments or evidence which they believe may aid the Commission in the disposition of this proceeding, the interim report delineates certain areas in which participants are encouraged to focus their presentations.

Several owners and lessees of private freight cars filed statements in the initial proceeding in support of the application of the remittance plan to private cars. The Commission has recognized merit in their position and has decided to allow private car participation if the rule is finally implemented.

This notice is being given to clarify the application of the rule in regard to private cars and to allow anyone affected or interested in this application adequate opportunity to participate in the further proceedings herein in order to protect their interests or otherwise express their views on this aspect of the proceeding. Also, since liberal intervention will be allowed, anyone desiring to participate in order to present evidence and arguments concerning the other issues in the further hearing is encouraged to do so by written statements.

Initial statements are due 120 days from the date of service of the interim report and reply statements are due 30 days thereafter. Any further motions or petitions should be filed within 30 days after reply statements are due.

*It is ordered*, That this notice of further and amended rulemaking proceedings be served upon the parties, and furnished to the general public by mailing a copy of this notice and order to the Governor of every State and to the Public Utilities Commission or Board having jurisdiction over transportation in each State, by depositing a copy of this order in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-11352 Filed 4-29-75;8:45 am]

[ 49 CFR Part 1307 ]

[No. 36135]

### PUBLICATION OF EXCEPTIONS RATINGS HIGHER THAN CLASSIFICATION RATINGS

### Notice of Proposed Rulemaking and Order

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 14th day of April, 1975.

The Interstate Commerce Commission is proposing to amend Part 1307 of Title 49 of the Code of Federal Regulations by § 1307.28. The amendment would require that exceptions ratings and rates exceeding the classification basis of determining rates and charges be justified in advance of their becoming effective.

According to long standing precedent, ordinarily the classification imposes the highest rating which a particular commodity should bear. Exceptions ratings higher than those in the governing classification are presumptively unreasonable and can be justified only by extraordinary circumstances. Exceptions Ratings on Magnesium Metals, 305 I.C.C. 318; Classifications in Middle Atlantic States, 42 M.C.C. 716.

Despite the fact that they are prima facie unlawful, exceptions ratings higher than the governing classification rating have been published in increasing numbers. While large shippers have the time, money, and expertise to identify and challenge presumptively unlawful rates, smaller shippers do not. Present remedies place small shippers at a disadvantage.

A requirement of advance justification is also intended to curtail government expenses. Most challenges to rates above the classification basis are brought by the United States as shipper. Such challenge involve actions by the particular challenging agency, the federal courts, and the Commission. If advance justification were required, then involvement by agencies and courts would be avoided. Furthermore, since most challenged rates are withdrawn, the carriers would be likely to submit only those rates which could be seriously defended.

The Traffic Committee of the Society of the Plastics Industry, Inc., filed a petition for rulemaking, proposing to establish procedures governing the publication of exception ratings exceeding the classification basis of determining rates and charges. They also note the widespread publication of presumptively unreasonable rates. That petition is supported, in toto, by the Traffic Committee of the Composite Can and Tube Institute, General Services Administration, Department of Defense, and the Comptroller General of the United States.

Upon consideration of the above-described matters, and good cause appearing therefor:

*It is ordered*, That a proceeding be, and it is hereby, instituted under the authority of Parts I and II of the Interstate Commerce Act (49 U.S.C. 1 and 301 et seq., specifically sections 316 and 317) and sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559), to determine whether the facts and circumstances require or warrant the adoption of the proposed regulation set forth in this notice and order, or other regulations of similar purport applicable to common carriers of property by motor vehicle subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

*It is further ordered*, That all common carriers of property by motor vehicle operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.





*It is further ordered*, That no oral

provision (e.g. exception rating, com-

attached appendix are proposed to be



number of calendar years of active par-

receives a lump sum distribution under the plan, (2) in the case of an employee

nuities described in section 72(d) and § 1.72-13, or (B) certain annuities de-

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*It is further ordered*, That no oral hearing be scheduled for receiving of testimony in this proceeding unless a need should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, or arguments on the subject mentioned above, or any other subjects pertaining to this proceeding.

*It is further ordered*, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by the filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 20, 1975.

*It is further ordered*, That the original and one copy of statements of intention to participate shall be so filed; that the Office of Proceedings then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be served; and that at the same time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

*And it is further ordered*, That a copy of this notice and order be served on each respondent herein, that notice of the institution of this proceeding shall be given by mailing a copy of this notice and order to the Governor of every State and to the Public Utilities Commission or Board of each State having jurisdiction over transportation, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C., during regular business hours.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

Section 1307.28 would be amended by adding a new paragraph (a)(4) to read as follows:

**§ 1307.28 Statement of rates.**

(a) *Explicit statement; maximum reasonableness.*

* * * * * *

(4) It is a principle of long-standing that classification classes or ratings and class rates governed by such classes or ratings generally provide the highest rates and charges which an article should bear. It follows that any tariff provision (e.g. exception rating, commodity rate, charge, rule, etc.) the application of which in any case would result in a higher charge than otherwise would result from application of the classification class or rating and rules to the class rates would require special justification. Therefore, accompanying the tender to the Commission of a tariff, supplement, or loose-leaf page which names such a tariff provision, there shall be a clear statement by the publishing carrier or agent of the justification relied upon to warrant the higher charges. Any such publication not accompanied by a statement of justification shall be subject to rejection. This subparagraph does not apply (1) in connection with minimum charges for small shipments (provided they are based on weights not over 500 pounds), (2) with respect to publication of rates and provisions for a special service which under the tariff the shipper has the option of using by requesting it in writing (e.g. expedited service, exclusive use of vehicle, etc.), and (3) where no class rates are maintained by the carrier for whose account the class or rating, commodity rate or rule is published. Nor does this rule serve to prohibit publication of class rate arbitraries under authority of § 1307.28(b) of this part. (See §§ 1307.28(f)(5) and 1307.32 for provisions governing the alternation of commodity rates with class rates, and see § 1307.37(d)(3), prohibiting alternation of exceptions with the classification.)

[FR Doc.75-11353 Filed 4-29-75;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

**[ 25 CFR Parts 252 and 253 ]**

### BUSINESS PRACTICES ON THE NAVAJO, HOPI, AND ZUNI RESERVATIONS

**Retail Businesses and Credit Transactions; Notice of Proposed Rulemaking**

APRIL 28, 1975.

The deadline for comments on the proposed revision to 25 CFR Part 252 and the proposed addition of 25 CFR Part 253 (relating to business practices on the Navajo, Hopi, and Zuni Reservations published at 40 FR 14320-14326 on March 30, 1975, is hereby extended to May 30, 1975. Accordingly interested persons may submit written comments, suggestions or objections regarding the proposed revision and addition to the Commissioner of Indian Affairs, Washington, D.C. 20245, on or before May 30, 1975.

MORRIS THOMPSON,
*Commissioner of Indian Affairs.*

[FR Doc.75-11472 Filed 4-29-75;10:21 am]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

**[ 26 CFR Parts 1 and 11 ]**

### LUMP SUM DISTRIBUTIONS

**Notice of Proposed Rule Making**

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 16, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 16, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 402(a)(2), 402(e), and 7805 of the Internal Revenue Code of 1954 (88 Stat. 990, 987 and 68A Stat. 917; 26 U.S.C. 402(a)(2), 402(e), 7805).

DONALD C. ALEXANDER,
*Commissioner of Internal Revenue.*

This document proposes amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform the regulations under sections 62, 72, 101, 122, 402, 403, 405, 652, and 1304 of the Internal Revenue Code of 1954 to the provisions of section 2005 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 987), relating to taxation of certain lump sum distributions.

The amendments proposed relating to sections 62, 72, 101, 122, 403, 405, 652, and 1304 of the Code merely conform the regulations under those sections to the changes in the taxation of a lump sum distribution under section 402 of the Code, as amended by section 2005(a) of the Act.

Under section 402(a)(2) of the Code, as amended, a method of computing the capital gain portion of a lump sum distribution is provided. In general, the capital gain portion of a lump sum distribution will be an amount equal to the product of the total taxable amount of the lump sum distribution and a fraction, the numerator of which is the number of calendar years of active participation before January 1, 1974, and the denominator of which is the total number of calendar years of active participation.

Under section 402(e)(1) of the Code, as amended, a separate tax is imposed on the ordinary income portion of a lump sum distribution.

Under section 402(e)(2) of the Code, as amended, a special rule is provided for computing the separate tax on the ordinary income portion of a lump sum distribution if there have been one or more lump sum distributions after December 31, 1973, made with respect to the recipient within the 6-taxable-year period ending on the last day of the taxable year of the recipient in which the distribution is made.

Under section 402(e)(3) of the Code, as amended, a deduction is allowed from gross income equal to the amount of the ordinary income portion of the distribution included in the recipient's gross income.

Under section 402(e)(4) of the Code, as amended, definitions and special rules are provided for computing the separate tax, including the definition of a lump sum distribution and the computation of the ordinary income portion of a lump sum distribution.

Under proposed § 1.402(e)-2(c)(1), a special method for computing the separate tax on a distribution including an annuity contract is provided. In such a case, the adjusted total taxable amount must be determined. For taxable years beginning before January 1, 1975, the adjusted total taxable amount is defined as the sum of the total taxable amount of the lump sum distribution for the taxable year, and the current actuarial value of annuity contracts distributed to the recipient reduced by the portion of the net amount contributed by the employee which is allocable to the annuity contract. For taxable years beginning after December 31, 1974, the adjusted total taxable amount is defined as the sum of the total taxable amount of the lump sum distribution for the taxable year, and the current actuarial value of annuity contracts distributed to the recipient reduced by the excess of the net amount contributed by the employee over the cash and other property distributed.

Under proposed § 1.402(e)-2(d)(1), a distribution to multiple recipients (except a payment or distribution solely to two or more trusts) cannot qualify as a lump sum distribution unless the amount of the distribution is otherwise includible in the income of the individual in respect of whom the distribution was made under the judicial doctrines of assignment of income or constructive receipt of income.

Under proposed § 1.402(e)-2(d)(3), the term "active participation" is defined so that active participation commences with the first month in which an employee becomes a participant under the plan and ends with the earliest of (1) the month in which the employee receives a lump sum distribution under the plan, (2) in the case of an employee without regard to section 401(e)(1), the month in which the employee separates from the service of the employer, (3) the month in which the employee dies, or (4) in the case of a self-employed individual who receives a lump sum distribution on account of disability, the first month in which he becomes disabled.

It is contemplated that upon adoption of the proposed amendments the Temporary Income Tax Regulations under section 402(e)(4)(B) (§ 11.402(e)(4)(B-1) will be revoked.

*Proposed amendments to the regulations.* In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 2005 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 987), such regulations are amended as follows:

**PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953**

1. In § 1.62 paragraphs (9) and (10) are reserved; § 1.62 is amended by adding a new paragraph (11) at the end thereof and revising the historical note. These added and revised provisions read as follows:

**§ 1.62 Statutory provisions; adjusted gross income defined.**

* * * * * *

(9)-(10) [Reserved]

(11) *Certain portion of lump-sum distributions from pension plans taxed under section 402(e).* The deduction allowed by section 402(e)(3). Nothing in this section shall permit the same item to be deducted more than once.

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); sec. 213(b), Rev. Act 1964 (78 Stat. 52); sec. 2005(c)(9) Employee Retirement Income Security Act 1974 (88 Stat. 992)]

2. Paragraph (c) of § 1.62-1 is amended by reserving subparagraphs (12) and (13) and by adding a new subparagraph (14) at the end thereof. This added provision reads as follows:

**§ 1.62-1 Adjusted gross income.**

* * * * * *

(c) * * *

(12)-(13) [Reserved]

(14) The deduction allowed by section 402(e)(3) for the ordinary income portion of a lump sum distribution.

3. Section 1.72-4(a)(1)(i) is amended by deleting "72(o)" and inserting in lieu thereof "72(n)". As amended, § 1.72-4(a)(1)(i) reads as follows:

**§ 1.72-4 Exclusion ratio.**

(a) *General rule.* (1)(i) To determine the proportionate part of the total amount received each year as an annuity which is excludable from the gross income of a recipient in the taxable year of receipt (other than amounts received under (A) certain employee annuities described in section 72(d) and § 1.72-13, or (B) certain annuities described in section 72(n) and § 1.122-1), an exclusion ratio is to be determined for each contract. In general, this ratio is determined by dividing the investment in the contract as found under § 1.72-6 by the expected return under such contract as found under § 1.72-5. Where a single consideration is given for a particular contract which provides for two or more annuity elements, an exclusion ratio shall be determined for the contract as a whole by dividing the investment in such contract by the aggregate of the expected returns under all the annuity elements provided thereunder. However, where the provisions of paragraph (b)(3) of § 1.72-2 apply to payments received under such a contract, see paragraph (b)(3) of § 1.72-6.

* * * * * *

4. Section 1.72-13(e)(3) is amended by deleting "72(o)" and inserting in lieu thereof "72(n)". As amended § 1.72-13(e)(3) reads as follows:

**§ 1.72-13 Special rule for employee contributions recoverable in three years.**

* * * * * *

(e) *Inapplicability of section 72(d) and this section.* Section 72(d) and this section do not apply to: * * *

(3) Amounts paid to an annuitant under chapter 73 of title 10 of the United States Code with respect to which section 72(n) and § 1.122-1 apply.

5. Section 1.101 is amended by revising paragraph (b)(2)(B) and the historical note. As amended, these revised provisions read as follows:

**§ 1.101 Statutory provisions; certain death benefits.**

*

Sec. 101. *Certain death benefits.* * * *

(b) *Employees' death benefits.* * * *

(2) *Special rules for paragraph (1).* * * *

(B) *Nonforfeitable rights.* Paragraph (1) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living. This subparagraph shall not apply to a lump sum distribution (as defined in section 402(e)(4))—

(i) By a stock bonus, pension, or profit-sharing trust described in section 401(a) which is exempt from tax under section 501(a),

(ii) Under an annuity contract under a plan described in section 403(a), or

(iii) Under an annuity contract purchased by an employer which is an organization referred to in section 170(b)(1)(A)(ii) or (vi) or which is a religious organization (other than a trust) and which is exempt from tax under section 501(a), but only with respect to that portion of such total distributions payable which bears the same ratio to the amount of such total distributions payable which is (without regard to this subsection) includible in gross income, as the amounts contributed by the employer for such annuity contract which are excludable from gross income under section 403(b) bear to the total amounts contributed by the employer for such annuity contract.

* * * * * *

[Sec. 101 as amended by sec. 23(d), Technical Amendments Act 1958 (72 Stat. 1622); sec. 7(c), Self-Employed Individuals Tax Retirement Act of 1962 (80 Stat. 32); sec. 101







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(j)(1), Tax Reform Act 1969 (Public Law 91-172, 83 Stat. 555); sec. 2005(c)(18), Employee Retirement Income Security Act 1974 (88 Stat. 922)]

6. Paragraph (d) of § 1.101-2 is amended by revising subparagraph (3) (i) and example (2) of subparagraph (3) (ii) to read as follows:

§ 1.101-2 Employees' death benefits.

• • • • •

(d) *Nonforfeitable rights.* • • •

(3) (i) Notwithstanding the rule stated in paragraph (d)(1) of this section and illustrated in paragraph (d)(2) of this section, the exclusion from gross income provided by section 101(b) applies to a lump sum distribution (as defined in section 402(e)(4)(A) and the regulations thereunder) with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living (see section 101(b)(2)(B) (i) and (ii)). See paragraph (d)(4) of this section relating to the exclusion of amounts which are received under annuity contracts purchased by certain exempt organizations and with respect to which the deceased employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living.

(ii) The application of the provisions of paragraph (d)(3)(i) of this section may be illustrated by the following examples:

• • • • •

*Example (2).* The trustee of the X Corporation noncontributory, "qualified," profit-sharing plan is required under the provisions of the plan to pay to the beneficiary of B, an employee of the X Corporation who died on July 1, 1974, the benefit due on account of the death of B. The provisions of the profit-sharing plan give each participating employee, in case of termination of employment, a 10 percent vested interest in the amount accumulated in his account for each of the first 10 years of participation in the plan, but, in case of death, the entire balance to the credit of the participant's account is to be paid to his beneficiary. At the time of B's death, he had been a participant for five years. The accumulation in his account was $8,000, and the amount which would have been distributable to him in the event of termination of employment was $4,000 (50 percent of $8,000). After his death, $8,000 is paid to his beneficiary in a lump sum. (It may be noted that these are the same facts as in example (5) of subparagraph (2) of this paragraph except that the employee has been a participant for five years instead of three and the plan is a "qualified" plan.) It is immaterial that the employee had a nonforfeitable right to $4,000, because the payment of the $8,000 to the beneficiary is the payment of a lump sum distribution to which subdivision (i) of this subparagraph applies. Assuming no other death benefits are involved, the beneficiary may exclude $5,000 of the $8,000 payment from gross income.

*Example (3).* The fact are the same as in example (2) except that the beneficiary is entitled to receive only the $4,000 to which the employee had a nonforfeitable right and elects, 30 days after B's death, to receive it over a period of ten years. Because the distribution is not a lump sum distribution and because B's interest is nonforfeitable, no exclusion from gross income is allowable with respect to the $4,000.

*Example (4).* The X Corporation instituted a trust, forming part of a "qualified" profit-sharing plan for its employees, the cost thereof being borne entirely by the corporation. The plan provides, in part, that if an employee leaves the employ of the corporation, either voluntarily or involuntarily, before retirement, 10 percent of the account balance provided for the employee in the trust fund will be paid to the employee for each of the first 10 years of service. The plan further provides that if an employee dies before reaching retirement age, his beneficiary will receive a percentage of the account balance provided for the employee in the trust fund, on the same basis as shown in the preceding sentence. A, an employee of the X Corporation for 5 years, died before attaining retirement age while in the employ of the corporation. At the time of his death, $15,000 was the account balance provided for him in the trust fund. His beneficiary receives $7,500 in a lump sum, an amount equal to 50 percent of the account balance provided for A's retirement. The beneficiary may exclude from gross income (assuming no other death benefits are involved) $5,000 of the $7,500, since the latter amount constitutes a lump sum distribution to which subdivision (i) of this subparagraph applies.

7. Section 1.122 is amended by deleting "72(o)" in section 122(b)(2) and inserting in lieu thereof "72(n)". As amended, § 1.122(b)(2) reads as follows:

§ 1.122 Statutory provisions; certain reduced uniformed services retirement pay.

Sec. 122. Certain reduced uniformed services retirement pay. • • •

(b) *Special rule.* • • •

(2) *Consideration for the contract.* For purposes of paragraph (1) and section 72(n), the term "consideration for the contract" means, in respect of any individual, the sum of—

(A) The total amount of the reductions before January 1, 1965, in his retired or retainer pay by reason of an election under chapter 73 of title 10 of the United States Code, and

(B) Any amounts deposited at any time by him pursuant to section 1438 of such title 10.

[Sec. 122 as added by sec. 1(a)(1), Act of Mar. 8, 1966 (80 Stat. 32); as amended by sec. 2005(c)(10), Employee Retirement Income Security Act 1974 (88 Stat. 992)]

8. Section 1.122-1 is amended by deleting "72(o)" each place it appears and inserting in lieu thereof "72(n)". As amended, § 1.122-1(b)(2)(ii) and examples (2) and (3) of § 1.122-(d) read as follows:

§ 1.122-1 Applicable rules relating to certain reduced uniformed services retirement pay.

• • • • •

(b) *Rule applicable after December 31, 1965* • • •

(2) • • •

(ii) Upon the death of a member or former member of the uniformed services, where the "consideration for the contract" (as described in paragraph (b)(2)(iii) of this section has not been excluded in whole or in part from gross income under section 122(b) and (b)(2)(i) of this section, the survivor of such member who is receiving an annuity under chapter 73 of title 10 of the United States Code shall, after December 31, 1965, exclude from gross income under section 72(n) and this section such annuity payments received after December 31, 1965, until there has been so excluded annuity payments equalling the portion of the "consideration for the contract" not previously excluded under paragraph (b)(2)(i) of this section.

• • • • •

(d) *Examples.* The rules discussed in paragraph (a) of this section may be illustrated by the following examples:

• • • • •

*Example (2).* Assume the facts in Example (1) except that A retires on disability resulting from active service and his disability is rated at 40 percent. The entire amount of disability retirement pay, prior to and including 1966, is excludable from gross income under sections 104(a)(4) and 105(d), and in 1966, section 122(a). Assume further that A attains retirement age on December 31, 1966, dies on January 1, 1967, and his widow then begins receiving a survivor annuity under the Retired Serviceman's Family Protection Plan (10 U.S.C. 1431). A's widow may exclude from gross income in 1967 and 1968 under section 72(n) and paragraph (b)(2)(ii) of this section, the $1,800 of "consideration for the contract" i.e., the reductions in 1963, 1964, and 1965 to provide the survivor annuity. Thus, A's widow will exclude all of the survivor annuity she receives in 1967 ($1,350) and $450 of the $1,350 annuity received in 1968. In addition, if A had not attained retirement age at the time of his death, his widow would, under section 101 and paragraph (a)(2) of § 1.101-2, exclude up to $5,000 subject to the limitations of paragraph (b)(2)(ii) of this section.

*Example (3).* Assume, in the previous example, that A dies on January 1, 1965, and his widow then begins receiving a survivor annuity. Assume further that A's widow is entitled to exclude under section 72(b) $1,000 of the $1,350 she received in 1965. Under section 72(n) and paragraph (b)(2)(ii) of this section, A's widow for 1966 will exclude the $200 remaining consideration for the contract ($1,200-$1,000) and will include $1,150 of the survivor annuity in gross income.

• • • • •

9. Section 1.402(a) is amended by revising subparagraph (2) and the historical note. As amended, these revised provisions read as follows:

§ 1.402(a) Statutory provisions; taxability of beneficiary of employees' trust; exempt trust.

Sec. 402. *Taxability of beneficiary of employees' trust*—(a) *Taxability of beneficiary of exempt trust*— • • •

(2) *Capital gains treatment for portion of lump sum distributions.* In the case of an employee trust described in section 401(a), which is exempt from tax under section 501(a), so much of the total taxable amount (as defined in subparagraph (D) of subsection (e)(4)) of a lump sum distribution as is equal to the product of such total taxable amount multiplied by a fraction—

(A) The numerator of which is the number of calendar years of active participation by the employee in such plan before January 1, 1974, and

(B) The denominator of which is the number of calendar years of active participation by the employee in such plan, shall be treated as a gain from the sale or exchange of a capital asset held for more than 6 months. For purposes of computing the





fraction described in this paragraph and the fraction under subsection (e)(4)(E), the Secretary or his delegate may prescribe regulations under which plan years may be used in lieu of calendar years. For purposes of this paragraph, in the case of an individual who is an employee without regard to section 401(c)(1), determination of whether or not any distribution is a lump sum distribution shall be made without regard to the requirement that an election be made under subsection (e)(4)(B), but no distribution to any taxpayer other than an individual, estate, or trust may be treated as a lump sum distribution under this paragraph.

• • • • •

[Sec. 402(a) as amended by sec. 4(c) Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 221(c)(1), Rev. Act 1964 (78 Stat. 75); sec. 2005(b)(1), Employee Retirement Income Security Act 1974 (88 Stat. 990)]

• • • • •

10. Section 1.402(a)-1 is amended by revising paragraphs (a)(1)(ii), (a)(1)(iii), (a)(2), (a)(5), (a)(6), (a)(7), (a)(9), and (b)(1) to read as follows:

§ 1.402(a)-1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) *In general.* (1) • • •

(ii) The provisions of section 402(a) relate only to a distribution by a trust which is described in section 401(a) and which is exempt under section 501(a) for the taxable year of the trust in which the distribution is made. With three exceptions, the distribution from such an exempt trust when received or made available is taxable to the distributee or recipient to the extent provided in section 72 (relating to annuities). First, for taxable years beginning before January 1, 1964, section 72(e)(3) (relating to the treatment of certain lump sums), as in effect before such date, shall not apply to such distributions. For taxable years begining after December 31, 1963, such distributions may be taken into account in computations under sections 1301 through 1305 (relating to income averaging). For treatment of such total distributions, see (a)(6) of this section. Secondly, if the taxable year ends after December 31, 1969 and begins before January 1, 1974, the portion of the distribution treated as long-term capital gain is subject to the limitation under section 402(a)(5), as in effect on December 31, 1973. Thirdly, for taxable years beginning after December 31, 1973, a certain portion, described in section 402(a)(2), of a lump sum distribution, as defined in section 402(e)(4)(A) is taxable as long-term capital gain and a certain portion, described in section 402(e)(4)(E), may be taxable under section 402(e). For the treatment of such lump sum distributions, see paragraph (a)(9) of this section. Under certain circumstances, an amount representing the unrealized appreciation in the value of the securities of the employer is excludable from gross income for the year of distribution. For the rules relating to such exclusion, see paragraph (b) of this section. Furthermore, the exclusion provided by section 105(d) is applicable to a distribution from a trust described in section 401(a) and exempt under section 501(a) if such distribution constitutes wages or payments in lieu of wages for a period during which an employee is absent from work on account of a personal injury or sickness. See § 1.72-15 for the rules relating to the tax treatment of accident or health benefits received under a plan to which section 72 applies.

(iii) Except as provided in paragraph (b) of this section, a distribution of property (other than an annuity contract) by a trust described in section 401(a) and exempt under section 501(a) shall be taken into account by the recipient at its fair market value. For valuation of an annuity contract, see § 1.402(e)-2(c)(1)(ii)(F).

• • • • •

(2) If a trust described in section 401(a) and exempt under section 501(a) purchases an annuity contract for an employee and distributes it to the employee in a year for which the trust is exempt, and the contract contains a cash surrender value which may be available to an employee by surrendering the contract, such cash surrender value will not be considered income to the employee unless and until the contract is surrendered. For the rule as to nontransferability of annuity contracts issued after 1962, see paragraph (b)(1) of § 1.401-9. However, the distribution of an annuity contract must be treated as a lump sum distribution under section 402(e) for purposes of determining the separate tax imposed under section 402(e)(1)(A). If, however, the contract distributed by such exempt trust is a retirement income, endowment, or other life insurance contract and is distributed after October 26, 1956, the entire cash value of such contract at the time of distribution must be included in the distributee's income in accordance with the provisions of section 402(a), except to the extent that, within 60 days after the distribution of such contract, (i) all or any portion of such value is irrevocably converted into a contract under which no part of any proceeds payable on death at any time would be excludable under section 101(a) (relating to life insurance proceeds), or (ii) such contract is treated as a rollover contribution under section 402(a)(5), as in effect after December 31, 1973. If the contract distributed by such trust is a transferable annuity contract issued after 1962, or a retirement income, endowment, or other life insurance contract which is distributed after 1962 (whether or not transferable), then notwithstanding the preceding sentence the entire cash value of the contract is includible in the distributee's gross income, unless within such 60 days such contract is also made nontransferable.

• • • • •

(5) If pension or annuity payments or other benefits are paid or made available to the beneficiary of a deceased employee or a deceased retired employee by a trust described in section 401(a) which is exempt under section 501(a), such amounts are taxable in accordance with the rules of section 402(a) and this section. In case such amounts are taxable under section 72, the "investment in the contract" shall be determined by reference to the amount contributed by the employee and by applying the applicable rules of sections 72 and 101(b)(2)(D). In case the amounts paid to, or includible in the gross income of, the beneficiaries of the deceased employee or deceased retired employee constitute a distribution to which paragraph (a)(6) or (9) (whichever applies) of this section is applicable, the extent to which the distribution is taxable is determined by reference to the contributions of the employee, by reference to any prior distributions which were excludable from gross income as a return of employee contributions, and by applying the applicable rules of sections 72 and 101(b).

(6) This subparagraph applies in the case of a total distribution made in a taxable year of the distributee or payee ending before January 1, 1970.

(i) If the total distributions payable with respect to any employee under a trust described in section 401(a) which in the year of distribution is exempt under section 501(a) are paid to, or includible in the gross income of, the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or death after such separation from service, the amount of such distribution, to the extent it exceeds the net amount contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than six months. The total distributions payable are includible in the gross income of the distributee within one taxable year if they are made available to such distributee and the distributee fails to make a timely election under section 72(h) to receive an annuity in lieu of such total distributions. The "net amount contributed by the employee" is the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of section 72(f), 101(b), and paragraph (a)(3) of this section, reduced by any amounts theretofore distributed to him which were excludable from gross income as a return of employee contributions. See, however, paragraph (b) of this section for rules relating to the exclusion of amounts representing net unrealized appreciation in the value of securities of the employer corporation. In addition, all or part of the amount otherwise includible in gross income under this paragraph by a nonresident alien individual in respect of a distribution by the United States under a qualified pension plan may be excludable from gross income under section 402(a)(4). For rules relating to such exclusion, see paragraph (c) of this section. For additional rules relating to the treatment of



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total distributions described in this sub-



(1) On account of the employee's death,

(i) The numerator of which is the number

of such chapter (relating to income

total distributions described in this subdivision in the case of a nonresident alien individual, see sections 871 and 1441 and the regulations thereunder.

• • • • •

(7) The capital gains treatment provided by section 402(a)(2), as in effect for taxable years beginning before January 1, 1974, and paragraph (a)(6) of this section is not applicable to distributions paid during such years to a distributee to the extent such distributions are attributable to contributions made on behalf of an employee while he was a self-employed individual in the business with respect to which the plan was maintained. For the taxation of such amounts, see § 1.72–18. For the rules for determining the amount attributable to contributions on behalf of an employee while he was self-employed, see paragraphs (b)(4) and (c)(2) of such section.

• • • • •

(9) For taxable years beginning after December 31, 1973, in the case of a lump sum distribution (as defined in section 402(e)(4)(A)) made to a recipient which is an individual, estate, or trust, so much of the total taxable amount (as defined in section 402(e)(4)(D) and § 1.402(e)–2(d)(2)) of such lump sum distribution as is equal to the product of such total taxable amount multiplied by a fraction—

(i) The numerator of which is the number of calendar years of active participation (as determined under § 1.402(e)–2(d)(3)(ii)) by the employee in such plan before January 1, 1974, and

(ii) The denominator of which is the number of calendar years of active participation (as determined under § 1.402(e)–2(d)(3)(ii)) by the employee in such plan,

shall be treated as gain from the sale or exchange of a capital asset held for more than six months. For purposes of this subparagraph, in the case of an individual who at no time during his participation under the plan is an employee within the meaning of section 401(c)(1), determination of whether any distribution is a lump sum distribution shall be made without regard to the requirement that an election be made under section 402(e)(4)(B) and § 1.402(e)–3.

(b) *Distributions including securities of the employer corporation*—(1) *In general.* (i) If a trust described in section 401(a) which is exempt under section 501(a) makes a distribution to a distributee, and such distribution includes securities of the employer corporation, the amount of any net unrealized appreciation in such securities shall be excluded from the distributee's income in the year of such distribution to the following extent:

(A) If the distribution constitutes a total distribution to which the regulations of paragraph (a)(6) of this section are applicable, or if the distribution would constitute a lump sum distribution as defined in section 402(e)(4)(A) (without regard to section 402(e)(4)(H)), the amount to be excluded is the entire net unrealized appreciation attributable to that part of the distribution which consists of securities of the employer corporation; and

(B) If the distribution is other than a total distribution to which paragraph (a)(6) of this section is applicable, or if the distribution is other than a lump sum distribution as defined in section 402(e)(4)(A) (without regard to section 402(e)(4)(H)), the amount to be excluded is that portion of the net unrealized appreciation in the securities of the employer corporation which is attributable to the amount considered to be contributed by the employee to the purchase of such securities.

The amount of net unrealized appreciation which is excludable under the regulations of (b)(1)(i) (A) and (B) of this shall not be included in the basis of the securities in the hands of the distributee at the time of distribution for purposes of determining gain or loss on their subsequent disposition. Further, the amount of net unrealized appreciation which is not included in the basis of the securities in the hands of the distributee at the time of distribution shall be considered as a gain from the sale or exchange of a capital asset held for more than six months to the extent that such appreciation is realized in a subsequent taxable transaction. However, if the net gain realized by the distributee in a subsequent taxable transaction exceeds the amount of the net unrealized appreciation at the time of distribution, such excess shall constitute a long-term or short-term capital gain depending upon the holding period of the securities in the hands of the distributee.

(ii) (A) For purposes of section 402(a) and of this section, the term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form, and the term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in subsections (e) and (f) of section 425) of the employer corporation.

(B) For purposes of this paragraph, for taxable years beginning after December 31, 1973, the term "distributee" means "recipient".

• • • • •

11. Section 1.402(e) is amended to read as follows:

**§ 1.402(e) Statutory provisions; tax on lump sum distributions.**

Sec. 402. *Taxability of beneficiary of employees' trust.* • • •

(e) *Tax on lump sum distributions*—(1) *Imposition of separate tax on lump distributions*—(A) *Separate tax.* There is hereby imposed a tax (in the amount determined under subparagraph (B)) on the ordinary income portion of a lump sum distribution.

(B) *Amount of tax.* The amount of tax imposed by subparagraph (A) for any taxable year shall be an amount equal to the amount of the initial separate tax for such taxable year multiplied by a fraction, the numerator of which is the ordinary income portion of the lump sum distribution for the taxable year and the denominator of which is the total taxable amount of such distribution for such year.

(C) *Initial separate tax.* The initial separate tax for any taxable year is an amount equal to 10 times the tax which would be imposed by subsection (c) of section 1 if the recipient were an individual referred to in such subsection and the taxable income were an amount equal to one-tenth of the excess of—

(i) The total taxable amount of the lump sum distribution for the taxable year, over

(ii) The minimum distribution allowance.

(D) *Minimum distribution allowance.* For purposes of this paragraph, the minimum distribution allowance for the taxable year is an amount equal to—

(i) The lesser of $10,000 or one-half of the total taxable amount of the lump sum distribution for the taxable year, reduced (but not below zero) by

(ii) 20 percent of the amount (if any) by which such total taxable amount exceeds $20,000.

(E) *Liability for tax.* The recipient shall be liable for the tax imposed by this paragraph.

(2) *Multiple distributions and distributions of annuity contracts.* In the case of any recipient of a lump sum distribution for the taxable year with respect to whom during the 6-taxable-year period ending on the last day of the taxable year there has been one or more other lump sum distributions after December 31, 1973, or if the distribution (or any part thereof) is an annuity contract, in computing the tax imposed by paragraph (1)(A), the total taxable amounts of all such distributions during such 6-taxable-year period shall be aggregated, but the amount of tax so computed shall be reduced (but not below zero) by the sum of—

(A) The amount of the tax imposed by paragraph (1)(A) paid with respect to such other distributions, plus

(B) That portion of the tax on the aggregated total taxable amounts which is attributable to annuity contracts.

For purposes of this paragraph, a beneficiary of a trust to which a lump sum distribution is made shall be treated as the recipient of such distribution if the beneficiary is an employee (including an employee within the meaning of section 401(c)(1)) with respect to the plan under which the distribution is made or if the beneficiary is treated as the owner of such trust for purposes of subpart E of part I of subchapter J. In the case of the distribution of an annuity contract, the taxable amount of such distribution shall be deemed to be the current actuarial value of the contract, determined on the date of such distribution. In the case of a lump sum distribution with respect to any individual which is made only to two or more trusts, the tax imposed by paragraph (1)(A) shall be computed as if such distribution was made to a single trust, but the liability for such tax shall be apportioned among such trusts according to the relative amounts received by each. The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(3) *Allowance of deduction.* The ordinary income portion of a lump sum distribution for the taxable year shall be allowed as a deduction from gross income for such taxable year, but only to the extent included in the taxpayer's gross income for such taxable year.

(4) *Definitions and special rules*—(A) *Lump sum distribution.* For purposes of this section and section 403, the term "lump sum distribution" means the distribution or payment within one taxable year of the recipient of the balance to the credit of an employee which becomes payable to the recipient—





(i) On account of the employee's death,

(ii) After the employee attains age 59½,

(iii) On account of the employee's separation from the service, or

(iv) After the employee has become disabled (within the meaning of section 72(m)(7))

from a trust which forms a part of a plan described in section 401(a) and which is exempt from tax under section 501 or from a plan described in section 403(a). Clause (iii) of this subparagraph shall be applied only with respect to an individual who is an employee without regard to section 401(c)(1), and clause (iv) shall be applied only with respect to an employee within the meaning of section 401(c)(1). For purposes of this subparagraph, a distribution of an annuity contract from a trust or annuity plan referred to in the first sentence of this subparagraph shall be treated as a lump sum distribution. For purposes of this subparagraph, a distribution to two or more trusts shall be treated as a distribution to one recipient.

(B) *Election of lump sum treatment.* For purposes of this section and section 403, no amount which is not an annuity contract may be treated as a lump sum distribution under subparagraph (A) unless the taxpayer elects for the taxable year to have all such amounts received during such year so treated at the time and in the manner provided under regulations prescribed by the Secretary or his delegate. Not more than one election may be made under this subparagraph with respect to any individual after such individual has attained age 59½. No election may be made under this subparagraph by any taxpayer other than an individual, an estate, or a trust. In the case of a lump sum distribution made with respect to an employee to two or more trusts, the election under this subparagraph shall be made by the personal representative of the employee.

(C) *Aggregation of certain trusts and plans.* For purposes of determining the balance to the credit of an employee under subparagraph (A)—

(i) All trusts which are part of a plan shall be treated as a single trust, all pension plans maintained by the employer shall be treated as a single plan, all profit-sharing plans maintained by the employer shall be treated as a single plan, and all stock bonus plans maintained by the employer shall be treated as a single plan, and

(ii) Trusts which are not qualified trusts under section 401(a) and annuity contracts which do not satisfy the requirements of section 404(a)(2) shall not be taken into account.

(D) *Total taxable amount.* For purposes of this section and section 403, the term "total taxable amount" means, with respect to a lump sum distribution, the amount of such distribution which exceeds the sum of—

(i) The amounts considered contributed by the employee (determined by applying section 72(f)), which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includible in gross income, and

(ii) The net unrealized appreciation attributable to that part of the distribution which consists of the securities of the employer corporation so distributed.

(E) *Ordinary income portion.* For purposes of this section, the term "ordinary income portion" means, with respect to a lump sum distribution, so much of the total taxable amount of such distribution as is equal to the product of such total taxable amount multiplied by a fraction—

(i) The numerator of which is the number of calendar years of active participation by the employee in such plan after December 31, 1973, and

(ii) The denominator of which is the number of calendar years of active participation by the employee in such plan.

(F) *Employee.* For purposes of this subsection and subsection (a)(2), except as otherwise provided in subparagraph (A), the term "employee" includes an individual who is an employee within the meaning of section 401(c)(1) and the employer of such individual is the person treated as his employer under section 401(c)(4).

(G) *Community property laws.* The provisions of this subsection, other than paragraph (3), shall be applied without regard to community property laws.

(H) *Minimum period of service.* For purposes of this subsection (but not for purposes of subsection (a)(2) or section 403(a)(2)(A)), no amount distributed to an employee from or under a plan may be treated as a lump sum distributed under subparagraph (A) unless he has been a participant in the plan for 5 or more taxable years before the taxable year in which such amounts are distributed.

(I) *Amounts subject to penalty.* This subsection shall not apply to amounts described in clause (ii) of subparagraph (A) of section 72(m)(5) to the extent that section 72(m)(5) applies to such amounts.

(J) *Unrealized appreciation of employer securities.* In the case of any distribution including securities of the employer corporation which, without regard to the requirement of subparagraph (H), would be treated as a lump sum distribution under subparagraph (A), there shall be excluded from gross income the net unrealized appreciation attributable to that part of the distribution which consists of securities of the employer corporation so distributed. In the case of any such distribution or any lump sum distribution including securities of the employer corporation, the amount of net unrealized appreciation of such securities and the resulting adjustments to the basis of such securities shall be determined under regulations prescribed by the Secretary or his delegate.

(K) *Securities.* For purposes of this subsection, the terms "securities" and "securities of the employer corporation" have the respective meanings provided by subsection (a)(3).

12. There are added immediately after § 1.402(e)–1 the following new sections:

**§ 1.402(e)–2 Treatment of certain lump sum distributions made after 1973.**

(a) *In general*—(1) *Tax imposed; deduction allowed.* For a taxable year, at the election of the recipient of a lump sum distribution, the ordinary income portion of such distribution is subject to the tax imposed by section 402(e)(1)(A) (hereinafter referred to as the "separate tax") and, under section 402(e)(3), an amount equal to such portion is allowable as a deduction from gross income (see section 62(11), as added by sec. 2005(c)(9) of Pub. L. No. 93–406, and the regulations thereunder) to the extent such portion is included in the gross income of the taxpayer for such year. The separate tax imposed by section 402(e)(1)(A) is an addition to the tax otherwise imposed under chapter 1 of the Code and may be elected whether or not the tax otherwise imposed by such chapter is computed under part I of subchapter Q of such chapter (relating to income averaging). This section applies with respect to distributions or payments made, or made available, to a recipient after December 31, 1973, in taxable years of the recipient beginning after that date.

(2) *Cross references*—(i) *Computation; ordinary method.* Paragraph (b) of this section provides rules with respect to a distribution which is not a multiple distribution, and does not include an annuity contract.

(ii) *Computation; special method (distribution including an annuity contract).* Paragraph (c)(1) of this section provides rules with respect to a distribution which is not a multiple distribution and which includes an annuity contract.

(iii) *Computation; special method (multiple distribution).* Paragraph (c)(2) of this section provides rules with respect to a distribution which is a multiple distribution.

(iv) *Lump sum distribution.* For the definition of the term "lump sum distribution", see paragraph (d)(1) of this section.

(v) *Total taxable amount.* For the definition of the term "total taxable amount", see paragraph (d)(2) of this section.

(vi) *Ordinary income portion.* For the definition of the term "ordinary income portion", see paragraph (d)(3) of this section.

(vii) *Multiple distribution.* For the definition of the term "multiple distribution", see paragraph (c)(2)(ii)(E) of this section.

(viii) *Election.* For rules relating to the election of lump sum distribution treatment under this section, see § 1.402(e)–3.

(b) *Ordinary method*—(1) *In general.* In the case of a distribution which is not included in a multiple distribution, and which does not include an annuity contract, if the recipient elects (under § 1.402(e)–3) to treat such distribution as a lump sum distribution under this section, the tax imposed by section 402(e)(1)(A) for the recipient's taxable year is an amount equal to the initial separate tax (determined under paragraph (b)(2) of this section) for such taxable year, multiplied by a fraction—

(i) The numerator of which is the ordinary income portion (determined under paragraph (d)(3) of this section) of such lump sum distribution for such taxable year, and

(ii) The denominator of which is the total taxable amount (determined under paragraph (d)(2) of this section) of such lump sum distribution for such taxable year.

(2) *Computation of initial separate tax.* For purposes of subparagraph (1) of this paragraph, the initial separate tax is an amount equal to 10 times the tax which would be imposed by section 1(c) (relating to unmarried individuals (other than surviving spouses and heads of households)) if the recipient were an individual referred to in such section and the taxable income referred to in such



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section were an amount equal to one-



divided by the total taxable amount. Thus,

tributable to the annuity contract is $156

in his gross income multiplied by a frac-

rate tax. Thus A and B's total income tax

section were an amount equal to one-tenth of the excess of—

(I) The total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution, over

(ii) The minimum distribution allowance (determined under paragraph (b)(3) of this section).

(3) *Computation of minimum distribution allowance.* For purposes of paragraph (b)(2)(ii) of this section, the minimum distribution allowance is the lesser of—

(i) $10,000, or

(ii) One-half of the total taxable amount of the lump sum distribution for the taxable year,

reduced (but not below zero) by 20 percent of the excess (if any) of such total taxable amount over $20,000.

(4) *Example.* The application of this paragraph is illustrated by the following example:

*Example.* (i) On December 22, 1975, A separates fro mthe service of the M Corporation and receives a lump sum distribution of $65,000 from the M Corporation's contributory qualified plan. A's contributions to the plan as an employee were $15,000. A has been an active participant in the plan since February 20, 1966. A and his wife, B, are each age 50. Neither received an annuity contract from a qualified plan in 1974 or 1975. Neither received a lump sum distribution in 1974. A and B file a joint return for the calendar year 1975. Their income for 1975 consists of A's salary of $15,000 from the M Corporation and of $5,000 from the N Corporation. Their deductions for 1975 (other than deductions attributable to the distribution) consist of itemized deductions of $3,000. Their average base period income (determined under section 1302(b)(1)) for the four preceding taxable years (1971 through 1974) is $14,000. Assuming there are no changes in the applicable tax after 1974, A and B's income tax liability for 1975 is computed as follows.

(ii) A and B's gross income for 1975 is $70,000, computed by adding the total taxable amount of the lump sum distribution (determined under paragraph (d)(2) of this section) to their otherwise computed gross income [$15,000+$5,000+$65,000−$15,000)]. Their adjusted gross income for 1975 is $40,000 [$70,000−($10,000+$20,000)] computed by reducing their gross income by the sum of the lump sum distributing deduction allowed by section 402(e)(3) with respect to the ordinary income portion of the distribution [$50,000 x 24/120] and the deduction allowed by section 1202 with respect to the capital gains portion of the distribution [($50,000 x 96/120) x 0.5]. A and B's joint taxable income is $35,500 (their itemized deductions are $3,000 and their personal exemptions total $1,500). A and B choose to apply the income averaging rules of section 1301 for 1975. Thus, A and B's income tax liability not including the separate tax on the ordinary income portion of the distribution is $8,828.

(iii) The minimum distribution allowance with respect to A's distribution is $4,000 [$10,000−(($50,000−$20,000)×0.2)]. The initial separate tax on A's distribution is 10 times the tax imposed by section 1(c), computed as if the taxable income therein described were $4,600 $\frac{[\$50,000-\$4,000]}{10}$. Thus, A's initial separate tax is $8,160. The separate tax on A's distribution is computed by multiplying the initial separate tax and the quotient of the ordinary income portion divided by the total taxable amount. Thus, the separate tax on A's distribution is $1,632 [$8,160×$10,000/$50,000].

(iv) A and B's total income tax liability for 1975 is the sum of the income tax as otherwise determined and the separate tax. Thus, A and B's total income tax liability for 1975 is $10,460 [$8,828+$1,632].

(c) *Special method*—(1) *Computation of separate tax on distribution including annuity contract and lump sum distribution*—(i) *Computation.* In the case of a distribution which is not included in a multiple distribution and which includes an annuity contract, if the recipient elects (under § 1.402(e)–3) to treat the portion of such distribution not consisting of an annuity contract as a lump sum distribution under this section, the separate tax imposed by section 402(e)(1)(A) of the recipient's taxable year is the excess (if any) of the adjusted separate tax over the tax attributable to the annuity contract (determined under paragraph (c)(1)(iii) of this section).

(ii) *Definitions.* For purposes of this section—

(A) *Adjusted separate tax.* The adjusted separate tax is an amount equal to the adjusted initial separate tax multiplied by a fraction—

(*1*) The numerator of which is the ordinary income portion of the distribution, and

(2) The denominator of which is the total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution.

(B) *Adjusted initial separate tax.* The adjusted initial separate tax is an amount equal to 10 times the tax which would be imposed by section 1(c) (relating to unmarried individuals (other than surviving spouses and heads of households)) if the recipient were an individual referred to in such section and the taxable income referred to in such section were an amount equal to one-tenth of the excess of—

(*1*) the adjusted total taxable amount of the lump sum distribution, over

(2) The adjusted minimum distribution allowance.

(C) *Adjusted total taxable amount.* (*1*) For taxable years beginning before January 1, 1975, the adjusted total taxable amount is the sum of—

(*i*) The excess (if any) of the current actuarial value of annuity contracts distributed to the recipient, over the portion of the net amount contributed by the employee which is allocable to the contract, and

(*ii*) The total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution for the taxable year.

For purposes of (c)(1)(ii)(*A*)(*1*)(i) of this section, the net amount contributed by the employee which is allocable to the contract is an amount equal to the amounts considered contributed by the employee under the plan (determined by applying sections 72(f) and 101(b), and paragraph (b) of § 1.72–16) reduced by any amount theretofore distributed to the employee which were not includible in his gross income multiplied by a fraction, the numerator of which is the current actuarial value of the contract, and the denominator of which is the sum of such current actuarial value and the value of other property (including cash) distributed.

(*2*) For taxable years beginning after December 31, 1974, the adjusted total taxable amount is the sum of—

(*i*) The current actuarial value of annuity contracts distributed to the recipient, reduced by the excess, if any, of the net amount contributed by the employee (as defined in paragraph (d)(2)(ii)(A) of this section) over the cash and other property distributed, and

(*ii*) The total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution for the taxable year.

(D) *Adjusted ordinary income portion.* The adjusted ordinary income portion of a lump sum distribution is the amount which would be computed under paragraph (d)(3) of this section if "adjusted total taxable amount" is substituted for "total taxable amount" in such subparagraph.

(E) *Adjusted minimum distribution allowance.* The adjusted minimum distribution allowance is the lesser of—

(*1*) $10,000, or

(*2*) one-half of the adjusted total taxable amount of the lump sum distribution for the taxable year,

reduced (but not below zero) by 20 percent of the excess (if any) of the adjusted total taxable amount over $20,000.

(F) *Current actuarial value.* The current actuarial value of an annuity contract is the greater of—

(*1*) The cash value of the annuity contract (determined without regard to any loans under the contract) on the date of distribution, or

(2) The amount determined under the appropriate tables contained in publication No. 861, entitled "Annuity Factors for Lump Sum Distributions".

(iii) *Tax attributable to an annuity contract.* For purposes of subdivision (i) of this subparagraph, the tax attributable to an annuity contract is the product of—

(A) The quotient of the adjusted ordinary income portion (determined under paragraph (c)(1)(ii)(D) of this section) of the lump sum distribution divided by the adjusted total taxable amount (determined under paragraph (c)(1)(ii)(C) of this section), and

(B) 10 times the tax which would be imposed by section 1(c) (relating to unmarried individuals (other than surviving spouses and heads of households)) if the recipient were an individual referred to in such section and the taxable income were an amount equal to one-tenth of the excess of—

(*1*) The current actuarial value of the annuity contract, over

(2) The adjusted minimum distribution allowance multiplied by a fraction—

(*i*) The numerator of which is the current actuarial value of the annuity contract, and





(ii) The denominator of which is the adjusted total taxable amount (determined under paragraph (c)(1)(ii) of this section).

(iv) *Examples.* The application of this subparagraph is illustrated by the following examples:

*Example* (*1*). (i) On December 29, 1975, A separates from the service of the M Corporation and receives a distribution of the balance to the credit of his account under the M Corporation's noncontributory qualified plan. The distribution consists of cash of $44,000, and an annuity contract with a current actuarial value of $6,000. A has been a participant in the plan since March 26, 1966. A and his wife, B, are each age 50. Neither received a previous distribution from a qualified plan. A and B file a joint return for 1975. Their income for 1975, other than the distribution, consists of A's salary from the M Corporation of $15,000 and of $5,000 from the N Corporation. Their deductions (other than deductions attributable to the distribution) consist of itemized deductions of $3,000. They are not otherwise permitted to use income averaging for 1975 under section 1301. Assuming there are no changes in the applicable tax law after 1974, A and B's income tax liability for 1975 is computed as follows.

(ii) A and B's gross income for 1975 is $64,000, computed by adding the total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution to their otherwise computed gross income [$15,000+$5,000+$44,000]. Their adjusted gross income for 1975 is $37,600 [$64,000−($8,800+$17,600)], computed by reducing their gross income by the sum of the lump sum distribution deduction allowed by section 402(e)(3) with respect to the ordinary income portion of the distribution [$44,000 x 24/120] and the deduction allowed by section 1202 with respect to the capital gains portion of the distribution [($44,000 x 96/120) x 0.5]. A and B's taxable income for 1975 is $33,100 (their itemized deductions are $3,000 and their personal exemptions total $1,500). Thus, A and B's income tax liability not including the separate tax on the ordinary income portion of the distribution is $9,122.

(iii) The adjusted total taxable amount of A's distribution is the sum of the current actuarial value of the annuity contract distributed and the total taxable amount of the lump sum distribution. Thus, the adjusted total taxable amount of A's distribution is $50,000 [$6,000+$44,000]. The adjusted minimum distribution allowance with respect to A's distribution is the leeser of $10,000 or ½ of the adjusted total taxable amount, reduced by 20 percent of the excess of the adjusted total taxable amount over $20,000. Thus, the adjusted minimum distribution allowance with respect to A's distribution is $4,000 [$10,000−(($50,000−$20,000)×0.2)]. The adjusted initial separate tax on A's distribution is 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $4,600 $\frac{[\$50,000-\$4,000]}{10}$. Thus, A's adjusted initial separate tax is $8,160. The adjusted separate tax on A's distribution is computed by multiplying 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $4,600 $\frac{[\$50,000-\$4,000/\$10]}{10}$. Thus, A's adjusted initial separate tax is $8,160. The adjusted separate tax on A's distribution is computed by multiplying the adjusted initial separate tax by the quotient of the ordinary income portion divided by the total taxable amount. Thus, the adjusted separate tax on A's distribution is $1,632 ($8,160×$8,800/$44,000). The tax attributable to the annuity contract is 10 times the tax that would be imposed by section 1(c) computed as if the taxable income of a person described therein were $552

$$\frac{[\$6,000-(\$4,000\times\$6,000/\$50,000]}{10}$$

multiplied by the quotient described in the second preceding sentence. Thus, the tax attributable to the annuity contract is $156 [$778×$8,800/$44,000)]. The separate tax on A's distribution is computed by reducing the adjusted separate tax by the tax attributable to the annuity contract. Thus, the separate tax on A's distribution is $1,476. [$1,632−$156].

(iv) A and B's total income tax liability for 1975 is the sum of their income tax liability, as otherwise determined, and the separate tax. Thus A and B's total income tax liability for 1975 is $10,598 [$9,122+$1,476].

*Example* (*2*). (i) Assume the same facts as in example (1) except that the M Corporation's qualified plan is contributory and that A's contributions under the plan as an employee were $1,760, and the current actuarial value of the annuity contract which is distributed is $5,760.

(ii) A and B's gross income for 1975 is $62,240, computed by adding the total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution to their otherwise computed gross income [$15,000+$5,000+($44,000−$1,760)]. Their adjusted gross income for 1975 is $36,896 [$62,240−($8,448+$16,896)], computed by reducing their gross income by the sum of the lump sum distribution deduction allowed by section 402(e)(3) with respect to the ordinary income portion of the distribution [$42,240×24/120] and the deduction allowed by section 1202 with respect to the capital gains portion of the distribution. [($42,240×96/120)×0.5]. A and B's taxable income for 1975 is $32,396 (their itemized deductions are $3,000 and their personal exemptions total $1,500). Thus A and B's income tax liability not including the separate tax on the ordinary income portion of the distribution is $8,826.

(iii) The adjusted total taxable amount of A's distribution is the sum of the current actuarial value of the annuity contract distributed and the total taxable amount of the lump sum distribution. Thus, the adjusted total taxable amount of A's distribution is $48,000 [$5,760+($44,000−$1,760)]. The adjusted minimum distribution allowance with respect to A's distribution is the lesser of $10,000 or ½ of the adjusted total taxable amount, reduced by 20 percent of the excess of the adjusted total taxable amount over $20,000. Thus, the adjusted minimum distribution allowance with respect to A's distribution is $4,400 [$10,000−(($48,000−$20,000)×0.2)]. The adjusted initial separate tax on A's distribution is 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $4,360 $\frac{[(\$48,000-\$4,400)]}{10}$.

Thus, A's adjusted initial separate tax is $7,656. The adjusted separate tax on A's distribution is computed by multiplying the adjusted initial separate tax by the quotient of the ordinary income portion divided by the total taxable amount. Thus, the adjusted separate tax on A's distribution is $1,531 [$7,656×$3,448/$42,240]. The tax attributable to the annuity contract is 10 times the tax that would be imposed by section 1(c) computed as if the taxable income of a person therein described were $523 $[\$5,760-(\$4,400\times(\$5,760/\$48,000))]$ multiplied by the quotient described in the second preceding sentence. Thus, the tax attributable to the annuity contract is $147 [$735×$8,448/$42,240]. The separate tax on A's distribution is computed by reducing the adjusted separate tax by the tax attributable to the annuity contract. Thus, the separate tax on A's distribution is $1,384 [$1,531−$147].

(iv) A and B's total income tax liability for 1975 is the sum of their income tax liability, as otherwise determined, and the separate tax. Thus A and B's total income tax liability for 1975 is $10,210 [$1,384+$8,826].

*Example* (*3*). (i) On December 7, 1974, C separates from the service of P Corporation and receives a distribution of the balance to the credit of his account under the P Corporation's contributory qualified plan. The distribution consists of cash of $44,000, and an annuity contract with a current actuarial value of $6,000. C has been a participant in the plan since February 20, 1965. C's contributions under the plan as an employee were $2,000. C and his wife, D, are each age 50. Neither received a previous distribution from a qualified plan. C and D file a joint return for 1974. Their income for 1974, other than the distribution, consists of C's salary from the P Corporation of $20,000. Their deductions (other than deductions attributable to the distribution) consist of itemized deductions of $3,000. They are not otherwise permitted to use income averaging for 1974 under section 1301. C and D's income tax liability for 1974 is computed as follows.

(ii) C and D's gross income for 1974 is $62,240, computed by adding the total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution to their otherwise computed gross income [$20,000+($44,000−$1,760)]. Their adjusted gross income for 1974 is $39,008 [$62,240−($4,224+$19,008)], computed by reducing their gross income by the sum of the lump sum distribution deduction allowed by section 402(e)(3) with respect to the ordinary income portion of the distribution [$42,240×12/120] and the deduction allowed by section 1202 with respect to the capital gains portion of the distribution ($42,240×108/120)×0.5]. C and D's taxable income for 1974 is $34,508 (their itemized deductions are $3,000 and their personal exemptions total $1,500). C and D's income tax liability for 1974 not including the separate tax on the ordinary income portion of the distribution is $9,713.

(iii) The adjusted total taxable amount of C's distribution is the sum of the current actuarial value of the annuity contract distributed and the total taxable amount of the lump sum distribution. Thus, the adjusted total taxable amount of C's distribution is $48,000 [($6,000−$240)+($44,000−$1,760)]. The adjusted minimum distribution allowance with respect to C's distribution is the lesser of $10,000 or ½ of the adjusted total taxable amount, reduced by 20 percent of the excess of the adjusted total taxable amount over $20,000. Thus, the adjusted minimum distribution allowance with respect to C's distribution is $4,400 [$10,000−(($48,000−$20,000)×0.2)]. The adjusted initial separate tax on C's distribution is 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $4,360 $\frac{[(\$48,000-\$4,400)]}{10}$.

Thus, C's adjusted initial separate tax is $7,656. The adjusted separate tax on C's distribution is computed by multiplying the adjusted initial separate tax by the quotient of the ordinary income portion divided by the total taxable amount. Thus, the adjusted separate tax on C's distribution is $766 ($7,656×$4,224/$42,240). The tax attributable to the annuity contract is 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $523 $\frac{[\$5,760-(\$4,400\times\$5,760/\$48,000)]}{10}$, multiplied by the quotient described in the second preceding sentence. Thus, the amount attributable to the annuity contract is $74 [$735×($4,224/$42,240)]. The separate tax on C's distribution is computed by reducing the adjusted separate tax by the tax attributable to the annuity contract. Thus, the







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separate tax on C's distribution is $892 ($766−$74).

(iv) C and D's total income tax liability for 1974 is the sum of their income tax liability, as otherwise determined, and the separate tax. Thus, C and D's total income tax liability for 1974 is $10,405 [$9,713+$692].

(2) *Computation of separate tax in case of multiple distribution*—(i) *Computation.* In the case of a payment or distribution which is included in a multiple distribution, the separate tax imposed on such multiple distribution by section 402(e)(1)(A) for the recipient's taxable year is the excess (if any) of the modified separate tax, over the sum of—

(A) The aggregate amount of the separate tax imposed by section 402(e)(1)(A) paid during the lookback period, and

(B) The modified tax attributable to the annuity contract.

(ii) *Definitions.* For purposes of this section—(A) *Modified separate tax.* The term "modified separate tax" means an amount equal to the modified initial separate tax multiplied by a fraction—

(*1*) The numerator of which is the sum of the ordinary income portions of the lump sum distributions made within the lookback period, and

(2) The denominator of which is the sum of the total taxable amounts of the lump sum distributions made within the lookback period.

(B) *Modified initial separate tax.* The modified initial separate tax is an amount equal to 10 times the tax which would be imposed by section 1(e) (relating to unmarried individuals (other than surviving spouses and heads of households)) if the recipient were an individual referred to in such section and the taxable income referred to in such section were an amount equal to one-tenth of the excess of

(*1*) The modified total taxable amount of the lump sum distribution, over

(2) The modified minimum distribution allowance.

(C) *Modified total taxable amount.* The modified total taxable amount is the sum of the total taxable amounts (determined under paragraph (d)(2) of this section) of the distributions made during the lookback period and, in the case of a distribution made during such period to which paragraph (c)(1) of this section applied, the amount specified in paragraph (c)(1)(ii)(C) (*1*)(*i*) or (2)(*i*) of this section, whichever is applicable.

(D) *Modified minimum distribution allowance.* The modified minimum distribution allowance is the lesser of—

(*1*) $10,000, or

(2) one-half of the modified total taxable amount,

reduced (but not below zero) by 20 percent of the excess of the modified total taxable amount over $20,000.

(E) *Multiple distributions.* A distribution or payment received during a taxable year of the recipient which begins with or within a lookback period and after December 31, 1973, is included in a multiple distribution for such lookback period if—

(*1*) Any part of such distribution or payment (*i*) is treated as a lump sum distribution under this section or (*ii*) consists of a contract which would constitute all or a part of a lump sum distribution (determined without regard to section 402(e)(4)(B) and § 1.402(e)-3), except for the fact that it is an annuity contract, and

(2) a distribution or payment received in another such taxable year is treated as a lump sum distribution under this section.

For purposes of this subdivision (E), if the recipient of a lump sum distribution is a trust and if a beneficiary of such trust is an employee with respect to the plan under which the distribution is made, or treated as the owner of such trust for purposes of subpart E of part I of subchapter J of chapter 1 of the Code (relating to grantors and others treated as substantial owners), then such employee or owner shall be treated as the sole recipient of the lump sum distribution. For purposes of this subdivision (E), the term "an employee with respect to the plan under which the distribution is made" means an individual who, immediately before the distribution is made, is a participant in the plan under which the distribution is made.

(F) *Lookback period.* The lookback period with respect to any recipient is a period of 6 consecutive taxable years ending on the last day of the taxable year of the recipient in which a payment or distribution which is a multiple distribution is made.

(iii) *Modified tax attributable to an annuity contract.* For purposes of subdivision (i) of this subparagraph, the modified tax attributable to an annuity contract is equal to the product of—

(A) The quotient of the sum of the ordinary income portions (determined under paragraph (d)(3)) of the lump sum distributions received during the lookback period divided by the sum of the total taxable amounts (determined under paragraph (d)(2)) of the distributions made during the lookback period, and

(B) 10 times the tax which would be imposed by section 1(c) (relating to unmarried individuals (other than surviving spouses and heads of households)) if the recipient were an individual referred to in such section and the taxable income were an amount equal to one-tenth of the excess of—

(1) The sum of the amounts described in paragraph (c)(1)(ii)(C) (*1*)(*i*) or (2)(*i*) of this section in respect of the annuity contracts distributed during the lookback period, over

(2) The modified minimum distribution allowance multiplied by a fraction—

(*i*) The numerator of which is the sum of the amounts described in paragraph (C)(2)(ii)(B) in (*1*) of this section, and

(*ii*) The denominator of which is the modified total taxable amount (determined under paragraph (C)(2)(ii)(C) of this section).

(iv) The application of this subparagraph is illustrated by the following examples:

*Example (1).* (i) On December 7, 1976, A separates from the service of N Corporation and receives a distribution of the balance to the credit of his account under the N Corporation's noncontributory qualified plan. The distribution consists of cash of $4,000 and an annuity contract with a current actuarial value of $6,000. A has been a participant in the plan since October 13, 1967. A and his wife, B, are each age 50. A and B file a joint return for 1976. Their income for 1976, other than the distribution, consists of A's salary from N Corporation of $25,000 and interest income of $3,000. Their deductions (other than deductions attributable to the distribution) consist of itemized deductions of $2,100. They are not otherwise permitted to use income averaging for 1976 under section 1301. A received a distribution in 1975 from the M Corporation and elected lump sum treatment for such distribution. The ordinary income portion of such distribution was $10,000; the total taxable amount of such distribution was $50,000; the adjusted ordinary income portion and the adjusted total taxable amount of such distribution are the same as the ordinary income portion and the total taxable amount; and they paid a separate tax on such distribution of $1,632. Assuming there are no changes in the applicable tax law after 1974, A and B's income tax liability for 1976 is computed as follows:

(ii) A and B's gross income for 1976 is $32,000, computed by adding the total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution to their otherwise computed gross income [$25,000 + $3,000 + $4,000]. Their adjusted gross income for 1976 is $29,400 [$32,000 − ($1,200 + $1,400)], computed by reducing their gross income by the sum of the lump sum distribution deduction allowed by section 402(e)(3) with respect to the ordinary income portion of the distribution [$4,000 × 36/120] and the deduction allowed by section 1202 with respect to the capital gains portion of the distribution [($4,000 × (84/120)) × 0.5]. A and B's taxable income for 1976 is $25,800 (their itemized deductions are $2,100 and their personal exemptions total $1,500). Thus, A and B's income tax liability for 1976, not including the separate tax on the ordinary income portion of the distribution is $6,308.

(iii) The adjusted total taxable amount of A's distribution for 1976 is the sum of the current actuarial value of the annuity contract distributed and the total taxable amount of the lump sum distribution. Thus, the adjusted total taxable amount of A's 1976 distribution is $10,000 [$6,000+$4,000]. The modified total taxable amount is $60,000 [$50,000+$10,000]. The modified minimum distribution allowance with respect to A's 1976 distribution is the lesser of $10,000 or ½ of the modified total taxable amount, reduced by 20 percent of the excess (if any) of the modified total taxable amount over $20,000. Thus, the modified minimum distribution allowance with respect to A's 1976 distribution is $2,000 [$10,000−((($60,000−$20,000)×0.2)]. The modified initial separate tax on A's 1976 distribution is computed by multiplying 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $5,800

$$\frac{[(\$50{,}000-\$2{,}000)]}{10}$$

Thus, A's modified initial separate tax is $10,680. The modified separate tax on A's 1976 distribution is computed by multiplying the modified initial separate tax by the quotient of the sum of the ordinary income portions of the lump sum distributions received during the lookback period divided by the sum of the total taxable amounts of each lump sum distribution made during such period. Thus, the modified separate tax on A's 1976 distribution is $2,215 [$10,680×($10,000+$1,200)/($50,000+$4,000)]. The modified tax attributable to the annuity contract is 10 times the tax imposed by section 1(c) computed as if the taxable income of a person described therein were $580

$$\frac{[\$6{,}000-(((\$6{,}000/\$60{,}000)\times\$2{,}000)]}{10}$$

multiplied by the quotient described in the second preceding sentence. Thus, the modified tax attributable to the annuity contract is $70 [$820×($10,000+$1,200)/($50,000+$4,000)]. The separate tax on A's 1976 distribution is computed by reducing the modified separate tax by the sum of the separate tax paid during the lookback period, and the modified tax attributable to the annuity contract. Thus, the separate tax on A's 1976 distribution is $413 [$2,215−($1,632+$170)].

(iv) A and B's total income tax liability for 1976 is the sum of their income tax liability as otherwise determined, and the separate tax. Thus, A and B's total income tax liability for 1976 is $6,721 [$6,308+$413].

*Example (2).* (i) Assume the same facts as in example (1) except that the N Corporation's qualified plan was contributory and that A's contributions under the plan as an employee were $800, and the current actuarial value of the annuity contract which is distributed is $4,800.

(ii) A and B's gross income for 1976 is $31,200, computed by adding the total taxable amount (determined under paragraph (d)(2) of this section) of the lump sum distribution to their otherwise computed gross income [$25,000+$3,000+($4,000−$800)]. Their adjusted gross income for 1976 is $29,120 [$31,200−($960+$1,120)] computed by reducing their gross income by the sum of the lump sum distribution deduction allowed by section 402(e)(3) with respect to the ordinary income portion of the distribution [$4,800×36/120] and the deduction allowed by section 1202 with respect to the capital gains portion of the distribution [($3,200×$^{84}/_{120}$)×0.5]. A and B's taxable deductions are $2,100 and their personal exemptions total $1,500). Thus, A and B's income tax liability for 1976, not including the separate tax on the ordinary income portion of the distribution, is $6,207.

(iii) The adjusted total taxable amount of A's distribution for 1976 is the sum of the current actuarial value of the annuity contract distributed and the total taxable amount of the lump sum distribution. Thus, the adjusted total taxable amount of A's 1976 distribution is $8,000 [($4,800+($4,000−$800)]. The modified total taxable amount is $58,000 [$50,000+$8,000]. The modified minimum distribution allowance with respect to A's 1976 distribution is the lesser of $10,000 or ½ of the modified total taxable amount reduced by the excess, if any, of such modified total taxable amount over $20,000. Thus, the modified minimum distribution allowance with respect to A's 1976 distribution is $2,400 [$10,000−[(($8,000+$50,000)−$20,000)×0.2)]]. The modified initial separate tax on A's 1976 distribution is 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were

$$\$5{,}560\quad\frac{[(\$58{,}000-\$2{,}400)]}{10}$$

Thus, A's modified initial separate tax is $10,176. The modified separate tax on A's 1976 distribution is computed by multiplying the modified initial separate tax by the quotient of the sum of the ordinary income portions of each lump sum distribution received during the lookback period divided by the sum of the total taxable amounts of each lump sum distribution made during such period. Thus, the modified separate tax on A's 1976 distribution is $2,096 [$10,176×($10,000+$960) / ($50,000+$3,200)]. The modified tax attributable to the annuity contract is 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were

$$\$460\quad\frac{[(\$4{,}800-(\$2{,}400\times(\$4{,}800/\$58{,}000))]}{10}$$

multiplied by the quotient described in the second preceding sentence. Thus, the modified tax attributable to the annuity contract is $133 [$644×($10,000+960)/($50,000+$3,200)]. The separate tax on A's 1976 distribution is computed by reducing the modified separate tax by the sum of the separate tax paid during the lookback period, and the modified tax attributable to the annuity contract. Thus, the separate tax on A's 1976 distribution is $141 [$1,632−($1,632+$161)].

(iv) A and B's total income tax liability for 1976 is the sum of their income tax liability as otherwise determined, and the separate tax. Thus, A and B's total income tax liability for 1976 is $5,945 [$5,804+$141].

*Example (3).* (i) Assume the same facts as in example (2) except that the N Corporation's qualified plan was contributory and that A's contributions under the plan as an employee were $2,000.

(ii) A and B's gross income for 1976 is $28,000, computed by adding the total amount (determined under paragraph (d)(2) of this section) of the lump sum distribution to their otherwise computed gross income [$25,000+$3,000+0]. Their adjusted gross income for 1976 is $28,000 [$28,000−($0+$0)], computed by reducing their gross income by the sum of the lump sum distribution deduction allowed by section 402(e)(3) with respect to the ordinary income portion of the distribution [$0×36/120] and the deduction allowed by section 1202 with respect to the capital gains portion of the distribution [($0×84/120)×0.5]. Their taxable income for 1976 is $24,400 (their itemized deductions are $2,100 and their personal exemptions total $1,500). Thus, A and B's income tax liability for 1976, not including the separate tax on the distribution is $5,804.

(iii) The adjusted total taxable amount of A's distribution for 1976 is the sum of the current actuarial value of the annuity contract distributed, reduced by the excess of the net amount contributed by the employee over the cash and other property distributed, and the total taxable amount of the lump sum distribution. Thus, the adjusted total taxable amount of A's 1976 distribution is $4,000 [($6,000−$2,000)+$0]. The modified $4,000]. The modified minimum distribution total taxable amount is $54,000. [$50,000+ allowance with respect to A's 1976 distributions is the lesser of $10,000 or ½ of the modified total taxable amount, reduced by 20 percent of the excess (if any) of the modified total taxable amount over $20,000. Thus, the modified minimum distribution allowance with respect to A's 1976 distribution is $3,200 [$10,000−(($54,000−$20,000)×0.2)]. The modified initial separate tax on A's 1976 distribution is computed by multiplying 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $5,080

$$\frac{[\$54{,}000-\$3{,}200]}{10}$$

Thus, A's modified initial separate tax is $9,168. The modified separate tax on A's 1976 distribution is computed by multiplying the modified initial separate tax by the quotient of the sum of the ordinary income portions of the lump sum distributions received during the lookback period divided by the sum of the total taxable amounts of each lump sum distribution made during such period. Thus, the modified separate tax on A's 1976 distribution is $1,934 [$9,672×($10,000+$0/($50,000+$0))]. The modified tax attributable to the annuity contract is 10 times the tax imposed by section 1(c) computed as if the taxable income of a person described therein were $570

$$\frac{[(\$6{,}000-((\$6{,}000/\$56{,}000)\times\$2{,}800)]}{10}$$

multiplied by the quotient described in the second preceding sentence. Thus, the modified tax attributable to the annuity contract is $161 [$805×($10,000+$0)/($50,000+$0)]. The separate tax on A's 1976 distribution is computed by reducing the modified separate tax by the sum of the separate tax paid during the lookback period, and the modified tax attributable to the annuity contract. Thus, the separate tax on A's 1976 distribution is $141 [$1,934−($1,632+$161)].

(iv) A and B's total income tax liability for 1976 is the sum of their income tax liability as otherwise determined, and the separate tax. Thus, A and B's total income tax liability for 1976 is $5,945 [$5,804+$141].

*Example (4).* (i) Assume the same facts as in example (3) except that the N Corporation's qualified plan was contributory and that A's contributions under the plan as an employee were $2,000.

(ii) A and B's gross income for 1976 is $28,000, computed by adding the total amount (determined under paragraph (d)(2) of this section) of the lump sum distribution to their otherwise computed gross income [$25,000+$3,000+0]. Their adjusted gross income for 1976 is $28,000 [$28,000−($0+$0)], computed by reducing their gross income by the sum of the lump sum distribution deduction allowed by section 402(e)(3) with respect to the ordinary income portion of the distribution [$0×36/120] and the deduction allowed by section 1202 with respect to the capital gains portion of the distribution [($0×84/120)×0.5]. Their taxable income for 1976 is $24,400 (their itemized deductions are $2,100 and their personal exemptions total $1,500). Thus, A and B's income tax liability for 1976, not including the separate tax on the distribution is $5,804.

(iii) The adjusted total taxable amount of A's distribution for 1976 is the sum of the current actuarial value of the annuity contract distributed, reduced by the excess of the net amount contributed by the employee over the cash and other property distributed, and the total taxable amount of the lump sum distribution. Thus, the adjusted total taxable amount of A's 1976 distribution is $4,000 [($6,000−$2,000)+$0]. The modified $4,000]. The modified minimum distribution total taxable amount is $54,000. [$50,000+ allowance with respect to A's 1976 distributions is the lesser of $10,000 or ½ of the modified total taxable amount, reduced by 20 percent of the excess (if any) of the modified total taxable amount over $20,000. Thus, the modified minimum distribution allowance with respect to A's 1976 distribution is $3,200 [$10,000−(($54,000−$20,000)×0.2)]. The modified initial separate tax on A's 1976 distribution is computed by multiplying 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $5,080

$$\frac{[\$54{,}000-\$3{,}200]}{10}$$

Thus, A's modified initial separate tax is $9,168. The modified separate tax on A's 1976







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distribution is computed by multiplying the modified initial separate tax by the quotient of the sum of the ordinary income portions of the lump sum distribution received during the lookback period divided by the sum of the total taxable amounts of each lump sum distribution made during such period. Thus, the modified separate tax on A's 1976 distribution is $1,833 [$9,166×($10,000+$0)/($50,000+$0)]. The modified tax attributable to the annuity contract is 10 times the tax imposed by section 1(c) computed as if the taxable income therein described were $376

$$\frac{[\$4{,}000-((\$4{,}000/\$54{,}000)\times\$3{,}200)]}{10}$$

multiplied by the quotient described in the second preceding sentence. Thus, the modified tax attributable to the annuity contract is $105 [$526×($10,000+$0)/($50,000+$0)]. The separate tax on A's 1976 distribution is computed by reducing the modified separate tax by the sum of the separate tax paid during the lookback period, and the modified tax attributable to the annuity contract. Thus, the separate tax on A's 1976 distribution is $96 [$1,833−($1,632+$105)].

(iv) A and B's total income tax liability for 1976 is the sum of their income tax liability as otherwise determined, and the separate tax. Thus, A and B's total income tax liability for 1976 is $5,900 [$5,804+$96].

(d) *Definitions.* (1) For purposes of this section and § 1.402(e)-3—(i) *Lump sum distribution.* (i) For taxable years of a recipient beginning after December 31, 1973, the term "lump sum distribution" means the distribution or payment within one taxable year of the recipient of the balance under the plan to the credit of an employee which becomes payable, or is made available, to the recipient—

(A) On account of the employee's death,

(B) After the employee attains age 59½,

(C) In the case of an employee who at no time during his participation in the plan was an employee within the meaning of section 401(c)(1), on account of the employee's separation from the service, or

(D) In the case of an employee within the meaning of section 401(c)(1), after the employee has become disabled within the meaning of section 72(m)(7) and paragraph (f) of § 1.72-17,

from a trust forming part of a plan described in section 401(a) and which is exempt from tax under section 501(a) or from a plan described in section 403(a). Although periodic payments made under an annuity contract distributed under a plan described in the preceding sentence are taxed under section 72, solely for purposes of determining the adjusted total taxable amount or the modified total taxable amount, an annuity contract distributed from a plan described in the preceding sentence shall be treated as a lump sum distribution.

(ii) (A) A distribution or payment is not a lump sum distribution unless it constitutes the balance to the credit of the employee at the time the distribution or payment commences. For purposes of the preceding sentence, the time at which a distribution or payment commences shall be the date on which the requirements of subdivision (A), (B), (C), or (D) (whichever is applicable) of paragraph (d)(1)(i) of this section are satisfied, disregarding any previous distribution which constituted the balance to the credit of the employee.

(B) A distribution made before the death of an employee (for example, annuity payments received by the employee after retirement) will not preclude an amount paid on account of the death of the employee from being treated as a lump sum distribution by the recipient. Further, if a distribution or payment constitutes the balance to the credit of the employee, such distribution or payment shall not be treated as other than a lump sum distribution merely because an additional amount, attributable to the last or a subsequent year of service, is credited to the account of the employee and distributed.

(C) The application of this subdivision may be illustrated by the following example:

*Example.* A, an individual who is a calendar year taxpayer, retires from services with the M Corporation on October 31, 1975 after attaining age 59½. A begins to receive monthly annuity payments under the M Corporation's qualified plan on November 1, 1975. On February 3, 1976, A takes the balance to his credit under the M Corporation's plan in lieu of any future annuity payments. The balance to the credit of A under the M Corporation's plan is distributed to him on February 3, 1976, and as of such date he had not previously received any amount constituting a lump sum distribution. Such payments and distributions are not to be treated as a lump sum distribution because they are not paid within 1 taxable year of the recipient.

(iii) A payment or distribution described in paragraph (d)(1)(i) of this section which is made to more than one person (except a payment or distribution made solely to two or more trusts), shall not be treated as a lump sum distribution, unless the entire amount paid or distributed is included in the income of the employee in respect of whom the payment or distribution is made. Thus, for example, a distribution of the balance to the credit of the employee after the death of the employee made to the surviving spouse and his children cannot be treated as a lump sum distribution by the surviving spouse and children. However, a distribution to the employee's estate can be treated as a lump sum distribution even though the estate subsequently distributes the amount received to the surviving spouse and children.

(iv) The term "balance to the credit of the employee" does not include United States Retirement Plan Bonds held by a trust to the credit of an employee. Thus, a distribution or payment by a plan described in subdivision (i) of this subparagraph may constitute a lump sum distribution with respect to an employee even though the trust retains retirement plan bonds registered in the name of such employee. Similarly, the proceeds of a retirement plan bond received as a part of the balance to the credit of an employee will not be entitled to be treated as a lump sum distribution. See section 405(e) and paragraph (a)(4) of § 1.405-3.

(v) The term "balance to the credit of the employee" includes any amount to the credit of the employee under any plan which is required to be aggregated under the provisions of section 402(e)(4)(C) and paragraph (e)(1) of this section.

(vi) The term "balance to the credit of the employee" does not include any amount which has been placed in a separate account for the funding of medical benefits described in section 401(h) as defined in paragraph (a) of § 1.401-14. Thus, a distribution or payment by a plan described in subdivision (i) of this subparagraph may constitute the "balance to the credit of the employee" with respect to an employee even though the trust retains amounts attributable to the funding of medical benefits described in section 401(h).

(vii) The term "balance to the credit of the employee" includes any amount which is not forfeited under the plan as of the close of the taxable year of the recipient within which the distribution is made except that in the case of an employee who has separated from the service and incurs a break in service (within the meaning of section 411), such term does not include an amount which is forfeited at the close of the plan year, beginning with or within such taxable year, by reason of such break in service.

(viii) The balance to the credit of the employee is includible in the gross income of the recipient if the recipient fails to make a timely election under section 72(h) to receive an annuity in lieu of such balance.

(2) *Total taxable amount.* (i) The term "total taxable amount" means, with respect to a lump sum distribution described in the first sentence of paragraph (d)(1)(i) of this section, the amount of such lump sum distribution which exceeds the sum of—

(A) The net amount contributed by the employee, and

(B) The net unrealized appreciation attributable to that part of the distribution which consists of the securities of the employer corporation so distributed.

(ii) For purposes of paragraph (d)(2)(i)(A) of this section, the term "net amount contributed by the employee" means—

(A) For taxable years beginning after December 31, 1974, the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of sections 72(f) and 101(b), and paragraph (b) of § 1.72-16, reduced by any amounts theretofore distributed to him which were excludable from gross income as a return of employee contributions.

(B) For taxable years beginning before January 1, 1975, an amount equal to the product of the amounts considered contributed by the employee under the plan (determined by applying sections 72(f) and 101(b), and paragraph (b) of § 1.72-16) reduced by any amount theretofore distributed to the employee which





were not includible in his gross income, multiplied by a fraction—

(i) The numerator of which is the excess, if any, of the sum of the current actuarial value of the annuity contract distributed and the value of the other property (including cash) distributed, over such current actuarial value, and

(ii) The denominator of which is the sum of the current actuarial value of the annuity contract distributed and the value of other property (including cash) distributed.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* A, age 60, receives a lump sum distribution from the M Corporation's noncontributory qualified plan on November 24, 1975. The distribution of $25,000 consists of cash and M Corporation securities with net unrealized appreciation of $15,000. The total taxable amount of the distribution to A is $10,000.

*Example (2).* B, age 60, receives a lump sum distribution from the N Corporation's contributory qualified plan on December 29, 1975. The distribution consists of $25,000 in cash. B's contributions under the plan as an employee are $5,000. The total taxable amount of the distribution to B is $20,000.

*Example (3).* W receives a lump sum distribution on April 1, 1975, from the M Corporation's noncontributory qualified plan as beneficiary of H on account of H's death. The distribution consists of $25,000 in cash. The total taxable amount of distribution to W is $20,000 if W is otherwise allowed a $5,000 exclusion under section 101(b).

(3) *Ordinary income portion.* (i) The ordinary income portion of a lump sum distribution is the product of the total taxable amount of the lump sum distribution, multiplied by a fraction—

(A) the numerator of which is the number of calendar years of active participation by the employee in the plan after December 31, 1973, under which the lump sum distribution is made, and

(B) the denominator of which is the total number of calendar years of active participation by the employee in such plan.

(ii) For purposes of computing the fraction described in subdivision (i) of this subparagraph, the number of calendar years of active participation shall be the number of calendar months during the period beginning with the first month in which the employee became a participant under the plan and ending with the earliest of—

(A) The month in which the employee receives a lump sum distribution under the plan,

(B) In the case of an employee who is not an employee within the meaning of section 401(c)(1), the month in which the employee separates from the service,

(C) The month in which the employee dies, or

(D) In the case of an employee within the meaning of section 401(c)(1) who receives a lump sum distribution on account of disability, the first month in which he becomes disabled within the meaning of section 72(m)(7) and paragraph (f) of § 1.72-17.

In computing the months of active participation, in the case of active participation before January 1, 1974, a part of a calendar year in which the employee was an active participant under the plan shall be counted as 12 months, and in the case of active participation after December 31, 1973, a part of a calendar month in which an individual is an active participant under the plan shall be counted as 1 month: Thus, for example, if A, an individual, became an active participant under a plan on December 31, 1965, and continued to be an active participant under the plan until May 7, 1976, A has 108 (12×9) months of active participation under the plan before January 1, 1974, and A has 29 (12+12+5) months of active participation after December 31, 1973. For special rule in case of aggregation of plans, see paragraph (e)(1)(ii) of this section.

(4) *Employee; employer.* The term "employee" includes an employee within the meaning of section 401(c)(1) and the employer of such individual is the person treated as his employer under section 401(c)(4).

(5) *Securities.* The terms "securities" and "securities of the employer corporation" shall have the meanings provided in sections 402(a)(3)(A) and 402(a)(3)(B), respectively.

(e) *Special rules*—(1) *Aggregation.* (i) *Aggregation of trusts and plans*—(A) For purposes of determining the balance to the credit of an employee, all trusts described in section 401(a) and which are exempt from tax under section 501(a) and which are part of a plan shall be treated as a single trust; all pension plans described in section 401(a) maintained by an employer shall be treated as a single plan; all profit-sharing plans described in section 401(a) maintained by an employer shall be treated as a single plan; and all stock bonus plans described in section 401(a) maintained by an employer shall be treated as a single plan. For purposes of this subdivision (i), an annuity contract shall be considered to be a trust.

(B) Trusts which are not described in section 401(a) or which are not exempt from tax under section 501(a), and annuity contracts which do not satisfy the requirements of section 404(a)(2) shall not be taken into account for purposes of subdivision (i) of this subparagraph.

(ii) *Computation of ordinary income portion.* The ordinary income portion of a distribution from two or more plans (which are treated as a single plan under subdivision (i) of this subparagraph) shall be computed by aggregating all of the amounts which would constitute the ordinary income portion of a lump sum distribution if each plan maintained by the employer were not subject to the application of subdivision (i) of this subparagraph.

(iii) *Examples.* The application of this subparagraph is illustrated by the following examples:

*Example (1).* M Corporation maintains a qualified profit-sharing plan and a qualified defined benefit pension plan. A, who has participated in each plan for 5 years and is age 55, separates from the service on December 5, 1975. On December 5, 1975, A receives a distribution of the balance to the credit of his account under the profit-sharing plan. Payment of his pension benefits, however, will not commence until he attains age 65. A is entitled to treat his profit-sharing distribution as a lump sum distribution.

*Example (2).* Assume the same facts as in example (1) except that instead of a profit-sharing plan, M Corporation maintains a qualified money purchase pension plan. A is not entitled to have the amount received from the money purchase pension plan treated as a lump sum distribution.

*Example (3).* Assume the same facts as in example (2) except that the trust forming part of the defined benefit pension maintained by M Corporation is not a qualified trust. A is entitled to have the amount received from the money purchase plan treated as a lump sum distribution.

*Example (4).* N Corporation maintains profit-sharing plan X and profit-sharing plan Y which plans are qualified and are noncontributory. A is a participant in each plan. A has been a participant in the profit-sharing plan X since October 13, 1966 and a participant in profit-sharing plan Y since its inception on May 9, 1968. A, at age 55, separates from the service on December 5, 1975. He receives the balance to his credit from each plan upon separation. He receives $50,000 from profit-sharing plan X and $60,000 from profit-sharing plan Y. The ordinary income portion of his distribution from the N Corporation plans is $25,000 [($50,000×(24/120))+($60,000×(24/96))].

(2) *Community property laws.* (i) Except as provided in paragraph (e)(2)(ii) of this section, the provisions of this section shall be applied without regard to community property laws.

(ii) In applying the provisions of section 402(e)(3), relating to the allowance of a deduction from gross income of the ordinary income portion of a lump sum distribution, community property laws shall not be disregarded. Thus, for example, if A, a married individual subject to the community property laws of a jurisdiction, receives a lump sum distribution of which the ordinary income portion is $10,000, and he and his wife, B, file separate returns for the taxable year, generally, one half of the total taxable amount of the lump sum distribution is includible in A's gross income, and he will be entitled to a deduction under section 402(e)(3) of $5,000. In this case, the other half of the total taxable amount is includible in B's gross income, and she will be entitled to a deduction of $5,000. The entire amount of the lump sum distribution, however, must be taken into account by A in computing the separate tax imposed by section 402(e)(1)(A).

(3) *Minimum period of service.* For purposes of computing the separate tax imposed by section 402(e)(1)(A), no amount distributed or paid to an employee may be treated as a lump sum distribution under section 402(e)(4)(A) and this section unless he has been a participant in the plan for at least 5 full taxable years of such employee (preceding his taxable year in which such amount is distributed or paid). Thus, for



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example, if an amount, which would otherwise be a lump sum distribution, is distributed to A, an employee who has completed only 4 of his taxable years of participation in the plan before the first day of the taxable year in which the amount is distributed, A is not entitled to use the provisions of section 402(e) to compute the tax on the ordinary income portion of the amount distributed. If the amount were distributed to A's beneficiary on account of A's death, however, A's beneficiary could treat the distribution as a lump sum distribution under section 402(e) and this section.

(4) *Amounts subject to penalty.* Section 402(e) and this section do not apply to an amount described in section 72 (m)(5)(A)(ii) and § 1.72-17(e)(1)(i) (*b*) to the extent the provisions of section 72(m)(5) apply to such amount.

(5) *Distributions including securities of the employer corporation.* For rules relating to distributions including securities of the employer corporation, see § 1.402(a)-1(b).

(6) *Liability for tax.* (i) Except as provided in subdivision (ii) of this subparagraph the recipient shall be liable for the tax imposed by section 402(e)(1)(A).

(ii)(A) In any case in which the recipient of a lump sum distribution is a trust, if a beneficiary of such trust, is—

(*1*) An employee with respect to the plan under which the distribution is made, or

(*2*) Treated as the owner of such trust for purposes of subpart E of part I of subchapter J of chapter 1 of the Code (relating to grantors and others treated as substantial owners),

then such employee or the owner shall be treated as the sole recipient of the lump sum distribution. For purposes of (*1*) of this subdivision, the term "an employee with respect to the plan under which the distribution is made" means and individual who, immediately before the distribution is made, is a participant in the plan under which the distribution is made.

(B) (*1*) In any case in which a lump sum distribution is made within a taxable year with respect to an individual only to two or more trusts, if a beneficiary of any one of such trusts is not treated as the sole recipient of the distribution by reason of the application of (A) of this subdivision (ii), the separate tax imposed by section 402(e)(1)(A) shall be computed as if the distribution were made to a single recipient consisting of all of such trusts, but the liability for such separate tax shall be allocated among the trusts according to the relative portions of the total taxable amount of the distribution received by each trust.

(2) In any case in which a lump sum distribution is made in a succeeding taxable year in a lookback period with respect to a trust described in (*1*) of this subdivision (B), the separate tax imposed by section 402(1)(A) shall be computed as if the amount described in section 402(e)(2)(A) (relating to the amount of tax imposed by section 402(e)(1)(A) paid with respect to other distributions in a lookback period) includes the separate tax determined in (*1*) of this subdivision (B) (without regard to the allocation described therein).

(7) *Change in exempt status of trust.* For principles applicable in making appropriate adjustments if the trust was not exempt for one or more years before the year of distribution, see § 1.402(a)-1(a)(1)(iv).

(f) *Reporting.*—(1) *Information required.* An employer who maintains a plan described in section 401(a) or 403(a), under which a distribution or payment which may be treated as a lump sum distribution is made in a taxable year of the recipient beginning after December 31, 1973, shall communicate (or cause to be communicated) in writing, to the recipient on Form 1099 R the following information (where applicable):

(i) The gross amount of such distribution (including the value of any United States retirement plan bonds distributed to or held for the recipient);

(ii) The total taxable amount of such distribution;

(iii) The ordinary income portion and capital gain element of such distribution;

(iv) The net amount contributed by the employee (within the meaning of paragraph (d)(2)(ii) of this section);

(v) The portions of such distribution excludable from the gross income of the recipient under paragraph (c) of § 1.72-16 and paragraph (b) of § 1.402(a)-1;

(vi) The value of any United States retirement plan bonds distributed to or held for the recipient in excess of the net amount contributed by the employee (within the meaning of paragraph (d)(2)(ii) of this section) included in the basis of such bonds;

(vii) The current actuarial value of any annuity contract distributed as part of the balance to the credit of the employee in excess of the net amount contributed by the employee (within the meaning of paragraph (d)(2)(ii) of this section) considered to be an investment in the contract;

(viii) The net unrealized appreciation on any securities of the employer corporation.

(2) *Alternate method of communication.* The obligation of the employer to communicate the information described in subparagraph (1) of this paragraph to the recipient shall be satisfied if the fiduciary of the trust or the payer of such distribution communicates the information to the recipient.

(3) *Taxable year of recipient.* The report required by this paragraph may be prepared, at the option of the employer as if the taxable year of each employee were the calendar year.

(4) *Failure to satisfy requirements.* In the event that the requirements of this paragraph are not satisfied, the information required to be furnished under this paragraph shall be furnished as part of the return required to be filed under section 6058 and the regulations thereunder.

**§ 1.402(e)-3 Election to treat an amount as a lump sum distribution.**

(a) *In general.* For purposes of sections 402, 403, and this section, an amount which is described in section 402(e)(4)(A) and which is not an annuity contract may be treated as a lump sum distribution under section 402(e)(4)(A) only if the taxpayer elects for the taxable year to have all such amounts received during such year so treated. Not more than one election may be made under this section with respect to an employee after such employee has attained age 59½.

(b) *Taxpayers eligible to make the election.* Individuals, estates, and trusts are the only taxpayers eligible to make the election provided by this section. In the case of a lump sum distribution made with respect to an employee to 2 or more trusts, the election provided by this section shall be made by the employee or by the personal representative of a deceased employee.

(c) *Procedure for making election.*—(1) *Time and scope of election.* An election under this section shall be made for each taxable year to which such election is to apply. The election shall be made before the expiration of the period (including extensions thereof) prescribed in section 6511 for making a claim for credit or refund of the assessed tax imposed by chapter 1 of subtitle A of the Code for such taxable year.

(2) *Manner of making election.* An election by the taxpayer with respect to a taxable year shall be made by filing Form 4972 as a part of the taxpayer's income tax return or amended return for the taxable year.

(3) *Revocation of election.* An election made pursuant to this section may be revoked within the time prescribed in subparagraph (1) of this paragraph for making an election, only if there is filed, within such time, an amended income tax return for such taxable year, which includes a statement revoking the election and is accompanied by payment of any tax attributable to the revocation. If an election for a taxable year is revoked, another election may be made for that taxable year under paragraphs (c)(1) and (2) of this section.

(4) *Effect of election on subsequent distribution.* An election made pursuant to this section shall be an election to treat an annuity contract distributed after December 31, 1973, in a lookback period (as defined in § 1.402(e)-2(c)(2)(iii)(F)) beginning after such date as a lump sum distribution in the taxable year of the recipient in which such contract is distributed.

13. Section 1.403(a) is amended by amending paragraph (A)(2)(iii) thereof and by revising the historical note. As amended, these revised provisions read as follows:

**§ 1.403(a) Statutory provisions; taxation of employee annuities; qualified annuity plan.**

Sec. 403. *Taxation of employee annuities*—(a) *Taxability of beneficiary under a qualified annuity plan* • • •





(2) *Capital gains treatment for certain distributions*—(A) *General rule.* • • •

(iii) A lump sum distribution (as defined in section 402(e)(4)(A)) is paid to the recipient, so much of the total taxable amount (as defined in section 402(e)(4)(D)) of such distribution as is equal to the product of such total taxable amount multiplied by the fraction described in section 402(a)(2) shall be treated as a gain from the sale or exchange of a capital asset held for more than 6 months. For purposes of this paragraph, in the case of an individual who is an employee without regard to section 401(c)(1), determination of whether or not any distribution is a lump sum distribution shall be made without regard to the requirement that an election be made under subsection (e)(4)(B) of section 402, but no distribution to any taxpayer other than an individual, estate, or trust may be treated as a lump sum distribution under this paragraph.

(B) *Gross reference.* For imposition of separate tax on ordinary income portion of lump sum distribution, see section 402(e).

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[Sec. 403(a) as amended by sec. 23(b), Technical Amendments Act 1958 (72 Stat. 1622); sec. 4(d), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 232(e)(4), Rev. Act 1964 (78 Stat. 111); sec. 2005(b)(2), Employee Retirement Income Security Act 1974 (88 Stat. 991)]

14. Section 1.403(a)-1(b)(1) and (2) are amended to read as follows:

**§ 1.403(a)-1 Taxability of beneficiary under a qualified annuity plan.**

• • • • • •

(b) The amounts received by or made available to any employee referred to in paragraph (a) of this section under an annuity contract shall be included in the gross income of the employee for the taxable year in which received or made available, as provided in section 72 (relating to annuities), except that—

(1) For taxable years beginning before January 1, 1970, certain total distributions described in section 403(a)(2) (as in effect for such years) are taxable as long-term capital gains (see § 1.403(a)-2 for rules applicable to such amounts), and

(2) For taxable years beginning after December 31, 1973, a portion of a lump sum distribution (as defined by section 402(e)(4)(A)) is treated as long-term capital gains (see paragraph (d) of § 1.403(a)-2 for rules applicable to such portion and see § 1.402(e)-2 for the computation of the separate tax on the portion of a lump sum distribution not treated as long-term capital gains).

For taxable years beginning before January 1, 1964, section 72(e)(3) (relating to treatment of certain lump sums), as in effect before such date, shall not apply to an amount described in this paragraph. For taxable years beginning after December 31, 1963, such amounts may be taken into account in computations under section 1301 through 1305 (relating to income averaging).

• • • • • •

15. Section 1.403(a)-2(a)(1) and (b) are amended; (c) is revised, (d) and (e) are added to read as follows:

**§ 1.403(a)-2 Capital gains treatment for certain distributions.**

(a) For taxable years beginning before January 1, 1970, if the total amounts payable with respect to any employee for whom an annuity contract has been purchased by an employer under a plan which—

(1) Is a plan described in section 403(a)(1) and § 1.403(a)-1, and

• • • • • •

(b) For taxable years beginning before January 1, 1970—

(1) The term "total amounts" means the balance to the credit of an employee with respect to all annuities under the annuity plan which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service. If an employee commences to receive annuity payments on retirement and then a lump sum payment is made to his widow upon his death, the capital gains treatment applies to the lump sum payment, but it does not apply to amounts received before the time the "total amounts" become payable. However, if the total amount to the credit of the employee at the time of his death or other separation from the service or death after separation from the service is paid or includible in the gross income of the payee within one taxable year of the payee, such amount is entitled to the capital gains treatment notwithstanding that in a later taxable year an additional amount is credited to the employee and paid to the payee.

• • • • • •

(c) For taxable years beginning before January 1, 1970, the provisions of this section are not applicable to any amounts paid to a payee to the extent such amounts are attributable to contributions made on behalf of an employee while he was a self-employed individual in the business with respect to which the plan was established. For the taxation of such amounts, see § 1.72-18. For such years for the rules for determining the amount attributable to contributions on behalf of an employee while he was self-employed, see paragraphs (b)(4) and (c)(2) of such section.

(d) For taxable years ending after December 31, 1969, and beginning before January 1, 1974, the portion of the total amounts described in paragraph (b)(1) of this section treated as gain from the sale or exchange of a capital asset held for more than six months is subject to the limitation of section 403(a)(2)(C), as in effect on December 31, 1973.

(e) For taxable years beginning after December 31, 1973—

(1) If a lump sum distribution (as defined in section 402(e)(4)(A) and the regulations thereunder) is received by, or made available to, the recipient under an annuity contract described in subparagraph (2)(i) of this paragraph, the ordinary income portion (as defined in section 402(e)(4)(E) and the regulations thereunder) of such distribution shall be taxable in accordance with the provisions of section 402(e) and the regulations thereunder and the portion of such distribution determined under paragraph (3) of this section shall be treated in accordance with the provisions of paragraph (2) of this section.

(2) If—

(i) An annuity contract is purchased by an employer for an employee under a plan described in section 403(a)(1) and § 1.403(a)-1,

(ii) Such plan requires that refunds of contributions with respect to annuity contracts purchased under the plan be used to reduce subsequent premiums on the contracts under the plan, and

(iii) A lump sum distribution (as defined in section 402(e)(4)(A) and the regulations thereunder) is paid to the recipient,

the amount described in paragraph (e)(3) of this section shall be treated as gain from the sale or exchange of a capital asset held for more than 6 months.

(3) For purposes of paragraph (e)(2) of this section, the portion of a lump sum distribution treated as gain from the sale or exchange of a capital asset held for more than 6 months is an amount equal to the total taxable amount of the lump sum distribution (as defined in section 402(e)(4)(D) and the regulations thereunder) multiplied by a fraction—

(i) The numerator of which is the number of calendar years of active participation (as determined under § 1.402(e)-2(d)(3)(ii)) by the employee in such plan before January 1, 1974, and

(ii) The denominator of which is the number of calendar years of active participation (as determined under § 1.402(e)-2(d)(3)(ii)) by the employee in such plan.

(4) For purposes of this paragraph—

(i) In the case of an employee who is an employee without regard to section 401(c)(1), the determination of whether or not an amount is a lump sum distribution shall be made without regard to the requirements of section 402(e)(4)(B) and § 1.402(e)-3.

(ii) No distribution to any taxpayer other than an individual, estate, or trust may be treated as a lump sum distribution under this section.

16. Section 1.405 is amended by deleting "Section 72 (n) and section 402(a)(2)" in subsection (e) and inserting in lieu thereof "Subsection (a)(2) and (e) of section 402" and revising the historical note. These amended and revised provisions read as follows:

**§ 1.405 Statutory provisions; qualified bond purchase plans.**

Sec. 405. *Qualified bond purchase plans.* • • •

(e) *Capital gains treatment not to apply to bonds distributed by trusts.* Subsections (a)(2) and (e) of section 402 shall not apply to any bond described in subsection (b) distributed to any distributee and, for purposes of applying such sections, any such bond distributed to any distributee and any such



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bond to the credit of any employee shall not

hands of the trust. For example, to the

**§ 1.1304 Statutory provisions; special**

bond to the credit of any employee shall not be taken into account.

• • • • • •

[Sec. 405 as added by sec. 5, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 826) and as amended by sec. 106(d)(5), Social Security Amendments 1965 (79 Stat. 337); sec. 515(c)(1) Tax Reform Act 1969 (83 Stat. 654); sec. 2005(c)(11) Employee Retirement Income Security Act 1974 (88 Stat. 992)]

Par. 17. Paragraph (4) of § 1.405–3(a) is revised to read as follows:

**§ 1.405–3 Taxation of retirement bonds.**

(a) *In general.* • • •

(4) The provisions of section 402(a)(2) and (e) are not applicable to a retirement bond. In general, section 402(a)(2) provides for capital gains treatment of a portion of a lump sum distribution as defined in section 402(e)(4)(A) and section 402(e) provides a special 10-year averaging of the ordinary income portion of such a lump sum distribution. The proceeds of a retirement bond received upon redemption will not be entitled to such capital gains treatment or 10-year averaging even though the bond is received as part of, or as the entire, balance to the credit of the employee. Nor will such a bond be taken into consideration in determining the balance to the credit of the employee. Thus, a distribution by a qualified trust may constitute a lump sum distribution for purposes of section 402(a)(2) and (e) even though the trust retains retirement bonds registered in the name of the employee.

18. Section 1.652(b)–1 is amended by deleting "72(n)" and inserting in lieu thereof "402(a)(2)". As amended, § 1.652(b)–1 reads as follows:

**§ 1.652(b)–1 Character of amounts.**

In determining the gross income of a beneficiary, the amounts includible under § 1.652(a)–1 have the same character in the hands of the beneficiary as in the hands of the trust. For example, to the extent that the amounts specified in § 1.652(a)–1 consist of income exempt from tax under section 103, such amounts are not included in the beneficiary's gross income. Similarly, dividends distributed to a beneficiary retain their original character in the beneficiary's hands for purposes of determining the availability to the beneficiary of the dividends received credit under section 34 (for dividends received on or before December 31, 1964) and the dividend exclusion under section 116. Also, to the extent that the amounts specified in § 1.652(a)–1 consist of "earned income" in the hands of the trust under the provisions of section 1348 such amount shall be treated under section 1348 as "earned income" in the hands of the beneficiary. Similarly, to the extent the amounts specified in § 1.652(a)–1 consist of an amount received as a part of a lump sum distribution from a qualified plan and to which the provisions of section 402(a)(2) would apply in the hands of the trust, such amount shall be treated as subject to such section in the hands of the beneficiary except where such amount is deemed under section 666(a) to have been distributed in a preceding taxable year of the trust and the partial tax described in section 668(a)(2) is determined under section 668(b)(1)(B). The tax treatment of amounts determined under § 1.652(a)–1 depends upon the beneficiary's status with respect to them, not upon the status of the trust. Thus, if a beneficiary is deemed to have received foreign income of a foreign trust, the includibility of such income in his gross income depends upon his taxable status with respect to that income.

19. Section 1.1304 is amended by deleting paragraph (b)(2) and redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively, and revising the historical note. These amended and revised provisions read as follows:

**§ 1.1304 Statutory provisions; special rules.**

Sec. 1304. *Special rules.* • • •

(b) *Certain provisions inapplicable.* If the taxpayer chooses the benefits of this part for the taxable year, the following provisions shall not apply to him for such year:

(1) Section 3 (relating to optional tax),

(2) Section 911 (relating to earned income from sources without the United States),

(3) Subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States),

(4) Section 1201 (b) (relating to alternative capital gains tax), and

(5) Section 1348 (relating to 50-percent maximum rate on earned income).

• • • • •

[Sec. 1304 as amended by sec. 232 (a), Rev. Act 1964 (78 Stat. 105); secs. 311 (c) and (d), 515(c)(4), 802 (c)(5), and 803(d)(8), Tax Reform Act 1969 (83 Stat. 537, 646, 678, 684); sec. 2005(c)(6) Employee Retirement Income Security Act 1974 (88 Stat. 991)]

20. Paragraph (a) of § 1.1304–2 is amended to read as follows:

**§ 1.1304–2 Provisions inapplicable if income averaging is chosen.**

(a) *Provisions inapplicable.* If a taxpayer chooses the benefits of income averaging for any taxable year, pursuant to section 1304(a) and § 1.1304–1, the following sections of the Code will not apply for such year: • • •

(2) In taxable years beginning before January 1, 1974, section 72(n)(2) (relating to limitation of tax in case of certain distributions with respect to contributions by self-employed individuals).

• • • • •

## PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

**§ 11.402(e)(4)(B)–1 [Revoked]**

21. Section 11.402(e)(4)(B)–1 is revoked.

[FR Doc.75–11365 Filed 4–29–75;8:45 am]





# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

### Office of the Secretary

### DRAFT ENVIRONMENTAL STATEMENT ON PROPOSED CONSTRUCTIONS

### Public Information and Comment Meetings

A Draft Environmental Impact Statement (DEIS) concerning the proposed construction of the Washington Technical Institute and the International Center at the former National Bureau of Standards site, Connecticut Avenue and Van Ness Street NW., Washington, D.C., has been prepared by the Department of State, the General Services Administration, and the National Capital Planning Commission. The DEIS was released on April 11, 1975, to all known interested public agencies, individuals and community groups in the review of and comment on the DEIS is invited. An opportunity for such participation will be afforded at a public Informational Meeting, and at a public Comment Meeting, as described below:

INFORMATIONAL MEETING

*Date.* May 14, 1975.

*Time.* 7:00 p.m.

*Place.* A. Mercer Daniels Law Library, Howard University Law School, Dunbarton Campus, 2935 Upton Street NW., Washington, D.C.

*Purpose.* To provide information, including a description of the projects, and to the extent possible, to provide answers to all relevant questions received by the Coordinator by May 9, 1975.

*Instructions.* Interested parties are invited to submit written questions to the Coordinator by May 9, 1975. Parties who wish to present oral questions at the Informational Meeting are requested to register with the Coordinator by May 12, 1975. Each such party will be afforded three minutes of speaking time at the Informational Meeting for the purpose of presenting such questions. To the extent possible, all relevant questions received after May 9, 1975, and before May 16, 1975, will be answered at or before the Comment Meeting. Presentation of comments will be reserved for the Comment Meeting.

COMMENT MEETING

*Date.* May 21, 1975.

*Time.* 7:00 p.m.

*Place.* A. Mercer Daniels Law Library, Howard University Law School, Dunbarton Campus, 2935 Upton Street NW., Washington, D.C.

*Purpose.* To receive comments concerning the proposed projects.

*Instructions.* The submission of written comments to the Coordinator at any time prior to May 26, 1975, is invited. Interested parties desiring to present oral comments at the Comment Meeting are requested to register with the Coordinator by May 19, 1975. Each party will be afforded five minutes of speaking time at the Comment Meeting. Oral comments may be extended by subsequent written permission prior to May 26, 1975.

*Coordinator.* All questions, comments, and requests for copies of the DEIS should be addressed to: William C. Lawson, Coordinator—PJF, Interagency Task Force, Room 6029, General Services Administration, 18th & F Streets NW., Washington, D.C. 20405, Telephone: (202) 343–5266.

*Locations of copies of DEIS available for public reference.* Martin Luther King Library, 901 G Street NW., Washington, D.C.; Cleveland Park Branch Library, Connecticut Avenue & Macomb Street NW., Washington, D.C.; Tenley Friendship Branch Library, Wisconsin Avenue & Albemarle Street NW., Washington, D.C.; Chevy Chase Branch Library, Connecticut Avenue, near McKinley Street NW., Washington, D.C.; General Services Administration, Room 6029, 18th & F Streets NW., Washington, D.C.; National Capital Planning Commission, 1325 G Street, 10th Floor NW., Washington, D.C.

JAMES A. LOVELL,
*Technical Liaison-Room 1890 International Center Project Department of State.*

[FR Doc.75–11396 Filed 4–29–75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

### FIREARMS

### Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Clayton, Bob, 809 North Johnson, Corydon, Iowa, convicted on November 19, 1968, in the District Court of the State of Iowa in and for Polk County, Des Moines, Iowa.

D'Albora, Ronald A., 6 Falcon Lane, Levittown, New York, convicted on April 6, 1967, in the United States District Court for the Eastern District of New York.

Davis, Joseph T., Jr., Route 2, Box A–44, Powhatan, Virginia, convicted on February 12, 1968, in the United States District Court, Eastern District, Virginia.

Doyle, James H., 13605 Gratiot Road, Hemlock, Michigan, convicted on or about June 17, 1969, in the 34th Circuit Court, Ogemaw County, Michigan.

Ficaro, Jack J., Jr., 3628 Dumaine, Apt. A, New Orleans, Louisiana, convicted on or about May 4, 1971, in the Superior Court, San Francisco County, San Francisco, California.

Fischer, Rocky Lee, Box 47, Kilgore, Nebraska, convicted on or about June 20, 1973, in the Cherry County District Court, Nebraska.

Fruhwirth, Don R., 4994 Blow Street, St. Louis, Missouri, convicted on October 23, 1970, in the United States District Court, St. Louis, Missouri.

Frye, Richard Blaine, Jr., 3403 30th Street, Kenosha, Wisconsin, convicted on October 1, 1970, in the Circuit Court, Kenosha County, Wisconsin.

Fullerton, Clyde J., Jr., 3731 South Glenstone, Lot #74, Springfield, Missouri, convicted on September 29, 1969, in the Circuit Court of Dallas County, Missouri.

Harris, Earl E., Route 1, East, Box 26D, Scottsburg, Oregon, convicted on April 30, 1965, in the Douglas County Circuit Court, Oregon.

Howell, Dennis Charles, 1613 Lilac Lane, Antioch, California, convicted on December 4, 1969, in the Superior Court of the State of California for the County of Los Angeles; and on December 23, 1969, in the Municipal Court of the Bakersfield Judicial District, County of Kern, California.

Johnson, Raymond R., 1600 Woodmere Avenue, Detroit, Michigan, convicted on April 27, 1955, in the United States District Court for the Eastern District of Tennessee, Chattanooga, Tennessee; and on September 30, 1958, in the Municipal Court, Marion County, Indiana.

Johnson, Warren E., 13721 Steven Road, Burnsville, Minnesota, convicted on November 8, 1971, in the 2nd Judicial Circuit Court, Ramsey County, Minnesota.

Mackalica, James S., R.D. #5, Butler, Pennsylvania, convicted on or about September 11, 1968, in the Criminal Court of Beaver County, Pennsylvania.

Marsh, Norman Lee, 818 West Estes Way, Phoenix, Arizona, convicted on April 2, 1954, in the Superior Court, Orange County, California; and on September 25, 1956, in the Circuit Court, Coos County, Oregon.

Martin, Estes Leon, 22 Charmingdale Drive, Monroe, Louisiana, convicted on January 19, 1953, in the Custer County District Court, Kearney, Nebraska.

Matz, Warren William, 217 North Street, Little Chute, Wisconsin, convicted on March 11, 1971, in the United States District Court, Eastern District of Wisconsin.

May, Steven J., 4601 Fillmore NE., Minneapolis, Minnesota, convicted on October 6, 1972, in the District Court, Tenth Judicial District, Anoka County, Minnesota.

Miller, Donald L., 6901 SE 14th, Lot 67, Des Moines, Iowa, convicted on December 27, 1956, in the District Court of Iowa in and for Warren County.

Mixson, Thomas A., P.O. Box 651, North, South Carolina, convicted on April 25, 1973, in the United States District Court, District of South Carolina.

Rutherford, Gary D., P.O. Box 41, Pengilly, Minnesota, convicted on May 15, 1972, in the District Court, Ninth Judicial District, Itasca County, Minnesota.



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Sauer, Dave E., P.O. Box 434, Thornburg, Iowa, convicted on November 14, 1972, in the District Court of Iowa, Keokuk County, Iowa.

Simmons, Arthur Willie, Route 2, Box 163AA, Rolla, Missouri, convicted on November 14, 1972, in Phelps County Circuit Court, Missouri.

Smith, William Ellis, 215 Rumsey, Anaconda, Montana, convicted on September 11, 1970, in the District Court of the Third Judicial District of the State of Montana in and for the County of Deer Lodge.

Stanley, Robert F., River Road, Solon, Maine, convicted on September 13, 1972, in the Superior Court, Somerset County, Maine.

Sutton, Larry Don, 865 Char-Ben Drive, Pevely, Missouri, convicted on November 12, 1965, in the Circuit Court of the City of St. Louis, State of Missouri.

Tisdale, Jack Bruce, Box 267, New Underwood, South Dakota, convicted on October 14, 1968, in the Circuit Court, Eighth Judicial Circuit, Lawrence County, South Dakota.

Wells, Leslie M., 628 Grand Canyon, Reno, Nevada, convicted on or about July 30, 1957, in the Superior Court, Alameda County, California.

White, Jerry L., 5900 S. Washington Road, Saginaw, Michigan, convicted on October 19, 1959, and on October 3, 1961, in the Circuit Court for the County of Bay, Bay City, Michigan.

Woods, Pavan M., Route 1, Box 747, Tenino, Washington, convicted on June 11, 1973, in the Superior Court of the State of Washington in and for the County of Thurston.

Yodice, Peter J., 1402 Castle Hill Avenue, Bronx, New York, convicted on April 8, 1969, in the United States District Court, Southern Judicial District of Florida, Miami, Florida.

Signed at Washington, D.C. this 18th day of April 1975.

REX D. DAVIS,
*Director, Bureau of Alcohol, Tobacco and Firearms.*

[FR Doc.75-11215 Filed 4-29-75;8:45 am]

### Customs Service

## CASTOR OIL PRODUCTS FROM BRAZIL

### Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on March 10, 1975, alleging that payments or bestowals, conferred by the Government of Brazil upon the manufacture, production or exportation of hydrogenated castor oil and 12 hydroxystearic acid from Brazil constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended, (19 U.S.C. 1303(a)(4)) the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of the receipt of a petition alleging the payment or bestowal of a bounty or grant and final decision within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than September 10, 1975, as to whether or not the alleged payments or bestowals, conferred by the Government of Brazil upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than March 10, 1976.

This notice is published pursuant to section 303(a)(3) Tariff Act of 1930, as amended, (19 U.S.C. 1303(a)(3)) and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

VERNON D. ACREE,
*Commissioner of Customs.*

Approved: April 24, 1975.

[SEAL] DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

[FR Doc.75-11207 Filed 4-29-75;8:45 am]

[T.D. 75-101]

## FOREIGN CURRENCIES—CERTIFICATION OF RATES

### Rates of Exchange Certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

APRIL 11, 1975.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 75-24 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

| | |
|---|---|
| France franc: | |
| March 31, 1975 | $0.2373 |
| Norway krone: | |
| March 31, 1975 | $0.2037 |

[SEAL] R. N. MARRA,
*Director, Duty Assessment Division.*

[FR Doc.75-11230 Filed 4-29-75;8:45 am]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

## DEFENSE SCIENCE BOARD TASK FORCE ON TECHNOLOGY BASE STRATEGY

### Task Force Meeting; Correction

On April 22, 1975, a task force meeting announcement was published in the FEDERAL REGISTER (40 FR 17763) which incorrectly listed the phone number of the Executive Secretary.

This notice is being published to correct this error.

Persons wishing to attend the open session of this meeting should provide notice, either by mail or phone, by 12 May 1975 to:

Dr. Paul W. Peterson, Executive Secretary, DSB Task Force on Technology Base Strategy, OSD-DD(R&AT), Room 3E114, The Pentagon, Washington, D.C. 20301. Tel. No. (202 697-6379.

MAURICE W. ROCHE,
*Director Correspondence and Directives OASD (Comptroller).*

APRIL 25, 1975.

[FR Doc.75-11298 Filed 4-29-75;8:45 am]

[Serial No. I-6900]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### IDAHO

### Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application, Serial No. I-6900, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 73-13392 on page 742 of the issue for July 3, 1973. The Forest Service has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2300, such lands will be at 10 a.m. on May 23, 1975 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE, MERIDIAN, IDAHO

T. 50 N., R. 3 E.,
Sec. 27, Lots 5, 6, 7, N½NE¼SW¼;
Sec. 28, Lot 8.

The area described aggregates 167.5 acres.

VINCENT S. STROBEL,
*Chief, Branch of L&M Operations.*

[FR Doc.75-11311 Filed 4-29-75;8:45 am]

[Serial No. I-09518]

### IDAHO

### Partial Termination of Proposed Withdrawal and Reservation of Lands

APRIL 21, 1975.

Notice of an application, serial number I-09518, for withdrawal and reservation of lands was published in the August 20, 1958 issue of the FEDERAL REGISTER on page 6379 (23 FR 163). The Forest Service has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2300, such lands will be at 10 a.m. on May 29, 1975 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 61 N., R. 5 W.,
Sec. 14, SW¼SW¼SW¼;
Sec. 15, SE¼SE¼SE¼;
Sec. 22, NE¼NE¼NE¼;
Sec. 23, NW¼NW¼NW¼.





The area described aggregates 40.00 acres.

VINCENT S. STROBEL,
*Chief, Branch of L&M Operations.*

[FR Doc.75-11212 Filed 4-29-75;8:45 am]

[Int Des 75-10]

## TIMBER MANAGEMENT

### Extension of Comment Period

APRIL 23, 1975.

The comment period for the draft environmental statement on the Timber Management Program of the Bureau of Land Management has been extended from May 7, 1975, to June 12, 1975. The notice of the availability of the draft environmental statement was published in the FEDERAL REGISTER, Vol. 40, Number 48, page 11367 on March 11, 1975.

CURT BERKLUND,
*Director, Bureau of Land Management.*

[FR Doc.75-11213 Filed 4-29-75;8:45 am]

### Bureau of Reclamation

## ANADROMOUS FISH PASSAGE IMPROVEMENTS—SAVAGE RAPIDS DAM, OREGON

### Public Hearings

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for improvements to the Fish Passage Facilities at Savage Rapids Dam, Oregon. This statement (Int Des 75-28 dated April 15, 1975) was made available to the Council on Environmental Quality on April 15, 1975.

The draft environmental statement describes the nature and extent of the environmental impact of the proposed anadromous fish passage improvements at Savage Rapids Dam near Grants Pass, Oregon. The major feature of the proposal will be the construction of a new fishway on the north side of the Rogue River and modification of other related structures.

A public hearing will be held in Grants Pass, Oregon, at the Josephine County Courthouse at 7:30 p.m., on June 3, 1975, to receive views and comments from interested organizations or individuals relating to the environmental impacts of the proposed actions. Oral comments at the hearings will be limited to a period of 10 minutes. Speakers will be encouraged not to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow a speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time reference mentioned in their letter request whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be called at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up until 5 p.m., on May 30, 1975. Opportunities will be available to request time at the time of the various sessions of the hearings and these requests will be handled on a first-come-first-served basis, following the previously scheduled presentations.

Organizations or individuals desiring to present their statements at the hearings should contact the Regional Director, Attention: Code 160, Bureau of Reclamation, P.O. Box 043, 550 W. Fort Street, Boise, Idaho 83724 or telephone area code (208) 342-2711, extension 2215, and announce their intention to participate.

Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing, should be received by June 17, 1975, so that they can be included in the hearing record.

Dated: April 24, 1975.

G. G. STAMM,
*Commissioner, Bureau of Reclamation.*

[FR Doc.75-11302 Filed 4-29-75;8:45 am]

### National Park Service

## YOSEMITE NATIONAL PARK MASTER PLAN

### Notice of Intent

Notice is hereby given that the first phase of the new Master Planning process for Yosemite National Park is continuing with workshops scheduled for the following cities.

Seattle, Washington: June 3, 1 p.m. and 7 p.m., Room 1021, Arcade Plaza Building, 2nd Avenue and Union Street.

Dallas/Ft. Worth, TX: June 4, 1 p.m. and 7 p.m., Assembly Room, Student Union Building, Southern Methodist University, Dallas.

Denver, Colorado: June 5, 1 p.m., National Park Service Rocky Mountain Regional Office, 655 Parfet Avenue, Lakewood, Colorado; and 7 p.m., Room 116, University of Colorado at Denver, 1100 14th Street, Denver.

New York, New York: June 10, 1 p.m. and 7 p.m., Room 207, Graduate Center of the University of New York, 33 West 42nd Street.

Chicago, Illinois: June 10, 1 p.m. and 7 p.m., Auditorium, Devonshire Community Center, 4400 Grove, Skokie, Illinois.

Washington, D.C.: June 12, 1 p.m. and 7 p.m., Department of the Interior, South Annex, 1951 Constitution Ave., NW.

Atlanta, Georgia: June 12, 1 p.m., Room 556, Federal Building, 275 Peachtree Street, NE., Atlanta, Georgia; and 7 p.m., National Park Service Building, 3401 Whipple Avenue, East Point, Georgia.

Each workshop in this series that began in Yosemite Valley on February 5, 1975, has the same agenda, and provides for public involvement and citizen participation in the Yosemite National Park planning process.

Concurrent with these workshops will be a series of consultations between members of the Yosemite Master Planning Team and appropriate Federal, State and Local government officials, organizations, and individuals.

The purpose of these workshops and consultations is to provide the widest possible public involvement, including ideas, suggestions, and comments from individuals and organizations on the concepts and composition of a draft Master Plan for Yosemite National Park prior to the actual drafting of such a plan.

It is the intention of the National Park Service, when the draft Master Plan is completed, to submit it to the public for further review through a series of public meetings for which adequate advance public notice also will be given.

Anyone unable to attend the above workshops, should send their ideas on what should be planned for Yosemite to: Yosemite Master Plan Team, National Park Service, c/o Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123. The telephone number is Area Code 415, 556-5814.

Dated: April 21, 1975.

JOHN H. DAVIS,
*Acting Regional Director, Western Region, National Park Service.*

[FR Doc.75-11379 Filed 4-29-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

## ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The Organization, Functions, and Delegations of Authority of the Agricultural Stabilization and Conservation Service published at 35 FR 19798, December 30, 1970, and amended by 36 FR 6907, April 10, 1971; 37 FR 624, January 14, 1972; and 37 FR 3845, February 23, 1972, is revised and reissued. Because the changes concern rules of agency organization, procedure, and practice, prior notice, public rulemaking procedure, and effective date requirements are omitted as unnecessary.

I. *General.* The Agricultural Stabilization and Conservation Service (hereinafter referred to as ASCS) was established June 5, 1961, by the Secretary of Agriculture pursuant to the authority vested in him by section 161, Revised Statutes (5 U.S.C. 301), and Reorganization Plan No. 2 of 1953. Pursuant to the assignment of functions by the Secretary (37 FR 28462, as amended) and by the Commodity Credit Corporation in accordance with its bylaws (38 FR 6835), this Service is responsible for the planning, coordinating, and administering of agricultural stabilization and conservation policies and programs which include the following:

A. Acreage allotment and farm marketing quota programs under the Agricultural Adjustment Act of 1938, as amended;

B. Coordinating and preventing duplication of aerial photographic work of the Department, including:

1. Clearing of photography projects,

2. Assigning symbols for new aerial photography, maintaining symbol records, and furnishing symbol books,







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3. Recording departmental aerial photography flow and coordinating the issuance of aerial photography status maps of latest coverage,

4. Promoting interchange of technical information and techniques to develop lower costs and better quality,

5. Representing the Department on the Interagency Committee on Sales Prices of Aerial Photographic and Satellite Imagery Reproduction and serving as liaison with other governmental agencies on aerial photography but excluding mapping, and

6. Providing a Chairman for the Photography Sales Committee of the Department;

C. The rural environmental programs (except Great Plains program) under Title X of the Agriculture and Consumer Protection Act of 1973 and sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended;

D. The land stabilization, conservation, and erosion program authorized by section 203 of the Appalachian Development Act of 1965, as amended, with assistance from the Soil Conservation Service;

E. The beekeeper indemnity payment program under section 804 of the Agricultural Act of 1970, as amended;

F. The cropland adjustment program under title VI of the Food and Agriculture Act of 1965, as amended;

G. The cropland conversion program under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended;

H. The dairy indemnity program under Act of August 13, 1968, as amended;

I. Refinancing operations pursuant to section 304 of the Defense Production Act of 1950, as amended; and assigned responsibilities and functions under the Defense Production Act of 1950, as amended; and the Federal Civil Defense Act of 1959, as amended;

J. The emergency conservation program under Public Law 85–58, as amended;

K. Conducting fiscal, accounting, and claims functions relating to CCC programs for which the Foreign Agricultural Service has been delegated authority, and in participation with other agencies of the U.S. Government, developing and formulating amendments to credit agreements under Title I, of the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter referred to as "Public Law 480"), and the export credit sales program involving the rescheduling of amounts due from foreign countries under such agreements;

L. The feed grain program under section 105 of the Agricultural Act of 1949, as amended;

M. The haybank program pursuant to section 805 of the Agricultural Act of 1970;

N. Serving as the focal point in the Department for consultation on the leasing of Federally owned farmlands to insure consistency with the Government's farm programs to reduce production of price-supported crops in surplus supply; and determining and proclaiming agricultural commodities in surplus supply, pursuant to Presidential memorandum of May 21, 1956;

O. Assigned activities under the Strategic and Critical Materials Stockpiling Act, as amended;

P. The Sugar Act of 1948, as amended;

Q. The International Sugar Agreement;

R. Supervising and directing Agricultural Stabilization and Conservation Service State and county offices, and designating functions to be performed by Agricultural Stabilization and Conservation Service State and county committees;

S. The upland cotton program under section 103 of the Agricultural Act of 1949, as amended, and the extra long staple cotton program under section 101 of the Agricultural Act of 1949, as amended;

T. The water bank program under the Water Bank Act;

U. The wheat program under section 107 of the Agricultural Act of 1949, as amended;

V. Distress and disaster relief programs under section 407 of the Agricultural Act of 1949, as amended, and the Disaster Relief Act of 1970, as amended;

W. The emergency livestock feed assistance program under section 407 of the Agricultural Act of 1949, as amended, and the Act of September 21, 1959, as amended;

X. Determining the quantities of agricultural commodities subject to price support available for export programs, and estimating and announcing the types, quantities, and varieties of food commodities to become available for distribution under clause (3) of section 416, Agricultural Act of 1949, as amended;

Y. Programs to stabilize, support, and protect farm income and prices and to assist in the maintenance of balanced and adequate supplies of agricultural commodities, including programs to sell or otherwise dispose of, and aid in the disposition of such commodities (except as otherwise assigned to the Foreign Agricultural Service, Food and Nutrition Service, and the Agricultural Marketing Service).

Z. Procurement, processing, handling, distribution, disposition, transportation, payment, and related services on surplus removal and supply operations, under section 5 (b), (c), and (d) of the CCC Charter Act, section 416 of the Agricultural Act of 1949, as amended, section 210 of the Agricultural Act of 1956, the Act of August 19, 1958, as amended, and section 709 of the Food and Agriculture Act of 1965, as amended (except as otherwise assigned to the Foreign Agricultural Service and the Agricultural Marketing Service) and assisting the Agricultural Marketing Service in the procurement, handling, payment, and related services under section 32 of the Act of August 23, 1935 and the National School Lunch Act of 1946, as amended

AA. Commodity procurement and supply, transportation (other than from point of export, except for movement to trust territories or possessions), handling, payment, and related services in connection with programs under title II of Pub. L. 480; payment and related services for the Foreign Agricultural Service with respect to export subsidy and barter operations, operations under title I of Pub. L. 480, and the export credit sales program;

BB. Wool and mohair programs under section 704 of the National Wool Act of 1954, as amended;

CC. Under the authority of section 708 of the National Wool Act of 1954, as amended, conducting producer referendums, withholding funds (for advertising and promotion) from payments made to producers under section 704, and transferring such funds to the person or agency designated by the Assistant Secretary for Marketing and Consumer Affairs;

DD. Carrying out civil defense, defense production, and crisis management programs, plans, and operations as assigned;

EE. Administering energy management activities related to people and organizations served by the Department, and maintaining liaison with other Government agencies in these matters.

FF. Other functions on behalf of CCC as assigned in accordance with CCC bylaws.

The principal office of the ASCS is at Washington, D.C., in the Administration Building of the U.S. Department of Agriculture. It consists of offices and divisions listed in the following paragraph II.

II. *Organization, Agricultural Stabilization and Conservation Service.* A. The following is a listing of the ASCS by reporting lines:

1. Administrator
a. Associate Administrator.
b. Executive Assistant.
c. Deputy Administrator, Programs.
(1) Cotton, Rice, and Oilseeds Division.
(2) Emergency Preparedness Division.
(3) Grain Division.
(4) Program Operations Division.
(5) Tobacco and Peanut Division.
(6) Environmental Quality and Land Use Division.
(7) Program Appeals Staff.
(8) Regional Directors.
(a) State ASC Committees.
(i) County ASC Committees.
d. Deputy Administrator, Commodity Operations.
(1) Commodity Operations Division.
(2) Sugar Division.
(3) Prairie Village Commodity Office.
(4) Minneapolis Commodity Office.
e. Deputy Administrator, Management.
(1) Administrative Services Division.
(2) Budget Division.
(3) Data Systems Division.
(4) Fiscal Division.
(5) Personnel Division.
(6) Internal Consulting Staff.
f. Information Division.
g. Program Evaluation and Appraisal Staff.

III. *Functional responsibilities.* The following are the responsibilities of the organizational units of the Agricultural





Stabilization and Conservation Service (ASCS), listed in accordance with reporting lines.

A. *Administrator.* The Administrator, who is also the Executive Vice President of the Commodity Credit Corporation (CCC), is responsible to the Assistant Secretary, International Affairs and Commodity Programs, for the general direction and supervision of the programs assigned to ASCS.

1. *Associate Administrator.* The Associate Administrator acts for and assists the Administrator in the general direction and supervision of programs assigned to ASCS. The Associate Administrator is also Vice President of the CCC. In the absence of unavailability of the Administrator, the Associate Administrator exercises the powers and performs the duties of the Administrator of ASCS and the Executive Vice President of CCC.

2. *Executive Assistant.* The Executive Assistant to the Administrator participates in the formulation of new or improved Agency policies and programs. He serves as the Administrator's personal representative. He also serves as Secretary of the CCC.

3. *Deputy Administrator, Programs.* The Deputy Administrator, Programs, formulates policies and programs pertaining to price support programs for all commodities except milk and its products; bin storage and farm storage facility programs; the feed grain, wheat, and upland cotton programs; the production adjustment programs for tobacco, extra long staple cotton, peanuts, and rice; the wool and mohair programs; the dairy and beekeeper indemnity programs; programs involving environmental quality and land use; and functions related to defense preparedness and crisis management. He is responsible for the program operations of State and county committees and offices, and provides administrative and program direction to regional directors and assigned divisions, staffs, and offices as set forth below. The Deputy Administrator, Programs, is also Deputy Vice President of the CCC.

a. *Cotton, Rice and Oilseeds Division.* The Cotton, Rice and Oilseeds Division formulates broad policies and programs pertaining to production adjustment, payments, and price support, as applicable, for upland cotton and extra long staple cotton, cotton products, linters and other fibers, rice, soybeans, flaxseed, dry edible beans, cottonseed, tung nuts, castor beans, oils, oil seed meals, naval stores, foundation planting seeds, and other assigned commodities, and disposal to foreign outlets for naval stores. The Division develops operating policy, regulations, and handbooks for price support and acquisition programs for upland and extra long staple cotton and related products. It develops guides and standards for use in evaluating and appraising policy and program operations; develops program dockets and regulations relating to State and county allotments, quotas and production, yields, and loan and payment rates; develops legislative proposals and carries out assigned defense activities. It also reviews and approves association budgets for naval stores.

b. *Emergency Preparedness Division.* The Emergency Preparedness Division formulates and administers policies, programs and procedures applicable to defense emergency production, control and requirements planning. The Division develops standby emergency agricultural programs for the control and availability of feed, seed fertilizer, and farm equipment. It maintains plans for storage and movement of grains and peanuts, and for use of CCC financial resources under emergency conditions. It provides coordinating services to USDA State and County Emergency Boards; develops program dockets, regulations and instructions, and legislative proposals; carries out crisis management functions such as those related to the energy and fertilizer crises; and provides centralized Department-wide defense services including coordination of the defense data system covering resources under USDA jurisdiction.

c. *Grain Division.* The Grain Division formulates broad policies and programs pertaining to production adjustment, payments, and price support for grain (wheat, corn, grain sorghum, barley, oats, and rye). The Division develops operating policy, regulations, and handbooks for price support loans and purchases for soybeans, flaxseed, rice, dry edible beans, honey, and farm stored loans for peanuts, tobacco, and tung nuts. It develops program as well as operating policy for farm storage facility and mobile dryer loan programs and CCC bin storage operations. It develops guides and standards for use in evaluating and appraising policy and program operations; develops program dockets and regulations for carrying out program policies and objectives; develops legislative proposals; and carries out assigned defense activities.

d. *Program Operations Division.* The Program Operations Division develops operating policies, regulations, and handbooks pertaining to on-farm application of production adjustment and payment programs, as applicable, for feed grain, wheat, upland cotton, extra long staple cotton, rice, tobacco, and peanuts; wool and mohair programs; dairy and beekeeper indemnity programs; and the participation of cooperatives. The Division formulates program as well as operating policy for the wool and mohair programs, the indemnity programs for milk producers and beekeepers; compliance, and other program provisions common to more than one ASCS Division. It develops program regulations and dockets relating to the assigned programs; provides uniform program and policy clarification and interpretation; analyzes and evaluates program operations; recommends changes and revisions of policies; and carries out assigned defense activities.

e. *Tobacco and Peanut Division.* The Tobacco and Peanut Division formulates broad policies and programs pertaining to production adjustment, price support, purchase, commercial warehousing, sale, management, and disposal for tobacco, tobacco products, peanuts, and peanut products, including disposal to foreign outlets. The Division develops operating policy, regulations, and procedures for the acquisition, management, and disposition of commodities carried out through producer associations. It develops program dockets and regulations relating to State and county allotments, quotas, yields, and rates; develops legislative proposals; and carries out assigned defense activities.

f. *Environmental Quality and Land Use Division.* The Environmental Quality and Land Use Division formulates and administers policies, activities, and programs concerning environmental quality, conservation of natural resources, emergency conservation and livestock feed, rural development, cropland adjustment, public access, and long-term land use. The Division develops related regulations and instructions, develops lists of approved practices and rates of payment for cost-sharing and related provisions for the national rural environmental assistance program, national forestry incentive program, regional conservation programs, emergency conservation measures programs, water bank program, and land use programs. It develops policies and procedures for providing assistance in rural areas struck by natural disaster by activating emergency livestock feed and emergency conservation measures programs. The Division provides liaison with other offices of the Department and other agencies in developing and administering rural development activities. It reviews, analyzes, and evaluates program operations of State and county offices, and carries out assigned defense activities.

g. *Program Appeals Staff.* The Program Appeals Staff formulates and administers general operating policies and program procedures in connection with requests for reconsideration and appeals, and participates in policy development in connection with "failure to comply" cases and requests for relief, for all programs at National, State, and county levels. It receives, reviews, and processes producers' appeals from prior determinations, and receives and processes requests for producer relief.

h. *Regional Directors.* The Regional Directors have responsibility within specific geographic areas for the administration of assigned ASCS programs within State and county ASCS offices, and the Caribbean Area Office. The Regional Directors are responsible for supervising and coordinating the activities of the State ASC Committees within the established policies and procedures, and assist in coordinating the program activities of State and county ASCS offices in their respective areas. They make recommendations to the Deputy Administrator, Programs, for appointments to the State ASC Committees and other items pertinent to personnel matters in



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their respective areas. The Regional Directors also carry out assigned defense activities.

(1) *State ASC Committees and the Director, ASCS Caribbean Area Office.* State ASC Committees and the Director, Caribbean Area Office recommend agricultural programs applicable to the State or Area. State ASCS Offices participate in the administration, and direct and coordinate the administration by county offices, of agricultural conservation and stabilization, production adjustment, payment, price support, land use, diversion, cropland adjustment, sugar and other assigned programs, as well as assigned defense activities and natural disaster responsibilities. The State ASC Committees and the Director of the ASCS Caribbean Area Office report to the Regional Director having responsibility for the geographic area to which the specific State or Area is assigned.

(a) *County ASC Committees.* County ASC Committees recommend and suggest to the State ASC Committee agricultural programs applicable to the county. County ASCS Offices administer agricultural conservation and stabilization, production adjustment, price support, payment, land use, diversion, cropland adjustment, sugar, and other assigned programs requiring direct dealings with the farmer; and carry out assigned defense activities. The County ASC Committees report to their respective State ASC Committees.

4. *Deputy Administrator, Commodity Operations.* The Deputy Administrator, Commodity Operations, formulates policies and programs pertaining to sugar and related commodities and to price support of milk and its products, and broad program policy pertaining to the procurement, sale, and inventory management of assigned commodities. He is primarily responsible for the administration of programs requiring direct relationships with agri-business. The Deputy Administrator, Commodity Operations, is responsible for field operations to implement functions assigned to the Foreign Agricultural Service in accordance with policies and procedures established by the Foreign Agricultural Service. The Deputy Administrator, Commodity Operations, provides administrative and program direction and supervision to assigned divisions and offices as set forth below. The Deputy Administrator, Commodity Operations, is also Deputy Vice President of the CCC.

a. *Commodity Operations Division.* The Commodity Operations Division formulates broad policies and programs pertaining to price support of milk and its products and broad program policy for procurement and sales of processed commodities, whole grains, rice, soybeans, flaxseed, dry edible beans, cotton, cottonseed, tung oil, castor beans, vegetable oils, oilseed meals, honey, foundation and breeder seeds, and other assigned commodities. The Division develops and recommends policies, programs, contract terms, and procedures for commercial storage, processing, packaging, and transportation of commodities; and prepares contract terms, specifications, and operating instructions for ASCS Commodity Offices to follow in carrying out assigned commodity purchase, sales, and disposition programs. The Division provides technical advice, direction, and coordination in supplying processed commodities for domestic and export donation and related operations. It maintains the Traffic Library of the Department; and carries out assigned defense activities.

b. *Sugar Division.* The Sugar Division formulates broad policies and programs pertaining to administration of the Sugar Act, U.S. participation in or liaison with the International Sugar Organization, and international standards; to production adjustment programs for sugar, sugarcane, sugar beets, molasses, confectionery, and sugar containing products; and to the price support, purchase, and disposal programs for honey. The Division develops operating policy, regulations, and handbooks for production adjustment and direct payment programs for sugar beets and sugarcane. It develops guides and standards for use in evaluating and appraising policy and program operations; develops program regulations and legislative proposals; and carries out assigned defense activities.

c. *Commodity Offices.* There are two ASCS Commodity Offices which report to the Deputy Administrator, Commodity Operations. The commodity offices execute assigned inventory management, acquisition, disposition, and related programs and activities. For assigned programs, the commodity offices direct methods analysis, system design, and automatic data processing programming compatible with overall standards and conventions for ASCS activities. They carry out assigned defense activities. These commodity offices are located at addresses shown in paragraph VI and have program responsibilities for the areas indicated:

(1) *Prairie Village ASCS Commodity Office.* The Prairie Village Commodity Office has nationwide responsibility for grain, rice, soybeans, dry edible beans, cotton, cottonseed and cottonseed products, flaxseed, castor oil, linseed oil, and tung oil.

(a) Branch offices. The Prairie Village Commodity Office maintains branch offices at Chicago, Ill.; Minneapolis, Minn.; Houston, Texas; and Portland, Oregon. These offices carry out assigned responsibilities in connection with the acquisition, transportation, disposition, and management of commodties. The Branch Office Managers report to the Director, Prairie Village Commodity Office.

(2) *Minneapolis ASCS Commodity Office.* The Minneapolis Commodity Office has nationwide responsibility for processed commodities.

5. *Deputy Administrator, Management.* The Deputy Administrator, Management, is primarily responsible for the overall management programs in ASCS and CCC, including automatic data systems, aerial photography, administrative services, budget formulation and administration, fiscal and claims management and systems, operations evaluation and internal consultation, manpower utilization and management improvement, personnel management, organization analysis, and employee development and training programs. The Deputy Administrator, Management, provides administrative and program direction and coordination to assigned divisions, staffs, and offices as set forth below. In addition, the Deputy Administrator, Management, carries out assigned defense activities and is also Deputy Vice President of the CCC.

a. *Administrative Services Division.* The Administrative Services Division develops and administers management programs designed to provide ASCS and other assigned units with support activities and services including directives management and typing service, forms design and management, printing procurement and distribution, internal mail services, procurement, property management, records management and security, communications media management, and aerial photography. The Divisions operates or supervises the operations of administrative services in Washington, D.C., is responsible for the service activities of the Aerial Photography Field Office (which supervises two aerial photography laboratories) and the Administrative Services Field Office, provides technical direction over the administrative services activities of other field offices, and carries out assigned defense activities.

b. *Budget Division.* The Budget Division formulates and administers ASCS and CCC budget plans, policies, presentations and procedures, covering all funds utilized, including administrative expense funds, corporate capital funds, funds appropriated for payment to farmers, funds allocated from other sources, and other funds. The Division coordinates legislative reports, exercises technical direction over budgetary activities of the ASCS field offices, and carries out assigned defense activities.

c. *Data Systems Division.* The Data Systems Division formulates policies and programs for effective data processing, provides technical direction, application and coordination of automatic data processing systems for automation of ASCS programs, and develops agency standards and objectives. The Division directs and provides automatic data processing activities including advanced planning, feasibility, systems and application design, programming, systems implementation, monitoring, evaluation, and impact appraisals. It translates requirements into technical needs relating to ADP equipment capabilities, operating requirements, communications network, and data management handling requirements. The Data Systems Division develops and maintains systems which insure expeditious collection, evaluation, and dissemination of data accurately and uniformly as needed for executive, legislative, and public information use. The Division performs reports management functions and is responsible for the activities of the Data Systems Field Office.





d. *Fiscal Division.* The Fiscal Division formulates and administers fiscal and claims policies for ASCS and CCC; develops, implements, and installs systems, accounts, methods and procedures relating to CCC financing and accounting for programs and program activities financed with ASCS, CCC, and other funds, including administrative funds; analyzes financial and operating data and prepares financial statements; is responsible for the activities of the Accounting Field Office and the Claims Field Office; exercises technical direction over fiscal activities of ASCS offices and fiscal agents, and performs fiscal, claims, and other functions as assigned; and carries out assigned defense activities.

e. *Internal Consulting Staff.* The Internal Consulting Staff formulates policies and programs for effective and timely identification, definition, analysis, and alternate solutions of problems directly related to management and program effectiveness. It provides national leadership and coordination to agency improvement programs for achieving progressive management and uniform operations; develops and maintains work measurement, manpower utilization, cost reduction and management improvement activities; and provides leadership in formulating and developing program training activities.

f. *Personnel Division.* The Personnel Division formulates and administers a personnel management program for ASCS–CCC, including position classification, organizational analysis, recruitment, employment qualifications, performance standards, employee relations, incentive awards, employee development and training, and related personnel services. It provides technical advice, assistance, and coordination in the development and direction of a complete personnel management program for ASCS county office employees; is responsible for the activities of the Personnel Field Office; provides technical direction over personnel management activities of ASCS field offices; and carries out assigned defense activities.

6. *Information Division.* The Information Division formulates and administers a comprehensive information service program including preparation of news releases, background statements, technical and popular publications, annual and special reports, radio and television tapes and scripts, and other information material for authorized dissemination to the public and to the trade concerning ASCS and CCC programs and policies. The Division provides State and county ASCS offices with informational materials, and guidance and training in the use of these materials. The Division cooperates with the Office of Communication and other offices and agencies in the preparation and presentation of information programs and materials. It maintains effective relations with press, radio, television, motion picture, and other information media.

7. *Program Evaluation and Appraisal Staff.* The Program Evaluation and Appraisal Staff formulates recommendations for new or revised Agency program policies, evaluation of the costs and effectiveness of on-going programs, and changes in or new legislation based on studies of economic conditions, program objectives, and the soundness and probable results of proposed policy and program changes.

IV. *Contracting and Claims Officers.* A. *CCC Contracting Officers.* The bylaws of Commodity Credit Corporation (38 FR 6835) and the statement of organization, functions, and delegations of authority for Commodity Credit Corporation (35 FR 14951, as amended), designate certain ASCS officials as CCC contracting officers and authorize them to appoint additional ASCS personnel as CCC contracting officers. The names of such contracting officers and information with respect to their authority may be obtained from the Secretary, Commodity Credit Corporation, Washington, D.C. 20250, or from the Director of the Division or Commodity Office with responsibility for the specified Commodity Credit Corporation activities.

B. *Surplus Removal and Supply Contracts.* In connection with programs and activities for which they are respectively responsible, those persons who are contracting officers of Commodity Credit Corporation and, whether or not they are CCC contracting officers, the executive directors of State ASCS offices, the executive directors of county ASCS offices, and the chairmen of county ASC committees may execute contracts on behalf of the United States Department of Agriculture relating to surplus removal and supply activities under section 32 of the Act of August 24, 1935, as amended, and section 6 of the National School Lunch Act, as amended.

C. *ASCS Contracting Officers.* Subject to any restrictions on redelegation of authority of the Administrator, Deputy Administrators of ASCS may execute contracts relating to the activities of ASCS for which they are respectively responsible and may redelegate such authority. Authority to execute contracts in connection with specific ASCS programs may also be delegated to designated officers in the published regulations governing such programs. Additional ASCS contracting officers may be designated for specific purposes from time to time. The names of such ASCS contracting officers and information with respect to their authority may be obtained from the appropriate Deputy Administrator or from the Director, Administrative Services Division, ASCS.

D. *CCC Claims Officers.* The bylaws of Commodity Credit Corporation and the statement of organization, functions, and delegations of authority for Commodity Credit Corporation designate certain ASCS officials to settle and adjust claims by and against Commodity Credit Corporation, and authorize them to appoint additional ASCS personnel as CCC claims officers. The names of such claims officers and information with respect to their authority may be obtained from the Secretary, Commodity Credit Corporation, Washington, D.C. 20250.

E. *ASCS Claims Officers.* Personnel of ASCS occupying the following positions (including those in an acting capacity), with respect to claims by ASCS arising out of activities under their jurisdiction, other than claims of CCC, are authorized to perform all the duties and to exercise all the authority of the Secretary of Agriculture under the authority of the Secretary of Agriculture under the Federal Claims Collection Act of 1966 (Pub. L. 89–508), the Joint Regulations of the Attorney General and the Comptroller General (4 CFR Parts 101, 102, 103, and 104) and the general delegations of authority by the Secretary (37 FR 28463, as amended), except that the authority to compromise, terminate, or suspend collection action with respect to any claim is limited as follows:

1. All deputy administrators—not more than $20,000, exclusive of interest.

2. All directors of divisions and offices and the Deupty Director, Fiscal Division, who is Treasurer, Commodity Credit Corporation—not more than $20,000, exclusive of interest.

3. All State executive directors—not more than $10,000, exclusive of interest.

4. The Chief, Claims Field Office, who is Assistant Treasurer, Commodity Credit Corporation—not more than $10,000 exclusive of interest.

5. Authorized ASCS claims officers, subject to the monetary limitations prescribed in their respective claims officer designations (not less than $2,500 but not more than $5,000 exclusive of interest).

V. *Delegations of Authority.* A. *Administrator.* The Administrator formulates and administers programs assigned to ASCS under delegated authority from the Secretary of Agriculture (37 FR 28463, as amended). This includes authority to execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to the ASCS, and take any other actions incident to the discharge of such functions. This authority is exercised under the general direction and supervision of the Secretary and the Assistant Secretary for International Affairs and Commodity Programs, and is subject to the general responsibilities of the Secretary to the President and to the Congress. In no case does any delegation of authority to the Administrator preclude the Secretary, Under Secretary, or the appropriate Assistant Secretary, from exercising any of the powers or functions so delegated.

B. *Members of the Administrator's Immediate Staff.* Subject to any restrictions on redelegations of his authority, the Administrator hereby delegates to the Associate Administrator authority to act for him in his absence or inability to act, including the exercise of all powers and authorities which he himself holds; to the Deputy Administrator, Programs, and to the Deputy Administrator, Commodity Operations, authority to establish and interpret program policies with respect to their assigned functions



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and responsibilities; to the Deputy Administrator, Management, authority to establish and interpret management policies; and to the Deputy Administrator, Programs, the Deputy Administrator, Commodity Operations, and the Deputy Administrator, Management, authority to establish and interpret operations policies, institute activities and operations, execute documents, issue instructions and orders, (including instructions implementing the Secretary's regulations governing ASC county and community committees (7 CFR 7)), and perform any other actions necessary to the performance of their assigned functions and responsibilities, as currently or hereafter assigned to them. Except when redelegation is specifically prohibited, this authority includes the power of redelegation. In the absence of the Administrator and the Associate Administrator, the Deputy Administrators shall serve as Acting Administrator in the following order of precedence: Deputy Administrator, Programs; Deputy Administrator, Management; the Deputy Administrator, Commodity Operations. In the absence of the Administrator, Associate Administrator, and all Deputy Administrators, the Executive Assistant to the Administrator shall serve as Acting Administrator.

C. *Directors of Divisions and ASCS Commodity Offices.* Under the general supervision and direction of the Administrator or of the Deputy Administrator who has been specifically assigned responsibility for direction of the programs and activities involved, the directors of all divisions of the ASCS and directors of all ASCS commodity offices are authorized, in connection with performance of their assigned functions and responsibilities, to execute contracts, agreements, and other documents, to perform any other actions necessary thereto, and to settle and adjust CCC claims within limitations established by the Commodity Credit Corporation. All authorities shall be exercised within the confines of administrative and functional areas of jurisdiction and, in the case of ASCS commodity offices, in accordance with commodity assignments or geographic areas of jurisdiction. All authorities and responsibilities relating to Commodity Credit Corporation shall be exercised in accordance with the bylaws of Commodity Credit Corporation. Except when redelegation is specifically prohibited, this authority includes the power of redelegation. This general delegation of authority shall not be construed as waiving any restrictions, limitations, or requirements stated in a specific delegation of authority or imposed in governing policies, rules, regulations, or procedures.

VI. *Availability of Information.* Submittals or requests for information or materials with respect to the programs and functions of this Service may be directed to the following officers of the Agricultural Stabilization and Conservation Service who are responsible for the programs or functions concerned, at the addresses shown below:

A. Washington, D.C. Headquarters. Administrator; Deputy Administrator, Commodity Operations; Deputy Administrator, Programs; Deputy Administrator, Management; Director, Information Division; Director, Program Evaluation and Appraisal Staff; Director, Cotton, Rice, and Oilseeds Division; Director, Grain Division; Director, Sugar Division; Director, Tobacco and Peanut Division; Director, Commodity Operations Division; Director, Program Operations Division; Director, Emergency Preparedness Division; Director, Environmental Quality and Land Use Division; Director, Program Appeals Staff; Director, Administrative Services Division; Director, Budget Division; Director, Data Systems Division; Director, Fiscal Division; Director, Internal Consulting Staff; Director, Personnel Division—Address: Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

B. *Field Locations.*

1. Chief, Aerial Photography Field Office, ASCS–USDA, 2511 Parleys Way, Salt Lake City, UT 84109.

2. Chief, Aerial Photography Laboratory, ASCS–USDA, 2505 Parleys Way, Salt Lake City, UT 84109.

3. Chief, Aerial Photography Laboratory, ASCS–USDA, 45 S. French Broad Avenue, Asheville, NC 28801.

4. Director, Prairie Village ASCS Commodity Office, ASCS–USDA, Brymar Office Center, 2400 West 75th Street, Prairie Village, KS 66028.

a. Manager, Chicago Branch Office, Prairie Village ASCS Commodity Office, ASCS–USDA, Room 106, 226 West Jackson Boulevard, Chicago, IL 60604.

b. Manager, Minneapolis Branch Office, Prairie Village ASCS Commodity Office, ASCS–USDA, Room 310, Grain Exchange Building, Minneapolis, MN 55415.

c. Manager, Houston Branch Office, Prairie Village ASCS Commodity Office, ASCS–USDA, 2320 LaBranch Street, Houston, TX 77004.

d. Manager, Portland Branch Office, Prairie Village ASCS Commodity Office, ASCS–USDA, 921 SW. Washington Street, Portland OR 97205.

5. Director, Minneapolis ASCS Commodity Office, ASCS–USDA, 6400 France Avenue South, Minneapolis, MN 55435.

6. Kansas City Field Offices: Chief, Administrative Services Field Office; Chief, Accounting Field Office; Chief, Claims Field Office; Chief, Data Systems Field Office; Chief, Personnel Field Office—Address: ASCS–USDA, 8930 Ward Parkway, Kansas City, MO 64114.

7. State Executive Director, State ASCS Office, at the following addresses:

a. Alabama State ASCS Office, ASCS–USDA, Room 714, 474 South Court Street, Montgomery, AL 36102.

b. Alaska State ASCS Office, ASCS–USDA, Room 209, Tucker-Dale Building, 204 E Fifth Avenue, Anchorage, AK 99501.

c. Arizona State ASCS Office, ASCS–USDA, Room 6016, Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

d. Arkansas State ASCS Office, ASCS–USDA, Room 5415, New Federal Building, 700 W. Capitol Street, Little Rock, AR 72203.

e. California State ASCS Office, ASCS–USDA, 2020 Milvia Street, Berkeley, CA 94704.

f. Colorado State ASCS Office, ASCS–USDA, Room 219, Building A, 2490 W. 26th Avenue, Denver, CO 80211.

g. Connecticut State ASCS Office, ASCS–USDA, Room 307–B, Post Office Building, 135 High Street, Hartford, CT 06101.

h. Delaware State ASCS Office, ASCS–USDA, Suite 002, Chapel North Building, 62 North Chapel Street, Newark, DE 19711.

i. Florida State ASCS Office, ASCS–USDA, Federal Building, 401 S.E. First Avenue, Gainesville, FL 32602.

j. Georgia State ASCS Office, ASCS–USDA, Federal Building, 355 East Hancock Avenue, Athens, GA 30601.

k. Hawaii State ASCS Office, ASCS–USDA, Room 417, 1833 Kalakaua Avenue, Honolulu, HI 96815.

l. Idaho State ASCS Office, ASCS–USDA, U.S. Post Office and Courthouse, 304 N. 8th Street, Boise, ID 83702.

m. Illinois State ASCS Office, ASCS–USDA, Room 232, Federal Building and U.S. Courthouse, Springfield, IL 62701.

n. Indiana State ASCS Office, ASCS–USDA, Suite 1600, 5610 Crawfordsville Road, Indianapolis, IN 46224.

o. Iowa State ASCS Office, ASCS–USDA, Room 937, Federal Building, 210 Walnut Street, Des Moines, IA 50309.

p. Kansas State ASCS Office, ASCS–USDA, 2601 Anderson Avenue, Manhatten, KS 66502.

q. Kentucky State ASCS Office, ASCS–USDA, Imperial Towers Office Building, 333 Waller Avenue, Lexington, KY 40504.

r. Louisiana State ASCS Office, ASCS–USDA, 3737 Government Street, Alexandria, LA 71301.

s. Maine State ASCS Office, ASCS–USDA, USDA Office Building, University of Maine, Orono, ME 04473.

t. Maryland State ASCS Office, ASCS–USDA, Room 420, Hartwick Building, 4321 Hartwick Road, College Park, MD 20740.

u. Massachusetts State ASCS Office, ASCS–USDA, 29 Cottage Street, Amherst, MA 01002.

v. Michigan State ASCS Office, ASCS–USDA, Room 116, 1405 S. Harrison Road, East Lansing, MI 48823.

w. Minnesota State ASCS Office, ASCS–USDA, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, MN 55101.

x. Mississippi State ASCS Office, ASCS–USDA, 408 Milner Building, 210 S. Lamar Street, Jackson, MS 39205.

y. Missouri State ASCS Office, I.O.O.F. Building, 10th and Walnut Streets, Columbia, MO 65201.

z. Montana State ASCS Office, ASCS–USDA, U.S. Post Office and Federal Building, Bozeman, MT 59715.

aa. Nebraska State ASCS Office, ASCS–USDA, 5601 O Street, Lincoln, NE 68501.

bb. Nevada State ASCS Office, ASCS–USDA, Room 222, U.S. Post Office Building, S. Va. & Mill Streets, Reno, NV 89504.

cc. New Hampshire State ASCS Office, ASCS–USDA, Room 334, 55 Pleasant Street, Concord, NH 03301.

dd. New Jersey State ASCS Office, ASCS–USDA, 1370 Hamilton Street, Somerset, NJ 08873.

ee. New Mexico State ASCS Office, ASCS–USDA, Room 4408, Federal Building, 517 Gold Avenue, SW., Albuquerque, NM 87103.

ff. New York State ASCS Office, ASCS–USDA, 416 Midtown Plaza, 700 E. Water Street, Syracuse, NY 13210.

gg. North Carolina State ASCS Office, ASCS–USDA, Room 656, Federal Building, 310 New Bern Avenue, Raleigh, NC 27601.

hh. North Dakota State ASCS Office, ASCS–USDA, 657 Second Avenue, N., Fargo, ND 58102.

ii. Ohio State ASCS Office, ASCS–USDA, Room 116, Old Federal Building, Columbus, OH 43215.





jj. Oklahoma State ASCS Office, ASCS–USDA, Agricultural Center Office Building, Stillwater, OK 74074.

kk. Oregon State ASCS Office, ASCS–USDA, 1218 S.W. Washington Street, Portland, OR 97205.

ll. Pennsylvania State ASCS Office, ASCS–USDA, Federal Building and U.S. Courthouse, 228 Walnut Street, Harrisburg, PA 17108.

mm. Rhode Island State ASCS Office, ASCS–USDA, 22 Quaker Lane, West Warwick, RI 02893.

nn. South Carolina State ASCS Office, ASCS–USDA, 7th Floor, Federal Office Building, 901 Sumter Street, Columbia, SC 29202.

oo. South Dakota State ASCS Office, ASCS–USDA, 239 Wisconsin Avenue, SW., Huron, SD 57350.

pp. Tennessee State ASCS Office, ASCS–USDA, Room 579, U.S. Courthouse, Nashville, TN 37203.

qq. Texas State ASCS Office, ASCS–USDA, USDA Building, College Station, TX 77840.

rr. Utah State ASCS Office, ASCS–USDA, Room 4239, Federal Building, 125 S. State Street, Salt Lake City, UT 84138.

ss. Vermont State ASCS Office, ASCS–USDA, Room 396, Grassmount Building, 411 Main Street, Burlington, VT 05401.

tt. Virginia State ASCS Office, ASCS–USDA, Federal Building, 400 N. 8th Street, Richmond, VA 23240.

uu. Washington State ASCS Office, ASCS–USDA, Room 391, U.S. Courthouse, 920 W. Riverside, Spokane, WA 99201.

vv. West Virginia State ASCS Office, ASCS–USDA, New Federal Building, 75 High Street, Morgantown, WV 26505.

ww. Wisconsin State ASCS Office, ASCS–USDA, 4601 Hammersley Road, Madison, WI 53711.

xx. Wyoming State ASCS Office, ASCS–USDA, 100 East B. Street, Casper, WY 82602.

7. Director, Caribbean ASCS Area Office, ASCS–USDA, Stop 20, Segarra Building, 1409 Ponce De Leon Avenue, Santurce, San Juan, PR 00910.

8. County office directors are in charge of the operations of county ASCS offices. There are approximately 2,700 county ASCS offices in the United States. The address of any county ASCS office may be obtained from the appropriate State ASCS Office.

VII. *Prior authorization and delegations.* The Statement of Organization, Functions, and Delegations of Authority of Agricultural Stabilization and Conservation Service, published December 30, 1970 (35 FR 19798) as amended, is hereby superseded. All subdelegations of authority relating to any function covered by such superseded statement or by this statement shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under previous delegations or subdelegations of authority or assignment of functions.

*Effective date:* April 30, 1975.

Signed at Washington, D.C. on April 18, 1975.

KENNETH E. FRICK,
*Administrator, Agricultural Stabilization and Conservation Service.*

Approved: April 24, 1975.

EARL L. BUTZ,
*Secretary of Agriculture.*

[FR Doc.75–11237 Filed 4–29–75;8:45 am]

## Animal and Plant Health Inspection Service

### PROPOSED FLEMING KEY ANIMAL IMPORT CENTER

### Methods and Procedures for Issuance of Import Permits for Animals To Be Imported; Request for Comments

In order to assure fairness and equality to all parties interested in importing animals into the United States through the proposed Fleming Key Animal Import Center at Fleming Key, Florida, the Animal and Plant Health Inspection Service hereby solicits comments and suggestions from the general public on methods and procedures to be used in the issuance of import permits.

*Statement of considerations.* Section 1 of the Act of May 6, 1970, (Pub. L. 91–239, 84 Stat. 202; (21 U.S.C. 135)), provides, among other things, that the Secretary of Agriculture may establish and maintain a maximum security international animal quarantine station within the territory of the United States, into which animals may be brought from any country, including, but not limited to, a country where rinderpest and foot-and-mouth disease has been determined to exist, and be subsequently moved into other parts of the United States in accordance with such conditions as the Secretary shall determine are adequate to prevent the introduction and dissemination of animal diseases into or within the United States.

The design and planning for such a facility at Fleming Key, Florida is in progress and completion of this facility is expected by December 1977.

Because of the limited space that will be available at the Fleming Key Animal Import Center, the number of applications for permits for animals, intended for importation through this Center, is expected to exceed the space available for the forseeable future. Therefore, the Department is seeking to develop a fair and equitable method, to be used in issuing these permits, that will maximize utilization of the available space without discrimination to anyone.

Interested persons are requested to submit written comments, data, views, and other information relating to the methods and procedures which the Department should use to issue permits for animals to be imported into the United States through the proposed Fleming Key Animal Import Center and which will assure fairness and equality to all importers requesting such permits.

Comments and other material submitted pursuant to this notice should be filed with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Room 821–A, Federal Building, U.S. Department of Agriculture, Hyattsville, Maryland 20782, on or before June 1, 1975. Such comments and other material submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

All submissions made pursuant to this notice will be made available for public inspection at Room 821–A, Federal Building, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday through Friday except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

J. M. HEJL,
*Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.75–11236 Filed 4–29–75;8:45 am]

## Farmers Home Administration

[Notice of Designation No. A193]

### ILLINOIS

### Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Illinois:

Fayette
Lake

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall with flooding from May 1 to July 10, 1974, and intermittent hailstorms and windstorms in mid-June 1974 in Fayette County and excessive rainfall from May 1 to June 30, 1974, and frost September 22, 1974, in Lake County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 16, 1975, for physical losses and January 19, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 23rd day of April, 1975.

FRANK B. ELLIOTT,
*Administrator, Farmers Home Administration.*

[FR Doc.75–11326 Filed 4–29–75;8:45 am]

[Notice of Designation No. A202]

### ILLINOIS

### Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Kankakee County, Illinois, as a result of a natural disaster consisting of excessive rainfall and flooding from May 17 to June 30, 1974, and an early frost on September 22, 1974.



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Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 20, 1975, for physical losses and January 22, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of April, 1975.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.75–11322 Filed 4–29–75;8:45 am]

[Notice of Designation No. A147, Amdt. 1]

**IOWA**

**Designation of Emergency Area**

Notice of an emergency loan area designation for Iowa dated February 21, 1975 (40 FR 8231) is hereby amended to correct the dates of the natural disasters in Chickasaw County. The correct dates are May 5 through June 23 for excessive rainfall and July 6 through July 30, 1974, for drought. September 22, 1974, is the correct date for killing frost.

Done at Washington, D.C., this 24th day of April, 1975.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.75–11320 Filed 4–29–75;8:45 am]

[Notice of Designation No. A190]

**IOWA**

**Designation of Emergency Area**

The Secretary of Agriculture has found that a general need for agricultural credit exists in Washington County, Iowa, as a result of a natural disaster consisting of excessive rainfall and flooding May 15 to June 21, 1974, and hailstorms June 20 and August 12, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 16, 1975, for physical losses and January 19, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of April, 1975.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.75–11321 Filed 4–29–75;8:45 am]

[Notice of Designation No. A192]

**KANSAS**

**Designation of Emergency Areas**

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Kansas:

Elk
Republic

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 8 to August 6, 1974, in Elk County and drought June 1 to November 1, 1974, and a killing frost September 2, 1974, in Republic County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendations of former Governor Robert Docking and Governor Robert F. Bennett that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 16, 1975, for physical losses and January 19, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 23rd day of April, 1975.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.75–11323 Filed 4–29–75;8:45 am]

[Notice of Designation No. A201]

**MICHIGAN**

**Designation of Emergency Areas**

The Secretary of Agriculture has found that a general need for agricultural credit exists in Kent County, Michigan, as a result of a natural disaster consisting of excessive rainfall and cool weather May 5 to June 21, 1974, drought July 5 to August 10, 1974, and an early frost September 23, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert F. Bennett that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 20, 1975, for physical losses and January 22, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of April, 1975.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.75–11324 Filed 4–29–75;8:45 am]





[Notice of Designation No. A198]

**MINNESOTA**

**Designation of Emergency Areas**

The Secretary of Agriculture has found that a general need for agricultural credit exists in Carlton County, Minnesota, as a result of a natural disaster consisting of excessive rainfall May 1 to June 15, 1974, drought July 1 to August 15, 1974, and killing frosts September 1, 2 and 3, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 20, 1975, for physical losses and January 22, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of April, 1975.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.75–11325 Filed 4–29–75;8:45 am]

[Notice of Designation No. AO83, Amdt. 2]

**MISSOURI**

**Designation of Emergency Area**

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in Livingston County, Missouri, as a result of a natural disaster consisting of frost on October 1 and 2, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 16, 1975, for physical losses and January 19, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 23rd day of April, 1975.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.75–11328 Filed 4–29–75;8:45 am]

**Forest Service**

**MOOSE CREEK BASIN PLANNING UNIT**

**Availability of Draft Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Moose Creek Basin Planning Unit, Salmon National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–75–17.

A draft environmental statement has been prepared on the proposed land use plan for the Moose Creek Basin Planning Unit in the Salmon National Forest, Lemhi County, Idaho. Approximately 74,100 acres are involved and have been divided into four management areas. The plan sets for the allocation of land to various uses and activities; establishes objectives; and documents management direction, decisions, and coordination.

This draft environmental statement was transmitted to CEQ on April 23, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave. SW.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324–25th Street
Ogden, Utah 84401

Forest Supervisor
Salmon National Forest
Forest Service Building
P.O. Box 729
Salmon, Idaho 83467

District Forest Ranger
North Fork Ranger District
North Fork, Idaho 83466

District Forest Ranger
Salmon Ranger District
Salmon, Idaho 83467

A limited number of single copies are available upon request to Forest Supervisor John L. Emerson, Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor John L. Emerson, Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467, in order to be considered in the preparation of the final environmental statement.

Dated: April 23, 1975.

P. M. REES,
*Regional Planner.*

[FR Doc.75–11309 Filed 4–29–75;8:45 am]

**ROUTT NATIONAL FOREST GRAZING ADVISORY BOARD**

**Meeting**

The Routt National Forest Grazing Advisory Board will hold their annual meeting at 10 a.m., Thursday, May 22, 1975 at the Yampa Valley Electric Association building, Steamboat Springs, Colorado.

The purpose of the meeting is to conduct annual business, discuss local livestock and industry's anticipated need for national forest forage in the future, and consider pending actions effecting grazing permits and grazing allotments on the Routt National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Sam Haslem at the Routt County Extension office, 879–0825. Written statements may be filed with the Board after the meeting. Oral statements and pertinent questions will be solicited at the conclusion of the business meeting.

Dated April 21, 1975.

N. V. MILANOWSKI,
*Forest Supervisor.*

[FR Doc.75–11310 Filed 4–29–75;8:45 am]

## DEPARTMENT OF COMMERCE

**Domestic and International Business Administration**

**INDIANA UNIVERSITY–PURDUE UNIVERSITY, ET AL.**

**Applications for Duty-Free Entry of Scientific Articles**

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 19, 1975.

Amended regulations issued under cited Act, as published in the March 18,





Docket Number: 75–00469–33–90000. Applicant: Hall Kheas, New York 14853. Article: [illegible] formation. Similar albinospathalacia cas



(2) Identification and characteriza- Docket Number: 75–00469–33–90000.

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1975 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00450–33–46070. Applicant: Indiana University-Purdue University at Indianapolis, Department of Pathology, Medical Sciences Building, Indianapolis, Indiana 46202. Article: Scanning Electron Microscope, Model PSEM 500. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in a number of correlative research projects in the general areas of surgical pathology (more specially in applied differential diagnosis of tumors of uncertain histogeneesis), in pediatric pathology (in the study of a variety of congential and acquired pulmonary lesions as well as other congenital diseases) and in cytopathology (to study the three dimensional morphology of exfoliated cancer cells from female genital tract mucosa, from body fluids and from cell aspirates obtained by needle biopsy technique and attempt to develop differential diagnostic criteria). Application received by Commissioner of Customs: March 27, 1975.

Docket number: 75–00451–75–27000. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Streak Camera System, ICC 512. Manufacturer: Electro-Photonic Ltd., United Kingdom. Intended use of article: The article is intended to be used as part of a laser fusion research project to measure extremely short laser pulse lengths. Application received by Commissioner of Customs: March 27, 1975.

Docket number: 75–00452–33–90000. Applicant: Mayo Foundation, 200 First Street, Southwest, Rochester, Minnesota 55901. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to conduct research to determine the efficacy of the article in the diagnosis of the intracranial lesions. A study will also be conducted comparing transverse axial tomograms of stroke patients with the localization obtained by clinical neurological examinations and scintillation scans, and with autopsy findings in fatal cases. In addition, the article will be used in a program for computerized roentgenologic diagnostic methods in the detection of cancer and for studies of patients with multiple sclerosis. The article will also be used as an essential part of the Neuroradiological phase of a diagnostic roentgenology residency training program in which each resident receives training in neuroradiological technique including use of the article. Application received by Commissioner of Customs: March 27, 1975.

Docket number: 75–00453–33–46040. Applicant: Cornell University, Biochemistry, Molecular and Cell Biology, Wing Hall, Ithaca, New York 14853. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in studies of molecular structures of virus, proteins, nucleic acids and other cell components for further understanding of the life process at the molecular level. The article will also be used in a cell biology course to familiarize students with contemporary research practices in cell biology. Application received by Commissioner of Customs: March 27, 1975.

Docket number: 75–00454–33–9000. Applicant: Madison General Hospital, 202 South Park Street, Madison, Wisconsin 53715. Article: EMI Scanner System with Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the promotion and education of area physicians concerning the availability and capabilities of the CAT system and evaluate the effectiveness of the system and the extent of its utilization by physicians to ensure effective planning for future units that might be needed takes place. Application received by Commissioner of Customs: March 27, 1975.

Docket number: 75–00455–01–77095. Applicant: State University of New York, Stony Brook, Chemistry Department, Stony Brook, L.I., N.Y. 11794. Article: System 4300 Photon Correlation Spectrometer with Accessories. Manufacturer: Precision Devices and Systems Ltd., United Kingdom. Intended use of article: The article is intended for the study of liquids and liquid mixtures ranging from high temperature liquid crystals to compressed gases. Light scattering from these liquids will be studied for the following purposes:

(1) To measure density and composition fluctuations in the liquids and to determine the dynamics of these fluctuations, and

(2) To measure chemical reactions in polymer and liquid systems. Application received by Commissioner of Customs: March 27, 1975.

Docket number: 75–00456–33–02300. Applicant: Hahnemann Medical College and Hospital, Department of Physiology & Biophysics, 235 North Fifteenth Street, Philadelphia, PA 19102. Article: Rhesus Primate Chairs. Manufacturer: University of Toronto, Canada. Intended use of article: The articles will be used in the research project "Stress Hypertension in Primates" to restrain animals during the part of the project related to the study of stress and noxious sound. Application received by Commissioner of Customs: March 27, 1975.

Docket number: 75–00457–33–46500. Applicant: Millard Fillmore Hospital, 3 Gates Circle, Buffalo, New York 14209. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used in research involving the correlation of morphologic findings in renal biopsy specimens with appropriate clinical information. Similar clinicopathologic correlations in the field of neuromuscular disease; specifically muscular dystrophy, polymyositis and congenital myopathies will be conducted. Other research will be performed concerning the ultrastructure of the lung, bone, liver, kidney, spleen, bone marrow, adrenal glands, thyroid gland, soft tissues, blood vessels and fat. All of these research projects are integrated with a residency training program in which resident pathologists are instructed in all of the methodologies involved in electron microscopy including the preparation, embedding, sectioning, and operation of the electron microscope. Application received by Commissioner of Customs: March 31, 1975.

Docket number: 75–00458–33–46040. Applicant: DHEW, PHS, NIH, National Cancer Institute, Laboratory of Molecular Biology, 9000 Rockville Pike, Bethesda, Maryland 20014. ARTICLE: Electron Microscope, Model HU–12A. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used to study the ultrastructural morphologic nature of malignant transformation in cultured cells and the effects of cyclic nucleotides and other treatments on these cells. Application received by Commissioner of Customs: March 31, 1975.

Docket number: 75–00460–00–46500. Applicant: U.S. Army Institute of Dental Research, Walter Reed Medical Center, Washington, D.C. 20012. ARTICLE: Cryokit, Model 14800–1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the preparation of histochemical specimens for elemental analysis using energy-dispersion X-ray analysis in transmission electron microscopy. The tissues are of dental soft and hard specimens in areas of bone implantation, bone repair, dentin formation, endodontic healing and corrosion studies in dental research. Application received by Commissioner of Customs: March 31, 1975.

Docket number: 75–00461–35–46500. Applicant: U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, D.C. 20012. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section materials of an extremely variable range of density and hardness in investigations of all types of oral surgical implant materials such as ceramic, collagen, metal, and polymers of organic material that are embedded in soft tissue, teeth, and bone. Application received by Commissioner of Customs: March 31, 1975.

Docket number: 75–00462–33–46500. Applicant: University of Hawaii School of Medicine, American Leprosy Missions Leprosy Atelier, Dept. of Pathology, 3675 Kilauaeu Avenue, Honolulu, Hawaii 96816. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigations of human skin and nerves from leprosy patients together with occasional other human tissue, together with a variety of experimental animal leprosy tissue including tissue from the armadillo. These tissues are to be studied morphologically, but most particularly so in relation to human and experimental animal cell interrelationship with human and murine leprosy bacilli especially on a cytochemical and cytoenzymologic basis in a search for understanding of factors in host resistance or susceptibility to these infections. Application received by Commissioner of Customs: March 31, 1975.





Docket number: 75–00463–33–46500. Applicant: Veterans Administration Hospital, Research Service 151, Gainesville, Florida 32602. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the ultrastructural study of mammalian tissue, isolated cellular organelles, tissue culture and single cell cultures. Experiments to be conducted will include ultrastructural studies on cellular injury in the inner cortex of the rat kidney resulting from renal ischemia, injury to the ureter, the experimental manipulation of tissue environment and the results of injury caused by this manipulation on isolated nuclei, mitrochondria and brush border membrane. Application received by Commissioner of Customs: March 31, 1975.

Docket number: 75–00464–33–46500. Applicant: City of Hope Medical Center, Department of Anatomic Pathology, 1500 E. Duarte Rd., Duarte, California 91010. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly human tissues derived from surgical or autopsy procedures. Tissues will be studied to identify cell histogenesis, and to aid diagnosis of human pathology. Application received by Commissioner of Customs: March 31, 1975.

Docket number: 75–00465–33–46500. Applicant: Massachusetts General Hospital, Boston, Massachusetts 02114. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for biomedical research. The materials to be studied are animal and human tissues, cells, and cell organelles as well as similar components of animal and human cells in culture systems. The article will also be used for advanced training in research for post doctoral fellows. Application received by Commissioner of Customs: March 31, 1975.

Docket number: 75–00466–33–46040. Applicant: South Dakota State University, Electron Microscope Laboratory, Vet Sci 113, Brookings, South Dakota 57006. Article: Electron Microscope, Model HU–12. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for varied research projects which include:

(1) Identification of bovine and porcine viruses using negative staining as well as thin sectioning procedures.

(2) Identification and characterization of lethal phenotypes in A-y- and t-12-homozygous mouse lethals.

(3) Identification and description of those physical entities responsible for morphogenetic cell movements or cellular motility in vertebrate embryos.

(4) Examination of mitochondrial membranes in barley crown tissue.

(5) Investigations dealing more specifically with physical rather than strictly biological phenomena.

The article is also intended to be used in the courses Bio 507, 607, Principles and Techniques in Electron Microscopy and Bio 493 (Sec 12) Special Topics in Electron Microscopy to provide a good working knowledge of the discipline of electron microscopy and proficiency in its use. Application received by Commissioner of Customs: March 31, 1975.

Docket number: 75–00467–33–46040. Applicant: University of Minnesota, School of Medicine, Dept. of Anatomy, 262 Jackson Hall, Minneapolis, Minnesota 55455. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following experiments related to basic cellular phenomena:

(1) Examination of animal tissues and cells after challenge with chemical stimuli and/or modification of their physiological environment.

(2) Quantitative assessment of changes in cellular components by using linear scanning and other morphometric techniques.

(3) Investigation of the distribution of antigens with tissues and cells using the unlabeled antibody method on ultrathin sections for electron microscopy.

(4) Correlation of ultrastructural alterations in the arrangement and distribution of cellular membranes, organelles and/or antigenic components with biochemical observations, physiological observations, and quantitative changes in cellular morphology observed at the light microscope level.

The article will also be used in courses in biological electron microscopy to teach undergraduate medical students, postdoctoral fellows, graduate students, and faculty electron microscopy and associated techniques. Application received by Commissioner of Customs: April 7, 1975.

Docket number: 75–00468–58–17500. Applicant: North Carolina State University, Room 130, Withers Building, Raleigh, North Carolina 27607. Article: Four Recording Current Meters, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used for oceanographic measurements to provide detailed determination of current vectors, density gradients, and frequency spectra of water masses thus enabling the development of physical models and establishing the circulation and distribution of physical and chemical properties. Application received by Commissioner of Customs: April 7, 1975.

Docket Number: 75–00469–33–90000. Applicant: Pennsylvania Hospital, Eighth and Spruce Streets, Philadelphia, Pa. 19107. Article. EMI Scanner with Magnetic Tape Storage System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in research in cerebral blood flow and metabolism, specifically the effects of ischemia and brain swelling on regional brain metabolism. The studies, though principally for experimental animals, are applicable to humans. Certain aspects of the diagnostic tests which have no untoward side effects are applied to humans with severe forms of stroke and those individuals recovering from brain surgery. The article will also be used in the study of chemotherapy of brain tumors, which will include periodic evaluation of patients during treatment via serial EMI scanning. Application received by Commissioner of Customs: April 7, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials).

A. H. STUART,
*Director,*
*Special Import Programs Division.*

[FR Doc.75–11227 Filed 4–29–75;8:45 am]

## NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

### Postponed Meeting

On April 3, 1975, a notice appeared in the FEDERAL REGISTER (40 FR 14960) announcing a meeting of the National Industrial Energy Conservation Council for May 7, 1975, in Room 4830, Main Commerce Building, 14th and Constitution Avenue, Washington, D.C. 20230.

This advisory committee public meeting has been postponed to a later date in May which will be announced as soon as possible in the FEDERAL REGISTER.

HERBERT K. SCHMITZ,
*Executive Director, National Industrial Energy Conservation Council.*

[FR Doc.75–11221 Filed 4–29–75;8:45 am]

## Maritime Administration

## TANKER CONSTRUCTION PROGRAM

### Change in Segregated Ballast Capacity; Environmental Impact Statement

Notice of determination that a change in segregated ballast capacity of a vessel described in the Maritime Administration's environmental impact statement does not affect that vessel's impact on the environment so as to remove it from the coverage of the EIS.

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, N.T.I.S. Report No. EIS730725–F, was published on May 30, 1973. The statement concerns the impact of federal assistance to aid in the construction in the United States of



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a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

On March 12, 1975, the Maritime Subsidy Board (Board) granted certain approvals to a time charter of MA Hull No. 299, a San Clemente Class Tanker presently being built at the National Steel and Shipbuilding Company, San Diego, California. The applicant, Worth Oil Transport Company, was denied permission to carry oil cargo in the No. 3 wing tanks until the Board had considered the consequences of such carriage, after final action thereon had been taken by the Maritime Administration under the National Environmental Policy Act of 1969.

The Maritime Administration has determined that the vessel under consideration was adequately described in the subject Environmental Impact Statement; that the proposed change in segregated ballast capacity, if accomplished, does not affect the impact of that vessel upon the environment so as to remove it from the coverage of the statement, and that the changed vessel is virtually and legally the same vessel as described therein. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to this vessel. The proposed action by the Maritime Subsidy Board is to:

Grant permission to the applicant, Worth Oil Transport Company, to carry oil cargo in the No. 3 wing tanks (port and starboard) as contemplated in their time charter of MA Hull No. 299, NASSCO Hull No. 394, to permit full utilization of the vessel's deadweight.

The bases for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, 14th & "E" Streets, NW, Washington, D.C. 20230.

Dated: April 25, 1975.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.75–11356 Filed 4–29–75;8:45 am]

## TANKER CONSTRUCTION PROGRAM

### Procedure To Be Followed When Considering a Change to the Principal Characteristics of a Vessel; Environmental Impact Statement

An environmental impact statement entitled, "Maritime Administration Tanker Construction Program," NTIS Report No. EIS730725–F, was published on May 30, 1973, in accord with the procedures established by section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA). The statement concerned the impact of a Federal program of assistance to aid in the construction by private industry of a fleet of U.S.-owned oil-carrying vessels during the decade of the 1970's. Vessel classes described in the statement range from approximately 35,000 DWT to 400,000 DWT.

Procedures have already been established for issuing new or supplemental statements for vessels proposed for construction under the program. However, in cases where a contract for the construction of an oil-carrying vessel under the program has already been signed, and where the purchaser or owner subsequently requests that a change be allowed in the contract so that the principal characteristics of the vessel are altered, there is presently no formal procedure for providing for a new or supplemental statement, when one is made necessary because the environmental impact of the vessel is affected by the alteration in principal characteristics. The Maritime Administration proposes the following procedure to be followed by the Maritime Subsidy Board (Board) when it considers applications for contract changes which alter a vessel's principal characteristics so as to possibly affect its environmental impact, as previously stated and published:

1. The purchaser/owner will submit his Change Inquiry in accordance with the procedures established in the contract between the purchaser and the Board.

2. In those cases in which the Maritime Administration staff has determined that the vessel's principal characteristics will be altered by the proposed change and that these alterations may affect the previously published environmental impact of the vessel, the procedures of the following paragraphs will apply. The principal characteristics referred to above include length, beam, depth, draft, speed, cargo cubic, or deadweight, as well as those environmental features required by section 70 of the Standard Specifications for Merchant Ship Construction, December 1972, which were made mandatory by Docket A–75, MarAd Tanker Construction Program, served by the Board on August 30, 1973.

2.1 The Board will publish in the FEDERAL REGISTER a notice of the proposed change altering the principal characteristics of the vessel, which notice will indicate the Board's determination of whether the environmental impact of the vessel as altered is adequately described by the aforementioned Environmental Impact Statement or by any new or supplemental statement previously issued for that vessel.

2.2 If the Board has determined that the impact of the proposed vessel, as altered, is not adequately described by the existing statements, it shall prepare and issue a new or supplemental statement, as appropriate, in accord with the procedures established by NEPA. Upon consideration of the final draft of the new or supplemental statement, the Board will act upon the Change Inquiry in accord with its normal procedures for changes.

2.3 If the Board, however, had determined that the existing statement(s) is (are) adequate, then the purchaser/owner shall be notified in writing of the Board's determination in accordance with the applicable contract procedure, and the Board, upon consideration of the existing statement or statements, will act upon the Change Inquiry in accord with its normal procedures for changes.

2.3.1 The bases for the Board's determination of adequacy, in 2.3 above, will be available for public inspection in the Office of the Secretary, Maritime Administration, at least 20 days prior to the time that the action becomes final.

Dated: April 25, 1975.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.75–11354 Filed 4–29–75;8:45 am]

[Docket No. S–446]

## WATERMAN STEAMSHIP CORP.

### Application

Notice is hereby given that Waterman Steamship Corporation (Waterman) has applied to amend its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB–115 to increase from 26 to 32 the maximum number of sailings permitted to be made on its subsidized service on Trade Route No. 18 between U.S. Atlantic and Gulf ports and ports in Southwest Asia from Suez to Burma, inclusive, and Africa on the Red Sea and Gulf of Aden.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on May 13, 1975, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.





(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Administration.

Dated: April 25, 1975.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.75–11338 Filed 4–29–75;8:45 am]

[Docket No. S–447]

## STATES STEAMSHIP CO.

### Application

Notice is hereby given that States Steamship Company, a Nevada corporation, has filed an application dated May 10, 1974, and amended October 17, 1974, with the Maritime Subsidy Board (Board) pursuant to Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended (the Act), for a twenty-year operating-differential subsidy contract for operation of three services on Trade Route No. 29 (U.S. Pacific ports/Far East) and a portion of Trade Route No. 17 between U.S. Pacific ports and Indonesia, Malaysia and Singapore.

If this application is approved, the twenty-year agreement would succeed and become effective upon termination of the applicant's present agreement, Contract No. FMB–62, which will expire on December 31, 1977.

States Steamship Company is presently authorized to operate a fleet of 13 subsidized vessels, and until replaced as required by the United States, the fleet to be operated under a new contract would consist of four MA design C7–S–95a RO/RO vessels and nine C4-type cargo vessels. The Company proposes no change in the minimum and maximum sailings authorized as of this date under its present operating-differential subsidy contract for operations in calendar year 1975 and thereafter. The only changes which the Company proposes in its contract route descriptions are the addition of Indonesia, Malaysia and Singapore to its Service B and Service C (a separate application has also been filed for service to those areas under Contract No. FMB–62), and the elimination of reference to domestic service.

Apart from the above changes, States Steamship Company would, if its application is approved, continue to operate its fleet in three services on Trade Route No. 29. These services may be briefly described as follows:

1. *Service A.* A minimum of 10 and a maximum of 16 sailings per annum between U.S. Pacific Northwest ports and the Far East, with privilege calls at ports in Canada, Alaska and Hawaii.

2. *Service B.* A minimum of 20 and a maximum of 41 sailings per annum between U.S. Pacific ports and the Far East, with privilege calls at ports in Canada, Alaska and Hawaii.

3. *Service C.* A minimum of 22 and a maximum of 38 sailings per annum between California and the Far East, with privilege calls at ports in Hawaii.

Notwithstanding the authority to serve ports in the Far East on any of the three services, the Company is also limited in the total amount of service it may provide to certain areas in the Far East.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099B, Department of Commerce Building, 14th & E Streets, NW., Washington, D.C. 20230.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on May 16, 1975. The Maritime Subsidy Board will consider these views and comments, and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS)).

By Order of the Maritime Subsidy Board

Dated: April 25, 1975.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.75–11357 Filed 4–29–75;8:45 am]

## TANKER CONSTRUCTION PROGRAM

### Draft Standard Specifications—Deadline Date for Submission of Comments

The FEDERAL REGISTER, Vol. 40, No. 33, dated February 18, 1975, gave notice that the draft of a proposed publication, Standard Specifications for Tanker Construction, was available to interested parties for review and comment. The notice also mentioned that comments should be submitted by April 1, 1975.

Because of the time required to distribute copies of the draft specification and the magnitude of the required review, the deadline date for submitting comments is hereby extended to July 1, 1975. Comments should be addressed to Ronald K. Kiss, Chief Division of Ship Design, Room 4059 U.S. Department of Commerce, Maritime Administration, Washington, D.C. 20230.

Dated: April 25, 1975.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.75–11355 Filed 4–29–75;8:45 am]

## National Oceanic and Atmospheric Administration

## SUBCOMMITTEE ON CLIMATE CHANGE OF THE ENVIRONMENTAL RESOURCES COMMITTEE OF THE DOMESTIC COUNCIL

### Open Meeting

The Subcommittee on Climate Change of the Environmental Resources Committee of the Domestic Council will meet from 10 a.m. until about 4 p.m. on May 15 and 16, 1975 in Room 730 at 1800 G Street, NW, Washington, D.C.

As one of its goals, the Subcommittee has been asked to examine and make recommendations on the Federal role in weather modification, including such aspects as operations, regulations, and research priorities. The only agenda item for this open meeting is to hear and discuss statements and comments by non-federal interests concerning the Federal role in weather modification. To this end, several scientific, technical, legal, agricultural, economic, legislative, and other specialists associated with some aspect of weather modification have been invited to present their views.

This meeting will be open to public observation, and a period will be set aside for oral comments or questions by other members of the public which do not exceed 10 minutes each. Public statements regarding the subject of the meeting may be submitted up to 15 days after the meeting date. Approximately 20 seats will be available to the public on a first-come first-served basis.

Inquiries concerning this meeting may be addressed to Dr. Ronald L. Lavoie, Director, Environmental Modification Office, National Oceanic and Atmospheric Administration, (EM5), 6010 Executive Blvd., Rockville, Maryland 20852, Telephone (301) 496–8721.

Dated: April 25, 1975.

R. L. CARNAHAN,
*Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.*

[FR Doc.75–11234 Filed 4–29–75;8:45 am]

## Office of Trade Adjustment Assistance

## ALGY SHOES, INC.

### Notice of Petition and Hearing

*Correction*

In FR Doc. 75–10874 appearing on page 18014 in the issue of Thursday, April 24, 1975 the date in the 1st line should read "April 14, 1975".

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[FDA–225–75–4043]

## ARTX TELECOMMUNICATION EQUIPMENT

### Memorandum of Understanding With the Arkansas State Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a memorandum of understanding with the Arkansas State Department of



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Health on February 20, 1975. The pur-

6. To submit promptly all messages re-

sions set forth in section 10(a) (1) and



product formulation, and manufactur-

ing the reasons therfor, that any advi-

dividual contract proposals in accord-

Health on February 20, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE ARKANSAS STATE DEPARTMENT OF HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedurea and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Division of Food Services, Bureau of Consumer Protection Services, 4815 West Markham Street, Little Rock, Arkansas 72201.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of Agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts.)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA.)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and Address of Terminal Agency.* Arkansas State Department of Health, 4815 West Markham Street, Little Rock, Arkansas 72201.

V. *Liaison Officers.* For Arkansas State Dept. of Health: Mr. Conn Roden, Director of Food Service, Bureau of Consumer Protection Services.

Address: Arkansas State Department of Health, 4815 West Markham St., Little Rock, Arkansas 72201.
Telephone No.: (501) 661-2171.

For FDA: Joe L. Perrin, Program Mgr./Intergovernmental Relations.

Address: 505 S. Ervay St., Dallas, TX 75202.
Telephone No.: (214) 749-3951.

VI. *Period of Agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Arkansas State Dept. of Health:

Dated: February 3, 1975.

E. J. Easley, *Acting Director, Arkansas State Department of Health.*

Approved and accepted for the Food and Drug Administration:

Dated: February 20, 1975.

Philip B. White, *Regional Food & Drug Director, Region VI.*

*Effective date.* This Memorandum of understanding became effective February 20, 1975.

Dated: April 23, 1975.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.75-11231 Filed 4-29-75;8:45 am]

## CARDIOVASCULAR AND RENAL ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

| Committee name | Date, time, place | Type of meeting and contact person |
|---|---|---|
| Cardiovascular and Renal Advisory Committee. | May 20, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open 9 a.m. to 10 a.m., closed after 10 a.m., Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, (301) 443-4730. |

*Purpose.* Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the treatment of cardiovascular and renal disorders.

*Agenda.* Open session: Discussion of previous minutes; comments and presentations by interested persons. Closed session: Discussion of NDA 12-151.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therfor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552 (b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: April 24, 1975.

A. M. SCHMIDT,
*Commissioner of Food and Drugs.*

[FR Doc.75-11232 Filed 4-29-75;8:45 am]

## National Institutes of Health

## BOARD OF REGENTS OF THE NATIONAL LIBRARY OF MEDICINE

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on June 26-27, 1975 in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding day, June 25, 1975, from 2 to 5 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public all day on June 26 and from 9 to 9:30 a.m. on June 27 for administrative reports and program and operation discussions. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the entire meeting of the Subcommittee on June 25 will be closed to the public, and the regular Board meeting on June 27 will be closed from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

In addition, the closed portion of the regular Board meeting will involve the review, discussion and evaluation of individual contract proposals in accordance with the provisions set forth in section 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463. The proposals contain information of a proprietary and confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.350, 13.351, 13.352, 13.353—National Institutes of Health.)

Dated: April 24, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11261 Filed 4-29-75;8:45 am]

## NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, June 19 and 20, 1975, in Building 31, Conference Room 7, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 10:30 a.m. and from 1:30 p.m. to 5 p.m. on June 19, 1975, to discuss administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on June 19 from 10:30 a.m. to 1:30 p.m. and on June 20 from 9 to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications, and applications for National Research Service and Institutional Research Service Awards. The closed portions of the meetings involve solely the internal expression of views and judgments of Council members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, Bethesda, Maryland, telephone (301) 496-5717, will furnish rosters of Council members, a summary of the meeting, and other information pertaining to the meeting.







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(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health.)

Dated: April 24, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11255 Filed 4-29-75;8:45 am]

## NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, on June 19-20, 1975, from 9 a.m. to 5 p.m., in Building 18, Conference Room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina. This meeting will be open to the public from 9 a.m. to 12 noon on June 19, 1975, to discuss administrative reports, recent legislation, interagency activities, the Institute's program on the health effects of the energy program, and other items of interest, and for the presentation of a short seminar on the development of respiratory tract deposition models. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on June 19 from 1 p.m. to 5 p.m. and on June 20 from 9 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 404, Bethesda, Maryland, 20014, (301) 496-7483, will furnish rosters of committee members, and a summary of the meeting. Dr. Colbert D. LeMunyan, Acting Associate Director for Extramural Programs, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, (919) 549-8411, extension 3353, will furnish substantive program information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13-3[illegible], National Institutes of Health.)

Dated: April 24, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11257 Filed 4-29-75;8:45 am]

## NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, June 16-17, 1975, Building 31C, Conference Room 10. This meeting will be open to the public on June 16 from 9 a.m. to 10:30 a.m., for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(4), 552(b)(5); and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 16 from 10:30 a.m. to 5 p.m., and on June 17 from 9 a.m. to adjournment for the review, discussion and evaluation of initial pending, supplemental, and renewal grant applications; applications for the National Research Service Awards and research career development awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of proprietary or confidential nature, including detailed research protocols; designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: (301) 496-5676, will provide a summary of the meeting and a roster of Council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, Building 31, Room 4A52, Telephone: (301) 496-5231, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health.)

Dated: April 24, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11258 Filed 4-29-75;8:45 am]

## NANCDS COUNCIL PLANNING SUBCOMMITTEE

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the NANCDS Council Planning Subcommittee, June 5, 1975, at 8:30 a.m. in the Connecticut Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on June 5, 1975, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:30 a.m. on June 5, 1975, to adjournment on June 5, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 7A18A, Westwood Building, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496-7220, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: April 21, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11260 Filed 4-29-75;8:45 am]

## NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND SROKE COUNCIL

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, June 19, 20, and 21, 1975, at 9 a.m. in Building 31-C, Conference Room 8, Bethesda, Maryland.

The meeting will be open to the public from 9 a.m. until 1:30 p.m. on June 19, 1975, and from 11 a.m. to 1:30 p.m. on June 20, 1975, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1:30 p.m. on June 19, 1975, until 11 a.m. on June 20, 1975, and from 1:30 p.m. on June 20, 1975, until the conclusion of the meeting on June 21, 1975, for the review, discusion and evaluation of individual initial pending and renewal research grant applications, Teacher-Investigator Awards, Institutional National Research Service Awards, Individual Fellowships, and Research Career Development Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Murray Goldstein, Executive Secretary, Westwood Building, Room 757, Bethesda, Maryland, telephone (301) 496-7705, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: April 24, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11259 Filed 4-29-75;8:45 am]





## PERIODONTAL DISEASES ADVISORY COMMITTEE

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, National Institutes of Health, Bethesda, Maryland, June 2-3, 1975, Building 31-C, Conference Room 8.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on June 2, and from 9 a.m. to adjournment on June 3, 1975, for discussion of research programs on the prevention and control of dental plaque, to plan for manpower development, to plan for the establishment of research centers, and the feasibility of establishing cooperative clinical research units. Attendance by the public will be limited to space available.

Dr. Anthony A. Rizzo, Special Assistant to the Associate Director, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014 (phone number 301-496-7784) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13,302, National Institutes of Health.)

Dated: April 24, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, N.I.H.*

[FR Doc.75-11256 Filed 4-29-75;8:45 am]

## SICKLE CELL DISEASE ADVISORY COMMITTEE

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given to the meeting of the Sickle Cell Disease Advisory Committee, National Heart and Lung Institute, June 12 and 13, 1975, National Institutes of Health, Building 31, Conference Room 10, C Wing. The entire meeting will be open to the public from 8:30 a.m. to 5 p.m. on June 12 and 13, 1975, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, Building 31, Room 5A21, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Mr. Howard F. Manly, Executive Secretary, Sickle Cell Disease Advisory Committee, NHLI, Building 31, Room 5A03, (301) 496-6931, will furnish substantive program information.

Dated: April 22, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11262 Filed 4-29-75;8:45 am]

## CARDIOLOGY ADVISORY COMMITTEE

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart and Lung Institute, to take place on June 5 and 6, 1975, in Building 31 on the main NIH Campus (9000 Rockville Pike, Bethesda, Maryland), in Conference Room 9.

The entire meeting will be open to the public from 8:30 a.m. to 5 p.m. on each of these days to discuss the Cardiology Program of the Division of Heart and Vascular Diseases. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Peter L. Frommer, M.D., Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart and Lung Institute, Landow Building, Room A922, Bethesda, Maryland 20014, phone (301) 496-5421, will provide substantive program information.

Dated: April 22, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11253 Filed 4-29-75;8:45 am]

## CHEMICAL/BIOLOGICAL INFORMATION HANDLING REVIEW COMMITTEE

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Chemical/Biological Information-Handling Review Committee, Division of Research Resources, 9 a.m., June 2, 1975, National Institutes of Health, Bldg, 31, Rm. 6A-21, 9000 Rockville Pike, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 11 a.m. during the introductory remarks and the presentation on tabulation and analysis of immunoglobulin sequence data and from 1:30 p.m. to adjournment during the discussion of Chemical/Biological Information-Handling Program long-range plans. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 11 a.m. to 12:30 p.m. for the review of research prospectuses submitted by organizations seeking access to PROPHET System services. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on these individual research prospectuses which contain information of a proprietary or confidential nature, including research protocols and other technical information on the subject of applications of computers to research in pharmacology and personal information concerning individuals associated with the prospectuses.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B-39, Bethesda, Maryland 20014, telephone Area Code 301, 496-5545, will provide summaries of meetings and rosters of committee members.

Dr. William F. Raub, Program Director, Chemical/Biological Information-Handling Program, Division of Research Resources, Bldg. 31, Rm. 6A-04, Bethesda, Maryland 20014, telephone Area Code 301, 496-4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.877, National Institutes of Health.)

Dated: April 24, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75-11250 Filed 4-29-75;8:45 am]

## EPIDEMIOLOGY AND DISEASE CONTROL STUDY SECTION

### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Epidemiology and Disease Control Study Section, Division of Research Grants, at 8:30 a.m., May 23, 1975, Dulles Marriott, Washington, D.C. 20041.



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This meeting will be open to the public

designs, and other technical informa-

(Catalog of Federal Domestic Assistance



(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

information evidencing need in higher education to which the program is ad-

(a) *Location.* The area subject to these regulations is those waters enclosed by a

This meeting will be open to the public on May 23, 1975 from 8:30 a.m. to 9 a.m. to discuss administrative details relating to Study Section business. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. to adjournment for the review, discussion and evaluation of applications for individual and institutional National Research Service Awards, Research Career Development Awards and Pub. L. 480 awards. The closed portion of the meeting involves solely the internal expression of views and judgments of study section members on individual applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301–496–7441 will furnish summaries of the meeting and rosters of committee members. Mr. Glenn G. Lamson, Jr., Executive Secretary, Room 4A–11, Westwood Building, Bethesda, Maryland 20014, telephone number 301–496–7080, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutes of Health, DHEW.)

Dated: April 24, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75–11249 Filed 4–29–75;8:45 am]

## NATIONAL ADVISORY COUNCIL ON AGING

### Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, June 9–10, 1975, Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on June 9 from 9 a.m. to 5 p.m. for current status reports and discussion of the research plan. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 10 from 9 a.m. to adjournment on June 10 for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Michael Machesko, Administrative Officer, National Institute on Aging, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code (301), 496–2859, will provide summaries of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: April 21, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer NIH.*

[FR Doc.75–11264 Filed 4–29–75;8:45 am]

## NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

### Meeting

Pusuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, June 19–20, 1975, Conference Room 9, Building 31, Bethesda, Maryland 20014.

This meeting will be open to the public from 9 a.m. to recess of June 19, 1975 for: the conduct of Council business; report of the Acting Director, DRR; review of the Biotechnology Resources Program; and a presentation on the "Analysis of Relationship between Clinical Research and Basic Research in Academic Institutions." Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on June 20 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014, (301) 496–5545 will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Assistant Director, Division of Research Resources, National Institutes of Health, Room 5B03, Building 31, Bethesda, Maryland 20014, (301) 496–6611, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.371, 13.375, National Institutes of Health.)

Dated: April 21, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75–11251 Filed 4–29–75;8:45 am]

## NATIONAL HEART AND LUNG ADVISORY COUNCIL

### Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart and Lung Advisory Council, National Heart and Lung Institute, June 19–21, 1975, from 9 a.m. to 5 p.m., in Building 31, Conference Room 10, Bethesda, Maryland. This meeting will be open to the public on June 19 from 9 a.m. to 5 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held on June 18, 1975 in Building 31; the Manpower Subcommittee at 8 p.m. in Conference Room 4, A Wing, and the Research Subcommittee at 8 p.m. in Conference Room 10, C Wing.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on June 20 from 9 a.m. to 5 p.m., and on June 21 from 9 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The Manpower Subcommittee of the above Council will be closed from 8 to 10 p.m., and athe Research Subcommittee will be closed from 8 to 11 p.m. on June 18, 1975, also for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Health, Bethesda, Maryland 20014 (301) Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLI, Westwood Building, Room 5A18 (301) 496–7416, will provide substantive program information.





(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

Dated: April 21, 1975.

SUZANNE L. FREMEAU,
*Committee Management Officer, NIH.*

[FR Doc.75–11252 Filed 4–29–75;8:45 am]

### Office of Education

## HIGHER EDUCATION PERSONNEL TRAINING PROGRAMS

### Criteria for Funding of Applications for Fellowships, Institutes, and Short-Term Training Programs for Fiscal Year 1975

On page 4327 of the FEDERAL REGISTER of January 29, 1975, there were published Proposed Criteria for Funding of Applications for Fellowships, Institutes, and Short-Term Training Programs for Fiscal Year 1975. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed criteria.

No objections have been received and the proposed criteria are hereby adopted without change and are set forth below.

*Effective date.* The notice of proposed rule making was transmitted to Congress on January 23, 1975 pursuant to section 431(d) of the General Education Provisions Act (20 U.S.C. 1232(d)). The time period set forth therein for congressional action has expired without such action having been taken.

Therefore these criteria shall become effective on April 30, 1975.

(Catalog of Federal Domestic Assistance Number 13.461, Higher Education Personnel Development—Institutes and Short-Term Training; and Number 13.462, Higher Education Personnel Fellowships)

Dated: April 10, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: April 24, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

CRITERIA FOR FELLOWSHIPS, INSTITUTES, AND SHORT-TERM TRAINING PROGRAMS

In addition to evaluation on the basis of the criteria set forth in the General Provisions for Office of Education Programs at 45 CFR 100a.26, the Commissioner will select applications to be funded under Title V, Part E of the Higher Education Act of 1965 on the basis of the following criteria:

(a) The extent to which the proposed training program is concerned with the following priorities:

(1) Programs that focus on ameliorating the shortage of specialized higher education personnel who will serve the needs of the bilingual, handicapped, Native Americans and junior and community colleges.

(2) Programs for financial aid officers and business officers.

(b) The extent to which the application contains concrete data and other information evidencing need in higher education to which the program is addressed.

(c) The extent to which the objectives of the training program are stated clearly and are sharply focused to meet the need.

(d) The extent to which the application contains a clear and detailed description of training procedures which will effectively achieve the objectives.

(e) The extent to which the proposed program includes effective procedures for evaluation of the impact of the training in meeting the need.

(f) The extent to which the proposed staff of the program is qualified to achieve its specific objectives.

(g) The extent to which the application provides evidence that the institution and groups involved in the training program are committed to its objectives.

(h) The ability of the applying institution to offer a high quality higher education personnel preparation program.

(i) The amount and extent of previous planning and development of the program.

(j) The extent to which a carefully conceived and effectively supervised internship experience is included as an integral feature of the training proposal.

(20 U.S.C. 1119b)

[FR Doc.75–11300 Filed 4–29–75;8:45 am]

## NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

### Notice of Public Meeting

*Correction*

In FR Doc. 75–10766 appearing at page 18019 in the FEDERAL REGISTER for Thursday, April 24, 1975 the proposed agenda for May 15 contains four items. "Survey" should appear on the second line as the second item.

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CCGD5–75–03R]

## PRESIDENT'S CUP REGATTA

### Special Local Regulations, Washington, D.C.

Under the authority of the Act of April 28, 1908 (35 STAT 69) as amended, and 33 CFR 100.35, as amended, this notice promulgates special local regulations for the President's Cup Regatta. These special local regulations are established to insure the safety of life on the Potomac River at Washington, D.C., immediately before, during, and immediately after this regatta. Since these special rules must be made effective in less than 30 days to apply at the time of the scheduled event, I find that notice and public procedure on the issuance of these rules is impracticable and contrary to the public interest and that they may be made effective in less than 30 days from publication.

(a) *Location.* The area subject to these regulations is those waters enclosed by a line drawn from the southern tip of Haines Point northwards along the eastern seawall to a point 1,000 feet from the southern tip of Haines Point; thence easterly to a point 400 feet from the seawall; thence in a southerly direction to a point 1,400 feet distant, thence along a line of bearing 240° T. to the Virginia shore, upstream thence along the Virginia shoreline to the Penn Central Railroad bridge between Washington, D.C., and Arlington, Va.; thence 034° T. to the Potomac Park-Potomac River shoreline; thence along the Potomac Park-Potomac River shoreline to the southern tip of Haines Point.

(b) *Regulations.* (1) Except for participants in the President's Cup Regatta or persons or vessels authorized by the Coast Guard patrol officer, no person or vessel may enter or remain in the area specified in paragraph (a) of these regulations.

(2) The operator of any vessel in the immediate vicinity of the area specified in paragraph (a) above of these regulations shall:

(i) Stop his vessel immediately upon hearing five or more short blasts of a horn or whistle from any vessel displaying a Coast Guard emblem; and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations.

(4) The Coast Guard patrol officer is a commissioned officer of the Coast Guard, who has been designated by the Commander, Fifth Coast Guard District.

(5) These regulations and other applicable laws and regulations are enforced by Coast Guard officers and petty officers on board Coast Guard, public, and private vessels displaying the Coast Guard emblem.

(Sec. 1, 35 Stat. 69 as amended, sec. 6(b)(1) 80 Stat. 937; 46 U.S.C. sec. 454, 49 U.S.C. sec. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b).)

*Effective dates.* These regulations are effective from 9 a.m. e.d.s.t. until 6 p.m. e.d.s.t. on May 28, 29, 30, 31 and June 1, 1975.

Dated: April 16, 1975.

ROSS P. BULLARD,
*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc.75–11226 Filed 4–29–75;8:45 am]

## CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

### MEETING

The Citizens' Advisory Committee on Environmental Quality will meet on May 30, 1975, at 10 a.m. in Room 500, 1700 Pennsylvania Avenue NW., Washington, D.C.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the





meeting is to review pending Committee

[Docket 27764]

FR 14632, Apr. 1, 1975) is postponed to



glass is issued by the Consumer Product

## MANPOWER REQUIREMENTS

The length and number of oral pres-

V40184 APR 30 75 XUM

meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include legislation, Committee publications, land use, energy, solid waste, the use of abandoned railroad rights of way and utility rights of way for recreation trails, and other current environmental issues.

The meeting will be open to the public. Persons planning to attend the meeting are requested to notify in writing or by telephone no later than Thursday, May 29, 1975, Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006, telephone (202) 223–3040. Members of the public may file written statements with the Committee before or after the meeting. Persons wishing to speak at the meeting are requested to consult with the Executive Director no later than May 26, 1975.

Requests for information should be submitted to the Executive Director (address given above).

LAWRENCE N. STEVENS,
*Executive Director, Citizens' Advisory Committee on Environmental Quality.*

[FR Doc.75–11299 Filed 4–29–75;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 27758]

### DETROIT-BOSTON NONSTOP ROUTE PROCEEDING

#### Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 10, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before May 27, 1975, and the other parties on or before June 3, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 24, 1975.

[SEAL] ROBERT L. PARK,
*Chief Administrative Law Judge.*

[FR Doc.75–11308 Filed 4–29–75;8:45 am]

[Docket 27764]

### McCULLOCH INTERNATIONAL AIRLINES, INC. STOCK ACQUISITION

#### Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 20, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before May 7, 1975, and the other parties on or before May 14, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 24, 1975.

[SEAL] ROBERT L. PARK,
*Chief Administrative Law Judge.*

[FR Doc.75–11304 Filed 4–29–75;8:45 am]

### NATIONAL AIRLINES, INC. "NO FRILL" FARES

[Docket 27671]

#### Change of Prehearing Conference Room

Notice is hereby given that the Prehearing Conference in the above-entitled matter which is currently assigned to be held on May 7, 1975 (40 FR 17070, Apr. 16, 1975) at 10 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Ave. NW., Washington, D.C., will be held instead in Room 911, Universal Building, 1825 Connecticut Ave. NW., Washington, D.C., on May 7, 1975, at 10 a.m. (local time).

Dated at Washington, D.C., April 24, 1975.

[SEAL] WILLIAM H. DAPPER,
*Administrative Law Judge.*

[FR Doc.75–11305 Filed 4–29–75;8:45 am]

[Docket 26877]

### OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

#### Enforcement Proceeding; Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on April 30, 1975 (40 FR 14632, Apr. 1, 1975), is postponed to May 13, 1975, at 10 a.m. (local time), and will be held in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 24, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
*Administrative Law Judge.*

[FR Doc.75–11306 Filed 4–29–75;8:45 am]

[Docket 27761]

### THE PEORIA SERVICE INVESTIGATION

#### Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 17, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Arthur S. Present.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before June 3, 1975, and the other parties on or before June 10, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 24, 1975.

[SEAL] ROBERT L. PARK,
*Chief Administrative Law Judge.*

[FR Doc.75–11307 Filed 4–29–75;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### ARCHITECTURAL GLAZING

#### Denial of Petition To Adopt Voluntary Standard as Interim Standard

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any person may petition the Consumer Product Safety Commission for the issuance, amendment, or revocation of a consumer product safety rule. Section 10 of the Act further provides that if the Commission denies such petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

By letter dated February 26, 1975, Mr. William W. Korn petitioned the Commission to adopt the voluntary architectural glazing standard ANSI Z 97.1–1972 as an interim consumer product safety standard until such time as a final consumer product safety standard for architectural glass is issued by the Consumer Product Safety Commission and becomes effective.

The purpose of this notice is to announce that the Commission has denied Mr. Korn's petition.

On November 1, 1973, the Commission granted a petition to commence a proceeding for the issuance of a consumer product safety rule for architectural glass. As part of that proceeding the Commission accepted an offer of the Consumer Safety Glazing Committee (CSGC) to develop a standard applicable to architectural glass. Further, the Commission determined not to publish the ANSI voluntary standard applicable to architectural glass (ANSI Z 97.1–1972) in lieu of accepting an offer to develop a standard. A recommended standard for architectural glass was submitted to the Commission on January 24, 1975, by the CSGC and is currently being evaluated by the Commission.

In order to propose and promulgate an existing standard such as ANSI Z97.1–1972 as a consumer product safety standard, the Commission must follow the procedures outlined in the Consumer Product Safety Act and the regulations adopted under section 7 of the Act. (16 CFR 1105.1 et seq.). The Commission has no procedures available to issue "interim" standards, nor does the CPSA provide for the issuance of such standards. Further, the Commission does not believe it would serve a useful purpose to issue an "interim" standard pending the final outcome of the standards development process now in progress for architectural glass.

In view of the foregoing, the Commission denies the petition (CP 75–17) submitted by Mr. William W. Korn.

Dated: April 24, 1975.

SADYE E. DUNN,
*Secretary, Consumer Product Safety Commission.*

[FR Doc.75–11239 Filed 4–29–75;8:45 am]

## DEFENSE MANPOWER COMMISSION

### NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on May 16, 1975, at 9 a.m. in the New Executive Office Building, Room 2010, 726 Jackson Place NW., Washington, D.C. 20036.

The purpose of the meeting will be to discuss the general subject of Development and Utilization and issues relating thereto, and such other business as may be presented by the members.

The meeting will be open to the public. Interested persons wishing to attend should telephone (202) 254–7803 before close of business May 14, 1975.

Dated: April 25, 1975.

BRUCE PALMER, Jr.,
*General, USA (Ret.),*
*Executive Director.*

[FR Doc.75–11287 Filed 4–29–75;8:45 am]



### MANPOWER REQUIREMENTS

#### Hearing

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Defense Manpower Commission will hold a public hearing on June 23, 1975, in Room 1220, The Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, from 9 a.m. to 4 p.m., so that representatives of public and private organizations and interested citizens can express their views on the issues which the Commission is required to address by its enabling legislation.

Pub. L. 93–155 directs the Commission to conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short- and long-term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

The Commission is required to submit its Final Report to the Congress and to the President not more than 24 months after the appointment of the Commission, and shall cease to exist 60 days after the submission of its Final Report.

In carrying out its study and investigation, the Commission has been directed to give special consideration to:

(1) The effectiveness with which civilian and active duty personnel are utilized, particularly in headquarters staffing and in the number of support forces in relation to combat forces;

(2) Whether the pay structure, including fringe benefits, is adequate and equitable at all levels;

(3) The distribution of grades within each Armed Force and the requirements for advancement in grade;

(4) The cost-effectiveness and manpower utilization of the United States Armed Forces as compared with the armed forces of other countries;

(5) Whether the military retirement system is consistent with overall Department of Defense requirements and is comparable to civilian retirement plans;

(6) The methods and techniques used to attract and recruit personnel for the Armed Forces, and whether such methods and techniques might be improved or new and more effective ones utilized;

(7) The implications for the ability of the Armed Forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Pub. L. 92–129 and the implication for national policies of this change in the composition of the Armed Forces; and

(8) Such other matters related to manpower as the Commission deems pertinent to the study and investigation.

Interested persons may make an oral presentation and/or submit a written statement for consideration by the Commission during the meeting.

The length and number of oral presentations to be made will depend on the number of requests received.

Each person desiring to make an oral presentation or submit a written statement must notify the Commission and provide at least 10 copies of the presentation statement by June 1, 1975. The order of the presentations on the agenda will be determined by the order in which requests are received by the staff.

Statements should be limited to the mission of the Commission as outlined in Pub. L. 93–155, or other current issues regarding Department of Defense manpower.

Written material in furtherance of presentations will be accepted by the Commission at the time of the meeting and for four days thereafter.

Persons wishing to make presentations, or interested persons wishing to attend the public hearing as observers, must notify Mr. Rippa of the Commission staff (202/254–7803) by June 1, 1975. Copies of the statements and other correspondence must be sent to: Defense Manpower Commission, 1111 18th Street NW., Room 301, Washington, D.C. 20036, ATTN: Hearing Management.

Dated: April 25, 1975.

BRUCE PALMER, Jr.,
*General, USA (Ret.),*
*Executive Director.*

[FR Doc.75–11286 Filed 4–29–75;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 363–6]

### SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

#### Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 8:30 a.m., May 16, 1975. The meeting will be held in Room 1101, Waterside Mall West Tower, 401 M Street SW., Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes reports on the activities of other Committees of the Science Advisory Board, including a study of the question of organic substances in drinking water. A presentation will be made to inform the Committee as to activities of the National Academy of Sciences which are relevant to the EPA. In addition, the Committee will be consulted regarding: concepts for an environmental specimen bank, the scientific quality of EPA research programs, issues relating to the disposal of sludges from municipal wastewater treatment plants, and the review of reports summarizing the environmental effects of the disposal of hazardous pollutants to the land.

The meeting is open to the public. Any member of the public wishing to attend, participate, present a paper, or obtain additional information should contact





Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board Executive

The Fearnley Companies and the Klaveness Companies have withdrawn

Conference, the Scandinavia Baltic/U.S. North Atlantic Westbound Freight



| Certificate No. | Owner/operator and vessels | Certificate No. | Owner/operator and vessels |
|---|---|---|---|

Act, 1916 by virtue of assessment of rates for certain items and routes in excess of

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Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board Executive Committee (202) 755-0263.

RUSSELL E. TRAIN,
*Administrator.*

APRIL 24, 1975.

[FR Doc.75-11317 Filed 4-29-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### OLD OIL ALLOCATION PROGRAM

### Entitlement Notice for February 1975

*Correction*

In FR Doc. 75-10087 appearing at page 17325 in the issue for Friday, April 18, 1975, in the table in the Appendix, make the following corrections:

1. Amoco is required to buy 354,482, not 354,842.
2. J&W is required to sell 10,047, not 10,040.
3. K-H-White is required to sell 0, not 7.
4. Kentucky is required to sell 4,588, not 4,580.
5. Kerr-McGee is required to sell 0, not 8.
6. Koch is required to sell 602,479, not 602,470.
7. LaGloria is required to sell 0, not 9.

## FEDERAL MARITIME COMMISSION

### BARBER LINES A/S AND THE WILHELMSEN COMPANIES

### Proposed Cancellation of Agreement

Notice is hereby given that the following agreement(s) will be canceled by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect agreement(s) at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments with reference to an agreement(s) including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 19, 1975.

Notice of Request for Cancellation of Agreement Filed by:

Milton J. Levitt, Esq.
Palmer Series & Baar
Attorneys at Law
120 Broadway
New York, New York 10005

Agreement No. 9809, as amended, among the Wilhelmsen Companies, the Fearnley Companies, the Klaveness Companies (as owners) and Barber Lines A/S (as charterer), originally approved by the Federal Maritime Commission on August 27, 1969, established a cooperative working arrangement among the parties in the trade between ports of the United States including Hawaii and worldwide ports.

The Fearnley Companies and the Klaveness Companies have withdrawn from the agreement and the Wilhelmsen Companies are no longer common carriers by water in the foreign commerce of the United States. Therefore, counsel for Barber Lines A/S has requested the Commission to terminate Agreement No. 9809, as amended. Barber Lines A/S will continue to operate as a common carrier in the foreign commerce of the United States.

By Order of the Federal Maritime Commission.

Dated: April 25, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11335 Filed 4-29-75;8:45 am]

### THE CANADIAN-AMERICAN WORKING ARRANGEMENT

### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before May 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 10090-1, among the parties to the above-named agreement, is an agreement seeking authority to extend CAWA to the North Atlantic Baltic trades through admission of the Scandinavia/Baltic-Canada Westbound Freight Conference, the Canada-Scandinavia/Baltic Eastbound Freight Conference, the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference (FMC Agreement No. 9982) and the North Atlantic Baltic Freight Conference (FMC Agreement No. 7670) as single parties thereto.

By Order of the Federal Maritime Commission.

Dated: April 25, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11334 Filed 4-29-75;8:45 am]

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

### Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

| Certificate No. | Owner/operator and vessels |
|---|---|
| 01017 | Westfal-Larsen & Co. A/S: *Finnanger.* |
| 01032 | The Craig Shipping Company Limited: *Graigffion, Graiglas.* |
| 01322 | Cardigan Shipping Company Limited: *Norse Falcon.* |
| 01325 | O. H. Meling: *Sky Bird.* |
| 01360 | Midland Enterprises, Inc.: *CH 2081X, CH 2782.* |
| 01426 | Kuwait Shipping Company (S.A.K.): *IBN Hayyan.* |
| 01605 | D'Amico Societa Di Navigazione S.P.A.: *Giovannella D'Amico.* |
| 01613 | Reardon Smith Line Limited: *Devon City.* |
| 01758 | Chotin Transportation Inc.: *CH 1793X, CH 34914, J. B. Kleinpeter.* |
| 01854 | Southern Towing Company: *Mississippi.* |
| 01890 | A/S Billabong: *Star Asahi.* |
| 01998 | Gorthons Rederi AB: *Tilia Gorthon.* |
| 02001 | Rederiaktiebolaget Transatlantic: *Nike.* |
| 02038 | Polskie Linie Oceaniczne: *Jurata.* |
| 02367 | Canadian Pacific (Bermuda) Ltd.: *Fort Kipp.* |
| 02501 | Standard Oil Company of California: *Chevron Oregon.* |
| 02977 | J. Ray McDermott & Co., Inc.: *L. E. Stewart.* |
| 03305 | Grand Bassa Tankers, Inc.: *Grand Brilliance.* |
| 03315 | Afran Transport Company: *Afran Neptune.* |
| 03484 | Sanko Kisen K. K.: *Azarpad.* |
| 03632 | A/S Turid: *Eldrid, Gudrid, Sigrid.* |
| 03511 | Tamai Shosen K. K.: *Nikkei Maru No. 1.* |
| 03692 | Marmac Corporation: *LRL-200.* |
| 04041 | Compania Peruana de Vapores: *Hermanos Carcamo.* |
| 04240 | Petroleo Brasileiro S.A.: *Aracaju.* |
| 04489 | Otoshiro Gyogyo K. K.: *Otoshiro Maru No. 15.* |





| Certificate No. | Owner/operator and vessels |
|---|---|
| 04793 | Snam S. P. A.: *Agip Ravenna.* |
| 05098 | Esso Tankers, Inc.: *Esso Africa.* |
| 05432 | Lloyd Triestino-Societa' Per Azioni Di Navigazione: *Esquilino, Viminale.* |
| 05437 | The Dow Chemical Company: *Ett 109.* |
| 05520 | Union Carbide Corporation: *USL-610, USL-611.* |
| 05577 | Far-Eastern Shipping Company: *Kapitan Milovzorov.* |
| 05578 | Baltic Shipping Company: *Geraki.* |
| 05661 | Mike Hooks, Inc.: *E. Stroud, Gayle.* |
| 05775 | Good Luck Shipping Company, Ltd.: *Good Commander.* |
| 05848 | Navimex S.A. de C. V.: *Rio Yaqui, Rio Turpan.* |
| 06246 | Pam Shipping Ltd.: *Stolt Idun.* |
| 06248 | Commercial Corporation "Sovrybflot": *Mys Prokofieva.* |
| 06549 | Compagnie Marocaine de Navigation: *Anwar.* |
| 06919 | General Shipping Company, Inc.: *General Valdes.* |
| 07153 | Petroleas Del Mediterraneo: *Alvaro de Bazan.* |
| 08022 | Nissei Shipping Co., Ltd.: *Zuisei Maru.* |
| 08617 | Fairmont Enterprises Ltd.: *Helindas, Octa, Penta, Triumph, Trust.* |
| 08884 | Arctic Shipping Singapore (Pte.) Ltd.: *Toyo.* |
| 09252 | Ocean Victory Ltd.: *Ocean Dynamic.* |
| 09280 | Rickmers-Linie KG: *Peter Rickmers.* |
| 09315 | Kaigai Gyogyo K. K.: *Sea Bird No. 31.* |
| 09378 | D.R.D. Importers, Ltd.: *Sealane.* |
| 09418 | Gudmundur A. Gudmundsson Ltd.: *Isborg.* |
| 09481 | Scheepvart Maatschappij Saba N.V.: *Veronica.* |
| 09580 | Tianna Shipping Co. Ltd.: Great Lakes. |
| 09581 | Eastgate Shipping Company Limited: *Bristol Lake.* |
| 09601 | Foster Shipping Co. Ltd.: *Lumber Trader.* |
| 09720 | M/S Supreme Inter Ocean Lines S.A.: Sati Rani. |
| 09772 | Tae Chang Fisheries Co. Ltd.: *Parto No. 85.* |
| 09782 | South Arctic Shipping Co., Ltd.: *Atlantic Baroness.* |
| 09785 | San Diego Transportation Company: *415.* |
| 09797 | Bohol Shipping S. A.: *Zamboanga.* |
| 09818 | Alaska Output Transportation Association Inc.: *Pelican.* |
| 09908 | Freight Chartering Co. Ltd.: *Insulaner, Marianne, Westridge.* |
| 09818 | Alaska Outport Transportation |
| 09973 | Rederiet Junior VII: *Junior Lotte.* |
| 09998 | Partenreederei M/S "Stephan Reith": *Stephan Reith.* |
| 10001 | Octonia Shipping Co. S.A.: *Kefalonia Sky.* |
| 10012 | Southhampton Navigation Corporation: *Dinos M.* |
| 10016 | Yen Yen Shipping Co. S.A.: *Hachiman.* |
| 10023 | United Shipping Co. Ltd.: *Del Mar, Del Sur, El Zorro.* |
| 10027 | Garland Maritime Co., S.A.: *Nancy Moon.* |
| 10029 | Eastern Glory Marine Corporation S.A.: *Azuma Gloria, Gloria Fortuna, Gloria Suerte.* |
| 10030 | Samyang Shipping Co., Ltd.: *Ocean Dragon.* |
| 10031 | County Ships Ltd.: *Stirling Brook.* |
| 10035 | Crystal Steamship Company S.A.: *Crystal.* |
| 10038 | Pel-Lyn Godager Company: *Dixilyn 260, Dixilyn 370.* |
| 10041 | Toa Shipping Agencies, Ltd.: *Sun Deneb.* |
| 10042 | Oyang Fisheries Co. Ltd.: *Oyang Ho No. 71.* |
| 10043 | Alton Steamship Company, Inc.: *Tex.* |
| 10047 | Elona Maritime Corporation S.A. Panama: *Elona.* |
| 10050 | Stephenville Shipping Limited: *Sandy Point No. 1.* |
| 10053 | Marquimar Motorship Corporation: *Marquise.* |
| 10056 | Societe Europeenne de Courtage Et d'Affretement Maritimes: *La Begude.* |
| 10057 | South Adriatic Shipping Co. Inc.: *Archangelos.* |
| 10059 | Petter K. Saevik & Sonner A/S & Co.: *Kings Star.* |
| 10060 | Marardor Naviera S.A. Panama: *Aristolaos.* |
| 10062 | Gala Shipping Company Inc.: *World Trophy.* |
| 10063 | Ho Shun Shipping S.A.: *Ho Shin.* |
| 10064 | Koyo Kaiun Kabushiki Kaisha: *Komei Maru.* |
| 10065 | San Shin Navigation Co. Ltd.: *Atlantic Neptune, Sanshin Victory, Sanshin Pioneer, Sanshin Pearl, Sanshin Star, Far East Friendship.* |
| 10066 | Suruga Kaiji Kabushiki Kaisha: *Sanyo Maru, Tenkei Maru No. 2.* |
| 10067 | Thomesto Oy: *Finntimber.* |
| 10068 | United Caribbean Lines, Inc.: *Mar Freeze.* |
| 10069 | United Trans Caribbean Navigation, Inc.: *Ultra Freeze.* |
| 10070 | Inter Pacific Transport, Inc.: *Great River.* |
| 10074 | Pacific Bulk Transport Limited: *Andros Castle.* |
| 10075 | Orient Bulk Transports Limited: *Andros Island.* |
| 10076 | Ostlandets Skoleskib: *Christian Radich.* |
| 10078 | Dalei Shipping Co. Ltd.: *Sun Freesia.* |
| 10079 | Panoceanos Armadora S.A. of Panama: *Erinio.* |
| 10081 | Chelsea Compania Naviera S.A.: *Aegis Cosmic.* |

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11337 Filed 4-29-75;8:45 am]

[No. 75-12]

### CRESTLINE SUPPLY CORP. V. THE CONCORDIA LINE AND BOISE-GRIFFIN STEAMSHIP CO., INC.

### Filing of Complaint

APRIL 24, 1975.

Notice is hereby given that a complaint filed by Crestline Supply Corporation against The Concordia Line and Boise-Griffin Steamship Co., Inc., was served April 24, 1975. The complaint alleges violation of section 18(b)(3) of the Shipping Act, 1916 by virtue of assessment of rates for certain items and routes in excess of published tariffs.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11336 Filed 4-29-75;8:45 am]

### GREATER BATON ROUGE PORT COMMISSION AND BATON ROUGE MARINE CONTRACTORS, INC.

### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George Mathews, General Counsel
Greater Baton Rouge Port Commission
Post Office Box 3177
Seventh Floor, Raymond Building
Baton Rouge, Louisiana 70801

Agreement No. T-3080, between the Greater Baton Rouge Port Commission (Port) and Baton Rouge Marine Contractors, Inc., (BRMC), provides for the Port's lease to BRMC of a gantry crane to be used solely for the handling, loading or unloading of cargo at the Port's General Cargo Wharf No. 1 in West Baton Rouge Parish, Louisiana. BRMC shall use the crane in conducting its own stevedoring business as well as in connection with the operations of other stevedoring firms at the Port's General Cargo Wharf No. 1. As compensation, the Port shall receive a monthly rental of $1100.00. In operating the crane for the account of other stevedoring firms, BRMC shall assess, collect and retain



V 40184 APR 30 75 XUM

charges therefrom, all subject to the Port's approval.

By Order of the Federal Maritime Commission.

Dated: April 25, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11331 Filed 4-29-75;8:45 am]

## NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 7670-13, among the parties to the above-named agreement is an agreement to amend Article I of the subject agreement by adding a new paragraph thereto (1) authorizing the North Atlantic Baltic Freight Conference to become a single party member of the Canadian-American Working Arrangement, Agreement No. 10090, and (2) providing for Canadian Conference carriers to become Associated Members subject to the conditions set forth therein.

By Order of the Federal Maritime Commission.

Dated: April 25, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11332 Filed 4-29-75;8:45 am]

## SCANDINAVIA BALTIC/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

### Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violaion or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9982-5, among the parties to the above-named agreement, is an agreement to amend Article II of the subject agreement by adding a new subparagraph 6 thereto (1) authorizing the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference to become a single party member of the Canadian-American Working Arrangement, Agreement No. 10090 and (2) providing for Canadian Conference carriers to become Associated Members subject to the conditions set forth therein.

By order of the Federal Maritime Commission.

Dated: April 25, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-11333 Filed 4-29-75;8:45 am]

## FEDERAL POWER COMMISSION

[Docket Nos. E-8855 and E-9037]

### BOSTON EDISON CO.

#### Postponement of Hearing

APRIL 23, 1975.

On April 21, 1975, the Towns of Norwood, Concord, and Wellesley jointly filed a motion to postpone the hearing date fixed by order issued July 12, 1974, as most recently modified by notice issued April 15, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until April 30, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11263 Filed 4-29-75;8:45 am]

[Docket No. CI75-603]

### CLINTON OIL CO.

#### Application

APRIL 23, 1975.

Take notice that on April 10, 1975, Clinton Oil Company (Applicant), Suite 645A, 300 West Douglas, Wichita, Kansas 67202, filed in Docket No. CI75-603 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), from the Benson Field, Pawnee County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell an estimated monthly volume of 9,420 Mcf of gas to Kansas-Nebraska at the national rate prescribed in § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56(a). Applicant states that such rate is 41.9986 cents per Mcf at 14.65 psia, including 8.7244 cents per Mcf downward Btu adjustment and subject to tax reimbursement.

Applicant states that the subject gas supply was first dedicated to intrastate sales on September 18, 1974, pursuant to a contract between Applicant and Kansas-Nebraska dated June 28, 1974. Applicant explains that it recently learned that the Commission ruled on March 28, 1975, in Docket No. CP74-23 that said "intrastate" sale was subject to the Commission's jurisdiction. Accordingly, Applicant requests Commission authorization to make the subject sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and





procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11264 Filed 4-29-75;8:45 am]

[Docket No. RP73-65; PGA75-6a]

### COLUMBIA GAS TRANSMISSION CORP.

#### Filing of Tariff Sheets

APRIL 23, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), on April 16, 1975, tendered for filing changes in its FPC Gas Tariff, Original Volume No. 1, to be effective on April 1, 1975.

Columbia states that the purpose of the revised tariff sheets is to comply with the Commission's order of April 1, 1975, in this proceeding. Revised tariff sheets to be effective April 1, 1975, have been adjusted to reflect (1) the elimination of Columbia's proposed rate increases to be effective February 6, 1975, and March 3, 1975, which were rejected by Commission order dated February 11, 1975, and March 24, 1975, in Docket No. RP74-82; (2) the appropriate adjustment pursuant to the Commission order dated February 28, 1975, at Docket No. RP73-65; and (3) the appropriate pipeline supplier rate levels.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11265 Filed 4-29-75;8:45 am]

[Docket No. RP75-91]

### CONSOLIDATED GAS SUPPLY CORP.

#### Proposed Changes in Rates and Charges

Take notice that Consolidated Gas Supply Corporation (Consolidated), pursuant to section 4 of the Natural Gas Act and § 154.63 of the Commission's regulations thereunder, tendered for filing on April 16, 1975, proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2 to become effective on June 1, 1975.

The proposed rate changes would increase Consolidated's revenues from jurisdictional sales and services by $20.5 million based on the twelve months ended December 31, 1974, adjusted for known changes for a nine-month period through September 30, 1975. $8.8 million of the total increase reflects supplier rate increases.

Consolidated states that the increased rates are required to recoup, inter alia, increased cost of transportation of gas by others, increased cost of capital, increases in capital expenditures, and increases in operating expenses. The rates proposed include an overall rate of return of 10.50 percent. The filing also reflects a continuing decline in Consolidated's gas supply with a consequent reduction in annual sales volumes. Consolidated also eliminated full cost accounting for unsuccessful wells on leases acquired after October 7, 1969, and provided for the normalization of deferred taxes relating to intangible drilling costs on leases acquired prior to October 8, 1969. Depreciation of transmission facilities located in the "Southern States" area of the United States is proposed to be changed from the present rate of 4 percent to a unit of production method. Further, Consolidated states that the proposed rates do not include the appropriate surcharge or surcharge credit as provided by its purchase gas adjustment clause. At such time as the increased rates are to become effective Consolidated will make the appropriate filing to reflect the applicable surcharge adjustment in effect at that time. Additionally, Consolidated submitted Pro Forma tariff sheets containing provisions that would authorize it to include in its current rates changes in rate base reffecting construction work in progress on major new supply projects. Consolidated does not propose to make such tariff sheets effective prior to a Commission order approving them. Finally, Consolidated asserts that Statement P will be filed within fifteen days of this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file wth the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11266 Filed 4-29-75;8:45 am]

[Docket No. CP75-291]

### EL PASO NATURAL GAS CO.

#### Application

APRIL 23, 1975.

Take notice that on April 9, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-291 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and emergency operation, as necessary, of certain interconnection facilities between the transmission systems of El Paso and Transwestern Pipeline Company (Transwestern), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that El Paso, Transwestern, and Southwest Gas Corporation (Southwest) have entered into a letter agreement dated December 30, 1974, wherein El Paso and Transwestern have agreed to establish an interconnection of facilities to provide emergency back-up service to Southwest for the protection of deliveries made by El Paso to Southwest for Southwest's domestic and commercial customers in southern Nevada. El Paso states that such arrangements are to be provided through Transwestern's system in the event of a force-majeure occurrence at the Arizona-Nevada border causing an unavoidable interruption of deliveries to Southwest by El Paso. It is stated that under these emergency delivery arrangements, Southwest will pay El Paso for all gas received from Transwestern according to the provisions of the existing service agreement then in effect between El Paso and Southwest; and such emergency deliveries made by Transwestern, not to exceed 60,000 Mcf daily, will be made without charge to El Paso. El Paso states that it will deliver within 60 days equal



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1975, tendered for filing proposed changes

Any person desiring to be heard or to



The petition further states that Trunk- Wyoming, estimated at 4,000 Mcf per day, view of the matter finds that a grant of

volumes to Transwestern at the interconnection point proposed to be established. El Paso proposes to construct, own, and operate approximately 20 feet of 12¾-inch O.D. pipeline and one tap and valve assembly necessary to connect its system with Transwestern's system in Mohave County, Arizona, at an estimated cost of $19,100. El Paso states that it will be reimbursed by Southwest, for the actual cost incurred in installing such facilities.

The application indicates that El Paso, Transwestern and Southwest acknowledge that such emergency service arrangements shall not be available to Southwest as a vehicle to obtain more natural gas on any day than it is otherwise entitled to receive from El Paso under the curtailment provisions in effect under El Paso's FPC Gas Tariff, Original Volume No. 1, or superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the authorization is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for El Paso to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11267 Filed 4-29-75;8:45 am]

[Docket No. E-9387]

## KANSAS CITY POWER & LIGHT CO.

### Tariff Change

APRIL 23, 1975.

Take notice that Kansas City Power & Light Company (KCPL) on April 16, 1975, tendered for filing proposed changes in its FPC Electric Tariff, Supplement No. 3 to FPC Rate Schedule No. 56 covering Requisitioned Power and Accompanying Energy to the City of Independence, Missouri (City) under Rate Schedule C-MPA-1 of the Municipal Participation Agreement dated July 12, 1965. KCPL states that the City now desires to purchase from KCPL during the period June 1, 1975 through May 31, 1976, a supply of 18 Mw of firm power service to augment the Citys' own municipal generation and other power resources.

The proposed changes are reflected in an agreed Rate Schedule C-MPA-2 for Requisitioned Power and Accompanying Energy. KCPL proposes to cancel and terminate Rate Schedule C-MPA-1 and to make Rate Schedule C-MPA-2 effective as of June 1, 1975. KCPL states that the rate and charges proposed in Rate Schedule C-MPA-2 are comparable to those for 161 Kv Wholesale Firm Power Service as set out in the Settlement Agreement approved September 4, 1974, by the FPC in Docket No. E-8365.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11268 Filed 4-29-75;8:45 am]

[Docket No. E-9363]

## KENTUCKY UTILITIES CO.

### New Delivery Point

APRIL 23, 1975.

Take notice that no April 7, 1975, the Kentucky Utilities Company (KUC) tendered for filing a change in its Rate Schedule FPC No. 82 to include an additional delivery point, to be known as the Shell Oil Pump delivery point, as requested by the Jackson Purchase RECC (Jackson). According to KUC, the new delivery point is in keeping with the contract between KUC and Jackson, specifically section 4; and KUC expects service to begin on or about May 15, 1975, which it requests as the effective date.

KUC states that no reasonable billing estimates can be made since no schedule for the pumping operation is available. KUC further states that copies of the tendered filing have been sent to Jackson and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11269 Filed 4-29-75;8:45 am]

[Docket No. CP73-147]

## MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

### Petition To Amend

APRIL 23, 1975.

Take notice that on April 11, 1975, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1348, Kansas City, Missouri 64141, filed in Docket No. CP 73-147 a petition to amend the order of the Commission issued in said docket on April 6, 1973, as amended July 26, 1973, January 4, 1974, and February 12, 1975, pursuant to section 7(c) of the Natural Gas Act so as to authorize the extension of time for the previously authorized transportation of gas by Panhandle and Trunkline for Mich Wis for a period of one year, to eliminate the previously authorized deferred exchange of gas between Mich Wis and Trunkline, and to authorize an increase in the transportation charge collected by Trunkline and Panhandle for gas transported for Mich Wis from 20 cents per Mcf to 21.5 cents per Mcf, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The petition states that by the original authorization in the instant docket Mich Wis was to deliver exchange gas to Trunkline during the period from November 14, 1972, to October 31, 1973, and Trunkline and Panhandle were to transport and deliver, on a best effort basis, transportation gas for Mich Wis' account to Mich Wis' market area during the same period. By the order issued July 26, 1973, the Commission approved a new point for delivery of gas to Mich Wis. By the January 4, 1974, and February 12, 1975, orders the Commission approved extensions of time up to and including April 30, 1975, for the deliveries of gas; and by the January 4, 1974, order the Commission approved an increase of the volumes of exchange gas to 8 million Mcf.





The petition further states that Trunkline has received approximately 3.2 million Mcf of exchange gas and 42.8 million Mcf of transportation gas through February 1975.

By agreement dated April 4, 1975, the parties have agreed to extend the period to and including April 30, 1976, for deliveries to Trunkline of the transportation gas by Mich.-Wis. and the transportation and delivery thereof by Trunkline and Panhandle for the account of Mich.-Wis. The agreement also modifies the four percent fuel shrinkage provision in that at Trunkline's option volumes may be delivered for Mich.-Wis' account in excess of 96 percent of the transportation gas volumes delivered to Trunkline, and such excess volumes shall be deemed to be a redelivery of exchange gas by Mich.-Wis. to Trunkline. The agreement finally provides for an increase in the transportation charge by Panhandle and Trunkline to 21.5 cents per Mcf.

Petitioners request modification of their certificate authorization to conform to the April 4, 1975, agreement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11270 Filed 4-29-75;8:45 am]

[Docket No. CP75-296]

## MOUNTAIN FUEL SUPPLY CO.

### Application

APRIL 23, 1975.

Take notice that on April 11, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP75-296 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Northwest Pipeline Corporation (Northwest) and to install and connect metering facilities in connection with such exchange and the purchase of natural gas from Northwest, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that Northwest controls certain natural gas volumes in the Barrel Spring area of Carbon County, Wyoming, estimated at 4,000 Mcf per day, and that such gas will be brought into the market at the lowest reasonable cost to the ultimate consumer if Applicant and Northwest are authorized to perform the exchange and purchase as proposed herein.

Pursuant to a February 17, 1975, gas purchase, transportation and exchange agreement, Northwest will deliver into Applicant's 10-inch pipeline in or near section 3, Township 12 North, Range 93 West, in Carbon County approximately 4,000 Mcf per day of natural gas. Applicant will have the option to purchase up to 25 percent of the volumes delivered by Northwest. Applicant will purchase from Northwest under the same terms and conditions as Northwest purchases from producers. In addition to such cost Applicant shall pay Northwest for Northwest's cost of service, including a reasonable return on investment for gathering, compression, dehydration, necessary treating for removal of impurities, and for transportation of the gas purchased by Applicant from the source of supply to the point of delivery to Applicant. The initial price for this service has been set at 16½ cents per Mcf.

Applicant proposes to deliver, pursuant to the agreement, the remainder of the gas delivered by Northwest to Northwest at an existing delivery point where the facilities of the two companies intersect west of Green River, Wyoming. For this service Northwest is to pay Applicant 4 cents per Mcf.

In order to receive the volumes of gas from Northwest Applicant proposed to install and connect metering facilities to an existing 4-inch tap on its 10-inch pipeline at the delivery point west of Baggs, Wyoming. The estimated cost of these facilities is $11,900.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11271 Filed 4-29-75;8:45 am]

[Docket Nos. CP75-298, CP75-304, CP75-305, CP75-303, CP75-307, CP75-308]

## NORTHERN NATURAL GAS CO., ET AL.

### Applications

APRIL 23, 1975.

Take notice that certain applications have been filed pursuant to section 7(c) of the Natural Gas Act for the purpose of enabling Northern Natural Gas Company (Northern) to deliver natural gas to Michigan Wisconsin Pipe Line Company (Mich Wis) during the summer period of 1975 in order to provide Northern with peak-day gas during the 1975-1976 heating season and to conserve gas Northern expects to have available during the summer of 1975 in excess of its customers' anticipated requirements, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Northern, 2223 Dodge Street, Omaha, Nebraska 68102, filed an application in Docket No. CP75-298 on April 11, 1975, and filed applications in Docket Nos. CP75-304 and CP75-305 on April 14, 1975.

Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed an application in Docket No. CP75-303 on April 14, 1975.

Great Lakes Gas Transmission Company (Great Lakes), One Woodward Avenue (2100 Buhl Building after May 1, 1975), Detroit, Michigan 48226, filed an application in Docket No. CP75-307 on April 15, 1975.

Mich Wis, One Woodward Avenue, Detroit, Michigan 48226, filed an application in Docket No. CP75-308 on April 16, 1975.

According to the applications, the following is a summary of Northern's obligations which are in addition to customer requirements under contract to be delivered during the summer of 1975 to Mich Wis:

2.8 million Mcf.—One year leased storage agreement with Mich Wis to implement which authorization is requested in Docket No. CP75-237 by Northern;

4.2 million Mcf.—First increment of a long-term storage agreement with Mich Wis to implement which authorization is requested in Docket No. CP75-237 by Northern and in Docket No. CP75-182 by Mich Wis.



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Mich. Wis. Pipeline gas in support of, pending to Northern, is in part, the said applications should on or before



taken, but will not serve to make pro-

Southwestern states that the letter

This notice is to be published in the

2.1 million Mcf.—Cushion gas in support of the 4.2 million Mcf of cycle gas referred to above.

Northern states that if it is not able to complete the above arrangements related to providing peak-day gas during the 1975–1978 heating season, it will be 110,000 Mcf per day short of meeting its firm obligations.

In addition to the obligations listed above, Northern states it has entered into an agreement with Mich Wis providing for the delivery of an additional 10.4 million Mcf of natural gas volumes pursuant to a deferred exchange agreement which is the subject of Northern's application in Docket No. CP75–304 and Mich Wis' application in Docket No. CP75–308.

Northern further states that it has requested in Docket No. CP75–21 authority to construct and operate certain facilities so as to increase the delivery capacity on its system by 80,000 Mcf per day. This construction, according to Northern, will accommodate, if it is in service by July 1, 1975, the delivery of approximately 8 million Mcf of natural gas towards Northern's 1975 summer period obligations. On March 13, 1975, the Commission issued a temporary certificate for the construction of the proposed facilities.

In order to accommodate further the deliveries to Mich Wis, Northern has entered into agreements with Natural and Great Lakes to transport gas for Northern's account to Mich Wis.

By Northern's application in Docket No. CP75–298 and Natural's application in Docket No. CP75–303, authority is requested to permit Northern to deliver to Natural up to 16 million Mcf for further delivery to Mich Wis. Natural will transport up to 90,000 Mcf per day during April 1975, up to 145,000 Mcf per day during May 1975, and up to 200,000 Mcf per day thereafter until November 1, 1975. Deliveries will be made to Natural at an existing interconnection of the respective pipeline systems in Mills County, Iowa. Redeliveries to Mich Wis will be made at one or more existing points near Woodstock and Joliet, Illinois.

The proposed charge for this service is 12.50 cents per Mcf. Northern, it is proposed, will deliver to Natural a quantity of gas equal to an additional 3 percent of the quantity of gas delivered for transportation, which gas shall be used as fuel by Natural.

Northern in its application in Docket No. CP75–298 proposes to remove an existing 12-inch orifice run for relocation in the same proximity and to install a new 12-inch orifice run in parallel at the proposed delivery point to Natural. The estimated cost of these facilities is $107,000. In addition Northern is installing an 8-inch tie-over line from its 30-inch "D" line to the 16-inch interconnecting line to obtain more efficient and economical operation of existing facilities, for the purpose of accommodating the volumes to be delivered to Natural. The tie-over line, according to Northern, is in part the subject of its application pending in Docket No. CP75–243. Northern states it will make the necessary modification of its proposal in Docket No. CP75–243 at the appropriate time.

Northern's transportation agreement with Great Lakes is the subject of Northern's application in Docket No. CP75–305 and Great Lakes' application in Docket No. CP75–307. Northern proposes to deliver to Great Lakes at an existing point of interconnection near Carlton, Minnesota, up to 4 million Mcf of gas during the summer period of 1975. Great Lakes will redeliver this gas to Mich Wis for Northern on a best efforts basis at an existing point of interconnection near Farwell, Michigan. The deliveries will be made at a rate not to exceed 75,000 Mcf of gas per day from April 1, 1975, through September 3, 1975, according to the applicable agreement.

The price for Great Lakes' service is proposed to be 6.4 cents per Mcf. In addition Northern is to furnish and deliver to Great Lakes gas to be used as compressor fuel in the amount of eleven percent of the volume to be transported. No new facilities are proposed.

In its application in Docket No. CP75–304 Northern requests authorization to deliver up to 10.4 million Mcf of gas to Mich Wis at the Joliet, Woodstock and Farwell points mentioned above and at an existing point of interconnection of Northern's and Mich Wis' system near Janesville, Wisconsin, during the period April 27, 1975, through September 27, 1975. Mich Wis' application in Docket No. CP75–308 requests authorization for Mich Wis' part of the arrangement, whereby Mich Wis will deliver during the period March 27, 1977, through September 27, 1977, or during the same period of 1978, or both, equivalent volumes of gas to Northern at the existing points of interconnection of the systems of Great Lakes and Northern near Carlton and Grand Rapids, Minnesota, and Wakefield, Michigan. Great Lakes states in its application in Docket No. CP75–307 that it will apply for the necessary authorization in a timely manner.

The applications in Docket No. CP75–304 and CP75–308 further state that Mich Wis has agreed, subject to the development of certain storage fields and to the obtaining of necessary approvals, to provide up to 25 million Mcf of leased storage service to Northern over the next several years. In the event that Mich Wis obtains the necessary approvals and the storage fields are developed, those volumes of gas which have not been redelivered to Northern by Mich Wis will be used by Mich Wis for Northern's account as cushion gas in support of the long-term storage service to be provided, according to the applicable agreement.

No charge will be assessed for gas delivered and redelivered under the terms of the applicable agreement, and no new facilities are proposed.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that grants of the certificates are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicants to appear or be represented at the hearings.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11272 Filed 4–29–75;8:45 am]

[Docket No. E–9383]

## PUBLIC SERVICE CO. OF COLORADO

### Tariff Change

APRIL 23, 1975.

Take notice that Public Service Company of Colorado, on April 11, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff. The company states that the change proposed is service to one added customer, the City of Burlington, under an established rate, the Company's small wholesale rate.

The company characterizes this filing as an initial rate schedule and states that service under such schedule is expected to commence on or about May 15, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be





taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11273 Filed 4–29–75;8:45 am]

[Docket No. E–7742]

## PUBLIC SERVICE CO. OF NEW HAMPSHIRE

### Compliance Filing

APRIL 23, 1975.

Take notice that on April 2, 1975, Public Service Company of New Hampshire (PSC), tendered for filing supplements to its rate schedules in purported compliance with Commission Opinion No. 720. The rate schedules are:

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|---|---|
| FPC No. 24 | Concord Electric Company. |
| FPC No. 28 | The Town of Ashland. |
| FPC No. 29 | The New Hampton Village Precinct. |
| FPC No. 35 | Exeter & Hampton Electric Company. |
| FPC Nos. 50 and 71. | The New Hampshire Electric Cooperative, Inc. |
| FPC No. 72 | The Town of Wolfeboro. |

PSC requests that the supplements, which relate to PSC's fuel adjustment clause, be allowed to become effective as of February 1, 1975. The filing also includes calculations of refund obligations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11274 Filed 4–29–75;8:45 am]

[Docket No. E–9386]

## SOUTHWESTERN ELECTRIC POWER CO.

### Proposed Cancellation

APRIL 23, 1975.

Take notice that Southwestern Electric Power Company (Southwestern) tendered for filing on April 17, 1975, a Notice of Cancellation which, according to Southwestern, cancels the letter agreement between Arkansas Power & Light Company (AP&L) and Southwestern dated June 4, 1973, effective date June 1, 1974, designated as Supplement No. 13 to Rate Schedule FPC No. 47.

Southwestern states that the letter agreement dated June 4, 1973 terminates by its terms on May 31, 1975 and is to be considered cancelled as of that date.

Southwestern states that notice of the proposed cancellation has been served upon AP&L.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75–11275 Filed 4–29–75;8:45 am]

[Docket No. CP66–43, et al.]

## TEXAS EASTERN TRANSMISSION CORP., ET AL.

### Hearing on Staten Island, N.Y.

APRIL 23, 1975.

In the matter of Texas Eastern Transmission Corporation (Docket No. CP66–43), Eascogas LNG, Inc., et al (Docket No. CP73–47, et al), Distrigas Corporation, et al (Docket No. CP73–132, et al).

In accordance with the Commission's Order in the Texas Eastern proceeding, issued March 21, 1975, a hearing session is hereby scheduled to commence at 4 p.m. on May 19, 1975, at the Tottenville High School Auditorium, Deisius and Luton Avenues, Staten Island, N.Y. 10312. The Texas Eastern hearing will be held concurrently or immediately after the sessions in the Eascogas and Distrigas proceedings, as many of the parties are participants in all the above titled cases.

This session will cover submittals concerning the reinstitution of service at the existing Texas Eastern facilities on Staten Island, as well as the Distrigas proposed LNG tanks. Interested parties may make submittals in the form of unsworn statements of position or opinion which may be read or copied into the record in order to reflect the concerns of local citizens with the safety and environmental impacts of the project. However, the unsworn statements will be considered as opinions, but not as evidence in the proceeding, unless the submittals are made under oath and an opportunity is accorded all parties for cross-examination thereon. Sworn submittals, if any, should be mailed to the parties in the Texas Eastern case by May 9, 1975.

A viewing of the pertinent LNG sites and facilities is anticipated for the morning of May 20, 1975.

This notice is to be published in the FEDERAL REGISTER.

ALLEN C. LANDE,
NAHUM LITT,
*Presiding Administrative Law Judges.*

[FR Doc.75–11276 Filed 4–29–75;8:45 am]

[Docket No. RP72–64]

## TEXAS GAS TRANSMISSION CORP.

### Extension of Procedural Dates and Scheduling of Prehearing Conference

APRIL 23, 1975.

On April 18, 1975, Texas Gas Transmission Corporation filed a motion to extend the procedural dates fixed by order issued March 28, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Prehearing Conference, May 1, 1975.
Service of Company's Testimony, May 26, 1975.
Service of Intervenor's Testimony, June 9, 1975.
Hearing, June 19, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc. 75–11277 Filed 4–27–75;8:45 am]

[Docket No. CP74–305]

## TEXAS GAS TRANSMISSION CORP.

### Application

APRIL 23, 1975.

Take notice that on May 29, 1974, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP74–305 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render storage service of natural gas in interstate commerce for Westvaco Corporation (Westvaco), a firm industrial customer of Applicant, for the period June 1, 1974, through March 31, 1975, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In order to allow Westvaco better to ensure its winter fuel supply when alternate fuel may not be available to it Applicant proposes to store for Westvaco up to 400,000 Mcf [1] (at 15.025 psia) of Westvaco's 1974 summer seasonal entitlement during the period June 1, 1974, through October 31, 1974, in Applicant's Midland Storage Field, Muhlenberg County, Kentucky, for delivery to Westvaco during the period November 1, 1974, through March 31, 1975. Applicant states that daily volumes either delivered into storage or delivered from storage shall

[1] Such volume may be reduced by 1/153 of such volume for each day after June 1, 1974, that Applicant has not received Commission authorization to render the proposed service. A temporary certificate was issued on June 14, 1974.





not exceed Westvaco's contract demand

[Docket No. RP75–30]



OFFICE OF THE FEDERAL REGISTER

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not exceed Westvaco's contract demand and that delivery of storage volumes to Westvaco during the 1974–75 winter heating season shall be at Applicant's discretion. Applicant further states that Westvaco shall pay for volumes delivered into storage as if they had been delivered to Westvaco's points of delivery under its natural gas service contract with Applicant and that Westvaco shall pay Applicant for the proposed storage service the sum of 13 cents per Mcf (15.025 psia). No new sales or facilities are proposed by the instant application.

Applicant claims that a similar service was tendered to all of Applicant's resale customers up to the volume of proposed curtailments for the 1974–75 winter heating season.

Applicant submits that the proposed service is in furtherance of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) wherein the Commission has stated that it is the Commission's policy to protect adequate and reliable service insofar as present supplies and capabilities will permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11278 Filed 4-29-75;8:45 am]

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[Docket No. E-9312]

## UNION ELECTRIC CO.

### Filing Service Schedules

APRIL 23, 1975.

Take notice that on March 6, 1975, Union Electric Company (Union) tendered for filing First Revised Service Schedules to the Interconnection Agreement dated February 18, 1972, between Central Illinois Public Service Company, Illinois Power Company and Union. The proposed effective date of the First Revised Schedules is May 1, 1975, and the revised schedules provide for the cancellation of the previous service Schedule dated February 18, 1972.

Union states that First Revised Service Schedule B, Emergency Service, has been modified to include return of equivalent energy as a third alternative basis of settlement in order to encourage the supplying party to be more readily agreeable to provide emergency energy during periods of fuel shortage or conservation of fuel. Union also states that First Revised Service Schedules C and F increase reservation charges for Maintenance Power Transactions and Short-term Non-Firm Power Transactions, respectively, from 40¢ per week per kilowatt to 45¢ per week per kilowatt. Finally, Union states that First Revised Schedule E revises the rate for Short-term Power from 50¢ per week per kilowatt to 55¢ per week per kilowatt.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11279 Filed 4-29-75;8:45 am]

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[Docket No. RP75-30]

## UNITED GAS PIPE LINE CO.

### Filing of Revised Tariff Sheets

APRIL 23, 1975.

Take notice that on April 17, 1975, United Gas Pipe Line Company (United) filed with the Federal Power Commission (Commission) as a part of its FPC Gas Tariff the following Tariff sheets:

*First Revised Volume No. 1*

Twenty-Fourth Revised Sheet No. 4.

*Original Volume No. 2*

Second Revised Sheet No. 226.

Twenty-Fourth Revised Sheet No. 4 is being filed to replace Nineteenth Revised Sheet No. 4, which was filed in the Docket No. RP75–30 original filing, as well as Twenty-Third Revised Sheet No. 4, filed with the Commission on February 21, 1975 and which became effective on March 1 1975 in Docket No. RP72–133, PGA 75–2. Twenty-Fourth Revised Sheet No. 4 reflects modifications which include current gas cost and substitution of the surcharge reflected in United's February 21, 1975 PGA filing, which became effective on March 1, 1975.

Second Revised Sheet No. 226 is being filed pursuant to the provisions of the rate schedule to reflect a transportation rate equal to United's Northern Zone transmission cost of service in this proceeding.

A copy of the revised sheets are being mailed to United's jurisdictional customers and interested state commissions, and parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-11280 Filed 4-29-75;8:45 am]





## OFFICE OF THE FEDERAL REGISTER

### LIST OF ACTS REQUIRING PUBLICATION IN THE "FEDERAL REGISTER"

The basic provisions requiring or authorizing publication of documents in the FEDERAL REGISTER are contained in 5 U.S.C. 551–559 and 44 U.S.C. 1501–1511. This appendix lists the acts contemplated by 44 U.S.C. 1505(a)(3). Notice is hereby given that the Office of the Federal Register is amending the list of acts requiring the publication of documents in the FEDERAL REGISTER by adding to the list the following acts enacted in 1974:

| *Description of Act* | *Citation* |
|---|---|
| Water resources development and preservation. | Public Law 93–251; 88 Stat. 43; 16 U.S.C. 460ee. |
| Fair Labor Standards Amendments of 1974 | Public Law 93–259; 88 Sta. 61; 29 U.S.C. 213 note. |
| Federal Energy Administration Act of 1974 | Public Law 93–275; 88 Stat. 101; 15 U.S.C. 766. |
| Wild and Scenic Rivers System | Public Law 93–279; 88 Stat. 123; 16 U.S.C. 1278. |
| Alcoholism and alcohol abuse | Public Law 93–282; 88 Stat. 131, 133, 139; 42 U.S.C. 4581, 4582, 21 U.S.C. 1175 note. |
| Energy Supply and Environmental Coordination Act of 1974. | Public Law 93–319; 88 Stat. 249, 256; 42 U.S.C. 1857c–10. |
| Congressional Budget and Impoundment Control Act of 1974. | Public Law 93–344; 88 Stat. 335, 336; 31 U.S.C. 1404. |
| National Research Act | Public Law 93–348; 88 Stat. 351; 42 U.S.C. 289l–1 note. |
| Legal Services Corporation Act of 1974 | Public Law 93–355; 88 Stat. 387; 42 U.S.C. 2996g. |
| Social security benefits | Public Law 93–368; 88 Stat. 422; 42 U.S.C. 1382f. |
| Education Amendments of 1974 | Public Law 93–380; 88 Stat. 610, 20 U.S.C. 246. |
| Housing and Community Development Act of 1974. | Public Law 93–383; 88 Stat. 663, 703, 711; 42 U.S.C. 1437f, 5406, 5414. |
| Solar Heating and Cooling Demonstration Act of 1974. | Public Law 93–409; 88 Stat. 1073; 42 U.S.C. 5506. |
| Boston National Historical Park Act of 1974 | Public Law 93–431; 88 Stat. 1184; 16 U.S.C. 4102. |
| Energy Reorganization Act of 1974 | Public Law 93–438; 88 Stat. 1242, 1253; 42 U.S.C. 5818, 5801 note. |
| Big Thicket National Preserve, Texas, establishment. | Public Law 93–439; 88 Stat. 1254, 1255, 1257; 16 U.S.C. 698, 698c. |
| Big Cypress National Preserve, Florida, establishment. | Public Law 93–440; 88 Stat. 1258, 1260; 16 U.S.C. 698f, 698l. |
| Federal Election Campaign Act Amendments of 1974. | Public Law 93–443; 88 Stat. 1265; 18 U.S.C. 608. |
| International claims settlements | Public Law 93–460; 88 Stat. 1386; 22 U.S.C. 1641e. |
| Harpers Ferry National Historical Park, West Virginia. | Public Law 93–466; 88 Stat. 1420; 16 U.S.C. 450bb. |
| National Park System, appropriation ceilings and boundaries. | Public Law 93–477; 88 Stat. 1448; 16 U.S.C. 495g–2. |
| Historic sites and national monuments | Public Law 93–486; 88 Stat. 1462 (not assigned U.S.C. classification). |
| Motor Vehicle and Schoolbus Safety Amendments of 1974. | Public Law 93–492; 88 Stat. 1471, 1474, 1475, 1481; 15 U.S.C. 1412, 1414, 1417, 1410a. |
| Federal deposit insurance, increase | Public Law 93–495; 88 Stat. 1503, 1505; 15 U.S.C. 78l. |
| Federal Fire Prevention and Control Act of 1974. | Public Law 93–498; 88 Stat. 1548; 15 U.S.C. 2218. |
| Export Administration Amendments of 1974 | Public Law 93–500; 88 Stat. 1554; 50 U.S.C. app. 2404. |
| Public information, publication of indexes | Public Law 93–502; 88 Stat. 1561; 5 U.S.C. 552. |
| Vocational rehabilitation services | Public Law 93–516; 88 Stat. 1623, 1627; 20 U.S.C. 107, 107d–2. |
| Safe Drinking Water Act | Public Law 93–523; 88 Stat. 1663; 42 U.S.C. 300g–1. |
| Antitrust Procedures and Penalties Act | Public Law 93–528; 88 Stat. 1706, 1707; 15 U.S.C. 16. |
| Point Reyes National Seashore, California, additional lands. | Public Law 93–550; 88 Stat. 1744; 16 U.S.C. 459c–1. |
| Cuyahoga Valley National Recreation Area, Ohio, establishment. | Public Law 93–555; 88 Stat. 1785; 16 U.S.C. 460ff–1. |
| Emergency Jobs and Unemployment Assistance Act of 1974. | Public Law 39–572; 88 Stat. 1785; 16 U.S.C. 986. |
| Emergency Unemployment Compensation Act of 1974. | Public Law 93–572; 88 Stat. 1870; 26 U.S.C. 3304 note. |
| Federal Nonnuclear Energy Research and Development Act of 1974. | Public Law 93–577; 88 Stat. 1891, 1893; 42 U.S.C. 5908, 5912. |



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| *Description of Act* | *Citation* |
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being established,[2] by reason of the im- handsome profits throughout the period

*Import penetration.* The Commission

| Description of Act | Citation |
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| Privacy Act of 1974 | Public Law 93-579; 88 Stat. 1899, 1900, 1904; 5 U.S.C. 552a. |
| General Accounting Office Act of 1974 | Public Law 93-604; 88 Stat. 1961; 49 U.S.C. 66 note. |
| Canaveral National Seashore, Florida, establishment. | Public Law 93-626; 88 Stat. 2122; 16 U.S.C. 459j. |
| Federal Energy Administrtaion Act of 1974 | Public Law 93-275; 88 Stat. 101; 15 U.S.C. 768. |
| Deepwater Port Act of 1974 | Public Law 93-627; 88 Stat. 2131, 2132, 2133, 2144; 33 U.S.C. 1504, 1517. |
| Magnuson-Moss Warranty—Federal Trade Commission Improvement Act. | Public Law 93-637; 88 Stat. 2186, 2196; 15 U.S.C. 2302, 57a. |
| Indian Self-Determination and Education Assistance Act. | Public Law 93-638; 88 Stat. 2212, 2216; 25 U.S.C. 450k, 458c. |
| National Health Planning and Resources Development Act of 1974. | Public Law 93-641; 88 Stat. 2231; 42 U.S.C. 300l. |
| Headstart, Economic Opportunity, and Community Partnership Act of 1974. | Public Law 93-644; 88 Stat. 2304; 42 U.S.C. 2928f. |

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposal

The following request for clearance of an Information Circular intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on April 24, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collecting of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before May 19, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL MARITIME COMMISSION

Request for clearance of an extension (no change), of Form FMC-9, Information Circular. This form is used in eliciting information concerning firms regulated by the Commission. The information furnished assists the Commission in its daily operation through knowledge of those it regulates. Responses are voluntary and the burden is estimated at three hours per response.

NORMAN F. HEYL,
*Regulatory Reports Review Officer.*

[FR Doc.75-11216 Filed 4-29-75;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[332-73]

### DRAFT REPORT ON CONCEPTS AND PRINCIPLES WHICH SHOULD UNDERLIE THE FORMULATION OF AN INTERNATIONAL COMMODITY CODE

#### Release for Public Views

Notice is hereby given that the United States International Trade Commission is releasing for public comment a draft report on the concepts and principles which should underlie the development of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade. The draft report is being released in connection with Commission Investigation No. 332-73, initiated on February 4, 1975, in accordance with section 608(c) (1) of the Trade Act of 1974.

The draft report discusses the need for a comprehensive international commodity code, sets forth the concepts and principles which should underlie its formulation, and suggests methods for its development and maintenance.

The Commission solicits from all interested parties their views on the study, including constructive comments and criticism on the factual, analytical, and other aspects of the draft report. Interested parties are urged to submit their written statements at the earliest practicable date, but, to be assured of consideration, not later than May 19, 1975. A signed original and nineteen (19) true copies should be submitted.

By order of the Commission.

Issued: April 24, 1975.

KENNETH R. MASON,
*Secretary.*

[FR Doc.75-11217 Filed 4-29-75;8:45 am]

[AA 1921-143]

### TAPERED ROLLER BEARINGS AND CERTAIN COMPONENTS THEREOF FROM JAPAN

#### Statement of Reasons for Negative Determination of Commissioner Leonards

JANUARY 23, 1975.

NOTE: The following statement was omitted when the original document was published at 40 FR 4366, January 29, 1975.

Investigation No. AA1921-142 was instituted September 11, 1974, on the basis of advice of September 4, 1974, from the Department of the Treasury that tapered roller bearings from Japan are being, or are likely to be, sold in the United States or elsewhere at less than fair value (LTFV). Under section 201(a) of the Antidumping Act, 1921, as amended, the Commission must determine within 3 months from the time of the determination of Treasury whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

On October 23, 1974, the Commission was advised by letter from Assistant Secretary of the Treasury David R. Macdonald of a "clarification" with respect to Treasury's September 4 LTFV determination on tapered roller bearings from Japan. Assistant Secretary Macdonald's letter and an enclosed notice published in the FEDERAL REGISTER of October 29, 1974, both termed the October 23 advice as being a clarification of the September 4 determination. The letter and notice stated in effect that the September 4 Treasury determination was meant to include certain components of tapered roller bearings, specifically "inner races or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately."[1]

However, the Commission decided not to treat the October 23 letter and notice as a clarification of the September 4 Treasury determination but rather as an amendment by Treasury of its previous advice or in effect as a new determination by Treasury. Thus, the Commission on October 24, 1974, terminated investigation No. AA1921-142 without a determination and instituted a new investigation, No. AA1921-143, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan, which are being, or are likely to be, sold at less than fair value.

*Threshold questions.* Questions can be raised whether the Commission can terminate without a determination an investigation under the Antidumping Act and whether it can institute a new investigation based, according to the Treasury advice, not on a new determination of sales at less than fair value but rather on a clarification of a previous determination of sales at less than fair value. Further, if Treasury did not make a new determination on October 23 but merely clarified its September 4 determination, is it not required of the Commission to make its determination with respect to injury within 3 months of September 4, 1974, or by December 4, 1974? A majority of the Commission has concluded otherwise; ergo, this January 23 report of its determination in investigation No. AA1921-143.

*Negative determination.* My determination in this investigation is in the negative; that is, an industry in the United States is not being or is not likely to be injured, or is not prevented from being established,[2] by reason of the importation into the United States from Japan of tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, sold or likely to be sold at less than fair value.

*Statutory criteria.* Before an affirmative determination can be made under the Antidumping Act, 1921, as amended, each of two conditions must be fulfilled. First, there must be injury or a likelihood of injury to an industry in the United States. Second, the injury or likelihood of injury to an industry in the United States must be by reason of the importation into the United States of merchandise which Treasury determines is being, or is likely to be, sold at LTFV. In the instant investigation, while there is little, if any, evidence of the first condition being satisfied, that is, of there being injury or likelihood of injury, in any event, the second condition is not met, that is, any injury or likelihood thereof that is conjured up cannot be linked causally to imports sold or likely to be sold at less than fair value.

*Industry and market.* In looking at the question of injury, I have concentrated on that industry—the U.S. facilities devoted to the production of the articles covered by the notice of investigation—and the U.S. market—the market for 4-inch and under tapered roller bearings, particularly for the high volume, eight part numbers found by Treasury to have been sold at less than fair value—where the impact of the LTFV merchandise was likely to be the heaviest.

*Injury.* With regard to the first statutory criterion enumerated above, I find scant evidence of injury to the affected industry, even in the most relevant market. Domestic producers' aggregate shipments increased each year during the period 1970-73, which encompassed the period during which Treasury found LTFV sales—July-December 1973. By 1972 the domestic industry was operating at nearly full capacity; in that year shortages of bearings began to develop in the United States and throughout the world. During the next two years, which included the dumping period, the bearing shortage was so acute in this market that lead times quoted by domestic suppliers increased to as long as 104 weeks. Domestic producers' exports as a share of their production increased during those years, which exacerbated the shortage in the United States. In many cases domestic suppliers had to decline offers for new business.

Throughout this period the prices of both domestic and Japanese bearings increased; however, the spread between the comparable domestic and Japanese articles continually narrowed as the prices of Japanese bearings rose at a more rapid rate. Finally, Timken, the dominant domestic supplier, experienced handsome profits throughout the period reviewed. All of the foregoing indicators suggest to me that the overall condition of the industry during that period was extremely healthy.

*Likelihood of injury.* In spite of the recent downturn in the United States economy, it does not follow that the domestic tapered roller bearing industry is likely to be injured. Although domestic suppliers' lead times have declined significantly, there still remains a considerable backlog of orders for non-automotive bearings. Furthermore, with the knowledge that both the domestic and Japanese bearing industries are continuing to operate at nearly full capacity, it seems logical that the affected domestic industry is not likely to be injured in the foreseeable future. Thus, most of the signposts usually available to indicate injury or likelihood of injury in an antidumping investigation are not present here. Rather the indicators generally point to a healthy industry.

*The missing causation.* There are, however, some indicators of injury the Commission often examines which cannot be dismissed quickly here. Specifically, such indicators are suppression of prices, import penetration, reduced profits and failure to add new production facilities to meet a growing demand. While a case may be made, albeit a weak one, that the injury criterion has been satisfied because of the presence of one or more of those indicators, the second statutory criterion is clearly not met for any of those indicators. In other words, any injury to the domes tapered roller bearing industry measured by suppressed prices, import penetration, reduced profits or inability to augment capacity is not by reason of the LTFV imports from Japan. To find the requisite causation, the LTFV imports must be an identifiable cause of the injury.[3] The evidence here does not permit such an identification.

*Suppression of prices.* It can be asserted that the domestic industry has not been able to increase its prices as much as they should have been increased to cover adequately increased costs. That is the essence of the argument that price suppression is an indicator of injury. But if that indicator is present here, it cannot be said to be by reason of the LTFV imports from Japan. The LTFV imports could be termed a cause of price suppression if it were clear that there were smaller price increases on those articles directly competitive with LTFV imports than the price increases on articles that directly competed with non-LTFV imports. There is no such evidence. The price increases on all of the high volume under 4-inch U.S. tapered roller bearings were approximately the same regardless of whether the bearings competed directly with the LTFV Japanese imports or not and so the LTFV imports cannot be identified as a cause of any suppression of U.S. prices.

*Import penetration.* The Commission almost without exception looks at the penetration of the U.S. market by the LTFV imports in attempting to assess injury. A significant share of consumption taken by LTFV imports is not sufficient for me, however. It must be shown that the penetration by the LTFV imports was at the expense of the domestic industry. Here, that is not the situation. The domestic industry at the time of the LTFV imports was selling everything it could produce. The increased share of the market taken by LTFV imports was due to increased consumption. The domestic industry could not satisfy the demand and the Japanese importers captured the excess demand. They did not cause any reduction in sales by the domestic industry. Thus, the import penetration in the instant case is not one signifying injury to the domestic industry and whatever penetration exists is certainly not by reason of LTFV imports.

*Reduced profits.* The declining profit posture of two of the producers cannot be related to sales at LTFV. Those producers' inability to realize a normal return on their sales of tapered roller bearings has been more the result of their competitive disadvantage against Timken, the dominant domestic supplier, than a result of imports of tapered roller bearings. Moreover, the absence of any distinguishable difference in the pricing behavior between sales of Japanese bearings at fair value and those at LTFV leads to the conclusion that the financial difficulties faced by those domestic producers cannot be tied to LTFV sales. That is, because there is no distinguishable difference between the price effects of LTFV bearings and of those not sold at LTFV, it cannot be concluded that the adverse financial condition experienced by those two producers was by reason of sales at LTFV.

*Failure to expand productive capacity.* It can always be argued that an industry intends to expand its capacity, but to sustain such an argument, there must be hard evidence of an imminent intention to expand capacity, not just a gleam in the eye of an optimistic corporate executive. If there were specific plans, concrete proposals, recorded decisions of constituent parts of an industry to expand facilities, to increase capacity, which then had to be postponed or cancelled because of Japanese less than fair value imports, that would be one thing. Hard evidence is not a pious platitude on the desire to expand. What is revealed as a result of the investigation is that the Japanese have played an important role in supplying this market during a period of shortages of bearings. Despite the growth in demand for bearings the domestic industry has not expanded its production capacity to meet that demand.

*The missing likelihood link.* Just as the concept of "present injury" must in some way be connected to LTFV sales, so too must the concept of "likelihood of injury" be tied to the LTFV sales. Just as the evidence fails to provide the casual

[1] The text of Mr. Macdonald's letter received by the Commission on October 23, 1974, and the notice published in the FEDERAL REGISTER are attached to this statement.

[2] Prevention of establishment of an industry is not an issue in this investigation and will not be treated further in this statement.

[3] Elemental Sulphur from Mexico, U.S. Tariff Commission Inv. No. AA1921-92 (1972).







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connection for present injury, so too is

ments of the Atomic Energy Act of 1954,

For further details with respect to



Health Resources Administration: Preliminary Plans for the Second Health and

pany ("WMECO") 174 Brush Hill Ave-

connection for present injury, so too is there no evidence to link likelihood of injury to LTFV sales.

The past history of pricing by the Japanese in this market suggests that any future LTFV sales from Japan will be purely an attempt to meet the level of prices in the U.S. market and therefore not injurious. The fact that the Japanese have been long-term suppliers to many United States purchasers is an indication of their stake in this market and concomitant unwillingness to sell at LTFV in the future. The Japanese interest in maintaining stability in this market is evidenced by the investment of at least one Japanese supplier in United States facilities for the production of tapered roller bearings and the investment of several Japanese suppliers in domestic facilities for the production of ball bearings. Under such circumstances it is not realistic to predicate any likelihood of injury upon future LTFV sales by the Japanese.

*Conclusion.* Based upon the considerations discussed in the foregoing it must be concluded that a domestic industry is not being or is not likely to be injured by reason of imports of Japanese tapered roller bearings, including inner race or cone assemblies and outer races or cups, sold or likely to be sold at LTFV.

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

### CONSUMERS POWER CO.

#### Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment makes changes in the surveillance program for the tendons in the containment building post-tensioning system consistent with Regulatory Guide 1.35, "Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containment Structures". The effect of this change is to increase the number of tendons to be examined at the third inspection from nine to twenty-one; cause the third inspection to be conducted five years rather than eight years after the initial structural test; and eliminate the requirement to extrapolate measured tendon tension to forty years, since this procedure has not been found to be of practical value. The revised procedure requires that measured tendon tension fall between established upper and lower acceptance limits, which is consistent with Regulatory Guide 1.35.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated January 14, 1975, as corrected January 21, 1975, (2) Amendment No. 14 to License No. DPR-20, with Change No. 18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 24th day of April 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
*Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.*

[FR Doc.75-11247 Filed 4-29-75;8:45 am]

[Docket No. 50-244]

### ROCHESTER GAS AND ELECTRIC CORP.

#### Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation which revised Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York. The amendment is effective as of its date of issuance.

This amendment clarifies the surveillance requirements during cold and refueling shutdown operating modes, removes some statements from the Technical Specifications that are no longer applicable, and corrects some references in the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1974, (2) Amendment No. 6 to License No. DPR-18, with Change No. 15, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489, and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of April 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
*Chief, Operating Reactors Branch #1 Division of Reactor Licensing.*

[FR Doc.75-11248 Filed 4-29-75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 25, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Survey of Environmentally-related Energy Data Bases and Calculational Models, single-time, energy research laboratories, Weiner, N., 395-4890.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Medical Economic Survey, NCHS 0414, single-time, national panel of 10,000 households, Dick Eisinger, 395-4716.

Health Resources Administration: Preliminary Plans for the Second Health and Nutrition Examination Survey, NCHS 0416, single-time, persons in U.S., Reese, B.F. 395-5630.

Health Resources Administration: Professional Nurse Traineeship Program, BHRD 0212, on occasion, schools of nursing, Dick Eisinger, 395-4716.

REVISIONS

VETERANS ADMINISTRATION

Application for Dependency or Indemnity Compensation by Parents, 21-535, on occasion, parents, Caywood, D.P., 395-3443.

Veterans Application for Compensation or Pension, 21-526, on occasion, veterans, Caywood, D.P., 395-3443.

Income—Net Worth and Employment Statement, VAF21-527, on occasion, veterans, Caywood, D.P., 395-3443.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Certification of Flue-cured Tobacco Varieties Planted (In order to receive limited price support payments), MQ-32, annually, operators of flue-cured tobacco farms, Caywood, D.P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: FAA Airport Master Record, FAA 5010-1, on occasion, owners of public use airports, Caywood, D.P., 395-3443.

Health Resources Administration: Utilization of Physician's Assistants in Primary Care, Mental Health, 0610, other (see SF-83), Staff members of mental health institues, etc., Dick Eisinger, 395-4716.

EXTENSIONS

SMALL BUSINESS ADMINISTRATION

Minority Vendor Profile, SBA 1023, semi-annually, minority owned business, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Application for Electric Loan REA Borrowers, REA 740G, on occasion, REA electric borrowers, Marsha Traynham, 395-4529.

Farmers Home Administration: Business and Family Record Book (FHA borrowers), FHA-432-10, on occasion, individuals, Marsha Traynham, 395-4529.

Agricultural Stabilization and Conservation Service: Application for Payments of Amounts Due Persons Who Have Died, Disappeared, or Been Declared Incompetent, ASCS-325, on occasion, farmers and ranchers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75-11400 Filed 4-29-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-5671]

### THE CONNECTICUT LIGHT AND POWER CO., ET AL.

#### Proposed Modification of Earnings-Coverage Test Relating To Issuance of Additional Bonds

Notice is hereby given that The Connecticut Light and Power Company ("CL&P") P.O. Box 2010, Hartford, Connecticut 06101, The Hartford Electric Light Company ("HELCO") P.O. Box 2370, Hartford, Connecticut 06101, and Western Massachusetts Electric Company ("WMECO") 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, public-utility subsidiaries of Northeast Utilities ("Northeast"), a registered holding company, have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 1, 6, 7, 12, 15, and 20 of the Act as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P, HELCO, and WMECO have first mortgage bonds outstanding under their respective mortgage indentures. All three companies became subject to the Act in 1966, upon registration of their parent, Northeast (HCAR No. 15448); and their respective indentures were subsequently amended to conform with the Commission's Statement of Policy Regarding First Mortgage Bonds ("Policy Statement") adopted in 1956 (HCAR No. 13105). The Policy Statement provides, among other things, that indentures subject thereto shall require, as a prerequisite for the issuance of additional bonds, that earnings be at least two times the proforma total annual bond interest requirements; and that the amount of non-operating income to be taken into account for purposes of such interest-coverage test shall not exceed 10 percent of net operating income.

In 1967, incidental to amendment of their indentures to conform with the Policy Statement, CL&P and HELCO were authorized to modify the general 10 percent limitation on the inclusion of non-operating income by adding the proviso—"or such higher percent not to exceed 20 percent as shall be authorized by the Commission under the Act" (HCAR Nos. 15727 and 15672, respectively). The same proviso in the same context was authorized as to WMECO's indenture in 1973 (HCAR No. 18022). In CL&P's case, bondholder consent was not required; in the other two cases, the required bondholder consent was obtained.

In each case, the proviso was authorized in recognition of the potential future significance of income to each of the three companies arising from their part ownership with other New England utilities of the equity in four regional nuclear generating companies, each of which owns and operates a single-unit nuclear generating plant. The nuclear generating companies, and the aggregate stock interest owned in each of them by the three Northeast subsidiaries, are: Connecticut Yankee Atomic Power Company (44 percent), Yankee Atomic Electric Company (31.5 percent), Maine Yankee Atomic Power Company (15 percent), and Vermont Yankee Nuclear Power Corporation (12 percent). They are collectively referred to as the "Yankee Companies."

CL&P, HELCO, and WMECO are obligated to provide capital required by the Yankee Companies (to the extent such capital is not provided by the public sale of senior securities from other outside sources) and to pay a share of the Yankee Companies' operating expenses







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(including depreciation and return on invested capital) based upon their respective percentage ownership of those Companies' stock. In return, CL&P, HELCO, and WMECO are entitled to purchase at cost, as defined, a percentage of the power produced by each of the Yankee Companies equal to their respective stock ownership percentages. Such cost, which includes the above-mentioned return on invested capital, is treated as an operating expense by the companies receiving the power. The net income of the Yankee Companies resulting from sales of power is allocated to the shareholders, including CL&P, HELCO, and WMECO, in accordance with their respective percentages of stock ownership. It is stated that their interest in the earnings of the Yankee Companies is virtually all realized in cash, since those Companies tend to pay out on a current basis all of their net earnings as dividends; that such "non-operating income" produces funds for the payment of interest; and that, unlike other non-operating income, this income is directly related to the shareholder companies' current utility operations.

It is proposed, and Commission authorization is sought in accordance with the above proviso contained in indentures of CL&P, HELCO, and WMECO, that the amount of non-operating income which the companies may utilize in the computation of interest coverage for the future issuance of additional bonds, shall be the sum of (i) all net non-operating income from sources other than the Yankee Companies up to the present 10 percent limitation, plus (ii) all earnings recorded on an accrual basis by CL&P, HELCO, and WMECO from their equity investments in the Yankee Companies. If authorized by the Commission, such modified method of computing interest coverage would not require the consent of the bondholders.

It is further stated that in the year 1974, CL&P, HELCO, and WMECO recorded earnings on their investments in the Yankee Companies of $1,755,000, $825,000, and $685,000, respectively; that treatment of those earnings in accordance with the method proposed would have resulted in the utilization by the three companies, for indenture earnings-coverage purposes, of non-operating income from all sources equal, respectively, to 11.95 percent, 11.84 percent, and 12.93 percent of net operating income; and that this, in turn, would have increased the amount of bonds issuable under their indentures by approximately $9,800,000, $4,400,000, and $3,800,000, respectively, assuming a 9 percent interest rate. Such additional bonds would represent 1.7 percent, 1.4 percent and 2.5 percent of each company's respective amount of first mortgage bonds outstanding at December 31, 1974.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $4,500, including legal fees of $2,500. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-11312 Filed 4-29-75;8:45 am]

## SMALL BUSINESS ADMINISTRATION

### AUGUSTA DISTRICT ADVISORY COUNCIL

**Public Meeting**

The Small Business Administration Augusta District Advisory Council will meet at 10:30 a.m., (e.d.t.), Monday, May 20, 1975, at the Holiday Inn, Augusta, Maine, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Thomas A. McGillicuddy, Small Business Administration, 40 Western Avenue, Augusta, Maine 04330, (207) 622-6225.

Dated: April 18, 1975.

ANTHONY S. STASIO,
*Chief Counsel for Advocacy,*
*Small Business Administration.*

[FR Doc.75-11214 Filed 4-29-75;8:45 am]





## INTERSTATE COMMERCE COMMISSION

[Notice No. 753]

### ASSIGNMENT OF HEARINGS

APRIL 25, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 125777 Sub-147, Jack Gray Transport, Inc., and MC 125777 Sub-149, Jack Gray Transport, Inc., now being assigned July 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134783 Sub-27, Direct Service, Inc., now being assigned July 1, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 105813 Sub-199, Belford Trucking Co., Inc., now being assigned September 11, 1975, at Washington, D.C., Interstate Commerce Commission.

MC 113495 Sub-67, Gregory Heavy Haulers, Inc., now being assigned September 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133878 Sub-2, A. E. Trucks, Inc., now being assigned, July 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12250, Lovelace Truck Service, Inc.—Purchase (Portion)—Atkinson Lines, Inc. and MC 151 Sub-53, Lovelace Truck Service, Inc., now being assigned July 21, 1975 (2 weeks) at Columbus, Ohio; in a hearing room to be designated later.

MC 107295 Sub-729, Pre-Fab Transit Co., now assigned May 5, 1975 at Washington, D.C. is canceled and application dismissed.

MC 140030 Sub-1, Ray Kurtz and Linda Farley, a partnership, d.b.a. Plastic Express, now assigned June 13, 1975 at San Francisco, California, is postponed to July 14, 1975, at Los Angeles, Calif.; in a hearing room to be designated later.

MC 113855 Sub-292, International Transport, Inc., now assigned June 23, 1975, at San Francisco, Ca., is canceled and application dismissed.

MC 13900 (Sub-No. 18), Midwest Haulers, Inc., has been continued to May 5, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119777 Sub-311, Ligon Specialized Haulers, Inc., now being assigned June 13, 1975 (1 day), at San Francisco, California; in a hearing room to be designated later.

MC-F-12313, Wells Cargo, Inc.—Purchase—Western Truck Lines, and MC 43269 Sub-60 Wells Cargo, Inc., now being assigned June 23, 1975 (1 week), at Los Angeles, California; in a hearing room to be designated later.

MC 139986, Frank C. Scheer, d.b.a. Allstates Coach Service, now being assigned June 16, 1975 (1 day), at Miami, Florida; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.75-11350 Filed 4-29-75;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

APRIL 24, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before May 30, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 7640 (Sub-No. 46G) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER issue of March 18, 1975, and partially republished as corrected this issue. Applicant: BARNES TRUCK LINE, INC., P.O. Box 999, Wilson, N.C. 27893. Applicant's representative: John T. Coon, P.O. Box 2006, High Point, N.C. 27261.

NOTE.—The purpose of this corrected republication is to make the following corrections: (1) In part (1) of the instant application, South Carolina 145 should be changed to read, South Carolina Highway 146; (2) In parts (2) and (3), the phrase, from points in North Carolina on and east of U.S. Highway 29, should be changed to read, from points in North Carolina on and west of U.S. Highway 29; and (3) In part (4), the phrase, Virginia-South Carolina State line, should be changed to read, Virginia-North Carolina State Boundary line. The rest of the application remains as originally published.

No. MC 113388 (Sub-No. 105G) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER issue of March 19, 1975, and partially republished as corrected this issue. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods*, (A)(1) from Dover, Del., to points in Florida, Georgia and South Carolina. The purpose of this filing is to eliminate the gateway at Robbinsville, N.J. (E) *Canned foods*, (E)(1) from points in Cecil and Kent Counties, Md. and those in Accomack and Northampton Counties, Va., to points in New York, Pennsylvania, and Lynchburg, Va., and points in Virginia on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateways at points in Kent and Sussex Counties, Del., and points in the seven counties on the Eastern Shore of Maryland, and points in New Jersey. (H) *Such commodities* as are used in or incidental to the preparation, packing, and shipment of canned, frozen, and processed foods (except in bulk), from points in Connecticut, Delaware, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, to points in Sussex and Kent Counties, Del. and those in Caroline, Dorchester, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, Md. The purpose of this filing is to eliminate the gateways at points in Atlantic and Cumberland Counties, N.J.

NOTE.—The purpose of this partial republication is to correct the spelling of Dover, Del. in (A)(1) above; to add points in Virginia on and east of U.S. Highway 1 to the destination territory in (E)(1) above; and to add the word "in" to the commodity description in (H) above. The rest of the publication remains as originally published.

No. MC 134838 (Sub-No. 10G) (Correction), filed June 4, 1974, and published in the FEDERAL REGISTER of March 19, 1975, and partially republished as corrected this issue. Applicant: SOUTHEASTERN TRANFER AND STORAGE CO., INC., 2561 Plant Atkinson Rd., NW., P.O. Box 2 (Balton Station), Atlanta, Ga. 30318. Applicant's representative Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036.

NOTE.—The purpose of this correction is to indicate that U.S. Highway 2 in Part (4) of the instant application should read, U.S. Highway 29. The rest of the application remains as originally published.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 12, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 113495 (Sub-No. E23), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over





irregular routes, transporting: (1) *Road* resentative: E. T. Gregory (same as inate the gateway of points in Virginia



ferson, Johnson, Knox, Loudon, McMinn, No. MC 113495 (Sub-No. E52), filed *carrier*, by motor vehicle, over irregular

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irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Berkeley, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Pendleton, Pocahontas, Randolph, Summers, and Tucker Counties, W. Va., on the one hand, and, on the other, points in Allen, Ballard, Barren, Bell, Calloway, Carlisle, Christian, Clay, Clinton, Cumberland, Fulton, Graves, Harlan, Hickman, Knott, Knox, Laurel, Leslie, Letcher, Logan, Marshall, McCracken, McCreary, Metcalfe, Monroe, Perry, Pulaski, Russell, Simpson, Todd, Trigg, Warren, Wayne, and Whitley Counties, Ky. The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220.

No. MC 113495 (Sub-No. E24), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Tennessee, on the one hand, and, on the other, points in Berkeley, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Pendleton, Pocahontas, Raleigh, Randolph, Summers, and Tucker Counties, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia west of U.S. Highway 220.

No. MC 113495 (Sub-No. E25), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, between points in Anderson, Bledsoe, Blount, Bradley, Carter, Claiborne, Cocke, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sequatchie, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn., on the one hand, and, on the other, points in Kanawha County, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220.

No. MC 113495 (Sub-No. E26), filed June 3, 1974. Applicant: GREGORY HEAVY HAULERS, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment); and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, and *supplies* moving in connection therewith (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or supplies, restricted to commodities which are transported on trailers, between points in Anderson, Bledsoe, Blount, Bradley, Carter, Claiborne, Cocke, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sequatchie, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn., on the one hand, and, on the other, points in Kanawha County, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia on and west of U.S. Highway 220.

No. MC 113495 (Sub-No. E27), filed June 3, 1974. Applicant: GREGORY HEAVY HAULERS, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such earthmoving, construction, mining, and maintenance machinery and equipment, and parts* which may be included in heavy machinery and contractors' equipment and parts, all of which because of size or weight require special equipment or special handling; (2) *Such self-propelled earthmoving, construction mining, and maintenance machinery and equipment*, each weighing 15,000 pounds or more which may be included in heavy machinery and contractors' equipment and *related parts* moving in connection therewith, restricted to commodities which are transported on trailers, from the plant site of Athey Products Corporation at or near Wake Forest, N.C., to points in Arkansas and points in Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clinton, Fayette, Franklin, Fulton, Greene, Hancock, Henderson, Henry, Jackson, Jefferson, Jersey, Johnson, Knox, Logan, Macon, Madison, Marion, Massac, Mason, Macoupin, McDonough, Menard, Mercer, Monroe, Montgomery, Morgan, Peoria, Pike, Perry Pulaski, Randolph, Rock Island, Sangamon, St. Clair, Schuyler, Scott, Stark, Tazewell, Union, Warren, Washington, and Williamson Counties, Ill. The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E28), filed June 3, 1974. Applicant: GREGORY HEAVY HAULERS, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy earth moving, construction, mining, and maintenance machinery and construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipelines materials or equipment); (2) *Such self-propelled* earth-moving, construction, mining, and maintenance machinery and equipment, each weighing 15,000 pounds or more which may be included in heavy machinery and construction equipment and related parts moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, restricted to commodities which are transported on trailers, from the plant site of Athey Products Corporation at or near Wake Forest, N.C., to points in Tennessee (except points in Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties). The purpose of this filing is to eliminate the gateway of Kentucky.





No. MC 113495 (Sub-No. E29), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Trucks*, designed for off-highway use, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, in initial movements, in truckaway service, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers, from Decatur, Ill., to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, Saline, St. Francis, Sevier, and Union Counties, Ark., and (b) *Related parts* for the above-specified commodities in (1) (a) when moving in connection therewith, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, restricted to commodities which are transported on trailers, restricted against the transportation of parts from Decatur, Morton, and Joliet, Ill., to points in the Memphis, Tenn., commercial zone, as defined by the Commission, from Decatur, Morton, and Joliet, Ill., to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, Saline, St. Francis, Sevier, and Union Counties, Ark.; (2) *Trucks*, designed for off-highway use, which may be included in heavy machinery and construction equipment, the transportation of which, because of size or weight, requires the use of special equipment, in initial movements, in truckaway service (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from Decatur, Ill., to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, Saline, St. Francis, Sevier, and Union Counties, Ark. The purpose of this filing is to eliminate the gateway of Tennessee and points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E52), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, the transportation of which because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from points in Arkansas, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Kentucky west of the Tennessee River and Nashville, Tenn.

No. MC 114457 (Sub-No. E132), filed May 25, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuff*, from points in Montana, to points in that part of Iowa, Winnebago, Hancock, Wright, Hamilton, Boone, Polk, Warren, Clarke, and Decatur Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E133), filed May 25, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Wisconsin in and north of Buffalo, Eau Claire, Clark, Marathon, Langlade, Forest and Florence Counties, to points in that part of Missouri in and west of Schuyler, Adair, Macon, Randolph, Howard, Cooper, Morgan, Camden, Laclede, Webster, Christian, and Taney Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E153), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in that part of Iowa in and east of Winnebago, Hancock, Wright, Hamilton, Boone, Polk, Warren, Clarke, and Decatur Counties, to points in Montana. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 115322 (Sub-No. E92), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Winchester, Va., to Annapolis, Md. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E93), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Winchester, Va., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E94), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Winchester, Va., to Annapolis, Md. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E95), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apples*, from Winchester, Va., to Baltimore, Md. The purpose of the filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E96), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Winchester, Va., to points in Florida. The purpose of this filing is to eliminate the gateways of points in Loudoun, Rockingham, Shenandoah, and Frederick Counties, Va., and Berkeley County, W. Va., which are within 10 miles of Winchester, Va.

No. MC 115322 (Sub-No. E97), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Winchester, Va., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E98), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsyl-



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vania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Winchester, Va., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E99), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Winchester, Va., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E100), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from Winchester, Va. to points in Alabama. The purpose of this filing is to eliminate the gateway of Timberville, Va.

No. MC 115322 (Sub-No. E101), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products* from Winchester, Va., to points on Long Island, N.Y. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E102), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* from Winchester, Va. to points in South Carolina. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E103), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* from Winchester, Va. to points in Mississippi. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E104), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor, vehicle, over irregular routes, transporting: *Canned food products* from Winchester, Va. to points in Alabama. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E105), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor, vehicle, over irregular routes, transporting: *Canned food products*, from Winchester, Va. to points in Georgia. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E106), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor, vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* from Winchester, Va. to points in Georgia. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E107), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* from Winchester, Va. to points in Alabama. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E108), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products* from Winchester, Va. to points in Kentucky. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E109), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from Winchester, Va. to points in Georgia. The purpose of this filing is to eliminate the gateway of Timberville, Va.

No. MC 115322 (Sub-No. E110), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from Winchester, Va. to points in Mississippi. The purpose of this filing is to eliminate the gateway of Timberville, Va.

No. MC 115322 (Sub-No. E111), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Winchester, Va. to points in Tennessee. The purpose of this filing is to eliminate the gateway of Timberville, Va.

No. MC 115322 (Sub-No. E112), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Winchester, Va. to points in Missouri. The purpose of this filing is to eliminate the gateway of Timberville, Va.

No. MC 115322 (Sub-No. E113), filed January 13, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned good products* from Winchester, Va. to New York, N.Y. The purpose of this filing is to eliminate the gateway of Front Royal, Va.

No. MC 115322 (Sub-No. E123), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products* from points in Florida to points in Virginia within 70 miles of Winchester, Va. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E124), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in mixed shipments with frozen foods, from points in Erie County, Pa. to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E125), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa.





Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut and pickles* from points in Erie County, Pa. to points in South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E126), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved, drained, and glazed fruit and fruit peel* not canned and not frozen, from Plant City, Fla. to points in Virginia within 70 miles of Winchester, Va. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E128), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Erie County, Pa. to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E129), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products* from points in Chautauqua County, N.Y. to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E130), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved, drained, and glazed fruit and fruit peel* not canned and not frozen, from Plant City, Fla. to Cumberland, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E131), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit juice*, in containers from Dundee and Penn Yan, N.Y. to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E132) filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut and pickles*, from points in Chautauqua County, N.Y., to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E133), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 308, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from points in Orleans County, N.Y., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E134), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape juice concentrate* from Brocton and Westfield, N.Y., and North East, Pa., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E135), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, except grape juice in bulk, from North East, Pa. to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E136), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut and pickles*, from points in Erie County, N.Y. to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E137), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from Fulton, N.Y. to the District of Columbia and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E138), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape juice* from Westfield, N.Y. to Augusta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E139), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape juice* from Westfield, N.Y. to Macon, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E140), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except grape juice in bulk), when moving in mixed shipments with frozen foods, from North East, Pa., and Westfield, N.Y., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E141), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit crystals*, from Lake Wales, Fla., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E142), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, except grape juice, in bulk, in tank vehicles, from North East, Pa., and Westfield, N. Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.



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No. MC 115322 (Sub-No. E143), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except grape juice in bulk), from Westfield, N.Y., to points in Florida. The purpose of this filing is to eliminate the gateway of points in Frederick County, Va.

No. MC 115322 (Sub-No. E145), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen grape concentrate*, from Westfield, N.Y., to Elberton, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E146), filed January 13, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Winchester, Va., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Inwood, W. Va.

No. MC 115322 (Sub-No. E147), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Chautauqua County, N.Y., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E148), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen baked apples*, from Belfast, Maine, to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E149), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen baked apples*, from Belfast, Maine, to Pikeville, Ky. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E150), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned sauerkraut* and *pickles*, when moving in mixed shipments with frozen foods, from points in Erie County, Pa., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E151), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in mixed shipments with frozen foods, from points in Erie County, Pa., to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E152), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit* berries, from Hendersonville, N.C., to points in Virginia and West Virginia within 70 miles of Winchester, Va. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E169), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from Wayland, N.Y. to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E170), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from Buffalo, N.Y. to the District of Columbia and Baltimore, Md. The purpose to this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E171), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from Brockport, N.Y. to the District of Columbia and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E172), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products* from Oswego, N.Y. to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E176), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Erie County, Pa. to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elbertson, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E177), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut and pickles*, from North East, Pa. to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E178), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Florida 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut and pickles*, from points in Chautauqua County, N.Y. to points in South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E182), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*,





except grape juice in bulk, from Westfield, N.Y. to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E183) filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Charleston, S.C., to points in Virginia and West Virginia within 10 miles of Winchester, Va. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E184), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in mixed shipments with frozen foods, from points in Chautauqua County, N.Y. to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E185), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit concentrates*, from Brocton and Westfield, N.Y. to Savannah, Brunswick, Cornelia, Gainesville, Athens, Macon, Elberton, Augusta, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E186), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*, from Westfield, N.Y. to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E187), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Erie County, Pa. to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E188), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*, from Westfield, N.Y. to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E198), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Erie County, Pa. to points in South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E190), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*, from Westfield, N.Y. to Athens, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E191), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*, from Westfield, N.Y. to Gainesville, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No MC 115322 (Sub-No. E129), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*, from eWstfield, N.Y. to Brunswick, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E193), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, from Westfield, N.Y. to Cornelia, Ga. tansporting: *Frozen grape concentrate*, The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E195), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen baked apples*, from Belfast, aMine, to Cumberland, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E196), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut* and *pickles*, from points in Chautauqua County, N.Y., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E197), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Sauerkraut* and *pickles*, from points in Erie County, Pa., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E198), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in mixed shipments with frozen foods, from points in Chautauqua County, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E199), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in mixed shipments with frozen foods, from points in Chautauqua County, N.Y., to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E200), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, from points in Erie County, Pa., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.





No. MC 115322 (Sub-No. E201), filed ...cinnati, Ohio 45215. Applicant's repre... require the use of special equipment, and



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No. MC 115322 (Sub-No. E201), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit concentrate*, from Brocton and Westfield, N.Y., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E202), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut and pickles*, from points in Chautauqua County, N.Y., to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E203), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in mixed shipments with frozen foods, from points in Chautauqua County, N.Y., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E204), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th and Pa. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen grape concentrate*, from Westfield, N.Y., to Atlanta, Ga. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 117344 (Sub-No. E95), filed May 19, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue, paints*, varnishes, and surface coatings, in bulk, in tank vehicles, from the facilities of the Polymers and Chemicals Division of W. R. Grace & Co., at Owensboro, Ky., to points in Virginia on and east of a line beginning at the Virginia-Kentucky State line and extending along U.S. Highway 460 to Christiansburg, thence along Virginia Highway 8 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Addyston (Cincinnati, Ohio), Ohio.

No. MC 117344 (Sub-No. E96), filed May 19, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except road building and construction materials and spent silica gel catalyst), in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 53 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to Sparta, Tenn., thence along Tennessee Highway 111 to junction Tennessee Highway 8, thence along Tennessee Highway 8 to junction U.S. Highway 127, thence along U.S. Highway 127 to Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Jackson County, Ind.

No. MC 117344 (Sub-No. E97), filed May 19, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Kentucky on and west of a line beginning at Maysville, Ky., and extending along Kentucky Highway 11 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 25, thence along U.S. Highway 25 and U.S. Highway 25W to the Kentucky-Tennessee State line (except Louisville) to points in Delaware, Maryland, and New Jersey. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 117344 (Sub-No. E98), filed May 19, 1974. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Illinois on and north of U.S. Highway 36 (except Chicago, Decatur, and Bloomington), and *soya bean oil*, from Chicago, Decatur, and Bloomington, Ill., to points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 421 to Frankfort, thence along U.S. Highway 127 to Danville, thence along U.S. Highway 150 to Stanford and thence along U.S. Highway 27 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 117574 (Sub-No. E5) (Correction) filed May 31, 1974. Published in the FEDERAL REGISTER April 1, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Commodities*, which because of size or weight require the use of special equipment, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Niagara, Orleans, Monroe, Genesee, Erie, and Chautauqua Counties, N.Y., on the one hand, and, on the other, points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Ritchie, Doddridge, Harrison, Jackson, Wirt, Roane, Calhoun, Gilmer, Lewis, Braxton, Upshur, Randolph, Webster, Pocahontas, Mason, Cabell, Putnam, Kanawha, Clay, Nicholas, Greenbrier, Summers, Monroe, Fayette, Raleigh, Mercer, Wayne, Lincoln, Boone, Mingo, Logan, Wyoming, and McDowell Counties, W. Va., restricted to commodities which are transported on trailers (points within 80 miles of Columbus, Ohio*); The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this filing is to partially correct the filing, the remainder of this filing is correct.

No. MC 117574 (Sub-No. E12) (Correction), filed May 31, 1974. Published in the FEDERAL REGISTER April 1, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (5) Self-propelled construction and material handling machines, construction and material handling machines without undercarriages, and attachments and parts for the machines described above, restricted to self-propelled articles each weighing 15,000 pounds or more transported on trailers and construction and material handling machines without undercarriages, which because of size or weight require the use of special equipment, and restricted against the transportation of machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, from Waukesha, Wis., to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line points in that part of Pennsylvania on and east of U.S. Highway 219 to junction U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line (except the site of the Curtiss Wright Corporation Plant located near Clearfield)*; The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this filing is to partially correct the filing, the remainder of this filing is correct.

No. MC 117574 (Sub-No. E23) (Correction), filed May 31, 1974, published





in the FEDERAL REGISTER March 19, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (other than truck-tractors), *tractor attachments, incidental machinery* used with such tractors, and parts of the above-described commodities when moving therewith, between points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New Jersey, New York, and those points in Pennsylvania on and north of U.S. Highway 322, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and those points in North Dakota on and east of a line beginning at the United States-Canadian Border along North Dakota Highway 69 to U.S. Highway 281, thence along U.S. Highway 281 to its junction with Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 83, thence along U.S. Highway 83 to the North Dakota-South Dakota State line, points in South Dakota on and west of U.S. Highway 83, points in Nebraska on and west of U.S. Highway 83, points in Kansas on and west of a line from the Nebraska State line along U.S. Highway 83 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line, points in Oklahoma on and west of a line beginning at the Kansas State line and extending along U.S. Highway 83 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with U.S. Highway 270, thence along U.S. Highway 270 to its junction with U.S. Highway 281, thence along U.S. Highway 281 to Hinton, thence along U.S. Highway 281 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 81 at Chickasha, thence along U.S. Highway 81 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Texas State line, and points in Texas on and south of a line beginning at the Oklahoma State line in a southerly direction along U.S. Highway 77 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line. RESTRICTION: Restricted against such commodities which because of size or weight require the use of special equipment (Nunda, N.Y.*).

(2) *Tractors* (other than truck-tractors), *tractor attachments, incidental machinery* used with such tractors, and *parts* of the above-described commodities when moving therewith, between points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, and New York (except Cattaraugus and Chautauqua Counties), on the one hand, and, on the other, points in Arkansas, Illinois Iowa, Minnesota, Wisconsin, Upper Peninsula of Michigan, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Louisiana, and Mississippi, and those points in Texas east of a line beginning at the Oklahoma-Texas State line on U.S. Highway 77 to its junction with U.S. Highway, 82, thence along U.S. Highway 82 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line. Restriction: Restricted against such commodities which because of size or weight require the use of special equipment, and restricted against the transportation of shipments originating at points in Black Hawk, Dubuque, and Polk Counties, Iowa (Nunda N.Y.*); (3) *tractors* (other than truck-tractors) *tractor attachments incidental machinery* used with such tractors, and *parts* of the above-described commodities when moving therewith, between points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island and those in New York in and east of the Counties of Erie, Wyoming, and Allegany, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, and all points in Indiana. Restriction: Restricted against such commodities which because of size or weight require the use of special equipment, (Nunda, N.Y.*); and (4) *tractors* (other than truck-tractors), *tractor attachments, incidental machinery* used with such tractors, and *parts* of the above-described commodities when moving therewith, between points in New Jersey, on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Illinois, Wisconsin, Michigan, and those points in Texas east of a line beginning at the Oklahoma State line, thence along U.S. Highway 77 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 63, thence along Texas Highway 63 to the Louisiana State line, points in Indiana west of a line beginning at the Indiana-Ohio State line on U.S. Highway 24 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Illinois State line, and those in Louisiana in and west of the parishes of West Feliciana, Pointe Coupee, Iberville, Iberia, and St. Mary. Restriction: Restricted against such commodities which because of size or weight require the use of special equipment, and restricted against the transportation of shipments originating at points in Black Hawk, Dubuque, and Polk Counties, Iowa, (Nunda, N.Y.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this correction is to clarify the commodity description in (1).

No. MC 117574 (Sub-No. E35), filed May 31, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* which because of size or weight require the use of special equipment, and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of iron and steel articles, which because of size or weight, require the use of special equipment, from points in Ohio within 80 miles of Columbus, Ohio, points in the West Virginia Counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, and Wood, points in Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State line on U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 653, thence along Pennsylvania Highway 653 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to the New York-Pennsylvania State line, all points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 209 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, points in Michigan (except the counties of Berrien, Cass, and Van Buren), to points in Tennessee in and west of the counties of Claiborne, Union, Knox, and Blount (80 mile radius of Columbus, Ohio, and Middletown, Ohio)*.

(2) *Iron and steel articles* which because of size or weight, require the use of special equipment, and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of iron and steel articles which because of size or weight require the use of special equipment, from points in New York on and south of a line beginning at the New York-Massachusetts State line west along U.S. Highway 44 to junction U.S. Highway 209, thence along U.S. Highway 209 to the New York-Pennsylvania State line, points in Pennsylvania on and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along



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U.S. Highway 220 to junction U.S. High-



counties of Putnam, Hancock, Seneca, Jersey, Delaware, Maryland, (except

fat, Rio Blanco, Garfield, Eagle, Summit,

Thence along Georgia Highway 20 to

state Highway 69, and Indiana Highway

U.S. Highway 220 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, points in New Jersey, Wilmington, Del., points in Maryland on and north of U.S. Highway 40 (Interstate Highway 70N), except points in Allegany and Garrett Counties, and points in West Virginia on and south of U.S. Highway 33 to points in Tennessee on and west of U.S. Highway 231 (Gettysburg, Pa., and Middletown, Ohio) *; (3) *Iron and steel articles* which because of size or weight, require the use of special equipment, and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of iron and steel articles which because of size or weight, require the use of special equipment, from points in West Virginia on and north of U.S. Highway 60, points in Maryland (except points in Allegany and Garrett Counties), points in Delaware, New Jersey, Pennsylvania, and New York to points in Iowa and Missouri (80 mile radius of Columbus, Ohio, Middletown, Ohio, Butler, and Warren Counties, Ohio, and points in Pennsylvania within 150 miles of Philadelphia, Pa., in the counties of Snyder, Juniata, Perry, Cumberland, Franklin, Adams, Dauphin, Fulton, Huntingdon, Mifflin, Centre, Clinton, Union, Lycoming, and Tioga) *.

(4) *Iron and steel articles* which because of size or weight, require the use of special equipment, and *related* iron and steel and iron and steel products when their transportation is incidental to the transportation of iron and steel articles which because of size or weight require the use of special equipment, from points in Kentucky on and east of a line beginning at the Ohio-Indiana State line on U.S. Highway 31W to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, Pennsylvania (except the counties of Erie, Warren, McKean, Potter, Crawford, Mercer, Venango, Forest, Elk, Clarion, and Cameron), West Virginia, and those in Ohio within 80 miles of Columbus, Ohio, in the counties of Holmes, Vinton, Knox, Tuscarawas, Coshocton, Delaware, Licking, Muskingum, Guernsey, Noble, Washington, Franklin, Perry, Fairfield, Morgan, Madison, Pickaway, Hocking, Athens, Meigs, Gallia, Lawrence, Jackson, Ross, Scioto, Pike, Fayette, Clinton, Greene, Highland, Butler, Warren, Clermont, Brown, Adams, Hamilton, Preble, Montgomery, and Clark, to points in Wisconsin (points in Butler and Warren Counties, Ohio, within 80 miles of Columbus, Ohio) *; (5) *Iron and steel articles*, which because of size or weight, require the use of special equipment, and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of iron and steel articles, which because of size or weight, require the use of special equipment, from points in Ohio within 80 miles of Columbus (except those in the counties of Putnam, Hancock, Seneca, Allen, Hardin, Wyandot, Mercer, and Auglaize), to points in Iowa and Missouri (Butler and Warren Counties, Ohio, and Middletown, Ohio) *.

(6) *Iron and steel articles*, which because of size or weight, require the use of special equipment, and *related iron and steel and iron and steel products* when their transportation is incidental to the transportation of iron and steel articles which because of size or weight, require the use of special equipment, from Kansas City, Mo., to points in Ohio within 80 miles of Columbus, those in the Lower Peninsula of Michigan (except points in the counties of Allegan, Ottawa, Muskegon, Oceana, Berrien, Cass, St. Joseph, Van Buren, and Kalamazoo), those in Kentucky on and east of U.S. Highway 127, those in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Interstate Highway 75 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line and points in New York (points in Ohio on and south of U.S. Highway 40, points within a 80 mile radius of Columbus, Ohio, and Butler and Warren Counties, Ohio) *; (7) *Iron and steel articles*, from Kansas City, Mo., to points in Pennsylvania and West Virginia (those points in Franklin County, Ohio, west of U.S. Highway 40) *; (8) *Iron and steel articles*, which because of size or weight, require the use of special equipment or special handling, from points in Connecticut, Massachusetts, and Rhode Island to points in Iowa, Missouri, and those in Tennessee west of the counties of Scott, Morgan, Roan, McMinn, and Polk (Middletown, Ohio, Warren, and Butler Counties, Ohio, and points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa.) *.

(9) Iron and steel articles, which because of size or weight, require the use of special equipment, except materials and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, from points in Maine, New Hampshire, and Vermont to points in Iowa, Missouri, and those points in Tennessee west of the counties of Claiborne, Union, Knox, and Blount (Middletown, Ohio, Butler, and Warren Counties, Ohio, and those points and places in a Pennsylvania area bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at junction of said State line, with U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways) *; (10) *Iron and steel articles*, which because of size or weight require the use of special equipment or special handling, from Kansas City, Mo., to points in Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, (except points in Garrett County), those in Virginia on and east of a line beginning at the Virginia-West Virginia State line on U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 151, thence along Virginia Highway 151 to U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line, and points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 301 to junction U.S. Highway 177, thence along U.S. Highway 177 to the North Carolina-South Carolina State line (points in Ohio within 80 miles of Columbus that are both south of U.S. Highway 40 but not in Franklin County, Ohio, and points in Pennsylvania on and east of U.S. Highway 15 in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa.) *.

(11) *Iron and steel articles* which because of size or weight require the use of special equipment, except materials, and supplies, used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, from Kansas City, Mo., to points in Maine, New Hampshire, and Vermont (points within 80 miles of Columbus, Ohio, not in Franklin County, yet south of U.S. Highway 40, and points in that part of Pennsylvania on and east of U.S. Highway 219, to the junction with U.S. Highway 322, thence on and north of a line beginning at Grampian, Pa., and extending along U.S. Highway 322 through Clearfield and State College, Pa., to Lewistown, Pa., thence along U.S. Highway 522 to Selinsgrove, Pa., and on and west of U.S. Highway 11 to the New York-Pennsylvania State line, except the site of Curtiss Wright Corporation plant near Clearfield) *; and (12) *Steel reinforcing bars*, from the facilities of Bethlehem Steel Corporation, at Steelton, Pa., to points in Iowa, Missouri, Wisconsin, and those in Tennessee west of U.S. Highway 27 (Middletown, Ohio, and Butler and Warren Counties, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the route description in (1).

No. MC 117574 (Sub-No. E43) (Correction), filed November 18, 1974 published in the FEDERAL REGISTER March 19, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automatic loading equipment*, for sewage, water, and refuse treatment systems, the transportation of which because of size or weight requires the use of special equipment, between points in Pennsylvania (except points in Warren County, Pa.) on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and points in Colorado in south and west of the Counties of Mof-





fat, Rio Blanco, Garfield, Eagle, Summit, Park, Teller, El Paso, Pueblo, and Las Animas, points in Montana in and west of the Counties of Valley, Garfield, Rosebud, and Big Horn, and points in Texas on and south of a line beginning at the Texas-Oklahoma State line and proceeding in a southerly direction along U.S. Highway 287 to its junction with Interstate Highway 27, thence along Interstate Highway 27 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Interstate Highway 45, thence along Interstate Highway 45 to the Gulf of Mexico, and those points in Wyoming in and west of the Counties of Sheridan, Big Horn, Washakie, Fremont and Sweetwater.

(3) *Mechanical lifting equipment* for sewage, water, and refuse treatment systems, the transportation of which because of size or weight requires the use of special equipment, and *attachments and parts* for mechanical lifting equipment used in connection with the erection and construction of sewage, water, and refuse treatment systems (except commodities in bulk), between points in that part of Pennsylvania bounded on the east by a line beginning at the New York-Pennsylvania State line on Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Pennsylvania Legislative Route 767, thence along Pennsylvania Legislative Route 767 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to its junction with West Virginia, thence along the Pennsylvania-West Virginia State line to junction U.S. Highway 119, thence along U.S. Highway 119 to its junction with Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to its junction with Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line and thence along the New York line to the point of beginning including all points on the above-named routes (except points in Warren County, Pa.), on the one hand, and, on the other, points in that part of Alabama on and south of an east-west line beginning on U.S. Highway 78 at the Alabama-Georgia State line, to its junction with U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line, points in Arkansas on, south or west of the Arkansas River, points in Florida, points in Georgia on and south of a line beginning at the Georgia-South Carolina State line on Interstate Highway 85, thence along Interstate Highway 85 to junction Georgia Highway 20.

Thence along Georgia Highway 20 to the Georgia-Alabama State line, all points in Louisiana, points in Mississippi on and south of U.S. Highway 82, those in North Carolina on an east of a line beginning at the North Carolina-Virginia State line on U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, points in South Carolina on and south of a line beginning at U.S. Highway 1 at the North Carolina-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Georgia-South Carolina State line, and, those points in Virginia in the Counties of Amelia, Appomattox, Buckingham, Brunswick, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Fluvanna, Goochland, Gloucester, Greensville, Halifax, Hanover, Henrico, Isle of Wight, Mathews, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, Middlesex, Nansemond, Nottoway, Norfolk, New Kent, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Anne, Southampton, Spotsylvania, Surry, Sussex, Warwick, and York, and points in the Independent Cities located in the Virginia area of those named counties (facilities of Fulton Industries, at or near McConnelsburg, Pa.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to complete the territorial descriptions.

No. MC 117574 (Sub-No. E45) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, March 26, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors), *tractor attachments, incidental machinery* used with such tractors, and *parts* of the above-described commodities when moving therewith (except such commodities which because of size or weight require the use of special equipment), between points in New York in and east of Erie, Wyoming, and Allegany Counties and in and west of Broome, Delaware, Schoharie, Albany, Saratoga, and Washington Counties, on the one hand, and, on the other, points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, and Florida, those points in South Carolina in and west of Lee, Sumter, Chesterfield, Darlington, Clarendon, Berkelle, and Charleston Counties, those points in Louisiana in and east of the parishes of West Feliciana, Pointe Coupee, Iberville, Iberia, and St. Mary's, those in Indiana, on and east of a line from the Indiana-Ohio State line extending along U.S. Highway 24, Interstate Highway 69, and Indiana Highway 67 to the Illinois-Indiana State line, and those in West Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 16 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 88, thence along West Virginia Highway 88 to the West Virginia-Pennsylvania State line, including all points in Wheeling, W. Va. The purpose of this filing is to eliminate the gateway of Nunda, N.Y. The purpose of this correction is to expand the territory description.

No. MC 117574 (Sub-No. E46) (Correction), filed November 18, 1974, Published in the FEDERAL REGISTER, March 26, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (5) *Industrial and construction machinery and equipment, and self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers), (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Delaware (except Sussex County), and Maryland (except points west and south of Baltimore County and south of Queen Annes County), to points in Florida, Georgia, and South Carolina (except points north of a line beginning at Georgetown and extending along U.S. Highway 521, to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Interstate Highway 26, thence along Interstate Highway 26 to the South Carolina-North Carolina State line (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.) *.

(6) *Industrial and construction machinery and equipment*, and *self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers) (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Virginia, in the counties in and east of Frederick, Warren, Rappahannock, Culpeper, Orange, Louisa, Goochland, Powhatan, Amelia, Nottoway, and Brunswick, to points in Arizona, California, Colorado, Connecticut, Idaho, Kansas (except points in and east of the counties of Chautauqua, Elk, Wilson, Woodson, Coffey, Franklin, and Johnson), Maine, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey (except points in and south of the counties of Burlington, Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May), New Mexico, New York (except points in and west of the counties of



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Orleans, Genesee, Wyoming, and Allegany), North Dakota, Oklahoma (except points in and east of the counties of Osage, Pawnee, Payne, Lincoln, Pottawatomie, Cleveland, McClain, Grady, Comanche, and Tillman), Oregon, Rhode Island, South Dakota, Texas (except points in and south of the counties of Hardeman, Cottle, Dickens, Crosby, Garza, Lynn, Terry, and Yoakum), Utah, Vermont, Washington, and Wyoming (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*.

(7) *Industrial and construction machinery and equipment, and self-propelled agricultural, industrial, and construction machinery and equipment*, each weighing 15,000 pounds or more, (when transported on trailers), (except tractors with vehicle beds, bed frames, and fifth wheels), from points in Virginia on and east of Interstate Highway 95 to points in Illinois (except points east and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 66 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line), Indiana (except points south of U.S. Highway 30), Iowa, Michigan, Minnesota, Missouri, (except points south of Interstate Highway 44), New York (except points in and east of the counties of Monroe, Livingston, and Steuben), and Pennsylvania (except points south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 322 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Delaware River) (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*; (9) *Industrial and construction machinery and equipment, and self-propelled agricultural, industrial and construction machinery and equipment*, each weighing 15,000 pounds or more (when transported on trailers) (except tractors with vehicle beds, bed frames, and fifth wheels), from points in North Carolina in and east of the counties of Rockingham, Guilford, Randolph, Moore, Hoke, and Robeson, to points in California, Colorado (except south of U.S. Highway 6), Idaho, Montana, Nebraska (except points south of U.S. Highway 6), Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming (facilities of Sperry Rand Corp., at Belleville, Mountville, and New Holland, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this filing is to partially correct the filing, the remainder of this filing is correct.

No. MC 119493 (Sub-No. E1), filed June 3, 1974. Applicant: MON KEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds, dehydrated and suncured alfalfa, and such oat and corn by-products* as are used as animal or poultry feeds, or ingredients thereof, from points in that part of Illinois on and east of a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 57 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Illinois-Indiana State line, to points in Arkansas and Louisiana, to Memphis, Tenn., and points in that part of Mississippi on and west of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 55 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gaseway of Missouri.

No. MC 119493 (Sub-No. E3), filed June 4, 1974. Applicant: MON KEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds, and cottonseed meal, soybean meal and such byproducts of cottonseed and soybeans* as are used as animal and poultry feeds, from points in that part of Iowa on and north of a line beginning at the Illinois-Iowa State line extending along Iowa Highway 92 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Nebraska State line, to points in Oklahoma and to points in that part of Kansas on and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 59 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Missouri.

No. MC 119493 (Sub-No. E4), filed June 3, 1974. Applicant: MON KEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds*, and *ingredients* used in the manufacture thereof, from points in Arkansas, Louisiana, and Mississippi, to points in that part of Minnesota west of north of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 35 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 119493 (Sub-No. E6), filed June 3, 1974. Applicant: MON KEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds* (except in bulk, in tank or hopper-type vehicles), from points in Texas south of U.S. Highway 40 to points in Minnesota. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC 119493 (Sub-No. E7), filed June 3, 1974. Applicant: MON KEM CO., INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meal and bone* scraps, tankage, hydrolized feather meal, and dried blood, in bags, as are used as animal and poultry feeds (except in liquid form, in bulk, in tank or hopper-bottom vehicles), from points in that part of Texas east of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 281 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Texas Highway 24, thence along Texas Highway 24 to the Texas-Oklahoma State line, to points in that part of Nebraska east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Missouri.

No. MC 119493 (Sub-No. E9), filed June 3, 1974. Applicant: MON KEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meal and bone scraps, tankage, hydrolized feather meal*, and *dried blood*, in bags, such as are used as animal and poultry feeds, from points in Texas to points in Illinois, restricted (1) against the transportation of traffic from Joplin, Mo., to Beloit, Wis., St. Louis, and points in St. Louis County, Mo., and East St. Louis, Springfield, Rockford, and Freeport, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, and (2) against transportation of traffic in liquid form, in bulk, in tank or hopper-bottom vehicles. The purpose of this filing is to eliminate the gateway of Missouri.

No. MC 119531 (Sub-No. E151), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5319 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies*, used in the manufacture of pulpboard and pulpboard products (except commodities in bulk), from





points in West Virginia on and west of U.S. Highway 119, and on and south of West Virginia State Highway 7 to (a) the plant and warehouse sites of Weyerhauser Co., at Columbus, Ind.;* (b) Chicago, Ill.,** and (c) Rock Island, Ill.;** The purpose of this filing is to eliminate the gateways of *Cincinnati, Ohio, and **Cincinnati, Ohio, and Columbus, Ind.

No. MC 119531 (Sub-No. E190), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Washington, Pa., to points in Wisconsin, Minnesota, Iowa, Illinois, and that part of Kentucky on and west of a line beginning at Hawesville, Ky. extending along Kentucky State Highway 69 to Hartford, Ky. and thence along U.S. Highway 231 to Bowling Green, Ky. and thence along U.S. Highway 31 west to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Lopel, Ind.

No. MC 119531 (Sub-No. E270), filed May 25, 1974. Applicant: SUN EXPESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper Cartons*, from Rockdale, Ill., to points in Tennessee on and east of Tennessee Highway 56. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 119934 (Sub-No. E8) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER March 26, 1975. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 N. Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except silicate of soda), in bulk, in tank vehicles, from Anderson, Ind., to points in Iowa, Louisiana, Minnesota, and points in that part of Kansas on, north, and west of a line beginning at the Missouri-Kansas State line extending along Kansas Highway 68 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Kansas Highway 39, thence along Highway 39 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line, and points in that part of Oklahoma on, west, and south of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to Tulsa, Okla., thence along the Muskogee Turnpike to junction U.S. Highway 40, thence along U.S. Highway 40 to the Oklahoma-Arkansas State line, restricted against the transportation of traffic destined to points in Canada. The purpose of this filing is to eliminate the gateway of the plant site of the Central Chemical Co., Division of Wilson & Co., at or near Elwood, Ill. The purpose of this correction is to correct the territorial description.

No. MC 123685 (Sub-No. E7), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers*, (1) from those points in Ohio on, south and east of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Pennsylvania Highway 584, thence along Pennsylvania Highway 584 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and points in Illinois on and west of U.S. Highway 66, to points in Michigan and Illinois, (2) from those points in Ohio on, north and east of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, to those points in the Upper Peninsula of Michigan, including Machinaw City, and those points in Illinois on, west and south of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, (3) from points in Wayne, Stark, Summit, Portage, Trumbull, Mahoning, Columbiana, Jefferson, Carroll, Harrison, and Tuscarawas Counties, Ohio, to points in Illinois, (4) from points in Wayne County, Ohio, to those points in Michigan on and north of a line beginning at Lake Michigan and extending along Interstate Highway 94 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 27, thence along Michigan Highway 27 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to Lake Huron, and those points in Indiana on and west of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Ohio State line, to points in Michigan and Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the Grief Board Corporation, in Stark County, Ohio.

No. MC 123685 (Sub-No. E14), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: Mr. James Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from points in Wayne County, Ohio, except Wooster, to points in Indiana, Illinois, Kentucky, Michigan, New York, and West Virginia. The purpose of this filing is to eliminate the gateway of Dundee, Ohio.

No. MC 129631 (Sub-No. E1), filed May 15, 1974. Applicant: PACK TRANSPORT, INC., 3975 S. 300 West St., Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, restricted against the transportation of commodities which because of their size or weight require the use of special equipment, from points in Coconino, Navajo, Apache, Yavapai, and Mohave Counties, Ariz., to points in Idaho and Wyoming, restricted against service from points north of U.S. Highway 66 in Mohave and Coconino Counties, Ariz., to points in that part of Idaho on, west and south of a line beginning at the Idaho-Nevada State line extending along U.S. Highway 93 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Idaho-Oregon State line. The purpose of this filing is to eliminate the gateways of points in Daggett, Rich and Summit Counties, Utah, and points in Lincoln County, Wyo.

No. MC 129631 (Sub-No. E3), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 S. 2nd West, Salt Lake City, Utah 84104. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding materials*, restricted against the transportation of commodities which because of their size or weight require special equipment, from points in Mohave County, Ariz. to points in Wyoming. The purpose of this filing is to eliminate the gateways of Salt Lake City, Woods Cross, Ogden, and North Ogden, Utah.

No. MC 129631 (Sub-No. E10), filed June 3, 1974. Applicant: PACK TRANSPORT, INC., 3975 S. 2nd West, Salt Lake City, Utah 84104. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber mill products*, restricted against the transportation of commodities which because of their size or weight require special equipment, from points in Washington to points in Arizona, restricted against the service from Cowlitz, Clark, Lewis, and Thurston Counties, Wash., to Yuma County, Ariz. The purpose of this filing is to eliminate the gateway of Oneida, Caribou, Bear Lake and Franklin Counties, Idaho.

No. MC 129631 (Sub-No. E11), filed June 2, 1974. Applicant: PACK TRANS-



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PORT, INC., 3975 S. 2nd West, Salt Lake



lack of proper notice of the authority de-

tember 14, 1972, authorizing transporta-

(except Alaska and Hawaii); and (b)

PORT, INC., 3975 S. 2nd West, Salt Lake City, Utah 34104. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber products*, from points in that part of Washington in and west of Klickitat, Skamania, Lewis, Pierce, King, Snohomish, Skagit, and Whatcom Counties, to points in Arizona. The purpose of this filing is to eliminate the gateway of points in that part of Utah on and south of U.S. Highway 40, except Blanding, Ephraim, and Escalante, Utah.

No. MC 129631 (Sub-No. E19), filed June 2, 1974. Applicant: PACK TRANSPORT, INC., 3975 S. 300 West St., Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, restricted to building materials, from points in Box Elder, Cache, Davis, Morgan, Rich, Summit, Salt Lake, and Weber Counties, Utah (except Centerville, Utah) to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of points in Utah on and south of U.S. Highway 40 (except Blanding, Ephraim, and Escalante, Utah).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11343 Filed 4-29-75;8:45 am]

[Notice No. 33]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 25, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail poceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212 (b); (4) notices of filing of sections 5(2) and 210a (b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before May 30, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

MC 107583 (Sub-No. 50) (Republication), filed July 28, 1971, and published in the FEDERAL REGISTER issue of September 10, 1971, and republished this issue. Applicant: SALEM TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, N.Y. 11354. Applicant's representative: George H. Rosen 265 Broadway, P.O. Box 348, Monticello, N.Y. 11354. A Report and Order of the Commission, Division 1, Acting as an Appellate Division, dated March 26, 1975, and served April 7, 1975, finds, on reconsideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (A) of *passengers and their baggage*, in special operations, in nonscheduled, door-to-door service, between the site of the Philadelphia International Airport at or near Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, Ventnor, Margate, Longport Borough, Absecon, Pleasantville, Northfield, Linwood, and Somers Point, N.J., and (B)(1) of *passengers and their baggage*, in special and charter operations, in nonscheduled, door-to-door service, limited to the transportation of not more than 11 passengers in one vehicle, not including the driver, and not including children under 10 years of age who do not occupy a seat or seats, (2) of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) when moving in the same vehicle with passengers, restricted against the transportation of packages or articles weighing more than 100 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, and (3) of *unaccompanied baggage* when moving in the same vehicle with passengers, between points in that part of Pennsylvania within the Philadelphia, Pa., commercial zone, on the one hand, and, on the other, Atlantic City, Ventnor, Margate, Longport, Borough, Absecon, Pleasantville, Northfield, Linwood, and Somers Point, N.J., subject to the condition that the authority granted herein, to the extent it duplicates authority presently held by applicant, shall not be construed as conferring more than a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commision's rules and regulations thereunder.

The purpose of this republication is to indicate that General commodities, with exceptions and restrictions in (B)(2) above, has been granted in lieu of express, and to indicate that a weight limitation has been removed from the authority to transport unaccompanied baggage in (B)(3) above. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 108835 (Sub-No. 28) (Republication), filed May 17, 1974, and published in the FEDERAL REGISTER issue of October 17, 1974, and republished this issue. Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Plymouth (Minneapolis), Minn. 55427. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Building, Minneapolis, Minn. 55402. An Order of the Commission, Operating Rights Board, dated March 31, 1975, and served April 16, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *display fireworks*, between points in Iowa, Minnesota, those in South Dakota on and east of U.S. Highway 281, those points in Illinois located in the Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone as defined by the Commission, Superior, Wis., St. Joseph and Kansas City, Mo., and Lincoln, Wahoo and Omaha, Nebr., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; The purpose of this republication is to indicate a modification to the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the





lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 106010 (Notice of filing of petition to modify a certificate), filed April 15, 1975. Petitioner: CHANDLER TRANSPORTATION, INC., c/o M. F. Rolla, 201 East 42nd St., New York, N.Y. 10017. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 108010, issued January 17, 1973, authorizing transportation, as pertinent, over irregular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., on the one hand, and, on the other, points in New Jersey (not including points in Burlington, Mercer, Hunterdon, Warren, Cape May, Cumberland, Gloucester, Salem, Atlantic, and Ocean Counties, N.J.).

By the instant petition, petitioner seeks to modify the territorial description in the above authority so as to read: between points in the New York, N.Y. Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), and those points in New Jersey any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points in New Jersey (except points in Burlington, Mercer, Hunterdon, Warren, Cape May, Cumberland, Gloucester, Salem, Atlantic and Ocean Counties, N.J.); or, in the alternative, that the Commission issue its appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., Commercial Zone as established by the Commission, including the Newark International Airport. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115162 (Sub-No. 234) (Notice of filing of petition to add an origin), filed April 9, 1975. Petitioner: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Petitioner's representative: Robert E. Tate (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 115162 (Sub-No. 234), issued September 14, 1972, authorizing transportation, over irregular routes, of *Treated poles, treated piling, treated lumber, treated cross arms, and treated cross ties*, from points in Mississippi, to points in the United States (except Alaska, Hawaii, Montana, Wyoming, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, and Mississippi).

By the instant petition, petitioner seeks to add points in Alabama as an origin in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116092 (Sub-No. 2) (Notice of filing of petition to modify commodity description), filed April 16, 1975. Petitioner: E. J. PERSONS TRANSPORT LTD., 785 Main St., Cowansville, Quebec, Canada. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *common carrier* certificate in No. MC 116092 (Sub-No. 2), issued December 5, 1960, authorizing transportation, over irregular routes, of *Imported wool*, between ports of entry on the United States-Canada International Boundary line, at or near Champlain and Rouses Point, N.Y., and Highgate Springs, Richford, and Troy, Vt., on the one hand, and, on the other, Albany, N.Y., and Gilbertville, Hudson, and Maynard, Mass.

By the instant petition, petitioner seeks to modify the above commodity description so as to read, *Imported wool, paper makers' felts*, and *materials and supplies* used in the manufacture and treatment thereof (except commodities in bulk). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124211 (Sub-No. 236) (Notice of filing of petition to modify territorial description), filed April 7, 1975. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Petitioner's representative: Thomas L. Hilt (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 124211 (Sub-No. 236), issued October 25, 1974, authorizing transportation, over irregular routes, of (1) *cellular products, athletic and sporting goods, plastic, plastic products, plastic coated products*, and *fiberglass products, and* (2) *commodities* used in the production, distribution and sale of the commodities described in (1) above (except hides, skins, and tannery products and supplies, and those commodities which because of size and weight require the use of special equipment): (a) Between points in Maricopa County, Ariz., Orange County, Calif., and Middlesex County, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (b) Between points in Coweta County, Ga., Grand County, Ind., Ionia and Oakland Counties, Mich., Lowndes County, Miss., Lucas and Tuscarawas Counties, Ohio, and Westmoreland County, Pa., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted against the transportation of commodities in bulk, and further restricted to shipments originating at or destined to facilities utilized by The General Tire & Rubber Company. By the instant petition, petitioner seeks to add points in Los Angeles County, Calif., and Essex County, Mass., as terminal points in (a) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135867 (Sub-No. 1) (Notice of filing of petition to modify territorial description), filed April 3, 1975. Petitioner: H.T.L., INC., P.O. Box 122, Fairfield, Ala. 35064. Petitioner's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Petitioner holds a motor *contract carrier* permit in No. MC 135867 (Sub-No. 1), issued March 10, 1975, authorizing transportation, over irregular routes, of (1) *Steel* and *steel products*, From the plant and warehouse sites of Hanna Steel Corporation, at Fairfield and Gadsden, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennesssee, and Texas; and (2) *Equipment, materials, and supplies* used in the processing of steel and steel products (except commodities in bulk and except iron and steel articles from Nashville, Tenn.). From points in the above-named States, to the plant and warehouse sites of Hanna Steel Corporation, at Fairfield and Gadsden, Ala., under a continuing contract, or contracts, with Hanna Steel Corporation, at Fairfield, Ala. By the instant petition, petitioner seeks to add points in Virginia and West Virginia to the above territorial description, so as to read: (1) *Steel* and *steel products*, From the plant and warehouse sites of Hanna Steel Corporation, at Fairfield, and Gadsden, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *Equipment, materials, and supplies* used in the processing of steel and steel products (except commodities in bulk and except iron and steel articles from Nashville, Tenn.), From points in the above-named States, to the plant and warehouse sites of Hanna Steel Corporation, at Fairfield and Gadsden, Ala., under a continuing contract, or contracts, with Hanna Steel Corporation, at Fairfield,



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Ala. Any interested person or persons

A. Morken, 1000 First National Bank

kota on and north of U.S. Highway 14



other, points in North Dakota, South Da-

on and west of U.S. Highway 53 begin-

ing 15,000 pounds or more and related

Ala. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 22005 (Sub-No. 1), filed March 7, 1975. Applicant: DON-DEE TRUCKING CORPORATION, 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: H. Neil Garson, 1400 North Uhle Street, Suite 404, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Westchester and Nassau Counties, N.Y. and points in that part of the New York, N.Y. Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone) and points in that part of New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points in Essex, Hudson, Passaic, Union, Mercer, Somerset, Middlesex, Morris, and Bergen Counties, N.Y.; and (2) *gypsum products*, from Linden, N.J., to New Haven, Conn. and points in Nassau and Suffolk Counties, N.Y. The purpose of this filing is to eliminate gateways at points in Mercer, Somerset, Middlesex, Morris and Passaic Counties, N.J. and points in the New York, N.Y. Commercial Zone. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8), noticed in the FEDERAL REGISTER issue of December 9, 1974, and is directly related to MC-F-12280 published in the FEDERAL REGISTER of August 7, 1974.

No. MC 95876 (Sub-No. 171), filed February 3, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (1) *Contractors' and construction equipment, materials and supplies*, (except commodities in bulk and cement), *heavy machinery, transformers, generators, tanks, boilers, smoke stacks, power plant equipment, electrical equipment, and commodities* which because of size or weight require the use of special equipment or special handling, and (2) *self-propelled articles* each weighing 15,000 pounds or more and *related machinery*, when moving as commodities which because of size or weight require the use of special equipment or special handling, between points in Iowa and points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Minnesota. (2) (1) *Contractors' and construction equipment, materials and supplies* (except commodities in bulk and cement), *heavy machinery, transformers, generators, tanks, boilers, smoke stacks, power plant equipment, electrical equipment and commodities* which because of size or weight require the use of special equipment or special handling, and (2) *self-propelled articles* each weighing 15,000 pounds or more and related machinery, when moving as commodities which because of size or weight require the use of special equipment or special handling; (A) between points in Iowa on the one hand, and, on the other, points in Wisconsin on, north and west of U.S. Highway 16 beginning at La Crosse, then east on U.S. Highway 16 to its junction with State Highway 173, then north on State Highway 173 to the junction with State Highway 80, then north on State Highway 80 to Marshfield, then north on State Highway 13 to Ashland, Wis. and ending at Ashland, Wis.; and (B) between points in Iowa, on the one hand, and, on the other, points in Wisconsin east and south of the above described area. The purpose of this filing is to eliminate the gateway of points in Minnesota.

(3) *Doors*, when moving as contractors' and construction equipment, materials and supplies, (A) from points in South Dakota, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia and West Virginia and the Lower Peninsula of Michigan and; (B) from points in South Dakota, to points in Kentucky, Kansas, Missouri, Nebraska and North Dakota. The purpose of this filing is to eliminate the gateways of points in Minnesota and New London, Wis. (4) (1) *Contractors' and construction equipment, materials and supplies* (except commodities in bulk and cement), *heavy machinery, transformers, generators, tanks, boilers, smoke stacks, power plant equipment, electrical equipment, and commodities* which because of size or weight require the use of special equipment or special handling, and (2) *self-propelled articles* each weighing 15,000 pounds or more and *related machinery*, when moving as commodities which because of size or weight require the use of special equipment or special handling, (A) between points in Iowa and points in South Dakota on and north of U.S. Highway 14 beginning at the South Dakota-Minnesota State line, then west on Highway 14 to the junction with U.S. Highway 16, then west on U.S. Highway 16 to the South Dakota-Wyoming State line and (B) between points in Iowa and points in South Dakota south of the above described area. The purpose of this filing is to eliminate the gateway of points in Minnesota.

(5) (1) *Contractors' and construction equipment, materials, and supplies*, (except commodities in bulk and cement), *heavy machinery, transformers, generators, tanks, boilers, smoke stacks, power plant equipment, electrical equipment, and commodities* which because of size or weight require the use of special equipment or special handling, and (2) *self-propelled articles* each weighing 15,000 pounds or more and *related machinery*, when moving as commodities which because of size or weight require the use of special equipment or special handling, between points in Iowa on and east of U.S. Highway 69 and points in South Dakota on and north of State Highway 44 beginning at the South Dakota-Iowa State line, then west on Highway 44 to the junction with U.S. Highway 183, then south on U.S. Highway 183 to the South Dakota-Nebraska State line and (B) between points in Iowa west of the described area and points in South Dakota south and east of the above described area. The purpose of this filing is to eliminate the gateway of points in Minnesota. (6) (1) *Contractors' and construction equipment, materials and supplies* (except commodities in bulk and cement), *heavy machinery, transformers, generators, tanks, boilers, smoke stacks, power plant equipment, electrical equipment, and commodities* which because of size or weight require the use of special equipment or special handling, and (2) *self-propelled articles* each weighing 15,000 pounds or more and *related machinery*, when moving as commodities which because of size or weight require the use of special equipment or special handling; (A) between points in Wisconsin on and north of U.S. Highway 18 on the one hand, and, on the other, points in Iowa on and west of U.S. Highway 69 and (B) between points in Iowa east of the above described area and points in Wisconsin south of the above described area. The purpose of this filing is to eliminate the gateway of points in Minnesota.

(7) (1) *Contractors' and construction equipment, materials and supplies* (except commodities in bulk and cement), *heavy machinery, transformers, generators, tanks, boilers, smoke stacks, power plant equipment, electrical equipment and commodities* which because of size or weight require the use of special equipment or special handling, and (2) *self-propelled articles* each weighing 15,000 pounds or more and *related machinery*, when moving as commodities which because of size or weight require the use of special equipment or special handling, (A) between points in Wisconsin, on the one hand, and, on the





other, points in North Dakota, South Dakota and points in Iowa, on and west of U.S. Highway 75 beginning at Sioux City, Iowa, then north on U.S. Highway 75 to the junction with Iowa Highway 60, then north on Iowa Highway 60 to the Minnesota State line and (B) between points in Wisconsin, on the one hand, and, on the other, points in Iowa, east and south of the above described area. The purpose of this filing is to eliminate the gateway of points in Minnesota. (8) (1) *Contractors' and construction equipment, materials and supplies* (except commodities in bulk and cement), *heavy machinery, transformers, generators, tanks, boilers, smoke stacks, power plant equipment, electrical equipment, and commodities* which because of size or weight require the use of special equipment or special handling, and (2) *self-propelled articles* each weighing 15,000 pounds or more and related machinery, when moving as commodities which because of size or weight require the use of special equipment or special handling, (A) between points in Iowa located in Dubuque, Clayton, Allamakee, Howard, Mitchell, Worth and Winnebago Counties, Iowa and points in South Dakota; (B) between points in Iowa south and west of the above described area and points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Minnesota.

(9) *Iron and steel articles*, when moving as contractors' and construction materials and supplies or as commodities which because of size or weight require the use of special equipment or special handling, (A) from points in Porter and Lake Counties, Ind., and Cook and DuPage Counties, Ill., to points in Iowa on and north and west of Iowa Highway 4 beginning at the Minnesota-Iowa State line near Esterville, then south to U.S. Highway 18 to U.S. Highway 71, then south on U.S. Highway 71 to U.S. Highway 20, then west on U.S. Highway 20 to the Nebraska-State line, points in North Dakota, points in South Dakota, points in Wisconsin on and west of U.S. Highway 53, beginning at La Crosse, Wisconsin, then north to Osseo, Wisconsin, then north on State Highway 27 to Hayward, then north on U.S. Highway 63 to Ashland, Wis. and the shores of Lake Superior and (B) points in Iowa east and south of the above described areas and points in Wisconsin east and south of the above described areas. The purpose of this filing is to eliminate the gateway of points in Minnesota. (10) *Building materials* (except electrical cable tray systems) when moving as contractors' and construction materials or as commodities which because of size or weight require the use of special equipment or special handling, (A) from Florence, Ky., to points in North Dakota and South Dakota, points in Iowa on and north of U.S. Highway 20 beginning at Sioux City, Iowa, then east on U.S. Highway 20 to the junction of U.S. Highway 65, then north on U.S. Highway 65 to the Minnesota State line, points in Wisconsin on and west of U.S. Highway 53 beginning at La Crosse, Wis., then north on U.S. Highway 53 to Osseo, Wis., then north on Wisconsin Highway 27 to Hayward, then north on U.S. Highway 63 to Ashland and ending at that point and (B) from Florence, Ky., to points in Iowa south and e ast of the above described areas and in Wisconsin points east of the described areas. The purpose of this filing is to eliminate the gateway of points in Minnesota.

(11) *Roofing, siding insulating materials and floor covering* (except carpet and carpet padding), which because of size or weight require the use of special equipment or special handling, (A) from the plant sites of Flintkote Company and Certain-teed Products Corp. at Chicago Heights, Ill., the plant sites of Bird and Son and Celotex at Chicago, Ill., the plant site of GAF Corp. at Joliet, Ill. and the plant site of Lloyd A. Fry Roofing Company at Summit, Ill., to points in North Dakota, South Dakota and points in Wisconsin on and west of Highway 61 beginning near Dubuque, Iowa, northerly along Highway 61 to its junction with Highway 27 near Westby, thence north on Highway 27 to its junction with I-94 near Black River Falls, thence I-94 to Eau Claire, thence north on Highway 53 to its junction with Highway 63 near Trego, thence northeasterly on Highway 63 to Ashland and (B) from the above named plant sites, to points in Wisconsin that are east of the above described area. The purpose of this filing is to eliminate the gateways of points in Iowa and Minnesota. (12) *Building materials, cement and asbestos products*, except in bulk, when moving as contractors or construction materials and supplies which because of size or weight require the use of special equipment or special handling, (A) from Waukegan, Ill., to points in Minnesota, North Dakota, South Dakota and points in Wisconsin beginning at Highway 61 near Dubuque, Iowa on and west of U.S. Highway to LaCrosse, thence Highway 35 to its junction with Highway 53, thence Highway 53 to its junction with Highway 121 at Whitehall, thence west on Highway 121 to its junction with Highway 93, thence north on Highway 93 to Eau Claire, thence north on Highway 53 to its junction with Highway 63 near Trego, thence northeast on Highway 63 to Baldwin, thence north on Highway 27 to Lake Superior and (B) from Waukegan, Ill., to points in Wisconsin that are east of the above described area. The purpose of this filing is to eliminate the gateway of points in Iowa.

(13) *Iron and steel articles* when moving as contractors' and construction materials and supplies or as items requiring specialized handling or rigging because of size or weight, from Dover, Ohio and Pittsburgh, Pa., to points in North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of points in Iowa. (14) (1) *Machinery* (except tractors and agricultural machinery) and (2) *machinery* (except tractors and agricultural machinery) when moving as self-propelled articles, each weighing 15,000 pounds or more and related machinery, (A) between points in North Dakota and points in Illinois on and east of the following lines: Over Highway 78 from the Illinois-Wisconsin State line near Warren, Ill., south to Jacksonville, Ill., thence Highway 67 to Alton, Iowa. and (B) between points in South Dakota and Iowa, and points in Illinois west of the above described area. The purpose of this filing is to eliminate the gateways of points in Minnesota and New London, Wisconsin. (15) *Lumber and shingles* when moving as contractors' and construction materials and supplies, (A) from points in North Dakota, to points in Illinois on, east and north of the following line: Over Highway 78 near Warren, Ill., south to its junction with Highway 36 at Jacksonville, Ill., thence east over Highway 36 to the Illinois-Indiana State line, (B) from points in Iowa and South Dakota, to points in Illinois on and north of U.S. Highway 36 and west of the above described area in Illinois. The purpose of this filing is to eliminate the gateways of New London, Wisconsin, and points in Minnesota.

(16) *Iron and steel articles* when moving as contractors' and construction materials and supplies or as commodities which because of size or weight require special equipment or special handling, (A) from Wheeling, Beechbottom, Follansbee and Benwood, W. Va., Yorkville, Mingo, Martins Ferry and Steubenville, Ohio and Allenport, Pa., to points in Wisconsin on and west of U.S. Highway 16 beginning at LaCrosse, Wis., then east to the junction with State Highway 173 at Tomah, Wis., then east on State Highway 173 to Wisconsin Rapids, then east on State Highway 54 to the junction with U.S. Highway 51, then north on U.S. Highway 51 to the Wisconsin-Michigan State line and (B) from Wheeling, Beechbottom, Follansbee and Benwood, W. Va., Yorkville, Mingo, Martins Ferry and Steubenville, Ohio and Allenport, Pa., to points in Wisconsin that are east and south of the above described area. The purpose of this filing is to eliminate the gateways of points in Minnesota. (17) *Buildings materials*, except commodities in bulk, when moving as contractors' and construction materials and supplies or as commodities which because of size or weight require special equipment or special handling, (A) from points in that part of Illinois on and north of U.S. Highway 6 (except points in Jo Davies County, Ill.), to points in North Dakota, South Dakota, Minnesota, and points in Iowa that are on and north of the following line: Over Highway 18 from McGregor, Iowa to Calmer, thence Highway 24 to New Hampton, thence Highway 18 to Mason City, thence south on Highway 65 to Hampton, thence Highway 3 to LeMars, thence Highway 75 to Sioux City and (B) from points in that part of Illinois that are on and north of U.S. Highway 6, to points in Iowa that are south of the above described area. The purpose of this filing is to eliminate the gateways of points in Minnesota and Hazel Green, Grant County, Wisconsin.





(18) *Wire, wire products, posts, nails* South Dakota south and east of the above



from near Dyer, Ind. south to its junc-

(31) *Machinery* (except tractors and

in Wisconsin south of the above described

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(18) *Wire, wire products, posts, nails and gates* when moving as contractors' and construction materials and supplies or as commodities which because of size or weight require special equipment or special handling, from Crawfordsville, Ind., to points in Brown, Calumet, Florence, Forest, Manitowoc, Marinette, Milwaukee, Oconto, Ozaukee, Racine and Sheboygan Counties, Wis. The purpose of this filing is to eliminate the gateway of points in Wisconsin. (19) *Lumber and shingles* when moving as contractors' and construction materials and supplies, (A) from points in South Dakota that are on, west and north of the following line: Over Highway 85 from the North Dakota, South Dakota State line, south to its junction with Highway 79, then Highway 79 to its junction with Highway 14 near Sturgis, thence Highway 14 to Rapid City, thence Highway 79 to its junction with Highway 36, to its junction with A–16, thence to its junction with Highway 16, thence 16 to the South Dakota-Wyoming border to points in Illinois that are on, east and north of the following line: Over Highway 51 from near the Illinois-Wisconsin State Line at South Beloit, thence south on Highway 51 to its junction with Highway 36 near Decatur, thence east on Highway 36 to the Illinois-Indiana State line and (B) from points in Iowa and South Dakota east and south of the above described area to points in Illinois that are on and north of Highway 36 and west of the described area in Illinois. The purpose of this filing is to eliminate the gateways of New London, Wisconsin and points in Minnesota.

(20) (1) *Iron and steel articles* when moving as contractors' and construction materials and supplies or as commodities which because of size or weight require special equipment or special handling, and (2) *materials, equipment and supplies* used in the manufacture and processing of iron and steel articles when moving as contractors and construction equipment, materials and supplies or as commodities which because of size or weight require special handling or special equipment, from the plant site of Jones and Laughlin Steel Corporation located in Putnam County, Ill., to points in North Dakota and South Dakota and return of items named in (2). The purpose of this filing is to eliminate the gateways of points in Iowa and Wisconsin. (21) (1) *machinery* (except tractors and agricultural machinery) and (2) *machinery* (except tractors and agricultural machinery) when moving as self-propelled articles each weighing 15,000 pounds or more and related machinery, (A) between points in South Dakota that are on, north and west of the following line: Over Highway 14 from the Minnesota-South Dakota border to Rapid City, S. Dak., thence Highway 79 to Hot Springs, thence Highway 71 to the South Dakota-Nebraska border, and points in Illinois that are on, east and north of the following line: Over Highway 47 from the Illinois-Wisconsin State line south to its junction with I–74 near Champaign, thence east on I–74 to the Illinois-Indiana State line and (B) between points in South Dakota south and east of the above described area and points in Illinois that are west and south of the above described line and points in Iowa. The purpose of this filing is to eliminate the gateways of points in Minnesota and New London, Wisconsin.

(22) *Plywood, veneer, wood paneling, hardboard, wallboard or wood particle board and materials, supplies and accessories* used in connection therewith when moving as contractors' and construction materials and supplies or as commodities which because of size or weight require special handling or special equipment, (A) from Duluth, Minn. and points in Wisconsin on and east of U.S. Highway 53 beginning at Superior, Wis., thence south on U.S. Highway 53 to Eau Claire, Wis., then east on U.S. Highway 12 to Madison, Wis., then east on U.S. Highway 18 to Milwaukee, Wis., and ending at Milwaukee, to points in the states of Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, Colorado, North Dakota, South Dakota and Wyoming and (B) from points in North Dakota, South Dakota, Iowa, Minnesota (except Duluth) and points in Wisconsin south and west of the above described areas to the above described states. The purpose of this filing is to eliminate the gateways of points in Minnesota and Wisconsin. (23) *Lumber, poles and piling* when moving as contractors and construction equipment, materials and supplies, (A) from points in South Dakota that are on, north and west of the following line: Over Highway 85 from the North Dakota-South Dakota line south to its junction with Highway 79, thence Highway 79 to its junction with Highway 36, thence west on Highway 36 to its junction with A–16, thence west to the junction with Highway 16, thence west to the South Dakota-Wyoming State line to points in Michigan, Ohio, Pennsylvania, New York and points in Indiana that are on, north and west of the following line: Over Highway 421 and 43 from Michigan City, Indiana south to Lafayette, Ind., thence south on Highway 231 to Loogootee, Ind., thence southeast on Highway 150 to the Indiana-Kentucky State line near Louisville, and points in Kentucky on and east of the following line: Over I–65 from Louisville, to its junction with Highway 90 near Glasgow, thence Highway 90 to Glasgow, thence Highway 31E to the Kentucky-Tennessee State line, (B) from points in South Dakota that are east and south of the above described area, to points in Illinois, and points in Indiana and Kentucky that are west of the above described area. The purpose of this filing is to eliminate the gateways of Superior, Wis. and points in Minnesota.

(24) *Cast iron pipe and fittings* when moving as contractors' and construction equipment, materials and supplies, (A) from points in Iowa, to points in Montana, Idaho, Wyoming, Utah, Arizona, Nebraska, points in Oklahoma on and west of State Highway 2 beginning at the Kansas-Oklahoma State line, then south to the junction with U.S. Highway 69, then south on Highway 69 to the junction with Indian Nation Turnpike, then south on Indian Nation Turnpike to Hugo, Okla., then south on U.S. Highway 271 to the Texas-Oklahoma State line, points in Texas on and west of Highways 271, 69 and 59, and points in Kansas on and west of U.S. Highway 169, (B) from points in Iowa, to points in Kansas, Oklahoma and Texas east of the above-described areas. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa. (25) *Construction materials*, (A) from the facilities of Celotex Corporation at Chicago and Matteson, Ill., to points in Minnesota, North Dakota, points in South Dakota located on and north of U.S. Highway 14 beginning at the Minnesota-South Dakota State line, then west on U.S. Highway 14 to the junction with U.S. Highway 16, then west on U.S. Highway 16 to the South Dakota-Wyoming State line and (B) from the facilities of Celotex Corporation at Chicago and Matteson, Ill., to points in Iowa and points in South Dakota south of the above-described area. The purpose of this filing is to eliminate the gateways of points in Wisconsin and Minnesota.

(26) *Wood fencing, wood posts, wood rails and accessories* used in the installation of the aforementioned commodities when moving as contractors' and construction materials and supplies, (A) from points in Minnesota on and north of U.S. Highway 2 and points in Wisconsin on and east of U.S. Highway 53 beginning at Superior, Wis., thence south on Highway 53 to Eau Claire, Wis., thence south and east on U.S. Highway 12 to Madison, Wis., then east on U.S. Highway 18 to Milwaukee and ending at Milwaukee, Wis., to points in the United States east of Arkansas, Louisiana, Missouri, and Illinois and (B) from points in Iowa, North Dakota, South Dakota, points in Minnesota south of the above described area and points in Wisconsin south and west of the above described area, to points in Illinois, Missouri, Arkansas, Louisiana, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, and Montana. The purpose of this filing is to eliminate the gateway of Amberg Township, Wis.

(27) *Lumber poles and piling* when moving as contractors' and construction equipment, materials and supplies, (A) from points in South Dakota that are on, west and north of the following line: Over Highway 85 from the North Dakota-South Dakota State line to its junction with Highway 79, thence Highway 79 to its junction with Highway A–14, thence Highway A–14 to its junction with Highway 85, thence Highway 85 to the South Dakota-Wyoming State line to points in New York, Pennsylvania, Ohio, Michigan and points in Illinois that are on and east of the following line: Over Highway 14 from the Illinois-Wisconsin State line to Woodstock, thence southeast on Highways 31 and 14 to Palatine, thence south on Highways 53, I–90 and I–294 to junction with I–80, thence I–80 to the Indiana State line, points in Indiana on, north and east of the following line: Over Highway 41 from near Dyer, Ind. south to its junction with Highway 52, thence Highway 52 to Lafayette, thence Highway 231 to the Indiana-Kentucky State line, points in Kentucky on and east of the following line: Over Highway 231 from Owensboro to near Bowling Green, thence Highway 31W to the Kentucky-Tennessee State line and (B) from points in South Dakota that are south and east of the above described area, to points in Illinois, Indiana and Kentucky that are west of the above described area. The purpose of this filing is to eliminate the gateways of Superior, Wis. and points in Minnesota. (28) *Lumber and shingles* when moving as contractors' and construction materials and supplies, (A) from points in the Upper Peninsula of Michigan and points in Wisconsin on and east of State Highway 13 beginning at Ashland, Wis., thence south on Highway 13 to Marshfield, Wis., thence east on U.S. Highway 10 to Manitowoc, Wis. and ending at Manitowoc, Wis., to points in Illinois on and north of U.S. Highway 36 and (B) from points in Wisconsin south and west of the above described area to points in Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of New London, Wis.

(29) *Building materials* when moving as contractors' and construction equipment, materials and supplies or as commodities which because of size or weight require special equipment or special handling, (A) between points in North Dakota, points in South Dakota that are on, north and west of Highway 44 from the Minnesota-South Dakota State line to its junction with Highway 47, thence south on Highway 47 to the South Dakota-Nebraska State line and points in Minnesota on, north and west of U.S. Highway 60 beginning at the Iowa-Minnesota State line near Worthington, Minn., then east on Highway 60 to Mankato, Minn., then east on U.S. Highway 14 to the Minnesota-Wisconsin State line, on the one hand, and, on the other, points in the Chicago, Ill. Commercial zone as defined by the Commission, (B) between points in South Dakota south and east of the above described area and points in Minnesota south of the above described area, on the one hand, and, on the other, Chicago, Ill. The purpose of this filing is to eliminate the gateways of New London, Wis. and points in Minnesota. (30) *Building materials* when moving as contractors and construction materials and supplies, (A) from points in Illinois on and north of U.S. Highway 6 (except points in Jo Daviess County) to points in Wisconsin on and west of State Highway 78 beginning at the Illinois-Wisconsin State line, thence north to junction with Highway 33, thence east and north on Highway 33 and 68 to Fond du Lac, thence north on Highway 151 to Manitowoc, Wis. and ending at Manitowoc and (B) from points in Illinois on and north of U.S. Highway 6 to points in Wisconsin south of the above described area. The purpose of this filing is to eliminate the gateway of Lafayette County, Wis.

(31) *Machinery* (except tractors and agricultural machinery), (A) between points in Iowa on and west of State Highway 60, points in South Dakota on and south of U.S. Highway 14 beginning at the Minnesota-South Dakota State line, thence west to the junction with U.S. Highway 16, thence west on U.S. Highway 16 to the South Dakota-Wyoming State line and points in the Upper Peninsula of Michigan located on and east of State Highway 95 near Iron Mountain, then north to U.S. Highway 51, then east to Marquette, Mich. ending at Marquette, Mich. and (B) between points in North Dakota and points in South Dakota north of the above described area and points in Iowa east of the above described area. The purpose of this filing is to eliminate the gateways of points in Minnesota and New London, Wis.

(32) *Lumber*, when moving as contractors and construction materials and supplies, (A) from points in the Upper Peninsula of Michigan located on and east of State Highway 35 beginning at Menominee, Mich., then north to the junction with U.S. Highway 41, then north on U.S. Highway 41 to the junction with State Highway 67, then north on Highway 67 to the junction with State Highway 94, then north on State Highway 94 to Munising, Mich. and ending at Munising, Mich., to points in Wisconsin on and south of U.S. Highway 10, points in Minnesota on and south of U.S. Highway 12 and north of U.S. Highway 60, and points in South Dakota and (B) from points in Michigan to points in Wisconsin north of the above described area, points in Minnesota south of U.S. Highway 60 and North of U.S. Highway 12 and points in Iowa and North Dakota. The purpose of this filing is to eliminate the gateways of New London, Wis. and points in Minnesota.

(33) *Wallboard, pulpboard, hardboard, insulation and insulation materials, padding cushioning*, when moving as contractors' and construction materials and supplies, (A) from points in South Dakota that are on and north of Highway 14 from the Minnesota-South Dakota State line to the South Dakota-Wyoming Border, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina and Georgia and (B) from points in South Dakota that are south of the above described area, to points in Arkansas, Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Cloquet, Minn. (34) *Lumber, poles and piling* when moving as contractors and construction materials and supplies, (A) from points in Wisconsin on and north of U.S. Highway 8 beginning at the Minnesota-Wisconsin State line, then east on Highway 8 to junction with U.S. Highway 45, thence north on Highway 45 to the Wisconsin-Michigan State line, to points in Kentucky, Ohio, Pennsylvania, New York, Kansas, Nebraska and the Lower Peninsula of Michigan and (B) from points in Wisconsin south of the above described area, to points in Illinois, Indiana and Missouri. The purpose of this filing is to eliminate the gateway of Superior, Wis. (35) *Wallboard, pulpboard, hardboard, insulation, insulation materials and padding and cushioning*, when moving as contractors and construction equipment, materials and supplies, (A) from North Dakota, to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia and points in Arkansas that are on and north of the following line: Over Highway 167 from the Arkansas-Missouri State line to its junction with Highway 64, thence Highway 64 to the Arkansas-Tennessee State line and (B) from points in North Dakota, to points in Arkansas that are west and south of the above described area and points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Cloquet, Minn.

(36) *Cast iron pipe and fittings* when moving as contractors and construction materials and supplies, (A) from points in West Virginia, Virginia, North Carolina, Maryland, New Jersey, New York, Pennsylvania, Oklahoma, and Texas to points in Iowa on and west of Highway 71 and (B) from points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, to points in Iowa east of Highway 71. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points in Minnesota.

(37) *Cast iron pressure pipe and fittings and accessories* therefor, when moving and such pipe and when moving as contractors' and construction equipment, materials and supplies, (A) from points in Oklahoma on and west of State Highway 2 beginning at the Kansas-Oklahoma State line, then south to the junction with U.S. Highway 69, then south on U.S. Highway 69 to the junction with Indian Nation Turnpike, then south on Indian Nation Turnpike to Hugo, Okla., then south on U.S. Highway 271 to the Texas-Oklahoma State line and points in Texas on and west of Highways 271, 69 and 59 to points in Wisconsin and (B) from points in New York, Pennsylvania, Maryland, Virginia, North Carolina, West Virginia, Ohio, Kentucky, Tennessee, New Jersey, Illinois, Indiana, Michigan, Missouri, North Dakota, South Dakota and points in the above described areas in Oklahoma and Texas, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points in Minnesota.

(38) *Cast iron pressure pipe and fittings and accessories* when moving as contractors and construction equipment, materials and supplies, (A) from points in New York, Pennsylvania, Maryland, Virginia, North Carolina, West Virginia, Ohio, Kentucky, Tennessee, New Jersey, Illinois, points on and south of Highway 6, Indiana, Missouri, points in Oklahoma on and east of Highway I–35, points in Texas on and east of Highway I–35, points in Michigan, on and south of High-





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way 10 from Ludington, to Bay City, then Highway 15 and 46 to Lake Huron and

nell, Wis. (41) *Iron and steel pipe and valves, hydrants, fittings and accessories*

and points in Texas on and east of Highway I–35 and (B) from points in North



Illinois, Michigan, Nebraska, Kansas, Oklahoma and Texas. The purpose of

*Lumber, poles and piling* when moving

Boston, Mass., to certain specified points in New York, with restriction. Vendee is

way 10 from Ludington, to Bay City, then Highway 15 and 46 to Lake Huron and ending at Lake Huron to points in South Dakota and (B) from points in Illinois on and north of Highway 6, points in Michigan on and north of Highway 10 from Ludington to Bay City thence Highways 15 and 46 to Lake Huron, points in Oklahoma on and west of I–35, points in Texas west of Highway 35 and points in Wisconsin to points in South Dakota. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points in Minnesota.

(39) *Cast iron pressure pipe, fittings* when moving as contractors and construction materials and supplies, (A) from points in Pennsylvania, Maryland, Virginia, North Carolina, West Virginia, Kentucky, Tennessee, New Jersey, Missouri, points in Ohio on and south and east of Highway I–71 from Cleveland to Columbus, Ohio, then I–40 to the Ohio-Indiana State line, points in Indiana on and south of I–70 from the Indiana-Ohio State line to Indianapolis, then I–74 to the Indiana-Illinois State line points in Illinois on and south of Highway I–74 from the Illinois-Indiana State line to its junction with Highway 136, then over Highway 136 to the Illinois-Iowa State line, points in Oklahoma on and east of Highway I–35 and points in Texas on and east of Highway I–35 to points in North Dakota and (B) from points in Ohio north of the above described area, points in Indiana north of the above described area, points in Illinois north of the above described area, points in Oklahoma west of the above described area, points in Texas west of the above described, points in Michigan, Wisconsin and New York, to points in North Dakota. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points in Minnesota.

(40) *Building or roofing slabs, tile, panels and related material*, when moving as contractors and construction materials and supplies or as commodities which because of size or weight require special equipment or special handling, (A) from points in Wisconsin on and north of U.S. Highway 12 beginning at the Minnesota-Wisconsin State line, then east on U.S. Highway 12 to junction with Highway 29, thence east on Highway 29 to Wausau, Wis., thence north on Highway 51 to junction with U.S. Highway 8, thence north on U.S. Highway 8 to junction with Highway 45, thence north on U.S. Highway 45 to the Wisconsin-Michigan State line to points in Illinois on and east of Highway 45, points in Indiana, Kentucky, Tennessee, Ohio, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, Rhode Island, Maine, Kansas, Nebraska, Colorado, Montana, and Wyoming and (B) from points in Wisconsin south of the above described area, to points in the above described states and including Michigan and from points in Wisconsin north of the above described area to Michigan and points in Illinois west of Highway 45. The purpose of this filing is to eliminate the gateway of Cornell, Wis. (41) *Iron and steel pipe and valves, hydrants, fittings and accessories* when moving as contractors and construction materials and supplies or as commodities which because of size or weight require the use of special equipment or special handling, (A) from points in Iowa on and west of U.S. Highway 69 and points in South Dakota to points in the Upper Peninsula of Michigan and (B) from points in Iowa east of the above described area and points in North Dakota and Wisconsin, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Savage, Minn.

(42) *Boards and slabs*, composed of cement combined with wood fibers, when moving as contractors' and construction materials and supplies or as items requiring specialized handling or rigging because of size or weight, (A) from points in North Dakota, to points in Illinois, Indiana, Kentucky, Connecticut, Maine, Delaware, Maryland, Lower Peninsula of Michigan, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia and Washington, D.C. and (B) from points in North Dakota, to points in Colorado, Kansas, Missouri, Montana, Nebraska and Wyoming. The purpose of this filing is to eliminate the gateway of Cornell, Wis. (43) *Doors*, when moving as contractors' and construction equipment, materials and supplies, (A) from points in North Dakota, to points in Delaware, points in Kentucky on and east of U.S. Highway 41, Maryland, New Jersey, New York, Pennsylvania, Virginia and West Virginia and the Lower Peninsula of Michigan and (B) from points in North Dakota, to points in Kansas, Nebraska, Missouri and South Dakota. The purpose of this filing is to eliminate the gateways of points in Minnesota and New London, Wis.

(44) *Cast iron pressure pipe, fittings and accessories* therefor when moving as contractors' and construction materials and supplies, (A) from points in North Dakota, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, Kentucky, Tennessee, Oklahoma, Mississippi, Louisiana, New Jersey, District of Columbia, Arkansas, Missouri, Ohio on and south and east of the following line: Over highway I–71 from Cleveland to Columbus, Ohio, thence I–40 to the Ohio-Indiana State line, points in Indiana on and south of the following line: Over I–70 from the Indiana-Ohio State line to Indianapolis, thence I–74 to the Indiana-Illinois State line, points in Illinois on and south of Highway I–74 from the Indiana-Illinois line to its junction with Highway 136, thence over Highway 136 to the Illinois-Iowa State line, points in Nebraska on and south and east of Highway 92 from Omaha to its junction with Highway 81, thence south on Highway 81 to the Kansas-Nebraska State line, points in Kansas on and east of Highway 81, points in Oklahoma on and east of Highway I–35 and points in Texas on and east of Highway I–35 and (B) from points in North Dakota, to points in Ohio north of the above described area, points in Indiana north of the above described area, points in Illinois north of the above described area, points in Nebraska that are west and north of the above described area, points in Kansas that are west of the above described area, points in Oklahoma west of the above described, points in Texas west of the above described area, points in Michigan, Wisconsin, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, and Arizona. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points in Minnesota.

(45) *Snowmobiles*, when moving as commodities which because of size or weight require special equipment or special handling, (A) from points in Wisconsin and points in Iowa on and east of U.S. Highway 69, to points in Idaho, Montana, Oregon and Washington and (B) from points in Wisconsin and Iowa east of U.S. Highway 69, to points in Arizona, Colorado, Connnecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, Vermont and Wyoming and from points in Iowa west of Highway 69, to points in Idaho, Montana, Oregon and Washington. The purpose of this filing is to eliminate the gateway of Twin Valley, Minn. (46) *Snowmobiles* when moving as commodities which because of size or weight require special equipment or special handling, (A) from points in North Dakota, to points in Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont and (B) from points in North Dakota and South Dakota, to points in Colorado, Idaho, Arizona, Montana, New Mexico, Oregon, Washington and Wyoming. The purpose of this filing is to eliminate the gateway of Twin Valley, Minn.

(47) *Cast iron pressure pipe and fittings and accessories*, when moving as contractors' and construction equipment, materials and supplies, (A) from points in South Dakota, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Gerogia, Florida, West Virginia, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, New Jersey, District of Columbia, Arkansas, Illinois, points on and south of Highway 6, Indiana, Missouri, Nebraska points on and south and east of Highway 80 from Omaha to its junction with Highway 81, thence Highway 81 to the Nebraska-Kansas State line, points in Kansas on and east of Highway 81, points in Oklahoma on and east of Highway I–35, points in Texas on and east of Highway I–35, from Ludington to Bay City, thence Highway 15 and 46 to Lake Huron and (B) from points in South Dakota, to points in Montana, Idaho, Wyoming, Utah, Colorado, Arizona, New Mexico, and points west and north of the above described areas in Illinois, Michigan, Nebraska, Kansas, Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points in Minnesota. (48) *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe and when moving as contractors' and construction equipment, materials and supplies, (A) from points in Wisconsin, to points in Arizona, Colorado, points in Kansas on and west of U.S. Highway 169, points in Nebraska on and south of U.S. Highway 30, New Mexico points in Oklahoma on and west of State Highway 2, beginning at the Kansas-Oklahoma State line, then south to the junction with U.S. Highway 69, then south on U.S. Highway 69 to the junction with Indian Nation Turnpike, then south on Indian Nation Turnpike to Hugo, Okla., then south on U.S. Highway 271 to the Texas-Oklahoma State line, points in Texas on and west of Highways 271, 69 and 59 and Utah and (B) from points in Wisconsin, to points in Idaho, Montana, Wyoming, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, New Jersey, District of Columbia, Arkansas, Illinois, Indiana, Michigan, Missouri, North Dakota, South Dakota and points east of the above described areas in Kansas, Oklahoma and Texas and points north of the above described area in Nebraska. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

(49) *Prefabricated metal buildings*, knocked down, *prefabricated metal building sections*, knocked down, *prefabricated prefinished metal panel sections, component parts* thereof and *equipment, materials and supplies* used in the installation, construction or erection thereof (except metal buildings which are designed to be drawn by passenger vehicles), which because of size or weight require the use of special equipment or handling, (A) from points in Minnesota, North Dakota, South Dakota and points in Iowa on, north and west of the following lines: Over Highway 20 from Sioux City, Iowa to its junction with Highway 31 at Correctionville, thence northeast on Highway 31 to Cherokee, thence east on Highway 3 to its junction with Highway 71, thence north on Highway 71 to Spencer, thence east on Highway 18 to New Hampton, then east on Highway 24 to Calmer, thence north on Highway 150 to Decorah, thence east on Highway 9 to Waukon, thence north on Highway 76 to the Minnesota State line to points in Ohio, Pennsylvania, New York, Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, and Vermont and (B) from points in Iowa that are south and east of the above described area, to points in Ohio, Pennsylvania, New York, Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island and Vermont. The purpose of this filing is to eliminate the gateways of points in Minnesota and Evansville, Wis. (50) *Lumber, poles and piling* when moving as contractors' and construction equipment, materials and supplies, (A) from points in North Dakota, to points in Michigan, Indiana, Ohio, Pennsylvania, New York and points in Illinois that are on, and east of the following line: Over Highway 78 from the Illinois-Wisconsin State line to Jacksonville, Ill., thence Highway 67 to Alton, Ill. and (B) from points in North Dakota, to points in Illinois that are west of the above described area. The purpose of this filing is to eliminate the gateways of Superior, Wis. and points in Minnesota.





This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC–F–12148 published in the FEDERAL REGISTER of March 13, 1974 and published in the supplemental publication of June 13, 1974.

No. MC–F–12456. (Correction) (SKYLINE TRANSPORT, INC.—LEASE (PORTION)—O'BOYLE TANK LINES, INCORPORATED), published in the March 19, 1975, issue of the FEDERAL REGISTER on pages 12576 and 12577. Prior notice should be modified to read: *agricultural commodities*, in bulk, from Vineland, Landisville, Hammonton, Swedesboro, and Cedarville, N.J., *to* Boston, Mass., Providence, R.I., New Haven, Conn., Syracuse and New York, N.Y., Philadelphia, Scranton, and Wilkes-Barre, Pa., and Baltimore, Md.

No. MC–F–12493. Authority sought for control and merger by R.F.C. TRANSPORT, INC., P.O. Box 207, East Syracuse, N.Y. 13057, of the operating rights and property of (B) SHIPPERS SERVICE EXPRESS, INC., and (BB) E.D.C. TRANSPORT, INC., both of P.O. Box 207, East Syracuse, N.Y. 13057, and for acquisition by FRANK J. MAGARI, 605 Palmer Dr., North Syracuse, N.Y. 13212, of control of such rights and property through the transaction. Applicants' attorney: Herbert M. Canter, 315 Seitz Bldg., 201 E. Jefferson St., Syracuse, N.Y. 13202. Operating rights sought to be controlled and merged: (B) *General commodities*, except commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and Syracuse, N.Y., serving the off-route point of Bennington, Vt., between Boston, and Lenox, Mass., servicing the off-route point of Thompsonville, Conn., between North Adams, and Great Barrington, Mass., between Greenfield, and Springfield, Mass., serving the off-route point of Thompsonville, Conn., between Fitchburg, and Worcester, Mass., between Northampton, and Pittsfield, Mass., between Boston, and Quincy, Mass., between Boston, and Beverly, Mass., between Boston, and Haverhill, Mass., between Haverhill, and Lowell, Mass., between Boston, and Lowell, Mass., serving all intermediate points; (BB) *Frozen prepared foods*, and *fish* (including shellfish), when moving at the same time and in the same vehicle with frozen prepared foods, over irregular routes, from Gloucester and Boston, Mass., to certain specified points in New York, with restriction. Vendee is authorized to operate as a common carrier in New York, New Jersey, Rhode Island, Massachusetts, Connecticut and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

MC–F–12494. Authority sought for control and merger by B.T.L. INC., 631 Santa Fe, Kansas City, MO., 64101, of the operating rights of UTICA TRANSFER, INC., 4800 North Colorado Blvd., Denver, CO., 80216, and for acquisition by WILLIAM J. BURNS, also of Kansas, MO., 64101, of control of such rights through the transaction. Applicants' attorney: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, NB., 68106. Operating rights sought to be controlled and merged: *General commodities*, with exceptions as a *common carrier* over regular routes between Utica, Nebr., and Omaha, Nebr., serving the intermediate points of Lincoln, Milford, Beaver Crossing, Goehner, Tamora, Grafton, Lushton, Fairmont, Friend, and Exeter, Nebr., between Utica, Nebr., and Wilber, Nebr., serving the intermediate points of Goehner, Bear Crossing, Dorchester, and Wilber, Nebr., and the off-route point of Friend, Nebr., between Utica, Nebr., and Lincoln, Nebr., serving the intermediate point of Tamora, Nebr. between Utica, Nebr., and Henderson, Nebr., serving York, Nebr., and points on U.S. Highway 34 between York and Utica as intermediate points. *General commodities* as a *common carrier* over irregular routes between Utica, Nebr., and points within 15 miles thereof, between Utica, Nebr., and points within 15 miles thereof, on the one hand, and, on the other, points in Nebraska B.T.L., Inc., is authorized to operate as a *common carrier* in Kansas, Nebraska, Missouri and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12497. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, of the operating rights of JOE T. MILLSAPS, Trustee in Bankruptcy of BURRIS EXPRESS, INC., 1107 Johnston Bldg., Charlotte, NC 28281, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., International Bldg., 601 California St., San Francisco, CA 84108, of control of such rights through the purchase. Applicants' attorneys: Robert C. Stetson, 175 Linfield Drive, Menlo Park, CA 94025, and Eugene T. Liipfert, Suite 1100, 1660 L St. NW., Washington, DC 20036. Operating rights sought to be transferred: General commodities, with the usual exceptions, as a common carrier over regular routes, between Charlotte, and Raleigh, N.C., between Sanford, and Durham, N.C., serving various intermediate and off-route points, between Mocksville, and Harmony, N.C., between Harmony, and North Wilkesboro, N.C., between North Wilkesboro, N.C., and junction North Carolina Highway 268 and U.S. Highway 321, between junction U.S. Highway



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801 and North Carolina Highway 801, and junction North Carolina Highway 801 and U.S. Highway 158, between junction U.S. Highway 64 and County Road 1605 and junction County Road 1616 and North Carolina Highway 801, between junction North Carolina Highway 901 and Iredell County Road 1862 and junction Iredell County Roads 1862 and 1896, between junction North Carolina Highway 268 and Wilkes County Road 1957 and junction Wilkes County Road 1002 and U.S. Highway 21, serving all intermediate points, between Whiteville, and Southport, N.C., between Wilmington, N.C., and junction U.S. Highway and North Carolina Highway 211 at Supply, N.C., between U.S. Highway 17 and North Carolina Highway 211 at Supply, N.C., between junction U.S. Highway 17 and North Carolina Highway 87 and junction North Carolina Highways 87 and 211 near Southport, N.C., between Wilmington, and Fort Fisher, N.C., serving all intermediate points; and under certificates of registration in Docket Nos. MC 113067 (Sub-No. 2), MC 113067 (Sub-No. 3), MC 113067 (Sub-No. 4), MC 113067) (Sub-No. 6), MC 113067 (Sub-No. 7), MC 113067 (Sub-No. 9), MC 113607 (Sub-No. 10), MC 113067 (Sub-No. 13), MC 113067 (Sub-No. 16), MC 113067 (Sub-No. 17), and MC 113067 (Sub-No. 18), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of North Carolina. Vendee is authorized to operate as a *common carrier* in California, Oregon, Washington, Illinois, Minnesota, Wisconsin, Montana, Colorado, Utah, Wyoming, Idaho, Indiana, Nevada, Ohio, Iowa, Michigan, Arizona, Kansas, Maryland, North Dakota, South Carolina, Georgia, Alabama, Kentucky, North Carolina, New York, Massachusetts, Oklahoma, Missouri, Texas, Louisiana, Pennsylvania, South Dakota, New Mexico, Nebraska, West Virginia, Mississippi, New Jersey, Connecticut, Alaska, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12498. Authority sought for purchase by CRST, INC., 3930 16th Ave. SW., P.O. Box 68, Cedar Rapids, IA 52406, of a portion of the operating rights of LEE BROS, INC., 3659 South Normal Ave., Chicago, IL 60609, and for acquisition by HERALD A. SMITH, JR., AND MIRIAM G. SMITH, both of 536 Valley Brook Drive SE., Cedar Rapids, IA, and PAUL R. SHAWVER, 2314 Blake Blvd., Cedar Rapids, IA, of control of such rights through the purchase. Applicants' attorney: Robert E. Konchar, 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, IA 52406. Operating rights sought to be transferred: *General commodities*, excepting among others, Classes A and B explosives, livestock, and household goods, as a *common carrier* over irregular routes, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and points in Illinois within ten miles of Chicago, not including within the Commercial Zone, to points in that part of Indiana on and north of U.S. Highway 20, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and points in Illinois within ten miles of Chicago, not included within the Commercial Zone, on the one hand, and, on the other, Cincinnati, Dayton, and Hamilton, Ohio, and points in that part of Ohio on and north of a line extending along U.S. Highway from the Ohio-Indiana State line to certain specified points in Ohio, Michigan and Pennsylvania; *soda ash, caustic soda*, and *other cleaning compounds*, from Detroit and Wyandotte, Mich., to South Bend, Elkhart, and La Porte, Ind.; *meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles, between the plant site of Swift & Co., at Rochelle, Ill., on the one hand, and, on the other, Cincinnati, Dayton, and Hamilton, Ohio, and points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 20 to certain specified points in Ohio, Michigan and Pennsylvania, from the plant site of Swift & Co., at Rochelle, Ill., to points in that part of Indiana on and north of U.S. Highway 20, with restrictions. Vendee is authorized to operate as a common carrier in all of the States in the United States, and including the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12499. A & R TRANSPORT, INC., 1762 Chip Road, Kawkawlin, MI 48631, of the operating rights of BEN RUEGSEGGER TRUCKING SERVICE, INC., Route #1, Kawkawlin, MI 48631, and for acquisition by ALAN RUEGSEGGER, 103 N. Erie, Bay City, MI 48706, of control of such rights through the purchase. Applicants' representative: Benjamin H. Ruegsegger, Route #1, Kawkawlin, MI 48631. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Milwaukee, Wis., and Bensenville, Ill., to points in the Lower Peninsula of Michigan (except Saginaw and Bay Counties). Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan, Ohio, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIER PASSENGER

No. MC–F–12500. Authority sought for purchase by CARAVAN TOURS, INC., doing business as CARAVAN TOWNE CARS, Route 3 Box 451, Wharton, NJ 07885, of the operating rights of MORRIS WOLDORF, doing business as WOLDORF TRANSPORTATION SERVICE, 5456 Euclid Ave., Philadelphia, PA 19131, and for acquisition by ROBERT W. LOVITO, 139 Hurd St., Mine Hill, Dover, NJ 07885, of control of such rights through the purchase. Applicant's attorney: L. C. Major, Jr., Suite 400, Overlook Office Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Operating rights sought to be transferred: Passengers and their baggage in the same vehicle with passengers, in special operations, in nonscheduled service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, as a common carrier over irregular routes, between King of Prussia, Fort Washington and Willow Grove, Pa., on the one hand, and, on the other, New York, N.Y., with restriction. Vendee is authorized to operate as a common carrier in New Jersey, New York and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12502. Authority sought for purchase by a non-carrier, CHENANGO VALLEY BUS LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430, of the operating rights and properties of (B) BINGHAMTON SHORT LINES CORP., and (BB) AUSTIN F. ROBBINS, doing business as CHENANGO VALLEY TRANSIT, both of 123 Eldredge St., Binghamton, NY 13901, and for acquisition by LIMOUSINE RENTAL SERVICE, INC., 17 Franklin Turnpike, Mahwah, NJ 07430, of control of such rights and property through the purchase. Applicants' attorneys: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021, and Donald C. Carmien, 59–61 Court St., Binghamton, NY 13901. Operating rights sought to be transferred: (B) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Carbondale, Pa., and Binghamton, N.Y., serving the intermediate points between Carbondale, Pa., and Lenox, Pa., including Lenox, on U.S. Highway 106, between Binghamton, N.Y., and Lanesboro, Pa., between Lanesboro, and Carbondale, Pa., serving all intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, in seasonal operations from July 1 through August 31 of each year, between Honesdale, Pa., and Hancock, N.Y., between Rileyville, Pa., and Hancock, N.Y., between Lakewood and East Ararat, Pa., serving all intermediate points; passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes, from Binghamton, Johnson City, and Endicott, N.Y., to points in New York, New Jersey, Ohio, Massachusetts, Pennsylvania, and the District of Columbia, and return; (BB) Passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Binghamton, and Utica, N.Y., between Utica, N.Y., and junction New York Highway 12–B and New York Highway 12 (north of Sherburne, N.Y.), between Binghamton, and Oneonta, N.Y., between the Village of Sidney, N.Y., and junction New York





Highways 7 and 8 in the Town of Sidney, N.Y., serving all intermediate points; passengers and their baggage, in the same vehicle with passengers, in special and charter operations, in round trip tours, over irregular routes, beginning and ending at points in Chenango County, N.Y., and extending to points in the United States (except Hawaii and Alaska). Vendee holds no authority from this Commission. However, it is affiliated with LIMOUSINE RENTAL SERVICE, INC., 17 Franklin Turnpike, Mahwah, NJ 07430, which is authorized to operate as a common carrier in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12504. Authority sought for purchase by K & W TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56301, of the operating rights and property of O. G. NESS, doing business as O. G. NESS TRUCK CO., 306 Klutina St., Valdez, AK 88686, and for acquisition by HAROLD E. ANDERSON, 203 Cooper Avenue North, St. Cloud, MN 56301, of control of such rights through the purchase. Applicants' attorney: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over irregular routes, between points in Valdez, Alaska, between Valdez, Alaska, on the one hand, and, on the other, those points in Alaska (1) on Alaska Highway 2 (The Alaska Highway) between and including Fairbanks, Alaska and the United States-Canada Boundary line; (2) on Alaska Highway 1 (The Glenn Highway) between and including Tok Junction and Anchorage, Alaska; (3) on Alaska Highway 4 (The Richardson Highway) between Valdez and the junction of Alaska Highways 2 and 4 at or near Buffalo Center, Alaska; and (4) on Alaska Highway 5 (The Taylor Highway) between and including Tetlin Junction and Eagle, Alaska. Vendee is authorized to operate as a *common carrier* in Alaska, Illinois, Iowa, Minnesota, Montana, North Dakota, South Dakota, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12505. Authority sought for purchase by CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1059, St. Joseph, MO 64502, of the operating rights and property of BOLACK'S EXPRESS, INC., 2 Neponset St., Worcester, MA 01606, and for acquisition by U T S FREIGHT SYSTEMS; O. N. C. FREIGHT SYSTEMS, both of 2800 W. Bayshore Rd., Palo Alto, CA 94303; and ROCOR INTERNATIONAL (a non-carrier holding company) and in turn by DAVID P. ROUSH, and DIANE G. ROUSH, as custodian for their minor children, all of 260 Sheridan Ave., Palo Alto, CA 94306, of control of such rights and property through the purchase. Applicants' attorney: Roland Rice, 1111 E St. NW., Suite 618, Washington, DC 20004. Operating rights sought to be transferred: *General commodities*, excepting among others, Class A and B explosives, livestock, household goods and commodities in bulk, as a *common carrier* over regular routes, between Holyoke and Fitchburg, Mass., and Providence, R.I., serving all intermediate points, and various off-route points; *paper*, and *paper products*, over irregular routes, from Fitchburg and Leominster, Mass., to points in Connecticut. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Washington, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-11346 Filed 4-29-75;8:45 am]

## FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 25, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55602, filed April 3, 1975. Applicant: AIRWAY TRUCKING CO., 1605 Chapin Road, Montebello, Calif. 90022. Applicant's representative: Murchison & Davis, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *property* necessary or incidental to the establishment, maintenance, or dismantling of oil, gas, or water wells, pipelines, refineries, and cracking or casinghead plants; *equipment and materials* used in or for construction or farming, or maintenance thereof, between all points and places on and along the following described routes, including all intermediate points, with the right to make lateral departures therefrom within a radius of 50 miles of such routes: U.S. 101, U.S. 101 By-Pass, or California Highway 1 between Oregon-California State Line and Los Angeles; Interstate Highway 5 and/or California Highway 99, Interstate Highway 10 and California Highway 111, between Oregon-California State Line and the Mexican Border; California Highway 299 between Redding and Alturas, California; U.S. 395 between the Oregon-California State Line and the California-Nevada State Line, via Alturas and Johnstonville; California Highway 36 between Junction Interstate Highway 5 near Red Bluff, California, and Junction U.S. Highway 395 at Johnstonville; California Highway 20 between Marysville, California, and Junction Interstate Highway 80; Interstate Highway 80 between San Francisco and California-Nevada State Line; U.S. 50 between Sacramento, Calif., and California-Nevada State Line; U.S. 395 between California-Nevada State Line at Topaz Lake and Junction Interstate Highway 15; Interstate Highway 15 between Junction with U.S. Highway 395 and San Diego; U.S. 66 and/or Interstate Highways 15 and 40 between Los Angeles and Needles, Calif.; Interstate Highway 10 between Los Angeles, Calif., and California-Arizona State Line; Interstate Highway 15 between Barstow and Nevada-California State Line; Interstate Highway 8 between San Diego and California-Arizona State Line; California Highway 127 between Baker and Nevada-California State Line, and for the transportation of general commodities as follows:

Between all points and places within the Los Angeles Basin Territory described in Note A, The San Francisco Territory as described in Note B, and the San Diego Territory described in Note C and between said territories, serving all points and places on and within ten (10) miles laterally of Interstate Highway 5, between Stockton and San Diego, U.S. Highway 101, or California Highway 1, between Los Angeles and San Francisco, California Highway 99, between Stockton and Wheeler Ridge, and California Highway 4 between its junction with Interstate Highway 80 near Pinole and Stockton. Except that pursuant to the authority granted herein, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tarff 4–B. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobilies, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis. (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in



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suspension in liquids in bulk, in tank and that area embraced by the follow- north of La Jolla); thence easterly to



issue. Applicant: FILM TRANSFER will be no significant effect on the quality From junction Interstate Highway 95

suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Logs.

(8) Trailers coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. Note A: Los Angeles Basin Territory (Revised) includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; southwesterly along Mill Creek Road to the county road known as Bryant Street 3.8 miles north of Yucaipa; southerly along Bryant Street to the San Bernardino-Riverside County line; west, north and west along the San Bernardino-Riverside County line to Iowa Street; southerly along Iowa Street to U.S. Highway 395; southeasterly along U.S. Highway 395 to Nuevo Road, approximately 1 mile north of Perris; easterly along Nuevo Road through Nuevo and northeasterly and northerly through Lakeview; easterly along Ramona Expressway and Boulevard to the City of San Jacinto; southerly along San Jacinto Street to State Highway No. 74.

Westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company, southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Note B: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way, southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue.

Easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along on imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

NOTE C.—San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Boetonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, 350 McAllister Street, State Bldg., Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-6846, filed April 7, 1975. Applicant: BOSSONG'S COMMERCIAL DELIVERY, INC., 6717 Pickard Drive, Syracuse (Mattydale), N.Y. 13211. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 E. Jefferson Street, Syracuse, N.Y. 13202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities as defined in Section 800.1 of Title 17 of the official Compilation of Codes, Rules and Regulations of the State of New York:* Between the City of Syracuse on the one hand, and, on the other, all points in the following counties: Cayuga, Cortland, Madison, Oneida, Onondaga, Oswego, and Tompkins. *Subject,* however, to the following restrictions and conditions: (1) No service shall be rendered in the transportation of any package or article weighing more than ONE HUNDRED (100) POUNDS. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than FIVE HUNDRED (500) POUNDS from one consignor at one location to one consignee at one location on any one day. (3) Service shall be limited to shipments that will be picked up and delivered within a FORTY-EIGHT (48) HOUR period.

NOTE.—Applicant presently holds authority to transport general commodities in *department store and specialty shop deliveries,* from the City of Syracuse to all points in the above enumerated counties, with returned or traded-in merchandise in the reverse direction. By this application applicant seeks to remove the present commodity restriction in its authority and impose new ones. Applicant also seeks reverse direction authority in addition to that already held pursuant to Case T-1120 Application of John A. Jungermann & Son, Inc., adopted October 26, 1953. Intrastate, Interstate and foreign commerce authority sought.

*HEARING:* Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226 and should *not* be directed to the Interstate Commerce Commission.

Texas Docket (unnumbered) (Correction) filed March 20, 1975, published in the FEDERAL REGISTER issue of April 9, 1975, and republished as corrected this issue. Applicant: FILM TRANSFER COMPANY, INC., Suite 202, Regal Plaza, 1499 Regal Row, Dallas, Tex. 75247. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (1) General commodities, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; and (2) Motion picture films and theater supplies, newspapers, magazines and periodicals, bread and baker's cake, between Corsicana, Texas and Athens, Texas over State Highway 31 serving all intermediate points, coordinating the service proposed herein with that now being rendered under existing authority and interlining with other carriers at appropriate interline points. Applicant also seeks authority to operate over the following alternate routes without service to any intermediate points thereon except as otherwise authorized. (1) U.S. Highway 69 between Alto and Lufkin, Texas. (2) State Highway 21 between Madisonville and Alto, Texas. (3) State Highway 7 between Centerville and Nacogdoches, Texas. (4) State Highway 103 between Lufkin, Texas and the intersection of State Highway 103 with State Highway 7. (5) State Highway 94 between Groveton and Lufkin, Texas. (6) State Highway 294 and U.S. Highway 84 between Fairfield and Alto, Texas. (7) U.S. Highway 79 between Buffalo and Jacksonville, Texas. (8) F. M. Roads 90 and 59 between Cayuga and Malakoff, Texas. (9) State Highway 34 between its intersection with I. H. 45 and its intersection with U.S. Highway 175. (10) I. H. 45 between Dallas and Galveston, Texas. (11) State Highway 19 between Palestine and Athens, Texas.

NOTE.—The purpose of this correction is to (1) indicate correct alternate route authority in No. (3); (2) include No. (4); and correct No. (5). Intrastate, interstate and foreign commerce authority sought.

*HEARING:* Date, time and place not yet fixed, but approximately 30 days subsequent to date published in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station—P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11351 Filed 4-29-75;8:45 am]

[Notice No. 9]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 25, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c) (9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c) (9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 695), GREYHOUND LINES, INC. (Western Division) 371 Market Street, San Francisco, Calif. 94106, filed April 8, 1975. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From South Albany Junction, Oreg., over Oregon Highway 34 to Corvallis, Oreg., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From South Albany Junction, Oreg., over Interstate Highway 5 to Albany, Oreg., thence over U.S. Highway 20 to Corvallis, Oreg., and return over the same route.

No. MC 61599 (Deviation No. 10) (Cancels Deviation Nos. 3, 5 and 7), CONTINENTAL SOUTHEASTERN LINES, INC., P.O. Box 2387, Charlotte, N.C. 28234, filed April 17, 1975. Carrier's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Fayetteville, N.C., over Interstate Highway 95 to junction Interstate Highway 95 and U.S. Highway 17 south of Hardeeville, S.C., with the following access routes: (1) From junction Interstate Highway 95 and U.S. Highway 13 over U.S. Highway 13 to Lumberton, N.C., (2) From junction Interstate Highway 95 and North Carolina Highway 211 over North Carolina Highway 211 to Lumberton, N.C., (3) From junction Interstate Highway 95 and South Carolina Highway 9, over South Carolina Highway 9 to Dillon, S.C., (4) From junction Interstate Highway 95 and South Carolina Highway 34 over South Carolina Highway 34 to Dillon, S.C., (5) From junction Interstate Highway 95 and U.S. Highway 52 over U.S. Highway 52 to Florence, S.C., (6) From junction Interstate Highway 95 and Interstate Highway 20, over Interstate Highway 20 to Florence, S.C., (7) From junction Interstate Highway 95 and South Carolina Highway 261, over South Carolina Highway 261 to Manning, S.C., (8) From junction Interstate Highway 95 and South Carolina Highway 6 over South Carolina Highway 6 to Santee, S.C., (9) From junction Interstate Highway 95 and U.S. Highway 278 over U.S. Highway 278 to Ridgeland, S.C., and (10) from junction Interstate Highway 95 and U.S. Highway 17 over U.S. Highway 17 to Ridgeland, S.C., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Fayetteville, N.C., over U.S. Highway 301 to Pee Dee Junction, S.C., thence over U.S. Highway 76 to Florence, S.C., thence over U.S. Highway 301 to junction South Carolina Highway 6, thence over South Carolina Highway 6 to Elloree, S.C., thence over South Carolina Highway 47 to junction South Carolina Highway 4, thence over South Carolina Highway 4 to Orangeburg, S.C., thence over U.S. Highway 601 to Hampton, S.C., thence over U.S. Highway 278 to junction South Carolina Highway 170, thence over South Carolina Highway 170 to junction U.S. Highway 17, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11345 Filed 4-29-75;8:45 am]

[Notice No. 15]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 25, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c) (11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c) (12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 30, 1975.





Successively filed letter-notices of the same carrier under the Commission's



such service has been made. The protests must be specific as to the service which

cates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank

W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

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Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 85), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed April 14, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fernley, Nev., over Interstate Highway 80 (using segments of U.S. Highway 40 where Interstate Highway 80 is incomplete) to Battle Mountain, Nev., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fernley, Nev., over U.S. Highway 95 to Fallon, Nev., thence over U.S. Highway 50 to Austin, Nev., thence over Nevada Highway 8A to Battle Mountain, Nev., and return over the same route.

No. MC 33641 (Deviation No. 86), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed April 14, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Elko, Nev., over U.S. Highway 40 (Using segments of Interstate Highway 80 where completed) to Battle Mountain, Nev., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Elko, Nev., over U.S. Highway 40 (using segments of Interstate Highway 80 where completed) to Wells, Nev., thence over U.S. Highway 93 to Ely, Nev., thence over U.S. Highway 50 to Austin, Nev., thence over Nevada Highway 8A to Battle Mountain, Nev., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11344 Filed 4-29-75;8:45 am]

[Notice No. 278]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 30, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 20, 1975 pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75641. By order of April 11, 1975, the Motor Carrier Board approved the transfer to C. W. Mitchell, Inc., Tampa, Fla., of the operating rights in Certificate No. MC-118138 (Sub-No. 5) issued May 6, 1964, to Benefield Brothers, Incorporated, Hanceville, Ala., authorizing the transportation of bananas, from Tampa and Jacksonville, Fla., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. Rudy Yessin, P.O. Box B, Frankfort, Ky. 40601 Attorney for applicants.

No. MC-FC-75697. By order entered April 7, 1975 the Motor Carrier Board approved the transfer to Falls Cities Transfer, Inc., Jeffersonville, Ind., of the operating rights set forth in Certificate No. MC 931, issued March 18, 1975, to Falls Cities Transfer and Storage Company, Incorporated, Jeffersonville, Ind., authorizing the transportation of Classes A and B explosives, between Louisville, Ky., and points in Kentucky within 10 miles of Louisville, on the one hand, and, on the other, points in Clark and Floyd Counties, Ind., not including Sellersburg, Speed, Memphis, Henryville, and Borden, Ind. J. G. Dall, Jr., 1111 E St., NW., Washington, D.C. 20004, attorney for applicants.

No. MC-FC-75718. By order entered April 30, 1975 the Motor Carrier Board approved the transfer to Stump The Mover, Inc., Chicago, Ill., of the operating rights set forth in Certificate No. MC 51408, issued September 10, 1964, to World Transit Van Lines, Inc., Chicago, Ill., authorizing the transportation of household goods as defined by the Commission, between Chicago, Ill. and points in Illinois within 25 miles of Chicago, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin. James R. Madler, 1255 Sandburg Terrace, Chicago, Ill. 60610, attorney for applicants.

No. MC-FC-75729. By order of April 10, 1975, the Motor Carrier Board approved the transfer to Robert J. Dillon, Wood Ridge, N.J., of that portion of the operating rights in Certificate No. MC 59075 issued March 11, 1971, to Braunstein Express Co., Inc., New York, N.Y., authorizing the transportation of new furniture, between New York, N.Y., on the one hand, and, on the other, points in Westchester, Rockland, Putnam, Orange, Nassau, and Suffolk Counties, N.Y., and those in Morris, Passaic, Somerset, Union, Mercer, Bergen, Essex, Hudson, Middlesex, and Monmouth Counties, N.J. Robert B. Pepper, Registered Practitioner, 168 Woodbridge Avenue, Highland Park, N.J. 08904.

No. MC-FC-75750. By order entered March 31, 1975 the Motor Carrier Board approved the transfer to Zerkle Trucking Company, a corporation, Middleport, Ohio, of the operating rights set forth in Permit No. MC 128905 (Sub-No. 1), issued January 9, 1968, to Gary E. Chapman, doing business as Chapman Trucking Co., Huntington, W. Va., authorizing the transportation of materials and supplies used in the manufacture of carpets and carpeting, from Huntington, W. Va., to the plant site of Louisa Carpet Mills, Inc., at or near Louisa, Ky., restricted to traffic having a prior movement by rail, and further restricted to a transportation service to be performed under a continuing contract, or contracts with Louisa Carpet Mills, Inc. DUAL OPERATIONS AUTHORIZED. John M. Friedman, 2930 Putman Ave., Hurrican, West Virginia 25526, practitioner for applicants.

No. MC-FC-75766. By order of April 7, 1975 the Motor Carrier Board approved the transfer to Vaught Truck Line, Inc., Hiawatha, Kan., of the operating rights in Certificates No. MC-86099 (Sub-No. 3) and MC-86099 (Sub-No. 4) issued December 4, 1969 to Carl Vaught, Hiawatha, Kan., authorizing the transportation of general commodities, with exceptions, between points in a described area of Kansas, and between St. Joseph, Mo. and Elwood, Kan. Clyde N. Christey, 641 Harrison St., Topeka, Kan., 66603 Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11349 Filed 4-29-75;8:45 am]

[Notice No. 48]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 25, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that





such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies. A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 275TA), filed April 18, 1975. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General combmodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and warehouse facilities of Freeman Shoe Co., Beloit, Wis., as an off-route point in connection with applicant's presently authorized regular routes.

NOTE.—Applicant intends to join the authority sought herein with its existing authority in MC-2900 and subs at South Beloit, Ill., for 180 days.

Supporting shipper: Freeman Shoe Co., 113 Mill St., Beloit, Wis. 53511. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 104683 (Sub-No. 37TA), filed April 15, 1975. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, Miss. 39401. Applicant's representative: T. D. Hitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from Washington County, Chatom Field, Ala., to points in Pascagoula, Miss.; Pelham and Bainbridge, Ga., for 180 days. Supporting shipper: Martin Gas Sales, P.O. Drawer 191, Kilgore, Tex. 75662. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 114284 (Sub-No. 68TA), filed April 18, 1975. Applicant: FOX-SMYTHE TRANSPORTATION CO., 1700 S. Portland Avenue, P.O. Box 82307, Oklahoma City, Okla. 73108. Applicant's representative: M. W. Thompson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* and such commodities as are used by meat packers in the conduct of their business, when destined to and for use by meat packers, as described in Section A, B, C, and D of Appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Glover Packing Company, at or near Roswell, N. Mex., to points in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, Nevada, Oklahoma and Texas, for 180 days. Supporting shipper: Glover Packing Company, Lloyd Burch, T. M., Roswell, N. Mex. Send protest to: Marie Spillars, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 119789 (Sub-No. 243TA) (Correction), filed March 28, 1975, published in the FEDERAL REGISTER issue of April 11, 1975, and republished as corrected this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, used automobiles and commodities which because of size or weight require the use of special equipment), from New York, N.Y., to points in Oklahoma City, Okla., and Dallas and Houston, Tex., restricted to (1) traffic originating at the named origin and destined to the named destinations, and (2) restricted to traffic moving on bills of lading issued by Freight Forwarders regulated under Section IV of the Interstate Commerce Act, for 180 days. Supporting shipper: Inter State Express, Inc., 56-25 56th Terrace, Maspeth, Long Island, N.Y. 11378. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202. The purpose of this republication is to correct the commodity description.

No. MC 128256 (Sub-No. 26TA), filed April 17, 1975. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 N. Maine Street, Middlebury, Ind. 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding, roofing, and related component parts and accessories* (except in bulk), from Alumax Building Products, Bristol, Ind., to points in New York State, Yonkers, N.Y., Franklin Square, N.Y., New York, N.Y., Buffalo, N.Y., Long Island, N.Y. Elmira, N.Y., Syracuse, N.Y., Albany, N.Y., Poughkeepsie, N.Y., Binghamton, N.Y., Dallas, Tex., Baltimore, Md., Hagerstown, Md., Greensboro, N.C., Charlotte, N.C., Tallahassee, Fla., Tampa, Fla., Birmingham, Ala., New Orleans, La., for 180 days. Supporting shipper: Alumax Building Products, Bristol, Ind., 46507. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 129862 (Sub-No. 10TA), filed April 23, 1975. Applicant: RAJOR, INC., P.O. Box 756, Franklin, Tenn. 37064. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Athletic, gymnastic, aquatic, and sporting goods, including parts and accessories therefor; adhesives; rubber tire treads; hardware; advertising material;* and *materials, equipment and supplies* utilized in the manufacture, sale and distribution of the described commodities, from Garden Grove, Calif., to points in Arlington, Tex.; Atlanta, Ga.; Birmingham, Ala.; Bridgeton, Mo.; Decatur, Ga.; Edison, N.J.; Elk Grove Village, Ill.; Griffin, Ga.; Houston, Tex. Maywood, N.J.; Mobile, Ala.; Nashville, Tenn.; New Orleans, La.; River Grove, Ill.; Shelby, Ohio; Tampa, Fla.; and to points in the respective commercial zones of the named cities. Restriction: The authority to be authorized is to be restricted against the transportation of commodities in bulk and those which by reason of size or weight require the use of special equipment and is to be further restricted to a transportation service to be performed under a continuing contract, or contracts with AMF, Incorporated and its affiliates, for 180 days. Supporting shipper: AMF, Incorporated, 3801 South Harbor Blvd., Santa Ana, Calif. 92704. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 Federal Building, 801 Broadway, Nashville, Tenn. 37203.

No. MC 134323 (Sub-No. 72TA), filed April 18, 1975. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 621 South 14th Street, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, and equipment, materials and supplies used in the conduct of business* (except commodities in bulk), from the facilities of J. C. Penney Company, Inc., at or near Ridgefield, N.J., to points in Houston, Tex., Dallas, Tex., Kansas City, Mo., St. Louis, Mo., Denver, Colo., and Memphis, Tenn., for 180 days. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, N.Y. 10019. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 139261 (Sub-No. 2TA), filed April 16, 1975. Applicant: BUCKEYE EXPRESS, INC., Willis Day Industrial Park, Perrysburg, Ohio 43551. Applicant's representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such mer-*



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Ridgewood, N.C. (Acem) and points in

tests to: A. N. Spath, District Supervisor,



[Notice No. 279]

Denver, CO 80222, seeks temporary au-

*chandise* as is dealt in by wholesale, retail, chain grocery and food business houses, from points in Auburndale, Mount Plymouth, Orlando and Yulee, Fla.; Chicago, Illinois Commercial Zone, as defined by the Interstate Commerce Commission in MC C-3, Champaign and Kankakee, Ill.; Fort Wayne, Hobbs, Indianapolis and Plymouth, Ind.; New Orleans, La.; Waterville, Maine, Chelsea, Coloma, Detroit, Lawton and Paw Paw, Mich.; Marshall, Mo.; Seneca and Williamson, N.Y.; Hershey, Milton and Pittsburgh, Pa., to points in Maumee, Ohio, under continuing contract to Seaway Food Town, Inc., 1020 Ford Road, Maumee, Ohio, for 180 days. Supporting shipper: Seaway Food Town, Inc., 1020 Ford Road, Maumee, Ohio 43537. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 140686 (Sub-No. 1TA) (Correction), filed April 9, 1975, published in the FEDERAL REGISTER issue of April 18, 1975, and republished as corrected this issue. Applicant: V S M TRUCKING, INC., 901 N. Monroe Street, Abingdon, Ill. 61410. Applicant's representative: Samuel G. Harrod, Eureka Professional Bldg., 107 East Eureka Avenue, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers' goods, bathroom and lavatory fixtures, and supplies therefor*, from the plantsite of Briggs at Abingdon, Ill., to points in the states of Alabama, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas and Virginia, for 180 days. Supporting shipper: Briggs, Division of U.S. Pipe, 801 N. Maine Street, Abingdon, Ill. 61410. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604. The purpose of this republication is to correct the territorial description and include the supporting shipper, which was previously omitted from the FEDERAL REGISTER.

No. MC 140780 (Sub-No. 1TA), filed April 18, 1975. Applicant: ALVIN V. GREEN, Route 1, Lynchburg, S.C. 29080. Applicant's representative: John H. Lumpkin, Jr., 12th Floor SCN Center, Corner Lady and Main Street, Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bags, between the plantsite of Kaiser Agricultural & Chemical Company, near Riegelwood, N.C. (Acem) and points in Clarendon, Lee, Florence, Sumter, Williamsburg, Darlington, Kershawe and Georgetown Counties, S.C., for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, Ga. 31402. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 302, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 140828TA, filed April 17, 1975. Applicant: ACE MOVING & STORAGE, INC., 600 E. Broad, P.O. Box 2546, Texarkana, Ark. 75501. Applicant's representative: Joseph J. Reardon, Sr., 205 Brentwood Drive, Hot Springs, Ark. 71901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, said operations are restricted to transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, further said operations are restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating or de-containerization of such traffic, between Texarkana, Ark., and Counties of Clark, Hempstead, Howard, Lafayette, Little River, Miller, Nevada, Pike and Sevier in the state of Arkansas, Bowie, Camp, Cass, Franklin, Morris, Red River and Titus in the state of Texas; and McCurtain County, Okla., for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Opal Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 140836 (Sub-No. 1TA), filed April 18, 1975. Applicant: MOUNTAIN ENTERPRISES, INC., P.O. Box 332, Hastings, Minn. 55033. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Breakfast cereal and cereal aggregates*, from Lakeville, Minn., to all points in the United States (except Alaska and Hawaii); *Materials and supplies used in the manufacture and distribution of breakfast cereals and commodities*, the transportation of which is partially exempt under Section 203(b)(6) of the Interstate Commerce Act when moving with the above named commodities (except commodities in tank vehicles), from points in the United States (except Alaska and Hawaii), to Lakeville, Minn., for 180 days. Supporting shipper: The Grist Mill Co., 21325 Hamburg Avenue, Lakeville, Minn. 55044. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140856TA, filed April 17, 1975. Applicant: ERNEST W. HAMADY, doing business as, ATLAS WAREHOUSING COMPANY, 510 West Kearsley St., P.O. Box 3551, Flint, Mich. 48506. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as it dealt with by retail stores of S.S. Kresge Company* (1) from Saginaw and Flint, Mich., to S.S. Kresge Company Stores in Owosso, Corunna, Midland, and Mt. Pleasant, Mich., and their respective commercial zones with the right of return of rejected or damaged merchandise; and (2) from Flint, Mich., to S.S. Kresge Company Stores in Saginaw, Mich., and its commercial zone with the right of return or rejected or damaged merchandise, for 180 days. Supporting shipper: S.S. Kresge Company, General Traffic Manager, C. F. Rowe, 3100 W. Big Beaver Road, Troy, Mich. 48084. Send protests to: Melvin F. Kirsch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 140857TA, filed April 18, 1975. Applicant: EMETT L. BARRICK, doing business as B & B HOT SHOT SERVICE, P.O. Box 94479, Oklahoma City, Okla. 73409. Applicant's representative: Louis J. Bodnar, 417 Couch Drive, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field equipment and supplies, including pipe, tanks and tank materials*, weighing 7,000 pounds or less (Hot Shot Service), between all points in Oklahoma and Texas, with transportation for compensation on return, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11347 Filed 4-29-75;8:45 am]





[Notice No. 279]

## MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75756. By application filed April 23, 1975 REGIONAL TRANSPORTATION DISTRICT (RTD) a POLITICAL SUBDIVISION OF THE STATE OF COLORADO, 1325 So. Colorado Blvd., Denver, CO 80222, seeks temporary authority to lease the operating rights of DENVER-BOULDER BUS CO., 1755 Glenarm St., Denver, CO 80202, under section 210a(b). The transfer to REGIONAL TRANSPORTATION DISTRICT (RTD) a POLITICAL SUBDIVISION OF THE STATE OF COLORADO to DENVER-BOULDER BUS CO., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11348 Filed 4-29-75;8:45 am]



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WEDNESDAY, APRIL 30, 1975

federal register

WEDNESDAY, APRIL 30, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 84
PART II

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Assistant Secretary for Housing Production and Mortgage Credit

■

# SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM; SUBSTANTIAL REHABILITATION

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Title 24—Housing and Urban Development

authority to provide assistance payments with respect to substantially rehabili-

payments and others expressed doubt that the Contract would provide ade-



**Very-Low Income Families. Flexibility is**

version of a Private-Owner/PHA Project

17. A new § 881.203(d) permits selec-

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-305]

## PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM—SUBSTANTIAL REHABILITATION

The Department of Housing and Urban Development (HUD), gave notice on December 30, 1974, at 39 FR 45131 that it was amending Title 24 of the Code of Federal Regulations by adding a new Part 1277 to Chapter VIII, effective January 1, 1975.

HUD is renumbering all Parts of Chapter VIII. The regulations below change from Part 1271 to Part 881. All references below are to the new part numbers.

Part 881 sets forth the essential elements of the Housing Assistance Payments Program for Substantial Rehabilitation, including the roles and responsibilities of HUD, public housing agencies (PHAs), rehabilitators, Owners and Eligible Lower-and Very Low-Income Families, the basis for determining the amount of housing assistance payments, and the prescribed contracts.

Proposed regulations for the Section 8 Substantial Rehabilitation Program were published for comment on November 22, 1974. The comment period was limited to fifteen days because of the statutory requirement that the regulations be made effective by January 1, 1975. In the December 30, 1974, publication of the final regulations HUD solicited additional comments for a period of 30 days.

HUD has received 15 responses to the December 30, 1974, publication. All comments were carefully considered and changes have been made to the regulations, as set forth below, based on these and earlier comments. A discussion of the principal changes and of the more recurrent and significant comments is set forth below. It includes comments in response to the November 22, 1974, publication and the December 30, 1974, publication.

1. To facilitate understanding and referencing, §§ 1277.103 *Basic policies* and 1277.218 *Project operation* have been renumbered to give separate section numbers to the paragraphs within them (see §§ 881.103–881.123 and 881.218–881.227, respectively).

2. Some comments pertained to other regulations. For example, comments concerning Fair Market Rents pertain to regulations relating to such rents, 24 CFR Part 888. Similarly, comments concerning computation of income for purposes of determining eligibility and amount of Gross Family Contribution pertain to the regulations concerning these determinations, 24 CFR Part 889.

3. Comments objected to the definition of "substantial rehabilitation," as set forth in § 881.101(b), as being too restrictive. Some urged that recently-completed housing be eligible under Part 881 provided that no more than 40 percent of the units are occupied. HUD's authority to provide assistance payments with respect to substantially rehabilitated housing is limited by section 8(b)(2) of the United States Housing Act of 1937 (USHAct), which states, "the Secretary is authorized to make assistance payments pursuant to contracts with owners or prospective owners who *agree to* construct or *substantially rehabilitate* housing." [emphasis added]. Under this provision, housing which is not constructed pursuant to an Agreement to Enter into a Housing Assistance Payments Contract (Agreement) may not be eligible under Part 881. Such housing may be eligible, however, under the Section 8 Existing Housing Program, 24 CFR Part 882, which provides for the use of recently-completed housing under certain circumstances (see 24 CFR 882.125).

4. Many comments argued that § 881.105(a) should be modified to provide for a separate fee to the Owner for the cost of administration. These comments pointed out that the Owner has additional administrative responsibilities, such as making determinations of Family eligibility and amount of the Gross Family Contribution, beyond his management and maintenance duties, which should be compensated for. In HUD's opinion, the Owner should meet all of his costs on the basis of Contract Rents comparable to rents charged for unassisted units. Although an Owner may have duties under this program which exceed those for unassisted housing, he has compensating advantages in payment assurances provided for temporary vacancies, long-term commitments covering increases in costs, and reliability of housing assistance payments backed up by the commitment of the U.S. Government.

5. Comments suggested that additional assurances should be provided in §§ 881.105 and 881.106 concerning increases in housing assistance payments. The sections have been revised so that whenever a HUD-approved estimate of required housing assistance payments for a fiscal year exceeds the maximum commitment under the Housing Assistance Payments Contract (Contract) or the Annual Contributions Contract (ACC), respectively, and would cause the amount in the Project Account to be less than 40 percent of the maximum commitment, HUD will take additional steps authorized by section 8(c)(6) of USH Act to assure that housing assistance payments will be increased within a reasonable period of time.

6. Comments recommended that the 60-day limit on payments to Owners for vacant units (see §§ 881.107(b) and 881.107(c)) be eliminated. The limit is required by section 8(c)(4) of the USHAct which states, "* * * payments may be made with respect to unoccupied units for a period not exceeding 60 days."

7. Many comments proposed that the amount of housing assistance payments for vacant units be increased from 80 to 100 percent of the Contract Rent for such units. Some comments challenged the legal authority of HUD to limit the payments and others expressed doubt that the Contract would provide adequate security without 100 percent coverage. In the regulations published on December 30, 1974, HUD responded to similar prior comments by increasing the percentage from 70 to 80. Section 8(c)(4) of the USHAct does not require assistance payments for vacant units, but only authorizes such payments as permissible. Therefore HUD should attempt to implement this provision with the least amount of Federal expenditure. HUD has concluded that a further increase would reduce the incentive of the Owner to keep the Contract units under lease and is not necessary to provide adequate security to the Owner.

8. Section 881.108(b), which deals with the reasonableness of initial Contract Rents, has been modified to indicate that where tax-exempt financing is used, Contract Rents may be reduced appropriately to reflect any resulting savings. The interest savings from the tax-exempt financing is the result of favorable tax treatment by the Federal Government which provides the subsidy. Section 881.108(c), which related to Contract Rents for HUD-insured projects, has been deleted (see also paragraphs 19 and 20(b) of this preamble).

9. Section 881.109, relating to the Contract term, has been modified so that (a) where the relative cost of the rehabilitation is less than 15 percent of the value of the project after completion of the rehabilitation, the total Contract term for any unit may not exceed 5 years; and (b) where such relative cost is higher, the total Contract term will cover the financing of the cost of rehabilitation, or the remaining term of the existing indebtedness, if that be longer, or will cover the financing of the cost of the rehabilitation and of the acquisition or refinancing of the existing indebtedness (not to exceed 40 years for any unit).

10. Some comments argued that the provision which authorizes special additional adjustments, § 881.110(c), is too restrictive of the types of costs for which adjustments may be provided. Some comments proposed that special additional adjustments cover all costs not covered by the automatic annual adjustments. The statutory authority for these adjustments (section 8(c)(2)(B) of the USHAct) is restricted to "real property taxes, utility rates or similar costs." The regulations also limit special adjustments to real property taxes, utilities and similar costs and defines "similar costs" mean "assessments, and utilities not covered by regulated rates." This definition is consistent with the types of costs specifically enumerated in the statutory provision.

11. Comments objected to the requirement of § 881.117(b) that the Owner maintain at least 30 percent occupancy of Contract units by Very-Low Income Families. It was suggested that the requirement be eliminated at least for small projects and not be applied on a project-by-project basis. Section 8(c)(7) of the USHAct requires that 30 percent of the Families assisted under section 8 be





Very-Low Income Families. Flexibility is permitted for projects developed under the Housing Finance and Development Agencies Program, 24 CFR Part 883, in which the required percentage may vary among projects provided the average for all projects administered by the agency is 30 percent. For projects under the other section 8 programs, the only administratively feasible method of complying with the statute is to apply the 30 percent requirement to each project.

12. Several comments objected that the definitions of "large family" and "very large family," as used in § 881.118 for purposes of identifying those Families for whom housing assistance payments will equal the difference between 15 percent of gross income and the Gross Rent, is too restrictive. The term "large family" is defined as a family which includes six or more minors (other than head of household or the spouse) and the term "very large family" is defined as a family which includes eight or more such members. The comments indicated concern that Families which do not fall within one of these defined categories may be required to pay 25 percent of their gross income toward Gross Rent. This concern is based upon a misunderstanding. HUD has published separate interim regulations covering the determination of Gross Family Contribution (see 40 FR 15541; 24 CFR Part 889). These regulations provide for allowances based on the number of minors (and other factors) to be deducted from the Family's income and for determining the amount of contribution by applying a percentage (25 percent) to the income after making this deduction. Consequently, the amount of the required Gross Family Contribution will take into account the number of minors. The minimum amount will be 15 percent of the Family income before allowances. Many families which do not fall within one of the categories for which a 15 percent contribution rate is required by the USHAct will qualify for the 15 percent rate under this method. Therefore, HUD has limited the definitions of Families who automatically qualify for the 15 percent rate to those in extremely difficult circumstances. HUD believes that this method provides the needed flexibility for differences in size of Family, is administratively feasible, and is responsive to the statutory requirements.

13. Many comments objected to § 881.119(b), the provisions which prohibit the entity which is responsible for administering the Contract (e.g., the PHA in the case of a Private-Owner/PHA Project) from performing the management and maintenance for the same projects. This prohibition is retained in order to avoid the conflict of interest which would exist if the entity which is the Contract administrator, and therefore responsible for enforcement of compliance with management and maintenance requirements, were itself the entity whose compliance must be evaluated and enforced. The regulations pursuant to § 881.124(b) permit the conversion of a Private-Owner/PHA Project to a Private-Owner Project (i.e., the transfer of the responsibility of administering the Contract from the PHA to HUD). After such conversion, the PHA would no longer be precluded from providing management and maintenance services.

14. New §§ 881.120(b) and 881.121(b) have been added to clarify (a) the rights of HUD and, where appropriate, the rights and obligations of the PHA for determinations of Owner defaults under the Contract and the taking of corrective action, and (b) in the case of a Private-Owner/PHA Project, the rights of the Owner in the event of failure of the PHA to comply with the Contract. (See also sections 2.16 and 2.17 of the ACC and sections 2.7 and 2.9 of the Contract.)

15. A new § 881.125, relating to projects for which the interim and permanent financing is provided by a public agency or other entity from the proceeds of the sale of bonds or notes, has been added. This section requires HUD approval of financing documents and submission of certifications by the financing agency concerning, among other things, the projected borrowing and lending rates and the spread, if any, between these rates. It also requires the financing agency to certify that any spread between the actual borrowing and lending rates will be no greater than the projected spread nor greater than the spread allowed for the borrowing as a whole under applicable Department of Treasury regulations regarding arbitrage or applicable HUD regulations under section 11(b) of the USH Act. The financing agency must also certify that the terms of financing, amount of obligations issued with respect to the project, and use of funds raised will be in compliance with applicable Treasury and HUD regulations. Section 881.125 also requires recoupment of savings in financing cost to the Owner where the interest cost of the interim financing is less than the anticipated cost of the debt service under the permanent financing. It requires reduction in the Contract Rents where the amount of actual debt service is lower than the anticipated debt service on which the Contract Rents were based; and it clarifies the status of the Contract in the event of foreclosure and assignment or sale.

16. Comments suggested that the procedures under which Preliminary Proposals are invited and selected (see §§ 881.203–881.208) be changed so that HUD may negotiate with rehabilitators without advertising for proposals and making selections on a competitive basis. The provisions requiring the published Invitation for Preliminary Proposals and competitive ranking and selection have been retained to provide an opportunity for all interested parties to submit Preliminary Proposals, to encourage the submission of approvable Proposals with reasonable Contract Rents, and to provide a broad range of Proposals from which those which best satisfy the goals of the section 8 program may be selected.

17. A new § 881.203(d) permits selection of an Owner for a site that has been predetermined or preapproved by HUD as a site specifically designated for a section 8 project, such as an urban renewal site identified for such use.

18. Sections 881.204(c)(14) and 881.208(g)(3) have been modified to permit an Owner to submit, simultaneously with the submission of the Preliminary Proposal, or at any time prior to Notification of Selection or Nonselection, a Final Proposal or a Final Proposal and, if required, the architect's certification (in accordance with § 881.211(b)).

19. Section 881.207(a), which concerns processing of a HUD–FHA mortgage insurance application in advance of the section 8 Preliminary and Final Proposals, has been modified so that the Contract Rents which may be approved for the section 8 program will at least equal the previously approved rents which were used in processing the mortgage insurance application.

20. Section 881.207(b) which concerns concurrent processing of HUD–FHA mortgage insurance applications and section 8 Preliminary and Final Proposals has been modified (a) to permit the submission of an application for Firm Commitment (in lieu of the Conditional Commitment) under the applicable mortgage insurance program, with the Final Proposal; and (b) so that the rents of those units scheduled for assisted occupancy, when projected for the purpose of determining a mortgage limitation based on the debt service criteria, may be less than but may not exceed the Contract Rents set forth in the approved Final Proposal.

21. Section 881.208(a), which sets forth procedures for initial screening of Preliminary Proposals by HUD, has been clarified and modified to permit rejection without further evaluation if the Preliminary Proposal does not include or is deficient in identification of the proposed property, an "as-is" description of the property to be rehabilitated, or the proposed Contract Rents.

22. Section 881.215(c), relating to changes from the approved Final Proposal, has been revised so that changes or modifications required by changes in local codes or ordinances, subsequent to the execution of the Agreement, may be reflected in increases in the Contract Rents if HUD approval is obtained prior to incorporation of such changes in the project.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made with respect to these regulations. A copy of this finding is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

These regulations are effective April 30, 1975.

Accordingly, 24 CFR Part 881 is hereby amended to read as follows:



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Subpart A—Applicability, Scope and Basic Policies


Sec.
881.101 Applicability and scope.
881.102 Definitions.
881.103 Demonstration of need for substantial rehabilitation projects; compliance with section 213 of HCD Act.
881.104 Preference for certain types of projects.
881.105 Maximum total annual contract commitment and project account (Private-owner or PHA-owner projects).
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881.107 Housing assistance payments to owners.
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881.109 Term of housing assistance payments contract.
881.110 Rent adjustments.
881.111 Types of housing and property standards.
881.112 Site and neighborhood standards.
881.113 Relocation.
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881.115 Financing.
881.116 Security and utility deposits.
881.117 Establishment of income limit schedules; 30 percent occupancy by very low-income families.
881.118 Establishment of amount of housing assistance payments.
881.119 Responsibilities of the owner.
881.120 Responsibility for contract administration, and defaults (Private-owner and PHA-owner projects).
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881.122 Rights of owner if PHA defaults under agreement (Private-owner/PHA projects).
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Subpart B—Project Development and Operation


881.201 Allocations of contract authority to field offices.
881.202 Determination of number and types of units to be assisted.
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881.204 Contents of Rehabilitation Program Packet.
881.205 Contents of Preliminary Proposal.
881.206 Submission of Preliminary Proposals.
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881.211 Owner's acceptance of notification and submission of architect's certification.
881.212 Annual contributions contract and agreement (Private-owner/PHA Projects).
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881.218 Marketing.
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881.221 Maintenance, operation and inspections.
881.222 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.
881.223 Overcrowded and underoccupied units.
881.224 Adjustment of allowance for utilities and other services.
881.225 Continued Family participation.
881.226 Inapplicability of Low-Rent Public Housing model lease and grievance procedures.
881.227 Reduction of number of contract units for failure to lease to eligible families.
881.228 HUD review of contract compliance.
881.229 PHA reporting requirements. [Reserved]


Appendices


NOTE—Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD Substantial Rehabilitation Handbook.

I. Agreement to enter into Housing Assistance Payments Contract-Private-owner or PHA-owner project.
II. Housing Assistance Payments Contract-Private-owner or PHA-owner project.
III. Annual contributions Contract-Private-owner/PHA project.
IV. Agreement to enter into Housing Assistance Payments Contract-Private-owner/PHA project.
V. Housing Assistance Payments Contract-Private-owner/PHA project.


AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Sec. 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

## Subpart A—Applicability, Scope and Basic Policies

### § 881.101 Applicability and scope.

(a) The policies and procedures contained herein are applicable to the making of Housing Assistance Payments on Behalf of Eligible Families leasing Substantially Rehabilitated housing pursuant to the provisions of section 8 of the U.S. Housing Act of 1937 ("Act").

(b) For the purpose of this part, "Substantially Rehabilitated" housing shall mean housing requiring Substantial Rehabilitation for which, prior to the start of rehabilitation, an Agreement to Enter into Housing Assistance Payments Contract is executed between the Owner and the Department of Housing and Urban Development ("HUD") or the Public Housing Agency. However, housing already undergoing rehabilitation may be eligible for participation if all subsequent actions are in compliance with this part and if the Owner certifies and demonstrates to the satisfaction of HUD that:

(1) At the date of application to HUD, a substantial amount of rehabilitation (generally at least 25 percent) remains to be completed; and

(2) At the date of application to HUD, the project cannot be completed without a commitment for assistance under this part; and

(3) At the time rehabilitation was initiated, all of the parties reasonably expected that the project would be completed without assistance under this part.

(c) Conversions of section 23 projects to the section 8 program will be permitted where appropriate, provided that all parties (including HUD) agree to the terms and conditions.

### § 881.102 Definitions.

*Agreement to Enter Into Housing Assistance Payments Contract ("Agreement").* (a) In the case of a Private-Owner Project or a PHA-Owner Project, a written agreement between the Owner and HUD that, upon satisfactory completion of the rehabilitation in accordance with the HUD-approved Final Proposal, HUD will enter into a Housing Assistance Payments Contract with the Owner. (See Appendix I.)

(b) In the case of a Private-Owner/PHA Project, a written agreement between the private Owner and the PHA, approved by HUD, that, upon satisfactory completion of the rehabilitation in accordance with the HUD-approved Final Proposal, the PHA will enter into a Housing Assistance Payments Contract with the private Owner. (See Appendix IV.)

*Allowance for Utilities and Other Services ("Allowance").* An amount determined or approved by HUD as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. In the case of a proposal under which the Families must pay directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

*Annual Contributions Contract ("ACC").* In the case of a Private-Owner/PHA Project, a written agreement between HUD and the PHA to provide annual contributions to the PHA with respect to the project. (See Appendix III.)

*Contract.* See definition of Housing Assistance Payments Contract.

*Contract Rent.* The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

*Decent, Safe, and Sanitary.* Housing is Decent, Safe, and Sanitary at completion of rehabilitation if the dwelling units and related facilities are accepted by HUD as meeting the requirements of the Agreement. (See § 881.216.) Housing continues to be Decent, Safe, and Sanitary if it is being maintained in a condition substantially the same as that on acceptance, in all pertinent respects, including the following:

(a) Condition of the exterior (including the grounds) and the interior of the structure and of the housing unit;

(b) Operating condition of sanitary facilities and of solid and liquid waste disposal facilities;

(c) Operating condition of kitchen facilities, including range and refrigerator, sink, and space for storage of food and for storage of utensils and dishes;

(d) Operating condition of heating, lighting and ventilating equipment and/or other facilities; and

(e) Size, number of rooms, and furnishability in relation to the size and type of Family in occupancy in accordance with any applicable State or local codes.

*Eligible Family ("Family").* A Family which qualifies as a Lower-Income Family and which meets the other requirements of the Act and this part. The term Family includes an elderly, handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

*Fair Market Rent.* (a) The rent which is determined by HUD as the Fair Market Rent for New Construction projects under section 8. This Fair Market Rent is the rent, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately developed and owned, newly constructed rental housing of modest (nonluxury) nature with suitable amenities and sound architectural design meeting the objectives of the HUD Minimum Property Standards.

(b) Separate Fair Market Rents will be established for dwelling units by various sizes (number of bedrooms) and types (e.g., elevator, row, detached; housing designed for the elderly or handicapped shall be a separate type for this purpose).

(c) The Fair Market Rents will be published in the Federal Register, and, in order to allow for the period of rehabilitation, computation of the published Fair Market Rents will include HUD's estimate of anticipated rent increases during an appropriate future period as stated in the publication. Accordingly, for any given project for which the scheduled time for rehabilitation will be less than such future period, an appropriate reduction will be made in determining the approvable Contract Rent.

(d) The Fair Market Rent, minus the amount of any applicable Allowance for Utilities and Other Services payable directly by the Family, shall be the maximum amount that can be approved as the Contract Rent, except that the maximum approvable amount may be lower as stated in paragraph (c) of this definition and may be higher or lower as provided in § 881.108.

*Final Proposal.* A proposal to provide Substantially Rehabilitated housing submitted in response to a HUD notification of selection of Preliminary Proposal.





*Gross Family Contribution.* The portion of the Gross Rent payable by an Eligible Family, i.e., the difference between the amount of the housing assistance payment payable on behalf of the Family and the Gross Rent.

*Gross Rent.* The Contract Rent plus any Allowance for Utilities and Other Services.

*HCD Act.* The Housing and Community Development Act of 1974.

*Housing Assistance Payments Contract ("Contract").* (a) In the case of a Private-Owner Project or a PHA-Owner Project, a written contract between the Owner and HUD for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix II.)

(b) In the case of a Private-Owner/PHA Project, a written contract between the private Owner and the PHA, approved by HUD, for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix V.)

*Housing Assistance Payment on Behalf of Eligible Family.* The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 881.118.)

*HUD.* The Department of Housing and Urban Development or its designee.

*Income.* Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

*Invitation for Preliminary Proposals—Substantial Rehabilitation ("Invitation for Preliminary Proposals").* A notice published by HUD inviting the submission of Preliminary Proposals in accordance with this part. (See § 881.203.)

*Lease.* A written agreement between an Owner and an Eligible Family for the leasing of a Decent, Safe, and Sanitary dwelling unit in accordance with the applicable Contract, which agreement is in compliance with the provisions of this part.

*Local Housing Assistance Plan.* A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan which contains the elements set forth in section 104(a)(4) of the HCD Act and which is approved by the Secretary as meeting the requirements of section 213 of that Act.

*Lower-Income Family.* A family whose Income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments, for smaller or larger families, except that HUD may establish Income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low incomes, or other factors.

*New Communities.* New community developments approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

*Owner.* Any private person or entity, including a cooperative, or a PHA, having the legal right to lease or sublease Substantially Rehabilitated dwelling units.

*PHA-Owner Proposal and PHA-Owner Project.* A proposal for a project under this part (and the resulting project) to be owned by a PHA throughout the term) of the Agreement and Contract where such Agreement and Contract are to be entered into between the PHA and HUD.

*Preliminary Proposal.* A proposal to provide Substantially Rehabilitated housing submitted in response to a HUD Invitation for Preliminary Proposals.

*Private-Owner/PHA Proposal and Private-Owner/PHA Project.* A proposal for a project under this Part (and the resulting project) to be owned by a private Owner throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the private Owner and the PHA pursuant to an ACC between the PHA and HUD.

*Private-Owner Proposal and Private-Owner Project.* A proposal for a project under this part (and the resulting project) to be owned by a private Owner throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the private Owner and HUD.

*Project Account.* The account established and maintained in accordance with §§ 881.105 or 881.106.

*Public Housing Agency ("PHA").* Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families.

*Secretary.* The Secretary of Housing and Urban Development.

*Substantial Rehabilitation.* (a) The improvement of a property to Decent, Safe, and Sanitary condition and in accord with HUD requirements from a condition requiring more than routine or minor repairs or improvements of such extent as to necessitate execution of an Agreement prior to the performance of the work. Substantial Rehabilitation may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as Substantial Rehabilitation under this definition.

(b) Substantial Rehabilitation also includes renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this part (e.g., conversion of a hotel to housing for the elderly).

*Substantially Rehabilitated.* See § 881.101(b).

*Very Low-Income Family.* A family whose Income does not exceed 50 percent of the median Income for the area, as determined by HUD, with adjustments for smaller or larger families.



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§ 881.103 Demonstration of need for

maintained by HUD as a specifically

authorizations for the purpose of amend-



person and (ii) the proposed eviction was not in violation of the Lease or the Con-

(c) If the project is completed in stages, the dates for the initial and the

ble single persons may also be developed. Units in highrise elevator buildings may

**§ 881.103 Demonstration of need for substantial rehabilitation projects; compliance with section 213 of HCD act.**

(a) Substantial Rehabilitation projects shall be permitted only where: (1) HUD determines that there is not and there is not likely soon to be an adequate supply of existing housing which, with the aid of housing assistance payments provided under the Section 8 Housing Assistance Payments Program—Existing Housing, can meet the needs of Eligible Families, or (2) the proposed project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary including priorities for New Communities which involve Substantial Rehabilitation.

(b) No proposal for section 8 housing may be approved unless HUD requirements implementing sections 213 (a), (b), and (c) of the HCD Act have been satisfied.

**§ 881.104 Preference for certain types of projects.**

(a) *20 Percent Projects.* Assistance payments may be made with respect to up to 100 percent of the dwelling units in any structure or project. However, within the category of projects that are not designed for use primarily by the elderly and the handicapped and which involve the rehabilitation of more than 50 units, a preference will be provided for projects in which housing assistance will be limited to 20 percent or less of the units. (See § 881.208(e)(1).)

(b) *Three or More Bedroom Projects.* Where the need for dwelling units of three or more bedroom size ("large dwelling units") is shown, each HUD field office shall be responsible, to the extent feasible, for inviting and selecting proposals which in the aggregate will achieve the goal of providing a number of large dwelling units equal to at least 20 percent of all the assisted units approved under the Section 8 Housing Assistance Payments Program, without undue concentration of such large dwelling units in any one location.

**§ 881.105 Maximum total annual contract commitment and project account (private-owner or PHA-owner projects).**

(a) *Maximum Total Annual Contract Commitment.* The maximum total annual housing assistance payments that may be committed under the Contract shall be the total of the Gross Rents for all the Contract units in the project.

(b) *Project Account.* In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum annual Contract commitment per year exceeds amounts paid under the Contract for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the purposes of (i) housing assistance payments, and (ii) other costs specifically authorized or approved by the Secretary.

(2) Whenever a HUD-approved estimate of required housing assistance payments for a fiscal year exceeds the maximum annual Contract commitment, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum annual Contract commitment, HUD shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

**§ 881.106 Maximum total ACC commitment and project account (private-owner/PHA projects).**

(a) *Maximum Total ACC Commitment.* The maximum total annual contribution that may be contracted for in the ACC for a project shall be the total of the Gross Rents for all the Contract units in the project, plus a fee for the regular costs of PHA administration, HUD-approved preliminary costs for administration (including administrative costs in connection with PHA activities related to relocation of occupants) shall be payable out of this total.

(b) *Project Account.* In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum ACC commitment per year exceeds amounts paid under the ACC for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the purposes of (i) housing assistance payments and (ii) other costs specifically authorized or approved by the Secretary.

(2) Whenever a HUD-approved estimate of required Annual Contribution exceeds the maximum ACC commitment then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum ACC commitment, HUD shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

**§ 881.107 Housing assistance payments to owners.**

(a) *General.* Housing assistance payments shall be paid to Owners for units under lease by Eligible Families, in accordance with the Contract and as provided in this section. These housing assistance payments will cover the difference between the Contract Rent and the portion of said rent payable by the Family as determined in accordance with the HUD-established schedules and criteria. No section 8 assistance may be provided for any unit occupied by an Owner; however, cooperatives are considered rental housing rather than owner-occupied housing for this purpose.

(b) *Vacancies During Rent-up.* If a Contract unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, in accordance with the procedure set forth in § 881.217(b), provided that the Owner (1) commenced marketing and otherwise complied with § 881.215(f), (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to HUD or the PHA, as the case may be.

(c) *Vacancies After Rent-up.* (1) If an Eligible Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days; *Provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct. (See also § 881.116). The Owner shall not be entitled to any payment under this paragraph (c)(1) unless he: (i) Immediately upon learning of the vacancy, has notified HUD or the PHA, as the case may be, of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs (b)(2) and (3) of this section.

(2) If the Owner evicts an Eligible Family, he shall not be entitled to any payment under paragraph (c)(1) of this section unless the request for such payment is supported by a certification that (i) he gave such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it had 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction was not in violation of the Lease or the Contract or any applicable law.

(d) *Prohibition of Double Compensation for Vacancies.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 881.116):

**§ 881.108 Initial contract rents.**

(a) *Fair Market Rent Limitation.* The sum of the initial Contract Rents and any Allowances for Utilities and Other Services shall not exceed the Fair Market Rents for newly constructed rental housing, except that they may be exceeded (1) by up to 10 percent if the field office director determines that special circumstances warrant such higher rents and the higher rents meet the test of reasonableness in paragraph (b) of this section, or (2) by up to 20 percent, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan, and that such higher rents meet the test of reasonableness in paragraph (b) of this section.

(b) *Reasonableness of Rents.* In any case, the Contract Rents as proposed must be determined by HUD to be reasonable in relation to the quality, location, amenities, and management and maintenance services of the project, and proposed rents shall be subject to reduction if they are found to be higher than such reasonable rents. Appropriate reductions to reflect any savings where tax-exempt financing is involved may be made.

**§ 881.109 Term of housing assistance payments contract.**

(a) Where the relative cost of the rehabilitation is less than 15 percent of the value of the project after completion of the rehabilitation, the Contract shall be for one term of not more than five years for any dwelling unit.

(b) Where the relative cost of the rehabilitation is 15 percent or more, the Contract may be for an initial term of not more than five years for any dwelling unit, with provision for automatic renewal (unless agreed otherwise) for additional terms of not more than five years each, for a total Contract term which will cover the financing of the cost of rehabilitation, or the remaining term of the existing indebtedness, if that be longer, or which will cover the financing of the cost of the rehabilitation and of acquisition or refinancing of the existing indebtedness; provided, however, that the total Contract term, including renewals, for any dwelling unit shall not exceed 20 years, or 40 years where the project is owned by, or financed by a loan or loan guarantee from, a State or local agency.

(c) If the project is completed in stages, the dates for the initial and the renewal terms shall be separately related to the units in each stage; provided, however, that the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, may not exceed the overall maximum term allowable for any one unit, plus two years.

**§ 881.110 Rent adjustments.**

(a) *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this paragraph, up to the maximum amount authorized under the Contract. (See §§ 881.105 and 881.106.)

(b) *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by HUD at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by HUD where utilities are paid directly by Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by HUD. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the Contract Rents on the effective date of the Contract.

(c) *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to HUD financial statements which clearly support the increase.

(d) *Overall Limitation.* Notwithstanding any other provisions of this Part, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by HUD.

**§ 881.111 Types of housing and property standards.**

(a) Existing structures of various types may be appropriate for this program including apartment hotels, single-family houses, and multifamily structures. Hotels or office buildings may be suitable for conversion under this program to housing designed for elderly or handicapped Families and individuals, including congregate housing. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. Units in highrise elevator buildings may not be used for Families with children unless HUD determines there is no practical alternative. Mobile homes may not be utilized in this program.

(b) Participation in this program requires compliance with (1) HUD Minimum Design Standards for Rehabilitation for Residential Properties, (2) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (3) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly or handicapped, (4) HUD requirements pertaining to noise abatement and control, (5) HUD regulations issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and (6) applicable State and local laws, codes, ordinances, and regulations.

**§ 881.112 Site and neighborhood standards.**

Proposed sites for Substantial Rehabilitation projects must be approved by HUD as meeting the following standards:

(a) Adequate utilities (water, sewer, gas and electricity) and streets shall be available to service the site.

(b) The site and neighborhood shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

(c) The site shall promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of lower-income persons.

(d) The site shall be free from serious, adverse environmental conditions, or there shall be evidence that any such conditions will be corrected by the time the rehabilitation is completed.

(e) The site shall comply with any applicable conditions in the Local Housing Assistance Plan, approved by HUD.

(f) The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unsubsidized, standard housing of similar market rents.

(g) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, shall not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(h) The project may not be on a site which has occupants unless the relocation requirements referred to in § 881.113 are met.

(i) The project may not be in an area that has been identified by HUD as having special flood hazards and in which







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the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

**§ 881.113 Relocation.**

(a) In the evaluation or selection of Preliminary Proposals, consideration shall be given to whether there are site occupants who would have to be displaced, whether there is a feasible plan for relocation of such occupants, the degree of hardship which displacement might cause, and the availability of funding for relocation payments and assistance. Greater weight shall be given to proposals which do not require displacement, or, where displacement is required, which will involve the least amount of hardship.

(b) In the case of a PHA-Owner Project, no Agreement shall be executed for housing which is to be rehabilitated on a site which has occupants unless the Agreement provides that, pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the PHA undertakes liability for (1) the provision of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Act; (2) the provision of relocation assistance programs offering the services described in section 205 of the Act; and (3) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons. The Agreement shall provide that the PHA will provide full funding for the required relocation payments and assistance unless other commitments, satisfactory to HUD, have been made for the funding of such payments and assistance. (In the case of a Private-Owner Project or a Private Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

**§ 881.114 Other Federal requirements.**

(a) *Equal Opportunity Requirements.* Participation in this program requires compliance with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and section 3 of the Housing and Urban Development Act of 1968; and (2) all rules, regulations, and requirements issued pursuant thereto.

(b) *National Environmental Policy Act.* Participation in this program requires compliance with the National Environmental Policy Act and all rules, regulations, and requirements issued pursuant thereto.

(c) *Clean Air Act and Federal Water Pollution Control Act.* Participation in this program requires compliance with the Clean Air Act and the Federal Water Pollution Control Act and all rules, regulations, and requirements issued pursuant thereto.

(d) *Davis-Bacon Wage Rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any Substantial Rehabilitation project with nine or more assisted units.

**§ 881.115 Financing.**

(a) *Types.* Any type of financing may be utilized, including, but not limited to, the types listed below.

(1) Conventional loans from commercial banks, savings banks, savings and loan associations, pension funds, insurance companies or other financial institutions.

(2) Mortgage insurance programs under the National Housing Act (see § 881.207). (With respect to any obligation secured by a mortgage insured under section 221(b)(3) of the National Housing Act and issued by a public agency as mortgagor in connection with the financing of a project assisted under section 8, the interest paid on such obligation shall be included in gross income for purposes of Chapter I of the Internal Revenue Code of 1954.)

(3) Home Improvement Loans under Title I of the National Housing Act.

(4) Section 202 of the Housing Act of 1959.

(5) Title V of the Housing Act of 1949.

(6) Financing by tax-exempt bonds or other obligations. Where the project is owned by a non-profit corporation which is an agency or instrumentality of a PHA, and the financing is provided by the non-profit corporation or the PHA, the project will be considered as a PHA-Owner Project.

(b) *Use of Contract as Security for Financing.* (1) An Owner may pledge, or offer as security for any loan or obligation, an Agreement or Contract entered into pursuant to this part; *Provided, however,* That such security is in connection with a project rehabilitated pursuant to this part, and the terms of the financing or any refinancing have been approved by HUD. It is the Owner's responsibility to request such approval in sufficient time before he needs the financing to permit review of the method and terms of the financing and the instrument of pledge, offer or other assignment that HUD is requested to approve. Where the methods and terms of financing require, the Contract Rents may be reduced in accordance with § 881.108(b).

(2) Any pledge of the Agreement, Contract, or ACC, or payments thereunder, shall be limited to the amounts payable under the Contract or ACC in accordance with its terms.

(3) In the event of foreclosure, including foreclosure by HUD, and in the event of assignment or sale agreed to by HUD or made to HUD, housing assistance payments shall continue in accordance with the terms of the Contract.

**§ 881.116 Security and utility deposits.**

(a) An Owner may require Families to pay a security deposit in an amount equal to one month's Gross Family Contribution. If a Family vacates its unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from HUD or the PHA, as appropriate, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(b) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(c) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

**§ 881.117 Establishment of income limit schedules; 30 percent occupancy by very low-income families.**

(a) HUD will establish schedules of Income limits for determining whether families qualify as Lower-Income Families and Very Low-Income Families.

(b) In the initial renting of Contract units, the Owner shall lease at least 30 percent to Very Low-Income Families and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of Contract units by Very Low-Income Families, provided that if this requirement with respect to initial rent-up cannot be met because of Families already residing in the property to be rehabilitated, HUD may adjust the percentage of Very Low-Income Families to the extent that the adjustment is compensated for by a higher than 30 percent requirement with respect to such Families in other projects.

**§ 881.118 Establishment of amount of housing assistance payments.**

The amount of Housing Assistance Payment on Behalf of Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (a) no less than 15 percent nor more than 25 percent of the Family's Income and (b) the Gross Rent, taking into consideration the Income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large Very Low-Income Family or a very large Lower-Income Family or a Family with exceptional medical or other unusual expenses, the amount of the housing assistance payment shall be the difference





between 15 percent of the Family's Income and the Gross Rent. The term large Family means a Family which includes six or more minors (other than the head of the Family or spouse). The term very large Family means a Family which includes eight or more minors (other than the head of the Family or spouse).

**§ 881.119 Responsibilities of the Owner.**

(a) The Owner shall be responsible (subject to post-review or audit by HUD or the PHA, as the case may be) for management and maintenance of the project. These responsibilities shall include but not be limited to:

(1) Payment for utilities and services (unless paid directly by the Family), insurance and taxes;

(2) Performance of all ordinary and extraordinary maintenance;

(3) Performance of all management funtctions including the taking of applications, selection of Families including verification of Income and other pertinent requirements, and determination of eligibility and amount of Family contribution in accordance with HUD-established schedules and criteria;

(4) Collection of Family rents;

(5) Termination of tenancies, including evictions;

(6) Preparation and furnishing of information required under the Contract;

(7) Reexamination of Family Income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(8) Redeterminations of amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria as a result of an adjustment by the PHA or HUD, as appropriate, of any applicable Allowance for Utilities and Other Services; and

(9) Compliance with equal opportunity requirements.

(b) Subject to HUD approval, any private Owner may contract with any private or public entity to perform for a fee the services required by paragraph (a) of this section, provided that such contract shall not shift any of the Owner's responsibilities or obligations. However, no entity which is responsible for administration of the Contract (for example, a PHA in the case of a Private-Owner/PHA Project) may contract to perform management and maintenance of the project; *Provided, however,* That this prohibition shall not preclude management by the PHA in the event it takes possession as the result of foreclosure or assignment in lieu of foreclosure. (See, however, § 881.123(b) which permits conversion of a Private-Owner/PHA Project to a Private-Owner Project.)

**§ 881.120 Responsibility for contract administration, and defaults (private-owner and PHA-owner projects).**

(a) *Contract Administration.* HUD is responsible for administration of the Contract. HUD may contract with another entity for the performance of some or all of its Contract administration functions.

(b) *Defaults by Owner.* The Contract shall contain a provision to the effect (1) that if HUD determines that the Owner is in default under the Contract, HUD shall notify the Owner of the actions required to be taken to cure the default and of the remedies to be applied by HUD including abatement of housing assistance payments and recovery of overpayments, where appropriate; and (2) that if he fails to cure the default, HUD has the right to terminate the Contract or to take other corrective action.

**§ 881.121 Responsibility for contract administration, and defaults (private-owner/PHA projects).**

(a) *Contract Administration.* The PHA is primarily responsible for administration of the Contract, subject to review and audit by HUD.

(b) *Defaults by PHA and/or Owner.* (1) The ACC and the Contract shall contain a provision to the effect that in the event of failure of the PHA to comply with the Contract with the Owner, the Owner shall have the right, if he is not in default, to demand that HUD determine, after notice to the PHA giving it a reasonable opportunity to take corrective action, whether a substantial default exists, and if HUD determines that such a default exists, that HUD assume the PHA's rights and obligations under the Contract and carry out the obligations of the PHA to the Owner.

(2) The ACC shall contain a provision to the effect that if the PHA fails to comply with any of its obligations (including specifically failure to enforce its rights under the Contract, in the event of any default by the Owner, to achieve compliance to the satisfaction of HUD or to terminate the Contract in whole or in part, as directed by HUD), HUD may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that there is a substantial default and require the PHA to assign to HUD all of the PHA's rights and interests under the Contract. In such case, HUD will continue to pay annual contributions in accordance with the terms of the ACC and the Contract.

(3) The Contract shall contain a provision to the effect (i) that if the PHA determines that the Owner is in default under the Contract, the PHA shall notify the Owner, with a copy to HUD, of the actions required to be taken to cure the default and of the remedies to be applied by the PHA including abatement of housing assistance payments and recovery of overpayments, where appropriate; and (ii) that if he fails to cure the default, the PHA has the right to terminate the Contract or to take other corrective action, in its discretion or as directed by HUD. If the PHA is the lender, the Contract shall also provide that HUD has an independent right to determine whether the Owner is in default and to take corrective action and apply appropriate remedies, except that HUD shall not have the right to terminate the Contract without proceeding in accordance with paragraph (b)(2) of this section.

**§ 881.122 Rights of owner if PHA defaults under agreement (private-owner/PHA projects).**

The ACC and the Agreement shall contain a provision to the effect that in the event of failure of the PHA to comply with the Agreement with the Owner, the Owner shall have the right, if he is not in default, to demand that HUD determine, after notice to the PHA giving it a reasonable opportunity to take corrective action, whether a substantial default exists, and if HUD determines that such a default exists, that HUD assume the PHA's rights and obligations under the Agreement, and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

**§ 881.123 Separate project requirement.**

(a) In the case of a Private-Owner Project or a PHA-Owner Project, each Agreement and Contract shall constitute a separate project.

(b) In the case of a Private-Owner/PHA Project, such project may not include more than one type of section 8 assistance, shall be processed with a separate ACC List and ACC Part I and shall be assigned a separate project number. All Substantial Rehabilitation units to be placed under a single Contract shall comprise a separate project, However, the field office director may designate as a single project the units to be covered by two or more such Contracts for Substantial Rehabilitation projects where:

(1) The units are placed under ACC on the same date; and

(2) Such consolidation is necessary in the interest of administrative efficiency.

**§ 881.124 Conversions.**

(a) *Conversion of Private-Owner Project to Private-Owner/PHA Project.* HUD may request the Owner of a Private-Owner Project and an appropriate PHA to agree, if they are willing, to a conversion of any such project to a Private-Owner/PHA Project if HUD determines that such conversion would promote efficient project administration.

(b) *Conversion of Private-Owner/PHA Project to Private-Owner Project.* The private Owner and the PHA, in the case of a Private-Owner/PHA Project, may request HUD to agree to a conversion of any such project to a Private-Owner Project. HUD shall agree to such conversion if it determines it to be in the best interest of the project.

**§ 881.125 Projects financed with proceeds from sale of bonds or notes.**

(a) *Applicability of this section.* The provisions of this section shall apply where the interim and permanent financing for a project is to be provided by a public agency or other entity including a PHA ("financing agency") from the proceeds of the sale of bonds or notes.

(b) *Submission of Financing Documents to HUD.* (1) Before HUD may approve a Final Proposal which is to be





financed in a manner subject to this



tract and the interest cost of the interim

wish to specify; and the fact that de-

(7) The fact that if the utility com-

with those specified in the documents

15 or more units, evidence of manage-

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financed in a manner subject to this section, the financing agency shall submit to the appropriate HUD field office or offices copies of the documents relating to the method of financing of the project, such documents to include the bond resolution or indenture, loan agreement, regulatory agreement, note, and mortgage or deed of trust and other related documents, if any, including the "official statement" or "prospectus", if available at that time, or as soon as it is available. After prompt review, HUD shall notify the financing agency that the documents are acceptable or, if unacceptable, shall request clarification or changes. In the event a financing agency which has obtained HUD approval of its financing documents proposes substantive changes in the documents, whether by way of amendment, replacement or supplementation, such changes must be submitted to HUD for prior approval.

(2) The financing agency shall also submit a certification specifying (i) its projected rate (net interest cost) of the borrowing from which funds will be used for financing (interim and permanent) the project, (ii) the projected rate at which interim financing will be provided to the Owner for the project, (iii) the projected capital cost of the project and the projected rate and the term of the permanent financing to be provided to the Owner for the project, (iv) the projected monthly debt service for such permanent financing on which Contract Rents are based, and (v) the spread, if any, between the projected rate of borrowing and the projected rate of lending to the Owner. The financing agency shall also certify (vi) that the spread, if any, between its actual rate of borrowing and the actual rate of lending to the Owner for the project will not be greater than the projected spread nor greater than the spread allowed for the borrowing as a whole under the Department of Treasury regulations regarding arbitrage if the borrowing is subject to those regulations, or the HUD regulations under section 11(b) of the United States Housing Act of 1937 (24 CFR 811.101) if the borrowing is by a PHA under that § 811.101, and (vii) that the terms of the financing, the amount of the obligations issued with respect to the project, and the use of the funds raised will be in compliance with applicable Department of Treasury regulations regarding arbitrage or HUD regulations in § 811.101. The term "spread" means the difference between the net interest cost on financing agency obligations issued in connection with a project and the effective rate of interest (i.e., including the servicing charge) payable by the Owner.

(3) The financing agency shall retain in its files, and make available for HUD inspection, the documentation relating to its financing of section 8 projects, including any certifications of compliance with the applicable Department of Treasury or HUD regulations.

(c) *Recoupment of Savings in Financing Cost.* (1) In the event that the interim financing is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing for any period of three months, after such first year, is less than the anticipated debt service under the permanent financing on which the Contract Rents were based, an appropriate amount reflecting the savings in financing cost shall be credited by HUD to the Project Account pursuant to §§ 881.105 or 881.106, as appropriate, and withheld from housing assistance payments to the Owner. If during the course of the same year there is any period of three months in which the financing cost is greater than the anticipated debt service under the permanent financing, an adjustment shall be made so that only the net amount of savings in financing cost for the year is credited by HUD to the Project Account and withheld from housing assistance payments to the Owner as aforesaid (no increased payments shall be made to the Owner on account of any net excess for the year of actual interim financing cost over the anticipated debt service under the permanent financing). Nothing in this paragraph (c) shall be construed as requiring a reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with § 881.110.

(2) The computation and recoupment under this paragraph (c) may be made on an annual or on a quarterly or other periodic basis, but in any event no later than as of the end of each fiscal year; *Provided, however,* That if recoupment is to be made less often than quarterly, the amounts of recoupment shall be computed on at least a quarterly basis and the funds deposited in a special account from which withdrawals may be made only with the authorization of HUD or other entity administering the Contract.

(d) *Adjustment to Reflect Actual Cost of Permanent Financing.* After the project is permanently financed, the financing agency shall submit a certification as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents, or the Contract Rents currently in effect, shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum ACC or Contract commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

(e) *Use of Contract as Security for Financing.* (1) An Owner or financing agency may pledge, or offer as security for any loan or obligation, an Agreement or Contract entered into pursuant to this part, and a financing agency may pledge ACC payments as security for housing assistance payments pursuant to the Contract; *Provided, however,* That such security is in connection with a project rehabilitated pursuant to this part, the terms of the financing or any refinancing have been approved by HUD in accordance with this section, and the financing agency has submitted a certification that the terms and conditions of the financing for the particular project are consistent with those specified in the documents which were approved by HUD. Any such pledge shall be limited to the amounts payable under the Contract or ACC in accordance with its terms.

(2) In the event of foreclosure, or assignment or sale to the financing agency in lieu of foreclosure, or in the event of assignment or sale agreed to by the financing agency and approved by HUD (which approval shall not be unreasonably delayed or withheld), housing assistance payments shall continue in accordance with the terms of the Contract.

### Subpart B—Project Development and Operation

**§ 881.201 Allocations of contract authority to field offices.**

HUD will allocate to field offices contract authority for the Section 8 Housing Assistance Payments Program for metropolitan areas and for nonmetropolitan areas in conformance with section 213 (d) of the HCD Act.

**§ 881.202 Determination of number and types of units to be assisted.**

Each field office shall, after considering the contents of any Local Housing Assistance Plans and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing. The field office will also determine an appropriate schedule for advertising for Preliminary Proposals—Substantial Rehabilitation.

**§ 881.203 Invitations for preliminary proposals.**

(a) *Publication.* The HUD field office shall initiate implementation of its program with respect to Substantial Rehabilitation by publishing Invitations for Preliminary Proposals—Substantial Rehabilitation in accordance with the schedule established by the field office. Such publications shall be at least once a week on the same day or days of each of two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which proposals are desired. As promptly as possible, HUD will also notify minority media, business concerns included in HUD's registry of section 3 businesses for the applicable political jurisdictions, minority organizations involved in housing and community development, and fair housing groups. In addition, to the extent feasible, HUD may notify appropriate PHAs, the chief executive officer of the appropriate unit(s) of general local government, trade journals, and other non-minority media. Copies of each Invitation shall be available in the HUD field office.

(b) *Contents of Invitation.* The Invitation shall state the geographic area or areas in which the housing is to be rehabilitated; the number of units in each area; the deadline for receipt of Preliminary Proposals by HUD; such other basic information as the field office may





wish to specify; and the fact that detailed information, guidelines, standards and procedures are contained in a Rehabilitation Program Packet which may be obtained by interested parties from the field office. The Invitation shall also state that Preliminary Proposals may be submitted by private Owners or PHA Owners for direct contracting with HUD, or by PHAs on behalf of private Owners with whom the PHA proposes to contract pursuant to an ACC with HUD.

(c) *Deadline for Receipt of Preliminary Proposals.* The deadline (date and time) for receipt of Preliminary Proposals by HUD shall allow a reasonable time but, in any event, no less than 35 calendar days after the date of the first publication in a newspaper of general circulation.

(d) *Preapproved Properties.* Notwithstanding the foregoing provisions of this section, in the case of a property that has been predetermined or preapproved by HUD for assisted housing, such as an urban renewal site which has been specifically designated for such use—if the unit of general local government so requests—the Owner may be selected by the local governmental agency in accordance with the applicable procedures (e.g., the developer of an urban renewal site), unless he has already been so selected by the agency, or he may be selected by HUD after advertising for Preliminary Proposals solely for that property.

**§ 881.204 Contents of rehabilitation program packet.**

The Rehabilitation Program Packet shall:

(a) Include a copy of the applicable regulations, required HUD forms, and HUD standards.

(b) Include the following information for each geographic area specified in the Invitation.

(1) The number of units for elderly and nonelderly occupancy and the number to be specially designed for elderly (including handicapped) occupancy.

(2) The number of units by unit size (bedrooms per unit) and the fact that a proposal may be for any number of units up to that amount.

(3) The type of housing, if any, which is unacceptable (e.g., high-rise elevator structures for Families with children).

(4) Special requirements, if any, as to location and density; and as to New Communities where Substantial Rehabilitation is involved.

(5) Any special requirements for housing for the elderly (including the handicapped) pursuant to section 209 of the HCD Act, and any special requirements for the handicapped pursuant to the standards established by HUD under Public Law 90–480.

(6) Any special requirements or restrictions that may be necessary for compliance with provisions of the Local Housing Assistance Plan, if any, and the name, address, and title of the official of the unit of general local government to whom inquiries may be made concerning such Plan.

(7) The fact that if the utility combination (the specific types of utilities and methods of distribution) proposed is determined by HUD not to be the most desirable or economical and a change to a different combination is feasible, the Owner will be requested to modify his Proposal or submit a comparative analysis of utility costs supporting to HUD's satisfaction the proposed combination included in the Proposal.

(8) The specific management and maintenance services required to be provided by the Owner. Such services shall include all services typically provided in the area for the type of housing contemplated.

(9) The Fair Market Rents and the fact that rents requested by the Owner must be determined by HUD to be reasonable in accordance with § 881.108(b).

(10) Maximum initial term of the Contract and the fact that the maximum approvable term, including renewals, will be determined in accordance with § 881.109.

(c) Include statements as to: (1) Equal opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for five or more units); an assurance of compliance with Title VI of the Civil Rights Act of 1964; an assurance of compliance with Executive Order 11063 and Title VIII of the Civil Rights Act of 1968, including regulations and guidelines pursuant thereto; and certifications required pursuant to Executive Order 11246.

(2) HUD regulations and other requirements implementing section 3 of the Housing and Urban Development Act of 1968, requiring that, to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

(3) HUD relocation requirements.

(4) HUD requirements implementing the National Environmental Policy Act.

(5) Governmental requirements implementing the Clean Air Act and the Federal Water Pollution Control Act.

(6) HUD requirements implementing the Flood Disaster Protection Act of 1973.

(7) The requirement, if a project will contain nine or more Contract units, that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act.

(8) The prescribed HUD form showing the identity of the Owner, the rehabilitator, the architect (if any), and the managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest.

(9) The requirement that the Owner submit evidence of capability to provide the required management and maintenance services or, if the proposal is for 15 or more units, evidence of management capability and a proposed management plan and a certification by the Owner and the management agent, if any, in a format acceptable to HUD.

(10) The fact that if the Owner intends to pledge, or offer as security for any loan or obligation, an Agreement or Contract, he is responsible for submitting to HUD a request for such approval in sufficient time before he needs the financing to permit review of the method and terms of the financing and the instrument of pledge, offer or other assignment; and that if the request is made after approval of the Final Proposal, the Contract Rents may be reduced where the methods and terms of financing require. (See § 881.115.)

(11) Other requirements which the HUD field office determines to be necessary.

(12) Where copies of HUD Minimum Design Standards for Rehabilitation for Residential Properties and any other applicable standards, guidelines and criteria may be obtained.

(13) The number of copies of the Preliminary Proposal to be submitted to HUD.

(14) The fact that an Owner may submit simultaneously with the submission of the Preliminary Proposal, or at any time prior to Notification of Selection or Nonselection, a Final Proposal or a Final Proposal with the architect's certification (if required) in accordance with § 881.211(b).

(15) The fact that HUD may determine not to select or approve any or all Preliminary Proposals submitted.

**§ 881.205 Contents of preliminary proposal.**

Each Preliminary Proposal shall include or indicate the following:

(a) The address(es) of the property proposed to be rehabilitated and a neighborhood map showing the location(s) of the property and the racial composition of the neighborhood(s).

(b) A copy of the option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the property to be rehabilitated (however, only the proposed price is required for a New Communities project).

(c) A description of the property as is, including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms), living area and composition for each size of unit, special amenities or features, if any, and exterior and interior photos; and sketches of the interior showing dimensions.

(d) A description of the proposed rehabilitation covering each basic element (e.g., roof, exterior walls, porches and steps; interior walls, ceilings and floors; kitchen and bathroom facilities and equipment; plumbing, heating and electrical equipment; landscaping; etc.) indicating the nature of the work to be done on each element. If alteration, renovation or remodeling is indicated, a description of such work and sketches



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(c) *Delayed Mortgage Insurance* Program Packet. If the units covered by tion) a Final Proposal in accordance

showing layout after completion of rehabilitation.

(e) A description of the existing utility combination, whether or not a change to a different combination is proposed, and if so, a description of the new utility combination.

(f) A statement as to whether or not the services of a registered architect will be utilized for preparation of final working drawings and specifications.

(g) The Contract Rent per unit, by size and structure type.

(h) The equipment to be included in the Contract Rent.

(i) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not included in the Contract Rent, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(j) The proposed term of the Contract (including renewals) and justification for such term in accordance with Sec. 881.109.

(k) A showing that the proposal meets any special requirements or restrictions necessary for compliance with the provisions of the Local Housing Assistance Plan, if any.

(l) Whether the proposed project will displace site occupants. If so, the proposal shall state the number of families, individuals, and business concerns to be displaced (identified by race or minority group status, and whether they are owners or renters), and shall show that there is a feasible plan for relocation and how necessary relocation payments, if any, will be funded.

(m) Equal Employment Opportunity Certification, using the prescribed form.

(n) The identity of the Owner, rehabilitator (if known), and architect (if applicable and identity is known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(o) Whether the Owner intends to provide management services or to contract with a managing agent. In the latter case, provide the identity of the managing agent, if known, and the other information as specified in paragraph (n) of this section.

(p) The proposed method and terms of financing, if available, and whether the Owner intends to pledge or offer the Agreement and/or Contract as security for any loan or obligation (see § 881.115 (b)). If the Owner proposes to utilize FHA mortgage insurance, the prescribed FHA form should be completed and submitted with the Preliminary Proposal.

(q) Whether the Owner proposes to limit the number of assisted units to 20 percent of the dwelling units in the project.

**§ 881.206 Submission of preliminary proposals.**

(a) Preliminary Proposals shall be submitted to HUD on or before the published deadline date and time for opening, in the number of copies specified in the Rehabilitation Program Packet. Proposal documents shall be sealed in an inner envelope marked "Sealed Proposal—Open on [date and time specified in the Invitation"]. This sealed proposal shall be submitted in an outer envelope or package which shall show the name of the locality, be addressed to the HUD field office, and be clearly and distinctively marked "Section 8 Housing Assistance Payments Program—Substantial Rehabilitation Preliminary Proposal."

(b) Submission of Preliminary Proposals shall be by hand delivery or certified mail. Any Preliminary Proposal received by HUD after the deadline date and time shall not be accepted but shall be returned unopened. No Preliminary Proposal shall be opened by HUD until the deadline.

**§ 881.207 Proposals involving HUD–FHA mortgage insurance.**

A proposed project which qualifies as a Substantial Rehabilitation project under Section 8 may fail to qualify as a substantial rehabilitation project under mortgage insurance programs (because of the difference in the definition of "substantial rehabilitation").

(a) *Advance Mortgage Insurance Processing.* This paragraph (a) applies to Owners who apply for HUD–FHA mortgage insurance, prior to the submission of a Preliminary Proposal under this part. Such an Owner may apply for a Feasibility Letter, a Conditional Commitment, or a Firm Commitment for mortgage insurance by submitting an application on the prescribed form with supporting exhibits and the required fee. Such an application will have to meet all applicable mortgage insurance criteria and underwriting standards without modification and without reliance upon housing assistance payments under this part, or, in the alternative, approval for mortgage insurance shall be conditioned upon subsequent approval of a Section 8 proposal for the same project. If a Feasibility Letter, Conditional Commitment, or Firm Commitment, whichever is applicable, is issued, and if prior to expiration thereof the Owner submits a Preliminary Proposal under this part which is consistent with the proposal as approved for mortgage insurance, such proposal will nevertheless be subject to review and evaluation in accordance with the procedures under this part; however, if the Preliminary Proposal is selected in accordance with the procedures under this part, further processing will be coordinated in accordance with paragraph (b) of this section to the extent applicable, and the rents which may be approved for such a Preliminary Proposal will not be less than the previously approved rents which were used in processing the mortgage insurance application provided that they are otherwise approvable in accordance with this part.

(b) *Concurrent Processing.* The provisions of this paragraph (b) apply where the Preliminary Proposal indicates an intention to finance a project with a HUD–FHA insured mortgage. Such a Preliminary Proposal will not be selected under this part unless it meets the market and site acceptability criteria of the applicable mortgage insurance program except as modified by this paragraph. The processing of such a proposal for mortgage insurance will be integrated with the section 8 review and evaluation process. Selection by HUD of such a Preliminary Proposal for preparation of a Final Proposal will be made only where HUD has also determined that the proposal will qualify for mortgage insurance subject to a satisfactory demonstration by the Owner of his capability to complete the project, and subject to subsequent determinations of "as is" value, the loan amount and credit approval.

(1) A Section 8/HUD–FHA mortgage insurance project will be required to meet the marketability test of the applicable mortgage insurance program; provided, however, that the number of units in the proposal for which housing assistance payments are to be made available will be considered as an addition to the effective demand for unassisted rental units. As in the case of any other market analysis for market rate unassisted mortgage insurance programs, the supply of suitable vacant existing units, units under construction, and units in process must be subtracted from the estimate of total effective demand. Consequently, Section 8/HUD–FHA insured units could be added to a market in which supply and demand are in equilibrium or in which there is an undersupply of rental units, but could not be added to a market in which there is an oversupply of rental units in the same competitive range of market rents as the proposed Section 8/HUD–FHA insured project.

(2) After selection of a Preliminary Proposal which involves HUD–FHA mortgage insurance the Owner will be required to submit, with the Final Proposal, an application for HUD–FHA Conditional or Firm Commitment with the required fee under the applicable mortgage insurance program. Such Final Proposals will not be approved under Section 8 unless they also qualify for issuance of a HUD–FHA Conditional or Firm Commitment under the applicable mortgage insurance program. The HUD notification of approval of the Final Proposal will be accompanied by a HUD–FHA Conditional or Firm Commitment for HUD–FHA mortgage insurance. The Owner's acceptance of HUD's notification of approval of the Final Proposal will constitute concurrent acceptance of the conditions and terms of the HUD–FHA Conditional or Firm Commitment for mortgage insurance. The Owner will be required to obtain a Firm Commitment prior to the execution of the Agreement.

(3) The rents of those units scheduled for assisted occupancy, when projected for the purpose of determining a mortgage limitation based on the debt service criterion, shall not exceed the Contract Rents set forth in the approved Final Proposal.





(c) *Delayed Mortgage Insurance Processing.* Where an Owner does not indicate in his Preliminary Proposal that he intends to utilize HUD–FHA mortgage insurance and applies for HUD–FHA mortgage insurance after HUD approval of the Preliminary Proposal under this part, he risks (1) having his approved proposal rejected for HUD–FHA mortgage insurance and (2) having lower rents approved under the mortgage insurance program than the rents set forth in the approved proposal under this part.

**§ 881.208 Screening and evaluation of preliminary proposals.**

(a) *Initial Screening.* Promptly after the deadline date for receipt of Preliminary Proposals, HUD will screen all the proposals to determine which are complete and responsive and eligible for further processing. If the Proposal does not include, or is deficient with respect to, identification of the proposed property, an "as is" description of the property to be rehabilitated, or the proposed Contract Rents, it shall be rejected. If the Proposal lacks, or is deficient with respect to, any of the other required elements, the HUD field office shall give the Owner the shortest reasonable time (generally not to exceed 10 days) to supply the omitted items or remedy the deficiency.

(b) *Notice to Unit of General Local Government.* Within 10 working days after the deadline date for receipt of proposals (or after the appropriate later date for proposals completed pursuant to paragraph (a) of this section), the HUD field office shall, for purposes of compliance with section 213 of the HCD Act, forward, under cover of a letter in the appropriate prescribed form, a copy of each complete and responsive Preliminary Proposal to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed housing is to be located. The cover letter will invite a response within 30 days from the date the letter and copy of the proposal are received.

(c) *Evaluation of Preliminary Proposals by HUD.* HUD may begin its evaluation promptly after the deadline date, but no selection or ranking may be completed until the response period referred to in paragraph (b) of this section has ended. Each Preliminary Proposal will be evaluated by HUD on the basis of all pertinent factors under this part including, but not limited to, the best combination of rent, location (site) of property to be rehabilitated, rehabilitation plan or design and previous experience of the proposed Owner and on the basis of comments, if any, received during the response period from the unit of general local government.

(d) *Selection Where Approvable Proposals Do Not Exceed Number of Units Advertised.* For each geographic area HUD will determine which Preliminary Proposals, in its judgment, can be developed into Final Proposals meeting the requirements of the Rehabilitation Program Packet. If the units covered by approvable Preliminary Proposals could all be accommodated in the number of units (by unit size) specified in the Invitation, no ranking in accordance with paragraph (e) of this section is necessary. The field office shall determine whether the results of a tentative selection would result in an undue concentration of assisted persons in areas containing a high proportion of low income persons. If so, the field office shall make such revisions in the tentative selections as it may determine to be necessary.

(e) *Selection Where Approvable Proposals Exceed Number of Units Advertised.* If the units covered by acceptable Preliminary Proposals cannot all be accommodated by the number of units (by unit size) specified in the Invitation, HUD will proceed as follows: (1) Proposals consisting of projects to be developed entirely or predominantly for the elderly shall be listed in rank order and a second rank listing shall be established for projects to be developed entirely or predominantly for the non-elderly.

(2) With respect to the listing of proposals for elderly housing, the HUD field office will identify for selection the highest ranking proposals in descending order which will most nearly provide the number of units of elderly housing called for in the Invitation,

(3) With respect to the listing of proposals for the non-elderly housing, the HUD field office will identify for selection the highest ranking proposals in descending order which collectively will most nearly provide the number and sizes of units of non-elderly housing called for in the Invitation; *Provided however*, That if there is a Preliminary Proposal for rehabilitation of more than 50 units of non-elderly housing which indicates that assistance will be limited to 20 percent or less of the units to be rehabilitated, this proposal shall be given priority over the lowest ranking proposal(s) identified for selection which is for more than 50 units and which is for generally the same number and sizes of units.

(4) The field office shall determine whether the combined results of the tentative selections from both listings would exceed the number and sizes of units called for in the Invitation or would result in an undue concentration of assisted persons in areas containing a high proportion of low income persons. If so, the field office shall make such revisions in the tentative selections as it may determine to be necessary.

(f) *Use of Residual Units.* For any residual number of units, HUD may publish another Invitation for Proposals, but this shall not delay the further processing of those Preliminary Proposals submitted and selected as a result of the prior Invitation.

(g) *Notification of Selection.* (1) With respect to those Preliminary Proposals which have been selected in accordance with this section, HUD will notify the Owners, on a prescribed form, and request them to submit within a reasonable time (to be specified in the notification) a Final Proposal in accordance with the requirements of the provisions of § 881.209. The notification shall specify:

(i) The Contract Rents that will be acceptable to HUD where these are lower than the Contract Rents proposed by the Owner, and the reason for the reduction;

(ii) The term of the Contract that will be acceptable to HUD where it is shorter than the term proposed by the Owner, and the reason for the shorter term;

(iii) That the services of a registered architect must be utilized where HUD has determined that the nature and extent of the rehabilitation requires the utilization of such services;

(iv) The estimate of the amount of relocation payments, where applicable; and

(v) Other special conditions or requirements, if any.

(2) The notification will request the Owner to return a copy of the notification with an indication of his acceptance thereof by a specified date. If the Owner does not accept the notification by the date specified, HUD may rescind the notification and select another approvable proposal.

(3) If the Owner has already submitted a Final Proposal (see § 881.204(c)(14)), the notification will state that upon acceptance of the notification by the Owner, HUD will evaluate the Final Proposal in accordance with § 881.210.

(h) *Notification of Nonselection.* Owners whose Preliminary Proposals were not selected by HUD shall be sent a letter notifying them of such determination.

**§ 881.209 Final proposals.**

(a) *Contents of Final Proposal.* Each Final Proposal shall indicate or include the following:

(1) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the property to be rehabilitated (however, only the proposed price is required for a New Communities Project).

(2) A description of the proposed rehabilitation covering each basic element (e.g., roof, exterior walls, porches and steps; interior walls, ceilings, and floors; kitchen and bathroom facilities and equipment; plumbing, heating and electrical equipment; landscaping; etc.) indicating the nature of the work to be done on each element and the grade and quality of the work, materials and equipment. If alteration, renovation or remodeling is indicated, preliminary drawings and plans and outline specifications on the prescribed form.

(3) A description of the proposed utility combination.

(4) The Contract Rent per unit, by size and structure type.

(5) The equipment to be included in the Contract Rent.

(6) The utilities and services to be included in the Contract Rent and those utilities and services not so included.





For each utility and service not so included, an estimate of the average

insurance, an application for a Conditional or Firm Commitment on the prescribed form shall be completed and sub-

proceed in accordance with § 881.210 (c) (3).

(b) *Architect's Certification.* (1) If



accompanied by the Estimates of Required Annual Contributions, HUD shall review the Estimates and, if approved,

Owner and retaining two copies for its records.

§ 881.107(b), only if he has fully complied with the requirements of that section and of this paragraph.

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For each utility and service not so included, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(7) In the case of a PHA-Owner Project, a statement that the PHA undertakes liability for (i) the provision of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; (ii) the provision of relocation assistance programs offering the services described in section 205 of the Act; (iii) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons; and (iv) full funding of the required relocation payments and assistance unless other commitments, satisfactory to HUD, have been made for the funding of such payments and assistance. In the latter case, the PHA shall specify such other commitments. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(8) The proposed term of the Contract (including all renewals) and justification for such term in accordance with Sec. 881.109.

(9) Submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for five or more units), a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and certifications required pursuant to Executive Order 11246.

(10) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(11) The identity of the Owner, rehabilitator, architect (if applicable), and managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(12) Submission of evidence of management capability and a proposed management plan and a certification by the Owner and the management agent, if any, in a format acceptable to HUD; or, if the proposal is for less than 15 units, evidence of capability of providing the required management and maintenance services. If the Owner proposes to contract with another entity, including a PHA, for management and/or maintenance services for the project, he shall include a copy of the proposed contract(s).

(13) Submission of the form of Lease the Owner proposes to use, which shall be in accordance with § 881.219.

(14) The proposed method and terms of financing and whether the Owner intends to pledge or offer the Agreement and/or Contract as security for any loan or obligation (see § 881.115(b)). If the Owner intends to utilize FHA mortgage insurance, an application for a Conditional or Firm Commitment on the prescribed form shall be completed and submitted with the prescribed fee with the Final Proposal unless this was previously done.

(15) Evidence that the proposed rehabilitation is permissible under the applicable zoning, building, housing and other codes, ordinances or regulations; or a statement of the proposed action to make the rehabilitation permissible and that such action will be successfully completed prior to the Owner's acceptance or the architect's certification (if required) pursuant to § 881.211(b).

(16) The anticipated time required for completion of the rehabilitation after the Agreement is signed (if the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage).

(b) *Consistency with Preliminary Proposal.* The Final Proposal shall be consistent with the Preliminary Proposal. Any material deviations from the Preliminary Proposal in the Final Proposal will cause reconsideration by HUD of such Final Proposal and may result in its rejection.

### § 881.210 Evaluation of final proposals.

(a) *Evaluation of Final Proposals by HUD.* Each Final Proposal will be evaluated by HUD to determine that the provisions of this Part have been complied with and that such Final Proposal is consistent with the Preliminary Proposal.

(b) *Clarifications or Modifications.* HUD may request clarification of individual items, additional information, or modifications of the Final Proposal.

(c) *HUD Determination.* HUD shall notify the Owner (and the PHA, if applicable) that the Final Proposal is:

(1) Approved.

(2) Approvable only if specified deficiencies are corrected and that HUD will approve the Final Proposal if it receives within a specified time evidence of such necessary corrections.

(3) Not approved. If a Final Proposal is not approved or if the conditions for approval under paragraph (c)(2) of this section are not met, HUD shall so advise the Owner and may request the preparation of a Final Proposal(s) with respect to the highest ranking Preliminary Proposal(s) not previously selected, or may issue another Invitation for Preliminary Proposals.

(d) *Notification.* The unit of general local government shall be notified by HUD of its final action.

### § 881.211 Owner's acceptance of notification and submission of architect's certification.

(a) *Owner's Acceptance.* Upon receipt by the Owner of the notification of approval of the Final Proposal, the Owner shall return to HUD a copy indicating his acceptance within the time prescribed in such notification (copy to the PHA, if applicable). If the Owner does not accept the notification by the date specified, HUD may rescind the notification and proceed in accordance with § 881.210(c)(3).

(b) *Architect's Certification.* (1) If the services of a registered architect are to be used, HUD will not enter into an Agreement (or, where applicable, an ACC and an Agreement), until after the Owner has submitted to HUD the architect's certification on the prescribed form. Such certification shall be made by the architect responsible for the preparation of the working drawings and specifications.

(2) The architect's certification shall state that, to the best of the architect's knowledge, belief, and professional judgment, (i) the working drawings and specifications are consistent with the approved Final Proposal (including any modifications required by HUD in its review of the Final Proposal), and (ii) the proposed rehabilitation in accordance with these plans, and specifications is permissible under the applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials. This certification shall also cover compliance with the appropriate HUD Minimum Design Standards for Rehabilitation for Residential Properties and other standards, guidelines and criteria applicable pursuant to § 881.111(b).

(3) One copy of the certified working drawings and specifications shall be submitted with the architect's certification to HUD; provided, however, that receipt and retention by HUD of these working drawings and specifications shall not denote or constitute HUD review or approval of such drawings or specifications.

(4) If the Owner fails to submit the certification by the date specified in the notification, HUD shall rescind the notification (and may proceed in accordance with § 881.210(c)(3)) unless it determines that a reasonable extension of time should be granted.

### § 881.212 Annual contributions contract and agreement (private-owner/PHA projects).

(a) *Preparation of ACC.* After receipt of a copy of the accepted notification (and, where required, the architect's certification with the working drawings and specifications), the HUD field office shall prepare the ACC, shown as Appendix III. The ACC shall be transmitted to the PHA for execution and returned to HUD. This transmittal shall advise the PHA that it must simultaneously submit for HUD approval its Initial Estimate of Required Annual Contributions (Preliminary Costs) and an Estimate of Total Required Annual Contributions (see § 881.213).

(b) *Preparation of Agreement.* The Agreement shall be prepared by the HUD field office at the time the ACC is prepared (see § 881.214), and shall conform to the prescribed form shown as Appendix IV. The Agreement shall include all required information and required attachments.

(c) *Execution of ACC and Agreement.* After receipt of the PHA-executed ACC, accompanied by the Estimates of Required Annual Contributions, HUD shall review the Estimates and, if approved, execute the ACC. HUD shall then transmit a fully executed copy of the ACC to the PHA, together with four copies of the unexecuted Agreement. After execution of the Agreement by the PHA and the Owner, all copies shall be returned by the PHA to HUD for approval. HUD shall return three copies to the PHA, retaining one copy for its records.





### § 881.213 Submission of estimates of required annual contributions (Private-owner/PHA projects).

(a) *Initial Submission.* An allowance may be provided for preliminary costs incurred by the PHA prior to the beginning of the first fiscal year. When the ACC is executed by the PHA, it shall submit an Initial Estimate of Required Annual Contributions (Preliminary Costs) together with an Estimate of Total Required Annual Contributions on the prescribed forms. This submission includes estimates of costs of administration and non-expendable equipment up to the beginning of the first fiscal year.

(b) *First Fiscal Year Submission.* Not earlier than 150 and not later than 90 days prior to the estimated date of the beginning of the first fiscal year, the PHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) covering the estimated amount required for the first fiscal year for housing assistance payments and for the fee for administration together with an Estimate of Total Required Annual Contributions.

(c) *Subsequent Fiscal Year Submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the PHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) and an Estimate of Total Required Annual Contributions, with supporting documentation, for any requested changes in the amount of housing assistance payments and the fee for administration.

(d) *Revisions of Estimates.* Any of the above Estimates may be revised to reflect changes in circumstances and available data.

(e) *HUD Approval.* All Estimates of Required Annual Contributions and any revisions thereto submitted by the PHA shall be subject to HUD approval.

### § 881.214 Preparation and execution of agreement (Private-owner and PHA-owner projects).

After receipt of a copy of the accepted notification, (and, where required, the architect's certification and the working drawings and specifications), the HUD field office shall prepare the Agreement in the prescribed form shown as Appendix I. The Agreement shall include all required information and required attachments. HUD shall transmit to the Owner three copies of the unexecuted Agreement. After the Owner executes all copies of the Agreement, he shall return them to HUD. HUD shall execute the Agreement, returning one copy to the Owner and retaining two copies for its records.

### § 881.215 Rehabilitation period.

(a) *Timely Performance of Work.* After execution of the Agreement, the Owner shall promptly proceed with the rehabilitation work as provided in the Agreement. In the event the work is not so commenced, diligently continued, and/or completed, HUD (or the PHA with HUD approval, as appropriate) shall have the right to rescind the Agreement, or take other appropriate action.

(b) *Delays.* Although extensions of time may be granted for the reasons specified in the Agreement, no increases in Contract Rents may be granted on that account.

(c) *Changes.* The Owner shall submit for HUD approval any changes from the approved Final Proposal which would materially reduce or alter his obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. HUD may condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior HUD approval, HUD may determine that Contract Rents shall be reduced or that the Owner shall remedy the deficiency as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications except those required by changes in local codes or ordinances made subsequent to execution of the Agreement, and then only if HUD approval is obtained prior to incorporation of any such changes in the project.

(d) *Inspection of HUD-FHA Insured Projects.* For projects financed with HUD-FHA insured mortgages, required HUD inspection procedures shall be followed including compliance with equal opportunity requirements.

(e) *Equal Opportunity Review.* Equal opportunity review may be conducted with any scheduled HUD inspection or at any other time deemed advisable by HUD.

(f) *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed (see § 881.217), the Owner will be required to submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units, pursuant to § 881.107(b), only if he has fully complied with the requirements of that section and of this paragraph.

### § 881.216 Project completion.

(a) *Notification of Completion.* The Owner shall notify HUD (with a copy to the PHA in the case of a Private-Owner/PHA Project) when the work is completed and shall submit to HUD the evidence of completion described in paragraph (b) of this section.

(b) *Evidence of Completion.* Completion of the project shall be evidenced by furnishing HUD with all of the following:

(1) A certificate of occupancy and/or other official approvals necessary for occupancy.

(2) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) The project has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) The project has been rehabilitated in accordance with the applicable zoning, building, housing and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials;

(v) The project was treated and is in compliance with applicable HUD Lead Based Paint regulations (24 CFR Part 35) and that if the property was constructed prior to 1950, each Family upon occupancy will receive the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning and that records showing receipt of such notice by each tenant will be maintained;

(vi) There has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by HUD in accordance with the Agreement; and

(vii) He has complied with the provisions of the Agreement relating to the payment of not less than prevailing wage rates and that to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, HUD, or the PHA (if applicable), the Owner shall be required to place a sufficient amount in escrow, as determined by HUD, to assure such payments.

(3) If working drawings and specifications for the work were prepared and certified to by a registered architect, a certification by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the



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frequency and thoroughness required by the generally accepted standards of professional care and judgment; and that to the best of his knowledge, belief and professional judgment:

(i) The project has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified); and

(iv) The project has been rehabilitated in accordance with applicable zoning, building, housing and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials.

(c) *Review and Inspection.* (1) Within ten working days of the receipt of the evidence of completion, HUD shall review the evidence of completion for compliance with paragraph (b) of this section.

(2) Within the same time period, a HUD representative (accompanied by a PHA representative, if applicable) shall inspect the project in a manner sufficient to enable the inspector to report that he has inspected the observable elements and features of the project in accordance with professional standards of care and judgment and that, on the basis of the inspection, the project has been completed in accordance with the Agreement and that there are no observable conditions inconsistent with the evidence of completion, including the certifications of the Owner and the design or inspecting architects. If the inspection discloses defects or deficiencies, the inspector shall report these with sufficient detail and information for purposes of paragraphs (e)(1) and (2) of this section.

(d) *Acceptance.* If HUD determines from the review and inspection that the project has been completed in accordance with the Agreement, the project shall be accepted.

(e) *Acceptance Where Defects or Deficiencies Reported.* If the project is not acceptable under paragraph (d), the following shall apply: (1) If the only defects or deficiencies are punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete the items within a reasonable time to the satisfaction of HUD (and the PHA, if applicable), HUD may, upon 30 days notice to the Owner (and the PHA, if applicable) terminate the Contract and/or exercise its other rights thereunder or, if the Contract is with a PHA, cancel its approval of the Contract and require its termination and/or exercise its other rights under the Contract and the ACC.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, HUD shall determine whether and to what extent the defects or deficiencies can be corrected, what corrections are essential to permit HUD to accept the project, whether and to what extent a reduction of Contract Rents will be required as a condition to acceptance of the project, and the extension of time required for the remaining work to be done. The Owner (and the PHA, if applicable) shall be notified of HUD's determinations and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

(f) *Notification of Nonacceptance.* If HUD determines that, based on the review of the evidence of completion and inspection, the project cannot be accepted, the Owner shall be promptly notified of this decision and the reasons.

(g) *Arbitration.* In the event the Owner disputes HUD determinations, he may submit the controversy to third-party arbitration at his expense, provided that the arbitration is advisory only.

(h) *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

**§ 881.217 Execution of housing assistance payments contract.**

(a) *Time of Execution.* Upon acceptance of the project by the Government pursuant to § 881.216, the Contract shall be executed first by the Owner and then by HUD, or, in the case of a Private-Owner/PHA Project, executed by the Owner and the PHA and then approved by HUD.

(b) *Unleased Units.* At the time of execution of the Contract, HUD (or the PHA, as appropriate) shall examine the lists of dwelling units leased and not leased, referred to in § 881.215(f), and shall determine whether or not the Owner has met his obligations under that section with respect to any unleased units. HUD (or the PHA, as appropriate) shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished to HUD in the case of a Private-Owner/PHA Project.

**§ 881.218 Marketing.**

(a) *Compliance with Equal Opportunity Requirements.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's HUD-approved Affirmative Fair Housing Marketing Plan, if required, and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(b) *Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family, in accordance with schedules and criteria established by HUD.

(2) For every family that applies for admission, the Owner and the applicant shall complete and sign the form of application prescribed by HUD, except that if there are no vacant units and the Owner's waiting list is such that there would be an unreasonable length of time before the applicant could be admitted, the Owner may advise the applicant that the Owner is not accepting applications for that reason. The Owner shall retain copies of all completed applications together with any related correspondence for three years. For each Family selected for admission, the Owner shall submit one copy of the completed and signed application to the HUD field office (in the case of Private-Owner/PHA Projects, the Owner simultaneously shall send a copy of the form to the PHA). Housing assistance payments will not be made on behalf of an admitted Family until after this copy has been received by the HUD field office (or, in the case of Private-Owner/PHA Projects, until the copy has been received by the PHA with a certification by the Owner that he has sent a copy to HUD).

(3) If the Owner determines that the applicant is eligible on the basis of Income and family composition and is otherwise acceptable but the Owner does not have a suitable unit to offer, the Owner shall place such Family on his waiting list and so advise the Family.

(4) If the Owner determines that the applicant is eligible on the basis of Income and family composition and is otherwise acceptable and if the Owner has a suitable unit, the Owner and the Family shall enter into a Lease. Such Lease shall be on the form of Lease included in the Owner's approved Final Proposal and shall otherwise be in conformity with the provisions of this Part.

(5) Records on applicant families and approved Families shall be maintained by the Owner so as to provide HUD with racial, ethnic and gender data and shall be retained by the Owner for three years.

(6) In the case of a PHA-Owner project, (i) if the PHA places a Family on its waiting list, it shall notify the Family of the approximate date of availability of a suitable unit insofar as such date can be reasonably determined, and (ii) if the PHA determines that an applicant is ineligible on the basis of income or family composition, or that the PHA is not selecting the applicant for other reasons, the PHA shall promptly send the applicant a letter notifying him of the determination and the reasons and that the





applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant shall not be admitted, the PHA shall so notify the applicant in writing and such notice shall inform the applicant that he has the right to request a review by HUD of the PHA's determination. The procedures of this subparagraph do not preclude the applicant from exercising his other rights if he believes he is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the letter, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

**§ 881.219 Lease requirements.**

The Lease shall contain all required provisions listed in paragraph (c) of this this section and none of the prohibited provisions listed in paragraph (c) of this section and shall otherwise conform to the form of Lease included with the Owner's approved Final Proposal.

(a) *Term of Lease.* The term of the Lease shall be for not less than one year. The Lease may (or, in the case of a Lease for a term of more than one year, shall) contain a provision permitting termination upon 30 days advance written notice by either party.

(b) *Required Provisions.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporate in full in the Lease between ---------- (Lessor) and ---------- (Lessee) for the following dwelling unit: ---------- In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $---------- per month.

b. Of the total rent, $---------- shall be payable by or at the direction of the Department of Housing and Urban Development ("HUD") as housing assistance payments on behalf of the Lessee and $---------- shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses in accordance with HUD-established schedules and criteria; or by reason of adjustment by HUD, or the PHA, if appropriate, of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

d. The Lessor shall provide the following services and maintenance: [Here insert the complete list as contained in the approved Final Proposal.]

Lessor: ----------
By: ----------
Date: ----------
Lessee: ----------
Date: ----------

(c) *Prohibited Provisions.* Lease clauses which fall within the classifications listed below shall not be included in any Lease.

(1) *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

(2) *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

(4) *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

(5) *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(6) *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(7) *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

(8) *Tenant Chargeable with Costs of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

**§ 881.220 Termination of tenancy.**

The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in § 8.81.107(c)(1).

**§ 881.221 Maintenance, operation and inspections.**

(a) *Maintenance and Operation.* The Owner shall maintain and operate the project so as to provide Decent, Safe, and Sanitary housing and he shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(b) *Inspection Prior to Occupancy.* Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by HUD, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept on file by the Owner for at least three years.

(c) *Periodic Inspections.* HUD (or the PHA, as appropriate) will inspect or cause to be inspected each Contract unit and related facilities at least annually and at such other times (including prior to initial occupancy and rerenting of any unit) as HUD (or the PHA) may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. HUD (or the PHA) will take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner and the Family of its determination.

(d) *Units Not Decent, Safe, and Sanitary.* If HUD (or the PHA, as appropriate) notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, HUD (or the PHA) may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and HUD (or the PHA) does not have other section 8 funds for such purposes, HUD (or the PHA) may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if:

(1) The unit is restored to Decent, Safe, and Sanitary condition;

(2) The Family is willing to and does move back to the restored dwelling unit; and

(3) A deduction is made for the expenses incurred by the Family for both moves.

**§ 881.222 Reexamination of Family income, composition, and extent of exceptional medical or other unusual expenses.**

Reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the Owner at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of the Gross Family Contribution and the amount of the housing as-



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sistance payment, all in accordance with

tion 8 Housing Assistance Payments

Whereas, the Owner proposes to complete



causes. No increase in the rents set forth in

lations, as modified by any waivers obtained from the appropriate officials;

the project had been completed in accordance with the Agreement, the project shall be

sistance payment, all in accordance with schedules and criteria established by HUD.

**§ 881.223 Overcrowded and underoccupied units.**

If HUD or the PHA, as the case may be, determines that a Contract unit assisted under this Part is not Decent, Safe, and Sanitary by reason of increase in Family size, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, HUD (or the PHA) will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of § 881.107(c)(1).

**§ 881.224 Adjustment of allowance for utilities and other services.**

HUD or the PHA, as the case may be, shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling units in the project, on grounds of changes in utility rates or other change of general applicability to all units in the project. If HUD (or the PHA) determines that an adjustment should be made, HUD (or the PHA) shall prescribe the amount of the adjustment and direct the Owner to make promptly a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payment.

**§ 881.225 Continued family participation.**

A Family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except that if the Family (a) wishes to vacate its unit at the end of the Lease term (or prior thereto but in accordance with the provisions of the Lease), or (b) is required to move for reasons other than violation of the Lease on the part of the Family, and if the Family wishes to receive the benefit of housing assistance payments in another approvable unit, the Family should give reasonable notice of the circumstances to HUD or to the PHA, as appropriate, so that HUD or the PHA may have the opportunity to consider the Family's request.

**§ 881.226 Inapplicability of low-rent public housing model lease and grievance procedures.**

Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are applicable only to PHA-Owner Projects under the Section 8 Housing Assistance Payments Program.

**§ 881.227 Reduction of number of contract units for failure to lease to eligible families.**

(a) If at any time, beginning six months after the effective date of the Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract units leased or available for leasing by Eligible Families, HUD (or the PHA at the direction of HUD, as appropriate) may on 30 days notice reduce the number of Contract units to not less than the number of units under lease or available for leasing by Eligible Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

(b) At the end of the initial term of the Contract and of each renewal term, HUD (or the PHA at the direction of HUD, as appropriate) may, by notice to the Owner, reduce the number of Contract units to not less than (1) the number of units under lease or available for leasing by Eligible Families at that time, or (2) the average number of units so leased or available for leasing during the last year, whichever is the greatest number, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

(c) HUD will agree to an amendment of the ACC or the Contract, as appropriate, to provide for subsequent restoration of any reduction made pursuant to paragraph (a) or (b) of this section if HUD determines that the restoration is justified as a result of changes in demand and in the light of the Owner's record of compliance with his obligations under the Contract and if annual contributions contract authority is available; and HUD will take such steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance (see §§ 881.105 and 881.106).

**§ 881.228 HUD review of contract compliance.**

HUD will review project operation at such intervals as it deems necessary to ensure that the Owner is in full compliance with the terms and conditions of the Contract. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

**§ 881.229 PHA reporting requirements. [Reserved]**

APPENDIX I

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Agreement To Enter Into Housing Assistance Payments Contract, Substantial Rehabilitation, Private-Owner or PHA-Owner Project

*Part I.* This agreement to Enter Into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government") and ---------- ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of the Substantial Rehabilitation of certain property, as described in the approved Final Proposal; and

Whereas, the Owner and the Government propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible Lower-Income Families ("Families") to occupy units in said project; and

Whereas, the Owner is also the rehabilitator, or, if the rehabilitator is other than the Owner, the rehabilitator's name is ----------.

Now, therefore, the parties hereto agree as follows:

1.1 *Significant Dates; Contents of Agreement.* a. *Time for Completion of Project.* The time for completion of the project (see section 1.2a) is ---------- calendar days after the effective date of this Agreement.

b. *Date for Commencement of Work.* The date for commencement of work (see section 1.2b) is ---------- 19--.

c. *Contents of Agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal, including, among other things, evidence of management capability, and if required: the architect's certification, the Affirmative Fair Housing Marketing Plan, and management program;

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The schedule of completion in stages, if applicable;

Exhibit D: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the Government and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of Completion.* a. *Time for Completion.* The project shall be completed in accordance with Section 1.4 no later than the end of the period stated in Section 1.1a, or in stages as provided for in Exhibit C which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than the date stated in Section 1.1b the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the Government reserves the right to rescind this Agreement or take other appropriate action. The Owner shall report to the Government the date work was commenced and shall thereafter furnish the Government with periodic progress reports (quarterly unless more frequent reporting is required by the Government).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the Governmeat, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increase in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Rehabilitation Period.* a. *Changes.* The Owner shall submit for Government approval any changes from Exhibit A which would materially reduce or alter his obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. The Government may condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior Government approval, the Government may determine that Contract Rents shall be reduced or that the Owner shall remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications except those required by changes in local codes of ordinances made subsequent to execution of the Agreement, and then only if Government approval is obtained prior to incorporation of any such changes in the project.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify the Government of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the Government of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to Section 1.6b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that Section.

Such pending claims to the knowledge of the Owner or the Government, the Owner shall be required to place a sufficient amount in escrow, as determined by the Government, to assure such payments.

1.4 *Project Completion.* a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The Owner shall be solely responsible for completion of the project.

b. *Notification of Completion.* The Owner shall notify the Government when the work is completed and shall submit to the Government the evidence of completion described in paragraph c of this Section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the Government with all of the following:

(1) A certificate of occupancy and/or other official approvals necessary for occupancy.

(2) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) The project has been completed in accordance with the requirements of this Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) The project has been rehabilitated in accordance with applicable zoning, building, housing and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials;

(v) The project was treated and is in compliance with applicable HUD Lead Based Paint regulations (24 CFR, Part 35) and that if the property was constructed prior to 1950, each Family upon occupancy will receive the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning and that records showing receipt of such notice by each tenant will be maintained;

(vi) There has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by the Government in accordance with Section 1.3a; and

(vii) [1] He has complied with the provisions of Sections 2.6 through 2.11 of this Agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner or the Government, the Owner shall be required to place a sufficient amount in escrow, as determined by the Government, to assure such payments.

(3) [2] A certification by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) The project has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified); and

(iv) The project has been rehabilitated in accordance with applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials.

d. *Review and Inspection.* (1) Within ten working days of the receipt of the evidence of completion, the Government shall review the evidence of completion for compliance with paragraph c of this Section.

(2) Within the same time period, a Government representative shall inspect the project in a manner sufficient to enable the inspector to report that he has inspected the observable elements and features of the project in accordance with professional standards of care and judgment and that, on the basis of the inspection, the project has been completed in accordance with the Agreement and that there are no observable conditions inconsistent with the evidence of completion, including the certification of the Owner and the design or inspecting architects. If the inspection discloses defects or deficiencies, the inspector shall report these with sufficient detail and information for purposes of paragraphs f (1) and (2) of this Section.

e. *Acceptance.* If the Government determines from the review and inspection that the project had been completed in accordance with the Agreement, the project shall be accepted.

f. *Acceptance Where Defects or Deficiencies Reported.* If the project is not acceptable under paragraph e, the following shall apply:

(1) If the only defects or deficiencies are punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete the items within a reasonable time to the satisfaction of the Government, the Government may, upon 30 days notice to the Owner, terminate the Contract and/or exercise its other rights thereunder.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, the Government shall determine whether and to what extent the defects or deficiencies can be corrected, what corrections are essential to permit the Government to accept the project, whether and to what extent a reduction of Contract Rents will be required as a condition to acceptance of the project, and the extension of time required for the remaining work to be done. The Owner shall be notified of the Government's determinations, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

g. *Notification of Nonacceptance.* If the Government determines that, based on the review of the evidence of completion and inspection, the project cannot be accepted, the Owner shall be promptly notified of this decision and the reasons.

h. *Arbitration.* In the event the Owner disputes the Government determinations, he may submit the controversy to third-party arbitration at his expense, provided that the arbitration is advisory only.

i. *Completion in Stages.* If the project is to be completed in stages, the procedures of this Section shall apply to each stage.

1.5 *Execution of Housing Assistance Payments Contract.* a. *Time of Execution.* Upon acceptance of the project by the Government pursuant to sections 1.3 and 1.4, the Contract shall be executed first by the Owner and then by the Government.

b. *Completion in Stages.* If completion is in stages, the Contract shall be executed upon completion of the first stage, and the number of types of completed units and their Contract Rents shall be shown in Exhibit A-1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the Government, and Exhibits A-2, A-3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the Contract, the Government shall examine the lists of dwelling units leased and not leased, referred to in Section 1.3b, and shall determine whether or not the Owner has met his obligations under that Section with respect to any unleased units. The Government shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract.

d. *Contract Rents.* The Contract Rents by unit size, amounts of housing assistance pay-

[1] Strike this paragraph if the project involves fewer than nine Contract units.

[2] Strike this paragraph (3) of Section 1.4c if the services of a registered architect were not utilized.







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ments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except as provided in section 1.3a and in paragraph f of this Section (where applicable).

e. *No Changes in Contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than as provided in this Agreement.

f. *Adjustment of Contract Rents to Reflect Actual Cost of Permanent Financing.*[3] (The provisions of this paragraph shall apply if the project is permanently financed prior to project completion; if the permanent financing does not occur until after project completion, the adjustments contemplated by this paragraph f will be made in accordance with the comparable provisions contained in the Contract.) After the project is permanently financed, the Financing Agency shall submit a certification to the Government as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum Contract commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

1.6 *Government Assurance to Owner.* The execution of this Agreement by the Government signifies that the faith of the United States is solemnly pledged to the payment of housing assistance payments pursuant to the Contract and that funds have been obligated by the Government for such payments.

1.7 *Relocation requirements.*[4] Alternative provisions—incorporate alternative 1 or 2, as applicable.

*Alternative 1—For projects which were without site occupants as of the date indicated in this alternative.* The owner hereby certifies that the property to be rehabilitated was without occupants as of the date of the Government notification to the Owner requesting the Owner to submit a final Proposal.

*Alternative 2—For projects which do not qualify for alternative 1. a. Owner Compliance with Relocation Act.* The Owner agrees that pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, it undertakes liability for (1) the provision of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Act; (2) the provision of relocation assistance programs offering the services described in section 205 of the Act; and (3) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons.

b. *Relocation Payments Other than by Owner.* The Government has determined that satisfactory commitments have been made for the funding of relocation payments required by sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as follows:

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c. *Relocation Payments by Owner.* If paragraph b is inapplicable, the following shall apply:

(1) The maximum potential amount of all relocation payments as estimated by the Government is $----------

(2) The Owner has deposited this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the Government for the purpose of meeting relocation payments.

(3) The Owner hereby voluntarily undertakes liability for all relocation payments and agrees that, if the funds in the escrow account shall prove to be insufficient to meet all such relocation payments, he will deposit such additional amounts as the Government determines to be necessary for such purpose.

(4) When the Government determines that there is no longer any potential liability for relocation payments, any balance in the escrow account shall be paid to the Owner.

(5) The Owner agrees to hold harmless and to idemnify the Government for any costs incurred under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the relocation of site occupants, and the Owner further agrees that the Government shall have the right to be reimbursed for any such costs by withholding from housing assistance payments payable to the Owner.

*Effective date.* This Agreement shall be effective as of the date of execution by the Government.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in four original counterparts.

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

UNITED STATES OF AMERICA, SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By: ----------

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(Official Title)

Date: ----------, 19----

Owner: ----------

By: ----------

(Official Title)

Date: ----------, 19----

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT

Substantial Rehabilitation, Private-Owner or PHA-Owner Project

*PART II. 2.1 Training, Employment, and Contracting Opportunities for Businesses and Lower-Income Persons.*[5] a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

[3] Delete this paragraph unless the project is subject to 24 CFR 881.125.

[4] Strike this section in the case of a Private-Owner Project.

[5] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $500,000 or less.





D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 *Equal Employment Opportunity.*[6] a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of E.O. No. 11246 of September 24, 1965, and by the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by E.O. No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in E.O. No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law

(7) The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of E.O. No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by HUD or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

[6] As used in Section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

2.3 *Cooperation In Equal Opportunity Compliance Reviews.* The Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act And Federal Water Pollution Control Act.*[7] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act") (42 U.S.C. 1857, et seq.), the Federal Water Pollution Control Act, as amended ("Water Act") (33 U.S.C. 1251, et seq.), and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing Wage Rates.*[8] a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regard-

[7] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $100,000 or less.

[8] As used in sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike sections 2.6 through 2.11 if the project involves fewer than nine Contract units.





less of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Such minimum rates of wages for laborers and mechanics shall be posted by the contractor during the course of the work in a prominent and accessible place where they can be easily seen by the workers. For each laborer or mechanic employed to perform work on the project, the contractor shall submit to HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due

*Officials.* No member, officer, or employee of the Public Housing Agency ("PHA"), no

acting through the Department of Housing and Urban Development ("Government")

thereto shall be maintained during the course

less of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this Section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR 5.2(c) shall also be subject to the provisions of paragraph g(2) of this Section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 *Submittal of Payrolls and Related Reports.* a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under Section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under Section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 *Disputes Concerning Wage Rates and Classifications of Labor.* a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 *Wage Claims and Adjustments.* In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by





HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 *Contract Work Hours and Safety Standards Act—Overtime Compensation.* a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this section.

2.11 *Termination; Debarment; Subcontracts.* a. A breach of the provisions of the foregoing sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR 5.6.

b. The Owner shall insert in any subcontract sections 2.6 (and with respect to section 2.6g(2), copies of 29 CFR 5a.4, 5a.5, 5a.6 and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement between the Department of Housing and Urban Development field office and the Owner may be submitted by the Owner to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this section, the Owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 *Interest Of Members, Officers, Or Employees Of Public Housing Agency, Members Of Local Governing Body, Or Other Public Officials.* No member, officer, or employee of the Public Housing Agency ("PHA"), no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions of responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

2.14 *Interest Of Member Of Or Delegate To Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.15 *Nonassignability.* a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different rehabilitator from the one named in the preamble of this Agreement, except with the prior consent of the Government.

c. The Owner agrees that the approved rehabilitator has not made, and will not make, except with the prior consent of the rehabilitator's contract, or of any part thereof, or any of the rehabilitator's interests therein.

d. The Owner agrees to notify the Government promptly of any proposed action covered by paragraph a or b or c of this Section. The Owner further agrees to request the written consent of the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

e. For the purpose of this Section, a transfer of stock in the Owner or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner by rehabilitator or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or rehabilitator or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX II

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

HOUSING ASSISTANCE PAYMENTS CONTRACT

Substantial Rehabilitation Private-Owner or RHA-Owner Project

*PART I.* This Housing Assistance Payments Contract ("Contract") is entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government"), and ---------- ("Owner"), pursuant to the United States Housing Act of 1937 ("Act"), 42 U.S.C. 1347, et seq., and the Department of Housing and Urban Development Act, 42 U.S.C. 3431, et seq.

The parties hereto agree as follows:

1.1 *Significant Dates and other Items; Contents of Contract.* a. *Effective Date of Contract.* The effective date of this Contract is --------, 19--. [This date shall be no earlier than the date of execution by the Government].

b. *Term of Contract Where Relative Cost of Rehabilitation is Less Than 15 Percent of Value.* The term of this Contract (see Section 1.4a, Alternative 1) for any unit shall be ------ years [not to exceed five years], beginning with the effective date of this Contract for such unit.

c. *Term of Contract Where Relative Cost of Rehabilitation Is 15 Percent or More of Value.*

(1) *Initial Term.* The initial term of this Contract for any unit (see Section 1.4a, Alternative 2) shall be -------- years [not to exceed five years], beginning with the effective date of this Contract for such unit.

(2) *Number and Length of Optional Additional Terms.* The number and length of optional additional terms (see Section 1.4a) shall be -------- terms of -------- years each [not to exceed five years each].

(3) *Maximum Total Term.* The maximum total term of this Contract for any unit, including renewals (see Section 1.4a) shall be -------- years. [Insert number as authorized by the Government pursuant to 24 CFR 881.109, but in no event more than 20 years, or, in the case of a project owned by, or financed by a loan or a loan guarantee from, a State or local agency, the number, not to exceed 40, which will provide a term ending with the scheduled maturity date for the last payment under such financing.]

d. *Fiscal Year.* The ending date of each Fiscal Year (see Section 1.4b) shall be -------- [insert March 31, June 30, September 30 or December 31, as determined by the Government].

e. *Maximum Housing Assistance Commitment.* The maximum amount of the commitment for housing assistance payments under this Contract (see Section 1.5a) is $-------- per annum.

f. *Minimum Percentage of Occupancy by Very Low-Income Families.* In the initial renting of the Contract Units, the Owner shall lease at least -------- percent [insert 30, or lower number if authorized by the Government in accordance with 24 CFR 881.117] to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his best efforts to achieve and maintain at least 30 percent occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

g. *Contents of Contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B. The project description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.



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1.2 *Owner's warranties.* a. *Legal Capacity.* The Owner warrants that he has the

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending

changes in Family Income, Family composition, or extent of exceptional medical or other



ance payments. Each such request shall set forth: (1) the name of each Family and the

terly basis and the funds deposited in a special account from which withdrawals may

a deduction is made for the expenses incurred

1.2 *Owner's warranties.* a. *Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenantable condition and that the project has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract. The Owner and the Government agree that the continuation of this Contract shall be subject to the conditions set forth in Section 1.4f of the Agreement.

1.3 *Families To Be Housed; Government Assistance.* a. *Families To Be Housed.* The Contract Units are to be leased by the Owner to eligible Lower-Income Families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *Government Assistance.* (1) The Government hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

(2) If there is an Allowance for Utilities and Other Services and if such Allowance exceeds the Gross Family Contribution, the Owner shall pay the Family the amount of such excess on behalf of the Government upon receipt of funds from the Government for that purpose.

1.4 *Term of Contract; Fiscal Year.* a. *Term of Contract* [Alternative provisions—incorporate alternative 1 or 2].

*Alternative 1—Where HUD has determined that the Cost of Rehabilitation Is Less Than 15 Percent of Value.* The term of this Contract for any unit shall be as stated in Section 1.1b, with no option for renewal in either party. If the project is completed in stages, this term shall be separately related to the units in each stage; Provided, however, that the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed said Contract term plus two years.

*Alternative 2—Where HUD Has Determined that the Cost of Rehabilitation Is 15 Percent or More of Value.* The initial term of this Contract for any unit shall be as stated in Section 1.1c(1). This Contract may be renewed at the sole option of the Owner, for the number and length of additional terms stated in Section 1.1c(2), provided that the total Contract term for any unit, including renewals, shall not exceed the number of years stated in Section 1.1c(3). Renewal shall be automatic unless the Owner notifies the Government, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; Provided, however, that the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term stated in Section 1.1c(3), plus two years.

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on the date stated in Section 1.1d; Provided, however, that the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in Section 1.5a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Maximum Housing Assistance Commitment; Project Account.* a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other Contract between the Government and the Owner, the Government shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of the amount per annum stated in Section 1.1e; Provided, however, that this amount shall be reduced commensurately with any reduction in the Contract Units or in the Contract Rents or pursuant to any other provisions of this Contract.

b. *Project Account.* In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum Contract commitment per year exceeds amounts paid under the Contract for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this Section to cover increases in Contract Rents or decreases in Family Incomes (see Section 1.8). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government in accordance with law.

(2) Whenever the Government approved estimate of the required Annual Contribution exceeds the maximum contract commitment then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such maximum Contract commitment, the Government shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

1.6 *Housing Assistance Payments to Owners.* a. *General.* (1) Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will cover the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria.

(2) The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family Income, Family composition, or extent of exceptional medical or other unusual expenses, in accordance with the Government-established schedules and criteria; or by reason of adjustment by the Government of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, provided that the Owner (1) commenced marketing and otherwise complied with Section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, if any, requesting the Public Housing Agency ("PHA") and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the Government.

c. *Vacancies After Rent-up.* (1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also Section 1.9b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (1) immediately upon learning of the vacancy, has notified the Government of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this Section.

(2) If the Owner evicts a Family, he shall not be entitled to any payment under paragraph c(1) of this Section unless the request for such payment is supported by a a certification that (i) he gave such Family a written notice of the proposed eviction stating the grounds and advising the Family that it had 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction was not in violation of the Lease or the Contract or any applicable law.

d. *Limitation on Payments for Vacant Units.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this Section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.9b of this Contract).

e. *Government Not Obligated for Family Rent.* The Government has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with Section 1.9b of this Contract. The financial obligation of the Government is limited to making housing assistance payments on behalf of Families in accordance with this Contract.

f. *Owner's Monthly Requests for Payments.* (1) The Owner shall submit monthly requests to the Government for housing assistance payments. Each such request shall set forth: (i) the name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or the number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit (or, where appropriate, the amount to be paid the Family in accordance with Section 1.3b(2)); and (v) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling units are in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(4) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

g.[1] *Recoupment of Savings in Financing Cost.* (1) In the event that the interim financing is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing for any period of three months, after such first year, is less than the anticipated debt service under the permanent financing on which the Contract Rents were based, an amount reflecting the savings in financing cost, computed in accordance with paragraph g(2) of this Section, shall be credited by the Government to the Project Account, and withheld from housing assistance payments to the Owner. If during the course of the same year there is any period of three months in which the financing cost is greater than the anticipated debt service under the permanent financing, an adjustment shall be made so that only the net amount of savings in financing cost for the year is credited by the Government to the Project Account and withheld from housing assistance payments to the Owner as aforesaid (no increased payments shall be made to the Owner on account of any net excess for the year of actual interim financing cost over the anticipated debt service under the permanent financing). Nothing in this paragraph g shall be construed as requiring a reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with Section 1.8.

(2) The computation and recoupment under this paragraph g may be made on an annual or on a quarterly or other periodic basis, but in any event no later than as of the end of each Fiscal Year; Provided, however, that if recoupment is to be made less often than quarterly, the amounts of recoupment shall be computed on at least a quarterly basis and the funds deposited in a special account from which withdrawals may be made only with the authorization of HUD. The manner of computing the amount of recoupment shall be as follows:

(i) Determine the amount by which the interest cost for the interim financing for the period in question is less than the anticipated debt service under the permanent financing on which the Contract Rents were based;

(ii) Determine what percentage the amount found under paragraph g(2)(i) of this Section is of the aggregate Contract Rents for all Contract Units for the period in question;

(iii) Apply the percentage found in paragraph g(2)(ii) of this Section to the aggregate Contract Rents for those Contract Units which are included in the Owner's claim(s) for housing assistance payments for this period in question; and

(iv) The amount found in paragraph g(2)(iii) of this Section shall be credited to the Project Account and withheld from the next housing assistance payment or payments to the Owner.

1.7 *Maintenance, Operation and Inspection.* a. *Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the Government determines that the Owner is not meeting any of these obligations, the Government shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection.* (1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept on file by the Owner for at least three years.

(2) The Government shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy and rerenting of any unit) as may be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The Government shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner and the Family of its determination.

c. *Units Not Decent, Safe, and Sanitary.* If the Government notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the Government may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the Government does not have other section 8 funds for such purposes, the Government may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The Government shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the Government determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family size, or that a Contract Unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the Government will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of Section 1.6c(1).

1.8 *Rent adjustments.* a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this Section, up to the maximum amount authorized under Section 1.5a of this Contract.

b. *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by the Government. Contract Rents may be directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

d. *Overall Limitation.* Notwithstanding any other provisions of this Contract, adjustments as provided in this Section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government establishing the effective date of the adjustment.

e. *Incorporation of Rent Adjustment.* Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit establishing the effective date of the adjustment.

f. [2] *Adjustment to Reflect Actual Cost of Permanent Financing.* This paragraph f

[1] Delete this paragraph unless the project is subject to 24 CFR 881.125.

[2] Delete this paragraph unless the project is subject to 24 CFR 881.125.







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shall apply if the project is not permanently financed until after the effective date of the

In connection with the reexamination, the Owner shall determine what percentage of

Act as may be necessary to carry out this assurance (see Section 1.5).



SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

defined by the regulations, to provide training, employment, and business opportunities

of the Department issued thereunder prior to the execution of the Contract, shall be a

shall apply if the project is not permanently financed until after the effective date of the Contract. After the project is permanently financed, the Financing Agency shall submit a certification to the Government as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the Contract Rents currently in effect shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum Contract commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

1.9 *Marketing and Leasing Of Units.* a. *Compliance with Equal Opportunity.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security and Utility Deposits.* (1) The Owner may require Families to pay a security deposit in an amount equal to one month's Gross Family Contribution. If a Family vacates its unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from HUD, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this Section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease or if the amount owed is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(2) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(3) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

c. *Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. (See also Section 1.1f.)

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government. In connection with the reexamination, the Owner shall determine what percentage of Families in occupancy are Very Low-Income Families. If there are fewer than 30 percent Very Low-Income Families in occupancy, the Owner shall report the fact to the Government and shall adopt changes in his admission policies to achieve, as soon as possible, at least 30 percent occupancy by such Families.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a Government determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable Government requirements and shall maintain records and furnish such copies or other information as may be required by the Government.

f. *Government Review; Incorrect Payments.* In making housing assistance payments to Owners, the Government will review the Owner's determinations under this Section. If as a result of this review, or other reviews, audits or information received by the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.10 *Termination of Tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in Section 1.6c.

1.11 *Reduction of Number of Contract Units For Failure To Lease To Eligible Families.* a. *After First Year Of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the Government may on 30 days notice reduce the number of Contract Units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the Government may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

c. *Restoration of Units.* The Government will agree to an amendment of the Contract to provide for subsequent restoration of any reduction made pursuant to paragraph a or b of this Section if the Government determines that the restoration is justified as a result of changes in demand and in the light of the Owner's record of compliance with his obligations under this Contract and if annual contributions contract authority is available; and the Government will take such steps authorized by section 8(c)(8) of the Act as may be necessary to carry out this assurance (see Section 1.5).

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Owner _____
By _____
(Official title)
Date _____, 19__

United States of America, Secretary of Housing and Urban Development.

By _____
(Official title)
Date _____, 19__

[If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.]

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 1

This Contract is hereby executed with respect to the units described in Exhibit A-1.

*Effective Date.* The effective date of this Contract is _____, 19_____ [Insert date which shall be no earlier than the date of execution by the Government.]

Owner _____
By _____
(Official title)
Date _____, 19_____

United States of America, Secretary of Housing and Urban Development.

By _____
(Official title)
Date _____, 19_____

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 2

This Contract is hereby executed with respect to the units described in Exhibit A-2.

*Effective Date.* The effective date of this Contract is _____, 19__ [Insert date which shall be no earlier than the date of execution by the Government.]

Owner _____
By _____
(Official title)
Date _____, 19_____

United States of America, Secretary of Housing and Urban Development.

By _____
(Official title)
Date _____, 19_____

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 3

This Contract is hereby executed with respect to the units described in Exhibit A-3.

*Effective Date.* The effective date of this Contract is _____, 19__ [Insert date which shall be no earlier than the date of execution by the Government.]

Owner _____
By _____
(Official title)
Date _____, 19_____

United States of America, Secretary of Housing and Urban Development.

By _____
(Official title)
Date _____, 19_____





SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

HOUSING ASSISTANCE PAYMENTS CONTRACT, SUBSTANTIAL REHABILITATION; PRIVATE-OWNER OR PHA-OWNER PROJECT

Part II

2.1 *Nondiscrimination In Housing.* a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; the requirements of said Department pursuant to said regulations; and E.O. 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government and the said Department, either of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance herewith by the Owner.

2.2 *Training, Employment, and Contracting Opportunities for Businesses and Lower-Income Persons.*[3] a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20 (b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS.

A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in Equal Opportunity Compliance Reviews.* The Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[4] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), (42 U.S.C. 1857, et seq.), the Federal Water Pollution Control Act, as amended ("Water Act"), (33 U.S.C. 1251, et seq.), and E.O. 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Reports and Access to Premises and Records.* a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the Government.

b. The Owner shall permit the Government or any of its duly authorized representatives

[3] Strike this Section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are $500,000 or less.

[4] Strike this Section if the Contract Rents on the effective date of this Contract, over the maximum total term of this Contract, are $100,000 or less.



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2.10 *Interest Of Member Of Or Delegate To* ployment Act (42 U.S.C. 3531), and



bers and sizes of units specified above. The spect to the Project in an amount equal to

1.5 *Fiscal Year.* The Fiscal Year for the

to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 *Default By The Owner.* a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the Government that a default has occurred, the Government shall notify the Owner of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the Government, the Government shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance.

c. The availability of any remedy under this Contract shall not preclude the exercise of any other remedy available under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.8 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement between the Department of Housing and Urban Development field office and the Owner may be submitted by the Owner to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this section, the Owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section: Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.9 *Interest Of Members, Officers, Or Employees Of PHA, Members Of Local Governing Body Or Other Public Officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.10 *Interest Of Member Of Or Delegate To Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.11 *Assignment, Sale, Or Foreclosure.* a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the Government promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request the written consent of the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

c. For the purpose of this Section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract or the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

d. In the event of foreclosure, including foreclosure by the Government, and in the event of assignment or sale agreed to by the Government or made to the Government, housing assistance payments shall continue in accordance with the terms of the Contract.

[If the project is subject to 24 CFR, § 881.-125, paragraph d above shall be stricken and the following shall be used instead:

d. In the event of foreclosure, or assignment or sale to the financing agency in lieu of foreclosure, or in the event of assignment or sale agreed to by the financing agency and approved by the Government (which approval shall not be unreasonably delayed or withheld), housing assistance payments shall continue in accordance with the terms of the Contract.]

APPENDIX III

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, MASTER SECTION 8 ANNUAL CONTRIBUTIONS CONTRACT #------

This Annual Contributions Contract (ACC) is entered into on the ---- day of --------, 19--, (the date of execution by the Government) by and between the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437, et seq.), herein called the "Act", and the Department of Housing and Urban Development Act (42 U.S.C. 3531), and --------(herein called the "PHA"), which is a "public housing agency" as defined in the Act. In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

0.1 *Project or Projects.* The PHA is undertaking to provide Decent, Safe, and Sanitary housing for Families (as defined in Section 2.1) pursuant to section 8 of the Act by means of Housing Assistance Payments Contracts ("Contracts") with Owners (as defined in Section 2.1). Such undertaking may involve an agreement for the use of housing to be constructed ("New Construction"), an agreement for the use of existing housing to be substantially rehabilitated ("Substantial Rehabilitation"), or the use of existing housing without substantial rehabilitation ("Existing Housing"). In each instance, the numbers and sizes of dwelling units with respect to which a certain maximum Annual Contributions commitment is made shall constitute a Project hereunder and shall be identified by a stated Project number.

0.2 *Part I and Part II of this Annual Contributions Contract.* (a) Certain provisions of the ACC, principally those which are specifically applicable to a designated Project, are contained in Part I. Separate forms of Part I are used for different types of Projects (i.e., New Construction, Substantial Rehabilitation, and Existing Housing). A separate Part I, on the applicable form thereof, has been executed with respect to each Project hereunder, and each such Part I, so executed, constitutes a part of this ACC.

(b) The remaining provisions of this ACC, which are applicable to all Projects hereunder, are contained in Part II, which, although not separately executed, constitutes a part of this ACC.

0.3. *Fiscal Year.* Except for the first Fiscal Year of each Project, there shall be one Fiscal Year for all Projects hereunder. Such established Fiscal Year shall be the 12-month period ending ---------- of each calendar year. The first Fiscal Year for each Project shall be as provided in the Part I applicable to such Project.

0.4. *Schedule of Projects.* Attached to this Master Section 8 ACC, as Attachment A, is a list identifying each ACC Part I and ACC Part I amendment by project number, date, and ACC List number and date.

PHA: ----------
By: ----------
Date: ----------
The Government
By: ----------
Date: ----------

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, ANNUAL CONTRIBUTIONS CONTRACT

Part I

SUBSTANTIAL REHABILITATION
PROJECT NO. --------

Effective Date --------

[Date of execution by the Government of this ACC Part I]

ACC List Number and Date --------

1.1. *The Project.* The PHA proposes to enter into a Housing Assistance Payments Contract ("Contract") with respect to substantially rehabilitated dwelling units pursuant to an Agreement to Enter into Housing Assistance Payments Contract ("Agreement") executed prior to the commencement of rehabilitation. The numbers and sizes of units will be as follows:

| *Size of unit* | *Number of Units* |
|---|---|

The PHA shall enter into an Agreement and Contract in accordance with the numbers and sizes of units specified above. The PHA shall not enter into any Agreement or Contract or take any other action which will result in a claim for an Annual Contribution in respect to the Project in excess of the total amount or any sublimitation stated in Section 1.4(a).

1.2. *Authorization of Actions by PHA.* In order to carry out the Project, the PHA is authorized to (a) enter into an Agreement, (b) enter into a Contract, (c) make housing assistance payments on behalf of Families, and (d) take all other necessary actions, all in accordance with the forms, conditions and requirements prescribed or approved by the Government; Provided, however, that neither the PHA nor the Government shall assume any obligation beyond that provided in the Government-approved Agreement and Contract.

1.3 *Term of Contract and ACC,* (a) *Term of Contract.* [Alternative provisions—incorporate alternative 1 or 2, as applicable.]

*Alternative 1—Where HUD Has Determined that the Cost of Rehabilitation Is Less Than 15 Percent of Value.* The total Contract term for any unit shall not exceed ---- years [not to exceed five years]. If the Project is completed in stages, the total Contract term for the units in all stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the first sentence of this paragraph (a), plus two years.

*Alternative 2—Where HUD Has Determined that the Cost of Rehabilitation Is 15 Percent or More of Value.* The total Contract term for any unit, including all renewals, shall not exceed ---- years. [Insert number as authorized by the Government pursuant to 24 CFR 881.109, but in no event more than 20 years, or, in the case of a project owned by, or financed by a loan or loan guarantee from, a State or local agency, the number, not to exceed 40, which will provide a term ending with the scheduled maturity date for the last payment under such financing.] If the Project is completed in stages, the total Contract term for the units in all stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the first sentence of this paragraph (a), plus 2 years.

(b) *Term of ACC.* This ACC shall remain in effect so long as the Contract is in effect but in no event shall the term of the ACC exceed ---- years from the beginning of the first Fiscal Year. [Insert number specified in the first sentence of paragraph (a) of this Section, plus two years.]

1.4 *Annual Contributions.* (a) Notwithstanding any other provisions of this ACC (other than paragraph (c) of this Section) or any provisions of any other contract between the Government and the PHA, the Government shall not be obligated to make any Annual Contribution or any other payment with respect to any Fiscal Year in excess of:

(1) $---------- per year for housing assistance payments under the Contract; or

(2) $---------- per year for other Project Expenditures; or

(3) A total of $---------- per year for all Project Expenditures in respect to the Project (Maximum ACC Commitment);

Provided, however, that these amounts shall be reduced commensurately with any reduction in the number of Contract Units or in the Contract Rents under the Contract or pursuant to any other provision of this ACC or the Contract.

(b) Subject to the maximum dollar limitations in paragraph (a) of this Section, the Government shall pay for each Fiscal Year an Annual Contribution to the PHA in respect to the Project in an amount equal to the sum of the following (subject to reduction by the amount of any Project Receipts other than Annual Contributions, which Receipts shall be available for Project Expenditures):

(1) The amount of housing assistance payments payable during each Fiscal Year (see Section 1.5) by the PHA pursuant to the Contract, as authorized in Section 1.2.

(2) The allowance, in the amount approved by the Government, for preliminary costs of administration.

(3) The allowance, in the amount approved by the Government, for the regular costs of administration, including costs of Government-required audits of Owners and the PHA.

(c) In order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the Maximum ACC Commitment per year exceeds amounts paid under the ACC for any year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum Annual Contribution otherwise payable for any Fiscal Year may be increased by such amount, if any, as may be required for increases reflected in the estimate of required Annual Contribution applicable to such Fiscal Year as approved by the Government in accordance with Section 2.11. Any amount remaining in said account after payment of the last Annual Contribution with respect to the Project shall be applied by the Government in accordance with law.

(2) Whenever the Government approved estimate of the required Annual Contribution exceeds the Maximum ACC Commitment then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such Maximum ACC Commitment, the Government shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

(d) The Government will make periodic payments on account of each Annual Contribution upon requisition therefor by the PHA in the form prescribed by the Government. Each requisition shall include certifications by the PHA that housing assistance payments have been or will be made only:

(1) In accordance with the provisions of the Contract as such provisions apply respectively to (i) units under lease by Families and (ii) units not under lease by Families; and

(2) With respect to units which the PHA has inspected or caused to be inspected, pursuant to Section 2.4 of Part II of this ACC, within one year prior to the making of such housing assistance payments.

(e) Following the end of each Fiscal Year, the PHA shall promptly pay to the Government, unless other disposition is approved by the Government, the amount, if any, by which the total amount of the periodic payments during the Fiscal Year exceeds the total amount of the Annual Contribution payable for such Fiscal Year in accordance with this Section.

1.5. *Fiscal Year.* The Fiscal Year for the Project shall be the Fiscal Year established by Section 0.3 of this ACC; Provided, however, that the first Fiscal Year for the Project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the Maximum ACC Commitment may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.6. *Periodic Adjustment of Contract Rents.* The Contract may provide for periodic adjustments in the Contract Rents chargeable by the Owner and commensurate increases in amounts of housing assistance payments up to the maximum amount authorized for housing assistance payments under Section 1.4(a) of this ACC.

1.7 *Affirmative Fair Housing Marketing Regulation.* The PHA shall require the Owner to comply with the Affirmative Fair Housing Marketing Regulation (subject to any exceptions therein) including the submission for Government approval of an Affirmative Fair Housing Marketing Plan and compliance with such approved Plan, as if the Owner were expressly subject to said Regulation.

1.8 *Expeditious Carrying Out of Project.* The PHA shall proceed expeditiously with the Project. If the PHA fails to proceed expeditiously, and no Agreement with the Owner has yet been entered into, the Government, by notice to the PHA, may terminate or reduce its obligation hereunder with respect to the Project. If an Agreement has been entered into, and the PHA or the Owner is not proceeding expeditiously with the Project, the Government will take appropriate action, including the Governmental action provided for in the Agreement.

1.9 *Responsibility for Administration of Contract.* The PHA is primarily responsible for administration of the Contract, subject to review and audit by the Government.

PHA: ----------
By: ----------
Date: ----------
The Government
By: ----------
Date: ----------

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

TERMS AND CONDITIONS, CONSTITUTING PART II OF AN ANNUAL CONTRIBUTIONS CONTRACT BETWEEN PUBLIC HOUSING AGENCY AND THE UNITED STATES OF AMERICA

2.1. *Definitions.* (a) "Families" means lower-income Families (including "Very Low-Income Families") and includes Families consisting of a single person in the case of Elderly Families and Displaced Families and includes the remaining member of a tenant family.

(b) "Elderly Families" means Families whose heads (or their spouses), or whose sole members, are persons who are at least 62 years of age or are under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or are handicapped. The term Elderly Families includes two or more elderly, disabled, or handicapped individuals living together, or one or more such individuals living together with another person who is determined under regulations of the Secretary of Housing and Urban Development ("Secretary") to be a person essential to their care or well being.

(c) "Displaced Families" means Families displaced by governmental action, or Families whose dwellings have been extensively damaged or destroyed as a result of a disaster





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declared or otherwise formally recognized

a Family by the PHA or the Owner, as the

employee or applicant for employment be-



(G) The contractor will include the portion of the sentence immediately preceding Paragraph (A) and the provisions of Para-

(c) Compliance with the provisions of section 3, the regulations set forth in 24 CFR

Contributions and other Project Receipts, if any.

declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) "Lower-Income Families" means Families whose Incomes do not exceed 80 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish Income limits higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family Incomes, or other factors.

(e) "Very Low-Income Families" means Families whose Incomes do not exceed 50 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(f) "Income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary.

(g) "Owner" means the person or entity, including a cooperative, with which the Agreement and Contract are entered into.

(h) "Rent" or "rental" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(i) "Project Receipts" with respect to each Project means the Annual Contributions payable hereunder and all other receipts, if any, accruing to the PHA from, out of, or in connection with such Project.

(j) "Project Expenditures" with respect to each Project means all costs allowable under Section 1.4(b), Part I of this ACC, with respect to such Project.

(k) "Substantial Default" means the occurrence of any of the events listed in Section 2.16.

2.2. *Lower-Income Housing Use; Compliance With Act and Regulations.* The PHA shall use the Annual Contribution solely for the purpose of providing Decent, Safe, and Sanitary dwellings for Families in compliance with all applicable provisions of the Act and all regulations issued pursuant thereto.

2.3. *Eligibility and Amount of Housing Assistance Payments.* (a) The PHA shall comply with the Income limits established by the Government, and with the requirements of the Government pursuant to section 8(c)(7) of the Act that at least 30 percent of the Families assisted in all its Projects under its Master Section 8 ACC shall be Very Low-Income Families.

(b) The PHA shall comply or assure compliance with the schedules and criteria established by the Government with respect to the amounts of housing assistance payments made on behalf of Families.

(c) The PHA shall make or cause to be made periodic reexaminations of the Income, composition, and extent of exceptional medical or other unusual expenses of Families for whom housing assistance payments are being made, for the purpose of confirming or adjusting, in accordance with the applicable schedules established by the Government, the amount of rent payable by the Family and the amount of housing assistance payment.

(d) The PHA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on ground of changes of general applicability. If the PHA determines that an adjustment should be made, the PHA shall prescribe the amount of the adjustment and notify the Owner accordingly, and the PHA shall cause the Owner to make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of housing assistance payment.

(e) Prior to the approval of eligibility of a Family by the PHA or the Owner, as the case may be, and thereafter on the date established for each reexamination of the status of such Family, the PHA or the Owner, as the case may be, shall review or cause to be reviewed a written application, signed by a responsible member of such Family, which application shall set forth all data and information necessary for a determination of the amount, if any, of housing assistance payment which can be made with respect to the Family.

2.4. *Inspections.* (a) The PHA shall require, as a condition for the making of housing assistance payments, that the Owner maintain the assisted dwelling units and related facilities in Decent, Safe, and Sanitary condition.

(b) The PHA shall inspect or cause to be inspected dwelling units and related facilities prior to commencement of occupancy by Families, and thereafter at least annually, adequate to assure that Decent, Safe, and Sanitary housing accommodations are being provided and that the agreed-to services are being furnished.

2.5. *Nondiscrimination in Housing.* (a) The PHA shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; the requirements of said Department pursuant to said regulations; and E.O. 11063 to the end that, in accordance with that Act and the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program or be otherwise subjected to discrimination. The PHA shall, by contractual requirement, covenant, or other binding commitment, assure the same compliance on the part of any subgrantee, contractor, subcontractor, transferee, successor in interest, or other participant in the program or activity, such commitment to include the following clause:

This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, §1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the [contractor or other] to comply therewith inures to the benefit of the United States, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the [contractor or other.]

(b) The PHA shall incorporate or cause to be incorporated into all Housing Assistance Payments Contracts a provision requiring compliance with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations issued pursuant thereto.

(c) The PHA shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any Project or in the use of occupancy thereof, nor deny to any Family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease or rent any dwelling in any such housing suitable to its needs. No person shall automatically be excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

2.6 *Equal Employment Opportunity.* (a) The PHA shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The PHA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, creed, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) (1) The PHA shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is to be performed pursuant to this contract, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(A) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the PHA setting forth the provisions of this Equal Opportunity clause.

(B) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(C) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the PHA advising the said labor union or workers' representative of the contractor's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(D) The contractor will comply with all provisions of E.O. No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(E) The contractor will furnish all information and reports required by E.O. No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(F) In the event of the contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in E.O. No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in E.O. No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.





(G) The contractor will include the portion of the sentence immediately preceding Paragraph (A) and the provisions of Paragraphs (A) through (G) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of E.O. No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(2) The PHA agrees that it will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

(3) The PHA further agrees that it will refrain from entering into any contract or contract modification subject to E.O. No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.7. *Training, Employment, and Contracting Opportunities for Businesses and Lower Income Persons.* (a) The project assisted under this ACC is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, (12 U.S.C. 1701u). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the Project area and contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Project.

(b) Notwithstanding any other provision of this ACC, the PHA shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this ACC. The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the Project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20 (b) of the regulations in all contracts for work in connection with the Project. The PHA certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

(c) Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this ACC shall be a condition of the Federal financial assistance provided to the Project, binding upon the PHA, its successors and assigns. Failure to fulfill these requirements shall subject the PHA, its contractors and subcontractors, its successors, and assigns to the sanction specified by this ACC and to such sanctions as are specified by 24 CFR 135.135.

(d) The PHA shall incorporate or cause to be incorporated into any contract pursuant to this contract such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Housing and Urban Development Act, as amended. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.8. *Cooperation In Equal Opportunity Compliance Reviews.* The PHA shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.9. *Clean Air Act and Federal Water Pollution Control Act.* The PHA shall incorporate or cause to be incorporated, into any contract for construction or substantial rehabilitation, such clause or clauses as are required by the Government for compliance with the regulations issued by the Environmental Protection Agency pursuant to the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and E.O. 11738. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.10. *Labor Standards.* The PHA shall incorporate or cause to be incorporated into any contract for construction or substantial rehabilitation of nine or more dwelling units, such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Copeland Act, the Davis-Bacon Act, and the Contract Work Hours and Safety Standards Act. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.11. *Estimates of Required Annual Contribution.* The PHA shall from time to time submit to the Government estimates of required annual contribution at such times and in such form as the Government may require. All estimates and any revisions thereof submitted under this Section shall be subject to Government approval.

2.12. *Insurance and Fidelity Bond Coverage.* For purposes of protection against hazards arising out of or in connection with the administrative activities of the PHA in carrying out the Project, the PHA shall carry adequate (a) comprehensive general liability insurance, (b) workmen's compensation coverage (statutory or voluntary), (c) automobile liability insurance against property damage and bodily injury (owned and non-owned), and (d) fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

2.13. *Books of Account and Records; Reports.* (a) The PHA shall maintain complete and accurate books of account and records, as may be prescribed from time to time by the Government, in connection with the Projects, including records which permit a speedy and effective audit, and will among other things fully disclose the amount and the disposition by the PHA of the Annual Contributions and other Project Receipts, if any.

(b) The books of account and records of the PHA shall be maintained for each Project as separate and distinct from all other Projects and undertakings of the PHA, except as authorized or approved by the Government.

(c) The PHA shall furnish the Government such financial, operating, and statistical reports, records, statements, and documents at such times, in such form, and accompanied by such supporting data all as may reasonably be required from time to time by the Government.

(d) The Government and the Comptroller General of the United States, or his duly authorized representatives, shall have full and free access to the Projects and to all the books, documents, papers, and records of the PHA that are pertinent to its operations with respect to financial assistance under the Act, including the right to audit, and to make excerpts and transcripts from such books and records.

(e) The PHA shall incorporate or cause to be incorporated in all Contracts the following clauses:

PHA AND GOVERNMENT ACCESS TO PREMISES AND OWNER'S RECORDS

(1) The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA and the Government.

(2) The Owner shall permit the PHA or the Government or any of their duly authorized representatives, to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments.

(f) The PHA shall be responsible for engaging and paying the auditor for the making of audits as required by the Government, but the PHA shall be compensated under this ACC for the cost of such audits.

2.14. *General Depositary Agreement and General Fund.* (a) The PHA shall maintain one or more agreements, which are herein collectively called the "General Depositary Agreement," in the form prescribed by the Government, with one or more banks (each of which shall be, and continue to be, a member of the Federal Deposit Insurance Corporation) selected as depositary by the PHA. Immediatley upon the execution of any General Depositary Agreement, the PHA shall furnish to the Government such executed or conformed copies thereof as the Government may require. No such General Depositary Agreement shall be terminated except after 30 days notice to the Government.

(b) All monies received by or held for account of the PHA in connection with the Projects shall constitute the General Fund.

(c) The PHA shall, except as otherwise provided in this ACC, deposit promptly with such bank or banks, under the terms of the General Depositary Agreement, all monies constituting the General Fund.

(d) The PHA may withdraw monies from the General Fund only for (1) the payment of Project Expenditures, and (2) other purposes specifically approved by the Government. No withdrawals shall be made except in accordance with a voucher or vouchers then on file in the office of the PHA stating in proper detail the purpose for which such withdrawal is made.

(e) If the PHA (1) in the determination of the Government, is in Substantial Default, or (2) makes or has made any fraudulent or willful misrepresentation of any material





fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted

of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such

Payments Contracts in accordance with the terms of this ACC and of such Contracts until



of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall

APPENDIX IV

SECTION 8 HOUSING ASSISTANCE PAYMENTS

the end of the period stated in Section 1.1a, or in stages as provided for in Exhibit D which identifies the units comprising each

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fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted to the Government as a basis for this ACC or as an inducement to the Government to enter into this ACC, the Government shall have the right to require any bank or other depositary which holds any monies of the General Fund, to refuse to permit any withdrawals of such monies; Provided, however, that upon the curing of such Default the Government shall promptly rescind such requirement.

2.15. *Pooling of Funds under Special Conditions and Revolving Fund.* (a) The PHA may deposit under the terms of the General Depositary Agreement monies received or held by the PHA in connection with any other housing project developed or operated by the PHA pursuant to the provisions of any contract for annual contributions, administration, or lease between the PHA and the Government.

(b) The PHA may also deposit under the terms of the General Depositary Agreement amounts necessary for current expenditures of any other project or enterprise of the PHA, including any project or enterprise in which the Government has no financial interest; Provided, however, that such deposits shall be lump-sum transfers from the depositaries of such other projects or enterprises, and shall in no event be deposits of the direct revenues or receipts of such other projects or enterprises.

(c) If the PHA operates other projects or enterprises in which the Government has no financial interest, it may, from time to time, withdraw such amounts as the Government may approve from monies on deposit under the General Depositary Agreement for deposit in and disbursement from a revolving fund provided for the payment of items chargeable in part to the Projects and in part to other projects or enterprises of the PHA; Provided, however, that all deposits in such revolving fund shall be lump-sum transfers from the depositaries of the related projects or enterprises and shall in no event be deposits of the direct revenues or receipts.

(d) The PHA may establish petty cash or change funds in reasonable amounts, from monies on deposit under the General Depositary Agreement.

(e) In no event shall the PHA withdraw from any of the funds or accounts authorized under this Section 2.15 amounts for the Projects or for any other project or enterprise in excess of the amount then on deposit in respect thereto.

2.16 *Defaults by PHA and/or Owner.* (a) *Rights of Owner if PHA Defaults under Agreement or Contract.* (The provisions of this paragraph (a) shall not apply to any Existing Housing Project.)

(1) In the event of failure of the PHA to comply with the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

(2) In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

(3) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(a) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(4) The provisions of this Section 2.16(a) are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the PHA giving it a reasonable opportunity to take corrective action, make a determination whether a Substantial Default exists under paragraph (a) (1) or (a) (2) of this Section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a) (1) or (a) (2) to carry out the obligations of the PHA to the Owner, and (iii) proceed against the Government by suit at law or in equity.

(5) The provisions of paragraphs (a) (1), (3) and (4) of this Section shall be included in the Agreement and the provisions of paragraphs (a) (2), (3) and (4) of this Section shall be included in the Contract.

(b) *Rights of Government if PHA Defaults Under ACC, Agreement, or Contract.* (1) If the PHA defaults in the observance or performance of the provisions of section 2.4; fails to comply with its obligations under any duly issued Certificate of Family Participation in accordance with its terms; fails to comply with the requirements of Sections 2.5, 2.6, 2.7 or 2.8; defaults in the performance or observance of any other term, covenant, or condition of this ACC or of any term, covenant, or condition of any Contract or Agreement; fails, in the event of any default by the Owner, to enforce its rights under the Agreement or Contract by way of action to achieve compliance to the satisfaction of the Government or to terminate the Agreement or Contract in whole or in part, as directed by the Government; or fails to comply with the applicable provisions of the Act and all regulations issued pursuant thereto; the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder as to the Project. Upon the occurrence of a Substantial Default with respect to any Project, the PHA shall, if the Government so requires, assign to the Government all of its rights and interests under the Agreement or Contract, including any funds, and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC and of such Contracts until reassigned to the PHA.

(2) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(b) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements; or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(c) *Rights of PHA and Government if Owner Defaults under Contract. (New Construction and Substantial Rehabilitation Projects.* For New Construction and Substantial Rehabilitation projects, the Contract shall contain the following provisions:

a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provisions of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action or as directed by the Government.

c. (The provisions of this paragraph c shall apply only if the PHA is the lender.) Notwithstanding any other provisions of this Contract, in the event the Government determines that the Owner is in default of his obligations under the Contract, the Government shall have the right, after notice to the Owner and the PHA giving them a reasonable opportunity to take corrective action, to abate or terminate housing assistance payments and recover overpayments in accordance with the terms of the Contract. In the event the Government takes any action under this Section, the Owner and the PHA hereby expressly agree to recognize the rights of the Government to the same extent as if the action were taken by the PHA. The Government shall not have the right to terminate the Contract except by proceeding in accordance with Section 2.16(b) of the ACC.

(d) *Rights of PHA if Owner Defaults under Contract (Existing Housing Projects).* For Existing Housing projects, the Contract shall contain the following provisions:

a. A default by the Owner under this Contract shall result if:

(1) The owner has violated or failed to comply with any provisions of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement





of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

2.17. *Remedies Not Exclusive and Non-Waiver of Remedies.* The availability of any remedy provided for in this ACC or in the Contract shall not preclude the exercise of any other remedy under this ACC or the Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.18. *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.* (a) Neither the PHA nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement, in connection with any Project, in which any member, officer, or employees of the PHA, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the PHA was activated, or any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project during his tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee of the PHA, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the PHA and such disclosure is entered upon the minutes of the PHA, the PHA, with the prior approval of the Government, may waive the prohibition contained in this subsection; Provided, however, that any such present member, officer, or employee of the PHA shall not participate in any action by the PHA relating to such contract, subcontract, or arrangement.

(b) The PHA shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of its subcontracts, the following provisions:

"No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or any proceeds or benefits arising therefrom."

(c) The provisions of the foregoing subsections (a) and (b) of this Section 2.18 shall not be applicable to the General Depository Agreement, or utility service the rates for which are fixed or controlled by a governmental agency.

2.19. *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this ACC or to any benefits which may arise therefrom.

APPENDIX IV

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT SUBSTANTIAL REHABILITATION PRIVATE-OWNER PHA PROJECT

*PART I.* This Agreement to Enter into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the _____ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("Act"), at section 1437a(6), and _____ ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of the substantial rehabilitation of certain property, as described in the approved Final Proposal; and

Whereas, the Owner and the PHA propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible Lower-Income Families ("Families") to occupy units in said project; and

Whereas, the PHA has entered into an Annual Contributions Contract dated _____, 19__, with the United States of America acting through the Department of Housing and Urban Development ("Government") with respect to Project No. _____ ("ACC"), under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act for the purpose of making housing assistance payments; and

Whereas, the Owner is also the rehabilitator, or, if the rehabilitator is other than the Owner, the rehabilitator's name is _____.

Now therefore, the parties hereto agree as follows:

1.1 *Significant Dates; Contents of Agreement.* a. *Time for Completion of Project.* The time for completion of the project (see Section 1.2a) is _____ calendar days after the effective date of this Agreement.

b. *Date for Commencement of Work.* The date for commencement of work (see Section 1.2b) is _____, 19__.

c. *Contents of Agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal including, among other things, evidence of management capability and, if required: the architect's certification, the Affirmative Fair Housing Marketing Plan, and management program;

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The Annual Contributions Contract;

Exhibit D: The schedule of completion in stages, if applicable;

Exhibit E: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the PHA and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of Completion.* a. *Time for Completion.* The project shall be completed in accordance with Section 1.4 no later than the end of the period stated in Section 1.1a, or in stages as provided for in Exhibit D which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than the date stated in Section 1.1b the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the PHA reserves the right, subject to Government approval, to rescind this Agreement or take other appropriate action. The Owner shall report to the PHA the date work was commenced and shall thereafter furnish the PHA with periodic progress reports (quarterly unless more frequent reporting is required by the PHA).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the PHA, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increases in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Rehabilitation Period.* a. *Changes.* The Owner shall submit for PHA and Government approval any changes from Exhibit A which would materially reduce or alter his obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of Contract Rents. If such changes are made without prior approval by the PHA and the Government, the Owner may be required to reduce the Contract Rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications except those required by changes in local codes or ordinances made subsequent to execution of the Agreement, and then only if Government approval is obtained prior to incorporation of any such changes in the project.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify the PHA of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the PHA of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to Section 1.7b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that Section.

1.4 *Project Completion.* a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The Owner shall be solely responsible for completion of the project.

b. *Notification of Completion.* The Owner shall notify the Government, with a copy to





the PHA, when the work is completed and shall submit to the Government the evidence

(iv) The project has been rehabilitated in accordance with applicable zoning, building,

tract shall be executed by the Owner and the PHA and shall then be approved by the



ligated by the Government for such payments to assist the PHA in the perform-

*Effective Date.* This Agreement shall be effective as of the date of approval by the

CFR Part 135. The contractor will not subcontract with any subcontractor where it has

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the PHA, when the work is completed and shall submit to the Government the evidence of completion described in paragraph c of this Section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the Government with all of the following:

(1) A certificate of occupancy and/or other official approvals necessary for occupancy.

(2) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) The project has been completed in accordance with the requirements of this Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified);

(iv) The project has been rehabilitated in accordance with applicable zoning, building, housing and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials;

(v) The project was treated and is in compliance with applicable HUD Lead Based Paint regulations (24 CFR Part 35) and that if the property was constructed prior to 1950, each Family upon occupancy will receive the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning and that records showing receipt of such notice by each tenant will be maintained;

(vi) There has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by the PHA and the Government in accordance with Section 1.3a; and

(vii) [1] He has complied with the provisions of Sections 2.6 through 2.11 of this Agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner or the PHA or the Government, the Owner shall be required to place a sufficient amount in escrow, as determined by the Government, to assure such payments.

(3) [2] A certification by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) The project has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified); and

(iv) The project has been rehabilitated in accordance with applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials.

d. *Review and Inspection.* (1) Within ten working days of the receipt of the evidence of completion, the Government shall review the evidence of completion for compliance with paragraph c of this section.

(2) Within the same time period, a Government representative accompanied by a PHA representative shall inspect the project in a manner sufficient to enable the inspector to report that he has inspected the observable elements and features of the project in accordance with professional standards of care and judgment and that, on the basis of the inspection, the project has been completed in accordance with the Agreement and that there are no observable conditions inconsistent with the evidence of completion, including the certifications of the Owner and the design or inspecting architects. If the inspection discloses defects or deficiencies, the inspector shall report these with sufficient detail and information for purposes of paragraphs f(1) and (2) of this Section.

e. *Acceptance.* If the Government determines from the review and inspection that the project has been completed in accordance with the Agreement, the project shall be accepted.

f. *Acceptance Where Defects or Deficiencies Reported.* If the project is not acceptable under paragraph e, the following shall apply:

(1) If the only defects or deficiencies are punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete the items within a reasonable time to the satisfaction of the Government and the PHA, the Government may, upon 30 days notice to the Owner and the PHA, cancel its approval of the Contract and require its termination and/or exercise its other rights under the Contract and the ACC.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, the Government shall determine whether and to what extent the defects or deficiencies can be corrected, what corrections are essential to permit the Government to accept the project, whether and to what extent a reduction of Contract Rents will be required as a condition to acceptance of the project, and the extension of time required for the remaining work to be done. The Owner and the PHA shall be notified of the Government's determinations, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

g. *Notification of Nonacceptance.* If the Government determines that, based on the review of the evidence of completion and inspection, the project cannot be accepted, the Owner shall be promptly notified of this decision and the reasons.

h. *Arbitration.* In the event the Owner disputes the Government determinations, he may submit the controversy to third-party arbitration at his expense, provided that the arbitration is advisory only.

1. *Completion in Stages.* If the project is to be completed in stages, the procedures of this Section shall apply to each stage.

1.5 *Execution of Housing Assistance Payments Contract.* a. *Time of Execution.* Upon acceptance of the project by the Government pursuant to Sections 1.3 and 1.4, the Contract shall be executed by the Owner and the PHA and shall then be approved by the Government.

b. *Completion in Stages.* If completion is in stages, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract Rents shall be shown in Exhibit A-1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the PHA and approved by the Government, and Exhibits A-2, A-3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the Contract, the PHA shall examine the lists of dwelling units leased and not leased, referred to in Section 1.3b, and shall determine whether or not the Owner has met his obligations under that Section with respect to any unleased units. The PHA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination of his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished to the Government.

d. *Contract Rents.* The Contract Rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except as provided in Section 1.3a and in paragraph f of this Section (where applicable).

e. *No changes in Contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than as provided in this Agreement.

1.[3] *Adjustment of Contract Rents to Reflect Actual Cost of Permanent Financing.* (The provisions of this paragraph shall apply if the project is permanently financed prior to project completion; if the permanent financing does not occur until after project completion, the adjustments contemplated by paragraph f will be made in accordance with the comparable provisions contained in the Contract.) After the project is permanently financed, the Financing Agency shall submit a certification to the Government as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum ACC commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

1.6 *Government Assurance To Owner.* The approval of this Agreement by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the PHA in the performance of its obligations under the Contract. The Government and the PHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of annual contributions payable thereunder for housing assistance payments except as authorized in the ACC and the Contract.

1.7 *Authority of the PHA.* The PHA warrants that it is a "public housing agency" as defined in section 3(6) of the Act and that it is in fact and in law authorized to execute this Agreement.

Approved: United States of America, Secretary of Housing and Urban Development.

By _____

_____
(*Official title*)

Date _____, 19____

[1] Strike this paragraph if the project involves fewer than nine Contract units.

[2] Strike this paragraph (3) of Section 1.4c if the services of a registered architect were not utilized.

[3] Delete this paragraph unless the project is subject to 24 CFR 881.125.





SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT SUBSTANTIAL REHABILITATION PRIVATE-OWNER/PHA PROJECT

*Part II*

2.1 *Training, Employment, And Contracting Opportunities For Businesses And Lower-Income Persons.*[4] a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of $50,000 cost, the following clause:

*Employment of Project Area Residents and Contractors*

A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 *Equal Employment Opportunity.*[5] a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

*Equal Employment Opportunity*

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of E. O. No. 11246 of September 24,

PHA _____

By _____

_____
(*Official title*)

Date _____, 19____

Owner _____

By _____

_____
(*Official title*)

Date _____, 19____

*Effective Date.* This Agreement shall be effective as of the date of approval by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

[4] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $500,000 or less.

[5] As used in section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.







mediately following is applicable, in accordance with the provisions of paragraph a(2) of this section, the Owner shall maintain records which show that the commitment to provide such hours of training was duly observed, and shall promptly furnish to the Government all information required by the Government with respect to that commitment.

any calendar day or in excess of forty hours

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1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by E.O. No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in E.O. No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in E.O. No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of E.O. No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to E.O. No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by HUD or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation In Equal Opportunity Compliance Reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its developement or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[8] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq. the Federal Water-Pollution Control Act, as amended ("Water Act") (33 U.S.C. 1251, et seq.), and E.O. 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing Wage Rates.*[7] a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this Section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR 5.2(c) shall also be subject to the provisions of paragraph g(2) of this Section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and the will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 *Submittal Of Payrolls And Related Reports.* a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under Section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program in financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under Section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 *Disputes Concerning Wage Rates and Classifications of Labor.* a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 *Wage Claims And Adjustments.* In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 *Contract Work Hours And Safety Standards Act—Overtime Compensation.* a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidate damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liquidity of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this Section.

2.11 *Termination; Debarment; Subcontracts.* a. A breach of the provisions of the foregoing Sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR Section 5.6.

b. The Owner shall insert in any subcontracts Sections 2.6 (and with respect to Section 2.6g(2), copies of 29 CFR 5a.4, 5a.5, 5a.6 and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these Sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 *Failure Or Inability Of PHA To Comply With Agreement.* The following provisions of the ACC are hereby made a part of this Agreement:

a. *Rights of Owner if PHA Defaults Under Agreement or Contract.* (1) In the event of failure of the PHA to comply with the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

* * * * *

(8) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(a) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(4) The provisions of this Section 2.16(a) are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after reasonable notice to the PHA, make a determination whether a Substantial Default exists under paragraph (a)(1) or

[8] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $100,000 or less.

[7] As used in sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike sections 2.6 through 2.11 if the project involves fewer than nine Contract units.









(a)(2) of this Section, (ii) if the Government

one named in the preamble of this Agree-

ceed five years], beginning with the effective



1.3 *Families To Be Housed; PHA Assistance.* a. *Families To Be Housed.* The Contract

housing assistance payments pursuant to this Contract the portion of annual contributions

in accordance with the Government-established schedules and criteria

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(a)(2) of this Section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a)(1) or (a)(2) to carry out the obligations of the PHA to the Owner, and (iii) proceed against the Government by suit at law or in equity.

2.13 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement of the PHA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Agreement and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.14 *Interest of Members, Officers, Or Employees Of PHA, Members Of Local Governing Body, Or Other Public Officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

2.15 *Interest Of Member Of Or Delegate To Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.16 *Nonassignability.* a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different rehabilitator from the one named in the preamble of this Agreement, except with the prior consent of the PHA and the Government.

c. The Owner agrees that the approved rehabilitator has not made and will not make, except with the prior consent of the PHA and the Government, any assignment or transfer in any form of the rehabilitator's contract, or of any part thereof, or any of the rehabilitator's interests therein.

d. The Owner agrees to notify the PHA and the Government promptly of any proposed action covered by paragraph a or b or c of this Section. The Owner further agrees to request the written consent of the PHA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

e. For the purpose of this Section, a transfer of stock in the Owner or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner or rehabilitator, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or rehabilitator or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX V

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Housing Assistance Payments Contract

Substantial Rehabilitation

Private-Owner/PHA Project

*Part I*

This Housing Assistance Payments Contract ("Contract") is entered into by and between the ---------- ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, (42 U.S.C. 1437, et seq.) ("Act"), at section 1437a(6), and ---------- ("Owner"), and approved by the United States of America acting through the Department of Housing and Urban Development ("Government"), pursuant to the Act and the Department of Housing and Urban Development Act, (42 U.S.C. 3531, et seq.).

The parties hereto agree as follows:

1.1 *Significant Dates and Other Items; Contents of Contract.* a. *Effective Date of Contract.* The effective date of this Contract is ----------, 19--. [This date shall be no earlier than the date approved by the Government.]

b. *Term of Contract Where Relative Cost of Rehabilitation Is Less Than 15 Percent of Value.* The term of this Contract for any unit (see Section 1.4a, Alternative 1) shall be ---- years [not to exceed five years], beginning with the effective date of this Contract for such unit.

c. *Term of Contract Where Relative Cost of Rehabilitation Is 15 Percent or More of Value.* (1) *Initial Term.* The initial term of this Contract for any unit (see Section 1.4a, Alternative 2) shall be ---- years [not to exceed five years], beginning with the effective date of this Contract for such unit.

(2) *Number and Length of Optional Additional Terms.* The number and length of optional additional terms (see Section 1.4a) shall be ---- terms of ---- years each [not to exceed five years each].

(3) *Maximum Total Term.* The maximum total term of this Contract for any unit, including renewals (see Section 1.4a) shall be ---- years. [Insert number as authorized by the Government pursuant to 24 CFR 881.109, but in no event more than 20 years, or, in the case of a project owned by, or financed by a loan or a loan guarantee from, a State or local agency, the number, not to exceed 40, which will provide a term ending with the scheduled maturity date for the last payment under such financing.]

d. *Fiscal Year.* The ending date of each Fiscal Year (see Section 1.4b) shall be ---------- [insert March 31, June 30, September 30, December 31, as determined by the Government].

e. *Annual Contributions Contract.* The Annual Contributions Contract applicable to this Contract ("ACC") (see Section 1.5a) is the ACC dated ---------- with respect to Project No. ----------.

f. *Maximum Housing Assistance Commitment.* The maximum amount of the commitment for housing assistance payments under this Contract (see Section 1.6a) is $---------- per annum. [Enter amount specified in the ACC for housing assistance payments].

g. *Minimum Percentage of Occupancy by Very Low-Income Families.* In the initial renting of the Contract Units, the Owner shall lease at least ---- percent [insert 30, or lower number if authorized by the Government in accordance with 24 CFR 881.117] to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his best efforts to achieve and maintain at least 30 percent occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

h. *Contents of Contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The project description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's Warranties.* a. *Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenantable condition and that the project has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract. The Owner and the PHA agree that the continuation of this Contract shall be subject to the conditions set forth in Section 1.4f of the Agreement.





1.3 *Families To Be Housed; PHA Assistance.* a. *Families To Be Housed.* The Contract Units are to be leased by the Owner to eligible Lower-Income Families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *PHA Assistance.* (1) The PHA hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

(2) If there is an Allowance for Utilities and Other Services and if such Allowance exceeds the Gross Family Contribution, the Owner shall pay the Family the amount of such excess on behalf of the PHA upon receipt of funds from the PHA for that purpose.

1.4 *Term of Contract; Fiscal Year.* a. *Term of Contract.* [Alternative provisions—incorporate alternative 1 or 2.]

*Alternative 1—Where HUD has Determined that the Cost of Rehabilitation Is Less Than 15 Percent of Value.* The term of this Contract for any unit shall be as stated in Section 1.1b, with no option for renewal in either party. If the project is completed in stages, this term shall be separately related to the units in each stage; Provided, however, that the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed said Contract term, plus two years.

*Alternative 2—Where HUD Has Determined that the Cost of Rehabilitation Is 15 Percent or More of Value.* The initial term of this Contract for any unit shall be as stated in Section 1.1c(1). This Contract may be renewed at the sole option of the Owner, for the number and length of additional terms stated in Section 1.1c(2), provided that the total Contract term for any unit, including renewals, shall not exceed the number of years stated in Section 1.1c(3). Renewal shall be automatic unless the Owner notifies the PHA, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is completed in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; Provided, however, that the total Contract term for the units in all the stages, beginning with the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term stated in Section 1.1c(3), plus two years.

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on the date stated in Section 1.1e; Provided, however, that the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in Section 1.6a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Annual Contributions Contract.* a. *Identification of Annual Contributions Contract.* The PHA has entered into an Annual Contributions Contract with the Government, as identified in Section 1.1f, under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act for the purpose of making housing assistance payments. A copy of the ACC shall be provided upon request.

b. *PHA Pledge of Certain ACC Payments.* The PHA hereby pledges to the payment of housing assistance payments pursuant to this Contract the portion of annual contributions payable under the ACC for such housing assistance payments. The PHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of such annual contributions, except as authorized in the ACC and this Contract.

c. *Government Approval of Housing Assistance Payments Contract.* The approval of this Contract by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the PHA in the performance of its obligations under the Contract.

1.6 *Maximum Housing Assistance Commitment; Project Account.* a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other contract between the PHA and the Owner, the PHA shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of the amount per annum stated in Section 1.1f; Provided, however, that this amount shall be reduced commensurately with any reduction in the number of Contract Units or in the Contract Rents or pursuant to any other provision of the ACC or this Contract.

b. *Project Account.* As provided in the ACC, in order to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family Incomes:

(1) A Project Account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the Maximum ACC Commitment per year exceeds amounts paid under the ACC for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this Section to cover increases in Contract Rents or decreases in Family Incomes (see Section 1.9). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government in accordance with law.

(2) Whenever the Government approved estimate of the required Annual Contribution exceeds the Maximum ACC Commitment, then in effect, and would cause the amount in the Project Account to be less than an amount equal to 40 percent of such Maximum ACC Commitment, the Government shall, within a reasonable period of time, take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section of the Act) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

1.7 *Housing Assistance Payments To Owners.* a. *General.* (1) Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will cover the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria.

(2) The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family Income, Family composition, or extent of exceptional medical or other unusual expenses, in accordance with the Government-established schedules and criteria; or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 80 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, provided that the Owner (1) commenced marketing and otherwise complied with Section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the PHA.

c. *Vacancies After Rent-up.* (1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also Section 1.10b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (i) immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this Section.

(2) If the Owner evicts a Family, he shall not be entitled to any payment under paragraph c(1) of this Section unless the request for such payment is supported by a certification that (i) he gave such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it had 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction was not in violation of the Lease or the Contract or any applicable law.

d. *Limitation on Payments for Vacant Units.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this Section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.10b of this Contract).

e. *PHA Not Obligated for Family Rent.* The PHA has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with Section 1.10b of this Contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of Families in accordance with this Contract.



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*f. Owner's Monthly Requests for Payments.* (1) The Owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (i) the name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or the number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit (or, where applicable, the amount to be paid the Family in accordance with Section 1.3b(2)); and (v) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling units are in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the PHA or the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(4) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

*g.*[1] *Recoupment of Savings in Financing Cost.* (1) In the event that the interim financing is continued beyond one year from the effective date of the Contract and the interest cost of the interim financing for any period of three months, after such first year, is less than the anticipated debt service under the permanent financing on which the Contract Rents were based, an amount reflecting the savings in financing cost, computed in accordance with paragraph g(2) of this Section, shall be credited by the Government to the Project Account, and withheld from housing assistance payments to the Owner. If during the course of the same year there is any period of three months in which the financing cost is greater than the anticipated debt service under the permanent financing, an adjustment shall be made so that only the net amount of savings in financing cost for the year is credited by the Government to the Project Account and withheld from housing assistance payments to the Owner as aforesaid (no increased payments shall be made to the Owner on account of any net excess for the year of actual interim financing cost over the anticipated debt service under the permanent financing). Nothing in this paragraph g shall be construed as requiring a reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with Section 1.8.

(2) The computation and recoupment under this paragraph g may be made on an annual or on a quarterly or other periodic basis, but in any event no later than as of the end of each Fiscal Year; Provided, however, that if recoupment is to be made less often than quarterly, the amounts of recoupment shall be computed on at least a quarterly basis and the funds deposited in a special account from which withdrawals may be made only with the authorization of the PHA. The manner of computing the amount of recoupment shall be as follows:

(i) Determine the amount by which the interest cost for the interim financing for the period in question is less than the anticipated debt service under the permanent financing on which the Contract Rents were based;

(ii) Determine what percentage the amount found under paragraph g(2)(i) of this Section is of the aggregate Contract Rents for all Contract Units for the period in question;

(iii) Apply the percentage found in paragraph g(2)(ii) of this Section to the aggregate Contract Rents for those Contract Units which are included in the Owner's claim(s) for housing assistance payments for the period in question; and

(iv) The amount found in paragraph g(2)(iii) of this Section shall be credited to the Project Account and withheld from the next housing assistance payment or payments to the Owner.

1.8 *Maintenance, Operation and Inspection.* a. *Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the PHA determines that the Owner is not meeting any of these obligations, the PHA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection.* (1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on forms prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed forms. Copies of these reports shall be kept on file by the Owner for at least three years.

(2) The PHA shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy and rerenting of any unit) as may be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections and shall notify the Owner and the Family of its determination.

c. *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA does not have other section 8 funds for such purposes, the PHA may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The PHA shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the PHA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family size, or that a Contract Unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the PHA will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of Section 1.7c(1).

1.9 *Rent adjustments.* a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this Section, up to the maximum amount authorized under Section 1.6a of this Contract.

b. *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

d. *Overall Limitation.* Notwithstanding any other provisions of this Contract, adjustments as provided in this Section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government.

e. *Incorporation for Rent Adjustment.* Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit establishing the effective date of the adjustment.

*f.*[2] *Adjustment to Reflect Actual Cost of Permanent Financing.* This paragraph f shall

[1] Delete this paragraph unless the project is subject to 24 CFR 881.125.

[2] Delete this paragraph unless the project is subject to 24 CFR 881.125.





apply if the project is not permanently financed until after the effective date of the Contract. After the project is permanently financed, the Financing Agency shall submit a certification to the Government as to the actual financing terms. If the actual debt service under the permanent financing is lower than the anticipated debt service on which the Contract Rent were based, the Contract Rents currently in effect shall be reduced commensurately, and the amount of the savings shall be credited to the Project Account. The maximum ACC commitment shall not be reduced. If the actual debt service is higher, the Contract Rents shall not be increased.

1.10 *Marketing And Leasing Of Units.* a. *Compliance with Equal Opportunity.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security and Utility Deposits.* (1) The Owner may require Families to pay a security deposit in an amount equal to one month's Gross Family Contribution. If a Family vacates its unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this Section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease, or if the amount owed is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(2) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. All security deposit funds shall be deposited by the Owner in a segregated bank account, and the balance of this account, at all times, shall be equal to the total amount collected from tenants then in occupancy, plus any accrued interest. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(3) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

c. *Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. (See also Section 1.1g.)

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family income composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government. In connection with the reexamination, the Owner shall determine what percentage of Families in occupancy are Very Low-Income Families. If there are fewer than 30 percent Very Low-Income Families in occupancy, the Owner shall report the fact to the Government and shall adopt changes in his admission policies to achieve, as soon as possible, at least 30 percent occupancy by such Families.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a PHA determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable PHA or Government requirements and shall maintain records and furnish such copies or other information as may be required by the PHA or the Government.

*f. Review; Incorrect Payments.* In making housing assistance payments to Owners, the PHA or the Government will review the Owner's determinations under this Section. If as a result of this review, or other reviews, audits or information received by the PHA or the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the PHA or the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.11 *Termination of Tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in Section 1.7c.

1.12 *Reduction of Number of Contract Units for Failure To Lease to Eligible Families.* a. *After First Year of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the PHA, with Government approval, may on 30 days notice reduce the number of Contract units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the PHA, with Government approval, may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number if the number is 10 or more, rounded to the next highest number.

c. *Restoration of Units.* The Government will agree to an amendment of the ACC to provide for subsequent restoration of any reduction made pursuant to paragraph a or b of this Section if the Government determines that the restoration is justified as a result of changes in demand and in the light of the Owner's record of compliance with his obligations under this Contract and if annual contributions contract authority is available; and the Government will take such steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance (see Section 1.6).

WARNING: 18 U.S.C. 101 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Approved: United States of America, Secretary of Housing and Urban Development.

By _____
(*Official title*)
Date _____, 19____

Owner _____
By _____
(*Official title*)
Date _____, 19____
PHA _____
By _____
(*Official title*)
Date _____, 19____

[If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.]

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES—STAGE 1

This Contract is hereby executed with respect to the units described in Exhibit A–1.

*Effective date.* The effective date of this Contract with respect to the units described in Exhibit A–1 is _____, 19____. [Insert date which shall be no earlier than the date of approval by the Government.]

Approved: United States of America, Secretary of Housing and Urban Development.

By _____
(*Official title*)
Date _____, 19____

Owner _____
By _____
(*Official title*)
Date _____, 19____
PHA _____
By _____
(*Official title*)
Date _____, 19____





EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES—STAGE 2

his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract, and to such sanctions as



spect to his own employment practices when he participates in federally assisted work.

2.3. *Cooperation in Equal Opportunity Compliance Reviews.* The PHA and the Owner

(a) *Rights of Owner if PHA Defaults Under Agreement or Contract.*

c. (The provisions of this paragraph c shall apply only if the PHA is the lender.) Notwithstanding any other provisions of this

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EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES—STAGE 2

This Contract is hereby executed with respect to the units described in Exhibit A–2.

*Effective date.* The effective date of this Contract with respect to the units described in Exhibit A–2 is _____, 19____. [Insert date which shall be no earlier than the date of approval by the Government.]

| | |
|---|---|
| Approved: United States of America, Secretary of Housing and Urban Development. | Owner _____ |
| | By _____ |
| | (*Official title*) |
| | Date _____, 19____ |
| | PHA _____ |
| By _____ | By _____ |
| (*Official title*) | (*Official title*) |
| Date _____, 19____ | Date _____, 19____ |

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES—STAGE 3

This Contract is hereby executed with respect to the units described in Exhibit A–3.

*Effective date.* The effective date of this Contract with respect to the units described in Exhibit A–3 is _____, 19____. [Insert date which shall be no earlier than the date of approval by the Government.]

| | |
|---|---|
| Approved: United States of America, Secretary of Housing and Urban Development. | Owner _____ |
| | By _____ |
| | (*Official title*) |
| | Date _____, 19____ |
| | PHA _____ |
| By _____ | By _____ |
| (*Official title*) | (*Official title*) |
| Date _____, 19____ | Date _____, 19____ |

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

HOUSING ASSISTANCE PAYMENTS CONTRACT, SUBSTANTIAL REHABILITATION; PRIVATE-OWNER/PHA PROJECT

*Part II.* 2.1 *Nondiscrimination In Housing.* a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; the requirements of said Department pursuant to said regulations; and E.O. 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government, of the said Department, and the PHA any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training, Employment, And Contracting Opportunities For Businesses And Lower-Income persons.*[1] a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project are awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the later has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3. *Cooperation in Equal Opportunity Compliance Reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood Insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[4] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), (42 U.S.C. 1857, et seq.), the Federal Water Pollution Control Act, as amended ("Water Act"), (33 U.S.C. 1251, et seq.), and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every non-exempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *PHA and Government Access to Premises and Owner's Records.* a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA or the Government.

b. The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly request for housing assistance payments.

2.7 *Failure Or Inability Of PHA To Comply With Contract.* The following provisions of the ACC are hereby made a part of this Contract:

[1] Strike this Section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are $500,000 or less.

[4] Strike this Section if the Contract Rents on the effective date of this Contract, over the maximum total term of this Contract, are $100,000 or less.





(a) *Rights of Owner if PHA Defaults Under Agreement or Contract.*

. . . . .

(2) In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

(3) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(a) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(4) The provisions of this Section 2.16(a) are made with, and for the benefit of, the Owner of his assignee who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the PHA giving it a reasonable opportunity to take corrective action, make a determination whether a Substantial Default exists under paragraph (a)(1) or (a)(2) of this Section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a)(1) or (a)(2) to carry out the obligations of the PHA to the Owner, and (iii) proceed against the Government by suit at law or in equity.

2.8 *Rights Of PHA And Government If Owner Defaults.* a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

c. (The provisions of this paragraph c shall apply only if the PHA is the lender.) Notwithstanding any other provisions of this Contract, in the event the Government determines that the Owner is in default of his obligations under the Contract, the Government shall have the right, after notice to the Owner and the PHA giving them a reasonable opportunity to take corrective action, to abate or terminate housing assistance payments and recover overpayments in accordance with the terms of the Contract. In the event the Government takes any action under this Section, the Owner and the PHA hereby expressly agree to recognize the rights of the Government to the same extent as if the action were taken by the PHA. The Government shall not have the right to terminate the Contract except by proceeding in accordance with Section 2.16(b) of the ACC.

2.9 *Remedies Not Exclusive And Non-Waiver Of Remedies.* The availability of any remedy under this Contract or the ACC shall not preclude the exercise of any other remedy under this Contract or the ACC or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.10 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the PHA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with the decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.11 *Interest Of Members, Officers, Or Employees Of PHA, Members Of Local Governing Body Or Other Public Officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in





WEDNESDAY, APRIL 30, 1975

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this Contract or in any proceeds or benefits arising therefrom.

2.12 *Interest Of Member Of Or Delegate To Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.13 *Assignment, Sale, Or Foreclosure.* a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the PHA and the Government promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request the written consent of the PHA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

c. For the purpose of this Section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract or the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

d. In the event of foreclosure, including foreclosure by the Government, and in the event of assignment or sale agreed to by the Government or made to the Government, housing assistance payments shall continue in accordance with the terms of the Contract.

[If the project is subject to 24 CFR 881.125, paragraph d above shall be stricken and the following shall be used instead:

d. In the event of foreclosure, or assignment or sale to the financing agency in lieu of foreclosure, or in the event of assignment or sale agreed to by the financing agency and approved by the Government (which approval shall not be unreasonably delayed or withheld), housing assistance payments shall continue in accordance with the terms of the Contract.]

DAVID M. DEWILDE,
*Acting Assistant Secretary for Housing Production, and Mortgage Credit—FHA Commissioner.*

[FR Doc.75-11117 Filed 4-29-75;8:45 am]



federal register

WEDNESDAY, APRIL 30, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 84

PART III

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

■

## Milk in the Appalachian; Chattanooga, Tennessee; Knoxville, Tennessee; and Ohio Valley Marketing Areas

### Proposed Amendments to Tentative Marketing Agreements and Orders

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DEPARTMENT OF AGRICULTURE

§ 1011.5 Cooperative association.

or retail outlets without intermediate



§ 1011.10 Handler.

deemed to have been received by the di-

§ 1011.15 Chicago butter price.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Parts 1011, 1090, 1101, 1033 ]

[Docket Nos. AO–251–A19; AO–266–A21; AO–195–A25; AO–166–A48]

## MILK IN THE APPALACHIAN; CHATTANOOGA, TENNESSEE; KNOXVILLE, TENNESSEE; AND OHIO VALLEY MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Sheraton Inn, Executive Park (Interstate 40 and Interstate 75 at Cedar Bluff) Knoxville, Tennessee, beginning at 1:30 p.m., on June 9, 1975, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Appalachian Chattanooga, Tennessee; Knoxville, Tennessee; and Ohio Valley marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The marketing area in Proposal No. 1 includes eight counties (Floyd, Johnson, Magoffin, Martin and Pike in Kentucky, and Logan, Mingo and Wyoming in West Virginia) now in the marketing area of the Ohio Valley order. The only issue applicable to the Ohio Valley order open for consideration at the hearing is whether any of these counties should be included in the marketing area specified in Proposal No. 1 or be retained in the marketing area of the Ohio Valley order.

The proposals relative to a redefinition of the marketing areas raise the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY DAIRYMEN, INC.

PROPOSAL NO. 1

### PART 1011—MILK IN APPALACHIAN MARKETING AREA

GENERAL PROVISIONS AND DEFINITIONS

**§ 1011.1 General provisions.**

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

**§ 1011.5 Cooperative association.**

"Cooperative association" means any cooperative marketing association of dairy farmers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of marketing milk or its products for its members.

**§ 1011.6 Appalachian marketing area.**

"Appalachian marketing area" hereinafter called the marketing area, means all of the territory geographically located within the perimeters of the following counties:

GEORGIA COUNTIES

| | |
|---|---|
| Catoosa | Murry |
| Chattooga | Walker |
| Dade | Whitfield |
| Fannin | |

KENTUCKY COUNTIES

| | |
|---|---|
| Bell | Letcher |
| Breathitt | Martin |
| Floyd | McCreary |
| Harlan | McGoffin |
| Johnson | Perry |
| Knott | Pike |
| Knox | Whitley |
| Leslie | |

TENNESSEE COUNTIES

| | |
|---|---|
| Anderson | Loudon |
| Blount | Marion |
| Bradley | McMinn |
| Campbell | Megis |
| Carter | Monroe |
| Claiborne | Morgan |
| Cocke | Polk |
| Cumberland | Rhea |
| Grainger | Roane |
| Greene | Sequatchie |
| Hamblen | Scott |
| Hamilton | Sevier |
| Hancock | Sullivan |
| Hawkins | Unicoi |
| Jefferson | Union |
| Johnson | Washington |
| Knox | |

VIRGINIA COUNTIES

| | |
|---|---|
| Bland | Smyth |
| Buchanan | Tazewell |
| Dickenson | Washington |
| Lee | Wise |
| Russell | Wythe |
| Scott | |

WEST VIRGINIA COUNTIES

| | |
|---|---|
| Logan | Monroe |
| McDowell | Summers |
| Mercer | Wyoming |
| Mingo | |

**§ 1011.7 Route.**

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or sale from a plant or plant store) of any milk or milk products (including filled milk) classified as Class I milk pursuant to § 1011.41(a) other than a delivery to a plant.

A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets without intermediate movement to another plant.

**§ 1011.8 Plant.**

"Plant" means the land, buildings, surroundings, facilities and equipment whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and processed or packaged: *Provided*, That this definition shall not be deemed to include any separate building, premises or facilities the primary function of which is to hold or store packaged milk or milk products (including filled milk) in finished form in transit on routes. Such facilities are considered a distribution point.

**§ 1011.9 Pool plant.**

"Pool plant" means any plant except the plant of a producer-handler or a plant described in § 1011.61:

(a) From which during the month:

(1) Total disposition of Class I milk, except filled milk, is equal to not less than 50 percent of the milk approved or recognized by a duly constituted regulatory authority for distribution within the marketing area which is received from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 1011.10(d); and

(2) Disposition of Class I milk, except filled milk, on routes in the marketing area is equal to not less than 15 percent of its total Class I milk disposition, except filled milk, on routes both inside and outside the marketing area;

(b) From which milk or milk products, except filled milk, approved or recognized by a duly constituted regulatory authority for distribution within the marketing area in an amount equal to not less than 50 percent of its receipt of such milk or milk products from dairy farmers and from cooperative associations who deliver such milk to such plant in the manner described in § 1011.10(d) are shipped as milk, skim milk, or cream in fluid form to plants specified in paragraph (a) of this section: *Provided*, That any plant which qualified as a pool plant pursuant to this paragraph in each of the months of August through March shall be a pool plant for the following months of April through July unless the operator of such plant files with the market administrator prior to the first day of any month of April through July a written request for nonpool status for such month; or

(c) Which is operated by a cooperative association, if the total pounds of milk, skim milk or cream approved or recognized by a duly constituted health authority for distribution within the marketing area which are transferred from such plant to pool plants qualified pursuant to paragraph (a) or (b) of this section and which are received at similarly qualified pool plants from producers who are members of the association are equal to not less than 66 percent of the pounds of Class I utilization, except filled milk, at such other pool plants.





**§ 1011.10 Handler.**

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association of producers with respect to producer milk diverted by it from a pool plant to a nonpool plant in accordance with the provisions of § 1011.12;

(d) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under control of such cooperative association. The milk so delivered shall be considered to have been received by such cooperative association at the location of the pool plant to which it is delivered; and

(e) A producer-handler, or any person who operates another order plant described pursuant to § 1011.61.

**§ 1011.11 Producer.**

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory authority or produces milk acceptable for fluid consumption at Federal, State, or municipal establishments within the marketing area, which milk is received at a pool plant or diverted from the farm directly to a nonpool plant. The term shall not include such person with respect to milk received at a pool plant from another order plant by diversion if both buyer and seller have requested Class II classification (or its equivalent) in the reports of receipts and utilization filed with the respective market administrators.

**§ 1011.12 Producer milk.**

"Producer milk" means only that skim milk or butterfat contained in milk:

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1011.10(c): *Provided*, That if the milk received at a pool plant from a handler pursuant to § 1011.10(c) is purchased on a basis other than farm weights the amount by which the total farm weights of such milk exceed the weights on which the pool plant's purchases are based shall be producer milk received by the handler pursuant to § 1011.10(c) at the location of the pool plant; or

(b) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant subject to the following conditions:

(1) Such milk shall be determined to have been received by the diverting handler at the plant from which diverted, if diverted, to a nonpool plant located not more than 125 miles from the City Hall in Bristol, Chattanooga, Kingsport, or Knoxville, Tennessee. Milk diverted to a nonpool plant located more than 125 miles from Bristol, Chattanooga, Kingsport, or Knoxville, Tennessee, shall be deemed to have been received by the diverting handler at the plant to which diverted;

(2) During the months of September through February, not less than 20 days' production of the producer whose milk is diverted is physically received at a pool plant;

(3) During the months of March through August, not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant;

(4) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(5) During the months of March through August, a cooperative association may divert for its account the milk of any member producer without limit during the month if the total quantity of milk so diverted does not exceed 33 percent of the cooperative's total member producer milk during the month;

(6) During the months of March through August, the operator of a pool plant other than a cooperative association may divert for his account the milk of any nonmember producer without limit during the month if the total volume of milk diverted does not exceed 33 percent of the nonmember producer milk at such plant during that month; and

(7) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to paragraphs (b) (5) and (6) of this section. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

**§ 1011.13 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1011.41(b)(1) from any source other than producers, handlers described in § 1011.10(d), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1011.41(b)(1);

(c) Products (other than fluid milk products, products specified in § 1011.41 (b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1011.41(b)(1)) for which the handler fails to establish a disposition.

**§ 1011.14 Producer-handler.**

"Producer-handler" means any person who operates a dairy farm and a plant from which Class I milk is disposed of on routes in the marketing area whose only source of supply for Class I milk is milk of his own production and products designated as Class I milk pursuant to § 1011.41(a) from pool plants.

**§ 1011.15 Chicago butter price.**

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

**§ 1011.18 Nonpool plant.**

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milk shake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1011.41 (b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

**§ 1011.20 Fluid cream product.**

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (in-



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cluding a cultured mixture) of cream

(2) The quantities of skim milk and butterfat contained in milk delivered to

prior to the end of an accounting period notification of his intention to use two



(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

weights determined from its measurement at the farm and butterfat tests de-

(e) Multiply the pounds of shrinkage in skim milk and butterfat, respectively,

cluding a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

**§ 1011.21 Filled milk.**

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

REPORTS

**§ 1011.30 Reports of receipts and utilization.**

(a) On or before the 6th day after the end of each month, each handler shall report to the market administrator, for each of his pool plants and for each accounting period elected in such month, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1011.10(d);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.41(b)(1);

(5) The utilization of all skim milk and butterfat required to be reported by this part, including a separate statement of the route disposition of Class I milk outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

(6) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

(b) Each handler specified in § 1011.10(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk and the quantity of reconstituted skim milk in such disposition.

(c) On or before the 6th day after the end of each month, each cooperative association, with respect to milk for which it is a handler pursuant to § 1011.10(c) or (d), shall report to the market administrator for such month, and for each accounting period elected in such month, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk; and

(2) The quantities of skim milk and butterfat contained in milk delivered to each pool plant and in the milk diverted to each nonpool plant.

(d) Each handler who submits reports on the basis of an accounting period of less than a month, as described in § 1011.35, shall submit a summary report of the same information for the entire month.

**§ 1011.31 Other reports.**

(a) Each producer-handler and each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating a pool plant shall report to the market administrator on or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

**§ 1011.32 Payroll reports.**

On or before the 20th day of each month, each handler shall submit to the market administrator the following reports:

(a) Each handler who receives milk from producers shall submit his producer payroll for deliveries of milk for the preceding month for each of his pool plants which shall show:

(1) The name and address of each producer;

(2) The total pounds and the average butterfat test of milk received from such producer;

(3) The days on which milk was received from such producer if less than a full month;

(4) The rate and net amount of payment to each producer; and

(5) The amount and nature of any deductions or charges involved in such payments.

(b) Each handler operating a partially regulated distributing plant, and who does not elect to make payments pursuant to § 1011.62(b), shall submit his dairy farmer payroll for deliveries of milk to the partially regulated distributing plant for the preceding month which shall show:

(1) The name and address of each dairy farmer;

(2) The total pounds and the average butterfat test of milk received from such dairy farmer;

(3) The rate and net amount of payment to each dairy farmer; and

(4) The amount and nature of any deduction or charges involved in such payments.

**§ 1011.33 Accounting periods.**

A handler may account for the receipts, utilization and classification of milk and filled milk at any of his pool plants for two periods within a month, either period not to be less than seven days, in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

**§ 1011.40 Skim milk and butterfat to be classified.**

All skim milk and butterfat which is required to be reported pursuant to §§ 1011.30 and 1011.31 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1011.41 through 1011.46.

**§ 1011.41 Classes of utilization.**

Subject to the conditions set forth in §§ 1011.42 through 1011.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section: *Provided*, That if nonfluid milk products are used to fortify fluid cream products, eggnog or yogurt, the quantity of skim milk in any modified fluid cream product, eggnog or yogurt that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content, shall be a Class II utilization;

(2) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages;

(3) Used to produce:

(i) Cottage cheese, low fat cottage cheese, and dry curd cottage cheese;

(ii) Milk shake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;

(4) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section; and

(5) In shrinkage assigned to Class II pursuant to §§ 1011.42(d) and 1011.42(e).





(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, low fat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(4) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1011.19;

(5) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form; and

(6) In shrinkage assigned to Class III pursuant to §§ 1011.42(d) and 1011.42(e).

**§ 1011.42 Shrinkage.**

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1011.30, the market administrator shall determine the following:

(a) Compute the total shrinkage of skim milk and butterfat at each pool plant;

(b) Prorate the resulting amounts between:

(1) The receipts specified in paragraph (c)(1) through (7) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) Other source milk not specified in paragraph (c)(1) through (7) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product.

(c) The maximum shrinkage of skim milk and butterfat to be prorated to Class II and Class III pursuant to paragraph (d) of this section, shall be computed as follows:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1011.10(d));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1011.10(d), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler;

(7) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer receipts for which a cooperative association is the handler pursuant to § 1011.10(c) or (d). If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero; and

(8) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (c)(1), (2), (4), (5), and (6) of this section.

(d) Multiply the pounds of shrinkage in skim milk and butterfat, respectively, prorated pursuant to paragraph (b)(1) of this section not to exceed the pounds of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section by the percentage of skim milk and butterfat, respectively, classified pursuant to §§ 1011.41(a)(1) and (2), 1011.41(b)(1) through (3), and 1011.41(c)(1) through (4), [excluding dispositions based on weights determined from measurement at the farm and from butterfat tests determined from farm bulk tank samples, and other source milk in a form other than that of a fluid milk product or a fluid cream product, which is used to produce products defined pursuant to §§ 1011.41(b)(3) and 1011.41(c)(1)], which is in Class II milk and Class III milk, respectively. The resulting amounts shall be the pounds of skim milk and butterfat assigned to Class II milk and Class III, respectively, pursuant to §§ 1011.41(b)(5) and 1011.41(c)(6), respectively.

(e) Multiply the pounds of shrinkage in skim milk and butterfat, respectively, prorated pursuant to paragraph (b)(2) of this section by the percentage of skim milk and butterfat, included in such other source receipts, for which Class II utilization is requested. The resulting amounts of skim milk and butterfat, respectively, shall be assigned to Class II pursuant to § 1011.41(b)(5). The remaining pounds of skim milk and butterfat prorated pursuant to paragraph (b)(2) of this section shall be assigned to Class II pursuant to § 1011.41(c)(6).

**§ 1011.44 Classification of transfers and diversions.**

(a) *Transfers to pool plants.* Skim milk and butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant or by a handler described in § 1011.10(d) to another pool plant shall be classified as Class I milk unless both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1011.46(a)(12) and the corresponding step of § 1011.46(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1011.46(a)(7) or the corresponding step of § 1011.46(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk;

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1011.46(b), the skim milk or butterfat so transferred up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk has been received at the transferee-plant; and

(4) If a specified classification is not claimed by both plants in the case of transfers by such a cooperative association, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the transferee-plant after making the assignments pursuant to § 1011.46(a)(12) and the corresponding step of § 1011.46(b), and after the assignment of milk for which a specified classification has been claimed pursuant to this paragraph.

(b) Transfers and diversions to other order plants. Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other plant of skim



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(2) As Class I milk, if transferred or regulated under any Federal milk order



(a) Skim milk shall be allocated in the

(iv) Receipts of fluid milk products main at this pool plant is of all such

milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to another order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1011.41.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not another order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) and (a) and (b) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(a) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1011.30 for the month within which such transaction occurred; and

(b) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from other pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unasisgned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(b) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers of packaged products defined pursuant to § 1011.41(b)(1).* Transfers to any plant of skim milk and butterfat in the form of packaged products defined pursuant to § 1011.41(b)(1) shall be classified as Class II regardless of their allocation at the transferee-plant.

### § 1011.45 General classification rules.

In determining the classification of producer milk pursuant to § 1011.46, the following rules shall apply:

(a) The market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.10(c) or (d) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.41, 1011.42, and 1011.44; and

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

### § 1011.46 Classification of producer milk.

The market administrator shall determine the classification of producer milk of each handler described in § 1011.10(a) for each of his pool plants separately and of each handler described in § 1011.10(c) and (d) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:





(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II and Class III, respectively, the pounds of skim milk in shrinkage classified as Class II and Class III, respectively, pursuant to § 1011.42(d);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from another order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.41(b)(7) that were received in packaged form from other plants but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.41(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1011.41(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1011.41(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from another order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii)(a) through (c) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(a) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(b) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1011.10(d), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from another order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1011.41(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraphs (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class II and Class III, respectively, the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v) and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted and the pounds of skim milk in Class I shall be decreased by a like amount. In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be



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in the reverse direction by a like amount; after the report of receipts and utiliza-



### § 1011.53 Plant location adjustments

(a) Any plant qualified pursuant to

(1) Determine the pounds of route dis-

increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from another order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraph (a) (12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1011.47(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a) (12) (i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant or a handler described in § 1011.10(d) according to the classification of such products pursuant to § 1011.44(a): *Provided*, That if the pounds of skim milk for which Class II is requested exceed the pounds of skim milk remaining in Class II such excess shall be subtracted from Class I, and if the pounds of skim milk for which Class III is requested exceed the pounds of skim milk remaining in Class III, such excess shall be subtracted from Class I; and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

**§ 1011.47 Market administrator's reports and announcements concerning classification.**

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1011.46(a) (12) and the corresponding step of § 1011.46(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from another order plant, the class to which such receipts are allocated pursuant to § 1011.46 on the basis of such report, and, thereafter any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to another order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association for its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

MINIMUM PRICES

**§ 1011.50 Basic formula price.**

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing by Class I price, the resulting price shall be not less than $4.33.

**§ 1011.51 Class prices.**

Subject to the provisions of § 1011.53, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.15.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

**§ 1011.52 Announcement of class prices.**

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.





**§ 1011.53 Plant location adjustments for handlers.**

(a) For that milk received from producers or from a handler described in § 1011.10(d) at a pool plant located at any point which is 60 miles or more from the City Hall in Bristol, Chattanooga, Kingsport, or Knoxville, Tennessee, whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the price specified in § 1011.51(a) shall be:

(1) Reduced at the rate set forth in the following schedule according to the location of the plant where such milk is received if such plant is located in the states of Kentucky, Tennessee, West Virginia, and Tazewell County, Virginia; or

(2) Increased at the rate set forth in the following schedule according to the location of the plant where such milk is received if such plant is not located in subparagraph (1) of this section:

| Distance from city hall: | *Rate per hundredweight (cents)* |
|---|---|
| 60 miles but less than 70 miles | 12.0 |
| For each additional 10 miles or fraction thereof an additional | 2.0 |

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to that Class I disposition at the transferee-plant which is in excess of the sum of receipts at such plant from producers and handlers described in § 1011.10(d), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

**§ 1011.54 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

**§ 1011.60 Producer-handlers.**

Sections 1011.50 through 1011.54, 1011.62, 1011.70, and 1011.90 through 1011.99 shall not apply to a producer-handler.

**§ 1011.61 Plants subject to other Federal orders.**

A plant specified in paragraph (a) or (b) of this section shall be exempt from regulation under this order except as specified in paragraphs (c) and (d) of this section.

(a) Any plant qualified pursuant to § 1011.9(a) which would be fully regulated under the provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant on routes in the Appalachian marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 1011.9 (b) or (c) which would be fully regulated under the provisions of another order issued pursuant to the Act unless such plant was a pool plant pursuant to § 1011.9 (b) or (c) for each month during the preceding August through March period.

(c) Each handler operating a plant described in paragraph (a) or (b) of this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1011.30), and allow verification of such reports by the market administrator.

(d) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (d) (1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

**§ 1011.62 Obligations of handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1011.30(b) and 1011.32(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price pursuant to § 1011.71, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a) (3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1011.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b) (1) (i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1011.70 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than



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curred by him because of any improper claim on the part of the cooperative as-

5th day following each of the first two 10-day periods of each month for milk

(a) The total value of milk of the handler for such month as determined

the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1011.70 for such handler shall include, in lieu of the value of other source milk specified in § 1011.70(f) less the value of such other source milk specified in § 1011.94(b)(2), a value of milk determined pursuant to § 1011.70 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1011.9(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1011.30(b) and 1011.32(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1011.70 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.91, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(ii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.91, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

### Determination of Uniform Price

**§ 1011.70 Handler's value of milk for computing uniform price.**

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1011.10 (c) and (d) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1011.46 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1011.46(a)(14) and the corresponding step of § 1011.46(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1011.91 that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1011.46(a)(9) and the corresponding step of § 1011.46(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.46(a)(7)(i) through (iv) and the corresponding step of § 1011.46(b) excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.46(a)(7)(v) and (vi) and the corresponding step of § 1011.46(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1011.46(a)(11) and the corresponding step of § 1011.46(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

**§ 1011.71 Computation of weighted average and uniform prices.**

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received as follows:

(a) Combine into one total the values computed pursuant to § 1011.70 for all handlers who filed the reports prescribed by § 1011.30 for the month and who are not in default of payments pursuant to § 1011.94 for the preceding month;

(b) Add or subtract an amount equal to the net total value of the location adjustments computed pursuant to § 1011.92;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1011.70(f); and

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price"; and also the "uniform price" for milk received from producers.

**§ 1011.72 Announcement of uniform price and butterfat differential.**

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The tenth day after the end of each month the uniform price for such month.

### Payments

**§ 1011.90 Payments to producers and to cooperative associations.**

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 7th day following each of the first two 10-day periods of each month to each producer, who did not discontinue shipping milk to such handler within 7 days following the end of the 10-day period for which payment is to be made, an amount equal to not less than 90 percent of the uniform price for the preceding month multiplied by the hundredweight of milk received from such producer during the 10-day period for which payment is being made, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(b) On or before the 15th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight for the month, as adjusted pursuant to § 1011.91 and § 1011.92 and plus or minus adjustments for errors made in previous payments to such producer and less (1) the payment made pursuant to paragraph (a) of this section, (2) deductions for marketing services pursuant to § 1011.98, and (3) proper deductions authorized by such producer for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraphs (b)(2) and (3) of this section: *Provided*, That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 5th day preceding the last day on which a payment may be made pursuant to paragraph (a) of this section, the total pounds of milk received during the 10-day period for which payment is to be made; and

(2) On or before the 5th day of the following month the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions claimed by such handler.

(f)(1) Each handler shall pay to the cooperative association on or before the 5th day following each of the first two 10-day periods of each month for milk received from it as a handler an amount equal to not less than 90 percent of the uniform price for the preceding month, multiplied by the hundredweight of milk received from the cooperative during the 10-day period for which payment is being made; and

(2) Each handler shall make final payment to the cooperative association on or before the 13th day of the following month at an amount computed at not less than the value of such milk at the minimum prices for milk in each class as adjusted by the butterfat differential specified in § 1011.91 that are applicable at the location of the receiving handler's pool plant, less payments made pursuant to paragraph (f)(1).

**§ 1011.91 Butterfat differential.**

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the mid-point of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

**§ 1011.92 Plant location adjustments for producers and on nonpool milk.**

(a) The uniform price for producer milk received at a pool plant shall be adjusted according to the location of the pool plant at the rates set forth in § 1011.53 multiplied by the marketwide proportion of producer milk allocated to Class I during the month; and

(b) For purposes of computations pursuant to §§ 1011.61, 1011.94 and 1011.95 the weighted average price shall be adjusted at the rates set forth in § 1011.53 applicable at the location of the nonpool plant(s) from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

**§ 1011.93 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.61, 1011.62, 1011.94, and 1011.96 subject to the provisions of § 1011.97 and out of which he shall make all payments pursuant to §§ 1011.95 and 1011.96: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

**§ 1011.94 Payments to the producer-settlement fund.**

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The total value of milk of the handler for such month as determined pursuant to § 1011.70.

(b) The sum of:

(1) The value at the uniform price, as adjusted pursuant to § 1011.92, of such handler's receipts of producer milk; and

(2) The value at the weighted average point applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1011.70(f).

**§ 1011.95 Payments out of the producer-settlement fund.**

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1011.94(b) exceeds the amount computed pursuant to § 1011.94(a). The market administrator shall offset any payment due any handler against payments due from such handler.

**§ 1011.96 Adjustment errors in payment.**

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1011.94 the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1011.95, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1011.90, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

**§ 1011.97 Charges on overdue accounts.**

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1011.61, 1011.62, 1011.90, 1011.94, 1011.95, 1011.96, 1011.98, or 1011.99 shall be increased one-half of one percent on the first of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

**§ 1011.98 Marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1011.90 shall deduct 6 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such monies shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not







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receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments, to be made to such producers as may be authorized by the Membership Agreement or Marketing Contract between such cooperative associations and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions computed for each producer.

**§ 1011.99 Expense of administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production) and milk received from a handler described in § 1011.10(d);

(b) Other source milk allocated to Class I pursuant to § 1011.46(a) (7) and (11) and the corresponding steps of § 1011.46(b), except such other source milk that is excluded from the computations pursuant to § 1011.70 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1011.62(a)(2): *Provided*, That if such handler elects two accounting periods within the month, the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

PROPOSED BY PET, INC., DAIRY DIVISION; MAYFIELD DAIRY FARMS, INC.; AND FARMBEST, INC.:

PROPOSAL NO. 2

## PART 1090—MILK IN THE CHATTANOOGA, TENN., MARKETING AREA

### GENERAL PROVISIONS

**§ 1090.1 General provisions.**

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by references and made a part of this Order.

### DEFINITIONS

**§ 1090.2 Knoxville-Chattanooga, Tennessee marketing area.**

The Knoxville-Chattanooga, Tennessee marketing area, hereinafter called the "marketing area" means all the territory geographically within the boundaries of the following counties, including all territory wholly or partly therein occupied by Government (Municipal, State, or Federal) reservations, installations, instructions, or other similar establishments.

TENNESSEE

| | |
|---|---|
| Anderson | Marion |
| Blount | McMinn |
| Bradley | Meigs |
| Campbell | Monroe |
| Cocke | Morgan |
| Cumberland | Polk |
| Grainger | Rhea |
| Hamblen | Roane |
| Hamilton | Scott |
| Jefferson | Sequatchie |
| Knox | Sevier |
| Loudon | Union |

GEORGIA

| | |
|---|---|
| Catoosa | Murray |
| Chattooga | Walker |
| Dade | Whitfield |
| Fannin | |

**§ 1090.3 Route disposition.**

"Route disposition" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product classified as Class I milk other than a delivery to any milk or filled milk processing plant.

**§ 1090.4 [Reserved]**

**§ 1090.5 [Reserved]**

**§ 1090.6 [Reserved]**

**§ 1090.7 Pool plant.**

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant approved or recognized by a duly constituted health authority for the receiving or processing of Grade A milk which during the month has route disposition, except filled milk, equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers and which has route disposition within the marketing area equal to at least 10 percent of its total Class I disposition.

(b) A supply plant which, during the month, ships fluid milk products, except filled milk, approved or recognized by a duly constituted health authority as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through March shall be designated as a pool plant for the following months of April through July unless the operator of such plant files with the market administrator prior to the first day of any of the months of April-July a written request for withdrawal.

(c) A plant operated by a cooperative association if, during the month, the sum of the milk delivered to other pool plants by approved dairy farmers who are members of such cooperative association plus the milk which is transferred thereto from the plant operated by the cooperative association is equal to not less than 70 percent of the total volume of milk delivered to all plants by approved dairy farmers who are members of the association.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant; or

(2) Upon application to the market administrator for nonpool status and a subsequent determination by the Secretary, a plant specified in paragraph (d)(2)(i) or (ii) of this section:

(i) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless a greater volume of Class I milk, except filled milk, is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Knoxville-Chattanooga, Tennessee marketing area than in the marketing area regulated pursuant to such order; or

(ii) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant for each of the preceding months of August through March.

**§ 1090.8 Nonpool plant.**

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

**§ 1090.9 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to milk of producers diverted for the account of such association pursuant to § 1090.13;

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under control of such cooperative association. The milk so delivered shall be considered to have been received by such cooperative association at the location of the pool plant to which it is delivered; and

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1090.7(d).





**§ 1090.10 Producer-handler.**

"Producer-handler" means an approved dairy farmer who:

(a) Operates a plant from which there is route disposition in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging, and distribution business are the personal enterprise and risk of such person.

**§ 1090.11 Approved dairy farmer.**

"Approved dairy farmer" means any person who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority.

**§ 1090.12 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the inspection requirements of a duly constituted health authority for distribution in the marketing area, and whose milk is (a) received at a pool plant, or (b) received by a cooperative association in its capacity as a handler pursuant to § 1090.9(b), or (c) diverted from a pool plant to a nonpool plant other than an other order plant or a plant of a producer-handler: (1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided*, That the milk so diverted shall be deemed to have been received at the pool plant from which diverted if diverted for the account of the operator of such plant, or at the location of the pool plant from which diverted if diverted for the account of a cooperative association.

**§ 1090.13 Producer milk.**

"Producer milk" means only that skim milk or butterfat contained in (a) milk received at a pool plant directly from producers, (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1090.12(c), or (c) milk received by a cooperative association pursuant to § 1090.9(c): *Provided*, That the milk of a dairy farmer received at a pool plant described in § 1090.7(b) during the automatic pool plant qualification period of April through July shall not be producer milk unless the entire milk production of said dairy farmer during the preceding months of August through March qualified as producer milk under this Knoxville-Chattanooga Order, 7 CFR 1090.

**§ 1090.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1090.40(b)(1) from any source other than producers or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1090.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1090.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1090.40(b)(1)) for which the handler fails to establish a disposition.

**§ 1090.15 Fluid milk product.**

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milk shake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1090.40(b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plan or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

**§ 1090.16 Fluid cream product.**

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

**§ 1090.17 Filled milk.**

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

**§ 1090.18 Cooperative association.**

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

### HANDLER REPORTS

**§ 1090.30 Reports of receipts and utilization.**

On or before the sixth day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) [Reserved]

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1090.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1090.9(b) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

**§ 1090.31 Payroll reports.**

(a) On or before the 20th day after the end of each month, each handler described in § 1090.9 (a) and (b) shall re-



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fat, respectively, in such milk. If the

as Class II or Class III milk to the extent

received at such plant which are made

port to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1090.76 (b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

**§ 1090.32 Other reports.**

(a) Each producer-handler and each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating a pool plant shall report to the market administrator on or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

(Subparagraph (c) in § 1090.32(c) below is proposed by Mayfield Dairy Farms, Inc., only.)

(c) On or before the sixth day after the end of each of the months of March through July, the aggregate quantity of base milk received during the month at each of his pool plants, and on or before the 20th day after the end of each of the months of March through July the pounds of base milk received during the month from each producer.

**§ 1090.33 Accounting periods.**

A handler may account for the receipts, utilization and classification of milk and filled milk at any of his pool plants for two periods within a month, either period not to be less than seven days, in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION OF MILK

**§ 1090.40 Classes of utilization.**

Except as provided in § 1090.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1090.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b) (1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milk shake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c) (1) (iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b) (1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b) (1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1090.15; and

(6) In shrinkage assigned pursuant to § 1090.41(a) to the receipts specified in § 1090.41(a) (2) and in shrinkage specified in § 1090.41 (b) and (c).

**§ 1090.41 Shrinkage.**

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1090.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a) (1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) [Reserved]

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1090.9(b), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests, determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.





**§ 1090.42 Classification of transfers and diversions.**

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1090.44(a) (12) and the corresponding step of § 1090.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1090.44(a) (7) or the corresponding step of § 1090.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1090.44(a) (11) or (12) or the corresponding steps of § 1090.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b) (3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1090.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d) (2) (i) (a) and (b) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d) (2) (ii) through (viii) of this section:

(a) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1090.30 for the month within which such transaction occurred; and

(b) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator.

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(b) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and



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(1) From Class III milk, the lesser of pounds of skim milk remaining in Class



Class III combined being subtracted first

(11) Subject to the provisions of para-

(14) If the total pounds of skim milk

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1090.43 General classification rules.

In determining the classification of producer milk pursuant to § 1090.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1090.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1090.9(b) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1090.40, 1090.41, and 1090.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1090.9(b) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1090.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1090.9(a) for each of his pool plants separately and of each handler described in § 1090.9(b) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1090.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1090.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1090.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1090.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1090.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii)(a) through (c) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1090.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III of the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;





(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this alloctaion step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1090.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1090.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1090.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1090.44(a)(12) and the corresponding step of § 1090.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1090.44 on the basis of such report and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

CLASS PRICES

§ 1090.50 Class prices.

Subject to the provisions of § 1090.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:







(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight

(b) The 10th day after the end of each

exceeds the amount computed pursuant

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(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.84.

(b) *Class II milk.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1090.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1090.52 Plant location adjustments for handlers.

(a) The Class I price for producer milk (for which a location adjustment is applicable) at a plant that is located outside the following areas—

The marketing area.
Within 100 miles of the nearest point in the boundary of the marketing area.
The State of Tennessee.
The State of North Carolina.
States south of Tennessee.
States south of North Carolina.

shall be reduced 1.5 cents per hundredweight for each 10 miles or fraction thereof that the shortest hard-surfaced highway distance from said plant to the nearer of the main U.S. Post Office in Knoxville, Tennessee, and the main U.S. Post Office in Chattanooga, Tennessee, exceeds 350 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to that Class I disposition at the transferee-plant, which is in excess of the sum of receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1090.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1090.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICES

§ 1090.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1090.9(b) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1090.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1090.44(a)(14) and the corresponding step of § 1090.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1090.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1090.44(a)(9) and the corresponding step of § 1090.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1090.44(a)(7)(i) through (iv) and the corresponding step of § 1090.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1090.44(a)(7)(v) and (vi) and the corresponding step of § 1090.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1090.44(a)(11) and the corresponding step of § 1090.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset under any other payment obligation under any order.

(The following § 1090.61 is proposed by Farmbest, Inc., and Pet, Inc., Dairy Division.)

§ 1090.61 Computation of weighted average and uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received as follows:

(a) Combine into one total the values computed pursuant to § 1090.60 for all handlers who filed the reports prescribed by § 1090.30 for the month and who are not in default of payments pursuant to § 1090.71 for the preceding month;

(b) Add or subtract an amount equal to the net total value of the location adjustments computed pursuant to § 1090.75;

(c) Add an amount equal to one half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1090.60(f); and

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price"; and also the "uniform price" for milk received from producers.

(The following § 1090.61 is proposed by Mayfield Dairy Farms, Inc.)

§ 1090.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) For each month the market administrator shall compute the weighted average price and for each of the months of August through February, the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(1) Combine into one total the values computed pursuant to § 1090.60 for all handlers who filed the reports prescribed by § 1090.30 for the month and who made the payments pursuant to §§ 1090.71 and 1090.73 for the preceding month;

(2) Add an amount equal to the total value of the location adjustments computed pursuant to § 1090.75;

(3) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk included in paragraph (a)(1) of this section; and

(ii) The total hundredweight for which a value is computed pursuant to § 1090.60(f); and





(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price," and shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in each of the months of August through February.

(b) For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class III milk in the pool plants of such handlers by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(3) From the amount resulting from the computations pursuant to paragraph (a)(1) through (3) of this section subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content, f.o.b. market.

§ 1090.62 Announcement of uniform prices and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the applicable uniform prices pursuant to § 1090.61 for such month.

PAYMENTS FOR MILK

§ 1090.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1090.71, 1090.76, and 1090.77, and out of which he shall make all payments pursuant to §§ 1090.72 and 1090.77: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1090.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1090.60.

(2) The sum of:

(i) The value of the uniform prices, as adjusted pursuant to § 1090.75, of such handler's receipts of producer milk; and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1090.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator's an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1090.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1090.71(a)(2) exceeds the amount computed pursuant to § 1090.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

(The following § 1090.73 is proposed by Mayfield Dairy Farms, Inc.)

§ 1090.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class III price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s), as adjusted pursuant to §§ 1090.74 and 1090.75, multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1090.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producers; and

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1090.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2nd day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as



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determined pursuant to paragraph (a) of

(d) In making the payments to producers pursuant to paragraph (a) or (b)

(1) Determine the pounds of route disposition in the marketing area from the



at the transferee-plant, with such uniform price adjusted to the location of

to § 1090.71, the market administrator shall promptly bill such handler for any

which the Secretary has determined is actually performing the services set forth

determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month; and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1090.77.

(The following § 1090.73 is proposed by Farmbest, Inc., and Pet Inc., Dairy Division.)

**§ 1090.73 Time and method of payment for producer milk.**

(a) Except as provided in paragraphs (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows: On or before the 15th day after the end of the month, an amount equal to not less than the applicable uniform price(s) adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 1090.86; and

(2) Less proper deductions authorized in writing by such producer;

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received at his pool plant from such association for which the association is the handler not less than the value of such milk computed at the applicable minimum class prices for the location of the pool plant of the buying handler; and

(d) In making the payments to producers pursuant to paragraph (a) or (b) of this section, each handler shall furnish each producer from whom he had received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to the producer or cooperative association is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount payment to the producer or cooperative association.

**§ 1090.74 Butterfat differential.**

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

**§ 1090.75 Plant location adjustments for producers and on nonpool milk.**

(a) The applicable uniform prices computed pursuant to § 1090.61 to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant where such milk was received each at the rates set forth in § 1090.52(a); and

(b) The weighted average price applicable to other source milk shall be adjusted at the rates set forth in § 1090.52 (a) applicable at the location of the nonpool plant from which the milk was received, except that the weighted average price shall not be less than the Class III price.

**§ 1090.76 Payments by handler operating a partially regulated distributing plant.**

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1090.30(b) and 1090.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1090.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1090.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk





at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1090.60 for such handler shall include in lieu of the value of other source milk specified in § 1090.60(f) less the value of such other source milk specified in § 1090.71(a)(2)(ii), a value of milk determined pursuant to § 1090.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1090.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1090.30(b) and 1090.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1090.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1090.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1090.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

**§ 1090.77 Adjustment of accounts.**

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1090.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1090.72, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1090.73, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

**§ 1090.85 Assessment for order administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to skim milk and butterfat contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I pursuant to § 1090.44(a)(7) and (11) and the corresponding steps of § 1090.44(b), except such other source milk that is excluded from the computations pursuant to § 1090.60(d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1090.76(a)(2): *Provided*, That if such handler elects two accounting periods within the month, the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

**§ 1090.86 Deduction for marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1090.73, shall deduct 6 cents per hundredweight or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

(The following §§ 1090.90 and 1090.94 are proposed by Mayfield Dairy Farms, Inc., only.)

BASE-EXCESS PLAN

**§ 1090.90 Base milk.**

"Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1090.92, multiplied by the number of days in such month.

**§ 1090.91 Excess milk.**

"Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1090.92.

**§ 1090.92 Computation of daily average base for each producer.**

Subject to the rules set forth in § 1090.93, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 120, whichever is more: *Provided*, That any producer who, during the preceding months of September through January, delivered his milk to a nonpool plant which became a pool plant after the beginning of such period shall be assigned a base in the same manner as if he had been a producer during such period, calculated from his deliveries during such September–January period to such plant.

**§ 1090.93 Base rules.**

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1090.92 to each person for whose account producer milk was de-



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livered to pool plants during the months of September through January;

(b) A base which is assigned pursuant to the proviso of § 1090.92 shall be nontransferable. An entire base which is otherwise assigned shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred; and

(c) A base which has been established by two or more persons operating a dairy farm as a partnership may be divided between the partners on any basis agreed to in writing by the partners provided written notification of the agreed division of base signed by each partner is received by the market administrator prior to the first day of the month on which such division is to be effective.

**§ 1090.94 Announcement of established bases.**

On or before March 1 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer, and shall notify a cooperative association of which such producer is a member of such daily average base if the cooperative association so requests.

PROPOSAL NO. 3

Include in the order (under Proposal 2) provisions that will require that a handler who regularly receives Class I milk shall have refusal of any excess milk for use in Class II before the milk may be diverted for Class III utilization. To this end, consider the inclusion in the order of provisions to the effect that any association of producers from which a handler purchases Class I milk during the month, that does not permit such handler the refusal for Class II use of producer milk that the association disposes of to Class III use, shall not be a "cooperative association" as defined in the order and for purposes of the order; and to the further effect that milk disposed of by such association to Class III use, with respect to which such handler was denied by the association refusal for Class II use, shall not be "producer milk" under the order.

PROPOSED BY FARMBEST, INC., AND PET, INC., DAIRY DIVISION

PROPOSAL NO. 4

## PART 1011—MILK IN APPALACHIAN MARKETING AREA

GENERAL PROVISIONS

**§ 1011.1 General provisions.**

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

**§ 1011.2 Appalachian marketing area.**

The Appalachian marketing area, hereinafter called the "marketing area" means all the territory geographically within the boundaries of the following counties, including all territory wholly or partly therein occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

TENNESSEE

Greene
Sullivan
Washington

KENTUCKY

Harlan

VIRGINIA

Tazewell
Wise
Washington

WEST VIRGINIA

McDowell
Mercer

**§ 1011.3 Route disposition.**

"Route disposition" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product classified as Class I milk other than a delivery to any milk or filled milk processing plant.

**§ 1011.4 [Reserved]**

**§ 1011.5 [Reserved]**

**§ 1011.6 [Reserved]**

**§ 1011.7 Pool plant.**

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant approved or recognized by a duly constituted health authority for the receiving or processing of Grade A milk which during the month has route disposition, except filled milk, equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers and which has route disposition within the marketing area equal to at least 10 percent of its total Class I disposition.

(b) A supply plant which, during the month, ships fluid milk products, except filled milk, approved or recognized by a duly constituted health authority as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through March shall be designated as a pool plant for the following months of April through July unless the operator of such plant files with the market administrator prior to the first day of any of the months of April–July a written request for withdrawal.

(c) A plant operated by a cooperative association if, during the month, the sum of the milk delivered to other pool plants by approved dairy farmers who are members of such cooperative association plus the milk which is transferred thereto from the plant operated by the cooperative association is equal to not less than 70 percent of the total volume of milk delivered to all plants by approved dairy farmers who are members of the association.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant; or

(2) Upon application to the market administrator for nonpool status and a subsequent determination by the Secretary, a plant specified in paragraph (d)(2)(i) or (ii) of this section:

(i) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless a greater volume of Class I milk, except filled milk, is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Appalachian marketing area than in the marketing area regulated pursuant to such order; or

(ii) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant for each of the preceding months of August through March.

**§ 1011.8 Nonpool plant.**

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products are shipped to a pool plant.

**§ 1011.9 Handler.**

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to milk of producers diverted for the account of such association pursuant to § 1011.13;

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under control of such cooperative association. The milk so delivered shall be considered to have been received by such cooperative association





at the location of the pool plant to which it is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1011.7(d).

**§ 1011.10 Producer-handler.**

"Producer-handler" means an approved dairy farmer who:

(a) Operates a plant from which there is route disposition in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants;

(c) Uses no milk products other than fluid milk products for reconstitution into fluid milk products; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing, packaging, and distribution business are the personal enterprise and risk of such person.

**§ 1011.11 Approved dairy farmer.**

"Approved dairy farmer" means any person who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority.

**§ 1011.12 Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the inspection requirements of a duly constituted health authority for distribution in the marketing area, and whose milk is (a) received at a pool plant, or (b) received by a cooperative association in its capacity as a handler pursuant to § 1011.9(b), or (c) diverted from a pool plant to a nonpool plant other than another order plant or a plant of a producer-handler: (1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided*, That the milk so diverted shall be deemed to have been received at the pool plant from which diverted if diverted for the account of the operator of such plant, or at the location of the pool plant from which diverted if diverted for the account of a cooperative association.

**§ 1011.13 Producer milk.**

"Producer milk" means only that skim milk or butterfat contained in (a) milk received at a pool plant directly from producers, (b) milk from producers diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1011.12(c), or (c) milk received by a cooperative association pursuant to § 1011.9(c): *Provided*, That the milk of a dairy farmer received at a pool plant described in § 1011.7(b) during the automatic pool plant qualification period of April through July shall not be producer milk unless the entire milk production of said dairy farmer during the preceding months of August through March qualified as producer milk under this Appalachian Order, 7 CFR 1011.

**§ 1011.14 Other source milk.**

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1011.40(b)(1) from any source other than producers or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1011.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1011.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1011.40(b)(1)) for which the handler fails to establish a disposition.

**§ 1011.15 Fluid milk product.**

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milk shake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1011.40 (b) or (c)(1)(i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

**§ 1011.16 Fluid cream product.**

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat with or without the addition of other ingredients.

**§ 1011.17 Filled milk.**

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the additional of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

**§ 1011.18 Cooperative association.**

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

HANDLER REPORTS

**§ 1011.30 Reports of receipts and utilization.**

On or before the sixth day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) [Reserved]

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1011.9(b) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.



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**§ 1011.31 Payroll reports.**

cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of § 1011.41(a)(2) and in shrinkage specified in § 1011.41(b) and (c).



the basis of weights determined from its measurement at the farm and butterfat

sification pursuant to the allocation provisions of the other order;

available for verification purposes if requested by the market administrator;

§ 1011.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1011.9 (a) and (b) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1011.76 (b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1011.32 Other reports.

(a) Each producer-handler and each handler operating a nonpool plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating a pool plant shall report to the market administrator on or before the first day other source milk is received in the form of milk, filled milk, fluid skim milk or cream at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

§ 1011.33 Accounting periods.

A handler may account for the receipts, utilization and classification of milk and filled milk at any of his pool plants for two periods within a month, either period not to be less than seven days, in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION OF MILK

§ 1011.40 Classes of utilization.

Except as provided in § 1011.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1011.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b) (1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are proccessed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milk shake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c) (1) (iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b) (1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b) (1) of this section that age dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1011.15; and

(6) In shrinkage assigned pursuant to § 1011.41(a) to the receipts specified in § 1011.41(a) (2) and in shrinkage specified in § 1011.41 (b) and (c).

§ 1011.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1011.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a) (1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) [Reserved]

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1011.9(b), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests, determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.





§ 1011.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1011.44(a)(12) and the corresponding step of § 1011.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1011.44(a) (7) or the corresponding step of § 1011.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1011.44(a) (11) or (12) or the corresponding steps of § 1011.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b) (3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the maket administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1011.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d) (2) (i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d) (2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1011.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and



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(viii) In determining the nonpool plant's receipts pursuant to paragraph (a) (7) (vi) of this section, receipts of bulk fluid cream products from dairy farmers shall be assigned pro rata to such receipts in other bulk fluid milk products; and

(ix) In determining the nonpool plant's receipts pursuant to paragraph (a) (7) (v) of this section for which the handler requests a classification other



(10) Add to the remaining pounds of skim milk in Class III the pounds of

(i) Subject to the provisions of paragraph (a) (12) (ii), (iii), and (iv) of this

amount beginning with the nearest plant at which Class I utilization is available

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1011.43 General classification rules.

In determining the classification of producer milk pursuant to § 1011.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.9(b) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.40, 1011.41, and 1011.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1011.9(b) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1011.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1011.9(a) for each of his pool plants separately and of each handler described in § 1011.9(b) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1011.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1011.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1011.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii)(a) through (c) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(a) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(b) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1011.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;





(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1011.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available.

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1011.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) of this section and the corresponding step of paragraph (b) of this section.

§ 1011.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1011.44(a)(12) and the corresponding step of § 1011.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1011.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the pur-



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pose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

CLASS PRICES

§ 1011.50 Class prices.

Subject to the provisions of § 1011.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.84.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1011.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1011.52 Plant location adjustments for handlers.

(a) The Class I price for producer milk (for which a location adjustment is applicable) at a plant that is located outside of the following areas—

The marketing area.
Within 100 miles of the nearest point in the boundary of the marketing area.

The State of Tennessee.
The State of Virginia.
States south of Tennessee.
States south of Virginia.

shall be reduced 1.5 cents per hundredweight for each 10 miles or fraction thereof that the shortest hard-surface highway distance from said plant to the nearer of the main U.S. Post Office in Bristol, Virginia and the main U.S. Post Office in Harlan, Kentucky exceeds 350 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to that Class I disposition at the transferee-plant, which is in excess of the sum of receipts at such plant from producers and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1011.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICES

§ 1011.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1011.9(b) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1011.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1011.44(a)(14) and the corresponding step of § 1011.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1011.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1011.44(a)(9) and the corresponding step of § 1011.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a)(7)(i) through (iv) and the corresponding step of § 1011.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a)(7)(v) and (vi) and the corresponding step of § 1011.44(b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1011.44(a)(11) and the corresponding step of §1011.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1011.61 Computation of weighted average and uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received as follows:

(a) Combine into one total the values computed pursuant to § 1011.60 for all handlers who filed the reports prescribed by § 1011.30 for the month and who are not in default of payments pursuant to § 1011.71 for the preceding month;

(b) Add or subtract an amount equal to the net total value of the location adjustments computed pursuant to § 1011.75;

(c) Add an amount equal to one half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1011.60(f); and

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price"; and also the "uniform price" for milk received from producers.

§ 1011.62 Announcement of uniform prices and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the applicable uniform prices pursuant to § 1011.61 for such month.

PAYMENTS FOR MILK

§ 1011.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.71, 1011.76, and 1011.77, and out of which he shall make all payments pursuant to §§ 1011.72 and 1011.77: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.





§ 1011.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1011.60.

(2) The sum of:

(i) The value of the uniform prices, as adjusted pursuant to § 1011.75, of such handler's receipts of producer milk; and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1011.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1), of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1011.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1011.71(a)(2) exceeds the amount computed pursuant to § 1011.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1011.73 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows: On or before the 15th day after the end of the month, an amount equal to not less than the applicable uniform price(s) adjusted by the butterfat and location differentials to producers, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 1011.86; and

(2) Less proper deductions authorized in writing by such producer;

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received at his pool plant from such association for which the association is the handler not less than the value of such milk computed at the applicable minimum class prices for the location of the pool plant of the buying handler; and

(d) In making the payments to producers pursuant to paragraph (a) or (b) of this section, each handler shall furnish each producer from whom he had received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to the producer or cooperative association is required pursuant to this part;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount payment to the producer or cooperative association.

§ 1011.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1011.75 Plant location adjustments for producers and on nonpool milk.

(a) The applicable uniform prices computed pursuant to § 1011.61 to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant where such milk was received each at the rates set forth in § 1011.52(a); and

(b) The weighted average price applicable to other source milk shall be adjusted at the rates set forth in § 1011.52(a) applicable at the location of the nonpool plant from which the milk was received, except that the weighted average price shall not be less than the Class III price.

§ 1011.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1011.30(b) and 1011.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the loca-



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tion of the partially regulated distributing plant; and

(6) Add the amount obtained from multiplying the value at the weighted average price applicable at the location of the nearest unregulated supply plant from which an equivalent volume was received, as determined by subtracting receipts of fluid milk products from unregulated supply plants which are made available if requested by the Secretary to the extent that an equivalent amount of skim milk or butterfat disposed of to such unregulated supply plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order, by the pounds of skim milk and butterfat in such receipts that are subtracted pursuant to subparagraph (5) of this paragraph and the corresponding step of § 1011.44(b).

(b) The payment under this paragraph shall be an amount equal to the sum of the values obtained from each computation specified in paragraph (a) of this section for which there is a minus sign before the resulting figure.

§ 1011.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the section in which such error occurred.

§ 1011.78 Charges on overdue accounts.

Any unpaid obligation of a handler or the market administrator pursuant to §§ 1011.71, 1011.72, 1011.76, and 1011.77 shall be increased one-half of 1 percent per month beginning with the first day after the due date of such unpaid obligation.

§ 1011.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, but no handler or producer shall be obligated to pay any money required to be paid under the terms of this part after the date upon which he ceases his operations of the kind regulated by this part, and any such obligation shall be terminated four years after the end of the month during which the milk involved in the obligation was received if an underpayment is involved and two years after the end of the month during which the milk involved in the obligation was received if a payment is involved. The market administrator may waive any such obligation with the consent of the handler or producer involved and the Secretary. The liquidation of a handler's business, the termination of a producer's shipments, or the involuntary termination of a handler's or producer's status under this part shall not relieve him of any obligation under this part for the payment of money.

§ 1011.80 Effective time.

The provisions of this part or any amendment thereto shall become effective at such time as the Secretary may prescribe, with reasonable notice to interested parties, and shall continue in force until suspended or terminated pursuant to § 1011.81.

§ 1011.81 Suspension or termination.

The Secretary may suspend or terminate any or all of the provisions of this part whenever he finds that this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1011.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the powers and duties of the market administrator shall continue in full force and effect until such acts have been completed and all such obligations have been fulfilled.

(b) The market administrator shall (1) within four months after the date upon which he is required to perform any acts not thereafter to be performed, or within such further time as the Secretary may allow, and without prejudice to the settlement of any outstanding claim, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the market administrator, to such person as the Secretary shall direct; and (2) if so directed by the Secretary, execute assignments or other instruments necessary or appropriate to vest in such person evidence of the obligations owing to the market administrator and all claims for any property or any funds which are in the custody or control of the market administrator or which were collected by him in his official capacity.

§ 1011.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, except during any period in which he is continuing in office pursuant to § 1011.82, shall liquidate the business of his office and dispose of all property in such manner as the Secretary may direct.

§ 1011.84 Agents.

The Secretary may designate any person, including the market administrator, or any agency of the United States, as agent of the Secretary to perform any of the Secretary's functions under this part.

§ 1011.85 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.



handler purchases Class I milk during

PROPOSED BY THE DAIRY DIVISION,

J. E. Bobo, P.O. Box 18030, Louisville,

tion of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1011.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b) (1) (i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1011.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1011.60 for such handler shall include, in lieu of the value of other source milk specified in § 1011.60(f) less the value of such other source milk specified in § 1011.71(a)(2)(ii), a value of milk determined pursuant to § 1011.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1011.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1011.30 (b) and 1011.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1011.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

**§ 1011.77 Adjustment of accounts.**

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer settlement fund pursuant to § 1011.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1011.72, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1011.73, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

**§ 1011.85 Assessment for order administration.**

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to skim milk and butterfat contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I pursuant to § 1011.44(a) (7) and (11) and the corresponding steps of § 1011.44(b), except such other source milk that is excluded from the computations pursuant to § 1011.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1011.76(a)(2): *Provided*, That if such handler elects two accounting periods within the month, the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

**§ 1011.86 Deduction for marketing services.**

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1011.73, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

PROPOSAL NO. 5

Include in the order (under Proposal 4) provisions that will require that a handler who regularly receives Class I milk shall have refusal of any excess milk for use in Class II before the milk may be diverted for Class III utilization. To this end, consider the inclusion in the order of provisions to the effect that any association of producers, from which a handler purchases Class I milk during the month, that does not permit such handler the refusal for Class II use of producer milk that the association disposes of to Class III use, shall not be a "cooperative association" as defined in the order and for purposes of the order; and to the further effect that milk disposed of by such association to Class III use, with respect to which such handler was denied by the association refusal for Class II use, shall not be "producer milk" under the order.





PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 6

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators, R. W. Sechrist, P.O. Box 3007, Bristol, Tennessee 37620; J. E. Bobo, P.O. Box 18030, Louisville, Kentucky 40218; W. M. Costello, P.O. Box 29226, Columbus, Ohio 43229; or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 25, 1975.

JOHN C. BLUM,
*Associate Administrator.*

[FR Doc.75-11235 Filed 4-29-75;8:45 am]



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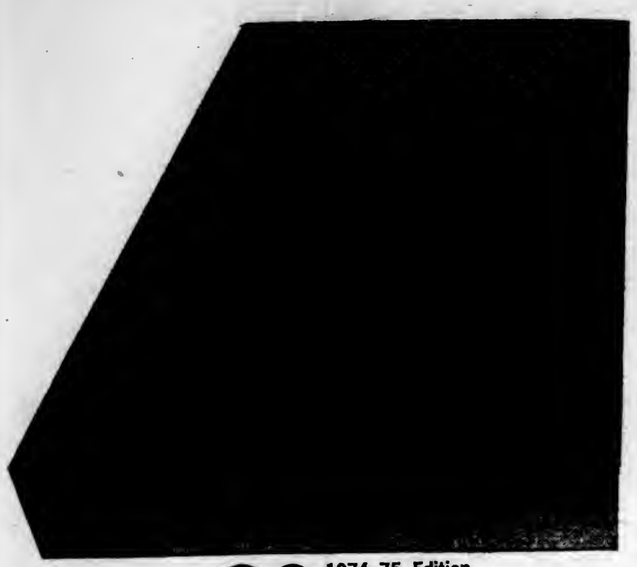

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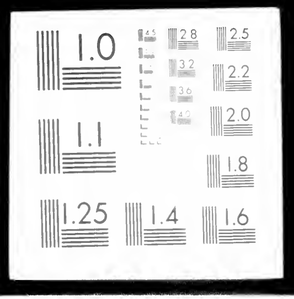
# RESOLUTION CHART




100 MILLIMETERS

**INSTRUCTIONS** Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.